

U.S. Department of Labor Occupational Safety and Health Administration
2 Executive Drive, Suite 120
Marlton, NJ 08053



07/16/2024

US Tank Painting, Inc.
and its successors
900 Rike Drive
Millstone Township, NJ 08510

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 (856) 596-5200.

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,

Paula Dixon-Roderick

Paula Dixon-Roderick
Area Director

Enclosures

U.S. Department of Labor

Occupational Safety and Health Administration
2 Executive Drive, Suite 120
Marlton, NJ 08053



Citation and Notification of Penalty

To:
US Tank Painting, Inc.
and its successors
900 Rike Drive
Millstone Township, NJ 08510

Inspection Number: 1723264
Inspection Date(s): 01/25/2024 - 07/16/2024
Issuance Date: 07/16/2024

Inspection Site:
1016 Route 9
Bayville, NJ 08721

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 (856) 596-5200. 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 07/16/2024. The conference will be held by telephone or at the OSHA office located at 2

Executive Drive, Suite 120, Marlton, NJ 08053 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1723264

Company Name: US Tank Painting, Inc.
Inspection Site: 1016 Route 9, Bayville, NJ 08721
Issuance Date: 07/16/2024

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, 2 Executive Drive, Suite 120, Marlton, NJ 08053.**

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: 1723264
Inspection Date(s): 01/25/2024 - 07/16/2024
Issuance Date: 07/16/2024



Citation and Notification of Penalty

Company Name: US Tank Painting, Inc.
Inspection Site: 1016 Route 9, Bayville, NJ 08721

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

29 CFR 1926.95(c): Personal protective equipment was not of safe design and construction for the work to be performed:

a) Interior and exterior of Pinewald Aqua water tower: Employees wore DuPont Tyvec 400 coveralls which were not designed for use in flammable atmospheres when spray painting with Category 2 flammable paints and solvents, including, but not limited to, Induron Ceramaprime LV Epoxy Primer Part B Q-1481, Perma Clean 100 Epoxy Part A A-4165, and methyl ethyl ketone, on or about 1/17/24.

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM. FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1000.00 IN ACCORDANCE WITH 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

August 09, 2024
\$11,292.00

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: 1723264
Inspection Date(s): 01/25/2024 - 07/16/2024
Issuance Date: 07/16/2024



Citation and Notification of Penalty

Company Name: US Tank Painting, Inc.
Inspection Site: 1016 Route 9, Bayville, NJ 08721

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

29 CFR 1926.152(b)(1): More than 25 gallons of flammable liquids were stored in a room outside of an approved storage cabinet.

a) Aqua pump station located next to Pinewald water tower: On 1/25/24 and thereafter, category 2 flammable liquids used by US Tank Painting Incorporated were stored inside of the Aqua water pump station. On 1/25/24 approximately 155 gallons of Induron Ceramaprime LV Ceramic Epoxy Part B Q1482, Induron Ceramaprime Ceramic Epoxy Part A H-7480, and Induron K-1034 HAPS Free Epoxy Reducer were observed.

NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT CERTIFICATION FOR THIS ITEM. FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1000.00 IN ACCORDANCE WITH 29 CFR 1903.19.

Date By Which Violation Must be Abated:
Proposed Penalty:

August 09, 2024
\$4,839.00

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: US Tank Painting, Inc.
Inspection Site: 1016 Route 9, Bayville, NJ 08721

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

29 CFR 1926.152(e)(2): The transfer of flammable liquids from one container to another was done when the containers were not electrically interconnected (bonded):

a) Spray painting trailers located next to Pinewald Aqua water tower: Category 2 and 3 flammable paints and solvents, including, but not limited to, Induron Ceramaprime LV Epoxy Primer Part B Q-1481, Perma Clean 100 Epoxy Part A A-4165 and methyl ethyl ketone were poured into the Wiwa plural component spray painting machine without being bonded to the machine, on or about 3/11/24.

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM. FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1000.00 IN ACCORDANCE WITH 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	August 09, 2024
Proposed Penalty:	\$11,292.00



Citation and Notification of Penalty

Company Name: US Tank Painting, Inc.
Inspection Site: 1016 Route 9, Bayville, NJ 08721

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

29 CFR 1926.152(e)(3): Flammable or combustible liquids were not drawn from or transferred into vessels, containers, or tanks within buildings or outside through closed piping systems, from safety cans, by means of devices drawing through the top, or from a container or portable tanks by gravity or pumps through an approved self closing valve:

a) Spray painting trailers located next to Pinewald Aqua water tower: Category 2 flammable paints, including, but not limited to, Induron Ceramaprime LV Epoxy Primer Part B Q-1481 and Perma Clean 100 Epoxy Part A A-4165, were transferred into the Wiwa plural component spray painting machine by pouring them from five gallon drums, on or about 3/11/24.

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM. FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1000.00 IN ACCORDANCE WITH 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	August 09, 2024
Proposed Penalty:	\$11,292.00

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: US Tank Painting, Inc.
Inspection Site: 1016 Route 9, Bayville, NJ 08721

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

29 CFR 1926.1053(a)(19): Where the total length of a climb equals or exceeds 24 feet (7.3 m), fixed ladders were not equipped with one of the following: ladder safety devices; or self-retracting lifelines, and rest platforms at intervals not to exceed 150 feet (45.7 m); or a cage or well, and multiple ladder sections, each ladder section not to exceed 50 feet (15.2 m) in length. Ladder sections were not offset from adjacent sections, and landing platforms were not provided at maximum intervals of 50 feet (15.2 m).

a) Pinewald Aqua water tower located at 1016 Route 9, Berkeley Township, NJ 08721

Workers were exposed to fall hazards of approximately 105 feet to ground while climbing a water tower access ladder to shot blast and paint the interior of the tank. There were no ladder safety devices or self-retracting lifelines for them to use and the ladder was not offset into sections.

Violation was observed on or about January 25, 2024.

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM. FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1000.00 IN ACCORDANCE WITH 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: August 09, 2024
Proposed Penalty: \$112,926.00

Paula Dixon-Roderick

Paula Dixon-Roderick
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
2 Executive Drive, Suite 120
Marlton, NJ 08053



INVOICE / DEBT COLLECTION NOTICE

Company Name: US Tank Painting, Inc.
Inspection Site: 1016 Route 9, Bayville, NJ 08721
Issuance Date: 07/16/2024

Summary of Penalties for Inspection Number: 1723264

Citation 1 Item 1, Serious	\$11,292.00
Citation 1 Item 2, Serious	\$4,839.00
Citation 1 Item 3, Serious	\$11,292.00
Citation 1 Item 4, Serious	\$11,292.00
Citation 2 Item 1, Willful - Serious	\$112,926.00

TOTAL PROPOSED PENALTIES: **\$151,641.00**

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.

Paula Dixon-Roderick

07/16/2024

Paula Dixon-Roderick

Date

Area Director

U.S. Department of Labor

Occupational Safety and Health Administration
2 Executive Drive, Suite 120
Marlton, NJ 08053



Citation and Notification of Penalty

To:
US Tank Painting, Inc.
and its successors
900 Rike Drive
Millstone Township, NJ 08510

Inspection Number: 1731471
Inspection Date(s): 02/28/2024 - 07/16/2024
Issuance Date: 07/16/2024

Inspection Site:
1016 Rt 9
Bayville, NJ 08721

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 (856) 596-5200. 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 07/16/2024. The conference will be held by telephone or at the OSHA office located at 2

Executive Drive, Suite 120, Marlton, NJ 08053 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1731471

Company Name: US Tank Painting, Inc.
Inspection Site: 1016 Rt 9, Bayville, NJ 08721
Issuance Date: 07/16/2024

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, 2 Executive Drive, Suite 120, Marlton, NJ 08053.**

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: US Tank Painting, Inc.
Inspection Site: 1016 Rt 9, Bayville, NJ 08721

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

a) Pinewald Aqua water tower: The employer did not develop and implement a written respiratory protection program specific for the respirators used and the hazards of the worksite for employees that wore respiratory protection while sandblasting and spray painting the interior and exterior of the Pinewald water tower, including, but not limited to RPB Nova 3 air blasting hoods and 3M full face respirator with 6001 organic vapor cartridges, on or about 1/17/24.

NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT CERTIFICATION FOR THIS ITEM. FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1000.00 IN ACCORDANCE WITH 29 CFR 1903.19.

Date By Which Violation Must be Abated:
Proposed Penalty:

August 09, 2024
\$8,067.00

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

Inspection Number: 1731471
Inspection Date(s): 02/28/2024 - 07/16/2024
Issuance Date: 07/16/2024



Citation and Notification of Penalty

Company Name: US Tank Painting, Inc.
Inspection Site: 1016 Rt 9, Bayville, NJ 08721

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

29 CFR 1910.134(k):The employer did not provide comprehensive, understandable training which occurred annually and/or more often if necessary:

a) Pinewald Aqua water tower: The employer did not provide respiratory protection training to employees required to wear RPB Nova 3 air blasting hoods and 3M full face respirator with 6001 organic vapor cartridges while sandblasting and spray painting the interior and exterior of the Pinewald water tower, on or about 1/17/24.

NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT CERTIFICATION FOR THIS ITEM. FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1000.00 IN ACCORDANCE WITH 29 CFR 1903.19.

Date By Which Violation Must be Abated:
Proposed Penalty:

August 09, 2024
\$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: US Tank Painting, Inc.
Inspection Site: 1016 Rt 9, Bayville, NJ 08721

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

29 CFR 1910.134(d)(1)(i): Selection of appropriate respirators was not based on the respiratory hazard(s) to which the worker was exposed and user factors that affect respirator performance and reliability:

a) Pinewald Aqua water tower interior section: Employees spray painted the inside of a 1.5 million gallon water tower using Perma Clean 100 Epoxy Part A product code A-4165 that contained 5-10% microcrystalline silica while wearing 3M full face respirators with 6001 organic vapor cartridges without HEPA filters. An employee who sprayed the inside of the Pinewald tower using the paint for 473 minutes on 3/11/24 was exposed to an airborne concentration of silica at an 8 hour time weighted average of 37.45 ug/m³ which was 1.5 times the action level of 25 ug/m³. The employer did not provide and require the use of particulate cartridges.

NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT CERTIFICATION FOR THIS ITEM. FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1000.00 IN ACCORDANCE WITH 29 CFR 1903.19.

Date By Which Violation Must be Abated:
Proposed Penalty:

August 09, 2024
\$0.00



Citation and Notification of Penalty

Company Name: US Tank Painting, Inc.
Inspection Site: 1016 Rt 9, Bayville, NJ 08721

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

29 CFR 1910.134(i)(7): Oil lubricated compressor(s) used to supply breathing air did not have a high-temperature or carbon monoxide alarm(s) or both:

a) Pinewald Aqua water tower inside of outdoor containment area: A gas detection system to monitor carbon monoxide levels was not installed on the filtration unit providing compressed air to the RPB Nova 3 air blasting hoods from the Atlas Copco XAS 1800 JD air compressor for employees sandblasting within the containment area, on or about 4/9/24.

NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT CERTIFICATION FOR THIS ITEM. FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1000.00 IN ACCORDANCE WITH 29 CFR 1903.19.

Note: If only a high-temperature alarm is used, the air supply should be monitored to prevent carbon monoxide in the breathing air to exceed 10 ppm.

Date By Which Violation Must be Abated:
Proposed Penalty:

August 09, 2024
\$0.00



Citation and Notification of Penalty

Company Name: US Tank Painting, Inc.
Inspection Site: 1016 Rt 9, Bayville, NJ 08721

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 1910.1200(e)(1)(i): The employer did not compile a list of the hazardous chemicals known to be present using a product identifier that was referenced on the appropriate safety data sheet.

a) Pinewald Aqua water tower: The written hazard communication program did not include a list of the hazardous chemicals used by employees when sandblasting and spray painting the interior and exterior of the water tower, including, but not limited to, Amasteel, several Induron chemicals, including, Ceramaprime Ceramic Epoxy Part A H-7480 (class 2 flammable, carcinogen) , Ceramaprime LV Ceramic Epoxy Part B Q1482, K-1034 HAPS Free Epoxy Reducer (class 2 flammable), Perma Clean 100 Epoxy Part A A-4165 Ceramaprime LV Epoxy Primer Part B Q-1481 (class 2 flammable, carcinogen), Perma Clean 100 Epoxy Activator Q-4165 (carcinogen) and PE70 & RC70 Epoxy Aquawhite Part A A-1870 (class 2 flammable, carcinogen), and methyl ethyl ketone (class 2 flammable) and xylene (class 3 flammable). On or about 1/17/24.

NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT CERTIFICATION FOR THIS ITEM. FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1000.00 IN ACCORDANCE WITH 29 CFR 1903.19.

Date By Which Violation Must be Abated:
Proposed Penalty:

August 09, 2024
\$8,067.00

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

Inspection Number: 1731471
Inspection Date(s): 02/28/2024 - 07/16/2024
Issuance Date: 07/16/2024



Citation and Notification of Penalty

Company Name: US Tank Painting, Inc.
Inspection Site: 1016 Rt 9, Bayville, NJ 08721

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

29 CFR 1926.1153(i)(1):The employer did not include respirable crystalline silica in the program established to comply with the hazard communication standard (HCS) (29 CFR 1910.1200):

a) Pinewald Aqua water tower: The employer did not incorporate crystalline silica into their written hazard communication program or provide training to employees on the hazards of crystalline silica. Employees spray painted the interior and exterior of the 1.5 million gallon Pinewald water tower using Perma Clean 100 Epoxy Part A product code A-4165 that contained 5-10% microcrystalline silica, on or about 1/17/24.

NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT CERTIFICATION FOR THIS ITEM. FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1000.00 IN ACCORDANCE WITH 29 CFR 1903.19.

Date By Which Violation Must be Abated:
Proposed Penalty:

August 09, 2024
\$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: US Tank Painting, Inc.
Inspection Site: 1016 Rt 9, Bayville, NJ 08721

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

29 CFR 1910.1200(h)(1): Employees were not provided effective information and training on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard that the employees had not been previously trained about was introduced into their work area: (Construction Reference: 1926.59):

a) Pinewald Aqua water tower: The employer did not provide training to employees at the of the initial assignment on the hazardous chemicals used when sandblasting and spray painting the interior and exterior of the water tower, including, but not limited to, Amasteel, several Induron chemicals, including, Ceramaprime Ceramic Epoxy Part A H-7480 (class 2 flammable, carcinogen) , Ceramaprime LV Ceramic Epoxy Part B Q1482, K-1034 HAPS Free Epoxy Reducer (class 2 flammable), Perma Clean 100 Epoxy Part A A-4165 Ceramaprime LV Epoxy Primer Part B Q-1481 (class 2 flammable, carcinogen), Perma Clean 100 Epoxy Activator Q-4165 (carcinogen) and PE70 & RC70 Epoxy Aquawhite Part A A-1870 (class 2 flammable, carcinogen), and methyl ethyl ketone (class 2 flammable) and xylene (class 3 flammable). On or about 1/17/24.

NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT CERTIFICATION FOR THIS ITEM. FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1000.00 IN ACCORDANCE WITH 29 CFR 1903.19.

Date By Which Violation Must be Abated:
Proposed Penalty:

August 09, 2024
\$8,067.00



Citation and Notification of Penalty

Company Name: US Tank Painting, Inc.
Inspection Site: 1016 Rt 9, Bayville, NJ 08721

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

29 CFR 1926.52(b): Where employees were subjected to sound levels exceeding those listed in Table D-2 of this section, feasible administrative or engineering controls were not utilized. When such controls failed to reduce sound levels within the levels of the table, personal protective equipment as required in subpart E, was not provided and used to reduce sound levels within the levels of the table.

a) Pinewald Aqua water tower inside and outside of the tarpaulin containment area: The employee who was sandblasting was exposed to continuous noise levels in excess of the allowable 8-hour time-weighted average sound level (Permissible Exposure Limit). The employee's dosimeter dBA level was 1518.7% of the permissible level (90 dBA) and was equivalent to approximately 109.6 dBA. The sampling was performed for 480 minutes during one shift on 4/9/24. The employer did not utilize any administrative or engineering controls to reduce noise. The employer provided PPE that had a NRR of 26. This PPE was not cable of reducing the employee's noise exposure to below the limits in Table D-2.

b) Pinewald Aqua water tower inside and outside of the tarpaulin containment area: The employee who was sandblasting was exposed to continuous noise levels in excess of the allowable 8-hour time-weighted average sound level (Permissible Exposure Limit). The employee's dosimeter dBA level was 2786.3% of the permissible level (90 dBA) and was equivalent to approximately 114 dBA. The sampling was performed for 480 minutes during one shift on 4/9/24. The employer did not utilize any administrative or engineering controls to reduce noise. The employer provided PPE that had a NRR of 26. This PPE was not cable of reducing the employee's noise exposure to below the limits in Table D-2.

c) Pinewald Aqua water tower inside and outside of the tarpaulin containment area: The employee who was sandblasting was exposed to continuous noise levels in excess of the allowable 8-hour time-weighted average sound level (Permissible Exposure Limit). The employee's dosimeter dBA level was 3674.7% of the permissible level (90 dBA) and was equivalent to approximately 115.9 dBA. The sampling was performed for 480 minutes during one shift on 4/9/24. The employer did not utilize any administrative or engineering controls to reduce noise. The employer provided PPE that had a NRR of 26. This PPE was not cable of reducing the employee's noise exposure to below the limits in Table D-2.

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: 1731471
Inspection Date(s): 02/28/2024 - 07/16/2024
Issuance Date: 07/16/2024



Citation and Notification of Penalty

Company Name: US Tank Painting, Inc.
Inspection Site: 1016 Rt 9, Bayville, NJ 08721

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM. FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1000.00 IN ACCORDANCE WITH 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: August 09, 2024
Proposed Penalty: \$11,292.00

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: 1731471
Inspection Date(s): 02/28/2024 - 07/16/2024
Issuance Date: 07/16/2024



Citation and Notification of Penalty

Company Name: US Tank Painting, Inc.
Inspection Site: 1016 Rt 9, Bayville, NJ 08721

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

29 CFR 1926.1153(d)(2)(i): The employer did not assess the exposure of each employee who was or may reasonably be expected to be exposed to respirable crystalline silica at or above the action level in accordance with either the performance option in paragraph (d)(2)(ii) or the scheduled monitoring option in paragraph (d)(2)(iii) of this section:

a) Pinewald Aqua water tower: The employer did not conduct an exposure assessment of employees spray painting the interior and exterior of the 1.5 million gallon Pinewald water tower using Perma Clean 100 Epoxy Part A product code A-4165 that contained 5-10% microcrystalline silica. An employee who sprayed the interior of the tower using the paint for 473 minutes on 3/11/24 was exposed to an airborne concentration of silica at an 8 hour time weighted average of 37.45 ug/m3 which was 1.5 times the action level of 25 ug/m3.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$11,292.00

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: 1731471
Inspection Date(s): 02/28/2024 - 07/16/2024
Issuance Date: 07/16/2024



Citation and Notification of Penalty

Company Name: US Tank Painting, Inc.
Inspection Site: 1016 Rt 9, Bayville, NJ 08721

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

29 CFR 1926.1153(g)(1)(i): The exposure control plan did not contain a description of the tasks in the workplace that involved exposure to respirable crystalline silica:

a) Pinewald Aqua water tower: The exposure control plan did not include the use of Perma Clean 100 Epoxy Part A paint product code A-4165 that contained 5-10% microcrystalline silica and was used to spray paint the interior and exterior of the 1.5 million gallon Pinewald water tower, on or about 1/17/24.

NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT CERTIFICATION FOR THIS ITEM. FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1000.00 IN ACCORDANCE WITH 29 CFR 1903.19.

Date By Which Violation Must be Abated:
Proposed Penalty:

August 09, 2024
\$8,067.00

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: 1731471
Inspection Date(s): 02/28/2024 - 07/16/2024
Issuance Date: 07/16/2024



Citation and Notification of Penalty

Company Name: US Tank Painting, Inc.
Inspection Site: 1016 Rt 9, Bayville, NJ 08721

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

29 CFR 1926.1153(g)(1)(ii): The exposure control plan did not contain a description of the engineering controls, work practices, and respiratory protection used to limit employee exposure to respirable crystalline silica for each task:

a) Pinewald Aqua water tower: The exposure control plan did not include the necessary controls for employees who used Perma Clean 100 Epoxy Part A paint product code A-4165 that contained 5-10% microcrystalline silica to spray paint the interior and exterior of the 1.5 million gallon Pinewald water tower, on or about 1/17/24.

NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT CERTIFICATION FOR THIS ITEM. FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1000.00 IN ACCORDANCE WITH 29 CFR 1903.19.

Date By Which Violation Must be Abated:
Proposed Penalty:

August 09, 2024
\$8,067.00

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: 1731471
Inspection Date(s): 02/28/2024 - 07/16/2024
Issuance Date: 07/16/2024



Citation and Notification of Penalty

Company Name: US Tank Painting, Inc.
Inspection Site: 1016 Rt 9, Bayville, NJ 08721

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

29 CFR 1926.1204(d)(1):The employer did not provide testing and monitoring equipment needed to comply with paragraph (e) of this section:

a)Pinewald Aqua water tower: The employer did not provide equipment to continuously test and monitor the atmospheric conditions, including but not limited to, oxygen and hydrogen sulfide levels, within the Pinewald water tower after entry to determine if acceptable levels were present, on or about 1/17/24.

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM. FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1000.00 IN ACCORDANCE WITH 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

August 09, 2024
\$11,292.00

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: US Tank Painting, Inc.
Inspection Site: 1016 Rt 9, Bayville, NJ 08721

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

29 CFR 1926.1204(d)(5):The employer did not provide lighting equipment approved for the ignitable or combustible properties of the specific gas, vapor, dust, or fiber that were present, and that was sufficient to enable employees to see well enough to work safely and to exit the space quickly in an emergency:

a) Pinewald Aqua water tower: The employer did not provide intrinsically safe lighting for use when employees were spray painting the inside of the 1.5 million gallon Pinewald water tower with category 2 flammable chemicals, including, but not limited to, Induron Ceramaprime LV Epoxy Primer Part B Q-1481, Perma Clean 100 Epoxy Part AA-4165 and methyl ethyl ketone, on or about 1/17/24.

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM. FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1000.00 IN ACCORDANCE WITH 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

August 09, 2024
\$11,292.00

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

Inspection Number: 1731471
Inspection Date(s): 02/28/2024 - 07/16/2024
Issuance Date: 07/16/2024



Citation and Notification of Penalty

Company Name: US Tank Painting, Inc.
Inspection Site: 1016 Rt 9, Bayville, NJ 08721

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

29 CFR 1926.1205(a): Before entry was authorized, the employer did not document the completion of measures required by paragraph 1926.1204(c) of this standard by preparing an entry permit:

a) Pinewald Aqua water tower: The employer did not prepare an entry permit when employees entered the Pinewald water tower to sandblast and spray paint to document that the space was safe for entry, on or about 1/17/24.

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM. FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1000.00 IN ACCORDANCE WITH 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

August 09, 2024
\$11,292.00

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: US Tank Painting, Inc.
Inspection Site: 1016 Rt 9, Bayville, NJ 08721

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

29 CFR 1926.1207(a): The employer did not provide training to each employee whose work was regulated by this standard, at no cost to the employee, and ensure that the employee possessed the understanding, knowledge, and skills necessary for the safe performance of the duties assigned under this standard. This training must result in an understanding of the hazards in the permit space and the methods used to isolate, control or in other ways protect employees from these hazards, and for those employees not authorized to perform entry rescues, in the dangers of attempting such rescues.

a) Pinewald Aqua water tower: The employer did not provide training to employees entering the 1.5 million gallon Pinewald water tower to sandblast and spray paint. Employees were not trained on the hazards within the space and protective methods to ensure safe entry during the work, on or about 1/17/24.

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM. FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1000.00 IN ACCORDANCE WITH 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

August 09, 2024

Proposed Penalty:

\$11,292.00

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: US Tank Painting, Inc.
Inspection Site: 1016 Rt 9, Bayville, NJ 08721

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

29 CFR 1926.1204(c): The employer did not develop and implement the means, procedures, and practices necessary for safe permit space entry operations in accordance with 1926.1204 (c)(1) through (c)(8):

a) Pinewald Aqua water tower: The employer did not develop and implement the means, procedures and practices necessary for safe entry into the 1.5 million gallon Pinewald water tower for employees conducting sandblasting and spray painting, including, but not limited to, identifying acceptable air quality entry conditions, frequency of air monitoring when in the space, procedures to prevent slip, trip and fall hazards, identifying the conditions when evacuation was necessary, equipment needed during the entry and rescue procedures, on or about 1/17/24.

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM. FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1000.00 IN ACCORDANCE WITH 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	August 09, 2024
Proposed Penalty:	\$112,926.00

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: 1731471
Inspection Date(s): 02/28/2024 - 07/16/2024
Issuance Date: 07/16/2024



Citation and Notification of Penalty

Company Name: US Tank Painting, Inc.
Inspection Site: 1016 Rt 9, Bayville, NJ 08721

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

29 CFR 1926.1204(i):29 CFR 1926.1204(i): The employer did not develop and implement procedures for summoning rescue and emergency services (including procedures for summoning emergency assistance in the event of a failed non-entry rescue), for rescuing entrants from permit spaces, for providing necessary emergency services to rescued employees, and for preventing unauthorized personnel from attempting a rescue:

a) Pinewald Aqua water tower: The employer did not develop and implement rescue procedures for employees working inside of the 1.5 million gallon Pinewald water tower located approximately 105 feet above the ground below. Employees were exposed to hazards, including, but not limited to, slips, trips, falls, flammable chemicals, silica and reduced oxygen levels, on or about 1/17/24.

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM. FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1000.00 IN ACCORDANCE WITH 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: August 09, 2024
Proposed Penalty: \$112,926.00

for *Danielle DiGironimo*
Paula Dixon-Roderick
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
2 Executive Drive, Suite 120
Marlton, NJ 08053



INVOICE / DEBT COLLECTION NOTICE

Company Name: US Tank Painting, Inc.
Inspection Site: 1016 Rt 9, Bayville, NJ 08721
Issuance Date: 07/16/2024

Summary of Penalties for Inspection Number: 1731471

Citation 1 Item 1a, Serious	\$8,067.00
Citation 1 Item 1b, Serious	\$0.00
Citation 1 Item 1c, Serious	\$0.00
Citation 1 Item 1d, Serious	\$0.00
Citation 1 Item 2a, Serious	\$8,067.00
Citation 1 Item 2b, Serious	\$0.00
Citation 1 Item 3, Serious	\$8,067.00
Citation 1 Item 4, Serious	\$11,292.00
Citation 1 Item 5, Serious	\$11,292.00
Citation 1 Item 6, Serious	\$8,067.00
Citation 1 Item 7, Serious	\$8,067.00
Citation 1 Item 8, Serious	\$11,292.00
Citation 1 Item 9, Serious	\$11,292.00
Citation 1 Item 10, Serious	\$11,292.00
Citation 1 Item 11, Serious	\$11,292.00
Citation 2 Item 1, Willful - Serious	\$112,926.00
Citation 2 Item 2, Willful - Serious	\$112,926.00

TOTAL PROPOSED PENALTIES: **\$333,939.00**

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 www.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.

for *Danielle DiGironimo*

Paula Dixon-Roderick
Area Director

7/16/2024

Date