



COPY

State of New Jersey

DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT

JON S. CORZINE
Governor

DAVID J. SOCOLOW
Commissioner

May 3, 2007

Joel Popkin, Administrator
Neptune City
106 Sylvania Ave.
Neptune, NJ 07753

Re: Code & File No. G67-35-011
Neptune City Sewer Dept.

Dear Mr. Popkin:

This is to confirm that a follow up inspection was conducted regarding the hazards and/or violations on the above referenced Order to Comply.

Please be advised that as a result of this inspection conducted on **April 30, 2007** the hazards and/or violations identified on that date were abated.

Thank you for your cooperation and continuing concern regarding the safety of your employees.

Sincerely,

John Patterson
Assistant Chief

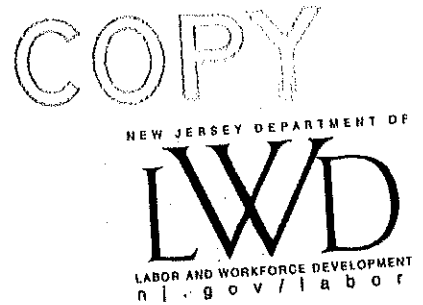
bs

New Jersey is an Equal Opportunity Employer



AD-18G (7-06)

New Jersey Department of Labor and Workforce Development
Office of Public Employees' Occupational Safety and Health
1 John Fitch Way - 3rd Flr
P.O. Box 386
Trenton, NJ 08625-0386
Phone: (609) 984-1389



NOTICE OF ORDER TO COMPLY

To:
Joel Popkin, Administrator
Neptune City
106 Sylvania Avenue
Neptune, NJ 07753

Inspection Number: 310237664
PEOSH Number: G67-35-011
Inspection Date(s): 02/16/2007 - 02/16/2007
Issuance Date: 02/22/2007
Compliance Officer: Bill Smayda
Reason: General Inspection

Inspection Site:
Neptune City Sewer Department
41 TFH Way
Neptune, NJ 07753

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.

The enclosed Order to Comply describes violations of the Public Employees Occupational Safety and Health Act. The violations referred to in this Order must be abated by the dates listed unless within 15 working days (excluding weekends and State holidays) from the issuance of this Order to Comply you mail a notice of intent to contest to the Department of Labor at the address shown above. Please refer to the enclosed Public Employees Occupational Safety and Health Act which outlines rights and responsibilities and which should be read in conjunction with this form. The Order will become the Final Order if no notice of intent to contest is filed as provided for in the Act or, if contested, the Order is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Notice and the Order to Comply be posted immediately in a prominent place at or near the location of each violation cited herein, or, if it is not practicable because of the nature of the employee operations, where it will be readily observable by all affected employees. This Order must remain posted until each violation cited herein has been abated, or for 15 working days (excluding weekends and State holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference may request one with the Office of Public Employees Occupational Safety and Health during the 15 working day contest period by contacting the office shown above. During such an informal conference you may present any evidence or view which you believe would support an adjustment to the citation(s).

If you are considering a request for an informal conference to discuss any issues related to the Order to Comply, a written request should be filed with the Office of Public Employees Occupational Safety and Health.

letter of intent to contest must be submitted to the Office Of Public Employees Occupational Safety and Health within 15 working days of issuance of the Order. The contest period is not interrupted by a request for a informal conference.

If you decide to request an informal conference, the Office of Public Employees Occupational Safety and Health will schedule the conference, which will be conducted within 30 days of receipt of the request. Employees and/or employee representatives will be noticed of their right to attend the conference. The Office of Public Employees Occupational Safety and Health will arrange for representatives of the Department of Health and Senior Services to conduct conferences requested from Orders to Comply issued pursuant to a certification from the Commissioner of Health and Senior Services that an employer violation has been determined to exist within the Department of Health and Senior Service's jurisdiction under the Act.

Any and all supporting documentation of existing conditions as well as any abatement steps taken thus far must be brought to the conference. If conditions warrant, an informal settlement agreement, which amicably resolves this matter without litigation or contest may be entered into.

Right to Contest - You have the right to contest this Order to Comply. You may contest all citation items or only individual items. You may also contest abatement dates without contesting the underlying violations. Unless you inform the Office of Public Employees Occupational Safety and Health in writing that you intend to contest the citation(s) and/or abatement dates within 15 working days of the issuance of this Order to Comply, then this Order to Comply shall become a final order.

Penalties - The Act provides that if the time for compliance with an order of the Commissioner elapses, and the employee has not made a good faith effort to comply, the Commissioner shall impose a civil administrative penalty of up to \$7,000 per day for each violation of a provision of N.J.S.A. 34:6A-25 et seq., or of a standard or regulation promulgated under that act, or of an order to comply. Any employer who willfully or repeatedly violates the requirements of this section or any standard, rule, order or regulation promulgated under that act shall be assessed a civil administrative penalty of up to \$70,000 for each violation. Penalties imposed under this section may be recovered with costs in a civil action commenced by the Commissioner by a summary proceeding under "the penalty enforcement law" (N.J.S.A. 2A:58-1 et seq.) in the Superior Court or a municipal court, either of which shall have jurisdiction to enforce "the penalty enforcement law" in connection with this act. If the violation is of a continuing nature, each day during which it continues after the date given for compliance in accordance with the order of the Commissioner shall constitute an additional separate and distinct offense. If this penalty remains unpaid for more than 30 days, this order shall be recorded on the judgment docket of the Superior Court.

Penalties will be based upon factors such as gravity of the violation, the probability that an injury or illness would result from the hazard, the good faith efforts of the employer to comply, the presence of meaningful safety and health programs and the history of previous violations.

Request to Delay Issuance of Penalty Order to Comply - When an employer submits a request to delay issuance of an Order to Comply establishing penalties, the employer shall submit such written request 10 calendar days prior to the abatement date(s) established in the original Order to Comply.

Notification of Corrective Action- For each violation which you do not contest, you are required by 29 N.J.A.C. 17:27 to submit an Abatement Certification to the office issuing the citation 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, you must also submit documents (example: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete to accompany the certification. Where the citation is classified as **Serious** and the citation states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certification.

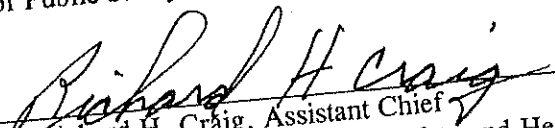
If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

Employer Discrimination Unlawful - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint, no later than 180 days after the employee first had knowledge that such discrimination occurred, with the Office of Public Employees Occupational Safety and Health at the address shown above.

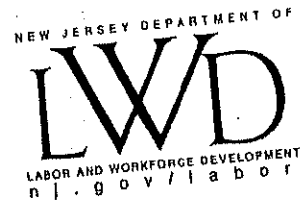
Employer Right and Responsibilities - The enclosed copy of the Public Employees Occupational Safety and Health Act outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees - The law gives an employee, or an employee 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 Office of Public Employees Occupational Safety and Health at the address shown above and postmarked within 15 working days (excluding weekends and State holidays) of the issuance of this Order to Comply.

Howard Black, Director
Through Raymond Bellarosa, Assistant Director
Division of Public Safety & Occupational Safety & Health

BY: 
Richard H. Craig, Assistant Chief
Office of Public Employees Occupational Safety and Health

New Jersey Department of Labor and Workforce Development
Office of Public Employees' Occupational Safety and Health



NOTICE TO EMPLOYEES

An informal conference has been scheduled with OPEOSH to discuss the Notice of Unsafe or Unhealthy Working Conditions(Notice) issued on 02/22/2007. The conference will be held at the OPEOSH office located at 1 John Fitch Way - 3rd Flr, P.O. Box 386, Trenton, NJ 08625 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

**NJ Department of Labor and Workforce
Development**
Office of Public Employees' Occupational
Safety & Health

Inspection Number: 310237664
Inspection Dates: 02/16/2007 -
02/16/2007
Issuance Date: 02/22/2007



Notice of Unsafe or Unhealthful Working Conditions

Company Name: Neptune City Sewer Department
Inspection Site: 41 TFW Way, Neptune, NJ 07753

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

29 CFR 1910.179(b)(5): The rated load of crane(s) was not plainly marked on each side of the crane:
LOC.: Laird Avenue Plant, Two Ton Dayton Hoist, Overhead Hoist Beams
The rated load was not plainly marked on the sides of the hoist beams.

Abatement Documentation Required

Date By Which Violation Must be Abated:

04/26/2007

Per Diem Penalty Per Violation If Not Abated By 04/27/2007: \$100.00

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

29 CFR 1910.305(b)(1): Unused openings in boxes, cabinets, or fittings were not effectively closed:
LOC.: Overbrook Lift Station, High Alarm Panel
There was an unguarded opening in the top of the panel.

Abatement Documentation Required

Date By Which Violation Must be Abated:

04/26/2007

Per Diem Penalty Per Violation If Not Abated By 04/27/2007: \$100.00

Signed on February 22, 2007 pursuant to the authority
Vested by law in the New Jersey Department of Labor And Workforce Development

See pages 1 through 3 of this notice for information on employer and employee rights and responsibilities

Notice of Unsafe or Unhealthful Working Conditions

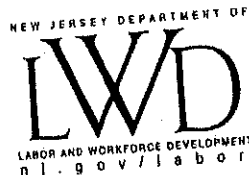
**NJ Department of Labor and Workforce
Development**

Office of Public Employees' Occupational
Safety & Health

Inspection Number: 310237664

Inspection Dates: 02/16/2007 -
02/16/2007

Issuance Date: 02/22/2007



Notice of Unsafe or Unhealthful Working Conditions

Company Name: Neptune City Sewer Department
Inspection Site: 41 TFH Way, Neptune, NJ 07753

Howard Black, Director
Through Raymond Bellarosa, Assistant Director
Division of Public Safety and Occupational Safety & Health

BY: *Richard H. Craig*

Richard H. Craig, Assistant Chief
Office of Public Employees Occupational Safety & Health

DISCRIMINATORY ACTS AGAINST EMPLOYEES ARE UNLAWFUL - N.J.S.A. 34:6A-45 - No person shall discharge, or otherwise discipline, or in any manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this section. Any employee who believes that he has been discharged, disciplined, or otherwise discriminated against by any person in violation of this section, may within 180 days after the employee first has knowledge such violation did occur, file a complaint with the Commissioner of Labor & Workforce Development alleging that discrimination.

Borough of Neptune City
106 West Sylvania Avenue
Neptune City, NJ 07753

Joel Fayed
5/29/03

05/28/03

RE: ORDER TO COMPLY, INSPECTION # G67-35-007

The Borough of Neptune City is asking for an extension on some of the violations found during the April 10th inspection. We will need a 90-day extension to complete all items.

The following items are not complete:

Department of Public Works

#5 – Still have not found supplier to purchase operation guard for drill press. The drill press will be taken out of service until one is found.

Sewer Department

#15 – The Laird Avenue Pump Station will be undergoing renovations. The contract calls for the completion by the end of September 2003. At this time the pump guards & shaft enclosing will be addressed.

#9 – Training for confined space has been scheduled for 7/18/03.

Training is also scheduled for Lockout/Tagout 7/18/03 and Fire Extinguisher 7/18/03.

The following items have been completed:

Department of Public Works

#1 – During inspection

#2 – Waste oil tank moved outside of building, 5/23/03

#3 – During inspection

#4 – Platform for forklift removed from service, 4/10/03

- #6 – During inspection
- #7 – During inspection
- #8 – Hard wired in electrical connections/plugs added, 5/29/03
- #9 – Slot in panel covered, 5/28/03

Sewer Department

- #1 – New floor & steps, 5/16/03, 5/28/03
- #2 – Railing/wall installed, 5,28,03
- #3 – Railing/wall installed, toe board at opening, 5/28/03
- #4 – During inspection
- #5 – Cylinder secured to wall, 4/25/03
- #6 – Sign ordered, 5/28/03
- #12 – Tag put on lock, 4/15/03
- #16 – Cover replaced on outlet, 5/28/03
- #17 – Circuit breakers labeled, 5/15/03
- #18 – Covers put on fluorescent tubes, 5/15/03, 5/28/03
- #19 – Ground wire repaired on outlet, 5/2/03
- #20 – Chemical pump, outlet hard wired near pump, 5/16/03
- #21 – Open slot in panel covered, 5/16/03
- #22 – Cover installed on box, 5/27/03

Written programs for Lockout/Tagout, Confined Space, and the Hoists were taken off the Department of Labors web site. They will be modified and the hazardous in Neptune City will be listed. The programs will be in place by June 10th, 2003.

Respectfully,

Joel Popkin
Administrator

TRANSMISSION VERIFICATION REPORT

TIME : 05/28/2003 15:09
NAME : GERRIT DEVOS
FAX : 17327757352
TEL : 17327751607
SER.# : BROG1J500153

DATE, TIME	05/28 14:59
FAX NO./NAME	1-609-292-3749
DURATION	00:09:52
PAGE(S)	14
RESULT	OK
MODE	FINE PC-FAX
	ECM