

**Senate Bill No. 487**

(By Senators Palumbo and Kessler (Acting President))

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[Introduced February 10, 2011; referred to the Committee on  
Energy, Industry and Mining; and then to the Committee on the  
Judiciary.]  
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A BILL to amend and reenact §22A-2-24 of the Code of West Virginia,  
1931, as amended, relating to increasing from sixty-five  
percent to eighty percent the required amount of  
noncombustible material in certain underground coal mines to  
be consistent with federal requirements.

*Be it enacted by the Legislature of West Virginia:*

That §22A-2-24 of the Code of West Virginia, 1931, as amended,  
be amended and reenacted to read as follows:

**ARTICLE 2. UNDERGROUND MINES.**

COAL DUST AND ROCK DUST

**§22A-2-24. Control of coal dust; rock dusting.**

(a) In all mines, dangerous accumulations of fine, dry coal  
and coal dust shall be removed from the mine, and all dry and dusty  
operating sections and haulageways and conveyors and back entries

1 shall be rock dusted or dust allayed by such other methods as may  
2 be approved by the director.

3 (b) All mines or locations in mines that are too wet or too  
4 high in incombustible content for a coal dust explosion to initiate  
5 or propagate are not required to be rock dusted during the time any  
6 of these conditions prevail. Coal dust and other dust in  
7 suspension in unusual quantities shall be allayed by sprinkling or  
8 other dust allaying devices.

9 (c) In all dry and dusty mines or sections thereof, rock dust  
10 shall be applied and maintained upon the roof, floor and sides of  
11 all operating sections, haulageways and parallel entries connected  
12 thereto by open crosscuts. Back entries shall be rock dusted.  
13 Rock dust shall be so applied to include the last open crosscut of  
14 rooms and entries, and to within forty feet of faces. Rock dust  
15 shall be maintained in such quantity that the incombustible content  
16 of the mine dust that could initiate or propagate an explosion  
17 ~~shall~~ may not be less than ~~sixty-five~~ eighty percent. ~~but the~~ The  
18 incombustible content of mine dust in return entries shall also ~~not~~  
19 ~~be less than~~ be equal to or greater than eighty percent.

20 (d) Rock dust ~~shall~~ may not contain more than five percent by  
21 volume of quartz or free silica particles and shall be pulverized  
22 so that one hundred percent will pass through a twenty mesh screen  
23 and seventy percent or more will pass through a two hundred mesh  
24 screen.

NOTE: The purpose of this bill is to increase from sixty-five percent to eighty percent the required amount of noncombustible material in certain underground coal mines to be consistent with federal requirements.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.