



Indiana Mineral Aggregates Association

The Source Report



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August 2010

Presidential Overburden - Ed Gehr

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### IMA A Website

[www.indmaa.org](http://www.indmaa.org)

### Aglime Council Website

[www.aglime.org](http://www.aglime.org)

Dear IMAA Members,

Our Industry is experiencing a significant change in MSHA's regulatory enforcement of our operating locations. This drastic change has been exasperated by the tragic coal mine disaster in West Virginia on April 5<sup>th</sup> where 29 miners perished. Recently, House Education and Labor Committee Chairman George Miller, D-Calif., and 17 Democratic co-sponsors introduced the Miner Safety and Health Act of 2010. This bill does not distinguish between aggregates and the coal industry and could possibly pose a significant threat to the aggregate industry that has demonstrated a strong commitment to safety for the past decade. I am proud that our Association has tackled this issue "head on" by participating in two meetings with Joe Main, head of MSHA, to better understand the current direction of the agency and to express concerns with inconsistent regulation and the fact that "We are not Coal". Also, the Association's Safety Committee arranged for a series of MSHA Supervisor Training seminars with Mark Savit, a nationally recognized safety lawyer and expert on mine safety law. The training seminars helped prepare frontline managers to effectively deal with MSHA's increased scrutiny and enforcement of the mine act.

Recently, the Association has been involved with a taskforce to help BIC, Build Indiana Counsel, establish a long term strategic plan to effectively realize dedicated, stable and long-term funding for state and local roads. The Association must continue to recognize the need to financially support BIC, through the Public Works Counsel Fund, especially during these difficult economic times when private investment is scarce.

As most of you know, INDOT Commissioner Mike Reed recently stepped down and Governor Daniels named Mike Cline, INDOT's former Deputy Commissioner of Operations, as the new INDOT Commissioner. Our Association is grateful to Mike for his collaborative efforts with our Industry and for his willingness to allow our voice to be heard. We look forward to working with Mike Cline and wish him well in his new role.

Finally, thanks to all who help make our Association strong. I believe we are trying to provide value to our membership by addressing the issues that have the most significant impact on our Industry. The true strength of our Association is the efforts of our people. Special thanks to our Committee Chairs and to Robert and his staff.

Ed



## Remaining 2010 INDOT Lettings

**Aug. 4    Sept. 1    Sept. 15    Oct. 6    Nov. 10    Dec. 8**

# Membership Spotlight

## Welcome New Member

Linear Rubber Products, Inc.—5416 46th Street—Kenosha, WI 53144

Jennifer Busalacchi, VP Sales—1-800-558-4040 [Jennifer@belting4conveyors.com](mailto:Jennifer@belting4conveyors.com)

**XR Labs L.L.C.** is this month's newsletter sponsor. Please give them and all Associate Member Companies every opportunity to be your supplier when you need goods and services. Thanks again to our August newsletter sponsor for your support of the Association.

**Obituary - Laroy "Bud" Newman, 93**, a life long resident of Indianapolis, died on Sunday, June 6, 2010 at Saint Francis Hospital in Mooresville, IN. He was born August 18, 1916 in Indianapolis, IN. Mr. Newman was a member of Immanuel United Church of Christ. He retired in 1986 after 40+ years as owner/operator of Newman's Market, a neighborhood grocery and custom meats market, on the near south side of Indianapolis.

Bud is survived by his son John Newman, Regional Operations Manager for Brandeis Machinery & Supply Company. He is also survived by seven grand children and six great grand children.

He was preceded in death by his wife of 59 years, Bernice (Silcox) Newman; sons, Charles "Charlie" Newman (Newman Equipment), David Newman and sister, Eileen Carlson.

**Obituary - James "Jim" Newman, 68**, a life long resident of Indianapolis, died on Saturday, June 12, 2010. He was born June 26, 1941 in Indianapolis, IN. He was the son of Laroy "Bud" Newman who had passed away only six days earlier. Jim was the lone remaining brother of John Newman of Brandeis Machinery & Supply Company.

Both Bud and Jim were laid to rest at Washington Park East Cemetery in Indianapolis.

Memorial contributions may be made for both Bud and Jim Newman to Immanuel United Church of Christ, 1035 N. New Jersey St., Indianapolis, IN 46225

**IMAA PIE Golf Fundraiser—September 15, 2010**

**Eagle Creek Golf Course—Indianapolis**

**Register to play—Register to sponsor**

**Forms at [www.indmaa.org](http://www.indmaa.org)**

If you would like to advertise in future issues of ***The Source Report***, please contact the IMAA Office @ (317-580-9100).

# Committee news...

## Legislative Committee—Jeff Mulzer, Chair



The 2010 Grassroots Fly In to Washington D.C. was a great success. Thirty-nine people from Indiana and nine from Ohio gathered to hear Rep. Mike Pence (IN) and Rep Jim Jordan (OH) address the group at the Capital Hill Club for breakfast. Additionally, Pam Whitted (VP of Govt Affairs—NSSGA) discussed legislative issues that could impact the industry.



Above left—Legislative Chair, Jeff Mulzer introduces Rep Mike Pence.

Center—Rep Brad Ellsworth discusses his views with IMAA group in his office.

Right—Rep Jim Jordan speaks to group at breakfast.



## Golf Committee—by Jerry Irving, Chair

The IMAA Golf Team won the 4 state Challenge that took place June 13-14 at Houston Oak Golf Course in Paris, KY. The 2 state Challenge with Ohio is set for September 26-27 and will be held at Glendarin Golf Club in Angola, IN. Jerry

Left: The victorious IMAA 4 State Golf team.



## Aglime Council News—Brent Leininger, Chairman

Our effort to add new members to the council has produced three Levy Company slag plants. We continue to look for new members and invite you to give the council's marketing efforts a try for your business.

At our July meeting, we reviewed our 2010 Ag-Lime sample results from Bowser Morner Laboratories. All the test results were agreed on and will be published in our brochure that will be used in our advertising campaign for this season.

The council has decided to use the same advertising methods as we did in 2009. The publications of Farm World, Prairie Farmer and the Soybean Review is where we will place our advertising. Feedback from our customers and dealers indicated that this yielded us a great return. The council will again be putting together the layout and design of the brochure and adds that will be shown in the magazines. With the council doing this work in-house it has proven to save a great deal of money that can be used for other marketing efforts.

The next Ag-Lime council meeting is set for August 19, 2010. We are trying to schedule Joe Kelsay the Indiana Dept. of Agriculture Director to attend our meeting. Joe has shown interest in coming to our meeting and giving us his insights and thoughts on where the Ag-Lime Council should focus our efforts. The council continues to look for new ways of reaching and educating existing and future customers.



### Potential Impact of BP Oil Spill on Enforcement Actions

Many current requirements for oil storage and use came about as a result of the Exxon Valdez oil spill.

New legislation for chemical storage seems inevitable in light of BP's Deepwater Horizon incident in the Gulf of Mexico.

Even if your environmental issues are not the same as BP's, some questions to consider for your permits and plans:

1. Are permits and plans up-to-date and have they been checked recently? Make sure emergency contacts for your team leaders and phone numbers for federal, state and local emergency response agencies are current.
2. Are plans and permits properly "implemented"? Make sure that expert advisors have relevant experience for handling spills, leaks and other problems that apply to your situation.
3. Have all pertinent permits been obtained and have all pertinent plans been developed, for example:
  - a. Storm Water Pollution Prevention Plan
  - b. Risk Management Plan
  - c. Spill Prevention Control and Countermeasure Plan
  - d. RCRA Contingency Plan
  - e. Emergency Response Plan
4. Is general housekeeping in good order?
5. Are drums properly stored and sealed?
6. Are AST and UST registrations and records up-to-date?
7. Are lockout/tag out requirements in place?
8. Is confined space entry training program up to date?
9. Are employees trained in proper response? Make sure training is conducted regularly and that records are kept of training sessions.
10. Is emergency response equipment functional? Make sure emergency equipment is nearby and easy to access.

## BROAD ENERGY/CLIMATE LEGISLATION OFF THE TABLE FOR NOW

Contributed by NSSGA Staff

Senate Majority Leader Harry Reid (D-Nev.) announced that he will not push a broad energy and climate bill before the August recess due to lack of GOP support, a move that likely ended chances of action this year. Instead, Reid hopes to bring a modest package to the floor this week. Republicans, meanwhile, are introducing substitute legislation that includes several proposals addressing the Gulf of Mexico oil spill.

The Democrat's legislation is pared from the bill proposed by Sens. John Kerry (D-Mass.) and Joe Lieberman (I-Conn.). The package is expected to include legislation approved by the Energy and Natural Resources Committee that reforms drilling regulations in the Outer Continental Shelf and a bill sponsored by Sen. Robert Menendez (D-N.J.) that removes the liability cap for oil companies in the wake of an oil spill. Democrats and environmental groups are urging Reid to include a renewable electricity standard in the bill, which was a core part of the energy legislation passed out of the energy committee last year.

Energy and Natural Resources ranking member Lisa Murkowski (R-Alaska) and Minority Leader Mitch McConnell (R-Ky.) are pushing forward with an oil spill substitute bill. The Republicans' package will also include the bill passed out of Murkowski's committee, which was co-sponsored by Murkowski and Energy and Natural Resources Chairman Jeff Bingaman (D-N.M.).

Given the tight schedule and how much importance Reid has placed on oil spill legislation passing before Congress heads to August recess, it is unlikely he will allow senators to offer amendments. However, should they be allowed, Republicans will have numerous amendments ready, including measures that would stop the administration from pulling the plug on the proposed nuclear waste repository site at Yucca Mountain in Nevada and opening up oil drilling in the Arctic National Wildlife Refuge. Sen. John (Jay) Rockefeller (D-W.Va.) may offer a proposal that would delay for two years EPA regulation of carbon emissions.

As the Senate approaches its target adjournment date of Aug. 6, NSSGA will remain vigilant in expressing its concerns to key senators and staff regarding the impact energy legislation would have on the industry.

## More Environmental news.....

### SENATORS SEND LETTER TO EPA ADMINISTRATOR EXPRESSING CONCERNS OVER PROPOSED PARTICULATE MATTER REGULATIONS

Contributed by NSSGA Staff

A bi-partisan group of 21 senators have sent a letter to Environmental Protection Agency Administrator Lisa Jackson to convey their concerns regarding EPA's latest actions in its review of the particulate matter national ambient air quality standards. The Clean Air Act requires that EPA every five years consider whether the PM NAAQS needs to be revised in light of more recent information. The PM NAAQS is comprised of standards for both PM<sub>10</sub> (coarse PM) and PM<sub>2.5</sub> (fine PM).

The current standard for PM<sub>2.5</sub> is now set at 150 µg/m<sup>3</sup> on a 24 hour basis, conservatively low based on historically flawed health studies. According to a draft Policy Assessment released on July 8, EPA would be justified in lowering current coarse Particulate Matter regulations to 65-85µg/m<sup>3</sup> from the current levels. A coarse PM NAAQS of 65-85 µg/m<sup>3</sup> would be twice as stringent as the current standard.

This proposal could have many negative effects on the aggregates industry and our ability to expand or create new production facilities. Besides submitting comments to EPA, NSSGA has been meeting with key senators and representatives regarding this issue and the tremendous burden it will place on the aggregates industry and our ability to meet the supply demands for the construction industry.

## P.I.E. Committee—Dana Boyd, Chair

The PIE Committee has been very active over the last couple of months especially with the Annual Teachers' Workshop. We completed the workshop with 24 teachers from around the state attending during the June 22<sup>nd</sup>-24<sup>th</sup> session.

A special **Thank You** goes out to the PIE Committee members who assisted with this year's workshop, from the individuals and companies who assisted in the classroom, the presenters, the companies who assisted with sponsorships for teachers, workshop activities, mine tours, the cookout, workshop meals, and items supporting the efforts of the PIE Committee. The Association office team did an outstanding job of orchestrating the event and logistics to make for a great event.

This year the Committee added two presentations to the workshop agenda following last year's teacher evaluations. A concern was brought forward that as an industry we needed to do more to educate the public on blasting and reclamation issues. After much discussion we added a blasting presentation by Dyno-Nobel speaker Ernie Overton and an overview of reclamation at the IMI McCordsville facility by Brian Duncan. Both presentations were well received.

The evaluations collected from the teachers at this year's workshops were very positive. They add further reinforcement to our need for ongoing commitment to public education and out-reach activities.

The PIE Committee is finalizing the New Associate Company of the Year Award in August. This award is being developed to recognize an Associate Member company who goes above and beyond in regards to Safety & Environmental Stewardship, Aggregates Industry Involvement, Employee Relations and Community involvement. Information on the new award will be sent out to our Associate members and will be posted on the IMAA Website soon. The award will be presented during the upcoming winter workshop.

### Upcoming Pie Committee Events:

[Koinonia Trail \(Pierceton\) work day on August 17<sup>th</sup>](#)

[Golf Fundraiser on September 15th @ Eagle Creek](#)

Please get your teams ready! We also have sponsorships available as well!

Forms are available on the Association website @ [www.indmaa.org](http://www.indmaa.org)

This is the main fundraiser for the Pie Committee's activities which include the following:

- HASTI—Hoosier Assn. of Science Teachers Inc. (We supply mineral boxes (1200 +) to science teachers from around the state).
- Teachers Workshop Items (Handouts, manuals, Meeting Facility at Connor prairie, busses for field trips, misc. food etc. that are not sponsored by IMAA Members.
- Maintenance of the Koinonia Trail, posters etc.
- Ongoing development of out-reach activities and events.

Dana

## More Committee News

### Safety Committee—Matt Bunner, Chair

The Safety Committee has been extremely busy these past few months. The committee was able to arrange a meeting in Arlington, VA with Assistant Sec. of Labor / head of MSHA, Joe Main and his assistant, Neal Merrifield. This meeting was a great beginning to sit down with both of them and express our industry concerns and frustrations with the “changes” that we have seen in MSHA in the past year. As you all know, MSHA has been on a “heightened” sense of inspection and has been enforcing many aspects of the mine act that have not been previously emphasized. This meeting was followed up by a regional (6 state) meeting with Joe Main, Neal Merrifield and three district managers (Steve Richetta—NC, Mike Davis—SE, and Ed Lopez—SC) in Cincinnati, Ohio. The Cincinnati meeting gave us a chance to get more into the types of citations that are being written and the inconsistencies in MSHA’s enforcement. Following all these meetings, the committee decided that we needed some help for our members in navigating our way with MSHA and the changes we are seeing. A series of 4 seminars were set up with Mark Savit (Patton Boggs LLP) to inform members of what their rights are with MSHA, what they need to say and do, and most importantly what they should not say or do. These meetings were attended by 212 people at the locations of Warsaw, Merrillville, Indianapolis and Sellersburg. The feedback received by the Association Staff was very positive and we hope that you were able to attend one of these. A special THANK YOU goes out to **Sellersburg Stone Company** for hosting the Sellersburg meeting and to **Orica USA** for providing the refreshments at that meeting.

Lastly, I would like to report what appears to be a great grassroots effort by industry members to fend off further safety regulation by Congress. As you know, recently the Robert C Byrd Miner Safety and Health Act of 2010 (HR 5663) was introduced in Congress to allow MSHA more power to enforce the Mine Act. This legislation was very restrictive and would allow many invasive ways for MSHA to further “punish” our industry for the very unfortunate accidents/fatalities that have occurred with coal mining. In a surprise turn of events, the aggregate industry and other mining sectors have been carved-out from this job-killing piece of legislation. The language that was used to do this is: **ONLY applies to underground coal and other underground mining with flammable gases**. We are thankful to all of you that called or wrote to your congressmen to express your deep concerns for this restrictive legislation. This is the reason for the sudden turn of events and you should all be congratulated. Thank you and hope to see you at the next IMAA Safety Committee Meeting on October 28th. Matt



Left to Right Top: Ed Gehr & Neil Merrifield    Center: IMAA / OAIMA group at MSHA

Right: Joe Main, Asst. Sec. of Labor

Left to Right Bottom: Ed Gehr, R. Jones, Joe Main, S. Walker    Center: Mark Savit

Right: Savit seminar attendees



# IMAA~APAI 2010 Joint Summer Meeting



2010 SUMMER MEETING



The Joint Summer Meeting with APAI was a huge success. Approximately 250 men, women and children took advantage of an opportunity to visit The Great Wolf Lodge and Kings Island in the heat of the summer. Events included informative industry speakers, worthwhile meetings, social time, & family water fun.



## A special thanks to all the event sponsors

|                                       |                  |
|---------------------------------------|------------------|
| Brandeis Machinery & Supply Company   |                  |
| The Edward C. Levy Group of Companies |                  |
| Frost Brown Todd LLC                  | General Drilling |
| MacAllister Machinery                 | ORICA USA, Inc.  |
| Process Machinery, Inc.               | ROADTEC, Inc.    |
| Rudd Equipment Co.                    | J.W. Jones Co.   |



### Golf Outing Winners >>

Stephen Noggle  
Andy Effinger  
Dave Noggle  
Bill Eskridge





## 2010 IMAA Calendar

|                     |                                                 |                                      |
|---------------------|-------------------------------------------------|--------------------------------------|
| August 4, 2010      | <b>IMAA Technical Committee Meeting</b>         | 10:00 am INDOT—Materials & Tests     |
| August 5, 2010      | <b>IMAA Plant Operators Committee Meeting</b>   | 10:00 am Association Office          |
| August 17, 2010     | <b>IMAA PIE Koinonia Trail Workday</b>          | Piercetown, IN                       |
| August 19, 2010     | <b>IMAA Aglime Council</b>                      | 10:00 am Association Office          |
| Sept. 15, 2010      | <b>IMAA PIE Golf Fundraiser</b>                 | Eagle Creek GC, Indianapolis, IN     |
| Sept. 26-27, 2010   | <b>2 State Golf Challenge</b>                   | Glendarin Golf Club, Angola, IN      |
| Oct 2-5, 2010       | <b>NSSGA Fall Board Meeting</b>                 | San Diego, CA                        |
| October 12, 2010    | <b>IMAA PIE Committee Meeting</b>               | 10:00 am Association Office          |
| October 14, 2010    | <b>IMAA Technical Committee Meeting</b>         | 9:30 am INDOT—Materials & Tests      |
| October 28, 2010    | <b>IMAA Safety Committee Meeting</b>            | 8:00 am Association Office           |
| October 28, 2010    | <b>IMAA Environmental Meeting</b>               | 10:00 am Association Office          |
| November 15-19      | <b>CAPP School</b>                              | Indiana Wesleyan University          |
| November 18, 2010   | <b>IMAA Board of Director's Meeting</b>         | 9:00 am Association Office           |
| December 10, 2010   | <b>IMAA Plant Operators Committee Meeting</b>   | 10:00 am Association Office          |
| February 1, 2011    | <b>IMAA Operations Seminar</b>                  | Renaissance Hotel—Carmel, IN         |
| February 1, 2011    | <b>IMAA TAC Meeting</b>                         | Renaissance Hotel—Carmel, IN         |
| February 1, 2011    | <b>IMAA ESC Board Meeting</b>                   | Renaissance Hotel—Carmel, IN         |
| February 2-3, 2011  | <b>IMAA Winter Workshops</b>                    | Renaissance Hotel—Carmel, IN         |
| February 9-11, 2011 | <b>HASTI Exhibit / Booth</b>                    | Indianapolis Convention Center       |
| Feb.25– Mar.4,2011  | <b>Indiana Construction Industry Convention</b> | Westin Beach Resort - Ft. Lauderdale |
| March 8-11, 2011    | <b>Purdue Road School</b>                       | Purdue University—W. Lafayette, IN   |
| March 21-24, 2011   | <b>NSSGA Annual Meeting</b>                     | Las Vegas, NV                        |
| March 22-26, 2011   | <b>Con-Expo / Con-Agg</b>                       | Convention Center—Las Vegas, NV      |

### *2011 Indiana Construction Industry Conference Scheduled*

Mark your calendar and plan to attend the 2011 Indiana Construction Industry Conference, which will be held at The Westin Beach Resort in Fort Lauderdale, Florida from February 25 through March 4. As the largest annual gathering of Indiana's construction professions, the conference provides a variety of educational and networking opportunities for members of the participating associations. Sessions are offered each morning by speakers who are experts in their fields and cover a wide range of topics that are timely and industry-specific.

You'll want to take advantage of this opportunity; there aren't many states where so many facets of the industry come together for this kind of meeting. Members of the following eight industry associations will be invited to attend:

American Concrete Pavement Association – Indiana Chapter  
 American Council of Engineering Companies of Indiana  
 American Institute of Architects of Indiana  
 Asphalt Pavement Association of Indiana  
 Indiana Construction Association  
 Indiana Equipment Distributors  
 Indiana Mineral Aggregates Association  
 Indiana Ready Mixed Concrete Association

Information about this year's speakers and registration materials will be distributed later this year.

**The word from INDOT on the annual OPEN END AGGREGATE BIDS is:**

*“Should have the bid out for the pick-up in mid August and the delivery mid September”*