

**CHAPTER 18**

**LIQUEFIED PETROLEUM GAS**

**Authority**

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

**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Chapter 18, Rentals, was repealed by R.1980 d.234, effective May 30, 1980.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Subchapter 3, State Fire Prevention Code, was repealed and Subchapter 3, State Fire Prevention Code, was adopted as new rules by R.1992 d.105, effective March 2, 1992.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 as 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).

Subchapter 8, Annual Assessments, was renamed Annual Assessments and Fees for Inspections of Facilities Using Non-Odorized LP-Gas by R.2007 d.1, effective January 2, 2007. See: 38 N.J.R. 3697(a), 39 N.J.R. 28(a).

Subchapter 4, NFPA No. 59 Systems, was renamed NFPA 59 Systems by R.2008 d.289, effective October 6, 2008. See: 40 N.J.R. 3342(a), 40 N.J.R. 5577(a).

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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 sub-code 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.

(d) Plans shall be titled, stating name of user, location of work by street address or description, municipality, date of drawing, drawing number, and all revisions thereto.

(e) Plans shall be drawn to scale to produce good legibility.

(f) Plans required by (b) above shall include the following information:

1. A plot plan of the area within 150 feet of the LP-Gas system to scale, or with appropriate distance indicated on the plot plan, showing on-site and off-site buildings, structures, property lines, use groups of buildings or structures, and distance from bulk quantities of hazardous materials.

2. Design and details of foundations or supports for all containers and equipment of an installation. The foundation drawing shall include a description of the soil and allowable soil pressure.

3. A schematic, isometric or plan drawing of the entire system with specifications. This drawing shall include all equipment, parts, piping, pumps, valves, controls, safety devices, material, instrumentation and electrical systems for both power and light necessary to evaluate the safe operation of the system.

4. Container outline drawings indicating its dimensions, fittings, connections, capacity, design pressure, and code under which the container is built.

5. Appropriate information on fire protection facilities at the site and available public fire services for systems exceeding 4,000 gallons aggregate water capacity.

i. This information shall include a fire analysis which may be provided by the engineer of record, providing that he or she submits with his or her analysis proof of consultation with the local Fire official.

(g) When projects are of a repetitive nature, such as those involving standard components or previously approved packaged units, standard drawings may be utilized.

(h) All drawings and documents shall include notation of any and all revisions with date of change noted.

(i) Any specifications, design information, or data germane to the plan approval shall be made available to the Bureau upon written request.

(j) Plans submitted shall be accompanied by a letter of certification or equivalent certification on the plan signed by the professional engineer of record that the plans comply with the applicable requirements of this chapter.

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

Recodified from N.J.A.C. 12:200-5.1, with stylistic revisions.

Amended by R.1995 d.391, effective July 17, 1995.

See: 27 N.J.R. 1950(a), 27 N.J.R. 2694(b).

Amended by R.2003 d.200, effective May 19, 2003.

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

Rewrote (a) and (b); deleted (d) and (e); recodified former (f) through (l) as (d) through (j); in new (i), substituted "Bureau" for "Office of Safety Compliance"; in new (j), substituted "the applicable requirements of this chapter" for "Liquefied Petroleum Gases of N.J.A.C. 5:18".

#### 5:18-6.2 Release of plans

(a) The Bureau shall issue a letter of plan release after the plans have been examined and found to be in compliance with the applicable requirements of this chapter.

(b) Two copies of plans released by the Bureau shall be retained by the Bureau for its inspection service and official records. All other copies shall be returned to the applicant or professional engineer of record.

1. The Bureau shall provide written notification to the local construction official whenever it releases a plan.

(c) One set of the returned plans shall be kept on the construction site for inspection services by the Bureau during the entire construction period for the system.

(d) If a set of plans has been released and construction has not been completed within 18 months from the date of plan release, the plan release for that site shall be considered expired unless extended or renewed by the Commissioner.

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

Recodified from N.J.A.C. 12:200-5.2. In (e)1: added "the product not exceeding five percent of tank capacity ..." to text.

Amended by R.1995 d.391, effective July 17, 1995.

See: 27 N.J.R. 1950(a), 27 N.J.R. 2694(b).

Amended by R.2003 d.200, effective May 19, 2003.

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

Rewrote (a); in (b), substituted references to released for approved and Bureau for Office of Safety Compliance throughout and added 1; deleted (d) and (e) and recodified former (f) as (d).

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

(a) All new LP-Gas systems for which plans are required pursuant to N.J.A.C. 5:18-6.1 and all systems of over 2,000 gallons aggregate water capacity that will remain in place for six months or less shall be subject to inspection by the Bureau, after erection, to ensure that the LP-Gas facility is constructed in accordance with the requirements of this chapter. The inspection shall be performed after receipt of notification of completion from the professional engineer of record, who shall submit the completed application form and a letter of completion to the Bureau. The inspection shall be made within seven business days of receipt of a request for inspection by the Bureau. If the erected site conforms to the requirements of this chapter, a certificate of approval shall be issued to the applicant or the professional engineer of record.

1. Exception: An engineering report shall not be required for systems that will remain in place for six months or less. For such systems, the applicant shall submit a request for inspection to the Bureau.

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

1. Product not exceeding five percent of tank capacity may be placed in the container so that tests and adjustments may be made by the installer; or

2. Containers may be filled for emergency or critical use, when approved by the Commissioner.

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

Added new (a)1, with updated revisions in text.

Amended by R.1995 d.391, effective July 17, 1995.

See: 27 N.J.R. 1950(a), 27 N.J.R. 2694(b).

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).

Substituted "notice of LP gas installation" for "project data report" throughout.

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. 5:18-6.3, Submittal of notice of LP-Gas installation, is recodified to N.J.A.C. 5:18-6.4.

### 5:18-6.4 Submittal of notice of LP-Gas installation

(a) A notice of LP-Gas installation shall be filed for all temporary heating installations using one or more tanks of 250 gallons or more water capacity.

(b) The notice of LP-Gas installation required by (a) above shall be filed with the Bureau of Code Services upon installation of any heating equipment or system using one or more tanks of 250 gallons or more water capacity that will remain in place for six months or less.

(c) The notice of LP-Gas installation shall be filed with the New Jersey Department of Community Affairs, Division of Codes and Standards, Bureau of Code Services, PO Box 816, Trenton, New Jersey 08625-0816.

(d) The notice of LP gas installation shall contain the following information:

1. Name of owner and user of the LP-Gas installation;
2. Street address of installation;
3. Municipality and county where installation is located;
4. Telephone number of user of LP-Gas installation; and
5. Number and size of LP-Gas containers.

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

Added new (a)1, with updated revisions in text.

Amended by R.1995 d.391, effective July 17, 1995.

See: 27 N.J.R. 1950(a), 27 N.J.R. 2694(b).

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).

Substituted "notice of LP gas installation" for "project data report" throughout.

Recodified from N.J.A.C. 5:18-6.3 and amended by R.2003 d.200, effective May 19, 2003.

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

Rewrote the section.

Amended by R.2004 d.199, effective June 7, 2004.

See: 36 N.J.R. 910(a), 36 N.J.R. 2733(a).

Rewrote (b).

Amended by R.2007 d.174, effective June 4, 2007.

See: 39 N.J.R. 279(a), 39 N.J.R. 2229(b).

Rewrote (a) and (b); in the introductory paragraph of (c), substituted "installation" for "installations"; in (d)1 through (d)3, substituted "installation" for "facility"; and in (d)4, substituted "installation; and" for "facility;".

## SUBCHAPTER 7. VIOLATIONS, ADMINISTRATIVE PENALTIES AND HEARINGS

### 5:18-7.1 Violations/penalties

(a) Any person, firm, association or corporation who violates any of the provisions of the Act, or of the rules adopted thereunder, shall be liable for a penalty of not less than \$50.00, nor more than \$500.00.

(b) Each day during which any violation of the Act or the rules adopted thereunder continues shall constitute an additional, separate and distinct offense.

(c) In assessing the amount of the penalty to be imposed pursuant to the Act and to this chapter, the Commissioner shall consider the following factors, where applicable, in determining what constitutes an appropriate penalty for the particular cited violation:

1. The seriousness of the cited violation;
2. The past record of compliance with the provisions of the Act, and the rules adopted thereunder, by the alleged violator;
3. The degree of cooperation afforded to the Commissioner's representatives by the alleged violator in securing compliance with the provisions of the Act and rules adopted thereunder; and
4. Whether the cited violation was willful in nature.

### 5:18-7.2 Hearings

(a) Whenever a notice of violation and/or penalty is levied pursuant to this chapter, the alleged violator shall be provided with:

1. Notification of the violation;
2. The amount of the penalty to be imposed; and
3. An opportunity to request a formal hearing.

(b) A request for a formal hearing must be made in writing and received within 21 calendar days following service of the Commissioner's notice of violation.

(c) All hearings 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.

(d) If a hearing is not requested within 21 calendar days following receipt of the notice of violation, the notice of violation shall become the Final Order upon expiration of the 21 day period following receipt thereof.

(e) The alleged violator may request the initiation of a settlement conference at the time that the request for a formal hearing is made. If a settlement conference is requested, or the Department determines that a settlement conference would be useful, the settlement conference shall be scheduled and conducted by the Department within 30 days of the receipt of the request for a formal hearing.

(f) If a settlement is not agreed upon or no settlement conference is scheduled, the matter shall be transmitted to the Office of Administrative Law (OAL) for a hearing.

(g) Payment of the penalty shall be due when a final agency determination is issued or when a notification becomes a final decision because no appeal has been filed.

(h) All payments shall be made payable to the Department of Community Affairs in the form of a certified check or money order, or such other form as the Department deems suitable.

(i) Upon entry of the final decision, the penalty imposed may be recovered with costs pursuant to the Penalty Enforcement Law of 1999, N.J.S.A. 2A:58-10 et seq.

Administrative change.  
See: 32 N.J.R. 835(a).  
Administrative correction.  
See: 36 N.J.R. 3525(a).

### 5:18-7.3 Correction of violations

(a) In addition or as an alternative to the penalties set forth in N.J.A.C. 5:18-7.1, any person, firm or corporation who violates, or remains in violation of any of the provisions of the Act, or the rules adopted thereunder, may be directed and ordered by the Commissioner, by way of a written notice, to take the remedial steps necessary to correct the cited violation. Such notice shall be:

1. Served personally upon the alleged violator; or
2. Mailed by registered or certified mail to:
  - i. The principal office of the person, firm or corporation; or
  - ii. If the alleged violator is an individual, or are individuals, such notice shall be mailed to his or her, or their residence.

(b) If the Commissioner's order is not complied with and the cited violation is not corrected within 20 days of the date of service of the order, the Commissioner may institute an action for injunctive relief or for an abatement in Superior Court.

(c) Every such order issued by the Commissioner under the provisions of the Act, or the rules adopted thereunder, shall be prima facie evidence of the truth of the matter and contents set forth therein.

(d) No appeal taken by the alleged violator shall suspend the operation on an order made by the Commissioner unless, in the opinion of the court, justice may require suspension thereof pending final disposition of the appeal.

## SUBCHAPTER 8. ANNUAL ASSESSMENTS AND FEES FOR INSPECTIONS OF FACILITIES USING NON-ODORIZED LP-GAS

### 5:18-8.1 Amount of annual assessment

Beginning July 1, 2008, and in every State fiscal year thereafter, there shall be an annual assessment levied upon liquefied petroleum gas in the amount of eleven-thirtieths of one cent per gallon.

Amended by R.2006 d.139, effective April 17, 2006 (operative July 1, 2006).

See: 38 N.J.R. 30(a), 38 N.J.R. 1651(a).

Substituted "July 1, 2006," for "July 1, 2001" and "one-sixth" for "one-fifteenth".

Amended by R.2007 d.181, effective June 4, 2007.

See: 39 N.J.R. 583(a), 39 N.J.R. 2230(a).

Substituted "2007" for "2006" and "four-fifteenths" for "one-sixth".  
Amended by R.2008 d.173, effective June 16, 2008 (operative July 1, 2008).

See: 40 N.J.R. 1422(a), 40 N.J.R. 3626(b).

Substituted "2008" for "2007" and "eleven-thirtieths" for "four-fifteenths".

an adequate storage capacity for customers or contract(s) with other marketers to provide LP-Gas.

(e) Retention and reissuance of a license shall be contingent upon satisfactory completion of all audits required pursuant to this chapter.

Amended by R.2004 d.199, effective June 7, 2004.

See: 36 N.J.R. 910(a), 36 N.J.R. 2733(a).

In (c), deleted "per occurrence" following "\$5,000,000".

#### 5:18-10.2 Application for licensure; fees

(a) An application for licensure shall be submitted on a form provided by the Bureau and shall include the following information:

1. The name of the business;
2. The names, addresses and telephone numbers of the officers, directors, partners or proprietors of the business;
3. The activities having to do with LP-Gas in which the business is engaged in the State of New Jersey;
4. Proof of insurance as required by N.J.A.C. 5:18-10.1(c);
5. The location(s) at which or from which each such activity is conducted and the LP-Gas storage capacity at each such location or information on contracts with other marketers to provide LP-Gas;
6. Emergency contact information in conformance with N.J.A.C. 5:18-1.7;
7. A listing of all persons employed by the business who are in any way engaged in handling LP-Gas, together with the locations at which they work and Certified Employee Training Program (CETP) of the National Propane Gas Association certifications held by them;
8. A statement indicating whether or not the business, or any officer, director, partner or proprietor of the business, has at any time within the previous ten years been the subject of any order or finding of violation by any governmental entity with regard to the business or any other LP-Gas business or has been convicted of any crime or of any offense involving the business or any other LP-Gas business; and
9. A certification that the information set forth in the application is complete and correct.
10. The name and address of the New Jersey office or New Jersey residence of the licensee or the licensee's representative, the licensee or the licensee's representative must reside or have an office in the State of New Jersey to accept service of process.

(b) Each application for a license shall be accompanied by a fee in the amount of \$100.00. Checks shall be made payable to "Treasurer, State of New Jersey."

(c) It shall be the responsibility of the licensee to notify the Department of any change in the identity, mailing address, office or residence address or phone number of the licensee 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 (a)10 and (c).

#### 5:18-10.3 Employee certification

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

1. All employees of a licensed marketer who are responsible for delivering propane shall take and pass part 2.1 of the CETP program, and shall pass part 2.2 if they drive a bulk delivery vehicle, part 2.4 if they drive a cylinder delivery truck or part 2.5 if they are involved in the transportation/relocation of ASME tanks.
2. All employees of a licensed marketer who are responsible for plant operations such as maintaining, purging or reconditioning tanks, shall pass parts 3.1, 3.2, 3.3 and 3.4 of the CETP program and shall pass, as applicable, part 3.5 or 3.6 if the employee is responsible for any aspect of cargo tank product transfers or rail car transfers, respectively.
3. All employees of a licensed marketer who are responsible for the installation, alteration or repair of propane distribution systems shall pass part 4.2 of the CETP program.
4. The appropriate parts of 2, 3 and 4 of the CETP program must be completed within 21 months of the date of hire or by September 6, 2005, whichever is later.
5. The licensed LP-Gas marketer shall maintain documentation from CETP that each employee, responsible for any specific task listed above, has passed the appropriate CETP test(s) and the required practicum(s) for the task(s).
6. Employees who have completed the previous version of Book One, "Basic Principles and Practices," Book Two, "Propane Delivery," Book Three, "Plant Operations," and Book Four, "Distribution System Operations" of the CETP program are deemed to comply with this rule.
7. Should the CETP books or parts listed in this section be renumbered or renamed, this requirement shall be understood to establish a requirement for the renumbered or renamed part that has the equivalent content.

(b) Licensees shall maintain records of employee certification and shall make those records available to the Bureau upon request.

Amended by R.2005 d.174, effective June 6, 2005.

See: 36 N.J.R. 5282(a), 37 N.J.R. 2012(c).

Rewrote (a).

Amended by R.2008 d.288, effective October 6, 2008.

See: 40 N.J.R. 3341(a), 40 N.J.R. 5576(a).

In (a)2, substituted "CETP" for "CEPT"; and added (a)7.

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

(a) All fill plant or dispensing station operators shall be trained using the "Dispensing Propane Safely" manual (2000 edition) published by the National Propane Gas Association, incorporated herein by reference, or an equivalent accepted by the Department. An employee shall receive training prior to dispensing LP-Gas. It shall be the responsibility of the business operating the tank, working together with the marketer, to ensure all employees dispensing LP-Gas are trained properly.

(b) Licensees shall maintain records of employee training and shall make those records available to the Bureau upon request.

New Rule, R.2003 d.250, effective July 7, 2003.

See: 35 N.J.R. 1176(a), 35 N.J.R. 2864(a).

Section was Reserved.

#### 5:18-10.5 Suspension and revocation of licenses and certifications and alternative sanctions

(a) The Bureau may suspend or revoke a license, or may deny renewal or issuance of a license, upon a finding that an applicant or licensee has engaged in acts or omissions harmful to public safety or to the protection of the public. Factors in determining whether a license should be revoked or suspended, or for how long a suspension should be in effect, shall include, but not be limited to, the extent and duration of the hazard to the public, the extent to which willful or reckless behavior was evident, prior history of like or similar violations and the extent to which appropriate corrective action was taken.

(b) As an alternative to revocation or suspension of a license, the Bureau may assess a civil penalty, in accordance with N.J.S.A. 21:1B-5, or may issue a letter of warning, reprimand or censure, if the Bureau determines any such action to be warranted. Any penalty imposed or letter issued shall be part of the licensing file of the business or individual, as the case may be.

(c) Conviction of a crime, or of an offense in connection with the LP-Gas business, shall constitute grounds for suspension or revocation of a license.

(d) Any person to whom the Bureau denies a license, or whose license is suspended or revoked, or who is ordered to pay a civil penalty, shall be entitled to appeal the action of the Bureau in an administrative hearing conducted in accordance with 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. The final decision shall be issued by the Commissioner.

### APPENDIX A

#### AVAILABILITY OF STANDARDS AND PUBLICATIONS REFERRED TO IN THIS CHAPTER

A copy of each of the standards and publications referenced 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 5:00 P.M. on normal working days:

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

Copies of the referenced standards and publications may be obtained from the organizations listed below. The abbreviations preceding these standards and publications have the following meanings and refer to the organizations issuing the standards and publications listed or to volumes of statutes or administrative rules.

API	American Petroleum Institute 1220 L Street Northwest Washington, D.C. 20005 Questions on the standards may be directed to: Phone: 202-682-8000 Fax: 202-962-4797 Website: <a href="http://www.api.org">www.api.org</a>
CFR	Code of Federal Regulations Copies available from: Superintendent of Documents Government Printing Office Washington, D.C. 20402 Website: <a href="http://www.gpoaccess.gov/cfr/index">www.gpoaccess.gov/cfr/index</a>
IBC	International Building Code Copies available from: International Code Council Suite 600 5203 Leesburg Pike Falls Church, Virginia 22041 Phone: 888-422-7233 Fax: 202-783-2348 e-mail: <a href="mailto:webmaster@icc-safe.org">webmaster@icc-safe.org</a>
NFPA	National Fire Protection Association Batterymarch Park Quincy, Massachusetts 02269 Phone: 800-344-3555 Fax: 617-770-0700 e-mail: <a href="mailto:custserv@nfpa.org">custserv@nfpa.org</a>

N.J.A.C.	New Jersey Administrative Code	<i>No. and Edition</i>	<i>Title</i>
	Copies of N.J.A.C. 5:18 are available from: Bureau of Code Services New Jersey Department of Community Affairs PO Box 816 Trenton, New Jersey 08625-0816 Phone: 609-984-6835 Fax: 609-633-1040 Email: <a href="mailto:LPGas@dca.state.nj.us">LPGas@dca.state.nj.us</a>	API-2510-2001	American Petroleum Institute 2510-2001, Design and Construction of Liquefied Petroleum Gas Installations
		IBC/2006 (NJ)	International Building Code 2006, New Jersey Edition
		NFPA 30-2003	Flammable and Combustible Liquids Code
		NFPA 58-2008	Liquefied Petroleum Gas Code
		NFPA 59-2004	Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants
	Copies of N.J.A.C. 5:23 are available from: Division of Codes and Standards Publications Unit New Jersey Department of Community Affairs PO Box 802 Trenton, New Jersey 08625-0802 Phone: 609-984-0040	N.J.A.C. 5:70	New Jersey Uniform Fire Code
		N.J.A.C. 5:23	New Jersey Uniform Construction Code
		N.J.A.C. 5:11	Boilers, Pressure Vessels and Refrigeration
		N.J.S.A. 21:1B-1 et seq.	Liquefied Petroleum Gas Act
		29 USC 651 et seq.	Occupational Safety and Health Act
			Amended by R.1990 d.436, effective September 4, 1990. See: 22 N.J.R. 1984(a), 22 N.J.R. 2744(a). Updated citations, addresses and added API to appendix. Amended by R.1995 d.391, effective July 17, 1995. See: 27 N.J.R. 1950(a), 27 N.J.R. 2694(b). Amended by R.2003 d.200, effective May 19, 2003. See: 35 N.J.R. 7(a), 35 N.J.R. 2187(a). Updated citations, addresses. Amended by R.2005 d.425, effective December 5, 2005. See: 37 N.J.R. 2744(a), 37 N.J.R. 4531(b). Substituted "API 2510-2001" for "API 2510-1995"; substituted "NFPA No. 58-2004" for "NFPA No. 58-1998." Amended by R.2007 d.174, effective June 4, 2007. See: 39 N.J.R. 279(a), 39 N.J.R. 2229(b). Deleted table entry for "BOCA"; in table entry for "N.J.A.C.", inserted the address for obtaining copies of N.J.A.C. 5:23 and substituted "N.J.A.C. 5:70" for "N.J.A.C. 5:70-3"; and substituted "NFPA No. 30-2003" for "NFPA No.30-1993". Amended by R.2008 d.289, effective October 6, 2008. See: 40 N.J.R. 3342(a), 40 N.J.R. 5577(a). In the entry for "API", inserted "Questions on the standards may be directed to:" and inserted the phone, fax and website information; in the entry for "CFR", inserted the website information; added the entry for "IBC"; in the entries for "NFPA" and "N.J.S.A.", inserted the phone, fax and e-mail information; in the entry for "N.J.A.C.", inserted the phone, fax and e-mail information for the Bureau of Code Services, inserted the phone information, and substituted "Division" for "Divisions" preceding "of Codes" in the Division of Codes and Standards Publications Unit information and inserted the phone and website information for the Division of Fire Safety; in the entry for USC, inserted the email information; added the entry for "IBC/2006 (NJ)"; and substituted entries "NFPA 30-2003" for "NFPA No. 30-2003", "NFPA 58-2008" for "NFPA No. 58-2004" and "NFPA 59-2004" for "NFPA No. 59-1998".
	Copies of N.J.A.C. 5:70 are available from: Division of Fire Safety New Jersey Department of Community Affairs PO Box 809 Trenton, New Jersey 08625-0809 Phone: 609-633-6110 Website: <a href="http://www.state.nj.us/dca/dfs/pubs">www.state.nj.us/dca/dfs/pubs</a>		
N.J.S.A.	New Jersey Statutes Annotated Copies of N.J.S.A. 21:1B-1 et seq. are available from: Bureau of Code Services New Jersey Department of Community Affairs PO Box 816 Trenton, New Jersey 08625-0816 Phone: 609-984-6835 Fax: 609-633-1040 Email: <a href="mailto:LPGas@dca.state.nj.us">LPGas@dca.state.nj.us</a>		
USC	United States Code Copies available from: Occupational Safety and Health Administration U.S. Department of Labor 1515 Broadway New York, New York 10036 Email: <a href="mailto:uscocode@mail.house.gov">uscocode@mail.house.gov</a>		

**APPENDIX B  
STATE OF NEW JERSEY  
Department of Community Affairs  
Division of Codes and Standards  
BUREAU OF CODE SERVICES**

LPG-1

**Assessment Remittance Report**

This information is required for verification of assessments due on sales or import of odorized LP-Gas. Response is required by the rules adopted pursuant to N.J.S.A. 21:1B.  
*(All forms may be duplicated as needed for reporting BCS assessments. Additional copies of forms are available by calling or writing the Bureau of Code Services office at 609-633-6835.)*

<b>Section 1.</b>					
Company Name: _____					
Mailing Address: _____					
City: _____ State _____ Zip Code: _____					
Contact Telephone No.: _____ Fax No.: _____					
<b>Must be completed</b>	<b>For BCS Use Only</b>				
This report covers the semi-annual period from _____ to _____, 20____.	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; text-align: center;">\$ Amt. Received</td> <td style="width:50%; text-align: center;">\$ Amt. Enclosed</td> </tr> <tr> <td style="height: 30px;"></td> <td style="height: 30px;"></td> </tr> </table>	\$ Amt. Received	\$ Amt. Enclosed		
\$ Amt. Received	\$ Amt. Enclosed				

<b>Section 2.</b>			
Odorization Point (Name, City & State)	Gallons Odorized	Assessment	Amount Due
		x \$.00367	
		x \$.00367	
		x \$.00367	
		x \$.00367	
		x \$.00367	
		x \$.00367	
<b>Total amount collected on this page:</b>			
<b>Total amount carried forward from - attached pages:</b>			
<b>Adjustments / Penalties / Interest (attach explanation):</b>			
<b>Total amount remitted:</b>			\$
<p>• Items are due no later than the 25<sup>th</sup> day of July and January (semi-annually).          - A 5 percent penalty will be due on payments received after the due date.          - Interest of 1 percent per month will be assessed on payments overdue by 30 days or more.</p> <p><input type="checkbox"/> Check here if additional sheets were required to complete your remittance report.  <input type="checkbox"/> Check here if this report is also intended to serve as your official Odorization Report.</p>			
<p>I, the undersigned, hereby certify that I was the owner of the stated volumes of LP-Gas at the time they were odorized or imported into New Jersey and that the information contained in this report is true and accurate.</p>			
Signature of Corporate Officer or Authorized Person _____		Printed name and title _____	
		Date _____	
<p>Make check payable to: Treasurer State of New Jersey. Mail form(s) and check to: Department of Community Affairs, Bureau of Code Services, P.O. Box 816, Trenton, NJ 08625-0816</p>			





STATE OF NEW JERSEY  
Department of Community Affairs  
Division of Codes and Standards  
BUREAU OF CODE SERVICES

LPG-5

**LP-GAS ASSESSMENT REFUND REQUEST**

NAME OF COMPANY \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

I hereby request a refund in the amount of \$ \_\_\_\_\_ from the Bureau of Code Services. This refund is requested for the following reason(s).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Supporting export and payment documentation must accompany this request.** Examples of appropriate supporting export documentation include bills of lading, shipping manifests and load tickets. Examples of appropriate supporting payment documentation include invoices, ledgers and journal entries tied to export documents.

Under penalty prescribed in N.J.S.A. 21:1B-5, I hereby declare that I am authorized to sign this report and that the information stated herein is true, correct and complete to the best of my knowledge.

**RETURN TO:**  
Department of Community Affairs  
Bureau of Code Services  
P.O. Box 816  
Trenton, New Jersey 08625-0816

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Printed Name

( ) \_\_\_\_\_  
Area Code Telephone Number

\_\_\_\_\_  
Date

In Form LPG-1, substituted "\$.00267" for "\$.00167" throughout; and in the heading of the "Total Assessment" column of Form LPG-4, substituted "(4/15<sup>th</sup> of one cent per gallon)" for "(1/6<sup>th</sup> of one cent per gallon)".

Amended by R.2008 d.173, effective June 16, 2008 (operative July 1, 2008).

See: 40 N.J.R. 1422(a), 40 N.J.R. 3626(b).

In Section 2 of Form LPG-1, substituted "\$.00367" for "\$.00267" throughout; and in the heading of the "Total Assessment" column of Form LPG-4, substituted "(11/30<sup>th</sup> of one cent per gallon)" for "(4/15<sup>th</sup> of one cent per gallon)".