

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.2000 d.269, effective June 5, 2000.
See: 32 N.J.R. 738(a), 32 N.J.R. 2425(a).

Executive Order No. 66(1978) Expiration Date

Chapter 18, Liquefied Petroleum Gas, expires on June 5, 2005.

Chapter Historical Note

Chapter 18, Rentals, was adopted as R.1970 d.86, effective July 21, 1970. See: 2 N.J.R. 47(b), 2 N.J.R. 71(a).

Chapter 18, Rentals, was repealed by R.1980 d.234, effective May 30, 1980. See: 12 N.J.R. 170(c), 12 N.J.R. 388(a).

Chapter 18, Uniform Fire Code, was adopted as new rules 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Subchapter 3, State Fire Prevention Code, was repealed and Subchapter 3, State Fire Prevention Code, was adopted as new rules by R.1992 d.105, effective March 2, 1992.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. Pursuant to Executive Order No. 66(1978), Chapter 200 expired on May 15, 1985.

Chapter 200, Liquefied Petroleum Gas, was adopted as new rules by 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 as R.1990 d.436, effective August 3, 1990. Subchapter 5, API 2510 Installations, was adopted as new rules and former Subchapter 5, Submittal of Plans or Project Data Report, was recodified as Subchapter 6, Submittal of Plans or Project Data Report, by R.1990 d.436, effective September 4, 1990. 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).

Subchapter 7, Violations, Administrative Penalties and Hearings, was adopted as R.1997 d.220, effective May 19, 1997. See: 29 N.J.R. 836(a), 29 N.J.R. 2463(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).

Pursuant to Executive Order No. 66(1978), Chapter 18, Liquefied Petroleum Gas, was readopted as R.2000 d.269, effective June 5, 2000. See: Source and Effective Date. See, also, section annotations.

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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;
2. The installation of liquefied petroleum gas facilities at use group R-3/R-4 occupancies (one and two family residential);
3. Vapor delivery installations utilizing containers with an aggregate water capacity of 2,000 gallons or less;
4. Liquefied petroleum gas vapor piping inside of buildings; or
5. 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.

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).

In (d), inserted "/R-4" following "R-3" in 2, added new 3 and recodified former 3 and 4 as 4 and 5.

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).

(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 Boiler and Pressure Vessel Compliance, PO Box 814, Trenton, New Jersey 08625-0814.

(d) The notice of LP gas installation 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).

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.

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 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.

4051 W. Flossmoor Rd.
Country Club Hills, Illinois 60477-5795

(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.

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

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

No. and Edition	Title
API 2510-1989	American Petroleum Institute 2510-1989, Design and Construction of Liquefied Petroleum Gas Installations
BOCA-1990 49 CFR Parts 171 through 177	The BOCA Basic Building Code Hazardous Material Regulations
NFPA No. 30-1987	Flammable and Combustible Liquids Code
NFPA No. 58-1995 NFPA No. 59-1995	Liquefied Petroleum Gases Liquefied Petroleum Gases at Utility Gas Plants
N.J.A.C. 5:70 N.J.A.C. 5:23	New Jersey Uniform Fire Code 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. 29 USC 651 et seq.	Liquefied Petroleum Gas Act 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).