

WEST VIRGINIA LEGISLATURE
EIGHTY-FIRST LEGISLATURE
REGULAR SESSION, 2014



ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 603

(SENATORS KIRKENDOLL, STOLLINGS, MILLER, FACEMIRE,
CANN, EDGELL, GREEN, D. HALL, McCABE, UNGER, KESSLER
(MR. PRESIDENT), PLYMALE AND JENKINS, *ORIGINAL SPONSORS*)

[PASSED MARCH 6, 2014; IN EFFECT NINETY DAYS FROM PASSAGE.]

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CANN, EDGELL, GREEN, D. HALL, MCCABE, UNGER,
KESSLER (MR. PRESIDENT), PLYMALE AND JENKINS,
original sponsors)

[Passed March 6, 2014; in effect ninety days from passage.]

AN ACT to amend and reenact §22A-2-43 of the Code of West Virginia, 1931, as amended, relating to testing for the presence of methane in underground mines; requiring automatic de-energization or shut down of equipment when a machine-mounted methane monitor indicates a methane concentration of one and five-tenths percent; and removing the requirement that the Board of Coal Mine Health and Safety promulgate a legislative rule defining the term “sustained period”.

Be it enacted by the Legislature of West Virginia:

That §22A-2-43 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 2. UNDERGROUND MINES.

§22A-2-43. Actions to detect and respond to excess methane.

1 The following actions are required to detect and respond
2 to excess methane. Subsections (a) through (f) of this section
3 pertain to methane testing with hand-held devices:

4 (a) *Hand-held testing required.* – In any mine, no
5 electrical equipment or permissible diesel-powered
6 equipment may be brought in by the last open crosscut until
7 a qualified person tests for methane. If one percent or more
8 methane is present, the equipment may not be taken into the
9 area until the methane concentration is reduced to less than
10 one percent. Thereafter, subsequent methane examinations
11 shall be made at least every twenty minutes while any
12 electrical or diesel-powered equipment is present and
13 energized.

14 (b) *Location of tests.* – Tests for methane concentrations
15 under this section shall be made at least twelve inches from
16 the roof, face, ribs and floor.

17 (c) *Working places and intake air courses.* –

18 (1) When one percent or more methane is present in a
19 working place or an intake air course, including an air course
20 in which a belt conveyor is located or in an area where
21 mechanized mining equipment is being installed or removed:

22 (A) Except intrinsically safe atmospheric monitoring
23 systems (AMS), electrically powered equipment in the
24 affected area shall be de-energized and other mechanized
25 equipment shall be shut off.

26 (B) Changes or adjustments shall be made at once to the
27 ventilation system to reduce the concentration of methane to
28 less than one percent.

29 (C) No other work shall be permitted in the affected area
30 until the methane concentration is less than one percent.

31 (2) When one and five-tenths percent or more methane is
32 present in a working place or an intake air course, including
33 an air course in which a belt conveyor is located or in an area
34 where mechanized mining equipment is being installed or
35 removed:

36 (A) Except for the mine foreman, assistant mine foreman
37 or individuals authorized by the mine foreman or assistant
38 mine foreman, all individuals shall be withdrawn from the
39 affected area. If a federal or state mine inspector is present in
40 the area of the mine where one and five-tenths percent or
41 more of methane is detected, the federal or state mine
42 inspector and the miners' representative, if any, may remain
43 in the area with the mine foreman, assistant mine foreman or
44 other individuals authorized by the mine foreman or assistant
45 mine foreman.

46 (B) Except for intrinsically safe AMS, electrically
47 powered equipment in the affected area shall be disconnected
48 at the power source.

49 (d) *Return air split.*—

50 (1) When one percent or more methane is present in a
51 return air split between the last working place on a working
52 section and where that split of air meets another split of air or
53 the location at which the split is used to ventilate seals or
54 worked-out areas, changes or adjustments shall be made at
55 once to the ventilation system to reduce the concentration of
56 methane in the return air to less than one percent.

57 (2) When one and five-tenths percent or more methane is
58 present in a return air split between the last working place on

59 a working section and where that split of air meets another
60 split of air or the location where the split is used to ventilate
61 seals or worked-out areas, except for the mine foreman,
62 assistant mine foreman or individuals authorized by the mine
63 or assistant mine foreman, all individuals shall be withdrawn
64 from the affected area. If a federal or state mine inspector is
65 present in the area of the mine where one and five-tenths
66 percent or more of methane is detected, the federal or state
67 mine inspector and the miners' representative, if any, may
68 remain in the area with the mine foreman, assistant mine
69 foreman or other individuals authorized by the mine foreman
70 or assistant mine foreman.

71 (3) Other than intrinsically safe AMS, equipment in the
72 affected area shall be de-energized, electric power shall be
73 disconnected at the power source and other mechanized
74 equipment shall be shut off.

75 (4) No other work shall be permitted in the affected area
76 until the methane concentration in the return air is less than
77 one percent.

78 (e) *Return air split alternative.* –

79 (1) The provisions of this paragraph may apply if:

80 (A) The quantity of air in the split ventilating the active
81 workings is at least twenty-seven thousand cubic feet per
82 minute in the last open crosscut or the quantity specified in
83 the approved ventilation plan, whichever is greater.

84 (B) The methane content of the air in the split is
85 continuously monitored during mining operations by an AMS
86 that gives a visual and audible signal on the working section
87 when the methane in the return air reaches one and

88 five-tenths percent and the methane content is monitored as
89 specified in the approved ventilation plan.

90 (C) Rock dust is continuously applied with a mechanical
91 duster to the return air course during coal production at a
92 location in the air course immediately outby the most inby
93 monitoring point.

94 (2) When one and five-tenths percent or more methane is
95 present in a return air split between a point in the return
96 opposite the section loading point and where that split of air
97 meets another split of air or where the split of air is used to
98 ventilate seals or worked-out areas:

99 (A) Changes or adjustments shall be made at once to the
100 ventilation system to reduce the concentration of methane in
101 the return air below one and five-tenths percent.

102 (B) Except for the mine foreman, assistant mine foreman
103 or individuals authorized by the mine foreman or assistant
104 mine foreman, all individuals shall be withdrawn from the
105 affected area. If a federal or state mine inspector is present in
106 the area of the mine where one and five-tenths percent or more
107 of methane is detected, the federal or state mine inspector and
108 the miners' representative, if any, may remain in the area with
109 the mine foreman, assistant mine foreman or other individuals
110 authorized by the mine foreman or assistant mine foreman.

111 (C) Except for intrinsically safe AMS, equipment in the
112 affected area shall be de-energized, electric power shall be
113 disconnected at the power source and other mechanized
114 equipment shall be shut off.

115 (D) No other work shall be permitted in the affected area
116 until the methane concentration in the return air is less than
117 one and five-tenths percent.

118 (f) *Bleeders and other return air courses.*—

119 The concentration of methane in a bleeder split of air
120 immediately before the air in the split joins another split of
121 air, or in a return air course other than as described in
122 subsections (d) and (e) of this section, shall not exceed two
123 percent.

124 (g) *Machine-mounted methane monitors.* —

125 (1) Approved methane monitors shall be installed and
126 maintained on all face cutting machines, continuous miners,
127 longwall face equipment and other mechanized equipment
128 used to extract coal or load coal within the working place.

129 (2) The sensing device for methane monitors on longwall
130 shearing machines shall be installed at the return air end of
131 the longwall face. An additional sensing device also shall be
132 installed on the longwall shearing machine, downwind and as
133 close to the cutting head as practicable. An alternative
134 location or locations for the sensing device required on the
135 longwall shearing machine may be approved in the
136 ventilation plan.

137 (3) The sensing devices of methane monitors shall be
138 installed as close to the working face as practicable.

139 (4) Methane monitors shall be maintained in permissible
140 and proper operating condition and shall be calibrated with a
141 known air-methane mixture at least once every fifteen days
142 and a record of the calibration shall be recorded with ink or
143 indelible pencil by the person performing the calibration in a
144 book prescribed by the director and maintained on the
145 surface. Calibration records shall be retained for inspection
146 for at least one year from the date of the test. To assure that
147 methane monitors are properly maintained and calibrated, the

148 operator shall use persons properly trained in the
149 maintenance, calibration and permissibility of methane
150 monitors to calibrate and maintain the devices.

151 (h) *Automatic de-energization of electrical equipment or*
152 *shut down of diesel equipment.* –

153 When the methane concentration at any
154 machine-mounted methane monitor reaches one percent, the
155 monitor shall give a warning signal. The warning signal
156 device of the methane monitor shall be visible to a person
157 operating the equipment on which the monitor is mounted.
158 The methane monitor shall automatically de-energize electric
159 equipment or shut down diesel-powered equipment on which
160 it is mounted when:

161 (1) The methane concentration at any machine-mounted
162 methane monitor reaches one and five-tenths percent; or

163 (2) The monitor is not operating properly.

164 The machine may not again be started in that place until
165 the methane concentration measured by the methane monitor
166 is less than one percent.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

.....
Chairman Senate Committee

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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

The within this
the Day of, 2014.

.....
Governor