

U.S. Department of Labor
Occupational Safety and Health Administration
200 N. High Street
Room 620
Columbus, OH 43215
Phone: 614-469-5582 Fax: 614-469-6791



Citation and Notification of Penalty

To:
Three Rivers Energy, LLC
and its successors
18137 County Road 271
Coshocton, OH 43812

Inspection Number: 1117233
Inspection Date(s): 11/20/2015 - 05/04/2016
Issuance Date: 05/06/2016

Inspection Site:
18137 County Road 271
Coshocton, OH 43812

7015 3430 0000 4889 0440

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

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



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 05/06/2016. The conference will be held by telephone or at the OSHA office located at 200 N. High Street, Room 620, Columbus, OH 43215 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1117233

Company Name: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812
Issuance Date: 05/06/2016

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, 200 N. High Street, Room 620, Columbus, OH 43215**

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

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

Inspection Number: 1117233
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Issuance Date: 05/06/2016



Citation and Notification of Penalty

Company Name: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812

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

29 CFR 1910.119(d)(2)(i): Information concerning the technology of the process shall include at least the following:

29 CFR 1910.119(d)(2)(i)(C): Maximum intended inventory:

a. On or about November 20, 2015, the process safety information pertaining to the technology of the ethanol production process did not include an accurate maximum intended inventory for flammable liquids in the process.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$3500.00

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

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Citation and Notification of Penalty

Company Name: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812

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 1910.119(d)(2)(i): Information concerning the technology of the process shall include at least the following:

29 CFR 1910.119(d)(2)(i)(D): Safe upper and lower limits for such items as temperatures, pressures, flows or compositions:

a. On or about November 20, 2015, the process safety information pertaining to the technology of the ethanol production process did not include the safe upper and lower limits for such items as temperatures, pressures, flows, and levels in equipment.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/10/2016
Proposed Penalty:	\$3500.00

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

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Issuance Date: 05/06/2016



Citation and Notification of Penalty

Company Name: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812

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

29 CFR 1910.119(d)(2)(i): Information concerning the technology of the process shall include at least the following:

29 CFR 1910.119(d)(2)(i)(E): An evaluation of the consequences of deviations, including those affecting the safety and health of employees:

a. As of January 15, 2016, the employer failed to compile the process safety information pertaining to the technology of the ethanol production process, in that the employer did not perform an evaluation of the consequences of deviations, including those affecting the safety and health of employees.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

06/10/2016

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: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812

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

29 CFR 1910.119(d): Process safety information. In accordance with the schedule set forth in paragraph (e)(1) of this section, the employer shall complete a compilation of written process safety information before conducting any process hazard analysis required by the standard. The compilation of written process safety information is to enable the employer and the employees involved in operating the process to identify and understand the hazards posed by those processes involving highly hazardous chemicals. This process safety information shall include information pertaining to the hazards of the highly hazardous chemicals used or produced by the process, information pertaining to the technology of the process, and information pertaining to the equipment in the process:

29 CFR 1910.119(d)(3): Information pertaining to the equipment in the process.

29 CFR 1910.119(d)(3)(i): Information pertaining to the equipment in the process shall include:

29 CFR 1910.119(d)(3)(i)(B): Piping and instrument diagrams (P&ID's):

On or about November 20, 2015, the employer failed to maintain accurate Piping and Instrument diagrams, in that:

- a. P&ID 61081-PI-4501 Evaporation (sheet 1 of 2) was not accurate and not updated to include pump PC 4102 feed into the line for pump PC-4501 feed to the top of the 1st Effect Evaporator. This line includes two valves that were also not updated on the P&ID V-45150 and V-45151.
- b. P&ID 61081-PI-4301 Dehydration was not accurate and not updated to include a valve in line with valve V-43130 and an added flex line for the Regen filter #1. For this same piece of equipment; piping from valve V-43129 was not updated on the P&ID.
- c. P&ID 61081-PI-4301 Dehydration was not accurate and not updated to include a valve in line with valve V-43158 and an added flex line for the Regen filter #2. For this same piece of equipment; piping from valve V-43157 and an additional valve were not updated on the P&ID.

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d. P&ID 61081-PI-4301 Dehydration was not accurate in that valve V-43119 is indicated to be car sealed open on the diagram when this valve is not car sealed open.

e. P&ID 61081-PI-4401 Product Acid Reduction was not accurate and not updated to include a valve in line with valve V-44105 on top of product filter #2.

f. P&ID 61081-PI-4301 Dehydration was not specific in that four time controllers associated with the Mole Sieve bed dehydration control system were not specifically identified. The controllers are only marked as KIC without a tag number/numeric indication. The controllers are individually associated with the Regen valve for Sieve Bed #1, the Regen valve for Sieve Bed #2, the outlet valve for Sieve Bed #1 and the outlet valve for Sieve Bed #2.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

06/10/2016
\$3500.00

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: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812

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

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

29 CFR 1910.119(d): Process safety information. In accordance with the schedule set forth in paragraph (e)(1) of this section, the employer shall complete a compilation of written process safety information before conducting any process hazard analysis required by the standard. The compilation of written process safety information is to enable the employer and the employees involved in operating the process to identify and understand the hazards posed by those processes involving highly hazardous chemicals. This process safety information shall include information pertaining to the hazards of the highly hazardous chemicals used or produced by the process, information pertaining to the technology of the process, and information pertaining to the equipment in the process.

29 CFR 1910.119(d)(3): Information pertaining to the equipment in the process.

29 CFR 1910.119(d)(3)(i): Information pertaining to the equipment in the process shall include:

29 CFR 1910.119(d)(3)(i)(D): Relief system design and design basis:

a. On or about November 20, 2015, the employer had not documented and compiled relief system design information for overpressure protection of ethanol processing equipment, including but not limited to eight relief systems in Dehydration, five systems in Distillation, Rectification and Stripping and six systems in Beer Distillation. The employer had not compiled information regarding relief vent pipe design, safe venting location information, information/documentation regarding backpressure effects/forces associated with venting, the design requirements for structural supporting members for the relief device and any supporting piping (including vent pipe).

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Company Name: Three Rivers Energy, LLC
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b. On or about November 20, 2015, the employer had not documented and compiled relief system design basis information for overpressure protection of ethanol processing equipment, including PSV-42182, PSV-42181, PSV-43182, PSV-43183, PSV-43184 and PSV-45180.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/10/2016
\$4900.00

See pages I 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: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812

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

29 CFR 1910.119(d): Process safety information. In accordance with the schedule set forth in paragraph (e)(1) of this section, the employer shall complete a compilation of written process safety information before conducting any process hazard analysis required by the standard. The compilation of written process safety information is to enable the employer and the employees involved in operating the process to identify and understand the hazards posed by those processes involving highly hazardous chemicals. This process safety information shall include information pertaining to the hazards of the highly hazardous chemicals used or produced by the process, information pertaining to the technology of the process, and information pertaining to the equipment in the process:

29 CFR 1910.119(d)(3): Information pertaining to the equipment in the process:

29 CFR 1910.119(d)(3)(ii): The employer shall document that equipment complies with recognized and generally accepted good engineering practices:

On or about November 20, 2015, the employer did not document compliance with recognized and generally accepted good engineering practices (RAGAGEP) in that:

a. The employer did not document RAGAGEP compliance and had not determined safe venting locations for pressure vessel sources when pressure vessels are the potential source of a relieving event. Pressure vessels with overpressure protection that vents to atmosphere include, but are not limited to the Rectifier column C-4201, Mole Sieve Bed #2 VS-4302, the Beer Column C-4101 and the Reflux Condenser E-4201. The ASME Boiler and Pressure Vessel Code, Section UG-135(f) is an example of RAGAGEP for discharging pressure vessels to safe locations.

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b. The employer did not document RAGAGEP compliance and had not designed, installed, evaluated and maintained the components of safety systems/interlocks used to monitor operating condition parameters and to control identified hazards associated with overheating and overpressure in process equipment in accordance with RAGAGEP. Safety systems/interlocks used to monitor and control hazards include, but are not limited to the Beer Column pressure instruments interlocked to stop flow into the column by controlling the supply pumps for alcohol containing "beer" into the column. The employer does not have calibration and testing of interlock components or monitoring system components in accordance with chemical process industry practice, manufacturer's instructions and has not documented compliance with RAGAGEP for safety systems, such as ANSI/ISA ANSI/ISA-84.00.01-2004 (IEC 61511-1 Mod), Functional Safety: Safety Instrumented Systems for the Process Industry Sector - Parts 1, 2 and 3.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

07/10/2016

U.S. Department of Labor
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Issuance Date: 05/06/2016



Citation and Notification of Penalty

Company Name: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812

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

29 CFR 1910.119(d): Process safety information. In accordance with the schedule set forth in paragraph (e)(1) of this section, the employer shall complete a compilation of written process safety information before conducting any process hazard analysis required by the standard. The compilation of written process safety information is to enable the employer and the employees involved in operating the process to identify and understand the hazards posed by those processes involving highly hazardous chemicals. This process safety information shall include information pertaining to the hazards of the highly hazardous chemicals used or produced by the process, information pertaining to the technology of the process, and information pertaining to the equipment in the process:

29 CFR 1910.119(d)(3): Information pertaining to the equipment in the process:

29 CFR 1910.119(d)(3)(i): Information pertaining to the equipment in the process shall include:

29 CFR 1910.119(d)(3)(i)(E): Ventilation system design:

- a. The employer failed to document the ventilation system design for the main processing building, thereby exposing employees to fire and explosion hazards.
- b. The employer failed to document the ventilation system design for the DD&E building, thereby exposing employees to fire and explosion hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/10/2016
Proposed Penalty:	\$3500.00

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: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812

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

29 CFR 1910.119(d): Process safety information. In accordance with the schedule set forth in paragraph (e)(1) of this section, the employer shall complete a compilation of written process safety information before conducting any process hazard analysis required by the standard. The compilation of written process safety information is to enable the employer and the employees involved in operating the process to identify and understand the hazards posed by those processes involving highly hazardous chemicals. This process safety information shall include information pertaining to the hazards of the highly hazardous chemicals used or produced by the process, information pertaining to the technology of the process, and information pertaining to the equipment in the process:

29 CFR 1910.119(d)(3): Information pertaining to the equipment in the process:

29 CFR 1910.119(d)(3)(i): Information pertaining to the equipment in the process shall include:

29 CFR 1910.119(d)(3)(i)(H): Safety systems (e.g. interlocks, detection or suppression systems):

On or about November 20, 2015, the employer failed to document and compile information pertaining to process equipment related to safety systems, including but not limited to the components and analytical records of action for the following safety integrated system interlocks:

- a. The "beer column" interlocks
- b. The "rectifier column" interlocks
- c. The "reflux condenser" interlocks
- d. The "stripper column reboiler" interlocks
- e. The "reflux vent condenser" interlocks

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/10/2016
\$3500.00

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: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812

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 7 a Type of Violation: **Serious**

29 CFR 1910.119(e)(1): The employer shall perform an initial process hazard analysis (hazard evaluation) on processes covered by this standard. The process hazard analysis shall be appropriate to the complexity of the process and shall identify, evaluate, and control the hazards involved in the process. Employers shall determine and document the priority order for conducting process hazard analyses based on a rationale which includes such considerations as extent of the process hazards, number of potentially affected employees, age of the process, and operating history of the process:

The employer failed to identify and control process hazards where "safeguards" were identified and claimed as controlling identified hazards in the 2007 and 2013 process hazard analysis (PHAs) that did not exist, were ineffective or were non-compliant:

a. For the 2007 PHA, regarding *Node 12 Involving Ethanol Vapors From The Rectifier Column C-4201 Being Condensed In Reflux Condenser E-4201*, the employer claimed safeguard 12.5 mechanical integrity (MI) program and standard operating procedure (SOP) for an identified hazard associated with tube failure in the condenser. The employer does not have a MI program that addresses tube components for tube and shell heat exchangers. Additionally, the employer's SOPs are not compliant for this equipment.

b. For the 2007 PHA, regarding *Node 12 Involving Ethanol Vapors From The Rectifier Column C-4201 Being Condensed In Reflux Condenser E-4201*, the employer claimed safeguard 12.2 SOP and operator training for failed valve closure on the cooling water supply to the condenser. The employers SOPs are not compliant for this equipment and do not address this situation.

c. For the 2007 PHA, regarding *Node 13 Involving Ethanol Vapors Condensing In The Reflux Vent Condenser E-4203*, the employer claimed safeguard 13.17 MI Tube Program to control hazards associated with tube failure in the condenser. The employer does not have a MI program that addresses tube components for tube and shell heat exchangers.

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



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d. For the 2007 PHA, regarding Node 17, involving pumping rectifier bottoms containing ethanol to the Stripper Column C-4202, the employer claimed safeguard 17.2 SOP and operator training and the identical safeguards 17.3 and 17.4 MI program for hazards caused by valve closure and valve failure. The employer does not have a compliant MI program for valves. The employer does not have compliant SOPs for this equipment and the procedures do not address this situation.

e. For the 2007 PHA, regarding the *Node 24.7 Deviation Misdirected Flow Hazard Caused By Tube Failure In A Tube And Shell Heat Exchanger*; the employer claimed safeguard 24.9 MI program when a MI program to address tube failure does not exist. Additionally, the identical node 25.7 and 33.7 deviation misdirected flow also claims the identical administrative control for a MI program to address tube failure.

f. For the 2007 PHA, regarding *Node 26.7 Deviation Misdirected Flow Caused By Valve Failure Open Or Misalignment*; the employer claimed safeguard 26.7 SOP and operator training to control this hazard. The employer does not have compliant SOPs for this equipment and procedures do not address this situation.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/10/2016
Proposed Penalty:	\$4900.00



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Company Name: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812

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

29 CFR 1910.119(e)(2): The employer shall use one or more of the following methodologies that are appropriate to determine and evaluate the hazards of the process being analyzed:

29 CFR 1910.119(e)(2)(iv): Hazard and Operability Study (HAZOP):

For the 2013 PHA revalidation, the employer did not appropriately apply their identified HAZOP PHA methodology to systematically identify hazards in covered processes, identify controls used and evaluate the consequences for failure of those controls, resulting in an inadequate determination and evaluation of hazards in the covered processes, exposing employees to the hazards related to fire and explosions related to flammable liquid and/or vapor release from ethanol processing equipment. Examples of the inappropriate and/or inadequate application of the methodology include, but are not limited to:

- a. The HAZOP methodology was not properly applied in an appropriate or adequate manner, in that systematic nodes were not developed to be analyzed for hazards from one point of process flow to the end of that process node.
- b. The HAZOP methodology was not properly applied in an appropriate or adequate manner, in that, the Guide Word deviation related causes are not linked to specific consequences. Consequences are not linked to specific existing safeguards. Existing safeguards or specific consequences are not linked to specific suggested actions or recommendations. The analysis was not systematically applied to the process by application of the process parameter or condition and guide word deviation to each process point by linking to a specific cause, which is linked to any specific existing safeguards and then linking to any specific suggested actions or recommendations.

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c. The HAZOP methodology was not properly applied to the hazard analysis in that there was a lack of detail, or specificity in identifying specific equipment and locations in the ethanol process in the analysis. The revalidation failed to systematically detail specific equipment and/or location(s) in the process to guide word parameters for deviation(s), to causes and to consequences.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

08/05/2016

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: Three Rivers Energy, LLC
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Citation 1 Item 7 c Type of Violation: **Serious**

29 CFR 1910.119(e)(3): The process hazard analysis shall address:

29 CFR 1910.119(e)(3)(i): The hazards of the process;

a. For the 2007 PHA, *Node 4.1 Deviation Of No Flow Due To Cause E-4103 Plugged* does not address the potential overpressure hazard to the Beer Column Feed Heater and additionally increasing overpressure risk to the Beer Column.

b. For the 2007 PHA, *Node 7.2 Deviation Of More Steam Flow Due To Cause V-41138 Open* does not address the release of ethanol containing product through an open pressure relief device.

c. For the 2007 PHA, *Node 7.7 Deviation Of Misdirected Flow* does not address the hazard of increased potential for release due to flow into either the Clean In Place (CIP) return line or CIP supply line.

d. For the 2007 PHA, *Node 7.14.2 Deviation Of High Concentration Of Ethanol In Stillage Bottoms For The Cause Rectifier Valve Closed* does not address the hazards of Beer Column overpressure and increased risk for ethanol release from process.

e. For the 2007 PHA, the entire *Node 8* does not address the hazards of potential ethanol release associated with the Beer Column and the listed control/instrumentation equipment in the node.

f. For the 2007 PHA, *Node 9.1 Deviation No Flow First Effect Evaporator E-4501 Cause Pump Failure*, *Node 9.21 Deviation Increase in Number of Phases Cause PC-4102 Overheating and Flashing*, and *Node 9.24 Deviation No Level Cause C-4101 Too Hot Consequence Starve Pump Potential Pump Damage* do not address the hazards associated with catastrophic pump failure.

g. For the 2007 PHA, *Node 10.10 Deviation Higher Pressure*, *Node 11.10 Deviation Higher Pressure*, *Node 33.2 More Ethanol Flow*, *Node 33.8 Higher Temperature*, and *Node 33.10 Higher Pressure* do not address the hazards associated with first Effect Evaporator E-4501 overpressure and the increased risk for ethanol release from the process.

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- h. For the 2007 PHA, *Node 11.1 Deviation No Flow* does not address the hazard for over-pressurization of the Rectifier Column C-4201 for the circumstance of no vapor flow out of the column.
- i. For the 2007 PHA, the *Node 12.7 Deviation Misdirected Flow* does not address the hazards of ethanol release through the vent gas scrubber due to valve misalignment or failure of valve V-42184 for the Reflux Vent Condenser Line.
- j. For the 2007 PHA, for the guideword *No Node 14 Cause 14.2.2 Manual Valve V-41123 Closed* does not address the hazard of Beer Column C-4101 overpressure and increased risk for ethanol release from the process for closing this valve and preventing ethanol vapor from exiting the column to flow to the rectifier column.
- k. For the 2007 PHA, the *Node 17.7 Deviation Misdirected Flow* does not address the hazards of ethanol release through valve V-42186 due to valve misalignment or failure.
- l. For the 2007 PHA, the *Node 17.1 Deviation No Flow Cause PC-4301 Consequence 17.1.1.3 Potential Pump Damage* does not address the hazards associated with catastrophic pump failure for the Rectifier Column Pump PC-4201.
- m. The 2007 PHA, Nodes 20 and 21 and the 2013 PHA Mole Sieves Process/Unit section do not completely address overpressure and ethanol vapor release hazards associated with integrated Mole Sieve #1 and Mole Sieve #2 operational and regeneration control system and potential failures associated with the system. Potential issues not addressed by the PHA include, but are not limited to, component failure, logic/programming inconsistencies, communications interface, field wiring, installation of components, power source interruptions/failures, timing issues, system reliability, system design, system/component inspection, component calibration and component testing. The PHA has not addressed system failures that could disrupt the specific opening and closing of valves that control the cycle of heated, pressurized high concentrate ethanol vapor into, through and from process equipment. Mole Sieve control system upsets and/or failure can lead to the over-pressurization of process equipment and/or ethanol vapor release.

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n. For the 2007 PHA, *Node 28.1.2 and Node 28.2.3 For the Identical Cause Pump Failure* does not address hazards associated a catastrophic pump failure of the Product Pump PC-4401.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

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Company Name: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812

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

29 CFR 1910.119(e)(3): The process hazard analysis shall address:

29 CFR 1910.119(e)(3)(iii): Engineering and administrative controls applicable to the hazards and their interrelationships such as appropriate application of detection methodologies to provide early warning of releases. (Acceptable detection methods might include process monitoring and control instrumentation with alarms, and detection hardware such as hydrocarbon sensors):

a. For the 2007 PHA, *Node 4.1 Deviation of No Flow Due To Cause E-4103 Plugged* does not address the existing engineering controls or any potential for additional engineering control additions for the potential overpressure hazard associated with this deviation.

b. For the 2007 PHA, *Node 7.14 Deviation High Concentration of Ethanol in Bottoms Stillage Due To Cause Rectifier Valve Closed* does not address the existing engineering controls for parameter indication, DCS alarms and the overpressure protection for the Beer Column.

c. For the 2007 PHA, *Node 9.1 Deviation No Flow First Effect Evaporator E-4501 Cause Pump Failure, Node 9.21 Deviation Increase in Number of Phases Cause PC-4102 Overheating and Flashing, and Node 9.24 Deviation No Level Cause C-4101 Too Hot Consequence Starve Pump Potential Pump Damage* do not address potential engineering and administrative controls to prevent pump failure and minimize the risk for pumps as an ignition source, such as but not limited to an effective MI program.

d. For the 2007 PHA, Node 9, the identical safeguards 9.15 and 9.17 DCS Alarms and Interlocks lack specificity. These PHA safeguards do not address the actual engineering and administrative controls used to control the identified hazard.

e. For the 2007 PHA, *Node 12 Safeguard 12.1 Instrumentation and DCS Alarms on E-4201* lacks specificity. The PHA safeguard does not address which actual instrument and DCS alarm employees would rely on to the lack of cooling water or the lack of ethanol vapor flow into the Reflux Condenser E-4201.

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f. For the 2007 PHA, Node 14, the identical *Safeguards 14.1 and 14.3 Instrumentation and DCS Alarms on Column, FIC-42159, UIC-42117, the identical Safeguards 14.4 and 14.5 Instrumentation and DCS Alarms on Column, 14.6-14.8, 14.13, and 14.17 Column Instrumentation and DCS Alarms C-4101 and C-4201 and 14.9 Column Instrumentation and Alarms* lack specificity. The PHA safeguard does not address which actual instruments, controls, DCS Beer Column alarms and DCS Rectifier Column alarms are intended to address and control the identified Rectifier Column C-4201 overpressure hazards. In addition, FIC-42159 is a control that is not in existence.

The 2013 PHA lacks specificity for engineering and administrative controls claimed by the PHA to control identified hazards. The following listed existing safeguards in the 2013 PHA revalidation lack specificity:

g. For the Beer Column page, there were three identical controls interlock with control system to prevent column flooding and the control alarm/operator intervention evaporator system listed without specificity to the exact engineering and administrative control claimed.

h. For the Rectifier Column page, there are two identical controls interlock with control system to prevent column flooding and two identical controls interlock with operator alarms listed without specificity to the exact engineering and administrative control claimed.

i. For the Stripper Column page, there are two identical controls interlock with control system to prevent column flooding, the control operator intervention, the control operator alarms and the control interlock with operator alarms listed without specificity to the exact engineering and administrative control claimed.

j. For the Mole Sieves page that addresses the VS-4301 and VS-4302, the mole sieve beds, the control PSVs, alarms, operator intervention and routine inspection, alarms and operator intervention are listed controls lacking specificity to the exact engineering and administrative control claimed.

k. For the Mole Sieves page that addresses the regeneration process equipment, the control secondary containment, alarm, operator intervention, the control system design, fire protection system, PSVs and the control Routine inspections, alarms and operator intervention, secondary containment are listed control lacking specificity to the exact engineering and administrative control claimed.

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1. For the first Effect Evaporator page, there are two identical controls pressure indicator, operator intervention and the control routine inspections, alarms, and operator intervention, secondary containment listed without specificity to the exact engineering and administrative control claimed.

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

29 CFR 1910.119(e)(3): *The process hazard analysis shall address:*

29 CFR 1910.119(e)(3)(iv): Consequences of failure of engineering and administrative controls:

- a. For the 2007 PHA, *Node 4.3 Deviation of Less Flow Due to Cause E-4103 Plugged and PSV-41182 Failed Open* does not address the consequences of failure for existing engineering controls for the potential overpressure hazard associated with this deviation.
- b. For the 2007 PHA, *Nodes 5.2 More Flow Deviation and 5.3 Low Flow Deviation* does not address the consequences of failure for the existing engineering controls associated with the Beer Column level indication interlock, LIC-41107.
- c. For the 2007 PHA, *Node 6.2 Deviation More Flow Due To Cause Loss Of Cooling Water, Node 6.10 Deviation Higher Pressure and Node 6.13 Deviation High Concentration Of Ethanol* do not address the consequences of failure for the existing engineering controls associated with the VG Scrubber line temperature interlock, TIC-41125. Additionally *Node 6.10 Deviation Higher Pressure* does not address the failure of the engineering control PSV-41124.
- d. For the 2007 PHA, *Node 7.2 Deviation More Flow Steam Due to the Causes High Steam Flow and Loss of Cooling Water* does not address the consequences of failure for the existing engineering and administrative controls for the claimed safeguards listed.
- e. For the 2007 PHA, the entire Node 8 fails to address the consequences of failure for the existing engineering and administrative controls for the pressure and temperature monitoring controls comprising this Node.
- f. for the 2007 PHA, the employer does not address the consequences of failure of engineering and administrative controls for Safeguard 9.13 Column Instrumentation and FT-41140, the identical Safeguards 9.15 and 9.17 DCS Alarms and Interlocks and Safeguard 9.18 LL Level LIC-41107 will Shut Down all Three Pumps.

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- g. The employer does not address the consequences of failure of engineering and administrative controls for the 2007 PHA Safeguard 10.1 PT-45106, the identical Safeguards 33.1 and 33.3 TT-45109, PT-45106, C-4301 Instrumentation and Safeguard 33.2 TT-45109, PT-45106, C-4301 Instrumentation, PSV-45180.
- h. The employer does not address the consequences of failure of engineering and administrative controls for the *2007 PHA Consequence 12.1.1 Overpressure Column Safeguard 12.1 Instrumentation and DCS Alarms on E-4201* which are intended to provide overpressure protection for C-4201 the Rectifier Column.
- i. The employer does not address the consequences of failure of engineering and administrative controls for the *2007 PHA Safeguards 13.1 And 13.2 For Temperature Instruments TI-42169, TI-42166 And DCS Temperature Alarms*; and for the *2007 PHA Safeguard 13.5 For TI-42169, TI-42166, TC-42165 And DCS Temperature Alarms*.
- j. The employer does not address the consequences of failure of engineering and administrative controls for the *2007 PHA Consequence 13.2.1.1 Overpressure of E-4201* which has the listed hazard control safeguard 13.5 PSV-42181, the overpressure protection for Reflux Condenser E-4201.
- k. The employer does not address the consequences of failure of engineering and administrative controls for the *2007 PHA Node 19.3 Deviation More Ethanol Flow* which has the listed control Safeguard 19.5 PIC-43102, KIC-43102, PT-43114A which can control flow into the Mole Sieve Bed #1 VS-4301 from the Superheater E-4301.
- l. The employer does not address the consequences of failure of engineering and administrative controls for the *2007 PHA Node 24 Safeguard 24.11 PSV-43183 and Safeguard 24.12 LIC-43145* for the hazard ethanol boiling in E-4304 (Consequence 24.19.1.1.)
- m. The employer does not address the consequences of failure or engineering and administrative controls for the *2007 PHA Node 27 Safeguard 27.7 PIC-44108 DCS Alarm* to control an overheated column.

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n. The employer does not address the consequences of failure of engineering and administrative controls for the Beer Column overpressure protection (PSV-41124 is the listed safeguard.)

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Company Name: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812

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

29 CFR 1910.119(e)(3): The process hazard analysis shall address:

29 CFR 1910.119(e)(3)(v): Facility siting:

a. The employer failed to fully develop and evaluate fully the PHA to address facility siting hazards, in that the protection of personnel in occupied buildings and work areas in the facility was not addressed and that the layout of buildings, the spacing between buildings in the facility and the proximity of high risk/high energy operations to other high risk/high energy operations were not addressed by the August 2013 PHA.

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

29 CFR 1910.119(e)(3): The process hazard analysis shall address:

29 CFR 1910.119(e)(3)(vi): Human factors:

For the 2007 initial PHA and the 2013 PHA revalidation, the employer failed to address all human factors in the analysis. In that:

- a. The employer did not adequately address valve misalignment and the human factors in responding to valve misalignment, valve failures and/or other valve issues, where valve information is not included or completely available in the digital control system/operator monitoring system, such as the amount of time taken to troubleshoot, identify the specific condition and then control hazardous system conditions or parameters during these situations.
- b. The employer did not address the human factor for employee exposure to hazardous conditions when troubleshooting, or responding to emergency situations involving open drain valves or securing manual isolation valves, such as the lack of any area monitoring for ethanol vapor in the facility or ensuring drain plugs in drain and sample valves.
- c. The employer did not address the human factors associated with loss of power and/or loss of process utilities.
- d. The employer did not address the human factors associated with incomplete standard operating procedures, to include evaluation of the amount of time necessary to respond to alarms and other control system indications before hazardous system conditions can occur.

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Company Name: Three Rivers Energy, LLC
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Citation 1 Item 7 h Type of Violation: **Serious**

29 CFR 1910.119(e)(3)(vii): A qualitative evaluation of a range of the possible safety and health effects of failure of controls on employees in the workplace:

For the 2007 initial PHA and the 2013 PHA revalidation, the employer did not perform a complete evaluation of the range of safety and health effects of failure of controls in the workplace, in that:

a. Fire was not considered when addressing ethanol vapor release(s) in the PHAs, including but not limited to the 2007 PHA Node 7, cause 7.2.2 "loss of cooling water" with the listed consequence of "environmental discharge"; the 2207 PHA Node 7, cause 7.14.1 "Lack of Boil Up" with consequence 7.14.1.2 "Potential for environmental discharge"; the 2013 revalidation "Beer Column" page consequence "PSV-41124 activates low/proof flammability"; and the 2013 PHA revalidation "First Effect Evaporators" page guide word "Internal Leak/Rupture" consequence "high proof alcohol leak into whole stillage, to process condensate - not safety related".

b. Vapor cloud ignition was not considered when addressing ethanol vapor release(s) in the PHAs, including but not limited to the 2007 Node 7, consequence 7.2.1.2 "More Vapor Flow to E-4102 and Scrubber".

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Company Name: Three Rivers Energy, LLC
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Citation 1 Item 8 Type of Violation: **Serious**

29 CFR 1910.119(e)(5): Process hazard analysis. The employer shall 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 assignments are in the process and who may be affected by the recommendations or actions:

- a. For the 2007 PHA, the employer failed to resolve the recommendation *R-15 Evaluate Installing Check Valves on Discharge of Pumps PC-4101A and PC-4101B.*
- b. For the 2007 PHA, the employer failed to resolve the recommendation *R-26 Evaluate Putting Check Valves on MI List* related to over-pressurizing the Vent Gas System (C-4202 Vent Gas Scrubber and associated piping systems).
- c. For the 2007 PHA, the employer failed to resolve the recommendation *R-6 Ensure All PSV are included in the MI Program and Tested Routinely.* Although some pressure testing was performed in August 2013, said testing was not compliant with RGAGEP.
- d. For the 2007 PHA, the employer failed to resolve the recommendations *R-33 Overloading of the Vent Gas Scrubber Via The Regeneration Process* and *R-39 Interlocking The Mole Sieve Bed Inlet Valves, Regen/Equalization Valves and Mole Sieve Bed Outlet Valves To Prevent Ethanol Vapor Release Through the Vent Gas Scrubber.* The employer claimed resolution that is production based stating the control system is setup for appropriate Mole Sieve Bed operations and did not address any potential upset conditions.
- e. For the 2007 PHA, the employer failed to resolve recommendation *R-41 Establishing Sops for the Loss of Process Water Flow.*



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f. For the 2007 PHA, the employer failed to resolve recommendation R-43, R-45 and R-46 *Increased Vapor to the Vent Gas Scrubber Column and Potential Ethanol Release*. The employer's response evaluates normal operations and compliance with a regulatory air discharge permit, rather than controlling the hazard of an upset condition involving more ethanol vapor flow (R-43), Too Hot of Feed or high concentration of VOC ethanol (R-46).

g. For the 2013 PHA, the employer failed to resolve recommendation(s) for evaluating safe venting discharge of overpressure protection relief systems to a safe location for PSV-42101 (relief valve for the overpressure protection system for the Rectifier Column C-4201); PSV-42143 (relief valve for the overpressure protection system for the Stripper Column C-4202); a non-specific valve or valves related to PSV activation involving one or any of five vessels in Dehydration (E-4301, VS-4301, VS-4302, E-4304 and E-4305); PSV-43103 (relief valve for the overpressure protection system for the Regeneration Receiver Column VS-4303); PSV-43182 (relief valve for the overpressure protection system for the Regeneration condenser E-4303 and the Mole Sieve Bed equalization line); PSV-44114 (relief valve for the overpressure protection system for the Acid Reduction Column C-4401) and PSV-45180 (relief valve for the overpressure protection system for the 1st Effect Evaporator E-4501). The employer does not have this documentation in compiled Process Safety Information (PSI) and has not resolved these recommendations.

h. For the 2013 PHA, the employer failed to resolve a recommendation for adding an expansion joint to the piping near or at the inlet to the beer column, C-4101 to address thermal expansion and beer column sway.

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i. For the 2013 PHA, the employer failed to resolve a recommendation regarding PM for gaskets during the section addressing the Regen Vacuum Condenser E-4303, Mole Sieve Bed #1 VS-4301, Mole Sieve Bed #2 VS-4302, PC-4303 Regen Pump, Regen Preheater E-4304 and the DD&E Condensate Preheater E-4305. The employer does not have a compliant MI program for gaskets and seals of process piping and connections to other process equipment associated with gasket and seal use.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/10/2016
Proposed Penalty:	\$4900.00

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Company Name: Three Rivers Energy, LLC
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Citation 1 Item 9 Type of Violation: **Serious**

29 CFR 1910.119(f)(1)(i)(B): The employer shall develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information and shall address at least the following elements. Normal operations:

- a. The employer failed to include safe operating limits such as temperature, pressure, and flow in the normal operations procedures for the distillation, thereby exposing employees to fire and explosion hazards.
- b. The employer failed to include safe operating limits such as temperature, pressure, and flow in the normal operations procedures for the acid reduction and dehydration system, thereby exposing employees to fire and explosion hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/10/2016
Proposed Penalty:	\$3500.00

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

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Company Name: Three Rivers Energy, LLC
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Citation 1 Item 10 Type of Violation: **Serious**

29 CFR 1910.119(f)(1)(i)(D): Emergency shutdown including the conditions under which emergency shutdown is required, and the assignment of shutdown responsibility to qualified operators to ensure that emergency shutdown is executed in a safe and timely manner:

a. The employer failed to identify what conditions would constitute the initiation of emergency shutdown or the responsibilities of operators to ensure safe shutdown.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

06/10/2016
\$3500.00

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

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Citation and Notification of Penalty

Company Name: Three Rivers Energy, LLC
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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 or illness.

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

29 CFR 1910.119(f)(1)(ii)(A): Operating limits: Consequences of deviation:

a. The employer failed to address consequences of deviation in the operating procedures, thereby exposing employees to an explosion hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/10/2016
Proposed Penalty:	\$4900.00

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Company Name: Three Rivers Energy, LLC
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Citation 1 Item 11 b Type of Violation: **Serious**

29 CFR 1910.119(f)(1)(ii)(B): Operating limits: Steps required to correct or avoid deviation:

a. The employer failed to develop and include steps for correcting deviations as part of the operating procedures, thereby exposing employees to fire and explosion hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

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Company Name: Three Rivers Energy, LLC
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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 or illness.

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

29 CFR 1910.119(f)(1): The employer shall develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information and shall address at least the following elements:

29 CFR 1910.119(f)(1)(iii)(A): Operating Limits: Properties of, and hazards presented by, the chemicals used in the process;

a. The employer failed to include the properties and hazards presented by the chemicals in the process, thereby exposing employees to fire and explosion hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/10/2016
Proposed Penalty:	\$3500.00

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

29 CFR 1910.119(f)(1): The employer shall develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information and shall address at least the following elements:

29 CFR 1910.119(f)(1)(iii)(C): Safety and health considerations: Control measures to be taken if physical contact or airborne exposure occurs;

a. The employer failed to include measure to be taken if physical contact or airborne exposure occurs, thereby exposing employees to atmospheric hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

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

29 CFR 1910.119(f)(1): The employer shall develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information and shall address at least the following elements:

29 CFR 1910.119(f)(1)(iv): Safety systems and their functions:

a. The employer failed to include safety systems and their functions in the operating procedures, thereby exposing employees to fire and explosion hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

06/10/2016
\$3500.00

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Company Name: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812

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

29 CFR 1910.119(f)(3): The operating procedures shall be reviewed as often as necessary to assure that they reflect current operating practice, including changes that result from changes in process chemicals, technology, and equipment, and changes to facilities. The employer shall certify annually that these operating procedures are current and accurate:

- a. The employer failed to perform annual review of operating procedures, thereby exposing employees to fire/explosion hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/10/2016
Proposed Penalty:	\$3500.00

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

Inspection Number: 1117233
Inspection Date(s): 11/20/2015 - 05/04/2016
Issuance Date: 05/06/2016



Citation and Notification of Penalty

Company Name: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812

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

29 CFR 1910.119(f)(4): The employer shall develop and implement safe work practices to provide for the control of hazards during operations such as lockout/tagout; confined space entry; opening process equipment or piping; and control over entrance into a facility by maintenance, contractor, laboratory, or other support personnel. These safe work practices shall apply to employees and contractor employees:

- a. The employer failed to develop safe work practices for control of entrance into the covered process areas by maintenance, contractor, laboratory, or other support personnel, thereby exposing employees to fire or explosion hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/10/2016
Proposed Penalty:	\$3500.00

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

Inspection Number: 1117233
Inspection Date(s): 11/20/2015 - 05/04/2016
Issuance Date: 05/06/2016



Citation and Notification of Penalty

Company Name: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812

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

29 CFR 1910.119(g)(1)(i): Each employee presently involved in operating a process, and each employee before being involved in operating a newly assigned process, shall be trained in an overview of the process and in the operating procedures as specified in paragraph (f) of this section. The training shall include emphasis on the specific safety and health hazards, emergency operations including shutdown, and safe work practices applicable to the employee's job tasks:

- a. The employer failed to train employees on the operating procedures, and safe work practices applicable to the employee's jobs, thereby exposing employees to fire and explosion hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

06/10/2016
\$3500.00

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: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812

Citation 1 Item 17 Type of Violation: **Serious**

29 CFR 1910.119(j)(2): Written procedures. The employer shall establish and implement written procedures to maintain the on-going integrity of process equipment:

- a. As of November 20, 2015, the employer did not establish and implement specific written mechanical integrity procedures for inspecting, testing, and maintaining the ongoing integrity of pressure vessels, including but not limited to the following: inspection and testing criteria, inspection criteria for corrosion under insulation, thickness measurement strategy, quality assurance criteria for inspecting and examining welds, welders performance qualifications, and criteria for resolving anomalous inspection data related to thickness growth.
- b. As of November 20, 2015, the employer did not establish and implement specific written mechanical integrity procedures for inspecting, testing, and maintaining the ongoing integrity of piping systems and valves, including but not limited to the following: inspection and testing criteria, inspection and testing schedule, inspection criteria for corrosion under insulation, thickness measurement strategy, quality assurance criteria for inspecting and examining welds, welders performance qualifications, and criteria for resolving anomalous inspection data related to thickness growth.
- c. As of November 20, 2015, the employer did not establish and implement specific written mechanical integrity procedures for inspecting, testing, and maintaining the ongoing integrity of all relief system components, vent systems and devices, including but not limited to the following: inspection and testing of over-pressure protection systems components (pressure relief valves, rupture disks, piping associated with relief devices and structural support members) for covered process pressure vessels to include the types of tests to perform on existing equipment, criteria for replacement and repair, inspection and testing schedule, and the appropriate designated methodologies for the inspection/test.
- d. As of November 20, 2015, the employer did not establish and implement specific written mechanical integrity procedures for inspecting, testing, and maintaining the ongoing integrity of emergency shutdown systems.

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: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812

e. As of November 20, 2015, the employer did not establish and implement specific written MI procedures for inspecting, testing, and maintaining the ongoing integrity of controls including, but not limited to, the following: inspection and testing schedule and calibration, inspection, and maintenance of monitoring devices and sensors, alarms, and interlocks.

f. As of November 20, 2015, the employer did not establish and implement specific written MI procedures for inspecting, testing, and maintaining the ongoing integrity of pumps including, but not limited to, the following: inspection and testing schedule, inspection and rebuild/replacement of pumps, and vibration analysis.

g. As of January 15, 2016, the employer's written *Regen Filter Change F-4301* procedure was not accurate in that the second drain valve on the bottom of the filter canister was not identified or addressed; there were no procedures for inspecting, cleaning, or lubricating the gasket; and there were no procedures for filling the filter canister with product after the filter change.

h. As of February 2, 2016, the employer's written *Regen Filter F 4302* procedure was not accurate, in that sequence numbers 9 and 10 were reversed, the second drain valve on the bottom of the filter canister was not identified or addressed, there were no procedures for inspecting, cleaning, or lubricating the gasket; and there were no procedures for filling the filter canister with product after the filter change.

i. As of January 15, 2016, the employer's written *Final Product Filter Change F-4401* procedure was not accurate, in that sequence numbers 9 and 10 were reversed; there were no procedures for inspecting, cleaning, or lubricating the gasket; and there were no procedures for filling the filter canister with product after the filter change.

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

Inspection Number: 1117233
Inspection Date(s): 11/20/2015 - 05/04/2016
Issuance Date: 05/06/2016



Citation and Notification of Penalty

Company Name: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812

j. As of January 15, 2016, the employer's written *Final Product Filter Change F-4402* procedure was not accurate, in that sequence numbers 9 and 10 were reversed; there were no procedures for inspecting, cleaning, or lubricating the gasket; and there were no procedures for filling the filter canister with product after the filter change.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/10/2016
Proposed Penalty:	\$3500.00

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

Inspection Number: 1117233
Inspection Date(s): 11/20/2015 - 05/04/2016
Issuance Date: 05/06/2016



Citation and Notification of Penalty

Company Name: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812

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

29 CFR 1910.119(j)(4)(i): Inspections and tests shall be performed on process equipment:

a. As of November 20, 2015, the employer did not ensure that inspections and tests were being performed on piping systems and piping components such as valves in the ethanol production process, including establishing the piping service classes for the process piping systems and the base-line thickness measurements to be used as initial thickness readings for corrosion rate calculations.

b. As of November 20, 2015, the employer did not ensure that vibration analysis was being performed on centrifugal process pumps including, but not limited to, the following: Beer Column Reboiler Pumps, PC-4101A and PC-4101B; Beer Column Pump, PC-4102; Rectifier Column Pump, PC-4201-A and PC-4201B; Stripper Column Pump, PC--4202; Rectifier Reflux Pump, PC-4203; Regeneration Pump, PC-4303; and Product Pump, PC-4401.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/10/2016
Proposed Penalty:	\$3500.00

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: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812

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

29 CFR 1910.119(j)(4)(ii): Mechanical Integrity. Inspection and testing. Inspection and testing procedures shall follow recognized and generally accepted good engineering practices:

On or about November 20, 2015, for inspections performed on covered process equipment, inspections and tests were not performed to follow and comply with recognized and generally accepted good engineering practices (RAGAGEP); in that:

- a. For inspections of overpressure protection systems that protect pressure vessels, August 2013 inspections were not RAGAGEP compliant and did not include condition assessment of upstream and downstream piping, did not include documentation of the testing method and techniques utilized and did not include evaluation for the discharge piping structural support.
- b. For internal inspections of shell and tube heat exchangers, August 2013 inspections were not RAGAGEP compliant and did not include evaluation of corrosion effects for tubes and were not performed based on an inspection plan documented by the employer.

ABATEMENT NOTE: For inspections of overpressure protection systems, the employer can abate this citation item by complying with *Section 6.3 Visual On-stream Inspection, Section 7.2 The Need to Keep Records* and *Section 7.3 Responsibilities from the American Petroleum Institute, Recommended Practice 576* (third edition November 2009). For internal inspections of shell and tube heat exchangers, the employer can abate this citation item by complying with the development of an inspection plan in accordance with the elements of *Section 5.1 Inspection Plans* and *Section 5.5.2 Internal Inspections from the American Petroleum Institute 510 Pressure Vessel Inspection Code: In-Service Inspection, Rating, Repair, and Alteration* (ninth edition June 2006). Section 5.5.2

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 07/10/2016
Proposed Penalty: \$3500.00

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

Inspection Number: 1117233
Inspection Date(s): 11/20/2015 - 05/04/2016
Issuance Date: 05/06/2016



Citation and Notification of Penalty

Company Name: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812

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

29 CFR 1910.119(j)(5): Equipment deficiencies. The employer shall correct deficiencies in equipment that are outside acceptable limits (defined by the process safety information in paragraph (d) of this section) before further use or in a safe and timely manner when necessary means are taken to assure safe operation:

a. As of February 4, 2016, the employer did not correct deficiencies with the Rectifier Column, C-4201 in a safe and timely manner as identified during the baseline inspection conducted on or about April 14, 2014, including the following: insulation and jacketing missing on the shell.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

06/10/2016
\$3500.00



Citation and Notification of Penalty

Company Name: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812

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

29 CFR 1910.119(l)(1): The employer shall establish and implement written procedures to manage changes (except for "replacements in kind") to process chemicals, technology, equipment, and procedures; and, changes to facilities that affect a covered process:

- a. As of February 24, 2016, a management of change, covering the second 3/4 inch drain valve and flexible hose that was added to the bottom of the Regen Filter #1, F-4301 approximately four to five months ago, was not written and implemented to ensure that the changes to the facility did not affect the covered process.
- b. As of February 24, 2016, a management of change, covering the second 3/4 inch drain valve and flexible hose that was added to the bottom of the Regen Filter #2, F-4302 approximately four to five months ago, was not written and implemented to ensure that the changes to the facility did not affect the covered process.
- c. As of February 24, 2016, a management of change, covering the second 1/2 inch valve and additional 1/2 inch discharge piping that was added to valve V-43129 on top of the Regen Filter #1, F-4301 approximately two years ago, was not written and implemented to ensure that the changes to the facility did not affect the covered process.
- d. As of February 24, 2016, a management of change, covering the second 1/2 inch valve and additional 1/2 inch discharge piping that was added to valve V-43157 on top of the Regen Filter #2, F-4302 approximately two years ago, was not written and implemented to ensure that the changes to the facility did not affect the covered process.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 06/10/2016
Proposed Penalty: \$3500.00

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

Inspection Number: 1117233
Inspection Date(s): 11/20/2015 - 05/04/2016
Issuance Date: 05/06/2016



Citation and Notification of Penalty

Company Name: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812

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

29 CFR 1910.119(m)(3): An incident investigation team shall be established and consist of at least one person knowledgeable in the process involved, including a contract employee if the incident involved work of the contractor, and other persons with appropriate knowledge and experience to thoroughly investigate and analyze the incident:

a. As of November 20, 2015, the incident investigation report for the incident, which occurred on or about December 2, 2014, involving a vapor line from the beer column to the rectifier column that was not locked in the closed position and allowed ethanol vapor to enter the beer column during entry, was investigated by only one person in lieu of establishing an incident investigation team.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

06/10/2016
\$3500.00

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

Inspection Number: 1117233
Inspection Date(s): 11/20/2015 - 05/04/2016
Issuance Date: 05/06/2016



Citation and Notification of Penalty

Company Name: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812

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 23 a Type of Violation: **Serious**

29 CFR 1910.119(m)(4): A report shall be prepared at the conclusion of the investigation which includes at a minimum:

29 CFR 1910.119(m)(4)(ii): Date investigation began:

a. On or about January 28, 2016, the incident investigation report for the incident, which occurred on or about December 16, 2015, and involved pump, PC-6101, that did not shutdown after suction valve, YV-61115, failed closed, did not include the date the investigation began.

b. On or about November 20, 2015, the incident investigation report for the incident, which occurred on or about August 12, 2014, and involved a regeneration fluid (ethanol/water mixture) release in the DD&E building, did not include the date the investigation began.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/10/2016
Proposed Penalty:	\$3500.00

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

Inspection Number: 1117233
Inspection Date(s): 11/20/2015 - 05/04/2016
Issuance Date: 05/06/2016



Citation and Notification of Penalty

Company Name: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812

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

29 CFR 1910.119(m)(4): A report shall be prepared at the conclusion of the investigation which includes at a minimum:

29 CFR 1910.119(m)(4)(iv): The factors that contributed to the incident:

a. On or about November 20, 2015, the incident investigation report for the incident, which occurred on or about August 12, 2014, and involved a regeneration fluid (ethanol/water mixture) release in the DD&E building, did not include all of the contributing factors, including the lack of standardized procedures for changing the regen filters, F-4301 and F-4302 and the lack of operator training.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

06/10/2016



Citation and Notification of Penalty

Company Name: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812

Citation 1 Item 24 Type of Violation: **Serious**

29 CFR 1910.119(m)(5): The employer shall establish a system to promptly address and resolve the incident report findings and recommendations. Resolutions and corrective actions shall be documented:

- a. As of January 28, 2016, the employer had not established a system to promptly address and resolve the incident report findings and recommendations, and document the resolutions and corrective actions for the incident which occurred on or about December 16, 2015, involving pump, PC-6101, that did not shutdown, after suction valve YV-61115 failed closed.
- b. As of November 20, 2015, the employer had not established a system to promptly address and resolve the incident report findings and recommendations and document the resolutions and corrective actions for the incident which occurred on or about August 12, 2014, and involved a regeneration fluid (ethanol/water mixture) release in the DD&E building.
- c. As of January 26, 2016, the employer did not document the scheduled dates for completion and resolve two of the incident report findings and recommendations in a timely manner, for the incident which occurred on or about December 2, 2014, involving a vapor line from the beer column to the rectifier column that was not locked in the closed position and had allowed ethanol vapor to enter the beer column during entry.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

06/10/2016
\$3500.00

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

Inspection Number: 1117233
Inspection Date(s): 11/20/2015 - 05/04/2016
Issuance Date: 05/06/2016



Citation and Notification of Penalty

Company Name: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812

Citation 1 Item 25 Type of Violation: **Serious**

29 CFR 1910.119(o)(4): The employer shall promptly determine and document an appropriate response to each of the findings of the compliance audit, and document that deficiencies have been corrected:

- a. The employer failed to identify a timeline for responding to deficiencies identified in the compliance audit, thereby exposing employees to fire and explosion hazards.
- b. The employer failed to documents that corrections were made to deficiencies identified in the compliance audit, thereby exposing employees to fire and explosion hazards.
- c. The employer failed to respond to deficiencies identified in the compliance audit, thereby exposing employees to fire and explosion hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/10/2016
Proposed Penalty:	\$3500.00

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

Inspection Number: 1117233
Inspection Date(s): 11/20/2015 - 05/04/2016
Issuance Date: 05/06/2016



Citation and Notification of Penalty

Company Name: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812

Citation 2 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1910.119(d): Process safety information. In accordance with the schedule set forth in paragraph (e)(1) of this section, the employer shall complete a compilation of written process safety information before conducting any process hazard analysis required by the standard. The compilation of written process safety information is to enable the employer and the employees involved in operating the process to identify and understand the hazards posed by those processes involving highly hazardous chemicals. This process safety information shall include information pertaining to the hazards of the highly hazardous chemicals used or produced by the process, information pertaining to the technology of the process, and information pertaining to the equipment in the process:

29 CFR 1910.119(d)(3): Information pertaining to the equipment in the process:

29 CFR 1910.119(d)(3)(i): Information pertaining to the equipment in the process shall include:

29 CFR 1910.119(d)(3)(i)(G): Material and energy balances for processes built after May 26, 1992:

On or about November 20, 2015; the employer had not developed and compiled process safety information to include a material and energy balance for the OSHA PSM covered process at the facility.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/10/2016
\$0.00

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

Inspection Number: 1117233
Inspection Date(s): 11/20/2015 - 05/04/2016
Issuance Date: 05/06/2016



Citation and Notification of Penalty

Company Name: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812

Citation 2 Item 2 Type of Violation: **Other-than-Serious**

29 CFR 1910.307(b): Documentation. All areas designated as hazardous (classified) locations under the Class and Zone system and areas designated under the Class and Division system established after August 13, 2007 shall be properly documented. This documentation shall be available to those authorized to design, install, inspect, maintain, or operate electric equipment at the location:

- a. The employer failed to document how they designated Class I and Class II hazardous locations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

06/10/2016
\$0.00

A handwritten signature in cursive script that reads "Linda Harrington".

Linda Harrington
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
200 N. High Street
Room 620
Columbus, OH 43215
Phone: 614-469-5582 Fax: 614-469-6791



INVOICE / DEBT COLLECTION NOTICE

Company Name: Three Rivers Energy, LLC
Inspection Site: 18137 County Road 271, Coshocton, OH 43812
Issuance Date: 05/06/2016

Summary of Penalties for Inspection Number	1117233
Citation 1, Serious	\$93100.00
Citation 2, Other-than-Serious	\$0.00
TOTAL PROPOSED PENALTIES	\$93100.00

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. You can also make your payment electronically on 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.

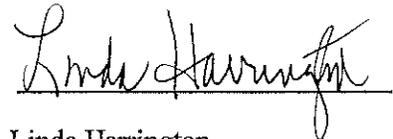
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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



Linda Harrington
Area Director