



Citation and Notification of Penalty

To:
Gramek Construction Inc.

and its successors
4842 S. Karlov Ave.
Chicago, IL 60632

Inspection Site:
3636 N. Broadway St.
Chicago, IL 60613

Inspection Number: 315512145
Inspection Date(s): 05/20/2011 - 11/02/2011

Issuance Date: 11/02/2011

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 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. **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, if you wish to have such a conference you may meet 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). Please call immediately if you wish to schedule a conference.

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 page 5 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.

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.

Abatement Certification - For violations which you do not contest, you should notify the U.S. Department of Labor Area Office promptly that you have taken appropriate corrective action within the time frame set forth on this Citation. Please send to the Area Office abatement certification or documentation as indicated on the citation.

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.

Internet Citation History - 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 your inspection will be available 30 calendar days after the Citation Issuance Date. You are encouraged to review the information concerning your establishment at WWW.OSHA.GOV. If you have any dispute with the accuracy of the information displayed, please contact this office.

ABATEMENT CERTIFICATION

DIANE TUREK, Area Director
U.S. Department of Labor - OSHA
701 Lee Street - Suite 950

Des Plaines, IL 60016
Phone: (847)803-4800

Gramek Construction Inc.
4842 S. Karlov Ave.
Chicago, IL 60632

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

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

Signature

Typed or Printed Name



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 11/02/2011. The conference will be held at the OSHA office located at 701 Lee Street, Suite 950 Des Plaines, IL, 60016 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.



Citation and Notification of Penalty

Company Name: Gramek Construction Inc.
Inspection Site: 3636 N. Broadway St., Chicago, IL 60613

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

29 CFR 1926.403(i)(2)(i): Live parts of electric equipment operating at 50 volts or more were not guarded against accidental contact by cabinets or other forms of enclosures, or by any of the following means: (A) by location in a room, vault, or similar enclosure that is accessible only to qualified persons; (B) by partitions or screens so arranged that only qualified persons will have access to the space within reach of the live parts; (C) by location on a balcony, gallery, or platform so elevated and arranged as to exclude unqualified persons; (D) by elevation of 8 feet or more above the floor or other working surface and so installed as to exclude unqualified persons:

a) In the period between May 9, 2011, and May 25, 2011, a panelboard in a cabinet on the first floor of the building did not have a cover exposing employees to live parts.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:	11/08/2011
Proposed Penalty:	\$ 4200.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Gramek Construction Inc.
Inspection Site: 3636 N. Broadway St., Chicago, IL 60613

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

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

29 CFR 1926.405(g)(1)(iii)(B): Flexible cords and cables were run through holes in walls, ceilings, or floors:

a) In the period between May 9, 2011, and May 25, 2011, extension cords were run through openings at the top of a concrete block wall on the first floor.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:	11/08/2011
Proposed Penalty:	\$ 2400.00

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

29 CFR 1926.405(g)(1)(iii)(C): Flexible cords and cables were: (C) Run through doorways, windows, or similar openings:

a) In the period between May 9, 2011, and May 25, 2011, an extension cord was run through a window in the west stairwell.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:	11/08/2011
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Citation and Notification of Penalty

Company Name: Gramek Construction Inc.
Inspection Site: 3636 N. Broadway St., Chicago, IL 60613

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

29 CFR 1926.501(b)(1): Each employee on a walking/working surface with an unprotected side or edge which is 6 feet or more above a lower level was not protected from falling by the use of guardrail systems, safety net systems, or personal fall arrest systems:

a) In the period between May 9, 2011, and May 25, 2011, employees were working on the third floor of a building performing interior demolition and were not protected from falling approximately 9 feet into an unprotected stairway leading to the second floor.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:	11/08/2011
Proposed Penalty:	\$ 4200.00



Citation and Notification of Penalty

Company Name: Gramek Construction Inc.
Inspection Site: 3636 N. Broadway St., Chicago, IL 60613

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

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

29 CFR 1926.501(b)(4)(i): Each employee on walking/working surfaces was not protected from falling through holes (including skylights) more than 6 feet above lower levels by personal fall arrest systems, covers, or guardrail systems erected around such holes:

a) In the period between May 9, 2011, and May 25, 2011, employees were working on the third floor of a building performing interior demolition and were not protected from falling up to approximately 13 feet through two floor holes located in the southwest corner.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:	11/08/2011
Proposed Penalty:	\$ 4200.00



Citation and Notification of Penalty

Company Name: Gramek Construction Inc.
Inspection Site: 3636 N. Broadway St., Chicago, IL 60613

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

29 CFR 1926.502(i)(3): All covers were not secured when installed so as to prevent accidental displacement by the wind, equipment, or employees:

a) In the period between May 9, 2011, and May 25, 2011, a plywood cover over a floor hole on the third floor was not secured and employees were exposed to the hazard of falling approximately 13 feet to the floor below.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated: 11/08/2011

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

29 CFR 1926.502(i)(4): All covers were not color coded or marked with the word "HOLE" or "COVER" to provide warning of the hazard:

a) In the period between May 9, 2011, and May 25, 2011, a plywood cover over a floor hole on the third floor was not marked and employees were exposed to the hazard of falling approximately 13 feet to the floor below.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated: 11/08/2011

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Gramek Construction Inc.
Inspection Site: 3636 N. Broadway St., Chicago, IL 60613

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

29 CFR 1926.503(a)(1): The employer did not provide a training program for each employee who might be exposed to fall hazards, to enable each employee to recognize fall hazards and the procedures to be followed in order to minimize these hazards:

a) In the period between May 9, 2011, and May 25, 2011, employees were exposed to fall hazards while performing interior demolition work and the employer did not provide a training program to recognize fall hazards and the procedures to be followed in order to minimize these hazards.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:	12/05/2011
Proposed Penalty:	\$ 3000.00

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

29 CFR 1926.852(f): Material was dumped from mechanical equipment or wheelbarrows and a securely attached toeboard or bumper, not less than 4 inches thick and 6 inches high, was not provided at each chute opening:

a) In the period between May 9, 2011, and May 25, 2011, employees were using skid steer loaders to dump material down elevator shafts on the second and third floors of a building under interior demolition. Bumpers were not provided at the chute openings.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:	11/08/2011
Proposed Penalty:	\$ 4200.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Gramek Construction Inc.
Inspection Site: 3636 N. Broadway St., Chicago, IL 60613

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

29 CFR 1926.1101(e)(1): All Class I, II and III asbestos work was not conducted within regulated areas. The regulated area did not comply with the requirements of paragraph (2), (3), (4) and (5) of this section:

a) In the period between May 9, 2011, and May 25, 2011, employees conducted demolition work and removed pipe insulation containing 8 - 75% chrysotile asbestos and removed floor tile and mastic containing up to 3% chrysotile asbestos. The asbestos work was not conducted within a regulated area, thereby exposing employees to the hazards associated with asbestos.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:	11/28/2011
Proposed Penalty:	\$ 4200.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Gramek Construction Inc.
Inspection Site: 3636 N. Broadway St., Chicago, IL 60613

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

Citation 1 Item 8a Type of Violation: **Serious**

29 CFR 1926.1101(f)(1)(i): Each employer who has a workplace or work operation where exposure monitoring is required under this section shall perform air monitoring to determine the airborne concentrations of asbestos to which employees may be exposed:

a) In the period between May 9, 2011, and May 25, 2011, the employer did not perform exposure monitoring to determine accurately the airborne concentrations of asbestos to which employees may have been exposed to while conducting demolition work and removing thermal system insulation containing 8 - 75% chrysotile asbestos and removing floor tile and mastic containing up to 3% chrysotile asbestos, thereby exposing employees to the hazards associated with asbestos.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:	11/28/2011
Proposed Penalty:	\$ 4200.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Gramek Construction Inc.
Inspection Site: 3636 N. Broadway St., Chicago, IL 60613

Citation 1 Item 8b Type of Violation: **Serious**

29 CFR 1926.1101(f)(3)(i): Class I and II operations. The employer did not conduct daily monitoring that is representative for the exposure of each employee who is assigned to work within a regulated area who is performing Class I and II work, unless the employer pursuant to (f)(2)(iii) of this section, has made a negative exposure assessment for the entire operation:

a) In the period between May 9, 2011, and May 25, 2011, the employer did not conduct daily monitoring for employees conducting demolition work and removing thermal system insulation containing 8 - 75% chrysotile asbestos and removing floor tile and mastic containing up to 3% chrysotile asbestos, thereby exposing employees to the hazards associated with asbestos.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated: 11/28/2011



Citation and Notification of Penalty

Company Name: Gramek Construction Inc.
Inspection Site: 3636 N. Broadway St., Chicago, IL 60613

Citation 1 Item 9 Type of Violation: **Serious**

29 CFR 1926.1101(g)(1): The employer did not use the engineering controls and work practices located in (g)(1)(i) through (g)(1)(iii) of this section in all operations covered by this section, regardless of the level of exposure:

a) In the period between May 9, 2011, and May 25, 2011, employees conducting demolition work and removing thermal system insulation containing 8 - 75% chrysotile asbestos and removing floor tile and mastic containing up to 3% chrysotile asbestos were not protected by the following engineering controls and work practices: HEPA vacuums were not used to collect debris and dust, wet methods were not used and waste and debris was not promptly cleaned up and disposed of, thereby exposing employees to the hazards associated with asbestos.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:	11/28/2011
Proposed Penalty:	\$ 4200.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Gramek Construction Inc.
Inspection Site: 3636 N. Broadway St., Chicago, IL 60613

Citation 1 Item 10 Type of Violation: **Serious**

29 CFR 1926.1101(g)(2): The employer did not use the control methods, described in paragraph (g)(2)(i) through (iii) to achieve compliance with the TWA permissible exposure limit and excursion limit prescribed by paragraph (c) of this section:

a) In the period between May 9, 2011, and May 25, 2011, employees conducted demolition work and removed thermal system insulation containing 8 - 75% chrysotile asbestos and removed floor tile and mastic containing up to 3% chrysotile asbestos and were not protected from exposure by use of the following control methods: local exhaust ventilation, enclosure or isolation, and/or ventilation of the regulated area, thereby exposing employees to the hazards associated with asbestos.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:	11/28/2011
Proposed Penalty:	\$ 4200.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Gramek Construction Inc.
Inspection Site: 3636 N. Broadway St., Chicago, IL 60613

Citation 1 Item 11 Type of Violation: **Serious**

29 CFR 1926.1101(g)(3): The work practices and engineering controls located in (g)(3)(i) through (g)(3)(iv) were not be used for work related to asbestos or for work which disturbs ACM or PACM, regardless of measured levels of asbestos exposure or the results initial exposure assessments:

a) In the period between May 9, 2011, and May 25, 2011, employees conducted demolition work and removed thermal system insulation containing 8 - 75% chrysotile asbestos and removed floor tile and mastic containing up to 3% chrysotile asbestos used the following work methods during the removal process: dry shoveling, dry scraping and dry sweeping, thereby exposing employees to the hazards associated with asbestos.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:	11/28/2011
Proposed Penalty:	\$ 4200.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Gramek Construction Inc.
Inspection Site: 3636 N. Broadway St., Chicago, IL 60613

Citation 1 Item 12 Type of Violation: **Serious**

29 CFR 1926.1101(g)(4): Additional engineering controls and work practices and procedures were not used for Class I work as required by 1926.1101(g)(4)(i) through (g)(4)(v):

a) In the period between May 9, 2011, and May 25, 2011, employees conducted demolition work and removed thermal system insulation containing 8 - 75% chrysotile asbestos, did not use the following engineering controls, work practices and procedures: operations were not supervised by a competent person, methods to prevent migration of asbestos fibers were not used, HVAC systems were not isolated, impermeable drop cloths were not placed on surfaces below the removal activities, and objects within the area were not covered with impermeable drop cloths, thereby exposing employees to the hazards associated with asbestos.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:	11/28/2011
Proposed Penalty:	\$ 4200.00



Citation and Notification of Penalty

Company Name: Gramek Construction Inc.
Inspection Site: 3636 N. Broadway St., Chicago, IL 60613

Citation 1 Item 13 Type of Violation: **Serious**

29 CFR 1926.1101(g)(5): Class I asbestos work was not performed using one or more control methods required by sections (g)(5)(i) through (g)(5)(vi):

a) In the period between May 9, 2011, and May 25, 2011, employees conducted demolition work and removed thermal system insulation containing 8 - 75% chrysotile asbestos. The employees were not protected by one or more of the following control methods: asbestos work was not conducted inside of a negative pressure closure or by using glovebag systems, thereby exposing employees to the hazards associated with asbestos.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:	11/28/2011
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Citation and Notification of Penalty

Company Name: Gramek Construction Inc.
Inspection Site: 3636 N. Broadway St., Chicago, IL 60613

Citation 1 Item 14 Type of Violation: **Serious**

29 CFR 1926.1101(g)(7): The work practices and engineering controls located in (g)(7)(i) through (g)(7)(iv) were not used for Class II work:

a) In the period between May 9, 2011, and May 25, 2011, employees conducted demolition work and removed floor tile and mastic containing up to 3% chrysotile asbestos and did not use the following engineering controls and work practices: operations were not supervised by a competent person, critical barriers or another barrier or isolation method were not placed over all openings to prevent migration of airborne asbestos from the regulated area and impermeable drop cloths were not placed on surfaces beneath all removal activities, thereby exposing employees to the hazards associated with asbestos.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:	11/28/2011
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Citation and Notification of Penalty

Company Name: Gramek Construction Inc.
Inspection Site: 3636 N. Broadway St., Chicago, IL 60613

Citation 1 Item 15 Type of Violation: **Serious**

29 CFR 1926.1101(g)(8)(i): For removing vinyl and asphalt flooring materials which contain asbestos, the employer did not ensure that employees complied with work practices described in (g)(8)(i)(A) through (g)(8)(i)(I) and that employees were trained in these practices pursuant to paragraph 1926.1101(k)(9):

a) In the period between May 9, 2011, and May 25, 2011, employees conducted demolition work and removed floor tile and mastic containing up to 3% chrysotile asbestos did not use the following work practices: vacuums with HEPA filters were not used, scraping of residual adhesive and/or backing was not performed using wet methods, dry sweeping was not prohibited, mechanical chipping was performed, and tiles were not removed intact, thereby exposing employees to the hazards associated with asbestos.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:	11/28/2011
Proposed Penalty:	\$ 4200.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Gramek Construction Inc.
Inspection Site: 3636 N. Broadway St., Chicago, IL 60613

Citation 1 Item 16 Type of Violation: **Serious**

29 CFR 1926.1101(h)(1): For employees who use respirators required by this section, the employer did not provide each employee an appropriate respirator that complied with the requirements of this paragraph. Respirators must be used during (h)(1)(i) through (h)(1)(viii) of this section:

a) In the period between May 9, 2011, and May 25, 2011, employees conducted demolition work and removed thermal system insulation containing 8 - 75% chrysotile asbestos. The employees were provided with air-purifying half mask respirators when a powered air purifying respirator (PAPR) was required, thereby exposing employees to the hazards associated with asbestos.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

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Citation and Notification of Penalty

Company Name: Gramek Construction Inc.
Inspection Site: 3636 N. Broadway St., Chicago, IL 60613

Citation 1 Item 17 Type of Violation: **Serious**

29 CFR 1926.1101(h)(2): The employer did not implement a respiratory protection program in accordance with 29 CFR 1910.134(b) through (d) (except (d)(1)(iii)), and (f) through (m):

a) In the period between May 9, 2011, and May 25, 2011, employees conducted demolition work and removed thermal system insulation containing 8 - 75% chrysotile asbestos and removed floor tile and mastic containing up to 3% chrysotile asbestos. The employer required employees to wear air-purifying half mask respirators with cartridges and the employer did not implement a respiratory protection program, thereby exposing employees to the hazards associated with asbestos.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:	11/28/2011
Proposed Penalty:	\$ 4200.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Gramek Construction Inc.
Inspection Site: 3636 N. Broadway St., Chicago, IL 60613

Citation 1 Item 18 Type of Violation: **Serious**

1926.1101(i)(1): The employer did not provide or require the use of protective clothing, such as coveralls or similar whole-body clothing, head coverings, gloves and foot covering for any employee exposed to airborne concentrations of asbestos that exceed the TWA and/or excursion limit prescribed in paragraph (c) of this section, or for which a required negative exposure assessment was not produced, or for any employee performing Class I operations which involve the removal of over 25 linear or 10 square feet of TSI or surfacing ACM or PACM:

a) In the period between May 9, 2011, and May 25, 2011, employees conducted demolition work and removed thermal system insulation containing 8 - 75% chrysotile asbestos and removed floor tile and mastic containing up to 3% chrysotile asbestos and were not provided with adequate protective clothing, thereby exposing employees to the hazards associated with asbestos.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:	11/28/2011
Proposed Penalty:	\$ 4200.00



Citation and Notification of Penalty

Company Name: Gramek Construction Inc.
Inspection Site: 3636 N. Broadway St., Chicago, IL 60613

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

Citation 1 Item 19a Type of Violation: **Serious**

29 CFR 1926.1101(j)(1): The hygiene facility requirements located in (j)(1)(i) through (j)(1)(iv) were not followed for employees performing Class I asbestos jobs involving over 25 linear or 10 square feet of TSI or surfacing ACM or PACM:

a) In the period between May 9, 2011, and May 25, 2011, employees conducted demolition work and removed thermal system insulation containing 8 - 75% chrysotile asbestos were not provided hygiene facilities, thereby exposing employees to the hazards associated with asbestos.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:	11/28/2011
Proposed Penalty:	\$ 4200.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Gramek Construction Inc.
Inspection Site: 3636 N. Broadway St., Chicago, IL 60613

Citation 1 Item 19b Type of Violation: **Serious**

29 CFR 1926.1101(j)(2): The hygiene facility requirements located in (j)(2)(i) through (j)(2)(v) were not followed for employees performing Class I asbestos jobs involving less than 25 linear or 10 square feet of TSI or surfacing ACM or PACM and for Class II and Class III asbestos work operations where exposures exceed a PEL or where there is no negative exposure assessment produced before the operation:

a) In the period between May 9, 2011, and May 25, 2011, employees conducted demolition work and removed floor tile and mastic containing up to 3% chrysotile asbestos were not provided hygiene facilities, thereby exposing employees to the hazards associated with asbestos.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated: 11/28/2011



Citation and Notification of Penalty

Company Name: Gramek Construction Inc.
Inspection Site: 3636 N. Broadway St., Chicago, IL 60613

Citation 1 Item 20 Type of Violation: **Serious**

29 CFR 1926.1101(k)(8)(i): Labels were not affixed to all products containing asbestos and all containers containing such products, including waste containers:

a) In the period between May 9, 2011, and May 25, 2011, employees conducted demolition work and removed thermal system insulation containing 8 - 75% chrysotile asbestos and removed floor tile and mastic containing up to 3% chrysotile asbestos. The asbestos containing products were disposed of in roll-off containers which were not labeled, thereby exposing employees to the hazards associated with asbestos.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:	11/28/2011
Proposed Penalty:	\$ 3000.00



Citation and Notification of Penalty

Company Name: Gramek Construction Inc.
Inspection Site: 3636 N. Broadway St., Chicago, IL 60613

Citation 1 Item 21 Type of Violation: **Serious**

29 CFR 1926.1101(k)(9)(i): The employer did not, at no cost to the employee, institute a training program for all employees who perform Class I through Class IV asbestos operations, and did not ensure their participation in the program:

a) In the period between May 9, 2011, and May 25, 2011, employees conducted demolition work and removed thermal system insulation containing 8 - 75% chrysotile asbestos and removed floor tile and mastic containing up to 3% chrysotile asbestos. The employees were not provided training in Class I and Class II asbestos operations, thereby exposing employees to the hazards associated with asbestos.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:	11/28/2011
Proposed Penalty:	\$ 4200.00



Citation and Notification of Penalty

Company Name: Gramek Construction Inc.
Inspection Site: 3636 N. Broadway St., Chicago, IL 60613

Citation 1 Item 22 Type of Violation: **Serious**

29 CFR 1926.1101(l)(2): Waste, scrap, debris, bags, containers, equipment, and clothing contaminated with asbestos, tremolite, anthophyllite, or actinolite consigned for disposal, were not collected and disposed of in sealed impermeable bags, or other closed impermeable containers:

a) In the period between May 9, 2011, and May 25, 2011, employees conducted demolition work and removed thermal system insulation containing 8 - 75% chrysotile asbestos and removed floor tile and mastic containing up to 3% chrysotile asbestos and did not collect and dispose of asbestos waste in sealed impermeable bags or other closed impermeable containers, thereby exposing employees to the hazards associated with asbestos.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:	11/28/2011
Proposed Penalty:	\$ 4200.00



Citation and Notification of Penalty

Company Name: Gramek Construction Inc.
Inspection Site: 3636 N. Broadway St., Chicago, IL 60613

Citation 1 Item 23 Type of Violation: **Serious**

29 CFR 1926.1101(m)(1)(i)(B): Under the supervision and determination of a physician, the employer did not ensure that all employees required by the standard to wear a negative pressure respirator were physically able to perform the work and use the equipment:

a) In the period between May 9, 2011, and May 25, 2011, employees conducted demolition work and removed thermal system insulation containing 8 - 75% chrysotile asbestos and removed floor tile and mastic containing up to 3% chrysotile asbestos. The employer required employees to wear air-purifying half mask respirators with cartridges and the employer did not ensure the employees were physically able to work and use the respirators under the supervision and determination of a physician, thereby exposing employees to the hazards associated with asbestos.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:	11/28/2011
Proposed Penalty:	\$ 4200.00



Citation and Notification of Penalty

Company Name: Gramek Construction Inc.
Inspection Site: 3636 N. Broadway St., Chicago, IL 60613

Citation 1 Item 24 Type of Violation: **Serious**

29 CFR 1926.1101(o)(1):The employer did not designate a competent person, having the qualifications and authorities for ensuring worker safety and health required by subpart c, General Safety and Health Provision for Construction (29 CFR 1926.20 through 1926.32):

a) In the period between May 9, 2011, and May 25, 2011, employees conducted demolition work and removed thermal system insulation containing 8 - 75% chrysotile asbestos and removed floor tile and mastic containing up to 3% chrysotile asbestos and the employer did not designate a competent person, thereby exposing employees to the hazards associated with asbestos.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:	11/28/2011
Proposed Penalty:	\$ 4200.00



Citation and Notification of Penalty

Company Name: Gramek Construction Inc.
Inspection Site: 3636 N. Broadway St., Chicago, IL 60613

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

29 CFR 1926.1101(f)(2)(i): The employer with a work operation covered by the asbestos standard, did not ensure that a "competent person" conducted an exposure assessment immediately before or at the initiation of the operation to ascertain expected exposures during the operation:

a) In the period between May 9, 2011, and May 25, 2011, the employer did not ensure a competent person conducted an exposure assessment immediately before or at the initiation of employees conducting demolition work and removing thermal system insulation containing 8 - 75% chrysotile asbestos and removing floor tile and mastic containing up to 3% chrysotile asbestos, thereby exposing employees to the hazards associated with asbestos.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:	11/28/2011
Proposed Penalty:	\$ 42000.00

A handwritten signature in black ink, appearing to read "Diane Turek". The signature is written in a cursive, flowing style.

DIANE TUREK
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
701 Lee Street - Suite 950
Des Plaines, IL 60016
Phone: (847)803-4800 FAX: (847)390-8220



INVOICE/ DEBT COLLECTION NOTICE

Company Name: Gramek Construction Inc.
Inspection Site: 3636 N. Broadway St., Chicago, IL 60613
Issuance Date: 11/02/2011

Summary of Penalties for Inspection Number 315512145

Citation 1, Serious	= \$ 96600.00
Citation 2, Willful	= \$ 42000.00
TOTAL PROPOSED PENALTIES	= \$ 138600.00

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.

OSHA does not agree to any restrictions or conditions 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 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 3%. 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

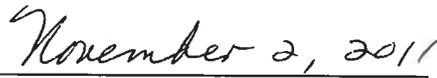
file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

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.



DIANE TUREK
Area Director



Date

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

If the hazards itemized on this citation(s) are not abated/corrected and a follow-up inspection is conducted, your establishment may receive a Failure to Abate Citation for the uncorrected hazards with subsequent additional monetary penalties of up to thirty (30) times the original penalty amount of the uncorrected hazards.

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 Citation(s).