

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, TAYLOR, VEREB AND
VULAKOVICH, FEBRUARY 16, 2011

SENATOR GORDNER, LABOR AND INDUSTRY, IN SENATE, AS AMENDED, MAY
22, 2012

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

1 be based upon generally accepted national or international
2 standards, except that regulations providing for emergency
3 controls, including switches, shall be based upon subsection
4 [(c)] (C.1). ←

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

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

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

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

28 (1) Fuel dispensing systems shall be provided with one
29 or more clearly identified emergency shut-off devices or
30 electrical disconnects. Such devices or disconnects shall be

1 installed in approved locations not less than 20 feet or more
2 than 100 feet from the fuel dispensing devices that they
3 serve. The farthest fuel dispensing device shall be no more
4 than 200 feet from the master control emergency shut-off
5 device. Emergency shut-off devices or electrical disconnects
6 shall disconnect power to:

7 (i) All dispensing devices.

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

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

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

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

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

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

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

1 devices on an individual island.

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

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

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

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

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

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

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

28 (3) Control sources of ignition.

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

1 (5) Handle accidental spills and fire extinguishers if
2 needed.

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

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

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

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

23 Section 10. Prohibitions.

24 A person may not do any of the following:

25 * * *

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

1 Section 3. This act shall take effect immediately.