

EE



RECEIVED  
ERIE COUNTY LEGISLATURE

1999 FEB -2 A 10:44

# County of Erie

**DENNIS T. GORSKI**  
COUNTY EXECUTIVE

PHONE: 716-858-8500

January 12, 1999

The Honorable  
Erie County Legislature  
25 Delaware Avenue  
Buffalo, New York 14202

RE: Erie County Sewer District No. 4  
Contract No. 26L  
Communication 24E-25

Honorable Members:

Enclosed please find an accompanying memorandum from the Department of Environment and Planning pertaining to Erie County Sewer District No. 4, Contract 26L, Communication 24E-25. This is a receive and file item.

Please refer this matter to the Energy and Environment Committee. A representative of the Department will be present to answer any questions.

Very truly yours

DENNIS T. GORSKI  
County Executive

DTG/kn  
Enc.

LEGIS\0161CJA  
REF.: E&PEELWX.DSM

3E-14



# County of Erie

DENNIS T. GORSKI  
COUNTY EXECUTIVE

## DEPARTMENT OF ENVIRONMENT AND PLANNING

RICHARD M. TOBE  
COMMISSIONER

January 12, 1999

Erie County Legislature  
County Hall - 7th Floor  
25 Delaware Avenue  
Buffalo, New York 14202

RE: Erie County Sewer District No. 4  
Contract No. 26L  
Communication 24E-25

Honorable Legislators:

I. RECOMMENDED ACTION:

This is a receive and file item.

II. FISCAL IMPLICATIONS:

There are no fiscal implications to the County's General Fund.

III. REASON FOR RECOMMENDATION:

The Department previously submitted a communication (24E-25) requesting award of Contract No. 26L to Tom Greenauer Development, Inc. for \$113,926.00. The Department has recently received the enclosed December 28, 1998 letter from the New York State Department of Labor and the enclosed January 8, 1999 letter from the United States Department of Labor.

IV. BACKGROUND:

It is the Department's understanding that questions arose concerning Greenauer's past work record. Therefore, the Department requested clarification from OSHA and the State Department of Labor.

V. CONSEQUENCES OF A NEGATIVE ACTION:

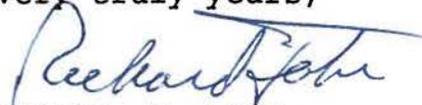
This is a receive and file item.

VI. STEPS FOLLOWING APPROVAL:

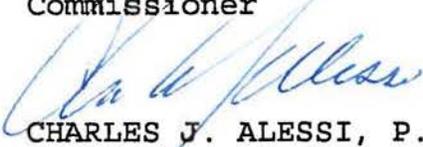
There are no steps necessary as this is a receive and file item.

Please refer this to the Energy and Environment Committee. A representative of the Department will be present to answer any questions.

Very truly yours,

  
RICHARD M. TOBE  
Commissioner

RECOMMENDED BY:

  
CHARLES J. ALESSI, P.E.  
Deputy Commissioner

RMT/CJA/kn

Encs.

cc: Hon. Greg Olma, Erie County Legislator (w/enc)  
C. Alessi/0.7.1.0 (w/enc)

LEGIS\0161CJA

REF.: E&PEELWX.DSM



STATE OF NEW YORK  
DEPARTMENT OF LABOR  
Governor W. Averell Harriman  
State Office Building Campus  
Building 12 Albany, New York 12240

Counsel's Office  
(518) 457-4380  
(518) 485-1819 (Fax)

December 28, 1998

Mr. Salvatore A. Lombardo  
County of Erie  
Department of Environment & Planning  
P.O. Box 250  
Springbrook, New York 14140-0250

Re: Freedom of Information  
Law Request/Lombardo/County of  
Erie/T.Greenauer Development  
Inc.  
File No. 98-0714

Dear Mr. Lombardo:

Pursuant to your FOIL request, no records were found of any violation being assessed to Tom Greenauer Development, Inc.

Very truly yours,

Jerome Tracy  
Records Access Officer

By: *Joan A. Connell*  
Joan A. Connell  
Associate Attorney

JAT:JAC:aes

PL98714

U.S. Department of Labor

~~CSA~~ ~~BT~~ 1. But / 4. 3-3 26 L  
Occupational Safety and Health Administration  
5360 Genesee Street  
Bowmansville, NY 14026  
(716) 684-3891  
(716) 684-3896 (Fax)  
OSHA Home Page: [www.osha.gov](http://www.osha.gov)



January 8, 1999

Salvatore A. Lombardo, Asst Sanitary Engineer  
County of Erie/Dept of Environment & Planning  
Erie County Office Bldg, 95 Franklin Street  
Buffalo, NY 14202

Re: Tom Greenauer Development, Inc.  
FOIA # 99-030

Dear Mr. Lombardo:

We have received your letter requesting information under the Freedom of Information Act regarding the above subject firm.

Per your request, enclosed you will find copies of the OSHA-2, Citation and Notification of Penalty for the above subject firm.

If you require further information at a later date, please send us another letter. Thank you for your interest in workplace safety and health.

Sincerely,

*David E. Boyce*

*for.* David E. Boyce  
Area Director  
Buffalo Area Office

DEB:mss

Enclosure



**Citation and Notification of Penalty**

Company Name: TOM GREENAUER DEVELOPMENT, INC.  
Inspection Site: Creekview Lane, Hamburg, NY 14075

COPY

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

29 CFR 1926.651(c)(2): A stairway, ladder, ramp or other safe means of egress was not located in trench excavations that were 4 feet (1.22m) or more in depth so as to require no more than 25 feet (7.62m) of lateral travel for employees:

- a.) Creekview Lane. Employees working inside of the 6'10" high trench shield were not provided with safe access and egress.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 875.00

525.00

*David E. Boyce*  
DAVID E. BOYCE  
Area Director

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Citation and Notification of Penalty**  
U.S. Department of Labor - OSHA  
5360 Genesee Street

**Bowmansville, NY 14026**

3. Issuance Date <b>01/25/90</b>	4. Inspection Number <b>017750928</b>
5. Reporting ID <b>0213600</b>	6. CSHO ID <b>U9113</b>
7. Optional Report No. <b>498</b>	8. Page No. <b>1 of 1</b>

The violation(s) described in this Citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.

10. Inspection Date(s):

**1/18/90 - 1/18/90**

1. Type of Violation(s)	2. Citation Number
<b>Serious</b>	<b>01</b>

11. Inspection Site:

**Rehm Road  
Lancaster, NY 14026**

9. To:

**Tom Greenauer Development In.c  
and its successors  
2699 Transit Road  
Elma, NY 14059**

THE LAW REQUIRES that a copy of this Citation be posted immediately in a prominent place at or near the location of violation(s) cited below. The Citation must remain posted until the violations cited below have been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

This Citation describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed below are based on these violations. You must abate the violations referred to in this Citation by the dates listed below and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and penalty you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. (See the enclosed booklet which outlines your rights and responsibilities and should be read in conjunction with this form.) You are further notified that unless you inform the Area Director in writing that you intend to contest the Citation or proposed penalties within 15 working days after receipt, this Citation and the proposed penalties will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency. 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 the Citation is affirmed by the Review Commission.

12. Item Number	13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date by Which Violation Must Be Abated	16. Penalty
1	29 CFR 1926.652(h):	Employee(s) were required to be in the trench(es) which were more than 4 feet deep, and an adequate means of exit, such as a ladder or steps, was not provided, or located so as to require no more than 25 feet of lateral travel:	Immediately Upon Receipt	400.00
		a) Rehm Road, Sanitary Sewer Project - Means of exit was not provided in trench measuring 25 feet long by 6 feet wide by 7 feet, 3 inch deep.		

17. Area Director *Richard J. Bradley*  
**Richard J. Bradley**

**400.00**

**NOTICE TO EMPLOYEES** — The law gives an employee or his representative the opportunity to object to any abatement date set for a violation if he 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 within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and penalty.

**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 has been discriminated against may file a complaint no later than 30 days after the discrimination with the U.S. Department of Labor Area Office at the address shown above.

**EMPLOYER RIGHTS AND RESPONSIBILITIES** — The enclosed booklet outlines employer rights and responsibilities and should be read in conjunction with this notification.

Total Penalty for This Citation  
Make Check or Money Order Payable to: "DOL-OSHA"  
Indicate Inspection Number on Remittance

Penalties Are Due Within 15 Days of Receipt of This Notification Unless Contested (See enclosed Booklet)

This Section May Be Detached Before Posting



Citation and Notification of Penalty  
U.S. Department of Labor - OSHA  
5360 Genesee Street  
Bowmansville, NY 14026

3. Issuance Date 01/25/90	4. Inspection Number 017750928
5. Reporting ID 0213600	6. CSHO ID U9113
7. Optional Report No. 498	8. Page No. 1 of 1

The violation(s) described in this Citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.

10. Inspection Date(s):  
1/18/90 - 1/18/90

1. Type of Violation(s)	2. Citation Number
Repeat	02

11. Inspection Site:  
Rehm Road  
Lancaster, NY 14026

9. To:  
Tom Greenauer Development Inc.  
and its successors  
2699 Transit Road  
Elma, NY 14059

Penalties Are Due Within 15 Days of Receipt of This Notification Unless Contested (See enclosed Booklet)

This Section May Be Detached Before Posting

THE LAW REQUIRES that a copy of this Citation be posted immediately in a prominent place at or near the location of violation(s) cited below. The Citation must remain posted until the violations cited below have been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

This Citation describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed below are based on these violations. You must abate the violations referred to in this Citation by the dates listed below and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and penalty you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. (See the enclosed booklet which outlines your rights and responsibilities and should be read in conjunction with this form.) You are further notified that unless you inform the Area Director in writing that you intend to contest the Citation or proposed penalties within 15 working days after receipt, this Citation and the proposed penalties will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency. 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 the Citation is affirmed by the Review Commission.

12. Item Number	13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date by Which Violation Must Be Abated	16. Penalty
-----------------	---	-----------------	--	-------------

The Tom Greenauer Development Inc. was previously cited for a violation of this Occupational Safety and Health Standard which was contained in OSHA Inspection Number 10691B246, Citation Number 1, Item Number 2, Issued on 3/24/89.

1.  
29 CFR 1926.652(b): The sides of the trenches in unstable or soft material which were more than 5 feet in depth, were not shored, sheeted, braced, sloped or otherwise supported in accordance with Tables P-1 and P-2;

a) Rehm Road, Sanitary Sewer Project - Trench measuring 25 feet long by 6 feet wide by 7 feet, 3 inches deep.

Immediately Upon Receipt 1280.00

17. Area Director  
*RJR* Richard J. Bradley

1280.00

**NOTICE TO EMPLOYEES** — The law gives an employee or his representative the opportunity to object to any abatement date set for a violation if he 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 within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and penalty.

**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 has been discriminated against may file a complaint no later than 30 days after the discrimination with the U.S. Department of Labor Area Office at the address shown above.

Total Penalty for This Citation  
Make Check or Money Order Payable to: "DOL-OSHA"  
Indicate Inspection Number on Remittance

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Citation and Notification of Penalty**  
U.S. Department of Labor - OSHA  
5360 Genesee Street

**Bowmansville, NY 14026**

3. Issuance Date <b>01/23/90</b>	4. Inspection Number <b>017750928</b>
5. Reporting ID <b>0213600</b>	6. CSHO ID <b>U9113</b>
7. Optional Report No. <b>49B</b>	8. Page No. <b>1 of 1</b>

The violation(s) described in this Citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.

10. Inspection Date(s):

**1/18/90 - 1/18/90**

1. Type of Violation(s)	2. Citation Number
<b>Other</b>	<b>03</b>

11. Inspection Site:

**Rehm Road  
Lancaster, NY 14026**

9. To:

**Tom Greenauer Development In.c  
and its successors  
2699 Transit Road  
Elma, NY 14059**

Penalties Are Due Within 1 Days of Receipt of This Notification Unless Contested (See enclosed Booklet)

This Sect May Be Detached Before Posting

**THE LAW REQUIRES** that a copy of this Citation be posted immediately in a prominent place at or near the location of violation(s) cited below. The Citation must remain posted until the violations cited below have been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

This Citation describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed below are based on these violations. You must abate the violations referred to in this Citation by the dates listed below and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and penalty you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. (See the enclosed booklet which outlines your rights and responsibilities and should be read in conjunction with this form.) You are further notified that unless you inform the Area Director in writing that you intend to contest the Citation or proposed penalties within 15 working days after receipt, this Citation and the proposed penalties will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency. 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 the Citation is affirmed by the Review Commission.

12. Item Number	13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date by Which Violation Must Be Abated	16. Penalty
1	29 CFR 1926.651(i)(1):	Excavated or other material was not effectively stored or retained at least 2 feet or more from the edge of the excavations which employees were required to enter:	Immediately Upon Receipt	0.00
		a) Rehm Road, Sanitary Sewer Project - Portion of spoil pile was stored directly at edge, southwest edge, of trench.		
2	29 CFR 1926.59(e)(4):	The written hazard communication program was not made available, upon request, to employees, their designated representatives, the Assistant Secretary or Directors:	01/30/90	0.00
		a) Rehm Road, Sanitary Sewer Project - When requested by compliance officer.		
17. Area Director	Richard J. Bradley			18. 0.00

*Richard J. Bradley*

**NOTICE TO EMPLOYEES** — The law gives an employee or his representative the opportunity to object to any abatement date set for a violation if he 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 within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and penalty.

**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 has been discriminated against may file a complaint no later than 30 days after the discrimination with the U.S. Department of Labor Area Office at the address shown above.

Total Penalty for This Citation  
Make Check or Money Order Payable to: "DOL-OSHA"  
Indicate Inspection Number on Remittance

**U.S. Department of Labor**  
Occupational Safety and Health Administration

Citation and Notification of Penalty  
US Department of Labor - OSHA  
5360 Genesee Street

**Bowmansville, NY 14026**

1. Type of Violation(s)	2. Citation Number
Serious	01

The violation(s) described in this Citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.

3. Issue Date	4. Inspection Number
03/01/89	106918246
5. Reporting ID	6. CSHO ID
0213600	62893
7. Optional Report No.	8. Page No.
628	1 of 2

10. Inspection Date(s):

2/14/89 - 2/15/89

11. Inspection Site:

100 Hi View Terrace  
West Seneca, NY 14224

9. To:

Tom Greenauer Development Inc.  
and its successors  
2699 Transit Road  
Elma, NY 14059

THE LAW REQUIRES that a copy of this Citation be posted immediately in a prominent place at or near the location of the violation(s) cited below. The Citation must remain posted until the violations cited below have been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

This Citation describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed below are based on these violations. You must abate the violations referred to in this Citation by the dates listed below and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and penalty you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. (See the enclosed booklet which outlines your rights and responsibilities and should be read in conjunction with this form.) You are further notified that unless you inform the Area Director in writing that you intend to contest the Citation or proposed penalties within 15 working days after receipt, this Citation and the proposed penalties will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency. 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 the Citation is affirmed by the Review Commission.

12. Item Number	13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date by Which Violation Must Be Abated	16. Penalty
		<p>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.</p> <p>1a 29 CFR 1910.120(e)(2): Employees on a hazardous waste site, did not, at the time of job assignment receive a minimum of 40 hours of initial instruction off the site, and a minimum of three days of actual field experience under the direct supervision of a trained, experienced supervisor:</p> <p>a. On 2/14 and 2/15/89, cyanide.</p>	<p>Immediately Upon Receipt</p>	<p>\$20 30x</p>

17. Area Director

*Richard J. Bradley*  
Richard J. Bradley

18. Last Pg

**NOTICE TO EMPLOYEES** — The law gives an employee or his representative the opportunity to object to any abatement date set for a violation if he 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 within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and penalty.

**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 has been discriminated against may file a complaint no later than 30 days after the discrimination with the U.S. Department of Labor Area Office at the address shown above.

**EMPLOYER RIGHTS AND RESPONSIBILITIES** — The enclosed booklet outlines employer rights and responsibilities and should be read in conjunction with this notification.

Total Penalty for This Citation  
Make Check or Money Order Payable to: "DOL-OSHA"  
Indicate Inspection Number on Remittance

Penalty Are Due Within Days of Receipt of This Notification Unless Contest (See enclosure Booklet)

This Section May Be Detached Before Posting

**U.S. Department of Labor**  
Occupational Safety and Health Administration



**Citation and Notification of Penalty**  
US Department of Labor - OSHA  
5360 Genesee Street

**Bowmansville, NY 14026**

3. Issue Date <b>03/01/89</b>	4. Inspection Number <b>106918246</b>
5. Reporting ID <b>0213600</b>	6. CSHO ID <b>62893</b>
7. Optional Report No. <b>828</b>	8. Page No. <b>2 of 2</b>

The violation(s) described in this Citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.

10. Inspection Date(s):

**2/14/89 - 2/15/89**

1. Type of Violation(s)	2. Citation Number
<b>Serious</b>	<b>01</b>

11. Inspection Site:

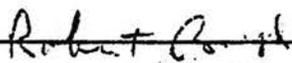
**100 Hi View Terrace  
West Seneca, NY 14224**

9. To:

**Tom Greenauer Development Inc.  
and its successors  
2699 Transit Road  
Elma, NY 14059**

THE LAW REQUIRES that a copy of this Citation be posted immediately in a prominent place at or near the location of the violation(s) cited below. The Citation must remain posted until the violations cited below have been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

This Citation describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed below are based on these violations. You must abate the violations referred to in this Citation by the dates listed below and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and penalty you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. (See the enclosed booklet which outlines your rights and responsibilities and should be read in conjunction with this form.) You are further notified that unless you inform the Area Director in writing that you intend to contest the Citation or proposed penalties within 15 working days after receipt, this Citation and the proposed penalties will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency. 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 the Citation is affirmed by the Review Commission.

12. Item Number	13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date by Which Violation Must Be Abated	16. Penalty
1b	29 CFR 1910.120(e)(3):	On-site management and supervisors directly responsible for or who supervise employees engaged in hazardous waste operations did not receive training as provided in paragraph (e)(1) and (e)(2) of this section and at least eight additional hours of specialized training on managing such operations at the time of job assignment:	Immediately Upon Receipt	
	a.	On 2/14/ and 2/15/89, cyanide.		
2	29 CFR 1926.652(b):	The sides of the trenches in unstable or soft material which were more than 5 feet in depth, were not shored, sheeted, braced, sloped or otherwise supported in accordance with Tables P-1 and P-2:	Immediately Upon Receipt	
	a.	On 2/14/89, east end of storm sewer trench: 15 feet deep running east and west, manhole area employees spreading stone.		
17. Area Director	 <b>Richard J. Bradley</b>			18. <b>\$560</b>

**NOTICE TO EMPLOYEES** — The law gives an employee or his representative the opportunity to object to any abatement date set for a violation if he 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 within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and penalty.

**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 has been discriminated against may file a complaint no later than 30 days after the discrimination with the U.S. Department of Labor Area Office at the address shown above.

**EMPLOYER RIGHTS AND RESPONSIBILITIES** — The enclosed booklet outlines employer rights and responsibilities and should be read in conjunction with this notification.

Total Penalty for This Citation  
Make Check or Money Order Payable to: "DOL-OSHA"  
Indicate Inspection Number on Remittance

Penalties Are Due Within 15 Days of Receipt of This Notification Unless Contested (See enclosed Booklet)

This Section May Be Detached Before Posting



**Citation and Notification of Penalty**  
US Department of Labor - OSHA  
5360 Genesee Street

**Bowmansville, NY 14026**

3. Issue Date	4. Inspection Number
03/01/89	106918246
5. Reporting ID	6. CSHO ID
0213600	62893
7. Optional Report No.	8. Page No.
828	1 of 1

The violation(s) described in this Citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.

10. Inspection Date(s):

2/14/89 - 2/15/89

1. Type of Violation(s)	2. Citation Number
Other	02

11. Inspection Site:

100 Hi View Terrace  
West Seneca, NY 14224

9. To:

Tom Greenauer Development Inc.  
and its successors  
2699 Transit Road  
Elma, NY 14059

Penalty  
Are Due  
Within  
Days of  
Receipt  
of This  
Notifica  
Unless  
Contest  
(See  
encloser  
Booklet)

This Sec  
May Be  
Detache  
Before  
Posting

THE LAW REQUIRES that a copy of this Citation be posted immediately in a prominent place at or near the location of the violation(s) cited below. The Citation must remain posted until the violations cited below have been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

This Citation describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed below are based on these violations. You must abate the violations referred to in this Citation by the dates listed below and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and penalty you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. (See the enclosed booklet which outlines your rights and responsibilities and should be read in conjunction with this form.) You are further notified that unless you inform the Area Director in writing that you intend to contest the Citation or proposed penalties within 15 working days after receipt, this Citation and the proposed penalties will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency. 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 the Citation is affirmed by the Review Commission.

12. Item Number	13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date by Which Violation Must Be Abated	16. Penalty
1	29 CFR 1926.54(d)	Standard laser warning placards were not posted in areas in which lasers were used:	Immediately Upon Receipt	0.
		a. On 2/14/89, laser, beam aligner 4700 series, was used for storm sewer placement.		
2	29 CFR 1926.152(g)(9)	Conspicuous and legible signs prohibiting smoking were not posted in service and refueling areas:	Immediately Upon Receipt	0.
		a. Rear of supply van, dispensing gasoline.		

17. Area Director

*Richard J. Bradley*  
Richard J. Bradley

18. \$ 0.

**NOTICE TO EMPLOYEES** — The law gives an employee or his representative the opportunity to object to any abatement date set for a violation if he 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 within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and penalty.

**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 has been discriminated against may file a complaint no later than 30 days after the discrimination with the U.S. Department of Labor Area Office at the address shown above.

**EMPLOYER RIGHTS AND RESPONSIBILITIES** — The enclosed booklet outlines employer rights and responsibilities and should be read in conjunction with this notification.

Total  
Penalty  
for This  
Citation  
Make Check  
Money Ord.  
Payable to  
"DOL-OSHA"  
Indicate  
Inspection  
Number  
on  
Remittance

**Citation and Notification of Penalty**  
 U.S. Department of Labor - OSHA  
 360 Genesee Street

Lowansville, NY 14026

3. Issuance Date	06/02/88	4. Inspection Number	100647734
5. Reporting ID	0213600	6. CSHO ID	38594
7. Optional Report No.	1062	8. Page No.	1 of 1

The violation(s) described in this Citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.

10. Inspection Date(s):

5/25/88 - 5/27/88

11. Inspection Site:

Pheasant Run Lane  
 Lancaster, NY 14086

1. Type of Violation(s)	2. Citation Number
Serious	01

9. To:

Tom Greenauer Development Inc.  
 and its successors  
 2699 Transit Road  
 Elms, NY 14059

Penalties Are Due Within 15 Days of Receipt of This Notification Unless Contested (See enclosed Booklet)

This Section May Be Detached Before Posting

THE LAW REQUIRES that a copy of this Citation be posted immediately in a prominent place at or near the location of the violation(s) cited below. The Citation must remain posted until the violations cited below have been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

This Citation describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed below are based on these violations. You must abate the violations referred to in this Citation by the dates listed below and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and penalty you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. (See the enclosed booklet which outlines your rights and responsibilities and should be read in conjunction with this form.) You are further notified that unless you inform the Area Director in writing that you intend to contest the Citation or proposed penalties within 15 working days after receipt, this Citation and the proposed penalties will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency. 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 the Citation is affirmed by the Review Commission.

12. Item Number	13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date by Which Violation Must Be Abated	16. Penalty
	CFR 1926.21(b)(2):	The employer did not instruct each employee the recognition and avoidance of unsafe conditions and the relations applicable to his work environment to control or eliminate hazards or other exposure to illness or injury:	Immediately Upon Receipt	300.00 180
a.		Pheasant Run Lane, Centerline Station 37 + 50: An employee was not instructed to wear a protective helmet when working within the swing radius of a backhoe.		
	CFR 1926.100(a):	Employees working where there was a possible danger of head injuries were not protected by protective helmets:	Immediately Upon Receipt	
a.		Pheasant Run Lane, Centerline Station 37 + 50: On May 25, 1988 an employee working within the swing radius of a Ford 555 backhoe sustained a head injury when he was struck by the boom/bucket section of the backhoe.		

*Richard J. Bradley*

Area Director  
 Richard J. Bradley

18. \$ 5180  
 300.00

**NOTICE TO EMPLOYEES** — The law gives an employee or representative the opportunity to object to any abatement date set for a violation if he believes the date to be reasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and penalty.

**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 has been discriminated against may file a complaint no later than 30 days after the discrimination with the U.S. Department of Labor Area Office at the address shown above.

Total Penalty for This Citation  
 Make Check or Money Order Payable to: "DOL-OSHA"  
 Indicate Inspection Number on Remittance

**EMPLOYER RIGHTS AND RESPONSIBILITIES** — The enclosed booklet outlines employer rights and responsibilities and should be read in conjunction with this notification.



**Citation and Notification of Penalty**

U.S. Department of Labor - OSHA  
5300 Genesee Street

Downtownville, NY 14026

3. Issue Date 05/27/88	4. Inspection Number 100647486
5. Reporting ID 0213600	6. CSHO ID S6394
7. Optional Report No. 1060	8. Page No. 1 of 1

The violation(s) described in this Citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.

10. Inspection Date(s):  
5/17/88 - 5/17/88

1. Type of Violation(s)	2. Citation Number
Serious	01

11. Inspection Site:  
3515 Abbott Road  
Orchard Park, NY 14127

9. To:  
Tom Greenauer Development Inc.  
and its successors  
2699 Transit Road  
Elma, NY 14059

THE LAW REQUIRES that a copy of this Citation be posted immediately in a prominent place at or near the location of the violation(s) cited below. The Citation must remain posted until the violations cited below have been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

This Citation describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed below are based on these violations. You must abate the violations referred to in this Citation by the dates listed below and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and penalty you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. (See the enclosed booklet which outlines your rights and responsibilities and should be read in conjunction with this form.) You are further notified that unless you inform the Area Director in writing that you intend to contest the Citation or proposed penalties within 15 working days after receipt, this Citation and the proposed penalties will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency. 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 the Citation is affirmed by the Review Commission.

12. Item Number	13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date by Which Violation Must Be Abated	16. Penalty
	29 CFR 1926.602(a)(9)(iii)	Earth moving or compacting equipment which had an obstructed view to the rear was operated in reverse gear; such equipment did not have in operation a reverse signal alarm distinguishable from the surrounding noise level nor did an employee signal that it was safe to operate in reverse gear:  a) South Side of Building. Seismic Vibratory Roller #R-5/Series SPV-735.	Immediately Upon Receipt	200.00

*Richard J. Bradley*  
Richard J. Bradley

7. Area Director  
Richard J. Bradley

18. 200.00

**NOTICE TO EMPLOYEES** — The law gives an employee or its representative the opportunity to object to any abatement date set for a violation if he 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 within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and penalty.

**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 has been discriminated against may file a complaint no later than 30 days after the discrimination with the U.S. Department of Labor Area Office at the address shown above.

**EMPLOYER RIGHTS AND RESPONSIBILITIES** — The enclosed booklet outlines employer rights and responsibilities and should be read in conjunction with this notification.

Total Penalty for This Citation  
Make Check or Money Order Payable to: "DOL-OSHA"  
Indicate Inspection Number on Remittance

Penalties Are Due Within 15 Days of Receipt of This Notification Unless Contested (See enclosed Booklet)

This Section May Be Detached Before Posting