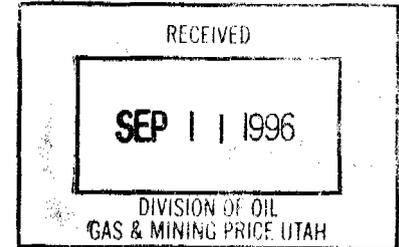


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enforce*

## Utah Occupational Safety and Health Division

TO: U.S. FUEL CORP.  
PO BOX 887  
PRICE UTAH 84501



Jay W. Bagley, Administrator  
Industrial Commission of Utah  
160 East 300 South, 3rd Floor  
P.O. Box 146650  
Salt Lake City, UT 84114-6650  
(801)530-6901 Fax: 530-7606

Issuance Date: 8-23-96  
Inspection No: 126761972  
CSHO ID: T-2045  
Inspection Date: 26 July, 1996  
Inspection Site:  
State Highway 122  
Hiawatha Utah

## CITATION AND NOTIFICATION OF PENALTY

The violation(s) described in this Citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated in the description given below. This citation (or copy) must be posted at or near the location of alleged violation. The citation must be posted until the violation is corrected or abated or for 3 working days, whichever is longer. Assessed penalties are payable to the Industrial Commission at above address unless a notice of contest is mailed to the Administrator as indicated below.

**CONTESTS AND APPEALS:** Employers may request an informal review by the UOSH Administrator of any citation, proposed penalty or abatement period. Employees may request an informal review of the abatement period granted to the employer. Informal reviews do not stay the 30 days in which an employer must file a contest for a formal hearing before the Industrial Commission.

The Industrial Commission will provide an adjudicative hearing if an employer files a written notice of contest with the Administrator within 30 days of receipt of the Citation or Proposed Penalties. Upon expiration of the 30 day period the Citation and Proposed Penalties are final and not subject to review by any court or agency.

**EMPLOYEE RIGHTS:** Any employee or representative of employees who believes that the periods of time fixed for correction or abatement of a violation is unreasonable has the right to contest the periods of time by submitting a letter to the Administrator within 30 days of issuance of the citation.

No person shall discharge or in any manner discriminate against any employee because the employee filed a complaint with the division, instituted any proceeding with the division, conversed with a division representative, or testified in any proceeding or exercised any right afforded under the act, standards or rules of the division. Any employee who suffers adverse working conditions based on the above must contact the Administrator within 30 days.

**HAZARD ABATEMENT PROCEDURE:** Send a letter describing your ABATEMENT procedures for all cited violations within 30 days of receipt of citation. If a letter is not received, a follow-up inspection may be scheduled.

**CITED ITEMS BEGIN ON FOLLOWING PAGE, AUTHORIZED SIGNATURE AND TOTAL PENALTIES APPEAR ON FINAL PAGE.**

The following are violations of the Utah Administrative Code and the provisions of 29 CFR 1910 or 1926 which are incorporated by reference.

Description	Date Violation Must Be Abated	Penalty
<b>SERIOUS 1 OF 1</b>		
<b>30 DAYS</b>		
<b>\$1,125.00</b>		

1926.1101(g)(1)

(g) Methods of compliance—(1) Engineering controls and work practices for all operations covered by this section. The employer shall use the following engineering controls and work practices in all operations covered by this section, regardless of the levels of exposure:

(i) Vacuum cleaners equipped with HEPA filters to collect all debris and dust containing ACM and PACM, except as provided in paragraph (g)(8)(ii) of this section in the case of roofing material; and

(ii) Wet methods, or wetting agents, to control employee exposures during asbestos handling, mixing, removal, cutting, application, and cleanup, except where employers demonstrate that the use of wet methods is infeasible due to, for example, the creation of electrical hazards, equipment malfunction, and, in roofing, except as provided in paragraph (g)(8)(i) of this section; and

(iii) Prompt clean-up and disposal of wastes and debris contaminated with asbestos in leak-tight containers except in roofing operations, where the procedures specified in paragraph (g)(8)(ii) of this section apply.

(A) In the storage yard of the Hiawatha site, transite construction waste was not promptly cleaned-up and disposed of in leak-tight containers or wrapped in plastic sheeting. Broken transite panels were stored in open 50 gallon barrels, intact panels were stored unwrapped on the ground.

The following are violations of the Utah Administrative Code and the provisions of 29 CFR 1910 or 1926 which are incorporated by reference.

**Description**

**Date Violation  
Must Be Abated**

**Penalty**

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Abatement Note: Paragraph (g)(8)(ii) allows for the disposal of asbestos containing roofing waste as soon as practicable, but in any event no later than the end of the work shift. Disposal is specified in paragraph (g)(8)(ii)(E)(1)-(2), & (F) as follows: (1) Any ACM that is not intact shall be lowered to the ground as soon as is practicable, but in any event no later than the end of the work shift. While the material remains on the roof it shall either be kept wet, placed in an impermeable waste bag, or wrapped in plastic sheeting. (2) Intact ACM shall be lowered to the ground as soon as is practicable, but in any event no later than the end of the work shift.

(F) Upon being lowered, unwrapped material shall be transferred to a closed receptacle in such manner so as to preclude the dispersion of dust.

**TOTAL PENALTY**

**\$1,125.00**

Authorized Signature: \_\_\_\_\_



Date: \_\_\_\_\_

8-23-96

## ADMINISTRATIVE WAIVER

For an adjustment of the total penalty, the following options are being presented to you as follows:

The total penalty of **\$1,125.00 may be reduced** by up to sixty percent if the following items are completed within 30 days from the date this citation is received, otherwise this waiver becomes void.

- ▶ Submit copies of invoices for expenditures in abatement/correction of the citation which may be used to further reduce the penalty.

Technical assistance, training and advice may be obtained, at no cost to you, from Utah OSHA'S Education/Consultation Service, phone 530-6855.

Videos on safety and related subjects, are available to you from the Utah Safety Council. Call 262-5400 for this service. This program is partially funded by Utah OSHA and the only cost involved is for the shipping of the videos.

The Total Penalty may be reduced contingent upon completion of this items and if the employer commits to the prompt abatement of the cited items. (This waiver is only applicable to employers with fewer than 100 employees.)

To take advantage of this waiver you must furnish UOSH (Attn: Sharleen Hansen) the documentation of the above listed items being completed within thirty (30) days of the date this citation was received. Extensions may be granted if a written request is received and approved by UOSH within this period.

Taking advantage of this waiver does not limit or reduce your rights to an informal conference or formal contest proceedings.

Your prompt attention in this matter will demonstrate your desire to provide a safe and healthful workplace for your employees.