

State of California

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

Inspection Number: 314572256
Inspection Dates: 08/16/2011-02/13/2012
Issuance Date: 02/13/2012
CSHO ID: L9478
Optional Inspection Nbr: 017-12



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

Citation and Notification of Penalty

Company Name: Festival Fun Parks, LLC dba Raging Waters of Sacramento
Inspection Site: 1600 Exposition Blvd, Sacramento, CA 95815

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

T8 CCR 461(a): Permits to Operate.

(a) Except during the time that a request for a permit remains unacted upon or as permitted in Section 461(f), no air tank shall be operated unless a permit to operate has been issued.

Festival Fun Parks, LLC dba Raging Waters of Sacramento operating at 1600 Exposition Blvd, Sacramento had four operational air tanks located outside the maintenance shop, inside the Breaker Beach Wave Pool blower room, and inside a room associated with the Raft room, that had not been issued permits to operate.

Date By Which Violation Must be Abated:	Abated
Proposed Penalty:	\$ 450.00

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: Festival Fun Parks, LLC dba Raging Waters of Sacramento
Inspection Site: 1600 Exposition Blvd, Sacramento, CA 95815

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

T8 CCR 2395.51(a)(1): Effective Grounding. The path to ground from circuits, equipment, and conductor enclosures shall:

- (1) be permanent and continuous.

As part of an investigation that took place between August 16 and 23 at Festival Fun Parks, LLC dba Raging Waters of Sacramento operating at 1600 Exposition Blvd, Sacramento it was determined that a flexible cord used to transport power to a temporary light stand in and around the blower room of the Breaker Beach Wave Pool had its ground plug removed.

Date By Which Violation Must be Abated: 03/19/2012
Proposed Penalty: \$ 505.00

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

T8 CCR 2500.8(a)(1): Flexible Cords and Wires. Uses not permitted.

- (a) Flexible cords and cables shall not be used:
(1) as a substitute for the fixed wiring of a structure.

Festival Fun Parks, LLC dba Raging Waters of Sacramento operating at 1600 Exposition Blvd, Sacramento used a flexible extension cord to wire three chemical pumps located within the Breaker Beach Wave Pool pump room.

Date By Which Violation Must be Abated: 03/01/2012
Proposed Penalty: \$ 505.00

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Company Name: Festival Fun Parks, LLC dba Raging Waters of Sacramento
Inspection Site: 1600 Exposition Blvd, Sacramento, CA 95815

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

T8 CCR 2500.8(a)(2): Flexible Cords and Wires. Uses not permitted.
(a) Flexible cords and cables shall not be used:
(2) where run through holes in walls, ceilings, or floors.

Festival Fun Parks, LLC dba Raging Waters of Sacramento operating at 1600 Exposition Blvd, Sacramento wired three chemical pumps operating within the Breaker Beach Wave Pool pump room area, using a flexible cord running through a hole within a wall in that area.

Date By Which Violation Must be Abated: 03/01/2012
Proposed Penalty: \$ 505.00

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

T8 CCR 3203(a): Injury and Illness Prevention Program.
(a) Effective July 1, 1991, every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program (Program). The Program shall be in writing.

Festival Fun Parks, LLC dba Raging Waters of Sacramento operating at 1600 Exposition Blvd, Sacramento did not establish, implement, and maintain a written Injury and Illness Prevention Program for its employees.

Date By Which Violation Must be Abated: 03/19/2012
Proposed Penalty: \$ 450.00

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Company Name: Festival Fun Parks, LLC dba Raging Waters of Sacramento
Inspection Site: 1600 Exposition Blvd, Sacramento, CA 95815

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

T8 CCR 3210(a): Guardrails at Elevated Locations.

(a) Buildings. Guardrails shall be provided on all open sides of unenclosed elevated work locations, such as: roof openings, open and glazed sides of landings, balconies or porches, platforms, runways, ramps, or working levels more than 30 inches above the floor, ground, or other working areas of a building as defined in Section 3207 of the General Industry Safety Orders. Where overhead clearance prohibits installation of a 42-inch guardrail, a lower rail or rails shall be installed. The railing shall be provided with a toeboard where the platform, runway, or ramp is 6 feet or more above places where employees normally work or pass and the lack of a toeboard could create a hazard from falling tools, material, or equipment.

As part of an investigation that took place between August 16 and 23 at Festival Fun Parks, LLC dba Raging Waters of Sacramento operating at 1600 Exposition Blvd, Sacramento it was determined that the Lazy River & Splash Down pump rooms that meet the definition of a building, had unprotected sides of an elevated work location where employees were exposed to a fall of more than 30 inches at these locations, and that these areas were not provided with guardrails as required.

Date By Which Violation Must be Abated: 03/19/2012
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Company Name: Festival Fun Parks, LLC dba Raging Waters of Sacramento
Inspection Site: 1600 Exposition Blvd, Sacramento, CA 95815

Citation 1 Item 7 Type of Violation: **General**

T8 CCR 3210(b): Guardrails at Elevated Locations.

(b) Other Elevated Locations. The unprotected sides of elevated work locations that are not buildings or building structures where an employee is exposed to a fall of 4 feet or more shall be provided with guardrails. Where overhead clearance prohibits installation of a 42-inch guardrail, a lower rail or rails shall be installed. The railing shall be provided with a toeboard where the platform, runway, or ramp is 6 feet or more above places where employees normally work or pass and the lack of a toeboard could create a hazard from falling tools, material, or equipment.

As part of an investigation that took place between August 16 and 23 at Festival Fun Parks, LLC dba Raging Waters of Sacramento operating at 1600 Exposition Blvd, Sacramento it was determined that the facility had unprotected sides of an elevated work location that was not a building or building structure where employees were exposed to a fall of more than 4 feet or more and that this location was not provided with guardrails. The work location identified was outside the Breaker Beach Wave Pool blower room.

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Company Name: Festival Fun Parks, LLC dba Raging Waters of Sacramento
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Citation 1 Item 8 Type of Violation: **General**

T8 CCR 3214(a): Stair Rails and Handrails.

(a) Stairways shall have handrails or stair railings on each side, and every stairway required to be more than 88 inches in width shall be provided with not less than one intermediate stair railing for each 88 inches of required width. Intermediate stair railings shall be spaced approximately equal within the entire width of the stairway.

As part of an investigation that took place between August 16 and 23 at Festival Fun Parks, LLC dba Raging Waters of Sacramento operating at 1600 Exposition Blvd, Sacramento it was determined that stairways associated with the Breaker Beach Wave Pool pump room area did not have handrails.

Date By Which Violation Must be Abated:	03/19/2012
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Company Name: Festival Fun Parks, LLC dba Raging Waters of Sacramento
Inspection Site: 1600 Exposition Blvd, Sacramento, CA 95815

Citation 1 Item 9 Type of Violation: **General**

T8 CCR 3270(d): Access General.

(d) Every permanent pit, sump, or other sunken location 30 inches or more in depth in, or from which, machinery, equipment, or materials are customarily operated or frequently repaired, serviced, adjusted, or otherwise handled shall be provided with a safe means of access. Such means of access shall be provided by means of either portable or fixed ladders or permanent stairways. Note: Access to electrical equipment shall not be less than that required by the Electrical Safety Orders, Title 8, CCR.

As part of an investigation that took place between August 16 and 23 at Festival Fun Parks, LLC dba Raging Waters of Sacramento operating at 1600 Exposition Blvd, Sacramento it was determined that several permanent pit, sump, or other sunken locations (the Splash Down & Lazy River pump rooms) 30 inches or more in depth in, or from which, machinery, equipment, or materials are customarily operated or frequently repaired, serviced, adjusted, or otherwise handled were not provided with a safe means of access.

Date By Which Violation Must be Abated: 03/19/2012
Proposed Penalty: \$ 675.00

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Company Name: Festival Fun Parks, LLC dba Raging Waters of Sacramento
Inspection Site: 1600 Exposition Blvd, Sacramento, CA 95815

Citation 1 Item 10 Type of Violation: **General**

- T8 CCR 3276(e)(16)(C): Portable Ladders.
- (e) Care, Use, Inspection and Maintenance of Ladders.
- (16) Prohibited Uses.
- (C) Step ladders shall not be used as single ladders or in the partially closed position.

As part of an investigation that took place between August 16 and 23 at Festival Fun Parks, LLC dba Raging Waters of Sacramento operating at 1600 Exposition Blvd, Sacramento it was determined that a step ladder was being used as a single ladder and in a partially closed position to access the top of a chemical storage tank located near the Breaker Beach Wave Pool blower room.

Date By Which Violation Must be Abated:	03/19/2012
Proposed Penalty:	\$ 675.00

Citation 1 Item 11 Type of Violation: **General**

- T8 CCR 3321(a): Identification of Piping.
- (a) Where, in any one establishment, one or more hazardous substances are transported through pipe lines, all above ground piping systems used to transport gases, vapors, liquids, semi-liquids, or plastics shall be identified at points where confusion would introduce hazards to employees.

Festival Fun Parks, LLC dba Raging Waters of Sacramento operating at 1600 Exposition Blvd, Sacramento failed to identify and mark all the above ground piping and hoses carrying various hazardous liquid chemicals such as hydrochloric acid at various concentrations and sodium hypochlorite.

Date By Which Violation Must be Abated:	03/19/2012
Proposed Penalty:	\$ 1125.00

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Company Name: Festival Fun Parks, LLC dba Raging Waters of Sacramento
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Citation 1 Item 12 Type of Violation: **General**

T8 CCR 3380(f)(2): Personal Protective Devices.

(f) Hazard assessment and equipment selection.

(1) The employer shall verify that the required workplace hazard assessment has been performed through a written certification that identifies the workplace evaluated; the person certifying that the evaluation has been performed; the date(s) of the hazard assessment; and, which identifies the document as a certification of hazard assessment.

Festival Fun Parks, LLC dba Raging Waters of Sacramento operating at 1600 Exposition Blvd, Sacramento failed to conduct and certify a workplace hazard assessment for maintenance employees required to work with and near highly caustic and corrosive chemicals as sodium hypochlorite (12.5% chlorine bleach) and hydrochloric acid at various concentrations.

Date By Which Violation Must be Abated:	03/19/2012
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Company Name: Festival Fun Parks, LLC dba Raging Waters of Sacramento
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Citation 1 Item 13 Type of Violation: **General**

T8 CCR 3395(f)(3): Heat Illness Prevention.

(f) Training.

(3) The employer's procedures for complying with each requirement of this standard required by subsections (f)(1)(B), (G), (H), and (I) shall be in writing and shall be made available to employees and to representatives of the Division upon request.

Festival Fun Parks, LLC dba Raging Waters of Sacramento operating at 1600 Exposition Blvd, Sacramento did not have effective written procedures as required by T8 CCR 3395 subsections (f)(1)(B), (G), (H), and (I) to address training of its employees.

Date By Which Violation Must be Abated: 03/19/2012
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Company Name: Festival Fun Parks, LLC dba Raging Waters of Sacramento
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Citation 1 Item 14 Type of Violation: **General**

T8 CCR 3942(a): Type of Guarding Required.

(a) All guards shall be appropriate for the hazards involved, secured in place, constructed of substantial material as listed in Table G-1; and have surfaces free of hazardous projections.

As part of an investigation that took place between August 16 and 23 at Festival Fun Parks, LLC dba Raging Waters of Sacramento operating at 1600 Exposition Blvd, Sacramento it was determined that the guards covering the side openings of two blowers located in the Breaker Beach Wave Pool blower room were not secured in place.

Date By Which Violation Must be Abated:	03/19/2012
Proposed Penalty:	\$ 900.00

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Citation and Notification of Penalty

Company Name: Festival Fun Parks, LLC dba Raging Waters of Sacramento
Inspection Site: 1600 Exposition Blvd, Sacramento, CA 95815

Citation 1 Item 15 Type of Violation: **General**

T8 CCR 4070(a): Guarding.

(a) All moving parts of belt and pulley drives located 7 feet or less above the floor or working level shall be guarded.

As part of an investigation that took place between August 16 and 23 at Festival Fun Parks, LLC dba Raging Waters of Sacramento it was determined that a belt and pulley drive associated with an air compressor located outside and to the rear of the facility's maintenance shop, located 7 feet or less above the floor or working level, was not guarded.

Date By Which Violation Must be Abated: 03/19/2012
Proposed Penalty: \$ 675.00

Citation 1 Item 16 Type of Violation: **General**

T8 CCR 5162(c): Emergency Eyewash and Shower Equipment.

(c) Location. Emergency eyewash facilities and deluge showers shall be in accessible locations that require no more than 10 seconds for the injured person to reach. If both an eyewash and shower are needed, they shall be located so that both can be used at the same time by one person. The area of the eyewash and shower equipment shall be maintained free of items which obstruct their use.

Festival Fun Parks, LLC dba Raging Waters of Sacramento operating at 1600 Exposition Blvd, Sacramento failed to provide access to an emergency eyewash equipment located at the Honolulu Half Pipe pump room. The access to this equipment was blocked by a 2x4 support beam installed to support the awning located within this area.

Date By Which Violation Must be Abated: 03/01/2012
Proposed Penalty: \$ 675.00

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Citation and Notification of Penalty

Company Name: Festival Fun Parks, LLC dba Raging Waters of Sacramento
Inspection Site: 1600 Exposition Blvd, Sacramento, CA 95815

Citation 1 Item 17 Type of Violation: **General**

T8 CCR 5162(e): Emergency Eyewash and Shower Equipment.

(e) Maintenance. Plumbed eyewash and shower equipment shall be activated at least monthly to flush the line and to verify proper operation. Other units shall be maintained in accordance with the manufacturer's instructions.

Festival Fun Parks, LLC dba Raging Waters of Sacramento operating at 1600 Exposition Blvd, Sacramento failed to verify proper operation of two emergency drenching shower equipment located within River Splash Down and Breaker Beach Wave Pool pump rooms.

1- The shower located within the River Splash Down pump room was installed with the activation lever backward. It had to be pushed up rather than pulled down to be activated.

No maintenance employees were notified of this modification.

2- The shower located within the Breaker Beach Wave Pool pump room was unusable due to wasp activity within the shower head.

Date By Which Violation Must be Abated: 03/01/2012
Proposed Penalty: \$ 1125.00

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Citation and Notification of Penalty

Company Name: Festival Fun Parks, LLC dba Raging Waters of Sacramento
Inspection Site: 1600 Exposition Blvd, Sacramento, CA 95815

Citation 1 Item 18 Type of Violation: **General**

T8 CCR 5194(e)(1)(A): Hazard Communication Program.

(e) Written Hazard Communication Program.

(1) Employers shall develop, implement, and maintain at the workplace a written hazard communication program for their employees which at least describes how the criteria specified in sections 5194(f), (g), and (h) for labels and other forms of warning, material safety data sheets, and employee information and training will be met, and which also includes the following:

(A) A list of the hazardous substances known to be present using an identity that is referenced on the appropriate material safety data sheet (the list may be compiled for the workplace as a whole or for individual work areas).

Festival Fun Parks, LLC dba Raging Waters of Sacramento operating at 1600 Exposition Blvd, Sacramento uses various hazardous chemicals such as Share De-Scale Acid Replacement and Leslie's UltraBright containing polydimethyldiallyammonium chloride and urea hydrochloride. Employer's written program, provided upon request, did not contain a list of all hazardous chemicals.

Date By Which Violation Must be Abated: 03/19/2012
Proposed Penalty: \$ 1125.00

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Citation and Notification of Penalty

Company Name: Festival Fun Parks, LLC dba Raging Waters of Sacramento
Inspection Site: 1600 Exposition Blvd, Sacramento, CA 95815

Citation 1 Item 19 Type of Violation: **General**

T8 CCR 5194(g)(8): Hazard Communication Program.

(g) Material Safety Data Sheets.

(8) The employer shall maintain copies of the required material safety data sheets for each hazardous substance in the workplace, and shall ensure that they are readily accessible during each work shift to employees when they are in their work area(s).

Festival Fun Parks, LLC dba Raging Waters of Sacramento operating at 1600 Exposition Blvd, Sacramento failed to maintain a copy of material safety data sheets for chemicals present and used within their maintenance shack such as Share De-Scale Acid replacement cleaner containing urea hydrochloride, Leslie's UltraBright containing polydimethyldiallyammonium chloride and LPS Laboratories LPS3 containing petroleum distillates and propylene glycol. Material safety data sheet folders located within the office or first-aid center did not contain any material safety data sheets for these chemicals.

Date By Which Violation Must be Abated:

03/19/2012

Proposed Penalty:

\$ 335.00

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Company Name: Festival Fun Parks, LLC dba Raging Waters of Sacramento
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Citation 2 Item 1 Type of Violation: **Serious**

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

Festival Fun Parks, LLC dba Raging Waters of Sacramento operating at 1600 Exposition Blvd, Sacramento failed to maintain the water filtration and chemical additioning safety system (Chemtrol) connected to the Breaker Beach Wave Pool, thus creating an unsafe operating condition as recommended by the manufacturer. This failure resulted in an un-planned release of chlorine gas and related illness of two employees on 8/15/11.

Date By Which Violation Must be Abated: 03/19/2012
Proposed Penalty: \$ 8100.00

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Company Name: Festival Fun Parks, LLC dba Raging Waters of Sacramento
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Citation 3 Item 1 Type of Violation: **Serious**

T8 CCR 3382(a): Eye and Face Protection.

(a) Employees working in locations where there is a risk of receiving eye injuries such as punctures, abrasions, contusions, or burns as a result of contact with flying particles, hazardous substances, projections or injurious light rays which are inherent in the work or environment, shall be safeguarded by means of face or eye protection. Suitable screens or shields isolating the hazardous exposure may be considered adequate safeguarding for nearby employees.

The employer shall provide and ensure that employees use protection suitable for the exposure.

Festival Fun Parks, LLC dba Raging Waters of Sacramento operating at 1600 Exposition Blvd, Sacramento failed to provide splash proof goggles and face shield in the work areas where employees are required to work with corrosive/caustic hazardous chemicals such as various concentrations of hydrochloric acid and sodium hypochlorite. Employer also did not ensure their use by maintenance employees.

Date By Which Violation Must be Abated: 02/23/2012
Proposed Penalty: \$ 8100.00

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

T8 CCR 5141(a): Engineering Controls. Harmful exposures shall be prevented by engineering controls whenever feasible.

On 8/15/11 at approximately 2:15 PM, Festival Fun Parks, LLC dba Raging Waters of Sacramento operating at 1600 Exposition Blvd, Sacramento failed to prevent employee exposure to chlorine gas by the use of feasible engineering controls.

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Inspection Site: 1600 Exposition Blvd, Sacramento, CA 95815

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

T8 CCR 5162(d): Emergency Eyewash and Shower Equipment.

(d) Performance. Plumbed and self-contained eyewash and shower equipment shall supply potable water at the flow rates and time durations specified in ANSI Z358.1-1981. The control valve shall be designed so that the water flow remains on without requiring the use of the operator's hands, and so that the valve remains activated until intentionally shut off for all but hand-held drench hoses.

Festival Fun Parks, LLC dba Raging Waters of Sacramento operating at 1600 Exposition Blvd, Sacramento uses various concentrations of hydrochloric acid and sodium hypochlorite to condition the water for various rides. The employer did not supply self-contained eyewash equipment located in two pump rooms with adequate supply of potable water, as per ANSI Z358.1-1981.

- 1- Shark Attack pump room - The self-contained eyewash equipment was empty.
- 2- Hook's Lagoon - Self-contained eyewash equipment was nearly empty and would not supply the needed quantity of water in the event of an emergency.

Date By Which Violation Must be Abated:	02/23/2012
Proposed Penalty:	\$ 8100.00



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: Festival Fun Parks, LLC dba Raging Waters of Sacramento
Inspection Site: 1600 Exposition Blvd, Sacramento, CA 95815
Mailing Address: 1600 Exposition Blvd, Sacramento, CA 95815

Issuance Date: 02/13/2012

Reporting ID: 0950621
Index Code: 4021

Summary of Penalties for Inspection Number 314572256

Citation 0, Unknown Violation	= \$	0.00
Citation 1, General	= \$	13040.00
Citation 2, Serious	= \$	8100.00
Citation 3, Serious	= \$	8100.00
Citation 4, Serious	= \$	8100.00
Citation 5, Serious	= \$	8100.00
TOTAL PROPOSED PENALTIES	= \$	45440.00

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