

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 728 Session of 2011

INTRODUCED BY BARRAR, SAINATO, CALTAGIRONE, D. COSTA, DeLUCA, FARRY, FLECK, GEIST, GILLESPIE, GROVE, HESS, HORNAMAN, KILLION, KORTZ, MARSHALL, MILLER, MURT, PAYTON, QUIGLEY, REICHLEY, SAYLOR, STERN, TALLMAN, J. TAYLOR AND VEREB, FEBRUARY 16, 2011

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, FEBRUARY 16, 2011

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. The farthest fuel dispensing device shall be no more  
3 than 200 feet from the master control emergency shut-off  
4 device. Emergency shut-off devices or electrical disconnects  
5 shall disconnect power to:

6 (i) All dispensing devices.

7 (ii) All remote pumps serving the dispensing  
8 devices.

9 (iii) All associated power, control and signal  
10 circuits.

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

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

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

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

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

1           (6) Each fuel dispensing device shall be in clear view  
2 of the attendant at all times. The dispensing of fuel at each  
3 fuel dispensing device shall be in clear view of the  
4 attendant, and no obstacle shall be permitted between the  
5 dispensing operation and the attendant so as to obstruct the  
6 view of the attendant.

7           (d) Operating requirements for attended self-service motor  
8 fuel dispensing facilities.--

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

14           (2) As used in this subsection, a "self-service motor  
15 fuel dispensing facility" shall mean that portion of a  
16 property where liquids used as motor fuels are stored and  
17 dispensed from fixed, approved dispensing equipment into the  
18 fuel tanks of motor vehicles by persons other than the  
19 facility attendant and shall also include, where provided,  
20 facilities for the sale of other retail products.

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

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

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

27           (3) Control sources of ignition.

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

30           (5) Handle accidental spills and fire extinguishers if

1 needed.

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

5 (g) Operating instructions.--Operating instructions shall be  
6 conspicuously posted in the dispensing area.

7 (h) Applicability.--Subsections (c.1), (d), (e), (f) and (g)  
8 shall apply to any new modification, construction or  
9 installation of fuel dispensing systems and their components  
10 that dispense fuel. Existing attended motor fuel dispensing  
11 facilities are not required to install additional emergency  
12 shut-off devices or electrical disconnects, provided that the  
13 primary emergency shut-off switch is not more than 15 feet from  
14 the principal control location of the attendant and not more  
15 than 125 feet from the farthest motor fuel dispensing device.  
16 The provisions of this subsection shall apply to tank storage  
17 systems, piping systems and electrical installations.  
18 Subsections (d), (e), (f) and (g) shall apply to all existing  
19 attended motor fuel dispensing facilities.

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

22 Section 10. Prohibitions.

23 A person may not do any of the following:

24 \* \* \*

25 (5) Use or operate any of the emergency controls or  
26 electrical disconnects to control the dispensing devices  
27 other than for an emergency. An attendant may use or operate  
28 any of the emergency devices or electrical disconnects for  
29 security or antitheft purposes.

30 Section 3. This act shall take effect immediately.