



AUG 25 2010

MEMORANDUM FOR ROBERT L. PHILLIPS
Acting Deputy Assistant Secretary for Operations
Mine Safety and Health

THROUGH: PETER J. MONTALI *Scored For*
Acting Director of Accountability for
Mine Safety and Health

FROM: JERRY J. KISSELL *Scored For*
BILLY RANDOLPH
ARLIE A. WEBB
Accountability Specialists

SUBJECT: MSHA Office of Accountability Audit, M/NM North Central
District, Hebron Field Office, Hebron, OH, and [REDACTED]

Introduction

This memorandum summarizes the Office of Accountability audit of the subject district office, field office, and mine. Audit subjects included MSHA field activities, level of enforcement, Field Activity Reviews (FAR's), Accompanied Activities (AA's), MSHA supervisory and managerial oversight and the conditions and practices at the mine. The audit was conducted by Accountability Specialists Arlie A. Webb, Jerry Kissell, Acting Accountability Specialist Billy Randolph, and Acting Director of the Office of Accountability Peter J. Montali during the week of [REDACTED].

[REDACTED] Positive findings and issues requiring attention are included in this audit report.

Overview

The district audit was conducted from [REDACTED] and included a review of administrative, technical, and other areas such as Special Investigations and the ACRI Program. The field office audit was conducted on Monday, [REDACTED] and the on-site portion of the audit was conducted on [REDACTED]. Accompanying the audit teams were [REDACTED].

Or [redacted] the team accompanied inspection parties to the [redacted] the team accompanied inspection parties to the [redacted] On-site areas and equipment observed at the [redacted] included the dredge and floating conveyors, fire suppression, the service barge and service boat, the docking areas, the sky tram, surface conveyor belts to the plant (including the FC-9 Belt, FC-10 Belt, FC-2 Belt, FS-20 belt, C-1 Belt and C-2 Belt), stacker conveyor belts (including the C-9, C-10, and C-11 stacker belts), guarding, power supply and electrical cables, emergency stopping switches. Work boats were examined (including the WB-2 and WB-3 boats). Mobile equipment included a CAT D-6 dozer, a CAT D-7 dozer and a CAT D-9 dozer, a CAT 980C front end loader, an International 8500 equipment truck, a Ford F-550 maintenance truck, a skid steer, a man lift and a street sweeper. Roadways, berming and signage were looked at as well as the main office, the supply building, the South Wing parts storage building, the North MCC room, South MCC room, the CRI MCC substation, the cone crusher, the vertical impact crusher, and the maintenance shop. Training and examination records were also reviewed.

On-site areas and equipment observed at the [redacted] mine included the crushing plant, quarry, and dragline. Mobile equipment observed included two haul trucks, two front end loaders, flat bed service truck, skid steer, water truck. Other areas included the traffic controls, a scalping plant, the MCC room, the scale house, the maintenance shop, the office and a review of required records.

S&S Rate Comparison

S&S rates for the Hebron, Ohio field Office were below the district and national levels for FY 2009. Currently in FY 2010 the Hebron field office is above the national average, and the district is below the national average.

S&S Rate Comparison			
Fiscal Year	Field Office	District	National Average
2009	24.23%	24.46%	27.93%
2010	37.57%	32.66%	36.92%

Time and Activity Comparison

Time distribution for E01 inspections conducted out of the Hebron, Ohio field office from October 2008 to June 2010 indicated that onsite time for surface facilities decreased from 61.09% in FY 2008 to 60.91% in FY 2009 and currently is 67.56% in FY 2010. Time spent in the "other" category decreased from 13.06% to 11.70% during the same time period, and currently is 8.12% for FY 2010.

Time Distribution (Percent) – E01 Inspections at Surface Facilities						
	Travel	Other	Total On-Site	Citations Issued On-site	Citations Issued Off-site	Total Percent
FY2008	21.83%	13.05%	61.09%	2.63%	4.03%	100.00%
2008 Nat'l Avg	20.39%	10.19%	61.86%	2.96%	7.55%	100.00%
FY2009	20.36%	11.70%	60.91%	3.63%	7.03%	100.00%
2009 Nat'l Avg	20.77%	10.23%	61.91%	3.69%	7.10%	100.00%
FY2010	16.66%	8.12%	67.56%	2.57%	7.66%	100.00%
2010 Nat'l Avg	20.30%	9.83%	61.92%	3.53%	7.94%	100.00%

* Total on-site time includes citations issued on-site.

Time distribution for E01 inspections conducted out of the Hebron, Ohio field office from October 2008 to June 2010 indicated that onsite time for surface mines increased from 54.51% in FY 2008 to 62.15% in FY 2009, and currently is 66.13% in FY 2010. In addition, time spent in the "other" category decreased from 18.02% to 12.61% for the same time period and currently is 9.84% for FY 2010.

Time Distribution (Percent) – E01 Inspections at Surface Mines						
	Travel	Other	Total On-Site	Citations Issued On-site	Citations Issued Off-site	Total Percent
FY2008	23.19%	18.02%	54.51%	1.90%	4.28%	100.00%
2008 Nat'l Avg	26.33%	11.77%	56.23%	3.13%	5.67%	100.00%
FY2009	19.48%	12.61%	62.15%	3.48%	5.76%	100.00%
2009 Nat'l Avg	25.96%	11.54%	56.38%	3.26%	6.11%	100.00%
FY2010	18.29%	9.84%	66.13%	4.48%	5.74%	100.00%
2010 Nat'l Avg	24.71%	11.51%	56.76%	3.55%	7.02%	100.00%

* Total on-site time includes citations issued on-site.

Time distribution for E01 inspections conducted out of the Hebron, Ohio field office from October 2008 to June 2010 indicated that onsite time for underground mines decreased from 63.78% in FY 2008 to 60.19% in FY 2009, and currently is 60.89% in FY 2010. In addition, time spent in the "other" category decreased from 18.84% to 12.39% for the same time period and currently is 10.65% for FY 2010.

Time Distribution (Percent) – E01 Inspections at Underground Mines						
	Travel	Other	Total On-Site	Citations Issued On-site	Citations Issued Off-site	Total Percent
FY2008	16.45%	18.84%	63.78%	0.61%	0.93%	100.00%
2008 Nat'l Avg	23.44%	11.15%	60.23%	1.62%	5.18%	100.00%
FY2009	20.25%	12.39%	60.19%	2.00%	7.17%	100.00%
2009 Nat'l Avg	24.03%	10.98%	60.06%	2.14%	4.94%	100.00%
FY2010	21.97%	10.65%	60.89%	1.34%	6.49%	100.00%
2010 Nat'l Avg	23.88%	11.09%	59.58%	2.47%	5.45%	100.00%

* Total on-site time includes citations issued on-site.

Audit Results

The audit revealed positive findings in several areas, including the following:

1. MSHA personnel conducted themselves in a professional and courteous manner to the OA and the mine operator at all times
2. District files were maintained in excellent order.
3. 2nd level reviews, FAR's/AA's are tracked by the ADM
4. 2nd level reviews indicated thorough examination by the ADM and feedback to supervisors for inaccurate documentation, incorrect use of standards and corrections to be addressed with inspectors.
5. Proper enforcement of regulations and policies during the audit.
6. Mining operations appeared to have had complete and thorough inspections during previous regular inspections.
7. Justifications for citations issued during the audit were thoroughly documented in the inspector's notes and the citation and order documentation form.
8. Inspectors asked the appropriate questions to gather all necessary information in order to properly evaluate the gravity and negligence of the citations issued.
9. Weekly staff meetings included inspector participation in presentation of topics. These meetings are documented and maintained in a file at the field office.

The audit also revealed some issues that require corrective actions, including the following:

1. Citations issued should include more detailed information in the condition or practice. (See Attachment C)
2. The district should investigate whether or not a topsoil plant with multiple screens on [REDACTED] property (operated by [REDACTED] miners) falls under MSHA jurisdiction. Currently, this equipment is not being inspected.

Attachments

- A. Office of Accountability Checklist with comments, recommendations, and references
- B. [REDACTED] Citations/Orders issued during this audit

56.11001
56.14107a
56.14107a
56.20003a
56.14107a
56.11001
56.11001
56.14110



mine



- 56.12004
- 56.14107a
- 56.12032
- 56.12032
- 56.20003a
- 56.12013
- 56.12045
- 56.12020
- 56.15005
- 46.11a
- 56.9100
- 56.14101a3
- 56.14100b

C. Enforcement actions with questionable evaluations

United States Department of Labor
Mine Safety and Health Administration
Office of Accountability

District North Central Field Office Hebron, OH Mine ID Date

1. Evaluate supervisory review of inspection reports and documentation for completeness.

Adequate Inadequate Not Applicable Comments Below | x |

The narrative of citations should include more detailed information regarding the condition or practice. (See Attachment C)

2. Determine if supervisors address report deficiencies immediately

Adequate Inadequate Not Applicable Comments Below

3. Determine if supervisors are visiting mines

Adequate Inadequate Not Applicable Comments Below

Supervisor travels with all inspectors assigned to the field office and contributes to E01 inspections.

4. Evaluate the quality of Field Activity Review reports (FARs)

Adequate Inadequate Not Applicable Comments Below

Feedback on FARs indicated that supervisory evaluations were well done.

5. Determine if supervisors/managers are identifying and addressing performance or behavior based issues during and after accompanied inspections are conducted

Adequate Inadequate Not Applicable Comments Below

United States Department of Labor
Mine Safety and Health Administration
Office of Accountability

District Field Office Mine ID Date

6. Evaluate the quality of Accompanied Activity Inspections

Adequate Inadequate Not Applicable Comments Below

Feedback on Accompanied Activity reports indicated that supervisory evaluations were well done.

7. Determine if supervisors are reviewing mine files

Adequate Inadequate Not Applicable Comments Below

8. Determine if Assistant District Manager is holding supervisor accountable for Field Activity Reviews, and Accompanied Activity Reviews

Adequate Inadequate Not Applicable Comments Below

A tracking spreadsheet is maintained by the ADM to record when he receives the reports and to ensure all required FAR's and AA's are completed.

9. Determine if District Manager is using Performance Management System to hold ADMs accountable for oversight of subordinates

Adequate Inadequate Not Applicable Comments Below

11. Evaluate supervisory and management review of 103(i) (spot inspection) tracking system for compliance with time frames

Adequate Inadequate Not Applicable Comments Below

United States Department of Labor
Mine Safety and Health Administration
Office of Accountability

District North Central Field Office Hebron, OH Mine ID Date

12. Determine if supervisors and managers are ensuring that 103(i) inspections are not combined with any other type of inspection

Adequate Inadequate Not Applicable Comments Below

13. Determine if supervisors, staff assistants, and other management personnel are reviewing work products for accuracy and completeness

Adequate Inadequate Not Applicable Comments Below

Interviews at the district level indicate district management and staff are randomly pulling inspection reports for field offices for review.

14. Determine if supervisors are monitoring inspector time and activity documentation to ensure proper use of time by inspector

Adequate Inadequate Not Applicable Comments Below

15. Determine if supervisors are using the Performance Management System to hold inspectors accountable for properly evaluating gravity and negligence, termination due dates, and timely termination of citations

Adequate Inadequate Not Applicable Comments Below

(See Attachment C)

16. Determine if supervisors are adequately evaluating the level of enforcement

Adequate Inadequate Not Applicable Comments Below

A review of violations from the previous two inspections at the two mines visited indicate there are some citations with questionable evaluations or weak documentation to support the enforcement actions. (See attachment C)

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Mine Safety and Health Administration
Office of Accountability

District North Central Field Office Hebron, OH Mine ID [REDACTED] Date [REDACTED]

17. Determine if District Manager is monitoring the ACRI program and using the Performance Management System to ensure that CLR's justify changes

Adequate Inadequate Not Applicable Comments Below

18. Determine if District Manager is using discretion in granting conferences

Adequate Inadequate Not Applicable Comments Below

19. Determine if second level reviews and Peer Reviews are used to assess supervisory review of enforcement actions

Adequate Inadequate Not Applicable Comments Below

Feedback from second level reviews of Accompanied Activity reports and Field Activity reports indicate quality assessments of supervisory reviews.

20. Determine if appropriate actions are taken by supervisors and manager with respect to issues of misconduct and/or poor performance

Adequate Inadequate Not Applicable Comments Below

No current issues of poor performance were observed during this audit.

21. Evaluate inspector/specialist knowledge of documentation required and process for completing PKW Forms.

Adequate Inadequate Not Applicable Comments Below

Several inspectors were interviewed regarding PKW forms and appear to have a good understanding of the proper method for completing these forms.

United States Department of Labor
Mine Safety and Health Administration
Office of Accountability

District

North
Central

Field Office

Hebron, OH

Mine ID

Date

22. Evaluate the district's process for performing Possible Knowing/Willful (PKW) reviews and initiating or denying special investigations

Adequate Inadequate Not Applicable Comments Below

23. Determine if District Manager is using Performance Management System to hold the Supervisory Special Investigator accountable for properly evaluating potential cases

Adequate Inadequate Not Applicable Comments Below

24. Determine if managers and supervisors are using required "standardized reports" to review critical data relevant to inspections and investigations

Adequate Inadequate Not Applicable Comments Below

Key indicators are used

25. Determine if complete and thorough inspections are being conducted and adequately documented

Adequate Inadequate Not Applicable Comments Below

One scalping screen was observed at the [redacted] mine site visited and a question on jurisdiction was raised as it had not been inspected in previous inspections.

26. Determine if inspection notes support the inspector's assertion that the mine was inspected in its entirety, including health sampling

Adequate

United States Department of Labor
Mine Safety and Health Administration
Office of Accountability

District

North
Central

Field Office

Hebron, OH

Mine ID

Date

27. Determine that the inspector spent sufficient time on off-shifts and on weekends

Adequate Inadequate Not Applicable Comments Below

28. Determine if all mine records and postings are examined during the inspection

Adequate Inadequate Not Applicable Comments Below

29. Determine if the amount of time expended on each inspection activity and area of the mine is sufficient to accomplish inspection goals

Adequate Inadequate Not Applicable Comments Below

30. Evaluate each citation/order for inspector's determination of gravity, negligence, number of persons affected, and the level of enforcement

Adequate Inadequate Not Applicable Comments Below

Citations issued during the audit were well thought out, and evaluations were justified by the inspector.

31. Evaluate inspector's observation of back/Ground conditions

Adequate Inadequate Not Applicable Comments Below

United States Department of Labor
Mine Safety and Health Administration
Office of Accountability

District North Central Field Office Hebron, OH Mine ID Date

32. Evaluate conditions of working areas and observe work cycle

Adequate Inadequate Not Applicable Comments Below

A full work cycle was not observed at the Mine.

33. Observe noise SPL and air quality gas checks by inspector

Adequate Inadequate Not Applicable Comments Below

Sampling procedures were correctly followed at the mine, no sampling was conducted at the mine as it was not running during the mine visit.

34. Determine adequacy of training plans (interview miners)

Adequate Inadequate Not Applicable Comments Below

Although the training plan was adequate at the mine, a 104(g) Order was issued when a customer did not obtain site specific training prior to entering the mine.

35. Evaluate Self-Rescuer conditions

Adequate Inadequate Not Applicable Comments Below

36. Examine electrical equipment (Includes electrical cables/equipment/power supply stations, etc.)

Adequate Inadequate Not Applicable Comments Below

Inspector correctly identified and cited violations at (See attachment B)

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Mine Safety and Health Administration
Office of Accountability

District North Central Field Office Hebron, OH Mine ID [REDACTED] Date [REDACTED]

37. Evaluate several pieces of equipment for permissibility (Gassy mines)
Adequate Inadequate Not Applicable Comments Below

38. Examine compliance with regulations for escape and evacuation
Adequate Inadequate Not Applicable Comments Below

39. Evaluate integrity of primary and alternate escapeways
Adequate Inadequate Not Applicable Comments Below

40. Evaluate condition and maintenance on conveyor belts, structures, and guarding
Adequate Inadequate Not Applicable Comments Below
Two guarding citations were issued at the [REDACTED] mine (See attachment B)

43. Evaluate cleanup of accumulations/housekeeping
Adequate Inadequate Not Applicable Comments Below
Housekeeping was very good at the [REDACTED]
One citation was issued at the [REDACTED] mine. (See attachment B)

United States Department of Labor
Mine Safety and Health Administration
Office of Accountability

District

North
Central

Field Office

Hebron, OH

Mine ID

Date

45. Examine mine bulletin board and evaluate adequacy of all required postings
Adequate Inadequate Not Applicable Comments Below

46. Interview responsible person(s) and evaluate knowledge of emergency response, evacuation procedures, and fire fighting processes and first aid (Person in charge)
Adequate Inadequate Not Applicable Comments Below

48. Determine if districts are conducting sufficient, in-depth Peer Reviews
Adequate Inadequate Not Applicable Comments Below

A District peer review of the Marquette Michigan field office was completed in August of 2009, and in 2010 the Vincennes, IN field office is to receive a district level peer review.

49. Determine if MSHA headquarters is conducting sufficient, in-depth Peer Reviews
Adequate Inadequate Not Applicable Comments Below

The last Headquarters review in the North Central District was conducted at the Ft. Dodge, IA, and Marquette, MI field offices in July of 2005.

50. Determine if Peer Reviews include a visit to the mine, and include observation of the working areas, equipment, travel ways and any other provisions
Adequate Inadequate Not Applicable Comments Below

United States Department of Labor
Mine Safety and Health Administration
Office of Accountability

District

North
Central

Field Office

Hebron, OH

Mine ID

Date

51. Evaluate the two most current completed E01 (regular) inspection reports (two quarters)

Adequate Inadequate Not Applicable Comments Below

The two previous E-01 inspection reports reviewed for both the mines visited indicated thorough and complete documentation and all required forms were included.

52. Ten most current completed E02 (103(i) spot) inspection reports (Gassy mines)

Adequate Inadequate Not Applicable Comments Below

53. Citations and orders issued during previous two quarters

Adequate Inadequate Not Applicable Comments Below | x |

The narrative of several citations issued during the two previous inspections at these mines appear to need improvement in describing the hazard, exposure, and number of persons affected to support the inspector's evaluations. (See attachment C)

54. Determine if 104(d) tracking system is in place at the office being audited, and is being kept up to date

Adequate Inadequate Not Applicable Comments Below

55. Determine mine files are legible, and up to date

Adequate Inadequate Not Applicable Comments Below

United States Department of Labor
Mine Safety and Health Administration
Office of Accountability

District

North
Central

Field Office

Hebron, OH

Mine ID

Date

56. Determine if miners are adequately trained in the provisions of any new conditions/changes/equipment at the mine.

Adequate Inadequate Not Applicable Comments Below

No changes at the mine were identified since the last inspection.

57. Evaluate the effectiveness of field office supervisors support of, and communication with inspectors

Adequate Inadequate Not Applicable Comments Below

Communications and support observed indicated a very good working relationship between the FO supervisor and inspectors.

58. Review documentation of staff meetings/safety meetings to determine their effectiveness and relevance to the Agency's mission and current issues

Adequate Inadequate Not Applicable Comments Below

Weekly staff meetings included inspector participation in presentation of topics. These meetings are documented and maintained in a file at the field office.

59. Are MSHA Forms 7000-1 accurately reviewed for proper information and potential violations, unsafe practices, or conditions?

Adequate Inadequate Not Applicable Comments Below

7000-1 Accident and injury reports were reviewed for the [redacted] and found to be in proper order with no issues and properly monitored by the MSHA for possible violations.

United States Department of Labor
Mine Safety and Health Administration
Office of Accountability

District

North
Central

Field Office

Hebron, OH

Mine ID

Date

60.

Determine if inspectors have sufficient equipment and supplies to conduct thorough inspections.

Adequate

Inadequate

Not Applicable

Comments Below

61.

Determine if adequate close-out conferences are being conducted at the end of each inspection.

Adequate

Inadequate

Not Applicable

Comments Below

62.

Determine if E01 inspections at surface mines includes an observation/evaluation of blast hole drilling, loading, and blasting operations.

Adequate

Inadequate

Not Applicable

Comments Below

No blasting at either of the mine visited

63.

Determine if manpower at the field office is sufficient to ensure adequate, complete inspections, investigations, and other activities.

Adequate

Inadequate

Not Applicable

Comments Below

United States Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District North
Central Field Office Hebron, OH Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

U.S. Department of Labor
 Mine Safety and Health Administration



Section I--Violation Data

1. Date	2. Time (24 Hr. Clock)	3. Citation/Order Number
[REDACTED]	[REDACTED]	[REDACTED]

8. Condition or Practice

(Contractor) Written Notice (103g)

The FLC-2 conveyor walkway grating on the motor side is not secured in place, at one area, and is raised up 1 inch above the normal position and tapers for 20 inches in width to normal height. This uneven and blunt edge creates a slip trip and fall hazard to a person walking along this conveyor, and hampers safe access to this side of the belt. The conveyor has two walkways, one on each side and this side is accessed by one person three to four times a month for roller replacement and maintenance.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR
			56.11001

Section II--Inspector's Evaluation

10. Gravity:

A. Injury or illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred

B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workdays Or Restricted Duty Permanently Disabling Fatal

C. Significant and Substantial: Yes No D. Number of Persons Affected: 001

11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard

12. Type of Action 104a 13. Type of issuance (check one) Citation Order Safeguard Written Notice

14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice E. Citation/Order Number F. Dated Mo Da Yr

15. Area or Equipment

16. Termination Due A. Date Mo Da Yr B. Time (24 Hr. Clock)

Section III--Termination Action

17. Action to Terminate Three fasteners and stiffeners have been installed to level and secure the grating.

18. Terminated A. Date B. Time (24 Hr. Clock)

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	23. AR Number
E01	[REDACTED]	P	[REDACTED]

MSHA Form 7000-3, Apr 08 (revised) In accordance with the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 400 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

United States Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District North Central Field Office Hebron, OH Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

U.S. Department of Labor
 Mine Safety and Health Administration



Section I—Violation Data

1. Date [REDACTED]		3. Citation/Order Number [REDACTED]
	5. Operator [REDACTED]	
		(Contractor) <input type="checkbox"/>

8. Condition of Practice 8a. Written Notice (103g)

The Port Side Aft Winch and Fairlead, on the Tiger Dredge, are not guarded to prevent a person from inadvertent contact. A miner could become entangled in the cable pinch point at the spools as it is enters the winch and fairlead causing crushing injuries to the fingers, hand, foot, and legs. The unit is used daily by one person on day and afternoon shifts, to position the dredge in the water by winching in or out on a steel cable attached to an anchor point on shore.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 56.14107a
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Section II—Inspector's Evaluation

10. Gravity:

A. Injury or illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred

B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workdays Or Restricted Duty Permanently Disabling Fatal

C. Significant and Substantial: Yes No D. Number of Persons Affected: **001**

11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard

12. Type of Action **104a** 13. Type of Issuance (check one) Citation Order Safeguard Written Notice

14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice E. Citation/Order Number F. Dated **Mo Da Yr**

15. Area or Equipment

16. Termination Due A. Date [REDACTED] B. Time (24 Hr. Clock) [REDACTED]

Section III—Termination Action

17. Action to Terminate

18. Terminated A. Date **Mo Da Yr** B. Time (24 Hr. Clock)

Section IV—Automated System Data

19. Type of Inspection (activity code) **E01** 20. Event Number [REDACTED] 21. Primary or Mill **P**

22. Signature [REDACTED] 23. AR Number [REDACTED]

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 408 3rd Street, SW MC 2120, Washington, DC 20418. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

United States Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District North Central Field Office Hebron, OH Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

U.S. Department of Labor
 Mine Safety and Health Administration



Section I—Violation Data

1. Date [REDACTED] 2. Time (24 Hr. Clock) [REDACTED]	3. Citation/Order Number [REDACTED]
(Contractor) <input type="checkbox"/>	

8. Condition or Practice

ca. Written Notice (103g)

The Starboard Side Aft Winch and Fairlead, on the Tiger Dredge, are not guarded to prevent a person from inadvertent contact. A miner could become entangled in the cable pinch point at the spools as it enters the winch and fairlead causing crushing injuries to the fingers, hand, foot, and legs. The unit is used daily by one person on day and afternoon shifts, to position the dredge in the water by winching in or out on a steel cable attached to an anchor point on shore.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 56.14107a
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Section II—Inspector's Evaluation

10. Gravity:

A. Injury or illness (has) (s): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred

B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workdays Or Restricted Duty Permanently Disabling Fatal

C. Significant and Substantial: Yes No D. Number of Persons Affected: **001**

11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard

12. Type of Action **104g** 13. Type of Issuance (check one) Citation Order Safeguard Written Notice

14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice E. Citation/Order Number F. Dated Mo Da Yr

15. Area or Equipment

16. Termination Due A. Date [REDACTED]

Section III—Termination Action

17. Action to Terminate

18. Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock)

Section IV—Automated System Data

19. Type of Inspection (activity code) **E01** 20. Event Number [REDACTED] 21. Primary or Mill **P**

22. Signature [REDACTED] 23. AR Number [REDACTED]

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

United States Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District North Central Field Office Hebron, OH Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

U.S. Department of Labor
 Mine Safety and Health Administration



Section I—Violation Data

1. Date [REDACTED]	2. Time (24 Hr. Clock) [REDACTED]	3. Citation/Order Number [REDACTED]
4. Reported To [REDACTED]		5. Operator [REDACTED]
6. Location of Violation [REDACTED]		7a. Written Notice (103g) <input type="checkbox"/>

The floor of the International Maintenance Truck (Co.# 43642) has not been kept clean and orderly. Gloves, papers, wrags, debris, and an unsecured fire extinguisher are on the drivers floor. The materials present a hazard to the driver and others on the roads and mine areas, from the shifting of the materials by operation of the vehicle. This will cause inhibited or blocked access to the foot controls of the truck, and result in the loss of control. Control loss would result in the operator receiving possible broken bones and blunt force trauma from a sudden stop, veering on the roadways, or collision with another object. The truck is used daily and frequently, by one person who conducted the pre op, and did not clear the floor.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 56.20003a
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Section II—Inspector's Evaluation

10. Gravity:

A. Injury or illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred

B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workdays Or Restricted Duty Permanently Disabling Fatal

C. Significant and Substantial: Yes No D. Number of Persons Affected: **001**

11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard

12. Type of Action **104a** 13. Type of Issuance (check one) Citation Order Safeguard Written Notice

14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice E. Citation/Order Number [REDACTED] F. Dated Mo Da Yr

15. Area or Equipment

16. Termination Due A. Date [REDACTED] Time (24 Hr. Clock) [REDACTED]

Section III—Termination Action

17. Action to Terminate **The truck cab was cleaned and the fire extinguisher was secured.**

18. Terminated A. Date [REDACTED] Time (24 Hr. Clock) [REDACTED]

Section IV—Automated System Issues

19. Type of Inspection (activity code) **E01** 20. Event Number [REDACTED] 21. Primary or Mill **P**

22. Signature [REDACTED] 23. AR Number [REDACTED]

MSHA Form 7000-3, Apr 08
 established a National Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business Regulatory Enforcement Fairness Board to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 408 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

United States Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District North Central Field Office Hebron, OH Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

U.S. Department of Labor
 Mine Safety and Health Administration



Section I—Violations

1. Date		3. Citation/Order Number
4. Sent To		

(Contractor)

8. Condition of Practice 8a. Written Notice (103g)

The hydraulic winch spool on the Mandy WB-3 Work Barge is not guarded to prevent access to the rotating spool and 5/8 inch diameter winch cable. Also a back guard is not present to prevent a broken cable or hook from the winch from coming thru the pilots window. The winch and barge are operated by one person on day and afternoon, every two days, to move the water anchor points for dredge positioning. The lack of guarding would allow contact with the cable/spool pinch point and a broken cable to come into the pilot house. This would result in crushing injuries to extremities and impact injuries from flying glass and cable to the pilots head.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 56.14107a
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Section II—Inspector's Evaluation

10. Gravity:

A. Injury or illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred

B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workdays Or Restricted Duty Permanently Disabling Fatal

C. Significant and Substantial: Yes No D. Number of Persons Affected: **001**

11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard

12. Type of Action **104a** 13. Type of issuance (check one) Citation Order Safeguard Written Notice

14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice E. Citation/Order Number F. Dated Mo Da Yr

15. Area or Equipment

16. Termination Due A. Date [REDACTED] Yr [REDACTED] B. Time (24 Hr. Clock) [REDACTED]

Section III—Termination Action

17. Action to Terminate

18. Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock)

Section IV—Automated System Data

19. Type of Inspection (activity code) **E01** 20. Event Number [REDACTED] 21. Primary or Mill **P** 22. Signature [REDACTED] 23. AR Number [REDACTED]

MSHA Form 7000-3, Apr 08 (revised) In accordance with the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 400 3rd Street, SW MC 2120, Washington, DC 20418. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

United States Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District North
Central Field Office Hebron, OH Mine ID [REDACTED] Date ([REDACTED])

Mine Citation/Order
Continuation

U.S. Department of Labor
 Mine Safety and Health Administration



Section I—Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input type="checkbox"/> <input checked="" type="checkbox"/>	2. Dated (Original Issue)	Mo Da Yr [REDACTED]	3. Citation/Order Number [REDACTED]
		4. Supervisor [REDACTED]	5. Operator [REDACTED]
		(Contractor)	

Section II—Justification for Action

Continuation of 8. Condition or Practice

employee when procuring parts. The storeroom clerks delivery/parts truck is parked in the bay area beneath the upper windows. Safe access cited previously 5 times.

Photos

See Continuation Form

Section III—Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated <input type="checkbox"/> D. Terminated <input type="checkbox"/> E. Modified
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Section IV—Inspection Data

9. Type of Inspection E01	10. Event Number [REDACTED]	
11. Sig [REDACTED]	12. Date [REDACTED]	13. Time (24 Hr. Clock) [REDACTED]

United States Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District North
Central Field Office Hebron, OH Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

U.S. Department of Labor
 Mine Safety and Health Administration



Section I—Violation Data

1. Date	2. Mine Name	3. Citation/Order Number
[REDACTED]	[REDACTED]	[REDACTED]

8. Condition or Practice

8a. Written Notice (103g)

Safe access has not been provided at the C1 Conveyor access ladder/walkway end at the drive end of the conveyor. The handrail of the ladder on the west side is 1 3/4 inches from the exposed end of a smooth rotating (approx. 5 1/2 inch diameter) shaft end. Using the ladder would place one hand of a miner in close proximity with the moving shaft end. Touching the moving shaft would cause a jerk reaction, and an employee would lose their grip with one hand and possibly slide down the ladder impacting the rungs with legs, knees, and the upper torso. Resulting injuries would be bruises, cuts, and possible broken bones. The area is accessed by one person on two shifts daily.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR
			56.11001

Section II—Inspector's Evaluation

10. Gravity:

A. Injury or illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred

B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workdays Or Restricted Duty Permanently Disabling Fatal

C. Significant and Substantial: Yes No D. Number of Persons Affected: 001

11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard

12. Type of Action 104a 13. Type of Issuance (check one) Citation Order Safeguard Written Notice

14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice E. Citation/Order Number F. Dated Mo Da Yr

15. Area or Equipment

16. Termination Due A. Date [REDACTED] B. Time (24 Hr. Clock) [REDACTED]

Section III—Termination Action

17. Action to Terminate

18. Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock)

Section IV—Automated System Data

19. Type of Inspection (activity code) E01 20. Event Number [REDACTED] 21. Primary or Mill P

22. Signature [REDACTED] 23. AR Number [REDACTED]

MSHA Form 7000-3, April 1998. The Regulatory Enforcement Fairness Act of 1998, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 406 3rd Street, SW MC 2120, Washington, DC 20418. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

United States Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District North
Central Field Office Hebron, OH Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

U.S. Department of Labor
 Mine Safety and Health Administration



Section I—Violation Data

1. Date	2. Time (24 Hr. Clock)	3. Citation/Order Number	6.
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

(Contractor)

8a. Written Notice (103g)

Flying materials are coming off the top deck of the S1 Screen Deck at the Sand Plant. Small stones are bouncing from under the worn rubber flaps and off the bumper area of the deck. They are flying over the top discharge chute area and impacting onto the deck in front of the screen. This causes an impact hazard to employees who access this deck. Bruises, cuts, and possible eye injury, would be expected from being struck from the flying debris. The area is accessed daily by one person on day and afternoon shift.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 56.14110
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Section II—Inspector's Evaluation

10. Gravity:			
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input checked="" type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>			
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input checked="" type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input type="checkbox"/>			
C. Significant and Substantial: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			D. Number of Persons Affected: 001
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input checked="" type="checkbox"/> C. Moderate <input type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>			
12. Type of Action 104g		13. Type of Issuance (check one) Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>	
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>		E. Citation/Order Number	F. Dated Mo Da Yr
15. Area or Equipment			

16. Termination Due	A. Date	B. Time (24 Hr. Clock)
	[REDACTED]	[REDACTED]

Section III—Termination Action

17. Action to Terminate			
18. Terminated			
A. Date	Mo Da Yr	B. Time (24 Hr. Clock)	
[REDACTED]	[REDACTED]	[REDACTED]	

Section IV—Automated System Data

19. Type of Inspection (activity code)	E01	20. Event Number	21. Primary or Mill	
		[REDACTED]	P	
22. Signature			23. AR Number	
[REDACTED]			[REDACTED]	

MSHA Form 7000-3, April 1993 (previously MSHA Form 7000-3, April 1988) by Enforcement Fairness Act of 1998, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

United States Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District North Central Field Office Hebron, OH Mine ID [REDACTED] Date [REDACTED]

08/03/2010 09:19 7409288931 NC DIST HEBRON PAGE 02

line Citation/Order U.S. Department of Labor
Mine Safety and Health Administration

Section I - Violation
 Date [REDACTED] Citation/Order Number [REDACTED]

(Contractor)
 Notice (103g)

The outer protective jacket for the energized 480 volt power cable had sustained damage that exposed the insulated inner conductors to possible mechanical damage. The damaged portion of the power cable was located at the elevated walkway of the AC Screen drive motor at steel floor level. The opening in the outer protective jacket was 1/4 inches in diameter. Miners were exposed to electrical hazards associated with 480 volts AC. Miners contacting electricity will receive electrical shock and/or burns. Miners enter this area to perform inspection, repairs and lubrication of the conveyor head pulley and screen drive unit. The inner insulated conductors appeared to undamaged.

See Continuation Form (MSHA Form 7000-3a)

9. Violation A. Health Safety Other B. Section of Act C. Part/Section of Title 30 CFR 56.12004

Section II - Inspector's Evaluation

10. Gravity:
 A. Injury or illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred
 B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workdays Or Restricted Duty Permanently Disabling Fatal
 C. Significant and Substantial: Yes No D. Number of Persons Affected: 001

11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard

12. Type of Action 13. Type of Issuance (check one) Citation Order Safeguard Written Notice

14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice E. Citation/Order Number F. Dated Mo Da Yr

15. Area or Equipment

16. Termination Due A. Date [REDACTED] B. Time (24 Hr. Clock) [REDACTED]

Section III - Termination Action

17. Action to Terminate The power conductor from the disconnect box to the electric drive motor was replaced with a new power cable that was provided with an additional outer protective covers for power cable.

18. Terminated A. Date [REDACTED] B. Time (24 Hr. Clock) [REDACTED]

Section IV - Automated By

19. Type of Ins (activity code) [REDACTED] 21. Primary or Mill P 23. AR Number [REDACTED]

22. Signature

MSHA Form 7000-3, Apr 2009
 provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman directly evaluates enforcement activities and refers such agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3347), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW, NC 2120, Washington, DC 20418. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

United States Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District North Central Field Office Hebron, OH Mine ID [REDACTED] Date [REDACTED]

08/03/2010 09:19 7409280931 NC DIST HEBRON PAGE 04

Line Citation/Order U.S. Department of Labor Mine Safety and Health Administration

1. Citation/Order Date [REDACTED] 3. Citation/Order Number [REDACTED]

7. Mine ID [REDACTED] (Contractor)

8a. Written Notice (103g)

here was a knock-out cover plate missing from the inner panel of the 480 volt breaker box. The breaker box was located on the east wall 54 inches from floor level of the MCC for the processing plant. The opening was approximately 4 inches long x 1 1/2 inches high with an energized bare conductor approximately 4 inches from the face of breaker box. Miners were exposed to electrical hazards associated with a single phase of 480 volts. Miners making contact with energized conductors will receive electrical shock and or burn injuries. The opening is at a location that would make it difficult to contact the inner bare energized termination points. The outer door for the breaker box panel was closed.

See Continuation Form (MSHA Form 7000-3a)

9. Violation A. Health Safety Other B. Section of Act _____ C. Part/Section of Title 30 CFR 56.12032

Section II - Inspector's Evaluation

10. Gravity: A. Injury or illness (has) (is): No Unlikelihood Unlikely Reasonably Likely Highly Likely Occurred
 B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workdays Or Restricted Duty Permanently Disabling Fatal
 C. Significant and Substantial: Yes No D. Number of Persons Affected: 001

11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard

12. Type of Action [04a] 13. Type of Issuance (check one) Citation Order Safeguard Written Notice

14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice E. Citation/Order Number _____ F. Dated Mo Da Yr _____

15. Area or Equipment _____

16. Termination Due A. Date [REDACTED]

Section III - Termination Action

17. Action to Terminate _____

18. Terminated A. Date Mo Da Yr _____ B. Time (24 Hr. Clock) _____

Section IV - Automated System Data

19. Type of Inspection (activity code) E01 20. Event Number _____

21. Primary or Mill P 23. AR Number [REDACTED]

22. Signatory [REDACTED]

MSHA Form 7000-3a established a National Ombudsman Office under the Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Ombudsman Office to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement actions of MSHA, you may call 1-800-REG-FAIR (1-800-734-3247), or write the Ombudsman of Small Business Administration, Office of the National Ombudsman, 400 3rd Street, SW, NC 2120, Washington, DC 20418. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

United States Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District North Central Field Office Hebron, OH Mine ID [REDACTED] Date [REDACTED]

08/03/2010 09:19 7409280931

NC DIST HEBRON

PAGE 07

line Citation/Order

U.S. Department of Labor
 Mine Safety and Health Administration

Section I - Violation
 Date

3. Citation/
 Order Number

(Contractor)
 8a. Written Notice (103g)

The Elevated walkway at was covered with material spillage, loose screen cloths along with a water line coiled up in the walkway. The third level of the elevated walkway of the Telsmith screen plant. The spilled material covered an area approximately 3 feet long and 5 feet wide and was approximately 24 inches at its high point sloping down on the West side. There were several screen cloths lying on the walkway on the North side with the water hose on the south side of the screen. Miners working in this area were exposed to slip, trip and/or fall hazards. Miners falling to a expanded metal elevated walkway surface will receive lacerations, bruising and/or contusion injuries. The spilled material appeared to be firm and compacted.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR	56.20003a
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Section II - Inspector's Evaluation

10. Gravity:
 A. Injury or illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred
 B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workdays Or Restricted Duty Permanently Disabling Fatal
 C. Significant and Substantial: Yes No D. Number of Persons Affected: 001

11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard

12. Type of Action 104a 13. Type of issuance (check one) Citation Order Safeguard Written Notice

14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice E. Citation/Order Number F. Dated No Da Yr

15. Area or Equipment

16. Termination Due A. Date

Section III - Termination Action

17. Action to Terminate The water hose was provided with a hanger, the screen panels were securely stored in an upright position and the spilled material was cleaned from the walkway.

18. Terminated A. (24 Hr. Clock)

Section IV - Automatic

19. Type (act) 20. Event Number 21. Primary or MII P

22. Sign 23. AR Number

MSHA established enforcement actions. The Ombudsman was created by the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established 18 Regional Fairness Boards to receive comments from small businesses about federal agency activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3347), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 400 3rd Street, SW MC 2128, Washington, DC 20418. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

United States Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District North Central Field Office Hebron, OH Mine ID [REDACTED] Date [REDACTED]

08/03/2010 09:19 7409280931

NC DIST HEBRON

PAGE 08

Line Citation/Order

U.S. Department of Labor
 Mine Safety and Health Administration

Section I - Violation
 Date

3. Citation/
 Order Number

(Contractor)
 Written Notice (103g)

The splice in the 480 volt power cable was not complete. The power cable for the vibrating feeder was suspended on the underside of main feed hopper 7 feet 5 inches from ground level. The inner insulated conductors were not provided with protection near that of original, the conductors were twisted together with twist type wire connectors, these connectors were not provided with a junction box nor were the splice sealed to exclude moisture. The company electrician had installed the power cable with out knowledge that an outer protective cover for the electric magnetic coil was missing from this unit. The mounting bolts for the cover were broken off and painted over. Miners working in the area were exposed to electrical hazards associated with 480 volts. Miners contacting electricity will receive electrical shock and/or burn injuries. The inner insulation appeared to be

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health Safety Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR	56.12013
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Section II - Inspector's Evaluation

10. Gravity:

A. Injury or illness (see) (s): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred

B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workdays Or Restricted Duty Permanently Disabling Fatal

C. Significant and Substantial: Yes No D. Number of Persons Affected: 001

11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard

12. Type of Action 104a 13. Type of issuance (check one) Citation Order Safeguard Written Notice

14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice E. Citation/Order Number F. Dated Mo Da Yr

15. Area or Equipment

16. Termination Due A. Date B. Time (24 Hr. Clock)

Section III - Termination Action

17. Action to Terminate

18. Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock)

Section IV - Automated System Data

18. Type of violation (activity) 20. Event Number 21. Primary or MIP P

22. Signatures 23. AR Number

MSHA Form 7
 established a
 enforcement avenue.

Under the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established 10 Regional Fairness Boards to receive comments from small businesses about federal agency rules and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 400 2nd Street, SW, MC 2120, Washington, DC 20548. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

United States Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District North Central Field Office Hebron, OH Mine ID [REDACTED] Date [REDACTED]

08/03/2018 09:19 7489288931

NC DIST HEBRON

PAGE 10

Mine Citation/Order

U.S. Department of Labor
 Mine Safety and Health Administration

Section I

1. Date

3. Citation/
 Order Number

(Contractor)

6a. Written Notice (103g)

The power lines located above the ramp at the main feed hopper was not installed according to the National Electric Code. The power line has a voltage of 13000 phase to phase and was 21 feet from ground surface when measured by an AEP employee. The largest piece of mobile equipment that passes under these energized power lines was 13 feet high with all components in the lowered position. Miners use Euclid Haul trucks to dump material into the hopper at the dump point located approximately 45 feet from directly beneath the power lines. The protective cab cover of the dump bed will be higher than the power lines in a raised position on the ramp. Miners operating the haul trucks were exposed to electrical and fire hazards associated with mobile equipment contacting 13k phase to phase. Miners involved with mobile equipment contacting high potential power lines

See Continuation Form (MSHA Form 7000-3a)

9. Violation A. Health Safety Other B. Section of Act C. Part/Section of Title 30 CFR 56.12045

Section II - Inspector's Evaluation

10. Gravity:

A. Injury or illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred

B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workdays Or Restricted Duty Permanently Disabling Fatal

C. Significant and Substantial: Yes No D. Number of Persons Affected: 001

11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard

12. Type of Action 104a 13. Type of Issuance (check one) Citation Order Safeguard Written Notice

14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice E. Citation/Order Number F. Dated Mo Da Yr

15. Area or Equipment

16. Termination Due A. Date B. Time (24 Hr. Clock)

Section III - Termination Action

17. Action to Terminate

18. Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock)

Section IV - Automated System Data

19. Type of Inspection (eci) 20. Event Number 21. Primary or AM P

22. Sig 23. AR Number

MSHA is a federal agency under the Department of Labor. It is responsible for enforcing federal laws and regulations that protect the health and safety of miners.

Small Business Regulatory Enforcement Fairness Act of 1996, the 110 Regional Fairness Boards to receive comments from small business. If you wish to comment on the rule, please contact the Office of the National Ombudsman, 400 3rd Street, SW, MC 2-30, Washington, DC 20418. Please note, however, that you do not have a right to be heard or to be a party to a proceeding with the Ombudsman in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

United States Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District North Central Field Office Hebron, OH Mine ID [REDACTED] Date [REDACTED]

08/03/2010 09:19

7409280931

NC DIST HEBRON

PAGE 11

Line Citation/Order
 Continuation

U.S. Department of Labor
 Mine Safety and Health Administration



Section I - Subsequent Action/Continuation Data

1. Subsequent Action <input type="checkbox"/> Continuation <input checked="" type="checkbox"/>	2. Dated (Original Issue) [REDACTED]	Yr [REDACTED]	3. Citation/ Order Number [REDACTED]
			(Contractor)

Continuation of A. Condition or Practice

will receive fatal electrical shock and/or burn injuries. Miners dump several loads of material into the hopper during a normal working shift. The plant was last operated on Saturday June 12, 2010. The plant operator had stated that the company had an occurrence of a piece of mobile equipment contacting the power lines.

See Continuation Form

Section II - Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated <input type="checkbox"/> D. Terminated <input type="checkbox"/> E. Modified
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Section III - Inspection Data

9. Type	10. Event No.	11. Citation Number	12. Date	13. Time (24 Hr. Clock)
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MSHA Form 7000-1 (Mar 86 (revised))

United States Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District North Central Field Office Hebron, OH Mine ID [REDACTED] Date [REDACTED]

08/03/2010 09:19 7489280931 NC DIST HEBRON PAGE 12

Mine Citation/Order

U.S. Department of Labor
 Mine Safety and Health Administration

Section I - Mine		3. Citation/Order Number	
1. Date	2. Time		
		(Contractor)	
and Written Notice (103g)			

The ground area at the [REDACTED] disconnects for the plant was covered with water exposing miners to electrical shock hazards while operating the disconnect devices. The disconnect boxes were mounted outside, to the steel tubing supports located at the south side of the Classifier Control Building. The ground below the disconnect boxes was rain soaked sand and gravel material. Miners using the disconnect controls to energize and/or de-energize the supply power conductors for the plant while standing in water were exposed to electrical hazards associated with 480 volts. Miners contacting electricity will receive electrical shock and/or burn injuries. Miners pump the water from this area before operating the plant of accessing the disconnect switches.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR	56.12020
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Section II - Inspector's Evaluation

10. Gravity:				
A. Injury or illness (fatal) (M): No Likelihood <input type="checkbox"/> Unlikely <input checked="" type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently disabling <input type="checkbox"/> Fatal <input checked="" type="checkbox"/>				
C. Significant and Substantial: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			D. Number of Persons Affected: 001	
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input checked="" type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>				
12. Type of Action 104a		13. Type of Issuance (check one) Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>		
14. Initial Action				
A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>		E. Citation/Order Number		F. Dated Mo Da Yr
15. Area or Equipment				

16. Termination Due	A. Date Mo Da Yr	B. Time (24 Hr. Clock)
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Section III - Termination Action

17. Action to Terminate		
18. Terminated		
A. Date	Mo Da Yr	B. Time (24 Hr. Clock)

Section IV - Automated System Data

19. Type of Inspection (activity)	Event Number	21. Primary or MIS
		P
22. Signed		23. AR Number

MSHA Form 1 established an enforcement enforcement enforcement Street, SW MC 2120, Washington, DC 20548-0001
 Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has 10 Regional Fairness Boards to receive comments from small businesses about federal agency of rules each agency's responsiveness to small business. If you wish to comment on the write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd St to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

United States Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District North Central Field Office Hebron, OH Mine ID [REDACTED] Date [REDACTED]

08/03/2010 09:19 7409280931 NC DIST HEBRON PAGE 14

**U.S. Department of Labor
 Mine Safety and Health Administration**

Citation/Order Number: [REDACTED]

Date: [REDACTED]

(b) (6)

(Contractor)

See Continuation Form (MSHA Form 7000-3a)

No means of fall protection/prevention were being used while employees were knocking down build up material and large boulders from the feed hopper grizzly screen. Miners were accessing the expanded metal material at the south east corner of the feed hopper with a drop to ground surface of approximately 20 feet. The area where boulders were located had openings of 16 inches x 16 inches with the feed hopper base several feet below. The hopper was not provided with handrails on the west and south sides to prevent falling 20 feet to ground below. The ground surface was covered with pieces of rebar and other obstacles. Miners accessing this area were exposed to fall hazards associated with heights of 5 to 20 feet. Miners falling from these heights will receive sprang strains and/or broken bone injuries. Miners enter this area on a regular basis to clear build up

9. Violation A. Health Safety Other B. Section of Act C. Part/Section of Title 30 CFR 56.15005

Section II - Inspector's Evaluation

10. Gravity: A. Injury or illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred
 B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workdays Or Restricted Duty Permanently Disabling Fatal
 C. Significant and Substantial: Yes No D. Number of Persons Affected: 001

11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard

12. Type of Action 104a 13. Type of Issuance (check one) Citation Order Safeguard Written Notice

14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice E. Citation/Order Number F. Dated Mo Da Yr

15. Area or Equipment

15. Termination Due A. Date [REDACTED]

Section III - Termination Action

17. Action to Terminate

18. Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock)

Section IV - Automated System Data

19. Type (both) [REDACTED] 20. Event Number [REDACTED] 21. Primary or MGI P

22. Signal [REDACTED] 23. AR Number [REDACTED]

MSHA For establishments... provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established 10 Regional Fairness Boards to receive comments from small businesses about federal agency activities and rules each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-6247), or write the Administrator of Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW, MC 2182, Washington, DC 20410. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

United States Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District **North Central** Field Office **Hebron, OH** Mine ID **[REDACTED]** Date **[REDACTED]**

08/03/2010 09:19 7409200931 NC DIST HEBRON PAGE 15

line Citation/Order continuation U.S. Department of Labor Mine Safety and Health Administration

Section I - Subsequent Action/Continuation Data		3. Citation/Order Number	
1. Subsequent Action	2. Dated (Original Issue)	[REDACTED]	[REDACTED]
<input type="checkbox"/>	<input checked="" type="checkbox"/>	[REDACTED]	[REDACTED]

(Contractor)

material. There were two 10 foot sections of pie and two 6 foot solid steel bars located at access point to feed hopper grizzly screen.

The mine operator had placed caution ribbon at entrance to grizzly of the feed hopper with a tag indicating the hazards until fall prevention and protection is installed.

See Continued Form

Section II - Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated	<input type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified

Section IV - Inspection Data

9. Type of Inspection	E01	10. Event Number	[REDACTED]
11. Sign	[REDACTED]	12. Date	[REDACTED]

MSHA Form

United States Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District North Central Field Office Hebron, OH Mine ID [REDACTED] Date [REDACTED]

08/03/2010 09:19 7409280931

NC DIST HEBRON

PAGE 17

Citation/Order

U.S. Department of Labor
 Mine Safety and Health Administration

Citation/Order Number	Date	Time (24 Hr)	Citation/Order Number	(Contractor)	8a. Written Notice (103g)
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

The customer driver was not provided with site-specific hazard awareness training for the mine site. The customer was dumping material out of the trailer at the topsoil plant of the west side of the entrance roadway adjacent to the gate. This customer has been at this location four times prior for approximately ¼ hour each time at the stock pile areas being loaded with processed material. The training is to be provided before any person becomes exposed to the mine site hazards. The customer would be exposed to mining hazards that would be associated in these areas. There were no signs posted at the entrance of this operation and a second method was provided at the office for customers and vendors to read and file a form with the company however the customer admitted that he did not take the time to go to the office before unloading the material. A sign was

See Continuation Form (MSHA Form 7000-1a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR	46.11a
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Section II - Inspector's Evaluation

10. Gravity:				
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input checked="" type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input checked="" type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input type="checkbox"/>				
C. Significant and Substantial: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			D. Number of Persons Affected: 001	
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input type="checkbox"/> D. High <input checked="" type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>				
12. Type of Action 104g		13. Type of issuance (check one) Citation <input type="checkbox"/> Order <input checked="" type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>		
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/> E. Citation/Order Number				
15. Area or Equipment Top soil pile and plant at entrance of mine property,				

16. Termination Due		A. Date Mo Da Yr	B. Time (24 Hr. Clock)

Section III - Termination Action

17. Action to Terminate The customer was provided with sites specific training at the office/scale house of this operation.	
18. Terminated	A. Date [REDACTED] 24 Hr. Clock [REDACTED]

Section IV - Automated System

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	22. Signature	23. AR Number
[REDACTED]	[REDACTED]	P	[REDACTED]	[REDACTED]

MSHA Form 7000-1
 established a National Ombudsman to resolve complaints from small businesses about federal agency enforcement actions. The Ombudsman annually reviews enforcement actions. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3347), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 400 3rd Street, SW, MC 2128, Washington, DC 20478. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

United States Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District North Central Field Office Hebron, OH Mine ID [REDACTED] Date [REDACTED]

08/03/2010 09:19 7409280931

NC DIST HEBRON

PAGE 18

Line Citation/Order Continuation

U.S. Department of Labor
 Mine Safety and Health Administration



Section I - Subsequent Action/Continuation Data

Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Yr	3. Citation/Order Number
<input checked="" type="checkbox"/>	[REDACTED]	[REDACTED]	[REDACTED]

Section II - Justification for Action

Continuation of 8. Condition or Practice

Posted at the base of the ramp leading to the scale instructing persons to check in at the office prior to entering the operation. This sign could not be read from the top soil stock pile at the entrance gate of the mine.

See Continuation Form

Section III - Subsequent Action Taken

8. Extended To	A. Date	Mo	Da	Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated	<input type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
	[REDACTED]							

Section IV - Inspection Data

9. Type of Inspection	E01	10. Event Number	[REDACTED]	12. Date	Mo	Da	Yr	11. Time (24 Hr. Clock)	[REDACTED]

NI

United States Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District **North Central** Field Office **Hebron, OH** Mine ID **[REDACTED]** Date **[REDACTED]**

08/03/2010 09:19 7409288931

NC DIST HEBRON

PAGE 19

Line Citation/Order

U.S. Department of Labor
 Mine Safety and Health Administration

Section I-1
 Date

3. Citation/
 Order Number

(Contractor)

Condition of Mine

(See Written Notice (103g))

The mine operator failed to post signs at the entrance and through out the mine warning of hazards, right away of equipment, and indicating safe operating speeds for the road conditions and amount of traffic. The main road leading in from the public roadway to the scale house was approximately 900 feet long with two access roadways coming from the plant and shop area to an intersection. The roadway leading to the drag line is shared by the perform company and the concrete recycle plant. The roadways are traveled by several pieces of off road mobile equipment, over road semi trucks and customer vehicles. Miners and customers were exposed to collision hazards associated with off road mobile equipment. Persons involved with a collision will receive contusions, lacerations and/or broken bone injuries.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR	56.9100
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Section II-Inspector's Evaluation

10. Gravity:

A. Injury or illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred

B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workdays Or Restricted Duty Permanently Disabling Fatal

C. Significant and Substantial: Yes No D. Number of Persons Affected: 001

11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard

12. Type of Action 104a 13. Type of Issuance (check one) Citation Order Safeguard Written Notice

14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice E. Citation/Order Number F. Dated Mo Da Yr

15. Area of Equipment

16. Termination Due A. Date **[REDACTED]** B. Time (24 Hr. Clock) **[REDACTED]**

Section III-Termination Action

17. Action to Terminate

18. Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock)

Section IV-Automated System Data

19. Type of Activity 20. Event Number 21. Primary or MR P

22. Signature 23. AR Number

MSHA Form 7000-3a (Rev. 10-2009) is a continuation of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Regulatory Enforcement Fairness Act of 2002, and the Small Business Regulatory Enforcement Fairness Act of 2005. The Ombudsman and 50 Regional Fairness Boards to receive complaints from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 408 2nd Street, SW, MC 2120, Washington, DC 20408. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

United States Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District North Central Field Office Hebron, OH Mine ID [REDACTED] Date [REDACTED]

08/03/2010 09:19 7489280931 NC DIST HEBRON PAGE 20

U.S. Department of Labor
 Mine Safety and Health Administration

1. Citation/Order Number: [REDACTED]

2. Violation Code: [REDACTED]

3. Citation/Order Number: [REDACTED]

4. Date: [REDACTED]

5. (Contractor) [REDACTED]

6. Written Notice (103g)

7. Condition or Practice

The park brake was not being maintained in functional condition. The parking brake for the Case 1845C Skid steer right side (Sitting in operator seat) did not function to prevent movement while the safety bar was in the raised position. The right drive tires were able to travel allowing the machine to unexpectedly travel while the miner exited the machine during idol condition. The park brake for the left side did hold the machine from moving when tested on a grade. Miners were exposed to being thrown from or tossed about the skid steer while exiting. Miners being thrown about the interior or exit the operators cab will receive contusions, bruising, and/or laceration injuries. Miners were observed entering and exiting the skid steer while the engine was turned off several times during the inspection.

8. Violation

A. Health Safety Other	B. Section of Act	C. Part/Section of Title 30 CFR
<input type="checkbox"/>		56.14101a3

9. Section II - Inspector's Evaluation

10. Gravity:

A. Injury or illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred

B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workdays Or Restricted Duty Permanently Disabling Fatal

C. Significant and Substantial: Yes No

D. Number of Persons Affected: 001

11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard

12. Type of Action: 104a

13. Type of Issuance (check one) Citation Order Safeguard Written Notice

14. Initial Action

A. Citation <input type="checkbox"/>	B. Order <input type="checkbox"/>	C. Safeguard <input type="checkbox"/>	D. Written Notice <input type="checkbox"/>	E. Citation/Order Number	F. Dated Mo Da Yr
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15. Area or Equipment

16. Termination Due

A. Date	B. Time (24 Hr. Clock)
[REDACTED]	[REDACTED]

17. Action to Terminate

18. Terminated

A. Date Mo Da Yr	B. Time (24 Hr. Clock)
[REDACTED]	[REDACTED]

19. Type (Active)

20. Event Number [REDACTED]

21. Primary or Mir P

22. Signal

23. AR Number [REDACTED]

MSHA Form established by 29 CFR 101.11-101.12 of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has created and 10 Regional Fairness Boards to receive comments from small businesses about federal agency activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 400 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

United States Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District North
Central

Field Office Hebron, OH

Mine ID [REDACTED]

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Neg
[REDACTED]			104(a) Citation	56.14101(a)(2)	N	UL	PD	1	Mod
<p>The parking brake provided on the Hyundai model HL 780-3 front end loader was defective. The brake was tested on a grade normally traveled with the bucket loaded. When the machine was stopped on the grade and the parking brake applied, the loader continued to roll slowly down the grade. In the event the loader rolled from a parked position, injuries could occur to persons on foot. Parking areas at site are on level ground.</p> <p><i>S&S evaluation appears questionable, the exposure and hazard are not identified in the condition or practice, and the last sentence appear's unnecessary as well. The FEL could be parked at anytime at a number of locations depending on circumstances.</i></p>									

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Neg
[REDACTED]			104(a) Citation	56.15005	Y	RL	LD	1	Low
<p>Persons who operate the Link belt LS 4300 excavator are required to get on top at the engine and perform service and checks and do not use fall protection. A fall hazard exists of 82.5 inches to the ground. Broken bones injuries would be expected. An opening also exists at the base of the boom where a person could trip. The safety director said that he thought all was in compliance with this unit as it came this way from the factory.</p> <p><i>The last sentence should be kept in the notes, not necessary to the condition or practice.</i></p>									

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Neg

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Neg
[REDACTED]			104(a) Citation	56.11001	N	UL	LD	1	Mod
<p>Safe access was not being provided to the BC1 conveyor on the dredge. Miners were required to climb over a 32" high pipe to access a ladder. Additionally, there were two openings on the level just above the conveyor where a person could fall. Belt rollers were being stored near these two areas. An accident would likely cause strains, sprains, and broken bones. The affected areas were not accessed on a routine basis.</p> <p><i>Condition or practice describes serious injuries possible indicating this could have been S&S. How far would a person have fallen? Also there appears to be a second violation for an area mentioned with two openings on the area above.(56/57.11012) The last sentence should identify exposure as in daily, weekly or monthly access. What is the definition of routine basis?</i></p>									

United States Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District North
Central Field Office Hebron, OH Mine ID [REDACTED]

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Neg
[REDACTED]			104(a) Citation	56.12023	N	UL	LD	1	Mod

The electrical connections (electrode and work circuits) entering the Lincoln 305 arc welder were not guarded or otherwise insulated. These bare conductors were not protected by location. The welder was mounted on the right side of the bed on a maintenance truck. The connections were positioned 64 inches above the ground and were easily accessed. The connections are electrically live when the welder is on. Contacting the live parts can cause shocks and severe burns.

The voltage needs to be documented to support the level of the hazard and that a violation exists. The condition/practice should specifically identify which maintenance truck. Is this a company truck or contractor?