

**DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF DEEP MINE SAFETY**

**DOCUMENT NUMBER:** 580-3000-002

**TITLE:** Bureau of Deep Mine Safety's Compliance/Enforcement Procedures

**EFFECTIVE DATE:** August 27, 2005

**STATUTORY AUTHORITY:**

1. Pennsylvania Bituminous Coal Mine Act, Act of July 17, 1961, P.L. 659, as amended, 52 P.S. §§ 701-101 - 701-705;
2. Pennsylvania Anthracite Coal Mine Act, Act of November 10, 1965, P.L. 721, as amended, 52 P.S. §§ 70-101 – 70-1405;
3. Section 2(f) of the General Safety Law, Act of May 18, 1937, P.L. 654, as amended, 43 P.S. § 25-2(f);
4. Bituminous Mine Subsidence and Land Conservation Act, Act of 1966, P.L. (Fst. Spec. Sess.) 31, as amended, 52 P.S. §§ 1406.1 - 1406.21;
5. Emergency Medical Personnel Act, Act of July 9, 1976, P.L. 931, as amended, 52 P.S. §§ 27.7-1 - 27.7-9;
6. Safety Zone Act of December 22, 1959, P.L. 1994;
7. The Surface Mining Conservation and Reclamation Act, as amended, 52 P.S. §§ 1396.1;
8. The Noncoal Surface Mining Conservation and Reclamation Act, as amended, 52 P.S. §§ 3301-33;
9. Sections 1915-A and 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, as amended, 71 P.S. §§ 510-15 and 510-17;
10. Mine Officials Act, Act of June 3, 1943, P.L. 848, as amended, 52 P.S. §§ 11-18.

**POLICY:** It is the policy of the Department that all employees of the Bureau of Deep Mine Safety carry out enforcement actions in accordance with the Department's established compliance/enforcement procedures.

**PURPOSE:** It is the purpose of this guidance to specify the procedures to be followed by the Bureau to ensure that all violations are corrected in a timely manner.

**APPLICABILITY:** This document applies to all personnel and activities of the Bureau of Deep Mine Safety related to compliance/enforcement procedures.

**DISCLAIMER:** The policies and procedures outlined in this guidance document are intended to supplement existing requirements. Nothing in the policies or procedures shall affect regulatory requirements. The policies and procedures herein are not an adjudication or a regulation. There is no intent on the part of the Department to give these rules that weight or deference. This document establishes the framework, within which DEP will exercise its administrative discretion in the future. DEP reserves the discretion to deviate from this policy statement if circumstance warrant.

**PAGE LENGTH:** 3 pages

**LOCATION:** Volume 9; Tab 02

**PROCEDURE:**

**I. Identifying That a Violation Has Occurred**

A. On-Site Inspections –Type and Frequency

Every underground bituminous mine and related surface facilities are to be inspected at least every three months for general safety and at least every six months for electrical safety. Anthracite underground mines, related surface facilities, and preparation plants are to be inspected at least every two months for general safety and at least every six months for electrical safety. Industrial mineral underground mines, related surface facilities, and businesses in mined-out areas of industrial mineral mines are to be inspected at least every three months for general safety.

A follow-up inspection is conducted for the purpose of evaluating the abatement of previously observed violations that are the subject of a Compliance Order (CO) issued to the operator.

B. Review of Information

The Bureau's Program Guidance Manual identifies the reports and other documents that will be reviewed as part of an on-site safety compliance inspection.

C. Response to Complaints, Including Those Referred From Other Agencies

The Bureau will handle all complaints in accordance with the Department and Bureau's Complaint Response Policy.

D. Evaluating The Information To Determine A Violation

Upon completion of an inspection, a record of the mine inspector's findings will be completed. Observations by the mine inspector will be included in the inspection report. Violations noted during the inspection will be cited. Violations will be cited in one of the following ways: Notices of Violation (NOV) or Compliance Orders (CO).

**II. Notifying The Violator/Responsible Person That A Violation Has Occurred**

A. Violations Determined During Inspections

The Bureau's policy is that all violations be documented in writing on the date of the inspection and presented to the operator or its legal representative.

B. NOVs

An NOV will be issued for violations that are corrected during the inspection.

C. COs

If a violation cannot be resolved during the inspection, a CO will be issued. The CO will be tracked in the Bureau's data system and will be closed out in writing when the violations identified have been resolved.

### **III. Tracking And Resolving Violations**

#### **Tracking Violations**

The Bureau records all violations into eFACTS within 10 working days of the completion of the inspection. Violations will be monitored by Bureau staff and tracked in eFACTS to verify the status of all violations and that all violations are resolved in a timely manner, not to exceed 180 days. If a mine operator fails to comply with an order of the Department, alternative enforcement approaches will be initiated after consultation with Legal Counsel.

### **IV. Decertification**

If, during an inspection or upon a complaint, facts are discovered that bring into question a person's competency to carry out duties under a certificate of qualification, the matter is to be brought to the Bureau Director's attention pursuant to the policy and procedures for decertifications.

### **V. Violations of the Bituminous Mine Subsidence and Land Conservation Act**

All violations of the Bituminous Mine Subsidence and Land Conservation Act shall be documented by the inspector and reported to the California District Mining Office's Compliance Specialist and mine operator in a written report.

### **VI. Explosives Used in Connection with Developing an Underground Mine Entry from the Surface**

The use of explosives in connection with the development of a mine entry from the surface is also subject to the requirements of the Coal and Noncoal Surface Mining Conservation and Reclamation Acts and their implementing regulations. The Compliance Specialist for the applicable District Mining Office is to be notified of the violation, and that District Mining Office will handle any airblast or peak particle velocity permit limit, civil penalty, and license suspension or revocation issues arising out of that violation.

### **VII. Employee Training and Internal Audits**

#### **A. Type and Frequency of Training**

The Bureau will conduct regular "enforcement" briefings with the inspection staff to assure that all violations are identified, tracked, and resolved within appropriate time frames.

#### **B. Desk Manual**

The Bureau's Program Guidance Manual will include the appropriate reference to this guidance.

#### **C. Internal Audits**

The Bureau conducts annual audits of the inspection districts to assure equal workload distribution. These audits will include a review of all the inspection procedures (pre-inspection, inspection, violation documentation, violation tracking, and violation resolutions) to assure the quality and effectiveness of the Bureau's enforcement process.