New Jersey Liquefied Petroleum Gas Education and Safety Board Meeting Minutes for December 10th, 2024

- 1) <u>Meeting called to order at 1:35 P.M.</u>
- 2) <u>Roll Call</u>

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

Excused - Staci Rammel

DCA Staff - Joe Imburgia (Liaison), Rob Austin, Lindsay Bensel, Marie Daniels, Anthony Menafro, Ian Rayfield, Keith Thedinga

3) <u>Approval of Minutes</u>

Mike Merrill noted that item 5.c. from the June 11th minutes should state "industry standard re-qualification training" in the first sentence.

Motion to approve the minutes from the June 11^{th} , 2024, meeting as amended by discussion passed unanimously. Ist – Louis Kilmer; 2nd – Ed Mulcahey

4) <u>Committee Reports</u>

a) CETP Conversion to PEP

Committee members met and discussed the conversion of training programs, in addition to providing comment on Department staff's document regarding training program equivalencies. Joe Imburgia noted that information from PERC is still vague and that a meeting with PERC would be helpful. Board members agreed that a meeting would be beneficial and suggested for this to take place as soon possible due to the sunsetting of the CETP training program on December 31st. Mike Merrill introduced a guest to the Board who is a trainer for the NJPGA, the guest explained that PERC has additional information on this topic on their website and that they are currently drafting a document concerning New Jersey specific training equivalency.

Motion to meet with PERC in early January and continue discussion on this topic passes unanimously. 1st - J.D. Stem; 2nd - Ed Mulcahey

5) <u>Old Business</u>

a) Onsite Forklift Cylinder Filling

* Memo; Revised Draft Rule at N.J.A.C. 5:18-10.4; Application Form; Sample Checklist-DFS

Joe Imburgia informed the Board that the documents and draft rule have been updated following the previous meeting and introduced those items for discussion. Mike Merrill noted that draft N.J.A.C. 5:18-10.4(a)1iv, should be amended to that change "dispensing" to "filling," to which Department staff agreed. In addition, Mike Merrill stated that while he agrees with the checklist and notification guidelines, he disagrees that the draft rule with changes to N.J.A.C. 5:18 are needed because they are duplicative. He stated that NFPA 58 allows for onsite forklift cylinder filling and that N.J.A.C. 5:18 adopts NFPA 58. Joe Imburgia explained that the justification for draft rules is that the Department has authority over the location of cylinder filling in accordance with N.J.A.C. 5:18-1.1(b). Corrine Walker requested clarification if N.J.A.C. 5:18-1.1(b) is applicable to onsite forklift cylinder filling because she does not believe that cylinders fall under the definition of systems and as such, are not subject to Department regulation. Joe Imburgia disagreed.

Lou Kilmer, explained possible issues with who gets cited for infractions by the Division of Fire Safety and noted that items may be out of the marketer's control. Mike Merrill agreed and noted that marketers do not have control of cylinder cabinets. Joe Imburgia stated that consumers moving cabinets is a business-tobusiness issue and not a matter of relevance to the LPG Unit. In addition, Lou Kilmer requested for clarification a change to N.J.A.C. 5:18-10.4(a)1ii of the draft rules, to include "ensure" before the word shall. Department staff agreed to this change.

Mike Merrill questioned Department staff if they have contacted NFPA concerning clarification regarding the applicability of point of transfer rules and cylinder requalification to the filling operations. Joe Imburgia stated that they have not contacted NFPA at this time as it is clearly stated in NFPA 58. Ryan Pierson explained that the Board may be able to move forward with this item following clarification and requested the Department contact NFPA for clarification on this item.

Motion to amend the draft rules as discussed and request clarification from NFPA before continuing discussion passed unanimously. 1st – Ryan Pierson; 2nd – Corrine Walker

6) <u>New Business</u>

N/A

7) <u>Information</u>

Mike Merrill informed the Board that he has been contacted by a hearth products group requesting a waiver for CETP training in order to use their own training and certification. Mr. Merrill proposed for this item to be discussed at the next LPGESB meeting.

8) <u>Public Comments</u>

No public comment

- 9) <u>2025 tentative meeting schedule</u> 02/11; 04/08; 06/10; 08/12; 10/14; 12/09
- 10) Adjournment

Motion to adjourn meeting passes unanimously at 3:30 P.M. 1^{st} – Ed Mulcahey, 2^{nd} – J.D. Stem

New Jersey Liquefied Petroleum Gas Education and Safety Board Meeting Minutes for June 11th, 2024

1) <u>Meeting called to order at 1:50 P.M.</u>

2) <u>Roll Call</u>

Attendance – Mike Merrill (Chair), Louis Kilmer, Ed Mulcahey, Ryan Pierson, Staci Rammel, Corrine Walker

Excused - J.D. Stem

DCA Staff - Joe Imburgia (Liaison), Rob Austin, Lindsay Bensel, Marie Daniels, Anthony Menafro, Ian Rayfield, Keith Thedinga

Caroline McCallum, New Jersey Clean Cities. Caroline McCallum will serve as the representative for the Environmental Community on the Board, pending her appointment. For the time being, she is joining as a guest.

3) <u>Approval of Minutes</u>

Motion to approve the minutes from the April 9th, 2024, meeting passed unanimously. 1st - Louis Kilmer; 2nd - Ed Mulcahey

4) <u>Committee Reports</u>

a) Onsite Forklift Cylinder Filling Subcommittee

Motion to approve the minutes from the May 13th, 2024, committee meeting passed unanimously. 1st – Corrine Walker; 2nd – Ed Mulcahey

5) <u>Old Business</u>

a) NFPA 58-2024, Draft Rule for Proposal/Adoption

Joe Imburgia began discussion on this item and explained the draft proposal in detail to the Board. Ed Mulcahey requested clarification on certain items, such as the use of austenitic stainless steel and schedule 10 steel piping, and if they can be used in temporary installations. Joe Imburgia confirmed that these items are permitted in temporary installations.

Motion to approve the draft proposal passed unanimously. 1st – Corrine Walker; 2nd – Staci Rammel

b) Onsite Forklift Cylinder Filling

* Memo; Revised Draft Rule at N.J.A.C. 5:18-10.4; Application Form; Sample Checklist-DFS

Initial discussion of this item began with Mike Merrill questioning if it is possible for a line item concerning onsite forklift fueling to be included in the marketers triennial licensing renewal application. Joe Imburgia disagreed, noting that it should be separate to ensure the uniformity of the licensing renewal process for marketers.

Corrine Walker then questioned what items are needed in the application for onsite forklift fueling. Joe Imburgia noted that standard operating procedures, operational checklist, and an approved training program are to be included in the application. Board members disagreed with the inclusion of these items because they are duplicative to the programs and procedures currently in practice at these companies for stationary filling of cylinders. Joe Imburgia disagreed and noted that the safety of the public is the priority, and these items are necessary to determine the entire scope of the practice for regulatory enforcement. Additionally, he stated that the industry in practice recognizes the difference between stationary cylinder/tank filling and forklift cylinder filling. Also, that the industry standard re-qualification training program incorporates a specific module for forklift cylinders, to which Mike Merrill agreed.

The Board determined that additional discussion on this item needs to continue and proposed tabling this item until the next meeting. Mike Merrill, Corrine Walker, and Ed Mulcahey will meet in the interim to work on their specific concerns regarding this issue.

Motion to table this item until the next meeting passed unanimously. 1st – Ed Mulcahey; 2nd – Corrine Walker

c) Dispenser Training Exemption

*Memo; Draft Rule at N.J.A.C. 5:18-10.4; Exemption Application

Joe Imburgia stated that this item is a continuation of previous Board discussion concerning a draft proposal to amend N.J.A.C. 5:18 to allow companies to apply for exemption on licensee provided training as long as they follow an industry standard training program approved by the Department. Corrine Walker noted part IV of the memorandum should include language referencing the Propane Education Research Council; Joe Imburgia agreed to this change.

Motion to accept draft proposal as amended by discussion passed unanimously. 1st – Lou Kilmer; 2nd – Staci Rammel

6) <u>New Business</u>

N/A

7) <u>Information</u>

a) Mike Merrill explained to the Board that the NJ Energy Master Plan is being revised and that the Board of Public Utilities (BPU) is now providing oversight. He recommends the Board send a formal letter to the BPU noting the Board's disagreement with the NJ Energy Master Plan provision eliminating the installation of LPG in new construction. He stated that he would like to discuss this item at the next Board meeting.

b) Mike Merrill proposed for discussion at the next Board meeting an amendment to N.J.A.C. 5:18-10.4 clarifying responsibilities. Joe Imburgia stated that in order to amend an existing rule, the chair must bring "standing" as to why the Board is proposing the amendment.

8) <u>Public Comments</u>

a) Member of the public Dan O'Gorman in reference to item 5a. stated that schedule 10 steel piping cannot be threaded. Upon review of NFPA-58 2024, Joe Imburgia notes that this is correct.

- 9) <u>Remaining 2024 tentative meeting schedule</u> 08/20; 10/08; 12/10
- 10) <u>Adjournment</u>

Motion to adjourn meeting passes unanimously at 3:18 P.M. I^{st} – Louis Kilmer, 2^{nd} – Ed Mulcahey

New Jersey Liquefied Petroleum Gas Education and Safety Board Meeting Minutes for April 9, 2024

- 1) Meeting called to order at 1:33 P.M.
- 2) Roll Call

Attendance – Mike Merrill (Chair), Louis Kilmer, Ed Mulcahey, Staci Rammel, J.D. Stem, Corrine Walker

Absent - Ryan Pierson

DCA Staff - Joe Imburgia (Liaison), Rob Austin, Lindsay Bensel, Marie Daniels, Martin Mandell, Anthony Menafro, Ian Rayfield, Keith Thedinga

Mr. Mike Merrill introduced Caroline McCallum, New Jersey Clean Cities. Ms. McCallum will serve as the representative for the Environmental Community on the Board, pending her appointment. For the time being, she is joining as a guest.

3) Approval of Minutes

Motion to approve the minutes from the December 12, 2023 meeting passed unanimously. 1st – Louis Kilmer; 2nd – Corrine Walker

- 4) Committee Reports
- a) Onsite Forklift Cylinder Filling Subcommittee

Motion to approve the minutes from the February 13, 2024, committee meeting passed unanimously. 1st – Staci Rammel; 2nd – Ed Mulcahey

5) Old Business

a) Onsite Forklift Cylinder Filling

* Memo; Proposal at N.J.A.C. 5:18-10.4; Application Form; Sample checklist

Mr. Joe Imburgia introduced the guidance, regulatory language, and checklist related to onsite forklift cylinder filling that resulted from the subcommittee meeting. He noted that rather than where this item started, which involved submission of plans by a design professional, this process would just entail submission of the items referenced in the draft rule. He explained that with this, there would be no additional inspection needed unless requested by the Division, but any issues can be cited on the annual inspection done by the local fire official.

Mr. Imburgia then answered questions from the board regarding how the draft rule would be applied. Because this end result is different from what the Board was expecting following the subcommittee meeting, Board members expressed a desire to hold another subcommittee meeting to review and discuss further.

Motion to remit to subcommittee for further deliberation passed unanimously. 1st – Mike Merrill; 2nd – Ed Mulcahey

b) N.J.A.C. 5:18-1.3(h) – Container owner permissions * Memo; Current rule text

Mr. Joe Imburgia presented this item and explained the background regarding this issue. He stated that the timeframe related to container owner permissions is addressed within

the regulations at N.J.A.C. 5:18-11.4, and this item is more to inform the Board to be aware of the date in the regulations. No action was necessary for this item.

- 6) New Business
- a) NFPA 58-2024 Adoption Proposal Memorandum

Mr. Robert Austin introduced this item and explained that, as new business, the goal is for Board members to review this draft rule and start forming any questions or concerns for a full Board discussion in the June meeting.

Mr. Mike Merrill, Chair, directed the Board to review the material provided and be prepared to provide comment and make motion at the June meeting.

b) Dispenser Training Communication

Mr. Joseph Imburgia introduced this item and explained that there are a number of companies which have their own dispenser training.

The draft regulations within N.J.A.C. 5:18 would provide for a process for these companies to apply to the Division for an exemption do provide exceptions from the established marketer training, but companies have not been coming to the Department or Board to ask to be exempt from the marketer training. The application would require the companies to submit a multitude of documents to show what the training program is and would make the applicant responsible for maintaining all records related to the training. Mr. Mike Merrill, Chair, directed the Board to review the material provided and

be prepared to provide comment and make motion at the June meeting.

- 7) Information
 - a) Division of Consumer Affairs Master Hearth and Electrical Contractors

Mr. Anthony Menafro notified the Board that the Board of Master Hearth Professionals as well as the Board of Electrical Contractors have indicated that they intend to limit their licensed professionals from engaging in any propane service work and have notified all code officials of same. The next steps will be to get this prohibition into the relevant regulations.

b) NJDCA, LP-Gas Safety Unit Communications

Mr. Robert Austin informed the Board that the Department will be updating its October Communication to incorporate comments received from the Board regarding the necessity of supporting documentation for changes in ownership of an existing LPG system.

8) Public Comments

Mr. Martin Mandell, inspector for DCA, discussed the various conditions he is witnessing in his daily duties as a field inspector, including lack of maintenance, improper storage, and a lack of signage.

9) Remaining 2024 tentative meeting schedule - 06/11; 08/13; 10/08; 12/10

10) Motion to adjourn meeting passes unanimously at 3:26 P.M. 1st – Louis Kilmer, 2nd – Mike Merrill

New Jersey Liquefied Petroleum Gas Education and Safety Board Meeting Minutes for December 12, 2023

- 1) Meeting called to order at 1:32 P.M.
- 2) Roll Call

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

DCA Staff - Joe Imburgia (Liaison), Rob Austin, Lindsay Bensel, Marie Daniels, Anthony Menafro, Ian Rayfield

Following roll call, Mr. Rob Austin informed Board members of open seats on the Board and if members know of any individuals who are interested in those positions. Mr. Austin informed the Board that additional information concerning the open seats can be found on the Liquefied Petroleum Gas page on the Department's website.

3) Approval of Minutes

Motion to approve the minutes from the October 17^{th} meeting passes unanimously. 1st - Corrinne Walker, 2nd - Ed Mulcahey

- 4) Committee Reports N/A
- 5) Old Business
 - a) Housekeeping items within N.J.A.C. 5:18

Prior to discussion on specific topics, Mr. Mike Merrill requested Department staff provide final language on changes to N.J.A.C. 5:18 when the proposal is completed.

Board members discussed the change to N.J.A.C. 5:18-1.3(l) that was made in the previous Board meeting. This amendment concerned the inclusion of language referencing one- and two-family owner-occupied dwellings. Mr. Rob Austin informed the Board that the UCC does not contain any reference to owner-occupied dwellings and suggested to the Board that the language be removed to be consistent with the UCC.

- Motion to keep the amendment to N.J.A.C. 5:18-1.3(l) as it was prior to the October 17^{th} meeting passes unanimously. 1st – Corrinne Walker, 2nd – Ed Mulcahey

Mr. Rob Austin informed the Board that amendment to N.J.A.C. 5:18-3.3(j)1 is proposed for consistency. Specifically, the amendment would reference "crash posts" instead of "posts."

- Motion to approve the amendment to N.J.A.C. 5:18-3.3(j)1 passes unanimously. 1st – Corrinne Walker, 2nd – Ed Mulcahey The Board then discussed the proposed language at N.J.A.C. 5:18-6.1 concerning on-site LPG motor fueling. Mr. Mike Merrill noted that clarification is still needed on the topic and proposed the formation of a Board Subcommittee to find a clear understanding of the issue, determine a definition of "on-site motor refueling," and work out a plan to solve the issues with on-site fueling. Mr. Ryan Pierson noted his support for a subcommittee and asked Mr. Lou Kilmer if there is currently language in the Uniform Fire Code (UFC) concerning LPG on-site fueling and if language on this topic can be added prior to adoption of the 2021 International Fire Code (IFC). Mr. Kilmer noted that there is not any current language in the UFC on this topic and that there is still time to add language prior to adoption of the 2021 IFC.

- Motion to develop a Board Subcommittee for on-site LPG motor fueling passes unanimously. 1st – Corrinne Walker, 2nd – Ed Mulcahey

Finally, the Board discussed the amendment to N.J.A.C. 5:18-6.4(b), which provides notification to the Department of a temporary LPG system at least 10 days prior to installation. Mr. Mike Merrill and other Board members suggested removing the language referencing the number of days of prior notice to only state that notification will be provided prior to installation. Mr. Joe Imburgia noted that issues may still arise and that a stringent system of notification is needed to ensure the State knows of these temporary systems. Ms. Corrinne Walker stated that regulations currently provide enforcement actions to handle noncompliance and that information regarding this topic has been provided to suppliers. Mr. Ryan Pierson explained that noncompliance with this regulation is a fire code violation and that information shared between municipal construction and fire officials may be helpful for enforcement. Mr. Imburgia suggested that a Bulletin or Construction Code Communicator article on this matter may be necessary. Mr. Mike Merrill noted that they will pass this information on to the NJ Liquefied Petroleum Gas Association.

- Motion to remove "at least 10 days" from the amendment to N.J.A.C. 5:18-6.4(b) passes unanimously. 1st – Corrinne Walker, 2nd – Ed Mulcahey

- 6) New Business
 - a) Ms. Staci Rammel noted language concerning permission within N.J.A.C. 5:18-1.3(h) is vague and can create situations in which customers cannot have an LPG tank removed. Board members determined that they would send their thoughts on the matter to Mr. Joe Imburgia after additional research and would discuss this item further at the next Board meeting.
- 7) Information
 - a) Mr. Rob Austin noted that the 2024 NFPA 58 has been published and review will begin. Mr. Mike Merrill requested copies of the 2024 NFPA 58 for the Board, which Mr. Austin responded that they will be provided after the Department is further into the review process.
 - b) Mr. Rob Austin informed the Board that the New Jersey Department of Environmental Protection is looking into LPG as part of their decarbonization program for the State Master Energy Plan.

- 8) Public Comments N/A
- 9) 2024 tentative meeting schedule 02/13; 04/09; 06/11; 08/13; 10/08; 12/10
- 10) Motion to adjourn meeting passes unanimously at 2:45 P.M. I^{st} Corrinne Walker, 2^{nd} Ed Mulcahey

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(1) 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. $I^{st} Ed$ Mulcahey, $2^{nd} J.D$. Stem