

CHAPTER 18**LIQUEFIED PETROLEUM GAS****Authority**

N.J.S.A. 34:1-20, 34:1A-3(e) and 21:1B-2.

Source and Effective Date

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

Executive Order No. 66(1978) Expiration Date

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

Chapter Historical Note

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

Chapter 18, Rentals, was repealed by R.1980 d.234, effective May 30, 1980.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

Chapter 18, Uniform Fire Code, was adopted as new rules by R.1985 d.66, effective February 19, 1985. See: 16 N.J.R. 3339(b), 17 N.J.R. 394(a).

Subchapter 4, Fire Safety Code, was adopted as R.1986 d.214, effective June 16, 1986. See: 17 N.J.R. 1161(a), 18 N.J.R. 1260(b).

Pursuant to Executive Order No. 66(1978), Chapter 18, Uniform Fire Code, was readopted as R.1990 d.72, effective January 4, 1990. See: 21 N.J.R. 3344(a), 22 N.J.R. 337(b).

Subchapter 3, State Fire Prevention Code, was repealed and Subchapter 3, State Fire Prevention Code, was adopted as new rules by R.1992 d.105, effective March 2, 1992. See: 23 N.J.R. 3554(a), 24 N.J.R. 740(a).

Pursuant to Executive Order No. 66(1978), Chapter 18, Uniform Fire Code, was readopted as R.1995 d.58, effective January 3, 1995. See: 26 N.J.R. 4258(a), 27 N.J.R. 878(b).

Pursuant to Reorganization Plan No. 002-1998, Chapter 18, Uniform Fire Code, was recodified as N.J.A.C. 5:70, effective July 1, 1998. See: 30 N.J.R. 1347(a), 30 N.J.R. 2644(a).

Chapter 18, Liquefied Petroleum Gas, was originally codified in Title 12 as Chapter 200, Liquefied Petroleum Gas. Chapter 200 was filed and became effective prior to September 1, 1969. Pursuant to Executive Order No. 66(1978), Chapter 200 expired on May 15, 1985.

Chapter 200, Liquefied Petroleum Gas, was adopted as new rules by R.1985 d.403, effective August 5, 1985. See: 17 N.J.R. 1379(a), 17 N.J.R. 1899(a).

Pursuant to Executive Order No. 66(1978), Chapter 200, Liquefied Petroleum Gas, was readopted as R.1990 d.436, effective August 3, 1990. Subchapter 5, API 2510 Installations, was adopted as new rules and former Subchapter 5, Submittal of Plans or Project Data Report, was recodified as Subchapter 6, Submittal of Plans or Project Data Report, by R.1990 d.436, effective September 4, 1990. See: 22 N.J.R. 1984(a), 22 N.J.R. 2744(a).

Pursuant to Executive Order No. 66(1978), Chapter 200, Liquefied Petroleum Gas, was readopted as R.1995 d.391, effective June 23, 1995. See: 27 N.J.R. 1950(a), 27 N.J.R. 2694(b).

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

Pursuant to Reorganization Plan No. 002-1998, Chapter 200 of Title 12, Liquefied Petroleum Gas, was recodified as N.J.A.C. 5:18, effective July 1, 1998. See: 30 N.J.R. 1347(a), 30 N.J.R. 2644(a).

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

CHAPTER TABLE OF CONTENTS**SUBCHAPTER 1. GENERAL PROVISIONS**

- 5:18-1.1 Purpose and scope
- 5:18-1.2 Existing installations
- 5:18-1.3 Compliance
- 5:18-1.4 Reporting emergency situations
- 5:18-1.5 Reporting of fires, explosions or accidents
- 5:18-1.6 through 5:18-1.10 (Reserved)

SUBCHAPTER 2. DEFINITIONS

- 5:18-2.1 Definitions

SUBCHAPTER 3. NFPA NO. 58 SYSTEMS

- 5:18-3.1 Standards adopted by reference
- 5:18-3.2 Container markings
- 5:18-3.3 Container storage
- 5:18-3.4 Distributing points, distributing plants and industrial plants
- 5:18-3.5 Standby and peak shaving plants

SUBCHAPTER 4. NFPA NO. 59 SYSTEMS

- 5:18-4.1 Standards adopted by reference
- 5:18-4.2 Container markings
- 5:18-4.3 Container storage
- 5:18-4.4 Fencing
- 5:18-4.5 Fire protection

SUBCHAPTER 5. API 2510 INSTALLATIONS

- 5:18-5.1 Standards adopted by reference
- 5:18-5.2 Container markings
- 5:18-5.3 Container storage
- 5:18-5.4 Fencing
- 5:18-5.5 General

SUBCHAPTER 6. SUBMITTAL OF PLANS OR PROJECT DATA REPORT

- 5:18-6.1 Submittal of plans
- 5:18-6.2 Approval of plans
- 5:18-6.3 Submittal of project data report

SUBCHAPTER 7. VIOLATIONS, ADMINISTRATIVE PENALTIES AND HEARINGS

- 5:18-7.1 Violations/penalties
- 5:18-7.2 Hearings
- 5:18-7.3 Correction of violations

APPENDIX A. AVAILABILITY OF STANDARDS AND PUBLICATIONS REFERRED TO IN THIS CHAPTER**SUBCHAPTER 1. GENERAL PROVISIONS****5:18-1.1 Purpose and scope**

(a) The purpose of this chapter is to provide minimum standards for liquefied petroleum gas systems for the preservation of health and safety of the general public.

(b) This chapter shall apply to the design, construction, location, installation and operation of liquefied petroleum gas installation and operation of liquefied petroleum gas installations for health and safety.

(c) This chapter shall apply, except as provided in (d) below, to all liquefied petroleum gas systems at places of employment for the protection of the health and safety of the public at large.

(d) This chapter shall not apply to the following:

1. The transportation of liquefied petroleum gases over the highways in intrastate or interstate commerce; 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 downstream of final stage regulation and outside ..." and replaced with "inside" of buildings.

5:18-1.2 Existing installations

Installations within the scope of this chapter, which were installed on or before the effective date of this chapter, may be continued in service unless the continued operation of such equipment and installations constitute a serious and substantial threat to health and safety.

Recodified from N.J.A.C. 12:200-1.7 by R.1990 d.436, effective September 4, 1990.

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

Prior N.J.A.C. 12:200-1.2 was "Purpose," which was recodified to N.J.A.C. 12:200-1.1.

5:18-1.3 Compliance

(a) All liquefied petroleum gas installations shall be acceptable to the commissioner.

(b) The public health and safety issues of a liquefied petroleum gas system shall be subject to the approval of the commissioner. Zoning considerations shall be the responsibility of the municipality in which the system is located.

(c) The user/owner shall be responsible that the liquefied petroleum gas facility is installed and maintained in a safe operating condition.

(d) All liquefied petroleum gas facilities shall be installed and maintained in accordance with this chapter, except as provided in N.J.A.C. 5:18-1.2 above.

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

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

1. The owner of an LP-Gas container left in a hazardous condition shall remove the container from the site as soon as possible or necessary but in no case later than five working days of written notification by the Office of Safety Compliance.

(g) The commissioner may order the user of a system to meet additional requirements:

1. Where unusual conditions exist; and
2. When it is necessary for the protection of the health, safety or welfare of persons; and
3. Provided the additional requirements are within the intent and purpose of the Act.

(h) LP-Gas installations having a product vapor pressure greater than that allowed for commercial propane each measured at 100° F shall be subject to the approval of the commissioner.

(i) Containers, other than cylinders in USDOT service, shall be registered as provided in N.J.A.C. 5:11-5.15 (Boilers, Pressure Vessels and Refrigeration).

(j) All parts of liquefied petroleum gas systems not specifically provided for in this chapter shall be designed and constructed to provide a reasonable degree of safety.

(k) When liquefied petroleum gas equipment is to be abandoned, the user/owner shall comply with the provisions of Section F 3005, Abandonment of Equipment, of the New Jersey State Fire Prevention Code.

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

Recodified from N.J.A.C. 12:200-1.8. Prior N.J.A.C. 12:200-1.3 was "Scope," which was recodified as N.J.A.C. 12:200-1.1.

Deleted old (j) and (k) regarding specific containers and distance requirements, recodifying old (l) as new (j) and adding new (k). In (e), deleted reference to systems utilizing containers of over 30 pounds product capacity and added "at a dispensing or distributing point." Amended by R.1995 d.391, effective July 17, 1995.

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

5:18-1.4 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.

occurring at his installations and shall maintain a 24-hour phone service.

(b) The LP-Gas supplier, plant installer, owner or operator shall respond when notified to all LP-Gas emergencies

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."

5:18-1.5 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).

5:18-1.6 (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."

5:18-1.7 (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.

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 acceptable to the commissioner. Any product certified, or classified, or labeled, or listed by a

nationally recognized testing agency may be deemed to be acceptable, unless specifically banned by order of the commissioner.

"ASME" means American Society of Mechanical Engineers.

"Bulk plant" means intermediate establishment or point of storage and distribution from which liquefied petroleum gas is distributed to retail dealers and consumers, as distinguished from a terminal or refinery.

"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.

"Dispensing device" or "dispenser" means a device normally used to transfer and measure liquefied petroleum gas for engine fuel into a fuel container, serving the same purpose for a liquefied petroleum gas service station as that served by a gasoline dispenser in a gasoline service station.

"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 (m³)) water capacity or more) and usually have container filling and truck loading facilities on the premises. So-called "bulk plants" are considered as being in this category. Normally no persons other than the plant management or plant employees have access to these facilities.

"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 (m³)) 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.

"Gallon" means U.S. standard gallon.

"Hazardous material" means any substance defined as a flammable or combustible liquid in accordance with the Flammable or Combustible Liquids Code, NFPA No. 30-1987, or a material classified by Hazardous Material Regulations, 49 CFR Parts 171 through 177, as a flammable solid, liquid or gas.

"Important building" means a building that can be important for its replacement value, or its importance by virtue of human occupancy or for the building's effect on fire control activities by emergency handling groups.

"Installation" means a liquefied petroleum gas system.

"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, namely, bodies of water, such as rivers or lakes; properties owned by utilities used for transmission or transport; or easements duly recorded or documented.

"Liquefied petroleum gas" means any material which is composed predominantly of any of the following hydrocarbons, or mixtures of the same: propane, propylene, butanes (normal or isobutane), 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.

"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.

"Office of Boiler and Pressure Vessel Compliance" means the Office of Boiler and Pressure Vessel Compliance, New Jersey Department of Community Affairs

"Office of Safety Compliance" means the Office of Safety Compliance, New Jersey Department of Community Affairs.

"Person" means an individual, firm, association or corporation.

"Plan filing" means delivery in person or by mail of application, drawings and other related data to the Office of Safety Compliance for review or deposit in its record.

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

"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.

"Residential use group occupancy" means all buildings and structures or parts thereof in which families or households live or in which sleeping accommodations are provided for individuals with or without dining facilities excluding those occupancies that are classified as institutional buildings.

"Serious injury" means a hurt to a person 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.

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."

SUBCHAPTER 3. NFPA NO. 58 SYSTEMS

5:18-3.1 Standards adopted by reference

(a) The standards prescribed by Liquefied Petroleum Gases, NFPA No. 58-1995, are adopted as health and safety standards and shall apply according to their provisions, except that:

1. Subsections 1-1.2 and 1-1.3, Section 1-4, Chapter 6 and Chapter 8 shall not apply.

(b) Each person engaged in liquefied petroleum gas operations shall protect the public by complying with the standards prescribed by (a) above.

(c) Only technical standards relating to public health and safety are adopted by any incorporation by reference as prescribed in (a) above. Other standards relating to administration and reporting procedures are not adopted. Compliance with administrative and reporting standards shall be achieved by communication with the appropriate officials of the Office of Safety Compliance.

(d) Where the term "line of adjoining property which may be built upon" is used in Liquefied Petroleum Gases, NFPA No. 58-1995, it shall be understood to mean "the property line" as defined in N.J.A.C. 5:18-2.1.

(e) Buildings or structures housing liquefied petroleum gas distribution facilities and foundations for containers of over 2,000 gallons water capacity shall be constructed in accordance with the provisions of the New Jersey Uniform Construction Code.

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).

5:18-3.2 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 meet this provision.

(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.

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.

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 regard to property lines other than public ways, important buildings, or bulk storage of hazardous materials in accordance with Table 3-2.2.2 of Liquefied Petroleum Gases, NFPA No. 58-1995.

1. The term "buildings" as used in this subsection shall not be construed to include the buildings described in paragraph 3-2.2.5 of the referenced standard.

2. The term "hazardous materials" as used in this subsection shall recognize the specific requirements of the specific hazardous materials described in paragraph 3-2.2.6(e) and (f) 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 for aboveground containers of Table 3-1 of Liquefied Petroleum Gases, NFPA No. 58-1995, 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 aboveground containers of 90,000 gallons individual or aggregate water capacity or more that present a serious exposure hazard shall be protected by one or more of the following: distances at least 50 percent greater than the schedule for aboveground containers of Table 3-2.2.2 of Liquefied Petroleum Gases, NFPA No. 58-1995, 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 in a single installation, 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 3-2.2.2 of Liquefied Petroleum Gases, NFPA No. 58-1995.

(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 shall determine restrictions of 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 filled with concrete.
3. Posts are to be encased in concrete 18 inches in diameter by three feet six inches in depth for minimum standards.
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 filled with concrete.
3. Posts are to be set at four feet maximum centers.
4. Posts are to be encased in concrete of 24 inches diameter and 48 inches in depth for minimum standards.
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).

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, distributing 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.

(c) Where any conflict occurs between the standards prescribed in (a) above and this subchapter, this subchapter shall prevail.

(d) Buildings and structures housing liquefied petroleum gas distribution facilities and foundations for containers of over 2,000 gallons water capacity shall be constructed in accordance with the provisions of the New Jersey Uniform Construction Code.

(e) Where the term "line of adjoining property that may be developed" is used in API 2510, it shall be understood to mean "the property line" as defined in N.J.A.C. 5:18-2.1.

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. 5:18-3.2.

5:18-5.3 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.

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 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

5:18-6.1 Submittal of plans

(a) When required, at least three sets of plans shall be filed with the New Jersey Department of Community Affairs, Division of Codes and Standards, Office of Safety Compliance, PO Box 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. 5:18.

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).

5:18-6.2 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).

5:18-6.3 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. 5:18-6.1(b), except that a project data report is not required for a system under N.J.A.C. 5:18-6.1(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 Community Affairs Division of Codes and Standards, Office of Safety Compliance, PO Box 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).

SUBCHAPTER 7. VIOLATIONS, ADMINISTRATIVE PENALTIES AND HEARINGS

5:18-7.1 Violations/penalties

(a) Any person, firm, association or corporation who violates any of the provisions of the Act, or of the rules adopted thereunder, shall be liable for a penalty of not less than \$50.00, nor more than \$500.00.

(b) Each day during which any violation of the Act or the rules adopted thereunder continues shall constitute an additional, separate and distinct offense.

(c) In assessing the amount of the penalty to be imposed pursuant to the Act and to this chapter, the Commissioner shall consider the following factors, where applicable, in determining what constitutes an appropriate penalty for the particular cited violation:

1. The seriousness of the cited violation;
2. The past record of compliance with the provisions of the Act, and the rules adopted thereunder, by the alleged violator;
3. The degree of cooperation afforded to the Commissioner's representatives by the alleged violator in securing compliance with the provisions of the Act and rules adopted thereunder; and
4. Whether the cited violation was willful in nature.

5:18-7.2 Hearings

(a) Whenever a notice of violation and/or penalty is levied pursuant to this chapter, the alleged violator shall be provided with:

1. Notification of the violation;
2. The amount of the penalty to be imposed; and
3. An opportunity to request a formal hearing.

(b) A request for a formal hearing must be made in writing and received within 21 calendar days following service of the Commissioner's notice of violation.

(c) All hearings shall be conducted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(d) If a hearing is not requested within 21 calendar days following receipt of the notice of violation, the notice of violation shall become the Final Order upon expiration of the 21 day period following receipt thereof.

(e) The alleged violator may request the initiation of a settlement conference at the time that the request for a formal hearing is made. If a settlement conference is requested, or the Department determines that a settlement conference would be useful, the settlement conference shall be scheduled and conducted by the Department within 30 days of the receipt of the request for a formal hearing.

(f) If a settlement is not agreed upon or no settlement conference is scheduled, the matter shall be transmitted to the Office of Administrative Law (OAL) for a hearing.

(g) Payment of the penalty shall be due when a final agency determination is issued or when a notification becomes a final decision because no appeal has been filed.

(h) All payments shall be made payable to the Department of Community Affairs in the form of a certified check or money order, or such other form as the Department deems suitable.

(i) Upon entry of the final decision, the penalty imposed may be recovered with costs in a summary proceeding commenced by the Commissioner pursuant to the Penalty Enforcement Law, N.J.S.A. 2A:58-1 et seq.

Administrative change.

See: 32 N.J.R. 835(a).

5:18-7.3 Correction of violations

(a) In addition or as an alternative to the penalties set forth in N.J.A.C. 5:18-7.1, any person, firm or corporation who violates, or remains in violation of any of the provisions of the Act, or the rules adopted thereunder, may be directed and ordered by the Commissioner, by way of a written notice, to take the remedial steps necessary to correct the cited violation. Such notice shall be:

1. Served personally upon the alleged violator; or
2. Mailed by registered or certified mail to:
 - i. The principal office of the person, firm or corporation; or
 - ii. If the alleged violator is an individual, or are individuals, such notice shall be mailed to his or her, or their residence.

(b) If the Commissioner's order is not complied with and the cited violation is not corrected within 20 days of the date of service of the order, the Commissioner may institute an action for injunctive relief or for an abatement in Superior Court.

(c) Every such order issued by the Commissioner under the provisions of the Act, or the rules adopted thereunder, shall be prima facie evidence of the truth of the matter and contents set forth therein.

(d) No appeal taken by the alleged violator shall suspend the operation on an order made by the Commissioner unless, in the opinion of the court, justice may require suspension thereof pending final disposition of the appeal.

APPENDIX A

AVAILABILITY OF STANDARDS AND PUBLICATIONS REFERRED TO IN THIS CHAPTER

A copy of each of the standards and publications referenced in this chapter is on file and may be inspected at the following office of the Division of Codes and Standards between the hours of 9:00 A.M. and 4:00 P.M. on normal working days:

State of New Jersey
Department of Community Affairs
Division of Codes and Standards
101 South Broad Street
Trenton, New Jersey

Copies of the referenced standards and publications may be obtained from the organizations listed below. The abbreviations preceding these standards and publications have the following meaning and are the organizations issuing the standards and publications listed.

API	American Petroleum Institute 1220 L Street Northwest Washington, D.C. 20005
BOCA	Building Officials and Code Administration

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

CFR	Code of Federal Regulations Copies available from: Superintendent of Documents Government Printing Office Washington, D.C. 20402
NFPA	National Fire Protection Association Batterymarch Park Quincy, Massachusetts 02269
N.J.A.C.	New Jersey Administrative Code Copies available from: Office of Boiler and Pressure Vessel Compliance New Jersey Department of Community Affairs PO Box 392 Trenton, New Jersey 08625-0392
N.J.S.A.	New Jersey Statutes Annotated Copies available from: Office of Safety Compliance New Jersey Department of Community Affairs PO Box 386 Trenton, New Jersey 08625-0386
USC	United States Code Copies available from: Occupational Safety and Health Administration U.S. Department of Labor 1515 Broadway New York, New York 10036

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. 5:70	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
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).