

## SETTLEMENT AGREEMENT

The Commissioner of Labor (hereinafter referred to as "Commissioner") and Superior Metals (hereinafter referred to as "Employer") hereby agree as follows:

The Commissioner amends the Proposed Safety Order(s) and Notification(s) of Penalty, IOSHA Inspection No. 317455723 issued to the Employer on January 13, 2015 in the following manner:

### SAFETY ORDER 01:

- Item 1: Upheld. Penalty reduced to \$187.50.
- Item 2: Upheld. Penalty reduced to \$250.
- Item 3: Upheld. Penalty reduced to \$250.
- Item 4: Upheld. Penalty reduced to \$625. Abatement extended to March 16, 2015.
- Item 5: Upheld. Penalty reduced to \$250.
- Item 6: Upheld. Penalty reduced to \$437.50.
- Item 7: Upheld. Penalty reduced to \$625.
- Item 8: Upheld. Penalty reduced to \$625.
- Item 9: Upheld. Penalty reduced to \$625.
- Item 10: Upheld. Penalty reduced to \$625.
- Item 11: Upheld. Penalty reduced to \$312.50.
- Item 12: Upheld. Penalty reduced to \$250.
- Item 13: Upheld. Penalty reduced to \$250.
- Item 14: Upheld. Penalty reduced to \$250.
- Item 15: Upheld. Penalty reduced to \$250.
- Item 16: Upheld. Penalty reduced to \$250.
- Item 17: Upheld. Penalty reduced to \$625.
- Item 18: Upheld. Penalty reduced to \$625.
- Item 19: Upheld. Penalty reduced to \$312.50.

**The TOTAL AGREED PENALTY is \$7625.00.  
(This is a 75% reduction in the proposed penalties.)**

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 total AGREED PENALTY is due and payable within fifteen (15) working days from the Employer's execution of this Agreement. The Employer further agrees that if the AGREED PENALTY is not paid within fifteen working days from the Employer's execution of this

Agreement, 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 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 matter economically and amicably, and they shall not be used for any other purpose, except as herein stated.

SUPERIOR METALS

By: Curt A. Lamb  
Title: Plant Manager  
Date: February 4, 2015

COMMISSIONER OF LABOR

By: [Signature]  
Title: Director  
Date: 4/17/15

# Indiana Department of Labor

Indiana Occupational Safety and Health Administration  
402 West Washington St - Room W195  
Indianapolis, IN 46204  
Phone: 317-232-2691 FAX: (317)233-8509



*certified mail # 91 7190 0005 2720 0041 1706 1-13-15 jfo*

## Safety Order and Notification of Penalty

**To:**  
Superior Metal Technologies LLC  
9850 East 30th Street  
Indianapolis, IN 46229

**Inspection Number:** 317455723  
**CSHO ID:** T6073  
**Optional Report No.:** 0009-15  
**Inspection Date(s):** 7/16/2014 - 10/28/2014  
**Issuance Date:** 1/13/2015

**Inspection Site:**  
9850 East 30th Street  
Indianapolis, IN 46229

*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.

**Indiana Department of Labor**

**NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE**

An informal conference has been scheduled with IOSHA to discuss the safety order(s) issued on 1/13/2015. 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**  
Occupational Safety and Health Administration

**Inspection Number:** 317455723  
**Inspection Date(s):** 7/16/2014 - 10/28/2014  
**Issuance Date:** 1/13/2015  
**CSHO ID:** T6073  
**Optional Report No.:** 0009-15

**Safety Order and Notification of Penalty**

**Company Name:** Superior Metal Technologies LLC  
**Inspection Site:** 9850 East 30th Street, Indianapolis, IN 46229

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**Safety Order 01 Item 001**

Type of Violation: **Serious**

29 CFR 1910.22(b)(1): Aisles and passageways were not kept clear and in good repair, with no obstruction across or in aisles that could create a hazard.

(a) Packing & shipping area - A hole 1.5" deep by 5" long by 3" wide was in the concrete floor aisle through which a heavy volume of both mechanized and personnel traffic flowed exposing employees to the possibility of trips and falls for up to 8 hours per day, 5 days per week.

(b) Dining area - A hole 1.5" deep by 12.5" long by 9" wide was in the concrete floor aisle through which a heavy volume of both mechanized and personnel traffic flowed exposing employees to the possibility of trips and falls for up to 8 hours per day, 5 days per week.

**Date By Which Violation Must Be Abated:**  
**Proposed Penalty:**

**Corrected During Inspection**  
**\$750.00**



**Indiana Department of Labor**  
Occupational Safety and Health Administration

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**Safety Order and Notification of Penalty**

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**Safety Order 01 Item 002**

Type of Violation: **Serious**

29 CFR 1910.23(c)(1): Open-sided floors and/or platforms four feet or more above adjacent floor or ground level were not guarded with standard railings (or equivalent) and toeboards; Note: Toeboards are only required when persons can pass, there is moving equipment or there is equipment with which falling materials could create a hazard.

7/29/14 - No standard guard rail was provided in the loading dock area for employees working on a platform 4' above the floor of the dock, exposing all employees using the dock area to the possibility of falls for up to 8 hours per day 5 days per week.

**Date By Which Violation Must Be Abated:**  
**Proposed Penalty:**

**Corrected During Inspection**  
**\$1,000.00**

**Indiana Department of Labor**  
Occupational Safety and Health Administration

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**Safety Order and Notification of Penalty**

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**Safety Order 01 Item 003**

Type of Violation: **Serious**

29CFR 1910.37(a)(2): Exit routes must be arranged so that employees will not have to travel toward a high hazard area, unless the path of travel is effectively shielded from the high hazard area by suitable partitions or other physical barriers:

Dock area - 19 - 55 gallon metal barrels of hazardous waste and flammable chemicals which included, but was not limited to; xylene, toluene, and methyl ethyl ketone were stored along a designated primary exit route exposing employees to a flammability hazard for up to 8 hours per day, 5 days per week when using the route for emergency evacuation.

**Date By Which Violation Must Be Abated:**  
**Proposed Penalty:**

**Corrected During Inspection**  
**\$1,000.00**

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 317455723  
**Inspection Date(s):** 7/16/2014 - 10/28/2014  
**Issuance Date:** 1/13/2015  
**CSHO ID:** T6073  
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**Safety Order and Notification of Penalty**

**Company Name:** Superior Metal Technologies LLC  
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**Safety Order 01 Item 004**

Type of Violation: **Serious**

1910.107(b)(2): The interior surfaces of spray booths shall be smooth and continuous without edges and otherwise designed to prevent pocketing of residues and facilitate cleaning and washing without injury:

Paint booth and paint tunnel area - The paint booth and conveyor tunnel areas were not constructed or maintained in a condition to prevent the pocketing of spray materials and to facilitate cleaning in that there were deficiencies such as, but not limited to; cut outs for electrical outlets on the walls inside the tunnel, 1 quarter inch vertical sheet metal ribs running along the entire length of the paint tunnel (127'), openings between the walls and ceiling, and bent and broken sheet metal in the paint booths which created openings to the exterior which exposed employees to a fire hazard for up to 10 hours per day, 6 days per week.

**Date By Which Violation Must Be Abated:** 2/16/2015  
**Proposed Penalty:** \$2,500.00

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 317455723  
**Inspection Date(s):** 7/16/2014 - 10/28/2014  
**Issuance Date:** 1/13/2015  
**CSHO ID:** T6073  
**Optional Report No.:** 0009-15

**Safety Order and Notification of Penalty**

**Company Name:** Superior Metal Technologies LLC  
**Inspection Site:** 9850 East 30th Street, Indianapolis, IN 46229

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**Safety Order 01 Item 005**

Type of Violation: **Serious**

29 CFR 1910.107(b)(5)(i): The spraying operations except electrostatic spraying operations were not designed, installed and maintained so that the average air velocity over the open face of the booth (or booth cross section during spraying operations) is not less than 100 linear feet per minute. Electrostatic spraying operations were not conducted with an air velocity over the open face of the booth of more than 60 linear feet per minute depending on the volume of the finishing material being applied and its flammability and explosion characteristics. Visible gauges or audible alarm or pressure activated devices were not installed to indicate or insure that the required air velocity is maintained. Filter rolls were not inspected to insure proper replacement of filter media:

Paint Booth Area - There were no visible gauges or audible alarm or pressure activated devices installed at the face of the paint booths to indicate or insure that the required air velocity is maintained (100 linear feet/minute) to keep the lower explosive limit below 0.7% as per the safety data sheet for the paint being used in the paint booth, exposing employees to a fire hazard for up to 10 - 12 hours per day, 6 days per week.

**Date By Which Violation Must Be Abated:**  
**Proposed Penalty:**

**2/16/2015**  
**\$1,000.00**

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 317455723  
**Inspection Date(s):** 7/16/2014 - 10/28/2014  
**Issuance Date:** 1/13/2015  
**CSHO ID:** T6073  
**Optional Report No.:** 0009-15

**Safety Order and Notification of Penalty**

**Company Name:** Superior Metal Technologies LLC  
**Inspection Site:** 9850 East 30th Street, Indianapolis, IN 46229

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**Safety Order 01 Item 006**

Type of Violation: **Serious**

29 CFR 1910.107(b)(7): Where conveyors are arranged to carry work into or out of spray booths, the openings therefore shall be as small as practical:

Paint booth and tunnel area - The top portions of the openings of the paint booth around the conveyor had been modified by bending and removing sections of the sheet metal cowling making the openings larger, adversely affecting the vapor containment and ventilation requirements of the booth, exposing employees to a fire hazard for up to 10-12 hours per day 6 days per week.

**Date By Which Violation Must Be Abated:**  
**Proposed Penalty:**

**Corrected During Inspection**  
**\$1,750.00**

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 317455723  
**Inspection Date(s):** 7/16/2014 - 10/28/2014  
**Issuance Date:** 1/13/2015  
**CSHO ID:** T6073  
**Optional Report No.:** 0009-15

**Safety Order and Notification of Penalty**

**Company Name:** Superior Metal Technologies LLC  
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**Safety Order 01 Item 007**

Type of Violation: **Serious**

29 CFR 1910.107(c)(5): Electrical equipment not approved for locations containing both deposits of readily ignitable residues and explosive vapors was present in spraying area(s):

Paint booth area -The 120 volt electrical wiring not contained in rigid conduit and contained splices was not of the type approved for flammable spray operations. Deposits of combustible residues such as, but not limited to, product # KB3C55091 - ebony spray TRINAR (flash point 68 F) and product # KY1C17839A - yellow spray primer for TRINAR (flash point 39.2 F) were also on the wiring which exposed employees to a fire hazard for up to 10-12 hours, 6 days per week while conducting spraying operations.

**Date By Which Violation Must Be Abated:**  
**Proposed Penalty:**

**2/16/2015**  
**\$2,500.00**

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 317455723  
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**Issuance Date:** 1/13/2015  
**CSHO ID:** T6073  
**Optional Report No.:** 0009-15

**Safety Order and Notification of Penalty**

**Company Name:** Superior Metal Technologies LLC  
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**Safety Order 01 Item 008**

Type of Violation: **Serious**

29 CFR 1910.107(c)(6): Electrical wiring and equipment not subject to deposits of combustible residues but located in a spraying area as herein defined were not explosion-proof type approved for Class I, group D locations and did not otherwise conform to the provisions of subpart S of this part, for Class I, Division 1, Hazardous Locations:

Paint booth - A 120 volt flexible cable with a 3 prong electrical plug and automatic circuit breaker was plugged into a non- Class 1 Division 1 approved 120 volt electrical outlet. Contact with the cable could cause a spark exposing employees to a fire hazard for up to 12 hours, 6 days per week.

**Date By Which Violation Must Be Abated:** 2/16/2015  
**Proposed Penalty:** \$2,500.00

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 317455723  
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**Issuance Date:** 1/13/2015  
**CSHO ID:** T6073  
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**Company Name:** Superior Metal Technologies LLC  
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**Safety Order 01 Item 009**

Type of Violation: **Serious**

29 CFR 1910.107(e)(2): The quantity of flammable liquids or liquids with a flashpoint greater than 199.4 °F (93 °C) kept in the vicinity of spraying operations shall be the minimum required for operations and should ordinarily not exceed a supply for 1 day or one shift. Bulk storage of portable containers of flammable liquids or liquids with a flashpoint greater than 199.4 °F (93 °C) shall be in a separate, constructed building detached from other important buildings or cut off in a standard manner:

Paint booth tunnel area - Aproximately forty (40) 55 gallon metal drums of painting supplies including, but not limited to, product # KY1C17839A, Yellow spray primer for TRINAR with a flash point of 39.2 degrees Fahrenheit, Xylene, CAS # 1330-20-7 with a flash point of 81 degrees fahrenheit, and product # KB3C55091, Ebony spray TRINAR with a flash point of 68 degrees Fahrenheit, were stored in the paint tunnel area adjacent to the paint booth exposing employees to a fire hazard for up to 12 hours, 6 days per week.

**Date By Which Violation Must Be Abated:**  
**Proposed Penalty:**

**Corrected During Inspection**  
**\$2,500.00**



**Indiana Department of Labor**  
Occupational Safety and Health Administration

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**CSHO ID:** T6073  
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**Safety Order and Notification of Penalty**

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**Safety Order 01 Item 010**

Type of Violation: **Serious**

29 CFR 1910.107(f)(3): Sprinklers protecting spraying areas shall be kept as free from deposits as practical by cleaning daily if necessary. (See also paragraph (g) of this section.):

Paint booth - The sprinkler head installed in the ceiling of the manual paint booth had not been cleaned often enough and was coated in overspray from painting operations exposing employees painting in the booth to a fire hazard for up to 12 hours per day, 6 days per week.

**Date By Which Violation Must Be Abated:**  
**Proposed Penalty:**

**2/16/2015**  
**\$2,500.00**

**Indiana Department of Labor**  
Occupational Safety and Health Administration

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**Safety Order and Notification of Penalty**

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**Safety Order 01 Item 011**

Type of Violation: **Serious**

29 CFR 1910.107(g)(2): All spraying areas were not kept as free from the accumulation of deposits of combustible residues as practical, with cleaning conducted daily if necessary:

Paint booth area - The interior surfaces and areas around the openings of the spray booth were not kept free of overspray accumulation from painting operations which utilized products such as, but not limited to, product # KB3C55091, Ebony spray TRINAR, exposing employees to a fire hazard for up to 12 hours per day, 6 days per week.

**Date By Which Violation Must Be Abated:**  
**Proposed Penalty:**

**2/16/2015**  
**\$1,250.00**

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 317455723  
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**Issuance Date:** 1/13/2015  
**CSHO ID:** T6073  
**Optional Report No.:** 0009-15

**Safety Order and Notification of Penalty**

**Company Name:** Superior Metal Technologies LLC  
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**Safety Order 01 Item 012**

Type of Violation: **Serious**

29 CFR 1910.212(a)(3)(ii): Point(s) of operation of machinery were not guarded to prevent employee(s) from having any part of their body in the danger zone(s) during operating cycle(s):

- a) Repair Area - No point of operation guard was provided for the 240 volt, 60 Hz AGO Tools model A1-25, serial number 70824 radial drill press exposing the operator to the possibility of cuts and puncture wounds for up to 8 hours per day, 5 days per week.
- b) Repair Area - No point of operation guard was provided for the 240 volt, 60 Hz Delta model 32 radial drill press drill press exposing the operator to the possibility of cuts and puncture wounds for up to 8 hours per day, 5 days per week.
- (c) Repair area - No point of operation guard was provided for the 240 volt, 60 Hz Powermatic vertical band saw exposing employees to the possibility of cuts and amputation for up to 8 hours per day 5 days per week.
- (d) Repair area - No guards were provided for the 240 volt, 60 Hz Clark 1165 metal lathe exposing employees to hazards in 2 places. The lathe was missing the chuck guard and the chip coolant guard exposing employees to the possibility of cuts and puncture wounds for up to 8 hours per day 5 days per week.

**Date By Which Violation Must Be Abated:**  
**Proposed Penalty:**

**Corrected During Inspection**  
**\$1,000.00**

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 317455723  
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**Safety Order 01 Item 013**

Type of Violation: **Serious**

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

Repair area - The adjustable tongue guard was missing from the 115 volt, 60 Hz, 5 amp, model number J86BA57710, Jett rotary bench grinder, serial number 112130, allowing the opening at the at the wheel periphery to be greater than one quarter of an inch, exposing the operator to the possibility of cuts and abrasions from flying abrasive wheel debris in case of wheel breakage for up to 8 hours per day, 5 days per week.

**Date By Which Violation Must Be Abated:**  
**Proposed Penalty:**

**Corrected During Inspection**  
**\$1,000.00**

**Indiana Department of Labor**  
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**Safety Order 01 Item 014**

Type of Violation: **Serious**

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

Dining area - A non-industrial grade 110/120 volt model A-1486-006-AS relocatable power tap attached to a cable run is being used as a permanent outlet for the net gear time clock exposing employees to an electrical and fire hazard for up to 8 hours per day, 5 days per week.

**Date By Which Violation Must Be Abated:**  
**Proposed Penalty:**

**Corrected During Inspection**  
**\$1,000.00**

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 317455723  
**Inspection Date(s):** 7/16/2014 - 10/28/2014  
**Issuance Date:** 1/13/2015  
**CSHO ID:** T6073  
**Optional Report No.:** 0009-15

**Safety Order and Notification of Penalty**

**Company Name:** Superior Metal Technologies LLC  
**Inspection Site:** 9850 East 30th Street, Indianapolis, IN 46229

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**Safety Order 01 Item 015**

Type of Violation: **Serious**

29 CFR 1910.303(b)(7)(iv): There shall be no damaged parts that may adversely affect safe operation or mechanical strength of the equipment, such as parts that are broken, bent, cut, or deteriorated by corrosion, chemical action or overheating:

(a) Packaging area - A metal 110 volt, single cycle, electrical outlet mounted on the center wall left of the door to the dock area had a damaged faceplate exposing electrical conductors. Employees were exposed to the possibility of electric shock or electrocution for 8 hours per day, 5 days per week.

(b) Annodizing area - A metal 110 volt, single cycle, electrical outlet mounted on the center wall on the left side of the annodizing tanks had a damaged faceplate exposing electrical conductors. Employees were exposed to an electrical hazard for 8 hours per day, 5 days per week.

**Date By Which Violation Must Be Abated:**  
**Proposed Penalty:**

**Corrected During Inspection**  
**\$1,000.00**

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 317455723  
**Inspection Date(s):** 7/16/2014 - 10/28/2014  
**Issuance Date:** 1/13/2015  
**CSHO ID:** T6073  
**Optional Report No.:** 0009-15

**Safety Order and Notification of Penalty**

**Company Name:** Superior Metal Technologies LLC  
**Inspection Site:** 9850 East 30th Street, Indianapolis, IN 46229

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**Safety Order 01 Item 016**

Type of Violation: **Serious**

29 CFR 1910.303(g)(1)(ii): The required working space about electric equipment rated 600 volts, nominal, or less to ground, was used for storage:

(a) Facility - Two (2) electrical power panels, one (1) 240 volt and one (1) 120 volt, mounted on a west wall had materials including, but not limited to; cardboard boxes, rolls of plastic sheeting, a 4 wheel cart, and two (2) 90 lb boxes of screws and nails, stored within the required electrical working space.

(b) Facility - A 240 volt Allen Bradley breaker box mounted on the north wall at the rear of the paint area had ten (10) five (5) gallon metal containers containing category 3 flammables including, but not limited to, serial # UN1263 paint products stored within the required electrical working space.

**Date By Which Violation Must Be Abated:**  
**Proposed Penalty:**

**Corrected During Inspection**  
**\$1,000.00**

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 317455723  
**Inspection Date(s):** 7/16/2014 - 10/28/2014  
**Issuance Date:** 1/13/2015  
**CSHO ID:** T6073  
**Optional Report No.:** 0009-15

**Safety Order and Notification of Penalty**

**Company Name:** Superior Metal Technologies LLC  
**Inspection Site:** 9850 East 30th Street, Indianapolis, IN 46229

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**Safety Order 01 Item 017**

Type of Violation: **Serious**

29 CFR 1910.305(a)(2)(x): Flexible cords and cables shall be protected from accidental damage, as might be caused, for example, by sharp corners, projections, and doorways or other pinch points:

Packaging area - The electrical flexible cord running on the floor to the wrapping machine in the packaging area had the outer insulation damaged exposing the internal conductors as well as having part of a skid sitting on the cord which created an electrical shock and fire hazard from the 120 volt system for up to 8 hours per day 5 days per week.

**Date By Which Violation Must Be Abated:**  
**Proposed Penalty:**

**Corrected During Inspection**  
**\$2,500.00**



**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 317455723  
**Inspection Date(s):** 7/16/2014 - 10/28/2014  
**Issuance Date:** 1/13/2015  
**CSHO ID:** T6073  
**Optional Report No.:** 0009-15

**Safety Order and Notification of Penalty**

**Company Name:** Superior Metal Technologies LLC  
**Inspection Site:** 9850 East 30th Street, Indianapolis, IN 46229

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**Safety Order 01 Item 018**

Type of Violation: **Serious**

29 CFR 1910.305(b)(1)(ii): Unused openings in boxes, cabinets, or fittings were not effectively closed:

(a) Paint Area - A cover plate was missing on the front side of the station 7 - 240 volt 60 Hz TW Ransburg Atomizer with an arc flash rating of 2, exposing employees to the possibility of electric shock and electrocution for up to 8 hours per day 5 days per week.

(b) Paint area - A cover plate was missing on the rear side of the station 7 - 240 volt 60 Hz TW Ransburg Atomizer with an arc flash rating of 2, exposing employees to the possibility of an electrical hazard for up to 8 hours per day 5 days per week.

(c) Paint area - There was a unused breaker opening in the Tegg Service 120-480 volt, 60 Hz power panel #1592, exposing employees to the possibility of electric shock and electrocution for up to 8 hours per day 5 days per week.

(d) Paint area - There was a unused breaker opening in the GiG2 Group Inc. 120-480 volt, 60 Hz power panel #1591, exposing employees to the possibility of electric shock and electrocution for up to 8 hours per day 5 days per week.

**Date By Which Violation Must Be Abated:**  
**Proposed Penalty:**

**Corrected During Inspection**  
**\$2,500.00**

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 317455723  
**Inspection Date(s):** 7/16/2014 - 10/28/2014  
**Issuance Date:** 1/13/2015  
**CSHO ID:** T6073  
**Optional Report No.:** 0009-15

**Safety Order and Notification of Penalty**

**Company Name:** Superior Metal Technologies LLC  
**Inspection Site:** 9850 East 30th Street, Indianapolis, IN 46229

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**Safety Order 01 Item 019**

Type of Violation: **Serious**

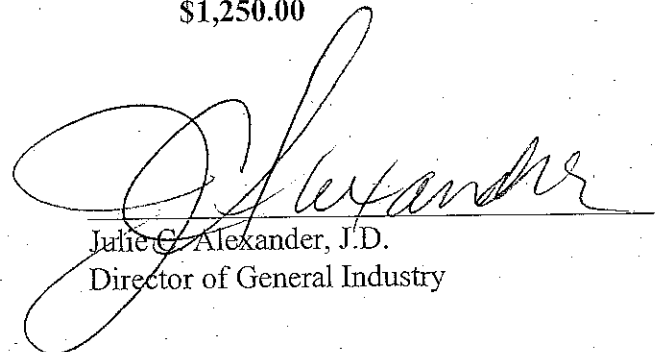
29 CFR 1910.305(g)(2)(iii): Flexible cords were not connected to devices and fittings so that tension would not be transmitted to joints or terminal screws:

(a) Dock area - No strain relief was provided for the 240 volt control box for the trash compactor located in the dock area exposing employees to the possibility of an electrical hazard for up to 8 hours per day 5 days per week

(b) Repair area - No strain relief was provided for the 240 volt, 60 hz Ago Tools model A1-25 drill press, serial number 70824, located against the west wall of the repair area exposing employees to an electrical hazard for up to 8 hours per day 5 days per week.

**Date By Which Violation Must Be Abated:**  
**Proposed Penalty:**

**Corrected During Inspection**  
**\$1,250.00**



Julie G. Alexander, J.D.  
Director of General Industry

# Indiana Department of Labor

Indiana Occupational Safety and Health Administration  
402 West Washington St - Room W195  
Indianapolis, IN 46204  
Phone: (317)232-2691 FAX: (317)233-8509



## INVOICE/DEBT COLLECTION NOTICE

**Company Name:** Superior Metal Technologies LLC  
**Inspection Site:** 9850 East 30th Street, Indianapolis, IN 46229  
**Issuance Date:** 1/13/2015

**Summary of Penalties for Inspection Number: 317455723**

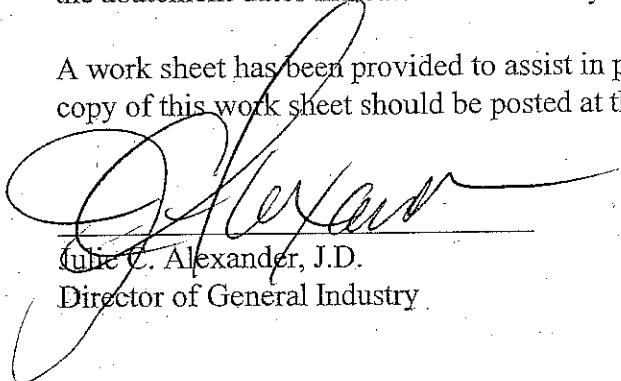
**Safety Order 1, Serious** = \$30,500.00  
**TOTAL PENALTIES** = \$30,500.00

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 of General Industry

1/13/15  
Date