

"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.

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

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

In definition "Hazardous material", substituted "30-2003" for "30-1993".

## SUBCHAPTER 3. NFPA 58 SYSTEMS

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

(a) The Liquefied Petroleum Gas Code, "NFPA 58-2008," is hereby adopted by reference with the following modifications:

1. The following amendments are made to Chapter 1 of NFPA 58 entitled "Administration":
  - i. Section 1.3.1 is deleted.
  - ii. Section 1.3.2 is deleted.
  - iii. Section 1.4.2 is deleted and the requirements of N.J.A.C. 5:18-1.1(c) shall be substituted in lieu thereof.
  - iv. Section 1.4.3 is deleted and the provisions of N.J.A.C. 5:18-1.1(c) shall be substituted in lieu thereof.
2. The following amendments are made to Chapter 3 of NFPA 58 entitled "Definitions":
  - i. The terms and definition of "Authority Having Jurisdiction" is deleted. Substitute in lieu thereof, "The Bureau of Code Services is the authority having jurisdiction unless otherwise noted."
3. The following amendments are made to Chapter 4 of NFPA 58 entitled "General requirements":
  - i. Section 4.3.1 is deleted.
  - ii. Section 4.3.2 is deleted.
  - iii. Section 4.3.3 is deleted.
  - iv. Section 4.4 is deleted.
4. The following amendments are made to Chapter 5 of NFPA 58 entitled "LP-Gas Equipment and Appliances":
  - i. Section 5.2.2.1 is deleted.
  - ii. Section 5.2.3 is amended to add the phrase "After July 1, 2014," before the words "DOT cylinders in stationary service" on the first line, and to add the following sentence to the end of the section: "Any newly installed DOT container must meet the requalification requirements of this section at the time of installation."
  - iii. Section 5.7.4.2(C) is amended to replace the date "July 1, 2003" with "July 1, 2007."
  - iv. Section 5.7.4.2(D) is amended to replace the date "July 1, 2011" with "July 1, 2015."
  - v. Section 5.7.4.2(G) is amended to replace the date "July 1, 2003" with "July 1, 2007."
  - vi. Section 5.7.4.2(H) is amended to replace the date "July 1, 2011" with "July 1, 2015."

vii. Section 5.20.6 is deleted.

viii. Section 5.20.7 is deleted.

5. The following amendments are made to Chapter 6 of NFPA 58 entitled "Installation of LP-Gas Systems":

i. Section 6.3.1 is amended to delete the words "that can be built upon" on lines 5 and 6.

ii. Section 6.3.3 is amended to delete the words "that can be built upon" on line 4.

iii. Section 6.3.4.1 is deleted and the following language is substituted "Distances for all underground containers and mounded ASME containers shall be measured from the pressure relief valve and the filling connection."

iv. Section 6.3.4.2 is amended to delete the words "that can be built upon" on line 3.

v. Section 6.5.1.3 is deleted.

vi. Section 6.4.5.12 is amended to delete the words "600 volts, nominal" and replace them with the words "240 volts nominal."

vii. Section 6.6.6.1(C) is amended to add the phrase "when located within 10 feet of a street, parking area or other location where vehicles are likely to operate" at the end of the sentence.

viii. Section 6.6.7 is deleted.

ix. Section 6.9.1.1(4) is amended to delete the words "LP-Gas vapor at pressures exceeding 20 psig (138 KPag) or";

x. Section 6.9.1.2 is deleted;

xi. Section 6.9.4.6 is amended to replace the term "(minimum AWG 14)" with the term "(minimum AWG 18)."

xii. Section 6.11.1 is amended to replace the date "July 1, 2003" with "July 1, 2007."

xiii. Section 6.19.1.1(1) is deleted and the following language is substituted, "The storage of LP-Gas cylinders on exterior balconies of buildings or inside of buildings shall be in accordance with the Uniform Construction Code (N.J.A.C. 5:23) and the Uniform Fire Code. (N.J.A.C. 5:70)"

xiv. Section 6.19.1.2(C) is deleted.

xv. Section 6.19.2 is deleted.

xvi. Section 6.19.3 is deleted and the following language is added: "The installation of piping and appliances within buildings shall conform to the Uniform Construction Code (N.J.A.C. 5:23). The installation of LP-Gas tanks on roofs of buildings except while under construction shall be prohibited. The installation of propane storage containers, piping and appliances on exterior balconies shall be in accordance with the Uniform Construction Code and the Uniform Fire Code (N.J.A.C. 5:70) as applicable."

xvii. Section 6.19.4.2 is deleted and the following language is substituted "The storage and use of LP-Gas in buildings that are under construction and partially occupied shall be approved by the authority having jurisdiction under the Uniform Fire Code (N.J.A.C. 5:70)."

xviii. Section 6.19.11 is deleted.

xix. Table 6.21.3.6 is amended to delete the words "that can be built" on line 6 under the heading "Exposure."

xx. Section 6.23 is deleted.

xxi. Section 6.24.3.8 is amended to delete the words "remote closure and" in item (1) and to delete the words "fitted for remote remote closure and" in item (2).

xxii. Section 6.24.3.9 is deleted.

xxiii. Section 6.24.3.10 is deleted.

6. The following amendments are made to Chapter 7 of NFPA 58 entitled "LP-Gas Liquid Transfer":

i. Section 7.2.2.1 is amended to delete the words "Section 4.4" and substitute "N.J.A.C. 5:18-1.3(d)."

ii. Section 7.2.3.8 is deleted.

iii. Section 7.2.3.9 is deleted.

7. The following amendments are made to Chapter 8 of NFPA 58 entitled "Storage of Cylinders Awaiting Use, Resale, or Exchange":

i. Section 8.3 is deleted and the following language is substituted, "The storage of LP-Gas in buildings shall be in accordance with the Uniform Fire Code (N.J.A.C. 5:70) and Uniform Construction Code (N.J.A.C. 5:23) as appropriate."

ii. Section 8.4 is deleted and the following language is substituted: "The storage of LP Gas outside of buildings shall be in accordance with the Uniform Fire Code (N.J.A.C. 5:70)."

8. Chapter 9 of NFPA 58, with the exception of 9.7 on the parking and garaging of vehicles used to carry LP-Gas, entitled "Vehicular Transportation of LP-Gas," is deleted.

9. Chapter 11 of NFPA 58 entitled "Engine Fuel Systems" is deleted.

10. Chapter 14 is deleted.

(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.

Amended by R.2005 d.425, effective December 5, 2005.

See: 37 N.J.R. 2744(a), 37 N.J.R. 4531(b).

Rewrote (a).

Administrative correction.

See: 37 N.J.R. 4910(b).

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 introductory paragraph of (a), substituted "2008" for "2004"; deleted former (a)2; recodified former (a)3 through (a)6 as (a)2 through (a)5; added (a)3iii and (a)3iv; in (a)4ii through (a)4viii, updated the section references; in (a)4ii, substituted "2011" for "2009"; rewrote (a)5; added new (a)6; rewrote (a)7ii; deleted (a)7iii; and added (a)10.

Amended by R.2012 d.065, effective April 2, 2012.

See: 43 N.J.R. 2696(a), 44 N.J.R. 981(a).

Rewrote (a)4ii.

#### Case Notes

Initial Decision adopted, which concluded that the agency demonstrated violations of N.J.A.C. 5:18-3.1 because the driver of the truck did not have sufficient training in emergency procedures and emergency shutoff valves were not in working order, which caused a gas explosion and allowed liquid petroleum to escape into the atmosphere (adopting 2007 N.J. AGEN LEXIS 429 with factual corrections). Dep't of Community Affairs, Bureau of Code Services v. Ferrellgas, LP, OAL Dkt. No. CAF 07598-04, 2007 N.J. AGEN LEXIS 520, Final Decision (July 16, 2007).

#### 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 respect to property lines other than public ways, buildings, or bulk storage of hazardous materials in accordance with Table 6.3.1 of the Liquefied Petroleum Gas Code, NFPA 58-2008.

1. The term "buildings" as used in this subsection shall not be construed to include the buildings described in paragraph 6.3.5 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 paragraphs 6.4.5.5, 6.4.5.6 and 6.4.5.8 of the referenced standard.

(c) Containers installed outside of buildings shall be located with regard to the near side of a public way in accor-

dance with the schedule of aboveground containers of Table 6.3.1 of Liquefied Petroleum Gases, NFPA 58-2008, 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 of the following: distances at least 50 percent greater than the schedule of aboveground containers of Table 6.3.1 of Liquefied Petroleum Gas Code, NFPA 58-2008, 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 6.3.1 of Liquefied Petroleum Gas Code, NFPA 58-2008.

(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).

(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 maximum fill levels 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).

Administrative correction.

See: 37 N.J.R. 2486(a).

Amended by R.2005 d.425, effective December 5, 2005.

See: 37 N.J.R. 2744(a), 37 N.J.R. 4531(b).

Substituted "NFPA No. 58-2004" for "NFPA No. 58-1998" throughout; substituted "Table 6.3.1" for "Table 3-2.2.2" throughout; in (b)2, substituted "6.4.5.5, 6.4.5.6 and 6.4.5.8" for "3-2.2.7(e) and (f)."

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 introductory paragraphs of (b) and (c) and in (f), substituted "58-2008" for "No. 58-2004"; in (e), substituted "58-2008" for "58-2004"; and in (l), substituted "maximum fill levels" for "tops".

#### 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, distribution 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.