



Common Sense Initiative

Mike DeWine, Governor
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Business Impact Analysis

Agency, Board, or Commission Name: Ohio Department of Natural Resources, Division of Mineral Resources Management

Rule Contact Name and Contact Information: Brian Becker, Deputy Legal Counsel, 614-265-6861

Regulation/Package Title (a general description of the rules' substantive content):

Mine Safety (MS) – Regulatory Restrictions

Rule Number(s): 1501:10-1-01, 1501:10-1-02, 1501:10-1-03, 1501:10-1-04, 1501:10-1-05, 1501:10-1-06, 1501:10-1-07, 1501:10-2-01, 1501:10-2-02, 1501:10-2-03, 1501:10-2-04, 1501:10-2-05, 1501:10-2-06, 1501:10-2-07, 1501:10-2-08, 1501:10-2-09, 1501:10-2-10, 1501:10-2-11, 1501:10-2-12, 1501:10-2-13, 1501:10-2-14, 1501:10-2-15, 1501:10-2-16, 1501:10-2-17, 1501:10-2-18, 1501:10-2-19, 1501:10-2-20, 1501:10-2-21, 1501:10-2-22, 1501:10-2-23, 1501:10-2-24, 1501:10-2-25, and 1501:10-2-26

Date of Submission for CSI Review: March 1, 2024

Public Comment Period End Date: March 16, 2024

Rule Type/Number of Rules:

New/___ rules

No Change/ 2 rules (FYR? 2)

Amended/ 31 rules (FYR? 31)

Rescinded/___ rules (FYR? ___)

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common Sense Initiative, agencies must balance the critical objectives of regulations that have an adverse impact on business with the costs of compliance by the regulated parties. Agencies

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should promote transparency, responsiveness, predictability, and flexibility while developing regulations that are fair and easy to follow. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

Reason for Submission

1. R.C. 106.03 and 106.031 require agencies, when reviewing a rule, to determine whether the rule has an adverse impact on businesses as defined by R.C. 107.52. If the agency determines that it does, it must complete a business impact analysis and submit the rule for CSI review.

Which adverse impact(s) to businesses has the agency determined the rule(s) create?

The rule(s):

- a. ☒ Requires a license, permit, or any other prior authorization to engage in or operate a line of business.
- b. ☐ Imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action for failure to comply with its terms.
- c. ☒ Requires specific expenditures or the report of information as a condition of compliance.
- d. ☐ Is likely to directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.

Regulatory Intent

2. Please briefly describe the draft regulation in plain language.

Please include the key provisions of the regulation as well as any proposed amendments.

Pursuant to Ohio Revised Code (ORC) section 107.52, the Division of Mineral Resources Management (DMRM) is submitting 33 (34 counting a rescinded rule included in a separate BIA) rules to the Common Sense Initiative. DMRM proposes to continue 2 of these rules with no changes and amend 31 rules as follows:

- The incorporation by reference rule needs to be changed to update the publication date of the Code of Federal Regulations.
- Removing fees associated with trainings.
- Removing and clarifying regulatory restrictions.
- Removing references to the technical advisory committee.
- One rule is updating a web address.

All the rules have been reviewed by DMRM pursuant to section 106.03; thus, the JCARR filing will indicate that they have undergone their five-year-review. Twenty-seven of these rules were reviewed and approved for filing by CSI in June 2023 as the 2022 Mine Safety Rules. However, the Division did not move forward with JCARR filing at that time in order to adequately address the regulatory restrictions in those rules. Since that filing, the Division has combined the 2022 and 2024 FYR rules into this package, Mine Safety (MS) – Regulatory Restrictions.

The following is a list of the rules and their key provisions. (Note: the attachment to this BIA contains all the rules as they will be submitted to JCARR. The rules with proposed amendments include a brief summary prior to the body of the rule.)

Chapter 1501:10-1 of the Ohio Administrative Code (OAC). This chapter contains general provisions for mine safety. All seven rules from this chapter are a part of the 2024 five-year review; six contain proposed amendments and one No change.

- **1501:10-1-01 Definitions. No-Change rule.** Contains definitions of terms used in the mine safety rules of OAC Chapters 1501:10-1 and 1501:10-2.
- **1501:10-1-02 Fire detection devices.** Establishes the design, types, and number of fire detection devices required on a conveyor belt in an underground coal mine, and establishes a procedure for notification of the chief that the operator has installed the fire detection devices and a procedure for inspection of the devices. The proposed amendment would remove regulatory restrictions.
- **1501:10-1-03 Tag lines and tie-off lines.** Establishes a definition of "tag line" and "tie-off line," including a description of when tag lines and tie-off lines are acceptable, and establishes procedures and requirements for the use of tag lines and tie-off lines in underground coal mines and procedures for their approval and inspection. (Tag lines and tie-off lines are used during mine emergencies and rescues to link together all members of a mine crew.) The proposed amendment would remove regulatory restrictions.
- **1501:10-1-04 Mine medical responders.** Establishes training and examination requirements, and refresher training requirements, for mine medical responders in underground coal mines; establishes the fees that the DMRM will charge for this training and examination. The proposed amendment would remove regulatory restrictions and remove fees associated with trainings. Due to the cost associated with processing and accounting, it is no longer beneficial to charge these fees.
- **1501:10-1-05 Additional requirements for the certification of mine forepersons or forepersons of gaseous mines and mine forepersons or forepersons of nongaseous mines.** Establishes fees for the certification and recertification of mine forepersons or forepersons of underground coal mines. Prescribes the requirements, criteria and

procedures for the recertification of a mine foreperson or foreperson who has not worked in an underground coal mine for more than two years and for the retraining of a mine foreperson or foreperson who has not worked in an underground coal mine for more than one year. The proposed amendment would remove regulatory restrictions and fees. Due to the cost associated with processing and accounting, it is no longer beneficial to charge these fees.

- **1501:10-1-06 Accident reporting; investigation by chief; annual report.** Establishes requirements for all coal mines and for industrial minerals underground mines regarding: reporting mine accidents to the DMRM; investigations by the Chief; and the Chief's obligation to summarize accident reports in an annual report. The proposed amendment would remove regulatory restrictions.
- **1501:10-1-07 Incorporation by reference.** Contains the dates of publication of the Code of Federal Regulations for those federal regulations that are incorporated by reference in the Mine Safety rules, and tells the public where these regulations can be found. The proposed amendment would update the edition of the Code of Federal Regulations.

Chapter 1501:10-2 of the OAC. This chapter contains Ohio's requirements for use of diesel equipment in underground coal mining operations. All 27 rules from this chapter are part of the 2022 5-yr review; twenty-five contains a change, one proposed to be rescinded (in a separate BIA) and the remaining one is proposed as No Change.

- **1501:10-2-01 Applicability. No-Change rule.** Explains the scope of applicability of the rules in Chapter 1501:10-2 of the Administrative Code and what laws authorize these rules.
- **1501:10-2-02 Definitions for Chapter 1501:10-2 of the Administrative Code.** Contains definitions of terms used in the rules of OAC Chapter 1501:10-2. The proposed amendment would remove regulatory restrictions and remove the definition for technical advisory committee due to the rescinding of the rule.
- **1501:10-2-03 General requirements for underground use of diesel-powered equipment.** General requirements include that all underground diesel powered equipment shall be attended while in operation or when the engine is running. The proposed amendment would remove regulatory restrictions.
- **1501:10-2-04 Diesel-powered equipment package.** Requirements include that each specific model of diesel-powered equipment, as well as a maintenance plan, ventilation plan, and training plans, must be approved by the Chief before the equipment is taken underground. The proposed amendment would remove regulatory restrictions.
- **1501:10-2-05 Exhaust emissions control and conditioning systems.** Requirements include laboratory testing, approvals and the components for the exhaust emissions system, as well as the requirements for on-board engine performance and maintenance

diagnostics systems. The proposed amendment would update the web address for International Organization for Standardization, remove regulatory restrictions and remove reference to the technical advisory committee.

- **1501:10-2-06 Ventilation.** Requirements include minimum ventilating air quantities. The proposed amendment would remove regulatory restrictions.
- **1501:10-2-07 Exhaust emissions monitoring and control.** Requirements include the threshold limits for and measurement of exhaust emissions, testing of the emissions systems, and service and maintenance of filters and the exhaust system. The proposed amendment would remove regulatory restrictions.
- **Fuel and fuel storage:**
 - **1501:10-2-08 Underground diesel fuel storage facilities.**
 - **1501:10-2-09 Transfer of diesel fuel.**
 - **1501:10-2-10 Containers for transport of diesel fuel.**
 - **1501:10-2-13 Prohibition on the use of certain starting aids.**
 - **1501:10-2-14 Fueling.**

Requirements include diesel fuel standards, the location, construction and safety requirements for fuel storage facilities, safety measures related to welding and cutting, and diesel fuel piping systems. The proposed amendments would remove regulatory restrictions.

- **Fire suppression:**
 - **1501:10-2-11 Fire suppression for equipment and transportation. No-Change rule.**
 - **1501:10-2-12 Fire suppression for underground diesel fuel storage facilities. No-Change rule.**

Requirements include monitoring, inspections, maintenance and record-keeping, as well as instructing miners in the use of fire suppression devices. The proposed amendments would remove regulatory restrictions.

- **1501:10-2-16 Maintenance.** Requirements include development and approval of a diesel-powered equipment maintenance plan as well as compliance with this plan. The proposed amendment would remove regulatory restrictions and reference to the technical advisory committee.
- **1501:10-2-17 Records.** Requires that a record be made of all emissions tests, preoperational exams, and maintenance and repairs of all equipment in the diesel-powered equipment package. The proposed amendment would remove regulatory restrictions.

- **1501:10-2-18 Duties of equipment operator.** Contains detailed requirements for the pre-operational and operational exams that the equipment operator must perform. The proposed amendment would remove regulatory restrictions.

- **Maintenance and Diagnostic testing:**

- **1501:10-2-19 Schedule of maintenance.**
- **1501:10-2-21 Equipment maintenance diagnostic testing.**

Includes detailed list of the maintenance and diagnostic testing that must be performed on all diesel-powered equipment at specific intervals of engine operation. The proposed amendments would remove regulatory restrictions and reference to the technical advisory committee.

- **1501:10-2-20 Establishing baseline exhaust emissions values for monitoring and control.** Includes a detailed procedure for establishing baseline values; allows for alternate procedures. The proposed amendment would remove regulatory restrictions.

- **1501:10-2-25 Additional requirements for the operation of diesel-powered equipment.** Requirements include maintenance of roadways, safe operating speeds, and standardized traffic rules. The operator shall remove from service any equipment that is in an unsafe or unhealthful condition. The proposed amendment would remove regulatory restrictions.

- **Training:**

- **1501:10-2-15 Fire and safety training.**
- **1501:10-2-22 General requirements for training diesel-powered equipment operators.**
- **1501:10-2-23 Equipment-specific training for diesel-powered equipment operators.**
- **1501:10-2-24 Diesel mechanic training.**
- **1501:10-2-26 Underground mine inspector diesel inspection training.**

Requirements include approval of training plans by the Chief, issuance of certificates of qualification by mine operators to the equipment operators, and training of Ohio's underground coal mine inspector on the use of diesel mine equipment. The proposed amendments would remove regulatory restrictions.

3. **Please list the Ohio statute(s) that authorize the agency, board or commission to adopt the rule(s) and the statute(s) that amplify that authority.**

Authorized by: ORC sections 1513.02, 1561.03, 1561.05, 1561.16, 1561.17, 1565.15, 1567.64, and 1567.681

Amplified by: ORC sections 1513.02, 1561.03, 1561.04, 1561.05, 1561.011, 1561.16, 1561.17, 1561.26, 1561.36, 1561.37, 1563.43, 1565.12, 1565.15, 1567.35, 1567.55, 1567.64, 1567.681, 1567.78, and 121.71 to 121.76

- 4. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?**

If yes, please briefly explain the source and substance of the federal requirement.

No, Ohio's Mine Safety Program is separate from the federal Mine Safety and Health Administration (MSHA) and the federal government has no oversight authority over Ohio's program.

The Federal and Ohio Mine Safety programs do have elements in common, however. For example, in 2009-2011 when the Rules Committee developed the rules in OAC Chapter 1501:10-2, they decided to reference the Code of Federal Regulations in several instances, including the definition of authorized representative of miners, the MSHA approval plate ventilation rate for diesel engines, and MSHA refresher training and fire drill requirements. All diesel engines used in underground mines must be certified or approved by MSHA and maintained in accordance with MSHA certification or approval and the Chief's approval (see 1501:10-2-04(B)). Implementing state standards that are the same or similar to federal standards, when appropriate, can ease the burden of compliance for industry.

- 5. If the regulation implements a federal requirement, but includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

Not applicable.

- 6. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?**

To protect mine workers; to maintain safe working conditions in mines; to monitor for and correct mine safety problems and prevent recurrence of those problems.

- 7. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?**

DMRM has the responsibility to protect mine workers from the occupational hazards of mining.

DMRM will measure the success of the rules by the degree of safety they provide. The Mine Safety Program investigates each serious mine accident or fatality and prepares a written report of the accident, which includes a recommendation concerning appropriate remedial measures to prevent the reoccurrence of such accident or fatality. The DMRM uses the information from these investigations to improve mine safety training and inspections so as to prevent such accidents from happening again.

- 8. Are any of the proposed rules contained in this rule package being submitted pursuant to R.C. 101.352, 101.353, 106.032, 121.93, or 121.931?**

If yes, please specify the rule number(s), the specific R.C. section requiring this submission, and a detailed explanation.

No

Development of the Regulation

9. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.

If applicable, please include the date and medium by which the stakeholders were initially contacted.

On January 25, 2024, DMRM provided these rules, by e-mail, to Justin Bis, President of the Coal Association, Pat Jacoment, Executive Director of the Ohio Aggregates and Industrial Minerals Association and Chris Tavenor of the Ohio Environmental Council, requesting their comments by February 23, 2024. DMRM received no comments on the rules.

10. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

There have been no comments from stakeholders.

11. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?

These rules were developed due to a direct mandate in Ohio's coal mining law. The changes proposed in this five-year review are to reduce regulatory restrictions.

Four of these rules – 1501:10-1-02, 1501:10-1-03, 1501:10-1-04 and 1501:10-1-05 – amplify statutory provisions that were enacted in 2008 by SB 232 following the recommendation of Governor Taft's Mine Safety Task Force, which was convened after several highly publicized mine fatalities in 2006 and was comprised of Ohio coal industry leaders, labor representatives, and Mine Safety staff. The goal of the Task Force was to increase protection Ohio's most valuable coal resource -- their coal miners.

Rule 1501:10-1-06 amplifies numerous inspection, investigation and reporting provisions in Ohio mine safety law.

Significant advances in diesel engines and in underground mine ventilation both influenced the law change that resulted in Chapter 2 of these rules. With the understanding that diesel equipment could be safely used in underground mines, the multi-stakeholder Diesel Rules Committee developed these rules by carefully balancing the cost of regulation with the fundamental need for miner safety.

At the time Ohio's diesel rules were being developed (2009-2011), Pennsylvania and West Virginia already allowed the use of diesel equipment in underground coal mines. The Diesel Rules Committee agreed that since the coalfields of Ohio lie in close proximity to those of

Pennsylvania and West Virginia, it would be in the best interests of miners as well as the northern Appalachian coal region community in general, for Ohio's diesel laws to mirror, or come as close as possible to mirroring, those in these two neighboring states. Moreover, coal operators with permits in multiple states in this region would find it easier to comply with regulations that are similar across the states.

- 12. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?**
Alternative regulations may include performance-based regulations, which define the required outcome, but do not dictate the process the regulated stakeholders must use to comply.

Generally, Ohio law does not allow for exemptions or alternative means of compliance for these rules. However, rule 1501:10-1-04 provides an alternative means for providing mine medical responder training: a coal company can employ or hire its own Chief-approved mine medical responder instructors to train its employees, rather than sending the employees to DMRM for such training.

- 13. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?**

The ODNR Division of Mineral Resources Management is the sole agency with authority under the ORC to regulate underground coal mining safety. The other laws and rules under the authority of the ODNR DMRM were reviewed to avoid conflict.

- 14. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.**

The proposed changes to the rules in OAC Chapter 1501:10 are updates that will not change the way underground mining is regulated. No implementation plan is needed.

Adverse Impact to Business

- 15. Provide a summary of the estimated cost of compliance with the rule(s). Specifically, please do the following:**

- a. Identify the scope of the impacted business community, and
- b. Quantify and identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance, etc.).

The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a representative business. Please include the source for your information/estimated impact.

Answer to question a: The affected business community is Ohio's coal mining operators and underground industrial minerals operators.

Answer to questions b:

Chapter 1501:10-1. The rules from this chapter does not have an adverse impact on the regulated business community.

Chapter 1501:10-2. The rules in this chapter contain requirements related to:

- Approval of diesel equipment, maintenance plans, ventilation plans, and training plans.
- Approval of exhaust emissions systems and maintenance diagnostics systems.
- Regulation of exhaust emissions, fuel, fire safety, record maintenance, and training.
- Testing and maintenance of equipment.

These rules impose requirements on mine operators who wish to use diesel equipment in underground coal mines in addition to the costs that all mining operations must incur to maintain a safe working environment. The adverse impact of the rules on the industry has not been significant, however, because the rules simply haven't seen a lot of use.

At the time the rules were promulgated in 2011, DMRM expected numerous underground coal companies to apply these rules to their operations. Instead, only one Ohio coal company has made some limited use of these rules. This company already had diesel equipment in its Pennsylvania underground coal mines and was therefore able to easily extend this equipment usage to Ohio, although it uses only a few pieces of diesel equipment here in this state.

The limited application of the diesel rules is undoubtedly due to the recent significant downturn in coal production, which has limited coal companies' ability to purchase new equipment or otherwise change their methods of production.

16. Are there any proposed changes to the rules that will reduce a regulatory burden imposed on the business community? Please identify. (*Reductions in regulatory burden may include streamlining reporting processes, simplifying rules to improve readability, eliminating requirements, reducing compliance time or fees, or other related factors*).

A total of four-hundred and fifty-one regulatory restrictions are proposed for amendment. Mostly to streamline the process, improve readability and eliminate fees associated with training. One rule, 1501:10-2-27 is proposed to be rescinded following the lack of need for a committee (submitted in a separate BIA and removing 41 of the 451 restrictions).

17. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

ORC Chapters 1561., 1563., 1565., and 1567., as well as ORC 1513.02(A)(8) dictated the parameters of these rules.

Regulatory Flexibility

18. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

No. Ohio's mine safety laws (as listed above in the answer to Question 3) do not provide for any exemptions or alternative means of compliance for small businesses. Regulatory flexibility does not apply because there is no reason to allow a small business to be less protective of its employees.

19. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?

DMRM does not normally assess penalties for paperwork violations unless, for example, a pattern of violations develops, or the issue goes into non-compliance, or an operator knowingly or willingly fails to submit required reports. Further, section 119.14 is not applicable to the regulation of mine safety because a violation of ORC Chapter 1513. or OAC Division 1501:10:

- Has the potential to cause serious harm to the public interest that DMRM is charged to protect.
- Presents a direct danger to the public health or safety.

20. What resources are available to assist small businesses with compliance of the regulation?

DMRM's Mine Safety staff are available to help anyone who needs guidance or assistance in complying with these rules.



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Business Impact Analysis RESCINDED RULES

This form is intended for rules that are being permanently rescinded and not replaced by a new rule. New, Amended, No Change, and Rescind/New rules must use the standard BIA.

Agency, Board, or Commission Name: Ohio Department of Natural Resources, Division of Mineral Resources Management

Rule Contact Name and Contact Information: Brian Becker, Deputy Legal Counsel, 614-265-6861

Regulation/Package Title (a general description of the rules' substantive content):

Mine Safety (MS) – Regulatory Restrictions

Rule Number(s): 1501:10-2-27

Date of Submission for CSI Review: March 1, 2024

Public Comment Period End Date: March 16, 2024

Rule Type/Number of Rules:

✓ Rescinded/ 1 rules (FYR? 1)

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common Sense Initiative, agencies must balance the critical objectives of regulations that have an adverse impact on business with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing regulations that are fair and easy to follow. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

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Reason for Submission

1. **R.C. 106.03 and 106.031 require agencies, when reviewing a rule, to determine whether the rule has an adverse impact on businesses as defined by R.C. 107.52. If the agency determines that it does, it must complete a business impact analysis and submit the rule for CSI review.**

Which adverse impact(s) to businesses has the agency determined the rule(s) create?

The rule(s):

- a. ☒ **Requires a license, permit, or any other prior authorization to engage in or operate a line of business.**
- b. ☐ **Imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action for failure to comply with its terms.**
- c. ☒ **Requires specific expenditures or the report of information as a condition of compliance.**
- d. ☐ **Is likely to directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.**

Regulatory Intent

2. **Please describe in plain language the regulation that is being rescinded.**

1501:10-2-27 Diesel Technical Advisory Committee. Establishes the Committee in accordance with section 121.13 of the Revised Code and sets forth requirements for this advisory body.

3. **Why is the regulation being rescinded?**
Please be specific (ORC change, request of stakeholders, etc.)

At the time this chapter was promulgated in 2011, DMRM expected numerous underground coal companies to apply these rules to their operations. Instead, only one Ohio coal company has made some limited use of these rules. This company already had diesel equipment in its Pennsylvania underground coal mines and was therefore able to easily extend this equipment usage to Ohio, although it uses only a few pieces of diesel equipment here in this state. With little use of these rules, the diesel technical advisory committee was never established and no instances where the committee has been needed. Since the chief already has the ability to perform the duties identified in 1501:10-2-27, this rule is proposed to be rescinded and reduce forty-one regulatory restrictions.

- 4. Please describe in general terms the adverse impacts to business, including currently impacted industries, in the existing rule(s).**

ORC section 1513.01(A) establishes the parameters for these rules.

- 5. Are there other regulations (either existing or to be created) which will replace the regulation being rescinded or which will now apply because this regulation is being rescinded? This can include rules, statute, federal regulations, agency policies, or industry standards etc.**

No

- 6. Does the rescission of this regulation eliminate flexibility or create more adverse impacts for stakeholders? If yes, please describe stakeholder outreach and justify the impacts.**

No, however DMRM included this rule in a package to the stakeholders requesting their comments. DMRM received no comments on the rescission of this rule.

MS Rules – Regulatory Restrictions and FYR (34 rules total)

Rules with proposed amendments (31 rules)

1501:10-1-02 Fire detection devices. # *Removing regulatory restrictions.*

1501:10-1-03 Tag lines and tie-off lines. # *Removing regulatory restrictions.*

1501:10-1-04 Mine medical responders. # *Removing regulatory restrictions and removing fees associated with trainings. Due to the cost associated with processing and accounting, it is no longer beneficial to charge these fees.*

1501:10-1-05 Additional requirements for the certification of mine forepersons or forepersons of gaseous mines and mine forepersons or forepersons of nongaseous mines. # *Removing regulatory restrictions and fees. Due to the cost associated with processing and accounting, it is no longer beneficial to charge these fees.*

1501:10-1-06 Accident reporting; investigation by chief; annual report. # *Removing regulatory restrictions.*

1501:10-1-07 Incorporation by reference. # *Periodic update for Code of Federal Regulations.*

1501:10-2-02 Definitions for Chapter 1501:10-2 of the Administrative Code. * *Removing regulatory restrictions and removing definition for technical advisory committee due to the rule being rescinded.*

1501:10-2-03 General requirements for underground use of diesel-powered equipment. * *Removing regulatory restrictions.*

1501:10-2-04 Diesel-powered equipment package. * *Removing regulatory restrictions.*

1501:10-2-05 Exhaust emissions control and conditioning systems. * *Updating web address for International Organization for Standardization, removing regulatory restrictions and removing reference to the technical advisory committee.*

1501:10-2-06 Ventilation. * *Removing regulatory restrictions.*

1501:10-2-07 Exhaust emissions monitoring and control. * *Removing regulatory restrictions.*

1501:10-2-08 Underground diesel fuel storage facilities. * *Removing regulatory restrictions.*

1501:10-2-09 Transfer of diesel fuel. * *Removing regulatory restrictions.*

1501:10-2-10 Containers for transport of diesel fuel. * *Removing regulatory restrictions.*

1501:10-2-11 Fire suppression for equipment and transportation. * *Removing regulatory restrictions.*

1501:10-2-12 Fire suppression for underground diesel fuel storage facilities. * *Removing regulatory restrictions.*

1501:10-2-13 Prohibition on the use of certain starting aids. * *Removing a regulatory restriction.*

1501:10-2-14 Fueling. * *Removing regulatory restrictions.*

1501:10-2-15 Fire and safety training. * *Removing regulatory restrictions.*

1501:10-2-16 Maintenance. * *Removing regulatory restrictions and removing reference to the technical advisory committee.*

1501:10-2-17 Records. * *Removing regulatory restrictions.*

1501:10-2-18 Duties of equipment operator. * *Removing regulatory restrictions.*

1501:10-2-19 Schedule of maintenance. * *Removing regulatory restrictions and removing references to the technical advisory committee.*

1501:10-2-20 Establishing baseline exhaust emissions values for monitoring and control. * *Removing regulatory restrictions.*

1501:10-2-21 Equipment maintenance diagnostic testing. * *Removing regulatory restrictions.*

1501:10-2-22 General requirements for training diesel-powered equipment operators. * *Removing regulatory restrictions.*

1501:10-2-23 Equipment-specific training for diesel-powered equipment operators. * *Removing regulatory restrictions.*

1501:10-2-24 Diesel mechanic training. * *Removing regulatory restrictions.*

1501:10-2-25 Additional requirements for operation of diesel-powered equipment. * *Removing regulatory restrictions.*

1501:10-2-26 Underground mine inspector diesel inspection training. * *Removing regulatory restrictions.*

Rescinded (1 rule)

1501:10-2-27 Diesel technical advisory committee. * *Proposing to rescind this rule. This committee has never been established (lack of need) and it is not required by law.*

No Change rules (2 rules)

1501:10-1-01 Definitions. #

1501:10-2-01 Applicability. *

* 2022 FYR (27 Rules)

2024 FYR (7 Rules)

DRAFT - NOT FOR FILING

Dated January 2024. Removing regulatory restrictions.

1501:10-1-02 Fire detection devices.

This rule applies to operators of underground coal mines that use conveyor belts in the operation of the mine.

- (A) The operator shall install fire detection devices on each conveyor belt that is used in the mine. ~~The with a~~ design, type, number, installation and use of fire detection devices ~~shall that~~ provide for the earliest possible detection of a fire and ~~shall~~ meet the requirements of 30 C.F.R. 75.1103-1 to 30 C.F.R. 75.1103-8.
- (B) The operator shall follow a procedure that meets the requirements of 30 C.F.R. 75.1103-8 for the inspection of the fire detection devices installed on each conveyor belt.
- (C) Initial approval of fire detection devices.
 - (1) Existing underground coal operators. Within thirty days of the effective date of this rule, each existing underground coal operator ~~shall is to~~ submit a letter to the chief notifying the chief that the mine's fire detection devices have been installed in compliance with 30 C.F.R. 75.1103-1 to 30 C.F.R. 75.1103-8. The chief ~~shall will~~ inspect the fire detection devices, approve or disapprove the installation of the fire detection devices, and notify the operator of the chief's decision.
 - (2) New underground coal operators. A new underground coal operator ~~shall is to~~ submit to the chief a plan for fire detection devices that meets ~~the requirements of~~ this rule. After the operator has installed the fire detection devices, he or she ~~shall is to~~ submit a letter to the chief notifying the chief that the mine's fire detection devices have been installed in compliance with 30 C.F.R. 75.1103-1 to 30 C.F.R. 75.1103-8. The chief ~~shall will~~ inspect the fire detection devices, approve or disapprove the installation of the fire detection devices, and notify the operator of the chief's decision.
- (D) Modifications to fire detection devices. When an operator submits a proposed revision or modification to a mine's fire detection devices to MSHA for approval, the operator ~~shall is to~~ at the same time submit this proposed revision or modification to the chief for approval. The chief ~~shall will~~ review the proposed revision or modification, approve or disapprove it, and notify the operator of the chief's decision.

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Dated January 2024. Removing regulatory restrictions.

1501:10-1-03 Tag lines and tie-off lines.

- (A) "Tag line" and "tie-off line" mean a durable rope or tether, or equivalent material, that allows members of a mine crew to link together while evacuating the mine during an emergency.
- (B) A tag line or tie-off line is acceptable when it allows all members of a mine crew to physically link together while evacuating the mine during an emergency.
- (C) The operator of an underground coal mine ~~shall~~is to have, for each miner at the mine, tag lines or tie-off lines stored and available for emergency use and escape. The operator shall provide, and employees of the mine ~~shall use,~~ tag lines or tie-off lines in accordance with ~~the requirements and procedures established in~~ this rule. The operator ~~shall~~is to provide and store tag lines and tie-off lines in accordance with ~~the requirements of~~ 30 C.F.R. 75.1714-6 and paragraphs (a)(1) and (b) of 30 C.F.R. 75.1714-4.
- (D) Inspection and approval of the use of tag lines and tie-off lines in a mine. As part of the regular quarterly inspection of a mine pursuant to section 1561.31 of the Revised Code, a deputy mine inspector ~~shall~~will inspect tag lines and tie-off lines to verify that they meet ~~the requirements of~~ this rule and section 1567.64 of the Revised Code.

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Dated January 2024. Removing regulatory restrictions and fees associated with trainings. Due to the cost associated with processing and accounting, it is no longer beneficial to charge these fees.

1501:10-1-04 Mine medical responder.

- (A) Training ~~requirements~~. A mine medical responder, as defined in section 1565.15 of the Revised Code, shall be trained and certified in accordance with this rule. Mine medical responder training ~~shall~~will include all of the following:
- (1) An initial mine medical responder training course of a minimum of eighty-three hours, taught by a mine medical responder certification instructor. The training course ~~shall~~will be developed by the mine safety program of the division of mineral resources management and approved by the chief and ~~shall~~will include a course agenda and material that specifically focus on treating injuries and illnesses associated with underground coal mining;
 - (2) A final examination, developed by the mine safety program of the division of mineral resources management and approved by the chief, taken at the completion of the initial training course, that directly measures the skills, abilities and learned proficiencies of the student. Part of this examination ~~shall~~will be written; part ~~shall~~will be verbal and hands-on, during which the student ~~shall~~will exhibit acquired skills and proficiencies for the treatment of injured miners including splinting, bandaging, control of bleeding and preparation for transport;
 - (3) A mine medical responder refresher training course of a minimum of sixteen hours every two years following initial certification as a mine medical responder, taught by a mine medical responder certification instructor. The training course ~~shall~~will be developed by the mine safety program of the division of mineral resources management and approved by the chief and ~~shall~~will include a course agenda and material that specifically focus on treating injuries and illnesses associated with underground coal mining; and
 - (4) Any other requirements, criteria or procedures that the chief determines are necessary regarding the training, examination, and refresher training of mine medical responders.
- (B) Eligibility ~~requirements~~ for mine medical responder.
- (1) Persons with a current EMT or paramedic certificate.
 - (a) An EMT-basic, EMT-I or paramedic, as defined in section 1565.15 of the Revised Code, whose certification is current ~~shall~~will automatically receive the mine medical responder certification upon submission to the chief of an application for certification and presentation of his or her current EMT or paramedic certificate. An EMT-basic, EMT-I or paramedic from a state other than Ohio ~~shall~~is to also submit to the chief a letter from the certifying authority stating that the applicant's EMT or paramedic certification is current and in good standing in that state.
 - (b) An EMT-basic, EMT-I or paramedic who automatically receives the mine medical responder certification under paragraph (B)(1)(a) of this rule and who does not renew his or her EMT-basic, EMT-I or paramedic certificate pursuant to rule 4765-8-04 of the Administrative Code ~~shall~~will continue to meet the requirements of a mine medical responder provided he or she applies for and successfully completes the mine medical responder refresher training course described in paragraph (A)(3) of this rule during the same calendar year as the date of the expiration of his or her EMT-basic, EMT-I or paramedic certificate. ~~This person shall~~Attendance at the entire mine

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medical responder refresher training course is necessary in order to successfully complete it.

- (2) Persons applying for initial mine medical responder training and certification. A person who applies for initial training, examination, and certification as a mine medical responder ~~shall~~is to meet the following conditions:

(a) Be able to read and write the English language; and

(b) Show proof of successful completion of new miner training, ~~which shall include~~ing all parts of the new miner training ~~required set forth under in~~ 30 C.F.R. 48.5 with the exception of the approximately eight hours of training that ~~shall will~~ be given at the minesite as ~~required set forth in under~~ paragraph (a) of 30 C.F.R. 48.5.

(C) Fees for initial training, examination, and refresher training.

- (1) An applicant for initial training as a mine medical responder ~~shall will~~ pay a non-refundable fee ~~of two hundred fifty dollars in an amount determined by the chief~~, submitted on the first day of the initial mine medical responder training course.
- (2) An applicant for the mine medical responder final examination ~~shall will~~ pay a non-refundable fee ~~of two hundred fifty dollars in an amount determined by the chief~~, submitted at the time the examination is taken.
- (3) An applicant applying to retake part or all of the final examination ~~shall will~~ pay a non-refundable fee ~~of fifty dollars in an amount determined by the chief~~, submitted at the time the examination is retaken.
- (4) An applicant for mine medical responder refresher training ~~shall will~~ pay a non-refundable fee ~~of one hundred dollars in an amount determined by the chief~~, submitted on the first day of the mine medical responder refresher training course.
- (5) The fee ~~shall will~~ not be refunded if the applicant does not successfully complete the mine medical responder training course, examination, or refresher training course.
- (6) Fees collected under paragraph (C) of this rule ~~shall will~~ be paid into the state treasury to the credit of the mining regulation and safety fund created in section 1513.30 of the Revised Code.

(D) Certification.

- (1) The chief ~~shall will~~ issue a mine medical responder certificate to each applicant for mine medical responder certification who successfully completes the initial mine medical responder training course under paragraph (A)(1) of this rule and passes the final examination of paragraph (A)(2) of this rule.
- (a) ~~The applicant shall A~~attendance all parts of the training course is necessary in order to successfully complete it.
- (b) ~~The applicant shall A~~attaining a grade of eighty per cent or higher on each part of the examination is necessary to pass.
- (c) An applicant not attaining a passing grade on one part of the examination may apply to retake that part only. An applicant not attaining a passing grade on two or more parts of the examination ~~shall wait at least thirty days and may then~~ apply to retake the entire examination no sooner than thirty days after receiving notice of their grades. ~~The chief shall allow A~~an applicant mayto retake the

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examination only one time.

- (d) An applicant who fails to pass the examination after retaking all or part of it ~~shall~~will not be certified unless he or she again successfully completes the initial mine medical responder training course of paragraph (A)(1) of this rule and then passes the final examination of paragraph (A)(2) of this rule.
- (2) Certification ~~shall~~will expire two years after the date of issuance unless the mine medical responder applies for and successfully completes the mine medical responder refresher training course described in paragraph (A)(3) of this rule during the same calendar year as the date of expiration of the certification. ~~The mine medical responder shall~~Attendance at the entire refresher training course is necessary in order to successfully complete it. The mine safety program of the division of mineral resources management ~~shall~~will establish a regular schedule for mine medical responder refresher training.
- (3) A person who allows his or her mine medical responder certification to expire may apply to the chief for recertification, including with the application a detailed explanation of why the certification was not renewed on time. The chief ~~shall~~will review such an application on a case-by-case basis and ~~shall~~ determine whether the person may be recertified by successfully completing the mine medical responder refresher training course of paragraph (A)(3) of this rule or by successfully completing the initial mine medical responder training course and passing the final examination of paragraphs (A)(1) and (A)(2) of this rule.
- (E) Credentials for mine medical responder certification instructors. A mine medical responder certification instructor ~~shall be~~is to have at least the following credentials:
 - (1) An employee of the division of mineral resources management who is an EMT-basic, EMT-I or paramedic, as defined in section 1565.15 of the Revised Code;
 - (2) An EMT-basic, EMT-I or paramedic, as defined in section 1565.15 of the Revised Code, contracted by the division of mineral resources management to provide mine medical responder instruction; or
 - (3) An EMT-basic, EMT-I or paramedic who ~~meets the requirements of~~has complied with paragraph (F) of this rule.
- (F) Mine medical responder training provided by an operator. A operator of an underground coal mine who wishes to provide mine medical responder training for his or her own employees ~~shall~~is to comply with the following: ~~the requirements and modified fee structure of paragraph (F) of this rule.~~
 - (1) Mine medical responder certification instructors hired by an operator. An operator may use an employee or a contracted worker to conduct the initial mine medical responder training of paragraph (A)(1) of this rule and the mine medical responder refresher training of paragraph (A)(3) of this rule provided the employee or contracted worker is an EMT-basic, EMT-I or paramedic, as defined in section 1565.15 of the Revised Code, who meets the following ~~requirements~~qualifications:
 - (a) The EMT-basic, EMT-I or paramedic ~~shall~~is to apply to the chief to be approved as a mine medical responder certification instructor, successfully complete the initial mine medical responder training course of paragraph (A)(1) of this rule, pass the examination of paragraph (A)(2) of this rule, and pay the fees ~~required~~ under paragraphs (C)(1) and (C)(2) of this rule. An EMT-basic, EMT-I or paramedic from a state other than Ohio ~~shall~~is to also submit to the chief a letter from the certifying authority stating that the applicant's EMT or paramedic certification is current and in good standing in that state. An EMT-basic, EMT-I or paramedic who meets the ~~requirements~~qualifications set

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~~forth in~~ of this paragraph ~~shall will~~ be approved by the chief as a mine medical responder certification instructor; and

- (b) An EMT-basic, EMT-I or paramedic who is approved by the chief as a mine medical responder certification instructor ~~shall is to~~ annually submit to the chief documentation to show that his or her EMT-basic, EMT-I or paramedic certification is current.
- (2) Initial mine medical responder training. An EMT-basic, EMT-I or paramedic who is approved by the chief as a mine medical responder certification instructor under paragraph (F)(1) of this rule ~~shall will~~ use the initial mine medical responder training course of paragraph (A)(1) of this rule to conduct initial mine medical responder training and ~~shall will~~ complete and sign an MSHA form 5000-23 for each applicant who, pursuant to paragraph (D)(1)(a) of this rule, successfully completes the initial mine medical responder training. The applicant ~~shall is to~~ submit a copy of the completed and signed MSHA form 5000-23 to the chief when applying to take the final examination of paragraph (A)(2) of this rule.
- (3) Mine medical responder refresher training. An EMT-basic, EMT-I or paramedic who is approved by the chief as a mine medical responder certification instructor under paragraph (F)(1) of this rule ~~shall will~~ use the refresher training course of paragraph (A)(3) of this rule to conduct mine medical responder refresher training and ~~shall will~~ complete and sign an MSHA form 5000-23 for each applicant who, pursuant to paragraph (D)(2) of this rule, successfully completes the refresher training. The applicant ~~shall is to~~ submit a copy of the completed and signed MSHA form 5000-23 to the chief to show that he or she has met the refresher training requirements of paragraph (D)(2) of this rule.
- (4) Modified fee structure for mine medical responder training provided by an operator. An applicant for initial mine medical responder training who is being trained pursuant to paragraph (F)(2) of this rule ~~will shall~~ not pay the fee ~~required set forth in under~~ paragraph (C)(1) of this rule. An applicant for mine medical responder refresher training who is being trained pursuant to paragraph (F)(3) of this rule ~~shall will~~ not pay the fee ~~required set forth in under~~ paragraph (C)(4) of this rule.

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Dated January 2024. Removing fees and removing regulatory restrictions. Due to the cost associated with processing and accounting, it is no longer beneficial to charge these fees.

1501:10-1-05 Additional requirements for the certification of mine forepersons or forepersons of gaseous mines and mine forepersons or forepersons of nongaseous mines.

- (A) A person who applies for a certificate as a mine foreperson or a foreperson of gaseous mines shall comply with ~~meet the requirements of~~ division (B) of section 1561.16 of the Revised Code and ~~shall also~~ pay a fee ~~of twenty-five dollars to~~ in an amount determined by the chief on the first day of the examination. A person who applies for a certificate as a mine foreperson or a foreperson of nongaseous mines shall comply with ~~meet the requirements of~~ division (A) of section 1561.17 of the Revised Code and ~~also shall~~ pay a fee in an amount determined by ~~of twenty-five dollars to~~ the chief on the first day of the examination.
- (B) Retraining of mine foreperson or foreperson. If a ~~A~~ person who has been issued a certificate as a mine foreperson or a foreperson under section 1561.16 or 1561.17 of the Revised Code ~~and who~~ has not worked in an underground coal mine for a period of one or more calendar years, ~~shall successfully completion of~~ a retraining course that meets the requirements of experienced miner training of 30 C.F.R. 48.6 is necessary before performing the duties of a mine foreperson or foreperson. ~~The person shall attend~~ at all parts of the retraining course is necessary in order to successfully complete it.
- (C) Recertification of mine foreperson or foreperson. If a ~~A~~ person who has been issued a certificate as a mine foreperson or a foreperson under section 1561.16 or 1561.17 of the Revised Code ~~and who~~ has not worked in an underground coal mine for a period of more than two calendar years, ~~shall apply~~ for and obtain recertification from the chief pursuant to paragraph (C) of this rule is necessary before performing the duties of a mine foreperson or foreperson.
- (1) ~~Prior to applying for recertification, the person shall~~ successfully completion of a retraining course ~~– pursuant to paragraph (B) of this rule~~ is necessary before a person may apply for recertification.
- (2) An applicant for recertification ~~shall will~~ be examined by the chief in accordance with section 1561.15 of the Revised Code. The applicant ~~shall will~~ pay a fee ~~of twenty-five dollars to~~ in an amount determined by the chief on the first day of the examination.
- (D) Fees collected under this rule are non-refundable.

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Dated January 2024. Removing regulatory restrictions.

1501:10-1-06 Accident reporting; investigation by chief; annual report.

Nothing in this rule applies to activities that are permitted and regulated under Chapter 1514. of the Revised Code; such activities ~~shall be governed by follow the reporting, investigation, and annual report requirements of~~ Chapter 1501:14-2 of the Administrative Code. All other mines under the jurisdiction of the division of mineral resources management (DMRM) ~~shall will~~ follow the ~~reporting, investigation, and annual report requirements provisions~~ of this rule.

(A) Accidents requiring immediate direct notification.

- (1) Operators of mines required to comply with the MSHA immediate notification ~~requirement provisions~~ of 30 C.F.R. 50.10 shall provide immediate direct notification in accordance with paragraph (A)(2) of this rule concurrent with the ~~required~~ notification to MSHA. All such operators ~~shall are to~~ also file a written report of the accident by submitting to the chief, within ten working days, a copy of the ~~required~~ MSHA accident report concurrent with the submission of the report to MSHA.
- (2) For a life-threatening mine emergency in which there has been a serious accident or a fatality or for which a mine rescue team is needed, the operator ~~shall is to make directly~~ notification ~~to~~ the emergency operations center of the Ohio department of natural resources by telephone at (614) 799-9538. For all other accidents for which the operator is required to comply with the MSHA immediate notification ~~requirement provision~~ of 30 C.F.R. 50.10, the operator ~~shall is to make directly~~ notification ~~to~~ the appropriate DMRM mine safety supervisor or resident mine inspector.
- (3) For the purposes of this rule, "direct notification" means person to person or phone contact between an operator or his or her authorized representative and the appropriate DMRM mine safety supervisor or resident mine inspector, or the emergency operations center of the Ohio department of natural resources. Voice mail or electronic mail messages are not considered direct notification.

(B) Accidents, occupational injuries and occupational illnesses requiring written notification. Operators of mines required to comply with the MSHA written notification ~~requirements provisions~~ 30 C.F.R. Part 50 Subpart C shall file written reports of accidents, occupational injuries or occupational illnesses with the chief within ten working days of occurrence of the accident or injury, or diagnosis of the illness, by submitting a copy of the ~~required~~ MSHA report to the chief.

(C) The DMRM will conduct an investigation of any fatality immediately upon receipt of notice; any accident deemed serious by the chief ~~shall will~~ be investigated within twenty-four hours of notice. In conducting such investigation(s), the DMRM ~~shall will~~ prepare a written report concerning the factors contributing to the accident. Such reports ~~shall will~~ be provided to the mine operator. A mine operator may provide written comments to the chief concerning such reports. Such reports and comments ~~shall will~~ become a part of the accident investigation file and official inspection records maintained by the DMRM.

(D) The DMRM accident investigator(s) shall provide written recommendations to the chief concerning appropriate remedial measures to prevent the reoccurrence of a fatality or serious accident.

The chief ~~shall will~~ provide notice to other inspectors and the mining industry, as appropriate, in an effort to preclude a similar occurrence at another mine. The chief ~~shall will~~ summarize such accident, injury, and illness reports on an annual basis in ~~preparation of the report required by section compliance with the reporting provisions of~~ 1561.04 of the Revised Code.

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Dated January 2024. Just before this rule is filed with JCARR, it will be updated with the most recent date for the Code of Federal Regulations.

1501:10-1-07 Incorporation by reference.

The federal regulation references included in the rules of Chapters 1501:10-1 and 1501:10-2 of the Administrative Code can generally be found in public libraries or electronically at the website <http://www.gpo.gov/fdsys/>. The publishing date for Title 30 is July 1, ~~2018~~2023. These regulations are:

- (A) 30 C.F.R. Part 7;
- (B) 30 C.F.R. Part 40;
- (C) 30 C.F.R. Part 48;
- (D) 30 C.F.R. Part 50;
- (E) 30 C.F.R. Part 75.

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Dated January 2024. Removing regulatory restrictions and removing a definition due to the rule being rescinded.

1501:10-2-02 Definitions for Chapter 1501:10-2 of the Administrative Code.

As used in this chapter:

- (A) "Alternate operating procedure" means any procedure relating to the operation or usage of underground diesel equipment not specifically authorized in this chapter that the chief determines will not cause an unsafe condition.
- (B) "Alternative technology" means any technology relating to the operation or usage of underground diesel equipment not specifically authorized in this chapter that the chief determines will not cause an unsafe condition.
- (C) "Authorized representative of miners" means a member of a mine health and safety committee elected by miners at a mine, an individual employed by an employee organization representing miners at a mine, or an individual authorized as the representative of miners of a mine in accordance with MSHA regulations 30 C.F.R. Part 40.
- (D) "Attended" means a diesel equipment operator is within sight or sound of the diesel-powered equipment while it is in operation.
- (E) "Diesel fuel tank" means a closed metal vessel specifically designed for the storage or transport of diesel fuel.
- (F) "Diesel fuel transportation unit" means a self-propelled or portable wheeled vehicle used to transport a diesel fuel tank.
- (G) "Diesel engine" means any compression ignition internal combustion engine using the basic diesel cycle where combustion results from the spraying of fuel into air heated by compression.
- (H) "Diesel-powered equipment package" means a diesel engine with an intake system, exhaust system, and a safety shutdown system installed that meets the specific MSHA permissibility requirements-regulations for diesel-powered equipment packages intended for use in underground coal mines.
- ~~(I) "Diesel technical advisory committee" and "technical advisory committee" mean the two-member group appointed by the chief pursuant to rule 1501:10-2-27 of the Administrative Code to provide the chief with technical advice and recommendations concerning the technical operating aspects of underground diesel-powered equipment, including, but not limited to, responses to requests for a change or variance from any technical requirement in this chapter, or the use of an alternate operating procedure, alternative technology, major operational change, or new technology.~~
- ~~(J)~~ "Exhaust emission" means any substance emitted to the atmosphere from the exhaust port of the combustion chamber of a diesel engine including exhaust gas and particulates.
- ~~(K)~~ "Exhaust emissions control and conditioning system" means a device or combination of devices that will collect and treat diesel exhaust emissions at the exhaust port of the engine, and will reduce the volume of, or eliminate emissions of, diesel particulate matter, carbon monoxide and oxides of nitrogen in accordance with ~~the requirements and standards of~~ 30 C.F.R. Part 7.
- ~~(L)~~ "Fuel injection system" means the fuel delivery system to the motor.

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- (~~LM~~) "Major operational change in underground diesel-powered equipment usage" and "major operational change" mean a use of underground diesel-powered equipment that the chief has determined, upon review by and recommendation from the technical advisory committee, deviates significantly from the rules and procedures established in this chapter.
- (~~MN~~) "Mine operator" and "operator" ~~shall mean~~s operator as defined in section 1513.01 of the Revised Code.
- (~~NO~~) "New underground diesel technology" and "new technology" mean an advance in diesel technology that is developed for safe application in underground coal mines after the effective date of this rule.
- (~~OP~~) "Long-term underground diesel fuel storage facility" means a facility that is designed and constructed to remain at one location for the storage or dispensing of diesel fuel and which does not move as mining progresses and which has been installed in full compliance with all applicable safety guidelines and procedures for an underground fuel storage facility as provided in rule 1501:10-2-08 of the Administrative Code.
- (~~PQ~~) "Safety can" means a metal container intended for the storage, transport or dispensing of diesel fuel that has a nominal capacity of five gallons and is listed or approved by a nationally recognized independent testing laboratory.
- (~~QR~~) "Short-term underground diesel fuel storage facility" means an area of a mine provided for the short-term storage of diesel fuel in a fuel transportation unit which moves as mining progresses, and which has been installed in full compliance with all applicable safety guidelines and procedures for an underground diesel fuel storage facility as provided in rule 1501:10-2-08 of the Administrative Code.
- (~~RS~~) "Technical advisory committee investigation" and "technical investigation" mean an investigation and report by the diesel technical advisory committee on the impacts and safety of an alternate operating procedure, alternative technology, major operational change, or new technology related to the use of underground diesel equipment.
- (~~ST~~) "Underground diesel fuel storage facility" means any facility designed and constructed to provide for the storage of any mobile diesel fuel transportation unit or for the dispensing of diesel fuel and includes short-term underground diesel fuel storage facilities and long-term underground diesel fuel storage facilities.
- (~~TU~~) For dates of federal rules referenced in this rule, see rule 1501:10-1-07 of the Administrative Code.

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Dated January 2024. Removing regulatory restrictions.

1501:10-2-03 General requirements for underground use of diesel-powered equipment.

- (A) Underground use of inby and outby diesel-powered equipment, including mobile equipment, stationary equipment and equipment of all horsepower ratings, ~~shall~~is to be approved, operated and maintained only as provided in this chapter, except for emergency fire-fighting equipment to be used specifically for that purpose.
- (B) All diesel-powered equipment shall be attended in underground mines while in operation or when the engine is running.
- (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-to-air ratio, does not ~~require~~necessitate an MSHA 30 C.F.R. Part 7 approval plate ventilation rate exceeding seventy-five cubic feet per minute (cfm) per rated horsepower. Should MSHA promulgate new regulations that change the 30 C.F.R. Part 7 approval plate ventilation rate, the cfm ~~requirement~~ per rated horsepower will be either increased or decreased on a direct ratio basis as approved by the chief.
- (D) For dates of federal rules referenced in this rule, see rule 1501:10-1-07 of the Administrative Code.

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Dated January 2024. Removing regulatory restrictions.

1501:10-2-04 Diesel-powered equipment package.

- (A) Approval of diesel-powered equipment package. Each specific model of diesel-powered equipment ~~shall~~ will be approved by the chief before it is taken underground. The diesel-powered equipment ~~shall~~ will be approved by the chief as a complete diesel-powered equipment package, which ~~shall~~ will be subject to all of the ~~requirements, standards and procedures~~ provisions set forth in this chapter.
- (B) Approval of diesel-powered equipment maintenance plan, diesel ventilation plan, and training plans for equipment operators and mechanics. Diesel engines ~~shall~~ will be certified or approved, as applicable, by MSHA, and maintained in accordance with MSHA certification or approval and the chief's approval. Before diesel-powered equipment is taken underground, a maintenance plan for diesel-powered equipment pursuant to rule 1501:10-2-16 of the Administrative Code, a diesel ventilation plan that ~~meets the requirements of~~ complies with rules 1501:10-2-06 and 1501:10-2-07 of the Administrative Code, and training plans for training equipment operators and mechanics pursuant to rules 1501:10-2-22 to 1501:10-2-24 of the Administrative Code ~~shall~~ will be approved by the chief.
- (C) All approved diesel-powered equipment that is included in a mine's complete diesel-powered package ~~shall~~ are to be listed on an inventory sheet submitted to the chief, with a copy maintained at the mine, ~~and include-~~ t The following information ~~shall be provided on the inventory list:~~
- (1) The name, address, state permit number, and MSHA identification number of the mine;
 - (2) The name and phone number of the contact person responsible for maintenance and testing of the diesel equipment;
 - (3) The following specific information for each engine:
 - (a) Manufacturer, serial number and model of the equipment using the power- package;
 - (b) Manufacturer, model number and serial number of the engine;
 - (c) MSHA 30 C.F.R. Part 7 Subpart E approval number;
 - (d) Rated horsepower and revolutions per minute (rpm);
 - (e) Diesel particulate matter in grams per hour rating (g/hr) and milligrams per cubic meter of air (mg/m³); and
 - (f) Ventilation rate; and
 - (4) The following specific information for each filter system:
 - (a) Manufacturer and model of the filter system;
 - (b) MSHA efficiency rating of the filter system or an accepted third-party rating;
 - (c) System type and composition (for example, passively regenerated cordirite); and
 - (d) The manufacturer/model of regeneration system, if applicable.
- (D) For dates of federal rules referenced in this rule, see rule 1501:10-1-07 of the Administrative Code.

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Dated January 2024. Updating web address for International Organization for Standardization, removing regulatory restrictions and removing reference to technical advisory committee.

1501:10-2-05 Exhaust emissions control and conditioning systems.

- (A) 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 (C) of this rule, using the ISO 8178-1 test and has resulted in diesel particulate matter emissions that do not exceed an average concentration of 0.12 milligrams per cubic meter (mg/m³) of air when diluted by one hundred per cent of the MSHA 30 C.F.R. Part 7 approval plate ventilation rate for that diesel engine. The website for the ISO International Organization for Standardization is <http://www.iso.org/iso/home.htm> ~~http://www.iso.org/home.html~~. Should MSHA promulgate new regulations that change the 30 C.F.R. Part 7 approval plate ventilation rate, the dilution percentage relative to the approval plate ventilation rate will be increased or decreased on a direct ratio basis as approved by the chief.
- (B) The exhaust emissions control and conditioning system shall be ~~required capable of to~~ successfully completinge a single series of laboratory tests conducted at a laboratory accepted by the chief for each diesel engine.
- (C) An exhaust emissions control and conditioning system may be approved by the chief for multiple diesel engine applications through a single series of ISO 8178-1 laboratory tests, only if data is provided to the chief and he or she determines that the exhaust emissions control and conditioning system will meet, for each diesel engine, the in-laboratory diesel particulate matter standard established in paragraph (A) of this rule. Data provided to the chief ~~shall is to~~ include diesel particulate matter production rates for each engine as measured during an ISO 8178-1 test, if available. If ISO 8178-1 test data for diesel particulate matter production is not available for a specific diesel engine, comparable data may be provided to the chief that reliably verifies that the exhaust emissions control and conditioning system will meet, for that diesel engine, the in-laboratory diesel particulate matter standard established in paragraph (A) of this rule. This standard ~~shall only~~ applies to ~~be used for~~ in-laboratory testing for approval of diesel-powered equipment for use underground.
- (D) Components of exhaust emissions system. The following provisions apply to any exhaust emissions control and conditioning system ~~shall include the following~~:
- (1) A diesel particulate matter (DPM) filter that has proven to be capable of a reduction in total diesel particulate matter to a level that does not exceed ~~the requirements of~~ paragraph (A) of this rule. However, the chief may ~~evaluate request the technical advisory committee to evaluate, in accordance with rule 1501:10-2-27 of the Administrative Code,~~ alternative technologies that have the ability to meet the standard of paragraph (A) of this rule;
 - (2) An oxidation catalyst or other gaseous emissions control device capable of reducing undiluted carbon monoxide emissions to one hundred parts per million (ppm) or less under all conditions of operation at normal engine operating temperature range;
 - (3) An engine surface temperature control capable of maintaining significant external surface temperatures below three hundred and two degrees Fahrenheit;
 - (4) A system capable of reducing the exhaust gas temperature below three hundred and two degrees Fahrenheit;

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- (5) An automatic engine shutdown system that shuts off the engine before the exhaust gas temperature reaches three hundred and two degrees Fahrenheit and, if water-jacketed components are used, before the engine coolant temperature reaches two hundred and twelve degrees Fahrenheit. A warning ~~shall-is~~ to be provided to alert the equipment operator prior to engine shutdown;
 - (6) A spark arrestor system;
 - (7) A flame arrestor system;
 - (8) A sampling port for measurement of undiluted and untreated exhaust gases as they leave the engine;
 - (9) A sampling port for measurement of treated undiluted exhaust gases before they enter the mine atmosphere; and
 - (10) For permissible diesel equipment, compliance with any additional MSHA regulations ~~must be met~~.
- (E) Diagnostics systems. It is necessary for oOn-board engine performance and maintenance diagnostics systems ~~shall-to~~ be capable of continuously monitoring and giving readouts to assure compliance with paragraphs (D)(1) to (D)(10) of this rule. The diagnostics system ~~shall-is to~~ identify levels that exceed the engine and/or component manufacturer's recommendation or the applicable MSHA or chief's ~~requirements directives~~ as to the following:
- (1) Engine speed;
 - (2) Operating hour meter;
 - (3) Total intake restriction;
 - (4) Total exhaust gas backpressure;
 - (5) Cooled exhaust gas temperature;
 - (6) Cooled temperature;
 - (7) Engine oil pressure; and
 - (8) Engine oil temperature.
- (F) For dates of federal rules referenced in this rule, see rule 1501:10-1-07 of the Administrative Code.

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Dated January 2024. Removing regulatory restrictions.

1501:10-2-06 Ventilation.

- (A) Minimum quantities of ventilating air where diesel-powered equipment is operated ~~shall are to~~ be maintained pursuant to this rule.
- (B) Approval plate for diesel-powered equipment. ~~The chief shall require that~~ An MSHA approval plate is to be attached to each specific model of the diesel-powered equipment that is approved by the chief in accordance with rule 1501:10-2-04 of the Administrative Code, ~~and. The approval plate shall~~ specify the minimum ventilating air quantity for the specific model of diesel-powered equipment. The minimum ventilating air quantity ~~shall be~~ is the amount of air necessary at all times to maintain the exhaust emissions at levels not exceeding the exposure limits established in rule 1501:10-2-07 of the Administrative Code.
- (C) Minimum air quantities. The minimum quantity of air in any split of air where an individual unit of diesel-powered equipment is being operated ~~shall is to~~ be at least that specified on the approval plate for that equipment. Air quantity measurements to determine compliance with this ~~requirement rule are to~~ shall be made at the individual unit of diesel-powered equipment.
- (D) Minimum air quantity when multiple units in operation. When multiple units of diesel-powered equipment are operated, the minimum quantity of air ~~shall is~~ be at least one hundred per cent of the MSHA 30 C.F.R. Part 7 approval plate quantity for each unit operating in that split. Air quantity measurements to determine compliance with this ~~requirement rule shall are to~~ be made at the most downwind unit of diesel-powered equipment that is being operated in that split of air. Should MSHA promulgate new regulations that change the 30 C.F.R. Part 7 approval plate ventilation rate, the minimum quantity where multiple units are operated ~~shall will~~ be revised on a direct ratio basis as approved by the chief.
- (E) The minimum quantity of air on a split of air where diesel-powered equipment is operated ~~shall are to comply with meet the minimum air quantity requirements of~~ paragraphs (A) to (D) of this rule, and ~~shall~~ be specified in the mine's diesel ventilation plan.
- (F) For dates of federal rules referenced in this rule, see rule 1501:10-1-07 of the Administrative Code.

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Dated January 2024. Removing regulatory restrictions.

1501:10-2-07 Exhaust emissions monitoring and control.

- (A) Threshold limits for exhaust emissions. For the purposes of monitoring and controlling exhaust emissions, the following threshold limits of ambient concentration of exhaust emissions in the mine atmosphere ~~shall~~ apply:

| Threshold limit values (TLV) | |
|------------------------------|----------------------------|
| Carbon Monoxide (CO) | 35 parts per million (ppm) |
| Nitrogen Dioxide (NO2) | 3 parts per million (ppm) |

- The concentration of these exhaust emissions ~~shall are to~~ be measured at the equipment operator's or equipment attendant's position and in by the last piece of diesel-powered equipment operating in the same split of air. A person qualified to take measurements in accordance with 30 C.F.R. 75.150 ~~shall is to~~ take measurements weekly or more often if necessary pursuant to ~~the requirements of~~ this chapter. The ambient emissions limits for each piece of diesel-powered equipment ~~shall are not to~~ be exceeded.
- (B) Measurement of exhaust emissions ~~shall is to~~ be made with a sampling instrument no less precise than detector tubes.
- (C) If the concentration of any of the emissions listed in paragraph (A) of this rule is seventy-five per cent or more of its threshold limit, the mine operator shall immediately make changes to the use of the diesel equipment, mine ventilation, or other modifications to the mining process to maintain a concentration of less than seventy-five per cent of the threshold limit.
- (D) ~~Required action~~Procedure if threshold limits are exceeded. If the concentration of any of the emissions listed in paragraph (A) of this rule exceeds the threshold limit, the mine operator shall immediately remove the diesel equipment operating in that split of air from service and take corrective action. After the mine operator has taken corrective action, the diesel equipment may be returned to service in its regular operating mode for emissions testing purposes only, and emissions testing ~~shall be~~ conducted immediately to assure that the concentration does not exceed seventy-five per cent of the threshold limit. The mine operator ~~shall is to~~ take corrective action until the concentration does not exceed seventy-five per cent of the threshold limit and ~~shall~~ not return the diesel equipment to full operation until a threshold limit of less than seventy-five per cent is achieved.
- (E) In addition to the other maintenance ~~requirements-provisions~~ set forth in this chapter, the mine operator ~~shall is to~~ make repairs and adjustments, and replacements as necessary, and conduct testing in compliance with the following ~~requirements~~:
- (1) Certain repairs and adjustments to be performed only by mechanic authorized by the engine manufacturer. Repair or adjustment of the fuel injection system ~~shall are to~~ be performed only by a qualified mechanic authorized by the engine manufacturer;
 - (2) Complete testing of the emissions system in accordance with rule 1501:10-2-21 of the Administrative Code ~~shall be conducted~~ prior to putting any piece of diesel-powered equipment into service after any repair or adjustment to the fuel delivery system, engine timing, or exhaust emissions control and conditioning system; and

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(3) Service and maintenance of filters and exhaust system. Perform sService and maintenance of the intake air filter, exhaust particulate filter and the exhaust system ~~shall be performed~~ at specific time intervals. ~~The specific time intervals shall be~~ based on the component manufacturer's recommendation, compliance with the engine or emissions control operation specifications and, as needed, based on the on-board diagnostics and/or emissions test results. The mine operator ~~shall~~ is to maintain accurate records of all such service and maintenance, and ~~shall~~ is to make the records available for review by the chief or his or her representative and the miners of the mine.

(F) For dates of federal rules referenced in this rule, see rule 1501:10-1-07 of the Administrative Code.

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Dated January 2024. Removing regulatory restrictions.

1501:10-2-08 Underground diesel fuel storage facilities.

- (A) Underground diesel fuel storage facilities ~~shall meet the requirements of~~ are subject to the provisions of this rule.
- (B) Diesel fuel standards. Diesel-powered equipment ~~shall~~ may be used underground only with fuel that meets the standards of the most recently approved U.S. environmental protection agency guidelines for over-the-road fuel. ~~and 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 website for ASTM international is <http://www.astm.org>. The operator ~~shall~~ is responsible for maintaining and making available to the chief for review, a copy of the most recent delivery receipt from the supplier that will prove that the fuel used underground meets the standards listed in this paragraph.
- (C) Underground diesel fuel storage facilities ~~shall meet~~ are to comply with the following ~~general requirements~~:
- (1) ~~No~~ Permanently affixed underground diesel fuel storage tanks ~~are prohibited~~; and
 - (2) No more than five hundred gallons of diesel fuel ~~shall~~ may be stored in each underground diesel fuel storage facility.
- (D) An underground diesel fuel storage facility ~~shall~~ may only be located:
- (1) At least one hundred feet from shafts, slopes, shops and explosives magazines;
 - (2) At least twenty-five feet from trolley wires, haulage ways, power cables and electric equipment not necessary for the operation of the storage facility; and
 - (3) In an area that is as dry as practicable.
- (E) Construction and safety ~~requirements-provisions~~ for underground diesel fuel storage facilities. An underground diesel fuel storage facility ~~shall~~ is to comply with the following:
- (1) Be constructed of noncombustible materials;
 - (2) Have either self-closing or automatic-closing doors, except for a short-term underground storage facility that has no doors;
 - (3) Be ventilated directly into the return air course using noncombustible materials;
 - (4) Be equipped with an automatic fire suppression system that complies with rule 1501:10-2-12 of the Administrative Code. A site-specific alternate method of complying with this paragraph may be approved by the chief;
 - (5) Be equipped with at least two portable twenty-pound multipurpose dry-chemical type fire extinguishers that are maintained in accordance with MSHA regulations;
 - (6) Be marked with conspicuous signs designating combustible liquid storage; and
 - (7) Be included in the pre-shift examination.
- (F) Safety measures related to welding and cutting. Welding or cutting ~~shall not be done~~ is not permitted within

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fifty feet of an underground diesel fuel storage facility except as provided under paragraphs (F)(1) and (F)(2) of this rule. When it is necessary to weld, cut or solder pipelines, cylinders, tanks or containers that may have contained diesel fuel, the following ~~requirements shall~~ apply:

- (1) No cutting or welding ~~shall not be~~ performed on or within containers or tanks that have contained combustible or flammable materials until such containers or tanks have been thoroughly purged, cleaned or inerted, and a vent or opening is provided to allow for sufficient release of any built-up pressure before heat is applied; and
- (2) No diesel fuel ~~shall not be~~is allowed to enter pipelines or containers that have been welded, soldered, brazed or cut until the metal has cooled to ambient temperature.

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1501:10-2-09 Transfer of diesel fuel.

- (A) Diesel fuel ~~shall be transfer~~red as provided~~are subject to the provisions~~ in this rule.
- (B) Pump transfers. When diesel fuel is transferred by means of a pump and a hose equipped with a nozzle containing a self-closing valve, a powered pump may be used only if:
 - (1) The hose is equipped with a nozzle containing a self-closing valve without a latch-open device; and
 - (2) The pump is equipped with an accessible emergency shut-off switch.
- (C) Diesel fuel shall not be transferred using compressed gas.
- (D) Diesel fuel shall not be transferred to the fuel tank of diesel-powered equipment while the equipment's engine is running.
- (E) A diesel fuel piping system ~~shall may~~ be used only to transport diesel fuel from the surface to a single underground diesel fuel transfer point.
- (F) Diesel fuel piping systems ~~shall are to~~ be designed and operated as dry systems. For the purposes of this rule, "dry system" means that, when not being used to refill an underground diesel fuel transfer point, the piping system ~~shall is to~~ be empty.
- (G) Standards for pipes, valves and fittings. All piping, valves and fittings ~~shall are to~~:
 - (1) Be capable of withstanding working pressures and stresses;
 - (2) Be capable of withstanding four times the static pressures recommended by the manufacturer;
 - (3) Be compatible with diesel fuel; and
 - (4) Be maintained in a manner that prevents leakage.
- (H) Manual shutoff valves. A vertical pipeline ~~shall is to~~ have manual shutoff valves installed at the surface filling point and at the underground discharge point.
- (I) Exposed fuel pipelines. An unburied diesel fuel pipeline ~~shall is not to~~ exceed three hundred feet in length and ~~shall is to~~ have shutoff valves located at each end of the unburied pipeline.
- (J) Horizontal pipelines shall not be used to distribute fuel.
- (K) When boreholes are used, a diesel fuel piping system ~~shall my only not~~ be located in a borehole ~~which that~~ does not also contains electric power cables.
- (L) A diesel fuel pipeline located in a shaft ~~shall is to~~ be included as part of the ~~required~~ examination of the shaft, and a record ~~shall~~ be made in the shaft examination book as to the pipeline's condition.
- (M) A diesel fuel piping system located in an entry or crosscut shall not be located on the same side of the entry or crosscut as electric cables or power lines.
- (N) A diesel fuel pipeline shall not be located in a trolley-haulage entry, except that it may cross perpendicular to

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the entry if it is buried or otherwise protected from damage in a steel conduit or equivalent protective device and sealed.

- (O) A diesel fuel piping system ~~is shall be protected from damage by being~~ buried or contained in a steel conduit or equivalent protective device and sealed in order to protect the system from damage.

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1501:10-2-10 Containers for transport of diesel fuel.

- (A) Containers for the transport of diesel fuel ~~shall meet the requirements~~are subject to the provisions of this rule.
- (B) Diesel fuel ~~shall~~may be transported only in containers specifically designed for the transport of diesel fuel.
- (C) ~~Requirements and~~Sstandards for safety cans:
 - (1) ~~Safety cans shall be~~Used only for emergency fueling;
 - (2) ~~A safety can shall~~Bbe clearly marked, have a maximum capacity of five gallons, be constructed of metal, and equipped with a nozzle and self-closing valves; and
 - (3) No more than one safety can, conspicuously marked, ~~shall~~may be transported on a vehicle at a time.
- (D) Standards for containers other than safety cans. Any container other than a safety can that is used to transport diesel fuel ~~shall is to~~ have the following:
 - (1) A device for venting;
 - (2) A self-closing cap;
 - (3) A vent pipe that is at least as large as the fill or withdrawal connection, whichever is larger, and that has an inside diameter of not less than one and one-fourth inch;
 - (4) A liquid-tight connection for each container opening that is identified by conspicuous markings and closed when not in use; and
 - (5) A shutoff valve located within one inch of the tank shell on each connection through which liquid can normally flow.
- (E) Containers with manual gauging. When a container has an opening for manual gauging, the opening ~~shall is to~~ have a liquid-tight cap or cover, ~~which shall be~~ kept closed when not open for gauging.
- (F) Capacity of containers. A container used for the transport of diesel fuel ~~shall is~~ not to exceed a capacity of five hundred gallons.
- (G) Any container, other than a safety can, that is used for the transport of diesel fuel ~~shall is to~~ be permanently fixed to the transportation unit.
- (H) Method of transportation. Diesel fuel transportation units ~~shall are~~ not to be transported with any other cars, except that two diesel fuel transportation units up to a maximum of five hundred gallons each, or one thousand gallons total maximum, may be transported together.
- (I) Diesel fuel shall not be transported on conveyor belts.
- (J) Fire extinguishers. When transporting diesel fuel in a container other than a safety can, a fire extinguisher ~~shall~~ is to be provided on each end of the transportation unit (for a total of two extinguishers~~required~~.) Each of these two fire extinguishers ~~shall is to~~ be a portable twenty-pound multipurpose dry-chemical type fire extinguisher maintained in accordance with MSHA regulations.

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- (K) Fire suppression systems for diesel transportation units. A diesel fuel transportation unit shall have a fire suppression system that ~~meets the requirements of~~complies with rule 1501:10-2-11 of the Administrative Code.
- (L) Limitations where trolley wire is present. In a mine where trolley wire is used, diesel fuel transportation units ~~shall~~are to be provided with insulating material to protect the units from energized trolley wire. The distance between a diesel fuel transportation unit and the trolley wire ~~shall~~is not to be less than twelve inches, or, if the distance is less than twelve inches, the trolley wire shall be de-energized when the diesel fuel transportation unit is transported through the area.
- (M) An unattended diesel fuel transportation unit ~~shall~~may be parked only in an underground diesel fuel storage facility.

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Dated January 2024. Removing regulatory restrictions.

1501:10-2-11 Fire suppression for equipment and transportation.

- (A) Fire suppression systems for diesel-powered equipment and fuel transportation units ~~shall meet the requirements of this~~ are subject to the provisions of this rule.
- (B) The fire suppression system shall be an automatic multipurpose dry-powder type fire suppression system suitable for the intended application and listed or approved by a nationally recognized independent testing laboratory, ~~and. The system shall~~ meet the following installation ~~requirements~~ standards:
 - (1) ~~The system shall be~~ is installed in accordance with the manufacturer's specifications and the limitations of the listing or approval;
 - (2) ~~The system shall be~~ is installed in a protected location or guarded to minimize damage to it from routine operations;
 - (3) Suppressant agent distribution tubing or piping of the system ~~shall be~~ secured and protected against damage, including pinching, crimping, stretching, abrasion and corrosion; and
 - (4) Discharge nozzles of the system ~~shall be~~ positioned and aimed for maximum fire suppression effectiveness in the protected areas, ~~with~~ with Nozzles ~~shall also be~~ protected against the entrance of foreign materials such as mud, coal dust or rock dust that could prevent proper discharge of suppressant agent.
- (C) The fire suppression system shall provide automatic fire detection and suppression for all of the following:
 - (1) The engine, transmission, hydraulic pumps and tanks, fuel tanks, exposed brake units, air compressors and battery areas, as applicable, on all diesel-powered equipment; and
 - (2) Fuel containers and electric panels or controls used during fuel transfer operations on fuel transportation units.
- (D) The fire suppression system shall include a fire alarm and system fault annunciator that can be seen and heard by the equipment operator.
- (E) The fire suppression system shall provide for automatic engine shutdown when the alarm alerts the operator. Engine shutdown and discharge of suppressant agent may be delayed for a maximum of fifteen seconds after the fire alarm annunciator alerts the operator.
- (F) Manual actuators. At least two manual actuators ~~shall are to~~ shall be provided with at least one manual actuator at each end of the equipment. If the equipment is provided with an operator's compartment, one of the mechanical actuators ~~shall is to~~ shall be located in the compartment within easy reach of the operator. For stationary equipment, the two manual actuators ~~shall are to~~ shall be located with at least one actuator on the stationary equipment and at least one actuator a safe distance away from the equipment, and in intake air.

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Dated January 2024. Removing regulatory restrictions.

1501:10-2-12 Fire suppression for underground diesel fuel storage facilities.

- (A) Fire suppression systems for underground diesel fuel storage facilities ~~shall meet the requirements~~are subject to the provisions of of this rule.
- (B) The fire suppression system shall be an automatic multipurpose dry-powder type fire suppression system or other system of equal capability, suitable for the intended application and listed or approved by a nationally recognized independent testing laboratory. The ~~system shall meet the~~ following installation ~~requirements~~standards apply:
 - (1) ~~The system shall be~~ installed in accordance with the manufacturer's specifications and the limitations of the listing or approval;
 - (2) ~~The system shall be~~ installed in a protected location or guarded to minimize physical damage to it from routine operation;
 - (3) Suppressant agent distribution tubing or piping of the system ~~shall be~~ secured and protected against damage, including pinching, crimping, stretching, abrasion and corrosion; and
 - (4) Discharge nozzles of the system ~~shall be~~ positioned and aimed for maximum fire suppression effectiveness in the protected areas, ~~with~~. Nozzles ~~must also be~~ protected against the entrance of foreign materials such as mud, coal dust and rock dust that could prevent proper discharge of suppressant agent.
- (C) Automatic fire detection and suppression. The fire suppressant system shall provide automatic fire detection and suppression for the fuel storage tanks, containers, safety cans, pumps, electrical panels and control equipment in fuel storage areas.
- (D) Types of alarms. Audible and visual alarms to warn of fire or system faults shall be provided at the protected area and at a surface location that is always staffed when persons are underground, ~~with~~. ~~a~~ means ~~shall also be~~ provided for warning all endangered persons in the event of fire.
- (E) Manual actuators. Fire suppression systems ~~shall are to~~ include two manual actuators with at least one located within the fuel storage facility and at least one located a safe distance away from the storage facility, and in intake air.
- (F) The fire suppression system shall remain operative in the event of electrical system failure.
- (G) Monitoring of system. If electrically operated, the system's detection and actuation circuits ~~shall are to~~ be monitored and provided with status indicators showing power and circuit continuity. If not electrically operated, the system ~~shall is to~~ be provided with a means to indicate the functional readiness status of the system.
- (H) Weekly visual inspection. Each fire suppression device ~~shall is to~~ be visually inspected at least once each week by a person qualified to make such inspections.
- (I) Maintenance, testing and record keeping. Each fire suppression device ~~shall is to~~ be maintained and tested in accordance with the rules of this chapter, ~~and~~. ~~a~~ record of the weekly inspection of a device ~~shall be~~ kept at an appropriate location for the device.
- (J) Instruction of miners. All miners normally assigned to the active workings of a mine ~~shall are to~~ be instructed

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in the use of all fire suppression devices installed at the mine, including the safeguards available for each device and any hazards inherent to the operation of a device.

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Dated January 2024. *Removing a regulatory restriction.*

1501:10-2-13 Prohibition on the use of certain starting aids.

~~The~~ It is unlawful to use ~~of~~ volatile or chemical starting aids ~~is prohibited~~.

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Dated January 2024. Removing regulatory restrictions.

1501:10-2-14 Fueling.

- (A) Restrictions on fueling locations. Fueling of diesel-powered equipment ~~shall may only not~~ be conducted in the intake escape-way ~~unless when~~ the mine design and entry configuration make it necessary. In those cases where fueling in the intake escape-way is necessary, the mine operator ~~shall is to~~ submit a plan for approval to the chief, outlining the special safety precautions that will be taken to insure the protection of miners. The submitted plan ~~shall is to~~ specify a location, such as the end of the tail piece, the track, or adjacent to the load out point, where fueling ~~shall may~~ be conducted in the intake escape-way, and all other safety precautions ~~to that shall~~ be taken. The plan ~~shall is to~~ also include an examination of the area for spillage or fire by a qualified individual.
- (B) Diesel fuel and other combustible materials ~~shall are to~~ be cleaned up and ~~shall~~ not be permitted to accumulate anywhere in an underground mine, or on diesel-powered or electric equipment located therein.
- (C) At least one individual who has successfully completed the refueling procedure training of paragraph (B)(6) of rule 1501:10-2-23 of the Administrative Code ~~shall is to~~ be on duty at the mine when diesel-powered equipment or mobile fuel transportation equipment is being used or when any fueling of diesel-powered equipment is being conducted.

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Dated January 2024. Removing regulatory restrictions.

1501:10-2-15 Fire and safety training.

- (A) Training of underground employees. Prior to the initial deployment of underground diesel equipment, all underground employees at the mine ~~shall~~are to receive special instruction related to fighting fires involving diesel fuel. This training may be included in annual refresher training under MSHA regulations 30 C.F.R. Part 48, regarding the training and retraining of miners, or included in the fire drills ~~required~~ under MSHA regulations 30 C.F.R. 75.1502, regarding the program of instruction; location and use of fire fighting equipment; the location of escapeways, exits and routes of travel; evacuation procedures; and fire drills.
- (B) Training of miners. Prior to the initial deployment of underground diesel equipment, all miners ~~shall~~are to be trained in precautions for safe and healthful handling and disposal of diesel-powered equipment filters. All used intake air filters, exhaust diesel particulate matter filters, and engine oil filters ~~shall~~are to be placed in their original containers or other suitable enclosed containers, and removed from the underground mine to the surface. Arrangements will be made for safe handling and disposal of these filters within a timely manner after they have reached the surface.
- (C) For dates of federal rules referenced in this rule, see rule 1501:10-1-07 of the Administrative Code.

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Dated January 2024. Removing regulatory restrictions and removing reference to the technical advisory committee.

1501:10-2-16 Maintenance.

- (A) Diesel-powered equipment shall be maintained in an approved and safe condition as described in this chapter or ~~shall~~ be removed from service.
- (B) Diesel-powered equipment maintenance plan. An operator choosing to use diesel-powered equipment in an underground coal mine ~~shall is to~~ develop a maintenance plan and submit the plan to the chief for approval. ~~The chief may request the diesel technical advisory committee to evaluate the maintenance plan and make a recommendation to the chief for approval or disapproval of the plan in accordance with rule 1501:10-2-27 of the Administrative Code.~~ If the maintenance plan is approved by the chief, the mine operator ~~shall will~~ implement the plan, maintain all records ~~required by~~ in compliance with rule 1501:10-2-17 of the Administrative Code, and make them available for inspection by the chief or his or her representative.
- (C) To obtain and maintain approval of a complete diesel-powered equipment package, the mine operator ~~shall is~~ to comply with the following ~~requirements~~:
- (1) All service, maintenance and repairs of approved complete diesel-powered equipment packages ~~shall are~~ to be performed by mechanics that are trained and qualified in accordance with rule 1501:10-2-24 of the Administrative Code, except for the repairs, adjustment and testing that ~~shall be are~~ performed by a mechanic authorized by the engine manufacturer in accordance with paragraph (E)(1) of rule 1501:10-2-07 of the Administrative Code;
 - (2) Service and maintenance of approved complete diesel-powered equipment packages ~~shall are to~~ be performed according to:
 - (a) The specified routine maintenance schedule;
 - (b) On-board performance and maintenance diagnostics readings;
 - (c) Emissions test results; and
 - (d) Component manufacturers' recommendations.
- (D) Failure to comply with a maintenance plan. Failure of the mine operator to comply with the maintenance ~~requirements-provisions~~ of this chapter may result in the revocation of the chief's approval of the complete diesel-powered equipment package. Upon receiving notice from the chief of failure to comply with the maintenance plan, the mine operator ~~shall have has~~ thirty days to submit a plan to achieve and maintain compliance with the maintenance ~~requirements-provisions~~ of this chapter. If at any time the chief determines that the mine operator is unable or unwilling to comply with the maintenance plan, the chief ~~shall will~~ revoke approval of the mine's complete diesel-powered equipment package and ~~shall will order cessation of~~ prohibit the underground use of all diesel-powered equipment at that mine.

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Dated January 2024. Removing regulatory restrictions.

1501:10-2-17 Records.

- (A) A record shall-is to be made of all emissions tests, preoperational examinations, and maintenance and repairs of all equipment in a mine's complete diesel-powered equipment package.
- (B) The Compliance with this rule is necessary for all records made pursuant to this rule ~~shall meet the requirements of this rule.~~
- (C) Written certification. The person performing the emissions test, preoperational examination, maintenance or repair shall-is to certify by date, time, engine hour reading and signature that the emissions test, examination, maintenance or repair was made.
- (D) Results of tests and examinations. Records of emissions tests and preoperational examinations shall-are to include the specific results of such tests and examinations.
- (E) Records of maintenance and repairs shall-are to include the work that was performed, any fluids or oil added, parts replaced or adjustments made, and the results of any subsequently required-conducted emissions testing.
- (F) Retention of pre-operational examination record. Records of the pre-operational examinations required-conducted pursuant to ~~under~~ paragraph (A) of rule 1501:10-2-18 of the Administrative Code shall-are to be retained for the previous one-hundred-hour maintenance cycle.
- (G) Certain records to be countersigned. Records of emissions tests, one-hundred-hour maintenance tests, and repairs shall-are to be countersigned once each week by either the certified mine electrician or certified mine foreperson.
- (H) Other records retention. All records required-governed by this rule, except those listed in paragraph (F) of this rule, shall-are to be retained for at least one year at a surface location at the mine, and made available for inspection by the chief or his or her representative and by miners and their representatives.

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Dated January 2024. Removing regulatory restrictions.

1501:10-2-18 Duties of equipment operator.

- (A) Pre-operational examination. Prior to using a piece of diesel-powered equipment during a shift, an equipment operator ~~shall~~is to conduct a pre-operational examination as follows:
- (1) Check the exhaust emissions control and conditioning system components to determine that the components are in place and not damaged or leaking;
 - (2) Assure that the equipment is clean and free of accumulations of combustibles;
 - (3) Assure that the machine is loaded safely;
 - (4) Check for external physical damage;
 - (5) Check for loose or missing connections;
 - (6) Check engine oil level;
 - (7) Check transmission oil level;
 - (8) Check other fluid levels, if applicable;
 - (9) Check for hydraulic, coolant and oil leaks;
 - (10) Check fan, water pump and other belts;
 - (11) Check the fan for damage;
 - (12) Check guards;
 - (13) Check the fuel level;
 - (14) Check for fuel leaks; and
 - (15) ~~Comply with record keeping requirements pursuant to~~Keep records in compliance with rule 1501:10-2-17 of the Administrative Code.
- (B) Operational examination. After the engine is started and has reached normal operating temperature, the equipment operator ~~shall~~is to conduct an examination as follows:
- (1) Check all onboard engine performance and maintenance diagnostics system gauges for proper operation and in-range readings. The equipment operator ~~shall~~is to immediately shut down the engine and notify mine management if the onboard readings indicate any of the following:
 - (a) Intake restriction at full engine speed is greater than the manufacturer's recommendation;
 - (b) Exhaust restriction at full engine speed is greater than the manufacturer's recommendation;
 - (c) Coolant temperature is at or near two hundred twelve degrees Fahrenheit;
 - (d) Low engine oil pressure; or

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(e) High engine oil temperature.

(2) Check safety features, including, but not limited to, the throttle, brakes, steering, lights and horn; and

(3) ~~Comply with record keeping requirements of~~Keep records in compliance with rule 1501:10-2-17 of the Administrative Code.

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Dated January 2024. Removing regulatory restrictions and removing references to the technical advisory committee.

1501:10-2-19 Schedule of maintenance.

- (A) At intervals not to exceed one hundred hours of engine operation, or at intervals specified and approved by the chief, a mechanic qualified in accordance with rule 1501:10-2-24 of the Administrative Code ~~shall~~is to perform the following maintenance on all diesel-powered equipment and make all necessary adjustments and repairs to meet the manufacturer's specifications and ~~the requirements of~~ this chapter, or remove the equipment from service:
- (1) Wash or steam-clean the equipment;
 - (2) Check for and remove any accumulations of coal, coal dust or other combustible materials;
 - (3) Check the equipment for damaged or missing components or other visible defects;
 - (4) Conduct electrical and safety component inspections;
 - (5) Replace engine oil and filter at the standard one hundred hour interval unless an extended interval is approved by the chief in accordance with paragraph (B) of this rule;
 - (6) Check the transmission oil level and add oil, if necessary;
 - (7) Check hydraulic oil level and add oil, if necessary;
 - (8) Check the engine coolant level and add coolant, if necessary;
 - (9) Check all other fluid levels and add fluid, if necessary;
 - (10) Check for oil, coolant and other fluid leaks;
 - (11) Inspect the cooling fan, radiator and shroud. Remove any obstructions and make necessary repairs;
 - (12) Check all belts. Tighten or replace, if necessary;
 - (13) Check the battery and service as necessary;
 - (14) Check the automatic fire suppression system;
 - (15) Check the portable fire extinguisher;
 - (16) Check the lights;
 - (17) Check the warning devices;
 - (18) With the engine operating, check, and replace or repair as necessary, the following:
 - (a) Oil pressure;
 - (b) Intake air restriction at full engine speed;
 - (c) Exhaust gas restriction at full engine speed;

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(d) Exhaust flame arrestor; and

(e) All gauges and controls;

(19) Conduct repeatable loaded engine-operating test in accordance with rule 1501:10-2-21 of the Administrative Code;

(20) If the equipment is approved with a non-disposable diesel particulate filter, a smoke dot test of the filtered exhaust ~~must is to~~ be performed at this time, ~~and the~~ The results of the smoke dot test ~~shall be~~ recorded on the one hundred hour emissions form. If the interpreted smoke dot number is greater than three, but less than four, the operator ~~shall is to~~ immediately, in writing, notify the chief. The chief may ~~request the technical advisory committee, in accordance with rule 1501:10-2-27 of the Administrative Code, to~~ conduct an investigation to determine if the filter is functioning properly;

(21) Evaluate and interpret the results of all of the above tests and examinations, and make all necessary adjustments and repairs or remove the equipment from service; and

(22) ~~Comply with record keeping requirements of~~ Keep records in compliance with rule 1501:10-2-17 of the Administrative Code.

(B) Extended interval for replacement of engine oil and filter.

(1) If a mine operator wants to replace engine oil and filter at an interval greater than the standard one hundred hour interval, the ~~operator shall~~ following applies:

(a) Have an appropriate independent third party conduct tests to provide empirical evidence that replacing engine oil and filter at a specified interval of greater than one hundred hours poses no increased health hazard to underground miners;

(b) Obtain approval of the results of such tests from the equipment manufacturer for equipment to be used in an underground mine; and

(c) Submit to the chief a request for a specified extended interval for replacement of engine oil and filter, including the test data and manufacturer approval of paragraphs (B)(1)(a) and (B)(1)(b) of this rule.

(2) The chief may ~~request the technical advisory committee, in accordance with rule 1501:10-2-27 of the Administrative Code, to~~ evaluate the results of the tests conducted pursuant to paragraph (B)(1)(a) of this rule and to review and make a recommendation regarding the extended interval. After review of the information submitted under paragraph (B) of this rule, the chief may approve, in writing, a specified extended interval for replacing engine oil and filter.

(3) The mine operator ~~shall is to~~ keep a copy of the approval letter for the specified extended interval for replacing engine oil and filter with the maintenance records for the piece of equipment for which the extended interval was granted for the duration of equipment use, and ~~shall~~ make the approval letter available to the chief or his or her representative, miners of the mine, and other interested parties upon request.

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Dated January 2024. Removing regulatory restrictions.

1501:10-2-20 Establishing baseline exhaust emissions values for monitoring and control.

- (A) Exhaust emissions for diesel-powered equipment ~~shall-is to~~ be monitored and controlled using the control and conditioning systems of rule 1501:10-2-05 of the Administrative Code, the threshold limits and other ~~requirements-provisions~~ of rule 1501:10-2-07 of the Administrative Code, the baseline exhaust emissions values established in this rule, and the diagnostic testing of rule 1501:10-2-21 of the Administrative Code.
- (B) Establishing baseline exhaust emissions values. For purposes of diagnostic testing under rule 1501:10-2-21 of the Administrative Code, baseline exhaust emissions values ~~shall-are to~~ be established in accordance with this rule for each piece of diesel-powered equipment to be used in a specific underground coal mine.
- (1) The chief ~~shall-will~~ approve baseline carbon monoxide (CO) values that are representative of the MSHA lug curve for that specific engine model. If the baseline CO values are greater than the MSHA lug curve values, the chief ~~shall-will~~ investigate and approve, disapprove, or provide an alternate operating procedure for meeting ~~the requirements of~~ this rule under the condition that CO baseline exhaust emissions remain representative of MSHA's approval data.
- (2) The chief ~~shall-will~~ establish the loaded condition for the baseline exhaust emissions testing under paragraphs (C)(12) to (C)(13) of this rule by determining carbon dioxide (CO₂) values that are representative of the MSHA lug curve readings for that engine model and horsepower.
- (3) When any diesel-powered machine first enters service at a mine, ~~or when an engine in any diesel-powered machine has been replaced or modified~~, a mechanic qualified in accordance with rule 1501:10-2-24 of the Administrative Code ~~shall-is to~~ establish the baseline exhaust emissions values, other than the CO and CO₂ emissions values approved or established by the chief under paragraphs (B)(1) and (B)(2) of this rule, by following the procedure of paragraph (C) of this rule or an approved alternative procedure of paragraph (D) of this rule.
- (C) When establishing baseline exhaust emissions values, equipment may be located either on the surface or underground. Unless the chief approves an alternative procedure for establishing baseline exhaust emissions values pursuant to paragraph (D) of this rule, a mechanic qualified in accordance with rule 1501:10-2-24 of the Administrative Code ~~shall-is to~~ establish baseline exhaust emissions values in accordance with the following:
- (1) Verify that the seal on the engine fuel injector pump is in place and that the proper fuel pump is on the equipment;
- (2) Install a new, clean intake air cleaner, then measure and record the intake restriction pressure, and ensure the pressure meets the manufacturer's specifications;
- (3) Check the level of engine oil and add oil, if necessary;
- (4) Change the engine lubrication oil (if not fresh);
- (5) Check the level of the transmission fluid and add fluid if necessary;
- (6) Measure and record the exhaust gas backpressure and, if exhaust gas backpressure is above that specified by the manufacturer, take steps to bring the exhaust gas backpressure back within the manufacturer's recommended limit prior to again beginning the procedure to establish the baseline exhaust emissions

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values pursuant to paragraph (C) of this rule;

- (7) Test the brakes and ensure the brakes are in good working order as specified by the manufacturer;
 - (8) If the baseline exhaust emissions values are being established on equipment that is underground, place the equipment into an intake entry;
 - (9) Set the brakes and chock the wheels;
 - (10) Install an exhaust gas analyzer in proper working condition into the untreated exhaust gas port;
 - (11) Start the engine and allow it to warm up to operating temperature;
 - (12) Put the engine into a loaded condition;
 - (13) Start the exhaust gas analyzer and allow the engine to operate in the loaded condition for a sufficient length of time, but not less than a ninety-second duration to insure proper CO readings. The qualified mechanic ~~shall~~is to record both CO and CO2 readings; and
 - (14) Comply with record keeping ~~requirements-provisions~~ of rule 1501:10-2-17 of the Administrative Code.
- (D) The chief may approve an alternative to the procedure to establish the baseline exhaust emissions values of paragraph (C) of this rule.
- (E) The results of the procedures to establish the baseline exhaust emissions values under this rule ~~shall~~are to be submitted to and approved by the chief prior to being implemented for each engine and equipment type.

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Dated January 2024. Removing regulatory restrictions.

1501:10-2-21 Equipment maintenance diagnostic testing.

- (A) Exhaust emissions for diesel-powered equipment ~~shall-is to~~ be monitored and controlled using the control and conditioning systems of rule 1501:10-2-05 of the Administrative Code, the threshold limits and other ~~requirements-provisions~~ of rule 1501:10-2-07 of the Administrative Code, the baseline exhaust emissions values established in rule 1501:10-2-20 of the Administrative Code, and the diagnostic testing of this rule.
- (B) Equipment maintenance diagnostic testing. At intervals not to exceed one hundred hours of engine operation, a mechanic qualified in accordance with rule 1501:10-2-24 of the Administrative Code ~~shall-is to~~ perform equipment maintenance diagnostic testing of each piece of diesel-powered equipment in the mine and make all necessary adjustments and repairs to meet the manufacturer's specifications and ~~the requirements of~~ this chapter, or remove the equipment from service. The qualified mechanic ~~shall-is to~~:
- (1) Verify the identification numbers on the equipment;
 - (2) Check the level of the engine lubricating oil;
 - (3) Check the level of the transmission fluid;
 - (4) Set the brakes and chock the wheels;
 - (5) Install a functioning portable carbon monoxide (CO) sampling device into the untreated exhaust port coupling provided in the operator's cab;
 - (6) Start the engine and allow it to attain normal operating temperature;
 - (7) At high idle speed, check the intake restriction and the exhaust back pressure;
 - (8) If the intake restriction is more than the manufacturer's maximum specified intake restriction, replace the intake filter with a new one;
 - (9) If exhaust gas backpressure is above that specified by the manufacturer, take steps to bring the exhaust gas backpressure back within the manufacturer's specified limit prior to again beginning the equipment maintenance diagnostic testing of paragraph (B) of this rule;
 - (10) For mobile equipment, shift into the highest gear and fully accelerate the engine, or for stationary equipment, induce a load and put the engine at full throttle. Maintain full acceleration or full throttle for a minimum of sixty seconds prior to taking the reading ~~required-set forth in under~~ paragraph (B)(11) of this rule to dissipate any reading inaccuracies due to turbo lag;
 - (11) Start the portable CO sampling device, record the CO level after sixty seconds, after seventy-five seconds, and after ninety seconds, and then take the average of these three readings;
 - (12) Install the portable CO sampling device into the treated exhaust port coupling provided in the operator's cab and repeat steps of paragraphs (B)(10) and (B)(11) of this rule; and
 - (13) ~~Comply with record keeping requirements of~~ Keep records in compliance with rule 1501:10-2-17 of the Administrative Code.
- (C) For any diesel-powered equipment tested under paragraph (B) of this rule, if the average CO reading for

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untreated exhaust emissions is greater than twice the baseline established under paragraph (B) of rule 1501:10-2-20 of the Administrative Code, or if the average CO reading for treated exhaust gas is greater than one hundred parts per million (ppm), the equipment has failed the diagnostic test. A mechanic qualified in accordance with rule 1501:10-2-24 of the Administrative Code ~~shall~~is to service and retest the equipment until it meets the standards of this chapter before the equipment is returned to regular service.

- (D) The chief may approve an alternative to the equipment maintenance diagnostic testing procedure of paragraph (B) of this rule.

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Dated January 2024. Removing regulatory restrictions.

1501:10-2-22 General requirements for training diesel-powered equipment operators.

- (A) To use diesel-powered equipment in an underground coal mine, the mine operator ~~shall-is to~~ submit to the chief for approval a training plan for training equipment operators in the use of diesel-powered equipment and ~~shall~~ not allow any person who is not qualified under paragraph (D) or (G) of this rule to operate diesel-powered equipment in an underground coal mine.
- (B) All training course instructors and all training plans ~~required-set forth in by~~ this rule and rules 1501:10-2-23 and 1501:10-2-24 of the Administrative Code ~~shall-will~~ be approved by the chief. Equipment operator training and qualification ~~shall-meet the requirements-of~~ are to comply with this rule.
- (C) Training ~~shall-will~~ be conducted in the basics of the operation of diesel engines, federal and state regulations governing their use, company rules for safe operation, the specific features of each piece of equipment, and the ability to recognize problems. The mine operator ~~shall-is to~~ provide this training to each equipment operator and, if applicable, to the mine's health and safety committee. This training ~~shall-is to~~ be designed to bring every equipment operator to a level of good understanding of diesel-powered equipment operation. An equipment operator may attain qualification by attending a course of a minimum of eight hours, ~~which shall include~~ ing formal classroom training on diesel fundamentals and equipment-specific hands-on training pursuant to rule 1501:10-2-23 of the Administrative Code.
- (D) When an equipment operator successfully completes the classroom and hands-on training ~~required-underpursuant to~~ paragraph (C) of this rule, the mine operator ~~shall-is to~~ issue to the equipment operator a certificate of qualification that qualifies the equipment operator to operate a specific type of diesel-powered equipment. An equipment operator may be qualified to operate more than one type of equipment by successfully completing additional equipment-specific training that covers operational attributes specific to each additional type of diesel-powered equipment.
- (E) ~~Two hours of refresher training shall be required annually for~~ All diesel-powered equipment operators ~~are to take two hours of refresher training annually,~~ unless the chief approves an alternative training schedule. This training ~~shall-be~~ is separate from ~~the training required by MSHA regulations~~ 30 C.F.R. Part 48 training. The mine operator ~~shall-is to~~ furnish all training and refresher training ~~required to be provided pursuant to under~~ this rule. The employees ~~shall-will~~ suffer no loss of pay for attending training and refresher training.
- (F) The training and refresher training ~~required-conducted pursuant to under~~ paragraphs (C) and (E) of this rule ~~shall-are to~~ include instruction in the following classroom subjects:
 - (1) Engine fundamentals, ~~which shall include~~ ing an introduction to the function of a diesel engine and recognition of all major components and their functions;
 - (2) Diesel regulations, ~~which shall include~~ ing an introduction to federal and state regulations governing the use of diesel-powered equipment;
 - (3) Diesel emissions, ~~which shall include~~ ing an introduction to diesel emissions and their adverse health effects;
 - (4) Factors that affect diesel emissions, ~~which shall include~~ ing a detailed presentation of engine faults and diesel fuel quality, and their effects on emissions, as well as instruction in the preventive actions that can be taken to minimize emissions levels;

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- (5) Emissions control devices, ~~which shall include~~inge a detailed presentation of the different emissions control devices employed to reduce emissions, and details about actions the equipment operator ~~must is~~to take to keep the devices in working order;
 - (6) Diagnostic techniques, ~~which shall include~~inge a presentation of techniques that can be employed by the equipment operator to assure the equipment is in safe operating condition, and instruction in how to recognize and diagnose certain engine faults that may cause increases in emissions;
 - (7) The preoperational inspection, ~~which shall include~~inge a presentation of the purpose, benefits, and requirements of the preoperational inspection;
 - (8) Ventilation, ~~which shall include~~inge an introduction to special ventilation ~~requirements-provisions~~ for areas of the mine in which diesel-powered equipment will operate;
 - (9) Fire suppression systems, ~~which shall include~~inge an introduction to the use and function of fire suppression systems, and when and how to manually activate a fire suppression system;
 - (10) Operating rules, ~~which shall include~~inge a detailed presentation of the driving rules, safe driving speeds, traffic control devices, and equipment limitations;
 - (11) Emergency procedures, ~~which shall include~~inge discussion of emergency situations such as fire, diesel fuel spills, component failure, and loss of ventilation air. This instruction shall also include emergency escape procedures and discussion of the potential use of the diesel-powered vehicle as an emergency escape vehicle in case of a mine emergency situation; and
 - (12) Record keeping and reporting procedures, ~~which shall include~~including a presentation on ~~required~~ record keeping and reporting procedures for problems or unsafe conditions, high emissions levels, and preoperational inspections made by the equipment operator.
- (G) Annual certificate of qualification. The mine operator ~~shall is to~~ issue to the equipment operator a new certificate of qualification each year after the equipment operator has successfully completed the annual refresher training pursuant to paragraph (E) of this rule. The mine operator ~~shall is to~~ keep at the mine site a copy of the most recent certificate of qualification issued to the equipment operator and make it available for inspection by the chief or his or her representative.
- (H) For dates of federal rules referenced in this rule, see rule 1501:10-1-07 of the Administrative Code.

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Dated January 2024. Removing regulatory restrictions.

1501:10-2-23 Equipment-specific training for diesel-powered equipment operators.

- (A) Upon successful completion of the training ~~required by~~ set forth in rule 1501:10-2-22 of the Administrative Code, the equipment operator ~~shall~~ is to complete equipment-specific training in accordance with this rule. Successful completion of equipment-specific training ~~shall~~ is to be documented on the certificate of qualification issued by the mine operator under paragraphs (D) and (G) of rule 1501:10-2-22 of the Administrative Code.
- (B) The mine operator ~~shall~~ is to provide equipment-specific, hands-on orientation training to the equipment operators in an area of the mine where the diesel-powered equipment will be operated. ~~This orientation shall be~~ specific to the type and make of the diesel-powered equipment, and ~~shall be~~ presented to groups no larger than twelve persons per instructor unless otherwise approved by the chief in an approved training plan. The following subjects ~~shall~~ are to be included in the orientation training:
- (1) Equipment layout, ~~which shall~~ include instruction relating to the layout of the equipment, the equipment operator's compartments, and the controls;
 - (2) Pre-operation inspection, ~~which shall~~ include instruction relating to the pre-operation inspection procedures ~~required by~~ set forth in paragraph (A) of rule 1501:10-2-18 of the Administrative Code and review of specific details of the inspection and location of the components to be inspected;
 - (3) Equipment limitations, ~~which shall~~ include instruction relating to equipment performance, speeds, capacities and blind areas;
 - (4) Operating areas, ~~which shall~~ include instruction relating to areas in which the equipment may be operated;
 - (5) Operation, ~~which shall~~ include instruction relating to the controls, gauges and warning devices and safe operating limits of all indicating gauges;
 - (6) Refueling procedure, ~~which shall~~ include instruction relating to fuel handling, permissible refueling areas, spill prevention, cleanup and potential hazards from diesel fuel;
 - (7) Emergency devices, ~~which shall~~ include instruction relating to the location and use of the fire extinguisher and fire suppression devices; and
 - (8) Driving practice, ~~which shall~~ include supervised operation of the equipment.

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Dated January 2024. Removing regulatory restrictions.

1501:10-2-24 Diesel mechanic training.

- (A) Diesel mechanic training and qualification ~~shall meet~~are subject to the ~~requirements-provisions~~ of this rule.
- (B) Diesel mechanics ~~shall are to~~ be trained and qualified to perform maintenance, repairs and testing of the features of the diesel-powered equipment used at the mine or mines where he or she is employed, as certified by MSHA and approved by the chief pursuant to rule 1501:10-2-04 of the Administrative Code.
- (C) Qualification. To be qualified to work on the specific diesel-powered equipment used at the mine or mines where he or she is employed, a diesel mechanic ~~shall is to first~~ successfully complete an eight-hour training course approved by the chief pursuant to rules 1501:10-2-22 and 1501:10-2-23 of the Administrative Code for the specific piece of diesel equipment he or she will be working on, and a sixteen-hour diesel mechanic training course approved by the chief pursuant to this rule. Additional engine-specific training ~~shall will~~ be provided to a diesel mechanic in accordance with the plan approved by the chief.
- (D) The mine operator ~~shall is to~~ submit a diesel mechanic training plan to the chief for approval, ~~which shall include~~ing the requirements of this paragraph and the ~~requirements for~~ refresher training in paragraph (E) of this rule. The chief ~~shall will~~ approve the plan prior to its being used for training. The diesel mechanic training plan ~~shall is to~~ be for a minimum sixteen hours and ~~shall~~ include training in the following subjects:
 - (1) Federal and state ~~requirements-provisions~~ regulating the use of diesel equipment;
 - (2) Company policies and rules related to the use of diesel equipment;
 - (3) Emissions control system design and component technical training;
 - (4) On-board engine performance and maintenance diagnostics system design, and component technical training;
 - (5) Service and maintenance procedures and ~~requirements-provisions~~ for the emissions control systems;
 - (6) Emissions testing procedures and evaluation, and interpretation of test results;
 - (7) Troubleshooting procedures for the emissions control systems;
 - (8) Fire protection systems, testing and maintenance;
 - (9) Fire and ignition sources, and their control and elimination;
 - (10) Fuel system maintenance and safe fueling procedures;
 - (11) Intake air system design and components technical training, and maintenance procedures;
 - (12) Engine shutdown device tests and maintenance;
 - (13) Special instructions regarding components, such as the fuel injection system, that ~~shall may~~ be repaired and adjusted only by a qualified mechanic who has received special training and is authorized to make such repairs or adjustments by the component manufacturer;
 - (14) Instruction on record keeping ~~requirements-provisions~~ for maintenance procedures and emissions testing; and

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(15) Other subjects determined by the chief to be necessary to address specific health and safety needs.

(E) Eight hours of refresher training ~~shall-is to be taken be-required~~ annually for all diesel mechanics. The diesel mechanic training plan submitted by the operator under paragraph (D) of this rule ~~shall-is to~~ include an annual refresher training plan of eight hours for diesel mechanics. The annual retraining ~~shall-will~~ include refresher training as well as new procedure and new technology training as necessary. This training ~~shall-be-is~~ separate from the ~~refresher training required by MSHA regulations~~ 30 C.F.R. Part 48 ~~refresher training~~ and the electrical training required by MSHA. The mine operator ~~shall-is to~~ furnish all ~~required~~ training and refresher training required under this rule. The employees ~~shall-will~~ suffer no loss of pay for attending training and refresher training.

(F) For dates of federal rules referenced in this rule, see rule 1501:10-1-07 of the Administrative Code.

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Dated January 2024. Removing regulatory restrictions.

1501:10-2-25 Additional requirements for operation of diesel-powered equipment.

- (A) ~~In addition to the other requirements of this chapter, Diesel-powered equipment shall-is to~~ be operated pursuant to the ~~requirements-provisions~~ of this rule and any other applicable provisions of this chapter.
- (B) All diesel-powered equipment ~~shall-is to~~ be attended while in operation with the engine running in underground mines.
- (C) Unnecessary idling of diesel-powered equipment ~~shall-beis~~ prohibited.
- (D) The mine operator ~~shall-is to~~ maintain all roadways upon which diesel-powered equipment is operated as free as practicable from bottom irregularities, debris and wet or muddy conditions that could adversely affect an equipment operator's ability to control the equipment.
- (E) Operating speeds ~~shall-are to~~ be consistent with conditions of roadways, grades, clearances, visibility, traffic and the type of equipment used.
- (F) An equipment operator ~~shall-is to~~ at all times have full control of the mobile equipment while it is in motion.
- (G) Traffic rules, including speed, signals, and warning signs ~~shall-are to~~ be standardized at each mine, and posted as necessary.
- (H) Maintenance. All diesel-powered equipment ~~shall-is to~~ be maintained in a safe and healthful operating condition. The operator shall immediately remove from service any equipment that is in an unsafe or unhealthful condition or is not maintained in accordance with the engine or emissions control operating specifications, and ~~shall~~ not return such equipment to service until all necessary corrective actions have been taken.

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Dated January 2024. Removing regulatory restrictions.

1501:10-2-26 Underground mine inspector diesel inspection training.

- (A) The chief ~~shall~~will provide training to his or her staff of underground coal mine inspectors on the use of underground diesel mine equipment so they can conduct diesel inspections as a part of their regular inspection duties.
- (B) The chief ~~shall~~will provide the underground mine inspectors with specific training in the ~~requirements-~~provisions of the rules of this chapter. The chief ~~shall~~will also train and equip the inspectors with the proper equipment necessary to effectively test for diesel emissions, and to properly enforce the rules of this chapter.
- (C) The underground mine inspectors ~~shall~~will be trained in accordance with criteria as established and approved by the chief. Training for inspectors ~~shall~~will include, but is not limited to, the following:
 - (1) Components and operation of a diesel engine;
 - (2) Fuel ~~requirements-~~provisions and effect of various fuels on diesel particulate matter emissions;
 - (3) State and federal diesel regulations;
 - (4) Health effects of diesel particulate matter;
 - (5) Factors that can increase or decrease diesel particulate matter emissions;
 - (6) Emission control techniques in operation, maintenance and testing;
 - (7) Diagnostic testing, including instruments used and evaluation of tests, both in the classroom and hands-on in the field;
 - (8) Inspection and enforcement;
 - (9) Ventilation;
 - (10) Operation, testing and maintenance of fire suppression systems;
 - (11) Emergency procedures including firefighting and containment of spills;
 - (12) Fuel handling and storage; and
 - (13) Training plans, training ~~requirements~~provisions, and record keeping.

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Dated January 2024. Rescinding rule. This committee has never been established based on lack of need and is not required by law.

~~1501:10-2-27 — Diesel technical advisory committee.~~

- ~~(A) The diesel technical advisory committee, as defined in rule 1501:10-2-02 of the Administrative Code, is hereby established and approved in accordance with section 121.13 of the Revised Code. Any alternate operating procedure, alternative technology, major operational change, or new technology recommended by the technical advisory committee or approved by the chief shall will not reduce or compromise the level of health and safety protection afforded by this chapter.~~
- ~~(B) Membership. The diesel technical advisory committee will shall consist of two members appointed by the chief. The chief will shall appoint one of the two members to be chairperson of the technical advisory committee. The chief will shall appoint:~~
- ~~(1) One member from a list of qualified candidates nominated by the Ohio coal association; and~~
 - ~~(2) One member who works at an Ohio underground coal mine utilizing diesel equipment and who is elected by two or more miners as the miners' safety representative at that mine, except that, for the initial appointment of this member, the chief will shall appoint a person who works at an Ohio underground coal mine and who is familiar with the use of diesel equipment at or around underground coal mines.~~
- ~~(C) Terms. Each member of the diesel technical advisory committee will shall be appointed for a term of three years. The chief may reappoint a member to serve an unlimited number of successive three year terms.~~
- ~~(D) Functions. The diesel technical advisory committee will shall provide the chief with technical advice and recommendations concerning the technical operating aspects of underground diesel powered equipment. In fulfilling its role, the technical advisory committee will shall, at the written request of the chief, be available to:~~
- ~~(1) Review and make recommendations to the chief regarding implementation of the use of diesel equipment in underground coal mines pursuant to this chapter;~~
 - ~~(2) Advise the chief regarding operating parameters for the use of diesel powered equipment in shaft and slope construction operations at underground coal mines;~~
 - ~~(3) Evaluate an alternative operating procedure, alternative technology, new technology or major operational change for diesel powered equipment used in underground coal mines;~~
 - ~~(4) Provide technical assistance to operators regarding diesel equipment technologies;~~
 - ~~(5) Conduct investigations along with the chief's representative, and technical investigations relating to implementation of the use of diesel equipment in underground coal mines; and~~
 - ~~(6) Provide training regarding the implementation of diesel equipment emission controls and emission testing.~~
- ~~(E) Expenses. Members of the diesel technical advisory committee will shall be unpaid volunteers representing the interests, health, and safety of underground coal miners in the state of Ohio. A member will shall receive no compensation but will shall be reimbursed for the actual and necessary expenses incurred in the performance of the member's function as a member of the technical advisory committee.~~
- ~~(F) Meetings. The diesel technical advisory committee, after approval by the chief, will shall meet at least~~

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~~quarterly, at times as scheduled by the chairperson.~~

- ~~(G) Quorum. Two members of the committee constitute a quorum, and the committee cannot take any actions if both members are not present. Actions of the diesel technical advisory committee require that both members be present.~~
- ~~(H) Unanimous recommendation. If a recommendation of the diesel technical advisory committee receives a unanimous vote from the committee members, the committee will shall submit this recommendation to the chief in writing, including details regarding the advantages and disadvantages of taking the recommended action.~~
- ~~(I) Divided recommendation. If a recommendation does not receive a unanimous vote from the committee members, each committee member will shall submit a detailed written report to the chief explaining the reasons for his or her position for or against the recommendation.~~
- ~~(J) Chief to provide support to the diesel technical advisory committee.~~
- ~~(1) The chief will shall make clerical support and assistance available to enable the technical advisory committee to carry out its duties.~~
- ~~(2) The chief will shall make available to the technical advisory committee equipment for testing diesel engine exhaust emissions and for measuring diesel engine surface temperatures and exhaust gas temperatures.~~
- ~~(K) Technical investigation of an alternate operating procedure, alternative technology, major operational change, or new technology.~~
- ~~(1) Upon request of a coal miner, coal mine operator or diesel related technology manufacturer, or on its own motion, the diesel technical advisory committee will shall conduct a technical investigation of the use of an alternate operating procedure, alternative technology, major operational change, or new technology, provided that the chief approves the technical investigation in writing. A technical advisory committee recommendation resulting from an investigation under this paragraph and approved by the chief may be applicable to all underground coal mines in Ohio upon written notice by the chief to affected persons.~~
- ~~(2) Upon notice of a request of a coal mine operator, and with the written approval of the chief, the technical advisory committee will shall consider a site specific request for use of an alternate operating procedure, alternative technology, major operational change, or new technology. The technical advisory committee's recommendation on a request submitted under this paragraph will shall be on a site specific basis. The technical advisory committee will shall conduct an investigation which will shall include consultation with the mine operator and the authorized representatives of the miners at the mine. If there is no authorized representative of the miners for the particular mine, the technical advisory committee will shall consult with a reasonable number of miners at the mine.~~
- ~~(3) Within one hundred eighty days of receipt of written approval of the chief under paragraph (K)(1) or (K)(2) of this rule, the technical advisory committee will shall complete its investigation and make a recommendation to the chief. The time period under this paragraph may be extended with the consent of the person who submitted the request. The technical advisory committee members shall may only recommend approval of the use of an alternate operating procedure, alternative technology, major operational change, or new technology if, at the conclusion of the investigation, the committee members have made a determination that use of the alternate operating procedure, alternative technology, major~~

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~~operational change, or new technology will not reduce or compromise the level of health and safety protection afforded by this chapter.~~

~~(4) The diesel technical advisory committee will shall submit to the chief one of three possible recommendations:~~

- ~~(a) A unanimous recommendation to approve the request for use of an alternate operating procedure, alternative technology, major operational change, or new technology. A recommendation under this paragraph will shall be made in writing and include the results of the investigation, the advantages and disadvantages of taking the recommended action, and specific conditions of use for the alternate operating procedure, alternative technology, major operational change, or new technology;~~
- ~~(b) A unanimous recommendation to reject the request for use of an alternate operating procedure, alternative technology, major operational change, or new technology. A recommendation under this paragraph will shall be made in writing and explain in detail the basis for the rejection; or~~
- ~~(c) A divided recommendation on the use of an alternate operating procedure, alternative technology, major operational change, or new technology. If there is a divided recommendation, each member of the committee will shall submit a detailed report to the chief, within fourteen days of the technical advisory committee's vote, explaining the reasons for the member's position for or against the recommendation.~~

~~(5) All recommendations will shall identify all persons with whom the technical advisory committee consulted during the technical investigation.~~

~~(L) Action by the chief.~~

~~(1) The chief may request the technical advisory committee to conduct a technical investigation in accordance with paragraph (K) of this rule whenever a mine operator proposes any use of underground diesel equipment in a manner that is not specifically permitted by this chapter.~~

~~(2) Decision by the chief following a unanimous recommendation.~~

- ~~(a) If the technical advisory committee submits a unanimous recommendation to the chief, the chief will shall have thirty days to make a decision either approving or rejecting the technical advisory committee's recommendation. With the consent of the person who submitted the request, this time period may be extended. If the chief does not make a decision within the time requirements set forth in this paragraph, or any extensions of the time requirements of this paragraph, the technical advisory committee's recommendation will shall be deemed rejected.~~
- ~~(b) If the chief approves the recommendation of the technical advisory committee with modification, the chief will shall notify the technical advisory committee, in writing, of the modification and the reasons for the modification.~~

~~(3) Decision by the chief following a divided recommendation.~~

- ~~(a) If the technical advisory committee submits a divided recommendation to the chief, the chief may, within thirty days, set a date for a meeting with the members of the technical advisory committee to discuss the reasons for the divided recommendation and to determine whether additional information and further discussion might result in a unanimous recommendation by the technical advisory committee.~~

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~~(b) The chief will shall have sixty days from the date of the meeting with the technical advisory committee, or, if no meeting is held, sixty days from receiving the recommendation, to make a decision either approving or rejecting the technical advisory committee's recommendation. With the consent of the person who submitted the request, this time period may be extended. If the chief does not make a decision within the time requirements set forth in this paragraph, or any extensions of the time requirements of this paragraph, the technical advisory committee's recommendation will shall be deemed rejected.~~

~~(c) If the chief approves a recommendation of the technical advisory committee with modification, the chief will shall notify the technical advisory committee, in writing, of the modification and the reasons for the modification.~~

~~(4) The chief may approve the use of an alternate operating procedure, alternative technology, major operational change, or new technology in accordance with paragraph (K) of this rule if approval does not reduce or compromise the level of health and safety protection afforded by this chapter.~~

~~(M) Action taken by the chief under paragraph (L) of this rule to approve or reject a recommendation, or to not make a decision on a recommendation within the time requirements set forth in this rule, is subject to appeal under section 1513.13 of the Revised Code.~~

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Dated January 2024. No changes.

1501:10-1-01 Definitions.

As used in Chapters 1501:10-1 and 1501:10-2 of the Administrative Code:

- (A) "Chief" means the chief of the division of mineral resources management of the Ohio department of natural resources.
- (B) "MSHA" means the mine safety and health administration in the United States department of labor.

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Dated January 2024. No changes.

1501:10-2-01 Applicability.

The rules in this chapter govern the use of diesel equipment in underground coal mines as authorized by division (A)(8) of section 1513.02 and section 1567.35 of the Revised Code.