



COPY

Citation and Notification of Penalty

To:
CA Water Resources
and its successors
460 Glen Dr
Oroville, CA 95965

Inspection Number: 313228637
Inspection Date(s): 07/22/2009 01/19/2010
Issuance Date: 01/21/2010
CSHO ID: H9839
Optional Report #: 008-10
Reporting ID: 0950621

Inspection Site:
460 Glen Dr
Oroville, CA 95965

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 (hereinafter Citation) is being issued in accordance with California Labor Code Section 6317 for violations that were found during the inspection/investigation. **This Citation or a copy must be prominently posted upon receipt by the employer at or near the location of each violation until the violative condition is corrected or for three working days, whichever is longer.** Violations of Title 8 of the California Code of Regulations or of the California Labor Code may result in some instances in prosecution for a misdemeanor.

YOU HAVE A RIGHT to contest this Citation and Notification of Penalty by filing an appeal with the Occupational Safety and Health Appeals Board. To initiate your appeal, you **must** contact the Appeals Board, in writing or by telephone, within 15 working days from the date of receipt of this Citation. If you miss the 15 working day deadline to appeal, the Citation and Notification of Penalty becomes a final order of the Appeals Board, not subject to review by any court or agency.

Informal Conference - You may request an informal conference with the Manager of the District Office which issued the Citation within 10 working days after receipt of the Citation. However, if the citation is appealed, you may request an informal conference at any time prior to the day of the hearing. Employers are encouraged to schedule a conference at the earliest possible time to assure an expeditious resolution of any issues. At the informal conference, you may discuss the existence of the alleged violation, classification of the violation, abatement date or proposed penalty.

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 agreement which resolves this matter without litigation or contest.

APPEAL RIGHTS

The Occupational Safety and Health Appeals Board (Appeals Board) consists of three members appointed by the Governor. The Appeals Board is a separate entity from the Division of Occupational Safety and Health (Division) and employs experienced attorneys as administrative law judges to hear appeals fairly and impartially. To initiate an appeal from a Citation and Notification of Penalty, you must contact the Appeals Board, in writing or by telephone, within 15 working days from the date of receipt of a Citation. After you have initiated your appeal, you must then file a completed appeal form with the Appeals Board, at the address listed below, for each contested citation. Failure to file a completed appeal form with the Appeals Board may result in dismissal of the appeal. Appeal forms are available from district offices of the Division, or from the Appeals Board:

Occupational Safety and Health Appeals Board
2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833
Telephone: (916) 274-5751
Fax: (916) 274-5785

If the Citation you are appealing alleges more than one item, you must specify on the appeal form which items you are appealing. You must also attach to the appeal form a legible copy of the Citation you are appealing.

Among the specific grounds for an appeal are the following: the safety order was not violated, the classification of the alleged violation (e.g., serious, repeat, willful) is incorrect, the abatement requirements are unreasonable or the proposed penalty is unreasonable.

Important: You must notify the Appeals Board, not the Division, of your intent to appeal within 15 working days from the date of receipt of the Citation. Otherwise, the Citation and Notification of Penalty becomes a final order of the Appeals Board not subject to review by any court or agency. An informal conference with the Division does not constitute an appeal and does not stay the 15 working day appeal period. If you have any questions concerning your appeal rights, call the Appeals Board, (916) 274-5751.

PENALTY PAYMENT OPTIONS

Penalties are due within 15 working days of receipt of this Citation and Notification of Penalty unless contested. If you are appealing any item of the citation, remittance is still due on all items that are not appealed. Enclosed for your use is a Penalty Remittance Form for payment.

If you are paying by credit card (MasterCard and Visa), please have the Penalty Remittance Form on-hand when you are ready to make your payment. The company name, index code, reporting ID, and Citation number(s) will be required in order to ensure that the payment is accurately posted to your account. Please go to www.dir.ca.gov/dosh to access the secure payment processing site.

If you are paying by check, return one copy of the Citation, along with the Notice of Proposed Penalties Sheet and the Penalty Remittance Form and mail to:

Department of Industrial Relations
Cashier, Accounting Office
P. O. Box 420603
San Francisco, CA 94142-0603

CAL/OSHA does not agree to any restrictions, 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 violations which you do not contest, you should notify the Division of Occupational Safety and Health promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Citation and Notification of Penalty. Please inform the District Office listed on the Citation by submitting the CAL/OSHA Form 160 and/or 161 with the abatement steps you have taken and the date the violation was abated, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc. The adjusted penalty for serious and general violations **has already been** reduced by 50% on the presumption that the employer will correct the violations by the abatement date." **If the CAL/OSHA Form 161 is not received in the District Office within 10 days following the abatement date, the abatement credit is revoked, causing the penalty to double.**

Note: Return the CAL/OSHA Form 160/161 to the District Office listed on the Citation and as shown below:

Division of Occupational Safety and Health
2424 Arden Way, Suite 165
Sacramento, CA 95825
Telephone: (916) 263-2800

EMPLOYEE RIGHTS

Employer Discrimination Unlawful - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under Labor Code Section 6310 or 6311. An employee who believes that he/she has been discriminated against may file a complaint no later than six (6) months after the discrimination occurred with the Division of Labor Standards Enforcement.

Employee Appeals - An employee or authorized employee's representative may, within 15 working days of the issuance of a citation, special order, or order to take special action, appeal to the Occupational Safety and Health Appeals Board the reasonableness of the period of time fixed by the Division of Occupational Safety and Health (Division) for abatement. An employee appeal may be filed with the Appeals Board or with the Division. No particular format is necessary to initiate the appeal, but the notice of appeal must be in writing.

If an Employee Appeal is filed with the Division, the Division shall note on the face of the document the date of receipt, include any envelope or other proof of the date of mailing, and promptly transmit the document to the Appeals Board. The Division shall, no later than 10 working days from receipt of the Employee Appeal, file with the Appeals Board and serve on each party a clear and concise statement of the reasons why the abatement period prescribed by it is reasonable.

Employee Appeal Forms are available from the Appeals Board, or from a District Office of the Division.

Employees Participation in Informal Conference. Affected employees or their representatives may notify the District Manager that they wish to attend the informal conference. If the employer objects, a separate informal conference will be held.

DISABILITY ACCOMMODATION

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the programs of the Division of Occupational Safety and Health, should contact the Disability Accommodation Coordinator at the local district office or the Statewide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The Statewide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing or conference.

State of California

Division of Occupational Safety and Health
RID 0950621 Index 4021
2424 Arden Way, Suite 165
Sacramento, CA 95825

Inspection Number: 313228637
Inspection Dates: 07/22/2009-01/19/2010
Issuance Date: 01/21/2010
CSHO ID: H9839
Optional Inspection Nbr: 008-10



Phone: (916) 263-2800 Fax: (916) 263-2798

Citation and Notification of Penalty

Company Name: CA Water Resources
Inspection Site: 460 Glen Dr, Oroville, CA 95965

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

T8 CCR 3220(e)(2)(C): (e) Training. (2) The employer shall advise each employee of his/her responsibility under the plan at the following times. (C) Whenever the plan is changed.

The employer changed their emergency action plan for the Hyatt Power Plant in Oroville, CA by changing the location of the incident command center from the control room at the entrance of the Power Plant. The employer failed to train employees on the changes and to reflect those changes in their Emergency Action Plan.

Date By Which Violation Must be Abated: 02/08/2010
Proposed Penalty: \$ 1125.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California

Division of Occupational Safety and Health
RID 0950621 Index 4021
2424 Arden Way, Suite 165
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Citation and Notification of Penalty

Company Name: CA Water Resources
Inspection Site: 460 Glen Dr, Oroville, CA 95965

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

T8 CCR 3203(a)(4)(B): (4) Inspections shall be made to identify and evaluate hazards. (B): Whenever new substances, processes, procedures, or equipment are introduced to the workplace that represent a new occupational safety and health hazard.

The employer removed the Energy Dispersion Ring from the river tunnel in April of 2009 and the employer failed to inspect and evaluate the hazard to employees, created by the removal of the Energy Dispersion Ring. On July 22, 2009 employees were directed to enter the River Valve Chamber and operate the river valves at their full flow rate without the dampening effect of the Energy Dispersion Ring.

On 7/22/09 an employee was seriously injured while he was inside of the River Valve Chamber located inside of Hyatt Power Plant (Oroville Dam) when the Howell Bunger Valves were operated.

Date By Which Violation Must be Abated: 02/03/2010
Proposed Penalty: \$ 25000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California

Division of Occupational Safety and Health
RID 0950621 Index 4021
2424 Arden Way, Suite 165
Sacramento, CA 95825

Inspection Number: 313228637
Inspection Dates: 07/22/2009 - 01/19/2010
Issuance Date: 01/21/2010
CSHO ID: H9839
Optional Inspection Nbr: 008-10



Phone: (916) 263-2800 Fax: (916) 263-2798

Citation and Notification of Penalty

Company Name: CA Water Resources
Inspection Site: 460 Glen Dr, Oroville, CA 95965

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

T8 CCR 3203(a)(7)(D): (7) Provide training and instruction: (D) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.

The employer removed the Energy Dispersion Ring from the river tunnel in April 2009 and failed to provide training and instruction on the hazards created by the removal of the Energy Dispersion Ring to employees who operated the river valves from the river valve chamber on July 22, 2009.

Date By Which Violation Must be Abated: 02/03/2010
Proposed Penalty: \$ 10125.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California

Division of Occupational Safety and Health
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Citation and Notification of Penalty

Company Name: CA Water Resources
Inspection Site: 460 Glen Dr, Oroville, CA 95965

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

T8 CCR 3328(a): Machinery and equipment shall be of adequate design and shall not be used or operated under conditions of speeds, stresses, or loads which endanger employees.

When the river valves were installed in the 1960's the US Bureau of Reclamation performed modeling of the River Valve Operation and designed the Energy Dispersion rings to be used in conjunction with the valves in the river valve tunnel. The Energy Dispersion Ring was damaged in 1968 and DWR contracted with UC Davis on or about 1992-1994 to perform a study on the use of the cone valves and the need for the Energy Dispersion Ring. The UC Davis report documented the turbulence and energy created in the tunnel with and without the Energy Dispersion Ring and concluded that operation of the river valves in the tunnel should not be done or that the flow rate should be severely limited in the absence of a fully operational Energy Dispersion Ring. DWR was aware of these studies and had copies and a video of the actual test.

The Energy Dispersion Ring was removed and not replaced from the River Valve System in April of 2009. On 7/22/09, at approximately 7:30 AM in the Hyatt Power Facility (Oroville Dam) 5, employees were working in the River Valve Chamber and were directed to open the river valves to 100% (5,400 cubic feet per second) without the Energy Dispersion Ring. Opening of these valves inside of the River Valve System without the Energy Dispersion Ring created water flow with such great turbulence that it blocked the make-up air vent of the River Valve System. This blockage of the make-up air vent created a vacuum that caused a break-away wall in the River Valve Chamber (where the employees were located) to be pulled away and detached. These valves were operated in the river valve system under conditions, where the speed of water being released created stresses and loads (vacuum pressure) that exposed the employees to flying debris, vacuum forces and drowning. The UC Davis tests and studies and the original engineered design of the river valve tunnel were ignored and the operation of the river valves at 100% was directed by DWR and carried out on July 22, 2009.

On 7/22/09 an employee was seriously injured while he was inside of the River Valve Chamber located inside of Hyatt Power Plant (Oroville Dam) when the Howell Bunger Valves were operated without the Energy Dispersion Ring. This was done willfully and exposed a total of five employees to serious injury and death.

Date By Which Violation Must be Abated: 02/03/2010
Proposed Penalty: \$ 70000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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State of California

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2424 Arden Way, Suite 165
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CSHO ID: H9839
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Phone: (916) 263-2800 Fax: (916) 263-2798

Citation and Notification of Penalty

Company Name: CA Water Resources
Inspection Site: 460 Glen Dr, Oroville, CA 95965

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

T8 CCR 3328(g): Machinery and equipment in service shall be maintained in a safe operating condition.

Machinery and equipment in the River Valve Tunnel System was not maintained in a safe operating condition. The River Valve Tunnel System includes the break-away wall in the river valve chamber and the vacuum alarm on the break-away wall.

Corroded bolts were identified that were intended to secure the break-away wall. DWR did not inspect or maintain the break-away wall on any regular schedule.

The vacuum alarm on the break-away wall in the RVC Chamber was disconnected and not in operation when the river valves were operated on 7/22/09. DWR did not inspect or maintain this alarm on any regular schedule.

On 7/22/09 the operation of the valves increased the vacuum pressure to dangerous levels that pulled the break-away wall from its attachments (bolts) and into the River Valve Tunnel. An employee was seriously injured while he was inside of the River Valve Chamber during this event.

Date By Which Violation Must be Abated: 02/03/2010
Proposed Penalty: \$ 25000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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Citation and Notification of Penalty

Company Name: CA Water Resources
Inspection Site: 460 Glen Dr, Oroville, CA 95965

Citation 6 Item 1 Type of Violation: **Serious**

T8 CCR 5157(c)(1): The employer shall evaluate the workplace to determine if any spaces are permit-required confined spaces.

The employer failed to identify and evaluate the hazards of the river valve chamber after the removal of the Energy Dispersion Ring to determine if the space is a Permit-Required Confined Space. On 7/22/09 the employer directed employees to go to the River Valve Chamber and to operate the river valves at full flow rate without the Energy Dispersion Ring in place.

On 7/22/09 an employee was seriously injured while he was inside of the River Valve Chamber located inside of Hyatt Power Plant (Oroville Dam) when the Howell Bunger Valves (river valves) were operated.

Date By Which Violation Must be Abated: 02/03/2010
Proposed Penalty: \$ 10125.00



Compliance Officer/District Manager

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California
Division of Occupational Safety and Health
Cal/OSHA District Office
2424 Arden Way, Suite 165
Sacramento, CA 95825
Phone: (916) 263-2800 Fax (916) 263-2798

NOTICE OF PROPOSED PENALTIES

Company Name: CA Water Resources
Inspection Site: 460 Glen Dr, Oroville, CA 95965
Mailing Address: 460 Glen Dr, Oroville, CA 95965

Issuance Date: 01/21/2010

Reporting ID: 0950621
Index Code: 4021

Summary of Penalties for Inspection Number 313228637

Citation 1, General	= \$	1125.00
Citation 2, Serious	= \$	25000.00
Citation 3, Serious	= \$	10125.00
Citation 4, Serious Willful	= \$	70000.00
Citation 5, Serious	= \$	25000.00
Citation 6, Serious	= \$	10125.00
TOTAL PROPOSED PENALTIES	= \$	141375.00

Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this citation, remittance is still due on all items that are not appealed. Enclosed for your use is a Penalty Remittance Form.

If you are paying by credit (MasterCard and Visa): Please have this form on-hand when you are ready to make your payment. The company name, index code, reporting ID, and Citation number(s) will be required to ensure that the payment is accurately posted to your account. Please go to www.dir.ca.gov/dosh to access the secure payment processing site.

If you are paying by check: Mail this Notice of Proposed Penalties, the Penalty Remittance Form, along with a copy of the Citation and Notification of Penalty to:

**DEPARTMENT OF INDUSTRIAL RELATIONS
CASHIER, ACCOUNTING OFFICE
P. O. BOX 420603
SAN FRANCISCO, CA 94142-0603**

CAL/OSHA does not agree to any restrictions, 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.

PENALTY REMITTANCE FORM

CIVIL PENALTY INFORMATION **INSPECTION NUMBER** 313228637 **REPORTING ID** 0950621 **INDEX CODE** 4021

ESTABLISHMENT NAME CA Water Resources

CONTACT PERSON _____

PHONE NO. _____

FAX NO. _____

SITE ADDRESS 460 Glen Dr., Oroville

MAILING ADDRESS 460 Glen Dr., Oroville, CA, 95965

CITATION INFORMATION (Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this citation, remittance is still due on all items that are not appealed.)

Payment is for the following Citation Items: (e.g. Citation 1, Items 1-5; Citation 3)

TYPE OF PAYMENT ENCLOSED

CHECK OR MONEY ORDER INFORMATION

CHECK ENCLOSED IN THE AMOUNT OF \$ _____

MONEY ORDER ENCLOSED IN THE AMOUNT OF \$ _____

(Please make check or money order payable to **CAL/OSHA** and mail to the Cashier, Accounting Office, at the above address. Reference the Inspection Number on the "memo" portion of your check or money order.)

Go to www.dir.ca.gov/dosh to access the on-line third party secure payment processing site
OR Complete this section and fax to (415) 703-3037

CREDIT CARD INFORMATION

VISA OR MASTERCARD CREDIT CARD NO. _____ EXPIRATION DATE _____

CREDIT CARD SECURITY CODE (last 3 digits on back of card) _____

NAME OF CARDHOLDER _____ SIGNATURE _____

CARDHOLDER PHONE NO. _____ FAX NO. _____

AMOUNT OF PAYMENT \$ _____

----- FOR OFFICE USE ONLY -----

AUTHORIZATION NO. _____ DATE PROCESSED _____

PROCESSED BY _____

Please call (415) 703-4291 or 703-4295 or complete the information above and fax to (415) 703-3037