



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF LABOR
BUREAU OF LABOR STANDARDS
WORKPLACE SAFETY AND HEALTH DIVISION
45 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0045

LAURA A. FORTMAN
COMMISSIONER

MICHAEL ROLAND
DIRECTOR

December 23, 2021

Kathy Moriarty, General Manager
Bangor Water District/ Bangor Water District
PO Box 1129
Bangor, ME 04402

Inspection Number: 1554979

Dear Kathy Moriarty:

The Bureau of Labor Standards completed an inspection on 09/24/2021 in which workplace conditions were found that violate Occupational Safety and Health rules. SEE: Title 26 MRSA Chapter 6; 29 CFR parts 1910 & 1926. The unsafe conditions identified are listed in the enclosed citation document attached to this report along with the reference to the applicable Safety and Health standard or regulation that applies. All unsafe condition(s) identified must be corrected by the abatement date indicated on the report.

The enclosed citations will become a final order within fifteen (15) business days from the day it was received, unless you request a penalty discussion or file an appeal (see employer options) within the specified time frame listed above. The total amount of the proposed penalty for the citations is \$1,400 payable to the "Treasurer, State of Maine".

Employer options (within 15 business days):

Informal Conference: Within fifteen (15) days of receipt, you have the option of meeting with the Bureau Director or their designee, to present any evidence, which you believe would support an adjustment to the citation(s) and/or penalties. Please keep in mind, an informal conference does not take the place of a written request letter for a penalty discussion or formal appeal. An informal conference is not required and does not need to be in writing. If you choose to request an informal conference, it is highly recommended to call our office to schedule this informal conference, as soon as you get this report. The informal conference does not delay or replace the contest time period for the two options below.

Penalty Discussion: If you intend to correct all hazards identified and wish to work with the Workplace Safety & Health Division to possibly reduce the penalty amount, you may request a "Penalty Discussion", in writing within fifteen (15) days of receipt of this report. (We will contact you to have a penalty discussion after receipt of the completed "Abatement Certification" form). This discussion will pertain only to the penalties and not the violation(s). All proposed penalties will be stayed until after the penalty discussion.

Or

Formal Appeal: You may file a formal appeal of any citation, abatement date, or penalty within fifteen (15) days of receipt of this report. Please be specific as to what citation(s), abatement date or penalty you wish to appeal. If a request for a formal appeal is received, the Director will set a time and date for a "hearing" with the Maine Board of Occupational Safety & Health (BOSH). All proposed penalties will be stayed until after the formal appeal is heard.

As the employer, you must respond in writing to the Director of the Bureau or their designee, at the address above, within fifteen (15) business days of receipt of this report stating what option you intend to choose toward correction of the hazards. If no response is received within that time frame you accept all citations, dates of correction, any penalties assessed, and the citation report will become a final order. We strongly recommend that any correspondence be sent by certified mail. Failure to correct violations may result in additional penalties of up to a \$1000.00 per violation, for each day hazards are not corrected.

Extension of Abatement Date(s):

An employer may ask for an extension of an abatement date. The request must be in writing and received prior to the assigned abatement date. Please be specific as to the citation(s) you are asking an extension for and the reason for the extension.

Dates to Remember:

- Respond in writing, to the Director or the Bureau within fifteen (15) business days of receipt of this report indicating what option you choose.
- All citations must be corrected by the abatement date listed on the citation page(s) of this report.
- Once the hazards have been corrected, the completed "abatement certification form" included in this report must be received by the Bureau within ten (10) business days after the citation abatement date.

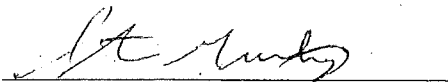
Posting Requirements:

The law requires that a copy of this Citation and notice of penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if this 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 violations(s) cited herein have been abated.

Employer Discrimination Unlawful:

The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising and rights under that 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 Maine Department of Labor, Bureau of Labor Standards at the address above.

The statutory authority for this order is established at Title 26 MRSA, sections 44, 44-A, 45, 46 and 565 et seq. anyone having questions regarding the enclosed citation(s) or your fifteen (15) business day options may contact the Bureau of Labor Standards, Workplace Safety and Health Division at (207) 623-7923.



Steven L. Greeley, Director
Workplace Safety & Health Division
Bureau of Labor Standards

ABATEMENT CERTIFICATION WORKSHEET

Bangor Water District/ Bangor Water District
Cleveland Street
Bangor, ME 04401
Issuance Date: 12/23/2021

Inspection Number: 1554979

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: Workplace Safety & Health Division, 45 State House Station, Augusta Maine 04333-0045.

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: MRSA Title 26 Chapter 3 §46 Any employer who fails to correct a violation for which a citation has been issued under section 45 within the period permitted for its correction, which period shall not begin to run until the date of the final order of the board in the case of any review proceeding initiated by the employer in good faith and not solely for delay or avoidance of penalties, may be assessed a civil penalty of not more than \$1,000 for each day during which such failure or violation continues.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review

Maine Department of Labor
Bureau of Labor Standards
Workplace Safety & Health Division

Inspection Number: 1554979
Inspection Date: 09/24/2021-09/24/2021
Issuance Date: 12/23/2021



Citation and Notification of Penalty

Company Name: Bangor Water District/ Bangor Water District
Inspection Site: Cleveland Street Bangor, ME 04401

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

29 CFR 1910.146(g)(3):The employer did not provide training that establishes employee proficiency in the duties required by this section and shall introduce new or revised procedures, as necessary, for compliance with this section.

On September 21, 2021, a Bangor Water District employee was assigned attendant duties for a permit space entry at the Bangor International Airport (BIA) water standpipe. The attendant did not remain outside the permit space during entry operations until relieved by another attendant. The attendant put his upper body inside the permit space and was vacuuming out the water and debris with a vacuum hose.

Acceptable and feasible methods to correct the conditions include but are not limited to: Provide training, so all employees acquire the understanding, knowledge, and skills necessary for the safe performance of the duties assigned. Training may include reviewing the Bangor Water District Confined Space Entry Safety Program, calibration and maintenance of testing equipment, duties of attendants and required equipment lockout for permit spaces.

Date By Which Violation Must Be Abated: **February 08, 2022**
Proposed Penalty: **\$700.00**

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

29 CFR 1910.146(d)(3)(iii): The employer did not develop procedures such as isolating energy for the permitted space.

On September 21, 2021 at the BIA water standpipe the Bangor Water District employee designated as the Entry Supervisor did not isolate the Jet PAX mixer and the standpipe's fill valve before the employee entered the permit space.

Acceptable and feasible methods to correct the conditions include but are not limited to: Evaluate all confined spaces throughout all Bangor Water District facilities to ensure lockout and tagout procedures are available for employees to follow.

Date By Which Violation Must Be Abated: **February 08, 2022**
Proposed Penalty: **\$700.00**

Maine Department of Labor
Bureau of Labor Standards
Workplace Safety & Health Division

Inspection Number: 1554979
Inspection Date: 09/24/2021-09/24/2021
Issuance Date: 12/23/2021



Citation and Notification of Penalty

Company Name: Bangor Water District/ Bangor Water District
Inspection Site: Cleveland Street Bangor, ME 04401

Citation 2 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1910.146(c)(5)(ii)(C): Before an employee enters the space, the internal atmosphere shall be tested, with a calibrated direct-reading instrument. The employer did not ensure the calibrated instrument was properly calibrated per manufacture's recommendations.

On September 21, 2021 Bangor Water District employees were in the process of cleaning the BIA water standpipe. The standpipe is a permit required space identified in the employer's written Confined Space Entry Safety Program. The calibration gas use to calibrate the three MSA Altair 4xr Multigas Detectors used at the permit site had an expiration date of June 2020.

Acceptable and feasible methods to correct the conditions include but are not limited to: Before calibration of the MSA Altair 4xr Multigas Detectors check the manufacture's expiration date of the calibration gas.

Date By Which Violation Must Be Abated:

February 08, 2022

Proposed Penalty:

\$0.00

A handwritten signature in cursive script, appearing to read "St. Greeley".

Steven L. Greeley, Director
Workplace Safety & Health Division