

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



Citation and Notification of Penalty

To:
Arboris LLC
and its successors
1780 Tamarack Road
Newark, OH 43055

Inspection Number: 1113807
Inspection Date(s): 12/22/2015 - 04/15/2016
Issuance Date: 06/17/2016

Inspection Site:
1780 Tamarack Road
Newark, OH 43055

7016 0910 0000 4171 7552

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type “OSHA” and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

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

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

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

Notification of Corrective Action – For each violation which you do not contest, you must provide ***abatement certification*** to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that ***abatement documentation*** is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

Employer Discrimination Unlawful -- The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities -- The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees -- The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data -- You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 06/17/2016. The conference will be held by telephone or at the OSHA office located at 200 N. High Street, Room 620, Columbus, OH 43215 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1113807

Company Name: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055
Issuance Date: 06/17/2016

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 200 N. High Street, Room 620, Columbus, OH 43215**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review

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

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Citation and Notification of Penalty

Company Name: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055

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

29 CFR 1910.36(b)(2): More than two exit routes. More than two exit routes must be available in a workplace if the number of employees, the size of the building, its occupancy, or the arrangement of the workplace is such that all employees would not be able to evacuate safely during an emergency:

a. On December 21, 2015, and at times prior, the facility is not equipped with sufficient egress for employees working on and around the process equipment due to the arrangement of the workplace, thereby exposing employees to fire and explosion hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/22/2016
Proposed Penalty:	\$4410.00

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
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Citation and Notification of Penalty

Company Name: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055

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

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

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

a. The employer had incomplete maximum intended inventory prior to January 1, 2016, thereby exposing employees to a fire/explosion hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/07/2016
\$3150.00

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

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Issuance Date: 06/17/2016



Citation and Notification of Penalty

Company Name: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055

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

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

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

a. The employer had not developed safe upper and lower limits for temperature, pressure, flow, levels or multi-phase composition, thereby exposing employees to fire and explosion hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/22/2016
\$4410.00

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

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Citation and Notification of Penalty

Company Name: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055

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

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

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

a. The employer failed to develop consequences of deviation prior to the December 21, 2015, fire and explosion event, thereby exposing employees to fire and explosion hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/22/2016
\$4410.00

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

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Citation and Notification of Penalty

Company Name: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055

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

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

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

a. On December 21, 2015, and at times prior, the *employer's Piping & Instrumentation Diagram Phytosterol Melt Tank, PDD 400 (updated July 30, 2015)*, was not accurate in that the three inch relief piping after the rupture disc on the TK 0401-00 Melt Tank did not vent to the ground.

b. As of December 21, 2015, the employer failed to develop a P&ID which covered the fatty acid methyl ester (FAME) recovery process, including the following equipment: TK 0405-00 FAME Recovery Tank, AG 0405-01 FAME Recovery Tank Agitator, E 0408-00 FAME Recovery Condenser, Condensate Trap Condenser (unknown tank identifier); TK 0406-00 FAME Condensate Receiver, and FA 0410-01 Flame Arrestor.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/04/2016
Proposed Penalty:	\$3150.00

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: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055

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

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

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

- a. The employer did not have appropriate relief design and design basis for the TK 0401-00 Melt Tank, thereby exposing employees to fire and explosion hazards.
- b. The employer did not have appropriate relief design and design basis for the F 0302-00 South Rotary Drum Filter (RDF), thereby exposing employees to fire and explosion hazards.
- c. The employers did not have appropriate relief design and design basis for the TK 0712-00 Wash Liquor Storage Tank, thereby exposing employees to fire and explosion hazards.
- d. The employer did not have appropriate relief design and design basis for the TK 0406-00 Stripped FAME Solvent Receiver, thereby exposing employees to fire and explosion hazards.
- e. The employer did not have appropriate relief design and design basis for the TK 0405-00 FAME Recovery Tank, thereby exposing employees to fire and explosion hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/22/2016
\$4410.00

U.S. Department of Labor
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Citation and Notification of Penalty

Company Name: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055

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

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

29 CFR 1910.119(d)(3)(i)(F): Design codes and standards employed:

- a. The employer failed to develop comprehensive design codes and standards for the installation and use of process equipment, thereby exposing employees to fire and explosion hazards.
- b. The employers design codes and standards that had been developed for the process equipment were inaccurate, thereby exposing employees to fire and explosion hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/22/2016
Proposed Penalty:	\$3150.00

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
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Citation and Notification of Penalty

Company Name: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055

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

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

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

a. The employer failed to include foam suppression systems, flame arrestors, interlocks, level indicators, and lower explosive limit (LEL) meters as part of the process safety information (PSI), thereby exposing employees to fire and explosion hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/22/2016
Proposed Penalty:	\$3150.00

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: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055

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

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

- a. The employer failed to document that the steam coil for the TK 0401-00 Melt Tank was built and installed per RAGAGEP, thereby exposing employees to fire and explosion hazards.
- b. The employer did not install the relief vent piping on the TK 0712-00 Wash Liquor Storage Tank in accordance with RAGAGEP, as it does not relieve to a safe location, thereby exposing employees to fire and explosion hazards.
- c. The employer did not install the relief vent piping for the TK 0406-00 Stripped FAME Solvent Receiver in accordance with RAGAGEP, as it did not relieve to a safe location, thereby exposing employees to fire and explosion hazards.
- d. The employer did not install the relief vent piping for the F 0302-00 South RDF in accordance with RAGAGEP, as it did not relieve to a safe location, thereby exposing employees to fire and explosion hazards.
- e. The employer did not install the relief vent piping for the TK 0401-00 Melt Tank in accordance with RAGAGEP, as it did not relieve to a safe location, thereby exposing employees to fire and explosion hazards.
- f. The employer did not install the F 0302-00 South RDF LEL meter in accordance with RAGAGEP, as it was not sealed to prevent vapor penetration, thereby exposing employees to fire and explosion hazards.
- g. The employer did not install the relief vent piping for the TK 0405-00 FAME Recovery Tank in accordance with RAGAGEP, as it did not relieve to a safe location, thereby exposing employees to fire and explosion hazards.

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

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Citation and Notification of Penalty

Company Name: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055

h. The employer did not install the relief vent piping for the TK 0202-00 Crystallization (XTAL) Slurry Storage Tank in accordance with RAGAGEP, as it did not relieve to a safe location, thereby exposing employees to fire and explosion hazards.

i. The employer did not install the relief vent piping for TK0502-00 Evaporator in accordance with RAGAGEP as it did not relieve to a safe location, thereby exposing employees to fire and explosion hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/22/2016
\$4410.00

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: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055

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

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

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

- a. As of December 21, 2015, the *employer's Final PHA Study Report of the Sterols Plant dated June 2011*, failed to adequately identify all potential worst case scenarios which could lead to an over pressurization of the TK 0401-00 Melt Tank and the connected vessels, such as the F 0302-00 South RDF.
- b. As of December 21, 2015, the *employer's Final PHA Study Report of the Sterols Plant dated June 2011*, failed to adequately identify the potential for the hexane solvent wash to create a situation which could result in rapid boiling of the hexane under upset conditions where the TK 0401-00 Melt Tank contained frozen or partially frozen sterol.
- c. As of December 21, 2015, the *employer's Final PHA Study Report of the Sterols Plant dated June 2011*, failed to adequately identify all potential worst case scenarios that could lead to over pressurization in the E 0502-00 Evaporator and adequately consider the hazards associated with the emergency relief of the E 0502-00 Evaporator into the TK 0710-00 Solvent Storage Tank.
- d. As of December 21, 2015, the *employer's Final PHA Study Report of the Sterols Plant dated June 2011*, failed to adequately identify the hazard associated with the material build-up in the cross-hatched metal end of the relief pipe on the TK 0401-00 Melt Tank when material was discharged through the rupture disc line.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/22/2016
\$4410.00

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: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055

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

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

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

- a. As of December 21, 2015, the employer's original *2004 Phytosterol PHA and PHA addendums made in 2007 and 2008*, did not address facility siting.
- b. As of December 21, 2015, the employer's *Final PHA Study Report of the Sterols Plant dated June 2011* did not adequately address facility siting, in that it did not have a completed facility siting checklist and it did not address the hazards, including but not limited to the following: location; unit layout; storage/warehouses; spacing between process components; control rooms; occupied buildings; unit location relative to surroundings; emergency stations; contingency planning; electrical classification; ventilation; location of emergency relief venting; and evacuation routes through perimeter fencing surrounding the covered process.
- c. As of January 22, 2016, the employer's *Final Re-Do PHA Study Report of the Sterols Process dated January 2016*, did not adequately address facility siting, in that it did not have a completed facility siting checklist and it did not address the hazards, including but not limited to the following: location; unit layout; storage/warehouses; spacing between process components; control rooms; occupied buildings; unit location relative to surroundings; emergency stations; contingency planning; electrical classification; ventilation; location of emergency relief venting; and evacuation routes through perimeter fencing surrounding the covered process.
- d. As of December 21, 2015, the employer's *Final PHA Study Report of the Sterols Plant dated June 2011* did not adequately address facility siting, in that it did not address the hazards associated with the emergency relief of the TK 0202-00 Crystallization (XTAL) Slurry Storage Tank, discharging at the top of the vessel.
- e. As of December 21, 2015, the employer's *Final PHA Study Report of the Sterols Plant dated June 2011* did not adequately address facility siting, in that it did not address the hazards associated with the emergency relief of the stripped TK 0406-00 FAME Solvent Receiver, discharging to the ground.

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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f. As of December 21, 2015, the *employer's Final PHA Study Report of the Sterols Plant dated June 2011* did not adequately address facility siting in that it did not address the hazards associated with the emergency relief of the TK-0405-00 FAME Recovery Tank, discharging to the ground.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/22/2016
Proposed Penalty:	\$4410.00

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Citation and Notification of Penalty

Company Name: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055

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

29 CFR 1910.119(e)(5): The employer shall establish a system to promptly address the team's findings and recommendations; assure that the recommendations are resolved in a timely manner and that the resolution is documented; document what actions are to be taken; complete actions as soon as possible; develop a written schedule of when these actions are to be completed; communicate the actions to operating, maintenance and other employees whose work assignments are in the process and who may be affected by the recommendations or actions:

- a. As of December 21, 2015, for the original *2004 Phytosterol PHA and PHA addendums made in 2007 and 2008*, the employer failed to develop a written schedule of when these actions were to be completed, did not assure that the recommendations were resolved in a timely manner and that all of the resolutions were documented.
- b. As of December 21, 2015, the employer failed to assure that the recommendations on the *Final PHA Study Report of the Sterols Plant dated June 2011* were resolved in a timely manner and that the resolutions were documented, including but not limited to the evaluation of the rupture disc on the E 0502-00 Evaporator to ensure that it was properly rated and designed for service.
- c. As of April 11, 2016, for the *Final Re-Do PHA Study Report of the Sterols Process dated January 2016* the employer failed to establish a system to promptly address all of the teams findings and recommendations after receipt of the final 2016 PHA in mid-February and failed to develop a written schedule of when these actions were to be completed.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

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Proposed Penalty:	\$4410.00

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Company Name: Arboris LLC
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Citation 1 Item 13 Type of Violation: **Serious**

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

- a. The employees failed to follow standard operating procedure (SOP) 3018N for adding the hexane wash to the TK 0401-00 Melt Tank, thereby resulting in fire and explosion event.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
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07/22/2016
\$4410.00

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Company Name: Arboris LLC
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Citation 1 Item 14 Type of Violation: **Serious**

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

29 CFR 1910.119(f)(1)(i)(C): Temporary operations:

a. As of March 31, 2016, the employer failed to develop and implement procedures for conducting temporary operations, thereby exposing employees to fire and explosion hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/22/2016
\$3150.00

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Company Name: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055

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

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

29 CFR 1910.119(f)(1)(i)(G): Startup following a turnaround, or after an emergency shutdown:

a. As of December 21, 2015, the employer failed to develop procedures for starting up the system following a turnaround which contributed to a fire and explosion event.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
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07/22/2016
\$4410.00

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Company Name: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055

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 16 a Type of Violation: **Serious**

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

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

a. As of December 21, 2015, the employer had failed to develop consequences of deviation, such as but not limited to the injection of isohehexane into the rotary drum before reaching optimal temperature, thereby exposing employees to fire and explosion hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/22/2016
Proposed Penalty:	\$4410.00

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: 1113807
Inspection Date(s): 12/22/2015 - 04/15/2016
Issuance Date: 06/17/2016



Citation and Notification of Penalty

Company Name: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055

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

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

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

a. As of December 21, 2015, the employer had not developed steps to correct or avoid deviation, thereby exposing employees to fire or explosion hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

07/22/2016

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: 1113807
Inspection Date(s): 12/22/2015 - 04/15/2016
Issuance Date: 06/17/2016



Citation and Notification of Penalty

Company Name: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055

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

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

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

a. As of March 16, 2016, the employer had not developed and implemented safety systems or their functions as part of their operating procedures, thereby exposing employees to fire and explosion hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

08/04/2016
\$3150.00

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: 1113807
Inspection Date(s): 12/22/2015 - 04/15/2016
Issuance Date: 06/17/2016



Citation and Notification of Penalty

Company Name: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055

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

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

a. As of December 21, 2015, the employer had not developed a means of ensuring that operating procedures were reviewed annually and reflected current operating practices, thereby exposing employees to fire and explosion hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/22/2016
Proposed Penalty:	\$3150.00

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: 1113807
Inspection Date(s): 12/22/2015 - 04/15/2016
Issuance Date: 06/17/2016



Citation and Notification of Penalty

Company Name: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055

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 19 a Type of Violation: **Serious**

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

- a. As of December 21, 2015, the employer failed to develop written safe work practices for controlling the entrance, presence and exit of contract employers and contract employees in the Phytosterol PSM covered process area, thereby exposing employees to potential fire and/or explosion hazards.
- b. As of December 21, 2015, the employer failed to develop written safe work practices for lockout/tagout, in accordance with 1910.147(c)(4)(ii), thereby exposing employees to hazards related to re-energization or release of flammable liquids and vapors.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 07/22/2016
Proposed Penalty: \$3150.00

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: 1113807
Inspection Date(s): 12/22/2015 - 04/15/2016
Issuance Date: 06/17/2016



Citation and Notification of Penalty

Company Name: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055

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

29 CFR 1910.119(h)(2)(iv): The employer shall develop and implement safe work practices consistent with paragraph (f)(4) of this section, to control the entrance, presence and exit of contract employers and contract employees in covered process areas:

a. As of December 21, 2015, the employer failed to develop written safe work practices for controlling the entrance, presence, and exit of contract employers and contract employees in the PSM covered Phytosterols process area, thereby exposing employees to potential fire and/or explosion hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

07/22/2016

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: 1113807
Inspection Date(s): 12/22/2015 - 04/15/2016
Issuance Date: 06/17/2016



Citation and Notification of Penalty

Company Name: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055

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

29 CFR 1910.119(h)(2)(i): The employer, when selecting a contractor, shall obtain and evaluate information regarding the contract employer's safety performance and programs:

a. As of December 21, 2015, the employer failed to adequately obtain and evaluate information related to the safety performance and programs of Atlas Industrial Contractors, LLC, in that the employer did not review the contractors OSHA 300 logs and safety and health programs.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/07/2016
\$3150.00

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: 1113807
Inspection Date(s): 12/22/2015 - 04/15/2016
Issuance Date: 06/17/2016



Citation and Notification of Penalty

Company Name: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055

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

29 CFR 1910.119(i)(2)(ii): Safety, operating, maintenance, and emergency procedures are in place and are adequate:

- a. The employer failed to develop and implement operating procedures to include emergency shutdown, operating limits, consequences of deviation prior to starting up the process.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/22/2016
\$3150.00

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: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055

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

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

- a. As of December 21, 2015, the employer did not establish and implement specific written mechanical integrity procedures for inspecting, testing, and maintaining the ongoing integrity of all relief system components, vent systems and devices, including but not limited to the following: Inspection and testing of over-pressure protection systems and components (e.g. pressure safety valves, rupture disks, Durabla/DFT check valves, Protectoseal pressure/vacuum conservation vents, piping associated with relief devices and structural support members) for covered process vessels; including the types of tests performed on existing equipment; criteria for replacement and repair, inspection and testing schedule and the appropriate designated methodologies for the inspection/test.
- b. As of December 21, 2015, the employer did not establish and implement specific written mechanical integrity procedures for inspecting, testing, and maintaining the ongoing integrity of piping systems and valves, including but not limited to the following: inspection and testing criteria, inspection and testing schedules, inspection criteria for corrosion under insulation, thickness measurement strategy, quality assurance criteria for inspecting and examining welds, welders performance qualifications, and criteria for resolving anomalous inspection data related to thickness growth.
- c. As of December 21, 2015, the employer did not establish and implement specific written mechanical integrity procedures for inspecting, testing, and maintaining the ongoing integrity of process vessels, including but not limited to the following: inspection and testing criteria, inspection criteria for corrosion under insulation, thickness measurement strategy, quality assurance criteria for inspecting and examining welds, welders performance qualifications, and criteria for resolving anomalous inspection data related to thickness growth.
- d. As of December 21, 2015, the employers written Inventory Control System (SOP #16002) dated August 7, 2012, was not adequate, in that the MP2 software, the old computerized maintenance management system, had not been updated with the TabWare software currently being used.

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: 1113807
Inspection Date(s): 12/22/2015 - 04/15/2016
Issuance Date: 06/17/2016



Citation and Notification of Penalty

Company Name: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055

e. As of December 21, 2015, the employer did not establish and implement specific written mechanical integrity procedures for quality assurance to assure that equipment, maintenance materials, and spare parts were suitable for the process application for which they would be used; did not assure that new equipment as it was fabricated was suitable for the process application for which it was used; and did not assure appropriate checks and inspections were performed to ensure equipment was installed properly and consistent with design specifications and the manufacturer's instructions.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/22/2016
Proposed Penalty:	\$4410.00

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: 1113807
Inspection Date(s): 12/22/2015 - 04/15/2016
Issuance Date: 06/17/2016



Citation and Notification of Penalty

Company Name: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055

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

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

a. As of December 21, 2015, the employer did not ensure that inspections and tests were being performed on all pressure-relieving devices, such as the rupture disc on the E 0502-00 Evaporator in the PSM covered Phytosterols process.

b. As of December 21, 2015, the employer did not ensure that inspections and tests were being performed on all pressure-relieving devices, such as the rupture discs on the TK 0710-00 Solvent Storage Tank in the PSM covered Phytosterols process.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/22/2016
\$4410.00

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: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055

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

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

- a. On or about March 13, 2016, the employer restarted production in the PSM covered Phytosterol process without correcting deficiencies in the emergency relief discharge of the TK 0202-00 Crystallization (XTAL) Slurry Storage Tank which discharged into the process area.
- b. On or about March 13, 2016, the employer restarted production in the PSM covered Phytosterols process without correcting deficiencies in the emergency relief discharge of the TK 0712-00 Wash Liquor Storage Tank which discharged Northeast into the process area in the direction of the TK 0710-00 Solvent Storage Tank.
- c. On or about March 13, 2016, the employer restarted production in the PSM covered Phytosterols process without correcting deficiencies in the Durabla/DFT check valve discharge on the F 0302-00 South RDF which discharged South into the process area.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 07/22/2016
Proposed Penalty: \$3150.00

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: 1113807
Inspection Date(s): 12/22/2015 - 04/15/2016
Issuance Date: 06/17/2016



Citation and Notification of Penalty

Company Name: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055

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

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

- a. On or about March 18, 2016, the employer changed the relief piping on the stripped TK 0406-00 FAME Solvent Receiver in the PSM covered Phytosterols process and did not perform a management of change.
- b. As of December 21, 2015, the employer changed chemicals from using n-hexane to isohexane in the PSM covered Phytosterols process on or about June 2, 2015, and did not perform a management of change.
- c. As of December 21, 2015, the employer had a reduction in force that affected personnel changes in the PSM covered Phytosterols process on or about October 2009, and did not perform a management of change.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/04/2016
Proposed Penalty:	\$3150.00

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: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055

Citation 1 Item 26 Type of Violation: **Serious**

29 CFR 1910.119(m)(1): The employer shall investigate each incident which resulted in, or could reasonably have resulted in a catastrophic release of highly hazardous chemical in the workplace:

As of December 21, 2015, the employer did not conduct thorough incident investigations which included at a minimum the establishment of an incident investigation team, the date the investigation began, a detailed description of the incident, all of the factors that contributed to the incident, all relevant recommendations, and/or documented resolutions of any corrective actions, including but not limited to the following Supervisor's Report of Incidents:

- a. 2015-518-IR, Incident Date: November 26, 2015, involving the South RDF auger leaking hexane through the side plate.
- b. 2015-488-IR, Incident Date: November 21, 2015, involving pressurized FAME being discharged to the process area.
- c. 2015-484-IR, Incident Date: November 13, 2015, involving the North RDF auger seal on the driven-end failing and leaking out on the pad.
- d. 2015-429-IR, Incident Date: October 21, 2015, involving the South RDF leaking.
- e. 2015-411-IR, Incident Date: October 10, 2015, involving a FAME leak out of the vent on the Steam Stripper System.
- f. 2015-379-IR, Incident Date: September 23, 2015, involving a solvent leak from two South RDF flanges.
- g. 2015-373-IR, Incident Date: September 14, 2015, involving the overfilling of the slurry surge tank with hexane through the pressure safety valve (PSV).
- h. 2015-340-IR, Incident Date: September 4, 2015, involving a vapor cloud coming out of the West girt lip seal on the North RDF.

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: Arboris LLC

Inspection Site: 1780 Tamarack Road, Newark, OH 43055

- i. 2015-315-IR, Incident Date: September 3, 2015, involving a hexane leak out of the South RDF auger.
- j. 2015-297-IR, Incident Date: August 15, 2015, involving a hexane leak at the North RDF throat West.
- k. 2015-294-IR, Incident Date: August 29, 2015, involving a leak out of the South RDF auger.
- l. 2015-246-IR, Incident Date: July 21, 2015, involving the discovery of the rupture disc that was installed upside down on the Melt Tank.
- m. 2015-226-IR, Incident Date: July 4, 2015, involving hexane spilling out of the South RDF.
- n. 2015-214-IR, Incident Date: June 24, 2015, involving a hexane leak from the flange before the pan wash filter housing.
- o. 2015-213-IR, Incident Date: June 24, 2015, involving the South RDF auger leaking hexane at the new gasket.
- p. 2015-205-IR, Incident Date: June 22, 2015, involving the rupture disc blowout on the Melt Tank.
- q. 2015-202-IR, Incident Date: June 20, 2015, involving a solvent release due to a missing drain plug in the pan wash filter housing of the South RDF.
- r. 2015-201-IR, Incident Date: June 18, 2015, involving hexane running out of the pump P-3 drain due to missing plug.
- s. 2015-350-IR, Incident Date: October 13, 2014, involving a blown rupture disc on the Melt Tank due to partial plugging of the tertiary condenser.

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: 1113807
Inspection Date(s): 12/22/2015 - 04/15/2016
Issuance Date: 06/17/2016



Citation and Notification of Penalty

Company Name: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055

t. 2015-207-IR, Incident Date: June 5, 2014, involving a solvent leak coming from the case of the drum.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/22/2016
Proposed Penalty:	\$3150.00

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: 1113807
Inspection Date(s): 12/22/2015 - 04/15/2016
Issuance Date: 06/17/2016



Citation and Notification of Penalty

Company Name: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055

Citation 1 Item 27 Type of Violation: **Serious**

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

a. As of April 13, 2016, the incident investigation team for the investigation conducted on the incident that occurred on December 21, 2015, did not include a contract employee from Atlas Industrial Contractors, LLC. The December 21, 2015, incident resulted in a fire due to the release of a flammable isohexane/ethanol mixture from an over pressurization of the TK 0401-00 Melt Tank and the connected vessels, including the F 0302-00 South RDF.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/22/2016
Proposed Penalty:	\$3150.00

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: 1113807
Inspection Date(s): 12/22/2015 - 04/15/2016
Issuance Date: 06/17/2016



Citation and Notification of Penalty

Company Name: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055

Citation 1 Item 28 Type of Violation: **Serious**

29 CFR 1910.119(n): Emergency planning and response. The employer shall establish and implement an emergency action plan for the entire plant in accordance with the provisions of 29 CFR 1910.38. In addition, the emergency action plan shall include procedures for handling small releases. Employers covered under this standard may also be subject to the hazardous waste and emergency response provisions contained in 29 CFR 1910.120 (a), (p) and (q):

a. As of December 21, 2015, the employer failed to develop procedures to be followed by employees who remain to perform emergency shutdown operations as part of their emergency action plan, thereby exposing employees to fire and explosion hazards.

Or in the alternative:

29 CFR 1910.38(c)(3): Procedures to be followed by employees who remain to operate critical plant operations before they evacuate:

a. As of December 21, 2015, the employer failed to develop procedures in accordance with 1910.38(c)(3).

Develop procedures in accordance with 1910.38(c)(3).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/22/2016
Proposed Penalty:	\$4410.00

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: 1113807
Inspection Date(s): 12/22/2015 - 04/15/2016
Issuance Date: 06/17/2016



Citation and Notification of Penalty

Company Name: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055

Citation 1 Item 29 Type of Violation: **Serious**

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

- a. The employer failed to ensure that compliance audit deficiencies were corrected, thereby exposing employees to fire and explosion hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/22/2016
\$3150.00

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: 1113807
Inspection Date(s): 12/22/2015 - 04/15/2016
Issuance Date: 06/17/2016



Citation and Notification of Penalty

Company Name: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055

Citation 1 Item 30 Type of Violation: **Serious**

29 CFR 1910.132(d)(1): The employer shall assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE). If such hazards are present, or likely to be present, the employer shall:

a. As part of the hazard assessment, the employer did not identify the hazard of flash fires or burns to employees in the processing area and require the use of flame resistant clothing, thereby exposing the employees to fire hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

06/29/2016
\$4410.00

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: 1113807
Inspection Date(s): 12/22/2015 - 04/15/2016
Issuance Date: 06/17/2016



Citation and Notification of Penalty

Company Name: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055

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 31 a Type of Violation: **Serious**

29 CFR 1910.147(c)(3)(i): When a tagout device is used on an energy isolating device which is capable of being locked out, the tagout device shall be attached at the same location that the lockout device would have been attached, and the employer shall demonstrate that the tagout program will provide a level of safety equivalent to that obtained by using a lockout program:

- a. On March 17, 2016, in the crude tank area, the employer used tagout by affixing a chain around the valve of the crude tank bypass line and then attaching a lock to the chain. The employer did not demonstrate that the valve could not be locked out, thereby exposing employees to a fire, explosion or chemical release related hazard.
- b. On March 17, 2016, in the crude tank area, the employer used tagout by affixing a chain around the valve and then attaching a lock to the chain for the nitrogen line. The employer did not demonstrate that the valve could not be locked out, thereby exposing employees to a fire, explosion or chemical release related hazard.
- c. On March 17, 2016, and times prior to, in the production tower, the employer used tagout by affixing a hasp around the valve stem and then attaching a lock to the hasp for the E 0408-00 Fame Recovery Tank. The employer did not demonstrate that the valve could not be locked out, thereby exposing employees to a fire, explosion or chemical release related hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 07/22/2016
Proposed Penalty: \$3150.00

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
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Inspection Number: 1113807
Inspection Date(s): 12/22/2015 - 04/15/2016
Issuance Date: 06/17/2016



Citation and Notification of Penalty

Company Name: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055

Citation 1 Item 31 b Type of Violation: **Serious**

29 CFR 1910.147(c)(4)(ii): The procedures shall clearly and specifically outline the scope, purpose, authorization, rules, and techniques to be utilized for the control of hazardous energy, and the means to enforce compliance including, but not limited to, the following:

- a. The employer failed to develop procedures to prevent the inadvertent startup or release of stored energy, with a specific statement of the intended use of the procedure.
- b. The employer failed to develop procedures to prevent the inadvertent startup or release of stored energy, with specific procedural steps for shutting down, isolating, blocking and securing machines or equipment to control hazardous energy.
- c. The employer failed to develop procedures to prevent the inadvertent startup or release of stored energy, with specific procedural steps for the placement, removal and transfer of lockout devices or tag-out devices and the responsibility for them.
- d. The employer failed to develop procedures to prevent the inadvertent startup or release of stored energy, with specific requirements for testing a machine or equipment to determine and verify the effectiveness of lockout devices, tagout devices, and other energy control measures.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

07/22/2016

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
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Inspection Number: 1113807
Inspection Date(s): 12/22/2015 - 04/15/2016
Issuance Date: 06/17/2016



Citation and Notification of Penalty

Company Name: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055

Citation 1 Item 32 Type of Violation: **Serious**

29 CFR 1910.219(c)(2)(i): All exposed parts of horizontal shafting seven (7) feet or less from floor or working platform, excepting runways used exclusively for oiling, or running adjustments, shall be protected by a stationary casing enclosing shafting completely or by a trough enclosing sides and top or sides and bottom of shafting as location requires:

- a. On March 18, 2016, and times prior to, there was a two inch unguarded horizontal shaft on the P1008-01 Recirculating Pump at the East ACG, thereby exposing employees to a caught in hazard.
- b. On March 18, 2016, and times prior to, there was a two inch unguarded horizontal shaft on P1008-02 Recirculating Pump at the West ACG, thereby exposing employees to a caught in hazard.
- c. On March 23, 2016, and times prior to, there was a two inch unguarded horizontal shaft on the P4 Wash Recovery Pump Motor, at the Wash Recovery Tank, thereby exposing employees to a caught in hazard.
- d. On March 23, 2016, and times prior to, there was a two inch unguarded horizontal shafts on the pump motor at the P0301-00 Drum Filter Feed, thereby exposing employees to a caught in hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/07/2016
\$3150.00

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: 1113807
Inspection Date(s): 12/22/2015 - 04/15/2016
Issuance Date: 06/17/2016



Citation and Notification of Penalty

Company Name: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055

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 33 a Type of Violation: **Serious**

29 CFR 1910.303(g)(2)(ii): In locations where electric equipment is likely to be exposed to physical damage, enclosures or guards shall be so arranged and of such strength as to prevent such damage:

a. On March 18, 2016, and times prior to, where employees used steps to enter and exit a dyke system, there was a Class I electrical conduit against the dyke wall and where employees could step on it, thereby exposing employees to electrical, fire and explosion hazards.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$3150.00

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: 1113807
Inspection Date(s): 12/22/2015 - 04/15/2016
Issuance Date: 06/17/2016



Citation and Notification of Penalty

Company Name: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055

Citation 1 Item 33 b Type of Violation: **Serious**

29 CFR 1910.24(f): "Stair treads." All treads shall be reasonably slip-resistant and the nosings shall be of nonslip finish. Welded bar grating treads without nosings are acceptable providing the leading edge can be readily identified by personnel descending the stairway and provided the tread is serrated or is of definite nonslip design. Rise height and tread width shall be uniform throughout any flight of stairs including any foundation structure used as one or more treads of the stairs:

a. In the Crude Oil Receiving Tank Farm, the stairs used to cross over the southern dyke wall were not uniform. The first rise was eight inches, the second rise was nine inches and the final rise to the top of the dyke was 20.5 inches, thereby exposing employees to a trip/fall hazard.

Date By Which Violation Must be Abated:

Corrected During Inspection

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

Inspection Number: 1113807
Inspection Date(s): 12/22/2015 - 04/15/2016
Issuance Date: 06/17/2016



Citation and Notification of Penalty

Company Name: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055

Citation 1 Item 33 c Type of Violation: **Serious**

29 CFR 1910.24(h): "Railings and handrails." Standard railings shall be provided on the open sides of all exposed stairways and stair platforms. Handrails shall be provided on at least one side of closed stairways preferably on the right side descending. Stair railings and handrails shall be installed in accordance with the provisions of 1910.23:

a. In the Crude Receiving Department, the employees were using the stairs without handrails to pass in and out of the tank farms containment walls, thereby exposing employees to a fall hazard of up to 37.5 inches.

Date By Which Violation Must be Abated:

Corrected During Inspection

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: 1113807
Inspection Date(s): 12/22/2015 - 04/15/2016
Issuance Date: 06/17/2016



Citation and Notification of Penalty

Company Name: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055

Citation 1 Item 34 Type of Violation: **Serious**

29 CFR 1910.307(a)(1): Applicability. This section covers the requirements for electric equipment and wiring in locations that are classified depending on the properties of the flammable vapors, liquids or gases, or combustible dusts or fibers that may be present therein and the likelihood that a flammable or combustible concentration or quantity is present. Hazardous (classified) locations may be found in occupancies such as, but not limited to, the following: aircraft hangars, gasoline dispensing and service stations, bulk storage plants for gasoline or other volatile flammable liquids, paint-finishing process plants, health care facilities, agricultural or other facilities where excessive combustible dusts may be present, marinas, boat yards, and petroleum and chemical processing plants. Each room, section or area shall be considered individually in determining its classification:

- a. The employer failed to establish a Class I boundary that took into account discharge venting, thereby exposing employees to fire and explosion hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/22/2016
Proposed Penalty:	\$3150.00

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: 1113807
Inspection Date(s): 12/22/2015 - 04/15/2016
Issuance Date: 06/17/2016



Citation and Notification of Penalty

Company Name: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055

Citation 1 Item 35 Type of Violation: **Serious**

29 CFR 1910.307(c): Electrical installations. Equipment, wiring methods, and installations of equipment in hazardous (classified) locations shall be intrinsically safe, approved for the hazardous (classified) location, or safe for the hazardous (classified) location. Requirements for each of these options are as follows:

a. As of December 21, 2015, near the F 0302-00 South RDF, the LEL meter was not installed for safe use in a Class I hazardous location because the employer failed to pour the EYS seal for the LEL meter, thereby exposing employees to fire and explosion hazards.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$3150.00

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: 1113807
Inspection Date(s): 12/22/2015 - 04/15/2016
Issuance Date: 06/17/2016



Citation and Notification of Penalty

Company Name: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055

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

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

a. The employer did not have emergency shutdown procedures for the E 0502-00 Evaporator, F 0302-00 South RDF, TK 0401-00 Melt Tank, Crystallization System, TK 0710-00 Solvent Storage Tank or the TK 0712-00 Wash Liquor Tank, thereby exposing employees to fire and explosion hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/22/2016
\$50400.00

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: 1113807
Inspection Date(s): 12/22/2015 - 04/15/2016
Issuance Date: 06/17/2016



Citation and Notification of Penalty

Company Name: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055

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

29 CFR 1910.119(h)(2)(vi): The employer shall maintain a contract employee injury and illness log related to the contractor's work in process areas:

a. As of March 14, 2016, the employer failed to maintain an injury and illness log related to contractor's work in the PSM covered Phytosterols process area.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/07/2016
\$630.00

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: 1113807
Inspection Date(s): 12/22/2015 - 04/15/2016
Issuance Date: 06/17/2016



Citation and Notification of Penalty

Company Name: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055

Citation 3 Item 2 Type of Violation: **Other-than-Serious**

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

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

a. The employer's incident investigation report for the incident that occurred on or about December 21, 2015, resulting in a fire due to the release of a flammable isohexane/ethanol mixture from an over pressurization of the TK 0401-00 Melt Tank and the connected vessels, including the F 0302-00 South RDF, did not include the date the investigation began.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/22/2016
\$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: 1113807
Inspection Date(s): 12/22/2015 - 04/15/2016
Issuance Date: 06/17/2016



Citation and Notification of Penalty

Company Name: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055

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

29 CFR 1910.147(c)(5)(ii): Lockout devices and tagout devices shall be singularly identified; shall be the only devices(s) used for controlling energy; shall not be used for other purposes; and shall meet the following requirements:

- a. On April 7, 2016, and at times prior, the employer used lockout tagout devices to lock the vapor line off the TK 0401-00 Melt Tank to solvent recovery in the open position.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/22/2016
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: 1113807
Inspection Date(s): 12/22/2015 - 04/15/2016
Issuance Date: 06/17/2016



Citation and Notification of Penalty

Company Name: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055

Citation 3 Item 4 Type of Violation: **Other-than-Serious**

29 CFR 1910.147(c)(5)(ii)(A)(1): Lockout and tagout devices shall be capable of withstanding the environment to which they are exposed for the maximum period of time that exposure is expected:

- a. On March 17, 2016, near the TK 0201-00 Crystallization (XTAL) Tank, the employer had tag devices that had deteriorated and were no longer legible.
- b. On March, 17, 2016, on the fifth floor of the tower near the steam stripper column, a valve had been locked out and the tag was deteriorated from weathering.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$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: 1113807
Inspection Date(s): 12/22/2015 - 04/15/2016
Issuance Date: 06/17/2016



Citation and Notification of Penalty

Company Name: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055

Citation 3 Item 5 Type of Violation: **Other-than-Serious**

29 CFR 1910.178(m)(11): Only approved industrial trucks shall be used in hazardous locations:

a. On December 21, 2015, and at times prior, the employer and contractors on the site were operating unrated power industrial vehicles inside a hazardous location.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/12/2016
\$0.00

A handwritten signature in cursive script that reads "Vanessa Martin".

Vanessa Martin
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
200 N. High Street
Room 620
Columbus, OH 43215
Phone: 614-469-5582 Fax: 614-469-6791



INVOICE / DEBT COLLECTION NOTICE

Company Name: Arboris LLC
Inspection Site: 1780 Tamarack Road, Newark, OH 43055
Issuance Date: 06/17/2016

Summary of Penalties for Inspection Number	1113807
Citation 1, Serious	\$129150.00
Citation 2, Willful	\$50400.00
Citation 3, Other-than-Serious	\$630.00
TOTAL PROPOSED PENALTIES	\$180180.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

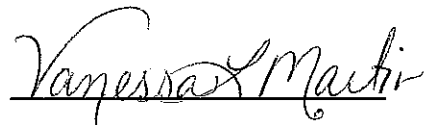
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

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

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



Vanessa Martin
Area Director