

mining. Therefore, Ohio is now proposing to extend OAC Section 1501:13-9-10 to also apply to non-coal surface mining as well as coal surface mining. Ohio is also proposing other amendments to OAC 1501:13-9-10. The specific amendments to OAC 1501:13-9-10 are identified below.

The regulation at 13-9-10(A), General, is amended at 13-9-10(A)(1) by adding the word "surface" and by adding the phrase "in coal and industrial minerals mines" to the first sentence. As amended, 13-9-10(A)(1) provides as follows:

(1) All surface blasting operations in coal and industrial minerals mines, including surface blasting operations incident to underground mining and blasting operations on coal exploration operations, shall be conducted by a certified blaster who has obtained certification pursuant to the requirements of this rule.

The regulation at 13-9-10(A), General, is amended by adding new 13-9-10(A)(3) to provide as follows:

(3) The chief may grant reciprocity to any blaster who holds a valid certification issued under any state or federal blaster certification program approved by the U.S. Department of the Interior's Office of Surface Mining. However, to obtain certification under this rule, the blaster must apply for and pass an examination on Ohio blasting regulations pertaining to coal and industrial minerals mines, and meet any other requirement deemed necessary by the chief.

The regulation at 13-9-10(B), Training, is amended by deleting the word "coal" immediately before the words "mining operations" in the first sentence. As amended, the sentence provides that "[t]he chief shall conduct workshops, as necessary, to inform blasters of changes in blasting rules and certification procedures, and shall ensure that courses are available to train persons responsible for the use of explosives in mining operations."

The regulation at 13-9-10(B)(7), Training, is amended by adding the words "in coal and non-coal surface mines." As amended, 13-9-10(B)(7) provides as follows: "(7) All federal and state rules applicable to the use of explosives in coal and non-coal surface mines:"

The regulation at 13-9-10(B)(9), Training, is amended by deleting the word "Schedules" and replacing that word with the words "Blast schedules."

The regulation at 13-9-10(B)(14), Training, is amended by deleting the word "Unpredictable" immediately before the word "hazards," and replacing that word with the word "Potential." In addition, a new item at 13-9-10(B)(14)(e) is added to read as follows: "(e) Toxic gases." The word

"and" is deleted at the end of subdivision (14)(c), and the word "and" is added at the end of subdivision (14)(d). As amended, 13-9-10(B)(14) provides as follows:

- (14) Potential hazards, including:
- (a) Lightning;
  - (b) Stray currents;
  - (c) Radio waves;
  - (d) Misfires; and
  - (e) Toxic gases.

The regulation at 13-9-10(C)(1), concerning minimum training for certification, is amended by adding the words "a minimum of 30 hours of" immediately before the word "training." The word "in" immediately following the word "training" is deleted and replaced with the word "covering." The words "division of reclamation" are deleted and are replaced with the word "chief." As amended, 13-9-10(C)(1) provides as follows:

(1) Received a minimum of 30 hours of training covering all the topics set forth in paragraph (B) of this rule in a course taught under the supervision of the chief, or in a course, or series of courses, deemed equivalent by the chief;

The regulation at 13-9-10(C)(2), concerning experience required for certification, is amended by deleting most of the existing language and adding language to provide as follows:

(2) Worked on a blasting crew or directly supervised a blasting crew for at least two years in mining, excavation, or an equivalent working environment;

The regulation at 13-9-10(C)(3), concerning on-the-job training is new and provides as follows:

(3) Received direction and on-the-job training from a certified blaster;

The regulation at 13-9-10(C)(5) ((C)(4) prior to the addition of new (C)(3)), concerning written examination, is amended by correcting a typographical error. The word "if" is deleted and replaced by the word "of."

The regulation at 13-9-10(D)(1), concerning certification, is amended by deleting the words "or a certifying authority designated by the chief," and replacing those words with the words "or an authorized representative." The phrase "to accept responsibility for blasting operations" is amended to read "to accept responsibility for surface blasting operations in mines." The words "under this rule and rule 1501:13-9-06 of the Administrative Code" are deleted. As amended, 13-9-10(D)(1) provides as follows:

(1) The chief, or an authorized representative, shall certify for three years those persons examined and found to be competent and to have the necessary

experience to accept responsibility for surface blasting operations in mines.

The regulation at 13-9-10(D)(2)(b), concerning recertification, is deleted in its entirety and replaced with new language to provide as follows:

(b) Received a minimum of 24 hours of continuing education by attending blasting-related courses, seminars or conferences approved by the chief or an authorized representative, with at least 8 hours obtained from an organization or person other than the blaster's employer or its parent company or explosives supplier.

The regulation at 13-9-10(E)(1), concerning conditions of certification, is amended by adding the word "mine" immediately before the words "permit area." As amended, 13-9-10(E)(1) provides as follows:

(1) A certificate of blaster certification, shall be carried by a blaster, or shall be on file at the mine permit area, during blasting operations.

The regulation at 13-9-10(E)(2), concerning conditions of certification, is amended by deleting the words "division of reclamation" and adding in their place the word "chief." As amended, 13-9-10(E)(2) provides as follows:

(2) Upon request by an authorized representative of the chief or other regulatory authority having jurisdiction over the use of explosives, a blaster shall immediately exhibit his or her certificate to the authorized representative.

The regulation at 13-9-10(E)(5), concerning conditions of certification, is amended by deleting the words "and certifying authority designated by the chief." As amended, 13-9-10(E)(5) provides as follows:

(5) A certified blaster shall take every reasonable precaution to protect his or her certificate from loss, theft, or unauthorized duplication. Any such occurrence shall be reported immediately to the chief.

The regulation at 13-9-10(F)(1), concerning suspension and revocation, is amended by deleting the words "or a certifying authority designated by the chief." As amended, 13-9-10(F)(1) provides as follows:

(1) Following written notice and opportunity for a hearing, the chief may, and upon a finding of willful conduct shall, suspend or revoke the certification of a blaster during the term of the certification, or take other necessary action for any of the following reasons:

The regulation at 13-9-10(F)(1)(b), concerning suspension and revocation, is amended by adding the words "a blasting-related permit condition" immediately following the words "laws or regulations." As amended, 13-9-10(F)(1)(b) provides as follows: