

## CHAPTER 06 - MINE AND QUARRY DIVISION

### SECTION .0100 - GENERAL PROVISIONS

#### 13 NCAC 06 .0101 NAME: ADDRESS

The Mine and Quarry Division is located in the Raleigh office of the department. The mailing address of the division: Mine and Quarry Division, North Carolina Department of Labor, 4 West Edenton Street, Raleigh, North Carolina 27601.

*History Note:* Authority G.S. 74-24.19;  
Eff. February 1, 1976;  
Readopted Eff. September 30, 1977;  
Amended Eff. July 1, 1988; December 1, 1985;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.

#### 13 NCAC 06 .0102 PURPOSE: RESPONSIBILITIES

Through the administration and enforcement of the North Carolina Mine Safety and Health Act, the division works to ensure the safe operation of mines and quarries. Under the supervision of the commissioner, the division is responsible for:

- (1) making periodic inspections of mines and quarries throughout the state,
- (2) investigating accidents relating to safety and health in a mine in the state,
- (3) collecting information and maintaining records regarding the ownership and operation of mines in the state,
- (4) conducting education and training programs for miners and mine operators throughout the state,
- (5) providing technical assistance to miners and mine operators throughout the state,
- (6) conducting research in the area of mine health and safety.

*History Note:* Authority G.S. 74-24.17; 74-24.13; 74-24.16;  
Eff. February 1, 1976;  
Readopted Eff. September 30, 1977;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.

#### 13 NCAC 06 .0103 ORGANIZATION

The Director of the Mine and Quarry Division, appointed by the commissioner and under the supervision of the deputy commissioner, is in charge of the day-to-day operations of the division. The director is assisted by an assistant director. The division is divided into two sections; the inspection section and the education and training section.

*History Note:* Authority G.S. 74-24.19;  
Eff. February 1, 1976;  
Readopted Eff. September 30, 1977;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.

#### 13 NCAC 06 .0104 ADVISORY COUNCIL

*History Note:* Authority G.S. 74-24.6;  
Eff. February 1, 1976;  
Readopted Eff. September 30, 1977;  
Amended Eff. January 5, 1978;  
Repealed Eff. July 1, 1988.

#### 13 NCAC 06 .0105 DEFINITIONS

The following definitions shall apply in this Chapter:

- (1) "division" -- the mine and quarry division of the Department of Labor;
- (2) "director" -- the Director of the Mine and Quarry Division;
- (3) "act" -- the Mine Safety and Health Act of North Carolina General Statutes 74-24.1 - 74-24.20;
- (4) "notice" -- official notification to an operator or his agent that a violation of a safety and health standard has been found during an inspection;
- (5) "order" -- official notification to an operator or his agent to withdraw all persons from the mine or to discontinue the use of machinery or equipment which is likely to cause serious physical harm;
- (6) "approved" -- approved by the commissioner.

*History Note:* Authority G.S. 74-24.2; 74-24.8; 95-4;  
 Eff. February 1, 1976;  
 Readopted Eff. September 30, 1977;  
 Amended Eff. July 1, 1988;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.

## **SECTION .0200 - EDUCATION AND TRAINING**

### **13 NCAC 06 .0201 SERVICES OFFERED**

The education and training section of the division provides:

- (1) education and training programs to increase the number and competence of personnel engaged in the field of occupational safety and health in mines, both in the private and in the public sectors;
- (2) consultation to operators to institute new programs, methods and procedures for providing safe and healthful working conditions;
- (3) research and technical assistance in the field of occupational safety and health in mines by developing innovative methods, techniques, and approaches to mine safety and health;
- (4) training of staff personnel, miners, and mine operators in first aid, safety, proper use of rescue equipment, mine evacuation, disaster procedure training, and training in the recognition, avoidance, and prevention of accidents or unsafe and unhealthful working conditions.

*History Note:* Authority G.S. 74-24.16;  
 Eff. February 1, 1976;  
 Readopted Eff. September 30, 1977;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.

### **13 NCAC 06 .0202 REQUESTS**

Operators and miners may request the education, training, consultation, and technical assistance services of the division by contacting the director or any employee of the division.

*History Note:* Authority G.S. 74-24.16;  
 Eff. February 1, 1976;  
 Readopted Eff. September 30, 1977;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.

## **SECTION .0300 - PROCEDURES**

### **13 NCAC 06 .0301 MODIFICATION OF STANDARDS**

(a) A petition for modification of the application of a safety or health standard to a mine shall be in writing and shall be mailed to the commissioner. The petition shall include:

- (1) the name, address, title and affiliation of the petitioner;
- (2) identification of the mine at which the modification or variance is sought;
- (3) the specific standard or standards for which a modification or variance is sought;
- (4) specific reasons for seeking the variance or modification, giving reasons why the standard or standards cannot be strictly complied with;

- (5) the name and address of the representative of the miners, if any, and the names, addresses and occupations of all miners who may be affected by a modification or variance from the standard;
  - (6) specify and fully describe the alternative method of protecting the miners which will guarantee the same measure of protection afforded the miners by the standard or standards or will enhance the level of safety and health provided by the standard or standards;
  - (7) specify the effects of denial of the modification or variance by the commissioner.
- (b) When a hearing is requested by the petitioner, or when the commissioner concludes that a hearing is warranted, the commissioner shall issue notice and hold a public hearing in accordance with the provisions of Article III of Chapter 150B of the North Carolina General Statutes and with the provisions of 13 NCAC 01B .0300.

*History Note:* Authority G.S. 74-24.5; 95-4(2);  
Eff. February 1, 1976;  
Readopted Eff. September 30, 1977;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.

### **13 NCAC 06 .0302 GENERAL INSPECTIONS**

- (a) **Advance Notice.** Advance notice will be given only when it is necessary to insure that appropriate mine personnel are present at the time of the inspection. In any case, advance notice shall not be given more than 15 days before the inspection.
- (b) **Requests for Permission.** Inspectors may make tests to determine miner exposure to dust, gases, fumes, vapors and mists, as a routine part of their inspection without requesting permission to do so from the operator or his authorized agent. Inspectors may take photographs of violations of safety and health standards and of objects of general interest only after receiving written or verbal permission from the operator, the agent of the operator, or another person authorized to give such permission.
- (c) **Closing Conference.** Upon completion of an inspection, the inspector shall, when possible, discuss his findings with the mine operator or the authorized agent of the operator. If he determines that the operations of the mine are not in compliance with the regulations of this Chapter, the inspector shall issue either an official notice or an official order to withdraw, and after conferring with the operator or the authorized agent of the operator, shall specify an abatement period for notices issued.
- (d) **Forms Used.** The following forms shall be used:
  - (1) **Notice of Violation Form.** The notice of violation form, completed, signed and dated by the inspector shall include the following information: the location of the mine, the name and address of the operator, the standard(s) violated, a description of the violation(s), and the abatement period(s).
  - (2) **Order to Withdraw Form.** The order to withdraw form, completed, signed and dated by the inspector shall include the following information: the location of the mine, the name and address of the operator, the standard(s) violated, a description of the violation(s), the specific portion(s) of the mine closed (or specific machinery prohibited).
- (e) **Notification of Interested Officials.** Copies of all notices and orders shall be mailed, as soon as practicable, to other interested mine officials, including the person in charge of safety and health.
- (f) **Extension of Abatement Period.** An operator may request an extension of the abatement period for a violation of a safety and health standard from the inspector or from the director. The request may be in writing, by telephone or in person, and the operator shall fully describe the reason for the requested extension. If the inspector or the director decides to extend the abatement period, the decision shall be in writing and shall be given to the operator and other interested mine officials.
- (g) **Follow-up Inspections.** After the inspection of a mine at which a violation of a safety and health standard is found and a notice is issued, a reinspection or follow-up inspection will be made upon expiration of the abatement period. Following the follow-up inspection, the inspector shall hold a closing conference with the operator or the authorized agent of the operator. In the event of non-abatement, the inspector will either:
  - (1) extend the abatement period, or
  - (2) issue an order to withdraw from the affected portion of the mine. In either event, the inspector shall give a written and signed copy of his decision to the operator and to other interested mine officials.

*History Note:* Authority G.S. 74-24.7; 74-24.8; 74-24.9; 95-4(2);

*Eff. February 1, 1976;*  
*Readopted Eff. September 30, 1977;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.*

### **13 NCAC 06 .0303 HEALTH SURVEYS**

(a) Agreement. The commissioner has reached an agreement with the Director, Division of Health Services of the North Carolina Department of Human Resources, under which the division of health services shall perform health surveys and investigations of mines in the state.

(b) Frequency of Inspections. The division of health services shall make inspections as follows:

- (1) gassy and nongassy underground mines at least once each calendar year,
- (2) quarries and open pit mines at least once each two calendar years,
- (3) sand and gravel operations at least once each five calendar years.

The division of health services shall also make intermittent and spot-check inspections in order to determine continuous compliance with health standards.

(c) Conduct of Inspection. Advance notice of the inspection will not be given, except as provided for in Rule .0302(a) of this Section. During the inspection, the inspector of the division of health services shall investigate into the following areas, where applicable:

- (1) dust exposure;
- (2) exposure to fumes, gases, vapors, and particulate matters;
- (3) noise exposure; and
- (4) radiation exposure.

(d) Report of Findings. As soon as possible after the completion of the inspection or investigation of a mine, the inspector of the division of health services shall furnish the Director of the Mine and Quarry Division with two copies of the inspection report. The report shall include: the name and address of the operator, the location of the mine, a description of the findings of the inspection, a description of the health hazards found, the date of the inspection, and the name of the inspector.

(e) Notices, Orders. If, after reviewing the report of the inspector of the division of health services, the Director of the Mine and Quarry Division determines that a violation of a mine health standard has occurred, the director will issue the official notice or the official order to withdraw, as described in Rule .0302(d) of this Section. The director will mail copies of all notices and orders to other interested mine officials, including the person in charge of safety and health, as soon as practicable.

(f) Follow-up Inspection. The director may request an inspector of the Division of Health Services to make a follow-up inspection of a mine to insure that the operator has complied with the rules and regulations of this Chapter. After the follow-up inspection, the inspector of the division of health services shall furnish the Director of the Mine and Quarry Division with two copies of the inspection report, as described in Subsection (d) of this Rule.

(g) Quarterly Report. The division of health services shall report at least quarterly to the Director of the Mine and Quarry Division all known incidents of acute occupational illnesses resulting from skin contact with industrial agents; inhalation of dust, fumes, mists, toxic gases or radioactive particles; or ingestion of toxic agents from material on hands or food.

(h) Annual Report. The division of health services shall furnish the Director of the Mine and Quarry Division with an annual report of disabling chronic occupational illnesses occurring to miners.

*History Note: Authority G.S. 74-24.16(c); 74-24.8; 74-24.9; 95-4(2);*  
*Eff. February 1, 1976;*  
*Readopted Eff. September 30, 1977;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.*

### **13 NCAC 06 .0304 ACCIDENTS: NOTIFICATION: INVESTIGATION**

(a) Immediate Notification. The operator of a mine, using the fastest available means of communication, shall notify the director or any other representative of the division of any of the following accidents that occur at a mining operation:

- (1) any injury, including illness, which results in death or may reasonably be expected to result in death;

- (2) any outbreak of fire that endangers human life or a fire underground which is not brought under control within 30 minutes;
- (3) any unplanned ignition of dust or strata gas;
- (4) any unplanned explosion of dust or gas;
- (5) any unplanned inundation by water or gas that endangers human life;
- (6) any unplanned initiation of explosives, including blasting agents;
- (7) any cave-in or entrapment that endangers human life;
- (8) any unexpected event which could have readily resulted in serious physical harm.

(b) Investigatory Report by Operator. Following the occurrence of an accident, as listed in (a) of this Rule, the operator shall conduct an investigation of the accident and shall submit to the director a detailed written report of his finding, as soon as practicable. The report shall include the following information: the name and address of the operator, the name and location of the mine, a description of the accident, the apparent cause of the accident, a description of all injuries to persons and of all damage to property, and the apparent consequences of the accident to the continued operation of the mine.

(c) Official Investigation. Following the occurrence of an accident, as described in (a) of this Rule, an inspector of the division shall conduct an extensive investigation and shall prepare a written report.

(d) Requests for Reports. Upon establishing a bonafide need, a person may obtain a copy of an accident investigation report from the director. The request for a copy of the accident investigation report shall be made in person to the director.

*History Note: Authority G.S. 74-24.7; 95-4;  
Eff. February 1, 1976;  
Readopted Eff. September 30, 1977;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.*

### **13 NCAC 06 .0305 ACCIDENT AND ILLNESS RECORDS**

(a) Reporting Required. Following the occurrence of any work-related accident (including those listed in Rule .0304(a) of this Section), work-related illness, or work-related injury (other than a minor first-aid case), the operator shall complete a Mine Injury or Illness Report, Form MAQD-9 (or Mine Safety and Health Administration (MSHA) Form 7000-1). The report form shall include the following information: the mine identification number; mine name; company name; the location of the mine; a description of the circumstances of the accident, injury or illness; location of the accident within the mine; the name and job title of the ill or injured person; and the total number of lost workdays.

(b) Report to Director. The operator shall mail or fax one copy of the form to the director within 10 calendar days of the occurrence of the accident, illness, or injury. If the form is faxed, a copy of the form must also be mailed to the director within 24 hours.

(c) Maintenance of Records. The operator shall maintain one copy of each form at the mine or nearest mine office for at least one year and shall upon request make the record available for examination by a representative of the Division.

*History Note: Authority G.S. 74-24.13;  
Eff. February 1, 1976;  
Readopted Eff. September 30, 1977;  
Amended Eff. August 1, 1994;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.*

### **13 NCAC 06 .0306 WORK RECORDS**

All operators shall maintain for at least two years records specifying: the number of days that the mine has operated each month; the number of employees working each month; the total number of manhours worked; and the number of days lost from work by accident, injury, or illness.

*History Note: Authority G.S. 74-24.13; 95-4(2);  
Eff. February 1, 1976;  
Readopted Eff. September 30, 1977;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.*

### **13 NCAC 06 .0307 COMMENCEMENT: CLOSING OF OPERATIONS**

(a) Commencement of Operations. Before starting operations, all operators of mines shall notify the commissioner of the approximate or actual date that mine operations will commence. The notification shall be in writing and shall include the mine name, location, the company name, mailing address, the person in charge of operations, and whether the operation will be continuous or intermittent.

(b) Closing of Mine. When a mine is closed, the operator shall promptly notify the commissioner of such closure in writing and shall indicate whether the closure is temporary or permanent.

*History Note: Authority G.S. 74-24.13(c); 95-4(2);  
Eff. February 1, 1976;  
Readopted Eff. September 30, 1977;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.*

### **13 NCAC 06 .0308 PUBLICATION: RELEASE OF INFORMATION**

(a) Annual Statistical Report. The director shall compile, analyze and annually publish, in summary form statistical information pertaining to accidents and injuries in mine operations within the state. Requests for the free annual report shall be made to the director.

(b) Inspection of Records. Statistical information regarding reports, notices, orders, or findings obtained or issued under the act may be inspected by the public in the offices of the division.

(c) Release of Information. A person may request other statistical information regarding reports, notices, orders, or findings obtained or issued under the act. The requests shall be made in writing to the director and shall specify the information sought, and the reasons therefor.

(d) Confidential Information. Any information that reveals the internal fiscal operation of individual mines, including manhours worked, will be held in confidence and will not be released to the public.

*History Note: Authority G.S. 74-24.13; 95-4(2);  
Eff. February 1, 1976;  
Readopted Eff. September 30, 1977;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.*

### **13 NCAC 06 .0309 DISCRIMINATION AGAINST MINERS**

Any miner or representative of miners who believes that he has been discharged or otherwise discriminated against by any person in violation of the provisions of G.S. 95-241 may, within 180 days after such violation occurs, apply to the commissioner for a review of such alleged discharge or discrimination. Such application shall be in writing and shall contain the complainant's name, address, title, when employed, the company name, the mine name, and the mine address. The application also shall specify the date the alleged discharge or discrimination took place and shall set forth in specific detail the reason why the miner or representative of miners believes he has been discharged or discriminated against in violation of the provisions of G.S. 95-241.

*History Note: Authority G.S. 74-24.15; 95-245;  
Eff. February 1, 1976;  
Readopted Eff. September 30, 1977;  
Amended Eff. December 1, 2003;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.*

### **13 NCAC 06 .0310 REPRESENTATIVE OF MINERS**

When used in the act, the term "representative of the miners" shall mean a union representative of the miners.

*History Note: Authority G.S. 74-24.7; 95-4;  
Eff. February 1, 1976;*

*Readopted Eff. September 30, 1977;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.*

### **13 NCAC 06 .0311 AUTHORIZED REPRESENTATIVE OF MINERS**

When used in North Carolina General Statute 74-24.7(g), the term "authorized representative of the miners" shall mean the safety chairman, lead man, recognized spokesman, or union representative of the miners.

*History Note: Authority G.S. 74-24.7; 95-4;*  
*Eff. February 1, 1976;*  
*Readopted Eff. September 30, 1977;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.*

## **SECTION .0400 - GENERAL MINE STANDARDS**

### **13 NCAC 06 .0401 GENERAL DUTY**

Every operator shall use every reasonable precaution to provide safe and healthful working conditions for all miners in each mine, whether provided for in the standards of this Chapter or not. It shall be the duty of such operators to carry out the provisions of the standards of this Chapter by providing the safety devices, type of construction, materials, methods and procedures which are required by the standards of this Chapter and by generally accepted safety and health standards.

*History Note: Authority G.S. 74-24.15;*  
*Eff. February 1, 1976;*  
*Readopted Eff. September 30, 1977;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.*

### **13 NCAC 06 .0402 FEDERAL MANDATORY STANDARDS**

(a) The commissioner has adopted and shall enforce the mandatory provisions of the Metal and Nonmetal Mine Health and Safety Standards, July, 1993 edition, which are hereby incorporated by reference, including subsequent amendments and editions, 30 CFR Chapter 1, Parts 56 and 57.

(b) Copies of the standards may be obtained from the U.S. Government Printing Office, Superintendent of Documents, Post Office Box 371954, Pittsburgh, Pennsylvania 15250-7954. Copies of the standards are also available for inspection and purchase for twenty eight dollars (\$28.00) at the offices of the Mine and Quarry Division.

*History Note: Authority G.S. 74-24.4(a);*  
*Eff. February 1, 1976;*  
*Amended Eff. June 3, 1977;*  
*Readopted Eff. September 30, 1977;*  
*Amended Eff. August 1, 1994; January 9, 1980; January 3, 1979; January 5, 1978;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.*

## **SECTION .0500 - SURFACE MINE: PIT AND QUARRY STANDARDS**

### **13 NCAC 06 .0501 APPLICABILITY**

In addition to complying with the requirements of Section .0400 of this Chapter, all mines, except for the underground portions of underground mines, shall comply with the rules of this Section.

*History Note: Authority G.S. 74-24.4(a);*  
*Eff. February 1, 1976;*  
*Readopted Eff. September 30, 1977;*  
*Amended Eff. August 1, 1994;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.*

### **13 NCAC 06 .0502 TOILET FACILITIES**

*History Note: Authority G.S. 74-24.4(a);  
Eff. February 1, 1976;  
Readopted Eff. September 30, 1977;  
Repealed Eff. January 9, 1980.*

### **13 NCAC 06 .0503 DANGEROUS OPENINGS**

The operator, owner or lessee shall provide reasonable safeguards, such as guard rails, fences, berms or other approved means, to prevent loss of life or property at any surface mine, pit or quarry which has dangerous openings. These safeguards shall provide protection at operating, abandoned or closed surface mines, pits and quarries. Safeguards at abandoned surface mines, pits and quarries shall be located as close to the dangerous openings as possible.

*History Note: Authority G.S. 74-24.4(a);  
Eff. February 1, 1976;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.*

### **13 NCAC 06 .0504 HOUSEKEEPING**

*History Note: Authority G.S. 74-24.4(a);  
Eff. February 1, 1976;  
Readopted Eff. September 30, 1977;  
Repealed Eff. January 5, 1978.*

### **13 NCAC 06 .0505 MAINTENANCE**

*History Note: Authority G.S. 74-24.4(a);  
Eff. February 1, 1976;  
Readopted Eff. September 30, 1977;  
Repealed Eff. August 1, 1994.*

### **13 NCAC 06 .0506 HANDLING EQUIPMENT**

*History Note: Authority G.S. 74-24.4(a);  
Eff. February 1, 1976;  
Readopted Eff. September 30, 1977;  
Repealed Eff. January 9, 1980.*

### **13 NCAC 06 .0507 CRANES: DRAGLINES: SHOVELS AND DERRICKS**

- (a) Air Pressure Gauge. Machines equipped with air brakes or air clutches shall have an air pressure gauge in view of the machine operator.
- (b) Derrick Guy Ropes. Derrick guy ropes that support masts shall be securely anchored and fastened. They shall be inspected at least semi-monthly and replaced when needed.
- (c) Direction of Cab Travel. The cab of machines, when traveling, shall face in the direction of travel, if practicable; otherwise a competent person shall direct the movement from the ground.
- (d) Oilers. Oilers shall keep the machine operator informed as to their whereabouts.
- (e) Suspension Cables, Sheaves and Pins. All boom suspension cables, along with their sheaves and pins, shall comply with the machine manufacturer's specifications. They shall be inspected at least monthly and replaced when needed.

*History Note: Authority G.S. 74-24.4(a);*



*Eff. February 1, 1976;*  
*Readopted Eff. September 30, 1977;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.*

**13 NCAC 06 .0508      ELECTRICALLY POWERED HANDLING EQUIPMENT**

*History Note:      Authority G.S. 74-24.4(a);*  
*Eff. February 1, 1976;*  
*Readopted Eff. September 30, 1977;*  
*Repealed Eff. January 9, 1980.*

**13 NCAC 06 .0509      HAULAGE AND TRANSPORTATION**

*History Note:      Authority G.S. 74-24.4(a);*  
*Eff. February 1, 1976;*  
*Readopted Eff. September 30, 1977;*  
*Repealed Eff. January 9, 1980.*

**13 NCAC 06 .0510      RAILWAYS**

Starting a railroad car by "pinching" shall be prohibited except when a person is stationed at the brake wheel. ("Pinching" is defined as moving a railroad car with a pinchbar by placing the pinchbar between the wheel and the railroad track and using leverage to move it forward.)

*History Note:      Authority G.S. 74-24.4(a);*  
*Eff. February 1, 1976;*  
*Readopted Eff. September 30, 1977;*  
*Amended Eff. August 1, 1994;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.*

**13 NCAC 06 .0511      MOTOR VEHICLES**  
**13 NCAC 06 .0512      CONVEYORS**

*History Note:      Authority G.S. 74-24.4(a);*  
*Eff. February 1, 1976;*  
*Readopted Eff. September 30, 1977;*  
*Repealed Eff. August 1, 1994.*

**13 NCAC 06 .0513      CRUSHING EQUIPMENT**

- (a) Feeders. Miners shall not be permitted to enter an operating feeder.
- (b) Guard Rails or Chains. Guard rails, chains or other protective devices shall be installed and maintained around jaw-type crusher openings. When necessary for miners to work over an operating jaw-type crusher to clear jams, safety belts and life lines shall be used.
- (c) Place of Safety at Crusher. Miners working at the crusher feed opening shall not be permitted to stand directly in back of or at the side of a vehicle while its contents are being dumped therein, unless provided with adequate protection from flying material.
- (d) Work Beneath Feeders and Hoppers. Miners shall not be permitted to work beneath a feeder or hopper where a hazard from falling material exists.

*History Note:      Authority G.S. 74-24.4(a);*  
*Eff. February 1, 1976;*  
*Readopted Eff. September 30, 1977;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.*

### **13 NCAC 06 .0514            PRESSURE TANKS**

*History Note:*     *Authority G.S. 74-24.4(a);*  
                          *Eff. February 1, 1976;*  
                          *Readopted Eff. September 30, 1977;*  
                          *Repealed Eff. January 9, 1980.*

### **13 NCAC 06 .0515            FIRE PREVENTION**

- (a) Open Fires. The use of open fires for comfort heating for miners shall be prohibited.
- (b) Storage and Use of Oxygen, Etc. Oxygen, oxyacetylene and oxyhydrogen or electric welding, burning and cutting equipment shall be placed under the charge of a competent person or persons, as defined in 30 CFR Parts 56.2 and 57.2, who shall be responsible for its safe storage and use.
- (c) Acetylene Storage and Use. Acetylene cylinders shall be secured vertically and shall be handled with extreme caution. Acetylene shall not be used at pressures higher than 15 pounds (6.8 kilograms) per square inch (6.452 square centimeters).

*History Note:*     *Authority G.S. 74-24.4(a);*  
                          *Eff. February 1, 1976;*  
                          *Readopted Eff. September 30, 1977;*  
                          *Amended Eff. August 1, 1994;*  
                          *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,*  
                          *2018.*

### **13 NCAC 06 .0516            ELECTRICAL EQUIPMENT**

- (a) National Electrical Code. All electrical apparatus, equipment and wiring shall be installed and maintained in accordance with the National Electrical Code which is hereby incorporated by reference, 1993 Edition, including subsequent amendments and editions, insofar as the code is applicable to the operation of surface mines, pits and quarries. Copies of the code may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Post Office Box 9101, Quincy, Mass. 02269-9101. Copies of the code are also available for inspection and purchase for thirty seven dollars and fifty cents (\$37.50) at the Office of the Mine and Quarry Division.
- (b) Personnel Authorization and Instruction. Only competent persons, as defined in 30 CFR Parts 56.2 and 57.2, shall install, operate, repair, work on or with electric wires, lighting conductors or electrical apparatus, machinery or equipment.

*History Note:*     *Authority G.S. 74-24.4(a);*  
                          *Eff. February 1, 1976;*  
                          *Readopted Eff. September 30, 1977;*  
                          *Amended Eff. August 1, 1994;*  
                          *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,*  
                          *2018.*

### **13 NCAC 06 .0517            HAND TOOLS**

Hand tools shall be regularly inspected and maintained in a safe condition. Defective tools shall not be used until repaired.

*History Note:*     *Authority G.S. 74-24.4(a);*  
                          *Eff. February 1, 1976;*  
                          *Readopted Eff. September 30, 1977;*  
                          *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,*  
                          *2018.*

### **13 NCAC 06 .0518            DREDGES AND SAND PUMPS**

- (a) Guarding Spuds. Spuds and spud lifting collars shall be either guarded or isolated.
- (b) Hand Rails, Handcables and Handropes. Where practicable, all floating dredges and sand pumps shall be equipped with suitable hand rails, handcables or handropes so as to prevent miners from falling overboard.

- (c) Inspection and Maintenance. Hulls and/or floats which support dredges or sand pumps shall be inspected regularly and maintained in a safe and watertight condition.
- (d) Life Preservers. Approved-type life preservers shall be worn by all miners working afloat except when working on dredges and sand pumps equipped with hand rails, handcables or handropes. Approved-type life preservers shall be worn by miners while working in any area not protected by hand rails, handcables or handropes. An adequate number of suitable life preservers shall be kept on board at all times for emergency use.
- (e) Submerged Anchor Lines. Work boats shall not be permitted to pass over submerged anchor lines while dredges are in operation.
- (f) Walking on Pipe Lines. Miners shall not be permitted to walk on floating pipe lines unless the pipe lines are fitted with safe walkways and hand rails.
- (g) Work Boats. Work boats shall be stable and maintained in a safe condition.

*History Note:* Authority G.S. 74-24.4(a);  
Eff. February 1, 1976;  
Readopted Eff. September 30, 1977;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.

### **13 NCAC 06 .0519 SAFETY SHOWERS AND EYE WASH FOUNTAINS**

Safety showers and eye wash fountains shall be provided, operable, and easily accessible to all areas where a hazard exists from hazardous chemical splashes and spills. ("Hazardous chemical" is defined as a chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees.)

*History Note:* Authority G.S. 74-24.4(a);  
Eff. February 1, 1976;  
Readopted Eff. September 30, 1977;  
Amended Eff. August 1, 1994;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.

### **13 NCAC 06 .0520 JET CHANNELING OR PIERCING**

*History Note:* Authority G.S. 74-24.4(a);  
Eff. February 1, 1976;  
Readopted Eff. September 30, 1977;  
Repealed Eff. August 1, 1994.

### **13 NCAC 06 .0521 EXPLOSIVES: GENERAL RULES**

- (a) All Clear Signal. An "all clear" signal shall be sounded before any person is allowed to return to the blast site after a blast.
- (b) Destroying Empty Containers. No person shall be permitted to remain within 100 feet (30.48 meters) of a burning pile of empty explosives containers.
- (c) Removing Containers. Empty explosives containers shall not be removed from the mining premises.
- (d) Work on Blast Area. Only persons necessary to the shotloading operation shall be permitted to work in front of the face of the blast area when a primary blast is being loaded.

*History Note:* Authority G.S. 74-24.4(a);  
Eff. February 1, 1976;  
Readopted Eff. September 30, 1977;  
Amended Eff. August 1, 1994;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.

### **13 NCAC 06 .0522 TRANSPORTATION OF EXPLOSIVES ON SITE**

- (a) Congested Areas. Vehicles transporting explosives or blasting agents shall not be driven through congested areas whenever it is practicable to avoid them. When it is necessary to stop a vehicle containing explosives or blasting agents in a congested area, the vehicle shall not be left unattended.
- (b) Handling Explosives. Explosives or blasting agents shall not be thrown, dropped or otherwise roughly handled.
- (c) Operators' Qualifications. Explosives vehicles shall be operated only by competent persons, as defined in 30 CFR Parts 56.2 and 57.2.

*History Note:* Authority G.S. 74-24.4(a);  
Eff. February 1, 1976;  
Readopted Eff. September 30, 1977;  
Amended Eff. August 1, 1994;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.

### **13 NCAC 06 .0523      MAGAZINES**

*History Note:* Authority G.S. 74-24.4(a);  
Eff. February 1, 1976;  
Readopted Eff. September 30, 1977;  
Repealed Eff. January 9, 1980.

### **13 NCAC 06 .0524      BLASTING: GENERAL RULES**

*History Note:* Authority G.S. 74-24.4(a);  
Eff. February 1, 1976;  
Readopted Eff. September 30, 1977;  
Repealed Eff. January 9, 1980.

### **13 NCAC 06 .0525      PRIMARY BLASTING**

- (a) Detonators in Blast Area--Detonating Fuse. When loading a blast primed with detonating fuse, detonators shall not be attached to the detonating fuse until the blast site has been cleared.
- (b) Loading and Other Operations. Loading shall not begin until the shot has been completely drilled. On a shot being loaded, a drill shall not be used for any purpose closer to a loaded hole than a distance of three times the spacing of the drill pattern used.

*History Note:* Authority G.S. 74-24.4(a);  
Eff. February 1, 1976;  
Readopted Eff. September 30, 1977;  
Amended Eff. August 1, 1994; January 9, 1980;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.

### **13 NCAC 06 .0526      SECONDARY BREAKAGE**

- (a) Dropballing. The dropball operator shall be protected from flying rock by screen cloth or plexiglass or both. The operator shall not drop the ball on a rock which has a visible drill hole until it has been determined that the hole does not contain explosives. No unprotected person shall be permitted within the area in which flying materials from dropball operations may cause injury to persons.
- (b) Loading Explosives While Drilling For Secondary Blast. Only authorized persons shall be allowed in the area where loading is being performed.
- (c) Work on Muck Pile While Secondary Drilling, Blasting or Mud Capping. No tools or equipment shall be permitted on a muck pile directly above or below a blaster while a person is loading explosives for secondary blasting.

*History Note:* Authority G.S. 74-24.4(a);  
Eff. February 1, 1976;  
Readopted Eff. September 30, 1977;

*Amended Eff. August 1, 1994;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.*

**SECTION .0600 – FEES**

**13 NCAC 06 .0601 MINE AND QUARRY BUREAU FEE SCHEDULE**

*History Note: Authority G.S. 74-24.16(d);*  
*Emergency Adoption Eff. September 13, 2005;*  
*Temporary Adoption Eff. November 1, 2005;*  
*Temporary Adoption Expired August 12, 2006.*