

## U.S. Department of Labor

Occupational Safety and Health Administration  
950 22nd Street North  
Suite 1050  
Birmingham, AL 35203  
Phone: (205)731-1534 FAX: (205)731-0504



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# Citation and Notification of Penalty

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**To:**  
ABC Coke-Division of Drummond Company  
and its successors  
P.O. Box 10246  
Birmingham, AL 35202

**Inspection Number:** 315283838  
**Inspection Date(s):** 03/27/2011-09/12/2011  
**Issuance Date:** 09/22/2011

**Inspection Site:**  
900 Huntsville Avenue  
Tarrant, AL 35217

*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. **The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.**

**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 page 3 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.

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, conditions, or endorsements do not exist.

**Notification of Corrective Action** - For each violation which you do not contest, you are required by 29 CFR 1903.19 to submit an Abatement Certification to the Area Director of the OSHA office issuing the citation and identified above. The certification must be sent by you within 10 calendar days of the abatement date indicated on the citation. For **Willful** and **Repeat** violations, documents (examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as **Serious** and the citations states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

**All abatement verification documents must contain the following information:** 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

The law also requires a copy of all abatement verification documents, required by 29 CFR 1903.19 to be sent to OSHA, also be posted at the location where the violation appeared and the corrective action took place.

**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, but not sooner than 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.



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 09/22/2011. The conference will be held at the OSHA office located at 950 22nd Street North, Suite 1050, Birmingham, AL, 35203 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.

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

Company Name: ABC Coke-Division of Drummond Company  
Inspection #: 315283838

### NOTICE OF CORRECTIVE ACTION

CORRECTIVE ACTION TAKEN FOR EACH STANDARD VIOLATED SHOULD BE SUBMITTED TO THIS OFFICE ON OR BEFORE THE DATE BY WHICH VIOLATION(S) MUST BE ABATED AS INDICATED IN THE "CITATION AND NOTIFICATION OF PENALTY".

THIS INFORMATION MAY BE WRITTEN BELOW, ON THE REVERSE SIDE OR ON ATTACHED PAGES IF NECESSARY.

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<u>CITATION NO.</u>	<u>ITEM NO.</u>	<u>CORRECTIVE ACTION TAKEN</u>	<u>DATE COMPLETED</u>
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I attest that the information contained in this document is accurate.

Signature

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Typed or Printed Name



**Citation and Notification of Penalty**

**Company Name:** ABC Coke-Division of Drummond Company  
**Inspection Site:** 900 Huntsville Avenue, Tarrant, AL 35217

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

Section 5(a)(1) of the Occupational Safety and Health Act of 1970: The employer did not furnish to each of his employees a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to his employees in that employees were exposed to struck-by and crushing hazards:

- (a) On or about 03/27/2011 - Wilputte Oven (1A) area, an employee operating a Caterpillar forklift was not using the seat belt.
- (b) On or about 04/12/2011 - Storeroom loading dock, an employee operating a Clark forklift was not using the seat belt.

Among other methods, one feasible and acceptable method to correct this hazardous condition would be to keep forklift operators from operating powered industrial trucks without using the seat belt. Require forklift drivers to utilize the restraint devices provided on forklifts in accordance with ASME B56.1-1993, Safety Standard for Low Lift and High Lift Trucks, Section 7.39, Operator Restraint Systems.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 4400.00

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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:** ABC Coke-Division of Drummond Company  
**Inspection Site:** 900 Huntsville Avenue, Tarrant, AL 35217

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

29 CFR 1910.22(a)(1): Place(s) of employment were not kept clean and orderly, or in a sanitary condition:

- (a) On or about 04/18/2011 - Door shop equipment and materials were present in the work areas leaving limited space to work.
- (b) On or about 04/18/2011 - The area underneath Wilputte Oven (1A) had trash present.
- (c) On or about 03/27/2011 - Beckers Oven #5 and #6, trash was present throughout the top side of the oven.
- (d) On or about 03/27/2011 - Beckers Oven #5 and #6, trash was present at the foot of the fixed ladder.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 4400.00

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**Citation and Notification of Penalty**

**Company Name:** ABC Coke-Division of Drummond Company  
**Inspection Site:** 900 Huntsville Avenue, Tarrant, AL 35217

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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 resulting from an accident.

**Citation 1 Item 3a** 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:

- (a) On or about 03/27/2011 - The hood area adjacent to Beckers Ovens #5 and #6 was not guarded. Employees exposed to a fall hazard of more than 40 feet to the ground below.

<b>Date By Which Violation Must be Abated:</b>	<b>Corrected During Inspection</b>
<b>Proposed Penalty:</b>	<b>\$ 7000.00</b>

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### Citation and Notification of Penalty

Company Name: ABC Coke-Division of Drummond Company  
Inspection Site: 900 Huntsville Avenue, Tarrant, AL 35217

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

29 CFR 1910.23(e)(1): A standard railing did not consist of a top rail, intermediate rail, and posts, and shall have a vertical height of 42 inches nominal from upper surface of top rail to floor, platform, runway, or ramp level. The intermediate rail shall be approximately halfway between the top rail and the floor, platform, runway, or ramp:

- (a) On or about 03/27/2011 - Beckers #5 and #6 Coke Oven push side, the mid-rail was missing at the platform.
- (b) On or about 03/27/2011 - Beckers #5 and #6 Coke Oven push side, the mid-rail was missing at the end of the platform.
- (c) On or about 03/27/2011 - Beckers #5 and #6 Coke Oven top-side, the hood work platform was not guarded.
- (d) On or about 04/15/2011 - Wilputte Oven (1A) top side at Northeast end, a mid-rail was missing.
- (e) On or about 04/15/2011 - Wilputte Oven (1A) at Wharf area, South end of the battery, a handrail was missing.
- (f) On or about 05/04/2011 - Old Wash Tank, mid-rails were missing.

Date By Which Violation Must be Abated: **Corrected During Inspection**

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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: ABC Coke-Division of Drummond Company  
Inspection Site: 900 Huntsville Avenue, Tarrant, AL 35217

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

29 CFR 1910.23(d)(1)(iii): Flight(s) of stairs with 4 or more risers, less than 44 inches wide and having both sides open were not equipped with one standard stair railing on each side:

- (a) On or about 04/15/2011 - Coke screen area at the West side, the stairs with 13 risers next to the 15B incline belt did not have standard handrails on the inside next to the conveyor belt leading to the catwalk.
- (b) On or about 04/15/2011 - Coke screen area at the East side, the stairs with 13 risers next to the 15B incline belt did not have a standard handrail on the inside next to the conveyor belt leading to the catwalk.
- (c) On or about 04/15/2011 - Coke screen area at the North end, the 6 riser set of stairs leading to the catwalk next to the 1B incline belt did not have a standard handrail on the inside next to the conveyor belt.
- (d) On or about 04/15/2011 - Coke screen area at the North end, the 5 riser set of stairs leading to the catwalk next to the 1B incline belt did not have a standard handrail on the inside next to the conveyor belt.
- (e) On or about 04/13/2011 - Boiler plant, the stairs with 5 risers leading up to the back wall near the pump station did not have standard railings.

Date By Which Violation Must be Abated: **Corrected During Inspection**  
Proposed Penalty: **\$ 4400.00**

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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:** ABC Coke-Division of Drummond Company  
**Inspection Site:** 900 Huntsville Avenue, Tarrant, AL 35217

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

29 CFR 1910.27(d)(1)(i): Cages or wells were not built as shown in figures D-7, D-8 and D-9 of this section or were not of equivalent construction:

- (a) On or about 03/27/2011 - Beckers Oven #5 and #6 at top-side, when landing platform was less than 4 ft, no guarding was provided between the cage and the platform railing.

<b>Date By Which Violation Must be Abated:</b>	<b>Corrected During Inspection</b>
<b>Proposed Penalty:</b>	<b>\$ 5500.00</b>

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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:** ABC Coke-Division of Drummond Company  
**Inspection Site:** 900 Huntsville Avenue, Tarrant, AL 35217

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

29 CFR 1910.37(b)(2): Each exit must be clearly visible and marked by a sign reading "EXIT":

- (a) On or about 03/27/2011 - Bug Plant, the exit door at the North end of the plant was not marked.
- (b) On or about 04/07/2011 - Bug Plant, the exit door at the South end of the plant was not marked.
- (c) On or about 04/27/2011 - Laboratory, the exit door on the East side was not marked.
- (d) On or about 04/19/2011 - Storeroom Annex, the exit door was not marked.
- (e) On or about 03/27/2011 - Main Storeroom, exit doors were not marked.
- (f) On or about 04/27/2011 - Boiler plant, West side exit door was not marked.
- (g) On or about 05/11/2011 - Boiler plant, Pump room south exit door was not mark.
- (h) On or about 04/15/2011 - By-Products area, the exit doors were not marked.
- (i) On or about 04/11/2011 - Electrical Shop, the exit doors were not marked.
- (j) On or about 04/19/2011 - Maintenance Shop, the exit doors were not marked.
- (k) On or about 04/14/2011 - Instrument Shop, the exit doors were not marked.
- (l) On or about 04/07/2011 - Belpress building, the exit doors were not marked.

Date By Which Violation Must be Abated: Corrected During Inspection  
Proposed Penalty: \$ 5500.00

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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:** ABC Coke-Division of Drummond Company  
**Inspection Site:** 900 Huntsville Avenue, Tarrant, AL 35217

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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 resulting from an accident.

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

29 CFR 1910.110(f)(2)(i): Container(s) in storage were not located so as to minimize exposure to excessive temperature rise, physical damage, or tampering by unauthorized persons:

- (a) On or about 04/18/2011 - Wilputte Ovens (1A), 1st level, propane cylinder 1st level was not secured.
- (b) On or about 04/18/2011 - Willputte Ovens (1A), top-side, propane cylinder was not secured.

**Date By Which Violation Must be Abated:** Corrected During Inspection  
**Proposed Penalty:** \$ 4400.00

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

29 CFR 1910.102(a): Employers did not ensure that the in-plant transfer, handling, storage, and use of acetylene in cylinders comply with the provision of CGA Pamphlet G-1-2003 ("Acetylene") (Compressed Gas Association, Inc., 11th ed., 2003):

- (a) On or about 04/18/2011 - Wilputte Ovens (1A), top-side, an acetylene cylinder was not secured.
- (b) On or about 04/13/2011 - Boiler Plant, an acetylene cylinder was not secured.

**Date By Which Violation Must be Abated:** Corrected During Inspection

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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:** ABC Coke-Division of Drummond Company  
**Inspection Site:** 900 Huntsville Avenue, Tarrant, AL 35217

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

29 CFR 1910.106(d)(3)(ii): Storage cabinet(s) for flammable and combustible liquids were not designed or constructed to meet minimal fire resistance as required:

- (a) On or about 04/07/2011 - Bug Plant, the storage cabinet was not approved for storing flammable and combustible materials.

Date By Which Violation Must be Abated: Corrected During Inspection  
Proposed Penalty: \$ 4400.00

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

29 CFR 1910.147(c)(4)(i): Procedures were not developed, documented and utilized for the control of potentially hazardous energy when employees were engaged in the activities covered by this section:

- (a) On or about 03/27/2011 - Beckers Coke Oven #5 & #6 and Wilputte (1A) Coke Oven, Lockout procedures were not developed and utilized to prevent the movement of the Larry car while employees were engaged in coal chute un-jamming activity.

**Abatement Documentation Required**

Date By Which Violation Must be Abated: 10/04/2011  
Proposed Penalty: \$ 7000.00

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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:** ABC Coke-Division of Drummond Company  
**Inspection Site:** 900 Huntsville Avenue, Tarrant, AL 35217

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**Citation 1 Item 10** 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:

- (a) On or about 04/13/2011 - Boiler Plant, the two battery areas, eyewash stations were not provided.
- (b) On or about 04/13/2011 - Boiler Pump room, where NALCO is used, an eyewash station was not provided.

Date By Which Violation Must be Abated: Corrected During Inspection  
Proposed Penalty: \$ 4400.00

**Citation 1 Item 11** Type of Violation: **Serious**

29 CFR 1910.178(m)(3): Unauthorized personnel were permitted to ride on industrial truck(s):

- (a) On or about 04/07/2011 - Bug plant area, an employee was standing on the fender holding onto the mast while riding the Caterpillar forklift Model V160-7229 as it moved forward.

Date By Which Violation Must be Abated: Corrected During Inspection  
Proposed Penalty: \$ 5500.00

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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: ABC Coke-Division of Drummond Company  
Inspection Site: 900 Huntsville Avenue, Tarrant, AL 35217

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**Citation 1 Item 12** Type of Violation:  **Serious**

29 CFR 1910.178(q)(7): Industrial trucks were not examined before being placed in service:

- (a) On or about 04/14/2011 - Container building, the Caterpillar forklift had badly worn wheels and bent rims.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 5500.00

**Citation 1 Item 13** Type of Violation:  **Serious**

29 CFR 1910.212(a)(1): Machine guarding was not provided to protect operator(s) and other employees from hazard(s) created by rotating parts:

- (a) On or about 04/18/2011 - Electrical Shop, the rotating spindle on the Dayton 17 inch drill press was not guarded.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 4400.00

**Citation 1 Item 14** Type of Violation:  **Serious**

29 CFR 1910.213(h)(1): The sides of the lower exposed portion of the blade of radial saw(s) were not guarded to the full diameter of the blade by a device that automatically adjusted itself to the thickness of the stock and remained in contact with the material being cut:

- (a) On or about 04/19/2011 - Maintenance Shop, the Rockwell radial arm saw had a lower blade that was not guarded.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 4400.00

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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:** ABC Coke-Division of Drummond Company  
**Inspection Site:** 900 Huntsville Avenue, Tarrant, AL 35217

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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 resulting from an accident.

**Citation 1 Item 15a** Type of Violation: **Serious**

29 CFR 1910.215(a)(4): Work rest(s) on grinding machinery were not adjusted closely to the wheel with a maximum opening of one-eighth inch:

- (a) On or about 04/14/2011 - Door Shop, the work rest on the Baldor grinder was not adjusted to one-eighth inch.
- (b) On or about 04/14/2011 - Container Building, the work rest on the Baldor grinder, near the West wall, was not adjusted to one-eighth inch.
- (c) On or about 04/14/2011 - Container Building, the work rest on the Baldor grinder on the East wall not adjusted to one-eighth inch.
- (d) On or about 04/18/2011 - Instrument Shop, the work rest on the Dayton grinder was not adjusted to one-eighth inch.
- (e) On or about 04/15/2011 - Electrical Shop, the work rest on the grinder was not adjusted to one-eighth inch.

Date By Which Violation Must be Abated: **Corrected During Inspection**  
Proposed Penalty: **\$ 6600.00**

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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:** ABC Coke-Division of Drummond Company  
**Inspection Site:** 900 Huntsville Avenue, Tarrant, AL 35217

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**Citation 1 Item 15b** Type of Violation: **Serious**

29 CFR 1910.215(b)(9): The adjustable tongue guard on the top side of the grinder was not used and kept to within 1/4 inch of the wheel:

- (a) On or about 04/14/2011 - Door Shop, the tongue guard on the Baldor grinder was not adjusted to one-quarter inch.
- (b) On or about 04/14/2011 - Container Building, the tongue guard on the Baldor grinder near the West wall was not adjusted to one-quarter inch.
- (c) On or about 04/14/2011 - Container Building, the tongue guard on the Baldor grinder near the East wall not adjusted to one-quarter inch.
- (d) On or about 04/15/2011 - Electrical Shop, the tongue guard on the Dayton grinder was not adjusted to one-quarter inch.

**Date By Which Violation Must be Abated:** **Corrected During Inspection**

**Citation 1 Item 15c** Type of Violation: **Serious**

29 CFR 1910.215(d)(3): The contact surface(s) of wheel(s), blotter(s) or flange(s) on grinding machine(s) were not flat and free of foreign matter:

- (a) On or about 04/19/2011 - Maintenance Shop, the wheel on the Baldor grinder was not flat and smooth.
- (b) On or about 04/14/2011 - Door Shop, the wheel on the Baldor grinder was not flat and smooth.
- (c) On or about 04/15/2011 - Electrical Shop, the wheel on the Dayton grinder was not flat and smooth.

**Date By Which Violation Must be Abated:** **Corrected During Inspection**

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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: ABC Coke-Division of Drummond Company  
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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 resulting from an accident.

**Citation 1 Item 16a** Type of Violation: **Serious**

29 CFR 1910.219(d)(1): Pulley(s) with part(s) seven feet or less from the floor or work platform were not guarded in accordance with the requirements specified at 29 CFR 1910.219(m) & (o):

- (a) On or about 04/19/2011 - Maintenance Shop, the pulley on the Marvel 8 band saw was not guarded.

Date By Which Violation Must be Abated: Corrected During Inspection  
Proposed Penalty: \$ 4400.00

**Citation 1 Item 16b** Type of Violation: **Serious**

29 CFR 1910.219(e)(1)(i): Where both runs of horizontal belts are seven (7) feet or less from the floor level, the guard did not extend to at least fifteen (15) inches above the belt or to a standard height:

- (a) On or about 04/19/2011 - Maintenance Shop, the belt on the Marvel 8 band saw was not guarded.

Date By Which Violation Must be Abated: Corrected During Inspection



**Citation and Notification of Penalty**

**Company Name:** ABC Coke-Division of Drummond Company  
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**Citation 1 Item 17** Type of Violation: **Serious**

29 CFR 1910.253(b)(2)(iv): Valve protection caps, where cylinders were designed to accept caps, were not always in place, handtight, except when cylinders were in use or connected for use:

- (a) On or about 04/18/2011 - Wilputte Oven (1A), top-side, the propane cylinder was missing the protective cap.

**Date By Which Violation Must be Abated:** 09/27/2011  
**Proposed Penalty:** \$ 4400.00

**Citation 1 Item 18** Type of Violation: **Serious**

29 CFR 1910.253(b)(4)(iii): Oxygen cylinders in storage were not separated from fuel-gas cylinders or combustible materials (especially oil or grease), a minimum distance of 20 feet (6.1 m) or by a noncombustible barrier at least 5 feet (1.5 m) high having a fire resistance rating of at least one-half hour:

- (a) On or about 04/14/2011 - Door Shop, oxygen cylinders were stored with fuel-gas cylinders, propane and acetylene.
- (b) On or about 04/14/2011 - Container building, oxygen cylinders were stored with fuel-gas cylinders, propane and acetylene.
- (c) On or about 04/18/2011 - Wilputte Oven (1A), top-side, an oxygen cylinder was stored with fuel-gas cylinders, acetylene and propane.

**Date By Which Violation Must be Abated:** Corrected During Inspection  
**Proposed Penalty:** \$ 4400.00

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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:** ABC Coke-Division of Drummond Company  
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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 resulting from an accident.

**Citation 1 Item 19a** Type of Violation: **Serious**

29 CFR 1910.303(g)(1): Sufficient access and working space was not provided and maintained about all electric equipment to permit ready and safe operation and maintenance of such equipment:

- (a) On or about 04/19/2011 - Maintenance Shop, the 110/220 volt breaker panel on the West wall was blocked by equipment.
- (b) On or about 04/19/2011 - Maintenance Shop, the 220 volt breaker panel for the metal saw and water cooler was blocked by a ladder.
- (c) On or about 04/19/2011 - Maintenance Shop, 220 volt breaker panel for the number 2 welder near the East wall was blocked by equipment.
- (d) On or about 04/19/2011 - Maintenance Shop, 220 volt breaker panel for the number 3 welder near the East wall was blocked by equipment.

Date By Which Violation Must be Abated: Corrected During Inspection  
Proposed Penalty: \$ 4400.00

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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:** ABC Coke-Division of Drummond Company  
**Inspection Site:** 900 Huntsville Avenue, Tarrant, AL 35217

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**Citation 1 Item 19b** Type of Violation: **Serious**

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

- (a) On or about 04/19/2011 - Maintenance Shop, the area in front of the 220 volt electrical panel was used to store nuts and bolts.
- (b) On or about 04/12/2011 - Laboratory, the area in front of the 120/220 volt breaker was used to store ladders and other materials.
- (c) On or about 04/12/2011 - Laboratory, the area in front of the 480 volt service panel was used to store a barbecue grill, boxes and other equipment.

**Date By Which Violation Must be Abated:** **Corrected During Inspection**

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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:** ABC Coke-Division of Drummond Company  
**Inspection Site:** 900 Huntsville Avenue, Tarrant, AL 35217

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### Citation 1 Item 20 Type of Violation: **Serious**

29 CFR 1910.305(b)(1)(ii): Unused openings in cabinets, boxes, and fittings shall be effectively closed:

- (a) - On or about 04/07/2011 - Bug shop, the 220 volt electrical panel had unused openings that were not covered.
- (b) On or about 04/07/2011 - Bug shop, in the belt press building, the main breaker (c), #24, had openings that were not covered.
- (c) On or about 04/07/2011 - Bug plant, main electrical room the 480 volt panels for unit 6D North indirect cooler pump SP201A had opening that were not covered.
- (d) On or about 04/07/2011 - Bug plant, main electrical room, the 480 volt panels for the Biomat main feeder and the West Biomat main feeder had openings that were not covered.
- (e) On or about 04/07/2011 - Bug plant, main electrical room, the 480 volt dust suppression pump panel had openings that were not covered.
- (f) On or about 03/27/2011 - Instrument shop, the 480 volt panel for the North reflux pump had openings that were not covered.
- (g) On or about 04/12/2011 - Store room, the knife switch had openings that were not covered.
- (h) On or about 04/12/2011 - Store room, the 110/220 volt panel had openings that were not covered.
- (i) On or about 04/13/2011 - Boiler plant, the start circulation pump at the first cooling tower fan #1 had an electrical panel with openings that were not covered.
- (j) On or about 04/13/2011 - Boiler plant, the #8 boiler maxon outlet box had an opening that was not covered.
- (k) On or about 04/13/2011 - Boiler plant, the 120 volt outlet box had openings that were not covered.
- (l) On or about 04/12/2011 - Laboratory, the knife switch over the desk had openings that were not covered.

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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:** ABC Coke-Division of Drummond Company  
**Inspection Site:** 900 Huntsville Avenue, Tarrant, AL 35217

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- (m) On or about 04/12/2011 - Laboratory, the 440 volt main panel had openings that were not covered.
  - (n) On or about 04/12/2011 - Laboratory, the knife switch had openings that were not covered.
  - (o) On or about 04/14/2011 - Container building, the breaker on the West wall had openings that were not covered.
  - (p) On or about 04/18/2011 - Wilputte Oven (1A), the disconnect for the hot car had an opening that was not covered.
  - (q) On or about 04/14/2011 - Door shop, South end at the East wall, the 110/220 volt power panel had an opening that was not covered.
  - (r) On or about 03/27/2011 - Beckers Oven #5 and #6, top-side at the South end near the West side, the control panel had openings that were not covered.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 5500.00

**Citation 1 Item 21** Type of Violation: **Serious**

29 CFR 1910.305(b)(2)(i): All pull boxes, junction boxes, and fittings were not provided with covers identified for the purpose:

- (a) On or about 04/19/2011 - Maintenance Shop, the breaker box was missing a cover.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 5500.00

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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:** ABC Coke-Division of Drummond Company  
**Inspection Site:** 900 Huntsville Avenue, Tarrant, AL 35217

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**Citation 1 Item 22** Type of Violation: **Serious**

29 CFR 1910.305(g)(2)(iii): Flexible cords were not connected to devices and fittings so that strain relief is provided which will prevent pull from being directly transmitted to joints or terminal screws:

- (a) On or about 04/19/2011 - Maintenance Shop, the metal flexible cord powering the Marvel 8 band saw was not provided strain relief.
- (b) On or about 04/14/2011 - Instrument Shop, the wall outlet did not have strain relief.
- (c) On or about 04/14/2011 - Door Shop, the flexible cord on the wall was not provided with strain relief.

Date By Which Violation Must be Abated: Corrected During Inspection  
Proposed Penalty: \$ 4400.00

**Citation 1 Item 23** Type of Violation: **Serious**

29 CFR 1910.1029(i)(5)(i): The employer did not assure that in the regulated area, food or beverages are not present or consumed, smoking products are not present or used, and cosmetics are not applied, except that these activities may be conducted in the lunchroom, change rooms and showers required under paragraphs (i)(1)-(i)(3) of this section:

- (a) On or about 03/27/2011 - Beckers Oven #5 and #6, the employer did not stop employees from smoking, eating and drinking in a regulated area.

Date By Which Violation Must be Abated: Corrected During Inspection  
Proposed Penalty: \$ 4400.00

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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**

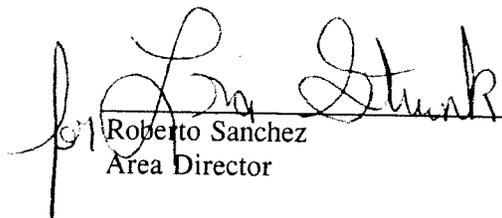
Company Name: ABC Coke-Division of Drummond Company  
Inspection Site: 900 Huntsville Avenue, Tarrant, AL 35217

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

29 CFR 1910.22(d)(1): In every building or structure, or part thereof, used for business, industrial, or storage purposes, the loads approved by the building official were not marked in a conspicuous place in each space to which they relate:

- (a) On or about 03/27/2011 - Store room, the area above the break room was being used for storage and it was not load rated.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 0.00

  
Roberto Sanchez  
Area Director



**U.S. Department of Labor**  
Occupational Safety and Health Administration  
950 22nd Street North, Suite 1050  
Birmingham, Alabama 35203  
Phone: (205) 731-1534 FAX: (205)731-0504

## INVOICE/ DEBT COLLECTION NOTICE

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**Company Name:** ABC Coke-Division of Drummond Company  
**Inspection Site:** 900 Huntsville Avenue, Tarrant, AL 35217  
**Issuance Date:** 09/22/2011

**Summary of Penalties for Inspection Number 315283838**

<b>Citation 1, Serious</b>	= \$	<b>115200.00</b>
<b>Citation 3, Other</b>	= \$	<b>0.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	= \$	<b>115200.00</b>

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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 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.

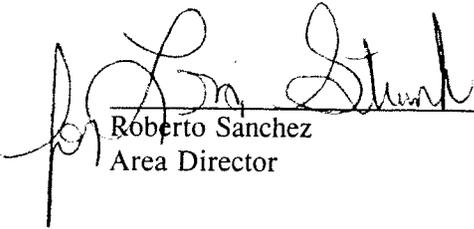
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts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

  
\_\_\_\_\_  
Roberto Sanchez  
Area Director

9/22/11  
\_\_\_\_\_  
Date

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

If the hazards itemized on this citation(s) are not abated/corrected and a follow-up inspection is conducted, your establishment may receive a Failure to Abate Citation for the uncorrected hazards with subsequent additional monetary penalties of up to thirty (30) times the original penalty amount of the uncorrected hazards.

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 Citation(s).

