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§ 261.1 Scope

This Part prescribes certain safety requirements related to the operation and maintenance of gas appliances and gas piping located beyond the outlet of the customer's meter set assembly. Unless specified herein, this Part does not apply to the design, fabrication, nor installation of piping and appliances beyond the outlet of the customer's meter set assembly (refer to the National Fuel Gas Code NFPA 54, as described in section 10.3 of this Title).

§ 261.3 Definitions

(a) As used in this Part:

(1) Apartment building means a building, either rented, leased, let or hired out, or containing separately owned condominium or cooperative apartment units, to be occupied or is occupied as the residence of three or more families living independently of each other.

(2) Operator means a person who engages in the transportation of gas.

(3) Person means any individual, firm, joint venture, partnership, corporation, association, State, municipality, cooperative association, or joint stock association, and including any trustee, receiver, assignee, or personal representative thereof.

(4) Transportation of gas means the transmission or distribution of gas by pipeline or the storage of gas.

§ 261.15 Operation and maintenance plan

(a) Each operator shall establish and file with the Albany office of the Gas Division of the New York State Department of Public Service a detailed written operating and maintenance plan for complying with all the provisions of this Part. This operating and maintenance plan shall include, as a minimum, procedures required to comply with the provisions of the leakage survey, carbon monoxide, and warning tag sections of this Part.

(b) Revisions to these written procedures shall be submitted to the Gas Division at least 30 days prior to the effective date thereof.

(c) The procedures shall include but not be limited to the requirements of this Part and shall be designed to make customers aware of hazardous conditions relating to their gas appliances and piping installations.

§ 261.17 Leakage survey

(a) Whenever the operator performs a leakage survey, as required by section 255.706 or 255.723 of this Title, said survey is to include all known underground gas piping beyond the outlet of the customer's meter, excluding customer piping in industrial complexes.

(b) A building used exclusively for metering and/or regulating gas is not considered the customer's building for purposes of compliance with this requirement.

(c) In the case of nonresidential customers, the customer may accept responsibility for the required leakage survey; however, the operator must maintain appropriate records and verify that the leakage survey was completed.

§ 261.19 High-pressure piping

As part of the procedures developed in compliance with section 261.15 of this Part, the operator's plan must provide for annual notification to the customer and owner that:

- (a) they receive gas in excess of 14 inches water column;
- (b) their piping system, including pressure reducing equipment, must meet the requirements of NFPA 54;
- (c) they must contact the operator for a safety review whenever a change in piping or appliances is planned; and
- (d) an inspection of their regulators by qualified individuals should be conducted.

§ 261.21 Carbon monoxide prevention

(a) When an operator has access to a residential premises for the purpose of responding to a complaint of a gas leak or odor, all operating vent-connected gas utilization equipment that are in the on-cycle shall be checked for flue spillage or possible malfunction, even if the inquiry into the cause of the visit has been satisfied.

(b) This check shall be made in accordance with paragraph 8.6 of the National Fuel Gas Code NFPA 54 (as described in section 10.3 of this Title).

(c) The operator shall check draft hoods for indications of improper flue draft; and, if this check fails, the operator shall treat it as a Class A condition under section 261.57(b)(3) of this Part.

(d) The operator is also to conduct a visual inspection of the service regulator vent if working in the vicinity of the regulator and it is accessible.

(e) Notwithstanding the provisions of subdivision (a) of this section, the operator need only attempt to check vent-connected appliances located in the basement or utility room in multifamily dwellings once in the 12-month period beginning October 1st each year.

(1) If the operator finds the basement or utility room locked, he must attempt to locate the superintendent in order to gain access.

(2) If access cannot be gained, the operator must document that no check was made for this reason.

(3) If another leak or odor complaint is investigated at the same location in the same 12-month period, the operator must again attempt to gain access.

(4) Notwithstanding paragraphs (1) and (2) of this subdivision, if there is reason to suspect that a gas leak or CO condition exists in an inaccessible area, the operator must call the police or fire department for assistance to gain access.

(f) Except as required under paragraph (e)(4) of this section, an operator need not comply with the preceding subdivisions of this section for residences covered by a municipal regulation requiring an annual inspection of heating equipment, including a check for flue spillage, so long as the Gas Division is provided with sufficient evidence that the municipality has an effective program to ensure compliance with its regulations.

(g) If the operator is satisfied that the cause of the customer's complaint is not a natural gas leak or a condition related to gas use, such as CO or flue spillage, he shall nevertheless attempt to identify the odor which prompted the customer complaint.

(h) When an operator lights or relights a vent-connected gas utilization appliance or responds to a complaint of a suspected CO condition, the appliance shall be checked for flue spillage or possible malfunction in accordance with paragraph 8.6 of the National Fuel Gas Code NFPA 54 (as described in section 10.3 of this Title).

§ 261.51 Warning tag procedures

(a) Each operator shall file and maintain warning tag procedures with the Gas Division of the New York State Department of Public Service.

(b) The procedures shall include but not be limited to the requirements of this Part and be designed to make customers aware of hazardous conditions relating to their gas appliances and piping installations.

(c) The procedures shall specify categories of employees who will be deemed to possess the training, knowledge and experience necessary to recognize hazardous conditions that warrant the issuance of a warning tag.

§ 261.53 HEFPA liaison

Whenever the disconnection results in a customer being unable to use the heating facilities, the operator shall notify its Home Energy Fair Practices Act (HEFPA) liaison with local social services departments (section 11.5(c)(2)(v) of this Title).

§ 261.55 Warning tag inspection

(a) Whenever an operator recognizes a condition whereby a gas appliance or gas line may cause a hazard to life or property, if allowed to operate in its current condition, the employee shall attach a warning tag to the appliance, piping or meter.

(b) The warning tag shall state the Class of the hazardous condition, the actions to be taken by the customer and shall recommend that the customer contact the company for a reinspection.

(c) The operator is not required to conduct a complete inspection of the entire installation every time it is on a customer's premises.

(d) The operator is to conduct a visual inspection of the service regulator vent when working in the vicinity of the regulator and it is accessible.

§ 261.57 Warning tag: Class A condition

(a) A Class A condition presents an immediate hazard requiring the operator to shut off the gas and lock the meter, unless the operator can effectively isolate the affected area from the rest of the system.

(b) Class A conditions include, but are not limited to:

(1) any leaking gas piping inside the building which cannot be stopped by temporary or permanent repair means;

(2) any space or water heating appliance that is not properly venting and is discharging carbon monoxide;

(3) any venting system, used to convey flue gases, that is defective, obstructed or inoperable; and

(4) heat exchangers which are corroded or cracked beyond repair or blocked and which cause products of combustion to enter the warm air distribution system.

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§ 261.59 Warning tag: Class B condition

(a) A Class B condition presents an immediate hazard requiring the operator to shut off the gas but not to lock the meter.

(b) If an extreme hardship would result (imminent danger to health and property) by shutting off the gas and the operator can render the condition temporarily safe, the gas may remain on for Class B conditions other than the one described in paragraph (c) (1) of this section.

(1) If the operator leaves the gas on and is not notified within five calendar days that repairs have been made, it shall conduct a reinspection and shall shut off the gas if the hazardous condition has not been permanently repaired.

(c) Class B conditions include, but are not limited to:

- (1) any leaking gas appliance inside the building which cannot be stopped by temporary or permanent repair means;
- (2) any gas appliance with a missing or inoperative required safety device;
- (3) defective or improper wiring which may cause an unsafe condition on a gas appliance;
- (4) any space heater or water heater with an inoperative thermostat;
- (5) open flame burners too close to combustibles; and
- (6) any unit other than a heating or hot water appliance having visual indications of improper combustion.

§ 261.61 Warning tag: Class C condition

(a) A Class C condition does not present an immediate hazard, but if not corrected, may become hazardous. The operator may leave the gas on.

(b) Class C conditions include, but are not limited to:

- (1) any gas pipe or appliance which was leaking and has been temporarily repaired;
- (2) situations where the clearance between combustibles and appliances or vent connectors are less than required but no immediate fire hazard exists;
- (3) any gas piping or appliance connection identified as improper or inappropriate;
- (4) vent connectors that have a rusty condition, no draft diverter where required, reduced size or are incorrectly installed but drawing satisfactorily;
- (5) improperly installed appliances such as those identified in the National Fuel Gas Code -- NFPA 54 (as described in section 10.3 of this Title); and
- (6) any properly vented appliance developing excessive carbon monoxide.

(c) For vented room heaters, excessive carbon monoxide shall be defined as 0.02 percent CO in an air-free sample of the flue gases when tested in an area having a normal oxygen supply.

(d) For all other vented appliances, excessive carbon monoxide shall be defined as 0.04 percent CO in an air-free sample of the flue gases when tested in an area having a normal oxygen supply.

§ 261.63 Warning tag: action and follow-up

(a) When a Class A condition is discovered, the operator shall lock off the gas supply at the meter, unless the affected piping or gas-fired appliance can be effectively isolated and secured from the rest of the system, and issue a warning tag.

(1) If the operator is not advised by the customer within 10 calendar days that the condition has been corrected and service is ready to be reinstated, the operator shall contact the customer no later than the end of the first business day after the 10-day period to determine the status of service.

(b) When a Class B condition is discovered, the operator shall, unless an extreme hardship would result, shut off the gas supply at the appliance and issue a warning tag.

(c) When a Class C condition is discovered, the operator shall issue a warning tag; gas service may be left on.

(d) Whenever a warning tag is issued, regardless of the class of the condition, the operator shall attempt to notify the customer and obtain a signature acknowledging receipt of such notice.

(1) In apartment buildings, the operator shall notify the property owner or agent (such as superintendent, custodian or maintenance worker) of the condition and state the corrections that are required.

(2) If the operator cannot obtain a signature, an additional notice shall be provided to the customer stating that a notice of hazardous condition tag has been issued and the corrective actions that are required.

(e) In the case of Class A conditions in New York City, the operator shall provide a written notification, including the address, date the warning tag was issued and a description of the hazardous condition, to the New York City Department of Buildings.

(f) In the case of Class A or B conditions in apartment buildings, the operator shall post a notice in a conspicuous place at or within the dwelling stating that a warning tag has been issued and including a description of the condition.

(g) The operator shall remove the warning tag when gas service is restored, or a requested inspection is made and the operator determines that the condition has been corrected.

(h) Whenever a Class C condition described in section 261.61(b)(6) of this Part is found between August 1st and January 31st of the same heating season, the operator shall conduct a reinspection within three months. If the condition is found between February 1st and July 31st of the same year, the inspection is to be conducted prior to the start of the next heating season.

§ 261.65 Warning tag records

(a) The operator shall maintain warning tag records which, as a minimum, shall indicate that the operator issued a warning tag, whether or not a signature was obtained, and the actions taken regarding the supply of gas to the faulty appliance or piping. The records shall also include the date of issuance, the nature of the hazardous condition, the signature and/or name of the person notified.

(b) In the case of all Class A conditions, and Class B and C conditions where reinspection was requested, the records shall also include any follow-up actions taken, the date and results of any reinspections and the date when the warning tag was removed.