



Notice of Violation and Order to Comply

To:
Mayor
City of Watertown
245 Washington Street
Watertown, NY 13601

Inspection Number: 1278927
Inspection Date(s): 11/21/2017-11/21/2017
Issuance Date: 03/07/2018
CSHO ID: 15310

Inspection Site:
Watertown City WWTP
700 W.T. Field Drive
Watertown, NY 13601

The violation(s) described in this Notice of Violation and Order to Comply 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 Notice of Violation and Order to Comply (this Notice) describes violations of the Public Employee Safety and Health Act of 1980. You must abate the violations cited in this Notice by the dates listed below. An employer who wishes to file an appeal of the violation(s) cited, including but not limited to appeals which raise issues concerning the application of the cited standard(s) to the employer or to the violation(s) cited, as well as issues concerning the appropriateness of the abatement period(s), must do so within 60 days of the issuance date of this Notice by filing a petition with the Industrial Board of Appeals. Appeals of the violation(s) cited, including but not limited to appeals raising the issues listed above, will be considered time barred if not filed within the 60 day period. The details of such appeal process are set forth at 12 NYCRR Part 65 et seq and Section 101 of the Labor Law. Additional information may also be obtained from the Industrial Board of Appeals at their website: www.labor.state.ny.us/iba.

Posting - The law requires that a copy of this Notice be posted immediately in a prominent place at or near the location of the violation(s) cited below. This Notice must remain posted until the violation(s) cited below have been abated, or for 3 working days (excluding weekends and State holidays), whichever is longer.

Penalty Assessment - An employer that fails to correct a violation by its abatement date is subject to a PER DAY penalty assessment. We will assess a penalty of up to \$50 per day for each non-serious violation, and up to \$200 per day for each serious violation, until the violations are corrected. The penalty assessed for each violation will appear in the Failure to Abate notice.

Informal Conference - If an informal conference is requested, it must be made to the nearest PESH district office by telephone or letter, within 20 working days from the date of issuance given on this Notice.

Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far.

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 PESH district office at the address shown above.

Employer Rights and Responsibilities - The enclosed booklet (P907) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees - An employee (or an authorized employee representative) may object to the abatement date set for a violation if the employee believes the date to be unreasonable. The objection must be filed at the nearest PESH district office within fifteen (15) working days (excluding weekends and State holidays) from the posting of this Notice.



Notice of Violation and Order to Comply

Establishment: Watertown City WWTP
Inspection Site: 700 W.T. Field Dr. Watertown, NY 13601

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

29 CFR 1910.147(c)(4)(ii): Procedures did not clearly and specifically outline the scope, purpose, authorization, rules, and techniques to be utilized for the control of hazardous energy, and the means to enforce compliance including, but not limited to, 29 CFR 1910.147(c)(4)(ii)(a), (c)(4)(ii)(b), (c)(4)(ii)(c) and (c)(4)(ii)(d):

- a. Watertown City WWTP - The employer did not include a specific statement of the purpose of the procedure, authorization, and rules of the 47 lockout/tagout procedures for the equipment at the waste water treatment plant as required by 29 CFR 1910.147(c)(4)(ii)(a). Employees are exposed to equipment start up and release of stored energy in the event of an accident.

- b. Watertown City WWTP - The employer did not include specific procedural steps for the shutdown, isolating, blocking, and securing of the filter presses to control hazardous energy as required by 29 CFR 1910.147(c)(4)(ii)(b). The energy control procedure is in a narrative format and does not include specific steps of the procedure for the isolation of hazardous energy, specific steps to dissipate stored energy, and what is being locked out and tagged out. There are three different sources of hazardous energy to isolate and render safe for the filter presses and the procedures for the control of hazardous energy did not clearly and specifically outline the steps for employees to take to ensure that the filter press was properly de energized and the stored energy released safely. There are two additional pieces of equipment that would be required to be locked out in order to properly lock out either of the filter presses, the core blow compressor and the filter press feed pumps. The lock out procedure for the filter presses does not reference the procedures for shutting down the additional pieces of equipment. Employees were exposed to the release of stored energy hazards which resulted in the death of one employee and exposure to hazardous materials to a second employee.

- c. Watertown City WWTP - The employer did not include specific requirements for testing equipment to determine and verify the effectiveness of the lockout devices, tagout devices, and other energy control procedures as required by 29 CFR 1910.147(c)(4)(ii)(d). Employees are exposed to equipment start up and release of stored energy in the event of an accident.

Date by Which Violation Must Be Abated:

April 09, 2018



Notice of Violation and Order to Comply

Establishment: Watertown City WWTP
Inspection Site: 700 W.T. Field Dr. Watertown, NY 13601

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

29 CFR 1910.147(d)(6): Prior to starting work on machines or equipment that had been locked out or tagged out, the authorized employee did not verify that isolation and de-energization of the machine or equipment had been accomplished:

- a. Watertown City WWTP - Prior to repairing a leaking hydraulic fitting on filter press #1 the employee did not verify that the release of stored energy of the machine was accomplished and the equipment was rendered safe to perform work. There was no system in place to verify the isolation of hazardous energy, as a result the release of stored energy caused the hydraulic line to strike an employee in the head resulting in his death and exposing a second employee to hazardous materials.

Date by Which Violation Must Be Abated: April 16, 2018

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

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

- a. Watertown City WWTP MCC Room - A breaker panel was missing a breaker leaving an opening in the dead front cover of the MCC panel. Employees are exposed to contact with electrical current and arc flash in the event of an accident.

Date by Which Violation Must Be Abated: March 19, 2018



Notice of Violation and Order to Comply

Establishment: Watertown City WWTP
Inspection Site: 700 W.T. Field Dr. Watertown, NY 13601

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

29 CFR 1910.132(d)(1): The employer did not assess the workplace to determine if hazards were present, or were likely to be present, which necessitated the use of personal protective equipment:

- a. Watertown City WWTP - The employer did not assess the workplace to determine if hazards were present which would require employees to use personal protective equipment. Employee tasks include but are not limited to: Working in proximity to water, operation and maintenance of pumps, mechanical equipment, electrical services, and machines where employees are potentially exposed to drowning hazards, falling/flying parts/materials, abrasions, thermal hazards, chemicals, etc.

NOTE: If such hazards are present, or likely to be present, the employer must:

- (i) Select, and have each affected employee use, the types of PPE that will protect the affected employee from the hazards identified in the hazard assessment;
(ii) Communicate selection decisions to each affected employee; and
(iii) Select PPE that properly fits each affected employee.

Date by Which Violation Must Be Abated: April 23, 2018

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

29 CFR 1910.147(c)(6)(i): The employer did not conduct a periodic inspection of the energy control procedure at least annually to ensure that the procedure and the requirement of this standard were being followed:

- a. Watertown City WWTP - The employer has not conducted any periodic inspections of the 47 pieces of equipment that has procedures for lock out tag out, to ensure that the procedure and the requirements of the lockout/tagout standard were being followed and the procedures were effective.

Date by Which Violation Must Be Abated: April 09, 2018

A handwritten signature in black ink, appearing to read "Richard T. Dugan".

Richard T. Dugan
Supervising S&H Inspector

RTD/dlm