

Revisions To Flammable And Combustible Liquids Storage Rules Under Consideration

The Michigan Department of Environmental Quality's (MDEQ) Hazardous Materials Division has proposed revisions to the rules addressing the storage and handling of flammable and combustible liquids (F/CL). The proposal would rescind the current rules (codified at Mich. Admin. Code r. 29.4101 to 29.4504) in their entirety, replacing them with the new rules. In the regulatory impact statement filed with the Office of Regulatory Reform, MDEQ characterized the proposed changes as "just an update to the current rules." The current F/CL rules were adopted in 1992 and adopted by reference, with modifications and additions, several codes and standards published by the National Fire Prevention Association (NFPA) in 1987 and 1990. The proposed rules would adopt by reference, with modifications and additions, the following NFPA codes and standards:

- NFPA Pamphlet No. 30, 2000 Edition, Flammable and Combustible Liquids Code.
- NFPA Pamphlet No. 30A, 2000 Edition, Code for Motor Fuel Dispensing Facilities and Repair Garages.
- NFPA Pamphlet No. 31, 2001 Edition, Standard for the Installation of Oil-Burning Equipment.
- NFPA Pamphlet No. 37, 1998 Edition, Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines.

The NFPA pamphlets are available for review at MDEQ's Lansing office or may be purchased from NFPA. The proposed rules adopting the NFPA codes/standards with modifications and additions were published in the September 1, 2002 Michigan Register. The first three codes/standards listed above are equivalent to the codes/standards adopted in 1992. NFPA Pamphlet No. 37, is a new addition to the Michigan F/CL rules, and the proposed rules do not readopt the NFPA Pamphlet No. 395, Standard for the Storage of Flammable and

Combustible Liquids on Farms and Isolated Construction Projects (this latter standard has not been continued by NFPA).

Flammable and Combustible Liquids Code – NFPA No. 30

In general, the Flammable and Combustible Liquids Code applies to all F/CLs, except those that are solid at or above 100 degrees Fahrenheit. The F/CL Code covers storage of F/CL in tanks and containers, piping, valves and fittings, industrial plants, bulk storage plants, service stations, and processing plants. MDEQ has proposed to adopt a number of defined terms in addition to those contained in the F/CL Code. Notable is a definition for the term “release” taken from Part 201 (Environmental Remediation) of the Michigan Natural Resources and Environmental Protection Act. Several other notable additions include:

- Reporting requirements for releases from an aboveground storage tank (AST) exceeding 55 gallons during a 24-hour period. Such reports must be made as soon as practicable by telephone to the Pollution Emergency Alerting System at 1-800-292-4706 and followed up with a written report within ten days after the release. The proposed rule further states that an AST owner or operator who is liable for the activity that caused the release is responsible for taking response activity for the release under Part 201.
- A requirement for the performance of a site assessment upon closure of an underground storage tank (UST) (which usually means removal from the ground) that meets the requirements of MDEQ’s separate UST rules. The purpose of the site assessment is to identify the presence of contaminants released from the UST. Farm and residential USTs with a capacity of 1,100 gallons or less are exempted from the site assessment requirement.
- As noted above, NFPA Pamphlet No. 395 was not readopted. Its requirements are partially addressed by an addition to the F/CL Code that allows the temporary use for up to 12 months of moveable tanks for the outdoor dispensing of fuel into motorized equipment on premises not accessible to the public. MDEQ’s approval must be obtained for such uses and the proposed rule states that the primary requirements for such approval are secondary containment of the tank and a paved dispensing area.

Motor Fuel Dispensing Facilities and Repair Garages – NFPA No. 30A

NFPA No. 30A applies to automotive and marine fueling stations and to fueling stations located inside buildings. Additions to this code also include adoption of the Part 201 definition of the term “release” and requirements for the temporary storage of liquid fuels in ASTs. These

rules also address fueling of motor vehicles from tank vehicles at commercial, industrial, governmental, and manufacturing establishments.

Installation of Oil-Burning Equipment – NFPA No. 31

NFPA No. 31 sets standards for the installation of oil burners and associated equipment, such as storage tanks. Heating oil storage tanks are covered by this standard (and the F/CL Code).

Installation and Use of Stationary Combustion Engines and Gas Turbines – NFPA No. 37

NFPA No. 37 sets standards for stationary engine and gas turbines and their associated fuel storage equipment (in addition to the requirements of the F/CL Code), which, for example, would include many emergency electrical generators. Additions to the standard provide for MDEQ's approval of the use of a portable electrical generator unit and fuel tank for up to 12 months, provided they are located outside on premises that are not normally accessible to the public.

Forms

The proposed rules also contain the following three forms

- Change of Information Form – Aboveground Storage Tanks
- Aboveground Storage Tank System Inspection Notification Form
- Internal Tank Inspection Summary Form

MDEQ is currently considering comments on the proposed rules.

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