



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Miner Training Education And Certification TITLE-SERIES: 48-01

RULE TYPE: Legislative Exempt Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: Standards for Certification of Underground Belt
Examiners for Underground Coal Mines

CITE STATUTORY AUTHORITY: W. Va. Code §§22A-6-4, 22A-6-5 and 22A-3-39(i)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 06/17/2021 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

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PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

This rule includes the requirements for underground belt examiners and the criteria a person must meet before they can sit for a test to obtain a belt examiners certification. The rule also includes the standards one must meet when testing and the minimum requirements for the final score when taking a belt examiners test.

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

Pursuant to the regulatory review and reform initiatives established in W. Va. Code §29A-3-20 (2016) and Executive Order No. 3-18, this proposed rule modifies and updates 48 C.S.R. 1 to cross-reference the correct authorizing portions of the West Virginia Code and corrects typographical errors including errors in paragraph numbering.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

This proposed legislative-exempt rule is not anticipated to impact the revenues of state government.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

This proposed legislative-exempt rule is not anticipated to impact special revenue accounts.

C. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

This proposed legislative-exempt rule is not anticipated to economically impact the state or its residents.

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2021 Increase/Decrease (use "-")	2022 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.0	0.0	0.0
Personal Services	0.0	0.0	0.0
Current Expenses	0.0	0.0	0.0
Repairs and Alterations	0.0	0.0	0.0
Assets	0.0	0.0	0.0
Other	0.0	0.0	0.0
2. Estimated Total Revenues	0.0	0.0	0.0

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

N/A

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Jack M Rife -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 48
LEGISLATIVE EXEMPT RULES
BOARD OF MINER TRAINING, EDUCATION AND CERTIFICATION

SERIES 1
~~REGULATIONS GOVERNING THE STANDARDS FOR~~
CERTIFICATION OF UNDERGROUND BELT
EXAMINERS FOR UNDERGROUND COAL MINES

§48-1-1. General.

1.1. Scope. -- ~~These rules and regulations~~ This rule pertains to the certification of belt examiners for underground coal mines pursuant to ~~West Virginia W. Va. Code §§22A-2-3~~ W. Va. Code §22A-2-39(i).

1.2. Authority. -- W. Va. Code ~~§22-9-6 and §29A-3~~ §§22A-6-4, 22A-6-5 and 22A-3-39(i).

1.3. Filing Date. -- ~~May 1, 1987~~ _____.

1.4. Effective Date. -- ~~May 1, 1987~~ _____.

§48-1-2. Definitions.

2.1. Certified Belt Examiner. -- A certified belt examiner shall mean any person who meets the criteria outlined in Section ~~48-1-3~~ 3.1. of ~~these rules and regulations~~ this rule, and is issued a belt examiner certification from the West Virginia ~~Department of Energy~~ Office of Miners' Health, Safety and Training.

2.2. Practical Underground Mining Experience. -- Practical underground mining experience means experience obtained while working as an underground miner, to include any required period of apprenticeship.

2.3. All terms used in ~~these rules and regulations~~ this rule, not defined herein, shall have the meanings set forth in ~~Chapter 29A of the West Virginia Code~~ W. Va. Code §22A-1-2.

§48-1-3. Criteria for Belt Examiner's Certification.

3.1. Prior to any person being issued a belt examiner's certification, such applicant must:

3.1.1. ~~(1)~~ Possess a miner's certification (see ~~West Virginia Administrative Regulation, Title 48, Series 2, Section 2-9, 48 CSR 2-2.9,~~ "Guidelines for Issuing Underground Miner's Certificate");

3.1.2. ~~(2)~~ Have a total of two (2) years of practical underground mining experience; and

3.1.3. ~~(3)~~ Successfully complete the certification examination prescribed in Section ~~48-1-4~~ 4.1. of ~~these regulations~~ this rule.

3.2. Note: The ~~above~~ experience requirements set out in Section 3.1.2. are intended to ensure that such individual possesses a basic and general knowledge of the mine environment and related hazards.

§48-1-4. Examination Components.

4.1. Examinations for belt examiner certification shall consist of the following two parts:

4.1.1. ~~1.~~ Written.

4.1.1.a. ~~A.~~ Belt conveyor legal requirements.

4.1.1.b. ~~B.~~ Roof control practices.

4.1.1.c. ~~C.~~ Mine ventilation.

4.1.1.d. ~~D.~~ Mine gases and instruments.

4.1.1.e. ~~E.~~ Fire hazards.

4.1.1.f. ~~F.~~ Inspection and reporting procedures.

4.1.2. ~~2.~~ Practical.

~~A. Use and care of flame safety lamp.~~

4.1.2.a. ~~B.~~ Anemometer.

4.1.2.b. ~~C.~~ ~~Methane~~ Approved multi-gas detector.

§48-1-5. Application for Certification and Testing Procedures.

5.1. Any person desiring to become certified as a belt examiner must complete an application for certification and submit the same to the West Virginia ~~Department of Energy~~ Office of Miners' Health, Safety and Training. The applicant will be notified by the nearest regional office of the time and place of the next regularly scheduled examination.

5.2. A score of ~~seventy-five percent (75%)~~ eighty percent (80%) on the written part, and passage of the practical part, is required for successful passage of the exam. The practical portion of the exam and subparts thereof will be scored on a pass/fail basis.

5.3. Upon taking the examination, any person who fails to achieve a score of ~~seventy-five percent (75%)~~ eighty percent (80%) on the written part, or fails the practical part, shall be required to retake the entire examination in order to receive a certificate.

5.4. The Director of the ~~Department of Energy, Mines and Minerals Division~~ Office of Miners' Health, Safety and Training, in conjunction with the Board of ~~Miner Training, Education, and Certification~~ Coal Mine Health and Safety, shall develop the application form and guidelines for processing applications and administering examinations.