§ 70.210 Respirable dust samples; transmission by operator.

(a) The operator shall transmit within 24 hours after the end of the sampling shift all samples collected to fulfill the requirements of this part in containers provided by the manufacturer of the filter cassette to: Respirable Dust Processing Laboratory, Pittsburgh Safety and Health Technology Center, Cochran Mill Road, Building 38, P.O. Box 18179, Pittsburgh, Pennsylvania 15236–0179, or to any other address designated by the District Manager.

(b) The operator shall not open or tamper with the seal of any filter cassette or alter the weight of any filter cassette before or after it is used to fulfill the requirements of this part.

(c) Upon notification from MSHA that any respirable dust sample taken from a designated area to meet the requirements of paragraph (a) or (b) of this section exceeds the applicable standard in §70.100 (Respirable dust standards) or §70.101 (Respirable dust standard when quartz is present), the operator shall take five valid respirable dust samples from that designated area within 15 calendar days. The operator shall begin such sampling on the first day on which there is a production shift following the day of receipt of notification.

(d) Upon issuance of a citation for a violation of §70.100 (Respirable dust standards) or §70.101 (Respirable dust standard when quartz is present) involving a designated area, paragraphs (a), (b) and (c) of this section shall not apply to that designated area until the violation is abated in accordance with §70.201(d) (Sampling; general requirements).

(e) Designated area samples shall be collected at locations to measure respirable dust generation sources in the active workings. The approved mine ventilation plan contents required by §73.371(t) of this chapter shall show the specific locations where designated area samples will be collected. Each designated area will be assigned a four-digit identification number by MSHA.

(f) MSHA approval of the operator’s ventilation system and methane and dust control plan may be revoked based on samples taken by MSHA or in accordance with this part 70.

§ 70.209 Respirable dust samples; report to operator; posting.

(a) The Secretary shall provide the operator with a report of the following

[45 FR 24000, Apr. 8, 1980, as amended at 57 FR 20913, May 15, 1992]