

U.S. Department of Labor
Occupational Safety and Health Administration
701 Lee Street
Suite 950
Des Plaines, IL 60016
Phone: 847-803-4800 Fax: 847-390-8220



Citation and Notification of Penalty

To:
Benchmark Construction Co., Inc.
and its successors
2260 Southwind Blvd.
Bartlett, IL 60103

Inspection Number: 1274028
Inspection Date(s): 10/25/2017 - 04/23/2018
Issuance Date: 04/23/2018

Inspection Site:
South Park Blvd & Parkside Cir.
Streamwood, IL 60107

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. 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. If you have any dispute with the accuracy of the information displayed, please contact this office.

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



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 04/23/2018. The conference will be held by telephone or at the OSHA office located at 701 Lee Street, Suite 950, Des Plaines, IL 60016 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Company Name: Benchmark Construction Co., Inc.
Inspection Site: South Park Blvd & Parkside Cir., Streamwood, IL 60107
Issuance Date: 04/23/2018

Inspection Number: 1274028

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, 701 Lee Street, Suite 950, Des Plaines, IL 60016.**

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

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Citation and Notification of Penalty

Company Name: Benchmark Construction Co., Inc.
Inspection Site: South Park Blvd & Parkside Cir., Streamwood, IL 60107

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**

29 CFR 1926.55(a): Employee(s) were exposed to airborne concentrations of styrene above 100 ppm ceiling limit as listed in the Threshold Limit Values of Airborne Contaminants for 1970 of the American Conference of Governmental Industrial Hygienists:

a) On October 25, 2017, at the jobsite located at South Park Blvd. & Parkside Cir., Streamwood, IL 60107, an employee engaged in a cured in place pipe lining operation was exposed to styrene in excess of the 15 minute ceiling limit of 100 parts per million (ppm). The employee was exposed to styrene for up to four hours, working inside a 24 inch diameter horizontal sewer pipe, up to 30 feet away from the manhole.

An employee was exposed to styrene at a concentration ranging between 220 - 270 parts per million (ppm), approximately more than twice the 100 ppm OSHA ceiling limit. Exposure levels were calculated from blood styrene levels obtained by the medical examiner's office.

The styrene ceiling exposure limit was established to prevent eyes, skin and mucous membrane irritation, and central nervous system (CNS) depression, especially fatigue, headache, loss of coordination, muscle weakness, dizziness, and unconsciousness.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:

07/23/2018

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: Benchmark Construction Co., Inc.
Inspection Site: South Park Blvd & Parkside Cir., Streamwood, IL 60107

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

29 CFR 1926.55(b): Feasible administrative or engineering controls were not implemented to reduce employee exposure(s):

a) On October 25, 2017, at the jobsite located at South Park Blvd. & Parkside Cir., Streamwood, IL 60107, effective engineering and administrative controls were not instituted and maintained by the employer to reduce employee exposure to styrene during a cured in place pipe lining operation performed inside of a 24 inch horizontal sewer pipe, up to 30 feet away from a manhole. An employee was exposed to styrene concentrations in excess of the ceiling limit.

See instance description in Item 1a of this citation.

Methods of engineering controls and work practices under these circumstances include but are not limited to:

- 1) Seek the expertise of a competent individual such as an engineer or certified industrial hygienist to assess existing controls or work practices. Obtain recommendations to improve existing controls and work practices.
- 2) Use continuous forced air ventilation in any and all employee work areas to reduce hazardous atmospheric concentrations for chemical exposures below any and all applicable OSHA permissible exposure limits.
- 3) Evaluate and revise, where applicable, employee work practices, employer developed cured in place pipe work procedures and administrative controls including but not limited to, allowing adequate time for the ventilation system to eliminate any and all hazardous atmospheres inside the space prior to allowing entry of workers into the space.
- 4) Use suitable detectors or alarms, including but not limited to personal and/or remote monitoring devices, to measure and warn employees of styrene and/or any other hazardous atmosphere accumulation in any and all employee work areas.

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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Company Name: Benchmark Construction Co., Inc.
Inspection Site: South Park Blvd & Parkside Cir., Streamwood, IL 60107

5) Where feasible, effective respiratory protection shall be used by the affected employees as an interim protective measure.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:

07/23/2018

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Citation and Notification of Penalty

Company Name: Benchmark Construction Co., Inc.
Inspection Site: South Park Blvd & Parkside Cir., Streamwood, IL 60107

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 1926.1204(b): The employer did not identify and evaluate the hazards of permit spaces before employees enter them:

a) On October 25, 2017, at the jobsite located at South Park Blvd. & Parkside Cir., Streamwood, IL 60107, the employer did not identify and evaluate the atmospheric hazards, including but not limited to the presence of styrene inside of the manhole structure and inside of the 24 inch diameter horizontal sewer pipe before employees entered them to perform the cured in place pipe lining operation.

b) On October 25, 2017, at the jobsite located at South Park Blvd. & Parkside Cir., Streamwood, IL 60107, the employer did not identify and evaluate the physical hazards, including but not limited to the presence of water inside of the manhole structure and inside of the 24 inch diameter horizontal sewer pipe before employees entered them to perform the cured in place pipe lining operation.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:

04/27/2018

Proposed Penalty:

\$12,934.00

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Citation and Notification of Penalty

Company Name: Benchmark Construction Co., Inc.
Inspection Site: South Park Blvd & Parkside Cir., Streamwood, IL 60107

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

29 CFR 1926.1204(d)(1): The employer did not provide testing and monitoring equipment needed to comply with paragraph (e) of this section:

a) On October 25, 2017, at the jobsite located at South Park Blvd. & Parkside Cir., Streamwood, IL 60107, the employer provided an Industrial Scientific Ventis MX4 Multi-Gas Monitor to test and monitor atmospheric hazards in the manhole and 24 inch horizontal sewer pipe in which employees were required to work. The monitor was not manufactured to determine levels of styrene present during the cured in place pipe lining operation inside of the manhole structure and sewer pipe.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:

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Citation and Notification of Penalty

Company Name: Benchmark Construction Co., Inc.
Inspection Site: South Park Blvd & Parkside Cir., Streamwood, IL 60107

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

29 CFR 1926.1204(e)(1): Permit confined spaces were not tested to determine if acceptable entry conditions existed before authorized entry was begun:

a) On October 25, 2017, at the jobsite located at South Park Blvd. & Parkside Cir., Streamwood, IL 60107, the employer utilized an Industrial Scientific MX4 Multi-Gas Monitor which was placed in a 20 feet deep permit required confined space manhole that employees entered. The monitor was not manufactured to detect the presence of styrene. Employee(s) were also required to enter a 24 inch diameter horizontal sewer pipe and no testing was conducted prior to employee entry.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:

04/27/2018



Citation and Notification of Penalty

Company Name: Benchmark Construction Co., Inc.
Inspection Site: South Park Blvd & Parkside Cir., Streamwood, IL 60107

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 3 a Type of Violation: **Serious**

29 CFR 1926.1204(d)(8): The employer did not provide rescue and emergency equipment necessary for non-entry rescue:

a) On October 25, 2017, at the jobsite located at South Park Blvd. & Parkside Cir., Streamwood, IL 60107, employees engaged in a cured in place pipe lining operation in a manhole structure and a 24 inch diameter horizontal sewer pipe were not provided with rescue and emergency equipment necessary to rescue two entrants at the same time, in the event of a non-entry rescue. A single tri-pod with one retrieval line was utilized for two employees who worked in the permit required confined space concurrently.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:
Proposed Penalty:

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Citation and Notification of Penalty

Company Name: Benchmark Construction Co., Inc.
Inspection Site: South Park Blvd & Parkside Cir., Streamwood, IL 60107

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

29 CFR 1926.1211(c)(1): Each authorized entrant did not use a chest or full body harness, with a retrieval line attached at the center of the entrant's back near shoulder level, above the entrant's head, or at another point which the employer can establish presents a profile small enough for the successful removal of the entrant:

a) On October 25, 2017, at the jobsite located at South Park Blvd. & Parkside Cir., Streamwood, IL 60107, each authorized entrant engaged in a cured in place pipe lining operation was not continuously connected to a retrieval line while working at the bottom of an approximately 20 feet deep manhole structure and inside of a 24 inch diameter horizontal sewer pipe. A single tri-pod with one retrieval line was utilized for two employees who worked in the permit required confined space concurrently. Neither employee was connected to the retrieval device once they descended into the permit required confined space.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:

04/27/2018

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: Benchmark Construction Co., Inc.
Inspection Site: South Park Blvd & Parkside Cir., Streamwood, IL 60107

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

29 CFR 1926.1206(h): The entry permit that documents compliance with this section and authorizes entry to a permit space did not identify the hazards inside of the permit space to be entered:

a) On October 25, 2017, at the jobsite located at South Park Blvd. & Parkside Cir., Streamwood, IL 60107, the employer did not ensure that the hazards posed by the potential presence of water, inside of the manhole structure and inside of the 24 inch horizontal sewer pipe, were identified and documented on the entry permit during the cured in place pipe lining operation.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:
Proposed Penalty:

04/27/2018
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Occupational Safety and Health Administration

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Citation and Notification of Penalty

Company Name: Benchmark Construction Co., Inc.
Inspection Site: South Park Blvd & Parkside Cir., Streamwood, IL 60107

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 5 a Type of Violation: **Serious**

29 CFR 1926.1207(a): The employer did not provide training to each employee whose work is regulated by this standard, at no cost to the employee, and did not ensure that the employee possessed the understanding, knowledge, and skills necessary for the safe performance of duties assigned under this standard:

a) On October 25, 2017, at the jobsite located at South Park Blvd. & Parkside Cir., Streamwood, IL 60107, the employer did not ensure that employees possessed the understanding, knowledge, and skills necessary to perform cured in place pipe lining operation safely, while working inside of the manhole structure and inside of the 24 inch horizontal sewer pipe (permit required confined space).

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/23/2018
\$12,934.00

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



Citation and Notification of Penalty

Company Name: Benchmark Construction Co., Inc.
Inspection Site: South Park Blvd & Parkside Cir., Streamwood, IL 60107

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

29 CFR 1926.1208(a): The entry employer did not ensure that all authorized entrants are familiar with and understand the hazards that may be faced during entry, including information on the mode, signs or symptoms, and consequences of the exposure:

- a) On October 25, 2017, at the jobsite located at South Park Blvd. & Parkside Cir., Streamwood, IL 60107, the employer did not ensure that the authorized entrants were familiar with and understood the hazards associated with exposure to chemicals, including but not limited to styrene, during the cured in place pipe lining operation.
- b) On October 25, 2017, at the jobsite located at South Park Blvd. & Parkside Cir., Streamwood, IL 60107, the employer did not ensure that the authorized entrants were familiar with and understood the physical hazards, including but not limited to the presence of water during the cured in place pipe lining operation.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:

05/24/2018

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Citation and Notification of Penalty

Company Name: Benchmark Construction Co., Inc.
Inspection Site: South Park Blvd & Parkside Cir., Streamwood, IL 60107

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

29 CFR 1926.1209(a): The entry employer did not ensure that each attendant is familiar with and understands the hazards that may be faced during entry, including information on the mode, signs or symptoms, and consequences of the exposure:

- a) On October 25, 2017, at the jobsite located at South Park Blvd. & Parkside Cir., Streamwood, IL 60107, the employer did not ensure that each attendant was familiar with and understood the hazards associated with exposure to chemicals, including but not limited to styrene, during the cured in place pipe lining operation.
- b) On October 25, 2017, at the jobsite located at South Park Blvd. & Parkside Cir., Streamwood, IL 60107, the employer did not ensure that each attendant was familiar with and understood the physical hazards, including but not limited to the presence of water during the cured in place pipe lining operation.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:

05/24/2018



Citation and Notification of Penalty

Company Name: Benchmark Construction Co., Inc.
Inspection Site: South Park Blvd & Parkside Cir., Streamwood, IL 60107

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

29 CFR 1926.1210(a): The entry employer did not ensure that each entry supervisor is familiar with and understands the hazards that may be faced during entry, including information on the mode, signs or symptoms, and consequences of the exposure:

a) On October 25, 2017, at the jobsite located at South Park Blvd. & Parkside Cir., Streamwood, IL 60107, the employer did not ensure that the entry supervisor was familiar with and understood the hazards associated with exposure to chemicals, including but not limited to styrene, during the cured in place pipe lining operation.

b) On October 25, 2017, at the jobsite located at South Park Blvd. & Parkside Cir., Streamwood, IL 60107, the employer did not ensure that the entry supervisor was familiar with and understood the physical hazards, including but not limited to the presence of water during the cured in place pipe lining operation.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

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Inspection Site: South Park Blvd & Parkside Cir., Streamwood, IL 60107

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 6 a Type of Violation: **Serious**

29 CFR 1926.1210(d): The entry employer did not ensure that each entry supervisor verifies that rescue services are available and that the means for summoning them are operable, and that the company will be notified as soon as the services become unavailable:

a) On October 25, 2017, at the jobsite located at South Park Blvd. & Parkside Cir., Streamwood, IL 60107, the entry supervisor elected to contact 911 in the event a rescue was needed from a permit required confined space. This sole means did not ensure that responding rescue services were available and that the means for summoning them were operable, and that the company would be notified as soon as the responding rescue services become unavailable.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

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Citation and Notification of Penalty

Company Name: Benchmark Construction Co., Inc.
Inspection Site: South Park Blvd & Parkside Cir., Streamwood, IL 60107

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

29 CFR 1926.1211(a)(1): An employer who designated rescue and emergency services did not evaluate a prospective rescuer's ability to respond to a rescue summons in a timely manner, considering the hazard(s) identified:

a) On October 25, 2017, at the jobsite located at South Park Blvd. & Parkside Cir., Streamwood, IL 60107, the employer elected to contact 911 in the event a rescue was needed from a permit required confined space. This sole means of communication did not ensure that responding rescue services could respond in a timely manner according to the specific hazards involved with entry.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:

04/27/2018

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: 1274028
Inspection Date(s): 10/25/2017 - 04/23/2018
Issuance Date: 04/23/2018



Citation and Notification of Penalty

Company Name: Benchmark Construction Co., Inc.
Inspection Site: South Park Blvd & Parkside Cir., Streamwood, IL 60107

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

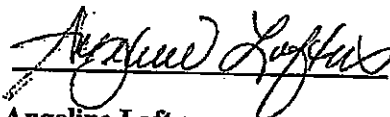
29 CFR 1926.1211(a)(2): An employer who designated rescue and emergency services did not evaluate a prospective rescue service's ability, in terms of proficiency with rescue-related tasks and equipment, to function appropriately while rescuing entrants from the particular permit space or types of permit spaces identified:

a) On October 25, 2017, at the jobsite located at South Park Blvd. & Parkside Cir., Streamwood, IL 60107, the employer elected to contact 911 in the event a rescue was needed from a permit required confined space. This means of communication did not ensure that rescue services which would respond had the ability in terms of proficiency with rescue-related tasks and equipment, to function appropriately while rescuing entrants from the particular permit space or types of permit spaces identified.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:

04/27/2018


Angeline Loftus
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
701 Lee Street
Suite 950
Des Plaines, IL 60016
Phone: 847-803-4800 Fax: 847-390-8220



INVOICE / DEBT COLLECTION NOTICE

Company Name: Benchmark Construction Co., Inc.
Inspection Site: South Park Blvd & Parkside Cir., Streamwood, IL 60107
Issuance Date: 04/23/2018

Summary of Penalties for Inspection Number	1274028
Citation 1, Serious	\$77,604.00
TOTAL PROPOSED PENALTIES	\$77,604.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

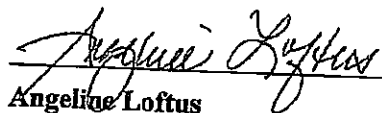
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

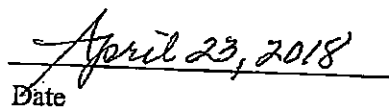
Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



Angelina Loftus

Area Director



Date