

CONSENT ORDER APPROVAL

CASE: 16-G-0514 - In the Matter of an Enforcement Proceeding Against Town of North Babylon 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: Town of North Babylon

Principal Contact: Mr. Tom Stay

Address: 200 East Sunrise Highway
Lindenhurst, NY 11757

Alleged Code Violation: 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: October 14, 2015

Damaged Facility: 1½-inch plastic natural gas service

Date of NOPV: March 15, 2016

Response: Informal conference

Proposed Penalty: \$1,000

Circumstances

The Town of North Babylon stated that the temporary foreman was not familiar with the regulations and thus it failed to provide notice of intent to excavate to the one-call notification system. The Town of North Babylon committed to taking corrective action and training, and was cooperative throughout the investigation.

Mitigating Factors to Support a Reduced Penalty

1. Town of North Babylon has committed to take remedial actions to prevent re-occurrence and has completed a training session given by New York 811.
2. Town of North Babylon was cooperative throughout the investigation and enforcement proceeding.