

**CHAPTER 18****LIQUEFIED PETROLEUM GAS****Authority**

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

**Source and Effective Date**

R.2005 d.401, effective October 24, 2005.  
See: 37 N.J.R. 564(a), 37 N.J.R. 4399(a).

**Chapter Expiration Date**

Chapter 18, Liquefied Petroleum Gas, expires on October 24, 2010.

**Chapter Historical Note**

Chapter 18, Rentals, was adopted as R.1970 d.86, effective July 21, 1970. See: 2 N.J.R. 47(b), 2 N.J.R. 71(a).

Chapter 18, Rentals, was repealed by R.1980 d.234, effective May 30, 1980. See: 12 N.J.R. 170(c), 12 N.J.R. 388(a).

Chapter 18, Uniform Fire Code, was adopted as new rules by R.1985 d.66, effective February 19, 1985. See: 16 N.J.R. 3339(b), 17 N.J.R. 394(a).

Subchapter 4, Fire Safety Code, was adopted as R.1986 d.214, effective June 16, 1986. See: 17 N.J.R. 1161(a), 18 N.J.R. 1260(b).

Pursuant to Executive Order No. 66(1978), Chapter 18, Uniform Fire Code, was readopted as R.1990 d.72, effective January 4, 1990. See: 21 N.J.R. 3344(a), 22 N.J.R. 337(b).

Subchapter 3, State Fire Prevention Code, was repealed and Subchapter 3, State Fire Prevention Code, was adopted as new rules by R.1992 d.105, effective March 2, 1992. See: 23 N.J.R. 3554(a), 24 N.J.R. 740(a).

Pursuant to Executive Order No. 66(1978), Chapter 18, Uniform Fire Code, was readopted as R.1995 d.58, effective January 3, 1995. See: 26 N.J.R. 4258(a), 27 N.J.R. 878(b).

Pursuant to Reorganization Plan No. 002-1998, Chapter 18, Uniform Fire Code, was recodified as N.J.A.C. 5:70, effective July 1, 1998. See: 30 N.J.R. 1347(a), 30 N.J.R. 2644(a).

Chapter 18, Liquefied Petroleum Gas, was originally codified in Title 12 as Chapter 200, Liquefied Petroleum Gas. Chapter 200 was filed and became effective prior to September 1, 1969. Pursuant to Executive Order No. 66(1978), Chapter 200 expired on May 15, 1985.

Chapter 200, Liquefied Petroleum Gas, was adopted as new rules by R.1985 d.403, effective August 5, 1985. See: 17 N.J.R. 1379(a), 17 N.J.R. 1899(a).

Pursuant to Executive Order No. 66(1978), Chapter 200, Liquefied Petroleum Gas, was readopted as R.1990 d.436, effective August 3, 1990. Subchapter 5, API 2510 Installations, was adopted as new rules and former Subchapter 5, Submittal of Plans or Project Data Report, was recodified as Subchapter 6, Submittal of Plans or Project Data Report, by R.1990 d.436, effective September 4, 1990. See: 22 N.J.R. 1984(a), 22 N.J.R. 2744(a).

Pursuant to Executive Order No. 66(1978), Chapter 200, Liquefied Petroleum Gas, was readopted as R.1995 d.391, effective June 23, 1995. See: 27 N.J.R. 1950(a), 27 N.J.R. 2694(b).

Subchapter 7, Violations, Administrative Penalties and Hearings, was adopted as R.1997 d.220, effective May 19, 1997. See: 29 N.J.R. 836(a), 29 N.J.R. 2463(b).

Pursuant to Reorganization Plan No. 002-1998, Chapter 200 of Title 12, Liquefied Petroleum Gas, was recodified as N.J.A.C. 5:18, effective July 1, 1998. See: 30 N.J.R. 1347(a), 30 N.J.R. 2644(a).

Pursuant to Executive Order No. 66(1978), Chapter 18, Liquefied Petroleum Gas, was readopted as R.2000 d.269, effective June 5, 2000. See: 32 N.J.R. 738(a), 32 N.J.R. 2425(a).

Subchapter 8, Annual Assessments, was adopted as R.2001 d.240, effective July 16, 2001. See: 33 N.J.R. 1227(a), 33 N.J.R. 2462(a).

Subchapter 9, Quality Control and Maintenance Audits and Subchapter 10, Licensing, adopted as R.2003 d.200, effective May 19, 2003. See: 35 N.J.R. 7(a), 35 N.J.R. 2187(a).

Chapter 18, Liquefied Petroleum Gas, was readopted by R.2005 d.401, effective October 24, 2005. See: Source and Effective Date.

Subchapter 3, NFPA No. 58 Systems, was renamed NFPA 58 Systems by R.2005 d.425, effective December 5, 2005. See: 37 N.J.R. 2744(a), 37 N.J.R. 4531(b).

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SUBCHAPTER 1. GENERAL PROVISIONS

**5:18-1.1 Purpose and scope**

(a) The purpose of this chapter is to provide minimum standards for liquefied petroleum gas systems for the preservation of health and safety of the general public.

(b) This chapter shall apply to the design, construction, location, installation, maintenance and operation of liquefied petroleum gas systems.

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

1. LPG systems within the scope of this chapter which were installed in accordance with the rules in effect at the time of installation may be continued in service unless the continued operation of such systems constitutes a serious and substantial threat to health and safety.

2. Existing systems shall be registered with the Bureau if required by N.J.A.C. 5:18-1.4 and containers shall be marked in accordance with N.J.A.C. 5:18-1.6.

(d) This chapter shall not apply to the following:

1. The transportation of liquefied petroleum gases over the highways in intrastate or interstate commerce;

2. Liquefied petroleum gas vapor piping inside of buildings; or

3. Portable cylinders of not more than 40 pounds when used as intended for outdoor cooking purposes.

Amended by R.1990 d.436, effective September 4, 1990.  
See: 22 N.J.R. 1984(a), 22 N.J.R. 2744(a).

Deleted old N.J.A.C. 12:200-1.1, "Title and Citation." Recodified from N.J.A.C. 12:200-1.2 and 1.3, making 1.2 new 1.1(a) and 1.3(a)-(c) as new 1.1(b)-(d). In new N.J.A.C. 12:200-1.1(d)2, added group R-3 occupancies and "one and two family residential." In (d)3, added "vapor" to describe piping and deleted language, "... that is downstream of final stage regulation and outside ...," and replaced with "inside" of buildings.

Amended by R.2001 d.141, effective May 7, 2001.

See: 32 N.J.R. 3917(a), 33 N.J.R. 746(a), 33 N.J.R. 1399(d).

In (d), inserted "R-4" following "R-3" in 2, added new 3 and recodified former 3 and 4 as 4 and 5.

Recodified from N.J.A.C. 5:18-1.2 amended by R.2003 d.200, effective May 19, 2003.

See: 35 N.J.R. 7(a), 35 N.J.R. 2187(a).

Rewrote (b); deleted former (c) and recodified former N.J.A.C. 5:18-1.2 as (c); rewrote (d).

**5:18-1.2 Applicability and jurisdiction**

(a) The issuance of permits for, and the inspection of, new liquefied petroleum gas vapor delivery systems of 2,000 gallons or less aggregate water capacity shall be the responsibility of the local construction official and plumbing subcode official, as set forth in N.J.A.C. 5:23-3.4. The local construction official shall also be responsible for handling unsafe structures as set forth in N.J.A.C. 5:23-2.32.

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

(c) In addition to compliance with the requirements of this chapter, liquefied petroleum gas systems of over 2,000 gallons aggregate water capacity, or individual containers of over 1,000 gallons water capacity, shall be subject to registration and to annual inspection by the fire official, as set forth in the Uniform Fire Code, N.J.A.C. 5:70-2.4B and 2.5.

(d) Cylinder exchange cabinets shall be subject to inspection by the fire official, in accordance with section F-3605.0 of the Fire Prevention Code, N.J.A.C. 5:70-3.

(e) In addition to compliance with the requirements of this chapter, LPG systems at locations identified as fill plants shall be subject to inspection by the local fire official, in accordance with section F-3609.0 of the Fire Prevention Code, N.J.A.C. 5:70-3.

(f) LP-Gas facilities including producers, bulk plants and industrial plants of 10,000 gallons water capacity or more, gas utility plants, marine or pipeline terminals or tank farms shall comply with and shall be inspected in accordance with the quality control program outlined in N.J.A.C. 5:18-9.

Recodified from N.J.A.C. 12:200-1.7 by R.1990 d.436, effective September 4, 1990.

See: 22 N.J.R. 1984(a), 22 N.J.R. 2744(a).

Prior N.J.A.C. 12:200-1.2 was "Purpose," which was recodified to N.J.A.C. 12:200-1.1.

New Rule, R.2003 d.200, effective May 19, 2003.

See: 35 N.J.R. 7(a), 35 N.J.R. 2187(a).

Former N.J.A.C. 5:18-1.2, Existing installations, recodified to N.J.A.C. 5:18-1.1(c).

**5:18-8.2 Payment of annual assessment**

(a) The owner of liquefied petroleum gas immediately prior to odorization shall be responsible for the payment of the assessment on the volume of liquefied petroleum gas at the time of import or odorization, whichever is earlier.

(b) All assessments shall be payable to "Treasurer, State of New Jersey" and shall be remitted to the Bureau of Code Services, PO Box 816, Trenton, NJ 08625-0816 on a quarterly basis on or before the 25th day of the month following the end of the quarter.

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

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

Amended by R.2003 d.200, effective May 19, 2003.  
See: 35 N.J.R. 7(a), 35 N.J.R. 2187(a).

**5:18-8.3 Forms**

(a) The following forms, which are incorporated by reference as Appendix B of this chapter, shall be used for the purposes indicated:

1. Remittance Report (LPG-1);
2. Odorizer or Importer Registration (LPG-2);
3. Load Exemption: Certificate of LPG Destined for Export (LPG-3);
4. LPG Usage Report (LPG-4);
5. Assessment Refund Request (LPG-5); and
6. Odorization Report for Terminal Operators (LPG-6)

## SUBCHAPTER 9. QUALITY CONTROL AND MAINTENANCE AUDITS

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

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

(b) The registration shall include information as to all locations at which odorized or unodorized LP-Gas is stored or sold by the business, whether at the facility or elsewhere.

(c) Each registration shall indicate the name and address of the New Jersey office or New Jersey residence of the LPG system's owner or the owner's representative; the owner or

the owner's representative must reside or have an office in the State of New Jersey to accept service of process.

(d) It shall be the responsibility of the owner to notify the Department of any change in the identity, mailing address, office or residence address or phone number of the owner or representative. Any change shall be reported to the Department in writing within 30 days of the change.

Amended by R.2006 d.95, effective March 6, 2006.  
See: 37 N.J.R. 4104(a), 38 N.J.R. 1316(a).  
Added (c) and (d).

**5:18-9.2 Quality control manual and records**

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

1. A cover sheet indicating the full name of the owner and operator and the street address of the facility;
2. An organization chart detailing the lines of communication and authority and identifying the individual, who shall be a senior company official, who is responsible for implementation of the quality control manual;
3. A complete site plan for each registered facility and a process flow diagram that illustrates piping, valves, equipment, and emergency shutdowns of the facility;
4. A description of a training program for LPG handling and safety approved by the Bureau of Code Services. The training program shall meet the following requirements:
  - i. There shall be ongoing training for all individuals involved in the operation and maintenance of LPG equipment; and
  - ii. All training shall be consistent with national standards for LPG safety training and with this chapter;
5. Standard operating procedures (SOP) and checklists for each facility in order to ensure, at a minimum, safe operation. Any such SOP or checklist shall include, where applicable, but not be limited to, the following:
  - i. Filling, refilling and/or venting containers;
  - ii. Delivery of LPG to any location. A checklist shall be provided to each driver and, when requested, to the Bureau inspector, to ensure that proper procedures, as required by this chapter, are followed;
  - iii. Evacuation of cylinders;
  - iv. Emergency procedures;
  - v. Accident reporting and documentation;
  - vi. Installation guidelines and standards for every type of container;

- vii. Repair or reconditioning of vessels; and
  - viii. Testing, repair and maintenance of pressure relief valves and other control or flow devices;
6. Documentation of compliance with the NJDEP Risk Management Program, if applicable, including details specific to the following:
- i. Plant safety information, including hazard review scenarios with both normal and emergency shutdown procedures;
  - ii. System operating procedures;
  - iii. Employee training;
  - iv. Maintenance procedures and programs;
  - v. Compliance audits;
  - vi. Plant fire safety analysis; and
  - vii. Incident investigations;
7. Documentation assuring that only acceptable materials are used for new, existing or replacement systems and that all required materials are properly identified when received; and
8. Nonconformance reports documenting all conditions **not conforming** to this chapter and ensuring that any problems identified through procedures, controls, inspections, specifications or testing are effectively corrected and documented.
- (b) The owner or operator of a facility shall maintain a file system for equipment inspection records, which shall list, by number and such abbreviated description as may be necessary for identification, each ASME pressure vessel covered by these rules, the date of the last inspection of the vessel, and the approximate date for the next inspection.
- (c) The owner or operator of a facility shall maintain the following records for the times specified:
- 1. Manufacturer's data reports of new and used pressure vessels: life of the vessel;
  - 2. All documentation of repairs: life of the vessel;
  - 3. Reports of training: term of employment;
  - 4. Reports of nonconformance: five years; and
  - 5. All results of nondestructive examination tests and other tests and all repair or alteration documentation: life of the vessel.
- (d) The Bureau shall have free access to the records of the facility maintained under (a), (b), and (c) above.

### 5:18-9.3 Pressure vessel maintenance, repair and alteration

Any pressure vessel code item shall be maintained, repaired and altered in accordance with the original code of construction, the National Board Inspection Code, the applicable ASME code and this chapter.

### 5:18-9.4 Certificates of operation and audits

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

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

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

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

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

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

## SUBCHAPTER 10. LICENSING

### 5:18-10.1 Licenses required

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

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

(c) No license shall be issued to any person, firm or corporation that does not maintain general liability insurance in an amount of not less than \$5,000,000.

(d) No license shall be issued to any person, firm or corporation that markets LP-Gas and does not maintain either