



Citation and Notification of Penalty

Company Name: Plank Construction Company, Inc.
Inspection Site: Wards Lane, Dutch Village, Menands, NY 12204

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

29 CFR 1926.651(c)(2): A stairway, ladder, ramp or other safe means of egress was not located in trench excavations that were 4 feet (1.22m) or more in depth so as to require no more than 25 feet (7.62m) of lateral travel for employees

(a) Worksite, Wards Lane: On or prior to 10/3/15, during excavation activities to allow for installation of an 18" Storm drain pipe which connected storm drain manhole (STMH3) to overflow collection structure (OCS), a ladder, ramp or other safe means of egress was not provided so as to provide no more than 25 feet of lateral travel for employees. The excavation was approximately 8 feet in depth and 55' long.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$5390.00



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Company Name: Plank Construction Company, Inc.
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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).

(a) Worksite, Wards Lane: On or prior to 10/3/15, the excavation to allow for installation of an 18" Storm drain pipe which connected storm drain manhole (STMH3) to overflow collection structure (OCS) was not protected from cave-in by an adequate protective system, in that: the excavation was approximately 8 feet deep, 3.5' wide, and 55' long, with vertical faces. No shoring, shield, or other protective system was used. ~~Y~~On 10/3/15, an employee was installing an 18" HDPE pipe when the northwest side of the excavation collapsed, trapping him in an area that was approximately 7' deep.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$53900.00

A handwritten signature in black ink, appearing to read "Robert Garvey", with a long horizontal flourish extending to the right.

Robert Garvey
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
401 New Karner Road
Suite 300
Albany, NY 12205
Phone: 518-464-4338 Fax: 518-464-4337



INVOICE / DEBT COLLECTION NOTICE

Company Name: Plank Construction Company, Inc.
Inspection Site: Wards Lane, Dutch Village, Menands, NY 12204
Issuance Date: 03/30/2016

Summary of Penalties for Inspection Number	1096109
Citation 1, Serious	\$5390.00
Citation 2, Willful	\$53900.00
TOTAL PROPOSED PENALTIES	\$59290.00

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. 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.



Robert Garvey

Area Director

3/30/2016
Date