

U.S. Department of Labor

Occupational Safety and Health Administration
130 South Elmwood Avenue
Suite 500
Buffalo, NY 14202
Phone: 716-551-3053 Fax: 716-551-3126



Citation and Notification of Penalty

To:
TONAWANDA COKE CORPORATION
P.O. BOX 5007
3875 RIVER ROAD
Tonawanda, NY 14151

Inspection Number: 957190
Inspection Date(s): 01/31/2014 - 04/15/2014
Issuance Date: 07/30/2014

Inspection Site:
3875 RIVER ROAD
Tonawanda, NY 14150

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 \$50,000 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.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 07/30/2014. The conference will be held by telephone or at the OSHA office located at 130 South Elmwood Avenue, Suite 500, Buffalo, NY 14202 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 957190

Company Name: TONAWANDA COKE CORPORATION
Inspection Site: 3875 RIVER ROAD, Tonawanda, NY 14150
Issuance Date: 07/30/2014

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, 130 South Elmwood Avenue, Suite 500, Buffalo, NY 14202**

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: TONAWANDA COKE CORPORATION
Inspection Site: 3875 RIVER ROAD, Tonawanda, NY 14150

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 1 a Type of Violation: **Serious**

OSH ACT of 1970 Section (5)(a)(1): Section 5(a)(1) of the Occupational Safety and Health Act of 1970:

- a) The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees working/walking in the enclosed counterweigh area were exposed to asphyxiation from the release of flammable Coke Oven Gas (COG) from the rupture disc of the coke side manifold.
- b) The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees working/walking in the enclosed counterweigh area were exposed to explosion and fire hazards from the release and ignition of flammable Coke Oven Gas (COG) from the rupture disc of the coke side manifold.

Among other methods to correct these conditions, the Employer could:

- 1) Make sure manifold rupture discs vent to outside of Counterweigh area or to a safe location away from employees by following Continental Disc Corporation Manufacturer's instructions and other industry standards such as, but not limited to: American Society of Mechanical Engineers Code, ASME B31.3-2012. Process Piping. ASME Code for Pressure Piping and International Fire Code, 2006, Chapter 27, Hazardous Materials-General Provisions, Section 2701.3.3.8.



Citation and Notification of Penalty

Company Name: TONAWANDA COKE CORPORATION

Inspection Site: 3875 RIVER ROAD, Tonawanda, NY 14150

-
- 2) Develop mechanical integrity programs that include inspections, tests, standard operating procedures(SOPs), engineering controls, preventive/corrective maintenance of safety systems such as, but not limited to: West Flare, East Flare and Air Dryer System to prevent frozen air-lines and blockages of COG lines/piping.
 - 3) Install monitoring and alarm systems to effectively detect over-pressurization, loss of primary air supply and leaks/releases of COG.
 - 4) Provide cross-training to employees in charge of critical processes and safety systems that are interrelated by explaining in detail all process equipment's SOPs including operating limits, consequences of deviations and actions to take to prevent releases of COG.
 - 5) Follow safety practices provided by OSHA standard 29 CFR 1910.119, Process Safety Management of Highly Hazardous Chemicals.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

09/12/2014

Proposed Penalty:

\$7000.00



Citation and Notification of Penalty

Company Name: TONAWANDA COKE CORPORATION
Inspection Site: 3875 RIVER ROAD, Tonawanda, NY 14150

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

29 CFR 1910.307(c): Equipment, wiring methods, and installations of equipment in hazardous (classified) locations were not intrinsically safe, or approved for the hazardous (classified) location, or safe for the hazardous (classified) location:

a) On or about 01/31/14, in the counterweight area where Coke Oven Gas(COG) manifolds were located, electrical equipment and wiring such as, but not limited to: 120 volts electrical boxes and transformers for lighting, stack controls, reversal alarm, 480 volts dicarbonizing air disconnect switch, 120 volts L.B. White Tradesman K170 Forced Air Kerosene Heaters were not approved for Class I, Division 2 location.

Among other methods to correct this condition, the employer could follow National Electric Code Articles 500, 501 - Approved electrical equipment and wiring for hazardous locations, Class I, Group C, Division 2 location.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

08/30/2014

A handwritten signature in black ink, reading "Michael T. Scime".

Michael T. Scime
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
130 South Elmwood Avenue
Suite 500
Buffalo, NY 14202
Phone: 716-551-3053 Fax: 716-551-3126



INVOICE / DEBT COLLECTION NOTICE

Company Name: TONAWANDA COKE CORPORATION
Inspection Site: 3875 RIVER ROAD, Tonawanda, NY 14150
Issuance Date: 07/30/2014

Summary of Penalties for Inspection Number	957190
Citation 1, Serious	\$7000.00
TOTAL PROPOSED PENALTIES	\$7000.00

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 \$50,000 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.

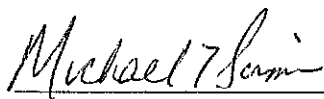
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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



Michael T. Scime

Area Director



Date

U.S. Department of Labor

Occupational Safety and Health Administration
130 South Elmwood Avenue
Suite 500
Buffalo, NY 14202
Phone: 716-551-3053 Fax: 716-551-3126



Citation and Notification of Penalty

To:
TONAWANDA COKE CORPORATION AND
KIRCHNER, LLC
3875 River Road
Tonawanda, NY 14150

Inspection Number: 961334
Inspection Date(s): 03/05/2014 - 04/15/2014
Issuance Date: 07/30/2014

Inspection Site:
3875 River Road
Tonawanda, NY 14150

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 \$50,000 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.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 07/30/2014. The conference will be held by telephone or at the OSHA office located at 130 South Elmwood Avenue, Suite 500, Buffalo, NY 14202 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 961334

Company Name: TONAWANDA COKE CORPORATION AND KIRCHNER, LLC

Inspection Site: 3875 River Road, Tonawanda, NY 14150

Issuance Date: 07/30/2014

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, 130 South Elmwood Avenue, Suite 500, Buffalo, NY 14202**

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: 961334
Inspection Date(s): 03/05/2014 - 04/15/2014
Issuance Date: 07/30/2014



Citation and Notification of Penalty

Company Name: TONAWANDA COKE CORPORATION AND KIRCHNER, LLC
Inspection Site: 3875 River Road, Tonawanda, NY 14150

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

29 CFR 1910.23(e)(1): Standard railing(s) did not consist of top rail, intermediate rail and/or posts and/or did not have a vertical height of 42 inches (106.7 cm) nominal from upper surface of top rail to floor, platform runway, or ramp level:

a) On or about 03/05/14, in the auto-mechanics shop area, a mezzanine's railing did not have an intermediate rail exposing employees to a 7.5 feet fall below.

ABATEMENT CERTIFICATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

08/05/2014
\$6000.00

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: 961334
Inspection Date(s): 03/05/2014 - 04/15/2014
Issuance Date: 07/30/2014



Citation and Notification of Penalty

Company Name: TONAWANDA COKE CORPORATION AND KIRCHNER, LLC
Inspection Site: 3875 River Road, Tonawanda, NY 14150

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 1910.36(e)(2): The door(s) that connected any room to an exit route did not swing out in the direction of exit travel when the room was a high hazard area.

a) On or about 03/05/14, at the main entrance of the Power and Boiler House Building, the marked emergency exit door did not swing out in the direction of exit travel.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

09/12/2014
\$7000.00

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: 961334
Inspection Date(s): 03/05/2014 - 04/15/2014
Issuance Date: 07/30/2014



Citation and Notification of Penalty

Company Name: TONAWANDA COKE CORPORATION AND KIRCHNER, LLC
Inspection Site: 3875 River Road, Tonawanda, NY 14150

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

29 CFR 1910.36(g)(1): Ceiling of an exit route was not at least seven feet six inches. Any projection from the ceiling must not reach a point less than six feet eight inches from the floor.

a) On or about 03/05/14, in the Power and Boiler House Building, a marked emergency exit door total projection from the ceiling was 6.2 feet and it was calculated as the sum of an opening of 66.5 inches and a fixed bar at the bottom of the door of 8 inches.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

08/30/2014

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: 961334
Inspection Date(s): 03/05/2014 - 04/15/2014
Issuance Date: 07/30/2014



Citation and Notification of Penalty

Company Name: TONAWANDA COKE CORPORATION AND KIRCHNER, LLC
Inspection Site: 3875 River Road, Tonawanda, NY 14150

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

29 CFR 1910.37(a)(3): Exit route(s) were not kept free and unobstructed:

a) On or about 03/05/14, in the Welding Shop, an exit door was blocked by a welding machine, materials and wooden pieces on the floor.

NO ABATEMENT CERTIFICATION REQUIRED FOR THIS ITEM

b) On or about 03/05/14, in the Power and Boiler House, an exit door had an 8 inches bar attached to its bottom exposing employees to tripping/falls and fire hazards when exiting this door.

ABATEMENT CERTIFICATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

08/30/2014
\$5000.00

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: 961334
Inspection Date(s): 03/05/2014 - 04/15/2014
Issuance Date: 07/30/2014



Citation and Notification of Penalty

Company Name: TONAWANDA COKE CORPORATION AND KIRCHNER, LLC
Inspection Site: 3875 River Road, Tonawanda, NY 14150

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

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

a) On or about 03/05/14, in the machine shop building, a lockout/tagout procedure was not utilized when changing a blade on a vertical band saw.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

08/15/2014
\$7000.00

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: 961334
Inspection Date(s): 03/05/2014 - 03/05/2014
Issuance Date: 04/17/2014



Citation and Notification of Penalty

Company Name: Tonawanda Coke Corporation
Inspection Site: 3875 River Road, Tonawanda, NY 14150

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

29 CFR 1910.147(d)(4)(i): Lockout or tagout devices were not affixed to each energy isolating device by authorized employees:

a) On or about 10/23/14, in the Boiler House Building, an employee entered inside permit-required confined space #7 Boiler to inspect and clean burners without affixing his lockout/tagout devices on the energy isolating devices to control energy sources such as, but not limited to: electrical, water, natural gas, steam and coke oven gas. Entrant employee only locked out the burners and other employees locked out the rest of the energy sources. Entrant employee was not in control of #7 Boiler's energy sources because he did not affix his personal lock to the yellow lockout/tagout box containing the keys of locks applied to all energy sources; nor did he affix a personal lock to each of the 16 energy isolating devices.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

05/18/2014
\$7000.00

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: 961334
Inspection Date(s): 03/05/2014 - 04/15/2014
Issuance Date: 07/30/2014



Citation and Notification of Penalty

Company Name: TONAWANDA COKE CORPORATION AND KIRCHNER, LLC
Inspection Site: 3875 River Road, Tonawanda, NY 14150

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 6 a Type of Violation: **Serious**

29 CFR 1910.147(c)(4)(ii)(A): A specific statement of the intended use of the energy control procedure was not clearly and specifically outlined:

a) On or about 03/05/14, in the establishment, employer did not have a specific statement of the intended use of the lockout/tagout procedure for the vertical band saw located in the machine shop for employees performing maintenance/servicing activities such as, but not limited to changing blades.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

09/12/2014
\$7000.00

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: 961334
Inspection Date(s): 03/05/2014 - 04/15/2014
Issuance Date: 07/30/2014



Citation and Notification of Penalty

Company Name: TONAWANDA COKE CORPORATION AND KIRCHNER, LLC
Inspection Site: 3875 River Road, Tonawanda, NY 14150

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

29 CFR 1910.147(c)(4)(ii)(B): The energy control procedures did not clearly and specifically outline the steps for shutting down, isolating, blocking and securing machines or equipment to control hazardous energy.

a) On or about 03/05/14, in the establishment, employer did not outline the steps for shutting down and isolating the vertical band saw located in the machine shop for employees performing maintenance/servicing activities such as, but not limited to changing blades.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

09/12/2014

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: 961334
Inspection Date(s): 03/05/2014 - 04/15/2014
Issuance Date: 07/30/2014



Citation and Notification of Penalty

Company Name: TONAWANDA COKE CORPORATION AND KIRCHNER, LLC
Inspection Site: 3875 River Road, Tonawanda, NY 14150

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

29 CFR 1910.147(c)(4)(ii)(C): The energy control procedure did not clearly and specifically outline the steps for placement, removal and transfer of lockout devices or tagout devices and the responsibility for them.

a) On or about 03/05/14, in the establishment, employer did not outline the steps for placement, removal and transfer of lockout devices or tagout devices and the responsibility for them for employees performing maintenance/servicing activities such as, but not limited to changing blades on a vertical band saw located in the machine shop.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

09/12/2014

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: TONAWANDA COKE CORPORATION AND KIRCHNER, LLC
Inspection Site: 3875 River Road, Tonawanda, NY 14150

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

29 CFR 1910.147(c)(4)(ii)(D): The energy control procedures did not clearly and specifically outline the requirements for testing a machine or equipment to determine and verify the effectiveness of lockout devices, tagout devices, and other energy control:

a) On or about 03/05/14, in the establishment, employer did not outline the requirements for testing a vertical band saw located in the machine shop to determine and verify the effectiveness of lockout/tagout devices for employees performing maintenance/servicing activities such as, but not limited to changing saw's blades.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

09/12/2014



Citation and Notification of Penalty

Company Name: TONAWANDA COKE CORPORATION AND KIRCHNER, LLC

Inspection Site: 3875 River Road, Tonawanda, NY 14150

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

29 CFR 1910.179(j)(3): A complete periodic inspection of crane(s) had not been conducted in the past 12 months:

a) On or about 03/05/2014, throughout the plant, the last inspections of overhead cranes such as, but not limited to: 2 ton powered trolley weld shop outside steel storage, 1 ton beam trolley electrical shop, 2 ton manual trolley round house, 2 ton manual bridge trolley machine shop, 3 ton beam trolley A&D belts coke handling, 1 ton beam trolley outside #1DD coke handling, 1 ton beam trolley over #1 DD coke handling, 1 ton beam trolley over # 3DD coke handling, oven door room stationary crane battery, 2 ton beam trolley top of coal handling and 1 ton beam trolley breeze crusher coal handling were conducted on 02/20/2009.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

08/30/2014

Proposed Penalty:

\$5000.00



Citation and Notification of Penalty

Company Name: TONAWANDA COKE CORPORATION AND KIRCHNER, LLC

Inspection Site: 3875 River Road, Tonawanda, NY 14150

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

29 CFR 1910.179(m)(1): Thorough monthly inspections of rope conditions, with written, dated and signed reports, were not performed on the running ropes:

a) On or about 03/05/14, throughout the plant, employer did not perform monthly inspections of rope conditions on overhead cranes such as, but not limited to: oven door room stationary crane in battery, 2 ton manual trolley round house, 2 ton manual bridge trolley machine shop, 3 ton beam trolley A&D belts coke handling, 5 ton stationary C&F boom, 1 ton beam trolley over#1DD coke handling, 2 ton beam trolley top of coal handling. The last ropes inspections reports were performed on 02/20/2009.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

08/30/2014

Proposed Penalty:

\$5000.00

U.S. Department of Labor

Occupational Safety and Health Administration

Inspection Number: 961334

Inspection Date(s): 03/05/2014 - 04/15/2014

Issuance Date: 07/30/2014



Citation and Notification of Penalty

Company Name: TONAWANDA COKE CORPORATION AND KIRCHNER, LLC

Inspection Site: 3875 River Road, Tonawanda, NY 14150

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

29 CFR 1910.179(n)(2)(i): Hoist chain(s) or hoist rope(s) were not free from kinks or twists:

a) On or about 03/05/14, in the Coke Handling Area, the hoist rope of overhead crane #1 DD used to lift heavy metal materials (i.e. Steel screens) was not free from kinks.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

08/30/2014

Proposed Penalty:

\$5000.00

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: 961334
Inspection Date(s): 03/05/2014 - 04/15/2014
Issuance Date: 07/30/2014



Citation and Notification of Penalty

Company Name: TONAWANDA COKE CORPORATION AND KIRCHNER, LLC
Inspection Site: 3875 River Road, Tonawanda, NY 14150

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

29 CFR 1910.184(e)(3)(i): A thorough periodic inspection of alloy steel chain slings was not made on a regular basis and/or were done at intervals greater than once every 12 months:

a) On or 03/05/14, throughout the plant, the last inspections of chains of overhead cranes such as, but not limited to: 2 ton powered trolley weld shop outside steel storage, 1 ton beam trolley electrical shop, 1 ton beam trolley outside #1 DD, 1 ton beam trolley over # 3DD and 1 ton beam trolley breeze crusher coal handling were conducted on 02/20/2009.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

08/30/2014
\$5000.00

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: 961334
Inspection Date(s): 03/05/2014 - 04/15/2014
Issuance Date: 07/30/2014



Citation and Notification of Penalty

Company Name: TONAWANDA COKE CORPORATION AND KIRCHNER, LLC
Inspection Site: 3875 River Road, Tonawanda, NY 14150

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

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

a) On or about 03/05/14, in the Welding Shop Building, a Hyd-Mech Model S-20 Horizontal Band Saw did not have a guard on the non-working part of the blade.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

b) On or about 03/05/14, in the Machine Shop Building, a guard under the table of a Vertical Band Saw was removed and at the other side of this saw's table, another guard did not cover the non-working part of the blade completely.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

08/30/2014
\$7000.00

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: 961334
Inspection Date(s): 03/05/2014 - 04/15/2014
Issuance Date: 07/30/2014



Citation and Notification of Penalty

Company Name: TONAWANDA COKE CORPORATION AND KIRCHNER, LLC
Inspection Site: 3875 River Road, Tonawanda, NY 14150

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

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

a) On or about 03/05/14, in the Boiler House Building, Oxygen cylinders were stored three feet away from Acetylene cylinders.

NO ABATEMENT CERTIFICATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

Quick Fix Applied
\$5100.00

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: 961334
Inspection Date(s): 03/05/2014 - 04/15/2014
Issuance Date: 07/30/2014



Citation and Notification of Penalty

Company Name: TONAWANDA COKE CORPORATION AND KIRCHNER, LLC
Inspection Site: 3875 River Road, Tonawanda, NY 14150

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

29 CFR 1910.303(g)(1): Sufficient access and working space was not provided and maintained about all electric equipment (operating at 600 volts, nominal, or less to ground) to permit ready and safe operation and maintenance of such equipment:

a) On or about 03/05/14, in the Machine Shop Building's second floor, there was not access to the electrical disconnect switch of a Vertical Band Saw.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

08/15/2014
\$7000.00

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: 961334
Inspection Date(s): 03/05/2014 - 03/05/2014
Issuance Date: 04/17/2014



Citation and Notification of Penalty

Company Name: Tonawanda Coke Corporation
Inspection Site: 3875 River Road, Tonawanda, NY 14150

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

29 CFR 1910.147(c)(6)(ii): The employer did not certify that periodic inspections of the energy control procedures had been performed:

a) On or about 03/05/14, in the establishment, Employer did not annually certify that Lockout/Tagout (LOTO) periodic inspections had been done to verify accuracy or to correct any deviations/inadequacies of all their machine-specific LOTO procedures (at least 73 LOTO procedures) and the application of them by all authorized employees (around 37 authorized employees for Tonawanda Coke and 8 authorized employees for Kirchner LLC). On 2013, only three LOTO procedures for machines: 3-Belt, Rod Mill and West Hammer were inspected and certified with three authorized employees.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Tonawanda Coke Corporation was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.147(c)(6)(ii), which was contained in OSHA inspection number 314846205, citation number 2, item number 1 and was affirmed as a final order on 11/02/10, with respect to a workplace located at 3875 River Road, Tonawanda, NY, 14150.

Date By Which Violation Must be Abated:

05/18/2014

Proposed Penalty:

\$35000.00

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: TONAWANDA COKE CORPORATION AND KIRCHNER, LLC
Inspection Site: 3875 River Road, Tonawanda, NY 14150

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

29 CFR 1910.147(c)(7)(i)(A): Authorized employee(s) did not receive training in the recognition of applicable hazardous energy sources, the type and magnitude of the energy available in the workplace, and the methods and means necessary for energy isolation and control:

a) On or about 03/05/14, in the establishment, employer did not provide training on the application of Machine-Specific Lockout/Tagout(LOTO) Procedures and Group LOTO procedures to employees performing maintenance activities such as, but not limited to: changing rollers on conveyor belts and cleaning burners of Boiler #7.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Tonawanda Coke Corporation was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.147 (c)(7)(i)(A), which was contained in OSHA inspection number 314846205, citation number 1, item number 1 and was affirmed as a final order on 11/01/10, with respect to a workplace located at 3875 River Road, Tonawanda, NY, 14150.

Date By Which Violation Must be Abated:
Proposed Penalty:

08/30/2014
\$35000.00

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

Inspection Number: 961334
Inspection Date(s): 03/05/2014 - 04/15/2014
Issuance Date: 07/30/2014



Citation and Notification of Penalty

Company Name: TONAWANDA COKE CORPORATION AND KIRCHNER, LLC
Inspection Site: 3875 River Road, Tonawanda, NY 14150

Citation 3 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1910.303(e)(1)(ii): Other markings giving voltage, current, wattage, or other ratings as necessary had not been placed on equipment being used:

- a) On or about 03/05/14, in the Machine Shop Building, an electrical disconnect switch for a Vertical Band Saw did not have a voltage marking.
- b) On or about 03/05/14, in the Breeze Crusher Building, an electrical main disconnect switch labeled as Plant Power/Generator Power did not have a voltage marking.

ABATEMENT CERTIFICATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

08/30/2014
\$1000.00

A handwritten signature in cursive script, reading "Michael T. Scime".

Michael T. Scime
Area Director

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

U.S. Department of Labor
Occupational Safety and Health Administration
130 South Elmwood Avenue
Suite 500
Buffalo, NY 14202
Phone: 716-551-3053 Fax: 716-551-3126



INVOICE / DEBT COLLECTION NOTICE

Company Name: TONAWANDA COKE CORPORATION AND KIRCHNER, LLC
Inspection Site: 3875 River Road, Tonawanda, NY 14150
Issuance Date: 07/30/2014

Summary of Penalties for Inspection Number	961334
Citation 1, Serious	\$78100.00
Citation 2, Repeat	\$70000.00
Citation 3, Other-than-Serious	\$1000.00
TOTAL PROPOSED PENALTIES	\$149100.00

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 \$50,000 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

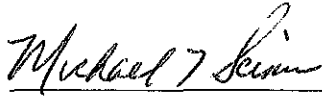
original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

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.

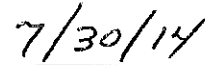
Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per 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.



Michael T. Scime

Area Director



Date

U.S. Department of Labor Occupational Safety and Health Administration
130 South Elmwood Avenue,
Suite 500
Buffalo, NY 14202
Phone: 716-551-3053 Fax: 716-551-3126



07/30/2014

TONAWANDA COKE CORPORATION
3875 River Road
Tonawanda, NY 14150

Dear Employer,

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.

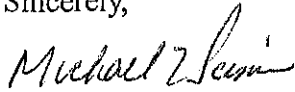
As indicated on page 8 of the booklet, you may request an informal conference with me during the 15-working-day notice of contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation or the penalty.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael T. Scime".

Michael T. Scime
Area Director

Enclosures

U.S. Department of Labor

Occupational Safety and Health Administration
130 South Elmwood Avenue
Suite 500
Buffalo, NY 14202
Phone: 716-551-3053 Fax: 716-551-3126



Citation and Notification of Penalty

To:
TONAWANDA COKE CORPORATION
3875 River Road
Tonawanda, NY 14150

Inspection Number: 961180
Inspection Date(s): 03/05/2014 - 05/20/2014
Issuance Date: 07/30/2014

Inspection Site:
PO Box 5007
3875 RIVER ROAD
Tonawanda, NY 14150

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 \$50,000 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.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 07/30/2014. The conference will be held by telephone or at the OSHA office located at 130 South Elmwood Avenue, Suite 500, Buffalo, NY 14202 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 961180

Company Name: TONAWANDA COKE CORPORATION

Inspection Site: PO Box 5007, 3875 RIVER ROAD, Tonawanda, NY 14150

Issuance Date: 07/30/2014

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, 130 South Elmwood Avenue, Suite 500, Buffalo, NY 14202**

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: 961180
Inspection Date(s): 03/05/2014 - 05/20/2014
Issuance Date: 07/30/2014



Citation and Notification of Penalty

Company Name: TONAWANDA COKE CORPORATION

Inspection Site: PO Box 5007, 3875 RIVER ROAD, Tonawanda, NY 14150

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 1 a Type of Violation: **Serious**

29 CFR 1910.1026(d)(1): The employer with a workplace or work operation covered by this standard did not determine the 8-hour time-weighted average exposure for each employee exposed to chromium (VI):

- a) **Weld Shop - On or about 4/9/2014 and ongoing, employees were welding a piece of stainless steel on equipment and the employer did not determine the 8-hour time-weighted average exposure for each employee exposed to chromium (VI).**

NO ABATEMENT CERTIFICATION REQUIRED

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$5000.00

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

Inspection Number: 961180
Inspection Date(s): 03/05/2014 - 05/20/2014
Issuance Date: 07/30/2014



Citation and Notification of Penalty

Company Name: TONAWANDA COKE CORPORATION

Inspection Site: PO Box 5007, 3875 RIVER ROAD, Tonawanda, NY 14150

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

29 CFR 1910.1026(l)(1): The employer did not ensure that all employees who were assigned to workplaces where there was exposure to chromium (VI) participated in a training program.

- a) **Weld Shop - On or about 4/9/2014 and ongoing, the employer did not ensure that all employees exposed to chromium (VI) while welding stainless steel participated in a training program.**

ABATEMENT CERTIFICATION REQUIRED

Date By Which Violation Must be Abated:

08/13/2014

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

Inspection Number: 961180
Inspection Date(s): 03/05/2014 - 05/20/2014
Issuance Date: 07/30/2014



Citation and Notification of Penalty

Company Name: TONAWANDA COKE CORPORATION

Inspection Site: PO Box 5007, 3875 RIVER ROAD, Tonawanda, NY 14150

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

29 CFR 1910.1025(h)(1): All surfaces were not maintained as free as practicable of accumulations of lead:

- a) **Power Boiler House - On or about 3/7/2014 and ongoing, paint chips on the floor contained 0.11%-12.2% lead.**

ABATEMENT CERTIFICATION REQUIRED

Date By Which Violation Must be Abated:
Proposed Penalty:

08/13/2014
\$0.00

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: 961180
Inspection Date(s): 03/05/2014 - 05/20/2014
Issuance Date: 07/30/2014



Citation and Notification of Penalty

Company Name: TONAWANDA COKE CORPORATION
Inspection Site: PO Box 5007, 3875 RIVER ROAD, Tonawanda, NY 14150

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

29 CFR 1910.1025(l)(1)(i): Employee(s) working in an area where there is potential exposure to airborne lead at any level were not informed of the content of Appendices A and B of 29 CFR 1910.1025:

- a) **Power Boiler House - On or about 3/7/2014 and ongoing, the employer did not inform employees walking and working in an area where paint chips contained 0.11%-12.2% lead of the content of Appendices A and B of 1910.1025.**

ABATEMENT CERTIFICATION REQUIRED

Date By Which Violation Must be Abated:
Proposed Penalty:

08/13/2014
\$0.00

A handwritten signature in black ink, reading "Michael T. Scime".

Michael T. Scime
Area Director

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

U.S. Department of Labor
Occupational Safety and Health Administration
130 South Elmwood Avenue
Suite 500
Buffalo, NY 14202
Phone: 716-551-3053 Fax: 716-551-3126



INVOICE / DEBT COLLECTION NOTICE

Company Name: TONAWANDA COKE CORPORATION
Inspection Site: PO Box 5007, 3875 RIVER ROAD, Tonawanda, NY 14150
Issuance Date: 07/30/2014

Summary of Penalties for Inspection Number	961180
Citation 1, Serious	\$5000.00
Citation 2, Other-than-Serious	\$0.00
TOTAL PROPOSED PENALTIES	\$5000.00

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 \$50,000 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

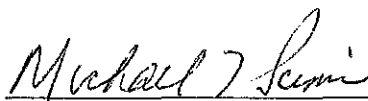
account, the bank will attempt to make the transfer up to 2 times.

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.

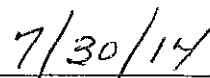
Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per 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.



Michael T. Scime

Area Director



Date