

**SETTLEMENT AGREEMENT**

The Commissioner of Labor (hereinafter referred to as "Commissioner") and Union Electric Steel, (hereinafter referred to as "Employer") hereby agree as follows:

The Commissioner amends the Safety Order(s) and Notification(s) of Penalty, IOSHA Inspection No. 313912289 issued to the Employer on March 31, 2010 in the following manner.

**SAFETY ORDER 01:**

- Item 1a: Upheld, penalty adjusted to \$4,000.00
- Item 1c: Upheld, references in instances a and b modified from "man basket and a 15 ton crane" to "rung of a ladder."
- Item 1e: Upheld, references in instances a and b modified from "man basket and a 15 ton overhead crane" and "crane hook of a 15 ton overhead crane" to "rung of a ladder."
- Item 1f: Upheld, references modified from "crane hook of a 15 ton overhead crane" to "rung of a ladder."
- Item 1h: Deleted
- Item 2: Upheld, grouped with Item 1a, penalty deleted
- Item 3: Deleted.

Except for the above specified amendments all other provisions of Safety Order Number 1 are retained intact.

**The TOTAL AGREED PENALTY is \$4,000.00**

*All Abatement dates are modified to become June 30, 2010*

*RFB*  
*RH*

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 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 OSHA 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.

UNION ELECTRIC STEEL

COMMISSIONER OF LABOR

By: Tom P. Rucity

By: R. M. [Signature]

Title: Vice President & Senior Counsel

Title: Director IC

Date: April 27, 2010

Date: 4-28-10

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 5730 9111 3-31-10 JH*

## Safety Order and Notification of Penalty

**To:**

Union Electric Steel,  
and its successors  
3702 Montdale Park Dr.  
Valparaiso, IN 46384-29

**Inspection Number:** 313912289

**Inspection Date(s):** 02/17/2010 - 02/26/2010

**Issuance Date:** 03/31/2010

**Inspection Site:**

3702 Montdale Park Dr.  
Valparaiso, IN 46384-29

*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.



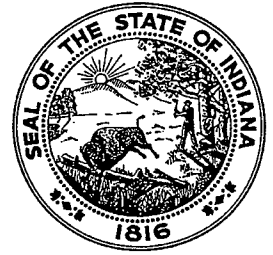
## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with IOSHA to discuss the safety order(s) issued on 03/31/2010. 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:** 313912289  
**Inspection Dates:** 02/17/2010 - 02/26/2010  
**Issuance Date:** 03/31/2010



**Safety Order and Notification of Penalty**

**Company Name:** Union Electric Steel  
**Inspection Site:** 3702 Montdale Park Dr., Valparaiso, IN 46384-29

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 1a Type of Violation: **Serious****

29 CFR 1910.146(c)(7)(i): A space classified by the employer as permit-required confined space was reclassified as a non-permit confined space when all hazards within the space were not eliminated without entry into the space:

Number 16 West Lathe Conveyor Pit - Laborers were required to enter permit required confined spaces such as but not limited to the #16 west lathe conveyor pit, measuring approximately 10.5 feet deep by 98 inches wide by 88 inches long, in order to clean the pit and maintain the conveyor.

**Date By Which Violation Must be Abated:** 04/26/2010  
**Proposed Penalty:** \$3,500.00

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

29 CFR 1910.146(c)(7)(iii): The employer did not document the basis for determining that all hazards in a permit space had been eliminated, through a written certification that contained the date, the location of the space, and the signature of the person making the determination:

Number 16 West Lathe Conveyor Pit - Laborers were required to enter permit required confined spaces such as but not limited to the #16 west lathe conveyor pit, measuring approximately 10.5 feet deep by 98 inches wide by 88 inches long, in order to clean the pit and maintain the conveyor.

**Date By Which Violation Must be Abated:** 04/26/2010



**Indiana Department of Labor**

Occupational Safety and Health Administration

**Inspection Number:** 313912289

**Inspection Dates:** 02/17/2010 - 02/26/2010

**Issuance Date:** 03/31/2010



**Safety Order and Notification of Penalty**

**Company Name:** Union Electric Steel

**Inspection Site:** 3702 Montdale Park Dr., Valparaiso, IN 46384-29

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

29 CFR 1910.146(d)(4)(ix): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not ensure that employees used any other equipment properly which was necessary for safe entry into and rescue from permit spaces:

a. Number 16 West Lathe Conveyor Pit - Laborers were required to enter permit required confined spaces such as but not limited to the #16 west lathe conveyor pit, measuring approximately 10.5 feet deep by 98 inches wide by 88 inches long, in order to clean the pit and maintain the conveyor. On 02/04/10 a millwright and an electrician entered the space that the employer stated had been reclassified, without providing any documentation verifying that all hazards were eliminated, utilizing a man basket and a 15 ton overhead crane while having possession and control of the crane's remote control.

b. Number 16 West Lathe Conveyor Pit - Laborers were required to enter permit required confined spaces such as but not limited to the #16 west lathe conveyor pit, measuring approximately 10.5 feet deep by 98 inches wide by 88 inches long, in order to clean the pit and maintain the conveyor. On 02/05/10 a laborer entered the space that the employer stated had been reclassified, without providing any documentation verifying that all hazards were eliminated, utilizing a full body harness and lanyard that were attached to the crane hook of a 15 ton overhead crane.

**Date By Which Violation Must be Abated: 04/26/2010**

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

29 CFR 1910.146(f)(8): The entry permit that documented compliance and authorized entry to a permit space did not identify the measures used to isolate the permit space and to eliminate or control permit space hazards before entry:

Number 16 West Lathe Conveyor Pit - Laborers were required to enter permit required confined spaces such as but not limited to the #16 west lathe conveyor pit, measuring approximately 10.5 feet deep by 98 inches wide by 88 inches long, in order to clean the pit and maintain the conveyor.

**Date By Which Violation Must be Abated: 04/26/2010**

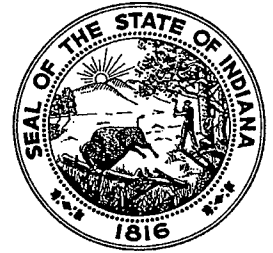
**Indiana Department of Labor**

Occupational Safety and Health Administration

**Inspection Number:** 313912289

**Inspection Dates:** 02/17/2010 - 02/26/2010

**Issuance Date:** 03/31/2010



**Safety Order and Notification of Penalty**

**Company Name:** Union Electric Steel

**Inspection Site:** 3702 Montdale Park Dr., Valparaiso, IN 46384-29

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

29 CFR 1910.146(g)(1): The employer did not provide training so that all employees whose work was regulated by 29 CFR 1910.146, Permit-required confined spaces, acquired the understanding, knowledge, and skills necessary for the safe performance of the duties assigned:

a. Number 16 West Lathe Conveyor Pit - Millwrights and electricians were required to enter permit required confined spaces such as but not limited to the #16 west lathe conveyor pit, measuring approximately 10.5 feet deep by 98 inches wide by 88 inches long, in order to clean the pit and maintain the conveyor. On 02/04/10 a millwright and an electrician entered the space, that the employer stated had been reclassified without providing any documentation verifying that all hazards were eliminated, utilizing a man basket and a 15 ton overhead crane while having possession and control of the crane's remote control.

b. Number 16 West Lathe Conveyor Pit - Laborers were required to enter permit required confined spaces such as but not limited to the #16 west lathe conveyor pit, measuring approximately 10.5 feet deep by 98 inches wide by 88 inches long, in order to clean the pit and maintain the conveyor. On 02/05/10 a laborer entered the space, that the employer stated had been reclassified without providing any documentation verifying that all hazards were eliminated, utilizing a full body harness and lanyard that were attached to the crane hook of a 15 ton overhead crane.

c. Number 16 West Lathe Conveyor Pit - Laborers were required to enter permit required confined spaces such as but not limited to the #16 west lathe conveyor pit, measuring approximately 10.5 feet deep by 98 inches wide by 88 inches long, in order to clean the pit and maintain the conveyor. On 02/05/10 and 02/11/10 a laborer entered the space, that the employer stated had been reclassified without providing any documentation verifying that all hazards were eliminated, without having been trained in permit required confined space entry.

**Date By Which Violation Must be Abated:**

**04/26/2010**

Indiana Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 313912289  
Inspection Dates: 02/17/2010 - 02/26/2010  
Issuance Date: 03/31/2010



**Safety Order and Notification of Penalty**

Company Name: Union Electric Steel  
Inspection Site: 3702 Montdale Park Dr., Valparaiso, IN 46384-29

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

29 CFR 1910.146(k)(2)(ii): An employer whose employees have been designated to provide permit space rescue did not train affected employees to perform assigned rescue duties and establish proficiency as an authorized entrant as provided by paragraphs (g) and (h) of this section:

Number 16 West Lathe Conveyor Pit - Laborers were required to enter permit required confined spaces such as but not limited to the #16 west lathe conveyor pit, measuring approximately 10.5 feet deep by 98 inches wide by 88 inches long, in order to clean the pit and maintain the conveyor. On 02/05/10 a laborer entered the space, that the employer stated had been reclassified without providing any documentation verifying that all hazards were eliminated, utilizing a full body harness and lanyard that were attached to the crane hook of a 15 ton overhead crane.

**Date By Which Violation Must be Abated: 04/26/2010**

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

29 CFR 1910.146(k)(3)(ii): An authorized entrant entered a permit space and did not have the other end of the retrieval line attached to a mechanical device or fixed point outside the permit space in such a manner that rescue could begin as soon as the rescuer became aware that rescue was necessary:

Number 16 West Lathe Conveyor Pit - Laborers were required to enter permit required confined spaces such as but not limited to the #16 west lathe conveyor pit, measuring approximately 10.5 feet deep by 98 inches wide by 88 inches long, in order to clean the pit and maintain the conveyor.

**Date By Which Violation Must be Abated: 04/26/2010**

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

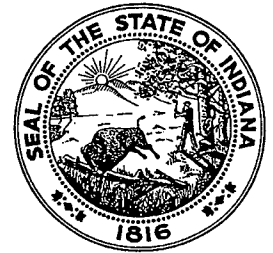
29 CFR 1910.146(l)(1): The employer did not consult affected employees and their authorized representatives on the development and implementation of all aspects of the permit space program required by paragraph (c) of this section:

Number 16 West Lathe Conveyor Pit - Laborers were required to enter permit required confined spaces such as but not limited to the #16 west lathe conveyor pit, measuring approximately 10.5 feet deep by 98 inches wide by 88 inches long, in order to clean the pit and maintain the conveyor.

**Date By Which Violation Must be Abated: 04/26/2010**

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

**Inspection Number:** 313912289  
**Inspection Dates:** 02/17/2010 - 02/26/2010  
**Issuance Date:** 03/31/2010



**Safety Order and Notification of Penalty**

**Company Name:** Union Electric Steel  
**Inspection Site:** 3702 Montdale Park Dr., Valparaiso, IN 46384-29

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

29 CFR 1910.147(c)(8): Lockout or tagout was not performed only by the authorized employees who are performing the servicing or maintenance:

#16 Lathe Conveyor - A laborer, not trained in lockout procedures nor issued lockout equipment, was given a lockout device and instructed to lockout the #16 lathe conveyor.

**Date By Which Violation Must be Abated:** 04/26/2010  
**Proposed Penalty:** \$3,500.00

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

29 CFR 1910.305(e)(1): Cabinets, cutout boxes, fittings, boxes, and panelboard enclosures in damp or wet locations were not installed to prevent moisture or water from entering and accumulating within the enclosures:

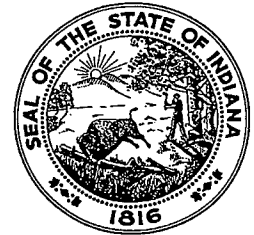
a. Number 63 Grinder- The grinder operator was exposed to electrical hazards due to the roof leaking water down the conduit and onto the electrical components located inside the 480 volt control cabinet for the #63 grinder.

b. Number 16 Lathe - The lathe operator was exposed to electrical hazards due to the roof leaking water down the 4 inch conduit and onto the electrical component located inside the 480 volt disconnect cabinet for the #16 lathe.

**Date By Which Violation Must be Abated:** 04/26/2010  
**Proposed Penalty:** \$3,500.00

Robert A. Kattau  
Director, Industrial Compliance

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



## INVOICE/DEBT COLLECTION NOTICE

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**Company Name:** Union Electric Steel  
**Inspection Site:** 3702 Montdale Park Dr., Valparaiso, IN 46384-29  
**Issuance Date:** 03/31/2010

**Summary of Penalties for Inspection Number** 313912289

Safety Order 01, Serious	=	\$10,500.00
Total Proposed Penalties		\$10,500.00

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

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

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

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

  
\_\_\_\_\_  
Robert A. Kattau  
Director, Industrial Compliance

\_\_\_\_\_  
Date 3-31-10