

Este documento es muy importante. Si ud. No habla inglés,
busque un traductor o llame al (920) 734-4521.

U.S. Department of Labor Occupational Safety and Health Administration
1648 Tri Park Way
Appleton, WI 54914
Phone: (920) 734-4521 Fax: (920) 734-2661



May 5, 2016

Dear Gary Lakin,

On 01/05/2016, an OSHA compliance officer met with you or your representative as part of an inspection at 187 Kohlman Road Fond Du Lac, WI 54937. This letter includes the citations for the violations that were found (see summary below). Please choose one of the three options from the box to the right and complete the associated steps found on the following page **within 15 working days**. Please call us if you have any questions about the enclosed citation and/or penalties; we are here to help you choose the best option to resolve your citation as quickly as possible.

Sincerely,

FOR Robert J. Bonack, Area Director

Your Citation Summary
Ozburn-Hessey Logistics LLC
Inspection Number: 1115597

Total Amount Due: \$42000.00
Payment Due Date: 15 working days
after receipt of
this letter

You must correct each violation by the date listed in the Citation and Notification of Penalty. Please see the violations and the correction deadline for each violation starting on page 6.

Total Number of Violations : 12
Your First Correction Deadline is:
06/03/2016

**Step 1 – Choose a Response
Option and
Act within 15 working days**

Respond now before you lose the ability to discuss potential adjustments to penalty amounts and/or due dates. Please choose one option below and complete the steps on the next page.

Option #1 – Discuss with OSHA

I would like to discuss the citation with an OSHA representative. This may lead to changes in the penalty amount, due date or correction deadlines (if appropriate).

Option #2 – Correct and Pay

I agree with the citation, penalties, and correction deadlines, and do not contest.

Option #3 – Contest the Citation

I do not agree with the citation, penalties, and/or correction deadlines, and would like to contest.

Questions or Concerns?

If you have any questions or concerns regarding the citation, penalties, and/or correction deadlines, please call us at (920) 734-4521.

Step 2 – Complete One Option Checklist

Please post a copy of the citation at or near the place where each violation occurred, even if you plan to contest. You can use the checklist to the right to help plan your next steps. Please do not send in your checklist.

Option #1 – Discuss with OSHA

I will complete by:



1. Call: Robert J. Bonack, Area Director, at (920) 734-4521 as soon as possible to schedule a meeting with an OSHA representative that must occur **within 15 working days** of receiving this citation. Bring supporting documentation of existing conditions and corrections done thus far. If necessary, you can still contest the citation after this meeting. ****This meeting does NOT extend your 15 working day deadline to contest the citation.****

 ___ / ___

2. Fill in and post the attached "Notice to Employees OSHA Informal Conference" after scheduling meeting.

 ___ / ___

Option #2 – Correct Violations and Pay Penalty

I will complete by:



1. Correct violations, then complete and mail the attached "Certification of Corrective Action Worksheet" along with the appropriate evidence of repair (e.g. photos, purchase orders, etc.) to the OSHA office listed on the first page, **postmarked within 10 calendar days after each violation's correction deadline and include any required evidence. If these documents are transmitted by means other than mailing, the date the Agency received the documents is the date of submission.**

 ___ / ___

2. Pay the **Total Penalty** by using one of the following methods:
****Include your Inspection Number (see first page) on the payment.****

 ___ / ___

Pay Online: Search "OSHA" on www.pay.gov and complete the "OSHA Penalty Payment Form." Pay by debit, credit or Automated Clearing House (ACH) **within 15 working days.** Penalties over \$25,000 must be paid by ACH and require a Transaction ID (Call 202-693-2170 to obtain one).

Pay by Check: Mail check or money order payable to "DOL-OSHA" for the Total Penalty to the OSHA office listed on the first page **within 15 working days.**

Option #3 – Contest the Citation

I will complete by:



Mail a letter of intent to legally contest to the OSHA office listed on the first page, postmarked within **15 working days.**

 ___ / ___

U.S. Department of Labor
Occupational Safety and Health Administration
1648 Tri Park Way
Appleton, WI 54914
Phone: 920-734-4521 Fax: 920-734-2661



Citation and Notification of Penalty

To:
Ozburn-Hessey Logistics LLC
and its successors
187 Kohlman Road
Fond Du Lac, WI 54937

Inspection Number: 1115597
Inspection Date(s): 01/05/2016 - 01/19/2016
Issuance Date: 05/05/2016

Inspection Site:
187 Kohlman Road
Fond Du Lac, WI 54937

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 05/05/2016. The conference will be held by telephone or at the OSHA office located at 1648 Tri Park Way, Appleton, WI 54914 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1115597

Company Name: Ozburn-Hessey Logistics LLC
Inspection Site: 187 Kohlman Road, Fond Du Lac, WI 54937
Issuance Date: 05/05/2016

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, 1648 Tri Park Way, Appleton, WI 54914**

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

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

Inspection Number: 1115597
Inspection Date(s): 01/05/2016 - 01/19/2016
Issuance Date: 05/05/2016



Citation and Notification of Penalty

Company Name: Ozburn-Hessey Logistics LLC
Inspection Site: 187 Kohlman Road, Fond Du Lac, WI 54937

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

29 CFR 1910.22(b)(1): Aisles and passageways were not kept clear and in good repair, with no obstruction across or in aisles that could create a hazard:

a) In October 2015, the employer was informed the evaporative condenser catwalk was unsafe. On January 14, 2016, OSHA observed the evaporative condenser catwalk was available for use with supports severely rusted or missing.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$4000.00

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: 1115597
Inspection Date(s): 01/05/2016 - 01/19/2016
Issuance Date: 05/05/2016



Citation and Notification of Penalty

Company Name: Ozburn-Hessey Logistics LLC
Inspection Site: 187 Kohlman Road, Fond Du Lac, WI 54937

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

29 CFR 1910.23(c)(1): Open-sided floors and/or platforms four feet or more above adjacent floor or ground level were not guarded with standard railings (or equivalent) and toeboards:

a) Employees conducting refrigeration system inspections, tests, preventative maintenance and repairs activities on the roofs of buildings located at 122 and 187 Kohlman Road, Fond du Lac, WI were not provided roof edge fall protection. Fall distances ranged from 9 feet to over 30 feet.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$5000.00

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: Ozburn-Hessey Logistics LLC
Inspection Site: 187 Kohlman Road, Fond Du Lac, WI 54937

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

29 CFR 1910.119(d)(3)(i)(B): The employer's piping and instrument diagrams were not accurate and did not represent equipment that was existing and was part of the process:

- a) P&ID R1.1 indicated a t-section junction with the 12 inch LSS pipe line, containing valve LTRP-01 and connecting to the Low Temp Accumulator, that joins the 12 inch LSS pipe line between the 5 inch LSS pipe line connecting to the "Removed From Service" Swing Compressor SW-1 t-section junction and the 4 inch LSS pipe line connecting to the Booster Compressor B-1 t-section junction. The 12 inch LSS pipe line, containing valve LTRP-01 and connecting to the Low Temp Accumulator, actually joins the 12 inch LSS pipe line between the 5 inch LSS pipe line connecting to the Removed From Service Swing Compressor SW-1 t-section junction and the 5 inch LSS pipe line connecting to the Booster Compressor B-2 t-section junction.
- b) P&ID R1.1 was missing a HPL pipe section that connected the HPL pipe section containing valve MTRP-1 101 and HPL pipe section containing valve MTRP-01 100. The missing HPL pipe section joins the first pipe section between valve MTRP-1 101 and the 2 inch HPL t-section junction. The missing HPL pipe section joins the second pipe section between valve MTRP-1 100 and the 2 inch HPL t-section junction.
- c) P&ID R1.1 indicated a t-section junction with the 1.5 inch EQ pipe line, containing valve HPR-01 300, that joins with the 4 inch CD pipe line between valve HPR-1 104 and the t-section junction 1.5 inch HGD which contains valve AUX 305. The 1.5 inch EQ pipe line, containing valve HPR-01 300, actually joins the 1.5 HGD pipe line, containing valve AUX 305, between the t-section junction with the 4 inch CD pipe line and valve AUX 305.
- d) P&ID R1.1 has two valves labeled LTRP-01 129. One valve labeled LTRP-01 129 is part of the LTRL piping for ammonia pump AP01 and the other valve is part of the LTRL piping for ammonia pump AP02.
- e) P&ID R1.2 indicated a capped pipe section containing valve CE-01 600 joining the 0.75 inch HTRL pipe line between valves CE-01 100 and CE-01 101 within the piping associated with evaporator CE 01. The capped pipe section containing valve CE-01 600 was not physically present.

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: Ozburn-Hessey Logistics LLC
Inspection Site: 187 Kohlman Road, Fond Du Lac, WI 54937

- f) P&ID R1.2 indicated a capped pipe section containing valve CE-03 600 joining the 0.75 inch HTRL pipe line between valves CE-03 100 and CE-03 101 within the piping associated with evaporator CE 03. The capped pipe section containing valve CE-03 600 was not physically present.
- g) P&ID R1.2 indicated a capped pipe section containing valve FE-01 600 joining the 0.75 inch LTRL pipe line between valve FE-01 102 and a t-section junction with the 0.75 inch HTRL pipe line containing valve FE-01 101 within the piping associated with evaporator CE 01. The capped pipe section containing valve FE-01 600 was not physically present.
- h) P&ID R1.2 indicated a capped pipe section containing valve DE-04 600 joining the 0.75 inch HTRL pipe line between valves DE-04 100 and DE-04 101 within the piping associated with evaporator DE 04. The capped pipe section containing valve DE-04 600 was not physically present.
- i) P&ID R1.3 indicated a capped pipe section containing valve FE-04 600 joining the 0.75 inch LTRL pipe line between valves FE-04 100 and FE-04 101 within the piping associated with evaporator FE 04. The capped pipe section containing valve FE-04 600 was not physically present.
- j) P&ID R1.1 indicated the 4 inch CD pipe section containing valve EC-01 101, the 4inch CD pipe section containing EC-01 100, the 4 inch CD pipe section containing valve EC-02 101, and the 4 inch CD pipe section containing valve EC-02 100 all join the 4 inch CD pipe line containing the Tie-In For Future EC-3 through T-section junctions. The 4 inch CD pipe line containing the Tie-In For Future EC-3 actually joins a forked pipe section containing valves EC-01 100 and EC-01 101 for Evaporative Condenser EC-01, and a forked pipe section containing valves EC-102 100 and EC-02 101 for Evaporative Condenser EC-02.

Date By Which Violation Must be Abated:
Proposed Penalty:

06/03/2016
\$5000.00



Citation and Notification of Penalty

Company Name: Ozburn-Hessey Logistics LLC
Inspection Site: 187 Kohlman Road, Fond Du Lac, WI 54937

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 1910.119(e)(5): The employer did not document what actions were to be taken to resolve Process Hazard Analysis (PHA) recommendations:

- a) The Recommendation Tracking Sheet for the 2012 PHA recommendation number 60 did not document what actions were taken to resolve recommendations when it was identified as fully implemented on April 14, 2014.
- b) The Recommendation Tracking Sheet for the 2012 PHA recommendation number 81 did not document what actions were taken to resolve or if actions were taken to address the recommendation.
- c) The Recommendation Tracking Sheet for the 2012 PHA recommendation number 88 did not document what actions were taken to resolve recommendations when it was identified as fully implemented on April 15, 2014.

Date By Which Violation Must be Abated: 06/03/2016
Proposed Penalty: \$3000.00



Citation and Notification of Penalty

Company Name: Ozburn-Hessey Logistics LLC
Inspection Site: 187 Kohlman Road, Fond Du Lac, WI 54937

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

29 CFR 1910.119(o)(4): The employer did not promptly determine and document an appropriate response to each of the findings of the compliance audit, and document that deficiencies have been corrected:

a) The employer received the 2014 PSM Audit Report on January 9, 2015. When reviewed by OSHA on January 6, 2016, the 2014 PSM Audit Recommendation Tracking Sheets 92, 93, 98, 99, 100, 101, 105 116 and 117 did not contain information describing the recommended action(s) the employer was planning to take, a schedule of recommended action(s) the employer was planning to take or if the recommended action(s) were completed.

Date By Which Violation Must be Abated:

06/03/2016



Citation and Notification of Penalty

Company Name: Ozburn-Hessey Logistics LLC
Inspection Site: 187 Kohlman Road, Fond Du Lac, WI 54937

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

29 CFR 1910.119(f)(1)(iii)(B): The employer did not develop and implement written operating procedures that provided clear instructions for safely conducting activities involved in each covered process consistent with the process safety information that addressed health and safety considerations, such as precautions necessary to prevent exposure, including engineering controls, administrative controls, and personal protective equipment:

- a) The employer has not developed clear instructions describing when an ammonia release constitutes an emergency and outside entities are needed to safely mitigate the ammonia release.
- b) The employer has not developed clear instructions describing when an ammonia leak/release situation has deteriorated to a point that an employees' experience, training and personal protective equipment no longer provides adequate protection.
- c) The employer did not include the methods and equipment to be utilized to reach elevated ammonia refrigeration equipment needing maintenance or servicing in the operating procedures.
- d) The employer did not develop and implemented written procedures to maintain the Manning Systems Inc. Portable Gas Detection unit for ammonia in an operational and calibrated condition.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/03/2016
Proposed Penalty:	\$5000.00

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: 1115597
Inspection Date(s): 01/05/2016 - 01/19/2016
Issuance Date: 05/05/2016



Citation and Notification of Penalty

Company Name: Ozburn-Hessey Logistics LLC
Inspection Site: 187 Kohlman Road, Fond Du Lac, WI 54937

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

29 CFR 1910.119(j)(2): The employer did not establish written procedures to maintain the on-going integrity of process equipment:

- a) The employer had not developed and implemented written procedures for the inspections, testing and servicing needed to maintain the on-going integrity for the facility's ammonia refrigeration system ammonia pumps.
- b) The employer had not developed and implemented written procedures for the inspections, testing and servicing needed to maintain the on-going integrity for the facility's ammonia refrigeration system Hansen Auto Purger.

Date By Which Violation Must be Abated:
Proposed Penalty:

06/03/2016
\$5000.00

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: Ozburn-Hessey Logistics LLC
Inspection Site: 187 Kohlman Road, Fond Du Lac, WI 54937

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

29 CFR 1910.119(j)(4)(iv): The employer did not document each inspection and test that was performed on process equipment wherein the documentation identified the date of the inspection or test, the name of the person who performed the inspection or test, the serial number or other identifier of the equipment on which the inspection or test was performed, a description of the inspection or test performed, and the results of the inspection or test:

- a) The employer was not able to produce documentation that the mechanical integrity program weekly, monthly, tri-monthly, every three (3) months, and bi-annually tests and inspections for the compressors were conducted in 2015 and what the results were.
- b) The employer was not able to produce documentation that the mechanical integrity program monthly and bi-annually tests and inspections for the evaporative condensers were conducted in 2015 and what the results were.
- c) The employer was not able to produce documentation that the mechanical integrity program monthly and bi-annually tests and inspections for the evaporators were conducted in 2015 and what the results were.

Date By Which Violation Must be Abated: 06/03/2016
Proposed Penalty: \$5000.00



Citation and Notification of Penalty

Company Name: Ozburn-Hessey Logistics LLC
Inspection Site: 187 Kohlman Road, Fond Du Lac, WI 54937

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

29 CFR 1910.119(j)(5): The employer did not correct deficiencies in equipment that were outside acceptable limits (defined by the process safety information on paragraph (d) of this section) before use:

- a) The ice on the 0.5 inch pipe lines coming off the LTRS liquid pumps was identified as adding a dangerous amount of weight to the piping during B-109 inspections conducted on September 17, 2015. On January 14, 2016, OSHA observed a substantial ice buildup on the piping around the LTRS liquid pumps pipe lines.
- b) The LTRS pressure vessel, liquid pumps and associated piping were identified having bad insulation during the B-109 inspections on September 17, 2015. On January 14, 2016, OSHA observed a substantial ice buildup on the LTRS liquid pumps, nearby equipment and pipe lines. Ice buildup is one indicator for faulty insulation.
- c) The 4 inch CD pipe line between the HPR pressure vessel and the evaporative condensers was identified during the B-109 inspections as have bad rust blisters and needing replacement on October 27, 2015. On January 14, 2016, OSHA observed rust blisters the 4 inch CD pipe line.
- d) The Evaporative Condenser EC-02 tubes were identified as being very rusty and soft during the B-109 inspection on September 10, 2015 and October 28, 2015. No documentation was available indicating the Evaporative Condenser EC-02 tubes had been repaired or removed from service during the January 2016 OSHA inspection.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 09/20/2016
Proposed Penalty: \$5000.00

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: 1115597
Inspection Date(s): 01/05/2016 - 01/19/2016
Issuance Date: 05/05/2016



Citation and Notification of Penalty

Company Name: Ozburn-Hessey Logistics LLC
Inspection Site: 187 Kohlman Road, Fond Du Lac, WI 54937

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

29 CFR 1910.147(c)(6)(i): The employer did not conduct an annual or more frequent inspection of the energy control procedure to ensure that the procedure and requirements of this standard were followed:

a) The employer did not perform energy control audits in 2015.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$5000.00

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: Ozburn-Hessey Logistics LLC
Inspection Site: 187 Kohlman Road, Fond Du Lac, WI 54937

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

29 CFR 1910.119(d)(2)(i)(C): Process safety information pertaining to the technology of the process did not include the maximum intended quantity:

a) The employer has different maximum intended quantities for ammonia listed in different documents. The 2014 PSM Audit Report lists 15,725 pounds for the maximum intended inventory. The Risk Management Off Site Plan Update states the Maximum Quantity is 16,675 pounds and the Wisconsin 2014 Emergency and Hazardous Chemical Inventory Report also states the Maximum Daily Amount and Average Dairy Amount is 16,675 pounds.

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.



Citation and Notification of Penalty

Company Name: Ozburn-Hessey Logistics LLC
Inspection Site: 187 Kohlman Road, Fond Du Lac, WI 54937

Citation 2 Item 2 Type of Violation: **Other-than-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's written hazard communication program, provided to OSHA on January 7, 2016, does not describe how employees will be given hazard communication training, the in-house labeling system and how/where the material safety data sheets/safety data sheets will be kept. Chemicals employees working at the Fond du Lac, WI facility may be exposed to include, but are not limited to, ammonia during an ammonia refrigeration system release, chemicals used during maintenance activities, and carbon monoxide from fuel powered industrial vehicles.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$0.00

A handwritten signature in black ink, appearing to read "Robert J. Bonack", written over a horizontal line.

FOR → **Robert J. Bonack**
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
1648 Tri Park Way
Appleton, WI 54914
Phone: 920-734-4521 Fax: 920-734-2661



INVOICE / DEBT COLLECTION NOTICE

Company Name: Ozburn-Hessey Logistics LLC
Inspection Site: 187 Kohlman Road, Fond Du Lac, WI 54937
Issuance Date: 05/05/2016

Summary of Penalties for Inspection Number	1115597
Citation 1, Serious	\$42000.00
Citation 2, Other-than-Serious	\$0.00
TOTAL PROPOSED PENALTIES	\$42000.00

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.



FOR **Robert J. Bonack**
Area Director



Date