

(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

5:18-8.1 Amount of annual assessment

Beginning July 1, 2007, and in every State fiscal year thereafter, there shall be an annual assessment levied upon liquefied petroleum gas in the amount of four-fifteenths 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".