



*Division of Occupational Safety and Health
Occupational Safety and Health Statistics
Occupational Health Clinics*

March 12, 2014

Mr. Daryl Justin Finizio, Mayor
City of New London
City Hall
181 State Street
New London, CT 06320

RE: Inspection #316657485
Department of Public Works
Solid Waste
63 Lewis Street
New London, CT 06320

Dear Mr. Finizio:

Enclosed you will find citations for violations of Connecticut's Occupational Safety and Health Act which may have accompanying proposed penalties.

Also enclosed is a booklet which explains your rights and responsibilities under the Act. As indicated on page 9 of the booklet, you may request an informal conference with me during the 15-working-day notice of contest period. The informal conference provides an opportunity to resolve disputed matters pertaining to the citations without the necessity of recourse to the contest period litigation process.

Please be advised that when an informal conference is scheduled, it is mandatory that page 4, Notice To Employees of Informal Conference, be posted.

If you have any questions about the enclosed citations, penalties, abatement dates, CONN-OSHA program or informal conference, please contact me.

Very truly yours,

A handwritten signature in cursive script that reads "Kenneth C. Tucker III".

Kenneth C. Tucker III
CONN-OSHA Director

kct/cfj

Encs.

cc: Tim Hanser, DPW Director
William B. Watkins, DPW Superintendent

State of Connecticut Department of Labor

Division of Occupational Safety & Health

38 Wolcott Hill Road

Wethersfield, CT 06109

Phone: (860) 263-6900 FAX: (860) 263-6940

**INVOICE**

Facility Name: City of New London Department of Public Works Solid Waste
Inspection Site: 63 Lewis Street, New London, CT 06320
Issuance Date: 03/12/2014

Summary of Penalties for Inspection Number 316657485

Citation 1, Willful	= \$	9000.00
Citation 2, Serious	= \$	1800.00
Citation 3, Other	= \$	0.00
TOTAL PROPOSED PENALTIES	= \$	10800.00

Please remit payment promptly to this Office for the total amount of the uncontested penalties summarized above.

Make your check or money order payable to: "Commissioner of Labor". Please indicate CONN-OSHA's Inspection Number (indicated above) on the remittance.

CONN-OSHA 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.

Kenneth C. Tucker III
Director

State of Connecticut
 Department of Labor
 Division of Occupational Safety & Health
 38 Wolcott Hill Road
 Wethersfield, CT 06109
 Phone: (860) 263-6900 FAX: (860) 263-6940



Citation and Notification of Penalty

To: Mr. Daryl Justin Finizio, Mayor
 City of New London
 City Hall
 181 State Street
 New London, CT 06320

Inspection Number: 316657485
 Inspection Date(s): 01/30/2014-02/21/2014
 Issuance Date: 03/12/2014
 CSHO ID: U4722
 Optional Report No. 373

Inspection Site:
 Department of Public Works
 Solid Waste
 63 Lewis Street
 New London, CT 06320

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 Connecticut Occupational Safety and Health Act. The penalty(ies) listed herein is (are) based on these violations. You must abate the violation(s) referred to in this Citation by the date(s) listed and pay the penalty(ies) proposed, unless within 15 working days (excluding weekends and state holidays) from your receipt of this Citation and Notification of Penalty you mail a notice of contest to the State of Connecticut, Department of Labor, Division of Occupational Safety and Health (CONN-OSHA) 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 the Citation(s) 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. The Citation(s) must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and state holidays), whichever is longer. **The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.**

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the 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 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 page 4 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 the 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 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 Connecticut 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. Make your check or money order payable to "Commissioner of Labor". Please indicate the Inspection Number on the remittance.

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

Notification of Corrective Action - For violations which you do not contest, you should notify CONN-OSHA promptly by letter that you have taken appropriate corrective action within the time frame set forth on the Citation(s). Please inform the CONN-OSHA office in writing of the abatement steps you have taken and of their dates, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc.

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 180 days after the discrimination occurred with the CONN-OSHA 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 CONN-OSHA office at the address shown above and postmarked within 15 working days (excluding weekends and state 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 your inspection will be available 30 calendar days after the Citation Issuance Date. 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.

State of Connecticut Department of Labor
Division of Occupational Safety & Health

NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 03/12/2014. The conference will be held at the OSHA office located at Division of Occupational Safety & Health, 38 Wolcott Hill Road, Wethersfield, CT, 06109 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

State of Connecticut
 Department of Labor
 Division of Occupational Safety and Health

Inspection Number: 316657485
 Inspection Dates: 01/30/2014 - 02/21/2014
 Issuance Date: 03/12/2014



Citation and Notification of Penalty

Facility Name: City of New London Department of Public Works Solid Waste
 Inspection Site: 63 Lewis Street, New London, CT 06320

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

31-372-101

1910.23(c)(1): Open sided floor(s) or platform(s) 4 feet or more above the adjacent floor or ground level were not guarded by standard railings (or the equivalent as specified in 29 CFR 1910.23(e)(3)(i) through (v)), on all open sides.

Location:

(A) Compactor

- (1) Open sided platform with greater than a four (4) foot drop to the adjacent ground was not protected with a standard guardrail or it's equivalent.

Date By Which Violation Must be Abated:

04/28/2014

Proposed Penalty:

\$ 9000.00

SPECIFIC ABATEMENT DOCUMENTATION AND CERTIFICATION IS
 REQUIRED FOR ALL WILLFUL CITATIONS AND ITEMS

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

State of Connecticut

Department of Labor

Division of Occupational Safety and Health

Inspection Number: 316657485**Inspection Dates:** 01/30/2014 - 02/21/2014**Issuance Date:** 03/12/2014**Citation and Notification of Penalty**

Facility Name: City of New London Department of Public Works Solid Waste
Inspection Site: 63 Lewis Street, New London, CT 06320

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

31-372-101

Section 31-370(a) of the Connecticut Occupational Safety and Health Act: The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to crushing hazards when working around and near the compactor while it was in operation and employees were not adequately protected.

Location:

(A) Compactor

- (1) On January 30, 2014 an inspection was initiated at the City of New London's Solid Waste Transfer Station. It was determined that employees have job duties which put them close to the leading edge of the compactor pit opening when it is in operation and the gates are not in place. Among other methods, feasible and acceptable means of abatement would be for the employer to: 1) Establish a written safety and health program regarding compactor use; 2) Train employees on safety related work practices around the compactor; 3) Determine safe and effective means of operation of the compactor ram (continuous use versus manually controlled); 4) Determine a method of guarding (barrier gates) during compactor operation. Guidance materials which should be referenced include: The compactor's manufacturer (Marathon) Operation, Maintenance, and Installation for M-1475XW Horizontal Compactor; American National Standards Institute's ANSI Z245.2-2008 and 2013 "Stationary Compactors-Safety Requirements for Installation, Maintenance and Operation" and EIA (Environmental Industry Associations) "Manual of Recommended Safety Practices" 2001, with particular attention to Part VII Transfer Station Operations.

Date By Which Violation Must be Abated:

04/28/2014

Proposed Penalty:

\$ 900.00

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

State of Connecticut
 Department of Labor
 Division of Occupational Safety and Health

Inspection Number: 316657485
Inspection Dates: 01/30/2014 - 02/21/2014
Issuance Date: 03/12/2014



Citation and Notification of Penalty

Facility Name: City of New London Department of Public Works Solid Waste
Inspection Site: 63 Lewis Street, New London, CT 06320

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

31-372-101

1910.22(a)(2): Floor(s) of workroom(s) were not maintained, so far as possible, in a dry condition.

Location:

(A) Control Room Stairway

- (1) The employer did not protect employees from a slip hazard caused by ice accumulation from a broken pipe at the stair entrance to the control room.

Date By Which Violation Must be Abated: 04/28/2014
 Proposed Penalty: \$ 900.00

SPECIFIC ABATEMENT DOCUMENTATION AND CERTIFICATION IS
 REQUIRED FOR *ALL SERIOUS* CITATIONS AND ITEMS

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

State of Connecticut
Department of Labor
Division of Occupational Safety and Health

Inspection Number: 316657485
Inspection Dates: 01/30/2014 - 02/21/2014
Issuance Date: 03/12/2014



Citation and Notification of Penalty

Facility Name: City of New London Department of Public Works Solid Waste
Inspection Site: 63 Lewis Street, New London, CT 06320

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

31-372-101

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

Location:

(A) Right Rear, Pit Area

(1) Portable fire extinguisher was not easily accessible due to the storage of items blocking extinguisher.

Date By Which Violation Must be Abated:

04/28/2014

Proposed Penalty:

\$ 0.00

SPECIFIC ABATEMENT CERTIFICATION IS REQUIRED FOR ALL OTHER
CITATIONS AND ITEMS

Kenneth C. Tucker III
Director

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