

## CHAPTER 18

## LIQUEFIED PETROLEUM GAS

## Authority

N.J.S.A. 21:1B-2, 21:1B-15, 34:1-20 and 34:1A-3(e);  
and Reorganization Plan No. 002-1998.

## Source and Effective Date

R.2005 d.401, effective October 24, 2005.  
See: 37 N.J.R. 564(a), 37 N.J.R. 4399(a).

## Chapter Expiration Date

Chapter 18, Liquefied Petroleum Gas, expires on October 24, 2010.

## 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Chapter 18, Rentals, was repealed by R.1980 d.234, effective May 30, 1980.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Subchapter 3, State Fire Prevention Code, was repealed and Subchapter 3, State Fire Prevention Code, was adopted as new rules by R.1992 d.105, effective March 2, 1992.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: 32 N.J.R. 738(a), 32 N.J.R. 2425(a).

Subchapter 8, Annual Assessments, was adopted as R.2001 d.240, effective July 16, 2001. See: 33 N.J.R. 1227(a), 33 N.J.R. 2462(a).

Subchapter 9, Quality Control and Maintenance Audits and Subchapter 10, Licensing, adopted as R.2003 d.200, effective May 19, 2003. See: 35 N.J.R. 7(a), 35 N.J.R. 2187(a).

Chapter 18, Liquefied Petroleum Gas, was readopted as R.2005 d.401, effective October 24, 2005. See: Source and Effective Date.

Subchapter 3, NFPA No. 58 Systems, was renamed NFPA 58 Systems by R.2005 d.425, effective December 5, 2005. See: 37 N.J.R. 2744(a), 37 N.J.R. 4531(b).

Subchapter 8, Annual Assessments, was renamed Annual Assessments and Fees for Inspections of Facilities Using Non-Odorized LP-Gas by R.2007 d.1, effective January 2, 2007. See: 38 N.J.R. 3697(a), 39 N.J.R. 28(a).

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**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, maintenance and operation of liquefied petroleum gas systems.

(c) The following pertain to existing LP-Gas systems:

1. LPG systems within the scope of this chapter which were installed in accordance with the rules in effect at the time of installation may be continued in service unless the continued operation of such systems constitutes a serious and substantial threat to health and safety.

2. Existing systems shall be registered with the Bureau if required by N.J.A.C. 5:18-1.4 and containers shall be marked in accordance with N.J.A.C. 5:18-1.6.

(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. Liquefied petroleum gas vapor piping inside of buildings; or

3. Portable cylinders of not more than 40 pounds when used as intended for outdoor cooking purposes.

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.

Recodified from N.J.A.C. 5:18-1.2 amended by R.2003 d.200, effective May 19, 2003.

See: 35 N.J.R. 7(a), 35 N.J.R. 2187(a).

Rewrote (b); deleted former (c) and recodified former N.J.A.C. 5:18-1.2 as (c); rewrote (d).

**5:18-1.2 Applicability and jurisdiction**

(a) The issuance of permits for, and the inspection of, new liquefied petroleum gas vapor delivery systems of 2,000 gallons or less aggregate water capacity shall be the responsibility of the local construction official and plumbing sub-code official, as set forth in N.J.A.C. 5:23-3.4. The local construction official shall also be responsible for handling unsafe structures as set forth in N.J.A.C. 5:23-2.32.

(b) The issuance of permits for, and the inspection of, new liquefied petroleum gas systems of vapor delivery greater than 2,000 gallons aggregate water capacity and all liquid withdrawal systems shall be the responsibility of the Bureau.

(c) In addition to compliance with the requirements of this chapter, liquefied petroleum gas systems of over 2,000 gallons aggregate water capacity, or individual containers of over 1,000 gallons water capacity, shall be subject to registration and to annual inspection by the fire official, as set forth in the Uniform Fire Code, N.J.A.C. 5:70-2.4B and 2.5.

(d) Cylinder exchange cabinets shall be subject to inspection by the fire official, in accordance with section F-3605.0 of the Fire Prevention Code, N.J.A.C. 5:70-3.

(e) In addition to compliance with the requirements of this chapter, LPG systems at locations identified as fill plants shall be subject to inspection by the local fire official, in accordance with section F-3609.0 of the Fire Prevention Code, N.J.A.C. 5:70-3.

(f) LP-Gas facilities including producers, bulk plants and industrial plants of 10,000 gallons water capacity or more, gas utility plants, marine or pipeline terminals or tank farms shall comply with and shall be inspected in accordance with the quality control program outlined in N.J.A.C. 5:18-9.

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.

New Rule, R.2003 d.200, effective May 19, 2003.

See: 35 N.J.R. 7(a), 35 N.J.R. 2187(a).

Former N.J.A.C. 5:18-1.2, Existing installations, recodified to N.J.A.C. 5:18-1.1(c).

**5:18-1.3 Compliance**

(a) All liquefied petroleum gas systems shall be installed and maintained in a safe operating condition in accordance with these rules.

(b) Zoning considerations shall be the responsibility of the municipality in which the system is located.

(c) All buildings or structures housing liquefied petroleum systems and foundations for containers shall be constructed in accordance with the applicable provisions of the Uniform Construction Code, N.J.A.C. 5:23.

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

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

1. Exception: Containers at one or two-family residential properties may be disconnected and moved provided that the qualified person removing the container secures the fill line, gauge openings, fuel lines and pump connections against tampering and leaves the container in a safe and secure location.

(f) The owner of an LP-Gas container found to be 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 Bureau.

(g) The Commissioner may order the owner or operator 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.

(h) LP-Gas systems having a product vapor pressure greater than that allowed in the referenced standards for commercial propane, with the product measured at 100 degrees Fahrenheit, shall be subject to the approval of the Commissioner.

(i) When liquefied petroleum gas equipment is to be abandoned or temporarily placed out of service, the user/owner shall comply with the provisions of Section F-3608.0, Abandonment of Equipment, of the Fire Prevention Code, N.J.A.C. 5:70-3.

(j) Any person seeking a waiver or modification of any requirement set forth in this chapter in a specific situation where strict adherence to the requirement poses a hardship, or where technological advances allow an alternative that provides equivalent protection, may submit a request for such waiver or modification to the Bureau Chief. The application shall include a statement that explains why strict adherence to the rules would be problematic, or why an alternative would be appropriate, and a statement that documents that the

alternative(s) requested would be consistent with the intent of the Act and of this chapter and would not result in any increased health or safety risk. The Bureau Chief may grant any such waiver or modification only upon a finding that doing so would not result in any increased health or safety risk and would be consistent with the intent of the Act and of this chapter.

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).

Amended by R.2003 d.200, effective May 19, 2003.

See: 35 N.J.R. 7(a), 35 N.J.R. 2187(a).

Rewrote the section.

Amended by R.2003 d.455, effective December 1, 2003.

See: 35 N.J.R. 3474(a), 35 N.J.R. 5371(b).

Added (j).

**5:18-1.4 Registration**

(a) All existing LPG systems of greater than 2,000 gallons water capacity vapor delivery service, all liquid withdrawal systems and all fill plants shall be registered by the owner with the Bureau.

1. The submission of plans pursuant to N.J.A.C. 5:18-6.1 shall be accepted as satisfying the registration requirement.

(b) When there is a change in the ownership of an existing LPG system, the new owner shall register with the Bureau within ten business days of the change in ownership.

(c) All LP-Gas facilities, including producers, bulk plants and industrial plants of 10,000 gallons water capacity or more, gas utility plants, marine or pipeline terminals or tank farms, shall be registered with the Bureau in accordance with N.J.A.C. 5:18-9.1.

(d) Each registration shall indicate the name and address of the New Jersey office or New Jersey residence of the LPG system's owner or the owner's representative; the owner or the owner's representative must reside or have an office in the State of New Jersey to accept service of process.

(e) It shall be the responsibility of the owner to notify the Department of any change in the identity, mailing address, office or residence address or phone number of the owner or representative. Any change shall be reported to the Department in writing within 30 days of the change.

New Rule, R.2003 d.200, effective May 19, 2003.

See: 35 N.J.R. 7(a), 35 N.J.R. 2187(a).

Former N.J.A.C. 5:18-1.4, Reporting emergency situations, recodified to N.J.A.C. 5:18-1.7.

Amended by R.2006 d.95, effective March 6, 2006.

See: 37 N.J.R. 4104(a), 38 N.J.R. 1316(a).

Added (d) and (e).

**5:18-1.5 Inspection of LPG systems by the Bureau**

(a) All LPG systems of greater than 2,000 gallons water capacity vapor delivery service, all liquid withdrawal service systems and all fill plants shall be inspected annually by the Bureau, with the exception of LPG systems meeting the requirements of N.J.A.C. 5:18-9, which shall be subject to a triennial audit, and those subject to local inspection, as set forth in N.J.A.C. 5:18-1.2(c).

(b) Upon successful completion of an initial inspection by the Bureau, a site-specific certificate of operation shall be issued.

(c) The certificate of operation shall indicate that the LPG system is in compliance with the applicable requirements of this chapter and shall be posted at a conspicuous location where representatives of the Bureau and members of the public may inspect it.

(d) Failure to remove any violations found as a result of an inspection made by the Bureau shall result in issuance of a written notice to abate the violations. Correction of violations shall be done in accordance with N.J.A.C. 5:18-7.3.

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).

Repeal and New Rule, R.2003 d.200, effective May 19, 2003.

See: 35 N.J.R. 7(a), 35 N.J.R. 2187(a).

Section was "Reporting of fires, explosions or accidents".

**5:18-1.6 Container markings**

(a) Containers of 100 pounds product capacity or more shall be legibly marked "FLAMMABLE GAS" and the name of the gas to indicate contents, such as "FLAMMABLE GAS—PROPANE" or "FLAMMABLE GAS—BUTANE," except as provided in (b) below. Compliance with the marking requirements of Title 49 of the Code of Federal Regulations shall be accepted as meeting this requirement.

1. Exception: Container marking shall not be required for containers at one or two-family residential properties.

(b) A company identification system for marking containers which is approved by the Commissioner shall be acceptable in lieu of compliance with (a) above at processing plants.

(c) As required by N.J.A.C. 5:11, all ASME containers shall be stamped with the National Board number. The number shall be readily visible on the container shell or head and shall not be concealed by paint or otherwise. The National Board registration number shall be affixed at all times for inspection purposes. The stamping may be affixed to a metal tag or shall otherwise be permanently marked in lettering of not less than 5/16 of an inch in height.

(d) All LP-Gas containers 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 container. The

marker or sign shall have lettering not less than one inch high and the lettering shall contrast in color with the background of the LP-Gas container. The marker or sign shall include the following:

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

(e) Prior to filling any cylinder of four to 40 pounds LP-Gas capacity, except fork lift cylinders, the operator of the fill plant or distribution plant shall affix a label to the collar of the cylinder that includes the following warning printed in English and in Spanish: "Flammable Gas—Never Use or Store Indoors/Gas Inflammable—Nunca Se Use o Guarde Adentro."

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."

New Rule, R.2003 d.200, effective May 19, 2003.

See: 35 N.J.R. 7(a), 35 N.J.R. 2187(a).

Amended by R.2004 d.199, effective June 7, 2004.

See: 36 N.J.R. 910(a), 36 N.J.R. 2733(a).

In (d), inserted the second sentence in the introductory paragraph.

Amended by R.2005 d.425, effective December 5, 2005.

See: 37 N.J.R. 2744(a), 37 N.J.R. 4531(b).

Added (e).

**5:18-1.7 Reporting emergency situations**

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

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

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."

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.

Recodified from N.J.A.C. 5:18-1.4 and amended by R.2003 d. 200, effective May 19, 2003.

See: 35 N.J.R. 7(a), 35 N.J.R. 2187(a).

Former N.J.A.C. 5:18-1.7, was reserved. Rewrote the section.

**5:18-1.8 (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 "Compliance" was recodified to 1.3.

**5:18-1.9 (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 "Reporting emergency situations" recodified to 1.4.

**5:18-1.10 (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 "Reporting of fires, explosions or accidents" was recodified to 1.5.

## SUBCHAPTER 2. DEFINITIONS

**5:18-2.1 Definitions**

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Act” means Liquefied Petroleum Gas Act, N.J.S.A. 21:1B-1 et seq.

“API” means American Petroleum Institute.

“Approved” means any product certified, or classified, or labeled, or listed by a nationally recognized testing agency, unless specifically banned by order of the Commissioner or by rule.

“ASME” means American Society of Mechanical Engineers.

“Bulk plant” means a facility, the primary purpose of which is distribution of gas, that receives LP-Gas by tank car, tank truck or piping and distributes it to the end user by portable container (package) delivery, tank truck or gas piping, and that has bulk storage of 2,000 gallons or more water capacity and has container-filling or truck-loading facilities on the premises. “Bulk plant” also means and includes any facility that transfers LP-Gas from tank cars on a private track directly into cargo tanks.

“Bureau” means the Bureau of Code Services in the Division of Codes and Standards of the Department of Community Affairs.

“Cargo tank” means a container used to transport LP-Gas over a highway as liquid cargo, either mounted on a conventional truck chassis or as an integral part of a transporting vehicle in which the container constitutes, in whole or in part, the stress member used as a frame, which is a permanent part of a transporting vehicle.

“Commissioner” means the Commissioner of Community Affairs of the State of New Jersey or his or her authorized representative.

“Container” means any vessel including cylinders, tanks, portable tanks and cargo tanks used for storing liquefied petroleum gas.

“Cylinder” means a container having a capacity not exceeding 1,000 pounds of water.

“Cylinder exchange cabinet” means a vented storage compartment that is used to store full and empty US DOT-type LP-Gas containers.

“Department” means the Department of Community Affairs.

“Dispensing station” means fixed equipment where LP-Gas is stored and dispensed into portable containers. The public can be permitted access to the dispensing station area.

“Distributing plant” means a facility, the primary purpose of which is the distribution of gas, and which receives liquefied petroleum gas in tank car, truck transport or truck lots, distributing this gas to the end user by portable container (package) delivery, by tank truck or through gas piping. Such plants have bulk storage (2,000 gallons (7.6 cubic meters (m<sup>3</sup>)) water capacity or more) and have container filling or truck loading facilities on the premises. So-called “bulk plants” are considered as being in this category.

“Distributing point” means a facility, other than a distributing plant or industrial plant, which normally receives gas by tank truck, and which fills small containers or the engine fuel tanks of motor vehicles on the premises. Any such facility having liquefied petroleum gas storage of 100 gallons (0.4 cubic meters (m<sup>3</sup>)) or more water capacity, and to which persons other than the owner of the facility or his or her employees have access, is considered to be a distributing point. A liquefied petroleum gas service station is one type of distributing point.

“Fill plant” means a person who sells odorized LP-Gas to the ultimate consumer and is not regularly engaged in the business of selling it to other retail LP-Gas dispensers.

“Hazardous material” means any substance defined as a flammable or combustible liquid in accordance with the Flammable or Combustible Liquid Code, NFPA No. 30-2003 or a material classified by Hazardous Material Regulations, 49 CFR Parts 171 through 177, as a flammable solid, liquid or gas.

“Industrial plant” means an industrial facility that utilizes gas incidental to plant operations, with LP-Gas storage of 2,000 gallons aggregate water capacity or more, and that receives LP-Gas by tank truck, truck transport or truck lots, where it is used locally or throughout the plant for engine fuel for forklifts or other industrial trucks or as part of a processing operation.

“Line of adjoining property” means:

1. The near side of adjacent real estate not owned or possessed; or
2. The far side of adjacent real estate not owned or possessed when the real estate cannot be built upon, specifically utility easements of record, non-navigable waterways, and railroad right-of-ways.

“Liquefied petroleum gas” or “LP-Gas” or “LPG” means any material which is composed predominantly of any of the following hydrocarbons or mixtures of the same: propane, propylene, butanes (normal or isobutene), and butylenes.

“LP-Gas system” means an assembly of one or more containers with a means of conveying LP-Gas from the container(s) to dispensing or consuming devices (either continuously or intermittently) and which incorporates components intended to achieve control of quantity, flow, or pressure in the liquid or vapor state.

“Marketer” means a person engaged primarily in the sale of odorized LP-Gas to the ultimate consumer or to retail LP-Gas dispenser(s). “Marketer” shall also mean and include the owner or operator of a bulk plant.

“Nationally recognized testing agency” means a laboratory, such as the Underwriters’ Laboratories, Inc., American Gas Association Laboratories, or the Factory Mutual Engineering Corporation or any similar testing organization acceptable to the commissioner.

“NFPA” means National Fire Protection Association.

“N.J.A.C.” means the New Jersey Administrative Code.

“N.J.S.A.” means the New Jersey Statutes Annotated.

“Person” means an individual, firm, association or corporation.

“Portable container” means a USDOT or ASME container of not more than 1,000 pounds water capacity.

“Producer” means the owner of LP-Gas at the time it is recovered at a gas processing plant or refinery.

“Professional engineer” means a person licensed to practice professional engineering in New Jersey by the New Jersey Board of Professional Engineers and Land Surveyors.

“Property line” means the line of adjoining property or the near side of any public way.

“Public way” means a government owned thoroughfare, such as a street or highway, designed for public use by lawful procedure.

“Qualified person” means a person selected by an employer and trained to perform a specific task or duty involving LP-Gas, who has the degree of competence necessary to accomplish the work in a safe manner.

“Referenced standard” means N.J.A.C. 5:18-3.1(a), or 5:18-4.1(a), or 5:18-5.1(a) as applicable.

“Serious injury” means an injury which required treatment by a doctor, such as a fracture, or a condition requiring admittance to a hospital for at least 24 hours.

“Tank” means a container of more than 1,000 pounds water capacity used for the storage or utilization of liquefied petroleum gas.

“USDOT” means the United States Department of Transportation.

“Wholesaler” means any person who purchases LP-Gas and may sell it to retail LP-Gas dispensers. “Wholesaler” may include, but is not limited to, producers and marketers.

Amended by R.1990 d.436, effective September 4, 1990.  
See: 22 N.J.R. 1984(a), 22 N.J.R. 2744(a).

Deleted definitions for “API-ASME,” “BOCA,” and “shall,” and added definitions: “API,” “Dispensing device,” “Distributing plant,” “Distributing point,” “Important building,” “NFPA.” Added “portable tanks and cargo tanks” to definition of “container.”  
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).

Deleted “Important building”.  
Amended by R.2003 d.200, effective May 19, 2003.  
See: 35 N.J.R. 7(a), 35 N.J.R. 2187(a).

Rewrote the section.  
Amended by R.2007 d.174, effective June 4, 2007.  
See: 39 N.J.R. 279(a), 39 N.J.R. 2229(b).

In definition “Hazardous material”, substituted “30-2003” for “30-1993”.

## SUBCHAPTER 3. NFPA 58 SYSTEMS

### 5:18-3.1 Standards adopted by reference

(a) The Liquefied Petroleum Gas Code, “NFPA 58-2004,” is hereby adopted by reference with the following modifications:

1. The following amendments are made to Chapter 1 of NFPA 58 entitled “Administration”:

- i. Section 1.3.1 is deleted.
- ii. Section 1.3.2 is deleted.
- iii. Section 1.4.2 is deleted and the requirements of N.J.A.C. 5:18-1.1(c) shall be substituted in lieu thereof.
- iv. Section 1.4.3 is deleted and the provisions of N.J.A.C. 5:18-1.1(c) shall be substituted in lieu thereof.

2. The following amendments are made to Chapter 2 of NFPA 58 entitled “Referenced Publications”:

- i. Section 2.3.1 is amended to delete the year 1996 at the end of the listing for API 620 and to substitute in lieu thereof 2002.

3. The following amendments are made to Chapter 3 of NFPA 58 entitled “Definitions”:

- i. The terms and definition of “Authority Having Jurisdiction” is deleted. Substitute in lieu thereof, “The Bureau of Code Services is the authority having jurisdiction unless otherwise noted.”

4. The following amendments are made to Chapter 4 of NFPA 58 entitled “General requirements”:

- i. Section 4.3.1 is deleted.
- ii. Section 4.3.2 is deleted.

5. The following amendments are made to Chapter 5 of NFPA 58 entitled “LP-Gas Equipment and Appliances”:

- i. Section 5.2.2.1 is deleted.

ii. Section 5.2.3.1 is amended to add the phrase "After January 1, 2009," before the words "DOT cylinders in stationary service" on the first line.

iii. Section 5.7.7.2(C) is amended to replace the date "July 1, 2003" with "July 1, 2007."

iv. Section 5.7.7.2(D) is amended to replace the date "July 1, 2011" with "July 1, 2015."

v. Section 5.7.7.2(G) is amended to replace the date "July 1, 2003" with "July 1, 2007."

vi. Section 5.7.7.2(H) is amended to replace the date "July 1, 2011" with "July 1, 2015."

vii. Section 5.18.6 is deleted.

viii. Section 5.18.7 is deleted.

6. The following amendments are made to Chapter 6 of NFPA 58 entitled "Installation of LP-Gas Systems":

i. Section 6.3.1 is amended to delete the words "that can be built upon" on lines 5 and 6.

ii. Section 6.3.3 is amended to delete the words "that can be built upon" on line 4.

iii. Section 6.3.4.2 is amended to delete the words "that can be built upon" on line 3.

iv. Section 6.3.4.3 is amended to delete the words "that can be built upon" on line 3.

v. Section 6.4.5.12 is amended to delete the words "600 volts, nominal" and replace them with the words "240 volts nominal."

vi. Section 6.6.7 is deleted.

vii. Section 6.8.4.6 is amended to replace the term "(minimum AWG 14)" with the term "(minimum AWG 18)."

viii. Section 6.9.1 is amended to replace the date "July 1, 2003" with "July 1, 2007."

ix. Section 6.17.1.1(1) is deleted and the following language is substituted, "The storage of LP-Gas cylinders on exterior balconies of buildings shall be in accordance with the Uniform Construction Code (N.J.A.C. 5:23) and the Uniform Fire Code (N.J.A.C. 5:70)."

x. Section 6.17.1.2(C) is deleted.

xi. Section 6.17.2 is deleted.

xii. Section 6.17.3 is deleted and the following language is added: "The installation of piping and appliances within buildings shall conform to the Uniform Construction Code (N.J.A.C. 5:23). The installation of LP-Gas tanks on roofs of buildings except while under construction shall be prohibited. The installation of

propane storage containers, piping and appliances on exterior balconies shall be in accordance with the Uniform Construction Code and the Uniform Fire Code (N.J.A.C. 5:70) as applicable."

xiii. Section 6.17.4.2 is deleted and the following language is substituted "The storage and use of LP-Gas in buildings that are under construction and partially occupied shall be approved by the authority having jurisdiction under the Uniform Fire Code (N.J.A.C. 5:70)."

xiv. Section 6.17.11 is deleted.

xv. Table 6.19.3.6 is amended to delete the words "that can be built" on line 6 under the heading "Exposure."

xvi. Section 6.21 is deleted.

7. The following amendments are made to Chapter 8 of NFPA 58 entitled "Storage of Cylinders Awaiting Use, Resale, or Exchange":

i. Section 8.3 is deleted and the following language is substituted, "The storage of LP-Gas in buildings shall be in accordance with the Uniform Fire Code (N.J.A.C. 5:70) and Uniform Construction Code (N.J.A.C. 5:23) as appropriate."

ii. Section 8.4.1.1(1) is amended to replace the distance "5 ft" with "20 ft."

iii. Section 8.4.1.1(2) is amended to replace the distance "10 ft" with "20 ft."

8. Chapter 9 of NFPA 58, with the exception of 9.7 on the parking and garaging of vehicles used to carry LP-Gas, entitled "Vehicular Transportation of LP-Gas," is deleted.

9. Chapter 11 of NFPA 58 entitled "Engine Fuel Systems" is deleted.

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

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

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

In (d): deleted (d)1-3 referring to BOCA codes. Added new (e).

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 "1998" for "1995" throughout; in (a)1, inserted "Subsection 3-2.5," preceding "Chapter 6".

Amended by R.2003 d.200, effective May 19, 2003.

See: 35 N.J.R. 7(a), 35 N.J.R. 2187(a).

Rewrote the section.

Amended by R.2005 d.425, effective December 5, 2005.

See: 37 N.J.R. 2744(a), 37 N.J.R. 4531(b).

Rewrote (a).

Administrative correction.

See: 37 N.J.R. 4910(b).

**5:18-3.2 Container markings**

All containers shall be marked in accordance with N.J.A.C. 5:18-1.6.

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

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

In (a): revised text from "125 gallons water" to "100 pounds product" regarding container capacity. Added Federal Register citation. In (b): revised text, adding reference to marking containers.

Amended by R.2003 d.200, effective May 19, 2003.

See: 35 N.J.R. 7(a), 35 N.J.R. 2187(a).

Rewrote the section.

**5:18-3.3 Container storage**

(a) Containers shall be installed outside of buildings, except as provided in N.J.A.C. 5:18-3.1(a), whether of the portable type replaced on a cylinder exchange basis or permanently installed and refilled at the installation.

(b) Containers installed outside of buildings shall be located with respect to property lines other than public ways, buildings, or bulk storage of hazardous materials in accordance with Table 6.3.1 of the Liquefied Petroleum Gas Code, NFPA No. 58-2004.

1. The term "buildings" as used in this subsection shall not be construed to include the buildings described in paragraph 6.3.5 of the referenced standard.

2. The term "hazardous materials" as used in this subsection shall recognize the specific requirements for the specific hazardous materials described in paragraphs 6.4.5.5, 6.4.5.6 and 6.4.5.8 of the referenced standard.

(c) Containers installed outside of buildings shall be located with regard to the near side of a public way in accordance with the schedule of aboveground containers of Table 6.3.1 of Liquefied Petroleum Gases, NFPA No. 58-2004, as provided below:

1. For containers of 30,000 gallons water capacity or less a distance of at least 50 percent of said schedule;

2. For containers of over 30,000 gallons water capacity a distance of at least 100 percent of said schedule.

(d) Existing containers, installed prior to the effective date of these rules, need not comply with the distances provided in (b) and (c) above provided:

1. The containers were in conformance with the applicable chapter of the N.J.A.C. in effect at the time of installation; and

2. The containers as so located do not constitute a serious and substantial threat to the health and safety of the public.

(e) Installations of LP-Gas systems with aboveground containers of 90,000 gallons individual or aggregate water capacity or more that present a serious exposure hazard shall be protected by one of the following: distances at least 50

percent greater than the schedule of aboveground containers of Table 6.3.1 of Liquefied Petroleum Gas Code, NFPA 58-2004, water spray protection, fixed monitors, or insulation.

(f) If more than six containers, each of which is of 2,000 gallons water capacity or more, are used at a single site, the containers shall be separated into batteries of not more than six containers with batteries separated from each other by the distances required for the schedule for mounded or underground containers of Table 6.3.1 of Liquefied Petroleum Gas Code, NFPA No. 58-2004.

(g) 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.

(h) In case of storage in heavily populated areas or congested areas, or near places of public assembly, the Commissioner may require the owner to submit a risk analysis based on a recognized standard and may impose restrictions on individual tank capacity, total storage, distance to property lines, and other reasonable protective measures.

(i) Where there is a possibility of damage to storage containers from motor vehicles or other heavy objects, protection against such damage shall be provided. This protection shall meet the following minimum requirements:

1. Crash posts are to be a minimum of four inch schedule 40 pipe and painted yellow.

2. Crash posts are to be buried three feet six inches deep, extend three feet above grade, and be filled with concrete.

3. Posts are to be encased below grade in concrete at least 18 inches in diameter and three feet six inches in depth.

4. Posts are to be set at four feet six inches maximum centers.

5. The crash protection shall be installed a minimum of 24 inches from the LP container(s).

(j) In areas where high speed and heavy duty traffic occurs, the following shall be the requirements for motor vehicle protection:

1. Posts are to be minimum of six inches schedule 40 pipe and painted yellow.

2. Posts are to be buried a minimum of 48 inches deep, and extend a minimum of 48 inches above grade, and be filled with concrete.

3. Posts are to be set at four feet maximum centers.

4. Posts are to be encased below grade in concrete of at least 24 inches in diameter and 48 inches in depth.

5. The crash protection shall be installed a minimum of 24 inches from the LP container(s).

(k) Highway barrier installed as per New Jersey Department of Transportation specifications may be substituted for crash posts as described in (i) and (j) above.

(l) The tops of storage containers shall be in the same horizontal plane, when the containers are interconnected by liquid piping.

(m) Storage areas having containers exceeding 100 pounds product water capacity 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".

(n) 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.

(o) Cargo tank vehicles and tank cars shall not be used as a permanent storage facility.

1. Cargo tank(s) shall not be filled from another cargo tank.

(p) 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.

(q) Dead trees or dead branches overhanging containers that can fall and dislocate a container from its piping shall be removed.

(r) Containers proposed for mounding or underground installation shall be provided with cathodic protection in addition to a suitable coating for corrosion protection.

1. Cathodic protection will not be required if a professional engineer certifies in writing to the Department that based on his or her soil investigation such protection is unnecessary.

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

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

Stylistic revisions throughout text. In (i), added "... substantial bumper guards ... or equivalent" to text. In (k), revised "125 gallons aggregate water" to "100 pounds product" capacity. Added new (p).

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

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

Administrative change.

See: 32 N.J.R. 3394(a).

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 "1998" for "1995" throughout; in (b), deleted "important" preceding "buildings"; in (c), substituted "3-2.2.2" for "3-1" preceding "of Liquefied Petroleum Gases".

Amended by R.2003 d.200, effective May 19, 2003.

See: 35 N.J.R. 7(a), 35 N.J.R. 2187(a).

Substituted "Liquefied Petroleum Gas Code" for "Liquefied Petroleum Gases" throughout; in (b), amended paragraph references throughout; in (e), inserted "LP-Gas Systems with" following "Installations of"; in (f), substituted "site" for "installation" following "single"; rewrote (h) and j(4).

Administrative correction.

See: 37 N.J.R. 2486(a).

Amended by R.2005 d.425, effective December 5, 2005.

See: 37 N.J.R. 2744(a), 37 N.J.R. 4531(b).

Substituted "NFPA No. 58-2004" for "NFPA No. 58-1998" throughout; substituted "Table 6.3.1" for "Table 3-2.2.2" throughout; in (b)2, substituted "6.4.5.5, 6.4.5.6 and 6.4.5.8" for "3-2.2.7(e) and (f)."

#### 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.

#### 5:18-3.4 Distributing points, distribution plants, and industrial plants

(a) This section shall apply to the following:

1. Distributing points of any capacity; or
2. Distributing plants of any capacity; or
3. Industrial plants of 2,000 gallons aggregate water capacity or more.

(b) If loading or unloading is normally done during other than day-light hours, adequate lights shall be provided to illuminate storage containers, control valves and other LP-Gas equipment.

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

(d) 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.

(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(m).

(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 systems 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.

(m) Prior to filling any cylinder of four to 40 pounds LP-Gas capacity, except for lift cylinders, the operator of the fill plant or distribution plant shall mark the cylinder in accordance with N.J.A.C. 5:18-1.6(e).

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).

Amended by R.2003 d.200, effective May 19, 2003.

See: 35 N.J.R. 7(a), 35 N.J.R. 2187(a).

In (f), amended the NJAC reference; in (h), substituted "systems" for "installations".

Amended by R.2005 d.425, effective December 5, 2005.

See: 37 N.J.R. 2744(a), 37 N.J.R. 4531(b).

Added (m).

### 5:18-3.5 Standby and peak shaving 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 and in accordance with all applicable provisions of these rules.

(f) LP-Gas standby systems shall be designed to maintain the required BTU value 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 shaving system unless the system was designed for the substitute gas and has the approval of the Commissioner.

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

Amended by R.2000 d.269, effective July 3, 2000.

See: 32 N.J.R. 738(a), 32 N.J.R. 2425(a).

In (i), substituted a reference to shaving for a reference to sharing.

Amended by R.2003 d.200, effective May 19, 2003.

See: 35 N.J.R. 7(a), 35 N.J.R. 2187(a).

In (e), inserted "and in accordance with all applicable provisions of these rules" at the end of the paragraph; in (f), substituted "BTU value" for "Btu valve".

### 5:18-3.6 Cylinder exchange cabinets

(a) In addition to complying with the requirements of Chapter 8 of the Liquefied Petroleum Gas Code, NFPA No. 58-2004, the operator of every location providing LPG cylinder exchange cabinets shall:

1. Ensure that exchange cylinders are properly secured at all times by locking them within a receptacle designed for this purpose and that proper ventilation is maintained at all times;

2. Ensure that all cylinders are stored in the exchange cabinet in an upright position with the valve outlet plugged and that no cylinders are left unattended or in an open area away from the protected area of the exchange cabinet or in any other location;

3. Comply with all provisions of section F-3605.0 of the Fire Prevention Code, N.J.A.C. 5:70-3;

4. Ensure that cylinder exchange cabinets are set on a secure, non-combustible base and are located at least 20 feet from any building opening or source of ignition and are not located or stored within a structure;

5. Comply with the maximum cylinder size and distance requirements specified in NFPA-58/2004 edition, Table 8.4.1.2;

6. Ensure that the following information is on signs affixed to the cabinet:

i. "Propane" or "Flammable Gas";

- ii. "No Smoking";
- iii. A 24-hour emergency telephone number; and
- iv. Location of fire extinguisher(s);

7. Ensure that all full cylinders placed in the cabinet have a proper consumer warning label affixed, are re-qualified as per NFPA-58, Appendix C, and are painted a light reflecting color;

8. Ensure that a warning sign is posted at or near each entrance doorway stating that "LP-GAS EXCHANGE CYLINDERS EMPTY OR FULL, SHALL NOT BE TAKEN INDOORS FOR ANY REASON.";

9. Ensure that all employees who exchange cylinders are properly trained and know how to check for leaks and what emergency procedures to follow if a leak is discovered. Only properly trained employees shall remove cylinders from or place cylinders in the cylinder exchange cabinet. This training shall be as approved by the Bureau and in accordance with these rules; and

10. Ensure that, when exchanging cylinders, the employee affixes a label to the collar of the cylinder that includes the following warning printed in English and in Spanish: "Flammable Gas—Never Use or Store Indoors/Gas Inflammable—Nunca Se Use o Guarde Adentro."

New Rule, R.2003 d.200, effective May 19, 2003.

See: 35 N.J.R. 7(a), 35 N.J.R. 2187(a).

Amended by R.2005 d.425, effective December 5, 2005.

See: 37 N.J.R. 2744(a), 37 N.J.R. 4531(b).

In the introductory paragraph of (a), substituted "Chapter 8" for "Chapter 5" and "NFPA No. 58-2004" for "NFPA No. 58-1998"; in (a)5, substituted "2004 edition" for "1998 edition" and "8.4.1.2" for "5-4.1"; in (a)8, deleted "and"; in (a)9, substituted "; and" for "." and added (a)10.

### 5:18-3.7 Unsafe container or system

(a) Any system or container that does not comply with the requirements of this chapter or any standards incorporated by reference and that constitutes an immediate threat to safety shall be designated as unsafe by the Bureau by means of a tag prohibiting use that shall include the inspector's name and the date of inspection.

(b) Any system or container that has been tagged so as to prohibit use shall not be used until all deficiencies have been corrected.

1. The owner of any system or container thus tagged shall be notified immediately by the Bureau and provided with a copy of the inspection report in which the deficiencies are indicated.

(c) A tag prohibiting use shall not be removed from a system or container until the Bureau determines that all deficiencies have been corrected and removed, or authorizes removal of the tag. The tag shall be returned to the Bureau immediately following removal.

New Rule, R.2003 d.200, effective May 19, 2003.

See: 35 N.J.R. 7(a), 35 N.J.R. 2187(a).

## SUBCHAPTER 4. NFPA NO. 59 SYSTEMS

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

(a) "Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants," NFPA No. 59-1998, is hereby adopted by reference, except that:

1. The phrase "which can be built upon" shall be deleted; and

2. Only technical standards relating to public health and safety are adopted by reference. The administrative and reporting procedures of the referenced standard are not adopted and are replaced by the administrative provisions of this chapter.

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

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).

Amended by R.2003 d.200, effective May 19, 2003.

See: 35 N.J.R. 7(a), 35 N.J.R. 2187(a).

Rewrote the section.

### 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. 5:18-1.6.

Amended by R.2003 d.200, effective May 19, 2003.

See: 35 N.J.R. 7(a), 35 N.J.R. 2187(a).

Amended N.J.A.C. reference.

### 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, buildings or bulk storage of hazardous materials in accordance with the applicable schedule of Liquefied Petroleum Gases at Utility Gas Plants, NFPA No. 59-1998.

(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. 59-1998.

(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 may require the owner to submit a risk analysis based on a recognized standard and may impose restrictions on 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).

Amended by R.2003 d.200, effective May 19, 2003.  
See: 35 N.J.R. 7(a), 35 N.J.R. 2187(a).

Substituted "59-1998" for "59-1995" throughout; in (a), deleted "important" preceding "buildings"; rewrote (d).

#### 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) API 2510-2001, "Design and Construction of Liquefied Petroleum Gas (LPG) Installations," is hereby adopted by reference for the design and construction of liquefied petroleum gas (LPG) installations at marine and pipeline terminals, refineries petrochemical plants and tank farms, except that:

1. The phrase "that may be developed" shall be deleted;

2. Only the technical standards relating to public health and safety are adopted by reference. The administrative and reporting procedures of the referenced standard are not adopted and are replaced by the administrative provisions of this chapter; and

3. NFPA 58-2004 may be used as the standard for those areas not specifically addressed by API 2510-2001, provided that the provisions of NFPA 58 do not conflict with the intent of API 2510-2001.

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

Amended by R.2003 d.200, effective May 19, 2003.

See: 35 N.J.R. 7(a), 35 N.J.R. 2187(a).

Rewrote the section.

Amended by R.2005 d.425, effective December 5, 2005.

See: 37 N.J.R. 2744(a), 37 N.J.R. 4531(b).

In the introductory paragraph of (a) and throughout (a)3, substituted "API 2510-2001" for "API 2510-1995"; in (a)3, substituted "NFPA No. 58-2004" for "NFPA No. 58-1998."

#### 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.

#### 5:18-5.2 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. 5:18-1.6.

Amended by R.2003 d.200, effective May 19, 2003.

See: 35 N.J.R. 7(a), 35 N.J.R. 2187(a).

Amended N.J.A.C. reference.

**5:18-5.3 Container storage**

(a) Siting of containers shall conform with section 5 of API 2510-2001.

(b) In case of storage in heavily populated areas or congested areas, or near places of public assembly, the Commissioner may require the owner to submit a risk analysis based on a recognized standard and may impose restrictions on 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.

Amended by R.2003 d.200, effective May 19, 2003.

See: 35 N.J.R. 7(a), 35 N.J.R. 2187(a).

In (a), substituted "1995" for "1989"; in (b), substituted "may require the owner to submit a risk analysis based on a recognized standard and may impose" for "shall determine" and "on" for "of" following "restrictions".

Amended by R.2005 d.425, effective December 5, 2005.

See: 37 N.J.R. 2744(a), 37 N.J.R. 4531(b).

In (a), substituted "section 5" for "section 3" and "API 2510-2001" for "API 2510-1995".

**5:18-5.4 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.

**5:18-5.5 (Reserved)**

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

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

Repealed by R.2003 d.200, effective May 19, 2003.

See: 35 N.J.R. 7(a), 35 N.J.R. 2187(a).

Section was "General".

SUBCHAPTER 6. RELEASE OF PLANS OR  
SUBMITTAL OF NOTICE OF LP-GAS  
INSTALLATION AND APPROVAL OF NEW LP-  
GAS SYSTEMS

**5:18-6.1 Submittal of plans**

(a) As required in (b) below, at least three sets of plans shall be filed with the New Jersey Department of Community Affairs, Division of Codes and Standards, Bureau of Code Services, PO Box 816, Trenton, New Jersey 08625-0816 prior to construction or installation of a proposed LP-Gas system or a substantial alteration to an existing system. Following plan release by the Bureau, one set of plans shall be submitted by the applicant to the local construction official in the municipality where the LPG system will be located.

(b) These plans shall be filed for:

1. An LP-Gas system with an aggregate water capacity of over 2,000 gallons;

i. Exception: Plans shall not be required for LP-Gas systems with an aggregate water capacity of over 2,000 gallons that will remain in place for six months or less. However, these temporary systems shall be subject to the inspection and notice requirements of N.J.A.C. 5:18-6.3 and 6.4; or

2. An LP-Gas system designed to transfer liquid from one container to another;

(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) 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.

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

(f) 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 shall 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 shall 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.

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

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

(i) Any specifications, design information, or data germane to the plan approval shall be made available to the Bureau upon written request.

(j) 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 the applicable requirements of this chapter.

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).

Amended by R.2003 d.200, effective May 19, 2003.

See: 35 N.J.R. 7(a), 35 N.J.R. 2187(a).

Rewrote (a) and (b); deleted (d) and (e); recodified former (f) through (l) as (d) through (j); in new (i), substituted "Bureau" for "Office of Safety Compliance"; in new (j), substituted "the applicable requirements of this chapter" for "Liquefied Petroleum Gases of N.J.A.C. 5:18".

#### 5:18-6.2 Release of plans

(a) The Bureau shall issue a letter of plan release after the plans have been examined and found to be in compliance with the applicable requirements of this chapter.

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

1. The Bureau shall provide written notification to the local construction official whenever it releases a plan.

an adequate storage capacity for customers or contract(s) with other marketers to provide LP-Gas.

(e) Retention and reissuance of a license shall be contingent upon satisfactory completion of all audits required pursuant to this chapter.

Amended by R.2004 d.199, effective June 7, 2004.  
See: 36 N.J.R. 910(a), 36 N.J.R. 2733(a).

In (c), deleted "per occurrence" following "\$5,000,000".

### 5:18-10.2 Application for licensure; fees

(a) An application for licensure shall be submitted on a form provided by the Bureau and shall include the following information:

1. The name of the business;
2. The names, addresses and telephone numbers of the officers, directors, partners or proprietors of the business;
3. The activities having to do with LP-Gas in which the business is engaged in the State of New Jersey;
4. Proof of insurance as required by N.J.A.C. 5:18-10.1(c);
5. The location(s) at which or from which each such activity is conducted and the LP-Gas storage capacity at each such location or information on contracts with other marketers to provide LP-Gas;
6. Emergency contact information in conformance with N.J.A.C. 5:18-1.7;
7. A listing of all persons employed by the business who are in any way engaged in handling LP-Gas, together with the locations at which they work and Certified Employee Training Program (CETP) of the National Propane Gas Association certifications held by them;
8. A statement indicating whether or not the business, or any officer, director, partner or proprietor of the business, has at any time within the previous ten years been the subject of any order or finding of violation by any governmental entity with regard to the business or any other LP-Gas business or has been convicted of any crime or of any offense involving the business or any other LP-Gas business; and
9. A certification that the information set forth in the application is complete and correct.
10. The name and address of the New Jersey office or New Jersey residence of the licensee or the licensee's representative, the licensee or the licensee's representative must reside or have an office in the State of New Jersey to accept service of process.

(b) Each application for a license shall be accompanied by a fee in the amount of \$100.00. Checks shall be made payable to "Treasurer, State of New Jersey."

(c) It shall be the responsibility of the licensee to notify the Department of any change in the identity, mailing address, office or residence address or phone number of the licensee or representative. Any change shall be reported to the Department in writing within 30 days of the change.

Amended by R.2006 d.95, effective March 6, 2006.  
See: 37 N.J.R. 4104(a), 38 N.J.R. 1316(a).  
Added (a)10 and (c).

### 5:18-10.3 Employee certification

(a) Any employee of a marketer licensed pursuant to N.J.A.C. 5:18-10.1 handling LP-Gas shall obtain Certified Employee Training Program (CETP) of the National Propane Gas Association certification for Book One, "Basic Principles and Practices," within three months of the date of hiring.

1. All employees of a licensed marketer who are responsible for delivering propane shall take and pass part 2.1 of the CETP program, and shall pass part 2.2 if they drive a bulk delivery vehicle, part 2.4 if they drive a cylinder delivery truck or part 2.5 if they are involved in the transportation/relocation of ASME tanks.

2. All employees of a licensed marketer who are responsible for plant operations such as maintaining, purging or reconditioning tanks, shall pass parts 3.1, 3.2, 3.3, and 3.4 of the CEPT program and shall pass, as applicable, part 3.5 or 3.6 if the employee is responsible for any aspect of cargo tank product transfers or rail car transfers, respectively.

3. All employees of a licensed marketer who are responsible for the installation, alteration or repair of propane distribution systems shall pass part 4.2 of the CETP program.

4. The appropriate parts of 2, 3 and 4 of the CETP program must be completed within 21 months of the date of hire or by September 6, 2005, whichever is later.

5. The licensed LP-Gas marketer shall maintain documentation from CETP that each employee, responsible for any specific task listed above, has passed the appropriate CETP test(s) and the required practicum(s) for the task(s).

6. Employees who have completed the previous version of Book One, "Basic Principles and Practices," Book Two, "Propane Delivery," Book Three, "Plant Operations," and Book Four, "Distribution System Operations" of the CETP program are deemed to comply with this rule.

(b) Licensees shall maintain records of employee certification and shall make those records available to the Bureau upon request.

Amended by R.2005 d.174, effective June 6, 2005.  
See: 36 N.J.R. 5282(a), 37 N.J.R. 2012(c).  
Rewrote (a).

**5:18-10.4 Fill plant and dispensing station operator training**

(a) All fill plant or dispensing station operators shall be trained using the "Dispensing Propane Safely" manual (2000 edition) published by the National Propane Gas Association, incorporated herein by reference, or an equivalent accepted by the Department. An employee shall receive training prior to dispensing LP-Gas. It shall be the responsibility of the business operating the tank, working together with the marketer, to ensure all employees dispensing LP-Gas are trained properly.

(b) Licensees shall maintain records of employee training and shall make those records available to the Bureau upon request.

New Rule, R.2003 d.250, effective July 7, 2003.  
See: 35 N.J.R. 1176(a), 35 N.J.R. 2864(a).  
Section was Reserved.

**5:18-10.5 Suspension and revocation of licenses and certifications and alternative sanctions**

(a) The Bureau may suspend or revoke a license, or may deny renewal or issuance of a license, upon a finding that an applicant or licensee has engaged in acts or omissions harmful to public safety or to the protection of the public. Factors in determining whether a license should be revoked or suspended, or for how long a suspension should be in effect, shall include, but not be limited to, the extent and duration of the hazard to the public, the extent to which willful or reckless behavior was evident, prior history of like or similar violations and the extent to which appropriate corrective action was taken.

(b) As an alternative to revocation or suspension of a license, the Bureau may assess a civil penalty, in accordance with N.J.S.A. 21:1B-5, or may issue a letter of warning, reprimand or censure, if the Bureau determines any such action to be warranted. Any penalty imposed or letter issued shall be part of the licensing file of the business or individual, as the case may be.

(c) Conviction of a crime, or of an offense in connection with the LP-Gas business, shall constitute grounds for suspension or revocation of a license.

(d) Any person to whom the Bureau denies a license, or whose license is suspended or revoked, or who is ordered to pay a civil penalty, shall be entitled to appeal the action of the Bureau in an administrative hearing conducted in accordance with 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. The final decision shall be issued by the Commissioner.

**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 5:00 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 meanings and refer to the organizations issuing the standards and publications listed or to volumes of statutes or administrative rules.

API	American Petroleum Institute 1220 L Street Northwest Washington, D.C. 20005
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 of N.J.A.C. 5:18 are available from: Bureau of Code Services New Jersey Department of Community Affairs PO Box 816 Trenton, New Jersey 08625-0816 Copies of N.J.A.C. 5:23 are available from: Divisions of Codes and Standards Publications Unit New Jersey Department of Community Affairs PO Box 802 Trenton, New Jersey 08625-0802 Copies of N.J.A.C. 5:70 are available from: Division of Fire Safety New Jersey Department of Community Affairs PO Box 809 Trenton, New Jersey 08625-0809
N.J.S.A.	New Jersey Statutes Annotated Copies of N.J.S.A. 21:1B-1 et seq. are available from: Bureau of Code Services New Jersey Department of Community Affairs PO Box 816 Trenton, New Jersey 08625-0816

USC	United States Code Copies available from: Occupational Safety and Health Administration U.S. Department of Labor 1515 Broadway New York, New York 10036	<i>No. and Edition</i> 29 USC 651 et seq.	<i>Title</i> 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). Amended by R.2003 d.200, effective May 19, 2003. See: 35 N.J.R. 7(a), 35 N.J.R. 2187(a). Updated citations, addresses. Amended by R.2005 d.425, effective December 5, 2005. See: 37 N.J.R. 2744(a), 37 N.J.R. 4531(b). Substituted "API 2510-2001" for "API 2510-1995"; substituted "NFPA No. 58-2004" for "NFPA No. 58-1998." Amended by R.2007 d.174, effective June 4, 2007. See: 39 N.J.R. 279(a), 39 N.J.R. 2229(b). Deleted table entry for "BOCA"; in table entry for "N.J.A.C.", inserted the address for obtaining copies of N.J.A.C. 5:23 and substituted "N.J.A.C. 5:70" for "N.J.A.C. 5:70-3"; and substituted "NFPA No. 30-2003" for "NFPA No.30-1993".
<i>No. and Edition</i>	<i>Title</i>		
API-2510-2001	American Petroleum Institute 2510-2001, Design and Construction of Liquefied Petroleum Gas Installations		
NFPA No. 30-2003	Flammable and Combustible Liquids Code		
NFPA No. 58-2004	Liquefied Petroleum Gas Code		
NFPA No. 59-1998	Storage and Handling of 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		

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 \$.00367	
		x \$.00367	
		x \$.00367	
		x \$.00367	
		x \$.00367	
		x \$.00367	
<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