

## U.S. Department of Labor

Occupational Safety and Health Administration  
Suite 375  
1033 La Posada Dr.  
Austin, TX 78752  
Phone: (512)374-0271 FAX: (111)222-3333



### Citation and Notification of Penalty

**To:**  
VANN ENERGY SERVICES LLC  
and its successors  
P.O. BOX 262  
NIXON, TX 78140

**Inspection Number:** 315631143  
**Inspection Date(s):** 05/16/2012-09/07/2012  
**Issuance Date:** 11/15/2012

**Inspection Site:**  
200 East 8th Ave  
NIXON, TX 78140

*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.

**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 9 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. 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. 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 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 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.

**ABATEMENT CERTIFICATION**

R. Casey Perkins, CSP, Area Director  
U.S. Department of Labor - OSHA  
Suite 375  
1033 La Posada Dr.  
Austin, TX 78752  
Phone: (512)374-0271

VANN ENERGY SERVICES LLC  
P.O. BOX 262  
NIXON, TX 78140

Citation 1, Item 1: Serious

DESCRIBE CORRECTIVE ACTION TAKEN & PROVIDE DATE CORRECTED:

---

---

---

---

Citation 1, Item 2: Serious

DESCRIBE CORRECTIVE ACTION TAKEN & PROVIDE DATE CORRECTED:

---

---

---

---

Citation 1, Item 3: Serious

DESCRIBE CORRECTIVE ACTION TAKEN & PROVIDE DATE CORRECTED:

---

---

---

---

Citation 1, Item 4: Serious

DESCRIBE CORRECTIVE ACTION TAKEN & PROVIDE DATE CORRECTED:

---

---

---

---

Citation 1, Item 5: Serious

DESCRIBE CORRECTIVE ACTION TAKEN & PROVIDE DATE CORRECTED:

---

---

---

---

Citation 1, Item 6: Serious

DESCRIBE CORRECTIVE ACTION TAKEN & PROVIDE DATE CORRECTED:

---

---

---

---

Citation 1, Item 7: Serious

DESCRIBE CORRECTIVE ACTION TAKEN & PROVIDE DATE CORRECTED:

---

---

---

---

Citation 1, Item 8: Serious

DESCRIBE CORRECTIVE ACTION TAKEN & PROVIDE DATE CORRECTED:

---

---

---

---

Citation 2, Item 1: Willful

DESCRIBE CORRECTIVE ACTION TAKEN & PROVIDE DATE CORRECTED:

---

---

---

---

Citation 2, Item 2: Willful

DESCRIBE CORRECTIVE ACTION TAKEN & PROVIDE DATE CORRECTED:

---

---

---

---

Citation 3, Item 1: Repeat

DESCRIBE CORRECTIVE ACTION TAKEN & PROVIDE DATE CORRECTED:

---

---

---

---

Citation 3, Item 2a: Repeat

DESCRIBE CORRECTIVE ACTION TAKEN & PROVIDE DATE CORRECTED:

---

---

---

---

Citation 3, Item 2b: Repeat

DESCRIBE CORRECTIVE ACTION TAKEN & PROVIDE DATE CORRECTED:

---

---

---

---

Citation 3, Item 3a: Repeat

DESCRIBE CORRECTIVE ACTION TAKEN & PROVIDE DATE CORRECTED:

---

---

---

---

Citation 3, Item 3b: Repeat

DESCRIBE CORRECTIVE ACTION TAKEN & PROVIDE DATE CORRECTED:

---

---

---

---

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

\_\_\_\_\_  
Signature

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



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 11/15/2012. The conference will be held at the OSHA office located at Suite 375, 1033 La Posada Dr., Austin, TX, 78752 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.



**Citation and Notification of Penalty**

**Company Name:** VANN ENERGY SERVICES LLC  
**Inspection Site:** 200 East 8th Ave, NIXON, TX 78140

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

29 CFR 1910.132(f)(1): The employer did not provide training to each employee who is required by this section to use personal protective equipment:

The employer does not provide training to each employee who is required to use personal protective equipment. This violation occurred on or about May 16, 2012 in the frac wash area, where employees, who had not been trained on how to use and maintain personal protective equipment (PPE), were performing cleaning operations inside frac tanks that were contaminated with chemical residues from natural gas pipelines and/or oil and gas well hydraulic fracturing operations. The frac tank washers and employees working in the area were exposed to chemical splash hazards to the body and face.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the date of this citation, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that frac tank washers receive training that consists of knowing when PPE is necessary; what PPE is necessary; how to properly don, doff, adjust, and wear PPE; the limitations of the PPE; and the proper care, maintenance, useful life and disposal of the PPE.

Date By Which Violation Must be Abated: 11/21/2012  
Proposed Penalty: \$ 6000.00



**Citation and Notification of Penalty**

**Company Name:** VANN ENERGY SERVICES LLC  
**Inspection Site:** 200 East 8th Ave, NIXON, TX 78140

---

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

29 CFR 1910.146(l)(1): The employer did not consult with affected employees and their authorized representatives on the development and implementation of all aspects of the permit space program required by paragraph (c) of 29 CFR 1910.146:

The employer does not consult with affected employees and their authorized representatives on the development and implementation of all aspects of the permit space program required by paragraph (c) of 29 CFR 1910.146. This violation occurred on or about May 16, 2012, and in times prior thereto, at the frac wash yard in Nixon, Texas, where employees entered frac tanks that were contaminated with waste from natural gas pipelines and/or oil and gas well hydraulic fracturing operations, and the employer did not consult with affected employees on the development and implementation of all aspects of the permit space program required by paragraph (c) of 29 CFR 1910.146.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the date of this citation, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to consult with affected employees on the development and implementation of all aspects of the permit space program required by paragraph (c) of 29 CFR 1910.146.

Date By Which Violation Must be Abated:  
Proposed Penalty:

11/21/2012  
\$ 7000.00

---

See pages 1 through 9 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** VANN ENERGY SERVICES LLC  
**Inspection Site:** 200 East 8th Ave, NIXON, TX 78140

---

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

29 CFR 1910.157(c)(4): Portable fire extinguishers were not maintained in a fully charged and operable condition:

The employer does not maintain portable fire extinguishers in a fully charged and operable condition. This violation occurred on or about May 16, 2012, where a portable fire extinguisher with a pin intact was not fully charged for frac tank washers and/or employees working near the frac wash area. In the event of a fire, the portable fire extinguisher would not be operational, exposing employees to a fire hazard.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the date of this citation, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that portable fire extinguishers are maintained in a fully charged and operable condition for frac tank washers and employees working in the frac wash area.

Date By Which Violation Must be Abated: 11/21/2012  
Proposed Penalty: \$ 5000.00

---

See pages 1 through 9 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

Company Name: VANN ENERGY SERVICES LLC  
Inspection Site: 200 East 8th Ave, NIXON, TX 78140

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

29 CFR 1910.303(f)(2): Each service, feeder and branch circuit, at its disconnecting means or over current device, was not legibly marked to indicate its purpose, nor located and arranged so the purpose was evident:

- a) The employer does not ensure each service, feeder and branch circuit, at its disconnecting means or over current device, is legibly marked to indicate its purpose, or located and arranged so the purpose is evident. This violation occurred on or about May 16, 2012, and at times prior thereto, where circuits were not labeled in a Homeline Load Center Model HOM2-4L70RB disconnect box on the northeast lamp post of the frac wash area. Frac tank washers were exposed to the hazards of electrical shock, explosions, or arc flash.
- b) The employer does not ensure each service, feeder and branch circuit, at its disconnecting means or over current device, is legibly marked to indicate its purpose, or located and arranged so the purpose is evident. This violation occurred on or about May 16, 2012, and at times prior thereto, where circuits were not labeled in a Homeline Load Center Model HOM612L 100RB disconnect box on the northeast lamp post of the frac wash area. Frac tank washers were exposed to the hazards of electrical shock, explosions, or arc flash.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the date of this citation, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that each service, feeder and branch circuit, at its disconnecting means or over current device, is legibly marked to indicate its purpose, or located and arranged so the purpose is evident.

Date By Which Violation Must be Abated: 11/21/2012  
Proposed Penalty: \$ 5000.00



**Citation and Notification of Penalty**

**Company Name:** VANN ENERGY SERVICES LLC  
**Inspection Site:** 200 East 8th Ave, NIXON, TX 78140

---

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

29 CFR 1910.303(g)(2)(i): Live parts of electric equipment operating at 50 volts or more were not guarded against accidental contact by use of approved cabinets or other forms of approved enclosures or by any of the means identified in paragraphs (A), (B), (C), and (D) of 29 CFR 1910.303(g)(2)(i):

The employer does not ensure that live parts of electric equipment operating at 50 volts or more are guarded against accidental contact by use of approved cabinets or other forms of approved enclosures or by any of the means identified in paragraphs (A), (B), (C), and (D) of 29 CFR 1910.303(g)(2)(i). This violation occurred on or about May 16, 2012, and at times prior thereto, where exposed energized parts existed inside a Homeline Load Center Model HOM612L 100RB disconnect box on the northeast lamp post of the frac wash area. Frac tank washers were exposed to the hazards of electrical shock, explosions, or arc flash.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the date of this citation, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that live parts of electric equipment operating at 50 volts or more are guarded against accidental contact by use of approved cabinets or other forms of approved enclosures or by any of the means identified in paragraphs (A), (B), (C), and (D) of 29 CFR 1910.303(g)(2)(i).

Date By Which Violation Must be Abated: 11/21/2012  
Proposed Penalty: \$ 5000.00



**Citation and Notification of Penalty**

**Company Name:** VANN ENERGY SERVICES LLC  
**Inspection Site:** 200 East 8th Ave, NIXON, TX 78140

---

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

29 CFR 1910.304(b)(3)(ii)(A): All 125-volt, single-phase, 15, 20 and 30-ampere receptacle outlets that are not part of the permanent wiring of the building or structure and that are in use by personnel did not have ground-fault circuit-interrupter protection for personnel:

The employer does not ensure that all 125-volt, single-phase, 15, 20 and 30-ampere receptacle outlets that are not part of the permanent wiring of the building or structure and that are in use by personnel have ground-fault circuit-interrupter protection for personnel. This violation occurred on or about May 16 2012, and at times prior thereto, where a portable halogen lamp being used for cleaning operations inside frac tanks was energized through a SJTW extension cord with a triplex outlet and daisy chained with other extension cords to an outlet without GFCI protection located in the shop area.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the date of this citation, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that all 125-volt, single-phase, 15, 20 and 30-ampere receptacle outlets that are not part of the permanent wiring of the building or structure and that are in use by employees have ground-fault circuit-interrupter protection for personnel.

Date By Which Violation Must be Abated: 11/21/2012  
Proposed Penalty: \$ 7000.00

---

See pages 1 through 9 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** VANN ENERGY SERVICES LLC  
**Inspection Site:** 200 East 8th Ave, NIXON, TX 78140

---

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

29 CFR 1910.305(b)(1)(ii): Unused openings in cabinets, boxes, and fittings were not effectively closed:

The employer does not ensure unused openings in cabinets, boxes, and fittings are effectively closed. This violation occurred on or about May 16, 2012, and at times prior thereto, on the west inside wall of the shop area. A metal, quad-box outlet had two knockouts missing on the top, exposing employees to the hazards of electrical shock and arcing parts.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the date of this citation, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that unused openings in cabinets, boxes, and fittings are effectively closed.

Date By Which Violation Must be Abated:	11/21/2012
Proposed Penalty:	\$ 4000.00

---

See pages 1 through 9 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** VANN ENERGY SERVICES LLC  
**Inspection Site:** 200 East 8th Ave, NIXON, TX 78140

---

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

29 CFR 1910.307(c)(2)(i): Equipment in hazardous (classified) location(s) was not approved for the class of location and/or for the ignitable or combustible properties of the specific gas, vapor, dust, or fiber that was present:

The employer does not ensure that equipment in hazardous (classified) location(s) is approved for the class of location and/or for the ignitable or combustible properties of the specific gas, vapor, dust, or fiber that is present. This violation occurred on or about May 16, 2012, and at times prior thereto, where employees inside frac tanks were using portable halogen lamps that were not intrinsically safe. Employees were performing cleaning operations such as steam cleaning, pressure washing, scraping and squeegeeing inside tanks that contained chemical residues from natural gas pipelines and/or oil and gas well hydraulic fracturing operations. The frac tank washers and employees working in the area were exposed to the hazards of electrical shock and fire.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the date of this citation, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that equipment in hazardous (classified) location(s) is approved for the class of location and/or for the ignitable or combustible properties of the specific gas, vapor, dust, or fiber that is present.

Date By Which Violation Must be Abated: 11/21/2012  
Proposed Penalty: \$ 7000.00

---

See pages 1 through 9 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



## Citation and Notification of Penalty

**Company Name:** VANN ENERGY SERVICES LLC  
**Inspection Site:** 200 East 8th Ave, NIXON, TX 78140

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

29 CFR 1910.134(c)(1): In any workplace where respirators are necessary to protect employee health or whenever respirators are required by the employer, a written respiratory protection program that included the provisions in 1910.134(c)(1)(i) - (ix) with worksite specific procedures was not established and implemented:

The employer does not ensure that in any workplace where respirators are necessary to protect employee health or whenever respirators are required by the employer, a written respiratory protection program that includes the provisions in 1910.134(c)(1)(i)-(ix) with worksite specific procedures is established and implemented. This violation occurred on or about May 16, 2012, and at times prior thereto, in the frac wash area, where employees were required to wear tight-fitting respirators including, but not limited to, 3M 8200 half-facepiece respirators with OV/P100 cartridges and MSA half-facepiece respirators with GMA/OV cartridges without the protections afforded by a respiratory protection program. Employees routinely entered tanks that were contaminated with waste from natural gas pipelines and/or oil and gas well hydraulic fracturing operations to perform tasks such as steam cleaning, pressure washing, scraping and squeegeeing. This exposed employees to potential oxygen deficient atmospheres and/or inhalation of toxic gases or vapors.

The employer had not developed and implemented a written respiratory protection program with worksite-specific procedures and elements for required respirator use that complied with 29 CFR 1910.134(c), including but not limited to:

- (1) Procedures for selecting respirators for use in the workplace in compliance with 1910.134(d);
- (2) Medical evaluations of employees required to use respirators in compliance with 1910.134(e);
- (3) Fit testing procedures for tight-fitting respirators in compliance with 1910.134(f);
- (4) Procedures for proper use of respirators in routine and reasonably foreseeable emergency situations in compliance with 1910.134(g);
- (5) Procedures and schedules for cleaning, disinfecting, storing, inspecting, repairing, discarding, and otherwise maintaining respirators in compliance with 1910.134(h);
- (6) Procedures to ensure adequate air quality, quantity, and flow of breathing air for atmosphere-supplying respirators in compliance with 1910.134(i);
- (7) Training of employees in the respiratory hazards to which they are potentially exposed during routine and emergency situations in compliance with 1910.134(k);
- (8) Training of employees in the proper use of respirators, including putting on and removing them, any limitations on their use, and their maintenance in compliance with 1910.134(k);
- (9) Procedures for regularly evaluating the effectiveness of the program in compliance with 1910.134(l); and
- (10) Designate a program administrator who is qualified by appropriate training or experience that is commensurate with the complexity of the program to administer or oversee the respiratory protection program and conduct the required evaluations of program effectiveness.

See pages 1 through 9 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:** 315631143  
**Inspection Dates:** 05/16/2012 - 09/07/2012  
**Issuance Date:** 11/15/2012



**Citation and Notification of Penalty**

**Company Name:** VANN ENERGY SERVICES LLC  
**Inspection Site:** 200 East 8th Ave, NIXON, TX 78140

---

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the date of this citation, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that whenever respirators are required by the employer, a written respiratory protection program that includes the provisions in 1910.134(c)(1)(i)-(ix) with worksite specific procedures is established and implemented for frac tank washers.

Date By Which Violation Must be Abated: 11/21/2012  
Proposed Penalty: \$ 55000.00

---

See pages 1 through 9 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



## Citation and Notification of Penalty

**Company Name:** VANN ENERGY SERVICES LLC  
**Inspection Site:** 200 East 8th Ave, NIXON, TX 78140

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

29 CFR 1910.146(c)(4): When the employer decided that its employees would enter permit spaces, the employer did not develop and implement a written permit space entry program that complied with 29 CFR 1910.146:

The employer does not ensure that, when employees are required to enter permit spaces, it has developed and implemented a written permit space entry program that complies with 29 CFR 1910.146. This violation occurred on or about May 16, 2012, and in times prior thereto, at the frac wash yard in Nixon, Texas, where employees were routinely entering tanks contaminated with waste from natural gas pipelines and/or oil and gas well hydraulic fracturing operations, to clean them. The employer had not developed and implemented a written permit space program that complied with 29 CFR 1910.146, including but not limited to:

- (1) Developing procedures to prevent unauthorized entry;
- (2) Identifying and evaluating the hazards of permit spaces before employees enter them;
- (3) Evaluating permit space condition when entry operations are conducted;
- (4) Providing equipment specified in subparagraphs (d)(4)(i)-(ix) at no cost to employees, maintaining that equipment properly and ensuring employees use the equipment properly; evaluating permit space conditions;
- (5) Developing and implementing means, procedures and practices for safe confined space entry;
- (6) Providing an attendant outside the space for the duration of the entry;
- (7) Designating persons with active roles to include entrants, attendants, entry supervisors, or persons testing the spaces, identifying their duties and providing training according to 1910.146(g);
- (8) Developing and implementing rescue procedures;
- (9) Developing and implementing a permit system in compliance with 1910.146(e) and (f);
- (10) Developing and implementing procedures necessary for concluding the entry after entry operations are completed;
- (11) Reviewing entry operations when the employer has reason to believe that the measures taken under the program may not protect employees and revise the program to correct deficiencies; and
- (12) Reviewing the program, using the canceled permits within 1 year after each entry and revise the program as necessary.

The employer's failure to develop and implement a permit space program exposes employees to the hazards associated with oxygen deficiency, airborne contaminants, fire and explosion.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the date of this citation, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it

See pages 1 through 9 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:** 315631143  
**Inspection Dates:** 05/16/2012-09/07/2012  
**Issuance Date:** 11/15/2012



**Citation and Notification of Penalty**

**Company Name:** VANN ENERGY SERVICES LLC  
**Inspection Site:** 200 East 8th Ave, NIXON, TX 78140

---

is taking to ensure that a written Permit Space Program complying with 29 CFR 1910.146 is developed, implemented and maintained.

Date By Which Violation Must be Abated: 11/21/2012  
Proposed Penalty: \$ 70000.00

---

See pages 1 through 9 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** VANN ENERGY SERVICES LLC  
**Inspection Site:** 200 East 8th Ave, NIXON, TX 78140

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

29 CFR 1910.133(a)(1): The employer did not ensure that each affected employee used appropriate eye or face protection when exposed to eye or face hazards from flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors, or potentially injurious light radiation:

The employer does not ensure that each affected employee uses appropriate eye or face protection when exposed to eye or face hazards from flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors, or potentially injurious light radiation. This violation occurred on or about May 16, 2012 in the frac wash area where affected employees were not required to use personal protective equipment, such as chemical splash goggles and face shields, to protect from chemical vapors, chemical splashes, and pressurized water during cleaning operations inside frac tanks that were contaminated with waste from natural gas pipelines and/or oil and gas well hydraulic fracturing operations. Employees were exposed to the hazards of being struck by pressurized water and droplets of chemicals such as oil, hydrocarbons, acids and caustics to the eyes and face.

Vann Energy Services, LLC was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.133(a)(1), which was contained in OSHA Inspection number 315627000, Citation number 1, Item number 2 and was affirmed as a final order on March 30, 2012 with respect to a workplace located at 200 East 8th Ave, Nixon, TX 78140.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the date of this citation, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that all frac tank washers use appropriate eye or face protection when exposed to eye or face hazards from flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemicals gases or vapors, or potentially injurious light radiation.

Date By Which Violation Must be Abated: 11/21/2012  
Proposed Penalty: \$ 30000.00

See pages 1 through 9 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** VANN ENERGY SERVICES LLC  
**Inspection Site:** 200 East 8th Ave, NIXON, TX 78140

---

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

**Citation 3 Item 2a** Type of Violation: **Repeat**

29 CFR 1910.305(a)(2)(x): Flexible cords and cables were not protected from accidental damage, as might be caused for example, by sharp corners, projections, and doorways or other pinch points.

The employer does not ensure that flexible cords and cables are protected from accidental damage, as might be caused for example, by sharp corners, projections, and doorways or other pinch points. This violation occurred on or about May 16, 2012, and at times prior thereto, where flexible cords used for lighting inside frac tanks were run across the gravel yard area to the shop, subject to vehicular traffic, exposing employees to the hazards of electrical shock.

Vann Energy Services, LLC was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.305(a)(2)(x), which was contained in OSHA Inspection number 315626978, Citation number 1, Item number 7 and was affirmed as a final order on March 30, 2012 with respect to a workplace located at 200 East 8th Ave, Nixon, TX 78140.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the date of this citation, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that flexible cords are protected from damage.

Date By Which Violation Must be Abated: 11/21/2012  
Proposed Penalty: \$ 15000.00



**Citation and Notification of Penalty**

**Company Name:** VANN ENERGY SERVICES LLC  
**Inspection Site:** 200 East 8th Ave, NIXON, TX 78140

---

**Citation 3 Item 2b Type of Violation: Repeat**

29 CFR 1910.305(g)(2)(iii): Flexible cords were not connected to devices and fittings so that tension would not be transmitted to joints or terminal screws:

The employer does not ensure that flexible cords are connected to devices and fittings so that the tension will not be transmitted to joints or terminal screws. This violation occurred on or about May 16, 2012, and at times prior thereto, where there was no strain relief on the black electrical cords used by employees to energize portable halogen lamps for the frac tank wash area, exposing employees to the hazards of electrical shock.

Vann Energy Services, LLC was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.305(g)(2)(iii), which was contained in OSHA Inspection number 315626978, Citation number 1, Item number 10 and was affirmed as a final order on March 30, 2012 with respect to a workplace located at 200 East 8th Ave, Nixon, TX 78140.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the date of this citation, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that flexible electrical cords are provided with strain relief.

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

**11/21/2012**

---

See pages 1 through 9 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

Company Name: VANN ENERGY SERVICES LLC  
Inspection Site: 200 East 8th Ave, NIXON, TX 78140

---

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

**Citation 3 Item 3a** Type of Violation: Repeat

29 CFR 1910.1200(e)(1): The employer did not develop, implement, and/or maintain at the workplace a written hazard communication program which describes how the criteria specified in 29 CFR 1910.1200(f), (g), and (h) will be met:

The employer does not develop, implement and/or maintain at the workplace a written hazard communication program which describes how the criteria specified in 29 CFR 1910.1200(f), (g), and (h) will be met. This violation occurred on or about May 16, 2012, and in times prior thereto, in the frac yard where employees, who had not been trained in hazard communication, were using hazardous chemicals including, but not limited to, diesel fuel, gasoline, Lincoln Electric welding rods, and for employees who were entering frac tanks to clean out hazardous chemical residues from natural gas pipelines and/or oil and gas well hydraulic fracturing operations, such as, but not limited to, natural gas condensate, crude oil/hydrocarbon sludge, drilling mud, and residual hydraulic fracturing fluids, including acids and caustics. Employees were exposed to potential oxygen deficient atmospheres, inhalation of toxic gases or vapors, and thermal or corrosive chemical burns.

Vann Energy Services, LLC was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.1200(e)(1), which was contained in OSHA Inspection number 315627000, Citation number 1, Item number 7(a) and was affirmed as a final order on March 30, 2012, with respect to a workplace located at 200 East 8th Ave, Nixon, TX 78140.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the date of this citation, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that the employer develops, implements, and/or maintains at the workplace a written hazard communication program which describes how the criteria specified in 29 CFR 1910.1200(f), (g), (h) will be met.

Date By Which Violation Must be Abated: 11/21/2012  
Proposed Penalty: \$ 30000.00

---

See pages 1 through 9 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

Company Name: VANN ENERGY SERVICES LLC  
Inspection Site: 200 East 8th Ave, NIXON, TX 78140

**Citation 3 Item 3b Type of Violation: Repeat**

29 CFR 1910.1200(h)(1): Employees were not provided effective information and training as specified in 29 CFR 1910.1200(h)(2) and (3) on hazardous chemicals in their work area at the time of their initial assignment and whenever a new physical or health hazard the employees had not previously been trained about was introduced into their work area:

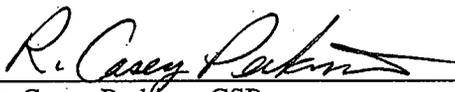
The employer does not provide employees effective information and training as specified in 29 CFR 1910.1200(h)(2) and (3) on hazardous chemicals in their work area at the time of their initial assignment and whenever a new physical or health hazard the employees had not previously been trained about was introduced into their work area. This violation occurred on or about May 16, 2012, and in times prior thereto, in the frac yard where employees, who had not been provided with information or training in hazard communication, were using hazardous chemicals including, but not limited to, diesel fuel, gasoline, Lincoln Electric welding rods, and for employees who were entering frac tanks to clean out hazardous chemical residues from natural gas pipelines and/or oil and gas well hydraulic fracturing operations, such as, but not limited to, natural gas condensate, crude oil/hydrocarbon sludge, drilling mud, and residual hydraulic fracturing fluids, including acids and caustics. Employees were exposed to potential oxygen deficient atmospheres, inhalation of toxic gases or vapors, and thermal or corrosive chemical burns.

Vann Energy Services, LLC was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.1200(h)(1), which was contained in OSHA Inspection number 315627000, Citation number 1, Item number 7(c) and was affirmed as a final order on March 30, 2012 with respect to a workplace located at 200 East 8th Ave, Nixon, TX 78140.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the date of this citation, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that frac tank washers and welders are provided effective information and training as specified in 29 CFR 1910.1200(h)(2) and (3) on hazardous chemicals in their work area at the time of their initial assignment and whenever a new physical or health hazard the employees have not been previously trained about is introduced into their work area.

Date By Which Violation Must be Abated:

11/21/2012

  
R. Casey Perkins, CSP  
Area Director

See pages 1 through 9 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  
Suite 375  
1033 La Posada Dr.  
Austin, TX 78752  
Phone: (512)374-0271 Fax: (512)374-0086



## INVOICE/ DEBT COLLECTION NOTICE

---

**Company Name:** VANN ENERGY SERVICES LLC  
**Inspection Site:** 200 East 8th Ave, NIXON, TX 78140  
**Issuance Date:** 11/15/2012

---

**Summary of Penalties for Inspection Number 315631143**

<b>Citation 1, Serious</b>	= \$	<b>46000.00</b>
<b>Citation 2, Willful</b>	= \$	<b>125000.00</b>
<b>Citation 3, Repeat</b>	= \$	<b>75000.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	= \$	<b>246000.00</b>

---

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above or the amounts agreed to in an Informal Settlement Agreement. 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.

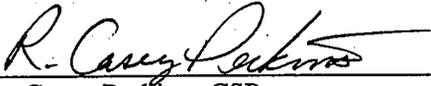
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts 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 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. Information on any delinquent claims may be disclosed to commercial credit reporting agencies, private debt collectors, and/or referred to the Internal Revenue Service for collection.

**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 second and subsequent demand letters sent in an attempt to collect the unpaid debt. Costs will not be assessed for first demand letters and payment default letters.



R. Casey Perkins, CSP  
Area Director

11/15/12