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## TITLE 312 NATURAL RESOURCES COMMISSION

### Proposed Rule

LSA Document #03-169

### DIGEST

Amends 312 IAC 25-6-31 to remove a requirement that revised blasting schedules be approved by the director before publication while retaining all requirements concerning the contents of that notice. Amends 312 IAC 25-9-5 to require individuals seeking blaster certification who fail the examination three times to retake the training course for certification. Amends 312 IAC 25-9-8 to add continuing education requirements to maintain and to provide that individuals who had certifications that have been expired for more than five years must complete the entire certification and training process as a new applicant. Effective upon the Department of Natural Resources receiving notice of approval from the Office of Surface Mining and Reclamation of the U.S. Department of the Interior and notice of that approval being published in the Indiana Register.

#### 312 IAC 25-6-31

#### 312 IAC 25-9-5

#### 312 IAC 25-9-8

SECTION 1. 312 IAC 25-6-31 IS AMENDED TO READ AS FOLLOWS:

#### 312 IAC 25-6-31 Surface mining; explosives; publication of blasting schedule

**Authority:** IC 14-34-2-1

**Affected:** IC 14-34

Sec. 31. (a) Blasting schedule publication and distribution requirements are as follows:

- (1) Each permittee shall publish a blasting schedule at least ten (10) days, but not more than thirty (30) days, before beginning a blasting program in which blasts that use more than five (5) pounds of explosive or blasting agent are detonated. The blasting schedule shall be published in a newspaper of general circulation in the locality of the blasting site.
- (2) Copies of the schedule shall be distributed to local governments and public utilities and by mail to each residence within one-half (½) mile of the proposed blasting area described in the schedule.
- (3) The permittee shall republish and redistribute the schedule ~~pursuant to~~ **under** subdivisions (1) and (2) at least every twelve (12) months.

(b) ~~Blasting schedule contents.~~ The blasting schedule shall contain, at a minimum, the following:

- (1) Identification of the specific areas in which blasting will take place.
- (2) Days and time periods when explosives are to be detonated.
- (3) Methods to be used to control access to the blasting area.
- (4) Types and patterns of audible warning and all-clear signals to be used before and after blasting.
- (5) Name, address, and telephone number of the permittee.

(c) Before blasting in areas or at times not in a previous blasting schedule, the permittee shall prepare a revised blasting schedule and shall publish and distribute the revised schedule according to the procedures in subsections (a) and (b). ~~The revised blasting schedule shall be approved by the director before publication and distribution.~~

(d) A copy of the public notice and publisher's affidavit or other proof of publication of the public notice required by subsections (a) and (c) shall be filed with the director not later than four (4) weeks after the last date of publication. *(Natural Resources Commission; 312 IAC 25-6-31; filed Jun 21, 2001, 2:53 p.m.; 24 IR 3523, eff Dec 1, 2001)*

SECTION 2. 312 IAC 25-9-5 IS AMENDED TO READ AS FOLLOWS:

**312 IAC 25-9-5 Examinations**

**Authority:** IC 14-34-2-1; IC 14-34-12-2

**Affected:** IC 14-34-12-1

Sec. 5. (a) The competence of an applicant for certification as a certified blaster will be evaluated by reviewing and verifying the following:

(1) The ability of the applicant to be directly responsible for the use of explosives in surface coal mining and reclamation operations through a written examination in the technical aspects of blasting and applicable Indiana and federal laws and regulations governing the storage, use, and transportation of explosives.

(2) The practical field experience specified in subsection (c).

(b) An applicant for registration as a certified blaster shall be examined in the topics set forth in section 3(c) of this rule.

(c) Admission to examination will be denied or deferred if the applicant lacks the necessary training required by section 3 of this rule or a minimum of one (1) year practical field experience. ~~Applicants~~ **An applicant** denied or deferred admission will be so notified, in writing, stating ~~the any reason or reasons~~ for such denial or deferral.

(d) An examination notice will be sent to all applicants admitted for examination approximately six (6) weeks in advance of the regularly scheduled examination. This notice will establish the time and place of the examination and other instructions pertinent to the examination. Failure to appear for an examination will result in termination of the application unless the director, for good reason, extends the time for appearing.

(e) Only pass-fail grades will be issued. A passing grade will be issued to applicants who correctly respond to at least seventy percent (70%) of the questions contained on the written examination.

(f) Any applicant may review his or her examination answer sheets in the department's Jasonville office at any time during normal working hours after the applicant has received notice of the examination results. The answer sheets will be retained in the department's office for a period of one (1) year after the examination date after which time they will be destroyed.

(g) An applicant failing an examination may retake the examination ~~two (2) times~~ without reapplying. ~~Applicants~~ **An applicant failing the examination three (3) times must retake the certified blaster training course. An applicant** must notify the director, in writing, within sixty (60) days from the date of notice of failing of their intention to retake the examination. The applicant will be scheduled for reexamination at the next scheduled examination. Failure to notify the director will cause the application to be terminated, and the applicant must reapply for examination ~~pursuant to~~ **under** section 4 of this rule. (*Natural Resources Commission; 312 IAC 25-9-5; filed Jun 21, 2001, 2:53 p.m.: 24 IR 3608, eff Dec 1, 2001*)

SECTION 3. 312 IAC 25-9-8 IS AMENDED TO READ AS FOLLOWS:

**312 IAC 25-9-8 Renewal**

**Authority:** IC 14-34-2-1; IC 14-34-12-2

**Affected:** IC 14-34-12-1

Sec. 8. (a) A certified blaster must obtain renewal of the certification every three (3) years. A request for renewal of the certification shall be in writing on a form furnished by the department. The request for renewal must be received by the department not later than thirty (30) days prior to expiration of the certificate.

(b) The renewal will be approved if the certified blaster:

**(1)** has worked at least twelve (12) months of the preceding thirty-six (36) months as a certified blaster; ~~and the certified blaster~~

**(2) is not in violation of section 9 of this rule; and**

**(3) has obtained a minimum of fifteen (15) hours of additional training in the topics found in section 3 of this rule. Each certified blaster must provide documentation that sixteen (16) hours of additional training has been achieved.**

(c) When the certification is not renewed for more than one (1) year after expiration, **the blaster must retake the examination under section 5 of this rule and demonstrate completion of fifteen (15) hours of additional training in the previous thirty-six (36) months. When the certification is not renewed for five (5) years after expiration,** the certification will not be renewable. An application shall be submitted to the department in the event that the individual desires to again be certified, and the individual shall be considered as a new applicant.

(d) A renewal notice will be sent to each registrant not less than two (2) months prior to the expiration date of the certification.

(e) All renewal notices and other communications will be sent to the last address given by the registrant to the department. A failure of the certified blaster to receive a renewal notice under this subsection does not relieve the certified blaster of the obligation to obtain a renewal of the certification as required under subsection (a). (*Natural Resources Commission; 312 IAC 25-9-8; filed Jun 21, 2001, 2:53 p.m.: 24 IR 3610, eff Dec 1, 2001; errata filed Nov 20, 2001, 11:55 a.m.: 25 IR 1183*)

#### ***Notice of Public Hearing***

*Under IC 4-22-2-24, notice is hereby given that on October 27, 2003 at 11:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room D, Indianapolis, Indiana the Natural Resources Commission will hold a public hearing on proposed amendments concerning blasting schedules, blaster certification, and continuing education. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W272 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Michael Kiley  
Chairman  
Natural Resources Commission