

# 1997 SESSION

ENROLLED

## VIRGINIA ACTS OF ASSEMBLY — CHAPTER

*An Act to amend and reenact § 45.1-161.206 of the Code of Virginia, relating to diesel-powered mining equipment.*

[H 2844]

Approved

**Be it enacted by the General Assembly of Virginia:**

**1. That § 45.1-161.206 of the Code of Virginia is amended and reenacted as follows:**

§ 45.1-161.206. Diesel powered equipment.

Diesel powered equipment may be utilized underground with the written approval of the Chief. The Chief shall promulgate regulations necessary to carry out the provisions of this section. The regulations shall require that the air in each travel way in which diesel equipment is used, and in any active workings connected thereto, be of a quality necessary for a safe, healthful working environment. *The Chief shall promulgate regulations that require all new diesel powered outby equipment with greater than 100 horsepower and all new diesel powered inby equipment placed in service after July 1, 1998, to be equipped with particulate filters. Such regulations shall also provide that all such outby equipment with greater than 100 horsepower and all diesel powered inby equipment in service prior to July 1, 1998, be retrofitted with such particulate filters by July 1, 2003, or taken out of service. The regulations shall provide that such requirements for diesel particulate control are effective only if the Chief finds that such filters have received all appropriate United States Mine Safety and Health Administration certifications and approvals and are commercially available.* The minimum quantity of ventilating air that must be supplied for a permissible diesel machine in a given time shall conform to that shown on the approval plate attached to the machine. All diesel machines and equipment shall be maintained in such manner that the exhaust emissions meet the same standards to which the machine or equipment was manufactured.

**2. That the provisions of this act shall not become effective unless reenacted by the 1998 Session of the General Assembly.**

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