

COMMUNITY AFFAIRS

DIVISION OF CODES AND STANDARDS

Liquefied Petroleum Gas

Adoption of NFPA 58 – 2017; Filling Fleet Vehicles; Department Reorganization

Proposed Amendments: N.J.A.C. 5:18-1.1, 1.2, 1.3, 1.4, 1.5, 1.7, 2.1, 3.1, 3.3, 3.6, 3.7, 4.1, 4.3, 5.1, 6.1, 6.2, 6.3, 6.4, 8.2, 9.1, 9.2, 9.4, 10.1, 10.2, 10.4, 10.5, 11.1, 11.6, and 5:18

Appendix A

Authorized by: Lieutenant Governor Sheila Y. Oliver, Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 21:1B-2 and 52:27D-509.

Calendar: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2019-058.

Submit written comments by July 19, 2019, to:

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The agency proposal follows:

Summary

The Department of Community Affairs (Department) is proposing to update the versions of the National Fire Protection Association Pamphlet (NFPA) 58 and 59 that are referenced in the

Liquefied Petroleum Gas rules, N.J.A.C. 5:18, to the 2017 editions. NFPA 58 contains the technical details necessary for the safe construction, operation, and maintenance of Liquefied Petroleum Gas (LPG) facilities. NFPA 59 contains the standards for gas utility plants. NFPA 58 and 59 are adopted by reference and are amended in the Administrative Code through proposal and adoption in the New Jersey Register.

The following significant changes occurred to NFPA 58 between the 2014 and 2017 editions. The Department is not proposing to amend these requirements, thus, the requirements will be adopted by reference upon adoption of this proposal.

- The 2017 edition added a new section that discusses the requirements for containers with attached supports.
- The 2017 edition added a new section that discusses the location and storage of containers that are not connected for use. When these containers contain product, they are required to be safeguarded and located in a secure location.
- A new requirement that changes the size of tanks that require concrete foundations formed to fit the contour of the container or saddles from 2,000 gallons water capacity to 4,000 gallons water capacity has been added.
- New requirements for the installation of skid tanks (which are portable tanks according to the definition set forth in NFPA 58) have been added. These include the proper surfaces on which skid tanks may be placed, proper support of the tanks, and allowable interconnection of tanks.
- The 2017 edition added a new section that requires cathodic protection for underground steel piping regardless of pipe size. The 2014 version of NFPA 58 only required cathodic protection for steel piping larger than one inch in diameter.

The Department is not adopting the 2017 change that added a new Chapter 12 dealing with motor vehicles fueled by liquefied petroleum gas. Motor vehicles are never addressed in N.J.A.C. 5:18, and therefore, the Department is deleting the chapter because it is outside the scope of the regulation.

A description of the proposed amendments follows.

1. Throughout the chapter and Appendix A, any references to the “Bureau” or “Bureau of Code Services” would be deleted. Due to a reorganization within the Division of Codes and Standards, the Bureau of Code Services no longer exists. Those terms have been replaced with “Division” or “Division of Codes and Standards” as appropriate. The Division’s mailing address would be updated throughout to reflect this reorganization. Because these changes are technical in nature, they are not identified individually in this description.
2. At N.J.A.C. 5:18-3.1(a)2ii and iii, amendments would reflect numbering changes that occurred between the 2014 and 2017 editions of NFPA 58.
3. At N.J.A.C. 5:18-3.1(a)4, amendments would reflect numbering changes that occurred between the 2014 and 2017 editions of NFPA 58 and delete “the phrase ‘After July 1, 2014,’ before the words ‘DOT cylinders in stationary service’ on the first line.”
4. At N.J.A.C. 5:18-3.1(a)5, amendments would reflect numbering changes that occurred between the 2014 and 2017 editions of NFPA 58.
5. At N.J.A.C. 5:18-3.1(a)7, amendments would combine subparagraphs (a)7ii and iii into a single subparagraph to reflect the current amendments made to section 8.4 of NFPA 58.
6. Proposed new N.J.A.C. 5:18-3.1(a)11 would delete Chapter 12 of NFPA 58, which deals with Liquefied Petroleum Gas motor vehicles, because it is outside the scope of N.J.A.C.

5:18.

7. At recodified N.J.A.C. 5:18-3.1(a)12, the title of Chapter 14, Marine Shipping and Receiving, of NFPA 58 would be added for consistency with other chapters that are deleted.

8. At N.J.A.C. 5:18-3.3(b) through (f), amendments would reflect numbering changes that occurred between the 2014 and 2017 editions of NFPA 58 and update the NFPA citations to the current edition.

9. Proposed new N.J.A.C. 5:18-3.3(o)2 would clarify that filling fleet vehicles from a delivery vehicle does not constitute using a cargo tank as a permanent storage facility and is permitted provided that there is a standard operating procedure approved by the Department in place.

10. At N.J.A.C. 5:18-3.6(a), amendments would update the reference to the edition of NFPA 58. In addition, at N.J.A.C. 5:18-3.6(a)3, the reference to the fire prevention code would be updated to reflect the correct section number.

11. At N.J.A.C. 5:18-3.6(a)10, amendments would add language that requires a label that graphically depicts the warning against bringing LP-Gas cylinders inside buildings. This label is required in addition to the current Spanish and English warning label. The requirement for the pictograph is included in existing N.J.A.C. 5:23-1.6(e); the amendment is proposed here for consistency.

12. At N.J.A.C. 5:18-5.1(a)3, the version of NFPA 58 would updated from 2014 to 2017

13. At N.J.A.C. 5:18-4.1 and 4.3, amendments would update the version of NFPA 59, which is adopted by reference, from the 2004 to the 2018 edition. The 2018 edition includes the following changes. The Department is not proposing to amend these new

requirements; thus, the requirements will be adopted by reference upon adoption of this proposal.

- New and clarified definitions;
- Removal of coverage for vehicular fuel operations because it is outside the scope of the chapter;
- Chapter 6, which addresses refrigerated containers, was updated to reflect current industry practices and external standard development. Instead of protecting only outside piping from physical damage and corrosion, all piping must now be protected and include an active system to detect leaks. It is no longer appropriate to utilize operating malfunctions to detect leaks;
- New piping cover requirements were added in Chapter 7 to establish the amount of cover needed based on soil conditions, pipe material, and piping system operating pressure;
- The National Board Inspection Code is now used to determine whether or not containers taken out of service for a year can be placed back into service;
- Expanded coverage of corrosion control and monitoring in Chapter 12 aligns with the standards set under Federal regulations;
- Revised method for sizing pressure relief devices for propane installations over 300 psig;
- New, specific requirements were established for ventilation in buildings that house LP-Gas operations. Requirements clarify the purpose and activation of the ventilation system to prevent the accumulation of flammable gas in the building;
- and

- Updated and clarified LP-Gas vaporizer requirements help ensure their safe installation and operation.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from rulemaking calendar requirements pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The proposed amendments will ensure that New Jersey is using the most current safety standard for liquefied petroleum gas installations. It is expected that the proposal will have a positive social impact. NFPA 58 and 59 are consensus standards that incorporate the perspectives of the industry, public, and regulators. NFPA 58 represents the current best practices for the installation of LP-Gas systems; NFPA 59 contains the current best practices for gas utility plants. This provides the public with an appropriate level of public safety. The clarification that fleet vehicles may be filled directly from delivery vehicles is consistent with the way that NFPA interprets the standard. The clarification will facilitate the use of alternate fuel vehicles. The use of standard operating procedures will ensure that the filling operation is performed safely.

Economic Impact

The Department does not anticipate that any of the changes to the 2017 version of NFPA 58 and 59 will have a significant economic impact. The clarification on the use of delivery vehicles for fueling fleet vehicles will have a positive economic impact on those wanting to use liquefied petroleum gas to fuel motor vehicles. Using a delivery vehicle will allow fleet vehicle operators to avoid the cost of installing a dispensing system.

Federal Standards Statement

A Federal standards analysis is not required because the proposed amendments are not being proposed for amendment under the authority of, or in order to implement, comply with, or

participate in, any program established under Federal law or under a State statute that incorporates or refers to Federal law, standards, or requirements.

Jobs Impact

The Department does not anticipate that the proposed amendments, which update NFPA 58 and 59 to the 2017 editions and allow for the filling of fleet vehicles from delivery vehicles, would result in either the creation or loss of jobs.

Agricultural Industry Impact

The Department does not anticipate that the proposed amendments, which update NFPA 58 and 59 to the 2017 editions and allow for the filling of fleet vehicles from delivery vehicles, would have any effect on the agricultural industry.

Regulatory Flexibility Statement

The proposed amendments would apply to liquefied petroleum gas marketers, most of whom would be considered small businesses as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendments would not create a hardship for businesses of any size and are necessary for public safety. Therefore, there is no basis for differential treatment of small businesses. The adoption of the 2017 edition of NFPA 58 is not expected to introduce any new recordkeeping or reporting requirements on small businesses, nor is it expected to cause small businesses to need to employ professional services not already required for compliance with the LP-Gas regulations. The new compliance requirements established in the 2017 edition of NFPA 58 are safety requirements; there is no basis for differential treatment of small businesses.

The adoption of the 2018 edition of NFPA 59 applies to companies that vaporize and distribute LP-Gas or LP-Gas mixtures to 10 or more customers, some of whom would be

considered small businesses. The proposed amendments would not create any new recordkeeping or professional service requirements for these companies. The new compliance requirements established in the 2018 edition of NFPA 59 are safety requirements; there is no basis for differential treatment of small businesses.

Housing Affordability Impact Analysis

The proposed amendments, which update NFPA 58 and 59 to the 2017 editions and allow for the filling of fleet vehicles from delivery vehicles, will not result in more expensive propane installations for residential structures. Therefore, the proposed amendments would not have any impact on the affordability of housing in the State and there is an unlikelihood that the proposed amendments would evoke a change in the average costs associated with housing.

Smart Growth Development Impact Analysis

The proposed amendments update NFPA 58 and 59 to the 2017 editions and allow for the filling of fleet vehicles from delivery vehicles. Because the proposed amendments do not impact zoning or what may be built in a given location, it is not anticipated that the proposed amendments will have an impact on smart growth or evoke a change in housing production within Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Department has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. GENERAL PROVISIONS

5:18-1.1 Purpose and scope

(a) – (b) (No change.)

(c) The following pertain to existing LP-Gas systems:

1. (No change.)

2. Existing systems shall be registered with the [Bureau] **Division** if required by N.J.A.C.

5:18-1.4 and containers shall be marked in accordance with N.J.A.C. 5:18-1.6.

(d) (No change.)

5:18-1.2 Applicability and jurisdiction

(a) (No change.)

(b) The issuance of permits for, and the inspection of, new liquefied petroleum gas systems of vapor delivery greater than 2,000 gallons aggregate water capacity and all liquid withdrawal systems shall be the responsibility of the [Bureau] **Division**.

(c) – (f) (No change.)

5:18-1.3 Compliance

(a)-(h) (No change.)

(i) The owner of an LP-Gas container found to be in a hazardous condition shall remove the container from the site as soon as possible or necessary, but in no case later than five working days of written notification by the [Bureau] **Division**.

(j) – (m) (No change.)

(n) Any person seeking a waiver or modification of any requirement set forth in this chapter in a specific situation where strict adherence to the requirement poses a hardship, or where technological advances allow an alternative that provides equivalent protection, may submit a request for such waiver or modification to the [Bureau Chief] **Department**. The application shall include a statement that explains why strict adherence to the rules would be problematic, or why an alternative would be appropriate, and a statement that documents that the alternative(s) requested would be consistent with the intent of the Act and of this chapter and would not result in any increased health or safety risk. The [Bureau Chief] **Department** may grant any such waiver or modification only upon a finding that doing so would not result in any increased health or safety risk and would be consistent with the intent of the Act and of this chapter.

5:18-1.4 Registration

(a) All existing LPG systems of greater than 2,000 gallons water capacity vapor delivery service, all liquid withdrawal systems, and all fill plants shall be registered by the owner with the [Bureau] **Division**.

1. (No change.)

(b) When there is a change in the ownership of an existing LPG system, the new owner shall register with the [Bureau] **Division** within ten business days of the change in ownership.

(c) All LP-Gas facilities, including producers, bulk plants, and industrial plants of 10,000 gallons water capacity or more, gas utility plants, marine or pipeline terminals, or tank farms, shall be registered with the [Bureau] **Division** in accordance with N.J.A.C. 5:18-9.1.

(d) – (e) (No change.)

5:18-1.5 Inspection of LPG systems by the [Bureau] **Division**

(a) All LPG systems of greater than 2,000 gallons water capacity vapor delivery service, all liquid withdrawal service systems, and all fill plants shall be inspected annually by the [Bureau] **Division**, with the exception of LPG systems meeting the requirements of N.J.A.C. 5:18-9, which shall be subject to a triennial audit, and those subject to local inspection, as set forth in N.J.A.C. 5:18-1.2(c).

(b) Upon successful completion of an initial inspection by the [Bureau] **Division**, a site-specific certificate of operation shall be issued.

(c) The certificate of operation shall indicate that the LPG system is in compliance with the applicable requirements of this chapter and shall be posted at a conspicuous location where representatives of the [Bureau] **Division** and members of the public may inspect it.

(d) Failure to remove any violations found as a result of an inspection made by the [Bureau] **Division** shall result in issuance of a written notice to abate the violations. Correction of violations shall be done in accordance with N.J.A.C. 5:18-7.3.

5:18-1.7 Reporting emergency situations

(a) (No change.)

(b) Whenever there is a fire or explosion or accident involving the public [which] **that** results in serious injury or loss of life or significant property damage from liquefied petroleum gas, the [Bureau] **Division** shall be notified in writing by the user/owner before the end of the first working day following the incident.

SUBCHAPTER 2. DEFINITIONS

5:18-2.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

...

["Bureau" means the Bureau of Code Services in the Division of Codes and Standards of the Department of Community Affairs.]

...

"Division" means the Division of Codes and Standards of the Department of Community Affairs.

...

SUBCHAPTER 3. NFPA 58 SYSTEMS

5:18-3.1 Standards adopted by reference

(a) The Liquefied Petroleum Gas Code, "NFPA [58-2014] **58-2017**," is hereby adopted by reference with the following modifications:

1. (No change.)
2. The following amendments are made to Chapter 3 of NFPA 58 entitled "Definitions":

- i. Section 3.2.2 is deleted. Substitute in lieu thereof, "[The Bureau] **Division** of Codes [Services] **and Standards** is the authority having jurisdiction unless otherwise noted."
- ii. Section [3.3.10] **3.3.9** is deleted and the definition of "Bulk plant" found in N.J.A.C. 5:18-2.1 is substituted in lieu thereof.
- iii. Section [3.3.34] **3.3.39** is deleted and the definition of "Industrial plant" found in N.J.A.C. 5:18-2.1 is substituted in lieu thereof.

3. (No change.)

4. The following amendments are made to Chapter 5 of NFPA 58 entitled "LP-Gas Equipment and Appliances":

- i. Section [5.2.2.1] **5.2.2.2** is deleted.
- ii. Section 5.2.3.1 is amended to add [the phrase "After July 1, 2014," before the words "DOT cylinders in stationary service" on the first line, and to add] the following sentence to the end of the section: "Any newly installed DOT container must meet the requalification requirements of this section at the time of installation. Where recertification of DOT containers cannot be accomplished because of weather or other extenuating circumstances, the container may remain in service for a period of 180 days after the expiration of the certification."
- iii. Section [5.7.4.2(C)] **5.9.4.2(C)** is amended to replace the date "July 1, 2003" with "July 1, 2007."
- iv. Section [5.7.4.2(D)] **5.9.4.2(D)** is amended to replace the date "July 1, 2011" with "July 1, 2015."

v. Section [5.7.4.2(G)] **5.9.4.2(G)** is amended to replace the date "July 1, 2003" with "July 1, 2007."

vi. Section [5.7.4.2(H)] **5.9.4.2(H)** is amended to replace the date "July 1, 2011" with "July 1, 2015."

vii. Section [5.20.6] **5.23.6** is deleted.

viii. Section [5.20.7] **5.23.7** is deleted.

5. The following amendments are made to Chapter 6 of NFPA 58 entitled "Installation of LP-Gas Systems":

i. Section [6.3.1.1] **6.4.1.1** is amended to delete the words "that can be built upon" on lines 5 and 6.

ii. Section [6.3.1.3] **6.4.1.3** is amended to delete the words "that can be built upon" on line 4.

iii. Section [6.3.2.2] **6.4.2.2** is deleted and the following language is substituted "Distances for all underground containers and mounded ASME containers shall be measured from the pressure relief valve and the filling connection."

iv. Section [6.3.2.3] **6.4.2.3** is amended to delete the words "that can be built upon" on line 3.

v. Table [6.3.1.1] **6.4.1.1** is amended to delete the words "that can be built upon" in the title.

vi. Section [6.4.4.13] **6.5.3.13** is amended to delete the words "600 volts, nominal" and replace them with the words "240 volts, nominal."

vii. Section [6.5.1.4] **6.7.1.4** is deleted.

viii. Section [6.6.7] **6.8.7** is deleted.

- ix. Section [6.9.1.1(4)] **6.11.1.1(D)** is amended to delete the words "LP-Gas vapor at pressures exceeding 20 psig (138 KPag) or";
- x. Section [6.9.1.2] **6.11.1.2** is deleted;
- xi. Section [6.9.4.6] **6.11.4.6** is amended to replace the term "(minimum AWG 14)" with the term "(minimum AWG 18)."
- xii. Section [6.11.1] **6.13.1** is amended to replace the date "July 1, 2003" with "July 1, 2007."
- xiii. Section [6.15.3] **6.17.3** is deleted and the following shall be substituted in lieu thereof "Liquefied Petroleum Gas vapor piping between the second stage regulator and appliances shall be tested in accordance with the Uniform Construction Code (N.J.A.C. 5:23)."
- xiv. Section [6.17.3.2(2)] **6.19.3.2(2)** is amended to add the following sentence "Where containers are bedded and backfilled such that there is a minimum of 12" of washed concrete sand surrounding the tank, the test interval shall not exceed 60 months."
- xv. Section [6.20] **6.22** is deleted and the following language is substituted, "The installation of LP-Gas systems in buildings, on building roofs and exterior balconies shall be in accordance with the Uniform Construction Code (N.J.A.C. 5:23) and the Uniform Fire Code. (N.J.A.C. 5:70)"
- xvi. Table [6.22.3.6] **6.24.3.6** is amended to delete the words "that can be built upon" on line 6 under the heading "Exposure."
- xvii. Section [6.24] **6.26** is deleted.

xviii. Section [6.25.3.8] **6.27.3.8** is amended to delete the words "remote closure and" in item (1) and to delete the words "fitted for remote closure and" in item (2).

xix. Section [6.25.3.9] **6.27.3.9** is deleted.

xx. Section [6.25.3.10] **6.27.3.10** is deleted.

xxi. Section [6.25.3.13] **6.27.3.13** is amended to delete the words "in accordance with 6.25.3.13(A) or 6.25.3.13(B)" and substitute in lieu thereof "in accordance with N.J.A.C. 5:18-3.3(i) or 5:18-3.3(j)."

6. (No change.)

7. The following amendments are made to Chapter 8 of NFPA 58 entitled "Storage of Cylinders Awaiting Use, Resale, or Exchange":

i. (No change.)

ii. Section 8.4 is deleted and the following language is substituted: "The storage of LP Gas outside of buildings shall be in accordance with the Uniform Fire Code (N.J.A.C. 5:70).["

iii. Section 8.4 is deleted and the following language is substituted "] Cylinder exchange cabinets shall be installed and maintained in accordance with the Uniform Fire Code (N.J.A.C. 5:70)."

[iv.] **iii.** (No change in text.)

8. – 10. (No change.)

11. Chapter 12 of NFPA 58 entitled “Motor Vehicles Intended for Over-the-Road Use or Designed to Transport Passengers and are Fueled by LP-Gas” is deleted.

[11.] **12. Chapter 14 entitled “Marine Shipping and Receiving” is deleted.**

(b) (No change.)

5:18-3.3 Container storage

(a) (No change.)

(b) Containers installed outside of buildings shall be located with respect to property lines other than public ways, buildings, or bulk storage of hazardous materials in accordance with Table [6.3.1] **6.4.1.1** of the Liquefied Petroleum Gas Code, NFPA [58-2014] **58-2017**.

1. The term "buildings" as used in this subsection shall not be construed to include the buildings described in paragraph [6.3.5] **6.4.3.1** of the referenced standard.

2. The term "hazardous materials" as used in this subsection shall recognize the specific requirements for the specific hazardous materials described in paragraphs [6.4.5.5, 6.4.5.6 and 6.4.5.8] **6.5.3.6, 6.5.3.7, 6.4.3.8, 6.5.3.9, and 6.5.3.11** of the referenced standard.

(c) Containers installed outside of buildings shall be located with regard to the near side of a public way in accordance with the schedule of aboveground containers of Table [6.3.1] **6.4.1.1** of Liquefied Petroleum Gases, NFPA [58-2014] **58-2017**, as provided below:

1. – 2. (No change.)

(d) (No change.)

(e) Installations of LP-Gas systems with aboveground containers of 90,000 gallons individual or aggregate water capacity or more that present a serious exposure hazard shall be protected by one of the following: distances at least 50 percent greater than the schedule of aboveground containers of Table [6.3.1] **6.4.1.1** of Liquefied Petroleum Gas Code, NFPA [58-2014] **58-2017**, water spray protection, fixed monitors, or insulation.

(f) If more than six containers, each of which is of 2,000 gallons water capacity or more, are used at a single site, the containers shall be separated into batteries of not more than six containers with batteries separated from each other by the distances required for the schedule for mounded or underground containers of Table [6.3.1] **6.4.1.1** of Liquefied Petroleum Gas Code, NFPA [58-2014] **58-2017**.

(g) – (n) (No change.)

(o) Cargo tank vehicles and tank cars shall not be used as a permanent storage facility.

1. (No change.)

2. This section shall not preclude the filling of vehicles at a consumer's site directly from a delivery vehicle, provided that the Department is notified in writing that the practice is being implemented and standard operating procedures for the practice are submitted to the Department and approved prior to commencing the operation at the facility.

(p) – (r) (No change.)

5:18-3.6 Cylinder exchange cabinets

(a) In addition to complying with the requirements of Chapter 8 of the Liquefied Petroleum Gas Code, NFPA [58-2014] **58-2017**, the operator of every location providing LPG cylinder exchange cabinets shall:

1. – 2. (No change.)

3. Comply with all provisions of section [F-3605.0] **6109** of the Fire Prevention Code, N.J.A.C. 5:70-3;

4. – 8. (No change.)

9. Ensure that all employees who exchange cylinders are properly trained and know how to check for leaks and what emergency procedures to follow if a leak is discovered. Only properly trained employees shall remove cylinders from or place cylinders in the cylinder exchange cabinet. This training shall be as approved by the [Bureau] **Division** and in accordance with these rules; and

10. Ensure that, when exchanging cylinders, the employee affixes a label to the collar of the cylinder that includes the following warning printed in English and in Spanish:

"Flammable Gas--Never Use or Store Indoors/Gas Inflammable--Nunca Se Use o Guarde Adentro." **In addition to this written warning, a label that graphically depicts the prohibition on bringing a cylinder indoors shall be affixed to the collar of the cylinder.**

5:18-3.7 Unsafe container or system

(a) Any system or container that does not comply with the requirements of this chapter or any standards incorporated by reference and that constitutes an immediate threat to safety shall be designated as unsafe by the [Bureau] **Division** by means of a tag prohibiting use that shall include the inspector's name and the date of inspection.

(b) Any system or container that has been tagged so as to prohibit use shall not be used until all deficiencies have been corrected.

1. The owner of any system or container thus tagged shall be notified immediately by the [Bureau] **Division** and provided with a copy of the inspection report in which the deficiencies are indicated.

(c) A tag prohibiting use shall not be removed from a system or container until the [Bureau] **Division** determines that all deficiencies have been corrected and removed, or authorizes removal of the tag. The tag shall be returned to the [Bureau] **Division** immediately following removal.

SUBCHAPTER 4. NFPA 59 SYSTEMS

5:18-4.1 Standards adopted by reference

(a) "Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants," NFPA [59-2004] **59-2018**, is hereby adopted by reference, except that:

1. – 2. (No change.)

(b) (No change.)

5:18-4.3 Container storage

(a) Containers of liquefied petroleum gases at utility gas plants shall be located with regard to property lines other than a public way, buildings, or bulk storage of hazardous materials in accordance with the applicable schedule of Liquefied Petroleum Gases at: Utility Gas Plants, NFPA [59-2004] **59-2018**.

(b) Containers of liquefied petroleum gases at utility gas plants shall be located with regard to the near side of a public way in accordance with the applicable schedule for aboveground containers of Liquefied Petroleum Gases at Utility Gas Plants, NFPA [59-2004] **59-2018**.

(c) – (g) (No change.)

SUBCHAPTER 5. API 2510 INSTALLATIONS

5:18-5.1 Standards adopted by reference

(a) API 2510-2001, "Design and Construction of Liquefied Petroleum Gas (LPG) Installations," is hereby adopted by reference for the design and construction of liquefied petroleum gas (LPG) installations at marine and pipeline terminals, refineries petrochemical plants, and tank farms, except that:

1. – 2. (No change.)

3. NFPA [58-2014] **58-2017** may be used as the standard for those areas not specifically addressed by API 2510-2001, provided that the provisions of NFPA 58 do not conflict with the intent of API 2510-2001.

(b) (No change.)

SUBCHAPTER 6. RELEASE OF PLANS OR SUBMITTAL OF NOTICE OF LP-GAS
INSTALLATION AND APPROVAL OF NEW LP-GAS SYSTEMS

5:18-6.1 Submittal of plans

(a) As required in (b) below, at least three sets of plans shall be filed with the New Jersey Department of Community Affairs, Division of Codes and Standards, [Bureau of Code Services,] PO Box [816] **821**, Trenton, New Jersey [08625-0816] **08625-0821** prior to construction or installation of a proposed LP-Gas system or a substantial alteration to an existing system. Following plan release by the [Bureau] **Division**, one set of plans shall be submitted by the applicant to the local construction official in the municipality where the LPG system will be located.

(b) – (h) (No change.)

(i) Any specifications, design information, or data germane to the plan approval shall be made available to the [Bureau] **Division** upon written request.

(j) (No change.)

5:18-6.2 Release of plans

(a) The [Bureau] **Division** shall issue a letter of plan release after the plans have been examined and found to be in compliance with the applicable requirements of this chapter.

(b) Two copies of plans released by the [Bureau] **Division** shall be retained by the [Bureau] **Division** for its inspection service and official records. All other copies shall be returned to the applicant or professional engineer of record.

1. The [Bureau] **Division** shall provide written notification to the local construction official whenever it releases a plan.

(c) One set of the returned plans shall be kept on the construction site for inspection services by the [Bureau] **Division** during the entire construction period for the system.

(d) (No change.)

5:18-6.3 Approval of new LP-Gas system

(a) All new LP-Gas systems for which plans are required pursuant to N.J.A.C. 5:18-6.1 and all systems of over 2,000 gallons aggregate water capacity that will remain in place for six months or less shall be subject to inspection by the [Bureau] **Division**, after erection, to ensure that the LP-Gas facility is constructed in accordance with the requirements of this chapter. The inspection shall be performed after receipt of notification of completion from the professional engineer of record, who shall submit the completed application form and a letter of completion to

the [Bureau] **Division**. The inspection shall be made within seven business days of receipt of a request for inspection by the [Bureau] **Division**. If the erected site conforms to the requirements of this chapter, a certificate of approval shall be issued to the applicant or the professional engineer of record.

1. Exception: An engineering report shall not be required for systems that will remain in place for six months or less. For such systems, the applicant shall submit a request for inspection to the [Bureau] **Division**.

(b) – (c) (No change.)

5:18-6.4 Submittal of notice of LP-Gas installation

(a) (No change.)

(b) The notice of LP-Gas installation required by (a) above shall be filed with the [Bureau of Code Services] **Division** upon installation of any heating equipment or system using one or more tanks of 250 gallons or more water capacity that will remain in place for six months or less.

(c) The notice of LP-Gas installation shall be filed with the New Jersey Department of Community Affairs, Division of Codes and Standards, [Bureau of Code Services,] PO Box [816] **821**, Trenton, New Jersey [08625-0816] **08625-0821**.

(d) (No change.)

SUBCHAPTER 8. ANNUAL ASSESSMENTS AND FEES FOR INSPECTIONS OF FACILITIES USING NON-ODORIZED LP-GAS

5:18-8.2 Payment of annual assessment

(a) (No change.)

(b) All assessments shall be payable to "Treasurer, State of New Jersey" and shall be remitted to the [Bureau] **Division** of Codes [Services] **and Standards**, [P.O.] **PO** Box [816] **821**, Trenton, NJ [08625-0816] **08625-0821** on a semi-annual basis on or before the 25th day of January and on or before the 25th day of July of each year.

(c) A penalty of five percent shall be added to all payments received by the [Bureau] **Division** after the 25th day of the month following the end of the quarter.

(d) In addition to the penalty imposed under (c) above, interest at an annual rate of 12 percent shall be added to all payments received by the [Bureau] **Division** 30 days or more after the 25th day of the month following the end of the quarter.

SUBCHAPTER 9. QUALITY CONTROL AND MAINTENANCE AUDITS

5:18-9.1 Registration of LPG bulk and industrial plants

(a) The owner or operator of a LP-Gas facility, including producers, bulk plants and industrial plants of 10,000 gallons water capacity or more, gas utility plants, marine or pipeline terminals, or tank farms, shall register with the [Bureau] **Division** on forms provided by the [Bureau] **Division**.

(b) – (d) (No change.)

5:18-9.2 Quality control manual and records

(a) The owner or operator of a facility required to be registered pursuant to N.J.A.C. 5:18-9.1 shall prepare, maintain, and follow a quality control manual, which shall, at a minimum, include the following:

1. – 3. (No change.)

4. A description of a training program for LPG handling and safety approved by the [Bureau] **Division** of Codes [Services] **and Standards**. The training program shall meet the following requirements:

i. – ii. (No change.)

5. Standard operating procedures (SOP) and checklists for each facility in order to ensure, at a minimum, safe operation. Any such SOP or checklist shall include, where applicable, but not be limited to, the following:

i. (No change.)

ii. Delivery of LPG to any location. A checklist shall be provided to each driver and, when requested, to the [Bureau] **Division** inspector, to ensure that proper procedures, as required by this chapter, are followed;

iii. – viii. (No change.)

6. - 8. (No change.)

(b) – (c) (No change.)

(d) The [Bureau] **Division** shall have free access to the records of the facility maintained under (a), (b), and (c) above.

5:18-9.4 Certificates of operation and audits

(a) The owner or operator of a facility required to be registered pursuant to N.J.A.C. 5:18-9.1 shall be audited by the [Bureau] **Division** triennially after a satisfactory initial audit.

(b) Upon successful completion of an initial audit, the [Bureau] **Division** shall issue a site-specific certificate of operation, which shall be valid for three years.

(c) The certificate of operation shall indicate that the facility is in compliance with all applicable requirements of this chapter and shall be posted at a conspicuous location within the facility where it may be inspected by representatives of the [Bureau] **Division** and members of the public.

(d) In the event that an audit is not successful, an owner or operator shall be given 30 days to address all identified deficiencies. Subsequent audits shall be made as necessary in order to verify compliance with all applicable requirements.

1. The owner or operator may apply for, and the [Bureau] **Division** may grant, an extension of time to address deficiencies if the [Bureau] **Division** finds that such extension is needed, that the owner is making a good faith effort to correct deficiencies and that there is no threat to public health or safety.

(e) Failure to remove any violations found as a result of an audit made by the [Bureau] **Division** shall result in issuance of a written notice to abate the violations. Correction of violations shall be done in accordance with N.J.A.C. 5:18-7.3.

SUBCHAPTER 10. LICENSING

5:18-10.1 Licenses required

(a) No person, firm, or corporation shall engage in the business of marketing LP-Gas within the State of New Jersey without being licensed to do so by the [Bureau] **Division**.

(b) A license issued by the [Bureau] **Division** shall be valid for a period of 36 months.

(c) – (e) (No change.)

5:18-10.2 Application for licensure; fees

(a) An application for licensure shall be submitted on a form provided by the [Bureau] **Division** and shall include the following information:

1. – 10. (No change.)

(b) – (c) (No change.)

5:18-10.4 Fill plant and dispensing station operator training

(a) (No change.)

(b) Licensees shall maintain records of employee training and shall make those records available to the [Bureau] **Division** upon request.

5:18-10.5 Suspension and revocation of licenses and certifications and alternative sanctions

(a) The [Bureau] **Division** may suspend or revoke a license, or may deny renewal or issuance of a license, upon a finding that an applicant or licensee has engaged in acts or omissions harmful to public safety or to the protection of the public. Factors in determining whether a license should be revoked or suspended, or for how long a suspension should be in effect, shall include, but not be limited to, the extent and duration of the hazard to the public, the extent to which willful or reckless behavior was evident, prior history of like or similar violations, and the extent to which appropriate corrective action was taken.

(b) As an alternative to revocation or suspension of a license, the [Bureau] **Division** may assess a civil penalty, in accordance with N.J.S.A. 21:1B-5, or may issue a letter of warning, reprimand, or censure, if the [Bureau] **Division** determines any such action to be warranted. Any penalty imposed or letter issued shall be part of the licensing file of the business or individual, as the case may be.

(c) (No change.)

(d) Any person to whom the [Bureau] **Division** denies a license, or whose license is suspended or revoked, or who is ordered to pay a civil penalty, shall be entitled to appeal the action of the [Bureau] **Division** in an administrative hearing conducted in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1. The final decision shall be issued by the Commissioner.

SUBCHAPTER 11. CUSTOMER INFORMATION

5:18-11.1 Required information

(a) – (b) (No change.)

(c) Customers shall be informed that they have the right to contact the [Bureau] **Division** of Codes [Services] **and Standards** in the Department of Community Affairs. Customers may contact the [Bureau] **Division** between the hours of 8:30 [a.m.] **A.M.** and 4:30 [p.m.] **P.M.** by telephone at (609) 633-6385. Customers may also [e-mail] **email** the [Bureau] **Division** at LPGas@dca.state.nj.us.

5:18-11.6 Disclosure of Customer Rights and Company Policies

(a) Propane gas marketers shall provide customers with a Disclosure of Customer Rights and Company Policies, which contains the information provided in chapter Appendix C, incorporated herein by reference. If a marketer chooses to develop a Disclosure of Customer Rights and Company Policies that differs from the one provided in Appendix C, the information required in N.J.A.C. 5:18-11.1 through 11.5 shall be provided in the order set forth in Appendix C and shall be presented in a clear and concise manner.

1. Propane gas marketers shall submit the Disclosure of Customer Rights and Company Policies to the [Bureau of Code Services] **Division** for review two weeks prior to July 1, 2009.

2. Revisions to a Disclosure of Customer Rights and Company Policies previously approved by the [Bureau] **Division** of Codes [Services] **and Standards** shall be submitted to the [Bureau] **Division** for review prior to dissemination to customers.

APPENDIX A

AVAILABILITY OF STANDARDS AND PUBLICATIONS REFERRED TO IN THIS CHAPTER

A copy of each of the standards and publications referenced in this chapter is on file and may be inspected at the following office of the Division of Codes and Standards between the hours of 9:00 A.M. and 5:00 P.M. on normal working days:

State of New Jersey
Department of Community Affairs
Division of Codes and Standards
101 South Broad Street
Trenton, New Jersey

Copies of the referenced standards and publications may be obtained from the organizations listed below. The abbreviations preceding these standards and publications have the following meanings and refer to the organizations issuing the standards and publications listed or to volumes of statutes or administrative rules.

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N.J.A.C. New Jersey Administrative Code

Copies of N.J.A.C. 5:18 are available from:

[Bureau] **Division** of Codes [Services] **and Standards**

New Jersey Department of Community Affairs

PO Box [816] **821**

Trenton, New Jersey [08625-0816] **08625-0821**

Phone: 609-984-6835

Fax: 609-633-1040

Email: LPGas@dca.state.nj.us

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N.J.S.A. New Jersey Statutes Annotated

Copies of N.J.S.A. 21:1B-1 et seq., are available from:

[Bureau] **Division** of Codes [Services] **and Standards**

New Jersey Department of Community Affairs

PO Box [816] **821**

Trenton, New Jersey [08625-0816] **08625-0821**

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