

That damage to underground facilities caused by excavation and the discharge of explosives poses a significant risk to the public safety; that such damage to underground natural gas facilities poses a substantial risk to the public safety; and that the implementation of a comprehensive One-Call Damage Prevention System can substantially reduce the frequency of damage caused by these activities.

The Legislature therefore determines that it is in the public interest for the State to require all operators of underground facilities to participate in a One-Call Damage Prevention System and to require all excavators to notify the One-Call Damage Prevention System prior to excavation or demolition.

N.J.S.A. 48:2-74.

The Act defines "excavator" as "any person performing excavation or demolition ..." and "operator" as "a person owning or operating, or controlling the operation of, an underground facility..." N.J.S.A. 48:2-75.

The Act subjects violators of its provisions to civil penalties of not less than \$1,000.00 and not more than \$2,500.00 per violation per day, not to exceed \$25,000.00 for any related series of violations. N.J.S.A. 48:2-88(a). Violations relating to natural gas or hazardous liquid underground pipelines or distribution facilities shall subject the violator to civil penalties not to exceed \$100,000.00 per violation per day and not to exceed \$1,000,000.00 for any related series of violations. N.J.S.A. 48:2-86(c). In addition, a violator may be assessed the cost of any Board investigation, inspection or monitoring survey which leads to the establishment of a violation and for the reasonable costs of preparing and litigating the matter. N.J.S.A. 48:2-86(b)(2).

Following reports of failure to call the System prior to commencing excavation or demolition activities, failure to hand dig and locate facilities, failure to use reasonable care, or reports of failure to mark out underground facilities or properly mark them, Board Staff contacted the entities listed on the attached Appendix and informed them of the date and location of the alleged violations, also listed on the Appendix.

In an attempt to resolve these matters, each excavator or operator listed on the Appendix has submitted an Offer of Settlement to the Board for its consideration. Each such Offer of Settlement is summarized in the Appendix. The Offers of Settlement were made available to the Board for its review. After consideration of the matters, the Board **HEREBY FINDS** these Offers of Settlement to be reasonable and in the public interest, and **HEREBY ACCEPTS** these Offers of Settlement in full satisfaction of the above referenced alleged violations of the Act.

By acceptance of the various Offers of Settlement and the timely payment thereof, the excavator or operator has waived any rights to a hearing, and the Board has waived any rights to bring an action for civil penalties as permitted by the Underground Facility Protection Act in connection with the above-referenced alleged violations of the Act. It must also be noted that the acceptance of the Offers of Settlement are for settlement purposes only, and apply strictly to the specific incidents described in the Appendix. This acceptance is without prejudice as to the position of the State of New Jersey or any agency or subdivision thereof if other violations are present, now or in the future.

This Order shall be effective on June 4, 2016.

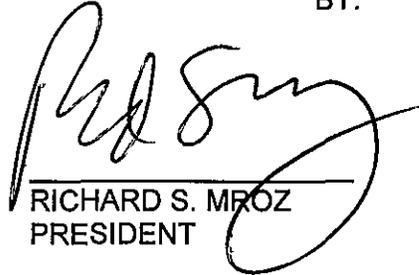
NO FURTHER ACTION BY THE RESPONDENTS IS REQUIRED

DATED:

May 25, 2016

BOARD OF PUBLIC UTILITIES

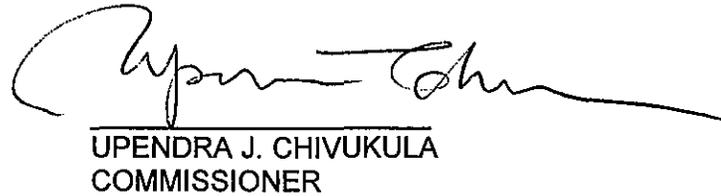
BY:


RICHARD S. MROZ
PRESIDENT

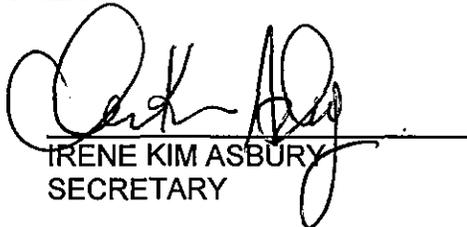

JOSEPH L. FIORDALISO
COMMISSIONER


MARY-ANNA HOLDEN
COMMISSIONER

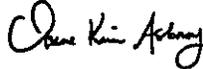

DIANNE SOLOMON
COMMISSIONER


UPENDRA J. CHIVUKULA
COMMISSIONER

ATTEST:


IRENE KIM ASBURY
SECRETARY

I HEREBY CERTIFY that the within document is a true copy of the original in the files of the Board of Public Utilities



**IN THE MATTER OF ALLEGED VIOLATIONS OF THE UNDERGROUND FACILITY
PROTECTION ACT, N.J.S.A. 48:2-73 ET. SEQ. ORDER ACCEPTING SETTLEMENTS
DOCKET NO. GS16040314K et. al. (see attached appendix)**

SERVICE LIST

Maria Diaz
New Jersey Natural Gas
1415 Wyckoff Rd.
Wall, NJ 07719

Pedro Costa
Your Way Construction
404 Coit St.
Irvington, NJ 07111

Kim Ambruster
Creamy Acres Farm
448 Lincoln Mill Rd.
Mullica Hill, NJ 08062

Cynthia Houser
Brickman
1350 Liberty Ave., Unit C Bldg 22
Hillside, NJ 07205

Nick Depoto
Elizabethtown Gas
520 Green Lane
Union, NJ 07083

Robert Zink
Robert Zink Landscape Design
16 Boonton Ave.
Boonton, NJ 07005

Vincent Novellino
Birch Hill Landscaping
38 Chatham Rd.
Short Hills, NJ 07078

Gregory Cardamone
Mount Construction
427 South White Horse Pike
Berlin, NJ 08009

Frank Coriano
Public Service Electric and Gas
410 Silver Lake Ave.
Edison, NJ 08817

Tom Shroba
New Jersey American Water
167 JFK Parkway
Shorthills, NJ 07078

Robert Jeffers
RCJ Builders
2486 Ridgeway Blvd.
Manchester, NJ 08759

Justin Messercola
Messercola Excavating
549 E 3rd St.
Plainfield, NJ 07060

Jesse Van Pelt
Earth & Turf, LLC.
1913 Atlantic Ave, Ste 197
Manasquan, NJ 08736

Vincent Voltaggio
Gloucester County Engineering Dept.
1200 N. Delsea Dr.
Clayton, NJ 08312

Andrew Maccarelli
Guardian Fence Co.
180 Wright St., PO Box 2009
Newark, NJ 07114

George Hastick
GJH Construction
1164 Anthony Ct.
Lakewood, NJ 08701

William Tappin
South Jersey Gas
1 South Jersey Plaza
Folsom, NJ 08037

Frank Ricciotti
Margate City Water
9001 Winchester Ave.
Margate City, NJ 08402

James P. Giuliano, Director
Division of Reliability & Security
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, NJ 08625-0350
James.giuliano@bpu.state.nj.us

James P. Kane, Esq.
Counsel's Office
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, NJ 08625-0350
James.kane@bpu.state.nj.us

Emma Yao Xiao, DAG
Division of Law and Public Safety
124 Halsey Street
Post Office Box 45029
Newark, NJ 07101-45029
Emma.Xiao@dol.lps.state.nj.us

IN THE MATTER OF:
ALLEGED VIOLATIONS OF THE UNDERGROUND FACILITY PROTECTION ACT,
N.J.S.A. 48:2-73 ET.SEQ. ORDER ACCEPTING SETTLEMENTS

Bureau of One Call - Settlements -APPENDIX-May VIA 2016

Damage Type	BPU Dkt.No.	One Call Case No.	Type of Violation	Penalty	Operator	Excavator	Violation Date	Description/Location	Payment Received
Damage Gas	GS16040314K	GOC2014-0166	Did not properly mark	\$3,000	NJ Natural Gas		5/19/2014	Westbrook Dr., Toms River	3/30/2016
Damage Gas	GS16040315K	GOC2015-1437	Did not have a valid markout	\$3,000		Creamy Acres Farm	9/26/2015	Lincoln Mill Rd., Mullica Hill	3/28/2016
Damage Gas	GS16040316K	GOC2015-0257	Did not properly mark	\$3,000	Elizabethtown Gas		4/8/2015	Terrill Rd., Scotch Plains	3/3/2016
Damage Gas	GS16040317K	GOC2014-0427	Did not have a valid markout	\$3,000		Birch Hill Landscape Design	7/18/2014	Durand Rd., Maplewood	3/11/2016
Damage Gas	GS16040318K	GOC2015-1322	Did not properly mark	\$3,000	NJ Natural Gas		9/14/2015	Mahoras Dr., Ocean	3/2/2016
Damage Gas	GS16040319K	GOC2015-1528	Did not properly mark	\$3,000	NJ Natural Gas		10/8/2015	McCabe Ave., Bradley Beach	3/2/2016
Damage Gas	GS16040320K	GOC2014-1111	Did not properly mark	\$3,000	NJ Natural Gas		10/29/2014	Yellowstone Ln., Howell	3/2/2016
Damage Gas	GS16040321K	GOC2015-1098	Did not properly mark	\$3,000	NJ Natural Gas		7/30/2015	7th St., Middletown	3/2/2016
Damage Gas	GS16040322K	GOC2015-0198	Did not properly mark	\$3,000	NJ Natural Gas		3/26/2015	Arnold Ave., Point Pleasant Beach	3/2/2016
Damage Gas	GS16040323K	GOC2015-0189	Did not properly mark	\$3,000	NJ Natural Gas		3/16/2015	5th Ave., Normandy Beach	3/2/2016
Damage Gas	GS16040349K	GOC2015-0630	Did not properly mark	\$3,000	NJ Natural Gas		3/2/2016	Stratford Dr., Manalapan	3/2/2016
Damage Gas	GS16040324K	GOC2015-0192	Did not properly mark	\$3,000	NJ Natural Gas		3/18/2015	Birchwood Ave., Keansburg	3/2/2016
Damage Gas	GS16040325K	GOC2015-1527	Did not properly mark	\$3,000	NJ Natural Gas		10/8/2015	Lorillard Ave., Union Beach	3/2/2016
Damage Gas	GS16040326K	GOC2015-1591	Did not properly mark	\$3,000	NJ Natural Gas		10/21/2015	Grandview Dr., Lakewood	3/30/2016
Damage Gas	GS16040327K	GOC2015-1382	Did not properly mark	\$3,000	NJ Natural Gas		9/22/2015	Archer Ave., Berkeley Township	3/30/2016
Damage Gas	GS16040328K	GOC2015-1376	Did not properly mark	\$3,000	NJ Natural Gas		9/18/2015	Aiden Ln., Jackson	3/30/2016
Damage Gas	GS16040329K	GOC2015-1314	Did not properly mark	\$3,000	NJ Natural Gas		9/8/2015	Texas Rd., Marlboro	3/30/2016
Damage Gas	GS16040330K	GOC2014-0750	Did not properly mark	\$3,000	NJ Natural Gas		9/3/2014	Asbury Ave., Asbury Park	3/30/2016
Damage Gas	GS16040331K	GOC2015-0212	Did not properly mark	\$3,000	PSE&G		3/12/2015	Lemione Ave., Fort Lee	2/24/2016
Damage Gas	GS16040332K	GOC2015-1589	Did not have a valid markout	\$3,000		RCJ Builders, LLC.	10/20/2015	Penguin Way., Ocean Beach	3/22/2016
Damage Gas	GS16040333K	GOC2015-1227	Did not have a valid markout	\$3,000		Earth & Turf, LLC.	8/17/2015	Friar Ct., Wall Township	3/21/2016
Damage Gas	GS16040334K	GOC2015-1299	Did not have a valid markout	\$3,000		Gaurdian Fence Co.	9/16/2015	Mt. Pleasant Ave., West Orange	3/8/2016
Damage Gas	GS16040335K	GOC2014-0241	Did not properly mark	\$3,000	PSE&G		6/6/2014	Hoover Dr., North Brunswick	3/3/2016
Damage Gas	GS16040336K	GOC2015-1127	Did not properly mark	\$3,000	PSE&G		8/12/2015	Minnisink Rd., Totowa	2/24/2016
Damage Gas	GS16040338K	GOC2015-1513	Did not properly mark	\$3,000	PSE&G		10/15/2015	Market St., Newark	3/2/2016
Damage Gas	GS16040339K	GOC2015-1355	Did not properly mark	\$3,000	PSE&G		9/21/2015	Neilson St., New Brunswick	2/24/2016

Damage Type	BPU Dkt No.	One Call Case No.	Type of Violation	Penalty	Operator	Excavator	Violation Date	Description/Location	Payment Received
Damage Gas	GS16040340K	GOC2015-1559	Did not properly mark	\$3,000	PSE&G		10/27/2015	Tulip St., Summit	10/27/2015
Damage Gas	GS16040341K	GOC2015-1546	Did not properly mark	\$3,000	PSE&G		10/26/2015	Pleasantville Rd, Harding	2/18/2016
Damage Gas	GS16040342K	GOC2015-1470	Did not properly mark	\$3,000	Elizabethtown Gas		10/12/2015	Woodlawn Ave., Linden	3/3/2016
Damage Gas	GS16040343K	GOC2015-1622	Did not properly mark	\$3,000	South Jersey Gas		10/20/2015	Landis Ave., Sea Isle City	3/23/2016
Damage Gas	GS16040344K	GOC2015-0179	Did not have a valid markout	\$3,000		Your Way Construction	3/25/2015	Elmwood Ave., Irvington	3/17/2016
Damage Gas	GS16040345K	GOC2015-1337	Did not properly mark	\$3,000	South Jersey Gas		9/4/2015	Dehart Ave., Galloway	3/23/2016
Non Damage	CS16040346K	COC2014-0062	Did not have a valid markout, non-damage	\$1,000		Brickman	7/7/2014	Farm Rd., Hillsborough	3/22/2016
Damage Gas	GS16040347K	GOC2014-0323	Did not have a valid markout	\$3,000		Robert Zink Landscape Design	6/18/2014	Lorraine Dr., Pine Brook	3/21/2016
Damage Telephone	TS16040348K	TOC2014-0138	Did not have a valid markout, non-gas damage	\$2,000		Mount Construction	12/29/2014	New Rd., Linwood	3/18/2016
Damage Gas	GS16040350K	GOC2015-1469	Did not have a valid markout	\$3,000		NJ American Water	10/9/2015	John St., Elizabeth	3/1/2016
Damage Water	WS16040351K	WOC2015-0062	Did not properly mark, non-gas damage	\$2,000	NJ American Water		8/3/2015	South St., New Providence	3/15/2016
Damage Gas	GS16040354K	GOC2014-1013	Did not have a valid markout	\$3,000		Messercola Excavating	10/20/2014	Elizabeth Ave., Westfield	3/18/2016
Damage Gas	GS16040355K	GOC2015-1430	Did not have a valid markout	\$3,000		Gloucester County Engineering Dept.	9/21/2015	Taylor Rd. & Porchtown Rd., Franklin	3/17/2016
Damage Gas	GS16040356K	GOC2015-1364	Did not have a valid markout	\$3,000		GJH Construction	9/28/2015	Ramapo Way, Scotch Plains	3/15/2016
Damage Gas	GS16040357K	GOC2014-0575	Did not have a valid markout	\$3,000		Margate City Water	8/14/2014	South Madison Ave., Margate	3/17/2016
Total		41		\$119,000					