

## SETTLEMENT AGREEMENT

The Commissioner of Labor (hereinafter referred to as "Commissioner") and Precision Tank and Equipment Co. (hereinafter referred to as "Employer") hereby agree as follows:

The Commissioner amends the Safety Order(s) and Notification(s) of Penalty, IOSHA Inspection No. 317035293 issued to the Employer on June 12, 2013 in the following manner:

### SAFETY ORDER 01:

- Item 1 Upheld. Penalty reduced to \$1250 and the abatement date is extended to December 30, 2013.
- Item 2 Upheld. Penalty reduced to \$1250 and the abatement date is extended to December 30, 2013.
- Item 3 Upheld. Penalty reduced to \$1250 and the abatement date is extended to December 30, 2013.
- Item 4 Upheld. Penalty reduced to \$1250 and the abatement date is extended to December 30, 2013.
- Item 5 Upheld. Penalty reduced to \$1250 and the abatement date is extended to December 30, 2013.
- Item 6 Upheld. Penalty reduced to \$1250 and the abatement date is extended to December 30, 2013.
- Item 7 Upheld. Penalty reduced to \$1250 and the abatement date is extended to December 30, 2013.
- Item 8 Upheld. Penalty reduced to \$1250 and the abatement date is extended to December 30, 2013.
- Item 9 Upheld. Penalty reduced to \$1250 and the abatement date is extended to December 30, 2013.
- Item 10 Upheld. Penalty reduced to \$1250 and the abatement date is extended to December 30, 2013.
- Item 11 Upheld. Penalty reduced to \$1250 and the abatement date is extended to December 30, 2013.
- Item 12 Upheld. Penalty reduced to \$1250 and the abatement date is extended to December 30, 2013.
- Item 13 Upheld. Penalty reduced to \$1250 and the abatement date is extended to December 30, 2013.
- Item 14 Upheld. Penalty reduced to \$1250 and the abatement date is extended to December 30, 2013.
- Item 15 Upheld. Penalty reduced to \$1250 and the abatement date is extended to December 30, 2013.
- Item 16 Upheld. Penalty reduced to \$1250 and the abatement date is extended to December 30, 2013.

**In addition, Respondent agrees to have a wall to wall consultation specifically including the confined space program with INSAFE by December 1, 2013, implement recommended actions, and report back to IOSHA before December 30, 2013.**

Respondent also agree to have a supervisor complete a 30 hour OSHA course by September 1, 2013.

**The TOTAL AGREED PENALTY is \$20,000.00  
(This is a 50% reduction of the total penalty.)**

THE EMPLOYER IS SATISFIED WITH THE AMENDMENTS STATED ABOVE AND ACCORDINGLY WAIVES ITS RIGHT TO FILE A NOTICE OF CONTEST OF THE SAFETY ORDER(S) AND NOTIFICATION(S) OF PENALTY AS AMENDED AND AGREES TO WITHDRAW ANY PREVIOUSLY FILED NOTICES OF CONTEST IN THIS MATTER.

Upon full execution of this Settlement Agreement ("Agreement") the Employer will post this Agreement for three (3) working days or until abatement is completed, whichever period is longer.

The Employer further agrees that if the AGREED PENALTY is not paid as agreed that the full amount of the penalty initially assessed against the Employer in the Safety Order(s) and Notification(s) of Penalty which are the subject of this Agreement is due and payable immediately.

The Safety Order(s) and Notification(s) of Penalty are, and shall be, herein a final and enforceable Order of the Board of Safety Review.

Except for this Agreement, and IOSHA matters arising out of this Agreement, and any other subsequent IOSHA proceedings between the parties, none of the foregoing agreements, statements, findings, and actions taken by Employer shall be deemed an admission by Employer of the allegations contained within the Safety Order(s) and Notification(s) of Penalty. The agreements, statements, findings and actions taken herein are made in order to compromise and settle this IOSHA matter economically and amicably, and they shall not be used for any other purpose, except as herein stated.

PRECISION TANK AND EQUIPMENT CO.

By: *Jaind Kumar*

Title: President & CEO

Date: 7/8/2013

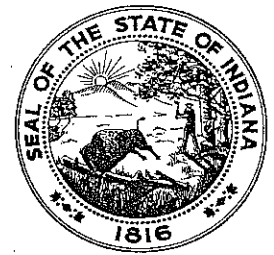
COMMISSIONER OF LABOR

By: *Alexander*

Title: Director

Date: 7/8/13

Indiana Department of Labor  
Indiana Occupational Safety and Health Administration  
402 West Washington Street  
Room W195  
Indianapolis, IN 46204-2751  
Phone: 317/232-1979 Fax: 317/233-8509



*certified mail #7003 1010 0003 5732 8635 6-12-13 JTO*

## Safety Order and Notification of Penalty

**To:**

Precision Tank & Equipment Co.,  
and its successors  
3503 Conover Road  
P.O. Box 20  
Virginia, IL 62691-0020

**Inspection Number:** 317035293

**Inspection Date(s):** 05/16/2013 - 05/21/2013

**Issuance Date:** 06/12/2013

**Inspection Site:**

215 Heckner Dr.  
Ligonier, IN 46767

*The violation(s) described in this Safety Order 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.*

An inspection of your place of employment has revealed conditions which we believe do not comply with the provisions of the Indiana Occupational Safety and Health Act (Indiana Code Chapter 22-8-1.1) or the standards or rules adopted thereunder. Accordingly, enclosed please find safety order(s) and notification(s) of penalty describing such violation(s) with references to applicable standards, rules, or provisions of the statute and stating the amount of any penalty(ies).

**Informal Conference** - Please be advised that it may be possible to informally settle any potential dispute without initiating the more elaborate proceedings brought on by a petition for review. Prior to filing a petition for review, you may request an informal conference concerning any of the results of the inspection (safety orders, penalties, abatement dates, etc.) by contacting the Indiana Department of Labor/IOSHA, preferably by telephone, in a prompt manner. Please be advised that a request for an informal conference cannot extend the fifteen working day period for filing a petition for review. Informal conferences frequently resolve any possible disputes, and therefore you are urged to take advantage of this opportunity. Because of the limited time period and in order to facilitate scheduling, any requests for an informal conference should be made promptly upon your receipt of the safety order(s) and notification(s) of penalty.

**Right to Contest** - You are hereby also notified that you are entitled to seek administrative review of the safety order(s), penalty(ies), or both by filing a written petition for review at the above address postmarked within fifteen working days of your receipt of the safety order(s) and notification(s) of penalty. ("Working days" means

Mondays through Fridays, but does not include Saturdays, Sundays, legal holidays under a state statute or days on which the Indiana Department of Labor's offices are closed during regular business hours). If you do not file such a petition for review (contest), the safety order(s) and penalty(ies) shall be deemed final orders of the Board of Safety Review and not subject to review by any court or agency. The issuance of a safety order does not constitute a finding that a violation has occurred unless no petition for review is filed, or if a petition for review (contest) is filed, it must contain a statement of its basis and should reference the above inspection number. Upon receipt of your petition for review, we will affirm, amend or dismiss the safety order(s) and notification(s) of penalty. If we affirm, your petition for review will be granted (unless it was not timely) and the dispute will be certified by the Board of Safety Review for further proceedings. The Board of Safety Review is an independent agency appointed by the governor with authority to conduct hearings and to issue decisions concerning disputed safety order(s) and notification(s) of penalty. If we amend the safety order(s) or notification(s) of penalty, your petition for review shall be deemed moot. However, you will then be given an opportunity to file a petition for review concerning the amended safety order(s) and notification(s) of penalty.

Please be advised that an employee or representative of employees may file a petition for review to contest the reasonableness of the time stated in the safety order(s) for the abatement of any violation.

**Posting** - Upon receipt of any safety order(s) you are required to post such safety order(s), or a copy thereof, unedited, at or near each place an alleged violation referred to in the safety order(s) occurred. However, if your operations are such that it is not practicable to post the safety order(s) at or near each place of alleged violation, such safety order(s) shall be posted, unedited, in a prominent place where it will be readily observable by all affected employees. For example, if you are engaged in activities which are physically dispersed, the safety order(s) may be posted at the location from which the employees operate to carry out their activities. You must take steps to ensure that the safety order is not altered, defaced, or covered by other material. Posting shall be until the violation is abated, or for three working days, whichever is longer.

**Penalties** - Penalties are due within fifteen (15) working days of receipt of this notification unless contested. Abatement does not constitute payment of penalties.

**Abatement** - The conditions cited in the safety order(s) must be corrected (abated) on or before the date shown for each item on the safety order(s) and notification(s) of penalty unless:

(1) You file a petition for review concerning the violation, in which case the full abatement period shall commence from the issuance of a final decision by the Board of Safety Review or the courts which requires compliance with the safety order; or

(2) The abatement period is extended by the granting of a petition for modification of abatement date.

**PMAs** - The petition for modification of abatement date is a manner in which you may seek additional time to correct (abate) a violation without having to file a petition for review concerning the safety order, or after the expiration of the time period to file such a petition for review when it becomes apparent that you need extra time to abate the violation. A petition for modification of abatement date shall be in writing and shall include the following information:

(1) All steps you have taken, and the dates of such actions, in an effort to achieve compliance during the prescribed abatement period.

(2) The specific additional abatement time necessary in order to achieve compliance.

(3) The reasons such additional time is necessary, including the unavailability of professional or technical personnel or of materials and equipment, or because necessary construction or alteration of facilities cannot be completed by the original abatement date.

(4) All available interim steps being taken to safeguard employees against the cited hazard during the abatement period.

(5) A certification that a copy of the petition has been posted, and if appropriate, served on the authorized representative of affected employees, and a certification of the date upon which such posting and service was made.

A petition for modification of abatement date shall be filed with the Indiana Department of Labor/IOSHA no later than the close of the next working day following the date on which abatement was originally required. A later-filed petition shall be accompanied by the employer's statement of exceptional circumstances explaining the delay. A copy of such petition shall be posted in a conspicuous place where all affected employees will have notice thereof or near such location where the violation occurred. The petition shall remain posted until the time period for the filing of a petition for review of the Commissioner's granting or denying the petition expires. Where affected employees are represented by an authorized representative, said representative shall be served a copy of such petition.

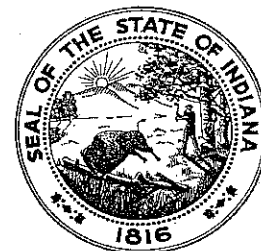
**Notification of Corrective Action** - Correction of the alleged violations which have an abatement period of thirty (30) days or less should be reported in writing to us promptly upon correction. A "Letter of Abatement" form and an "Abatement Photographs" worksheet are enclosed for your assistance in providing adequate documentation of abatement. Reports of corrections should show specific corrective action on each alleged violation and the date of such action. On alleged violations with abatement periods of more than thirty (30) days, a written progress report should be submitted, detailing what has been done, what remains to be done, and the time needed to fully abate each such violation. When the alleged violation is fully abated, we should be so advised. Timely correction of an alleged violation does not affect the initial proposed penalty.

**Followup Inspections** - Please be advised that a followup inspection may be made for the purpose of ascertaining that you have posted the safety order(s) and corrected the alleged violations. Failure to correct an alleged violation may result in additional penalties for each day that the violation has not been corrected.

**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 Indiana Department of Labor/IOSHA at the address shown above.

**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 Indiana Department of Labor/IOSHA at the address shown above within fifteen (15) working days (excluding weekends and State holidays) or receipt by the employer of this safety order and penalty.

If you wish additional information, you may direct such requests to us at the address or telephone number stated above.



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

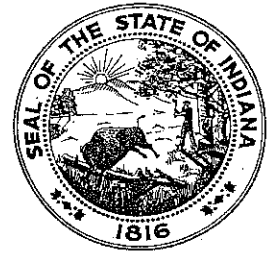
An informal conference has been scheduled with IOSHA to discuss the safety order(s) issued on 06/12/2013. The conference will be held at the IOSHA office located at 402 West Washington Street, Room W195, Indianapolis, IN 46204 on \_\_\_\_\_ at

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

**Indiana Department of Labor**

Indiana Occupational Safety and Health  
Administration

**Inspection Number:** 317035293  
**Inspection Dates:** 05/16/2013 -  
05/21/2013  
**Issuance Date:** 06/12/2013



**Safety Order and Notification of Penalty**

**Company Name:** Precision Tank & Equipment Co.  
**Inspection Site:** 215 Heckner Dr., Ligonier, IN 46767

**Safety Order 1 Item 1 Type of Violation: **Serious****

29 CFR 1910.132 (d)(2): The employer shall verify that the required workplace hazard assessment has been performed through a written certification that identifies the workplace evaluated, the person certifying that the evaluation has been performed, the date(s) of the hazard assessment and, which identifies the document as a certification of hazard assessment.

Plantwide - The employer did not perform a hazard assessment of the workplace with written signed and dated certification.

**Date By Which Violation Must be Abated:** 07/16/2013  
**Proposed Penalty:** \$2,500.00

**Safety Order 1 Item 2 Type of Violation: **Serious****

29 CFR 1910.134 (e)(1) The employer shall provide a medical evaluation to determine the employees ability to use a respirator, before the employee is fit tested or required to use a respirator in the workplace.

Fiberglass area - There were no medical evaluations for employees who wear cartridge type respirators.

**Date By Which Violation Must be Abated:** 07/16/2013  
**Proposed Penalty:** \$2,500.00

**Safety Order 1 Item 3 Type of Violation: **Serious****

29 CFR 1910.134 (f)(1) The employer shall ensure that employees using a tight-fitting face piece respirator pass an appropriate qualitative fit test (QLFT) or quantitative fit test (QNFT) as stated in this paragraph.

Fiberglass area - The employer does not perform fit testing to ensure respirators fit properly.

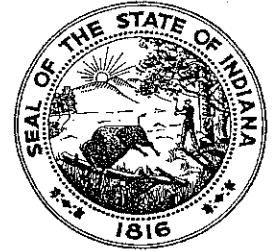
**Date By Which Violation Must be Abated:** 07/16/2013  
**Proposed Penalty:** \$2,500.00



**Indiana Department of Labor**

Indiana Occupational Safety and Health  
Administration

**Inspection Number:** 317035293  
**Inspection Dates:** 05/16/2013 - 05/21/2013  
**Issuance Date:** 06/12/2013



**Safety Order and Notification of Penalty**

**Company Name:** Precision Tank & Equipment Co.  
**Inspection Site:** 215 Heckner Dr., Ligonier, IN 46767

**Safety Order 1 Item 4 Type of Violation: **Serious****

29 CFR 1910.134 (k): Training and Information, this paragraph requires the employer to provide effective training to employees who are required to use respirators. The training must be comprehensive, understandable and recur annually and more often if necessary.

Fiberglass area - There was no formal training with documentation of training provided to employees who need to wear or could wear respirators.

**Date By Which Violation Must be Abated:** 07/16/2013  
**Proposed Penalty:** \$2,500.00

**Safety Order 1 Item 5 Type of Violation: **Serious****

29 CFR 1910.146(c)(1): The employer did not evaluate the workplace to determine if any spaces were permit-required confined spaces:

Plantwide - The employer did not perform an evaluation of the workplace, with documentation, to determine if there were permit required confined spaces.

**Date By Which Violation Must be Abated:** 07/16/2013  
**Proposed Penalty:** \$2,500.00

**Safety Order 1 Item 6 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:

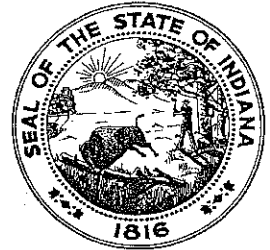
Plantwide - There were no warning signs, other notification or training of employees to warn them of the dangers of permit required confined spaces.

**Date By Which Violation Must be Abated:** 07/16/2013  
**Proposed Penalty:** \$2,500.00

**Indiana Department of Labor**

Indiana Occupational Safety and Health  
Administration

**Inspection Number:** 317035293  
**Inspection Dates:** 05/16/2013 - 05/21/2013  
**Issuance Date:** 06/12/2013



**Safety Order and Notification of Penalty**

**Company Name:** Precision Tank & Equipment Co.  
**Inspection Site:** 215 Heckner Dr., Ligonier, IN 46767

**Safety Order 1 Item 7 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 entry program that complied with 29 CFR 1910.146:

Plantwide - The confined space program did not contain all required elements and was not specific to the site.

**Date By Which Violation Must be Abated:** 07/16/2013  
**Proposed Penalty:** \$2,500.00

**Safety Order 1 Item 8 Type of Violation: **Serious****

29 CFR 1910.146 (C)(5)(ii)(C): Before an employee enters the space, the internal atmosphere shall be tested, with a calibrated direct-reading instrument for oxygen content, for flammable gases and vapors, and for potential toxic air contaminants, in that order. Any employee who enters the space, or that employee's authorized representative, shall be provided an opportunity to observe the pre-entry testing required by this paragraph.

Fiberglass area - There was no testing of the large tanks atmosphere prior to employees entry.

**Date By Which Violation Must be Abated:** 07/16/2013  
**Proposed Penalty:** \$2,500.00

**Safety Order 1 Item 9 Type of Violation: **Serious****

29 CFR 1910.146(c)(5)(ii)(E)(1): Employees entered into permit spaces that met the conditions set forth in 29 CFR 1910.146(c)(5)(i) but continuous forced air ventilation was not used to eliminate any hazardous atmosphere prior to allowing an employee to enter the space:

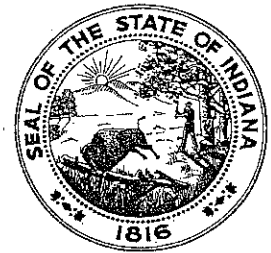
Fiberglass area - Employees enter permit required spaces, storage tanks, to perform repairs without using proper ventilation to provide a hazard free atmosphere.

**Date By Which Violation Must be Abated:** 07/16/2013  
**Proposed Penalty:** \$2,500.00

**Indiana Department of Labor**

Indiana Occupational Safety and Health  
Administration

**Inspection Number:** 317035293  
**Inspection Dates:** 05/16/2013 -  
05/21/2013  
**Issuance Date:** 06/12/2013



**Safety Order and Notification of Penalty**

**Company Name:** Precision Tank & Equipment Co.  
**Inspection Site:** 215 Heckner Dr., Ligonier, IN 46767

**Safety Order 1 Item 10 Type of Violation: **Serious****

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 at no cost to the employees testing and monitoring equipment needed to comply with 29 CFR 1910.146(d)(5):

Fiberglass area - There was no air monitoring equipment for employees who enter permit required confined spaces.

**Date By Which Violation Must be Abated:** 07/16/2013  
**Proposed Penalty:** \$2,500.00

**Safety Order 1 Item 11 Type of Violation: **Serious****

29 CFR 1910.146(d)(6): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not provide at least one attendant outside the permit space into which entry was authorized for the duration of entry operations:

Fiberglass area - Employees entered permit required confined spaces with no attendant to monitor the operation.

**Date By Which Violation Must be Abated:** 07/16/2013  
**Proposed Penalty:** \$2,500.00

**Safety Order 1 Item 12 Type of Violation: **Serious****

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:

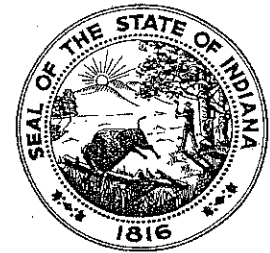
Fiberglass area - There were no entry permits prepared or available for employees to prepare prior to entry into permit required confined spaces.

**Date By Which Violation Must be Abated:** 07/16/2013  
**Proposed Penalty:** \$2,500.00

**Indiana Department of Labor**

Indiana Occupational Safety and Health  
Administration

Inspection Number: 317035293  
Inspection Dates: 05/16/2013 - 05/21/2013  
Issuance Date: 06/12/2013



**Safety Order and Notification of Penalty**

**Company Name:** Precision Tank & Equipment Co.  
**Inspection Site:** 215 Heckner Dr., Ligonier, IN 46767

**Safety Order 1 Item 13 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:

Plantwide - There was no documented training for employees who could enter permit required confined spaces.

**Date By Which Violation Must be Abated:** 07/16/2013  
**Proposed Penalty:** \$2,500.00

**Safety Order 1 Item 14 Type of Violation: **Serious****

29 CFR 1910.146(i)(5): The employer did not ensure that each attendant communicated with authorized entrants as necessary to monitor entrant status and to alert entrants of the need to evacuate the space as required under 29 CFR 1910.146(i)(6):

Fiberglass area - The employer did not have a documented procedure nor use any formal procedure to communicate with employees working inside permit required confined spaces.

**Date By Which Violation Must be Abated:** 07/16/2013  
**Proposed Penalty:** \$2,500.00

**Safety Order 1 Item 15 Type of Violation: **Serious****

29 CFR 1910.146(k)(1)(i): The employer did not ensure that each member of the rescue service was provided with, and trained to use properly the personal protective equipment and rescue equipment necessary for making rescues from permit spaces:

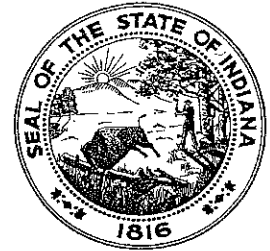
Plantwide - Employees were not trained in proper rescue duties when outside services were more than 4 minutes away.

**Date By Which Violation Must be Abated:** 07/16/2013  
**Proposed Penalty:** \$2,500.00

**Indiana Department of Labor**

Indiana Occupational Safety and Health  
Administration

**Inspection Number:** 317035293  
**Inspection Dates:** 05/16/2013 -  
05/21/2013  
**Issuance Date:** 06/12/2013



**Safety Order and Notification of Penalty**

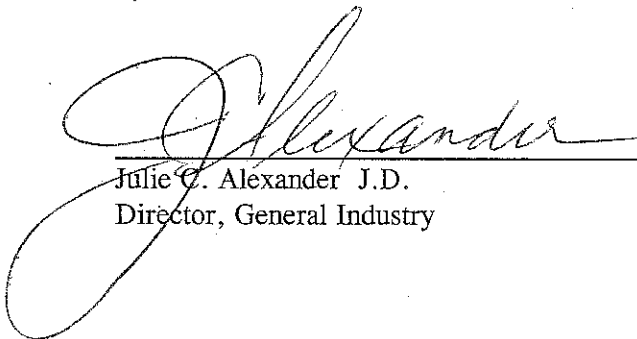
**Company Name:** Precision Tank & Equipment Co.  
**Inspection Site:** 215 Heckner Dr., Ligonier, IN 46767

**Safety Order 1 Item 16 Type of Violation: **Serious****

29 CFR 1910.146(k)(3)(i): Each authorized entrant did not use a chest or full body harness, with a retrieval line attached at the center of the entrant's back near shoulder level, or above the entrant's head:

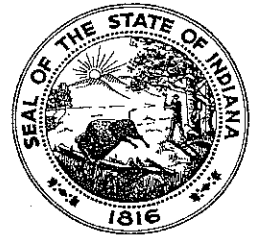
Fiberglass area - Employees entering permit required confined spaces, large fiberglass tanks, did not wear body harnesses with retrieval lines attached.

**Date By Which Violation Must be Abated:** 07/16/2013  
**Proposed Penalty:** \$2,500.00

  
\_\_\_\_\_  
Julie C. Alexander J.D.  
Director, General Industry

**Indiana Department of Labor**

Indiana Occupational Safety and Health Administration  
402 West Washington Street  
Room W195  
Indianapolis, IN 46204-2751  
Phone: 317/232-1979 Fax: 317/233-8509



**INVOICE/DEBT COLLECTION NOTICE**

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**Company Name:** Precision Tank & Equipment Co.  
**Inspection Site:** 215 Heckner Dr., Ligonier, IN 46767  
**Issuance Date:** 06/12/2013

**Summary of Penalties for Inspection Number** 317035293

Safety Order 01, Serious	=	\$40,000.00
Total Proposed Penalties		\$40,000.00

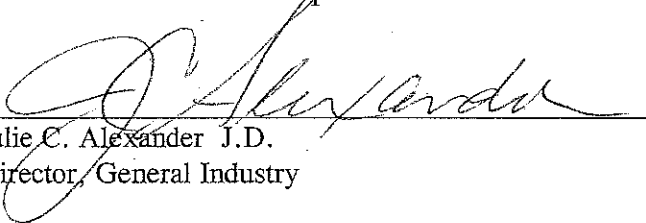
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Penalties are due within fifteen (15) working days of receipt of this notification unless contested. Make your check or money order payable to: "Indiana DOL/IOSHA". Please indicate IOSHA's Inspection Number (indicated above) on the remittance.

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

Corrective action, taken by you for each alleged violation should be submitted to this office on or about the abatement dates indicated on the Safety Order and Notification of Penalty.

A work sheet has been provided to assist in providing the required abatement information. A completed copy of this work sheet should be posted at the worksite with the safety order(s).

  
Julie C. Alexander J.D.  
Director, General Industry

6/12/13  
Date