



Department of Energy

Washington, DC 20585

December 15, 2022

Mr. Matthew E. Tasch
Director of Operations
Superior Tank Solutions, Inc.
9500 Lucas Ranch Road
Rancho Cucamonga, California 91730

WEL-2022-07

Dear Mr. Tasch:

The Office of Enterprise Assessments' Office of Enforcement has completed an evaluation into an abrasive blasting event that occurred when a blast hose malfunctioned and severely injured a subcontract worker during abrasive blasting operations at the Lawrence Berkeley National Laboratory (LBNL) on February 12, 2020, as reported into the Department of Energy's (DOE) Noncompliance Tracking System under NTS-SC-BSO-UC-OPERATIONS-2020-0009992, dated April 16, 2020. At the time, Superior Tank Solutions, Inc. (STS) was under contract to the Regents of the University of California (UC) to fulfill the responsibilities as a general contractor for the inspection and repair of LBNL's Tank 82. While performing work at LBNL, the general contractor is required to follow the UC site specific safety plan (SSSP), which required STS to follow the DOE requirements codified in 10 C.F.R. Part 851 (Part 851), *Worker Safety and Health Program*. Based on this evaluation, the Office of Enforcement identified concerns that warrant management attention by STS.

The specific concerns from this event are listed below. They relate to STS's implementation of the Part 851 requirements in management responsibilities, as well as inadequate safety oversight of the STS subcontractor performing abrasive blasting operations:

- STS did not ensure that permanent fall restraints were installed inside Tank 82, contrary to the *Fall Protection Matrix Plan* approved by UC and the *Water Tank Inspection SSSP Addendums: Tank 82 Revised Scope*.
- STS did not develop an appropriate rescue plan that included retrieval of an injured or incapacitated worker from a 25-foot scaffold within a permit-required confined space (i.e., Tank 82).

The Office of Enforcement has elected to issue this Enforcement Letter to convey concerns about STS's implementation of worker safety and health regulatory requirements through work performed by its subcontractor at LBNL on February 12, 2020. The Office of Enforcement determined that STS did not follow the UC



SSSP, which required STS to provide adequate safety management oversight of its subcontractor. In addition, when an unsafe condition or act could result in an undesirable event, the SSSP required STS and its subcontractor to stop work, notify UC, and correct and resolve the situation or condition immediately.

These deficiencies in work performance reveal potential violations of DOE requirements codified in Part 851. Issuance of this Enforcement Letter reflects DOE's decision to not pursue further enforcement activity against STS at this time.

This letter imposes no requirements on STS, and no response is required. If you have any questions, please contact me at (301) 903-4033, or your staff may contact Ms. Shannon Holman, Acting Director, Office of Worker Safety and Health Enforcement, at (301) 903-0100.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anthony C. Pierpoint', with a long horizontal flourish extending to the right.

Anthony C. Pierpoint
Director
Office of Enforcement
Office of Enterprise Assessments

cc: Paul Golan, SC-BSO
Michelle Flynn, Regents of the University of California