

U.S. Department of Labor
Occupational Safety and Health Administration
Valley Office Park
13 Branch Street
Methuen, Ma 01844
Phone: (617) 565-8110 Fax: (617) 565-8115



Citation and Notification of Penalty

To:
Dominion Energy New England- Salem
Harbor and its successors
24 Fort Ave
Salem, Ma 01970

Inspection Site:
24 Fort Ave
Salem, Ma 01970

Inspection Number: 311425474
Inspection Date (s): 11/06/07- 5/05/08
Issuance Date: 5/05/08

This 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 give 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 violation referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provide 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 violations(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer. **The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.**

Informal Conference - An informal conference is not required. However, if you wish to have such a conference, you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any

**U.S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION**

CERTIFICATE OF CORRECTION

The undersigned certifies that on _____, all of the violations cited
(date)

on OSHA Citation # _____ issued on _____, were
(date)

corrected and that a copy of this Certificate of Correction was posted on _____
(date)

in a manner and place for review by affected employees.

Employer's Signature

evidence or views which you believe would support and 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 periods is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the page 4 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 citations 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 violations 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 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, tec.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as **Serious** and the citations states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates

that the violation was corrected during the inspection, no abatement certification is required for that item.

All abatement verification documents must contain the following information: 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number (s) to which the submission relates; 4) a statement that 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 the affected employees and their representatives have been informed of the abatement.

The law also requires a copy of all abatement verification documents, required by 29 CFR 1903.19 to be sent to OSHA, also be posted at the location where the violation appeared and the corrective action took place.

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

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

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

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to your inspection will be available 30 calendar days after the Citation Issuance Date. You are encouraged to review the information concerning your establishment at WWW.OSHA.GOV. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citations(s) issued on 05/05/08. The conference will be held at the OSHA office located at Valley Office Park, 13 Branch Street, Methuen, MA 01844 on _____ at _____.

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



Citation and Notification of Penalty

Company Name: Dominion Energy New England- Salem Harbor
Inspection Site: 24 Fort Ave, Salem, Ma 01970

Citation 1 Item 1 Type of Violation : Serious

Section 5 (a) (1) of the Occupational Safety and Health Act of 1970: The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to the hazard of burns and serious bodily injury from the hot ash and steam from leaking or ruptured pressure retaining items. The following conditions contributed to the existence of this hazard.:

a) Location – Boiler House, Unit #3

On or about November 6, 2007, Dominion Energy New England operated a pressurized coal fired Babcock & Wilcox boiler that was insufficiently inspected and examined in the lower vestibule/dead air space which contains steam at approximately 600 Degrees Fahrenheit under 1000 psig. Three employees were fatally injured on November 6, 2007, when the boiler tubes ruptured in the lower vestibule/dead air space.

- The lower vestibule/dead air space had not been entered and inspected in over 9 years. No appropriate testing had been performed to determine the conditions in the lower vestibule/dead air space in that length of time.
- Ash was allowed to accumulate in the lower vestibule/dead air space over a long period which does not allow for entry into and inspection of that area.

Among other methods, feasible means of abatement would include, but are not limited to:

1. Conduct Operation, Care/Maintenance, and Inspection of the power boilers following the most recent National Codes such as ANSI/NB-23, ASME Section 7 Care of Power Boilers and guidance from the Electrical Power Research Institute and the manufacturer, Babcock and Wilcox. Including cleaning out the ash and debris from the vestibule/dead air space to allow for the inspection.
2. Determine a lower vestibule/dead air space inspection interval based on sound engineering principals and scientific data.
3. Install alarm system associated with power boiler operating parameters (e.g., feed water make-up, electrostatic precipitator load/ current changes, boiler pH, furnace pressure, boiler sodium and leaks in vestibules).

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: Dominion Energy New England- Salem Harbor
Inspection Site: 24 Fort Ave, Salem, Ma 01970

Date by Which Violation Must be Abated:
Proposed Penalty:

6/4/2008
\$ 6300.00



Citation and Notification of Penalty

Company Name: Dominion Energy New England- Salem Harbor
Inspection Site: 24 Fort Ave, Salem, Ma 01970

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

Section 5 (a) (1) of the Occupational Safety and Health Act of 1970: The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to crushing hazards:

(a) Location – Maintenance shop:

On or about December 7, 2007, employees were exposed to potential crushing hazards from an under hung Harrington hoist.

Among other methods, a feasible means to eliminate or reduce this hazard is to install the hoist system, mechanisms and components in accordance with ASME B30.16. The hoist and appurtenances shall be designed to withstand all stresses imposed under normal operating conditions while handling loads within the rated load capacity.

Date by Which Violation Must be Abated:

6/4/2008

Proposed Penalty:

\$ 4500.00

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

29 CFR 1910.101(b): The handling, storage and utilization of compressed gases in cylinders was not in accordance with Compressed Gas Association Pamphlet P-1-1965, which is incorporated by reference as specified in Sec. 1910.6.

(a) Location – Compressed gas storage area:

On or about December 6, 2007, the employer failed to ensure that compressed gas cylinders were stored in accordance with the Compressed Gas Association, Pamphlet P-1-1965.

Date by Which Violation Must be Abated:

6/4/2008

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: Dominion Energy New England- Salem Harbor
Inspection Site: 24 Fort Ave, Salem, Ma 01970

Citation 1 Item 4 Type of Violation : Serious

29 CFR 1910.110(d)(10): Precautions were not taken to prevent damage to LP gas system(s) from vehicular traffic:

a) Location – Temporary heat supply- north side of boiler house:
On or about December 6, 2007, the employer failed to ensure that LP gas container and tubing were located as to minimize physical damage

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

Citation 1 Item 5 Type of Violation : Serious

29 CFR 1910.132(d)(2): The employer did not verify that the required workplace hazard assessment had been performed through a written certification that identifies the workplace evaluated; the person certifying that the evaluation has been performed; the date(s) of the hazard assessment, and which identifies the document as a certification of the hazard assessment:

a) Location – Removing klinkers from boilers:
On or about January 15, 2008, the employer failed to ensure that a workplace hazard assessment had been performed through a written certification for the task of removing klinkers from boilers.

Date by Which Violation Must be Abated: 6/4/2008
Proposed Penalty: \$ 4500.00

Citation 1 Item 6 Type of Violation : Serious

29 CFR 1910.178(m)(5)(i): Powered industrial trucks were left unattended without the engine turned off:

a) Location – by Gen Services QC trailer:
On or about December 6, 2007, the employer failed to ensure that the engine was turned off when an industrial truck was left unattended.

Date by Which Violation Must be Abated: 5/10/2008
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: Dominion Energy New England- Salem Harbor
Inspection Site: 24 Fort Ave, Salem, Ma 01970

Citation 1 Item 7 Type of Violation : Serious

29 CFR 1910.303(b)(2): Listed or labeled electrical equipment was not used or installed in accordance with instructions included in the listing or labeling:

- a) Location – by Gen Services QC trailer:
On or about December 6, 2007, the employer failed to ensure that an outdoor electrical panel was installed and used in accordance with its listing

Date by Which Violation Must be Abated: 6/4/2008
Proposed Penalty: \$ 4500.00

Citation 1 Item 8 Type of Violation : Serious

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

- a) Location – Third floor conference room:
On or about December 12, 2007, the employer failed to ensure that electrical equipment at its disconnecting means was legibly marked to indicate its purpose.

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

Citation 1 Item 9 Type of Violation : Serious

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

- a) Location – Electrical panel by Gen Services QC trailer:
On or about December 6, 2007, the employer failed to ensure that unused openings in an electrical box or cabinet were effectively closed.

Date by Which Violation Must be Abated: 6/4/2008
Proposed Penalty: \$ 4500.00



Citation and Notification of Penalty

Company Name: Dominion Energy New England- Salem Harbor
Inspection Site: 24 Fort Ave, Salem, Ma 01970

Citation 1 Item 10 Type of Violation : Serious

29 CFR 1910.305(j)(2)(ii): Receptacles installed in wet or damp locations were not suitable for the location:

a) Location – Electrical panel by Gen Services QC trailer:
On or about December 6, 2007, the employer failed to ensure that receptacles installed in a wet or damp location were suitable for the location.

Date by Which Violation Must be Abated:
Proposed Penalty:

6/4/2008
\$ 4500.00

Ramona Oles
Francis Pasquella
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
100 Valley Office Park, 13 Branch Street
North Andover, MA 01844
Phone: (617) 565-8110 Fax: (617) 565-8115



INVOICE/ DEBT COLLECTION NOTICE

Company Name: Dominion Energy New England- Salem Harbor
Inspection Site: 24 Fort Ave
Issuance Date: 05/05/2008

Summary of Penalties for Inspection Number 311425474

Citation 1, Serious = \$ 46,800.00
TOTAL PROPOSED PENALTIES = \$ 46,800.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance.

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

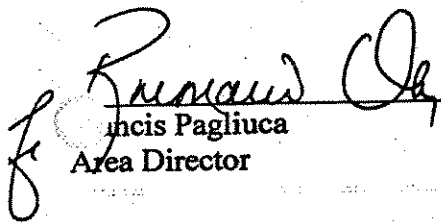
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 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 4%. 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.


Francis Pagliuca
Area Director

5/5/08
Date