

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #6

Do Not Mark In this Box

FILED

APR 26 10 40 AM '95

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE.**

AGENCY: WV Division of Environmental Protection
Office of Mining & Reclamation TITLE NUMBER: 38

AMENDMENT TO AN EXISTING RULE: YES X, NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 2C

TITLE OF RULE BEING AMENDED: "Standards for Certification of
Blasters - Surface Coal Mines

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: N/A

TITLE OF RULE BEING PROPOSED: N/A

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) HB 2134

SECTION 64-3-1(q), PASSED ON March 10, 1995

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON
THE FOLLOWING DATE: May 1, 1995

Roger T. Hall
Roger T. Hall

LEGISLATIVE RULE PROMULGATION HISTORY ABSTRACT

**DIVISION OF ENVIRONMENTAL PROTECTION
OFFICE OF MINING AND RECLAMATION**

**STANDARDS FOR CERTIFICATION OF BLASTERS - SURFACE COAL MINES
CSR 38 - 2C**

June 13, 1994	Filed with Secretary of State's Office - Public hearing and comment period announcement.
July 18, 1994	Public hearing held.
July 18, 1994	End of Public Comment Period.
July 22, 1994	Agency approved rule filed in the Secretary of State's Office, and filed with the Legislative Rule Making Review Committee.
August 9, 1994	Hearing before the Legislative Rule Making Review Committee. Recommended rule do pass with amendments.
August 29, 1994	Modified rule filed with Secretary of State's Office.
August 30, 1994	Modified rule filed with the Legislative Rule Making Review Committee.
January 20, 1995	Introduced to the Senate as SB - 92. -- Referred to the Committee on Energy, Industry and Mining, and then Judiciary.
January 23, 1995	Introduced to the House of Delegates as HB - 2148.-- Referred to the Committee on the Judiciary.
February 6, 1995	Passed Energy, Industry and Mining with amendments. - To Judiciary.
March 3, 1995	Passed Senate Judiciary with amendments and title amendments.

March 3, 1995 Passed Senate with Committee amendments and tittle amendment.

March 9, 1995 House concurred with Senate amendments with amendments.-
Passed

March 10 1995 Senate concurred with House amendments to Senate amendments - Passed - Effective from passage.

March 17, 1995 Signed by the Governor.

TITLE 38
LEGISLATIVE RULE
DIVISION OF ENVIRONMENTAL PROTECTION

SERIES 2C
STANDARDS FOR CERTIFICATION OF BLASTERS - SURFACE COAL MINES

38.2C.1. General

1.1. Scope - This rule establishes criteria for training and examination procedures for the certification and re-certification of persons storing, handling, transporting, or using, explosives on surface mining operations in the State, and provides for administrative, civil, and criminal penalties for persons violating the blasting requirements of West Virginia Code 22-3-1 et seq. and the rules promulgated under that article.

1.2. Authority - West Virginia Code 22-1-3, 22-1-3a, 22-3-4(b)(1), 22-3-13(b)(15)(D).

1.3. Filing Date - April 26, 1995

1.4. Effective Date - May 1, 1995

1.5. Incorporation by Reference - Federal Counterpart Regulations - The federal counterpart regulation is found at 30-CFR-850. Subparts 1 - 15 give general guidance for developing state programs for the training, examination, and certification of blasters, and lists specific criteria for program elements. The regulation leaves the development of procedural criteria to the State.

The Director has determined that the federal counterpart regulation does not provide sufficient criteria in adequate detail to give necessary guidance to the agency, the public, or the regulated industry to justify its incorporation by reference.

Since the Environmental Protection Advisory Council was not yet established at the time of filing this proposed rule, it was not possible to consult with the Council.

1.6. Determination of Stringency - Federal Counterpart Regulations - The general nature of the federal counterpart regulation as discussed in subsection 1.5 of this section does not lend itself well to a direct item by item comparison of content. This rule contains the required

criteria set forth in the federal counterpart regulation. However, this rule expands upon the procedural implementation of the required criteria in a way which is consistent with the federal programmatic requirements. Therefore: the Director has determined that this rule is not construed to be more stringent or less stringent than the federal counterpart regulation.

1.7. Constitutional Takings Determination - The Director has determined, and does state, that this rule does not constitute a constitutional taking of real property.

1.8. Repeal of Former Rule - This rule repeals an existing rule, Standards for Certification of Blasters for Surface Coal Mines and Surface Areas of Underground Mines (56-CSR-5), which was promulgated by the Board of Miners' Health, Safety, and Training and which contains similar provisions. Authority under the existing rule was transferred to the Division of Environmental Protection by executive order under the authority of West Virginia Code 22-1-9.

1.9. Consultation with the Board of Miner Training, Education, and Certification - The Director will consult with the Board of Miner Training, Education, and Certification (Board) in establishing criteria and standards for a program of education, training, examination, and certification of blasters on surface mining operations and surface areas of underground mines.

The Board may, from time to time, conduct hearings and other oversight activities as may be required to ensure full implementation of the blaster certification program, or exercise other powers and duties granted pursuant to West Virginia Code 22A-7-5.

38.2C.2. Definitions

2.1. "Active Blasting Experience" means experience gained by a person who has worked on a blasting crew, supervised a blasting crew, or worked on a drilling crew which performed blasting operations. Two hundred forty working days constitutes one year of experience.

Experience may only be gained by "first-hand" participation in activities associated with the storing, handling, transportation and use of explosives or the immediate supervision of those activities within surface coal mines, and the surface areas of underground coal mines. Experience should be related to surface mine blasting; Provided that other related blasting experience (quarrying

operations, etc.,) may be accepted by the Director on a case-by-case basis as qualifying experience.

2.2. "Blast" means any detonation(s) of an explosive(s) being initiated simultaneously by a single energy source.

2.3. "Certified Blaster" means a person who has taken and passed the examination described in subsection 5.2 of this rule, and has been issued a certification card by the Division of Environmental Protection.

2.4. "Certified Examiner/Inspector" means a person employed by the Division of Environmental Protection who administers training or examinations to applicants for certification as certified blasters, or who inspects surface mining operations and who has taken and passed the examination described in subsection 5.1 of this rule.

2.5. "Detonation" means a chemical reaction resulting in rapid release of energy.

2.6. "Explosive(s)" means 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.

2.7. "Supervised a Blasting Crew" means that a person assumed responsibility for the conduct of a blasting crew(s) and that the crew(s) reported directly to that person.

2.8. "Surface Mine and Surface Area of Underground Mines" means all areas except underground workings surface mined or being surface mined, including adjacent areas ancillary to the operations, i.e., preparation and processing plants, storage areas, shops, haulageways, roads, and trails, which are covered by the provisions of West Virginia Code 22-3-1 et seq and rules promulgated under that article.

2.9. "Worked on a Drilling Crew" means that a person has directly participated in the loading, connecting, and preparation of blast holes and has detonated blasts.

2.10. "Worked on a Blasting Crew" means that a person has first-hand experience in storing, handling, transporting, and using explosives.

38.2C.3. Certification of Blasters.

3.1. Requirements for Certification- In every surface mine and surface area of underground mine when blasting operations are being conducted, a certified blaster shall be responsible for the storage, handling, transportation, and use of explosives for each and every blast and for conducting the blasting operations in accordance with the blasting plans approved in a permit issued pursuant to West Virginia Code 22-3-1 et seq and rules promulgated under that article.

3.2. Qualifications for Certification. Each applicant for certification shall have had at least one year active blasting experience within the past five (5) years, and have demonstrated a working knowledge of and skills in the storage, handling, transportation, and use of explosives, and a knowledge of all State and Federal laws pertaining thereto, by successfully taking and passing the examination for certification required by Section 5.2 of this rule.

3.3. Application for Certification. Prior to taking the examination for certification, a person must submit an application to the Division of Environmental Protection to take the examination on forms prescribed by the Director. Upon receipt of an application for examination, the Director shall, after determining that the applicant meets the experience requirements of subsection 3.2 of this rule, notify the applicant of the date, time, and location of the scheduled examination.

38.2C.4. Training. The Division of Environmental Protection will administer a training program to assist applicants for blaster certification or re-certification in acquiring the knowledge and skills required for certification. The training requirements shall include, at a minimum, those subject areas set forth in subparagraph a-k, paragraph 1, subsection 5.1 of this rule, subparagraph a-k, paragraph 1, subsection 5.2 of this rule, and the requirements of Division of Environmental Protection Form MR-30-TR.

In lieu of completing the training program, the applicant for certification or re-certification may complete a self-study course using the study guide and other materials available from the Division of Environmental Protection.

38.2C.5. Examination for Certification of Examiner/Inspector and Certified Blaster.

5.1. Examinations for Certified Blaster

Examiners/Inspectors - All persons employed by the Division of Environmental Protection, whose duties include, training, examining and certification of blasters and/or inspecting blasting operations shall be a certified examiner/inspector. Certification under the provisions of this subsection does not constitute certification under the provisions of subsection 5.2 of this rule; however, certification under subsection 5.2 of this rule is sufficient for certification under this subsection. The examination for certified examiner/inspector shall at a minimum test the applicant's knowledge of the information presented in the Study Guide for West Virginia Surface Mine Blasters, and shall consist of three parts:

5.1.1. **Part 1:** A written multiple choice examination covering:

- 5.1.1.a. Types of explosives and their properties, to include selection of appropriate explosives;
- 5.1.1.b. Blasting equipment and accessories, to include blasting machines;
- 5.1.1.c. Blast dimensions and calculations, to include geologic and topographic considerations, blast hole design, flyrock control, secondary blasting, and blast plans;
- 5.1.1.d. Delay systems, to include pattern design, field layout, and initiation systems;
- 5.1.1.e. Timing;
- 5.1.1.f. Blast vibration and vibration control, to include airblast, monitoring techniques, and use of preblast surveys;
- 5.1.1.g. Loading and detonating, to include priming, scheduling, site control, warning signals, and unpredictable hazards;
- 5.1.1.h. Storage and transportation of explosives;
- 5.1.1.i. Record keeping and reporting;
- 5.1.1.j. Current State and Federal laws and regulations relating to the storage, handling, transportation, and use of explosives; the training and certification of blasting personnel, and blasting signs; and

5.1.1.k. Responsibilities of a certified blaster.

5.1.2. Part 2: A written simulation whereby the applicant must correctly and properly complete a blasting log.

5.1.3. Part 3: A hands-on simulation whereby the applicant must demonstrate the ability to properly connect a blast, simulate a selected initiation system, and simulate detonating a blast.

5.1.4. A score of 70 percent (70%) for part 1, and satisfactorily 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 the discretion of the Director.

5.2. Examination for Certified Blaster. - The examination for certified blaster shall include information presented in the Study Guide for West Virginia Surface Mine Blasters, and shall consist of three (3) parts:

5.2.1. Part 1: A written multiple choice examination covering:

- 5.2.1.a. Types of explosives and their properties, to include selection of appropriate explosive(s);
- 5.2.1.b. Blasting equipment and accessories, to include blasting machines;
- 5.2.1.c. Blast dimensions and calculations, to include geologic and topographic considerations, blast hole design, flyrock control, secondary blasting, and blast plans;
- 5.2.1.d. Delay systems, to include pattern design, field layout, and initiation systems;
- 5.2.1.e. Timing;
- 5.2.1.f. Blast vibration and vibration control, to include airblast, monitoring techniques, and use of preblast surveys;
- 5.2.1.g. Loading and detonating, to include priming, scheduling, site control, warning signals, and unpredictable hazards;

- 5.2.1.h. Storage and transportation of explosives;
- 5.2.1.i. Record keeping and reporting;
- 5.2.1.j. Current State and Federal laws and regulations relating to the handling, storage, transportation, and use of explosives; the training and certification of blasting personnel, and blasting signs; and
- 5.2.1.k. Responsibilities of a certified blaster.

5.2.2. **Part 2:** A simulation examination whereby the applicant must correctly and properly complete a blasting log.

5.2.3. **Part 3:** A hands-on simulation whereby the applicant must demonstrate the ability to properly connect a blast, simulate a selected initiation system, and simulate detonating a blast.

5.2.4. A score of 80 percent (80%) 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.

5.3. Notification of Scores. The Division of Environmental Protection will notify all persons of their scores within 30 days of completing the examination. A person who fails to achieve a passing score of any of the three (3) parts of the examination, may apply after thirty (30) days of receipt of his or her examination results to retake the entire examination or any portions that the individual failed to pass.

Any person who fails to pass the exam on the second attempt must certify that he/she has taken or retaken the training course described in Section 4 of this rule prior to applying for another examination.

38.2C.6. Approval of Certification - Upon determination that an applicant for certification has satisfactorily passed the examination, the Director shall, within 30 days of the examination date, issue a certification card to the applicant.

38-2C-7. Conditions or Practices Prohibiting Certification - The Director shall not issue a blaster certification to persons who:

- 7.1. Are currently addicted to alcohol, narcotics or other dangerous drugs;
- 7.2. Have exhibited a pattern of conduct inconsistent with the acceptance of responsibility for blasting operations; or
- 7.3. Are convicted felons.

38.2C.8. Re-certification Requirements for Certified Blaster.

8.1. Re-Certification of Blaster. A certified blaster must be re-certified every three (3) years. Each applicant for re-certification must be currently certified and must document that he or she satisfactorily meets the experience requirements of subsection 3.2 of this rule and has retaken the training course described in Section 4 of this rule within the past twelve (12) months prior to application. The application for re-certification must be submitted on forms prescribed by the Director.

8.2. Refresher Training Course/Self-Study Course. An applicant who does not meet the experience requirements of subsection 3.2 of this rule must take the refresher training course or complete the self-study course described in Section 4 of this rule and must take and pass the examination required in subsection 5.2 of this rule.

38.2C.9. Presentation of Certificate; Transfer; and Delegation of Authority.

9.1. Upon request by the Director, a certified blaster shall exhibit his or her blaster certification card.

9.2. The certified blaster shall take all reasonable care to protect his or her certification card from loss or unauthorized duplication, and shall immediately report any such loss or duplication to the Division of Environmental Protection.

9.3. Blaster's certifications may not be transferred or assigned.

9.4. Certified blasters shall not delegate their authority or responsibility to any individual who is not a certified blaster.

38-2C-10. Violations by a Certified Blaster.

10.1. The Director may issue a notice of violation, ~~a cessation order and/or take other action as provided in West Virginia Code 22-3-16 and 17~~ against a certified blaster who is in violation of ~~the provisions of West Virginia Code 22-3-1 et seq~~, rules promulgated under that ~~article or~~ any of the following:

10.1.1. Failure to comply with any order issued by the Director;

10.1.2. Illegal use of drugs or narcotics, or any use of alcohol in the work place;

10.1.3. Violations of federal laws or regulations governing the purchase, use, handling, transportation, storage, or detonation of explosives;

10.1.4. False swearing in order to obtain a blaster's certification card; or

10.1.5. Any illegal or improper action taken by a certified blaster which may or has led to injury or death at a blast site.

38.2C.11. Penalties

11.1. **Suspension** - Upon service of a written notice of violation ~~or a cessation order~~ by the Director to a certified blaster, the Director may also, based on clear and convincing evidence of a violation, issue an order suspending suspend his or her certification. Prior to the issuance of such an order, the certified blaster shall be granted a hearing before the Director to show cause why his or her certification should not be suspended.

The period of suspension will be conditioned upon the time period for completion of remedial measures to abate the violation as specified in the notice of violation ~~or cessation order~~. The Director may also require retraining or reexamination as a condition for reinstatement of certification.

11.2. **Revocation** - If the remedial action required to abate a notice of violation ~~or a cessation order~~ issued by the Director to a certified blaster is not taken within the specified time period for abatement, the Director may revoke the blaster's certification and require the blaster to relinquish his or her certification card. Revocation will occur if the certified blaster fails to retrain or fails to take and pass reexamination as a requirement for

remedial action as described in subsection 11.1 of this Section.

11.3. Civil and Criminal Penalties. Any certified blaster is subject to the individual civil and criminal penalties provided for in West Virginia Code 3 22-3-17.

38.2C.12. Hearings and Appeals - Any certified blaster who is served a notice of violation, ~~cessation order~~, suspension order, revocation order, or civil and criminal sanctions is entitled to the rights of hearings and appeals as provided for in West Virginia Code 22-3-16 and 17.

38.2C.13. 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.

38.2C.14. Reciprocity With Other States - The Director may enter into a reciprocal agreement with other states wherein persons holding a valid certification in that state may apply for certification in West Virginia, and upon approval by the Director, be certified without undergoing the training or examination requirements set forth in this rule.

Bill-DEP, Blasters

BHIC

38-26

1
2
3
4
5
6
7
8
9

H. B. 2148

(By Delegates Gallagher, Douglas, Compton,
Linch, Faircloth and Riggs)
(Introduced January 23, 1995 ; referred to the
Committee on the Judiciary .)

10 A BILL to amend chapter sixty-four of the code of West Virginia,
11 one thousand nine hundred thirty-one, as amended, by adding
12 thereto a new article, designated article three-b, relating
13 to authorizing the division of environmental protection to
14 promulgate legislative rules relating to the standards for
15 certification of blasters-surface coal mines.

16 **Be it enacted by the Legislature of West Virginia:**

17 That chapter sixty-four of the code of West Virginia, one
18 thousand nine hundred thirty-one, as amended, be amended by
19 adding thereto a new article, designated article three-b, to read
20 as follows:

21 **ARTICLE 3B. AUTHORIZATION FOR BUREAU OF ENVIRONMENT TO**
22 **PROMULGATE LEGISLATIVE RULES.**

23 **§64-3B-1. Division of environmental protection.**

1 The legislative rules filed in the state register on the
2 twenty-second day of July, one thousand nine hundred ninety-four,
3 modified by the division of environmental protection to meet the
4 objections of the legislative rule-making review committee and
5 refiled in the state register on the twenty-ninth day of August,
6 one thousand nine hundred ninety-four, relating to the division
7 of environmental protection (standards for certification of
8 blasters-surface coal mines), are authorized.

9

10 NOTE: The purpose of this bill is to authorize the Division
11 of Environmental Protection to promulgate legislative rules
12 relating to the standards for certification of blasters-surface
13 coal mines.

14

15 This section is new; therefore, strike-throughs and
16 underscoring have been omitted.

SENATE BILL NO. 92

(By Senators Manchin, Anderson, Boley, Grubb and
Macnaughtan)

[Introduced January 20, 1995; referred to the
Committee on Energy, Industry and Mining; and
then to the Committee on the Judiciary]

1
2
3
4
5
6
7
8
9

38-2c

10 A BILL to amend chapter sixty-four of the code of West Virginia,
11 one thousand nine hundred thirty-one, as amended, by adding
12 thereto a new article, designated article three-b, relating
13 to authorizing the division of environmental protection to
14 promulgate legislative rules relating to the standards for
15 certification of blasters-surface coal mines.

16 Be it enacted by the Legislature of West Virginia:

17 That chapter sixty-four of the code of West Virginia, one
18 thousand nine hundred thirty-one, as amended, be amended by
19 adding thereto a new article, designated article three-b, to read
20 as follows:

21 **ARTICLE 3B. AUTHORIZATION FOR BUREAU OF ENVIRONMENT TO**
22 **PROMULGATE LEGISLATIVE RULES.**

23 §64-3B-1. Division of environmental protection.

1 The legislative rules filed in the state register on the
2 twenty-second day of July, one thousand nine hundred ninety-four,
3 modified by the division of environmental protection to meet the
4 objections of the legislative rule-making review committee and
5 refiled in the state register on the twenty-ninth day of August,
6 one thousand nine hundred ninety-four, relating to the division
7 of environmental protection (standards for certification of
8 blasters-surface coal mines), are authorized.

9

10 NOTE: The purpose of this bill is to authorize the Division
11 of Environmental Protection to promulgate legislative rules
12 relating to the standards for certification of blasters-surface
13 coal mines.

14

15 This section is new; therefore, strike-throughs and
16 underscoring have been omitted.



KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

A. RENEE COE
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant

Telephone: (304) 558-6000
Corporations: (304) 558-8000

WILLIAM H. HARRINGTON
Chief of Staff

JUDY COOPER
Director, Administrative Law

DONALD R. WILKES
Director, Corporations

(Plus all the volunteer
help we can get)

FAX: (304) 558-0900

STATE OF WEST VIRGINIA

SECRETARY OF STATE

Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

March 29, 1995

Roger T. Hall
DEP-Mining & Reclamation
10 McJunkin Rd.
Nitro, WV 25143

HB 2134 authorizing, Title 38, Series 2C, Standards for certification of blasters- surface mine operations, passed the Legislature on March 10, 1995. It was signed by the Governor on March 24, 1995.

You have sixty (60) days after the Governor signs HB 2134, to final file the legislative rule with the Secretary of State's office. To final file your legislative rule, fill in the blanks on the enclosed form #6, the "Final Filing" form and file the form with our office with a promulgation history of the rule. Authorization for your legislative rule is cited in **HB 2134** section 64-3-1(g). The agency may set the effective date of the legislative rule up to ninety (90) days from the date the legislative rule is final filed with the Secretary of State's office. Please have an authorized signature on the bottom line.

*****IMPORTANT: YOUR AGENCY MUST SUBMIT A CLEAN COPY OF THE LEGISLATIVE RULE ON DISK, WITH ALL UNDERLINING, STRIKE-THROUGHS AND HEADERS/FOOTERS TAKEN OUT, TO OUR OFFICE WHEN FINAL FILING THE RULE. THE DISK MUST BE ON A WORD PERFECT (5.1 OR 5.2 VERSION) OR WORD PERFECT COMPATIBLE COMPUTER SYSTEM 3 1/2" DOUBLE DENSITY DISK. STATE ON THE DISK THE FORMAT THE RULE IS IN AND THE TITLE IT IS FILED UNDER. THIS WILL ENABLE US TO ENTER YOUR RULES ON THE LEGISLATIVE DATA BASE. REMEMBER THE TEXT OF THE COMPUTER FILED RULE MUST BE IDENTICAL - WORD FOR WORD, COMMA FOR COMMA, WITH ALL UNDERLINING, STRIKE-THROUGHS AND HEADERS/FOOTERS TAKEN OUT, AS THE HARD COPY AUTHORIZED BY THE LEGISLATURE.**

After the final rule is entered into the legislative data base, the rule will be sent to the agency for review and proofing. Following confirmation or corrections, as the case may be, the Secretary of State shall submit to the agency a final version of the rule for their records.

If you have any questions or need any assistance, please do not hesitate to call our office.

Thank You
Administrative Law Division

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

STEPHEN N. REED
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant

Telephone: (304) 558-6000
Corporations: (304) 558-8000
FAX: (304) 558-0900



STATE OF WEST VIRGINIA
SECRETARY OF STATE
Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

FILED

SEP 11 10 41 AM '95

WILLIAM H. HARRINGTON
Chief of Staff

JUDY COOPER
Director, Administrative Law

PENNEY BARKER
Supervisor, Corporations

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE (Plus all the volunteer
help we can get)

TO: Roger T. Hall

AGENCY: DEP- Mining and Reclam.

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: August 28, 1995

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 2C TITLE: 38 DEP- Mining and Reclam.

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: Roger T. Hall
TITLE OF PERSON SIGNING: Special Assistant to Director
DATE: 9/5/95

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: _____
TITLE OF PERSON SIGNING: _____
DATE: _____

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.