

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



Citation and Notification of Penalty

To:
Environmental Enterprises, Inc.
10163 Cincinnati-Dayton Rd.
Cincinnati, OH 45241

Inspection Number: 808301
Inspection Date(s): 12/31/2012 - 06/05/2013
Issuance Date: 06/18/2013

Inspection Site:
4650 Spring Grove Ave.
Cincinnati, OH 45232

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.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements 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 06/18/2013. The conference will be held by telephone or at the OSHA office located at 36 Triangle Park Drive, Cincinnati, OH 45246 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 808301

Company Name: Environmental Enterprises, Inc.
Inspection Site: 4650 Spring Grove Ave., Cincinnati, OH 45232
Issuance Date: 06/18/2013

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

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

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

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

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

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

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

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

Signature

Date

Typed or Printed Name

Title

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

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



Citation and Notification of Penalty

Company Name: Environmental Enterprises, Inc.
Inspection Site: 4650 Spring Grove Ave., Cincinnati, OH 45232

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 1 a Type of Violation: **Serious**

29 CFR 1910.106(h)(7)(i)(a): Precautions were not taken to prevent the ignition of flammable vapors.

(a) On December 28, 2012, precautions were not taken to prevent potential ignition of flammable vapors from approximately 526 gallons of flammable liquid stored in the flammable liquid storage room next to the shredder room in that a portable electric reciprocating saw was used in the flammable liquid room that produced frictional heat and mechanical sparks and was a source of ignition of a fire.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

08/05/2013
\$4500.00



Citation and Notification of Penalty

Company Name: Environmental Enterprises, Inc.
Inspection Site: 4650 Spring Grove Ave., Cincinnati, OH 45232

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

29 CFR 1910.307(c): Equipment, wiring methods, and installations of equipment in hazardous (classified) locations were not intrinsically safe, approved for the hazardous (classified) location, or safe for the hazardous (classified) location:

(a) On December 28, 2012, in the flammable liquid storage room next to the shredder room where approximately 526 gallons of flammable liquids were being stored, a portable electric reciprocating saw not suitable for use in a Class 1 hazardous (classified) location was brought into the room to cut metal filters casings.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: **08/05/2013**



Citation and Notification of Penalty

Company Name: Environmental Enterprises, Inc.
Inspection Site: 4650 Spring Grove Ave., Cincinnati, OH 45232

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

29 CFR 1910.120(p)(1): The employer did not develop and implement a written safety and health program for employees involved in hazardous waste operations that shall be available for inspection by employees, their representatives and OSHA personnel. The program shall be designed to identify, evaluate and control safety and health hazards in their facilities for the purpose of employee protection, to provide for emergency response meeting the requirements of paragraph (p)(8) of this section and to address as appropriate site analysis, engineering controls, maximum exposure limits, hazardous waste handling procedures and uses of new technologies:

(a) There was no developed and implemented written safety and health program for employees handling hazardous waste in the Solidification room that identified, evaluated and controlled safety and health hazards during the solidification process to provide protection to the employees by addressing site analysis, engineering controls, maximum exposure limits, hazardous waste handling procedures and the use of any new technologies when adding chemicals such as but not limited to; lime in the solidification process and what percentage of lime and other chemicals were to be added to what percentage of hazardous waste being solidified. In addition, there was no developed and implemented safety and health program in the Solidification room that addressed engineering controls for the combustible curtains or covers being used to partially enclose the top of the solidification mixer and the lime while the mixer was operating which increased the potential fire hazard and the potential for employee exposure to hazards from a fire.

(b) There was no developed and implemented written safety and health program for employees handling hazardous waste in the De-bagging area that identified, evaluated, and controlled safety and health hazards during the de-bagging process to provide protection to employees by addressing site analysis, engineering controls, maximum exposure limits, hazardous waste handling procedures and the use of any new technologies when removing and sorting hazardous waste such as, but not limited to; bug spray, pharmaceutical needles not properly capped, and nail polish.

(c) There was no developed and implemented written safety and health program for employees handling hazardous waste in the quality assurance and chemical treatment areas that identified, evaluated and controlled safety and health hazards during the opening of hazardous waste drums and containers that provide protection to employees by addressing site analysis, engineering controls,

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

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

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Citation and Notification of Penalty

Company Name: Environmental Enterprises, Inc.
Inspection Site: 4650 Spring Grove Ave., Cincinnati, OH 45232

maximum exposure limits, hazardous waste handling procedures and the use of any new technologies when sampling and processing hazardous waste such as, but not limited to; lead, arsenic, cadmium and chlorine.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/05/2013
Proposed Penalty:	\$6300.00

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: Environmental Enterprises, Inc.
Inspection Site: 4650 Spring Grove Ave., Cincinnati, OH 45232

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 3 a Type of Violation: **Serious**

29 CFR 1910.120(p)(6): Where employees were handling drums or containers, procedures meeting the requirements of 29 CFR 1910.120(j)(1)(ii) through (j)(1)(viii) and (xi), as well as (j)(3) and (j)(8), were not developed and implemented prior to such work:

(a) There were no material handling procedures developed and implemented prior to the movement of drums and containers that addressed the inspections and integrity of the drums and containers as well as the selection, positioning, and operating of powered industrial trucks to prevent the use of unapproved powered industrial trucks from handling or operating near drums and containers of hazardous waste that could contain flammable liquids and substances where the containers and/or drums could release flammable vapors in the event of accidental dropping of drums, rupture, damage, spillage, improper seal of drums or containers, etc.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

08/05/2013
\$4500.00



Citation and Notification of Penalty

Company Name: Environmental Enterprises, Inc.
Inspection Site: 4650 Spring Grove Ave., Cincinnati, OH 45232

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

29 CFR 1910.120(j)(3): Material-handling equipment used to transfer drums and containers was not selected, positioned, and/or operated to minimize sources of ignition related to the equipment from igniting vapors released from ruptured drums or containers:

(a) In the storage areas and other locations such as, but not limited to, the QA area, aerosol can sort line, and inbound consumer commodities, there were powered industrial trucks, such as, but not limited to, Hyster fork lifts with serial numbers D187V27258A, E010V01810D, D187V26231Z, F187V11026E, and D187V27623A were not rated for Class I hazardous (classified) locations and were used for picking up pallets of drums and containers of flammable liquids and substances or operating near such containers in the event of an accident, dropping of the drums or containers, rupture, damage, spillage, evaporation or vapor leakage from improper seals on drums or containers, etc.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

08/05/2013



Citation and Notification of Penalty

Company Name: Environmental Enterprises, Inc.
Inspection Site: 4650 Spring Grove Ave., Cincinnati, OH 45232

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

29 CFR 1910.178(m)(11): Approved industrial trucks were not used in hazardous locations.

(a) In the flammable storage areas and other locations such as the QA area, and inbound consumer commodities, etc., there were powered industrial trucks, such as, but not limited to, Hyster fork lifts with serial numbers D187V27258A, E010V01810D, D187V26231Z, F187V11026E, and D187V27623A were not rated for hazardous locations when handling drums and containers of flammable liquids and substances or operating near such containers which could release flammable vapors in the event of accidental, dropping of drums or containers, rupture, damage, spillage, etc.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

08/05/2013



Citation and Notification of Penalty

Company Name: Environmental Enterprises, Inc.
Inspection Site: 4650 Spring Grove Ave., Cincinnati, OH 45232

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 1910.146(d)(2): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not identify and evaluate the hazards of permit spaces before employees entered:

(a) In areas such as but not limited to the Chemical treatment area, the employer did not identify and evaluate the different waste streams in the indoor chemical treatment tanks #1 and #2 plus the potential hazards before entry into the tanks to clean them out such as, but not limited to, the processing the chlorine tablets and entry to clean out the sludge and residue from them.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

08/05/2013
\$4500.00



Citation and Notification of Penalty

Company Name: Environmental Enterprises, Inc.
Inspection Site: 4650 Spring Grove Ave., Cincinnati, OH 45232

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

29 CFR 1910.146(d)(3): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not develop and implement the means, procedures, and practices necessary for safe permit space entry operations, including but not limited to, the requirements of 1910.146(d)(3)(i) through (d)(3)(vi):

(a) In areas such as, but not limited to; the indoor chemical treatment tanks #1 and #2, the employer did not develop and implement the means, procedures, and practices necessary for safe permit space entry operations in that:

1. There were no specifics on isolation methods for incoming lines,
2. There were no specific steps for measuring for any other toxics,
3. There was a deficiency in the tank entry procedure where oxygen testing was allowed to be performed before the potential use of nitrogen to purge a space of flammable vapors in Step 8.,
4. There were no specific measures spelled out for ventilation,
5. There were no specific measures on rescue,
6. There were no specific measures for rescue equipment, and
7. There were no specific measures to verify that conditions were acceptable for entry throughout the duration of the authorized entry.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

08/05/2013



Citation and Notification of Penalty

Company Name: Environmental Enterprises, Inc.
Inspection Site: 4650 Spring Grove Ave., Cincinnati, OH 45232

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

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

29 CFR 1910.146(f)(7): The entry permit that documented compliance and authorized entry to a permit space did not identify the hazards of the permit space to be entered:

(a) In the Chemical Treatment area the permit-required confined space entry permits from 1/23/13, 2/7/13, 3/18/13 and 3/20/13 for the indoor, open top chemical treatment tank #2 did not identify the specific hazards of the permit spaces to be entered.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/05/2013
Proposed Penalty:	\$4500.00



Citation and Notification of Penalty

Company Name: Environmental Enterprises, Inc.
Inspection Site: 4650 Spring Grove Ave., Cincinnati, OH 45232

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

29 CFR 1910.146(f)(8): The entry permit that documented compliance and authorized entry to a permit space did not identify the measures used to isolate the permit space and to eliminate or control permit space hazards before entry:

(a) In the Chemical Treatment area the permit-required confined space entry permits from 1/23/13, 2/7/13, 3/18/13 and 3/20/13 for the indoor, open top treatment tank #2 did not identify the specific measures to be used to isolate the permit spaces and to eliminate or control permit space hazards before entry including group lockout for the mixers/agitators, disconnecting feed lines, etc.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

08/05/2013



Citation and Notification of Penalty

Company Name: Environmental Enterprises, Inc.
Inspection Site: 4650 Spring Grove Ave., Cincinnati, OH 45232

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

29 CFR 1910.146(f)(10): The entry permit that documented compliance and authorized entry to a permit space did not identify the results of initial and periodic tests performed under 29 CFR 1910.146(d)(5), accompanied by the names or initials of the tester and by an indication of when the tests were performed:

(a) In the Chemical Treatment area on the confined space entry permits from 1/23/13, 2/7/13, 3/18/13, and 3/20/13 for entries into chemical treatment tank #2, the air monitoring results were not accompanied by the names or initials of the tester and by an indication of when the tests were performed.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

08/05/2013



Citation and Notification of Penalty

Company Name: Environmental Enterprises, Inc.
Inspection Site: 4650 Spring Grove Ave., Cincinnati, OH 45232

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

29 CFR 1910.146(f)(11): The entry permit that documented compliance and authorized entry to a permit space did not identify the rescue and emergency services to be summoned and the means for summoning those services:

(a) In the Chemical Treatment area on the confined space entry permits from 1/23/13, 2/7/13, 3/18/13, and 3/20/13 for entries into the open top treatment tank #2, the permits were inadequate in that they did not identify the rescue and emergency services to be summoned and the means for summoning those services.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: **08/05/2013**



Citation and Notification of Penalty

Company Name: Environmental Enterprises, Inc.
Inspection Site: 4650 Spring Grove Ave., Cincinnati, OH 45232

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

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

29 CFR 1910.147(c)(1): The employer did not establish a program consisting of an energy control procedure, employee training and periodic inspections to ensure that before any employee performed any servicing or maintenance on a machine or equipment where the unexpected energizing, startup or release of stored energy could occur and cause injury, the machine or equipment shall be isolated from the energy source and rendered inoperative:

(a) The employer's energy control (lockout) program did not include provisions for periodic or at least annual inspections of the energy control (lockout) procedures.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/05/2013
Proposed Penalty:	\$4500.00

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

Inspection Number: 808301
Inspection Date(s): 12/31/2012 - 06/05/2013
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Citation and Notification of Penalty

Company Name: Environmental Enterprises, Inc.
Inspection Site: 4650 Spring Grove Ave., Cincinnati, OH 45232

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

29 CFR 1910.147(c)(6)(i): The employer did not conduct periodic or at least annual inspections of the energy control procedures to ensure that the procedures and the requirements are being followed:

(a) Periodic or at least annual inspections of the energy control (lockout) procedures were not conducted to ensure that procedures and requirements were being followed on equipment such as, but not limited to, the chemical treatment tanks #1 and #2 mixers/agitators, the aerosol can crusher hydraulic pump motor, etc.

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

Date By Which Violation Must be Abated: 08/05/2013

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
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Citation and Notification of Penalty

Company Name: Environmental Enterprises, Inc.
Inspection Site: 4650 Spring Grove Ave., Cincinnati, OH 45232

Citation 1 Item 7 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:

(a) In the Solidification room, there was a light switch box that was missing a face plate.

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

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$4500.00

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: Environmental Enterprises, Inc.
Inspection Site: 4650 Spring Grove Ave., Cincinnati, OH 45232

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

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

29 CFR 1910.332(b)(1): Employees were not trained in and familiar with the safety-related work practices required by 1910.331 through 1910.335 that pertained to their respective job assignments:

(a) On or about January 14, 2013, a maintenance man/electrician performed troubleshooting/voltage testing on a 480 VAC 3 phase on a hydraulic pump motor without being trained on the electrical safety-related work practices.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/05/2013
Proposed Penalty:	\$4500.00



Citation and Notification of Penalty

Company Name: Environmental Enterprises, Inc.
Inspection Site: 4650 Spring Grove Ave., Cincinnati, OH 45232

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

29 CFR 1910.333(c)(2): Qualified persons were not capable of working safely on energized circuits and were not familiar with the proper use of special precautionary techniques, personal protective equipment, insulating and shielding materials, and insulated tools:

(a) On or about January 14, 2013, a maintenance man/electrician performed trouble shooting/voltage testing on a 480 VAC 3 phase hydraulic pump motor and did not work safely on or around energized circuits as the employee was not qualified and had not received any training or instructions from the employer on the proper use of special precautionary techniques, personal protective equipment, insulating and shielding materials and insulated tools.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: **08/05/2013**



Citation and Notification of Penalty

Company Name: Environmental Enterprises, Inc.
Inspection Site: 4650 Spring Grove Ave., Cincinnati, OH 45232

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

29 CFR 1910.335(a)(1)(i): Employees working in areas where there were potential electrical hazards were not using electrical protective equipment that was appropriate for the specific parts of the body to be protected and for the work to be performed:

(a) On or about January, 14, 2013, a maintenance employee/electrician performed troubleshooting/voltage testing on a 480 VAC 3 phase on a hydraulic pump motor and was not provided and did not wear appropriate personal protective equipment.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/05/2013
Proposed Penalty:	\$4500.00



Citation and Notification of Penalty

Company Name: Environmental Enterprises, Inc.
Inspection Site: 4650 Spring Grove Ave., Cincinnati, OH 45232

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

29 CFR 1910.120(p)(1): Safety and health program. The employer shall develop and implement a written safety and health program for employees involved in hazardous waste operations that shall be available for inspection by employees, their representatives and OSHA personnel. The program shall be designed to identify, evaluate and control safety and health hazards in their facilities for the purpose of employee protection, to provide for emergency response meeting the requirements of paragraph (p)(8) of this section and to address as appropriate site analysis, engineering controls, maximum exposure limits, hazardous waste handling procedures and uses of new technologies.

(a) On and prior to December 28, 2012, there were no developed and implemented written safety and health program for employees handling hazardous waste in the flammable liquid room next to the shredder room that identified, evaluated and controlled safety and health hazards during the chemical treatment process of hazardous waste contaminated with sodium chlorate that provided protection to the employees by addressing site analysis, engineering controls, maximum exposure limits, hazardous waste handling procedures and the use of any new technologies when removing from the metal housing the PPE contaminated with sodium chlorate (profile #X81694) and when removing hazardous waste contaminated with sodium chlorate from the metal housing unit for the fired and depleted oxygen generators also known as "Super Oxidizers" (profile #X81695).

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/05/2013
Proposed Penalty:	\$63000.00



Citation and Notification of Penalty

Company Name: Environmental Enterprises, Inc.
Inspection Site: 4650 Spring Grove Ave., Cincinnati, OH 45232

Citation 2 Item 2 Type of Violation: **Willful**

29 CFR 1910.120(p)(7)(i): Initial training for 24 hours and/or refresher training for 8 hours annually was not provided for employees exposed to health hazards or hazardous substances at treatment storage and disposal (TSD) operations:

(a) On and prior to December 28, 2012, employees such as but not limited to chemical treatment employee(s) and laborer(s) working 3rd shift at EEI were exposed to health hazards and hazardous substances and did not receive any initial 24 hour training prior to starting work with hazardous wastes such as but not limited to processing oxidizing waste known PPE contaminated with sodium chlorate (profile #X86194), super oxidizers containing sodium chlorate (profile #X86195) and processing new technology such as but not limited to; crushing chlorine tablets for chemical treatment.

(b) On and before December 28, 2012, employees such as but not limited to sorter employees were exposed to health hazards and hazardous substances and did not receive any initial 24 hour training prior to starting work with RCRA hazardous wastes such as, but not limited to, pharmaceutical waste containers, acetone and toluene.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 08/05/2013
Proposed Penalty: \$63000.00



Citation and Notification of Penalty

Company Name: Environmental Enterprises, Inc.
Inspection Site: 4650 Spring Grove Ave., Cincinnati, OH 45232

Citation 2 Item 3 Type of Violation: **Willful**

29 CFR 1910.132(d)(1)(i): The employer did not select and have each affected employee use, the types of personal protective equipment that would protect the affected employee(s) from the hazards identified in the hazard assessment:

(a) On and prior to December 28, 2012, the employer did not select and have each employee such as but not limited to chemical treatment technicians and laborers processing hazardous waste for treatment use appropriate personal protective equipment that would protect the employees from hazards identified in their hazard assessments conducted by the employer to protect from hazardous waste chemicals that contained chemicals such as but not limited to; sodium chlorate generated by hazardous waste such as but not limited to the PPE contaminated with sodium chlorate (profile #X86194) and the super oxidizers containing sodium chlorate (profile #X86195).

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/05/2013
Proposed Penalty:	\$63000.00



Citation and Notification of Penalty

Company Name: Environmental Enterprises, Inc.
Inspection Site: 4650 Spring Grove Ave., Cincinnati, OH 45232

Citation 2 Item 4 Type of Violation: **Willful**

29 CFR 1910.132(f)(1): The employer did not provide training to each employee who was required by this section to use personal protective equipment:

(a) On and prior to December 28, 2012, the employer did not provide training to each employee such as but not limited to chemical treatment technicians, quality assurance technicians, sorters and laborers on the selection of personal protective equipment to use for the particular hazards including what to use, how to use, and when to don to protect the employees from exposure to hazardous waste that contained chemicals such as but not limited to lead, arsenic, cadmium, chlorine and sodium chlorate.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 08/05/2013
Proposed Penalty: \$63000.00

A handwritten signature in black ink, appearing to read "William Wilkerson".

William Wilkerson
Area Director

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



INVOICE / DEBT COLLECTION NOTICE

Company Name: Environmental Enterprises, Inc.
Inspection Site: 4650 Spring Grove Ave., Cincinnati, OH 45232
Issuance Date: 06/18/2013

Summary of Penalties for Inspection Number	808301
Citation 1, Serious	\$42300.00
Citation 2, Willful	\$252000.00
TOTAL PROPOSED PENALTIES	\$294300.00

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.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order 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.

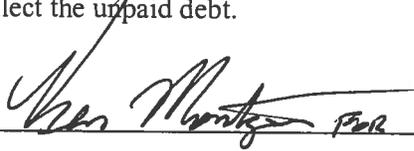
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts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

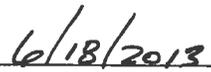
Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per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



William Wilkerson

Area Director



Date