

**CHAPTER 7****NATURAL GAS PIPELINES****Authority**

N.J.S.A. 48:2-13, 48:2-73 et seq., 48:9-33 and 48:10-2 et seq.

**Source and Effective Date**

R.2009 d.69, effective January 29, 2009.  
See: 40 N.J.R. 4915(a), 41 N.J.R. 721(a), 1083(a).

**Chapter Expiration Date**

Chapter 7, Natural Gas Pipelines, expires on January 29, 2014.

**Chapter Historical Note**

Chapter 7, Natural Gas Pipelines, was adopted as R.1993 d.95, effective March 1, 1993. See: 24 N.J.R. 1684(b), 25 N.J.R. 999(a). Subchapter 1, Construction, Operation and Maintenance of Transmission and Distribution Natural Gas Pipelines, was recodified from 14:11-8, and Subchapter 2, Notices of Probable Violations, Informal Conferences, Civil Administration Penalties and Requests for Adjudicatory Hearings, was added, effective June 9, 1995 as R.1995 d.303. See: 27 N.J.R. 870(a), 27 N.J.R. 2428(a).

Chapter 7, Natural Gas Pipelines, was readopted as R.1998 d.146, effective February 20, 1998. See: 29 N.J.R. 5184(a), 30 N.J.R. 1050(a).

Chapter 7, Natural Gas Pipelines, was readopted as R.2003 d.360, effective August 12, 2003. See: 35 N.J.R. 1505(a), 35 N.J.R. 4307(b).

Chapter 7, Natural Gas Pipelines, was readopted as R.2009 d.69, effective January 29, 2009. As a part of R.2009 d.69, Subchapter 2, Notices of Probable Violations, Informal Conferences, Civil Administrative Penalties and Requests for Adjudicatory Hearings was renamed Violations, Informal Conferences, Civil Administrative Penalties and Adjudicatory Hearings, effective March 2, 2009. See: Source and Effective Date. See, also, section annotations.

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**SUBCHAPTER 1. CONSTRUCTION, OPERATION AND MAINTENANCE OF TRANSMISSION AND DISTRIBUTION NATURAL GAS PIPELINES****14:7-1.1 Scope and applicability**

(a) This chapter sets forth requirements that govern the construction, operation and maintenance of transmission and distribution pipelines for the transportation of natural gas by intrastate natural gas pipeline operators within the State of New Jersey.

(b) Unless specified otherwise, all provisions of this chapter apply to natural gas pipelines used in both distribution and transmission of natural gas.

(c) This chapter shall not affect an operator's responsibility to comply with all applicable requirements of other State or local agencies having jurisdiction, in addition to the requirements of this chapter.

(d) A pipeline operator shall be responsible for ensuring that the requirements of this chapter are met.

Amended by R.2009 d.69, effective March 2, 2009.  
See: 40 N.J.R. 4915(a), 41 N.J.R. 1083(a).

Section was "Scope". Inserted designation (a); in (a), substituted "This chapter sets forth requirements that govern" for "Unless otherwise ordered or permitted by the Board, the rules in this subchapter shall be observed and followed in connection with" and substituted "operators" for "facilities"; and added (b) through (d).

**14:7-1.1A Definitions**

For the purposes of this chapter, the following words and terms shall have the following meanings, unless the context clearly indicates otherwise. Additional definitions that apply to this chapter can be found at N.J.A.C. 14:3-1.1 and in 49 CFR 190.3, 191.3, 192.3, 193.3, 198.3 and 199.3, which are incorporated by reference herein.

“Administrative Order and Notice of Civil Administrative Penalty Assessment” or “AONOCAPA”, means the written notice provided under N.J.A.C. 14:7-2.6, to alert an alleged violator of the violation and the potential penalty for the violation.

“Automatically controlled valve” means a valve that does not require personnel to activate. It closes in response to a pressure loss or flow rate increase that exceeds a pre-set level. The valve operator is powered by electricity, by the gas pressure in the pipeline, or by another power source. Automatically controlled valves are intended to provide timely closure whenever there is an abnormal pressure loss on the pipeline.

“Bureau” means the Bureau of Pipeline Safety in the Division of Reliability and Security, in the New Jersey Board of Public Utilities.

“Class 3” means the Federal Class 3 location as described in 49 C.F.R. 192.5.

“Class 4” means the Federal Class 4 location as described in 49 C.F.R. 192.5.

“Distribution line” has the meaning assigned to this term in the Federal code at 49 CFR 192.3.

“Division” means the Division of Reliability and Security in the Board of Public Utilities.

“Federal Code” means the Pipeline Safety Regulations of the United States Department of Transportation, Pipeline and Hazardous Materials Safety Administration, set forth at 49 CFR 190, 191, 192, 193, 198 and 199.

“Main” has the meaning assigned to this term in the Federal code at 49 CFR 192.3. A main is a type of distribution line.

“Notice of civil administrative penalty assessment” or “NOCAPA”, means the written notice provided under N.J.A.C. 14:7-2.6, to alert an alleged violator of the violation and the potential penalty for the violation.

“Pipeline” has the meaning assigned to this term in the Federal code at 49 CFR 192.3.

“Pipeline operator” or “operator” means a person that owns, operates, manages or controls an intrastate natural gas pipeline, including a public utility as that term is defined in N.J.S.A. 48:2-13 or a natural gas pipeline utility as that term is defined in N.J.S.A. 48:10-3.

“Remotely controlled valve” means a valve that is operated by personnel from a location that is remote from where the valve is installed. The location is usually at the pipeline control or dispatching center. A remotely controlled valve consists of the valve itself and a valve operator that is attached to the valve to open or close it. The valve operator is powered by electricity, by the gas pressure from the pipeline,

or by another power source. The communications linkage between the remote location and the remotely controlled valve may be by fiber optics, microwave, telephone lines, or satellite.

“Service line” has the meaning assigned to this term in the Federal code at 49 CFR 192.3. A gas service line is a type of distribution line.

“Transmission line” has the meaning assigned to this term in the Federal code at 49 CFR 192.3.

“Transmission pipeline” refers to any segment of a pipeline system that meets the criteria of a “transmission line” as defined in 49 C.F.R. 192.3.

New Rule, R.1997 d.128, effective March 17, 1997.

See: 28 N.J.R. 5146(a), 29 N.J.R. 104(b), 29 N.J.R. 903(b).

Amended by R.1998 d.146, effective March 16, 1998.

See: 29 N.J.R. 5184(a), 30 N.J.R. 1050(a).

In the introduction, substituted a reference to this chapter for a reference to this subchapter; and inserted “Board”, “Bureau”, “Division”, and “Federal Code”.

Amended by R.2003 d.360, effective September 15, 2003.

See: 35 N.J.R. 1505(a), 35 N.J.R. 4307(b).

In the introductory paragraph, added “, unless the context clearly indicates otherwise” following “meanings”.

Amended by R.2009 d.69, effective March 2, 2009.

See: 40 N.J.R. 4915(a), 41 N.J.R. 1083(a).

In the introductory paragraph, substituted a period for a colon at the end of the first sentence and inserted the last sentence; added definitions “Administrative Order and Notice of Civil Administrative Penalty Assessment”, “Distribution line”, “Main”, “Notice of civil administrative penalty assessment”, “Pipeline”, “Service line” and “Transmission line”; deleted definition “Board”; in definition “Bureau”, inserted “, in the New Jersey Board of Public Utilities”; and rewrote definition “Federal Code”.

#### 14:7-1.2 Compliance with Federal Code

A gas pipeline operator shall ensure that each pipeline is constructed, operated and maintained in compliance with this chapter, and with the Federal Code, which is incorporated herein by reference, or such other standard as the Board may from time to time prescribe.

Amended by R.1998 d.146, effective March 16, 1998.

See: 29 N.J.R. 5184(a), 30 N.J.R. 1050(a).

Substituted “A gas pipeline” for “Any gas pipeline constructed after September 7, 1993”, and deleted a former second sentence.

Amended by R.2009 d.69, effective March 2, 2009.

See: 40 N.J.R. 4915(a), 41 N.J.R. 1083(a).

Rewrote the section.

#### 14:7-1.3 Classification of pipeline locations

Natural gas pipelines shall be classified in accordance with the provisions of the Federal Code. All natural gas pipelines constructed in New Jersey after March 2, 2009, shall meet the design standards for a Class 4 pipeline location, as set forth in 49 CFR 192.5, 192.609 and 192.611.

Amended by R.1998 d.146, effective March 16, 1998.

See: 29 N.J.R. 5184(a), 30 N.J.R. 1050(a).

In (a), rewrote the introductory paragraph, and substituted a reference to operators for a reference to companies in the second sentence of 5.

Amended by R.2009 d.69, effective March 2, 2009.

See: 40 N.J.R. 4915(a), 41 N.J.R. 1083(a).

Section was "Classification of system". Rewrote the section.

#### 14:7-1.4 Proscribed areas

(a) No person shall install and/or operate a natural gas pipeline with a maximum operating pressure in excess of 250 psig within 100 feet of any building intended for human occupancy, which is in existence prior to, or under construction at the date of, execution of the right-of-way agreement, or at the date of filing with the Clerk of the Superior Court of a complaint in a condemnation action, unless such person has obtained prior Board approval of the installation and/or operation of the pipeline.

(b) No person shall replace or relocate a natural gas pipeline with a maximum operating pressure in excess of 250 psig to a location that is within 100 feet of a building intended for human occupancy without prior Board approval. However, a pipeline that meets all of the following conditions is exempt from the requirement of prior Board approval under this subsection:

1. At the time of initial installation and/or operation of the pipeline being replaced or relocated, the pipeline was located within 100 feet of a building(s) intended for human occupancy;

2. The replacement or relocation will not decrease the horizontal and/or vertical distance between the pipeline and the building(s) described in (b)1 above; and

3. The replaced or relocated pipeline will be at least 100 feet away from all other buildings intended for human occupancy that are not described in (b)1 above.

(c) A petition pursuant to this section for installation and/or operation of a transmission pipeline shall be subject to the requirements of 49 CFR 192, including the requirements for passage of internal inspection devices at 49 CFR 192.150, and for an integrity management program in Subpart O, 49 CFR 192.901 through 192.951.

Amended by R.1997 d.128, effective March 17, 1997.

See: 28 N.J.R. 5146(a), 29 N.J.R. 104(b), 29 N.J.R. 903(b).

Added last three sentences.

Amended by R.2003 d.360, effective September 15, 2003.

See: 35 N.J.R. 1505(a), 35 N.J.R. 4307(b).

Classified existing text as (a) and inserted references to operation preceding references to installation; added (b).

Amended by R.2009 d.69, effective March 2, 2009.

See: 40 N.J.R. 4915(a), 41 N.J.R. 1083(a).

Rewrote the section.

#### 14:7-1.5 (Reserved)

Repealed by R.2009 d.69, effective March 2, 2009.

See: 40 N.J.R. 4915(a), 41 N.J.R. 1083(a).

Section was "Welding".

#### 14:7-1.6 Quality control of field welding

(a) In addition to all applicable Federal Code requirements, each operator shall ensure oversight of field welding

on a natural gas pipeline with a maximum operating pressure in excess of 250 psig by welding inspectors that are determined qualified by the operator on the basis of training and experience, as necessary to ensure that all operator procedures are followed.

(b) Each operator shall ensure that, during any welding of a natural gas pipeline with a maximum operating pressure in excess of 250 psig, a copy of the welding procedures that apply to the work being performed are readily available at the job site.

Amended by R.1998 d.146, effective March 16, 1998.

See: 29 N.J.R. 5184(a), 30 N.J.R. 1050(a).

Inserted (a) and (b) designations.

Repeal and New Rule, R.2009 d.69, effective March 2, 2009.

See: 40 N.J.R. 4915(a), 41 N.J.R. 1083(a).

Section was "Quality control of field welding".

#### 14:7-1.7 Fabrication details

(a) The requirements set forth in (b) through (d) below shall apply to the construction of gas pipelines.

(b) Straight pipe may be bent cold in the field by any of the accepted methods of smooth bending, provided that the wall thickness and strength of the pipe after bending is not less than that required under the applicable provisions of 49 CFR 192.313 and 192.315 for straight pipe of the same diameter and grade.

(c) Branch connections for transmission pipelines fabricated by welding shall be of the reinforced type made in accordance with the rules for components fabricated by welding and welded branch connections as provided in 49 CFR 192.153 and 192.155.

(d) Line taps may be made under pressure in the sizes and at the pressure at which the line tapping equipment is recommended for use by the manufacturer, provided that all proper safeguards against injury to persons and property are taken.

Amended by R.2009 d.69, effective March 2, 2009.

See: 40 N.J.R. 4915(a), 41 N.J.R. 1083(a).

In (a), substituted "shall apply" for "in addition to the requirements of the Federal Code shall be applicable"; in (b), inserted a comma following "bending" and substituted "49 CFR 192.313 and 192.315" for "the Federal Code"; and rewrote (c) and (d).

#### 14:7-1.8 Pipelines near railroads and highways

(a) At points where a natural gas pipeline intersects a railroad or a New Jersey State highway, such pipeline shall be installed in accordance with the specifications and standards established by the authority or agency having jurisdiction over the right-of-way, in addition to the requirements of this chapter.

(b) In the construction of any gas pipeline parallel to railroad tracks, consideration shall be given to the character of the railroad traffic and the pressure and diameter of the gas pipeline in establishing the following:

1. The minimum amount of cover required over such pipeline;
2. The minimum proximity of the gas pipeline to the railroad track;
3. The need for additional valves to permit the prompt shutting off of gas in the event of pipeline failure or any other emergency; and
4. The need, if any, to protect the pipe with shielding. If the operator determines that shielding is needed, the shielding shall conform with gas industry standards, both in respect to material and manner of installation.

(c) Whenever reasonably possible to avoid doing so, a gas transmission pipeline shall not be installed beneath and in close proximity to any public hard surface highway or street.

Amended by R.1995 d.303, effective June 19, 1995.

See: 27 N.J.R. 870(a), 27 N.J.R. 2428(a).

Amended and recodified in part from 14:7-1.9 by R.2009 d.69, effective March 2, 2009.

See: 40 N.J.R. 4915(a), 41 N.J.R. 1083(a).

Section was "Crossings". Recodified existing provisions as (a); deleted former N.J.A.C. 14:7-1.9(a) and (d); recodified former N.J.A.C. 14:7-1.9(b) and (c) as (b) and (c) of this section; and rewrote (b)4 and (c).

#### 14:7-1.9 Distribution system valve requirements

(a) Each operator of a distribution pipeline installed after March 2, 2009, shall ensure that the pipeline contains sectionalizing valves in sufficient numbers and spacing to adequately facilitate the safe and reliable operation of the distribution system under both normal and emergency operating conditions in accordance with this chapter and 49 CFR 192.181.

(b) In determining the number and spacing of sectionalizing valves, each operator shall ensure that the maximum number of customers to be affected by an emergency shutdown shall not exceed 500 customers. In addition, the operator shall consider the following:

1. The operating pressure of the distribution system;
2. The diameter of the pipeline to be installed;
3. The volume of gas that could be released to the atmosphere;
4. The accessibility of the valve locations; and
5. The response time and shutdown capabilities of the operator.

(c) Each distribution pipeline operator shall evaluate the number and spacing of all sectionalizing valves installed after March 2, 2009. The operator shall apply the considerations in (b) above, and shall determine whether the number and spacing of its valves meets the requirement in (a) above to adequately facilitate the safe and reliable operation of the distribution system under both normal and emergency operating conditions.

(d) Each operator shall file a report with the Board's Bureau of Pipeline Safety on or before June 2, 2010, which includes all of the following:

1. A summary of the evaluation required under (c) above;
2. If the number of customers that may be affected by an emergency shutdown in any section exceeds 500, the report shall specify the maximum number of customers that may be affected, along with an explanation of other measures the operator may use to limit the number of customers affected by a shutdown in order to meet the requirement for safe and reliable operation.

(e) Where sectionalization of the distribution system may result in more than 500 customers being affected in an emergency shutdown, the operator shall analyze whether additional valves need to be installed whenever any maintenance and/or replacement work is performed, in order to reduce the number of customers affected to 500 or below.

(f) Sectionalizing valves required under (a) above shall be maintained in accordance with the requirements of 49 CFR 192.747.

New Rule, R.2009 d.69, effective March 2, 2009.

See: 40 N.J.R. 4915(a), 41 N.J.R. 1083(a).

Former N.J.A.C. 14:7-1.9, Lines under or adjacent to railroads and highways, recodified in part to N.J.A.C. 14:7-1.8(b) through (c).

#### 14:7-1.10 Valve assessment and emergency closure plan—transmission pipelines

(a) Each operator shall ensure that all transmission pipelines have sectionalizing valves that meet the requirements of this chapter and 49 CFR 192.179.

(b) Each operator of a transmission pipeline shall maintain and file with the Board a valve assessment and emergency closure plan for each of the operator's transmission pipelines. This plan shall assess each valve individually and shall describe how the operator will achieve rapid closure of valves in the event of an emergency.

(c) Each valve assessment and emergency closure plan shall include:

1. A map showing the spacing of all valves;
2. A detailed evaluation of each Class 3 or Class 4 valve location that does not have a remotely controlled or automatically controlled valve. This evaluation shall classify each valve, based on the factors at (c)2i through xi below, as high or low priority in regard to the need for a remotely controlled or automatically controlled valve:
  - i. The class location, as defined in 49 CFR 192.5, of the valve location;
  - ii. The amount of time and the mechanism required to close the existing valve, based on the size and type of the valve;

iii. The accessibility of the valve location in times of emergency, including a consideration of likely traffic conditions during the emergency;

iv. The proximity of environmentally sensitive areas;

v. The potential for third party damage;

vi. The right-of-way conditions;

vii. The corrosion history of the transmission line;

viii. The design of the transmission line;

ix. The operating conditions of the transmission line;

x. The cost of the installation or retrofit; and

xi. Any other factors that the pipeline operator considers appropriate, subject to the approval of these factors by the Board staff;

3. A timetable for the installation or retrofit, at each high priority location, of remotely controlled or automatically controlled valves within two years of the date the plan is approved; and

4. A training program for the appropriate operating personnel to ensure that they have a thorough knowledge of, and are qualified to implement, the plan's emergency procedures.

(d) Upon receipt of an operator's valve assessment and emergency closure plan, the Board's Bureau of Pipeline Safety shall review and approve the plan, with such modifications as the staff deems necessary, including changes in the prioritization of the valve locations, to ensure the rapid closure in an emergency of any sectionalizing valve on the transmission pipeline.

(e) The transmission pipeline operator shall update the valve assessment and emergency closure plan annually to account for changes in population density, new transmission lines, new valve technology, and other material changes. The operator shall submit the plan to the Board at the following times:

1. If significant changes do not occur, the operator shall submit the plan at least once every two calendar years, and within an interval not to exceed 27 months; and

2. If significant changes occur during the period described in (e)1 above, the operator shall submit the plan to the Board staff at least once each calendar year, and within an interval not to exceed 15 months.

(f) An emergency closure drill that simulates shutting down a selected section of transmission line shall be performed at least once in a calendar year, but within an interval not to exceed 15 months. The operator may conduct a table-top emergency closure drill to meet this requirement for no more than two out of each three calendar years. The operator shall conduct a site-specific emergency closure drill at a field site at least once in every three calendar years.

(g) The operator shall notify Board staff at least five business days prior to performing any emergency closure drill under (e) above. A final audit report of each emergency closure drill shall be submitted to Board staff for review within two months after the emergency closure drill is performed.

(h) If an operator believes that information contained in the valve assessment and emergency closure plan merits confidential treatment pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. (OPRA), any such purportedly confidential information submitted to the Board shall be specifically identified and marked by the operator and submitted to the Board in compliance with the Board's rules at N.J.A.C. 14:1-12.

(i) Each transmission pipeline operator shall designate a representative or representatives in New Jersey who are familiar with the location and operation of all of the transmission valves required by this section. The names and telephone numbers of these representatives shall be furnished to the Board staff as part of the operator's emergency procedures required by 49 CFR 192.615.

(j) The transmission pipeline emergency representatives required under (i) above shall be available for Board staff to contact as needed during an emergency response.

(k) In addition to any other requirements in the Federal Code, each transmission pipeline operator shall furnish the clerk of each municipality through which the pipeline passes with a 24-hour emergency telephone number.

*The following annotations apply to former N.J.A.C. 14:7-1.10 repealed by R.2009 d.69:*

Amended by R.1997 d.128, effective March 17, 1997.

See: 28 N.J.R. 5146(a), 29 N.J.R. 104(b), 29 N.J.R. 903(b).

In (a), substituted "Sectionalizing valves for distribution pipelines" for "Shut-off valves" and added last sentence; deleted (b), relating to certain areas outside of cities and villages; recodified former (c) and (d) as (b) and (c); and in (c), substituted "valves required by this section" for "shut-off valves".

Amended by R.1998 d.146, effective March 16, 1998.

See: 29 N.J.R. 5184(a), 30 N.J.R. 1050(a).

In (c), substituted references to operators for references to companies throughout.

*The following annotations apply to N.J.A.C. 14:7-1.10 after its recodification from N.J.A.C. 14:7-1.11 by R.2009 d.69:*

Repeal and New Rule, R.1997 d.128, effective March 17, 1997.

See: 28 N.J.R. 5146(a), 29 N.J.R. 104(b), 29 N.J.R. 903(b).

Section was "Automatic valves".

Amended by R.1998 d.146, effective March 16, 1998.

See: 29 N.J.R. 5184(a), 30 N.J.R. 1050(a).

In (b), substituted "Upon" for "Within three months of" at the beginning; and in (c), inserted "by the Board staff" following "review".

Amended by R.2003 d.360, effective September 15, 2003.

See: 35 N.J.R. 1505(a), 35 N.J.R. 4307(b).

In (a), rewrote the introductory paragraph; in (b) and (c), substituted references to Bureau of Pipeline Safety for references to the Board; rewrote (e).

Recodified from N.J.A.C. 14:7-1.11 and amended by R.2009 d.69, effective March 2, 2009.

See: 40 N.J.R. 4915(a), 41 N.J.R. 1083(a).

Section was "Valve assessment and emergency closure". Rewrote the section. Former N.J.A.C. 14:7-1.10, Valve requirements, repealed.

**14:7-1.11 Installation of pipe**

(a) All gas pipelines shall be installed with at least 12 inches separation from any other subsurface structure or facility, unless it is not reasonably practicable to so.

(b) If a pipeline operator wishes to install gas pipe along with other utilities in a single trench, the operator shall first prepare and submit a joint-trench installation procedure to the Bureau of Pipeline Safety for review under the procedure established in N.J.A.C. 14:7-1.23 for revisions to operating and maintenance standards. No pipeline operator shall perform a joint-trench installation except in accordance with a joint-trench procedure previously reviewed by the Bureau for consistency with 49 CFR 192.325.

(c) Backfill around gas pipelines shall be smooth, clean soil or select fill. It shall be free from rock, stones, cinders, paving material, construction debris, wood, contaminated soil, frozen soil, rubbish, or other foreign substances. Backfill material shall be well compacted under, over, and around the sides of the pipe. Compaction of backfill material may be accomplished by mechanical tamping, vibration tamping, or other methods approved by the operator.

(d) Whenever pipe coating is applied, the pipeline operator shall take the following additional precautions:

1. Tests and inspections shall be made before backfill to ensure that the coating is adequate and satisfactory; and
2. During backfill, precautions shall be taken to ensure the coating is not damaged.

(e) Any tracer wire installed for locating plastic pipe in accordance with 49 CFR 192.321 shall meet the following requirements, as applicable:

1. Where tracer wire is installed by direct burial, the tracer wire shall be a minimum of #12 AWG solid copper wire with a polyethylene coating, or another coating approved by the operator; and/or
2. Where tracer wire is installed by boring or drilling, the tracer wire shall be #10 AWG solid copper wire with a polyethylene coating, or another coating approved by the operator.

(f) An operator shall place a yellow subsurface marking or warning tape in the backfill material above a transmission or distribution pipeline whenever the pipeline is installed, repaired or replaced, except that this requirement shall not apply to a transmission or distribution pipeline that is being installed, repaired or replaced using techniques that do not disturb the backfill above the pipeline, such as directional drilling, insertion or boring. For pipes of less than 16 inches in diameter, the operator shall install one six-inch wide tape. For pipes of 16 inches or more in diameter, the operator shall install one 12-inch wide tape, or two six-inch wide tapes installed side by side.

Amended by R.1998 d.146, effective March 16, 1998.

See: 29 N.J.R. 5184(a), 30 N.J.R. 1050(a).

Substituted "A pipeline operator shall provide for the inspection, either by the operator or by a contractor, of all pipes during installation and prior to backfilling" for "Inspection for storing and handling of pipe shall be adequate" at the beginning, and inserted ", gouges" following "nicks".

Amended by R.2003 d.360, effective September 15, 2003.

See: 35 N.J.R. 1505(a), 35 N.J.R. 4307(b).

Added (b) and (c).

Recodified from N.J.A.C. 14:7-1.13 and amended by R.2009 d.69, effective March 2, 2009.

See: 40 N.J.R. 4915(a), 41 N.J.R. 1083(a).

Rewrote the section. Former N.J.A.C. 14:7-1.11, Valve assessment and emergency closure, recodified to N.J.A.C. 14:7-1.10.

**14:7-1.12 Minimum cover over natural gas pipelines**

(a) Gas distribution mains shall be installed with a cover of not less than 36 inches above the top of the pipe, except where interference with other subsurface structures makes it impracticable to maintain this depth of cover or where short length replacement sections of distribution mains require offsets that could result in the trapping of liquids, in which event the installed pipe shall be protected with shielding that conforms with gas industry standards, both in respect to material and manner of installation.

(b) Gas transmission pipelines shall be installed with a cover of at least 48 inches above the top of the pipe, except where interference with other subsurface structures makes it impracticable to maintain this depth of cover. In such cases, shielding shall be installed that conforms with gas industry standards, both in respect to material and manner of installation.

(c) Whenever conditions permit, gas service lines shall be installed with a cover of not less than 18 inches above the top of the pipe, except where interference with other sub-surface structures or the insertion/lining of service lines makes it impracticable to maintain this depth of cover. In such cases, shielding shall be installed that conforms with gas industry standards, both in respect to material and manner of installation.

Recodified from N.J.A.C. 14:7-1.14 and amended by R.2009 d.69, effective March 2, 2009.

See: 40 N.J.R. 4915(a), 41 N.J.R. 1083(a).

Section was "Minimum cover of mains". Rewrote (a) and (b); and added (c). Former N.J.A.C. 14:7-1.12, Blow-offs, repealed.

**14:7-1.13 Projections**

Any portion of a pipeline which protrudes above the ground shall be conspicuously painted, marked or fenced or otherwise protected against damage or tampering.

Recodified from N.J.A.C. 14:7-1.15 by R.2009 d.69, effective March 2, 2009.

See: 40 N.J.R. 4915(a), 41 N.J.R. 1083(a).

Former N.J.A.C. 14:7-1.13, Installation of pipe, recodified to N.J.A.C. 14:7-1.11.

**14:7-1.14 Pressure testing**

(a) Testing of all natural gas transmission and distribution pipelines shall be performed in accordance with 49 CFR 192, Subpart J, 192.501 through 192.517, 192.719 and 192.725.

(b) The Board shall be notified at least three business days prior to pressure testing of any gas transmission pipeline, through an e-mail or telephone call to the Board's Bureau of Pipeline Safety. Officials of municipalities wherein a line is to be tested shall also be notified in order that proper and adequate police protection may be provided.

(c) When water is used for the testing of a gas transmission or distribution pipeline, suitable provisions shall be made for disposal of the water on completion of the test. Suitable precautions shall also be taken to avoid contamination of local streams or water supplies in the event of a line failure during the testing.

(d) Test pressure for any gas transmission pipeline shall be maintained wherever possible for a period of 24 hours but in no event for a period of less than 12 hours. If an operator cannot perform a 24-hour test, the operator shall submit a written request to the Board for approval of a shorter test period, including an explanation of why a 24-hour test is not possible. Board staff in the Bureau of Pipeline Safety will review the request and will determine whether to approve a test period of less than 24 hours.

(e) The operator shall report the test results to Board staff in accordance with N.J.A.C. 14:7-1.26.

Recodified from N.J.A.C. 14:7-1.17 and amended by R.2009 d.69, effective March 2, 2009.

See: 40 N.J.R. 4915(a), 41 N.J.R. 1083(a).

Section was "Testing". In (a), substituted "49 CFR 192, Subpart J, 192.501 through 192.517, 192.719 and 192.725" for "the provisions of the Federal Code"; in (b), substituted "three business" for "two working" and inserted ", through an e-mail or telephone call to the Board's Bureau of Pipeline Safety"; in (c), inserted "or distribution" and "during the testing"; in (d), substituted "for any gas transmission pipeline" for "in accordance with (b) and (c) above," and inserted the last two sentences; and added (e). Former N.J.A.C. 14:7-1.14, Minimum cover of mains, recodified to N.J.A.C. 14:7-1.12.

**14:7-1.15 Meter and regulator stations: electric installations**

All electric equipment and wiring in meter, regulator, and gate stations shall be designed and installed in accordance with all applicable provisions of the National Electrical Code and ANSI/NFPA 70, as effective at the time of installation, incorporated herein by reference, and available at [www.NFPA.org](http://www.NFPA.org).

Amended by R.1998 d.146, effective March 16, 1998.

See: 29 N.J.R. 5184(a), 30 N.J.R. 1050(a).

Rewrote the section.

Recodified from N.J.A.C. 14:7-1.27 and amended by R.2009 d.69, effective March 2, 2009.

See: 40 N.J.R. 4915(a), 41 N.J.R. 1083(a).

Rewrote the section. Former N.J.A.C. 14:7-1.15, Projections, recodified to N.J.A.C. 14:7-1.13.

**14:7-1.16 Odorization**

(a) All gas in natural gas pipelines shall meet the standard for odorization in 49 CFR 192.625.

(b) Any gas having an insufficient odor of its own to serve as a warning agent in the event of the escape of unburnt gas shall be odorized with a suitable odorant. The Board shall be notified of the type of odorant used and the rates at which it will be added to the gas and the location of any odorization stations located within the State. A suitable log shall be kept showing the quantity of odorant added and the volume of gas odorized.

(c) An operator shall make periodic tests, on at least a monthly basis, at various end points in each system, to determine the adequacy of the odorization of the gas. The operator shall make and maintain, a suitable record of each test.

(d) The operator shall immediately report any indication of insufficient levels of odorant to the Board's Bureau of Pipeline Safety, regardless of how the operator becomes aware of such indication.

(e) Equipment for introduction of the odorant into the gas shall be so designed as to provide a uniform level of odor in the gas. The equipment and facilities for handling the odorant shall be located where the escape of odorant would not be a nuisance.

Amended by R.1998 d.146, effective March 16, 1998.

See: 29 N.J.R. 5184(a), 30 N.J.R. 1050(a).

Rewrote (a).

Recodified from N.J.A.C. 14:7-1.29 and amended by R.2009 d.69, effective March 2, 2009.

See: 40 N.J.R. 4915(a), 41 N.J.R. 1083(a).

Rewrote the section. Former N.J.A.C. 14:7-1.16, Corrosion control, repealed.

**14:7-1.17 Accidents and service interruptions—reporting**

(a) Each gas pipeline operator shall comply with the procedures for reporting accidents, set forth at N.J.A.C. 14:2-4.4, and 14:3-6.4, 6.5 and 6.6.

(b) Service interruptions affecting customers of gas pipeline operators in New Jersey shall be reported to the Board in accordance with N.J.A.C. 14:3-3.7. However, interruptions to service made in accordance with provisions set forth in contracts between gas pipeline operators and their customers need not be reported.

*The following annotations apply to former N.J.A.C. 14:7-1.30 prior to its recodification as N.J.A.C. 14:7-1.17(a) by R.2009 d.69:*

Amended by R.1998 d.146, effective March 16, 1998.

See: 29 N.J.R. 5184(a), 30 N.J.R. 1050(a).

Substituted references to operators for references to companies throughout; in (a), substituted a reference to the operator's plant for a reference to the utility's plant; and in (b), added 5 and 6.

Amended by R.2003 d.360, effective September 15, 2003.

See: 35 N.J.R. 1505(a), 35 N.J.R. 4307(b).

Rewrote the section.



*The following annotation applies to former N.J.A.C. 14:7-1.31 prior to its recodification as N.J.A.C. 14:7-1.17(b) by R.2009 d.69:*

Amended by R.1998 d.146, effective March 16, 1998.

See: 29 N.J.R. 5184(a), 30 N.J.R. 1050(a).

Inserted "of gas pipeline operators" following "customers" in the first sentence, and substituted a reference to operators for a reference to companies in the second sentence.

*The following annotation applies to N.J.A.C. 14:7-1.17 as adopted and amended by R.2009 d.69:*

Recodified from N.J.A.C. 14:7-1.30 and 14:7-1.31 and amended by R.2009 d.69, effective March 2, 2009.

See: 40 N.J.R. 4915(a), 41 N.J.R. 1083(a).

Sections were "Accidents" and "Interruptions", respectively. Recodified former N.J.A.C. 14:7-1.30 as (a) and former N.J.A.C. 14:7-1.31 as (b); in (a), updated the N.J.A.C. references; and in (b), substituted "in accordance with N.J.A.C. 14:3-3.7" for "promptly by the speediest means of communications available". Former N.J.A.C. 14:7-1.17, Testing, recodified to N.J.A.C. 14:7-1.14.

#### 14:7-1.18 Proposed construction

At least 45 calendar days prior to the construction or major reconstruction of any gas pipeline intended to be subjected to pressure in excess of 125 psig, a report shall be filed with the Board's Bureau of Pipeline Safety setting forth the specifications of such pipeline.

Recodified from N.J.A.C. 14:7-1.32 and amended by R.2009 d.69, effective March 2, 2009.

See: 40 N.J.R. 4915(a), 41 N.J.R. 1083(a).

Substituted "45 calendar" for "30" and "Board's Bureau of Pipeline Safety" for "Board". Former N.J.A.C. 14:7-1.18, Purging, repealed.

#### 14:7-1.19 Testing prior to transmission pipeline operation

(a) Before a transmission pipeline is placed in operation, a statement shall be submitted to the Board certifying that the pipeline has been tested and meets the requirements of 49 CFR 192, Subpart J, 192.501 through 192.517 and this chapter for the maximum operating pressure. This statement shall also include:

1. Test records, recording charts, and calibration reports confirming the pressure tests;
2. The computation of maximum allowable operating pressures in conformity with the provisions of the Federal Code; and
3. The results of leakage or tightness tests made on the line.

Amended by R.1998 d.146, effective March 16, 1998.

See: 29 N.J.R. 5184(a), 30 N.J.R. 1050(a).

Deleted a former (c).

Recodified from N.J.A.C. 14:7-1.33 and amended by R.2009 d.69, effective March 2, 2009.

See: 40 N.J.R. 4915(a), 41 N.J.R. 1083(a).

Section was "Compliance; supplementary data on tests". Rewrote the section. Former N.J.A.C. 14:7-1.19, Compressor stations: piping, repealed.

#### 14:7-1.20 Monthly inspection patrols and leak detection surveys

(a) Each transmission pipeline operator shall implement an inspection program with inspection patrols at least once per

month in Class 3 and Class 4 locations, to observe surface conditions on and adjacent to the transmission pipeline right-of-way for indications of leaks, construction activity, and other factors affecting safety and operation.

(b) An operator shall perform leak detection surveys on all bare and coated cathodically unprotected steel distribution lines, at intervals that are, at a minimum, consistent with 49 CFR 192.723. In addition, the operator shall perform more frequent surveys as the operator deems necessary based on leak history, leaks discovered by the public, and operating pressure.

(c) The leak detection surveys required under (b) above shall be performed using leak detection equipment that is at least as reliable and sensitive as flame ionization.

(d) An operator shall replace all bare and coated cathodically unprotected steel service lines within a definable area when records indicate that 20 percent or more of the bare and coated cathodically unprotected steel services within that definable area have exhibited leaks.

(e) The operator shall summarize and maintain all leak detection survey results along with the data collection notes and records of all surveys. The operator shall evaluate the results and identify and consider trends when making decisions regarding pipe replacement and the frequency of future surveys.

(f) Each operator shall report to the Board any leaks or other conditions that may affect safety or operations, which are discovered by patrols or by any other means, on a quarterly basis in a format provided by the Board's Bureau of Pipeline Safety.

New Rule, R.1997 d.128, effective March 17, 1997.

See: 28 N.J.R. 5146(a), 29 N.J.R. 104(b), 29 N.J.R. 903(b).

Recodified from N.J.A.C. 14:7-1.34 and amended by R.2009 d.69, effective March 2, 2009.

See: 40 N.J.R. 4915(a), 41 N.J.R. 1083(a).

Section was "Monthly patrols". Inserted designation (a); in (a), substituted "implement an inspection" for "have a patrol" and inserted "inspection"; and added (b) through (f). Former N.J.A.C. 14:7-1.20, Compressor stations: relief and pressure limiting devices, repealed.

#### 14:7-1.21 Public outreach

(a) Each transmission pipeline operator shall establish and maintain liaison with appropriate fire, police, and other public officials to:

1. Learn the responsibilities and resources of each government organization that may respond to a gas pipeline emergency;
2. Acquaint the officials with the operator's ability in responding to a gas pipeline emergency;
3. Identify the types of gas pipeline emergencies of which the operator notifies the officials; and
4. Plan how the operator and officials can engage in mutual assistance to minimize hazards to life or property.



(b) Each operator that is a public utility shall meet on at least an annual basis with appropriate fire, police, and other public officials of each municipality through which its transmission pipeline traverses as part of the liaison required pursuant to (a) above. An operator shall maintain records of its outreach meetings with local officials, including attendance and the basic topics covered at these meetings. The operator shall make such records available for inspection by Board staff. If an annual outreach meeting was not held with a municipality through which a transmission pipeline traverses, the operator shall notify the Board's Bureau of Pipeline Safety and shall provide justification for not holding an outreach meeting with the municipality.

(c) Each transmission pipeline operator shall provide annual notice of the existence of the pipeline to the residents of properties abutting the operator's pipeline, including the operator's telephone number which the resident may use to report any unusual odors or activities, including construction or dumping, around the pipeline. This notice may be mailed or distributed door-to-door to the abutting residents.

(d) In addition to meeting the requirements in this section, an operator's public outreach program shall meet the minimum requirements of RP 1162, as referenced in 49 CFR 192.616.

New Rule, R.1997 d.128, effective March 17, 1997.  
See: 28 N.J.R. 5146(a), 29 N.J.R. 104(b), 29 N.J.R. 903(b).  
Recodified from N.J.A.C. 14:7-1.35 and amended by R.2009 d.69, effective March 2, 2009.  
See: 40 N.J.R. 4915(a), 41 N.J.R. 1083(a).  
In (b), deleted "offer to" following "utility shall" and substituted "outreach meetings" for "attempts to meet", ", including" for "and of" preceding "attendance" and ". The operator" for "and" preceding "shall make", and inserted the last sentence; and added (d). Former N.J.A.C. 14:7-1.21, Compressor stations: remote safety shut-downs, repealed.

#### 14:7-1.22 Damage prevention

(a) A transmission pipeline operator shall make all reasonable efforts to provide on-site inspection oversight immediately prior to and during any excavation or back-filling, and for bored or horizontal directionally drilled installations, of which the operator is notified by the One Call System operator pursuant to N.J.A.C. 14:2, that exposes, potentially exposes, or crosses the operator's transmission pipeline. An operator shall maintain documentation of its efforts to provide oversight and shall make such documentation available to Board staff upon request.

(b) An operator shall comply with all applicable requirements of the Board's One-Call Damage Prevention System rules, N.J.A.C. 14:2. In addition, each operator shall take steps to develop the ability to electronically provide all information necessary to enable the operator's markout personnel to readily determine if the operator provides natural gas service to a particular location, such as the ability to determine if the customer is being billed, and where the operator's underground gas lines are located.

(c) When an operator becomes aware of a potential high risk excavation, as a result of a markout request from the One Call center, the operator shall do all of the following, as applicable:

1. If a proposed excavation is in close proximity to and/or crosses a transmission pipeline, the transmission pipeline operator shall provide for sufficient on-site inspection to ensure that the excavator takes all precautions when working around the transmission pipeline;

2. If a deep excavation is proposed in close proximity to and/or crossing underground gas transmission or distribution facilities, with the potential to cause undermining of the gas facilities and/or cave-ins of surrounding soil, the operator shall coordinate with the excavator to ensure the protection and support of the underground gas facilities in accordance with the support provisions in the One-Call rules, N.J.A.C. 14:2-3.3;

3. If a proposed excavation is in close proximity to and/or crosses underground gas distribution facilities, the operator shall evaluate the need to provide on-site inspection or continuing surveillance of the excavation activities, and shall provide such inspection or surveillance if necessary;

4. Take appropriate actions to:

- i. Check and verify clear access to gas valves that may be operated; and
- ii. Establish emergency contact information with the excavator; and

5. In preparation for potential high risk excavations around underground gas facilities, the operator shall provide training to operator personnel regarding appropriate actions to ensure the protection of operator facilities.

New Rule, R.1997 d.128, effective March 17, 1997.  
See: 28 N.J.R. 5146(a), 29 N.J.R. 104(b), 29 N.J.R. 903(b).  
Recodified from N.J.A.C. 14:7-1.36 and amended by R.2009 d.69, effective March 2, 2009.  
See: 40 N.J.R. 4915(a), 41 N.J.R. 1083(a).  
In (a), inserted "and for bored or horizontal directionally drilled installations," substituted "N.J.A.C. 14:2" for "N.J.S.A. 48:2-73 et seq.," substituted a comma for "or" preceding "potentially exposes" and inserted "or crosses"; rewrote (b); and added (c). Former N.J.A.C. 14:7-1.22, Compressor stations: clearance, repealed.

#### 14:7-1.23 Review of operating and maintenance standards

(a) A pipeline operator shall not adopt or revise any operating and maintenance standard after March 2, 2009, if the standard affects the frequency or performance of inspections, investigations, surveys, or testing, unless the operator has submitted the new standard or revision to the Bureau of Pipeline Safety for review under this section, to determine if the new standard or revision will adversely affect or otherwise downgrade the current level of compliance with the safety requirements of 49 CFR 192.603, 192.605 and this chapter.

(b) The pipeline operator shall submit a proposed standard or revision to the Bureau of Pipeline Safety at least 45 calendar days prior to implementing the operating and maintenance standard. The submittal shall demonstrate that the new or revised standard will not decrease the level of safety described in (a) above.

(c) If the Bureau of Pipeline Safety finds that the proposed standard or revision affects the ability of the pipeline operator to meet or improve the current level of safety, the Bureau shall notify the operator within 45 calendar days after receiving the proposed standard or revision to not institute the proposed standard or revision, and shall provide the operator with one opportunity to resubmit an updated proposal. The Bureau will accept, modify, or deny the resubmitted proposal within 30 calendar days after receiving the proposal.

(d) If the Bureau does not notify the operator under (c) above within 45 calendar days after receiving the initial proposed standard or revision, the operator may implement the standard or revision. Notwithstanding this subsection, the Bureau shall require the operator to amend its operation and maintenance standards as necessary if those standards are later discovered to be inadequate to ensure operator compliance with the safety requirements of (a) above.

New Rule, R.2003 d.360, effective September 15, 2003.

See: 35 N.J.R. 1505(a), 35 N.J.R. 4307(b).

Recodified from N.J.A.C. 14:7-1.37 and amended by R.2009 d.69, effective March 2, 2009.

See: 40 N.J.R. 4915(a), 41 N.J.R. 1083(a).

Section was "Revisions to operating and maintenance standards". Rewrote the section. Former N.J.A.C. 14:7-1.23, Compressor stations: fire prevention, repealed.

#### 14:7-1.24 Oversight of construction activity

(a) A pipeline operator shall provide for the inspection of all pipes during their installation, and prior to backfilling, in order to assure that the pipe installed is free of nicks, gouges or other forms of damage which would tend to reduce the strength of the pipe below the minimum required under the Federal Code and this chapter. This inspection shall be performed by the operator or by a qualified inspection contractor.

(b) A pipeline operator shall ensure that each contractor crew performing work on behalf of the operator is inspected by the operator's inspectors at least once each work day.

(c) A pipeline operator shall employ only inspectors that are qualified, by knowledge and experience, in all areas of work that will be inspected, and who meet all requirements of the operator's program for qualification of pipeline personnel, established under 49 CFR 192, Subpart N, 192.801 through 192.809, and approved by the Board's Bureau of Pipeline Safety in accordance with N.J.A.C. 14:7-1.23.

(d) A pipeline operator shall establish and maintain quality assurance/quality control inspection records for all work performed, whether by operator employees or contractors. At

a minimum, each inspector shall document and perform the following for each crew inspected during a quality assurance/quality control inspection:

1. Verify whether construction personnel meet all requirements of the operator's Bureau of Pipeline Safety-approved program for qualification of pipeline personnel for the work being performed;
2. Assess whether all applicable operator standards and procedures are followed correctly;
3. Document inspector recommendations for addressing any deficiencies found during the inspection;
4. Check Fuser and/or Welder qualification cards or records;
5. Check the condition of all heating plates used for plastic fusion;
6. Check the temperature of all heating plates used for plastic fusion;
7. Check the date of manufacture stamped on all plastic pipe in use to ensure compliance with American Society for Testing & Materials (ASTM) D-2513;
8. Check the depth of the pipe installation;
9. Check the distance of the pipeline from other structures;
10. Check the condition of all job-site fire extinguishers;
11. Check pressure gauges;
12. Check the storage, handling, and condition of pipe and coating; and
13. Check for evidence of mark-outs related to the Board's One-Call rules at the project site.

(e) A pipeline operator shall ensure the periodic inspection and calibration of all equipment, including, but not limited to, equipment used for cathodic protection, pipe jacking, leak detection, plastic fusion, and pressure testing, which is used in construction, operations, and maintenance activities, in accordance with the frequencies defined in the manufacturers' procedures and specifications. Inspection stickers shall be attached to all such equipment, indicating the date of the most recent inspection and/or calibration. The operator shall maintain records of all periodic inspections and calibrations.

(f) A pipeline operator shall provide for the inspection of all joint-trench pipe installations, and for inspectors to witness 100 percent of trench backfilling operations associated with joint-trench installations.

Amended by R.1998 d.146, effective March 16, 1998.

See: 29 N.J.R. 5184(a), 30 N.J.R. 1050(a).

Repeal and New Rule, R.2009 d.69, effective March 2, 2009.

See: 40 N.J.R. 4915(a), 41 N.J.R. 1083(a).

Section was "Compressor stations: electric installations".

**14:7-1.25 Directional drilling operations**

(a) A pipeline operator shall develop guidelines for horizontal directional drilling (HDD) and shall include these guidelines, subject to review by the Board's Bureau of Pipeline Safety under N.J.A.C. 14:7-1.23, in the operator's operating and maintenance standards.

(b) The guidelines required under (a) above shall establish minimum clearances between the pipeline to be installed by HDD and existing subsurface facilities.

(c) Prior to beginning any natural gas pipeline HDD work that will be in proximity to and/or will cross gas pipelines subjected to or intended to be subjected to pressure in excess of 125 psig, the pipeline operator shall prepare proposed horizontal directional drilling plan and profile drawings. The drawings shall depict all subsurface facilities in proximity to and/or crossing the proposed HDD alignment.

(d) Prior to any proposed HDD operation, the operator shall locate all existing subsurface facilities by test-hole excavation to verify the proposed HDD alignment.

(e) A pipeline operator shall ensure the safety of all gas lines and other subsurface facilities that will be crossed during an HDD operation, as follows:

1. Instrumentation that is approved by the operator to accurately locate the drilling/reaming head during HDD operations shall be provided, used, and maintained so as to assure appropriate clearances; or

2. If the instrumentation required under (e)1 above is not used to accurately locate the drilling/reaming head, the facilities that will be crossed shall be exposed on the side that will be crossed, prior to the crossing, in order to ensure appropriate clearances.

(f) A pipeline operator shall do one of the following to ensure the integrity of plastic pipe that is installed using HDD:

1. Utilize "window" excavations to view each section of plastic pipe as it is pulled in, so as to verify that the HDD pipe has not been damaged. The operator shall determine the number of "window" excavations needed for pipe inspection commensurate with the length of the HDD operation; or

2. Provide Bureau of Pipeline Safety staff with documentation to show that "window" excavations are not necessary because the soil characteristics and conditions will not adversely affect the plastic pipe during the HDD operations.

(g) A pipeline operator shall ensure that any pipe that is to be pulled in a HDD operation is supported during the operation as follows:

1. All coiled pipe shall be supported by a turntable type device; and

2. All straight pipe shall be supported by roller assemblies.

(h) A pipeline operator shall have an inspector physically present on site at all times when subsurface facilities are being crossed by HDD. An inspector shall also witness and document all pipe inspections at "window" excavations conducted under this section.

Amended by R.1998 d.146, effective March 16, 1998.

See: 29 N.J.R. 5184(a), 30 N.J.R. 1050(a).

Repeal and New Rule, R.2009 d.69, effective March 2, 2009.

See: 40 N.J.R. 4915(a), 41 N.J.R. 1083(a).

Section was "Compressor stations: ventilation".

**14:7-1.26 Operator reporting requirements**

(a) A pipeline operator shall report to Board staff all information required under this section. All reporting shall be done electronically if practicable, unless another method is required by Board staff.

(b) A pipeline operator shall report the location of all pipeline construction work in progress to Board staff upon request, or periodically as required by Board staff.

(c) A pipeline operator shall provide a copy of the following to the Board's Bureau of Pipeline Safety each year, not later than March 15, covering the preceding calendar year:

1. The Distribution System Annual Report required under 49 CFR 191.11. This report shall be submitted to the Board on U.S. Department of Transportation Form RSPA F 7100.1-1;

2. The Transmission System Annual Report required under 49 CFR 191.13 and 191.17. This report shall be submitted to the Board on U.S. Department of Transportation Form RSPA F7100.2-1; and

3. The following year-end inventories, submitted in a format provided by the Bureau of Pipeline Safety:

- i. Total miles of cast iron mains, listed by pipe diameter and system operating pressure; and

- ii. Total number of cast iron breaks, listed by pipe diameter and system operating pressure.

(d) A pipeline operator shall provide a copy of the following to the Board's Bureau of Pipeline Safety within the applicable deadlines:

1. Leak classification status report indicating the number of open, unrepaired leaks by grade classification, submitted by January 31 of each year, for the preceding calendar year, in a format provided by the Bureau of Pipeline Safety;

2. Excess flow valve (EFV) actuation report, indicating the quantity and location of EFV actuations (closures), listed by the cause of actuation. This report shall exclude actuations associated with operations and maintenance

activities of the operator, and shall be submitted by January 31 of each year, for the preceding calendar year, in a format provided by the Bureau of Pipeline Safety;

3. The operator's Transmission Pipeline Integrity Management Performance Measures Report, required under 49 CFR 192.945. These reports shall be submitted to the Board as follows:

i. The report covering January 1 through June 30th shall be submitted no later than August 31st of the same year; and

ii. The report covering January 1 through December 31st shall be submitted no later than February 28th of the following year;

4. Cathodic protection status reports indicating compliance with monitoring and remediation of protected structures, submitted quarterly in a format specified by the Bureau of Pipeline Safety;

5. Incident reports required under 49 CFR 191.9 and 191.15, submitted within the applicable deadline in the Federal Code;

6. Safety-related condition reports required under 49 CFR 191.23, 191.25, and 191.27, submitted within the applicable deadline in the Federal Code;

7. All notifications submitted to the U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA); for example, a notification required by 192.949 for Gas Transmission Pipeline Integrity Management; and

8. Pressure test records for all gas transmission pipelines, submitted within one month after the test date, and including all of the following:

- i. Pressure and temperature recording charts;
- ii. Dead weight test records;
- iii. Other records of pressure and temperature readings; and
- iv. Calibration records for recording instruments.

(e) A transmission pipeline operator shall submit to Board staff its valve assessment and emergency closure plan and emergency closure drill audit reports in accordance with the schedule set forth in N.J.A.C. 14:7-1.10.

Amended by R.1998 d.146, effective March 16, 1998.  
See: 29 N.J.R. 5184(a), 30 N.J.R. 1050(a).  
Repeal and New Rule, R.2009 d.69, effective March 2, 2009.  
See: 40 N.J.R. 4915(a), 41 N.J.R. 1083(a).  
Section was "Meter and regulator stations: piping".

#### 14:7-1.27 (Reserved)

Recodified to N.J.A.C. 14:7-1.15 by R.2009 d.69, effective March 2, 2009.  
See: 40 N.J.R. 4915(a), 41 N.J.R. 1083(a).  
Section was "Meter and regulator stations: electric installations".

#### 14:7-1.28 (Reserved)

Amended by R.1998 d.146, effective March 16, 1998.  
See: 29 N.J.R. 5184(a), 30 N.J.R. 1050(a).  
Rewrote the section.  
Repealed by R.2009 d.69, effective March 2, 2009.  
See: 40 N.J.R. 4915(a), 41 N.J.R. 1083(a).  
Section was "Meter and regulator stations: general requirements".

#### 14:7-1.29 (Reserved)

Recodified to N.J.A.C. 14:7-1.16 by R.2009 d.69, effective March 2, 2009.  
See: 40 N.J.R. 4915(a), 41 N.J.R. 1083(a).  
Section was "Odorization".

#### 14:7-1.30 (Reserved)

Recodified to N.J.A.C. 14:7-1.17 by R.2009 d.69, effective March 2, 2009.  
See: 40 N.J.R. 4915(a), 41 N.J.R. 1083(a).  
Section was "Accidents".

#### 14:7-1.31 (Reserved)

Recodified to N.J.A.C. 14:7-1.17 by R.2009 d.69, effective March 2, 2009.  
See: 40 N.J.R. 4915(a), 41 N.J.R. 1083(a).  
Section was "Interruptions".

#### 14:7-1.32 (Reserved)

Recodified to N.J.A.C. 14:7-1.18 by R.2009 d.69, effective March 2, 2009.  
See: 40 N.J.R. 4915(a), 41 N.J.R. 1083(a).  
Section was "Proposed construction".

#### 14:7-1.33 (Reserved)

Recodified to N.J.A.C. 14:7-1.19 by R.2009 d.69, effective March 2, 2009.  
See: 40 N.J.R. 4915(a), 41 N.J.R. 1083(a).  
Section was "Compliance; supplementary data on tests".

#### 14:7-1.34 (Reserved)

Recodified to N.J.A.C. 14:7-1.20 by R.2009 d.69, effective March 2, 2009.  
See: 40 N.J.R. 4915(a), 41 N.J.R. 1083(a).  
Section was "Monthly patrols".

#### 14:7-1.35 (Reserved)

Recodified to N.J.A.C. 14:7-1.21 by R.2009 d.69, effective March 2, 2009.  
See: 40 N.J.R. 4915(a), 41 N.J.R. 1083(a).  
Section was "Public outreach".

#### 14:7-1.36 (Reserved)

Recodified to N.J.A.C. 14:7-1.22 by R.2009 d.69, effective March 2, 2009.  
See: 40 N.J.R. 4915(a), 41 N.J.R. 1083(a).  
Section was "Damage prevention".

#### 14:7-1.37 (Reserved)

Recodified to N.J.A.C. 14:7-1.23 by R.2009 d.69, effective March 2, 2009.  
See: 40 N.J.R. 4915(a), 41 N.J.R. 1083(a).  
Section was "Revisions to operating and maintenance standards".

SUBCHAPTER 2. VIOLATIONS, INFORMAL  
CONFERENCES, CIVIL ADMINISTRATIVE  
PENALTIES AND ADJUDICATORY HEARINGS

**14:7-2.1 Scope and purpose**

(a) This subchapter shall govern the Board's assessment of civil administrative penalties for violations of this chapter and any law, rule, regulation or order pertaining to natural gas pipeline safety, including violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq., pertaining to natural gas pipeline safety, gas pipeline distribution facilities, hazardous liquid underground pipelines or hazardous liquid distribution facilities, in accordance with N.J.S.A. 48:9-33 and 48:2-86.

(b) The Board may impose a civil administrative penalty by means of a Notice of Probable Violation (NOPV) followed by a Final Order of Penalty Assessment (FOPA); through an Administrative Order and Notice of Civil Administrative Penalty Assessment (AONOCAPA); or as otherwise permissible by law. The amount of the penalty shall be determined in accordance with N.J.A.C. 14:7-2.7.

(c) This subchapter shall also govern the procedures for issuing Notices of Probable Violations and Notices of Civil Administrative Penalty Assessment, requesting an informal conference, and requesting an adjudicatory hearing on an Administrative Order and Notice of Civil Administrative Penalty Assessment.

(d) For purposes of this subchapter, "violation" means a violation of any law, rule, regulation or order pertaining to natural gas pipeline safety; including any violation of the Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq., that pertains to natural gas pipeline safety, gas pipeline distribution facilities, hazardous liquid underground pipelines or hazardous liquid distribution facilities.

Amended by R.2009 d.69, effective March 2, 2009.  
See: 40 N.J.R. 4915(a), 41 N.J.R. 1083(a).  
Rewrote the section.

**14:7-2.2 Notices of probable violation**

(a) Upon discovery of a probable violation, Board staff may issue a written Notice of Probable Violation (NOPV) to the alleged violator. The NOPV shall be served in accordance with the New Jersey Office of Administrative Law's procedural rules at N.J.A.C. 1:1-7.

(b) The Notice of Probable Violation shall:

1. State the facts, which constitute the probable violation;
2. Identify the provision of law, rule, regulation or order violated;
3. Identify the maximum permissible penalty for the violation;

4. Include a form of Answering Certification, to be completed and submitted by the alleged violator;

5. Notify the alleged violator of both of the following:

i. Failure of the alleged violator to submit the Answering Certification within the deadline in N.J.A.C. 14:7-2.3(a) may result in Board findings as to the violation(s) in the NOPV through issuance of a Final Order of Penalty Assessment (FOPA), which may include the maximum penalty permissible by law, without further prior notice to the alleged violator; and

ii. The alleged violator may contest the NOPV in accordance with N.J.A.C. 14:7-2.3(b). If an alleged violator contests the NOPV, the Board may issue an Administrative Order and Notice of Civil Administrative Penalty Assessment in accordance with N.J.A.C. 14:7-2.5, in which case the alleged violator may request a hearing in accordance with N.J.A.C. 14:7-2.6.

(c) The Notice of Probable Violation may include an offer of settlement or compromise.

(d) The Board or its staff may withdraw a Notice of Probable Violation at any time.

Amended by R.1998 d.146, effective March 16, 1998.

See: 29 N.J.R. 5184(a), 30 N.J.R. 1050(a).

Recodified in part from N.J.A.C. 14:7-2.3 and amended by R.2009 d.69, effective March 2, 2009.

See: 40 N.J.R. 4915(a), 41 N.J.R. 1083(a).

Section was "Notices of probable violations and informal conferences". Recodified former N.J.A.C. 14:7-3.2(a) as (a) and (b); rewrote (a) and (b); and added (c) and (d). Former N.J.A.C. 14:7-2.2 was reserved.

**14:7-2.3 Response by alleged violator to Notice of Probable Violation**

(a) The alleged violator shall respond to the Notice of Probable Violation by submitting the completed Answering Certification to the Board's Division of Reliability and Security within 14 business days after receiving the Notice of Probable Violation and form of Answering Certification. The alleged violator shall submit the Answering Certification regardless of whether the alleged violator wishes to contest the NOPV.

(b) If the alleged violator wishes to contest the NOPV, the alleged violator shall indicate this on the Answering Certification. Board staff may hold an informal conference with the alleged violator.

(c) Following the alleged violator's submittal of the Answering Certification, the Notice of Probable Violation may be resolved informally; and/or the staff and the alleged violator may enter into a written settlement agreement, which shall be presented to the Board for approval.

(d) Nothing in this section or in N.J.A.C. 14:7-2.2 shall prevent the Board from issuing an Administrative Order and Notice of Civil Administrative Penalty Assessment pursuant

to this subchapter at any time upon discovery of a probable violation, nor shall this section be deemed to affect the availability of any other enforcement provision provided for by law, in connection with the probable violation.

(e) If the NOPV is not resolved informally under this section, Board staff may present the matter to the Board for further action as determined by the Board, which may include, but shall not be limited to, the issuance of an AONOCAPA.

Amended by R.1998 d.146, effective March 16, 1998.

See: 29 N.J.R. 5184(a), 30 N.J.R. 1050(a).

Amended by R.2009 d.69, effective March 2, 2009.

See: 40 N.J.R. 4915(a), 41 N.J.R. 1083(a).

Section was "Notices of probable violations and informal conferences". Recodified former (a) as N.J.A.C. 14:7-2.2(a) and (b); recodified former (b) as (a) and (b); rewrote (a) and (b); in (c), substituted "Following the alleged violator's submittal of the Answering Certification, the" for "The" at the beginning, and "; and" for "following the alleged violator's response and informal conference, if any;"; and deleted "of the Division" following "staff"; deleted former (d); recodified former (e) as (d); in (d), substituted "Nothing" for "The procedure set forth" and "this subchapter" for "N.J.A.C. 14:7-2.4 and 2.5", inserted "or in N.J.A.C. 14:7-2.2", and deleted "not" preceding "prevent", "of any law, rule, regulation or order pertaining to natural gas pipeline safety, including violations of the Underground Facility Protection Act (P.L. 1994, c.118) pertaining to natural gas pipeline safety" preceding the first occurrence of "violation" and "the procedures in" preceding "this section"; and added new (e).

#### **14:7-2.4 Failure of alleged violator to submit Answering Certification**

(a) If the alleged violator fails to submit the Answering Certification within the deadline at N.J.A.C. 14:7-2.3(a), or fails to attend a hearing or conference as required under this subchapter, the alleged violator shall be deemed in default.

(b) If an alleged violator is in default, Board staff may present the Notice of Probable Violation (NOPV) to the Board for findings and issuance of a Final Order of Penalty Assessment (FOPA), without further notice to the alleged violator. Board staff shall also present proof of service of the NOPV in accordance with N.J.A.C. 1:1-7.2.

(c) If the Board finds one or more violations as set forth in the NOPV in an FOPA, the Board may assess the maximum penalty authorized by law for the violation without further prior notice to the violator and without further opportunity for the violator to contest the penalty.

(d) In determining the appropriate amount of a civil administrative penalty after a default, the Board shall not be bound by any compromise or settlement offer made to the alleged violator by Division staff, and shall apply the standards in N.J.A.C. 14:7-2.7.

(e) Payment of a civil administrative penalty assessed under this section is due on the 10th day following service upon the alleged violator of the Board's FOPA or as otherwise specified by the Board.

New Rule, R.2009 d.69, effective March 2, 2009.

See: 40 N.J.R. 4915(a), 41 N.J.R. 1083(a).

Former N.J.A.C. 14:7-2.4, Procedures for assessment and payment of civil administrative penalties, recodified to N.J.A.C. 14:7-2.5.

#### **14:7-2.5 Notice of Administrative Order and Civil Administrative Penalty Assessment (AONOCAPA)**

(a) In addition to the Notice of Probable Violation, which can be issued by Board staff under N.J.A.C. 14:7-2.3, the Board may at any time issue an Administrative Order and Notice of Civil Administrative Penalty Assessment.

(b) The Board shall serve an AONOCAPA in accordance with N.J.A.C. 1:1-7.2.

(c) The Board may, in its discretion, assess a civil administrative penalty for more than one offense in a single Administrative Order and Notice of Civil Administrative Penalty Assessment or in multiple Administrative Orders and Notices of Civil Administrative Penalty Assessment.

(d) An Administrative Order and Notice of Civil Administrative Penalty Assessment shall:

1. Identify the provision of the law, rule, regulation or order violated;
2. Concisely state the facts which constitute the violation;
3. Order such violation to cease;
4. Specify the amount of the civil administrative penalty to be imposed; and
5. Notify the alleged violator of the right to request an adjudicatory hearing pursuant to the procedures in N.J.A.C. 14:7-2.6. If no hearing is requested, the penalty set forth in the AONOCAPA will be due and owing on the 21st day following service on the alleged violator, without further notice.

(e) If no hearing is requested on an AONOCAPA pursuant to N.J.A.C. 14:7-2.6, an Administrative Order and Notice of Civil Administrative Penalty Assessment shall become a Final Order, and the penalty in the AONOCAPA shall become due and owing, on the 21st day following service of the Administrative Order and Notice of Civil Administrative Penalty Assessment on the violator.

(f) If a hearing is requested but the Board denies the hearing request pursuant to N.J.A.C. 14:7-2.6, an Administrative Order and Notice of Civil Administrative Penalty Assessment shall become a Final Order, and the penalty in the AONOCAPA shall become due and owing, upon service on the violator of notice of the hearing request denial.

(g) If an adjudicatory hearing is requested and conducted in accordance with N.J.A.C. 14:7-2.6, an Administrative Order and Notice of Civil Administrative Penalty Assessment shall become a Final Order upon service on the violator of a Final Order in the contested case.