

The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

D.P.U. 21-45

May 24, 2021

In the matter of various excavators concerning compliance with the Dig Safe Law,
G.L. c. 82, §§ 40-40E.

COMPREHENSIVE DISPOSITION BY REMEDIAL ORDER

APPEARANCE: Laurie Ellen Weisman, Division Counsel
Pipeline Safety Division
Department of Public Utilities
One South Station
Boston, MA 02110
FOR: PIPELINE SAFETY DIVISION
Investigator

ALPHABETICAL LIST OF EXCAVATORS SUBJECT TO THIS ORDER

<u>Excavator Name</u>	<u>Prior Docket Number</u>	<u>New Docket Number</u>
603 Yard Works	D.P.U. 19-DS-0635	D.P.U. 21-45-1
AGB Services	D.P.U. 19-DS-0405	D.P.U. 21-45-2
A Blade of Grass	D.P.U. 19-DS-0682	D.P.U. 21-45-3
All Phase Renovation	D.P.U. 19-DS-0532	D.P.U. 21-45-4
Bay State Piping Company, Inc.	D.P.U. 19-DS-0474	D.P.U. 21-45-5
Bortolotti Construction, Inc.	D.P.U. 19-DS-0866	D.P.U. 21-45-6
Cape Cod Septic Services	D.P.U. 19-DS-0464	D.P.U. 21-45-7
Capital Construction	D.P.U. 19-DS-0841	D.P.U. 21-45-8
Capital Construction	D.P.U. 19-DS-0571A	D.P.U. 21-45-9
Cedrone Trucking, Inc.	D.P.U. 19-DS-0335	D.P.U. 21-45-10
Clean Water Pump & Well Service	D.P.U. 19-DS-0977	D.P.U. 21-45-11
CM Site Development	D.P.U. 19-DS-0868	D.P.U. 21-45-12
Coliseum Development Advisors	D.P.U. 19-DS-0757	D.P.U. 21-45-13
Commonwealth Construction & Utilities	D.P.U. 19-DS-0653	D.P.U. 21-45-14
Cordeiro Landscaping	D.P.U. 19-DS-0483	D.P.U. 21-45-15
Court Pro LLC	D.P.U. 19-DS-0032A	D.P.U. 21-45-16
Craddock Thomas Excavation	D.P.U. 19-DS-0374	D.P.U. 21-45-17
Cupecoy Enterprises Inc.	D.P.U. 19-DS-0941	D.P.U. 21-45-18
Daniel Nieves	D.P.U. 19-DS-0566	D.P.U. 21-45-19
Debarros Septic	D.P.U. 19-DS-0710	D.P.U. 21-45-20
Dig It Construction, LLC	D.P.U. 19-DS-0595	D.P.U. 21-45-21
Dig It Construction, LLC	D.P.U. 18-DS-0190	D.P.U. 21-45-22
Dig It Construction, LLC	D.P.U. 18-DS-1032	D.P.U. 21-45-23
Dig It Construction, LLC	D.P.U. 18-DS-0913	D.P.U. 21-45-24
Dig It Construction, LLC	D.P.U. 19-DS-0158	D.P.U. 21-45-25
Dig It Construction, LLC	D.P.U. 20-DS-0122U	D.P.U. 21-45-26
Doug Longval	D.P.U. 19-DS-0467	D.P.U. 21-45-27
EBL Construction	D.P.U. 19-DS-0431	D.P.U. 21-45-28
Excel Paving	D.P.U. 19-DS-0652	D.P.U. 21-45-29
F.M. Bridges and Son Construction	D.P.U. 19-DS-0743	D.P.U. 21-45-30
Farrell Electric	D.P.U. 19-DS-0607	D.P.U. 21-45-31
Furtado Family Tree Service	D.P.U. 19-DS-0149	D.P.U. 21-45-32
Green Leaves Realty, Inc.	D.P.U. 19-DS-0891	D.P.U. 21-45-33
Greg Gullage Excavating	D.P.U. 19-DS-0640	D.P.U. 21-45-34
GTA Landscaping	D.P.U. 19-DS-0895	D.P.U. 21-45-35
J. Derenzo Corporation	D.P.U. 19-DS-0507	D.P.U. 21-45-36

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J.L. Raymakers and Sons	D.P.U. 19-DS-0979	D.P.U. 21-45-37
JAD Property Services, LLC	D.P.U. 19-DS-0882	D.P.U. 21-45-38
JSC Construction, LLC	D.P.U. 19-DS-0867	D.P.U. 21-45-39
John's Tractor Service	D.P.U. 19-DS-0025	D.P.U. 21-45-40
Jones Contracting, Inc.	D.P.U. 19-DS-0942	D.P.U. 21-45-41
Joseph P. Cardillo & Son, Inc.	D.P.U. 19-DS-0712	D.P.U. 21-45-42
Joseph P. Cardillo & Son, Inc.	D.P.U. 19-DS-0917	D.P.U. 21-45-43
K. DaPonte Construction Corp.	D.P.U. 19-DS-0154	D.P.U. 21-45-44
Kirby Landscape	D.P.U. 19-DS-0792	D.P.U. 21-45-45
Legacy Building and Development	D.P.U. 19-DS-0694	D.P.U. 21-45-46
M.J. Coleman and Sons	D.P.U. 19-DS-0277	D.P.U. 21-45-47
Mace Contracting Inc.	D.P.U. 19-DS-0842	D.P.U. 21-45-48
McCourt Construction Company	D.P.U. 19-DS-0584	D.P.U. 21-45-49
MIA Corp.	D.P.U. 19-DS-0401	D.P.U. 21-45-50
Mirra Construction	D.P.U. 19-DS-0534	D.P.U. 21-45-51
Mitchell Associates	D.P.U. 19-DS-0932	D.P.U. 21-45-52
Modern Excavating	D.P.U. 19-DS-0589	D.P.U. 21-45-53
Murphy & Fahy Construction, Inc.	D.P.U. 19-DS-0976	D.P.U. 21-45-54
Nevin Excavation	D.P.U. 19-DS-0926	D.P.U. 21-45-55
Newport Construction	D.P.U. 19-DS-0414	D.P.U. 21-45-56
North Shore Construction Management	D.P.U. 19-DS-0756A	D.P.U. 21-45-57
Northeast Classic Engineering	D.P.U. 19-DS-0813	D.P.U. 21-45-58
Northeast Tank & Environmental	D.P.U. 19-DS-0512	D.P.U. 21-45-59
NPL Construction Company	D.P.U. 19-DS-0342	D.P.U. 21-45-60
P.G. Construction	D.P.U. 19-DS-0919	D.P.U. 21-45-61
Precision Seal Coating, LLC	D.P.U. 19-DS-0306	D.P.U. 21-45-62
Pro Fence Co., Inc.	D.P.U. 19-DS-0805	D.P.U. 21-45-63
Quality Septic & Site Work, Inc.	D.P.U. 19-DS-0879	D.P.U. 21-45-64
R. Sasso & Sons Construction	D.P.U. 19-DS-0410	D.P.U. 21-45-65
R.H. White Construction, Inc.	D.P.U. 19-DS-0837	D.P.U. 21-45-66
Rainfall Irrigation, LLC	D.P.U. 19-DS-0383	D.P.U. 21-45-67
Rebello Construction	D.P.U. 19-DS-0533A	D.P.U. 21-45-68
Residential Landscape and Masonry	D.P.U. 19-DS-0346	D.P.U. 21-45-69
Ribeiro Construction	D.P.U. 19-DS-0174	D.P.U. 21-45-70
Richard Iovino Excavation, Inc.	D.P.U. 19-DS-0578	D.P.U. 21-45-71
Riley Brothers	D.P.U. 19-DS-0225	D.P.U. 21-45-72
Rochester Bituminous Products	D.P.U. 19-DS-0368	D.P.U. 21-45-73
Rochester Bituminous Products	D.P.U. 20-DS-0092U	D.P.U. 21-45-74
S.J. Gordon, Inc.	D.P.U. 19-DS-0466	D.P.U. 21-45-75

<u>Excavator Name</u>	<u>Prior Docket Number</u>	<u>New Docket Number</u>
S.M. Shepley, Inc.	D.P.U. 19-DS-0946	D.P.U. 21-45-76
Sealer Pro	D.P.U. 19-DS-0520	D.P.U. 21-45-77
Sealund Corp.	D.P.U. 19-DS-0676	D.P.U. 21-45-78
Sean Farrell Excavation, Inc.	D.P.U. 19-DS-0175	D.P.U. 21-45-79
Suffolk Construction	D.P.U. 19-DS-0165	D.P.U. 21-45-80
SUR Construction Services Corporation	D.P.U. 19-DS-0481	D.P.U. 21-45-81
T.J. Macleod	D.P.U. 19-DS-0509	D.P.U. 21-45-82
Tasco Construction	D.P.U. 19-DS-0384	D.P.U. 21-45-83
Tim Briand	D.P.U. 19-DS-0677	D.P.U. 21-45-84
Walton Excavating	D.P.U. 19-DS-0231	D.P.U. 21-45-85

I. INTRODUCTION

The Department of Public Utilities (“Department”) issues this Comprehensive Disposition by Remedial Order (“Remedial Order”) to the excavators identified above regarding their failure to comply with the Dig Safe Law, G.L. c. 82, §§ 40 through 40E, or Dig Safe Regulations, 220 CMR 99.00, and their failure to comply with the Department’s procedural rules for enforcing such violations, 220 CMR 99.09(4), 99.10(3). The Department has determined that it is administratively efficient to address these violations in a single Remedial Order, pursuant to 220 CMR 99.12(1).¹ This Remedial Order is a final decision of the Department within the meaning of G.L. c. 25, § 5, subject to review by the Supreme Judicial Court, and effective upon issuance unless stayed, suspended, modified, or rescinded. 220 CMR 99.12(2), (3).

The Department has docketed this proceeding as D.P.U. 21-45. Each excavator’s matter is identified by an individual number appended to the docket number (i.e., D.P.U. 21-45-1 through D.P.U. 21-45-85), with the specifics for each matter contained in the Attachment to this Remedial Order.

II. BACKGROUND

The Dig Safe Law and Dig Safe Regulations are designed to protect the public safety and promote safe excavation in construction, landscaping, and similar types of improvement

¹ This Remedial Order is being served on each excavator listed in the attachment pursuant to 220 CMR 1.05.

projects. Pursuant to the Dig Safe Law and Dig Safe Regulations, an excavator must premark the excavation location, provide notice of the excavation to Dig Safe, Inc., wait 72 business hours before excavating (except in the case of emergency), and use reasonable precaution to avoid damage to underground facilities. G.L. c. 82, §§ 40A, 40C; 220 CMR 99.03, 99.04, 99.05, 99.07. An excavator who fails to comply with these requirements may be found in violation of the law or regulations and subject to a civil penalty. G.L. c. 82, § 40E; 220 CMR 99.14.

The Department has the authority to enforce violations of the Dig Safe Law and Dig Safe Regulations and to assess civil penalties for such violations. G.L. c. 164, §§ 76D, 105A; G.L. c. 82, § 40E; 220 CMR 99.14. The Department has delegated the authority to administer and enforce the Dig Safe Law and Dig Safe Regulations to its Pipeline Safety Division (“Division”). Delegation Order, D.P.U. 18-44-B (2020). When the Division has reason to believe that an excavator has violated the Dig Safe Law or Dig Safe Regulations, it issues a Notice of Probable Violation (“NOPV”) to the excavator, pursuant to 220 CMR 99.09(1). The NOPV states the allegations and informs the excavator of its response options, which include a right to reply in writing or in person. 220 CMR 99.09(2).² Failure to respond to an NOPV, without good cause, constitutes a waiver of the excavator’s right to contest the allegations and authorizes the Department to find the facts to be as alleged in the

² The NOPV also informs the excavator that it may resolve the matter by paying the specified civil penalty and signing the enclosed consent order. 220 CMR 99.09(2).

NOPV and to issue a remedial order directing the excavator to pay the civil penalty.

220 CMR 99.09(4).

If the excavator responds to the NOPV but the evidence, including the information provided by the excavator, supports a finding that the excavator committed the violations as alleged, the Division issues an Informal Review Decision (“IRD”) pursuant to 220 CMR 99.10(2). The IRD provides the factual basis for the violation, the amount of the civil penalty to be paid, and instructions on how to pay the civil penalty. The IRD also explains that if the excavator is not satisfied with the decision, it may request an adjudicatory hearing.³ 220 CMR 99.10(3). Failure to request an adjudicatory hearing constitutes a waiver of the excavator’s right to contest the IRD and authorizes the Department to issue a remedial order directing the excavator to pay the civil penalty. 220 CMR 99.10(3).

III. ANALYSIS AND FINDINGS

Each of the excavators to whom this Remedial Order is directed has failed to respond to an NOPV or to an IRD. In some cases, the excavators were offered training in lieu of paying the civil penalty set forth in the IRD but failed to attend the training. Accordingly, each excavator has waived its right to contest the allegations and is held liable to pay the

³ Pursuant to 220 CMR 99.11(1), an adjudicatory hearing shall be an adjudicatory proceeding as defined in G.L. c. 30A, § 1, and conducted pursuant to 220 CMR 1.00: Procedural Rules.

assessed civil penalty through the issuance of this Remedial Order.⁴ 220 CMR 99.09(4), 99.10(3). The specific facts, allegations, and civil penalties applicable to each excavator are contained in the Attachment to this Remedial Order.

Each excavator has **20 days** from the date of service of this Remedial Order to draft a check or money order made payable to the Commonwealth of Massachusetts in payment of the civil penalty specified in the attachment. The check or money order must note the specific docket number, **D.P.U. 21-45 n**, using the individual number designation in place of “*n*” and be mailed to:

Damage Prevention Program Manager
Pipeline Safety Division
Department of Public Utilities
One South Station, Fifth Floor
Boston, MA 02110

This Remedial Order is effective upon issuance, in accordance with its terms, unless stayed, suspended, modified, or rescinded. 220 CMR 99.12(2). This Remedial Order is a final decision of the Department within the meaning of G.L. c. 25, § 5, and thereby subject to review by the Supreme Judicial Court. 220 CMR 99.12(3). If an excavator fails to comply fully with this Remedial Order within 20 days or fails to appeal to the Supreme Judicial Court, the Department may refer the matter to the Attorney General of the

⁴ The Department is concerned that the excavators have not only operated in contravention of the Dig Safe Law but also disregarded the procedural rules designed to protect their interests.

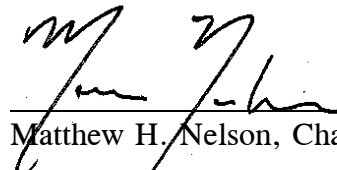
Commonwealth of Massachusetts pursuant to 220 CMR 99.12(4), with a request for action in the Superior Court, or may seek other action.⁵


IV. ORDER

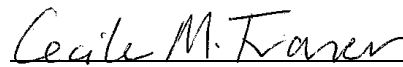
Accordingly, after due notice, opportunity to respond, and consideration, it is hereby

ORDERED: That within 20 days of the date of service of this Order, each excavator named in the attachment to this Remedial Order must pay the assessed civil penalty for failure to comply with G.L. c. 82, §§ 40-40E or 220 CMR 99.00.

By Order of the Department,


Matthew H. Nelson, Chair


Robert E. Hayden, Commissioner


Cecile M. Fraser, Commissioner

⁵ An excavator that chooses to appeal its matter to the Supreme Judicial Court must note the specific docket number as D.P.U. 21-45-*n*, using the individual number designation in place of “*n*.”

An appeal as to matters of law from any final decision, order or ruling of the Commission may be taken to the Supreme Judicial Court by an aggrieved party in interest by the filing of a written petition praying that the Order of the Commission be modified or set aside in whole or in part. Such petition for appeal shall be filed with the Secretary of the Commission within twenty days after the date of service of the decision, order or ruling of the Commission, or within such further time as the Commission may allow upon request filed prior to the expiration of the twenty days after the date of service of said decision, order or ruling. Within ten days after such petition has been filed, the appealing party shall enter the appeal in the Supreme Judicial Court sitting in Suffolk County by filing a copy thereof with the Clerk of said Court. G.L. c. 25, § 5.

An appeal from this Comprehensive Disposition by Remedial Order shall indicate the particular matter from which the appeal is taken by using the docket number D.P.U. 21-45-*n* with the individual number designation for that particular matter.

ALPHABETICAL LIST OF EXCAVATORS

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Tasco Construction	D.P.U. 19-DS-0384	D.P.U. 21-45-83
Tim Briand	D.P.U. 19-DS-0677	D.P.U. 21-45-84
Walton Excavating	D.P.U. 19-DS-0231	D.P.U. 21-45-85

D.P.U. 21-45-1 [previously D.P.U. 19-DS-0635]

603 Yard Works
4 Emerald Drive
Merrimack, MA 03054

On January 22, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued 603 Yard Works (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about September 13, 2019, the Respondent performed excavations at 5 Stonybrook Road, Chelmsford, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by February 18, 2020, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-2 [previously D.P.U. 19-DS-0682]

A Blade of Grass
9 Old County Road
Sudbury, MA 01776

On December 21, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued A Blade of Grass (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about September 18, 2019, the Respondent performed excavations at 41 Esterbrook Road, Acton, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$2,000, or it could reply in writing to the Division by January 20, 2021, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-3 [previously D.P.U. 19-DS-0405]

AGB Services
190 Milton Street
Dedham, MA 02026

On August 30, 2019, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued AGB Services (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about July 16, 2019, the Respondent performed excavations at 60 Westminster Street, Boston, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to employ reasonable precautions to avoid damage to the underground facilities in violation of the Dig Safe Law, G.L. c. 82, § 40C.

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by October 2, 2019, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-4 [previously D.P.U. 19-DS-0532]

All Phase Renovation
43 Water Street
Assonet, MA 02702

On September 18, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued All Phase Renovation (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 20, 2019, the Respondent performed excavations at 125 Emmett Street, Fall River, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to wait 72 hours prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by October 19, 2020, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-5 [previously D.P.U. 19-DS-0474]

Bay State Piping Company, Inc.
467 Wareham Street
Middleborough, MA 02346

On August 19, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Bay State Piping Company, Inc. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about July 29, 2019, the Respondent performed excavations at 40 Porter Street, Westwood, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to employ reasonable precautions to avoid damage to the underground facilities in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$2,000, or it could reply in writing to the Division by November 20, 2020, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-6 [previously D.P.U. 19-DS-0866]

Bortolotti Construction, Inc.
P.O. Box 704
Marstons Mills, MA 02648

On December 21, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Bortolotti Construction, Inc. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about November 13, 2019, the Respondent performed excavations at 14 Carolyn Drive, Chatham, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$7,000, or it could reply in writing to the Division by January 7, 2021, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-7 [previously D.P.U. 19-DS-0464]

Cape Cod Septic Services
350 Main Street (Route 28)
Yarmouth, MA 02673

On November 4, 2019, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Cape Cod Septic Services (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about July 26, 2019, the Respondent performed excavations at 184 Acapesket Road, Falmouth, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by December 3, 2019, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-8 [previously D.P.U. 19-DS-0841]

Capital Construction
3 Norwood Street
Boston, MA 02122

On December 21, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Capital Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about November 1, 2019, the Respondent performed excavations at 71 Paul Gore Street, Boston, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$5,000, or it could reply in writing to the Division by January 7, 2021, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-9 [previously D.P.U. 19-DS-0571A]

Capital Construction
3 Norwood Street
Boston, MA 02122

On October 16, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Capital Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 21, 2019, the Respondent performed excavations at 60 Winship Street, Brighton, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$2,000, or it could reply in writing to the Division by November 17, 2020, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-10 [previously D.P.U. 19-DS-0335]

Cedrone Trucking, Inc.
231 Rangeway Road
Billerica, MA 01862

On July 17, 2019, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Cedrone Trucking, Inc. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about June 3, 2019, the Respondent performed excavations at Linwood Avenue, Newton, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to employ reasonable precautions to avoid damage to the underground facilities in violation of the Dig Safe Law, G.L. c. 82, § 40C.

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$7,000, or it could reply in writing to the Division by August 20, 2019, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent filed a written reply to the NOPV, which we received on July 22, 2019.

Based on a review of all the evidence in this investigation, including the information that the Respondent provided in response to the NOPV, the Division issued an Informal Review Decision (“IRD”) on November 24, 2020, finding that the Respondent violated G.L. c. 82, § 40C. The IRD informed the Respondent that it could sign the consent order and pay the civil penalty of \$7,000, or it could request an adjudicatory hearing by submitting a written request within ten days of the date of receipt of the IRD. The Respondent failed to request an adjudicatory hearing or otherwise respond to the IRD.

D.P.U. 21-45-11 [previously D.P.U. 19-DS-0977]

Clean Water Pump & Well Service
28 Tosca Drive
Stoughton, MA 02072

On December 21, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Clean Water Pump & Well Service (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about November 13, 2019, the Respondent performed excavations at 2 Coach Lane, Sharon, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to wait 72 hours prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.07(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by January 21, 2021, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-12 [previously D.P.U. 19-DS-0868]

CM Site Development
776 Franklin Street
Framingham, MA 01702

On March 9, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued CM Site Development (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about November 7, 2019, the Respondent performed excavations at 734 Boylston Street, Brookline, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by April 7, 2020, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-13 [previously D.P.U. 19-DS-0757]

Coliseum Development Advisors
P.O. Box 92
Middleton, MA 01949

On January 22, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Coliseum Development Advisors (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 7, 2019, the Respondent performed excavations at 54 Albano Street, Boston, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by February 18, 2020, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-14 [previously D.P.U. 19-DS-0653]

Commonwealth Construction & Utilities
P.O. Box 972
Watertown, MA 02472

On March 25, 2021, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Commonwealth Construction & Utilities (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about September 9, 2019, the Respondent performed excavations at 133 Lexington Street, Watertown, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$2,000, or it could reply in writing to the Division by April 25, 2021, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-15 [previously D.P.U. 19-DS-0483]

Cordeiro Landscaping
4 Lenox Street
Fall River, MA 02721

On February 24, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Cordeiro Landscaping (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 6, 2019, the Respondent performed excavations at 8 Magnolia Lane, Westport, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by March 24, 2020, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-16 [previously D.P.U. 19-DS-0032A]

Court Pro LLC
94 Nortontown Road
Madison, MA 06443

On July 17, 2019, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Court Pro LLC (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about January 29, 2019, the Respondent performed excavations at 326 Fuller Street, Newton, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A.

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by August 20, 2019, or appear before a Division investigator at an informal conference e. The Respondent filed a written reply to the NOPV, which we received on August 20, 2019.

Based on a review of all the evidence in this investigation, including the information that the Respondent provided in response to the NOPV, the Division issued an Informal Review Decision (“IRD”) on January 29, 2021, finding that the Respondent violated G.L. c. 82, § 40A. The IRD informed the Respondent that it could attend training on March 10, 2021, in lieu of paying the penalty, but the Respondent failed to attend the training.

D.P.U. 21-45-17 [previously D.P.U. 19-DS-0374]

Craddock Thomas Excavation
P.O. Box 3306
Nantucket, MA 02584

On August 19, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Craddock Thomas Excavation (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about June 17, 2019, the Respondent performed excavations at 58 Arkansas Avenue, Nantucket, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to properly describe the excavation location in the notice to Dig Safe, Inc., as required by the Dig Safe Law, G.L. c. 82, § 40A.

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by November 20, 2020, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-18 [previously D.P.U. 19-DS-0941]

Cupecoy Enterprises Inc.
201 Plymouth Street
Middleborough, MA 02346

On December 21, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Cupecoy Enterprises Inc. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 22, 2019, the Respondent performed excavations at 66 Blossom Road, Westport, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to wait 72 hours prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.07(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by January 7, 2021, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-19 [previously D.P.U. 19-DS-0566]

Daniel Nieves
114-116 Phillips Street
Fitchburg, MA 01420

On October 16, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Daniel Nieves (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about July 28, 2019, the Respondent performed excavations at 114-116 Phillips Street, Fitchburg, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to employ reasonable precautions to avoid damage to the underground facilities in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by November 17, 2020, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-20 [previously D.P.U. 19-DS-0710]

Debarros Septic
109 Flint Street
Marstons Mills, MA 02648

On March 9, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Debarros Septic (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about September 30, 2019, the Respondent performed excavations at 40 Lily Pond Road, Barnstable, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by April 7, 2020, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-21 [previously D.P.U. 19-DS-0595]

Dig It Construction, LLC
P.O. Box 268
South Dennis, MA 02660

On October 16, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Dig It Construction, LLC (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 29, 2019, the Respondent performed excavations at 21 Great Oak Road, Orleans, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$10,000, or it could reply in writing to the Division by November 17, 2021, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-22 [previously D.P.U. 20-DS-0122U]

Dig It Construction, LLC
P.O. Box 268
South Dennis, MA 02660

On February 5, 2021, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Dig It Construction, LLC (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about March 19, 2020, the Respondent performed excavations at 37 Bray Farm Road, Yarmouth, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$15,000, or it could reply in writing to the Division by March 5, 2021, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-23 [previously D.P.U. 18-DS-0190]

Dig It Construction, LLC
P.O. Box 268
South Dennis, MA 02660

On November 30, 2018, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Dig It Construction, LLC (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about May 9, 2018, the Respondent performed excavations at 95 High School Road Extension, Barnstable, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions when excavating in close proximity to the underground facilities within the located safety zone, causing damage to the underground facility, in violation of the Dig Safe Law, G.L. c. 82, § 40C.

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by January 8, 2019, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-24 [previously D.P.U. 18-DS-1032]

Dig It Construction, LLC
P.O. Box 268
South Dennis, MA 02660

On May 29, 2019, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Dig It Construction, LLC (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 28, 2018, the Respondent performed excavations at 198 South Street, Plainville, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to maintain the designation marking of underground facilities and failed to employ reasonable precautions to avoid damage to the underground facilities, as required by the Dig Safe Law, G.L. c. 82, § 40C.

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$5,000, or it could reply in writing to the Division by June 25, 2019, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-25 [previously D.P.U. 18-DS-0913]

Dig It Construction, LLC
P.O. Box 268
South Dennis, MA 02660

On April 26, 2019, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Dig It Construction, LLC (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about December 1, 2018, the Respondent performed excavations at 1361 Quincy Shore Drive, Quincy, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions when excavating in close proximity to the underground facilities within the located safety zone, causing damage to the underground facility, in violation of the Dig Safe Law, G.L. c. 82, § 40C.

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$5,000, or it could reply in writing to the Division by June 4, 2019, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-26 [previously D.P.U. 19-DS-0158]

Dig It Construction, LLC
P.O. Box 268
South Dennis, MA 02660

On June 3, 2019, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Dig It Construction, LLC (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about April 24, 2019, the Respondent performed excavations at 20 Grandfathers Way, Eastham, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions when excavating in close proximity to the underground facilities within the located safety zone, causing damage to the underground facility, in violation of the Dig Safe Law, G.L. c. 82, § 40C.

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$5,000, or it could reply in writing to the Division by July 16, 2019, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-27 [previously D.P.U. 19-DS-0467]

Doug Longval
607 Carriage Shop Road
East Falmouth, MA 02536

On February 24, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Doug Longval (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about July 28, 2019, the Respondent performed excavations at 432 East Falmouth Highway, Falmouth, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$2,000, or it could reply in writing to the Division by March 24, 2020, or appear before a Division investigator at an informal conference. The Respondent appeared at an informal conference on November 3, 2020.

Based on a review of all the evidence in this investigation, including the information that the Respondent provided in response to the NOPV, the Division issued an Informal Review Decision (“IRD”) on December 2, 2020, finding that the Respondent violated G.L. c. 82, § 40). The IRD informed the Respondent that it could sign the consent order and pay the civil penalty of \$2,000, or it could request an adjudicatory hearing by submitting a written request within ten days of the date of receipt of the IRD. The Respondent failed to request an adjudicatory hearing or otherwise respond to the IRD.

D.P.U. 21-45-28 [previously D.P.U. 19-DS-0431]

EBL Construction
17 Rockingham Street
Lynn, MA 01902

On August 30, 2019, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued EBL Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about July 18, 2019, the Respondent performed excavations at 7 Locust Street, Marblehead, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by October 2, 2019, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-29 [previously D.P.U. 19-DS-0652]

Excel Paving
67 High Street Suite 6
Danvers, MA 01923

On March 9, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Excel Paving (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about September 3, 2019, the Respondent performed excavations at 117 Exchange Avenue, Medford, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by April 7, 2020, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-30 [previously D.P.U. 19-DS-0743]

F.M. Bridges and Son Construction
357 North Street
Georgetown, MA 01833

On November 24, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued F.M. Bridges and Son Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 19, 2019, the Respondent performed excavations at 126 Elm Street, Newbury, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by January 7, 2021, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-31 [previously D.P.U. 19-DS-0607]

Farrell Electric
105 Holmes Road
North Eastham, MA 02651

On February 24, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Farrell Electric (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about September 9, 2019, the Respondent performed excavations at 4700 Carolina Road, Sandwich, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by March 24, 2020, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-32 [previously D.P.U. 19-DS-0149]

Furtado Family Tree Service
91 Angelo Street
Worcester, MA 01604

On June 3, 2019, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Furtado Family Tree Service (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about April 26, 2019, the Respondent performed excavations at 11 Arbor Vitae Street, Worcester, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions when excavating in close proximity to the underground facilities within the located safety zone, causing damage to the underground facility, in violation of the Dig Safe Law, G.L. c. 82, § 40C.

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by July 16, 2019, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent filed a written reply to the NOPV, which we received on July 17, 2019.

Based on a review of all the evidence in this investigation, including the information that the Respondent provided in response to the NOPV, the Division issued an Informal Review Decision (“IRD”) on January 29, 2021, finding that the Respondent violated G.L. c. 82, § 40A. The IRD informed the Respondent that it could attend training on March 10, 2021, in lieu of paying the penalty, but the Respondent failed to attend the training.

D.P.U. 21-45-33 [previously D.P.U. 19-DS-0891]

Green Leaves Realty, Inc.
858 Watertown Street
Newton, MA 02465

On November 24, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Green Leaves Realty, Inc. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about November 20, 2019, the Respondent performed excavations at 858 Watertown Street, Newton, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by January 7, 2021, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-34 [previously D.P.U. 19-DS-0640]

Greg Gullage Excavating
150 Andover Road
Billerica, MA 01821

On November 24, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Greg Gullage Excavating (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about September 11, 2019, the Respondent performed excavations at 16 Blanchard Avenue, Billerica, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$7,000, or it could reply in writing to the Division by January 7, 2021, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-35 [previously D.P.U. 19-DS-0895]

GTA Landscaping
140 Tremont Street
Everett, MA 02149

On December 21, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued GTA Landscaping (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about November 22, 2019, the Respondent performed excavations at 169R Shirley Avenue, Revere, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$5,000, or it could reply in writing to the Division by January 7, 2021, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-36 [previously D.P.U. 19-DS-0507]

J. Derenzo Corporation
338 Howard Street
Brockton, MA 02302

On August 19, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued J. Derenzo Corporation (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 5, 2019, the Respondent performed excavations at 40 Temple Street, Boston, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions when excavating in close proximity to the underground facilities within the located safety zone, causing damage to the underground facility, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$2,000, or it could reply in writing to the Division by September 19, 2020, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-37 [previously D.P.U. 19-DS-0979]

J.L. Raymakers and Sons
P.O. Box 238
Westfield, MA 01086

On December 21, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued J.L. Raymakers and Sons (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about November 27, 2019, the Respondent performed excavations at 160 Point Grove, Southwick, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to maintain the designation marking of underground facilities and failed to employ reasonable precautions to avoid damage to the underground facilities, as required by the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07.

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by January 21, 2021, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-38 [previously D.P.U. 19-DS-0882]

JAD Property Services, LLC
38 Pine Street
West Springfield, MA 01089

On December 21, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued JAD Property Services, LLC (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about November 13, 2019, the Respondent performed excavations at 8 Sutton Place, Agawam, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by January 21, 2021, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-39 [previously D.P.U. 19-DS-0867]

JSC Construction, LLC
109 Lyman Street
Holyoke, MA 01040

On April 9, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued JSC Construction, LLC (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 15, 2019, the Respondent performed excavations at 91 Mueller Road, Holyoke, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to designate the location of the underground facilities within 72 hours of receiving notification, as required by the Dig Safe Law, G.L. c. 82, § 40B and 220 CMR 99.06(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$5,000, or it could reply in writing to the Division by May 12, 2020, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-40 [previously D.P.U. 19-DS-0025]

John's Tractor Service
86 South Main Street
Lanesboro, MA 01237

On July 17, 2019, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued John's Tractor Service (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about February 4, 2019, the Respondent performed excavations at 55 Lee Road, Lenox, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to request remarking at the location due to the obliteration, destruction, or other removal of such markings, and failed to employ reasonable precautions to avoid damage to the underground facilities, as required by the Dig Safe Law, G.L. c. 82, § 40C.

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by August 20, 2019, or appear before a Division investigator at an informal conference. The Respondent filed a written reply to the NOPV, which we received on January 14, 2020.

Based on a review of all the evidence in this investigation, including the information that the Respondent provided in response to the NOPV, the Division issued an Informal Review Decision (“IRD”) on January 29, 2021, finding that the Respondent violated G.L. c. 82, § 40A. The IRD informed the Respondent that it could attend training on March 10, 2021 in lieu of paying the penalty, but the Respondent failed to attend the training.

D.P.U. 21-45-41 [previously D.P.U. 19-DS-0942]

Jones Contracting, Inc.
735 Washington Street
Walpole, MA 02081

On December 21, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Jones Contracting, Inc. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about November 14, 2019, the Respondent performed excavations at 26 Summer Street, North Attleborough, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$2,000, or it could reply in writing to the Division by January 7, 2021, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-42 [previously D.P.U. 19-DS-0712]

Joseph P. Cardillo & Son, Inc.
1 Melvin Street
Wakefield, MA 01880

On December 21, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Joseph P. Cardillo & Son, Inc. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 1, 2019, the Respondent performed excavations at 63 West Elm Street, Hopkinton, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$10,000, or it could reply in writing to the Division by January 20, 2021, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-43 [previously D.P.U. 19-DS-0917]

Joseph P. Cardillo & Son, Inc.
1 Melvin Street
Wakefield, MA 01880

On December 21, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Joseph P. Cardillo & Son, Inc. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about November 20, 2019, the Respondent performed excavations at Enmore Street and Dufton Road, Andover, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to employ reasonable precautions to avoid damage to the underground facilities in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$10,000, or it could reply in writing to the Division by January 21, 2021, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-44 [previously D.P.U. 19-DS-0154]

K. DaPonte Construction Corp.
100 Weybossett Street
Fall River, MA 02723

On June 3, 2019, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued K. DaPonte Construction Corp. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about April 18, 2019, the Respondent performed excavations at 2185 Main Street, Barnstable, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to wait 72 hours prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A.

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$6,000, or it could reply in writing to the Division by July 16, 2019, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-45 [previously D.P.U. 19-DS-0792]

Kirby Landscape
P.O. Box 163
Haverhill, MA 01985

On December 21, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Kirby Landscape (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 22, 2019, the Respondent performed excavations at 18 Howard Street, Newburyport, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to properly describe the excavation location or the scope of the work in the notice to Dig Safe, Inc., as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by November 20, 2020, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-46 [previously D.P.U. 19-DS-0694]

Legacy Building and Development
100 Fellsway
West Somerville, MA 02145

On January 22, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Legacy Building and Development (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about September 25, 2019, the Respondent performed excavations at 325 Heath Street, Brookline, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by February 18, 2020, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-47 [previously D.P.U. 19-DS-0277]

M.J. Coleman and Sons
2 Barkley Way
Harwich, MA 02645

On July 5, 2019, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued M.J. Coleman and Sons (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about May 28, 2019, the Respondent performed excavations at 93 Byfield Road, Brewster, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A.

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by August 6, 2019, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-48 [previously D.P.U. 19-DS-0842]

Mace Contracting Inc.
1404 Basswood Circle
North Andover, MA 01845

On December 21, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Mace Contracting Inc. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about November 18, 2019, the Respondent performed excavations at Florence Avenue @ Endicott Street, Lawrence, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by January 7, 2021, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-49 [previously D.P.U. 19-DS-0584]

McCourt Construction Company
60 K Street
Boston, MA 02127

On October 16, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued McCourt Construction Company (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 23, 2019, the Respondent performed excavations at 708 Winthrop Street, Medford, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions when excavating in close proximity to the underground facilities within the located safety zone, causing damage to the underground facility, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$5,000, or it could reply in writing to the Division by November 17, 2020, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-50 [previously D.P.U. 19-DS-0401]

MIA Corp.
108 Leyden Street
East Boston, MA 02128

On August 30, 2019, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued MIA Corp. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about June 21, 2019, the Respondent performed excavations at 314 Ridge Road, Revere, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions when excavating in close proximity to the underground facilities within the located safety zone, causing damage to the underground facility, in violation of the Dig Safe Law, G.L. c. 82, § 40C.

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by October 2, 2019, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-51 [previously D.P.U. 19-DS-0534]

Mirra Construction
6 Norino Way
Georgetown, MA 01833

On September 18, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Mirra Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 5, 2019, the Respondent performed excavations at 8 Spring Hill Drive, Uxbridge, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions when excavating in close proximity to the underground facilities within the located safety zone, causing damage to the underground facility, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$2,000, or it could reply in writing to the Division by October 19, 2020, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-52 [previously D.P.U. 19-DS-0932]

Mitchell Associates
12 Salisbury Street
Shrewsbury, MA 01545

On December 21, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Mitchell Associates (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about November 27, 2019, the Respondent performed excavations at 131 River Road, Carlisle, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to request remarking at the location due to the obliteration, destruction, or other removal of such markings, and failed to employ reasonable precautions to avoid damage to the underground facilities, as required by the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07.

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$2,000, or it could reply in writing to the Division by January 7, 2021, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-53 [previously D.P.U. 19-DS-0589]

Modern Excavating
17 Newark Street
Adams, MA 01220

On October 16, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Modern Excavating (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 20, 2019, the Respondent performed excavations at 107 South Street, Williamstown, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to maintain the designation marking of underground facilities and failed to employ reasonable precautions to avoid damage to the underground facilities, as required by the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(2).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by November 17, 2020, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-54 [previously D.P.U. 19-DS-0976]

Murphy & Fahy Construction, Inc.
114 Adams Street
Milton, MA 02186

On December 21, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Murphy & Fahy Construction, Inc. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about December 10, 2019, the Respondent performed excavations at 705 River Street, Boston, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by January 21, 2021, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-55 [previously D.P.U. 19-DS-0926]

Nevin Excavation
20 Sandy Pond Circle
East Bridgewater, MA 02337

On December 21, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Nevin Excavation (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about December 11, 2019, the Respondent performed excavations at 21A High Street, Milton, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by January 7, 2021, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-56 [previously D.P.U. 19-DS-0414]

Newport Construction
145 Temple Street
Nashua, NH 03060

On August 30, 2019, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Newport Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about July 1, 2019, the Respondent performed excavations at 295 Main Street, Medford, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions when excavating in close proximity to the underground facilities within the located safety zone, causing damage to the underground facility, in violation of the Dig Safe Law, G.L. c. 82, § 40C.

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$5,000, or it could reply in writing to the Division by October 2, 2019, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-57 [previously D.P.U. 19-DS-0756A]

North Shore Construction Management
54 Cummings Park Drive #318
Woburn, MA 01801

On November 24, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued North Shore Construction Management (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 1, 2019, the Respondent performed excavations at 26 Liberty Drive, Billerica, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by January 7, 2021, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-58 [previously D.P.U. 19-DS-0813]

Northeast Classic Engineering
58 Oak Trail
Bolton, MA 01720

On January 22, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Northeast Classic Engineering (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 23, 2019, the Respondent performed excavations at 22 Cowdrey Lane, Acton, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by February 18, 2020, or appear before a Division investigator at an informal conference. The Respondent filed a written reply to the NOPV.

Based on a review of all the evidence in this investigation, including the information that the Respondent provided in response to the NOPV, the Division issued an Informal Review Decision (“IRD”) on January 29, 2021, finding that the Respondent violated G.L. c. 82, § 40A. The IRD informed the Respondent that it could attend training on March 10, 2021, in lieu of paying the penalty, but the Respondent failed to attend the training.

D.P.U. 21-45-59 [previously D.P.U. 19-DS-0512]

Northeast Tank & Environmental Services Inc.
1150 Turnpike Street
Stoughton, MA 02072

On September 18, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Northeast Tank & Environmental Services Inc. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 1, 2019, the Respondent performed excavations at 247 Plymouth Street, Holbrook, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by October 19, 2020, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-60 [previously D.P.U. 19-DS-0342]

NPL Construction Company
121 Memorial Drive
Springfield, MA 01104

On November 4, 2019, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued NPL Construction Company (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about June 17, 2019, the Respondent performed excavations at 2 Orange Street, Springfield, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions when excavating in close proximity to the underground facilities within the located safety zone, causing damage to the underground facility, in violation of the Dig Safe Law, G.L. c. 82, § 40C.

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$5,000, or it could reply in writing to the Division by December 3, 2019, or appear before a Division investigator at an informal conference. The Respondent appeared at an informal conference on February 18, 2020.

Based on a review of all the evidence in this investigation, including the information that the Respondent provided in response to the NOPV, the Division issued an Informal Review Decision (“IRD”) on November 24, 2020, finding that the Respondent violated G.L. c. 82, § 40C. The IRD informed the Respondent that it could sign the consent order and pay the civil penalty of \$5,000, or it could request an adjudicatory hearing by submitting a written request within ten days of the date of receipt of the IRD. The Respondent failed to request an adjudicatory hearing or otherwise respond to the IRD.

D.P.U. 21-45-61 [previously D.P.U. 19-DS-0919]

P.G. Construction
9 Totman Street
Quincy, MA 02169

On December 21, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued P.G. Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about December 5, 2019, the Respondent performed excavations at 29 Steeple Street, Revere, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to wait 72 hours prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.07(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$2,000, or it could reply in writing to the Division by January 7, 2021, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-62 [previously D.P.U. 19-DS-0306]

Precision Seal Coating, LLC
43 Ridgewood Road
Worcester, MA 01605

On July 17, 2019, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Precision Seal Coating, LLC (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about June 14, 2019, the Respondent performed excavations at 251 Holden Street, Holden, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to wait 72 hours prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A.

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by August 20, 2019, or appear before a Division investigator at an informal conference. The Respondent filed a written reply to the NOPV.

Based on a review of all the evidence in this investigation, including the information that the Respondent provided in response to the NOPV, the Division issued an Informal Review Decision (“IRD”) on January 29, 2021, finding that the Respondent violated G.L. c. 82, § 40A. The IRD informed the Respondent that it could attending training on March 10, 2021, in lieu of paying the penalty, but the Respondent failed to attend the training.

D.P.U. 21-45-63 [previously D.P.U. 19-DS-0805]

Pro Fence Co., Inc.
133 Upper Country Road
South Dennis, MA 02660

On January 22, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Pro Fence Co., Inc. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 23, 2019, the Respondent performed excavations at 264 Old Connecticut Path, Wayland, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by February 18, 2020, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-64 [previously D.P.U. 19-DS-0879]

Quality Septic & Site Work, Inc.
792 Oak Street
Brockton, MA 02301

On December 21, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Quality Septic & Site Work, Inc. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about November 14, 2019, the Respondent performed excavations at 204 Thatcher Street, East Bridgewater, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by January 7, 2021, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-65 [previously D.P.U. 19-DS-0410]

R. Sasso & Sons Construction
73 Thurlow Avenue
Revere, MA 02151

On August 30, 2019, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued R. Sasso & Sons Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about July 8, 2019, the Respondent performed excavations at 15 Endicott Avenue, Revere, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent performed the excavation using an Emergency Dig Safe ticket where the safety of the public was not in imminent danger, such as a threat to life or health, in violation of the Dig Safe Law, G.L. c. 82, § 40A.

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$5,000, or it could reply in writing to the Division by October 2, 2019, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent filed a written reply to the NOPV, which we received on October 15, 2019.

Based on a review of all the evidence in this investigation, including the information that the Respondent provided in response to the NOPV, the Division issued an Informal Review Decision (“IRD”) on October 7, 2020, finding that the Respondent violated G.L. c. 82, § 40A. The IRD informed the Respondent that it could sign the consent order and pay the civil penalty of \$5,000, or it could request an adjudicatory hearing by submitting a written request within ten days of the date of receipt of the IRD. The Respondent received the IRD on October 7, 2020, but failed to request an adjudicatory hearing or otherwise respond to the IRD.

D.P.U. 21-45-66 [previously D.P.U. 19-DS-0837]

R.H. White Construction, Inc.
P.O. Box 404
Auburn, MA 01501

On December 21, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued R.H. White Construction, Inc. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about November 4, 2019, the Respondent performed excavations at 1 Allen Street, Springfield, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$10,000, or it could reply in writing to the Division by January 21, 2021, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-67 [previously D.P.U. 19-DS-0383]

Rainfall Irrigation, LLC
62 Main Street #305
Kingston, MA 02364

On August 26, 2019, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Rainfall Irrigation, LLC (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about June 20, 2019, the Respondent performed excavations at 579 Jerusalem Road, Cohasset, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A.

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by September 25, 2019, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent filed a written reply to the NOPV, which we received on September 26, 2019.

Based on a review of all the evidence in this investigation, including the information that the Respondent provided in response to the NOPV, the Division issued an Informal Review Decision (“IRD”) on November 24, 2020, finding that the Respondent violated G.L. c. 82, § 40A. The IRD informed the Respondent that it could sign the consent order and pay the civil penalty of \$1,000, or it could request an adjudicatory hearing by submitting a written request within ten days of the date of receipt of the IRD. The Respondent failed to request an adjudicatory hearing or otherwise respond to the IRD.

D.P.U. 21-45-68 [previously D.P.U. 19-DS-0533A]

Rebello Construction
843 Main Street
Dighton, MA 02715

On September 18, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Rebello Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 20, 2019, the Respondent performed excavations at 87 Sergeant Harrington Drive, Swansea, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by October 19, 2020, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-69 [previously D.P.U. 19-DS-0346]

Residential Landscape and Masonry
385 C J Cushing Highway
Scituate, MA 02066

On August 26, 2019, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Residential Landscape and Masonry (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about June 12, 2019, the Respondent performed excavations at 33 Rustic Drive, Cohasset, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A.

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by September 25, 2019, or appear before a Division investigator at an informal conference. The Respondent appeared at an informal conference on September 8, 2019.

Based on a review of all the evidence in this investigation, including the information that the Respondent provided in response to the NOPV, the Division issued an Informal Review Decision (“IRD”) on January 29, 2021, finding that the Respondent violated G.L. c. 82, § 40A. The IRD informed the Respondent that it could attending training on March 10, 2021, in lieu of paying the penalty, but the Respondent failed to attend the training.

D.P.U. 21-45-70 [previously D.P.U. 19-DS-0174]

Ribeiro Construction
74 Robert Street
Westport, MA 02790

On June 17, 2019, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Ribeiro Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about April 20, 2019, the Respondent performed excavations at 111 Lenox Street, Norwood, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions when excavating in close proximity to the underground facilities within the located safety zone, causing damage to the underground facility, in violation of the Dig Safe Law, G.L. c. 82, § 40C.

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by July 23, 2019, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-71 [previously D.P.U. 19-DS-0578]

Richard Iovino Excavation, Inc.
244 South Road
Bedford, MA 01730

On October 16, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Richard Iovino Excavation, Inc. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 20, 2019, the Respondent performed excavations at 9 Foxcroft Road, Winchester, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to employ reasonable precautions to avoid damage to the underground facilities in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by November 17, 2020, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-72 [previously D.P.U. 19-DS-0225]

Riley Brothers
84 Tosca Drive
Stoughton, MA 02072

On July 5, 2019, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Riley Brothers (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about May 17, 2019, the Respondent performed excavations at 164 South Street, Plymouth, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to employ reasonable precautions to avoid damage to the underground facilities in violation of the Dig Safe Law, G.L. c. 82, § 40C.

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$5,000, or it could reply in writing to the Division by August 6, 2019, or appear before a Division investigator at an informal conference. The Respondent attended an informal conference on February 18, 2021.

Based on a review of all the evidence in this investigation, including the information that the Respondent provided in response to the NOPV, the Division issued an Informal Review Decision (“IRD”) on November 24, 2020, finding that the Respondent violated G.L. c. 82, § 40C. The IRD informed the Respondent that it could sign the consent order and pay the civil penalty of \$5,000, or it could request an adjudicatory hearing by submitting a written request within ten days of the date of receipt of the IRD. The Respondent failed to request an adjudicatory hearing or otherwise respond to the IRD.

D.P.U. 21-45-73 [previously D.P.U. 19-DS-0368]

Rochester Bituminous Products
83 Kings Highway
Wareham, MA 02576

On August 30, 2019, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Rochester Bituminous Products (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about June 25, 2019, the Respondent performed excavations at 1 Cedar Square, Roxbury, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A.

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by October 2, 2019, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-74 [previously D.P.U. 20-DS-0092U]

Rochester Bituminous Products
83 Kings Highway
Wareham, MA 02576

On February 5, 2021, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Rochester Bituminous Products (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about March 5, 2020, the Respondent performed excavations at 183 Hancock Street, Boston, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to maintain the designation marking of underground facilities and failed to employ reasonable precautions to avoid damage to the underground facilities, as required by the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07.

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$2,000, or it could reply in writing to the Division by March 5, 2021, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-75 [previously D.P.U. 19-DS-0466]

S.J. Gordon, Inc.
P.O. Box 1451
Wakefield, MA 01881

On August 19, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued S.J. Gordon, Inc. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about July 29, 2019, the Respondent performed excavations at 582 Hale Street, Beverly, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to properly describe the excavation location or the scope of the work in the notice to Dig Safe, Inc., as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by November 20, 2020, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-76 [previously D.P.U. 19-DS-0946]

S.M. Shepley, Inc.
99 Cushman Road
Rochester, MA 02770

On December 21, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued S.M. Shepley, Inc. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about December 23, 2019, the Respondent performed excavations at 157 Middleboro Road, Freetown, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by January 21, 2021, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-77 [previously D.P.U. 19-DS-0520]

Sealer Pro
1756 Plainfield Pike
Coventry, RI 01301

On March 24, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Sealer Pro (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 4, 2019, the Respondent performed excavations at 15 Mechanic Street, Attleboro, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by April 20, 2020, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-78 [previously D.P.U. 19-DS-0676]

Sealund Corp.
794 Washington Street
Pembroke, MA 02359

On December 21, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Sealund Corp. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about September 17, 2019, the Respondent performed excavations at 8 Brisan Way, Pembroke, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to properly describe the excavation location or the scope of the work in the notice to Dig Safe, Inc., as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by January 20, 2021, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-79 [previously D.P.U. 19-DS-0175]

Sean Farrell Excavation, Inc.
53 Gilbert Street
Quincy, MA 02169

On June 17, 2019, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Sean Farrell Excavation, Inc. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about April 29, 2019, the Respondent performed excavations at 283 Beach Avenue, Hull, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to have its name included on the Dig Safe ticket as the excavator, as required by the Dig Safe Law, G.L. c. 82, § 40A.

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$2,000, or it could reply in writing to the Division by July 23, 2019, or appear before a Division investigator at an informal conference. The Respondent filed a written reply to the NOPV, which we received on July 23, 2019.

Based on a review of all the evidence in this investigation, including the information that the Respondent provided in response to the NOPV, the Division issued an Informal Review Decision (“IRD”) on February 28, 2020, finding that the Respondent violated G.L. c. 82, § 40A. The IRD informed the Respondent that it could sign the consent order and pay the civil penalty of \$2,000, or it could request an adjudicatory hearing by submitting a written request within ten days of the date of receipt of the IRD. The Respondent failed to request an adjudicatory hearing or otherwise respond to the IRD.

D.P.U. 21-45-80 [previously D.P.U. 19-DS-0165]

Suffolk Construction
65 Allerton Street
Boston, MA 02119

On June 3, 2019, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Suffolk Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about February 20, 2019, the Respondent performed excavations at 360 Elsbree Street, Fall River, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to have its name included on the Dig Safe ticket as the excavator, as required by the Dig Safe Law, G.L. c. 82, § 40A.

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by July 16, 2019, or appear before a Division investigator at an informal conference. The Respondent filed a written reply to the NOPV, which we received on July 24, 2019.

Based on a review of all the evidence in this investigation, including the information that the Respondent provided in response to the NOPV, the Division issued an Informal Review Decision (“IRD”) on January 29, 2021, finding that the Respondent violated G.L. c. 82, § 40A. The IRD informed the Respondent that it could attending training on March 10, 2021, in lieu of paying the penalty, but the Respondent failed to attend the training.

D.P.U. 21-45-81 [previously D.P.U. 19-DS-0481]

SUR Construction Services Corporation
107 Lancaster Street
Leonminster, MA 01453

On August 30, 2019, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued SUR Construction Services Corporation (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about July 30, 2019, the Respondent performed excavations at 54 Florence Street, Worcester, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$5,000, or it could reply in writing to the Division by October 2, 2019, or appear before a Division investigator at an informal conference. The Respondent appeared at an informal conference on May 22, 2020.

Based on a review of all the evidence in this investigation, including the information that the Respondent provided in response to the NOPV, the Division issued an Informal Review Decision (“IRD”) on October 7, 2020, finding that the Respondent violated G.L. c. 82, § 40). The IRD informed the Respondent that it could sign the consent order and pay the civil penalty of \$5,000, or it could request an adjudicatory hearing by submitting a written request within ten days of the date of receipt of the IRD. The Respondent failed to request an adjudicatory hearing or otherwise respond to the IRD.

D.P.U. 21-45-82 [previously D.P.U. 19-DS-0509]

T.J. Macleod
93 Grant Street
Weymouth, MA 02189

On September 18, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued T.J. Macleod (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 10, 2019, the Respondent performed excavations at 117 Forest Street, Weymouth, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions when excavating in close proximity to the underground facilities within the located safety zone, causing damage to the underground facility, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by October 19, 2020, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-83 [previously D.P.U. 19-DS-0384]

Tasco Construction
92 Stony Brook Road
Belmont, MA 02478

On August 30, 2019, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Tasco Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about June 24, 2019, the Respondent performed excavations at 417 Liberty Street, Rockland, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions when excavating in close proximity to the underground facilities within the located safety zone, causing damage to the underground facility, in violation of the Dig Safe Law, G.L. c. 82, § 40C.

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by October 2, 2019, or appear before a Division investigator at an informal conference. The Respondent filed a written reply to the NOPV, which we received on September 16, 2019.

Based on a review of all the evidence in this investigation, including the information that the Respondent provided in response to the NOPV, the Division issued an Informal Review Decision (“IRD”) on November 24, 2020, finding that the Respondent violated G.L. c. 82, § 40C. The IRD informed the Respondent that it could sign the consent order and pay the civil penalty of \$1,000, or it could request an adjudicatory hearing by submitting a written request within ten days of the date of receipt of the IRD. The Respondent failed to request an adjudicatory hearing or otherwise respond to the IRD.

D.P.U. 21-45-84 [previously D.P.U. 19-DS-0677]

Tim Briand
77 Elm Street Apt. 5
Milford, NH 03055

On November 24, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Tim Briand (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about September 26, 2019, the Respondent performed excavations at 483 Waltham Street, Newton, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division by January 7, 2021, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

D.P.U. 21-45-85 [previously D.P.U. 19-DS-0231]

Walton Excavating
143 Old Lyman Road
South Hadley, MA 01075

On July 5, 2019, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued Walton Excavating (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about May 20, 2019, the Respondent performed excavations at 210 Mosier Street, South Hadley, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and the applicable regulations at 220 CMR 99.00. Specifically, the Division had reason to believe that the Respondent performed the excavation using an Emergency Dig Safe ticket where the safety of the public was not in imminent danger, such as a threat to life or health, in violation of the Dig Safe Law, G.L. c. 82, § 40A.

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$2,000, or it could reply in writing to the Division by August 6, 2019, or appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.