



JAN 27 2010

MEMORANDUM FOR MICHAEL A. DAVIS

Deputy Assistant Secretary for Operations
Mine Safety and Health Administration

THROUGH:

PETER J. MONTALI *Peter J. Montali*
Acting Director of Accountability for
Mine Safety and Health Administration

FROM:

ARLIE A. WEBB *Peter J. Montali for*
Accountability Specialist

JERRY KISSELL *Peter J. Montali for*
Accountability Specialist

SUBJECT:

MSHA Office of Accountability Audit, Northeastern District,
Staunton, Virginia MNM Field Office, [REDACTED]
[REDACTED]

Introduction

This memorandum summarizes the Office of Accountability audit of the subject mines and field office. Audit subjects included MSHA supervisory and managerial oversight, MSHA field activities, level of enforcement, Field Activity Reviews (FARs), Accompanied Activities, mine plans, and the conditions and practices at the mine. The audit was conducted during the week of [REDACTED] by Arlie A. Webb and Jerry Kissell. Positive findings and issues requiring attention are included in this audit report.

Overview

The accountability specialists traveled to the Staunton, Virginia Field Office. Jerry Kissell, Accountability Specialist, traveled to the [REDACTED]. Accompanying the accountability specialist to the [REDACTED] was [REDACTED]. [REDACTED] Accountability Specialist Anthony Webb traveled to the [REDACTED] to observe and evaluate enforcement activities, supervisory oversight, and mine conditions.

Areas of the mine examined during this audit included mine office, mine record books, maps and other required postings, pits, highwalls, highwall drill, front end loaders, excavators, haul trucks, haul roads, company pick-up trucks, berms, substations and electrical installations, fuel storage, and the shop/supply area. Inspection activities also covered the plant, including breakers, sizing screens, crushers, surface conveyor belts and elevated conveyor belts.

S&S Rate Comparison

Overall, the S&S rate for the Staunton field office and the North East District as a whole were lower than the national average.

Fiscal Year	Field Office	Northeastern District	National Avg.
2008		20%	21.0%
2009		29%	28.0%

However, enforcement actions taken at the subject quarry during this audit appeared consistent with national policy and appeared appropriate.

Time and Activity Comparison

Time distribution is generally good. Consideration should be given to issuing citations and orders while on-site (as discussed later in this report) to increase inspector on-site time and provide a greater degree of protection to the miners.

Surface Facilities - E01 Inspections						
	Travel Time	Other Time	Total On-Site	Citations Written On-Site	Citations Written Off-Site	Total Percent
% in FY 2008	24.63	11.16	57.70	0.51	6.50	100.00
% in FY 2009	25.36	7.52	62.10	0.64	5.01	100.00

Surface Mines - E01 Inspections						
	Travel Time	Other Time	Total On-Site	Citations Written On-Site	Citations Written Off-Site	Total Percent
% in FY 2008	22.74	12.01	60.84	2.11	4.40	100.00
% in FY 2009	25.33	11.54	59.57	1.83	3.56	100.00

Underground Mines - E01 Inspections						
	Travel Time	Other Time	Total On-Site	Citations Written On-Site	Citations Written Off-Site	Total Percent
% in FY 2008	26.37	8.44	62.06	0.71	3.13	100.00
% in FY 2009	23.39	9.50	62.62	0.74	4.49	100.00

Audit Results

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

1. Inspection work during the audit was highly commendable regarding on-site activities and determination of gravity, S&S, number of persons affected, and the proper use of enforcement tools during the accountability audit.
2. Field Office Supervisors, district supervisors and managers are conducting mine visits on a regular basis.
3. The documentation for Field Activity Reviews, Accompanied Activities, and Second Level Reviews was excellent. Comments containing positive reinforcement as well as areas needing improvement were included in almost all reviews.

The audit also revealed issues in several categories that require corrective actions, including the following:

1. Conditions observed and citations issued during this audit indicate that highwall ground conditions and open pit mining methods that addressed compliance with maintaining safe ground conditions appear not to have been addressed in previous inspections. [REDACTED] Tech support visited the mine the week of [REDACTED] to evaluate conditions and provide assistance to the field office for this mine site. (See Item 37)
2. Inspections appear not to be thorough or complete. During the previous 6 regular inspections, a total of 12 citations were issued. During the audit, there were 11 citations and two 104(d)'s issued. (See item # 27, 37)
3. Evaluations of the gravity and negligence during previous inspections did not appear commensurate with the type of violations cited. (See attachment E)
4. Truck weigh scales, where drop off potentials existed, were not compliant with mid-axle height guarding requirements. This was an accepted practice as slow travel and tire rub protection was the accepted protective measures. M/NM has sent out a power point to all district regarding this issue and the requirements for elevated scales where a drop-off exists that could result in an accident involving over-travel and overturned vehicle.

The attached checklist addresses the findings of the audit. Positive issues as well as issues requiring action are covered in detail in the checklist.

Attachments:

A. Audit Checklist [REDACTED]

B. Citations issued during the audit [REDACTED]

1. [REDACTED] 56.3200
2. 56.7013
3. 56.11001
4. 56.3131
5. 56.3130
6. 56.3401
7. 56.11002
8. 56.1101

C. Citations issued at [REDACTED]

1. [REDACTED] 56.3130
2. 56.3130
3. 56.3130
4. 56.3130
5. 56.14100b
6. 56.14132a
7. 56.14100b
8. 56.4201b
9. 56.14110
10. 56.14107a
11. 56.11002
12. 56.14100a
13. 56.18002a

D. Photos taken during this audit: [REDACTED]

E. Previous Citations Review

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Office of Accountability

District

Field Office

Mine ID

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

Adequate Inadequate Not Applicable Comments Below

Citations issued do not appear to be appropriately issued regarding negligence and gravity.
See Attachment E

2. Determine if supervisors address report deficiencies immediately

Adequate Inadequate Not Applicable Comments Below

See Attachment E

3. Determine if supervisors are visiting mines.

Adequate Inadequate Not Applicable Comments Below

Supervisor travels with inspectors completing AA's/FAR's and this provides opportunity to observe mine conditions and meet with mine managers/operators.

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

Adequate Inadequate Not Applicable Comments Below

All Field Activity Reviews and Second Level Reviews were completed and were well documented. Feedback to inspectors from supervisors was excellent, and contained both positive reinforcement comments as well as documentation of areas where improvement was needed.

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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

6. Evaluate the quality of Accompanied Inspections

Adequate Inadequate Not Applicable Comments Below

Documentation in FAR's/AA's identifies quality field time spent with inspectors at mine sites.

8. Determine if Assistant District Manager is holding supervisor accountable for FAR's, and accompanied activities.

Adequate Inadequate Not Applicable Comments Below

Feedback from the on FAR's and AA's to supervisors was excellent, and contained both positive reinforcement comments as well as documentation on items where the supervisor may have needed to review more closely.

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

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

See attachment E

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

Adequate Inadequate Not Applicable Comments Below

17. 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 E

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

Adequate Inadequate Not Applicable Comments Below

Only documentation for the FAR's indicate visits to mining operations. No other documentation is available at the field office. A review of the citations issued during previous inspection reveals questionable gravity and negligence. (See Attachment E)

19. 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

Not reviewed during this audit due to time restraints.

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

Adequate Inadequate Not Applicable Comments Below

District peer reviews were not reviewed during this audit, second level review feedback was noted in the FAR's and AA's reviewed at the field office (See item #8)

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

Adequate Inadequate Not Applicable Comments Below

During the mine visit the inspector issued 104d citation and completed the PKW form. The packet was not reviewed by the auditor due to when it was completed by the inspector.

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

Adequate Inadequate Not Applicable Comments Below

Auditors did not have time to evaluate during this audit.

26. 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

District utilizes the Key Indicator monthly reports.

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

Adequate Inadequate Not Applicable Comments Below

Open pit maintenance and mining methods were not noted in previous inspection notes (See Item 37). Past six E-01 inspections at had a total of twelve citations issued including two of the six regular inspections revealing zero citations. During the accountability audit inspection there were thirteen issuances including two orders.

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

Adequate Inadequate Not Applicable Comments Below

The inspectors documented all areas inspected during the audit. Previous inspections failed to indicate some equipment inspections and areas of the open pit being inspected (both mine sites).

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

Adequate Inadequate Not Applicable Comments Below

[REDACTED] Inspection was opened on the off shift. Three different crews start at 3 different start times through the day prior to the noon hour, concluding by 11:00 p.m.

30. Determine if all mine records, postings, and other required materials are examined during the inspection

Adequate Inadequate Not Applicable Comments Below

Bulletin boards were readily visible with required documents and emergency phone #'s, etc. Records were not reviewed while the audit team was at the mine site other than equipment pre-ops and a few work place exam documents.

31. Determine if all provisions of the MINER Act (Affecting MNM) are evaluated during the inspection

Adequate Inadequate Not Applicable Comments Below

32. 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

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33. 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 reviewed during the audit and from previous inspections indicate accurate evaluations, however several citations appear to need more accurate detail in the body/condition to support the gravity, injury, or likelihood. (See Attachment B, Attachment E)

34. Accompany and evaluate inspector's imminent danger run

Adequate Inadequate Not Applicable Comments Below

35. Check adequacy of work place examinations/pre-operational examinations

Adequate Inadequate Not Applicable Comments Below

The mine operator's evaluations for stable ground appeared to be in question, citation # was issued for inadequate examinations for loose ground where the operator had evaluated as good conditions. These conditions were proven unstable when tested with the appropriate equipment.

36. Evaluate inspector's observation of ground conditions

Adequate Inadequate Not Applicable Comments Below

Inspectors issued appropriate violations for conditions observed at both mines visited during this audit. (See attachment B, Citations)

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37. Evaluate conditions of working areas and observe work cycle
Adequate Inadequate Not Applicable Comments Below
 Pit highwalls were not maintainable with current mining techniques, or equipment at the mine. Conditions and practices appear to have not been addressed in past inspections.
Plant areas had material build up on equipment that appear to create falling material hazards where persons may work or travel on foot.
 The most recent round of blasting had resulted in unstable conditions at several highwalls. The current inspector correctly cited the violations.

39. Determine adequacy of training plan subjects. (interview miners)
Adequate Inadequate Not Applicable Comments Below
Interviews with miners indicated they are properly trained in training plan requirements and hazard recognition. Observations made during the audit indicate that miners are safety conscious and well trained.

45. Evaluate condition and maintenance on conveyor belts, structures, and guarding
Adequate Inadequate Not Applicable Comments Below
At both operations visited, there were areas on overhead belt conveyor structure where a build up of material could potentially present a falling material hazard. These conditions were cited and discussed with mine operators.
Reference - 30 CFR, 56.14110, (citation 56.11001, (Citation

46. Evaluate fire valves and hoses
Adequate Inadequate Not Applicable Comments Below

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49. Evaluate cleanup of accumulations/housekeeping

Adequate Inadequate Not Applicable Comments Below

See # 45 above

51. Examine mine bulletin board and evaluate adequacy of all required postings

Adequate Inadequate Not Applicable Comments Below

52. 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

The mine foreman and a lead miner interviewed demonstrated excellent knowledge in the companies emergency procedure plan.

54. Determine if districts are conducting sufficient, in-depth Peer Reviews

Adequate Inadequate Not Applicable Comments Below

Not reviewed during this audit

55. Determine if MSHA headquarters is conducting sufficient, in-depth Peer Reviews

Adequate Inadequate Not Applicable Comments Below

The last audit conducted by HQ in the NE district was in 2003. HQ audits were conducted in the SC and RM districts in 2009.

56. Determine if Peer Reviews identify root causes of deficiencies, corrective actions, set time lines for corrections, and identify a method for accurately measuring the success or failure of corrective actions.

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Adequate Inadequate Not Applicable Comments Below
Not reviewed during this audit

60. Evaluate training plan after discussion with miners

Adequate Inadequate Not Applicable Comments Below

Interviews with miners indicate the training is compliant and understood by the miners interviewed. The part 46 training plan was not reviewed during the audit due to time constraints.

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

Adequate Inadequate Not Applicable Comments Below

[REDACTED] A review of the most recent E01 inspection report indicated the mining process in the pit was not seen as an issue as field notes did not indicate highwall conditions, or safety benches being observed (even [REDACTED]). The next E01 (even [REDACTED]) did indicate separate levels of the pit being inspected and again no issues with mining practices, the highwalls, or benches being documented. (Refer back to Item #32)

The Inspection reports appear to provide documentation supporting complete inspections, however the highwall conditions observed by the audit team indicate a need to better evaluate ground conditions and highwall safety.

[REDACTED] A review of the two most recent E01 inspection reports indicated an inconsistent level of enforcement.

Inspection event [REDACTED] resulted in the issuance of 8 citations, all of which were well documented. The inspection report indicated a thorough inspection of the entire operation.

Inspection event [REDACTED] resulted in the issuance of only 1 citation. Although the single citation that was issued was well documented, the inspection report itself did not include sufficient documentation to indicate: 1) mining practices were observed in each of the 4 pits; 2) work practices were observed in either of the two plants operating onsite; and 3) the inspection results for haulage trucks and equipment.

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Reference - PH09-IV-1, Metal and Nonmetal General inspections Procedures Handbook

65. 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

Maintained by district and viewed weekly by supervisors.

66. Determine if mine files are legible, and up to date

Adequate Inadequate Not Applicable Comments Below

The files reviewed for adequate, not all files were reviewed due to time constraints.

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

Adequate Inadequate Not Applicable Comments Below

Interviews with miners indicate they are well trained prior to any changes being made. Did not review any training documents.

72. Evaluate the effectiveness of management's support of, and communication with, inspectors and specialists

Adequate Inadequate Not Applicable Comments Below

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73. 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

Notes from several staff meetings were reviewed. Notes indicate that current issues and policies are regularly discussed.

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

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

Documentation in previous inspection reports and the observed daily close-outs conducted by the inspectors indicate close-out procedures are being conducted per policy and procedures.

77. 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

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The drilling process was observed and citation was issued. The blast and loading process was not observed by the auditor.

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

Adequate Inadequate Not Applicable Comments Below

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 Mine Safety and Health Administration
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District North East District Field Office Staunton, Virginia 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. Operator [REDACTED]

(Contractor) [REDACTED] 8a. Written Notice (103g)

8. Condition or Practice
 A HAZARDOUS CONDITION WAS LOCATED ON THE SOUTH HIGH WALL ABOVE THE SUMP SHOT. TWO DRILLERS WERE WORKING UNDER THE HIGH WALL WITH LOOSE MATERIAL LOCATED ON THE WALL. THE DRILLERS WERE WORKING FROM A RANGE OF 30-12 FEET FROM THE BASE OF THE HIGH WALL. THE DRILL HOLES WOULD HAVE TO BE LOADED AND SHOT AFTER THE DRILLING WAS COMPLETED. FOREMAN BATES ENGAGED IN AGGRAVATED CONDUCT CONSTITUTING MORE THAN ORDINARY NEGLIGENT IN THAT HE EXAMINED THE HIGH WALL AND ALLOWED THE DRILLER TO WORK UNDER THE LOOSE MATERIAL WITHOUT TAKING THE MATERIAL DOWN. THIS VIOLATION IS A UNWARRANTABLE FAILURE TO COMPLY WITH A MANDATORY STANDARD. (PHOTO)

9. Violation A. Health Safety Other B. Section of Act C. Part/Section of Title 30 CFR 56.3200

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 104d1 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, 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.

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 Mine Safety and Health Administration
 Office of Accountability

District North East District Field Office Staunton, Virginia Mine ID Date

Mine Citation/Order

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



Section I—Violation Data

1. Date 	3. Citation/Order Number
5. Operator 	(Contractor)

8. Condition or Practice **8a. Written Notice (103g)**
 DRILL HOLES WERE PRESENT ON THE SUMP LEVEL WITHOUT BEING GUARDED OR COVERED. 13 DRILL HOLES WERE PRESENT WITHOUT ANY PROTECTION. 5 DRILL HOLES WERE PRESENT WITH A HAZARD EXTENDING OUTSIDE OF THE CASING. FAILURE TO GUARD OR COVER THE DRILL HOLES COULD LEAD TO A LOST WORKDAYS OR RESTRICTED DUTY ACCIDENT. (PHOTO)

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 56.7013
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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 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 (activity code) E01 **20. Event Number** **21. Primary or Mill** P **22. Signature** **23. AR Number**

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District North East District Field Office Staunton, Virginia Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

U.S. Department of Labor
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Section I--Violation Data

1. Date	Mo Da Yr	12 Time (24 Hr. Clock)		3. Citation/Order Number	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
(Contractor) <input type="checkbox"/>					

8a. Written Notice (103g)

SAFE ACCESS WAS NOT PROVIDED UNDER THE BELT CONVEYORS. MATERIAL HAD BUILT UP ON THE STRUCTURE UNDER BC18, BC12, BC6, AND BC17. EMPLOYEES ACCESS THE AREA UNDER THE BELT CONVEYORS DAILY. THE MATERIAL RANGED FROM 15-30 FEET ABOVE GROUND LEVEL. THE MATERIAL HAD ACCUMULATED TO THE POINT THAT IT COULD CAUSE FATAL INJURIES IF IT WERE TO FALL ONTO AN EMPLOYEE WALKING UNDER THE BELT CONVEYORS.

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
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Section II--Inspector's Evaluation

10. Gravity:					
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input checked="" 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 checked="" type="checkbox"/> No <input 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			E. Citation/Order Number		F. Dated Mo Da Yr
A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>					
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		B. Time (24 Hr. Clock)			
Mo Da Yr					
[REDACTED]		[REDACTED]			

Section IV--Automated System Data

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

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District North East District Field Office Staunton, Virginia Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

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



Section I--Violation Data		
1. Date	Mo Da Yr	2. Time (24 Hr. Clock)
4. Served To	5. Operator	
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

LOOSE AND UNCONSOLIDATED MATERIAL WAS ON THE EDGE OF THE HIGH WALLS ON THE BENCHES LOCATED, LEVEL BELOW JAW, JAW LEVEL, 1ST LEVEL SOUTHEAST END. THE MATERIAL WAS NOT STRIPPED BACK 10 FEET OR SLOPED TO AN ANGLE OF REPOSE TO PREVENT THE MATERIAL FROM FALLING ON THE ROADWAYS BELOW. THE AREAS UNDER THE MATERIAL HAD NOT BEEN BLOCKED TILL MATERIAL COULD BE CORRECTED. ACCESS WAS BEING MADE TO ALL AREAS UNDER THESE LOCATIONS. MANAGEMENT ENGAGED IN AGGRAVATED CONDUCT CONSTITUTING MORE THAN ORDINARY NEGLIGENCE IN THAT THE MATERIAL WAS PLACED ON THE EDGE OF THE HIGH WALLS AND EMPLOYEES WERE ALLOWED TO BE EXPOSED TO THE HAZARD AS THEY TRAVELED UNDERNEATH THE AREA. THIS VIOLATION IS A UNWARRANTABLE FAILURE TO COMPLY WITH A MANDATORY STANDARD. (PHOTO)

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
			56.3131

Section II--Inspector's Evaluation

10. Gravity:				
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input checked="" 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 checked="" type="checkbox"/> No <input 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 104d1		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 checked="" type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>		E. Citation/Order Number		F. Dated
15. Area or Equipment UNDER THE MATERIAL LOCATED ON THE LEVEL BELOW JAW BENCH, UNDER THE MATERIAL LOCATED ON THE JAW LEVEL BENCH, UNDER THE MATERIAL LOCATED ON THE 1ST LEVEL SOUTHEAST END BENCH.				
16. Termination Due		A. Date Mo Da Yr		
		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 (activity code)	E01	20. Event Number	21. Primary or Mill	23. AR Number
			P	

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 Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District North East District Field Office Staunton, Virginia 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]
4. Served To	[REDACTED]	5. Quantity	[REDACTED]

(Contractor)

B. CONDITION OF PRACTICE

8a. Written Notice (103g)

THE 5TH LEVEL BENCH LOCATED ON THE NORTH WALL HAD BEEN REMOVED. REMOVING THE BENCH RAISED THE HEIGHT OF THE WALL FROM 45 FEET TO 85 FEET ABOVE THE BENCH BELOW. THE COMPANY HAS NO EQUIPMENT ABLE OF SCALE THE 85 FOOT WALL. REMOVING THE BENCH DECREASED THE STABILITY OF THE WALL BY REMOVING THE TOE OF MATERIAL LOCATED ON THE WALL. REMOVING THE BENCH BLOCKED ACCESS TO THE BENCH BELOW TO CLEAN AND REMOVE LOOSE MATERIAL FROM THE TOP OF THE WALL UNDER THAT BENCH. REMOVING THE BENCH ALSO ALLOWED MATERIAL FROM THE HIGH WALL TO ACCESS THE HAUL ROAD IN ONE LOCATION. MANAGEMENT ENGAGED IN AGGRAVATED CONDUCT CONSTITUTING MORE THAN ORDINARY NEGLIGENCE IN THAT WHEN THE BENCH WAS REMOVED AND THE WALL WAS UNABLE TO BE SCALED, WORK COULD NO LONGER BE PREFORMED ON THE BENCH BELOW, AND EMPLOYEES WERE EXPOSED TO THE HAZARD OF MATERIAL ENTERING THE HAUL ROAD. THIS VIOLATION IS A

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 56.3130
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Section II—Inspector's Evaluation

10. Gravity:				
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input checked="" 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 checked="" type="checkbox"/> No <input 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 104d1		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 checked="" type="checkbox"/>		B. Order <input type="checkbox"/>		C. Safeguard <input type="checkbox"/>
D. Written Notice <input type="checkbox"/>		E. Citation/Order Number [REDACTED]		F. Dated [REDACTED]

15. Area or Equipment AREA UNDER WERE THE 5TH LEVEL BENCH ON THE NORTH WALL WAS REMOVED.

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 code)	E01	20. Event Number [REDACTED]	21. Primary or Mill P
22. Signature			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 Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District North East District Field Office Staunton, Virginia 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 <input type="checkbox"/> 1a. Continuation <input checked="" type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr [REDACTED]	3. Citation/Order Number [REDACTED]
4. [REDACTED]	5. Operator [REDACTED]	(Contractor) _____

Continuation of 8. Condition or Practice

UNWARRANTABLE FAILURE TO COMPLY WITH A MANDATORY STANDARD. (PHOTO)

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. Signature [REDACTED]	12. Date Mo Da Yr [REDACTED] 13. Time (24 Hr. Clock) _____

MSHA Form 7000-3a, Mar 85 (revised)

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

District North East District Field Office Staunton, Virginia Mine ID [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"/>	
8a. Written Notice (103g) <input type="checkbox"/>	

INADEQUATE EXAMINATIONS OF GROUND CONDITIONS WERE BEING PERFORMED IN THE PIT. LOOSE GROUND WAS FOUND IN DIFFERENT LOCATION OF THE PIT WITH EMPLOYEES WORKING AND TRAVELING UNDERNEATH. GROUND CONDITIONS ARE NOT TESTED, THE COMPANY HAS NO POLICY FOR TESTING GROUND. THE FOREMAN CONDUCTING THE EXAMINATIONS ON THE DAY OF INSPECTION WAS UNABLE TO EXPLAIN THE CRITERIA HE USES TO DETERMINE IF GROUND MAY BE LOOSE. A EXCAVATOR WAS OBSERVED TAKING DOWN A LARGE AMOUNT OF LOOSE GROUND FROM A HIGH WALL LOCATED ABOVE WERE TWO DRILLERS HAD BEEN WORKING. MANAGEMENT ENGAGED IN AGGRAVATED CONDUCT CONSTITUTING MORE THAN ORDINARY NEGLIGENCE IN THAT EMPLOYEES WERE ALLOWED TO WORK AND TRAVEL UNDER LOOSE GROUND THAT HAD BEEN EXAMINED FOR THIS HAZARD. THIS VIOLATION IS A UNWARRANTABLE FAILURE TO COMPLY WITH A MANDATORY STANDARD. (PHOTOS)

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 56.3401
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Section II—Inspector's Evaluation					
10. Gravity:					
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input checked="" 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 checked="" type="checkbox"/> No <input 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 104d1			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 checked="" type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>				E. Citation/Order Number [REDACTED]	
F. Dated [REDACTED]					

15. Area or Equipment AREA UNDER LEVEL BELOW JAW BENCH, JAW LEVEL BENCH, 1ST LEVEL SOUTHEAST BENCH, AND AREA UNDER WERE 5TH LEVEL BENCH ON NORTH WALL HAD BEEN REMOVED.

18. Termination Due	A. Date [REDACTED]	B. Time (24 Hr. Clock) [REDACTED]
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Section III—Termination Action

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

Section IV—Automated System Data		
19. Type of Inspection (activity code) E01	20. Event Number [REDACTED]	21. Primary or MIB 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 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.

Unites Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District North East District Field Office Staunton, Virginia Mine ID [REDACTED] Date (M) [REDACTED]

Mine Citation/Order

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



Section I - Violation Data	
1. Date Mo Da Yr [REDACTED] 2. Time (24 Hr. Clock) [REDACTED]	3. Citation/Order Number [REDACTED]
4. Location of Violation [REDACTED]	
5. Condition or Practice [REDACTED]	
6a. Written Notice (103g) <input type="checkbox"/>	

HAND RAIL WERE NOT PROVIDED TO THE ELEVATED WALKWAY LOCATED UNDER THE PRIMARY CRUSHER. MATERIAL HAD BEEN REMOVE EXPOSING THE EMPLOYEES TO A DROP OF 20 INCHES FROM THE ELEVATED WALKWAY. FAILURE TO PROVIDE THE REQUIRED HAND RAILS COULD LEAD TO A LOST WORKDAYS OR RESTRICTED DUTY ACCIDENT. (PHOTO)

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 56.11002
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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 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
15. Area or Equipment			

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

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

Section IV - Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number [REDACTED]	21. Primary or Mill M	23. AR Number [REDACTED]
22. Signature [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 AC 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 Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District North East District Field Office Staunton, Virginia Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

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



Section I--Violation Data

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

8. Condition or Practice

8a. Written Notice (103g)

SAFE ACCESS WAS NOT PROVIDE TO THE GREASE FITTINGS OF THE TAKE-UP ROLLER OF BC 1. THE GREASE FITTINGS WERE LOCATED INSIDE THE GUARD AROUND THE COUNTER WEIGHT. THE GUARD WAS SECURED TO THE FRAME OF THE COUNTER WEIGHT MAKING THE GUARD PART OF THE SUSPENDED LOAD. EMPLOYEES WOULD HAVE TO PLACE THEIR ARMS UNDER THE GUARD TO ACCESS THE FITTINGS. FAILURE TO PROVIDE SAFE ACCESS COULD LEAD TO A LOST WORKDAYS OR RESTRICTED DUTY ACCIDENT. (PHOTO)

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
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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 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 Mo Da 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 M	23. AR Number [REDACTED]
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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 Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District North East District Field Office Staunton, Virginia 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 checked="" type="checkbox"/> <input type="checkbox"/>	2. Dated (Original Issue)	Mo	Da	Yr	13. Citation/Order Number
4. Served To					(Contractor)

AREA WAS DANGERED OFF TO ALLOW TIME TO OBTAIN MATERIALS AND MAKE REPAIRS.

See Continuation Form

Section III—Subsequent Action Taken

8. Extended To	A. Date	Mo	Da	Yr	B. Time (24 Hr. Clock)	1700	<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. Signature	[REDACTED]	12. Date	Mo	Da	Yr	13. Time (24 Hr. Clock)
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MSHA Form 7000-3a, Mar 85 (revised)

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

District **North East District**

Field Office **Staunton, Virginia**

Mine ID (b)(6) [Redacted] Date (b)(6) [Redacted]

Mine Citation/Order

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

Section I - Violation		(b)(6)
1. Date	(b)(6)	3. Citation/Order Number
2. [Redacted]	[Redacted]	[Redacted]
4. [Redacted]	[Redacted]	[Redacted]
5. [Redacted]	[Redacted]	[Redacted]
6. [Redacted]	[Redacted]	[Redacted]
7. [Redacted]	[Redacted]	[Redacted]
8. Condition or Practice		(Contractor) <input type="checkbox"/>

A competent person designated by the operator shall examine each working place at least once each shift for conditions which may adversely affect safety and health. The operator shall promptly initiate appropriate action to correct such conditions. An adequate examination of the working places was not being conducted. Numerous safety hazards were observed during this inspection and the operator had failed to identify the hazards or take appropriate action to correct the conditions. Failure to conduct thorough and complete examinations of the work places could lead to a serious accident.

See Continuation Form (MSHA Form 7000-3a) <input type="checkbox"/>			
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
			56.18002a

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: 010

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] me (24 Hr. Clock) [Redacted]

Section III - Termination Action

17. Action to Terminate The hazards observed were addressed with the operator and the requirements for work place examinations were reviewed.

18. Terminated

A. Date [Redacted] Mo Da Yr

B. Time (24 Hr. Clock) [Redacted]

Section IV - Automated System

19. Type of Inspection (activity code) E01

20. Event Number [Redacted]

21. Primary or Mill P

22. Signature [Redacted]

23. AR Number (b)(6) [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 Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District North East District Field Office Staunton, Virginia Mine ID (b)(6) Date (b)(6)

Mine Citation/Order

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



Section I - Violation Data

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

8. Condition or Practice

8a. Written Notice (103g)

Mining methods shall be used that will maintain wall stability in places where people work or travel in performing their assigned tasks. The 55 feet highwall located on Level 1 in the southeast corner of the pit revealed mud seams, fractures, loose rock, and sloughing for a distance of 40 feet. A fall of material existed. There was a Caterpillar D8 bulldozer operating in the immediate area. (photo taken)

See Continuation Form (MSHA Form 7000-3a)

9. Violation A. Health Safety Other B. Section of Act C. Part/Section of Title 30 CFR 56.3130

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)(6) Time (24 Hr. Clock) (b)(6)

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 (b)(6) 21. Primary or Mail P

22. Signature (b)(6) 23. AR Number (b)(6)

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 Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District North East District Field Office Staunton, Virginia Mine ID (b)(7)(C) Date (b)(7)(C)

Mine Citation/Order

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

Section I - Violation Data

1. Date (b)(7)(C) 3. Citation/Order Number (b)(7)(C)

8. Condition of Practice (Contractor) or Written Notice (103g)

Mining methods shall be used that will maintain wall stability in places where people work or travel in performing their assigned tasks. The left corner of the working face at the 65 feet highwall on Level 4 at the east end of the pit revealed numerous fractures and loose rock for a distance of 30 feet. The operator had installed a berm away from the highwall to afford protection for personnel working in the area. A fall of material existed. Loading operations were on-going adjacent to this area. (photo taken)

9. Violation A. Health Safety Other B. Section of Act C. Part/Section of Title 30 CFR 56.3130

See Continuation Form (MSHA Form 7000-3a)

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)(7)(C) Yr (b)(7)(C) B. Time (24 Hr. Clock) (b)(7)(C)

Section III - Termination Action

17. Action to Terminate The affected area was blasted down. (photo taken)

18. Terminated A. Date (b)(7)(C) 3. Time (24 Hr. Clock) (b)(7)(C)

Section IV - Automated System Data

19. Type of Inspection (activity code) E01 20. Event Number (b)(7)(C) 21. Primary or Mill P
 22. Signature (b)(7)(C) 23. AR Number (b)(7)(C)

MSHA Form 7000-3, April 1998. 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 2126, Washington, DC 20419. 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.

Unites Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District North East District

Field Office Staunton, Virginia

Mine ID (b)(6)

Mine Citation/Order

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



Section I - Violation Data	
1. Date (b)(6)	2. Time (24 Hr. Clock) (b)(6)
3. Citation/Order Number (b)(6)	4. Operator (b)(6)
5. (Contractor) <input type="checkbox"/>	6. Written Notice (103g) <input type="checkbox"/>

Mining methods shall be used that will maintain wall stability in places where people work or travel in performing their assigned tasks. The 45 feet highwall located on Level 2 at the east end of the pit revealed loose rock and substantial cracks with separation from the main wall for a distance of 50 feet. Loading operations were on-going at the entrance to Level 2 and about 100 feet to the left of the affected area. A fall of material existed. (photo taken)

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 56.3130
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Section II - Inspector's Evaluation

10. Gravity:			
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input checked="" 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 checked="" type="checkbox"/> No <input 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
15. Area or Equipment			

16. Termination Due	A. Date (b)(6)	B. Time (24 Hr. Clock) (b)(6)
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Section III - Termination Action

17. Action to Terminate	
18. Terminated	A. Date (b)(6) B. Time (24 Hr. Clock) (b)(6)

Section IV - Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number (b)(6)	21. Primary or Mill P	23. AR Number (b)(6)
22. Signature (b)(6)			

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 20516. 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.

Unites Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District North East District Field Office Staunton, Virginia Mine ID (b)(6) Date (b)(6)

Mine Citation/Order

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



Section I - Violation Data

1. Date (b)(6)	2. Time (24 Hr. Clock) (b)(6)	3. Citation/Order Number (b)(6)
4. Operator (b)(6)		5. (Contractor) (b)(6)

8. Condition or Practice Ed. Violation Notice (103g)

Mining methods shall be used that will maintain wall stability in places where people work or travel in performing their assigned tasks. The 45 feet north highwall located on Level 3 revealed fractures and loose rock for a distance of 300 feet. The loose rock was located directly above slicken-sided rock that angled toward the haulage road. This wall is inactive, but the bench is used for hauling material from the east end of the pit to the plant. A fall of material existed. (photo taken)

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 56.3130
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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 <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)(6)
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Section III - Termination Action

17. Action to Terminate

18. Terminated

A. Date	Mo Da Yr	B. Time (24 Hr. Clock)
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Section IV - Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number	21. Primary or Mill P	23. AR Number (b)(6)
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22. Signature (b)(6)

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, 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 Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District North East District Field Office Staunton, Virginia Mine ID (b)(6)

Mine Citation/Order

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



Section I - Violation Data			
1. Date	Mo Da Yr	2. Time (24 Hr. Clock)	3. Citation/Order Number
(b)(6)	(b)(6)	(b)(6)	(b)(6)

8. Condition or Practice

(Contractor)
 Written Notice (103g)

The Caterpillar 988B front-end loading machine serial no. 50W2627 being used to load haul trucks on Level 2 in the pit was not properly maintained. The brake lights failed to function properly when tested. This machine is used in a low to moderate traffic area. A rear-end collision hazard existed. (photo taken)

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
			56.14100b

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 checked="" type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>				
12. Type of Action <input type="checkbox"/> 04a		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)
	(b)(6)	(b)(6)

Section III - Termination Action

17. Action to Terminate		
18. Terminated		
A. Date	Mo Da Yr	B. Time (24 Hr. Clock)
	(b)(6)	(b)(6)

Section IV - Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	23. AR Number
E01	(b)(6)	P	(b)(6)
22. Signature			
(b)(6)			

MSHA Form 7000-3, Apr 89 (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 Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District **North East District**

Field Office **Staunton, Virginia**

Mine ID (b)(6)

Line Citation/Order

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



Section I	(b)(6)	3. Citation/Order Number	(b)(6)
1. Date	(b)(6)	4. Operator	(b)(6)
		(Contractor)	

5. Condition or Practice

Penalty Notice (103g)

The manually-operated horn provided for the Caterpillar 769C haul truck serial no. 01X1412 in service on Level 2 of the pit failed to function properly when tested. The truck is used to haul material from the pit to the plant. A hazard of being struck by the equipment existed. The horn is used to alert personnel in the immediate area prior to moving the truck and when visibility is extremely limited. (photo taken)

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health Safety Other	B. Section of Act	C. Part/Section of Title 30 CFR	56.14132a
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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

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 (b)(6) 21. Primary or Mill P (b)(6)

22. Signature (b)(6) 23. AR Number (b)(6)

MSHA Form 7000-3, Apr 08 (revised) 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 Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District North East District

Field Office Staunton, Virginia

Mine ID (b)(6)

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]
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8. Condition or Practice

8a. Written Notice (103g)

The John Deere 400D articulating haul truck no. BE400DT200959 in service hauling strip material from the new pit was not properly maintained. The brake lights failed to function properly when tested. The truck is used in low to moderate traffic. A hazard of a rear-end collision existed. The driver stated that the brake lights were working during his pre-operational examination. (photo taken)

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	56.14100b
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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 <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	[REDACTED]	Time (24 Hr. Clock)	[REDACTED]
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Section III - Termination Action

17. Action to Terminate

18. Terminated

A. Date	Mo Da Yr	B. Time (24 Hr. Clock)
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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 Department of Labor
 Mine Safety and Health Administration
 Office of Accountability (b)(6)

District **North East District**

Field Office **Staunton, Virginia**

Mine ID **[REDACTED]**

Mine Citation/Order

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



Section I - Violation Data

1. Date (b)(6)	2. Operator (b)(6)	3. Citation/Order Number (b)(6)
		(Contractor)

8. Condition of Tag

See Written Notice (103g)

The last date entered on the tag attached to the fire extinguisher located in the primary control room of the aggregate plant was January, 2009. The date is to be entered at the completion of the monthly visual examination to determine that the fire extinguisher is fully charged and operable. The fire extinguisher was found to be fully charged and operable. The fire extinguisher would be used in the event of a fire. The control operator stated that the spaces on the card for the dates had been used up and the card had not been replaced. (photo taken)

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 56.4201b
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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 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 [REDACTED]

Section III - Termination Action

17. Action to Terminate A new fire extinguisher with attached tag showing the last monthly inspection being 10-21-2009 was provided for the primary control room. (photo taken)	
18. Terminated A. Date [REDACTED]	B. Time (24 Hr. Clock) [REDACTED]

Section IV - Automated System

19. Type of Inspection (activity code) E01	20. Event Number [REDACTED]	21. Primary or Mill M	23. AR Number (b)(6)
22. Signature [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, 400 3rd Street SW, MC 2420, 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 Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District North East District

Field Office Staunton, Virginia

Mine ID (b)(6)

Mine Citation/Order

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

Section I - Violation Data

1. Date	Mo Da Yr	2. Time (24 Hr. Clock)	3. Citation/Order Number
(b)(6)			

8. Condition or Practice

An accumulation of fines that had become a solid mass were observed at various locations on the belt structure underneath conveyors 2, 4, 6, 7, and above the travelway at the twin Hewitt Robins Screens at the aggregate plant. The material was located about 20 feet above ground level where travelways were present. A fall of material hazard existed. A visual observation of the material did not reveal that the material was loose or dislodged. (photo taken)

(Contractor)
 1. Written Notice (103g)

See Continuation Form (MSHA Form 7000-3a)

9. Violation:	A. Health <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR	56.14110
	Safety <input type="checkbox"/>			
	Other <input type="checkbox"/>			

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 104g 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	Mo Da Yr	1. Time (24 Hr. Clock)
(b)(6)	(b)(6)	(b)(6)

Section III - Termination Action

17. Action to Terminate The material was removed. (photo taken)

18. Terminated

A. Date	Mo Da Yr	B. Time (24 Hr. Clock)
(b)(6)	(b)(6)	(b)(6)

Section IV - Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary of Mill	23. AR Number
701	(b)(6)	M	(b)(6)

22. Signature (b)(6)

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, 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 Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District North East District Field Office Staunton, Virginia Mine ID (b)(6)

Mine Citation/Order

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



Section I--Violation Data

1. Date	(b)(6)	3. Citation/Order Number	(b)(6)
4. Reported To	(b)(6)		

(b)(6)

(Contractor)

5. Condition of Violation or, Written Notice (103g)

A guard was not provided for the tail pulley of the Mud Belt located at the High Calcium Plant. Material had accumulated beneath the horizontal belt placing the exposed tail pulley within 78 inches of ground level. A hazard of contacting exposed moving machine parts existed. Routine maintenance is usually performed on Fridays when the plant is idle. (photo taken)

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 56.14107a
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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 Mo Da Yr 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 (activity code) E01 20. Event Number 21. Primary or MBI M 22. Signature 23. AR Number (b)(6)

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 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 Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District North East District

Field Office Staunton, Virginia

Mine ID (b)(6)

Mine Citation/Order

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



Section I - Violation Data		3. Citation/Order Number
1. Date		(b)(6)
2. Mine Name		
		(Contractor)

8. Condition or Practice

8a. Written Notice (103g)

A toeboard was not provided for one section of the perimeter of the decking around the Metso Screen at the High Calcium Plant. The open area was 79 inches in length. A fall of material existed. The decking contained some loose crushed stone that could fall to the ground level which was 25 feet below. Personnel travel below this structure. (photo taken)

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	56.11002
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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 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
15. Area or Equipment				

16. Termination Due	A. Mo Da Yr	B. Time (24 Hr. Clock)
	(b)(6)	(b)(6)

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	(b)(6)	21. Primary or Mill	M	(b)(6)
22. Signature	(b)(6)	23. AR Number	(b)(6)			

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, 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 Department of Labor
 Mine Safety and Health Administration
 Office of Accountability

District North East District

Field Office Staunton, Virginia

Mine ID (b)(6) [REDACTED]

Mine Citation/Order

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



1. Location - Violation	(b)(6)	2. Date	(b)(6)
3. Citation/Order Number		(b)(6)	
(Contractor)			

8. Condition of Practice

8a. Written Notice (103g)

Self-propelled mobile equipment to be used during a shift shall be inspected by the equipment operator before being placed in operation on that shift. A thorough and complete inspection of the self-propelled mobile equipment in service was not being properly conducted. Obvious conditions found on the equipment during this inspection revealed that inspections were not being done in their entirety and the defects were not being reported as required. Failure to conduct thorough inspections of the equipment could lead to an accident.

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
			56.14100a

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: 003

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

15. Area or Equipment

16. Termination Due

A. Date Mo Da Yr	B. Time (24 Hr. Clock)
(b)(6)	[REDACTED]

Section III - Termination Action

17. Action to Terminate Required inspections for mobile equipment were reviewed with mine management and management discussed the requirements with the crew.

18. Terminated

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

Section IV - Automated System Issues

19. Type of Inspection (activity code)	E01	20. Event Number	21. Primary or Mill	23. AR Number
		[REDACTED]	P	(b)(6)
22. Signature (b)(6)				

MSHA Form 7000-3, Apr 08 (revised) / In accordance with 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 reviews 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 1-800-REG-FAIR (1-800-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW, 2nd Floor, Washington, DC 20448. 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.

Unites Department of Labor
Mine Safety and Health Administration
Office of Accountability ([REDACTED]

District

North East
District

Field
Office

Staunton,
Virginia

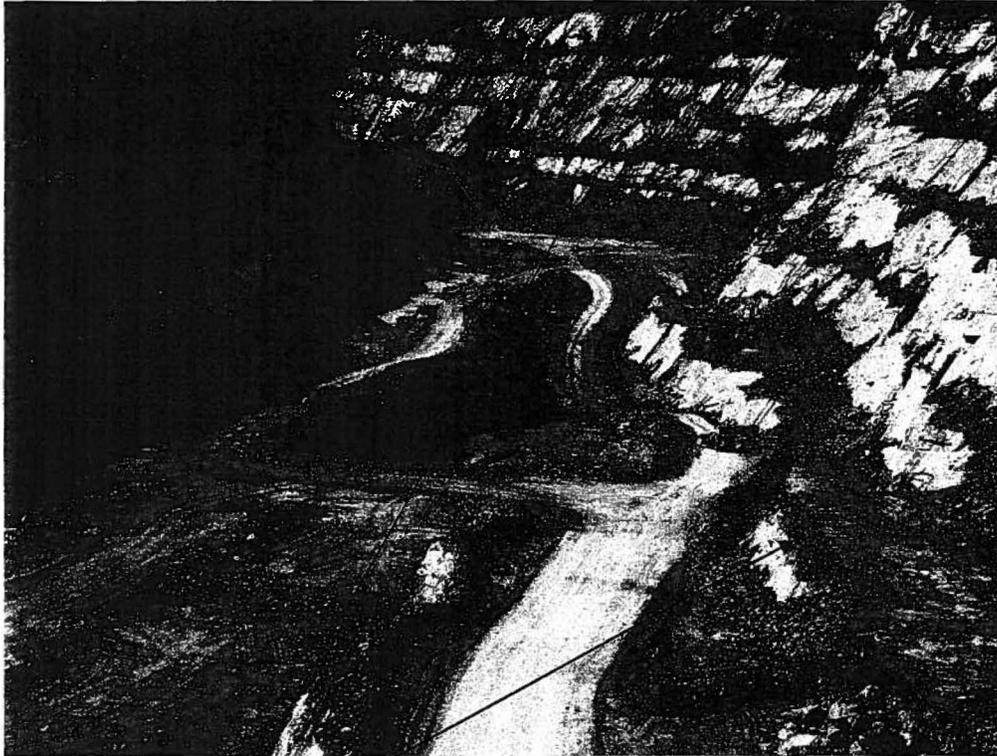
Mine ID

[REDACTED]

Date

([REDACTED]

Boxley Materials Photo No.1



Bench shot out from A-B. Area below the "B" arrow is drilled for next blast. No benches are provided along this wall to the top of the pit to prevent falling materials. No access to maintain the highwall is in place to remove possible loose unconsolidated materials. (Citation [REDACTED])

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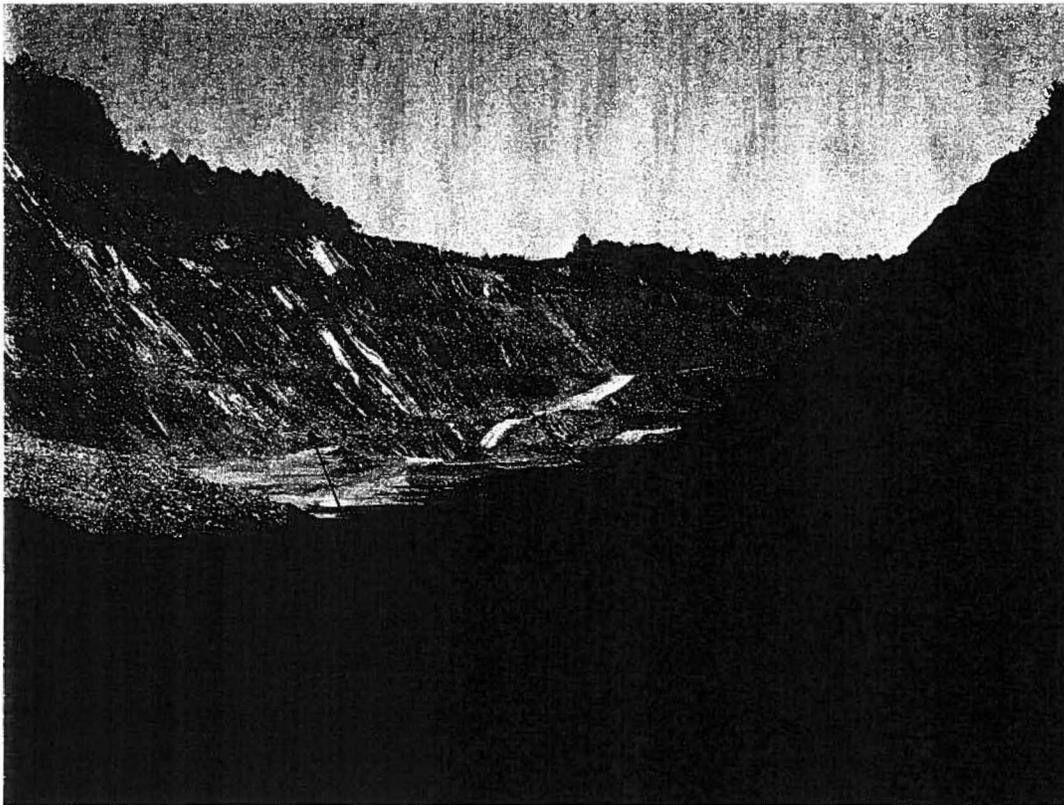
Field Office

Staunton, Virginia

Mine ID [REDACTED]

Date [REDACTED]

Boxley Materials Photo No. 2



Area of bench that was removed in the mining process, area on left is remaining muck pile from last blast. (Note area is cleaned to the toe of the wall)
View from opposite end of pit showing highwall area and the mining design as well as the bench area that was removed in the mining process.

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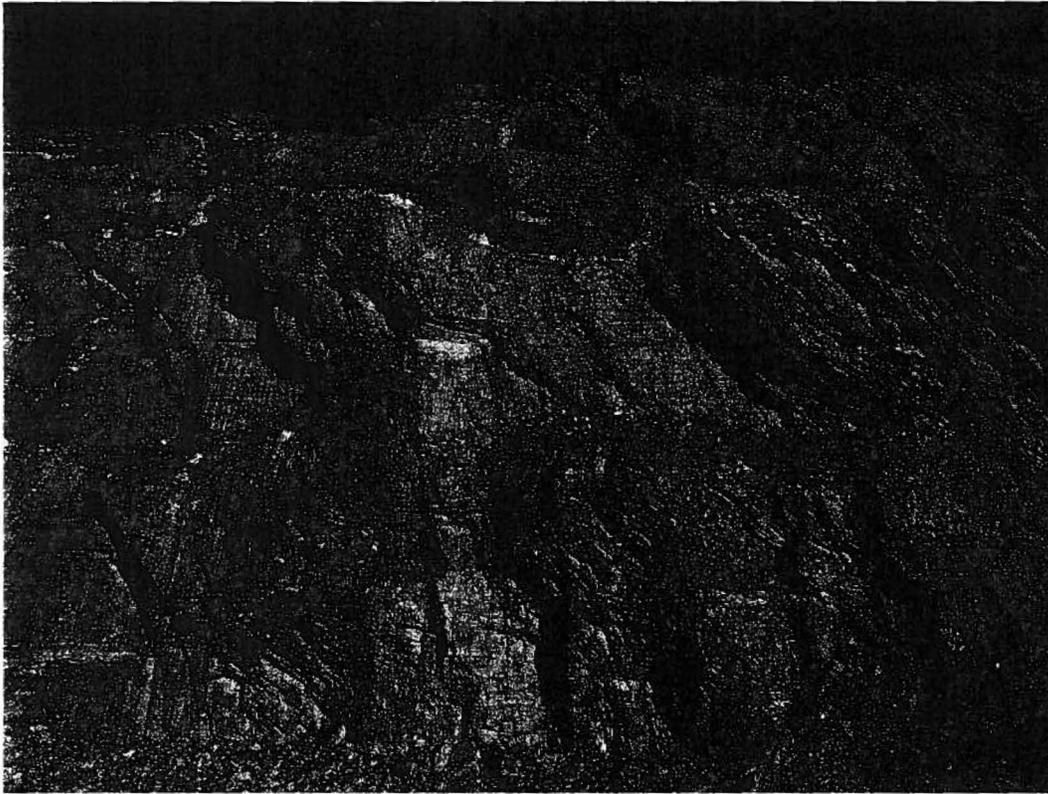
Mine ID

(b) (5) (C)

Date

(b) (5) (C)

Boxley Materials Photo No. 3



Highwall conditions cannot be tested to determine stability, as no equipment at the mine can reach from top down to these areas to verify stability or consolidation.

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Mine ID [REDACTED]

Date [REDACTED]

(Shaded areas indicate discrepancies between narrative and evaluation)

Boxley Materials

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	# Affected	Neg
[REDACTED]	[REDACTED]	[REDACTED]	104(a)	56.14100(b)	[REDACTED]	[REDACTED]	FTL	1	Mod

The anti-two block failed to work when it was activated. Failure of this component while lifting big and heavy items and the cable pulls through the sheave, could result in fatal injuries. This service truck vin. 1HTSCAAMXVH465470 was parked at idle on the upper level where work was being performed on the two snub rollers for the main belt out of the pit.

Cond/practice does not appear to support likelihood

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	# Affected	Neg
[REDACTED]	[REDACTED]	[REDACTED]	104(a)	56.14101(a)	[REDACTED]	[REDACTED]	[REDACTED]	1	Mod.

The parking brake on the GMC "Top Kick" Service Truck # ST-3 (VIN 1GDE6H1J4RJ518075), located at the secondary plant, was not being maintained in a functional condition. When tested, the brake would not hold the vehicle on a moderate slope. The parking brake shall be capable of holding the equipment with it's typical load on the maximum grade it travels. (photographed)

Gravity of event does not appear to match the gravity of the results.

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	# Affected	Neg
[REDACTED]	[REDACTED]	[REDACTED]	104(a)	56.20003(a)	[REDACTED]	[REDACTED]	LD	1	Mod.

Spilled material had accumulated on the platform next to the conveyor belt BC-32 head pulley, located at the sand plant. The spillage measured 8 feet long, 24 inches wide, 1 to 9 inches deep. Footprints were visible in the material. Employees working in this area are exposed to a slip, trip, fall hazard. Workplaces, passageways, storerooms and service rooms shall be kept clean and orderly. (photographed)

Cond/practice appear to support greater likelihood and potentially S&S.

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	# Affected	Neg
[REDACTED]	[REDACTED]	[REDACTED]	104(a)	56.20003(a)	[REDACTED]	[REDACTED]	LD	1	Mod.

Spilled material had accumulated on the conveyor belt BC-8 walkway near the head pulley. The spillage measured 9 feet long, 24 inches wide, 3 to 9 inches deep. Employees working in this area are exposed to a slip, trip, fall hazard. Workplaces, passageways, storerooms and service rooms shall be kept clean and orderly. (photographed)

Cond/practice appear to support greater likelihood and potentially S&S.

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Mine ID [REDACTED]

Date (M/Y/O) [REDACTED]

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	# Affected	Neg
[REDACTED]	[REDACTED]	[REDACTED]	104(a)	56.20003(a)	[REDACTED]	[REDACTED]	LD	1	Mod.

Spilled material had accumulated on six (6) steps next to vibrating screen VS-10, located in the sand plant. Each step was 22 inches long, 35 inches wide. Accumulation measured 3 inched deep as it heaped in the middle of each step. Employees working in this area are exposed to a slip, trip, fall hazard. Workplaces, passageways, storerooms and service rooms shall be kept clean and orderly. (photographed)

Cond/practice appear to support greater likelihood and potentially S&S.

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	# Affected	Neg
[REDACTED]									

(Shaded areas indicate discrepancies between narrative and evaluation)

Mercer

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	# Affected	Neg
[REDACTED]	[REDACTED]	[REDACTED]	104A	56.12004	[REDACTED]	[REDACTED]	FTL	1	Mod.

THE CONDUIT PROTECTING THE CONDUCTORS SUPPLYING 440 VOLTS TO #1 SCREEN LOCATED IN THE PRIMARY PLANT HAD BROKEN EXPOSING THE ENTER CONDUCTORS TO MECHANICAL DAMAGE. VIBRATION HAD BROKEN THE CONDUIT BUT THE INTER JACKET ON THE CONDUCTORS WAS NOT DAMAGED. FAILURE TO PROTECT THE ENTER CONDUCTORS FROM MECHANICAL DAMAGE COULD LEAD TO A FATAL ACCIDENT. (PHOTO)

See Darby report.

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	# Affected	Neg
[REDACTED]	[REDACTED]	[REDACTED]	104a	56.20003(a)	[REDACTED]	[REDACTED]	[REDACTED]	1	Mod.

THE WALKWAY AROUND THE JAW CRUSHER LOCATED AT THE PRIMARY PLANT WAS NOT BEING KEPT CLEAN AND ORDERLY. MATERIAL HAD BUILT UP TO APPROX. 18 INCHES HIGH AND TOTALLY COVERED THE TOE BOARDS. THIS AREA IS ACCESSED TO TIGHTEN THE WEDGE BOLTS OF THE JAW CRUSHER. FAILURE TO KEEP THE WALKWAY IN A CLEAN AND ORDERLY CONDITION COULD LEAD TO A PERMANENTLY DISABLING ACCIDENT. (PHOTO)

Likelihood and the injury type appear questionable.

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Mine ID (b) [REDACTED]

Date (b)(7)(C) [REDACTED]

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	# Affected	Neg
(b)(7)(C) [REDACTED]	[REDACTED]	[REDACTED]	104a	56.14101(a)(3)	[REDACTED]	[REDACTED]	[REDACTED]	1	Mod.

THE AIR BRAKE SYSTEM ON THE PETERBUILT WATER TRUCK (SN-1XPAL59X9JN292503) LOCATED IN THE PIT WAS NOT BEING MAINTAINED. WHEN TESTED THE BRAKING SYSTEM LOST 30 PSI OF AIR PRESSURE IN ONE MINUTE. THE WATER TRUCK IS USED AROUND THE ENTIRE MINE SITE TO WATER ROADWAYS. FAILURE TO MAINTAIN TO BRAKING SYSTEM COULD LEAD TO A PERMANENTLY DISABLING ACCIDENT.

The cond/prac appears to describe potential fatal and increased likelihood.

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	# Affected	Neg
(b)(7)(C) [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	56.14100(b)	[REDACTED]	[REDACTED]	[REDACTED]	2	High

A 1.5 TON COME-A-LONG WAS BEING USED AT THE NEW PLANT SITE WITH THE HOOKS ON BOTH ENDS BENT, AND BOTH SAFETY LATCHES MISSING. THE COME-A-LONG WAS HOLDING FRAME STRUCTURE IN PLACE THAT WILL SUPPORT THE BELT STRUCTURE. THE HOOKS WERE BENT TO THE TO THE POINT THAT THE LOOPS OF THE LIFTING STRAPS THAT HOOKS WERE HOLDING WERE NO LONGER PULLING IN THE THROAT OF THE HOOKS. THE STRAPS WERE BEING HELD BETWEEN THE THROAT AND THE TIP OF THE HOOKS. THE CONSTRUCTION FOREMAN WAS ONE OF THE MEN SECURING THE STRUCTURE TOGETHER FROM A MAN LIFT. THE COME-A-LONG HAD TO HOLD THE STRUCTURE IN PLACE TILL IT COULD BE BOLTED TO ANOTHER PIECE OF STRUCTURE THAT WAS BEING INSTALLED. FOREMAN TAYLOR ENGAGED IN AGGRAVATED CONDUCT CONSTITUTING MORE THAN ORDINARY NEGLIGENCE IN THAT HE ALLOWED THE COME-A-LONG WITH THE DEFECTIVE HOOKS TO BE USED, AND ALLOWED EMPLOYEES TO WORK IN THE AREA. THIS VIOLATION IS AN UNWARRANTABLE FAILURE TO COMPLY WITH A MANDATORY STANDARD.

Not sure if this was a 104 d. Cond/prac states it is an unwarrantable

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	# Affected	Neg
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	56.14100(b)	Y	RL	FTL	2	High

THE EMERGENCY STOP AND THE LEVEL ALARM ON THE GROVE MZ266B MANLIFT(SN-214520023) WERE DEFECTIVE. THEN TESTED THE EMERGENCY STOP BUTTON FAILED TO SHUT THE MAN LIFT OFF. THEN TESTED THE LEVEL ALARM FAILED TO GIVE A WARNING. THE CONSTRUCTION FOREMAN WAS OPERATING THE MAN LIFT AT TIME OF INSPECTION. THE MAN LIFT IS USED ON UNLEVELED GROUND, AND NEAR SUSPENDED LOADS AT THE NEW PLANT SITE WHERE CONSTRUCTION IS BEING PERFORMED. FOREMAN TAYLOR ENGAGED IN AGGRAVATED CONDUCT CONSTITUTING MORE THAN ORDINARY NEGLIGENCE IN THAT HE OPERATED THE MAN LIFT WITH THE DEFECTS AND EXPOSED HIMSELF AND OTHER EMPLOYEES TO THE HAZARDS. THIS VIOLATION IS AN UNWARRANTABLE FAILURE TO COMPLY WITH A MANDATORY STANDARD.

This citation was initially issued as a 104(d) citation. It was subsequently modified to a 104(a). The subsequent action justification was "Management was not aware the man-lift was provided with a level alarm and it is unknown how long the emergency stop device was not functional." **This is not proper justification for modification.** In addition were there citations issued for pre-

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Mine ID [REDACTED]

Date [REDACTED]

operational exam, task training, and was this a imminent danger?

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	# Affected	Neg
[REDACTED]	56.14100(b)	[REDACTED]	[REDACTED]	FTL	2	High			

A 3 TON COME-A-LONG WAS BEING USED AT THE NEW PLANT SITE WITH BOTH HOOKS BENT, AND THE KEEPER PIN DEFECTIVE ON THE CHAIN/HOOK END. THE COME-A-LONG WAS BEING USED TO HOLD TWO PIECES OF FRAME STRUCTURE IN PLACE SO BOLTS COULD BE CONNECTED. THE HOOKS WERE BENT MAKING THE SAFETY LATCHES USELESS, AND THE KEEPER PIN WAS AT THE POINT THAT THE CHAIN AND HOOK SEPARATED WHEN THE PIN FELL OUT. THE KEEPER PIN IS TO HAVE A NUT ON THE THREADED SIDE TO KEEP THE PIN FROM FALLING OUT. THE NUT WAS MISSING FROM THE PIN AND IF TURNED WITH THE NUT SIDE UP THE PIN WOULD SLIDE THROUGH THE CHAIN. TWO MEN WERE WORKING FROM A MAN LIFT TO SECURE THE BOLTS IN THE STRUCTURE. ONE OF THE MEN WORKING FROM THE MAN LIFT WAS THE CONSTRUCTION FOREMAN. FOREMAN TAYLOR ENGAGED IN AGGRAVATED CONDUCT CONSTITUTING MORE THAN ORDINARY NEGLIGENCE IN THAT HE ALLOWED THE DEFECTIVE COME-A-LONG TO BE USED, AND ALLOWED EMPLOYEES TO WORK IN THE AREA. THIS VIOLATION IS AN UNWARRANTABLE FAILURE TO COMPLY WITH A MANDATORY STANDARD.

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	# Affected	Neg
[REDACTED]	FTL	1	Mod.						

A barricade or warning sign was not provided at the south end of the new high calcium plant stock pile yard . At the end of the yard there was a drop off of approximately thirty feet that was not obvious to the haul trucks that load in the yard . The large rock barricade that was being used was removed when the yard was being expanded the day before . This creates the hazard of an injury to a driver should he accidentally go over the drop off . The drop off is approximately thirty feet from the graveled part of the yard making it unlikely for a truck to leave the gravel and go into this area . This statement should not be included in the condition or practice. **Questions: who removed the rock barricade, who did the work place exams, who ordered the barricade removed, what was recorded in the exam book if anything???**

Condition/practice appear to need more detail to support the standard cited/ Likelihood appears questionable/standard may be incorrect.

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	# Affected	Neg
[REDACTED]	[REDACTED]	[REDACTED]	104a	56.14109(b)(2)	[REDACTED]	[REDACTED]	LD	1	Mod.

The railings provided for the no. 4 conveyor at the primary aggregate plant to prevent persons from falling on or against the conveyor were not properly maintained. The conveyor is equipped with adjacent travelways on both sides and the railing was broke on one side and the railing was bent downward on the opposite side to the point where it was significantly lower than the top portion of the conveyor. The conveyor is traveled once a week to perform routine maintenance.

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District North East District Field Office Staunton, Virginia Mine ID [REDACTED] Date (b)(6) [REDACTED]

(photo taken)

Appear to have possible S&S with elevated likelihood - exposure? (based on continued operations)

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	# Affected	Neg
[REDACTED]	[REDACTED]	[REDACTED]	104a	56.14101(a)(2)	[REDACTED]	[REDACTED]	[REDACTED]	1	[REDACTED]

The parking brake provided for the International maintenance truck no. 1HTLDUXM8HH477583 failed to hold the truck stationary with its typical load on a moderate grade. This truck is used in most areas on mine property. A hazard of being struck by the vehicle existed. (photo taken)

Appears to have questionable injury type & neg

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	# Affected	Neg
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	56.14100(b)	[REDACTED]	[REDACTED]	[REDACTED]	1	Mod.

The Peterbilt water truck no. 1XP-AL59X-9-JN260151 was not being properly maintained. The cap for the diesel fuel tank was not the original cap and was not a suitable fit. The cap could not be secured, (flapper type), and allowed the diesel fuel to splash out covering the trucks' exhaust which was located four inches away. A fire hazard existed. The truck was removed from service. (photo taken)

Appears to describe a likely potential that might be more serious than evaluated/allowed two days to correct.

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	# Affected	Neg
[REDACTED]	[REDACTED]	[REDACTED]	104a	56.14110	[REDACTED]	[REDACTED]	[REDACTED]	1	Mod.

An accumulation of fines that had become a solid mass were observed at various locations on the belt structure underneath conveyors 2, 4, 6, 7, and above the travel way at the twin Hewitt Robins Screens at the aggregate plant. The material was located about 20 feet above ground level where travel ways were present. A fall of material hazard existed. A visual observation of the material did not reveal that the material was loose or dislodged. (photo taken) (this statement should not be in the condition or practice - These are separate 5 pieces of equipment in this citation. (see citation and order writing handbook)

Condition/practice describes what appears to be several separate pieces of stationary equipment which are cited in this one violation. (multiple conveyors and a screen)/Injury type looks questionable.

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

Unites Department of Labor
 Mine Safety and Health Administration
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District North East District Field Office Staunton, Virginia Mine ID (b) (6) Date (b) (6)

								Affected	
			104a	56.11002			LD	1	Mod.

A toeboard was not provided for one section of the perimeter of the decking around the Metso Screen at the High Calcium Plant. The open area was 79 inches in length. A fall of material existed. The decking contained some loose crushed stone that could fall to the ground level which was 25 feet below. Personnel travel below this structure. (photo taken)

Injury and likelihood appear questionable.

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	# Affected	Neg
			104a	56.14107a			PD	1	Mod.

A guarda was not provided for the tail pulley of the Mud Belt located at the High Calcium Plant. Material had accumulated beneath the horizontal belt placing the exposed tail pulley within 78 inches of ground level. A hazard of contacting exposed moving machine parts existed. Routine maintenance is usually performed on Fridays when the plant is idle. (photo taken) (this statement should not be included in the body of the citation)

Likelihood appears questionable based on continued operations and logistics of belt to ground.

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	# Affected	Neg
			104a						Mod.

Self-propelled mobile equipment to be used during a shift shall be inspected by the equipment operator before being placed in operation on that shift. A thorough and complete inspection of the self-propelled mobile equipment in service was not being properly conducted. Obvious conditions found on the equipment during this inspection revealed that inspections were not being done in their entirety and the defects were not being reported as required. Failure to conduct thorough inspections of the equipment could lead to an accident.

Compared to all defect issuances, it appears the Neg/likelihood & # of persons could be questioned.

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	# Affected	Neg
			104a	56.18002(a)	Y	RL			

A competent person designated by the operator shall examine each working place at least once each shift for conditions which may adversely affect safety and health. The operator shall promptly initiate appropriate action to correct such conditions. An adequate examination of the working places was not being conducted. Numerous safety hazards were observed during this inspection and the operator had failed to identify the hazards or take appropriate action to correct the conditions. Failure to conduct thorough and complete examinations of the work places could lead to a serious accident.

Question the negligence and # of persons affected.

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

District

North East District

 Field Office

Staunton, Virginia

 Mine ID (b)(7)(C)

[REDACTED]

 Date (b)(7)(C)

[REDACTED]
