

*Summary Document* – Maurer & Scott Inc. Comments to Proposed Rulemaking Environmental Quality Board, [25 PA CODE CHS. 210 & 211], Handling and Use of Explosives

We are commenting on:

1. 211.101. Definitions: Blast area: **remove “the potential for”**. Nuisance: **Not clear**.
2. 211.103. Enforcement, (d) 1 and 2: **How long are restrictions?**
3. 211.124. Blasting activity permits. (a): **How do we account for multiple events?**
4. 211.126 Fees: (c): **Is this one fee or more?**
5. 211.151. Prevention of damage or injury. (b): **Remove or clarify by definition.**
6. 211.154. Preparing the blast. (a): **Need clarification for BAP vs a Blasting Module 16**, (d): **Define “at-the-hole-communication” and how will this be verified?**
7. 211.155: Preblast measures. (7): **Basis for 100 feet. 4 signs each side?**
8. Subchapter J. CIVIL PENALTIES: General Comment: **How will being charged civilly and making remittance under this section affect a company’s or its employees’ rights during possible criminal charges brought about by injuries or property damage associated with non-compliance to this proposed rulemaking? Will there be a legal review as part of the overall rulemaking?**
9. 211.204. System for assessment of penalties.
  - (a) **Basis for per day charges?**
  - (b) **Monetary breakdown of assessments?**
    - (1) Seriousness. (vii): **Remove.**
    - (4) Cost to the Commonwealth. (iv): **Need to add restrictions.**
  - (e) **Define “attributed to”.**