

EXECUTIVE SUMMARY
25 Pa. Code, Chapters 210 and 211 Handling and Use of Explosives

This proposed rulemaking amends the explosives regulations at 25 Pa. Code Chapter 210 (relating to Blasters' Licenses) and 25 Pa. Code Chapter 211 (relating to Storage, Handling and Use of Explosives).

The regulations are authorized under the 1937 and 1957 Explosives Acts, the Surface Mining Conservation and Reclamation Act, the Noncoal Surface Mining Conservation and Reclamation Act and the Administrative Code of 1929.

On April 23, 2015, the Mining and Reclamation Advisory Board recommended that the Department proceed with the rulemaking process for these regulations. On May 20, 2015, the Aggregate Advisory Board recommended the same.

The proposed rulemaking revises current regulations to address the use of explosives for seismic exploration. The use of explosives for seismic exploration is fundamentally different than most other uses of explosives. For example, with seismic exploration, it is often necessary for explosive charges to remain in the ground for extended periods of time. The proposed regulations specify the security measures needed to protect the public safety under these circumstances. The Department has developed an interim seismic supplement to address safety issues at seismic exploration sites. The proposed rulemaking will codify these requirements, providing certainty to the regulated community regarding the regulatory framework for seismic exploration.

The proposed rulemaking also updates explosives use requirements to reflect current practices, eliminates antiquated requirements, and provides a more effective enforcement mechanism. The updated requirements will result in more consistency between the requirements for construction blasting and blasting for mining operations. Regarding enforcement, the current regulations entail criminal penalties for blasting-related violations, imposed by means of summary citations and possible misdemeanor charges. The proposed rulemaking provides a system for issuing civil penalty assessments for such violations. The proposed rulemaking also includes a revised fee schedule to cover costs associated with various permit-related work, license renewals, and required on-site safety inspections.

Compliance assistance for this rulemaking will be achieved through routine consultation with trade groups, citizens, and individual applicants. Approximately 2,000 licensed blasters in Pennsylvania will be subject to this rulemaking. The rulemaking includes new and increased user fees, which will be borne by the regulated community. Most of the companies subject to this rulemaking are small businesses. The rulemaking will require revisions to application forms and guidance documents.

These proposed regulations will also codify existing collaboration between DEP and the federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to ensure compliance with the federal Safe Explosives Act of 2002. ATF requirements for licensing and permitting include background checks which can be confirmed by the Department.

It is not anticipated that the proposed rulemaking will face opposition. The fee schedule may draw interest. However, the fees are nominal and are a small portion of the costs for conducting blasting operations. It is recommended that the proposed rulemaking be published with a 30-day comment period. It is not expected that a program public meeting or EQB public meeting will need to be held due to the extensive collaboration with the blasting industry stakeholders and the advisory boards.