

CHAPTER 11

**BOILERS, PRESSURE VESSELS
AND REFRIGERATION**

Authority

N.J.S.A. 34:1-20, 34:1-47, 34:1A-3(e) and 34:7-18.

Source and Effective Date

R.1994 d.599, effective November 9, 1994.
See: 26 N.J.R. 3810(a), 26 N.J.R. 4828(a).

Executive Order No. 66(1978) Expiration Date

Chapter 11, Boilers, Pressure Vessels and Refrigeration, expires on November 9, 1999.

Chapter Historical Note

Chapter 11, originally Relocation Assistance Program, was filed and became effective prior to September 1, 1969.

Pursuant to Executive Order No. 66(1978), Chapter 11, Relocation Assistance and Eviction, was readopted as R.1984 d.127, effective March 28, 1984. See: 16 N.J.R. 175(a), 16 N.J.R. 870(b).

The expiration date of Chapter 11, Relocation Assistance and Eviction, was extended by gubernatorial directive from March 1, 1989 to April 1, 1989. See: 21 N.J.R. 592(a).

Pursuant to Executive Order No. 66(1978), Chapter 11, Relocation Assistance and Eviction, was readopted as R.1989 d.188, effective March 10, 1989. See: 21 N.J.R. 231(b), 21 N.J.R. 891(a).

Pursuant to Executive Order No. 66(1978), Chapter 11, Relocation Assistance and Eviction, was readopted as R.1994 d.174, effective March 9, 1994. See: 26 N.J.R. 289(a), 26 N.J.R. 1493(a).

Pursuant to Reorganization Plan No. 002-1998, Chapter 11, Relocation Assistance and Eviction, was recodified as N.J.A.C. 5:40, effective July 1, 1998. See: 30 N.J.R. 1347(a), 30 N.J.R. 2644(a).

Chapter 11, Boilers, Pressure Vessels and Refrigeration, was originally codified in Title 12 as Chapter 90, Boilers, Pressure Vessels and Refrigeration. Chapter 90 was filed and became effective prior to September 1, 1969. Amendments became effective March 11, 1976 as R.1976 d.79. See: 8 N.J.R. 41(a), 8 N.J.R. 197(c). Chapter 90, Boilers, Pressure Vessels and Refrigeration, was repealed and new rules were adopted as R.1998 d.557, effective December 17, 1984. See: 16 N.J.R. 1172(a), 16 N.J.R. 3454(a).

Pursuant to Executive Order No. 66(1978), Chapter 90, Boilers, Pressure Vessels and Refrigeration, was readopted as R.1990 d.24, effective December 15, 1989. See: 21 N.J.R. 3247(a), 22 N.J.R. 235(a).

Pursuant to Executive Order No. 66(1978), Chapter 90, Boilers, Pressure Vessels and Refrigeration, was readopted as R.1994 d.599, effective November 9, 1994. See: 26 N.J.R. 3810(a), 26 N.J.R. 4828(a).

Pursuant to Reorganization Plan 002-1998, Chapter 90 of Title 12, Boilers, Pressure Vessels and Refrigeration, was recodified as N.J.A.C. 5:11, effective July 1, 1998. See: 30 N.J.R. 1347(a), 30 N.J.R. 2644(a).

Administrative change: Office of Boiler and Pressure Vessel Compliance changed to Bureau of Boiler and Pressure Vessel Compliance. See: 31 N.J.R. 1061(b).

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SUBCHAPTER 1. GENERAL PROVISIONS

5:11-1.1 Title and citation

This chapter shall be known and may be cited as N.J.A.C. 5:11, Boilers, Pressure Vessels and Refrigeration.

5:11-1.2 Authority

These rules are promulgated pursuant to the authority of the Operating Engineers and Firemen Licensing Act, N.J.S.A. 34:7-1 et seq. and the Boiler, Pressure Vessel and Refrigeration Act, N.J.S.A. 34:7-14 et seq.

5:11-1.3 Purpose

(a) The purpose of this chapter is to provide reasonable standards for:

1. The protection of life and property in the use of boilers, pressure vessels and refrigeration systems; and
2. The licensing of engineers and boiler operators.

Amended by R.1999 d.304, effective September 7, 1999.

See: 31 N.J.R. 1556(a), 31 N.J.R. 2604(b).

In (a)2, substituted a reference to boiler operators for a reference to firemen.

5:11-1.4 Scope

(a) This chapter shall apply to:

1. The design, construction, alteration, repair, operation, use and inspection of boilers, pressure vessels and refrigeration systems; and
2. The examination and licensing of operating engineers, boiler operators and operators of long boom cranes.

Amended by R.1999 d.304, effective September 7, 1999.

See: 31 N.J.R. 1556(a), 31 N.J.R. 2604(b).

In (a)2, substituted a reference to boiler operators for a reference to firemen.

5:11-1.5 Documents referred to by reference

The availability of standards and publications referred to in this chapter is explained in N.J.A.C. 5:11-9.

Amended by R.1996 d.588, effective December 16, 1996.

See: 28 N.J.R. 4060(a), 28 N.J.R. 5224(a).

Changed N.J.A.C. reference.

5:11-1.6 Validity

Should any section, paragraph, sentence or word of this chapter be declared for any reason to be invalid, such decision shall not affect the remaining portions of this chapter.

SUBCHAPTER 2. DEFINITIONS

5:11-2.1 Definitions

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

"Act" ("Inspection Act") means the Boiler, Pressure Vessel and Refrigeration Act, N.J.S.A. 34:7-14 et seq.

"Act" ("Licensing Act") means the Operating Engineers and Firemen Licensing Act, N.J.S.A. 34:7-1 et seq.

"Mechanical Inspection Bureau" means the bureau established pursuant to N.J.S.A. 34:1-38.1 et seq. (1917) and is synonymous with the Bureau of Boiler and Pressure Vessel Compliance.

"Model steam boiler" means a boiler that is individually fabricated for non-commercial use, and is used primarily for demonstration, exhibition or education purposes, including antique boilers or steam pumpers.

"National Board Commission" means the commission issued by the National Board of Boiler and Pressure Vessel Inspectors to a holder of a certificate of competency who desires to make shop or field inspections in accordance with the National Board for such commission.

"National Board Inspection Code" means the manual for boiler and pressure vessel inspectors published by the National Board of Boiler and Pressure Vessel Inspectors.

"NBBPVI" means the National Board of Boiler and Pressure Vessel Inspectors.

"N.J.A.C." means the New Jersey Administrative Code.

"N.J.S.A." means the New Jersey Statutes Annotated.

"Occupied building" means a building which is occupied by persons other than custodial or security personnel. A building is not deemed to be occupied solely on the basis of attendance by custodial or security personnel.

"Occurrence" means any event which reduces the pressure-containing capability of, or requires immediate repair to, a boiler or pressure vessel, exclusive of normal wear on the equipment.

"Owner or user" means any person, firm or corporation legally responsible for the safe operation of any boiler, pressure vessel, or refrigeration system.

"Owner-user inspector" means an inspector who possesses an owner-user Certificate of Competency issued by the Bureau of Boiler and Pressure Vessel Compliance and is employed by a registered owner-user inspection agency.

"Pressure vessel" (See unfired pressure vessel).

"Prime mover" means a turbine, pump or other steam driven device which produces work (energy).

"Psig" means pounds per square inch gauge.

"Refrigeration plant" means a system or plant that is a combination of interconnected refrigerant containing parts constituting one closed refrigerant circuit in which a refrigerant is circulated for the purpose of extracting heat.

"Shift engineer" means a properly licensed person operating a boiler, power plant or refrigeration system.

"Shop inspection" means an inspection performed when any boiler or pressure vessel is being constructed, fabricated or undergoing welded repair. Such inspections shall include audits and joint reviews as required and assigned by the ASME, API, and National Board including owner-user certification audits.

"State inspector" means an employee of the Bureau of Boiler and Pressure Vessel Compliance who is authorized to inspect boilers or pressure vessels or other equipment.

"Total capacity" means the sum of the horsepower at ratings of all boilers comprising the system based on the minimum safety valve relieving capacity as required by the ASME Code.

"Toxic" means a chemical that produces a lethal dose or lethal concentration that falls within any of the following categories:

1. A chemical that has a median lethal dose (LD50) of more than 50 milligrams per kilogram, but not more than 500 milligrams per kilogram of body weight when administered orally to albino rats weighing between 200 and 300 grams each;

2. A chemical that has a median lethal dose (LD50) of more than 200 milligrams per kilogram but not more than 1,000 milligrams per kilogram of body weight when administered by continuous contact for 24 hours (or less if death occurs within 24 hours) with the bare skin of albino rabbits weighing between two and three kilograms each; or

3. A chemical that has a median lethal concentration (LC50) in air of more than 200 parts per million but not more than 2,000 parts per million by volume of gas or vapor, or more than two milligrams per liter but not more than 20 milligrams per liter of mist, fume or dust, when administered by continuous inhalation for one hour (or less if death occurs within one hour) to albino rats weighing between 200 and 300 grams each.

"Unfired pressure vessel" means a vessel in which the pressure is obtained from an external source, or by the application of heat from a direct or indirect source.

"Welded repair" means work necessary to restore a boiler or pressure vessel to a condition suitable for safe operation at the design conditions. If any repair changes the design temperature or pressure, the requirements for rerating shall be satisfied. A repair can be the addition or replacement of pressure or non-pressure parts that do not change the rating of the boiler or pressure vessel.

Amended by R.1990 d.24, effective January 16, 1990.

See: 21 N.J.R. 3247(a), 22 N.J.R. 235(a).

"Examiner" and "fireman" added; "secondhand boiler or pressure vessel" deleted; "Mechanical Inspection Bureau" revised.

Amended by R.1994 d.599, effective December 5, 1994.

See: 26 N.J.R. 3810(a), 26 N.J.R. 4828(a).

Amended by R.1996 d.588, effective December 16, 1996.

See: 28 N.J.R. 4060(a), 28 N.J.R. 5224(a).

Added definitions for "alteration", "API", "API certified inspector", "API-510", "hot water supply boiler", "unfired boiler", "National Board Inspection Code", and "owner-user inspector"; deleted definition for "water heater"; and "API-ASME", "authorized inspection agency", "boiler", "boiler horsepower", "BTU", "certificate of competency", "Division of Workplace Standards", "shop inspection", and "welded repair" revised.

Amended by R.1997 d.537, effective January 5, 1998.

See: 29 N.J.R. 3416(a), 30 N.J.R. 73(a).

Amended by R.1999 d.304, effective September 7, 1999.

See: 31 N.J.R. 1556(a), 31 N.J.R. 2604(b).

Inserted "ASHRAE", "ASHRAE 15", "ASHRAE 34", "Field inspection of unfired pressure vessels", "Flammable", "Highly toxic", "Model steam boiler", "Occurrence" and "Toxic".

SUBCHAPTER 3. ADMINISTRATION

5:11-3.1 Scope of subchapter

This subchapter shall apply to the administrative functions required to be performed by the owner or user of any boiler, pressure vessel or refrigeration system within the scope of this chapter, including, without limitation, model steam boilers.

Amended by R.1997 d.537, effective January 5, 1998.

See: 29 N.J.R. 3416(a), 30 N.J.R. 73(a).

Amended by R.1999 d.304, effective September 7, 1999.

See: 31 N.J.R. 1556(a), 31 N.J.R. 2604(b).

Added a reference to model steam boilers.

5:11-3.2 Right of entry

(a) For the purpose of examination or inspection of any boiler, pressure vessel, refrigeration plants, power plant or other equipment, the Commissioner may enter such premises at all reasonable hours in accordance with N.J.S.A. 34:1-15.

(b) Any person, corporation or firm violating any provision of (a) above shall, for each offense, be liable for a penalty of \$50.00 pursuant to N.J.S.A. 34:1-16.

Amended by R.1990 d.24, effective January 16, 1990.

See: 21 N.J.R. 3247(a), 22 N.J.R. 235(a).

Penalty for violation added at (b).

Amended by R.1997 d.537, effective January 5, 1998.

See: 29 N.J.R. 3416(a), 30 N.J.R. 73(a).

5:11-3.3 Equipment requiring a licensed operator

(a) Any person operating the equipment listed below shall have the appropriate license as specified in N.J.A.C. 5:11-3.4 through 3.8.

1. Any steam boiler, steam generator, hot water boiler for service over 250 degrees Fahrenheit, or similar equipment potentially capable of generating steam having a safety valve or valves set higher than 15 pounds per square inch gauge and rated over six horsepower;

2. A steam or hot water heating plant with an indicated or rated capacity that exceeds either 499 square feet of heating surface or 100 boiler horsepower or 1,000 kilowatts or 4,000,000 BTU input regardless of pressure or temperature conditions, and only when the building or building being served is deemed occupied;

3. Any steam turbine, steam engine or other prime mover, rated over six horsepower;

4. Any refrigerating plant using a refrigerant which is flammable, highly toxic or toxic and rated over 24 tons of refrigerating capacity;

5. Any hoisting machine with a boom length exceeding 99 feet; or

6. Hot-oil generators or equipment using fluids other than water to produce steam indirectly.

Amended by R.1990 d.24, effective January 16, 1990.

See: 21 N.J.R. 3247(a), 22 N.J.R. 235(a).

Six tons changed to 24 tons in (a)4.

Amended by R.1994 d.599, effective December 5, 1994.

See: 26 N.J.R. 3810(a), 26 N.J.R. 4828(a).

Amended by R.1997 d.537, effective January 5, 1998.

See: 29 N.J.R. 3416(a), 30 N.J.R. 73(a).

Amended by R.1999 d.304, effective September 7, 1999.

See: 31 N.J.R. 1556(a), 31 N.J.R. 2604(b).

In (a)4, inserted a reference to highly toxic refrigerants.

5:11-3.4 Licenses for high pressure boilers

(a) This section shall apply to the grades of licenses required to operate a high pressure boiler.

(b) The chief engineer and shift engineer of a high pressure boiler shall hold at least the license designated in Table 3.4

Table 3.4
Licenses for High Pressure Boilers

horsepower over	Boiler	horsepower not over	Chief Engineer's License(1)	Shift Engineer's License
	3,000		1-A gold seal 1st grade engineer	1-C blue seal 3rd grade engineer
1,000		3,000	1-B red seal 2nd grade engineer	1-C blue seal 3rd grade engineer
500		1,000	1-C blue seal 3rd grade engineer	black seal boiler operator in charge
100		500	black seal boiler operator in charge	black seal boiler operator in charge
6		100(2)	—	boiler operator special

Notes to Table

(1) When required by N.J.A.C. 5:11-3.9(f), (g), (h) and (i).

(2) Applies only to fully automatic boilers over six but not over 100 boiler horsepower.

Amended by R.1990 d.24, effective January 16, 1990.

See: 21 N.J.R. 3247(a), 22 N.J.R. 235(a).

Restrictions on use of fireman's special license added at (c).

Amended by R.1996 d.588, effective December 16, 1996.

See: 28 N.J.R. 4060(a), 28 N.J.R. 5224(a).

In (c), deleted reference to coil and waste heat boilers.

Amended by R.1997 d.537, effective January 5, 1998.

See: 29 N.J.R. 3416(a), 30 N.J.R. 73(a).

Amended by R.1999 d.304, effective September 7, 1999.

See: 31 N.J.R. 1556(a), 31 N.J.R. 2604(b).

Deleted a former (c).

5:11-3.5 Licenses for low pressure boilers

(a) This section shall apply to the licenses required to operate a low pressure boiler.

(b) A licensed person shall be required to operate a low pressure steam or hot water heating plant in which the rated capacity exceed 100 horsepower or 499 square feet of heating surface or 4,000,000 BTU input or 1,000 kilowatts regardless of pressure or temperature conditions, and only when the building or building being served is deemed occupied.

(c) A person with a low pressure license may operate low pressure boilers of unlimited horsepower.

Amended by R.1990 d.24, effective January 16, 1990.

See: 21 N.J.R. 3247(a), 22 N.J.R. 235(a).

Operation of boilers of unlimited horsepower permitted at (c).

Amended by R.1994 d.599, effective December 5, 1994.

See: 26 N.J.R. 3810(a), 26 N.J.R. 4828(a).

Amended by R.1997 d.537, effective January 5, 1998.

See: 29 N.J.R. 3416(a), 30 N.J.R. 73(a).

5:11-3.6 (Reserved)

5:11-3.7 Licenses for power generating plants

(a) This section shall apply to the various grades of licenses required to operate the steam driven prime movers in power generating plants.

(b) The chief engineer, shift engineer and boiler operator of a power generating plant should hold at least the licensed designated in Table 3.7.

Table 3.7

Licenses for Power Generating Plants

Power Generating Plant Prime Mover		Chief Engineer's License ⁽¹⁾	Shift Engineer's License	Boiler Operator's License
horsepower over	horsepower not over			
500 and over		1-A gold seal 1st grade engineer	1-C blue seal 3rd grade engineer	black seal boiler operator in charge
100	500	1-B red seal 2nd grade engineer	1-C blue seal 3rd grade engineer	black seal boiler operator in charge
6	100	1-C	1-C	black seal

blue seal
3rd grade
engineer

blue seal
3rd grade
engineer

boiler
operator
in charge⁽²⁾

Notes to Table

(1) When required by N.J.A.C. 5:11-3.9(f), (g), (h) and (i).

(2) When required for boiler operation.

Amended by R.1990 d.24, effective January 16, 1990.

See: 21 N.J.R. 3247(a), 22 N.J.R. 235(a).

Table 3.7 amended to add 1-C blue seal 3rd class engineer under shift engineer's license for horsepower over 6, but not over 100.

Amended by R.1997 d.537, effective January 5, 1998.

See: 29 N.J.R. 3416(a), 30 N.J.R. 73(a).

5:11-3.8 Licenses for refrigeration plants

(a) This section shall apply to the various grades of licenses required to operate refrigeration plants using highly toxic, toxic or flammable refrigerants.

(b) The chief engineer or shift engineer of a refrigeration plant shall hold at least the license designated in Table 3.8.

Table 3.8

Licenses for Refrigeration Plants

Refrigeration Plant Capacity		Chief Engineer's License ⁽¹⁾ (2)	Shift Engineer's License ⁽²⁾
tons over	tons not over		
300 and over		2-A gold seal 1st grade engineer	2-C blue seal 3rd grade engineer
65	300	2-B red seal 2nd grade engineer	2-C blue seal 3rd grade engineer
24	65	2-C blue seal 3rd grade engineer	2-C blue seal 3rd grade engineer

Notes to Table

(1) When required by N.J.A.C. 5:11-3.9(g), (h) and (i).

(2) When steam driven prime movers are employed as part of the refrigeration plant, the engineer shall hold the appropriate engineer's license.

Amended by R.1990 d.24, effective January 16, 1990.

See: 21 N.J.R. 3247(a), 22 N.J.R. 235(a).

Stylistic changes.

Amended by R.1997 d.537, effective January 5, 1998.

See: 29 N.J.R. 3416(a), 30 N.J.R. 73(a).

Amended by R.1999 d.304, effective September 7, 1999.

See: 31 N.J.R. 1556(a), 31 N.J.R. 2604(b).

In (a), inserted a reference to highly toxic refrigerants.

5:11-3.9 Chief engineer and scope of certain licenses

(a) When more than one licensed person is required to operate a high pressure boiler, refrigeration plant or power generating plant, whether or not the operators are employed on the same shift, the management of the plant shall designate one lead person, commonly called a chief engineer to establish responsibility for operations. Chief engineers are not required for low pressure plants.

(b) The engineer designated as chief engineer shall be permitted to serve as chief engineer in one plant location only and must be a full-time employee of the company responsible for the operation of the high pressure boilers,

power generating or refrigeration plants. In the case where the chief engineer is a contract employee, the employee shall be under full time control of facility management responsible for the equipment. The designation shall be in writing and be on file at the plant location where the chief engineer is employed.

(c) The designated chief engineer may also be a shift engineer.

(d) The chief engineer designated in (a) above shall hold the proper grade and classification of license as provided by N.J.A.C. 5:11-3.4 through 3.8.

(e) The Bureau of Boiler and Pressure Vessel Compliance may recognize an engineer holding a license one grade lower than that required to serve as acting chief engineer on a temporary basis provided:

1. Every reasonable effort has been made by the employer to obtain a properly licensed chief engineer;
2. The candidate has submitted an acceptable application for examination for the higher grade license;
 - i. The requirement of (e)2 above may be waived for acting chief status if it is based upon an increase in plant size which mandates a higher grade license as provided in N.J.A.C. 5:11-3.4 through 3.8, but it shall not exceed the period established in the eligibility requirements for the higher grade license; and
3. The employer has submitted a request in writing for the acting chief engineer status.

(f) A boiler operator holding a boiler operator in charge license may act as chief engineer of an installation of 500 boiler horsepower or less. He or she may assume charge of a shift, under the supervision of a properly licensed chief engineer, in installations not over 1,000 boiler horsepower. When the total capacity exceeds 1,000 boiler horsepower, he or she may act as boiler operator, under the direction of, and responsible to, a properly licensed engineer in charge of his or her shift. (See Tables 3.4 and 3.7)

(g) An engineer holding a C or third grade license of the proper classification may act as chief engineer of any plant where the total capacity of the equipment involved does not exceed 1,000 boiler horsepower, 100 engine horsepower or 65 tons refrigerating capacity. He or she may also act as operating engineer, under the supervision of a properly licensed chief engineer, in installations exceeding the above limits. (See Tables 3.4, 3.7 and 3.8)

(h) An engineer holding a B or second grade license of the proper classification may act as chief engineer of any plant where the total capacity of the equipment involved does not exceed 3,000 boiler horsepower, 500 engine horsepower or 300 tons refrigerating capacity. He or she may also act as operating engineer, under the supervision of a properly licensed chief engineer, in installations exceeding the above limits. (See Tables 3.4, 3.7 and 3.8)

(i) An engineer holding an A or first grade license of the proper classification may act as chief engineer in any plant. See Tables 3.4, 3.7 and 3.8)

Amended by R.1990 d.24, effective January 16, 1990.

See: 21 N.J.R. 3247(a), 22 N.J.R. 235(a).

Full-time employee requirement added at (c).

Amended by R.1994 d.599, effective December 5, 1994.

See: 26 N.J.R. 3810(a), 26 N.J.R. 4828(a).

Amended by R.1997 d.537, effective January 5, 1998.

See: 29 N.J.R. 3416(a), 30 N.J.R. 73(a).

Deleted former (b); recodified (c) through (j) as (b) through (i); in (b), inserted a second sentence; and inserted (e)2i.

5:11-3.10 Duties of licensed persons

(a) This section shall apply to the duties of persons licensed in accordance with this chapter.

(b) Licensed persons on watch shall give constant attention and remain within sight and/or natural sound of high pressure boilers and refrigeration plants or be stationed in a control room where the licensed person has direct and immediate intervention capabilities.

(c) Each low pressure boiler operator shall not jeopardize the safe operation of a low pressure heating boiler and shall remain on the premises.

(d) The length of time that the licensed person can be away from the equipment varies according to its nature, size and load conditions. At a minimum, the operator shall monitor the conditions of the low pressure boiler plant at least once every two hours, consistent with the requirements set forth in N.J.A.C. 5:11-5.

(e) The owner or management shall not require a licensed person to stay away from the equipment to the detriment of the safe operation of the equipment described in (b) and (c) above.

(f) A boiler operator's log shall be maintained in each plant containing over 100 horsepower. Every operator on the shift shall review the log and, at the end of each shift, shall sign the log. All logs shall include the date, name of the operator(s) on duty, and time of relief. Any personnel who are training to obtain their licenses under the requirements of N.J.A.C. 5:11-8.4 shall include within the log the actual time spent as a trainee. When the operator of a low pressure plant is not in the boiler room, as permitted in (c) above, the operator shall indicate in the log periodic tours of the boiler plant as required in (d) above.

1. High pressure boiler operator logs shall contain at a minimum the information as outlined in ASME Section VII, Recommended Guidelines for the Care and Operation of Power Boilers, paragraph 6.632, incorporated herein by reference.

2. Low pressure boiler operator logs shall contain at a minimum the information as outlined in ASME Section VI, Recommended Guidelines for the Care and Operation of Heating Boilers, paragraph 6.09(b), incorporated herein by reference.

3. The boiler operator's logbook shall be kept in a hardbound book of the consecutively numbered type. In lieu of a hardbound book, the log may be kept on electronic media recording devices and be accessible for review or printing upon request.

4. Other pertinent data referenced by the above noted ASME Guidelines means information that would impact the normal safe operations of a plant.

Amended by R.1990 d.24, effective January 16, 1990.

See: 21 N.J.R. 3247(a), 22 N.J.R. 235(a).

Requirement to remain on the premises added at (c).

Amended by R.1994 d.599, effective December 5, 1994.

See: 26 N.J.R. 3810(a), 26 N.J.R. 4828(a).

Amended by R.1996 d.588, effective December 16, 1996.

See: 28 N.J.R. 4060(a), 28 N.J.R. 5224(a).

Amended by R.1997 d.537, effective January 5, 1998.

See: 29 N.J.R. 3416(a), 30 N.J.R. 73(a).

Rewrote (b); in (d) added a second sentence; and added (f).

Amended by R.1999 d.304, effective September 7, 1999.

See: 31 N.J.R. 1556(a), 31 N.J.R. 2604(b).

Rewrote (c); in (d), deleted a reference to (c), substituted a reference to low pressure boiler plants for a reference to boiler plants, and changed N.J.A.C. reference; and in (f), changed N.J.A.C. reference in the introductory paragraph, and rewrote the first sentence in 3.

5:11-3.11 Duties of others involved

(a) Each person involved with equipment within the scope of this chapter including, among others, engineers, contractors, suppliers, owners, or operators shall:

1. Be conversant with this chapter;

2. Have all required certificates and licenses posted in a conspicuous place and available for inspection at all times; and

3. Ensure that all boiler and pressure vessels under the scope of N.J.S.A. 34:7-14 through 7-26 are registered with the Bureau of Boiler and Pressure Vessel Compliance and/or the National Board of Boiler and Pressure Vessel Inspectors.

(b) Users of boilers, pressure vessels, refrigeration systems and other equipment subject to the inspection and licensing acts, shall be guided by their authorized inspectors relative to the jurisdiction of the Bureau of Boiler and Pressure Vessel Compliance for purposes of registration, certification, licensing, repairs and alterations.

(c) No person shall contract for or purchase new or used boilers or unfired pressure vessels which do not comply with the applicable ASME Code except as provided for in N.J.A.C. 5:11-5.3 through 5.10. The applicable ASME Code shall be specified in such transactions.

(d) When writing the Bureau of Boiler and Pressure Vessel Compliance in reference to a boiler, unfired pressure vessel, refrigeration plants or other equipment, the New Jersey State inspection registration number in the upper left corner of the registration certificate, the manufacturer's serial number, the National Board number and the name of the manufacturer shall be stated in the correspondence.

(e) Following an occurrence to a boiler or pressure vessel, the owner or user shall promptly notify the Chief Inspector of the Bureau of Boiler and Pressure Vessel Compliance by submitting a detailed report of the occurrence. In the event of a personal injury or any explosion, notice shall be given immediately to the Chief Inspector of the Bureau of Boiler and Pressure Vessel Compliance by telephone or by facsimile or by any other expeditious electronic notification method. The telephone number for these notices is (609) 984-0626. The telefacsimile number for these notices is (609) 984-1577. Neither the boiler or pressure vessel, nor parts thereof, shall be removed or disturbed before permission has been given by the Chief Inspector, except for the purpose of saving human life and limiting consequential damage.

Amended by R.1994 d.599, effective December 5, 1994.

See: 26 N.J.R. 3810(a), 26 N.J.R. 4828(a).

Amended by R.1997 d.537, effective January 5, 1998.

See: 29 N.J.R. 3416(a), 30 N.J.R. 73(a).

Inserted (a)3; and deleted former (b).

Amended by R.1999 d.304, effective September 7, 1999.

See: 31 N.J.R. 1556(a), 31 N.J.R. 2604(b).

Added (e).

5:11-3.12 Qualification of inspectors

(a) Except as provided in (c) below, all inspectors shall be issued a Certificate of Competency after satisfactorily passing an examination based on this chapter and the references provided in N.J.A.C. 5:11-9. This Certificate of Competency is valid only while the inspector is in the employ of the authorized inspection agency indicated on the Certificate of Competency.

(b) Any inspector who shall perform inspections under the requirements of N.J.A.C. 5:11-4.10 (and/or N.J.A.C. 5:11-5.14) shall receive a Certificate of Competency after submitting an application for a Certificate of Competency and meeting the following requirements:

1. An application for a New Jersey Certificate of Competency shall be completed in its entirety, signed and dated by the applicant, and the applicant's signature shall be notarized. The application shall include the applicant's name, address, city and state with zip code, county, telephone number, education, place of employment, National Board and other state commissions held and a statement of experiences. The application shall be accompanied by a \$25.00 application fee; and

2. A copy of the inspector's current National Board Commission card, if available, with a letter from the

authorized inspection agency requesting the Certificate of Competency shall be submitted; and

3. A passing grade of at least 70 percent shall be obtained on a written examination administered by the Bureau of Boiler and Pressure Vessel Compliance.

(c) Any inspector whose duties shall be limited to shop inspections that require a New Jersey Certificate of Competency can apply for a "Shop Inspection" Certificate of Competency based solely on holding a valid Commission issued by the National Board of Boiler and Pressure Vessel Inspectors. The application shall meet the following requirements:

1. An application for a New Jersey Certificate of Competency shall be completed, signed and dated by the applicant and this signature shall be notarized. The application shall include the applicant's name, address, city and state with zip code, county, telephone number, education, place of employment, National Board and other state commissions held and a statement of experiences. The application shall be accompanied by a \$25.00 application fee; and

2. A copy of the inspector's current National Board Commission card with a letter from the authorized inspection agency requesting the Certificate of Competency shall be submitted; if the inspector does not have a National Board Commission, a "Shop Inspection" Certificate of Competency can be issued upon notification from the National Board of Boiler and Pressure Vessel Inspectors that the applicant obtained a passing grade on the National Board examination, when such examination was taken in the State of New Jersey.

(d) Any inspector whose duties shall be limited to owner-user inspections under N.J.A.C. 5:11-5.12, 5.13 or 5.14 shall receive a Certificate of Competency after submitting an application for a Certificate of Competency and meeting the requirements under (d)1 through 3 below.

1. An application for a New Jersey Certificate of Competency shall be completed, signed and dated by the inspector, and this signature shall be notarized. The application shall include the applicant's name, address, city and state with zip code, county, telephone number, education, place of employment, National Board and other state commissions held and a statement of experiences. The application shall be accompanied by a \$25.00 application fee.

2. A copy of the inspector's current National Board Commission card or API Pressure Vessel Inspector Certification with a letter from the owner/user inspection agency requesting the Certificate of Competency shall be submitted.

3. A passing grade of at least 70 percent shall be obtained on a written examination administered by the Bureau of Boiler and Pressure Vessel Compliance.

4. Persons who hold an API Pressure Vessel Inspector Certification by means of API-510, Appendix B, Section B.2.2 and who have not passed a written examination as described in API-510, Appendix B, Section B.1 shall be limited to conducting field inspection of unfired pressure vessels as owner-user inspectors under N.J.A.C. 5:11-5.14 and shall not be qualified to approve pressure vessel repairs or alterations under N.J.A.C. 5:11-5.12 or conduct shop inspections under N.J.A.C. 5:11-5.13.

(e) Persons having a National Board Commission or an API Certification shall be tested only on their knowledge of New Jersey boiler, pressure vessel and refrigeration rules set forth in this chapter, as applicable to the functions for which application is made.

New Rule, R.1999 d.304, effective September 7, 1999.
See: 31 N.J.R. 1556(a), 31 N.J.R. 2604(b).

5:11-3.13 Renewal of Certificates of Competency

(a) All Certificates of Competency shall be issued initially for a period of at least one year, expiring on December 1 of the following year.

(b) When applying for the renewal of a Certificate of Competency, the authorized inspection agency or owner/user inspection agency shall submit a renewal fee of \$10.00 for a one-year renewal or \$20.00 for a three-year renewal.

(c) Whenever a Certificate of Competency has not been renewed within three years of its expiration, the inspector shall be required to apply for a new Certificate of Competency, as set forth in N.J.A.C. 5:11-3.12.

(d) When transferring a Certificate of Competency from one authorized inspection agency to another authorized inspection agency, a \$10.00 transfer fee shall be submitted. The expiration date of the Certificate of Competency shall be retained.

(e) A Certificate of Competency may be revoked or suspended by the Commissioner upon receiving evidence of incompetence, negligence, intoxication while on duty, drug use or other reason establishing that the inspector is unfit to hold a Certificate of Competency, after notice is given to the inspector and a hearing afforded him or her before one or more members of the Examining Board. In case revocation or suspension is imposed, the inspector may appeal the determination in accordance with N.J.A.C. 5:11-9. The Commissioner may authorize the suspension of a Certificate of Competency in the interest of health and safety pending the outcome of the appeal.

New Rule, R.1999 d.304, effective September 7, 1999.
See: 31 N.J.R. 1556(a), 31 N.J.R. 2604(b).

(d) Owner-user inspection agencies may request registration to conduct field inspection of unfired pressure vessels, inspection and repair of pressure relief valves, or welded repairs and alterations individually or in any combination of these functions.

(e) All owner-user inspection agencies seeking registration with the Bureau of Boiler and Pressure Vessel Compliance shall be audited by the Bureau of Boiler and Pressure Vessel Compliance. Upon successful completion of this initial audit, the owner-user inspection agency shall be registered with the Bureau of Boiler Pressure Vessel Compliance and shall be audited triennially thereafter. This triennial audit may be conducted on an annual basis when a triennial audit evidences deficiencies. The fee for each audit shall be as provided in N.J.A.C. 5:11-5.15(a)2.

(f) The initial and triennial audits conducted under (e) above shall encompass only those functions appropriate for registration to conduct field inspection of unfired pressure vessels, inspection and repair of pressure relief valves, or welded repairs and alteration, for those owner-user inspection agencies who do not wish to register under all three functions.

New Rule, R.1999 d.304, effective September 7, 1999.
See: 31 N.J.R. 1556(a), 31 N.J.R. 2604(b).

SUBCHAPTER 6. REFRIGERATION SYSTEMS

5:11-6.1 Scope of subchapter

(a) This subchapter shall apply to the design, construction, inspection, installation, repair and alteration of refrigeration systems, except as provided in (b) below.

(b) This subchapter shall not apply to:

1. Systems using refrigerants of flammable, highly toxic or toxic nature of three tons or less of refrigerating capacity;
2. Systems using refrigerants of flammable, highly toxic or toxic nature requiring six driving horsepower or less;
3. Systems using refrigerants of nonflammable and nontoxic nature of 18 tons refrigerating capacity or less;
4. Systems using refrigerants of nonflammable and nontoxic nature requiring 36 driving horsepower or less; and
5. Systems using refrigerants of a nontoxic and non-flammable nature of 15 psig or less, regardless of capacity.

Amended by R.1990 d.24, effective January 16, 1990.
See: 21 N.J.R. 3247(a), 22 N.J.R. 235(a).

Exclusion added at (b)5.

Amended by R.1999 d.304, effective September 7, 1999.
See: 31 N.J.R. 1556(a), 31 N.J.R. 2604(b).

In (b), inserted references to highly toxic refrigerants in 1 and 2.

5:11-6.2 Compliance with referenced standards

(a) Refrigeration systems shall be constructed, installed, maintained, repaired and inspected in accordance with standards referenced in (b) below.

(b) ASHRAE 15 is adopted as the safety standard under this subchapter and shall apply according to the provisions thereof. ASHRAE 34 is adopted for refrigerant safety classifications.

(c) Each person engaged directly with refrigeration systems shall protect the public by complying with the standards prescribed in (b) above.

(d) Only standards relating to public safety (i.e. substantive rules) are adopted by any incorporation by reference as prescribed in (b) above.

(e) Where any conflict occurs between the standards prescribed in (b) above and these rules, these rules shall prevail.

Amended by R.1999 d.304, effective September 7, 1999.
See: 31 N.J.R. 1556(a), 31 N.J.R. 2604(b).
Rewrote (b).

5:11-6.3 Relief devices

(a) A relief device of proper size shall be installed on the compressor discharge line, located between the compressor outlet port and the discharge shut-off valve. This relief device may discharge into the suction side.

(b) A relief device shall also be installed to relieve from the vapor space of the liquid receiver, condenser, and other pressure vessels in the system.

(c) Relief devices shall discharge to the atmosphere at a safe point and through a diffuser, except as provided in (a) above and (d) below.

(d) Where discharge to the atmosphere is impracticable or hazardous to the immediate neighborhood, the relief device may discharge into a receptacle through which the refrigerant can be disposed of in a safe manner.

Amended by R.1990 d.24, effective January 16, 1990.
See: 21 N.J.R. 3247(a), 22 N.J.R. 235(a).
Stylistic change.

5:11-6.4 Inspection of refrigeration systems

(a) Refrigeration systems shall be inspected annually by an authorized State or insurance company inspector.

(b) It shall be the responsibility of the operator and the inspector to carefully check for indications of irregular, faulty or hazardous conditions.

(c) This inspection shall include the liquid receiver, condenser, all safety valves and their discharge points, gauges, controls and all other items which might be considered potentially critical.

(d) The inspector shall check the license of the operator and the State registration certificate and make note of these items in the inspection report.

(e) Damaged, altered, defaced or lost certificates must be replaced by request through the Bureau of Boiler and Pressure Vessel Compliance. The fee for replacement shall be \$7.50.

Amended by R.1990 d.24, effective January 16, 1990.

See: 21 N.J.R. 3247(a), 22 N.J.R. 235(a).

Certificate replacement requirements added at (e).

5:11-6.5 Fee for field inspection

(a) An insurance company making an annual inspection of refrigerating systems shall pay a \$10.00 fee to the State, payable by and collected from the user by the inspector at the time of field inspection for each system.

(b) The owner or user may request field inspection by the State.

(c) The fee for an annual field inspection by the State, based on the refrigeration capacity of the system, shall be paid to the State inspector as follows:

1. Over three and under 25 tons	\$35.00
2. 25 tons and over, but less than 300 tons	50.00
3. 300 tons and over	70.00

(d) In addition to the field inspection fee, the travel expenses of the State inspector shall be paid at the time of inspection.

Administrative Correction to (a) and (c): fee changes.

See: 23 N.J.R. 2512(b).

SUBCHAPTER 7. PRESSURE RELIEF VALVES

Authority

N.J.S.A. 34:1-20, 34:1-47, 34:1A-3 and 34:7-18.

Source and Effective Date

R.1999 d.304, effective September 7, 1999.

See: 31 N.J.R. 1556(a), 31 N.J.R. 2604(b).

Subchapter Historical Note

Subchapter 7, Pressure Relief Valves, was adopted as new rules, and Subchapter 7, Licensing of Operating Engineers and Boiler Operator, was recodified as Subchapter 8 by R.1999 d.304, effective September 7, 1999. See: 31 N.J.R. 1556(a), 31 N.J.R. 2604(b).

5:11-7.1 Scope of subchapter

This subchapter shall apply to entities wishing to disassemble, inspect or repair pressure relief valves for use on boilers, pressure vessels or refrigeration equipment.

5:11-7.2 Requirements for certification

In order to disassemble, inspect or repair pressure relief valves in the State, or for use in the State, the entity performing the function shall either have a National Board Certificate of Authorization for use of the Valve Repair ("VR") stamp or be a New Jersey registered owner-user inspection agency as set forth in N.J.A.C. 5:11-5.18.

SUBCHAPTER 8. LICENSING OF OPERATING ENGINEERS AND BOILER OPERATORS

Subchapter Historical Note

Subchapter 8, Violations and Penalties, was adopted as new rules, and former Subchapter 8, Standards and Publications Referred to in this Chapter, was recodified as N.J.A.C. 12:90-9 by R.1996 d.588, effective December 16, 1996. See: 28 N.J.R. 4060(a), 28 N.J.R. 5224(a).

Subchapter 8, Licensing of Operating Engineers and Boiler Operators, was recodified from Subchapter 7, and former Subchapter 8, Violations and Penalties, was recodified as Subchapter 9 by R.1999 d.304, effective September 7, 1999. See: 31 N.J.R. 1556(a), 31 N.J.R. 2604(b).

5:11-8.1 Scope of subchapter

This subchapter shall apply to the procedures required to obtain a license as an operating engineer or fireman.

5:11-8.2 Applications for licenses

(a) The application shall be typewritten or neatly and legibly printed in ink.

(b) All applications shall be carefully completed, signed by the applicant and notarized.

(c) The statements of the applicant shall indicate the actual experience as specified in the eligibility provisions of N.J.A.C. 5:11-8.4 through 8.13. Only pertinent, applicable, and full-time experience shall be listed. This experience shall have been completed within seven years of the filing of application.

(d) Incomplete or outdated applications shall not be accepted.

(e) An application for a license shall be made on forms provided by the Bureau of Boiler and Pressure Compliance. Only one classification or change of grade may be requested per application.

5:11-8.16 Re-examination

(a) An applicant who has failed an examination may not be re-examined for a period of at least three months, but may be allowed one re-examination without additional charge within six months of the original examination. If again unsuccessful, the applicant may be re-examined within three months, provided a fee of \$10.00 is received within 60 days of the second failure.

(b) Upon failing the examination for the third time, an applicant who wishes to retake the examination shall wait three months prior to reapplication, at which time a new application form shall be fully completed.

Amended by R.1990 d.24, effective January 16, 1990.

See: 21 N.J.R. 3247(a), 22 N.J.R. 235(a).

Reapplication requirements added at (b).

Administrative Correction to (a): Fee changes.

See: 23 N.J.R. 2512(b).

Amended by R.1997 d.537, effective January 5, 1998.

See: 29 N.J.R. 3416(a), 30 N.J.R. 73(a).

5:11-8.17 Posting of license

(a) All licenses shall be framed and properly posted adjacent to the equipment involved, in the engineer's office or in the plant office, whichever is suitable.

(b) The license shall be available for examination.

(c) A penalty of \$50.00 may be imposed for violation of this section.

Amended by R.1997 d.537, effective January 5, 1998.

See: 29 N.J.R. 3416(a), 30 N.J.R. 73(a).

5:11-8.18 Suspension or revocation of license

(a) Any license may be suspended or revoked by the Commissioner for incompetence, negligence, intoxication, or drug abuse while on duty, or for any other valid reason establishing that the licensee is unfit to hold a license.

(b) Any license or identification card shall be surrendered and immediately revoked if, for any purpose, it is loaned, abandoned or allowed to pass from the personal control of the person named as the license holder.

(c) All licenses shall expire unless renewed before or during the anniversary month indicated on the license. Changing of grade or addition of classification shall not change this anniversary date.

(d) A license shall be automatically canceled on the last day of the month in which it expires. Any persons performing the duties of a licensee and holding an expired license shall be subject to a maximum penalty of \$500.00. The supervisor and/or employer may be subject to a similar penalty.

(e) Any person using fraudulent means to obtain a license shall be subject to prosecution and/or a penalty of

\$500.00. Any license acquired through such means shall be invalid.

(f) A licensee whose license is suspended or revoked has the right to request a hearing conducted by one or more members of the Examining Board in accordance with N.J.S.A. 34:7-3. Failure to appear for a hearing when requested shall cause the license to be suspended indefinitely. If the licensee disagrees with the decision, he or she may appeal to the Commissioner pursuant to the requirements of N.J.A.C. 5:11-9.

Amended by R.1994 d.599, effective December 5, 1994.

See: 26 N.J.R. 3810(a), 26 N.J.R. 4828(a).

Amended by R.1997 d.537, effective January 5, 1998.

See: 29 N.J.R. 3416(a), 30 N.J.R. 73(a).

Rewrote (d) and (f).

Amended by R.1999 d.304, effective September 7, 1999.

See: 31 N.J.R. 1556(a), 31 N.J.R. 2604(b).

In (f), changed N.J.A.C. reference.

5:11-8.19 Renewal of license

(a) When applying for the renewal of a license it shall be necessary to return only the signed identification card with a fee of \$10.00 for a one year renewal or \$20.00 for a three year renewal.

(b) A license may be renewed within 60 days prior to the date of its expiration.

(c) An application for a renewal of an expired license shall be approved provided:

1. A fee of \$15.00 is enclosed for one year or \$30.00 for a three year renewal;

2. The application is made within three years of the expiration date of the expired license; and

3. All penalties lawfully imposed on the applicant under N.J.S.A. 34:7-6 have been paid.

(d) An application for renewal of a license expired more than three years shall be treated as an original application. All records pertaining to a license may be destroyed if it has not been renewed for a period of three years and one day after the expiration date.

(e) An altered, defaced or otherwise mutilated license shall be replaced only after review by the Bureau of Boiler and Pressure Vessel Compliance. Photostats, photographs or reproduction of a license shall have no status and shall not be recognized. A fee of \$5.00 shall be submitted for a replacement license.

Amended by R.1990 d.24, effective January 16, 1990.

See: 21 N.J.R. 3247(a), 22 N.J.R. 235(a).

Fee requirement for replacement added at (e).

Administrative Correction to (a) and (c)1: Fee changes.

See: 23 N.J.R. 2312(b).

Amended by R.1997 d.537, effective January 5, 1998.

See: 29 N.J.R. 3416(a), 30 N.J.R. 73(a).

In (d), added a second sentence.

5:11-8.20 Employment of unlicensed person in emergency

(a) Employers shall immediately request permission from the Bureau of Boiler and Pressure Vessel Compliance, in writing, if for any reason of emergency it becomes necessary to employ an unlicensed person temporarily for a period not to exceed 15 days explaining fully the circumstances.

(b) The Commissioner may extend the time period to a maximum of one year under (a) above provided that a written extension request is received by the Bureau of Boiler and Pressure Vessel Compliance prior to the expiration of the 15 day period in (a) above. Such request shall contain:

1. The reason for the emergency condition;
2. A date certain when a licensed person will be employed;
3. The method used and efforts made in searching for a licensed person;
4. The name of the unlicensed person currently employed and if the unlicensed person has made an application for examination with the Bureau of Boiler and Pressure Vessel Compliance; and
5. Such other information as the Commissioner shall direct.

(c) Late requests for extension are subject to penalties which must be satisfied prior to permission being granted.

(d) If additional time is required after the period granted in (b) above has expired, requests may be considered on a case-by-case basis, and only when documentation has been provided outlining why additional time is required.

(e) If an unlicensed person in (b)4 above who has filed an application with the Bureau of Boiler and Pressure Vessel Compliance fails to appear for an examination as notified or a licensed person is not hired within the extension period set by the Commissioner, the Commissioner may at his or her discretion refer a licensed person from an employment agency or other appropriate source to the employer. A penalty may be imposed of not less than \$50.00 nor more than \$500.00 per day for each day in violation as provided in N.J.S.A. 34:7-6.

(f) The employer shall notify the Bureau of Boiler and Pressure Vessel Compliance when a licensed person is employed, giving the name, address, and license, grade and number of such employee.

Amended by R.1990 d.24, effective January 16, 1990.

See: 21 N.J.R. 3247(a), 22 N.J.R. 235(a).

Requirements for requests to employ unlicensed persons added at (b) and (c).

Amended by R.1994 d.599, effective December 5, 1994.

See: 26 N.J.R. 3810(a), 26 N.J.R. 4828(a).

Amended by R.1997 d.537, effective January 5, 1998.

See: 29 N.J.R. 3416(a), 30 N.J.R. 73(a).

Inserted (d); and in (e), added a second sentence.

SUBCHAPTER 9. VIOLATIONS AND PENALTIES**Subchapter Historical Note**

Subchapter 9, Violations and Penalties, was originally codified as Subchapter 8, Violations and Penalties. Subchapter 8 was adopted as new rules by R.1996 d.588, effective December 16, 1996. See: 28 N.J.R. 4060(a), 28 N.J.R. 5224(a).

Subchapter 8, Violations and Penalties, was recodified as Subchapter 9, Violations and Penalties, and former Subchapter 9, Standards and Publications Referred to in this Chapter, was recodified as Subchapter 10 by R.1999 d.304, effective September 7, 1999. See: 31 N.J.R. 1556(a), 31 N.J.R. 2604(b).

5:11-9.1 Violations

(a) This subchapter shall apply to:

1. Findings of violations of N.J.S.A. 34:7-1 et seq., the Act on Licensing of Operating Engineers and Firemen and N.J.S.A. 34:7-14 et seq., the Act on Inspection of Boilers, Pressure Vessels and Refrigeration Systems;
2. Actions affecting licenses issued pursuant to N.J.S.A. 34:7-3; and
3. Orders to discontinue use of an unfit vessel pursuant to N.J.S.A. 34:7-21.

(b) Any person aggrieved by a determination involving a license revocation or suspension under N.J.A.C. 5:11-4.16(e) shall be notified of a right to request a rehearing within 15 calendar days of the date of receipt of the determination.

(c) Any person aggrieved by a finding of violation and/or assessment of penalty made pursuant to N.J.S.A. 34:7-1 et seq., shall be notified of the right to appeal the determination to the Commissioner within 15 calendar days of receipt of the determination.

(d) Any person aggrieved by an order issued by the Bureau of Boiler and Pressure Vessel Compliance to discontinue use of an unfit vessel notified pursuant to N.J.S.A. 34:7-21 shall be notified of a right to appeal the determination to the Commissioner within 15 calendar days to the date of receipt of the order.

(e) An appeal must be in writing and received within 15 calendar days following the receipt of the notice or determination. All appeals shall be conducted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1. An appellant may be represented by an attorney. If an appeal is not made, the notice shall become the Final Order of the Commissioner upon the expiration of the 15 calendar day period following receipt of the notice or determination.

5:11-9.2 Settlements

Recipients of a notice or determination may request the initiation of a settlement conference at the time that an appeal is filed. If a party requests a settlement conference, or the Department determines that an informal settlement conference would be useful, a settlement conference shall be scheduled and conducted by the Department within 30 days of the receipt of the request or appeal. See N.J.A.C. 1:1-8.1(b).

5:11-9.3 Final agency decisions

If a settlement is not obtained at the settlement conference, or a settlement conference is not conducted, the appeal shall be transmitted to the Office of Administrative Law (OAL) pursuant to the Administrative Procedure Act. The Commissioner shall issue a Final Order upon the conclusion of such proceeding.

5:11-9.4 Enforcement

The Final Order may be enforced with costs in a summary proceeding commenced by the Commissioner.

5:11-9.5 Appeals

Appeals from the final decision of the Commissioner shall be made to the Appellate Division of the New Jersey Superior Court.

SUBCHAPTER 10. STANDARDS AND PUBLICATIONS REFERRED TO IN THIS CHAPTER

Subchapter Historical Note

Subchapter 10, Standards and Publications Referred to in this Chapter, was originally codified in Title 12, Chapter 90, as Subchapter 8, Standards and Publications Referred to in this Chapter.

Subchapter 8, Standards and Publications Referred to in this Chapter, was recodified to Title 5, Chapter 11, as Subchapter 9, Standards and Publications Referred to in this Chapter, by R.1996 d.588, effective December 16, 1996. See: 28 N.J.R. 4060(a), 28 N.J.R. 5224(a).

Subchapter 9, Standards and Publications Referred to in this Chapter, was recodified as Subchapter 10, Standards and Publications Referred to in this Chapter, by R.1999 d.304, effective September 7, 1999. See: 31 N.J.R. 1556(a), 31 N.J.R. 2604(b).

5:11-10.1 Documents referred to by reference

(a) The full title and edition of each of the standards and publications referred to in this chapter are as follows:

1. ASME—1995 edition and all subsequent editions and addenda, Boiler and Pressure Vessel Code

Section I, Power Boilers

Section II, Material Specifications

Part A—Ferrous Material Specifications

Part B—Nonferrous Material Specifications

Part C—Specifications for Welding Rods, Electrodes and Filler Metals

Part D—Properties

Section III, Nuclear Power Plant Components

Subsection NCA—General Requirements for Division 1 and Division 2

Division 1—Subsection NB—Class 1 Components

Division 1—Subsection NC—Class 2 Components

Division 1—Subsection ND—Class 3 Components

Division 1—Subsection NE—Class MC Components

Division 1—Subsection NF—Component Supports

Division 1—Subsection NG—Core Support Structures

Division 1—Appendices

Division 2—Code for Concrete Reactor Vessels and Containments

Section IV, Heating Boilers

Section V, Nondestructive Examination

Section VI, Recommended Rules for the Care and Operation of Heating Boilers

Section VII, Recommended Guidelines for the Care of Power Boilers

Section VIII, Pressure Vessels

Division 1

Division 2—Alternative Rules

Section IX, Welding and Brazing Qualifications

Section X, Fiber-Reinforced Plastic Pressure Vessels

Section XI, Rules for Inservice Inspection of Nuclear Power Plant Components—Division I

All Code Cases, Interpretations and Addenda

2. BOCA National Mechanical Code, 1993 edition and all subsequent editions and addenda, specifically including the revisions identified the Conference Report of Final Action on 1994 Proposed Changes to the BOCA National Codes.

3. NBIC—National Board Inspection Code 1995 edition and all subsequent editions and addenda

4. N.J.S.A. 34:7-1 et seq., Operating Engineers and Firemen Licensing Act.

5. N.J.S.A. 34:7-14 et seq., Boiler, Pressure Vessel and Refrigeration Act.

6. New Jersey Uniform Construction Code, N.J.A.C. 5:23-3.20, Mechanical Subcode.

7. API-510, Pressure Vessel Inspection Code 1995 edition and all subsequent editions and addenda

8. ASME CSD-1, Controls and Safety Devices for Automatically Fired Boilers

9. ANSI/ASHRAE 15, Safety Code for Mechanical Refrigeration, 1994 edition and all subsequent editions and addenda.

10. ANSI/ASHRAE 34, Designation and Safety Classification of Refrigerants, 1997 edition and all subsequent editions and addenda.

Amended by R.1990 d.24, effective January 16, 1990.

See: 21 N.J.R. 3247(a), 22 N.J.R. 235(a).

Standards and publications citations updated.

Amended by R.1994 d.599, effective December 5, 1994.

See: 26 N.J.R. 3810(a), 26 N.J.R. 4828(a).

Amended by R.1996 d.588, effective December 16, 1996.

See: 28 N.J.R. 4060(a), 28 N.J.R. 5224(a).

Amended by R.1999 d.304, effective September 7, 1999.

See: 31 N.J.R. 1556(a), 31 N.J.R. 2604(b).

In (a), rewrote 2, and added 9 and 10.

5:11-10.2 Availability of documents for inspection

A copy of each of the standards and publications referred to in this chapter is on file and may be inspected at the following office of the Division of Codes and Standards between the hours of 9:00 A.M. and 4:00 P.M. on regular working days:

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

Amended by R.1996 d.588 effective December 16, 1996.

See: 28 N.J.R. 4060(a), 28 N.J.R. 5224(a).

5:11-10.3 Availability of documents from issuing organizations

Copies of the standards and publications referred to in this chapter may be obtained from the organizations listed below. The abbreviations preceding these standards and publications have the following meanings, and are the organizations issuing the standards and publications listed in N.J.A.C. 5:11-10.1.

API—American Petroleum Institute
Order Desk

1220 1 Street, Northwest
Washington, D.C. 20005

ASHRAE—American Society of Heating, Refrigerating, and Air-Conditioning Engineers

Publication Sales

1791 Tullie Circle NE
Atlanta, GA 30329

Phone Number: (404) 636-8400

Fax Number: (404) 321-5478

E-mail: orders@ashrae.org

ASME—American Society of Mechanical Engineers United Engineering Center

345 East 47th Street

New York, New York 10017

BOCA—Building Officials and Code Administrators International

4051 West Flossmoor Road

Country Club Hills, Illinois 60477

NBBPVI—National Board of Boiler and Pressure Vessel Inspectors

1055 Crupper Avenue

Columbus, Ohio 43229

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

Copies available from:

Bureau of Boiler and Pressure Vessel Compliance
PO Box 392

Trenton, New Jersey 08625-0392

New Jersey Uniform Construction Code—Bureau of Code Services

New Jersey Department of Community Affairs
Division of Codes and Standards

PO Box 816

Trenton, New Jersey 08625-0816

Amended by R.1996 d.588, effective December 16, 1996.

See: 28 N.J.R. 4060(a), 28 N.J.R. 5224(a).

Amended by R.1999 d.304, effective September 7, 1999.

See: 31 N.J.R. 1556(a), 31 N.J.R. 2604(b).

Changed N.J.A.C. reference in the introductory paragraph, and inserted ASHRAE address and phone numbers.