

**COMMUNITY AFFAIRS**

**DIVISION OF CODES AND STANDARDS**

**Liquefied Petroleum Gas Rules**

**Update of the Edition of NFPA 58 Referenced; Timeframes for Certified Employee  
Training Program; Training for Motor Vehicle Fueling**

**Proposed Amendments: N.J.A.C. 5:18-3.1, 6.3, 10.3, and 10.4**

Authorized By: Charles A. Richman, Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 21:1B-2, 21:1B-15, 34:1-20, and 34:1A-3(e); and Reorganization Plan No.  
002-1998.

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

Proposal Number: PRN 2016-143.

Submit written comments by November 5, 2016, to:

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The agency proposal follows:

**Summary**

The proposed amendments would update the edition of NFPA 58 referenced in the  
Liquefied Petroleum Gas rules from the 2011 edition to the 2014 edition. NFPA 58 is a

consensus standard that represents the industry best practice for the installation and maintenance of Liquefied Petroleum Gas (LPG) systems. The proposed amendments would ensure that New Jersey is using the latest safety standards for the industry.

At N.J.A.C. 5:18-3.1(a)2ii, the definition of “bulk plant” is proposed for deletion because the term is already defined in N.J.A.C. 5:18. At N.J.A.C. 5:18-3.1(a)2iii, the definition of the term “industrial plant” is proposed for deletion because the term is already defined in N.J.A.C. 5:18.

The proposed amendments at N.J.A.C. 5:18-3.1(a)5i through iv and vi are due to section numbering changes in NFPA 58.

A proposed amendment is made at N.J.A.C. 5:18-3.1(a)5v and a companion change is proposed at subparagraph (a)5vii, Section 6.5.1.3 of NFPA 58, which allows the installation of LPG tanks on roofs of buildings, has been renumbered as section 6.5.1.4. There is a proposed amendment at N.J.A.C. 5:18(a)5vii, which would delete this section, in effect continuing the prohibition of the installation of LPG containers on roofs of buildings. A proposed amendment is also made at N.J.A.C. 5:18-3.1(a)5v, to amend the title of Table 6.3.1.1 to remove the qualification that the distances between propane tanks and property lines only apply where the adjoining property can be built upon. The Department has traditionally required that separation distances between LPG tanks and property lines be maintained regardless of whether the property can be built upon or not. The proposed amendment is made for consistency with other amendments that are made to NFPA 58.

Existing N.J.A.C. 5:18-3.1(a)5vii is proposed for deletion. This would eliminate the previous amendment to section 6.6.6.1(C) of NFPA 58, which stated that crash protection was needed around LPG tanks that are within 10 feet of streets, parking areas, and other areas where

vehicles operate. The 2014 version of NFPA 58 incorporates the 10-foot requirement obviating the need for the added language.

N.J.A.C. 5:18-3.1(a)5viii is proposed for deletion because these requirements are no longer found at section 6.6.6.1(K) of NFPA 58, but have been relocated to section 6.17.3.2. A proposed amendment to this section (6.17.3.2) is made at N.J.A.C. 5:18-3.1(a)5xiii.

New N.J.A.C. 5:18-3.1(a)5xiii is proposed to delete the section that references testing gas piping to the requirements of NFPA 54 since the Uniform Construction Code (N.J.A.C. 5:23) establishes requirements for testing gas piping.

A proposed amendment is made at N.J.A.C. 5:18-3.1(a)5xiv. This proposed amendment is the relocation of the requirements previously codified at N.J.A.C. 5:18-3.1(a)5viii and is relocated due to numbering changes to NFPA 58.

A proposed amendment is made at recodified N.J.A.C. 5:18-3.1(a)5xv because the section number in NFPA 58 was changed. In addition, the proposed amendment changes the wording to make it clear that LPG systems located in a building or on a roof or balcony are under the jurisdiction of both the Uniform Construction Code and Uniform Fire Code. The proposed amendment changes the terms used to make the cross-reference to the other rules more accurate.

Existing N.J.A.C. 5:18-3.1(a)5xv is proposed for deletion to remove the deletion of section 6.19.1.2(C) of NFPA 58. This section has been removed from the 2014 edition of NFPA 58, so this deletion is no longer necessary. Similarly, existing N.J.A.C. 5:18-3.1(a)5xvi and xix are proposed for deletion to remove the deletion of sections 6.19.2 and 6.19.11. These sections have been removed from the 2014 edition of NFPA 58; therefore, the deletions are no longer necessary.

Existing N.J.A.C. 5:18-3.1(a)5xvii is proposed for deletion to remove the cross-reference to the Uniform Construction Code and the Uniform Fire Code for the installation of LPG systems in buildings and on roofs and balconies of buildings. The cross-reference is made at N.J.A.C. 5:18-3.1(a)5xiv, as discussed above. Existing N.J.A.C. 5:18-3.1(a)5xviii is proposed for deletion to delete the cross-reference to the Uniform Fire Code for LPG that is used in buildings under construction and partially occupied. The cross-reference at N.J.A.C. 5:18-3.1(a)5xiv covers the use of LPG in buildings, therefore, the cross-reference is no longer needed.

A proposed amendment is made to recodified N.J.A.C. 5:18-3.1(a)5xvi because the table number in NFPA 58 changed. A proposed amendment is made at recodified N.J.A.C. 5:18-3.1(a)5xvii because the section number in NFPA 58 changed. Similarly, a proposed amendment is made to recodified N.J.A.C. 5:18-3.1(a)5xviii because the section number in NFPA 58 changed. And finally, amendments are proposed at recodified N.J.A.C. 5:18-3.1(a)xix and xx because the section numbers in NFPA 58 changed.

Proposed new N.J.A.C. 5:18-3.1(a)5xxi is added to change the reference for the crash protection provisions for LPG tanks from 6.25.3.13(A) or 6.25.3.13(B) to those found in N.J.A.C. 5:18.

Proposed new N.J.A.C. 5:18-3.1(a)7iii and iv are added to delete the provisions in NFPA that cover cylinder exchange cabinets because these are regulated by the Uniform Fire Code (UFC). A cross-reference to the UFC is made as part of the proposed new subparagraph.

Proposed new N.J.A.C. 5:18-3.1(a)9 is added to delete chapter 10 of NFPA 58, which deals with buildings housing LPG distribution facilities. The construction of buildings is regulated by the Uniform Construction Code (UCC).

Proposed new N.J.A.C. 5:18-6.3(b) is added to require that a written training program be submitted with any application for a LP-Gas motor fuel installation. These installations are used for dispensing LP-Gas into motor vehicles and present unique hazards if not done properly. While the code currently requires training for those dispensing propane into propane cylinders, vehicle filling is not well covered by that training. The proposed amendment would require a training program that is specific to motor fuel dispensing.

A proposed amendment is made to N.J.A.C. 5:18-10.3(a)4 to reduce the amount of time that newly-hired employees have to complete the Certified Employee Training Program (CETP) from 21 months to six months. When the rule that required CETP training was originally adopted, the phase-in period was made generous because everyone in the industry had the same compliance timeframe. The concern was that there were limited training opportunities given the volume of students. The original rule was implemented 10 years ago. The Department believes that at this point, because fewer people need the training, six months is a reasonable time for a newly-hired employee to receive the required training. This paragraph is further proposed for amendment to delete the date for the original training, which has passed.

A proposed amendment is made to N.J.A.C. 5:18-10.4(a) to cross-reference the motor fuel training that is part of the proposed amendment to N.J.A.C. 5:18-6.3(b).

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

### **Social Impact**

The proposed amendments will ensure that New Jersey is using the most current safety standard for Liquefied Petroleum Gas installations in the State. NFPA 58 is a consensus standard that incorporates the perspectives of the industry, public, and regulators. It represents

the current best practice for the installation of LP-Gas systems. This provides the public with an appropriate level of safety. The proposed amendments that would require training for those dispensing at motor vehicle fueling facilities will also help ensure that the dispensing is done safely. The importance of training is also true for those who work at propane plants. Reducing the amount of time that new employees have to receive the required training will result in greater public safety.

### **Economic Impact**

Several changes are included in the 2014 edition of NFPA 58. Additional motor vehicle impact protection provisions were added, however these provisions were previously incorporated into the 2011 edition through amendments made by New Jersey and will not result in any requirement changes or cost increases. Additional plastic piping materials are now permitted, which will either be cost neutral or reduce costs. The 2014 edition of the standard contains specific provisions for the cathodic protection of metallic piping underground, rather than simply stating that underground metallic piping must be protected against corrosion. The code gives three options for complying, including corrosion resistant materials (plastic), corrosion resistant coatings, or cathodic protection systems. Installers have traditionally used one of these methods to comply with the corrosion resistance requirement under the 2011 edition of NFPA 58, so the requirement will not result in an increase in cost. There is additional emphasis added concerning training of personnel handling LP-Gas under the 2014 edition of NFPA 58, but these requirements are superseded by the training requirements included in N.J.A.C. 5:18. The Department does not believe any of the changes found in the 2014 edition of NFPA 58 will add substantially to the cost of LPG system installations.

The requirement to provide a training program when applications for motor vehicle fueling systems are submitted for review contained in N.J.A.C. 5:18-6.3 will result in an additional cost to applicants. It is anticipated that the Propane Education and Research Council may, at some point, develop a training program for this specialized type of dispensing. In the interim, applicants can use the “Dispensing Propane Safely” publication developed by the National Propane Gas Association and modify it to incorporate the procedures for properly dispensing auto-gas. The proposed amendment to change the amount of time newly-hired employees have to take the appropriate Certified Employee Training Program from 21 months to six months should not result in any additional costs for propane suppliers. The courses are offered on a regular basis by the New Jersey Propane Gas Association and other propane gas associations that are within reasonable travel distance.

### **Federal Standards Statement**

No Federal standards analysis is required because the amendments are not proposed in order to implement, comply with, or participate in any program established under Federal law or under a State law that incorporates or refers to Federal law, standards, or requirements.

### **Jobs Impact**

The Department does not anticipate that the proposed amendments would result in the creation or loss of any jobs.

### **Agriculture Industry Impact**

The Department does not anticipate that the proposed amendments would impact the agriculture industry.

### **Regulatory Flexibility Analysis**

A significant portion of the currently licensed LPG companies would qualify as small businesses, as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendments to adopt the most recent edition of NFPA 58 would bring New Jersey's technical and safety requirements current. Because these requirements involve public safety, there is no basis for modifying the requirements based upon the size or form of organization of the marketer. The two additional proposed compliance and recordkeeping requirements contained in the proposed amendments call for specialized training for those dispensing fuel for motor vehicles and give a shorter timeframe for the training of newly-hired employees. It is not anticipated that this will be a hardship for any propane marketer. And, as stated above, because these rules involve public safety, there is no basis for differential treatment of small businesses.

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### **Housing Affordability Impact Analysis**

Inasmuch as the proposed amendments update the industry standard for the installation and maintenance of liquefied petroleum gas systems, there is an extreme unlikelihood that they would have any effect upon housing production costs or affect affordability.

### **Smart Growth Development Impact Analysis**

Inasmuch as the proposed amendments update the industry standard for the installation and maintenance of liquefied petroleum gas systems, there is an extreme unlikelihood that they would evoke a change in housing production within Planning Areas 1 and 2, or within designated centers, under the State Development and Redevelopment Plan.



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

### SUBCHAPTER 3. NFPA 58 SYSTEMS

#### 5:18-3.1 Standards adopted by reference

(a) The Liquefied Petroleum Gas Code, "NFPA 58-[2011]**2014**," is hereby adopted by reference with the following modifications:

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

"Definitions":

- i. (No change.)
- ii. **Section 3.3.10 is deleted and the definition of "Bulk plant" found in**

**N.J.A.C. 5:18-2.1 is substituted in lieu thereof.**

- iii. **Section 3.3.34 is deleted and the definition of "Industrial plant" found in**

**N.J.A.C. 5:18-2.1 is substituted in lieu thereof.**

3. – 4 (No change.)

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

- i. Section 6.3.1.**1** is amended to delete the words "that can be built upon" on lines 5 and 6.
- ii. Section 6.3.[3]**1.3** is amended to delete the words "that can be built upon" on line 4.

iii. Section 6.3.[4.1]**2.2** is deleted and the following language is substituted  
“Distances for all underground containers and mounded ASME containers shall be measured from the pressure relief valve and the filling connection.”

iv. Section 6.3.[4.2]**2.3** is amended to delete the words “that can be built upon” on line 3.

v. [Section 6.5.1.3 is deleted] **Table 6.3.1.1 is amended to delete the words “that can be built upon” in the title.**

vi. Section 6.4.[5.12]**4.13** is amended to delete the words “600 volts, nominal” and replace them with the words “240 volts, nominal.”

[vii. Section 6.6.6.1(C) is amended to add the phrase “when located within 10 feet of a street, parking area or other location where vehicles are likely to operate” at the end of the sentence.

viii. Section 6.6.6.1(K)3 is amended to add the following sentence “Where containers are bedded and backfilled such that there is a minimum of 12” of washed concrete sand surrounding the tank, the test interval shall not exceed 60 months.”]

**vii. Section 6.5.1.4 is deleted.**

Recodify existing ix. – xiii. as **viii. – xii.** (No change in text.)

**xiii. Section 6.15.3 is deleted and the following shall be substituted in lieu thereof “Liquefied Petroleum Gas vapor piping between the second stage regulator and appliances shall be tested in accordance with the Uniform Construction Code (N.J.A.C. 5:23).”**

**xiv. Section 6.17.3.2(2) is amended to add the following sentence “Where containers are bedded and backfilled such that there is a minimum of 12” of washed concrete sand surrounding the tank, the test interval shall not exceed 60 months.”**

[xiv.] **xv. Section [6.19.1.1(1)] 6.20** is deleted and the following language is substituted, “The [storage] **installation** of LP-Gas [cylinders on exterior balconies of buildings or inside of buildings] **systems in buildings, on building roofs and exterior balconies** shall be in accordance with the Uniform Construction Code (N.J.A.C. 5:23) and the Uniform Fire Code. (N.J.A.C. 5:70)”

[xv. Section 6.19.1.2 (C) is deleted.

xvi. Section 6.19.2 is deleted.

xvii. Section 6.19.3 is deleted and the following language is added: “The installation of piping and appliances within buildings shall conform to the Uniform Construction Code (N.J.A.C. 5:23). The installation of LP-Gas tanks on roofs of buildings except while under construction shall be prohibited. The installation of propane storage containers, piping and appliances on exterior balconies shall be in accordance with the Uniform Construction Code and the Uniform Fire Code (N.J.A.C. 5:70) as applicable.”

xviii. Section 6.19.4.2 is deleted and the following language is substituted “The storage and use of LP-Gas in buildings that are under construction and partially occupied shall be approved by the authority having jurisdiction under the Uniform Fire Code (N.J.A.C. 5:70) .”

xix. Section 6.19.11 is deleted.]

[xx.] **xvi. Table [6.21.3.6] 6.22.3.6** is amended to delete the words “that can be built **upon**” on line 6 under the heading “Exposure.”

[xxi.] **xvii. Section [6.23] 6.24** is deleted.

[xxii.] **xviii.** Section [6.24.3.8] **6.25.3.8** is amended to delete the words “remote closure and” in item (1) and to delete the words “fitted for remote [remote] closure and” in item (2).

[xxiii.] **xix.** Section [6.24.3.9] **6.25.3.9** is deleted.

[xxiv.] **xx.** Section [6.24.3.10] **6.25.3.10** is deleted.

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

6. (No change.)

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

i. – ii. (No change.)

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

**iv. Section 8.5 is deleted.**

8. (No change.)

**9. Chapter 10 of NFPA 58 entitled “Buildings or Structures Housing LP-Gas Distribution Facilities” is deleted.**

Recodify existing 9. - 10. as **10. – 11.** (No change in text.)

(b) (No change.)

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

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

(a) (No change.)

**(b) For systems designed exclusively to dispense LP-Gas into motor vehicles, the applicant shall submit for approval a written training program or training program using other media to be given to prospective operators of the system. The training program must include standard operating instructions, system safety features and their use, system emergency procedures, and basic system maintenance and inspection.**

[(b)] (c) Containers shall not be filled until the approval covered in (a) **or** (b) above has been obtained, except that:

1. – 2. (No change.)

SUBCHAPTER 10. LICENSING

5:18-10.3 Employee certification

(a) Any employee of a marketer licensed pursuant to N.J.A.C. 5:18-10.1 handling LP-Gas shall obtain Certified Employee Training Program (CETP) of the National Propane Gas Association certification for Book One, "Basic Principles and Practices," within three months of the date of hiring.

1. - 3. (No change.)

4. The appropriate parts of 2, 3, and 4 of the CETP program must be completed within [21] **six** months of the date of hire [or by September 6, 2005, whichever is later].

5. – 7. (No change)

(b) – (c) ( No change.)

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

(a) All fill plant or dispensing station operators shall be trained using the "Dispensing Propane Safely" manual (2000 edition) published by the National Propane Gas Association, incorporated herein by reference, or an equivalent accepted by the Department; **or, for systems designed exclusively to dispense LP-Gas into motor vehicles, the training program submitted as part of system approval in accordance with N.J.A.C. 5:18-6.** An employee shall receive training prior to dispensing LP-Gas. It shall be the responsibility of the business operating the tank, working together with the marketer, to ensure all employees dispensing LP-Gas are trained properly.

(b) (No change.)