

<b>DIVISION OF MINES</b>	<b>CHAPTER: VI Operator Assistance</b>
<b>PROCEDURES MANUAL</b>	
	<b>PROCEDURE NO: 1.06.01</b>
	<b>ISSUE DATE: September 1, 2002</b>
<b>SUBJECT: Plan Approvals</b>	<b>LAST REVISED:</b>

**OBJECTIVE AND INTENT**

To establish clear parameters for the work activities of the Division of Mines Technical Specialists appointed by the Director as provided in Section 45.1-161.23 of the Coal Mine Safety Laws of Virginia.

**GENERAL**

1. Technical Specialists in the areas of mine roof control, ventilation, electrical safety and accident reduction perform work roles that provide technical support and assistance directly to coal mining operations.
2. Technical Specialists are not inspectors. However, their role requires that in performance of duties any imminent danger encounters must be cited and handled in accordance with procedure 1.04.01 (3).
3. Technical Specialists are to communicate with mine inspectors and supervisors on a regular basis concerning the coordination of activities at mining operations. Any conditions and practices which are identified by Technical Specialists which should be addressed by the mine operator to achieve improved health and safety performance and compliance with laws, rules and regulations should be promptly communicated to DM inspectors and supervisors assigned to the mine.
4. Technical Specialists provide operator assistance in development of mine specific plans required by DM and MSHA. In the process of developing and drafting mine specific plans, the Technical Specialists performs as a resource in assisting the mine operator.
5. Technical Specialists must clearly understand and appreciate the multifaceted role of operator assistance which they perform; especially in developing and drafting mine plans while participating in the review process with DMME and MSHA. It is essential to the process of mine plan development, drafting and review that ownership of the proposed plan be clearly established and maintained with the mine operator. DM Technical Specialists must remain objective and focused in their role of assisting mine operators with mine plan development, drafting and review.

## PROCEDURES

### 1. ASSISTING MINE OPERATORS IN DEVELOPING AND DRAFTING OF REQUIRED MINE PLANS.

- Assisting in developing and drafting mine plans will be at the request of the mine operator or his agent.
- During initial contacts with mine operators, the Technical Specialist will review his role and procedures for providing operator assistance.
- The mine operator must receive and sign an Operator Assistance Request (see attached form) prior to assistance with plan development. This request document must be reviewed and updated when there is a change of mine operators.
- Technical Specialists will recommend elements for plan development based on mine site evaluations and other factual information available. A review will be completed with the operator prior to developing and providing a proposed mine specific plan.
- The proposed plan developed by the Technical Specialists is to reflect the requested content of the mine operator's position.
- During review of the plan with DMME and MSHA, the mine operator and/or his agent will directly represent the position of the operator with regard to the elements of the proposed plan.
- Any changes to the proposed plan must be requested and approved by the mine operator.
- In the process of addressing requested changes to the proposed plans prompted during the review process with DMME and MSHA, the mine operator will lead in discussions and any challenges to the positions taken by DMME and MSHA.
- When providing information relevant to review of proposed plans, Technical Specialists should provide technical facts and results of evaluations that will assist in a thorough and professional review of proposed plan elements.

### 2. DOCUMENTATION OF RESULTS OF FIELD EVALUATIONS FOR PLAN DEVELOPMENT AND DRAFTING.

- Technical Specialists will make evaluations and assist in development of proposed plans based on field observations and tests, mine history and general knowledge and experience related to the mine and area being mined.
- Field evaluations and other information from which recommendations are made and assistance in developing and drafting plans will be incorporated in the Technical Specialists report.

- Notations relevant to contacts and content of meetings with operators when providing assistance for plan development and drafting will be included in the Technical Specialist's report.

3. PARTICIPATION IN THE REVIEW AND APPROVAL OF DRAFT MINE PLANS.

- Technical Specialists are not to submit plans directly to MSHA. The operator or his agent will submit all proposed plans by mail or in person. NOTE: Should the operator prepare a plan for delivery in a sealed envelope with the operator's return address affixed, DMME personnel may assist with delivery.
- Technical Specialists are not to make changes to proposed plans once submitted to DMME and MSHA unless requested to do so by the mine operator or his agent. Plan revisions must be reviewed directly with the mine operator.