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U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

NOTICE OF PUBLIC HEARING OR COMMENT PERIOD ON PROPOSED RULE

COMMENT PERIOD

AGENCY: West Virginia Department of Energy

RULE TYPE: Legislative

RULE TITLE: Rules and Regulations Governing the Standards for
Certification of Blasters

A COMMENT PERIOD ON THE ABOVE PROPOSED RULE HAS BEEN SCHEDULED AND WILL
END ON February 20, 1987 AT 4:30 p.m. . WRITTEN COMMENTS ARE TO BE

MAILED TO THE FOLLOWING ADDRESS: WV Department of Energy, 1615

Washington Street, E., Charleston, WV 25311 ATTN: Tony Grbac

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THE PROPOSED RULE.

Roger T. Hall

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STATE DEPARTMENT OF ENERGY

NOTICE OF PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE

PUBLIC HEARING

AGENCY: West Virginia Department of Energy

RULE TYPE: Legislative

RULE TITLE: Rules and Regulations Governing the Standards for
Certification of Blasters

A PUBLIC HEARING ON THE ABOVE PROPOSED RULE WILL BE HELD AT 10:00 a.m.

ON February 20, 1987 AT Department of Energy Conference Room,

1615 Washington Street, E., Charleston, WV

COMMENTS ARE LIMITED TO: ORAL _____ WRITTEN _____ BOTH

COMMENTS MAY ALSO BE MAILED TO: WV Department of Energy, 1615

Washington Street, E., Charleston, WV 25311 ATTN: Tony Grbac

THE DEPARTMENT REQUESTS THAT PERSONS WISHING TO MAKE COMMENTS AT THE
HEARING MAKE AN EFFORT TO SUBMIT WRITTEN COMMENTS IN ORDER TO FACILITATE
A REVIEW OF THESE COMMENTS.

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THE PROPOSED RULE.

Roger T. Hall

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
DEPARTMENT OF ENERGY
CHAPTER 22-4
SERIES _____

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SUBJECT: RULES AND REGULATIONS GOVERNING THE STANDARDS FOR
CERTIFICATION OF BLASTERS FOR SURFACE COAL MINES AND
SURFACE AREAS OF UNDERGROUND COAL MINES

SECRETARY OF STATE

Section 1. General

1.01 Scope - These rules and regulations pertain to the certification of blasters for surface coal mines and surface areas of underground coal mines by the Department of Energy for the Department of Energy.

1.02 Authority - These rules and regulations are issued under authority of West Virginia Code, Chapter 22, Article 9, Section 6, as amended, in accordance with the provisions of Chapter 29-A, Article 3 of the West Virginia Code and in accordance with the Resolution of understanding by the Board of Miner Training, Education and Certification, dated December 4, 1979.

1.03 Effective Date - These rules and regulations meet the requirements of Chapter 29-A, Code of West Virginia, as amended, are promulgated on the _____ day of _____, 1987, and become effective on the _____ day of _____, 1987.

1.04 Filing Date - These rules and regulations were filed in the Office of the Secretary of State on _____, _____, 1987.

1.05 Certification - These rules and regulations are certified authentic by the Commissioner of the Department of Energy for those portions under his jurisdiction.

Section 2. Definitions

2.01 Blast - Any and all detonator(s), explosive(s), and/or blasting agent(s) being initiated simultaneously by a single energy source.

2.02 Detonation - An explosive reaction, also called a detonation wave, that moves through the material at a velocity greater than the speed of sound in the material.

2.03 Certified - Shall mean a person who has successfully completed an examination in accordance with Section 5.03 of these rules and regulations and is considered certified on record by the Department of Energy per Section 3.01 of these rules and regulations.

2.04 Explosive(s) - Any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion; including, but not limited to, water gel, slurries, emulsions, dynamites, permissibles, pellet powder, blasting caps, cast primers and boosters, detonating cord, detonating cord delay connectors, and blasting agents.

2.05 Surface Mine and Surface Area of Underground Mine - Shall mean all areas surface mined or being surface mined as well as adjacent areas ancillary to the operations, together with preparation and processing plants; storage areas and haulageways, roads, shops and trails; which are covered by the provisions of Chapter 22-A, Article 3 of the Code of West Virginia, as amended.

Section 3. Criteria for Certification of Blasters

3.01 Certified Blaster

(A) In every surface coal mine or surface area of any underground coal mine when blasting operations are being conducted one year after the effective date of these regulations, a Certified Blaster will be responsible for the handling and use of explosives for each and every blast in accordance with the blasting plans approved for the permit. Each applicant for Certification as a Blaster shall: (1) Have had at least one year active blasting

experience within the past three years; (2) Hold a current permit issued by the State Fire Marshall's office; and (3) Have demonstrated his knowledge and skill of the use, handling and storage of explosives and all state and federal laws pertaining thereto by completing such training and certification examinations as may be required by these regulations.

(B) Training requirements shall include, but are not limited to, those subject areas set forth in Section 5.02(A)(1) and Section 5.03(A)(1) of these regulations and the requirements of 30 CFR Part 48 for initial and annual refresher training. One year of active blasting experience, with on-the-job training shall be required prior to certification.

Section 4. Certified Blaster Examiners/Inspectors

All persons employed by the Department of Energy whose duties will include examining and certifying blasting personnel and/or inspecting blasting operations shall be Certified Blaster Examiners/Inspectors.

Section 5. Examinations

5.01 Certification under the provisions of 5.02 does not constitute certification under the provisions of Section 3.01, however, certification under Section 5.03 would suffice for certification under Section 4.

5.02 Examinations for Certified Blaster Examiners/Inspectors

(A) Examination for Certified Blaster Examiner/Inspector shall include information presented in the Study Guide for West Virginia Surface Mine Blasters and shall consist of three parts:

- (1) Written multiple choice examination covering:
 - (a) Types of explosives and their properties, to include selection;
 - (b) Blasting equipment and accessories, to include blasting machines;

- (c) Blast dimensions and calculations, to include geologic and topographic considerations, blast hole design, flyrock control, secondary blasting, and blast plans;
 - (d) Delay systems, to include pattern design, field layout, and initiation systems;
 - (e) Timing;
 - (f) Blast vibration and vibration control, to include airblast, monitoring techniques, and use of pre-blast surveys;
 - (g) Loading and shooting, to include priming, scheduling, site control, warning signals and unpredictable hazards;
 - (h) Storage and transportation of explosives;
 - (i) Record keeping and reporting;
 - (j) Current state and federal laws and regulations relating to the use, storage and transportation of explosives, the training and certification of blasting personnel, and blasting signs;
 - (k) Responsibilities of a certified blaster.
- (2) Written simulation - Correctly and properly completing a blasting log.
 - (3) Hands on simulation - Wiring, checking and shooting a blast.

(B) A score of 70 per cent for part (1) and satisfactory completion of parts (2) and (3) are required for successful passage of the examination.

An individual who fails to achieve a passing score may retake the examination subject to Department of Energy's direction.

5.03 Examination for Certified Blaster

(A) Examination for Certified Blaster shall include information presented in the Study Guide for West Virginia Surface Mine Blasters and shall consist of three parts:

- (1) Written multiple choice examination covering:
 - (a) Types of explosives and their properties, to include selections;
 - (b) Blasting equipment and accessories, to include blasting machines;
 - (c) Blast dimensions and calculations, to include geologic and topographic considerations, blast hole design, flyrock control, secondary blasting, and blast plans;
 - (d) Delay systems, to include pattern design, field layout, and initiation systems;
 - (e) Timing;
 - (f) Blast vibration and vibration control, to include airblast, monitoring techniques, and use of pre-blast surveys;
 - (g) Loading and shooting, to include priming, scheduling, site control, warning signals and unpredictable hazards;
 - (h) Storage and transportation of explosives;
 - (i) Record keeping and reporting;

(j) Current state and federal laws and regulations relating to the use, storage and transportation of explosives, the training and certification of blasting personnel, and blasting signs;

(k) Responsibilities of a certified blaster.

(2) Written simulation - Correctly and properly completing a blasting log.

(3) Hands on simulation - Wiring, checking and shooting a blast.

(B) A score of 80 per cent for part (1) and a "passing grade" on parts (2) and (3), which are graded on a pass-fail basis, are required for successful passage of the examination.

(C) All individuals shall be notified of their scores within 30 days of completing the examination. An individual who fails to achieve a passing score on any of the three parts may apply to retake the entire examination by filing an application for examination in accordance with the provisions of Section 6 of these rules and regulations after receiving notification of their score.

Section 6. Certification Procedures

6.01 Conditions/Practices Prohibiting Certification

(A) Certification as a certified blaster shall not be issued to persons who: (1) Are currently addicted to alcohol, narcotics, or other dangerous drugs; or (2) Have exhibited a pattern of conduct inconsistent with acceptance of responsibility for blasting operations.

(B) Addiction to or unlawful use of alcohol, narcotics or other dangerous drugs in the work place, shall cause any blaster's certification already in force to be suspended or revoked.

(C) A pattern of conduct which is not consistent with acceptance of responsibility for blasting operations, i.e. repeated or willful violations of state or federal laws pertaining to explosives shall be grounds for suspension or revocation of a blasters certification.

6.02 Application for Certification as a Certified Blaster - Prior to taking an examination for certification an individual must submit an application to take such examination on a form prescribed by the Commissioner, Department of Energy. Upon receipt of an application for examination, the Department shall, after determining compliance with the provisions of Section 3 of these regulations, notify the applicant of the date, time and location of the scheduled examination. Prior to the effective date as shown in Section 1.03 of these rules and regulations, examinations will be scheduled based upon facility and manpower availability at the various division locations. Following the effective date as shown in Section 1.03 of these rules and regulations, examinations will be regularly scheduled on a monthly basis.

6.03 Certification - Upon determination that an applicant for certification has satisfactorily passed the examination, the Department shall, within 30 days of the examination date, issue to such individual a certificate indicating that he is a Certified Blaster.

Section 7. Recertification Requirements for Certified Blaster

7.01 Recertification

(A) Recertification of all Certified Blasters is required every three years. Each applicant for recertification must be currently certified and submit validated documentation to the Department of Energy of conformance with the requirements of Section 3.01 of these rules and regulations on forms to be prescribed by the Commissioner.

(B) Validated proof of one shift of refresher training, as provided for in Section 3.01 (B), within the previous 12 calendar months must

be submitted along with the other validation required by this Section unless the applicant's one year of active blasting experience was completed anytime during the previous 12 calendar months.

(C) Compliance with 6.01 of these rules and regulations shall be required for recertification in the same manner as for certification.

7.02 Re-examination - No Certified Blaster shall be recertified two consecutive times unless, upon the second application, the applicant also successfully passes the examination as required in Section 5.03 of these rules and regulations.

Section 8. Presentation of Certificate; Transfer; and, Delegation Of Authority

8.01 Presentation of Certificate

(A) Upon certification each blaster shall comply with Section 6 of West Virginia Department of Energy's Administrative Regulations, Chapter 22-4, Series 37.

(B) Upon request of an authorized representative of the Commissioner, West Virginia Department of Energy; or, Director, Office of Surface Mining, U.S. Department of Interior, a certified blaster shall exhibit his or her certificate to the requesting representative.

(C) The Certified Blaster, shall take all reasonable means to protect his Certificate from loss or unauthorized duplication, and shall immediately report any such loss or duplication to the Department of Energy.

8.02 Transfer - Blaster's certifications shall not be transferred or assigned.

8.03 Delegation of Authority - Certified blasters shall not delegate their authority or responsibility to any individual who is not a certified blaster in accordance with these rules and regulations.

8.04 Withdrawal of Certification - Pursuant to Chapter 22A, Article 1A, Section 29, the Commissioner of the Department of Energy may initiate proceedings charging a person certified in accordance with Section 31, Article 3, Chapter 22A with neglect or failure to perform duties mandated by Articles 1A and 2, Chapter 22A, and regulations promulgated thereto; Article 3, Chapter 22A, and regulations promulgated thereto; or, these regulations.

Section 9. Blasting Crew - Persons who are not certified and who are assigned to a blasting crew or assist in the use of explosives shall receive directions and on-the-job training from a certified blaster.



ARCH A. MOORE, JR.
GOVERNOR

STATE OF WEST VIRGINIA
DEPARTMENT OF ENERGY
1615 WASHINGTON STREET, EAST
CHARLESTON, WEST VIRGINIA 25311
TELEPHONE: 348-3500

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OFFICE OF THE COMMISSIONER

KENNETH R. FAERBER
COMMISSIONER

January 7, 1987

The Honorable Ken Hechler
Secretary of State
State Capitol Building
Charleston, West Virginia

Dear Secretary Hechler:

Submitted herewith are proposed emergency regulations entitled Rules and Regulations Governing the Standards for Certification of Blasters under the authority of Chapter 22, Article 9, Section 6 of the Code of West Virginia.

These proposed emergency rules are respectfully submitted for your review, approval, and filing. Your cooperation in this matter is very much appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Roger T. Hall".

Roger T. Hall
Administrator

RTH/ba

Enclosure