

U.S. Department of Labor

Occupational Safety and Health Administration
200 N. High Street
Room 620
Columbus, OH 43215
Phone: 614-469-5582 Fax: 614-469-6791



Citation and Notification of Penalty

To:

Three Rivers Energy, LLC
and its successors
18137 County Road 271
Coshocton, OH 43812

Inspection Number: 1104919**Inspection Date(s):** 11/09/2015 - 05/04/2016**Issuance Date:** 05/06/2016**Inspection Site:**

18137 County Road 271
Coshocton, OH 43812

7015 3430 0000 4889 0440

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 05/06/2016. The conference will be held by telephone or at the OSHA office located at 200 N. High Street, Room 620, Columbus, OH 43215 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1104919

Company Name: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812
Issuance Date: 05/06/2016

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, 200 N. High Street, Room 620, Columbus, OH 43215**

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: 1104919
Inspection Date(s): 11/09/2015 - 05/04/2016
Issuance Date: 05/06/2016



Citation and Notification of Penalty

Company Name: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812

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

29 CFR 1910.120(q)(1): Emergency response plan. An emergency response plan shall be developed and implemented to handle anticipated emergencies prior to the commencement of emergency response operations. The plan shall be in writing and available for inspection and copying by employees, their representatives and OSHA personnel. Employers who will evacuate their employees from the danger area when an emergency occurs, and who do not permit any of their employees to assist in handling the emergency, are exempt from the requirements of this paragraph if they provide an emergency action plan in accordance with 29 CFR 1910.38:

a. The employer failed to develop a program for hazardous waste operations and emergency response, thereby exposing employees to chemical hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

06/10/2016
\$3500.00

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: 1104919
Inspection Date(s): 11/09/2015 - 05/04/2016
Issuance Date: 05/06/2016



Citation and Notification of Penalty

Company Name: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812

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

29 CFR 1910.132(d)(1): The employer shall assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE). If such hazards are present, or likely to be present, the employer shall:

- a. The employer as part of the hazard assessment did not identify the hazard of flash fires or burns to employees in the ethanol processing area and require the use of Flame resistant clothing, thereby exposing the employees to fire hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

05/26/2016
\$2800.00

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

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Inspection Date(s): 11/09/2015 - 05/04/2016
Issuance Date: 05/06/2016



Citation and Notification of Penalty

Company Name: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812

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

29 CFR 1910.137(c)(2)(viii): Electrical protective equipment shall be subjected to periodic electrical tests. Test voltages and the maximum intervals between tests shall be in accordance with Table I-4 and Table I-5:

a. The electrically rated protective gloves were not tested in accordance with Table I-5 for testing frequency, thereby exposing employees to an electrical hazard.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$3500.00

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

Inspection Number: 1104919
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Issuance Date: 05/06/2016



Citation and Notification of Penalty

Company Name: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812

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

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

29 CFR 1910.146(c)(1): The employer shall evaluate the workplace to determine if any spaces are permit-required confined spaces. NOTE: Proper application of the decision flow chart in Appendix A to section 1910.146 would facilitate compliance with this requirement:

a. The employer had not finished evaluating the workplace for permit-required confined spaces, thereby exposing employees to atmospheric hazards such as but not limited to oxygen displacement and low oxygen levels.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$3500.00

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

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Issuance Date: 05/06/2016



Citation and Notification of Penalty

Company Name: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812

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

29 CFR 1910.146(c)(2): If the workplace contains permit spaces, the employer shall inform exposed employees, by posting danger signs or by any other equally effective means, of the existence and location of and the danger posed by the permit spaces. NOTE: A sign reading DANGER -- PERMIT-REQUIRED CONFINED SPACE, DO NOT ENTER or using other similar language would satisfy the requirement for a sign:

- a. The entry into the grain tunnels were not marked with confined space signage, thereby exposing employees to atmospheric hazards such as but not limited to oxygen displacement and low oxygen levels.

Date By Which Violation Must be Abated:

Corrected During Inspection

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

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Citation and Notification of Penalty

Company Name: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812

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

29 CFR 1910.147(c)(4)(ii): The procedures shall clearly and specifically outline the scope, purpose, authorization, rules, and techniques to be utilized for the control of hazardous energy, and the means to enforce compliance including, but not limited to, the following:

29 CFR 1910.147(c)(4)(ii)(B): Specific procedural steps for shutting down, isolating, blocking and securing machines or equipment to control hazardous energy:

a. The employer did not include the types of energy to be isolated as part of the procedures, thereby exposing employees to a caught in or struck by hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/10/2016
Proposed Penalty:	\$3500.00

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

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Issuance Date: 05/06/2016



Citation and Notification of Penalty

Company Name: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812

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

29 CFR 1910.157(g)(1): Where the employer has provided portable fire extinguishers for employee use in the workplace, the employer shall also provide an educational program to familiarize employees with the general principles of fire extinguisher use and the hazards involved with incipient stage firefighting:

a. The employer failed to train employees on fire extinguisher use despite the emergency action plan authorizing employees to fight incipient fires, thereby exposing the employees to fire hazards.

Date By Which Violation Must be Abated:
Proposed Penalty:

05/26/2016
\$2800.00

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: 1104919
Inspection Date(s): 11/09/2015 - 05/04/2016
Issuance Date: 05/06/2016



Citation and Notification of Penalty

Company Name: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812

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

29 CFR 1910.165(b)(2): The employee alarm shall be capable of being perceived above ambient noise or light levels by all employees in the affected portions of the workplace. Tactile devices may be used to alert those employees who would not otherwise be able to recognize the audible or visual alarm:

a. The employer relies on the use of radios to notify employees of emergencies other than fires. The radios do not have a visual component nor are they above ambient noise, thereby exposing employees to hazards associated with fires and explosions

Date By Which Violation Must be Abated:
Proposed Penalty:

06/10/2016
\$3500.00

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

Inspection Number: 1104919
Inspection Date(s): 11/09/2015 - 05/04/2016
Issuance Date: 05/06/2016



Citation and Notification of Penalty

Company Name: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812

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

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

29 CFR 1910.219(c)(2)(i): All exposed parts of horizontal shafting seven (7) feet or less from floor or working platform, excepting runways used exclusively for oiling, or running adjustments, shall be protected by a stationary casing enclosing shafting completely or by a trough enclosing sides and top or sides and bottom of shafting as location requires:

- a. In the grain handling department the intersystem conveyor head had two inches of exposed shaft, thereby exposing employees to a caught in hazard.
- b. In the grain department the DDGS reclaim elevator motor had two unguarded shafts the two inches at five feet and 4 inches at 6 feet, thereby exposing employees to a caught in hazard.
- c. In the DD&E building there were 6 inadequately guarded pump motors with three inches of horizontal shafting each, thereby exposing employees to a caught in hazard.
- d. In the tank farm there were four pump motors with two inches of unguarded horizontal shaft each, thereby exposing employees to a caught in hazard.

Date By Which Violation Must be Abated:
Proposed Penalty:

05/26/2016
\$3500.00

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

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Inspection Date(s): 11/09/2015 - 05/04/2016
Issuance Date: 05/06/2016



Citation and Notification of Penalty

Company Name: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812

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

29 CFR 1910.212(a)(2): General requirements for machine guards. Guards shall be affixed to the machine where possible and secured elsewhere if for any reason attachment to the machine is not possible. The guard shall be such that it does not offer an accident hazard in itself:

- a. In the grain handling department there was a three inch by three inch hole in the guard for motor FX1246, thereby exposing employees to a caught in hazard.
- b. In the grain handling department motor FA-1436 had two, three inch holes in the guard, thereby exposing employees to a caught in hazard.
- c. In the grain handling department the motor FA-1438 had a three inch hole on the top of the guard, thereby exposing employees to a caught in hazard.

Date By Which Violation Must be Abated:

Corrected During Inspection

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

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

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Citation and Notification of Penalty

Company Name: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812

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

29 CFR 1910.272(g)(5): The employee acting as observer shall be trained in rescue procedures, including notification methods for obtaining additional assistance:

a. The employer failed to train employees acting as observers on grain rescue operation procedures, thereby exposing employees to caught in, struck by and atmospheric hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

06/10/2016
\$3500.00

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

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Issuance Date: 05/06/2016



Citation and Notification of Penalty

Company Name: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812

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

29 CFR 1910.303(b)(2): Installation and use. Listed or labeled equipment shall be installed and used in accordance with any instructions included in the listing or labeling

a. In the maintenance department a battery charging terminal and radio equipment were stored on the transformer contrary to listing and labeling, thereby exposing the employees to an electrical hazard.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$2800.00

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: 1104919
Inspection Date(s): 11/09/2015 - 05/04/2016
Issuance Date: 05/06/2016



Citation and Notification of Penalty

Company Name: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812

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 11 a Type of Violation: **Serious**

29 CFR 1910.303(e)(1): Identification of manufacturer and ratings. Electric equipment may not be used unless the following markings have been placed on the equipment:

29 CFR 1910.303(e)(1)(ii): Other markings giving voltage, current, wattage, or other ratings as necessary:

- a. The panel located in the DDGS office was not marked with the voltage, current, wattage or other ratings, thereby exposing employees to an electrical hazard.
- b. In the load out area the pump disconnect and panel boxes were not marked with voltage, current, wattage or other ratings, thereby exposing employees to an electrical hazard.
- c. In the MCC room of the Main production building all MCC disconnects and boxes without markings with voltage, current, wattage or other ratings, thereby exposing employees to an electrical hazard.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$3500.00

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: 1104919
Inspection Date(s): 11/09/2015 - 05/04/2016
Issuance Date: 05/06/2016



Citation and Notification of Penalty

Company Name: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812

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

29 CFR 1910.303(f)(2): Services, feeders, and branch circuits. Each service, feeder, and branch circuit, at its disconnecting means or overcurrent device, shall be legibly marked to indicate its purpose, unless located and arranged so the purpose is evident:

- a. The disconnect for the load out pump was not legibly marked to indicate its purpose, thereby exposing employees to electrical hazards.

Date By Which Violation Must be Abated:

Corrected During Inspection

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

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

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Issuance Date: 05/06/2016



Citation and Notification of Penalty

Company Name: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812

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 12 a Type of Violation: **Serious**

29 CFR 1910.303(g)(2)(i): Except as elsewhere required or permitted by this standard, live parts of electric equipment operating at 50 volts or more shall be guarded against accidental contact by use of approved cabinets or other forms of approved enclosures or by any of the following means:

a. In the MCC room below the Pro-Environmental Inc. box the 120/225 VAC enclosure was missing, thereby exposing employees to live energized parts.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$3500.00

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

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Issuance Date: 05/06/2016



Citation and Notification of Penalty

Company Name: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812

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

29 CFR 1910.305(b)(1)(ii): Unused openings in cabinets, boxes, and fittings shall be effectively closed:

a. In the motor control room, there was a piece of cardboard fastened into an unused opening, thereby exposing employees to an electrical hazard.

Date By Which Violation Must be Abated:

Corrected During Inspection

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

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Citation and Notification of Penalty

Company Name: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812

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

29 CFR 1910.305(b)(2)(i): Covers and canopies. All pull boxes, junction boxes, and fittings shall be provided with covers identified for the purpose. If metal covers are used, they shall be grounded. In completed installations, each outlet box shall have a cover, faceplate, or fixture canopy. Covers of outlet boxes having holes through which flexible cord pendants pass shall be provided with bushings designed for the purpose or shall have smooth, well-rounded surfaces on which the cords may bear:

- a. The junction box near the syrup tank was missing a cover, thereby exposing employees to an electrical hazard.

Date By Which Violation Must be Abated:

Corrected During Inspection

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Company Name: Three Rivers Energy, LLC
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Citation 1 Item 13 Type of Violation: **Serious**

29 CFR 1910.305(g)(1)(iv): Use of flexible cords and cables. Unless specifically permitted otherwise in paragraph (g)(1)(ii) of this section, flexible cords and cables may not be used:

29 CFR 1910.305(g)(1)(iv)(A): As a substitute for the fixed wiring of a structure:

a. In the maintenance department the employer was using an extension cord in lieu of fixed wiring, thereby exposing employees to an electrical hazard.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$2800.00

U.S. Department of Labor
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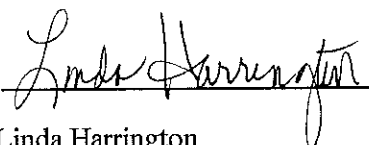
Citation 1 Item 14 Type of Violation: **Serious**

29 CFR 1910.334(a)(2)(ii): If there is a defect or evidence of damage that might expose an employee to injury, the defective or damaged item shall be removed from service, and no employee may use it until repairs and tests necessary to render the equipment safe have been made:

a. In the maintenance shop, there was a flexible cord used to power overhead lights that was damaged and wrapped with electrical tape, thereby exposing employees to an electrical hazard.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$3500.00


Linda Harrington
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
200 N. High Street
Room 620
Columbus, OH 43215
Phone: 614-469-5582 Fax: 614-469-6791



INVOICE / DEBT COLLECTION NOTICE

Company Name: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812
Issuance Date: 05/06/2016

Summary of Penalties for Inspection Number	1104919
Citation 1, Serious	\$46200.00
TOTAL PROPOSED PENALTIES	\$46200.00

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.

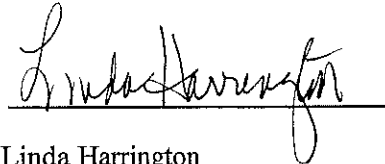
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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

A handwritten signature in cursive script, reading "Linda Harrington", is written over a horizontal line.

Linda Harrington
Area Director