

U.S. Department of Labor

Occupational Safety and Health Administration
1600 167th Street, Suite 9
Calumet City, IL 60409
(708) 891 - 3800
(708) 862 - 9659 (FAX)



October 3, 2011

Future Environmental, Inc.
19701 S. 97th Ave.
Mokena, IL 60448

Attention: Stella Tuczak

Dear Ms. Tuczak:

Under a law passed by Congress in 1996, the Small Business Administration (SBA) has established an SBA Ombudsman and SBA Regional Fairness Boards to investigate small business complaints about federal agency enforcement actions.

If you are a small business and believe you have been treated unfairly by the Occupational Safety and Health Administration (OSHA), you may file a written, signed complaint with the SBA Ombudsman at:

SBA Office of the National Ombudsman
409 3rd Street, SW
MC 2120
Washington, D.C. 20416

Or, call Toll Free: 1-888-REGFAIR

NOTE: Filing a complaint with the SBA Ombudsman does not affect any obligation you may have to comply with an OSHA citation or other enforcement action.

Your support of occupational safety and health is appreciated.

Sincerely,

Gary J. Anderson
Area Director



Citation and Notification of Penalty

To:
Future Environmental, Incorporated
and its successors
19701 South 97th Ave.
Mokena, IL 60448

Inspection Number: 315157024
Inspection Date(s): 04/12/2011 -
Issuance Date: 10/03/2011

Inspection Site:
24534 W. Durkee Rd.
Channahon, IL 60410

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.**

Internet Posting - 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. If you have any dispute with the accuracy of the information displayed, please contact this office.

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 4 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. Please contact our office at 708-891-3800 to schedule an informal conference.

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 violations which you do not contest, you must notify the U.S. Department of Labor Area Office promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Citation. Please inform the Area Office in writing of the abatement steps you have taken and of their dates, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc.

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.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 10/03/2011. The conference will be held at the OSHA office located at Calumet City Area Office, 1600 167th Street, Suite 9, Calumet City, IL, 60409 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.



Citation and Notification of Penalty

Company Name: Future Environmental, Incorporated
Inspection Site: 24534 W. Durkee Rd., Channahon, IL 60410

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

29 CFR 1910.132.(d)(1)(i): The employer did not have each employee use, the types of PPE that will protect the effected employee from the hazards identified in the hazard assessment.

a. On or about April 12, 2011, at the above addressed jobsite, employees were required to enter storage tank Number six (6), which is a permit required confined space, to remove residual recycled fuel oil. Employees were exposed to petroleum hydrocarbons and were not provided with adequate impermeable protective clothing.

Date By Which Violation Must be Abated: 10/07/2011
Proposed Penalty: \$ 5940.00

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

29 CFR 1910.134(d)(1)(iii): The employer failed to identify and evaluate the respiratory hazards in the workplace; including a reasonable estimate of employee exposures to respiratory hazards. Without proper identification of hazards and employee exposure, the employer failed to treat the space an unknown atmosphere or IDLH:

a. On or about April 12, 2011, at the above addressed jobsite, employees were required to enter storage tank Number six (6), which is a permit required confined space, to remove residual recycled fuel oil. The employer failed to identify and evaluate employee exposure to potential respiratory hazards including, but not limited to benzene, xylene, toluene, and/or naphthalene. Subsequently, the employer failed to determine adequate respiratory protection based on results, thereby exposing employees to the hazards associated with petroleum hydrocarbons.

Date By Which Violation Must be Abated: 10/07/2011
Proposed Penalty: \$ 6930.00

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: Future Environmental, Incorporated
Inspection Site: 24534 W. Durkee Rd., Channahon, IL 60410

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

29 CFR 1910.134(e)(1): The employer did not provide each employee a medical evaluation to determine their ability to use a respirator before permitting employees to use respirators in the workplace:

a. On or about April 12, 2011, at the above addressed jobsite, the employer required employees to utilize tight fitting air purifying half mask respirators during assigned tank cleaning duties. Employees were not provided with medical evaluations.

Date By Which Violation Must be Abated: 11/17/2011
Proposed Penalty: \$ 4950.00

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

29 CFR 1910.134(g)(1)(i)(A): Respirators with tight-fitting facepieces were worn by employees who had facial hair that came between the sealing surface of the facepiece and the face or that interfered with valve function:

a. On or about April 12, 2011, at the above addressed jobsite, employees required to wear tight fitting air purifying half mask respirators had excessive facial hair. The employer failed to ensure proper use of the respirators when facial hair came between the sealing surface and the facepiece, thereby exposing employees to the hazards associated with petroleum hydrocarbons.

Date By Which Violation Must be Abated: 10/07/2011
Proposed Penalty: \$ 6930.00

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: Future Environmental, Incorporated
Inspection Site: 24534 W. Durkee Rd., Channahon, IL 60410

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

29 CFR 1910.146(d)(3)(iii): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not develop and implement the means, procedures, and practices necessary for safe permit space entry operations, including isolating the permit space:

a. On or about April 12, 2011, at the above addressed jobsite, employees were required to enter storage tank Number six (6), which is a permit required confined space, to remove residual recycled fuel oil. The employer did not isolate the permit space from other operations by disconnecting, blanking, blinding, locking out or other acceptable means, thereby exposing employees to engulfment hazards.

Date By Which Violation Must be Abated:	10/07/2011
Proposed Penalty:	\$ 4950.00

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 6a Type of Violation: **Serious**

29 CFR 1910.146(f)(4): The entry permit that documented compliance and authorized entry to a permit space did not identify the authorized entrants within the permit space by name or by such other means (for example, through the use of rosters or tracking systems) as would enable the attendant to determine quickly and accurately, for the duration of the permit, which authorized entrants were inside the permit space:

a. On or about April 12, 2011, at the above addressed jobsite, employees were required to enter storage tank Number six (6), which is a permit required confined space, to remove residual recycled fuel oil. The employer had completed a confined space entry permit(s) that did not accurately identify the authorized entrant(s) and exposed employees to inaccurate rescue assessments.

Date By Which Violation Must be Abated:	Immediately Upon Receipt
Proposed Penalty:	\$ 4950.00

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: Future Environmental, Incorporated
Inspection Site: 24534 W. Durkee Rd., Channahon, IL 60410

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

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

a. On or about April 12, 2011, at the above addressed jobsite, employees were required to enter storage tank Number six (6), which is a permit required confined space, to remove residual recycled fuel oil. The employer had completed a confined space entry permit(s) that did not accurately reflect the status of the space having been isolated from other operations, thereby exposing entrant and rescue employees to engulfment hazards.

Date By Which Violation Must be Abated: 10/07/2011

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

29 CFR 1910.146(g)(3): The employer did not provide training that established employee proficiency in the duties required by 29 CFR 1910.146, Permit-required confined spaces, and did not introduce new or revised procedures, as necessary, for compliance:

a. On or about April 12, 2011, at the above addressed jobsite, employees were required to enter storage tank Number six (6), which is a permit required confined space, to remove residual recycled fuel oil. The employer failed to ensure that employees were proficient in all required duties and that all employees understood, and had the knowledge and skills to perform safe entry operations, thereby exposing employees to the hazards associated with petroleum hydrocarbons.

Date By Which Violation Must be Abated: 11/17/2011
Proposed Penalty: \$ 6930.00

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: Future Environmental, Incorporated
Inspection Site: 24534 W. Durkee Rd., Channahon, IL 60410

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 8a Type of Violation: **Serious**

29 CFR 1910.146(k)(1)(i): The employer did not ensure that each member of the designated rescue service was available and could provide a timely response necessary for making rescues from permit spaces:

a. On or about April 12, 2011, at the above addressed jobsite, employees were required to enter storage tank Number six (6), which is a permit required confined space, to remove residual recycled fuel oil. The employer designated the rescue service to include the local fire department, who had not been notified or evaluated to determine availability or resources, thereby exposing entrant employees to untimely rescue.

Date By Which Violation Must be Abated: 10/07/2011
Proposed Penalty: \$ 4950.00

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

29 CFR 1910.146(k)(2)(iv): The host employer did not ensure that rescue service employees practiced making permit space rescues, at least once every twelve months, by means of simulated rescue operations:

a. On or about April 12, 2011, at the above addressed jobsite, employees were required to enter storage tank Number six (6), which is a permit required confined space, to remove residual recycled fuel oil. The employer did not ensure that designated rescue team member(s) had practiced making permit space rescue within the prior twelve (12) months, thereby exposing employees to untrained rescue service(s).

Date By Which Violation Must be Abated: 11/17/2011

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: Future Environmental, Incorporated
Inspection Site: 24534 W. Durkee Rd., Channahon, IL 60410

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

29 CFR 1910.146(k)(3): To facilitate non-entry rescue, retrieval systems or methods were not used whenever an authorized entrant enters a permit space:

a. On or about April 12, 2011, at the above addressed jobsite, employees were required to enter storage tank Number six (6), which is a permit required confined space, to remove residual recycled fuel oil. The entrant employees had not worn full body harness(es) with retrieval lines attached to a mechanical device for use in assistance of a non entry rescue, thereby exposing employees to the hazards associated with petroleum hydrocarbons.

Date By Which Violation Must be Abated: 10/07/2011
Proposed Penalty: \$ 6930.00

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: Future Environmental, Incorporated
Inspection Site: 24534 W. Durkee Rd., Channahon, IL 60410

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

29 CFR 1910.146(d)(3)(iv): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not develop and implement the means, procedures, and practices necessary for safe permit space entry operations, including purging, inerting, flushing or ventilating the permit space as necessary to eliminate or control atmospheric hazards:

- a. On or about April 12, 2011, at the above addressed jobsite, employees were required to enter storage tank Number six (6), which is a permit required confined space, to remove residual recycled fuel oil. The employer did not purge or ventilate the space to eliminate or control atmospheric hazards, thereby exposing employees to the hazards associated with petroleum hydrocarbons.

Date By Which Violation Must be Abated: 10/07/2011
Proposed Penalty: \$ 69300.00

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: Future Environmental, Incorporated
Inspection Site: 24534 W. Durkee Rd., Channahon, IL 60410

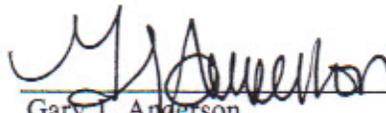
Citation 2 Item 1b Type of Violation: **Willful**

29 CFR 1910.146(d)(5)(i): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), where the employer had established that isolation of the space was infeasible because the space was large or was part of a continuous system, pre-entry testing was not performed to the extent feasible before entry was authorized, and entry conditions were not continuously monitored in the areas where authorized entrants were working:

a. On or about April 12, 2011, at the above addressed jobsite, employees were required to enter storage tank Number six (6), which is a permit required confined space, to remove residual recycled fuel oil. The employer did not perform continuous monitoring of the permit space while authorized entrants worked in the space, thereby exposing employees to the hazards associated with petroleum hydrocarbons.

Date By Which Violation Must be Abated:

10/07/2011



Gary J. Anderson
Area Director

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

U.S. Department of Labor
Occupational Safety and Health Administration
Calumet City Area Office
1600 167th Street, Suite 9
Calumet City, IL 60409
Phone: (708)891-3800 FAX: (708)862-9659



INVOICE/ DEBT COLLECTION NOTICE

Company Name: Future Environmental, Incorporated
Inspection Site: 24534 W. Durkee Rd., Channahon, IL 60410
Issuance Date: 10/03/2011

Summary of Penalties for Inspection Number 315157024

Citation 1, Serious	= \$ 53460.00
Citation 2, Willful	= \$ 69300.00
TOTAL PROPOSED PENALTIES	= \$ 122760.00

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.

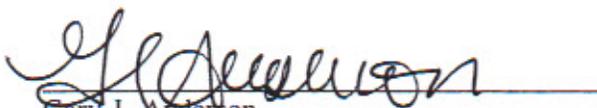
OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

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.


Gary J. Anderson
Area Director

10/3/11
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).

