

(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 AND FEES FOR INSPECTIONS OF FACILITIES USING NON-ODORIZED LP-GAS

### 5:18-8.1 Amount of annual assessment

Beginning July 1, 2009, and in every State fiscal year thereafter, there shall be an annual assessment levied upon liquefied petroleum gas in the amount of seven-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".

Amended by R.2008 d.173, effective June 16, 2008 (operative July 1, 2008).

See: 40 N.J.R. 1422(a), 40 N.J.R. 3626(b).

Substituted "2008" for "2007" and "eleven-thirtieths" for "four-fifteenths".

Amended by R.2009 d.119, effective April 20, 2009 (operative July 1, 2009).

See: 41 N.J.R. 12(a), 41 N.J.R. 1721(b).

Substituted "2009" for "2008" and "seven-fifteenths" for "eleven-thirtieths".

information and inserted the phone and website information for the Division of Fire Safety; in the entry for USC, inserted the email information; added the entry for "IBC/2006 (NJ)"; and substituted

entries "NFPA 30-2003" for "NFPA No. 30-2003", "NFPA 58-2008" for "NFPA No. 58-2004" and "NFPA 59-2004" for "NFPA No. 59-1998".

APPENDIX B

STATE OF NEW JERSEY  
 Department of Community Affairs  
 Division of Codes and Standards  
 BUREAU OF CODE SERVICES

LPG-1

Assessment Remittance Report

This information is required for verification of assessments due on sales or import of odorized LP-Gas. Response is required by the rules adopted pursuant to N.J.S.A. 21:1B.  
 (All forms may be duplicated as needed for reporting BCS assessments. Additional copies of forms are available by calling or writing the Bureau of Code Services office at 609-633-6835.)

**Section 1.**

Company Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Contact Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

<b>Must be completed</b>	<b>For BCS Use Only</b>	
This report covers the semi-annual period from _____ to _____, 20____.	\$ Amt. Received	\$ Amt. Enclosed

**Section 2.**

Odorization Point (Name, City & State)	Gallons Odorized	Assessment	Amount Due
		x \$.00467	
		x \$.00467	
		x \$.00467	
		x \$.00467	
		x \$.00467	
		x \$.00467	
<b>Total amount collected on this page:</b>			
<b>Total amount carried forward from - attached pages:</b>			
<b>Adjustments / Penalties / Interest (attach explanation):</b>			
<b>Total amount remitted:</b>			\$

• **Items are due no later than the 25<sup>th</sup> day of July and January (semi-annually).**  
 - A 5 percent penalty will be due on payments received after the due date.  
 - Interest of 1 percent per month will be assessed on payments overdue by 30 days or more.  
 Check here if additional sheets were required to complete your remittance report.  
 Check here if this report is also intended to serve as your official Odorization Report.

I, the undersigned, hereby certify that I was the owner of the stated volumes of LP-Gas at the time they were odorized or imported into New Jersey and that the information contained in this report is true and accurate.

\_\_\_\_\_  
 Signature of Corporate Office or Authorized Person      Printed name and title      Date

**Make check payable to: Treasurer State of New Jersey. Mail form(s) and check to: Department of Community Affairs, Bureau of Code Services, P.O. Box 816, Trenton, NJ 08625-0816**



STATE OF NEW JERSEY
Department of Community Affairs
Division of Codes and Standards
BUREAU OF CODE SERVICES

LPG-2

LP-GAS ODORIZER OR IMPORTER REGISTRATION FORM

Pursuant to N.J.S.A. 21:1B, the below-named odorizer or importer of LP-Gas comes under regulation of this statute, and must register annually with the Department of Community Affairs, Division of Codes and Standards, Bureau of Code Services. (Check one of the following)

- Company is a first time odorizer or importer; or
Company is requesting subsequent annual registration as an odorizer or importer; previously registered on (Month/Year)

Odorizer shall complete Section I & II. Importers shall complete Section I only. Both the LP-Gas odorizer and importer shall complete this form within 30 days of a change in any of the information reported on this form.

SECTION I (For Odorizers and Importers):

Name
Mailing Address
City State Zip Telephone Number
Contact Person Title Telephone Number

SECTION II (For Odorizers only):

Odorization Facility Name Physical Address (No P.O. Boxes) City State Zip County
Facility Contact Person Mailing Address City State Zip Area Code Telephone Number
Odorization Facility Name Physical Address (No P.O. Boxes) City State Zip County
Facility Contact Person Mailing Address City State Zip Area Code Telephone Number





STATE OF NEW JERSEY  
Department of Community Affairs  
Division of Codes and Standards  
BUREAU OF CODE SERVICES

LPG-5

LP-GAS ASSESSMENT REFUND REQUEST

NAME OF COMPANY \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

I hereby request a refund in the amount of \$ \_\_\_\_\_ from the Bureau of Code Services. This refund is requested for the following reason(s).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Supporting export and payment documentation must accompany this request.** Examples of appropriate supporting export documentation include bills of lading, shipping manifests and load tickets. Examples of appropriate supporting payment documentation include invoices, ledgers and journal entries tied to export documents.

Under penalty prescribed in N.J.S.A. 21:1B-5, I hereby declare that I am authorized to sign this report and that the information stated herein is true, correct and complete to the best of my knowledge.

**RETURN TO:**  
Department of Community Affairs  
Bureau of Code Services  
P.O. Box 816  
Trenton, New Jersey 08625-0816

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Printed Name

( ) \_\_\_\_\_  
Area Code Telephone Number

\_\_\_\_\_  
Date

STATE OF NEW JERSEY  
 Department of Community Affairs  
 Division of Codes and Standards  
 BUREAU OF CODE SERVICES

LPG-6

LP-GAS ODORIZATION REPORT FOR TERMINAL OPERATORS

The LP Gas Act (N.J.S.A. 21:1B) requires the following information be submitted to assist in verifying sales of odorized LPG. This report must be filed with the BCS and is due by the 25<sup>th</sup> day of the months of January and July.

**Section 1.**

Name of Submitter \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

**Private and Confidential**

Storage cavern, terminal, and loading rack operators shall supply the following information semi annually by the 25<sup>th</sup> of the months of January and July and shall identify the companies for whom they have provided odorizing services and the volumes of product odorized. The submitting operator may computerize this form if it will aid in submission of the information. Continuation pages may be added if more space is needed. All information submitted to the Bureau of Code Services will be kept strictly confidential and will be used only for verification of BCS assessments submitted by producers, marketers and others, responsible for payment of the assessments required by the LP-Gas Act.

This report is for the period from \_\_\_\_\_  
 to \_\_\_\_\_ 20\_\_\_\_.

For BCS Use Only	
\$ Amt. Received	Reviewed by

This is page 1 of \_\_\_\_\_ pages.  
 (Please use continuation pages if more space is required)

**Section 2.**

Odorization Services to:	For BCS Use	Place of Odorization	Gallons Odorized

I, the undersigned, hereby certify that the information contained in this Odorization Report is true and accurate.

\_\_\_\_\_  
 Signature of Corporate Office or Authorized Person      Printed name and title      Date

Mail form(s) no later than the 25<sup>th</sup> of month for the reporting period as required to: *Department of Community Affairs, Bureau of Code Services, P.O. Box 816, Trenton, NJ 08625-0816*



In Form LPG-1, substituted "\$.00267" for "\$.00167" throughout; and in the heading of the "Total Assessment" column of Form LPG-4, substituted "(4/15<sup>th</sup> of one cent per gallon)" for "(1/6<sup>th</sup> of one cent per gallon)".

Amended by R.2008 d.173, effective June 16, 2008 (operative July 1, 2008).

See: 40 N.J.R. 1422(a), 40 N.J.R. 3626(b).

In Section 2 of Form LPG-1, substituted "\$.00367" for "\$.00267" throughout; and in the heading of the "Total Assessment" column of

Form LPG-4, substituted "(11/30<sup>th</sup> of one cent per gallon)" for "(4/15<sup>th</sup> of one cent per gallon)".

Amended by R.2009 d.119, effective April 20, 2009 (operative July 1, 2009).

See: 41 N.J.R. 12(a), 41 N.J.R. 1721(b).

In Section 2 of Form LPG-1, substituted "\$.00467" for "\$.00367" throughout; and in the heading of the "Total Assessment" column of Form LPG-4, substituted "(7/15<sup>th</sup> of one cent per gallon)" for "(11/30<sup>th</sup> of one cent per gallon)".

## Appendix C

## Disclosure of Customer Rights and Company Policies

Date \_\_\_\_\_

**Qualifications**

**Customers have the right to know that the firm delivering propane or providing propane service is qualified.** *Company X* is licensed by the State of New Jersey to perform propane delivery and service. Our license number is *LPG-0XX*.

**Terms of Service**

**Customers have the right to know about any special conditions of service that would be applied to them by their supplier.** *Company X* will provide service subject to the following conditions:

1. *Company X* **does / does not** require a credit application.
2. *Company X* **does / does not** reserve the right to require payment at the time of delivery (Cash On Delivery or COD) for customers who's credit is questionable. COD customers may pay by the following means:

\_\_\_\_\_ Cash \_\_\_\_\_ Certified Check \_\_\_\_\_ Personal Check \_\_\_\_\_ Credit Card

3. For other than COD deliveries *Company X* requires payment within \_\_\_\_\_ days of delivery. Late payments are subject to a late fee of \_\_\_\_\_. For propane service work, payment is subject to the conditions of the service contract.

4. *Company X* allows the following delivery methods:

\_\_\_\_\_ Automatic Delivery (We schedule your delivery. Deliveries are made on a schedule as follows:

\_\_\_\_\_ Customer requested delivery (will call deliveries). The customer calls for deliveries. *Company X* must be notified \_\_\_\_\_ days before the desired delivery date. There is a minimum delivery amount of \_\_\_\_\_ gallons. Deliveries below the minimum are subject to a surcharge of \_\_\_\_\_ dollars. If a customer runs out of gas the system must be leak checked prior to resuming service. Consult your contract for additional details.

**Pricing Structure**

**Customers have the right to a written or verbal price quote upon request.** *Company X* bases its price of propane on the following factors:

- \_\_\_\_\_ Estimated annual usage (lower rates apply for larger users)
- \_\_\_\_\_ Time of year (lower rates apply for off season deliveries)
- \_\_\_\_\_ Delivery day/time (higher rates apply to weekend, holiday or deliveries made outside the hours of \_\_\_\_\_ am and \_\_\_\_\_ pm.)
- \_\_\_\_\_ Type of delivery selected (will call versus automatic)
- \_\_\_\_\_ Number of locations (lower rates for customers with multiple accounts)
- \_\_\_\_\_ Customer location (higher rates apply for locations that require additional travel time)
- \_\_\_\_\_ Other as described \_\_\_\_\_

**Pricing Policy**

**Customers have the right to a price quote in a format that allows for comparison shopping.** *Company X* charges for propane based on \_\_\_\_\_, and will convert that pricing into a dollars per gallon equivalent for comparison purposes. The price of propane like any commodity changes over time. This will affect your bill as the price fluctuates. *Company X* pricing policies will determine how often your bill is adjusted to account for changes in the cost of propane. We offer the following pricing options:

- \_\_\_\_\_ Budget pricing (payments for the year divided into a fixed monthly amount based on projected usage over a number of months. The last month of the year is used to pay the balance). The price is adjusted once a **month/year/other**.
- \_\_\_\_\_ Fixed pricing (the price is locked in for a specified period of time)
- \_\_\_\_\_ Pipeline pricing (Pricing is based on an amount above the wholesale price for a specific pipeline. As the pipe at the pipeline changes, so will your price)

**Equipment Fees**

**Customers have the right to either rent equipment from *Company X* or use their own equipment.** *Company X* has the following equipment related fees:

- \_\_\_\_\_ Fee for the installation of tanks associated with a new service
- \_\_\_\_\_ Fee for the replacement of tanks associated with an existing service
- \_\_\_\_\_ Rental fee for tanks and regulators when using *Company X*'s equipment
- \_\_\_\_\_ Fee for inspecting tanks and regulators when Customer owned equipment is used

The fee is applied

- \_\_\_\_\_ Prior to initial delivery
- \_\_\_\_\_ Annually thereafter
- \_\_\_\_\_ Other as described \_\_\_\_\_

\_\_\_\_\_ Fee for service work on *Company X*'s equipment

\_\_\_\_\_ Fee for service work on customers equipment

\_\_\_\_\_ Fee for leak checking the customers system under the following conditions: \_\_\_\_\_

\_\_\_\_\_ Other as described: \_\_\_\_\_

*Note: Fees for service work are based on the specifics of the particular job to be done, therefore prices are based on an estimate on a case by case basis.*

**Change of Supplier**

**Customers have the right to change suppliers if they are dissatisfied with the price or service offered.** Discontinuance of service is subject to the terms of your contract. The following conditions apply to a discontinuance of service:

\_\_\_\_\_ *Company X* will remove our container within \_\_\_\_\_ days of written notification by the customer is discontinuing service.

\_\_\_\_\_ *Company X* will notify you of the removal date and approximate time \_\_\_\_\_ days prior to removal.

\_\_\_\_\_ Company X will charge for the removal of the container

\_\_\_\_\_ Company X will credit the customer for any propane remaining in the container at the time of removal (you are permitted to be present when the remaining volume is removed)

*Note: At one- or two-family residential properties the new marketer may disconnect and move containers owned by others; however the new marketer may not fill a container owned by another marketer. At other properties, the new marketer cannot remove, connect, disconnect, fill or refill any propane container without written permission from the owner of the container.*

#### Disconnection

**Customers have the right to be notified seven days prior to the disconnection of service for non-payment.**

#### Complaints

The Liquefied Petroleum Gas Board regulates the licensing of marketers as well as enforcing safety regulations on LP-Gas systems. The LP-Gas Board does NOT regulate pricing. If you are dissatisfied with the price your marketer is charging, you have the right to change marketers in accordance with the terms of your contract with your current marketer.

1. Complaints or questions should first be brought to the attention of your marketer.

2. If you are not satisfied with your marketer's response and wish to pursue a complaint, contact the Department of Community Affairs at (609) 633-6385 or by email at [LPGas@dca.state.nj.us](mailto:LPGas@dca.state.nj.us). Complaints by phone should be made Monday through Friday from 8:30 to 4:30.

Because rates and policies differ among marketers, first time customers or customers considering moving to a new marketer; should be informed enough to ask a few key questions.

#### Key Questions Consumers Should Ask When Changing Marketers

- Does the marketer have a current, valid license issued by the New Jersey Department of Community Affairs? The list of licensed marketers is available on the Department's website at [www.state.nj.us/dca/codes/lp\\_gas/pdf/licensees.pdf](http://www.state.nj.us/dca/codes/lp_gas/pdf/licensees.pdf) or by calling (609) 633-6835.
- Is there a written description of services that will be provided?
- Is there a charge to install the container and/or related equipment necessary to establish service?
- What is the most economical method of purchasing propane?
- Do you have to call when you need gas or will they schedule your deliveries?
- How often will you receive a delivery? What days are delivery days? Are deliveries made on weekends?
- How much will it cost to receive a delivery outside of your normal schedule?
- Is the price based on your annual usage, the area you live in, the quantity per delivery or other criteria?
- How long after delivery do you have to pay your bill?
- Is there a penalty for a late payment?
- What is the marketer's policy if you need fuel in the winter, but you still have an outstanding bill?
- Does the marketer offer any of discounts that apply to you?
- Does the marketer have an equal payment plan?
- Does the marketer install and/or service LP-Gas appliances?
- Does the marketer have a website address?

Be sure to address any other concerns you may have that are not listed above.

#### Energy Assistance

The following agency has programs available to assist low-income households with their energy bills. For more information, please contact directly:

- Low-income Home Energy Assistance Program (LIHEAP) 1(800) 510-3102

#### Safety Recommendations

- When handled properly, LP-Gas is a safe and efficient fuel source.
- Ask your marketer what procedures they have in place to ensure safety and integrity of the system which serves you. One such safety program is the GAS check Program, a voluntary program developed by the National Propane Gas Association. Information on this program is available from your marketer or on the National Propane Gas Association website at [www.npga.org](http://www.npga.org) or by calling (202) 466-7200.
- Follow all manufacturers instructions for the proper use and care of your LP-Gas appliances.
- NEVER attempt to repair or alter an LP-Gas appliance. Contact your marketer or a licensed service representative for assistance.
- Keep areas around LP-Gas appliances clean and clear of combustibles.
- You, as the customer, are required to maintain clear access to your LP-Gas container at all times.
- An odorant has been added to your LP-Gas so you can detect if your system develops a leak. Learn what LP-Gas smells like. Your marketer has scratch-and-sniff pamphlets to help your family recognize its distinctive odor.
- Learn how to turn off your gas supply. Some gas valves require the use of a wrench to operate them. Ask your marketer for assistance if you do not know how to turn off your gas supply.
- Check [www.propanesafety.com](http://www.propanesafety.com), [www.npga.org](http://www.npga.org), the propane marketer's website or call your marketer for additional safety information.
- Ask your marketer whether all installations and services provided are in conformance with New Jersey Department of Community Affairs regulations.
- If you find an underground container dome or any other LP-Gas container completely submerged in water, turn off the container supply valve and notify your marketer.
- Keep underground container domes clear when it snows in case a delivery is needed.
- Notify your marketer prior to the installation of air conditioning or making any modifications to your home that are within ten feet of the container.

#### If You Smell Gas

1. Exit the building, without using the telephone or cell phone, operating any electrical switches or lighting any matches or smoking materials.
2. If possible, turn off the gas at the container or meter valve.
3. Call 911 from a neighbors home.
4. Do not re-enter the building until the emergency responder tells you it is safe to do so.

Your marketer is required to respond to your request for assistance in an emergency.