



STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 1st Floor
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www.nj.gov/bpu/

RELIABILITY AND SECURITY

IN THE MATTER OF AN ALLEGED VIOLATION)
OF PIPELINE SAFETY REGULATIONS BY)
ELIZABETHTOWN GAS COMPANY WITH)
RESPECT TO A GAS PIPELINE INCIDENT IN)
PENNINGTON, NEW JERSEY ON OCTOBER 30,)
2019)
ORDER APPROVING)
SETTLEMENT)
DOCKET NO. GO21070977)

Party of Record:

Debora Franco, Esq., on behalf of Elizabethtown Gas Company

BY THE BOARD:

By this Order, the New Jersey Board of Public Utilities ("Board") considers an Offer of Settlement from Elizabethtown Gas Company ("ETG" or "Company") to resolve an alleged violation of natural gas pipeline safety regulations.

BACKGROUND

This matter has been opened to the Board following an investigation by the Board's Bureau of Pipeline Safety ("BPS") of a natural gas pipeline incident that resulted in the ignition of gas, which caused an explosion and extensive fire damage to a single-family home at 107 King George Road in Pennington, New Jersey. On the morning of October 30, 2019, a third-party excavator performing excavation activities on the property at 107 King George Road damaged an encased plastic service line supplying gas service to the residence. The one-half (1/2) inch plastic service line, which was inside a 1-inch steel service line acting as a casing, was damaged by mechanized excavation equipment digging near the foundation wall of the property causing the service line to pull away from a threaded connection. The broken connection caused escaping gas to be released into the basement of the single-family residence, resulting in the ignition of gas, explosion and an ensuing fire. The fire immediately engulfed the home causing extensive damage to the property ("October 30, 2019 Incident" or "Incident").

REVIEW AND ANALYSIS

Board Staff conducted an investigation of the October 30, 2019 Incident which included a review of the circumstances surrounding the damage to the gas service line, as well as the actions taken by ETG in response to, and immediately after, the Incident¹. As a result of the BPS investigation, it was determined that ETG failed to give timely notice of the Incident to the National Response Center (“NRC”) as required by the Code of Federal Regulations (C.F.R.). ETG failed to provide notification within one (1) hour after discovering that the Incident met the reportable criteria as required by 49 C.F.R. §191.5(a). The investigation also revealed that ETG failed to follow certain provisions of its written procedures for emergency response as required by 49 C.F.R. §192.605(a). Specifically, during the Company’s on-site post-Incident investigation to determine the location and potential leak point of the damaged service line, ETG failed to take precautionary measures to preserve evidence as required by Chapter 7, Section 5.0, of the Company’s Emergency Plan. As a result, the service line was further damaged by mechanized equipment.

Pursuant to Section 60105(a) of the Natural Gas Pipeline Safety Act of 1968, as amended (49 U.S.C. 1671 et seq.), New Jersey certifies to the Secretary of Transportation, under the Constitution and laws of the State of New Jersey, that it has regulatory jurisdiction and enforcement authority of the safety standards by injunction and monetary sanctions for any suspected violation of the Federal Safety Standards promulgated in Parts 192, 193, 199 and 40 of Title 49 of the Code of Federal Regulations. Enforcement authority is vested in the Board pursuant to the Natural Gas Safety Act, N.J.S.A. 48:10-2, et seq., and all regulations promulgated thereto.

By letter dated May 27, 2021, BPS Staff sent a Notice of Probable Violation (“NOPV”) letter to ETG citing a probable violation of 49 C.F.R. §191.5(a) – “Immediate notice of certain incidents”; and 49 C.F.R. §192.605(a) – “Procedural manual for operations, maintenance, and emergencies”. The NOPV included an offer of settlement providing for a one-time payment to the Treasurer of the State of New Jersey for Twelve Thousand Dollars (\$12,000.00). In addition to the one-time payment, ETG would agree to remedy the findings outlined in the NOPV dated May 27, 2019.

On June 11, 2021, ETG sent an Answering Certification accepting the offer of settlement (“Settlement”) along with a payment in the amount of \$12,000.00 for the alleged violation. As part of the Settlement, ETG also agreed that by December 31, 2021, Company personnel that may be involved in emergency investigations will be re-trained on the importance of preserving pipeline specimens, including, but not limited to, only disturbing the incident site to the extent required. ETG will also review their Emergency Plan procedures and make any necessary revisions to clarify this requirement. Any revisions will be furnished to Board BPS Staff for review.

DISCUSSION AND FINDINGS

The Board thoroughly reviewed the Settlement, and **HEREBY FINDS** the Settlement to be as follows:

1. A reasonable Settlement of the outstanding issues;
2. In the public interest;
3. In accordance with the intent and purpose of the Natural Gas Pipeline Safety Act of 1968, as amended, 49 U.S.C.A. § 1671, et seq. and all regulations promulgated thereto;

¹ A separate One-Call compliance investigation of ETG and the third-party excavator was conducted by the Board’s Bureau of Underground Damage Prevention.

- 4. In accordance with the Natural Gas Safety Act, N.J.S.A. 48:10-2, et seq., and all regulations promulgated thereto; and
- 5. In accordance with N.J.A.C. 14:7, et seq.

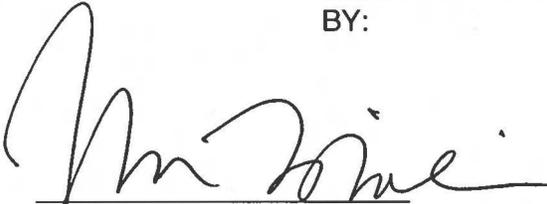
Therefore, the Board **HEREBY APPROVES** the Settlement, and **HEREBY ADOPTS** the Answering Certification dated June 11, 2021 as its own, incorporating by reference the terms and conditions therein as if fully set forth at length herein.

The Board **HEREBY ORDERS** ETG to comply with the terms of the Answering Certification as presented.

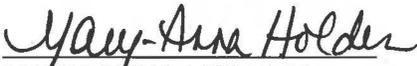
This Order shall be effective on August 25, 2021.

DATED: 8/18/21

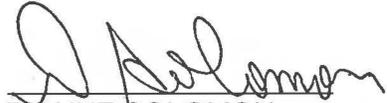
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SECRETARY

IN THE MATTER OF AN ALLEGED VIOLATION OF PIPELINE SAFETY REGULATIONS BY
ELIZABETHTOWN GAS COMPANY WITH RESPECT TO A GAS PIPELINE INCIDENT IN
PENNINGTON, NEW JERSEY ON OCTOBER 30, 2019

DOCKET NO. GO21070977

SERVICE LIST

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