

U.S. Department of Labor
Occupational Safety and Health Administration
36 Triangle Park Drive
Cincinnati, OH 45246
Phone: 513-841-4132 Fax: 513-841-4114



Citation and Notification of Penalty

To:
Echo Environmental Waverly, LLC
and its successors
479 Industrial Park Drive
Waverly, OH 45690

Inspection Number: 1067152
Inspection Date(s): 06/03/2015 - 10/07/2015
Issuance Date: 11/19/2015

Inspection Site:
479 Industrial Parkway
Waverly, OH 45690

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

Notification of Corrective Action – For each violation which you do not contest, you must provide *abatement certification* to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that *abatement documentation* is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an

employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 11/19/2015. The conference will be held by telephone or at the OSHA office located at 36 Triangle Park Drive, Cincinnati, OH 45246 on _____ at _____.

Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1067152

Company Name: Echo Environmental Waverly, LLC
Inspection Site: 479 Industrial Parkway, Waverly, OH 45690
Issuance Date: 11/19/2015

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 36 Triangle Park Drive, Cincinnati, OH 45246**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review



Citation and Notification of Penalty

Company Name: Echo Environmental Waverly, LLC
Inspection Site: 479 Industrial Parkway, Waverly, OH 45690

Citation 1 Item 1 Type of Violation: **Serious**

29 CFR 1910.134(f)(2): Employee(s) using tight-fitting facepiece respirators were not fit tested prior to initial use of the respirator, whenever a different respirator facepiece (size, style, model or make) was used, and at least annually thereafter:

Employees who were exposed to lead in the workplace and were required to wear 3M 6200, 3M 6300 or Drager X-plore 3300 tight fitting facepiece respirators were not fit tested at the intervals required by this standard in that:

- (a) Employees were not provided fit testing prior to initial assignment to wear a respirator in the workplace where they were exposed to lead above the OSHA PEL.
- (b) Employees were not provided fit testing at least annually when required to wear a respirator in the workplace where they were exposed to lead above the OSHA PEL.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/08/2016
Proposed Penalty:	\$7000.00

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

Inspection Number: 1067152
Inspection Date(s): 06/03/2015 - 10/07/2015
Issuance Date: 11/19/2015



Citation and Notification of Penalty

Company Name: Echo Environmental Waverly, LLC
Inspection Site: 479 Industrial Parkway, Waverly, OH 45690

Citation 1 Item 2 Type of Violation: **Serious**

29 CFR 1910.1025(c)(1): Employee(s) were exposed to lead at concentrations greater than fifty micrograms per cubic meter of air averaged over an eight-hour period:

(a) On July 21, 2015, the furnace operator was exposed to lead at 120% of the PEL or 0.0608 mg/m³ for a 432 minute sampling period with a value of zero added for the 48 minutes not sampled.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 01/08/2016
Proposed Penalty: \$7000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Echo Environmental Waverly, LLC
Inspection Site: 479 Industrial Parkway, Waverly, OH 45690

Citation 1 Item 3 Type of Violation: **Serious**

29 CFR 1910.1025(d)(6)(iii): Where the initial monitoring revealed that employee exposure to lead was above the permissible exposure limit, monitoring was not repeated at least quarterly and continued at the required frequency until at least two consecutive measurements taken at least 7 days apart were below the PEL and at or above the action level:

(a) The employer had a consultant perform air monitoring for lead that indicated employee exposure at or above the OSHA Permissible Exposure Limit of 0.05 milligrams per cubic meter on October 24, 2013 for the ball mill operator, April 8, 2014 for the ball mill operator, furnace operator and lab tech, and October 27, 2014 for the ball mill operator and furnace operator, but the employer did not perform quarterly monitoring as required by this standard.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/08/2016
Proposed Penalty:	\$7000.00



Citation and Notification of Penalty

Company Name: Echo Environmental Waverly, LLC
Inspection Site: 479 Industrial Parkway, Waverly, OH 45690

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 1 Item 4 a Type of Violation: **Serious**

29 CFR 1910.1025(e)(3)(i): The employer did not establish and implement a written compliance program to reduce exposures to or below the permissible exposure limit, solely by means of engineering and work practice controls:

(a) On July 21, 2015, the furnace operator was exposed to lead at 120% of the PEL or 0.0608 mg/m³ for a 432 minute sampling period with a value of zero added for the 48 minutes not sampled and the employer had not implemented a written lead compliance program defining the engineering and work practice controls that would be used to reduce lead exposure.

(b) Employees were exposed to lead at or above the OSHA Permissible Exposure Limit of 0.05 milligrams per cubic meter on October 24, 2013 for the ball mill operator, April 8, 2014 for the ball mill operator, furnace operator and lab tech, and October 27, 2014 2014 for the ball mill operator and furnace operator, but the employer did not establish and implement a lead compliance program to reduce those exposures by the use of engineering and work practice controls.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/08/2016
Proposed Penalty:	\$7000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Echo Environmental Waverly, LLC
Inspection Site: 479 Industrial Parkway, Waverly, OH 45690

Citation 1 Item 4 b Type of Violation: **Serious**

29 CFR 1910.1025(e)(4)(i): When ventilation was used to control exposure to lead, measurements which demonstrate the effectiveness of the system in controlling exposure were not made at least every three months:

(a) The employer did not take measurements, such as but not limited to capture velocity, duct velocity and static pressure, to evaluate the performance of the ventilation system that was used to control lead exposure at least every three months.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 01/08/2016



Citation and Notification of Penalty

Company Name: Echo Environmental Waverly, LLC
Inspection Site: 479 Industrial Parkway, Waverly, OH 45690

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 1 Item 5 a Type of Violation: **Serious**

29 CFR 1910.1025(g)(1)(i): The employer did not provide, at no cost to the employee, and ensure that the employee used appropriate protective work clothing and equipment that prevented contamination of the employee and the employee's garments, such as, but not limited to coveralls or similar full-body work clothing:

(a) On or about July 21, 2015, the employer did not ensure that the furnace operator, who was exposed to lead at 120% of the PEL or 0.0608 mg/m³ for a 432 minute sampling period wore the full-body work clothing that was provided in that the employee wore a short sleeved t-shirt.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	12/02/2015
Proposed Penalty:	\$7000.00



Citation and Notification of Penalty

Company Name: Echo Environmental Waverly, LLC
Inspection Site: 479 Industrial Parkway, Waverly, OH 45690

Citation 1 Item 5 b Type of Violation: **Serious**

29 CFR 1910.1025(g)(2)(v): Contaminated protective clothing to be cleaned, laundered, or disposed of, was not placed in a closed container to prevent dispersion of lead outside the container:

- (a) The employer did not ensure that contaminated clothing was placed in a closed container, in that contaminated clothing was hanging out of the container and the clothes had fallen on the floor.
- (b) The employer did not ensure that the closed container for contaminated clothing was placed in the change rooms in that the container was outside the mens locker room.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 12/02/2015



Citation and Notification of Penalty

Company Name: Echo Environmental Waverly, LLC
Inspection Site: 479 Industrial Parkway, Waverly, OH 45690

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 1 Item 6 a Type of Violation: **Serious**

29 CFR 1910.1025(i)(1): The employer did not ensure that food or beverage was not present, or consumed; tobacco products were not present, or used and cosmetics were not applied in areas where employees were exposed to lead in excess of the permissible exposure limit:

(a) On or about June 6, 2015, supervisors were cooking on a George Foreman grill and employees were eating just outside the lunch room, next to the restrooms, approximately ten feet from areas where respiratory protection was required due to the presence of lead from the melting and grinding of electronic wires.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$7000.00



Citation and Notification of Penalty

Company Name: Echo Environmental Waverly, LLC
Inspection Site: 479 Industrial Parkway, Waverly, OH 45690

Citation 1 Item 6 b Type of Violation: **Serious**

29 CFR 1910.1025(i)(3)(i): Employee(s) exposed to lead in excess of the permissible exposure limit (PEL), without regard to the use of respirators, were not required to shower at the end of the work shift:

(a) On July 21, 2015, the furnace operator was exposed to lead at 120% of the PEL or 0.0608 mg/m³ for a 432 minute sampling period with a value of zero added for the 48 minutes not sampled and the employer did not require them to shower at the end of the work shift and the employer did not provide shower facilities.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

01/08/2016



Citation and Notification of Penalty

Company Name: Echo Environmental Waverly, LLC
Inspection Site: 479 Industrial Parkway, Waverly, OH 45690

Citation 1 Item 6 c Type of Violation: **Serious**

29 CFR 1910.1025(i)(3)(ii): Shower facilities, in accordance with 29 CFR 1910.141(d)(3), were not provided for employee(s) exposed to lead in excess of the permissible exposure limit (PEL), without regard to the use of respirators:

(a) On July 21, 2015, the furnace operator was exposed to lead at 120% of the PEL or 0.0608 mg/m³ for a 432 minute sampling period with a value of zero added for the 48 minutes not sampled, but the employer did not provide shower facilities.

(b) The employer had a consultant perform air monitoring for lead that indicated employee exposure at or above the OSHA Permissible Exposure Limit of 0.05 milligrams per cubic meter on October 24, 2013 for the ball mill operator, April 8, 2014 for the ball mill operator, furnace operator and lab tech, and October 27, 2014 2014 for the ball mill operator and furnace operator, but the employer did not provide shower facilities.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 01/08/2016



Citation and Notification of Penalty

Company Name: Echo Environmental Waverly, LLC
Inspection Site: 479 Industrial Parkway, Waverly, OH 45690

Citation 1 Item 6 d Type of Violation: **Serious**

29 CFR 1910.1025(i)(4)(ii): Lunchroom facilities for employees exposed to lead in excess of the permissible exposure limit (PEL), without regard to the use of respirators, were not provided with a temperature controlled, positive pressure, filtered air supply:

(a) The lunch room was not provided with positive pressure or filtered air when it was used by employees who were exposed to lead above the PEL.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

01/08/2016



Citation and Notification of Penalty

Company Name: Echo Environmental Waverly, LLC
Inspection Site: 479 Industrial Parkway, Waverly, OH 45690

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 1 Item 7 a Type of Violation: **Serious**

29 CFR 1910.1025(j)(1)(i): A medical surveillance program was not instituted for all employee(s) who were, or could be exposed to lead above the action level for more than thirty days per year:

(a) On July 21, 2015, the furnace operator was exposed to lead at 120% of the PEL or 0.0608 mg/m³ for a 432 minute sampling period with a value of zero added for the 48 minutes not sampled and the employer had not instituted a medical surveillance program.

(b) Employees were exposed to lead at or above the OSHA Permissible Exposure Limit of 0.05 milligrams per cubic meter on October 24, 2013 for the ball mill operator, April 8, 2014 for the ball mill operator, furnace operator and lab tech, and October 27, 2014 2014 for the ball mill operator and furnace operator, but the employer did not establish and implement a medical surveillance program.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/08/2016
Proposed Penalty:	\$7000.00



Citation and Notification of Penalty

Company Name: Echo Environmental Waverly, LLC
Inspection Site: 479 Industrial Parkway, Waverly, OH 45690

Citation 1 Item 7 b Type of Violation: **Serious**

29 CFR 1910.1025(j)(2)(i): The employer did not make available biological monitoring, including blood sampling and analysis for lead and zinc protoporphyrin levels for each employee covered under 29 CFR 1910.1025 (j)(1)(i):

(a) The employer did not provide blood lead and ZPP analysis for all employees who were exposed to lead above the PEL at least every six months or more frequently if indicated by the results of the analysis.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

01/08/2016



Citation and Notification of Penalty

Company Name: Echo Environmental Waverly, LLC
Inspection Site: 479 Industrial Parkway, Waverly, OH 45690

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 1 Item 8 a Type of Violation: **Serious**

29 CFR 1910.1025(l)(1)(v): The employer shall assure that each employee is informed of the following:

The employer did not ensure that employees who were exposed to lead at or above the Action Level or where the possibility of skin or eye irritation existed, were informed of the following:

- (a) The content of this standard and its appendices;
- (b) The specific nature of the operations which could result in exposure to lead above the action level;
- (c) The purpose, proper selection, fitting, use, and limitations of respirators;
- (d) The purpose and a description of the medical surveillance program, and the medical removal protection program including information concerning the adverse health effects associated with excessive exposure to lead (with particular attention to the adverse reproductive effects on both males and females);
- (e) The engineering controls and work practices associated with the employee's job assignment;
- (f) The contents of any compliance plan in effect; and
- (g) Instructions to employees that chelating agents should not routinely be used to remove lead from their bodies and should not be used at all except under the direction of a licensed physician.

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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

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Citation and Notification of Penalty

Company Name: Echo Environmental Waverly, LLC
Inspection Site: 479 Industrial Parkway, Waverly, OH 45690

Citation 1 Item 8 b Type of Violation: **Serious**

29 CFR 1910.1025(1)(2)(i): A copy of 29 CFR 1910.1025 and its appendices was not made readily available to all employees who had a potential exposure to airborne lead at any level:

(a) The employer did not ensure that employees who were exposed to lead in the workplace were provided with a copy of this standard and its appendices.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

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Company Name: Echo Environmental Waverly, LLC
Inspection Site: 479 Industrial Parkway, Waverly, OH 45690

Citation 1 Item 8 c Type of Violation: **Serious**

29 CFR 1910.1025(m)(1)(iii): The employer did not include lead in the hazard communication program established to comply with the HCS (1910.1200), and the employer did not ensure that each employee had access to labels on containers of lead and to safety data sheets, and that employees were trained on lead in accordance with the requirements of HCS and paragraph (l) of this section.

(a) The employer did not ensure that employees who were exposed to lead in the workplace were trained on the hazards of lead exposure under the employer's hazard communication program.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

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Citation and Notification of Penalty

Company Name: Echo Environmental Waverly, LLC
Inspection Site: 479 Industrial Parkway, Waverly, OH 45690

Citation 1 Item 8 d Type of Violation: **Serious**

29 CFR 1910.1200(e)(1): The employer did not develop, implement, and/or maintain at the workplace a written hazard communication program which describes how the criteria specified in 29 CFR 1910.1200(f), (g), and (h) will be met:

(a) The employer did not develop and implement a written hazard communication program for employees who were exposed to hazards, such as but not limited to lead, in the workplace.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

01/08/2016

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

Inspection Number: 1067152
Inspection Date(s): 06/03/2015 - 10/07/2015
Issuance Date: 11/19/2015



Citation and Notification of Penalty

Company Name: Echo Environmental Waverly, LLC
Inspection Site: 479 Industrial Parkway, Waverly, OH 45690

Citation 2 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1910.134(m)(4): Written materials required to be retained under 29 CFR 1910.134 were not made available upon request to affected employees and to the Assistant Secretary or designee for examination and copying:

(a) The employer did not provide documentation of respirator physical evaluations and fit testing records for employees who were required to wear half face respirators when exposed to lead above the OSHA PEL.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET)

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$0.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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

Inspection Number: 1067152
Inspection Date(s): 06/03/2015 - 10/07/2015
Issuance Date: 11/19/2015



Citation and Notification of Penalty

Company Name: Echo Environmental Waverly, LLC
Inspection Site: 479 Industrial Parkway, Waverly, OH 45690

Citation 2 Item 2 Type of Violation: **Other-than-Serious**

29 CFR 1910.1025(n)(4)(ii): Environmental monitoring, medical removal and medical records required by 29 CFR 1910.1025 for exposure to lead were not provided upon request to employee(s), designated representative, or the Assistant Secretary:

(a) The employer did not provide medical monitoring results, such as lead and ZPP levels, for employees who were exposed to lead above the OSHA PEL.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET)

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$0.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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

Inspection Number: 1067152
Inspection Date(s): 06/03/2015 - 10/07/2015
Issuance Date: 11/19/2015



Citation and Notification of Penalty

Company Name: Echo Environmental Waverly, LLC
Inspection Site: 479 Industrial Parkway, Waverly, OH 45690

Citation 2 Item 3 Type of Violation: **Other-than-Serious**

29 CFR 1910.1200(g)(11): Safety data sheets were not made readily available, upon request, to designated representatives, the Assistant Secretary, and the Director, in accordance with the requirements of 29 CFR 1910.1020(e).

(a) On or about July 21, 2015, safety data sheets for the materials being processed in the ball mill were not provided by the employer to OSHA representatives when they were requested.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET)

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$850.00

A handwritten signature in black ink, appearing to read "Ken E. Montgomery", written over a horizontal line.

Ken E. Montgomery
Area Director

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration
36 Triangle Park Drive
Cincinnati, OH 45246
Phone: 513-841-4132 Fax: 513-841-4114



INVOICE / DEBT COLLECTION NOTICE

Company Name: Echo Environmental Waverly, LLC
Inspection Site: 479 Industrial Parkway, Waverly, OH 45690
Issuance Date: 11/19/2015

Summary of Penalties for Inspection Number	1067152
Citation 1, Serious	\$56000.00
Citation 2, Other-than-Serious	\$850.00
TOTAL PROPOSED PENALTIES	\$56850.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed

account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

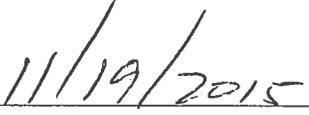
Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



Ken E. Montgomery

Area Director



Date