



Citation and Notification of Penalty

Company Name: City Brewing Company LLC
Inspection Site: 925 S. 3rd Street, La Crosse, WI 54601

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

29 CFR 1910.119(c)(2): The employer did not consult with employees and their representatives on the conduct and development of process hazards analyses and on the development of the other elements of process safety management in this standard:

The employer did not consult with Ammonia Refrigeration Mechanics and Power Plant Operators on the development of the elements of process safety management.

ABATEMENT DOCUMENTATION REQUIRED PER 29 CFR 1903.19(d)

Date By Which Violation Must be Abated:	09/27/2011
Proposed Penalty:	\$ 7000.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



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Company Name: City Brewing Company LLC
Inspection Site: 925 S. 3rd Street, La Crosse, WI 54601

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

29 CFR 1910.119(d)(3)(i)(B): Process safety information pertaining to the equipment in the process did not include the piping and instrument diagrams (P&ID'S):

The P&IDs for the ammonia refrigeration system were not accurate to the as built condition of the system, including but not limited to:

- a) Frick #1 compressor, 1 1/2" LIOC line;
- b) Frick #1 compressor, 1/2" PO line;
- c) Frick #1 compressor, pressure relief valve on shell and tube oil cooler;
- d) Frick #1 compressor, pressure relief valve on receiver;
- e) Frick #1 compressor, check valve on 8" HSS line;
- f) Frick #1 compressor, thermal expansion valve on LIOC;
- g) Frick #1 compressor, solenoid valve on 1 1/2" LIOC;
- h) Frick #1 compressor, globe valve on 1 1/2" LIOC;
- i) Frick #1 compressor, globe valve on 5" HSD;
- j) Frick #1 compressor, check valve on 5" HSD;
- k) Frick #2 compressor, 1 1/2" LIOC line;
- l) Frick #2 compressor, 1/2" PO line;
- m) Frick #2 compressor, pressure relief valve on shell and tube oil cooler;
- n) Frick #2 compressor, pressure relief valve on receiver;
- o) Frick #2 compressor, check valve on 8" HSS line;

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- p) Frick #2 compressor, thermal expansion valve on LIOC;
- q) Frick #2 compressor, solenoid valve on 1 1/2" LIOC;
- r) Frick #2 compressor, globe valve on 1 1/2" LIOC;
- s) Frick #2 compressor, globe valve on 5" HSD;
- t) Frick #2 compressor, check valve on 5" HSD;
- u) Vilter #4 compressor, no oil separator;
- v) Vilter #4 compressor, check valve on 4" HSD;
- w) Vilter #4 compressor, 3 glove valves on oil discharge line;
- x) vilter #4 compressor, 4" HSD line.

ABATEMENT CERTIFICATION REQUIRED PER 29 CFR 1903.19(c)

Date By Which Violation Must be Abated:	09/27/2011
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Company Name: City Brewing Company LLC
Inspection Site: 925 S. 3rd Street, La Crosse, WI 54601

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

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

The employer did not document that the equipment in process complied with recognized and generally accepted good engineering practices.

- a) Nameplates or labels were not affixed to the Vilter compressors.
- b) No provisions were provided for irrigation facilities for eyes near the rooftop condensers.
- c) Compressors and boilers are located in vicinity of each other.

ABATEMENT DOCUMENTATION REQUIRED PER 29 CFR 1903.19(d)

Date By Which Violation Must be Abated:	09/27/2011
Proposed Penalty:	\$ 7000.00



Citation and Notification of Penalty

Company Name: City Brewing Company LLC
Inspection Site: 925 S. 3rd Street, La Crosse, WI 54601

Citation 1 Item 4 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; assure that the recommendations are resolved in a timely manner and that the resolution is documented; document what actions are to be taken; complete actions as soon as possible; develop a written schedule of when these actions are to be completed; communicate the actions to operating, maintenance and other employees whose work assignment are in the process and who may be affected by the recommendations or actions:

The employer did not establish a system to promptly address the process hazard analysis team's findings and recommendations; assure that the recommendations were resolved in a timely manner and that the resolution was documented; document what actions were taken; complete actions as soon as possible; developed a written schedule of when these actions were to be completed; communicated the actions to operating, maintenance and other employees whose work assignment are in the process and who may be affected by the recommendations or actions.

- a) 2006 Process Hazard Analysis Recommendations
- b) 2008 Process Hazard Analysis Recommendations

ABATEMENT DOCUMENTATION REQUIRED PER 29 CFR 1903.19(d)

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

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

29 CFR 1910.119(h)(2)(i): The employer, when selecting a contractor, did not obtain and evaluate information regarding the contract employer's safety performance and programs:

The employer did not obtain and evaluate information regarding Modern Mechanical, LLC, safety performance.

ABATEMENT CERTIFICATION REQUIRED PER 29 CFR 1903.19(c)

Date By Which Violation Must be Abated:	09/27/2011
Proposed Penalty:	\$ 5000.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: City Brewing Company LLC
Inspection Site: 925 S. 3rd Street, La Crosse, WI 54601

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

29 CFR 1910.119(i)(1): The employer did not perform a pre-startup safety review for modified facilities when the modification was significant enough to require a change in the process safety information:

The employer did not perform a pre-startup safety review for modifications to the ammonia refrigeration system facilities that require a change to the process safety information.

- a) Installation of new flooded air handlers in government cellars
- b) Recirculation package and evaporator installed in #74 Cellar .
- c) Installation of Condensers #5 and #6.
- d) Glycol Chiller - Loop A - The replacement of the control group, float sensor replaced, backflow preventer installed, PLC installed, oil pot installed, new pressure relief valve installed.

ABATEMENT DOCUMENTATION REQUIRED PER 29 CFR 1903.19(d)

Date By Which Violation Must be Abated:	09/27/2011
Proposed Penalty:	\$ 7000.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penaltp

Company Name: City Brewing Company LLC
Inspection Site: 925 S. 3rd Street, La Crosse, WI 54601

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

29 CFR 1910.119(j)(2): The employer did not establish and implement written procedures to maintain the on-going mechanical integrity of process equipment:

The employer did not establish written procedures to maintain the on-going mechanical integrity of the ammonia refrigeration system.

- a) Inspection, maintaining and replacing relief devices.
- b) Inspection and testing on the Vilter compressor safety cutout switches.

ABATEMENT DOCUMENTATION REQUIRED PER 29 CFR 1903.19(d)

Date By Which Violation Must be Abated:	09/27/2011
Proposed Penalty:	\$ 7000.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: City Brewing Company LLC
Inspection Site: 925 S. 3rd Street, La Crosse, WI 54601

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

29 CFR 1910.119(j)(4)(i): Inspections and tests were not performed on process equipment to maintain its mechanical integrity:

Inspections and tests were not performed on the ammonia refrigeration process equipment to maintain its mechanical integrity.

- a) Vilter reciprocating compressor, high pressure safety cut outs
- b) Vilter reciprocating compressor, low suction safety cut out
- c) Inspection of external conditions including vent lines for pressure relief devices
- d) Testing of all solenoid valves
- e) Inspection of seals on normally open valves
- f) Inspection and cleaning of filters and strainers
- g) York vertical compressor inspection, per manufacturer's service manual

ABATEMENT DOCUMENTATION REQUIRED PER 29 CFR 1903.19(d)

Date By Which Violation Must be Abated:	09/27/2011
Proposed Penalty:	\$ 7000.00

See pages I through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: City Brewing Company LLC
Inspection Site: 925 S. 3rd Street, La Crosse, WI 54601

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

29 CFR 1910.119(j)(4)(ii): Inspections and testing procedures performed on process equipment to maintain its mechanical integrity, did not follow recognized and generally accepted good engineering practices:

The employer did not follow recognized and generally accepted good engineering practices when they pressure-tested the piping on the glycol chiller control unit piping with anhydrous ammonia gas.

ABATEMENT DOCUMENTATION REQUIRED PER 29 CFR 1903.19(d)

Date By Which Violation Must be Abated:	09/27/2011
Proposed Penalty:	\$ 7000.00

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

29 CFR 1910.119(j)(5): The employer did not correct deficiencies in equipment that were outside acceptable limits (as defined by process information in 29 CFR 1910.119(d) before further use or in a safe and timely manner:

The employer did not correct deficiencies in the ammonia refrigeration equipment that were outside acceptable limits before further use or in a safe and timely manner.

- a) Rusted, pitted and corroded piping were in use in various areas including, but not limited to, Loop A Chiller, Loop B Chiller, Loop C Chiller, oil knock out pots for Vilter compressors, liquid ammonia line to the Keg Room.
- b) Pressure relief valves were not replaced at least every 5 years in various areas, including but not limited to, Beer Cooler 7 oil pot, Loop B Chiller oil pot, Loop C Chiller oil pot, Cooler 6 oil pot.

ABATEMENT DOCUMENTATION REQUIRED PER 29 CFR 1903.19(d)

Date By Which Violation Must be Abated:	09/27/2011
Proposed Penalty:	\$ 7000.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: City Brewing Company LLC
Inspection Site: 925 S. 3rd Street, La Crosse, WI 54601

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

29 CFR 1910.119(l)(1): The employer did not establish and implement written procedures to manage changes to process chemicals, technology, equipment, and procedures; and, changes to facilities that affect a covered process:

The employer did not conduct a management of change to manage changes to the ammonia refrigeration system.

- a) 8A Header removal
- b) Removal of Condenser #11
- c) Removal of two air handling units in Cellar 69
- d) Removal of Condenser #7, #8, #9 and #10
- e) Throughput changes for the system.

ABATEMENT DOCUMENTATION REQUIRED PER 29 CFR 1903.19(d)

Date By Which Violation Must be Abated:	09/27/2011
Proposed Penalty:	\$ 7000.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: City Brewing Company LLC
Inspection Site: 925 S. 3rd Street, La Crosse, WI 54601

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

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

The employer had not conducted a compliance audit on the ammonia refrigeration system.

ABATEMENT DOCUMENTATION REQUIRED PER 29 CFR 1903.19(d)

Date By Which Violation Must be Abated:	09/27/2011
Proposed Penalty:	\$ 7000.00

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

29 CFR 1910.120(q)(1): An emergency response plan was not developed and implemented to handle anticipated emergencies prior to the commencement of emergency response operations.

An emergency response plan was not implemented to handle anticipated emergencies involving the release of anhydrous ammonia.

ABATEMENT DOCUMENTATION REQUIRED PER 29 CFR 1903.19(d)

Date By Which Violation Must be Abated:	09/27/2011
Proposed Penalty:	\$ 7000.00



Citation and Notification of Penalty

Company Name: City Brewing Company LLC
Inspection Site: 925 S. 3rd Street, La Crosse, WI 54601

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

29 CFR 1910.120(q)(6)(iii)(A): Employees who participated or were expected to participate, as hazardous material technicians had not received at least 24 hours of training equal to the first responder operations level and/or had not been certified as having such training and/or in addition did not have competency to know how to implement the employer's emergency response plan:

Employees who were expected to respond in an emergency response as hazardous material technicians had not received training nor could demonstrate competency.

ABATEMENT DOCUMENTATION REQUIRED PER 29 CFR 1903.19(d)

Date By Which Violation Must be Abated:	09/27/2011
Proposed Penalty:	\$ 7000.00

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

29 CFR 1910.120(q)(6)(v): The incident commander did not receive at least 24 hours of training equal to the first responder operations level and in addition have the competency specified in paragraphs (q)(6)(v)(A) through (q)(6)(v)(F):

Employees who were expected to respond in an emergency response as the incident commander had not received training nor could demonstrate competency.

ABATEMENT DOCUMENTATION REQUIRED PER 29 CFR 1903.19(d)

Date By Which Violation Must be Abated:	09/27/2011
Proposed Penalty:	\$ 7000.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: City Brewing Company LLC
Inspection Site: 925 S. 3rd Street, La Crosse, WI 54601

Citation 1 Item 16 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 activities covered by this section:

The employer did not develop machine specific lockout/tagout procedures for the ammonia refrigeration evaporators/cooling units.

ABATEMENT CERTIFICATION REQUIRED PER 29 CFR 1903.19(c)

Date By Which Violation Must be Abated:	09/27/2011
Proposed Penalty:	\$ 5000.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: City Brewing Company LLC
Inspection Site: 925 S. 3rd Street, La Crosse, WI 54601

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

29 CFR 1910.1001(j)(3)(v): At the entrance to mechanical rooms/areas in which employees reasonably can be expected to enter and which contain ACM and/or PACM, the building owner did not post signs which identify the material which is present, its location, and appropriate work practices which, if followed, will ensure that ACM and/or PACM will not be disturbed:

The employer did not post signage at the entrance of mechanical rooms/areas which contain ACM and/or PACM.

- a) Glycol chiller Room/area
- b) Compressor Room/area

ABATEMENT CERTIFICATION REQUIRED PER 29 CFR 1903.19(c)

Date By Which Violation Must be Abated:	09/27/2011
Proposed Penalty:	\$ 0.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: City Brewing Company LLC
Inspection Site: 925 S. 3rd Street, La Crosse, WI 54601

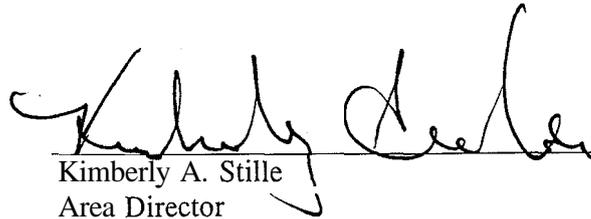
Citation 2 Item 2 Type of Violation: **Other**

29 CFR 1910.119(f)(3): The employer did not certify annually that the operating procedures are current and accurate:

The employer failed to certify on an annual basis that the Ammonia Refrigeration-Operating Procedures are current and accurate.

ABATEMENT CERTIFICATION REQUIRED PER 29 CFR 1903.19(c)

Date By Which Violation Must be Abated:	09/27/2011
Proposed Penalty:	\$ 0.00



Kimberly A. Stille
Area Director

U.S. Department of Labor
OCCUPATIONAL SAFETY & HEALTH ADMIN.
4802 E. BROADWAY
MADISON, WI 53716-4141
Phone: (608)441-5388 FAX: (608)441-5400



INVOICE/ DEBT COLLECTION NOTICE

Company Name: City Brewing Company LLC
Inspection Site: 925 S. 3rd Street, La Crosse, WI 54601
Issuance Date: 09/14/2011

Summary of Penalties for Inspection Number 313137804

Citation 1, Serious	= \$	108000.00
Citation 2, Other	= \$	0.00
TOTAL PROPOSED PENALTIES	= \$	108000.00

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 full amount due, and will cash the check or money order as if these restrictions, or conditions do not exist.

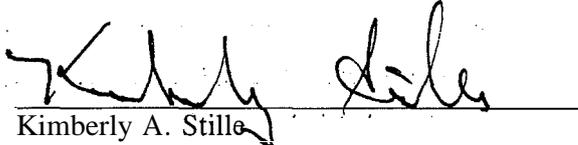
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 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.



Kimberly A. Stille
Area Director

September 14, 2011
Date