

U.S. Department of Labor

Occupational Safety and Health Administration
1320 W Commerce Dr.
Suite 800
Peoria, IL 61615
Phone: 309-589-7033 Fax: 309-589-7326



Citation and Notification of Penalty

To:

Agridyne, L.L.C.
and its successors
2700 W Lawrence Ave., Suite 1
Springfield, IL 62704

Inspection Number: 982626

Inspection Date(s): 06/24/2014 - 12/16/2014

Issuance Date: 12/19/2014

Inspection Site:

1615 S. Second Street
Pekin, IL 61554

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 \$50,000 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 12/19/2014. The conference will be held by telephone or at the OSHA office located at 1320 W Commerce Dr., Suite 800, Peoria, IL 61615 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 982626

Company Name: Agridyne, L.L.C.

Inspection Site: 1615 S. Second Street, Pekin, IL 61554

Issuance Date: 12/19/2014

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, 1320 W Commerce Dr., Suite 800, Peoria, IL 61615**

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

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Inspection Date(s): 06/24/2014 - 12/16/2014
Issuance Date: 12/19/2014



Citation and Notification of Penalty

Company Name: Agridyne, L.L.C.
Inspection Site: 1615 S. Second Street, Pekin, IL 61554

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

29 CFR 1910.146(c)(2): The employer did not 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:

On or about June 24, 2014, employees assigned to perform cleaning and inspection activities inside of rail tank cars were not informed of the existence and location of and danger posed by such permit-required confined spaces through the posting of danger signs or other equally effective means.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

01/26/2015
\$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: Agridyne, L.L.C.
Inspection Site: 1615 S. Second Street, Pekin, IL 61554

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

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

On or about June 24, 2014, employees were assigned to perform cleaning and inspection activities inside of rail tank cars (permit-required confined spaces).

The employer's written permit-required confined space entry program did not provide specific information to ensure compliance with all of the applicable elements under 1910.146(d) such as, but not limited to:

- a. Procedures to prevent unauthorized entry.
- b. Procedures to identify and evaluate the hazards of permit spaces.
- c. Procedures necessary for safe permit space entry operations (acceptable conditions for entry, providing entrants or their representatives with the opportunity to observe monitoring or testing of permit spaces, ventilating the permit space as necessary to eliminate or control atmospheric hazards, protection from external hazards, and verifying that conditions are acceptable for entry throughout the duration of entry).
- d. Procedures for providing testing and monitoring equipment, ventilating equipment, and rescue and emergency equipment.
- e. Procedures for evaluating permit space conditions when entry operations are conducted (testing and monitoring).
- f. Procedures for summoning rescue and emergency services, for rescuing entrants from permit spaces, for providing necessary emergency services to rescued employees, and for preventing unauthorized personnel from attempting a rescue.
- g. Procedures for preparing, issuing, using, and canceling entry permits.
- h. Procedures for reviewing and revising entry operations.
- i. Procedures for reviewing and revising the permit space program.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

01/26/2015

Proposed Penalty:

\$7000.00

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Citation and Notification of Penalty

Company Name: Agridyne, L.L.C.
Inspection Site: 1615 S. Second Street, Pekin, IL 61554

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

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

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

On or about June 24, 2014, the employer did not specify the acceptable and safe entry conditions for employees assigned to perform cleaning and inspection activities inside of rail tank cars (permit-required confined spaces).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/26/2015
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: Agridyne, L.L.C.

Inspection Site: 1615 S. Second Street, Pekin, IL 61554

Citation 1 Item 3 b 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 space entry operations, including, but not limited to: purging, inerting, flushing or ventilating the permit space as necessary to eliminate or control atmospheric hazards:

On or about June 24, 2014, the employer did not provide for the ventilation of rail tank cars to control or eliminate atmospheric hazards for employees assigned to perform cleaning and inspection activities inside of rail tank cars (permit-required confined spaces).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

01/26/2015

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

Inspection Number: 982626
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Citation and Notification of Penalty

Company Name: Agridyne, L.L.C.
Inspection Site: 1615 S. Second Street, Pekin, IL 61554

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

29 CFR 1910.146(d)(3)(v): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not develop and implement the means, procedures, and practices necessary for safe permit space entry operations, including, but not limited to: providing pedestrian, vehicle or other barriers as necessary to protect entrants from external hazards:

On or about June 24, 2014, the employer did not provide barriers to protect employees assigned to perform cleaning and inspection activities inside of rail tank cars (permit-required confined spaces) from external hazards such as, but not limited to, falling tools.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

01/26/2015

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Citation and Notification of Penalty

Company Name: Agridyne, L.L.C.

Inspection Site: 1615 S. Second Street, Pekin, IL 61554

Citation 1 Item 3 d 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 necessary for safe permit space entry operations, including, but not limited to: verifying the conditions in the permit space were acceptable throughout the duration of an authorized entry:

On or about June 24, 2014, the employer did not verify that entry conditions were safe and acceptable for entry and throughout the duration of entry for employees assigned to perform cleaning and inspection activities inside of rail tank cars (permit-required confined spaces).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

01/26/2015

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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Occupational Safety and Health Administration

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Citation and Notification of Penalty

Company Name: Agridyne, L.L.C.
Inspection Site: 1615 S. Second Street, Pekin, IL 61554

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

29 CFR 1910.146(d)(4)(ii): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not provide, maintain, and ensure that employees used ventilating equipment needed to obtain acceptable entry conditions:

On or about June 24, 2014, the employer did not ensure that employees assigned to perform cleaning and inspection activities inside of rail tank cars (permit-required confined spaces) used ventilating equipment needed to obtain acceptable entry conditions.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

01/26/2015
\$7000.00

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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Company Name: Agridyne, L.L.C.
Inspection Site: 1615 S. Second Street, Pekin, IL 61554

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

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 to determine if acceptable entry conditions were being maintained during the course of entry operations:

On or about June 24, 2014, the employer did not perform atmospheric testing and monitoring to evaluate if conditions remained acceptable during employee entry into rail tank cars (permit-required confined spaces) in order to perform cleaning and inspection tasks.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

01/26/2015
\$7000.00

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: 982626
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Citation and Notification of Penalty

Company Name: Agridyne, L.L.C.

Inspection Site: 1615 S. Second Street, Pekin, IL 61554

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

29 CFR 1910.146(d)(9): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not develop and implement procedures for summoning rescue and emergency services, for rescuing entrants from permit spaces, for providing necessary emergency services to rescued employees, and for preventing unauthorized personnel from attempting a rescue:

On or about June 24, 2014, the employer did not prevent unauthorized personnel from attempting to rescue employees from rail tank cars (permit-required confined spaces).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

01/26/2015

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: Agridyne, L.L.C.
Inspection Site: 1615 S. Second Street, Pekin, IL 61554

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 7 a Type of Violation: **Serious**

29 CFR 1910.146(d)(13): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not review entry operations when the employer had reason to believe that the measures taken under the permit space program would not protect employees or revise the program to correct deficiencies found to exist before subsequent entries were made:

On or about June 24, 2014, the employer had not reviewed rail tank car entry operations subsequent to a January 2014 fire that destroyed the company's atmospheric monitoring equipment, non-entry rescue equipment and permitting system.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/26/2015
Proposed Penalty:	\$7000.00

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

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Citation and Notification of Penalty

Company Name: Agridyne, L.L.C.

Inspection Site: 1615 S. Second Street, Pekin, IL 61554

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

29 CFR 1910.146(d)(14): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not review the permit space program, using the canceled permits retained under 29 CFR 1910.146(e)(6) within one year after each entry and revise the program as necessary, to ensure that employees participating in entry operations were protected from permit space hazards:

On or about June 24, 2014, the employer had not reviewed their permit space entry program subsequent to rail tank car entries for cleaning and inspection activities by seeking to review any canceled permits.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

01/26/2015

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

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Citation and Notification of Penalty

Company Name: Agridyne, L.L.C.
Inspection Site: 1615 S. Second Street, Pekin, IL 61554

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 1910.146(g)(1): The employer did not provide training so that all employees whose work was regulated by 29 CFR 1910.146(c)(4), acquired the understanding, knowledge and skills necessary for the safe performance of the duties assigned under this section:

On or about June 24, 2014, the employer had not provided training to employees assigned to perform cleaning and inspection activities inside rail tank cars (permit-required confined spaces) to ensure the safe performance of assigned duties.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

01/26/2015
\$7000.00

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
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Citation and Notification of Penalty

Company Name: Agridyne, L.L.C.
Inspection Site: 1615 S. Second Street, Pekin, IL 61554

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

29 CFR 1910.146(h)(1): The employer did not ensure that all authorized entrants knew the hazards that could be faced during entry, including information on the mode, signs or symptoms, and consequences of the exposure:

On or about June 24, 2014, the employer had not trained entrants assigned to perform cleaning and inspection activities inside rail tank cars (permit-required confined spaces) on the hazards of entry.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

01/26/2015

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: 982626
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Issuance Date: 12/19/2014



Citation and Notification of Penalty

Company Name: Agridyne, L.L.C.
Inspection Site: 1615 S. Second Street, Pekin, IL 61554

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

29 CFR 1910.146(h)(2): The employer did not ensure that all authorized entrants properly used equipment as required by 29 CFR 1910.146(d)(4):

On or about June 24, 2014, the employer had not ensured that entrants assigned to perform cleaning and inspection activities inside rail tank cars (permit-required confined spaces) were trained on the proper use of atmospheric monitoring, ventilation, and non-entry rescue equipment.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

01/26/2015

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: 982626
Inspection Date(s): 06/24/2014 - 12/16/2014
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Citation and Notification of Penalty

Company Name: Agridyne, L.L.C.
Inspection Site: 1615 S. Second Street, Pekin, IL 61554

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

29 CFR 1910.146(i)(1): The employer did not ensure that each attendant knew the hazards that could be faced during entry, including information on the mode, signs or symptoms, and consequences of the exposure:

On or about June 24, 2014, the employer had not trained attendants assigned to perform cleaning and inspection activities inside rail tank cars (permit-required confined spaces) on the hazards of entry.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

01/26/2015

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: Agridyne, L.L.C.
Inspection Site: 1615 S. Second Street, Pekin, IL 61554

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

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

29 CFR 1910.146(d)(4)(i): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not provide, maintain properly, and ensure employees used testing and monitoring equipment needed to comply with 29 CFR 1910.146(d)(5) properly:

On or about June 24, 2014, the employer did not ensure that employees assigned to perform cleaning and inspection activities inside of rail tank cars (permit-required confined spaces) utilized available atmospheric hazard monitoring and testing equipment (for oxygen, combustible gases and vapors, and toxic gases and vapors) prior to allowing entry.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/26/2015
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.

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

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Citation and Notification of Penalty

Company Name: Agridyne, L.L.C.
Inspection Site: 1615 S. Second Street, Pekin, IL 61554

Citation 2 Item 1 b 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 evaluate permit space conditions when entry operations were conducted by testing conditions in the permit space to determine if acceptable entry conditions existed before entry was authorized to begin:

On or about June 24, 2014, the employer did not perform atmospheric testing and monitoring to evaluate that entry conditions were acceptable prior to allowing employees to enter rail tank cars (permit-required confined spaces) in order to perform cleaning and inspection activities.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

01/26/2015

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
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Company Name: Agridyne, L.L.C.
Inspection Site: 1615 S. Second Street, Pekin, IL 61554

Citation 2 Item 2 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 provide, maintain properly, and ensure that employees used rescue and emergency equipment needed to comply with 29 CFR 1910.146(d)(9):

On or about June 24, 2014, the employer did not ensure that employees assigned to perform cleaning and inspection activities inside of rail tank cars (permit-required confined spaces) used available non-entry rescue equipment including a tripod, winch, cable, and full body retrieval harnesses.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

01/26/2015
\$70000.00

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Citation and Notification of Penalty

Company Name: Agridyne, L.L.C.
Inspection Site: 1615 S. Second Street, Pekin, IL 61554

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

29 CFR 1910.146(e)(1): Before entry was authorized, the employer did not document the completion of measures required by 29 CFR 1910.146(d)(3) by preparing an entry permit:

On or about June 24, 2014, the employer did not complete entry permits prior to allowing employees to enter rail tank cars (permit-required confined spaces) in order to perform cleaning and inspection activities.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

01/26/2015
\$70000.00

A handwritten signature in black ink that reads "Tom Bielema".

Thomas Bielema
Area Director

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U.S. Department of Labor
Occupational Safety and Health Administration
1320 W Commerce Dr.
Suite 800
Peoria, IL 61615
Phone: 309-589-7033 Fax: 309-589-7326



INVOICE / DEBT COLLECTION NOTICE

Company Name: Agridyne, L.L.C.
Inspection Site: 1615 S. Second Street, Pekin, IL 61554
Issuance Date: 12/19/2014

Summary of Penalties for Inspection Number	982626
Citation 1, Serious	\$56000.00
Citation 2, Willful	\$210000.00
TOTAL PROPOSED PENALTIES	\$266000.00

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 \$50,000 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

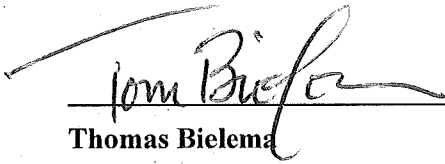
attempt to make the transfer up to 2 times.

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.



Thomas Bielema
Area Director



Date