

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-1 [previously D.P.U. 15-DS-776]

M.J. Nicholls Landscape and Design  
77 Gridley Street  
Quincy, MA 02169

On September 26, 2016, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued M.J. Nicholls Landscape and Design (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about December 18, 2015, the Respondent performed excavations at 1 Barnes Avenue, East 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 obtain a valid Dig Safe ticket, 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 \$1,000, or it could reply in writing to the Division by October 25, 2016, 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 November 3, 2017.

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 May 2, 2018, 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 received the IRD on May 4, 2018, but failed to request an adjudicatory hearing or otherwise respond to the IRD.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-2 [previously D.P.U. 15-DS-1010]

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

On September 26, 2016, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), 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 December 14, 2015, the Respondent performed excavations at 37 Fayerweather Street, Cambridge, 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 obtain a valid Dig Safe ticket and failed to exercise reasonable precaution when excavating in close proximity to the underground facility, causing damage to the 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 25, 2016, 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 27, 2016.

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 May 2, 2018, 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 received the IRD on May 4, 2018, but failed to request an adjudicatory hearing or otherwise respond to the IRD.

## Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70

D.P.U. 18-70-3 [previously D.P.U. 16-DS-316]

Mastec  
24 Minnesota Avenue  
Warwick, RI 02888

On April 26, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued Mastec (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about July 25, 2016, the Respondent performed excavations at 425 Brown 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 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 May 30, 2017, 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 May 30, 2017.

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 September 25, 2017, finding that the Respondent violated G.L. c. 82, § 40A. Because this was a first-time offense, however, the IRD stated that the Respondent could attend training in lieu of paying the \$1,000 civil penalty, but would be liable to pay the fine if it failed to attend the offered training. The Respondent received the IRD on September 29, 2017, but failed to attend the training on October 26, 2017.

The Division issued a second IRD on May 2, 2018. The second 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 received the IRD on May 18, 2018, but failed to request an adjudicatory hearing or otherwise respond to the IRD.

## Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70

D.P.U. 18-70-4 [previously D.P.U. 16-DS-622]

Barletta Heavy Division & Engineering  
40 Shawmut Road  
Canton, MA 02021

On April 5, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued Barletta Heavy Division & Engineering (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 31, 2016, the Respondent performed excavations at 10 Tremont 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 when excavating in close proximity to the underground facilities within the located safety zone, causing damage to a gas line, 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 May 16, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent appeared at the informal conference on May 16, 2017.

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 May 2, 2018, 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 received the IRD on May 4, 2018, but failed to request an adjudicatory hearing or otherwise respond to the IRD.

## Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70

D.P.U. 18-70-5 [previously D.P.U. 16-DS-634]

P. Gioioso & Sons, Inc.  
50 Sprague Street  
Hyde Park, MA 02136

On April 5, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued P. Gioioso & Sons, Inc. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 21, 2016, the Respondent performed excavations at 9 Cedar Street, Somerville, 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 May 9, 2017, 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 May 8, 2017.

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 May 2, 2018, 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 received the IRD on May 5, 2018, but failed to request an adjudicatory hearing or otherwise respond to the IRD.

## Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70

D.P.U. 18-70-6 [previously D.P.U. 16-DS-982]

Feeney Brothers Excavation  
103 Clayton Street  
Dorchester, MA 02122

On April 5, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued Feeney Brothers Excavation (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about June 17, 2016, the Respondent performed excavations at 268 Massachusetts Avenue, North 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 perform the excavation using non-mechanical means when excavating in close proximity to the underground facilities within the located safety zone, causing damage to a gas line, 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 May 9, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent appeared at a rescheduled informal conference on June 6, 2017.

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 May 2, 2018, 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 received the IRD on May 7, 2018, but failed to request an adjudicatory hearing or otherwise respond to the IRD.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-7 [previously D.P.U. 16-DS-1056]

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

On May 15, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), 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 November 14, 2016, the Respondent performed excavations at 153 Beacon Street, Somerville, 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 \$5,000, or it could reply in writing to the Division by June 13, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent appeared at a rescheduled informal conference on June 21, 2017.

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 March 14, 2018, 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 March 21, 2018, but failed to request an adjudicatory hearing or otherwise respond to the IRD.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-8 [previously D.P.U. 16-DS-1060]

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

On May 15, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), 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 November 22, 2016, the Respondent performed excavations at 88 Sparks Street, Cambridge, 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 \$5,000, or it could reply in writing to the Division by June 13, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent appeared at a rescheduled informal conference on June 21, 2017.

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 March 14, 2018, 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 March 21, 2018, but failed to request an adjudicatory hearing or otherwise respond to the IRD.



## Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70

D.P.U. 18-70-9 [previously D.P.U. 16-DS-1062]

Feeney Brothers Excavation  
103 Clayton Street  
Dorchester, MA 02122

On April 5, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued Feeney Brothers Excavation (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about November 28, 2016, the Respondent performed excavations at 36-38 Summer Street, Somerville, 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 when excavating in close proximity to the underground facilities within the located safety zone, causing damage to a gas line, 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 May 9, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent appeared at a rescheduled informal conference on June 6, 2017.

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 May 2, 2018, 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 received the IRD on May 7, 2018, but failed to request an adjudicatory hearing or otherwise respond to the IRD.

## Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70

D.P.U. 18-70-10 [previously D.P.U. 14-DS-086]

Barletta Heavy Division & Engineering  
40 Shawmut Road, Suite 200  
Canton, MA 02021

On August 3, 2015, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued Barletta Heavy Division & Engineering (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about January 23, 2014, the Respondent performed excavations at 91 Fayerweather Street, Cambridge, 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 September 8, 2015, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent appeared at the informal conference on September 8, 2015.

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 April 28, 2017, 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 received the IRD on May 1, 2017, but failed to request an adjudicatory hearing or otherwise respond to the IRD.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-11 [previously D.P.U. 14-DS-563]

SB General Contracting, Inc  
14 Renmar Avenue  
Walpole, MA 02081

On May 1, 2015, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued SB General Contracting, Inc (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 22, 2014, the Respondent performed excavations at Rice Road, 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 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 May 27, 2015, 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 May 26, 2015.

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 September 14, 2015, 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 received the IRD on September 14, 2015, but failed to request an adjudicatory hearing or otherwise respond to the IRD.

## Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70

D.P.U. 18-70-12 [previously D.P.U. 14-DS-595]

Lawhorn Irrigation, LLC  
376 River Road  
Carlisle, MA 01741

On September 18, 2015, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued Lawhorn Irrigation, LLC (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about July 18, 2014, the Respondent performed excavations at 9 Dudley Road, Lexington, 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 \$5,000, or it could reply in writing to the Division by October 21, 2015, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent appeared at the informal conference on October 21, 2015.

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 July 14, 2017, 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 July 17, 2017, but failed to request an adjudicatory hearing or otherwise respond to the IRD.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-13 [previously D.P.U. 14-DS-623]

FED Corp.  
1039 East Street  
Dedham, MA 02026

On May 1, 2015, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued FED Corp. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about September 9, 2014, the Respondent performed excavations at Norfolk Avenue, 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 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 May 27, 2015, 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 May 15, 2015.

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 June 5, 2015, 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 received the IRD on June 11, 2015, but failed to request an adjudicatory hearing or otherwise respond to the IRD.

## Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70

D.P.U. 18-70-14 [previously D.P.U. 14-DS-772]

Barletta Heavy Division & Engineering  
40 Shawmut Road, Suite 200  
Canton, MA 02021

On January 8, 2015, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued Barletta Heavy Division & Engineering (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 22, 2014, the Respondent performed excavations at Fayerweather Street, Cambridge, 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 (which was stated as \$1,000 but should have been \$5,000 because it was within twelve months of a prior violation), or it could reply in writing to the Division by February 11, 2015, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent appeared at a rescheduled informal conference on September 8, 2015.

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 June 15, 2016, 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 received the IRD on June 20, 2016, but failed to request an adjudicatory hearing or otherwise respond to the IRD.

## Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70

D.P.U. 18-70-15 [previously D.P.U. 14-DS-841]

Patriot Excavation  
P.O. Box 2027  
Teaticket, MA 02536

On January 26, 2015, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued Patriot Excavation (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about December 1, 2014, the Respondent performed excavations at West 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 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 February 26, 2015, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent filed written replies to the NOPV, which we received on February 23, 2015, and March 2, 2015.

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 June 5, 2015, finding that the Respondent violated G.L. c. 82, § 40C. Because this was a first-time offense, however, the IRD stated that the Respondent could attend training in lieu of paying the \$1,000 civil penalty, but would be liable to pay the fine if it failed to attend the offered training. The Respondent failed to attend the training on May 14, 2015.

The Division issued a second IRD on June 5, 2015. The second 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 received the IRD on June 17, 2015, but failed to request an adjudicatory hearing or otherwise respond to the IRD.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-16 [previously D.P.U. 14-DS-869]

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

On August 3, 2015, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), 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 December 16, 2014, the Respondent performed excavations at South Street, Marion, 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 \$5,000, or it could reply in writing to the Division by September 8, 2015, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent appeared at the informal conference on September 8, 2015.

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 April 26, 2016, 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 April 29, 2016, but failed to request an adjudicatory hearing or otherwise respond to the IRD.



**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-17 [previously D.P.U. 15-DS-095]

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

On August 3, 2015, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), 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 16, 2015, the Respondent performed excavations at Hidden Field Road @ Main Street, 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 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 \$5,000, or it could reply in writing to the Division by September 8, 2015, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent provided a written response on September 2, 2015, and appeared at the informal conference on September 8, 2015.

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 April 26, 2016, 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 April 29, 2016, but failed to request an adjudicatory hearing or otherwise respond to the IRD.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-18 [previously D.P.U. 15-DS-509]

F&J Construction  
135 Carmelinas Circle  
Ludlow, MA 01056

On December 23, 2015, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued F&J Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 19, 2015, the Respondent performed excavations at 48 Mary Street, Chicopee, 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 March 8, 2016, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent appeared at the informal conference on March 8, 2016.

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 April 28, 2017, 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 received the IRD on May 1, 2017, but failed to request an adjudicatory hearing or otherwise respond to the IRD.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-19 [previously D.P.U. 15-DS-511]

F&J Construction  
135 Carmelinas Circle  
Ludlow, MA 01056

On December 23, 2015, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued F&J Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 20, 2015, the Respondent performed excavations at Grattan Street @ Crawford Street, Chicopee, 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 March 8, 2016, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent appeared at the informal conference on March 8, 2016.

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 April 28, 2017, 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 received the IRD on May 1, 2017, but failed to request an adjudicatory hearing or otherwise respond to the IRD.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-20 [previously D.P.U. 16-DS-1087]

Atlantic Coast Utilities  
PO Box 5241  
Wayland, MA 01778

On March 8, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued Atlantic Coast Utilities (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about March 18, 2016, the Respondent performed excavations at 5 Douglas Street, South 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 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 April 11, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent appeared at the informal conference on April 11, 2017.

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 July 14, 2017, 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 received the IRD on July 24, 2017, but failed to request an adjudicatory hearing or otherwise respond to the IRD.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-21 [previously D.P.U. 16-DS-736]

J.T. Lynch Construction  
77 Lowell Junction Road  
Andover, MA 01810

On April 5, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued J.T. Lynch Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about December 1, 2016, the Respondent performed excavations at Green Meadow Drive, Reading, 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 tender proper notification to Dig Safe, Inc. prior to commencing the excavation as required by the Dig Safe Law, G.L. c. 82, § 40A. The Division also 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 May 9, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on April 10, 2017, but failed to respond to it.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-22 [previously D.P.U. 15-DS-770]

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

On July 7, 2016, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), 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 14, 2015, the Respondent performed excavations at 310 South Shore Drive, South 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 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 \$5,000, or it could reply in writing to the Division by August 9, 2016, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on July 12, 2016, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated May 8, 2017, and received on May 15, 2017.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-23 [previously D.P.U. 15-DS-783]

Story Fence Company  
6 Old Farm Lane  
Gloucester, MA 01930

On September 26, 2016, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued Story Fence Company (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about September 17, 2015, the Respondent performed excavations at 139 Atlantic Road, Gloucester, 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 \$5,000, or it could reply in writing to the Division by October 26, 2016, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on September 28, 2016, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated May 8, 2017, and received on May 12, 2017.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-24 [previously D.P.U. 16-DS-093]

Hill Top Landscaping  
16 Juniper Lane  
Grafton, MA 01519

On February 15, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued Hill Top Landscaping (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about March 8, 2016, the Respondent performed excavations at Roosevelt Drive, Northbridge, 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 an 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 March 22, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on February 17, 2017, but failed to respond to it.



**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-25 [previously D.P.U. 16-DS-1020]

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

On June 28, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), 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 May 31, 2016, the Respondent performed excavations at 5 Jean Street, New Bedford, 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 July 26, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on June 30, 2017, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated October 23, 2017, and received on October 25, 2017.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-26 [previously D.P.U. 16-DS-1023]

J.H. Landscaping and Construction  
PO Box 68  
Somerset, MA 02726

On June 28, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued J.H. Landscaping and Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about September 27, 2016, the Respondent performed excavations at 120 West Main Street, Norton, 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 July 26, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on July 6, 2017, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated February 14, 2018, and received on February 17, 2018.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-27 [previously D.P.U. 16-DS-1027]

R. Buckley Construction  
60 Wesson Avenue  
Quincy, MA 02169

On February 15, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued R. Buckley Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about February 23, 2016, the Respondent performed excavations at 21 Bay Street, Cambridge, 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 March 22, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on February 23, 2017, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated August 18, 2017, and received on January 8, 2018 (after being held at the Post Office).

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-28 [previously D.P.U. 16-DS-1037]

Giant Construction  
26 Beaulieu Street  
Lowell, MA 01850

On May 15, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued Giant Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about November 4, 2016, the Respondent performed excavations at 1689 Central Street, Needham, 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 June 13, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on May 17, 2017, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated August 18, 2017, and received on August 22, 2017.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-29 [previously D.P.U. 16-DS-1063]

R.J. Devereaux Corporation  
10 Emmerson Place, Suite 2E  
Boston, MA 02114

On July 21, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued R.J. Devereaux Corporation (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about November 29, 2016, the Respondent performed excavations at 20 Oakland Avenue, Shrewsbury, 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 August 22, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on July 24, 2017, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated October 23, 2017, and received on October 25, 2017.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-30 [previously D.P.U. 16-DS-1097]

Eliot Construction  
169 Old Worcester Road  
Charlton, MA 01507

On May 15, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued Eliot Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about December 15, 2016, the Respondent performed excavations at 875 Providence Highway, Dedham, 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 June 13, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on May 19, 2017, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated August 18, 2017, and received on August 21, 2017.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-31 [previously D.P.U. 16-DS-111]

Signature Designs  
73 Bishop Road  
Sharon, MA 02067

On November 8, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued Signature Designs (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about March 16, 2016, the Respondent performed excavations at 345 Baxters Neck Road, Marstons Mills, 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 December 12, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on November 17, 2017, but failed to respond to it.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-32 [previously D.P.U. 16-DS-113]

Wynots Contracting  
23 Buccaneer Way  
West Dennis, MA 02670

On February 15, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued Wynots Contracting (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about March 23, 2016, the Respondent performed excavations at 89 Willow Street, Yarmouth Port, 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 March 22, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on February 21, 2017, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated August 18, 2017, and received on August 22, 2017.



**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-33 [previously D.P.U. 16-DS-149]

New England Tree Masters  
871 Boxborough Avenue  
Boxborough, MA 01719

On February 15, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued New England Tree Masters (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about April 30, 2016, the Respondent performed excavations at 14 Lakeshore Drive South, Westford, 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 March 22, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on February 17, 2017, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated August 18, 2017, and received on August 21, 2017.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-34 [previously D.P.U. 16-DS-187]

Waterfalls Construction & Landscape  
3 Airport Road  
Hopedale, MA 01747

On April 5, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued Waterfalls Construction & Landscape (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about May 18, 2016, the Respondent performed excavations at 373 Langley Road, 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 properly describe the excavation location 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 May 16, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on April 10, 2017, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated February 14, 2018, and received on February 23, 2018.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-35 [previously D.P.U. 16-DS-201]

H2O Irrigation  
6 Main Street  
Kingston, MA 02364

On April 26, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued H2O Irrigation (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about June 30, 2016, the Respondent performed excavations at 85 Summer 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 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 \$5,000, or it could reply in writing to the Division by May 30, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on May 1, 2017, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated August 18, 2017, and received on August 21, 2017.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-36 [previously D.P.U. 16-DS-340]

J.R.F. Contracting  
73 Steadman Street  
Boston, MA 02136

On April 26, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued J.R.F. Contracting (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about June 7, 2016, the Respondent performed excavations at 55 Massachusetts Avenue, Dedham, 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 \$5,000, or it could reply in writing to the Division by May 30, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on April 27, 2017, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated August 18, 2017, and received on August 21, 2017.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-37 [previously D.P.U. 16-DS-356]

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

On June 28, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), 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 July 5, 2016, the Respondent performed excavations at 258 Kendrick Street, Needham, 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 \$5,000, or it could reply in writing to the Division by July 26, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on June 30, 2017, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated October 23, 2017, and received on October 25 2017.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-38 [previously D.P.U. 16-DS-359]

Greener Group, LLC  
123 Bolt Street  
Lowell, MA 01852

On April 28, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued Greener Group, LLC (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about July 6, 2016, the Respondent performed excavations at 346 Turnpike Road, Westborough, 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 May 31, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on May 5, 2017, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated August 18, 2017, and received on August 21, 2017.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-39 [previously D.P.U. 16-DS-368]

J.C. Stevens Company  
632 Sunderland Road  
Worcester, MA 01604

On June 21, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued J.C. Stevens Company (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about July 27, 2016, the Respondent performed excavations at Avalon Apartments Building 14, Marlborough, 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 July 20, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on June 28, 2017, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated October 23, 2017, and received on October 25, 2017.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-40 [previously D.P.U. 16-DS-380]

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

On April 28, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), 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 6, 2016, the Respondent performed excavations at 494 North Avenue, Weston, 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 May 31, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on May 1, 2017, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated August 18, 2017, and received on August 23, 2017.



**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-41 [previously D.P.U. 16-DS-442]

Building Site Development  
P.O. Box 3092  
Wakefield, MA 01880

On May 15, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued Building Site Development (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 19, 2016, the Respondent performed excavations at 547 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 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 June 13, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on June 5, 2017, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated October 23, 2017, and received on October 28, 2017.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-42 [previously D.P.U. 16-DS-468]

Terra Landscaping and Construction, Inc.  
138 Fisher Street  
Westborough, MA 01580

On May 15, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued Terra Landscaping and Construction, Inc. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 4, 2016, the Respondent performed excavations at 83 Milk Street, Westborough, 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 June 13, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on May 18, 2017, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated August 18, 2017, and received on August 23, 2017.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-43 [previously D.P.U. 16-DS-520]

E. W. Edward Inc.  
122 Woodridge Road  
Wayland, MA 01778

On May 15, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued E. W. Edward Inc. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about September 28, 2016, the Respondent performed excavations at 99 Sargent Road, 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. and failed to wait the required 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 June 13, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on May 17, 2017, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated August 18, 2017, and received on August 21, 2017.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-44 [previously D.P.U. 16-DS-536]

Gomes Corporation  
32 Sumner Street  
Norwood, MA 02062

On July 31, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued Gomes Corporation (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about September 5, 2016, the Respondent performed excavations at 43 Sunset Avenue, 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 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 August 31, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on August 5, 2017, and called the Division to request an informal conference, which was rescheduled for September 13, 2017. The Respondent failed to attend the informal conference. The Respondent also failed to respond to a subsequent letter from the Division dated October 23, 2017, and received on October 28, 2017.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-45 [previously D.P.U. 16-DS-588]

BG Construction  
295 Salem Street  
Woburn, MA 01801

On May 15, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued BG Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 4, 2016, the Respondent performed excavations at 158 Summer Street, Malden, 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 June 13, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on May 17, 2017, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated August 18, 2017, and received on August 21, 2017.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-46 [previously D.P.U. 16-DS-589]

R&D Site Development  
7 Hemlock Lane  
Groveland, MA 01834

On June 21, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued R&D Site Development (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 7, 2016, the Respondent performed excavations at 77 Dunn 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 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 July 20, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on June 28, 2017, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated October 23, 2017, and received on October 25, 2017.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-47 [previously D.P.U. 16-DS-603]

Landscape Products and Services  
128 Braley Road, Bldg A, #3  
East Freetown, MA 02717

On July 21, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued Landscape Products and Services (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 5, 2016, the Respondent performed excavations at 2416 Summit Drive, 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 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 22, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on July 25, 2017, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated October 23, 2017, and received on October 25, 2017.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-48 [previously D.P.U. 16-DS-614]

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

On April 28, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), 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 October 20, 2016, the Respondent performed excavations at 23 Stone Root Lane, Sudbury, 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 \$5,000, or it could reply in writing to the Division by May 31, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on May 1, 2017, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated August 18, 2017, and received on August 23, 2017.



**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-49 [previously D.P.U. 16-DS-617]

KDC Construction  
56 Kline Road  
Southwick, MA 01077

On May 15, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued KDC Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 18, 2016, the Respondent performed excavations at 23 Castle Hill Drive, 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 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 June 13, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on May 18, 2017, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated August 18, 2017, and received on August 21, 2017.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-50 [previously D.P.U. 16-DS-657]

AJ Gagnon & Sons  
1 Gagnon Drive  
Dracut, MA 01826

On May 15, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued AJ Gagnon & Sons (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about November 15, 2016, the Respondent performed excavations at 5 Blackhawk Circle, Dracut, 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 June 13, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on May 17, 2017, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated August 18, 2017, and received on August 21, 2017.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-51 [previously D.P.U. 16-DS-671]

A. Cardillo & Sons Inc  
53 Midland Drive  
Waltham, MA 02453

On July 21, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued A. Cardillo & Sons Inc (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about November 1, 2016, the Respondent performed excavations at 134 Edenfield Avenue, 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 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 August 22, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on July 24, 2017, but failed to respond to it. The Respondent also failed to respond to two subsequent letters from the Division dated October 23, 2017 (received on October 27, 2017) and February 14, 2018 (received February 16, 2018).

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-52 [previously D.P.U. 16-DS-678]

Urban Retail Properties  
404 Wyman Street  
Waltham, MA 02451

On May 15, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued Urban Retail Properties (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about November 14, 2016, the Respondent performed excavations at 168 Great Road, Bedford, 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 June 13, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on May 17, 2017, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated August 18, 2017, and received on August 22, 2017.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-53 [previously D.P.U. 16-DS-700]

Vista Home Improvement  
2003 Riverdale Street  
West Springfield, MA 01089

On May 15, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued Vista Home Improvement (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about November 16, 2016, the Respondent performed excavations at 65 Abruzzi 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 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 June 13, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on May 18, 2017, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated August 18, 2017, and received on August 21, 2017.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-54 [previously D.P.U. 16-DS-738]

L.V. Mawn Corporation  
65 Howard Street  
Braintree, MA 02184

On May 15, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued L.V. Mawn Corporation (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about December 22, 2016, the Respondent performed excavations at 870 East 6th Street, South 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.

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 June 13, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on May 17, 2017, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated August 18, 2017, and received on August 21, 2017.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-55 [previously D.P.U. 17-DS-0010]

LTL Equipment Rental  
272 Bacon Street  
Waltham, MA 02451

On August 30, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued LTL Equipment Rental (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about January 20, 2017, the Respondent performed excavations at 5 Kimball Court, Natick, 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 3, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on September 1, 2017, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated October 23, 2017, and received on October 25, 2017.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-56 [previously D.P.U. 17-DS-0020]

Costa Development  
66 Emily Way  
Seekonk, MA 02771

On August 30, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued Costa Development (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about January 11, 2017, the Respondent performed excavations at 7 Kayleigh Court, 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.

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 3, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on September 2, 2017, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated October 23, 2017, and received on October 25, 2017.



**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-57 [previously D.P.U. 17-DS-0033]

C. Donnell Homes  
106 Lancaster Road  
Shirley, MA 01464

On August 30, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued C. Donnell Homes (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about February 20, 2017, the Respondent performed excavations at 62-64 Westford Road, Ayer, 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 3, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on September 13, 2017, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated October 23, 2017, and received on October 25, 2017.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-58 [previously D.P.U. 17-DS-0054]

Gallo Construction  
845 Sandwich Road  
Sagamore, MA 02561

On August 30, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued Gallo Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about March 2, 2017, the Respondent performed excavations at 67 Simons Street, Mashpee, 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 3, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on September 1, 2017, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated October 23, 2017, and received on October 25, 2017.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-59 [previously D.P.U. 17-DS-0060]

Greener Group, LLC  
123 Bolt Street  
Lowell, MA 01852

On October 16, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued Greener Group, LLC (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about March 6, 2017, the Respondent performed excavations at 27 Governor Prence Way, Holliston, 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 \$5,000, or it could reply in writing to the Division by November 15, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on October 18, 2017, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated February 14, 2018, and received on February 16, 2018.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-60 [previously D.P.U. 15-DS-578]

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

On July 7, 2016, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), 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 September 21, 2015, the Respondent performed excavations at Cross Street, 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 accurately describe the excavation location for the Dig Safe ticket 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 9, 2016, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on May 15, 2017, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated May 8, 2017, and received on May 15, 2017.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-61 [previously D.P.U. 17-DS-153]

AML Construction  
70 Lanthrop Street  
South Hadley, MA 01075

On September 15, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued AML Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about May 18, 2017, the Respondent performed excavations at 583 Britton Street, Chicopee, 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 17, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on September 18, 2017, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated February 14, 2018, and received on February 17, 2018.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-62 [previously D.P.U. 17-DS-159]

M&R Chaves Excavating  
1614 Somerset Avenue  
Taunton, MA 02780

On October 16, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued M&R Chaves Excavating (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about May 5, 2017, the Respondent performed excavations at 70 Fremont Street, Taunton, 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. and failed to obtain its own Dig Safe ticket, 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 15, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on October 18, 2017, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated February 14, 2018, and received on February 16, 2018.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-63 [previously D.P.U. 17-DS-196]

Union Fence  
1340 Hartford Avenue  
Johnston, RI 02919

On September 15, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued Union Fence (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about May 17, 2017, the Respondent performed excavations at 45 Kensington Avenue, Bradford, 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 17, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on September 18, 2017, but failed to respond to it.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-64 [previously D.P.U. 17-DS-772]

Dan's Paving and Excavating  
642 River Street  
Fitchburg, MA 01420

On December 11, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued Dan's Paving and Excavating (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 9, 2017, the Respondent performed excavations at 240 Summer 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 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 16, 2018, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on December 13, 2017, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated February 14, 2018, and received on February 16, 2018.



**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-65 [previously D.P.U. 17-DS-824]

ADK Irrigation  
41 Woodmere Road  
Framingham, MA 01701

On December 11, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued ADK Irrigation (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 15, 2017, the Respondent performed excavations at 21 Chiltern Road, Weston, 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 January 16, 2018, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on December 13, 2017, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated February 14, 2018, and received on February 16, 2018.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-66 [previously D.P.U. 17-DS-850]

Anthony Vanaria & Sons  
44 Williams Street  
Waltham, MA 02149

On December 11, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued Anthony Vanaria & Sons (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 28, 2017, the Respondent performed excavations at 122-124 Brown Street, Waltham, 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 January 16, 2018, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on December 13, 2017, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated February 14, 2018, and received on February 16, 2018.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-67 [previously D.P.U. 16-DS-169]

J.T. Lynch Construction  
77 Lowell Junction Road  
Andover, MA 01810

On April 5, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued J.T. Lynch Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about May 9, 2016, the Respondent performed excavations at 1100 Main Street, Reading, 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 tender proper notification 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 \$5,000, or it could reply in writing to the Division by May 16, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on April 10, 2017, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated October 23, 2017, and received on October 25, 2017.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-68 [previously D.P.U. 16-DS-568]

J.T. Lynch Construction  
77 Lowell Junction Road  
Andover, MA 01810

On April 5, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued J.T. Lynch Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about September 23, 2016, the Respondent performed excavations at 165 Ames Street, Marlboro, 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 \$5,000, or it could reply in writing to the Division by May 9, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on April 10, 2017, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated August 18, 2017, and received on August 21, 2017.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-69 [previously D.P.U. 16-DS-157]

J.T. Lynch Construction  
77 Lowell Junction Road  
Andover, MA 01810

On April 5, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued J.T. Lynch Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about April 19, 2016, the Respondent performed excavations at 170 Forrest Street, Marlborough, 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 tender proper notification 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 May 16, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on April 10, 2017, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated February 14, 2018, and received on February 16, 2018.

## Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70

D.P.U. 18-70-70 [previously D.P.U. 15-DS-683]

Legacy Construction  
11 Placid Road  
Newton, MA 02459

On May 24, 2016, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued Legacy Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 17, 2015, the Respondent performed excavations at Alfred 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 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 July 19, 2016, 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 June 10, 2016.

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 July 10, 2017, finding that the Respondent violated G.L. c. 82, § 40C. Because this was a first-time offense, however, the IRD stated that the Respondent could attend training in lieu of paying the \$1,000 civil penalty, but would be liable to pay the fine if it failed to attend the offered training. The Respondent received the IRD on July 11, 2017, but failed to attend the training on August 3, 2107.

The Division issued a second IRD on September 20, 2017. The second 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 received the IRD on September 22, 2017, but failed to request an adjudicatory hearing or otherwise respond to the IRD.

## Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70

D.P.U. 18-70-71 [previously D.P.U. 15-DS-976]

Philippe Thibeault  
99 Epping Street  
Lowell, MA 01852

On July 14, 2016, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued Philippe Thibeault (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about December 7, 2015, the Respondent performed excavations at 13 Burton Street, Lowell, 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 16, 2016, 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 August 16, 2016.

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 April 4, 2017, finding that the Respondent violated G.L. c. 82, § 40A. Because this was a first-time offense, however, the IRD stated that the Respondent could attend training in lieu of paying the \$1,000 civil penalty, but would be liable to pay the fine if it failed to attend the offered training. The Respondent received the IRD on April 29, 2017, but failed to attend the training on May 2, 2017.

The Division issued a second IRD on September 20, 2017. 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 received the IRD on September 22, 2017, but failed to request an adjudicatory hearing or otherwise respond to the IRD.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-72 [previously D.P.U. 16-DS-826]

Robert B. Our Co., Inc.  
P.O. Box 1539  
Harwich, MA 02645

On March 8, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued Robert B. Our Co., Inc. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 11, 2016, the Respondent performed excavations at 63 Randolph Street, 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 perform the excavation using non-mechanical means when excavating in close proximity to the underground facilities within the located safety zone, causing damage to a gas line, 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 (later reduced to \$1,000), or it could reply in writing to the Division by April 11, 2017, 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 April 11, 2017.

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 July 27, 2018, 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 received the IRD on July 30, 2018, but failed to request an adjudicatory hearing or otherwise respond to the IRD.



**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-73 [previously D.P.U. 16-DS-649]

Robert B. Our Co., Inc.  
P.O. Box 1539  
Harwich, MA 02645

On July 21, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued Robert B. Our Co., Inc. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about November 1, 2016, the Respondent performed excavations at 234 Maravista Avenue, 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 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 August 22, 2017, 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 August 21, 2017.

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 July 27, 2018, 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 received the IRD on July 30, 2018, but failed to request an adjudicatory hearing or otherwise respond to the IRD.

## Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70

D.P.U. 18-70-74 [previously D.P.U. 16-DS-608]

J. Tropeano, Inc.  
1780 Osgood Street  
North Andover, MA 01845

On July 21, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued J. Tropeano, Inc. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 17, 2016, the Respondent performed excavations at 197 Allen Road, 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 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 August 22, 2017, 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 17, 2016.

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 July 27, 2018, 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 received the IRD on July 30, 2018, but failed to request an adjudicatory hearing or otherwise respond to the IRD.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-75 [previously D.P.U. 16-DS-385]

NPL Construction Company  
121 Memorial Drive  
Springfield, MA 01104

On August 30, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), 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 July 6, 2016, the Respondent performed excavations at 134-138 Prospect 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 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 October 3, 2017, 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 11, 2017.

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 July 27, 2018, 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 received the IRD on July 30, 2018, but failed to request an adjudicatory hearing or otherwise respond to the IRD.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-76 [previously D.P.U. 16-DS-993]

FED Corp.  
1039 East Street  
Dedham, MA 02026

On April 5, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued FED Corp. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about May 11, 2016, the Respondent performed excavations at 33 Tenean Street, Dorchester, 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 when excavating in close proximity to the underground facilities within the located safety zone, causing damage to a gas line, 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 (later reduced to \$1,000), or it could reply in writing to the Division by May 16, 2017, 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 April 20, 2017, and appeared at the informal conference on May 16, 2017.

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 July 6, 2018, 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 received the IRD on July 10, 2018, but failed to request an adjudicatory hearing or otherwise respond to the IRD.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-77 [previously D.P.U. 17-DS-413]

FED Corp.  
1039 East Street  
Dedham, MA 02026

On May 4, 2018, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued FED Corp. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about June 21, 2017, the Respondent performed excavations at 128 Hemenway 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.

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 5, 2018, 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 June 4, 2018.

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 July 27, 2018, 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 received the IRD on July 30, 2018, but failed to request an adjudicatory hearing or otherwise respond to the IRD.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-78 [previously D.P.U. 17-DS-1051]

FED Corp.  
1039 East Street  
Dedham, MA 02026

On May 4, 2018, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued FED Corp. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 9, 2017, the Respondent performed excavations at 15 Hemenway 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.

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 5, 2018, 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 June 7, 2018.

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 July 27, 2018, 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 received the IRD on July 30, 2018, but failed to request an adjudicatory hearing or otherwise respond to the IRD.

## Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70

D.P.U. 18-70-79 [previously D.P.U. 17-DS-162B]

Greener Group, LLC  
123 Bolt Street  
Lowell, MA 01852

On November 8, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued Greener Group, LLC (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about May 19, 2017, the Respondent performed excavations at 36 Walnut Hill Lane, 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 \$5,000, or it could reply in writing to the Division by December 12, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date.

The Respondent received the NOPV on November 10, 2017, but failed to respond to it. The Division sent the Respondent a subsequent letter, dated February 14, 2018, to which the Respondent responded on February 16, 2018.

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 July 6, 2018, 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 July 9, 2018, but failed to request an adjudicatory hearing or otherwise respond to the IRD.

## Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70

D.P.U. 18-70-80 [previously D.P.U. 17-DS-658]

Greener Group, LLC  
123 Bolt Street  
Lowell, MA 01852

On February 7, 2018, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued Greener Group, LLC (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 10, 2017, the Respondent performed excavations at 147 Rangeway Road, 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.

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 March 13, 2018, 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 February 21, 2018.

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 July 6, 2018, 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 July 9, 2018, but failed to request an adjudicatory hearing or otherwise respond to the IRD.



**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-81 [previously D.P.U. 17-DS-310]

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

On March 30, 2018, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), 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 November 7, 2017, the Respondent performed excavations at 67 Edenfield Avenue, 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 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 May 8, 2018, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent appeared at a rescheduled informal conference on May 15, 2018.

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 July 6, 2018, 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 received the IRD on July 10, 2018, but failed to request an adjudicatory hearing or otherwise respond to the IRD.

## Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70

D.P.U. 18-70-82 [previously D.P.U. 17-DS-911]

Kings Material Corporation  
79 Bayberry Hill Road  
Townsend, MA 01474

On January 24, 2018, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued Kings Material Corporation (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 2, 2017, the Respondent performed excavations at Highland Commons West (Pump Station), Hudson, 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 February 27, 2018, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent filed a late written reply to the NOPV, which we received on February 28, 2018.

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 July 6, 2018, 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 received the IRD on July 16, 2018, but failed to request an adjudicatory hearing or otherwise respond to the IRD.

## Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70

D.P.U. 18-70-83 [previously D.P.U. 17-DS-878]

F & D Truck Co., Inc  
14 McCracken Road  
Millbury, MA 02149

On January 24, 2018, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued F & D Truck Co., Inc (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about September 1, 2017, the Respondent performed excavations at 13 Holman Road, Millbury, 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 February 27, 2018, 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 January 31, 2018.

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 July 27, 2018, 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 received the IRD on July 30, 2018, but failed to request an adjudicatory hearing or otherwise respond to the IRD.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-84 [previously D.P.U. 17-DS-894]

McIver Brothers  
P.O. Box 207  
Lexington, MA 02149

On February 7, 2018, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued McIver Brothers (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about September 28, 2017, the Respondent performed excavations at 251 Massachusetts Avenue, Lexington, 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 March 13, 2018, 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 March 12, 2018.

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 July 27, 2018, 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 received the IRD on August 2, 2018, but failed to request an adjudicatory hearing or otherwise respond to the IRD.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-85 [previously D.P.U. 17-DS-808]

GFM Enterprises, Inc.  
P.O. Box 2784  
Orleans, MA 02653

On February 7, 2018, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued GFM Enterprises, Inc. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about September 14, 2017, the Respondent performed excavations at 250 Crosby Village Road, 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 March 13, 2018, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on February 9, 2018, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated April 6, 2018, and received on April 9, 2018.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-86 [previously D.P.U. 17-DS-316]

Sunny Meadow Contracting  
86 Norris Road  
Tyngsborough, MA 01879

On February 7, 2018, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued Sunny Meadow Contracting (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about November 9, 2017, the Respondent performed excavations at 57 Parker Street, Lowell, 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 March 13, 2018, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on February 9, 2018, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated April 6, 2018, and received on April 10, 2018.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-87 [previously D.P.U. 17-DS-833]

Asphalt Services, Inc.  
210 New Boston Street  
Woburn, MA 01801

On February 7, 2018, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued Asphalt Services, Inc. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about September 1, 2017, the Respondent performed excavations at 7 Yale Street, 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 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 March 13, 2018, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on February 9, 2018, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated April 6, 2018, and received on April 9, 2018.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-88 [previously D.P.U. 17-DS-364]

JCP Construction  
2 Caldwell Farm Road  
Newbury, MA 01922

On February 7, 2018, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued JCP Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about November 15, 2017, the Respondent performed excavations at 36 Gilbert Street, Malden, 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 March 13, 2018, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on February 9, 2018, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated April 6, 2018, and received on April 9, 2018.



**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-89 [previously D.P.U. 17-DS-306]

Nick's Home Improvement  
P.O. Box 276  
Chicopee, MA 01014

On January 24, 2018, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued Nick's Home Improvement (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 12, 2017, the Respondent performed excavations at 52 Craiwell Avenue, West 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 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 February 27, 2018, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on January 30, 2017, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated April 6, 2018, and received on April 12, 2018.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-90 [previously D.P.U. 17-DS-829]

Ventresca, Inc.  
3 Thomas Circle  
Stoneham, MA 02180

On February 7, 2018, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued Ventresca, Inc. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about September 12, 2017, the Respondent performed excavations at 15 Dane Street, Peabody, 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 March 13, 2018, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on February 12, 2018, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated April 6, 2018, and received on April 9, 2018.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-91 [previously D.P.U. 17-DS-836]

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

On May 4, 2018, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), 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 September 7, 2017, the Respondent performed excavations at 99 Pleasant Street, Manchester, 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 5, 2018, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on May 8, 2018, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated July 13, 2018, and received on July 16, 2018.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-92 [previously D.P.U. 17-DS-974]

Pacella Enterprises  
P.O. Box 1020  
Wrentham, MA 02056

On May 4, 2018, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued Pacella Enterprises (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 19, 2017, the Respondent performed excavations at 550 Boston Post Road, Sudbury, 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 5, 2018, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on May 7, 2018, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated July 13, 2018, and received on July 17, 2018.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-93 [previously D.P.U. 17-DS-189]

Jimenez & Son Construction Co.  
714 Main Street  
Leominster, MA 01453

On October 16, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued Jimenez & Son Construction Co. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about June 8, 2017, the Respondent performed excavations at 3 Raintree Circle, Brockton, 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 November 15, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on October 18, 2017, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated February 14, 2018, and received on February 24, 2018.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-94 [previously D.P.U. 17-DS-125]

A.R. Belli Inc.  
271 Nevada Street  
Newtonville, MA 02460

On November 8, 2017, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued A.R. Belli Inc. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about June 5, 2017, the Respondent performed excavations at 919 Salem Street, Groveland, 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 12, 2017, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on November 10, 2017, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated February 14, 2018, and received on February 16, 2018.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-95 [previously D.P.U. 17-DS-387]

WF Landscape Services  
P.O. Box 782  
Marlborough, MA 01749

On March 7, 2018, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued WF Landscape Services (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about November 20, 2017, the Respondent performed excavations at 800 Main Street, Concord, 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 April 3, 2018, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on March 9, 2018, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated June 6, 2018, and received on June 8, 2018.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-96 [previously D.P.U. 17-DS-492]

Daher Group, Inc.  
235 East Street  
Methuen, MA 01844

On March 7, 2018, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued Daher Group, Inc. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about November 15, 2017, the Respondent performed excavations at 15 Gale 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 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 April 3, 2018, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on March 9, 2018, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated June 6, 2018, and received on June 8, 2018.



**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-97 [previously D.P.U. 17-DS-683]

RJ Farrell Construction Co.  
67 Concord Street  
Andover, MA 01845

On January 2, 2018, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued RJ Farrell Construction Co. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about July 21, 2017, the Respondent performed excavations at 45 Bernier Street, Lowell, 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 February 6, 2018, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. Because of an addressing error, the Division resent the NOPV on May 4, 2018, granting the Respondent a response deadline of June 5, 2018.

The Respondent received the NOPV on May 7, 2018, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated June 6, 2018, and received on June 9, 2018.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-98 [previously D.P.U. 17-DS-727]

Macura Excavating, LLC  
14 Stub Toe Lane  
Southborough, MA 01772

On March 21, 2018, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued Macura Excavating, LLC (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 17, 2017, the Respondent performed excavations at 191 Spring Street, Lexington, 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 \$1,000, or it could reply in writing to the Division by April 24, 2018, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on March 26, 2018, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated June 6, 2018, and received on June 13, 2018.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-99 [previously D.P.U. 17-DS-1027]

Brian Noone  
19 Fencourt Road  
Canton, MA 02021

On March 21, 2018, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued Brian Noone (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about December 5, 2017, the Respondent performed excavations at 456 Chestnut Street, Needham, 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 April 24, 2018, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on March 23, 2018, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated June 6, 2018, and received on June 8, 2018.

**Attachment to Comprehensive Disposition by Remedial Order, D.P.U. 18-70**

D.P.U. 18-70-100 [previously D.P.U. 17-DS-319]

United HVAC Co.  
333 Weymouth Street  
Rockland, MA 02370

On February 7, 2018, the Pipeline Engineering and Safety Division (“Division”) of the Department of Public Utilities (“Department”), pursuant to 220 CMR 99.07, issued United HVAC Co. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about November 3, 2017, the Respondent performed excavations at 333 Weymouth 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 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 March 13, 2018, or appear before a Division investigator at an informal conference at the Division’s office in Boston on that date. The Respondent received the NOPV on February 9, 2018, but failed to respond to it. The Respondent also failed to respond to a subsequent letter from the Division dated June 6, 2018, and received on June 8, 2018.