

SUMMER 2021

# SAND & GRAVEL

A PUBLICATION OF MAINE AGGREGATE ASSOCIATION



**MAINE**  
AGGREGATE ASSOCIATION

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## ABOUT US

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The Maine Aggregate Association is a non-profit trade association representing owners and operators of stone quarries, sand and gravel pits, and processing facilities that produce construction aggregates.

We have become a consistent and trusted resource at the State House in Augusta.

### Our membership is:

Gravel Pit Owners  
Quarry Operators  
Aggregate Processors  
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For more information, contact Chris Voynik at [chris@voynik.com](mailto:chris@voynik.com)

## A MESSAGE FROM OUR PRESIDENT

GENE FADRIGON

GORHAM SAND & GRAVEL

I am pleased to report that the Maine Aggregate Association is resuming business as usual!

Our first glimpse of normalcy was at our June board meeting which was hosted in-person at the Quarry Tap Room. Although we met regularly throughout the pandemic via Zoom, it was nice to see everyone face to face for the first time in over a year. The discussion revolved around how busy we are and how long will it last, labor shortages, safety and the landslide of proposed legislation.

In addition to in person board meetings we are remobilizing to plan for our 2022 Spring Thaw MSHA training. We understand how important this is to our members and will continue to provide this opportunity and resources to help keep our miners safe.

The Maine Legislative session is coming to an end at the State House. Our Executive Committee has been meeting weekly with Tim Walton to stay engaged and up-to-date on any and all bills that impact our industry and members. Be sure to check out the full legislative update in this issue.

As your President, I can assure you that the Maine Aggregate Association continues to focus on our three goals: safety, legislative impact, and workforce development and education. As long as we keep these three pillars at the forefront of what we do, we will continue to have a clear and respected voice for the Maine Aggregate Industry.

Thank you for your continued support.



*"Maine Aggregate Association is resuming business as usual."*

# 2021 Spring Thaw!

## SAVE THE DATE!

### MARCH 11

(Snow date March 25)

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# UNDER THE DOME

TIM C. WALTON

WALTON EXTERNAL AFFAIRS

By the time you read this, the 1st Regular Session of the 130th Maine State Legislature will be in the history books. Not to say they won't be called back for some reason, as stranger things have happened, but in all likelihood, the show is over for now and preparations are already underway for when they return to the Capitol next January.

It goes without saying that this session was one for the ages. With two-thirds of it being held virtual, there were many challenges all around to how the peoples business was conducted. Representing your public policy interests and lobbying issues impactful to the industry proved problematic to say the least. It was no doubt the most challenging legislative session I have experienced in my career. A detriment to advancing good public policy, it was certainly no way to govern the State. Given the significant number of anti-business bills, specifically the large number of labor and environmental measures, the negative ramifications from this session will last for decades to come. In my opinion, the people of Maine, all of us, lost big time.

That said, as hard as it was to see at the time, there was some value that came from this session. If nothing else, it offered two positive lessons; the virtual world forced us to become more diverse and efficient in our messaging delivery methods which made us better communicators and it also reminded us that by working together, collaboratively with our allies, we can better achieve our common goals.

When physically communicating with your customers, in my case legislators and the administration, is not an option, persuading them to side with your position on policy matters can be really challenging. COVID redefined outreach. Phone calls, text messages, emails and zoom meetings all became part of the "new normal" communication strategy. Somehow, however, we managed to survive it just fine, coming thru the other side with more success than we could hope for.

As an association, we engaged with a number of coalitions made up of other like minded trade and industry groups where we fought together to defeat some of the most egregious policy initiatives. Bills that if passed, would devastate, if not cripple the economy.

By going into battle with others who shared our goals, we were able to fend off the wolves and stop at least some of bad bills from advancing. I see this approach being a significant part of our government relations strategy moving forward.

As tough as this session was and given all the policy attacks on business and industry, our biggest threat lies ahead. In recent years a political movement has emerged and is spreading like wildfire across America. Maine has not been immune from its grasp. The progressives have taken over the democrat party and are getting elected to the most local offices all the way to Congress. These are people that often have little to no business experience and routinely promote public policy measures adverse to a strong business climate. Their actions demonstrate little regard for the employer side of the equation and they appear to have a disdain for the term profit. What we saw this session from members of this small, but elite group, was an onslaught of harmful policy initiatives aimed at the general employer community, the free market and the construction industry. Elections have consequences. There is no mystery why they are able to advance their positions; simply put, they have the numbers. Unless we make changes in Augusta, this problem is only going to get worse.

I'd be remiss if I didn't mention our leadership's role in our continued success and clout in Augusta. Our officers, board of directors and members of the advocacy committee should be commended for their dedication and commitment to leading our government relations efforts. The committee met weekly via zoom and provided me with the direction I needed as your governmental affairs representative to advance our political agenda at the Statehouse, all while representing your best interest and the mission of the organization.

Please don't hesitate to reach out with any questions or comments to: [tim@waltonexternalaffairs.com](mailto:tim@waltonexternalaffairs.com)



***"I'd be remiss if I didn't mention our leadership's role in our continued success and clout in Augusta."***





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## MSHA WEBSITE UPDATE

MSHA has provided the industry with all the information an operator needs to be compliant with the vast number of regulations and keep their workers safe.

[www.msha.gov](http://www.msha.gov) is a resource that every operator should use on a regular basis. It contains links to training videos, updates on safety initiatives, Compliance tools, and all the rules and regulations.

The first step is to subscribe to e-mail updates. You will get information on training, fatalgrams & investigation reports, news releases, rules & regulations, and health & safety information. This includes the topics that will be the focus areas of inspections.

There are links to online filing of the required paperwork. The number one citation written in Maine last year was for CFR 30, 50.30 Preparation & submission of MSHA form 7000-2, Quarterly Employment and Coal Production Report. These forms can be found in the Support & Resources drop down tab.

The main page of the website has links to Safety Training Videos, where you may recognize some of the people. They used some of the film footage that was taken in Maine for some of the newer videos. There are also resources for Safety Initiatives, Enforcement, Information for Miners and Mine Data.

Under the "Enforcement" there is a link for Educational Field and Small Mine Services (EFSMS) where you can find information about Training Plans and all of the associated forms.

In the "For Miners" link there is information about planning to open a new Mine and Newly Hired to work at a mine. Miners' Rights and Responsibilities is a topic that all miners need to be educated on is there.

Then there is the "Mine Data", this is where you can search mine ID's to view historic citations and production hours. This area will take some time to navigate in an efficient way! But it shows you what your past citations have been and what other companies have been cited for.

There are also Fatality Reports, which include a Preliminary Report, The Fatality Report, which includes a brief description of what happened as well as Best Practices to avoid similar incidences.

Then once a complete investigation is completed the Final Report is published. This information can be used to educate your miners of potential hazards and with discussion how to avoid similar accidents.

This website is a great tool if you take time to learn how to navigate it. MSHA has provided this information to assist in protecting miners, please take the time to look at this information.

[www.msha.gov](http://www.msha.gov)

If you do not use a computer very much of want more specific assistance, Michael Powers the Education Educational Field and Small Mine Services (EFSMS) representative in Portsmouth, NH can help. (603)610-6993.



### About MSHA...

*The U.S. Department of Labor's Mine Safety and Health Administration (MSHA) works to prevent death, illness, and injury from mining and promote safe and healthful workplaces for U.S. miners.*

*MSHA carries out the provisions of the Federal Mine Safety and Health Act of 1977 (Mine Act) as amended by the Mine Improvement and New Emergency Response (MINER) Act of 2006.*

*The agency develops and enforces safety and health rules for all U.S. mines regardless of size, number of employees, commodity mined, or method of extraction. MSHA also provides technical, educational and other types of assistance to mine operators. We work cooperatively with industry, labor, and other federal and state agencies to improve safety and health conditions for all miners in the United States.*

*Safety and health in America's mining industry made significant strides during the 20th century and over the last several decades in particular. In 1978, the first year MSHA operated under the Mine Act of 1977, 242 miners died in mining accidents. In 2020, this number fell to 29 fatalities.*

*MSHA continues to work to reduce injuries, illnesses and death through strong enforcement as well as active outreach, education and training, and technical support to the mining industry.*

# PFAS & THE AGGREGATE INDUSTRY: A CASS STUDY

ST. GERMAIN

Per- and polyfluoroalkyl substances (PFAS) have become more prevalent in the news, and lately at the local level in Maine, with sites in Kennebunk and Fairfield.

Unless someone has been living in a cave, we have all heard about PFAS contamination in the news, particularly on a local level such as in Kennebunk or Fairfield. Below is the US EPA's summary of what PFAS is as a reminder.

"PFAS are a group of man-made chemicals that includes PFOA, PFOS, GenX, and many other chemicals. PFAS have been manufactured and used in a variety of industries around the globe, including in the United States since the 1940s. PFOA and PFOS have been the most extensively produced and studied of these chemicals.

Both chemicals are very persistent in the environment and in the human body – meaning they don't break down and they can accumulate over time. There is evidence that exposure to PFAS can lead to adverse human health effects."

The primary source of PFAS in Maine is through biosolids generated by wastewater treatment plants spread on farm fields. This process has contaminated a number of private wells in Maine. Wastewater treatment plants do an exceptional job of cleaning wastewater before it is discharged to our streams and rivers, but PFAS are not affected and are present in both the treated water and resulting solids generated by these plants. PFAS contamination is present at former military bases in Maine due to the use of a particular type of fire-fighting foam; however, this contamination is being managed appropriately by the US EPA and Maine DEP. Importantly, PFAS investigations across the country focus on drinking water because research to date suggests that ingestion via water represents the highest human health risk. Exposure to PFAS-contaminated soil appears to have minimal risk when compared to drinking PFAS-contaminated water.

cont...

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## PFAS & THE AGGREGATE INDUSTRY: A CASS STUDY CONT....

So are PFAS an issue for the aggregate industry? You don't deal with farm fields or military bases, and certainly not water supplies.

However, there are other less familiar PFAS sources that may be inadvertently encountered, such as golf courses that were fertilized with biosolids, or car wash wax emissions that "drift" to adjacent properties. Background levels of PFAS in soil are just starting to be studied since airborne transport has been shown to cause soil contamination far from the source. The following case study is an example.

St.Germain was hired to aid in a dispute between a general contractor in New Hampshire and an adjacent small public water supply. The contractor operated a below-the-water-table pit and also stockpiled soil, rocks, and other materials on their property generated at the development sites they were working on. On the other side of the 11-acre excavation pond sits a public water supply well. The water utility was concerned that the stockpiled material may pose a threat to their water quality, despite hydrogeologic data clearly demonstrating that the pond and stockpile areas were downgradient from the supply well.

As a compromise from a mediation process, the contractor agreed to test the stockpiled material under certain conditions (source, volume, etc.) for contaminants. PFAS were included as one of the test parameters. Testing found PFAS in stockpiled topsoil removed from a hotel development site, and the question arose as to the source of the contamination. The development site was formerly occupied by a restaurant that burned down, and the initial thought was that fire-fighting foam was the source of PFAS. However, the fire department confirmed that PFAS-containing foam was not used on structural fires; it was only used on fires that were chemical or petroleum based.

Further research found that a car wash next to the restaurant site had operated since the 1980s. And as you probably have seen, the blow dryers at the end of a drive-through car wash are pretty powerful.

Car wax has been found to contain PFAS, and St.Germain concluded that the car wax particulates blown off by the car wash drifted onto the hotel site. The New Hampshire Department of Environmental Services (NHDES) agreed.

NHDES and the Maine DEP, and probably many other states, have a current policy that states PFAS contaminated soil should remain where it was discovered. But because in this case the contractor had already moved it to their property for stockpiling, and the hotel site development had not finished, this wasn't an option. The contractor, at considerable expense but with approval of the NHDES, moved the topsoil to another location far from the water supply well. Current plans are to move the topsoil back to the hotel site this summer for reuse. This property and the surrounding area are supplied by public water so the PFAS containing soil will not pose a risk to drinking water. And as mentioned earlier, contact with PFAS in soil is a relatively low health risk, especially once it is vegetated.

What can we learn from this? Be aware of the sources of PFAS, especially less obvious ones. Urban fill, for instance, is notorious for having contaminants that could pose a liability to you if brought on site without an understanding of the risk. Be careful of what you stockpile, its source, and the area that it may effect.



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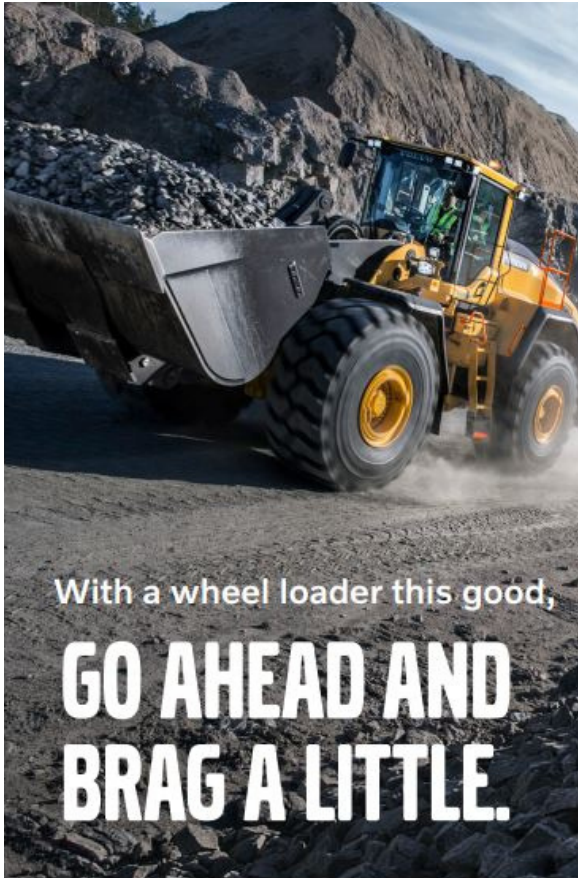
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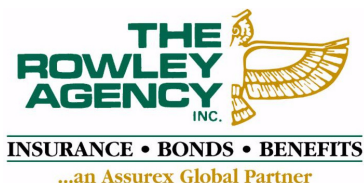


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