



STATE OF WASHINGTON
DEPARTMENT OF LABOR AND INDUSTRIES
Division of Occupational Safety and Health
PO Box 44600 • Olympia, Washington 98504-4600

February 7, 2024

SAPPHIRE GAS SOLUTIONS LLC
100 Interstate 45 N Ste 152a
Conroe, TX 77301-2837

OSHA #: 1700112
Inspection: 317976216
UBI: 605172009
Region: 05-Health
Inspector ID: C1300
Reference: 102417007

Dear Employer:

Enclosed are the results of the safety and health inspection of your workplace. This packet contains:

- **Citation Invoice** – The total assessed penalty is \$24,000.00
- **Citation and Notice of Assessment** – Washington Administrative Code (WAC) Violations.
- **Employer Certification of Abatement instruction and form** - Correct all violations and return written verification or additional penalties may result.
- **Employer Appeal Rights** – You have 15 working days to appeal this citation.

You must immediately post this Citation and Notice of Assessment at or near where the violation(s) occurred, where employees can easily find and read it, or where employees normally receive posted information. All postings must remain until you have corrected all violations, or for seven working days, whichever is longer. “Working day” means a calendar day, except Saturdays, Sundays and all legal state holidays.

Because this inspection is public information, the result will be posted online 30 days after the above date by the Department of Labor & Industries. You may view it at <https://secure.lni.wa.gov/verify> .

Please visit <https://www.lni.wa.gov/agency/public-disclosure/> if you would like to request a copy of the inspection file. Your choices are:

- Safety & Health Citation Only
- Safety & Health Brief Inspector Summary Report (short description the inspector writes to summarize the reason for the inspection only – not complete file)
- Safety & Health Detailed Inspection Summary Report (detailed summary of inspection including penalty calculation only – not complete file)
- Safety & Health Citation and Complete Inspection File (The complete legal file which contains the detailed information regarding the inspector’s findings, the citation, and calculation of any penalty. This will be especially helpful if you are contemplating filing an appeal.)

If you have questions, call the compliance supervisor, Victoria Cibicki, at (509) 886-6513.

Respectfully,

L&I Assistant Director
Division of Occupational Safety & Health

Enclosure(s)



Washington State Department of
Labor & Industries
Division of Occupational Safety and Health

Invoice

Inspection: 317976216

UBI: 605172009
Legal Name: SAPPHIRE GAS SOLUTIONS LLC
DBA Name: SAPPHIRE GAS SOLUTIONS LLC
Inspection: 1401 E McDonald Rd.,
Site: Toppenish, WA, 98948

Issued: February 7, 2024
Opening Conference: September 25, 2023
Closing Conference: January 29, 2024
Inspector ID: C1300

Summary of Assessed Penalties Due

The Citation and Notice of Assessment includes a full description of each violation.

Violation Item	Violation Type	WAC	Correction Due Date	Penalty Amount
1-1	Serious	WAC 296-800-11005	Not Applicable	\$4,800.00
1-2	Serious	WAC 296-800-11005	3/11/2024	\$4,800.00
1-3	Serious	WAC 296-800-11005	Not Applicable	\$4,800.00
1-4	Serious	WAC 296-800-11005	Corrected	\$4,800.00
1-5	Serious	WAC 296-800-11005	Not Applicable	\$4,800.00
<u>Total Penalty Due</u>				\$24,000.00

PAYMENT INFORMATION

Payment is due 15 working days from receipt of this citation.

Make check payable to the Department of Labor and Industries.

Write Inspection number 317976216 on the check and mail to:

Attn: DOSH Cashier
Department of Labor and Industries
PO Box 44835
Olympia, WA 98504-4835
Or deliver to: Any L&I office



Post This Document

Citation and Notice of Assessment
Citación por Infracción y Multa Civil
Inspection: 317976216

UBI: 605172009

Issued: February 7, 2024

Legal Name: SAPPHIRE GAS SOLUTIONS LLC

Opening Conference: September 25, 2023

DBA Name: SAPPHIRE GAS SOLUTIONS LLC

Closing Conference: January 29, 2024

Inspection Site: 1401 E McDonald Rd. Toppenish, WA 98948

Inspector ID: C1300

Violation 1 Item 1

Violation Type: Serious

WAC 296-800-11005

The employer did not ensure that employees were provided a workplace free from recognized hazards that are causing, or are likely to cause, serious injury or death.

In that, the employer did not ensure that the wheels were chocked on a trailer truck prior to the connection of hoses for unloading the Liquefied Natural Gas (LNG).

The exposure to LNG can cause cryogenic or thermal burns; burns may require hospitalization or can lead to death.

According to the National Fire Protection Association 59A - Standard for the Production, Storage, and Handling of Liquefied Natural Gas (LNG) 2019 Edition

18.8 Transfer of LNG and Flammables

18.8.6 Loading and Unloading Tank Vehicles, Tank Car, and ISO Container

18.8.6.8 While tank car, tank vehicle, or ISO container loading or unloading operations are in progress;

18.8.6.8.4 Brakes shall be set and wheels chocked prior to connection for unloading or loading.

Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.

Assessed penalty: \$4,800.00



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**Citation and Notice of Assessment
Citación por Infracción y Multa Civil
Inspection: 317976216**

Violation 1 Item 2

Violation Type: Serious

WAC 296-800-11005

The employer did not ensure that employees were provided a workplace free from recognized hazards that are causing, or are likely to cause, serious injury or death.

In that, the employer did not ensure that the engine is not started until the truck vehicle has been disconnected and any released vapors have dissipated to protect their employees in the workplace.

The exposure to LNG can cause cryogenic or thermal burns; burns may require hospitalization or can lead to death.

According to the National Fire Protection Association 59A - Standard for the Production, Storage, and Handling of Liquefied Natural Gas (LNG) 2019 Edition

18.8 Transfer of LNG and Flammables

18.8.6 Loading and Unloading Tank Vehicles, Tank Car, and ISO Container

18.8.6.8 While tank car, tank vehicle, or ISO container loading or unloading operations are in progress;

18.8.6.8.5 The engine shall not be started until the truck vehicle has been disconnected and any released vapors have dissipated.

The following additional correction documentation is required for this violation:
Please submit the following updated Safety Documents:

- 1) Standard Operating Procedure Offloading Transport to Storage Vessel
- 2) The Job Safety Analysis - Field Inspection Checklist - Field Service

To include: Information in regards to the engine not being started until the truck has been disconnected and any released vapors have dissipated.

Correct by: 3/11/2024
Assessed penalty: \$4,800.00



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**Citation and Notice of Assessment
Citación por Infracción y Multa Civil
Inspection: 317976216**

Violation 1 Item 3

Violation Type: Serious

WAC 296-800-11005

The employer did not ensure that employees were provided a workplace free from recognized hazards that are causing, or are likely to cause, serious injury or death.

In that, the employer did not ensure to establish liaisons with local authorities such as police, fire department, or municipal works to coordinate the emergency plans and their roles in emergency situations.

The exposure to LNG can cause cryogenic or thermal burns; burns may require hospitalization or can lead to death.

According to the National Fire Protection Association 59A - Standard for the Production, Storage, and Handling of Liquefied Natural Gas (LNG) 2019 Edition:

18.2.2 The operating company shall meet all of the following procedures: (6) Establish liaisons with local authorities such as police, fire department, or municipal works to coordinate the emergency plans and their roles in emergency situations.

18.4.3 The emergency procedures shall included but not be limited to procedures for responding to controllable emergencies, including the following: (2) Use of equipment appropriate for handling the emergency.

18.4.5 - The emergency procedures shall include procedures for coordinating with local officials in the preparation of an emergency evacuation plan that sets forth the steps necessary to protect the public in the event of an emergency, including the following: (2) Potential hazards at the LNG plant.

Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.

Assessed penalty: \$4,800.00



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**Citation and Notice of Assessment
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Inspection: 317976216**

Violation 1 Item 4

Violation Type: Serious

WAC 296-800-11005

The employer did not ensure that employees were provided a workplace free from recognized hazards that are causing, or are likely to cause, serious injury or death.

In that, the employer did not ensure traffic barriers were erected on all sides of the facility subject to passing vehicular traffic.

The exposure to LNG can cause cryogenic or thermal burns; burns may require hospitalization or can lead to death.

According to the National Fire Protection Association 59A - Standard for the Production, Storage, and Handling of Liquefied Natural Gas (LNG) 2019 Edition:

Chapter 14 Mobile and Temporary LNG Facility

14.1 Temporary Service Use. Where mobile and temporary LNG equipment is used for temporary use, for service maintenance during gas systems repair or alteration, or for other short-term applications, the following requirements shall be met: (13) The LNG facility spacing specified in Table 6.3.1 shall be maintained except where necessary to provide temporary service on a public right-of-way or on property where clearance specified in Table 6.3.1 are not feasible and where the following additional requirements are met: (a) Traffic barriers shall be erected on all sides of the facility subject to passing vehicular traffic.

This violation was corrected during the inspection.

Assessed penalty: \$4,800.00



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**Citation and Notice of Assessment
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Inspection: 317976216**

Violation 1 Item 5

Violation Type: Serious

WAC 296-800-11005

The employer did not ensure that employees were provided a workplace free from recognized hazards that are causing, or are likely to cause, serious injury or death.

In that, the employer did not ensure to maintain the grounds of the worksite so that it doesn't create a fire hazard.

A fire can cause serious injuries/burns that may require hospitalization or lead to death.

According to the National Fire Protection Association 59A - Standard for the Production, Storage, and Handling of Liquefied Natural Gas (LNG) 2019 Edition:

Chapter 18 Operating, Maintenance, and Personal Training

18.10.9 Site Housekeeping: Each operating company shall do the following: (3) maintain the grassed area of its LNG plant so that it does not create a fire hazard.

Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.

Assessed penalty: \$4,800.00

Employer Certification of Abatement Instructions Inspection: 317976216

What you must do now:

- Check the correction due date(s) shown on the enclosed Employer Certification of Abatement Form. You must fully correct the hazards by these dates.
 - Describe on the form how you corrected each hazard, rather than what you *intend to do* in the future. Examples:
Right: *All staff have received the required training.*
Wrong: *All staff will receive the required training next week.*
- Use attachments if you need more space. Submit additional documentation of hazard correction if requested in the citation packet.
- Fill in the date you corrected the hazard and sign.
 - Post a copy of the completed form for at least seven working days, or until you have corrected all violations, whichever is longer. It must be posted near the hazard location or in a place that is readily accessible by affected employees and their representatives.
 - Send your completed form to the address provided.

Note: If we do not receive written confirmation you have corrected the hazards, we will take follow-up action, which may include additional penalties. If you provide us with false information, you may face criminal penalties.

If you are unable to fix the hazard(s) by the correction due date(s):

We must receive your written request for an extension **before** the correction due date(s) listed for the hazard(s). Correction due dates are shown on the enclosed Citation and Notice of Assessment and on your Employer Certification of Abatement Form(s).

Extensions are not automatically granted. To be considered for an extension, you must provide the following:

- Inspection number, employer name, telephone number, and site address.
- Violation and Item number for each requested extension.
- Correction due date on the citation and additional time needed.
- Steps taken to fix the hazard by the correction due date.
- Why you cannot correct the hazard by the correction due date.
- How you will protect your employees until you fix the hazard.

For more information, contact:

Or call: (509) 886-6513

Victoria Cibicki, Compliance Supervisor

Department of Labor and Industries

519 Grant Rd.

East Wenatchee, WA 98802

You must post all documentation associated with your request for extension with your citation packet. All postings must remain until you have corrected all violations, or unless you have appealed and received and posted your hearing notice.



Employer Certification of Abatement Form

Inspection: 317976216

UBI: 605172009

Issued: February 7, 2024

Legal Name: SAPPHIRE GAS SOLUTIONS LLC

DBA Name: SAPPHIRE GAS SOLUTIONS LLC

Site Address: 1401 E McDonald Rd., Toppenish, WA, 98948

You must complete this form and return it to: **Jose Carmona**
Department of Labor & Industries
1205 Ahtanum Ridge Dr., Suite C,
UNION GAP, WA 98903
 Or Fax to:
 Or Email to: cajv235@LNI.WA.GOV

Violation(s) are fully described in the Citation and Notice of Assessment section.

Violation, Item & Group#	Type of Violation	WAC# Violated	Correction Due Date
1-2	Serious	WAC 296-800-11005	3/11/2024
Violation Summary: Engine shall not be started until truck vehicle has been disconnected			
How you corrected the hazard →			
Date you corrected the hazard →			

I certify that the hazards described in this Employer Certification of Abatement Form have been corrected as described above. Affected employees and their representatives have been informed of the correction activities. I am aware that knowingly providing false information may result in criminal penalties (RCW 49.17.190(2)).

Signature Name

Title Date Phone No.

DOSH USE ONLY

DOSH Reviewer's Signature Date

For Employers

If you are cited for a violation of Occupational Safety and/or Health rules, you have the right to appeal the citation. **You have 15 working days from the date you receive this citation to appeal.** (RCW 49.17.140(1)) "Working day" means a calendar day, except Saturdays, Sundays and all legal state holidays. Your appeal must be in writing. It may be mailed, faxed, personally delivered or electronically filed. If you electronically file, the Department will send an automated acknowledgement that the appeal was received. **If you do not receive acknowledgement, please ensure you have addressed it to the correct email.** You can also contact the Appeals Program at the number listed below.

For violations classified as serious, willful, repeat serious, or failure to abate serious, an employer must correct the violations by the date listed on the Citation and Notice / Employer's Certification of Abatement form unless a stay of abatement date is requested in the appeal as described on this page. A stay of abatement date means the employer's requirement to abate or correct the hazard is put on hold until the appeal is resolved. All general and repeat general violations under appeal automatically have stay of abatement dates until a final order on those violations has been issued. If you only need an extension of an abatement date, please see the above section entitled, **"If you are unable to fix the hazard(s) by the correction due date(s)"**.

Your appeal must include:

- Name, address, telephone number, and fax number if available of the employer who is appealing, and for the employer's representative, if any, such as an attorney or interpreter.
- Inspection Number (You will find this nine-digit number in the top right corner of this page.)
- Statement explaining:
 1. What you think is wrong with the citation and any related facts.
 2. How you think the citation should be changed.
 3. What relief you are seeking and why.

If you are requesting a stay of abatement date for serious, willful, repeat serious or failure to abate serious, you must also include:

- Each violation and item number for which a stay of abatement date is requested; and
- The reason for the stay of abatement date request.

Note: Employees and/or employee representatives may elect to participate in appeal hearings.

Posting requirement:

You must post your appeal documents (along with this citation packet) until the appeal is resolved. You must also post all other documents related to this appeal.

For Employees or Their Representatives

If your employer is cited, you may only appeal the correction due date(s).

Your appeal must include:

- Your name, address, telephone number, and fax number if available and the same information for anyone who is representing you, if any.
- Inspection number.
- Statement explaining why the correction due date should be changed.

Send all appeals to:

Assistant Director for DOSH
Attn: Appeals Program
PO Box 44604
Olympia, WA 98504-4604
Fax to: **(360) 902-5581** or deliver to: **Any L&I office**
Electronically to: **DOSHAppeals@Lni.wa.gov**

For more information call the Appeals Program: **(360) 902-5486.**

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Conroe, TX 77301-2837

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