

**Amendments to Article II-A of the
Pennsylvania Bituminous Coal Mine Act
(P.h. 659, No. 339)**

1. Section 201-A (c)

c) Inby and outby diesel-powered equipment may be used in underground mines if the inby or outby diesel-powered equipment uses an engine approved or certified by MSHA, as applicable, for inby or outby use that, when tested at the maximum fuel-air ratio, does not require an MSHA Part 7 approval plate ventilation rate exceeding [150] 75 c.f.m. per rated horsepower. Should MSHA promulgate new regulations that change the MSHA part 7 approval plate ventilation rate, the cfm requirement per rated horsepower will be revised either up or down on a direct ratio basis upon recommendation of the Technical Advisory Committee in accordance with Section 224-A.

2. Section 203-A (a)(1)

(a)(1) Underground diesel-powered equipment shall include an exhaust emissions control and conditioning system that has been laboratory tested with the diesel engine, except as provided in paragraph (3), using the ISO 8178-1 test and has resulted in diesel particulate matter emissions that do not exceed an average concentration of 0.12 mg over m to the third power when diluted by [fifty] one hundred percent of the MSHA part 7 approval plate ventilation rate for that diesel engine. Should MSHA promulgate new regulations that change the MSHA Part 7 approval plate ventilation rate, the dilution percentage relative to the approval plate ventilation rate will be adjusted either up or down on a direct ratio basis upon recommendation of the Technical Advisory Committee in accordance with Section 224-A.

3. Section 203-A (b)(1)

(1) A diesel particulate matter (DPM) filter that has proven capable of [an average of ninety-five percent or greater] at least a seventy-five percent reduction of [DPM emissions.] diesel particulate matter.

4. Section 203 –A (b)(4)

(4) A [heat exchanger] system capable of reducing the exhaust gas temperature below three hundred two degrees Fahrenheit.

5. Section 203-A(d)

Delete this section entirely.

6. Section 204-A(d)

d) Where multiple units are operated, the minimum quantity shall be at least one hundred percent of MSHA's Part 7 [the highest] approval plate quantities for each unit operating in that split. [air quality plus seventy-five percent of the next highest quantity plus fifty

percent of the approval plate quantity of each additional unit operating in that split.] Air quantity measurements to determine compliance with this requirement shall be made at the most downwind unit of diesel-powered equipment that is being operated in that air split. Should MSHA promulgate new regulations that change the MSHA Part 7 approval plate ventilation rate, the minimum quantity where multiple units are operated shall be revised on a direct ratio basis upon recommendation of the Technical Advisory Committee in accordance with Section 224-A.

7. Section 205-A(a)

(a) [A mobile] An underground diesel fuel storage facility shall be any facility designed and constructed to provide for the [temporary] storage of any mobile diesel fuel transportation units or the dispensing of diesel fuel.

8. Section 205-A(c)(2)

(c)(2) No more than five hundred gallons of diesel fuel shall be stored in each [mobile] underground diesel fuel storage facility.

9. Section 205-A(d)

(d) [Mobile] underground diesel fuel storage facilities shall be located as follows:

10. Section 205-A(e)(1)

(e)(1) [Mobile] underground diesel fuel storage facilities shall meet the construction requirements and safety precautions enumerated in this subsection.

11. Section 205-A(e)(2)

(e)(2) [Mobile] underground diesel fuel storage facilities shall meet all of the following:

12. Section 205-A(b)

Delete the entire subsection and insert:

(b) Diesel-powered equipment shall be used underground only with fuel that meets the standards of the most recently approved EPA guidelines for over-the-road-fuel. Additionally, the fuel shall also meet the ASTM D975 fuel standards with a flash point of one hundred degrees Fahrenheit or greater at standard temperature and pressure. The operator shall maintain a copy of the most recent delivery receipt from the supplier that will prove that the fuel used underground meets the standard listed above.

13. Section 205-A(c)(1)

Statute:

(1) Fixed underground diesel fuel storage [facilities] tanks are prohibited.

14. Section 205-A(e)(2)(i)

(i) Be constructed of noncombustible materials and provided with [a means for automatic enclosure.] either self closing or automatic closing doors.

15. Section 205-A (e)(2)(iii)

(iii) Be equipped with an automatic fire suppression system complying with section 209-A. The Technical Advisory Committee may recommend for approval an alternate method of complying with this section on a mine by mine basis in accordance with Section 224-A.

16. Section 207-A(g)

(g) Containers, other than safety cans, used for the transport of diesel fuel shall be permanently fixed to the transportation unit; provided, however, that the Technical Advisory Committee may develop criteria on a mine by mine basis, in accordance with Section 224-A, that allows for approved diesel fuel transportation units to be transported on (or by) a secondary transportation unit to their respective work areas.

17. Section 211-A(a)

(a) Fueling of diesel-powered equipment shall not be conducted in the intake escapeway unless the mine design and entry configuration make it necessary. In those cases where fueling in the intake escapeway is necessary, the mine operator shall submit a plan for approval to the Department outlining the special safety precautions that will be taken to insure the protection of miners. Such plan shall specify a location, (such as end of the tail track or adjacent to the load out point), where fueling will be conducted in the intake escapeway and all other safety precautions that will be taken, which shall include an examination of the area for spillage or fire by a qualified person.

18. Section 214-A(f)

(f) Records of emissions tests, one hundred-hour maintenance tests and repairs shall be countersigned once each week by the certified mine electrician [and] or mine foreman.

19. Section 216-A(5)

(5) Replace engine oil and [oil] filter. The Technical Advisory Committee in accordance with Section 224-A may recommend a replacement interval greater than 100 hours.

20. Section 217-A(b)

(b) When any diesel-powered machine first enters service at a mine, baseline emission values shall be determined by a qualified mechanic. Unless the Technical Advisory Committee in accordance with Section 224-A recommends an alternate procedure, the qualified mechanic shall:

21. Section 217-A(b)(6)

(6) Flush the exhaust system, if needed, [and install a new diesel particulate filter,] measure and record the exhaust back pressure. If exhaust gas back pressure is above that recommended by the Manufacturer, then steps must be taken to bring the exhaust gas back pressure within the Manufacturer's recommended limit prior to beginning the test described in this section.

22. Section 217-A(b)(12)

217-A(b)(12) For mobile equipment, shift into [second] the highest gear and put the engine at full throttle, or for stationary equipment, induce a load and put the engine at full throttle.

23. Section 218-A(10)

218-A(10) For mobile equipment, shift into [second] the highest gear and put the engine at full throttle, or for stationary equipment, induce a load and put the engine at full throttle.

24. Section 217-A(b)(15)

Add the following language:

(15) An alternative to the testing provided in subsections 1-14 may be developed by the Technical Advisory Committee in accordance with Section 224-A.

25. Section 218-A(15)

Add the following language:

(15) An alternative to the testing provided in subsections 1-14 may be developed by the Technical Advisory Committee in accordance with Section 224-A.

26. Section 224-

(c) Members of the advisory committee shall be appointed for a term of three years. If renominated and reappointed, a member may serve [up to three] an unlimited number of successive three-year terms.

27. Section 224-A(d)

(d.) Members of the advisory committee shall be compensated on a per diem basis of one hundred fifty dollars (\$150) per day plus all reasonable expenses incurred while performing their official duties. Such compensation shall be adjusted annually by the Department to account for inflation since February 17, 1997 based on the rate of inflation identified by the Consumer Price Index published by the United States Department of Labor.