SETTLEMENT AGREEMENT

The Commissioner of Labor (hereinafter referred to as "Commissioner") and Sterling Boiler and Mechanical (hereinafter referred to as "Employer") hereby agree as follows:

The Commissioner amends the Proposed Safety Order(s) and Notification(s) of Penalty, IOSHA Inspection No. 317860880 issued to the Employer on May 13, 2015 in the following manner:

SAFETY ORDER 01:

Item 1: Deleted. Penalty reduced to $0.00. Abated.
Item 2: Deleted. Penalty remains to $0.00. Abated.
Item 3: Deleted. Penalty reduced to $0.00. Abated.
Item 4: Deleted. Penalty reduced to $0.00. Abated.
Item 5: Uphold. Penalty remains to $2125.00.Abated.
Item 6: Deleted. Penalty reduced to $0.00. Abated.
Item 7: Deleted. Penalty reduced to $0.00. Abated.
Item 8: Deleted. Penalty reduced to $0.00. Abated.
Item 9: Deleted. Penalty reduced to $0.00. Abated.

The TOTAL AGREED PENALTY is $ $2125.00

THE EMPLOYER IS SATISFIED WITH THE AMENDMENTS STATED ABOVE AND ACCORDINGLY WAIVES ITS RIGHT TO FILE A NOTICE OF CONTEST OF THE SAFETY ORDER(S) AND NOTIFICATION(S) OF PENALTY AS AMENDED AND AGREES TO WITHDRAW ANY PREVIOUSLY FILED NOTICES OF CONTEST IN THIS MATTER.

Upon full execution of this Settlement Agreement ("Agreement") the Employer will post this Agreement for three (3) working days or until abatement is completed, whichever period is longer.

The total AGREED PENALTY is due and payable within fifteen (15) working days from the Employer's execution of this Agreement. The Employer further agrees that if the AGREED PENALTY is not paid within fifteen working days from the Employer's execution of this Agreement, that the full amount of the penalty initially assessed against the Employer in the Safety Order(s) and Notification(s) of Penalty which are the subject of this Agreement is due and payable immediately.

The Safety Order(s) and Notification(s) of Penalty are, and shall be, herein a final and enforceable Order of the Board of Safety Review.

Except for this agreement, and matters arising out of this agreement and any other subsequent IOSHA proceedings between the parties, none of the foregoing agreements, statements, findings, and actions taken by Employer shall be deemed an admission by Employer of the allegations contained within the Safety Order(s) and Notification(s) of Penalty. The agreements, statements, findings and actions taken herein are made in order to compromise and settle this matter economically and amicably, and they shall not be used for any other purpose, except as herein stated.

STERLING BOILER AND MECHANICAL

By: Gary Brown

Title: SAFETY DIRECTOR

Date: 7/21/15

COMMISSIONER OF LABOR

By: [illegible]

Title: Director

Date: 8/3/15

Indiana Department of Labor

Indiana Occupational Safety and Health Administration
402 West Washington St - Room W195
Indianapolis, IN 46204
Phone: 317-232-2691 FAX: (317)233-3790

Certified mail #91 7190 0005 2720 0044 2021 5-13-15 JG

Safety Order and Notification of Penalty

To:
Sterling Boiler and Mechanical Inc
P.O. Box 8004
Evansville, IN 47716

Inspection Number: 317860880
CSHO ID: O3879
Optional Report No.: 0034-15
Inspection Date(s): 12/11/2014 - 3/6/2015
Issuance Date: 5/13/2015

Inspection Site:
2791 North US Highway 231
Rockport, IN 47635

The violation(s) described in this Safety Order 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.

An inspection of your place of employment has revealed conditions which we believe do not comply with the provisions of the Indiana Occupational Safety and Health Act (Indiana Code Chapter 22-8-1.1) or the standards or rules adopted thereunder. Accordingly, enclosed please find safety order(s) and notification(s) of penalty describing such violation(s) with references to applicable standards, rules, or provisions of the statute and stating the amount of any penalty(ies).

Informal Conference - Please be advised that it may be possible to informally settle any potential dispute without initiating the more elaborate proceedings brought on by a petition for review. Prior to filing a petition for review, you may request an informal conference concerning any of the results of the inspection (safety orders, penalties, abatement dates, etc.) by contacting the Indiana Department of Labor/IOSHA, preferably by telephone, in a prompt manner. Please be advised that a request for an informal conference cannot extend the fifteen working day period for filing a petition for review. Informal conferences frequently resolve any possible disputes, and therefore you are urged to take advantage of this opportunity. Because of the limited time period and in order to facilitate scheduling, any requests for an informal conference should be made promptly upon your receipt of the safety order(s) and notification(s) of penalty.

Right to Contest - You are hereby also notified that you are entitled to seek administrative review of the safety order(s), penalty(ies), or both by filing a written petition for review at the above address postmarked within fifteen working days of your receipt of the safety order(s) and notification(s) of penalty. ("Working days" means Mondays through Fridays, but does not include Saturdays, Sundays, legal holidays under a state statute or days on which the Indiana Department of Labor's offices are closed during regular business hours). If you do not file such a petition for review (contest), the safety order(s)

and penalty(ies) shall be deemed final orders of the Board of Safety Review and not subject to review by any court or agency. The issuance of a safety order does not constitute a finding that a violation has occurred unless no petition for review is filed, or if a petition for review (contest) is filed, it must contain a statement of its basis and should reference the above inspection number. Upon receipt of your petition for review, we will affirm, amend or dismiss the safety order(s) and notification(s) of penalty. If we affirm, your petition for review will be granted (unless it was not timely) and the dispute will be certified by the Board of Safety Review for further proceedings. The Board of Safety Review is an independent agency appointed by the governor with authority to conduct hearings and to issue decisions concerning disputed safety order(s) and notification(s) of penalty. If we amend the safety order(s) or notification(s) of penalty, your petition for review shall be deemed moot. However, you will then be given an opportunity to file a petition for review concerning the amended safety order(s) and notification(s) of penalty.

Please be advised that an employee or representative of employees may file a petition for review to contest the reasonableness of the time stated in the safety order(s) for the abatement of any violation.

Posting - Upon receipt of any safety order(s) you are required to post such safety order(s), or a copy thereof, unedited, at or near each place an alleged violation referred to in the safety order(s) occurred. However, if your operations are such that it is not practicable to post the safety order(s) at or near each place of alleged violation, such safety order(s) shall be posted, unedited, in a prominent place where it will be readily observable by all affected employees. For example, if you are engaged in activities which are physically dispersed, the safety order(s) may be posted at the location from which the employees operate to carry out their activities. You must take steps to ensure that the safety order is not altered, defaced, or covered by other material. Posting shall be until the violation is abated, or for three working days, whichever is longer.

Penalties - Penalties are due within fifteen (15) working days of receipt of this notification unless contested. Abatement does not constitute payment of penalties.

Abatement - The conditions cited in the safety order(s) must be corrected (abated) on or before the date shown for each item on the safety order(s) and notification(s) of penalty unless:

(1) You file a petition for review concerning the violation, in which case the full abatement period shall commence from the issuance of a final decision by the Board of Safety Review or the courts which requires compliance with the safety order; or

(2) The abatement period is extended by the granting of a petition for modification of abatement date.

PMAs - The petition for modification of abatement date is a manner in which you may seek additional time to correct (abate) a violation without having to file a petition for review concerning the safety order, or after the expiration of the time period to file such a petition for review when it becomes apparent that you need extra time to abate the violation. A petition for modification of abatement date shall be in writing and shall include the following information:

(1) All steps you have taken, and the dates of such actions, in an effort to achieve compliance

during the prescribed abatement period.

(2) The specific additional abatement time necessary in order to achieve compliance.

(3) The reasons such additional time is necessary, including the unavailability of professional or technical personnel or of materials and equipment, or because necessary construction or alteration of facilities cannot be completed by the original abatement date.

(4) All available interim steps being taken to safeguard employees against the cited hazard during the abatement period.

(5) A certification that a copy of the petition has been posted, and if appropriate, served on the authorized representative of affected employees, and a certification of the date upon which such posting and service was made.

A petition for modification of abatement date shall be filed with the Indiana Department of Labor/IOSHA no later than the close of the next working day following the date on which abatement was originally required. A later-filed petition shall be accompanied by the employer's statement of exceptional circumstances explaining the delay. A copy of such petition shall be posted in a conspicuous place where all affected employees will have notice thereof or near such location where the violation occurred. The petition shall remain posted until the time period for the filing of a petition for review of the Commissioner's granting or denying the petition expires. Where affected employees are represented by an authorized representative, said representative shall be served a copy of such petition.

Notification of Corrective Action - Correction of the alleged violations which have an abatement period of thirty (30) days or less should be reported in writing to us promptly upon correction. A "Letter of Abatement" form and an "Abatement Photographs" worksheet are enclosed for your assistance in providing adequate documentation of abatement. Reports of corrections should show specific corrective action on each alleged violation and the date of such action. On alleged violations with abatement periods of more than thirty (30) days, a written progress report should be submitted, detailing what has been done, what remains to be done, and the time needed to fully abate each such violation. When the alleged violation is fully abated, we should be so advised. Timely correction of an alleged violation does not affect the initial proposed penalty..

Followup Inspections - Please be advised that a followup inspection may be made for the purpose of ascertaining that you have posted the safety order(s) and corrected the alleged violations. Failure to correct an alleged violation may result in additional penalties for each day that the violation has not been corrected.

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 Indiana Department of Labor/IOSHA 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 Indiana Department of Labor/IOSHA at the address shown above within fifteen (15) working days (excluding weekends and State holidays) or receipt by the employer of this safety order and penalty.

If you wish additional information, you may direct such requests to us at the address or telephone number stated above.

Indiana Department of Labor

NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with IOSHA to discuss the safety order(s) issued on 5/13/2015. The conference will be held at the IOSHA office located at 402 West Washington Street, Room W195, Indianapolis, IN 46204 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317860880
Inspection Date(s): 12/11/2014 - 3/6/2015
Issuance Date: 5/13/2015
CSHO ID: O3879
Optional Report No.: 0034-15

Safety Order and Notification of Penalty

Company Name: Sterling Boiler and Mechanical Inc
Inspection Site: 2791 North US Highway 231, Rockport, IN 47635

Safety Order 01 Item 001 Type of Violation: **Serious**

29 CFR 1926.1101(e)(1): All Class I, II, and III asbestos work was not conducted within regulated areas:

Diluge Room - Employees performed Class III asbestos work such as, but not limited to, changing valves and removing gaskets in a non-regulated area.

Date By Which Violation Must Be Abated: **6/16/2015**
Proposed Penalty: **$2,125.00**

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317860880
Inspection Date(s): 12/11/2014 - 3/6/2015
Issuance Date: 5/13/2015
CSHO ID: O3879
Optional Report No.: 0034-15

Safety Order and Notification of Penalty

Company Name: Sterling Boiler and Mechanical Inc
Inspection Site: 2791 North US Highway 231, Rockport, IN 47635

Safety Order 01 Item 002 Type of Violation: **Serious**

29 CFR 1926.1101(f)(2)(i): The employer failed to ensure that the exposure assessment was conducted in time to comply with requirements which are triggered by the exposure data or the lack of a negative exposure assessment:

Diluge Room - Employees performed Class III asbestos work such as, but not limited to, changing valves and removing gaskets of asbestos-containing material prior to receiving the results of bulk asbestos sampling. Employees wore safety glasses, steel toe shoes, and hard hats while performing Class III asbestos work.

Date By Which Violation Must Be Abated: **6/16/2015**
Proposed Penalty: **$2,125.00**

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317860880
Inspection Date(s): 12/11/2014 - 3/6/2015
Issuance Date: 5/13/2015
CSHO ID: O3879
Optional Report No.: 0034-15

Safety Order and Notification of Penalty

Company Name: Sterling Boiler and Mechanical Inc
Inspection Site: 2791 North US Highway 231, Rockport, IN 47635

Safety Order 01 Item 003 Type of Violation: **Serious**

29 CFR 1926.1101(g)(3)(i): High-speed abrasive disc saws were not equipped with point of cut ventilator or enclosures with HEPA filtered exhaust air:

Diluge Room - Employees performed Class III asbestos work such as, but not limited to, changing valves and removing gaskets using wire wheel grinders without a point of cut ventilator or HEPA-filtered exhaust air enclosure. Employees wore safety glasses, steel toe shoes, and hard hats while performing Class III asbestos work.

Date By Which Violation Must Be Abated: **6/16/2015**
Proposed Penalty: **$2,125.00**

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317860880
Inspection Date(s): 12/11/2014 - 3/6/2015
Issuance Date: 5/13/2015
CSHO ID: O3879
Optional Report No.: 0034-15

Safety Order and Notification of Penalty

Company Name: Sterling Boiler and Mechanical Inc
Inspection Site: 2791 North US Highway 231, Rockport, IN 47635

Safety Order 01 Item 004 Type of Violation: **Serious**

29 CFR 1926.1101(g)(9)(i): Class III asbestos work was not performed using wet methods:

Diluge Room - Employees performed Class III asbestos work such as, but not limited to, changing valves and removing gaskets using wire wheel grinders without using wet methods or wetting agents. Employees wore safety glasses, steel toe shoes, and hard hats while performing Class III asbestos work.

Date By Which Violation Must Be Abated: **6/16/2015**
Proposed Penalty: **$2,125.00**

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317860880
Inspection Date(s): 12/11/2014 - 3/6/2015
Issuance Date: 5/13/2015
CSHO ID: O3879
Optional Report No.: 0034-15

Safety Order and Notification of Penalty

Company Name: Sterling Boiler and Mechanical Inc
Inspection Site: 2791 North US Highway 231, Rockport, IN 47635

Safety Order 01 Item 005 Type of Violation: **Serious**

29 CFR 1926.1101(g)(9)(iv): Where the employer did not produce a negative exposure assessment for a job, or where monitoring results show the permissible exposure limit had been exceeded, the employer did not contain the area using impermeable drop cloths and plastic barriers or their equivalent and/or the operation was not isolated using a control system which complied with 29 CFR 1926.1101(g)(5):

Diluge Room - Employees performed Class III asbestos work such as, but not limited to, changing valves and removing gaskets using wire wheel grinders without properly containing the work area.

Date By Which Violation Must Be Abated: **6/16/2015**
Proposed Penalty: **$2,125.00**

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317860880
Inspection Date(s): 12/11/2014 - 3/6/2015
Issuance Date: 5/13/2015
CSHO ID: O3879
Optional Report No.: 0034-15

Safety Order and Notification of Penalty

Company Name: Sterling Boiler and Mechanical Inc
Inspection Site: 2791 North US Highway 231, Rockport, IN 47635

Safety Order 01 Item 006 Type of Violation: **Serious**

29 CFR 1926.1101(g)(9)(v): The employer did not ensure that employees performing Class III asbestos work wore respirators selected, used, and fitted pursuant to 29 CFR 1926.1101(h):Note: This paragraph applies to work involving disturbance of thermal system insulation or surfacing material, work for which the employer has not produced a negative exposure assessment, or where monitoring results show the PEL has been exceeded.

Diluge Room - Employees performed Class III asbestos work such as, but not limited to, changing valves and removing gaskets using wire wheel grinders without the use of respirators.

Date By Which Violation Must Be Abated: **6/16/2015**
Proposed Penalty: **$2,125.00**

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317860880
Inspection Date(s): 12/11/2014 - 3/6/2015
Issuance Date: 5/13/2015
CSHO ID: O3879
Optional Report No.: 0034-15

Safety Order and Notification of Penalty

Company Name: Sterling Boiler and Mechanical Inc
Inspection Site: 2791 North US Highway 231, Rockport, IN 47635

Safety Order 01 Item 007 Type of Violation: **Serious**

29 CFR 1926.1101(i)(1): The employer did not provide and require the use of protective clothing, such as coveralls or similar whole-body clothing, head coverings, gloves, and foot coverings for each employee exposed to airborne concentrations of asbestos that exceed the time weighted average and/or excursion limit in 29 CFR 1926.1101(c) or for which a required negative exposure assessment was not produced:

Diluge Room - Employees performed Class III asbestos work such as, but not limited to, changing valves and removing gaskets using wire wheel grinders while only wearing safety glasses, steel toe shoes, and hard hats.

Date By Which Violation Must Be Abated: **6/16/2015**
Proposed Penalty: **$2,125.00**

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317860880
Inspection Date(s): 12/11/2014 - 3/6/2015
Issuance Date: 5/13/2015
CSHO ID: O3879
Optional Report No.: 0034-15

Safety Order and Notification of Penalty

Company Name: Sterling Boiler and Mechanical Inc
Inspection Site: 2791 North US Highway 231, Rockport, IN 47635

Safety Order 01 Item 008 Type of Violation: **Serious**

29 CFR 1926.1101(k)(9)(v): Training for Class III employees was not consistent with EPA requirements for training of local education agency maintenance and custodial staff as set forth at 40 CFR 763.92(a)(2):

Diluge Room - Training consistent with EPA requirements was not provided to employees who performed Class III asbestos work such as, but not limited to, changing valves and removing gaskets using wire wheel grinders.

Date By Which Violation Must Be Abated: **6/16/2015**
Proposed Penalty: **$2,125.00**

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317860880
Inspection Date(s): 12/11/2014 - 3/6/2015
Issuance Date: 5/13/2015
CSHO ID: O3879
Optional Report No.: 0034-15

Safety Order and Notification of Penalty

Company Name: Sterling Boiler and Mechanical Inc
Inspection Site: 2791 North US Highway 231, Rockport, IN 47635

Safety Order 01 Item 009 Type of Violation: **Serious**

29 CFR 1926.1101(o)(4)(ii): For Class III and IV asbestos work, the competent person training did not include successful completion of a course that is consistent with EPA requirements for training of local education agency maintenance and custodial staff as set forth at 40 CFR 763.92(a)(2), or its equivalent in stringency, content, and length:

Diluge Room - The designated competent person for the jobsite was not trained in aspects of asbestos handling appropriate for performing Class III asbestos work such as, but not limited to, changing valves and removing gaskets using wire wheel grinders.

Date By Which Violation Must Be Abated: **6/17/2015**
Proposed Penalty: **$2,125.00**

Julie C. Alexander, J.D.
Director of General Industry

Indiana Department of Labor

Indiana Occupational Safety and Health Administration
402 West Washington St - Room W195
Indianapolis, IN 46204
Phone: (317)232-2691 FAX: (317)233-3790

INVOICE/DEBT COLLECTION NOTICE

Company Name: Sterling Boiler and Mechanical Inc
Inspection Site: 2791 North US Highway 231, Rockport, IN 47635
Issuance Date: 5/13/2015

Summary of Penalties for Inspection Number: 317860880

Safety Order 1, Serious	**= $19,125.00**
TOTAL PENALTIES	**= $19,125.00**

Penalties are due within fifteen (15) working days of receipt of this notification unless contested. Make your check or money order payable to: "Indiana DOL/IOSHA". Please indicate IOSHA's Inspection Number (indicated above) on the remittance.

IOSHA 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.

Corrective action, taken by you for each alleged violation should be submitted to this office on or about the abatement dates indicated on the Safety Order and Notification of Penalty.

A work sheet has been provided to assist in providing the required abatement information. A completed copy of this work sheet should be posted at the worksite with the safety order(s).

Julie C. Alexander, J.D.
Director of General Industry

5/13/15
Date