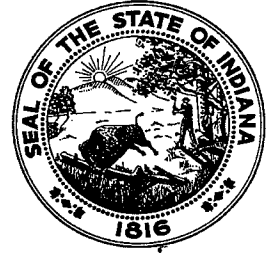


Indiana Department of Labor  
Indiana Occupational Safety and Health Administration  
402 West Washington Street  
Room W195  
Indianapolis, IN 46204-2751  
Phone: 317/232-1979 Fax: 317/233-3790



*Certified mail # 7003 1010 0003 5732 0509 12-19-11 jts*

## Safety Order and Notification of Penalty

**To:**

Wabash Valley Restoration Inc,  
and its successors  
1217 Manchester Avenue  
Attn: Mr. Kent Short  
Wabash, IN 46992

**Inspection Number:** 315044677

**Inspection Date(s):** 08/12/2011 - 08/23/2011

**Issuance Date:** 12/19/2011

**Inspection Site:**

601 North Jefferson  
Central Apartments  
Huntington, IN 46750

*The violation(s) described in this Safety Order 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.*

An inspection of your place of employment has revealed conditions which we believe do not comply with the provisions of the Indiana Occupational Safety and Health Act (Indiana Code Chapter 22-8-1.1) or the standards or rules adopted thereunder. Accordingly, enclosed please find safety order(s) and notification(s) of penalty describing such violation(s) with references to applicable standards, rules, or provisions of the statute and stating the amount of any penalty(ies).

**Informal Conference** - Please be advised that it may be possible to informally settle any potential dispute without initiating the more elaborate proceedings brought on by a petition for review. Prior to filing a petition for review, you may request an informal conference concerning any of the results of the inspection (safety orders, penalties, abatement dates, etc.) by contacting the Indiana Department of Labor/IOSHA, preferably by telephone, in a prompt manner. Please be advised that a request for an informal conference cannot extend the fifteen working day period for filing a petition for review. Informal conferences frequently resolve any possible disputes, and therefore you are urged to take advantage of this opportunity. Because of the limited time period and in order to facilitate scheduling, any requests for an informal conference should be made promptly upon your receipt of the safety order(s) and notification(s) of penalty.

**Right to Contest** - You are hereby also notified that you are entitled to seek administrative review of the safety order(s), penalty(ies), or both by filing a written petition for review at the above address postmarked within

fifteen working days of your receipt of the safety order(s) and notification(s) of penalty. ("Working days" means Mondays through Fridays, but does not include Saturdays, Sundays, legal holidays under a state statute or days on which the Indiana Department of Labor's offices are closed during regular business hours). If you do not file such a petition for review (contest), the safety order(s) and penalty(ies) shall be deemed final orders of the Board of Safety Review and not subject to review by any court or agency. The issuance of a safety order does not constitute a finding that a violation has occurred unless no petition for review is filed, or if a petition for review (contest) is filed, it must contain a statement of its basis and should reference the above inspection number. Upon receipt of your petition for review, we will affirm, amend or dismiss the safety order(s) and notification(s) of penalty. If we affirm, your petition for review will be granted (unless it was not timely) and the dispute will be certified by the Board of Safety Review for further proceedings. The Board of Safety Review is an independent agency appointed by the governor with authority to conduct hearings and to issue decisions concerning disputed safety order(s) and notification(s) of penalty. If we amend the safety order(s) or notification(s) of penalty, your petition for review shall be deemed moot. However, you will then be given an opportunity to file a petition for review concerning the amended safety order(s) and notification(s) of penalty.

Please be advised that an employee or representative of employees may file a petition for review to contest the reasonableness of the time stated in the safety order(s) for the abatement of any violation.

**Posting** - Upon receipt of any safety order(s) you are required to post such safety order(s), or a copy thereof, unedited, at or near each place an alleged violation referred to in the safety order(s) occurred. However, if your operations are such that it is not practicable to post the safety order(s) at or near each place of alleged violation, such safety order(s) shall be posted, unedited, in a prominent place where it will be readily observable by all affected employees. For example, if you are engaged in activities which are physically dispersed, the safety order(s) may be posted at the location from which the employees operate to carry out their activities. You must take steps to ensure that the safety order is not altered, defaced, or covered by other material. Posting shall be until the violation is abated, or for three working days, whichever is longer.

**Penalties** - Penalties are due within fifteen (15) working days of receipt of this notification unless contested. Abatement does not constitute payment of penalties.

**Abatement** - The conditions cited in the safety order(s) must be corrected (abated) on or before the date shown for each item on the safety order(s) and notification(s) of penalty unless:

(1) You file a petition for review concerning the violation, in which case the full abatement period shall commence from the issuance of a final decision by the Board of Safety Review or the courts which requires compliance with the safety order; or

(2) The abatement period is extended by the granting of a petition for modification of abatement date.

**PMAs** - The petition for modification of abatement date is a manner in which you may seek additional time to correct (abate) a violation without having to file a petition for review concerning the safety order, or after the expiration of the time period to file such a petition for review when it becomes apparent that you need extra time to abate the violation. A petition for modification of abatement date shall be in writing and shall include the

following information:

- (1) All steps you have taken, and the dates of such actions, in an effort to achieve compliance during the prescribed abatement period.
- (2) The specific additional abatement time necessary in order to achieve compliance.
- (3) The reasons such additional time is necessary, including the unavailability of professional or technical personnel or of materials and equipment, or because necessary construction or alteration of facilities cannot be completed by the original abatement date.
- (4) All available interim steps being taken to safeguard employees against the cited hazard during the abatement period.
- (5) A certification that a copy of the petition has been posted, and if appropriate, served on the authorized representative of affected employees, and a certification of the date upon which such posting and service was made.

A petition for modification of abatement date shall be filed with the Indiana Department of Labor/IOSHA no later than the close of the next working day following the date on which abatement was originally required. A later-filed petition shall be accompanied by the employer's statement of exceptional circumstances explaining the delay. A copy of such petition shall be posted in a conspicuous place where all affected employees will have notice thereof or near such location where the violation occurred. The petition shall remain posted until the time period for the filing of a petition for review of the Commissioner's granting or denying the petition expires. Where affected employees are represented by an authorized representative, said representative shall be served a copy of such petition.

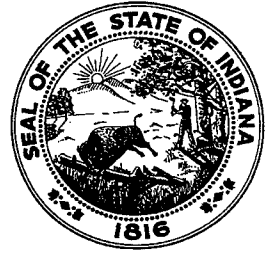
**Notification of Corrective Action** - Correction of the alleged violations which have an abatement period of thirty (30) days or less should be reported in writing to us promptly upon correction. A "Letter of Abatement" form and an "Abatement Photographs" worksheet are enclosed for your assistance in providing adequate documentation of abatement. Reports of corrections should show specific corrective action on each alleged violation and the date of such action. On alleged violations with abatement periods of more than thirty (30) days, a written progress report should be submitted, detailing what has been done, what remains to be done, and the time needed to fully abate each such violation. When the alleged violation is fully abated, we should be so advised. Timely correction of an alleged violation does not affect the initial proposed penalty.

**Followup Inspections** - Please be advised that a followup inspection may be made for the purpose of ascertaining that you have posted the safety order(s) and corrected the alleged violations. Failure to correct an alleged violation may result in additional penalties for each day that the violation has not been corrected.

**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 Indiana Department of Labor/IOSHA at the address shown above.

**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 Indiana Department of Labor/IOSHA at the address shown above within fifteen (15) working days (excluding weekends and State holidays) or receipt by the employer of this safety order and penalty.

If you wish additional information, you may direct such requests to us at the address or telephone number stated above.



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

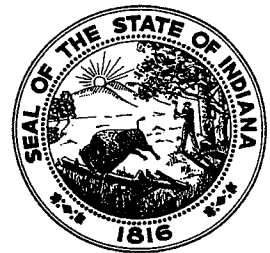
An informal conference has been scheduled with IOSHA to discuss the safety order(s) issued on 12/19/2011. The conference will be held at the IOSHA office located at 402 West Washington Street, Room W195, Indianapolis, IN 46204 on \_\_\_\_\_ at \_\_\_\_\_.

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

**Indiana Department of Labor**

Occupational Safety and Health Administration

**Inspection Number:** 315044677  
**Inspection Dates:** 08/12/2011 - 08/23/2011  
**Issuance Date:** 12/19/2011



**Safety Order and Notification of Penalty**

**Company Name:** Wabash Valley Restoration Inc  
**Inspection Site:** 601 North Jefferson, Central Apartments, Huntington, IN 46750

**Safety Order 1 Item 1 Type of Violation: **Serious****

29 CFR 1910.134(c)(1): In any workplace where respirators were necessary to protect the health of the employee or whenever respirators were required by the employer, the employer did not establish and implement a written respiratory protection program that met the requirements of paragraph (c) thru (m) that includes, but is not limited to selection, use, maintenance, training, medical surveillance, fit testing and record keeping with specific worksite procedures:

South Wall ----- On August 12, 2011 and before, Employees were required to wear full face cartridge type respirators, model 5300 with organic vapor cartridges while spraying the Restoration Cleaner which contains, but not limited to hydrogen chloride and when grinding the brick and mortar which contains but not limited to the chemical silica.

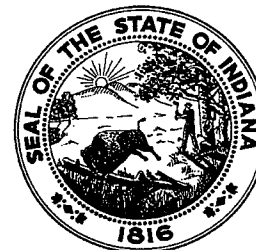
**Date By Which Violation Must be Abated:**  
**Proposed Penalty:**

**02/07/2012**  
**\$750.00**

**Indiana Department of Labor**

Occupational Safety and Health Administration

**Inspection Number:** 315044677  
**Inspection Dates:** 08/12/2011 - 08/23/2011  
**Issuance Date:** 12/19/2011



**Safety Order and Notification of Penalty**

**Company Name:** Wabash Valley Restoration Inc  
**Inspection Site:** 601 North Jefferson, Central Apartments, Huntington, IN 46750

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

**Safety Order 1 Item 2a** Type of Violation: **Serious**

29 CFR 1910.1200(e)(1): The employer did not develop, implement, and/or maintain at the workplace a written hazard communication program which describes how the criteria specified in 29 CFR 1910.1200(f), (g), and (h) will be met: (Construction Reference: 1926.59)

Job site ----- On August 12, 2011 and before, the employer had not developed, implemented or maintained such program on job site.

**Date By Which Violation Must be Abated:**

**02/07/2012**

**Proposed Penalty:**

**\$450.00**

**Safety Order 1 Item 2b** Type of Violation: **Serious**

29 CFR 1910.1200(f)(5)(i): The employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with the identity of the hazardous chemical(s) contained therein: (Construction Reference: 1926.59)

Front Door ----- On August 12, 2011 and before, the 5 gallon metal safety can containing unleaded gasoline per the foreman did not have a label identifying the contents.

**Date By Which Violation Must be Abated:**

**Safety Order 1 Item 2c** Type of Violation: **Serious**

29 CFR 1910.1200(f)(5)(ii): The employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with the appropriate hazard warnings: (Construction Reference: 1926.59)

Front Door ----- On August 12, 2011 and before, the 5 gallon metal safety can, containing unleaded gasoline did not have a hazard warning label.

**Date By Which Violation Must be Abated:**

**Indiana Department of Labor**

Occupational Safety and Health Administration

**Inspection Number:** 315044677  
**Inspection Dates:** 08/12/2011 - 08/23/2011  
**Issuance Date:** 12/19/2011



**Safety Order and Notification of Penalty**

**Company Name:** Wabash Valley Restoration Inc  
**Inspection Site:** 601 North Jefferson, Central Apartments, Huntington, IN 46750

**Safety Order 1 Item 2d** Type of Violation: **Serious**

29 CFR 1910.1200(g)(1): The employer did not have a material safety data sheet for each hazardous chemical which they used: (Construction Reference: 1926.59)

Job site ----- On August 12, 2011 and before, Material Safety Data Sheets (MSDS) were not maintained on the job site for any products in use or available for use such as but not limited to sand, mortar mix and unleaded gasoline.

**Date By Which Violation Must be Abated:**

**Safety Order 1 Item 2e** Type of Violation: **Serious**

29 CFR 1910.1200(h)(1): Employees were not provided information and training as specified in 29 CFR 1910.1200(h)(2) and (3) on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard was introduced into their work area: (Construction Reference: 1926.59)

Job site ----- On August 12, 2011 and before, the employer had not provided employees with information and training on the hazard communications standard and employees were not trained on the use and presence of hazardous substances in their work area such as but not limited to mortar mix, sand, lime, Restoration cleaner, and unleaded gasoline.

**Date By Which Violation Must be Abated:**

**02/07/2012**



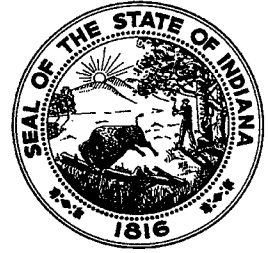
**Indiana Department of Labor**

Occupational Safety and Health Administration

**Inspection Number:** 315044677

**Inspection Dates:** 08/12/2011 - 08/23/2011

**Issuance Date:** 12/19/2011



**Safety Order and Notification of Penalty**

**Company Name:** Wabash Valley Restoration Inc

**Inspection Site:** 601 North Jefferson, Central Apartments, Huntington, IN 46750

**Safety Order 1 Item 3 Type of Violation: **Serious****

29 CFR 2916.20(b)(1): The employer did not initiate and maintain such programs as may be necessary to comply with this part:

Job site ---- On August 12, 2011 and before, the employer had not developed, implemented or enforced an accident prevention safety & health program which included but is not limited to the following items:

- (1) a statement of management commitment toward the identification and evaluations of occupational hazards
- (2) establishment of employee participation in safety meetings and inspections
- (3) development of documentation of the instructions of each employee in the recognition and avoidance of unsafe work conditions.

**Date By Which Violation Must be Abated:**

**02/07/2012**

**Proposed Penalty:**

**\$1,500.00**

**Safety Order 1 Item 4 Type of Violation: **Serious****

29 CFR 1926.20(b)(2): Inspections of the job site, materials and equipment were not made by a competent person designated by the employer:

Job site ---- On August 12, 2011, the employers competent person on site, failed to identify existing and predictable hazards and/or take the necessary measures to correct hazards where employees were exposed to falls from scaffolds, no protective helmets, unguarded grinders, cuts in hand tools power cords, extension cords with no strain relief and missing ground pins and temporary power circuits with no GFCI (Ground Fault Circuit Interrupter)

**Date By Which Violation Must be Abated:**

**02/07/2012**

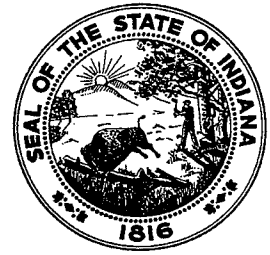
**Proposed Penalty:**

**\$1,500.00**

**Indiana Department of Labor**

Occupational Safety and Health Administration

**Inspection Number:** 315044677  
**Inspection Dates:** 08/12/2011 - 08/23/2011  
**Issuance Date:** 12/19/2011



**Safety Order and Notification of Penalty**

**Company Name:** Wabash Valley Restoration Inc  
**Inspection Site:** 601 North Jefferson, Central Apartments, Huntington, IN 46750

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

**Safety Order 1 Item 5a** Type of Violation: **Serious**

29 CFR 1926.21(b)(2): The employer did not instruct each employee in the recognition and avoidance of unsafe condition(s) and the regulation(s) applicable to his work environment to control or eliminate any hazard(s) or other exposure to illness or injury:

Job site ----- On August 12, 2011 and before, employees were not instructed, or adequately instructed, in the recognition and avoidance of unsafe conditions applicable to their work environment such as but not limited to not wearing protective helmets, unsafe hand tools, electrical and scaffolds.

**Date By Which Violation Must be Abated:** 02/07/2012  
**Proposed Penalty:** \$1,500.00

**Safety Order 1 Item 5b** Type of Violation: **Serious**

29 CFR 1926.454(b): The employer did not have each employee who is involved in erecting disassembling, moving, operating, repairing, maintaining, or inspecting a scaffold trained by a competent person to recognize any hazard associated with the work in question:

Job site ----- On August 12, 2011 and before, employees operating the aerial lifts who were not wearing the required PFAS (Personal Fall Arrest System) had not been trained by a competent person on recognizing scaffold hazards and on the scaffold regulations which included the nature of such hazards, proper erection, loading and other requirements.

**Date By Which Violation Must be Abated:** 02/07/2012

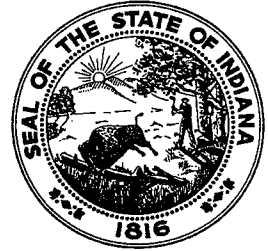
**Indiana Department of Labor**

Occupational Safety and Health Administration

**Inspection Number:** 315044677

**Inspection Dates:** 08/12/2011 - 08/23/2011

**Issuance Date:** 12/19/2011



**Safety Order and Notification of Penalty**

**Company Name:** Wabash Valley Restoration Inc

**Inspection Site:** 601 North Jefferson, Central Apartments, Huntington, IN 46750

**Safety Order 1 Item 6 Type of Violation: **Serious****

29 CFR 1926.100(a): Employees were not protected by protective helmets while working in areas where there was a possible danger of head injury from impact, or from falling or flying objects, or from electrical shock and burns:

(a) South Wall ----- On August 12, 2011 one employees working in the basket of the JLG 450 AJ Lift 540 Genie Lift approximately 30 feet in the air working below loose stone from the roofs parapet wall were not wearing protective helmets.

(b) South Wall ----- On August 12, 2011 one employee working in the basket of the Snorkel Lift, Model TB 4 LP approximately 30 feet in the air working below loose stone from the roofs parapet wall were not wearing protective helmets.

**Date By Which Violation Must be Abated:**  
**Proposed Penalty:**

**Corrected During Inspection**  
**\$450.00**

**Safety Order 1 Item 7 Type of Violation: **Serious****

29 CFR 1926.300(b)(1): Power operated tool(s), designed to accommodate guards, were not equipped with such guards when in use:

Job Trailer ----- On August 15, 2011 and before, no guard was installed on the Bosch Grinder O 601 752 160 G 7, Number 484000824 that was equipped with a 7 inch diamond cutting wheel and the grinder was available for use and was not tagged out of service or rendered inoperable.

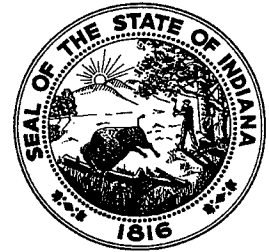
**Date By Which Violation Must be Abated:**  
**Proposed Penalty:**

**Corrected During Inspection**  
**\$1,500.00**

**Indiana Department of Labor**

Occupational Safety and Health Administration

**Inspection Number:** 315044677  
**Inspection Dates:** 08/12/2011 - 08/23/2011  
**Issuance Date:** 12/19/2011



**Safety Order and Notification of Penalty**

**Company Name:** Wabash Valley Restoration Inc  
**Inspection Site:** 601 North Jefferson, Central Apartments, Huntington, IN 46750

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

**Safety Order 1 Item 8a** Type of Violation: **Serious**

29 CFR 1926.404(b)(1)(ii): On a construction site, where an assured equipment grounding program was not utilized, all 120volt, single phase, 15 and 20 ampere receptacle outlets which were not a part of the permanent wiring of the building or structure and which were used by employees did not have approved groundfault circuit interrupters for personnel protection:

South Wall ----- On August 12, 2011 the 15/20 ampere 120 volt receptacle outlet located on the ground floor south wall used with two 50 feet long 3 wire round yellow extension cord providing power to a battery charger providing power to the power washer was not protected by a ground fault circuit interrupter or an assured equipment grounding conductor program.

**Date By Which Violation Must be Abated:** **Corrected During Inspection**  
**Proposed Penalty:** **\$1,500.00**

**Safety Order 1 Item 8b** Type of Violation: **Serious**

29 CFR 1926.404(f)(6): The path to ground from circuits, equipment, or enclosures was not permanent and continuous:

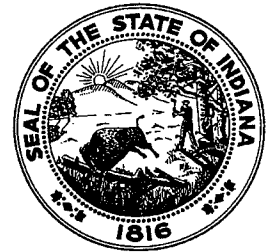
Ground Floor ----- On August 12, 2011 the 50 feet long 3 wire yellow extension cord providing power to the battery charger which was used to power the pressure washer did not have a path to ground in that the grounding member was missing from the extension cord.

**Date By Which Violation Must be Abated:**

**Indiana Department of Labor**

Occupational Safety and Health Administration

**Inspection Number:** 315044677  
**Inspection Dates:** 08/12/2011 - 08/23/2011  
**Issuance Date:** 12/19/2011



**Safety Order and Notification of Penalty**

**Company Name:** Wabash Valley Restoration Inc  
**Inspection Site:** 601 North Jefferson, Central Apartments, Huntington, IN 46750

**Safety Order 1 Item 8c Type of Violation: **Serious****

29 CFR 1926.405(g)(2)(iv): Flexible cords were not connected to devices and fittings so that strain relief is provided to prevent pull from being directly transmitted to joints or terminal screws:

South wall ----- On August 12, 2011 the cord grip at the attachment plug and the receptacle plug end of the 50 feet long, 3 wire, round extension cord was not gripping the cord cover.

**Date By Which Violation Must be Abated:**

**Safety Order 1 Item 8d Type of Violation: **Serious****

29 CFR 1926.416(a)(1): Employees were permitted to work in proximity to electric power circuits and were not protected against electric shock by de-energizing and grounding the circuits or effectively guarding the circuits by insulation or other means:

Solvent Pump ----- On August 12, 2011 employees were not prohibited from working in such proximity to any part of an electrical power circuit of 120 volts, 20 amps, that the employee could contact the electrical power circuit in the course of work and the employee was not protected by de-energizing and grounding the circuit, insulation, or other means.

**Date By Which Violation Must be Abated:** 12/23/2011

**Safety Order 1 Item 9 Type of Violation: **Serious****

29 CFR 1926.416(e)(1): Worn or frayed electric cords or cables were used:

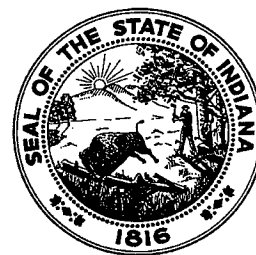
Job Trailer ----- On August 15, 2011 and before, the cord on the Bosch Grinder 0 601 752 160 G 7, Number 484000824, equipped with a 7 inch diamond cutting wheel is worn with a cut in the outer insulation and was not properly removed from service.

**Date By Which Violation Must be Abated:** Corrected During Inspection  
**Proposed Penalty:** \$450.00

**Indiana Department of Labor**

Occupational Safety and Health Administration

**Inspection Number:** 315044677  
**Inspection Dates:** 08/12/2011 - 08/23/2011  
**Issuance Date:** 12/19/2011



**Safety Order and Notification of Penalty**

**Company Name:** Wabash Valley Restoration Inc  
**Inspection Site:** 601 North Jefferson, Central Apartments, Huntington, IN 46750

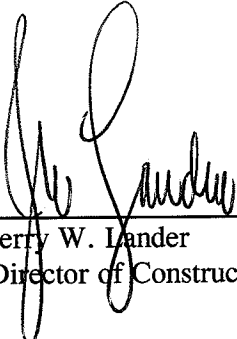
**Safety Order 1 Item 10 Type of Violation: **Serious****

29 CFR 1926.453(b)(2)(v): A body belt was not worn and a lanyard attached to the boom or basket, when working from an aerial lift:

(a) South Wall ----- On August 12, 2011 the employees working at heights of up to 30 feet high in the bucket or basket of the JLG 450, AJ Lift S40 aerial lift were not wearing any fall protection.

(b) South Wall ----- On August 12, 2011 the employee working at heights of up to 30 feet high in the bucket or basket of the Snorklelift - Model TB 4 LP aerial lift was not wearing any fall protection.

**Date By Which Violation Must be Abated:** **Corrected During Inspection**  
**Proposed Penalty:** **\$750.00**

  
\_\_\_\_\_  
Jerry W. Lander  
Director of Construction Safety Compliance

**Indiana Department of Labor**

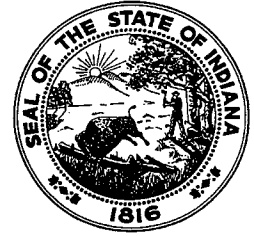
Indiana Occupational Safety and Health Administration

402 West Washington Street

Room W195

Indianapolis, IN 46204-2751

Phone: 317/232-1979 Fax: 317/233-3790



**INVOICE/DEBT COLLECTION NOTICE**

**Company Name:** Wabash Valley Restoration Inc  
**Inspection Site:** 601 North Jefferson, Central Apartments, Huntington, IN 46750  
**Issuance Date:** 12/19/2011

**Summary of Penalties for Inspection Number 315044677**

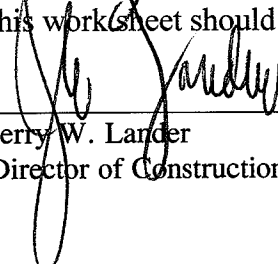
<b>Safety Order 01, Serious</b>	=	\$10,350.00
Total Proposed Penalties		\$10,350.00

Penalties are due within fifteen (15) working days of receipt of this notification unless contested. Make your check or money order payable to: "Indiana DOL/IOSHA". Please indicate IOSHA's Inspection Number (indicated above) on the remittance.

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

Corrective action, taken by you for each alleged violation should be submitted to this office on or about the abatement dates indicated on the Safety Order and Notification of Penalty.

A work sheet has been provided to assist in providing the required abatement information. A completed copy of this work sheet should be posted at the worksite with the safety order(s).

  
 \_\_\_\_\_  
 Jerry W. Lander  
 Director of Construction Safety Compliance

12/19/11  
 \_\_\_\_\_  
 Date