

ARTICLE V REPORTS; COMPLIANCE

Section 501. Annual and monthly reports by operators of bituminous coal mines

(a) On or before January 25 in each year, the operator or the superintendent of every bituminous coal mine shall send by registered mail to the mine inspector in the district a correct report, specifying, with respect to the year ending December 31 preceding, the name of the operator and officers of the mine, number of tons of coal mined, number of tons of coke manufactured, number of different employees, classified, and the total number of days worked during the year. The report shall be in such form, and give such information regarding the mine, as may be, from time to time, required and prescribed by the secretary.

(b) On or before the tenth day of each month, the superintendent shall send to the mine inspector in the district, a report of the tonnage produced, and days worked for the preceding month, and also a report in detail of all lost time injuries in or about the mines for the preceding month.

(c) Whenever any employee who has been injured is reported able to resume work, the superintendent shall report the same immediately to the mine inspector in the district.

(d) For the purpose of verifying the accuracy of the tonnage reports required by this section, the secretary, or any employee of the department appointed by him, is hereby authorized to examine all the shipping documents of any operator or superintendent. The refusal of any operator or superintendent to submit to such examination, or exhibit its or his shipping documents for inspection, shall be presumptive evidence that the operator or superintendent has failed to comply with the tonnage report requirements of this section. For the purpose of this subsection, "shipping documents" shall be defined as any records relating to the transportation, movement or delivery of coal from the mine or cleaning plant to the customer or purchaser of such coal, including, but not limited to, bills of lading, invoices, weighman's slips, delivery receipts, shipping receipts, and contract carrier statements.

All information obtained by such examination, other than tonnage figures, shall be held confidential and shall not be released by the department or its employees for any purposes whatsoever.

ARTICLE VI AUGER MINING

Section 601. Permit required

No auger mining shall be conducted by any person without securing a permit issued by the department. Such permit shall be on a form prescribed by the secretary. Such permit shall not be unreasonably withheld.

Section 602. Duties of operator

It shall be the duty of the operator to see that all work is performed in a safe manner.

Section 603. Special requirements

(a) Auger crews shall carefully inspect the face of the highwall, twenty-five feet on both sides of the drilling site before augering operations begin and frequently thereafter, and all loose material shall be removed before any work is done. Special precautions shall be taken during intermittent freezing and thawing weather and periods of heavy rainfall. Drilling shall not be done under an overhang.

(b) When a crew is engaged in connecting or disconnecting auger sections under a highwall,

observations shall be made of the highwall for possible movement.

(c) Auger mining shall not be done in proximity to active underground workings, unless the work is coordinated with the underground plan of workings. Auger holes shall not be drilled so as to--

(1) Disrupt the ventilation systems of active underground mines.

(2) Create inundation hazards to active underground mines.

(3) Cause damage to the roof and ribs of active underground roadways.

(d) Auger holes shall not intersect underground mine workings known to contain or suspected to contain dangerous quantities of impounded water, except to drain such areas under controlled conditions and then only after all necessary precautions have been taken to safeguard life and property.

(e) When auger holes first penetrate abandoned or mined out underground workings and as frequently thereafter as these workings are penetrated, a qualified employee shall determine by an approved means of detection whether or not methane or oxygen-deficient air is present or is being emitted in dangerous

quantities and shall make a record of these inspections and findings.

(f) Auger mining equipment shall not be operated in the vicinity of auger holes emitting dangerous quantities of methane or oxygen-deficient air until the atmosphere has been rendered harmless.

(g) Pillars between auger holes shall be wide enough to support the overburden adequately.

(h) The depth and direction of auger holes shall be plotted on the mine map required by this act, which map shall show adjacent mined areas.

(i) Auger operators shall not leave the controls while drills are being operated.

(j) No persons, including the auger machine operator, shall be in a direct line with the bore holes during mining operations.

(k) No person shall enter an auger hole until a qualified employee has determined by an approved means of detection whether the air within the hole is of good quality and does not contain methane or is deficient in oxygen. The examiner shall wear a lifeline that extends to the hands of a person on the surface.

(l) Internal combustion engines in the vicinity of auger holes shall be stopped while auger holes are being inspected.

(m) At least one approved safety lamp or other approved device for determining methane and oxygen-deficient air shall be available at each auger machine for the use of qualified employees.

(n) Persons entering an auger hole shall examine and test its walls for danger from falling materials. Any hazardous conditions found shall be corrected immediately or before any other work is done. Otherwise, the hole shall be vacated and fenced off and a suitable danger sign be placed across its entrance.

(o) Mechanically operated grinding wheels shall be equipped with--

(1) Safety washers and tool rests.

(2) Substantial retaining hoods covering two-thirds of the circumference of the wheel.

(3) Eyeshields or goggles shall be used.

(p) A substantial screen or grating shall be provided over auger machines strong enough to prevent injury to workmen by spalling material from the highwall or

the machine shall be kept a safe distance from the highwall.

(q) Auger machines shall be equipped with adequate means to slow the operation when hard drilling causes arcs or sparks or overheating of the cutter head.

(r) The angle and setting of the bits shall be maintained to permit clearance of not less than one-fourth inch between the drum and the auger hole to minimize friction and overheating.

(s) Exhaust gases from internal combustion engines shall be conducted away from auger holes and the working area for the protection of the workmen and to prevent ignitions of gas or dust emanating from such holes.

(t) Exhausts shall be equipped with mufflers to reduce noise, guarded where necessary to prevent burns, and extended at least to the height of the machinery.

(u) Warning signs shall be posted conspicuously at the entrances to abandoned auger operations and at strategic locations along the out-crop line where coal has been mined with augers.

(v) Completed auger holes shall be blocked with spoil, piled to a minimum height of three feet above

the coal bed and to within one thousand feet of the active holes. Auger holes shall be blocked before the operation is abandoned.

(w) Combustible materials, dinner pails or other supplies shall not be stored in abandoned auger holes.

(x) Partitions of coal between auger holes shall not be recovered.

(y) Any employee who discovers an unsafe condition at the auger mine shall immediately report it to the person in charge.

(z) Each auger mine operation shall have an adequate supply of first-aid equipment at strategic locations. The first-aid supplies shall be encased in suitable sanitary receptacles, designed to be reasonably airtight, and shall be available to all persons employed at the mine. In addition to the material in the cases, splints, blankets, and properly constructed stretchers in good condition shall be provided. When an injury occurs, prompt medical attention shall be provided. Adequate facilities shall be available for transporting injured persons to a hospital when necessary.

(aa) Smoking or open lights shall be prohibited in or near auger holes.

ARTICLE VII MISCELLANEOUS PROVISIONS

Section 701. Compliance and construction

Whenever any equipment or supplies required by this act, including rock-dusting machines, and approved electric equipment, are unobtainable in the normal course of business, as determined by the secretary, compliance with the requirements of this act with respect thereto is suspended so long as such items remain unobtainable. Due allowance shall also be made for planning, institution of change procedures, and installation of new equipment.

Section 702. Adoption of new items or methods

Nothing in this act shall be construed to prevent the adoption or use by any operator of new machinery, equipment, tools, supplies, devices, methods and processes, if such new machinery, equipment, tools, supplies, devices, methods and processes accord protection to personnel and property substantially equal to or in excess of the requirements set forth in any portion of this act.

Section 703. Criminal penalties

Any person who shall intentionally or carelessly disobey any order given in carrying out the provisions of this act, or do any other act whatsoever, whereby the lives or the health of the persons employed, or the security of the mine or the machinery, are endangered, or who neglects or refuses to perform the duties required of him by this act, or who makes any false statement in any report required by this act, or who is responsible for failure to comply with any decision made in accordance with this act, or who violates any of the provisions or requirements thereof, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in the court of quarter sessions of the county in which the misdemeanor was committed, unless otherwise specified hereinbefore, be punished by a fine not exceeding two hundred dollars (\$200), or imprisonment in the county jail for a period not exceeding three months or both, at the discretion of the court.

Section 704. Severability

If any provision of this act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the act and the application of such provision to persons or circumstances, other than those as to which it is held invalid, shall not be affected thereby.

Section 705. Specific repeals

(a) The following acts and all amendments thereof are repealed absolutely:

(1) The act of June 9, 1911 (P.L. 756), entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal-mines of Pennsylvania, and for the protection and preservation of property connected therewith".

(2) The act of May 31, 1923 (P.L. 481), entitled "An act providing for the appointment of boards of examiners to examine applicants for certificates of qualification as mine foremen, assistant mine foremen, and fire bosses in the bituminous coal mines of this Commonwealth; prescribing the qualifications; defining the powers and duties, and fixing the compensation of such examiners; authorizing the Chief of the Department of Environmental Protection to determine the district in which boards of examiners shall hold examinations, and to designate the boards before whom applicants in the various inspection districts shall appear; providing for the issuance of certificates of qualification to successful applicants; fixing the fees to be paid by applicants, and providing for their disposition; forbidding the employment of unqualified persons as mine

foremen, assistant mine foremen, and fire bosses; providing a penalty for forging or making false statements regarding certificates".

(3) The act of April 29, 1937 (P.L. 551), entitled "An act prohibiting the employment of miners as herein defined in the bituminous coal mines unless certificated by a miners' examining board providing for the appointment of such boards and defining their powers and duties providing penalties and making an appropriation".

(4) The act of June 25, 1937 (P.L. 2121), entitled "An act providing for the examination and certification of, and regulating the employment of mine electricians in bituminous coal mines; imposing duties upon the mine foremen's examining board, and the Secretary of Mines; and providing penalties".

(5) The act of June 25, 1937 (P.L. 2122), entitled "An act providing for the examination and certification of, and regulating the employment of shot-firers and mining machine runners employed in gaseous bituminous coal mines; imposing duties upon the Secretary of Mines; and providing penalties".

(b) The following acts and all amendments thereof are repealed in so far as they apply to bituminous coal mines:

(1) The act of March 3, 1870 (P.L. 3), entitled "An act providing for the health and safety of persons employed in coal mines".

(2) The act of June 30, 1885 (P.L. 202), entitled "An act to prevent the employment of female labor in and about the coal mines and the manufactories thereof in the State of Pennsylvania".

(3) The act of June 15, 1911 (P.L. 979), entitled "An act to safeguard life in the coal-mines of the Commonwealth of Pennsylvania, and to protect and preserve the property connected therewith, by providing that all inside buildings shall be constructed of incombustible material; and providing penalties for failure to comply with the terms of this act, and making a violation thereof by mine superintendents a misdemeanor".

(4) The act of April 25, 1945 (P.L. 289), entitled "An act providing for the health and safety of persons employed in and about the coal mines of the Commonwealth of Pennsylvania; the protection and preservation of property connected therewith; the appointment of electrical inspectors by the Secretary of Mines with the consent and approval of

the Governor; the fixing of their salaries and necessary expenses incurred in the performance of their duties; and the fixing of the qualifications which shall be possessed by persons appointed to the position of electrical inspector."

(5) The act of May 15, 1945 (P.L. 526), entitled "An act relating to the use of trailing cables on portable electric machinery in coal mines; providing for the health and safety of persons employed therein, and for the protection and preservation of property connected therewith, and for the inspection of such equipment by the Department of Environmental Protection".

(6) The act of May 29, 1945 (P.L. 1132), entitled "An act providing for the health and safety of persons employed in and about coal mines in the Commonwealth of Pennsylvania; the protection and preservation of property connected therewith; the appointment of first aid and mine rescue instructors by the Secretary of Mines, with the approval of the Governor, fixing their salaries and qualifications; providing for the purchase of trucks and necessary equipment to carry on the work; and making an appropriation therefore".

(7) The act of May 26, 1949 (P.L. 1846), entitled "An act fixing the salaries of State mine inspectors under the jurisdiction of the Department of

Environmental Protection and the expenses incident to their office".

(8) The act of December 28, 1951 (P.L. 1801), entitled "An act regulating the use of machinery powered by internal combustion engines or motors in coal mines".

(9) The act of April 4, 1956 (P.L. 1395), entitled "An act relating to the use of conveyor belts in coal mines; providing for the safety of persons employed therein, and the protection of property connected therewith; conferring powers and imposing duties upon the Department of Environmental Protection; and prescribing penalties".

Section 706. General repeal

All other acts and parts of acts are repealed in so far as they are inconsistent herewith.