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 5061 11-2-12 JD

Safety Order and Notification of Penalty

To:

Industrial Container Services-Cargo Clean IN, LLC,
and its successors
6213 Gheens Mill Road
Jeffersonville, IN 47130

Inspection Site:

6213 Gheens Mill Road
Jeffersonville, IN 47130

Inspection Number: 315049064

Inspection Date(s): 06/12/2012 - 09/05/2012

Issuance Date: 11/02/2012

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 11/02/2012. 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.

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

IC 22-8-1.1 Section 2: The employer did not establish and maintain conditions of work which were reasonably safe and healthful for employees, and free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to potential violent, exothermic chemical reactions, chemical burns, and thermal burns due to uncontrolled, inadvertent mixing of incompatible chemicals:

a) Drum Wash Line - Poly drums (30 & 55 gallon) brought into the facility were classified as RCRA (Resource Conservation and Recover Act) empty but contained varying quantities of product residue such as but not limited to hydrofluosilicic acid 23-25%, hydrochloric acid 20°Be, sulfuric acid 66°Be, sodium hydroxide 50%, aqua ammonia 26^0 Be, sodium thiosulfate pentahydrate, sodium bisulfite 38-40%, sodium hypochlorite 15%, DelPAC 2020 (aluminum chloride hydroxide sulfate 15-45%), hydrogen peroxide 35%, acetic anhydride, hydroxyethyl acrylate 97%, and Blend Mixture B-IPA. Employees sorted the drums by type (not contents) at the unloading dock, loaded them onto the Drum Wash Line, and ran them through the wash process for up to 8 hours per day without regard to the residue types contained therein that allowed incompatible chemicals such as but not limited to strong acids, strong bases, peroxides, flammable compounds, strong oxidizers, strong reducers, and other toxic chemicals to mix in the rinse water troughs, drains, and tanks which may lead to uncontrolled exothermic chemical reactions.

AMONG OTHER METHODS, FEASIBLE MEANS OF ABATEMENT MAY INCLUDE: Drum sorting and separation using a predefined criteria (chemical types, hazard types, etc.) prior to the wash process with increased intervals between incompatible product drums which will allow the chemicals to be neutralized or diluted to the point where they are no longer a reaction hazard.

b) Tote Wash Line - Poly totes (275 & 330 gallon) brought into the facility were classified as RCRA (Resource Conservation and Recover Act) empty but contained varying quantities of product residue such as but not limited hydrochloric acid 37%, Nalco 7330, LoSurf-300D, DWP-931G, Synerchem 212, CL-31 Crosslinker, DWP-213, Chemseal 59, and DWP-937. The totes were offloaded from secondary carriers and moved into the facility with a forklift where they were placed on the 2-head Tote Wash for the 1st phase of the wash process without regard to the residue types contained therein that allowed incompatible chemicals such as but not limited to strong acids, strong bases, flammable compounds, strong oxidizers, strong reducers, and other toxic chemicals to mix in the rinse water troughs, drains, and tanks which may lead to uncontrolled exothermic chemical reactions. Employees worked up to 8 hours per day next to the Tote Washer performing secondary and final procedures in the cleaning process.

AMONG OTHER METHODS, FEASIBLE MEANS OF ABATEMENT MAY INCLUDE: Tote sorting and separation using a predefined criteria (chemical types, hazard types, etc.) prior to the wash process with increased intervals between incompatible product totes which will allow the chemicals to be neutralized or diluted to the point where they are no longer a reaction hazard.

Date By Which Violation Must be Abated:	**11/30/2012**
Proposed Penalty:	**$875.00**

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

IC 22-8-1.1 Section 2: The employer did not establish and maintain conditions of work which were reasonably safe and healthful for employees, and free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to potentially dangerous and/or toxic decomposition products produced from inadvertent mixing of incompatible chemicals:

a) Drum Wash Line - Poly drums (30 & 55 gallon) brought into the facility were classified as RCRA (Resource Conservation and Recover Act) empty but contained varying quantities of product residue such as but not limited to hydrofluosilicic acid 23-25%, hydrochloric acid 20°Be, sulfuric acid 66°Be, sodium hydroxide 50%, aqua ammonia 26°Be, sodium thiosulfate pentahydrate, sodium bisulfite 38-40%, sodium hypochlorite 15%, DelPAC 2020 (aluminum chloride hydroxide sulfate 15-45%), hydrogen peroxide 35%, acetic Anhydride, hydroxyethyl acrylate 97%, and Blend Mixture B-IPA. Employees sorted the drums by type (not contents) at the unloading dock, loaded them onto the Drum Wash Line, and ran them through the wash process for up to 8 hours per day without regard to the residue types contained therein that allowed incompatible chemicals such as but not limited to strong acids, strong bases, peroxides, flammable compounds, strong oxidizers, strong reducers, and other toxic chemicals to mix in the rinse water troughs, drains, and tanks. This uncontrolled mixing may lead to chemical reactions that could produce hazardous and/or toxic reaction and/or decomposition products such as but not limited to hydrogen gas, hydrogen chloride, hydrogen fluoride, halogenated compounds, nitrogen gasses, gaseous ammonia, hydrogen sulfide, sulfur oxides (SO_x), chlorine, acid fumes, carbon oxides (CO_x), and bis-chloromethyl ether vapor (BCME) - a Group 1 human carcinogen (EPA).

AMONG OTHER METHODS, FEASIBLE MEANS OF ABATEMENT MAY INCLUDE: Drum sorting and separation using a predefined criteria (chemical types, hazard types, etc.) prior to the wash process with increased intervals between incompatible product drums which will allow the chemicals to be neutralized or diluted to the point where they are no longer a reaction hazard.

b) Tote Wash Line - Poly totes (275 & 330 gallon) brought into the facility were classified as RCRA (Resource Conservation and Recover Act) empty but contained varying quantities of product residue such as but not limited hydrochloric acid 37%, Nalco 7330, LoSurf-300D, DWP-931G, Synerchem 212, CL-31 Crosslinker, DWP-213, Chemseal 59, and DWP-937. The totes were offloaded from secondary carriers and moved into the facility with a forklift where they were placed on the 2-head Tote Wash for the 1st phase of the wash process without regard to the residue types contained therein that allowed incompatible chemicals such as but not limited to strong acids, strong bases, flammable compounds, strong oxidizers, strong reducers, and other toxic chemicals to mix in the rinse water troughs, drains, and tanks. Employees worked up to 8 hours per day next to the Tote Washer preparing for and finishing the wash process. This uncontrolled mixing may lead to chemical reactions that could produce hazardous and/or toxic reaction and/or decomposition products such as but not limited to hydrogen gas, halogenated compounds, nitrogen oxides (NO_x), chlorine, acid fumes, explosive peroxides, sodium oxides (NaOx), boric acid, potassium hydroxide, carbon oxides (CO_x), formaldehyde - a Group 1 human carcinogen (IARC), and bis-chloromethyl ether vapor (BCME) - a Group 1 human carcinogen (IARC).

AMONG OTHER METHODS, FEASIBLE MEANS OF ABATEMENT MAY INCLUDE: Tote sorting and separation using a predefined criteria (chemical types, hazard types, etc.) prior to the wash process with increased intervals between incompatible product totes which will allow the chemicals to be neutralized or diluted to the point where they are no longer a reaction hazard.

Date By Which Violation Must be Abated:	**11/30/2012**
Proposed Penalty:	**$875.00**

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

29 CFR 1910.22(a)(1): All places of employment, passageways, storerooms, and service rooms shall be kept clean and orderly and in a sanitary condition:

Drum Wash Line - The serrated steel grating work platform had pipes extending out over the walking/working surface 4 inches high, trash such as but not limited to empty water bottles and soda cans in the walking areas, and grating sections butted up against one another with up to a 9 inch difference in heights which created trip hazards for up to 4 employees who worked on the Drum Wash Line platform up to 7.5 hours a day.

Date By Which Violation Must be Abated: **11/30/2012**
Proposed Penalty: **$875.00**

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

29 CFR 1910.22(d)(1): On every building or other structure, or part thereof, used for mercantile, business, industrial or storage purposes, the loads approved by the building official were not marked on plates of approved design and securely affixed to the building:

Drum Wash Line - The serrated steel grating work platform, where a wet process that involved 3 separate wash stations was utilized to clean 30 and 55 gallon drums of corrosive residues such as but not limited to hydrofluosilic acid, hydrochloric acid, and sulfuric acid, was not posted with nor evaluated for load limits.

Date By Which Violation Must be Abated: **11/30/2012**
Proposed Penalty: **$500.00**

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

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

29 CFR 1910.23(a)(2): Ladderway floor opening(s) or platform(s) were not provided with swinging gates or were not so offset that a person could not walk directly into the opening:

Drum Wash Line - The 26 1/2 inch ladderway entrance at the north side of the 1st wash station, used for access from/to the serrated steel grating elevated work platform, 70 inches up from the ground was not guarded or offset to prevent employees who processed up to 500 barrels per day during an 8 hour shift from falling off of the platform.

Date By Which Violation Must be Abated: **11/30/2012**
Proposed Penalty: **$875.00**

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

29 CFR 1910.23(c)(1): Open sided floor(s) or platform(s) 4 feet or more above the adjacent floor or ground level were not guarded by standard railings (or the equivalent as specified in 29 CFR 1910.23(e)(3)(i) through (v)), on all open sides nor were toeboards provided:

Drum Wash Line - No standard railing nor toeboards were present on the elevated work platform in locations such as but not limited to the tunnel between the 2nd wash station and the 3rd wash station to keep employees and materials from falling off. The serrated steel grating elevated work platform was 70 inches up from the floor where employees manually moved up to 500 drums per day through the wash process during an 8 hour shift.

Date By Which Violation Must be Abated: **11/30/2012**

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

29 CFR 1910.23(e)(1): Standard railing(s) did not consist of top rail, intermediate rail and/or posts and/or did not have a vertical height of 42 inches (106.7 cm) nominal from upper surface of top rail to floor, platform runway, or ramp level:

Drum Wash Line - The 70 inch high open sided platform rail in the tunnel at the 3rd wash station was measured at 38 1/4 inches high from the platform floor to the upper rail surface and did not have an intermediate rail to effectively guard employees, who processed up to 500 drums during the 8 hour work shift, from falls from height.

Date By Which Violation Must be Abated: 11/30/2012

Safety Order 1 Item 6 Type of Violation: **Serious**

29 CFR 1910.23(a)(8): Every floor hole into which persons can accidentally walk was not guarded by either: (i) A standard railing with standard toeboard on all exposed sides, or (ii) A floor hole cover of standard strength and construction:

Drum Wash Line - Several floor holes, such as but not limited to the 4 1/2 inch wide hole at the floor drain under the conveyor leading to the drum lift, the 8 inch wide by 59 inch long opening in the serrated steel grating work platform at the 2nd wash station, and the 7 inch wide by 22 inch long opening in the serrated steel grating work platform at the turn between the 2nd wash station and the tunnel, were not guarded by either standard railings or floor hole covers to prevent employees from stepping into the openings. Employees worked on the wash platform and in the sorting area with these holes up to 8 hours per day processing and washing 30 and 55 gallon drums.

Date By Which Violation Must be Abated:	**11/30/2012**
Proposed Penalty:	**$875.00**

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

Safety Order 1 Item 7a Type of Violation: **Serious**

29 CFR 1910.106(d)(4)(i): Inside flammable or combustible liquid storage room(s) were not constructed to meet the required fireresistive rating as specified in NFPA 251 1969:

Flammable Storage Room - The 16 3/4 foot x 26 foot concrete block storage room labeled as "Flammable Storage" and used for storage of flammable liquids such as but not limited to 55 gallon drums of acetone and methyl ethyl ketone (2-butanone/MEK), and acetylene compressed gas cylinders had blocked sprinkler heads, did not have 4 inch raised liquid-tight sills or a 4 inch lowered floor to contain spills, was not liquid-tight where the walls join the floor, had an open trench drain connected to the facility general floor drains, and had a non-self closing 101 inch x 107 inch roller shutter door. Employees from the Drum Wash Line and Tote Wash Line accessed the "Flammable Storage" room daily to fill/refill acetone and methyl ethyl ketone portable storage containers.

Date By Which Violation Must be Abated: 11/30/2012
Proposed Penalty: $500.00

Safety Order 1 Item 7b Type of Violation: **Serious**

29 CFR 1910.106(d)(4)(iii): Electrical wiring and equipment in inside storage room(s) for Class I liquids were not of the type approved for Class I Division 2 hazardous locations:

Flammable Storage Room - The 2 double fluorescent lights and associated light switch in an inside storage room for Class I flammable liquids, such as but not limited to full and used 55 gallon drums of acetone (flashpoint -4^{0}F) and methyl ethyl ketone [(2-butanone/MEK)(flashpoint 25^{0}F)], were not vapor tight Class I Division 2 electrical equipment. Employees from the Drum Wash Line and Tote Wash Line accessed the "Flammable Storage" room daily to fill/refill acetone and MEK portable storage containers.

Date By Which Violation Must be Abated: 11/30/2012

Safety Order 1 Item 7c Type of Violation: **Serious**

29 CFR 1910.106(d)(4)(iv): Every inside storage room was not provided with either a gravity or a mechanical exhaust ventilation system. Such system shall be designed to provide for a complete change of air within the room at least six times per hour. If a mechanical exhaust system is used, it shall be controlled by a switch located outside of the door. The ventilating equipment and any lighting fixtures shall be operated by the same switch. A pilot light shall be installed adjacent to the switch if Class I flammable liquids are dispensed within the room. Where gravity ventilation is provided, the fresh air intake, as well as the exhaust outlet from the room, shall be on the exterior of the building in which the room is located:

Flammable Storage Room - No exhaust ventilation system (either mechanical or gravity) was in place to remove flammable vapors from an inside storage room containing Class I flammable liquids, such as but not limited to full and used 55 gallon drums of acetone (flashpoint -4^{0}F) and methyl ethyl ketone [(2bButanone/MEK)(flashpoint 25^{0}F)]. Employees from the Drum Wash Line and Tote Wash Line accessed the "Flammable Storage" room daily to fill/refill acetone and MEK portable storage containers.

Date By Which Violation Must be Abated: 11/30/2012

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

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

29 CFR 1910.106(d)(4)(v): Flammable or combustible liquids inside storage room(s) were not dispensed by approved pumps or selfclosing faucets:

Flammable Storage Room - Class I flammable liquids, such as but not limited to 55 gallon drums of acetone (flashpoint -4^{0}F) and methyl ethyl ketone [(2-butanone/MEK)(flashpoint 25^{0}F)] were dispensed through 1 inch non-self closing plastic faucets by employees from the Drum Wash Line and Tote Wash Line to daily to fill/refill acetone and MEK portable storage containers.

Date By Which Violation Must be Abated: **11/30/2012**
Proposed Penalty: **$875.00**

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

29 CFR 1910.106(e)(6)(ii): Class I flammable liquid(s) were dispensed into containers without electrically interconnecting the nozzle and the container:

Flammable Storage Room - Class I flammable liquids, such as but not limited to 55 gallon drums of acetone (flashpoint -4^{0}F) and methyl ethyl ketone [(2-butanone/MEK)(flashpoint 25^{0}F)] were dispensed through 1 inch non-self closing plastic faucets by employees from the Drum Wash Line and Tote Wash Line to daily to fill/refill acetone and MEK portable storage containers without grounding or bonding the two containers together to prevent an electrical discharge which could ignite the flammable vapors.

Date By Which Violation Must be Abated:

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

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

29 CFR 1910.106(e)(2)(iv)(a): Flammable liquids were not kept in covered container(s) when not actually in use:

Facility - Class I flammable liquids acetone (flashpoint -4^{0}F) and methyl ethyl ketone [(2-butanone/MEK)(flashpoint 25^{0}F)] were kept in 2 and 3 gallon open top buckets, which do not contain flammable vapors, at both the Tote Wash Line and Drum Wash Line by employees who cleaned exterior surfaces of drums and totes and/or to refill plunger safety cans up to 8 hours per day.

Date By Which Violation Must be Abated: **Corrected During Inspection**
Proposed Penalty: **$500.00**

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

29 CFR 1910.106(e)(9)(iii): Combustible waste material and residues were not stored in covered metal receptacles and disposed of daily:

Facility - Cleaning rags soaked with Class I flammable liquids acetone (flashpoint -4^{0}F) and methyl ethyl ketone [(2-butanone/MEK)(flashpoint 25^{0}F)], used daily for wiping exteriors surfaces of drums and totes, were disposed of in open top poly waste drums at both the Tote Wash Line and Drum Wash Line when deemed to dirty for further use thus not containing any flammable vapors given off creating a fire hazard.

Date By Which Violation Must be Abated:

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

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

29 CFR 1910.132(d)(1): The employer did not assess the workplace to determine if hazards were present, or were likely to be present, which necessitated the use of personal protective equipment (PPE):

Facility - The hazard assessments were deficient in that the assessments did not include the hazards associated with or the personal protective equipment required for all possible skin contact to products such as but not limited to hydrofluosilicic acid 23-25%, sodium hydroxide 50%, hydroxyethyl acrylate 97%, Nalco 7330, DWP-931G, CL-31 Crosslinker, and DWP-213 which were brought into the facility in used drums and/or totes for processing.

Date By Which Violation Must be Abated: 11/30/2012
Proposed Penalty: $875.00

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

29 CFR 1910.132(d)(3)(iii): Inadequacies in an affected employee's knowledge or use of assigned PPE indicated that the employee has not retained the requisite understanding or skill:

Facility - Employees, required per the hazard assessments to utilize rubber gloves and rubber aprons due to possible hazardous chemical exposure up to 8 hours per day, were wearing cotton gloves and short sleeve shirts when handling and processing used drums and totes containing products such as but not limited to hydrofluosilicic acid 23-25%, sodium hydroxide 50%, hydroxyethyl acrylate 97%, Nalco 7330, DWP-931G, CL-31 Crosslinker, and DWP-213.

Date By Which Violation Must be Abated: 11/30/2012

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

29 CFR 1910.133(a)(1): The employer did not ensure that each affected employee uses appropriate eye or face protection when exposed to eye or face hazards from flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors, or potentially injurious light radiation:

Facility - Employees with exposure to products such as but not limited to hydrofluosilicic acid 23-25%, sodium hydroxide 50%, hydroxyethyl acrylate 97%, Nalco 7330, DWP-931G, CL-31 Crosslinker, and DWP-213 while handling and processing used drums and totes up to 8 hours per day were wearing standard safety glasses instead of utilizing chemical safety goggles and face shields to protect themselves from eye and face injuries due to acids or caustics and/or liquid chemicals.

Date By Which Violation Must be Abated: 11/30/2012

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

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

29 CFR 1910.134(d)(1)(iii): The employer did not identify and evaluate the respiratory hazard(s) in the workplace; including a reasonable estimate of employee exposures to respiratory hazards and identification of the contaminant's chemical state and physical form:

Facility - Air contaminants, such as but not limited to methyl ethyl ketone (2-butanone/MEK) and a "fog/smoke" generated during the drum washing process, were not evaluated or identified to determine employee exposures. Employees were required to don air-purifying respirators such as but not limited to 3M model 6300 half mask and 3M model 6000 series full face respirators, both with organic vapor/acid gas cartridges, when the "fog/smoke" filled the air on a regular and routine basis and were allowed to don them for nuisance odors from the used drums and/or the acetone/MEK cleaning solution.

Date By Which Violation Must be Abated: 11/30/2012
Proposed Penalty: $875.00

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

29 CFR 1910.134(d)(3)(iii)[B][2]: The employer did not implement a change schedule for canisters and cartridges that is based on objective data that will ensure that canisters and cartridges are changed before the end of their service life. The employer did not describe in the respirator program the information and data relied upon and the basis for the canister and cartridge change schedule and the basis for reliance on the data:

Facility - No respirator cartridge change out schedule was implemented for employees required to use respirators such as but not limited to 3M model 6300 half mask and 3M model 6000 series full face respirators, both with organic vapor/acid gas cartridges, when the drums on the wash line emitted an unknown "fog/smoke" on a regular and routine basis.

Date By Which Violation Must be Abated: 11/30/2012

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

29 CFR 1910.141(g)(2): Employees were permitted to consume food or beverage in area(s) exposed to toxic materials:

a) Lunchroom - Employees consumed personal food/drink items and/or food/drink items from vending machines in an area with exposures to toxic material residues from products such as but not limited to sodium hydroxide (NaOH), potassium hydroxide (KOH), and sulfuric acid (H_2SO_4) that were brought into the facility in used drums and totes for wash processing. The surfaces that were sampled and had positive exposures to toxic products included a lunch table (KOH-35.7ug; NaOH-270ug), soft drink vending machine (KOH-21.6ug; NaOH-60.3ug), microwave oven (H_2SO_4-21.6ug), and a chair (H_2SO_4-25.9ug). (ug=micrograms).

b) Facility - Employees had drinks such as but not limited to soft drinks, water bottles, and a 10 gallon water jug where processing of used drums and totes occurred that contained toxic products such as but not limited to Hhydrofluosilicic acid 23%, sulfuric acid 66^0 Be, and sodium hydroxide 50%.

Date By Which Violation Must be Abated: 11/30/2012
Proposed Penalty: $375.00

Safety Order 1 Item 13 Type of Violation: **Serious**

29 CFR 1910.151(c): Where employees were exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body were not provided within the work area for immediate emergency use:

Drum Wash Line - Employees on the elevated work platform did not have immediate access to drenching facilities in that they had to travel down a flight of stairs to the ground level in order to use the eye wash/chemical shower. Employees processed for washing up to 8 hours per day used 30 and 55 gallon drums that contained corrosive residues from products such as but not limited to hydrofluosilicic acid 23-25% (pH 1), hydrochloric acid 20^0 Be (pH 1), sulfuric acid 66^0 Be (pH <1), sodium hydroxide 50% (pH 13.7), and aqua ammonia 26^0 Be (pH 13.5).

Date By Which Violation Must be Abated: 11/30/2012
Proposed Penalty: $500.00

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

29 CFR 1910.253(b)(2)(ii): Inside of buildings, cylinders were not stored in a well protected, well ventilated, dry location, at least 20 feet (6.1 m) from highly combustible materials such as oil or excelsior:

Flammable Storage Room - Compressed gas cylinders, such as but not limited to acetylene, were in a storage room (125 inches appx. 10 1/2 feet x 187 inches appx. 15 1/2 feet) with 55 gallon drums of Class 1 flammable liquids acetone (flashpoint -4^{0}F) and methyl ethyl ketone (flashpoint 25^{0}F), Vulcan SCPL-46 Synthetic Compressor Lubricant, and various cardboard boxes in storage. Employees entered this room daily to refill cleaning solvent safety cans.

Date By Which Violation Must be Abated:	**11/30/2012**
Proposed Penalty:	**$500.00**

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

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

29 CFR 1910.303(b)(6): Unless identified for use in the operating environment, no conductors or equipment shall be located in damp or wet locations; where exposed to gases, fumes, vapors, liquids, or other agents that have a deteriorating effect on the conductors or equipment; or where exposed to excessive temperatures:

Facility - Electrical equipment such as but not limited to the 110V 2-outlet box at the Tote Wash Line final check station, 110 electrical switch and 110V 2-outlet box at the Drum Wash Line stairs 1st wash, the Aaladin 17 Series 230V pressure washer junction box, and the conduit with the 440V main Drum Wash Line power wiring running under the platform at the 2nd wash station were not rated for use in wet locations. By not being water tight the equipment could become energized and cause electrical shock to employees using this equipment up to 8 hours daily.

Date By Which Violation Must be Abated: 11/30/2012
Proposed Penalty: $625.00

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

29 CFR 1910.303(g)(2)(i): Live parts of electric equipment operating at 50 volts or more were not guarded against accidental contact by approved cabinets or other forms of approved enclosures, or other means listed under this provision:

Facility - Electrical equipment such as but not limited to the 110V 2-outlet box at the Tote Wash Line final check station (unsecured faceplate), main control for the tote wash machine (open button hole on faceplate), and the conduit with the 440V main Drum Wash Line power wiring running under the platform at the 2nd wash station (damaged) were not sufficiently guarded to prevent employees, who worked up to 8 hours per day with and around the equipment, from coming into accidental contact with live wiring.

Date By Which Violation Must be Abated: 11/30/2012

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

29 CFR 1910.303(g)(2)(i)[D]: Live parts of electric equipment operating at 50 volts or more were not guarded against accidental contact by use of approved cabinets or other forms of approved enclosures or by any of the following means: By elevation of 2.44 m (8.0 ft) or more above the floor or other working surface:

Drum Wash Line - The 110V wiring run to a dual fluorescent light had a section of wiring outside of the conduit spliced together with twist caps and was 69" (5 foot 9 inches) from the working level of the platform. Employees who processed up to 500 drums per day and had to walk by and/or under this wire each time a drum was moved to the 3rd (last) wash station were exposed to an electric shock hazard.

Date By Which Violation Must be Abated:	**Corrected During Inspection**
Proposed Penalty:	**$875.00**

Safety Order 1 Item 17 Type of Violation: **Serious**

29 CFR 1910.305(g)(1)(iv)[A]: Unless specifically permitted otherwise in paragraph (g)(1)(ii) of this section, flexible cords and cables may not be used; As a substitute for the fixed wiring of a structure:

Facility - Extensions cords at the water treatment area, Tote Wash Line, and Drum Wash Line were in use to provide power for equipment such as but not limited to TPI industrial floor fans, Bayco inspection lights, and Shop Vac vacuums used by employees up to 8 hours per day. Extensions cords may be overloaded, easily damaged, and not rated for the working environment present and were a potential fire and electric shock hazard to employees who worked with and around them and the powered equipment.

Date By Which Violation Must be Abated:	**11/30/2012**
Proposed Penalty:	**$875.00**

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

Safety Order 1 Item 18a Type of Violation: **Serious**

29 CFR 1910.1200(e)(1)(i): The written hazard communication program did not include a list of the hazardous chemicals known to be present using an identity that was referenced on the appropriate material safety data sheet:

Facility - The hazard communication safety program hazardous chemical list did not include products such as but not limited to hydrofluosilicic acid 23-25%, hydrochloric acid 20^0 Be, hydrogen peroxide 35%, Blend Mixture B-IPA, Nalco 7330, LoSurf-300D, DWP-931G, and Chemseal 59 brought into the facility in used 30 and 55 gallon poly drums and used 275 and 330 gallon poly totes to be processed for washing by employees up to 8 hours per day.

Date By Which Violation Must be Abated: 11/30/2012
Proposed Penalty: $875.00

Safety Order 1 Item 18b Type of Violation: **Serious**

29 CFR 1910.1200(g)(1): Chemical manufacturers and importers did not obtain or develop a material safety data sheet for each hazardous chemical they produced or imported:

Facility - Safety data sheets were not available for products such as but not limited to hydrofluosilicic acid 23-25%, hydrochloric acid 20^0 Be, hydrogen peroxide 35%, Blend Mixture B-IPA, Nalco 7330, LoSurf-300D, DWP-931G, and Chemseal 59 brought into the facility in used 30 and 55 gallon poly drums and used 275 and 330 gallon poly totes for wash processing by employees up to 8 hours per day on the Drum Wash Line and Tote Wash Line.

Date By Which Violation Must be Abated: 11/30/2012

Safety Order 1 Item 18c Type of Violation: **Serious**

29 CFR 1910.1200(g)(8): The employer did not ensure that material safety data sheets were readily accessible to the employees in their work area during each work shift:

Facility - Employees who processed 8 hours a day up to 500 used drums (30 and 55 gallon) and up to 40 used totes (275 and 330 gallon) of hazardous chemicals could only access safety data sheets for these products through an online service from the front office computer or via telephone. Products without hard copies of safety data sheets in the hazard communication program included but was not limited to hydrofluosilicic acid 23-25%, hydrochloric acid 20^0 Be, hydrogen peroxide 35%, Blend Mixture B-IPA, Nalco 7330, LoSurf-300D, DWP-931G, and Chemseal 59.

Date By Which Violation Must be Abated: 11/30/2012

Safety Order and Notification of Penalty

Company Name: Industrial Container Services-Cargo Clean IN, LLC
Inspection Site: 6213 Gheens Mill Road, Jeffersonville, IN 47130

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

Safety Order 2 Item 1a Type of Violation: **Nonserious**

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

Facility - Equipment, such as but not limited to the 4 storage tanks in the water treatment area and the wash line(s) holding tanks, was not evaluated for permit confined spaces.

Date By Which Violation Must be Abated: 11/30/2012
Proposed Penalty: $250.00

Safety Order 2 Item 1b Type of Violation: **Nonserious**

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:

Facility - Employees who worked in the wash areas up to 8 hours per day where not informed of the potential hazards and/or existence of permit required confined spaces, such as but not limited to the 4 storage tanks in the water treatment area and the wash line(s) holding tanks.

Note: A sign reading "DANGER - PERMIT-REQUIRED CONFINED SPACE, DO NOT ENTER" or using other similar language would satisfy the requirement for a sign.

Date By Which Violation Must be Abated: 11/30/2012

Julie C. Alexander, J.D.
Director, Industrial Compliance-IOSHA
Indiana Department of Labor

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

Company Name: Industrial Container Services-Cargo Clean IN, LLC
Inspection Site: 6213 Gheens Mill Road, Jeffersonville, IN 47130
Issuance Date: 11/02/2012

Summary of Penalties for Inspection Number 315049064

Safety Order 01, Serious	=	$13,125.00
Safety Order 02, Nonserious	=	$250.00
Total Proposed Penalties		$13,375.00

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).

J. Alexander — 11/2/2012

Julie C. Alexander, J.D. — Date
Director, Industrial Compliance-IOSHA
Indiana Department of Labor