

CONSENT ORDER APPROVAL

CASE: 15-G-0726 In the Matter of an Enforcement Proceeding Against Aspen Landscaping Contracting, Inc. for Alleged Violations of 16 NYCRR Part 753 - Protection of Underground Facilities, in the Service Territory of The Brooklyn Union Gas Company d/b/a National Grid NY.

Company Name: Aspen Landscaping Contracting, Inc.
(Aspen)

Principal Contact: Ms. Maria A. Fuentes

Address: 1121 Springfield Road
Union, NJ 07083

Alleged Code Violation(s): 753-3.1(a)(1)

Description of Violation: Failure to provide notice of intent to excavate to the one-call notification system

Date of Violation: May 7, 2014

Damaged Facilities: ½-inch natural gas service

Date of NOPV: December 29, 2014

Response: Letter dated January 29, 2015

Proposed Penalty: \$500

Circumstances

Aspen stated that it has performed numerous projects and provided a one-call ticket, dated January 31, 2014, for the area affected. Aspen did not provide evidence that it maintained the marks or that it maintained a constant site presence from this date through the date of damage, May 7, 2014. Therefore, subsequent notice of intent to excavate was required.

Aspen has committed to taking corrective action and training, and was cooperative throughout the investigation.

Mitigating Factors to Support a Reduced Penalty

1. Aspen Landscaping Contracting, Inc. has committed to take remedial actions to prevent re-occurrence and will complete a training session given by New York 811.
2. Aspen Landscaping Contracting, Inc. was cooperative throughout the investigation and enforcement proceeding.