



COMMONWEALTH OF VIRGINIA

Department of Mines, Minerals and Energy

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MEMORANDUM DM- 06-03

TO: All Underground Coal Mine Operators

FROM: _____
Frank A. Linkous, Chief

SUBJECT: Emergency Response Plans

DATE : April 4, 2006

On March 30, 2006, the Governor signed House Bill 1443 which amended Section 45.1-161.202 of the Virginia Coal Mine Safety Act addressing Emergency Response Plans (ERP). This amendment became effective immediately upon the Governor's signature and provides for the following changes to emergency response plans:

- Mine ERPs must include mine emergency communication provisions;
- Mine ERPs must address such other provisions as the Chief may reasonably require;
- The Chief may require periodic updates to an operator's ERP;
- Operators must comply with the requirements of the approved plan; and
- Mine ERPs must address provisions of an adequate supply of approved self-rescue devices, each of which provides an hour or longer protection.

Further, the Department of Mines Minerals and Energy (DMME) is to assess wireless communication and miner location systems to determine their effectiveness and availability. The findings and recommendations resulting from this assessment will be reported to the General Assembly. Following the submission of the report, the Chief of the Division of Mines may require the use of such systems as part of the operator's mine emergency response plan.

In order to implement the requirements of HB 1443, all licensed underground coal mine operators must submit an amended ERP, for approval by the Chief, which addresses required changes. These amended plans must be received by the Division of Mines at the Big Stone Gap or Keen Mountain office no later than Monday, May 15, 2006.

The DMME is aware of the federal Mine Safety and Health Administration (MSHA) emergency temporary standards, which became effective March 9, 2006. Many of these mandatory standards will be similarly addressed in the amended Virginia emergency response plan. It is critically important that emergency response planning, organizing, and leadership at a mine be consistent in focus and direction. Therefore, the Virginia ERPs must address, where appropriate, the MSHA emergency temporary standards.

To enable an effective and efficient development, review, and approval process for amending mine ERPs, DMME staff have developed a generic plan which incorporates the mandatory federal and state requirements, and the additional requirements that the Chief has determined must be included in the mine ERP. These additional requirements have been identified based on recent meetings with representatives of mine operators and labor, and by consultation with the Virginia Coal Mine Safety Board. You are encouraged to use the enclosed draft to develop your mine specific ERP. Also, drafts of federal Parts 48 and 75 plan requirements to meet MSHA emergency temporary standards are provided for your assistance in meeting these requirements.

Each underground mine has different and, in some cases, unique situations which must be considered and addressed in developing an effective ERP. Therefore, you should modify the enclosed generic plan as needed to fit your individual situations. The Division will be completing audits of each underground mine's emergency preparedness, including the ERP, in the coming months. The Division will make every effort to work with operators to review and approve ERPs as soon as possible after they are received. We will wait until after the revised plans have been put in place before we begin these audits.

Controlling the mining process is a critical function of mine management. When an emergency occurs within the mining process, it is important that mine leadership responds to effectively control the events to preserve life and property. This requires effective planning, efficient organization, and well-trained and equipped leaders who are capable of responding.

In developing your emergency response plan, please feel free to contact your assigned Division of Mines Inspector or any other Division representative for assistance. You may call 276-523-8229 in the Big Stone Gap area or 276-498-3125 in the Keen Mountain area for assistance. Also, if you would like to download the draft materials to use in developing your plan, you may do so at the DMME website, www.dmme.virginia.gov. Documents have been prepared in Microsoft Word to assist you.

Enclosures