WEST VIRGINIA CODE CHAPTER 22A ARTICLE 4

WV Legislature

§22A-4-1. Definitions.

Unless the context in which used clearly requires a different meaning as used in this article:

(a) "Open-pit mine" means an excavation worked from the surface and open to daylight.

(b) "Underground mine" means subterranean workings for the purpose of obtaining a desired material or materials.

(c) "Sand" means waterworn sandstone fragments transported and deposited by water.

(d) "Gravel" means an occurrence of waterworn pebbles.

(e) "Sandstone" means a compacted or cemented sediment composed chiefly of quartz grains.

(f) "Limestone" means a sedimentary rock composed mostly of calcium carbonate.

(g) "Clay" means a natural material of mostly small fragments of hydrous aluminum silicates and possessing plastic properties.

(h) "Shale" means a laminated sedimentary rock composed chiefly of small particles of a clay grade.

(i) "Iron ore" means a mineral or minerals, and gangue which when treated will yield iron at a profit.

(j) "Manganese ore" means a metalliferous mineral which when treated will yield manganese at a profit.

WV Legislature

§22A-4-2. Applicability of mining laws.

All provisions of the mining laws of this state intended for the protection of the health and safety of persons employed within or at any coal mine and for the protection of any coal mining property extend to all open-pit mines and any property used in connection therewith for the mining of underground limestone and sandstone mines, insofar as such laws are applicable thereto.

WV Legislature

§22A-4-3. Rules.

The Director of the Office of Miners' Health, Safety and Training shall promulgate reasonable rules, in accordance with and confined to the provisions of chapter twenty-nine-a of this code, for the effective administration of this article.

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§22A-4-4. Monthly report by operator.

The operator of such mine shall, on or before the end of each calendar month, file with the Director of the Office of Miners' Health, Safety and Training a report covering the preceding calendar month on forms furnished by the director. Such reports shall state the number of accidents which have occurred, the number of persons employed, the days worked and the actual tonnage mined.

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§22A-4-5. Inspectors.

(a) The Director of the Office of Miners' Health, Safety and Training shall divide the state into not more than two mining districts and assign one inspector to each district. Such inspector shall be a citizen of West Virginia, in good health, of good character and reputation, temperate in habits, and have a minimum of five years of practical experience in such mining operations. To qualify for appointment as such an inspector, an eligible applicant shall submit to a written and oral examination by the director and furnish such evidence of good health, character, and other facts establishing eligibility as the director may require. If the director finds after investigation and examination that an applicant: (1) Is eligible for appointment; and (2) has passed all written and oral examinations, with a grade of at least 90 percent, the director shall add such applicant's name and grade to the register of qualified eligible candidates. A candidate's name may not remain in the register for more than three years without requalifying.

(b) The director has full discretion and authority in the original appointment of all mine inspectors, including any testing and qualifications necessary for an applicant to be considered for appointment. The director shall report to the Board of Coal Mine Health and Safety:

(1) Any such appointment; and

(2) Information regarding all applications and testing. The board shall have access to all applications and may be present during applicant testing.

(c) Any inspector appointed under this article shall have the same tenure accorded a mine inspector, as provided in §22A-1-12(e) of this code, and shall be paid not less than $15,000 per year. Such inspector shall also receive reimbursement for traveling expenses at the rate of not less than 15 cents for each mile actually traveled in the discharge of their duties in a privately owned vehicle. Such inspector shall also be reimbursed for any expense incurred in maintaining an office in his or her home, which office is used in the discharge of official duties: *Provided*, That such reimbursement may not exceed $240 per annum.

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§22A-4-6. Penalties.

Any person who fails or refuses to discharge any provision of this article, rule promulgated or order issued pursuant to the provisions of this article, is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than $100 nor more than $1,000 or by imprisonment not exceeding six months, or by both.

WV Legislature