

(as defined by §75.1908(b) of this chapter), other than generators and compressors, introduced into an underground area of an underground coal mine after May 21, 2001 must emit no more than 5.0 grams per hour of diesel particulate matter.

(b) A piece of nonpermissible light-duty diesel-powered equipment must be

deemed to be in compliance with the requirements of paragraph (a) of this section if it utilizes an engine which meets or exceeds the applicable particulate matter emission requirements of the Environmental Protection Administration listed in Table 72.502-1, as follows:

TABLE 72.502-1

EPA requirement	EPA category	PM limit
40 CFR 86.094-8(a)(1)(i)(A)(2)	light duty vehicle	0.1 g/mile.
40 CFR 86.094-9(a)(1)(i)(A)(2)	light duty truck	0.1 g/mile.
40 CFR 86.094-11(a)(1)(iv)(B)	heavy duty highway engine	0.1 g/bhp-hr.
40 CFR 89.112(a)	Tier 2 nonroad	Varies by power:
	kW< (hp<11)	0.80 g/kW-hr (0.60 g/bhp-hr).
	8≤kW<19 (11≤hp<25)	0.80 g/kW-hr (0.60 g/bhp-hr).
	19≤kW<37 (25≤hp<50)	0.60 g/kW-hr (0.45 g/bhp-hr).
	37≤kW<75 (50≤hp<100)	0.40 g/kW-hr (0.30 g/bhp-hr).
	75≤kW<130 (100≤hp<175)	0.30 g/kW-hr (0.22 g/bhp-hr).
	130≤kW<225 (175≤hp<300)	0.20 g/kW-hr (0.15 g/bhp-hr).
	225≤kW<450 (300≤hp<600)	0.20 g/kW-hr (0.15 g/bhp-hr).
	450≤kW<560 (600≤hp<750)	0.20 g/kW-hr (0.15 g/bhp-hr).
	kW≥560 (hp≥750)	0.20 g/kW-hr (0.15 g/bhp-hr).

NOTES: "g" means grams; "kW" means kilowatt; "hp" means horsepower; "g/kW-hr" means grams/kilowatt-hour; "g/bhp-hr" means grams/brake horsepower-hour.

(c) The requirements of this section do not apply to any diesel-powered ambulance or fire fighting equipment that is being used in accordance with the mine fire fighting and evacuation plan under § 75.1502.

[66 FR 5704, Jan. 19, 2001, as amended at 66 FR 15033, Mar. 15, 2001; 66 FR 27866, May 21, 2001; 70 FR 36347, June 23, 2005]

§ 72.503 Determination of emissions; filter maintenance; definition of "introduced".

(a) MSHA will determine compliance with the emission requirements established by this part by using the amount of diesel particulate matter emitted by a particular engine determined from the engine approval pursuant to § 7.89(a)(9)(iii)(B) or § 7.89(a)(9)(iv)(A) of this title, with the exception of engines deemed to be in compliance by meeting the EPA requirements specified in Table 72.502-1 (§ 72.502(b)).

(b) Except as provided in paragraph (c) of this section, the amount by which an aftertreatment device can reduce engine emissions of diesel particulate matter as determined pursuant to paragraph (a) must be established by a laboratory test:

(1) on an approved engine which MSHA has determined, pursuant to paragraph (a) of this section, to emit no more diesel particulate matter than the engine being used in the piece of diesel-powered equipment in question;

(2) using the test cycle specified in Table E-3 of § 7.89 of this title, and following a test procedure appropriate for the filtration system, by a laboratory capable of testing engines in accordance with the requirements of Subpart E of part 7 of this title; and

(3) with an aftertreatment device representative of that being used on the piece of diesel-powered equipment in question.

(c) In lieu of the laboratory tests required by paragraph (b), the Secretary may accept the results of tests conducted or certified by an organization whose testing standards are deemed by the Secretary to be as rigorous as those set forth by paragraph (b) of this section; and further, the Secretary may accept the results of tests for one aftertreatment device as evidencing the efficiency of another aftertreatment device which the Secretary determines to be essentially identical to the one tested.

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(d) Operators must maintain in accordance with manufacturer specifications and free of observable defects, any aftertreatment device installed on a piece of diesel equipment upon which the operator relies to remove diesel particulate matter from diesel emissions.

(e) For purposes of §§ 72.500(a), 72.501(a) and 72.502(a), the term “introduced” means any piece of equipment whose engine is a new addition to the underground inventory of engines of the mine in question, including newly purchased equipment, used equipment, and equipment receiving a replacement engine that has a different serial number than the engine it is replacing. “Introduced” does not include a piece of equipment whose engine was previously part of the mine inventory and rebuilt.

§ 72.510 Miner health training.

(a) Operators must provide annual training to all miners at a mine who can reasonably be expected to be exposed to diesel emissions on that property. The training must include—

(1) The health risks associated with exposure to diesel particulate matter;

(2) The methods used in the mine to control diesel particulate matter concentrations;

(3) Identification of the personnel responsible for maintaining those controls; and

(4) Actions miners must take to ensure the controls operate as intended.

(b)(1) An operator must keep a record of the training at the mine site for one year after completion of the training. An operator may keep the record elsewhere if the record is immediately accessible from the mine site by electronic transmission.

(2) Upon request from an authorized representative of the Secretary of Labor, the Secretary of Health and Human Services, or from the authorized representative of miners, mine operators must promptly provide access to any such training record. Whenever an operator ceases to do business, that operator must transfer the training records, or a copy, to any successor operator who must maintain them for the required period.

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§ 72.520 Diesel equipment inventory.

(a) The operator of each mine that utilizes diesel equipment underground, shall prepare and submit in writing to the District Manager, an inventory of diesel equipment used in the mine. The inventory shall include the number and type of diesel-powered units used underground, including make and model of unit, type of equipment, make and model of engine, serial number of engine, brake horsepower rating of engine, emissions of engine in grams per hour or grams per brake horsepower-hour, approval number of engine, make and model of aftertreatment device, serial number of aftertreatment device if available, and efficiency of aftertreatment device.

(b) The mine operator shall make changes to the diesel equipment inventory as equipment or emission control systems are added, deleted or modified and submit revisions, to the District Manager, within 7 calendar days.

(c) If requested, the mine operator shall provide a copy of the diesel equipment inventory to the representative of the miners within 3 days of the request.

Subpart E—Miscellaneous

§ 72.610 Abrasive blasting.

(a) *Surface and underground mines.* When an abrasive blasting operation is performed, all exposed miners shall properly use respirators approved for abrasive blasting by NIOSH under 42 CFR part 84, or the operation shall be performed in a totally enclosed device with the miner outside the device.

(b) *Underground areas of underground mines.* Silica sand or other materials containing more than 1 percent free silica shall not be used as an abrasive substance in abrasive blasting.

[59 FR 8327, Feb. 18, 1994, as amended at 60 FR 30401, June 8, 1995]

§ 72.620 Drill dust control at surface mines and surface areas of underground mines.

Holes shall be collared and drilled wet, or other effective dust control measures shall be used, when drilling non-water-soluble material. Effective