

## U.S. Department of Labor

Occupational Safety and Health Administration

Robinson Plaza

55 N. Robinson, Suite 315

Oklahoma City, OK 73102

Phone: (405)278-9560 FAX: (111)222-3333



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# Citation and Notification of Penalty

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**To:**  
Wenco Energy Corporation  
and its successors  
PO Box 35444  
Tulsa, OK 74153

**Inspection Number:** 316238088  
**Inspection Date(s):** 02/29/2012-  
**Issuance Date:** 08/28/2012

**Inspection Site:**  
11129 E 56th Street S.  
Tulsa, OK 74146

*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.*

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

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

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

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be

submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the page 5 Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

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

**Penalty Payment** - Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to "DOL-OSHA". Please indicate the Inspection Number on the remittance.

OSHA does not agree to any restrictions or 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 each violation which you do not contest, you are required by 29 CFR 1903.19 to submit an Abatement Certification to the Area Director of the OSHA office issuing the citation and identified above. The certification must be sent by you within 10 calendar days of the abatement date indicated on the citation. For **Willful** and **Repeat** violations, documents (examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as **Serious** and the citations states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

**All abatement verification documents must contain the following information:** 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

The law also requires a copy of all abatement verification documents, required by 29 CFR 1903.19 to be sent to OSHA, also be posted at the location where the violation appeared and the corrective action took place.

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

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

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

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

**ABATEMENT CERTIFICATION**

David A. Bates, Area Director  
U.S. Department of Labor - OSHA  
Robinson Plaza  
55 N. Robinson, Suite 315  
Oklahoma City, OK 73102  
Phone: (405)278-9560

Wenco Energy Corporation  
PO Box 35444  
Tulsa, OK 74153

The hazard referenced in Inspection Number \_\_\_\_\_ for the violation identified as  
Citation \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_  
by \_\_\_\_\_.

The hazard referenced in Inspection Number \_\_\_\_\_ for the violation identified as  
Citation \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_  
by \_\_\_\_\_.

The hazard referenced in Inspection Number \_\_\_\_\_ for the violation identified as  
Citation \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_  
by \_\_\_\_\_.

The hazard referenced in Inspection Number \_\_\_\_\_ for the violation identified as  
Citation \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_  
by \_\_\_\_\_.

The hazard referenced in Inspection Number \_\_\_\_\_ for the violation identified as  
Citation \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_  
by \_\_\_\_\_.

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or Printed Name



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 08/28/2012. The conference will be held at the OSHA office located at Robinson Plaza, 55 N. Robinson, Suite 315, Oklahoma City, OK, 73102 on \_\_\_\_\_ at \_\_\_\_\_.

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



**Citation and Notification of Penalty**

**Company Name:** Wenco Energy Corporation  
**Inspection Site:** 11129 E 56th Street S., Tulsa, OK 74146

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

29 CFR 1910.132(f)(1)(iv): Employee(s) required to use PPE by this section were not trained to know the limitations of PPE:

The employer does not adequately train employees regarding the use of personal protective equipment. This violation was observed on or about February 29, 2012, in the fabrication shop, employees operating the roll forming machine were wearing loose leather gloves exposing employees to being caught in the rollers.

Pursuant to 29 C.F.R 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that employees understand the limitations of wearing gloves around operating machinery.

**\*\*\*Abatement Certification and Documentation Required\*\*\***

<b>Date By Which Violation Must be Abated:</b>	<b>09/07/2012</b>
<b>Proposed Penalty:</b>	<b>\$ 5390.00</b>



**Citation and Notification of Penalty**

**Company Name:** Wenco Energy Corporation  
**Inspection Site:** 11129 E 56th Street S., Tulsa, OK 74146

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

29 CFR 1910.147(c)(5)(i): Locks, tags, chains, wedges, key blocks, adapter pins, self-locking fasteners, or other hardware were not provided by the employer for isolating, securing, or blocking of machines or equipment from energy sources:

The employer does not provide an adequate number of lockout/tagout devices for isolating, securing, or blocking of machines or equipment from energy sources. This violation was observed on or about February 29, 2012, in the assembly/shipping/receiving area and machine shop, employees performing servicing and maintenance operations such as, but not limited to, changing saw blades on a horizontal band saw and removing parts from the inside of a LC 20 4-Axix 'Simulturn' CNC lathe, did not have lockout/tagout devices exposing employees to struck by hazards.

Pursuant to 29 C.F.R 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that an adequate number of lockout/tagout devices are available for employees performing servicing and maintenance operations that required lockout/tagout.

<b>Date By Which Violation Must be Abated:</b>	<b>Corrected During Inspection</b>
<b>Proposed Penalty:</b>	<b>\$ 5390.00</b>

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See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** Wenco Energy Corporation  
**Inspection Site:** 11129 E 56th Street S., Tulsa, OK 74146

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

29 CFR 1910.147(c)(7)(i)(A): The employer did not provide adequate training to ensure that employees acquired the knowledge and skills required for the safe application, usage and removal of energy control devices:

The employer does not provide adequate training to employees who perform servicing and maintenance operations such as, but not limited to:

- a) This violation occurred on or about February 29, 2012, in assembly/shipping/receiving area, employees changing the saw blades on the HA-16 horizontal band saw were not trained to perform necessary lockout/tagout operations during servicing and maintenance of machinery.
- b) This violation was observed on or about February 29, 2012, in the machine shop, employees removing a milling tool from inside the Okuma LC 20 CNC lathe on the north wall were not adequately trained to perform necessary lockout/tagout operations during servicing and maintenance of machinery.

Pursuant to 29 C.F.R 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that employees who are performing servicing and maintenance operations are trained at the authorized level.

**\*\*\*Abatement Certification and Documentation Required\*\*\***

<b>Date By Which Violation Must be Abated:</b>	<b>09/21/2012</b>
<b>Proposed Penalty:</b>	<b>\$ 5390.00</b>

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See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.





**Citation and Notification of Penalty**

**Company Name:** Wenco Energy Corporation  
**Inspection Site:** 11129 E 56th Street S., Tulsa, OK 74146

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

29 CFR 1910.147(d)(4)(i): Lockout or tagout devices were not affixed to each energy isolating device by authorized employees:

The employer does not apply lockout/tagout devices to the energy sources when performing servicing and/or maintenance activities on such as, but not limited to the following:

- a) This violation was observed on or about February 29, 2012, in the assembly/shipping/receiving area, for employees engaged in changing the saw blade on the HA-16 horizontal band saw, lockout/tagout devices were not affixed to the main disconnect.
- b) This violation was observed on or about February 29, 2012, in the machine shop, for employees removing a milling tool from inside the Okuma LC 20 CNC lathe on the north wall, lockout/tagout devices were not affixed to the main disconnect.

Pursuant to 29 C.F.R 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that lockout/tagout devices are affixed to the appropriate energy sources when performing maintenance and/or servicing operations.

**\*\*\*Abatement Certification and Documentation Required\*\*\***

<b>Date By Which Violation Must be Abated:</b>	<b>09/07/2012</b>
<b>Proposed Penalty:</b>	<b>\$ 5390.00</b>



**Citation and Notification of Penalty**

**Company Name:** Wenco Energy Corporation  
**Inspection Site:** 11129 E 56th Street S., Tulsa, OK 74146

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

29 CFR 1910.178(f)(2): The storage and handling of liquid petroleum gas fuel was not in accordance with NFPA Storage and Handling of Liquefied Petroleum Gases (NFPA No. 58-1969):

The employer does not store liquid petroleum gas fuel in compliance with NFPA Storage and Handling of Liquefied Petroleum Gases.

- a) This violation was observed on or about February 29, 2012, in the bay to the south of the welding area, two propane cylinders were stored inside the building exposing employees to the hazards of vapor ignition.
- b) This violation was observed on or about February 29, 2012, in the paint spraying area, one propane cylinder was stored inside the building exposing employees to the hazards of vapor ignition.
- c) This violation was observed on or about February 29, 2012, in a welding station in the bay on the east side, one propane cylinder was stored inside the building exposing employees to the hazards of vapor ignition.

Pursuant to 29 C.F.R 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that propane cylinders are stored safely outside.

**\*\*\*Abatement Certification and Documentation Required\*\*\***

Date By Which Violation Must be Abated:	09/03/2012
Proposed Penalty:	\$ 5390.00



**Citation and Notification of Penalty**

**Company Name:** Wenco Energy Corporation  
**Inspection Site:** 11129 E 56th Street S., Tulsa, OK 74146

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

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

29 CFR 1910.178(o)(1): Load(s) handled on powered industrial truck(s) were not stable or safely arranged:

The employer does not ensure that forklift operators are lifting stable loads. This violation occurred on or about February 29, 2012, where employees who were operating the Yale forklift were lifting and tilting a load of 34 sheets of aluminum.

Pursuant to 29 C.F.R 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that forklift loads are secured.

**\*\*\*Abatement Certification and Documentation Required\*\*\***

Date By Which Violation Must be Abated:	09/14/2012
Proposed Penalty:	\$ 5390.00

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See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** Wenco Energy Corporation  
**Inspection Site:** 11129 E 56th Street S., Tulsa, OK 74146

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

29 CFR 1910.178(o)(2): Load(s) were being handled which exceeded the rated capacity of the industrial truck(s):

The employer does not ensure forklift operators are lifting loads within the rated capacity of the powered industrial truck. This violation occurred on or about February 29, 2012, where employees who were operating the Yale forklift, were lifting a load consisting of 55 sheets of aluminum stored on an iron rack which exceeded the load limit of the forklift exposing employees to struck by hazards.

Pursuant to 29 C.F.R 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that forklift loads are within the rated capacity.

**\*\*\*Abatement Certification and Documentation Required\*\*\***

**Date By Which Violation Must be Abated:** 09/14/2012



**Citation and Notification of Penalty**

**Company Name:** Wenco Energy Corporation  
**Inspection Site:** 11129 E 56th Street S., Tulsa, OK 74146

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

29 CFR 1910.178(q)(1): Any power-operated industrial truck not in safe operating condition was not taken out of service, and/or repairs were not made by authorized personnel:

The employer does not remove unsafe forklifts from service. This violation was observed on or about February 29, 2012, where employees had been required to operate forklifts without backup alarms, emergency brakes, and floorboards exposing employees to struck by hazards.

Pursuant to 29 C.F.R 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that unsafe forklifts are removed from service.

**\*\*\*Abatement Certification and Documentation Required\*\*\***

Date By Which Violation Must be Abated:	09/03/2012
Proposed Penalty:	\$ 5390.00



**Citation and Notification of Penalty**

**Company Name:** Wenco Energy Corporation  
**Inspection Site:** 11129 E 56th Street S., Tulsa, OK 74146

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

29 CFR 1910.212(b): Machine(s) designed for fixed location(s) were not securely anchored to prevent walking or moving:

This violation was observed on or about February 29, 2012, in areas such as, but not limited to, the assembly/shipping/receiving area and the machine shop, employees are operating drill presses which are not anchored to the floor exposing employees to being struck by the machinery.

Pursuant to 29 C.F.R 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that machinery located in a fixed location is anchored.

<b>Date By Which Violation Must be Abated:</b>	<b>09/21/2012</b>
<b>Proposed Penalty:</b>	<b>\$ 3080.00</b>

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See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** Wenco Energy Corporation  
**Inspection Site:** 11129 E 56th Street S., Tulsa, OK 74146

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

29 CFR 1910.217(b)(4)(i): Pedal mechanism(s) on mechanical power press(es) full revolution clutches were not protected to prevent unintended operation from falling or moving objects or by accidental stepping onto the pedals:

This violation was observed on or about February 29, 2012, in the fabrication shop, employees operating the strippet using an unguarded pedal, are not protected from unintentionally cycling the machine exposing employees to being caught in the machine.

Pursuant to 29 C.F.R 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that the pedal of the strippet machine is protected against accidental contact.

**\*\*\*Abatement Certification and Documentation Required\*\*\***

<b>Date By Which Violation Must be Abated:</b>	<b>09/14/2012</b>
<b>Proposed Penalty:</b>	<b>\$ 5390.00</b>



**Citation and Notification of Penalty**

**Company Name:** Wenco Energy Corporation  
**Inspection Site:** 11129 E 56th Street S., Tulsa, OK 74146

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

29 CFR 1910.219(f)(3): Sprocket wheels and chains which were seven feet or less above floors or platforms were not enclosed:

The employer does not ensure that chains and sprockets seven feet or less above the floor are guarded

- a) This violation was observed on or about February 29, 2012, in the assembly/shipping/receiving shop, employees operating the cell machine on the west side are not protected from the unguarded sprocket wheels and chains exposing employees to being caught in the machinery.
- b) This violation was observed on or about February 29, 2012, in the assembly/shipping/receiving shop, employees operating the cell machine on the east side are not protected from the unguarded sprocket wheels and chains exposing employees to the hazards of being caught in the machinery.

Pursuant to 29 C.F.R 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that all sprocket wheels and chains which are seven feet or less above the ground are enclosed.

<b>Date By Which Violation Must be Abated:</b>	<b>09/14/2012</b>
<b>Proposed Penalty:</b>	<b>\$ 3850.00</b>

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See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.





**Citation and Notification of Penalty**

**Company Name:** Wenco Energy Corporation  
**Inspection Site:** 11129 E 56th Street S., Tulsa, OK 74146

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

29 CFR 1910.243(c)(3): Abrasive wheels used on vertical portable grinder(s) (right angle hand grinders) were not provided with safety guard(s) having a maximum exposure angle of 180 degrees and located between the operator and wheel:

This violation was observed on or about February 29, 2012, in areas such as, but not limited to the welding area, employees are using right angle grinders without a safety guard exposing employees to being struck by the wheel.

Pursuant to 29 C.F.R 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that all hand held right angle grinders have a safety guard.

**\*\*\*Abatement Certification and Documentation Required\*\*\***

Date By Which Violation Must be Abated:	09/14/2012
Proposed Penalty:	\$ 5390.00



**Citation and Notification of Penalty**

**Company Name:** Wenco Energy Corporation  
**Inspection Site:** 11129 E 56th Street S., Tulsa, OK 74146

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

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

29 CFR 1910.304(f)(1)(iv): Overcurrent devices were not readily accessible to each employee or authorized building management personnel:

The employer does not ensure that overcurrent devices are readily accessible to employees:

- a) This violation was observed on or about February 29, 2012, in the machine shop, the circuit breaker panel for equipment such as, but not limited to, the compressor and Natco drill press was blocked by an air hose exposing employees to the hazards of electrical shock and fire.
- b) This violation was observed on or about February 29, 2012, in the machine shop, the circuit breaker panel was blocked by the Ex-cell-o drill press exposing employees to the hazards of electrical shock and fire.
- c) This violation was observed on or about February 29, 2012, Bay "B", on the north wall, the circuit break panel was blocked by machinery and equipment exposing employees to the hazards of electrical shock and fire.

Pursuant to 29 C.F.R 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that overcurrent devices are readily accessible.

<b>Date By Which Violation Must be Abated:</b>	<b>09/07/2012</b>
<b>Proposed Penalty:</b>	<b>\$ 3080.00</b>

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See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** Wenco Energy Corporation  
**Inspection Site:** 11129 E 56th Street S., Tulsa, OK 74146

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

29 CFR 1910.305(b)(1)(ii): Unused openings in cabinets, boxes, and fittings were not effectively closed:

The employer does not ensure unused openings in cabinets are effectively closed. This violation was observed on or about February 29, 2012, on the north outside wall of the break room, the yellow circuit breaker panel had three openings in the panel exposing employees to the hazards of electrical shock and arcing parts.

Pursuant to 29 C.F.R 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that all openings in circuit breaker panels are effectively closed.

**Date By Which Violation Must be Abated:** 09/07/2012



**Citation and Notification of Penalty**

**Company Name:** Wenco Energy Corporation  
**Inspection Site:** 11129 E 56th Street S., Tulsa, OK 74146

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

29 CFR 1910.176(b): Material stored in tiers was not stacked, blocked, interlocked or limited in height so that it was stable and secure against sliding and collapse:

This violation occurred on or about February 29, 2012, throughout the facility, employees are working under and around unstable loads of stacked machinery, equipment, materials exposing the employees to the hazards of being struck by the unstable loads.

WENCO ENERGY CORPORATION WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD 29 CFR 1910.176(b), WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 311000285, CITATION 01, ITEM 004 AND WAS AFFIRMED AS A FINAL ORDER ON JANUARY 2, 2008 WITH A FINAL ABATEMENT DATE OF DECEMBER 23, 2007, WITH RESPECT TO A WORKPLACE HAZARD AT 11102 E 56TH ST., TULSA, OK.

Pursuant to 29 C.F.R 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure material, equipment, and machinery is stored under stable and secure conditions.

**\*\*\*Abatement Certification and Documentation Required\*\*\***

Date By Which Violation Must be Abated:	10/12/2012
Proposed Penalty:	\$ 7700.00

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See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** Wenco Energy Corporation  
**Inspection Site:** 11129 E 56th Street S., Tulsa, OK 74146

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

29 CFR 1910.178(l)(1)(i): The employer did not train operators in the safe operation of powered industrial trucks:

The employer does not train operators in the safe operation of powered industrial trucks. This violation occurred on or about February 29, 2012, in the assembly/shipping/receiving area where employees who had not been trained in the safe operation of powered industrial trucks, were operating Hyster and Yale forklifts exposing employees to a struck-by hazard.

WENCO ENERGY CORPORATION WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD 29 CFR 1910.178(l)(1)(i), WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 314927880, CITATION 01, ITEM 004 AND WAS AFFIRMED AS A FINAL ORDER ON MARCH 23, 2011 WITH A FINAL ABATEMENT DATE OF MARCH 28, 2011, WITH RESPECT TO A WORKPLACE HAZARD AT 11129 E. 56th ST S. TULSA, OK.

Pursuant to 29 C.F.R 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that powered industrial truck operators receive training that consists of a combination of formal instruction, practical training, and an evaluation of the operator's performance in the workplace.

**\*\*\*Abatement Certification and Documentation Required\*\*\***

Date By Which Violation Must be Abated:	09/07/2012
Proposed Penalty:	\$ 7700.00

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See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** Wenco Energy Corporation  
**Inspection Site:** 11129 E 56th Street S., Tulsa, OK 74146

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**Citation 2 Item 3 Type of Violation: Repeat**

29 CFR 1910.178(q)(6): Powered Industrial trucks were altered by the addition of extra parts not provided by the manufacturer:

The employer alters the forklift with parts not provided by the manufacturer. This violation was observed on or about February 29, 2012, on the east side of the building, where employees were using a Yale forklift S/N A974V01702 with homemade extensions on the tines to lift/tilt a pallet load of aluminum plates exposing employees to the hazards of being struck by an unstable load.

WENCO ENERGY CORPORATION WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD 29 CFR 1910.178(q)(6), WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 311000285, CITATION 01, ITEM 005 AND WAS AFFIRMED AS A FINAL ORDER ON JANUARY 2, 2008 WITH A FINAL ABATEMENT DATE OF DECEMBER 23, 2007, WITH RESPECT TO A WORKPLACE HAZARD AT 11102 E 56TH ST., TULSA, OK.

Pursuant to 29 C.F.R 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that forklifts are not altered with the addition of parts not provided by the manufacturer.

**\*\*\*Abatement Certification and Documentation Required\*\*\***

<b>Date By Which Violation Must be Abated:</b>	<b>09/07/2012</b>
<b>Proposed Penalty:</b>	<b>\$ 10780.00</b>

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See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** Wenco Energy Corporation  
**Inspection Site:** 11129 E 56th Street S., Tulsa, OK 74146

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**Citation 2 Item 4 Type of Violation: **Repeat****

29 CFR 1910.178(q)(7): Industrial trucks were not examined before being placed in service:

The employer does not perform daily inspections of forklifts. This violation occurred on or about February 29, 2012, where employees who had not been required to perform daily inspections of the forklifts operated a Hyster and Yale forklift exposing employees to struck by hazards.

WENCO ENERGY CORPORATION WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD CFR 1910.178(q)(7), WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 314927880, CITATION 01, ITEM 006 AND WAS AFFIRMED AS A FINAL ORDER ON MARCH 23, 2011, WITH A FINAL ORDER DATE OF March 14, 2011, WITH RESPECT TO A WORKPLACE HAZARD LOCATED AT 11120 E 56TH ST S., TULSA, OK.

Pursuant to 29 C.F.R 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that forklifts are inspected prior to use.

**\*\*\*Abatement Certification and Documentation Required\*\*\***

<b>Date By Which Violation Must be Abated:</b>	<b>09/03/2012</b>
<b>Proposed Penalty:</b>	<b>\$ 10780.00</b>

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See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



## Citation and Notification of Penalty

**Company Name:** Wenco Energy Corporation  
**Inspection Site:** 11129 E 56th Street S., Tulsa, OK 74146

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### Citation 2 Item 5 Type of Violation: **Repeat**

29 CFR 1910.212(a)(1): One or more methods of machine guarding was not provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks:

- a) This violation was observed on or about February 29, 2012, in the assembly/shipping/receiving area, employees were operating the HA-16 horizontal band saw which did not have the unused portion of the saw blade guarded exposing employees to being struck by the blade.
  - b) This violation occurred on or about February 29, 2012, in the machine shop, the Precision horizontal band saw in machine shop did not have the unused portion of the saw blade guarded exposing employees to being struck by the blade.
  - c) This violation was observed on or about February 29, 2012, outside the fabrication shop, employees were operating the Rockwell vertical belt sander which did not have the ingoing nip points guarded exposing employees to being caught in the belt.
  - d) This violation occurred on or about February 29, 2012, in the southwest corner of the machine shop, the Jet vertical belt sander did not have the ingoing nip points guarded exposing employees to being caught in the belt.
  - e) This violation was observed on or about February 29, 2012, on the east side of the assembly area, employees were operating the cell machine without the rollers ingoing nip points guarded exposing the employees to being caught in the rollers.
  - f) This violation was observed on or about February 29, 2012, on the west side of the assembly area, employees were operating the cell machine without the rollers ingoing nip points guarded exposing the employees to being caught in the rollers.
  - g) This violation occurred on or about February 29, 2012, in the machine shop, on the Goodway lathe the chuck was not guarded exposing employees to being struck by material or caught in the machine by rotating parts.
  - h) This violation was observed on or about February 29, 2012, in the machine shop (Bay B), employee operating an Okuma LC 30 CNC lathe with an inoperable interlock switch allowed the employee to operate the
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See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.





**Citation and Notification of Penalty**

**Company Name:** Wenco Energy Corporation  
**Inspection Site:** 11129 E 56th Street S., Tulsa, OK 74146

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machine with the door open exposing employees to being struck by material or caught in the machine by rotating parts.

i) This violation was observed on or about February 29, 2012, in the machine shop, employee operating a Okuma LC 20 CNC lathe with interlock shut off allowed the employee to operate the machine with the door open exposing employees to being struck by material or caught in the machine by rotating parts.

WENCO ENERGY CORPORATION WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD 29 CFR 1910.212(a)(1), WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 311000285, CITATION 01, ITEM 006 AND WAS AFFIRMED AS A FINAL ORDER ON JANUARY 2, 2008 WITH A FINAL ABATEMENT DATE OF DECEMBER 23, 2007, WITH RESPECT TO A WORKPLACE HAZARD AT 11102 E 56TH ST., TULSA, OK.

Pursuant to 29 C.F.R 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that machine guarding is in place and remains in place.

**\*\*\*Abatement Certification and Documentation Required\*\*\***

Date By Which Violation Must be Abated:	09/21/2012
Proposed Penalty:	\$ 10780.00



**Citation and Notification of Penalty**

**Company Name:** Wenco Energy Corporation  
**Inspection Site:** 11129 E 56th Street S., Tulsa, OK 74146

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**Citation 2 Item 6 Type of Violation: Repeat**

29 CFR 1910.212(a)(3)(ii): Point(s) of operation of machinery were not guarded to prevent employee(s) from having any part of their body in the danger zone(s) during operating cycle(s):

The employer does not ensure point of operation guarding is in place to protect employees from having any part of their body in the danger zone during operation.

- a) On or about February 29, 2012, the By George circular shear cutting blade was not guarded exposing employees to being struck by the blade.
- b) On or about February 29, 2012, the Chicago press brake point of operation was not guarded exposing employees to being caught in the machinery.
- c) On or about February 29, 2012, the rolling machine trip wire was malfunctioning allowing the rollers to turn three to four times before stopping exposing employees to being caught in the machine.

WENCO ENERGY CORPORATION WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD 29 CFR 1910.212(a)(1), WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 311000285, CITATION 01, ITEM 007 AND WAS AFFIRMED AS A FINAL ORDER ON JANUARY 2, 2008 WITH A FINAL ABATEMENT DATE OF DECEMBER 23, 2007, WITH RESPECT TO A WORKPLACE HAZARD AT 11102 E 56TH ST., TULSA, OK.

Pursuant to 29 C.F.R 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that point of operation of machinery is guarded and remains guarded.

**\*\*\*Abatement Certification and Documentation Required\*\*\***

Date By Which Violation Must be Abated:	09/21/2012
Proposed Penalty:	\$ 10780.00



**Citation and Notification of Penalty**

Company Name: Wenco Energy Corporation  
Inspection Site: 11129 E 56th Street S., Tulsa, OK 74146

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**Citation 2 Item 7 Type of Violation: Repeat**

29 CFR 1910.303(f)(2): Each service, feeder, and branch circuit, at its disconnecting means or overcurrent device, was not legibly marked to indicate its purpose, unless located and arranged so the purpose is evident:

The employer does not ensure disconnecting means are correctly labeled as to their purpose. This violation was observed on or about February 29, 2012, on the north outside wall of the break room, on the yellow circuit breaker panel the circuit breaker for the plasma cutter was labeled "AC n heat".

WENCO ENERGY CORPORATION WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD 29 CFR 1910.303(f)(2), WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 311000285, CITATION 01, ITEM 008 AND WAS AFFIRMED AS A FINAL ORDER ON JANUARY 2, 2008 WITH A FINAL ABATEMENT DATE OF DECEMBER 23, 2007, WITH RESPECT TO A WORKPLACE HAZARD AT 11102 E 56TH ST., TULSA, OK.

Pursuant to 29 C.F.R 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that all disconnecting means or overcurrent devices are clearly and correctly labeled.

**\*\*\*Abatement Certification and Documentation Required\*\*\***

Date By Which Violation Must be Abated:	09/03/2012
Proposed Penalty:	\$ 6160.00

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See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** Wenco Energy Corporation  
**Inspection Site:** 11129 E 56th Street S., Tulsa, OK 74146

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

29 CFR 1910.141(a)(5): Every enclosed workplace was not constructed, equipped, and maintained, so far as reasonably practicable, as to prevent the entrance or harborage of rodents, insects, and other vermin:

The employer does not ensure that vermin are kept out of the workplace. This violation occurred on or about February 29, 2012, in the storage bays to the south of assembly/receiving/shipping skunks were invading the area exposing employees to the hazards of disease.

Pursuant to 29 C.F.R 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that vermin are kept out of the facility.

<b>Date By Which Violation Must be Abated:</b>	<b>09/21/2012</b>
<b>Proposed Penalty:</b>	<b>\$ 0.00</b>



**Citation and Notification of Penalty**

**Company Name:** Wenco Energy Corporation  
**Inspection Site:** 11129 E 56th Street S., Tulsa, OK 74146

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**Citation 3 Item 2 Type of Violation: **Other****

29 CFR 1910.305(g)(1)(iv)(A): Flexible cords and cables were used as a substitute for fixed wiring of a structure:

The employer does not ensure flexible electrical cords are not used as fixed wiring for a structure.

a) This violation was observed on or about February 29, 2012, in the fabrication shop, employees operating a By George circular shear, the power cord was plugged into an extension cord that ran overhead and down into a power strip on the west wall.

b) This violation was observed on or about February 29, 2012, in the fabrication shop, the fluorescent light above the Niagara Shear was plugged into a yellow extension cord that ran overhead and down into a power strip on the west wall.

Pursuant to 29 C.F.R 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that electrical cords have strain relief.

<b>Date By Which Violation Must be Abated:</b>	<b>09/14/2012</b>
<b>Proposed Penalty:</b>	<b>\$ 0.00</b>



**Citation and Notification of Penalty**

**Company Name:** Wenco Energy Corporation  
**Inspection Site:** 11129 E 56th Street S., Tulsa, OK 74146

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

29 CFR 1910.305(g)(2)(iii): Flexible cords were not connected to devices and fittings so that tension would not be transmitted to joints or terminal screws:

The employer does not ensure flexible electrical cords have adequate strain relief:

- a) This violation was observed on or about February 29, 2012, in the welding shop, the 220 volt electrical cord from the Cobra mig 260 welding machine was pulled away from the plug exposing electrical wiring.
- b) This violation was observed on or about February 29, 2012, in the fabrication shop, the 120 volt electrical cord from the light hanging over the Niagara Shear was pulled away from the plug exposing electrical wiring.

Pursuant to 29 C.F.R 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that electrical cords have strain relief.

<b>Date By Which Violation Must be Abated:</b>	<b>09/07/2012</b>
<b>Proposed Penalty:</b>	<b>\$ 0.00</b>



**Citation and Notification of Penalty**

**Company Name:** Wenco Energy Corporation  
**Inspection Site:** 11129 E 56th Street S., Tulsa, OK 74146

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**Citation 3 Item 4 Type of Violation: **Other****

29 CFR 1910.334(a)(2)(ii): If there is a defect or evidence of damage that might expose an employee to injury, the defective or damaged item was not removed from service:

The employer does not ensure damaged flexible electrical cords are removed from service. This violations was observed on or about February 29, 2012, in the welding shop, the red extension cord providing power to the Dewalt 7"/9" right angle sander/grinder, M/N 28493 was cut and frayed in multiple areas exposing employees to the hazards of electrical shock.

Pursuant to 29 C.F.R 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that damaged electrical cords are removed from service.

<b>Date By Which Violation Must be Abated:</b>	<b>09/03/2012</b>
<b>Proposed Penalty:</b>	<b>\$ 0.00</b>

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David A. Bates  
Area Director

**U.S. Department of Labor**





**U.S. Department of Labor**  
Occupational Safety and Health Administration  
Robinson Plaza  
55 N. Robinson, Suite 315  
Oklahoma City, OK 73102  
Phone: (405)278-9560 FAX: (405)278-9572



## INVOICE/ DEBT COLLECTION NOTICE

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**Company Name:** Wenco Energy Corporation  
**Inspection Site:** 11129 E 56th Street S., Tulsa, OK 74146  
**Issuance Date:** 08/28/2012

**Summary of Penalties for Inspection Number 316238088**

<b>Citation 1, Serious</b>	= \$	<b>58520.00</b>
<b>Citation 2, Repeat</b>	= \$	<b>64680.00</b>
<b>Citation 3, Other</b>	= \$	<b>0.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	= \$	<b>123200.00</b>

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To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to:

"DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance.

OSHA does not agree to any restrictions or conditions 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 or conditions do not exist.

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

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

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

unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

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

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

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David A. Bates  
Area Director

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Date