

WorkSafe Services

PO Box 160
Saint John NB E2L 3X9
Phone 506 632-2200
Toll free (Claims) 1 800 222-9775
N.E. Regional Office 1 800 561-2524
Web www.whscc.nb.ca

Services de travail sécuritaire

Case postale 160
Saint John NB E2L 3X9
Téléphone 506 632-2200
Sans frais (Réclamations) 1 800 222-9775
Bureau de la Région du N.-E. 1 800 561-2524
Web www.whscc.nb.ca



November 17, 2004

"The Employer"

The Chief Compliance Officer is writing in response to the employer's letter dated October 29, 2004 requesting a deviation from New Brunswick Mining Regulations 96-105 Subsection 50(2) that states:

50(2) Where a diesel engine referred to in subsection (1) has a power rating equal to or in excess of seventy-five kilowatts, an employer shall provide with the notice required under subsection (1), where available

- (a) the certification number assigned by the Approval and Certification Center of the Mine Safety and Health Administration of the United States Department of Labour which indicates that the engine has been approved for use in an underground mine, or*
- (b) details of the quantity and type of air contaminant being exhausted from the exhaust system for that model of engine prepared in accordance with the requirements of CSA Standard CAN/CSA-M424.2-M90, "Non-Rail Bound Diesel-Powered Machines for Use in Non-Gassy Underground Mines".*

The employer's letter is a follow-up to the telephone conversation of Thursday, October 28th. The employer states that on Monday dayshift, October 25th, a hole being drilled into the bottom of mined out stopes intersected an unexpected volume of water. The hole was being drilled to eliminate a source of water, which was running into the ore pass silo. This amount of water was beyond the capacity of the employer's local dewatering system to handle, resulting in the eventual flooding of a section of the conveyor system under the crusher on Monday evening. At this time, the employer is working with a contractor to install two high capacity diesel pumps to remove the water to a temporary holding area in the south end of the sill. This water will be removed later using the regular mine dewatering system.

The employer indicates that the employer plans to operate the two diesel-powered dewatering pumps in the employer's premises on the 1125/1200m levels. These pumps will be transported from the Shaft on 1125m level to the pumping sites via skids and made secure. It is expected these pumps will be required for a maximum time of one week.

The first pump is powered by a 185-horse power Detroit Diesel Engine Model 6-71 N. The after treatment exhaust device for this engine is a DC 10, catalytic converter. The certification for this diesel engine is through MSHA.

The second pump is powered by a 330-horse power Detroit Diesel Engine Model 6-71 T. The after treatment exhaust device for this engine is specified as a DC 12, catalytic converter. This diesel engine is not certified through either the CANMET or MSHA certification agencies.

WorkSafe • Travail sécuritaire

The employer requests a deviation to subsection 50(2) of Regulation 96-105 is based on the employer's intention to install an oxidation catalytic scrubber model DC 12 to reduce emissions of carbon monoxide. Also, it is the employer's intention to provide monitoring within the immediate work area for oxygen, methane, carbon monoxide, carbon dioxide, nitrogen dioxide and sulfur dioxide as per subsections Regulations 47 (a)(b)(i)(ii)(iii) and 51 (1)(a)(b)(c)(d)(e).

The 35,000 cfm of return air from the pump site will be isolated from the rest of the workings of the employer's premises. It will be sent directly into the employer's ventilation exhaust system via the crusher exhaust circuit, which consists of the 1200m level ventilation raise, through the 1000m level and finally discharging through the shaft to surface. During this circuit, exhaust ventilation will be added to increase the final flow to 250,000 cfm. The isolated ventilation circuit and the monitoring adjacent to the diesel engine's workplace will essentially eliminate the risk to personnel; therefore, an exemption from subsection 50(2) of Regulation 95-105 is requested.

Based on the information provided, the employer's request for a deviation is granted.

By copy of this letter the Chief Compliance Officer has advised WHSCC staff of the decision.

Regards,

Chief Compliance Officer