

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 77, 87—89 AND 210]

Mine Opening Blasting

The Environmental Quality Board (Board) proposes to amend Chapters 77, 87, 88, 89 and 210 to read as set forth in Annex A. This proposed rulemaking addresses a number of issues regarding blasting at a mine site. This proposed rulemaking clarifies that the use of explosives in connection with the construction of a mine opening for an underground coal mine is a surface mining activity subject to the applicable requirements in Chapter 87 or Chapter 88 (relating to surface mining of coal; and general provisions) and that the person conducting the blasting activity shall possess a blaster's license. In addition, the scheduling requirements applicable to the use of explosives for constructing openings for coal and industrial mineral underground mines are made more flexible. The requirements for protective measures to be taken when surface coal mine blasting is in proximity to a public highway or an entrance to a mine are also made more flexible. Finally, a category for mine opening blasting is being added to the classifications of blaster's licenses.

This proposal was adopted by the Board at its meeting of May 17, 2006.

A. Effective Date

This proposed rulemaking will go into effect upon final-form publication in the *Pennsylvania Bulletin*.

B. Contact Persons

For further information, contact Joseph Pizarchik, Director, Bureau of Mining and Reclamation, P. O. Box 8461, Rachel Carson State Office Building, Harrisburg, PA 17105-8461, (717) 787-5015; or Marc A. Roda, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Information regarding submitting comments on this proposed rulemaking appears in Section I of this preamble. Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available on the Department of Environmental Protection's (Department) website: www.depweb.state.pa.us.

C. Statutory Authority

This proposed rulemaking is promulgated under section 4.2 of the Surface Mining Conservation and Reclamation Act (SMCRA) (52 P. S. § 1396.4b) and section 11 of the Noncoal Surface Mining Conservation and Reclamation Act (NCSMCRA) (52 P. S. § 3311), which authorize the Board to promulgate regulations concerning the safety of the public and of the mine workers and concerning the handling and use of explosives at coal and noncoal surface mine sites as well as the licensing of blasters. This proposed rulemaking is also promulgated under sections 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-17 and 510-20). Sections 1917-A and 1920-A of The Administrative Code of 1929 authorize the Board to adopt regulations to prevent the occurrence of a nuisance and to promulgate rules and regulations as are necessary for the proper work of the Department.

D. Background and Purpose

The purpose of this proposed rulemaking is to amend the regulations regarding the use of explosives in connection with the development of an opening for an underground mine to ensure that these regulations protect both the public and miners. The SMCRA and the NCSMCRA broadly define "surface mining activities" to include activities conducted on the surface that are incidental to the establishment or operation of an underground mine. These activities include, among other things, the construction of the entire mine opening, that is, from the surface to the coal seam or mineral strata being or to be mined. See section 3 of the SMCRA (52 P. S. § 1396.3) and section 3 of the NCSMCRA (52 P. S. § 3303).

The regulations in Chapter 77 (relating to noncoal mining) and Chapters 87 and 88 concerning the use of explosives at a strip mine, quarry or other noncoal surface mine apply to the use of explosives in connection with surface activities that are incidental to underground mining. See §§ 77.561, 88.493(7) and 89.62 (relating to general requirements; minimum environmental protection performance standards; and use of explosives).

These regulations are for the protection of persons and property outside the permit area as well as persons at the mine site. They address issues such as ground vibration, air blasts, preblast surveys, scheduling of blasts and measures to be taken to protect traffic on nearby highways.

Until recently, applying surface mining blasting regulations to more than the initial two mine opening blasts has been unnecessary because openings to underground mines have been in remote locations so that the blasting activity needed to construct the mine opening did not pose a threat to the public. With mine openings now being located closer to areas of habitation, the Department has started requiring all the blasting in connection with the construction of a mine opening to comply with the surface mining blasting regulations. However, the mining regulations are somewhat ambiguous. Adding to this confusion is the fact that mine opening construction is subject to the requirements of the Underground Coal and Industrial Mineral Mine Safety Acts and implementing regulations. This proposed rulemaking will amend the mining regulations pertaining to the use of explosives to eliminate this ambiguity. In addition, more flexibility is needed in some respects. The requirement regarding the scheduling of blasts, when applied to all mine opening blasting, poses a significant risk to mine workers without significantly protecting the rest of the public. In addition, barricading and guarding a highway, as required by §§ 87.127 and 88.135 (relating to use of explosives: surface blasting requirements; and blasting: surface blasting requirements) is not always the best method for protecting the public from mine blasting near that highway. Finally, based on the unique issues regarding mine opening blasting, it is necessary to create a separate license classification for this activity.

The Mining and Reclamation and Advisory Board (MRAB) discussed this proposed rulemaking package at their August 15, 2005, October 27, 2005, and January 5, 2006, meetings. While there was general agreement on many sections, the MRAB deadlocked on whether certain changes should be made to affirm mine opening blasting is surface mining blasting. Because the MRAB will have the opportunity to comment on the proposed rulemaking

during the public comment period and act on the draft final rulemaking before it is submitted to the Board, the MRAB directed the Department to proceed to the Board and to note the MRAB's position in the rulemaking package.

Summary of Regulatory Requirements

Definitions

For clarity, the proposed rulemaking adds a definition for the term "mine opening blasting" to §§ 77.1, 87.1, 88.1, 89.5, and 210.11. The proposed amendments, among other things, establish more flexible scheduling requirements for mine opening blasting.

Applicability

Sections 88.493(7)(i) and 89.62 are amended to explicitly require mine opening blasting to comply with the regulations for the use of explosives for anthracite and bituminous surface coal mines.

Even though the explosives regulations for surface anthracite and bituminous mines require all blasts to be conducted by a blaster licensed under Chapter 210 (relating to blasters' licenses), there may be some confusion as to whether Chapter 210 applies to blasting for mine openings. See §§ 87.124(d), 88.134(c) and 210.12 (relating to use of explosives: general requirements; blasting: general requirements; and scope). This possible confusion is related to the fact that blasting for underground mines is also authorized by the Pennsylvania Anthracite Coal Mine Act (52 P. S. §§ 70-101—70-1405) and the Pennsylvania Bituminous Coal Mine Act (52 P. S. §§ 701-101—701-706) and persons authorized by the Pennsylvania Anthracite Coal Mine Act and the Pennsylvania Bituminous Coal Mine Act are exempt from Chapter 210.

In the Department's opinion, §§ 87.124(d) and 88.135(c) govern. Nonetheless, to eliminate this confusion, § 210.12 is amended to include persons conducting mine opening blasting.

Scheduling of mine opening blasting

Currently, blasting must be conducted during daylight hours. See § 77.564(b) (relating to surface blasting requirements) and §§ 87.127(a) and 88.135(a). These sections are amended to only require the first two blasts for a mine opening to be conducted during daylight hours. Subsequent blasting for that opening can be conducted any time of the day or night. However, the Department has the ability to limit the scheduling of or the vibration limits for these subsequent blasts if necessary.

Restricting blasting to the daylight hours minimizes the nuisance caused by blasting to persons living or working near the mine site. However, restricting all blasting for mine openings to the daylight hours increases the mineworkers' risk of injury. Once started, mine opening development needs to proceed expeditiously. During development, the walls of the mine opening are subject to deterioration. As a result, there is an increased risk that the opening wall will fail resulting in a rock fall, which can injure or entrap miners. Therefore, mine opening development needs to proceed on an around-the-clock work schedule. It is difficult to predict ahead of time when it will be necessary to blast to either break rock or bring down rocks hanging on the mine opening walls. Therefore, allowing blasting for mine openings after the second blast to occur at any time balances the need to protect the public from the effects of blasting with the need to expeditiously develop the mine opening.

To ensure that blasting does not pose an unreasonable public nuisance, §§ 77.564(c), 87.127(b) and 88.135(b)

enable the Department to limit the scheduling of blasts, including mine opening blasts, to protect the public from noise. To provide greater flexibility, these subsections will be amended to allow the Department to modify the vibration limits or the times for blasting. Also, rather than protecting against noise, these sections will now protect against the adverse affects of the ground or air vibrations caused by the blast.

Contents of blasting schedule

This rulemaking proposes to delete the requirement in § 87.126(b)(2)(ii) (relating to use of explosives: public notice of blasting schedule) that the published schedule for bituminous surface blasting must be in time periods of 4 hours or less. This requirement was adopted to implement a primacy requirement established by the Federal Office of Surface Mining Reclamation and Enforcement (OSM). However, that primacy requirement has been removed. The Department sees no reason why surface bituminous mine operators should be subject to more restrictive requirements concerning the publication of the blasting schedule than imposed on surface anthracite or industrial mineral mine operators.

Blasting near highways or mine entrances

Currently, barricades and guards are required by §§ 87.127(f)(1) and 88.135(f)(1) when blasting for coal surface mining is within 1,000 feet of the mine entrance or public highway. These sections are amended to reduce the distance to 800 feet. In the Department's experience, from the noncoal surface mining and construction blasting, a distance limitation of 800 feet is sufficient.

The requirement for barricades and guards is unnecessarily inflexible. In regulating blasting at noncoal surface mines and construction projects, the Department has learned that there are precautionary measures, other than barricades and guards, that better protect the public. In some circumstances, barricading and guarding the highway can create more risks than it prevents. Therefore, these provisions are amended to allow an operator to use alternative measures. An illustrative list of alternatives to barricading or guarding a road or entrance is included. The blast plan will detail the measures to be taken to protect persons and property on public highways and at entrances within 800 feet of a blast at surface mines, including mine opening blasting for underground mines.

These sections add consistency to the regulation of blasting operations, as the distance from public roads at which precautions must be taken will be 800 feet. Chapter 77 and Chapter 211 (relating to storage, handling and use of explosives) require taking precautions when blasting within 800 feet of a public highway and have not been changed.

Alternative formula

Sections 87.127(l) and 88.135(l) are to be deleted. These provisions allow for a formula, other than the scaled distance formula, which is expressly authorized in §§ 87.127 and 88.135, to be used in determining the amount of explosives to be used in a blast. In the Department's experience, the scaled distance formula is the best formula to use instead of specific ground vibration limitations.

Blasting reports

Sections 87.129(4) (relating to use of explosives: records of blasting operations) and 88.137(4) will be amended to require the identification of the structure nearest to the blast that is subject to the vibration limitations. Identify-

ing the nearest structure, as well as giving the distance and direction from the blast, will significantly assist in the review of blasting operation records.

Technical corrections

Section 87.124(b) requires blasts using more than 5 pounds of explosives or blasting agents to be conducted in accordance with a published blasting schedule. However, the cross-reference is to § 87.127, rather than § 87.126. This cross-reference is corrected due to the previous language being in conflict with the OSM's regulations that require that blasts, including those using less than 5 pounds of explosives, to be subject to the preblast survey requirements.

The rulemaking proposes to amend §§ 87.127(e) and 88.135(i) to allow for the waiver of air blast limitations to the same extent the ground vibration limitation may be waived. The ground vibration limitation in § 88.135(h) will be replaced with the ground vibration limitations in § 211.151(c) (relating to prevention of damage). This is merely a clarification because anthracite blasting is subject to the ground vibration limitations in § 211.151(c).

Blaster's licensing

Section 210.17 (relating to issuance and renewal of licenses) is amended to add a classification for mine opening blasting. This classification recognizes the specialized type of blasting required for blasting for mine openings.

F. Benefits, Costs and Compliance

Benefits

The operators of the approximately 1,500 coal and industrial mineral surface mines authorized to conduct blasting will benefit. In addition, if any of the approximately 65 underground coal and industrial mineral mines need a new opening, then the operators of those mines will also benefit from this proposed rulemaking. In the past 5 years, approximately 15 mine openings have been developed. The benefit of this proposed rulemaking is increased flexibility for mine operators while continuing to ensure the safety of workers developing mine openings. At this point, the Department cannot quantify the economic savings that will result from this increased flexibility.

Costs

This proposed rulemaking will not impose additional costs because the affect of this proposed rulemaking is increased flexibility.

Compliance assistance plan

Compliance assistance will be provided by the mine and explosives inspectors.

Paperwork requirements

This proposed rulemaking has no affect on existing paperwork requirements.

G. Sunset Review

This rulemaking will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which it was intended.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 17, 2006, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regu-

latory Review Commission (IRRC) and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

I. Public Comments

Written comments. Interested persons are invited to submit comments, suggestions or objections regarding this proposed rulemaking to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by October 2, 2006. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by October 2, 2006. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final rulemaking will be considered.

Electronic comments. Comments may be submitted electronically to the Board at RegComments@state.pa.us and must also be received by the Board by October 2, 2006. A subject heading of the proposed rulemaking (Mine Opening Proposal) and a return name and address must be included in each transmission. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

J. Public Hearings

No public hearings are scheduled.

KATHLEEN A. MCGINTY,
Chairperson

Fiscal Note: 7-400. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE I. LAND RESOURCES

CHAPTER 77. NONCOAL MINING

Subchapter A. GENERAL PROVISIONS

§ 77.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Mine opening blasting—Blasting conducted for the purpose of constructing a shaft, slope, drift or tunnel mine opening for an underground mine,

either operating or under development, from the surface down to the point where the mine opening connects with the mineral strata to be or being extracted.

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Subchapter I. ENVIRONMENTAL PROTECTION PERFORMANCE STANDARDS

USE OF EXPLOSIVES

§ 77.564. Surface blasting requirements.

* * * * *

(b) Blasting shall be conducted between sunrise and sunset, at times announced in the blasting schedule, except that mine opening blasting conducted after the second blast, for that mine opening, may be conducted at any time of the day or night as necessary to maintain stability of the mine opening to protect the health and safety of mine workers. For mine opening blasting conducted after the second blast, for that mine opening, the Department may approve vibration limits at a dwelling, public building, school, church or commercial or institutional structure, that are less stringent than those specified in subsections (f) and (i) if consented to, in writing, by the affected building owner and lessee, if leased to another party.

(c) The Department may specify more restrictive time periods or vibration limits, based on public requests or other relevant information, according to the need to adequately protect the public from [excessive noise] the adverse affects of vibration or safety hazards.

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CHAPTER 87. SURFACE MINING OF COAL

Subchapter A. GENERAL PROVISIONS

§ 87.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings unless the context clearly indicates otherwise:

* * * * *

Mine opening blasting—Blasting conducted for the purpose of constructing a shaft, slope, drift or tunnel mine opening for an underground mine, either operating or under development, from the surface down to the point where the mine opening connects with the coal seam to be or being extracted.

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Subchapter E. SURFACE COAL MINES: MINIMUM ENVIRONMENTAL PROTECTION PERFORMANCE STANDARDS

§ 87.124. Use of explosives: general requirements.

* * * * *

(b) Blasts that use more than 5 pounds of explosive or blasting agents shall be conducted according to the schedule required by § 87.125 (relating to use of explosives: [preblasting survey] public notice of blasting schedules).

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§ 87.126. Use of explosives: public notice of blasting schedule.

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(b) *Blasting schedule contents.*

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(2) The blasting schedule [shall] must contain at a minimum the following:

* * * * *

(ii) Dates and time periods when explosives are to be detonated. [Each period may not exceed 4 hours.]

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§ 87.127. Use of explosives: surface blasting requirements.

(a) Blasting shall be conducted between sunrise and sunset, at times announced in the blasting schedule, except that mine opening blasting conducted after the second blast, for that mine opening, may be conducted at any time of day or night as necessary to maintain stability of the mine opening to protect the health and safety of mineworkers. For mine opening blasting conducted after the second blast, for that mine opening, the Department may approve vibration limits at a dwelling, public building, school, church or commercial or institutional structure, that are less stringent than those specified in subsection (e) or (n) if consented to, in writing, by the structure owner and lessee, if leased to another party.

(b) The Department may specify more restrictive time periods or vibration limits, based on public requests or other relevant information, according to the need to adequately protect the public from [excessive noise] the adverse affects of vibration or safety hazards.

* * * * *

(e) [An airblast] Airblast shall be controlled so that it does not exceed the noise level specified in this subsection at a dwelling, public building, school, church or commercial or institutional structure, unless the structure is [owned by the person who conducts the surface mining activities and is not leased to another person. The lessee may sign] located on the permit area when the structure owner and lessee, if leased to another party, have each signed a waiver relieving the operator from meeting the airblast limitations of this subsection.

(1) [Maximum] The maximum allowable noise [levels: Lower frequency limit of measuring system in Hz (+ 3 dB) Maximum level (dB) 0.1 Hz or lower flat response 134, peak 2 Hz or lower flat response] level is 133[, peak 6 Hz or lower flat response 129, peak c-weighted, slow response 105 peak dBC] dBL.

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(f) Requirements for blasting are as follows:

(1) Public highways and entrances to the operation shall be barricaded and guarded by the operator if the highways and entrances to the operations are located within [1,000] 800 feet of a point where a blast is about to be fired. The operator may use an alternative measure to this requirement if the operator demonstrates, to the Department's satisfaction, that the alternative measure is at least as effective at protecting persons and property from the adverse affects of a blast. Alternative measures are measures such as:

(i) Slowing or stopping traffic in coordination with appropriate State or local authorities, including local police.

(ii) Using mats to suppress fly rock.

(iii) Designing the blast to prevent damage or injury to persons and property located on the public highways or at the operation's entrances by using design elements such as:

(A) Orienting the blast so that the direction of relief is away from public highways or operation entrances.

(B) Adjusting blast design parameters including:

- (I) The diameter of holes.
- (II) The number of rows.
- (III) The number of holes.
- (IV) The amount and type of explosive.
- (V) The burden and spacing.
- (VI) The amount and type of stemming.
- (VII) The powder factor.

* * * * *

[(I) The use of a formula to determine maximum weight of explosives per delay for blasting operations at a particular site may be approved by the Department if the peak particle velocity of 1 inch per second required in § 87.126 (relating to use of explosives: public notice of blasting schedule) would not be exceeded.]

* * * * *

§ 87.129. Use of explosives: records of blasting operations.

A record of each blast shall be retained for at least 3 years and shall be available for inspection by the Department and the public on request. Seismographic reports, if applicable, [shall] must be made a part of that record. The record [shall] must contain the following data:

* * * * *

(4) The identification of and the direction and distance, in feet, to the nearest dwelling, public building, school, church, commercial or institutional building or other structure.

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CHAPTER 88. ANTHRACITE COAL

Subchapter A. GENERAL PROVISIONS

PRELIMINARY PROVISIONS

§ 88.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Mine opening blasting—Blasting conducted for the purpose of constructing a shaft, slope, drift or tunnel mine opening for an underground mine, either operating or under development from the surface down to the point where the mine opening connects with the coal seam to be or being extracted.

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Subchapter B. SURFACE ANTHRACITE COAL MINES: MINIMUM ENVIRONMENTAL PROTECTION PERFORMANCE STANDARDS

§ 88.135. Blasting: surface blasting requirements.

(a) Blasting shall be conducted between sunrise and sunset, except that mine opening blasting conducted after the second blast for that mine opening may be conducted at any time of day or night as necessary to maintain stability of the mine opening to protect the health and safety of mine workers. For mine opening blasting conducted after the second blast, for that mine opening, the Department may approve vibration limits at a dwelling, public building, school, church or commercial or institutional structure, that are less stringent than those specified in subsection (h) if consented to, in writing, by the structure owner and lessee, if leased to another party.

(b) The Department may specify more restrictive time periods or vibration limits, based on other relevant information, according to the need to adequately protect the public from the adverse affects of vibration or safety hazards.

* * * * *

(f) Blasting operations [shall] must meet the following requirements:

(1) Public highways and entrances to the operation shall be barricaded and guarded by the operator if the highways and entrances to the operations are located within [1,000] 800 feet of a point where a blast is about to be fired. The operator may use an alternative measure to this requirement if the operator demonstrates, to the Department's satisfaction, that the alternative measure is at least as effective at protecting persons and property from the adverse affects of a blast. Alternative measures are measures such as:

(i) Slowing or stopping traffic in coordination with appropriate State or local authorities, including local police.

(ii) Using mats to suppress fly rock.

(iii) Designing the blast to prevent damage or injury to persons and property located on the public highways or at the operation's entrances by using design elements such as:

(A) Orienting the blast so that the direction of relief is away from public highways or operation entrances.

(B) Adjusting blast design parameters including:

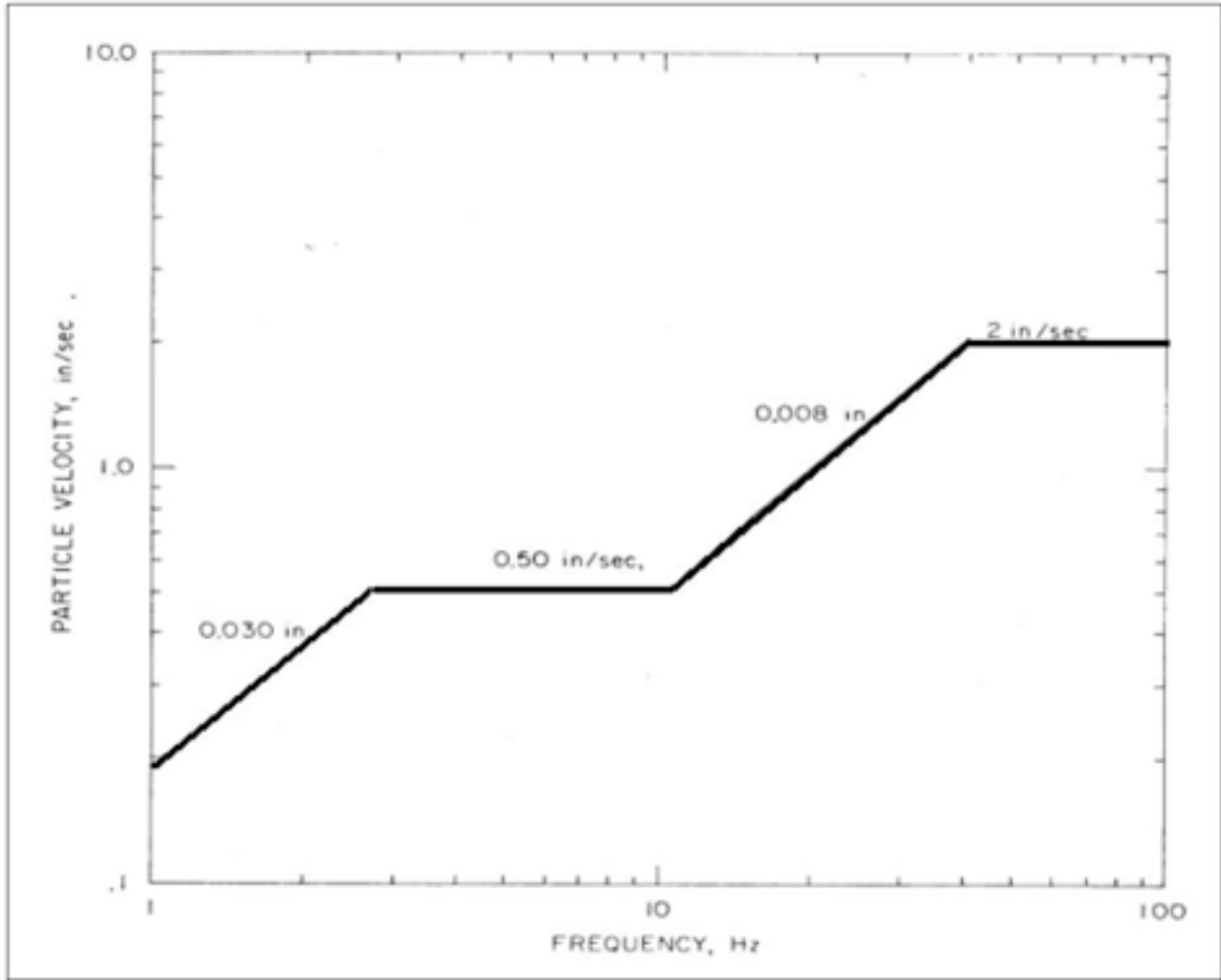
- (I) The diameter of holes.
- (II) The number of rows.
- (III) The number of holes.
- (IV) The amount and type of explosive.
- (V) The burden and spacing.
- (VI) The amount and type of stemming.
- (VII) The powder factor.

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(h) In all blasting operations, [the maximum peak particle velocity may not exceed 2 inches per second] the blasts shall be designed and conducted in a manner that achieves either a scaled distance of

90 or meets the maximum allowable peak particle velocity as indicated by Figure 1 at the location of any dwelling, public building, school, church or commercial or institutional building. Peak particle velocities shall be recorded in three mutually perpendicular directions—longitudinal, transverse and vertical. The maximum peak particle velocity shall be the largest of any of three

measurements. The Department may reduce the maximum peak particle velocity allowed, if it determines that a lower standard is required because of density of population or land use, age or type of structure, geology or hydrology of the area, frequency of blasts, or other factors. The sound pressure level may not exceed **[130 dB linear at a frequency 6 Hz or lower] 133 dBL.**



(i) The maximum peak particle velocity [limitation] and sound pressure limitations of this section do not apply at the following locations:

* * * * *

[(1) The use of a formula to determine maximum weight of explosives per delay for blasting operations at a particular site, may be approved by the Department if the peak particle velocity of 2 inches per second would not be exceeded.]

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Subchapter F. ANTHRACITE UNDERGROUND MINES

§ 88.493. Minimum environmental protection performance standards.

A person who conducts underground mining activities shall comply with the performance standards and design requirements of this section. The following performance standards shall be met:

* * * * *

(7) Use of explosives shall include:

(i) A person who conducts surface blasting activities incident to underground mining activities, including, but not limited to, [**initial rounds of slopes, shafts and tunnels,**] **mine opening blasting** shall conduct the activities in compliance with §§ 88.45 and 88.134—88.137.

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CHAPTER 89. UNDERGROUND MINING OF COAL AND COAL PREPARATION FACILITIES

Subchapter A. EROSION AND SEDIMENTATION CONTROL

GENERAL PROVISIONS

§ 89.5. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Mine opening blasting—Blasting conducted for the purpose of constructing a shaft, slope, drift or tunnel mine opening for an underground mine, either operating or under development, from the surface down to the point where the mine opening connects with the coal seam to be or being extracted.

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**Subchapter B. OPERATIONS
PERFORMANCE STANDARDS**

§ 89.62. Use of explosives.

Each person who conducts surface blasting activities incident to underground mining activities, including, but not limited to, [**initial rounds of slopes and shafts,**] **mine opening blasting**, shall conduct the activities in compliance with Chapter 87 (relating to surface mining of coal).

ARTICLE IV. OCCUPATIONAL HEALTH AND SAFETY

CHAPTER 210. BLASTERS LICENSE

§ 210.11. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Mine opening blasting—Blasting conducted for the purpose of constructing a shaft, slope, drift or tunnel mine opening for an underground mine, either operating or under development, from the surface down to the point where the mine opening connects with the mineral strata to be or being extracted.

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§ 210.12. Scope.

This chapter applies to persons engaging in the detonation of explosives within this Commonwealth. [**This**] **Except for persons engaging in mine opening blasting,** this chapter does not apply to persons authorized to detonate explosives or to supervise blasting activities under:

* * * * *

§ 210.17. Issuance and renewal of licenses.

(a) A blaster's license is issued for a specific classification of blasting activities. The classifications will be determined by the Department and may include general blasting (which includes all classifications except demolition, **mine opening blasting** and underground noncoal mining), trenching and construction, seismic and pole line work, well perforation, surface mining, underground noncoal mining, **mine opening blasting**, industrial, limited and demolition.

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[Pa.B. Doc. No. 06-1725. Filed for public inspection September 1, 2006, 9:00 a.m.]