TITLE 460: OKLAHOMA DEPARTMENT OF MINES
CHAPTER 25: OKLAHOMA EXPLOSIVES AND
BLASTING RULES AND REGULATIONS

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Administrative Code.
CHAPTER 25. OKLAHOMA EXPLOSIVES AND BLASTING RULES AND REGULATIONS

Subchapter 1. General Requirements

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460:25-1-1. Purpose

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.

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

460:25-1-2. Objective

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.

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

460:25-1-3. Authority

The Department of Mines is authorized to administer the requirements of 63 O.S. (1995), Section 123.1 et seq., except

Appendix A. Table to be Used for Determining Weight of Explosives to be Used on a Single Delay

[Authority: 45 O.S., § 1.5 et seq.; 63 O.S., §§ 123.1 et seq.; 75 O.S., § 250 et seq.]

[Source: Codified 8-26-96]
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 devise 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 combustible 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 or 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.

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

460:25-1-6. Applicability
(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 a permit exempt.

[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]

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

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.

[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]

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

(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.

[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]

460:25-1-9.  Availability of records

Records required by this Chapter to be made available to the public shall be retained at the offices of the Oklahoma Department of Mines, 2915 North Classen Blvd., Suite 213, Oklahoma City, Oklahoma 73106.

[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]

460:25-1-10.  Computation of time

(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.

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

SUBCHAPTER 3.  GENERAL REQUIREMENTS FOR PERMITS AND APPLICATIONS

Section
460:25-3-1.  Purpose
460:25-3-2.  Objectives
460:25-3-3.  Authority
460:25-3-4.  Responsibility
460:25-3-5.  Applicability
460:25-3-6.  General requirements for permits - operators
460:25-3-7.  Compliance with permits
460:25-3-8.  Permit application filing deadlines
460:25-3-9.  Permit fees

460:25-3-1.  Purpose

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.

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

460:25-3-2.  Objectives

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.

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]
460:25-3-3. Authority

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.

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

460:25-3-4. Responsibility

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.

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

460:25-3-5. Applicability

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 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 requires a permit to be obtained.

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

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

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).

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

460:25-3-7. Compliance with permits

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.

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

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

(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.

[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]

460:25-3-9. Permit fees

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.

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

SUBCHAPTER 5. USE OF EXPLOSIVES AND BLASTING PERMIT APPLICATIONS

Section
460:25-5-1. Purpose
460:25-5-2. Objectives
460:25-5-3. Responsibility
460:25-5-4. Applicability
460:25-5-5. Identifications of interests
460:25-5-6. Compliance information
460:25-5-7. Permit application - location descriptions
460:25-5-8. Verification of application

460:25-5-1. Purpose

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.

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

460:25-5-2. Objectives

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.

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

460:25-5-3. Responsibility
It is the responsibility of the explosive and blasting permit applicant to provide to the Department all of the information by this Subchapter.

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

460:25-5-4. Applicability
This Subchapter applies to any person who is required to have a permit to use explosives or conduct blasting activities.

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

460:25-5-5. Identifications of interests
(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.

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

460:25-5-6. Compliance information
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.

[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]

460:25-5-7. Permit application - location descriptions
Information set forth in the application required shall be current, clear and concise as possible.

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

460:25-5-8. Verification of application
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.

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

SUBCHAPTER 7. PERMIT INFORMATION

Section
460:25-7-1. Responsibilities
460:25-7-2. Public notices of filing of permit application
460:25-7-3. Public availability of information in permit applications on file with Department
460:25-7-4. Review of permit application
460:25-7-5. Criteria for permit approval or denial
460:25-7-6. Permit approval or denial actions
460:25-7-7. Permit terms
460:25-7-8. Environmental, public health and safety conditions of permits

460:25-7-1. Responsibilities
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.

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

460:25-7-2. Public notices of filing of permit application
A permit application shall be posted at the Oklahoma Department of Mines at the Oklahoma City Office, located at 2915 North Classen Blvd., Suite 213, Oklahoma City, Oklahoma 73106 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.

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

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

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

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

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

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

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

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.

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

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

(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.

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

460:25-7-7. Permit terms

(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.

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

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

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.

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

SUBCHAPTER 9. PERMIT REVISIONS AND RENEWALS

Section
460:25-9-1. Purpose
460:25-9-2. Objectives
460:25-9-3. Responsibilities
460:25-9-4. Permit revisions
460:25-9-5. Permit renewals

460:25-9-1. Purpose

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

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

460:25-9-2. Objectives

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

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

460:25-9-3. Responsibilities

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.

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

460:25-9-4. Permit revisions

(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.

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

460:25-9-5. Permit renewals

(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.

[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]

**SUBCHAPTER 10. PERMIT EXEMPTIONS**

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[Source: Codified 8-28-98]
(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.

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

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

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.

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

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

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.

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

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

(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.

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

460:25-10-9. Permit Exemption Fees

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.

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

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

(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.

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

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

(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.

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

460:25-10-12. Inspections for compliance

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.

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

460:25-10-13. Violations and orders

(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.

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

SUBCHAPTER 11. GENERAL REQUIREMENTS FOR INSURANCE

Section
460:25-11-1. Purpose
460:25-11-2. Objective
460:25-11-3. Liability insurance for blasting operations

460:25-11-1. Purpose

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

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

460:25-11-2. Objective

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.

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

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

(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.

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

SUBCHAPTER 13. PERFORMANCE STANDARDS

Section
460:25-13-1. Purpose
460:25-13-2. Objective
460:25-13-3. Authority
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460:25-13-1. Purpose

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

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]
460:25-13-2. Objective

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.

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

460:25-13-3. Authority

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

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

460:25-13-4. Responsibility

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.

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

460:25-13-5. General requirements

(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.
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.

(b) 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.

(c) The blaster shall be knowledgeable and competent in the use of each type of blasting method used.

(d) 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.

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

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.

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

(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 ex-

(p) Warning signs, indicating a blasting area, shall be main-
tained at all approaches to the blast area. The warning sign
lettering shall not be less than 4 inches in height on a contrast-
ing 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 ex-

(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 elec-
tric blasting caps, semiconductive delivery hose shall be used
and equipment shall be bonded and grounded.

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

460:25-13-9. Initiation of explosive charges-electric
blasting
(a) Electric blasting caps shall not be used when sources of
extraneous electricity make the use of electric blasting caps
dangerous; the blaster must choose 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 cur-
rents, 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 manufac-
ture.

(e) Electric blasting shall be carried out by using blasting
circuits or power circuits in accordance with the electric blast-
ing 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 current-carrying 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 ef-

ciency 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 con-

nected 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 ohm-

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

(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 mitigate 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 blast 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.

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

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

(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.

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

460:25-13-12. Firing the blast

(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.

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

460:25-13-13. Inspection after blasting

(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.

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

460:25-13-14. Misfires

(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.

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


(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.

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

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

(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 site before firing a blast.

(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.

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]
(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 reaming distance ahead to soft ground as excavation advances.

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

460:25-13-17. Blasting plan
(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.

[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]

460:25-13-18. Blasting requirements
(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.

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

(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 (see Appendix A for allowable pounds per delay).
   (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) A table to be used for determining weight of explosives to be used on a single delay is in Appendix A of this Chapter.
(e) The standard table for the maximum charge per delay shall be generated by the formula: \( W = (D/50)^2 \); 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.
(f) 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.
(g) The duration of the blast shall not exceed 1,000 millisecond (1 second). If special conditions occur requiring a blast design which exceeds the 1,000 millisecond limit, the Department may alter the limit upon a review of the blasting plan.
(h) 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.
Adequate confinement of all explosive materials, to ensure that the airblast for a specified period in section (a), it may require that the blaster monitor the air blasting operation is exceeding or threatening to exceed the limits (b) thirty-three (133) decibels at a frequency response (+/− 3 decibels) over a range of at least 6 to 200 hertz, the corresponding limit is one hundred and thirtythree (133) decibels. If the airblast is measured with an instrument having a flat frequency response (+/− 3 decibels) over a range of at least 6 to 200 hertz, the corresponding limit is one hundred and twenty nine (129) decibels when measured by an instrument having a flat frequency response.

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.

Seismographic measurements
(a) If a blaster decides that the table of maximum pound per delay period 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: 
\[ V = V_0 (D_0/D)^{1.5} \]
Where \( V_0 \) is the maximum ground particle velocity at the seismograph, \( D_0 \) is the distance from 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 \( D_0 \) may not be greater than \( D \), and \( D \) cannot be more than five (5) times \( D_0 \). 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.

Records of blasting operations
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.

Seismograph records, where required:
(A) Name of person and firm analyzing the seismograph record
(B) Seismograph reading

Maximum number of holes per delay period of eight (8) milliseconds or greater.
Sketch of blast pattern including number of holes, burden and spacing distance delay pattern, and if decking is used, a hole profile.
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.
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.

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff8-26-96; Amended at 31 Ok Reg 2108, eff9-12-14]

460:25-13-23. Variances
(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.

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

SUBCHAPTER 15. STATE INSPECTION

Section
460:25-15-1. Purpose
460:25-15-2. State inspections
460:25-15-4. Right of entry
460:25-15-5. Availability of records

460:25-15-1. Purpose
This Subchapter sets forth general procedures governing state inspections.

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff8-26-96]

460:25-15-2. State inspections
(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.

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff8-26-96]

(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.

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff8-26-96]

460:25-15-4. Right of entry
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.

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff8-26-96]

460:25-15-5. Availability of records
(a) Copies of all records, reports, inspection materials, or information obtained by the Department under Oklahoma Statute, Title 63, and this Chapter shall be made immediately available for examination upon request to the public, except that the Department may refuse to make available:
   (1) Investigatory reports compiled for law enforcement purposes; and
   (2) Information not required to be made available under subsection (c) of this Section.
(b) Copies of documents and information required to be made available under (a) of this Section shall also be provided for examination at the Department of Mines in Oklahoma City.
(c) In order to protect preparation for hearings and enforcement proceedings, the Department may designate for special handling, investigatory and enforcement reports and other such materials.

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff8-26-96]
SUBCHAPTER 17. VIOLATIONS AND CESSATION ORDERS

Section
460:25-17-1. Purpose
460:25-17-2. Cessation Orders [EXPIRED]
460:25-17-3. Notices of violation
460:25-17-3.1. Cessation orders
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460:25-17-9. Formal administrative review
460:25-17-10. Willful violators
460:25-17-11. Corporate Permittee violators
460:25-17-12. False information given
460:25-17-13. Corrective action
460:25-17-14. Correction period
460:25-17-15. Unlawful resistance
460:25-17-16. Penalty recovery

460:25-17-1. Purpose
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.

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

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

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

EDITOR’S NOTE: 
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.

460:25-17-3. Notices of violation
(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.

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

460:25-17-3.1 Cessation orders
(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:
Within thirty (30) days of the proposed amount of said penalty.

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

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

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.

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

460:25-17-5. Review of citations

(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 form 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.

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

460:25-17-6. Violator enforcement

(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.

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

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

(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.

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

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

(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.

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

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

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 on 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.

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

### 460:25-17-6.4. Determination of amount of penalty

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

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

460:25-17-6.5. Assessment of separate violations for each day

(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.

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

460:25-17-6.6. Procedures for assessment conference

(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.

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

460:25-17-6.7. Request for hearing

(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.

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

460:25-17-6.8. Final assessment and payment penalty

(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.

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

460:25-17-7. Hearing request

(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.

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

460:25-17-8. Informal conferences

(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.
4. 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.
5. The proposed order of the Hearing Officer shall be subject to formal review.

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

460:25-17-9. Formal administrative review

(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 fact, 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.

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

460:25-17-10. Willful violators

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.

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

460:25-17-11. Corporate Permittee violators

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.

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

460:25-17-12. False information given

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.

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

460:25-17-13. Corrective action

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.

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

460:25-17-14. Correction period

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.

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

460:25-17-15. Unlawful resistance

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.

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

460:25-17-16. Penalty recovery

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.

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]
APPENDIX A.  TABLE TO BE USED FOR DETERMINING WEIGHT OF EXPLOSIVES TO BE USED ON A SINGLE DELAY

TABLE TO BE USED FOR DETERMINING WEIGHT OF EXPLOSIVES TO BE USED ON A SINGLE DELAY

<table>
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<th>WEIGHT-LBS.</th>
<th>DISTANCE-FT (Scaled Distance 55)</th>
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</table>

**DISTANCE** is the distance to the nearest house, public building, school, church, commercial or institutional building in feet.

**WEIGHT** is the maximum weight of explosives to be used on a single delay permit of 8 milliseconds or greater.

Less than five feet, the total charge should not exceed 1/8 lb.

For distances greater than 5,000 feet not included in the table use the formula:

\[
\text{weight} = \left(\frac{\text{distance}}{65}\right)^2
\]

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