

CHAPTER 200**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 200, Liquefied Petroleum Gas, expires on June 23, 2000.

Chapter Historical Note

Chapter 12:200, Liquefied Petroleum Gas, 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 12:200 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). Chapter 12:200 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). Chapter 12:200 was readopted as R.1995 d.391, effective June 23, 1995. See: Source and Effective Date. See subchapter and section levels for further rulemaking activity.

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APPENDIX A. AVAILABILITY OF STANDARDS AND PUBLICATIONS REFERRED TO IN THIS CHAPTER**SUBCHAPTER 1. GENERAL PROVISIONS****12:200-1.1 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 down stream of final stage regulation and outside ...," and replaced with "inside" of buildings.

12:200-1.2 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.

12:200-1.3 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 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. 12:90-5.15 (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).

12:200-1.4 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.

Recodified from N.J.A.C. 12:200-1.9 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. 12:200-1.4 was "Effective Date."

12:200-1.5 Reporting of fires, explosions or accidents

Whenever there is a fire or explosion or accident involving the public which results in serious injury or loss of life or property from liquefied petroleum gas, the Commissioner shall be notified in writing by the user/owner before the end of the first working day following the accident.

Recodified from N.J.A.C. 12:200-1.10 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. 12:200-1.5 was "Repeal of prior chapters."

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

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

12:200-1.6 (Reserved)

Repealed by R.1990 d.436, effective September 4, 1990.

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

Section was "Validity."

12:200-1.7 (Reserved)

Repealed by R.1990 d.436, effective September 4, 1990.

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

Section "Existing installations" was recodified to 1.2.

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.

12:200-5.2 Container markings

Containers of liquefied petroleum gases at marine and pipeline terminals, refineries, petrochemical plants and tank farms shall be marked in accordance with N.J.A.C. 12:200-3.2.

12:200-5.3 Container storage

(a) Siting of containers shall conform with section 3 of the standard referenced in API 2510-1989.

(b) 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.

(c) Storage areas having liquefied petroleum 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".

(d) 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.

(e) Above-ground containers exceeding 2,000 gallons individual water capacity shall be oriented so that their longitudinal axes do not point toward other liquefied petroleum gas containers within that installation.

12:200-5.4 Fencing

The liquefied petroleum 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.

12:200-5.5 General

NFPA 58-1995 may be used as standard for those areas not specifically addressed in API 2510-1989 and which do not conflict with the intent of API 2510-1989.

Amended by R.1995 d.391, effective July 17, 1995.
See: 27 N.J.R. 1950(a), 27 N.J.R. 2694(b).

SUBCHAPTER 6. SUBMITTAL OF PLANS OR PROJECT DATA REPORT

12:200-6.1 Submittal of plans

(a) When required, at least three sets of plans shall be filed with the New Jersey Department of Labor, Division of Workplace Standards, Office of Safety Compliance, CN 386, Trenton, New Jersey 08625-0386 prior to construction or installation of a proposed LP-Gas system or a substantial alteration to an existing system.

(b) These three sets of plans shall be filed for:

1. An LP-Gas system with an aggregate water capacity of over 2,000 gallons; or
2. An LP-Gas system designed to transfer liquid from one container to another;
3. An LP-Gas system intended to be used at a construction site for more than six months.

(c) Prints of drawings shall be sealed by a professional engineer and shall comply with the requirements of the State Board of Professional Engineers and Land Surveyors.

(d) Prints or duplications of drawings and documents shall bear the embossed seal of the professional of record. Original tracings and documents with the printed seal of the professional of record shall not be acceptable on prints and copies of this material even when the seal is clear and legible. A rubber stamp seal shall not be acceptable under any condition.

(e) Original tracings and documents may bear the required signature of the professional of record, and copies of these originals with the duplicated signature and his or her embossed seal shall be acceptable for filing. Where the prints of drawings and copies of documents do not include the duplicated signature of the professional of record, each print of drawings and the title page of documents shall bear his or her signature and his or her embossed seal.

(f) Plans shall be titled, stating name of user, location of work by street address or description, municipality, date of drawing, drawing number, and all revisions thereto.

(g) Plans shall be drawn to scale to produce good legibility.

(h) Plans required by (b) above shall include the following information:

1. A plot plan of the area within 150 feet of the LP-Gas system to scale, or with appropriate distance indicated on the plot plan, showing on-site and off-site buildings, structures, property lines, use groups of buildings or structures, and distance from bulk quantities of hazardous materials.

2. Design and details of foundations or supports for all containers and equipment of an installation. The foundation drawing to include a description of the soil and allowable soil pressure.

3. A schematic, isometric or plan drawing of the entire system with specifications. This drawing to include all equipment, parts, piping, pumps, valves, controls, safety devices, material, instrumentation and electrical systems for both power and light necessary to evaluate the safe operation of the system.

4. Container outline drawings indicating its dimensions, fittings, connections, capacity, design pressure, and code under which the container is built.

5. Appropriate information on fire protection facilities at the site and available public fire services for systems exceeding 4,000 gallons aggregate water capacity.

i. This information shall include a fire analysis which may be provided by the engineer of record, providing that he or she submits with his or her analysis proof of consultation with the local Fire official.

(i) When projects are of a repetitive nature, such as those involving standard components or previously approved packaged units, standard drawings may be utilized.

(j) All drawings and documents shall include notation of any and all revisions with date of change noted.

(k) Any specifications, design information, or data germane to the plan approval shall be made available to the Office of Safety Compliance upon written request.

(l) Plans submitted shall be accompanied by a letter of certification or equivalent certification on the plan signed by the professional engineer of record that the plans comply with Liquefied Petroleum Gases of N.J.A.C. 12:200.

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. 12:200-5.1, with stylistic revisions.
Amended by R.1995 d.391, effective July 17, 1995.
See: 27 N.J.R. 1950(a), 27 N.J.R. 2694(b).

12:200-6.2 Approval of plans

(a) The Office of Safety Compliance shall issue a letter of plan approval, after the plans have been examined and approved.

(b) Two copies of plans approved by the Office of Safety Compliance shall be retained by the Office of Safety Compliance for its inspection service and official records. All other copies shall be returned to the applicant or professional engineer of record.

(c) One set of the returned plans shall be kept on the construction site for inspection service by the Office of Safety Compliance during the entire construction period for the system.

(d) After erection, the Office of Safety Compliance shall make a plan compliance inspection to insure that the LP-Gas facility is erected in accordance with the plans submitted and a letter of plan compliance shall be issued to the applicant or the professional of record.

(e) Containers shall not be filled until the approval covered in (a) and (d) above has been obtained, except that:

1. The product not exceeding five percent of tank capacity may be placed in the container so that tests and adjustments may be made by the installer; or

2. The container may be filled, if the Office of Safety Compliance fails to comply with (d) above within 30 days, provided proper notice has been given to said office; or

3. Containers may be filled for emergency or critical use, when approved by the commissioner.

(f) If a set of plans have been approved and construction has not been completed within 18 months from the date of plan approval, the plan approval for that site shall be considered expired unless extended or renewed by the commissioner.

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. 12:200-5.2. In (e)1: added "the product not exceeding five percent of tank capacity . . ." to text.

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

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

12:200-6.3 Submittal of project data report

(a) A project data report shall be filed for all new liquefied petroleum gas installations for which plans are not required under N.J.A.C. 12:200-6.1(b), except that a project data report is not required for a system under N.J.A.C. 12:200-6.1(b) that has a capacity of 250 gallons or less individual or aggregate capacity.

(b) The project data report required by (a) above shall be filed within 10 days of actual installation for new liquefied petroleum gas installations.

(c) The project data report shall be filed with the New Jersey Department of Labor Division of Workplace Standards, Office of Safety Compliance, CN 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).

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 Workplace Standards between the hours of 9:00 A.M. and 4:00 P.M. on normal working days:

State of New Jersey
 Department of Labor
 Division of Workplace Standards
 Station Plaza Bldg. 4, Third Floor
 28 Yard Avenue, CN 386
 Trenton, New Jersey 08625-0386

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 Labor CN 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 Labor CN 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. 5:18	New Jersey Uniform Fire Code
N.J.A.C. 5:23	New Jersey Uniform Construction Code
N.J.A.C. 12:90	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).