

CHAPTER 34

PERIODIC REPORTING BY ENERGY INDUSTRIES
OF ENERGY INFORMATION

Authority

N.J.S.A. 52:27-11(g), 52:27-18 and 48:2-12.

Source and Effective Date

R.1995 d.70, effective January 12, 1995.
See: 26 N.J.R. 4484(b), 27 N.J.R. 504(a).

Executive Order No. 66(1978) Expiration Date

Chapter 34, Periodic Reporting by Energy Industries of Energy Information, expires on January 12, 2000.

Chapter Historical Note

Chapter 34, Periodic Reporting by Energy Industries of Energy Information, was adopted as R.1990 d.30 and was originally codified as Chapter 11 of Title 14A, effective January 16, 1990. See: 21 N.J.R. 2009(b), 22 N.J.R. 244(b). Prior rules at Chapter 11, regarding the reporting of energy information, expired on September 20, 1989.

Subchapter 2, Suppliers of Home Heating Oil, was repealed by R.1992 d.403, effective October 19, 1992. See: 23 N.J.R. 2830(b), 24 N.J.R. 3725(b). Pursuant to Executive Order No. 66(1978), Chapter 11 was readopted as R.1995 d.70. See: Source and Effective Date. As a part of R.1995 d.70, Chapter 11 was recodified as Chapter 34 of Title 14, effective February 6, 1995. See: 26 N.J.R. 4484(b), 27 N.J.R. 504(a). See, also, section annotations.

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SUBCHAPTER 1. BULK TERMINAL OPERATING
COMPANIES

14:34-1.1 Scope

Unless otherwise provided by statute or rule, this subchapter shall govern the periodic reporting of energy information by bulk terminal operating companies.

14:34-1.2 Definitions

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

“Asphalt” means crude asphalt as well as finished products such as cements, fluxes, the asphalt content of emulsions (exclusive of water) and petroleum distillates blended with asphalt to make cutback asphalts. The conversion factor is 5.5 barrels of 42 gallons each per short ton.

“Aviation gasoline” means all special grades of gasoline for use in aviation reciprocating engines, as given in ASTM Specification D910. Includes all refinery products within the gasoline range that are to be marketed straight or in blends as aviation gasoline without further processing, i.e., any refinery operation except mechanical blending. Also included finished components in the gasoline range which will be used for blending or compounding into aviation gasoline.

“Bulk terminal” means a facility which is primarily used for storage and/or marketing of gasoline, kerosene, distillate, and residual fuel oils and which has total bulk storage capacity of 50,000 barrels or more, or receives its petroleum products by tanker, barge, or pipeline.

“Department” means the Board of Public Utilities.

“Distillate fuel oil less No. 4” means a general classification for one of the petroleum fractions which, when produced in conventional distillation operations, has a boiling range from 10 percent point at 300 degrees F to 90 percent point at 675 degrees F. Included are products known as Nos. 1 and 2 heating oils conforming to ASTM Specification D396 and diesel fuel conforming to ASTM Specification D396 and diesel fuel conforming to ASTM Specification D975, for No. 1-D and No. 2-D.

“Jet fuel—kerosene type” means a quality kerosene product with an average gravity of 40.7 degrees API, a 10 percent distillation temperature of 400 degrees F and an end-point of 550 degrees F covered by ASTM Specifications D1655 and Military Specification MIL-T-5624J (Grade JP-5). Used primarily as fuel for commercial turbojet and turboprop aircraft engines. A relatively low freezing point distillate of the kerosene type.

“Jet fuel—naphtha style” means a fuel in the heavy naphtha boiling range with an average gravity of 52.8 degrees API and 20 to 90 percent distillation temperatures of 290 degrees F to 470 degrees F and meeting Military Specifications MIL-T-5624J (Grade JP-4). Used for turbojet and turboprop aircraft engines, primarily by the military. Excludes ram-jet and petroleum rocket fuels which should be reported with “Miscellaneous Finished Oils”.

"Kerosene" means a petroleum distillate in the 300 degrees F to 550 degrees F boiling range and generally having a flash point higher than 100 degrees F by ASTM Method D56, a gravity range from 40 degrees to 46 degrees API, and a burning point in the range of 150 degrees F to 175 degrees F. It is a clean burning product suitable for use as an illuminant when burned in wick lamps. Includes grades of kerosene called range oil having properties similar to No. 1 fuel oil, but with a gravity of about 43 degrees API and an end point of 625 degrees F. Used in space heaters, cook stoves, and water heaters.

"Leaded motor gasoline" means motor gasoline (defined below) that does not meet the Environmental Protection Agency's definition of unleaded gasoline.

"Lube oils and greases" means all grades of lubricating oils from spindle oil to cylinder oil and those used in greases.

"Miscellaneous finished oils" means all other finished products such as petrolatum, absorption oils, ram-jet fuel, petroleum rocket fuels, substitute natural gas feedstocks, and other finished products shipped to other than petroleum refineries. Excludes finished petrochemicals.

"Motor gasoline" means a complex mixture of relatively volatile hydrocarbons, with or without small quantities of additives, which have been blended to form a fuel suitable for use in spark ignition engines. Includes all refinery products listed in ASTM Specification D439. Federal Specification VV-G-766, and those to be marketed as motor gasoline without further processing i.e., any refinery operation except mechanical blending. Also includes finished components in the gasoline range which will be used for blending or compounding into finished gasoline.

"No. 4 fuel oil" means fuel oil for commercial burner installations not equipped with preheating facilities. Extensively used in industrial plants. This grade is a blend of distillate fuel oil and residual fuel oil stocks which conforms to ASTM Specification D396 or Federal Specification VV-F-815C for this grade, Kinematic viscosities between 5.8 and 26.4 percent at 100 degrees F.

"Residual fuel oil" means topped crude of refinery operations. Includes No. 5 and No. 6 fuel oil as defined as ASTM Specification D396 and Federal Specification VV-F-815C; heavy diesel oil as given in ASTM Specification D975 for No. 4-D; Navy Special fuel oil in Military Specification MIL 859E, including Amendment 2; and Bunker C fuel oil.

"Special naphthas" means all finished products within the gasoline range, specially refined to specified flash point and boiling range for use as paint thinners, cleaners, and solvents, including commercial hexane in conforming with ASTM Specification D1836 and cleaning solvent conforming to ASTM Specification D484. Excludes naphthas to be blended or marketed as motor gasoline, aviation gasoline, or used as petrochemical and/or substitute natural gas (SNG) feedstock.

"Stocks" means supplies less basic settlements and water corrected to 60 degrees F. It includes all supplies of domestic origin held in custody in New Jersey at bulk terminals and in transit other than by pipeline. It also includes oil supplies of foreign origin held in custody in New Jersey at bulk terminals which have cleared Customs for domestic consumption. Supplies of foreign origin held in bond are not included.

"Unleaded motor gasoline" means motor gasoline (defined above) that meets the Environmental Protection Agency's definitions of unleaded gasoline.

Amended by R.1990 d.30, effective January 16, 1990.

See: 21 N.J.R. 2009(b), 22 N.J.R. 244(b).

In "Department": replaced "N.J. Department of Energy" with "Board of Public Utilities."

14:34-1.3 Reporting

(a) By the fifth day of each month all bulk terminal operators shall provide to the Department a tabulation of bulk terminal stocks for the preceding month. The tabulation shall include the following petroleum products held in custody: leaded motor gasoline, unleaded motor gasoline, aviation gasoline, special naphthas, jet fuel-naphtha type, jet fuel-kerosene type, kerosene, distillate fuel oil, No. 4 fuel oil, residual fuel oil, lube oil and greases, asphalt, and miscellaneous finished oils. All figures shall be reported in thousands of 42 gallon barrels. All figures shall represent actual physical inventories for midnight on the last day of the reported month.

(b) The tabulation of bulk terminal stocks shall be in the form of EIA-811, Bulk Terminal Stocks of Finished Petroleum Products. This information should be sent to:

Secretary

Board of Public Utilities

Two Gateway Center

Newark, N.J. 07102

Amended by R.1990 d.30, effective January 16, 1990.

See: 21 N.J.R. 2009(b), 22 N.J.R. 244(b).

In (b): replaced "Department of Energy" with "Secretary to the Board of Public Utility Commissioners."

Amended by R.1995 d.70, effective February 6, 1995.

See: 26 N.J.R. 4484(b), 27 N.J.R. 504(a).

SUBCHAPTER 2. RETAIL DEALERS OF MOTOR FUEL

14:34-2.1 Scope

Unless otherwise provided by statute or rule, this subchapter shall govern the periodic reporting of energy information by selected retail dealers of motor fuel.

14:34-2.2 Definitions

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

“Division” means the Division of Energy Planning and Conservation within the Department of Commerce.

“Full-service station” means a station that offers a full line of services, such as service bays and offers for sale tires, batteries and other accessories in addition to the sale of motor fuel.

“Limited-service station” means a station that offers a limited line of services in addition to the sale of motor fuel.

“Motor fuel” includes motor gasoline, diesel fuel and Gasohol.

“Retail dealer” means any person who engages in the business of selling fuels from a fixed location such as a service station, filling station, store, or garage directly to the ultimate users of said fuel.

“Selected” means chosen from a pool of merchants from the various geographic areas of the state according to accepted statistical procedures for sampling from a large population. A sample is to be redrawn at least every two years excluding merchants previously in the sample so as to distribute any reporting burden fairly.

“Truck stop” means any retail dealer who provides service predominantly to trucks and truck tractors.

14:34-2.3 Reporting

(a) Upon request, each retail dealer who is selected by the Division shall report the following background information to the Division:

1. The location of the station; for example, at an interstate highway, State highway, county road, local road, resort area or non-resort area;
2. The type of station; for example, full-service station, limited-service station or truck stop;
3. The brand of motor fuel sold;
4. The number of pumps at the station;
5. The grades of motor gasoline sold, for example, regular leaded, regular unleaded, premium leaded, premium unleaded;
6. Whether diesel fuel or Gasohol is offered for sale;
7. Total sales by month for a base period to be specified by the Division.

(b) Upon request, each retail dealer who is selected by the Division shall report the following information to the Division:

1. The retail dealer's current price for all grades of motor gasoline, diesel fuel and Gasohol offered at the station;
2. The total number of operating hours during the survey period;
3. Sales of motor gasoline, diesel fuel and Gasohol for the most recent month and the corresponding month of the preceding year;
4. Estimated supplies to be made available to the station for the current month;
5. The amount of motor gasoline, diesel fuel and Gasohol pumped as of a particular date. This information shall only be required during periods of shortage or supply interruption.

14:34-2.4 Penalties

(a) Any person who violates the provisions of this subchapter shall be liable to a penalty of not more than \$300.00 for the first offense and not more than \$3,000 for the second or any subsequent offense, to be collected in a civil action by a summary proceeding under the penalty enforcement law (N.J.S.A. 2A:58-1 et seq.), or in any case before a court of competent jurisdiction wherein injunctive relief has been requested. The Superior Court shall also have jurisdiction to enforce the penalty enforcement law. If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate and distinct offense.

(b) The Division may compromise and settle any claim for a penalty under this section in such amount in the discretion of the Division as may appear appropriate and equitable under all of the circumstances.

SUBCHAPTER 3. RETAIL FUEL MERCHANTS**14:34-3.1 Scope**

Unless otherwise provided by statute or rule, this subchapter shall govern the periodic reporting of energy information by selected retail fuel merchants.

14:34-3.2 Definitions

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

“Division” means the Division of Energy Planning and Conservation within the Board of Public Utilities.

“Retail fuel merchant” means any person who engages in the business of selling home heating oil directly to the end users of such home heating oil.

"Selected" means chosen from a pool of merchants from the various geographic areas of the state according to accepted statistical procedures for sampling from a large population. A sample is to be redrawn at least every two years excluding merchants previously in the sample so as to distribute any reporting burden fairly.

Amended by R.1990 d.30, effective January 16, 1990.

See: 21 N.J.R. 2009(b), 22 N.J.R. 244(b).

In "Division": replaced "N.J. Department of Commerce and Economic Development" with the "Board of Public Utilities."

14:34-3.3 Reporting

(a) Upon request, each retail fuel merchant who is selected by the Division shall report the following background information to the Division:

1. The type of company; for example, retailer only, reseller only, reseller/retailer or refiner;
2. The number of storage areas, their location, and their current storage capacity for home heating oil. This shall include company storage that is both owned and rented;
3. Historical home heating oil inventory data as of the last day of the month for a base period to be specified by the Division;
4. Historical home heating oil monthly sales data for the company for a base period to be specified by the Division.

(b) Upon request, each retail fuel merchant who is selected by the Division shall report the following information to the Division:

1. The company's current gross (retail) price charged to residential customers as of a specified date;
2. The company's weighted average rack price, or the price paid to their suppliers as of a specified date;
3. Current inventory of home heating oil as of a specified date;
4. Total sales of home heating oil for the most recent month. This information shall only be required during periods of shortage or supply interruption;
5. Average number of customers served during the most recent month. This information shall only be required during periods of shortage or supply interruption.

14:34-3.4 Penalties

(a) Any person who violates the provision of this subchapter shall be liable to a penalty of not more than \$300.00 for the first offense and not more than \$3,000 for the second or any subsequent offense, to be collected in a civil action by a summary proceeding under the penalty enforcement law (N.J.S.A. 2A:58-1 et seq.), or in any case before a court of competent jurisdiction wherein injunctive relief has been requested. The Superior Court shall also have jurisdiction to enforce the penalty enforcement law. If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate and distinct offense.

(b) The Division may compromise and settle any claim for a penalty under this section in such amount in the discretion of the Division as may appear appropriate and equitable under all the circumstances.