

**CHAPTER 18****LIQUEFIED PETROLEUM GAS****Authority**

N.J.S.A. 34:1-20, 34:1A-3(e) and 21:1B-2.

**Source and Effective Date**

R.1995 d.391, effective June 23, 1995.  
See: 27 N.J.R. 1950(a), 27 N.J.R. 2694(b).

**Executive Order No. 66(1978) Expiration Date**

Chapter 18, Liquefied Petroleum Gas, expires on June 23, 2000.

**Chapter Historical Note**

Chapter 18, Rentals, was adopted by the New Jersey Housing Finance Agency on July 21, 1970, filed and became effective on July 21, 1970 as R.1970 d.86. See: 2 N.J.R. 47(b), 2 N.J.R. 71(a). Chapter 18 was repealed by R.1980, effective May 30, 1980. New rules concerning rents were adopted by the Housing Finance Agency at N.J.A.C. 5:80-1. See: 12 N.J.R. 170(c), 12 N.J.R. 388(a). Chapter 18, Uniform Fire Code, was adopted 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 Subchapter 3, State Fire Prevention Code, was repealed and an updated Subchapter 3, State Fire Prevention Code, was adopted as R.1992 d.105, effective March 2, 1992.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. Amendments became effective May 15, 1980, as R.1980 d.143. See: 11 N.J.R. 560(f), 12 N.J.R. 280(a). Chapter 200 expired on May 15, 1985 and new rules were adopted, pursuant to Executive Order No. 66(1978), as 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 effective August 3, 1990; and Subchapter 5, API 2510 Installations, was adopted as a new rule and prior Subchapter 5, Submittal of Plans or Project Data Report, was recodified as Subchapter 6, effective September 4, 1990, by R.1990 d.436. 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).

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).

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**APPENDIX A. AVAILABILITY OF STANDARDS AND PUBLICATIONS REFERRED TO IN THIS CHAPTER****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 and operation of liquefied petroleum gas installation and operation of liquefied petroleum gas installations for health and safety.

(c) This chapter shall apply, except as provided in (d) below, to all liquefied petroleum gas systems at places of employment for the protection of the health and safety of the public at large.

(d) This chapter shall not apply to the following:

1. The transportation of liquefied petroleum gases over the highways in intrastate or interstate commerce; or
2. The installation of liquefied petroleum gas facilities at use group R-3 occupancies (one and two family residential); or
3. Liquefied petroleum gas vapor piping inside of buildings; or
4. Employees subject to the Occupational Safety and Health Act, 29 U.S.C. 651 et seq.

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.

### 5:18-1.2 Existing installations

Installations within the scope of this chapter, which were installed on or before the effective date of this chapter, may be continued in service unless the continued operation of such equipment and installations constitute a serious and substantial threat to health and safety.

Recodified from N.J.A.C. 12:200-1.7 by R.1990 d.436, effective September 4, 1990.

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

Prior N.J.A.C. 12:200-1.2 was "Purpose," which was recodified to N.J.A.C. 12:200-1.1.

### 5:18-1.3 Compliance

(a) All liquefied petroleum gas installations shall be acceptable to the commissioner.

(b) The public health and safety issues of a liquefied petroleum gas system shall be subject to the approval of the commissioner. Zoning considerations shall be the responsibility of the municipality in which the system is located.

(c) The user/owner shall be responsible that the liquefied petroleum gas facility is installed and maintained in a safe operating condition.

(d) All liquefied petroleum gas facilities shall be installed and maintained in accordance with this chapter, except as provided in N.J.A.C 5:18-1.2 above.

(e) Only a qualified person shall sell, fill, or refill liquefied petroleum gas at a dispensing or distributing point.

(f) No person shall install, remove, connect, disconnect, fill or refill any liquefied petroleum gas container without permission of the owner of the container.

1. The owner of an LP-Gas container left in a hazardous condition shall remove the container from the site as soon as possible or necessary but in no case later than five working days of written notification by the Office of Safety Compliance.

(g) The commissioner may order the user of a system to meet additional requirements:

1. Where unusual conditions exist; and
2. When it is necessary for the protection of the health, safety or welfare of persons; and
3. Provided the additional requirements are within the intent and purpose of the Act.

(h) LP-Gas installations having a product vapor pressure greater than that allowed for commercial propane each measured at 100° F shall be subject to the approval of the commissioner.

(i) Containers, other than cylinders in USDOT service, shall be registered as provided in N.J.A.C. 5:11-5.15 (Boilers, Pressure Vessels and Refrigeration).

(j) All parts of liquefied petroleum gas systems not specifically provided for in this chapter shall be designed and constructed to provide a reasonable degree of safety.

(k) When liquefied petroleum gas equipment is to be abandoned, the user/owner shall comply with the provisions of Section F 3005, Abandonment of Equipment, of the New Jersey State Fire Prevention Code.

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. 12:200-1.8. Prior N.J.A.C. 12:200-1.3 was "Scope," which was recodified as N.J.A.C. 12:200-1.1.

Deleted old (j) and (k) regarding specific containers and distance requirements, recodifying old (l) as new (j) and adding new (k). In (e), deleted reference to systems utilizing containers of over 30 pounds product capacity and added "at a dispensing or distributing point." Amended by R.1995 d.391, effective July 17, 1995.

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

### 5:18-1.4 Reporting emergency situations

(a) All LP-Gas installations exceeding 250 gallons individual or aggregate water capacity shall be provided with a marker plate or sign indicating who should be called in the event of an emergency involving the LP-Gas installation. The marker or sign shall include the following:

1. The name of the LP-Gas Supplier, plant installer, owner or operator who will respond to the emergency.
2. That person's telephone number.

(b) The LP-Gas supplier, plant installer, owner or operator shall respond when notified to all LP-Gas emergencies occurring at his installations and shall maintain a 24-hour phone service.

(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(k).

(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 installations 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).

### 5:18-3.5 Standby and peak sharing plants

(a) In any system requiring venting of LP-Gas or LP-Gas-air-mixtures, the gases shall be flared or disposed of in a manner approved by the Commissioner.

(b) A flare stack shall be provided at least 25 feet away from hazardous locations such as storage, loading or unloading and filling areas.

(c) The flare shall have a separate gas pilot line with spark ignited burner.

(d) A flash back preventer shall be installed in the flare line or stack.

(e) These systems shall be designed in accordance with safe operating, inspection and maintenance procedures.

(f) LP-Gas standby systems shall be designed to maintain the required Btu valve of the gas-air mixture within the operating limitations of the system.

(g) The LP-Gas system capacity turn down ratio shall be such that no prolonged burning at the flare stack is necessary.

(h) Standby systems shall be protected by safety devices and alarms that will shut down the system and notify plant personnel if loss of pressure or overpressure occurs in the mixed gas line or in either the gas or air line.

(i) Propane shall not be substituted for butane nor butane for propane in any standby or peak sharing system unless the system was designed for the substituting gas and has the approval of the Commissioner.

(j) Plant operating personnel shall be instructed in procedures for safe operation and emergency shut down.

## SUBCHAPTER 4. NFPA NO. 59 SYSTEMS

### 5:18-4.1 Standards adopted by reference

(a) The standards prescribed by Liquefied Petroleum Gases at Utility Gas Plants, NFPA No. 59-1995, are adopted as health and safety standards and shall apply according to their provisions.

(b) Each person engaged in handling liquefied petroleum gas at utility gas plants shall protect the public by complying with the standards prescribed by (a) above.

(c) Only technical standards relating to public health and safety are adopted by an incorporation by reference as prescribed in (a) above. Other standards relating to administrative and reporting procedures are not adopted. Compliance with administrative and reporting standards shall be achieved by communication with the appropriate officials of the Office of Safety Compliance.

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

(e) Buildings or structures housing liquefied petroleum gas distribution facilities and foundations for containers of over 2,000 gallons water capacity shall be constructed in accordance with the provisions of the New Jersey Uniform Construction Code.

(f) Where the term "line of adjoining property which may be built upon" is used in Liquefied Petroleum Gases at Utility Gas Plants, NFPA No. 59-1995; it shall be understood to mean "the property line" as defined in N.J.A.C. 5:18-2.1.

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): deleted (e)1 and 2 referring to BOCA codes, adding new text at (e). Relettered old (e)3 as new (f), updating dates and citations.  
Amended by R.1995 d.391, effective July 17, 1995.  
See: 27 N.J.R. 1950(a), 27 N.J.R. 2694(b).

#### 5:18-4.2 Container markings

Containers of liquefied petroleum gases at utility gas plants shall be marked in accordance with N.J.A.C. 5:18-3.2.

#### 5:18-4.3 Container storage

(a) Containers of liquefied petroleum gases at utility gas plants shall be located with regard to property lines other than a public way, important buildings, or bulk storage of hazardous materials in accordance with the applicable schedule of Liquefied Petroleum Gases at Utility Gas Plants, NFPA No. 59-1995.

(b) Containers of liquefied petroleum gases at utility gas plants shall be located with regard to the near side of a public way in accordance with the applicable schedule for aboveground containers of Liquefied Petroleum Gases at Utility Gas Plants, NFPA No. 59-1995.

(c) 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.

(d) In case of storage in heavily populated areas or congested areas, or near places of public assembly, the Commissioner shall determine restrictions of individual tank capacity, total storage, distance to property lines, and other reasonable protective measures.

(e) Storage areas having LP-Gas containers 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".

(f) 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.

(g) 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.

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

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

Updated dates for NFPA citations.

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

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

#### 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. 12:200-3.4). *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.

#### 5:18-4.4 Fencing

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.

#### 5:18-4.5 Fire protection

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

(b) 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.

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

### SUBCHAPTER 5. API 2510 INSTALLATIONS

#### 5:18-5.1 Standards adopted by reference

(a) The standards prescribed by API 2510-1989 Design and Construction of Liquefied Petroleum Gas (LPG) Installations are adopted as health and safety standards for the design and construction of liquefied petroleum gas (LPG) installations at marine and pipeline terminals, refineries, petrochemical plants and tank farms.

(b) Only the technical standards relating to public health and safety of API 2510-1989 are incorporated by reference in (a) above. The administrative and reporting procedures contained in API 2510-1989 are not incorporated by reference; rather, the Department has developed administrative and reporting procedures in this chapter. Questions concerning conflicts in administrative and reporting standards shall be referred to the Office of Safety Compliance.

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

Administrative change.  
See: 32 N.J.R. 835(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.

**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).