

Chapter ILHR 8

MINES, PITS AND QUARRIES

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Note: Chapter Ind 3 as it existed on June 30, 1983 was renumbered as ch. ILHR 8 and revised, effective July 1, 1983.

**ILHR 8.001 Scope.** The provisions of this chapter shall apply to all openings or excavations in the earth for the purpose of extracting minerals or other materials and the equipment related to processing or manufacturing of ores, aggregates, cements, lime, clay and silica sands.

Note: The department of natural resources has administrative rules concerning metallic mineral exploration, metallic mineral prospecting and metallic mineral mining.

History: Cr. Register, June, 1983, No. 330, eff. 7-1-83.

**ILHR 8.002 Application.** The provisions of this chapter shall apply to both existing mines, pits and quarries and to those established after the effective date of these rules, unless specifically stated otherwise in the rule.

History: Cr. Register, June, 1983, No. 330, eff. 7-1-83.

**ILHR 8.003 Saving and severable clauses.**

History: Cr. Register, June, 1983, No. 330, eff. 7-1-83; r. under s. 13.93 (2m) (b) 16, Stats., Register, September, 1984, No. 345.

**ILHR 8.01 Definitions.** (1) "Abandoned mine" means a mine in which all work has stopped on the mine premises and an office with a responsible person in charge is no longer maintained at the mine.

(2) "Abandoned workings" means deserted mine areas in which further work is not intended.

(3) "Active workings" means areas at, in, or around a mine or plant where persons work or travel.

(4) "American Table of Distances" means "The American Table of Distances for Storage of Explosives" published by the institute of makers of explosives.

(5) "Approved" means accepted by the department.

(6) "Authorized person" means a person approved or assigned by mine management to perform a specific type of duty or duties or to be at a specific location or locations in the mine.

(7) "Auxiliary fan" means a fan used to deliver air to a working place off the main airstream; generally used with ventilation tubing.

(8) "Barricaded" means obstructed to prevent the passage of persons, vehicles, or flying materials.

(9) "Berm" means a pile or mound of material capable of restraining a vehicle.

(10) "Blasting agent" means any material or mixture consisting of a fuel and oxidizer intended for blasting, not otherwise classified as an explosive and in which none of the ingredients is classified as an explosive, provided that the material or mixture cannot be detonated by a No. 8 test blasting cap under the conditions specified for the cap sensitivity test.

(11) "Blasting area" means the area near blasting operations in which concussion or flying material can reasonably be expected to cause injury.

(12) "Blasting cap" means a detonator which is initiated by a safety fuse.

(13) "Blasting circuit" means the electrical circuit used to fire one or more electric blasting caps.

(14) "Blasting switch" means a switch used to connect a power source to a blasting circuit.

(15) "Booster" means any unit of explosive or blasting agent used for the purpose of perpetuating or intensifying an initial detonation.

(16) "Booster fan" means a fan installed in the main airstream or a split of the main airstream to increase airflow through a section or sections of a mine.

(17) "Capped fuse" means a length of safety fuse to which a blasting cap has been attached.

(18) "Capped primer" means a package or cartridge of explosives which is specifically designed to transmit detonation to other explosives and which contains a detonator.

(19) "Circuit breaker" means a device designed to open and close a circuit by nonautomatic means and to open the circuit automatically on a predetermined overcurrent setting without injury to itself when properly applied within its rating.

(20) "Combustible" means capable of being ignited and consumed by fire.

(21) "Company official" means a member of the company supervisory or technical staff.

(22) "Competent person" means a person having abilities and experience that fully qualify such person to perform the duty assigned.

partment at least 10 days prior to the beginning of work in each pit or quarry.

**Note #1:** The notice is required from the operator for all pits and quarries where work is performed, whether or not the operator owns the pit or quarry. Only one initial notice is required for a pit or quarry where work is performed on an intermittent basis during the year.

**Note #2:** Copies of form SBD 6736 are available from the Division of Safety and Buildings, P.O. Box 7969, Madison, Wisconsin 53707.

(2) Each year before work is commenced in a pit or quarry, the pit or quarry operator shall notify the local sheriff and make arrangements for obtaining emergency medical assistance and transportation for injured persons.

**History:** Cr. Register, June, 1983, No. 330, eff. 7-1-83.

**ILHR 8.03 Permits.** Before an excavation of a shaft may be commenced, a permit shall be obtained from the department. As provided by s. 101.15 (2) (c), Stats., this requirement does not apply to shafts which will be less than 50 feet in depth wherein persons are not employed, or which are not equipped with power driven hoists used for hoisting persons in and out of the shafts, or which are not covered with a flammable building.

(1) **APPLICATION FOR PERMIT.** Application for a shaft excavation shall be made on form SBD 52, Mine Shaft Excavation Permit Application, prescribed by the department.

**Note #1:** Copies of form SBD 52 are available from the Division of Safety and Buildings, P.O. Box 7969, Madison, Wisconsin 53707.

**Note #2:** See s. ILHR 8.04 for permit fees.

(2) **PLANS AND SPECIFICATIONS.** Plans and specifications shall be submitted at the time of application for shaft excavation permits which show that the shaft, excavation and workings are to be in compliance with the provisions of this chapter.

**History:** Cr. Register, June, 1983, No. 330, eff. 7-1-83.

**ILHR 8.04 fees. (1) INSPECTION FEES.** An annual safety service fee, special inspection fee and drill rig inspection fee shall be submitted to the department as specified in ch. Ind 69, Wis. Adm. Code.

(2) **FEE FOR ISSUANCE OF PERMIT.** A fee as specified in ch. Ind 69, Wis. Adm. Code, shall be submitted for all shaft excavation permits issued by the department at the time of permit application.

**History:** Cr. Register, June, 1983, No. 330, eff. 7-1-83.

**ILHR 8.05 Petitions for variance.** The department shall consider and may grant a variance to an administrative rule upon receipt of a fee and a completed petition for variance form from the owner, provided an equivalency is established in the petition for variance which meets the intent of the rule being petitioned. The department may impose specific conditions in a petition for variance to promote the protection of the health, safety or welfare of the employes or the public. Violation of those

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conditions under which the petition for variance is granted constitutes a violation of these rules.

Note: Copies of the petition for variance (form SB-8) are available from the Division of Safety and Buildings, P.O. Box 7969, Madison, Wisconsin 53707

History: Cr. Register, June, 1983, No. 330, eff. 7-1-83; am. Register, September, 1984, No. 345, eff. 10-1-84.

**ILHR 8.06 Inspections.** (1) **GENERAL REQUIREMENTS.** The authorized inspectors of the department, upon presenting appropriate credentials to the owner, operator or agent in charge, are authorized to:

(a) Enter without delay and at reasonable times any factory, plant, establishment, construction site, or other area, workplace or environment where work is performed by an employee of an employer; and

(b) Inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any such employer, owner, operator, agent or employe.

(2) **REPRESENTATION.** The inspector, before making an inspection, shall contact the employer or employers representative who shall be given an opportunity to accompany the inspector during the physical inspection of any workplace under sub. (1).

Note #1: The department policy is not to give advance notice but in the scheduling and in the act of inspecting it may not always be possible to avoid advance notice or to obtain accompaniment, but otherwise these rules will be diligently observed.

Note #2: See s. ILHR 8.04 for inspection fees.

History: Cr. Register, June, 1983, No. 330, eff. 7-1-83.

**ILHR 8.07 Penalties.** The department may impose penalties and obtain additional remedies for violations of this chapter, as provided in ss. 101.02 (13) and 101.15 (2) (f) 2., Stats.

Note #1: Section 101.02 (13) (a), Stats. If any employer, employe, owner, or other person violates ss. 101.01 to 101.25, Stats., or fails or refuses to perform any duty lawfully enjoined, within the time prescribed by the department, for which no penalty has been specifically provided, or fails, neglects or refuses to obey any lawful order given or made by the department, or any judgment or decree made by any court in connection with ss. 101.01 to 101.25, Stats., for each such violation, failure or refusal, such employer, employe, owner or other person shall forfeit and pay into the state treasury a sum not less than \$10 or more than \$100 for each such offense.

Note #2: Section 101.15 (2) (f) 2., Stats. The department may apply to a court of record for the closing of any underground mine, quarry, pit, zinc works or other excavation where the same is being operated in violation of any of its rules or orders, and the owners or operators have failed within a reasonable time to correct any unsafe methods of operation. The failure of any owner or operator to comply with the order or judgment of the court shall subject such party or parties to criminal contempt proceedings.

History: Cr. Register, June, 1983, No. 330, eff. 7-1-83.

**ILHR 8.08 Adoption of standards.** (1) **GENERAL.** Pursuant to s. 227.025, Stats., the attorney general and the revisor of statutes have consented to the incorporation by reference of the following standards:

(a) American Conference of Governmental Industrial Hygienists (ACGIH) Standard; **THRESHOLD LIMIT VALUES FOR CHEMICAL SUBSTANCES IN WORKROOM AIR ADOPTED BY ACGIH FOR 1982;** and

Register, September, 1984, No. 345