


U.S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
DENVER AREA OFFICE
1391 SPEER BLVD., SUITE 210
DENVER, CO 80204

FACSIMILE TRANSMITTAL SHEET

| | |
|---------------------------------------|-------------------------------------|
| PLEASE HAND DELIVER THIS DOCUMENT TO: | FROM: |
| <i>Kent Maxwell</i> | <i>Wray</i> |
| COMPANY: | DATE: |
| <i>Colorado Fire Camp</i> | <i>9/3/09</i> |
| FAX NUMBER: | TOTAL NO. OF PAGES INCLUDING COVER: |
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| PHONE NUMBER: | |
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| DOCUMENT BEING TRANSMITTED | |
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URGENT
 FOR REVIEW
 PLEASE COMMENT
 PLEASE REPLY

NOTES/COMMENTS:



Kent,

Attached are the citations for Rocky Mt. Youth Corps -

The BLM case is still under investigation.

Thank
WRRB

Please call IMMEDIATELY if the copy you receive is INCOMPLETE OR ILLEGIBLE.
 OUR TELEPHONE NUMBER IS: 303.844.5285
 OUR FAX NUMBER IS: 303.844.6676.

The information contained in this facsimile message is privileged and confidential, and is intended only for the use of the individual named above. If the reader of this message is not the intended recipient, you are hereby notified that any unauthorized dissemination; distribution or copy of this communication is strictly prohibited.

U.S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
DENVER AREA OFFICE
1391 SPEER BLVD., SUITE 210
DENVER, CO 80204
Phone: (303)844-5285 FAX: 303-844-6676



Citation and Notification of Penalty

To:
Rocky Mountain Youth Corps
and its successors
P.O. Box 775504
Steamboat Springs, CO 80477

Inspection Number: 311912299
Inspection Date(s): 05/29/2009-08/10/2009
Issuance Date: 08/17/2009

Inspection Site:
Storm Mountain Ranch
Steamboat Springs, CO 80487

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 penalties listed herein 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 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 violations 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 cited herein have been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer. **The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.**

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 citations and/or penalties.

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 page 5 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 citations and/or proposed penalties within 15 working days after receipt, the citations and the proposed penalties 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.

OSHA does not agree to any restrictions or 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.

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 your inspection will be available 30 calendar days after the Citation Issuance Date. 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.

Notification of Corrective Action - for each violation which you do not contest, you are required by 29 CFR 1903.19 to submit an Abatement Certification to the Area Director of the OSHA office issuing the citation

and identified above. The certification **must** be sent by you within **10 calendar days** of the abatement date indicated on the citation. For **Willful** and **Repeat** violation, documents (examples: photos, copies of receipts, training records, etc.) demonstration that abatement is complete must accompany the certification. Where the citation is classified as **Serious** and the citations states that abatement documentation is required, documents such as those described above are required to submitted along with abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

All abatement verification documents must contain the following information: 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

The law also requires a copy of all abatement verification documents, required by 29 CFR 1903.19 to be sent to OSHA, also be posted at the location where the violation appeared and the corrective action took place.

Abatement-Certification Letter

Herb Gibson, Area Director
U.S. Department of Labor-OSHA
1391 Speer Blvd., Suite 210
Denver, CO 80204
(303) 844-5285

Fax: (303) 844-6676

Rocky Mountain Youth Corps
P.O. Box 775504
Steamboat Springs, CO 80477

The hazard referenced in Inspection Number _____ for violation identified as:
Citation _____ and item _____ was corrected on _____ by what method _____

The hazard referenced in Inspection Number _____ for violation identified as
Citation _____ and item _____ was corrected on _____ by what method _____

The hazard referenced in Inspection Number _____ for violation identified as
Citation _____ and item _____ was corrected on _____ by what method _____

The hazard referenced in Inspection Number _____ for violation identified as
Citation _____ and item _____ was corrected on _____ by what method _____

The hazard referenced in Inspection Number _____ for violation identified as
Citation _____ and item _____ was corrected on _____ by what method _____

The affected employees and their representative have been informed of the above abatement measures.

I attest that the information contained in this document is accurate.

Signature

Typed or Printed Name

NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 08/17/2009. The conference will be held at the OSHA office located at OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, 1391 SPEER BLVD., SUITE 210, DENVER, CO, 80204 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.



Citation and Notification of Penalty

Company Name: Rocky Mountain Youth Corps
Inspection Site: Storm Mountain Ranch, Steamboat Springs, CO 80487

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

1910.266 (d)(6)(ii) Work areas shall be assigned so that trees cannot fall into an adjacent occupied work area. The distance between adjacent occupied work areas shall be at least two tree lengths of the trees being felled. The distance between adjacent occupied work areas shall reflect the degree of slope, the density of the growth, the height of the trees, the soil structure and other hazards reasonably anticipated at that work site. A distance of greater than two tree lengths shall be maintained between adjacent occupied work areas on any slope where rolling or sliding of trees or logs is reasonably foreseeable.

- (a) **Rocky Mountain Youth Corps @ Storm Mountain Ranch., Steamboat Springs, CO:** On or before May 21, 2009, the employer did not ensure that before each tree is felled, the distance between adjacent occupied work areas was maintained by each employee at least two tree lengths of the trees being felled. On May 21, 2009, while a cut pine tree, approximately 80' in length was falling, a distance of only approximately 15' "safe zone" was maintained from the tree being felled.

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

Date By Which Violation Must be Abated: 08/04/2009
Proposed Penalty: \$ 875.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Rocky Mountain Youth Corps
Inspection Site: Storm Mountain Ranch, Steamboat Springs, CO 80487

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

1910.266 (e)(2)(x) Prior to felling any tree, the chain-saw operator shall clear away brush or other potential obstacles which might interfere with cutting the tree or using the retreat path.

- (a) **Rocky Mountain Youth Corps @ Storm Mountain Ranch., Steamboat Springs, CO:** The employer did not ensure that prior to felling the pine tree, the felling area was clear from potential obstacles such as, the dead aspen tree, which was in the path of the falling pine tree. Escape routes and alternate retreat paths were not cleared to provide prompt escape and protection. On May 21, 2009, while a cut pine tree was falling, the branches brushed against a dead aspen tree, which had not been cleared out the felling area, and struck an employee resulting in multiple injuries.

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

Date By Which Violation Must be Abated: 09/04/2009
Proposed Penalty: \$ 875.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Rocky Mountain Youth Corps
Inspection Site: Storm Mountain Ranch, Steamboat Springs, CO 80487

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

1910.266 (h)(1)(ii) The immediate supervisor shall be consulted when unfamiliar or unusually hazardous conditions necessitate the supervisor's approval before cutting is commenced.

- (a) **Rocky Mountain Youth Corps @ Storm Mountain Ranch., Steamboat Springs, CO:** On or before May 21, 2009, the employer did not ensure that the immediate supervisor was notified of pinched saw bar, tree sitback so that before a potential hazard could be created for employees when hazardous conditions such as those were encountered.

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

| | |
|---|------------|
| Date By Which Violation Must be Abated: | 09/04/2009 |
| Proposed Penalty: | \$ 875.00 |

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Rocky Mountain Youth Corps
Inspection Site: Storm Mountain Ranch, Steamboat Springs, CO 80487

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

1910.266 (h)(2)(ii) Before each tree is felled, conditions such as, but not limited to, snow and ice accumulation, the wind, the lean of tree, dead limbs, and the location of other trees, shall be evaluated by the feller and precautions taken so a hazard is not created for an employee.

- (a) **Rocky Mountain Youth Corps @ Storm Mountain Ranch., Steamboat Springs, CO:** On or before May 21, 2009, the employer did not ensure that before each tree is felled, conditions such as, but not limited to, the lean of tree, dead limbs, and the location of other trees, including dead aspen trees were evaluated by the feller and precautions taken so a hazard is not created for employees. On May 21, 2009, while a cut pine tree was falling, the branches hit a dead aspen tree, which should have been cleared out the felling area, and struck an employee resulting in multiple injuries.

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

Date By Which Violation Must be Abated: 09/04/2009
Proposed Penalty: \$ 875.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Rocky Mountain Youth Corps
Inspection Site: Storm Mountain Ranch, Steamboat Springs, CO 80487

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

1910.266 (i)(3) The employer shall provide training for each employee, including supervisors, at no cost to the employee. Each employee must be instructed in the recognition and avoidance of unsafe condition(s) and the regulation(s) applicable to his work environment to control or eliminate any hazard(s) or other exposure to illness or injury:

- (a) **Rocky Mountain Youth Corps @ Storm Mountain Ranch., Steamboat Springs, CO:** On or before May 21, 2009, the employer did not ensure that each employee conducting logging operations was properly trained to recognize hazards associated with the dangers in his work environment and the necessary precautions to be taken to ensure their safety. This condition exposed employees to strike-by hazards while felling trees. On May 21, 2009, while a cut pine tree was falling, the branches hit a dead aspen tree, which should have been cleared out the felling area, and struck an employee resulting in multiple injuries.

Note: At a minimum, training shall consist of the following elements:

- (i) Safe performance of assigned work tasks;
- (ii) Safe use, operation and maintenance of tools, machines and vehicles the employee uses or operates, including emphasis on understanding and following the manufacturer's operating and maintenance instructions, warnings and precautions
- (iii) Recognition of safety and health hazards associated with the employee's specific work tasks, including the use of measures and work practices to prevent or control those hazards
- (iv) Recognition, prevention and control of other safety and health hazards in the logging industry
- (v) Procedures, practices and requirements of the employer's work site and
- (vi) The requirements of this standard.

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

See pages 1 through 5 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: 311912299
Inspection Dates: 05/29/2009 - 08/10/2009
Issuance Date: 07/17/2009



Citation and Notification of Penalty

Company Name: Rocky Mountain Youth Corps
Inspection Site: Storm Mountain Ranch, Steamboat Springs, CO 80487

Date By Which Violation Must be Abated: 09/04/2009
Proposed Penalty: \$ 875.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Rocky Mountain Youth Corps
Inspection Site: Storm Mountain Ranch, Steamboat Springs, CO 80487

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

1910.266 (i)(7)(i) The employer shall assure that each employee, including supervisors receives or has received first-aid and CPR training meeting at least the requirements specified in Appendix B.

- (a) **Rocky Mountain Youth Corps @ Storm Mountain Ranch., Steamboat Springs, CO:** On or before May 21, 2009, the employer did not ensure that each employee, including supervisors was provided first-aid and CPR training as required under the standard.

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

Date By Which Violation Must be Abated: 09/19/2009
Proposed Penalty: \$ 700.00



HERB GIBSON
Area Director

See pages 1 through 5 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
DENVER AREA OFFICE
1391 SPEER BLVD., SUITE 210
DENVER, CO 80204
Phone: (303)844-5285 FAX: 303-844-6676



INVOICE/ DEBT COLLECTION NOTICE

Company Name: Rocky Mountain Youth Corps
Inspection Site: Storm Mountain Ranch, Steamboat Springs, CO 80487
Issuance Date: 08/17/2009

Summary of Penalties for Inspection Number 311912299

| | | |
|---------------------------------|------|----------------|
| Citation 1, Serious | = \$ | 5075.00 |
| TOTAL PROPOSED PENALTIES | = \$ | 5075.00 |

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.

OSHA does not agree to any restrictions or conditions 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 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 2%. 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.



HERB GIBSON
Area Director



Date