



State of West Virginia

Earl Ray Tomblin, Governor

WV Office of Miners' Health, Safety & Training

Eugene White, Director

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MEMORANDUM

To: West Virginia Mine Operators and Emergency Mine Shelter Manufacturers

From: Eugene White, Director *Eugene White*

Date: February 4, 2013

Subject: Order to Refit Approved Underground Mine Shelters

On October 14, 2011 the Director of the Office of Miners' Health Safety and Training (OMHS&T) issued an order pursuant to W. Va. Code § 22A-1-4 and § 56-4-8 requiring that approved emergency mine shelters be refitted with appropriate valves and fittings.

West Virginia approved emergency mine shelters meet the requirements for Mine Safety and Health Administration (MSHA) prefabricated self-contained refuge alternative structures. MSHA therefore "grandfathered" their acceptance in federal Emergency Response Plans (ERPs).

The valves and fittings are an integral part of the breathable air component associated with all grandfathered refuge alternative structures. MSHA § 75.1506(a)(3) allows for the use of the breathable air, air-monitoring, and harmful gas removal components associated with grandfathered refuge alternative structures only until December 31, 2013, or until replaced, whichever comes first. Since the refitting of valves and fittings triggers the MSHA rule, once refitted the emergency mine shelter must comply with MSHA approved breathable air, harmful gas removal, and air monitoring components rules.

The OMHS&T Order directed W. Va. underground coal mine operators to submit refit schedules and other documentation to the OMHS&T Director. It was recognized the schedules were placeholders as emergency shelter manufacturers were working on the selection of appropriate valves and fittings along with their applications to comply with MSHA component approval.

The OMHS&T has been working closely with emergency shelter manufactures and MSHA to ensure that options exist from which operators could meet their requirement. It is now apparent that a number of shelter manufacturers are working towards completing their MSHA approval process; therefore operators are required to update their Shelter Plans with the following information:

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- Region One • 14 Commerce Dr., Suite 1 - Westover, West Virginia 26501 • Telephone 304-285-3268 • Fax 304-285-3275
 - Region Two • 891 Stewart St. - Welch, West Virginia 24801-2311 • Telephone 304-436-8421 • Fax 304-436-2100
 - Region Three • 137 Peach Court, Suite 2 - Danville, West Virginia 25053 • Telephone 304-369-7823 • Fax 304-369-7826
 - Region Four • 550 Industrial Dr. - Oak Hill, West Virginia 25901-9714 • Telephone 304-469-8100 • Fax 304-469-4059

- 1) Confirm Approved Emergency Shelter Plan contents regarding the number of shelters, manufacturer, date placed in operation, along with the serial number and date of manufacture of each.
- 2) Provide copies of the most recent inspection of each shelter.
- 3) Provide a schedule for refit of existing shelters or delivery of replacement shelters such that all in service on December 31, 2013, meet the requirements.

The information should be submitted with the attached form to the appropriate OMHS&T Regional office no later than Friday March 1, 2013.

The OMHS&T will reply with an acceptance of the information and append the schedule to the Approval Shelter Plan at which time the operator will be provided a date by which they must submit copies of proof of purchases either in the form of a letter from the manufacturer or service provider that will perform the refit. The date on which the unit will be delivered to the mine or a letter from a manufacturer with the mine delivery date of the replacement shelter must also be included.

Manufactures of W. Va. approved emergency mine shelters who are unable to meet the compliance schedule requirements of operators they currently serve may be required to show cause that their approvals should not be withdrawn.

Subject: Request to modify Approved Emergency Shelter Plan

Date: _____

Attention:

- Region 1 - Westover Regional Office
14 Commerce Dr., Suite 1, Westover, WV 26501
(304) 285-3268 fax: (304) 285-3275
- Region 2 - Welch Regional Office
891 Stewart St. Welch, WV 24801-2311
(304) 436-8421 fax: (304) 436-2100
- Region 3 - Danville Regional Office
137 Peach Court, Suite 2 Danville, WV 25053
(304) 369-7823 fax: (304) 369-7826
- Region 4 - Oak Hill Regional Office
550 Industrial Dr. Oak Hill, WV 25901-0714
(304) 469-8100 fax: (304) 469-4059

From: _____ (Contact Name)
_____ (Contact Number)
_____ (Email Address)
_____ (Mine Name)
_____ (WV Permit #/MSHA Permit #)
_____ (Company Name)
_____ (Mailing Address)
_____ (Mailing Address)

The following modifications to our approved Emergency Shelter Plan are proposed:

Number and Types of Shelters

- 1) Modify the number of WV required shelters to _____ (#), with:
 - a. _____ (#) Manufactured by _____,
 - b. _____ (#) Manufactured by _____, and
 - c. _____ (#) Manufactured by _____.

