

## CHAPTER 207. NONCOAL UNDERGROUND MINES

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### Authority

The provisions of this Chapter 207 issued under sections 2(f) and 12 of the act of May 18, 1937 (P. L. 654, No. 174)(43 P. S. §§ 25-2(f) and 25-12); and sections 1917-A and 1920-A of the Administrative Code of 1929 (71 P. S. §§ 510-17, and 510-20, unless otherwise noted.

### Source

The provisions of this Chapter 207 adopted December 1, 1972, 2 Pa.B. 2262, unless otherwise noted.

## Subchapter A. GENERAL

| Sec.           |                    |
|----------------|--------------------|
| 207.1.         | [Reserved].        |
| 207.2.         | [Reserved].        |
| 207.11—207.22. | [Reserved].        |
| 207.31—207.46. | [Reserved].        |
| 207.101.       | Scope.             |
| 207.102.       | Definitions.       |
| 207.103.       | Responsible party. |
| 207.104.       | Enforcement.       |

### § 207.1. [Reserved].

#### Source

The provisions of this § 207.1 adopted December 1, 1972, 2 Pa.B. 2262; reserved April 9, 2004, effective April 10, 2004, 34 Pa.B. 2041. Immediately preceding text appears at serial page (234646).

### § 207.2. [Reserved].

#### Source

The provisions of this § 207.2 adopted December 1, 1972, 2 Pa.B. 2262; amended December 1, 1972, 2 Pa.B. 2262; reserved April 9, 2004, April 10, 2004, 34 Pa.B. 2041. Immediately preceding text appears at serial page (234646).

**§§ 207.11—207.22. [Reserved].****Source**

The provisions of these §§ 207.11—207.22 adopted December 1, 1972, 2 Pa.B. 2262; reserved April 9, 2004, effective April 10, 2004, 34 Pa.B. 2041. Immediately preceding text appears at serial pages (234647) to (234650).

**§§ 207.31—207.46. [Reserved].****Source**

The provisions of these §§ 207.31—207.46 adopted December 1, 1972, 2 Pa.B. 2262; reserved April 9, 2004, effective April 10, 2004, 34 Pa.B. 2041. Immediately preceding text appears at serial pages (234650) to (234655).

**§ 207.101. Scope.**

This chapter applies to underground noncoal mines and mined-out underground noncoal mines used to house other businesses in this Commonwealth. The purpose of this chapter is for the protection of life, the promotion of health and safety and the prevention of accidents.

**Source**

The provisions of this § 207.101 adopted April 9, 2004, effective April 10, 2004, 34 Pa.B. 2041.

**§ 207.102. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Developed facility*—The portion of a mined-out underground noncoal mine developed or being developed for storage, manufacturing or other activities requiring a person to enter the mined-out area. The term includes all roads and means of entering and leaving the mined-out area of the underground noncoal mine.

*Mined-out*—A portion of the noncoal underground mine where no further mining is planned.

*Noncoal underground mine*—

(i) Lands, excavations, underground passageways, shafts, slopes, tunnels and workings, structures, facilities, equipment, machines, tools or other property including impoundments, retention dams and tailings ponds, on the surface or underground, used in, or to be used in, or resulting from, the work of extracting metals or minerals other than coal from their natural deposits in nonliquid form, or if in liquid form, with workers underground, or used in, or to be used in, the milling of the metals or minerals, or the work of preparing metals or minerals other than coal, and includes custom preparation facilities.

(ii) Private ways and roads appurtenant to the areas set forth in subparagraph (i).

*Person*—A natural person, partnership, association or corporation or any agency, instrumentality or entity of Federal or State government. When used in

any clause prescribing and imposing a penalty, or imposing a fine or imprisonment, or both, the term “person” does not exclude the members of an association and the directors, officers or agents of a corporation.

**Source**

The provisions of this § 207.102 adopted April 9, 2004, effective April 10, 2004, 34 Pa.B. 2041.

**§ 207.103. Responsible party.**

The person who is the owner or operator of a noncoal underground mine or developed facility shall ensure that the noncoal underground mine or developed facility is constructed and operated in accordance with this chapter. A subcontractor who conducts all or part of the operation shall be jointly and severally responsible with the owner or operator.

**Source**

The provisions of this § 207.103 adopted April 9, 2004, effective April 10, 2004, 34 Pa.B. 2041.

**§ 207.104. Enforcement.**

(a) The Department has the authority to issue orders necessary to ensure compliance with section 2(f) of the act of May 18, 1937 (P. L. 654, No. 174) (43 P. S. § 25-2(f)), known as the General Safety Law, and this chapter. This authority includes orders:

- (1) Revoking or suspending a certificate of qualification to be a foreman.
- (2) Ceasing or suspending the operation of a noncoal underground mine or developed facility.
- (3) Requiring the abatement of an unsafe condition or practice.

(b) Except for orders abating a condition that is an imminent hazard or ceasing, in whole or in part, the operation of a noncoal underground mine or developed facility due to the existence of an imminent hazard, the Department will not issue an order abating a condition or correcting a violation of this chapter until the owner or operator has had an opportunity to meet with the Department to discuss the matter and the owner or operator has had a reasonable opportunity to abate the condition or correct the violation.

**Source**

The provisions of this § 207.104 adopted April 9, 2004, effective April 10, 2004, 34 Pa.B. 2041.

**Subchapter B. NONCOAL UNDERGROUND MINES**

**GENERAL**

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**PERFORMANCE STANDARDS**

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207.216. Examining committee.  
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**Source**

The provisions of this Subchapter B adopted April 9, 2004, effective April 10, 2004, 34 Pa.B. 2041, unless otherwise noted.

**GENERAL**

**§ 207.201. Applicability.**

This subchapter applies to the development, construction and operation of non-coal underground mines in this Commonwealth.

**§ 207.202. Definitions.**

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

*MSHA*—The United States Department of Labor, Mine Safety and Health Administration, its employees and its officers.

*Magazine*—A structure used for the storage of explosives.

**PERFORMANCE STANDARDS**

**§ 207.211. Safety requirements.**

(a) The provisions of 30 CFR Part 57 (relating to safety and health standards—underground metal and nonmetal mines) are incorporated herein by reference.

(b) Alternative safety and health standards for underground metal and non-metal mines, established by MSHA under section 101(c) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C.A. § 811(c)) and 30 CFR Part 44 (relating to rules of practice for petitions for modification of mandatory safety standards), are incorporated herein by reference.

(c) The provisions of 30 CFR Part 57 requiring the submission of a map, plan, notification, report, program description or other materials to MSHA are amended to require the same submission to the Department. A copy of the documents required by 30 CFR Part 57 to be submitted to MSHA and any other material requested by MSHA under 30 CFR Part 57 shall also be submitted to the Department's Anthracite and Industrial Mineral Mine Safety Division at 5 West Laurel Blvd., Pottsville, Pennsylvania 17901.

(d) An owner or operator of a noncoal underground mine maintaining a magazine located on the surface shall comply with the magazine licensing requirements of Chapter 211 (relating to storage, handling and use of explosives).

**§ 207.212. Employment of foreman.**

The owner or operator of an underground noncoal mine shall employ a foreman who possesses the Department's certificate of qualification to be a foreman.

**§ 207.213. Duties of foreman.**

The foreman shall have full charge of the inside portions of the noncoal underground mine and the persons employed therein. The foreman's duty shall be to ensure compliance with the Commonwealth's mine safety laws and the regulations promulgated thereunder, as well as to secure and promote the health and safety of persons employed in the noncoal underground mine.

**§ 207.214. Certificate of qualification application requirements.**

To be eligible to apply for a certificate of qualification, the individual shall:

- (1) Be at least 21 years of age.
- (2) Have at least 2 years of practical experience as a noncoal underground miner or have 1 year of practical experience as a noncoal underground miner and either possess a Bachelor of Science Degree in mining engineering, possess a certificate of qualification under section 205 of the Pennsylvania Anthracite Coal Mine Act (52 P. S. § 70-205) or section 206 of the Pennsylvania Bituminous Coal Mine Act (52 P. S. § 701-206) or possess an acceptable certificate of qualification issued by another state.

**§ 207.215. Standards for issuing certificates of qualification.**

(a) The Department will only issue certificates of qualification to be a foreman to applicants who have demonstrated the ability to ensure the safety of persons and the inside portions of a noncoal underground mine under their supervision. Applicants make this demonstration by correctly answering at least 80% of the Department's written examination covering applicable mine safety laws and regulations of the Commonwealth.

(b) The Department may refuse to issue to an applicant a certificate of qualification when the applicant has demonstrated an inability or unwillingness to comply with the mine safety laws and regulations of the Commonwealth or the mine safety laws or regulations administered by MSHA.

**§ 207.216. Examining committee.**

(a) The Department will appoint a committee consisting of a noncoal underground mine foreman and a representative of the Department to prepare the initial draft of the examination to be given to applicants for the mine foreman's certificate of qualification. A bank of questions shall be developed by the committee. The Department will assemble the examination from this bank of questions.

(b) This committee shall review and score the results of the examinations given to applicants for the foreman's certificate of qualification. These results shall be transmitted to the Department for issuance of the certificate.

**§ 207.217. Blasting activity.**

The storage, handling and use of explosives at a noncoal underground mine shall be under the supervision and control of a person licensed as a blaster under Chapter 210 (relating to blasters' licenses).

**Subchapter C. MINED-OUT AREAS****GENERAL PROVISIONS**

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**SPECIFICATIONS**

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| 207.318. | Storage of flammable liquids. |
| 207.319. | Check in/check-out system.    |

**Source**

The provisions of this Subchapter C adopted April 9, 2004, effective April 10, 2004, 34 Pa.B. 2041, unless otherwise noted.

**GENERAL PROVISIONS****§ 207.301. Applicability.**

This subchapter applies to the use of mined-out underground noncoal mines in this Commonwealth. The activities covered by this subchapter include storage, manufacturing or other activities requiring a person to enter the mined-out area.

**§ 207.302. Definitions.**

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

*Outside air*—Air moving through the mined-out passageways after entering them through the main or accessory portals by mechanical or natural forces.

*Pure air*—Air containing not less than 19.5% oxygen, not more than 0.5% carbon dioxide and no harmful quantities of other noxious or poisonous gases, dust, soot or particulates.

*Safety container*—A container not over 5 gallons capacity, having a spring closing lid and spout cover.

**§ 207.303. Approvals.**

(a) A person may not operate a business in a mined-out area unless that mined-out area is part of a developed facility, which has been approved by the Department in writing and is constructed and operated in accordance with this subchapter.

(b) The owner or operator of the developed facility shall submit to the Department a written request which:

- (1) Identifies the owner of the developed facility.
- (2) Identifies the location of the developed facility.
- (3) Describes the purpose of the developed facility.
- (4) Identifies a responsible person at the developed facility.
- (5) Contains a map or drawings depicting the developed facility, including the following:

(i) The information required by § 207.314(b) (relating to ventilation) if the developed facility will be using mechanical ventilation.

(ii) The information required by § 207.318(b) (relating to storage of flammable liquids) if more than 5 gallons of flammable liquid are to be stored in the developed facility.

(c) One or more inspections of the developed facility may be part of the Department's review of the operator's request.

(d) The Department's approval may include conditions necessary to ensure compliance with section 2(f) of the act of May 18, 1937 (P. L. 654, No. 174) (43 P. S. § 25-2(f)), known as the General Safety Law, the requirements of this subchapter and protect the public health, safety and welfare.

## SPECIFICATIONS

**§ 207.311. Roof areas.**

The owner or operator of a developed facility shall ensure that the developed facility's roof shall be scaled, bolted or otherwise supported.

**§ 207.312. Lighting.**

(a) *Permanent.* The owner or operator of a developed facility shall ensure that a permanent lighting system is installed in the developed facility to provide adequate lighting for the activities to be conducted in the developed facility. An adequate permanent lighting system is one constructed in accordance with a Nationally recognized safety code such as the *National Electric Code* established by the United States of America Standards Institute.

(b) *Emergency.* The owner or operator of a developed facility shall ensure that a person is not allowed to work in a developed facility unless either an emer-

gency lighting system meeting the requirements of the Department has been installed in that area or each worker is provided with an approved personal lamp.

(1) The emergency lighting system shall be powered by an emergency generator. The emergency lighting system shall also be constructed in accordance with a Nationally recognized safety code such as the *National Electric Code* established by the United States of America Standards Institute.

(2) Cap lamps constructed and maintained in accordance with 30 CFR 19.5 (relating to general requirements for approval) are approved as personal lamps. The Department may approve the use of other types of personal lamps provided the other lamps are as safe as a personal cap lamp constructed and operated in accordance with 30 CFR 19.5.

### § 207.313. Entrances and exits.

The owner or operator of a developed facility shall ensure that two separate passages, connecting each area of the developed facility to the surface, shall be provided for personnel use and shall be maintained in a safe, passable condition at all times.

### § 207.314. Ventilation.

(a) *General requirement.* The owner or operator of a developed facility shall ensure that an adequate supply of pure air is provided and maintained in the developed facility as provided in subsection (c). If the Department or the operator determines it is necessary to install mechanical means of ventilation, these mechanical means for providing pure air shall be approved by the Department in writing before the mechanical ventilation system is operated.

(b) *Ventilation system requirements.* The owner or operator of the developed facility shall submit to the Department drawings depicting the proposed ventilation system. One or more inspections of the developed facility may be part of the Department's review of the proposed mechanical ventilation system. Any Department approval may include conditions necessary to ensure the ventilation system is providing pure air to all portions of the developed facility.

(c) *Quantity of air.* A minimum of 20 cubic feet of outside air shall be supplied to every occupied or enclosed space in a developed area, per minute, per person present in that area.

#### Cross References

This section cited in 25 Pa. Code § 207.303 (relating to approvals).

### § 207.315. Closing underground sections.

If it becomes necessary to permanently close or enclose a section or portion of the developed facility, the owner or operator of the developed facility shall ensure that noncombustible material is used to permanently close or enclose that section or portion of the developed facility.

**§ 207.316. Inspections.**

The owner or operator of a developed facility shall ensure that inspections are made at the following times, and defective conditions that are discovered shall be corrected:

- (1) *Monthly*. The ceiling, pier and walls shall be inspected monthly for new cracks. The entrances, shafts, slopes, drifts and roadways leading to them, and the doors or gates shall be inspected monthly to insure they are in safe, usable condition.
- (2) *Biweekly*. Emergency lighting systems and approved personal lamps shall be tested biweekly to assure they are in operating condition. Charge, fluid, terminals and visual conditions of batteries shall be checked.
- (3) *Weekly*. The ventilating system shall be inspected weekly to ensure that motors and controls are in operating condition.

**§ 207.317. Record of inspection.**

The owner or operator of the developed facility shall ensure that daily logs containing the findings of inspections and the repairs and corrective action taken are maintained and kept on file at the developed facility's office. These logs shall be available for inspection by the Department at any time during working hours. Each day's log shall be dated and signed by a person designated by the owner or operator to be responsible for the day-to-day operation of the developed facility. Corrections or orders required by the Department representative shall be in writing and shall become a part of the log.

**§ 207.318. Storage of flammable liquids.**

- (a) The owner or operator of the developed facility shall ensure that flammable liquids are stored in a safety container unless otherwise approved in writing by the Department. To request the Department's approval, the owner or operator shall submit to the Department a photograph, drawing or sketch of the container and an explanation as to why this alternative container is safe for storing flammable liquids. Department approvals may include conditions necessary to ensure that the container will safely store flammable liquids.
- (b) The owner or operator of a developed facility shall ensure that flammable liquids in excess of 5 gallons are not stored in the developed facility unless otherwise approved in writing by the Department.
- (c) The request for storing more than 5 gallons of flammable liquid shall include a drawing depicting the location, size and nature of storage. The request shall also state the reason it is necessary to store more than 5 gallons of flammable liquids and describe the materials which will be used to construct the container, as well as measures to be taken to detect, prevent or respond to a fire or a spill.

**Cross References**

This section cited in 25 Pa. Code § 207.303 (relating to approvals).

**§ 207.319. Check in/check-out system.**

The owner or operator of the developed facility shall ensure that there is a check-in/check-out system, which will inform personnel on the surface of the mine as to who is currently in the developed facility.

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