

State of New Mexico
Environment Department
Occupational Health and Safety Bureau
525 Camino de los Marquez, Suite 3
Santa Fe NM 87505
Phone: (505) 476-8700 Fax: (505) 476-8734



Citation and Notification of Penalty

To:
Largo Tank & Equipment Inc.
AND ITS SUCCESSORS
5720 US 64
Farmington, NM 87401

Inspection Number: 1647256
Inspection Date(s): 01/31/2023-01/31/2023
Issuance Date: 06/15/2023

Inspection Site:
5720 US 64
Farmington, NM 87401

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

This Citation and Notification of Penalty (this Citation) describes violations of the 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 Environment Department, Occupational Health and Safety Bureau at the address shown above. 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. The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.

Informal Conference- An informal conference is not required. However, at the request of an employer, affected employee, or representative of employees, the Bureau Chief or the Bureau Chiefs designee may hold an informal conference. At this conference any issues raised by an inspection, citation, proposed penalty, proposed petition for modification of abatement date or proposed petition for variance may be discussed. If you intend to request an informal conference, take care to schedule it early enough to allow time to contest after the informal conference discussion, should you decide to do so.

When the conference is requested by an employer, an affected employee or representative shall be afforded an opportunity to participate, at the discretion of the Bureau Chief or Bureau Chiefs designee. When the conference is requested by an employee or representative of employees, the employer shall be afforded an opportunity to participate, at the discretion of the Bureau Chief or Bureau Chiefs designee.

The request for an informal conference and the informal conference meeting shall not extend or modify in any manner:

- 1) an abatement date established in the citation;
- 2) the deadline for an employer to file a notice of contest;
- 3) any other filing deadline related to the citation; or
- 4) any matter pending before the bureau.

Once an employer files a notice of contest, a petition for modification of the abatement date, a request for a commission hearing, a petition for variance, or other filing with the Occupational Health and Safety Review Commission or the Environment Department, the opportunity for an informal conference is no longer available.

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 Bureau Chief 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. It is recommended that the Notice of Contest be filed via "Certified Mail".

Penalty Payment- Penalties are due within 15 working days of receipt of this notification unless contested. Make your check or money order payable to the Environment Department, Occupational Health and Safety Bureau. 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 violations which you do not contest, you should notify the Occupational Health and Safety Bureau (OHSB) that each cited violation has been abated. To certify abatement, you should complete the "Description of Corrective Action Taken" box which follows each citation and sign the statement on the last citation page. You are not required to certify abatement if the compliance officer observed that abatement has occurred during the on-site inspection. The citation may indicate that you should submit additional documentation such as photographs, purchase orders, copies of written programs, etc. Failure to return all completed forms and documents to the Program Manager no later than 10 days after the abatement date may result in additional penalties.

You are also required to inform your employees about abatement activities by posting a copy of each document submitted to OHSB or a summary of the document near the place where the violation occurred. Documents must remain posted for 3 working days after submission to OHSB.

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 Environment Department, Occupational Health and Safety Bureau at the address shown above.

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 Environment Department, Occupational Health and Safety Bureau 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.

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Environment Department
Occupational Health and Safety Bureau



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Inspection #: 1647256
Inspection Date(s): 01/31/2023-01/31/2023
Issuance Date: 06/15/2023

Citation and Notification of Penalty

Company Name: Largo Tank & Equipment Inc.
Inspection Site: 5720 US 64 Farmington, NM 87401

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

11.5.2.9 NMAC

29 CFR 1910.303(e)(1): Identification of manufacturer and ratings. Electric equipment may not be used unless the following markings have been placed on the equipment:

(ii): Other markings giving voltage, current, wattage, or other ratings as necessary.

a: The employees of Largo Tank are exposed to electrical burns and shock hazards when accessing the the blue electrical panel box outside the shop which does not show the voltage current, wattage, or other ratings.

b: The employees of Largo Tank are exposed to electrical burns and shock hazards when accessing the electrical panel in the shop next the exit door which does not show the voltage current, wattage, or other ratings.

PROOF OF ABATEMENT:

Date Corrected:
Describe Corrective Action:

Date By Which Violation Must be Abated:
Proposed Penalty:

July 12, 2023
\$2,400.00

State of New Mexico
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Citation and Notification of Penalty

Company Name: Largo Tank & Equipment Inc.
Inspection Site: 5720 US 64 Farmington, NM 87401

Citation 2 Item 1 Type of Violation: **Other-than-Serious**

11.5.2.9 NMAC

29 CFR 1910.157(e)(2): Portable extinguishers or hose used in lieu thereof under paragraph (d)(3) of this section shall be visually inspected monthly.

The fire extinguishers at Largo Tank & Equipment were not inspected on a monthly basis, exposing employees to possible injury.

PROOF OF ABATEMENT:

Date Corrected:
Describe Corrective Action:

Date By Which Violation Must be Abated:
Proposed Penalty:

July 12, 2023
\$0.00

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Citation and Notification of Penalty

Company Name: Largo Tank & Equipment Inc.
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Citation 2 Item 2 a Type of Violation: **Other-than-Serious**

11.5.2.9 NMAC

29 CFR 1910.179(j)(2)(iv): Hoist chains, including end connections, for excessive wear, twist, distorted links interfering with proper function, or stretch beyond manufacturer's recommendations. Visual inspection daily; monthly inspection with a certification record which includes the date of inspection, the signature of the person who performed the inspection and an identifier of the chain which was inspected.

Largo Tanks did not provide a certification record of inspections which includes the date of inspection, the signature of the person who performed the inspection and an identifier of the chain which was inspected in the machine shop to ensure that inspection had been completed monthly so that employees using the hoist chains were free from all potential safety hazards.

PROOF OF ABATEMENT:

Date Corrected:
Describe Corrective Action:

Date By Which Violation Must be Abated:
Proposed Penalty:

July 12, 2023
\$600.00

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Inspection #: 1647256
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Issuance Date: 06/15/2023

Citation and Notification of Penalty

Company Name: Largo Tank & Equipment Inc.
Inspection Site: 5720 US 64 Farmington, NM 87401

Citation 2 Item 2 b Type of Violation: **Other-than-Serious**

11.5.2.9 NMAC

29 CFR 1910.179(j)(3): Periodic inspection. Complete inspections of the crane shall be performed at intervals as generally defined in paragraph (j)(1)(ii)(b) of this section, depending upon its activity, severity of service, and environment, or as specifically indicated below. These inspections shall include the requirements of paragraph (j)(2) of this section and in addition, the following items. Any deficiencies such as listed shall be carefully examined and determination made as to whether they constitute a safety hazard:

(j)(3)(i): Deformed, cracked, or corroded members.

(j)(3)(ii): Loose bolts or rivets.

(j)(3)(iii): Cracked or worn sheaves and drums.

(j)(3)(iv): Worn, cracked or distorted parts such as pins, bearings, shafts, gears, rollers, locking and clamping devices.

(j)(3)(vi): Load, wind, and other indicators over their full range, for any significant inaccuracies.

Largo Tanks did not provide records of inspections for the three overhead cranes in the machine shop to ensure that inspection had been completed periodically so that employees using the cranes were free of all potential safety hazards.

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PROOF OF ABATEMENT:

Date Corrected:
Describe Corrective Action:

Date By Which Violation Must be Abated:
Proposed Penalty:

July 12, 2023
\$0.00

I attest that all corrective actions contained in this document are accurate and affected employees have been informed of the abatement.

Signature

Date

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Occupational Health and Safety Bureau



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Pursuant to the New Mexico Environment Department Delegation Order dated March 24, 2023, the Cabinet Secretary has delegated the authority to issue this Citation and Notification of Penalty to the Occupational Health and Safety Bureau Chief.

A handwritten signature in blue ink, appearing to read "R. Genoway", is written over a horizontal line.

Robert Genoway, Bureau Chief

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INVOICE

Company Name: Largo Tank & Equipment Inc.

Inspection Site: 5720 US 64 Farmington, NM 87401

Issuance Date: 06/15/2023

Summary of Penalties for Inspection Number: 1647256

Citation 1 Item 1, Serious	\$2,400.00
Citation 2 Item 1, Other-than-Serious	\$0.00
Citation 2 Item 2a, Other-than-Serious	\$600.00
Citation 2 Item 2b, Other-than-Serious	\$0.00

TOTAL PROPOSED PENALTIES: **\$3,000.00**

Please remit payment promptly to this office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: Environment Department, Occupational Health and Safety Bureau. Please indicate OHSB's Inspection Number (indicated above) on the remittance.

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

A handwritten signature in blue ink, appearing to read "R. Genoway", is written over a horizontal line.

Robert Genoway, Bureau Chief

A handwritten date "6/15/2023" in blue ink is written over a horizontal line.

Date