

### **352.090 Abandoned parts of mine to be posted -- Sealing.**

- (1) All unused workings and abandoned parts of mines shall be protected by safeguards that will prevent the accumulation or overflow of gas, and all avenues leading thereto shall be so arranged and conducted as to give warning to all persons of the danger of entering, and notice shall be posted warning all unauthorized persons not to enter these parts of the mine. If the area cannot be adequately ventilated, and examined, or evaluated it shall be sealed in a timely manner.
- (2) No person, except persons authorized to make examination thereof, shall enter any unused or abandoned part of a mine after the warning has been posted.
- (3) Where the practice is to seal abandoned workings, the sealing shall be done in accordance with a mine seal construction plan approved by MSHA and submitted to the Division of Mine Safety. Seal construction shall be done immediately in an effective manner with noncombustible material. In every sealed area, one (1) or more of the seals shall be fitted with a pipe and cap or valve to permit the gases behind the seals to be sampled and also to provide a means of determining any existing hydrostatic pressure. When required by the mine inspector and commissioner, drill holes shall be extended from the surface to the sealed area, or vent pipes shall be extended from the sealed area to a return air course. Sufficient ventilation shall be provided at each seal to prevent dangerous gases from accumulating.

**Effective:** June 24, 2015

**History:** Amended 2015 Ky. Acts ch. 87, sec. 30, effective June 24, 2015. -- Amended 2007 Ky. Acts ch. 94, sec. 13, effective June 26, 2007. -- Amended 2002 Ky. Acts ch. 355, sec. 11, effective July 15, 2002. -- Amended 1996 Ky. Acts ch. 308, sec. 27, effective April 9, 1996. -- Amended 1976 Ky. Acts ch. 174, sec. 9. -- Amended 1972 Ky. Acts ch. 303, sec. 9. -- Amended 1952 Ky. Acts ch. 162, sec. 19, effective March 5, 1952. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 2739-19.

**Legislative Research Commission Note (4/9/96).** The action taken with respect to this statute by 1996 Ky. Acts ch. 308 was to have become effective April 8, 1996, under Section 51 of that Act. The Act, however, did not become effective until April 9, 1996, when the Governor's signed copy of the Act was filed with the Secretary of State.