

Este documento es muy importante. Si ud. No habla inglés,  
busque un traductor o llame al (516) 334-3344.

**U.S. Department of Labor** Occupational Safety and Health Administration  
1400 Old Country Road Suite 208  
Westbury, NY 11590  
Phone: (516) 334-3344 Fax: (516) 334-3326



December 29, 2015

Dear John Divello,

On 07/01/2015, an OSHA compliance officer met with you or your representative as part of an inspection at 560 Commerce Road Cutchogue, NY 11935. This letter includes the citations for the violations that were found (see summary below). Please choose one of the three options from the box to the right and complete the associated steps found on the following page **within 15 working days**. Please call us if you have any questions about the enclosed citation and/or penalties; we are here to help you choose the best option to resolve your citation as quickly as possible.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony Ciuffo".

Anthony Ciuffo, CSP, Area Director

### Your Citation Summary

Peconic Recycling & Transfer Corp.  
Inspection Number: 1074890

**Total Amount Due: \$119000.00**  
**Payment Due Date: 15 working days**  
**after receipt of**  
**this letter**

*You must correct each violation by the date listed in the Citation and Notification of Penalty. Please see the violations and the correction deadline for each violation starting on page 6.*

**Total Number of Violations : 12**  
**Your First Correction Deadline is:**  
**December 30, 2015**

### Step 1 – Choose a Response Option and *Act within 15 working days*

Respond now before you lose the ability to discuss potential adjustments to penalty amounts and/or due dates. Please choose one option below and complete the steps on the next page.

#### Option #1 – Discuss with OSHA

I would like to discuss the citation with an OSHA representative. This may lead to changes in the penalty amount, due date or correction deadlines (if appropriate).

#### Option #2 – Correct and Pay

I agree with the citation, penalties, and correction deadlines, and do not contest.

#### Option #3 – Contest the Citation

I do not agree with the citation, penalties, and/or correction deadlines, and would like to contest.

#### Questions or Concerns?

If you have any questions or concerns regarding the citation, penalties, and/or correction deadlines, please call us at (516) 334-3344.

## Step 2 – Complete One Option Checklist

Please post a copy of the citation at or near the place where each violation occurred, even if you plan to contest. You can use the checklist to the right to help plan your next steps. Please do not send in your checklist.

### Option #1 – Discuss with OSHA

I will complete by:



1. Call: Anthony Ciuffo, CSP, Area Director, at (516) 334-3344 as soon as possible to schedule a meeting with an OSHA representative that must occur **within 15 working days** of receiving this citation. Bring supporting documentation of existing conditions and corrections done thus far. If necessary, you can still contest the citation after this meeting. **\*\*This meeting does NOT extend your 15 working day deadline to contest the citation.\*\***

 \_\_ / \_\_

2. Fill in and post the attached "Notice to Employees OSHA Informal Conference" after scheduling meeting.

 \_\_ / \_\_

### Option #2 – Correct Violations and Pay Penalty

I will complete by:



1. Correct violations, then complete and mail the attached "Certification of Corrective Action Worksheet" along with the appropriate evidence of repair (e.g. photos, purchase orders, etc.) to the OSHA office listed on the first page, **postmarked within 10 calendar days after each violation's correction deadline and include any required evidence. If these documents are transmitted by means other than mailing, the date the Agency received the documents is the date of submission.**

 \_\_ / \_\_

2. Pay the **Total Penalty** by using one of the following methods:  
**\*\*Include your Inspection Number (see first page) on the payment.\*\***

 \_\_ / \_\_

*Pay Online:* Search "OSHA" on [www.pay.gov](http://www.pay.gov) and complete the "OSHA Penalty Payment Form." Pay by debit, credit or Automated Clearing House (ACH) **within 15 working days**. Penalties over \$25,000 must be paid by ACH and require a Transaction ID (Call 202-693-2170 to obtain one).

*Pay by Check:* Mail check or money order payable to "DOL-OSHA" for the Total Penalty to the OSHA office listed on the first page **within 15 working days**.

### Option #3 – Contest the Citation

I will complete by:



Mail a letter of intent to legally contest to the OSHA office listed on the first page, postmarked within **15 working days**.

 \_\_ / \_\_

**U.S. Department of Labor** Occupational Safety and Health Administration  
1400 Old Country Road,  
Suite 208  
Westbury, NY 11590  
Phone: 516-334-3344 Fax: 516-334-3326



12/29/2015

Peconic Recycling & Transfer Corp.  
P.O. Box 1402  
Mattituck, NY 11952

Dear Mr. Divello,

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 their dated 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 such 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 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. You must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so.

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 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.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anthony Ciuffo', with a long horizontal flourish extending to the right.

**Anthony Ciuffo, CSP**  
Area Director

Enclosures

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
1400 Old Country Road  
Suite 208  
Westbury, NY 11590  
Phone: 516-334-3344 Fax: 516-334-3326



---

## Citation and Notification of Penalty

---

**To:**  
Peconic Recycling & Transfer Corp.  
P.O. Box 1402  
Mattituck, NY 11952

**Inspection Number:** 1074890  
**Inspection Date(s):** 07/01/2015 - 07/01/2015  
**Issuance Date:** 12/29/2015

**Inspection Site:**  
560 Commerce Road  
Cutchogue, NY 11935

*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 either call to schedule an informal conference (see paragraph below) or** 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. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type “OSHA” and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

**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.



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 12/29/2015. The conference will be held by telephone or at the OSHA office located at 1400 Old Country Road, Suite 208, Westbury, NY 11590 on \_\_\_\_\_ at \_\_\_\_\_.

Employees and/or representatives of employees have a right to attend an informal conference.

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1074890**

Company Name: Peconic Recycling & Transfer Corp.  
Inspection Site: 560 Commerce Road, Cutchogue, NY 11935  
Issuance Date: 12/29/2015

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, 1400 Old Country Road, Suite 208, Westbury, NY 11590**

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:** Peconic Recycling & Transfer Corp.  
**Inspection Site:** 560 Commerce Road, Cutchogue, NY 11935

---

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

29 CFR 1910.22(c): Covers and/or guardrails were not provided to protect personnel from the hazards of open pits, tanks, vats, ditches, etc.

(a) 560 Commerce Road, Cutchogue, NY (Worksite), Recycling Line B - The 36" W x 36" L and 46" W x 48" L sorting bin openings, located along each side of the conveyor belt on Recycling Line B, were not provided with covers or guardrails when employees climbed onto and walked along the conveyor belt to access the trommel screen, which exposed employees to a 16'-4" fall. OSHA documented seven (7) specific instances that occurred between July 1, 2015 and July 16, 2015. ¥ ¥(b) Worksite, Recycling Line A The 42" W x 60" L sorting bin openings located along each side of the conveyor belt on Recycling Line A were not provided with covers or guardrails when an employee climbed onto the conveyor belt to remove debris, which exposed the employee to a 16'-4" fall on, or about July 16, 2015.

Note: In addition to abatement certification, the employer is required to submit abatement documentation for this violation, in accordance with 29 CFR 1903.19.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	12/30/2015
Proposed Penalty:	\$4900.00

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:** Peconic Recycling & Transfer Corp.  
**Inspection Site:** 560 Commerce Road, Cutchogue, NY 11935

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 2 a Type of Violation: **Serious**

29 CFR 1910.134(c)(1): A written respiratory protection program that included the provisions in 29 CFR 1910.134(c)(1)(i) - (ix) with worksite specific procedures was not established and implemented for required respirator use:

(a) Worksite, Recycling Area - Employees were provided with and required to wear respirators during the processing of municipal solid waste (MSW) and construction and demolition debris (C&D). The employer failed to develop and implement a written respiratory protection program including training, medical evaluation, fit testing, facepiece seal protection, and procedures for cleaning and storing and disinfecting of respirators on, or about July 16, 2015.

Note: The employer is required to submit abatement certification for this violation, in accordance with 29 CFR 1903.19.

Date By Which Violation Must be Abated: 02/11/2016  
Proposed Penalty: \$2100.00

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

**Inspection Number:** 1074890  
**Inspection Date(s):** 07/01/2015 - 07/01/2015  
**Issuance Date:** 12/29/2015



**Citation and Notification of Penalty**

**Company Name:** Peconic Recycling & Transfer Corp.  
**Inspection Site:** 560 Commerce Road, Cutchogue, NY 11935

---

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

29 CFR 1910.134(d)(1)(iii): The employer did not identify and evaluate the respiratory hazard(s) in the workplace; including a reasonable estimate of employee exposures to respiratory hazards and identification of the contaminant's chemical state and physical form:

(a) Worksite, Recycling Area - The employer failed to monitor the respiratory hazards that employees were exposed to during the processing of municipal solid waste (MSW) and construction and demolition debris (C&D) on, or about July 16, 2015.

Note: The employer is required to submit abatement certification for this violation, in accordance with 29 CFR 1903.19.

Date By Which Violation Must be Abated:

02/11/2016

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:** Peconic Recycling & Transfer Corp.  
**Inspection Site:** 560 Commerce Road, Cutchogue, NY 11935

---

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

29 CFR 1910.134(e)(1): The employer did not provide a medical evaluation to determine the employee's ability to use a respirator, before the employee was fit tested or required to use the respirator in the workplace:

(a) Worksite, Recycling Area - Employees who were required to wear respirators during the processing of municipal solid waste (MSW) and construction and demolition debris (C&D) were not provided with a medical evaluation to determine their ability to use respirators on, or about July 16, 2015.

Note: The employer is required to submit abatement certification for this violation, in accordance with 29 CFR 1903.19.

Date By Which Violation Must be Abated:

02/11/2016



**Citation and Notification of Penalty**

**Company Name:** Peconic Recycling & Transfer Corp.  
**Inspection Site:** 560 Commerce Road, Cutchogue, NY 11935

---

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

29 CFR 1910.134(f)(2): Employee(s) using tight-fitting facepiece respirators were not fit tested prior to initial use of the respirator:

(a) Worksite, Recycling Area - Employees who were required to wear respirators during the processing of municipal solid waste (MSW) and construction and demolition debris (C&D) were not fit tested prior to their initial use of respirators on, or about July 16, 2015.

Note: The employer is required to submit abatement certification for this violation, in accordance with 29 CFR 1903.19.

Date By Which Violation Must be Abated:

02/11/2016

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

**Inspection Number:** 1074890  
**Inspection Date(s):** 07/01/2015 - 07/01/2015  
**Issuance Date:** 12/29/2015



**Citation and Notification of Penalty**

**Company Name:** Peconic Recycling & Transfer Corp.  
**Inspection Site:** 560 Commerce Road, Cutchogue, NY 11935

---

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

29 CFR 1910.134(k)(3): Training was not provided prior to requiring employees to use a respirator in the workplace:

(a) Worksite, Recycling Area - Employees who were required to wear respirators during the processing of municipal solid waste (MSW) and construction and demolition debris (C&D) were not provided with respiratory protection training, prior to wearing respirators in the workplace on, or about July 16, 2015.

Note: The employer is required to submit abatement certification for this violation, in accordance with 29 CFR 1903.19.

Date By Which Violation Must be Abated:

02/11/2016

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:** Peconic Recycling & Transfer Corp.  
**Inspection Site:** 560 Commerce Road, Cutchogue, NY 11935

---

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 3 a** Type of Violation: **Serious**

29 CFR 1910.146(c)(1): The employer did not evaluate the workplace to determine if any spaces were permit-required confined spaces:

(a) Worksite, Recycling Area - The employer did not evaluate the workplace to determine if any spaces including, but not limited to the Sherbrooke O.E.M. Ltd. Trommel Screen and the Harris HRB 200 Baler needed to be designated as a permit-required confined space on, or about July 1, 2015.

Note: In addition to abatement certification, the employer is required to submit abatement documentation for this violation, in accordance with 29 CFR 1903.19.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	01/13/2016
Proposed Penalty:	\$7000.00



**Citation and Notification of Penalty**

**Company Name:** Peconic Recycling & Transfer Corp.  
**Inspection Site:** 560 Commerce Road, Cutchogue, NY 11935

---

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

29 CFR 1910.146(c)(2): The employer did not inform exposed employees, by posting danger signs or by any other equally effective means, of the existence and location of and the danger posed by the permit-required confined spaces:

(a) Worksite, Recycling Area - Exposed employees were not informed, through the posting of danger signs or another equally effective method, that permit-required confined spaces existed in the workplace such as, but not limited to the screen area on the inside of the Sherbrooke O.E.M. Ltd. Trommel Screen on, or about July 1, 2015.

Note: In addition to abatement certification, the employer is required to submit abatement documentation for this violation, in accordance with 29 CFR 1903.19.

A sign reading DANGER-PERMIT-REQUIRED CONFINED SPACE, DO NOT ENTER or using other similar language would satisfy the requirement for a sign.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

12/30/2015



**Citation and Notification of Penalty**

**Company Name:** Peconic Recycling & Transfer Corp.  
**Inspection Site:** 560 Commerce Road, Cutchogue, NY 11935

---

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

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

(a) Worksite, Recycling Area - The employer failed to provide training to those employees whose work activities required them to make entry into permit-required confined spaces such as, but not limited to the screen area on the inside of the Sherbrooke O.E.M. Ltd. Trommel Screen on, or about July 1, 2015.

Note: In addition to abatement certification, the employer is required to submit abatement documentation for this violation, in accordance with 29 CFR 1903.19.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: 01/21/2016



**Citation and Notification of Penalty**

**Company Name:** Peconic Recycling & Transfer Corp.  
**Inspection Site:** 560 Commerce Road, Cutchogue, NY 11935

---

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

29 CFR 1910.147(c)(5)(i): Locks, tags, chains, wedges, key blocks, adapter pins, self-locking fasteners, or other hardware were not provided by the employer for isolating, securing, or blocking of machines or equipment from energy sources:

(a) Worksite, Recycling Area - The employer did not provide lockout/tagout devices or other hardware that was capable of isolating, securing, or blocking the hydraulic, mechanical, gravitational, and pneumatic energy sources that existed in the workplace on, or about July 1, 2015.

Note: In addition to abatement certification, the employer is required to submit abatement documentation for this violation, in accordance with 29 CFR 1903.19.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	01/21/2016
Proposed Penalty:	\$7000.00



**Citation and Notification of Penalty**

**Company Name:** Peconic Recycling & Transfer Corp.  
**Inspection Site:** 560 Commerce Road, Cutchogue, NY 11935

---

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

29 CFR 1910.147(c)(5)(ii)(B): Lockout and tagout devices were not standardized within the facility in at least one of the following criteria: color; shape; or size:

(a) Worksite, Recycling Area - The Ace, Brady, and Master brand padlocks used as lockout devices were not standardized by color, shape, or size on, or about July 16, 2015.

Note: In addition to abatement certification, the employer is required to submit abatement documentation for this violation, in accordance with 29 CFR 1903.19.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	01/21/2016
Proposed Penalty:	\$7000.00



**Citation and Notification of Penalty**

**Company Name:** Peconic Recycling & Transfer Corp.  
**Inspection Site:** 560 Commerce Road, Cutchogue, NY 11935

---

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

29 CFR 1910.147(c)(5)(ii)(D): Lockout devices and tagout devices did not indicate the identity of the employee applying the device(s)

(a) Worksite, Recycling Area - The Ace laminated steel padlock used as a lockout device on the disconnect switch of the Main Variable Frequency Device (VFD) electrical enclosure did not indicate the identity of the employee who applied the device on, or about July 1, 2015.

(b) Worksite, Recycling Area - The Master laminated steel padlock used as a lockout device on the disconnect switch of the Right Conveyor Variable Frequency Device (VFD) CE1 electrical enclosure did not indicate the identity of the employee who applied the device on, or about July 16, 2015.

Note: In addition to abatement certification, the employer is required to submit abatement documentation for this violation, in accordance with 29 CFR 1903.19.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	12/30/2015
Proposed Penalty:	\$7000.00



**Citation and Notification of Penalty**

**Company Name:** Peconic Recycling & Transfer Corp.  
**Inspection Site:** 560 Commerce Road, Cutchogue, NY 11935

---

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

29 CFR 1910.147(c)(7)(i): The employer did not provide adequate training to ensure that employees acquired the knowledge and skills required for the safe application, usage and removal of energy control devices:

(a) Worksite, Recycling Area - Employees that performed, were affected by, or worked in areas where energy control procedures were used on equipment such as, but not limited to the Sherbrooke O.E.M. Ltd. Trommel Screen were not trained on, or about July 1, 2015.

Note: In addition to abatement certification, the employer is required to submit abatement documentation for this violation, in accordance with 29 CFR 1903.19.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	01/13/2016
Proposed Penalty:	\$7000.00

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

**Inspection Number:** 1074890  
**Inspection Date(s):** 07/01/2015 - 07/01/2015  
**Issuance Date:** 12/29/2015



**Citation and Notification of Penalty**

**Company Name:** Peconic Recycling & Transfer Corp.  
**Inspection Site:** 560 Commerce Road, Cutchogue, NY 11935

---

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

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

(a) Worksite, Recycling Area - On a regular and routine basis, the Sherbrooke O.E.M. Ltd Trommel Screen was locked and tagged out by an employee who was not part of the crew who entered the inside of the trommel to clean the perforated screens. OSHA documented seven (7) specific instances that occurred between July 1, 2015, and July 16, 2015.

Note: In addition to abatement certification, the employer is required to submit abatement documentation for this violation, in accordance with 29 CFR 1903.19.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	01/13/2016
Proposed Penalty:	\$7000.00

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:** Peconic Recycling & Transfer Corp.  
**Inspection Site:** 560 Commerce Road, Cutchogue, NY 11935

---

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

29 CFR 1910.147(d)(6): Prior to starting work on machines or equipment that had been locked out or tagged out, the authorized employee did not verify that isolation and de-energization of the machine or equipment had been accomplished:

(a) Worksite, Recycling Area - Employees did not verify the isolation and de-energization when lockout or tagout was applied to equipment such as, but not limited to the Sherbrooke O.E.M. Ltd Trommel Screen had been accomplished on, or about July 1, 2015.

Note: In addition to abatement certification, the employer is required to submit abatement documentation for this violation, in accordance with 29 CFR 1903.19.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	12/30/2015
Proposed Penalty:	\$7000.00



**Citation and Notification of Penalty**

**Company Name:** Peconic Recycling & Transfer Corp.  
**Inspection Site:** 560 Commerce Road, Cutchogue, NY 11935

---

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

29 CFR 1910.147(e)(2)(i): Before lockout or tagout devices were removed and energy was restored to the machine or equipment, authorized employees did not ensure that all employees had been safely positioned or removed from the work area:

(a) Worksite, Recycling Area - An employee removed the lockout device that was attached to the Main Variable Frequency Device (VFD) electrical enclosure and restarted Recycling Lines A & B, without ensuring the three employees who were cleaning the perforated screens on the inside of the Sherbrooke O.E.M. Ltd Trommel Screen were in a safe position or removed from their work area on, or about July 1, 2015.

Note: In addition to abatement certification, the employer is required to submit abatement documentation for this violation, in accordance with 29 CFR 1903.19.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	12/30/2015
Proposed Penalty:	\$7000.00



**Citation and Notification of Penalty**

**Company Name:** Peconic Recycling & Transfer Corp.  
**Inspection Site:** 560 Commerce Road, Cutchogue, NY 11935

---

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

29 CFR 1910.147(f)(3)(ii): Group lockout or tagout devices were not used in accordance with procedures required by 29 CFR 1910.147(c)(4) of this section including, but not limited to the specific requirements contained in 1910.147(f)(3)(ii)(A), 1910.147(f)(3)(ii)(B), 1910.147(f)(3)(ii)(C), or 1910.147(f)(3)(ii)(D):

(a) Worksite, Recycling Area - A lock was not applied onto a group lockout device for each exposed employee when two or more employees performed cleaning, maintenance, and servicing of machinery and equipment such as, but not limited to the Sherbrooke O.E.M. Ltd Trommel Screen on, or about July 1, 2015

Note: In addition to abatement certification, the employer is required to submit abatement documentation for this violation, in accordance with 29 CFR 1903.19.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	12/30/2015
Proposed Penalty:	\$7000.00



**Citation and Notification of Penalty**

**Company Name:** Peconic Recycling & Transfer Corp.  
**Inspection Site:** 560 Commerce Road, Cutchogue, NY 11935

---

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

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

29 CFR 1910.147(c)(4)(ii): Procedures did not clearly and specifically outline the scope, purpose, authorization, rules, and techniques to be utilized for the control of hazardous energy, and the means to enforce compliance including, but not limited to, 29 CFR 1910.147(c)(4)(ii)(A), (c)(4)(ii)(B), (c)(4)(ii)(C) and (c)(4)(ii)(D):

(a) Worksite, Recycling Area - The energy control procedure used to perform lockout /tagout on equipment such as, but not limited to the Sherbrooke O.E.M. Ltd. Trommel Screen and the Harris HRB 200 Baler did not identify who was authorized to perform the procedure; did not include the specific procedural steps for shutting down, isolating, and blocking all sources of hazardous energy; did not include the specific procedural steps for the removal and transfer of loackout and tagout devices and the responsibility for them; and did not include specific requirements for testing equipment to determine and verify the effectiveness of the lockout and tagout devices and other energy control measures. When the energy control procedure was used to lockout the Sherbrooke O.E.M. Trommel Screen the mechanical and gravitational sources of hazardous energy were not controlled. OSHA documented seven (7) specific instances that occurred between July 1, 2015 and July 15, 2015.

Note: In addition to abatement certification, the employer is required to submit abatement documentation for this violation, in accordance with 29 CFR 1903.19.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	01/21/2016
Proposed Penalty:	\$49000.00



**Citation and Notification of Penalty**

**Company Name:** Peconic Recycling & Transfer Corp.  
**Inspection Site:** 560 Commerce Road, Cutchogue, NY 11935

---

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

29 CFR 1910.146(c)(4): When the employer decided that its employees would enter permit-required confined spaces, the employer did not develop and implement a written permit-required confined space entry program that complied with 29 CFR 1910.146:

(a) Worksite, Recycling Area - The employer failed to develop and implement written permit-required confined space entry procedures when it decided employees would enter the Sherbrooke O.E.M. Ltd Trommel Screen. OSHA documented seven (7) specific instances that occurred between July 1, 2015 and July 15, 2015.

Note: In addition to abatement certification, the employer is required to submit abatement documentation for this violation, in accordance with 29 CFR 1903.19.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

01/21/2016

A handwritten signature in black ink, appearing to read "A. Ciuffo", is written over a horizontal line.

**Anthony Ciuffo, CSP**  
Area Director

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
1400 Old Country Road  
Suite 208  
Westbury, NY 11590  
Phone: 516-334-3344 Fax: 516-334-3326



## INVOICE / DEBT COLLECTION NOTICE

---

**Company Name:** Peconic Recycling & Transfer Corp.  
**Inspection Site:** 560 Commerce Road, Cutchogue, NY 11935  
**Issuance Date:** 12/29/2015

<b>Summary of Penalties for Inspection Number</b>	<b>1074890</b>
<b>Citation 1, Serious</b>	<b>\$70000.00</b>
<b>Citation 2, Willful</b>	<b>\$49000.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$119000.00</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. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment 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.



Anthony Ciuffo, CSP

Area Director

12/29/15  
Date