

“Approved” means any product certified, or classified, or labeled, or listed by a nationally recognized testing agency, unless specifically banned by order of the Commissioner or by rule.

“ASME” means American Society of Mechanical Engineers.

“Bulk plant” means a facility, the primary purpose of which is distribution of gas, that receives LP-Gas by tank car, tank truck or piping and distributes it to the end user by

portable container (package) delivery, tank truck or gas piping, and that has bulk storage of 2,000 gallons or more water capacity and has container-filling or truck-loading facilities on the premises. “Bulk plant” also means and includes any facility that transfers LP-Gas from tank cars on a private track directly into cargo tanks.

“Bureau” means the Bureau of Code Services in the Division of Codes and Standards of the Department of Community Affairs.

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“Cargo tank” means a container used to transport LP-Gas over a highway as liquid cargo, either mounted on a conventional truck chassis or as an integral part of a transporting vehicle in which the container constitutes, in whole or in part, the stress member used as a frame, which is a permanent part of a transporting vehicle.

“Commissioner” means the Commissioner of Community Affairs of the State of New Jersey or his or her authorized representative.

“Container” means any vessel including cylinders, tanks, portable tanks and cargo tanks used for storing liquefied petroleum gas.

“Cylinder” means a container having a capacity not exceeding 1,000 pounds of water.

“Cylinder exchange cabinet” means a vented storage compartment that is used to store full and empty US DOT-type LP-Gas containers.

“Department” means the Department of Community Affairs.

“Dispensing station” means fixed equipment where LP-Gas is stored and dispensed into portable containers. The public can be permitted access to the dispensing station area.

“Distributing plant” means a facility, the primary purpose of which is the distribution of gas, and which receives liquefied petroleum gas in tank car, truck transport or truck lots, distributing this gas to the end user by portable container (package) delivery, by tank truck or through gas piping. Such plants have bulk storage (2,000 gallons (7.6 cubic meters (m<sup>3</sup>)) water capacity or more) and have container filling or truck loading facilities on the premises. So-called “bulk plants” are considered as being in this category.

“Distributing point” means a facility, other than a distributing plant or industrial plant, which normally receives gas by tank truck, and which fills small containers or the engine fuel tanks of motor vehicles on the premises. Any such facility having liquefied petroleum gas storage of 100 gallons (0.4 cubic meters (m<sup>3</sup>)) or more water capacity, and to which persons other than the owner of the facility or his or her employees have access, is considered to be a distributing point. A liquefied petroleum gas service station is one type of distributing point.

“Fill plant” means a person who sells odorized LP-Gas to the ultimate consumer and is not regularly engaged in the business of selling it to other retail LP-Gas dispensers.

“Hazardous material” means any substance defined as a flammable or combustible liquid in accordance with the Flammable or Combustible Liquids Code, NFPA No. 30-1993 or a material classified by Hazardous Material

Regulations, 49 CFR Parts 171 through 177, as a flammable solid, liquid or gas.

“Industrial plant” means an industrial facility that utilizes gas incidental to plant operations, with LP-Gas storage of 2,000 gallons aggregate water capacity or more, and that receives LP-Gas by tank truck, truck transport or truck lots, where it is used locally or throughout the plant for engine fuel for forklifts or other industrial trucks or as part of a processing operation.

“Line of adjoining property” means:

1. The near side of adjacent real estate not owned or possessed; or
2. The far side of adjacent real estate not owned or possessed when the real estate cannot be built upon, specifically utility easements of record, non-navigable waterways, and railroad right-of-ways.

“Liquefied petroleum gas” or “LP-Gas” or “LPG” means any material which is composed predominantly of any of the following hydrocarbons or mixtures of the same: propane, propylene, butanes (normal or isobutene), and butylenes.

“LP-Gas system” means an assembly of one or more containers with a means of conveying LP-Gas from the container(s) to dispensing or consuming devices (either continuously or intermittently) and which incorporates components intended to achieve control of quantity, flow, or pressure in the liquid or vapor state.

“Marketer” means a person engaged primarily in the sale of odorized LP-Gas to the ultimate consumer or to retail LP-Gas dispenser(s). “Marketer” shall also mean and include the owner or operator of a bulk plant.

“Nationally recognized testing agency” means a laboratory, such as the Underwriters’ Laboratories, Inc., American Gas Association Laboratories, or the Factory Mutual Engineering Corporation or any similar testing organization acceptable to the commissioner.

“NFPA” means National Fire Protection Association.

“N.J.A.C.” means the New Jersey Administrative Code.

“N.J.S.A.” means the New Jersey Statutes Annotated.

“Person” means an individual, firm, association or corporation.

“Portable container” means a USDOT or ASME container of not more than 1,000 pounds water capacity.

“Producer” means the owner of LP-Gas at the time it is recovered at a gas processing plant or refinery.

"Professional engineer" means a person licensed to practice professional engineering in New Jersey by the New Jersey Board of Professional Engineers and Land Surveyors.

"Property line" means the line of adjoining property or the near side of any public way.

"Public way" means a government owned thoroughfare, such as a street or highway, designed for public use by lawful procedure.

"Qualified person" means a person selected by an employer and trained to perform a specific task or duty involving LP-Gas, who has the degree of competence necessary to accomplish the work in a safe manner.

"Referenced standard" means N.J.A.C. 5:18-3.1(a), or 5:18-4.1(a), or 5:18-5.1(a) as applicable.

"Serious injury" means an injury which required treatment by a doctor, such as a fracture, or a condition requiring admittance to a hospital for at least 24 hours.

"Tank" means a container of more than 1,000 pounds water capacity used for the storage or utilization of liquefied petroleum gas.

"USDOT" means the United States Department of Transportation.

"Wholesaler" means any person who purchases LP-Gas and may sell it to retail LP-Gas dispensers. "Wholesaler" may include, but is not limited to, producers and marketers.

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

Deleted definitions for "API-ASME," "BOCA," and "shall," and added definitions: "API," "Dispensing device," "Distributing plant," "Distributing point," "Important building," "NFPA." Added "portable tanks and cargo tanks" to definition of "container."

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).

Deleted "Important building".  
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.

## SUBCHAPTER 3. NFPA NO. 58 SYSTEMS

### 5:18-3.1 Standards adopted by reference

(a) The "Liquefied Petroleum Gas Code," NFPA 58-1998, is hereby adopted by reference, except that:

1. Subsections 1-1.2 and 1-1.3, Section 1-4, Subsection 3-2.5, Chapter 6 and Chapter 8 shall not apply; and
2. The phrase "that can be built upon" shall be deleted.

3. Only technical standards relating to public health and safety are adopted by reference. The administrative and reporting procedures of the referenced standard are not adopted and are replaced by the administrative provisions of this chapter.

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

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

In (d): deleted (d)1-3 referring to BOCA codes. Added new (e).  
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 "1998" for "1995" throughout; in (a)1, inserted "Subsection 3-2.5," preceding "Chapter 6".

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.

### 5:18-3.2 Container markings

All containers shall be marked in accordance with N.J.A.C. 5:18-1.6.

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

In (a): revised text from "125 gallons water" to "100 pounds product" regarding container capacity. Added Federal Register citation. In (b): revised text, adding reference to marking containers.  
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.

### 5:18-3.3 Container storage

(a) Containers shall be installed outside of buildings, except as provided in N.J.A.C. 5:18-3.1(a), whether of the portable type replaced on a cylinder exchange basis or permanently installed and refilled at the installation.

(b) Containers installed outside of buildings shall be located with regard to property lines other than public ways, buildings, or bulk storage of hazardous materials in accordance with Table 3-2.2.2 of Liquefied Petroleum Gas Code, NFPA No. 58-1998.

1. The term "buildings" as used in this subsection shall not be construed to include the buildings described in paragraph 3-2.2.6 of the referenced standard.

2. The term "hazardous materials" as used in this subsection shall recognize the specific requirements for the specific hazardous materials described in paragraph 3-2.2.7(e) and (f) of the referenced standard.

(c) Containers installed outside of buildings shall be located with regard to the near side of a public way in accordance with the schedule of aboveground containers of Table 3-2.2.2 of Liquefied Petroleum Gases, NFPA No. 58-1998, as provided below:

1. For containers of 30,000 gallons water capacity or less a distance of at least 50 percent of said schedule;
2. For containers of over 30,000 gallons water capacity a distance of at least 100 percent of said schedule.

(d) Existing containers, installed prior to the effective date of these rules, need not comply with the distances provided in (b) and (c) above provided:

1. The containers were in conformance with the applicable chapter of the N.J.A.C. in effect at the time of installation; and
2. The containers as so located do not constitute a serious and substantial threat to the health and safety of the public.

(e) Installations of LP-Gas systems with aboveground containers of 90,000 gallons individual or aggregate water capacity or more that present a serious exposure hazard shall be protected by one or more of the following: distances at least 50 percent greater than the schedule of aboveground containers of Table 3-2.2.2 of Liquefied Petroleum Gas Code, NFPA No. 58-1998, water spray protection, fixed monitors, or insulation.

(f) If more than six containers, each of which is of 2,000 gallons water capacity or more, are used at a single site, the containers shall be separated into batteries of not more than six containers with batteries separated from each other by the distances required for the schedule for mounded or underground containers of Table 3-2.2.2 of Liquefied Petroleum Gas Code, NFPA No. 58-1998.

(g) When the required distance from a property line to an LP-Gas container cannot be obtained, the commissioner may approve a lesser distance if some other approved means of protection is provided for the system and reasonable protection for the health and safety of the public is maintained.

(h) In case of storage in heavily populated areas or congested areas, or near places of public assembly, the Commissioner may require the owner to submit a risk analysis based on a recognized standard and may impose restrictions on individual tank capacity, total storage, distance to property lines, and other reasonable protective measures.

(i) Where there is a possibility of damage to storage containers from motor vehicles or other heavy objects, protection against such damage shall be provided. This protection shall meet the following minimum requirements:

1. Crash posts are to be a minimum of four inch schedule 40 pipe and painted yellow.
2. Crash posts are to be buried three feet six inches deep, extend three feet above grade, and be filled with concrete.

3. Posts are to be encased below grade in concrete at least 18 inches in diameter and three feet six inches in depth.

4. Posts are to be set at four feet six inches maximum centers.

5. The crash protection shall be installed a minimum of 24 inches from the LP container(s).SMP(j) In areas where high speed and heavy duty traffic occurs, the following shall be the requirements for motor vehicle protection:

1. Posts are to be minimum of six inches schedule 40 pipe and painted yellow.
2. Posts are to be buried a minimum of 48 inches deep, and extend a minimum of 48 inches above grade, and be filled with concrete.
3. Posts are to be set at four feet maximum centers.
4. Posts are to be encased below grade in concrete of at least 24 inches in diameter and 48 inches in depth.
5. The crash protection shall be installed a minimum of 24 inches from the LP container(s).

(k) Highway barrier installed as per New Jersey Department of Transportation specifications may be substituted for crash posts as described in (i) and (j) above.

(l) The tops of storage containers shall be in the same horizontal plane, when the containers are interconnected by liquid piping.

(m) Storage areas having containers exceeding 100 pounds product water capacity shall be posted with adequate "NO SMOKING" and "FLAMMABLE GAS" signs legibly marked. The "FLAMMABLE GAS" sign shall be marked "FLAMMABLE GAS" and the name of the gas to indicate the contents such as "FLAMMABLE GAS-PROPANE" or "FLAMMABLE GAS-BUTANE".

(n) Storage containers shall not be placed under an electric power service transmitting voltage in excess of 240 volts or within six feet of a line projected vertically from any edge of the container.

(o) Cargo tank vehicles and tank cars shall not be used as a permanent storage facility.

1. Cargo tank(s) shall not be filled from another cargo tank.

(p) Aboveground containers exceeding 2,000 gallons individual water capacity shall be oriented so that their longitudinal axes do not point toward other LP-Gas containers within that installation.

(q) Dead trees or dead branches overhanging containers that can fall and dislocate a container from its piping shall be removed.

(r) Containers proposed for mounding or underground installation shall be provided with cathodic protection in addition to a suitable coating for corrosion protection.

1. Cathodic protection will not be required if a professional engineer certifies in writing to the Department that based on his or her soil investigation such protection is unnecessary.

Amended by R.1990 d.436, effective September 4, 1990.

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

Stylistic revisions throughout text. In (i), added "... substantial bumper guards ... or equivalent" to text. In (k), revised "125 gallons aggregate water" to "100 pounds product" capacity. Added new (p). Amended by R.1995 d.391, effective July 17, 1995.

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

Administrative change.

See: 32 N.J.R. 3394(a).

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 "1998" for "1995" throughout; in (b), deleted "important" preceding "buildings"; in (c), substituted "3-2.2.2" for "3-1" preceding "of Liquefied Petroleum Gases".

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

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

Substituted "Liquefied Petroleum Gas Code" for "Liquefied Petroleum Gases" throughout; in (b), amended paragraph references throughout; in (e), inserted "LP-Gas Systems with" following "Installations of"; in (f), substituted "site" for "installation" following "single"; rewrote (h) and j(4).

#### Case Notes

Township could not determine safety of land use for liquid propane gas storage following determination by Commissioner of Labor and Industry. (citing former N.J.A.C. 12:200-5.8). *Scheff v. Tp. of Maple Shade*, 149 N.J.Super. 448, 374 A.2d 43 (App.Div.1977), certification denied 75 N.J. 13, 379 A.2d 244.

#### 5:18-3.4 Distributing points, distributing plants and industrial plants

(a) This section shall apply to the following:

1. Distributing points of any capacity; or
2. Distributing plants of any capacity; or
3. Industrial plants of 2,000 gallons aggregate water capacity or more.

(b) If loading or unloading is normally done during other than day-light hours, adequate lights shall be provided to illuminate storage containers, control valves and other LP-Gas equipment.

(c) Suitable roadways or means of access for extinguishing equipment, such as wheeled extinguishers or fire department apparatus shall be provided.

(d) The LP-Gas system shall be enclosed within an industrial type fence at least six feet high with at least two egress gates opening outward and remotely located from each other, or be within an approved fenced plant area and protected from tampering.

(e) The LP-Gas system shall be protected against vehicle damage with substantial bumper guards, where necessary. Bumper guards shall be, as a minimum, four-inch diameter schedule 40 concrete filled steel pipe properly imbedded in concrete on a maximum of four-feet six-inch centers, or equivalent.

(f) The storage, loading, unloading, cylinder filling areas, and other strategic points shall be adequately posted in accordance with N.J.A.C. 5:18-3.3(m).

(g) Approved extinguishers of adequate capacity of the carbon dioxide or dry chemical type shall be provided at strategic locations, such as storage sites, unloading and loading racks, filling or charging locations, pump, compressor and vaporizer locations.

(h) The Commissioner may require reasonable fire protection facilities for LP-Gas systems exceeding 4,000 gallons aggregate water capacity.

(i) The point of connection of an unmounted portable container being filled (point of transfer) shall be not less than five feet from the dispensing unit or a storage container of 2,000 gallons water capacity or less.

1. If weather protection for a scale is to be provided, such protection shall be constructed of non-combustible material except that the roofing material may be transparent corrugated plastic.

(j) Liquefied petroleum gas dispensers shall not be located on the same island as a Class I liquid dispenser.

(k) A pump stop-start switch at a distributing point shall be located inside the fence enclosure near the point of transfer.

(l) LP Gas liquid and vapor shall be conveyed from the container to the building by rigid piping, properly installed and protected. Piping may be either metallic or plastic in accordance with N.J.A.C. 5:18-3.1.

Amended by R.1990 d.436, effective September 4, 1990.

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

In (e): added text regarding bumper guards. Added new (i)1 and (j)-(k).

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).

In (f), amended the N.J.A.C. reference; in (h), substituted "systems" for "installations".