

U S Department of Labor - OSHA  
1240 E. 9th Street, Room 899  
Cleveland, OH 44199

August 6, 2012

Heritage-WTI, Inc.  
1250 Saint George Street  
East Liverpool, OH 43920

Dear Employer:

Enclosed you will find citations for violations of the Occupational Safety and Health Act of 1970 (the Act) which may have accompanying proposed penalties. Also enclosed is a booklet entitled, "Employer Rights and Responsibilities Following an OSHA Inspection", (OSHA 3000) revised 1990, which explains your rights and responsibilities under the Act. If you have any questions about the enclosed citations and penalties, I would welcome further discussions in person or by telephone.

You will note on page 6 of the booklet that, for violations which you do not contest, you must (1) notify this office promptly by letter that you have taken appropriate corrective action within the time set forth on the citation; and (2) pay any penalties assessed. Please inform me of the abatement steps you have taken and of the date together with adequate supporting documentation; e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results. This information will allow us to close the case.

As indicated on page 8 of the booklet, you may request an informal conference with me during the 15-working-day notice of contest period. During an informal conference, you may present any evidence or views which you believe would support an adjustment to the citation or the penalty.

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of the citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete the attached notice at the bottom of this letter and post it next to the Citations as soon as the time, date and the place of the informal conference have been determined. Be sure to bring to the conference with you any and all supporting documentation of existing conditions as well as of any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of Electronic Freedom of Information Act. The information related to your inspection will be available 30 calendar days after the Citation Issuance Date. You are encouraged to review the information concerning your establishment at [WWW.OSHA.GOV](http://WWW.OSHA.GOV). If you have any dispute with the accuracy of the information displayed, please contact this office.

Sincerely,

*Brigitte A. Frank*

*for* **Howard B. Eberts**  
Area Director

Enclosures

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**U.S. Department of Labor**  
Occupational Safety and Health Administration  
1240 East 9th Street  
Room 899  
Cleveland, OH 44199  
Phone: 216-615-4266 Fax: 216-615-4234



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## Citation and Notification of Penalty

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**To:**  
Heritage-WTI, Inc.  
1250 Saint George Street  
East Liverpool, OH 43920

**Inspection Number:** 189909  
**Inspection Date(s):** 02/07/2012 - 08/03/2012  
**Issuance Date:** 08/06/2012

**Inspection Site:**  
1250 Saint George Street  
East Liverpool, OH 43920

*The violation(s) described in this Citation 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.*

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

**Posting** - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

**Informal Conference** - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

**Right to Contest** – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.

**Penalty Payment** – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance.

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

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**Notification of Corrective Action** – For each violation which you do not contest, you must provide *abatement certification* to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that *abatement documentation* is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

**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 U.S. Department of Labor Area Office at the address shown above.

**Employer Rights and Responsibilities** – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

**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 U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

**Inspection Activity Data** – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at [www.osha.gov](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.

**U.S. Department of Labor**  
Occupational Safety and Health Administration



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on  
08/06/2012. The conference will be held at the OSHA office located at 1240 East 9th Street,

Room 899, Cleveland, OH 44199 on \_\_\_\_\_ at \_\_\_\_\_. Employees  
and/or representatives of employees have a right to attend an informal conference.

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 189909**

Company Name: Heritage-WTI, Inc.  
Inspection Site: 1250 Saint George Street, East Liverpool, OH 43920  
Issuance Date: 08/06/2012

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 1240 East 9th Street, Room 899, Cleveland, OH 44199**

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Title

**NOTE: 29 USC 666(g)** whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

**POSTING:** A copy of completed Corrective Action Worksheet should be posted for employee review



**Citation and Notification of Penalty**

**Company Name:** Heritage-WTI, Inc.  
**Inspection Site:** 1250 Saint George Street, East Liverpool, OH 43920

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**Citation 1 Item 1** Type of Violation: **Serious**

29 CFR 1910.119(d)(2)(i)(E): The employer's information concerning the technology of the process did not include an evaluation of the consequences of deviations, including those affecting the safety and health of employees:

On or before February 7, 2012, the employer's process safety information did not include an evaluation of the kiln for the consequences of deviations, including those affecting the safety and health of employees. Deviations may include but are not limited to temperature, flow, chemical composition and pressure.

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**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

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Date by which Violation must be Abated:	09/05/2012
Proposed Penalty:	\$6300.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** Heritage-WTI, Inc.  
**Inspection Site:** 1250 Saint George Street, East Liverpool, OH 43920

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**Citation 1 Item 2** Type of Violation: **Serious**

29 CFR 1910.119(d)(3)(ii): The employer did not document that equipment complied with recognized and generally accepted good engineering practices:

On or before February 7, 2012, the employer did not supply documentation that the kiln complied with RAGAGEP. Examples of common RAGAGEP include but are not limited to American Petroleum Institute (API) 520, API 570, API 579, National Fire Protection Association (NFPA) 30, and NFPA 86.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

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Date by which Violation must be Abated:	09/05/2012
Proposed Penalty:	\$6300.00

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See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** Heritage-WTI, Inc.  
**Inspection Site:** 1250 Saint George Street, East Liverpool, OH 43920

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**Citation 1 Item 3** Type of Violation: **Serious**

29 CFR 1910.119(e)(1): The employer did not perform an initial process hazard analysis (PHA) on processes covered by 29 CFR 1910.119:

On or before February 7, 2012, the employer did not perform an initial process hazard analysis (PHA) for the kiln.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:	09/05/2012
Proposed Penalty:	\$6300.00

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**Citation and Notification of Penalty**

**Company Name:** Heritage-WTI, Inc.  
**Inspection Site:** 1250 Saint George Street, East Liverpool, OH 43920

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

**Citation 1 Item 4 a** Type of Violation: **Serious**

29CFR1910.119(e)(3)(ii): The process hazard analysis did not address the identification of any previous incident which had a likely potential for catastrophic consequences in the workplace:

On and before February 7, 2012, the employer failed to assure that process hazard analyses (PHAs) and revalidations, including the most recent PHA revalidations dated between 2006 and 2008, addressed previous incidents, such as but not limited to:

- a. 2006.0149 Near-Miss involving the kiln
- b. 2006.0132 Reactive Chemical in the tank farm
- c. 2006.0119 Leak in pneumatic control valve, direct to kiln

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:	09/05/2012
Proposed Penalty:	\$6300.00



**Citation and Notification of Penalty**

**Company Name:** Heritage-WTI, Inc.

**Inspection Site:** 1250 Saint George Street, East Liverpool, OH 43920

**Citation 1 Item 4 b** Type of Violation: **Serious**

29 CFR 1910.119(e)(3)(iii): The process hazard analysis did not address engineering and administrative controls applicable to the hazards and their interrelationships such as appropriate application of detection methodologies to provide early warning of releases:

On and before February 7, 2012, the employer failed to assure that the process hazard analyses (PHAs) and revalidations, including the most recent PHA revalidations dated between 2006 and 2008, addressed engineering and administrative controls applicable to the hazards and their interrelationships. Examples include, but are not limited to:

- a. VOC sensors (pits/sumps)
- b. fire detection sensors
- c. methods of area monitoring
- d. emergency stops

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:

09/05/2012



**Citation and Notification of Penalty**

**Company Name:** Heritage-WTI, Inc.  
**Inspection Site:** 1250 Saint George Street, East Liverpool, OH 43920

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**Citation 1 Item 4 c Type of Violation: **Serious****

29 CFR 1910.119(e)(3)(v): The process hazard analysis did not address facility siting:

On and before February 7, 2012, the employer failed to assure that process hazard analyses (PHAs) and revalidations, including the most recent PHA revalidations dated between 2006 and 2008, addressed facility siting.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

**Date by which Violation must be Abated:** **09/05/2012**

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**Citation and Notification of Penalty**

**Company Name:** Heritage-WTI, Inc.  
**Inspection Site:** 1250 Saint George Street, East Liverpool, OH 43920

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**Citation 1 Item 4 d Type of Violation: **Serious****

29 CFR 1910.119(e)(3)(vi): The process hazard analysis did not address human factors:

On and before February 7, 2012, the employer failed to assure that process hazard analyses (PHAs) and revalidations, including the most recent PHA revalidations dated between 2006 and 2008, addressed human factors.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:

09/05/2012

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**Citation and Notification of Penalty**

**Company Name:** Heritage-WTI, Inc.  
**Inspection Site:** 1250 Saint George Street, East Liverpool, OH 43920

**Citation 1 Item 5** Type of Violation: **Serious**

29 CFR 1910.119(e)(5): The employer did not establish a system to promptly address the team's findings and recommendations; did not assure that the recommendations were resolved in a timely manner and that the resolution was documented; did not document what actions were to be taken; did not complete actions as soon as possible; did not develop a written schedule of when these actions were to be completed; did not communicate the actions to operating, maintenance and other employees whose work assignments were in the process and who may have been affected by the recommendations or actions:

On or about February 7, 2012, findings and recommendations from process hazard analyses (PHAs) and their updates/revalidations, such as but not limited to the list below, were not documented as having been addressed and resolved:

- a. PHA Revalidation 2.1 Tanker Unloading/Tank Farm/Pumpout Tanks/Fuels Blending June 19, 2007.
- b. PHA Revalidation 7.1 Direct Feed from Drum November 30, 2006.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:	09/05/2012
Proposed Penalty:	\$6300.00



**Citation and Notification of Penalty**

**Company Name:** Heritage-WTI, Inc.  
**Inspection Site:** 1250 Saint George Street, East Liverpool, OH 43920

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**Citation 1 Item 6 a** Type of Violation: **Serious**

29 CFR 1910.119(f)(1)(i)(D): The employer did not develop and implement written operating procedures that provided clear instructions for emergency shutdown, including the conditions under which emergency shutdown is required, and the assignment of shutdown responsibility to qualified operators to ensure that emergency shutdown is executed in a safe and timely manner:

On or before February 7, 2012, the employer's operating procedures for the kiln did not include instructions for emergency shutdown. These procedures include, but are not limited to:

- a. OP-4000-100 Rotary Kiln Unit 4000 Pre-startup After Turnaround, Revision 1, dated 11/20/2002
- b. OP-4000-110 Rotary Kiln Unit 4000 Restart Following VFD TRIP, Revision 1, dated 11/20/2002
- c. OP-4000-200 Rotary Kiln Unit 4000 Operation, Revision 2, dated 7/31/2008

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 09/05/2012  
Proposed Penalty: \$6300.00



**Citation and Notification of Penalty**

**Company Name:** Heritage-WTI, Inc.

**Inspection Site:** 1250 Saint George Street, East Liverpool, OH 43920

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**Citation 1 Item 6 b Type of Violation: **Serious****

29 CFR 1910.119(f)(1)(ii)(A): The employer did not develop and implement written operating procedures that provided clear instructions for operating limits and the consequences of deviation in the covered process:

On or before February 7, 2012, the employer's operating procedures for the kiln did not include operating limits and the consequences of deviations from those limits. These procedures include, but are not limited to:

- a. OP-4000-100 Rotary Kiln Unit 4000 Pre-startup After Turnaround, Revision 1, dated 11/20/2002
- b. OP-4000-110 Rotary Kiln Unit 4000 Restart Following VFD TRIP, Revision 1, dated 11/20/2002
- c. OP-4000-200 Rotary Kiln Unit 4000 Operation, Revision 2, dated 7/31/2008

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:

09/05/2012



**Citation and Notification of Penalty**

**Company Name:** Heritage-WTI, Inc.  
**Inspection Site:** 1250 Saint George Street, East Liverpool, OH 43920

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**Citation 1 Item 6 c** Type of Violation: **Serious**

29 CFR 1910.119(f)(1)(ii)(B): The employer did not develop and implement written operating procedures that provide instructions for steps required to correct or avoid deviation from the operating limits in the covered process:

On or before February 7, 2012, the employer's operating procedures for the kiln did not include operating limits and the steps required to correct or avoid deviation. These procedures include, but are not limited to:

- a. OP-4000-100 Rotary Kiln Unit 4000 Pre-startup After Turnaround, Revision 1, dated 11/20/2002
- b. ~~OP-4000-110 Rotary Kiln Unit 4000 Restart Following VFD TRIP, Revision 1, dated 11/20/2002~~
- c. OP-4000-200 Rotary Kiln Unit 4000 Operation, Revision 2, dated 7/31/2008

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 09/05/2012



**Citation and Notification of Penalty**

**Company Name:** Heritage-WTI, Inc.  
**Inspection Site:** 1250 Saint George Street, East Liverpool, OH 43920

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**Citation 1 Item 6 d** Type of Violation: **Serious**

29 CFR 1910.119(f)(1)(iii)(B): The employer did not develop and implement written operating procedures that provided instructions for safely conducting activities involved in each covered process consistent with the process safety information that addressed health and safety considerations, such as precautions necessary to prevent exposure, including engineering controls, administrative controls, and personal protective equipment:

On or before February 7, 2012, the employer's operating procedures for the kiln did not include safety and health considerations that addressed precautions necessary to prevent exposure. These procedures include, but are not limited to:

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- a. OP-4000-100 Rotary Kiln Unit 4000 Pre-startup After Turnaround, Revision 1, dated 11/20/2002
- b. OP-4000-110 Rotary Kiln Unit 4000 Restart Following VFD TRIP, Revision 1, dated 11/20/2002
- c. OP-4000-200 Rotary Kiln Unit 4000 Operation, Revision 2, dated 7/31/2008

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:

09/05/2012



**Citation and Notification of Penalty**

**Company Name:** Heritage-WTI, Inc.  
**Inspection Site:** 1250 Saint George Street, East Liverpool, OH 43920

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**Citation 1 Item 6 e** Type of Violation: **Serious**

29 CFR 1910.119(f)(1)(iii)(E): The employer did not develop and implement written operating procedures that provided clear instructions for safety and health considerations including any special and unique hazards in the covered processes:

On or before February 7, 2012, the employer's operating procedures for the kiln did not include safety and health considerations that addressed special or unique hazards. These procedures include, but are not limited to:

- a. OP-4000-100 Rotary Kiln Unit 4000 Pre-startup After Turnaround, Revision 1, dated 11/20/2002
- b. OP-4000-110 Rotary Kiln Unit 4000 Restart Following VFD TRIP, Revision 1, dated 11/20/2002
- c. OP-4000-200 Rotary Kiln Unit 4000 Operation, Revision 2, dated 7/31/2008

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 09/05/2012



**Citation and Notification of Penalty**

**Company Name:** Heritage-WTI, Inc.  
**Inspection Site:** 1250 Saint George Street, East Liverpool, OH 43920

**Citation 1 Item 7** Type of Violation: **Serious**

29 CFR 1910.119(j)(6)(iii): The employer did not assure that maintenance materials, spare parts and equipment were suitable for the process application for which they will be used:

On or before February 7, 2012, the employer did not have a suitable procedure or process for controlling and assuring suitability of parts, materials and equipment related to PSM covered processes. The materials, parts, and equipment stored in the warehouse were disorganized and there were no procedures to assure component suitability for process applications.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:	09/05/2012
Proposed Penalty:	\$6300.00



**Citation and Notification of Penalty**

**Company Name:** Heritage-WTI, Inc.  
**Inspection Site:** 1250 Saint George Street, East Liverpool, OH 43920

**Citation 1 Item 8** Type of Violation: **Serious**

29 CFR 1910.119(m)(6): Incident investigation reports were not reviewed with all affected personnel whose job tasks were relevant to the incident findings including contract employees were applicable:

On or before February 7, 2012, the employer failed to ensure incident investigation reports were reviewed with all affected personnel whose job tasks are relevant to the incident findings including contract employees where applicable. Incidents include, but are not limited to, incidents numbered, #2007.0522, #2011.1535, #2011.1400, #2010.1265, #2010.1254, and #2009.1080.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

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Date by which Violation must be Abated:	09/05/2012
Proposed Penalty:	\$6300.00



**Citation and Notification of Penalty**

**Company Name:** Heritage-WTI, Inc.  
**Inspection Site:** 1250 Saint George Street, East Liverpool, OH 43920

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**Citation 1 Item 9** Type of Violation: **Serious**

29 CFR 1910.119(o)(1): The employer did not certify that they had evaluated compliance with the provisions of 1910.119 at least every three years to verify that the procedures and practices developed under the standard were adequate and were being followed:

- a. On and before February 7, 2012, the employer failed to assure that the most recent compliance audit (dated June 14, 2011) addressed the kiln.
  - b. On and before February 7, 2012, the employer failed to assure that the most recent compliance audit (dated June 14, 2011) was conducted and finalized before May 26, 2010.
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**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:	09/05/2012
Proposed Penalty:	\$6300.00



**Citation and Notification of Penalty**

**Company Name:** Heritage-WTI, Inc.  
**Inspection Site:** 1250 Saint George Street, East Liverpool, OH 43920

**Citation 1 Item 10** Type of Violation: **Serious**

29 CFR 1910.119(o)(4): The employer did not promptly determine and document an appropriate response to each of the findings of the compliance audit, and document that deficiencies have been corrected:

On or before February 7, 2012, the employer failed to promptly determine and document an appropriate response to each of the findings of the compliance audits, and document that deficiencies had been corrected. This includes, but is not limited to, the most recent compliance audit dated June 14, 2011 and the compliance audit dated February 28, 2007.

Examples from the audit dated June 14, 2011 include, but are not limited to:

- a. Revise or delete SS-160, due date indicated as 6/30/11;
- b. Develop an auditing program for contractors as required by reg., due date indicated as 8/30/2011;
- c. Develop an MOC flowchart, due date indicated as 6/30/2011.

Examples from the audit dated February 28, 2007 include, but are not limited to:

- a. PHAs have been recently updated (5 year review) update PHAs maintained on the ISO database, no due date identified;
- b. SOPs to include instructions that specify responses to process deviations, no due date identified;
- c. Operating Procedures reviewed every 3 years add to EHS reporting schedule/audit frequency matrix, no due date identified.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 09/05/2012  
Proposed Penalty: \$6300.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** Heritage-WTI, Inc.  
**Inspection Site:** 1250 Saint George Street, East Liverpool, OH 43920

**Citation 2 Item 1** Type of Violation: **Willful**

29 CFR 1910.119(f)(3): The employer failed to review, failed to adequately review, and/or failed to certify annually that the operating procedures were current and accurate:

On and before February 7, 2012, the employer failed to review, failed to adequately review, and/or failed to certify annually that the operating procedures such as, but not limited to, those listed below were current and accurate:

DW-300, ERSOP-001, ERSOP-002, ERSOP-003, ERSOP-004, ERSOP-005, ERSOP-008, ERSOP-009, ERSOP-010, ERSOP-011, ERSOP-012, ERSOP-013, ERSOP-014, ERSOP-015, ERSOP-016, ERSOP-017, ERSOP-018, ERSOP-019, ERSOP-020, ERSOP-021, OP-3010-100, OP-3100-100, OTF-110, OTF-111, OTF-120, OTF-130, OTF-140, TTU-300, TTU-301, TTU-310, and WP201.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 09/05/2012  
Proposed Penalty: \$63000.00

*Brigitte L. Frank*

*for* **Howard B. Eberts**  
Area Director

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
1240 East 9th Street  
Room 899  
Cleveland, OH 44199  
Phone: 216-615-4266 Fax: 216-615-4234



## INVOICE / DEBT COLLECTION NOTICE

**Company Name:** Heritage-WTI, Inc.  
**Inspection Site:** 1250 Saint George Street, East Liverpool, OH 43920  
**Issuance Date:** 08/06/2012

<b>Summary of Penalties for Inspection Number</b>	<b>189909</b>
<b>Citation 1, Serious</b>	<b>\$63000.00</b>
<b>Citation 2, Willful</b>	<b>\$63000.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$126000.00</b>

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance.

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

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

**Interest:** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

**Delinquent Charges:** A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

**Administrative Costs:** Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.

*Brigitte A. Frank*  
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*HBF* Howard B. Eberts  
Area Director

8/6/12  
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Date