

COMMUNITY AFFAIRS

DIVISION OF CODES AND STANDARDS

Liquefied Petroleum Gas

Adoption of NFPA 58 and 59 2024 Editions

Adopted Amendments: N.J.A.C. 5:18-3.1, 3.3, 3.6, 4.1, 4.3, and 5.1; and 5:18 Appendix A

Proposed: April 7, 2025, at 57 N.J.R. 640(a).

Adopted: January 13, 2026, by Jacquelyn A. Suárez, Commissioner, Department of Community Affairs.

Filed: January 13, 2026, as R.2026 d.042, **with non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 21:1B-2 and 52:27D-509.

Effective Date: July 6, 2026.

Expiration Date: July 1, 2031.

Summary of Public Comments and Agency Responses:

Comments were received from Mitch Malec.

1. COMMENT: The commenter asked for clarification as to why the Department of Community Affairs (Department) did not update the 2020 and 2021 editions of NFPA 58 and 59 and asked for a description of the significant changes that occurred between the 2017 and 2020 editions and then the 2020/2021 to the 2024 editions. The commenter also asked whether the adoption of every other edition would be standard practice for the Department.

RESPONSE: The Department chose to update N.J.A.C. 5:18 to utilize the latest available editions of the NFPA standards, which are the 2024 editions. This decision was made based on the availability of the standards, staff review time, and availability of the Liquefied Petroleum

Gas Education and Safety Advisory Board (Board). The Board did not have a quorum and was unable to meet from 2018 through 2022 and, as such, updates to N.J.A.C. 5:18 were not possible during that time. Specifically, N.J.S.A. 21:1B-12 provides that the Board shall consist of 11 members and that any six members shall constitute a quorum. Between 2018 and 2022, the Board did not consist of a sufficient number of members to form a quorum, and, therefore, could not meet or take any official action.

The Department did review the 2020 and 2021 editions of NFPA 58 and 59 and found no substantial changes in either edition. The Department also found no substantial changes in the 2017 editions. The changes in the aforementioned editions were largely updates to terminology, restructuring of sections, and similar, non-technical changes. This further bolstered the Department's decision to focus directly on the 2024 editions of the NFPA standards when updating them. Moving forward, it remains within the discretion of the Department to determine when it is necessary to update the edition of the NFPA standards utilized in the State.

2. COMMENT: The commenter recommended that the Department reconsider how it structures its amendments. Currently, the Department indicates that text on a certain line of the section shall be deleted. The commenter notes that the line where a phrase appears may be different between a digital and physical version of a standard. The commenter cites various sections where this terminology is utilized and recommends alternative language. The commenter also notes that NFPA utilizes periods after their section titles, but the Department inaccurately utilizes commas.

RESPONSE: The Department respectfully disagrees that this change is necessary. This method for clarifying where amendments are made is longstanding and well understood by the regulated entities utilizing this code. Further, the digital versions of NFPA standards utilize the same style

and format as the physical copy. Regarding the use of commas at the end of section titles, this is done as a standard pattern for references. For example, each amended section states: “Section 4.3.1, entitled “Stationary installations,” is deleted. Although NFPA utilizes a period at the end of all sections, for proper usage within the New Jersey Administrative Code, all title references are shown with commas. This aligns with citations in these regulations, as well as the Uniform Construction Code, N.J.A.C. 5:23.

3. COMMENT: The commenter notes that the Department has modified Section 6.4.3 of NFPA 58 and has, in doing so, proposed for deletion of a prior amendment to delete the word “ASME.” The commenter questions the Department’s reasoning for retaining the ASME reference at this time.

RESPONSE: Upon review, the Department has found that the citation is incorrect as written; the rule text should read Section 6.4.3(1). This non-substantial change is made upon adoption to ensure the proper section is amended. The reason for this deletion is because Section 6.4.3(1) does not include a reference to ASME; this change merely deletes the term “that can be built upon.”

4. COMMENT: The commenter notes that the reference to Section 6.11.1.1E in the regulations should read 6.11.1.1(E). Further, the commenter questions if the Department is deleting the language “dealing with LP-Gas vapor pressure inside of buildings,” and questions the overall intent of the proposed amendments to this section.

RESPONSE: The commenter is correct that the reference should contain a parenthetical (E). This non-substantial change is made upon adoption. The Department incorporated the proposed

language to specify the topic of that subsection because the subsection has no title. The Department's summary statement for the notice of proposal notes "throughout the rulemaking ... where the section referenced at NFPA 58 has a title, those titles have been added in the rule text ... Where the subsection being amended does not have a title, the subject of the subsection is mentioned to help the user identify what is being amended." This is anticipated to increase the usability of the regulation without needing to reference the unamended NFPA to identify what regulations are deleted. Other than the inclusion of that language to clarify the topic of the subsection, the proposed amendments currently adopted by the Department for this subsection remain unchanged.

5. COMMENT: The commenter asked for clarification regarding the proposed amendment to Section 6.11.2.1 and asks where the words are proposed for inclusion or if any language from that section is proposed for deletion.

RESPONSE: The proposed amendment to Section 6.11.2.1 ensures clarity and consistency with other State requirements, in this instance, the Uniform Construction Code. See the Response to Comment 4 above, regarding the explanatory language added to clarify the topic of the subsection.

6. COMMENT: The commenter states the position that, as proposed, Section 6.28.3.14 is only applicable to containers located within 10 feet of a vehicle thoroughfare or parking location. The commenter then cites vehicle barrier protection (VBP) requirements as stated at N.J.A.C. 5:18-3.3(i) or (j) and asks for clarification. The commenter notes that the language at N.J.A.C. 5:18-3.3(i) requires crash posts to be buried three feet, six inches deep, extend three feet above grade,

and be filled with concrete, and he states the belief that this section needs revision. The commenter further asks whether materials other than crash posts are allowed to be used for VBP and recommends the Department review the Annex A – Explanatory Material of A6.28.3.14(B). The commenter further requests that, if no alternatives are allowed, a justification be provided.

RESPONSE: VBP is a design element applicable to LPG storage systems that are within the jurisdiction of N.J.A.C. 5:18 and, therefore, the requirements set forth at N.J.A.C. 5:18-3.3 are applicable. For this reason, the Department is changing Section 6.28.3.14 of NFPA 58 to insert a cross reference to those sections. An alternative to crash posts is permissible pursuant to N.J.A.C. 5:18-1.3(n), which allows for 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, to submit a request for such waiver or modification to the Department. The Department is then responsible for the review and potential approval of the request for waiver. An alternative to the crash post could be considered pursuant to this section pursuant to the language for technological advances allowing for an alternative. However, for LPG systems that are not within the scope of N.J.A.C. 5:18, the Uniform Construction Code, N.J.A.C. 5:23, applies.

7. COMMENT: The commenter asks for confirmation that the listed email at N.J.A.C. 5:18 Appendix A – LPGas@dca.nj.gov, is correct. The commenter notes that different variations of the email occur throughout various documents, sometimes listed as “lpgas@dca.nj.gov” or “LPgas@dca.nj.gov” and recommended that the Department correct, as needed.

RESPONSE: The email listed at N.J.A.C. 5:18 Appendix A and in other review documents is accurate; the differences in capitalizations of Department email addresses will not impact the delivery of email to the dedicated Department email accounts. However, the Department will review the regulations to ensure consistency of capitalization and correct, accordingly.

8. COMMENT: The commenter asked if hot air balloons are now covered within the scope of NFPA 58 and N.J.A.C. 5:18.

RESPONSE: As previously noted in response to a comment received at 56 N.J.R. 679(a), containers used for hot-air ballooning are of a different variety than typical tanks; they burn liquid propane and do not have an excess flow valve like typical Department of Transportation cylinders. For this reason, the Federal Aviation Administration (FAA) is responsible for the approval of the containers used. N.J.A.C. 5:18 does not set forth requirements for FAA containers, and there are no prescriptive specifications in the FAA's regulations that the containers must meet. Pursuant to NFPA 58, these containers do not meet the definition of cylinders or tanks. However, because the FAA approves and regulates these containers, marketers in the State are permitted to fill the containers, so long as they are marked or labeled as having been approved by the FAA. It should also be noted that the FAA inspects all containers within their jurisdiction annually.

9. COMMENT: The commenter asked if vehicle barrier protection for cylinders protected in metal cabinets have been removed. The commenter also asked whether the VBP requirements for 12,000-pound protection for vehicle fuel dispensers have been removed.

RESPONSE: As noted in the Response to Comment 6 above, VBP is a design element required pursuant to the language set forth at N.J.A.C. 5:18 and is not regulated by the NFPA standards.

Federal Standards Statement

A Federal standards analysis is not required because the adopted amendments are not being adopted pursuant to the authority of, or in order to implement, comply with, or participate in any program established pursuant to Federal law or pursuant to a State statute that incorporates or refers to Federal law, standards, or requirements.

Full text of the adoption follows (addition to proposal indicated in boldface with asterisks ***thus***; deletion from proposal indicated in brackets with asterisks *[thus]*):

SUBCHAPTER 3. NFPA 58 SYSTEMS

5:18-3.1 Standards adopted by reference

(a) The Liquefied Petroleum Gas Code, “NFPA 58-2024,” is hereby adopted by reference with the following modifications:

1.–4. (No change from proposal.)

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

i.–vii. (No change from proposal.)

viii. Section 6.4.3*(1)* is amended to delete the words “that can be built upon” on line 4.

ix.–xi. (No change from proposal.)

xii. Section 6.11.1.1*[E]**(**E**)* dealing with LP-Gas vapor pressure inside of buildings, is amended to delete the words "LP-Gas vapor at pressures exceeding 20 psig (138 KPag) or."

xiii.–xxix. (No change from proposal.)

6.–13. (No change proposal.)