

CONSENT ORDER APPROVAL

CASE: 16-G-0515 - In the Matter of an Enforcement Proceeding Against A. Dilemme Concrete Corp. for Alleged Violations of 16 NYCRR Part 753 - Protection of Underground Facilities, in the Service Territory of KeySpan Gas East Corporation d/b/a National Grid.

Company Name: A. Dilemme Concrete Corp. (Dilemme)

Principal Contact: Mr. Peter C. Cotelidis

Address: 46 Satterie Avenue
Valley Stream, NY 11580

Alleged Code Violations: Two occurrences of 753-3.1(a)(1)

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

Dates of Violations: December 18 and 30, 2015

Damaged Facilities: 1-inch and ½-inch natural gas services

Date of NOPV: January 15, 2016

Response: Informal conference on March 23, 2016

Proposed Penalties: \$5,000

Circumstances

For the violation that occurred on December 18, 2015, Dilemme stated that the general contractor requested a dry well be installed with no prior notice given to it. Dilemme noted that it knew where the old natural gas service was located, but was unaware of the newly installed services location.

For the violation that occurred on December 30, 2015, Dilemme stated that the existing underground facilities had been

cut and capped for the residence that was to be demolished, and Dilemme did not expect to encounter any underground facilities during its demolition process.

For both violations, Dilemme acknowledged that it failed to provide notice of intent to excavate to the one-call notification system. Dilemme committed to taking corrective action and training, and was cooperative throughout the investigation.

Mitigating Factors to Support a Reduced Penalty

1. A. Dilemme Concrete Corp. has committed to take remedial actions to prevent re-occurrence and will complete a training session given by New York 811.
2. A. Dilemme Concrete Corp. was cooperative throughout the investigation and enforcement proceeding.