

(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.

(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.

(d) In addition to the penalty imposed under (c) above, interest at an annual rate of 12 percent shall be added to all payments received by the Bureau 30 days or more after the 25th day of the month following the end of the quarter.

5:18-8.3 Forms

(a) The following forms, which are incorporated by reference as Appendix B of this chapter, shall be used for the purposes indicated:

- 1. Remittance Report (LPG-1);
- 2. Odorizer or Importer Registration (LPG-2);
- 3. Load Exemption: Certificate of LPG Destined for Export (LPG-3);
- 4. LPG Usage Report (LPG-4);
- 5. Assessment Refund Request (LPG-5); and
- 6. Odorization Report for Terminal Operators (LPG-6)

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

SUBCHAPTER 8. ANNUAL ASSESSMENTS

Authority

N.J.S.A. 21:1B-2 and 15.

Source and Effective Date

R.2001 d.240, effective July 16, 2001.
 See: 33 N.J.R. 1227(a), 33 N.J.R. 2462(a).

5:18-8.1 Amount of annual assessment

Beginning July 1, 2001 and in every State fiscal year thereafter, there shall be an annual assessment levied upon liquefied petroleum gas in the amount of one-fifteenth of one cent per gallon.

5:18-8.2 Payment of annual assessment

(a) The owner of liquefied petroleum gas immediately prior to odorization shall be responsible for the payment of the assessment on the volume of liquefied petroleum gas at the time of import or odorization, whichever is earlier.

(b) All assessments shall be payable to "Treasurer, State of New Jersey" and shall be remitted to the Bureau of Boiler and Pressure Vessel Compliance, PO Box 814, Trenton, NJ 08625 on a quarterly basis on or before the 25th day of the month following the end of the quarter.

(c) A penalty of five percent shall be added to all payments received by the Bureau after the 25th day of the month following the end of the quarter.

	Batterymarch Park Quincy, Massachusetts 02269	No. and Edition No. and Edition API 2510-1989	Title Title
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	BOCA-1990 49 CFR Parts 171 through 177 NFPA No. 30-1987	American Petroleum Institute 2510-1989, Design and Construction of Liquefied Petroleum Gas Installations The BOCA Basic Building Code Hazardous Material Regulations
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	NFPA No. 58-1995 NFPA No. 59-1995 N.J.A.C. 5:70 N.J.A.C. 5:23 N.J.A.C. 5:11	Flammable and Combustible Liquids Code Liquefied Petroleum Gases Liquefied Petroleum Gases at Utility Gas Plants New Jersey Uniform Fire Code New Jersey Uniform Construction Code Boilers, Pressure Vessels and Refrigeration
USC	United States Code Copies available from: Occupational Safety and Health Administration U.S. Department of Labor 1515 Broadway New York, New York 10036	N.J.S.A. 21:1B-1 et seq. 29 USC 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). 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).	Liquefied Petroleum Gas Act Occupational Safety and Health Act

APPENDIX B

STATE OF NEW JERSEY
 Department of Community Affairs
 Division of Codes and Standards
 BUREAU OF BOILER AND PRESSURE VESSEL COMPLIANCE

LPG - 1

Remittance Report

This information is required for verification of assessments due on sales or import of odorized propane 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 BBPVC assessments. Additional copies of forms are available by calling or writing the Bureau of Boiler and Pressure Vessel Compliance office at 609-292-2345.)

Section 1.

Company Name: _____

Mailing Address: _____

City: _____ State _____ Zip Code: _____

Must be completed	For BBPVC Use Only	
This report covers the quarter period from _____ to _____, 20____.	\$ Amt. Received	\$ Amt. Enclosed

Section 2.

Odorization Point (Name, City & State)	Gallons Odorized	Assessment	Amount Due
		x \$.00067	
		x \$.00067	
		x \$.00067	
		x \$.00067	
		x \$.00067	
		x \$.00067	
Total amount collected on this page:			
Total amount carried forward from - attached pages:			
Adjustments/Penalties/Interest (attach explanation):			
Total amount remitted:			\$

- Items are due no later than 25 days after the end of the recording period (quarterly).
 - 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 propane at the time they were odorized or imported 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 Boiler and Pressure Vessel Compliance, P.O. Box 814, Trenton, NJ 08625-0814

STATE OF NEW JERSEY
Department of Community Affairs
Division of Codes and Standards
BUREAU OF BOILER AND PRESSURE VESSEL COMPLIANCE

LPG - 2

ODORIZER OR IMPORTER REGISTRATION

Pursuant to N.J.S.A. 21:1B and the LP-GAS rules, the below-named odorizer or importer comes under regulation of this statute, and must register with the Department of Community Affairs, Division of Codes and Standards, Bureau of Boiler and Pressure Vessel Compliance annually. (Check One)

- () because odorizer or importer first became subject to Commission jurisdiction within the past 30 days, or
- () to meet the _____ annual registration requirement for the year beginning _____
(Month/Year)

Odorizer shall complete Section I & II. Importers shall complete Section I only. 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

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 BOILER AND PRESSURE VESSEL COMPLIANCE

LPG - 5

ASSESSMENT REFUND REQUEST

NAME OF COMPANY _____

MAILING ADDRESS _____

CITY _____ STATE _____ ZIP _____

I hereby request a refund in the amount of \$ _____ from the Bureau of Boiler and Pressure Vessel Compliance. 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 Boiler and Pressure
Vessel Compliance
P.O. Box 814
Trenton, New Jersey 08625-0814

Authorized Signature

Printed Name

() _____
Area Code Telephone Number

Date

STATE OF NEW JERSEY
 Department of Community Affairs
 Division of Codes and Standards
BUREAU OF BOILER AND PRESSURE VESSEL COMPLIANCE
ODORIZATION REPORT FOR TERMINAL OPERATORS

LPG - 6

The LP Gas Act (N.J.S.A. 21:1B) requires the following information be submitted to assist in verifying sales of odorized LPG.

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 quarterly by the 25th of the reporting period, identifying the companies for whom they have provided odorizing services during the preceding month 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 Boiler and Pressure Vessel Compliance will be kept strictly confidential and will be used only for verification of BBPVC assessments submitted by producers, marketers and others, responsible for payment of the assessments required by the LP Gas Act.

This report is for the quarter period from _____
 to _____ 20 ____.

For BBPVC 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 BB&PVC Use	Place of Odorization	Gallons Odoriz

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 25th of month for the reporting quarter to: *Department of Community Affairs, Bureau of Boiler and Pressure Vessel Compliance, P.O. Box 814, Trenton, NJ 08625-0814*

