

New Jersey Liquefied Petroleum Gas Education and Safety Board Meeting Minutes for October 17, 2023

1) Meeting called to order at 1:50 P.M.

2) Roll Call

Attendance - Mike Merrill - Chair, Louis Kilmer, Ed Mulcahey, Ryan Pierson, J.D. Stem, Corrine Walker

Absent - Staci Rammel

DCA Staff - Joe Imburgia – Liaison, Rob Austin, Lindsay Bensel, Marie Daniels, Anthony Menafro, Ian Rayfield, Ed Smith

3) Approval of Minutes – N/A

4) Committee Reports – N/A

5) Old Business – N/A

6) New Business

a) Housekeeping items within N.J.A.C. 5:18

The Board discussed proposed changes to N.J.A.C. 5:18, specifically, N.J.A.C. 5:18-1.3, 3.1, 3.3, 6.1, and 6.4. These changes are proposed for maintenance and clarification of the rules.

Changes to N.J.A.C. 5:18-1.3(e) are proposed to clarify licensing law requirements. Specifically, N.J.A.C. 5:18-1.3(e)5 explains that licensed LPG marketers, including their employees and Propane Service Certificate holders cannot alter, extend, or install potable water piping and N.J.A.C. 5:18-1.3(e)6 clarifies which license holders are permitted to work on LPG systems in accordance with N.J.S.A. 52:27D-509. Discussion was primarily on the deletion of Licensed Master Hearth Specialists from the proposed amendments to N.J.A.C. 5:18-1.3(e)6. Mr. Joe Imburgia explained to the Board that by statute, only Licensed Master Plumbers and HVACR Contractors are exempted from having to obtain a propane service certificate and can engage in propane services as defined in their respective licensing laws. This is irrespective of if other licensing boards have made rules allowing their licensees to engage in propane services. Due to this, Mr. Imburgia suggests the removal of the proposed exception that allows Licensed Master Hearth Specialists to work on LPG systems. Board members stated that notice and guidance to the licensing boards will be necessary following the change; Mr. Joe Imburgia confirmed the licensing boards will be notified of any change.

- Motion to approve the amendment to N.J.A.C. 5:18-1.3(e)5 passes unanimously. 1st – J.D. Stem, 2nd – Ed Mulcahey

- Motion to approve the amendment to N.J.A.C. 5:18-1.3(e)6 with revision passes unanimously. 1st – J.D. Stem, 2nd – Ed Mulcahey

Additionally, amendments to N.J.A.C. 5:18-1.3(l) concerning the abandonment of LPG equipment was discussed. The amendments clarify the provisions to which the abandoned

equipment is regulated. Mr. Joe Imburgia explained that the amendments maintain the applicability of the NFPA and give options to LPG system owners, marketers, and local code officials. Mr. Lou Kilmer raised concerns that the amendment may conflict with the fire code and suggested including language referencing that it is owner occupied and used exclusively for dwelling purposes. Department staff agreed with the need for revision.

- Motion to approve the amendments to N.J.A.C. 5:18-1.3(l) with revision passes unanimously. 1st – Ed Mulcahey, 2nd – Lou Kilmer

The Board discussed the amendment to N.J.A.C. 5:18-3.1(a)5ix and determined that it would need to be revised in accordance with Mr. Lou Kilmer's suggestion because it is a companion change to N.J.A.C. 5:18-1.3(l).

- Motion to approve the amendment to N.J.A.C. 5:18-3.1(a)5ix with revision passes unanimously. 1st – Ed Mulcahey, 2nd – J.D. Stem

The Board then reviewed and agreed with the amendments to N.J.A.C. 5:18-3.3(i) and (j), which clarified the use of steel pipe for the protection of storage containers.

- Motion to approve the amendments to N.J.A.C. 5:18-3.3(i) and (j) passes unanimously. 1st – Ed Mulcahey, 2nd – Lou Kilmer

Further discussion by the Board centered on the amendment to N.J.A.C. 5:18-6.1(b)3. Mr. Joe Imburgia explained that the amendment, which provides requirements for filling forklift cylinders directly from delivery vehicles, was due to violations witnessed by Department staff. Mr. Imburgia noted that these proposed requirements are a safety issue and that leaving the matter to the marketer is not appropriate. Mr. Mike Merrill stated that this amendment may not be needed as it currently regulated and disciplinary action can be taken against violators. Mr. Lou Kilmer agreed with Department staff and mentioned that Division of Fire Safety staff see similar safety issues during their inspections. Mr. Merrill stated that this amendment should be discussed further by a Board subcommittee and would like to hold off on discussion until the next meeting.

- Motion to table discussion on the amendment to N.J.A.C. 5:18-6.1(b)3 until further review passes unanimously. 1st – Ed Mulcahey, 2nd – Corrine Walker

Finally, the Board discussed the amendment to N.J.A.C. 5:18-6.4(b), which requires the submittal of a notice to the Department at least 10 days prior to LPG heating equipment or system installation. Mr. Ed Mulcahey questioned if they are permitted to send notice and follow up after installation in case the date of installation does not coincide with the notice information. Mr. Joe Imburgia explained that the notice can be a proposed date of install and does not need to be precise because the Department is just looking for advance notice of installation to aid in processing. Mr. Mulcahey noted that the amendment does not allow for more time sensitive situations such as emergencies, and Mr. Mike Merrill agreed and recommended Mr. Mulcahey and Ms. Corrine Walker review the regulations and come up with language to amend this section.

Discussion continued with Ms. Walker questioning why language from this section referencing a 10 day notification of installation was removed in the early 2000's. Ms. Marie Daniels stated that she will look into the New Jersey Register to determine the reasoning for the removal. Additionally, Ms. Walker stated that from a marketer's standpoint, 10 day notification is too definitive and needs to include language for emergencies. Mr. J.D. Stem agreed with the necessity for inclusion of emergency provisions.

- Motion to table discussion on the amendment to N.J.A.C. 5:18-6.4 until review and revision by Board members passes unanimously. 1st – J.D. Stem, 2nd – Corrine Walker

7) Information

Note – Mr. Mike Merrill requests the Department staff look into the Board regulations concerning voting electronically.

8) Public Comments – N/A

9) Next meeting date scheduled for December 12, 2023

10) *Motion to adjourn meeting passes unanimously at 3:05 P.M.
1st – Ed Mulcahey, 2nd – J.D. Stem*