

U.S. Department of Labor Occupational Safety and Health Administration
444 Regency Parkway Drive
Suite 303
Omaha, NE 68114



09/23/2024

Legacy Cooperative
and its successors
401 S. Beltline HWY West
Scottsbluff, NE 69361

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), 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. Please contact me at (402) 553-0171.

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 dates 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 3 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 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 the citation. The running of this contest period is not interrupted by an informal conference.

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,



Matthew Thurlby
Area Director

Enclosures

U.S. Department of Labor
Occupational Safety and Health Administration
444 Regency Parkway Drive
Suite 303
Omaha, NE 68114



Citation and Notification of Penalty

To:
Legacy Cooperative
and its successors
401 S. Beltline HWY West
Scottsbluff, NE 69361

Inspection Number: 1737668
Inspection Date(s): 03/28/2024 - 09/23/2024
Issuance Date: 09/23/2024

Inspection Site:
1012 Laramie Ave
Hemingford, NE 69348

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 by calling (402) 553-0171. 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 at www.pay.gov. At the top of the pay.gov homepage, type "OSHA" in the Search field and select Search. From **OSHA Penalty Payment Form** search result, select Continue. 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.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 09/23/2024. The conference will be held by telephone or at the OSHA office located at 444 Regency Parkway Drive, Suite 303, Omaha, NE 68114 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1737668

Company Name: Legacy Cooperative
Inspection Site: 1012 Laramie Ave, Hemingford, NE 69348
Issuance Date: 09/23/2024

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, 444 Regency Parkway Drive, Suite 303, Omaha, NE 68114.**

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: 1737668
Inspection Date(s): 03/28/2024 - 09/23/2024
Issuance Date: 09/23/2024



Citation and Notification of Penalty

Company Name: Legacy Cooperative
Inspection Site: 1012 Laramie Ave, Hemingford, NE 69348

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

29 CFR 1910.28(b)(3)(iv): Each employee is protected from falling into a ladderway floor hole or ladderway platform hole by a guardrail system and toeboards erected on all exposed sides, except at the entrance to the hole, where a self-closing gate or an offset must be used;

On or about March 28th, 2024, employees engaged in grain handling operations located at 1012 Laramie Ave, Hemingford, Nebraska 69348 were exposed to fall hazards while employees are accessing and working adjacent to pit B in that during entries the pit door is open and there is no guard railing or other conventional fall protection means in use to prevent someone from falling into the entrance hole.

Abatement certification is required for this violation. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	October 18, 2024
Proposed Penalty:	\$11,524.00

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: 1737668
Inspection Date(s): 03/28/2024 - 09/23/2024
Issuance Date: 09/23/2024



Citation and Notification of Penalty

Company Name: Legacy Cooperative
Inspection Site: 1012 Laramie Ave, Hemingford, NE 69348

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

29 CFR 1910.28(b)(11)(ii): The employer did not ensure that each flight of stairs having at least 3 treads and at least 4 risers is equipped with stair rail systems and handrails as described in 29 CFR 1910.28 Table D-2-Stairway Handrail Requirements.

On or about March 28th, 2024, employees engaged in grain operations located at 1012 Laramie Ave, Hemingford, Nebraska 69348, were being exposed to fall hazards in that employees were using Pit 1's rail side stairs for access and egress. The stairwell being used had at least 4 risers and was not equipped with a handrail.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$9,218.00

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: Legacy Cooperative
Inspection Site: 1012 Laramie Ave, Hemingford, NE 69348

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

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

On or about March 28th, 2024, employees engaged in grain handling operations located at 1012 Laramie Ave, Hemingford, Nebraska 69348 were exposed to asphyxiation and acute respiratory illness hazards while working within spaces containing potentially hazardous atmospheres when the employer failed to evaluate workspaces to determine if they were permit-required confined spaces prior to requiring employee entry. These spaces include but are not limited to:

- 1.) Pit A , which contains a potentially hazardous atmosphere due to the gaseous products of fermentation and decomposition of wet grain and grain dust.
- 2.) Pit B, which contains a potentially hazardous atmosphere due to the gaseous products of fermentation and decomposition of wet grain and grain dust.
- 3.) Pit 2, which contains a potentially hazardous atmosphere due to the gaseous products of fermentation and decomposition of wet grain and grain dust.
- 4.) Pit 3, which contains a potentially hazardous atmosphere due to phosphine gas and the gaseous products of fermentation and decomposition of wet grain and grain dust.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	October 18, 2024
Proposed Penalty:	\$16,131.00

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: Legacy Cooperative
Inspection Site: 1012 Laramie Ave, Hemingford, NE 69348

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

Beginning On or about June 9th, 2024 and continuing for approximately 30 days, employees engaged in grain handling operations located 1012 Laramie Ave, Hemingford, Nebraska 69348; where the employer's failure to develop and implement procedures or practices resulted in employees exposed to a hazardous atmosphere containing phosphine gas during an entry into pit 3.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	October 18, 2024
Proposed Penalty:	\$16,131.00

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

Inspection Number: 1737668
Inspection Date(s): 03/28/2024 - 09/23/2024
Issuance Date: 09/23/2024



Citation and Notification of Penalty

Company Name: Legacy Cooperative
Inspection Site: 1012 Laramie Ave, Hemingford, NE 69348

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

29 CFR 1910.146(d)(3)(iv): Under the permit space program, the employer did not develop and implement the means, procedures, and practices necessary for safe permit entry operations, including, but not limited to, purging, interting, flushing or ventilation the permit spaces as necessary to eliminate or control atmospheric hazards.

Beginning On or about June 9th, 2024, and continuing for approximately 30 days employees engaged in grain handling operations located at 1012 Laramie Ave, Hemingford, Nebraska 69348, were exposed to atmospheres containing phosphine (PH3) when entering pit 3. The employer did not ensure the pit was free of all hazardous atmosphere conditions.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: October 18, 2024
Proposed Penalty: \$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: 1737668
Inspection Date(s): 03/28/2024 - 09/23/2024
Issuance Date: 09/23/2024



Citation and Notification of Penalty

Company Name: Legacy Cooperative
Inspection Site: 1012 Laramie Ave, Hemingford, NE 69348

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

29 CFR 1910.146(d)(3)(vi): The employer did not verify that conditions in the permit space are acceptable for entry throughout the duration of an authorized entry.

On or about June 9th, 2024, employees engaged in grain handling operations located at 1012 Laramie Ave, Hemingford, Nebraska 69348, were exposed to atmospheres containing phosphine (PH₃) throughout the duration of entry into pit 3.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	October 18, 2024
Proposed Penalty:	\$0.00

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: Legacy Cooperative
Inspection Site: 1012 Laramie Ave, Hemingford, NE 69348

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 5 a Type of Violation: **Serious**

29 CFR 1910.146(d)(5)(v):Reevaluate the permit space in the presence of any authorized entrant or that employee's authorized representative who requests that the employer conduct such reevaluation because the entrant or representative has reason to believe that the evaluation of that space may not have been adequate;

On or about June 9th, 2024, employees engaged in grain handling operations located at 1012 Laramie Ave, Hemingford, Nebraska 69348, were exposed to hazardous atmospheres and other recognized hazards when entering pit 3. The employer failed to properly reevaluate pit 3 once they received notification of hazardous conditions including detection of phosphine (PH₃) above monitor alarm thresholds when employees entered pit 3.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	October 18, 2024
Proposed Penalty:	\$16,131.00

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

Inspection Number: 1737668
Inspection Date(s): 03/28/2024 - 09/23/2024
Issuance Date: 09/23/2024



Citation and Notification of Penalty

Company Name: Legacy Cooperative
Inspection Site: 1012 Laramie Ave, Hemingford, NE 69348

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

29 CFR 1910.146(d)(13): Review entry operations when the employer has reason to believe that the measures taken under the permit space program may not protect employees and revise the program to correct deficiencies found to exist before subsequent entries are authorized;

On or about June 9th, 2024, employees engaged in grain handling operations located at 1012 Laramie Ave, Hemingford, Nebraska 69348, were exposed to hazardous atmospheres and other recognized hazards when entering pit 3. The employer failed to properly reevaluate pit 3 once they received notification of hazardous conditions including detection of phosphine (PH₃) above monitor alarm thresholds when employees entered pit 3.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	October 18, 2024
Proposed Penalty:	\$0.00

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: Legacy Cooperative
Inspection Site: 1012 Laramie Ave, Hemingford, NE 69348

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 1910.146(d)(9): The employer did not develop and implement procedures for summoning rescue and emergency services, for rescuing entrants from permit spaces, for providing necessary emergency services to rescued employees, and/or for preventing unauthorized entry.

On or about March 28th, 2024, employees engaged in grain handling operations located at 1012 Laramie Ave, Hemingford, Nebraska 69348, were exposed asphyxiation, explosion, and other recognized hazards when entering Pits A, B, 2, and 3 in that the employer failed to implement rescue procedures that identify the hazardous conditions for each entry and list the steps and rescue equipment necessary before entering pits. Instances of exposure include but are not limited to:

- 1.) Pit A contained grain dust accumulation and potentially hazardous atmosphere in the space. Adequate rescue procedures were not implemented prior to entry into the space.
- 2.) Pit B contained water accumulation, grain dust, and potentially hazardous atmospheres. Adequate rescue procedures were not implemented prior to entry into the space.
- 3.) Pit 2 contained grain dust accumulation and potentially hazardous atmospheres in the space. Adequate rescue procedures were not implemented prior to entry into the space.
- 4.) Pit 3 contained water accumulation, grain dust accumulation, and hazardous gases (PH3) that were detected in the space. Adequate rescue procedures were not implemented prior to entry into the space.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

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: 1737668
Inspection Date(s): 03/28/2024 - 09/23/2024
Issuance Date: 09/23/2024



Citation and Notification of Penalty

Company Name: Legacy Cooperative
Inspection Site: 1012 Laramie Ave, Hemingford, NE 69348

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

October 18, 2024

\$16,131.00

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: 1737668
Inspection Date(s): 03/28/2024 - 09/23/2024
Issuance Date: 09/23/2024



Citation and Notification of Penalty

Company Name: Legacy Cooperative
Inspection Site: 1012 Laramie Ave, Hemingford, NE 69348

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: Legacy Cooperative
Inspection Site: 1012 Laramie Ave, Hemingford, NE 69348

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

29 CFR 1910.146(k)(1): An employer who designates rescue and emergency services, pursuant to paragraph (d)(9) of this section, shall:

- (i) Evaluate a prospective rescuer's ability to respond to a rescue summons in a timely manner, considering the hazard(s) identified;
Note to paragraph (k)(1)(i): What will be considered timely will vary according to the specific hazards involved in each entry. For example, §1910.134, Respiratory Protection, requires that employers provide a standby person or persons capable of immediate action to rescue employee(s) wearing respiratory protection while in work areas defined as IDLH atmospheres.
- (ii) Evaluate a prospective rescue service's ability, in terms of proficiency with rescue-related tasks and equipment, to function appropriately while rescuing entrants from the particular permit space or types of permit spaces identified;
- (iii) Select a rescue team or service from those evaluated that:
 - (iii)(A) Has the capability to reach the victim(s) within a time frame that is appropriate for the permit space hazard(s) identified;
 - (iii)(B) Is equipped for and proficient in performing the needed rescue services;
- (iv) Inform each rescue team or service of the hazards they may confront when called on to perform rescue at the site; and
- (v) Provide the rescue team or service selected with access to all permit spaces from which rescue may be necessary so that the rescue service can develop appropriate rescue plans and practice rescue operations.

On or about March 28th, 2024, employees engaged in grain handling operations located at 1012 Laramie Ave, Hemingford, Nebraska 69348, were exposed asphyxiation, explosion, and other recognized hazards when entering Pits A, B, 2, and 3 in that the employer failed to ensure the designated rescue team was capable of providing timely rescue per this instruction before entering pits. Instances of failure include but are not limited to:

- 1.) Pit A contained grain dust accumulation and potentially hazardous atmosphere in the space. Adequate rescue procedures were not implemented prior to entry into the space.
- 2.) Pit B contained water accumulation, grain dust, and potentially hazardous atmospheres. Adequate rescue procedures were not implemented prior to entry into the space.
- 3.) Pit 2 contained grain dust accumulation and potentially hazardous atmospheres in the space. Adequate rescue procedures were not implemented prior to entry into the space.

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: 1737668
Inspection Date(s): 03/28/2024 - 09/23/2024
Issuance Date: 09/23/2024



Citation and Notification of Penalty

Company Name: Legacy Cooperative
Inspection Site: 1012 Laramie Ave, Hemingford, NE 69348

4.) Pit 3 contained water accumulation, grain dust accumulation, and hazardous gases (PH3) that were detected in the space. Adequate rescue procedures were not implemented prior to entry into the space.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	October 18, 2024
Proposed Penalty:	\$0.00

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: Legacy Cooperative
Inspection Site: 1012 Laramie Ave, Hemingford, NE 69348

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

29 CFR 1910.146(f): The entry permit that documents compliance with this section and authorizes entry did not identify the required information listed in (f)(1)-(f)(15):

On or about March 28th, 2024, employees engaged in grain handling operations located at 1012 Laramie Ave, Hemingford, Nebraska 69348 were exposed to asphyxiation and acute respiratory illness hazards while working within spaces containing potentially hazardous atmospheres when the employer failed to document through a written permit pertinent information necessary for safe entry Pits A, B, 2, and 3. Instances of failure include but are not limited to:

- 1.) The permit space to be entered.
- 2.) The purpose of the entry.
- 3.) The date and authorized duration of the entry.
- 4.) The authorized entrants.
- 5.) The personnel, by name, currently serving as attendants.
- 6.) The hazards of the permit space to be entered.
- 7.) The measures used to isolate the permit space and to eliminate or control permit space hazards before entry.
- 8.) The acceptable entry conditions.
- 9.) The results of initial and periodic tests performed under paragraph (d)(5) of this section.
- 10.) The rescue and emergency services that can be summoned and the means (such as the equipment to use and the numbers to call) for summoning those services.
- 11.) The communication procedures used by authorized entrants and attendants to maintain contact during the entry.
- 12.) Any other information whose inclusion is necessary, given the circumstances of the particular confined space, in order to ensure employee safety.
- 13.) Any additional permits, such as for hot work, that have been issued to authorize work in the permit space.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

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

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Citation and Notification of Penalty

Company Name: Legacy Cooperative
Inspection Site: 1012 Laramie Ave, Hemingford, NE 69348

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

October 18, 2024
\$16,131.00

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: Legacy Cooperative
Inspection Site: 1012 Laramie Ave, Hemingford, NE 69348

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

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

On or about June 9th, 2024, employees engaged in grain handling operations located at 1012 Laramie Ave, Hemingford, Nebraska 69348, were exposed to hazardous atmospheres and grain dust/water accumulation hazards in pit 3 as a result of their lack of knowledge and understanding of the hazards associated with entering permit required confined spaces in that the employer failed to provide necessary training prior to employees conducting entry. Hazardous conditions include but are not limited to:

- 1) The potential for atmospheric off gassing resulting from the mixing of organic materials (grain dust) with standing water producing such gaseous contaminants as hydrogen sulfide (H₂S), Carbon Dioxide (CO₂), Carbon Monoxide (CO) and an oxygen deficient atmosphere.
- 2) The atmospheric release of phosphine (PH₃) gas as a result of application of fumigants or pesticides to the space, or contamination of grain and grain dust with fumigants or pesticides.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	October 18, 2024
Proposed Penalty:	\$16,131.00

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

Inspection Number: 1737668
Inspection Date(s): 03/28/2024 - 09/23/2024
Issuance Date: 09/23/2024



Citation and Notification of Penalty

Company Name: Legacy Cooperative
Inspection Site: 1012 Laramie Ave, Hemingford, NE 69348

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

29 CFR 1910.157(c)(1): Portable fire extinguishers were not mounted, located and identified so that they were readily accessible without subjecting the employees to injuries:

On or about March 28th, 2024, employees engaged in grain operations located at 1012 Laramie Ave, Hemingford, Nebraska 69348 were being exposed to trip and fall, struck-by and respiratory hazards. Fire extinguishers located in the maintenance shop and in Pit A, 4 pod area, were not mounted/secured to prevent employees working in the area from tripping or knocking them over and creating an unintentional accidental discharge.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$6,913.00

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: Legacy Cooperative
Inspection Site: 1012 Laramie Ave, Hemingford, NE 69348

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

29 CFR 1910.178(l)(2)(ii): The employer did not ensure that each operator had successfully completed the training consisting of a combination of formal instruction (e.g., lecture, discussion, interactive computer learning, video tape, written material), practical training (demonstrations performed by the trainer and practical exercises performed by the trainee), and evaluation of the operator's performance in the workplace.

On or about March 28th 2024, an employee engaged in grain and material handling operations located at 1012 Laramie Ave, Hemingford, Nebraska 69348 were exposed to struck-by hazards in that the employer did not provide required forklift training that included formal instruction, practical training and performance evaluation prior to allowing employees to operate a forklift. Instances of include but are not limited to:

- i. Employee did not receive formal instruction.
- ii. Employee did not receive practical training.
- iii. Employee did not adequate a hands on performance evaluation.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$11,524.00

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: Legacy Cooperative
Inspection Site: 1012 Laramie Ave, Hemingford, NE 69348

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

29 CFR 1910.272(j)(1): The employer did not develop and implement a written housekeeping program that established the frequency and the method(s) determined best to reduce accumulations of fugitive grain dust on ledges, floors, equipment, and other exposed surfaces.

On or about March 28th, 2024, employees engaged in grain handling operations located at 1012 Laramie Ave, Hemingford, Nebraska 69348, were exposed to explosion and fire hazards in that the employer failed to develop and implement a written housekeeping program that established the frequency and method(s) to reduce dust accumulations. Instances of failure include but not limited to:

- i. Failure to ensure a regular cleaning schedule based in the evaluation of the amount of grain handled v. time between cleanings.
- ii. Failure to monitor areas recognized for grain accumulation for adherence to housekeeping policy on a daily basis; including monthly safety audits.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	October 18, 2024
Proposed Penalty:	\$16,131.00

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: Legacy Cooperative
Inspection Site: 1012 Laramie Ave, Hemingford, NE 69348

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 1910.272(m)(1)(i): Preventive maintenance procedures in the grain handling facility were not implemented to provide regularly scheduled inspections of the mechanical and safety control equipment associated with dryers, grain stream processing equipment:

On or about March 28th, 2024, employees engaged in maintenance and grain handling operations located at 1012 Laramie Ave, Hemingford, Nebraska 69348, were exposed to fire and explosion hazards in that the employer failed to conduct regular inspections of the mechanical and safety control equipment: Instances include but are not limited to:

- i. The employer failed to inspect the Brock Commercial Tower Dryer (MFH1944E) daily when in use for debris on the Heat Plenum Floor and inside Screens.
- ii. The employer failed to make periodic inspections of the Brock Commercial Tower Dryer (MFH1944E) prior to operation and before harvest season.
- iii. The employer failed to make periodic inspections of the Brock Commercial Tower Dryer (MFH1944E) every week for moisture, every two weeks, at the start of the season, and the end of the season for belts and tension.
- iv. The employer failed to inspect the dust collection equipment (AIRLANCO, Serial # 85001437-003, model: FT-12) on a daily, monthly or when in use schedule.
- v. The employer failed to inspect the bucket elevators) on a daily, monthly or when in use schedule.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

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: 1737668
Inspection Date(s): 03/28/2024 - 09/23/2024
Issuance Date: 09/23/2024



Citation and Notification of Penalty

Company Name: Legacy Cooperative
Inspection Site: 1012 Laramie Ave, Hemingford, NE 69348

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	October 18, 2024
Proposed Penalty:	\$16,131.00

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: 1737668
Inspection Date(s): 03/28/2024 - 09/23/2024
Issuance Date: 09/23/2024



Citation and Notification of Penalty

Company Name: Legacy Cooperative
Inspection Site: 1012 Laramie Ave, Hemingford, NE 69348

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

29 CFR 1910.272(m)(3): The employer did not maintain a certification record of each preventive maintenance inspection, performed in accordance with this paragraph (m), containing the date of the inspection, the name of the person who performed the inspection and the serial number, or other identifier, of the equipment specified in paragraph (m)(1)(i) of this section that was inspected.

On or about March 28th, 2024, employees engaged in maintenance and grain handling operations located at 1012 Laramie Ave, Hemingford, Nebraska 69348, were exposed to fire and explosion hazards. The employer failed to maintain an inspection record for the mechanical and safety control equipment associated with dryers, dust collection equipment, and bucket elevators at this facility.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: October 18, 2024
Proposed Penalty: \$0.00

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: Legacy Cooperative
Inspection Site: 1012 Laramie Ave, Hemingford, NE 69348

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

29 CFR 1910.272(m)(1)(ii): Preventive maintenance procedures in the grain handling facility were not implemented to provide lubrication and other appropriate maintenance in accordance with manufacturers' recommendations; or as determined necessary by prior operating records.

On or about March 28th, 2024, employees engaged in maintenance and grain handling operations located at 1012 Laramie Ave, Hemingford, Nebraska 69348, were exposed to fire and explosion hazards. The employer failed to adequately implement preventive maintenance procedures to provide lubrication and other appropriate maintenance per the manufacturer's recommendations or prior operating records. Instances include but not limited to:

- i. The employer failed to inspect the Dryer daily when in use for debris on the Heat Plenum Floor and inside Screens.
- ii. The employer failed to make periodic inspections of the Dryer as described in the Preventive Maintenance section. Specifically, the employer did not inspect Dryer prior to operation and before harvest season. In addition, the employer failed to periodically shut down the dryer for routine inspection and maintenance.
- iii. The employer failed to lubricate bearings and gearbox, The employer failed to lubricate the lube blower bearings every 6 weeks, and at the end of the season. The employer failed to lubricate blower motor bearings at the end of the season.
- iv. The employer failed to make periodic inspections of the Dryer every week for moisture, every two weeks, at the start of the season, and the end of the season for belts and tension.
- v. The employer failed to service and add small grease to the rotary valve every 6 months on the dust collector. In addition, the employer failed to lightly oil the roller chain drive once a month

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

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: 1737668
Inspection Date(s): 03/28/2024 - 09/23/2024
Issuance Date: 09/23/2024



Citation and Notification of Penalty

Company Name: Legacy Cooperative
Inspection Site: 1012 Laramie Ave, Hemingford, NE 69348

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

October 18, 2024
\$16,131.00

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: Legacy Cooperative
Inspection Site: 1012 Laramie Ave, Hemingford, NE 69348

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 14 a Type of Violation: **Serious**

29 CFR 1910.305(b)(1)(i): Openings through which conductors entered cutout boxes, cabinets, or fittings were not effectively closed:

On or about March 28th, 2024, employees engaged in grain handling operations located 1012 Laramie Ave, Hemingford, Nebraska 69348, were exposed to fire/explosion and electrical hazards in that energized electrical conductors were exposed and not closed when entering a cutout box. Instance of failure include but are not limited to:

- 1.) Outside Pit B, middle conveyor; the raceway was not connected to the electrical enclosure and was exposing energized conductors.
- 2.) Portable Conveyor wiring directly under junction box mounted to wood, located in garage was pulled away and separated from electrical enclosure.

Abatement certification is required for this violation. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	October 18, 2024
Proposed Penalty:	\$11,524.00

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

Inspection Number: 1737668
Inspection Date(s): 03/28/2024 - 09/23/2024
Issuance Date: 09/23/2024



Citation and Notification of Penalty

Company Name: Legacy Cooperative
Inspection Site: 1012 Laramie Ave, Hemingford, NE 69348

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

29 CFR 1910.305(b)(1)(iii)(F):The raceway is fastened at its outer end and at other points as necessary;

On or about March 28th, 2024, employees engaged in grain handling operations located 1012 Laramie Ave, Hemingford, Nebraska 69348, were exposed to fire, explosion, and electrical hazards in that energized electrical conductors ran through a raceway were not fastened at its outer ends. Instances of failure include but are not limited to:

- 1.) Outside Pit B, middle conveyor; the raceway was not connected to the electrical enclosure and was exposing energized conductors. The raceway was not fastened.
- 2.) Portable Conveyor wiring directly under junction box mounted to wood, located in garage - The raceway was pulled away and separated from the electrical enclosure, exposing energized conductors. The raceway was not fastened.

Abatement certification is required for this violation. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	October 18, 2024
Proposed Penalty:	\$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: 1737668
Inspection Date(s): 03/28/2024 - 09/23/2024
Issuance Date: 09/23/2024



Citation and Notification of Penalty

Company Name: Legacy Cooperative
Inspection Site: 1012 Laramie Ave, Hemingford, NE 69348

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

29 CFR 1910.305(g)(1)(iv)(A):Flexible cords and/or cables were used as a substitute for the fixed wiring of a structure:

On or about March 28th, 2024, employees engaged in grain handling operations located at 1012 Laramie Ave, Hemingford, Nebraska 69348, were exposed to fire and shock hazards in that a flexible cord w plugged into the grain dryer monitor located directly in front of the grain dryer. The flexible cord was used as a substitute for permanent wiring in that it the flexible cord was being used continuously for a period exceeding 90days.

Abatement certification is required for this violation. The abatement certification sheet is enclosed with the citations.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$6,913.00

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: 1737668
Inspection Date(s): 03/28/2024 - 09/23/2024
Issuance Date: 09/23/2024



Citation and Notification of Penalty

Company Name: Legacy Cooperative
Inspection Site: 1012 Laramie Ave, Hemingford, NE 69348

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

29 CFR 1910.1200(f)(6)(i): Except as provided in 29 CFR 1910.1200(f)(7) and 29 CFR 1910.1200(f)(8), the employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with the information required by 29 CFR 1910.1200(f)(1)(i) through 29 CFR 1910.1200(f)(1)(v):

On or about March 28th, 2024, employees engaged in grain handling operations located at 1012 Laramie Ave, Hemingford, Nebraska 69348 were exposed to ingestion, inhalation, fire, and absorption hazards in that a large white container with used motor oil located in the maintenance shop was not labeled or marked with all required information.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$11,524.00

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: 1737668
Inspection Date(s): 03/28/2024 - 09/23/2024
Issuance Date: 09/23/2024



Citation and Notification of Penalty

Company Name: Legacy Cooperative
Inspection Site: 1012 Laramie Ave, Hemingford, NE 69348

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

29 CFR 1910.272(j)(2)(ii): The employer did not immediately remove any fugitive grain dust accumulations whenever the exceeded 1/8-inch (.32cm) at priority housekeeping areas, pursuant to the housekeeping program for grain elevators:

The employer is failing to protect employees from fire and explosion hazards associated with fugitive grain dust accumulations that exceeded 1/8 inch in high priority housekeeping areas. Specifically, including within in the tunnel of the bottom belt area between and around the east and west legs, which is within 35ft of inside bucket elevators. This was most recently documented on or about March 28th, 2024, located at 1012 Laramie Ave, Hemingford, Nebraska 69348.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	October 18, 2024
Proposed Penalty:	\$161,323.00

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: 1737668
Inspection Date(s): 03/28/2024 - 09/23/2024
Issuance Date: 09/23/2024



Citation and Notification of Penalty

Company Name: Legacy Cooperative
Inspection Site: 1012 Laramie Ave, Hemingford, NE 69348

Citation 2 Item 2 Type of Violation: **Willful - Serious**

29 CFR 1910.272(m)(2): The employer did not promptly correct dust collection systems in the grain handling facility which were malfunctioning or operating below designed efficiency:

The employer is failing to protect employees from fire and explosion hazards associated with the dust collection system operating below the designed efficiency. This was most recently documented on or about March 28th, 2024, located at Laramie Ave, Hemingford, Nebraska 69348. The employees were exposed to fugitive grain dust accumulations when working in and around the bottom belt tunnel when duct tape was used to maintain the dust collection system in place of maintenance or repair practices consistent with manufacturer recommendations.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

October 18, 2024
\$161,323.00



Matthew Thurlby
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
444 Regency Parkway Drive
Suite 303
Omaha, NE 68114



**INVOICE /
DEBT COLLECTION NOTICE**

Company Name: Legacy Cooperative
Inspection Site: 1012 Laramie Ave, Hemingford, NE 69348
Issuance Date: 09/23/2024

Summary of Penalties for Inspection Number: 1737668

Citation 1 Item 1, Serious	\$11,524.00
Citation 1 Item 2, Serious	\$9,218.00
Citation 1 Item 3, Serious	\$16,131.00
Citation 1 Item 4a, Serious	\$16,131.00
Citation 1 Item 4b, Serious	\$0.00
Citation 1 Item 4c, Serious	\$0.00
Citation 1 Item 5a, Serious	\$16,131.00
Citation 1 Item 5b, Serious	\$0.00
Citation 1 Item 6a, Serious	\$16,131.00
Citation 1 Item 6b, Serious	\$0.00
Citation 1 Item 7, Serious	\$16,131.00

Citation 1 Item 8, Serious	\$16,131.00
Citation 1 Item 9, Serious	\$6,913.00
Citation 1 Item 10, Serious	\$11,524.00
Citation 1 Item 11, Serious	\$16,131.00
Citation 1 Item 12a, Serious	\$16,131.00
Citation 1 Item 12b, Serious	\$0.00
Citation 1 Item 13, Serious	\$16,131.00
Citation 1 Item 14a, Serious	\$11,524.00
Citation 1 Item 14b, Serious	\$0.00
Citation 1 Item 15, Serious	\$6,913.00
Citation 1 Item 16, Serious	\$11,524.00
Citation 2 Item 1, Willful - Serious	\$161,323.00
Citation 2 Item 2, Willful - Serious	\$161,323.00

TOTAL PROPOSED PENALTIES: \$536,965.00

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 at www.pay.gov. At the top of the pay.gov homepage, type "OSHA" in the Search field and select Search. From the **OSHA Penalty Payment Form** search result, select Continue. 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 two 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.



Matthew Thurlby

Area Director



Date