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January 28, 2010

ARPA e-News

ARPA Board Tours State Treasurer's Office

The ARPA Board held their monthly meeting at the State Treasurer's office on January 20th. Following the meeting, State Treasurer Dean Martin presented to the Board regarding the State's budget. His message included a prediction that the state would begin to recover in approximately 6 months, but the recovery would be slow, taking 3 to 4 years. Construction targets were predicted at 18 to 26 months, again with a slow recovery process due to a surplus of excess homes and commercial buildings. He also explained why the increase in retail sales are misleading; store closures have increased sales for the stores that remain open. He spoke about the "Double Dip" recession which refers to the tech bubble bursting which was helped by the housing bubble that also burst. Following Treasurer Martin's presentation, he provided a tour of the States trading room. This gave Board members an inside view into the daily operations of the State Treasurer's office.

Lafarge Saves the Day

Foreman Arturo Acosta, at Lafarge's Sun City Operation, has put in a lot of time over the years to keep up with the needs of local residents around their facility. Arturo was called upon on Friday after hours by Richard Wehbe, who sits on the Maricopa County Mining Recommendation Committee as an advocate for the community, to let him know that the neighborhood on Rose Garden Lane was cut off by the storm and river water that was being released. In essence, they were being flooded. Art made the decision and breached his pit, taking on pretty much all of the storm water from Coyote Lakes, Rose Garden and Peoria (via Beardsley). By doing this he stopped the flooding in those areas. We commend you for your timely response and dedication to the community.

Meetings and Events

- ✦ **Community Relations:** The next Community Relations committee meeting will be held on Tuesday, February 2nd, at 9:00am at the ARPA office.
- ✦ **Asphalt Paving & Technical:** The next joint ARPA/AGC Asphalt Paving & Technical Committee meeting will be held on Tuesday, February 9th at 7:30am, at the ARPA office.
- ✦ **Concrete Technical & Education:** The next ARPA Concrete Technical & Education Committee Meeting will be held on Tuesday, February 9th at 2:00pm, at the ARPA office.
- ✦ **Human Resources: NEW DATE**
The ARPA Human Resources Committee has changed their regular meeting day to the 2nd Thursday of the month. The next meeting is scheduled for **Thursday**, February 11th at 9am and will be held in the ARPA Board meeting room. **AZ Secretary of State, Ken Bennett**, will be our guest speaker.

✦ **ARPA/AGC Safety Meeting:** You won't want to miss the joint **AGC, ATA, ABA** and **ARPA Safety meeting** at Empire Machinery located on Country Club and the US 60 on February 18, 2010.

📧 Request a copy of the 2010 ARPA Committee Meeting Calendar at: laura@azrockproducts.org

ARPA Driver of the Year Winners

The winners of the ARPA 2009 Driver of the Year Awards were recognized at the joint ARPA/AMA meeting held on Thursday, January 21st. Johnson Brown of Cemex was honored for his exceptional career achievements as a ready mix concrete driver. From CTI, An Arizona Corp, Ken Koerner was awarded for his exceptional achievements as a bulk haul driver. Both of these men have greatly contributed to the growth and success of the Arizona Rock Products Industry through their dedication to safety, customer service and overall professionalism. Combined they have over 60 years of service to our industry. Congratulations to Ken Koerner and Johnson Brown, ARPA's 2009 Driver of the Year Winners.



Ken Koerner



Johnson Brown

Committee News

ARPA and AMA Hold Joint Meeting

The ARPA Safety/Transportation Committee meeting held on January 21st was a joint meeting with the **Arizona Mining Association (AMA)**. The meeting fell on an extreme weather day for Arizona with snow to the north and rain fall that flooded the state. Participation to this important meeting did not waiver, however, with over 35 people in attendance. Meeting presenters included



Mark Savit

Dave Brown, Supervisor of the Mine Safety and Health Administration (MSHA) as well as Tim Evans and Frank Rabago with the State Mine Inspector's Office. Special guest speaker Mark Savit with Patton Boggs LLP presented on regulatory compliance at the meeting. Mr. Savit counsels clients in government investigations and on regulatory matters, to help limit civil liabilities, prevent criminal prosecutions, and promote sound health, safety and environmental policies. Mark has expertise in health and safety law, environmental law including mining, manufacturing and related litigation and legislative services.

He began his career at the Department of the Interior where he headed the special investigations unit of the Mining Enforcement and Safety Administration. The 2009 ARPA Driver of the 4th Quarter winners were also recognized and awarded; Jeff McCowen of Cemex and Glen Harper of CTI, An Arizona Corp.



Jeff McCowen

AZ Secretary of State, Ken Bennett to Speak at Upcoming ARPA Meeting

ARPA members, please mark your calendars for Thursday, February 11th, at 9am to join the ARPA Human Resources Committee at their next meeting. **AZ Secretary of State, Ken Bennett**, will be the guest speaker and presenting on the Arizona State budget. This meeting is open to all ARPA members and will be a meeting you won't want to miss.

Industry News

Meeting with City of Phoenix Regarding escalator/De-Escalator Language



City of Phoenix

ARPA and the AZ Chapter of Associated General Contractors recently had a meeting with the City of Phoenix to discuss price adjustment language for bituminous treatments. When asked if they felt there would be legal or technical challenges Wylie Bearup, Director of Street Transportation state encouragingly, "the City Attorney Dan Brown had no concerns and thought it was generally a good idea." The City would have their concerns addressed in a series of meetings intended to work on this issue. The next meeting is set for February 17th and will include Julio Alvarado, Assistant State Engineer of the Construction Group from the Arizona Department of Transportation. Julio manages the state adjustment on commodities such as fuel and asphalt oil. He will discuss how the price indices work for the State. Mr. Bearup added that he wanted to "work on bituminous treatments first and other commodities later. We can use the process as a model."

~For more information contact Steve Trussell, ARPA



PINAL COUNTY
wide open opportunity

Pinal County 'Moderate' Non-attainment Status Update

In October 2009, the U.S. Environmental Protection Agency (EPA) asked the Governor to submit a recommendation designating areas of Pinal County as being either attainment, nonattainment or unclassifiable (inadequate to make a determination) for the inhalable particulate matter (PM₁₀) and fine particulate matter (PM₂₅) National Ambient Air Quality Standards (NAAQS). EPA's request is based on PM₁₀ and PM₂₅ concentrations measured in the western portion of the County that are in violation of the NAAQS. The Arizona Department of Environmental Quality's (ADEQ) recommendation to the Governor will follow careful consideration of the 1987 24-hour PM₁₀ and 1997 Annual PM₂₅ standards, requirements for designation of nonattainment areas, and options available for implementing the standards.

The next steps include creating boundaries for both PM₁₀ and PM₂₅, creating an emissions inventory to identify contributing sources and determining what reasonably available control measures or RACM would be necessary in the area to reach attainment. It has been rumored that Maricopa County Rules 316 and 310 are being considered for inclusion in the plan due to the fact that part of the Maricopa County serious non-attainment area, 36sq. miles in Apache Junction, also extends into Pinal County. This makes creating usable Rule 316 in Maricopa County, which has been an ongoing process, even more critical. ARPA and its members were well represented in past meetings, including the latest hosted at the University of Arizona's Maricopa Ag Center on January 21st.

~For more information contact Steve Trussell, ARPA

Concrete Batch Plant General Permit

The Arizona Department of Environmental Quality (ADEQ) is revising the existing Concrete Batch Plant General Permit. ARPA members have spent countless hours hosting tours, reviewing the modeling inputs and negotiating provisions of the permit. ARPA Members had concerns regarding proposed changes that would create production limits and the inability to use the permit in non-attainment areas. In December, Trevor Baggione, Permitting Manager of ADEQ stated, "We have proposed an alternative background concentration approach for the modeling, but I am waiting for approval to move forward with it." On January 26th ARPA received word that ADEQ's Permitting Section had received, "approval to move forward with a different modeling approach for the Concrete Batch Plant General Permit. Based on that modeling we (ADEQ) will be revising, the permit is going through public notice again." Trevor concluded by saying, "We anticipate that the revised permit will allow for facilities to operate under the general permit in the entire state, including nonattainment areas (including Maricopa County)." ARPA appreciates all who have worked so hard to ensure this outcome.



~For more information contact Steve Trussell, ARPA

Industry News

NSSGA MSHA Taskforce

ARPA has been asked to be involved in the National Stone, Sand and Gravel Association (NSSGA) Mine Safety and Health (MSHA) Taskforce. The group plans to propose a congressional bill that would address some of the issues we are currently facing with the agency. Key components of the bill will include opportunities to abate violation, notices of correction, reduction of inspections based on excellent safety records and no inspections in areas that are not in production either now or in the future. ARPA will keep member companies posted on any developments. Proposed provisions include:

Encourage Immediate Abatement—Allow abatement in lieu of citation/penalty for non significant & substantial (S & S) violations if they are abated within a prescribed period of time.

De Minimis Standard—Currently, MSH is a strict liability statute. If an inspector sees a violation of any level, he must cite it. This section would create a MSH parallel to the OSH Act, which allows inspectors to issue a "notice in lieu of a citation with respect to de minimis violations which have no direct or immediate relationship to safety and health.

Small Mines—Owner-operated mines with no more than 3 employees for any month of the year will be inspected solely by state mine agencies in state's which have mine agencies.

Focus Inspection Resources—Direct MSHA to develop a safety record standard which, once an operation achieves for an established period of time, mandatory inspections of the mine in its entirety 4 times a year for underground mines and 2 times a year for surface mines could be reduced or waived. This would parallel the successful Voluntary Protection Program (VPP) which OSHA created in 1982. Under VPP, worksite are exempt from program inspections, but all safety standards and obligations are still in place and, if MSHA comes to the site following an injury or accident, citations may be issued.

Surface Mine Inspection Resources—Inspectors are not required to inspect areas of surface mines which are not in use during the year proceeding the inspection and will not be in use following it.

Direct Penalty Payments to Support Safety—Require the Secretary of Labor to craft a plan allowing penalties to be directed towards safety instead of going into the general Treasury. The plan will provide the option of spending assessed penalty amounts on safety equipment, personal protective equipment, outside training for employees or safety consultations with outside experts.

~For more information contact Steve Trussell, ARPA



Rusty Bowers on the Campaign Trail

It has been a week to remember; Prescott had the third largest precipitation in over one hundred and ten years. Many of the fine folks in Flagstaff and Yavapai county couldn't get down to the Republican Mandatory Statewide meeting due to the snow. Our thoughts and prayers are with the family in Dewey that lost their little boy in the flooding, and we all extend those sentiments to them.

The state meeting went well; I had a great talk with Russell Pearce on how to reduce illegal immigration. There were also meetings in Casa Grande with the Western Republican Club, good passionate folks who want to get involved. I also worked on getting the new website up and running.

All my best ~ Rusty Bowers

It's On TV So It Must Be True

Insiders have long known that Giffords, Kirkpatrick and Mitchell are in trouble. This video shows that it's starting to become the conventional wisdom. <http://www.espressopundit.com/2010/01/its-on-tv-so-it-must-be-true.html>

Vulnerability is self reinforcing—the more vulnerable a candidate looks, the more vulnerable he becomes. That's because vulnerable candidates draw top tier opponents and then they have trouble raising money as lobbyists start hedging their bets.

So, after Gabby impaled herself on Nancy Pelosi's health care bill (not to mention Cap and Trade and TARP), Jonathan Paton announced that he would resign his Senate seat in order to run against her. Paton looks credible enough that he managed to convince former Star and Capitol Times Reporter Daniel Scarpinato to come on board as his press guy. It's rare that someone leaves a real job in order to work for a challenger--that's why you see so many twenty something Political Science majors working for candidates. Scarpinato's decision--in addition to providing Paton's campaign with a high level of professional talent--makes Paton look more credible as a candidate. That credibility make it easier for Paton to raise money and harder for Giffords to raise money.

After Ann Kirkpatrick's early missteps she was seen as vulnerable well before the health care debacle, that's why she's drawn a field that includes former Senate Majority Leader Rusty Bowers.

To be sure, the incumbents will still raise the most money, but when an incumbent is widely seen as vulnerable, the money is harder to raise, the endorsements are harder to secure and the volunteers are harder to come by.

The opposite is true when a candidate is seen as unbeatable. No one who is credible will challenge him, so he becomes a sure thing. Democrats know that they can't beat John McCain in a general election so he's being challenged by Tucson City Councilman Rodney Glassman. I'm sure Glassman is a nice guy but he's destined to be a trivia question...just like the last Democrat who challenged McCain... can anyone come up with the name?...30 seconds...ah, too bad. That would be Stu Starky who managed to get just over 20% against McCain in 2004.

~Greg Patterson, Espresso Pundit



ARPA Save the Dates:

Mining Conference:

April date to be announced on next e-News letter

Spring Golf Tournament:

Whirlwind Golf Club: Thursday, May 13, 2010

Safety Awards Luncheon:

Phoenix Airport Marriott: Friday, May 21, 2010

Annual Convention:

Surf and Sand Resort: June 23-24, 2010

Helps sustain the AZ Rock Products Industry, refer a new member today!

Contact Laura Post at 602-271-0346 or laura@azrockproducts.org for membership information.