

READ AND COMPLY WITH APPLICATION INSTRUCTIONS!



**Virginia Department of Fire Programs
State Fire Marshal's Office**

Application for annual permit to USE explosives.

APPLICATION INSTRUCTIONS

All information must be printed in ink or typewritten.

Line 1. Provide name of person or company applying for a permit. In the event the applicant is conducting an agricultural operation on his or her own property, provide the name of the property owner. (See block 10 and the instructions for line 10.)

Line 2. List telephone number where applicant may be reached.

Line 3 & 3b. Use a mailing address the applicant can expect the quickest service. If available, provide email address and/or fax number.

Line 4. What is the physical address (location) of the permit applicant if it's different from the mailing address given.

Line 5. List city, state and zip code for the complete mailing address.

Line 6. Write in the Federal Identification Number (FIN) as provided by the IRS for the company applying for the permit. If the application for the USE of explosives is for an agricultural operation, provide driver's license number of the property owner.

Line 7. A "designated individual" is defined as "a person in possession of a *Background Clearance Card (BCC)* issued by the SFMO, or is certified by the SFMO as a *Blaster*, ... (either of) whom are responsible for (i) ensuring compliance with state law and regulations relating to blasting agents and explosives, (ii) applying for explosives or firework permits, (iii) is at least 21 years of age, and (iv) shall demonstrate the capability to effectively communicate safety messages verbally and in writing in the English language."

The "designated individual" is to print their name and card number in the spaces provided. In accordance with SFPC Section 3301.2.3.1, the SFMO shall deny the application for permit if the application does not contain a designated individual's name and signature as representing the applicant with space provided on Line 13 for the individual's signature. Attach a photo-copy of the designated individual's card to the application. (A Blaster listed on Line 9 may also be a designated individual and may result in repetitive listing.)

► **IMPORTANT:** In accordance with SFPC Section 3301.2.3.1, if the applicant's designated individual changes or becomes no longer qualified to represent the applicant as responsible management or designated individual, the applicant shall notify the SFMO on the change of status. The notice is to be made prior to the use of any explosives but in no case shall the notification occur more than seven days after the change of status and shall provide the name of another designated individual. The SFMO may revoke or require the re-issuance of a permit based on a change of permit conditions or status or inability to provide another designated individual.

Line 8. In those localities where the State Fire Marshal's Office (SFMO) has enforcement authority, a separate application to use explosives is required for each city or county the applicant plans or intends to use explosives. If the applicant operates in multiple jurisdictions, multiple applications and permits are then required. Photocopies of this application can be made and used. (A list of localities enforcing the SFPC can be obtained by calling this office at 804-371-0220 or go to www.vafire.com and look for the list of "Local Fire Officials" on the "State Fire Marshal's Office Programs" page.

Line 9. Section 3307.1 of the SFPC allows only those persons who are "certified by the SFMO as a restricted or unrestricted blaster" or "supervised on-site by a person properly certified by SFMO as a restricted or unrestricted blaster", to engage in the use of explosives or blasting agents. List the certification numbers of the persons who the applicant is authorizing to use explosives under the permit being applied for.

Line 10. Section 3301.4.1 of the SFPC provides an exemption for "(t)he owner of real estate parcels of five or more acres conforming to the definition of 'real estate devoted to agricultural use' or 'real estate devoted to

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horticultural use' in § 58.1-3230 of the Code of Virginia when blasting on such real estate" from having to be certified as a Blaster but at minimum, a BCC is still required. (See line 7 above.) Exemption from certification does not relieve the applicant from complying with other provisions of the SFPC.

NOTE: A Background Clearance Card (BCC) does not represent the card holder as a Certified Blaster but does represent successful completion for compliance with § 27-97.2 of the Code of Virginia and the required criminal history records check.

Line 11. Pursuant to § 27-97.2 of the Code of Virginia any person, as an individual or as a representative of a company, who applies for a permit to manufacture, store, use, handle or sell explosives shall not have been convicted of any felonious act, or has had their rights restored by the Governor or other appropriate authority. Please indicate whether you as the applicant have ever been convicted of a felonious act.

Lines 12 through 16: Self-explanatory. Submit the completed application to the address listed at the bottom of the application. Please allow 14 days for processing.

An incomplete application is subject to return without further processing.

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**VIRGINIA STATE FIRE MARSHAL'S OFFICE
APPLICATION FOR ANNUAL PERMIT TO USE EXPLOSIVES**



1. Name/Company:	2. Company Phone #:
3. Mailing address:	
3b. Email address:	FAX #:
4. Physical address if different from Line 3:	
5. City/State/Zip:	6. F.I.D. (Federal Identification Number):

7. "Designated individual": (Print name, Last, First, MI)	See instructions for more information on "Designated individual".
	Card number:
	(Photo copy of card is to be attached to this application.)

8. The use of explosive under the permit being applied for will occur within the jurisdictional boundaries of:

[] City [] County [] Town (Print locality name) _____

9. Listing of Certified Blasters: List the Virginia SFMO certified blasters the applicant is authorizing to operate under the USE permit being applied for. A blasting operation using explosive materials shall only be performed by a Va. SFMO certified blasters. Non-certified personnel may use explosives but only when under the direct on-site supervision of a Va. SFMO certified blaster. (SFPC Sec. 3707.1)	
Name (print)	Certification #

10. Agricultural Exemption to certification: As provided for in SFPC Section 3301.2.4.1, individuals conducting agricultural blasting on their own property (five or more acres devoted to agricultural or horticultural use) are exempt from certification as a Blaster but, each applicant must still comply with § 27-97.2 of the Code of Virginia by having undergone a criminal history records check. If you feel you qualify for the agricultural exemption, list your BCC number here:

11. Conviction of Felony Have you ever been convicted of a felony? [] Yes [] No If yes, have your voting rights been restored? [] Yes [] No If yes, when restored? (required) Mo ___ Day ___ Year ___

12. With my signature below, I attest the above information is correct and, as the designated individual, I acknowledge and agree to comply with all requirements of the Virginia Statewide Fire Prevention Code (SFPC) including but not limited to the following:

- a. Blast records shall be kept in accordance with SFPC Section 3307.16 and made available for inspection by the Fire Marshal's Office representative upon request;
- b. Any airblast and/or ground vibration generated as a result of the functioning of the explosives shall be within limits established in NFPA 495-06 as referenced in the Statewide Fire Prevention Code;
- c. All flyrock will be confined to the defined blast site as required by the Statewide Fire Prevention Code;

(Application continues on reverse side.)

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- d. A bond or insurance in an amount not less than \$500,000.00 is provided and I will ensure documented proof will be attached to a copy of the issued permit both of which "shall be readily available for inspection by the fire official" on any job site within the locality for which it was issued. (An exception for agricultural blasting is provided in SFPC Section 3301.2.4.1. The agricultural exemption for the proof of insurance or bond is not intended to be a defense against claims and does not provide relief from responsibility for any damages that may be incurred or claimed from the use of explosives.)
- e. If a permit is issued as a result of this application, a copy of the issued permit is to be readily available at each job site within the locality listed on line 8 and as printed on the permit.
- f. In accordance with SFPC Section 3307.1, and as noted above on line 9, only a Virginia SFMO certified blaster shall conduct or supervise blasting operations.

13. Signature of person named on line 7:	14. Date:
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15. Should a permit be issued based upon this application, it will only be valid within the jurisdictional boundaries of the city, county or town listed on line 8 and **will not be valid** within localities enforcing the Statewide Fire Prevention Code (SFPC). In localities that enforce the SFPC, permits are to be obtained from that local fire official's office. For a list of localities enforcing the SFPC or for contact information of a specific locality, contact this office at 804-371-0220 to inquire or go to www.vafire.com and look for the list of "Local Fire Officials" on the "State Fire Marshal's Office Programs" page.

16. The completed application is to be accompanied by the required fee of **\$200.00** paid in the form of a check or money order payable to the **TREASURER OF VIRGINIA** and is to be submitted to:

Virginia Department of Fire Programs
State Fire Marshal's Office, Explosives Section
1005 Technology Park Drive
Glen Allen, Virginia 23059-4500

IMPORTANT:

Application must include, without exception, a photocopy of the valid Blasters Certification Card or Background Clearance Card issued to the designated individual whose name is on Line 7 and is signing Line 13.

Please read and understand the statement you are attesting to on Line 12d.

NOTIFICATION

Effective January 1, 2009, as provided in Section 107.1 of the Virginia Statewide Fire Prevention Code (SFPC), 2006 Edition and as a condition of permit issuance, all persons or companies in possession of a permit to USE explosives issued by the State Fire Marshal's Office (SFMO) shall provide a day's notice - 24 hour notification - to the SFMO prior to any and all planned explosive shots. (If possible, notification of more than 24 hours is encouraged.)

A planned shot is one that can be normally construed as having forethought and scheduling.

This day's notice (24-hour notification) prior to the use of explosives is not required when the use of explosives is done on an emergency basis.

Examples of the emergency use of explosives can be illustrated as follows:

1. For immediate replacement of utility poles damaged from vehicular crashes or storm damage;
2. The clearing of rockslides from roadways on an emergency basis;
3. Other circumstances and situations having a sense of urgency and have to be accomplished without delay.

Notification is still to be made to the SFMO about the emergency use of explosives within 24 hours after the emergency has passed.

Failure to provide the above notification will be viewed and treated as a violation of the SFPC.

Notification to the SFMO can be accomplished by one of the following methods (in order of preference):

1. Provide the required information by email to: statefiremarshal@vdfp.virginia.gov. (This is most preferred method since it provides the permit holder documented proof of notification.)
2. Provide the required information by FAX to 804-371-3444. (This is next preferred method since it provides an opportunity for the permit holder to obtain a *confirmation of transmission* from the sending fax machine.)
3. Call 804-612-7266. Tell the receptionist you're providing the required notification for the use of explosives. If voice mail comes on during or after normal business hours, including weekends and holidays, leave a message on voice mail with the required information. (By using this method the permit holder will have to develop their own method of providing proof of notification.)

Whether notification is made by email, fax or by telephone, the required information is as follows:

1. The date and approximate time of the planned explosive shot. (The SFMO recognizes that explosive shots don't always occur at the planned time. Sometimes it can occur late or it can be early.)
2. The SFMO USE Permit Number under which the shot will be conducted and the certification number of the blaster in charge.
3. The address or location of the planned explosive shot including the name of the city, county or town in which the shot will take place.
4. If the USE of explosives was under emergency conditions, provide a brief, essential description of the emergency condition.
5. The name of the person providing the notification.
6. A phone number for the person making the notification.