



CITY OF Tulsa

Board of Adjustment

Case Number: BOA-23612

Hearing Date: 12/12/2023 1:00 PM

Case Report Prepared by:

Sean Wallace

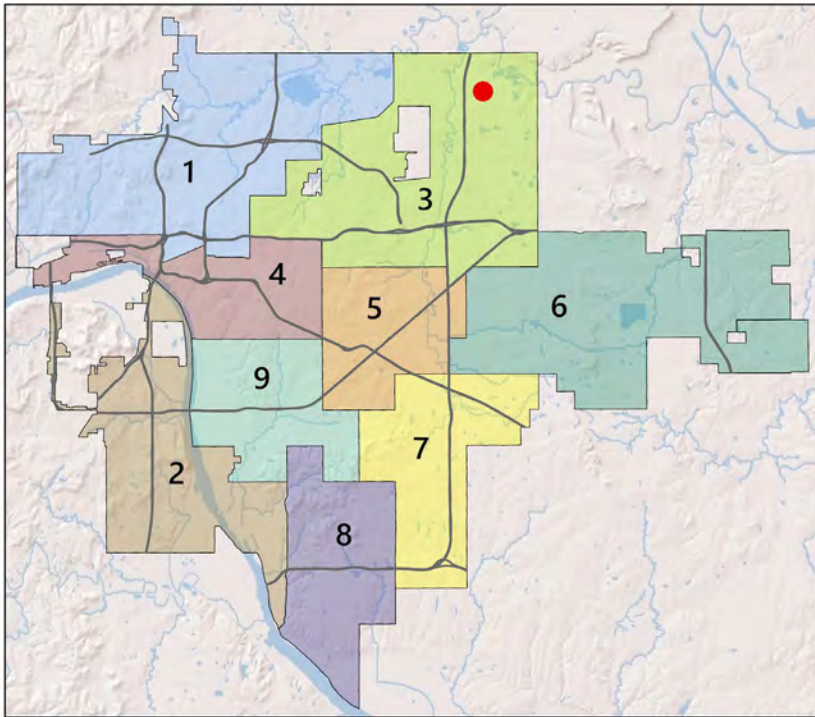
Owner and Applicant Information:

Applicant: Nathan Cross

Property Owner: Greenhill Properties, LLC

Action Requested: Special Exception to permit a Mining and Mineral Processing Use in the IM District (Sec. 15.020; Table 15-2)

Location Map:



Additional Information:

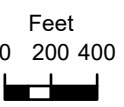
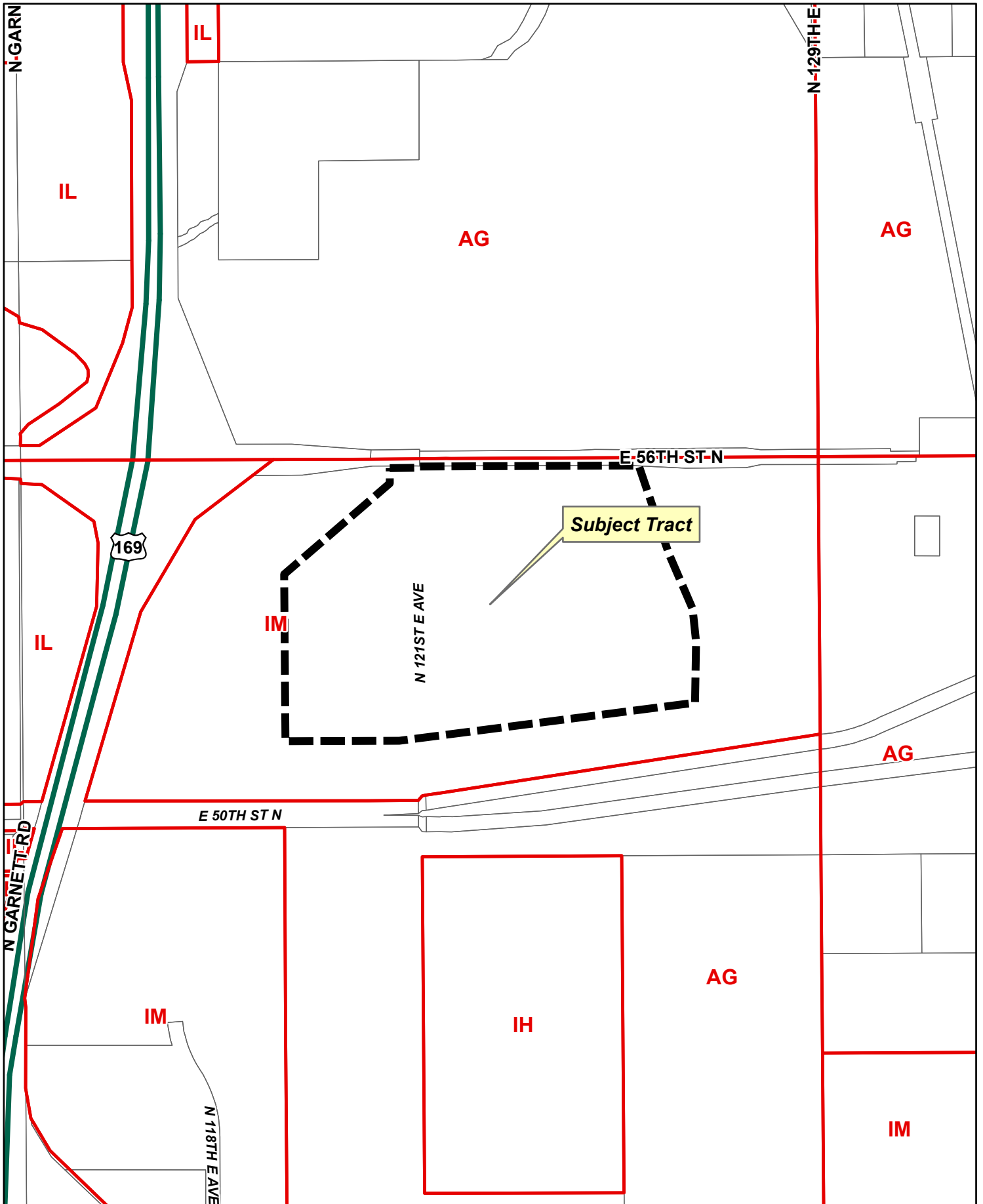
Present Use: Vacant

Tract Size: 80.69 acres

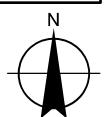
Location:

East of Highway 169 between 46th St. N. and 56th St. N.

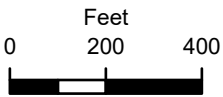
Present Zoning: IM



BOA-23612



17.2

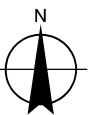


 Subject Tract

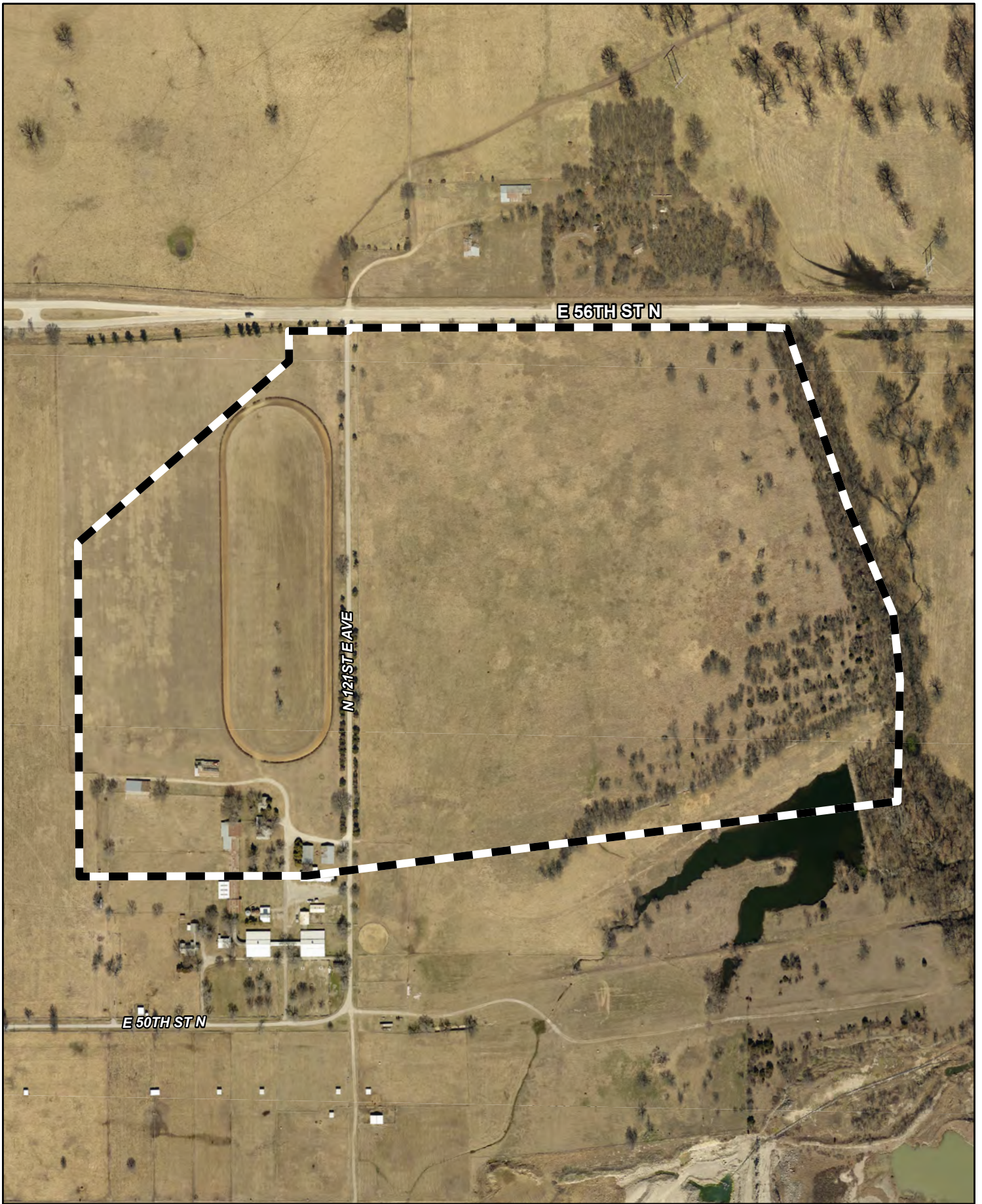
BOA-23612

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2021



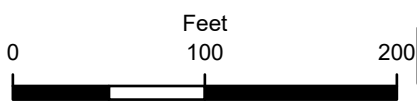
17.3



E 56TH ST N

N 121ST AVE

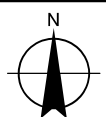
E 50TH ST N



Subject **BOA-23612**
Tract

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2021



17.4

**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 261

Case Number: **BOA-23612**

CD: 3

HEARING DATE: 12/12/2023 1:00 PM

APPLICANT: Nathan Cross

ACTION REQUESTED: Special Exception to permit a Mining and Mineral Processing Use in the IM District (Sec. 15.020; Table 15-2)

LOCATION: East of Highway 169 between 46th St. N and 56th St. N

ZONED: IM

PRESENT USE: Vacant

TRACT SIZE:

LEGAL DESCRIPTION: See attached.

RELEVANT PREVIOUS ACTIONS:

Z-7705, on 5.17.23 the TMAPC **approved** a re-zoning of the property from AG to IM.

BOA-20800, on 10.28.08 the Board **approved** a special exception to permit a Rock Quarry in an AG district.

BOA-19674, on 9.23.03 the Board **approved** a special exception to permit within an 80 acre tract in the IH and AG zoning districts, the mining, quarrying and extraction of stone, sand and gravel for utilization off the premises.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Regional Center."

Existing regional trip generators define the Regional Centers in contrast to Local Centers. These centers should be the most connected land use pockets outside of downtown for public transit access and high-capacity arterial streets. New regional trip generators should be permitted in the area with special consideration given to transportation access and circulation. Regional trip generators include universities, malls, large medical campuses, casinos, big-box shopping centers, and very large churches.

The Tulsa Comprehensive Plan also identifies the subject property as part of an "Employment" center.

The employment designation is intended to accommodate offices, warehousing and storage, manufacturing and assembly, and industrial processes. The "Industrial Site Suitability" map corresponds to the Employment land use designation and indicates where uses that are potentially incompatible with sensitive land uses are best suited to locate. This directs industrial uses to particular areas of the city while discouraging industrial in close proximity to Neighborhood areas.

STAFF ANALYSIS: The applicant is requesting a special exception to permit a Mining and Mineral Processing Use in the IM District (Sec. 15.020; Table 15-2).

SAMPLE MOTION:

Move to _____ (approve/deny) a Special Exception to permit a Mining and Mineral Processing Use in the IM District (Sec. 15.020; Table 15-2).

- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions (including time limitation, if any):
_____.

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.



(subject property looking south from 56th St N)

USE CATEGORY												Supplemental Regulations
Subcategory Specific use	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH	
Financial Services (except as below)	P	P	P	P	P	P	P	P	P	P	P	
Personal credit establishment	-	-	-	-	P	P	P	P	P	P	P	Section 40.300
Funeral or Mortuary Service	P	P	P	P	P	P	P	P	P	P	P	Section 40.150
Lodging												
Bed & breakfast	S	S	S	S	P	P	P	P	S	S	S	Section 40.060
Short-term rental	P	P	P	P	P	P	P	P	P	P	P	Section 40.375
Campgrounds and RV parks	-	-	-	-	S	P	P	P	P	P	P	
Hotel/motel	-	-	S	S	P	P	P	P	S	S	S	Section 40.170
Marina	S	S	S	S	S	S	S	S	S	S	S	
Office												Section 40.260
Business or professional office	P	P	P	P	P	P	P	P	P	P	P	
Medical, dental or health practitioner office	P	P	P	P	P	P	P	P	P	P	P	
Plasma center	-	-	-	-	P	P	P	P	P	P	P	Section 40.300
Parking, Non-accessory	P	P	P	P	P	P	P	P	P	P	P	
Restaurants and Bars												
Restaurant	P[1]	P[1]	P[1]	P	P	P	P	P	P	P	P	Section 40.330
Bar (except as below)	-	-	-	-	P[2]	P[2]	P[2]	P[2]	S	S	S	Section 40.050
Brewpub	-	-	-	-	S	S	S	P[2]	S	S	S	Section 40.050
Retail Sales												Section 40.340
Building supplies and equipment	-	-	-	-	P	P	P	P	P	P	P	
Consumer shopping goods	-	S[3]	S[3]	P[3]	P	P	P	P	P	P	P	
Convenience goods	-	S[3]	S[3]	P[3]	P	P	P	P	P	P	P	Section 40.300
Grocery Store	-	S[3,6]	S[3,6]	S[3,6]	P	P	P	P	P	P	P	
Small Box Discount Store	-	S[3,6]	S[3,6]	S[3,6]	P[6]	P[6]	P[6]	P[6]	P[6]	P[6]	P[6]	
Medical Marijuana Dispensary	-	-	-	-	P	P	P	P	P	P	P	Section 40.225
Self-service Storage Facility	S	S	S	S	S	P	P	P	P	P	P	Section 40.360
Sexually Oriented Business Establishment	-	-	-	-	P	P	P	P	S	S	S	Section 40.370
Studio, Artist or Instructional Service	P	P	P	P	P	P	P	P	P	P	P	Section 40.380
Trade School	-	S	S	S	S	P	P	P	P	P	P	
Vehicle Sales and Service												Section 40.400
Commercial vehicle repair/maintenance	-	-	-	-	S	P	P	P	P	P	P	
Truck stop	-	-	-	-	-	S	S	-	P	P	P	
Commercial vehicle sales and rentals	-	-	-	-	S	P	P	P	P	P	P	
Fueling station	-	-	-	-	P	P	P	P	P	P	P	
Personal vehicle repair and maintenance	-	-	-	-	P	P	P	P	P	P	P	
Personal vehicle sales and rentals	-	-	-	-	S	P	P	P	P	P	P	
Vehicle part and supply sales	-	-	-	-	P	P	P	P	P	P	P	
Vehicle body and paint finishing shop	-	-	-	-	S	P	P	P	P	P	P	
WHOLESALE, DISTRIB. & STORAGE												Section 40.410
Equip. & Materials Storage, Outdoor	-	-	-	-	S	P	P	P	P	P	P	
Trucking and Transportation Terminal	-	-	-	-	S	P	P	P	P	P	P	
Warehouse	-	-	-	-	S	P	P	P	P	P	P	
Wholesale Sales and Distribution	-	-	-	-	S	P	P	P	P	P	P	
INDUSTRIAL												Section 40.180
Low-impact Manufacturing & Industry	-	-	-	-	-	S	S	S	P	P	P	
Moderate-impact Manufacturing & Industry	-	-	-	-	-	-	-	-	S	P	P	Section 40.225
High-impact Manufacturing & Industry	-	-	-	-	-	-	-	-	-	S	P	
Mining or Mineral Processing	-	-	-	-	-	-	-	-	-	S	S	Section 40.230
Junk or Salvage Yard	-	-	-	-	-	-	-	-	-	S	P	Section 40.190

EXHIBIT "B"

HISTORY

The property at issue in this request (the "Subject Property") is part of the small remaining undeveloped property in north Tulsa that has been primarily vacant since statehood. For 50 years, the Subject Property has been a working ranch owned by the Oxley family. No significant development has occurred on the Subject Property.

MINING

At some point in the distant past, a rich vein of limestone was discovered in and around the Subject Property. After that discovery, mining operations began to grow in the area. Currently, there are 3 active mining operations within roughly a two-mile radius of the Subject Property. As such, this portion of the City of Tulsa has become a significant source of regional limestone for use in construction. These mining activities have been further bolstered by increased demand due to depletion of other mining resources in the area to the point that this area of Tulsa is now the primary provider of limestone for construction in Tulsa and Oklahoma City as well as other places within the region.

SPECIAL EXCEPTION

The proposed mining use referenced above is only allowed Special Exception within IM and IH Districts under the City of Tulsa Zoning Code. As the Subject Property is to be partial used for moderate industrial uses along the Highway 169 corridor and frontage, the Applicant proposes to rezone the Subject Property to IM to accommodate this moderate industrial use along the Highway 169 frontage and then follow with a Special Exception to allow the additional use of "Mining or Mineral Processing" in the area hash marked on Exhibit "C" with the remainder of the property to be IM uses without the Mining or Mineral Processing use. This request represents the minimal amount of relief necessary to accomplish the proposed uses outlined in this application. As referenced above, this would allow for additional access to a vital natural resource that is necessary for construction in Oklahoma as well as continued warehouse and similar industrial uses along the Highway 169 frontage consistent with other developments already in progress and completed (such as Costco).

EXHIBIT "A"
(Legal Description)

A TRACT OF LAND LYING IN THE NORTH HALF (N/2) OF SECTION EIGHT (8), TOWNSHIP TWENTY (20) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO-WIT:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION EIGHT (8); THENCE N88°44'19"E AND ALONG THE NORTH LINE OF SAID SECTION EIGHT (8) FOR A DISTANCE OF 2442.21 FEET; THENCE S01°15'41"E FOR A DISTANCE OF 59.85 FEET TO THE POINT OF BEGINNING; THENCE N88°45'00"E FOR A DISTANCE OF 198.03 FEET; THENCE N01°24'14"W FOR A DISTANCE OF 10.00 FEET; THENCE N88°44'17"E FOR A DISTANCE OF 1359.86 FEET; THENCE S88°23'58"E FOR A DISTANCE OF 91.33 FEET; THENCE S19°56'00"E FOR A DISTANCE OF 613.62 FEET; THENCE S24°04'04"E FOR A DISTANCE OF 396.59 FEET; THENCE S07°04'38"E FOR A DISTANCE OF 220.73 FEET; THENCE S00°00'00"E FOR A DISTANCE OF 401.74 FEET; THENCE S81°41'11"W FOR A DISTANCE OF 1972.65 FEET; THENCE S88°39'25"W FOR A DISTANCE OF 753.23 FEET; THENCE N01°24'14"W FOR A DISTANCE OF 1105.00 FEET; THENCE N48°09'00"E FOR A DISTANCE OF 923.73 FEET; THENCE N01°35'18"W FOR A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING; SAID TRACT CONTAINING 96.63 ACRES MORE OR LESS

6433024.1

Exhibit "C"

56TH STREET NORTH

IM
202 AC

FUTURE
MINING
97 AC

POTENTIAL
LAKE

BIRD CREEK

400' MINING BUFFER

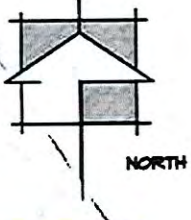
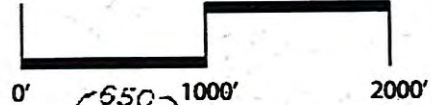
CITY FLOWLINES TRACT

400' MINING BUFFER

EXISTING
QUARRY
OPERATION

U.S. HIGHWAY 169

46TH STREET NORTH



FEBRUARY 7, 2023

PDG

PROPOSED LAND USE - SECTION 8

December 2, 2023

VIA ELECTRONIC MAIL

City of Tulsa Board of Adjustment
c/o Tulsa Planning Office
175 E. 2nd Street, 4th Floor
Tulsa, OK 74103

Re: City of Tulsa BOA Case No. BOA-23612

Greetings:

As you may be aware, my client, Greenhill Properties, LLC, has a request for Special Exception coming before you on the December 12th Agenda. The request at issue in this case is to allow mining on a portion of Greenhill Properties' property in the southeast quadrant of Highway 169 and East 56th Street North, which is buffered with significant setbacks, including a 55 Acre commercial setback on its West side, away from Highway 169, and a 37 Acre natural greenbelt setback on its East side. The South boundary of the proposed mining tract lies 400 feet North of the closest City of Tulsa Spavinaw Flowline, which is the same distance of mining setback previously approved on the South side of the City of Tulsa Spavinaw Flowline. My client's land South of this Flowline property is currently being mined today pursuant to an earlier Special Exception granted by the City of Tulsa Board of Adjustment.

Both my client and I recognize that there may be some residents in the area who voice concerns about mining. Understanding that our time may be limited at a public hearing and that your time is always limited and valuable, we are providing the attached packet of information in hopes of giving you some clarity on mining activities and the steps taken to minimize the impact on surrounding properties as well as the oversight dedicated to mining operations in the State of Oklahoma.

It should be noted that my client recently received approval at the Tulsa County Board of County Commissioners of a rezoning and PUD to allow mining on the property immediately north of the property at issue in the above-referenced case and that this request is part of a larger plan that has been carefully created to allow mining of a

Nathan S. Cross

P 918.591.5252
F 918.925.5252

ncross@dsla.com
Tulsa, OK

P 918.582.1211
F 918.591.5360

Williams Center Tower II
Two West Second Street, Suite 700
Tulsa, OK 74103-3117

P 405.319.3500
F 405.319.3509

Oklahoma Tower
210 Park Avenue, Suite 1200
Oklahoma City, OK 73102

December 2, 2023
Page 2

necessary natural resource while minimizing the impact on the surrounding area, as well as providing a commercial corridor of 90 acres along Highway 169.

In the attached you will find:

1. A summary discussion on the process by which mines are permitted in the State of Oklahoma;
2. A summary discussion on how mining shots are conducted and controlled to minimize the impact on surrounding parcels and the environment;
3. A summary discussion regarding dust and aerial vibration/noise mitigation as well as traffic relative to mining operations conducted in the area; and
4. The CV of Mr. Randall M. Wheeler, President/Senior Vibration Specialist at White Industrial Seismology, Inc. who is responsible for monitoring vibration data collected in the area for compliance with Oklahoma law.
5. A drawing of the proposed mining area demonstrating that the area is buffered on all sides.
6. A copy of the Oklahoma Explosives and Blasting Rules and Regulations promulgated and enforced by the Oklahoma Department of Mines demonstrating the regulations that mines must follow while conducting operations.

Additionally, you will receive, via email, a link to a short video question and answer session with Mr. Wheeler regarding certain aspects of mining activities and the impacts on surrounding property as well as the steps undertaken to monitor mining activities in the State of Oklahoma to ensure regulatory compliance.

We would be happy to have further discussion with you on this issue and/or answer any questions that you may have. Please do not hesitate to contact me if you would like to discuss this project further.

Sincerely,



Nathan S. Cross of

DOERNER, SAUNDERS, DANIEL & ANDERSON, L.L.P.

1. OKLAHOMA DEPARTMENT OF MINES (“ODM”) PERMITTING PROCESS

Mining permits are issued by the ODM only after an extensive review process. A detailed location and reclamation map that shows the permit area, planned setbacks, any transmission lines, pipelines, and natural features must be submitted by the applicant. The plan must address the methods that will be used to prevent conditions that could be hazardous to animal life and the safety of adjoining properties.

A reclamation plan must also be submitted that shows the intended configuration of the property after mining activities are completed. This intent of this reclamation plan is to ensure before mining commences that there is a regulated plan governing what will happen to the property after mining operations cease. To that end, a surety bond must be posted with ODM for all the acres within the permit area to insure compliance with the terms of the reclamation plan.

In addition to the above, a detailed plan for shots used in the proposed mining operation must be included in the permit application that demonstrates:

- 1) Types of explosives to be used;
- 2) Procedures to be utilized to control vibration and noise;
- 3) Procedures to be utilized to ensure complete and accurate records retention for data collected in accordance with the permit requirements;
- 4) Procedures to be utilized for shots including timing and signals; and
- 5) Procedures for use of seismographs to verify compliance with vibration standards under the permit and Oklahoma law.

Once the above documentation has been completed, the permit application is submitted to the County Clerk of the county in which a proposed mining operation is located for public access and review. Notice is then given for 4 consecutive weeks to allow interested parties to file objections related to the proposed mining operations with ODM and request a public hearing. In the event a party disagrees with the findings of ODM at a public hearing, such party may request adjudication of the matter by an administrative hearing.

In addition to the permit process and oversight by ODM, approval of other state agencies is also required. Oklahoma Department of Environmental Quality regulates storm water runoff, point-source discharges, and air quality. The US Army Corps of Engineers has jurisdiction to oversee impact on adjacent waterways such as Bird Creek.

As demonstrated by the number of steps and agencies involved in the above description, mining operations are not conducted unless certain specific qualifications are met. Additionally, if a mine is permitted, ODM continues to monitor operations and review

data, handle any complaints and conduct site reviews of the mining operations. Accordingly, mining may be one of the most heavily regulated and monitored activities undertaken in Tulsa County.

2. SHOT ACTIVITIES

During shots, energy waves are transmitted through the ground as vibrations. Vibrations are measured in inches per second ("in/s"). ODM has set a regulatory limit of 1.0 in/s for ground vibration. Human beings are extremely perceptive to ground vibrations. The human body can begin to perceive vibration levels at approximately 0.02 in/s. This is 50 times less than the ODM regulated vibration level. This obviously leads to a scenario where humans believe that vibrations are stronger than the actual intensity released by the shot.

Each individual shot is planned to optimize the amount of energy breaking rock and minimize air overpressure, noise and vibration. Ground vibrations and air overpressure are measured for every shot with multiple seismographs. The results measure for every single shot is compared with ODM allowable limits by a third-party, independent consultant. All complaints are investigated by ODM. **After many years and thousands of shots at the existing operations around the proposed mining operation, no verifiable damage has ever been documented by ODM.**

The Greenhill West quarry in the City of Tulsa has been in operation for a number of years. The Amazon and QuikTrip distribution centers, a QuikTrip convenience store, a fuel station, and a Costco retail store have been built while the quarry was in full production. All of these companies hired prominent geotechnical consultants to study the potential effects of mining before buying and building at their respective locations.

3. DUST, NOISE AND TRAFFIC

DUST

Dust is a byproduct of mining operations and, as part of ensuring compliance with permits and operational reviews conducted by ODM, mining operations use various techniques to mitigate fugitive dust during dry conditions. The primary techniques are frequent and consistent spraying of water from water tanker trucks brought on site during mining activities, application of dust suppressing agents on haul roads, and the use of sprinkling systems on stockpiles and stationary equipment.

Recent studies have shown that mining operations conducted in silica based geologic formations, such as granite or quartz, produce dust that may cause a type of lung cancer called silicosis. The mining activities conducted at the proposed mining operation on the subject property would be mining for limestone. **The dust from this limestone formation is calcium carbonate and is not carcinogenic.**

OVERPRESSURE AND NOISE

Aerial vibration (called overpressure in seismology terms) limits from shot activity is one of the multiple parts of mining operations actively regulated by ODM at each mining operation. Each shot is measured by seismographs which are monitored by a third-party, independent consultant. Mining operations are required to limit overpressure emanating from activity to be below 133 decibels (dB). This is an extremely low threshold. To put the ODM limit in perspective, the overpressure of a 29 mph wind (which occurs regularly in this area) is about 134 dB. Overpressure of 151 dB causes about the same pressure as a 75 mph wind, at which point some window damage can occur.

TRAFFIC

There are three operating mining operations in the vicinity of this proposed mine. The amount of truck trips to and from a mining operation is driven by demand for rock products. Market demand has been relatively stable year over year and for a number of years. If this proposed mine were to go into operation, the trucks that travel to and from the site would be the same trucks that are currently traveling to and from other sites in the vicinity and should not increase the number of trucks on the road. They would simply be traveling to and from this site rather than to and from another site in the area. Additionally, the proposed mining operations in this area would be west of residential areas and any access to and from the site would predominantly travel on Highway 169.

PROFESSIONAL EXPERIENCE

White Industrial Seismology, Inc./White Engineering Associates, Inc.

President/Senior Vibration Specialist	1992 - Present
Vice President/Director of Technical Services	1985 - 1992
Manager of Technical Services	1982 - 1985
Manager of Data Processing	1980 - 1982
Computer Analyst	1978 - 1980

PROFESSIONAL AFFILIATIONS

International Society of Explosives Engineers, ISEE. Vice Chairman – Blast Vibration and Seismograph Section from 2002 to 2006. Member of the Board of Directors from 1998 to 2006. Member of the Standards Committee. Helped develop seismograph performance specifications and calibration standards.

Society of Mining Engineers, SME.

FIELDS OF PROFICIENCY

Mathematics, Seismology and Geophysics - Blasting Vibrations and Their Effects.

Application of Explosives in Construction, Mining and Quarrying Industries.

Pre-Blast and Post-Blast Inspections and Investigations.

Software Development Applicable to Engineering, Science and Seismology.

Engineering Mathematics.

Mechanics of Seismic Waves.

EXPERIENCE INCLUDES

Studies for setting safe blasting limits for major construction projects, mines, and quarries throughout the United States.

Studies pertaining to power input of drop balls and vibrating sheepfoot rollers.

Pre-blast and post-blast inspections and investigations.

Application of explosives for excavation in mining and quarrying.

Expert testimony, depositions, public hearings and public relations.

Development of software applications:

Fourier transform frequency analysis for seismic and atmospheric disturbances.

Structural response analysis for various types of seismic disturbances.

Signature analysis and seismic wave simulations.

Linear regression analysis of seismic and acoustic amplitude decay.

Consultant in the development of the Alpha-Seis, Alpha-Seismite, Mini-Seis and Mini-Seis III/Pro digital seismographs.

PUBLICATIONS

Wheeler, R.M. 2011. "Resolving Blasting Near a High Pressure Pipeline" Proceedings of the 37th Annual Conference on Explosives and Blasting Technique; February 7; San Diego, Ca. International Society of Explosives Engineers; 2011.

Lusk, B., Worsley, P., Oakes, K., Chambers, J., Crabtree, S., Brasier, T., and Wheeler, R. 2006. "Destructive Wave Interference in Underground Blasting Utilizing Precise Timing" Proceedings of the 32nd Annual Conference on Explosives and Blasting Technique; Volume I, January 30; Dallas, TX. International Society of Explosives Engineers; 2006.

Wheeler, R.M. 2005. "The Importance of Saving the Full Wave Form and Frequency Analysis" Proceedings of the 31st Annual Conference on Explosives and Blasting Technique; Volume II, February 9; Orlando, FL. International Society of Explosives Engineers; 2005.

Eltschlager, K. and Wheeler, R.M. 2005. "Microphone Height Effects on Blast-Induced Air Overpressure Measurements" Proceedings of the 31st Annual Conference on Explosives and Blasting Technique; Volume I, February 8; Orlando, FL. International Society of Explosives Engineers; 2005.

Wheeler, R.M. 2004. "The Importance of Proper Seismometer Coupling" Proceedings of the 30th Annual Conference on Explosives and Blasting Technique; 2004 February 3; New Orleans, LA. International Society of Explosives Engineers; 2004.

Cumerlato, C.L., Siskind, D.E., and Wheeler, R.M. 1992. "Residential Structural Response to Airblast Overpressure From Munitions Disposal at the McAlester Army Ammunitions Plant." Final Report for the U.S. Department of the Army, McAlester Army Ammunition Plant, McAlester, Oklahoma.

Wheeler, R.M. 1991. "An Analysis of Firing Time Scatter Effects on Vibration Simulations from Waveforms with Low and High Frequency Components." Proceedings of the Seventh Annual Symposium on Explosives and Blasting Research; 1991 February 6-7; Las Vegas, NV. International Society of Explosives Engineers; 1991: 135-146.

Bowling, D.S., Wheeler, R.M., and Wheeler, M.B. 1989. "It's Like an Earthquake When They Blast!" - A Comparison of Strong Motion Earthquake Vibrations With Those Typically Generated by Surface Coal Mine Blasting. The Journal of Explosives Engineering Vol. 7, No. 4, 28-31.

Wheeler, R.M. 1989. "Controlling Blast Vibration Effects with On-Site Analysis of Single Hole Signatures, A New Approach." Proceedings of the Fifth Annual

Symposium on Explosives and Blasting Research; 1989 February 9-10; New Orleans, LA. International Society of Explosives Engineers; 1989: 123-134.

Wheeler, R.M. 1988. "How Millisecond Delay Periods May Enhance or Reduce Blast Vibration Effects." Mining Engineering Vol. 40, No. 10, 969-973.

Nuttli, O.W., Bowling, D.S, Lawson, J.E., and Wheeler, R.M. 1987. "Some Aspects of Seismic Scaling and the Strong Ground Motion of the Eastern Missouri Earthquake of January 12, 1984." Seismological Research Letters Vol. 58, No. 2, 53-58.

PRESENTATIONS AND SPEAKING ENGAGEMENTS

I have given numerous technical presentations over the years. The following list illustrates the diversity of my speaking engagements.

White Industrial Seismology, Inc. Blast Vibration Control Seminars.

Oklahoma Department of Mines Miner Training Institute, Krebs, Oklahoma.

Association of Oklahoma General Contractors, Muskogee, Oklahoma.

Northwest Mining Association 97th Annual Convention and Short Course.

ISEE Chapter meetings across the United States.

ISEE Annual meetings.

High-Tech Seminars on Blasting Technology, Instrumentation, and Explosives Applications sponsored by Blasting Analysis International.

Kentucky Blasting Conference.

Pennsylvania Blasting Conference

Ohio Drilling and Blasting Conference

Queen's University Blasting Technology Short Course in Kingston, Ontario CANADA.

University of Missouri at Rolla Sponsored Blasters Training Seminar in St. Louis, Missouri.

Mid-America Blasting Conference.

U. S. Department of Labor, Mine Safety and Health Administration, National Mine Health and Safety Academy, Mine Blasting and Safety Application Seminar.

State of West Virginia Blaster's Training, Charleston, WV.

EFEE World Conference on Explosives and Blasting, Brighton ENGLAND.

Missouri Limestone Producers Association.

EDUCATIONAL BACKGROUND

Pittsburg State University

1981 - 1984

M.S. Degree in Mathematics

Missouri Southern State College	1977 - 1981
B.S. Degree in Mathematics	
A.S. Degree Computer Analysis	
Minor in Physics	
Pittsburg State University	1976
Electronics Curriculum	

HONORS AND AWARDS

Missouri Blasting Safety Board. Appointed by Governor Matt Blunt, 2008.

Director - Heartland Chapter of Society of Explosives Engineers, 2005 -

Officer - International Society of Explosives Engineers, 2004 - 2006

Director - International Society of Explosives Engineers, 1998 - 2004

President - Ozark Chapter of the International Society of Explosives Engineers, 1996 - 1997

Secretary/Treasurer - Ozark Chapter of the International Society of Explosives Engineers, 1995 - 1996.

Director - Ozark Chapter of the International Society of Explosives Engineers, 1994 - 1995.

President's Award - International Society of Explosives Engineers - Las Vegas, Nevada, February 6, 1991.

Who's Who Among Rising Young Americans 1991.

Outstanding Service Award - Ozark Chapter of the International Society of Explosives Engineers, 1990.

Director - Heartland Chapter of Society of Explosives Engineers, 1989.

Charter President - Ozark Chapter of the International Society of Explosives Engineers, 1987 - 1989.

Excellence in Research Award from Pittsburg State University, Spring 1985. Award presented for Masters project on the Fourier transform with applications to seismic and acoustic disturbances from blasting.

Kappa Mu Epsilon - Mathematical Honorary Society.

Phi Kappa Phi - National Graduate Honor Society.

BLAST MONITORING PROJECTS

QUARRY AND UNDERGROUND

APAC Central – numerous quarries in Arkansas, Oklahoma, and Kansas

Martin Marietta Materials – numerous quarries in Kansas and Missouri

Lafarge Corporation – numerous quarries in Missouri and Oklahoma

Dozens of other smaller operations

COAL

Peabody – various operations across the U.S.

AMAX – Indiana

Old Ben Coal – Illinois

Continental Coal – Missouri

Many others over the years

CONSTRUCTION

Explosive Contractors

Pillshaw Explosives

Buckley Powder Company

Austin Powder Company

Orica

Dyno Nobel

Dykon Blasting

Dykon Demolition

Summers Blasting

Many others over the years

METAL

Freeport-McMoRan Operations in

Arizona

New Mexico

Peru

Chile

Indonesia

I also supervised monitoring in South Africa for a week with RAM Technical Services.

The number of domestic blast vibration monitoring projects I have been involved with over the last 45 years is too extensive to remember much less list. They have extended across the United States.



56TH STREET NORTH

**IM
202 AC**

**FUTURE
MINING
97 AC**

**POTENTIAL
LAKE**

BIRD CREEK

400' MINING BUFFER

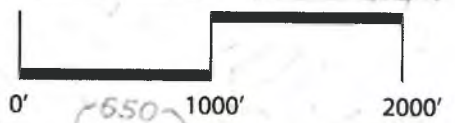
CITY FLOWLINES TRACT

400' MINING BUFFER

**EXISTING
QUARRY
OPERATION**

46TH STREET NORTH

U.S. HIGHWAY 169



FEBRUARY 7, 2023

Oklahoma Administrative Code
Title 460. Department of Mines
Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations
Subchapter 1. General Requirements

Okla. Admin. Code 460:25-1-1

460:25-1-1. Purpose

Currentness

The regulations of this Chapter establish the procedure through which the Oklahoma Department of Mines will implement Title 63 O.S. (1995), Sections 123.1 et seq. These regulations do not govern any blasting activities on a mine site governed by Title 45, which includes both Coal and Non-Coal Mining.

Credits

[**Source:** Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-1-1, OK ADC 460:25-1-1

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Oklahoma Administrative Code
Title 460. Department of Mines
Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations
Subchapter 1. General Requirements

Okla. Admin. Code 460:25-1-2

460:25-1-2. Objective

Currentness

The objective of this Chapter is to fulfill the purpose of 63 O.S. (1995), Section 123.1 et seq. in a manner which is consistent with the language of the Title, its legislative history, other applicable laws, and judicial interpretations.

Credits

[**Source:** Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-1-2, OK ADC 460:25-1-2

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Oklahoma Administrative Code
Title 460. Department of Mines
Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations
Subchapter 1. General Requirements

Okla. Admin. Code 460:25-1-3

460:25-1-3. Authority

Currentness

The Department of Mines is authorized to administer the requirements of 63 O.S. (1995), Section 123.1 et seq., except authority which may be retained by the State Fire Marshall pursuant to 63 O.S. (1995) Sections 141.2 et seq., and other state agencies to enforce State Laws and Regulations which are not inconsistent with 63 O.S. (1995), set in 123.1 et seq., and the regulations of this Chapter.

Credits

[**Source:** Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-1-3, OK ADC 460:25-1-3

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Oklahoma Administrative Code
Title 460. Department of Mines
Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations
Subchapter 1. General Requirements

Okla. Admin. Code 460:25-1-4

460:25-1-4. Responsibility

Currentness

The Department is responsible for the administration, regulation and enforcement of all permitted blasting operations, and permit exemptions, and the use of all blasting agents and explosives by any person, which is not located within the area of a mining operation or site, pursuant to O.S. Title 63, Section 123.1 et seq., The Oklahoma Explosive and Blasting Regulations Act.

Credits

[**Source:** Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96; Amended at 15 Ok Reg 3975, eff 8-28-98]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-1-4, OK ADC 460:25-1-4

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Oklahoma Administrative Code
Title 460. Department of Mines
Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations
Subchapter 1. General Requirements

Okla. Admin. Code 460:25-1-5

460:25-1-5. Definitions

Currentness

In addition to terms defined, the following words or terms, when used in this Chapter, shall have the following meaning:

“American Table of Distances” (also known as Quantity Distance Tables) means American Table of Distance for Storage of Explosives as revised and approved by the Institute of the Makers of Explosives, latest revision.

“Approved storage facility” means a facility for the storage of explosive materials conforming to the requirements of this part and covered by a license or permit issued under authority of the Bureau of Alcohol, Tobacco and Firearms.

“Blast area” means the area in which concussion (shock wave), flying material or gases from an explosion may cause injury to persons.

“Blast site” means the area where explosive material is handled during loading, including the perimeter formed by the loaded blast holes and 50 feet in all directions from loaded holes.

“Blasting agent” means a blasting agent is any material or mixture consisting of a fuel and oxidizer used for blasting, but not classified as an explosive and in which none of the ingredients is classified as an explosive provided the furnished (mixed) product cannot be detonated with a No. 8 test blasting cap when confined. A common blasting agent presently in use is a mixture of ammonium nitrate (general) and carbonaceous combustibles, such as fuel oil or coal, and may either be procured as premixed and packaged from explosives companies or mixed in the field.

“Blasting Agent” (as referenced by law) means any material or mixture consisting of a fuel and oxidizer, intended for blasting, not otherwise classified as an explosive, provided that the finished product, as mixed and packaged for use or shipment, cannot be detonated when unconfined by means of a test blasting cap containing two (2) grams of a mixture eighty percent (80%) mercury fulminate and twenty percent (20%) potassium chlorate, or a cap of equivalent strength. Blasting agent shall not include explosives in the forms prescribed in the official United States Pharmacopoeia; fireworks as defined by Section 1622 of Title 68 of the Oklahoma Statutes; or small arms ammunition and components therefore, which are subject to the Gun Control Act of 1968 (Title 18, Chapter 44, U.S. Code) and regulations promulgated thereunder.

“Blasting cap” means a metallic tube closed at one end, containing a charge of one or more detonating compounds, and designed for and capable of detonation from the sparks or flame from a safety fuse inserted and crimped into the open end. Blasting caps are now known as nonelectric detonators.

“Block holing” means the breaking of boulders by firing a charge of explosives that has been loaded in a small diameter drill hole.

“Certified Blaster” means a person who shall be able to understand and give written and oral orders and be capable of carrying out the required duties. The person is required to furnish satisfactory evidence of competency in handling explosives and performance in a safe manner the type of blasting that will be required. The person must be knowledgeable and competent in the use of each type of blasting method used. The person must have a current blasting certificate issued by a state recognized school or equivalent.

“Conveyance” means any unit for transporting explosives or blasting agents, including but not limited to trucks, trailers, rail cars, barges, and vessels.

“Detonating cord” means a flexible cord containing a center core of high explosives.

“Detonator” means any device containing an initiating or primary explosive that is used for initiating detonation. The term includes, but is not limited to electric detonators of instantaneous and delay types, detonators for use with safety fuses, detonating cord delay connectors, and non-electric detonators of instantaneous and delay types that consist of detonating cord, shock tube, or an other replacement of electric leg wires.

“Electric blasting cap” means a blasting cap designed for and capable of detonation by means of an electric current.

“Electric blasting circuitry” means as follows:

(A) Bus wire. An expendable wire, used in parallel or series circuits, to which are connected the leg wires of electric blasting caps.

(B) Connecting wire. An insulated expendable wire used between electric blasting caps and the leading wires or between the bus wire and the leading wires.

(C) Leading wire. An insulated wire used between the electric power source and the electric blasting cap circuit.

(D) Permanent blasting wire. A permanently mounted insulated wire used between the electric power source and the electric blasting cap circuit.

“Electric delay blasting caps” means caps designed to detonate at a predetermined period of time after energy is applied to the ignition system.

“Explosive” means as follows:

(A) Any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion; that is, with substantially instantaneous release of gas and heat, unless such compound, mixture or device is otherwise specifically classified by the U.S. Department of Transportation.

(B) All material which is classified as Class I. Class I is as follows:

(i) Division 1.1 - Class A explosives (dynamite, cast boosters, cap sensitive emulsions, water gels and slurries, Class A detonators).

(ii) Division 1.2 - Class A or Class B explosives (Division 1.2 will generally be some sort of ammunition or materials that have a projection hazard).

(iii) Division 1.3 - Class B explosives (generally propellants or explosives that have a fire hazard and a mass detonation hazard).

(iv) Division 1.4 - Class C explosives (Class C detonators, safety fuse, and other Class C explosives).

(v) Division 1.5 - Blasting agents {ANFO, non cap sensitive emulsions, water gels, slurries, packaged blasting agents (wethole materials.)}.

(vi) Division 1.6 - No applicable class. {Currently there are no commercial explosives in Division 1.6}.

“Explosives” (as referenced by law) means any chemical compound or mechanical mixture that is commonly used or which is intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, by chemical reaction, or by detonation of any part of the compound or mixture may cause gaseous pressures capable of producing destructive effects on contiguous objects or of destroying life or limb Provided, that dynamite, nitroglycerin, gunpowder, blasting powder and trinitrotoluene shall be deemed explosives without further proof of their nature. It shall also include all material which is classified as explosive by the United States Department of Transportation. The term “explosive” shall not include in the forms prescribed by the official United States Pharmacopeia; fireworks as defined by Section 1622 of Title 68 of the Oklahoma Statutes; or small arms ammunition and components therefor, which are subject to the Gun Control Act of 1968 (Title 18, Chapter 44, U.S. Code) and regulations promulgated thereunder.

“Fuse lighters” means special devices for the purpose of igniting safety fuse.

“Magazine” means any building or structure, other than an explosives manufacturing building, used for the storage of explosives.

“Misfire” means an explosive charge which fails to detonate completely.

“Mud-capping” (sometimes known as adobe blasting, or dobying) means the blasting of boulders by placing a quantity of explosives against a rock, boulder, or other object without confining the explosives in a drill hole.

“Nonelectric delay blasting cap” means a blasting cap with an integral delay element in conjunction with and capable of being detonated by a detonation pulse or signal from miniaturized detonating cord.

“Person” means any individual, firm, copartnership, corporation, company, association, joint stock association, and includes any trustee, receiver, assignee or personal representative thereof.

“Primary blasting” means the blasting operation by which the original rock formation is dislodged from its natural location.

“Primer” means a unit, package or cartridge used to initiate other explosives or blasting agents and that contains a detonator or a detonating cord to which is attached a detonator designed to initiate the cord.

“**Safety fuse**” means a flexible cord containing an internal burning medium by which fire is conveyed at a continuous and uniform rate for the purpose of firing blasting caps.

“**Secondary blasting**” means the reduction of oversized material by the use of explosives to the dimension required for handling, including mudcapping and blockholing.

“**Semiconductive hose**” means a hose with an electrical resistance high enough to limit flow of stray electric currents to safe levels, yet not so high as to prevent drainage of static electric charges to ground; hose of not more than 2 megohms resistance over its entire length and of not less than 5,000 ohms per foot meets the requirements.

“**Springing**” means the creation of a pocket in the bottom of a drill hole by the use of a moderate quantity of explosives in order that larger quantities of explosives may be inserted therein.

“**Stemming**” means suitable inert incombustible material or device used to confine or separate explosives in a drill hole, or to cover explosives in mud-capping.

“**Water gels, or slurry explosives**” means a wide variety of materials used for blasting. They all contain substantial proportions of water and high proportions of ammonium nitrate, some of which is in solution in the water. Two broad classes of water gels are: (1) Those which are sensitized by a material classed as an explosive, such as TNT or smokeless powder, and (2) those which contain no ingredient classified as an explosive; these are sensitized with metals such as aluminum or with other fuels. Water gels may be premixed at an explosives plant or mixed at the site immediately before delivery into the bore hole.

Credits

[**Source:** Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-1-5, OK ADC 460:25-1-5

Oklahoma Administrative Code
Title 460. Department of Mines
Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations
Subchapter 1. General Requirements

Okla. Admin. Code 460:25-1-6

460:25-1-6. Applicability

Currentness

(a) Chapter 25 applies to all uses of explosives and blasting by all persons except those exempted in (b) of this section.

(b) **Exemptions.** The following persons are exempt from the requirements of Chapter 25.

(1) **Oil and Gas Exploration** any person engaged in shooting wells or seismographic operations for the purpose of oil and gas production;

(2) **Mining operations** any mining operation regulated by Title 45 of the Oklahoma Statutes, which includes Coal and Non-Coal mining;

(3) **Non-Commercial use** any persons using explosives or blasting agents for noncommercial use on their own land, owned in fee or by contract, for the removal of trees, rocks and dams or for other normal agricultural purposes;

(4) **Incidental or Construction** any person who is using explosives or blasting agents as an incidental part of Federal, State or local government-financed highway or other Federal, State, or local government-financed construction; this exemption shall not apply to contractors of the person who is a party to the government-financed contract;

(5) Duly qualified bomb technicians of municipal, county, state, and federal law enforcement agencies for transportation, storage or disposal of any explosive chemical, compound or device, when such technician is performing responsibilities for the preservation of public peace, safety, or criminal investigation.

(c) The following persons are exempt from the permitting requirements of this Chapter, which are contained within Subchapter 3 through Subchapter 9, but must comply with the remaining Subchapters of these rules promulgated by the Oklahoma Mining Commission;

(1) Any municipalities or counties in this state using any blasting agents, explosives or conducting, supervising or controlling a blasting operation in this state.

(2) The Department of Transportation in the conducting, supervision or controlling of any blasting operations in this state.

(3) Contractors of persons using explosives or blasting as an incidental part of government-financed highway construction.

(d) A request for Permit Exemption with the accompanying Application for Permit Exemption must be filed with a written notification, Affidavit of Permit Exemption, obtained from the Department of Mines by any person seeking to qualify as permit exempt.

Credits

[**Source:** Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96; Amended at 15 Ok Reg 3975, eff 8-28-98; Amended at 19 Ok Reg 2851, eff 8-27-02; Amended at 21 Ok Reg 2992, eff 7-26-04]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-1-6, OK ADC 460:25-1-6

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Oklahoma Administrative Code
Title 460. Department of Mines
Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations
Subchapter 1. General Requirements

Okla. Admin. Code 460:25-1-7

460:25-1-7. Information to be maintained on site

Currentness

Any person, exempted from permitting only, who uses explosives or blasting agents must maintain the following documents on site:

- (1) A description of the project;
- (2) The general location of the use of explosives or blasting agent, right-of-way or the boundaries of the area which will be directly affected by the use of explosives or blasting agents.
- (3) A copy of the Application of and Request for Permit Exemption.
- (4) A copy of the Affidavit of Permit Exemption.

Credits

[**Source:** Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96; Amended at 15 Ok Reg 3975, eff 8-28-98]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-1-7, OK ADC 460:25-1-7

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Oklahoma Administrative Code
Title 460. Department of Mines
Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations
Subchapter 1. General Requirements

Okla. Admin. Code 460:25-1-8

460:25-1-8. Petitions to initiate rulemaking

Currentness

(a) Any interested person may petition the Director of the Oklahoma Department of Mines to initiate a proceeding for the issuance, amendment, or repeal of any regulations under the Chapter. The petition shall be submitted to the Director, Oklahoma Department of Mines, 2915 North Classen Blvd., Suite 213, Oklahoma City, Oklahoma 73106.

(b) The petition shall be a concise statement of the facts, technical justification, and law which require issuance, amendments, or repeal of a regulation under the Chapter and shall indicate whether the petitioner desires a public hearing.

(c) Upon review of the submitted petition, the Director shall determine if the petition sets forth the requirements of Subsection (b) of this Section as to provide a reasonable basis to initiate rulemaking action. If the Director determines that the petition has reasonable basis, a notice may be published in the Oklahoma Register seeking comment from the public on the proposed change. The Department may hold a public hearing, may conduct an investigation, or take other action to determine whether the petition should be granted.

(d) The Director's decision shall constitute the final decision of the Department.

(1) If the petition is granted, the Director shall initiate a rulemaking proceeding.

(2) If the petition is denied, the Department shall notify the petitioner in writing.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96; Amended at 31 Ok Reg 2108, eff 9-12-14]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-1-8, OK ADC 460:25-1-8



KeyCite Red Flag - Severe Negative Treatment

KeyCite Red Flag Negative Treatment 460:25-1-9. Availability of records [REVOKED]

Oklahoma Administrative Code
Title 460. Department of Mines
Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations
Subchapter 1. General Requirements

Okla. Admin. Code 460:25-1-9

460:25-1-9. Availability of records [REVOKED]

Currentness

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96; Amended at 31 Ok Reg 2108, eff 9-12-14; Revoked at 39 Ok Reg 2036, OAR Docket #22-686, eff 9-11-22]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-1-9, OK ADC 460:25-1-9

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Oklahoma Administrative Code
Title 460. Department of Mines
Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations
Subchapter 1. General Requirements

Okla. Admin. Code 460:25-1-10

460:25-1-10. Computation of time

Currentness

- (a) Except as otherwise provided, computation of time is based on calendar days.
- (b) In computing any period of prescribed time, the day on which the designated period of time begins is not included. The last day of the period is included unless it is a Saturday, Sunday, or legal holiday on which the Department is not open for business, in which event the period runs until the end of the next day which is not Saturday, Sunday, or legal holiday.
- (c) Intermediate Saturday, Sunday, or legal holidays are excluded from the computation when the period or prescribed time is seven or less.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

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OAC 460:25-1-10, OK ADC 460:25-1-10

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Oklahoma Administrative Code
Title 460. Department of Mines
Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations
Subchapter 3. General Requirements for Permits and Applications

Okla. Admin. Code 460:25-3-1

460:25-3-1. Purpose

Currentness

This Subchapter provides introductory material and establishes minimum general criteria for permits and permit applications requirements which are applicable to obtaining the Department's approval of permit applications.

Credits

[**Source:** Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-3-1, OK ADC 460:25-3-1

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Oklahoma Administrative Code
Title 460. Department of Mines
Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations
Subchapter 3. General Requirements for Permits and Applications

Okla. Admin. Code 460:25-3-2

460:25-3-2. Objectives

Currentness

The objectives of this Subchapter are to ensure that the use of explosives and blasting agents are conducted only under permits issued in accordance with the requirements of the State regulatory program, that all persons making timely application for permits, to provide general requirements on permit fee systems, and to provide the general content requirements of permit applications.

Credits

[**Source:** Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-3-2, OK ADC 460:25-3-2

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Oklahoma Administrative Code
Title 460. Department of Mines
Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations
Subchapter 3. General Requirements for Permits and Applications

Okla. Admin. Code 460:25-3-3

460:25-3-3. Authority

Currentness

The Oklahoma Department of Mines is required by Oklahoma Statutes Title 63, Section 123.1 et seq., to promulgate rules and regulations to enforce the provisions of the Oklahoma Explosives and Blasting Regulations Act.

Credits

[**Source:** Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

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OAC 460:25-3-3, OK ADC 460:25-3-3

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Oklahoma Administrative Code
Title 460. Department of Mines
Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations
Subchapter 3. General Requirements for Permits and Applications

Okla. Admin. Code 460:25-3-4

460:25-3-4. Responsibility

Currentness

The Oklahoma Department of Mines shall assume primary responsibility for the regulation of explosives and blasting program meeting all applicable requirements of 63 O.S. (1995), Section 123.1 et seq., and this Chapter. The Oklahoma Department of Mines has responsibility for review and decisions on issuing permits for blasting and the use of explosives for compliance with 63 O.S., Section 123.1 et seq., and this Chapter, permits approvals and for enforcement of the State program.

Credits

[**Source:** Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-3-4, OK ADC 460:25-3-4

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Oklahoma Administrative Code
Title 460. Department of Mines
Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations
Subchapter 3. General Requirements for Permits and Applications

Okla. Admin. Code 460:25-3-5

460:25-3-5. Applicability

Currentness

Chapter 25 requirements shall be effective and shall apply to each explosives and blasting operation which is required to obtain a permit under 63 O.S. (1995), Section 123.1 et. seq., and those in 460:25-1-6(c) and this Chapter, on or by June 1, 1996, upon which the Title 63 of the Oklahoma Statutes and this Chapter requires a permit to be obtained.

Credits

[**Source:** Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-3-5, OK ADC 460:25-3-5

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Oklahoma Administrative Code
Title 460. Department of Mines
Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations
Subchapter 3. General Requirements for Permits and Applications

Okla. Admin. Code 460:25-3-6

460:25-3-6. General requirements for permits - operators

Currentness

No person shall engage in or carry out blasting on non-Federal or non-Indian lands within the State, or use explosives or blasting agent unless that person has first obtained a valid permit issued by the Department. Any person planning to use explosives for blasting must obtain a valid permit issued by the Oklahoma Department of Mines, unless exempted by 460:25-1-6(b) or (c).

Credits

[**Source:** Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-3-6, OK ADC 460:25-3-6

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Oklahoma Administrative Code
Title 460. Department of Mines
Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations
Subchapter 3. General Requirements for Permits and Applications

Okla. Admin. Code 460:25-3-7

460:25-3-7. Compliance with permits

Currentness

All persons shall conduct the use of explosives and blasting agent operations under permit issued pursuant to this Chapter and shall comply with the terms and conditions of the permit and the requirements of 63 O.S. (1995), et seq., and this Chapter.

Credits

[**Source:** Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-3-7, OK ADC 460:25-3-7

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Oklahoma Administrative Code
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Subchapter 3. General Requirements for Permits and Applications

Okla. Admin. Code 460:25-3-8

460:25-3-8. Permit application filing deadlines

Currentness

(a) **General.** By June 1, 1996, all applicants using explosives or conducting blasting must have a valid permit issued by the State of Oklahoma.

(b) **Renewal of valid permits.** An application for renewal of a permit shall be filed with the Department prior to the expiration of the permit involved.

(c) **Revisions of permit.** Any application for revision of a permit shall be filed with the Department no more than 7 days after the revision is implemented.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96; Amended at 31 Ok Reg 2108, eff 9-12-14]

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OAC 460:25-3-8, OK ADC 460:25-3-8

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Oklahoma Administrative Code
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Subchapter 3. General Requirements for Permits and Applications

Okla. Admin. Code 460:25-3-9

460:25-3-9. Permit fees

Currentness

Each application for the use of explosives or blasting agent permit pursuant to the Department shall be accompanied by a fee. The fees shall be as follows:

- (1) One Time Permit fee will be \$50.00.
- (2) Limited Time Permit fee will be \$100.00.
- (3) Continuous Permit fee will be \$150.00.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-3-9, OK ADC 460:25-3-9

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Oklahoma Administrative Code
Title 460. Department of Mines
Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations
Subchapter 5. Use of Explosives and Blasting Permit Applications

Okla. Admin. Code 460:25-5-1

460:25-5-1. Purpose

Currentness

This Subchapter establishes the minimum requirements regarding the legal, financial, compliance and general information that must be contained in permit applications for the use of explosives and blasting activities.

Credits

[**Source:** Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-5-1, OK ADC 460:25-5-1

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Oklahoma Administrative Code
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Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations
Subchapter 5. Use of Explosives and Blasting Permit Applications

Okla. Admin. Code 460:25-5-2

460:25-5-2. Objectives

Currentness

The object of this Subchapter is to ensure that all relevant information regarding the persons who uses explosives and conduct blasting, the ownership and control of the property to be affected by this operation, the compliance status and history of such applications and other important information is provided in the application to the Department for a permit per attached Application form.

Credits

[**Source:** Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-5-2, OK ADC 460:25-5-2

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Subchapter 5. Use of Explosives and Blasting Permit Applications

Okla. Admin. Code 460:25-5-3

460:25-5-3. Responsibility

Currentness

It is the responsibility of the explosive and blasting permit applicant to provide to the Department all of the information by this Subchapter.

Credits

[**Source:** Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-5-3, OK ADC 460:25-5-3

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Subchapter 5. Use of Explosives and Blasting Permit Applications

Okla. Admin. Code 460:25-5-4

460:25-5-4. Applicability

Currentness

This Subchapter applies to any person who is required to have a permit to use explosives or conduct blasting activities.

Credits

[**Source:** Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-5-4, OK ADC 460:25-5-4

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Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations
Subchapter 5. Use of Explosives and Blasting Permit Applications

Okla. Admin. Code 460:25-5-5

460:25-5-5. Identifications of interests

Currentness

- (a) Each application for the use of explosives or blasting permit shall contain the names and addresses of the permit applicant, including his or her telephone number.
- (b) Each application shall contain the Certified Blaster's number with issuance date and expiration date.
- (c) Each application shall contain the names and address of the Certified Blaster's employer per application form.
- (d) A copy of the Certified Blasting Certificate.
- (e) Proof of blasting liability insurance.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-5-5, OK ADC 460:25-5-5

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Subchapter 5. Use of Explosives and Blasting Permit Applications

Okla. Admin. Code 460:25-5-6

460:25-5-6. Compliance information

Currentness

Each blasting permit application shall contain:

- (1) A statement of whether the applicant, any subsidiary, affiliate, or persons controlled by or under the common control with the applicant has had a permit suspended or revoked in the last five years; or
- (2) If any such suspension, revocation, or forfeiture has occurred, a statement of the involved, including:
 - (A) Identification number and date of issuance of the permit;
 - (B) The current status of the permit involved;
 - (C) The date, location, and type of any administrative or judicial proceedings initiated concerning the suspension or revocation; and
 - (D) The current status of these proceedings.
- (3) Indication of compliance with the terms and conditions of the permit and the requirements of 63 O.S., Section 141.1, et seq., and this Chapter, along with all other applicable State, Federal, and local permitting and licensing requirements.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96; Amended at 18 Ok Reg 3221, eff 7-26-01]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-5-6, OK ADC 460:25-5-6

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Okla. Admin. Code 460:25-5-7

460:25-5-7. Permit application - location descriptions

Currentness

Information set forth in the application required shall be current, clear and concise as possible.

Credits

[**Source:** Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-5-7, OK ADC 460:25-5-7

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Subchapter 5. Use of Explosives and Blasting Permit Applications

Okla. Admin. Code 460:25-5-8

460:25-5-8. Verification of application

Currentness

Each application for permits shall be verified by an official of the applicant, that the information contained in the application is true and correct to the best of the official's information and belief.

Credits

[**Source:** Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

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Oklahoma Administrative Code
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Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations
Subchapter 7. Permit Information

Okla. Admin. Code 460:25-7-1

460:25-7-1. Responsibilities

Currentness

The Department has the responsibility to approve or disapprove permits. The Department shall assure implementation of the requirements of the Subchapter. The applicant shall provide all information in a complete permit application for review by the Department in accordance with this Subchapter.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-7-1, OK ADC 460:25-7-1

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Subchapter 7. Permit Information

Okla. Admin. Code 460:25-7-2

460:25-7-2. Public notices of filing of permit application

Currentness

A permit application shall be posted at the principal office of the Oklahoma Department of Mines when filed with the Department. The posted permit application, which will serve as public notice, shall contain, at a minimum, the following information:

- (1) The name and business address of the applicant;
- (2) Verification of application;
- (3) Blaster's state certificate number with issuance date and expiration date; and
- (4) Copy of the certificate of blasting.

Credits

Authority: Oklahoma Mining Commission; 63 O.S. Section 123.4

[**Source:** Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96; Amended at 31 Ok Reg 2108, eff 9-12-14; Amended at 39 Ok Reg 2036, OAR Docket #22-686, eff 9-11-22]

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OAC 460:25-7-2, OK ADC 460:25-7-2

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Subchapter 7. Permit Information

Okla. Admin. Code 460:25-7-3

460:25-7-3. Public availability of information in permit applications on file with Department

Currentness

Information contained in permit applications on file with the Department shall be open, upon written request, for public inspection and copying at reasonable times.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

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Subchapter 7. Permit Information

Okla. Admin. Code 460:25-7-4

460:25-7-4. Review of permit application

Currentness

The Department shall review the complete application and written comments, and written objections submitted.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

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Subchapter 7. Permit Information

Okla. Admin. Code 460:25-7-5

460:25-7-5. Criteria for permit approval or denial

Currentness

No permit or revision application shall be approved, unless the application affirmatively demonstrates and the Department finds, on the basis of information set forth in the application or from information otherwise available, which is documented in the approval and made available to the applicant, that the permit application is accurate and complete and in compliance with all requirements of the Chapter.

Credits

[**Source:** Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

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OAC 460:25-7-5, OK ADC 460:25-7-5

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Subchapter 7. Permit Information

Okla. Admin. Code 460:25-7-6

460:25-7-6. Permit approval or denial actions

Currentness

(a) The Department shall approve, require modifications of, or deny, applications for permit on the basis of:

(1) Complete applications for permits and revisions or renewals thereof; and

(2) Processing and review of application as required by this Subchapter,

(b) The Department shall take action as required under (a) of this Section, within the 30 days after the receipt by the Department of the complete application.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

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Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations
Subchapter 7. Permit Information

Okla. Admin. Code 460:25-7-7

460:25-7-7. Permit terms

Currentness

(a) Each permit shall be for a term of:

- (1) One-Time use from date of issuance.
- (2) Limited time use not to exceed 4 months from issuance date.
- (3) Continuous Blasting Operations permit for one year from date of issuance.

(b) Permit may be suspended, revoked, or modified by the Department, in accordance with this Chapter and the Oklahoma Administrative Procedures Act.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-7-7, OK ADC 460:25-7-7

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Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations
Subchapter 7. Permit Information

Okla. Admin. Code 460:25-7-8

460:25-7-8. Environmental, public health and safety conditions of permits

Currentness

Each permit issued by the Department shall ensure the following:

- (1) Permittee shall take all possible steps to minimize any hazardous impact to the environment or public health and safety resulting from non compliance with any term or condition of the permit.

- (2) The permittee shall conduct the operations in accordance with any measure specified in the permit as necessary to prevent significant, imminent environmental harm to the health or safety of the public.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

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OAC 460:25-7-8, OK ADC 460:25-7-8

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Oklahoma Administrative Code
Title 460. Department of Mines
Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations
Subchapter 9. Permit Revisions and Renewals

Okla. Admin. Code 460:25-9-1

460:25-9-1. Purpose

Currentness

This Subchapter establishes the minimum requirements for revisions to permits previously issued by the Department and renewal of permits previously issued by the Department.

Credits

[**Source:** Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

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Oklahoma Administrative Code
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Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations
Subchapter 9. Permit Revisions and Renewals

Okla. Admin. Code 460:25-9-2

460:25-9-2. Objectives

Currentness

The objectives of this Subchapter are to provide for procedures for the Department to review and renew permits.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

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Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations
Subchapter 9. Permit Revisions and Renewals

Okla. Admin. Code 460:25-9-3

460:25-9-3. Responsibilities

Currentness

The Department shall:

- (1) Ensure that permits requesting revisions are revised prior to changes in the blasting operations;
- (2) Effectively review and act on applications to renew existing permits, in a timely manner, to ensure that blasting operations continue, if they comply with and 63 O.S. (1995), Section 123.1 - 123.8 et seq., and this Chapter.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

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OAC 460:25-9-3, OK ADC 460:25-9-3

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Oklahoma Administrative Code
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Subchapter 9. Permit Revisions and Renewals

Okla. Admin. Code 460:25-9-4

460:25-9-4. Permit revisions

Currentness

(a) A revision to a permit shall be obtained: For changes in the blasting operations described in the original permit, when such changes constitute a significant departure from the method of conduct of blasting contemplated by the original permit. Significant departures may include change in certified blaster, incidental enlargement of the permit area, changes in the blasting design such as a change in explosives.

(b) The application for revision shall submit the application information required.

(c) The Department shall approve or disapprove the complete application for a revision in accordance with the requirements of Subchapter 11 of this Chapter, with a reasonable time as established in this Chapter.

(d) Any extensions of the boundaries shown in the initial permit, except for incidental boundary revisions, shall be made by application for a new permit and shall not be approved under this Subchapter.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

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OAC 460:25-9-4, OK ADC 460:25-9-4

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Subchapter 9. Permit Revisions and Renewals

Okla. Admin. Code 460:25-9-5

460:25-9-5. Permit renewals

Currentness

(a) **General requirements.** Any valid, existing permit issued pursuant to a regulatory program shall carry with it the right of successive renewal(s) upon the expiration of the term of the permit, in accordance with Subchapter 3 of this Chapter. Successive renewal shall be available only for those areas which were specifically approved by the Department on the application for the existing permit and within the boundaries of the permit.

(b) **Completed applications.** Complete application for renewals of a permit shall be made prior to the date of expiration. Renewal applications shall contain, at a minimum, information approved on the original permit with any changes.

(c) **Term.** Any permit renewal shall be for a term of the permit not to exceed one year from the date of issuance.

(d) **Approval or denial.** The Department shall, upon the basis for a complete application for renewal and completion of all procedures required, either approve or deny said application.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96; Amended at 20 Ok Reg 2818, eff 8-26-03]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-9-5, OK ADC 460:25-9-5

Oklahoma Administrative Code
Title 460. Department of Mines
Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations
Subchapter 10. Permit Exemptions

Okla. Admin. Code 460:25-10-1

460:25-10-1. Purpose

Currentness

This subchapter contains minimum requirements for obtaining permit exemptions which are allowed by O.S. Title 63, Sections 123.1 et seq.

Credits

[**Source:** Added at 15 Ok Reg 3975, eff 8-28-98]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-10-1, OK ADC 460:25-10-1

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Title 460. Department of Mines
Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations
Subchapter 10. Permit Exemptions

Okla. Admin. Code 460:25-10-2

460:25-10-2. Objectives

Currentness

(a) The objectives of this subchapter are to ensure that each person who is exempt from the permit requirements of this Chapter has on file with the Department of Mines and on site an Affidavit of Permit Exemption.

(b) To ensure that all persons, exempt from the permitting requirements of this Chapter, obtains and maintains an Affidavit of Permit Exemption to present upon the purchase of blasting agents or explosives in this State.

Credits

[Source: Added at 15 Ok Reg 3975, eff 8-28-98]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-10-2, OK ADC 460:25-10-2

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Title 460. Department of Mines
Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations
Subchapter 10. Permit Exemptions

Okla. Admin. Code 460:25-10-3

460:25-10-3. Authority

Currentness

The Department of Mines is required by Oklahoma Statutes Title 63, Section 123.1 et seq., to promulgate rules and regulations to enforce the provisions of the Oklahoma Explosives and Blasting Regulations Act which creates and requires permit exemptions.

Credits

[**Source:** Added at 15 Ok Reg 3975, eff 8-28-98]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-10-3, OK ADC 460:25-10-3

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Subchapter 10. Permit Exemptions

Okla. Admin. Code 460:25-10-4

460:25-10-4. Responsibility

Currentness

The Oklahoma Department of Mines shall assume primary responsibility for review and decisions on issuing Affidavit for Permit Exemptions.

Credits

[**Source:** Added at 15 Ok Reg 3975, eff 8-28-98]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-10-4, OK ADC 460:25-10-4

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Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations
Subchapter 10. Permit Exemptions

Okla. Admin. Code 460:25-10-5

460:25-10-5. Applicability

Currentness

(a) **Exemptions.** Pursuant to Subchapter 1, Section 6, the following persons are exempt from the permitting requirements of this Chapter:

(1) Oil and Gas Exploration;

(2) Mining operations;

(3) Non-Commercial use;

(4) Incidental or construction done as an incidental part of a Federal, State, or local government-financed highway or other Federal, State, or local government-financed construction;

(5) Duly qualified bomb technicians;

(b) The following persons are exempt from permitting requirements of this Chapter, but must comply with this Subchapter and Subchapters 11 through 17.

(1) Any municipalities or counties in this state using any blasting agents, explosives or conducting, supervising or controlling a blasting operation in this state.

(2) The Department of Transportation in conducting, supervising, or controlling of any blasting operations in this State.

(c) Any persons purchasing blasting agents or explosives in this State must obtain either a blasting permit or an Affidavit of Permit Exemption.

(d) An application for Permit Exemption must be filed with and written notification obtained from the Department of Mines by anyone seeking to qualify as permit exempt.

(e) The receipt of an Affidavit of Exemption does not relieve the holder of the responsibility for compliance with all other State and federal laws and requirements.

(f) Any persons exempted from the provisions of the Oklahoma Explosives and Blasting Regulations Act pursuant to this Chapter shall be liable for all damages caused by the use of explosives, or blasting agents and blasting operations, which damages shall be recoverable in any court of competent jurisdiction.

Credits

[Source: Added at 15 Ok Reg 3975, eff 8-28-98; Amended at 19 Ok Reg 2851, eff 8-27-02]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-10-5, OK ADC 460:25-10-5

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Oklahoma Administrative Code
Title 460. Department of Mines
Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations
Subchapter 10. Permit Exemptions

Okla. Admin. Code 460:25-10-6

460:25-10-6. Contents of application for permit exemption

Currentness

An application for exemption shall include at a minimum:

- (1) The name and address of the applicant;
- (2) Name and address of employer;
- (3) Type of exemption:
 - (A) Oil and Gas Exploration;
 - (B) Mining Operations;
 - (C) Non-Commercial use;
 - (D) Incidental or other construction done as an incidental part of a Federal, State, or local government-financed highway or other Federal, State, or local government-financed construction;
 - (E) Duly qualified bomb technicians;
 - (F) Any municipalities or counties in this State using any blasting agents, explosives or conducting, supervising or controlling a blasting operation in this State.
 - (G) The Department of Transportation in the conducting, supervision or controlling of any blasting operations in the State.
- (4) A current copy of their Criminal History Information Request from the Oklahoma State Bureau of Investigation.
- (5) A description of the activity to be performed using the blasting agent and/or explosives.

(6) Reason for purchasing a blasting agent or explosive.

(7) A brief description of why the exemption provisions apply to the applicant.

(8) Description of the blasting area, including but not limited to the owner of record of the property affected.

Credits

[Source: Added at 15 Ok Reg 3975, eff 8-28-98; Amended at 19 Ok Reg 2851, eff 8-27-02]

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Okla. Admin. Code 460:25-10-7

460:25-10-7. Information to be maintained on site

Currentness

Any person, exempted from permitting only, who uses explosives or blasting agents must maintain the following documents on site

- (1) A description of the project;
- (2) The general location of the use of explosives or blasting agent, right-of-way or the boundaries of the area which will be directly affected by the use of explosives or blasting agents.
- (3) A copy of the Affidavit of Permit Exemption.

Credits

[Source: Added at 15 Ok Reg 3975, eff 8-28-98]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-10-7, OK ADC 460:25-10-7

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Subchapter 10. Permit Exemptions

Okla. Admin. Code 460:25-10-8

460:25-10-8. Permit exemption application terms and deadlines

Currentness

- (a) **General.** Permit exemptions are for a twelve month period from date of issuance.
- (b) **Renewal of valid permit exemptions.** An application for renewal of a permit exemption shall be filed with the Department at least 30 days before the expiration of the permit exemption involved.
- (c) It is the exempt persons responsibility to notify the Department of any status change that occurs with in the permit exemption term.

Credits

[Source: Added at 15 Ok Reg 3975, eff 8-28-98]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-10-8, OK ADC 460:25-10-8

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Okla. Admin. Code 460:25-10-9

460:25-10-9. Permit Exemption Fees

Currentness

Each Permit Exemption Application for the use of explosives or blasting agent shall be accompanied by a fee in the amount of twenty five dollars.

Credits

[**Source:** Added at 15 Ok Reg 3975, eff 8-28-98; Amended at 20 Ok Reg 2818, eff 8-26-03]

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Subchapter 10. Permit Exemptions

Okla. Admin. Code 460:25-10-10

460:25-10-10. Permit Exemption approval or denial actions

Currentness

(a) The Department shall approve, require modifications of, or deny applications for permit exemptions on the basis of:

(1) Complete applications for permit exemption thereof; and

(2) Processing and review of applications as required by this Subchapter.

(b) The Department shall take action within 30 days after the receipt by the Department of the complete application.

(c) The Department shall not issue an exemption to any persons convicted of a felony.

Credits

[Source: Added at 15 Ok Reg 3975, eff 8-28-98; Amended at 20 Ok Reg 2818, eff 8-26-03]

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Okla. Admin. Code 460:25-10-11

460:25-10-11. Use of Affidavit of Permit Exemption

Currentness

(a) No person shall purchase blasting agents or explosives in this State without first obtaining a permit or obtain written notification from the Department that the person is exempt from this permit requirement.

(b) Distributors or sellers of blasting agents or explosives shall require presentation of either the permit to blast or Affidavit of Permit Exemption before the sale or transfer of blasting agents or explosives.

Credits

[**Source:** Added at 15 Ok Reg 3975, eff 8-28-98]

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Okla. Admin. Code 460:25-10-12

460:25-10-12. Inspections for compliance

Currentness

The Department may conduct periodic inspections on all issued Affidavit for Permit Exemptions. Additional inspections may be ordered for just cause by the Director of the Department of Mines or his designees.

Credits

[**Source:** Added at 15 Ok Reg 3975, eff 8-28-98; Amended at 20 Ok Reg 2818, eff 8-26-03]

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Okla. Admin. Code 460:25-10-13

460:25-10-13. Violations and orders

Currentness

- (a) Any violation of this Subchapter shall be subject to the penalties and orders contained within Subchapter 17 of this Chapter.
- (b) Any violation or order issued for noncompliance of any provision of this Subchapter shall be subject to all applicable hearing requirements contained within Subchapter 17 of this Chapter.

Credits

[Source: Added at 15 Ok Reg 3975, eff 8-28-98]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-10-13, OK ADC 460:25-10-13

Oklahoma Administrative Code
Title 460. Department of Mines
Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations
Subchapter 11. General Requirements for Insurance

Okla. Admin. Code 460:25-11-1

460:25-11-1. Purpose

Currentness

This Subchapter sets forth the provisions for insurance in conjunction with the use of explosives and blasting operations.

Credits

[**Source:** Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-11-1, OK ADC 460:25-11-1

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Oklahoma Administrative Code
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Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations
Subchapter 11. General Requirements for Insurance

Okla. Admin. Code 460:25-11-2

460:25-11-2. Objective

Currentness

The objective of this Subchapter is to set forth the minimum requirements and responsibilities for insurance coverage in conjunction with the use of explosives and blasting operations.

Credits

[**Source:** Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

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OAC 460:25-11-2, OK ADC 460:25-11-2

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Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations
Subchapter 11. General Requirements for Insurance

Okla. Admin. Code 460:25-11-3

460:25-11-3. Liability insurance for blasting operations

Currentness

(a) The Department shall require the applicant to submit as part of its permit application a certificate issued by an insurance company authorized to do business in the United States certifying that the applicant has a public liability insurance policy in force for the blasting operation for which the permit is sought. Such policy shall provide for personal injury and property damage protection in an amount adequate to compensate any persons injured or property damaged as a result of the blasting operations. Minimum insurance coverage for bodily injury and property damage shall be \$300,000 for each occurrence and \$500,000 aggregate.

(b) The policy shall be maintained in full force during the life of the permit or any renewal thereof, including the liability period necessary for permit release.

(c) The policy shall include a rider requiring that the insurer notify the Department whenever substantive changes are made in the policy including any termination or failure to renew.

(d) The Department may accept from the applicant, in lieu of a certificate for a public liability insurance policy, satisfactory evidence from the applicant that it satisfies applicable State selfinsurance policy requirements approved as part of the regulatory program and the requirements of this Section.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-11-3, OK ADC 460:25-11-3

Oklahoma Administrative Code
Title 460. Department of Mines
Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations
Subchapter 13. Performance Standards

Okla. Admin. Code 460:25-13-1

460:25-13-1. Purpose

Currentness

This Subchapter established guidelines for the safe use of explosives in all blasting operations except those exempted in Section 460: 25-1-6.

Credits

[**Source:** Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

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Subchapter 13. Performance Standards

Okla. Admin. Code 460:25-13-2

460:25-13-2. Objective

Currentness

The objective of this Subchapter is to ensure that the general public and employees on site are protected through the safe utilization of explosives, and to ensure the proper keeping of records necessary to ensure compliance with this Subchapter, this Chapter and Oklahoma Statutes, Title 63.

Credits

[**Source:** Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

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Okla. Admin. Code 460:25-13-3

460:25-13-3. Authority

Currentness

The Department is authorized, through this Subchapter, to make necessary inspection to monitor compliance with this Subchapter.

Credits

[**Source:** Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

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Okla. Admin. Code 460:25-13-4

460:25-13-4. Responsibility

Currentness

It is the responsibility of the certified blaster to conduct the blasting and the use of explosives in a safe manner and to maintain the record required by this Subchapter.

Credits

[**Source:** Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

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OAC 460:25-13-4, OK ADC 460:25-13-4

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Oklahoma Administrative Code
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Subchapter 13. Performance Standards

Okla. Admin. Code 460:25-13-5

460:25-13-5. General requirements

Currentness

- (a) Each certified blaster shall comply with all applicable State, Federal, and Local Laws in the use of explosives.
- (b) All blasting operations shall be conducted by experienced, trained and competent persons who understand the hazards involved. Each person responsible for blasting operations shall possess a valid certificate as required by 63. O.S. (1995), Section 460:25-13-6.
- (c) Blasting certification shall be carried by the blaster or shall be on file at the blasting area during the blasting operation.
- (d) A blaster and at least one other person shall be present at the firing of any and all blasts.
- (e) The blaster shall permit only authorized and qualified persons to handle and use explosives.
- (f) Smoking, firearms, matches, open flame lamps, and other fires, flame or heat producing devices and sparks shall be prohibited in or near explosive magazines or while explosives are being handled, transported or used.
- (g) No person shall be allowed to handle or use explosives while under the influence of intoxicating liquors, narcotics, or other dangerous drugs.
- (h) All explosives shall be accounted for at all times. Explosives not being used shall be kept in a locked magazine, unavailable to persons not authorized to handle them. The employer shall maintain an inventory and use record of all explosives. ATF shall be notified of any loss, theft, or unauthorized entry into a magazine.
- (i) No explosives or blasting agents shall be abandoned.
- (j) No fire shall be fought where the fire is in imminent danger of contact with explosives. All employees shall be removed to a safe area and the fire area guarded against intruders.
- (k) When blasting is done in congested areas or in proximity to a structure, railway, or highway, or any other installation that may be damaged, the blaster shall take special precautions in the loading, delaying, initiation, and confinement of each

blast with mats or other methods so as to control the throw of fragments and not to exceed the peak particle velocity limits requirements of 460: 25-1319(a) at a structure.

(l) Employees authorized to prepare explosives charges or conduct blasting operations shall use every reasonable precaution including, but not limited to, visual and audible warning signals, flags, or barricades, to ensure employee safety.

(m) Blasting operations above ground shall be conducted between sunrise and sunset.

(n) Due precautions shall be taken to prevent accidental discharge of electric blasting caps from current induced by radar, radio transmitters, lightning, adjacent power lines, dust storms, or other sources of extraneous electricity. These precautions shall include:

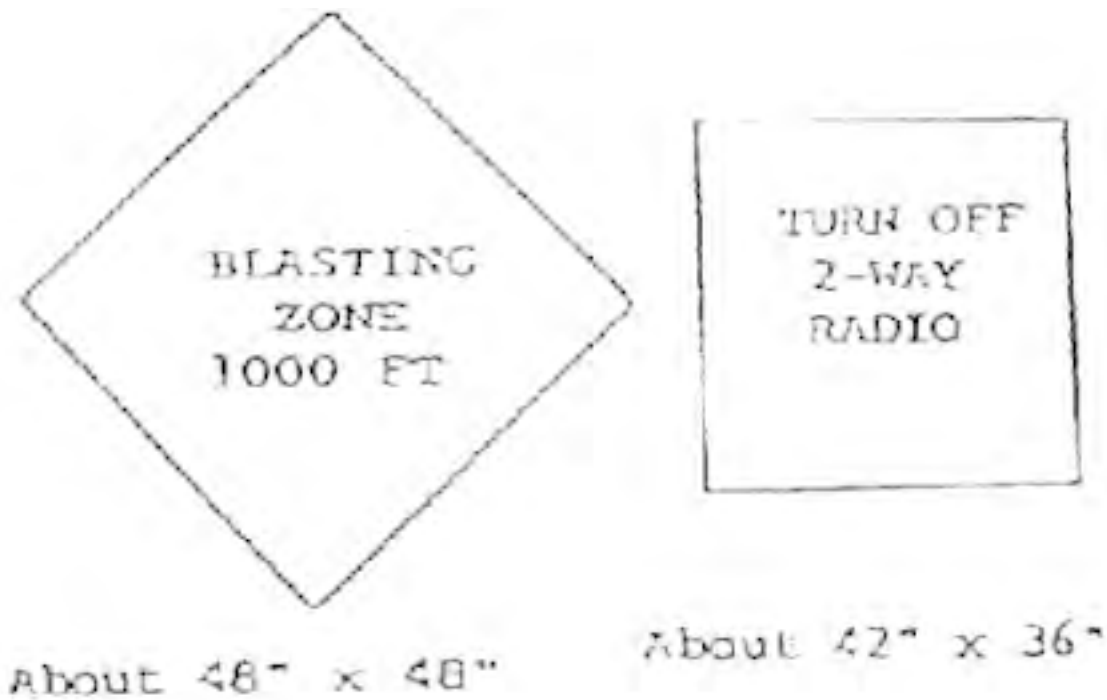
(1) Detonators shall be short-circuited in holes which have been primed and shunted.

(2) The suspension of all blasting operations and removal of persons from the blasting area during the approach and progress of an electric storm;

(3) Signs and warnings shall be done in the following manner:

(A) The prominent display of adequate signs, warning against the use of mobile radio transmitters on all roads within 1,000 feet of blasting operations. Whenever adherence to the 1,000-foot distance would create an operational handicap, this distance may be modified so long as the modification is adequately designed in compliance with paragraph (5) of this subsection to prevent any premature firing of electric blasting caps.

(B) Specimens of signs which would meet the requirements of Section 460: 25-138(p) are the following:



- (4) Ensuring that mobile radio transmitters and cellular phones which are less than 100 feet away from electric blasting caps, in other than original containers, shall be deenergized and effectively locked;
- (5) Compliance with the recommendations of The Institute of the Makers of Explosives with regard to blasting in the vicinity of radio transmitters as stipulated in Radio Frequency Energy-A Potential Hazard in the Use of Electric Blasting Caps, IME Publication No. 20, March 1971.
- (o) Empty boxes and paper and fiber packing materials, which have previously contained high explosives, can be destroyed by burning at an approved location on site.
- (p) Explosives, blasting agents, and blasting supplies that are obviously deteriorated or damaged shall not be used. Contact the manufacturer for instructions.
- (q) Delivery and issue of explosives shall only be made by and to authorized persons and into authorized magazines or approved temporary storage or handling areas.
- (r) Blasting operations in the proximity of overhead power lines, communication lines, utility services, or other services and structures shall not be carried on until the operators and/or owners have been notified and measures for safe control have been taken.
- (s) The use of black powder for blasting shall be prohibited.
- (t) All loading and firing shall be directed and supervised by a certified blaster.

Credits

Authority: Oklahoma Mining Commission; 63 O.S. Section 123.4

[**Source:** Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96; Amended at 39 Ok Reg 2036, OAR Docket #22-686, eff 9-11-22]

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Okla. Admin. Code 460:25-13-6

460:25-13-6. Certified blaster qualifications

Currentness

- (a) Any person performing blasting activities must have a valid, current blasters certificate acceptable by the Department. Reciprocity shall be granted upon submittal of a recognized blasting certificate from another State.
- (b) The blaster certification shall be carried by the blaster or shall be on file at the blasting area during the blasting operation.
- (c) A blaster shall be able to understand and give written and oral orders.
- (d) A blaster shall be capable of carrying out the duties and not be addicted to narcotics, intoxicants, or similar type of drugs.
- (e) A blaster shall be qualified, by reason of training, knowledge, or experience, in the field of transporting, storing, handling, or use of explosives, and have a working knowledge of State and local laws and regulations which pertain to explosives.
- (f) Blasters shall be required to furnish satisfactory evidence of competency in handling explosives and performing in a safe manner the type of blasting that will be required.
- (g) The blaster shall be knowledgeable and competent in the use of each type of blasting method used.
- (h) A blaster certification shall be valid for a period of two (2) years. Renewal of certification shall require a current OSBI background check be submitted prior to re-issuance. A certification or recertification shall not be granted to any person with a felony conviction.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96; Amended at 28 Ok Reg 2371, eff 9-11-11]

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Okla. Admin. Code 460:25-13-7

460:25-13-7. Storage of explosives and blasting agents

Currentness

Explosives and related materials shall be stored in approved facilities required under the applicable provisions of the Bureau of Alcohol, Tobacco and Firearms regulations contained in 27 CFR part 55, Commerce in Explosives.

Credits

[**Source:** Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

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Okla. Admin. Code 460:25-13-8

460:25-13-8. Loading of explosives or blasting agents

Currentness

- (a) Procedures that permit safe and efficient loading shall be established before loading is started.
- (b) All drill holes shall be sufficiently large to admit freely the insertion of the cartridges of explosives.
- (c) Tamping shall be done only with wood rods or plastic tamping poles without exposed metal parts, but nonsparking metal connectors may be used for jointed poles. Violent tamping shall be avoided. The primer shall never be tamped.
- (d) No holes shall be loaded except those to be fired in the next round of blasting. After loading, all remaining explosives and detonators shall be immediately returned to an authorized magazine.
- (e) Drilling shall not be started until all remaining butts of old holes are examined for unexploded charges, and if any are found, they shall be refired before work proceeds.
- (f) No person shall be allowed to deepen drill holes which have contained explosives or blasting agents.
- (g) No explosives or blasting agents shall be left unattended at the blast site.
- (h) Any equipment not to be used in the loading shall be removed from the immediate location of holes before explosives are delivered. Equipment shall not be operated within 50 feet of loaded holes.
- (i) No activity of any nature other than that which is required for loading holes with explosives shall be permitted in a blast area.
- (j) Power lines and portable electric cables for equipment being used shall be kept a safe distance from explosives or blasting agents being loaded into drill holes. Energized cables in the proximity of the blast area shall be deenergized and locked out by the blaster.
- (k) Holes shall be checked prior to loading to determine depth and conditions. Where a hole has been loaded with explosives but the explosives have failed to detonate, there shall be no drilling within 50 feet of the hole. Follow the regulations for misfires 460: 25-13-14.

(l) When loading a long line of holes with more than one loading crew, the crews shall be separated by practical distance consistent with efficient operation and supervision of crews.

(m) No explosive shall be loaded or used underground in the presence of combustible gases or combustible dusts.

(n) No explosives other than those in Fume Class 1, as set forth by the Institute of Makers of Explosives, shall be used; however, explosives complying with the requirements of Fume Class 2 and Fume Class 3 may be used if adequate ventilation has been provided.

(o) All blast holes in open work shall be stemmed to the collar or to a point which will confine the charge.

(p) Warning signs, indicating a blasting area, shall be maintained at all approaches to the blast area. The warning sign lettering shall not be less than 4 inches in height on a contrasting background.

(q) A bore hole shall never be sprung when it is adjacent to or near a hole that is loaded.

(r) Drill holes which have been sprung or chambered, and which are not water-filled, shall be allowed to cool before explosives are loaded.

(s) No loaded holes shall be left unattended or unprotected until ready for firing.

(t) The blaster shall keep an accurate, up-to-date record of explosives, blasting agents, and blasting supplies used in a blast and shall keep an accurate running inventory of all explosives and blasting agents stored on the operation.

(u) When loading blasting agents pneumatically over electric blasting caps, semiconductive delivery hose shall be used and equipment shall be bonded and grounded.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-13-8, OK ADC 460:25-13-8

Oklahoma Administrative Code
Title 460. Department of Mines
Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations
Subchapter 13. Performance Standards

Okla. Admin. Code 460:25-13-9

460:25-13-9. Initiation of explosive charges-electric blasting

Currentness

- (a) Electric blasting caps shall not be used when sources of extraneous electricity make the use of electric blasting caps dangerous; the blaster must chose a non-electric system.
- (b) Blasting cap leg wires shall be kept short-circuited (shunted) until they are connected into the circuit for firing.
- (c) Before adopting any system of electrical firing, the blaster shall conduct a thorough survey for extraneous currents, and all dangerous currents shall be eliminated before any holes are loaded.
- (d) In any single blast using electric blasting caps, all caps shall be of the same style or function, and the same manufacture.
- (e) Electric blasting shall be carried out by using blasting circuits or power circuits in accordance with the electric blasting cap manufacturer's recommendations, or an approved contractor or his designated representative.
- (f) When firing a circuit of electric blasting caps, care must be exercised to ensure that an adequate quantity of delivered current is available, in accordance with the manufacturer's recommendation.
- (g) Connecting wires and lead wires shall be insulated single solid wires of sufficient currentcarrying capacity.
- (h) Bus wires shall be solid single wires of sufficient current-carrying capacity.
- (i) When firing electrically, the insulation on all firing lines shall be adequate and in good condition.
- (j) A power circuit used for firing electric blasting caps shall not be grounded.
- (k) In underground operations there shall be a "lightning" gap of at least 5 feet in the firing system ahead of the main firing switch; that is, between this switch and the source of power. This gap shall be bridged by a flexible jumper cord just before firing the blast.

(l) When firing from a power circuit, the firing switch shall be locked in the open or “Off” position at all times, except when firing. It shall be so designed that the firing lines to the cap circuit are automatically short-circuited when the switch is on the “Off” position. Keys to this shall be entrusted only to the blaster.

(m) Blasting machines shall be in good condition and the efficiency of the machine shall be tested annually to make certain that it can deliver power at its rated capacity.

(n) When firing with blasting machines, the connections shall be made as recommended by the manufacturer of the electric blasting caps used.

(o) The number of electric blasting caps or circuits connected to a blasting machine shall not be in excess of its rated capacity. Furthermore, in primary blasting, a series circuit shall contain no more caps than the limit recommended by the manufacturer of the electric blasting caps in use.

(p) The blaster shall be in charge of the blasting machines, and no other person shall connect the leading wires to the machine.

(q) Blasters, when testing circuits to charged holes, shall use instruments designed solely for blasting such as Blasters ohmmeter, Blasters Multimeter, or Blasters galvanometer.

(r) Whenever the possibility exists that a leading line or blasting wire might be thrown over a live power line by the force of explosion, care shall be taken to see that the total length of wires are kept too short to hit the lines, or that the wires are securely anchored to the ground. If neither of the requirements can be satisfied, a nonelectric system shall be used.

(s) In electrical firing, only the blaster making leading wire final connections shall fire the shot. All connections shall be made in sequence from the bore hole back to the source of firing current, and the leading wires shall remain shorted and not be connected to the blasting machine or other source of current until the charge is to be fired.

(t) After firing an electric blast from a blasting machine, the leading wires shall be immediately disconnected from the machine and short-circuited. The leading wires should be tested immediately so defects caused by flyrock can be repaired before the next blast.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-13-9, OK ADC 460:25-13-9

Oklahoma Administrative Code
Title 460. Department of Mines
Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations
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Okla. Admin. Code 460:25-13-10

460:25-13-10. Use of safety fuse

Currentness

- (a) The use of a fuse that has been hammered or injured in any way shall be forbidden.
- (b) The hanging of a fuse on nails or other projections which will cause a sharp bend to be formed in the fuse is prohibited.
- (c) Before capping safety fuse, a short length shall be cut from the end of the supply reel so as to assure a fresh cut end in each blasting cap.
- (d) Only a cap crimper of approved design shall be used for attaching blasting caps to safety fuse. Crimpers shall be kept in good repair and accessible for use.
- (e) No unused cap or short capped fuse shall be placed in any hole to be blasted; such unused detonators shall be removed from the working place and destroyed.
- (f) No fuse shall be capped, or primers made up, in any magazine or near any possible source of ignition.
- (g) No one shall be permitted to carry detonators or primers of any kind on his person.
- (h) The minimum length of safety fuse to be used in blasting shall not be less than 120 inches.
- (i) At least two men shall be present when multiple cap and fuse blasting is done by hand lighting methods.
- (j) Not more than 12 fuses shall be lighted by each blaster when hand lighting devices are used. However, when two or more safety fuses in a group are lighted as one by means of igniter cord, or other similar fuse-lighting devices, they may be considered as one fuse.
- (k) The so-called "drop fuse" method of dropping or pushing a primer or any explosive with a lighted fuse attached is forbidden.

(l) Cap and fuse shall not be used for firing mudcap charges unless charges are separated sufficiently to prevent one charge from dislodging other shots in the blast.

(m) Cap and fuse shall not be used to initiate blasts in congested areas or on or adjacent to highways open to traffic.

(n) When blasting with safety fuses, consideration shall be given to the length and burning rate of the fuse. Sufficient time, with a margin of safety, shall always be provided for the blasters to reach a place of safety.

(o) When a roll of fuse has not been used for three months, the burning rate shall be redetermined.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-13-10, OK ADC 460:25-13-10

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Okla. Admin. Code 460:25-13-11

460:25-13-11. Use of detonating cord

Currentness

- (a) Care shall be taken to select a detonating cord consistent with the type and physical condition of the bore hole and stemming and the type of explosives used.
- (b) Detonating cord shall be handled and used with the same respect and care given other explosives.
- (c) The line of detonating cord extending out of a bore hole or from a charge shall be cut from the supply spool before loading the remainder of the bore hole or placing additional charges.
- (d) Detonating cord shall be handled and used with care to avoid damaging or severing the cord during and after loading and hooking-up.
- (e) Detonating cord connections shall be competent and positive in accordance with approved and recommended methods. Knot-type or other cord-to-cord connections shall be made only with detonating cord in which the explosive cord is dry.
- (f) All detonating cord trunk lines and branch lines shall be as near to 90 degree angles as possible and free of loops, sharp kinks, or angles that direct the cord back toward the oncoming line of detonation.
- (g) All detonating cord connections shall be inspected before firing the blast.
- (h) When detonating cord milli-second-delay connectors or short-interval-delay electric blasting caps are used with detonating cord, the practice shall conform strictly to the manufacturer's recommendations.
- (i) When connecting a blasting cap or an electric blasting cap to detonating cord, the cap shall be taped or otherwise attached securely along the side or the end of the detonating cord, with the end of the cap containing the explosive charge pointed in the direction in which the detonation is to proceed.
- (j) Detonators for firing the trunkline shall not be brought to the loading area nor attached to the detonating cord until everything else is in readiness for the blast.

Credits

[**Source:** Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

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OAC 460:25-13-11, OK ADC 460:25-13-11

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Okla. Admin. Code 460:25-13-12

460:25-13-12. Firing the blast

Currentness

(a) A code of blasting signals equivalent to those identified in (1) through (3) of this subsection, shall be posted on one or more conspicuous places at the operation, and all employees shall be required to familiarize themselves with the code and conform to it. Danger signs shall be placed at suitable locations.

(1) Warning Signal-A 1-minute series of long blasts 5 minutes prior to blast signal.

(2) Blast Signal-A series of short blasts 1 minute prior to the shot.

(3) All clear Signal-A prolonged blast following the inspection of blast area.

(b) Before a blast is fired, the blaster in charge, shall make certain that all explosives are in a safe place and all employees, livestock, vehicles, and equipment are at a safe distance, or under sufficient cover.

(c) Flagmen shall be safely stationed on highways which pass through the danger zone so as to stop traffic during blasting operations. Flagmen shall not release traffic until the all clear signal is sounded. Walkie talkie communication is permissible.

(d) It shall be the duty of the blaster to fix the time of blasting.

(e) Before firing an underground blast, warning shall be given, and all possible entries into the blasting area, and any entrances to any working place where a drift, raise, or other opening is about to hole through, shall be carefully guarded. The blaster shall make sure that all employees are out of the blast area before firing a blast.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

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OAC 460:25-13-12, OK ADC 460:25-13-12

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Okla. Admin. Code 460:25-13-13

460:25-13-13. Inspection after blasting

Currentness

(a) Immediately after the blast has been fired, the firing line shall be disconnected from the blasting machine, or where power switches are used, they shall be locked open or in the off position.

(b) Sufficient time shall be allowed, not less than 15 minutes in tunnels, for the smoke and fumes to leave the blasted area before returning to the shot. An inspection of the area and the surrounding rubble shall be made by the blaster to determine if all charges have been exploded before the guards release traffic into the blasting site and employees are allowed to return to the operation, and in tunnels, after the muck pile has been wetted down.

Credits

[**Source:** Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

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Okla. Admin. Code 460:25-13-14

460:25-13-14. Misfires

Currentness

(a) If a misfire is found, the blaster shall provide proper safeguards for excluding all employees from the danger zone. Misfires shall be reported to the supervisor immediately.

(b) No other work shall be done except that necessary to remove the hazard of the misfire and only those employees necessary to do the work shall remain in the danger zone.

(c) No attempt shall be made to extract explosives from any charges or misfired hole; a new primer shall be put in and the hole reblasted. If refiring of the misfired hole presents a hazard, the explosives may be removed by washing out with water or, where the misfire is under water, blown out with air.

(d) If there are any misfires while using cap and fuse, all employees shall remain away from the charge for at least 1 hour.

(e) If there are any misfires using other non-electric detonators (that is other than cap and fuse) or using electric detonators, all personnel shall stay out of the blast site for at least 30 minutes.

(f) Misfires shall be handled under the direction of the person in charge of the blasting. All wires shall be carefully traced and a search made for unexploded charges.

(g) No drilling, digging, or picking shall be permitted until all missed holes have been detonated or the authorized representative has approved that work can proceed.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-13-14, OK ADC 460:25-13-14

Oklahoma Administrative Code
Title 460. Department of Mines
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Okla. Admin. Code 460:25-13-15

460:25-13-15. Underwater blasting

Currentness

- (a) A blaster shall conduct all blasting operations, and no shot shall be fired without his approval.
- (b) Loading tubes and casings of dissimilar metals shall not be used because of possible electric transient currents from galvanic action of the metals and water.
- (c) Only water-resistant explosives, blasting caps and detonating cords shall be used for all marine blasting. Loading shall be done through a nonsparking metal loading tube when tube is necessary.
- (d) No blast shall be fired while any vessel under way is closer than 1,500 feet to the blasting area. Those on board vessels or crafted, moored or anchored within 1,500 feet shall be notified before a blast is fired.
- (e) No blast shall be fired while any swimming or diving operations are in progress in the vicinity of the blasting area. If such operations are in progress, signals and arrangements shall be agreed upon to assure that no blast shall be fired while any person is in the water.
- (f) Blasting flags shall be displayed.
- (g) The storage and handling of explosives aboard vessels used in underwater blasting operations shall be according to provisions on handling and storing explosives.
- (h) When more than one charge is placed under water, a float device shall be attached to an element of each charge to assure that no holes are missed and in such manner that it will be released by the firing. Misfires shall be handled in accordance of 460; 25-13-14.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

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OAC 460:25-13-15, OK ADC 460:25-13-15

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Okla. Admin. Code 460:25-13-16

460:25-13-16. Blasting in excavation work under compressed air

Currentness

- (a) Detonators and explosives shall not be stored or kept in tunnels, shafts, or caissons. Detonators and explosives for each round shall be taken directly from the magazines to the blasting zone and immediately loaded. Detonators and explosives left over after loading a round shall be removed from the working chamber before the connecting wires are connected up.
- (b) When detonators or explosives are brought into an air lock, no employee except the powderman, blaster, lock tender and the employees necessary for carrying, shall be permitted to enter the air lock. No other material, supplies, or equipment shall be locked through with the explosives.
- (c) Detonators and explosives shall be taken separately into pressure working chambers.
- (d) The blaster or powderman shall be responsible for the receipt, unloading, storage, and on-site transportation of explosives and detonators.
- (e) All metal pipes, rails, air locks, and steel tunnel lining shall be electrically bonded together and grounded at or near the portal or shaft, and such pipes and rails shall be cross-bonded together at not less than 1,000-foot intervals throughout the length of the tunnel. In addition, each low air supply pipe shall be grounded at its delivery end.
- (f) The explosives suitable for use in wet holes shall be water-resistant and shall be Fume Class 1.
- (g) When tunnel excavation is in a rock face and is approaching a mixed face, and when tunnel excavation is in mixed face, blasting shall be performed with light charges and with light burden on each hole. Advance drilling shall be performed as tunnel excavation in rock face approaches mixed face, to determine the general nature and extent of rock over and the remaining distance ahead to soft ground as excavation advances.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

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OAC 460:25-13-16, OK ADC 460:25-13-16

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Okla. Admin. Code 460:25-13-17

460:25-13-17. Blasting plan

Currentness

(a) Each permitted blasting operation shall be conducted pursuant to a blasting plan and the blasting plan shall include at a minimum the following information;

- (1) Types and appropriate amounts of explosives to be used for the type of blasting operation to be conducted;
- (2) Description of procedures and plans for recording and retention of information during blasting; and
- (3) Description of blasting warnings and site access control equipment and procedures.

(b) The blasting plan shall be submitted to the Department at least seven days before the blast or 48 hours after the blast in emergency situations.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96; Amended at 19 Ok Reg 2851, eff 8-27-02]

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OAC 460:25-13-17, OK ADC 460:25-13-17

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Okla. Admin. Code 460:25-13-18

460:25-13-18. Blasting requirements

Currentness

(a) All blasting shall be conducted between sunrise and sunset.

(1) The Department may specify more restrictive time periods, based upon public requests or other relevant information, according to the need to adequately protect the public from adverse noise.

(2) Blasting may, however, be conducted between sunset and sunrise if:

(A) A blast that has been prepared during the afternoon must be delayed due to the occurrence of an unavoidable hazardous condition and cannot be delayed until the next day because of a potential safety hazard.

(B) A complete written report of blasting at night is filed by the operator with the Department not later than three days after the night blasting. The report shall include the reasons for the delay in blasting, including why the blast could not be held over to the next day, when the blast was actually conducted, the warning signals given, and a copy of the blast report.

(b) Access to the area shall be controlled to prevent the presence of livestock or unauthorized personnel during blasting and until an authorized representative of the operator has reasonably determined:

(1) That no unusual circumstances, such as imminent slides or undetonated charges, exist: and

(2) That access to and travel in or through the area can safely be resumed.

(c) Flyrock shall not be cast from the blast area.

(d) In all blasting operations, except as otherwise authorized in this Section, the maximum safe peak particle velocity shall not exceed the requirements of Section 460: 25-13-19(a) at the location of any dwelling, public building, school, church, or commercial or institutional building.

Credits

[**Source:** Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

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OAC 460:25-13-18, OK ADC 460:25-13-18

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Okla. Admin. Code 460:25-13-19

460:25-13-19. Blasting standards

Currentness

(a) In all blasting operations, except as hereinafter otherwise provided, the maximum safe peak particle velocity shall not exceed at the immediate location of any dwelling house, public building, school, church, commercial or institutional building, the following:

(1) Distance of structure from a blast 0-300 feet 2.0"/sec PPV.

(2) Distances of structure from blast 301 feet and beyond 1.0"/sec PPV initially until the blaster can determine from a history of blasts that a preponderance of frequencies, 40 HZ or above, are high enough to justify the 2.0"/sec PPV limit.

(b) This ground velocity limit is not construed to mean property owned, leased, or contracted by the blaster or blaster's company or property on which the owner gives a written waiver.

(c) No two (2) consecutive subcharges within any charge shall be separated by a delay time of less than eight (8) milliseconds.

(d) The standard table for the maximum charge per delay shall be generated by the formula: $W = (D/\text{scaled distance})^2$; Where W is the weight of explosive in pounds and D is the distance from the charge to the nearest dwelling house, public building, school, church, commercial or institutional building in feet. The scaled distance factors allowed for various distances from the blast site, the table in Subsection (h) will be used. On sites where the Department decides it necessary to comply with the provision of the law this formula may be altered.

(e) For the purpose of well shooting below 100 feet, the table shall be generated by the formula: $W = (D/50)^3$; Where W is the total weight of explosives in the hole and D is the distance from the charge to the nearest dwelling house, public building, school, church, commercial, or institutional building.

(f) Scaled Distance factors allowed for various distances from blast site:

(1) 0 to 300 ft. from blast site-Use scaled distance factor of 50 without seismic monitoring.

(2) 301 to 5,000 ft. from blast site - Use scaled distance factor of 55 without seismic monitoring.

(3) 5,001 ft and beyond from blast site - Use scaled distance factor of 65 without seismic monitoring.

Credits

Authority: Oklahoma Mining Commission; 63 O.S. Section 123.4

[**Source:** Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96; Amended at 38 Ok Reg 2418, OAR Docket #21-682, eff 9-11-21; Amended at 39 Ok Reg 2036, OAR Docket #22-686, eff 9-11-22]

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OAC 460:25-13-19, OK ADC 460:25-13-19

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Okla. Admin. Code 460:25-13-20

460:25-13-20. Seismographic measurements

Currentness

(a) If a blaster decides that the table of maximum pound per delay established in 460: 25-17-19, is too conservative, he may use seismographic measurements and increase the charge per delay period, provided the velocity as required by Section 460: 25-13-19(a) is not violated. He must use the seismographic on every shot thereafter so long as the table is not being complied with.

(b) If a blaster considers the table too conservative for his particular area, he may, upon submission of seismographic reports, petition for a modified table for blasting operation at the particular site, but in no case shall the Department allow a table that would allow velocities above the requirements of Section 460: 25-13-19(a).

(c) In making a seismographic determination of the velocity at a particular position, the following formula shall be used: $V = VO(Do/D)^{1.5}$; Where VO is the maximum ground particle velocity at the seismograph, Do is the distance of the seismograph from the blast, and D is the distance from the blast to the position in question and in the same general direction. The distance Do may not be greater than D, and D cannot be more than five (5) times Do. This determined velocity at the site of any dwelling house, public building, school, church, commercial or institutional building shall not exceed the requirements of Section 460: 25-13-19(a).

(d) If special conditions occur which indicate that abnormal or potentially damaging ground vibrations may result from blasting, the Department may require a seismograph recording of any or all blasts.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-13-20, OK ADC 460:25-13-20

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Okla. Admin. Code 460:25-13-21

460:25-13-21. Airblast

Currentness

(a) Maximum allowable airblast at any dwelling, public building, school, church, commercial or institutional building shall not exceed one hundred and twenty nine (129) decibels when measured by an instrument having a flat frequency response (+/-3 decibels) over a range of at least 6 to 200 hertz. If the airblast is measured with an instrument having a flat frequency response of (+/- 3 decibels) over a range of at least 2 to 200 hertz, the corresponding limit is one hundred and thirtythree (133) decibels.

(b) If the department believes that the airblast from a blasting operation is exceeding or threatening to exceed the limits in section (a), it may require that the blaster monitor the airblast for a specified period.

(c) The blaster shall take precautions, including the adequate confinement of all explosive materials, to ensure that the airblast limits in section 460:25-13-21(a) are met.

(d) The Department may require lower limits than those specified in section 460:25-13-21(a) in the vicinity of buildings with increased susceptibility to damage from airblast, such as those with large plate glass windows, or in areas where excessive airblast could be deemed unacceptable, such as near hospitals or schools.

Credits

[**Source:** Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-13-21, OK ADC 460:25-13-21

Oklahoma Administrative Code
Title 460. Department of Mines
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Subchapter 13. Performance Standards

Okla. Admin. Code 460:25-13-22

460:25-13-22. Records of blasting operations

Currentness

A record of each blast, including seismographic reports if used, shall be retained for at least three years and shall be available for inspection by the Department upon request. The record shall contain at a minimum the following data:

- (1) Name of company or contractor.
- (2) Exact location of the blast, date, and time of detonation.
- (3) Name, signature and license number of blaster in charge.
- (4) Type of material blasted.
- (5) Number of holes, burden and spacing.
- (6) Diameter and depth of holes.
- (7) Types of explosives used.
- (8) Total amount of explosives used.
- (9) Maximum amount of explosives per delay period of eight (8) milliseconds or greater.
- (10) Method of firing and type of circuit.
- (11) Direction, distance in feet, and identification of nearest dwelling, house, public building, school, church, commercial or institutional building neither owned nor leased by the person conducting the blast.
- (12) Weather conditions including temperature, wind velocity, and direction.

- (13) Type and height or length of stemming.
- (14) A statement as to whether mats or other protections against flyrock were used.
- (15) Type of delay electric blasting caps used and delay periods used.
- (16) The person taking the seismograph reading shall accurately indicate exact location of seismograph if used and shall also show the distance of seismograph from blast and the distance from the nearest seismograph and the nearest structure.
- (17) Seismograph records, where required:
 - (A) Name of person and firm analyzing the seismograph record
 - (B) Seismograph reading
- (18) Maximum number of holes per delay period of eight (8) milliseconds or greater.
- (19) Sketch of blast pattern including number of holes, burden and spacing distance delay pattern, and if decking is used, a hole profile.
- (20) Digital or video recordings of each shot must be available for review upon request. Digital or video recordings must clearly show top and bottom of blast.
- (21) Information provided with digital or video recordings must include:
 - (A) Date of recording;
 - (B) GPS location of recording and camera bearing;
 - (C) Name of person recording the blast.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96; Amended at 31 Ok Reg 2108, eff 9-12-14]

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OAC 460:25-13-22, OK ADC 460:25-13-22

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Okla. Admin. Code 460:25-13-23

460:25-13-23. Variances

Currentness

(a) The Department of Mines may grant variances from any provisions of this Chapter, if it can be demonstrated that said variance improves safety conditions or that said variance will provide such safe conditions as those which would prevail if there was compliance with the standards.

(b) Such a variance may be modified or revoked by the Department.

Credits

[Source: Added at 13 Ok Reg 3499, eff 8-26-96]

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Oklahoma Administrative Code
Title 460. Department of Mines
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Subchapter 15. State Inspection

Okla. Admin. Code 460:25-15-1

460:25-15-1. Purpose

Currentness

This Subchapter sets forth general procedures governing state inspections.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-15-1, OK ADC 460:25-15-1

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Subchapter 15. State Inspection

Okla. Admin. Code 460:25-15-2

460:25-15-2. State inspections

Currentness

(a) The Department may conduct an average of at least one inspection every year on all blasting permits under its jurisdiction. Additional inspections may be ordered for just cause by the Director of the Oklahoma Department of Mines or his designees.

(b) The inspections required under (a) of this section shall:

(1) Be carried out on an irregular basis, as to monitor compliance at all operations, including those which operate nights, weekends, or holidays;

(2) Occur without prior notice to the operator being inspected or any agent or employee of such operator, except for necessary on-site meetings; and

(3) Include the prompt filing of inspection reports adequate to enforce the requirements of and to carry out the terms and purposes of 63 O.S. (1995), this Chapter and the permit.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-15-2, OK ADC 460:25-15-2

Oklahoma Administrative Code
Title 460. Department of Mines
Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations
Subchapter 15. State Inspection

Okla. Admin. Code 460:25-15-3

460:25-15-3. Citizens requests for inspection

Currentness

(a) A citizen may request a site inspection by furnishing to an authorized representative of the Director of the Oklahoma Department of Mines a signed, written statement (or an oral report followed by a signed, written statement) giving the authorized representative reason to believe that a violation, condition or practice exists and setting forth a phone number and address where the citizen can be contacted.

(b) Within 30 days of the state inspection, or, if there is no state inspection, within 30 days of receipt of the citizen's written statement, the Department may send the citizen the following:

(1) If an inspection was made, a description of the enforcement action taken if any; or

(2) If no state inspection was conducted, an explanation of the reason why.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

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OAC 460:25-15-3, OK ADC 460:25-15-3

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Oklahoma Administrative Code
Title 460. Department of Mines
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Subchapter 15. State Inspection

Okla. Admin. Code 460:25-15-4

460:25-15-4. Right of entry

Currentness

Each authorized representative of the Director of the Department of Mines conducting a state inspection of any blasting operation under Title 63 of the Oklahoma Statutes:

(1) Shall have the right of entry to inspect and investigate any blasting operation, without advance notice or a search warrant, upon presentation of appropriate credentials, and

(2) May, at reasonable time and without delay, have access to a copy of any records required to be maintained by 63 O.S. (1995), Section and this Chapter, and may inspect any monitoring equipment required by 63 O.S. (1995), Section or this Chapter.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

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OAC 460:25-15-4, OK ADC 460:25-15-4

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KeyCite Red Flag - Severe Negative Treatment

KeyCite Red Flag Negative Treatment 460:25-15-5. Availability of records [REVOKED]

Oklahoma Administrative Code
Title 460. Department of Mines
Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations
Subchapter 15. State Inspection

Okla. Admin. Code 460:25-15-5

460:25-15-5. Availability of records [REVOKED]

Currentness

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96; Revoked at 39 Ok Reg 2036, OAR Docket #22-686, eff 9-11-22]

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OAC 460:25-15-5, OK ADC 460:25-15-5

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Oklahoma Administrative Code
Title 460. Department of Mines
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Subchapter 17. Violations and Cessation Orders

Okla. Admin. Code 460:25-17-1

460:25-17-1. Purpose

Currentness

This Subchapter sets forth general rules regarding Departmental enforcement of 63 O.S. (1995), Section 123.1 et seq., this Chapter and all conditions of permits imposed under 63 O.S. (1995), Section 123.1 et seq. and this chapter.

Credits

[**Source:** Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

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OAC 460:25-17-1, OK ADC 460:25-17-1

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KeyCite Red Flag - Severe Negative Treatment

KeyCite Red Flag Negative Treatment 460:25-17-2. Cessation Orders [EXPIRED]

Oklahoma Administrative Code
Title 460. Department of Mines
Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations
Subchapter 17. Violations and Cessation Orders

Okla. Admin. Code 460:25-17-2

460:25-17-2. Cessation Orders [EXPIRED]

Currentness

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 through 7-14-96 (emergency) ¹]

Editors' Notes

*EDITOR'S NOTE:*¹ This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-96 (after the 7-14-96 expiration of the emergency action), Section 460:25-17-2 was no longer effective. For the official text of the emergency rule that was effective from 1-11-96 through 7-14-96, see 13 Ok Reg 1111.

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OAC 460:25-17-2, OK ADC 460:25-17-2

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Oklahoma Administrative Code
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Okla. Admin. Code 460:25-17-3

460:25-17-3. Notices of violation

Currentness

(a) The Director of the Oklahoma Department of Mines or authorized representatives shall issue a notice of violation if, on the basis of an inspection, he or she finds a violation of 63 O.S. (1995), Section 123.1 et seq., this Chapter or any condition of a permit imposed under the 63 O.S. (1995), Section 123.1 et seq. or this Chapter, which does not create an imminent danger or harm for which a cessation order must be issued under Section 460:25-17-4.

(b) A notice of violation issued under this Section shall be in writing, signed by the Director, or his authorized representative, and shall set forth with reasonable specificity:

(1) The nature of the violation;

(2) The remedial action required, which may include interim steps;

(3) A reasonable time for abatement, which may include time for accomplishment of interim steps; and

(4) A reasonable description of the portion of the non-coal surface mining and reclamation operation to which it applies.

(c) The Director or his authorized representative may extend the time set for abatement or for accomplishment of an interim step, if the failure to meet the time previously set was not caused by lack of diligence on the part of the person to whom it was issued.

(d) If the operator to whom the notice was issued fails to meet any time set for abatement or for accomplishment of an interim step, the Director or his authorized representative shall issue a cessation order under Section 460:25-17-4.

(e) The Director or authorized representative shall terminate a notice of violation by written notice to the operator to whom it was issued, when he determines that all violations listed in the notice have been abated.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

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OAC 460:25-17-3, OK ADC 460:25-17-3

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Oklahoma Administrative Code
Title 460. Department of Mines
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Subchapter 17. Violations and Cessation Orders

Okla. Admin. Code 460:25-17-3.1

460:25-17-3.1. Cessation orders

Currentness

(a) The Director of the Department of Mines or his authorized representative shall immediately order a cessation of blasting operations or of the relevant portion, thereof, if finding on the basis of any inspection, and condition or practice, of any violation of 63 O.S. (1995) Section 123.1 et seq., this Chapter, other state law, or any condition of a permit imposed under 63 O.S. (1995) Section 123.1 et seq or this Chapter which creates an imminent danger to the health and safety of the public. If the cessation ordered under this section will not completely abate the imminent danger or harm in the most expeditious manner physically possible, the Director or his authorized representative shall impose affirmative obligations on the operator to whom it was issued to abate the condition, practice or violation. The order shall specify the time by which abatement shall be accomplished.

(b) The Director of the Department of Mines or his authorized representative shall immediately order a cessation of the blasting operations, or of the relevant portion thereof, when a notice of violation has been issued and fails to abate the violations within the abatement period fixed or subsequently extended by the Director or authorized representative. A cessation order issued under this subsection shall require the operator to whom it is issued to take all steps the Director or his authorized representative deems necessary to abate the violations covered by the order in the most expeditious manner physically possible.

(c) A Cessation order issued under (a) or (b) of this Section shall be in writing, signed by the Director or his authorized representative, and shall set forth with reasonable specificity:

- (1) the nature of the violation;
- (2) the remedial action or affirmative obligation required, or recommended if any, including interim steps, if appropriate;
- (3) the time established for abatement, if appropriate, including the time for meeting any interim steps; and
- (4) a reasonable description of the position of the blasting operations to which it applies. The order shall remain in effect until the condition, practice or violation has been abated or until vacated, modified or terminated in writing by the Director of the Department of Mines.

(d) Any action or activities intended to protect the public health and safety and the environment shall continue during the period of any order unless otherwise provided in the order.

(e) The Director or authorized representative may modify, terminate or vacate a cessation order for good cause, and may extend the time for abatement if the failure to abate within the time previously set was not caused by lack of diligence on the part of the person to whom it was issued.

(f) The Director or authorized representative shall terminate a cessation order, by written notice to the operator to whom the order was issued, when he or she determines that all conditions, practices or violations listed in the order have been abated.

Credits

[Source: Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-17-3.1, OK ADC 460:25-17-3.1

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Subchapter 17. Violations and Cessation Orders

Okla. Admin. Code 460:25-17-4

460:25-17-4. Service of notices of violations and cessation orders

Currentness

A notice of violation or cessation order shall be served on the person to whom it is directed or his designated agent promptly after issuance, as follows:

(1) By tendering a copy at the blasting operation to the designated agent or to the individual who, based upon reasonable inquiry by the Director or his authorized representative, appears to be in charge of the blasting operation referred to in the notice or order. If no such individual can be located at the site, a copy may be tendered to any individual on the site who appears to be an employee or agent of the person to whom the notice or order is issued. Service shall be complete upon tender of the notice or order and shall not be deemed incomplete because of refusal to accept.

(2) As an alternative to (1) of this section, service may be made by sending a copy of the notice or order by certified mail or by hand to the operator to whom it is issued or his designated agent. Service shall be complete upon tender of the notice or order of the mail and shall not be deemed incomplete because of refusal to accept.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

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OAC 460:25-17-4, OK ADC 460:25-17-4

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Okla. Admin. Code 460:25-17-5

460:25-17-5. Review of citations

Currentness

(a) Upon the issuance of a notice or order charging that a violation of the Oklahoma Explosives and Blasting Regulations Act has occurred, the Department shall inform the operator within thirty (30) days of the proposed amount of said penalty.

(b) The person charged with the penalty shall then have thirty (30) days from receipt of the proposed assessment notice to pay the proposed penalty in full or, if the person wishes to contest either the amount of the penalty or the fact of the violation, forward the proposed amount to the Department for placement in an escrow account.

(c) If through administrative or judicial review of the proposed penalty, it is determined that no violation occurred, or that the amount of the penalty should be reduced, the Department shall within thirty (30) day remit the appropriate amount to the person.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

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OAC 460:25-17-5, OK ADC 460:25-17-5

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Okla. Admin. Code 460:25-17-6

460:25-17-6. Violator enforcement

Currentness

(a) Any person who violates any permit condition or any other provision of the Oklahoma Explosives and Blasting Regulation Act or this Chapter may be assessed an administrative penalty by the Department. The penalty assessment will be as follows:

- (1) Such penalty shall not exceed Five Thousand Dollars (\$5,000.00) for each violation.
- (2) Each day of continuing violation may be deemed a separate violation for purposes of penalty assessments.

(b) In determining the amount of the penalty, consideration shall be given to the following:

- (1) The person's history of previous violations regarding explosives and blasting operations;
- (2) The seriousness of the violation, including harm to the environment and any hazard to the health or safety of the public;
- (3) Whether the person was negligent; and
- (4) Whether the person demonstrated good faith in attempting to achieve rapid compliance after notification of the violation.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-17-6, OK ADC 460:25-17-6

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Title 460. Department of Mines
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Okla. Admin. Code 460:25-17-6.1

460:25-17-6.1. When penalty will be assessed

Currentness

- (a) The Department shall assess a penalty for each cessation order.
- (b) The Department shall assess a penalty for each notice of violation, if the violation is assigned 31 points or more under the point system described in Section 460-25-17-6.3.
- (c) The Department may assess a penalty for each notice of violation assigned 30 points or less under the point system described in Section 460:25-17-6.3. In determining whether to assess a penalty, the Department shall consider the factors listed in Section 460:25-17-6.

Credits

[Source: Added at 18 Ok Reg 3221, eff 7-26-01]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-17-6.1, OK ADC 460:25-17-6.1

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Okla. Admin. Code 460:25-17-6.2

460:25-17-6.2. Procedures for assessment of civil penalties

Currentness

(a) Within 15 days of service of a notice or order, the person to whom it was issued may submit written information about the violation to the Department and to the inspector who issued the notice of violation or cessation order. The Department shall consider any information so submitted in determining the facts surrounding the violation and the amount of the penalty.

(b) The Department shall serve a copy of the proposed assessment and of the worksheet showing the computation of the proposed assessment on the person to whom the notice or order was issued, by certified mail, within 30 days of the issuance of the notice or order

(1) If the mail is tendered at the address of that person set forth in the permit application or any address at which that person is in fact located, and he or she refuses to accept delivery of or to collect such mail, the requirements of this paragraph shall be deemed to have been complied with upon such tender.

(2) Failure by the Department to serve any proposed assessment within 30 days shall not be grounds for dismissal of all or part of such assessment unless the person against whom the proposed penalty has been assessed:

(A) Proves actual prejudice as a result of the delay; and

(B) Makes a timely objection to the delay. An objection shall be timely only if made in the normal course of administrative review.

(c) Unless a conference has been requested, the Department shall review and reassess any penalty if necessary to consider facts which were not reasonably available on the date of issuance of the proposed assessment because of the length of the abatement period. The Department shall serve a copy of any such reassessment and of the worksheet showing the computation of the reassessment in the manner provided in (b) of this Section, within 30 days after the date the violation is abated.

Credits

[Source: Added at 18 Ok Reg 3221, eff 7-26-01]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-17-6.2, OK ADC 460:25-17-6.2

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Okla. Admin. Code 460:25-17-6.3

460:25-17-6.3. Point system for penalties

Currentness

The Department shall use the point system described in this Section to determine the amount of the penalty and, in the case of notices of violations, whether a mandatory penalty should be assessed as provided in 460:20-17-6.1(b). Points shall be assigned as follows:

(1) **History of previous violations.** The Department shall assign up to 30 points based on the history of previous violations. One point shall be assigned for each past violation contained in the notice of violation. Five points shall be assigned for each violation (but not a condition or practice) contained in a cessation order. The history of previous violations, for the purpose of assigning points, shall be determined and the points assigned with respect to a particular blasting operation. Points shall be assigned as follows:

(A) A violation shall not be counted, if the notice or order is the subject of pending administrative or judicial review or if the time to request said review or to appeal any administrative or judicial decision has not expired, and thereafter it shall be counted for only one year;

(B) No violation for which the notice or order has been vacated shall be counted; and

(C) Each violation shall be counted without regard to whether it led to a civil penalty assessment.

(2) **Seriousness.** The Department shall assign up to 30 points based on the seriousness of the violation, as follows:

(A) **Probability of occurrence.** The Department shall assign up to 15 points based on the probability of occurrence of the event which a violated standard is designed to prevent. Points shall be assessed according to the following schedule:

(i) No probability of occurrence: 0 points

(ii) Insignificant probability of occurrence: 1-4 points

(iii) Unlikely probability of occurrence: 5-9 points

(iv) Likely probability of occurrence: 10-14 points

(v) Occurred: 15 points

(B) Extent of potential or actual damage. The Department shall assign up to 15 points, based on the extent of the potential or actual damage, in terms of area and impact on the public or environment, as follows:

(i) If the damage or impact which the violated standard is designed to prevent would remain within the blast site or permit area, the Department shall assign 0 to 7 points, depending on the duration and extent of the damage or impact.

(ii) If the damage or impact which the violated standard is designed to prevent would extend outside the blast site or permit, the Department shall assign 8 to 15 points, depending on the duration and extent of the damage or impact.

(C) Alternative. In the case of a violation of an administrative requirement, such as a requirement to keep records, the Department shall, in lieu of (2)(A) and (B) of this Section, assign up to 15 points for seriousness, based upon the extent to which enforcement is obstructed by the violation.

(3) Negligence.

(A) The Department shall assign up to 25 points based on the degree of fault of the person to whom the notice or order was issued in causing or failing to correct the violation, condition, or practice which led to the notice or order, either through act or omission. Points shall be assessed as follows:

(i) A violation which occurs through no negligence shall be assigned no penalty points for negligence;

(ii) A violation which is caused by negligence shall be assigned 12 points or less, depending on the degree of negligence;

(iii) A violation which occurs through a greater degree of fault than negligence shall be assigned 13 to 25 points, depending on the degree of fault.

(B) In determining the degree of negligence involved in a violation and the number of points to be assigned, the following definitions apply:

(i) No negligence means an inadvertent violation which was unavoidable by the exercise of reasonable care.

(ii) Negligence means the failure of a permittee to prevent the occurrence of any violation of his or her permit or any requirement under this Chapter due to indifference, lack of diligence, or lack of reasonable care or the failure to abate any violation of such permit or this Chapter due to indifference, lack of diligence, or lack of reasonable care.

(iii) A greater degree of fault than negligence means reckless, knowing, or intentional conduct.

(C) In calculating points to be assigned for negligence, the acts of all persons working on the blasting site shall be attributed to the person to whom the notice or order was issued, unless that person establishes that they were acts of deliberate sabotage.

(4) Good faith in attempting to achieve compliance.

(A) The Department shall add points based the degree of good faith of the person to whom the notice or order was issued in attempting to achieve rapid compliance after notification of the violation. Points shall be assigned as follows:

(i) Rapid compliance: 1 TO 10 points

(ii) Normal compliance: 0 points

(B) The following definitions shall apply under (4)(A) of this Section:

(i) Rapid compliance means that the person to whom the notice or order was issued took extraordinary measures to abate the violation in the shortest possible time and that abatement was achieved before the time set for abatement.

(ii) Normal compliance means the person to whom the notice or order was issued abated the violation within the time given for abatement.

(C) If consideration of this criterion is impractical because of the length of the abatement period, the assessment may be made without considering this criterion and may be reassessed after the violation has been abated.

Credits

[Source: Added at 18 Ok Reg 3221, eff 7-26-01]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-17-6.3, OK ADC 460:25-17-6.3

Oklahoma Administrative Code
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Okla. Admin. Code 460:25-17-6.4

460:25-17-6.4. Determination of amount of penalty

Currentness

The Department shall determine the amount of any civil penalty by converting the total number of points assigned under Section 460:25-17-6.3 to a dollar amount, according to the following schedule:

- (1) 1 point = \$20
- (2) 2 points = \$40
- (3) 3 points = \$60
- (4) 4 points = \$80
- (5) 5 points = \$100
- (6) 6 points = \$120
- (7) 7 points = \$140
- (8) 8 points = \$160
- (9) 9 points = \$180
- (10) 10 points = \$200
- (11) 11 points = \$220
- (12) 12 points = \$240

(13) 13 points = \$260

(14) 14 points = \$280

(15) 15 points = \$300

(16) 16 points = \$320

(17) 17 points = \$340

(18) 18 points = \$360

(19) 19 points = \$380

(20) 20 points = \$400

(21) 21 points = \$420

(22) 22 points = \$440

(23) 23 points = \$460

(24) 24 points = \$480

(25) 25 points = \$500

(26) 26 points = \$600

(27) 27 points = \$700

(28) 28 points = \$800

(29) 29 points = \$900

(30) 30 points = \$1,000

(31) 31 points = \$1,100

(32) 32 points = \$1,200

(33) 33 points = \$1,300

(34) 34 points = \$1,400

(35) 35 points = \$1,500

(36) 36 points = \$1,600

(37) 37 points = \$1,700

(38) 38 points = \$1,800

(39) 39 points = \$1,900

(40) 40 points = \$2,000

(41) 41 points = \$2,100

(42) 42 points = \$2,200

(43) 43 points = \$2,300

(44) 44 points = \$2,400

(45) 45 points = \$2,500

(46) 46 points = \$2,600

(47) 47 points = \$2,700

(48) 48 points = \$2,800

(49) 49 points = \$2,900

(50) 50 points = \$3,000

(51) 51 points = \$3,100

(52) 52 points = \$3,200

(53) 53 points = \$3,300

(54) 54 points = \$3,400

(55) 55 points = \$3,500

(56) 56 points = \$3,600

(57) 57 points = \$3,700

(58) 58 points = \$3,800

(59) 59 points = \$3,900

(60) 60 points = \$4,000

(61) 61 points = \$4,100

(62) 62 points = \$4,200

(63) 63 points = \$4,300

(64) 64 points = \$4,400

(65) 65 points = \$4,500

(66) 66 points = \$4,600

(67) 67 points = \$4,700

(68) 68 points = \$4,800

(69) 69 points = \$4,900

(70) 70 points = & above \$5,000

Credits

[**Source:** Added at 18 Ok Reg 3221, eff 7-26-01]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

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Okla. Admin. Code 460:25-17-6.5

460:25-17-6.5. Assessment of separate violations for each day

Currentness

(a) The Department may assess separately a civil penalty or each day from the date of the issuance of the notice of violation or cessation order to the date set for abatement of the violation. In determining whether to make such an assessment, the Department shall consider the factors listed in Section 460:25-17-6.1 and may consider the extent to which the person to whom the notice or order was issued gained any economic benefit as a result of a failure to comply. For any violation which continues for 2 or more days and which is assigned more than 70 points under Section 460:25-17-6.3, the Department shall assess a penalty for a minimum of 2 separate days.

(b) In addition to the civil penalty provided for in (a) of this Section, whenever a violation contained in a notice of violation or cessation order has not been abated within the abatement period set in the notice or order or as subsequently extended, a civil penalty of not less \$750.00 shall be assessed for each day during which such failure to abate continues, except that:

(1) The entry of a final order by the Department after an expedited hearing which ordered the suspension of the abatement requirements of the citation because it was determined that the person will suffer irreparable loss or damage from the application of the abatement requirements; or

(2) The entry of an order by the court in any review proceedings initiated by the person in which the court orders the suspension of the abatement requirements.

Credits

[Source: Added at 18 Ok Reg 3221, eff 7-26-01]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-17-6.5, OK ADC 460:25-17-6.5

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Okla. Admin. Code 460:25-17-6.6

460:25-17-6.6. Procedures for assessment conference

Currentness

(a) The Department shall arrange for a conference to review the proposed assessment or reassessment, upon written request of the person to whom notice or order was issued, if the request is received within 30 days from the date the proposed assessment or reassessment is mailed.

(b) Assessment conference.

(1) The Department shall assign a Conference Officer to hold the assessment conference. The assessment conference shall be held within 60 days from the date of issuance of the proposed assessment or end of the abatement period, whichever is later, provided that a failure by the Department to hold said conference within 60 days shall not be grounds for dismissal of all or part of an assessment unless the person against whom the proposed penalty has been assessed proves actual prejudice as a result of the delay.

(2) The Department shall post notice of the time and place of the conference at the State or field office closest to the blast site at least 5 days before the conference.

(3) The Conference Officer shall consider all relevant information on the violation and within 30 days after the conference is held, the conference officer shall either:

(A) Settle the issues, in which case a settlement agreement shall be prepared and signed by the Conference Officer on behalf of the Department and by the person assessed; or

(B) Affirm, raise, lower, or vacate the penalty.

(4) An increase or reduction of a proposed civil penalty assessment of more than 25 percent and more than \$500.00 shall not be final and binding until approved by the Director.

(c) The Conference Officer shall promptly serve the person assessed with a notice of his or her action in the manner provided in Section 460:25-17-6.2 (b) and shall include a worksheet if the penalty has been raised or lowered. The reasons for the conference officer's action shall be fully documented in the file.

(d) Settlement agreements.

(1) If a settlement agreement is entered into, the person assessed will be deemed to have waived all rights to further review of the violation or penalty in question, except as otherwise expressly provided for in the settlement agreement. The settlement agreement shall contain a clause to this effect.

(2) If full payment of the amount specified in the agreement is not received by the Department within 30 days after the date of signing, the Department may enforce the agreement or rescind it and proceed according to (b)(3)(B) of this Section within 30 days from the date of the rescission.

(e) The Conference Officer may terminate the conference when he or she determines that the issues can not be resolved or that the person assessed is not diligently working toward resolution of the issues.

(f) At a formal review proceeding on the results of the assessment conference no evidence as to statements made or evidence produced by one party at a conference shall be introduced as evidence by another party or to impeach a witness.

Credits

[Source: Amended at 18 Ok Reg 3221, eff 7-26-01]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-17-6.6, OK ADC 460:25-17-6.6

Oklahoma Administrative Code
Title 460. Department of Mines
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Subchapter 17. Violations and Cessation Orders

Okla. Admin. Code 460:25-17-6.7

460:25-17-6.7. Request for hearing

Currentness

(a) The person charged with the violation may contest the proposed penalty or the fact of the violation by submitting a petition and an amount equal to the proposed penalty or, if a conference has been held, the assessed or affirmed penalty to the Department (to be held in escrow as provided in (b) of this Section) within 30 days from receipt of the proposed assessment or reassessment or 15 days from the date of service of the Conference Officer's action, whichever is later. The fact of the violation may not be contested if it has been decided in a review proceeding commenced under 460:25-17-9.

(b) All funds submitted under (a) of this Section to the Department, which shall hold them in escrow pending completion of the administrative and judicial process, at which time it shall disburse them as provided in Section 460:20-61-12.

Credits

[Source: Added at 18 Ok Reg 3221, eff 7-26-01]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-17-6.7, OK ADC 460:25-17-6.7

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Okla. Admin. Code 460:25-17-6.8

460:25-17-6.8. Final assessment and payment penalty

Currentness

(a) If the person to whom a notice of violation or cessation order is issued fails to request a hearing as provided in 460:25-17-6.7, the proposed assessment shall become a final order of the Director and the penalty assessed shall become due and payable upon the expiration of the time allowed to request a hearing.

(b) If any party requests judicial review of a final order of the Director, the proposed penalty shall continue to be held in escrow until completion of the review. Otherwise, subject to (c) of this Section, the escrowed funds shall be transferred to the Department in payment of the penalty, and the escrow shall end.

(c) If the final decision in the administrative and judicial review results in an order reducing or eliminating the proposed penalty assessed under this Subchapter, the Department shall within 30 days of the receipt of the order refund to the person assessed all or part of the escrowed amount.

(d) If the review results in an order increasing the penalty, the person to whom the notice or order was issued shall pay the difference to the Department within 15 days after the order is mailed to such person.

Credits

[Source: Added at 18 Ok Reg 3221, eff 7-26-01]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-17-6.8, OK ADC 460:25-17-6.8

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Okla. Admin. Code 460:25-17-7

460:25-17-7. Hearing request

Currentness

(a) An administrative penalty shall be assessed by the Department only after the person charged with a violation described under section 460:25-17-6 of this Section has been given an opportunity for a hearing pursuant to Article II of the Administrative Procedures Act. Any hearing under this Section shall be of record.

(b) Where such a hearing has been held, the Department shall make findings of fact and shall issue a written decision as to the occurrence of the violation and the amount of the penalty which is warranted, incorporating, when appropriate, an order therein requiring that the penalty be paid.

(c) When appropriate, the Department shall consolidate such hearings with other proceedings under the Oklahoma Explosives and Blasting Regulation Act.

(d) Where the person charged with such a violation fails to avail himself of the opportunity for a hearing, an administrative penalty shall be assessed by the Department after determining that a violation did occur, and the amount of the penalty which is warranted, and issuing an order requiring that the penalty be paid.

Credits

[**Source:** Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-17-7, OK ADC 460:25-17-7

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Okla. Admin. Code 460:25-17-8

460:25-17-8. Informal conferences

Currentness

(a) Any person having an interest which is or may be adversely affected by a decision on a permit application or a notice or order of the Department, may request in writing that the Department hold an informal conference on the application, notice or order. The request shall contain:

- (1) Briefly summarize the issues to be raised by the requestor at the conference;
- (2) State whether the requestor desires to have the conference conducted in the locality of the blasting operation; the Oklahoma Department of Mines Office in Oklahoma City shall be deemed reasonably close to the blasting operation unless a closer location is requested and agreed to by the Department.
- (3) Be filed with the Department no later than thirty (30) days after notice of the affected action.
- (4) The conference shall be conducted by a representative of the Department, who may accept oral or written statements and any other relevant information from any party to the conference. An electronic record shall be made of the conference, unless waived by all of the parties. The record shall be maintained and shall be accessible to the parties of the conference.

(b) Except as provided in this Section, if an informal conference is requested in accordance with (a) of this Section, the Department shall hold an informal conference within a reasonable time following the receipt of the request. The informal conference shall be conducted as follows:

- (1) If requested under (a)(2) of this Section it shall be held in the locality of the proposed blasting operation.
- (2) The date, time, and location of the informal conference shall be sent to the applicant and other parties to the conference and shall be publicly posted by the Department.
- (3) If all parties requesting the informal conference withdraw their request before the conference is held, the informal conference may be canceled.

(c) Within thirty (30) days after the close of the informal conference, the Hearing Officer shall issue a proposed order affirming, modifying or vacating the decision, notice or order under appeal at the conference.

(d) The proposed order of the Hearing Officer shall be subject to formal review.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-17-8, OK ADC 460:25-17-8

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Okla. Admin. Code 460:25-17-9

460:25-17-9. Formal administrative review

Currentness

(a) Within thirty (30) days after receipt of notification of a departmental decision concerning a permit application decision concerning approval, denial, suspension, revocation, a proposed order of the Hearing Officer or a notice or order of the Department, the applicant or permittee or any person with an affected interest may request a hearing on the reasons for the decision, in accordance with this Section, this Chapter and the Administrative Procedures Act.

(b) The filing of any application for review and request for a hearing shall not operate as a stay of notice of violation or cessation order issued by the Department nor shall the request by a stay of any modification, termination, or vacation of said notice or order.

(c) The Department shall start the administrative hearing within thirty (30) days of such request for administrative review. The hearing shall be on the record and adjudicatory in nature. No person who presided at an informal conference under 460:25-17-8 shall either preside at the hearing or participate in the decision following the hearing or administrative appeal.

(d) The hearing shall be conducted under the following conditions:

(1) The hearing authority may administer oaths and affirmation, subpoenas, witnesses and written or printed materials, compel attendance of witnesses or production of those materials, compel discovery and take evidence including, but not limited to, site inspections of the area to be affected.

(2) A verbatim record of each hearing required by this Section shall be made, and transcription made available on the motion of any party or by order of the hearing authority.

(3) Ex parte contacts between representatives of the parties appearing before the hearing authority and the hearing authority shall be prohibited.

(e) The burden of proof at such hearing shall be on the party seeking to reverse the decision of the Department.

(f) Within thirty (30) days after the close of the record, the hearing authority shall issue and furnish the applicant and each person who participated in the hearing with the written findings of act, conclusions of law and order of the hearing authority with respect to the appeal of the decision, which is subject to judicial review by a court of competent jurisdiction pursuant to the Oklahoma Administrative Procedures Act.

Credits

[**Source:** Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

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OAC 460:25-17-9, OK ADC 460:25-17-9

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Okla. Admin. Code 460:25-17-10

460:25-17-10. Willful violators

Currentness

Any person who willfully and knowingly violates a condition of a permit issued pursuant to this Chapter or fails or refuses to comply with any order issued under this Chapter, or any order incorporated in a final decision issued by the Department under this Chapter, shall, upon conviction, be punished by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not more than one (1) year, or both.

Credits

[**Source:** Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

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OAC 460:25-17-10, OK ADC 460:25-17-10

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Okla. Admin. Code 460:25-17-11

460:25-17-11. Corporate Permittee violators

Currentness

Whenever a corporate permittee violates a condition of a permit issued pursuant to this Chapter or fails or refuses to comply with any order issued under this Chapter, or any order incorporated with a final decision issued by the Director of the Department of Mines under this Chapter, any director, officer or agent of such corporation who willfully and knowingly authorized, ordered or carried out such violation, failure or refusal shall be subject to the same administrative penalties, fines and imprisonment that may be imposed upon a person under sections 460:25-17-6 and 460:25-17-9 of this Chapter.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

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OAC 460:25-17-11, OK ADC 460:25-17-11

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Okla. Admin. Code 460:25-17-12

460:25-17-12. False information given

Currentness

Whoever knowingly makes any false statement, representation or certification, or knowingly fails to make any statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Chapter or any order of decision issued by the Department under this Chapter, shall, upon conviction, be punished by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not more than one (1) year or, both.

Credits

[**Source:** Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

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OAC 460:25-17-12, OK ADC 460:25-17-12

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Okla. Admin. Code 460:25-17-13

460:25-17-13. Corrective action

Currentness

Any person who fails to correct a violation for which a citation has been issued within the period permitted for its correction shall be assessed an administrative penalty of not less than Seven Hundred Fifty Dollars (\$750.00) for each day during which such failure or violation continues.

Credits

[**Source:** Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

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Okla. Admin. Code 460:25-17-14

460:25-17-14. Correction period

Currentness

The period permitted for corrections of violations shall not end until the following:

- (1) The entry of a final order by the Department after an expedited hearing which ordered the suspension of the abatement requirements of the citation because it was determined that the person will/would suffer irreparable loss or damage from the application of the abatement requirements: or

- (2) The entry of an order by a court in any review proceedings initiated by the person in which the court orders the suspension of the abatement requirements.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

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OAC 460:25-17-14, OK ADC 460:25-17-14

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Okla. Admin. Code 460:25-17-15

460:25-17-15. Unlawful resistance

Currentness

Any person who shall, except as permitted by law, willfully resist, prevent, impede or interfere with the Department or any of the agents or employees thereof in the performance of duties pursuant to this division shall, upon conviction, be punished by a fine of not more than Five Thousand Dollars (\$5,000.00), or by imprisonment for not more than one (1) year, or both.

Credits

[**Source:** Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

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OAC 460:25-17-15, OK ADC 460:25-17-15

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Okla. Admin. Code 460:25-17-16

460:25-17-16. Penalty recovery

Currentness

Administrative penalties owed under the Oklahoma Explosives and Blasting Regulation Act may be recovered in a civil action brought by the Attorney General or any district attorney in the district in which the violation occurred at the request of the Department in the appropriate district court. Such action, also may be brought by the Department.

Credits

[**Source:** Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

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OAC 460:25-17-16, OK ADC 460:25-17-16

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KeyCite Red Flag - Severe Negative Treatment

KeyCite Red Flag Negative Treatment APPENDIX A. TABLE TO BE USED FOR DETERMINING WEIGHT OF EXPLOSIVES TO BE USED ON A SINGLE DELAY [REVOKED]

Oklahoma Administrative Code
Title 460. Department of Mines
Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations

Okla. Admin. Code 460:25 App. A

APPENDIX A. TABLE TO BE USED FOR DETERMINING WEIGHT
OF EXPLOSIVES TO BE USED ON A SINGLE DELAY [REVOKED]

Currentness

Credits

[**Source:** Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96; Revoked at 39 Ok Reg 2036, OAR Docket #22-686, eff 9-11-22]

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OAC 460:25 App. A, OK ADC 460:25 App. A

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