



# ROCK TALK

KENTUCKY CRUSHED STONE ASSOCIATION NEWSLETTE

- March 2011 -

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## News Articles

- [KCSA Safety Awards](#)
- [UK Advanced Blast Design Workshop](#)
- [Call for KCSA Committee Volunteers](#)
- [KCSA Comments to Proposed Rule, POV](#)
- [4<sup>th</sup> Annual Southeast Central KY Mine Rescue Competition](#)
- [Kentucky Geological Survey Annual Seminar](#)
- [Natural Resources Conference – August 18, 2011](#)
- [Meeting Information](#)
- [Contact Information](#)

## **KCSA Safety Award Nominations**

KCSA is now accepting nominations for Safety Awards, Good Neighbor Awards, Miner of the Year and Honorary Lifetime Membership. The nomination forms went out to the voting reps of member organizations earlier this month.

If you need a copy of the award forms, contact the KCSA office at 502-223-2379. For consideration, complete the forms and return to the KCSA office no later than May 6, 2011.

The awards for the Safety Contest and the Milestone Awards will be presented at the Summer Meeting at West Baden Springs, French Lick, Indiana.

[Return to Top](#)

## **UK Advanced Blast Design Workshop**

Limited Enrollment

8 PDHs

# Advanced Blast Design Workshop

**April 28, 2011**

*Sponsored by*  
University of Kentucky  
Mining Engineering Foundation



Braden Lusk  
Assistant Professor  
Department of Mining Engineering  
University of Kentucky

Dr. Braden Lusk is an Assistant Professor of Mining Engineering at the University of Kentucky. He received his B.S. and Ph.D. degrees in Mining Engineering from the University of Missouri-Rolla and has 15 years experience in blasting. He is a registered Professional Engineer and Licensed Blaster in Kentucky.

Dr. Lusk has developed a research program that has been funded by federal, state and industrial organizations at a level exceeding \$2,500,000 in the last three years. The research program has focused on blast mitigation research and public interactions with mine blasting including structural response. His research findings have been reported in over 30 publications.

# University of Kentucky Mining Engineering Foundation Advanced Blast Design Workshop

**Date and Time:** Thursday April 28, 2011, 8:00 AM – 5:00 PM

## **Workshop Topics:**

- Basics – Explosive Products and Properties
  - Current Explosive Product Information
  - Initiation Systems - Electronics
- Blast Design
  - Geologic factors
  - Decking
  - Details – presplit, sequence
  - Match design to desired outcome
- Cast Blasting Performance
  - Classical design exercise
  - Designs for casting
  - Geometry and timing to optimize performance
- Total Cost Analysis
  - Blasting cost in global mining context
  - Wet vs. Dry
- Blast Vibrations
  - Prediction, scaled distance and compliance
  - Monitoring
  - Design Tools
- Delay Timing
  - Initiation system accuracy
  - Delay timing with programmable electronics
  - What is a “delay”
- Public Relations
  - Case Study 1 – Community Meeting
  - Case Study 2 – Sound monitoring inside neighboring home

**REGISTRATION FORM**  
**Advanced Blast Design Workshop**

**April 28, 2011**  
**University of Kentucky, Lexington, Kentucky**

**Registration Fee: \$200**  
**(Limited Enrollment)**

Name \_\_\_\_\_ Name for Badge \_\_\_\_\_

Organization/Affiliation \_\_\_\_\_

Business Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone (     ) \_\_\_\_\_ Fax (     ) \_\_\_\_\_

E-mail \_\_\_\_\_

I would like a PDH certificate (8 PDHs):    Yes    No

**Make checks payable to:** University of Kentucky (UK's Federal ID Number is 61-6001218)

Enclosed is \$ \_\_\_\_\_ or Charge \$ \_\_\_\_\_ to my:

Visa    MasterCard    American Express    Discover

Credit Card Number \_\_\_\_\_

Cardholder's Name \_\_\_\_\_ Exp. Date \_\_\_\_\_

Cardholder's Signature \_\_\_\_\_

**Per University regulation, under no circumstance should credit card information be submitted via email. If paying by credit card, please fax form to: 859-257-2173**

**Mail to:** UK/OISTL, 107 Mining & Mineral Resources Bldg., Lexington, KY 40506-0107

**Cancellation Policy**

No refunds after April 21. Substitutions may be made at any time; please notify us in advance.

**Accommodations & Questions**

Please contact Geaunita Caylor, 859-257-2820 or gcaylor@engr.uky.edu for a list of recommended hotels, or visit the Lexington Convention & Visitors Bureau web site at <http://www.visitlex.com>

[Return to Top](#)

## KCSA Committee Volunteer Form

Members are requested for service on KCSA committees. Committee work requires time and commitment on behalf of all members. If members of your firm are interested in serving on one or more of the following committees, please complete this form. In appreciation of the time required by committee work we request a company official sign the completed form.

**PLEASE COMPLETE AND RETURN AS QUICKLY AS POSSIBLE**

**Fax Number: (502) 223-2370**

Company Personnel

Committee Preference

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Company: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Phone/Fax: \_\_\_\_\_  
E-mail: \_\_\_\_\_

1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Company: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Phone/Fax: \_\_\_\_\_  
E-Mail: \_\_\_\_\_

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Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Company: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Phone/Fax: \_\_\_\_\_  
E-Mail: \_\_\_\_\_

1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_

In recognition of importance of KCSA committee activity and the time and effort involved, we agree the above named employees would be available for committee service. We also understand this indication of interest will be used to form the KCSA committees.

Signed: \_\_\_\_\_  
Title: \_\_\_\_\_

Company: \_\_\_\_\_  
Date: \_\_\_\_\_



## KCSA STANDING COMMITTEES

**Administrative** – An industry discussion group providing a forum through which useful information can be shared by those in administrative positions.

**Associate** – Made up of associate members who will bring pertinent issues to the Board of Directors for consideration.

**Environmental** – Monitor developments in the environmental agencies which regulate the aggregate industry. Develop policy on changes which impact the industry and meet with each agency at least annually.

**Legislative** – Monitor bills on the state and federal level which could impact the industry and develop policy and recommended action on those bills. Work closely with the Kentucky Highway Industry Task Force and KHIPAC.

**Marketing** – Develop recommendations on methods of promoting aggregate products. Work with KAHC, KRMCA & PAIKY Associations to further the use of aggregate.

**Public Relations** – Develop and recommend policies and programs that will improve the image of the aggregate producer in the communities where they operate and in the state as a whole.

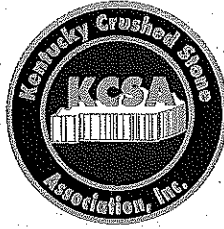
**Safety** – Monitor MSHA and KDMM activities and recommend appropriate responses to those agencies. Meet with MSHA and KDMM personnel at least annually for mutually beneficial discussions.

**Scholarship** – Evaluate and select students to receive annual scholarship grants.

**Technical** – Maintain close contact with the Kentucky Transportation Cabinet's Division of Materials and Division of Design so as to promote dialogue leading to mutually beneficial results.

**Underground** – Monitor all issues that specifically impact underground mining and develop policy to respond to those issues when appropriate.

[Return to Top](#)



March 31, 2011

U.S. Mine Safety and Health Administration  
Office of Standards, Regulations and Variances  
100 Wilson Boulevard, Room 2350  
Arlington, VA 22209-3939

RE: RIN 1219-AB73  
Proposed Rule, Pattern of Violations

To Whom It May Concern:

The Kentucky Crushed Stone Association, Inc. (KCSA) is pleased to be allowed to offer the following comments on behalf of the aggregates industry in Kentucky. KCSA represents thirty-one (31) producer members with over 100 crushed stone, sand, and gravel operations. We believe our industry has demonstrated a commitment to worker safety and health by falling rates of injury and illness.

KCSA would hope that any changes made to the Mine Act's Pattern of Violations (POV) provision would target mine operators that have repeatedly failed to live up to their obligations to provide their employees with a safe place to work.

KCSA is concerned about deficiencies in the POV proposal and would request that MSHA address these deficiencies in a revised proposal that allows operators a fair opportunity to comment on the proposed POV program. This rulemaking proposal should include public hearings.

**MSHA needs to provide the criteria for POV in order to adequately assess the rule.**

It is obvious that one of the most important aspects of the POV program is what criteria will be used to determine whether a POV exists. Yet MSHA asks for comments on the program without having disclosed those criteria, except in very general terms. (Sec. 104.2) It is thus very difficult if not impossible for those commenting on the proposed rule to be able to thoroughly understand and assess the proposed program. MSHA must re-propose the rule to include the criteria it proposes to use in determining that a POV exists, in order to give the affected parties adequate notice and opportunity to comment on the rule.

**MSHA should restrict or delete the provision whereby POV status is based on issued citations rather than final orders, and should restore PPOV.**

The imposition of punitive sanctions based on issued citations on which the operator has not been given an opportunity to have independent review or hearing before the sanctions are imposed, would constitute a denial of an operator's constitutional right to due process.

The proposed rule not only removes the protection that requires that only final orders are counted in determining a POV, but also deletes the current provision for "proposed" POV (PPOV) notification, which currently allows the mine operator to sit down with a District Manager and review the basis for the proposed POV. Under the rule as proposed there is no assurance that a mine operator would not suffer the punitive sanctions of POV status based upon citations that have not been subject to any opportunity for a hearing or other procedural protections required by due process considerations. MSHA can easily make mistakes in assigning an operator to POV, and there are no procedural safeguards in the proposed rule for a second look at POV status.

**MSHA needs to explain how vacated citations/orders will affect POV status.**

MSHA has not clarified in the proposal how it will deal with the situation where "issued" citations/orders that form the basis for a POV finding are subsequently vacated while the mine operator is still under POV status. There needs to be an expedited procedure to review POV status once triggering citations/orders are vacated by the agency in settlement or by litigation, and to remove operators from such status if - due to the vacating of citations/orders - they no longer meet the initial POV criteria.

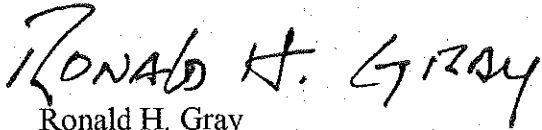
**MSHA should clarify the proposed rule's provisions on mitigating circumstances.**

As currently written, the proposed rule is unclear and confusing about how much discretion MSHA would retain in deciding whether a given mine is subject to POV sanctions, and what, if any, objective factors would guide that discretion. The proposed rule, section 104.2 (a) lists seven items that would be taken into account in determining the criteria for POV, all of which, it appears, will (when MSHA develops the actual criteria) be expressed numerically.

The proposed rule also states an eighth factor: "mitigating circumstances." Under the proposal, MSHA would consider an operator's effective implementation of an MSHA-approved safety and health management program as a mitigating circumstance. KCSA has not seen what MSHA has determined to be "effective implementation" of a health and safety management program, or how it would prevent decisions to approve or disapprove a management programs from being made arbitrarily.

We appreciate the opportunity to comment on the Proposed Rule regarding Pattern of Violations.

Sincerely,

A handwritten signature in black ink that reads "RONALD H. GRAY". The letters are in all caps and have a cursive, slightly slanted appearance.

Ronald H. Gray  
Executive Director



Email: \_\_\_\_\_

Please send the Advertising Information to [schlick.doniece@dol.gov](mailto:schlick.doniece@dol.gov)

Please make check payable to **Central Kentucky Mine Rescue Association**

Mail check to: Att. **Kelly Krause, 12808 Towne Parkway Louisville, Kentucky 40243**

[Return to Top](#)

## Kentucky Geological Survey Annual Seminar

The 51<sup>st</sup> Kentucky Geological Survey Annual Seminar is scheduled for Friday, May 13, 2011 at the KGS Well Sample and Core Library, 2500 Research Park Dr. in Lexington.

Sign-in starts at 8:00 a.m.; sessions begin at 8:30.

The theme of this year's seminar will be "The future of the geosciences in Kentucky and of KGS."

Speakers will include: Patrick Leahy, formerly with USGS, now executive director of the American Geological Institute; Kentucky State Geologist Jim Cobb; and staff and section heads of KGS.

In addition, a panel of private practice geologists, state government officials, and university geologists will discuss strengthening the geologic profession in Kentucky.

During lunch, the state Board of Registration for Professional Geologists will hold an official meeting and a discussion of the concept of "direct professional knowledge" by geologists practicing in Kentucky.

Lunch will be provided.

More on the event, including RSVP information, will be placed on the KGS Web ([www.uky.edu/kgs](http://www.uky.edu/kgs)) site in the coming weeks.

[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](mailto: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](mailto:info@kycsa.org).
- Let us know if your company has news to be included in the KCSA newsletter, [info@kycsa.org](mailto:info@kycsa.org).

[Return to Top](#)

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 EXECUTIVE DIRECTOR  
**GAYE HORTON**  
 OFFICE MANAGER

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