

CONSENT ORDER APPROVAL

CASE: 19-G-0339 - In the Matter of an Enforcement Proceeding Against S&S Site Development Inc. for Alleged Violations of 16 NYCRR Part 753 - Protection of Underground Facilities, in the Service Territory of National Fuel Gas Distribution Corporation.

Company Name: S&S Site Development Inc.
(SSSD)

Principal Contact: Mr. Jeff Schoenthal

Address: P.O. Box 13
Holland, NY 14080

Alleged Code
Violation: 753-3.5

Description of
Violation: Failure to maintain facility markings

Date of Violation: November 8, 2018

Damaged Facility: 2-inch plastic low-pressure natural gas
main

Date of NOPV: January 4, 2019

Response: Letter dated February 4, 2019

Proposed Penalty: \$2,000

Circumstances

In a letter dated February 4, 2019, SSSD stated that that it did not cause any damage to the natural gas main, that SSSD only nicked the gas main buried at an 18-inch depth, and that the warning tape was encountered at a depth of 6-inch below the surface.

National Fuel Gas provided photographs of the damaged natural gas main, stated in its damage investigation summary that the warning tape was on both sides of the trench, and

confirmed that underground facilities markings were either removed or destroyed.

SSSD has no prior violations, and has committed to taking corrective action and training.

Mitigating Factors to Support a Reduced Penalty

1. S&S Site Development Inc. has no history of prior violations.
2. S&S Site Development Inc. has committed to take remedial actions to prevent re-occurrence and has completed a training session given by Dig Safely New York.