

(c) The project data report shall be filed with the New Jersey Department of Community Affairs Division of Codes and Standards, Office of Safety Compliance, PO Box 386, Trenton, New Jersey 08625-0386.

(d) The project data report shall contain the following information:

1. Name of owner and user of LP-Gas facility;
2. Street address of facility;
3. Municipality and county where facility is located;
4. Telephone number of user of LP-Gas facility;
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).

## SUBCHAPTER 7. VIOLATIONS, ADMINISTRATIVE PENALTIES AND HEARINGS

### Authority

N.J.S.A. 21:1B-1 et seq.

### Source and Effective Date

R.1997 d.220, effective May 19, 1997.  
See: 29 N.J.R. 836(a), 29 N.J.R. 2463(b).

### 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 Labor 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 in a summary proceeding commenced by the Commissioner pursuant to the Penalty Enforcement Law, N.J.S.A. 2A:58-1 et seq.

### 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.

**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 4:00 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 meaning and are the organizations issuing the standards and publications listed.

API American Petroleum Institute  
 1220 L Street Northwest  
 Washington, D.C. 20005

BOCA	Building Officials and Code Administration 4051 W. Flossmoor Rd. Country Club Hills, Illinois 60477-5795
CFR	Code of Federal Regulations Copies available from: Superintendent of Documents Government Printing Office Washington, D.C. 20402
NFPA	National Fire Protection Association Batterymarch Park Quincy, Massachusetts 02269
N.J.A.C.	New Jersey Administrative Code Copies available from: Office of Boiler and Pressure Vessel Compliance New Jersey Department of Community Affairs PO Box 392 Trenton, New Jersey 08625-0392
N.J.S.A.	New Jersey Statutes Annotated Copies available from: Office of Safety Compliance New Jersey Department of Community Affairs PO Box 386 Trenton, New Jersey 08625-0386
USC	United States Code Copies available from: Occupational Safety and Health Administration U.S. Department of Labor 1515 Broadway New York, New York 10036

No. and Edition	Title
API 2510-1989	American Petroleum Institute 2510-1989, Design and Construction of Liquefied Petroleum Gas Installations
BOCA-1990	The BOCA Basic Building Code
49 CFR Parts 171 through 177	Hazardous Material Regulations
NFPA No. 30-1987	Flammable and Combustible Liquids Code
NFPA No. 58-1995	Liquefied Petroleum Gases
NFPA No. 59-1995	Liquefied Petroleum Gases at Utility Gas Plants
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).