



**U.S. Department of Labor**  
 Occupational Safety and Health Administration  
 Boston Area Office South  
 639 Granite Street-4th floor  
 Braintree, MA 02184  
 Phone: (617)565-6924 FAX: (617)565-6923

In the Matter of: Covanta Energy Corporation OSHA# 310670724

INFORMAL SETTLEMENT AGREEMENT

The undersigned Employer and the undersigned Occupational Safety and Health Administration (OSHA), in settlement of the above reference Citation(s) and Notification(s) of Penalty which were issued on 9/26/07 hereby agree as follows:

- 1) The employer agrees to correct the violations as cited in the above referenced citation(s) or as amended below.
- 2) The employer agrees to pay all proposed penalties, if any, as issued with the above-referenced citation(s), or as amended by this agreement, as amended below.
- 3) The employer and OSHA agree that the following citation item(s) and penalty (if any) are not being amended by this agreement.

<u>TYPE OF VIOLATION</u>	<u>CITATION NO.</u>	<u>ITEM NO.</u>
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(see attachment)

- 4) OSHA agrees that the following citation and penalties are being amended as shown (see attachments).
- 5) In consideration of the foregoing amendment(s) and/or modification(s) to the citation(s), the Employer hereby waives its right to contest said citation(s) pursuant to Section 10(c) of the Occupational Safety and Health Act of 1970. It is understood and agreed by the Occupational Safety and Health Administration and the Employer that the citation(s) as amended and/or modified by this agreement shall be deemed a final order not subject to review by any court or agency.

Covanta Energy Corporation OSHA# 310670724

- 6) The employer agrees to immediately post a copy of this Settlement Agreement in a prominent place at or near the location of the violation(s) referred to in paragraphs 3 or

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4 above. This Settlement Agreement must remain posted until the violations cited have been corrected, or for three working days (excluding weekends and Federal Holidays), whichever is longer.

- 7) Each party hereby agrees to bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding.
- 8) Failure of the EMPLOYER to comply with the terms of this AGREEMENT shall cause the amended total penalty to revert to the original total proposed penalty.
- 9) The Citation(s) is/are deemed amended to include any abatement measures, including agreements as to actions to be taken by the employer which are described in this agreement.
- 10) Within three months of the signing date of this settlement agreement, the company agrees to do a re-assessment of employee roles during emergency response activities (including both emergency response team members and non-members); to do a re-assessment of personal protective equipment (PPE) required for these roles; to re-train all affected employees on changes made to the roles and PPE. The company further agrees to do a re-assessment of the availability and strategic location of PPE, throughout the facility, to be used in emergency response activities.
- 11) As part of their abatement response, the company agrees to provide a written response to the Braintree OSHA Office, outlining the actions taken and changes made to the facility since the OSHA inspection, and in response to the July 2007 RJ Bartlett Engineering Ltd report.
- 12) None of the foregoing agreements, statements, stipulations, and actions taken by the employer shall be deemed an admission by employer of the allegations contained within the citations, notifications of penalty herein. The agreements, statements, stipulations, findings, and actions taken herein are made for the purpose of settling this matter economically and amicably and they shall not be used for any purpose, except for proceedings and matters arising under the OSHA Act (29 USC 651, et seq.).

*Mal Dewi*  
FOR THE COMPANY

10/29/2007  
DATE SIGNED

*Brenda J. Goda*  
OCCUPATIONAL SAFETY AND HEALTH  
ADMINISTRATION

10/29/07  
DATE SIGNED

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

Inspection Number: 310670724  
Inspection Dates: 04/03/2007 - 09/25/2007  
Issuance Date: 09/26/2007



**Citation and Notification of Penalty**

Company Name: Covanta Energy Corporation  
Inspection Site: 141 Cranberry Highway, West Wareham, MA 02576

Citation Item 1 Type of Violation: ~~Serious~~ *Other than Serious*

29 CFR 1910.156(e)(1)(i): The employer did not ensure that protective clothing was worn by all fire brigade members when performing interior structural fire fighting.

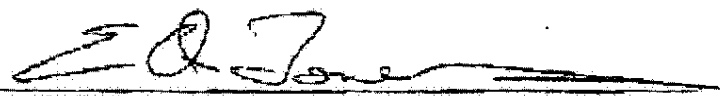
LOCATION: POWERHOUSE:

All fire brigade members involved in interior structural fire fighting did not wear appropriate protective clothing.

"ABATEMENT DOCUMENTATION IS REQUIRED FOR THIS ITEM"

Date by which violation must be abated	10/01/2007	1/31/08
Proposed Penalty	\$0.00	0.00

*For*

  
 Brenda J. Gordon  
 Area Director

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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