

7/3/12

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833
(916) 274-5751
FAX (916) 274-5785

RECEIVED

JUL 09 2012

APPEAL FORM

OSH Appeals Board

315343236

Inspection Number on Citation

2012-R 3 D 2 -2043

EDCO WASTE & RECYCLING SERVICES

Employer Name on Citation

1. You only have 15 working days from receipt of a citation to appeal.

Employer Legal Name or DBA (Optional)

2. A copy of this form must be attached to each citation or notification appealed. Failure to file a completed form may result in dismissal of the appeal.

6670 Federal Blvd.

Address

Lemon Grove, CA 91945

FIRST READ IMPORTANT INFORMATION ON THE REVERSE SIDE
THEN COMPLETE ONE APPEAL FORM FOR EACH CITATION

1. This is an Appeal from:

CITATION NO(s): 1 Item No(s): 1

NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION
CITATION NO(s): Item No(s):

SPECIAL ORDER/SPECIAL ACTION NO: Item No(s):

2. Specific ground(s) for this appeal are: (Check all that apply)

The safety order was not violated.

The classification (i.e. serious, willful, repeat) is incorrect.

The abatement requirements are unreasonable.

Required changes Time allowed to complete changes

The proposed penalty is unreasonable.

3. Explain any other reasons for appeal or issues to be raised on appeal. Affirmative defenses must be specifically stated. Some important affirmative defenses are listed on the OSHAB website at: <http://www.dir.ca.gov/OSHAB/oshab.html>

PLEASE SEE ATTACHMENT 1: ATTACHMENT TO APPEALS

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DOCKET

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CITATION NO(s): 1 _____ Item No(s): 2 _____

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CITATION NO(s): _____ Item No(s): _____

SPECIAL ORDER/SPECIAL ACTION NO: _____
Item No(s): _____

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1. This is an Appeal from:

[X] CITATION NO(s): 1 Item No(s): 3

[] NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION CITATION NO(s): Item No(s):

[] SPECIAL ORDER/SPECIAL ACTION NO: Item No(s):

2. Specific ground(s) for this appeal are: (Check all that apply)

[X] The safety order was not violated.

[X] The classification (i.e. serious, willful, repeat) is incorrect.

[X] The abatement requirements are unreasonable.

[X] Required changes [X] Time allowed to complete changes

[X] The proposed penalty is unreasonable.

3. Explain any other reasons for appeal or issues to be raised on appeal. Affirmative defenses must be specifically stated. Some important affirmative defenses are listed on the OSHAB website at: http://www.dir.ca.gov/OSHAB/oshab.html

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JUL 09 2012

OSH Appeals Board

EDCO WASTE & RECYCLING SERVICES, INC.
Inspection Site: 6670 Federal Boulevard, Lemon Grove, California 91945
Inspection Number: 315343236
Inspection Dates: 1/13/2012; 6/29/2012
Issuance Date: 6/29/2012

ATTACHMENT TO APPEALS

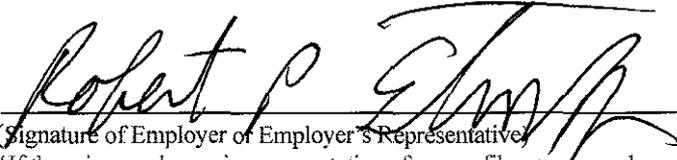
3. State any other reasons for appeal or issues to be raised on appeal. This appeal raises the following affirmative defenses:

EDCO Waste & Recycling Service, Inc. appeals the alleged citations on all issues, including:

1. Whether violation occurred;
2. The severity of the alleged violation;
3. Abatement issues;
4. The alleged violation may have been caused by independent employee acts;
5. Business Necessity Defense;
6. Statutes of limitations;
7. Infeasibility and unpreventable employee conduct;
8. The hazard does not exist;
9. The employer did not have any knowledge of the hazard;
10. The document alleged by complainant to be a "citation" is not a citation as provided in Sections 9 and 10 of the Act and regulations promulgated thereunder because:
 - (a) it does not describe with particularity the nature of the alleged violations;
 - (b) it does not include any reference to the provisions of the Act alleged to have been violated;
 - (c) it does not fix a reasonable time for abatement;
 - (d) it was not issued to the employer with reasonable promptness; and
 - (e) it does not comply with the regulations pertaining to citations codified in 29 CFR Part 1903, particularly Section 1903.14 (e) thereof.
11. The inspection upon which this proceeding is based was not conducted in accordance with law;
12. The cited standards are not Occupational Safety and Health standards as defined in the Act;
13. The cited standards do not give persons subjected to them fair warning of what they require or prohibit, and were not legally promulgated.
14. Neither the citation nor the complaint states an offense.
15. The alleged violation occurred at a time and under circumstances which deprived it of the reasonable opportunity to detect and prevent the alleged unsafe condition pursuant to *Harris Construction Company, Inc.*, Case Number: 03R2D5-3914, decision after reconsideration, dated March 30, 2007.
16. The method used by the employees that allegedly forms the basis of the citations was used because of a "greater hazard."

EDCO reserves the right to plead and present any and all available defenses up to and including the date of any hearing to be conducted in this matter.

4.


(Signature of Employer or Employer's Representative)
{If there is any change in representation after you file your appeal, you must notify the Appeals Board in writing}

Robert P. Stricker, Esq.
(Type or print name)

Attorney at Law
(Title)

820 Diamond Street, # 2
(Address) {Address where all communications from the Appeals Board will be sent}

San Diego, California 92109

(City) (State) (Zip Code)
619-515-9686 rstricker@rps-law.com July 6, 2012

(Telephone) (E-Mail Address) (Date)

{All correspondence from the Appeals Board will be sent to the representative above at the address above. If there is any change in address, telephone number, and/or e-mail address after you file your appeal, you must notify the Appeals Board of the change(s). All such notifications must be in writing}

IMPORTANT INFORMATION

- A. Use this form to appeal a Citation, Notification of Failure to Abate Alleged Violation, or Special Order/Special Action.
- B. You must complete *a separate appeal form for each citation or notification* you wish to appeal and *attach a copy of the complete citation or notification that you are appealing.*
- C. If the citation or notification being appealed includes more than one item **do not use separate appeals forms for each item.** Instead, specify the items you are appealing in the space provided in No. 1 on the front of this form. (for example, "Citation No. 1, Item Nos. 2, 5, and 8)
- D. **Be sure to sign your appeal form and provide all the information requested in No. 4 above.**
- E. Your appeal form shall be deemed not completed unless you attach a copy of each citation or notification that you are appealing, and failure to file a completed appeal form may result in dismissal of the appeal.
- F. If you or your representative change address, telephone number, and/or e-mail address, it is your responsibility to notify the Appeals Board in writing of the change(s). Otherwise the Appeals Board will continue to use the address it has on file and you risk not receiving notices or other communications from the Appeals Board. Appeals Board regulations make it the employer's obligation to notify the Appeals Board of any changes to the employer's and/or representative's contact information.
- G. Mail each completed Appeal form and citation or notification to the Occupational Safety and Health Appeals Board, 2520 Venture Oaks Way, Suite 300, Sacramento, CA 95833.
- H. Late appeals will not be accepted unless good cause is shown.

State of California

Division of Occupational Safety and Health
Cal/OSHA San Diego District (0950632; 4032)
7575 Metropolitan Drive, Suite 207
San Diego, CA 92108

Inspection Number: 315343236
Inspection Dates: 01/13/2012-06/29/2012
Issuance Date: 06/29/2012
CSHO ID: P8116
Optional Inspection Nbr: 018-12



Phone: (619) 767-2280 Fax: (619) 767-2299

Citation and Notification of Penalty

Company Name: EDCO WASTE & RECYCLING SERVICES
Inspection Site: 6670 FEDERAL BLVD, LEMON GROVE, CA 91945

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

T8 CCR 3203. Injury and Illness Prevention Program.

(b) Records of the steps taken to implement and maintain the Program shall include:

(2) Documentation of safety and health training required by subsection (a)(7) for each employee, including employee name or other identifier, training dates, type(s) of training, and training providers. This documentation shall be maintained for at least one (1) year.

EXCEPTION NO. 1: Employers with fewer than 10 employees can substantially comply with the documentation provision by maintaining a log of instructions provided to the employee with respect to the hazards unique to the employees' job assignment when first hired or assigned new duties.

EXCEPTION NO. 2: Training records of employees who have worked for less than one (1) year for the employer need not be retained beyond the term of employment if they are provided to the employee upon termination of employment.

Exception No. 3: For Employers with fewer than 20 employees who are in industries that are not on a designated list of high-hazard industries established by the Department of Industrial Relations (Department) and who have a Workers' Compensation Experience Modification Rate of 1.1 or less, and for any employers with fewer than 20 employees who are in industries on a designated list of low-hazard industries established by the Department, written documentation of the Program may be limited to the following requirements:

- A. Written documentation of the identity of the person or persons with authority and responsibility for implementing the program as required by subsection (a)(1).
- B. Written documentation of scheduled periodic inspections to identify unsafe conditions and work practices as required by subsection (a)(4).
- C. Written documentation of training and instruction as required by subsection (a)(7).

AVD:

On and prior to 1/13/2012, the employer failed to properly establish, implement and maintain its Injury and Illness Prevention Program when they did not;

1. Provide training records to the Division documenting the training of three selected employees, as requested in a document request dated 1/20/12 on the company's March 2011 Injury and Illness Prevention Program and their November 2011 Heat Illness Plan.
2. Provide training documentation that identified the type of training or the training provider as required by 3203(b)(2) on the training form.

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

State of California

Division of Occupational Safety and Health
Cal/OSHA San Diego District (0950632; 4032)
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Citation and Notification of Penalty

Company Name: EDCO WASTE & RECYCLING SERVICES
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-
- 3. Provide training documentation for a selected employee on the operation of compaction equipment as requested in document requests dated 1/20/12 and 3/1/12.

Date By Which Violation Must be Abated:	08/01/2012
Proposed Penalty:	\$ 375.00

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

State of California

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Citation and Notification of Penalty

Company Name: EDCO WASTE & RECYCLING SERVICES
Inspection Site: 6670 FEDERAL BLVD, LEMON GROVE, CA 91945

Citation 1 Item 2 Type of Violation: General

T8 CCR 3395 Heat Illness Prevention

(f) Training.

(3) The employer's procedures required by subsections (f)(1)(B), (G), (H), and (I) shall be in writing and shall be made available to employees and to representatives of the Division upon request.

Reference T8 CCR 3395(f) Training.

(1) Employee training. Training in the following topics shall be provided to all supervisory and non-supervisory employees.

(B) The employer's procedures for complying with the requirements of this standard;

(G) The employer's procedures for responding to symptoms of possible heat illness, including how emergency medical services will be provided should they become necessary;

(H) The employer's procedures for contacting emergency medical services, and if necessary, for transporting employees to a point where they can be reached by an emergency medical service provider;

(I) The employer's procedures for ensuring that, in the event of an emergency, clear and precise directions to the work site can and will be provided as needed to emergency responders.

Reference T8 CCR 3395

Scope and Application.

(1) This standard applies to all outdoor places of employment.

Exception: If an industry is not listed in subsection (a)(2), employers in that industry are not required to comply with subsection (e), High-heat procedures.

(2) List of industries subject to all provisions of this standard, including subsection (e):

(A) Agriculture

(B) Construction

(C) Landscaping

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Company Name: EDCO WASTE & RECYCLING SERVICES
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(D) Oil and gas extraction

(E) Transportation or delivery of agricultural products, construction materials or other heavy materials (e.g. furniture, lumber, freight, cargo, cabinets, industrial or commercial materials), except for employment that consists of operating an air-conditioned vehicle and does not include loading or unloading.

(3) This section applies to the control of risk of occurrence of heat illness. This is not intended to exclude the application of other sections of Title 8, including, but not necessarily limited to, sections 1512, 1524, 3203, 3363, 3400, 3439, 3457, 6251, 6512, 6969, 6975, 8420 and 8602(e).

Note No. 1: The measures required here may be integrated into the employer's written Injury and Illness Program required by section 3203, or maintained in a separate document.

Note No. 2: This standard is enforceable by the Division of Occupational Safety and Health pursuant to Labor Code sections 6308 and 6317 and any other statutes conferring enforcement powers upon the Division. It is a violation of Labor Code sections 6310, 6311, and 6312 to discharge or discriminate in any other manner against employees for exercising their rights under this or any other provision offering occupational safety and health protection to employees.

(b) Definitions.

"Acclimatization" means temporary adaptation of the body to work in the heat that occurs gradually when a person is exposed to it. Acclimatization peaks in most people within four to fourteen days of regular work for at least two hours per day in the heat.

"Heat Illness" means a serious medical condition resulting from the body's inability to cope with a particular heat load, and includes heat cramps, heat exhaustion, heat syncope and heat stroke.

"Environmental risk factors for heat illness" means working conditions that create the possibility that heat illness could occur, including air temperature, relative humidity, radiant heat from the sun and other sources, conductive heat sources such as the ground, air movement, workload severity and duration, protective clothing and personal protective equipment worn by employees.

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"Landscaping" means providing landscape care and maintenance services and/or installing trees, shrubs, plants, lawns, or gardens, or providing these services in conjunction with the design of landscape plans and/or the construction (i.e., installation) of walkways, retaining walls, decks, fences, ponds, and similar structures, except for employment by an employer who operates a fixed establishment where the work is to be performed and where drinking water is plumbed.

"Oil and gas extraction" means operating and/or developing oil and gas field properties, exploring for crude petroleum or natural gas, mining or extracting of oil or gas or recovering liquid hydrocarbons from oil or gas field gases.

"Personal risk factors for heat illness" means factors such as an individual's age, degree of acclimatization, health, water consumption, alcohol consumption, caffeine consumption, and use of prescription medications that affect the body's water retention or other physiological responses to heat.

"Shade" means blockage of direct sunlight. One indicator that blockage is sufficient is when objects do not cast a shadow in the area of blocked sunlight. Shade is not adequate when heat in the area of shade defeats the purpose of shade, which is to allow the body to cool. For example, a car sitting in the sun does not provide acceptable shade to a person inside it, unless the car is running with air conditioning. Shade may be provided by any natural or artificial means that does not expose employees to unsafe or unhealthy conditions.

"Temperature" means the dry bulb temperature in degrees Fahrenheit obtainable by using a thermometer to measure the outdoor temperature in an area where there is no shade. While the temperature measurement must be taken in an area with full sunlight, the bulb or sensor of the thermometer should be shielded while taking the measurement, e.g., with the hand or some other object, from direct contact by sunlight.

(c) Provision of water. Employees shall have access to potable drinking water meeting the requirements of Sections 1524, 3363, and 3457, as applicable. Where drinking water is not plumbed or otherwise continuously supplied, it shall be provided in sufficient quantity at the beginning of the work shift to provide one quart per employee per hour for drinking for the entire shift. Employers may begin the shift with smaller quantities of water if they have effective procedures for replenishment during the shift as needed to allow employees to drink one quart or more per hour. The frequent drinking of water, as described in subsection (f)(1)(C), shall be encouraged.

(d) Access to shade.

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Citation and Notification of Penalty

Company Name: EDCO WASTE & RECYCLING SERVICES
Inspection Site: 6670 FEDERAL BLVD, LEMON GROVE, CA 91945

(1) Shade required to be present when the temperature exceeds 85 degrees Fahrenheit. When the outdoor temperature in the work area exceeds 85 degrees Fahrenheit, the employer shall have and maintain one or more areas with shade at all times while employees are present that are either open to the air or provided with ventilation or cooling. The amount of shade present shall be at least enough to accommodate 25% of the employees on the shift at any time, so that they can sit in a normal posture fully in the shade without having to be in physical contact with each other. The shaded area shall be located as close as practicable to the areas where employees are working.

(2) Shade required to be available when the temperature does not exceed 85 degrees Fahrenheit. When the outdoor temperature in the work area does not exceed 85 degrees Fahrenheit employers shall either provide shade as per subsection (d)(1) or provide timely access to shade upon an employee's request.

(3) Employees shall be allowed and encouraged to take a cool-down rest in the shade for a period of no less than five minutes at a time when they feel the need to do so to protect themselves from overheating. Such access to shade shall be permitted at all times.

Exceptions to subsection (d):

(1) Where the employer can demonstrate that it is infeasible or unsafe to have a shade structure, or otherwise to have shade present on a continuous basis, the employer may utilize alternative procedures for providing access to shade if the alternative procedures provide equivalent protection.

(2) Except for employers in the agricultural industry, cooling measures other than shade (e.g., use of misting machines) may be provided in lieu of shade if the employer can demonstrate that these measures are at least as effective as shade in allowing employees to cool.

(e) High-heat procedures. The employer shall implement high-heat procedures when the temperature equals or exceeds 95 degrees Fahrenheit. These procedures shall include the following to the extent practicable:

(1) Ensuring that effective communication by voice, observation, or electronic means is maintained so that employees at the work site can contact a supervisor when necessary. An electronic device, such as a cell phone or text messaging device, may be used for this purpose only if reception in the area is reliable.

(2) Observing employees for alertness and signs or symptoms of heat illness.

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: EDCO WASTE & RECYCLING SERVICES
Inspection Site: 6670 FEDERAL BLVD, LEMON GROVE, CA 91945

(3) Reminding employees throughout the work shift to drink plenty of water.

(4) Close supervision of a new employee by a supervisor or designee for the first 14 days of the employee's employment by the employer, unless the employee indicates at the time of hire that he or she has been doing similar outdoor work for at least 10 of the past 30 days for 4 or more hours per day.

(f) Training.

(1) Employee training. Effective training in the following topics shall be provided to each supervisory and non-supervisory employee before the employee begins work that should reasonably be anticipated to result in exposure to the risk of heat illness:

(A) The environmental and personal risk factors for heat illness, as well as the added burden of heat load on the body caused by exertion, clothing, and personal protective equipment.

(B) The employer's procedures for complying with the requirements of this standard.

(C) The importance of frequent consumption of small quantities of water, up to 4 cups per hour, when the work environment is hot and employees are likely to be sweating more than usual in the performance of their duties.

(D) The importance of acclimatization.

(E) The different types of heat illness and the common signs and symptoms of heat illness.

(F) The importance to employees of immediately reporting to the employer, directly or through the employee's supervisor, symptoms or signs of heat illness in themselves, or in co-workers.

(G) The employer's procedures for responding to symptoms of possible heat illness, including how emergency medical services will be provided should they become necessary.

(H) The employer's procedures for contacting emergency medical services, and if necessary, for transporting employees to a point where they can be reached by an emergency medical service provider.

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Citation and Notification of Penalty

Company Name: EDCO WASTE & RECYCLING SERVICES
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(1) The employer's procedures for ensuring that, in the event of an emergency, clear and precise directions to the work site can and will be provided as needed to emergency responders. These procedures shall include designating a person to be available to ensure that emergency procedures are invoked when appropriate.

(2) Supervisor training. Prior to supervising employees performing work that should reasonably be anticipated to result in exposure to the risk of heat illness effective training on the following topics shall be provided to the supervisor:

(A) The information required to be provided by section (f)(1) above.

(B) The procedures the supervisor is to follow to implement the applicable provisions in this section.

(C) The procedures the supervisor is to follow when an employee exhibits symptoms consistent with possible heat illness, including emergency response procedures.

(D) How to monitor weather reports and how to respond to hot weather advisories.

(3) The employer's procedures for complying with each requirement of this standard required by subsections (f)(1)(B), (G), (H), and (I) shall be in writing and shall be made available to employees and to representatives of the Division upon request.

AVD:

On and prior to 1/13/2012, the employer failed to establish and implement a written Heat Illness Prevention Plan that addressed all of the procedures required by the T8 CCR 3395 standard. The written Heat Illness Prevention Plan provided by the employer to the Division as a result of a document request dated 1/20/12 did not include all of the procedures required by T8 CCR 3395(f)(1)(B). Procedures missing from the employers written Heat Illness Plan provided to the Division included;

- * Water monitoring and replenishment procedures - T8 CCR 3395(c).
- * A discussion that when temperatures reach 85 degrees F, that shade is required -T8 CCR 3395(d)(1).
- * During high heat conditions the employer shall ensure effective communication between supervisor and employee(s) when the temperature equals or exceeds 95 degrees Fahrenheit - T8 CCR 3395(e)(1).
- * During high heat conditions the employer shall ensure they have a procedure for observing employees for alertness and signs or symptoms when the temperature equals or exceeds 95 degrees Fahrenheit - T8 CCR 3395(e)(2).

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: EDCO WASTE & RECYCLING SERVICES
Inspection Site: 6670 FEDERAL BLVD, LEMON GROVE, CA 91945

-
- * During high heat conditions the employer shall ensure for reminding employees to drink plenty of water throughout the work shift when the temperature equals or exceeds 95 degrees Fahrenheit - T8 CCR 3395(e)(3).
 - * During high heat conditions the employer shall ensure close supervision of new employees by the supervisor or designated person for the employee's first 14 days of employment when the temperature equals or exceeds 95 degrees Fahrenheit - T8 CCR 3395(e)(4).
 - * Employee training discussing the procedures to be followed to contact emergency medical services and ensure clear and precise directions to the worksite as required by T8 CCR 3203(f)(1)(H & I).
 - * Supervisor training on the procedures they are to follow to implement the applicable heat illness provisions described in this heat illness program - T8 CCR 3395(f)(2)(B).
 - * Supervisor training on the procedures they are to follow when an employee exhibits symptoms consistent with possible heat illness including emergency response procedures - T8 CCR 3395(f)(2)(C).
 - * Supervisor training on how they will monitor weather reports and will respond to weather advisories - T8 CCR 3395(f)(2)(D).

Date By Which Violation Must be Abated:
Proposed Penalty:

08/01/2012
\$ 560.00

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

State of California

Division of Occupational Safety and Health
 Cal/OSHA San Diego District (0950632; 4032)
 7575 Metropolitan Drive, Suite 207
 San Diego, CA 92108

Inspection Number: 315343236
 Inspection Dates: 01/13/2012-06/29/2012
 Issuance Date: 06/29/2012
 CSHO ID: P8116
 Optional Inspection Nbr: 018-12



Phone: (619) 767-2280 Fax: (619) 767-2299

Citation and Notification of Penalty

Company Name: EDCO WASTE & RECYCLING SERVICES
 Inspection Site: 6670 FEDERAL BLVD, LEMON GROVE, CA 91945

Citation 1 Item 3 Type of Violation: General

T8 CCR 4355. Operating Rules for Compaction Equipment.

(a) General.

- (1) The employer shall develop a written set of operating procedures. These operating procedures shall include at least the applicable operating rules contained in this section.
- (2) Employees shall not be assigned or permitted to operate compaction equipment unless they have been trained and instructed in safe methods for such operation. Such training shall include the operating instructions provided by the manufacturer for each machine.

AVD:

On and prior to 1/13/2012, the employer failed to comply with the general operating rules of compaction equipment when it: ~~failed to:~~ *Bill*

1. Failed to develop a written set of operating rules the mobile collection/ compaction equipment, the Bridgeport Model #34 Ranger Refuse truck box, and provide a copy to the Division as requested in document requests dated 1/20/12 and 3/1/12 and.
2. Allowed an employee to operate the packer on a Bridgeport Model #34 Ranger, Serial # 08-1149-08, mobile trash collection truck, compaction equipment, without ensuring that they were properly trained in the operating rules and the operating instructions provided by the manufacturer.

Date By Which Violation Must be Abated:
 Proposed Penalty:

08/01/2012
 \$ 750.00

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

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

2520 Venture Oaks Way, Suite 300

Sacramento, CA 95833

(916) 274-5751

FAX (916) 274-5785

RECEIVED

JUL 09 2012

APPEAL FORM OSH Appeals Board

315343236

Inspection Number on Citation

2012-R 3 D2 -2044

EDCO WASTE & RECYCLING SERVICES

Employer Name on Citation

1. You only have 15 working days from receipt of a citation to appeal.

Employer Legal Name or DBA (Optional)

2. A copy of this form must be attached to each citation or notification appealed. Failure to file a completed form may result in dismissal of the appeal.

6670 Federal Blvd.

Address

Lemon Grove, CA 91945

FIRST READ IMPORTANT INFORMATION ON THE REVERSE SIDE THEN COMPLETE ONE APPEAL FORM FOR EACH CITATION

1. This is an Appeal from:

[X] CITATION NO(s): 2 Item No(s): 1

[] NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION CITATION NO(s): Item No(s):

[] SPECIAL ORDER/SPECIAL ACTION NO: Item No(s):

2. Specific ground(s) for this appeal are: (Check all that apply)

[X] The safety order was not violated.

[X] The classification (i.e. serious, willful, repeat) is incorrect.

[X] The abatement requirements are unreasonable.

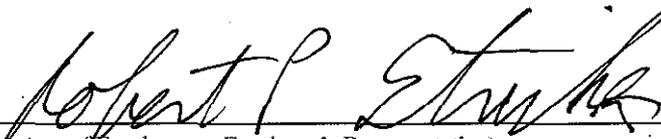
[X] Required changes [X] Time allowed to complete changes

[X] The proposed penalty is unreasonable.

3. Explain any other reasons for appeal or issues to be raised on appeal. Affirmative defenses must be specifically stated. Some important affirmative defenses are listed on the OSHAB website at: http://www.dir.ca.gov/OSHAB/oshab.html

PLEASE SEE ATTACHMENT 1: ATTACHMENT TO APPEALS

4.


(Signature of Employer or Employer's Representative)
{If there is any change in representation after you file your appeal, you must notify the Appeals Board in writing}

Robert P. Stricker, Esq.
(Type or print name)

Attorney at Law
(Title)

820 Diamond Street, # 2
(Address) {Address where all communications from the Appeals Board will be sent}

San Diego, California 92109

(City) (State) (Zip Code)
619-515-9686 rstricker@rps-law.com July 6, 2012

(Telephone) (E-Mail Address) (Date)

{All correspondence from the Appeals Board will be sent to the representative above at the address above. If there is any change in address, telephone number, and/or e-mail address after you file your appeal, you must notify the Appeals Board of the change(s). All such notifications must be in writing}

IMPORTANT INFORMATION

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- D. **Be sure to sign your appeal form and provide all the information requested in No. 4 above.**
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- G. Mail each completed Appeal form and citation or notification to the Occupational Safety and Health Appeals Board, 2520 Venture Oaks Way, Suite 300, Sacramento, CA 95833.
- H. Late appeals will not be accepted unless good cause is shown.

EDCO WASTE & RECYCLING SERVICES, INC.
Inspection Site: 6670 Federal Boulevard, Lemon Grove, California 91945
Inspection Number: 315343236
Inspection Dates: 1/13/2012; 6/29/2012
Issuance Date: 6/29/2012

RECEIVED
JUL 09 2012

OSH Appeals Board

ATTACHMENT TO APPEALS

3. State any other reasons for appeal or issues to be raised on appeal. This appeal raises the following affirmative defenses:

EDCO Waste & Recycling Service, Inc. appeals the alleged citations on all issues, including:

1. Whether violation occurred;
2. The severity of the alleged violation;
3. Abatement issues;
4. The alleged violation may have been caused by independent employee acts;
5. Business Necessity Defense;
6. Statutes of limitations;
7. Infeasibility and unpreventable employee conduct;
8. The hazard does not exist;
9. The employer did not have any knowledge of the hazard;
10. The document alleged by complainant to be a "citation" is not a citation as provided in Sections 9 and 10 of the Act and regulations promulgated thereunder because:
 - (a) it does not describe with particularity the nature of the alleged violations;
 - (b) it does not include any reference to the provisions of the Act alleged to have been violated;
 - (c) it does not fix a reasonable time for abatement;
 - (d) it was not issued to the employer with reasonable promptness; and
 - (e) it does not comply with the regulations pertaining to citations codified in 29 CFR Part 1903, particularly Section 1903.14 (e) thereof.
11. The inspection upon which this proceeding is based was not conducted in accordance with law;
12. The cited standards are not Occupational Safety and Health standards as defined in the Act;
13. The cited standards do not give persons subjected to them fair warning of what they require or prohibit, and were not legally promulgated.
14. Neither the citation nor the complaint states an offense.
15. The alleged violation occurred at a time and under circumstances which deprived it of the reasonable opportunity to detect and prevent the alleged unsafe condition pursuant to *Harris Construction Company, Inc.*, Case Number: 03R2D5-3914, decision after reconsideration, dated March 30, 2007.
16. The method used by the employees that allegedly forms the basis of the citations was used because of a "greater hazard."

EDCO reserves the right to plead and present any and all available defenses up to and including the date of any hearing to be conducted in this matter.

State of California

Division of Occupational Safety and Health
 Cal/OSHA San Diego District (0950632; 4032)
 7575 Metropolitan Drive, Suite 207
 San Diego, CA 92108

Inspection Number: 315343236
 Inspection Dates: 01/13/2012 - 06/29/2012
 Issuance Date: 06/29/2012
 CSHO ID: P8116
 Optional Inspection Nbr: 018-12



Phone: (619) 767-2280 Fax: (619) 767-2299

Citation and Notification of Penalty

Company Name: EDCO WASTE & RECYCLING SERVICES
 Inspection Site: 6670 FEDERAL BLVD, LEMON GROVE, CA 91945

Citation 2 Item 1 Type of Violation: Serious

3314. The Control of Hazardous Energy for the Cleaning, Repairing, Servicing, Setting-Up, and Adjusting Operations of Prime Movers, Machinery and Equipment, Including Lockout/Tagout.

(g) Hazardous Energy Control Procedures. A hazardous energy control procedure shall be developed and utilized by the employer when employees are engaged in the cleaning, repairing, servicing, setting-up or adjusting of prime movers, machinery and equipment.

(1) The procedure 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) A statement of the intended use of the procedure;

(B) The procedural steps for shutting down, isolating, blocking and securing machines or equipment to control hazardous energy;

(C) The procedural steps for the placement, removal and transfer of lockout devices and tagout devices and responsibilities; and,

(D) The requirements for testing a machine or equipment, to determine and verify the effectiveness of lockout devices, tagout devices and other hazardous energy control devices.

(2) The employer's hazardous energy control procedures shall be documented in writing.

(A) The employer's hazardous energy control procedure shall include separate procedural steps for the safe lockout/tagout of each machine or piece of equipment affected by the hazardous energy control procedure.

AVD:

On or before 12/31/11 the employer's Hazardous Energy Control Procedures for Truck Maintenance did not address the required elements discussed in T8 CCR 3314(g)(1)(B, D), T8 CCR 3314(g)(2) and T8 CCR 3314(g)(2)(A).

Date By Which Violation Must be Abated:
 Proposed Penalty:

07/13/2012
 \$ 6750.00

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

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833
(916) 274-5751
FAX (916) 274-5785

RECEIVED
JUL 09 2012

APPEAL FORM OSH Appeals Board

315343236

Inspection Number on Citation

2012-R³ D² -2045

EDCO WASTE & RECYCLING SERVICES

Employer Name on Citation

1. You only have 15 working days from receipt of a citation to appeal.

Employer Legal Name or DBA (Optional)

2. A copy of this form must be attached to each citation or notification appealed. Failure to file a completed form may result in dismissal of the appeal.

6670 Federal Blvd.

Address

Lemon Grove, CA 91945

FIRST READ IMPORTANT INFORMATION ON THE REVERSE SIDE
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1. This is an Appeal from:

CITATION NO(s): 3 Item No(s): 1

NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION
CITATION NO(s): Item No(s):

SPECIAL ORDER/SPECIAL ACTION NO: Item No(s):

2. Specific ground(s) for this appeal are: (Check all that apply)

The safety order was not violated.

The classification (i.e. serious, willful, repeat) is incorrect.

The abatement requirements are unreasonable.

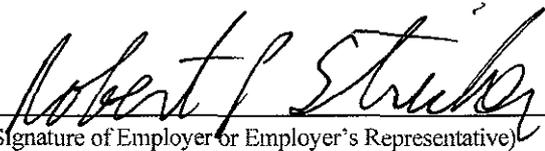
Required changes Time allowed to complete changes

The proposed penalty is unreasonable.

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Robert P. Stricker, Esq.
(Type or print name)

Attorney at Law
(Title)

820 Diamond Street, # 2
(Address) {Address where all communications from the Appeals Board will be sent}

San Diego, California 92109

(City) (State) (Zip Code)
619-515-9686 rstricker@rps-law.com July 6, 2012

(Telephone) (E-Mail Address) (Date)

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- H. Late appeals will not be accepted unless good cause is shown.

EDCO WASTE & RECYCLING SERVICES, INC.
Inspection Site: 6670 Federal Boulevard, Lemon Grove, California 91945
Inspection Number: 315343236
Inspection Dates: 1/13/2012; 6/29/2012
Issuance Date: 6/29/2012

RECEIVED
JUL 09 2012
OSH Appeals Board

ATTACHMENT TO APPEALS

3. State any other reasons for appeal or issues to be raised on appeal. This appeal raises the following affirmative defenses:

EDCO Waste & Recycling Service, Inc. appeals the alleged citations on all issues, including:

1. Whether violation occurred;
2. The severity of the alleged violation;
3. Abatement issues;
4. The alleged violation may have been caused by independent employee acts;
5. Business Necessity Defense;
6. Statutes of limitations;
7. Infeasibility and unpreventable employee conduct;
8. The hazard does not exist;
9. The employer did not have any knowledge of the hazard;
10. The document alleged by complainant to be a "citation" is not a citation as provided in Sections 9 and 10 of the Act and regulations promulgated thereunder because:
 - (a) it does not describe with particularity the nature of the alleged violations;
 - (b) it does not include any reference to the provisions of the Act alleged to have been violated;
 - (c) it does not fix a reasonable time for abatement;
 - (d) it was not issued to the employer with reasonable promptness; and
 - (e) it does not comply with the regulations pertaining to citations codified in 29 CFR Part 1903, particularly Section 1903.14 (e) thereof.
11. The inspection upon which this proceeding is based was not conducted in accordance with law;
12. The cited standards are not Occupational Safety and Health standards as defined in the Act;
13. The cited standards do not give persons subjected to them fair warning of what they require or prohibit, and were not legally promulgated.
14. Neither the citation nor the complaint states an offense.
15. The alleged violation occurred at a time and under circumstances which deprived it of the reasonable opportunity to detect and prevent the alleged unsafe condition pursuant to *Harris Construction Company, Inc.*, Case Number: 03R2D5-3914, decision after reconsideration, dated March 30, 2007.
16. The method used by the employees that allegedly forms the basis of the citations was used because of a "greater hazard."

EDCO reserves the right to plead and present any and all available defenses up to and including the date of any hearing to be conducted in this matter.

State of California

Division of Occupational Safety and Health
Cal/OSHA San Diego District (0950632; 4032)
7575 Metropolitan Drive, Suite 207
San Diego, CA 92108

Inspection Number: 315343236
Inspection Dates: 01/13/2012-06/29/2012
Issuance Date: 06/29/2012
CSHO ID: P8116
Optional Inspection Nbr: 018-12



Phone: (619) 767-2280 Fax: (619) 767-2299

Citation and Notification of Penalty

Company Name: EDCO WASTE & RECYCLING SERVICES
Inspection Site: 6670 FEDERAL BLVD, LEMON GROVE, CA 91945

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

3314. The Control of Hazardous Energy for the Cleaning, Repairing, Servicing, Setting-Up, and Adjusting Operations of Prime Movers, Machinery and Equipment, Including Lockout/Tagout.

(h) Periodic inspection.

The employer shall conduct a periodic inspection of the energy control procedure(s) at least annually to evaluate their continued effectiveness and determine necessity for updating the written procedure(s).

(1) The periodic inspection shall be performed by an authorized employee or person other than the one(s) utilizing the hazardous energy control procedures being inspected.

(2) Where lockout and/or tagout is used for hazardous energy control, the periodic inspection shall include a review between the inspector and authorized employees of their responsibilities under the hazardous energy control procedure being inspected.

(3) The employer shall certify that the periodic inspections have been performed. The certification shall identify the machine or equipment on which the hazardous energy control procedure was being utilized, the date of the inspection, the employees included in the inspection, and the person performing the inspection.

AVD:

On or before 12/31/11 the employer failed to perform Periodic Inspections required by T8 CCR 3314(h).

The Employer had been previously notified of the requirements of periodic inspections through citations that had been issued in prior cases.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/13/2012
\$ 67500.00

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

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833
(916) 274-5751
FAX (916) 274-5785

RECEIVED
JUL 09 2012

APPEAL FORM OSH Appeals Board

315343236

2012-R 3 D 2 -2046

Inspection Number on Citation

EDCO WASTE & RECYCLING SERVICES

Employer Name on Citation

Employer Legal Name or DBA (Optional)

6670 Federal Blvd.

Address

Lemon Grove, CA 91945

1. You only have 15 working days from receipt of a citation to appeal.

2. A copy of this form must be attached to each citation or notification appealed. Failure to file a completed form may result in dismissal of the appeal.

FIRST READ IMPORTANT INFORMATION ON THE REVERSE SIDE
THEN COMPLETE ONE APPEAL FORM FOR EACH CITATION

1. This is an Appeal from:

CITATION NO(s): 4 Item No(s): 1

NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION
CITATION NO(s): Item No(s):

SPECIAL ORDER/SPECIAL ACTION NO: Item No(s):

2. Specific ground(s) for this appeal are: (Check all that apply)

The safety order was not violated.

The classification (i.e. serious, willful, repeat) is incorrect.

The abatement requirements are unreasonable.

Required changes

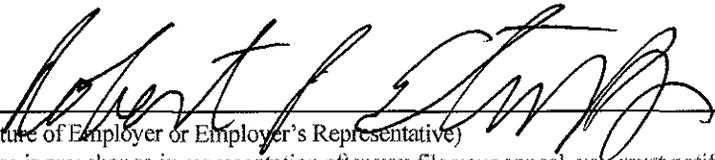
Time allowed to complete changes

The proposed penalty is unreasonable.

3. Explain any other reasons for appeal or issues to be raised on appeal. Affirmative defenses must be specifically stated. Some important affirmative defenses are listed on the OSHAB website at: <http://www.dir.ca.gov/OSHAB/oshab.html>

PLEASE SEE ATTACHMENT 1: ATTACHMENT TO APPEALS

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 (Signature of Employer or Employer's Representative)
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Robert P. Stricker, Esq.

(Type or print name)

Attorney at Law

(Title)

820 Diamond Street, # 2

(Address) {Address where all communications from the Appeals Board will be sent}

San Diego, California 92109

(City)

(State)

(Zip Code)

619-515-9686

rstricker@rps-law.com

July 6, 2012

(Telephone)

(E-Mail Address)

(Date)

{All correspondence from the Appeals Board will be sent to the representative above at the address above. If there is any change in address, telephone number, and/or e-mail address after you file your appeal, you must notify the Appeals Board of the change(s). All such notifications must be in writing}

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- H. Late appeals will not be accepted unless good cause is shown.

EDCO WASTE & RECYCLING SERVICES, INC.
Inspection Site: 6670 Federal Boulevard, Lemon Grove, California 91945
Inspection Number: 315343236
Inspection Dates: 1/13/2012; 6/29/2012
Issuance Date: 6/29/2012

RECEIVED

JUL 09 2012

OSH Appeals Board

ATTACHMENT TO APPEALS

3. State any other reasons for appeal or issues to be raised on appeal. This appeal raises the following affirmative defenses:

EDCO Waste & Recycling Service, Inc. appeals the alleged citations on all issues, including:

1. Whether violation occurred;
2. The severity of the alleged violation;
3. Abatement issues;
4. The alleged violation may have been caused by independent employee acts;
5. Business Necessity Defense;
6. Statutes of limitations;
7. Infeasibility and unpreventable employee conduct;
8. The hazard does not exist;
9. The employer did not have any knowledge of the hazard;
10. The document alleged by complainant to be a "citation" is not a citation as provided in Sections 9 and 10 of the Act and regulations promulgated thereunder because:
 - (a) it does not describe with particularity the nature of the alleged violations;
 - (b) it does not include any reference to the provisions of the Act alleged to have been violated;
 - (c) it does not fix a reasonable time for abatement;
 - (d) it was not issued to the employer with reasonable promptness; and
 - (e) it does not comply with the regulations pertaining to citations codified in 29 CFR Part 1903, particularly Section 1903.14 (e) thereof.
11. The inspection upon which this proceeding is based was not conducted in accordance with law;
12. The cited standards are not Occupational Safety and Health standards as defined in the Act;
13. The cited standards do not give persons subjected to them fair warning of what they require or prohibit, and were not legally promulgated.
14. Neither the citation nor the complaint states an offense.
15. The alleged violation occurred at a time and under circumstances which deprived it of the reasonable opportunity to detect and prevent the alleged unsafe condition pursuant to *Harris Construction Company, Inc.*, Case Number: 03R2D5-3914, decision after reconsideration, dated March 30, 2007.
16. The method used by the employees that allegedly forms the basis of the citations was used because of a "greater hazard."

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State of California

Division of Occupational Safety and Health
Cal/OSHA San Diego District (0950632; 4032)
7575 Metropolitan Drive, Suite 207
San Diego, CA 92108

Inspection Number: 315343236
Inspection Dates: 01/13/2012-06/29/2012
Issuance Date: 06/29/2012
CSHO ID: P8116
Optional Inspection Nbr: 018-12



Phone: (619) 767-2280 Fax: (619) 767-2299

Citation and Notification of Penalty

Company Name: EDCO WASTE & RECYCLING SERVICES
Inspection Site: 6670 FEDERAL BLVD, LEMON GROVE, CA 91945

Citation 4 Item 1 Type of Violation: Serious Accident Related

T8 CCR 4002. Moving Parts of Machinery or Equipment.

(a) All machines, parts of machines, or component parts of machines which create hazardous revolving, reciprocating, running, shearing, punching, pressing, squeezing, drawing, cutting, rolling, mixing or similar action, including pinch points and shear points, not guarded by the frame of the machine(s) or by location, shall be guarded.

AVD:

On and before 12/31/11 the employer failed to guard the pinch point of the Garbage Truck's (#765, CA License # 8T20986) body and packer. As a result, on 12/31/11 an employee suffered a serious injury while replacing the packer's hydraulic cylinders.

Date By Which Violation Must be Abated: 07/13/2012
Proposed Penalty: \$ 18000.00

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

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833
(916) 274-5751
FAX (916) 274-5785

RECEIVED

JUL 09 2012

APPEAL FORM

OSH Appeals Board

315343236

Inspection Number on Citation

EDCO WASTE & RECYCLING SERVICES

Employer Name on Citation

Employer Legal Name or DBA (Optional)

6670 Federal Blvd.

Address

Lemon Grove, CA 91945

2012-R3D2-2047

1. You only have 15 working days from receipt of a citation to appeal.

2. A copy of this form must be attached to each citation or notification appealed. Failure to file a completed form may result in dismissal of the appeal.

FIRST READ IMPORTANT INFORMATION ON THE REVERSE SIDE
THEN COMPLETE ONE APPEAL FORM FOR EACH CITATION

1. This is an Appeal from:

CITATION NO(s): 5 Item No(s): 1

NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION
CITATION NO(s): Item No(s):

SPECIAL ORDER/SPECIAL ACTION NO: Item No(s):

2. Specific ground(s) for this appeal are: (Check all that apply)

The safety order was not violated.

The classification (i.e. serious, willful, repeat) is incorrect.

The abatement requirements are unreasonable.

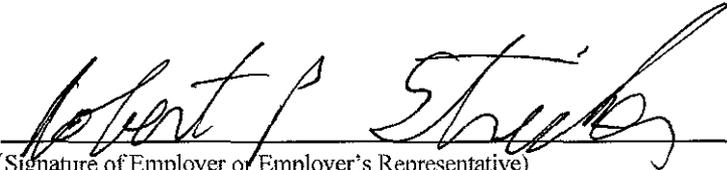
Required changes Time allowed to complete changes

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Attorney at Law

(Title)

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(Zip Code)

619-515-9686

rstricker@rps-law.com

July 6, 2012

(Telephone)

(E-Mail Address)

(Date)

{All correspondence from the Appeals Board will be sent to the representative above at the address above. If there is any change in address, telephone number, and/or e-mail address after you file your appeal, you must notify the Appeals Board of the change(s). All such notifications must be in writing}

IMPORTANT INFORMATION

- A. Use this form to appeal a Citation, Notification of Failure to Abate Alleged Violation, or Special Order/Special Action.
- B. You must complete *a separate appeal form for each citation or notification* you wish to appeal and *attach a copy of the complete citation or notification that you are appealing.*
- C. If the citation or notification being appealed includes more than one item **do not use separate appeals forms for each item.** Instead, specify the items you are appealing in the space provided in No. 1 on the front of this form. (for example, "Citation No. 1, Item Nos. 2, 5, and 8)
- D. **Be sure to sign your appeal form and provide all the information requested in No. 4 above.**
- E. Your appeal form shall be deemed not completed unless you attach a copy of each citation or notification that you are appealing, and failure to file a completed appeal form may result in dismissal of the appeal.
- F. If you or your representative change address, telephone number, and/or e-mail address, it is your responsibility to notify the Appeals Board in writing of the change(s). Otherwise the Appeals Board will continue to use the address it has on file and you risk not receiving notices or other communications from the Appeals Board. Appeals Board regulations make it the employer's obligation to notify the Appeals Board of any changes to the employer's and/or representative's contact information.
- G. Mail each completed Appeal form and citation or notification to the Occupational Safety and Health Appeals Board, 2520 Venture Oaks Way, Suite 300, Sacramento, CA 95833.
- H. Late appeals will not be accepted unless good cause is shown.

EDCO WASTE & RECYCLING SERVICES, INC.
Inspection Site: 6670 Federal Boulevard, Lemon Grove, California 91945
Inspection Number: 315343236
Inspection Dates: 1/13/2012; 6/29/2012
Issuance Date: 6/29/2012

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OSH Appeals Board

ATTACHMENT TO APPEALS

3. State any other reasons for appeal or issues to be raised on appeal. This appeal raises the following affirmative defenses:

EDCO Waste & Recycling Service, Inc. appeals the alleged citations on all issues, including:

1. Whether violation occurred;
2. The severity of the alleged violation;
3. Abatement issues;
4. The alleged violation may have been caused by independent employee acts;
5. Business Necessity Defense;
6. Statutes of limitations;
7. Infeasibility and unpreventable employee conduct;
8. The hazard does not exist;
9. The employer did not have any knowledge of the hazard;
10. The document alleged by complainant to be a "citation" is not a citation as provided in Sections 9 and 10 of the Act and regulations promulgated thereunder because:
 - (a) it does not describe with particularity the nature of the alleged violations;
 - (b) it does not include any reference to the provisions of the Act alleged to have been violated;
 - (c) it does not fix a reasonable time for abatement;
 - (d) it was not issued to the employer with reasonable promptness; and
 - (e) it does not comply with the regulations pertaining to citations codified in 29 CFR Part 1903, particularly Section 1903.14 (e) thereof.
11. The inspection upon which this proceeding is based was not conducted in accordance with law;
12. The cited standards are not Occupational Safety and Health standards as defined in the Act;
13. The cited standards do not give persons subjected to them fair warning of what they require or prohibit, and were not legally promulgated.
14. Neither the citation nor the complaint states an offense.
15. The alleged violation occurred at a time and under circumstances which deprived it of the reasonable opportunity to detect and prevent the alleged unsafe condition pursuant to *Harris Construction Company, Inc.*, Case Number: 03R2D5-3914, decision after reconsideration, dated March 30, 2007.
16. The method used by the employees that allegedly forms the basis of the citations was used because of a "greater hazard."

EDCO reserves the right to plead and present any and all available defenses up to and including the date of any hearing to be conducted in this matter.

State of California

Division of Occupational Safety and Health
Cal/OSHA San Diego District (0950632; 4032)
7575 Metropolitan Drive, Suite 207
San Diego, CA 92108

Inspection Number: 315343236
Inspection Dates: 01/13/2012-06/29/2012
Issuance Date: 06/29/2012
CSHO ID: P8116
Optional Inspection Nbr: 018-12



Phone: (619) 767-2280 Fax: (619) 767-2299

Citation and Notification of Penalty

Company Name: EDCO WASTE & RECYCLING SERVICES
Inspection Site: 6670 FEDERAL BLVD, LEMON GROVE, CA 91945

Citation 5 Item 1 Type of Violation: Serious Accident Related

4355. Operating Rules for Compaction Equipment

(c) Mobile Collection/Compaction Equipment.

(5) Before cleaning, repairing, servicing or adjusting collection equipment, a lockout procedure complying with Section 3314 shall be established and shall be followed.

AVD:

On and before 12/31/11, the employer failed to establish and follow an effective Hazardous Energy Control Plan (Lockout-Tagout) meeting all the requirements of T8 CCR 3314 prior to employees servicing and repairing garbage truck #765. The employer failed to de-energize the truck throughout the servicing and repair process. Furthermore, when the hydraulic cylinders were extend into place, the employer failed to minimize the hazard to employees due to such movement. As a result, on 12/31/2011 an employee suffered a serious injury when replacing the packer's hydraulic cylinders.

Date By Which Violation Must be Abated:

07/13/2012

Proposed Penalty:

\$ 18000.00

Compliance Officer/District Manager

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

State of California
 Division of Occupational Safety and Health
 7575 Metropolitan Drive, Suite 207
 San Diego, CA 92108
 Telephone: (619) 767-2280 Fax: (619) 767-2299



NOTICE OF PROPOSED PENALTIES

Company Name: EDCO WASTE & RECYCLING SERVICES
Inspection Site: 6670 FEDERAL BLVD, LEMON GROVE, CA 91945
Mailing Address: 6670 FEDERAL BLVD, LEMON GROVE, CA 91945
Issuance Date: 06/29/2012
Reporting ID: 0950632
Index Code: 4032

Summary of Penalties for Inspection Number 315343236

Citation 1, General	= \$	1685.00
Citation 2, Serious	= \$	6750.00
Citation 3, Serious	= \$	67500.00
Citation 4, Serious	= \$	18000.00
Citation 5, Serious	= \$	18000.00
TOTAL PROPOSED PENALTIES	= \$	111935.00

Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this citation, remittance is still due on all items that are not appealed. Enclosed for your use is a Penalty Remittance Form.

If you are paying electronically: Please have this form on-hand when you are ready to make your payment. The company name, index code, reporting ID and Citation number(s) will be required to ensure that the payment is accurately posted to your account. Please go to www.dir.ca.gov/dosh to access the secure payment processing site.

If you are paying by check: Mail this Notice of Proposed Penalties, the Penalty Remittance Form, along with a copy of the Citation and Notification of Penalty to:

DIVISION OF OCCUPATIONAL SAFETY AND HEALTH - CAL/OSHA
CASHIER, ACCOUNTING OFFICE
P. O. BOX 420603
SAN FRANCISCO, CA 94142-0603
(415) 703-4291 or (415) 703-4295 Fax (415) 703-3030

State of California
Division of Occupational Safety and Health
7575 Metropolitan Drive, Suite 207
San Diego, CA 92108
Telephone: (619) 767-2280 Fax: (619) 767-2299



Citation and Notification of Penalty

To:
EDCO WASTE & RECYCLING SERVICES
and its successors
6670 FEDERAL BLVD
LEMON GROVE, CA 91945

Inspection Number: 315343236
Inspection Date(s): 01/13/2012 06/29/2012
Issuance Date: 06/29/2012
CSHO ID: P8116
Optional Report #: 018-12
Reporting ID: 0950632

Inspection Site:
6670 FEDERAL BLVD
LEMON GROVE, CA 91945

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 (hereinafter Citation) is being issued in accordance with California Labor Code Section 6317 for violations that were found during the inspection/investigation. This Citation or a copy must be prominently posted upon receipt by the employer at or near the location of each violation until the violative condition is corrected or for three working days, whichever is longer. Violations of Title 8 of the California Code of Regulations or of the California Labor Code may result in some instances in prosecution for a misdemeanor.

YOU HAVE A RIGHT to contest this Citation and Notification of Penalty by filing an appeal with the Occupational Safety and Health Appeals Board. To initiate your appeal, you must contact the Appeals Board, in writing or by telephone, within 15 working days from the date of receipt of this Citation. If you miss the 15 working day deadline to appeal, the Citation and Notification of Penalty becomes a final order of the Appeals Board, not subject to review by any court or agency.