STATE OF ILLINOIS

DEPARTMENT OF MINES AND MINERALS

LAND RECLAMATION DIVISION

BRAD EVILSIZER
Director

227 SOUTH 7TH ST. — RM. 204
SPRINGFIELD, ILLINOIS 62706
TELEPHONE: (217) 782-4970

LAND RECLAMATION DIVISION MEMORANDUM NO. 84-1

TO: Recipients of Illinois Rules and Regulations
The Surface Coal Mining Land Conservation and Reclamation Act

FROM: Douglas Downing, Supervisor
Land Reclamation Division

DATE: January 12, 1984

RE: Proposed Rules, Part 1850
Illinois State Program Rules and Regulations;
mailing list update

Please see attached Notice of Proposed Rules for Codification.

A hearing will be scheduled if the Department receives a request for hearing from you by January 27, 1984.

The Department is again reviewing and updating the mailing list for coal surface mine rules and regulations.

If you or your organization wish to remain on the mailing list, please complete the form below and return it to this office.

- -

RETURN TO: Illinois Department of Mines and Minerals
Land Reclamation Division
227 South 7th Street - Room 204
Springfield, Illinois 62706

I WISH TO REMAIN ON THE LAND RECLAMATION DIVISION REGULATION MAILING LIST.

Organization _____

Name _____

Address _____

_____

Signature _____

Date _____

ILLINOIS REGISTER

JIM EDGAR
Secretary of State

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Secretary of State
Administrative Code Unit
201 West Monroe
Springfield, IL 62756

(217) 782-9786

ILLINOIS DEPARTMENT OF MINES AND MINERALS

NOTICE OF PROPOSED RULES FOR CODIFICATION

The Heading of the Part: Training, Examination and Certification of Blasters

Code Citation: 62 Ill. Adm. Code 1850

Section Numbers: All Sections

Proposed Action: New Sections

Statutory Authority:

Surface Mining Control and Land Reclamation Act of 1977, Public Law 95-87, 30 U.S.C. 1201 et. seq.; 30 CFR Pts. 816,817 and 850 and Illinois Surface Coal Mining Land Conservation and Reclamation Act, (SCMLRA), (Ill. Rev. Stat 1981, ch. 96 1/2, pars 1.01 et.seq.)

A Complete Description of the Subjects and Issues Involved:

All sections are being proposed to develop and adopt a program to require training and to examine and certify all persons who are directly responsible for the use of explosives in a coal mining operation.

Are there any other amendments pending on this Part? No

Statement of Statewide Policy Objectives: N/A

Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

These proposed rules will not be adopted prior to at least 45 days from the date on which this notice appears in the ILLINOIS REGISTER. All interested persons who submit a request within 30 days after this notice is published in the ILLINOIS REGISTER, shall be afforded a reasonable opportunity to submit and have considered by the Regulatory Authority, data, views, arguments or comments, either orally or in writing or both to:

Illinois Department of Mines and Minerals
Land Reclamation Division
227 South 7th Street, Room 204
Springfield, Illinois 62702
217/782-4970

Initial Regulatory Flexibility Analysis: N/A

Date Codification Compliance Required: October 1, 1983

The full text of the Proposed Rules is as follows:

ILLINOIS DEPARTMENT OF MINES AND MINERALS

TEXT OF PROPOSED RULES FOR CODIFICATION

TITLE 62: MINING
CHAPTER I: DEPARTMENT OF MINES AND MINERALS

PART 1850
TRAINING, EXAMINATION AND CERTIFICATION OF BLASTERS

Section

1850.5 Definition
1850.13 Training
1850.14 Examination
1850.15 Application and Certification
1850.16 Denial, Suspension, Revocation, and Other Administrative Actions
1850.17 Administrative and Judicial Review

AUTHORITY: Implementing and authorized by Surface Mining Control and Land Reclamation Act of 1977, (Public Law 95-87, 30 U.S.C. 1201 et. seq.; 30 CFR Pts. 816, 817 and 850) and Surface Coal Mining Land Conservation and Reclamation Act (SCMLRA), (Ill. Rev. Stat 1981, ch 96 1/2, pars.1.01 et.seq.)

SOURCE: Adopted at _____ Ill. Reg. _____, effective _____.

§1850.5 Definition

The following term has the specified meaning, except where otherwise indicated:

Blaster means a person directly responsible for blasting operations in surface coal mining operations who is certified under this Chapter.

§1850.13 Training

a) Training required herein shall be conducted by the operator or his representative. The training must meet the requirements of this Section.

b) The training for blasters certification shall include instruction in:

1) the design and layout of blasts, including geology, topography and the proper use of delays.

ILLINOIS DEPARTMENT OF MINES AND MINERALS

TEXT OF PROPOSED RULES FOR CODIFICATION

2) control of ground vibration.

3) control of flyrock and air blast.

4) design and loading of boreholes.

5) priming and boosting.

6) tamping and stemming, including methods and materials.

7) blast initiation systems.

8) the use of blasting machines.

9) the use of circuit testing equipment.

10) the general chemical and physical properties of explosives, including blasting agents, and selection criteria.

11) ground vibration, air blast and monitoring.

12) the use of ground vibration and air blast records as blast design factors.

13) the need for accurate reports and blasting logs.

14) current Illinois State Program law and regulations.

15) planning for unpredictable blasting hazards.

16) signs, warning signals and control of the potential flyrock area.

17) blasting plan requirements.

18) pre blast and condition surveys and their use in blast design.

19) required blasting notices.

20) any other subject matter the Department may from time to time require.

c) The blaster shall provide direction and on-the-job training to all non-certified blasting personnel under his supervision.

ILLINOIS DEPARTMENT OF MINES AND MINERALS

TEXT OF PROPOSED RULES FOR CODIFICATION

§1850.14 Examination

a) Examinations for blaster certification shall be conducted periodically on dates and at locations to be determined by the Regulatory Authority.

b) Applicants for blaster certification shall be examined in the topics set forth in Section 1850.13(b).

§1850.15 Application and Certification

a) Each applicant shall submit an application on forms supplied by the Regulatory Authority. Each applicant shall also submit the following documents as a prerequisite to taking the examination.

1) A notarized statement from the applicant's employer or other responsible person having direct knowledge of the applicant's blasting experience, certifying that the applicant has had a minimum of two years experience in blasting and testifying that the applicant has demonstrated a pattern of conduct consistant with the acceptance of responsibility for blasting operations.

2) A notarized statement from the applicant certifying that he has documentation in his possession proving that he has successfully completed a blaster training course or courses that cover all material found in subsection 1850.13(b).

b) Each applicant shall be required to pass an examination established by the Regulatory Authority according to the requirements of Section 1850.14.

c) Each successful applicant who passes the examination shall be issued a written blaster certification. Any unsuccessful examinee shall be notified in writing as to the results of the examination. An unsuccessful examinee may request permission to inspect his or her examination after the results from such examination are received.

d) The blaster shall conspicuously display his or her certificate in the mine site office.

e) Each certification shall be valid for five (5) years.

f) Blaster certification shall not be assigned or transferred.

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TEXT OF PROPOSED RULES FOR CODIFICATION

g) Blasters shall not delegate their responsibility to any individual who is not a certified blaster.

h) Loss or theft of a blaster's certificate shall be reported to the Regulatory Authority immediately.

§1850.16 Denial, Suspension, Revocation and Other Administrative Actions

a) The Regulatory Authority may deny an application for, or revoke or suspend a certificate under the provisions of this section if the Regulatory Authority finds the applicant or certificate holder is, or was At the time of issuance, a person convicted of a felony under the laws of this or any other jurisdiction within the prior five years, or a person confined to a penitentiary within the prior five years; or a person who has been a patient in a mental institution within the past five years.

b) When on the basis of any inspection, the Regulatory Authority determines that the blaster has committed any of the following infractions;

1) Any blasting related provision(s) of SCMLRA, (Ill. Rev. Stat. 1981, ch 96 1/2, para. 1.01 et. seq.) or other state or federal laws, rules or regulations,

2) Providing false information or a misrepresentation to obtain certification,

3) Unlawful use in the workplace of or current addiction to alcohol, narcotics, or other dangerous drugs,

4) Noncompliance with any lawful order of the Regulatory Authority;

the Regulatory Authority may, and upon a finding of willful conduct, shall promptly issue to the blaster, a written Notification of Infraction, which shall set forth with reasonable specificity the nature of the alleged infraction and shall include proposed sanctions. Sanctions may include the requirement that the blaster receive additional training, and or have his certification suspended or revoked for a set period of time (not to exceed term of certification), and or that the blaster be required to satisfy any other measures the Regulatory Authority deems necessary to abate or ensure against the recurrence of the infraction. A copy of the

ILLINOIS DEPARTMENT OF MINES AND MINERALS

TEXT OF PROPOSED RULES FOR CODIFICATION

Notification of Infraction shall also be promptly mailed to the principal of the blaster. Any such notification may be modified, vacated or terminated by the Regulatory Authority.

c) Upon receipt of a written Notification of Infraction, the blaster shall have the right to appear before the Regulatory Authority at a hearing to be held at a location within reasonable proximity to the site at which the Notification of Infraction was issued. The blaster must submit a written request for a hearing within 10 days after the receipt of the Notification of Infraction. If no hearing is requested, the proposed sanctions become effective immediately. If a hearing is requested, the blaster, principal, and other interested persons shall be given written notice of the time and place of the hearing at least 5 days prior thereto. The hearing shall be set for no later than 30 days after request for such is received.

1) The presiding officer at such hearing may not consult a person or party on a fact in issue unless on notice and opportunity for all parties to participate, or be responsible to or subject to the supervision or direction of any person engaged in the performance of the investigative or prosecuting functions of the Regulatory Authority.

2) If the Regulatory Authority finds that the public interest safety or welfare imperatively requires emergency action, and if the Regulatory Authority incorporates a finding to that effect in its Notification of Infraction and proposed sanctions to the blaster, the proposed sanctions will become effective immediately, pending further proceedings which shall then be promptly instituted and determined.

d) Upon written notice of revocation, the blaster shall immediately surrender to the Regulatory Authority the revoked certificate.

§1850.17 Administrative and Judicial Review

a) Any actions taken by the Regulatory Authority in accordance with the provisions of this Part shall be subject to the provisions of the Illinois Administrative Procedure Act. (Ill. Rev. Stat. 1981, ch. 127, para. 1001 et.seq.)

b) All final administrative decisions of the Regulatory Authority shall be subject to judicial review pursuant to the Illinois Administrative Review Law, (Ill. Rev. Stat. 1981, ch. 110 para. 3-101 et. seq.), and the rules adopted thereunder.