

U.S. Department of Labor
Occupational Safety and Health Administration
444 Regency Parkway Drive
Suite 303
Omaha, NE 68114



Citation and Notification of Penalty

To:
Noah's Ark Processors, LLC , dba Western Reserve
and its successors
1009 W M St
Hastings, NE 68901

Inspection Number: 1346160
Inspection Date(s): 07/24/2018 - 10/17/2018
Issuance Date: 01/18/2019

Inspection Site:
1009 W M St
Hastings, NE 68901

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 by calling 402-553-0171. 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 01/18/2019. The conference will be held by telephone or at the OSHA office located at 444 Regency Parkway Drive, Suite 303, Omaha, NE 68114 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1346160

Company Name: Noah's Ark Processors, LLC , dba Western Reserve
Inspection Site: 1009 W M St, Hastings, NE 68901
Issuance Date: 01/18/2019

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, 444 Regency Parkway Drive, Suite 303, Omaha, NE 68114**

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: 1346160
Inspection Date(s): 07/24/2018 - 10/17/2018
Issuance Date: 01/18/2019



Citation and Notification of Penalty

Company Name: Noah's Ark Processors, LLC , dba Western Reserve
Inspection Site: 1009 W M St, Hastings, NE 68901

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

29 CFR 1910.28(b)(3)(i): The employer must ensure each employee is protected from falling through any hole (including skylights) that is 4 feet (1.2 m) or more above a lower level:

The employer is failing to protect employees from fall hazards. This violation was most recently documented at a worksite located at or near 1009 W M St., Hastings, Nebraska 68901 on July 24, 2018. Where the employer has unprotected employees working on the roof of the structure exposed to fall hazards from the three inadequately protected skylights.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$9239.00

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: Noah's Ark Processors, LLC , dba Western Reserve
Inspection Site: 1009 W M St, Hastings, NE 68901

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

29 CFR 1910.119(d)(3)(i)(E): The employer did not have a compilation for written process safety information pertaining to the ventilation system design:

The employer is failing to protect employees from chemical hazards associated with the anhydrous ammonia refrigeration system. This violation was most recently documented at a worksite located at or near 1009 W M St., Hastings, Nebraska 68901 on July 24, 2018. The employer is failing to provide Process Safety Information for the ventilation system in engine room or the design basis for the ventilation. The engine room has no documented calculations that show the installed ventilation system in the engine room is sufficient for the engine room.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/05/2019
Proposed Penalty:	\$12934.00

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: Noah's Ark Processors, LLC , dba Western Reserve
Inspection Site: 1009 W M St, Hastings, NE 68901

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

29 CFR 1910.119(d)(3)(ii): The employer did not document that equipment complies with recognized and generally accepted good engineering practices:

- a) On or about July 24, 2018 at 1009 W M St., Hastings, Nebraska 68901, at the Noah's Ark Processors, LLC facility, the employer did not document that it complied with recognized and generally accepted good engineering practice (RAGAGEP), such as ANSI/IIAR 2-2014; ANSI/ASH RAE Standard IS-2013; and IIAR Bulletin 109, Section 4.7.6, when it did not ensure that ammonia refrigeration piping was labeled.
- b) On or about July 24, 2018 at 1009 W M St., Hastings, Nebraska 68901, at the Noah's Ark Processors, LLC facility, the employer did not document that it complied with recognized and generally accepted good engineering practice (RAGAGEP), such as ANSI/IIAR 2-2014; ANSI/ASH RAE Standard IS-2013; and IIAR Bulletin 109, Section 4.10.3, when it did not ensure the main shut off valve (King Valve) was clearly labeled.

Abatement certification and abatement documentation is required for this violation. The abatement certification sheet is enclosed.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/05/2019
Proposed Penalty:	\$9239.00



Citation and Notification of Penalty

Company Name: Noah's Ark Processors, LLC , dba Western Reserve
Inspection Site: 1009 W M St, Hastings, NE 68901

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

29 CFR 1910.119(e)(3)(i): The process hazard analysis did not address the hazards of the process:

The employer is failing to protect employees from chemical hazards associated with the anhydrous ammonia refrigeration system. This violation was most recently documented at a worksite located at or near 1009 W M St., Hastings, Nebraska 68901 on July 24, 2018. The 2016 Process Hazard Analysis was performed, however, it failed to list or address any potential consequences of ammonia being vented back into the plant.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/05/2019
Proposed Penalty:	\$12934.00

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: Noah's Ark Processors, LLC , dba Western Reserve
Inspection Site: 1009 W M St, Hastings, NE 68901

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

29 CFR 1910.119(e)(3)(v): Facility siting was not addressed to ensure process safety equipment was protected from impact:

The employer is failing to protect employees from chemical hazards associated with the anhydrous ammonia refrigeration system. This violation was most recently documented at a worksite located at or near 1009 W M St., Hastings, Nebraska 68901 on July 24, 2018. The employer failing to ensure that an ammonia vessel was protected from vehicular impact. The ammonia receiver is in a pathway toward the maintenance shop and the company has failed to install any barriers to protect the receiver from being struck by vehicular impact.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/05/2019
Proposed Penalty:	\$12934.00

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: Noah's Ark Processors, LLC , dba Western Reserve
Inspection Site: 1009 W M St, Hastings, NE 68901

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

29 CFR 1910.119(f)(4): The employer did not develop or implement safe work practices for employees and contractors performing maintenance activities on covered processes:

The employer is failing to protect employees from chemical burn hazards associated with the anhydrous ammonia refrigeration system. This violation was most recently documented at a worksite located at or near 1009 W M St., Hastings, Nebraska 68901 on July 24, 2018. The company has standard operating procedures written for operations for the ammonia refrigeration system; however, they fail to include procedures for de-energizing or making safe the system components prior to any activity where the ammonia could be released. The operating procedures fail to outline procedures for locking out the covered equipment.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/05/2019
Proposed Penalty:	\$12934.00

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

Inspection Number: 1346160
Inspection Date(s): 07/24/2018 - 10/17/2018
Issuance Date: 01/18/2019



Citation and Notification of Penalty

Company Name: Noah's Ark Processors, LLC , dba Western Reserve
Inspection Site: 1009 W M St, Hastings, NE 68901

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

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

The employer is failing to protect employees from chemical burn hazards associated with the anhydrous ammonia refrigeration system. This violation was most recently documented at a worksite located at or near 1009 W M St., Hastings, Nebraska 68901 on July 24, 2018. The company has a mechanical integrity program with some standard operating procedures for changing out process equipment; however, they have not developed procedures for multiple pieces of process equipment such as; but not limited to, Compressor #2 and the Unit in AC #1.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/05/2019
Proposed Penalty:	\$12934.00

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: Noah's Ark Processors, LLC , dba Western Reserve
Inspection Site: 1009 W M St, Hastings, NE 68901

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

29 CFR 1910.119(j)(5): ~~Equipment deficiencies~~. The employer shall correct deficiencies in equipment that are outside acceptable limits (defined by the process safety information in paragraph (d) of this section) before further use or in a safe and timely manner when necessary means are taken to assure safe operation:

The employer is failing to protect employees from chemical hazards associated with the anhydrous ammonia refrigeration system. This violation was most recently documented at a worksite located at or near 1009 W M St., Hastings, Nebraska 68901 on July 24, 2018. The employer is failing to provide Process Safety Information for the safety system in the engine room, specifically no audio or visual alarms are in or outside of the engine room. The engine room is not equipped with alarms that audibly or visually indicate that an ammonia leak is present. Its chosen recognized and generally accepted good engineering practice (RAGAGEP), ANSI/IIAR 2-2014 ANSI/IIAR 2 -2014 (Standard for Safe Design of Closed-Circuit Ammonia Refrigeration Systems), Section 6.13.1 states that for ammonia detection for machinery rooms, audible and visual alarms shall be provided inside the room to warn that access to the room is restricted to authorized personnel and emergency responders when the alarm has activated. Additional audible and visual alarms shall be located outside of each entrance to the machinery room.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/05/2019
Proposed Penalty:	\$12934.00

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: Noah's Ark Processors, LLC , dba Western Reserve
Inspection Site: 1009 W M St, Hastings, NE 68901

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

29 CFR 1910.119(n): The emergency action plan did not include procedures for handling small releases:

The employer is failing to protect employees from chemical burn hazards associated with the anhydrous ammonia refrigeration system. This violation was most recently documented at a worksite located at or near 1009 W M St., Hastings, Nebraska 68901 on July 24, 2018. In the company written emergency action program there is no information for how employees are to differentiate between small releases and large releases and how to respond.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/05/2019
Proposed Penalty:	\$12934.00

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

Inspection Number: 1346160
Inspection Date(s): 07/24/2018 - 10/17/2018
Issuance Date: 01/18/2019



Citation and Notification of Penalty

Company Name: Noah's Ark Processors, LLC , dba Western Reserve
Inspection Site: 1009 W M St, Hastings, NE 68901

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

29 CFR 1910.147(c)(4)(i): Procedures were not developed, documented and utilized for the control of potentially hazardous energy when employees were engaged in activities covered by this section:

The employer is failing ensure that employees are protected from the hazards of amputations and electrocutions. This most recently occurred at near 1009 W M St., Hastings, Nebraska 68901 on July 24, 2018. There was no documentation provided by the employer that showed specific procedures for locking out equipment, including but not limited to the Four Quarter Saw on the Chuck Line and the Brisket Saw.

Abatement certification and abatement documentation is required for this violation. The abatement certification sheet is enclosed with the citations.

Date By Which Violation Must be Abated:
Proposed Penalty:

03/05/2019
\$9239.00

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: Noah's Ark Processors, LLC , dba Western Reserve
Inspection Site: 1009 W M St, Hastings, NE 68901

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

29 CFR 1910.151(c): Where employees were exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body were not provided within the work area for immediate emergency use:

- a) On or about July 24, 2018 at 1009 W M St., Hastings, Nebraska 68901 the employer failed to ensure that an eyewash station was available for use outside of the engine room near the ammonia receiver and process equipment.
- b) On or about July 24, 2018 at 1009 W M St., Hastings, Nebraska 68901 the employer failed to ensure in the engine room the eyewash shower was accessible due to a cabinet that was used to store extra parts obstructing the eyewash shower.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/05/2019
Proposed Penalty:	\$12934.00



Citation and Notification of Penalty

Company Name: Noah's Ark Processors, LLC , dba Western Reserve
Inspection Site: 1009 W M St, Hastings, NE 68901

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

29 CFR 1910.157(g)(1): Where the employer has provided portable fire extinguishers for employee use in the workplace, the employer did not provide an educational program to familiarize employees with the general principles of fire extinguisher use and the hazards involved with incipient stage fire fighting:

The employer is failing to protect employees from fire hazards. This violation was most recently documented at a worksite located at or near 1009 W M St., Hastings, Nebraska 68901 on July 24, 2018. In the company written emergency action program there is information for designated employees to be trained to fight incipient stage fires. There is no educational program in place for these employees.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/05/2019
Proposed Penalty:	\$9239.00

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

Inspection Number: 1346160
Inspection Date(s): 07/24/2018 - 10/17/2018
Issuance Date: 01/18/2019



Citation and Notification of Penalty

Company Name: Noah's Ark Processors, LLC , dba Western Reserve
Inspection Site: 1009 W M St, Hastings, NE 68901

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

29 CFR 1910.305(b)(2)(i): Pull boxes, junction boxes, and fittings were not provided with covers approved for the purpose:

The employer is failing to ensure that the workplace was free from electrical hazards. This violation was most recently documented at a worksite located at or near 1009 W M St., Hastings, Nebraska 68901 on July 24, 2018. In the engine room, there were electrical boxes on Compressors 1, 2, and 3 that had missing covers, exposing electrical wires.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$12934.00

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: Noah's Ark Processors, LLC , dba Western Reserve
Inspection Site: 1009 W M St, Hastings, NE 68901

Citation 1 Item 14 Type of Violation: **Serious**

29 CFR 1910.305(e)(1): Cabinets, cutout boxes, fittings, boxes, and panelboard enclosures in damp or wet locations were not installed to prevent moisture or water from entering and accumulating within the enclosures:

The employer is failing to ensure that the workplace was free from electrical hazards. This violation was most recently documented at a worksite located at or near 1009 W M St., Hastings, Nebraska 68901 on October 17, 2018. There was an outlet box in the damp processing room that had a broken cover exposing electrical conductors.

Abatement certification and abatement documentation is required for this violation. The abatement certification sheet is enclosed with the citations.

Date By Which Violation Must be Abated:
Proposed Penalty:

03/05/2019
\$9239.00



Citation and Notification of Penalty

Company Name: Noah's Ark Processors, LLC , dba Western Reserve
Inspection Site: 1009 W M St, Hastings, NE 68901

Citation 1 Item 15 Type of Violation: **Serious**

29 CFR 1910.307(c)(2)(i): Equipment in hazardous (classified) location(s) was not approved for the ignitable or combustible properties of the specific gas, vapor, dust, or fiber that was or could be present:

The employer is failing to ensure that the workplace was free from explosion hazards. This violation was most recently documented at a worksite located at or near 1009 W M St., Hastings, Nebraska 68901 on July 24, 2018. The electrical installations throughout the engine room are not designed for Class 1, Division 2 locations where flammable gases may be present in the area. This room contains refrigeration equipment utilizing anhydrous ammonia which is a flammable gas.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/05/2019
Proposed Penalty:	\$12934.00



Citation and Notification of Penalty

Company Name: Noah's Ark Processors, LLC , dba Western Reserve
Inspection Site: 1009 W M St, Hastings, NE 68901

Citation 1 Item 16 Type of Violation: **Serious**

29 CFR 1910.1200(h): Employees were not provided effective information and training as specified in 29 CFR 1910.1200(h)(1) and -2 on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard was introduced into their work area:

The employer is failing to protect employees from chemical burn hazards. This violation was most recently documented at a worksite located at or near 1009 W M St., Hastings, Nebraska 68901 on July 24, 2018. The employer did not ensure that employees were provided with effective information and training in their work area at the time of their initial assignment with the hazards of ammonia.

Abatement certification is required for this violation. Abatement certification sheet is enclosed with the citation.

Date By Which Violation Must be Abated:
Proposed Penalty:

03/05/2019
\$7391.00



Jeff Funke
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
444 Regency Parkway Drive
Suite 303
Omaha, NE 68114



INVOICE / DEBT COLLECTION NOTICE

Company Name: Noah's Ark Processors, LLC , dba Western Reserve
Inspection Site: 1009 W M St, Hastings, NE 68901
Issuance Date: 01/18/2019

Summary of Penalties for Inspection Number	1346160
Citation 1, Serious	\$182926.00
TOTAL PROPOSED PENALTIES	\$182926.00

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.

Jeff Funke

Area Director



Date

1/18/19