

~~4 VAC 25-50-10. Definition.~~

~~The following word and term, when used in this chapter, shall have the following meaning unless the context clearly indicates otherwise:~~

~~"Maintenance" means all of the tasks required to be performed routinely to ensure that the engine exhaust emissions conform with the requirements of the laws and regulations of Virginia, and with the maintenance recommendations of the manufacturer of the engine.~~

~~4 VAC 25-50-20. Purpose and authority.~~

~~This chapter establishes requirements for obtaining a certificate to perform maintenance on diesel engines used in underground coal mines in the Commonwealth of Virginia. The purpose of the regulations is to ensure that competent personnel are employed to maintain diesel engines in such a manner as to protect the health and safety of workers. The regulations are promulgated under the rulemaking authority of the Department of Mines, Minerals and Energy pursuant to §45.1-161.3 of the Code of Virginia, and are adopted by the Board of Coal Mining Examiners by the authority pursuant to §45.1-161.28 of the Code.~~

~~4 VAC 25-50-30. Applicability.~~

~~Beginning April 1, 1990, all maintenance work performed on diesel engines used to power equipment in underground coal mines must be performed by, or under the direct supervision of, a person possessing a Diesel Engine Mechanic Certificate issued by the Board of Coal Mining Examiners. Beginning April 1, 1990, no operator of an underground coal mine in the Commonwealth of Virginia may use diesel-powered equipment in such a mine without first employing a diesel engine mechanic who is certified by the Board of Coal Mining Examiners.~~

~~4 VAC 25-50-40. Qualifications.~~

~~A. Applicants for a Diesel Engine Mechanic Certificate must have at least six months of practical experience as a diesel engine mechanic, verified by a notarized statement.~~

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~~Satisfactory completion of the Division of Mines Diesel Engine Mechanic Course, or completion of a one-year diesel mechanic program approved by the division, may be substituted for this diesel engine mechanic experience.~~

~~B. Applicants for a Diesel Engine Mechanic Certificate must score 85% or more on all sections of the Diesel Engine Mechanic Examination. Prior to taking the examination, the applicant must have met the experience requirements for certification, including verification, have submitted a complete application for certification, and have paid a \$10 fee for the examination and certificate. Applicants that fail one or more sections of the examination may take those sections of the examination again within 90 days after taking the complete examination. Applicants that fail one or more sections a second time may take the entire examination again within 90 days after failing those sections. Applicants who fail any part of the examination three times may not take the examination again until at least one year after the first attempt.~~

~~4 VAC 25-50-60. Certification of instructors.~~

~~A. All training conducted for the purpose of qualifying individuals for the Diesel Engine Mechanic Certificate, or for renewal of that certificate, shall be administered by instructors who are certified by the Division of Mines. Such a certificate shall be known as Diesel Engine Mechanic Instructor Certificate. To qualify for the instructor's certificate, an applicant must pass the Diesel Engine Mechanic Instructor Examination, and possess either a Diesel Engine Mechanic Certificate or suitable experience as determined by the division.~~

~~B. The holder of a Diesel Engine Mechanic Instructor Certificate may maintain validation of the certificate by having taught at least one approved diesel engine mechanic course every two years, or by having taught at least three diesel engine mechanic retraining courses every year. The Board of Coal Mining Examiners may revoke the certification, in accordance with §45.1-161.35 of the Code of Virginia, when the certificate holder fails to meet these validation requirements.~~

~~4 VAC 25-50-80. Diesel mechanic training courses.~~

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A. ~~The Chief of the Division of Mines at his discretion may approve independently created diesel engine mechanic annual retraining courses and courses for training miners to be certified initially.~~

B. ~~To qualify for consideration by the chief, a diesel engine mechanic annual retraining course shall consist of at least four hours of classroom instruction. The content of the course shall include, but is not limited to, diesel technology, diesel laws and regulations, safe use of diesel equipment, and the protection of health of workers exposed to diesel equipment.~~

C. ~~To qualify for consideration by the chief, a diesel engine mechanic certification course shall include, but is not limited to, instruction on the subjects of diesel engine principles, fuel systems, diesel fuel, engine exhaust systems, diesel laws and regulations, preventive maintenance, emission controls, emission testing, safe use of diesel equipment, and protection of health of workers exposed to diesel equipment.~~

~~4 VAC 25-50-110. Terms of issuance.~~

A. ~~A Diesel Engine Mechanic Certificate shall remain valid for one year from the last day of the month in which the certificate was issued, unless the certificate is revoked by the Board of Coal Mining Examiners in accordance with §45.1-161.35 of the Code of Virginia. The holder of a certificate may renew the certificate by satisfactorily completing a diesel engine mechanic annual retraining program approved by the Division of Mines and taught by an instructor certified by the division.~~

B. ~~If a certificate expires because the certificate holder fails to complete retraining requirements, then the holder of the expired certificate must complete the retraining requirements and pass the Diesel Engine Mechanic Examination prior to reinstatement of certification.~~

C. ~~Reciprocity of certification from MSHA and other states may be granted pursuant to §45.1-161.33 of the Code of Virginia.~~