

U.S. Department of Labor
Occupational Safety and Health Administration
MARLTON EXECUTIVE PARK - BLDG.2-SUITE 120
701 ROUTE 73 SOUTH
MARLTON, NJ 08053
Phone: (856)596-5200 FAX: (856) 596-5201



Citation and Notification of Penalty

To:
IEW Construction Group, Inc.
and its successors
75 Sculptors Way
Trenton, NJ 08619

Inspection Number: 315281816
Inspection Date(s): 03/03/2011-03/03/2011
Issuance Date: 08/24/2011

Inspection Site:
Alexander Road Bridge
Princeton, NJ 08540

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, 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.

Notification of Corrective Action - For **each** violation which you do not contest, you are required by 29 CFR 1903.19 to submit an Abatement Certification to the Area Director of the OSHA office issuing the citation and identified above. The certification **must** be sent by you within **10 calendar days** of the abatement date indicated on the citation. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

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 citations states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate.

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. Enclosed for your convenience, is an Abatement Certification Form that you can use.

Any **documents** that are required should accompany your Certification **Form**.

The law also requires a copy of all abatement verification documents, required by **29 CFR 1903.19** to be sent to OSHA, 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 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 Data Activity - You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under provisions of the Electronic Freedom of Information Act. The information related to your inspection will be available 7 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.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 08/24/2011. The conference will be held at the OSHA office located at MARLTON EXECUTIVE PARK - BLDG.2-SUITE 120,701 ROUTE 73 SOUTH, MARLTON, NJ, 08053 on _____ at _____, Employees and/or representatives of employees have a right to attend an informal conference.

ABATEMENT CERTIFICATION

Paula Dixon-Roderick, Area Director
U.S. Department of Labor - OSHA
MARLTON EXECUTIVE PARK - BLDG.2-SUITE 120
701 ROUTE 73 SOUTH
MARLTON, NJ 08053
Phone: (856)596-5200 - -

IEW Construction Group, Inc.
75 Sculptors Way
Trenton, NJ 08619

The hazard referenced in Inspection Number _____ for the violation identified as Citation _____ and Item _____ was corrected on _____ by (list method) _____

The hazard referenced in Inspection Number _____ for the violation identified as Citation _____ and Item _____ was corrected on _____ by (list method) _____

The hazard referenced in Inspection Number _____ for the violation identified as Citation _____ and Item _____ was corrected on _____ by (list method) _____

The hazard referenced in Inspection Number _____ for the violation identified as Citation _____ and Item _____ was corrected on _____ by (list method) _____

The hazard referenced in Inspection Number _____ for the violation identified as Citation _____ and Item _____ was corrected on _____ by (list method) _____

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



Citation and Notification of Penalty

Company Name: IEW Construction Group, Inc.
Inspection Site: Alexander Road Bridge, Princeton, NJ 08540

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

29 CFR 1926.21(b)(2): The employer did not instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his work environment to control or eliminate any hazards or other exposure to illness or injury:

- a) Job #371406 - Alexander Road Bridge over D & R Canal, Princeton NJ: Employees were exposed to struck by and diving hazards while performing wing wall installation/repair and other related activities at the worksite. On or about 03/03/11, the employer did not provide these workers with appropriate training in the recognition and avoidance of these hazardous conditions.

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM. FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1000.00 IN ACCORDANCE WITH 29 CFR 1903.19.

Date By Which Violation Must be Abated: 09/19/2011
Proposed Penalty: \$ 6930.00



Citation and Notification of Penalty

Company Name: IEW Construction Group, Inc.
Inspection Site: Alexander Road Bridge, Princeton, NJ 08540

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

29 CFR 1926.200(g)(2): All traffic control signs and devices used for protection of the workers did not conform to part VI of the Manual on Uniform Traffic Control Devices (MUTCD) Millennium Edition Table 6C-2 (Taper Length Criteria for Temporary Traffic Control Zones).

a) Job #371406, Alexander Road Bridge over D & R Canal, Princeton NJ - East and West Bound Travelled Way, : On or about 3/3/11 conditions at the worksite revealed retaining wall work being performed within the shoulder and the travelled way. The delineation of the worksite was set up with only 4 cones and no taper which did not conform to Table 6C-2 of the MUTCD requiring a greater taper length using the formula in the table.

NOTE: BECAUSE ABATEMENT OF THIS VIOLATION IS ALREADY DOCUMENTED IN THE CASE FILE, THE **EMPLOYER** NEED NOT SUBMIT CERTIFICATION OR DOCUMENTATION OF ABATEMENT OF THIS VIOLATION AS NORMALLY REQUIRED BY **29 CFR 1903.19**.

Date By Which Violation Must be Abated: Corrected During Inspection
Proposed Penalty: \$ 6930.00

See pages I 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: IEW Construction Group, Inc.
Inspection Site: Alexander Road Bridge, Princeton, NJ 08540

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

29 CFR 1926.200(g)(2): All traffic control signs and devices used for protection of the workers did not conform to Part VI of the Manual on Uniform Traffic Control Devices (MUTCD) Millennium Edition Section 6C.10:

- a) Job #371406, Alexander Road Bridge over D & R Canal, Princeton NJ - East and West Bound Traveled Way: On or about 3/3/11 conditions at the worksite revealed excavation equipment encroaching and moving within the traveled way without a flagger which did not conform to Section 6C.10 which requires that: When traffic in both directions must use a single lane for a limited distance, movements from each end shall be coordinated.

NOTE: BECAUSE ABATEMENT OF THIS VIOLATION IS ALREADY DOCUMENTED IN THE CASE FILE, THE EMPLOYER NEED NOT SUBMIT CERTIFICATION OR DOCUMENTATION OF ABATEMENT OF THIS VIOLATION AS NORMALLY REQUIRED BY **29 CFR 1903.19**.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 6930.00



Citation and Notification of Penalty

Company Name: IEW Construction Group, Inc.
Inspection Site: Alexander Road Bridge, Princeton, NJ 08540

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

29 CFR 1926.200(g)(2): All traffic control signs and devices used for the protection of the workers did not conform to Part VI of the Manual on Uniform Traffic Control Devices (MUTCD) Millennium Edition Section 6E.03:

a) Job #371406, Alexander Road Bridge over D & R Canal, Princeton NJ - East and West Bound Travelled Way: On or about 3/3/11 conditions at the worksite revealed a flagging operation in process without the use of a hand signalling device which did not meet the requirements of Section 6E.03 of the MUTCD requiring either a flag or **STOP/SLOW** paddle.

NOTE: BECAUSE ABATEMENT OF THIS VIOLATION IS ALREADY DOCUMENTED IN THE CASE FILE, THE EMPLOYER NEED NOT SUBMIT CERTIFICATION OR DOCUMENTATION OF ABATEMENT OF THIS VIOLATION AS NORMALLY REQUIRED BY **29 CFR 1903.19**.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 6930.00

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: IEW Construction Group, Inc.
Inspection Site: Alexander Road Bridge, Princeton, NJ 08540

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

29 CFR 1926.200(g)(2): All traffic control signs and devices used for protection of the workers did not conform to Part VI of the Manual on Uniform Traffic Control Devices (MUTCD) Millennium Edition Section 6E.05:

- a) Job #371406, Alexander Road Bridge over D & R Canal, Princeton NJ - East and West Bound Travelled Way: on or about 3/3/11 conditions at the worksite revealed a flagging operation in process without a proper flagging station set up which did not meet the requirements of Section 6E.05 of the MUTCD requiring: Flagger stations shall be located far enough in advance of the work space so that the approaching road users will have sufficient distance to stop before entering the work space.

NOTE: BECAUSE ABATEMENT OF THIS VIOLATION IS ALREADY DOCUMENTED IN THE CASE FILE, THE EMPLOYER NEED NOT SUBMIT CERTIFICATION OR DOCUMENTATION OF ABATEMENT OF THIS VIOLATION AS NORMALLY REQUIRED BY **29 CFR 1903.19**.

Date By Which Violation Must be Abated: 09/19/2011
Proposed Penalty: \$ 6930.00



Citation and Notification of Penalty

Company Name: IEW Construction Group, Inc.
Inspection Site: Alexander Road Bridge, Princeton, NJ 08540

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

29 CFR 1926.200(g)(2): All traffic control signs and devices used for protection of the workers did not conform to Part VI of the Manual on Uniform Traffic Control Devices (MUTCD) Millennium Edition Section 6G.03 (Location of Work).

- a) Job #371406, Alexander Road Bridge over D & R Canal, Princeton NJ - East and West Bound Travelled Way: On or about 3/3/11 conditions at the worksite revealed retaining wall work being performed with encroachment into the travelled way. No advanced warning signs were in place which did not conform to Section 6G.03 of the MUTCD which requires: a general message that work is taking place, supply information about highway conditions, and indicate how motor vehicle traffic can move through the temporary traffic control zone.

NOTE: BECAUSE ABATEMENT OF THIS VIOLATION IS ALREADY DOCUMENTED IN THE CASE FILE, THE EMPLOYER NEED NOT SUBMIT CERTIFICATION OR DOCUMENTATION OF ABATEMENT OF THIS VIOLATION AS NORMALLY REQUIRED BY **29 CFR 1903.19**.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 6930.00



Citation and Notification of Penalty

Company Name: IEW Construction Group, Inc.
Inspection Site: Alexander Road Bridge, Princeton, NJ 08540

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

29 CFR 1910.420(a): The employer did not make available at the dive location to each dive team member a safe practices manual:

- a) Job #371406, Alexander Road Bridge over D & R Canal, Princeton NJ : Employer did not provide worksite personnel with a safe practices manual. Condition existed on or about 03/03/11

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM. FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1000.00 IN ACCORDANCE WITH 29 CFR 1903.19.

Date By Which Violation Must be Abated: 09/19/2011
Proposed Penalty: \$ 6930.00

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

29 CFR 1910.422(d): The employer did not make available at the dive location to each dive team member decompression, repetitive, and no-decompression tables:

- a) Job #371406, Alexander Road, Princeton NJ: Employer did not provide worksite personnel with decompression tables. Condition existed on or about 03/03/11

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM. FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1000.00 IN ACCORDANCE WITH 29 CFR 1903.19.

Date By Which Violation Must be Abated: 09/19/2011
Proposed Penalty: \$ 6930.00

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: IEW Construction Group, Inc.
Inspection Site: Alexander Road Bridge, Princeton, NJ 08540

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

29 CFR 1910.430(a)(2): Each equipment modification, repair, test, calibration or maintenance service was not recorded by means of a tagging or logging system, which includes the date and nature of the work performed, and the name or initials of the person performing the work:

- a) Job #371406, Alexander Road Bridge over D & R Canal, Princeton NJ : Work had been performed on the air compressor, condensate tank, etc. without recorded records available. Condition observed on or about 03103111

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM. FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF **\$1000.00** IN ACCORDANCE WITH **29 CFR 1903.19**.

Date By Which Violation Must be Abated: 09/19/2011
Proposed Penalty: \$ 6930.00

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

29 CFR 1910.430(b)(4): The output of air compressor systems was not tested for air purity every six month by means of samples taken at the connection to the distribution system:

- a) Job #371406, Alexander Road Bridge over D & R Canal, Princeton NJ: On or about 3/3/11 the output of the air compressor systems was not tested every six months.

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, **THE** EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM. FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF **\$1000.00** IN ACCORDANCE WITH **29 CFR 1903.19**.

Date By Which Violation Must be Abated: 09/19/2011
Proposed Penalty: \$ 6930.00

See pages I 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: IEW Construction Group, Inc.
Inspection Site: Alexander Road Bridge, Princeton, NJ 08540

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

29 CFR 1910.430(c)(3)(i): Umbilicals were not marked in 10-ft. increments to 100 ft. beginning at the divers end and in 50-ft. increments thereafter:

- a) Job #371406, Alexander Road over D & R Canal, Princeton NJ: Umbilicals were not marked in 10-ft. increments to 100 ft. Condition observed on or about 03/03/11

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM. FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF **\$1000.00** IN ACCORDANCE WITH **29 CFR 1903.19**.

Date By Which Violation Must be Abated: 09/19/2011
Proposed Penalty: \$ 6930.00



Citation and Notification of Penalty

Company Name: IEW Construction Group, Inc.
Inspection Site: Alexander Road Bridge, Princeton, NJ 08540

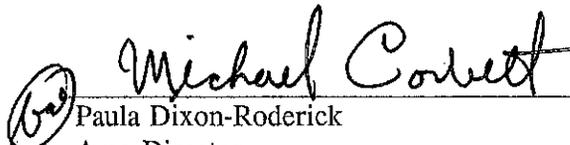
Citation 1 Item 12 Type of Violation: **Serious**

29 CFR 1910.430(g)(1): Gauges indicating diver depth, which can be read at the dive location, were not used for all dives:

- a) Job #371406, Alexander Road Bridge over D & R Canal, Princeton NJ: On or about 3/13/11 no pnmemo (depth) gauges were at the worksite.

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM. FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1000.00 IN ACCORDANCE WITH 29 CFR 1903.19.

Date By Which Violation Must be Abated: 09/19/2011
Proposed Penalty: \$ 6930.00


Paula Dixon-Roderick
Area Director

U.S. Department of Labor

Occupational Safety and Health Administration
MARLTON EXECUTIVE PARK - BLDG.2-SUITE 120
701 ROUTE 73 SOUTH
MARLTON, NJ 08053
Phone: (856)596-5200 FAX: (856)596-5201



**INVOICE/
DEBT COLLECTION NOTICE**

Company Name: IEW Construction Group, Inc.
Inspection Site: Alexander Road Bridge, Princeton, NJ 08540
Issuance Date: 08/24/2011

Summary of Penalties for Inspection Number 315281816

Citation 1, Serious = \$ 83160.00
TOTAL PROPOSED PENALTIES = \$ 83160.00

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.



Paula Dixon-Roderick
Area Director

August 24, 2011

Date