

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
521 East Main Avenue, Suite 200  
Bismarck, ND 58501  
Phone: 701-250-4521 Fax: 701-250-4520



## Citation and Notification of Penalty

**To:**  
Kamphuis Pipeline Co.  
6115 28th Street Suite 201  
Grand Rapids, MI 49546

**Inspection Number:** 1266504  
**Inspection Date(s):** 09/27/2017 - 09/27/2017  
**Issuance Date:** 03/15/2018

**Inspection Site:**  
340 North Lakeview Drive  
Dawson, ND 58428

*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 03/15/2018. The conference will be held by telephone or at the OSHA office located at 521 East Main Avenue, Suite 200, Bismarck, ND 58501 on \_\_\_\_\_ at

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



**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1266504**

Company Name: Kamphuis Pipeline Co.  
Inspection Site: 340 North Lakeview Drive, Dawson, ND 58428  
Issuance Date: 03/15/2018

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, 521 East Main Avenue, Suite 200, Bismarck, ND 58501**

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:** Kamphuis Pipeline Co.  
**Inspection Site:** 340 North Lakeview Drive, Dawson, ND 58428

**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) On or about, September 20, 2017, and at times prior to that date, for the employees exposed to cave-in hazards while installing a six inch, CL-200 yellowmine, water pipe in a trench approximately nine feet deep for the Project located at 200 First Street SW, Tappen, North Dakota.

(b) On or about, September 25, 2017, and at times prior to that date, for the employees exposed to cave-in hazards while installing an ARV manhole and setting the cement lid in a trench approximately eight feet deep for the Project located at the intersection of Highway 3 and North Lakeview Drive, Dawson, North Dakota.

(c) On or about, September 26, 2017, and at times prior to that date, for the employees exposed to cave-in hazards while installing a water metering pit in a trench approximately eight feet deep for the Project located at 256 North Lakeview Drive, Dawson, North Dakota.

(d) On or about, September 27, 2017, and at times prior to that date, for the employees exposed to cave-in hazards while installing a water metering pit in a trench approximately eight feet deep for the Project located at 324 North Lakeview Drive, Dawson, North Dakota.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Sample Abatement Certification Letter").

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

03/21/2018  
\$12,934.00

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

**Inspection Number:** 1266504  
**Inspection Date(s):** 09/27/2017 - 09/27/2017  
**Issuance Date:** 03/15/2018



**Citation and Notification of Penalty**

**Company Name:** Kamphuis Pipeline Co.  
**Inspection Site:** 340 North Lakeview Drive, Dawson, ND 58428

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

29 CFR 1926.651(h)(1): Employees were working in excavations in which there was accumulated water, or excavations in which water was accumulating, and adequate precautions had not been taken to protect employees against the hazards posed by water accumulation:

(a) On or about September 26, 2017 and at times prior to that date, for the employees exposed to cave-in hazards while installing a water metering pit in an unprotected trench excavation approximately eight feet deep for the Project located at 236 North Lakeview Drive, Dawson, North Dakota.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Sample Abatement Certification Letter").

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	03/21/2018
Proposed Penalty:	\$12,934.00

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:** Kamphuis Pipeline Co.  
**Inspection Site:** 340 North Lakeview Drive, Dawson, ND 58428

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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 1 a** Type of Violation: **Willful**

29 CFR 1926.100(a): Employees working in areas where there was a possible danger of head injury from impact, or falling or flying objects, or from electrical shock and burns, were not protected by protective helmets:

- (a) On or about September 20, 2017 and at times prior to that date, for the employees exposed to overhead struck-by hazards while installing a six inch, CL-200 yellowed, water pipe in a trench approximately eight feet deep for the Project located at 200 First Street SW, Tappen, North Dakota.
- (b) On or about September 25, 2017 and at times prior to that date, for the employees exposed to overhead struck-by hazards while installing water metering pits in unprotected trench excavations approximately eight feet deep for the Project located at 112 North Lakeview Drive, Dawson, North Dakota.
- (c) On or about September 25, 2017 and at time prior to that date, for the employee exposed to overhead struck-by hazards while installing an ARV manhole and setting the cement lid in an unprotected trench excavations approximately eight feet deep for the Project located at Intersection of Highway 3 and North Lakeview Drive, Dawson, North Dakota.
- (d) On or about September 26, 2017 and at times prior to that date, for the employees exposed to overhead struck-by hazards while installing water metering pits in unprotected trench excavations approximately eight feet deep for the Project located at 156 North Lakeview Drive, Dawson, North Dakota.
- (e) On or about September 26, 2017 and at times prior to that date, for the employees exposed to overhead struck-by hazards while installing water metering pits in unprotected trench excavations approximately eight feet deep for the Project located at 265 North Lakeview Drive, Dawson, North Dakota.

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:** Kamphuis Pipeline Co.  
**Inspection Site:** 340 North Lakeview Drive, Dawson, ND 58428

(f) On or about September 27, 2017 and at times prior to that date, for the employees exposed to overhead struck-by hazards while installing water metering pits in unprotected trench excavations approximately eight feet deep for the Project located at 320 North Lakeview Drive, Dawson, North Dakota.

(g) On or about September 27, 2017 and at times prior to that date, for the employees exposed to overhead struck-by hazards while installing water metering pits in unprotected trench excavations approximately eight feet deep for the Project located at 324 North Lakeview Drive, Dawson, North Dakota.

(h) On or about September 27, 2017 and at times prior to that date, for the employees exposed to overhead struck-by hazards while installing water metering pits in unprotected trench excavations approximately eight feet deep for the Project located at 336 North Lakeview Drive, Dawson, North Dakota.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Sample Abatement Certification Letter").

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	03/21/2018
Proposed Penalty:	\$110,856.00



**Citation and Notification of Penalty**

**Company Name:** Kamphuis Pipeline Co.  
**Inspection Site:** 340 North Lakeview Drive, Dawson, ND 58428

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

29 CFR 1926.651(j)(2): Protection was not provided by placing and keeping excavated or other materials or equipment at least 2 feet (.61m) from the edge of excavations, or by the use of retaining devices that were sufficient to prevent materials or equipment from falling or rolling into excavations, or by a combination of both if necessary:

(a) On or about September 20, 2017 and at times prior to that date, for the employees exposed to struck-by hazards where rolling rocks/clumps of soil, water pump hose, gas generator, pipe sleeves, and a bucket of sealing compound was placed directly on the edge of the eight foot deep trench while a six inch, CL-200 yellowmine, water pipe was installed for the Project located at the rail road crossing in 200 First Street SW, Tappen, North Dakota.

(b) On or about September 25, 2017 and at times prior to that date, for the employees exposed to struck-by hazards where rolling rocks/clumps of soil were placed directly on the edge of the unprotected eight foot deep trench while installing water metering pits for the Project located at 112 North Lakeview Drive, Dawson, North Dakota.

(c) On or about September 25, 2017 and at times prior to that date, for the employee exposed to struck-by hazards where rolling rocks/clumps of soil, gas generator, plastic bucket with tools, and a 2x4 were placed directly on the edge of the eight feet deep trench while installing an ARV manhole and setting the cement lid for the Project located at Intersection of Highway 3 and North Lakeview Drive, Dawson, North Dakota.

(d) On or about September 26, 2017 and at times prior to that date, for the employees exposed to struck-by hazards where rolling rocks/clumps of soil were directly on the edge of the unprotected eight foot deep trench while installing water metering pits for the Project located at 156 North Lakeview Drive, Dawson, North Dakota.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Sample Abatement Certification Letter").

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

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:** 1266504  
**Inspection Date(s):** 09/27/2017 - 09/27/2017  
**Issuance Date:** 03/15/2018



**Citation and Notification of Penalty**

**Company Name:** Kamphuis Pipeline Co.  
**Inspection Site:** 340 North Lakeview Drive, Dawson, ND 58428

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Date By Which Violation Must be Abated:

03/21/2018

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:** Kamphuis Pipeline Co.  
**Inspection Site:** 340 North Lakeview Drive, Dawson, ND 58428

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 1926.651(k)(2): Where the competent person found evidence of a situation that could result in possible cave-in, indications of failure of protective systems, hazardous atmospheres, or other hazardous conditions, exposed employees were not removed from the hazardous area until the necessary precautions have been taken to ensure their safety:

- (a) On or about September 20, 2017 and at times prior to that date, for the employees exposed to cave-in hazards while installing a six inch, CL-200 yellowmine, water pipe in an unprotected trench approximately eight feet deep for the Project located at 200 First Street SW, Tappen, North Dakota.
- (b) On or about September 25, 2017 and at times prior to that date, for the employees exposed to cave-in hazards while installing a water metering pit in an unprotected trench excavation approximately eight feet deep for the Project located at 112 North Lakeview Drive, Dawson, North Dakota.
- (c) On or about September 25, 2017 and at time prior to that date, for the employee exposed to cave-in hazards while installing an ARV manhole and setting the cement lid in an unprotected trench excavations approximately eight feet deep for the Project located at Intersection of Highway 3 and North Lakeview Drive, Dawson, North Dakota.
- (d) On or about September 26, 2017 and at times prior to that date, for the employees exposed to cave-in hazards while installing water metering pits in unprotected trench excavations approximately eight feet deep for the Project located at 156 North Lakeview Drive, Dawson, North Dakota.
- (e) On or about September 26, 2017 and at times prior to that date, for the employees exposed to cave-in hazards while installing a water metering pit in an unprotected trench excavation approximately eight feet deep for the Project located at 236 North Lakeview Drive, Dawson, North Dakota.
- (f) On or about September 26, 2017 and at times prior to that date, for the employees exposed to cave-in hazards while installing a water metering pit in an unprotected trench excavation approximately

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:** Kamphuis Pipeline Co.  
**Inspection Site:** 340 North Lakeview Drive, Dawson, ND 58428

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eight feet deep for the Project located at 256 North Lakeview Drive, Dawson, North Dakota.

(g) On or about September 27, 2017 and at times prior to that date, for the employees exposed to cave-in hazards while installing a water metering pit in an unprotected trench excavation approximately eight feet deep for the Project located at 320 North Lakeview Drive, Dawson, North Dakota.

(h) On or about September 27, 2017 and at times prior to that date, for the employees exposed to cave-in hazards while installing a water metering pit in an unprotected trench excavation approximately eight feet deep for the Project located at 324 North Lakeview Drive, Dawson, North Dakota.

(i) On or about September 27, 2017 and at times prior to that date, for the employees exposed to cave-in hazards while installing a water metering pit in an unprotected trench excavation approximately eight feet deep for the Project located at 336 North Lakeview Drive, Dawson, North Dakota.

(j) On or about September 27, 2017 and at times prior to that date, for the employees exposed to cave-in hazards while installing a water metering pit in an unprotected trench excavation approximately eight feet deep for the Project located at 340 North Lakeview Drive, Dawson, North Dakota.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Sample Abatement Certification Letter").

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	03/21/2018
Proposed Penalty:	\$129,336.00





**Citation and Notification of Penalty**

**Company Name:** Kamphuis Pipeline Co.  
**Inspection Site:** 340 North Lakeview Drive, Dawson, ND 58428

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**Citation 2 Item 2 b** 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 paragraph (b) or (c) of this section:

(a) On or about September 20, 2017 and at times prior to that date, for the employees exposed to cave-in hazards while installing a six inch, CL-200 yellowed, water pipe in an unprotected trench approximately eight feet deep for the Project located at 200 First Street SW, Tappen, North Dakota.

(b) On or about September 25, 2017 and at times prior to that date, for the employees exposed to cave-in hazards while installing a water metering pit in an unprotected trench excavation approximately eight feet deep for the Project located at 112 North Lakeview Drive, Dawson, North Dakota.

(c) On or about September 25, 2017 and at time prior to that date, for the employee exposed to cave-in hazards while installing an ARV manhole and setting the cement lid in an unprotected trench excavations approximately eight feet deep for the Project located at Intersection of Highway 3 and North Lakeview Drive, Dawson, North Dakota.

(d) On or about September 26, 2017 and at times prior to that date, for the employees exposed to cave-in hazards while installing water metering pits in unprotected trench excavations approximately eight feet deep for the Project located at 156 North Lakeview Drive, Dawson, North Dakota.

(e) On or about September 26, 2017 and at times prior to that date, for the employees exposed to cave-in hazards while installing a water metering pit in an unprotected trench excavation approximately eight feet deep for the Project located at 236 North Lakeview Drive, Dawson, North Dakota.

(f) On or about September 26, 2017 and at times prior to that date, for the employees exposed to cave-in hazards while installing a water metering pit in an unprotected trench excavation approximately eight feet deep for the Project located at 256 North Lakeview Drive, Dawson, North Dakota.

(g) On or about September 27, 2017 and at times prior to that date, for the employees exposed to cave-in hazards while installing a water metering pit in an unprotected trench excavation approximately eight feet deep for the Project located at 320 North Lakeview Drive, Dawson, North Dakota.

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:** Kamphuis Pipeline Co.  
**Inspection Site:** 340 North Lakeview Drive, Dawson, ND 58428

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(h) On or about September 27, 2017 and at times prior to that date, for the employees exposed to cave-in hazards while installing a water metering pit in an unprotected trench excavation approximately eight feet deep for the Project located at 324 North Lakeview Drive, Dawson, North Dakota.

(i) On or about September 27, 2017 and at times prior to that date, for the employees exposed to cave-in hazards while installing a water metering pit in an unprotected trench excavation approximately eight feet deep for the Project located at 336 North Lakeview Drive, Dawson, North Dakota.

(j) On or about September 27, 2017 and at times prior to that date, for the employees exposed to cave-in hazards while installing a water metering pit in an unprotected trench excavation approximately eight feet deep for the Project located at 340 North Lakeview Drive, Dawson, North Dakota.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Sample Abatement Certification Letter").

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

03/21/2018

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

**Inspection Number:** 1266504  
**Inspection Date(s):** 09/27/2017 - 09/27/2017  
**Issuance Date:** 03/15/2018



**Citation and Notification of Penalty**

**Company Name:** Kamphuis Pipeline Co.  
**Inspection Site:** 340 North Lakeview Drive, Dawson, ND 58428

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

29 CFR 1926.21(b)(2): The employer did not instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his/her environment to control or eliminate any hazards or other exposure to illness or injury:

(a) On or about September 27, 2017 and at times prior to that date, for the employees exposed to cave-in hazards while installing water metering pits in a trench excavation approximately eight feet deep without protective systems in place for the Project located at 340 North Lakeview Drive, Dawson, North Dakota.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

04/19/2018

Proposed Penalty:

\$1,037.00

A handwritten signature in blue ink, appearing to read "Eric R. Brooks", written over a horizontal line.

**Eric R. Brooks**  
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  
521 East Main Avenue, Suite 200  
Bismarck, ND 58501  
Phone: 701-250-4521 Fax: 701-250-4520



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Kamphuis Pipeline Co.  
**Inspection Site:** 340 North Lakeview Drive, Dawson, ND 58428  
**Issuance Date:** 03/15/2018

<b>Summary of Penalties for Inspection Number</b>	<b>1266504</b>
<b>Citation 1, Serious</b>	<b>\$25,868.00</b>
<b>Citation 2, Willful</b>	<b>\$240,192.00</b>
<b>Citation 3, Other-than-Serious</b>	<b>\$1,037.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$267,097.00</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

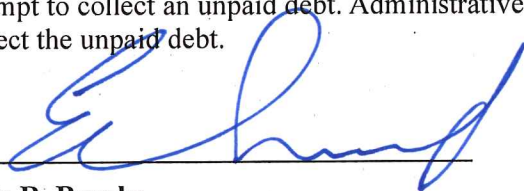
original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

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.



**Eric R. Brooks**

Area Director



Date



**U.S. Department of Labor**  
Occupational Safety and Health Administration  
521 East Main Avenue, Suite 200  
Bismarck, ND 58501  
Phone: 701-250-4521 Fax: 701-250-4520



## Citation and Notification of Penalty

**To:**  
Kamphuis Pipeline Co.  
6115 28th Street SE  
Suite 201  
Grand Rapids, MI 49501

**Inspection Number:** 1269327  
**Inspection Date(s):** 10/03/2017 - 10/03/2017  
**Issuance Date:** 03/15/2018

**Inspection Site:**  
Vicinity of First Street SW and Troy Avenue  
Tappen, ND 58487

*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 03/15/2018. The conference will be held by telephone or at the OSHA office located at 521 East Main Avenue, Suite 200, Bismarck, ND 58501 on \_\_\_\_\_ at

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



**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1269327**

Company Name: Kamphuis Pipeline Co.  
Inspection Site: Vicinity of First Street SW and Troy Avenue, Tappen, ND 58487  
Issuance Date: 03/15/2018

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, 521 East Main Avenue, Suite 200, Bismarck, ND 58501**

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:** 1269327  
**Inspection Date(s):** 10/03/2017 - 10/03/2017  
**Issuance Date:** 03/15/2018



**Citation and Notification of Penalty**

**Company Name:** Kamphuis Pipeline Co.  
**Inspection Site:** Vicinity of First Street SW and Troy Avenue, Tappen, ND 58487

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

Section 5(a)(1): 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 vehicle struck be hazards:

(a) On or about October 3, 2017 for the employees exposed to vehicle struck by hazards working in and adjacent to the roadway to support trenching activities in the vicinity of First Street SW and Troy Avenue Tappen, ND.

NOTE: Among other methods, one feasible and acceptable method of abatement is to follow the requirements for traffic control plans as identified in Section Six of the Manual on Uniform Traffic Control Devices (MUTCD).

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date By Which Violation Must be Abated: 04/10/2018  
Proposed Penalty: \$9,239.00

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:** 1269327  
**Inspection Date(s):** 10/03/2017 - 10/03/2017  
**Issuance Date:** 03/15/2018



**Citation and Notification of Penalty**

**Company Name:** Kamphuis Pipeline Co.

**Inspection Site:** Vicinity of First Street SW and Troy Avenue, Tappen, ND 58487

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

29 CFR 1926.651(d): Employees exposed to public vehicular traffic were not wearing warning vests provided by the employer:

(a) On or about October 3, 2017 for the employees working in and near a trench who were exposed to vehicle struck by hazards where reflective clothing was not worn by employees working from the roadway in the vicinity First Street SW and Troy Avenue Tappen, ND.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date By Which Violation Must be Abated:

04/10/2018

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:** 1269327  
**Inspection Date(s):** 10/03/2017 - 10/03/2017  
**Issuance Date:** 03/15/2018



**Citation and Notification of Penalty**

**Company Name:** Kamphuis Pipeline Co.  
**Inspection Site:** Vicinity of First Street SW and Troy Avenue, Tappen, ND 58487

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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 2 a** Type of Violation: **Serious**

29 CFR 1926.403(b)(2): Listed, labeled, or certified equipment was not installed and used in accordance with instructions included in the listing, labeling, or certification:

(a) On or about October 3, 2017 for the employees exposed to electrical shock hazards where two portable Honda EU2000 generators were sitting in water while running water pumps in the vicinity of First Street SW and Troy Avenue Tappen, ND.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date By Which Violation Must be Abated: 04/10/2018  
Proposed Penalty: \$9,239.00

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:** 1269327  
**Inspection Date(s):** 10/03/2017 - 10/03/2017  
**Issuance Date:** 03/15/2018



**Citation and Notification of Penalty**

**Company Name:** Kamphuis Pipeline Co.  
**Inspection Site:** Vicinity of First Street SW and Troy Avenue, Tappen, ND 58487

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

29 CFR 1926.405(j)(2)(ii): A receptacle installed in a wet location was not designed for the location:

(a) On or about October 3, 2017 for the employees exposed electrical shock hazards where receptacles and cords were being used in standing water providing electricity to run water pumps in the vicinity of First Street SW and Troy Avenue Tappen, ND.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date By Which Violation Must be Abated:

04/10/2018

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:** 1269327  
**Inspection Date(s):** 10/03/2017 - 10/03/2017  
**Issuance Date:** 03/15/2018



**Citation and Notification of Penalty**

**Company Name:** Kamphuis Pipeline Co.  
**Inspection Site:** Vicinity of First Street SW and Troy Avenue, Tappen, ND 58487

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Citation 1 Item 3 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) On or about October 3, 2017 for the employees in an eight foot deep trench working inside of a sinking trench box installing a water line who were exposed to crushing and engulfment hazards where the employees did not have a means of egress to exit the trench box and/or trench in the vicinity of First Street SW and Troy Avenue Tappen, ND

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Sample Abatement Certification Letter").

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/10/2018
Proposed Penalty:	\$12,934.00

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:** 1269327  
**Inspection Date(s):** 10/03/2017 - 10/03/2017  
**Issuance Date:** 03/15/2018



**Citation and Notification of Penalty**

**Company Name:** Kamphuis Pipeline Co.  
**Inspection Site:** Vicinity of First Street SW and Troy Avenue, Tappen, ND 58487

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

29 CFR 1926.651(e): Employee was not prohibited to be underneath loads handled by lifting or digging equipment:

(a) On or about October 3, 2017 for the employees exposed to crushing hazards while installing a water line at a depth of eight feet in a sinking trench box where gravel was being suspended over employees heads in the bucket of the Ford 575E backhoe in the vicinity of First Street SW and Troy Avenue Tappen, ND.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Sample Abatement Certification Letter").

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/10/2018
Proposed Penalty:	\$12,934.00

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:** 1269327  
**Inspection Date(s):** 10/03/2017 - 10/03/2017  
**Issuance Date:** 03/15/2018



**Citation and Notification of Penalty**

**Company Name:** Kamphuis Pipeline Co.

**Inspection Site:** Vicinity of First Street SW and Troy Avenue, Tappen, ND 58487

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

29 CFR 1926.651(h)(1): Employees were working in excavations in which there was accumulated water, or excavations in which water was accumulating, and adequate precautions had not been taken to protect employees against the hazards posed by water accumulation:

(a) On or about October 3, 2017 for the employees exposed to crushing and engulfment hazards in an eight foot deep trench where water accumulations created a slurry that washed away the walls and base of the trench in the vicinity of First Street SW and Troy Avenue Tappen, ND.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Sample Abatement Certification Letter").

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

04/10/2018  
\$12,934.00

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:** 1269327  
**Inspection Date(s):** 10/03/2017 - 10/03/2017  
**Issuance Date:** 03/15/2018



**Citation and Notification of Penalty**

**Company Name:** Kamphuis Pipeline Co.  
**Inspection Site:** Vicinity of First Street SW and Troy Avenue, Tappen, ND 58487

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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 1 a** Type of Violation: **Willful**

29 CFR 1926.651(k)(2): Where the competent person found evidence of a situation that could result in possible cave-in, indications of failure of protective systems, hazardous atmospheres, or other hazardous conditions, exposed employee(s) was/were not removed from the hazardous area until the necessary precautions have been taken to ensure their safety:

(a) On or about October 3, 2017 where the employees were exposed to trench crushing hazards while attempting to install a water line at a depth of eight feet where flowing water was eroding the trench walls and collapsing protective systems in the vicinity of First Street SW and Troy Avenue Tappen, ND.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Sample Abatement Certification Letter").

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/10/2018
Proposed Penalty:	\$129,336.00

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:** 1269327  
**Inspection Date(s):** 10/03/2017 - 10/03/2017  
**Issuance Date:** 03/15/2018



**Citation and Notification of Penalty**

**Company Name:** Kamphuis Pipeline Co.  
**Inspection Site:** Vicinity of First Street SW and Troy Avenue, Tappen, ND 58487

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**Citation 2 Item 1 b** 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 (b) or (c):

(a) On or about October 3, 2017 for the employees exposed to crushing and engulfment hazards from trench cave-ins while attempting to install a water line at a depth of eight feet where the trench box was sinking from flowing water in the vicinity of First Street SW and Troy Avenue Tappen, ND.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Sample Abatement Certification Letter").

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

04/10/2018

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:** 1269327  
**Inspection Date(s):** 10/03/2017 - 10/03/2017  
**Issuance Date:** 03/15/2018



**Citation and Notification of Penalty**

**Company Name:** Kamphuis Pipeline Co.

**Inspection Site:** Vicinity of First Street SW and Troy Avenue, Tappen, ND 58487

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

29 CFR 1926.21(b)(2): The employer did not instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his/her environment to control or eliminate any hazards or other exposure to illness or injury:

(a) On or about October 3, 2017 for the employees working in an eight foot deep trench to connect water lines where the trench was flooding with water and the trench box was sinking in the vicinity of First Street SW and Troy Avenue Tappen, ND.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Sample Abatement Certification Letter").

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

04/10/2018

Proposed Penalty:

\$1,037.00

A handwritten signature in blue ink, appearing to read "Eric R. Brooks", written over a horizontal line.

**Eric R. Brooks**  
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  
521 East Main Avenue, Suite 200  
Bismarck, ND 58501  
Phone: 701-250-4521 Fax: 701-250-4520



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Kamphuis Pipeline Co.  
**Inspection Site:** Vicinity of First Street SW and Troy Avenue, Tappen, ND 58487  
**Issuance Date:** 03/15/2018

<b>Summary of Penalties for Inspection Number</b>	<b>1269327</b>
<b>Citation 1, Serious</b>	<b>\$57,280.00</b>
<b>Citation 2, Willful</b>	<b>\$129,336.00</b>
<b>Citation 3, Other-than-Serious</b>	<b>\$1,037.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$187,653.00</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



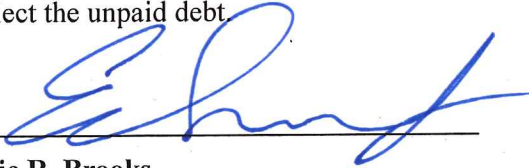
original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

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.



**Eric R. Brooks**  
Area Director

3/15/2018  
Date