

NEW HOPE CRUSHED STONE

MAILING ADDRESS

P. O. Box 248
New Hope, PA 18938
Plant (215) 862-5288

OFFICE LOCATION

6970 Phillips Mill Road
New Hope, PA 18938
Office (215) 862-5293

March 13, 2017

Michael J. Menghini, District Mining Manager
Department of Environmental Protection
Pottsville District Mining Office
5 West Laurel Boulevard | Pottsville, PA 17901

Dear Mike,

New Hope Crushed Stone would like to request a temporary relief from reclamation and stream activities due to recent safety issues identified with the Mine Safety and Health Administration. Between February 28th and March 1st, we experienced a slide of reclamation material and as a result of contacting MSHA, they are dictating our current progress and requiring us to remove a section of dirt placed on the east wall. Additionally, MSHA has restricted access to the west wall/stream area. Please see documentation attached.

Sincerely,



Christina Cursley



Section I--Violation Data

1. Date Mo Da Yr 03/06/2017	2. Time (24 Hr. Clock) 1235	3. Citation/ Order Number 9319707
4. Served To Jeffrey Phillips- Superintendent		5. Operator NEW HOPE CRUSHED STONE & LIME CO.,
6. Mine NEW HOPE CRUSHED STONE		7. Mine ID 36-00199 (Contractor)
8. Condition or Practice		

8a. Written Notice (103g) ☐

The loose, unconsolidated, alluvial-backfill was not sloped to the angle-of-repose, or stripped back for at least 10-feet from the top of the quarry wall above the level #3, drill-site on the east-side of the quarry. The levels #1-#5, quarry highwalls, were 50-feet high, and the benches ranged from 25-100 feet wide. Reclamation material (alluvial dirt, and rocks-up to 3-feet diameter) were being used to reclaim the level #2 (25-foot-wide bench) above the east side drill site. The alluvial backfill was stored at the top of the highwall (level #1), and was stacked all the way to the open-edge of the quarry. Overnight, between 2/28/17 & 3/1/17, the material "sloughed-off" from the levels #1 & #2 and slid down to the drill site location on level #3. The sloughed material (estimated 500-800 tons) covered an area 50-60-feet-wide, and extended out approximately 50

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
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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 104a		13. Type of Issuance (check one) Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>		
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>		E. Citation/ Order Number		F. Dated Mo Da Yr
15. Area or Equipment				

16. Termination Due	A. Date Mo Da Yr 03/06/2017	B. Time (24 Hr. Clock) 1250
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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) E08	20. Event Number 6752398	21. Primary or Mill P
22. AR Name Ralph P. Bennett		23. AR Number 4299

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.

Mine Citation/Order
Continuation

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



Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input type="checkbox"/> <input checked="" type="checkbox"/>	2. Dated (Original Issue) 03/06/2017 Mo Da Yr	3. Citation/ Order Number 9319707
4. Served To Jeffrey Phillips- Superintendent	5. Operator NEW HOPE CRUSHED STONE & LIME CO.,	
6. Mine NEW HOPE CRUSHED STONE	7. Mine ID 36-00199 (Contractor)	

Section II--Justification for Action

Continuation of 8. Condition or Practice

feet on the 100 foot wide level #3 bench. It extended upwards all the way to the top of the quarry level #1. A drilling rig had been drilling on level #3, and was parked at the edge of the subsidence. It was struck by the falling material, but there was no appreciable damage. This condition exposed miners to injuries from a "fall-of-material" event.

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 E08	10. Event Number 6752398		
11. AR Name Ralph P. Bennett	AR Number 4299	12. Date Mo Da Yr 03/06/2017	13. Time (24 Hr. Clock) 1235

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 03/06/2017	3. Citation/ Order Number 9319707 - 01
4. Served To Jeffrey Phillips- Superintendent	5. Operator NEW HOPE CRUSHED STONE & LIME CO.,	
6. Mine NEW HOPE CRUSHED STONE	7. Mine ID 36-00199 (Contractor)	

Section II--Justification for Action

The mine operator is working remediation. He needs an excavator with an extended boom to reach some of the affected areas. The extra time is to allow for its delivery and use to clean these areas. The affected areas have been removed from service pending corrective action.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr * 03/14/2017	B. Time (24 Hr. Clock) 0800	<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 E08	10. Event Number 6752398				
11. AR Name Ralph P. Bennett	AR Number 4299	12. Date Mo Da Yr 03/07/2017	13. Time (24 Hr. Clock) 1221		



Section I--Violation Data

1. Date Mo Da Yr 03/06/2017	2. Time (24 Hr. Clock) 1237	3. Citation/ Order Number 9319708
4. Served To Jeffrey Phillips- Superintendent		5. Operator NEW HOPE CRUSHED STONE & LIME CO.,
6. Mine NEW HOPE CRUSHED STONE		7. Mine ID 36-00199 (Contractor)
8. Condition or Practice		

8a. Written Notice (103g) ☐

There was loose, unconsolidated, alluvial dirt and rocks above the level #3, drill-site on the east-side of the quarry. The levels #1-#5, quarry highwalls were 50-feet high, and the benches ranged from 25-100 feet wide. Reclamation material (alluvial dirt, and rocks-up to 3-feet diameter) were being used to reclaim the level #2 (25-foot-wide bench) above the east-side, level #3, drill site. The alluvial backfill was stored at the top of the highwall (level #1), and was stacked all the way to the open-edge of the quarry. Overnight, between 2/28/17 & 3/1/17, material "sloughed-off" from the levels #1 & #2 and slid down to the drill site location on level #3. The sloughed material (estimated 500-800 tons) covered an area 50-60-feet-wide, and extended out approximately 50 feet on the 100 foot wide level #3 bench. It extended upwards all the way to the

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 56.3200
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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 104a		13. Type of Issuance (check one) Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>		
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>		E. Citation/ Order Number		F. Dated Mo Da Yr
15. Area or Equipment				

16. Termination Due	A. Date Mo Da Yr 03/06/2017	B. Time (24 Hr. Clock) 1252
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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) E08	20. Event Number 6752398	21. Primary or Mill P
22. AR Name Ralph P. Bennett		23. AR Number 4299

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.

Mine Citation/Order
Continuation

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



Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input type="checkbox"/> <input checked="" type="checkbox"/>	2. Dated (Original Issue) 03/06/2017 Mo Da Yr	3. Citation/ Order Number 9319708
4. Served To Jeffrey Phillips- Superintendent	5. Operator NEW HOPE CRUSHED STONE & LIME CO.,	
6. Mine NEW HOPE CRUSHED STONE	7. Mine ID 36-00199 (Contractor)	

Section II--Justification for Action

Continuation of 8. Condition or Practice

top of the quarry level #1. A drilling rig had been drilling on level #3, and was parked at the edge of the subsidence. It was struck by the falling material, but there was no appreciable damage. This condition exposed miners to injuries from a "fall-of-material" event.

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 E08	10. Event Number 6752398		
11. AR Name Ralph P. Bennett	AR Number 4299	12. Date Mo Da Yr 03/06/2017	13. Time (24 Hr. Clock) 1237

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 03/06/2017	3. Citation/ Order Number 9319708 - 01
4. Served To Jeffrey Phillips- Superintendent	5. Operator NEW HOPE CRUSHED STONE & LIME CO.,	
6. Mine NEW HOPE CRUSHED STONE	7. Mine ID (Contractor) 36-00199	

Section II--Justification for Action

The mine operator is working remediation. He needs a special excavator with an extended boom function to reach some of the affected areas. The extra time is to allow for delivery and cleaning of these areas. The affected areas have been removed from service pending corrective action.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr 03/14/2017	B. Time (24 Hr. Clock) 0800	<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 E08	10. Event Number 6752398				
11. AR Name Ralph P. Bennett	AR Number 4299	12. Date Mo Da Yr 03/07/2017	13. Time (24 Hr. Clock) 1223		



Section I--Violation Data

1. Date Mo Da Yr 03/06/2017	2. Time (24 Hr. Clock) 1240	3. Citation/ Order Number 9319709
4. Served To Jeffrey Phillips- Superintendent		5. Operator NEW HOPE CRUSHED STONE & LIME CO.,
6. Mine NEW HOPE CRUSHED STONE		7. Mine ID 36-00199 (Contractor)
8. Condition or Practice		

8a. Written Notice (103g) ☐

The highwall was not examined/tested above the quarry's east-side, level #3 drill-site prior to drilling. There were loose, unconsolidated, alluvial dirt and rocks above the drill-site on the east-side of the quarry. The levels #1-#5, quarry highwalls were 50-feet high, and the benches ranged from 25-100 feet wide. Reclamation material (alluvial dirt, and rocks (up to 3-feet diameter) were being used to reclaim the level #2 (25-foot-wide bench) above the east-side level #3, drill site. The alluvial backfill was stored at the top of the highwall (level #1), and was stacked all the way to the open-edge of the quarry. Overnight, between 2/28/17 & 3/1/17, material "sloughed-off" from the levels #1 & #2 and slid down to the drill site location on level #3. The sloughed material (estimated 500-800 tons) covered an area 50-60-feet-wide, and extended out approximately 50 feet on

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 56.7003
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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"/>
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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"/>
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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 Mo Da Yr 03/06/2017	B. Time (24 Hr. Clock) 1255
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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) E08	20. Event Number 6752398	21. Primary or Mill P
22. AR Name Ralph P. Bennett		23. AR Number 4299

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.

Mine Citation/Order
Continuation

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



Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input type="checkbox"/> <input checked="" type="checkbox"/>	2. Dated (Original Issue) 03/06/2017 Mo Da Yr	3. Citation/ Order Number 9319709
4. Served To Jeffrey Phillips- Superintendent	5. Operator NEW HOPE CRUSHED STONE & LIME CO.,	
6. Mine NEW HOPE CRUSHED STONE	7. Mine ID 36-00199 (Contractor)	

Section II--Justification for Action

Continuation of 8. Condition or Practice

the 100 foot wide level #3 bench. It extended upwards all the way to the top of the quarry level #1. A drilling rig had been drilling on level #3, and was parked at the edge of the subsidence. It was struck by the falling material, but there was no appreciable damage. This condition exposed miners to injuries from a "fall-of-material" event.

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 E08	10. Event Number 6752398		
11. AR Name Ralph P. Bennett	AR Number 4299	12. Date Mo Da Yr 03/06/2017	13. Time (24 Hr. Clock) 1240

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) 03/06/2017	3. Citation/ Order Number 9319709 - 01
4. Served To Jeffrey Phillips- Superintendent	5. Operator NEW HOPE CRUSHED STONE & LIME CO.,	
6. Mine NEW HOPE CRUSHED STONE	7. Mine ID 36-00199 (Contractor)	

Section II--Justification for Action

The Superintendent demonstrated performing a drill site inspection.

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 checked="" type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection E08	10. Event Number 6752398		
11. AR Name Ralph P. Bennett	AR Number 4299	12. Date Mo Da Yr 03/07/2017	13. Time (24 Hr. Clock) 1215



Section I--Violation Data

1. Date Mo Da Yr 03/07/2017	2. Time (24 Hr. Clock) 1510	3. Citation/ Order Number 9319710
4. Served To Tim Romano- Superintendent	5. Operator NEW HOPE CRUSHED STONE & LIME CO.,	
6. Mine NEW HOPE CRUSHED STONE	7. Mine ID 36-00199 (Contractor)	
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

There was a hazardous highwall condition along the reclamation-site, access road on the north-end of the quarry upper-level. A section of highwall on the north-side of the road had loose rocks and boulders (up to 2-feet by 2-feet) on the fractured and cracked face.

There were more boulders (up to 6-feet by 5-feet by 6-feet) laying on top of the sloped bank above the face. The highwall was 20-30 feet high with a sloped bank extending upwards for another 20-30 feet above it. The hazardous section was approximately 200-feet-long. The quarry's west-side, reclamation-site, roadway (12-16 feet wide) was located at the base of the highwall, immediately adjacent to the face. There were large rocks and boulders observed laying at the base of the highwall along the roadway. The roadway is accessed by the bulldozer operator who travels through the

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 56.3200
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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 104a		13. Type of Issuance (check one) Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>		
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>		E. Citation/ Order Number		F. Dated Mo Da Yr
15. Area or Equipment				

16. Termination Due	A. Date Mo Da Yr 03/07/2017	B. Time (24 Hr. Clock) 1540
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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) E16	20. Event Number 6752399	21. Primary or Mill P
22. AR Name Ralph P. Bennett		23. AR Number 4299

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.

Mine Citation/Order
Continuation

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



Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input type="checkbox"/> <input checked="" type="checkbox"/>	2. Dated (Original Issue) 03/07/2017	3. Citation/ Order Number 9319710
4. Served To Tim Romano- Superintendent	5. Operator NEW HOPE CRUSHED STONE & LIME CO.,	
6. Mine NEW HOPE CRUSHED STONE	7. Mine ID 36-00199 (Contractor)	

Section II--Justification for Action

Continuation of 8. Condition or Practice

affected area 6 times per day in a pickup truck, and by off-road trucks who travel through the area up to 60 times per day when hauling reclamation fill. The reclamation project was not operating when inspected. It last operated approximately 1.5 weeks ago. The area normally operates regularly to fulfill a Pennsylvania Department of Environmental Protection reclamation requirement. This condition exposed the miners to injuries from a fall-of material event.

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 E16	10. Event Number 6752399		
11. AR Name Ralph P. Bennett	AR Number 4299	12. Date Mo Da Yr 03/07/2017	13. Time (24 Hr. Clock) 1510



Section I--Violation Data

1. Date Mo Da Yr 03/07/2017	2. Time (24 Hr. Clock) 1516	3. Citation/ Order Number 9319711
4. Served To Tim Romano- Superintendent		5. Operator NEW HOPE CRUSHED STONE & LIME CO.,
6. Mine NEW HOPE CRUSHED STONE		7. Mine ID 36-00199 (Contractor)
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

Ground condition examinations/testing were not being performed for the quarry's northwest reclamation site area. Hazardous highwall conditions were cited (issuance #9319711) along the access roadway. The reclamation project was not operating when inspected. It last operated approximately 1.5 weeks ago. The roadway is accessed by the bulldozer operator who travels through the affected area 6 times per day in a pickup truck, and by off-road trucks who travel through the area up to 60 times per day when hauling reclamation fill. The area normally operates regularly to fulfill a Pennsylvania Department of Environmental Protection reclamation requirement. This condition exposed the miners to injuries from a fall-of material event.

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 checked="" type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>				
12. Type of Action 104a		13. Type of Issuance (check one) Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>		
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>		E. Citation/ Order Number		F. Dated Mo Da Yr
15. Area or Equipment				

16. Termination Due	A. Date Mo Da Yr 03/07/2017	B. Time (24 Hr. Clock) 1546
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Section III--Termination Action

17. Action to Terminate The superintendent performed a ground condition examination/test for the quarry's northwest reclamation site area.

18. Terminated	A. Date Mo Da Yr 03/07/2017	B. Time (24 Hr. Clock) 1522
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Section IV--Automated System Data

19. Type of Inspection (activity code) E16	20. Event Number 6752399	21. Primary or Mill P
22. AR Name Ralph P. Bennett		23. AR Number 4299

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.



