



State of West Virginia

Department of Mines

Charleston 25305

WALTER N. MILLER  
Director

TO: All Persons Interested in Rules and Regulations Constructed by the Board of Coal Mine Health and Safety

FROM: Mark A. Scott, Administrator *MAS*

RE: Regulations Governing Coal and Rock Outbursts

DATE: June 1, 1984

ACTION: Final rule.

AUTHORITY:

FILED IN THE OFFICE OF  
A. JAMES MANCHIN  
SECRETARY OF STATE

THIS DATE 6-1-84  
Administrative Law Division

These regulations are promulgated in accordance with Chapter 22, Article 2A, Section 4 of the West Virginia Code. These regulations are also promulgated in accordance with the decision of the West Virginia Supreme Court of Appeals in UMWA v. Scott, et al., which held that regulations issued by the Board in response to mining fatalities and injuries are not subject to the public review and comment provisions of Code 22-2A-4.

SUMMARY:

The Board has found that there were two major coal outbursts in West Virginia mines in 1983, resulting in three fatalities. The Department of Mines determined that these accidents were caused by following a sequence of pillar extraction which created excess pressure on the remaining pillar blocks.

The Board determined that existing state laws and regulations were inadequate to prevent similar occurrences of coal outbursts because specific procedures for pillar recovery to reduce the possibility of outbursts are not provided in mine roof control plans. However, the Board also determined that coal outbursts occur sporadically, and that although there are certain geologic conditions that make particular mines conducive to outbursts, such conditions do not guarantee that an outburst will or will not occur. Further, the Board determined that methods and procedures to distress pillar blocks where outbursts may occur vary with mining conditions, and must be developed on a mine-by-mine basis.

Therefore, the Board has issued the following regulation to assist in minimizing coal and rock outbursts. The regulation requires: (1) reporting of all outburst occurrences to the Department of Mines; and (2) providing that the Director of the Department of Mines may require specific plans to minimize the possibility of outbursts in mines where conditions suggest that outbursts can occur.

POSTING AND REVIEW OF THIS REGULATION:

In accordance with WV Administrative Regulation Series 30 (amended 1983), each operator shall:

1. Post the regulation for thirty(30) days, immediately upon receipt.
2. Review the regulation with all persons acting in the capacity of underground mine foreman and assistant mine foreman, during the posting period.
3. Review the regulation with all underground section crews during the week following the review with the mine foremen and assistant mine foremen.

ADDITIONAL INFORMATION:

Questions and requests for copies of this regulation should be addressed to:

Mark A. Scott, Administrator  
Board of Coal Mine Health and Safety  
West Virginia Department of Mines  
Room E-153, State Capitol  
Charleston, West Virginia 25305  
(304) 348-3937

MAS/dao

Attachment

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WEST VIRGINIA ADMINISTRATIVE REGULATIONS

DEPARTMENT OF MINES

CHAPTER 22-4

SERIES 43

(1984)

SUBJECT: RULES AND REGULATIONS GOVERNING COAL AND ROCK OUTBURSTS

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PROMULGATED  
REGULATION

FINAL  
REGULATION

# I N D E X

## RULES AND REGULATIONS GOVERNING COAL AND ROCK OUTBURSTS

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Section 1. General

1.01 Authority - These rules and regulations are issued under authority of Chapter 22, Article 2A, Section 4 of the West Virginia Code.

1.02 Effective Date - These rules and regulations were promulgated on the 25th day of May, 1984, and become effective on the 1st day of July, 1984.

1.03 Effect of Regulations - These rules and regulations shall have the effect of law, and violations shall be deemed a violation of law and so cited with the same effect as law. All provisions of Chapter 22, Article 1, of the West Virginia Code relative to enforcement are applicable to the enforcement of these rules and regulations.

Section 2. Definitions

2.01 Outburst - The term "outburst" shall mean the sudden expulsion of coal and/or rock from one or more pillars or faces, accompanied by a violent release of energy.

2.02 All other terms used in these rules and regulations, not defined herein, shall have the meanings set forth in Chapter 22, Article 1, Section 1 of the West Virginia Code.

Section 3. Notification of Outbursts

3.01 Whenever an outburst of coal and/or rock occurs in any coal mine, the operator shall immediately report the occurrence of the outburst to the

Director of the Department of Mines or the district inspector of the district of the district in which the outburst occurs.

3.02 An authorized representative of the Department of Mines shall go to the scene of the outburst, and shall have the authority to make such requirements relative to the outburst as may be deemed necessary for the safety of persons in the mine.

Section 4. Plan for Controlling Outbursts

4.01 Whenever the Director of the Department of Mines or his authorized representative determines that conditions in a mine are conducive to the occurrence of outbursts, the Director or his authorized representative shall require that the operator develop a plan for pillar recovery which is designed to minimize the possibility of outbursts. Such plan shall be submitted for approval and included in the roof control plan.