



ROCK TALK

KENTUCKY CRUSHED STONE ASSOCIATION NEWSLETTER

- March 2009 -

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DEADLINE APPROACHING

2009-2010 KHI Scholarship Information

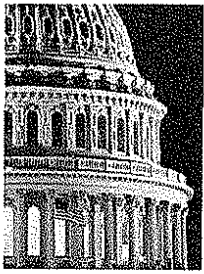
The KHI Scholarship Committee co-chaired by Jim Wright, Hinkle Contracting Corporation and Les Gerald, Roger's Group, Inc. is proud to announce the continuance of our scholarship program for high school seniors and others enrolled or wanting to enroll in a Kentucky higher education institution.

Those eligible include students whose family member is employed by any member company of the KAHC, KCSA, and PAIKY. The member company employee is also eligible to participate.

Contact the KCSA office if you need further information. Deadline is March 31, 2009.

Download Application: <http://www.author-works.com/media/media-33064.pdf>

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KBT Washington Fly-In

Your Voice Is Needed

The KBT Washington Fly-In is set for May 20-21. There has never been a more critical time for the transportation program. Of immediate concern is the authorization of adequately funded air, highway and transit programs. Find out firsthand where the nation's transportation is headed. Your voice is needed in Washington.

The Fly-In provides an excellent opportunity for the transportation community to express its appreciation to our Congressional Delegation for the outstanding job they do in representing air, highway, public transit, rail and waterway interests in federal legislation. We hope you will plan to participate.

If you want to take part in this effort, let the KBT office know ASAP. KBT has a block of rooms at The Liaison Capitol Hill, An Affinia Hotel (415 New Jersey Avenue, NW), which boasts one of the best locations in Washington and is completely renovated (May, 2008). It is two blocks from the U.S. Capitol Building. **If you need one of these rooms, we must know by April 14.** The rooms are \$269 (plus tax) single or double and will be allocated on a **first-come basis.**

On Wed., May 20, there will be an **issues briefing** at 3:00 p.m. followed by a **reception** at 5:00 p.m. in the Capitol for the Congressional Delegation and staff people and transportation leaders in Washington. Following the reception, we have arranged for a group **dinner** at the nearby Monocle Restaurant. The Delegation has been invited to dinner. **On Thurs., May 21, KBT** will have **breakfast** with the Delegation.

✂-----✂

Registration - Washington Fly-In May 20-21, 2009

Yes, I plan to attend the 2009 Washington Fly-In.

Cost: \$275 _____. Check is enclosed (payable to KBT). Bill me.

Reserve a room for me _____. (Non-smoking rooms only)

I will pay The Liaison on checkout -- \$269 plus tax. (KBT will guarantee your room.)

Name _____ Phone _____ Fax _____

E-mail _____

Organization _____

Address _____

_____ Reserve a single room for me. (\$269 plus tax to be paid to the hotel.)

_____ Reserve a double for me. (\$269 -- \$134.50 plus tax per person to be paid to the hotel.) I'll be rooming

with _____

Return to KBT, 10332 Bluegrass Parkway, Louisville, KY 40299.

WE NEED YOUR RESERVATION NO LATER THAN APRIL 14.

Phone: (502) 491-5600 Fax: (502) 491-5603 e-mail: jackkbt@msn.com More information is at <http://kbt.net.org/uploads/2009KBTWashingtonFlyInRegistration.doc>

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MSHA Seeks Comments on Paperwork Burden of DPM Rule

MSHA is seeking comments by May 19 on a request to extend the paperwork requirements of provisions of its diesel particulate matter (DPM) regulation.

The regulation, at 30 CFR 57.5060, affects dieselized underground metal/ non-metal mines. Specific provisions with paperwork requirements MSHA seeks comment on are at 5060, 5065, 5066, 5067, 5070, 5071, and 5075.

Comments are to go to Debbie Ferraro; phone 202-693-9821 x 0, fax 202-639-9801.

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EPA Clarifies RINs for Off-Road Use

By Susanne Retka

Contrary to a previous *Biodiesel Magazine* report that states underground mines can receive and sell renewable identification numbers (RINs), EPA rules currently require the RINs be retired for fuel destined for off-road use.

The following clarification of the U.S. EPA rules was found in the question and answer section of the EPA Web site.

The EPA believes that most biodiesel fuel will ultimately be used as motor vehicle fuel, and therefore biodiesel producers can assume the biodiesel meets the EPA definition of renewable fuel and can assign RINs to them without tracking their ultimate use. However, if a renewable fuel is known to be destined for use in a non-road application, such as agriculture equipment or underground mining equipment, it's not considered a motor vehicle fuel and isn't a renewable fuel that is valid for renewable fuel standards (RFS) compliance, and thus can't receive RINs. In cases where the fuel has been resigned RINs, those RINs must be retired and reported.

For biodiesel and other renewable fuels destined for motor vehicle use, there is a provision for the separation of the RINs from the fuel, which can be sold separately. However, the separation of RINs can't be done with fuel destined for off-road use. Recently, RINs have been trading at around 15 cents per gallon, which has the industry exploring new market opportunities.

The industry is encouraged to examine the new proposed rules for the RFS that is expected to be published in the next several weeks. The Energy Independence and Security Act of 2007 made a number of changes in the renewable standard beyond setting new blending targets. It's expected those will included changes to the handling of RINs.

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MSHA Cautions M/NM on Training Procedures

MSHA has expressed concern about the number of withdrawal orders due to untrained miners it has issued recently to metal/non-metal (M/NM) operators and contractors. Please see the following letter from Neal Merrifield, Acting Administrator for M/NM Mine Safety and Health:

U.S. Department of Labor

Mine Safety and Health Administration
1100 Wilson Boulevard
Arlington, Virginia 22209-3939



MAR 19 2009

Dear Metal and Nonmetal Mine Operators and Contractors:


I am writing to make you aware of the disturbing number of orders of withdrawal issued for violations of miner training standards. From October 1, 2008, to the present, metal and nonmetal inspectors have issued 279 orders of withdrawal for untrained miners.

As you are aware, training is the key element in the prevention of mining injuries and fatalities. It is also the law. In 2008, the Metal/ Nonmetal mining industry achieved a record low of 22 fatalities, along with a record low incident rate for nonfatal injuries. Improving training programs will help in our continuing efforts to prevent injuries and fatalities.

Please review your training programs to ensure compliance with the requirements of Part 46 and Part 48. Ensure that your training programs adequately address the requirements for new miners, newly hired experienced miners, annual refresher training, new task training, and site-specific hazard awareness training. If you need assistance, please contact the MSHA State Grant program located in your state. Contact information for all three of these resources can be found at the MSHA's website at www.msha.gov. Click on Education and Training under, "Find IT! In DOL" located on the right side of the homepage and scroll down to "Who to Contact."

If you have any questions about training, or any other mine safety and health issue, please contact your local MSHA District office. Together we can achieve our goal of sending every miner home safe and healthy at the end of each shift.

Sincerely,


Neal Merrifield
Acting Administrator for
Metal and Nonmetal Mine Safety and Health

You can now file your MSHA forms online at www.MSHA.gov. It's easy, it's fast, and it saves you money!

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DOL Issues COBRA Model Notices

As described in our earlier alert of February 18, 2009, the American Recovery and Reinvestment Act of 2009 (Act) establishes a new COBRA subsidy for qualified COBRA beneficiaries who involuntarily lose their jobs between September 1, 2008 and December 31, 2009 and provides a second special election opportunity for individuals who lost group health plan coverage due to an involuntary termination between September 1, 2008 and February 16, 2009 to elect continuation coverage. The Act also requires employers and group health plans to provide notice of the availability of the COBRA subsidy and special election periods for COBRA continuation coverage.

To assist employers and group health plans to comply with these new notice obligations, the Act required the Department of Labor (DOL), in consultation with the Secretaries of Treasury and Health and Human Services, to develop model notices. On March 19, 2009, the DOL issued four different model notices for use by employers and group health plans in satisfying the Act's notice obligations. Each notice is tailored to a specific situation and a brief overview is as follows:

- **General Notice.** This so-called "full notice" combines information on the new COBRA subsidy program with information already required in the pre-existing COBRA model notice. Group health plans subject to the federal COBRA provisions must send the full notice to all qualified COBRA beneficiaries, not just covered employees, who experience *any* qualifying event at any time from September 1, 2008 through December 31, 2009.
- **Abbreviated General Notice.** This notice includes the same information as the "full notice" regarding the availability of the COBRA subsidy and other rights under the Act but does not include the regular COBRA coverage election information. Group health plans may send this abbreviated notice (in lieu of the "full notice") to individuals who: (i) experienced a qualifying event during, on or after September 1, 2008; (ii) have already elected COBRA coverage; and (iii) still have COBRA coverage.
- **Alternative Notice.** This notice must be sent by insurance companies to persons who became eligible for continuation coverage under state "mini-COBRA" laws.
- **Notice In Connection With Extended Election Periods.** Group health plans subject to the federal COBRA provisions must send this notice to any "assistance eligible individual" (or any individual who would be an assistance eligible individual if a COBRA continuation election were in effect) who: (i) had a qualifying event at any time from September 1, 2008 through February 16, 2009; *and* (ii) either did not elect COBRA continuation coverage, or who elected it but subsequently discontinued COBRA. Generally an "assistance eligible individual" is an individual who is eligible for COBRA continuation coverage as a result of an involuntary termination of employment at any time from September 1, 2008 through December 31, 2009, and who elects COBRA coverage. This notice includes information on the Act's additional election opportunity, as well as COBRA subsidy information. Importantly, this notice *must* be sent by April 18, 2009.

The model notices are available online at the DOL's website <http://www.dol.gov/ebsa/CORBAmodeNotice.html>.

In addition, the DOL recently has published new FAQs for employers clarifying numerous aspects of the COBRA subsidy program, which are available at <http://www.dol.gov/ebsa/faqs/faq-cobra-premiumreductionER.html>.

Notably absent from this guidance is any clarification as to what constitutes an "involuntary termination" for purposes of the Act. The Treasury Department, however, has indicated that it will issue guidance on the meaning of "involuntary termination" soon. Further, the Internal Revenue Service has posted information on its website at <http://www.irs.gov/newsroom/article/0,,id=204505,00.html> explaining how employers should implement, and seek reimbursement of, the COBRA subsidy.

If you have any questions regarding the new COBRA model notices, or need assistance in tailoring any of these notices to your group health plan, please contact any member of Greenebaum's Employee Benefits Team.

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AMENDMENTS TO FEDERAL STANDARDS OF PERFORMANCE FOR NONMETALLIC MINERAL PROCESSING PLANTS (40 CFR PART 60, SUBPART 000)

The U.S. EPA has proposed changes to Subpart 000. Some changes will impact existing facilities on the effective date of the final regulation; while other changes will apply only to new facilities constructed, modified or reconstructed after April 22, 2008. Since the regulation has not been finalized, the effective date is not certain. The EPA Project Manager, Bill Neuffer at Research Triangle Park in North Carolina, guesses that the regulation will become effective in February of 2009. The following changes are based on the proposed regulation. The final regulation can be much different, based on the public comments received. The major changes in the proposed amendments follow:

Changes Affecting All Facilities:

1. Static grizzly screens (non-vibrating) are not screens subject to Subpart 000.
2. The duration of Method 9 compliance tests is lowered from one to three hours to 30 minutes.
3. An observer is allowed to test up to three points if three conditions are met.

Comment: Few situations will meet all three of these conditions. One of the conditions states that if a reading on one point of the three points being observed is within 5% of the standard, the observer must stop taking readings from the other two points and continue reading that single point. Whether the opacity standards for existing or new facilities apply, it is common to get a reading that is within 5% of the standard. For example, the standards for existing and new conveyors are 10% and 7%, respectively. All it takes is one reading of 5% (very common) to cause the observer to stop reading any other points.

Changes Affecting Facilities Constructed, Modified or Reconstructed after April 22, 2008:

- I. If emissions from an affected facility are controlled by a baghouse, the particulate matter emission standard is lowered from 0.05 g/dscf to 0.032 g/dscf.
2. The opacity standard for crushers is lowered from 15% to 12%.
3. The opacity standard for all other Subpart 000 facilities is lowered from 10% to 7%.
4. Individual affected facilities using wet suppression to control emissions must be inspected monthly with the results recorded in a log book. The log book must be kept on-site and must be available to inspectors.
5. Individual affected facilities using moisture carryover to control emissions must undergo repeat performance tests every five years.
6. Individual affected facilities using a baghouse to control emissions must undergo a 30-minute visible emissions test every quarter using EPA Method 22. "The test is successful if no visible emissions are observed." Alternatively, a bag leak detection system can be installed.

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ENERGY AND ENVIRONMENT CABINET

Steven L. Beshear
Governor

Department for Natural Resources

Carl E. Campbell
Commissioner

Leonard K. Peters
Secretary

Office of Mine Safety and Licensing
1025 Capital Complex
Frankfort, KY 40601
Phone (502) 5730140
Fax (502) 5730152
www.omsl.ky.gov

Johnny Greene
Executive Director

MEMORANDUM

TO: Kentucky Mining Industry

FROM: Johnny Greene

DATE: March 16, 2009

RE: OMSL Mine Rescue Services

The Office of Mine Safety and Licensing has proudly served as MSHA signature teams for most of Kentucky's licensed underground mining operations for many years. Unfortunately, due to a recent court decision on February 10th 2009, which increased the MSHA mine rescue requirements, it will no longer be physically possible for OMSL to provide this service for the mining community. MSHA is aware of the unique situation in Kentucky. I am sure MSHA will grant the Kentucky mining industry adequate time to make the transition and find MSHA signature mine rescue teams to meet the needs of the industry. OMSL mine rescue teams will continue to train and maintain a constant state of readiness to respond should Kentucky coal miners need them.

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2nd Annual Southeast Central Kentucky Mine Rescue Association



Mine Rescue Contest
Maysville, Kentucky
October 7 - 8, 2009

Experienced & Novice Teams Compete in Mine Rescue, Bench, Gas Tests & First Aid

Contest will be held at the Mason County School's Indoor Athletic Complex
Sponsored by Central Kentucky Mine Rescue Association & Carmeuse Lime and Stone

THE CHECKS ARE IN THE MAIL!!!

Kentucky Associated General Contractors Self Insurers' Fund dividend checks are in the mail. Sixteen (16) Kentucky Crushed Stone Association members received \$68,981.55.

The total premium being returned is \$6,476,320. The tax being returned is \$744,777 for a grand total being returned to the Fund members of \$7, 221,097. This represents 12% of the TOTAL premium paid by all Kentucky AGC/SIF members in 2004.

The returned dividend is calculated based on the loss ratio for each member company. Members who had no claims in 2004 will receive a check equal to 20.93% of their 2004 premium.

96.12% of the 2004 members who remain with the Kentucky AGC/SIF qualified for a dividend.

This marks the 15th consecutive year that the KY AGC/SIF has returned dividends to its members. It has never been a better time to be a member of the KY AGC/SIF.

If your company is interested in becoming a member of the KY AGC/SIF, please contact the KCSA office at 502-223-2379 for more information.

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Rocks and Minerals in Modern Society- Teacher's Workshop 2009

The goals of the workshop are to increase an understanding of the importance of the aggregates industry and to promote the industry as safe and environmentally friendly. What better way to do this than for our industry to host an educators/teachers' workshop where KCSA members can give firsthand knowledge to those who can take this information back to the youth in our community? Assisting in the development of the workshop along with association members are Kentucky Geological Survey and CINSAM at NKU.

The sessions which are hands-on activities geared to teacher's grades 3-9 will include actual lessons which will teach about the industry including "Birdseed Mining", Mineral "Detection", "Cookie Mining", and tours of local quarries. The teachers will leave the 1 1/2 day sessions with notebooks full of ideas and firsthand experience of the operations of a quarry. All activities will be aligned with Kentucky Standards so teachers will be able to use this fine workshop for professional development hours, an essential requirement for all educators.

Please give your support and sponsorship to this terrific experience for those who can best reach our young members of society to help them know about our industry, and in turn support our goals and perhaps even pursue careers in our industry. **We need sponsors for our teachers that are attending the workshop in June.** Please let Ron or Stephanie know what your company can do to support the workshop.

If you know of a teacher in your home town or area that would be interested in attending our event, please let us know. You can download the application and present it to anyone interested. We do have limited space.

Download: Teacher Application

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KCSA SAFETY AWARD APPLICATIONS 2008

Due May 1, 2009

Download Form: [Producer Safety Award Form](#)
Download Form: [Producer Milestone Award Form](#)
Download Form: [Associate Safety Award Form](#)
Download Form: [Associate Milestone Award Form](#)

Download Form: [Miner of the Year Form](#)
Download Form: [Good Neighbor Award Forms](#)

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Meeting Information

| | |
|--------------------------|---|
| KCSA Teachers' Workshop | June 17-18, 2009 Georgetown, Kentucky |
| 2009 KCSA Summer Meeting | French Lick Resort Casino August 6-9, 2009 |

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Kentucky Crushed Stone Association

- If you would like for another 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.

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