



Agenda Date: 3/18/16
Agenda Item: VIA

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

RELIABILITY & SECURITY

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 NOs.GS16020186K**
) **et al. (see attached appendix)**

Parties of Record:

- Nick DePoto, Elizabethtown Gas**
- Linda Baran, Metro Corp Plumbing**
- Steven Wardell, Cranford DPW**
- Steven Mattiola, Mattiola Services**
- Frank Coriano, Public Service Electric and Gas**
- Jaun Urro, LandTek Construction**
- Phillip Marone, Marone Contractors**
- Jeff Stanislaski, Assuncao Bros., Inc.**
- Mike Vizzard, G.M. White Electrical**
- Tom Frank, Joseph Fazio, Inc.**
- Errol Ramiz, Errol's Landscaping**
- Cathy Hanna, Alcoa Concrete**
- William Tappin, South Jersey Gas**
- Luis Teran, Land Style Enterprises**
- Ralph Hillmer, Jersey Central Power and Light**
- James Bruno, Telecable**
- Craig Lynch, New Jersey Natural Gas**
- Wayne Scibilia, Whistle Stop**
- Anthony Baricevich, New Monmouth Builders**

BY THE BOARD:

The Board of Public Utilities ("Board") has jurisdiction to oversee and enforce the provisions of the Underground Facility Protection Act ("the Act") pursuant to the provisions set forth in N.J.S.A. 48:2-73, et seq. The primary purpose of the Act is to establish the One-Call Damage Prevention System for the protection of underground facilities that are used for the conveyance of water, forced sewage, telecommunications, cable television, electricity, oil, petroleum products, gas, optical signals, traffic control, or for the transportation of a hazardous liquid. In declaring its findings and the purpose of the Act, the Legislature stated, in pertinent part:

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.

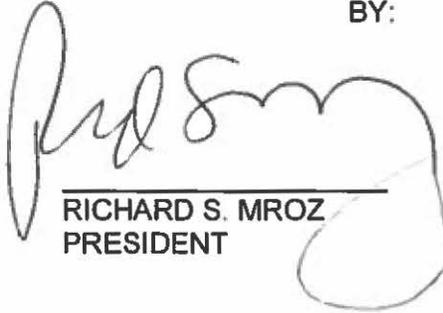
By acceptance of the various Offers of Settlement and the timely payment thereof, the excavator or operator has waived any rights to a hearing, and the Board has waived any rights to bring an action for civil penalties as permitted by the Underground Facility Protection Act in connection with the above-referenced 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 March 28, 2016.

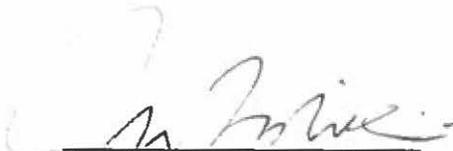
NO FURTHER ACTION BY THE RESPONDENTS IS REQUIRED

DATED: 3-18-16

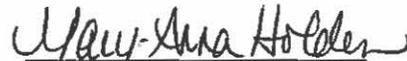
BOARD OF PUBLIC UTILITIES
BY:



RICHARD S. MROZ
PRESIDENT



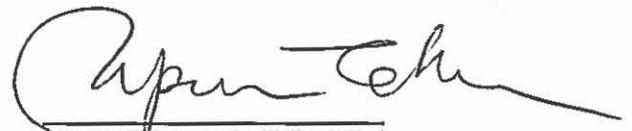
JOSEPH L. FIORDALISO
COMMISSIONER



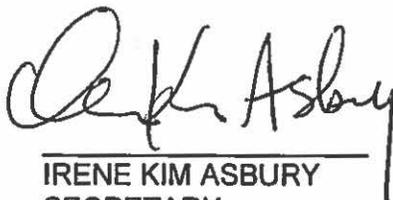
MARY-ANNA HOLDEN
COMMISSIONER



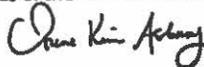
DIANNE SOLOMON
COMMISSIONER



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. GS16020186K et al. (see attached appendix)**

SERVICE LIST

Nick Depoto
Elizabethtown Gas
520 Green Lane,
Union, NJ 07083

Linda Baran
Metro Corp Plumbing
25 Arnold Blvd.
Howell, NJ 07731

Steven Wardell
Cranford DPW
364 North Ave.,
Cranford, NJ 07016

Steven Mattiola
Mattiola Services
2082 Lucon Rd.,
Skippack, PA 19474

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

Juan Urro
LandTek Construction
875 River Rd.,
Piscataway, NJ 08854

Phillip Marone
Marone Contractors
160 Crown Point Rd.,
West Deptford, NJ 08086

Jeff Stanislaski
Assuncao Bros., Inc.
29 Wood Ave.,
Edison, NJ 08820

Mike Vizzard
G.M. White Electrical
2554 North Delsea Dr.,
Vineland, NJ 08360

Tom Frank
Joseph Fazzio, Inc.
697 Porchtown Rd.,
Franklinville, NJ 08322

Errol Ramiz
Errol's Landscaping
45 Jackson Mills Rd.,
Freehold, NJ 07728

Cathy Hanna
Alcoa Concrete
1221 Hayes Blvd.,
Bristol, PA 19007

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

Luis Teran
Land Style Enterprises
17 E. Broadway
Hackensack, NJ 07601

Ralph Hillmer
Jersey Central Power and Light
300 Madison Ave.,
Morristown, NJ 07962

James Bruno
Telecable
1511 New Market Ave.,
South Plainfield, NJ 07080

Craig Lynch
NJ Natural Gas
1415 Wyckoff Rd,
Wall, NJ 07719

Wayne Scibilia
Whistle Stop
69 John Ringo Rd.,
Ringo, NJ 08551

Anthony Baricevich
New Monmouth Builders
1 Renier Ct.,
Middletown, NJ 07748

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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-March 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	GS16020186K	GOC2015-0955	Did not properly mark	\$3,000	Elizabethtown Gas		7/21/2015	Front St., Scotch Plains	2/9/2016
Damage, Gas	GS16020185K	GOC2015-0735	Did not properly mark	\$3,000	Elizabethtown Gas		6/18/2015	North Ave E., Cranford	2/9/2016
Damage, Gas	GS16020184K	GOC2014-1109	Did not have a valid markout	\$3,000		Metro Corp Plumbing	10/28/2014	Lafayette Blvd., Lakewood	12/31/2015
Damage, Gas	GS16020183K	GOC2015-0271	Did not have a valid markout	\$3,000		Cranford DPW	4/15/2015	Garden Pl., Cranford	1/26/2016
Damage, Gas	GS16020182K	GOC2015-0504	Did not have a valid markout	\$3,000		Mattiola Services	5/11/2015	Sylvan Ave., Englewood Cliffs	2/1/2016
Damage, Gas	GS16020181K	GOC2015-1302	Did not properly mark	\$3,000	PSE&G		9/16/2015	Dixie Lane, Plainfield	1/22/2016
Damage, Gas	GS16020180K	GOC2015-0183	Did not have a valid markout	\$3,000		LandTek Construction	4/1/2015	Route 27, Iselin	12/31/2015
Damage, Electric	ES16020179K	EOC2015-0039	Did not have a valid markout, non-gas	\$2,000		Marone Contractors	1/5/2015	Cornus Ct., Williamstown	1/7/2016
Damage, Gas	GS16020178K	GOC2014-0966	Did not have a valid markout	\$3,000		Assuncao Bros., Inc.	10/6/2014	Route 35, Mantoloking	2/11/2016
Damage, Gas	GS16020177K	GOC2014-0845	Did not have a valid markout	\$3,000		G.M. White Electrical	9/26/2014	Boardwalk Ave., Atlantic City	2/10/2016
Damage, Gas	GS16020141K	GOC2014-0829	Did not have a valid markout	\$3,000		Joseph Fazzio, Inc.	9/17/2014	Glassboro Crosskey Rd., Monroe Twp.	2/1/2016
Damage, Gas	GS16020140K	GOC2015-0439	Did not have a valid markout	\$3,000		Errol's Landscape	4/25/2015	Hall Rd., Freehold	1/20/2016
Damage, Electric	ES16020147K	EOC2015-0012	Did not have a valid markout, non-gas	\$2,000		Alcoa Concrete	2/19/2015	Tamar Ct., Lawrence	1/15/2016
Damage, Electric	ES16020146K	EOC2014-0067	Did not properly mark, non-gas	\$2,000	PSE&G		4/3/2014	William St., East Orange	1/13/2016
Damage, Gas	GS16020145K	GOC2015-1438	Did not properly mark	\$3,000	South Jersey Gas		9/26/2015	Johnson Ln., Voorhees	1/15/2016
Damage, Gas	GS16020144K	GOC2015-1432	Did not properly mark	\$3,000	South Jersey Gas		9/22/2015	Lafayette Ave., Ventnor	1/15/2016
Damage, Gas	GS16020143K	GOC2015-1297	Did not have a valid markout	\$3,000		Land Style Enterprises	9/14/2015	Highwood Rd., Mahwah	1/18/2016
Damage, Electric	ES16020142K	EOC2015-0141	Did not properly mark, non-gas	\$2,000	JCP&L		6/22/2015	Lake Rd., Roosevelt	1/13/2016
Damage, Electric	ES16020139K	EOC2015-0031	Did not have a valid markout, non-gas	\$2,000		Telecable	2/17/2015	Chardonnay Ct., Lakewood	1/13/2016
Damage, Gas	GS16020138K	GOC2015-0331	Did not properly mark	\$3,000	PSE&G		4/17/2015	Stevens Ave., Jersey City	1/4/2016
Damage, Gas	GS16020137K	GOC2015-0300	Did not properly mark	\$3,000	PSE&G		4/9/2015	Edgeboro Rd., East Brunswick	1/5/2016
Damage, Gas	GS16020136K	GOC2015-0135	Did not properly mark	\$3,000	PSE&G		2/15/2015	Delacy Dr., Plainfield	1/5/2016
Damage, Gas	GS16020135K	GOC2014-1110	Did not properly mark	\$3,000	NJ Natural Gas		10/29/2014	Union Hill, Marlboro	1/5/2016
Damage, Gas	GS16020133K	GOC2015-1462	Did not have a valid markout	\$3,000		Whistle Stop	9/30/2015	Elizabeth Ave., Raritan	1/29/2016
Damage, Gas	GS16020134K	GOC2015-0532	Did not have a valid markout	\$3,000		New Monmouth Builders	5/13/2015	Wilson Ave., Middletown	2/15/2016
Total	25			\$70,000					