

U.S. Department of Labor

Occupational Safety and Health Administration
53 Pleasant Street, Room 3901
J.C. Cleveland Federal Bldg.
Concord, NH 03301
Phone: 603-225-1629 Fax: 603-225-1580



Citation and Notification of Penalty

To:

EWP Renewable Corporation,
dba Springfield Power, LLC
and its successors
303 Fellowship Rd.
Mount Laurel, NJ 08054

Inspection Site:

54 Fisher Corner Road
Springfield, NH 03284

Inspection Number: 1279886**Inspection Date(s):** 11/28/2017 - 05/18/2018**Issuance Date:** 05/21/2018

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

Notification of Corrective Action – For each violation which you do not contest, you must provide *abatement certification* to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that *abatement documentation* is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that

he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 05/21/2018. The conference will be held by telephone or at the OSHA office located at 53 Pleasant Street, Room 3901, J.C. Cleveland Federal Bldg., Concord, NH 03301 on

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1279886

Company Name: EWP Renewable Corporation, dba Springfield Power, LLC
Inspection Site: 54 Fisher Corner Road, Springfield, NH 03284
Issuance Date: 05/21/2018

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, 53 Pleasant Street, Room 3901, J.C. Cleveland Federal Bldg., Concord, NH 03301**

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: EWP Renewable Corporation, dba Springfield Power, LLC
Inspection Site: 54 Fisher Corner Road, Springfield, NH 03284

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

29 CFR 1910.22(a)(1): All places of employment, passageways, storerooms or service rooms were not kept clean and orderly or in a sanitary condition:

- a. Process Fuel Room Building - Employees working within the building where conveying system moved and sorted wood chips were exposed to fire hazards when excessive amounts of wood dust was allowed to accumulate on floors, walls, and elevated surfaces throughout the area.
- b. Silo Belt Rooms - Employees working within the building where conveying system moved and sorted wood chips were exposed to fire hazards when excessive amounts of wood dust was allowed to accumulate on floors, walls, and elevated surfaces throughout the area.
- c. Silo Basements - Employees working within the building where conveying system moved and sorted wood chips were exposed to fire hazards when excessive amounts of wood dust was allowed to accumulate on floors, walls, and elevated surfaces throughout the area.
- d. Bin Haul-up Room - Employees working within the building where conveying system moved and sorted wood chips were exposed to fire hazards when excessive amounts of wood dust was allowed to accumulate on floors, walls, and elevated surfaces throughout the area.
- e. Process Fuel Room Building - Employees working within the building were exposed to tripping hazards when piles of wood dust were allowed to accumulate throughout the building to include routes of egress such as stairways.

Date By Which Violation Must be Abated:
Proposed Penalty:

05/25/2018
\$6467.00

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: EWP Renewable Corporation, dba Springfield Power, LLC
Inspection Site: 54 Fisher Corner Road, Springfield, NH 03284

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

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

29 CFR 1910.212(a)(1): One or more methods of machine guarding was not provided to protect the operator and other employees in the machine area from hazards such as those created by ingoing nip points and rotating parts:

- a. Process Fuel Room - On November 27, 2017 an employee was killed when he was pulled into the ingoing nip point where the belt meets the tail drum of the process fuel belt bucket conveyor. The metal housing which covered the tail drum contained two 10"x42" openings which exposed employees to the moving belt and ingoing nip point where the belt meets the drum.
- b. Bin Haul-Up Conveyor, top - Employees were exposed to amputation hazards when portions of the bucket conveyor were not guarded. in accordance with ANSI B20.1- 1976 Section 6.02.1.1 bucket conveyor runways must be fully guarded where employees can make contact.
- c. Bin Haul-up Conveyor, bottom - Employees were exposed to amputation hazards when portions of the bucket conveyor were not guarded. in accordance with ANSI B20.1- 1976 Section 6.02.1.1 bucket conveyor runways must be fully guarded where employees can make contact.
- d. Hog Room - Employees were exposed to amputation hazards when portions of the bucket conveyor were not guarded. in accordance with ANSI B20.1- 1976 Section 6.02.1.1 bucket conveyor runways must be fully guarded where employees can make contact.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

05/25/2018
\$9054.00

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

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

Inspection Number: 1279886
Inspection Date(s): 11/28/2017 - 05/18/2018
Issuance Date: 05/21/2018



Citation and Notification of Penalty

Company Name: EWP Renewable Corporation, dba Springfield Power, LLC
Inspection Site: 54 Fisher Corner Road, Springfield, NH 03284

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

29 CFR 1910.219(c)(4)(i): Unguarded projecting shaft end(s) did not present a smooth edge and end and projected more than one half the diameter of the shaft:

Process Fuel Room -Employees were exposed to rotating parts when the rotating chuck on the tail drum of the process fuel belt bucket conveyor protruded beyond the metal housing which covered the tail drum.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

05/25/2018

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: EWP Renewable Corporation, dba Springfield Power, LLC
Inspection Site: 54 Fisher Corner Road, Springfield, NH 03284

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

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

29 CFR 1910.269(d)(2)(iii): Procedures were not developed, documented, and used for the control of potentially hazardous energy covered by paragraph (d) of this section:

PSCR Building- Employees working on the Polishing Selective Catalytic Reduction system were not protected from burns and asphyxiation where procedures were not developed for the unexpected release of aqueous ammonia when the system is opened for maintenance work. On or about January 4, 2018 two employees opened the PSCR system containing aqueous ammonia where written procedures were not developed for the locking out of the system and only one of the two employees placed a lock or tag at each of the energy isolating locations.

Date By Which Violation Must be Abated:
Proposed Penalty:

05/25/2018
\$6467.00



Citation and Notification of Penalty

Company Name: EWP Renewable Corporation, dba Springfield Power, LLC
Inspection Site: 54 Fisher Corner Road, Springfield, NH 03284

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

29 CFR 1910.269(d)(2)(v): The employer did not conduct a periodic inspection of the energy control procedure at least annually to ensure that the procedure and the provisions of paragraph (d) of this section were being followed:

Process Fuel Room - Employees were not protected from amputation and crushing hazards when the employer did not inspect and update their energy control plan on an annual basis resulting in ineffective energy control procedures while performing end of shift cleaning of the process fuel room as locks were not being used by employees.

Date By Which Violation Must be Abated: 05/25/2018

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

29 CFR 1910.269(d)(6)(iii): All energy isolating devices that are needed to control the energy to the machine or equipment were not physically located and operated in such a manner as to isolate the machine or equipment from energy sources:

Process Fuel Belt Conveyor - Employees performing daily end of shift cleaning operations which require them to place their arms inside of the equipment would shut the equipment down by pushing a "stop" button and were not using locks to prevent the equipment from being restarted.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 05/25/2018
Proposed Penalty: \$9054.00

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: EWP Renewable Corporation, dba Springfield Power, LLC
Inspection Site: 54 Fisher Corner Road, Springfield, NH 03284

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

29 CFR 1910.269(d)(8)(ii)(D): Each authorized employee shall affix a personal lockout or tagout device to the group lockout device, group lockbox, or comparable mechanism when he or she begins work and shall remove those devices when he or she stops working on the machine or equipment being serviced or maintained:

- a. Process Fuel Belt - An employee was not protected from amputation and crushing hazards while he was performing daily end of shift cleaning operations on a conveyor system, which required him to place his arms inside of the equipment and was not provided with his own personal lock. On or about November 27, 2017 two employees shut down the conveyor belt to do the nightly end of shift cleaning without utilizing group lock out by applying one lock on each energy isolating device for two authorized employees.
- b. Silo 1- Employees entering the silo for preventative maintenance were not protected from struck by, amputation, and engulfment hazards where the employer did not require each authorized employee to place a lock on all energy isolating devices. On or about December 11, 2017 and December 19, 2017 two employees entered Silo 1 to conduct preventative maintenance without utilizing group lock out by applying one lock on each energy isolating device for two authorized employees.
- c. PSCR Building- Employees working on the Polishing Selective Catalytic Reduction (PSCR) system were not protected from burns and asphyxiation where the employer did not require each authorized employee to place a lock on all energy isolating devices to prevent the unexpected release of aqueous ammonia when the system is opened for maintenance work. On or about January 4, 2018 two employees opened the PSCR system containing aqueous ammonia without utilizing group lock out by applying one lock on each energy isolating device for two authorized employees.

(Abatement and penalty information continued on next page)

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

Inspection Number: 1279886
Inspection Date(s): 11/28/2017 - 05/18/2018
Issuance Date: 05/21/2018



Citation and Notification of Penalty

Company Name: EWP Renewable Corporation, dba Springfield Power, LLC
Inspection Site: 54 Fisher Corner Road, Springfield, NH 03284

(Abatement and penalty information continued from previous page)

Citation 1 Item 5 (continued)

Date By Which Violation Must be Abated:
Proposed Penalty:

05/25/2018
\$6467.00

A handwritten signature in blue ink that reads "Rosemarie O. Cole". The signature is written in a cursive style and is positioned above a horizontal line.

Rosemarie O. Cole
Area Director

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

U.S. Department of Labor
Occupational Safety and Health Administration
53 Pleasant Street, Room 3901
J.C. Cleveland Federal Bldg.
Concord, NH 03301
Phone: 603-225-1629 Fax: 603-225-1580



INVOICE / DEBT COLLECTION NOTICE

Company Name: EWP Renewable Corporation, dba Springfield Power, LLC
Inspection Site: 54 Fisher Corner Road, Springfield, NH 03284
Issuance Date: 05/21/2018

Summary of Penalties for Inspection Number	1279886
Citation 1, Serious	\$37509.00
TOTAL PROPOSED PENALTIES	\$37509.00

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.

Rosemarie O. Cole

Rosemarie O. Cole
Area Director

5/21/18

Date