

State of Hawaii

Department of Labor and Industrial Relations
HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION
830 PUNCHBOWL STREET, ROOM 423
HONOLULU, HI 96813
Phone: (808) 586-9110 Fax: (808) 586-9104



Certified Mail Number: 7017 3380 0000 0979 5382

Citation and Notification of Penalty

To:
C&C of Honolulu Board of Water Supply
and its successors
2442 Kini Pl
Honolulu, HI 96819

Inspection Number: 1288864
Inspection Date(s): 01/18/2018-01/18/2018
Issuance Date: 06/22/2018

Inspection Site:
1450 Ala Moana Boulevard
Honolulu, HI 96814

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 describes violations of the Hawaii Occupational Safety and Health (HIOSH) Law. The penalty listed herein is based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties, unless within 20 calendar days from your receipt of this Citation and Notification of Penalty, you file a contest in the manner described in the section "Employer's Right to Contest" on page 2 of this Citation and Notification of Penalty. Please refer to the enclosed booklet (Employer Rights and Responsibilities Following a HIOSH Inspection) which outlines your rights and responsibilities and which should be read in conjunction with this Citation. Issuance of this Citation does not constitute a finding that a violation of the Law has occurred unless there is a failure to contest as allowed by Law or, if contested, the Citation is affirmed by the Hawaii Labor Relations Board (HLRB) 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 State 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 HIOSH Administrator during the 20 calendar 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. If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must 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 Administrator within 20 calendar 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.

Employers' Right to Contest - You have the right to contest this Citation and Notification of Penalty. You may also contest all citation items or only individual items. You may also contest the penalty and/or abatement dates without contesting the underlying violations. To contest you must submit a signed original letter of contest to the Administrator which must be postmarked or, if not mailed, received by the Administrator within 20 calendar days after you receive this Citation and Notification of Penalty. The letter of contest must be a signed original and may not be submitted by facsimile or e-mail. Address your letter of contest to the State of Hawaii Occupational Safety and Health Division at the address shown on the top of page 1 of this Citation and Notification of Penalty. Once a letter of contest is received, it becomes the jurisdiction of the HLRB. If a timely contest is not filed, the Citation and Notification of Penalty will become a final order of the Department of Labor and Industrial Relations and may not be reviewed by any court or agency.

Penalty Payment - Penalties are due within 20 calendar days of receipt of this notification unless contested. Make your check or money order payable to "Director of Budget and Finance." Please indicate the Inspection Number found on the front page on the remittance. HIOSH 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 each violation which you do not contest, you are required by Section 12-51-22 to submit an Abatement Certification to HIOSH. The certification must be sent by you within 5 calendar days of the abatement date indicated on the Citation. For Willful and Repeat violations, documents (examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the Citation is classified as Serious and the Citation states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the Citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

All abatement verification documents must contain the following information: 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement. The law also requires a copy of all abatement verification documents, required by Section 12-51-22 to be sent to HIOSH, also be posted at the location where the violation appeared and the corrective action took place.

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 60 days after the discrimination occurred with the Hawaii Occupational Safety and Health Division at the address shown on the top of page 1 of this Citation and Notification of Penalty.

Employer Rights and Responsibilities - The enclosed booklet (Employer Rights and Responsibilities Following a HIOSH Inspection) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Employees' Right to Contest - 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 signed original contest must be mailed to the Hawaii Occupational Safety and Health Division at the address shown on the top of page 1 of this Citation and Notification of Penalty and postmarked within 20 calendar days 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 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

Company Name: C&C of Honolulu Board of Water Supply
Inspection Site: 1450 Ala Moana Boulevard, Honolulu, HI 96814

Inspection Number: 1288864
Issuance Date: 06/22/2018

List the specific method of correction for each citation item and supporting documentation as appropriate in this **Citation and Notification of Penalty** that does not state "Corrected" and return to: **Department of Labor and Industrial Relations - Hawaii Occupational Safety and Health Division, 830 Punchbowl Street, Room 423, Honolulu, HI 96813.**

Citation _____ and Item _____ was corrected on _____
How corrected: _____

Citation _____ and Item _____ was corrected on _____
How corrected: _____

Citation _____ and Item _____ was corrected on _____
How corrected: _____

Citation _____ and Item _____ was corrected on _____
How corrected: _____

Citation _____ and Item _____ was corrected on _____
How corrected: _____

Citation _____ and Item _____ was corrected on _____
How corrected: _____

Citation _____ and Item _____ was corrected on _____
How corrected: _____

I attest that the information contained in this document is accurate and that the affected employees and their representative(s) have been informed of the abatement activities mentioned above and of their right to examine and copy this and all other abatement documents submitted to HIOSH.

Signature of the Employer or
Employer's Authorized Representative

Date

Typed or Printed Name

Title

Posting: For posting requirements please refer to Chapter 12-51, Hawaii Administrative Rules.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with the Hawaii Occupational Safety and Health Division (HIOSH) to discuss the Citation and Notification of Penalty issued on 06/22/2018.

The informal conference will be at the HIOSH office located at:

830 PUNCHBOWL STREET
ROOM 423
HONOLULU, HI 96813

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

State of Hawaii

Department of Labor and Industrial Relations
Hawaii Occupational Safety and Health Division

Inspection Number: 1288864
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Citation and Notification of Penalty

Company Name: C&C of Honolulu Board of Water Supply
Inspection Site: 1450 Ala Moana Boulevard, Honolulu, HI 96814

The alleged violations below (1a & 1b) have been grouped because they involve similar or related hazards that may increase the potential for illness and injury.

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

29 CFR 1926.251(a)(6)[Refer to 12-110-50(a), HAR]: "Inspections." Each day before being used, the sling and all fastenings and attachments shall be inspected for damage or defects by a competent person designated by the employer. Additional inspections shall be performed during sling use, where service conditions warrant. Damaged or defective slings shall be immediately removed from service.

1450 Ala Moana Boulevard - "West bound right lane near Atkinson Boulevard" employees were using two synthetic web slings that had tears and snags to lift and install a 12 inch water main pipe in a trench excavation 25 feet long x 8.5 feet wide x 7 feet deep, thus exposing employees to a hoisting hazard with the potential to sustain serious bodily injuries.

Date by Which Violation Must Be Abated:
Penalty:

Corrected
\$7,968.00

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

29 CFR 1926.251(e)(8)(iii)[Refer to 12-110-50(a), HAR]: Removal from service. Synthetic web slings shall be immediately removed from service if any of the following conditions are present:Snags, punctures, tears or cuts.

1450 Ala Moana Boulevard - "West bound right lane near Atkinson Boulevard" employees were using two synthetic web slings that had tears and snags to lift and install a 12 inch water main pipe in a trench excavation 25 feet long x 8.5 feet wide x 7 feet deep, thus exposing employees to a hoisting hazard with the potential to sustain serious bodily injuries.

Date by Which Violation Must Be Abated:
Penalty:

Corrected
\$0.00

State of Hawaii

Department of Labor and Industrial Relations
Hawaii Occupational Safety and Health Division

Inspection Number: 1288864
Inspection Date(s): 01/18/2018-01/18/2018
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Citation and Notification of Penalty

Company Name: C&C of Honolulu Board of Water Supply
Inspection Site: 1450 Ala Moana Boulevard, Honolulu, HI 96814

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

29 CFR 1926.602(c)(1)(ii)[Refer to 12-110-50(a), HAR]: No modifications or additions which affect the capacity or safe operation of the equipment shall be made without the manufacturer's written approval. If such modifications or changes are made, the capacity, operation, and maintenance instruction plates, tags, or decals shall be changed accordingly. In no case shall the original safety factor of the equipment be reduced.

1450 Ala Moana Boulevard - "West bound lane near Atkinson Boulevard" an employee was operating a mini Komatsu excavator model number PC35MR-3. The mini Komatsu excavator was being used to install a 12 inch water main pipe. An employee had placed a synthetic web-sling around the teeth of the bucket of the mini Komatsu excavator and the operator lifted and pulled the 12 inch water main into place. The mini Komatsu excavator bucket was not equipped with a lifting attachment (hook) to lift materials with, thus exposing the employees to a struck by hazard with the potential to sustain serious bodily injuries.

Date by Which Violation Must Be Abated: 06/28/2018
Penalty: \$7,968.00

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

29 CFR 1926.651(h)(1)[Refer to 12-110-50(a), HAR]: Employees shall not work in excavations in which there is accumulated water, or in excavations in which water is accumulating, unless adequate precautions have been taken to protect employees against the hazards posed by water accumulation. The precautions necessary to protect employees adequately vary with each situation, but could include special support or shield systems to protect from cave-ins, water removal to control the level of accumulating water, or use of a safety harness and lifeline.

1450 Ala Moana Boulevard - "West bound right lane near Atkinson Boulevard" the employer failed to control the accumulation of water in a trench excavation 25 feet long x 8.5 feet wide x 7 feet deep, while three employees worked to install a 12 inch water main pipe in the 7 feet deep trench. The water was being accumulated due to the high tide and the trench excavation being located near the ocean.

Date by Which Violation Must Be Abated: 06/28/2018
Penalty: \$9,961.00

State of Hawaii

Department of Labor and Industrial Relations
Hawaii Occupational Safety and Health Division

Inspection Number: 1288864
Inspection Date(s): 01/18/2018-01/18/2018
Issuance Date: 06/22/2018



Citation and Notification of Penalty

Company Name: C&C of Honolulu Board of Water Supply
Inspection Site: 1450 Ala Moana Boulevard, Honolulu, HI 96814

The alleged violations below (4a & 4b) have been grouped because they involve similar or related hazards that may increase the potential for illness and injury.

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

29 CFR 1926.652(c)(2)(i)[Refer to 12-110-50(a), HAR]: Design of support systems, shield systems, or other protective systems that are drawn from manufacturer's tabulated data shall be in accordance with all specifications, recommendations, and limitations issued or made by the manufacturer.

1450 Ala Moana Boulevard - "West bound lane near Atkinson Boulevard" the employer failed to install the Speed Shore Vertical Shoring System according to the manufacturers tabulated data in a trench excavation 25 feet long x 8.5 feet wide x 7 feet deep. Speed Shore Vertical Shoring System tabulated data states in excavations 6 to 10 feet deep there shall be a minimum of 2 hydraulic cylinders in each vertical plane. The trench excavation had only one hydraulic cylinder for each vertical plane installed, thus exposing employees to an excavation hazard with the potential to sustain serious bodily injuries.

Date by Which Violation Must Be Abated:
Penalty:

06/28/2018
\$9,961.00

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

29 CFR 1926.652(d)(2)[Refer to 12-110-50(a), HAR]: Manufactured materials and equipment used for protective systems shall be used and maintained in a manner that is consistent with the recommendations of the manufacturer, and in a manner that will prevent employee exposure to hazards.

1450 Ala Moana Boulevard - "West bound right lane near Atkinson Boulevard" the competent person on site failed to install the Speed Shore Vertical Shoring System according to the manufacturers tabulated data in a trench excavation 25 feet long x 8.5 feet wide x 7 feet deep. Speed Shore Vertical Shoring System tabulated data states in excavations 6 to 10 feet deep there shall be a minimum of 2 hydraulic cylinders in each vertical plane. 7 feet deep trench excavation had only one hydraulic cylinder for each vertical plane installed, thus exposing employees to an excavation hazard with the potential to sustain serious bodily injuries.

Date by Which Violation Must Be Abated:
Penalty:

06/28/2018
\$0.00

State of Hawaii

Department of Labor and Industrial Relations
Hawaii Occupational Safety and Health Division

Inspection Number: 1288864
Inspection Date(s): 01/18/2018-01/18/2018
Issuance Date: 06/22/2018



Citation and Notification of Penalty

Company Name: C&C of Honolulu Board of Water Supply
Inspection Site: 1450 Ala Moana Boulevard, Honolulu, HI 96814

Citation 2 Item 1 Type of Violation: **Repeat-Serious**

29 CFR 1926.651(k)(2)[Refer to 12-110-50(a), HAR]: Where the competent person finds evidence of a situation that could result in a possible cave-in, indications of failure of protective systems, hazardous atmospheres, or other hazardous conditions, exposed employees shall be removed from the hazardous area until the necessary precautions have been taken to ensure their safety.

1450 Ala Moana Boulevard - "West bound right lane near Atkinson Boulevard" the competent person on-site and two employees were engaged in the installation of a new 12 inch water main pipe in a trench excavation 25 feet long x 8.5 feet wide x 7 feet deep. The excavation was constantly accumulating ocean water due to the excavation being so near the ocean, and due to the high tide. The foreman on site had removed the Speed Shore hydraulic cylinders (shores) from the east and west side of the trench excavation. The foreman on-site and two employees then entered and worked in the un-shored trench excavation, thus exposing the employees to an excavation cave-in hazard.

City & County of Honolulu Board of Water Supply was previously cited for a violation of an equivalent Hawaii Occupational Safety and Health standard 1926.651(k)(1)[Refer to 12-110-50(a), HAR], which was contained in HIOSH inspection number 317668374, citation number 1, item number 3, and was issued on **July 28, 2014** and became final order on August 18, 2014.

City & County of Honolulu Board of Water Supply was previously cited for a violation of this Hawaii Occupational Safety and Health standard 1926.651(k)(2)[Refer to 12-110-50(a), HAR], which was contained in HIOSH inspection number 1246543, citation number 2, item number 1, and was issued on **August 11, 2017** and became final order on September 5, 2017.

Date by Which Violation Must Be Abated: **06/28/2018**
Penalty: **\$63,375.00**

State of Hawaii

Department of Labor and Industrial Relations
Hawaii Occupational Safety and Health Division

Inspection Number: 1288864
Inspection Date(s): 01/18/2018-01/18/2018
Issuance Date: 06/22/2018



Citation and Notification of Penalty

Company Name: C&C of Honolulu Board of Water Supply
Inspection Site: 1450 Ala Moana Boulevard, Honolulu, HI 96814

Citation 2 Item 2 Type of Violation: **Repeat-Serious**

29 CFR 1926.652(a)(1)[Refer to 12-110-50(a), HAR]: Each employee in an excavation shall be protected from cave-ins by an adequate protective system designed in accordance with paragraph (b) or (c) of this section except when: Excavations are made entirely in stable rock; or excavations are less than 5 feet (1.52m) in depth and examination of the ground by a competent person provides no indication of a potential cave-in.

1450 Ala Moana Boulevard - "West bound right lane near Atkinson Boulevard" the competent person on-site and two employees were engaged in the installation of a new 12 inch water main pipe, in a trench excavation 25 feet long x 8.5 feet wide x 7 feet deep. The competent person on-site had removed the Speed Shore hydraulic cylinders (shores) from the right and left side of the trench excavation. The competent person on-site and two employees then entered and worked in un-shored trench excavation, thus exposing employees to a cave-in hazard with the potential to sustain serious bodily injuries.

City & County of Honolulu Board of Water Supply was previously cited for a violation of an equivalent Hawaii Occupational Safety and Health standard 1926.651(k)(1)[Refer to 12-110-50(a), HAR], which was contained in HIOSH inspection number 317668374, citation number 1, item number 3, and was issued on July 28, 2014 and became final order on August 18, 2014.

City & County of Honolulu Board of Water Supply was previously cited for a violation of this Hawaii Occupational Safety and Health standard 1926.651(k)(2)[Refer to 12-110-50(a), HAR], which was contained in HIOSH inspection number 1246543, citation number 2, item number 1, and was issued on August 11, 2017 and became final order on September 5, 2017.

Date by Which Violation Must Be Abated:
Penalty:

06/28/2018
\$63,375.00

State of Hawaii

Department of Labor and Industrial Relations
Hawaii Occupational Safety and Health Division

Inspection Number: 1288864
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Citation and Notification of Penalty

Company Name: C&C of Honolulu Board of Water Supply
Inspection Site: 1450 Ala Moana Boulevard, Honolulu, HI 96814

Citation 2 Item 3 Type of Violation: **Repeat-Serious**

29 CFR 1926.651(c)(2)[Refer to 12-110-50(a), HAR]: Means of egress from trench excavations. A stairway, ladder, ramp or other safe means of egress shall be located in trench excavations that are 4 feet (1.22 m) or more in depth so as to require no more than 25 feet (7.62 m) of lateral travel for employees.

West bound right lane near Atkinson Boulevard - There was no safe means of egress for three employees working in a trench excavation 25 feet long x 8.5 wide x 7 feet deep. The trench excavation was separated into two sides because of two three feet wide storm drains located on the top side of the excavation (east and west side). The employees were equipped with one extension ladder for the east side of trench, there was no ladder to enter or exit the west side of trench. The employees were engaged in the installation of a new 12 inch water main pipe on both sides of the trench excavation. Lack of safe means of egress exposed the employees to an excavation hazard with the potential for serious bodily injuries.

City & County of Honolulu Board of Water Supply was previously cited for a violation of this Hawaii Occupational Safety and Health standard 1926.651(c)(2)[Refer to 12-110-50(a), HAR], which was contained in HIOSH inspection number 1246543, citation number 1, item number 1, and was issued on August 11, 2017 and became final order on September 5, 2017.

Date by Which Violation Must Be Abated:
Penalty:

06/28/2018
\$36,220.00

TIN SHING CHAO
Health Branch Manager

State of Hawaii

Department of Labor and Industrial Relations
HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION
830 PUNCHBOWL STREET, ROOM 423
HONOLULU, HI 96813
Phone: (808) 586-9110 Fax: (808) 586-9104



SUMMARY OF PENALTIES

Company Name: C&C of Honolulu Board of Water Supply
Inspection Site: 1450 Ala Moana Boulevard, Honolulu, HI 96814
Issuance Date: 06/22/2018

Summary of Penalties for Inspection Number: 1288864

| | |
|-----------------------------------|---------------------|
| Citation 1 Item 1a, Serious | \$7,968.00 |
| Citation 1 Item 1b, Serious | \$0.00 |
| Citation 1 Item 2, Serious | \$7,968.00 |
| Citation 1 Item 3, Serious | \$9,961.00 |
| Citation 1 Item 4a, Serious | \$9,961.00 |
| Citation 1 Item 4b, Serious | \$0.00 |
| Citation 2 Item 1, Repeat-Serious | \$63,375.00 |
| Citation 2 Item 2, Repeat-Serious | \$63,375.00 |
| Citation 2 Item 3, Repeat-Serious | \$36,220.00 |
| TOTAL PENALTIES: | \$198,828.00 |

Make check or money order payable to the "**Director of Budget and Finance.**" Please indicate the *inspection number and dba, if company name is different, on the remittance.* A fee of \$25.00 will be charged for any returned checks.