

U.S. Department of Labor
Occupational Safety and Health Administration
444 Regency Parkway Dr.
Lake Regency Office Bldg, Ste. 303
Omaha, NE 68114
Phone: (402)553-0171 FAX: (111)222-3333



Citation and Notification of Penalty

To:
Bushnell Illinois Tank Co. d/b/a Schuld/Bushnell
and its successors
650 W Davis Street
Bushnell, IL 61422

Inspection Number: 316019215
Inspection Date(s): 01/20/2012-04/24/2012
Issuance Date: 07/17/2012

Inspection Site:
8002 N. 288 Street
Valley, NE 68064

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 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 page 5 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 are required by 29 CFR 1903.19 to submit an Abatement Certification to the Area Director of the OSHA office issuing the citation and identified above. The certification must be sent by you within 10 calendar days of the abatement date indicated on the citation. For **Willful** and **Repeat** violations, documents (examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as **Serious** and the citations states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

All abatement verification documents must contain the following information: 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

The law also requires a copy of all abatement verification documents, required by 29 CFR 1903.19 to be sent to OSHA, also be posted at the location where the violation appeared and the corrective action took place.

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.

ABATEMENT CERTIFICATION

Bonita Winingham, Area Director
U.S. Department of Labor - OSHA
444 Regency Parkway Dr.
Lake Regency Office Bldg, Ste. 303
Omaha, NE 68114
Phone: (402)553-0171

Bushnell Illinois Tank Co. d/b/a Schuld/Bushnell
650 W Davis Street
Bushnell, IL 61422

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

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

Signature

Typed or Printed Name



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 07/17/2012. The conference will be held at the OSHA office located at 444 Regency Parkway Dr., Lake Regency Office Bldg, Ste. 303, Omaha, NE, 68114 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.



Citation and Notification of Penalty

Company Name: Bushnell Illinois Tank Co. d/b/a Schuld/Bushnell
Inspection Site: 8002 N. 288 Street, Valley, NE 68064

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

29 CFR 1910.146(g)(3):

The employer is not providing training that establishes employee proficiency in the duties required by 29 CFR 1910.146, Permit-required confined spaces, and is not introducing new or revised procedures, as necessary, for compliance.

Finishing area-The employer is requiring employees to perform attendant duties to monitor entrants in permit spaces. The employer is not ensuring that attendants are proficiently trained in tasks such as but not limited to use of air monitoring equipment and performing rescue procedures.

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

Date By Which Violation Must be Abated:	08/10/2012
Proposed Penalty:	\$ 5390.00



Citation and Notification of Penalty

Company Name: Bushnell Illinois Tank Co. d/b/a Schuld/Bushnell
Inspection Site: 8002 N. 288 Street, Valley, NE 68064

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

29 CFR 1910.1026(d)(1):

The employer had a workplace covered by this section and is not determining the 8-hour Time-Weighted Average (TWA) for each employee exposed to Chrome VI.

Shelling and Finishing Areas-Welders are being exposed to hexavalent chromium.

- 1) A welder is being exposed to Chrome VI for an 8-hour TWA of .00006 mg/m3 during a 346-minute period on 3/21/2012. Exposure calculations include a zero increment for the 134 minutes not sampled.
- 2) Another welder is being exposed to an 8-hour TWA of .00007 mg/m3 during a 357-minute period on 3/21/12. Exposure calculations include a zero increment for the 123 minutes not sampled.

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

Date By Which Violation Must be Abated:	08/10/2012
Proposed Penalty:	\$ 5390.00



Citation and Notification of Penalty

Company Name: Bushnell Illinois Tank Co. d/b/a Schuld/Bushnell
Inspection Site: 8002 N. 288 Street, Valley, NE 68064

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

29 CFR 146(c) (4): When the employer decided that its employees would enter permit spaces, the employer did not develop and implement a permit space entry program that complied with 29 CFR 1910.146:

Shelling and Finishing Areas: The employer is failing to develop and effectively implement a written permit space entry program that complies with 29 CFR 1910.146 after determining employees would be required to enter permit confined spaces for entry purposes. Instances include but are not limited to, permit required confined space entry to weld the tank bottom to the tank cylinder in the Shelling area and tank entry in the Finishing area to attach the tank ladder, aeration fans and apply sealant.

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 with the citations.

Date By Which Violation Must be Abated:	08/10/2012
Proposed Penalty:	\$ 61600.00

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

Inspection Number: 316019215
Inspection Dates: 01/20/2012-04/24/2012
Issuance Date: 07/17/2012



Citation and Notification of Penalty

Company Name: Bushnell Illinois Tank Co. d/b/a Schuld/Bushnell
Inspection Site: 8002 N. 288 Street, Valley, NE 68064

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

29 CFR 146(d) (2): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer fails to identify and evaluate the hazards of confined spaces before employees entered:

Shelling and Finishing Areas: The employer is failing to evaluate the hazards associated with confined space entry and those hazards created by the work performed inside the confined space. Instances include but are not limited to entry into assembled and partially- assembled grain bins to perform welding grinding, hammering and sealant application activities.

Bushnell Illinois Tank Co. dba Schuld Bushnell was previously cited for a violation of this occupational safety and health standard 29 CFR 1910.146(d)(2), which was contained in OSHA inspection number 314058900, Citation #1, Item #4 and became a final order on July 27, 2011.

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 with the citations.

Date By Which Violation Must be Abated:	08/10/2012
Proposed Penalty:	\$ 10780.00

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

Inspection Number: 316019215
Inspection Dates: 01/20/2012 - 04/24/2012
Issuance Date: 07/17/2012



Citation and Notification of Penalty

Company Name: Bushnell Illinois Tank Co. d/b/a Schuld/Bushnell
Inspection Site: 8002 N. 288 Street, Valley, NE 68064

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

29 CFR 146(d) (4): The employer is not providing the equipment specified in paragraphs (d)(4)(i)-(d)(4)(ix) of this section at no cost to employees, is not maintaining that equipment properly, and/ or is not ensuring that employees use that equipment properly.

Finishing Area: The employer is not ensuring that the air monitoring and rescue equipment purchased in February 2012 is being used properly. Employees enter permit spaces without proper use of the equipment since its purchase.

Bushnell Illinois Tank Co. dba Schuld Bushnell was previously cited for a violation of this occupational safety and health standard 29 CFR 1910.146(d)(4), which was contained in OSHA inspection number 314058900, Citation #1, Item #5 and became a final order on June 27, 2011.

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 with the citations.

Date By Which Violation Must be Abated:	08/10/2012
Proposed Penalty:	\$ 10780.00



Citation and Notification of Penalty

Company Name: Bushnell Illinois Tank Co. d/b/a Schuld/Bushnell
Inspection Site: 8002 N. 288 Street, Valley, NE 68064

Citation 3 Item 3 Type of Violation: **Repeat**

29 CFR 146(d) (5)(ii): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not evaluate permit space conditions when entry operation were conducted by testing or monitoring the permit space as necessary to determine if acceptable entry conditions were being maintained during the course of entry operations.

Finishing and Shelling Area: Through at least February 6, 2012, the employer is failing to provide air monitoring equipment necessary for entry into confined spaces.

Bushnell Illinois Tank Co. dba Schuld Bushnell was previously cited for a violation of this occupational safety and health standard 29 CFR 1910.146(d)(5)(ii), which was contained in OSHA inspection number 314058900, Citation #1, Item #6 and became a final order on July 27, 2011.

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 with the citations.

Date By Which Violation Must be Abated:	08/10/2012
Proposed Penalty:	\$ 10780.00



Citation and Notification of Penalty

Company Name: Bushnell Illinois Tank Co. d/b/a Schuld/Bushnell
Inspection Site: 8002 N. 288 Street, Valley, NE 68064

Citation 3 Item 4 Type of Violation: **Repeat**

29 CFR 146(g) (1): The employer is not providing training so that all employees whose work was regulated by 29 CFR 1910.146, Permit-required confined spaces, acquired the understanding, knowledge, and skills necessary for the safe performance of the duties assigned.

Shelling and Finishing Area: The employer is failing to train employees with regard to confined spaces as required by this section. Instances include, but are not limited to, employees entering confined spaces such as but not limited to grain bins to weld bin sections and install ladders.

Bushnell Illinois Tank Co. dba Schuld Bushnell was previously cited for a violation of this occupational safety and health standard 29 CFR 1910.146(g)(1), which was contained in OSHA inspection number 314058900, Citation #1, Item #8 and became a final order on July 27, 2011.

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 with the citations.

Date By Which Violation Must be Abated:	08/10/2012
Proposed Penalty:	\$ 10780.00



Citation and Notification of Penalty

Company Name: Bushnell Illinois Tank Co. d/b/a Schuld/Bushnell
Inspection Site: 8002 N. 288 Street, Valley, NE 68064

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


29 CFR 1910.134(c)(2)(ii):

The employer did not establish and implement those elements of a written respiratory protection program necessary to ensure that any employee using a respirator is medically able to use that respirator and that the respirator is cleaned, stored, and maintained so that it does not present a health hazard to the user.

Production area-The employer is failing to ensure that employees stored their respirator properly. An employee who was required to use a half-mask respirator hung the respirator from the elastic strap uncovered on a hook in his locker.

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

Date By Which Violation Must be Abated:	08/10/2012
Proposed Penalty:	\$ 770.00



Bonita Winingham
Area Director

U.S. Department of Labor

Occupational Safety and Health Administration

444 Regency Parkway Dr.

Lake Regency Office Bldg, Ste. 303

Omaha, NE 68114

Phone: (402)553-0171 FAX: (402)551-1288



INVOICE/ DEBT COLLECTION NOTICE

Company Name: Bushnell Illinois Tank Co. d/b/a Schuld/Bushnell
Inspection Site: 8002 N. 288 Street, Valley, NE 68064
Issuance Date: 07/17/2012

Summary of Penalties for Inspection Number 316019215

Citation 1, Serious	= \$ 10780.00
Citation 2, Willful	= \$ 61600.00
Citation 3, Repeat	= \$ 43120.00
Citation 4, Other	= \$ 770.00
TOTAL PROPOSED PENALTIES	= \$ 116270.00

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 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 5%. 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.


Bonita Winingham
Area Director

July 17, 2012
Date

THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 affords workers the right to a safe workplace. OSHA requires employers to provide a workplace that is free of serious recognized hazards and in compliance with OSHA standards. Workers have the right to FILE A COMPLAINT WITH OSHA if they believe that there are either violations of OSHA standards or serious workplace hazards. Contact the OSHA Area office nearest you or contact our toll free number: 1-800-321-OSHA (6742)... TTY 1-877-889-5627. To file a complaint online or obtain information on your rights in the workplace, visit OSHA's website at www.osha.gov.
