

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 8 COAL MINING
PART 33 TRAINING, EXAMINATION AND CERTIFICATION OF BLASTERS

19.8.33.1 ISSUING AGENCY: New Mexico Coal Surface Mining Commission.
[19.8.33.1 NMAC - N, 9-29-2000]

19.8.33.2 SCOPE: All persons subject to the New Mexico Surface Mining Act, NMSA 1978, Sections 69-25A-1 et. Seq. (1979).
[19.8.33.2 NMAC - N, 9-29-2000]

19.8.33.3 STATUTORY AUTHORITY: NMSA 1978, Sections 69-25A-1 et. seq. (1979).
[19.8.33.3 NMAC - N, 9-29-2000]

19.8.33.4 DURATION: Permanent.
[19.8.33.4 NMAC - N, 9-29-2000]

19.8.33.5 EFFECTIVE DATE: November 29, 1997, unless a later date is cited at the end of a section.
[19.8.33.5 NMAC - N, 9-29-2000]

19.8.33.6 OBJECTIVE: The objective of Parts 1 - 35 of Chapter 8 is to establish regulations to implement the New Mexico Surface Mining Act as directed in NMSA 1978, Section 69-25A-5 (1979). These regulations are intended to ensure proper reclamation through permitting for operations subject to the New Mexico Surface Mining Act, in accordance with provisions and standards outlined in the New Mexico Surface Mining Act.
[19.8.33.6 NMAC - N, 9-29-2000; A, 1-15-2002]

19.8.33.7 DEFINITIONS: Blaster means a person directly responsible for the use of explosives in surface coal mining operations who is certified under this part. Persons working under the direct supervision of a certified blaster need not be certified.
[11-29-97; 19.8.33.7 NMAC - Rn, 19 NMAC 8.2.33.3300, 9-29-2000]
[Other Definitions for this part can be found in 19.8.1.7 NMAC.]

19.8.33.8 - 19.8.33.3300 [RESERVED]
[19.8.33.8 - 19.8.33.3300 NMAC - N, 9-29-2000]

19.8.33.3301 RESPONSIBILITY: The director shall require blasters who are directly responsible for use of explosives in a surface coal mining operation to be certified within 12 months after approval of this section as part of the state program. Persons responsible solely for receiving, handling, transportation, drilling, or loading explosives need not be certified; individuals responsible for the conduct of blasting operations must be certified.
[11-29-97; 19.8.33.3301 NMAC - Rn, 19 NMAC 8.2.33.3301, 9-29-2000]

19.8.33.3302 ESTABLISHMENT OF BLASTER TRAINING PROGRAM:

A. Persons seeking to become certified as blasters shall receive training including, but not limited to the technical aspects of blasting operations and state and federal laws governing the storage, transportation and use of explosives; and

B. persons who are not certified and who are assigned to a blasting crew or assist in the use of explosives shall receive direction and on-the-job training from a blaster.

C. The director shall identify courses available to train persons responsible for the use of explosives in surface coal mining operations. The courses shall provide training and discuss practical applications of:

(1) explosives, including:

(a) selection of the type of explosive to be used;

(b) determination of the properties of explosives which will produce desired results at an

acceptable level of risk; and

(c) handling, transportation, and storage;

(2) blast designs, including:

(a) geologic and topographic considerations;

- (b) design of a blast hole, with critical dimensions;
- (c) pattern design, field layout, and timing of blast holes; and
- (d) field applications;
- (3) loading blastholes, including priming and boosting;
- (4) initiation systems and blasting machines;
- (5) blasting vibrations, airblast and flyrock, including:
 - (a) monitoring techniques, and
 - (b) methods to control adverse affects;
- (6) secondary blasting applications;
- (7) current federal and state rules applicable to the use of explosives;
- (8) blast records;
- (9) schedules;
- (10) preblasting survey, including:
 - (a) availability;
 - (b) coverage; and
 - (c) use of in-blast design;
- (11) blast-plan requirements;
- (12) certification and training;
- (13) signs, warning signals, and site control;
- (14) unpredictable hazards, including:
 - (a) lightning;
 - (b) stray currents;
 - (c) radio waves; and
 - (d) misfires.

[11-29-97; 19.8.33.3302 NMAC - Rn, 19 NMAC 8.2.33.3302, 9-29-2000]

19.8.33.3303 QUALIFICATION:

A. The director shall ensure that candidates for blaster certification are examined by reviewing and verifying the:

(1) competence of persons directly responsible for the use of explosives in surface coal mining operations through a written examination in technical aspects of blasting and state and federal laws governing the storage, use, and transportation of explosive; and

(2) practical field experience of the candidates as necessary to qualify a person to accept the responsibility for blasting operations in surface coal mining operations; such experience shall demonstrate that the candidate possesses a minimum of one year of practical field experience and knowledge of blasting techniques, understands the hazards involved in the use of explosives, and otherwise has exhibited a pattern of conduct consistent with the acceptance of responsibility for blasting operations.

B. Applicants for blaster certification shall be examined, at a minimum, in the topics set forth in 19.8.33.3302 NMAC and receive a minimum score of 80%.

[11-29-97; 19.8.33.3303 NMAC - Rn, 19 NMAC 8.2.33.3303, 9-29-2000]

19.8.33.3304 CERTIFICATION:

A. Issuance of certification. The director shall certify for a period of four years, those candidates examined and found to be competent and to have the necessary experience to accept responsibility for blasting operations in surface coal mining operations.

B. Suspension and revocation.

(1) The director, when practicable, following written notice and opportunity for a hearing, may, and upon a finding of willful conduct, shall suspend or revoke the certification of a blaster during the term of the certification or take other necessary action for any of the following reasons:

- (a) non-compliance with any order of the regulatory authority;
- (b) unlawful use in the work place of, or current addiction to, alcohol, narcotics, or other dangerous drugs;
- (c) violation of any provision of the state or federal explosives laws or regulations; or
- (d) providing false information or a misrepresentation to obtain certification;

(e) non-compliance with the provisions of the New Mexico Parental Responsibility Act, Sections 40-5A-1 et. seq. NMSA 1978. An applicant for a new certification or recertification shall provide their social security number to the director.

(2) If advance notice and opportunity for hearing cannot be provided, an opportunity for a hearing shall be provided as soon as practical following the suspension, revocation, or other adverse action.

(3) Upon notice of a revocation, the blaster shall immediately surrender to the regulatory authority the revoked certificate.

C. Recertification. The director shall require reexamination, training, and a demonstration of continued blaster competency at a maximum interval of four years.

D. Protection of certification. Certified blasters shall take every reasonable precaution to protect their certificates from loss, theft, or unauthorized duplication. Any such occurrence shall be reported immediately to the certifying authority.

E. Conditions. The director shall specify conditions for maintaining certification which shall include the following:

(1) a blaster shall immediately exhibit his or her certificate to any authorized representative of the director upon request;

(2) blasters' certifications shall not be assigned or transferred; and

(3) blasters shall not delegate their responsibility to any individual who is not a certified blaster.

[11-29-97; 19.8.33.3304 NMAC - Rn, 19 NMAC 8.2.33.3304, 9-29-2000]

HISTORY OF 19.8.33 NMAC:

Pre-NMAC History:

The material in Part 33 was derived from that previously filed with the State Records Center and Archives under: SB 73-1 Regulations of the State of New Mexico Coal Surfacing Commission, filed 1-10-73 and its amendment filed 8-4-76

SB 78-1 (Rule 78-1) Regulations of the State of New Mexico Coal Surfacing Commission, filed 8-31-78

SB 79-1 (Rule 79-1) New Mexico Coal Surfacing Regulations, filed 7-11-79

CSMC Rule 80-1 (Rule 80-1) Surface Coal Mining Regulations, filed 9-24-80; and all amendments to CSMC Rule 80-1, filed 7-29-82, 11-10-83, 3-5-84, 7-19-84, filed 8-6-84, 8-23-84, 3-28-89, 6-15-90, 9-18-90, 2-15-91, 5-8-91, 8-26-91, 10-4-91, 7-28-92, 1-25-93, 11-1-94, 3-10-95, 4-12-95, 12-21-95.

Other History:

Renumbered and reformatted CSMC Rule 80-1, Surface Coal Mining Regulations, filed 9-24-80 to 19 NMAC 8.2, Coal Surface Mining, filed 11-13-97.

Renumbered 19 NMAC 8.2 Subpart 33 Training and Certification of Blasters, filed 11-13-97, to 19.8.33 NMAC Training and Certification of Blasters, effective 9-29-2000.