

CHAPTER 72
HIGH LEVEL ALARMS

Authority

N.J.S.A. 52:27D-198.

Source and Effective Date

R.2000 d.30, effective December 22, 1999.
See: 31 N.J.R. 3257(a), 32 N.J.R. 273(c).

Executive Order No. 66(1978) Expiration Date

Chapter 72, High Level Alarms, expires on December 22, 2004.

Chapter Historical Note

Chapter 72, Adult Protective Services (APS) Program, was adopted as R.1996 d.65, effective February 5, 1996. See: 27 N.J.R. 2297(a), 28 N.J.R. 817(a). Pursuant to Reorganization Plan No. 001-1996, Chapter 72, Adult Protective Services (APS) Program, was recodified as N.J.A.C. 8:89, effective October 15, 1997. See: 29 N.J.R. 4679(a).

Chapter 72, High Level Alarms, was originally codified in Title 5 as Chapter 18B, High Level Alarms. Chapter 18B was adopted as R.1985 d.66, effective February 19, 1985. See: 16 N.J.R. 3339(b), 17 N.J.R. 394(a).

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

Pursuant to Executive Order No. 66(1978), Chapter 18B 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 18B, High Level Alarms, was recodified as N.J.A.C. 5:72, 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 72, High Level Alarms, was readopted as R.2000 d.30, effective December 22, 1999. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL PROVISIONS

5:72-1.1 Authority

The regulations contained in this chapter are promulgated by the Commissioner of the Department of Community Affairs pursuant to the authority given in the "High Level Alarm Act," P.L. 1984, c.31 (N.J.S.A. 52:27D-214, et seq.).

5:72-1.2 Intent and purpose

(a) It is the intent and purpose of these regulations:

1. To prevent the serious hazards presented by overfilling of flammable liquid storage tanks filled by pipeline;
2. To formulate such requirements to the extent practicable, in terms of performance objectives, so as to make adequate performance for the use intended as the test of acceptability;
3. To permit to the fullest extent feasible the use of modern technical methods, devices and improvements, consistent with the health, safety and welfare of terminal personnel, firefighters and the general public;
4. To insure adequate training of personnel involved in the transfer of flammable liquids by pipeline throughout the State;
5. To insure adequate reinspection and verification that the required safety equipment is in operable condition.

5:72-1.3 Definitions

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

"Attended terminal" means a terminal where an individual knowledgeable in the above-ground liquid storage tank filling operation is physically in attendance and control during the entire delivery of a flammable liquid and has as his responsibility supervision of the storage tank filling operation.

"Commissioner" means the Commissioner of the Department of Community Affairs.

"Department" means the Department of Community Affairs.

"Fire official" means the responsible person in accordance with N.J.A.C. 5:70.

"Flammable liquid" means a liquid having a flash point below 100 degrees Fahrenheit and having a vapor pressure not exceeding 40 psia at 100 degrees Fahrenheit.

"Owner" means a person who owns, purports to own, manages, rents, leases or exercises control over a terminal.

"Pipeline" means a pipeline used to convey a flammable liquid from:

1. A crude petroleum wellhead collection site to a refinery or terminal; or
2. A refinery to a terminal; or
3. A marine vessel to a terminal.

"Pipeline" does not mean gathering lines from the wellhead to a crude petroleum collection tank.

"Terminal" means a facility at which one or more above-ground liquid storage tanks for the containment of flammable liquids are located.

"Unattended terminal" means a terminal where an individual knowledgeable in the above-ground liquid storage tank filling operation is in attendance only during a portion of the time when a flammable liquid is being delivered, or has as his responsibility a function other than supervision of the storage tank filling operation. Any terminal other than an attended terminal shall be considered an unattended terminal.

5:72-1.4 Effective date

The provisions of these regulations shall take effect 90 days after promulgation.

5:72-1.5 Severability

If any provisions of these regulations or the application thereof to a person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the regulations which can be given effect, and to this end the provisions of the regulations are severable.

5:72-1.6 Applicability

(a) These regulations shall apply to all new and existing terminals supplied by a pipeline.

(b) The provisions of these regulations shall apply uniformly throughout the State. A local governing body may not enact an ordinance more restrictive than these regulations.

SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT

5:72-2.1 Matters covered

(a) The provisions of these regulations shall cover the following areas:

1. The installation of a high level alarm system;
2. Maintenance and testing of high level alarm systems;
3. Acceptability of high level alarm systems;
4. Fire and emergency plans for all terminals covered by these regulations;
5. Formal written procedures to be followed by responsible personnel to prevent overfilling of tanks;
6. Enforcement procedures;
7. Testing procedures;
8. Record keeping procedures.

5:72-2.2 Variations and exceptions

(a) No variations or exceptions from the requirements of these regulations may be made, except upon the following findings:

1. That strict compliance with any specific provision, if required, would result in practical difficulty to such owner;
2. That the exception, if granted, will provide for comparable alternative protection; and
3. That the exception, if granted, will not jeopardize the health, safety and welfare of plant personnel, firefighters, and the general population.

5:72-2.3 Applications for variations

(a) An application for a variation pursuant to this Chapter shall be filed in writing with the Department and shall provide specifically:

1. A statement of the requirements of the regulations from which a variation is sought;
2. A statement of the manner by which strict compliance with said provisions would result in practical difficulties;
3. A statement of the nature and extent of such practical difficulties; and
4. A statement of the feasible alternatives to the requirements of the regulations which would adequately protect the health, safety and welfare of plant personnel, firefighters, and the general public.

5:72-2.4 Review of variation applications

Within 20 business days next succeeding the receipt by the Department of the application, it shall be denied or granted by written order stating the reasons therefor. The application shall be deemed denied for purposes of appeal if no decision is forthcoming within such 20-day period. Records of all applications for variations, and actions taken thereon, shall be available for public inspection at the Department during normal business hours.