

§ 57.5067

30 CFR Ch. I (7–1–06 Edition)

(b) was delayed pending disposition of current litigation challenging the rule. At 67 FR 9184, Feb. 27, 2002, paragraphs (b)(1) and (b)(2) were revised, effective Mar. 29, 2002.

§ 57.5067 Engines.

(a) Any diesel engine introduced into an underground area of a mine covered by this part after July 5, 2001, other than an engine in an ambulance or fire fighting equipment which is utilized in

accordance with mine fire fighting and evacuation plans, must either:

(1) Have affixed a plate evidencing approval of the engine pursuant to subpart E of Part 7 of this title or pursuant to Part 36 of this title; or

(2) Meet or exceed the applicable particulate matter emission requirements of the Environmental Protection Administration listed in Table 57.5067–1, as follows:

TABLE 57.5067–1

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)	nonroad (tier, power range)	varies by power range:
.....	tier 1 kW<8 (hp<11)	1.0 g/kW-hr (0.75 g/bhp-hr).
.....	tier 1 8≤kW<19 (11≤hp<25)	0.80 g/kW-hr (0.60 g/bhp-hr).
.....	tier 1 19≤kW<37 (25≤hp<50)	0.80 g/kW-hr (0.60 g/bhp-hr).
.....	tier 2 37≤kW<75 (50≤hp<100)	0.40 g/kW-hr (0.30 g/bhp-hr).
.....	tier 2 75≤kW<130 (100≤hp<175)	0.30 g/kW-hr (0.22 g/bhp-hr).
.....	tier 1 130≤kW<225 (175≤hp<300)	0.54 g/kW-hr (0.40 g/bhp-hr).
.....	tier 1 225≤kW<450 (300≤hp<600)	0.54 g/kW-hr (0.40 g/bhp-hr).
.....	tier 1 450≤kW<560 (600≤hp<750)	0.54 g/kW-hr (0.40 g/bhp-hr).
.....	tier 1 kW≥560 (hp≥750)	0.54 g/kW-hr (0.40 g/bhp-hr).

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

(b) For purposes of paragraph (a):

(1) The term "introduced" means any engine added to the underground inventory of engines of the mine in question, including:

(i) An engine in newly purchased equipment;

(ii) An engine in used equipment brought into the mine; and

(iii) A replacement engine that has a different serial number than the engine it is replacing; but

(2) The term "introduced" does not include engines that were previously part of the mine inventory and rebuilt.

(3) The term *introduced* does not include the transfer of engines or equipment from the inventory of one underground mine to another underground mine operated by the same mine operator.

[66 FR 5907, Jan. 19, 2001, as amended at 66 FR 27864, May 21, 2001; 67 FR 9184, Feb. 27, 2002]

§ 57.5070 Miner training.

(a) Mine operators must provide annual training to all miners at a mine covered by this part 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) An operator must retain a record at the mine site of the training required by this section for one year after completion of the training.

§ 57.5071 Exposure monitoring.

(a) Mine operators must monitor as often as necessary to effectively determine, under conditions that can be reasonably anticipated in the mine,

whether the average personal full-shift airborne exposure to DPM exceeds the DPM limit specified in § 57.5060.

(b) The mine operator must provide affected miners and their representatives with an opportunity to observe exposure monitoring required by this section. Mine operators must give prior notice to affected miners and their representatives of the date and time of intended monitoring.

(c) If any monitoring performed under this section indicates that a miner's exposure to diesel particulate matter exceeds the DPM limit specified in § 57.5060, the operator must promptly post notice of the corrective action being taken on the mine bulletin board, initiate corrective action by the next work shift, and promptly complete such corrective action.

(d)(1) The results of monitoring for diesel particulate matter, including any results received by a mine operator

from sampling performed by the Secretary, must be posted on the mine bulletin board within 15 days of receipt and must remain posted for 30 days. The operator must provide a copy of the results to the authorized representative of miners.

(2) The mine operator must retain for five years (from the date of sampling), the results of any samples the operator collected as a result of monitoring under this section, and information about the sampling method used for obtaining the samples.

[70 FR 32966, June 6, 2005]

§ 57.5075 Diesel particulate records.

(a) The table entitled "Diesel Particulate Matter Recordkeeping Requirements" lists the records the operator must maintain pursuant to §§ 57.5060 through 57.5071, and the duration for which particular records need to be retained.

TABLE 57.5075(a)—DIESEL PARTICULATE RECORDKEEPING REQUIREMENTS

Record	Section reference	Retention time
1. Approved application for extension of time to comply with exposure limits.	§ 57.5060(c)	Duration of extension.
2. Identity of PLHCP and most recent written determination of miner's ability to wear a respirator.	§ 57.5060(d)	Duration of miner's employment plus 6 months.
3. Purchase records noting sulfur content of diesel fuel.	§ 57.5065(a)	1 year beyond date of purchase.
4. Maintenance log	§ 57.5066(b)	1 year after date any equipment is tagged.
5. Evidence of competence to perform maintenance.	§ 57.5066(c)	1 year after date maintenance performed.
6. Annual training provided to potentially exposed miners.	§ 57.5070(b)	1 year beyond date training completed.
7. Record of corrective action	§ 57.5071(c)	Until the corrective action is completed.
8. Sampling method used to effectively evaluate a miner's personal exposure, and sample results.	§ 57.5071(d)	5 years from sample date.

(b)(1) Any record listed in this section which is required to be retained at the mine site may, notwithstanding such requirement, be retained elsewhere if the mine operator can immediately access the record 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 record listed in the table in this section.

(3) An operator must provide access to a miner, former miner, or, with the miner's or former miner's written consent, a personal representative of a miner, to any record required to be maintained pursuant to § 57.5071 or § 57.5060(d) to the extent the information pertains to the miner or former miner. The operator must provide the first copy of a requested record at no cost, and any additional copies at reasonable cost.

(4) Whenever an operator ceases to do business, that operator must transfer all records required to be maintained by this part, or a copy thereof, to any