

WEST VIRGINIA CODE: §22-3-26

§22-3-26. Surface mining operations not subject to article.

The provisions of this article do not apply to any of the following activities:

- (a) The extraction of coal by a landowner for the landowner's own noncommercial use from land owned or leased by the landowner.
- (b) The extraction of coal as an incidental part of federal, state, county, municipal or other local government-financed highway or other construction: Provided, That the provisions of the construction contract require the furnishing of a suitable bond which provides for reclamation, wherever practicable, of the area affected by such extraction.