

BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

*rec'd  
Gene 3/85  
from H. Bergman*

IN THE MATTER OF THE PROPOSED )  
REVISION OF THE BLASTING FOR ) STATEMENT OF PRINCIPLE  
SURFACE COAL MINING OPERATIONS, ) REASONS FOR ADOPTION  
CHAPTER 6, SECTION 6 RULES. )

On March 4, 1983, the Office of Surface Mining (OSM) announced in the Federal Register, Volume 48, Number 44, the requirements for State regulatory authorities to develop and adopt a Blaster, Training, Examination, and Certification Program within 12 months of the notice.

On April 12, 1984, Wyoming submitted a letter to OSM requesting an extension of the deadline for implementing the program.

On August 1, 1984, Wyoming submitted a summary of the program to OSM. Wyoming asked OSM to review and comment on the summary to aid Wyoming in finalizing their program. Preliminary comments received from OSM indicated the need to promulgate additional rules and regulations to conform with OSM's 30 CFR Parts 816, 817, and 850.

On September 21, 1984, Federal Register, Volume 49, Number 185 announced the decision to extend Wyoming's deadline to submit their program until October 14, 1984. Wyoming submitted the proposed program and proposed blasting regulations to OSM on October 15, 1984.

On November 14, 1984, the proposed blasting regulations were given to the Advisory Board. These regulations were to be added to the Department of Environmental Quality/Land Quality Division Rules and Regulations, Chapter 6 as Section 6.

On February 22, 1985, after the public comment period was established, a public hearing was conducted by the Environmental Quality Council.

Chapter 6, Section 6  
Blasting for Surface Coal Mining Operations

The change in subsection (c)(ii) is to remain consistent with the OSM requirements in exhibiting the certificates to authorized inspectors.

Subsection (c)(iii) was changed to clarify the description of the issue on a blaster and one other person being present at the firing of a shot. The Office of Surface Mining in the Federal Register discusses the need for assistance to the blaster in complying with the performance standards. The change in the regulations reflects this interpretation.

A requirement for the blaster having a minimum of two years of experience was added into subsection (c)(i). The requirement has been discussed in the program narrative, but was omitted from the initial draft of the regulations. It is also a requirement of the State Inspector of Mines.

Subsection (c)(ii) combines requirements for certificate storage and examination. Previously these requirements were listed separately. This reorganization simplifies the issue.

Additional language was added to subsection (c)(iv) to clarify the blaster must be familiar with the blasting plan and site specific performance standards applicable to the operation the blaster works for.

Subsection (d)(ii) was added to address the issue of reciprocity of certificates from other approved State or Federal programs.

Additional language in subsection (e)(i) and (ii) qualifies more extensively the requirements for the examination of the blaster.

Subsections (f), (g), (h) and (i) separate and clarify the requirements for issuance, renewal, revocation and maintenance of the certificates. Additional language added to subsection (h) clarifies the steps to be taken for revocation of certificates.

#### Conclusion

After full consideration of the public meeting and written comments received, the Environmental Quality Council determines that the adoption of these regulations is necessary and appropriate to clarify existing departmental policy regarding the regulation of coal mining in the state, and to allow the submission of a revised State Program which demonstrates that the department has the capability of carrying out the provisions of P.L. 95-87 and meeting its purposes. Specifically, the Environmental Quality Council finds that:

1. The rules and regulations provide for the regulation of surface coal mining and reclamation operations in accordance with the requirements of P.L. 95-87.
2. The rules and regulations are consistent with regulations issued by the Secretary of Interior pursuant to P.L. 95-87.
3. These regulations will avoid unnecessary duplicative review and analysis of, and decisions on, surface coal mining permit application contents, in a manner consistent with P.L. 95-87.
4. The regulations are necessary and appropriate to preserve and exercise the primary responsibilities and rights of the State of Wyoming; to retain for the State the control over its air, land and water resources; and secure cooperation between agencies of the State and Federal government in carrying out the policy and purposes of the Environmental Quality Act.

5. These regulations are reasonable and appropriate to protect the public health, safety and welfare and the environment of the State of Wyoming.

DATED this 28<sup>th</sup> day of May, 1985

Harold L. Bergman  
Chairman  
Environmental Quality Council