

**MINUTES OF THE MARCH 31, 2011 MEETING OF THE LIQUEFIED  
PETROLEUM GAS EDUCATION AND SAFETY BOARD  
WILLIAM ASHBY DEPARTMENT OF COMMUNITY AFFAIRS BUILDING**

**Call to order:** The meeting was called to order at 1:35 p.m. by Chairman William P. Curcio. The Pledge of Allegiance was then recited, led by Larry Horowitz.

**Board members present:** William P. Curcio (Chairman), Larry A. Horowitz, Gerard C. Stocker, Gene Dougherty

**Board members absent:** William E. Rieger, Jr. (Vice Chairman), Thomas A. Leahy

**Department staff present:** Director Edward M. Smith, Acting Bureau Chief Michael Baier, Michael L. Ticktin, John Tomasone

**Member of the public present:** Michael Merrill

**Agenda:** On motion of Mr. Horowitz, seconded by Mr. Dougherty, the agenda was approved without objection.

**Public comments:** None

**Approval of minutes:** On motion of Mr. Horowitz, seconded by Mr. Dougherty, the minutes of the December 15, 2010 meeting were approved without objection.

**Committee Reports:**

**NFPA-58:** Mr. Stocker reported that the committee met and agreed to recommend adoption with modifications regarding cathodic protection systems.

**Old Business:**

**a) Certification tests for propane appliance installers/service workers/  
Norcross bill (S-2064):** Mr. Curcio reported that agreement was reached with Senator Norcross on the process for establishing plumber training. Representatives of both the plumbers and the HVACR contractors, whom the bill has been amended to include, want Certified Employee Training Program (CETP) training. Mr. Ticktin reported that S-2064 has been passed by both houses and is awaiting action by the Governor.

**b) Plans for altered LP-gas systems:** Mr. Curcio stated that a draft proposal regarding plans for altered LPG systems will be reviewed by the committee and discussed at the next meeting.

**c) Adoption of the 2011 edition of NFPA-58:** Mr. Stocker reported that the Department will prepare a proposal for discussion at the next meeting, based on the aforementioned recommendations of the committee.

**d) Bonding and grounding of CSST piping systems:** Mr. Baier stated that the requirements for bonding and grounding of corrugated stainless steel tubing (CSST) piping systems are now in a Uniform Construction Code (UCC) bulletin. (Mr. Ticktin noted that a UCC bulletin contains clarification of existing rules, but does not, in and of

itself, establish any new rules.) Mr. Baier further stated that there is no retrofit requirement involved, except in cases of renovation or imminent hazard. Mr. Dougherty asked if only above-ground piping was affected and Mr. Curcio said that was the case. Mr. Baier said that manufacturer's recommendations must be followed. Mr. Dougherty said that corrugated piping can be used in the house and above ground, and that metal piping must be electrically isolated. Mr. Curcio said that the question of the insulation union between indoor and outdoor piping would be kept on the agenda for the next meeting, and that the rules must be consistent with the International Fuel Gas Code.

e) **CETP requirements—21 months for new employees:** Mr. Baier said that, now that most people in the industry are up to speed, it is questionable whether there is any need to allow 21 months for new employees to be trained. Mr. Merrill recommended that it be reduced to 90 days. Mr. Stocker said that not enough courses are offered to allow compliance in 90 days. Mr. Curcio said that he thinks a period of 90 days is adequate, since he is able to train his employees within nine weeks. Mr. Merrill noted that his company, Suburban, utilizes electronic training. He also stated that the existing rule was needed in order to allow time for training for the whole industry, but now it is just for new employees. Mr. Curcio recommended that a six-month period be allowed. This recommendation was accepted unanimously.

**New Business:** None

**Information:**

Mr. Tomasone stated that the Department's audit procedure will now include checking for employees' CETP cards. Mr. Curcio said that Department inspectors should, in addition, look for employees' CETP cards when they go to a jobsite. Mr. Baier replied that, since the Department already has documentation of CETP certification from the audit, all that the inspector has to do is to verify the employee's identity from his driver's license and then check with the office records to make sure he has CETP certification.

**Board Comments:** Mr. Curcio asked what evidence is needed for the Department to act in cases in which a marketer fills a tank belonging to another marketer. Mr. Baier said that the Department would investigate on the basis of either a written or verbal complaint, but that credible evidence would be needed before the Department could take punitive action.

**Next meeting:** The next meeting is scheduled for May 17, 2011. Meetings are also scheduled for October 18, 2011 and December 13, 2011.

**Adjournment:** The meeting adjourned at 2:40 p.m.

Respectfully submitted,

Michael L. Ticktin, Board Secretary

**MINUTES OF THE DECEMBER 15, 2010 MEETING OF THE LIQUEFIED  
PETROLEUM GAS EDUCATION AND SAFETY BOARD  
WILLIAM ASHBY DEPARTMENT OF COMMUNITY AFFAIRS BUILDING**

**Call to order:** The meeting was called to order at 1:40 p.m. by Chairman William P. Curcio. The Pledge of Allegiance was then recited, led by Thomas. A. Leahy.

**Board members present:** Larry A. Horowitz, Gene Dougherty, Gerard C. Stocker, Thomas A. Leahy, William Neill

**Board members absent:** William E. Rieger, Jr. (Vice Chairman), Dianne McCarthy

**Department staff present:** Director Edward M. Smith, Acting Bureau Chief Michael Baier, John Tomasone, Carrie Battista

**Member of the public present:** Michael Merrill

**Agenda:** Mr. Curcio asked that New Business include discussion of inspection of CETP cards. With that change, on motion of Mr. Horowitz, seconded by Mr. Dougherty, the agenda was approved without objection.

**Public comments:** None

**Approval of minutes:** On motion of Mr. Stocker, seconded by Mr. Dougherty, the minutes of the October 19, 2010 meeting were approved without objection.

**Committee Reports:** None.

**Old Business:**

**a. Certification tests for propane appliance installers and service workers:** Mr. Horowitz reported that a meeting was held between representatives of the propane marketers and the plumbers to review the plumbers' proposed propane curriculum. There was discussion about how many different training materials were being used and how easy it would be to develop a uniform training curriculum. There was also discussion about the applicability of the amended Law to existing plumbers. The Staff and Mr. Curcio will work together to investigate the scope of the Law. Mr. Curcio stated the Board should wait to see the final version of the Law and what training materials are submitted to the Board and then discuss this issue further. The Board agreed.

**b. Plans for altered LP-Gas Systems:** At the last Board meeting it was agreed that if marketers have any questions regarding what changes require plans and what changes do not require plans, they should call John Tomasone to discuss. The issue was reopened to give Mr. Curcio the opportunity to voice his concerns. Mr. Curcio agreed that the Department would not be able to develop a chart that covered all possible circumstances and recognized that some judgment by the staff is inherent when deciding whether plans are required. However, after discussion, Mr. Curcio and the Board felt that

guidelines that described when plans are required for some of the more common modifications would be helpful. The Board also discussed that, in cases where work must be done quickly to prevent disruptions in customer service or to address emergencies, that marketers are able to proceed with work prior to the submission of plans acknowledging that they are proceeding at their own risk. It was agreed that staff will develop a set of guidelines, and that the people undertaking projects be encouraged to submit an e-mail description of work they plan, to the Department, in cases where they are unclear if plans need to be submitted.

**New Business:**

**a. Adoption of the 2011 edition of NFPA 58:** Mr. Baier stated he has ordered the 2011 edition of NFPA 58 for the board members. Once the books are received they will be sent to each board member. Mr. Baier will also schedule a meeting with the subcommittee to review this new edition. All Board members will be notified of the meeting.

**b. Bonding and Grounding of CSST piping systems:** Mr. Curcio stated that the manufacturers require bonding and grounding of CSST Gas Piping Systems but every state interprets this requirement differently. Mr. Baier handed out a bulletin issued by the Department that will be sent out to all Code Officials. There was a discussion on whether only a licensed electrician can perform the work on bonding and grounding of these systems. Mr. Curcio suggested that anyone doing installation of the CSST Gas Piping System should check with the local official on what is required.

**c. Inspection of CETP cards:** Mr. Curcio stated that some of the marketers are not following the Departments CETP requirements. He asked if the inspectors are spot checking while performing inspections. Mr. Baier stated that the Department receives, from the marketers, proof of the CETP card for each employee every July and that we are also spot checking while doing audits throughout the year. Mr. Curcio stated he believes there are several people who do not carry their CETP card on them between the audits. Mr. Merrill noted that it is the marketers' responsibility to ensure their employees have the proper CETP certifications. Mr. Baier stated he will have the inspectors increase their spot checks for CETP certifications. The Board also discussed whether the current rule, which allows 21 months for new employees to acquire the appropriate CETP beyond Basic Principles and Practices, should be modified. The Board agreed to investigate this at a future Board meeting.

**Information:**

**a. Rule on leak testing and service work certification of marketer employees:** This rule proposal has been submitted to the Governor's Office for approval. It is expected to be in the *New Jersey Register* by the Spring/Summer.

**Board Comments:** None.

**Next meeting:** The next meeting is scheduled for March 22, 2011. Remaining meetings in 2011 are scheduled for May 17, October 18 and December 13.

**Adjournment:** The meeting adjourned at 2:50pm.

Respectfully submitted,  
Michael E. Baier, Secretary Pro Tem

**MINUTES OF THE OCTOBER 19, 2010 MEETING OF THE LIQUEFIED  
PETROLEUM GAS EDUCATION AND SAFETY BOARD  
WILLIAM ASHBY DEPARTMENT OF COMMUNITY AFFAIRS BUILDING**

**Call to order:** In the absence of the Chairman and Vice-Chairman, the meeting was called to order at 1:25 p.m. by Secretary Michael L. Ticktin for the purpose of electing a Chairman *pro tempore*. On nomination by Mr. Leahy, seconded by Mr. Horowitz, Mr. Stocker was unanimously chosen. At 1:30, the meeting was again called to order under Mr. Stocker's chairmanship. The Pledge of Allegiance was then recited, led by Mr. Leahy, and attendance was taken by the Secretary.

**Board members present:** Larry A. Horowitz, Gene Dougherty, Gerard C. Stocker, Thomas A. Leahy, William Neill

**Board members absent:** William P. Curcio (Chairman), William E. Rieger, Jr. (Vice Chairman), Dianne McCarthy

**Department staff present:** Director Edward M. Smith, Acting Bureau Chief Michael Baier, Michael L. Ticktin, John Tomasone, Carrie Battista

**Member of the public present:** Michael Merrill

**Agenda:** On motion of Mr. Horowitz, seconded by Mr. Leahy, the agenda was approved without objection.

**Public comments:** None

**Approval of minutes:** The minutes of the May 11, 2010 meeting were approved without objection.

**Committee Reports:** None.

**Old Business:**

**a. Certification tests for propane appliance installers and service workers:**

Mr. Baier reported that legislation is currently pending to exempt licensed plumbers from the required training and testing program. Mr. Horowitz reported that meetings are going to be held between representatives of the propane marketers and the plumbers to review the plumbers' proposed propane curriculum. He said that the proposed legislation would require that any curriculum used by the plumbers must be acceptable to DCA. Mr. Horowitz asked whether people who are not affiliated with a marketer can take the training courses. Mr. Baier said that they can, and that they should do so if they intend to do propane work in the future.

**b. Requalification of DOT cylinders in stationary service:** Mr. Baier advised that there would not be sufficient time to adopt the rule amendment recommended by the Board to extend the deadline for qualification of DOT cylinders from January 1, 2011 to 2014 prior to the current deadline. He said that the Bureau would therefore encourage

marketers who cannot meet the current deadline to apply for waivers in which they could provide their schedule for the testing of DOT cylinders, while stating why the granting of the waiver would not adversely affect public safety. He further said that the Bureau intends to proceed with the processing of the rule proposal, with the date extended until July 1, 2014, as proposed by Mr. Stocker, seconded by Mr. Leahy and unanimously approved by the Board. Mr. Baier noted that marketers were generally conducting full 12-year hydrostatic tests on tanks, so extension to 2014 was reasonable. Mr. Neill asked what percentage of cylinders fail. Mr. Merrill said that some do, but he did not know the percentage. On motion of Mr. Leahy, seconded by Mr. Horowitz, the Board unanimously approved the sending to marketers of the letter concerning the need for waivers with regard to the requirement of cylinder testing by January 1, 2011 that was prepared by Mr. Baier and granting of waivers as appropriate.

**New Business:**

**Plans for altered LP-Gas systems:** Mr. Baier presented a chart indicating when plans would be required for alterations to LP-Gas systems. Mr. Stocker said that he thought it more realistic to continue the current system of having marketers notify the Bureau whenever a change to a system was contemplated and having the Bureau determine what documentation was necessary under the particular circumstances in order to assure safety. With the approval of the Board, he therefore deferred formal consideration of approval of the chart until the December meeting, when he expected that Chairman William Curcio, who had requested clarification on when plans are required, would be present to make his case as to why it is necessary.

**Information:**

**a. Rule on leak testing and service work certification of marketer employees:** This rule proposal has not yet been submitted to the Commissioner for approval. This will be done in the near future, with the proposal to extend the compliance date for DOT cylinder testing to July 1, 2014 included so that there will be only one LPG proposal in the *New Jersey Register* at one time.

**b. Readoption of the Liquefied Petroleum Gas rules, N.J.A.C. 5:18:** Mr. Ticktin said that the rules have been readopted and will continue in effect through September 2, 2015.

**Board Comments:** None.

**Next meeting:** The next meeting is scheduled for December 15, 2010. Meetings in 2011 are scheduled for March 22, May 17, October 18 and December 13.

**Adjournment:** The meeting adjourned at 2:12 p.m.

Respectfully submitted,  
Michael L. Ticktin, Board Secretary

**MINUTES OF THE MAY 11, 2010 MEETING OF THE LIQUEFIED  
PETROLEUM GAS EDUCATION AND SAFETY BOARD  
WILLIAM ASHBY DEPARTMENT OF COMMUNITY AFFAIRS BUILDING**

**Call to order:** The meeting was called to order at 1:32 p.m. by Chairman William P. Curcio. The Pledge of Allegiance was then recited, led by Thomas. A. Leahy.

**Board members present:** William P. Curcio (Chairman), Larry A. Horowitz, Gerard C. Stocker, Thomas A. Leahy, William Neill

**Board members absent:** William E. Rieger, Jr. (Vice Chairman), Gene Dougherty, Dianne McCarthy

**Department staff present:** Director Cynthia A. Wilk, Acting Bureau Chief Michael Baier, Michael L. Ticktin, John Tomasone

**Member of the public present:** Michael Merrill

**Agenda:** Mr. Horowitz asked that New Business include discussion of test dates for DOT cylinders. With this change, the agenda was approved without objection.

**Public comments:** None

**Approval of minutes:** The minutes of the March 23, 2010 meeting were approved without objection.

**Committee Reports:** None.

**Old Business:**

**a. Certification tests for propane appliance installers and service workers:**  
Mr. Curcio reported that he has been in contact with the committee in Pennsylvania that is in the process of developing a test in basic principles that could be used as a basis for certification of non-industry people. If accepted by DCA as being within the framework of CETP (Certified Employee Training Program) but independently graded, this course would allow people to take other courses without having to study material that would not be relevant to someone who is not in the propane industry. The next step would then be to have discussions with the national offices of the Propane Education and Research Council (PERC), which develops tests, and the National Propane Gas Association (NPGA), which issues certifications. These discussions would take place in a conference call that would include DCA representatives. Ms. Wilk reminded the board that DCA has said that it would not object if the plumbers were to seek legislation exempting them from propane installation certification requirements. Mr. Curcio said that he saw no problem with including the plumbers in the program, if they so desired, and that he could not object to any attempt by the plumbers to secure statutory exemption from propane installation certification requirements, since propane marketers had similar objections to dual regulation when the HVACR(Heating Ventilation Air-Conditioning and

Refrigeration) licensing bill was before the Legislature, and were successful in obtaining exemption. Ms. Wilk said that she would seek to find out what course of action the plumbers would be pursuing. Mr. Curcio asked that she tell them that we are now in a position to create a test that would be limited to what plumbers would actually be doing with propane, thus answering their objection to having to spend time learning about propane delivery and other matters not relevant to their work. Mr. Curcio and Ms. Wilk agreed that the conference call with PERC and NPGA should take place at DCA. Mr. Horowitz said that the list of basic principles that would be covered in the non-industry course should be sent to PERC. Mr. Curcio asked who in the industry should talk to PERC before the conference call. Mr. Leahy recommended that it be Mr. Merrill, and Mr. Curcio agreed. Mr. Curcio noted that all propane installers are required to be certified by October 5, 2010 and that they are now required to take the CETP course.

**b. Rule proposal on leak testing and service work certification of marketer employees:** Mr. Baier presented the revised text of the proposal, which includes changes made in response to recommendations that were made by board members. Mr. Stocker asked what triggers the need for a leak test. Mr. Curcio said that a leak test is needed whenever there is a change of marketer. Mr. Baier noted that it would not be needed if the only change were a change in the marketer name or ownership currently serving the property. On motion of Mr. Horowitz, seconded by Mr. Leahy, the board voted unanimously to approve the proposal. Mr. Ticktin said that the proposal would now have to be signed by the Commissioner and, after approval by the Governor's office, filed with the Office of Administrative Law for publication in the *New Jersey Register*. He noted that we are currently awaiting advice from the Governor's office as to the procedures for their review that agencies will be expected to follow.

#### **New Business:**

**a. Notice of proposed readoption of the Liquefied Petroleum Gas rules, N.J.A.C. 5:18:** Mr. Ticktin explained that the Administrative Procedure Act provides that rule chapters expire five years after adoption, or their last readoption, if they are not readopted. The Department is proposing to readopt the existing rules without change. Ms. Wilk explained that we have found it be advisable not to propose amendments as part of a readoption proposal, since doing so would create unnecessary complications. On motion of Mr. Horowitz, seconded by Mr. Leahy, the board approved the readoption proposal.

**b. Extension of January 1, 2011 deadline for testing of all DOT cylinders:** Mr. Horowitz asked that this matter be added to the agenda because he thinks that the current deadline for testing of all DOT (Department of Transportation) cylinders is unrealistic. Mr. Curcio noted that, under current New Jersey rules, all cylinders must be tested by January 1, 2011 and agreed that this was unrealistic. He also said that the local permit fees that would have to be paid are excessive. Ms. Wilk said to call her if there are any permit fee problems. She also said that any change to the rule would have to be proposed very soon, and that DCA and the board would have to prepare a proposal and the board would have to vote on it. Mr. Stocker said that current USDOT (United States Department of Transportation) rules require that cylinders that are at least 12 years old must be requalified, without regard to any 2011 deadline, though he acknowledged that

USDOT only has jurisdiction over cylinders while they are in transit. Mr. Curcio recommended extending the compliance date to some time several years in the future, and that the intervening time is used to adopt rules requiring cylinders to be safe and to consider whether there is any need for a date. Mr. Baier said that the intent of having a date was to force compliance within a reasonable period of time. Mr. Neill recommended changing the date to 2014, with a proviso that one-third of the cylinders be inspected each year. Mr. Curcio noted that we have previously said that there would be no extensions. Mr. Stocker said that the first thing an inspector should look at should be the date the cylinder was last qualified. Mr. Curcio noted that, in the event of an accident, there is liability if the cylinder is out of date. Mr. Leahy expressed concern about recordkeeping, and how marketers would keep all the information about cylinders straight. Mr. Curcio said he wants to pick a future date, but require all new installations to have at least five years remaining before requalification would be required. Mr. Stocker agreed that five years would be acceptable. Mr. Curcio asked that DCA propose an extension of the compliance date. Mr. Leahy would like the board to come up with a proposal within six months. Mr. Neill asked if this could be done by the October meeting. Ms. Wilk said that it could be done and that there would be a vote by phone on such a proposal. Mr. Leahy made a motion, seconded by Mr. Horowitz, to propose a change to the rules to move the compliance date for DOT cylinders from January 1, 2011 to January 1, 2014, but to require new installations to be in date. The motion was approved without objection.

**Information:**

The board received copies of three letters that DCA proposes to send out—a letter to marketers regarding the need to submit lists of employees on an annual basis; a letter to marketers regarding rules on disconnecting tanks belonging to other marketers; and a letter to LPG regulators in neighboring states regarding the need for marketers in their states who do business in New Jersey to be licensed by DCA. Mr. Leahy questioned the reference, in the letter on disconnecting of tanks, to pump connections, since there are no pump connections at a single-family house. Mr. Tomasone replied that the letter is simply quoting the existing rule that includes reference to pump connections. The board agreed that this reference was incorrect and should be deleted from the rules.

**Board Comments:** None.

**Next meeting:** The next meeting is scheduled for October 19, 2010. The last meeting of 2010 is scheduled for December 7.

**Adjournment:** The meeting adjourned at 3:04 p.m.

Respectfully submitted,

Michael L. Ticktin, Board Secretary

**MINUTES OF THE MARCH 23, 2010 MEETING OF THE LIQUEFIED  
PETROLEUM GAS EDUCATION AND SAFETY BOARD  
WILLIAM ASHBY DEPARTMENT OF COMMUNITY AFFAIRS BUILDING**

**Call to order:** The meeting was called to order at 1:40 p.m. by Chairman William P. Curcio. The Pledge of Allegiance was then recited, led by Thomas. A. Leahy.

**Board members present:** William P. Curcio (Chairman), Larry A. Horowitz, Gerard C. Stocker, Thomas A. Leahy, Gene Dougherty, William Neill

**Board members absent:** William E. Rieger, Jr. (Vice Chairman), Dianne McCarthy

**Department staff present:** Director Cynthia A. Wilk, Acting Bureau Chief Michael Baier, Michael L. Ticktin, Carrie Battista, Amy Fenwick Frank

**Member of the public present:** None

**Agenda:** Mr. Curcio asked that the agenda be revised to add, under New Business, discussion of fuel systems and dispensing systems, training documentation and out-of-state marketer licensing, and to information concerning leak testing. Mr. Horowitz asked that New Business include discussion of disconnection of tanks. With these changes, the agenda was approved without objection.

**Public comments:** None

**Approval of minutes:** Mr. Curcio requested clarification as to exemption from LPG licensing requirements for HVAC contractors. Ms. Wilk said that this depends on the rules adopted by the yet-to-be-organized HVAC board. Mr. Curcio said that he had not yet received any information about unapproved appliances. Ms. Wilk expressed concern about “big box” stores selling propane-fueled devices described in their own websites as not approved by the UL or the AGA, but that banning the sale of such devices might raise the issue of interference in interstate commerce. Mr. Curcio said that marketers will not install units that are not UL or AGA approved. Following this discussion, the minutes of the December 15, 2009 meeting were approved without objection.

**Committee Reports:** Mr. Horowitz asked what the Department was doing with regard to public education. Ms. Wilk replied that the Department generally issues a release concerning safe use of propane prior to the summer. Mr. Horowitz provided copies of a publication from the Propane Education and Research Council (PERC) entitled *Important Propane Safety Information for You and Your Family*. Ms. Wilk said that the Department would arrange for the distribution of the pamphlet through local construction code offices.

**Old Business--Meeting with Plumber Representatives:** Mr. Horowitz asked what could be eliminated from the required propane training courses in a program designed for

plumbers. Mr. Baier said that books 4 and 7 would not necessarily be required for plumbers, since courses for plumbers should be tailored to the work that they actually do. They would have to take the Basic Principles and Practices course and then only take 4 or 7 if relevant. Mr. Curcio said that plumbers might want to take more courses on their own and that some are now asking for training. He recommended going to a testing agency and having a test designed that PERC would accept for certification. Ms. Wilk said that creation of a special test is a long process, and one for which no State funding would be available at this time. Mr. Baier said that discussions thus far have involved incorporating propane information into existing apprenticeship and continuing education programs for plumbers. Mr. Curcio said that his recommendation would be that the propane industry not get involved with plumber training, since they could not qualify to do propane work if there are no tests and the training is inadequate. He recommended that there be a statutory exemption of plumbers from LPG certification, if the plumbers so desire. It would be up to the plumbers to seek any such exemption. Mr. Stocker asked what would happen with non-plumbers. Mr. Leahy said that they would have to take the CETP courses. Mr. Curcio said that the concern of the Board and the Department should be the qualification of persons who are not licensed plumbers, and that course requirements should not be reduced for plumbers because doing so would set a bad precedent that could be used by others. If the plumbers don't want to take the full program, they should pursue exemption from the act. Mr. Stocker questioned treating HVAC contractors and plumbers differently. Mr. Curcio said that we would have an opportunity to influence the requirements of the HVAC board because it is new. Ms. Wilk said that Department representatives would talk to plumber representatives at the National Standard Plumbing Code hearings, which will be held in New Jersey this year, and will ask them to contact Mr. Curcio to discuss the issue. Mr. Leahy recommended that the Department take a position of not being opposed to any legislation that the plumbers may initiate to exempt plumbers from LPG certification requirements. Mr. Stocker agreed. Mr. Baier said that plumbers should be trained with regard to both propane and natural gas.

#### **New Business:**

**a. Advertising:** The draft rule proposal was approved, with the change that both the postal address *and* the telephone number would be required in any advertising. Use of an internet address in addition would not be required.

**b. Status of board appointments:** There has been no word from the Governor's office regarding appointment or re-appointment of board members. Ms. Wilk noted that the Governor's office had requested information about the various boards and that the Department had provided such information.

**c. Brochure on Fire Safety in New York:** Discussion of this brochure and its possible adaptation for use in New Jersey was deferred pending receipt of information from the Division of Fire Safety.

**d. Disconnection of Tanks:** Mr. Horowitz expressed concern over disconnection of tanks without the consent of the owners of the tanks, sometimes resulting in tanks being left at the side of the road. Ms. Wilk asked if there was any documentation in such cases and Mr. Horowitz replied that there was none. Mr. Baier said that any complaint that might be submitted would be investigated. Mr. Curcio said that notification should

be sent to licensed marketers by the Department to remind them about the rules concerning disconnection and the penalties for their violation. Mr. Baier said that such a notice would be sent out.

**e. Dispensing systems:** Mr. Curcio said that he had advised John Tomasone of the Bureau of Code Services that violations concerning dispensing systems should be addressed to the operators of the systems, not to propane suppliers, since the rules make the operators responsible for safe operation. Mr. Stocker said that the phrase “with cooperation of marketers” that is in the applicable rule establishes joint responsibility of the owner and the supplier. Mr. Curcio disagreed, saying that the operator is still the responsible party.

**f. Training documentation:** Mr. Curcio said there continues to be a problem of uncertified people delivering propane in New Jersey and that marketers should be required by rule to provide annual reports to the Department on the training, CETP certification and job responsibilities of all employees who work with propane in New Jersey. Mr. Baier said that the Department will send letters to all licensed marketers requesting employee training and certification reports, and that such reports are already prepared to meet insurance company requirements. A motion to require that this be done (Horowitz/Stocker) was unanimously approved.

**g. Licenses:** Mr. Curcio asked that the Department advise propane marketer organizations in neighboring states of the requirement that any out-of-state marketer doing business in New Jersey be licensed by the Department. Mr. Ticktin recommended that the Department contact the respective regulatory agencies that have jurisdiction over propane marketers in the other states and that the New Jersey Propane Gas Association contacts its counterpart organizations in those states. It was agreed that this would be done.

**Information—Leak testing proposal:** Ms. Wilk said that there would need to be a uniform identification card for people engaged in leak testing, and that the Department would issue such a card for a nominal charge in the area of \$10.00. Mr. Baier said that reference to a \$50.00 fee would be deleted and that a revised proposal would be presented to the Board in May.

**Board Comments:** None.

**Next meeting:** The next meeting is scheduled for May 11, 2010. Meetings are also tentatively scheduled for the following dates in 2010: October 19 and December 7.

**Adjournment:** The meeting adjourned at 3:15 p.m.

Respectfully submitted,

Michael L. Ticktin, Board Secretary

**MINUTES OF THE DECEMBER 15, 2009 MEETING OF THE LIQUEFIED  
PETROLEUM GAS EDUCATION AND SAFETY BOARD**

**WILLIAM ASHBY DEPARTMENT OF COMMUNITY AFFAIRS BUILDING**

**Call to order:** The meeting was called to order at 1:35 p.m. by Chairman William P. Curcio. The Pledge of Allegiance was then recited, led by Thomas. A. Leahy.

**Board members present:** William P. Curcio (Chairman), Larry A. Horowitz, Gerard C. Stocker, Thomas A. Leahy, Gene Dougherty, William Neill

**Board members absent:** William E. Rieger, Jr. (Vice Chairman), Dianne McCarthy

**Department staff present:** Director Cynthia A. Wilk, Acting Bureau Chief Michael Baier, Michael L. Ticktin, Carrie Battista, Amy Fenwick Frank, John Tomasone

**Member of the public present:** None

**Agenda:** Mr. Curcio announced that the agenda would be revised to add, under New Business, a discussion of the sale and use of unapproved appliances. With this change, the agenda was approved without objection.

**Public comments:** None

**Approval of minutes:** Mr. Neill asked if there had been any reply from Nancy Wittenberg of DEP to the Board's letter of April 20, 2009. Mr. Curcio said that Ms. Wittenberg had replied, saying that everything was fine. It was asked that this be noted in the minutes. The minutes of the October 20, 2009 meeting were then approved without objection.

**Committee Reports: Committee on LPG Certification for Plumbers:** Mr. Baier distributed a memo regarding the December 7 meeting of Department representatives and the committee on certification of plumbers doing propane service work. (A copy of that memo, which recommended inclusion of propane service work training in apprenticeship and continuing education programs for plumbers, is attached) Mr. Leahy said that he agreed with the memo, but that others, such as HVAC contractors and employees of "big box" stores, should still be required to take the Certified Employee Training Program (CETP). Mr. Baier said that that would be the case. Mr. Curcio asked whether a test to determine qualification to do propane service work could be developed by the New Jersey Propane Gas Association (NJPGA). Ms. Wilk said that the Department can only use tests developed by nationally-recognized testing organizations. Mr. Curcio asked whether a test that might be developed by Dr. Lyons, the test developer for ITS, the company that administers CETP, could be used. Ms. Wilk said that any such test would first have to be offered by a nationally-recognized testing organization. She stated that, for now at least, the only alternatives would be to pass CETP or meet the alternative qualification requirements for plumbers or apprentice plumbers. Mr. Leahy said that it

should be left that way. Mr. Horowitz said that plumbers should be exempt from the Basic Principles and Practice course that is otherwise prerequisite to the installation course.

**Old Business: Permit process—change of companies:** Mr. Baier presented a revised draft of the proposed rule amendment. He indicated that there are two issues addressed in the draft rule: (1) a requirement for the performance of a leak test; and (2) removing the exception from the requirement for training for marketers' employees performing propane service work. In response to a question from Mr. Baier, Mr. Curcio indicated that the test for leak tightness should be performed at a change of marketer, not a change in container. Accordingly, NJAC 5:18-1.3(m) is to be revised to delete the words "and there is any change in container." At NJAC 5:18-1.3(e)3.i, it was suggested that a cross-reference to subsection 10.3 be added to make it clear that CETP training is required for marketers' employees, but there will be no separate certification and fee. The draft summary statements are to be revised to reflect these changes and the term "marketer" rather than "supplier" is to be used throughout for consistency. It was agreed, without objection, that a final, revised draft would be sent to the Board by email and, if all approved, the Department would go forward with the proposal without further review by the Board, but that it would be discussed at the next meeting if any Board member raised any issues.

**New Business:**

**a. Advertising:** The draft rule proposal will be held until the next meeting.

**b. Status of board appointments:** There has been no word from the Governor's office regarding appointment or re-appointment of board members.

**c. Brochure on Fire Safety in New York:** Discussion of this brochure and its possible adaptation for use in New Jersey was deferred until the next meeting.

**d. Unapproved appliances:** Mr. Curcio said that he had become aware that gas fireplaces lacking AGA (American Gas Association) or UL (Underwriters' Laboratory) approval were being sold at "big box" stores and asked that the Department take action to prevent the sale and use of such appliances. Department representatives pointed out that the use of such items violates the State Uniform Construction Code (UCC) and that the UCC contains a provision, to be enforced by the local construction official, under which a store can be cited and penalized for selling an item that has no regular use other than a use that violates the UCC. Mr. Curcio said that this matter will be held until the next meeting so that information can be obtained from marketers as to how widespread this problem is. Ms. Wilk said that the Department would advise code officials of the problem and of their responsibility under the UCC to prohibit the installation of unlisted appliances.

**Information--Status of Rulemaking Activity:** The notice of adoption for the amendment extending the time for obtaining Propane Service Contractor certification to October 5, 2010 appeared in the October 19, 2009 issue of the *New Jersey Register*..

**Board Comments:** Mr. Stocker thanked Mr. Baier for clarifying the modifications made in the New Jersey edition of the International Fire Code.

**Next meeting:** The next meeting is scheduled for March 23, 2010. Meetings are also tentatively scheduled for the following dates in 2010: May 11, October 19 and December 14.

**Adjournment:** The meeting adjourned at 3:05 p.m.

Respectfully submitted,

Michael L. Ticktin, Board Secretary

**MINUTES OF THE OCTOBER 20, 2009 MEETING OF THE LIQUEFIED  
PETROLEUM GAS EDUCATION AND SAFETY BOARD**

**WILLIAM ASHBY DEPARTMENT OF COMMUNITY AFFAIRS BUILDING**

**Call to order:** The meeting was called to order at 1:35 p.m. by Chairman William P. Curcio. The Pledge of Allegiance was then recited, led by Thomas Leahy.

**Board members present:** William P. Curcio (Chairman), Larry A. Horowitz, Gerard C. Stocker, Thomas A. Leahy, Gene Dougherty

**Board members absent:** William E. Rieger, Jr. (Vice Chairman), William Neill, Dianne McCarthy

**Department staff present:** Director Cynthia A. Wilk, Acting Bureau Chief Michael Baier, Michael L. Ticktin, Carrie Battista, Amy Fenwick Frank

**Member of the public present:** Michael Merrill

**Agenda:** Discussion of emergency use of cabinet heaters was added under New Business. The agenda was then approved without objection.

**Public comments:** None

**Approval of minutes:** The minutes of the May 12, 2009 meeting were approved without objection. Mr. Stocker asked that the letter referenced in the minutes be attached to the minutes. Mr. Curcio asked that minutes be prepared and distributed to board members by email at the earliest possible date so that they might be approved by email vote and made available to the public as soon as possible, and prior to the next meeting. It was agreed that this would be done.

**Committee Reports:** None

**Old Business:**

**a. Temporary Heat Education:** Mr. Baier presented the draft of a DCA pamphlet on the temporary use of propane heat at construction sites. Templates for this pamphlet would be provided to local construction code offices. Mr. Curcio questioned the reference to the use of caps and plugs as a “good practice,” rather than a requirement. Mr. Merrill said that the only requirement for the use of caps and plugs was a DOT requirement applicable only to containers with 45 pounds or less and that the pamphlet was therefore correct as written. Mr. Curcio said that he would check further to see if there was a generally applicable requirement. Mr. Merrill said that the Propane Education and Research Council (PERC) is currently working on construction site standards. It was agreed that the reference in the pamphlet to “cylinders” should be changed to “tanks” in the section that describes excess flow valves under the section on safe tank use and that

the words “where required” would be added. There was discussion concerning addition of language advising propane users to contact their propane dealer or the fire official in the event they had any questions. On Mr. Stocker’s recommendation, the board agreed (motion by Stocker/Horowitz approved without objection) to revise the pamphlet to state that the fire official, but not the propane dealer, be contacted and to approve the pamphlet with the corrections noted.

**b. Meeting with Plumbers on Certification:** Director Wilk reported that she and other representatives of DCA and the board had met with representatives of the Board of Master Plumbers and organizations representing New Jersey plumbers and had discussed inclusion of materials on propane installation in apprenticeship programs and the identification of issues in propane appliance manuals that plumbers should know about. The situation is made more complex by the fact that it is the local unions that have control over the apprenticeship programs, subject to approval by the U.S. Department of Labor. These discussions are ongoing and the board will be kept informed as to further developments. Mr. Curcio asked about the status of HVAC contractors. Ms. Wilk said that they must comply with the certification requirement as of October 5, 2010 like everyone else, subject to any further amendment that may be made to the rule before that date regarding alternate means of compliance in order to address the concerns of the plumbers. Messers Curcio and Stocker expressed opposition to allowing different companies to create their own alternatives to the CETP (Certified Employee Training Program) program. Mr. Curcio said he would rather exempt plumbers altogether, rather than open the door to alternative training programs. Mr. Merrill volunteered to serve on the committee on licensing and training and Mr. Curcio appointed him to that committee.

**c. Permit process—change of companies:** Mr. Curcio said that the draft rule proposal to require documented leak tests on change of propane marketer represented an alternative to requiring a permit when such a change took place. Mr. Stocker said that the draft rule should be moved to the section concerning only residential and commercial, but not industrial, installations. It was agreed that the issues of applicability to tanks owned by the property owner, changes of tank by the same marketer and payment of fees must also be addressed. A revised draft will be presented at the next meeting of the board in December.

**d. Consumer Protection Act:** Mr. Baier reported that seven propane marketers had not submitted the required consumer rights templates for review. They were due in July. Letters were sent out indicating that penalties would be issued to those who fail to comply.

#### **New Business:**

**a. Advertising:** Director Wilk stated that provisions concerning the contents of the required Consumer Bill of Rights notice needed to be added to the rules, and that a draft proposal would be presented at the next meeting of the board in December. Notice of the Consumer Bill of Rights is required by statute to be included in all advertising.

**b. Iowa Training Program:** Mr. Baier distributed the cover pages and tables of contents of training materials from the Iowa Propane Gas Association on the subjects of “Propane Piping System Requirements,” “Gas Piping II (Refresher Training),” “Propane Piping System Selection & Sizing” to the board. The Iowa Propane Gas Association has prepared these training materials for use in place of CETP course materials. They have a 2-day training course and a 3-hour refresher course.

**c. Status of board appointments:** There has been no word from the Governor’s office regarding appointment or re-appointment of board members.

**d. Brochure on Fire Safety in New York:** Mr. Baier reported that the Division of Fire Safety likes the brochure that is used in New York and recommends that it be used in New Jersey as well. Printing and distribution issues must be resolved. Mr. Horowitz reported that a “train the trainer” program in propane safety was conducted at Middlesex County College with 22 participants.

**e. Coin-operated/Card-operated Exchange Cabinets:** Mr. Baier reported that it is the position of the Division of Fire Safety that a trained attendant is required for such cabinets. Mr. Stocker stated that there is a disparity between the LPG rules and the International Fire Code regarding the spacing of crash posts and that the former should be revised to be consistent with the latter. Mr. Baier said that DCA would investigate and take any necessary corrective action.

**f. Cabinet heaters—emergency use:** Mr. Curcio noted that NFPA-58 will address the use of cabinet heaters in an emergency, but that use of cabinet heaters is not legal in New Jersey. He said that he would obtain information on this subject for the Board.

**Information--Status of Rulemaking Activity:** The notice of adoption for the amendment extending the time for obtaining Propane Service Contractor certification to October 5, 2010 appeared in the October 19, 2009 issue of the *New Jersey Register*.

**Board Comments:** Mr. Dougherty asked about the status of an order limiting the use of PERC funding. Mr. Curcio said that the Department of Commerce, which established PERC, does not allow funds to be used for advertising, rebates, or any other cost aside from research, training and safety if the cost of propane rises above a level determined by a formula that compares prices for propane and other fuels.

**Next meeting:** The next meeting is scheduled for December 15, 2009. Meetings are tentatively scheduled for the following dates in 2010: March 16, May 11, October 19 and December 14.

**Adjournment:** The meeting adjourned at 3:50 p.m.

Respectfully submitted,

Michael L. Ticktin, Board Secretary

**MINUTES OF THE MAY 12, 2009 MEETING OF THE LIQUEFIED  
PETROLEUM GAS EDUCATION AND SAFETY BOARD**

**WILLIAM ASHBY DEPARTMENT OF COMMUNITY AFFAIRS BUILDING**

**Call to order:** The meeting was called to order at 1:35 p.m. by Chairman William P. Curcio. The Pledge of Allegiance was then recited, led by Thomas Leahy.

**Board members present:** William P. Curcio (Chairman), Larry A. Horowitz, Gerard C. Stocker, Thomas A. Leahy, Gene Dougherty, William Neill

**Board members absent:** William E. Rieger, Jr. (Vice Chairman), Dianne McCarthy,

**Department staff present:** Director Cynthia A. Wilk, Acting Bureau Chief Michael Baier, Michael L. Ticktin, John Tomasone, Carrie Battista, Amy Fenwick Frank

**Member of the public present:** None

**Agenda:** The agenda was approved without objection.

**Public comments:** None

**Approval of minutes:** The minutes of the March 17, 2009 meeting were reviewed. Mr. Curcio said that direct quotes should not be included as such unless there is a transcript of the meeting. Mr. Neill asked that acronyms, such as NJPGA (New Jersey Propane Gas Association), be spelled out the first time that they are used. With these revisions to be made, the minutes were approved without objection.

**Committee Reports:** None

**Old Business:**

**a. Temporary Heat Education Campaign:** Mr. Curcio plans to meet with Mr. Merrill on this subject.

**b. TCPA (Toxic Catastrophe Protection Act) update:** Mr. Curcio reported that he and his committee had met with the DEP (Department of Environmental Protection) to discuss the applicability of TCPA to propane facilities. According to DEP, propane will be subject to TCPA only in the scope of the federal legislation. This would exclude propane being sold at retail or used for heating. For propane plants adjacent to plants covered under TCPA, the propane plant will be included in the risk management plan of the adjacent plant. Propane will not be classified as a toxic substance, and inspections by DEP and by DCA (Department of Community Affairs) will be coordinated so that DCA will inspect every third year and DEP will inspect in years when DCA does not inspect. DEP inspections are not an adequate substitute for DCA inspections because DEP does not inspect for all of the things that DCA inspects for. There are 16 facilities that use

propane that will be subject to DEP inspection. Mr. Stocker asked that Mr. Curcio's letter on this subject be distributed with the minutes.

**c. Revision of inspection checklists:** Mr. Baier presented a draft of the revised checklist with all changes identified, as had been requested at the March 17th meeting. Mr. Curcio requested a clean copy of the checklists.

**d. Certification – Meeting with Plumbers:** Ms. Wilk reported that a meeting with representatives of the Division of Consumer Affairs, which oversees the Board of Master Plumbers, is scheduled to be held on May 13 th to discuss continuing education and apprentice training for plumbers regarding propane. A meeting of representatives of the Master Plumbers and LPG (liquefied petroleum gas) boards is being planned. Ms. Wilk recommended that an extension of time be allowed for plumbers to meet the training requirements. Mr. Curcio agreed that a six month extension should be granted, without objection from any other members of the board.

**e. Certification – other than plumbers:** Mr. Baier pointed out that, under the rules as adopted a licensed marketer only has to have one person certified. Mr. Curcio said that it is necessary to revisit the rules to consider whether stricter rules are needed, since employees of marketers should be required to have the same CETP (Certified Employee Training Program) training as persons employed by non-marketers who handle propane equipment or appliances. Mr. Curcio asked that a rule amendment deleting the exemption for licensed marketers be drafted for consideration at the next meeting.

**f. Permit process—change of companies:** Mr. Curcio said that a pressure test is required for new accounts and a permit should therefore be required. Ms. Wilk pointed out the UCC (Uniform Construction Code) does not address change of companies, since it is the nature of the work, not who does it, that matters. Mr. Curcio said that the issue must be resolved for safety reasons, since untrained people are now doing this work, and that a leak test is required if the tank is changed. Mr. Baier said that such a requirement is not in the code, and that no pressure test is required unless there is a change in the piping arrangement. Ms. Wilk said that either everyone needs a permit for the work or no one needs it. Mr. Curcio said that the LPG rules should be changed to require a pressure test when there is a change of companies. Mr. Baier will present the text of such a proposal at the next meeting.

**g. Consumer Protection Act:** Documents must be submitted for Department review by July 1. It was suggested that the New Jersey Propane Gas Association send out a reminder.

**New Business:** Mr. Stocker distributed a brochure from New York entitled “Controlling Propane Emergencies” and recommended that a similar brochure be prepared for distribution in New Jersey.

**Information:**

**a. Status of Rulemaking Activity:** Notice of the adoption of the 2009 assessment rule appeared in the April 20, 2009 issue of the *New Jersey Register*, to be operative on July 1, 2009. Mr. Curcio asked if notice was given to all marketers and importers of LPG. Mr. Tomasone said that DCA sends notices to everyone known to be subject to the assessment.

**b. Accidents:** News clippings were distributed to the board concerning a fire involving a propane tank caused by a man cooking inside his garage in Bergenfield, as well as fires and explosions in Kansas, Utah, North Carolina, Colorado, California, Washington and Florida that were determined or suspected to have been caused by propane leaks. On a more positive note, one of the clippings concerned the approval of the purchase of the first propane-powered school bus in Kansas. Mr. Curcio supplied information on an incident in Vernon.

**Board Comments:** Mr. Stocker questioned how coin- or card-operated exchange cabinets that are opened by the purchaser, rather than by a trained attendant, can be allowed under the Uniform Fire Code. The question will be referred to the Fire Safety Commission and the Division of Fire Safety.

**Next meeting:** The next meeting is scheduled for October 20, 2009. The subsequent meeting is tentatively scheduled for December 15, 2009.

**Adjournment:** The meeting adjourned at 3:08 p.m.

Respectfully submitted,

Michael L. Ticktin, Board Secretary

**MINUTES OF THE MARCH 17, 2009 MEETING OF THE LIQUEFIED  
PETROLEUM GAS EDUCATION AND SAFETY BOARD**

**WILLIAM ASHBY DEPARTMENT OF COMMUNITY AFFAIRS BUILDING**

Call to order: The meeting was called to order at 1:35 p.m. by Chairman William P. Curcio. The Pledge of Allegiance was then recited, led by Thomas. Leahy.

**Board members present:** William P. Curcio (Chairman), Larry A. Horowitz, Gerard C. Stocker, Thomas A. Leahy, Gene Dougherty

**Board members absent:** William E. Rieger, Jr. (Vice Chairman), William Neill, Dianne McCarthy,

**Department staff present:** Director Cynthia A. Wilk, Acting Bureau Chief Michael Baier, Michael L. Ticktin, John Tomasone, Carrie Battista, Thomas Pitcherello

**Member of the public present:** Michael Merrill, Suburban Propane

**Agenda:** The agenda was approved without objection.

**Public comments:** None

**Approval of minutes:** The minutes of the October 21, 2008 meeting were approved without objection.

**Committee Reports:** None

**Old Business:**

**a. UCC (Uniform Construction Code) permits for work identified with recertifying tanks:** Mr. Baier reported that the Code Advisory Board had recommended certain changes to the draft bulletin, specifically that the fire subcode official, rather than the building subcode official, be given responsibility with regard to venting, that the word “shouldn’t” in the notes be changed to “must not”—since it is a requirement, not a recommendation—and that reference to jurisdiction as “outside the scope of the UCC” should be changed to “outside the scope of the LEA (Local Enforcing Agency).” Mr. Horowitz asked what is meant by the “proper labeling of the appliances served by the container.” Mr. Baier replied that it means that the appliance must be labeled to indicate its fuel source.

**b. Temporary Heat education program:** Mr. Curcio reported that he and Mr. Merrill would be preparing educational materials regarding temporary heat and asked how these materials would be distributed. Ms. Wilk said that construction officials could distribute such materials to permit applicants.

**c. TCPA (Toxic Catastrophe Protection Act) update:** Ms. Wilk reported that she had sent a letter concerning the TCPA program to DEP (Department of Environmental Protection). Mr. Baier stated that DEP had proposed that they conduct annual inspections only in the two years out of three in which DCA (Department of Community Affairs) would not be inspecting. Mr. Curcio reported that a meeting was scheduled to take place, through the agency of the Governor's office, to resolve the issue, and that NJPGA had filed comments with DEP in response to its rule proposal and had sent letters to Senators Van Drew and Oroho. NJPGA (New Jersey Propane Gas Association) has requested that propane be removed from the scope of DEP's rule and that any enforcement regarding propane facilities be stayed until the issue of dual jurisdiction is resolved. Mr. Curcio further stated that the Commissioner of Environmental Protection had agreed to meet to discuss the issue and that Senator Van Drew had advised that he would seek review of the matter by the Senate Regulatory Oversight committee. Mr. Stocker added that DEP had published its adoption notice and had agreed to inspect propane facilities only in the two years out of three in which they are not inspected by DCA. Mr. Curcio said that DEP's involvement runs counter to the longstanding goal of bringing all regulation of propane under one department. Mr. Stocker asked if, with regard to quality assurance requirements, the issue of 10,000 pounds versus 10,000 gallons had come up in discussions with DEP. Mr. Baier said that it had not.

**d. Revision of inspection checklists:** Mr. Baier presented a draft of the revised checklist, which was prepared by Messers Tomasone, Merrill and Stocker. Mr. Curcio asked that all changes be identified. Mr. Baier said that this would be done.

#### **New Business:**

**a. Meeting with Plumbers on Certification:** Ms. Wilk reported that Mr. Pitcherello would be meeting with representatives of the plumbers to review their apprenticeship training program. He will also meet with the Deputy Attorney General who represents the Board of Master Plumbers regarding changes that would be required to be made training rules in order to include training with regard to propane appliances. Discussions are ongoing and there has not yet been any final resolution. Mr. Curcio said that CETP (Certified Employee Training Program) training should be incorporated in their training rules, since only CETP provides adequate training for anyone who will be working with propane and no alternative courses are sufficiently thorough.

**b. Certification—other than plumbers:** Mr. Baier said that DCA has done mailed information concerning propane to HVAC (heating-ventilation-airconditioning) contractors and box stores. Mr. Curcio said that NJPGA has received requests for training course materials. Ms. Wilk said that, inasmuch as HVAC licensing is new, it should be easier to get CETP training incorporated in their training requirements than is the case with the plumbers, where we are trying to change rules and programs that already exist.

**c. Certification of part-time LPG employees:** Mr. Curcio asked if DCA inspectors look for evidence of training for part-timers. Mr. Tomasone said that they look for proof of training for anyone who handles LPG (liquefied petroleum gas), whether full-time or

part-time. Mr. Curcio recommended that inspectors specifically ask about part-timers, since licensees might not all be aware that they are subject to the same requirements as others. Mr. Horowitz asked what can be done about training employees who do not speak or read English, since there are no CETP programs in Spanish or other languages. Mr. Merrill said that it would be necessary to use interpreters for such employees.

**d. Out-of-State Marketers—compliance:** Mr. Curcio said that there have been problems with out-of-State marketers, some of whom have been known to fill their tanks without tests. He further stated that he is not sure that their personnel are properly trained and are following acceptable safety standards. Ms. Wilk said that we have to be able to catch them in violation in order to enforce the rules. Mr. Horowitz asked if they are audited. Mr. Baier replied that they are audited every three years with regard to CETP training, but that their facilities in other states are not subject to our inspection. Mr. Leahy asked how DCA would know if out-of-State marketers failed to list all employees. Mr. Curcio said that it was unfair that there was no audit of employees of such marketers. Mr. Baier replied that DCA audits employee information as part of its review of all license applications, but that enforcement can only be done through spot checks of employees who make deliveries in New Jersey. Mr. Curcio said that Pennsylvania was not as advanced as New Jersey with regard to propane regulation. Mr. Curcio said that DCA inspectors should regularly check out-of-State drivers. Mr. Baier said that this issue would be discussed with the inspectors.

**e. Bonding and grounding of appliances:** Mr. Curcio asked what the requirements are for bonding and grounding of stainless steel tubing. Mr. Horowitz said that there is no problem as long as the appliances are grounded. Mr. Merrill said that NFPA(National Fire Protection Association)-54, 2009 edition, requires bonding regardless of whether appliances are grounded. Mr. Pitcherello said that bonding is required by manufacturers in order to protect against lightning. He further stated that, though there is no requirement for lightning protection in the electrical subcode of the Uniform Construction Code, bonding is required, which can be accomplished through grounding, and also that DCA is now looking into requiring compliance with either the fuel gas code or manufacturer's instructions, whichever is more restrictive. Mr. Dougherty asked if any distinction was made between above-ground and below-ground installations. Mr. Merrill replied that the requirement is for an insulated union where the piping goes out of the building. Mr. Curcio said that the International Code, the NEC (National Electrical Code) and NFPA will have the same requirements by 2011, and that New York has an emergency code. Mr. Merrill said that Massachusetts has banned CSST (corrugated stainless steel tubing) until such time as the situation is resolved. Mr. Leahy asked if it was necessary to run a line to the electrical panel. Mr. Pitcherello said that, though such a line is not required by the NEC, it is required by manufacturers. Mr. Merrill asked if a marketer's license covers the running of a bonding line. Mr. Pitcherello said that no electrical license is needed so long as the marketer does not enter the panel.

**Information:**

**a. Status of Rulemaking Activity:** Mr. Baier stated that the Consumer Bill of Rights rules were adopted and appeared in the February 2, 2009 issue of the *New Jersey Register*, to be operative on July 1, 2009. Mr. Curcio asked if a company that followed the prescribed template in the information that it distributed to consumers would be in compliance with the rules. Mr. Baier said that it would be in compliance. Mr. Curcio also asked if the information had to be provided to existing, as well as new, customers. Mr. Baier said that it would have to be provided to all customers, whether new or existing.

Mr. Ticktin reported that the 2009 assessment increase had been adopted and would appear in the April 20, 2009 issue of the *New Jersey Register*, to be operative on July 1, 2009.

**b. Self-serve exchange cabinets:** Ms. Wilk stated that the Division of Codes and Standards had discussed the issue of whether an attendant is required with the Division of Fire Safety. Both the LPG rules and the Uniform Fire Code require that a trained person be on-site. Mr. Stocker said that the training requirement only applies to those who handle cylinders, but that no trained person has to be there if consumers take out the cylinders themselves. Mr. Curcio said that a person trained to deal with leaks has to be there. Mr. Leahy said that the real problem arises when the old cylinder is put back into the cabinet, since it can be unsafe or leaking. Mr. Curcio said that there have been cases of people putting cylinders into cabinets upside-down. Ms. Wilk said that the Uniform Fire Code requires that cabinets be attended and that copies of the relevant fire code provisions would be provided to the LPG board. Mr. Curcio said that we want to make the LPG rules follow the fire code. He also said that the problem is not with the box stores, which are adequately staffed. Rather, it is with cabinets that are put down anywhere, regardless of whether there is a responsible trained person there. Ms. Wilk said that they are only allowed to be used if there is a trained attendant present.

**c. Accidents:** Mr. Baier reported that there had been a tent fire in Lakewood involving a propane heater. He also stated there was a fire in California caused by someone not realizing that a propane tank was full and a fire in a kennel in West Virginia involving delivery of propane.

**Board Comments:** Mr. Curcio stated that the NJPGA wanted to present an award to Director-Emeritus Bill Connolly and asked how he could be contacted. Ms. Wilk said that we would give Mr. Curcio Mr. Connolly's address.

**Next meeting:** The next meeting is scheduled for May 12, 2009. Subsequent meetings are tentatively scheduled for October 20, 2009 and December 15, 2009.

**Adjournment:** The meeting adjourned at 3:07 p.m.

MINUTES OF THE OCTOBER 21, 2008 MEETING OF THE LIQUEFIED  
PETROLEUM GAS EDUCATION AND SAFETY BOARD

**WILLIAM ASHBY DEPARTMENT OF COMMUNITY AFFAIRS BUILDING**

Call to order: The meeting was called to order at 1:30 p.m. by Chairman William P. Curcio. The Pledge of Allegiance was then recited.

**Board members present:** William P. Curcio (Chairman), Larry A. Horowitz, Gerard C. Stocker, Thomas A. Leahy, William Neill, Gene Dougherty

**Board members absent:** William E. Rieger, Jr. (Vice Chairman), Dianne McCarthy

**Department staff present:** Director Cynthia A. Wilk, Acting Bureau Chief Michael Baier, John Tomasone, Thomas Pitcherello, Carrie Battista, Amy Fenwick Frank

**Members of the public present:** Michael Merrill, Suburban Propane, Anthony Gargani, New Jersey Plumbing Inspectors Association, Frank Brill, New Jersey Plumbing, Heating and Cooling Contractors, Mike Dolan, Jack Dolan & Sons Plumbing, New Jersey Plumbing, Heating and Cooling Contractors, Liz Moritz, New Jersey State League of Master Plumbers, Steve Rodzinak, New Jersey State League of Master Plumbers

**Agenda: The agenda was approved without change.**

**Public comments:** The plumbers' representatives presented their concerns to the Board. Ms. Liz Moritz of the New Jersey State League of Master Plumbers requested clarification of applicability of the requirement for certification to perform propane service work to licensed master plumbers. She reminded the Board that plumbers already are regulated and that gas piping historically has been considered plumbing. She indicated that requiring a separate certification on top of the plumber's license would be confusing and that imposing different requirements for propane and for natural gas piping would be cumbersome. She acknowledged that the statute does require certification for the installation of a water heater, but noted that a plumber's license also is required for the installation of a water heater. She also questioned what enforcement action might be taken against an uncertified entity. She noted that the penalty provisions of the statute address only gas suppliers or marketers.

Mr. Frank Brill of the New Jersey Plumbing, Heating and Cooling Contractors reiterated that the plumbers already are a licensed profession. He noted that an additional certification is unnecessary and involves a possible added cost. He asked that the Board consider amending the rules to exempt licensed master plumbers and HVAC contractors from this requirement.

Mr. Anthony Gargani of the New Jersey Plumbing Inspectors Association expressed concern about the course requirement, prerequisites, qualifications, the examination and the cost. He also asked about continuing education requirements. He noted that a

plumber's license is required for any work on a potable water system and asserted that this should be the only license required to get a permit to perform this work.

Chairman Curcio then responded to the commenters. He indicated that the members of the LP gas industry are familiar with and share the concerns of the plumbers that regulation of the industry be under one board in one department. He explained briefly that the intent of the statute is twofold: to address customer concerns and to ensure the safety of work done in the field. He noted that the LP gas industry has the biggest liability exposure if there is a problem. He gave, as an example, appliances purchased from and installed by big box stores. He suggested putting a committee together to come up with clarifying language that would both satisfy the concerns raised by the representatives of the plumbers and ensure that the work is done by trained people. He asked that staff set up a meeting with a committee of the Board and representatives of the three organizations present at the meeting. The Chairman indicated that he would serve on this committee and appointed the following Board members: Mr. Dougherty, Mr. Horowitz and Mr. Leahy. He asked that a meeting be arranged before the December Board meeting.

**Approval of minutes:** The minutes of the May 20, 2008 meeting were approved without objection.

**Committee Reports:** None

**Old Business:**

**a. Uniform Construction Code (UCC) Permits for work associated with recertifying tanks:** Mr. Baier reported that the committee met on October 17 to discuss the draft UCC bulletin. He reviewed the changes arising out of the committee meeting. There were some questions raised regarding how the bulletin addresses high capacity liquid transfer systems used for temporary heat. Typically, these are self-contained units on a trailer. It was agreed that the rules would need to be revised to address this. The bulletin accurately reflects what the rules currently say about systems used for temporary heat.

Mr. Stocker noted that there is an item missing from the bulletin. (Changing the size of above-ground cylinders where the water capacity of the replacement is 125 gallons or more.) Mr. Horowitz made a motion, which was seconded by Mr. Stocker to approve the bulletin with the addition of the missing item identified by Mr. Stocker. All were in favor. This draft bulletin will be considered by the Uniform Construction Code Advisory Board at its December 12 meeting.

The Chairman asked that a review of the regulations be included on the agenda for the May, 2009 meeting. This will include the question of the regulation of temporary heat installations raised during this discussion.

**b. Temporary Heat Education Program:** Mr. Curcio asked that this item be tabled until the next meeting. He said that insurance company representatives are requesting changes to the draft guidance. He said that he would work on a general guidance document on the

safe use of propane for discussion at the December meeting. Mr. Horowitz noted that a document that local building departments could hand out to contractors would be helpful.

**c. NJDOT – training requirements (CETP):** Mr. Curcio reported that this issue has been resolved and should be removed from the agenda.

**d. Propane emergencies:** Mr. Horowitz reported that there is \$5,000 available for materials and training.

**e. CETP – Moratorium:** Mr. Curcio stated that the numerous changes have become confusing. Ms. Wilk noted that the letter sent to PERC suggests a predictable schedule for changes. Mr. Merrill indicated that the numbers are being consolidated and that, in the long run, this will make more sense.

**f. Toxic Catastrophe Prevention Act (TCPA) – Review:** Mr. Curcio indicated that the comments of the industry on the rules will be passed on to the Deputy Commissioner of the Department of Environmental Protection. He also indicated that letters will be sent to legislators on this subject. The goal is to continue to have propane excluded from TCPA.

#### **New Business:**

**a. Consumer Bill of Rights – comments from Suburban Propane** – The Board reviewed the comments received from Suburban Propane on the proposed rules. Item # 2 in the cover letter from Suburban asks that a distinction be made between commercial vs. residential customers. Ms. Wilk explained that the statute covers both and that substantive changes to the rules cannot be made upon adoption. Mr. Merrill asked that this be considered for a future changes to the rules. Item #8 in the letter asks that a term other than “bill of rights” be used because “bill of rights” is not used in the Act may have a connotation that is something other than what is intended. It was agreed to use the phrase “disclosure of customer rights and company policies.” Mr. Baier noted that a number of the other comments went to reformatting or reorganization of the proposed rule which is difficult to do upon adoption. A motion was made by Mr. Stocker and seconded by Mr. Leahy to accept the change identified above in response to the comments received and any of the other suggested changes accepted by the Department and to move forward with adoption of the rule. All were in favor.

**b. Rule Proposal – Annual Assessment** - A draft rule proposal to increase the assessment was presented for the Board’s consideration. A motion was made by Mr. Horowitz and second by Mr. Dougherty to approve this proposed rule for publication. All were in favor. Ms. Wilk noted that only one more small increase in the assessment is possible under the statute.

**c. R1 and R2 forms** – Mr. Merrill suggested that the Board could go over the R1 and R2 forms/checklist to match them to the 2008 edition of NFPA 58. Mr. Curcio appointed a committee consisting of Mr. Stocker, Mr. Merrill and Mr. Neill to work with Mr. Tomasone to do this.

**Information:**

**a. Status of Rulemaking Activity:**

**1. Consumer Bill of Rights** – See item a. under New Business above.

**2.NFPA 58** – It was noted that the Notice of Adoption of the new edition appeared in the New Jersey Register on October 6, 2008. It was agreed that a new booklet should be done at this time and should include the rules addressing disclosure of customer rights and company policies. It was suggested Mr. Baier attend the industry’s spring meeting to go over all of the changes to the rules.

**3 . Propane Contractor Certification** – It was noted that the Notice of Adoption appeared in the October 6, 2008 edition of the New Jersey Register.

**b. Accidents:** Mr. Baier reviewed the information on accidents included in the meeting packets. He noted that the Toronto incident involved a truck to truck transfer. Mr. Curcio asked that accidents be placed on the agenda for the December meeting. He stated that he would like to discuss the problem of taking propane out of a tank at a location. DOT imposes a restriction of up to 85 percent in a 500 gallon tank. Mr. Curcio said that consideration should be given to going to up to a 1,000 gallon tank. Review of the Little General Store Incident in West Virginia also was held until the next meeting.

**Board Comments:** There were no additional comments from Board members.

**Next meeting:** The next meeting is scheduled for December 16, 2008.

**Adjournment:** The meeting adjourned at 3:10 p.m.

Respectfully submitted,

Amy Fenwick Frank, Board Secretary Pro Tem

MINUTES OF THE MAY 20, 2008 MEETING OF THE LIQUEFIED PETROLEUM  
GAS EDUCATION AND SAFETY BOARD

**WILLIAM ASHBY DEPARTMENT OF COMMUNITY AFFAIRS BUILDING**

Call to order: The meeting was called to order at 1:40 p.m. by Chairman William P. Curcio. The Pledge of Allegiance was then recited, led by Thomas. Leahy.

**Board members present:** William P. Curcio (Chairman), William E. Rieger, Jr. (Vice Chairman), Larry A. Horowitz, Gerard C. Stocker, Thomas A. Leahy

**Board members absent:** William Neill, Dianne McCarthy, Gene Dougherty

**Department staff present:** Director Cynthia A. Wilk, Acting Bureau Chief Michael Baier, Michael L. Ticktin, Amy Fenwick Frank, John Tomasone, William Kramer, Berit Osworth

**Members of the public present:** none

**Agenda:** Mr. Curcio proposed amending the agenda to allow Bill Kramer of the Division of Fire Safety to speak to the board concerning propane safety training for firefighters before other business. So amended, the agenda was approved without objection.

**Public comments:** None

**Approval of minutes:** The minutes of the March 18, 2008 meeting were approved without objection.

**Committee Reports:** None

Propane Safety Training for Firefighters: Mr. Curcio said that Mr. Kramer had been invited to speak with the board concerning the incorporation of propane safety training into fire academy training programs. Mr. Kramer said that 19 of the 21 counties currently have fire academies and that there was considerable county support for firefighter training, as evidenced by the establishment of new academies and the improvement of existing ones in recent years. The Division of Fire Safety would initiate the propane safety training program. Mr. Kramer asked how long the propane safety training program was, given that the training program for firefighter recruits is now 150 hours. Mr. Rieger said that it is two to eight hours, depending on the level of the audience. Mr. Kramer said that the academies are now training about 2,000 new firefighters every year, but that it would be more difficult to reach the 38,000 active firefighters who are not new recruits. He recommended in-house training, since it would be costly, especially in paid departments, to send firefighters elsewhere for training, due to the cost of overtime and of providing temporary replacements. Such in-house training, he said, should be broken down into one to two-hour sessions. Ms. Wilk suggested having a longer course at the annual fire service conference. Mr. Kramer said that this was a good idea. Mr. Curcio

said that it was important to have a “train the trainer” program, so that those who have been trained can go back to their departments and train the everyone there over time. Ms. Wilk asked about having a “train the trainer” program for the fire academies. Mr. Kramer said that this had been done before and could be done for this program. Mr. Rieger said that the fire academies would do it if they served an area where propane was used, and that he would prefer to see it done through the academies.

#### **Old Business:**

**a. Board vacancies and attendance:** Ms. Wilk reported that information concerning reappointment of current board members and appointment of Mr. Merrill had again been sent to the Governor’s office, in response to their request. However, we have heard nothing further from them. Mr. Curcio said that we may have a person from the fire service who would be interested in filling that vacancy.

**b. UCC permits for work identified with recertifying tanks:** Mr. Baier said that the draft bulletin had been prepared and was ready for review by the board. Mr. Curcio said he would have it reviewed by a committee and would schedule a committee meeting for that purpose. He said that, once approved, it would be distributed to the industry by NJPGA. Mrs. Osworth presented the revised permit application form.

**c. Temporary Heat education program:** Information obtained by Mr. Curcio was distributed to the board. Mr. Curcio said that he had reviewed ordinances requiring the posting of buildings with signs saying “propane being used in construction” and raised the question of whether such signs should be required. Mr. Rieger said that such signs would help to alert firefighters of the potential hazard. Mr. Curcio pointed out that, while propane can be *used* inside during construction, it cannot be *stored* inside. Mr. Baier said that a brochure on the subject, once approved, would be distributed to contractors through propane suppliers. He said that there might be an issue as to whether persons using propane on a building site need to be certified under the new law. Ms. Wilk said that she thought not, based on the fact that the examples of equipment for which certification was required only included items that would be permanently installed in a building. She said that a more important issue is the use of propane in tents.

**d. NJDOT – training requirements (CETP):** Mr. Curcio said that this issue only arose because an official at NJDOT had said that CETP did not meet training requirements for rail transportation of propane. Subsequently, a higher official there determined that they did. The matter is therefore being held in abeyance.

**e. Propane emergencies:** This topic was covered in Mr. Kramer’s presentation and the ensuing discussion.

**New Business:** Mr. Curcio asked that the board write a letter to PERC to request that they place a moratorium on revisions to the CETP modules so as to give the industry a chance to digest what is already out there. Ms. Wilk said that we could recommend that they follow a schedule for periodic review and revision similar to what the model code

organizations do. She said that the Department would prepare such a letter and send it to Mr. Curcio for his approval, and that the board could then be polled by telephone to see if the members approved sending it. This proposed course of action was approved without objection.

**Information:**

**a. Status of Rulemaking Activity:** The assessment fee increase proposal appeared in the March 17, 2008 issue of the *New Jersey Register*. No comments were received and the adoption notice has been sent to the Commissioner for approval and filing with the Office of Administrative Law for publication in the *New Jersey Register*.

Proposals concerning the Consumer Bill of Rights, NFPA 58 and propane contractor certification will appear in the June 16 th issue of the *New Jersey Register*.

**b. Accidents:** Mr. Baier reported that there was a propane fire at a shed in Rio Grande and an incident involving a truck in Lacey Township.

**c. Travel reimbursement:** Mr. Baier said that travel expense forms were due by the end of June

**d. LPG Tanks and Anhydrous Ammonia:** Mr. Rieger reported that persons using propane tanks for storing anhydrous ammonia for the illegal manufacture of methamphetamines have been returning those tanks to propane distributors, who may then be refilling them with propane. Since the anhydrous ammonia damages the service valve on the tank, re-use of such tanks for propane creates a serious hazard. Propane distributors must therefore check tanks for a blue-green stain or an ammonia odor, both of which are evidence of this misuse of the tanks, and must be alerted not to refill any tanks that have either or both of these indicia of such misuse. A safety alert from the NPGA on this subject was distributed to the board.

**Board Comments:** . Mr. Leahy protested the inadequacy of the 31 cents/mile reimbursement rate, pointing out that it is well below IRS guidelines.

**Next meeting:** The next meeting is scheduled for October 21, 2008. The meeting after that is scheduled for December 9, 2008.

**Adjournment:** The meeting adjourned at 3:22 p.m.

Respectfully submitted,

Michael L. Ticktin, Board Secretary

MINUTES OF THE MARCH 18, 2008 MEETING OF THE LIQUEFIED  
PETROLEUM GAS EDUCATION AND SAFETY BOARD

**WILLIAM ASHBY DEPARTMENT OF COMMUNITY AFFAIRS BUILDING**

Call to order: The meeting was called to order at 1:32 p.m. by Chairman William P. Curcio. The Pledge of Allegiance was then recited, led by Mr. Leahy.

**Board members present:** William P. Curcio (Chairman), Larry A. Horowitz, Gerard C. Stocker, Gene Dougherty, Thomas A. Leahy

**Board members absent:** William E. Rieger, Jr. (Vice Chairman), William Neill, Dianne McCarthy

**Department staff present:** Director Cynthia A. Wilk, Acting Bureau Chief Michael Baier, Michael L. Ticktin, Amy Fenwick Frank, John Tomasone, Carrie Battista, Megan Sullivan Cxyz

**Members of the public present:** Mike Merrill of Suburban Propane

**Agenda:** Mr. Curcio added an item to Old Business concerning propane emergency training and a item to New Business concerning a letter to the Rail Division of NJDOT. Thus amended, the agenda was approved without objection.

**Public comments:** None

**Approval of minutes:** The minutes of the January 28, 2008 meeting were approved without objection.

**Committee Reports:** None

**Old Business:**

**a. Consumer Bill of Rights:** The draft rule and template were approved on motion of Mr. Stocker, seconded by Mr. Leahy, with the following changes: (i) the word “new” was deleted before “customer” in 5:18-11.1(a), inasmuch as the statute does not distinguish between new and existing customers; (ii) the words “or plan” were inserted after “contract” in the title of 5:18-11.3; (iii) language was added to 5:18-11.2(b)3 and 4 to clarify the requirements for automatic and scheduled deliveries and to specify whether customers are obligated to inform marketers of changes in circumstances that might affect propane usage; and (iv) language was added to 5:18-11.6 to require that each marketer provide the Department with a copy of the consumer bill of rights that the marketer proposes to use. The template will be included as an appendix to the rules. Mr. Ticktin advised the board as to the procedural requirements for the filing of rules, including approval of the proposal by the Commissioner, approval by the Smart Growth Ombudsman and the Governor’s office, filing with the Office of Administrative Law

(OAL), review of, and response to, any comments, approval of the adoption notice by the Commissioner, a second approval by the Governor's office in the event of receipt of any adverse comments, and filing of the adoption notice with the OAL. The rule becomes effective upon publication of the adoption notice in the *New Jersey Register*, although a later operative date can be set.

**b. Board vacancies and attendance:** Ms. Battista reported that all required paperwork had been sent to the Governor's office for appointments to the board. Meanwhile, all board members continue in a holdover capacity.

**c. Committee review for NFPA 58:** Mr. Stocker reported that the committee approved the draft proposal. The proposal was approved without objection on motion of Mr. Stocker, seconded by Mr. Horowitz.

**d. Propane contractor certification:** Proposal approved without objection on motion of Mr. Horowitz, seconded by Mr. Leahy.

**e. UCC permits for work identified with recertifying tanks:** Mr. Stocker said that the outline must define "container" as a DOT cylinder. Mr. Curcio disagreed, stating that ASME tanks must be included as well, and that it should depend on the size of the tank. Ms. Wilk said that the proposal only deals with code requirements about permitting. Mr. Curcio asked if that did not mean that a minor work permit would be necessary. Ms. Wilk said that a minor work permit would only be needed if the size of the tank were changed; otherwise, it would be ordinary maintenance. Mr. Curcio said that code requirements are the same for anything under 125 gallons. Mr. Baier stated that the position of the Code Assistance Unit is that any change involving a change in the size of the foot ring is minor work, since inspection is needed to make sure that the tank is properly supported. Mr. Curcio said that requiring a permit in such cases would be costly and time-consuming, and that the issue has not been a problem. Ms. Wilk said that the outline would make it clear that no pressure testing would be needed where there is no change to the piping arrangement. This document will be drafted as a Uniform Construction Code bulletin.

**f. Temporary Heat education program:** Mr. Curcio said that he will send material from the old safety handbook for use for this purpose.

**g. Propane Emergency training:** Mr. Curcio said that a letter should be sent to the county fire academies offering the educational program on propane. Ms. Wilk suggested that Larry Petrillo, Director of the Division of Fire Safety, be invited to the next meeting to discuss the issue. Mr. Curcio agreed with this suggestion and said that his concern is that a propane emergency course be added to the fire service curriculum.

#### **New Business:**

**a. Grilling safety:** The board agreed that the material put together on the subject last year should again be distributed.

**b. DOT Rail Division:** Mr. Curcio asked DCA to reach out to NJDOT to get them to accept CTEP certification. Ms. Wilk said that NJDOT is required to enforce Federal training requirements, but that we would reach out to them to discuss the matter.

**Information:**

**a. Status of Rulemaking Activity:** The assessment fee increase proposal appeared in the March 17, 2008 issue of the *New Jersey Register*. Comments are due by May 16, 2008.

**b. Accidents:** No accidents were reported.

**c. Joseph Cummings Award:** Ms. Wilk wrote a letter to Mrs. Beverly Cummings expressing sympathy for her loss, transmitting the plaque that the board had awarded to Mr. Cummings for his service, paying tribute to his service on the board and his contribution to public safety.

**d. Cabinet heaters:** Mr. Curcio said that most marketers are against cabinet heaters and PERC is not considering funding for any programs concerning them. Ms. Wilk wrote a letter to Richard R. Roldan, President and CEO of the NPGA and Roy W. Willis, President and CEO of the PERC, advising them that we regard the practice of bringing propane cylinders inside buildings as being a danger to public safety and have no intention of allowing it in New Jersey. She cited the tragic incident in which Deputy Fire Chief Jim DeHurn of New Brunswick was killed as a result of a rapid flash fire caused by propane cylinders stored in the building, and urged the two organizations to dedicate their resources to improving safety, rather than creating new safety issues, and to reconsider their support for installation of propane cabinet heaters and cylinders inside buildings.

**Board Comments:** None

**Next meeting:** The next meeting is scheduled for May 20, 2008. Meetings are tentatively scheduled for October 21, 2008 and December 9, 2008.

**Adjournment:** The meeting adjourned at 2:40 p.m.

Respectfully submitted,

Michael L. Ticktin, Board Secretary

MINUTES OF THE JANUARY 28, 2008 MEETING OF THE LIQUEFIED  
PETROLEUM GAS EDUCATION AND SAFETY BOARD

**WILLIAM ASHBY DEPARTMENT OF COMMUNITY AFFAIRS BUILDING**

Call to order: The meeting was called to order at 1:38 p.m. by Chairman William P. Curcio. The Pledge of Allegiance was then recited.

**Board members present:** William P. Curcio (Chairman), William Neill, Larry A. Horowitz, Gerard C. Stocker, Thomas A. Leahy, Gene Dougherty

**Board members absent:** William E. Rieger, Jr., Dianne McCarthy

**Board member resigned:** Paul T. Dansbach

**Department staff present:** Acting Bureau Chief Michael Baier, John Tomasone, Carrie Battista, Megan Sullivan Czyz, Amy Fenwick Frank

**Members of the public present:** None.

**Agenda:** Mr. Curcio asked that two items be added to New Business: Cabinet heaters and employee certification. With these additions, the agenda was approved without objection.

**Public comments:** None.

**Approval of minutes:** The minutes of the October 16, 2007 were approved without objection.

**Committee Reports:**

**Awards:** It was decided that the plaque honoring the late Joseph Cummings for his service as a member of the Board should be mailed to his widow and family with an appropriate cover letter.

There were no reports from the Licensing and Training, LPG Incident and Analysis, Regulation Redundancy Review or Public Education committees.

Mr. Neill asked that a list of the current committee assignments be sent to all members of the Board.

**Old Business:**

**a. Consumer Bill of Rights:** Draft rules and a template of consumer rights were included in the meeting packets for review and discussion. In response to a question for Mr. Curcio regarding the use of the template, Mr. Baier indicated that the template would be included as an appendix to the rules. Mr. Curcio then said that he would like a committee

of the whole to meet in February to discuss the draft rules and template in preparation for action on this proposal at the March Board meeting. He asked that any questions be sent to Mr. Baier, via e-mail, in advance of the meeting.

**b. Board vacancies and attendance:** Mr. Dansbach has resigned. The fire service vacancy now has to be filled, as does the long-time vacancy for an environmentalist. The recommendation of Mike Merrill to fill the seat on the board formerly held by Mr. Cummings has been submitted to the Governor's Office.

**c. Committee review for NFPA-58:** Mr. Stocker reported that the committee met on November 29, 2007. He asked whether it would be possible to obtain a preliminary draft rule from the Department and hold a second committee meeting on the same date in February when the Consumer Bill of Rights meeting is to take place. Mr. Baier responded that that could be done as the draft is nearly complete.

**d. HVAC legislation/licensing:** It was reported that this bill has been signed into law with the agreed upon exemption for LP Gas marketers. Mr. Baier then described a draft rule, included in the meeting packets that would require certification for those who touch any part of an LP Gas system. The rule makes reference to the Certified Employee Training Program (CETP) administered by the National Propane Gas Association. In reviewing the draft rule, Mr. Leahy pointed out that the basic principles and practices course is a prerequisite for the other courses. In response to a question from Mr. Neill regarding the exemption for homeowners performing their own work, Mr. Curcio pointed out that homeowners also can do their own electrical or plumbing work under those licensing laws. In response to a question from Mr. Stocker about an exemption for industrial applications, Mr. Baier responded that this is also addressed in the law. Mr. Curcio asked that Board members review this draft rule and send comments to Mr. Baier in advance of the March meeting.

**e. Propane emergencies—training:** There is no information on any propane training program conducted at the Dempster Training Center in Lawrenceville last June. Mr. Curcio asked that this item be deleted from the agenda.

**f. Permits for work associated with recertifying tanks:** Mr. Baier made reference to a January 10, 2008 memorandum to the Board and attached materials contained in the meeting packets. He explained that minor work, under the Uniform Construction Code (UCC,) requires notification of the local enforcing agency, followed by a permit application. Mr. Curcio stated that changing the size of a container at the same location up to 120 gallons water capacity (w.c.) should be allowed under ordinary maintenance. He pointed out that NFPA 58 allows this up against the house. There was some discussion of the requirements for adding a tank. Mr. Baier explained that, if the addition of a tank involves a change in the piping arrangement, then a permit is needed under minor work. Changing the size of the container could be done without a permit provided that there is no distance issue created. It was agreed to separate installations below 120 gallons aggregate w.c. from those with greater than 120 gallons aggregate w.c. The Board

members then asked that a bulletin be issued or that there be some other written communication with construction officials clearly stating when a permit is needed.

**g. Temporary heat education:** Mr. Baier reported that there is no pamphlet on this subject available from the National Propane Gas Association (NPGA) or the Propane Education and Research Council (PERC.) He did share with the Board some information from OSHA and safety precautions distributed by heater manufacturers. He suggested that the Department could develop some sort of safety pamphlet from this information. Messrs. Curcio and Stocker indicated that the content of the material included in the meeting packets was acceptable. Messrs. Curcio and Horowitz also thought that there was something on this subject in the old safety handbook that would be useful and offered to send it. Mr. Curcio reiterated that the goal is to have something simple on safety for construction sites. He asked that the Board members send their comments to Mr. Baier.

**h. Increase in assessment:** Mr. Leahy reported that the committee met and recommended going forward with the increase proposed by the Department. In response to a question on timing, Mr. Baier indicated that the Department would hope to have the increased assessment in place by July 1. Mr. Leahy made a motion, which was seconded by Mr. Neill, to approve the proposed rule to increase the assessment. All were in favor.

Mr. Neill thanked the staff for the report giving highlights of the last fiscal year which was provided to the committee. Mr. Leahy commented that the total gallons were down for various legitimate reasons. Mr. Dougherty asked whether there was any degree day correlation. Mr. Leahy reported that this was not done and that overall use was down. Mr. Curcio added that changes in industrial and manufacturing use and a reduction in agricultural use have contributed to this overall reduction.

#### **New Business:**

**a. Cabinet heaters.** Mr. Curcio reported that cabinet heaters are not vented and are used, with a 20 lb. cylinder, inside the house. He noted that bringing these cylinders inside is illegal and dangerous. The use of cabinet heaters currently is being researched by the National Propane Gas Association (NPGA) and the Propane Education and Research Council (PERC.) Mr. Horowitz made a motion, which was seconded by Mr. Leahy, directing staff to write a letter to PERC, on behalf of the Board, advising the members of PERC that the use of these cabinet heaters would not be allowed in New Jersey. All were in favor. In response to a question from Mr. Neill, Mr. Curcio indicated that none of these cabinet heaters is manufactured in the U.S.; they are all imported.

**b. Employee certification.** Mr. Curcio suggested that, in addition to the insurance renewal certificates required by the Department, the Department should also request that marketers provide annually a list of their employees by classification and their CETP training. It was agreed that the Department would request a list of employees, together with their duties and training, from each marketer annually.

#### **Information:**

**Status of Rulemaking Activity.** There was no activity since the last meeting.

**Accident reports:** Mr. Baier reported on two incidents. The first was in Hopatcong. Propane was not the cause; the gas was from relief valve discharge. The second was in Hackettstown ( Long Valley) and involved a person crushing and puncturing what he thought were empty tanks with a backhoe at a junkyard.

**Board Comments:** none

**Next meeting:** The next meeting is scheduled for March 18, 2008. Additional meeting dates for 2008 are May 20, 2008, October 21, 2008 and December 9, 2008.

**Adjournment:** The meeting adjourned at 2:55 p.m.

Respectfully submitted,

Amy Fenwick Frank, Secretary Pro Tem

**MINUTES OF THE OCTOBER 16, 2007 MEETING OF THE LIQUEFIED  
PETROLEUM GAS EDUCATION AND SAFETY BOARD**

**WILLIAM ASHBY DEPARTMENT OF COMMUNITY AFFAIRS BUILDING**

Call to order: The meeting was called to order at 1:40 p.m. by Chairman William P. Curcio. The Pledge of Allegiance was then recited, led by Thomas Leahy.

**Board members present:** William P. Curcio (Chairman), William E. Rieger, Jr. (Vice Chairman), William Neill, Larry A. Horowitz, Gerard C. Stocker, Thomas A. Leahy, Gene Dougherty

**Board members absent:** Paul T. Dansbach, Dianne McCarthy

**Department staff present:** Director Cynthia A. Wilk, Acting Bureau Chief Michael Baier, Michael L. Ticktin, Amy Fenwick Frank, John Tomasone, Carrie Battista

**Members of the public present:** Mike Merrill

**Agenda:** Approved without objection.

**Public comments:** None

**Approval of minutes:** Approved without objection.

**Committee Reports:**

**Awards:** Mr. Baier reported that a plaque honoring the late Joseph Cummings for his service as a member of the board would be presented to his widow and family, whom the Department is attempting to contact.

There were no reports from the Licensing and Training, LPG Incident and Analysis, Regulation Redundancy Review or Public Education committees.

**Old Business:**

**a. Consumer Bill of Rights:** Mr. Curcio said that the committee expects to have draft rules available for review by the board at the December meeting. The draft will be based on the proposal that had been submitted to Assemblyman Van Drew, along with other materials, including a similar document from New York. The target date for publishing the proposal will be late spring or early summer of next year.

**b. Board vacancies and attendance:** Mr. Dansbach had indicated that he no longer wished to remain on the board. Mrs. Frank will try to obtain a written resignation when

she sees him at the Fire Codes Council meeting. That fire service vacancy will then have to be filled, as will the long-time vacancy for an environmentalist. The recommendation of Mike Merrill to fill the seat on the board formerly held by Mr. Cummings has been submitted to the Governor's office.

**c. Committee review for NFPA-58:** Mr. Stocker reported that the new edition has been published and that he will be meeting with Mr. Baier to go over it. Mr. Curcio appointed an NFPA-58 committee consisting of Messers Stocker, Rieger, Merrill, Leahy and Dougherty.

**d. HVAC legislation/licensing:** In anticipating of the enactment of the legislation, Mr. Baier intends to prepare draft rules requiring licensing of everyone doing work on propane systems, which would include C-TEP training.

**e. Propane emergencies—training:** A propane training program was conducted at the Dempster Training Center in Lawrenceville on 6/4/07. Mrs. Frank will seek to obtain information from the Division of Fire Safety as to the list of attendees and what was taught. Mr. Curcio said that Morris County is planning a similar program and that he would like to have industry representatives present so that they will know what the firefighters are being taught and will thus be better able to work with them in any emergency.

**f. Permits for work associated with recertifying tanks:** Mr. Curcio said that the industry is awaiting a ruling from DCA regarding minor work permits. Mr. Baier said that no permit is required when there is no change in either the size or location of the tank, but that a permit is required if the size and/or the location is changed. He said that a bulletin would be issued on the subject and that something would be given to marketers that they could show to construction officials, so that uniform practices will be followed by all local enforcing agencies.

#### **New Business:**

**a. Temporary heat education:** Mr. Baier said that there was a need to provide training for building contractors as to the use of LPG-fueled temporary heating devices. Mr. Curcio said that the problem is how to get this information out to them. He suggested enlisting the aid of the associations representing commercial and residential builders. Mr. Baier suggested that DCA provide materials that marketers could distribute to their builder customers. Mr. Curcio said that he would look at material from PERC. Ms. Wilk said that OSHA must have something, to which Mr. Curcio replied that they do and that would find out more about an OSHA program on construction site safety.

**b. Increase in assessment:** Mr. Baier presented a draft rule proposal for the next annual increase of one-tenth of a cent per gallon in the LPG assessment. This is the annual increase allowed by statute until the fee reaches one-half cent per gallon. He distributed to the board a chart showing program revenues and expenses which clearly indicated the need for the additional revenue that such an increase would provide in order to help

defray program expenses. Mr. Curcio appointed an assessment committee consisting of Messers Leahy, Horowitz and Neill and asked that they review the proposal and submit their report to the board at the next meeting. Mr. Neill commended the Bureau for having obtained a high level of compliance, as indicated by the sharp reduction in penalties from FY 2006 to FY 2007. Mr. Curcio said that this indicates that the industry has learned quickly what is expected of it, and may also indicate that those who were most prone to violate the rules have left the industry in New Jersey.

**Information:**

**Status of Rulemaking Activity:**

**a. Increase in annual assessment:** Adoption notice appeared in 6/4/07 *New Jersey Register*.

**b. Notice of LP-gas installation:** Adoption notice appeared in 6/4/07 *New Jersey Register*.

**c. Accident reports:** The Bureau distributed articles about propane accidents in Connecticut, West Virginia, Texas, California and Kansas. In his memo, he suggested that the fire in Texas may be of interest to us, since it involved storage of acetylene and propane in proximity, and there are facilities in New Jersey that store those chemicals. If the Federal Chemical Safety Board recommends buffer distances for such storage, a change to our rules to implement any such recommendation would be advisable.

**Board Comments:** none

**Next meeting:** The next meeting is scheduled for December 12, 2007. Meeting dates for 2008 will be decided upon at that meeting.

**Adjournment:** The meeting adjourned at 2:37.

Respectfully submitted,

Michael L. Ticktin, Board Secretary

**MINUTES OF THE MAY 15, 2007 MEETING OF THE LIQUEFIED  
PETROLEUM GAS EDUCATION AND SAFETY BOARD**

**WILLIAM ASHBY DEPARTMENT OF COMMUNITY AFFAIRS BUILDING**

Call to order: The meeting was called to order at 1:36 p.m. by Chairman William P. Curcio. The Pledge of Allegiance was then recited, led by Thomas Leahy.

**Board members present:** William P. Curcio (Chairman), Larry A. Horowitz, Gerard C. Stocker, Thomas A. Leahy, Dianne McCarthy, Gene Dougherty

**Board members absent:** Paul T. Dansbach, William E. Rieger, Jr. (Vice Chairman), William Neill,

**Department staff present:** Deputy Director Cynthia A. Wilk, Acting Bureau Chief Michael Baier, Michael L. Ticktin, Amy Fenwick Frank, Carrie Battista

**Members of the public present:** none

**Agenda:** Approved without objection, with addition of a discussion of changing tanks.

**Public comments:** None

**Approval of minutes:** Approved without objection.

**Committee Reports:**

**Awards:** Ms. McCarthy reported that the committee would be looking into reducing the number of categories of awards and would speak with the inspection staff to determine if there were any practices being followed by LPG marketers that might merit recognition.

There were no reports from the Licensing and Training, LPG Incident and Analysis, Regulation Redundancy Review or Public Education committees.

**Old Business:**

**a. Consumer Bill of Rights:** Mr. Curcio said that Senator Lesniak had given provisional approval to wording that would resolve the issues with this bill. Mr. Curcio will provide a new draft of the bill.

**b. Board vacancies and attendance:** Mr. Baier said that there has been no action on the part of the governor's office with regard to appointment of board members.

**c. Committee review for NFPA-58:** Mr. Stocker said that the committee should deal with NFPA-59 too. Mr. Curcio thereupon added this to the committee's assignment.

**d. HVAC legislation/licensing:** DCA has provided language that would exempt propane licensees from any new licensing requirement. It has been sent to Assemblyman Prieto. Ms. Wilk and Mr. Curcio will check on its status.

**e. Temporary heat installations:** Mr. Baier said that a newsletter article on the subject was being sent to all local construction code enforcing agencies. Mr. Curcio asked if board members might be added to the *Communicator* mailing list. Ms. Wilk said that they would be added.

**f. Grilling safety campaign:** Ms. Wilk said that DCA issued a news release on this subject and posted information on its website.

**g. LP-gas incidents:** Mr. Baier will provide copies of news articles to the board. There was an accident in Michigan and a fatal accident in Wisconsin. Mr. Curcio noted that there were no accidents reported in New Jersey.

**h. Propane emergencies—training:** Mr. Horowitz reported that a propane training program was being conducted at the Dempster Training Center in Lawrenceville.

**i. Container removal—commercial accounts:** Mr. Stocker said that there had been a dispute over container removal involving Suburban and Amerigas. Mr. Curcio said that DCA cannot get involved in contract disputes, and should only become involved if there is a safety issue.

### **New Business:**

**Permits for changing tanks:** Mr. Curcio stated that some local inspectors were requiring permits for changing tanks, but others were not. He asked if a permit was indeed required. Mr. Stocker said that he did not see why permits would be required. Mr. Baier said that they were not required that the Uniform Construction Code is silent on the issue and that classification is needed. Ms. Wilk said that a penalty that had been issued in a case involving the changing of tanks had been rescinded. Ms. Frank said that this is an issue that should be addressed in a rule and that DCA would see what might make sense. She also questioned what the inspector would look at if there were no new piping. Mr. Leahy said that a permit should not be required for replacement of an existing installation. Mr. Curcio said that a permit should not be needed to extend lines when tanks have to be moved because of installation of an air conditioning condenser. Mr. Leahy said that permits should not be required for change-outs when the tank is in the same place, but that the board should define parameters as to when a permit is needed because of relocation. He also said that there was the issue of the size of the tank, and that permits should not be required in the event of as ASME to ASME, or DOT to DOT, change. Ms. Wilk said that we should make it clear in the rules that no permit is required just for a change of tanks. Ms. Frank asked what the options were, and said that there was

a need to list legitimate concerns and then determine how to address them. If the work were deemed to be “minor work,” there would be no need for inspection in advance. She further stated that it might also be adequate to rely on the licensing and auditing process for marketers to ensure safe installation. Mr. Curcio appointed a committee consisting of himself and Messers Leahy, Horowitz and Dougherty to deal with this matter. The committee will meet during the summer.

**Information:**

**Status of Rulemaking Activity:**

**a. Increase in annual assessment:** Adoption notice appeared in *6/4/07 New Jersey Register*.

**b. Notice of LP-gas installation:** Adoption notice appeared in *6/4/07 New Jersey Register*.

**Board Comments:** Mr. Dougherty recommended making a posthumous award to former board member Joseph Cummings for his contribution to safety. Mr. Stocker asked about reimbursement for travel expenses. Mr. Baier said that Ms. Battista would send out vouchers.

**Next meeting:** The next meeting is scheduled for October 16, 2007

**Adjournment:** The meeting adjourned at 3:00.

Respectfully submitted,

Michael L. Ticktin, Board Secretary

**MINUTES OF THE MARCH 21, 2007 MEETING OF THE LIQUEFIED  
PETROLEUM GAS EDUCATION AND SAFETY BOARD**

**WILLIAM ASHBY DEPARTMENT OF COMMUNITY AFFAIRS BUILDING**

Call to order: The meeting was called to order at 1:33 p.m. by Chairman William P. Curcio. The Pledge of Allegiance was then recited, led by Thomas Leahy, who also called for a moment of silence, which all present observed, in memory of former board member Joseph M. Cummings, who died recently.

**Board members present:** William P. Curcio (Chairman), William E. Rieger, Jr. (Vice Chairman), Larry A. Horowitz, Gerard C. Stocker, William Neill, Thomas A. Leahy

**Board members absent:** Paul T. Dansbach, Dianne McCarthy, Gene Dougherty

**Department staff present:** Deputy Director Cynthia A. Wilk, Acting Bureau Chief Michael Baier, Michael L. Ticktin, John Tomasone, Carrie Battista

**Members of the public present:** Mike Merrill of Suburban Propane

**Agenda:** Approved without objection.

**Public comments:** None

**Approval of minutes:** Approved without objection.

**Committee Reports:**

**LPG Incident and Analysis:** Mr. Horowitz announced the appointment of two subcommittees, one of which would be responsible for public service announcements, to appear in newspapers in May, concerning grill safety, and the other of which would be responsible for public service announcements, to appear in newspapers in October, concerning safe use of temporary heating equipment. The first subcommittee is to consist of Messers Horowitz, Rieger and Neill and Ms. McCarthy and the second is to consist of Messers Merrill, Rieger, Curcio and Leahy. Ms. Wilk noted that sufficient lead time would be needed to prepare the announcements and get them into different publications..

There were no reports from the Licensing and Training, Awards, Regulation Redundancy Review and Public Education committees.

**Old Business:**

**a. Consumer Bill of Rights:** Mr. Curcio said that there had been several meetings with Senator Lesniak's staff concerning the issue of licensing of persons who work with

propane systems, and that he is awaiting comments from Lesniak's office. Only one paragraph in the bill is still at issue, namely language saying that DCA shall certify persons performing propane services. There will be no provision limiting liability.

**b. Homeowner's Insurance Company Standards:** Mr. Curcio said that he has not received any information from any marketer concerning problems in obtaining insurance..

**c. Increase in assessment fee:** Board members received a copy of the fee increase proposal that appeared in the February 20, 2007 issue of the *New Jersey Register*. Public comments are due by April 21, 2007.

**d. Board vacancies and attendance:** Mr. Curcio reported that he and Mr. Merrill met with the office of the Governor's Counsel last fall, but that there has been no progress on getting appointments made to the board. New appointments are needed for three seats. All members are now serving in a holdover capacity

**e. Committee review of NFPA-58:** Mr. Merrill reported that the floor vote on 2007 would be out in April. Mr. Stocker said that there would be no action by the committee until next year.

**f. HVAC licensing bill:** Mr. Curcio stated that the industry is working with DCA to get LPG licensees excluded from Assemblyman Prieto's HVAC licensing bill, and that he and Mr. Merrill will be reviewing language prepared by Mr. Ticktin. Once language has been agreed upon, Director Connolly will contact Assemblyman Prieto.

**g. Temporary heat installations:** Mr. Curcio said that local code officials have jurisdiction over temporary heat installations. Mr. Baier said that DCA has responsibility for installations over 250 gallons and will also verify local approvals for now, after receipt of notification. Mr. Horowitz questioned whether all local officials had copies of the LPG rules, to which Mr. Baier replied that copies would be provided to them. Ms. Wilk said that the LPG rules would be included in the online New Jersey Permit Resource Library. Mr. Stocker questioned the usefulness of sending copies to municipalities. Mr. Baier said that there would be an article about LPG rules in the newsletter that is sent to all construction officials. Mr. Stocker asked that any such articles be provided to board members as well, and Mr. Baier said that this would be done. Mr. Horowitz asked that DCA organize a class on NFPA-58. Ms. Wilk said that such a Uniform Construction Code class could be offered.

**h. Propane emergencies training:** Mr. Curcio said that Mr. Rieger was looking into courses that could be offered.

There was no discussion of LP-gas incidents or of the 2007 edition of NFPA-58

**New Business:**

**Tank removal:** Mr. Curcio discussed the problem that a licensee had encountered when a customer wished to change propane suppliers and the old supplier would not cooperate by removing his tank in a reasonable period of time. He said that he wanted to avoid a situation, such as occurred in Vermont, where the State had to get involved in order to protect consumers who were caught in a dispute between suppliers. He would like to see the industry devise a solution to this problem that would avoid any need for State intervention. Mr. Neill said that he supports resolution of this issue by the industry itself. Mr. Stocker would like to see DCA penalize recalcitrant licensees. Mr. Curcio said that he does not think DCA would have jurisdiction in such a case. Mr. Baier said that we could issue to a notice to remove the tank. Ms. Wilk added that we could authorize the new supplier to remove it and that licensees should be advised to notify DCA in the event of noncooperation, since DCA would surely have power to intervene if there were a safety issue, such as lack of heat to a building. Mr. Leahy recommended that, in the future, any licensee who has a problem that he would like the board to address be advised to come before the board to present the problem, rather than having Mr. Curcio or another board member present it for him. Mr. Curcio said that he thinks it appropriate for him to bring any licensee's problem before the board.

#### **Information:**

#### **Status of Rulemaking Activity:**

**a. Fee for non-odorized facilities -** This proposal was adopted and appeared in the January 2, 2007 issue of the *New Jersey Register*.

**b. Semi-annual payment of assessment installments:** This proposal was adopted and appeared in the February 5, 2007 issue of the *New Jersey Register*.

**c. Increase in annual assessment:** Comments are due by April 21, 2007.

**d. Notice of LP-gas installation:** Comments are due by April 6, 2007.

Mr. Ticktin asked that the board indicate its approval of DCA's adopting the two pending rule proposals prior to the next meeting, provided that no adverse comments that would require board discussion are received. A motion to this effect, proposed by Mr. Stocker and seconded by Mr. Horowitz, was unanimously approved.

**List of licensees:** Mr. Baier reported that a list of LPG licensees was on the DCA website. He also reported that there was a pending application for licensing of an out-of-State company that has not been licensed up to now. Mr. Stocker asked if that applicant was being fined. Mr. Baier said that penalties are only issued for noncompliance with an order, and that violators are thus given a chance to comply before being fined. Mr. Stocker said that violators should be fined when caught. Mr. Baier said that the purpose of penalties is to obtain compliance, and that the applicant is now complying. Mr. Stocker commended DCA for being very fair, but said that it may be *too* fair.

**Board Comments:** None.

**Next meeting:** The next meeting is scheduled for May 15, 2007

**Schedule for remainder of 2007:** A meeting date of October 16, 2007 was approved and a meeting date of December 4, 2007 was tentatively approved.

**Adjournment:** The meeting adjourned at 2:35 p.m.

Respectfully submitted,

Michael L. Tickin, Board Secretary

**MINUTES OF THE DECEMBER 12, 2006 MEETING OF THE LIQUEFIED  
PETROLEUM GAS EDUCATION AND SAFETY BOARD**

**WILLIAM ASHBY DEPARTMENT OF COMMUNITY AFFAIRS BUILDING**

Call to order: The meeting was called to order at 1:35 p.m. by Chairman William P. Curcio. The Pledge of Allegiance was then recited.

**Board members present:** William P. Curcio (Chairman), William E. Rieger, Jr. (Vice Chairman), Larry A. Horowitz, Dianne McCarthy, Gerard C. Stocker, William Neill, Gene Dougherty, Thomas A. Leahy

**Board members absent:** Paul T. Dansbach,

**Board members resigned:** Kathleen L. John-Alder, Joseph M. Cummings

**Department staff present:** Acting Bureau Chief Michael Baier, Michael L. Ticktin, Amy Fenwick Frank, John Tomasone

**Members of the public present:** Mike Merrill of Suburban Propane

Agenda: Approved without objection.

**Public comments:** None

Approval of minutes: A motion to approve the minutes of the October 17, 2006 meeting was made by Mr. Leahy and seconded by Mr. Horowitz. The minutes were approved without objection.

**Committee Reports:**

**Awards:** Ms. McCarthy reported that the committee will start reviewing recommendations in January.

There were no reports from the Licensing and Training, LPG Incident and Analysis and Public Education committees.

Old Business:

**a. Regulation Redundancy Review:** No report.

**b. Consumer Bill of Rights:** Mr. Merrill advised the board.

**c. Homeowner's Insurance Company Standards:** Mr. Curcio said that NJPGA members who attended the recent meeting were asked to provide information about any problems they were having with insurance coverage. Mr. Merrill said that the NJPGA is still at the fact-finding stage and is getting together the names of problem carriers.

**d. Increase in assessment fee:** A resolution to approve increase of the assessment fee by 1/10 of a cent, as permitted by statute, was moved by Mr. Leahy, seconded by Mr. Dougherty and approved unanimously. In making his resolution, Mr. Leahy noted that he believed that no more than ten to fifteen percent of the propane odorized in, or imported into, New Jersey was still unassessed, and that it was appropriate to increase the fee, to the extent allowed by law, in order to help defray the cost of running the program, for which there was still a significant shortfall.

**e. Board vacancies and attendance:** Mr. Curcio reiterated the need to have a representative of the fire service appointed to replace Mr. Dansbach. Mr. Curcio also announced that he was setting up a new NFPA-58 committee, to be headed by Mr. Stocker.

#### **New Business:**

William Curcio, William Rieger and Michael Ticktin were re-elected unanimously as chairman, vice-chairman and secretary of the board, respectively.

#### **Information:**

#### **Status of Rulemaking Activity:**

**a. Fee for non-odorized facilities -** Mr. Baier announced that the proposal has been adopted and will appear in the January 2, 2007 issue of the *New Jersey Register*.

**b. Semi-annual payment of assessment installments:** This proposal was published in the October 16, 2006 issue of the *New Jersey Register* and that comments will be received through December 15, 2006. .

#### **Consumer Bill of Rights (A-2015):**

Mr. Merrill reported that Senator Lesniak's staff was opposed to the provision in the bill as amended that would limit marketers' liability. Senator Lesniak wants to inform consumers of their responsibilities, but not take away their right to sue. A revised draft has not yet been approved by the senator. Mr. Rieger expressed objection to the idea of requiring the consumer to serve as the inspector.

#### **Board Comments:**

Mr. Stocker asked if there had been any discussion with the fire service regarding cylinder exchange issues. Ms. Frank said that the Fire Codes Council opposes any change

in the rules and is also opposed to allowing cylinder exchange using credit cards and without trained personnel. The Division of Fire Safety will require that a trained attendant be present for all cylinder exchanges. Mr. Stocker asked if a permit is needed for an exchange cabinet. Mr. Rieger said that it is required, but that many fail to comply.

Mr. Curcio said that he wants to establish an LPG Incident Analysis committee that would create benchmarks on improvements in safety. He also asked the minutes show that Mr. Neill had been appointed to the Assessment committee.

**Next meeting:** The next meeting is scheduled for March 20, 2007

**Adjournment:** The meeting adjourned at 2:53 p.m.

Respectfully submitted,

Michael L. Ticktin, Board Secretary

*The minutes for the December 12, 2006 board meeting will be posted after review and approval of the board members at the upcoming board meeting on March 20, 2007.*

**MINUTES OF THE OCTOBER 17, 2006 MEETING OF THE LIQUEFIED  
PETROLEUM GAS EDUCATION AND SAFETY BOARD**

**WILLIAM ASHBY DEPARTMENT OF COMMUNITY AFFAIRS BUILDING**

Call to order: The meeting was called to order at 1:35 p.m. by Chairman William P. Curcio. The Pledge of Allegiance was then recited.

**Board members present:** William P. Curcio (Chairman), Larry A. Horowitz, Dianne McCarthy, Gerard C. Stocker, William Neill, Thomas A. Leahy

**Board members absent:** William E. Rieger, Jr. (Vice Chairman), Paul T. Dansbach, Gene Dougherty

**Board members resigned:** Kathleen L. John-Alder, Joseph M. Cummings

**Department staff present:** Deputy Director Cynthia A. Wilk, Acting Bureau Chief Michael Baier, Michael L. Tickin, Amy Fenwick Frank, John Tomasone, Carrie Battista

**Members of the public present:** Mike Merrill of Suburban Propane

Agenda: Mr. Neill moved to add a resolution complimenting DCA and the NJPGA on their websites. Such a resolution was included in the discussion of the websites that was on the agenda.

**Public comments:** None

Approval of minutes: A motion to approve the minutes of the June 12, 2006 meeting was made by Mr. Leahy and seconded by Mr. Horowitz. The minutes were approved without objection.

**Committee Reports:**

**Awards:** Ms. McCarthy reported that the committee planned to seek input from the inspectors before making any recommendations for awards. Mr. Curcio said that they would also be working with the NJPGA.

There were no reports from the Licensing and Training, LPG Incident and Analysis and Public Education committees.

Old Business:

**a. Regulation Redundancy Review:** Mr. Curcio will notify Mr. Baier as needed.

**b. Elimination of Notice of Propane Installation:** Mr. Baier said that the proposal was being made because the paperwork is not needed, except in cases of temporary installation of tanks of 250 gallons or more. Mr. Curcio asked if DCA could stop the filing prior to a rule change taking effect. Mr. Baier said that DCA would not take action to penalize anyone who failed to file the redundant forms. He also indicated that the proposal includes an updated reference to NFPA-30 and that there would be a *Communicator* article to let code officials know of the change. Mr. Curcio asked that copies of that article be sent to LPG board members. Ms. Wilk said that this would be done. A motion to approve the rule change was made by Mr. Horowitz, seconded by Mr. Leahy and passed unanimously. Mr. Stocker asked what would be done to deal with unsafe existing systems for which the municipality did not give a permit. Mr. Baier responded that the “unsafe structure” provisions of the UCC rules would apply. Mr. Curcio added that the LPG rules provide for removal by order of the Bureau. Ms. Wilk said that the construction official would still cite the conditions as unsafe. Mr. Curcio asked what recourse a company would have if it wanted to replace another company’s tank. Mr. Baier said that there was no provision in the rules that would apply to removal of another dealer’s tanks from any location other than a single-family dwelling.

**c. Consumer Bill of Rights:** Mr. Curcio reported that the committee met to discuss rules that would be proposed once the legislation passes. These rules would be based on the memorandum that had been presented to Assemblyman Van Drew. The future of the legislation is dependent upon the outcome of a meeting between the NJPGA and Senator Lesniak, the chairman of the Senate committee to which the bill was sent after passing the assembly. The meeting is expected to take place in December.

**d. Homeowner’s Insurance Company Standards:** Mr. Curcio said that Mr. Merrill would be working through the NJPGA to get information about actual problems that would be used by DCA in a meeting with the Department of Banking and Insurance. Mr. Leahy said that information would be needed to identify specific companies and brokers with whom there had been problems. Mr. Curcio said that distance requirements and underground tanks are the two known problems. Mr. Leahy said that the New Jersey Manufacturers Insurance Company form asks about oil tanks, not propane tanks. Ms. Wilk said that the problem might be limited to one company. Mr. Leahy said that information about brokers is important and should be collected.

**e. Website:** Mr. Baier reported that both the list of licensees and the approved minutes are on the DCA and NJPGA websites. Mr. Neill introduced a resolution to commend DCA and NJPGA on their websites. The resolution was adopted unanimously. Mr. Neill also recommended that the websites indicate that minutes of the most recent meeting are still awaiting approval, so that people do not look for them in vain.

#### **New Business:**

**Increase in assessment fee:** Ms. Wilk and Mr. Baier said that a further increase in the amount allowed by statute was necessary because the estimated cost of administering the program, which is supposed to be fee-supported, is \$500,000, while the revenue is

approximately \$200,000. Mr. Curcio asked that Mr. Leahy and his committee review how many gallons have been imported or odorized and how much has been paid. He is concerned that everyone who should be paying is indeed paying and wants all facts made available.

**Information:**

**Status of Rulemaking Activity:**

**a. Fee for non-odorized facilities** - Mr. Baier announced that the revised proposal, which applies to all LPG and not just propane, has been published in the *New Jersey Register*. It replaced the proposal that was published in the May 15, 2006 issue. The comment period extends until November 17, 2006.

**b. Semi-annual payment of assessment installments:** Mr. Baier stated that this proposal was published in the October 16, 2006 issue of the *New Jersey Register* and that comments would be received through December 15, 2006. .

**Board Comments:**

Mr. Curcio inquired as to the status of the fire service representation on the board. Ms. Wilk said that Mr. Dansbach had said he would provide names. Mr. Curcio asked if we could ask the Division of Fire Safety to provide someone to serve as a fire service representative. Ms. Wilk said that this could be done. Mr. Curcio said that he was concerned both about board members who never come to meetings and the failure of the governor's office to make any new appointments to fill vacancies. He asked that DCA review members' attendance records and send letters to those who have not been attending regularly to inquire as to their continuing interest in serving.

**Next meeting:** The next meeting is scheduled for December 12, 2006

**Adjournment:** The meeting adjourned at 2:35 p.m.

Respectfully submitted,

Michael L. Ticktin, Board Secretary

*The minutes for the December 12, 2006 board meeting will be posted after review and approval of the board members at the upcoming board meeting on March 21, 2007.*

**MINUTES OF THE JUNE 12, 2006 MEETING OF THE LIQUEFIED  
PETROLEUM GAS EDUCATION AND SAFETY BOARD**

**WILLIAM ASHBY DEPARTMENT OF COMMUNITY AFFAIRS BUILDING**

Call to order: The meeting was called to order at 1:20 p.m. by Chairman William P. Curcio. The Pledge of Allegiance was then recited.

**Board members present:** William P. Curcio (Chairman), Larry A. Horowitz, Dianne McCarthy, Gerard C. Stocker, William Neill

**Board members absent:** William E. Rieger, Jr. (Vice Chairman), Paul T. Dansbach, Gene Dougherty, Thomas A. Leahy

**Board members resigned:** Kathleen L. John-Alder, Joseph M. Cummings

**Department staff present:** Deputy Director Cynthia A. Wilk, Acting Bureau Chief Michael Baier, Michael L. Ticktin, Amy Fenwick Frank, John Tomasone, Carrie Battista

**Members of the public present:** Mike Merrill of Suburban Propane

Agenda: Mr. Curcio asked that a discussion of warning labels be added under "Old Business." The agenda was approved without objection. Mr. Neill asked that websites be included in the minutes and that links be added when the minutes are put online. It was agreed that this would be done.

**Public comments:** None

Approval of minutes: A motion to approve the minutes of the March 21, 2006 meeting was made by Mr. Stocker and seconded by Mr. Neill. The minutes were approved without objection.

**Committee Reports:** None

**Old Business:**

**a. Propane Emergencies--Train the Trainer:** Ms. Wilk reported that a meeting had been held with Mr. Rieger and representatives of the Division of Fire Safety. The Division of Fire Safety will work with Mr. Rieger to set up training programs..

**b. Additional 5:18 Training:** Mr. Baier reported that training was held in conjunction with the New Jersey Propane Gas Association meeting. Only five responses were received for an additional training session that had been scheduled for May 31. He said that the Department would offer another training session in the fall.

**c. Consumer Bill of Rights:** Mr. Curcio said that Assemblyman Van Drew's bill had passed the Assembly and that the Propane Gas Association was trying to work with Assemblyman Van Drew and Senator Lesniak to resolve concerns that Senator Lesniak had so that the bill could be posted in the Senate. Mr. Curcio asked that the committee, chaired by Ms. McCarthy, meet to draft rules in preparation for passage of the bill. He suggested that all of the Board members be invited to the committee's meeting.

**d. Warning labels:** Mr. Baier said that labels are now being distributed to licensees.

#### **New Business:**

**a. Regulation Redundancy Review Committee:** On hold.

**b. Elimination of Notice of Propane Installation:** Mr. Baier indicated that the notice of propane installation for systems that fall below the threshold is of very little value. He suggested amending the rule to eliminate the notice requirement. A discussion ensued on the need for a notice or for inspection of temporary heating systems and of the appropriate threshold. It was decided that temporary heating installations of less than 250 gallons should be handled under the quality control manual and reviewed through the quality assurance program. Temporary heating installations of 250 gallons or more are to be subject to a notice requirement and State inspection. No notice will be required for other installations up to 2,000 gallons (those subject to local permitting and inspection under the Uniform Construction Code.) A rule proposal will be drafted for consideration at the next meeting of the Board. Mr. Baier noted that companion changes to the Uniform Construction Code would also be needed.

**c. Homeowner's Insurance Company Standards:** Mr. Curcio explained that the insurance industry seems to be coming up with its own rules for LP-Gas installations company by company. He said that, as part of the underwriting review for homeowner's insurance, some companies are establishing a separation distance for the installation and that some companies are requesting proof of insurance from the marketer. He asked whether the Department could send a letter to the Department of Banking and Insurance. Ms. Wilk suggested that a meeting with the Department of Banking and Insurance might be more helpful. Mr. Merrill agreed and suggested that the Department of Banking and Insurance and insurance companies be informed of the requirements for licensed marketers. Mr. Curcio added that they should be made aware that there are national standards governing these installations.

#### **Information:**

##### **Status of Rulemaking Activity:**

**a. Fee for non-odorized facilities:** Mr. Baier announced that this proposal has been published in the New Jersey Register. The comment period extends until July 14.

**b. LP-Gas Assessment Increase:** The Notice of adoption of this rule appeared in the April 17 issue of the New Jersey Register. The operative date is July 1, 2006.

**c. Website:** As stated above, Mr. Neill requested that web addresses be included in the minutes. The website for the New Jersey Propane Gas Association is [www.NJPGA.org](http://www.NJPGA.org). LP-Gas information may be found on the Department's website at [www.nj.gov/dca/codes/lp\\_gas/lpgunit.shtml](http://www.nj.gov/dca/codes/lp_gas/lpgunit.shtml). Additionally, it was suggested that the list of licensees be made available on the Department's website.

**Board Comments:** Ms. McCarthy reported that no award nominations had been received. She asked whether it might be possible to get information from inspectors for possible nominees. Ms. Wilk and Mr. Baier responded that the inspectors could give the committee notes for awards in some of the categories.

Mr. Stocker asked about the submission of Board member expenses. He was told that expense vouchers should be given to Ms. Battista.

Mr. Stocker also asked about the distribution of the new booklets (updated regulations). He was informed that the booklets had been mailed to all licensees.

Mr. Horowitz expressed concern about heaters that use 20 pound cylinders since the cylinders now have a warning label indicating that it cannot be used inside. Mr. Baier responded that these heaters are supposed to be used in construction only. Mr. Horowitz and Mr. Curcio noted that the marketer does not know, in advance, where the cylinder will be used and that there are exceptions to the prohibition on indoor use, for example, use in laboratories.

Ms. Wilk announced that Mike Baier is now serving as Acting Chief of the Bureau of Code Services following Richard Osworth's departure for the Division of Community Resources. The Board members congratulated Mr. Baier on his new position and expressed their pleasure at his appointment.

**Adjournment:** A motion to adjourn was made by Mr. Stocker and seconded by Mr. Horowitz. The meeting adjourned at 3:15 p.m. The next meeting of the Board is scheduled for October 17, 2006.

Respectfully submitted,

Michael L. Ticktin, Board Secretary

Amy Fenwick Frank, Board Secretary Pro Tem

The minutes for the October 17, 2006 board meeting will be posted after review and approval of the board members at the upcoming board meeting on December 12, 2006.

**MINUTES OF THE MARCH 21, 2006 MEETING OF THE LIQUEFIED  
PETROLEUM GAS EDUCATION AND SAFETY BOARD**

**WILLIAM ASHBY DEPARTMENT OF COMMUNITY AFFAIRS BUILDING**

Call to order: The meeting was called to order at 1:35 P.M. by Chairman William P. Curcio. The Pledge of Allegiance was then recited.

**Board members present:** William P. Curcio (Chairman), William E. Rieger, Jr. (Vice Chairman), Dianne McCarthy, Gerard C. Stocker, William Neill, Gene Dougherty, Thomas A. Leahy

**Board members absent:** Paul T. Dansbach, Larry A. Horowitz,

**Board members resigned:** Kathleen L. John-Alder, Joseph M. Cummings

**Department staff present:** Deputy Director Cynthia A. Wilk, Bureau Chief Richard Z. Osworth, Michael L. Ticktin, Amy Fenwick Frank, Michael Baier, John Tomasone

**Members of the public present:** Mike Merrill of Suburban Propane

**Agenda:** The agenda was approved without objection

**Public comments:** None

Approval of minutes: Minutes of the December 13, 2005 meeting were approved without objection (Leahy/Neill motion) after a discussion in which Mr. Neill, referring to the office requirement in the rule proposal, asked for a definition of who is required to have an office. Mr. Osworth said that the requirement applies to owners of small systems and of bulk systems and to license applicants. Mr. Curcio added that what is required is a location with a New Jersey address. Mr. Neill also asked that minutes be distributed earlier than has been the practice recently. Mr. Curcio said he would follow up with Mr. Baier and Division staff. In a response to a question from Mr. Curcio, Mr. Baier stated that minutes are put on the Division website after they have been approved. The New Jersey Propane Gas Association (NJPGA) has a link to this site on their website.

**Committee Reports:**

**Licensing and Training (formerly CETP):** No meeting was held.

**LPG Incident and Analysis:** No meeting was held. Mr. Curcio said that there had been no incidents in New Jersey recently. Mr. Baier reported that he had sent letters to jurisdictions throughout the country that had reported fatalities seeking additional information.

**Awards:** Ms. McCarthy reported that nomination applications were mailed in January and are due on March 31 st.

**Public Education:** The committee was unable to meet, due to Mr. Horowitz's illness. Mr. Baier reported that the new pamphlets have been ordered. Mr. Curcio showed a pamphlet issued by the State of New York entitled *Purchasing Propane*. He also stated that the pamphlet issued by the PERC would provide the "definition of safety information for the country."

**Old Business:**

**Distances for Exchange Cabinets (Fire Codes Council action):** Ms. Frank reported that the Fire Codes Council is in the process of amending subchapter 3 of the Uniform Fire Code rules (N.J.A.C. 5:70) and would be including exchange cabinets in the adoption of the International Fire Code. It was agreed that there should not be conflicting standards in the State. Mr. Curcio said that there was no action to be taken by the board at this time.

**Propane Emergencies--Train the Trainer:** Mr. Rieger reported on a meeting that he and Ms. Wilk had with Bill Kramer of the Division of Fire Safety. He recommended that there be at least two programs this year, one in North Jersey and one in South Jersey and more as needed. Mr. Curcio asked if one day is really enough time to train trainers. Ms. Wilk said that there was a need to look at the prerequisites and background required. Mr. Curcio said that Sussex County Community College, which runs the county fire school, was trying to establish a permanent training program. Mr. Rieger said that Gloucester County Community College was doing the same.

**Additional 5:18 Training:** Mr. Baier said that training programs would be held on April 26 th at the Trenton Marriott and on May 31 st in room 129 of the DCA building.

**Consumer Bill of Rights:** Mr. Curcio said that Assemblyman Van Drew had said that his bill does not conflict with existing DCA rules and that he seeks to incorporate provisions of the rules. He noted that the bill says that marketers must be given three days' advance notice of any work that is going to be done by others on propane systems. The Bill passed the Assembly on March 16.

**LPG Assessment Fee Increase:** Ms. Baier reported that the proposal is ready for adoption. Mr. Ticktin noted that the board's recommendation that the fee be payable semi-annually, rather than quarterly, could not be included in the adoption, because it was a substantive change, but it will be the subject of a new proposal.

**Security Best Practices:** Ms. Wilk reported that the LPG industry security best practices had been approved by the Governor. Mr. Baier said that they would be included in scheduled audits, and that special audits would be conducted for those not otherwise scheduled. Ms. Wilk said that attempts are being made to consolidate reviews by different State agencies.

**Audits:** Mr. Baier said that a problem area that had been identified was lack of attention on the part of drivers to potential hazards at the delivery site, such as combustibles or air intakes near propane tanks. He also cited as a common problem the absence of records concerning the inspection.

**Insurance Requirement Update:** Mr. Curcio said that he had been told that fines are being levied for failure to provide renewal information to DCA and questioned whether this was authorized by the rules. Mr. Baier said that the Bureau always sends a letter in advance of any penalty so that the licensee would have an opportunity to comply and that the rules say that insurance must be in force, and we need proof that it is. Mr. Osworth reiterated that we always give notice before issuing a penalty, but that we always need proof that insurance is in effect as of the date that the old coverage expires. Mr. Curcio said that he did not know that a letter was sent out first and had no problem as long as notice was given before penalties were issued. Mr. Baier added that the proof of coverage can come either from the licensee or the insurance company.

#### **New Business:**

**Regulation Redundancy Review Committee:** Mr. Curcio said that he will form such a committee if it is necessary for issues covered by multiple regulations, for example labels on cylinders.

**Information:** Ms. Frank said that Mr. Cummings' resignation letter, along with the recommendation that Mr. Merrill be nominated to replace him, had been submitted to the Governor's office.

She also said that the new rules booklet would be printed and available in time for the April 26 th training program.

Mr. Ticktin reported that the proposal establishing a fee for inspection of non-odorized LPG facilities had been approved by the Commissioner and that he was awaiting approval from the Governor's office and the Smart Growth Ombudsman before filing it with the Office of Administrative Law.

**Board Comments:** Mr. Doherty said that any outbreak of avian flu might require licensees to put their employees on "home based reporting" in order to reduce the risk of spreading it to everyone in the company. He recommended that companies loan emergency responders to each other in the event that any company is unable to handle emergencies at locations that they service due to employee illness. Mr. Merrill said he would look into the practicality of this.

Mr. Neill recommended that a date be put on the rule booklet.

Mr. Curcio asked that the Department look into replacing Mr. Dansbach if he is unable to attend on a regular basis.

Mr. Rieger discussed an accident in his county in which propane tanks stored in the garage of a house under construction exploded. There were fifteen 100 pound cylinders on site. Eight or nine were stored in the garage, but the garage was only framed. The tanks flew 225 feet and the building was gone by the time the fire trucks arrived. A dumpster 1,100 feet away caught fire because of the embers. There was no electricity in the house and no apparent cause of ignition. The cause is being investigated.

Mr. Curcio asked about the status of warning decals. Mr. Baier said that they would be available to marketers before Memorial Day.

**Adjournment:** The meeting adjourned at 3:12 P.M.

Next meeting is scheduled for May 23, 2006.

Respectfully submitted,

Michael L. Ticktin, Board Secretary

**MINUTES OF THE TWENTY-FIRST MEETING OF THE LIQUEFIED  
PETROLEUM GAS EDUCATION AND SAFETY BOARD**

**WILLIAM ASHBY DEPARTMENT OF COMMUNITY AFFAIRS BUILDING**

**December 13, 2005**

**Call to order:** The meeting was called to order at 1:35 P.M. by Chairman William P. Curcio. The Pledge of Allegiance was then recited.

**Board members present:** William P. Curcio (Chairman), Gerard C. Stocker, Larry A. Horowitz, William Neill, Gene Dougherty, Thomas A. Leahy

**Board members absent:** Paul T. Dansbach, Diane McCarthy, Joseph M. Cummings, William E. Rieger, Jr. (Vice Chairman)

**Board member resigned:** Kathleen L. John-Alder

**Department staff present:** Director William M. Connolly, Amy Fenwick Frank, Michael Baier, John Tomasone

**Members of the public present:** Mike Merrill of Suburban Propane

**Approval of minutes:** The minutes of the October 18<sup>th</sup> 2005 meeting were approved. (Motion by Leahy second by Neill all were in favor).

**Modification to Agenda:** The chairman asked if the agenda could be modified to add resignation/appointments under new business.

**Committee Reports:**

**Licensing and Training (formerly CETP):** No meeting of this committee had been held and there was no report.

**LPG Incident and Analysis (formerly Fire Analysis):** Mr. Baier gave a report of the action of the committee at a meeting held this morning. The committee would like to obtain more detailed reports of the fatal accidents that have occurred nationally. The committee would also like to investigate ways in which leaks associated with the removal of appliances can be avoided. The committee discussed advising fire officials that during the smoke detector/carbon monoxide detector inspection that they should look for gas outlets that are improperly plugged or capped where appliances have been removed. The committee also would like to see if information on the removal of appliances can be included in tenant information. The committee would also like to get more detailed information on an incident that occurred in Manchester township where a person in a mobile home was burned while lighting an appliance pilot light.

**Awards:** The committee did not meet, but Mr. Baier reported that the nomination forms would go out in January.

**Public Education:** Mr. Horowitz reported that the committee met and selected new public education materials. The Department will purchase the materials from the National Propane Gas Association, and distribute the new brochures.

**Old Business:**

**Distances for exchange cabinets:** Amy Frank reported that the issue of the proper distances between exchange cabinets and building openings was discussed by the Fire Codes Council on the day after the last LP-Gas Board meeting. At the meeting, the Fire Codes Council stated that they would like to maintain the current distance requirement rather than use the less restrictive distance contained in NFPA 58 and the International Fire Code. Mr. Stocker stated that the feeling of the Board was that the rules should be consistent with the national standard. The Division of Fire Safety and the Division of Codes and Standards have equal standing on the issue. Mr. Connolly stated that the Division of Codes and Standards likes to be consistent with the national standards to the greatest extent possible and would discuss the issue with the Division of Fire Safety and go back to the Fire Codes Council.

**Propane Emergencies Train the Trainer:** Amy Frank reported that Deputy Director Cindy Wilk was scheduled to meet with the Director of the Division of Fire Safety to try to get the program to move forward.

**Additional 5:18- Training:** Mr. Stocker reported that the Department Staff had been notified of the date of the NJ Propane Gas Association meeting (April 26 th) and agreed to provide a seminar on N.J.A.C. 5:18. The Department will provide a session for industry people who are not part of the NJ Propane Gas Association. The Department will send a notice to all licensees about the training.

**Consumer Rights Bill/Assemblyman Van Drew:** Mr. Curcio stated that he is trying to set up another meeting with Assemblyman Van Drew to discuss his proposed legislation on consumer rights. Mr. Curcio stated that he would like to have someone from DCA staff present so that there is an assurance that the proposed legislation is consistent with the rules. The meeting will be after the first of the year. Mr. Curcio also reported that he had met with Kimberly Ricketts, Director of the Division of Consumer Affairs regarding delivery on demand and whether the customer may be present for deliveries. She understood the industry's desire to be regulated by one agency.

**Assessment Fees:** Tom Leahy reported that the information given to the committee at its meeting this morning on assessment fees shows that both the gallons and the fee reported per year has dropped every year over the three-year period that the fee has been collected. He stated that some of the attrition could be due to natural gas service areas expanding and less use by industrial facilities. He also reported that refinery production at some NJ facilities has dropped off and that more LP-Gas is being imported. The Department will

look into the reason for this drop. Mr. Leahy stated that he would prefer to see the fee paid at the time of odorization even when the source is out of State but that the onus often will be on the LP-Gas marketer. Mr. Connolly stated that, realistically, the state needs more money to operate. He stated that the legislation contained provisions for stepped increases in the fee to avoid “sticker shock” and that the Department felt the legislative intent was to ratchet up the fees over a phase-in period. He reported that currently the operating cost of the unit is about \$500,000 dollars and that the program is being subsidized by other programs in the division and an increase is necessary. He pointed out that, even at the highest gallons reported, which is higher than the American Petroleum Institute (API) estimate, the increased assessment fee will not cover the cost of the program. At one time in the mid 1990s, the amount of odorized propane was estimated to be 200 million gallons. The latest estimates by API are around 140 million gallons. A suggestion was made that the reporting should be changed from quarterly to semi-annually. Mr. Connolly agreed to make this change upon adoption. Staff agreed that the effective date of the rule when adopted will match the beginning of a set reporting period, most likely July 1st.

#### **New Business:**

**Proposed inspection fee for non-odorized facilities:** Mr. Neill asked why non-odorized facilities were being treated differently from odorized facilities. Mr. Curcio explained that inspection of facilities that handle odorized propane are funded through the assessment fee. The Legislation specifically called for the Department to establish an inspection fee for non-odorized facilities. Mr. Neill suggested that this be added to the summary statement. Mr. Stocker asked if some other method other than an hourly fee could be charged. Mr. Connolly explained that the facilities vary in complexity in such a way that a flat inspection fee that is proportional to the amount of time spent cannot be developed. Mr. Stocker suggested that there be a minimum fee established as a baseline and that inspections that took longer would be subject to the hourly fee. The baseline fee would be \$160.00 per half day per inspector. The Board asked that the proposal be clarified that the hourly portion of the fee is for the time on site only. The Board then moved approval of the proposal.

**Resignation/Reappointments:** Mr. Curcio reported that Joe Cummings was very ill. He asked if there must be a formal resignation letter written by Mr. Cummings. Mr. Connolly stated that if Mr. Cumming’s health prevented him from submitting a resignation letter, that it was not needed. The Department will notify the Governor’s office that he is resigning. Mr. Curcio stated that the association would send a letter naming Michael Merrill as the Association’s nominee to replace Mr. Cummings. Mr. Curcio also stated that the Board needs to look for a replacement for Mr. Paul Dansbach, unless he indicates that he wishes to continue to serve. He indicated that the Board needs better representation from the fire service and suggested that maybe Heather Puskar from the Division of Fire Safety would be a good choice. Mr. Curcio asked that the Department prepare a resolution for Mr. Cummings thanking him and commemorating his service to the Board.

**Information:**

**Requirement to have an Office in New Jersey:** The Board was notified that the proposal had appeared in the November 7 th New Jersey Register. There was a public hearing held on November 22 nd which no one attended. The comment period closes on January 6, 2006 and adoption should be sometime in February or March.

**Increase in Assessment Fee:** The Board was provided with a copy of the proposal. Discussion on this item was held under New Business. It will appear in the January 3, issue of the New Jersey Register.

**Adoption of NFPA 58 – 2004 and Warning Label Requirement:** The notice of adoption appeared in the December 5, 2005 edition of the New Jersey Register. Mr. Curcio asked if the Department was going to distribute another round of labels that comply with the rule (Spanish and English). Staff reported that they will do one more round of labels and after that marketers and operators would be responsible for the labels. The Board also asked that a mailing be sent to all marketers notifying them of the updated rules.

**Board Comments:** There were no additional comments from Board members.

**Future Board Meetings:** The Board set the following schedule of meeting dates for 2006:

March 21 st

May 23 rd

October 17 th

December 12 th

**Adjournment**

Mr. Leahy made a motion to adjourn the meeting, which was seconded by Mr. Stocker. The meeting adjourned at 2:40 P.M.

The next meeting is scheduled for March 21, 2006.

Respectfully submitted,

Michael Baier

Board Secretary Pro-Tem

**MINUTES OF THE TWENTY-FIRST MEETING OF THE LIQUEFIED  
PETROLEUM GAS EDUCATION AND SAFETY BOARD**

**WILLIAM ASHBY DEPARTMENT OF COMMUNITY AFFAIRS BUILDING**

**OCTOBER 18, 2005**

**Call to order:** The meeting was called to order at 1:35 P.M. by Chairman William P. Curcio. The Pledge of Allegiance was then recited.

**Board members present:** William P. Curcio (Chairman), Gerard C. Stocker, Larry A. Horowitz, Dianne McCarthy, William Neill, Thomas A. Leahy

**Board members absent:** Gene Dougherty, Paul T. Dansbach, Joseph M. Cummings, William E. Rieger, Jr. (Vice Chairman)

**Board member resigned:** Kathleen L. John-Alder

**Department staff present:** Deputy Director Cynthia A. Wilk, Richard Osworth, Amy Fenwick Frank, Michael Baier, John Tomasone, Emily Templeton, Carrie Battista

**Members of the public present:** Mike Merrill of Suburban Propane, Thomas Bock of Ferrell Gas/Blue Rhino

**Agenda:** The Chairman asked that the Board's indulgence to change the order of business slightly to discuss the homeland security best practices followed by the appointments to the Board since Emily Templeton was there to discuss only those two issues.

**Best Practices:** Emily Templeton gave an update on the current status of the homeland security office's development of a best practices protocol for the LP-Gas Industry. Ms. Templeton explained that the Department will include security in its audits based on the best practices. Mr. Curcio stated that at the May meeting the Board had asked for another chance to review the best practices. Ms. Templeton reported that the final version of the best practices had been revised to incorporate Mr. Merrill's comments and was forwarded to the Office of Homeland Security prior to the May meeting. The Board asked if there was an effort to make the Best Practices consistent from state to state and also noted that the Federal DOT audits facilities. Ms. Templeton pointed to the need to work cooperatively. Ms. Templeton stated that the Department would not duplicate work done by other governmental agencies and that if an audit had been performed, the Department would review the audit prior to performing their own so that no items were duplicated. Mr. Merrill asked whether info could be sent to the Association. Ms. Templeton responded that the Department could do an informational sheet describing what is being done and why.

**Update on Appointments:** The Department submitted recommendations to reappoint members whose terms have expired. The appointments are pending at the Governor's Office. The Department will continue to follow up.

**Public comments:** Mike Merrill reported that at the last New Jersey Propane Gas Association (NJPGA) meeting several members had questions on the rules and some Department policies. Mr. Merrill presented a letter with three questions from the NJPGA. The letter was given to Department Staff for review and response. Any additional questions from the Association will also be sent to the Department for a response. The Department agreed to give a presentation on the LP-Gas rules (N.J.A.C. 5:18) at the NJPGA's April legislative session. The Department will also hold an additional training session after the April meeting that would be open to both association members and all other interested parties.

**Approval of minutes:** Two typos in the May minutes were noted. On page two, the word "involve" was misspelled. On page one, the word "propane" was not capitalized in "Eastern Propane." Mr. Stocker made a motion, which was seconded by Mr. Leahy, to approve the minutes of the May 17, 2005 meeting with the changes noted above. All were in favor. The Department will circulate revised minutes to the Board.

**Committee Reports:** Licensing and Training (formerly CETP):No meeting of this committee had been held and there was no report.

**LPG Incident and Analysis (formerly Fire Analysis):**The committee met prior to the Board meeting. Department staff did a web-based search and presented this material at the meeting. The committee members asked if this information could be compared to the NFIRS data to see if NFIRS picked up all of the major incidents.

**Awards:** Dianne McCarthy reported that the nomination forms should go out in January.

**Public Education:** Mr. Horowitz reported that there are new public education materials available and that the committee will review the materials.

**Old Business:** Adoption of 2004 NFPA 58 and Cylinder Label Requirements: The Board reviewed the two comments submitted by Blue Rhino on the rule proposal. Mr. Baier said that one comment concerned the additional label and its potential to detract from other warnings on the cylinders. The other comment concerned the distances between propane exchange cabinets and building exits. Mr. Curcio stated that given the circumstances that led to the proposal, he felt that the additional warning was warranted. It was also pointed out that the new label goes on the collar of the cylinder. Several other Board members agreed. There was discussion that, because both National Standards (NFPA 58 and the International Fire Code) are in agreement that the distance between exchange cabinets and exits from buildings should be 5 feet, there is no longer justification for a 20 feet separation. However, the Board was unable to make the change for two reasons. The first is that the change would be deemed substantive by the Office of Administrative Law and would not be permitted upon adoption. For such a change to be considered, a new

proposal and comment period would be required. The second reason is that if the change were made it would create a conflict with the Uniform Fire Code. The Board recommended that the comments from Blue Rhino be forwarded to the Fire Codes Council for their consideration. If the Fire Codes Council agrees to the change, a simultaneous change to the Uniform Fire Code and the LP-Gas rules will be made. A motion was made by Mr. Leahy to approve the proposal for adoption without change. Mr. Stocker seconded the motion. The Board approved the motion. Ms. McCarthy made a motion to refer the issue of distances between exchange cabinets and building exits to the Fire Codes Council. Mr. Horowitz seconded the motion. All were in favor of the motion. Mr. Curcio asked if the Department was going to provide stickers in Spanish and English. Mr. Baier stated that the Department could send out another round of labels. After that, those filling cylinders would have to supply the labels.

**Additional 5:18- Training:** The Board questioned whether there was any additional training on the LP-Gas rules (N.J.A.C. 5:18) scheduled. Staff reported that they would do any additional training that the Board felt was necessary. It was agreed that the Department would give a training session at the April NJ Propane Gas Association Legislative Session and would give an additional training session after April for those who are not members of the Association (see discussion above under public comments). The Department will coordinate with the NJ Propane Gas Association to set up the training.

**Report on Audits:** Mr. Baier reported that the Department had performed audits on roughly 30 to 40 facilities. The major deficiencies found include documentation of maintenance and training and house keeping issues.

**Consumer Affairs - Contractor Registration Requirement:** Copies of the letter that the Department sent to all local code officials were given to the Board. The letter makes it clear that, because LP-Gas Marketers are licensed by the Department, they need not be registered through the Division of Consumer Affairs.

**New Business: Consumer Bill of Rights Legislation:** Mr. Curcio reported that there was proposed legislation by Assemblyman Van Drew. Mr. Curcio said that he had not yet reviewed the legislation in detail, but that he believes the legislation takes much of what was outlined in the Consumer Bill of Rights drafted by the Board and incorporates it into the proposed bill. A copy of the proposed legislation will be forwarded to the Board members.

**Violations Issued by the Department:** A list of violations that were issued by the Department was distributed to the Board.

**Proposed Increase in Assessment Fees:** Mr. Baier reported that there was a proposal included in the packet that would raise the assessment fee from 1/15 of a cent per odorized gallon to 1/6 of a cent per gallon. The proposal was drafted because the Department is not covering the costs of the unit with the current assessment. The total assessment collected for calendar year '04 was roughly \$56,000. Several members of the

Board suspected that the Department is not collecting the fee on all propane sold in the State. The Chairman ordered that a committee be formed to review the numbers. The committee is to include Mr. Neill, Mr. Horowitz and Mr. Leahy (Chair). Mr. Neill made a motion that the proposal be moved forward to the New Jersey Register while the committee investigates the amount of LP-Gas being reported to the Department. Mr. Stocker seconded the motion. The Board voted to move the proposal forward provided that the committee's investigation will be performed prior to adoption.

**Information:** Requirement to have an Office in New Jersey: The Board was notified that the proposal to have an office in New Jersey will appear in the November 7 th New Jersey Register.

**Board Comments:** There were no additional comments from Board members.

**Adjournment:** Mr. Leahy made a motion to adjourn the meeting, which was seconded by Mr. Stocker. The meeting adjourned at 3:50 P.M.

The next meeting is scheduled for December 13, 2005.

Respectfully submitted,

Michael Baier

Board Secretary Pro-Tem

**MINUTES OF THE TWENTY-FIRST MEETING OF THE LIQUEFIED  
PETROLEUM GAS EDUCATION AND SAFETY BOARD  
WILLIAM ASHBY DEPARTMENT OF COMMUNITY AFFAIRS BUILDING  
MAY 17, 2005**

**Call to order:** The meeting was called to order at 1:40 P.M. by Chairman William P. Curcio. The Pledge of Allegiance was then recited.

**Board members present:** William P. Curcio (Chairman), Gerard C. Stocker, Larry A. Horowitz, Gene Dougherty, Dianne McCarthy, Joseph M. Cummings, Thomas A. Leahy

**Board members absent:** William Neill, Paul T. Dansbach, William E. Rieger, Jr. (Vice Chairman)

**Board member resigned:** Kathleen L. John-Alder

**Department staff present:** Deputy Director Cynthia A. Wilk, Amy Fenwick Frank, Michael Baier, Sue Soffel, Glenn Smyth

**Members of the public present:** Mike Merrill of Suburban Propane, Joe Mercurio of Star Gas Service, Patrick Caulfield of Aeropres Corp. and Michael Miller of Somerset County (Note: All except Mr. Merrill left following the presentation of awards.)

**Agenda:** The Chairman asked that the Board's indulgence to change the order of business slightly to present the awards first, followed by discussion of the draft consumer bill of rights. The Chairman also asked that the agenda item "Emergency Response Team Program" be included under the "Propane Emergencies – Train the Trainer" discussion and deleted as a separate agenda item. And he asked that discussion of "5:18 Training" be included under "Licensing and Training" in the future, rather than listing it as a separate agenda item. The agenda was approved without objection.

**Public comments:** None

**Approval of minutes:** Mr. Stocker made a motion, which was seconded by Mr. Leahy, to approve the minutes of the March 15, 2005 meeting as written. All were in favor.

**Presentation of Annual Propane Safety Awards:** Dianne McCarthy, Chair of the Awards Committee and Chairman Curcio presented the awards to this year's recipients: Aeropres Corp., Eastern Propane and Deacon Homes (not represented). A press release is being issued by the Department. Chairman Curcio asked that the release include industry publications.

**Committee Reports:**

**Licensing and Training (formerly CETP):** No meeting of this committee had been held and there was no report.

**LPG Incident and Analysis (formerly Fire Analysis):** No meeting of this committee had been held. Mr. Baier reported that he has been reviewing newspaper articles and items on the internet regarding incidents involving propane. Ninety percent of the reported incidents from 2005 involve leaks. He is assembling information for the committee's review.

**Awards:** The annual awards were presented at the beginning of the meeting. (See above.)

**Public Education:** No meeting of this committee had been held. Mr. Baier reported that the article was done telling code officials that the LPG consumer information pamphlet is available.

**Old Business:**

**Propane Emergencies--Train the Trainer:** Ms. Wilk reported that a meeting was held with Mr. Rieger and staff from the Division of Fire Safety. She said that Bill Kramer, Deputy Director of the Division of Fire Safety is reaching out to the fire academies to ask them to offer this train the trainer program. Ms. Wilk also reported that the State Emergency Response committee is interested in including this training as part of the hazardous materials training for emergency responders. She has also spoken to Larry Petrillo, Director of the Division of Fire Safety, and Major John Hunt, the officer in charge of emergency management for the New Jersey State Police. He is collecting information on the procedures employed in different counties for LP gas emergencies.

**(Home Improvement) Contractors' Registration Act:** The question of whether licensed LPG marketers are required to register with the Division of Consumer Affairs has been resolved with staff of the Division of Consumer Affairs. A memorandum is being sent to all construction officials informing them that LPG marketers and other businesses already licensed by the State are not also required to register under the Contractors' Registration Act.

**Best Practices--Security Program:** Ms. Wilk reported that the document has been sent to the Domestic Security Preparedness Task Force. The next step is acceptance of the Best Practices by the Task Force. Mr. Curcio expressed concern with being asked to follow protocols that are not realistic and indicated that he had wanted to have another committee meeting. Ms. Wilk pointed out that the protocols are not mandatory and that this is not an item for Board action at this time. She said that copies of the document could be sent to the committee again.

**Requirement for Office/Agent in New Jersey:** A motion was made by Mr. Stocker and seconded by Mr. Horowitz to recommend approval of this draft rule proposal. The vote was unanimous.

**New Business:**

**Consumer Bill of Rights:** The draft consumer bill of rights was presented by the special committee for the Board's consideration. During the Board's discussion of the draft, the following changes were agreed upon:

1. There was some discussion of the removal of one marketer's tank by another marketer. (This was the first bulleted point under the heading "If you change marketers, you have the right to...") Mr. Dougherty said that he found the added parenthetical note in this paragraph confusing. Mr. Leahy asked that the fact that the new marketer cannot fill the tank be retained as a separate item. Mr. Curcio questioned distinguishing between commercial and residential installations. It was pointed out that the rules give a specific exception for installations at one- and two-family dwellings. Ms. McCarthy stated that, because this bill of rights is intended for residential consumers, it is worth saying more about one- and two-family installations. Mr. Baier added that most of the complaints are about the removal of tanks. It was agreed that this section would be clarified by retaining the opening sentence and putting the information about what the new marketer may or may not do with tanks belonging to another marketer in a separate subparagraph. The separate subparagraph is to begin with a sentence regarding what is allowed at one- and two-family properties (the second of the two sentences that had been in parentheses in the draft), followed by a sentence on the prohibitions that apply at other properties.
2. The toll free number is to be added in the blank on page 2 as soon as it is available.
3. Ms. McCarthy suggested that the sentence on rates and policies at the middle of the second page of the draft be moved to precede "It is recommended that customers in search of an LP-gas marketer ask the following..."
4. At Mr. Leahy's suggestion, a bulleted point was added to the end of "Safety Recommendations..." directing customers to notify the marketer prior to the installation of air conditioning units or prior to making modifications to the home within ten feet of the LP-gas container.
5. At Mr. Merrill's suggestion, "or call your marketer" was added to the bulleted point on where to check for additional safety information.
6. In response to the concern, expressed by Mr. Leahy, over the use of a cell phone, or any phone, if there is a gas leak, a warning about the use of a telephone or cell phone was added to item 1. under "What to do if you smell gas..."
7. At Mr. Stocker's suggestion, "if possible" was added to item 2., suggesting that the customer turn off the gas, under "What to do if you smell gas..."
8. Also at Mr. Stocker's suggestion, item 3. under "What to do if you smell gas..." was changed from "notify your marketer" to "Call 911 from a neighbor's phone." The mention of use of a cell phone was deleted.
9. At Mr. Stocker's suggestion, "your marketer" was replaced by "emergency responder" in item 4. under "What to do if you smell gas..."

A motion was made by Mr. Stocker and seconded by Mr. Leahy to recommend approval of this draft with the changes described above. Ms. Wilk stated that the changes would be made right away and the revised version would be sent to the Board. Mr. Curcio said that he would be coordinating the meeting with Assemblyman Van Drew to discuss the draft consumer bill of rights.

**Information:**

**Status of Rulemaking Activity**

a. Update of NFPA 58-2004 and Cylinder Labels – Mr. Baier reported that these proposed amendments had been sent to the Commissioner for her approval. Mr. Curcio asked that the Board be notified when this proposal will appear in the New Jersey Register and that the Board be sent a copy of the proposal as it appears in the Register. Mr. Baier noted that there would be a 60 day public comment period and a hearing.

b. CETP Training – Mr. Baier announced that the Notice of Adoption of this rule would appear in the June 6 issue of the New Jersey Register. The Chairman asked that a copy of this Notice of Adoption be sent to the Board as well. Ms. Wilk noted that proposals and adoptions also are available on the Department’s website. Mr. Horowitz added that there is lots of room available in the CETP classes.

**Board Comments:** There were no additional comments from Board members.

**Adjournment**

Mr. Leahy made a motion to adjourn the meeting which was seconded by Mr. Horowitz. The meeting adjourned at 2:46 P.M.

The next meeting is scheduled for October 18, 2005.

Respectfully submitted,

Amy Fenwick Frank  
Board Secretary Pro-Tem

**MINUTES OF THE TWENTIETH MEETING OF THE LIQUEFIED  
PETROLEUM GAS EDUCATION AND SAFETY BOARD  
WILLIAM ASHBY DEPARTMENT OF COMMUNITY AFFAIRS BUILDING  
MARCH 15, 2005**

**Call to order:** The meeting was called to order at 1:30 P.M. by Chairman William P. Curcio. The Pledge of Allegiance was then recited.

**Board members present:** William P. Curcio (Chairman), Gerard C. Stocker, Larry A. Horowitz, William Neill, Gene Dougherty

**Board members absent:** Paul T. Dansbach, William E. Rieger, Jr. (Vice Chairman), Dianne McCarthy, Joseph M. Cummings, Thomas A. Leahy

**Board member resigned:** Kathleen L. John-Alder

**Department staff present:** Director William M. Connolly, Deputy Director Cynthia A. Wilk, Bureau Chief Richard Osworth, Michael L. Ticktin, Amy Fenwick Frank, Kristy Paolillo, Michael Baier, Sue Soffel, John Tomasone, Glenn Smyth, E. J. Miranda

**Members of the public present:** Mike Merrill of Suburban Propane; Jessica Seda of the New Jersey Herald

**Agenda:** The agenda was approved without objection.

**Public comments:** None

**Approval of minutes:** Minutes of the December 14, 2004 meeting were approved without objection after two corrections, on motion of Mr. Stocker: (1) to insert "NJ" before "PGA" in the discussion of the awards; and (2) to exclude any reference to API - 620, as well as to API-2510A, in N.J.A.C. 5:18.

**Committee Reports:**

Licensing and Training (formerly CETP): Mr. Baier reported that no comments were received regarding the CETP rule proposal.

LPG Incident and Analysis (formerly Fire Analysis): Mr. Baier reported that the committee had not yet gotten any feedback on proposed modifications to the NFIRS system from the national committee. He said that a lot of the information on accidents that is available on the internet. The committee will be correlating national accident data from the internet in order to identify any trends.

**Awards:** Ms. Paolillo reported, on behalf of Ms. McCarthy, who was unable to attend the meeting, that application forms had been sent to the NJPGA and all LPG licensees, but that none had yet been received back. The awards ceremony is planned for the May 17th

Board meeting. Mr. Neill asked that, in the future, any request for comments have a reply date indicated; he had sent in his comments, only to learn that they were submitted too late.

**Public Education:** Mr. Baier reported that an article telling code officials that the LPG consumer information pamphlet is available will appear in the Construction Code Communicator. Mr. Curcio asked if UCC training programs are open to anyone. Mr. Osworth said that they were, but a fee would be charged to persons other than code officials. Mr. Curcio said that LPG marketers would be interested in training in the International Fuel Gas Code. Mr. Osworth said that special presentations could be made to any interested group. Mr. Curcio said that a person from his company who had attended such a program found it to be very helpful.

#### **Old Business:**

**Update of NFPA 58-2004:** Mr. Baier reported that internal housekeeping had been done and the proposal would be moved to the New Jersey Register for adoption by late summer or the fall. He noted that it is being combined with the cylinder label requirement.

**Propane Emergencies--Train the Trainer:** Ms. Wilk reported that a meeting was being held with the Division of Fire Safety to discuss scheduling programs at fire academies. Mr. Curcio said that 130 people had been at a program for fire service people, and that those people wanted more information on training.

**Emergency Response Team Program:** Mr. Curcio said the major concern was that people should know whom to call. He asked if there should be a network for emergency calls, and said that the fire service should know what propane company to call in an emergency. Ms. Wilk said that county or local hazmat teams would respond, too. Mr. Curcio said that New York State has set up an emergency network. Ms. Wilk said that DCA would find out what protocols may exist.

**Dispensing Systems--Training and Concerns:** Mr. Baier stated that the situation is better this year than in the past, with fewer violations being cited.

**Licensing Procedures (Unlicensed Operation):** Mr. Baier reported that, of the four companies still unlicensed as of the last meeting, one had been licensed, one was not verifiable and two were still open cases. Mr. Curcio asked if any out-of-state audits had been performed as yet. Mr. Baier said that they had not been. Mr. Curcio said that we should audit at least one out-of-state company, if only as a matter of fairness. Mr. Baier said that about five of the 47 licensees are out-of-state. He noted that the Department has no jurisdiction over the facilities themselves, but would look at the marketers' training and operating procedures.

**Contractors' Registration Act:** Mr. Curcio asked if there had been any confirmation from Consumer Affairs that LPG dealers are not covered by the Contractors' Registration

Act. Mr. Connolly stated that we are confident that they are not included and that LPG dealers may be told that they are not required to register with Consumer Affairs.

**Cylinder Labels:** Mr. Baier said that the rule proposal is still under review in the Department and that Mike Merrill had submitted a letter expressing concerns. Mr. Curcio stated that there are exceptions in NFPA-58 to the prohibition on indoor use of propane, and asked if they would be referenced, and if inspectors would be duly informed of them. Mr. Baier said that they could be included in the training given to the fire service, but cautioned against including too much wording on labels. Mr. Merrill suggested that the words "except as allowed in NFPA-58" could be included in a smaller font on the stickers. Mr. Connolly said that the problem is that there is no enforcement where we need to correct the problem, and that the label doesn't mean that the exceptions do not apply. He further stated that the problem involves end customers who do not know what they are doing. Mr. Curcio said that enforcement is what matters. Mr. Merrill said that USDOT, which has jurisdiction over markings, allows the markings of the Compressed Gas Association, and that UN1072 and the diamond symbol are required. Whatever we do, he said, must be consistent with USDOT marking requirements. Mr. Curcio said that it would be all right to add a sticker upon transfer to consumers. Mr. Connolly said that an additional sticker could not possibly be a problem. Mr. Merrill asked if we could use the space on the right side of the USDOT sticker in which additional language was allowed. Mr. Connolly said that we could do so. Mr. Curcio asked if this would be included in the rule proposal. Mr. Baier replied that it would be.

**Training:** Mr. Curcio said that a training program would take place on April 20th.

**Best Practices--Security Program:** Ms. Paolillo reported that comments had been requested, but none had been received as yet. Any comments received would be submitted to the Homeland Security Task Force. Mr. Curcio asked that there be a meeting to discuss this issue and that LPG licensees be given a last opportunity to offer comments.

#### **New Business:**

**Franklin Borough Incident:** Mr. Baier reported that, in this incident, the driver caused a leak by driving off without disconnecting. The trailer was destroyed. The cause was driver forgetfulness. The driver did not have CETP certification, though he had received training. Mr. Curcio said that failure to comply with CETP was a violation that must be punished.

**Requirement of Registered Agent and Office in New Jersey:** A draft rule proposal to require every licensee to have an agent and office in New Jersey for purposes of service of notices and orders was circulated for review and future comment.

**Board Comments:** None

**Adjournment**

The meeting adjourned at 2:35 P.M.

Next meeting is scheduled for May 17, 2005.

Michael L. Ticktin

Board Secretary