

COMMUNITY AFFAIRS

DIVISION OF CODES AND STANDARDS

Liquefied Petroleum Gas

Proposed Amendments: N.J.A.C. 5:18-1.2, 1.3, 3.1, 3.3, 3.4, 3.6, 6.4, and 11.1

Authorized By: Jacquelyn A. Suárez, Commissioner, Department of Community Affairs.

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

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2025-037.

Submit written comments by June 6, 2025, to:

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The agency proposal follows:

Summary

The Department of Community Affairs (Department) is proposing amendments at N.J.A.C. 5:18 to update and maintain the liquefied petroleum gas code. The proposed amendments correct and update various portions at N.J.A.C. 5:18 to ensure the code is in line with the proper model code sections and current terminology, as well as maintaining clarity of the code provisions. Specifically, these amendments occur at N.J.A.C. 5:18-1.2, 1.3, 3.1, 3.3, 3.4, 3.6, 6.4, and 11.1.

A summary of the proposed amendments follows:

1. N.J.A.C. 5:18-1.2(d) and (e) are amended to remove obsolete code references and insert the current and applicable references to sections of the State Fire Prevention Code, N.J.A.C. 5:70-3. Additionally, the word State is added to the title at N.J.A.C. 5:70-3, the State Fire Prevention Code, to reflect the proper terminology and nomenclature of the code.

2. Proposed new N.J.A.C. 5:18-1.3(e)5 is added to clarify how the Propane Service Certification interacts with the master plumber licensing law regarding potable water systems and piping. The new paragraph explains that N.J.A.C. 5:18-1.3 does not allow Propane Service Certified individuals to alter, extend, or install potable water systems and piping regulated pursuant to the State Plumbing License Law, N.J.S.A. 45:14C-1 through 33.

3. Proposed new N.J.A.C. 5:18-1.3(e)6 is added to provide clarification that licensed master plumbers, licensed heating, ventilation, air conditioning, and refrigeration contractors, and licensed master hearth specialists are to follow the guidelines of their respective licensing laws at N.J.S.A. 45:14C-1 through 33 and 45:16A-1 through 41 for the limits of the work that they can perform on liquified petroleum gas systems.

4. N.J.A.C. 5:18-1.3(l) is amended to remove obsolete references and include language that clarifies which rules apply to the abandonment of equipment. For one- and two-family dwellings, there is joint jurisdiction between the unsafe structure provisions of the Uniform Construction Code, N.J.A.C. 5:23, and the rules governing liquefied petroleum gas, N.J.A.C. 5:18. Both codes reference the National Fire Protection Association (NFPA) 58 standards. For dwellings other than one- and two-family dwellings, the provisions of the State Fire Prevention Code, N.J.A.C. 5:70-3, apply. This amendment clarifies this distinction.

5. Proposed new N.J.A.C. 5:18-3.1(a)5ix is added as a companion change to the proposed amendment at N.J.A.C. 5:18-1.3(l). This proposed new subparagraph modifies the scope of the section to limit it to liquefied petroleum gas tanks that are abandoned at one- and two-family dwellings. Additionally, the existing subparagraphs following this change are to be recodified from ix. through xxii to x. through xxiii.

6. N.J.A.C. 5:18-3.3(i)1, 3, and 4 are amended to clarify the pipe material used for crash protection is to be steel and provide consistency of terms throughout the section.

7. N.J.A.C. 5:18-3.3(j) is amended to clarify that this subsection is applicable in cases where only one of the conditions necessitating crash protection is present. This subsection is proposed for amendment because vehicles traveling at a high rate of speed or heavy-duty traffic can create situations that cause severe damage to liquefied petroleum gas containers.

Additionally, an amendment is made to include a hyphen in the phrase “heavy-duty traffic.”

8. N.J.A.C. 5:18-3.3(j)1, 2, 3, and 4 are amended to clarify the pipe material used for crash protection is to be steel, provide consistency of terms throughout the section, and correct grammar.

9. N.J.A.C. 5:18-3.4(e) is amended to remove language and insert code references for clarity and conciseness. The included code references direct individuals to the proper sections for the protection of liquefied petroleum gas systems from vehicle damage and ensure the language in this section cannot be interpreted as two different standards.

10. N.J.A.C. 5:18-3.6(a)3 is amended to include the word State in the title at N.J.A.C. 5:70-3, State Fire Prevention Code, to reflect the proper terminology and nomenclature of the code.

11. N.J.A.C. 5:18-6.4(b) is amended to require notice to the Department prior to the installation of temporary heating systems utilizing liquified petroleum gas. The proposed amendment will allow the Department to inspect the system while it is in operation; currently, notices are often submitted after the installation of the temporary heating system is complete or is no longer in use.

12. N.J.A.C. 5:18-11.1(c) is amended to remove and replace an obsolete phone number and email for the Liquefied Petroleum Gas Safety Unit with the current phone number and email for the unit.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirements pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

It is expected that the rulemaking will have a positive social impact as it will clarify and correct the liquefied petroleum gas code. Additionally, the proposed amendments will ensure that New Jersey is using the most current safety standards for liquefied petroleum gas installations and that individuals have a clear understanding of the rules and the proper contact information for the Liquefied Petroleum Safety Unit.

Economic Impact

The Department does not anticipate that any of the changes to N.J.A.C. 5:18 will have an economic impact, as the proposed amendments only correct and clarify provisions of the code sections.

Federal Standards Statement

A Federal standards analysis is not required because the proposed amendments are not being proposed 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.

Jobs Impact

The Department does not anticipate that the proposed amendments, which correct and clarify sections at N.J.A.C. 5:18, would result in either the creation or loss of jobs.

Agriculture Industry Impact

The Department does not anticipate that the proposed amendments, which correct and clarify sections at N.J.A.C. 5:18, would have any effect on the agricultural industry.

Regulatory Flexibility Statement

The proposed amendments would apply to liquefied petroleum gas marketers, most of whom would be considered small businesses as defined at the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendments would not create a hardship for the 59 licensed liquefied petroleum gas marketers in the State and are necessary for proper context and clarification of the liquefied petroleum gas rules. As stated in the Economic Impact statement, there is no anticipated additional costs as a result of the items in this rulemaking; the proposed changes are intended to ensure clarity in applicability of the rules with State licensing laws and the Uniform Fire Code. They do not impose additional requirements upon marketers. Therefore, there is no basis for differential treatment of small businesses.

The proposed amendments would not create any new recordkeeping or professional service requirements for these companies.

Housing Affordability Impact Analysis

It is not expected that the proposed amendments will have an impact on the affordability of housing or the average costs associated with housing as the proposed amendments only

correct and clarify code sections.

Smart Growth Development Impact Analysis

It is not expected that the proposed amendments will have any impact upon housing production within Planning Areas 1 and 2, or within designated centers pursuant to the State Development and Redevelopment Plan, as the proposed amendments only correct and clarify code sections.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Department has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. GENERAL PROVISIONS

5:18-1.2 Applicability and jurisdiction

(a)-(c) (No change.)

(d) Cylinder exchange cabinets shall be subject to inspection by the fire official, in accordance with section [F-3605.0] **6109** of the **State** 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] **6106** of the **State** Fire Prevention Code, N.J.A.C. 5:70-3.

(f) (No change.)

5:18-1.3 Compliance

(a)-(d) (No change.)

(e) Any person performing installation, maintenance, repair, removal, adjustment, or other services to propane containers or appliances, including, but not limited to, ranges, water heaters, heaters, furnaces, and other propane fueled systems for residential and commercial applications, shall obtain a Propane Service Certification issued by the Department. Persons performing installation or service work on containers must be certified in accordance with (e)1 below; persons performing installation or service work on appliances must be certified in accordance with (e)2 below.

1.-4. (No change.)

5. Nothing in this section shall be deemed to allow a person with a Propane Service Certification to alter, extend, or install potable water piping or systems regulated pursuant to the State Plumbing License Law, N.J.S.A. 45:14C-1 through 33.

6. Licensed master plumbers, licensed heating, ventilation, air conditioning, and refrigeration contractors, and licensed master hearth specialists are permitted to perform work on LP-Gas systems within the limits established at N.J.S.A. 45:14C-1 through 33 and 45:16A-1 through 41.

(f)-(k) (No change.)

(l) When liquefied petroleum gas equipment is to be abandoned or temporarily placed out of service **at one- or two-family dwellings**, 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.] **at NFPA 58, adopted herein by reference, for the abandonment of equipment. When liquified**

petroleum gas equipment is to be abandoned or temporarily placed out of service at other than one- or two-family dwellings, the user/owner shall comply with the provisions of the State Fire Prevention Code, N.J.A.C. 5:70-3.

(m)-(n) (No change.)

SUBCHAPTER 3. NFPA 58 SYSTEMS

5:18-3.1 Standards adopted by reference

(a) The Liquefied Petroleum Gas Code, "NFPA 58-2017," is hereby adopted by reference with the following modifications:

1.-4. (No change.)

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

i. -viii. (No change.)

ix. Section 6.8.6.1(g) is amended to add the words "at a one- or two-family dwelling" after the word "container" on line 1.

Recodify existing ix.-xxii. as **x.-xxiii.** (No change in text.)

6. – 12. (No change.)

(b) (No change.)

5:18-3.3 Container storage

(a) – (h) (No change.)

(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] **four-inch** schedule 40 **steel** pipe and painted yellow.

2. (No change.)

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

4. [Posts] **Crash posts** are to be set at four feet six inches maximum centers.

5. (No change.)

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

1. [Posts] **Crash posts** are to be a minimum of [six inches] **six-inch** schedule 40 **steel** pipe and painted yellow.

2. [Posts] **Crash 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] **Crash posts** are to be set at four feet maximum centers.

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

5. (No change.)

(k)-(r) (No change.)

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

(a)-(d) (No change.)

(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] **in accordance with N.J.A.C. 5:18-3.3(i) or (j), as applicable.**

(f)-(m) (No change.)

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 58-2017, the operator of every location providing LPG cylinder exchange cabinets shall:

1.-2. (No change.)

3. Comply with all provisions [of] **at** section 6109 of the **State** Fire Prevention Code, N.J.A.C. 5:70-3;

4.-10. (No change.)

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

5:18-6.4 Submittal of notice of LP-Gas installation

(a) (No change.)

(b) The notice of LP-Gas installation required [by] **pursuant to** (a) above shall be filed with the Division [upon] **prior to the** installation of any heating equipment or system using one or more tanks of 250 gallons or more water capacity that will remain in place for six months or less.

(c)-(d) (No change.)

SUBCHAPTER 11. CUSTOMER INFORMATION

5:18-11.1 Required information

(a)-(b) (No change.)

(c) Customers shall be informed that they have the right to contact the Division of Codes and Standards in the Department of Community Affairs. Customers may contact the Division between the hours of 8:30 A.M. and 4:30 P.M. by telephone at (609) [633-6385] **984-4257**. Customers may also email the Division at [LPGas@dca.state.nj.us] LPGas@dca.nj.gov.