

CONSENT ORDER APPROVAL

CASE: 15-G-0216 In the Matter of an Enforcement Proceeding
Against J J Lane Construction Inc. for Alleged
Violations of 16 NYCRR Part 753 - Protection of
Underground Facilities, in the Service Territory of
Niagara Mohawk Power Corporation, d/b/a National Grid.

Company Name: J J Lane Construction Inc. (J J Lane)

Principal Contact: Mr. Robert Green

Address: 200 East Terminal Road
Liverpool, NY 13088

Alleged Code
Violations: Both were 753-3.8

Description of
Violations: Failure to maintain four inches of
clearance between powered equipment and
a buried facility.

Dates of Violations: April 3, 2014; and
November 4, 2013

Damaged Facilities: 1-inch plastic natural gas service; and
1-inch plastic low-pressure natural gas
service

Date of NOPV: September 29, 2014

Response: Informal Conference on November 4, 2014

Proposed Penalty: \$2,500

Circumstances

For the violation that occurred on April 3, 2014, J J Lane stated that it did not account for the services location, thereby acknowledging that it failed to maintain four inches of clearance between powered equipment and the facility.

For the violation that occurred on November 4, 2013, J J

Lane stated that it damaged the facility while excavating to remove the pavement and concrete sub-base. J J Lane stated that several of the services located on that street were bored through this concrete sub-base which made excavation difficult. J J Lane admitted that it failed to maintain four inches of clearance between powered equipment and the facility.

J J Lane committed to taking corrective action and training, and was cooperative throughout the investigation.

Mitigating Factors to Support a Reduced Penalty

1. J J Lane Construction Inc. has committed to take remedial actions to prevent re-occurrence and has completed a training session given by Dig Safely New York.
2. J J Lane Construction Inc. was cooperative throughout the investigation and enforcement proceeding.