

# **Exhibit S**

## **Cal/OSHA Citations**

State of California  
Division of Occupational Safety and Health  
Cal/OSHA District Office  
1209 Woodrow, Suite C-4  
Modesto, CA 95350  
Phone: (209) 576-6260 Fax: (209) 576-6191



## Citation and Notification of Penalty

To:  
State of California Department of  
Water Resources

and its successors  
31770 Gonzaga Road  
Gustine, CA 95322

**Inspection Site:**  
25001 Pole Line Road  
Los Banos, CA 93635

**Inspection Number:** 310544614

**Inspection Date(s):** 02/07/2007 - 07/30/2007

**Issuance Date:** AUG 07 2007  
**CSHO ID:** G0994  
**Optional Report #:** 049-07  
**Reporting ID:** 0950624

*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](http://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 assumption 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  
1209 Woodrow, Suite C-4  
Modesto, CA 95350  
Telephone: (209) 576-6260

## 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  
 Cal/OSHA District Office (0950624; 4024)  
 1209 Woodrow, Suite C-4  
 Modesto, CA 95350

Inspection Number: 310544614  
 Inspection Dates: 02/07/2007-07/30/2007  
 Issuance Date: AUG 07 2007  
 CSHO ID: G0994  
 Optional Inspection Nbr: 049-07



Telephone: (209) 576-6260

**Citation and Notification of Penalty**

Company Name: CA Department of Water Resources  
 Inspection Site: 25001 Pole Line Road, Los Banos, CA 93635

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

Subchapter 7. General Industry Safety Orders  
 Group 26. Diving Operations  
 Article 152. Diving Operations

6057. Equipment Procedures and Requirements

(d) Air Compressor Systems

(4) The compressor for supplying air shall be equipped, maintained and its air quality tested as required by Section 5144(i).

5144 Respiratory Protection

(i) Breathing air quality and use. This subsection requires the employer to provide employees using atmosphere-supplying respirators (supplied-air and SCBA) with breathing gases of high purity.

(7) For oil lubricated compressors, the employer shall use a high-temperature or carbon monoxide alarm, or both, to monitor carbon monoxide levels. If only high-temperature alarms are used, the air supply shall be monitored at intervals sufficient to prevent carbon monoxide in the breathing air from exceeding 10 ppm.

...(a) Employer failed to use a high-temperature or carbon monoxide alarm to monitor carbon monoxide levels on the Bauer Junior II High Pressure Breathing Air Compressor Unit, Serial #023783.

Date By Which Violation Must be Abated:

SEP 09 2007

Proposed Penalty:

\$ 185.00

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  
 Cal/OSHA District Office (0950624; 4024)  
 1209 Woodrow, Suite C-4  
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Telephone: (209) 576-6260

**Citation and Notification of Penalty**

**Company Name:** CA Department of Water Resources  
**Inspection Site:** 25001 Pole Line Road, Los Banos, CA 93635

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

Subchapter 7. General Industry Safety Orders  
 Group 26. Diving Operations  
 Article 152. Diving Operations

**6057. Equipment Procedures and Requirements**

a) Recordkeeping. Each equipment modification, repair, test, calibration or maintenance service be logged including the date and nature of work performed, serial number of the item and the name of the person performing the work for the following equipment:

Compressors  
 Regulators  
 SCUBA tanks  
 Diving helmets  
 Submersible breathing masks  
 Submersible pressure gauges  
 Depth gauges  
 Tank valves  
 Gas control panels  
 Analytical instruments

...(a) Employer failed to log each regulator equipment modification, repair, test, calibration or maintenance service with the date and nature of work performed, serial number of the item and the name of the person performing the work.

...(b) Employer failed to log each submersible depth gauge equipment modification, repair, test, calibration or maintenance service with the date and nature of work performed, serial number of the item and the name of the person performing the work.

**Date By Which Violation Must be Abated:**  
**Proposed Penalty:**

**SEP 09 2007**  
**\$ 185.00**

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  
 Cal/OSHA District Office (0950624; 4024)  
 1209 Woodrow, Suite C-4  
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**CSHO ID:** G0994  
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Telephone: (209) 576-6260

**Citation and Notification of Penalty**

**Company Name:** CA Department of Water Resources  
**Inspection Site:** 25001 Pole Line Road, Los Banos, CA 93635

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

Subchapter 7. General Industry Safety Orders  
 Group 2. Safe Practices and Personal Protection  
 Article 7. Miscellaneous Safe Practices

3314. The Control of Hazardous Energy for the Cleaning, Repairing, Servicing, Setting-Up, and Adjusting Operations of Prime Movers, Machinery and Equipment, Including Lockout/Tagout.

(c) Cleaning, Servicing and Adjusting Operations.

Machinery or equipment capable of movement shall be stopped and the power source de-energized or disengaged.

...(a) On 02/07/07, Employer failed to stop, de-energize or disengage pumping Unit #5 at the Dos Amigos Pumping Plant prior to diving operations related to the presence and removal of Quagga Muscles from trash racks 1, 2 & 3.

Date by Which Violation Must be Abated:  
 Proposed Penalty:

SEP 09 2007  
 \$ 750.00

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  
Cal/OSHA District Office (0950624; 4024)  
1209 Woodrow, Suite C-4  
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Issuance Date: **AUG 07 2007**  
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**Citation and Notification of Penalty**

**Company Name:** CA Department of Water Resources  
**Inspection Site:** 25001 Pole Line Road, Los Banos, CA 93635

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

Reference:  
California Labor Code  
142.3 (a)

29 CFR  
1910.424(b)

Limits. SCUBA diving shall not be conducted:

29 CFR  
1910.424(b)(3)

Against currents exceeding one (1) knot unless line-tended.

...(a) On 02/07/07, Employer conducted SCUBA diving operations against currents that exceeded one (1) knot without Employees line-tended.

Date By Which Violation Must be Abated:  
Proposed Penalty:

SEP 09 2007  
\$ 750.00

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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 (0950624; 4024)  
1209 Woodrow, Suite C-4  
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Telephone: (209) 576-6260

**Citation and Notification of Penalty**

Company Name: CA Department of Water Resources  
Inspection Site: 25001 Pole Line Road, Los Banos, CA 93635

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

Subchapter 7. General Industry Safety Orders  
Group 26. Diving Operations  
Article 152. Diving Operations

**6054. Manual for Diving Safety**

- (a) The Manual for Diving Safety shall include, but not be limited to:
- (2) For each diving mode engaged in:
- (D) Emergency procedures.

...(a) Employers Manual for Diving Safety / Policy failed to include emergency procedures for each diving mode engaged in.

**6055. Dive Planning**

- (a) Planning of a diving operation shall include considerations of the safety and health aspects of the following:
- (9) Emergency procedures.

...(a) Employer failed to include planning for emergency procedures for a diving operation conducted on 02/07/07.

**Date By Which Violation Must be Abated:**

**AUG 24 2007**

**Proposed Penalty:**

**\$ .6750.00**

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  
Cal/OSHA District Office (0950624; 4024)  
1209 Woodrow, Suite C-4  
Modesto, CA 95350

Inspection Number: 310544614  
Inspection Dates: 02/07/2007 - 07/30/2007  
Issuance Date: **AUG 07 2007**  
CSHO ID: G0994  
Optional Inspection Nbr: 049-07



Telephone: (209) 576-6260

**Citation and Notification of Penalty**

Company Name: CA Department of Water Resources  
Inspection Site: 25001 Pole Line Road, Los Banos, CA 93635

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

Subchapter 7. General Industry Safety Orders  
Group 1. General Physical Conditions and Structures Orders  
Introduction

3203. 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 and, shall, at a minimum:

(7) Provide training and instruction:

(C) To all employees given new job assignments for which training has not previously been received;

...(a) On 02/07/07, Employer failed to provide training and instruction to an employee given the new job assignment of dive tender for which training had not previously been received.

3203. 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 and, shall, at a minimum:

(2) Include a system for ensuring that employees comply with safe and healthy work practices. Substantial compliance with this provision includes recognition of employees who follow safe and healthful work practices, training and retraining programs, disciplinary actions, or any other such means that ensures employee compliance with safe and healthful work practices.

...(b) Employer failed to ensure that employees complied with safe and healthy work practices as outlined in Employers Dive Policy Manual, requiring dive tenders to be a "qualified diver or other individual approved by the Board as having the required background and training".

Date By Which Violation Must be Abated:

AUG 24 2007

Proposed Penalty:

\$ 6750.00

*[Handwritten Signature]*  
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.



### EMPLOYER'S SIGNED STATEMENT OF ABATEMENT OF REGULATORY AND/OR GENERAL VIOLATIONS

EMPLOYER: State of California Department of Water Resources  
ADDRESS: 31770 Gonzaga Road  
Gustine, CA 95322

The law requires that violations observed during the inspection/investigation completed on 07/30/2007 of the place of employment located at 25001 Pole Line Road, Los Banos, CA be corrected within the time limit specified. Please notify the Division as soon as these conditions have been corrected by returning this completed form. Your response by completing, signing and mailing this form to the issuing office on or before the compliance date may avoid a follow-up inspection of your facilities. **Failure to timely complete and return this form may result in issuance of a citation and civil penalty for violation of 8CCR 340.4(c).**

**NOTE:** This form does not serve as a request for a time extension. If there are serious problems beyond your control that prevent meeting a specified abatement date, contact the Division early, well within the 15-day limit allowed for an appeal.

This signed statement or a summary shall be posted for three (3) working days at or near each place the regulatory and/or general violation(s) referred to in the citation occurred.

PLEASE COMPLETE AND MAIL BY

SEP 10 2007

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**LIST THE SPECIFIC MEASURES & EQUIPMENT TAKEN TO CORRECT EACH CITATION & ITEM NUMBER OF THE UNSAFE CONDITIONS AND DATE OF ABATEMENT.**

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Continued on additional page

All affected employees and their representatives have been informed about abatement activities referenced in this document in conformance with 8CCR Section 340.4(g).  Yes  No

This certifies that all unsafe conditions listed in the Division's citation dated have now been corrected and all submitted abatement information is accurate.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

OFFICE USE ONLY	
Division Engineer/Industrial Hygienist: _____	Date _____
District Manager: _____	Date _____
<input type="checkbox"/> Close/Comments	
Region <u>2</u> District <u>4</u> Inspection No. <u>310544614</u> Identification No. <u>G0994</u> Cal/OSHA Rpt. No. & Fiscal Year <u>049-07</u>	

Date mailed or delivered:

AUG 07 2007

Cal/OSHA 160 (09/01/2000)

**EMPLOYER'S SIGNED STATEMENT OF ABATEMENT OF SERIOUS VIOLATIONS**

**EMPLOYER:** State of California Department of Water Resources  
**ADDRESS:** 31770 Gonzaga Road  
 Gustine, CA 95322

The law requires that violations observed during the inspection/investigation completed on 07/30/2007 of the place of employment located at 25001 Pole Line Road, Los Banos, CA be corrected within the time limit specified. Labor Code 6320(b), requires that you submit this signed statement under penalty of perjury which describes the measures for abating each citation which alleges a serious violation. **If the signed statement is not received within 10 working days after the end of the period fixed for abatement, the Division will be required to revoke any adjustments to the civil penalty based upon the assumption that you will abate the violation.** This action will result in a doubling of the civil penalty for serious violations. If you have filed a timely appeal with reference to a particular citation, the abatement date is stayed during the appeal process and the Signed Statement need not be submitted at this time. In addition, if there are problems beyond your control that prevent meeting a specified abatement date, contact the Division early so that a request for extension can be considered.

This signed statement shall be posted for three (3) working days at or near each place the serious violation referred to in the citation occurred.

**THIS FORM MUST BE RECEIVED AT THE ABOVE ADDRESS ON OR BEFORE**

**SEP 03 2007**

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**DESCRIBE AND LIST THE SPECIFIC MEASURES & EQUIPMENT TAKEN TO ABATE EACH SERIOUS VIOLATION**

Citation Number	Number of Instances	Measures Taken to Abate Serious Violations	Abatement Date

All affected employees and their representatives have been informed about abatement activities referenced in this document in conformance with 8CCR Section 340.4(g).  Yes  No

I have reviewed the foregoing statement and declare under penalty of perjury that it is true and correct to the best of my knowledge and all submitted abatement information is accurate.

Executed at \_\_\_\_\_, California by

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

**OFFICIAL USE ONLY**

Division Engineer/Industrial Hygienist: \_\_\_\_\_ Date: \_\_\_\_\_

District Manager: \_\_\_\_\_ Date: \_\_\_\_\_

Close/Comments:

## NOTICE OF NO ACCIDENT-RELATED VIOLATION AFTER INVESTIGATION

Page 1 of 1

State of California Department of Water Resources  
 31770 Gonzaga Road  
 Gustine, CA 95322

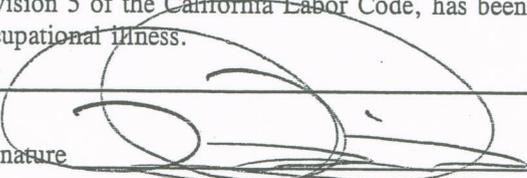
An investigation of an industrial accident or occupational illness was conducted by **Robert Pike** at a place of employment located at **25001 Pole Line Road, Los Banos** on **02/07/2007**.

DESCRIBE THE CONDITION INSPECTED:

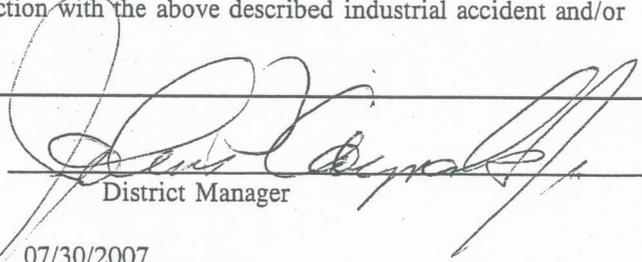
Double fatality 02/07/07 at Dos Amigos Pumping Plant.

It has been determined that no standard, rule, order or regulation set forth in Title 8, California Code of Regulations, and Division 5 of the California Labor Code, has been violated in connection with the above described industrial accident and/or occupational illness.

Signature

  
 Safety Engineer/Industrial Hygienist

Signature

  
 District Manager

Date of issuance AUG 07 2007 Date investigation completed 07/30/2007

This notice is provided to the employer in accordance with the provisions of California Labor Code Section 6318(a). The employer is required to post this notice for three working days.

This notice relates solely and exclusively to the investigation of the industrial accident(s) and/or occupational illness(es) described above. It does not relate to any other conduct, condition or activity existing at the above-described place of employment either on the date of the investigation or presently.

2	4	G0994	049-07	310544614
Region	District	SE/IH Identification No.	Optional Report No.	CAL/OSHA Form 1 Report No.

State of California  
Division of Occupational Safety and Health  
Cal/OSHA District Office  
1209 Woodrow, Suite C-4  
Modesto, CA 95350  
Phone: (209) 576-6260

## NOTICE OF PROPOSED PENALTIES

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**Company Name:** State of California Department of Water Resources  
**Inspection Site:** 25001 Pole Line Road, Los Banos, CA 93635  
**Mailing Address:** 31770 Gonzaga Road, Gustine, CA 95322

**Issuance Date:** **AUG 07 2007**

**Reporting ID:** 0950624  
**Index Code:** 4024

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### Summary of Penalties for Inspection Number 310544614

Citation 1, General	= \$	1870.00
Citation 2, Serious	= \$	6750.00
Citation 3, Serious	= \$	6750.00
<b>TOTAL PROPOSED PENALTIES</b>	<b>= \$</b>	<b>15370.00</b>

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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 card (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](http://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.

**DEPARTMENT OF INDUSTRIAL RELATIONS**  
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH - CAL/OSHA  
Cashier, Accounting Office  
P.O. Box 420603  
San Francisco, CA 94142-0603  
Phone (415) 703-4296 or (415) 703-4308 FAX (415) 703-3037

**PENALTY REMITTANCE FORM**

**CIVIL PENALTY INFORMATION**    INSPECTION NUMBER 310544614    REPORTING ID 0950624    INDEX CODE 4024

ESTABLISHMENT NAME    CA Department of Water Resources

CONTACT PERSON \_\_\_\_\_

PHONE NO. \_\_\_\_\_

FAX NO. \_\_\_\_\_

SITE ADDRESS    25001 Pole Line Road, Los Banos

MAILING ADDRESS    31770 Gonzaga Road, Gustine, CA, 95322

**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](http://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) 703-4308 or complete the information above and fax to (415) 703-3037

Cal/OSHA-2 PRF REV 7/07

Department of Industrial Relations  
Division of Occupational Safety and Health  
1209 Woodrow Ave., Suite C-4  
Modesto, California 95350

### DECLARATION OF SERVICE

On Tuesday, the 07 day of August, 2007, I, Robert Pike

served the attached Citation and Notification of Penalty, on  
State of California Department of Water Resources

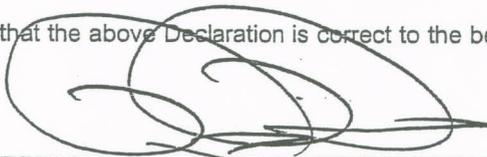
(Name of Employer)

by giving the original and a copy of it to David Sandino  
(Employer or Employer Representative)

at 1416 9th Street Sacramento, CA 95814-0001  
(Street Address, City, CA ZIP)

I declare under penalty of perjury that the above Declaration is correct to the best of my knowledge and belief.

August 07, 2007  
DATE

  
SIGNATURE

Sacramento  
CITY

California  
STATE

2      4      101106441      G0994      310544614      2007  
Region    District    Inspection No.    Engineer/IH ID No.    Cal/OSHA Rpt No.    Fiscal Year

DECLARATION OF SERVICE

On August 07, 20 07, I served this Special Order upon the employer, owner or operator by leaving a true and correct copy with:

David Sardino Atty Gen Counsel  
Name Title  
who was identified as the employer, owner or operator named in the Special Order or representative thereof.

I declare under penalty of perjury that the above statement is true and correct of my own knowledge except as to any allegations made on the basis of information and belief, and as to those, I believe to be true.

[Signature]  
Safety Engineer/Industrial Hygienist

8-7-07  
Date

Sacramento  
City or County

CA 95814  
State Zip

1. Office:  
 Modesto District Office  
 1209 Woodrow Avenue Suite C-4  
 Modesto, CA 95350

**SPECIAL ORDER**

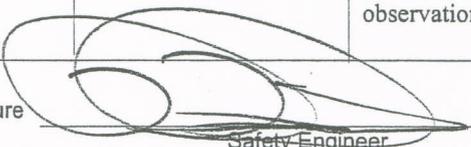
2. State of California  
 Department of Water Resources  
 1416 9th Street  
 Sacramento, CA 95814-0001

3. Page 1 of 1

4. Special Order Number M-1

5. An inspection or investigation of a place of employment located at 25001 Pole Line Road  
Los Banos, CA 93635 was conducted by Robert Pike - G0994  
 on February 07, 20 07. This Special Order is being issued in accordance with California Labor Code  
 (L.C.) Sections 6305 and 6308 for unsafe condition(s) described below that were found during that inspection or investigation.

6a. Item No.	6b. No. of Instances	7. Basis of Special Order L.C. Provision	8. Special Order	9. Abatement date by which this Special Order must be complied with
1	1	6401	<p>Prior to initiating future diving operations, the State of California Department of Water Resources will complete its causal analysis of the fatal incident occurring on February 07, 2007. The Department of Water Resources will also implement all necessary safeguards to prevent incidents of this type, including but not limited to:</p> <ol style="list-style-type: none"> <li>1. Implement applicable portions of the U.S. Department of the Interior Bureau of Reclamation Diving Safe Practices Manual (DSPM)</li> <li>2. Implement positive voice communication requirements for all modes of diving.</li> <li>3. Implement positive means of location, emergency procedures, retrieval and rescue.</li> <li>4. Implement as deemed necessary, use of Remote Operated Vehicle (ROV) for underwater inspection and observation.</li> </ol>	08/21/07

10. Signature  Safety Engineer

Signature  District Manager

Signature \_\_\_\_\_ Industrial Hygienist

Date of issuance AUG 07 2007

This Special Order or a copy thereof shall be prominently posted upon receipt by the employer at or near the location of each unsafe condition described above until said condition(s) is/are corrected or for three working days, whichever is longer.

The employer has 15 working days after receipt of the above Special Order within which to notify in writing the California Occupational Safety and Health Appeals Board, 2520 Venture Oaks Way Suite 300, Sacramento, CA 95833, of his or her intention to contest any action or provision of this Order. The above Special Order will become a final Order of the Appeals Board not subject to review or appeal unless contested by the employer, employee, or employee representative.

An employer, or his or her representative, may contest in writing to the California Occupational Safety and Health Appeals Board the reasonableness of the date by which this order must be complied with within 15 working days from the date of issuance of the Special Order.

If the unsafe condition(s) described above is/are not corrected or any action or provision of this Order is not complied with as directed in this Special Order within the period of time set forth by the Division of Occupational Safety and Health, the Division may issue a citation for violation of the special order and may assume a monetary penalty and/or in some instances, may bring a prosecution for a misdemeanor.

11. 2 4 90994 049-07 310544614  
 region District SE/IH identification No Optional Report No CAL/OSHA FORM 1 Report No.