

## U.S. Department of Labor

Occupational Safety and Health Administration  
Strom Thurmond Federal Building, 1835 Assembly Street  
Room 1472  
Columbia, SC 29201  
Phone: 803-765-5904 Fax: 803-765-5591



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# Citation and Notification of Penalty

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**To:**

Cape Romain Contractors, Inc.  
612 Cape Romain Road  
Wando, SC 29492

**Inspection Number:** 1218118**Inspection Date(s):** 03/15/2017 - 03/22/2017**Issuance Date:** 05/19/2017**Inspection Site:**

Berth 1 Wando Welch Terminal  
Mount Pleasant, SC 29464

*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.*

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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 either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. 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.

**Informal Conference** - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

**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 Area Director 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.**

**Penalty Payment** – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

**Notification of Corrective Action** – For each violation which you do not contest, you must provide ***abatement certification*** to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that ***abatement documentation*** is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

**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 U.S. Department of Labor Area Office at the address shown above.

**Employer Rights and Responsibilities** – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

**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 U.S. Department of Labor Area Office 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.

**Inspection Activity Data** – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at [www.osha.gov](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 05/19/2017. The conference will be held by telephone or at the OSHA office located at Strom Thurmond Federal Building, 1835 Assembly Street, Room 1472, Columbia, SC 29201 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1218118**

Company Name: Cape Romain Contractors, Inc.  
Inspection Site: Berth 1 Wando Welch Terminal, Mount Pleasant, SC 29464  
Issuance Date: 05/19/2017

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, Strom Thurmond Federal Building, 1835 Assembly Street, Room 1472, Columbia, SC 29201**

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Title

**NOTE: 29 USC 666(g)** whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

**POSTING:** A copy of completed Corrective Action Worksheet should be posted for employee review



**Citation and Notification of Penalty**

**Company Name:** Cape Romain Contractors, Inc.  
**Inspection Site:** Berth 1 Wando Welch Terminal, Mount Pleasant, SC 29464

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The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

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

29 CFR 1910.134(a)(1): When effective engineering controls were not feasible or while they were being instituted, appropriate respirators were not used pursuant to the requirements of 29 CFR 1910.134: (Construction Reference 1926.103)

(a) Appropriate respiratory protection was not being provided for employees who were exposed to respirable dust containing crystalline silica while using pneumatic angle grinders and chipping hammers to remove delaminated concrete from piles underneath the pier at the Wando Welch Terminal.

**ABATEMENT CERTIFICATION IS REQUIRED**

Date By Which Violation Must be Abated:	05/25/2017
Proposed Penalty:	\$8149.00



**Citation and Notification of Penalty**

**Company Name:** Cape Romain Contractors, Inc.  
**Inspection Site:** Berth 1 Wando Welch Terminal, Mount Pleasant, SC 29464

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

29 CFR 1926.55(a): Employee(s) were exposed to material(s) at concentrations above those specified in the Threshold Limit Values of Airborne Contaminants for 1970 of the American Conference of Governmental Industrial Hygienists:

(a) On or about 3/22/17, at the above address, an employee who operated a pneumatic angle grinder and chipping hammer to remove delaminated concrete from piles located underneath the pier at the Wando Welch Terminal, was overexposed to respirable silica dust at a concentration of  $2.41 \text{ mg/m}^3$  (equivalent to 24.17 mppcf), expressed as an 8-hour time-weighted average of approximately 2.68 times the daily Permissible Exposure Limit (PEL) of  $0.40 \text{ mg/m}^3$  (equivalent to 9 mppcf) based on a 460 minute sampling period. Exposure calculations included a zero-increment for the 20 minutes not sampled.

(b) On or about 3/22/17, at the above address, an employee who operated a pneumatic angle grinder and chipping hammer to remove delaminated concrete from piles located underneath the pier at the Wando Welch Terminal, was overexposed to respirable silica dust at a concentration of  $2.85 \text{ mg/m}^3$  (equivalent to 28.58 mppcf), expressed as an 8-hour time-weighted average of approximately 2.28 times the daily Permissible Exposure Limit (PEL) of  $0.59 \text{ mg/m}^3$  (equivalent to 12.53 mppcf) based on a 458 minute sampling period. Exposure calculations included a zero-increment for the 22 minutes not sampled.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

08/22/2017



### **Citation and Notification of Penalty**

**Company Name:** Cape Romain Contractors, Inc.

**Inspection Site:** Berth 1 Wando Welch Terminal, Mount Pleasant, SC 29464

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

29 CFR 1926.55(b): Feasible administrative or engineering controls were not implemented to reduce employee exposure(s):

(a) On or about March 22, 2017, two employees operating pneumatic tools to remove delaminated concrete from piles below the pier at the Wando Welch Terminal were overexposed to respirable crystalline silica. General methods of control applicable in these circumstances include, but are not limited to the following:

1. Use chipping hammer with water delivery system that supplies a continuous stream or spray of water at the point of impact or use such a tool equipped with a commercially available shroud and dust collection system that provides sufficient air flow to capture airborne dust at the source and a filter with 99% or greater efficiency.
2. Use a grinder equipped with an integrated water delivery system that continuously feeds water to the grinding surface or use such a grinder equipped with a commercially available shroud and dust collection system that provides sufficient air flow to capture airborne dust at the source and a filter with 99% or greater efficiency.

Disclaimers:

1. The employer is not limited to the abatement methods suggested by OSHA;
2. The methods explained are general and may not be effective in all cases; and
3. The employer is responsible for selecting and carrying out an effective abatement plan

### **Abatement Schedule**

STEP 1: Effective respiratory protection shall be provided and used by exposed employees as an interim protective measure until feasible engineering controls can be implemented or whenever such controls fail to reduce employee exposures to within permissible exposure limits.

STEP 2: A written detailed plan of abatement shall be submitted to the Area Director outlining a

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** Cape Romain Contractors, Inc.  
**Inspection Site:** Berth 1 Wando Welch Terminal, Mount Pleasant, SC 29464

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schedule for the implementation of engineering measures to control employee exposures to hazardous substances as referenced in this citation. This plan shall include, at a minimum, target dates for the following actions which must be consistent with abatement dates required by this citation:

1. Evaluation of engineering control options;
2. Selection of optimum control methods and completion of design;
3. Procurement, installation, and operation of selected control measures; and
4. Testing and acceptance of modification/redesign of controls.

NOTE: All proposed control measures shall be approved for each particular use by a competent industrial hygienist or technically qualified person.

STEP 3: Abatement shall have been completed by the implementation of feasible engineering controls upon verification of their effectiveness in achieving compliance.

Date by Which Violation Must be Abated: STEP-1 **May 25, 2017**  
Date by Which Violation Must be Abated: STEP-2 **June 23, 2017**  
Date by Which Violation Must be Abated: STEP-3 **August 22, 2017**

Date By Which Violation Must be Abated: **08/22/2017**



**Citation and Notification of Penalty**

**Company Name:** Cape Romain Contractors, Inc.  
**Inspection Site:** Berth 1 Wando Welch Terminal, Mount Pleasant, SC 29464

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The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

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

29 CFR 1910.134(c)(3): The employer did not designate a program administrator who was qualified by appropriate training or experience to administer or oversee the respiratory protection program and to conduct the required evaluations of program effectiveness: (Construction Reference 1926.103)

(a) The employer did not designate a qualified program administrator to oversee the use of respiratory protection at the job site.

**ABATEMENT CERTIFICATION IS REQUIRED**

Date By Which Violation Must be Abated:	06/08/2017
Proposed Penalty:	\$8149.00



**Citation and Notification of Penalty**

**Company Name:** Cape Romain Contractors, Inc.

**Inspection Site:** Berth 1 Wando Welch Terminal, Mount Pleasant, SC 29464

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

29 CFR 1910.134(d)(1)(iii): The employer did not identify and evaluate the respiratory hazard(s) in the workplace, including a reasonable estimate of employee exposures to respiratory hazards and identification of the contaminant's chemical state and physical form:

a) The employer did not conduct personal air monitoring to assess employee exposures to respirable dust containing silica generated during pneumatic chipping and grinding of delaminated concrete from piles.

Date By Which Violation Must be Abated:

Corrected During Inspection



**Citation and Notification of Penalty**

**Company Name:** Cape Romain Contractors, Inc.  
**Inspection Site:** Berth 1 Wando Welch Terminal, Mount Pleasant, SC 29464

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

29 CFR 1910.134(d)(3)(ii): The employer did not provide a respirator that was appropriate for the chemical state and physical form of the contaminant: (Construction Reference 1926.103)

(a) Two employees who were exposed to respirable dust containing silica while chipping and grinding delaminated concrete from piers were using full-face respirators equipped with organic vapor cartridges.

**ABATEMENT CERTIFICATION IS REQUIRED**

Date By Which Violation Must be Abated:

05/25/2017



**Citation and Notification of Penalty**

**Company Name:** Cape Romain Contractors, Inc.  
**Inspection Site:** Berth 1 Wando Welch Terminal, Mount Pleasant, SC 29464

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The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

**Citation 1 Item 3 a** Type of Violation: **Serious**

29 CFR 1910.134(e)(1): The employer did not provide a medical evaluation to determine the employee's ability to use a respirator, before the employee was fit tested or required to use the respirator in the workplace: (Construction Reference 1926.103)

(a) The employer did not provide medical evaluations for two employees who were required to wear full-face cartridge style respirators while chipping and grinding delaminated concrete from piles.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$8149.00



**Citation and Notification of Penalty**

**Company Name:** Cape Romain Contractors, Inc.

**Inspection Site:** Berth 1 Wando Welch Terminal, Mount Pleasant, SC 29464

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**Citation 1 Item 3 b** Type of Violation: **Serious**

29 CFR 1910.134(f)(2): Employee(s) using tight-fitting facepiece respirators were not fit tested prior to initial use of the respirator, whenever a different respirator facepiece (size, style, model or make) was used, and at least annually thereafter: (Construction Reference 1926.103)

(a) Two employees who were required to wear tight-fitting full-face cartridge respirators while chipping and grinding delaminated concrete from concrete piles had not been fit tested prior to initial use of the respirators and annually thereafter.

Date By Which Violation Must be Abated:

Corrected During Inspection



**Citation and Notification of Penalty**

**Company Name:** Cape Romain Contractors, Inc.

**Inspection Site:** Berth 1 Wando Welch Terminal, Mount Pleasant, SC 29464

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**Citation 1 Item 3 c** Type of Violation: **Serious**

29 CFR 1910.134(g)(1)(i)(A): Respirators with tight-fitting facepieces were worn by employees who had facial hair that came between the sealing surface of the facepiece and the face or that interfered with valve function:

(a) Two employees who were required to wear tight-fitting full-face cartridge style respirators while operating pneumatic chipping and grinding tools to remove delaminated concrete from piles had facial hair that came between the sealing surface of the facepiece and the face.

Date By Which Violation Must be Abated:

Corrected During Inspection



**Citation and Notification of Penalty**

**Company Name:** Cape Romain Contractors, Inc.  
**Inspection Site:** Berth 1 Wando Welch Terminal, Mount Pleasant, SC 29464

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The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

**Citation 1 Item 4 a** Type of Violation: **Serious**

29 CFR 1910.134(h)(1): Respirators were not cleaned and disinfected using the procedures in Appendix B-2 of 29 CFR 1910.134 or equivalent procedures recommended by the respirator manufacturer: (Construction Reference 1926.103)

(a) Full-face elastomeric cartridge style respirators used by employees while utilizing pneumatic chipping and grinding tools to remove delaminated concrete from piles were not being cleaned and disinfected using procedures in Appendix B-2 or procedures recommended by the respirator manufacturer (i.e., 3M). The respirator facepieces were visibly covered with concrete dust on the interior and exterior.

**ABATEMENT CERTIFICATION IS REQUIRED**

Date By Which Violation Must be Abated:	06/08/2017
Proposed Penalty:	\$8149.00



**Citation and Notification of Penalty**

**Company Name:** Cape Romain Contractors, Inc.  
**Inspection Site:** Berth 1 Wando Welch Terminal, Mount Pleasant, SC 29464

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**Citation 1 Item 4 b** Type of Violation: **Serious**

29 CFR 1910.134(h)(1)(i): Respirators issued for the exclusive use of an employee were not cleaned and disinfected as often as necessary to be maintained in a sanitary condition: (Construction Reference 1926.103)

(a) Full-face elastomeric cartridge style respirators used by employees while utilizing pneumatic chipping and grinding tools to remove delaminated concrete from piles were not being cleaned and disinfected. The respirator facepieces were visibly covered with concrete dust on the interior and exterior. Provisions were not taken by the employer to ensure employees were provided with the necessary equipment and supplies at the job site to maintain and keep their respirators in a clean and sanitary condition.

**ABATEMENT CERTIFICATION IS REQUIRED**

Date By Which Violation Must be Abated:

06/08/2017



**Citation and Notification of Penalty**

**Company Name:** Cape Romain Contractors, Inc.

**Inspection Site:** Berth 1 Wando Welch Terminal, Mount Pleasant, SC 29464

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**Citation 1 Item 5** Type of Violation: **Serious**

29 CFR 1910.134(k)(1): The employer did not provide employees who were required to wear respiratory protection with effective training in accordance with paragraphs (k)(1)(i) through (k)(1)(vii):

(a) The employer did not provide employees who were required to wear respiratory protection while removing delaminated concrete from piles with effective training in accordance with the paragraphs stipulated above.

**ABATEMENT CERTIFICATION IS REQUIRED**

Date By Which Violation Must be Abated:

06/08/2017

Proposed Penalty:

\$8149.00



**Citation and Notification of Penalty**

**Company Name:** Cape Romain Contractors, Inc.

**Inspection Site:** Berth 1 Wando Welch Terminal, Mount Pleasant, SC 29464

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**Citation 1 Item 6** Type of Violation: **Serious**

29 CFR 1926.50(g): Where employees were exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body were not provided within the work area for immediate emergency use:

(a) An eyewash was not provided within the work area for immediate emergency use where employees mixed together a caustic 3-part Five Star Marine Pile Jacket Epoxy Grout.

(b) An eyewash was not provided within the work area for immediate emergency use where employees mixed together a 2-part Sikadur 32 Hi-Mod LPL structural epoxy adhesive.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$8149.00



**Citation and Notification of Penalty**

**Company Name:** Cape Romain Contractors, Inc.

**Inspection Site:** Berth 1 Wando Welch Terminal, Mount Pleasant, SC 29464

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**Citation 1 Item 7** Type of Violation: **Serious**

29 CFR 1926.52(d)(1): In all cases where the sound levels exceeded the values shown in Table D-2 of 29 CFR 1926.52, a continuing, effective hearing conservation program was not administered:

(a) On March 22, 2017, two employees were determined to be exposed to noise in excess of an 8-hour time-weighted average (TWA) sound level of 90 decibels while operating pneumatic tools to remove delaminated concrete from piles underneath the pier at the Wando Welch Terminal. The employer had not administered an effective hearing conservation program.

An effective hearing conservation program consists of the following:

- \* Monitoring of employee noise exposures
- \* Institution of engineering, work practice, and administrative controls for excessive noise
- \* Provide overexposed employees with individually fitted hearing protectors with adequate noise reduction ratings
- \* Employee training and education regarding noise hazards and protection measures
- \* Baseline and annual audiometry
- \* Procedures for preventing further occupational hearing loss by an employee whenever such an event has been identified
- \* Recordkeeping

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

06/23/2017

Proposed Penalty:

\$6519.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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

Inspection Number: 1218118  
Inspection Date(s): 03/15/2017 - 03/22/2017  
Issuance Date: 05/19/2017



**Citation and Notification of Penalty**

**Company Name:** Cape Romain Contractors, Inc.  
**Inspection Site:** Berth 1 Wando Welch Terminal, Mount Pleasant, SC 29464

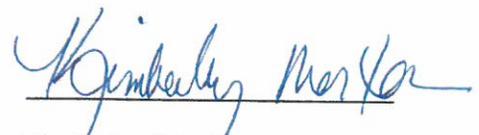
**Citation 2 Item 1** Type of Violation: **Other-than-Serious**

29 CFR 1910.1200(f)(6)(ii): Except as provided in 29 CFR 1910.1200(f)(7) and 29 CFR 1910.1200(f)(8), the employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with the product identifier and words, pictures, symbols, or combination thereof, which provide at least general information regarding the hazards of the chemicals and which, in conjunction with the other information immediately available to employees under the hazard communication program, would provide employees with the specific information regarding the physical and health hazards of the hazardous chemical:

- (a) Two 5-gallon safety cans of gasoline, one 5-gallon safety can of diesel fuel, and one 2-gallon safety can of gasoline found stored on a dive barge were not provided with identity labels.
- (b) A 500-gallon tank of diesel fuel located at Station 1100 on the north end of the wharf was not provided with an identity label.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$0.00

  
**Kimberley Morton**  
Area Director

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
Strom Thurmond Federal Building, 1835 Assembly Street  
Room 1472  
Columbia, SC 29201  
Phone: 803-765-5904 Fax: 803-765-5591



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Cape Romain Contractors, Inc.  
**Inspection Site:** Berth 1 Wando Welch Terminal, Mount Pleasant, SC 29464  
**Issuance Date:** 05/19/2017

<b>Summary of Penalties for Inspection Number</b>	<b>1218118</b>
<b>Citation 1, Serious</b>	<b>\$55413.00</b>
<b>Citation 2, Other-than-Serious</b>	<b>\$0.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$55413.00</b>

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To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed

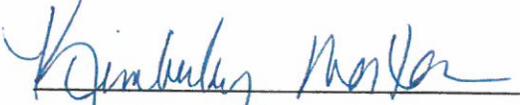
account, the bank will attempt to make the transfer up to 2 times.

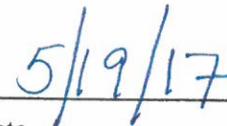
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

**Interest:** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

**Delinquent Charges:** A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

**Administrative Costs:** Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.

  
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**Kimberley Morton**  
Area Director

  
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Date