

U.S. Department of Labor

Occupational Safety and Health Administration
444 Regency Parkway Drive
Suite 303
Omaha, NE 68114
Phone: 402-553-0171 Fax: 402-551-1288



Citation and Notification of Penalty

To:

Nebraska Railcar Cleaning Services, LLC
and its successors
115 Hickory St.
Omaha, NE 68108

Inspection Number: 1055463**Inspection Date(s):** 04/14/2015 -**Issuance Date:** 10/13/2015**Inspection Site:**

120 Hickory St.
Omaha, NE 68108

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 10/13/2015. The conference will be held by telephone or at the OSHA office located at 444 Regency Parkway Drive, Suite 303, Omaha, NE 68114 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1055463

Company Name: Nebraska Railcar Cleaning Services, LLC
Inspection Site: 120 Hickory St., Omaha, NE 68108
Issuance Date: 10/13/2015

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 444 Regency Parkway Drive, Suite 303, Omaha, NE 68114**

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

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

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

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

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

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

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

Signature

Date

Typed or Printed Name

Title

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

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

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

Inspection Number: 1055463
Inspection Date(s): 04/14/2015 -
Issuance Date: 10/13/2015



Citation and Notification of Penalty

Company Name: Nebraska Railcar Cleaning Services, LLC
Inspection Site: 120 Hickory St., Omaha, NE 68108

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

29 CFR 1910.23(a)(5): Every pit and trapdoor floor opening, infrequently used, was not guarded by a floor opening cover of standard strength and construction. While the cover is not in place, the pit or trap opening was not constantly attended by someone or was not protected on all exposed sides by removable standard railings:

The employer is failing to protect employees from fall hazards of 5' 9.5" into a sewer pit opening measuring 1' 10" by 1' 2" in that; the plywood covering the opening was not of sufficient strength to prevent individuals or equipment from falling through at the GBW site location near 3100 S 30th Street Omaha, NE 68107.

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

Date By Which Violation Must be Abated:
Proposed Penalty:

11/16/2015
\$5000.00

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



Citation and Notification of Penalty

Company Name: Nebraska Railcar Cleaning Services, LLC
Inspection Site: 120 Hickory St., Omaha, NE 68108

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

29 CFR 1910.120(p)(1): Employers conducting operations at treatment, storage, and disposal (TSD) facilities specified in 29 CFR 1910.120(a)(1)(iv) and who are not exempted by 29 CFR 1910.120(a)(2)(iii) did not develop and/or implement a written safety and health program for employees involved in hazardous waste operations:

The employer is failing to develop and implement the elements of the written safety and health program that pertain to employees involved with the handling, storage, treatment and disposal of hazardous wastes including but not limited to highly flammable petroleum waste products, waste product that contain benzene, ethanol waste products and methanol waste products that are generated from the cleaning of rail cars in that; provisions are not provided for safe handling, decontamination and emergency response at 302 Pierce Street, Omaha, NE 68108, 120 Hickory Street, Omaha, NE 68108, and the GBW site located near 3100 S 30th Street, Omaha, NE 68107.

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.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/16/2015
Proposed Penalty:	\$7000.00



Citation and Notification of Penalty

Company Name: Nebraska Railcar Cleaning Services, LLC
Inspection Site: 120 Hickory St., Omaha, NE 68108

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

29 CFR 1910.120(p)(3): A medical surveillance program meeting the requirements of 29 CFR 1910.120(f) was not developed and implemented:

At the work sites located at 302 Pierce Street, Omaha, NE 68108, 120 Hickory Street, Omaha, NE 68108, and the GBW site located near 3100 S 30th Street, Omaha, NE 68107; the employer is failing to develop and implement a medical surveillance program for employees who are involved with the handling, storage, treatment and disposal of hazardous wastes including but not limited to highly flammable petroleum waste products, ethanol waste products and methanol waste products that are generated from the cleaning of rail cars.

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.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

11/16/2015
\$7000.00

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

Inspection Number: 1055463
Inspection Date(s): 04/14/2015 -
Issuance Date: 10/13/2015



Citation and Notification of Penalty

Company Name: Nebraska Railcar Cleaning Services, LLC
Inspection Site: 120 Hickory St., Omaha, NE 68108

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

29 CFR 1910.120(p)(4): A decontamination procedure meeting the requirements of 29 CFR 1910.120(k) was not developed and implemented:

At the work sites located at 302 Pierce Street, Omaha, NE 68108, 120 Hickory Street, Omaha, NE 68108, and the GBW site located near 3100 S 30th Street, Omaha, NE 68107; the employer is failing to develop and implement decontamination procedures for employees who are involved with the handling, storage, treatment and disposal of hazardous wastes including but not limited to highly flammable petroleum waste products, ethanol waste products and methanol waste products that are generated from the cleaning of rail cars.

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.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

11/16/2015
\$7000.00

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: Nebraska Railcar Cleaning Services, LLC
Inspection Site: 120 Hickory St., Omaha, NE 68108

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 1910.120(p)(7)(i): A training program for employees exposed to health hazards or hazardous substances at treatment, storage and disposal operations was not developed and implemented to enable employees to perform their assigned duties and functions in a safe and healthful manner so as not to endanger themselves or other employees:

At the work sites located at 302 Pierce Street, Omaha, NE 68108, 120 Hickory Street, Omaha, NE 68108, and the GBW site located near 3100 S 30th Street, Omaha, NE 68107; the employer is failing to develop and implement a training program for employees who are exposed to health hazards such as but not limited exposure to benzene, ethanol and methanol while they are involved with the handling, storage, treatment and disposal of hazardous wastes including but not limited to petroleum waste products, ethanol waste products and methanol waste products that are generated from the cleaning of rail cars.

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.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

11/16/2015
\$7000.00



Citation and Notification of Penalty

Company Name: Nebraska Railcar Cleaning Services, LLC
Inspection Site: 120 Hickory St., Omaha, NE 68108

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

29 CFR 1910.1200(h)(1): Employees were not provided effective information and training on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard that the employees had not been previously trained about was introduced into their work area:

The employer is failing to protect employees from chemical hazards including but not limited to fires, explosions, cancer, skin irritation, eye irritation, respiratory irritation, and both acute and chronic systemic toxicity in that; employees involved the cleanup and handling of railcar commodities including but not limited to volatile petroleum products containing benzene, methanol, and ethanol were not provided with effective training on the proper precautions necessary to prevent and limit exposure at 120 Hickory Street, Omaha, NE 68108; 302 Pierce Street, Omaha NE 68108; and the GBW site location near 3100 S 30th Street Omaha, NE 68107.

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.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

11/16/2015



Citation and Notification of Penalty

Company Name: Nebraska Railcar Cleaning Services, LLC
Inspection Site: 120 Hickory St., Omaha, NE 68108

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 1910.134(c)(1)(ii): The written respiratory protection program did not contain provisions for medical evaluations of employees required to use respirators:

The employer is failing to protect employees from respiratory hazards such as but not limited to exposure to benzene and other volatile organic compounds that employees are exposed to while cleaning rail tank cars containing petroleum products and denatured alcohol in that; the respiratory protection program does not provide the provisions to effectively establish and implement medical evaluations for employees who are required wear tight fitting full-face and half-face 3M respirators at 120 Hickory Street, Omaha, NE 68108; 302 Pierce Street, Omaha NE 68108; and the GBW site location near 3100 S 30th Street Omaha, NE 68107.

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.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/16/2015
Proposed Penalty:	\$7000.00



Citation and Notification of Penalty

Company Name: Nebraska Railcar Cleaning Services, LLC
Inspection Site: 120 Hickory St., Omaha, NE 68108

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

29 CFR 1910.134(c)(1)(iii): The written respiratory protection program did not contain fit test procedures for tight-fitting respirators:

The employer is failing to protect employees from respiratory hazards such as but not limited to exposure to benzene and other volatile organic compounds that employees are exposed to while cleaning rail tank cars containing petroleum products and denatured alcohol in that; the respiratory protection program does not provide the provisions to effectively establish and implement fit testing for employees who are required wear tight fitting full-face and half-face 3M respirators at 120 Hickory Street, Omaha, NE 68108; 302 Pierce Street, Omaha NE 68108; and the GBW site location near 3100 S 30th Street Omaha, NE 68107.

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.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

11/16/2015



Citation and Notification of Penalty

Company Name: Nebraska Railcar Cleaning Services, LLC
Inspection Site: 120 Hickory St., Omaha, NE 68108

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

29 CFR 1910.134(c)(1)(ix): The written respiratory protection program did not contain procedures for regularly evaluating the effectiveness of the program:

The employer is failing to protect employees from respiratory hazards such as but not limited to exposure to benzene and other volatile organic compounds that employees are exposed to while cleaning rail tank cars containing petroleum products and denature alcohol in that; the respiratory protection program does not provide the procedures for regularly evaluating the effectiveness of the program where employees are required to wear tight fitting full-face and half-face 3M respirators at 120 Hickory Street, Omaha, NE 68108; 302 Pierce Street, Omaha NE 68108; and the GBW site location near 3100 S 30th Street Omaha, NE 68107.

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.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

11/16/2015



Citation and Notification of Penalty

Company Name: Nebraska Railcar Cleaning Services, LLC
Inspection Site: 120 Hickory St., Omaha, NE 68108

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

29 CFR 1910.134(c)(3): The employer did not designate a program administrator who was qualified by appropriate training or experience to administer or oversee the respiratory protection program and to conduct the required evaluations of program effectiveness:

The employer is failing to protect employees from respiratory hazards such as but not limited to exposure to benzene and other volatile organic compounds that employees are exposed to while cleaning rail tank cars containing petroleum products in that; the employer did not designate a program administrator who was qualified by appropriate training or experience to effectively administer and oversee the respiratory protection program when employees were required to wear tight fitting negative pressure full-face and half-face 3M respirators at 120 Hickory Street, Omaha, NE 68108; 302 Pierce Street, Omaha NE 68108; and the GBW site location near 3100 S 30th Street Omaha, NE 68107.

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.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

11/16/2015



Citation and Notification of Penalty

Company Name: Nebraska Railcar Cleaning Services, LLC
Inspection Site: 120 Hickory St., Omaha, NE 68108

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

29 CFR 1910.134(e)(1): The employer did not provide a medical evaluation to determine the employee's ability to use a respirator, before the employee was fit tested or required to use the respirator in the workplace:

The employer is failing to protect employees from hazards associated with the use of tight fitting negative pressure respirators including but not limited to respiratory distress, psychophysiological stress and complications of preexisting medical conditions such as asthma and hypertension in that; employees are not provided with a medical evaluation to determine their ability to use a respirator prior to first use or fit testing where they are required to wear tight fitting negative pressure 3M half-mask and full-mask respirators for protection from chemicals including but limited benzene and volatile organic compounds while cleaning rail tank cars containing petroleum products at the GBW site location near 3100 S 30th Street Omaha, NE 68107.

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.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/16/2015
Proposed Penalty:	\$7000.00



Citation and Notification of Penalty

Company Name: Nebraska Railcar Cleaning Services, LLC
Inspection Site: 120 Hickory St., Omaha, NE 68108

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

29 CFR 1910.134(f)(2): Employee(s) using tight-fitting facepiece respirators were not fit tested prior to initial use of the respirator and annually thereafter:

The employer is failing to protect employees from respiratory hazards such as but not limited to exposure to benzene and other volatile organic compounds while cleaning rail tank cars. This violation was most recently documented at a worksite located at near 3100 S 30th Street, Omaha, NE 68107, where employee #5, who was not fit tested prior to initial use and at least annually thereafter was required to wear a tight fitting 3M half-face respirator for protection while entering and cleaning out rail tank cars CTCX733725 and CTCX733546 that contained sweet crude oil.

To abate this violation, the employer must assure that each employee who is required to wear tight-fitting respirators is fit test prior to first use and at least annually thereafter.

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.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/16/2015
Proposed Penalty:	\$7000.00



Citation and Notification of Penalty

Company Name: Nebraska Railcar Cleaning Services, LLC
Inspection Site: 120 Hickory St., Omaha, NE 68108

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

29 CFR 1910.134(k)(3): Training was not provided prior to requiring employees to use a respirator in the workplace:

The employer is failing to protect employees from respiratory hazards such as but not limited to exposure to benzene and other volatile organic compounds that employees are exposed to while cleaning rail tank cars containing petroleum products in that; the employer did not provide the required training to employees on the use of respirators as outlined in 29 CFR 1910.134(k)(1) prior to their required use of tight fitting negative pressure full-face and half-face 3M respirators at the GBW site location near 3100 S 30th Street Omaha, NE 68107.

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.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

11/16/2015
\$7000.00



Citation and Notification of Penalty

Company Name: Nebraska Railcar Cleaning Services, LLC
Inspection Site: 120 Hickory St., Omaha, NE 68108

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 10 a Type of Violation: **Serious**

29 CFR 1910.146(d)(3)(iv): 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 entry operations, including effective purging, inerting, flushing or ventilating of the permit spaces:

The employer is failing to effectively purge, inert, flush or ventilate permit spaces that employees enter, which contain atmospheric hazards including but not limited to flammable environments above 10% of the LEL in that; on 14 April 2015 two employees were fatally injured at 120 Hickory Street, Omaha, NE 68108 as the result of a flash fire and explosion that occurred when they were inside using steel scrapers and tools to clean the interior walls of rail tank car NATX303912 that contained natural gasoline, a highly flammable liquid with a flashpoint of 0° F. The atmosphere inside the rail tank car was measured between 22% and 328% of the LEL by the employer prior to authorizing employees to enter.

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.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/16/2015
Proposed Penalty:	\$7000.00



Citation and Notification of Penalty

Company Name: Nebraska Railcar Cleaning Services, LLC
Inspection Site: 120 Hickory St., Omaha, NE 68108

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

29 CFR 1910.146(d)(3)(vi): 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 to verify that conditions in a permit space were acceptable for entry throughout the duration of an authorized entry:

The employer is failing to develop and implement the means procedures and practices to verify that employees are protected from atmospheric hazards including but not limited to flammable environments above 10% of the LEL throughout the duration of authorized entry into permit required confined spaces in that; on 14 April 2015 two employees were fatally injured at 120 Hickory Street, Omaha, NE 68108 as the result of a flash fire and explosion that occurred when they were inside scraping the interior walls of rail tank car NATX303912 that contained natural gasoline, a highly flammable liquid with a flashpoint of 0° F. The atmosphere inside the rail tank car was measured at 22% of the LEL by the employer at the time employees were permitted to enter.

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.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

11/16/2015



Citation and Notification of Penalty

Company Name: Nebraska Railcar Cleaning Services, LLC
Inspection Site: 120 Hickory St., Omaha, NE 68108

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

29 CFR 1910.146(g)(1): The employer did not provide 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 under 29 CFR 1910.146:

The employer is failing to protect employees entering permit required confined spaces from atmospheric hazards including but not limited to flammable environments above 10% of the LEL, oxygen deficiency and carbon, monoxide in that; the employer did not ensure that each employee whose work involves permit required confined space entry while cleaning and estimating inside rail tank cars containing chemicals including but not limited to volatile petroleum products, natural gasoline and ethanol received adequate training and had an appropriate understanding of the signs, symptoms and consequences of exposure to atmospheric hazards, fire and explosion hazards, rescue procedures and equipment, ventilating and purging, and the appropriate intervals to monitor atmospheres at 120 Hickory Street, Omaha NE 68108; 302 Pierce Street, Omaha, NE 68108; and the GBW site location near 3100 S. 30th Street, Omaha, NE 68107.

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.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

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

Inspection Number: 1055463
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Citation and Notification of Penalty

Company Name: Nebraska Railcar Cleaning Services, LLC
Inspection Site: 120 Hickory St., Omaha, NE 68108

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

29 CFR 1910.146(k)(1)(iii)(A): The employer who designated rescue and emergency services, pursuant to paragraph (d)(9) of this section, did not select a rescue team or service from those evaluated that had the capability to reach the victim(s) within a time frame that was appropriate for the permit space hazard(s) identified:

The employer is failing to protect employees entering permit required confined spaces from atmospheric hazards including but not limited to flammable environments above 10% of the LEL, oxygen deficiency, carbon monoxide, and smoke inhalation in that; on April 14, 2015 a rescue team or service was not selected that had the capability to reach the victim trapped inside of rail tank car NATX303912 that contained volatile petroleum products such as but not limited to natural gasoline within an appropriate amount of time for rescue at 120 Hickory Street, Omaha NE 68108.

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.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/16/2015
Proposed Penalty:	\$7000.00

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: Nebraska Railcar Cleaning Services, LLC
Inspection Site: 120 Hickory St., Omaha, NE 68108

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

29 CFR 1910.151(b): There was neither an infirmary, clinic, or hospital used for the treatment of all injured employees in near proximity to the workplace nor a person or persons adequately trained to render first aid:

The employer is failing to provide prompt medical treatment to employees for the following instances:

- A) At the 120 Hickory Street, Omaha, NE 68108 location the employer did not ensure that at least one employee was provided who is adequately trained to render first aid where a local infirmary, clinic, or hospital was more than 3 to 4 minutes from the site, and the actual emergency response time was 8 minutes.
- B) At the 302 Pierce Street, Omaha, NE 68108 location the employer did not ensure that at least one employee was provided who is adequately trained to render first aid where a local infirmary, clinic, or hospital was more than 3 to 4 minutes from the site.
- C) At the GBW site location near 3100 S 30th Street, Omaha, NE 68107 the employer did not ensure that at least one employee was provided who is adequately trained to render first aid where a local infirmary, clinic, or hospital was more than 3 to 4 minutes from the site.

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.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

11/16/2015
\$7000.00

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

Inspection Number: 1055463
Inspection Date(s): 04/14/2015 -
Issuance Date: 10/13/2015



Citation and Notification of Penalty

Company Name: Nebraska Railcar Cleaning Services, LLC
Inspection Site: 120 Hickory St., Omaha, NE 68108

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

29 CFR 1910.157(e)(2): Portable fire extinguishers were not visually inspected at least monthly:

The employer is failing to protect employees from fire hazards in that; at the GBW site located near 3100 S 30th Street, Omaha, NE 68107 fire extinguisher were not visually inspected at least monthly and were found to be not charged and readily available for use in the vicinity of diesel and gasoline storage tanks.

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

Date By Which Violation Must be Abated:
Proposed Penalty:

11/16/2015
\$5000.00

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

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

Inspection Number: 1055463
Inspection Date(s): 04/14/2015 -
Issuance Date: 10/13/2015



Citation and Notification of Penalty

Company Name: Nebraska Railcar Cleaning Services, LLC
Inspection Site: 120 Hickory St., Omaha, NE 68108

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

29 CFR 1910.157(g)(1): An educational program was not provided for all employees to familiarize them with the general principles of fire extinguisher use and the hazards involved with incipient stage fire fighting:

The employer is failing to protect employees from fire hazards in that; where fires extinguishers are provided for voluntary use, employees are not provided with training to familiarize themselves with the general principles of their use and the hazards involved with incipient stage fires at 120 Hickory Street, Omaha, NE 68108; 302 Pierce Street, Omaha, NE 68108; and the GBW site location near 3100 S 30th Street Omaha, NE 68107.

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

Date By Which Violation Must be Abated:
Proposed Penalty:

11/16/2015
\$5000.00

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

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

Inspection Number: 1055463
Inspection Date(s): 04/14/2015 -
Issuance Date: 10/13/2015



Citation and Notification of Penalty

Company Name: Nebraska Railcar Cleaning Services, LLC
Inspection Site: 120 Hickory St., Omaha, NE 68108

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

29 CFR 1910.178(p)(1): Powered industrial truck(s) found to be in need of repair, defective, or in any way unsafe had not been taken out of service until restored to safe operating condition(s):

The employer is failing to protect employees from struck-by and cut hazards from broken glass in that; the Manitou diesel powered forklift (model M230HC-PS, serial number M23QH0486) was operated with a shattered windshield at the GBW site location near 3100 S 30th Street Omaha, NE 68107.

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

Date By Which Violation Must be Abated:
Proposed Penalty:

11/16/2015
\$4000.00

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

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

Inspection Number: 1055463
Inspection Date(s): 04/14/2015 -
Issuance Date: 10/13/2015



Citation and Notification of Penalty

Company Name: Nebraska Railcar Cleaning Services, LLC
Inspection Site: 120 Hickory St., Omaha, NE 68108

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 17 a Type of Violation: **Serious**

29 CFR 1910.215(a)(4): Grinding machinery was not used with work rest(s) to support offhand grinding work:

The employer is failing to protect employees from caught-in and entanglement hazards in that; the left side of the Performance brand 8-inch bench grinder is missing a work rest where employees use the grinder to sharpen tools inside the conex box at the GBW site location near 3100 S 30th Street Omaha, NE 68107.

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

Date By Which Violation Must be Abated:
Proposed Penalty:

11/16/2015
\$4000.00

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

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

Inspection Number: 1055463
Inspection Date(s): 04/14/2015 -
Issuance Date: 10/13/2015



Citation and Notification of Penalty

Company Name: Nebraska Railcar Cleaning Services, LLC
Inspection Site: 120 Hickory St., Omaha, NE 68108

Citation 1 Item 17 b Type of Violation: **Serious**

29 CFR 1910.215(b)(9): The distance between the abrasive wheel periphery(s) and the adjustable tongue or the end of the safety guard peripheral member at the top exceeded one fourth inch:

The employer is failing to protect employees from struck-by hazards in that; on the left side of the Performance brand 8-inch bench grinder, the tongue guard is not adjusted to within one fourth inch from the abrasive wheel that employees use to sharpen tools inside the conex box at the GBW site location near 3100 S 30th Street Omaha, NE 68107.

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

Date By Which Violation Must be Abated:

11/16/2015

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: 1055463
Inspection Date(s): 04/14/2015 -
Issuance Date: 10/13/2015



Citation and Notification of Penalty

Company Name: Nebraska Railcar Cleaning Services, LLC
Inspection Site: 120 Hickory St., Omaha, NE 68108

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 18 a Type of Violation: **Serious**

29 CFR 1910.303(b)(2): Listed or labeled electrical equipment was not used or installed in accordance with instructions included in the listing or labeling:

The employer is failing to protect employees from electrical shock and fire hazards from improperly utilized electrical equipment in that; an extension cord was mounted to the wall of a conex box, and spliced directly to nonmetallic sheathed cabling that provides power to a receptacle box mounted to a workbench located at the GBW site location near 3100 S 30th Street Omaha, NE 68107.

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

Date By Which Violation Must be Abated:
Proposed Penalty:

11/16/2015
\$5000.00

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



Citation and Notification of Penalty

Company Name: Nebraska Railcar Cleaning Services, LLC
Inspection Site: 120 Hickory St., Omaha, NE 68108

Citation 1 Item 18 b Type of Violation: **Serious**

29 CFR 1910.305(g)(1)(iv)(A): Flexible cords and/or cables were used as a substitute for the fixed wiring of a structure:

The employer is failing to protect employees from electrical shock and fire hazards from improperly utilized electrical equipment in that; an extension cord was mounted to the wall of a conex box and spliced directly to nonmetallic sheathed cable to provide power to a receptacle box mounted was used as a substitute for fixed wiring of the structure at the GBW site location near 3100 S 30th Street Omaha, NE 68107.

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

Date By Which Violation Must be Abated:

11/16/2015

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

Inspection Number: 1055463
Inspection Date(s): 04/14/2015 -
Issuance Date: 10/13/2015



Citation and Notification of Penalty

Company Name: Nebraska Railcar Cleaning Services, LLC
Inspection Site: 120 Hickory St., Omaha, NE 68108

Citation 1 Item 18 c Type of Violation: **Serious**

29 CFR 1910.305(g)(2)(ii): Flexible cords were not used only in continuous lengths without splice or tap:

The employer is failing to protect employees from electrical shock and fire hazards from improperly utilized electrical equipment in that; an extension cord plugged into a receptacle was spliced directly to nonmetallic sheathed cable to provide power to a workbench receptacle inside the conex box at the GBW site location near 3100 S 30th Street Omaha, NE 68107.

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

Date By Which Violation Must be Abated:

11/16/2015

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: 1055463
Inspection Date(s): 04/14/2015 -
Issuance Date: 10/13/2015



Citation and Notification of Penalty

Company Name: Nebraska Railcar Cleaning Services, LLC
Inspection Site: 120 Hickory St., Omaha, NE 68108

Citation 1 Item 19 Type of Violation: **Serious**

29 CFR 1910.305(j)(2)(vii): A receptacle installed in a wet location where the product intended to be plugged into it was to be attended while in use (for example, portable tools) did not have an enclosure that was weatherproof when the attachment plug cap was removed:

The employer is failing to protect employees from electrical shock hazards at the railcar cleaning site located at 120 Hickory Street, Omaha, NE 68108 in that; equipment such as but not limited to lighting that is attended while in use is plugged into receptacles in an outside environment exposed to rain, snow, condensation and other sources of moisture that do not have enclosures that are weatherproof when the attachment plug cap is removed.

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

Date By Which Violation Must be Abated:
Proposed Penalty:

11/16/2015
\$5000.00

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



Citation and Notification of Penalty

Company Name: Nebraska Railcar Cleaning Services, LLC
Inspection Site: 120 Hickory St., Omaha, NE 68108

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 20 a Type of Violation: **Serious**

29 CFR 1910.1200(f)(6)(ii): Except as provided in 29 CFR 1910.1200(f)(7) and 29 CFR 1910.1200(f)(8), the employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with the product identifier and words, pictures, symbols, or combination thereof, which provide at least general information regarding the hazards of the chemicals and which, in conjunction with the other information immediately available to employees under the hazard communication program, would provide employees with the specific information regarding the physical and health hazards of the hazardous chemical:

The employer is failing to protect employees from chemical hazards including but not limited to skin, eye, and respiratory irritation, and both acute and chronic systemic toxicity in that; each container of hazardous chemicals in the workplace was not marked with the product identifier and words, pictures, symbols, or combination thereof so that employees had the necessary information to adequately protect themselves when handling hazardous chemicals for the following instances:

- A) A blue plastic drum containing liquid petroleum and hydrocarbon type solvents next to the diesel washer was not labeled at the GBW site location near 3100 S 30th Street, Omaha, NE 68108.
- B) Two clear plastic 5 gallon jugs and a green Menards bucket containing unidentified oil product were not labeled inside the conex box at the GBW site location near 3100 S 30th Street, Omaha, NE 68108.
- C) A blue water cooler containing unidentified oil product was not labeled inside the conex box located at 120 Hickory Street, Omaha, NE 68108.
- D) Three blue plastic drums were not labeled with their contents located along the west property fence at 120 Hickory Street, Omaha, NE 68108.

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

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: 1055463
Inspection Date(s): 04/14/2015 -
Issuance Date: 10/13/2015



Citation and Notification of Penalty

Company Name: Nebraska Railcar Cleaning Services, LLC
Inspection Site: 120 Hickory St., Omaha, NE 68108

Date By Which Violation Must be Abated:
Proposed Penalty:

11/16/2015
\$5000.00

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



Citation and Notification of Penalty

Company Name: Nebraska Railcar Cleaning Services, LLC
Inspection Site: 120 Hickory St., Omaha, NE 68108

Citation 1 Item 20 b Type of Violation: **Serious**

29 CFR 1910.1201(b): Markings and placarding were not retained on freight containers, rail freight cars, motor vehicles, or transport vehicles, which were required to be marked or placarded in accordance with the Hazardous Materials Regulations, until the hazardous materials which required the marking or placarding were sufficiently removed to prevent any potential hazards:

The employer is failing to protect employees from fire and explosion hazards in that; on 4/14/2015 at 120 Hickory Street, Omaha, NE 68108 markings and placarding used to communicate flammability hazards of the commodity were not retained on rail tank car NATX303912 that contained natural gasoline, a highly flammable petroleum product, without the hazardous materials being sufficiently removed.

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

Date By Which Violation Must be Abated:

11/16/2015



Citation and Notification of Penalty

Company Name: Nebraska Railcar Cleaning Services, LLC
Inspection Site: 120 Hickory St., Omaha, NE 68108

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

29 CFR 1910.134(f)(2): Employee(s) using tight-fitting facepiece respirators were not fit tested prior to initial use of the respirator and annually thereafter:

The employer is failing to protect employees from respiratory hazards such as but not limited to exposure to benzene and other volatile organic compounds while cleaning rail tank cars. This violation was most recently documented at a worksite located at 120 Hickory Street, Omaha, NE 68108, where employee #4, who was not fit tested prior to initial use and at least annually thereafter was required to wear a tight fitting 3M half-face respirator for protection while entering and cleaning out rail tank cars NATX301439 and NATX301469 that contained denatured ethanol.

To abate this violation, the employer must assure that each employee who is required to wear tight-fitting respirators is fit test prior to first use and at least annually thereafter.

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.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/16/2015
Proposed Penalty:	\$70000.00



Citation and Notification of Penalty

Company Name: Nebraska Railcar Cleaning Services, LLC
Inspection Site: 120 Hickory St., Omaha, NE 68108

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

29 CFR 1910.134(f)(2): Employee(s) using tight-fitting facepiece respirators were not fit tested prior to initial use of the respirator and annually thereafter:

The employer is failing to protect employees from respiratory hazards such as but not limited to exposure to benzene and other volatile organic compounds while cleaning rail tank cars. This violation was most recently documented at a worksite located at 120 Hickory Street, Omaha, NE 68108, where employee #1, who was not fit tested prior to initial use and at least annually thereafter, was required to wear a tight fitting 3M half-face respirator for protection while entering and cleaning out rail tank car NATX303912 that contained natural gasoline.

To abate this violation, the employer must assure that each employee who is required to wear tight-fitting respirators is fit test prior to first use and at least annually thereafter.

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.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/16/2015
Proposed Penalty:	\$70000.00



Citation and Notification of Penalty

Company Name: Nebraska Railcar Cleaning Services, LLC
Inspection Site: 120 Hickory St., Omaha, NE 68108

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

29 CFR 1910.134(f)(2): Employee(s) using tight-fitting facepiece respirators were not fit tested prior to initial use of the respirator and annually thereafter:

The employer is failing to protect employees from respiratory hazards such as but not limited to exposure to benzene and other volatile organic compounds while cleaning rail tank cars. This violation was most recently documented at a worksite located at 120 Hickory Street, Omaha, NE 68108, where employee #2, who was not fit tested prior to initial use and at least annually thereafter was required to wear a tight fitting 3M half-face respirator for protection while entering and cleaning out rail tank car NATX303912 that contained natural gasoline.

To abate this violation, the employer must assure that each employee who is required to wear tight-fitting respirators is fit test prior to first use and at least annually thereafter.

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.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/16/2015
Proposed Penalty:	\$70000.00



Citation and Notification of Penalty

Company Name: Nebraska Railcar Cleaning Services, LLC
Inspection Site: 120 Hickory St., Omaha, NE 68108

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

29 CFR 1910.134(f)(2): Employee(s) using tight-fitting facepiece respirators were not fit tested prior to initial use of the respirator and annually thereafter:

The employer is failing to protect employees from respiratory hazards such as but not limited to exposure to benzene and other volatile organic compounds while cleaning rail tank cars. This violation was most recently documented at a worksite located at 120 Hickory Street, Omaha, NE 68108, where employee #3, who was not fit tested prior to initial use and at least annually thereafter was required to wear a tight fitting 3M half-face respirator for protection while entering and cleaning out rail tank cars NATX301439 and NATX301469 that contained denatured ethanol.

To abate this violation, the employer must assure that each employee who is required to wear tight-fitting respirators is fit test prior to first use and at least annually thereafter.

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.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/16/2015
Proposed Penalty:	\$70000.00



Citation and Notification of Penalty

Company Name: Nebraska Railcar Cleaning Services, LLC
Inspection Site: 120 Hickory St., Omaha, NE 68108

Citation 2 Item 5 Type of Violation: **Willful**

29 CFR 1910.146(d)(4)(viii): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not ensure that employees properly used rescue and emergency equipment needed to comply with 29 CFR 1910.146(d)(9):

The employer is failing to ensure that employees properly use rescue and emergency equipment while entering permit required confined spaces that contain atmospheric hazards including but not limited to flammable environments above 10% of the LEL in that; on 14 April 2015 two employees who were fatally injured at 120 Hickory Street, Omaha, NE 68108 as the result of a flash fire and explosion that occurred when they were inside scraping the interior walls of rail tank car NATX303912 that contained natural gasoline, a highly flammable liquid with a flashpoint of 0° F, were not wearing body harnesses to aid in rescue from the permit required confined space.

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.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/16/2015
Proposed Penalty:	\$70000.00



Citation and Notification of Penalty

Company Name: Nebraska Railcar Cleaning Services, LLC
Inspection Site: 120 Hickory St., Omaha, NE 68108

Citation 2 Item 6 Type of Violation: **Willful**

29 CFR 1910.146(d)(5)(i): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not adequately evaluate permit space conditions when entry operations were conducted by properly testing conditions in the permit space and continuously monitoring the areas where authorized entrants were working:

The employer is failing to protect employees entering rail tank cars containing chemical products including by not limited to natural gasoline, volatile petroleum products, and denatured ethanol from atmospheric hazards including but not limited to flammable vapors and gases in excess 10% of the LEL, carbon monoxide, displaced oxygen, hydrogen sulfide, volatile organic compounds, and benzene in that; continuous air monitoring is not conducted throughout the duration of authorized entry to ensure that the atmospheric conditions are maintained at safe levels in the areas that authorized entrants are working while cleaning, power washing, scraping and estimating inside railcars at 120 Hickory Street, Omaha, NE 68108; 302 Pierce Street, Omaha, NE 68108; and near 3100 S. 30th Street, Omaha, NE 68107.

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.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/16/2015
Proposed Penalty:	\$70000.00



Citation and Notification of Penalty

Company Name: Nebraska Railcar Cleaning Services, LLC
Inspection Site: 120 Hickory St., Omaha, NE 68108

Citation 2 Item 7 Type of Violation: **Willful**

29 CFR 1910.146(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 operations were conducted by testing or monitoring the permit space as necessary:

The employer is failing to protect employees entering each permit required confined space from atmospheric hazards including but not limited to flammable vapors, carbon monoxide, displaced oxygen, hydrogen sulfide and benzene in that; monitoring is not conducted as necessary to ensure that the atmospheric conditions are maintained at safe levels during the duration of entry. This violation was most recently documented at the worksite located at 120 Hickory Street, Omaha, NE 68108 on 14 April 2015 where two employees were fatally injured when flammable vapors ignited inside rail tank car NATX303912. The employees were using steel scrapers and tools to clean interior walls of the rail tank car that contained natural gasoline, a highly flammable liquid with a flashpoint of 0° F. The LEL measurements taken by the employer ranged between 22% and 328% prior to allowing the employees entry into the tank car. No additional monitoring was conducted to ensure the LEL was at acceptable levels for safe entry.

To abate this violation, the employer must assure that atmospheric testing or monitoring is conducted as necessary in each permit required confined space entered by employees to ensure that the atmospheric conditions are maintained at safe levels during the duration of entry.

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.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/16/2015
Proposed Penalty:	\$70000.00

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: Nebraska Railcar Cleaning Services, LLC
Inspection Site: 120 Hickory St., Omaha, NE 68108

Citation 2 Item 8 Type of Violation: **Willful**

29 CFR 1910.146(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 operations were conducted by testing or monitoring the permit space as necessary:

The employer is failing to protect employees entering each permit required confined space from atmospheric hazards including but not limited to flammable vapors, carbon monoxide, displaced oxygen, hydrogen sulfide and benzene in that; monitoring is not conducted as necessary to ensure that the atmospheric conditions are maintained at safe levels during the duration of entry. This violation was most recently documented at the worksite located at 120 Hickory Street, Omaha, NE 68108 on 14 April 2015 where two employees were inside power washing rail tank car NATX301469 that contained denatured ethanol, a highly flammable liquid with a flashpoint of -5° F. Monitoring was not conducted continuously to ensure that the atmospheric conditions were maintained at safe levels during the duration of entry, when they could readily change due to the agitation and aerosolizing of the ethanol from power washing activities.

To abate this violation, the employer must assure that atmospheric testing or monitoring is conducted as necessary on each permit required confined space entered by employees to ensure that the atmospheric conditions are maintained at safe levels during the duration of entry.

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.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

11/16/2015
\$70000.00



Citation and Notification of Penalty

Company Name: Nebraska Railcar Cleaning Services, LLC
Inspection Site: 120 Hickory St., Omaha, NE 68108

Citation 2 Item 9 Type of Violation: **Willful**

29 CFR 1910.146(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 operations were conducted by testing or monitoring the permit space as necessary:

The employer is failing to protect employees entering each permit required confined space from atmospheric hazards including but not limited to flammable vapors, carbon monoxide, displaced oxygen, hydrogen sulfide and benzene in that; monitoring is not conducted as necessary to ensure that the atmospheric conditions are maintained at safe levels during the duration of entry. This violation was most recently documented at the worksite located at 120 Hickory Street, Omaha, NE 68108 on 14 April 2015 where two employees were inside power washing rail tank car NATX301439 that contained denatured ethanol, a highly flammable liquid with a flashpoint of -5° F. Monitoring was not conducted continuously to ensure that the atmospheric conditions were maintained at safe levels during the duration of entry, when they could readily change due to the agitation and aerosolizing of the ethanol from power washing activities.

To abate this violation, the employer must assure that atmospheric testing or monitoring is conducted as necessary on each permit required confined space entered by employees to ensure that the atmospheric conditions are maintained at safe levels during the duration of entry.

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.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

11/16/2015
\$70000.00



Citation and Notification of Penalty

Company Name: Nebraska Railcar Cleaning Services, LLC
Inspection Site: 120 Hickory St., Omaha, NE 68108

Citation 2 Item 10 Type of Violation: **Willful**

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.

The employer is failing to ensure that confined space entry permits are accurately filled out to warn employees of the atmospheric hazards inside of rail tank cars including but not limited to flammable environments above 10% of the LEL, oxygen deficiency, carbon monoxide and benzene from present from chemicals such as but not limited to volatile petroleum products, ethanol and methanol in that; on 14 April 2015 at 120 Hickory Street, Omaha, NE 68108 the confined space entry permit supervisor wrote on the entry permit for rail tank car NATX303912 that the LEL was 0% when it was actually measured at 22% of the LEL. Two employees were allowed to enter the hazardous confined space and were fatally injured when the flammable vapors inside the rail tank car ignited. The entry permit also failed to identify who took the measurements and what times the measurements were taken.

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.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

11/16/2015
\$70000.00



Citation and Notification of Penalty

Company Name: Nebraska Railcar Cleaning Services, LLC
Inspection Site: 120 Hickory St., Omaha, NE 68108

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

29 CFR 1910.95(c)(1): The employer did not administer a continuing, effective hearing conservation program as described in 29 CFR 1910.9(c) through (o) whenever employee noise exposures equal or exceed an 8-hour time-weighted average sound level of 85 decibels measured on the A scale, or equivalently a dose of fifty percent:

The employer is failing to protect employees from noise induced hearing loss in that; the employer is not implementing a hearing conservation program for employees at the GBW site location near 3100 S 30th Street, Omaha, NE 68107 where they engaged in rail tank car cleaning activities. Noise dosimetry showed employees to be exposed to noise levels exceeding the 85.0 dBA 8-hour-time-weighted average action level during previous inspections in 2015 and 2013 at the 302 Pierce Street location, where the employees were performing the same railcar cleaning tasks while entering the same types of rail tank cars and using the same types of equipment.

Nebraska Railcar Cleaning Services, LLC was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.95(c)(1), which was contained in OSHA inspection number 925994, citation number 1, item number 1 and was affirmed as a final order on 17 July 2014, with respect to a workplace located at 115 Hickory Street, Omaha, NE 68108.

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.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

11/16/2015
\$70000.00



Citation and Notification of Penalty

Company Name: Nebraska Railcar Cleaning Services, LLC
Inspection Site: 120 Hickory St., Omaha, NE 68108

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

29 CFR 1910.178(l)(1)(ii): The employer did not ensure that each operator had successfully completed the training required by paragraph (l), except as permitted by paragraph (l)(5), prior to permitting an employee to operate a forklift:

The employer is failing to protect employees from struck-by hazards in that; employees are permitted to operate forklifts without receiving training and evaluation on their safe operation at the GBW site location near 3100 S 30th Street Omaha, NE 68107.

Nebraska Railcar Cleaning Services, LLC was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.178(l)(7), which was contained in OSHA inspection number 926243, citation number 1, item number 2 b and was affirmed as a final order on 21 November 2013, with respect to a workplace located at 115 Hickory Street, Omaha, NE 68108.

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.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/16/2015
Proposed Penalty:	\$70000.00

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

Inspection Number: 1055463
Inspection Date(s): 04/14/2015 -
Issuance Date: 10/13/2015



Citation and Notification of Penalty

Company Name: Nebraska Railcar Cleaning Services, LLC
Inspection Site: 120 Hickory St., Omaha, NE 68108

Citation 4 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1904.40(a): The employer did not provide an authorized government representative the records within the four business hours:

On or about April 14, 2015 the employer failed to provide the OSHA form 300 logs, form 300A summary sheets and form 301 reports of injury and illness within four business hours upon request at 115 Hickory Street, Omaha, NE 68108.

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

Date By Which Violation Must be Abated:
Proposed Penalty:

11/16/2015
\$1000.00



Jeff Funke
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
444 Regency Parkway Drive
Suite 303
Omaha, NE 68114
Phone: 402-553-0171 Fax: 402-551-1288



INVOICE / DEBT COLLECTION NOTICE

Company Name: Nebraska Railcar Cleaning Services, LLC
Inspection Site: 120 Hickory St., Omaha, NE 68108
Issuance Date: 10/13/2015

Summary of Penalties for Inspection Number	1055463
Citation 1, Serious	\$122000.00
Citation 2, Willful	\$700000.00
Citation 3, Repeat	\$140000.00
Citation 4, Other-than-Serious	\$1000.00
TOTAL PROPOSED PENALTIES	\$963000.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on

your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

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

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

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

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.

Jeff Funke

Area Director

Date

10/13/15