

## U.S. Department of Labor

Occupational Safety and Health Administration  
2900 4th Avenue North, Suite 303  
Billings, MT 59101  
Phone: 406-247-7494 Fax: 406-247-7499



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## Citation and Notification of Penalty

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**To:**

Coleman Construction Inc.  
2071 Fir Dr.  
Rock Springs, WY 82901

**Inspection Number:** 1231691**Inspection Date(s):** 05/09/2017 - 10/27/2017**Issuance Date:** 10/31/2017**Inspection Site:**

Mile Marker 218 US HWY 94  
Glendive, MT 59330

*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. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type “OSHA” and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

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

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

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

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

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

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

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

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



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 10/31/2017. The conference will be held by telephone or at the OSHA office located at 2900 4th Avenue North, Suite 303, Billings, MT 59101 on \_\_\_\_\_ at

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

## CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

**Inspection Number: 1231691**

Company Name: Coleman Construction Inc.

Inspection Site: Mile Marker 218 US HWY 94, Glendive, MT 59330

Issuance Date: 10/31/2017

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, 2900 4th Avenue North, Suite 303, Billings, MT 59101**

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:** 1231691  
**Inspection Date(s):** 05/09/2017 - 10/27/2017  
**Issuance Date:** 10/31/2017



**Citation and Notification of Penalty**

**Company Name:** Coleman Construction Inc.

**Inspection Site:** Mile Marker 218 US HWY 94, Glendive, MT 59330

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

29 CFR 1926.251(a)(2)(i): The employer failed to ensure rigging equipment had permanently affixed and legible identification markings as prescribed by the manufacturer that indicate the recommended safe working load:

a) Culvert Install Site: On or about May 05, 2017 and at times prior, employees were exposed to struck by hazards while using an unmarked spreader bar to lower the jack and bore machine and rails into the excavation.

Date By Which Violation Must be Abated:

11/28/2017

Proposed Penalty:

\$3622.00

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:** Coleman Construction Inc.

**Inspection Site:** Mile Marker 218 US HWY 94, Glendive, MT 59330

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

29 CFR 1926.251(a)(6): Each day before being used, and during use, where service conditions warrant, the sling and all fastenings and attachments were not inspected for damage or defects by a competent person, and damaged or defective slings were not immediately removed from service:

a) Southwest Side, Culvert Install Site: On or about May 05, 2017 and at times prior, employees were exposed to struck by hazards while handling the sections of auger and culvert with a damaged endless synthetic web sling.

b) East Side, Culvert Install Site: On or about May 05, 2017 and at times prior employees were exposed to struck by hazards while handling the sections of auger and culvert with a damaged eye and eye synthetic web sling.

c) Culvert Install Site: On or about May 05, 2017 and at times prior employees were exposed to struck by hazards while using an unmarked spreader bar to place the jack and bore machine and rails into the excavation.

d) West Side, Culvert Install Site: On or about May 05, 2017 and at times prior employees were exposed to struck by hazards while handling the sections of auger and culvert with a damaged Crosby lifting hook attaching the load to a Hitachi excavator (Serial Number 164-3752).

e) East Side, Culvert Install Site: On or about May 05, 2017 and at times prior employees were exposed to struck by hazards while handling the sections of auger and culvert with a damaged Crosby lifting hook attaching the load to a Hitachi excavator (Serial Number unknown).

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

11/28/2017

Proposed Penalty:

\$5070.00

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:** 1231691  
**Inspection Date(s):** 05/09/2017 - 10/27/2017  
**Issuance Date:** 10/31/2017



**Citation and Notification of Penalty**

**Company Name:** Coleman Construction Inc.  
**Inspection Site:** Mile Marker 218 US HWY 94, Glendive, MT 59330

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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 3 a Type of Violation: **Serious****

29 CFR 1926.251(e)(1)(i): Synthetic web sling(s) were not marked or coded to show the name and trademark of the manufacturer:

a) Southwest Side, Culvert Install Site: On or about May 05, 2017 and at times prior, employees were exposed to struck by hazards while handling sections of auger and culvert with an unmarked, damaged endless synthetic web sling.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	11/28/2017
Proposed Penalty:	\$5070.00

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:** 1231691

**Inspection Date(s):** 05/09/2017 - 10/27/2017

**Issuance Date:** 10/31/2017



**Citation and Notification of Penalty**

**Company Name:** Coleman Construction Inc.

**Inspection Site:** Mile Marker 218 US HWY 94, Glendive, MT 59330

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

29 CFR 1926.251(e)(1)(ii): Synthetic web sling(s) were not marked or coded to show rated capacities for each type of hitch:

a) Southwest Side, Culvert Install Site: On or about May 05, 2017 and at times prior, employees were exposed to struck by hazards while handling sections of auger and culvert pipe with an unrated endless synthetic web sling.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

11/28/2017

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:** 1231691  
**Inspection Date(s):** 05/09/2017 - 10/27/2017  
**Issuance Date:** 10/31/2017



**Citation and Notification of Penalty**

**Company Name:** Coleman Construction Inc.

**Inspection Site:** Mile Marker 218 US HWY 94, Glendive, MT 59330

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

29 CFR 1926.251(e)(1)(iii): Synthetic web sling(s) were not marked or coded to show type of material:

a) Southwest Side, Culvert Install Site: On or about May 05, 2017 and at times prior, employees were exposed to struck by hazards while handling sections of auger and culvert with a damaged endless synthetic web sling not marked or coded to show the type of material used to manufacture the sling.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

11/28/2017

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:** Coleman Construction Inc.

**Inspection Site:** Mile Marker 218 US HWY 94, Glendive, MT 59330

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

29 CFR 1926.350(a)(1): Valve protection cap(s) were not in place on compressed gas cylinder(s):

a) Culvert Install Site: On or about May 05, 2017 and at times prior, employees were exposed to struck by hazards while setting sections of auger and culvert on the rails of the jack and boring machine adjacent to an uncapped compressed acetylene cylinder.

b) Culvert Install Site: On or about May 05, 2017 and at times prior, employees were exposed to struck by hazards while setting sections of auger and culvert on the rails of the jack and boring machine adjacent to uncapped compressed oxygen cylinders.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

11/28/2017

Proposed Penalty:

\$5070.00

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:** Coleman Construction Inc.

**Inspection Site:** Mile Marker 218 US HWY 94, Glendive, MT 59330

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

29 CFR 1926.800(d): Employees were not instructed in the recognition and avoidance of hazards associated with underground construction activities including:

- a) Culvert Install Site: On or about May 05, 2017 and at times prior, employees were exposed to acute illness, burns, impairment of ability to self-rescue, and incapacitation while removing soil, inspecting, tacking and welding inside of a 36 inch culvert. The employer failed to instruct the employees in the recognition and avoidance of hazards associated entering the culvert without monitoring the air.
- b) Culvert Install Site: On or about May 05, 2017 and at times prior, employees were exposed to acute illness, burns, impairment of ability to self-rescue, and incapacitation while removing soil, inspecting, tacking and welding inside of a 36 inch culvert. The employer failed to instruct the employees in the recognition and avoidance of hazards associated entering the culvert without and adequate ventilation system.
- c) Culvert Install Site: On or about May 05, 2017 and at times prior, employees were exposed to acute illness, burns, impairment of ability to self-rescue, and incapacitation while removing soil, inspecting, tacking and welding inside of a 36 inch culvert. The employer failed to instruct the employees in the recognition and avoidance of hazards associated entering the culvert without adequate communication to summons rescue in the event of an emergency.
- d) Culvert Install Site: On or about May 05, 2017 and at times prior, employees were exposed to arc flash and thermal burns while tacking and welding inside of a 36 inch culvert. The employer failed to instruct the employees in the recognition and avoidance of hazards associated entering the culvert without adequate fire resistant clothing to protect them from arc welding flash and thermal heat.

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

**Inspection Number:** 1231691  
**Inspection Date(s):** 05/09/2017 - 10/27/2017  
**Issuance Date:** 10/31/2017



**Citation and Notification of Penalty**

**Company Name:** Coleman Construction Inc.

**Inspection Site:** Mile Marker 218 US HWY 94, Glendive, MT 59330

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e) Culvert Install Site: On or about May 05, 2017 and at times prior, employees were exposed to arc flash and thermal burns while tacking and welding inside of a 36 inch culvert. The employer failed to instruct the employees in the recognition and avoidance of hazards associated with entering the culvert without an adequate understanding of fire prevention and protection.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

11/28/2017

Proposed Penalty:

\$5070.00

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:** 1231691  
**Inspection Date(s):** 05/09/2017 - 10/27/2017  
**Issuance Date:** 10/31/2017



**Citation and Notification of Penalty**

**Company Name:** Coleman Construction Inc.  
**Inspection Site:** Mile Marker 218 US HWY 94, Glendive, MT 59330

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

29 CFR 1926.800(f)(1): When natural unassisted voice communication was ineffective, a power assisted means of voice communication was not used to provide communication between the work face, the end of the shaft, and the surface:

a) Culvert Install Site: On or about May 05, 2017 and at times prior, employees were exposed to acute illness, burns, impairment of ability to self-rescue, and incapacitation while removing soil, inspecting, flame cutting, tacking and welding inside of a 36 inch culvert without adequate communication.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

11/28/2017  
\$5070.00

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:** 1231691  
**Inspection Date(s):** 05/09/2017 - 10/27/2017  
**Issuance Date:** 10/31/2017



**Citation and Notification of Penalty**

**Company Name:** Coleman Construction Inc.  
**Inspection Site:** Mile Marker 218 US HWY 94, Glendive, MT 59330

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

29 CFR 1926.800(g)(5)(ii): On jobsites where less than 25 employees worked underground at one time, the employer did not provide or arrange in advance for at least one 5-person rescue team:

a) Culvert Install Site: On or about May 05, 2017 and at times prior, employees were exposed to acute illness, burns, impairment of ability to self-rescue, and incapacitation while removing soil, inspecting, flame cutting, tacking and welding inside of a 36 inch culvert without a rescue team to summons in the event of an emergency.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

11/28/2017  
\$5070.00

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:** 1231691  
**Inspection Date(s):** 05/09/2017 - 10/27/2017  
**Issuance Date:** 10/31/2017



**Citation and Notification of Penalty**

**Company Name:** Coleman Construction Inc.

**Inspection Site:** Mile Marker 218 US HWY 94, Glendive, MT 59330

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

29 CFR 1926.353(a)(6): Oxygen was used for ventilation purposes, comfort cooling, blowing dust from clothing, or cleaning the work area:

a) Culvert Install Site: On or about May 05, 2017 and at times prior, employees were exposed to burns, impairment of ability to self-rescue, and incapacitation while using oxygen from a compressed gas cylinder for ventilation while welding inside of a 36 inch culvert.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

11/28/2017

Proposed Penalty:

\$50700.00

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:** Coleman Construction Inc.

**Inspection Site:** Mile Marker 218 US HWY 94, Glendive, MT 59330

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 2 a Type of Violation: **Willful****

29 CFR 1926.800(j)(1)(i)(A): The employer did not assign a competent person to perform all required air monitoring under this section for underground construction:

a) Culvert Install Site: On or about May 05, 2017 and at times prior, employees were exposed to acute illness, burns, impairment of ability to self-rescue, and incapacitation while removing soil, inspecting, flame cutting, tacking and welding inside of a 36 inch culvert. The employer failed to designate a competent person to test atmospheres for hazards such as, but not limited to; oxygen deficiency, carbon monoxide, nitrogen dioxide, hydrogen sulfide, and other flammable gases, vapors, or mists as required by this section.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

11/28/2017

Proposed Penalty:

\$50700.00

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:** 1231691  
**Inspection Date(s):** 05/09/2017 - 10/27/2017  
**Issuance Date:** 10/31/2017



**Citation and Notification of Penalty**

**Company Name:** Coleman Construction Inc.  
**Inspection Site:** Mile Marker 218 US HWY 94, Glendive, MT 59330

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

29 CFR 1926.800(j)(1)(ii)(A): The atmosphere in all underground work areas was not tested as often as necessary to ensure that the atmosphere contained at least 19.5 percent oxygen and no more than 22 percent oxygen:

a) Culvert Install Site: On or about May 05, 2017 and at times prior, employees were exposed to acute illness, burns, impairment of ability to self-rescue, and incapacitation while removing soil, inspecting, flame cutting, tacking and welding inside of a 36 inch culvert. The employer failed to test atmospheres to ensure that the atmosphere contained at least 19.5 percent oxygen and no more than 22 percent oxygen.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: 11/28/2017

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:** Coleman Construction Inc.

**Inspection Site:** Mile Marker 218 US HWY 94, Glendive, MT 59330

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

29 CFR 1926.800(j)(1)(iii)(A): The atmosphere in all underground work areas was not tested quantitatively for carbon monoxide, nitrogen dioxide, hydrogen sulfide, and other toxic gases, dusts, vapors, mists, and fumes as often as necessary to ensure that:

a) Culvert Install Site: On or about May 05, 2017 and at times prior, employees were exposed to acute illness, burns, impairment of ability to self-rescue, and incapacitation while removing soil, inspecting, flame cutting, tacking and welding inside of a 36 inch culvert. The employer failed to test atmospheres to ensure that the atmosphere contained at least 19.5 percent oxygen and no more than 22 percent oxygen.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

11/28/2017



**Citation and Notification of Penalty**

**Company Name:** Coleman Construction Inc.  
**Inspection Site:** Mile Marker 218 US HWY 94, Glendive, MT 59330

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

29 CFR 1926.800(k)(1)(i): Fresh air was not supplied to all underground construction work areas in sufficient quantities to prevent dangerous or harmful accumulation of dusts, fumes, mists, vapors, or gases:

a) Culvert Install Site: On or about May 05, 2017 and at times prior, employees were exposed to acute illness, burns, impairment of ability to self-rescue, and incapacitation while removing soil, inspecting, flame cutting, tacking and welding inside of a 36 inch culvert. The employer failed to provide adequate fresh air in sufficient quantities to prevent dangerous or harmful accumulations of dusts, fumes, mists, vapors, or gases.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	11/28/2017
Proposed Penalty:	\$50700.00



**Citation and Notification of Penalty**

**Company Name:** Coleman Construction Inc.  
**Inspection Site:** Mile Marker 218 US HWY 94, Glendive, MT 59330

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

29 CFR 1926.800(k)(1)(ii): Mechanical ventilation was not provided in all underground construction work:

a) Culvert Install Site: On or about May 05, 2017 and at times prior, employees were exposed to acute illness, burns, impairment of ability to self-rescue, and incapacitation while removing soil, inspecting, flame cutting, tacking and welding inside of a 36 inch culvert. The employer failed to ensure that mechanical ventilation was provided to prevent dangerous or harmful accumulations of dusts, fumes, mists, vapors, or gases.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

11/28/2017

**U.S. Department of Labor**

Occupational Safety and Health Administration

**Inspection Number:** 1231691

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**Citation and Notification of Penalty**

**Company Name:** Coleman Construction Inc.

**Inspection Site:** Mile Marker 218 US HWY 94, Glendive, MT 59330

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

29 CFR 1904.39(a)(2): The employer failed to report the in-patient hospitalization of one or more employees or an employee's amputation or an employee's loss of an eye, as a result of a work-related incident, within (24) twenty-four hours:

a) Culvert Install Site: On May 05, 2017 the employer failed to report the in-patient hospitalization of one employee as a result of a work-related incident, within (24) twenty-four hours. An employee sustained injuries requiring hospitalization on May 05, 2017 and the employer notified OSHA on May 09, 2017.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$3621.00

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

**Arthur Hazen**  
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  
2900 4th Avenue North, Suite 303  
Billings, MT 59101  
Phone: 406-247-7494 Fax: 406-247-7499



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Coleman Construction Inc.  
**Inspection Site:** Mile Marker 218 US HWY 94, Glendive, MT 59330  
**Issuance Date:** 10/31/2017

<b>Summary of Penalties for Inspection Number</b>	<b>1231691</b>
<b>Citation 1, Serious</b>	<b>\$34042.00</b>
<b>Citation 2, Willful</b>	<b>\$152100.00</b>
<b>Citation 3, Other-than-Serious</b>	<b>\$3621.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$189763.00</b>

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To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

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

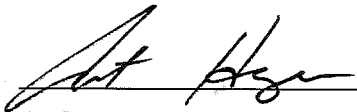
original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

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

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

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

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



Arthur Hazen

Area Director



Date