M/045/031

NOTICE OF NEGATIVE FINDING

Mine Name: ARAGONITE Date: 1-3-91

Mine I.D.: 42-00023

An inspection was made at the above mine in response to a complaint made under Section 103(g)(1) of the Federal Mine Safety and Health Act.

Alleged Hazardous Condition: WORKING IN AN AREA OF THE PIT IN THE FACE OF A 104-b ORDER (HIGHWALLS)

A citation or withdrawal order was not issued because:

[✓] Alleged hazard did not exist.

[ ] Hazard did not present imminent danger.

[ ] Condition was not a violation of the Act or mandatory standard.

[ ] Other

Distribution:

[ ] Complainant or Representative of Miners

[ ] Mine Operator

[ ] District Files

RECEIVED
JAN 09 1991
DIVISION OF
OIL, GAS & MINING

Inspector: James K. Trentham Date: 1-3-91

METAL AND NONMETAL MINES
P.L. 95-164

FILE COPY

WORK COPY

Type of Inspection: 01
Identification No.: 42-00023
Inspection Date(s): 2/22-23/89
Mine Status: Intermittent
Event No.: 0137995

U.S. DEPARTMENT OF LABOR
MINE SAFETY AND HEALTH ADMINISTRATION
DISTRIBUTION/INFORMATION SHEET

Originating Office: Rocky Mountain District

This Inspection

Mine Name: Aragonite
Company: American Stone

Location: Aragonite, Tooele County, Utah

Telephone No.

801/262-4300 (Office)
801/884-6986 (Mine)

Mine Location

West on I-80 exit #56 over freeway; southwest 2.5 miles

Company Officials

Lon Thomas, President
American Stone
4040 South 300 West
Salt Lake City, UT 84107

Union Officials

None

Previous Inspection

Mine Name: Same
Company: Utah Calcium Company

Date: June 20-22, 1988

Reviewed by:

Fred M Hansen 3-9-89
Supervisory Mine Safety and Health Inspector (date)

District Manager, Rocky Mountain District
Files:ml

Mine Citation/Order MIS

Initial: 2/28/89

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

2-28-89

Section I—Violation Data

1. Date	Mo	Da	Yr	2. Time (24 Hr. Clock)	3. Citation/Order Number
	02	22	89	1030	2652317

4. Served To: MARK WILLES - FOREMAN

5. Operator: UTAH CALCIUM COMPANY

6. Mine: ARAGONITE

7. Mine ID: 42-00023 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The mine operator had not filed an updated notification of the legal identity, with the appropriate MSHA District manager (or office), by completing + delivering MSHA Form 2000-7 (legal identity report). The new operator did state, that they had an change of ownership at this time, therefore the cause of delay for the updated notification.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation: A. Health ☐ Safety ☐ Other ☐ — B. Section of Act: 109-d — C. Part/Section of Title 30 CFR: 41.20

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 (See Reverse): Yes ☐ No ☒ — D. Number of Persons Affected: 000

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

12. Type of Action: 104-A-, — 13. Type of Issuance (check one): Citation ☒ Order ☐ Safeguard ☐

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 03 Da 03 Yr 89 — B. Time (24 Hr. Clock) 1600

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): 001 — 20. Event Number: 0137995 — 21. Primary or Mill: m RTC 2/23/89

22. Signature: Richard R. Nielsen — 23 AR Number: 00107

MSHA Form 7000-3, Mar 85 (Revised)

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	2. Dated (Original Issue)	Mo	Da	Yr	3. Citation/Order Number
☒	☐		02	22	89	2652317-1

4. Served To: Mark Willes - Foreman

5. Operator: Utah Calcium Company

6. Mine: Aragonite

7. Mine ID: 42-00023- (Contractor)

Section II—Justification for Action

Citation No. 2652317 is hereby modified to make item 8. "Condition or practice" read "The mine operator had not filed an updated notification of the Legal Identity Report with the appropriate MSHA District Manager (or office), by completing and delivering an updated MSHA form 2000-7 (Legal Identity Report). The operator did state, that they had a change of ownership at this time, therefore this was the cause of delay for updated notification. After discussion with the field office supervisor (metal and nonmetal inspector supervisor) and a metal and non-metal mine inspector, who stated the requirement for filing this report had been clearly explained to Mr. Lon Thomas (operator) on past inspections and conferences, it was concluded that Mr. Thomas should have known of his responsibility to update the Legal Identity Report.

Item No. 11 "Negligence" is hereby modified to be D. High instead of C. moderate

See Continuation Form ☐

Section III—Subsequent Action Taken

8. Extended To: A. Date: Mo Da Yr; B. Time (24 Hr. Clock): ; C. Vacated ☐ D. Terminated ☐ E. Modified ☒

Section IV—Inspection Data

9. Type of Inspection: 091

10. Event Number: 0137995

11. Signature: Richard R. Nielsen

AR Number: 00107

12. Date: Mo 02 Da 27 Yr 89

13. Time (24 Hr. Clock): 1000

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

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 ☐
2. Dated (Original Issue): Mo 02 Da 28 Yr 89
3. Citation/Order Number: 2652317-2
4. Served To: Mark Willes - Foreman
5. Operator: American Stone
6. Mine: Aragonite
7. Mine ID: 42-00023- (Contractor)

Section II—Justification for Action

Item No. 5 "Operator" is modified to Read American Stone

See Continuation Form ☐

Section III—Subsequent Action Taken

8. Extended To: A. Date Mo Da Yr; B. Time (24 Hr. Clock); C. Vacated ☐ D. Terminated ☐ E. Modified ☒

Section IV—Inspection Data

9. Type of Inspection: 001
10. Event Number: 0137995
11. Signature: Richard K. Nielsen
AR Number: 001017
12. Date: Mo 03 Da 14 Yr 89
13. Time (24 Hr. Clock): 1030

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

Completed: 1/28/89

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

2-28-89

Section I—Violation Data

1. Date: Mo 02 Da 22 Yr 89
2. Time (24 Hr. Clock): 1040
3. Citation/Order Number: 2652318
4. Served To: MARK WILLES - FOREMAN
5. Operator: UTAH CALCIUM COMPANY
6. Mine: ARAGONITE
7. Mine ID: 42-00023 (Contractor)
8. Condition or Practice

8a. Written Notice (103g) ☐

The MSHA QUARTERLY REPORT (MSHA FORM #7000-2) HAD NOT BEEN FILLED OUT NOR SUBMITTED TO MSHA FOR THIS OPERATION, FOR THE THIRD AND FOURTH QUARTER, 1988. THE OPERATION HAS BEEN RUNNING OFF AND ON DURING THESE QUARTERS. 3 MEN ARE WORKING AT THIS TIME. THE OPERATOR STATED THAT THEY HAD A CHANGE OF OWNERSHIP AT THIS TIME, THEREFORE THE CAUSE OF DELAY OF THE QUARTERLY REPORTS.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation: A. Health ☐ Safety ☐ Other ☐ B. Section of Act: 103-H C. Part/Section of Title 30 CFR: 50.30

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 (See Reverse): Yes ☐ No ☒ D. Number of Persons Affected: 000

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

12. Type of Action: 104-A-, -
13. Type of Issuance (check one): Citation ☒ Order ☐ Safeguard ☐

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 03 Da 03 Yr 89 B. Time (24 Hr. Clock): 1600

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): 091
20. Event Number: 0137995
21. Primary or Mill: M RTC 2/23/89
22. Signature: Richard R. Nielsen
23. AR Number: 00107

MSHA Form 7000-3, Mar 85 (Revised)

Mine Citation/Order Continuation

MIS

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

2-28-89

Section I—Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue)	Mo	Da	Yr	3. Citation/Order Number
☒	☐		02	22	89	2652318-1

4. Served To: Mark Willes - Foreman

5. Operator: Utah Calcium Company

6. Mine: Aragonite

7. Mine ID: 42-00023- (Contractor)

Section II—Justification for Action

Citation No. 2652318 is hereby modified to make item 8. "Condition or practice" read "The MSHA Quarterly Employment Report (MSHA Form 7000-2) had not been filled out nor submitted to MSHA for this operation, for the third and fourth quarter of 1988. This operation has been running off and on during these quarters. Three men are working at the time. The operator stated that they had a change of ownership, therefore this was the cause of delay of the quarterly reports. After discussion with the field office supervisor (supervisory metal and nonmetal mine inspector) and a metal and nonmetal mine inspector, who stated the requirement for filing these reports had been clearly explained to Mr. Ron Thomas (operator) on past inspections and conferences. It was concluded that Mr. Thomas should have known of his responsibility to send in these quarterly employment reports.

Item No. 11 "Negligence" is hereby modified to b D. High instead of C. Moderate

See Continuation Form ☐

Section III—Subsequent Action Taken

8. Extended To: A. Date: Mo Da Yr; B. Time (24 Hr. Clock); C. Vacated ☐ D. Terminated ☐ E. Modified ☒

Section IV—Inspection Data

9. Type of Inspection: 001

10. Event Number: 0137995

11. Signature: Richard R. Nielsen

AR Number: 00107

12. Date: Mo 02 Da 27 Yr 89

13. Time (24 Hr. Clock): 1000

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

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	2. Dated (Original Issue)	Mo	Da	Yr	3. Citation/Order Number
☒	☐		02	22	89	2652318-2

4. Served To: Mark Willes - Foreman

5. Operator: American Stone

6. Mine: Aragonite

7. Mine ID: 42-00023- (Contractor)

Section II—Justification for Action

Item No. 5 "Operator" is modified to read: American Stone

See Continuation Form ☐

Section III—Subsequent Action Taken

8. Extended To: A. Date Mo Da Yr; B. Time (24 Hr. Clock); C. Vacated ☐ D. Terminated ☐ E. Modified ☒

Section IV—Inspection Data

9. Type of Inspection: 001

10. Event Number: 0137995

11. Signature: Richard R. Nielsen

AR Number: 00107

12. Date: Mo 03 Da 14 Yr 89

13. Time (24 Hr. Clock): 1030

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

Mine Citation/Order

MIS

Completed: 9/28/89

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

2-28-89

Section I—Violation Data

1. Date	Mo	Da	Yr	2. Time (24 Hr. Clock)	3. Citation/Order Number
	02	22	89	1000	2652319

4. Served To: Mark Willes - Foreman

5. Operator: Utah Calcium Company

6. Mine: Aragonite

7. Mine ID: 42-00023 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

Three (3) employees were observed operating the mill and not wearing hard hats. One employee was operating the front end loader and was generally in the cab of the loader, however he did not wear a hard hat when he left the cab. One employee worked on a deck above the jaw crusher - no overhead falling material hazards were present until he climbs down from the deck. One employee was working in the pushing shed and had no exposure of falling objects until he leaves the pushing shed. He did not wear a hard hat. Rock being fed into the crusher was relatively small and would probably not cause serious injury but minor injuries could result.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation — A. Health ☐ Safety ☐ Other ☐ — B. Section of Act — C. Part/Section of Title 30 CFR: 56.15002

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 (See Reverse): Yes ☐ No ☒ — D. Number of Persons Affected: 3

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

12. Type of Action: 104-a-, — 13. Type of Issuance (check one): Citation ☒ Order ☐ Safeguard ☐

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 02 Da 22 Yr 89 — B. Time (24 Hr. Clock): 1600

Section III—Termination Action

17. Action to Terminate

Hard hats were issued to employees and they wore them

18. Terminated — A. Date: Mo 02 Da 22 Yr 89 — B. Time (24 Hr. Clock): 1400

Section IV—Automated System Data

19. Type of Inspection (activity code): 001 — 20. Event Number: 0137995 — 21. Primary or Mill: M RTC 2/23/89

22. Signature: Richard R Nielsen — 23. AR Number: 00107

MSHA Form 7000-3, Mar 85 (Revised)

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 ☐ 2. Dated (Original Issue) Mo 02 Da 28 Yr 89 3. Citation/Order Number 2652319-1

4. Served To Mark Willes 5. Operator American Stone

6. Mine Aragonite 7. Mine ID 42-00023- (Contractor)

Section II—Justification for Action

Item No. 5 "operator" is modified to read; American Stone

See Continuation Form ☐

Section III—Subsequent Action Taken

8. Extended To A. Date Mo Da Yr B. Time (24 Hr. Clock) C. Vacated ☐ D. Terminated ☐ E. Modified ☒

Section IV—Inspection Data

9. Type of Inspection 001 10. Event Number 0137995

11. Signature Richard R. Nielsen AR Number 00107 12. Date Mo 03 Da 14 Yr 89 13. Time (24 Hr. Clock) 1030

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

Mine Citation/Order MHS
Completed: 2/28/89

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

FMC 2-28-89

Section I—Violation Data

1. Date: Mo 02 Da 22 Yr 89
2. Time (24 Hr. Clock): 1005
3. Citation/Order Number: 2652320
4. Served To: Mark Willes - Foreman
5. Operator: Utah Calcium Company
6. Mine: Aragonite
7. Mine ID: 42-00023 (Contractor)
8. Condition or Practice — 8a. Written Notice (103g) ☐

The ramp to the feed hopper to the jaw crusher was not provided with adequate berms on either side of the ramp. The berms were not mid axle height to the front end loader and the drop off on either side were high enough to allow the loader to tip over if it went over the side of the ramp. Serious injuries could be expected to result if the loader tipped over.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation: A. Health ☐ Safety ☐ Other ☐; B. Section of Act: —; C. Part/Section of Title 30 CFR: 56.9300

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 (See Reverse): Yes ☒ No ☐ — D. Number of Persons Affected: 1

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

12. Type of Action: 104-a-, —
13. Type of Issuance (check one): Citation ☒ Order ☐ Safeguard ☐

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 02 Da 27 Yr 89; B. Time (24 Hr. Clock): 1400

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): 001
20. Event Number: 0137995
21. Primary or Mill: M RTC 2/23/89
22. Signature: Richard R. Nielsen
23. AR Number: 00107

MSHA Form 7000-3, Mar 85 (Revised)

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	2. Dated (Original Issue)	Mo	Da	Yr	3. Citation/Order Number
☒	☐		02	22	89	2652320-1

4. Served To: Mark Willes - Foreman

5. Operator: American Stone

6. Mine: Aragonite

7. Mine ID: 42-00023- (Contractor)

Section II—Justification for Action

Item No. 5 "operator" is modified to read; American Stone

See Continuation Form ☐

Section III—Subsequent Action Taken

8. Extended To | A. Date | Mo | Da | Yr | B. Time (24 Hr. Clock) | C. Vacated ☐ | D. Terminated ☐ | E. Modified ☒

Section IV—Inspection Data

9. Type of Inspection: 092

10. Event Number: 0137995

11. Signature: Richard R. Nielsen

AR Number: 00107

12. Date: Mo 03 Da 14 Yr 89

13. Time (24 Hr. Clock): 1030

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

Mine Citation/Order

MIS

Completed: 2/28/89

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

2-28-89

Section I—Violation Data

1. Date: Mo 02 Da 22 Yr 89
2. Time (24 Hr. Clock): 1015
3. Citation/Order Number: 2652341
4. Served To: Mark Willes - Foreman
5. Operator: Utah Calcium Company
6. Mine: Aragonite
7. Mine ID: 42-00023 (Contractor)
8. Condition or Practice

8a. Written Notice (103g) ☐

The Parking brake on the Michigan Front End Loader Model 275B S/N 569559 AAA was not operating. The loader was normally parked on level ground and exposure to persons being hit by a runaway loader would be unlikely.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation: A. Health ☐ Safety ☐ Other ☐ B. Section of Act — C. Part/Section of Title 30 CFR: 56.14101(a)

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 (See Reverse): Yes ☐ No ☒
D. Number of Persons Affected: 1

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

12. Type of Action: 104-a-, —
13. Type of Issuance (check one): Citation ☒ Order ☐ Safeguard ☐

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 03 Da 10 Yr 89 B. Time (24 Hr. Clock) 1400

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): 001
20. Event Number: 0137995
21. Primary or Mill: M RK 2/25/89
22. Signature: Richard R. Nielsen
23. AR Number: 00107

MSHA Form 7000-3, Mar 85 (Revised)

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 ☐ 2. Dated (Original Issue) Mo 02 Da 22 Yr 89 3. Citation/Order Number 2652341-1

4. Served To Mark Wiles - Foreman 5. Operator American Stone

6. Mine Cragonite 7. Mine ID 42-00023- (Contractor)

Section II—Justification for Action

Item No. 5 is modified to Read "Operator"; American Stone.

See Continuation Form ☐

Section III—Subsequent Action Taken

8. Extended To: A. Date Mo Da Yr B. Time (24 Hr. Clock) C. Vacated ☐ D. Terminated ☐ E. Modified ☒

Section IV—Inspection Data

9. Type of Inspection 001 10. Event Number 0137995

11. Signature Richard R. Nielsen AR Number 00107 12. Date Mo 03 Da 14 Yr 89 13. Time (24 Hr. Clock) 1030

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

Mine Citation/Order

Completed: 02/28/89

U.S. Department of Labor

Mine Safety and Health Administration 2-28-89

Section I—Violation Data

1. Date: Mo 02 Da 22 Yr 89

2. Time (24 Hr. Clock): 1020

3. Citation/Order Number: 2652342

4. Served To: Mark Willes - Foreman

5. Operator: Utah Calcium Company

6. Mine: Aragonite

7. Mine ID: 42-00023 (Contractor)

8. Condition or Practice:

8a. Written Notice (103g) ☐

The oxygen and acetylene bottles were not secured. These bottles were located next to the crushing shed and were not placed on level ground and were not in a vertical position. The oxygen bottle did not have the protective cover over the valve. Two persons worked near the bottles and persons or self propelled mobile equipment could knock the bottles over. The unprotected valve could be broken off causing the bottle to become a flying missile or projectile which may result in a serious injury or fatality.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation: A. Health ☐ Safety ☐ Other ☐ B. Section of Act — C. Part/Section of Title 30 CFR: 56.16005

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 (See Reverse): Yes ☒ No ☐ D. Number of Persons Affected: 2

11. Negligence (check one)

A. None ☐ B. Low ☐ C. Moderate ☒ D. High ☐ E. Reckless Disregard ☐

12. Type of Action: 104-a-, —, —

13. Type of Issuance (check one): Citation ☒ Order ☐ Safeguard ☐

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 02 Da 22 Yr 89 B. Time (24 Hr. Clock) 1600

Section III—Termination Action

17. Action to Terminate

The bottles were secured and the cap was placed on the oxygen bottle

18. Terminated: A. Date Mo 02 Da 22 Yr 89 B. Time (24 Hr. Clock) 1400

Section IV—Automated System Data

19. Type of Inspection (activity code): 001

20. Event Number: 0137995

21. Primary or Mill: M RTC 02/23/89

22. Signature: Richard R. Nielsen

23. AR Number: 00107

MSHA Form 7000-3, Mar 85 (Revised)

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	2. Dated (Original Issue)	Mo	Da	Yr	3. Citation/Order Number
☒	☐		02	22	89	2652342-1

4. Served To: Mark Willes

5. Operator: American Stone

6. Mine: Aragonite

7. Mine ID: 42-00023- (Contractor)

Section II—Justification for Action

Item No 5 "Operator is modified to Read; American Stone

See Continuation Form ☐

Section III—Subsequent Action Taken

8. Extended To | A. Date | Mo | Da | Yr | B. Time (24 Hr. Clock) | C. Vacated ☐ | D. Terminated ☐ | E. Modified ☒

Section IV—Inspection Data

9. Type of Inspection: 001

10. Event Number: 0137995

11. Signature: Richard R. Nielsen

AR Number: 00107

12. Date: Mo 03 Da 14 Yr 89

13. Time (24 Hr. Clock): 1030

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

Mine Citation/Order

Completed: 2/28/89

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

2-28-89

Section I—Violation Data

1. Date: Mo 02 Da 22 Yr 89
2. Time (24 Hr. Clock): 1030
3. Citation/Order Number: 2652343
4. Served To: Mark Willes - Foreman
5. Operator: Utah Calcium Company
6. Mine: Aragonite
7. Mine ID: 42-00023 (Contractor)
8. Condition or Practice — 8a. Written Notice (103g) ☐

The fire extinguisher in the bagging shed had been discharged. Electrical equipment and combustible materials were present in this area, however, persons could leave the area in the event of a fire through 3 doors in different parts of the building and it would be unlikely that an injury an injury would result because of the lack of fire extinguishers.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation: A. Health ☐ Safety ☐ Other ☐ — B. Section of Act — C. Part/Section of Title 30 CFR: 56.4203

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 (See Reverse): Yes ☐ No ☒ — D. Number of Persons Affected: 2

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

12. Type of Action: 104-a-, — 13. Type of Issuance (check one): Citation ☒ Order ☐ Safeguard ☐

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 03 Da 03 Yr 89 — B. Time (24 Hr. Clock) 1400

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): 001
20. Event Number: 0137995
21. Primary or Mill: M RK 2/23/89
22. Signature: Richard R. Nielsen
23. AR Number: 00107

MSHA Form 7000-3, Mar 85 (Revised)

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	2. Dated (Original Issue)	Mo	Da	Yr	3. Citation/Order Number
☒	☐		02	22	89	2652343-1

4. Served To: Mark Willis - Foreman

5. Operator: American Stone

6. Mine: Aragonite

7. Mine ID: 42-00023- (Contractor)

Section II—Justification for Action

Item No 5 "Operator" is modified to read; American Stone

See Continuation Form ☐

Section III—Subsequent Action Taken

8. Extended To: A. Date Mo Da Yr; B. Time (24 Hr. Clock); C. Vacated ☐ D. Terminated ☐ E. Modified ☒

Section IV—Inspection Data

9. Type of Inspection: 001

10. Event Number: 0137995

11. Signature: Richard R. Nielsen

AR Number: 00107

12. Date: Mo 03 Da 14 Yr 89

13. Time (24 Hr. Clock): 1030

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

Mine Citation/Order

MIS Completed: 2/28/89

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

2-28-89

Section I—Violation Data

1. Date	Mo	Da	Yr	2. Time (24 Hr. Clock)	3. Citation/Order Number
	02	22	89	1045	2652344

4. Served To: Mark Willes-Foreman

5. Operator: Utah Calcium Company

6. Mine: Aragonite

7. Mine ID: 42-00023 (Contractor)

8. Condition or Practice

8a. Written Notice (103g) ☐

The 110 volt circuit in the bagging shed feeding the heat lamp, bagging machine feed conveyor belt remote control switch and the sewing machine switch was not protected from mechanical damage because cables were pulled from strain clamps. No damage was noted to the insulation on the individual conductors and the shock hazard at the time of observation would be unlikely.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation: A. Health ☐ Safety ☐ Other ☐ B. Section of Act — C. Part/Section of Title 30 CFR: 56.12008

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 (See Reverse): Yes ☐ No ☒

D. Number of Persons Affected: 2

11. Negligence (check one)

A. None ☐ B. Low ☐ C. Moderate ☒ D. High ☐ E. Reckless Disregard ☐

12. Type of Action: 104-a-, —

13. Type of Issuance (check one): Citation ☒ Order ☐ Safeguard ☐

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: 02 22 89 B. Time (24 Hr. Clock): 1600

Section III—Termination Action

17. Action to Terminate

The cables were reinstalled in the strain clamps

18. Terminated: A. Date: 02 22 89 B. Time (24 Hr. Clock): 1400

Section IV—Automated System Data

19. Type of Inspection (activity code): 001

20. Event Number: 0137995

21. Primary or Mill: M

RTC 2/22/89

22. Signature: Richard R. Nielsen

23. AR Number: 00107

MSHA Form 7000-3, Mar 85 (Revised)

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	2. Dated (Original Issue)	Mo	Da	Yr	3. Citation/Order Number
☒	☐		02	22	89	2652344-1

4. Served To: Mark Willes - Foreman

5. Operator: American Stone

6. Mine: Aragonite

7. Mine ID: 42-00023- (Contractor)

Section II—Justification for Action

Item No. 5 "operator" is modified to read; American Stone

See Continuation Form ☐

Section III—Subsequent Action Taken

8. Extended To: A. Date Mo Da Yr; B. Time (24 Hr. Clock); C. Vacated ☐ D. Terminated ☐ E. Modified ☒

Section IV—Inspection Data

9. Type of Inspection: 001

10. Event Number: 0137995

11. Signature: Richard R. Nielsen

AR Number: 00107

12. Date: Mo 03 Da 14 Yr 89

13. Time (24 Hr. Clock): 1030

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

Mine Citation/Order **MIS** Completed: 2/28/89

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

2-28-89

Section I—Violation Data

1. Date: Mo 02 Da 23 Yr 89
2. Time (24 Hr. Clock): 1030
3. Citation/Order Number: 2652345
4. Served To: Mark Willes
5. Operator: Utah Calcium Company
6. Mine: Aragonite
7. Mine ID: 42-00023 (Contractor)
8. Condition or Practice: 8a. Written Notice (103g) ☐

The back-up-alarm was not operating on the 55D model Hanomag front-end-loader. The loader was operated in close proximity to persons(2) who travel in the area on foot. A noisy background is caused by crushers, screens and conveyors which may mask the noise of the front-end-loader. A fatal accident could result if a person were run over by the loader.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation: A. Health ☐ Safety ☐ Other ☐; B. Section of Act: —; C. Part/Section of Title 30 CFR: 56.14132(b)

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 (See Reverse): Yes ☒ No ☐
D. Number of Persons Affected: 2

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

12. Type of Action: 104-a-, —
13. Type of Issuance (check one): Citation ☒ Order ☐ Safeguard ☐

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 03 Da 03 Yr 89; B. Time (24 Hr. Clock): 1400

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): 001
20. Event Number: 0137995
21. Primary or Mill: M RTC 2/23/89
22. Signature: Richard R. Nielsen
23. AR Number: 00107

MSHA Form 7000-3, Mar 85 (Revised)

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 ☐
2. Dated (Original Issue): Mo 02 Da 22 Yr 89
3. Citation/Order Number: 2652345-1
4. Served To: Mark Willes - Foreman
5. Operator: American Stone
6. Mine: Aragonite
7. Mine ID: 42-00023- (Contractor)

Section II—Justification for Action

Item No. 5 "Operator" is modified to read; American Stone

See Continuation Form ☐

Section III—Subsequent Action Taken

8. Extended To: A. Date Mo Da Yr B. Time (24 Hr. Clock) C. Vacated ☐ D. Terminated ☐ E. Modified ☒

Section IV—Inspection Data

9. Type of Inspection: 001
10. Event Number: 0137995
11. Signature: Richard R. Nielsen
AR Number: 00107
12. Date: Mo 03 Da 14 Yr 89
13. Time (24 Hr. Clock): 1030

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

WORK COPY

UNITED STATES DEPARTMENT OF LABOR
MINE SAFETY AND HEALTH ADMINISTRATION

INSPECTION INFORMATION SHEET

Operator & Address

Lon Thomas, President
American Stone
4040 South 300 West
Salt Lake City, UT 84104

Type of Inspection: 02
Identification No.: 42-00023
Inspection Date(s): 3/14/89
Mine Status: Intermittent
Event No.: 0137997

[ ] Health samples collected and sent to lab for analysis.

Type: Dust [ ] Fiber [ ]
Fume [ ] Gas [ ]

Date Previous Inspection

February 22-23, 1989

Telephone No.: 801/262-4300 (Office) 801/884-3746 (Mine)

Company: American Stone

Mine Name: Aragonite

City: Aragonite County: Tooele State: Utah

Location: West on I-80 exit #56 over freeway; southeast 2.4 miles

Type of Mine: Crushed Stone/Mill Mining Method: Single Bench

No. of Employees: 4 Principal Product: Calcium Carbonate

Work Schedule: Hours/shift 8-10 Shifts/day 1 Days/week 4-5

Operating Official(s): Lon Thomas, President

Union Official & Address: None

Inspection Party:

Company: Mark Willes, Mine Foreman

Union: None

Miner's Representative: None

MSHA Inspector(s): Richard R. Nielsen

Other: None

No. of Outstanding Citations: 3

No. of Outstanding Orders: 1

Travel Area: 8:07

Reviewed by:

F. Nielsen 4-6-89
Supervisory Mine Safety and Health Inspector (date)

Mine Citation/Order

MIS Completed: 3/20/89

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

Section I—Violation Data

1. Date: Mo 03 Da 14 Yr 89
2. Time (24 Hr. Clock): 1130
3. Citation/Order Number: 2652352
4. Served To: Mark Willes - Foreman
5. Operator: American Stone
6. Mine: Aragonite
7. Mine ID: 42-00023 (Contractor)
8. Condition or Practice — 8a. Written Notice (103g) ☐

During a compliance-follow-up inspection on 3/14/89 at 1130 hours, I asked Mr. Mark Willes if any work had been done at the Pit (Quarry) since the regular inspection of 2/22/89. He answered yes, they had drilled, blasted and hauled from the quarry a round of rock. I asked him if any scaling or other work had been performed on the pit walls prior to commencing work at the Pit. He said that nong had been done. I requested that Mr. Willes and I travel to the pit and upon arriving I asked him to explain what work had been done, and the location of the work. He stated that he had drilled vertical holes on the bench to a depth of 10 feet because that was all the drill could do, because it could not remove

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation — A. Health ☐ Safety ☐ Other ☐ — B. Section of Act — C. Part/Section of Title 30 CFR: 56.3131

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 (See Reverse): Yes ☒ No ☐ — D. Number of Persons Affected: 2

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

12. Type of Action: 104-d-1,
13. Type of Issuance (check one): Citation ☒ Order ☐ Safeguard ☐

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 04 Da 14 Yr 89 — B. Time (24 Hr. Clock): 1400

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): 002
20. Event Number: 0137997
21. Primary or Mill: P

RTC 3/14/89 RRN

22. Signature: Richard R. Nielsen
23. AR Number: 00107

MSHA Form 7000-3, Mar 85 (Revised)

Mine Citation/Order Continuation

MIS

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

Section I—Subsequent Action/Continuation Completed:

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue)	3. Citation/Order Number
☐	☒	Mo 03 Da 14 Yr 89	2652352-1

4. Served To: Mark Willes - Foreman

5. Operator: American Stone

6. Mine: Aragonite

7. Mine ID: 42-00023- (Contractor)

Section II—Justification for Action

Drill cuttings from the hole. He then had to drill declining holes at the toe of the bench at the bottom of the pit and near the east highwall because the bench was about 20 feet high. At the time of the inspection on 2/22/89 and on 3/14/89 no one was working in the pit. However, when work was being done on 3/7,8 and 9/89 Two employees were exposed to dangerous conditions of loose, unconsolidated material at the top of the approximately 70 feet high vertical east pit wall. The loose unconsolidated material was not sloped to the angle of repose nor was it stripped for at least 10 feet from the top of the pit wall. On 2/22/89 Mr. Delbert C. Curtis and I traveled to the pit. Reportedly no work had been done in the pit for 2 or 3 months, however, Mr. Ron Thomas, who accompanied us to the pit, said that he planned to drill and blast a round soon. As recorded in my inspection notes of the regular inspection on 2/22/89, I cautioned Mr. Thomas to be certain that unsafe ground conditions be corrected before doing other work in the pit and to make sure that employees did not work near or under dangerous banks or pit walls. He stated that he

See Continuation Form ☒

Section III—Subsequent Action Taken

8. Extended To: A. Date Mo Da Yr; B. Time (24 Hr. Clock); C. Vacated ☐ D. Terminated ☐ E. Modified ☐

Section IV—Inspection Data

9. Type of Inspection: 002

10. Event Number: 0137997

11. Signature: Richard R. Nielsen

AR Number: 00107

12. Date: Mo 03 Da 14 Yr 89

13. Time (24 Hr. Clock): 1130

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

Mine Citation/Order Continuation

MIS

Completed:

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

Section I—Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue)	Mo	Da	Yr	3. Citation/Order Number
☐	☒		03	14	89	2652352-2

4. Served To: Mark Willes Foreman

5. Operator: American Stone

6. Mine: aragonite

7. Mine ID: 42-00023- (Contractor)

Section II—Justification for Action

~~stated that~~ when he planned to strip the high wall and place a bench near the top of the wall. Because of this discussion, Mr. Thomas was highly negligent when he required the two miners to enter the area and proceed with above listed work.

See Continuation Form ☐

Section III—Subsequent Action Taken

8. Extended To: A. Date Mo Da Yr; B. Time (24 Hr. Clock); C. Vacated ☐ D. Terminated ☐ E. Modified ☐

Section IV—Inspection Data

9. Type of Inspection: 002

10. Event Number: 0137997

11. Signature: Richard R. Nelson

AR Number: 00107

12. Date: Mo 03 Da 14 Yr 89

13. Time (24 Hr. Clock): 1130

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

Mine Citation/Order Continuation

MS

Completed:

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

Section I—Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue)	3. Citation/Order Number
☒	☐	Mo 03 Da 14 Yr 89	2652352-

4. Served To: Lon Thomas - President by Certified Mail

5. Operator: American Stone

6. Mine: Aragonite

7. Mine ID: 42-00023- (Contractor)

Section II—Justification for Action

Section 8 "Condition or Practice" is hereby modified to add "This constituted an unwarrantable failure violation"

See Continuation Form ☐

Section III—Subsequent Action Taken

8. Extended To: A. Date Mo Da Yr; B. Time (24 Hr. Clock)

C. Vacated ☐ D. Terminated ☐ E. Modified ☒

Section IV—Inspection Data

9. Type of Inspection: 002

10. Event Number: 0137997

11. Signature: Richard R. Nielsen

AR Number: 00107

12. Date: Mo 03 Da 16 Yr 89

13. Time (24 Hr. Clock): 0915

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

Mine Citation/Order

MIS Completed: [redacted]

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

Section I—Violation Data

1. Date: Mo 03 Da 14 Yr 89
2. Time (24 Hr. Clock): 1145
3. Citation/Order Number: 2652353
4. Served To: Mark Willes - Foremen
5. Operator: American Stone
6. Mine: aragonite
7. Mine ID: 42-00023 (Contractor)
8. Condition or Practice — 8a. Written Notice (103g) ☐

Ground conditions that created a hazard to persons, were not taken down nor supported before two employees drilled, blasted, loaded and hauled a round on March 7, 8, 9, 1989. Hazardous areas had not been posted nor barricaded. Mr. Ron Thomas during the regular inspection on 2/22/89 was cautioned to take precautionary measures and correct ground conditions before commencing work in the pit and to be certain that persons did not work under or near dangerous banks or walls. Mr. Thomas was highly negligent in requiring the two miners to perform the above work.

See Continuation Form (MSHA Form 7000-3a) ☐

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

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 (See Reverse): Yes ☒ No ☐ — D. Number of Persons Affected: 2

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

12. Type of Action: 104-d-1,
13. Type of Issuance (check one): Citation ☐ Order ☒ Safeguard ☐

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

The bench and working face at the bottom of the Pit.

16. Termination Due — A. Date: Mo 04 Da 14 Yr 89 — B. Time (24 Hr. Clock): 1400

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): 002
20. Event Number: 0137997
21. Primary or Mill: P

RTC 3/14/89 RLN

22. Signature: Richard R. Nielsen
23. AR Number: 00107

MSHA Form 7000-3, Mar 85 (Revised)

Mine Citation/Order Continuation

MIS Completed: 3/20/89

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

Section I—Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue)	Mo	Da	Yr	3. Citation/Order Number
☒	☐		03	14	89	2652353 -

4. Served To: Lon Thomas - President

5. Operator: American Stone

6. Mine: Aragonite

7. Mine ID: 42 - 00023 - (Contractor)

Section II—Justification for Action

Section 1 item 8 "Condition or Practice" is hereby modified to add "This constituted an unwarrantable failure violation."

Section II item 14. "Initial Action" is modified to read A. citation E. citation No. 2652352 F. Dated 3/14/89

item 16. A.B. "Termination Due" is hereby deleted.

See Continuation Form ☐

Section III—Subsequent Action Taken

8. Extended To | A. Date | Mo | Da | Yr | B. Time (24 Hr. Clock) | C. Vacated ☐ | D. Terminated ☐ | E. Modified ☒

Section IV—Inspection Data

9. Type of Inspection: 002

10. Event Number: 0137997

11. Signature: Richard A. Nielsen

AR Number: 00107

12. Date: Mo 03 Da 16 Yr 89

13. Time (24 Hr. Clock): 0930

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

Mine Citation/Order

Completed: 3/23/89

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

Section I—Violation Data

1. Date: Mo 03 Da 14 Yr 89
2. Time (24 Hr. Clock): 1150
3. Citation/Order Number: 2652354
4. Served To: Mark Willes - Foreman
5. Operator: American Stone
6. Mine: Aragonite
7. Mine ID: 42-00023 (Contractor)
8. Condition or Practice
8a. Written Notice (103g) ☐

The high walls on the east, west and north sides of the pit, could not be scaled down of loose rock by the equipment used at the mine. Benches were not used to allow for safe scaling of the walls. Scaling of the walls of loose ground was not done prior to two miners drilling, blasting and loading and hauling a round from the pit on 3/7, 8 and 9/89.

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 (See Reverse): Yes ☐ No ☐ — D. Number of Persons Affected

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

12. Type of Action: 104-a-, —
13. Type of Issuance (check one): Citation ☒ Order ☐ Safeguard ☐

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
High walls in Pit

16. Termination Due — A. Date: Mo 04 Da 14 Yr 89 — B. Time (24 Hr. Clock): 1400

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): 002
20. Event Number: 0137997
21. Primary or Mill: P

RTC 3/14/89 MN

22. Signature: Richard R. Nielsen
23. AR Number: 00107

MSHA Form 7000-3, Mar 85 (Revised)

Mine Citation/Order Continuation

MIS

Completed:

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

Section I—Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue)	Mo	Da	Yr	3. Citation/Order Number
☒	☐		03	14	89	2652354 -

4. Served To by certified Mail: Lon Thomas - President

5. Operator: American Stone

6. Mine: Aragonite

7. Mine ID: 42 - 00023 - (Contractor)

Section II—Justification for Action

Citation No. 2652354 is hereby modified to include section 10. "Gravity:" C. "Significan and Substantial" - yes and D. "Number of persons affected" - 2

See Continuation Form ☐

Section III—Subsequent Action Taken

8. Extended To: A. Date Mo Da Yr; B. Time (24 Hr. Clock); C. Vacated ☐ D. Terminated ☐ E. Modified ☒

Section IV—Inspection Data

9. Type of Inspection: 002

10. Event Number: 0137997

11. Signature: Richard R. Nielsen

AR Number: 00107

12. Date: Mo 03 Da 16 Yr 89

13. Time (24 Hr. Clock): 0800

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

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FILE COPY

UNITED STATES DEPARTMENT OF LABOR
MINE SAFETY AND HEALTH ADMINISTRATION

INSPECTION INFORMATION SHEET

Operator & Address

Lon Thomas, President
American Stone
4040 South 300 West
Salt Lake City, UT 84107

Type of Inspection: 02
Identification No.: 42-00023
Inspection Date(s): 5/8/89
Mine Status: Intermittent
Event No.: 0138566

[ ] Health samples collected and sent to lab for analysis.

Type: Dust [ ] Fiber [ ]
Fume [ ] Gas [ ]

Date Previous Inspection

March 14, 1989

Telephone No.: 801/262-4300 (Office); 801/884-3746

Company: American Stone

Mine Name: Aragonite

City: Aragonite County: Tooele State: Utah

Location: West on I-80 exit #56 over freeway; southeast 2.5 miles

Type of Mine: Crushed Stone/Mill Mining Method: Single Bench

No. of Employees: 4 Principal Product: Calcium Carbonate

Work Schedule: Hours/shift 8-10 Shifts/day 1 Days/week 4-5

Operating Official(s): Lon Thomas, President

Union Official & Address: None

Inspection Party:

Company: Lon Thomas, President

Union: None

Miner's Representative: None

MSHA Inspector(s): Fred M. Hansen; Richard R. Nielsen

Other: Jerry Davidson, Denver Health and Safety Technology Center

No. of Outstanding Citations: 0

No. of Outstanding Orders: 1

Travel Area: B:07

Reviewed by:

Fred M Hansen 5-23-89
Supervisory Mine Safety and Health Inspector (date)

Mine Citation/Order

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

5-11-89

Section I—Violation Data

1. Date: Mo 05 Da 08 Yr 89
2. Time (24 Hr. Clock): 1645
3. Citation/Order Number: 2652394
4. Served To: Lon Thomas, Owner
5. Operator: American Stone
6. Mine: Aragonite
7. Mine ID: 42-00023 (Contractor)
8. Condition or Practice — 8a. Written Notice (103g) ☐

Citation No 2652354 had not been complied with by the due date of 5/4/89 which included one extension. Persons are to be withdrawn from and may not enter the entire pit area. The operator may remove mining equipment from the pit. No other work may be performed until a safe means of scaling pit walls has been established. AND Approved by MSHA.

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 (See Reverse): Yes ☐ No ☐ — D. Number of Persons Affected

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

12. Type of Action: 104-b-, —, —
13. Type of Issuance (check one): Citation ☐ Order ☒ Safeguard ☐

14. Initial Action: A. Citation ☒ B. Order ☐ C. Safeguard ☐ D. Written Notice ☐ E. Citation/Order Number: 2652354 F. Dated: Mo 03 Da 14 Yr 89

15. Area or Equipment: Entire mine

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): 002
20. Event Number: 0138566
21. Primary or Mill: P RTC

22. Signature: Richard R. Nielsen
23. AR Number: 00107

MSHA Form 7000-3, Mar 85 (Revised)