

# ***EXPLOSIVES HANDLING AND STORAGE***

## ***THE STORAGE, HANDLING AND USE OF EXPLOSIVES IN ILLINOIS AND THE ILLINOIS EXPLOSIVES ACT***

The purpose of this law is to promote the safe handling, transportation, storage and usage of explosive materials. The Illinois Explosive Act resulted from the numerous revisions to the initial explosives law passed in 1887, and includes licensing requirements for explosive storage facilities and/or users.

### ***WHO MUST COMPLY?***

The Illinois Explosives Act applies to all acquisition, storage, use, possession, transfer and disposal of explosive materials, and is intended to supplement requirements of any State or Federal Laws. Regulated materials include, but are not limited to, blasting agents, blasting caps, primers and boosters, black powder, non-electric initiation systems, and display fireworks.

License requirements (see below) do not apply to agricultural fertilizers used for agricultural or horticultural purposes; common carriers authorized to carry explosive materials pursuant to the Interstate Commerce Act or the Illinois Commerce Commission; the purchase, receipt, possession or use, by an individual, of primers or propellant powder for firearm loading/reloading; and the possession or purchase of up to 25 pounds of smokeless powder or up to 5 pounds of black powder, by any person holding a valid Firearm Owner's Identification Card. The storage requirements (see below) do not apply to less than 5 pounds of black powder or less than 25 pounds of smokeless powder.

### ***LICENSE AND STORAGE REQUIREMENTS***

**The Illinois Explosives Act is administered by the Illinois Department of Natural Resources, Office of Mines and Minerals, Mine Safety and Training Division, One Natural Resources Way, Springfield, IL 62702-1271, (217) 782-9976.**

***License Requirements*** - An explosive license is required for any individual who acquires, possesses, transports, uses or otherwise handles explosives. The requirement to obtain a license is waived only for those persons who perform their employment duties for an employer who has a valid storage certificate (see below) in connection with a mine, quarry, construction, manufacturing or wholesale or retail dealership operation.

Any individual issued an explosive license is required to keep the license on his/her person at all times when explosives are being acquired, possessed, transported, used or otherwise handled. The individual must not use explosives in a manner which endangers public health, safety and welfare. Loss of the explosive license requires the Mine Safety and Training Division (MS&TD) be promptly notified.

To obtain an explosives license an individual should contact the MS&TD at the above referenced address. The MS&TD will provide an application and instructions for obtaining the required criminal background history check, as well as schedule a written examination. Upon satisfactory completion of the application, background check, written examination and submission of the required fee, a license will be issued.

An explosive license is valid for three years and is subject to renewal pending a background check and submission of the required fee. Temporary licenses are available to non-Illinois residents who intend to use, possess, purchase or transfer explosive materials in Illinois on a limited basis. Temporary licenses are issued for three months.

***Storage Certificate Requirements*** - Any person who intends to store explosive materials is required to first obtain a storage certificate from the MS&TD. The application for the storage certificate must designate a person or persons having responsibility for the magazine (magazine keeper).

The magazine keeper is responsible for explosive inventory and transaction records, magazine security and general magazine and surrounding area maintenance to insure safety. Any theft from the magazine requires the MS&TD be promptly notified.

Obtaining a storage certificate requires the same procedures as obtaining an explosive license with the exception of the written examination. All magazine keepers must complete the background check. Before a storage certificate is issued the MS&TD will inspect the site to insure adequate magazine construction and to insure that sufficient distances to sensitive areas exist. Upon satisfactory completion of the application, background check(s) and submission of the required fee, a storage certificate will be issued. A storage certificate is valid for one year (March 1 through the last day of February) and is renewable upon fee submission and site inspection.

### ***FEES***

Fees for explosive license applications, including temporary licenses, are \$75 and are non-refundable. Reexamination fees for anyone failing the written examination is \$25. The fees do not include costs associated with fingerprinting required for the background checks. Fees associated with storage certificates range from \$25 to \$200 based on the pounds and type of explosive material or number of detonators stored.

### ***ADMINISTERING THE ACT***

The staff of the Mine Safety and Training Division makes routine inspections of storage certificate sites to check on-site conditions and the distance of the explosive storage site from sensitive areas. Inspectors also review magazine transaction records and physical inventories, as well as proper vehicle transport placarding. All inspectors have the authority to enter upon the land of an operator at all reasonable times for the purpose of inspection to determine compliance with the Act.

### ***VIOLATION OF THE ACT***

Any person who possesses an explosive material who does not have a license and/or storage certificate required by the Act is guilty of a Class 3 felony unless otherwise exempted. Other violations of the Act include, but are not limited to, improper record keeping, failure to maintain or repair magazines, improper transport or failure to take proper security and safety precautions. License and certificate holders can have their license or certificate suspended or revoked for violations of the Act and administrative fines can be issued for up to \$5,000.

The Department is required to provide written notice of its intention to refuse to issue or renew a license or certificate, to suspend or revoke a license or certificate or assess administrative fines for any violation of the Act or regulations. An individual issued such a letter has 30 days to request a hearing contesting the action.

### ***LAWS OF OTHER AGENCIES***

The issuance of a license or storage certificate under the Act does not relieve the license/certificate holder from his/her duty to comply with other applicable federal, state and local laws regulating the acquisition, storage, use, possession, transfer or disposal of explosive materials.