

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1769 Session of
2009

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AND BRIGGS, JUNE 24, 2009

AS REPORTED FROM COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, HOUSE OF REPRESENTATIVES, AS AMENDED, JULY 15,
2009

AN ACT

1 Amending the act of February 11, 1998 (P.L.58, No.15), entitled
2 "An act providing for the regulation of combustible and
3 flammable liquids; allocating functions of the Department of
4 Labor and Industry and the Pennsylvania State Police;
5 imposing penalties; and making repeals," further providing
6 for regulations and for prohibitions.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 4 of the act of February 11, 1998
10 (P.L.58, No.15), known as the Combustible and Flammable Liquids
11 Act, amended October 18, 2000 (P.L.574, No.74), is amended to
12 read:

13 Section 4. Regulations.

14 (a) Authority.--

15 (1) The department may promulgate regulations governing
16 the possession, use, storage and sale of combustible liquids
17 or flammable liquids. Regulations under this paragraph must
18 be based upon generally accepted national or international

1 standards, except that regulations providing for emergency
2 controls, including switches, shall be based upon subsection
3 (c).

4 (2) To provide standards for the storage and dispensing
5 of compressed natural gas as a vehicular fuel in fleet and
6 public dispensing operations, the department shall promulgate
7 regulations which adopt the National Fire Protection
8 Association Standard for Compressed Natural Gas Vehicular
9 Fuel systems (NFPA 52), excluding provisions on engine fuel
10 systems.

11 (b) Existing regulations.--Until modified or deleted by the
12 department, 37 Pa. Code Chs. 11 (relating to preliminary
13 provisions) and 13 (relating to storage and use) shall be deemed
14 regulations of the department under this section.

15 [(c) Emergency controls.--The department shall require
16 emergency controls, including a main power shut-off switch or
17 switches, at self-service gasoline stations. Emergency controls
18 shall be independent of the approved special dispensing devices
19 and control equipment. Emergency controls and switches shall be
20 installed at an accessible location not more than 15 feet from
21 the principal control location of the attendant and not more
22 than 125 feet from the farthest self-service dispensing device.
23 Use of the emergency controls, including the main power shut-off
24 switch or switches, to control the dispensing devices in other
25 than an emergency shall be prohibited.]

26 (c.1) Emergency controls and electrical disconnects.--

27 (1) Fuel dispensing systems shall be provided with one
28 or more clearly identified emergency shut-off devices or
29 electrical disconnects. Such devices or disconnects shall be
30 installed in approved locations not less than 20 feet or more

1 than 100 feet from the fuel dispensing devices that they
2 serve. Emergency shut-off devices or electrical disconnects
3 shall disconnect power to:

4 (i) All dispensing devices.

5 (ii) All remote pumps serving the dispensing
6 devices.

7 (iii) All associated power, control and signal
8 circuits.

9 (iv) All other electrical equipment in hazardous or
10 classified locations surrounding the fuel dispensing
11 devices.

12 (2) When more than one emergency shut-off device or
13 electrical disconnect is provided, all devices shall be
14 interconnected. Resetting from an emergency shut-off
15 condition shall require manual intervention and the manner of
16 resetting shall be approved by the authority having
17 jurisdiction.

18 (3) There shall be a master control emergency shut-off
19 device, and such device shall be within 15 feet of the
20 principal location of the attendant.

21 (4) At attended motor fuel dispensing facilities, the
22 devices or disconnects shall be readily accessible to the
23 attendant.

24 (5) At unattended motor fuel dispensing facilities, the
25 devices or disconnects shall be readily accessible to
26 patrons, and at least one additional device or disconnect
27 shall be readily accessible to each group of dispensing
28 devices on an individual island.

29 (d) Operating requirements for attended self-service motor
30 fuel dispensing facilities.--

1 (1) There shall be at least one attendant on duty while
2 a self-service motor fuel dispensing facility is open for
3 business. The attendant's primary function shall be to
4 supervise, observe and control the dispensing of Class I
5 liquids while the Class I liquids are being dispensed.

6 (2) As used in this subsection, a "self-service motor
7 fuel dispensing facility" shall mean that portion of a
8 property where liquids used as motor fuels are stored and
9 dispensed from fixed, approved dispensing equipment into the
10 fuel tanks of motor vehicles by persons other than the
11 facility attendant and shall also include, where provided,
12 facilities for the sale of other retail products.

13 (e) Attendant responsibilities.--It shall be the
14 responsibility of an attendant to:

15 (1) Ensure the dispensing of Class I liquids into
16 portable containers as provided for in section (7)(c).

17 (2) Ensure the use of hose nozzle valve latch-open
18 devices as provided for in section (7)(b).

19 (3) Control sources of ignition.

20 (4) Immediately activate emergency controls and notify
21 the fire department of any fire or other emergency.

22 (5) Handle accidental spills and fire extinguishers if
23 needed.

24 (f) Capabilities.--The attendant or supervisor on duty shall
25 be mentally and physically capable of performing the functions
26 and assuming the responsibility prescribed in this act.

27 (g) Operating instructions.--Operating instructions shall be
28 conspicuously posted in the dispensing area.

29 (h) Applicability.--Subsections (c.1), (d), (e), (f) and (g)
30 shall apply to any new modification, construction or

1 installation of fuel dispensing systems and their components
2 that dispense fuel. Existing attended motor fuel dispensing
3 facilities are not required to install additional emergency
4 shut-off devices or electrical disconnects, provided that the
5 primary emergency shut-off switch is not more than 15 feet from
6 the principal control location of the attendant and not more
7 than 125 feet from the farthest motor fuel dispensing device.
8 The provisions of this subsection shall apply to tank storage
9 systems, piping systems and electrical installations.
10 Subsections (d), (e), (f) and (g) shall apply to all existing
11 attended motor fuel dispensing facilities.

12 Section 2. Section 10 of the act is amended by adding a
13 paragraph to read:

14 Section 10. Prohibitions.

15 A person may not do any of the following:

16 * * *

17 (5) Use or operate any of the devices or disconnects or ←
18 emergency controls, including the principal device or
19 disconnect to control the dispensing devices other than for
20 an emergency EMERGENCY CONTROLS OR ELECTRICAL DISCONNECTS TO ←
21 CONTROL THE DISPENSING DEVICES OTHER THAN FOR AN EMERGENCY.
22 AN ATTENDANT MAY USE OR OPERATE ANY OF THE EMERGENCY DEVICES
23 OR ELECTRICAL DISCONNECTS FOR SECURITY OR ANTITHEFT PURPOSES.

24 Section 3. This act shall take effect immediately.