

DIVISION OF MINES	CHAPTER: IV Inspections
PROCEDURES MANUAL	
	PROCEDURE NO: 1.04.01
	ISSUE DATE: January 1, 1997
SUBJECT: Inspections of Coal Mines	LAST REVISED: 10/03

OBJECTIVE AND INTENT

To ensure that all coal mine operations are inspected for compliance with the Mine Safety Act. Effective and efficient inspections will identify violations of safety standards and result in corrective actions and improved health and safety performance of Virginia coal mines.

GENERAL

The mine inspector/supervisor must ensure that coal mine operations comply with the requirements of the coal mine safety laws, rules and regulations.

PROCEDURE

1. SCHEDULING OF INSPECTIONS

- Inspections must be completed as prescribed by the Coal Mine Safety Laws of Virginia, 45.1-161.81, rules and regulations, and guidelines.
- Inspections will be scheduled according to the Division risk assessment procedural policy. (See Chapter IV, Procedure 1.04.06)
- To the extent deemed reasonable and prudent, inspections shall be scheduled to commence at a variety of hours of the day and days of the week, including evening and night shifts, weekends and holidays. (See Procedure 1.01.05 regarding work hours.)
- A complete regular inspection of every underground mine must be conducted not less frequently than every 180 days.
- Each surface mine must have a regular inspection not less frequently than once per year.
- Inspections of all assigned mines are completed to ensure compliance with all mine laws and regulations. All assigned mines are to have complete regular and spot inspections as scheduled. Each inspector is responsible for completing scheduled inspections and coordination of inspection activities with his supervisor.

2. CONDUCT OF INSPECTION ACTIVITIES

- Identify as DM representative upon arrival at mine site.
- The inspector will conduct himself in a professional and courteous manner during all mine visits.
- Enforcement actions must be consistently applied at all mines. If a mine inspector has reasonable cause to believe that a violation of the Mine Safety Act has occurred, a notice of violation must be issued to the person responsible for the violation.
- The inspector will review available DM information on all approved plans, reportable accidents/roof falls, previous risk assessment, available MSHA inspection reports, and methane liberations prior to initiating a scheduled mine inspection of an assigned mine.
- The initial communication with the mine operator and/or agent should include the purpose of the visit and a review of any new standards, procedures, or other issues relevant to the visit.
- The inspector will conduct a closeout upon completion of the mine inspection to communicate the overall condition of the mine, status of compliance with the mining laws and recommendations for improvement. The inspector should acknowledge good mining practices and performance standards with the mine operator. The final closeout is to be conducted in a manner to encourage the involvement of the mine operator and/or his agent. A risk assessment will be completed at the end of all required regular and spot inspections and reviewed with the mine operator/agent.

3. ISSUANCE OF ENFORCEMENT ACTION

- A Notice of Violation (DM-V-1-S) will be issued by the inspector if there is reasonable cause to believe that a violation of the Mine Safety Act has occurred, which does not create an imminent danger situation. The NOV will be:
 - a. Issued to the person or persons who are responsible for the violation.
NOTE: Violations are to be issued directly to individual miners in those cases where their individual actions caused the violation.
 - b. Hand delivered, whenever practical, or may be served by certified mail.
 - c. The NOV computer form (DM-V-1-S) will be completed by the inspector and will specifically:
 - (1) reference the appropriate section of law;
 - (2) describe the location where the NOV applies;
 - (3) describe the precise aspects of the condition and/or practice creating the violation; and

- (4) set forth a reasonable time for correction.
 - d. When a violation is issued, a reasonable time for abatement will be allotted, taking into consideration seriousness, established guidelines and inspector's work schedule. Every effort must be made to abate the NOV by the granted due date. If this time frame cannot be met, the inspector will notify his supervisor prior to the 48-hour deadline. The inspector and his supervisor will review the seriousness of the NOV, appropriate to the degree of hazard and other risk factors involved, to determine the necessity of dispatching another inspector to abate, continue or take additional corrective actions.
 - e. If an operator to whom a Notice of Violation was issued fails to abate the violation cited within the time period provided in such notice for its abatement, and, in absence of an administrative appeal, an Order of Closure will be issued under Section 45.1-161.91 A. (iv) of the Act.
 - f. The inspector will document the corrective action of each NOV using the DM-V-1-S computer form when it is determined that the condition and/or practice cited in the violation has been corrected.
- An Order of Closure will be issued by the inspector or supervisor when an imminent danger to the life and health of persons exists, a mine fire, explosion or other serious accident occurs, a mine is operating without a license, or a failure to abate a violation within the allotted time period. The Closure Order will be uploaded as soon as possible and will consist of:
- a. Issued to the operator or his agent who is responsible for the violation;
 - b. Hand delivered, whenever practical, or may be served by certified mail.
 - c. Closure Order computer form (DM-V-1-S) will be completed by the inspector and will specifically:
 - (1) reference the appropriate section of law;
 - (2) describe the location where the Closure Order applies; and
 - (3) describe the precise aspects of the condition and/or practice creating the closure order.
 - d. The inspector will document the corrective action of each Closure Order using the DM-V-1-S computer form when it is determined that condition and/or practice has been corrected.