

# Indiana Department of Labor

Indiana Occupational Safety and Health Administration  
402 West Washington St - Room W195  
Indianapolis, IN 46204  
Phone: (317)232-1979 FAX: (317)233-3790



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## Safety Order and Notification of Penalty

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**To:**  
Heartland Truck Stop & Wash  
and its successors  
3047 West County Rd 300 S  
Logansport, IN 46947

**Inspection Number:** 318134434  
**CSHO ID:** K9073  
**Optional Report No.:** 23-21  
**Inspection Date(s):** 8/30/2021 - 11/29/2021  
**Issuance Date:** 1/25/2022

**Inspection Site:**  
3047 West County Rd 300 S  
Logansport, IN 46947

*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.*

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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 board appointed by the governor with authority to conduct legal proceedings leading up to and including administrative hearings, or assign and Administrative Law Judge (ALJ) to conduct the same, and to issue decisions concerning disputed safety orders and notifications of penalties. 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 1/25/2022. 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

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**Inspection Date(s):** 8/30/2021 - 11/29/2021  
**Issuance Date:** 1/25/2022  
**CSHO ID:** K9073  
**Optional Report No.:** 23-21

### **Safety Order and Notification of Penalty**

**Company Name:** Heartland Truck Stop & Wash  
**Inspection Site:** 3047 West County Rd 300 S, Logansport, IN 46947

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

**Safety Order 01 Item 001a**                      Type of Violation: **Serious**

29 CFR 1910.28(b)(1)(i): The employer must ensure that each employee on a walking-working surface with an unprotected side or edge that is 4 feet (1.2 m) or more above a lower level is protected from falling by one or more of the following: (A) Guardrail systems; (B) Safety net systems; or (C) Personal fall protection systems, such as personal fall arrest, travel restraint, or positioning systems:

Truck Wash - Employees were exposed to fall hazards while they worked on top of tanker trailers, both to begin washing and to enter the manway located on the top of the tanker trailer.

**Date By Which Violation Must Be Abated:**                      **2/25/2022**  
**Proposed Penalty:**                                                              **\$2,100.00**

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**Safety Order 01 Item 001b**                      Type of Violation: **Serious**

1910.140(c)(11)(i) The employer had not ensured that each horizontal lifeline was designed, installed, and used under the supervision of a qualified person:

Truck Wash - Employees were exposed to fall hazards while they worked on top of tanker trailers, both to begin washing and to enter the manway located on the top of the tanker trailer.

**Date By Which Violation Must Be Abated:**                      **2/25/2022**  
**Proposed Penalty:**                                                              **\$0.00**

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**Safety Order 01 Item 002**                      Type of Violation: **Serious**

29 CFR 1910.134(c)(1): A written respiratory protection program that included the provisions in 29 CFR 1910.134(c)(1)(i) - (ix) with worksite specific procedures was not established and implemented for required respirator use:

Truck Wash - Employees were assigned to wear tight fitting half face Moldex air purifying respirators when they power washed the interior of tanker trailers.

**Date By Which Violation Must Be Abated:**                      **2/25/2022**  
**Proposed Penalty:**                                                              **\$2,100.00**



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**Safety Order 01 Item 003a**                      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:

Truck Wash - Employees entered tanker trailers, a permit required confined space, to power wash the tankers' interiors. The employer had not evaluated the workplace not identified the tanker trailers as permit-required confined spaces.

**Date By Which Violation Must Be Abated:**                      **2/25/2022**  
**Proposed Penalty:**                                                              **\$7,000.00**

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**Safety Order 01 Item 003b**                      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:

Truck Wash - Employees entered tanker trailers, a permit-required confined space, to power wash the tankers' interiors. Employees were not informed that the tanker trailers were permit-required confined spaces.

**Date By Which Violation Must Be Abated:**                      **2/25/2022**  
**Proposed Penalty:**                                                              **\$0.00**

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#### **Safety Order 01 Item 003c**

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:

Truck Wash - Employees entered tanker trailers, a permit-required confined space, to power wash the tankers' interiors. A permit space entry program had not been developed prior to assigning employees to enter the tanker trailers.

**Date By Which Violation Must Be Abated:** **2/25/2022**  
**Proposed Penalty:** **\$0.00**

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

**Safety Order 02 Item 001a**                      Type of Violation: **Knowing**

29 CFR 1910.146(d)(4): The employer did not provide the equipment specified in paragraphs (d)(4)(i)-(d)(4)(ix) of this section at no cost to employees, did not maintain that equipment properly, and/or did not ensure that employees use that equipment properly:

Truck Wash - Employees entered tanker trailers, a permit required confined space, to power wash the tankers' interiors. The employer had not provided air monitoring equipment, ventilating equipment nor rescue and emergency equipment for employee use while they worked inside this permit required confined space.

**Date By Which Violation Must Be Abated:**                      **2/25/2022**  
**Proposed Penalty:**                                                              **\$132,598.00**

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**Safety Order 02 Item 001b**                      Type of Violation: **Knowing**

29 CFR 1910.146(d)(5): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not evaluate permit space conditions per 29 CFR 1910.146(d)(5)(i-vi) when entry operations were conducted by testing conditions:

Truck Wash - Employees entered tanker trailers, a permit required confined space, to power wash the tankers' interiors. No testing was performed to determine the conditions inside the tanker trailer prior to entry and had not continued to monitor conditions during entry operations.

**Date By Which Violation Must Be Abated:**                      **2/25/2022**  
**Proposed Penalty:**                                                              **\$0.00**

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**Safety Order 02 Item 001c**                      Type of Violation: **Knowing**

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 under 29 CFR 1910.146:

Truck Wash - Employees entered tanker trailers, a permit-required confined space, to power wash the tankers' interiors. Employees were not trained to recognize the tanker trailers were permit required-confined spaces, what the hazards of these spaces were, the procedures for safe entry, rescue and entrant/attendant duties related to the permit-required confined spaces.

**Date By Which Violation Must Be Abated:**                      **2/25/2022**  
**Proposed Penalty:**                                                              **\$0.00**

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

**Safety Order 02 Item 002a**                  Type of Violation: **Knowing**

29 CFR 1910.146(d)(6): The employer did not provide at least one attendant outside the permit space into which entry was authorized for the duration of entry operations:

Truck Wash - Employees entered tanker trailers, a permit-required confined space, to power wash the tankers' interiors. Employees worked alone inside the tanker trailer without any attendant in place while they were inside the permit required confined space.

**Date By Which Violation Must Be Abated:**                  **2/25/2022**  
**Proposed Penalty:**                                                        **\$132,598.00**

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**Safety Order 02 Item 002b**                      Type of Violation: **Knowing**

29 CFR 1910.146(d)(9): The employer did not develop and implement procedures for summoning rescue and emergency services, for rescuing entrants from permit spaces, for providing necessary emergency services to rescued employees, and/or for preventing unauthorized personnel from attempting a rescue:

Truck Wash - Employees entered tanker trailers, a permit required confined space, to power wash the tankers' interiors. No rescue equipment was set up prior to entry, nor were employees trained in how to perform rescue or provide CPR/first aid.

**Date By Which Violation Must Be Abated:**                      **2/25/2022**  
**Proposed Penalty:**                                                              **\$0.00**

  
Jameson Berry  
Director of General Industry