

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
1000 South Pine Island Road  
Suite 100  
Fort Lauderdale, FL 33324  
Phone: 954-424-0242 Fax: 954-424-3073



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## Citation and Notification of Penalty

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**To:**  
LUCAS MARINE ACQUISITION COMPANY, LLC  
and its successors  
3130 SE Slater Street  
Stuart, FL 34997

**Inspection Number:** 926866  
**Inspection Date(s):** 08/06/2013 - 02/04/2014  
**Issuance Date:** 02/04/2014

**Inspection Site:**  
480 North Indian River Drive  
Fort Pierce, FL 34950

*The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.*

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This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

**Posting** - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

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

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

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

**Right to Contest** – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

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

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

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$50,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

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

**Employer Discrimination Unlawful** – The law prohibits discrimination by an employer against an

employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

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

**Notice to Employees** – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

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



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 02/04/2014. The conference will be held by telephone or at the OSHA office located at 1000 South Pine Island Road, Suite 100, Fort Lauderdale, FL 33324 on \_\_\_\_\_ at \_\_\_\_\_.

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

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 926866**

Company Name: LUCAS MARINE ACQUISITION COMPANY, LLC  
Inspection Site: 480 North Indian River Drive, Fort Pierce, FL 34950  
Issuance Date: 02/04/2014

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 1000 South Pine Island Road, Suite 100, Fort Lauderdale, FL 33324**

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

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

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

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

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

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

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Title

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

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

**U.S. Department of Labor**  
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**Inspection Number:** 926866  
**Inspection Date(s):** 08/06/2013 - 02/04/2014  
**Issuance Date:** 02/04/2014



**Citation and Notification of Penalty**

**Company Name:** LUCAS MARINE ACQUISITION COMPANY, LLC  
**Inspection Site:** 480 North Indian River Drive, Fort Pierce, FL 34950

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

29 CFR 1910.410(a)(3): All dive team members were not trained in cardiopulmonary resuscitation and first aid (American Red Cross standard course or equivalent), (is applicable to the construction standard by 29 CFR 1926.1076 that incorporates the General Industry requirement):

a. On or about August 6th, 2013, at the above addressed dive site, the employer did not provide members of a dive team, and who were engaged in diving operations with CPR training.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: 02/14/2014  
Proposed Penalty: \$7000.00

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

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

29 CFR 1910.420(a): The employer did not develop and maintain a safe practices manual, (is applicable to the construction standard by 29 CFR 1926.1080 that incorporates the General Industry requirement):

a. On or about August 6th, 2013, at the above addressed dive site, the employer did not develop and maintain a safe practices manual to address the safety and health of the employees who were engaged in diving operations.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	02/14/2014
Proposed Penalty:	\$7000.00

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

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**Citation and Notification of Penalty**

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**Inspection Site:** 480 North Indian River Drive, Fort Pierce, FL 34950

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

29 CFR 1910.421(c)(3): An American Red Cross standard first aid handbook or equivalent and a bag type manual resuscitator was not available at the dive location, (is applicable to the construction standard by 29 CFR 1926.1081 that incorporates the General Industry requirement):

a. On or about August 6th, 2013, at the above addressed dive site, the employer did not provide a first aid book or a bag-type manual resuscitator at the dive location.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	02/14/2014
Proposed Penalty:	\$3000.00

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

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**Inspection Date(s):** 08/06/2013 - 02/04/2014  
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The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

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

29 CFR 1910.421(d)(2): Planning of a diving operation did not include an assessment of the safety and health aspects of surface and underwater conditions, (is applicable to the construction standard by 29 CFR 1926.1081 that incorporates the General Industry requirement):

a. On or about August 6th, 2013, at the above addressed dive site, the employer did not assess the hazards of the underwater conditions such as but not limited to tidal currents underwater obstructions, limited visibility and marine traffic.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	02/14/2014
Proposed Penalty:	\$7000.00

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

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**Inspection Site:** 480 North Indian River Drive, Fort Pierce, FL 34950

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

29 CFR 1910.421(f)(1)(iii): Dive team members were not briefed on any unusual hazards or environmental conditions likely to affect the safety of the diving operation, (is applicable to the construction standard by 29 CFR 1926.1081 that incorporates the General Industry requirement):

a. On or about August 6th, 2013, at the above addressed job site, the employer did not brief the dive team members on the hazards associated with diving in the limited visibility, fast currents with existing subsurface buoy lines, marine vessel traffic and entanglement hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

**Date By Which Violation Must be Abated:**

**02/14/2014**

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

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**Inspection Site:** 480 North Indian River Drive, Fort Pierce, FL 34950

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

29 CFR 1910.421(g): The breathing gas supply system, including reserve breathing gas supplies, masks, helmets, thermal protection, and bell handling mechanism (when appropriate), was not inspected prior to each dive, (is applicable to the construction standard by 29 CFR 1926.1081 that incorporates the General Industry requirement):

a. On or about August 6th, 2013, at the above addressed dive site, the employer had not inspected the air compressor, filters, or regulator.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	02/14/2014
Proposed Penalty:	\$7000.00

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

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**Inspection Site:** 480 North Indian River Drive, Fort Pierce, FL 34950

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

29 CFR 1910.421(h): Warning signal. When diving from surfaces other than vessels in areas capable of supporting marine traffic, a rigid replica of the international code flag "A" at least one meter in height shall be displayed at the dive location in a manner which allows all-round visibility, and shall be illuminated during night diving operations, (is applicable to the construction standard by 29 CFR 1926.1081 that incorporates the General Industry requirement):

a. On or about August 6th, 2013, at the above addressed dive site, the employer did not display the international code flag "A" at the dive location during diving operations in an area with marine vessel traffic.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	02/14/2014
Proposed Penalty:	\$7000.00

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

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**Citation and Notification of Penalty**

**Company Name:** LUCAS MARINE ACQUISITION COMPANY, LLC  
**Inspection Site:** 480 North Indian River Drive, Fort Pierce, FL 34950

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

29 CFR 1910.425(c)(6): A diver-carried reserve breathing gas supply was not provided when the diver was prevented by the configuration of the dive area from ascending directly to the surface during surface-supplied air diving, (is applicable to the construction standard by 29 CFR 1926.1085 that incorporates the General Industry requirement):

a. On or about August 6th, 2013, at the above addressed job site, the employer did not provide an independent, backup surface supply air during hazardous underwater diving operations such as, but not limited to rock, toe stones, armor stones, and mattress beds with existing subsurface buoy lines, marine vessel traffic and entanglement hazards that could prevent free ascent to the surface.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: 02/14/2014  
Proposed Penalty: \$7000.00

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

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**Inspection Number:** 926866  
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**Citation and Notification of Penalty**

**Company Name:** LUCAS MARINE ACQUISITION COMPANY, LLC  
**Inspection Site:** 480 North Indian River Drive, Fort Pierce, FL 34950

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

29 CFR 1910.430(b)(1): Compressors used to supply air to the diver shall be equipped with a volume tank with a check valve on the inlet side, a pressure gauge, a relief valve and a drain valve, (is applicable to the construction standard by 29 CFR 1926.1085 that incorporates the General Industry requirement):

a. On or about August 6th, 2013, at the above addressed dive site, the employer did not provide the dive team members who were using a surface supplied air compressor equipped with a volume tank with a check valve on the inlet side, a pressure gauge, a relief valve and a drain valve, to perform underwater operations.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: 02/14/2014  
Proposed Penalty: \$7000.00

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

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**Citation and Notification of Penalty**

**Company Name:** LUCAS MARINE ACQUISITION COMPANY, LLC  
**Inspection Site:** 480 North Indian River Drive, Fort Pierce, FL 34950

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

29 CFR 1910.430(b)(4): The output of the air compressor system(s) was not tested for air purity every six months by means of samples taken at the connection to the distribution system, (is applicable to the construction standard by 29 CFR 1926.1090 that incorporates the General Industry requirement):

a. On August 6th, 2013, at the above addressed dive site, the employer had not tested the air purity of breathing air supplied to divers by a R260-4 Hookah dive compressor. The dive compressor was purchased and put into use January 2013.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	02/14/2014
Proposed Penalty:	\$7000.00

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

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

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**Citation and Notification of Penalty**

**Company Name:** LUCAS MARINE ACQUISITION COMPANY, LLC  
**Inspection Site:** 480 North Indian River Drive, Fort Pierce, FL 34950

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

29 CFR 1910.430(c)(1)(ii): Breathing gas supply hose(s) did not have a rated bursting pressure at least equal to four -4 times the working pressure, (is applicable to the construction standard by 29 CFR 1926.1090 that incorporates the General Industry requirement):

a. On or about August 6th, 2013, at the above addressed job site, the employer did not provide an air hose with a rated bursting pressure at least equal to 4 times the working pressure during underwater diving operations.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	02/14/2014
Proposed Penalty:	\$7000.00

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

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

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**Company Name:** LUCAS MARINE ACQUISITION COMPANY, LLC  
**Inspection Site:** 480 North Indian River Drive, Fort Pierce, FL 34950

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

29 CFR 1910.430(c)(3)(ii): Umbilicals were not made of kink-resistant materials, (is applicable to the construction standard by 29 CFR 1926.1085 that incorporates the General Industry requirement):

a. On August 6th, 2013, at the above addressed dive site, the employer did not provide the employee diver with a kink-resistant airline during dive operations.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	02/14/2014
Proposed Penalty:	\$7000.00

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

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

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**Company Name:** LUCAS MARINE ACQUISITION COMPANY, LLC  
**Inspection Site:** 480 North Indian River Drive, Fort Pierce, FL 34950

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

29 CFR 1910.430(j)(2): Diver(s) Except when heavy gear is worn or in SCUBA diving, each diver shall wear a safety harness, (is applicable to the construction standard by 29 CFR 1926.1090 that incorporates the General Industry requirement):

a. On or about August 6th, 2013, at the above addressed job site, the employer did not equip the diver with a safety harness.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	02/14/2014
Proposed Penalty:	\$7000.00

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:** LUCAS MARINE ACQUISITION COMPANY, LLC  
**Inspection Site:** 480 North Indian River Drive, Fort Pierce, FL 34950

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

29 CFR 1910.410(a)(1): Each dive team member did not have the experience or training necessary to perform assigned tasks in a safe and healthful manner, (is applicable to the construction standard by 29 CFR 1926.1076 that incorporates the General Industry requirement):

- a. On or about August 6th, 2013, at the above addressed job site, an employee Diver performing diving operations did not have the experience and training in the use of tools, equipment, systems, techniques, emergency procedures or training in diving related physics and physiology which are required to perform these underwater tasks in a safe maner.
  
- b. On or about August 6th, 2013, at the above addressed job site, an employee Dive Tender performing diving operations did not have the experience and training in the use of tools, equipment, systems, techniques, emergency procedures or training in diving related physics and physiology which are required to perform these underwater tasks in a safe maner.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	02/14/2014
Proposed Penalty:	\$70000.00

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

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**Citation and Notification of Penalty**

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**Inspection Site:** 480 North Indian River Drive, Fort Pierce, FL 34950

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

29 CFR 1910.410(c)(2): The designated person-in-charge did not have experience and training in the conduct of the assigned diving operation, (is applicable to the standard by 29 CFR 1926.1076 which incorporates the General Industry requirement):

a. On or about August 6th, 2013, at the above addressed job site, the employer did not ensure the designated person-in-charge had the training and experience required to plan, perform and oversee the dive operations in a safe manner.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	02/14/2014
Proposed Penalty:	\$70000.00

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

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**Company Name:** LUCAS MARINE ACQUISITION COMPANY, LLC  
**Inspection Site:** 480 North Indian River Drive, Fort Pierce, FL 34950

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**Citation 2 Item 3** Type of Violation: **Willful**

29 CFR 1910.422(c)(1)(i): An operational two-way voice communication system shall be used between each surface supplied air or mixed-gas diver and a dive team member at the dive location, (is applicable to the construction standard by 29 CFR 1926.1082 that incorporates the General Industry requirement):

- a. On or about August 6th, 2013, at the above addressed dive site, the employer did not provide employees engaged in diving operations with two-way voice communications which could be used for emergency assistance and safety related direction.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	02/14/2014
Proposed Penalty:	\$70000.00

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

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**Citation and Notification of Penalty**

**Company Name:** LUCAS MARINE ACQUISITION COMPANY, LLC  
**Inspection Site:** 480 North Indian River Drive, Fort Pierce, FL 34950

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**Citation 3 Item 1** Type of Violation: **Other-than-Serious**

29 CFR 1910.423(d)(1)(i): The names of dive team members including designated person in charge were not recorded and maintained for each diving operation, (is applicable to the construction standard by 29 CFR 1926.1083 that incorporates the General Industry requirement):

a. On or about August 6th, 2013, at the above addressed job site, the employer did not record or maintain the dive team members including the designated person-in-charge for each diving operation.

Date By Which Violation Must be Abated:  
Proposed Penalty:

02/14/2014  
\$0.00

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

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**Citation and Notification of Penalty**

**Company Name:** LUCAS MARINE ACQUISITION COMPANY, LLC  
**Inspection Site:** 480 North Indian River Drive, Fort Pierce, FL 34950

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**Citation 3 Item 2** Type of Violation: **Other-than-Serious**

29 CFR 1910.423(d)(1)(ii): The date, time, and location for each diving operation were not recorded and maintained, (is applicable to the construction standard by 29 CFR 1926.1083 that incorporates the General Industry requirement):

a. On or about August 6th, 2013, at the above addressed job site, the employer did not record or maintain the date, time and location for each diving operation.

Date By Which Violation Must be Abated:  
Proposed Penalty:

02/14/2014  
\$0.00

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

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

**Inspection Number:** 926866  
**Inspection Date(s):** 08/06/2013 - 02/04/2014  
**Issuance Date:** 02/04/2014



**Citation and Notification of Penalty**

**Company Name:** LUCAS MARINE ACQUISITION COMPANY, LLC  
**Inspection Site:** 480 North Indian River Drive, Fort Pierce, FL 34950

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**Citation 3 Item 3** Type of Violation: **Other-than-Serious**

29 CFR 1910.423(d)(1)(v): The approximate underwater and surface conditions (visibility, water temperature and current) were not recorded and maintained for each diving operation, (is applicable to the construction standard by 29 CFR 1926.1083 that incorporates the General Industry requirement):

a. On or about August 6th, 2013, at the above addressed job site, the employer did not record or maintain surface or underwater conditions for each dive operation.

Date By Which Violation Must be Abated:  
Proposed Penalty:

02/14/2014  
\$0.00

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

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

**Inspection Number:** 926866  
**Inspection Date(s):** 08/06/2013 - 02/04/2014  
**Issuance Date:** 02/04/2014



**Citation and Notification of Penalty**

**Company Name:** LUCAS MARINE ACQUISITION COMPANY, LLC  
**Inspection Site:** 480 North Indian River Drive, Fort Pierce, FL 34950

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**Citation 3 Item 4** Type of Violation: **Other-than-Serious**

29 CFR 1910.423(d)(1)(vi): The maximum depth and bottom time for each diver were not recorded and maintained for each diving operation, (is applicable to the construction standard by 29 CFR 1926.1083 that incorporates the General Industry requirement):

a. On or about August 6th, 2013, at the above addressed job site, the employer did record and maintain the maximum depth and bottom time for each dive operation.

Date By Which Violation Must be Abated:  
Proposed Penalty:

02/14/2014  
\$0.00

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

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

**Inspection Number:** 926866  
**Inspection Date(s):** 08/06/2013 - 02/04/2014  
**Issuance Date:** 02/04/2014



**Citation and Notification of Penalty**

**Company Name:** LUCAS MARINE ACQUISITION COMPANY, LLC  
**Inspection Site:** 480 North Indian River Drive, Fort Pierce, FL 34950

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**Citation 3 Item 5** Type of Violation: **Other-than-Serious**

29 CFR 1910.430(c)(3)(i): Umbilicals were not marked in 10-foot increments to 100 feet beginning at the diver's end, and in 50-foot increments thereafter, (is applicable to the construction standard by 29 CFR 1926.1090 that incorporates the General Industry requirement):

a. On August 6th, 2013, at the above addressed dive site, the employer did not provide the employee diver with an umbilical that was marked in 10 foot increments while in the process of installing toe stones.

Date By Which Violation Must be Abated:  
Proposed Penalty:

02/14/2014  
\$0.00

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

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

**Inspection Number:** 926866  
**Inspection Date(s):** 08/06/2013 - 02/04/2014  
**Issuance Date:** 02/04/2014



**Citation and Notification of Penalty**

**Company Name:** LUCAS MARINE ACQUISITION COMPANY, LLC  
**Inspection Site:** 480 North Indian River Drive, Fort Pierce, FL 34950

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**Citation 3 Item 6** Type of Violation: **Other-than-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, (is applicable to the construction standard by 29 CFR 1926.1090 that incorporates the General Industry requirement):

a. On or about August 6th, 2013, at the above addressed dive site the employer did not provide employees who were engaged in diving operations, gauges indicating diver depth for each dive operation.

Date By Which Violation Must be Abated:  
Proposed Penalty:

02/14/2014  
\$0.00

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

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

**Inspection Number:** 926866  
**Inspection Date(s):** 08/06/2013 - 02/04/2014  
**Issuance Date:** 02/04/2014



**Citation and Notification of Penalty**

**Company Name:** LUCAS MARINE ACQUISITION COMPANY, LLC  
**Inspection Site:** 480 North Indian River Drive, Fort Pierce, FL 34950

**Citation 3 Item 7** Type of Violation: **Other-than-Serious**

29 CFR 1910.430(g)(4): A timekeeping device was not available at each dive location, (is applicable to the construction standard by 29 CFR 1926.1090 that incorporates the General Industry requirement):

a. On or about August 6th, 2013, at the above addressed dive site the employer did not provide employees who were engaged in diving operations, a timekeeping device for each dive operation.

Date By Which Violation Must be Abated:

02/14/2014

Proposed Penalty:

\$0.00

A handwritten signature in black ink, appearing to read "C. Eastmond", written over a horizontal line.

**Condell Eastmond**  
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  
1000 South Pine Island Road  
Suite 100  
Fort Lauderdale, FL 33324  
Phone: 954-424-0242 Fax: 954-424-3073



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** LUCAS MARINE ACQUISITION COMPANY, LLC  
**Inspection Site:** 480 North Indian River Drive, Fort Pierce, FL 34950  
**Issuance Date:** 02/04/2014

<b>Summary of Penalties for Inspection Number</b>	<b>926866</b>
<b>Citation 1, Serious</b>	<b>\$80000.00</b>
<b>Citation 2, Willful</b>	<b>\$210000.00</b>
<b>Citation 3, Other-than-Serious</b>	<b>\$0.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$290000.00</b>

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To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$50,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

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

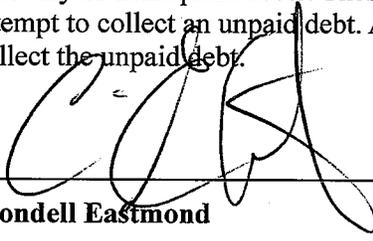
original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

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

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

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

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

  
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**Condell Eastmond**  
Area Director

FEBRUARY 4 2014  
Date