



- June 2011 -

News Articles

- KCSA Summer Meeting – July 28-31 in French Lick, Indiana
- Mine Rescue Contest Winners
- Two-year Highway Bill Moves Closer in Senate
- House T&I Committee Passes H.R.2018
- MSHA Announces Results of May Impact Inspections
- MSHA Proposed Rules for Examinations of Work Areas
- Kentuckiana Seismic & Survey, Inc. Certified WBE
- KYTC Hosting SASHTO Conference – August 2011
- Natural Resources Conference – August 18, 2011
- Meeting Information
- Contact Information

KCSA Summer Meeting – July 28 – 31



The KCSA Summer Meeting is being held at the beautiful West Baden Springs Hotel in French Lick, Indiana July 28 – 31st. Get your registration in right away if you haven't done so already. The cutoff for the hotel room reservations is July 5th.

This year's program will include Congressman Ben Chandler, Emily Coyner of NSSGA, and Kerri Cope of the Kentucky Division of Compliance Assistance. We also have several fun events planned, including: a golf tournament on the beautiful Donald Ross Course, receptions and dinners.

Don't miss this great opportunity to meet with friends and colleagues and learn about the latest issues facing the aggregates industry. To get a copy of the program and a registration form, go to our website www.kycsa.org and view/print it from the home page.

[Return to Top](#)

Central Kentucky Mine Rescue Contest Winners

The 4th annual Mine Rescue Contest was held in Maysville, Kentucky June 14 – 16th. The following teams were winners:

Team Trainer

1st Place – Carmeuse Black River, Sammy Linville

Technician Team

1st Place – FMC White – Tyler Lovato & Alan Jones

2nd Place – OCI Wyoming Blue – Kael Brady & Brent Skorcz

3rd Place – Doe Run Maroon (2nd Team) – Gary Moore, Jr. & Kelly Kalman

4th Place – Still Water Mining – Denise Rich & Pete Day

5th Place – Doe Run Maroon (1st Team) – Luke Davis & Andrew Hampton

First Aid

1st Place – Carmeuse Black River – Jerry Butler, Matthew Appleman, Danny Willis

2nd Place – OCI Blue – Chuck Jones, Rich Clard, Jake Knutson

3rd Place – Carmeuse Maysville – David Love, Terry Highfield, David Logan

4th Place – Still Water Mining – Matt McManaman, Mark Jansma, Lloyd Penne

5th Place – FMC White – Nathan Heaton, Scott Reed, Bronson Berg

Novice Mine Rescue Field Competition (all same size awards)

1st Place – Carmeuse Luttrell – Jason Brown (Captain), Tim Tipton, Gene Buck, Anthony Payne, Hugh Talburt, Michael Wilmoth, Tommy Buck

1st Place – Nyrstar Middle Tennessee – Doug Swann, Captain, Bobby Swann, Leslie Woodard, Kegan Woods, Brian Grisham, Chuck Hays, Dallas Rose, Michael Blair, Tom Morrow

Mine Rescue Field Competition

1st Place – FMC – FMC White – LeRoy Hutchinson (Captain), Robert Pearrow, Nathan Heaton, Bronson Berg, Brad Roll, Scott Reed, Tyler Lovato, Alan Jones

2nd Place – OCI Wyoming LP – OCI Blue – Gary Ruz, Captain

3rd Place – The Doe Run Co. – Doe Run Maroon – Steve Setzer, Captain

4th Place – Washington Tru-Solutions – WIPP Red, Matt Ridgway, Captain

5th Place – Carmeuse Maysville – Kenny Heater, Captain

Overall In-District Winner

Carmeuse Black River – Heath Gulley, Captain

Overall Out-Of-District Winner and Overall Contest Winner

FMC – FMC White – LeRoy Hutchinson, Captain

[Return to Top](#)

Senate moves closer to unveiling two-year highway bill

June 22, 2011 – Source: NSSGA

According to [NSSGA](#), Senate Environment & Public Works Committee Chairman Barbara Boxer, D-Calif., was preparing a two-year reauthorization of surface transportation legislation at level funding adjusted for inflation and was hoping to introduce it as early as the week of June 27. In order to keep level funding for two years, the committee needs to find \$12 billion – \$6 billion annually over two years. Boxer said the Finance Committee is looking to find the additional revenues and has asked stakeholders to weigh in with all Finance Committee members to urge action and support for their efforts.

House Transportation and Infrastructure Committee Chairman John Mica, R-Fla., was hoping to unveil his six-year reauthorization bill in early July, but Republican House leadership may have difficulty finding floor time before the August recess, NSSGA noted. Time in September is possible, but it could squeeze conference committee deliberations to resolve differences between the House and Senate bills before the Sept. 30 expiration of the current program extension, according to the association. NSSGA continues to ask members to urge action by lawmakers to pass a reauthorization bill before the end of the fiscal year.

[Return to Top](#)

Clean Water Cooperative Federalism Act of 2011

Source: NSSGA

The House Transportation and Infrastructure Committee passed H.R.2018, the “Clean Water Cooperative Federalism Act of 2011,” by a vote of 35 to 20.

The bipartisan bill introduced by Chairman John L. Mica (R-FL) and Ranking Member Nick J. Rahall (D-WV) and passed June 22 provides clear protections for states’ U.S. Environmental Protection Agency-approved water quality standards and permitting authority under the Clean Water Act. The well-established and effective cooperative relationship between states and the EPA regarding decisions on public health and the environment has eroded in recent years and this legislation aims to restore a balanced partnership. During the markup, Mica said the committee “must ensure that EPA works with the states, not in spite of them, in setting reasonable, sound water quality standards.”

In essence, H.R.2018 would prevent EPA from second-guessing or delaying a state’s CWA permitting and water quality certification decisions if EPA has already approved a state’s program. The bill was drafted in response to a January 13, 2011, decision by EPA to veto the CWA section 404 Arch Coal Company permit for their Spruce Mine #1 issued by the U.S. Army Corps of Engineers four years previously. This marks the first time that EPA has vetoed a previously issued corps section 404 permit and could set a major adverse precedent for aggregates companies.

NSSGA strongly supports H.R.2018 and is working closely with T&I Committee staff to educate House members and to garner enough support to give the bill momentum. Committee staff is optimistic that H.R.2018 could see floor time in July.

[Return to Top](#)

MSHA Announces Results of May Impact Inspections

ARLINGTON, Va. — The U.S. Department of Labor’s Mine Safety and Health Administration today announced that federal inspectors issued 428 citations, orders and safeguards during special impact inspections conducted at 15 coal mines and four metal/nonmetal mines last month. The coal mines were

issued 339 citations, 12 orders and two safeguards, while the metal/nonmetal operations were issued 62 citations and 13 orders.

These inspections, which began in force during April 2010 following the explosion at the Upper Big Branch Mine, involve mines that merit increased agency attention and enforcement due to their poor compliance history or particular compliance concerns, including high numbers of violations or closure orders; indications of operator tactics, such as advance notification of inspections that prevent inspectors from observing violations; frequent hazard complaints or hotline calls; plan compliance issues; inadequate workplace examinations; a high number of accidents, injuries or illnesses; fatalities; and adverse conditions such as increased methane liberation, faulty roof conditions and inadequate ventilation.

"These impact inspections continue to spotlight serious health and safety conditions that exist at a number of mining operations around the country," said Joseph A. Main, assistant secretary of labor for mine safety and health. "MSHA inspectors will not hesitate to use all of the enforcement tools at their disposal to bring these mines into compliance."

As one example from last month's impact inspections, on May 6, an inspection team arrived during the evening shift at Perry County Coal Corp.'s E4-2 Mine in Perry County, Ky. At the time of the inspection, the mine was on a 10-day spot inspection for methane liberation. Inspectors seized and monitored two phones on the surface to prevent advance notification of their arrival. They visited all four mechanized mining units and inspected conveyor belts in the outby areas of the mine.

Altogether, they issued 45 citations and three orders at this mine. Orders were issued for failing to abate a previous violation for combustible material along a conveyor belt, and to properly conduct the required dust parameter checks and on-shift examination. The operator was issued citations for ventilation-related violations, accumulations of combustible material along conveyor belts and on electrical equipment, and failure to maintain lifelines in the escapeways miners would use during a mine emergency. These conditions can lead to injury or death from a mine fire or explosion. The operator also was cited for failing to maintain dust collection systems designed to protect miners from black lung disease.

As a second example from last month, a team conducted an inspection May 16-23 at the Sherwin Alumina Co. LLC, Sherwin Alumina LP facility – a large alumina mine employing approximately 550 miners – located in San Patricio County, Texas. MSHA issued 35 citations and six unwarrantable failure orders.

Among the conditions inspectors found were areas where miners could fall from heights because of a lack of railings, covers or other protection; malfunctioning switches on electric equipment and circuits; equipment with safety defects; unguarded conveyor belts; and miners failing to wear life jackets or belts where there was a danger of falling into water. These are conditions commonly associated with injury or death in the mining industry.

That impact inspection was the second conducted at the Sherwin Alumina mine. The first was in May 2010. Since April 2010, MSHA has conducted 278 impact inspections, which have resulted in 5,011 citations, 467 orders and 16 safeguards.

Editor's note: A [spreadsheet containing the results](#) of impact inspections in May 2011 can be viewed here.

[Return to Top](#)

MSHA Proposed Rules for Examinations of Work Areas

[Federal Register Volume 76, Number 118 (Monday, June 20, 2011)]

[Proposed Rules]

[Pages 35801-35802]

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 75 and 104

RIN 1219-AB75, 1219-AB73

Examinations of Work Areas in Underground Coal Mines and Pattern of Violations

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Proposed rule; notice of public hearing; notice of extension of comment period.

SUMMARY: The Mine Safety and Health Administration (MSHA) will hold additional public hearings on the Agency's proposed rules for Examinations of Work Areas in Underground Coal Mines (Examinations of Work Areas) and for Pattern of Violations.

DATES: The hearings will be held on July 12, 2011, at the location listed in the ADDRESSES section of this document.

Post-hearing comments must be received or postmarked by midnight Eastern Daylight Saving Time on August 1, 2011.

ADDRESSES: The public hearings will be held at The Forum at the Hal Rogers Center, 101 Bulldog Lane, Hazard, Kentucky.

Comments, requests to speak, and informational materials for the rulemaking record may be sent to MSHA by any of the following methods. Clearly identify all submissions with ``RIN 1219-AB75" for Examinations of Work Areas in Underground Coal Mines' submissions, and with ``RIN 1219-AB73" for Pattern of Violations' submissions.

Federal E-Rulemaking Portal: <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

Electronic mail: <http://zzMSHA-comments@dol.gov>. Include ``RIN 1219-AB75" in the subject line of the message for Examinations of Work Areas in Underground Coal Mines and ``RIN 1219-AB73" for Pattern of Violations.

Facsimile: 202-693-9441.

Mail or Hand Delivery: MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Blvd., Room 2350, Arlington, VA 22209-3939. For hand delivery, sign in at the receptionist's desk on the 21st floor.

FOR FURTHER INFORMATION CONTACT: Roslyn B. Fontaine, Acting Director, Office of Standards, Regulations, and Variances, MSHA, at fontaine.roslyn@dol.gov (e-mail); 202-693-9440 (voice); or 202-693-9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Availability of Information

Federal Register Publications: The proposed rule for Examinations of Work Areas in Underground Coal Mines, published on December 27, 2010 (75 FR 81165), and the proposed rule for Pattern of Violations, published on February 2, 2011 (76 FR 5719), are available on <http://www.regulations.gov> and on MSHA's Web site at <http://www.msha.gov/REGSPROP.HTM>. Public Comments: MSHA posts all comments without change, including any personal information provided. Access comments electronically on <http://www.regulations.gov> and on MSHA's Web site at <http://www.msha.gov/currentcomments.asp>. Review comments in person at the Office of Standards, Regulations, and Variances, 1100 Wilson Blvd., Room 2350, Arlington, VA. Sign in at the receptionist's desk on the 21st floor.

E-mail Notification: To subscribe to receive e-mail notification when MSHA publishes rulemaking documents in the Federal Register, go to <http://www.msha.gov/subscriptions/subscribe.aspx>.

II. Public Hearings

MSHA held four public hearings on its proposed rules for Examinations of Work Areas in Underground Coal Mines and for Pattern of Violations. In response to a request from the public, MSHA will hold one additional public hearing on its proposed rules for Examinations of Work Areas in Underground Coal Mines and for Pattern of Violations. Requests to speak at a hearing should be made prior to the hearing date. You do not have to make a written request to speak; however, persons and organizations wishing to speak are encouraged to notify MSHA in advance for scheduling purposes. MSHA requests that parties making presentations at the hearings submit their presentations to MSHA, including any documentation, no later than 5 days prior to the hearing.

The public hearing for the Examinations of Work Areas proposal will begin at 8:30 a.m. and the public hearing for the Pattern of Violations proposal will begin immediately following the conclusion of the public hearing on the Examinations of Work Areas proposal.

MSHA is holding the two hearings on Tuesday, July 12, 2011, at the following location:

Date	Location	Contact No.
Tuesday, July 12, 2011.....	The Forum at the Hal Rogers Center, 101 Bulldog Lane, Hazard, Kentucky 41701.	City Hall: 606-436-3171.

Each hearing will begin with an opening statement from MSHA, followed by an opportunity for members of the public to make oral presentations. The hearings will be conducted in an informal manner. Formal rules of evidence will not apply. The hearing panel may ask questions of speakers and speakers may ask questions of the hearing panel. Speakers and other attendees may present information to MSHA for inclusion in the rulemaking record. MSHA also will accept written comments and other appropriate information for the record from any interested party, including those not presenting oral statements, until the close of the comment period on August 1, 2011. MSHA will have a verbatim transcript of the proceedings taken for each hearing. Copies of the transcripts will be available to the public on <http://www.regulations.gov> and on MSHA's Web site at <http://www.msha.gov/tscripts.htm>.

III. Pattern of Violations: Clarification

Section 104.2(a) of the Pattern of Violations (POV) proposed rule would provide that the specific criteria used in the review to identify mines with a pattern of significant and substantial violations would be posted on MSHA's website. In the preamble, MSHA requested specific comments on how the Agency should obtain comment during the development of, and periodic revision to, the POV screening criteria. At this point in the rulemaking, MSHA plans to provide any change to the specific criteria to the public, via posting on the Agency's Web site, for comment before MSHA uses it to review a mine for a POV. MSHA plans to review and respond to comments, and revise, as appropriate, the specific criteria, and post its response to the comments and the revised specific criteria on the Agency's website. MSHA requests comments on this proposed approach to obtaining public input into revisions to the specific POV criteria.

Under Sec. 104.2(a)(8) of the POV proposal, MSHA stated in the preamble that an operator may submit a written safety and health management program to the district manager for approval so that MSHA can determine whether the program's parameters would result in meaningful, measurable, and significant reductions in significant and substantial violations. MSHA would like to clarify that the Agency did not intend that these safety and health management programs be the same as those referenced in the Agency's rulemaking on comprehensive safety and health management programs (RIN 1219-AB71), which has not yet been published as a proposed rule. Rather, a safety and health management program that would be considered by MSHA as a mitigating circumstance in the POV proposal would be one that: (1) Includes measurable benchmarks for abating specific violations that could lead to a POV at a specific mine; and (2) addresses hazardous conditions at that mine.

IV. Request for Comments

MSHA solicits comments from the mining community on all aspects of the proposed rules and is particularly interested in comments that address alternatives to key provisions in the proposals.

Commenters are requested to be specific in their comments and submit detailed rationale and supporting documentation for any comment or suggested alternative.

Dated: June 15, 2011.

Joseph A. Main,

Assistant Secretary of Labor for Mine Safety and Health.

[FR Doc. 2011-15250 Filed 6-17-11; 8:45 am]

BILLING CODE 4510-43-P

[Return to Top](#)

Kentuckiana Seismic & Survey Certified WBE

KCSA is pleased to announce that Kentuckiana Seismic & Survey, Inc. has been certified by the National Women Business Owners Corporation (NWBOC) as a business owned and controlled by a woman (WBE). This certification is valid for one year from June 6, 2011 through June 5, 2012. This decision was based on the Standards and Procedures of the NWBOC, the first national certifier of Women Business Enterprises (WBE).

KCSA congratulates Kentuckiana Seismic & Survey, Inc. on this certification.

[Return to Top](#)

KYTC Hosting SASHTO Conference in Louisville

The Southeastern Association of State Highway and Transportation Officials (SASHTO) is a regional association of 12 state DOTs and Puerto Rico. The purpose of SASHTO is to enlighten transportation industry partners on current technical and program matters and promote highway issues to and through national organizations.

The Kentucky Transportation Cabinet will be hosting the SASHTO 2011 Conference in Louisville, Kentucky, August 20 -24. This is a great opportunity for companies involved in the transportation industry to assist in making SASHTO 2011 a memorable experience. Sponsorship opportunities are now available and have been posted on the conference website, <http://www.sashto.org/sashto2011/>.

If you have specific questions or needs you may call Cheryl Caldwell, Conference Coordinator for the Kentucky Transportation Cabinet, at 502-564-3730 or Cheryl.caldwell@ky.gov.

[Return to Top](#)

Natural Resources Conference

(8 hours of CPE)

August 18, 2011

Embassy Suites Hotel

Lexington, Kentucky

Conference Topics:

- Federal Tax Issues

Mine development expenses
Receding face
Retained economic interest for depletion purposes

- State Tax Issues
Exemption for new and expanded industry
Severance tax updates
- Accounting & Auditing Issues
Reclamation
Mine Development Costs
Value of Inventory
Royalty Accounting Contingency
Internal Capital Projects
- Industry Roundtables

For more information, please contact Suzanne Boone at sboone@kycpa.org or 502-736-1385.

[Return to Top](#)

Meeting Information

2011 KCSA Summer Meeting

July 28-31, 2011
French Lick, Indiana
West Baden Springs Hotel

2012 KHI Winter Convention

February 11-18, 2012
Grand Cayman, Cayman Islands
The Westin Casuarina Resort

- If you would like for an employee to receive this newsletter, please forward the email address to info@kycsa.org.
- Let us know if your company has news to be included in the KCSA newsletter, info@kycsa.org.

[Return to Top](#)

MAILING ADDRESS
KENTUCKY CRUSHED STONE ASSOCIATION
P.O. BOX 326
FRANKFORT, KY 40602

RONALD H. GRAY
EXECUTIVE DIRECTOR
GAYE HORTON
OFFICE MANAGER

CONTACT INFORMATION
TOLL FREE: (888) 234-5272
FAX: (502) 223-2370
EMAIL: info@kycsa.org