

<u>DIVISION OF MINES GUIDELINES FOR APPLICATION OF REGULATORY STANDARDS MANUAL</u>	
COAL MINE SAFETY ACT	CHAPTER 14.2
ARTICLE 1	GENERAL PROVISIONS
Issue Date: 4/10/00 Revised Date:	Page 1 of 1

Section 45.1-161.8.

Definitions

“Surface Coal Mine”

“Underground Coal Mine”

What Facilities and Roadways are Appurtenant to Surface and Underground Mines, and When is a Mine No Longer Required to be Licensed as a “Mine”.

To determine what is “appurtenant to” as stipulated in the definition of surface and underground coal mine, the inspector should consider any facility on-site that is used in any function related to the extraction and processing of coal as appurtenant to the mine and thus subject to all provisions of the MSA .

If a private way or road is used predominately for the benefit of a licensed mine operation, to the exclusion of use by other mine operations, it is “appurtenant” to that mine and subject to DM’s jurisdiction under the Mine Safety Act from the point where the road branches off of nonexclusively used main way or road to the mine operation.

A mine “shall cease to be a coal mine upon completion of initial reclamation activities”. Initial reclamation means the disturbance has been backfilled and seeded. This does not include work after completion of initial reclamation required by DMLR for bond release, such as repair of slides, re-seeding, cleaning out ponds, and maintenance of roads.

When a preparation plant, shop or other surface facility appurtenant to a licensed mine continues to operate after mining operations cease, a mine license must be maintained until initial reclamation of the mine is completed. These remaining surface facilities are to be inspected in accordance with the MSA. When initial reclamation of the mine is completed, such surface facilities will be considered as stand alone operations and not required to be licensed.