U.S. Department of Labor
Occupational Safety and Health Administration
1320 W Commerce Dr.
Suite 800
Peoria, IL 61615
Phone: 309-589-7033 Fax: 309-589-7326

Citation and Notification of Penalty

To:
Tobin Bros., Inc.
and its successors
2010 NE Perry Ave
Peoria, IL 61603

Inspection Site:
3300 Mechanicsburg Road
Springfield, IL 62707

Inspection Number: 1102251
Inspection Date(s): 10/22/2015 - 02/23/2016
Issuance Date: 04/11/2016

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.

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

NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 04/11/2016. The conference will be held by telephone or at the OSHA office located at 1320 W Commerce Dr., Suite 800, Peoria, IL 61615 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1102251

Company Name: Tobin Bros., Inc.
Inspection Site: 3300 Mechanicsburg Road, Springfield, IL 62707
Issuance Date: 04/11/2016

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, 1320 W Commerce Dr., Suite 800, Peoria, IL 61615**

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: Tobin Bros., Inc.
Inspection Site: 3300 Mechanicsburg Road, Springfield, IL 62707

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

29 CFR 1926.20(b)(4): The employer did not ensure that the employee(s) required to operate equipment and machinery was qualified by training or experience.

On or about October 16, 19 and 20, 2015, employees entered confined spaces between the secondary clarifier diversion structure, post aeration building and the diversion structure and the employer did not ensure that the employees required to operate the Plug-it Joint Tester were qualified by training or experience to operate the equipment.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/05/2016
Proposed Penalty:	$7000.00

Citation and Notification of Penalty

Company Name: Tobin Bros., Inc.
Inspection Site: 3300 Mechanicsburg Road, Springfield, IL 62707

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

29 CFR 1926.21(b)(2): The employer did not instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his/her environment to control or eliminate any hazards or other exposure to illness or injury:

On October 16, 19 and 20, 2015, employees entered confined spaces between the secondary clarifier diversion structure, post aeration building and the diversion structure and the employer did not ensure that the employees required to operate the Plug-it Joint Tester was instructed on the hazards associated with using the equipment and the method that was to be used to protect the employees from injury.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/05/2016
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: Tobin Bros., Inc.
Inspection Site: 3300 Mechanicsburg Road, Springfield, IL 62707

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

29 CFR 1926.1203(a): Before work begins at a worksite, the employer did not ensure that a competent person identified all confined spaces in which one or more of the employees it directs may work, and identified each space that is a permit space, through consideration and evaluation of the elements of that space, including testing as necessary.

On or about October 16, 19 and 20, 2015, employees entered confined spaces between the secondary clarifier diversion structure, post aeration building and the diversion structure and the employer did not ensure that a competent person identified the spaces as confined spaces and evaluated the potential hazards associated with work in the spaces.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/05/2016
Proposed Penalty:	$2800.00

Citation and Notification of Penalty

Company Name: Tobin Bros., Inc.
Inspection Site: 3300 Mechanicsburg Road, Springfield, IL 62707

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 1926.1203(b)(1): The employer did not inform exposed employees by posting danger signs or by any other equally effective means, of the existence and location of, and the danger posed by, each permit space:

Note to paragraph (b)(1). A sign reading "DANGER-PERMIT-REQUIRED CONFINED SPACE, DO NOT ENTER" or using other similar language would satisfy the requirement for a sign.

On or about October 16, 19 and 20, 2015, employees entered confined spaces between the secondary clarifier diversion structure, post aeration building and the diversion structure and the employer did not ensure that employees were informed of the existence, location and danger posed by the spaces by posting danger signs or any other equally effective means.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/05/2016
Proposed Penalty:	$2800.00

Citation and Notification of Penalty

Company Name: Tobin Bros., Inc.
Inspection Site: 3300 Mechanicsburg Road, Springfield, IL 62707

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

29 CFR 1926.1204(b): The entry employer did not identify and evaluate the hazards of permit spaces before employees enter them:

On or about October 16, 19 and 20, 2015, employees entered confined spaces between the secondary clarifier diversion structure, post aeration building and the diversion structure and the employer did not identify and evaluate the hazards of the permit spaces before employees entered.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 05/05/2016

Citation and Notification of Penalty

Company Name: Tobin Bros., Inc.
Inspection Site: 3300 Mechanicsburg Road, Springfield, IL 62707

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**

1926.1203(e)(2)(iii) Before an employee enters the space, the internal atmosphere was not tested, with a calibrated direct-reading instrument, for oxygen content, for flammable gases and vapors, and for potential toxic air contaminants, in that order and employees who enter the space, or that employee's authorized representative, was not provided an opportunity to observe the pre-entry testing required by the standard:

On or about October 16, 19 and 20, 2015, employees entered confined spaces between the secondary clarifier diversion structure, post aeration building and the diversion structure and the employer did not conduct atmospheric testing or provide entrants an opportunity to observe the testing.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/05/2016
Proposed Penalty:	$2800.00

Citation and Notification of Penalty

Company Name: Tobin Bros., Inc.
Inspection Site: 3300 Mechanicsburg Road, Springfield, IL 62707

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

29 CFR 1926.1204(d)(1): The employer did not provide testing and monitoring equipment needed to comply with paragraph (e) of this section at no cost to each employee, maintain that equipment properly, and ensure that each employee uses that equipment properly:

On or about October 16, 19 and 20, 2015, employees entered confined spaces between the secondary clarifier diversion structure, post aeration building and the diversion structure and the employer did not provide testing and monitoring equipment and ensure that each employee used that equipment properly.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 05/05/2016

Citation and Notification of Penalty

Company Name: Tobin Bros., Inc.
Inspection Site: 3300 Mechanicsburg Road, Springfield, IL 62707

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**

1926.1203(e)(2)(ix) The employer did not verify that the space is safe for entry and that the pre-entry measures required by paragraph (e)(2) of this section had been taken, through a written certification that contains the date, the location of the space, and the signature of the person providing the certification and make it available to each employee entering the space or to that employee's authorized representative:

On or about October 16, 19 and 20, 2015, employees entered confined spaces between the secondary clarifier diversion structure, post aeration building and the diversion structure and the employer did not verify that the space was safe for entry and document the date, location of the space, have the signature of the person providing the certification and did not make the information available to each employee entering the space.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/05/2016
Proposed Penalty:	$2800.00

Citation and Notification of Penalty

Company Name: Tobin Bros., Inc.
Inspection Site: 3300 Mechanicsburg Road, Springfield, IL 62707

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

29 CFR 1926.1204(j): The employer did not develop and implement a system for the preparation, issuance, use, and cancellation of entry permits as required by this standard, including the safe termination of entry operations under both planned and emergency conditions:

On or about October 16, 19 and 20, 2015, employees entered confined spaces between the secondary clarifier diversion structure, post aeration building and the diversion structure and the employer did not implement a system for the preparation, issuance, use, and cancellation of entry permits.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 05/05/2016

Citation and Notification of Penalty

Company Name: Tobin Bros., Inc.
Inspection Site: 3300 Mechanicsburg Road, Springfield, IL 62707

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

29 CFR 1926.1204(l): The employer did not develop and implement procedures (such as closing off a permit space and canceling the permit) necessary for concluding the entry after entry operations have been completed:

On or about October 16, 19 and 20, 2015, employees entered confined spaces between the secondary clarifier diversion structure, post aeration building and the diversion structure and the employer did not implement procedures for concluding the entry after entry operations have been completed.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 05/05/2016

Citation and Notification of Penalty

Company Name: Tobin Bros., Inc.
Inspection Site: 3300 Mechanicsburg Road, Springfield, IL 62707

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

29 CFR 1926.1205(a): Before entry was authorized, the employer did not document the completion of measures required by 1926.1204(c) by preparing an entry permit:

On or about October 16, 19 and 20, 2015, employees entered confined spaces between the secondary clarifier diversion structure, post aeration building and the diversion structure and the employer did not document the completion of measures required by the standard on a permit.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 05/05/2016

Citation and Notification of Penalty

Company Name: Tobin Bros., Inc.
Inspection Site: 3300 Mechanicsburg Road, Springfield, IL 62707

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 1926.1203(h(4)(i): The controlling contractor and entry employer(s) did not coordinate entry operations when more than one entity performs permit space entry at the same time:

On or about October 16, 19 and 20, 2015, employees entered confined spaces between the secondary clarifier diversion structure, post aeration building and the diversion structure and the employer and controlling contractor did not coordinate entry operations when more than one entity performs permit space entry at the same time.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/05/2016
Proposed Penalty:	$2800.00

Citation and Notification of Penalty

Company Name: Tobin Bros., Inc.
Inspection Site: 3300 Mechanicsburg Road, Springfield, IL 62707

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

29 CFR 1926.1204(k): The employer did not develop and implement procedures to coordinate entry operations, in consultation with the controlling contractor, when employees of more than one employer were working simultaneously in a permit space or elsewhere on the worksite where their activities could, either alone or in conjunction with the activities within a permit space, foreseeably result in a hazard within the confined space, so that employees of one employer do not endanger the employees of any other employer:

On or about October 16, 19 and 20, 2015, employees entered confined spaces between the secondary clarifier diversion structure, post aeration building and the diversion structure and the employer did not develop and implement procedures to coordinate entry operations, in consultation with the controlling contractor and other contractors working in the space.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 05/05/2016

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

Inspection Number: 1102251
Inspection Date(s): 10/22/2015 - 02/23/2016
Issuance Date: 04/11/2016

Citation and Notification of Penalty

Company Name: Tobin Bros., Inc.
Inspection Site: 3300 Mechanicsburg Road, Springfield, IL 62707

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

29 CFR 1926.1204(c)(3): The employer did not develop and implement the means, procedures, and practices necessary for safe permit space entry operations, including, isolating the permit space and physical hazard(s) within the space;

On or about October 20, 2015, employees entered a confined space between the post aeration building and the diversion structure and the employer did not ensure the gate and associated structure was isolated and secured to prevent water from entering the space and creating a potential engulfment hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/05/2016
Proposed Penalty:	$2800.00

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

Inspection Number: 1102251
Inspection Date(s): 10/22/2015 - 02/23/2016
Issuance Date: 04/11/2016

Citation and Notification of Penalty

Company Name: Tobin Bros., Inc.
Inspection Site: 3300 Mechanicsburg Road, Springfield, IL 62707

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 9 a Type of Violation: **Serious**

29 CFR 1926.1204(d)(8): The employer did not provide rescue and emergency equipment needed to comply with paragraph (i) of this section at no cost to each employee, maintain that equipment properly, and ensure that each employee uses that equipment properly:

On or about October 16, 19 and 20, 2015, employees entered confined spaces between the secondary clarifier diversion structure, post aeration building and the diversion structure and the employer did not provide rescue and emergency equipment needed to comply with paragraph (i) of this section and ensure that each employee used that equipment properly.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/05/2016
Proposed Penalty:	$2800.00

Citation and Notification of Penalty

Company Name: Tobin Bros., Inc.
Inspection Site: 3300 Mechanicsburg Road, Springfield, IL 62707

Citation 1 Item 9 b Type of Violation: **Serious**

29 CFR 1926.1204(i): The employer did not develop and implement procedures for summoning rescue and emergency services (including procedures for summoning emergency assistance in the event of a failed nonentry rescue), for rescuing entrants from permit spaces, for providing necessary emergency services to rescued employees, and for preventing unauthorized personnel from attempting a rescue:

On or about October 16, 19 and 20, 2015, employees entered confined spaces between the secondary clarifier diversion structure, post aeration building and the diversion structure and the employer did not develop and implement procedures for rescuing entrants from the spaces and preventing unauthorized personnel from attempting a rescue.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 05/05/2016

Citation and Notification of Penalty

Company Name: Tobin Bros., Inc.
Inspection Site: 3300 Mechanicsburg Road, Springfield, IL 62707

Citation 1 Item 9 c Type of Violation: **Serious**

29 CFR 1926.1211(c)(1): The employer did not ensure that each authorized entrant used a chest or full body harness, with a retrieval line attached at the center of the entrant's back near shoulder level, above the entrant's head, or at another point which the employer can establish presents a profile small enough for the successful removal of the entrant:

On or about October 16, 19 and 20, 2015, employees entered confined spaces between the secondary clarifier diversion structure, post aeration building and the diversion structure and the employer did not ensure each entrant used a chest or full body harness, with a retrieval line attached at the center of the entrant's back.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 05/05/2016

Citation and Notification of Penalty

Company Name: Tobin Bros., Inc.
Inspection Site: 3300 Mechanicsburg Road, Springfield, IL 62707

Citation 1 Item 9 d Type of Violation: **Serious**

29 CFR 1926.1211(c)(2): The employer did not ensure that each authorized entrant had the other end of their retrieval line attached to a mechanical device or fixed point outside the permit space in such a manner that rescue can begin as soon as the rescuer becomes aware that rescue is necessary:

On or about October 16, 19 and 20, 2015, employees entered confined spaces between the secondary clarifier diversion structure, post aeration building and the diversion structure and the employer did not ensure each entrant had a retrieval line attached to a mechanical device or fixed point outside the space to ensure rescue could begin as soon as necessary.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 05/05/2016

Citation and Notification of Penalty

Company Name: Tobin Bros., Inc.
Inspection Site: 3300 Mechanicsburg Road, Springfield, IL 62707

Citation 1 Item 10 Type of Violation: **Serious**

29 CFR 1926.1204(f): The employer did not provide at least one attendant outside the permit space into which entry is authorized for the duration of entry operations:

On 0or about October 16, 19 and 20, 2015, employees entered confined spaces between the secondary clarifier diversion structure, post aeration building and the diversion structure and the employer did not provide at least one attendant outside the permit space during entry operations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/05/2016
Proposed Penalty:	$2800.00

Citation and Notification of Penalty

Company Name: Tobin Bros., Inc.
Inspection Site: 3300 Mechanicsburg Road, Springfield, IL 62707

Citation 1 Item 11 Type of Violation: **Serious**

29 CFR 1926.1204(h): The employer did not designate each person who is to have an active role (as, for example, authorized entrants, attendants, entry supervisors, or persons who test or monitor the atmosphere in a permit space) in entry operations, identify the duties of each such employee, and provide each such employee with the training required by 1926.1207:

On or about October 16, 19 and 20, 2015, employees entered confined spaces between the secondary clarifier diversion structure, post aeration building and the diversion structure and the employer did not designate each person with an active role as authorized entrant, attendant, entry supervisor, or person responsible for testing the atmosphere in the space.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/05/2016
Proposed Penalty:	$2800.00

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: Tobin Bros., Inc.
Inspection Site: 3300 Mechanicsburg Road, Springfield, IL 62707

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 12 a Type of Violation: **Serious**

29 CFR 1926.1207(a): The employer did not provide training to each employee whose work is regulated by this standard, at no cost to the employee, and ensure that the employee possesses the understanding, knowledge, and skills necessary for the safe performance of the duties assigned under this standard and ensure the training results in an understanding of the hazards in the permit space and the methods used to isolate, control or in other ways protect employees from these hazards, and for those employees not authorized to perform entry rescues, in the dangers of attempting such rescues:

On or about October 16, 19 and 20, 2015, employees entered confined spaces between the secondary clarifier diversion structure, post aeration building and the diversion structure and the employer did not provide training to each employee to ensure that the employee obtained an understanding, knowledge, and skills necessary for the safe performance of the duties assigned in the space and obtained an understanding of the hazards in the space and the methods used to protect employees from the hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/05/2016
Proposed Penalty:	$2800.00

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: Tobin Bros., Inc.
Inspection Site: 3300 Mechanicsburg Road, Springfield, IL 62707

Citation 1 Item 12 b Type of Violation: **Serious**

29 CFR 1926.1207(d): The employer did not maintain training records to show that the training required by paragraphs (a) through (c) of this section had been accomplished with training records that contain each employee's name, the name of the trainers, and the dates of training:

On or about October 16, 19 and 20, 2015, employees entered confined spaces between the secondary clarifier diversion structure, post aeration building and the diversion structure and the employer did not maintain training records that included the name of each participant, the name of the trainers, and the dates of training.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 05/05/2016

Citation and Notification of Penalty

Company Name: Tobin Bros., Inc.
Inspection Site: 3300 Mechanicsburg Road, Springfield, IL 62707

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 13 a Type of Violation: **Serious**

29 CFR 1926.1210(b): The employer did not ensure that the entry supervisor verified that all tests specified by the permit have been conducted and that all procedures and equipment specified by the permit are in place before endorsing the permit and allowing entry to begin:

On or about October 16, 19 and 20, 2015, employees entered confined spaces between the secondary clarifier diversion structure, post aeration building and the diversion structure and the employer did not ensure an entry supervisor verified that appropriate atmospheric testing was completed, water from the treatment plant was effectively isolated, a method for rescue was in place and all procedures and equipment were in place before allowing entry to begin.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/05/2016
Proposed Penalty:	$2800.00

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

Inspection Number: 1102251
Inspection Date(s): 10/22/2015 - 02/23/2016
Issuance Date: 04/11/2016

Citation and Notification of Penalty

Company Name: Tobin Bros., Inc.
Inspection Site: 3300 Mechanicsburg Road, Springfield, IL 62707

Citation 1 Item 13 b Type of Violation: **Serious**

29 CFR 1926.1210(d): The employer did not ensure that the entry supervisor verified that rescue services were available and that the means for summoning them are operable, and that the employer will be notified as soon as the services become unavailable:

On or about October 16, 19 and 20, 2015, employees entered confined spaces between the secondary clarifier diversion structure, post aeration building and the diversion structure and the employer did not ensure an entry supervisor verified that rescue services were available, that the means for summoning them were operable, and that the employer would be notified if services become unavailable.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 05/05/2016

Thomas Bielema
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
1320 W Commerce Dr.
Suite 800
Peoria, IL 61615
Phone: 309-589-7033 Fax: 309-589-7326

INVOICE / DEBT COLLECTION NOTICE

Company Name: **Tobin Bros., Inc.**
Inspection Site: **3300 Mechanicsburg Road, Springfield, IL 62707**
Issuance Date: **04/11/2016**

Summary of Penalties for Inspection Number	**1102251**
Citation 1, Serious	**$44800.00**
TOTAL PROPOSED PENALTIES	**$44800.00**

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.

Thomas Bielema
Area Director

11-April-2016
Date