

## U.S. Department of Labor

Occupational Safety and Health Administration  
53 Pleasant Street, Room 3901  
J.C. Cleveland Federal Bldg.  
Concord, NH 03301  
Phone: 603-225-1629 Fax: 603-225-1580



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## Citation and Notification of Penalty

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To:  
Mascaro Construction Company, LP  
and its successors  
1720 Metropolitan Street  
Pittsburgh, PA 15233

Inspection Number: 895386  
Inspection Date(s): 03/12/2013 - 03/13/2013  
Issuance Date: 09/10/2013

Inspection Site:  
Community Street  
Berlin, NH 03570

*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.

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 as 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 citation states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

**All abatement verification documents must contain the following information:** 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

Also, the law requires a copy of all abatement verification documents which are required by 29 CFR 1903.19 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.



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 09/10/2013. The conference will be held by telephone or at the OSHA office located at 53 Pleasant Street, Room 3901, J.C. Cleveland Federal Bldg., Concord, NH 03301 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.

## CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 895386

Company Name: Mascaro Construction Company, LP  
Inspection Site: Community Street, Berlin, NH 03570  
Issuance Date: 09/10/2013

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, 53 Pleasant Street, Room 3901, J.C. Cleveland Federal Bldg., Concord, NH 03301

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



Citation and Notification of Penalty

Company Name: Mascaro Construction Company, LP  
Inspection Site: Community Street, Berlin, NH 03570

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

29 CFR 1926.651(j)(1): Adequate protection was not provided to protect employees from loose rock or soil that could pose a hazard by falling or rolling from an excavation face:

North of Boiler Building - Employees were not protected from struck by hazards while laying pipe in an excavation where there were near vertical walls and loose bricks and rocks mixed in with the walls of that excavation.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$4000.00

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

29 CFR 1926.652(a)(1): Each employee in an excavation was not protected from cave-ins by an adequate protective system designed in accordance with 29 CFR 1926.652(c). The employer had not complied with the provisions of 29 CFR 1926.652(b)(1)(i) in that:

Scale House - On or about 03/12/13, employees were not protected from cave-in hazards while setting concrete forms in a 6 foot deep open sided excavation that was not adequately sloped and did not contain an alternative protective system.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$7000.00

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

Inspection Number: 895386  
Inspection Date(s): 03/12/2013 - 03/13/2013  
Issuance Date: 09/10/2013



Citation and Notification of Penalty

Company Name: Mascaro Construction Company, LP  
Inspection Site: Community Street, Berlin, NH 03570

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

29 CFR 1926.1053(b)(4): Ladders were used for purposes other than the purposes for which they were designed:

North of Boiler Building - Employees were not protected from falls of 6 feet while using an 8' fiberglass portable step ladder in the closed position to enter and exit a trench box.

Date By Which Violation Must be Abated:  
Proposed Penalty:

09/16/2013  
\$4000.00

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: 895386  
Inspection Date(s): 03/12/2013 - 03/13/2013  
Issuance Date: 09/10/2013



Citation and Notification of Penalty

Company Name: Mascaro Construction Company, LP  
Inspection Site: Community Street, Berlin, NH 03570

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

29 CFR 1926.652(a)(1): Each employee in an excavation was not protected from cave-ins by an adequate protective system designed in accordance with 29 CFR 1926.652(c). The employer had not complied with the provisions of 29 CFR 1926.652(b)(1)(i) in that:

- a. Site - On or about 03/12/13, employees were not protected from cave-in hazards while laying pipe in a 12 foot deep excavation that was not adequately sloped and did not contain an alternative protective system.
- b. Site - On or about 03/25/13, employees were not protected from cave-in hazards while setting a water pump inside a 12 foot deep excavation that was not properly sloped and did not contain an alternative protective system.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$70000.00

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: 895386  
Inspection Date(s): 03/12/2013 - 03/13/2013  
Issuance Date: 09/10/2013



**Citation and Notification of Penalty**

Company Name: Mascaro Construction Company, LP  
Inspection Site: Community Street, Berlin, NH 03570

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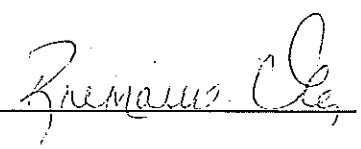
**Citation 3 Item 1** Type of Violation: **Other-than-Serious**

29 CFR 1926.602(c)(1)(ii): Modifications or additions affecting the safe operation of the equipment were made without the manufacturer's written approval:

Site -An employee affected the capacity of a JLG rough terrain forklift model #- 1255, by lifting steel concrete gang forms beneath the forks with a sling, without the manufacturer's written approval.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$0.00

  
Rosemarie Ohar  
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  
53 Pleasant Street, Room 3901  
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Concord, NH 03301  
Phone: 603-225-1629 Fax: 603-225-1580



## INVOICE / DEBT COLLECTION NOTICE

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Company Name: Mascaro Construction Company, LP  
Inspection Site: Community Street, Berlin, NH 03570  
Issuance Date: 09/10/2013

Summary of Penalties for Inspection Number	895386
Citation 1, Serious	\$15000.00
Citation 2, Willful	\$70000.00
Citation 3, Other-than-Serious	\$0.00
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$85000.00</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.

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 or conditions do not exist.

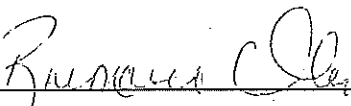
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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

  
\_\_\_\_\_  
Rosemarie Ohar  
Area Director

9/10/13  
\_\_\_\_\_  
Date

## U.S. Department of Labor

Occupational Safety and Health Administration  
53 Pleasant Street, Room 3901  
J.C. Cleveland Federal Bldg.  
Concord, NH 03301  
Phone: 603-225-1629 Fax: 603-225-1580



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# Citation and Notification of Penalty

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**To:**

Mardo Masonry  
and its successors  
P.O. Box 480  
Mount Morris, PA 15349

**Inspection Number:** 895396**Inspection Date(s):** 03/12/2013 - 03/12/2013**Issuance Date:** 09/10/2013**Inspection Site:**

Community Street  
Berlin, NH 03570

*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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## CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 895396

Company Name: Mardo Masonry  
Inspection Site: Community Street, Berlin, NH 03570  
Issuance Date: 09/10/2013

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, 53 Pleasant Street, Room 3901, J.C. Cleveland Federal Bldg., Concord, NH 03301**

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  
Occupational Safety and Health Administration

Inspection Number: 895396  
Inspection Date(s): 03/12/2013 - 03/12/2013  
Issuance Date: 09/10/2013



**Citation and Notification of Penalty**

**Company Name:** Mardo Masonry  
**Inspection Site:** Community Street, Berlin, NH 03570

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

29 CFR 1926.250(b)(5): Materials in excess of supplies needed for immediate operations were stored on scaffold(s) or runway(s):

Jobsite - The scaffolding was loaded with masonry block for the construction operations occurring on March 25 and 26, 2013.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$4000.00

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

29 CFR 1926.451(h)(2)(ii): A toeboard was not erected along the edge of platforms more than 10 feet (3.1 m) above lower levels to protect employees below:

Boiler Room Building - Employees were not protected from struck by hazards while working or passing beneath a fabricated frame scaffold with a working surface approximately 12 feet above the ground that was not equipped with toe boards.

Date By Which Violation Must be Abated:  
Proposed Penalty:

09/16/2013  
\$4000.00

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: 895396  
Inspection Date(s): 03/12/2013 - 03/12/2013  
Issuance Date: 09/10/2013



**Citation and Notification of Penalty**

**Company Name:** Mardo Masonry  
**Inspection Site:** Community Street, Berlin, NH 03570

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

29 CFR 1926.452(c)(5)(iii): The scaffold was not designed for other loads by a qualified engineer and built to withstand the tipping forces caused by those other loads being placed on the bracket-supported section(s) of the scaffold:

Boiler Room Building - Employees were not protected from falls of approximately 12 feet while performing masonry work on a fabricated frame scaffold that was loaded with a mortar tub on a bracket supported section of the scaffold that was cantilevered from the rear of the scaffold.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$4000.00

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: 895396  
Inspection Date(s): 03/12/2013 - 03/12/2013  
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**Citation and Notification of Penalty**

**Company Name:** Mardo Masonry  
**Inspection Site:** Community Street, Berlin, NH 03570

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

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

29 CFR 1926.451(c)(1): Supported scaffolds with a height to base width (including outrigger supports, if used) ratio of more than four to one (4:1) were not restrained from tipping by guying, tying, bracing, or equivalent means, as set forth in subparagraphs (i) - (iii) of this paragraph:

Jobsite - The tubular welded scaffolding was inadequately braced as the masons performed work.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$44000.00

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

29 CFR 1926.451(f)(12): Wind screens shall not be used unless the scaffold is secured against the anticipated wind forces.

Jobsite - The tubular welded scaffolding was not adequately braced for anticipated wind forces.

Date By Which Violation Must be Abated:

Corrected During Inspection

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

**Rosemarie Ohar**  
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  
53 Pleasant Street, Room 3901  
J.C. Cleveland Federal Bldg.  
Concord, NH 03301  
Phone: 603-225-1629 Fax: 603-225-1580



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Mardo Masonry  
**Inspection Site:** Community Street, Berlin, NH 03570  
**Issuance Date:** 09/10/2013

<b>Summary of Penalties for Inspection Number</b>	<b>895396</b>
<b>Citation 1, Serious</b>	<b>\$12000.00</b>
<b>Citation 2, Willful</b>	<b>\$44000.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$56000.00</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.

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 or conditions do not exist.

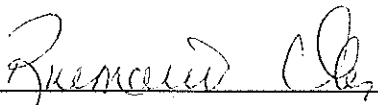
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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

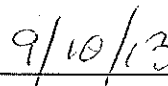
**Delinquent Charges:** A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%)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



Rosemarie Ohar

Area Director



Date

## U.S. Department of Labor

Occupational Safety and Health Administration  
53 Pleasant Street, Room 3901  
J.C. Cleveland Federal Bldg.  
Concord, NH 03301  
Phone: 603-225-1629 Fax: 603-225-1580



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## Citation and Notification of Penalty

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**To:**

Northeast Utilities Enterprises, Inc.  
dba E.S. Boulos Co.  
and its successors  
70 Commercial Street  
Lewiston, ME 04240

**Inspection Site:**

Community Street  
Berlin, NH 03570

**Inspection Number:** 895403

**Inspection Date(s):** 03/12/2013 - 06/11/2013

**Issuance Date:** 09/10/2013

*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 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.

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 as 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 citation states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

**All abatement verification documents must contain the following information:** 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

Also, the law requires a copy of all abatement verification documents which are required by 29 CFR 1903.19 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.



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 09/10/2013. The conference will be held by telephone or at the OSHA office located at 53 Pleasant Street, Room 3901, J.C. Cleveland Federal Bldg., Concord, NH 03301 on

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

( )

( )

## CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

**Inspection Number: 895403**

Company Name: Northeast Utilities Enterprises, Inc., dba E.S. Boulos Co.  
Inspection Site: Community Street, Berlin, NH 03570  
Issuance Date: 09/10/2013

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, 53 Pleasant Street, Room 3901, J.C. Cleveland Federal Bldg., Concord, NH 03301**

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  
Occupational Safety and Health Administration

Inspection Number: 895403  
Inspection Date(s): 03/12/2013 - 06/11/2013  
Issuance Date: 09/10/2013



**Citation and Notification of Penalty**

**Company Name:** Northeast Utilities Enterprises, Inc., dba E.S. Boulos Co.  
**Inspection Site:** Community Street, Berlin, NH 03570

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

29 CFR 1926.403(h): Each disconnecting means for motors and appliances was not legibly marked to indicate its purpose, nor located and arranged so that the purpose is evident:

Control Room - An electrical panel was not fully labeled in an area where employees were doing electrical equipment demolition.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: 09/16/2013  
Proposed Penalty: \$5000.00

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

29 CFR 1926.405(b)(1): Unused openings in cabinets, boxes, and fittings were not effectively closed:

Control Room - Employees were not protected from electrical shocks and burns when electrical cabinets had unused openings that were not effectively closed.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: 09/16/2013

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: 895403  
Inspection Date(s): 03/12/2013 - 06/11/2013  
Issuance Date: 09/10/2013



**Citation and Notification of Penalty**

**Company Name:** Northeast Utilities Enterprises, Inc., dba E.S. Boulos Co.

**Inspection Site:** Community Street, Berlin, NH 03570

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

29 CFR 1926.405(b)(2): All pull boxes, junction boxes, and fittings were not provided with covers:

Control Room - Employees were not protected from electrical shocks and burns while performing electrical demolition work when a bus bar cover was removed, exposing live wiring.

Date By Which Violation Must be Abated:

Corrected During Inspection

A handwritten signature in cursive script, appearing to read "Rosemarie Ohar", written over a horizontal line.

Rosemarie Ohar  
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  
53 Pleasant Street, Room 3901  
J.C. Cleveland Federal Bldg.  
Concord, NH 03301  
Phone: 603-225-1629 Fax: 603-225-1580



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Northeast Utilities Enterprises, Inc., dba E.S. Boulos Co.  
**Inspection Site:** Community Street, Berlin, NH 03570  
**Issuance Date:** 09/10/2013

<b>Summary of Penalties for Inspection Number</b>	<b>895403</b>
<b>Citation 1, Serious</b>	<b>\$5000.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$5000.00</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.

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 or conditions do not exist.

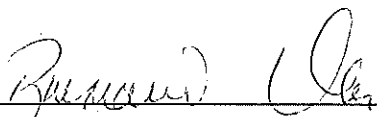
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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

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**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.

  
\_\_\_\_\_

Rosemarie Ohar

Area Director

9/10/13  
\_\_\_\_\_  
Date

## U.S. Department of Labor

Occupational Safety and Health Administration  
53 Pleasant Street, Room 3901  
J.C. Cleveland Federal Bldg.  
Concord, NH 03301  
Phone: 603-225-1629 Fax: 603-225-1580



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# Citation and Notification of Penalty

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**To:**  
Vaillancourt Electric Service  
and its successors  
244 Glen Ave  
Berlin, NH 03570

**Inspection Number:** 895409  
**Inspection Date(s):** 03/12/2013 - 03/12/2013  
**Issuance Date:** 09/10/2013

**Inspection Site:**  
Community Street  
Berlin, NH 03570

*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 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.

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 as 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 citation states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

**All abatement verification documents must contain the following information:** 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

Also, the law requires a copy of all abatement verification documents which are required by 29 CFR 1903.19 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.



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 09/10/2013. The conference will be held by telephone or at the OSHA office located at 53 Pleasant Street, Room 3901, J.C. Cleveland Federal Bldg., Concord, NH 03301 on

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

## CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 895409

Company Name: Vaillancourt Electric Service  
Inspection Site: Community Street, Berlin, NH 03570  
Issuance Date: 09/10/2013

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, 53 Pleasant Street, Room 3901, J.C. Cleveland Federal Bldg., Concord, NH 03301**

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



**Citation and Notification of Penalty**

**Company Name:** Vaillancourt Electric Service  
**Inspection Site:** Community Street, Berlin, NH 03570

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

29 CFR 1926.95(a): Protective equipment, including personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers, were not provided, used, and maintained in a sanitary and reliable condition:

Transformer Yard - Employees were exposed to electrical shock hazards while working on live 480 volt panel without any personal protective equipment.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: 09/16/2013  
Proposed Penalty: \$2800.00

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

29 CFR 1926.416(a)(1): Employees were permitted to work in proximity to electric power circuits and were not protected against electric shock by de-energizing and grounding the circuits or effectively guarding the circuits by insulation or other means:

Transformer Yard - Employees were exposed to an electrical shock hazard while working on unguarded electrical equipment.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: 09/16/2013

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:** Vaillancourt Electric Service  
**Inspection Site:** Community Street, Berlin, NH 03570

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

29 CFR 1926.403(h): Each service, feeder, and branch circuit was not legibly marked at its disconnecting means or overcurrent device to indicate its purpose, nor located and arranged so that the purpose was evident:

Re-claimer Tunnel - The circuit breakers in the electrical service panel were not labeled as to their use.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$2800.00

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

29 CFR 1926.405(a)(2)(ii)(C): Receptacles for uses other than temporary lighting were installed on branch circuits which supplied temporary lighting:

(a) Site - Employees were not protected from slips, trips, and falls when the temporary lighting throughout the site was connected to the same GFCI outlets that were being used to power hand tools.

(b) Re-claimer Tunnel - The temporary lights were not installed on dedicated circuits.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$1200.00



**Citation and Notification of Penalty**

**Company Name:** Vaillancourt Electric Service  
**Inspection Site:** Community Street, Berlin, NH 03570

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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 4a** Type of Violation: **Serious**

29 CFR 1926.405(b)(1): Openings in boxes, cabinets, and fittings through which conductors entered were not effectively closed:

(a) Boiler Room Building, 1st Floor - Employees were not protected from electrical shocks and burns when the cabinet for the temporary electric panel contained unused openings that were not effectively closed.

(b) Re-claimer Tunnel - The main electrical service panel had unused openings.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$2000.00

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

29 CFR 1926.405(g)(2)(iv): Flexible cords were not connected to devices and fittings so that strain relief is provided to prevent pull from being directly transmitted to joints or terminal screws:

Boiler Room Building, 1st Floor - Employees were not protected from electrical shocks and burns when flexible cords exiting the temporary electric cabinet were not provided with strain relief resulting in two cords having exposed live wiring.

Date By Which Violation Must be Abated:

Corrected During Inspection

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

Inspection Number: 895409  
Inspection Date(s): 03/12/2013 - 03/12/2013  
Issuance Date: 09/10/2013



**Citation and Notification of Penalty**

**Company Name:** Vaillancourt Electric Service  
**Inspection Site:** Community Street, Berlin, NH 03570

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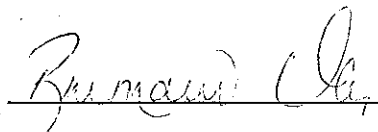
**Citation 1 Item 5** Type of Violation: **Serious**

29 CFR 1926.405(e)(1): Panel board enclosures in damp or wet locations were not installed so as to prevent moisture or water from entering and accumulating within the enclosures:

Boiler Room Building - Employees were not protected from electrical shocks and burns when the electric panel for the temporary power was not weatherproof and was located beneath a floor drain which poured water directly onto the cabinet.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$2800.00

  
**Rosemarie Ohar**  
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

53 Pleasant Street, Room 3901

J.C. Cleveland Federal Bldg.

Concord, NH 03301

Phone: 603-225-1629 Fax: 603-225-1580



**INVOICE /  
DEBT COLLECTION NOTICE**

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**Company Name:** Vaillancourt Electric Service  
**Inspection Site:** Community Street, Berlin, NH 03570  
**Issuance Date:** 09/10/2013

<b>Summary of Penalties for Inspection Number</b>	<b>895409</b>
<b>Citation 1, Serious</b>	<b>\$11600.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$11600.00</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.

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 or conditions do not exist.

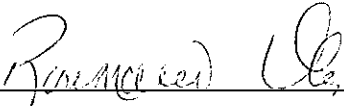
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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

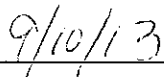
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts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

  
\_\_\_\_\_  
Rosemarie Ohar  
Area Director

  
\_\_\_\_\_  
Date

## U.S. Department of Labor

Occupational Safety and Health Administration  
53 Pleasant Street, Room 3901  
J.C. Cleveland Federal Bldg.  
Concord, NH 03301  
Phone: 603-225-1629 Fax: 603-225-1580



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## Citation and Notification of Penalty

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**To:**

Virginia Transformer Corporation  
and its successors  
220 Glade View Drive  
Roanoke, VA 24012

**Inspection Number:** 895414

**Inspection Date(s):** 03/12/2013 - 03/12/2013

**Issuance Date:** 09/10/2013

**Inspection Site:**

Community Street  
Berlin, NH 03570

*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 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.

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 as 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 citation states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

**All abatement verification documents must contain the following information:** 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

Also, the law requires a copy of all abatement verification documents which are required by 29 CFR 1903.19 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.



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 09/10/2013. The conference will be held by telephone or at the OSHA office located at 53 Pleasant Street, Room 3901, J.C. Cleveland Federal Bldg., Concord, NH 03301 on

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

## CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 895414

Company Name: Virginia Transformer Corporation  
Inspection Site: Community Street, Berlin, NH 03570  
Issuance Date: 09/10/2013

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, 53 Pleasant Street, Room 3901, J.C. Cleveland Federal Bldg., Concord, NH 03301**

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  
Occupational Safety and Health Administration

Inspection Number: 895414  
Inspection Date(s): 03/12/2013 - 03/12/2013  
Issuance Date: 09/10/2013



**Citation and Notification of Penalty**

**Company Name:** Virginia Transformer Corporation  
**Inspection Site:** Community Street, Berlin, NH 03570

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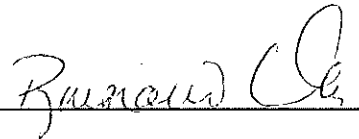
**Citation 1 Item 1** Type of Violation: **Serious**

29 CFR 1926.416(a): Employees were permitted to work in proximity to electric power circuits and were not protected against electric shock by deenergizing and grounding the circuits or effectively guarding the circuits by insulation or other means:

- (a) Transformer Yard - On or about 03/12/13, employees were working on live 480 volt electricity without personal protective equipment.
- (b) Transformer Yard - On or about 03/13/13, employees were working on live 480 volt electricity without personal protective equipment.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$7000.00

  
Rosemarie Ohar  
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  
53 Pleasant Street, Room 3901  
J.C. Cleveland Federal Bldg.  
Concord, NH 03301  
Phone: 603-225-1629 Fax: 603-225-1580



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Virginia Transformer Corporation  
**Inspection Site:** Community Street, Berlin, NH 03570  
**Issuance Date:** 09/10/2013

<b>Summary of Penalties for Inspection Number</b>	<b>895414</b>
<b>Citation 1, Serious</b>	<b>\$7000.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$7000.00</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.

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 or conditions do not exist.

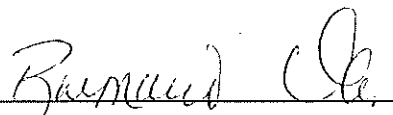
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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

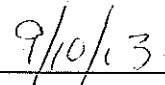
**Delinquent Charges:** A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%)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



Rosemarie Ohar

Area Director

  
Date

## U.S. Department of Labor

Occupational Safety and Health Administration  
53 Pleasant Street, Room 3901  
J.C. Cleveland Federal Bldg.  
Concord, NH 03301  
Phone: 603-225-1629 Fax: 603-225-1580



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# Citation and Notification of Penalty

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**To:**  
Babcock & Wilcox Construction Co., Inc.  
and its successors  
74 Robinson Ave.  
Barberton, OH 44203

**Inspection Number:** 895380  
**Inspection Date(s):** 03/12/2013 - 06/11/2013  
**Issuance Date:** 09/10/2013

**Inspection Site:**  
Community Street  
Berlin, NH 03570

*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.

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 as 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 citation states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

**All abatement verification documents must contain the following information:** 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

Also, the law requires a copy of all abatement verification documents which are required by 29 CFR 1903.19 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.



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 09/10/2013. The conference will be held by telephone or at the OSHA office located at 53 Pleasant Street, Room 3901, J.C. Cleveland Federal Bldg., Concord, NH 03301 on

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

## CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 895380

Company Name: Babcock & Wilcox Construction Co., Inc.  
Inspection Site: Community Street, Berlin, NH 03570  
Issuance Date: 09/10/2013

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, 53 Pleasant Street, Room 3901, J.C. Cleveland Federal Bldg., Concord, NH 03301.**

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  
Occupational Safety and Health Administration

Inspection Number: 895380  
Inspection Date(s): 03/12/2013 - 06/11/2013  
Issuance Date: 09/10/2013



**Citation and Notification of Penalty**

Company Name: Babcock & Wilcox Construction Co., Inc.  
Inspection Site: Community Street, Berlin, NH 03570

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

29 CFR 1926.25(a): During the course of construction, alteration, or repairs, debris was not kept cleared from work areas and passageways, in and around buildings or other structures:

Boiler Room Building - Employees were not protected from slips, trips and falls while working on the site of the Berlin Power Plant where debris such as but not limited to sheet metal, old pipes, wood, and cardboard was allowed to accumulate on all levels.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: 09/16/2013  
Proposed Penalty: \$2700.00

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

29 CFR 1926.405(a)(2)(ii)(C): Receptacles for uses other than temporary lighting were installed on branch circuits which supplied temporary lighting:

Site - Employees were not protected from slips, trips, and falls when the temporary lighting throughout the site was connected to the same GFCI outlets that were being used to power hand tools.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: 09/16/2013

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: 895380  
Inspection Date(s): 03/12/2013 - 06/11/2013  
Issuance Date: 09/10/2013



**Citation and Notification of Penalty**

**Company Name:** Babcock & Wilcox Construction Co., Inc.  
**Inspection Site:** Community Street, Berlin, NH 03570

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

29 CFR 1926.153(l): LP-Gas storage locations were not provided with at least one approved portable fire extinguisher having a rating of not less than 20B:C:

Site - Employees were not protected from burns when the propane storage area was not provided with at least one fire extinguisher.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	09/16/2013
Proposed Penalty:	\$4500.00

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

29 CFR 1926.251(a)(1): Defective rigging equipment was not removed from service:

Site - Inspections of slings that were found to be defective were not immediately removed from service.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$4500.00

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:** Babcock & Wilcox Construction Co., Inc.  
**Inspection Site:** Community Street, Berlin, NH 03570

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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 4a** Type of Violation: **Serious**

29 CFR 1926.300(a): Hand tool(s), power tool(s) or similar equipment were not maintained in a safe condition:

Boiler Room, 11th Floor - Employees were not protected from struck by hazards while operating a bench grinder that had damaged abrasive wheels.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$4500.00

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

29 CFR 1926.303(c)(2): Work rest(s) provided on floor or bench mounted grinder(s) were kept at a distance in excess of one-eighth inch from the surface of the wheel:

a. Boiler Room, 11th Floor - Employees were not protected from amputation hazards while operating a bench grinder that had the work rest set to a distance of 3/4 of an inch from the surface of the wheel.

b. Boiler Room, 11th Floor - Employees were not protected from amputation hazards while operating a bench grinder that had the work rest set to a distance of 3/8 of an inch from the surface of the wheel.

Date By Which Violation Must be Abated:

Corrected During Inspection

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

**Inspection Number:** 895380  
**Inspection Date(s):** 03/12/2013 - 06/11/2013  
**Issuance Date:** 09/10/2013



**Citation and Notification of Penalty**

**Company Name:** Babcock & Wilcox Construction Co., Inc.  
**Inspection Site:** Community Street, Berlin, NH 03570

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

29 CFR 1926.300(b)(1): Power operated tool(s), designed to accommodate guards, were not equipped with such guards when in use:

Wood Processing Building - Employees were not protected from laceration hazards when a Metabo angle grinder was not guarded.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$5400.00

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

29 CFR 1926.403(i)(1): Sufficient access and working space was not provided and maintained about all electric equipment to permit ready and safe operation and maintenance of such equipment:

Site - Employees performing welding operations were not protected from electrical shocks and burns when an electrical panel powering six miller welders was blocked.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

09/16/2013  
\$4500.00

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: 895380  
Inspection Date(s): 03/12/2013 - 06/11/2013  
Issuance Date: 09/10/2013



**Citation and Notification of Penalty**

**Company Name:** Babcock & Wilcox Construction Co., Inc.  
**Inspection Site:** Community Street, Berlin, NH 03570

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

29 CFR 1926.416(a)(1): Employees were permitted to work in proximity to electric power circuits and were not protected against electric shock by de-energizing and grounding the circuits or effectively guarding the circuits by insulation or other means:

Site - Employees were exposed to electrical shock hazards from unguarded electrical equipment.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	09/16/2013
Proposed Penalty:	\$6300.00

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: 895380  
Inspection Date(s): 03/12/2013 - 06/11/2013  
Issuance Date: 09/10/2013



**Citation and Notification of Penalty**

Company Name: Babcock & Wilcox Construction Co., Inc.  
Inspection Site: Community Street, Berlin, NH 03570

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 8a** Type of Violation: **Serious**

29 CFR 1926.501(b)(4)(ii): Each employee on a walking/working surface was not protected from tripping in or stepping into or through holes by covers:

Boiler Room Building - Employees were not protected from trip hazards where floor holes were left uncovered.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$5400.00

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

29 CFR 1926.502(i)(4): All covers were not color coded or marked with the word "HOLE" or "COVER" to provide warning of the hazard:

Boiler Room Building - Floor hole covers were not marked as to indicate the hazard beneath to employees.

Date By Which Violation Must be Abated:

Corrected During Inspection

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:** Babcock & Wilcox Construction Co., Inc.  
**Inspection Site:** Community Street, Berlin, NH 03570

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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 9a** Type of Violation: **Serious**

29 CFR 1926.501(b)(14): Each employee working near wall openings where the outside bottom edge of the wall opening was 6 feet (1.8 m) or more above lower levels and the inside bottom edge of the wall opening is less than 39 inches (1.0 M) above the walking/working surface, was not protected from falling by the use of a guardrail system, a safety net system, or a personal fall arrest system:

Boiler Room Building, 10th Floor - Employees were not protected from falls of approximately 100 feet where an adequate guardrail was not provided along a 60 foot section of the western side of the building. Employees were exposed to falls as they used the walkway next to the inadequately guarded opening.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$4500.00

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

29 CFR 1926.502(b)(2): Midrails, screens, mesh, intermediate vertical members, or equivalent intermediate structure members were not installed between the top edge of the guardrail system and the walking/working surface when there was no wall or parapet wall at least 21 inches (53 cm) high:

Boiler Room Building, 5th Floor - Employees performing welding operations were not protected from falls of approximately 50 feet when a 10 foot section of midrail was removed.

Date By Which Violation Must be Abated:

Corrected During Inspection

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

Inspection Number: 895380  
Inspection Date(s): 03/12/2013 - 06/11/2013  
Issuance Date: 09/10/2013



**Citation and Notification of Penalty**

**Company Name:** Babcock & Wilcox Construction Co., Inc.  
**Inspection Site:** Community Street, Berlin, NH 03570

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

29 CFR 1926.1053(b)(16): Portable ladder(s) with structural defects, such as, but not limited to, broken or missing rungs, cleats, or steps, broken or split rails, corroded components, or other faulty or defective components, were not either immediately tagged "do not use" or withdrawn from service:

Reclaimer Tunnel - Employees were not protected from fall hazards when a damaged wooden job made ladder was not withdrawn from service.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$2700.00

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:** 895380  
**Inspection Date(s):** 03/12/2013 - 06/11/2013  
**Issuance Date:** 09/10/2013



**Citation and Notification of Penalty**

**Company Name:** Babcock & Wilcox Construction Co., Inc.  
**Inspection Site:** Community Street, Berlin, NH 03570

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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 11a** Type of Violation: **Serious**

29 CFR 1926.1402(b): The equipment was assembled or used without ensuring that ground conditions were firm, drained, and graded to a sufficient extent so that, in conjunction with the use of supporting materials, the equipment manufacturer's specifications for adequate support and degree of level of the equipment were not met:

- a. Wood Processing Building - Employees were not protected from struck by hazards when the Grove RT700E crane which was being used to set steel beams was assembled and used on wet ground with inadequate blocking beneath the outriggers causing the crane to be out of level.
- b. Transformer Yard - Employees were not protected from struck by hazards when the Grove YB5515 crane which was being used to set steel was assembled and used on wet ground and snow/ ice with the outriggers set partially on 1/2 inch plywood sheets which were sinking into the mud.

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

**Corrected During Inspection**  
**\$4500.00**

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: 895380  
Inspection Date(s): 03/12/2013 - 06/11/2013  
Issuance Date: 09/10/2013



**Citation and Notification of Penalty**

**Company Name:** Babcock & Wilcox Construction Co., Inc.  
**Inspection Site:** Community Street, Berlin, NH 03570

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

29 CFR 1926.1417(a): The employer did not comply with all manufacturer procedures applicable to the operational functions of equipment:

- a. Wood Processing Building - Employees were not protected from struck by hazards while setting steel with a Grove RT700E crane with inadequate cribbing beneath the outriggers.
- b. Transformer Yard - Employees were not protected from struck by hazards while setting steel with a Grove YB5515 crane with inadequate cribbing beneath the outriggers.

Date By Which Violation Must be Abated:

Corrected During Inspection

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: 895380  
Inspection Date(s): 03/12/2013 - 06/11/2013  
Issuance Date: 09/10/2013



**Citation and Notification of Penalty**

**Company Name:** Babcock & Wilcox Construction Co., Inc.  
**Inspection Site:** Community Street, Berlin, NH 03570

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

29 CFR 1926.351(e): Arc welding or cutting operation(s) were not shielded by noncombustible or flame proof screens to protect employees and other persons working in the vicinity from the direct rays of the arc:

Warehouse - Welding curtains that were used to shield employees were in a state of disrepair.

*Babcock & Wilcox Construction Co., Inc. was previously cited for a violation of this occupational safety and health standard, 29 CFR 1926.351(e), which was contained in OSHA inspection number 314054404, citation number 001, item number 003 and was affirmed as a final order on 01/20/2011 with respect to a workplace located at 4520 East South St. Hastings, NE 68902.*

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	09/16/2013
Proposed Penalty:	\$180.00

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: 895380  
Inspection Date(s): 03/12/2013 - 06/11/2013  
Issuance Date: 09/10/2013



**Citation and Notification of Penalty**

**Company Name:** Babcock & Wilcox Construction Co., Inc.  
**Inspection Site:** Community Street, Berlin, NH 03570

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

29 CFR 1926.200(b)(1): Danger signs were not used where an immediate hazard exists:

Fab Yard - The electrical lines and welding cables were not labeled to inform employees of the potential shock hazard.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$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: 895380  
Inspection Date(s): 03/12/2013 - 06/11/2013  
Issuance Date: 09/10/2013



**Citation and Notification of Penalty**

Company Name: Babcock & Wilcox Construction Co., Inc.  
Inspection Site: Community Street, Berlin, NH 03570

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

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

29 CFR 1926.404(f)(6): The path to ground from circuits, equipment, or enclosures was not permanent and continuous:

Warehouse - A light tower that was missing its grounding pin was not tagged out of service.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$0.00

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

29 CFR 1926.405(b)(2): In energized installations, each outlet box did not have a cover, faceplate, or fixture canopy:

Boiler Room Building, Stairway - An outlet box cover that powered the emergency lighting was not secured.

Date By Which Violation Must be Abated:

Corrected During Inspection

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

Rosemarie Ohar  
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  
53 Pleasant Street, Room 3901  
J.C. Cleveland Federal Bldg.  
Concord, NH 03301  
Phone: 603-225-1629 Fax: 603-225-1580



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Babcock & Wilcox Construction Co., Inc.  
**Inspection Site:** Community Street, Berlin, NH 03570  
**Issuance Date:** 09/10/2013

<b>Summary of Penalties for Inspection Number</b>	<b>895380</b>
<b>Citation 1, Serious</b>	<b>\$49500.00</b>
<b>Citation 2, Repeat</b>	<b>\$180.00</b>
<b>Citation 3, Other-than-Serious</b>	<b>\$0.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$49680.00</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.

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 or conditions do not exist.

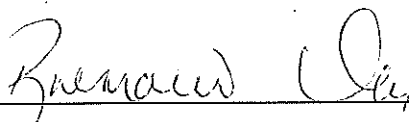
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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

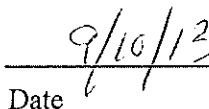
**Delinquent Charges:** A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%)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



Rosemarie Ohar

Area Director



Date

## U.S. Department of Labor

Occupational Safety and Health Administration  
53 Pleasant Street  
Room 3901, J.C. Cleveland Federal Bldg.  
Concord, NH 03301  
Phone: 603-225-1629 Fax: 603-225-1580



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## Citation and Notification of Penalty

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**To:**  
Babcock & Wilcox Construction Co., Inc.  
and its successors  
74 Robinson Ave.  
Barberton, OH 44203

**Inspection Number:** 911291  
**Inspection Date(s):** 06/06/2013 - 06/06/2013  
**Issuance Date:** 09/10/2013

**Inspection Site:**  
Community Street  
Berlin, NH 03570

*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.

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 as 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 citation states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

**All abatement verification documents must contain the following information:** 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

Also, the law requires a copy of all abatement verification documents which are required by 29 CFR 1903.19 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.



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 09/10/2013. The conference will be held by telephone or at the OSHA office located at 53 Pleasant Street, Room 3901, J.C. Cleveland Federal Bldg., Concord, NH 03301 on

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

## CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 911291

Company Name: Babcock & Wilcox Construction Co., Inc.  
Inspection Site: Community Street, Berlin, NH 03570  
Issuance Date: 09/10/2013

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, 53 Pleasant Street, Room 3901, J.C. Cleveland Federal Bldg., Concord, NH 03301**

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



**Citation and Notification of Penalty**

**Company Name:** Babcock & Wilcox Construction Co., Inc.  
**Inspection Site:** Community Street, Berlin, NH 03570

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

29 CFR 1926.502(d)(8): Horizontal lifelines were not designed, installed, and used under the supervision of a qualified person, as part of a complete personal fall arrest system, which maintained a safety factor of at least two:

Boiler House - The horizontal lifelines were not installed under the supervision of a competent person.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$6300.00

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

29 CFR 1926.502(d)(16)(iii): Personal fall arrest systems, when stopping a fall, were not rigged such that an employee could not free fall more than 6 feet (1.8 m) nor contact any lower level:

Boiler House - The horizontal lifeline system that was being used would allow an employee to strike the steel beams below.

Date By Which Violation Must be Abated:

Corrected During Inspection

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

Inspection Number: 911291  
Inspection Date(s): 06/06/2013 - 06/06/2013  
Issuance Date: 09/10/2013



**Citation and Notification of Penalty**

Company Name: Babcock & Wilcox Construction Co., Inc.  
Inspection Site: Community Street, Berlin, NH 03570

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

29 CFR 1926.761(b)(3): The employer did not train employees in the correct procedures for erecting, maintaining, disassembling, and inspecting the fall protection systems to be used:

Boiler House - Employees were not trained in the proper installation and use of the horizontal lifeline system.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

09/16/2013

Proposed Penalty:

\$6300.00

A handwritten signature in cursive script, appearing to read "Rosemarie Ohar", written over a horizontal line.

Rosemarie Ohar  
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  
53 Pleasant Street, Room 3901  
J.C. Cleveland Federal Bldg.  
Concord, NH 03301  
Phone: 603-225-1629 Fax: 603-225-1580



## INVOICE / DEBT COLLECTION NOTICE

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Company Name: Babcock & Wilcox Construction Co., Inc.  
Inspection Site: Community Street, Berlin, NH 03570  
Issuance Date: 09/10/2013

Summary of Penalties for Inspection Number	911291
Citation 1, Serious	\$12600.00
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$12600.00</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.

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 or conditions do not exist.

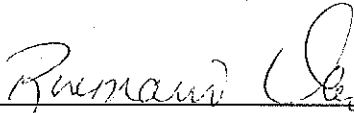
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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

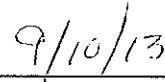
**Delinquent Charges:** A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%)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



Rosemarie Ohar

Area Director



Date

## U.S. Department of Labor

Occupational Safety and Health Administration  
53 Pleasant Street, Room 3901  
J.C. Cleveland Federal Bldg.  
Concord, NH 03301  
Phone: 603-225-1629 Fax: 603-225-1580



# Citation and Notification of Penalty

To:  
Babcock & Wilcox Construction Co., Inc.  
and its successors  
74 Robinson Ave.  
Barberton, OH 44203

Inspection Number: 895807  
Inspection Date(s): 03/12/2013 - 09/10/2013  
Issuance Date: 09/10/2013

Inspection Site:  
Burgess Power Plant  
Community St.  
Berlin, NH 03570

*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 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.

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 as 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 citation states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

**All abatement verification documents must contain the following information:** 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

Also, the law requires a copy of all abatement verification documents which are required by 29 CFR 1903.19 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.



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 09/10/2013. The conference will be held by telephone or at the OSHA office located at 53 Pleasant Street, Room 3901, J.C. Cleveland Federal Bldg., Concord, NH 03301 on

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

## CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 895807

Company Name: Babcock & Wilcox Construction Co., Inc.  
Inspection Site: Burgess Power Plant, Community St., Berlin, NH 03570  
Issuance Date: 09/10/2013

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, 53 Pleasant Street, Room 3901, J.C. Cleveland Federal Bldg., Concord, NH 03301**

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



**Citation and Notification of Penalty**

**Company Name:** Babcock & Wilcox Construction Co., Inc.  
**Inspection Site:** Burgess Power Plant, Community St., Berlin, NH 03570

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

29 CFR 1926.62(d)(1)(i): Each employer who had a workplace or operation covered by 29 CFR 1926.62 did not initially determine if any employee was exposed to lead at or above the action level of 30 micrograms per cubic meter of air (30 ug/m3) calculated as an 8-hour time-weighted average (TWA):

Boiler house - As of 03/12/2013, the employer did not initially determine lead exposures for employees removing lead containing paint. The employees had been doing this work for several months.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	10/04/2013
Proposed Penalty:	\$4500.00

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

29 CFR 1926.62(d)(1)(iii): The employer did not collect personal samples representative of a full shift, including at least one sample for each job classification in each work area, either for each shift or for the shift with the highest exposure level:

Boiler house - As of 03/14/2013, personal sampling had not been conducted to determine employee exposures to lead from the removal of old paint.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	10/04/2013
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U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 895807  
Inspection Date(s): 03/12/2013 -  
Issuance Date: 09/10/2013



**Citation and Notification of Penalty**

Company Name: Babcock & Wilcox Construction Co., Inc.  
Inspection Site: Burgess Power Plant, Community St., Berlin, NH 03570

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

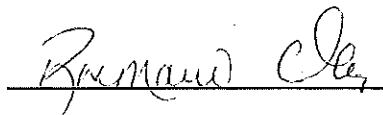
29 CFR 1910.134(g)(1)(i)(A): Respirators with tight-fitting facepieces were worn by employees who had facial hair that came between the sealing surface of the facepiece and the face, or that interfered with valve function:

Boiler house - On 03/14/2013, an employee, wore a half-face respirator over facial hair and was assigned to remove lead containing paint. This task required respirator use. The beard extended over the entire jawline and passed under the sealing surfaces of the respirator.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

10/04/2013  
\$49500.00

  
Rosemarie Ohar  
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  
53 Pleasant Street, Room 3901  
J.C. Cleveland, Federal Bldg.  
Concord, NH 03301  
Phone: 603-225-1629 Fax: 603-225-1580



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Babcock & Wilcox Construction Co., Inc.  
**Inspection Site:** Burgess Power Plant, Community St., Berlin, NH 03570  
**Issuance Date:** 09/10/2013

<b>Summary of Penalties for Inspection Number</b>	<b>895807</b>
<b>Citation 1, Serious</b>	<b>\$4500.00</b>
<b>Citation 2, Willful</b>	<b>\$49500.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$54000.00</b>

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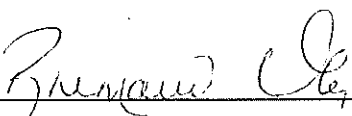
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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

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\_\_\_\_\_  
Rosemarie Ohar  
Area Director

9/10/13  
\_\_\_\_\_  
Date