

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
Fort Worth Area Office  
8713 Airport Freeway, Suite 302  
Fort Worth, TX 76180-7610  
Phone: (817)581-7303 FAX: (817) 581-7723



## Citation and Notification of Penalty

**To:**  
Granbury Contracting & Utilities Inc.  
and its successors  
P. O. Box 1176  
Granbury, TX 76048

**Inspection Number:** 314279431  
**Inspection Date(s):** 07/01/2011 -  
**Issuance Date:** 12/20/2011

**Inspection Site:**  
712 N. Main  
Gordon, TX 76453

*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 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 page 4 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.

**Notification of Corrective Action** - For violations which you do not contest, you should notify the U.S. Department of Labor Area Office promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Citation. Please inform the Area Office in writing of the abatement steps you have taken and of their dates, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc.

**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 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](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 12/20/2011. The conference will be held at the OSHA office located at Fort Worth Area Office, 8713 Airport Freeway, Suite 302, Fort Worth, TX, 76180-7610 on \_\_\_\_\_ at \_\_\_\_\_.

Employees and/or representatives of employees have a right to attend an informal conference.



**Citation and Notification of Penalty**

Company Name: Granbury Contracting & Utilities Inc.  
Inspection Site: 712 N. Main, Gordon, TX 76453

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

29 CFR 1910.134(a)(2): Respirators were not provided by the employer when such equipment was necessary to protect the health of the employee(s). (Construction Reference: 29 CFR 1926.103)

On or about June 28, 2011, at 712 N. Main, Gordon, Texas, employees entered a sanitary sewer manhole containing a hazardous atmosphere and were not provided with or required to use respiratory protection.

Pursuant to 29 CFR 1903.19, within ten (10) calendar days of the abatement date the employer must submit documentation of compliance with the standard, including the steps taken to ensure that respirators are provided to employees when such equipment is necessary, such as but not limited to entering into permit-required confined spaces.

Date By Which Violation Must be Abated: 12/26/2011  
Proposed Penalty: \$ 5390.00

**Citation 1 Item 2** 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.(Construction Reference: 29 CFR 1926.103)

On or about June 28, 2011, at 712 N Main, Gordon, Texas, prior to allowing employees to enter a sanitary sewer manhole, the employer did not conduct an assessment to determine the potential for a hazardous atmosphere. Upon entering, employees were exposed to a hazardous atmosphere which was oxygen deficient and/or where hydrogen sulfide and/or methane were present or likely to be present.

Pursuant to 29 CFR 1903.19, within ten (10) calendar days of the abatement date the employer must submit documentation of compliance with the standard, including the steps taken to ensure that the employer identifies and evaluates any respiratory hazards in the workplace.

Date By Which Violation Must be Abated: 12/26/2011  
Proposed Penalty: \$ 5390.00

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: Granbury Contracting & Utilities Inc.

Inspection Site: 712 N. Main, Gordon, TX 76453

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

Section 5(a)(1) of the Occupational Safety and Health Act of 1970: The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that: Employees entering confined spaces such as, but not limited to, sanitary sewer manholes are not protected from hazards such as, but not limited to atmospheric contaminants including hydrogen sulfide and/or methane, oxygen deficiency, and engulfment.

This occurred on or about June 28; 2011, at a City of Gordon Sanitary Lift Station located at 712 N. Main, Gordon, Texas, when employees entered a sanitary sewer manhole where the employer did not assure acceptable atmospheric conditions prior to, and for all periods of, entry; provide adequate ventilation to remove atmospheric contaminants; or provide appropriate retrieval equipment for use in the event of an emergency. Employees entering the manhole were exposed to hazards such as, but not limited to, atmospheric contaminants including hydrogen sulfide, oxygen deficiency, and drowning.

Among other methods, recognized and feasible means of abatement to correct the hazard include, but are not limited to:

- (1) Implementation of the program for Confined Spaces contained in the company's Safety Manual;
- (2) Implementation of the elements required by the American National Standards Institute (ANSI)/American Society of Safety Engineers (ASSE) Standard Z117.1-2009, Safety Requirements for Confined Spaces.

Pursuant to 29 CFR 1903.19, within ten (10) calendar days of the abatement date of this citation, the employer must submit documentation of compliance with the standard, including describing the steps taken to ensure that a confined space entry program that complies with OSHA's 1910.146 standard, or ANSI/ASSE Standard Z117.1-2009, has been implemented for any and all confined space entries by employees.

Date By Which Violation Must be Abated:	12/26/2011
Proposed Penalty:	\$ 53900.00

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

Fort Worth Area Office

Inspection Number: 314279431

Inspection Dates: 07/01/2011 -

Issuance Date: 12/20/2011



**Citation and Notification of Penalty**

Company Name: Granbury Contracting & Utilities Inc.

Inspection Site: 712 N. Main, Gordon, TX 76453

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

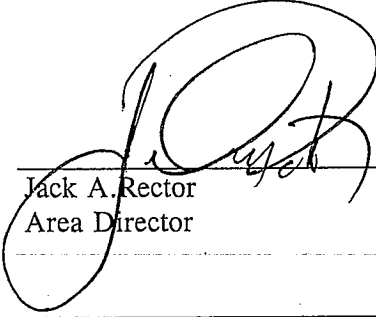
29 CFR 1926.21(b)(6)(i): Employees required to enter into confined or enclosed spaces were not instructed as to the nature of the hazards involved, the necessary precautions to be taken, and in the use of protective and emergency equipment required.

The employer does not instruct employees in the nature of the hazards associated with permit-required confined space entry. On or about June 28, 2011, and at times prior thereto, where employees were required to enter permit-required confined spaces, the employer did not instruct employees entering sanitary sewer manholes about hazards to which the employees could be exposed. The employer failed to provide training to the employees in the following instances:

- 1) Employees are not instructed or trained to recognize and avoid potential for atmospheric hazards associated with permit-required confined space entry.
- 2) Employees are not provided instruction on how to conduct atmospheric testing to document test results.
- 3) Employees are not trained in emergency response procedures including; retrieval equipment and how to use it in the event it became necessary, and notification of emergency medical services.

Pursuant to 29 CFR 1903.19, within ten (10) calendar days of the abatement date the employer must submit documentation of compliance with the standard, including documentation that training by a competent person about permit-required confined space hazards, entry procedures, protective and emergency equipment, and emergency response plan implementation have been conducted.

Date By Which Violation Must be Abated:	12/26/2011
Proposed Penalty:	\$ 53900.00

  
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Jack A. Rector  
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  
Fort Worth Area Office  
8713 Airport Freeway, Suite 302  
Fort Worth, TX 76180-7610  
Phone: (817)581-7303 FAX: (817) 581-7723



### INVOICE/ DEBT COLLECTION NOTICE

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**Company Name:** Granbury Contracting & Utilities Inc.  
**Inspection Site:** 712 N. Main, Gordon, TX 76453  
**Issuance Date:** 12/20/2011

**Summary of Penalties for Inspection Number 314279431**

<b>Citation 1, Serious</b>	= \$ 10780.00
<b>Citation 2, Willful</b>	= \$ 107800.00
<b>TOTAL PROPOSED PENALTIES</b>	= \$ 118580.00

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 full amount due and will cash the check or money order as if these restrictions or conditions do not exist.

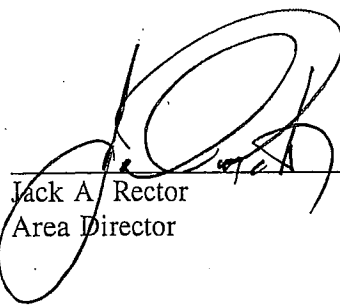
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 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 5%. 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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Jack A. Rector  
Area Director

Date 12/20/2011

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).

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

Company Name: Granbury Contracting & Utilities Inc.  
Inspection Site: 712 N. Main, Gordon, TX 76453  
Issuance Date: 12/20/2011

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return this page to: U.S. Department of Labor - Occupational Safety and Health Administration, Fort Worth Area Office, 8713 Airport Freeway, Suite 302, Fort Worth, TX 76180-7610.

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**NAME OF COMPANY OFFICIAL**

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**DATE**

\_\_\_\_\_  
**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 for not more than six months or both.

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