



**NASSAU COUNTY FIRE COMMISSION
OFFICE OF THE FIRE MARSHAL**

Nassau County Public Safety Center
1194 Prospect Avenue
Westbury, New York 11590
(516) 573-9900 / nassaucountyny.gov

Chief Fire Marshal
Scott D. Tusa

FIRE MARSHAL BULLETIN

August 3, 2020

From: Assistant Chief Fire Marshal – Michael F. Uttaro - muttaro@nassaucountyny.gov

Re: 2020 Fire Code of New York State – Requirements for Flammable Liquids Class II and Class III Dispensing from a Tank Vehicle into the Fuel Tanks of Vehicles

The Uniform Fire and Building Code of New York State, specifically the 2020 Fire Code of New York State, permits the *fire code official* to approve or reject the dispensing of class II and class III fuels from tank vehicles into the tanks of motor vehicles by approving or rejecting the location of the dispensing of fuel from a tank vehicle to a motor vehicle. This NCFM Bulletin has been developed to assist with determining whether a specific site in the County of Nassau, within any town, village or city, has the operational and location requirements to meet the minimum standards of fire safety for the dispensing of Class II or Class III fuels from a tank vehicle to a motor vehicle. **This bulletin is not all-inclusive and shall serve only as a guide. All applicable codes shall apply.**

Failure to follow all applicable codes may result in penalties and/or fines.

DEFINITIONS:

FLAMMABLE LIQUID. A liquid having a closed cup flash point below 100°F (38°C). Flammable liquids are further categorized into a group known as Class I liquids.

LISTED. Equipment, materials, products or services included in a list published by an organization acceptable to the *fire code official* and concerned with evaluation of products or services that maintains periodic inspection of production of listed equipment or materials or periodic evaluation of services and whose listing states either that the equipment, material, product or service meets identified standards or has been tested and found suitable for a specified purpose.

MARINE MOTOR FUEL-DISPENSING FACILITY. That portion of property where flammable or *combustible liquids* or gases used as fuel for watercraft are stored and dispensed from fixed equipment on shore, piers, wharves, floats or barges into the fuel tanks of watercraft and shall include all other facilities used in connection therewith.

MOBILE FUELING. The operation of dispensing liquid fuels from tank vehicles into the fuel tanks of motor vehicles. Mobile fueling may also be known by the terms “Mobile fleet fueling,” “Wet fueling” and “Wet hosing.”

CONSTRUCTION SITE. An area where the process of permitted building or demolition is taking place. This area shall be inaccessible to the general public.

REQUIREMENTS:

The following shall be the approved procedure and requirements for dispensing of a Class II or III fuel from a tank vehicle to a motor vehicle tank:

Class II or Class III fueling a motor vehicle tank from a tank vehicle:

[2020 NYS FC 2310.4] Fueling of Marine vehicles at other than approved marine motor fuel-dispensing facilities. Fueling of floating marine craft at other than a marine motor fuel-dispensing facility shall comply with sections **2310.4.1** and **2310.4.2** of the 2020 NYS FC

2310.4.1 Class 1 liquid fuels. Fueling of floating marine craft with class 1 fuels at other than a marine motor fuel-dispensing facility is prohibited.

2310.4.2 Class 2 or 3 liquid fuels. Fueling of floating marine craft with class 2 or 3 fuels at other than a marine motor fuel-dispensing facility shall be in accordance with all the following:

1. The premise and operations shall be approved by the fire code official. *(notarized letter from the property owner giving permission to conduct fueling operations on his/her property) (commercial property additionally requires a site plan using the requirements outlined in 2020 NYS FC 5706.5.4.5)*
2. Tank vehicles and fueling operations shall comply with sections 5706.6.
3. The dispensing nozzle shall be of the listed automatic-closing type without a latch open device.
4. Nighttime deliveries shall only be made in lighted areas. *(adequate lighting and additional approval from the Nassau County Fire Marshal)*
5. The tank vehicle flasher lights shall be in operation while dispensing
6. Fuel expansion space shall be left in each fuel tank to prevent overflow in the event of temperature increase.

[2020 NYS FC 5706.5.4.1] Marine craft and special equipment. Liquids intended for use as motor fuels are permitted to be transferred from tank vehicles into the fuel tanks of marine craft and special equipment where **approved by the fire code official**, and where:

1. The tank vehicle's specific function is that of supplying fuel to fuel tanks.
2. The operation is not performed where the public has access or where there is an unusual exposure to life and property.
3. The dispensing line does not exceed 50 feet in length. *(a variance from New York State must be applied for and granted in order to exceed 50 feet. It shall be understood that the total length of the hose on the truck shall be no longer than 50 feet, NOT that the hose only extends 50 feet from the truck).*
4. The dispensing nozzle is approved.

The following mobile fueling operations will also be permitted:

[2020 NYS FC 5706.5.4.4] fueling of vehicles at farms, construction sites and similar areas. Transfer of liquid from tank vehicles to motor vehicles for private use on farms and rural areas and at construction sites, earth-moving projects, gravel pits, and borrow pits is allowed in accordance with section **5706.2.8** of the **2020 NYS FC** *(site plans shall be submitted to the Nassau County Fire Marshal using the requirements outlined in 2020 NYS FC 5706.5.4.5) (Class 1 fuel is not permitted to be dispensed)*

[2020 NYS FC 5706.5.4.5] Commercial, industrial, governmental or manufacturing. Dispensing of class 2 or 3 motor vehicle fuel from tank vehicles into the fuel tanks of motor vehicles located at commercial, industrial, governmental or manufacturing establishments is allowed where permitted, provided such dispensing operations are conducted in accordance with the following:

1. Dispensing shall only occur at sites that have been issued a permit to conduct mobile fueling. *(a site inspection will be conducted after site plans have been approved by the Nassau County Fire Marshal)*
2. The owner of a mobile fueling operation shall provide to the jurisdiction a written response plan which demonstrates readiness to respond to a fuel spill and carry out appropriate mitigation measures and describes the process to dispose properly of contaminated materials.
3. A detailed site plan shall be submitted with each application for a permit. The site plan shall indicate: all buildings, structures, and appurtenances on site and their use or function; all uses adjacent to the lot lines of the site; the locations of all storm drain openings, adjacent waterways or wetlands; information regarding slope, natural drainage, curbing, impounding and how a spill will be retained upon the site

property; and scale of the site plan. *(site plans shall be submitted in accordance with Article XVI and Article XXII of the Nassau County Fire Prevention Ordinance)*

Provision shall be made to prevent liquids spilled during dispensing operations from flowing into buildings, or off site. Acceptable methods include, but shall not be limited to, grading driveways, raising doorsills, or other approved methods.

4. The **fire code official** is permitted to impose limits on the times and days during which mobile fueling operations can take place, and specific locations on a site where fueling is permitted. *(requested fueling location must be specified on the site plans)*
5. Mobile fueling operations shall be conducted in areas not accessible to the public or shall be limited to times when the public is not present.
6. Mobile fueling shall not take place within 15 feet of buildings, property lines, combustible storage or storm drains.

Exceptions:

1. The distance to storm drains shall not apply where an approved storm drain cover or an approved equivalent that will prevent any fuel from reaching the drain is in place prior to fueling or a fueling hose being placed within 15 feet of the drain. Where placement of a storm drain cover will cause the accumulation of excessive water or difficulty in conducting the fueling, such cover shall not be used and the fueling shall not take place within 15 feet of the drain.
2. The distance to a storm drain shall not apply for drains that direct influent to approved oil interceptors.
7. The tank vehicle shall comply with the requirements of NFPA 385 and local, state and federal requirements. The tank vehicles specific function shall include that of supplying fuel to motor vehicle fuel tanks. The vehicle and all its equipment shall be maintained in good repair.
8. Signs prohibiting smoking or open flames within 25 feet of the tank vehicle or the point of fueling shall be prominently posted on three sides of the vehicle including the back and both sides.
9. A portable fire extinguisher with a minimum rating of 40: BC shall be provided on the vehicle with signage clearly indicating its location.
10. The dispensing nozzles and hoses shall be of an approved and listed type.
11. The dispensing hose shall not be extended from the reel more than 100 feet in length. *(when fueling a marine craft, the hose shall not exceed 50 feet in total length)*
12. Absorbent materials, nonwater-absorbent pads, a 10-foot-long containment boom, an approved container with lid and a nonmetal shovel shall be provided to mitigate a minimum 5-gallon fuel spill.

13. Tank vehicles shall be equipped with a “fuel limit” switch such as a count-back switch, to limit the amount of a single fueling operation to not more than 500 gallons before resetting the limit switch.
Exception: Tank vehicles where the operator carries and can utilize a remote emergency shutoff device which, when activated, immediately causes flow of fuel from the tank vehicle to cease.
14. Persons responsible for dispensing operations shall be trained in the appropriate mitigating actions in the event of a fire, leak or spill. Training records shall be maintained by the dispensing company.
15. Operators of tank vehicles used for mobile fueling operations shall always in their possession have an emergency communications device to notify the proper authorities in the event of an emergency.
16. The tank vehicle dispensing equipment shall be constantly attended and operated only by designated personnel who are trained to handle and dispense motor fuels.
17. Fuel dispensing shall be prohibited within 25 feet of any source of ignition.
18. The engines of vehicles being fueled shall be shut off during dispensing operations.
19. Nighttime fueling operations shall only take place in adequately lighted areas. (*shall be approved by the Nassau County Fire Marshal*)
20. The tank vehicle shall be positioned with respect to vehicles being fueled to prevent traffic from driving over delivery hose.
21. During fueling operations, tank vehicle brakes shall be set, chock blocks shall be in place and warning lights shall be in operation.
22. Motor vehicle fuel tanks shall not be topped off.
23. The dispensing hose shall be properly placed on an approved reel or in an approved compartment prior to moving the tank vehicle.
24. The **fire code official** and other appropriate authorities shall be notified when a reportable spill or unauthorized discharge occurs. (*NCFPO Article III section 3.3.5.1 states the discharge of products upon any roadway, on the surface, or into the sub-surface land, aquifer, or waterways is prohibited in the County by whatever method such discharge may occur*)
25. Operators shall place a drip pan or an absorbent pillow under each fuel fill opening prior to and during dispensing operations. Drip pans shall be liquid tight. The pan or absorbent pillow shall have a capacity of not less than 3 gallons. Spills retained in the drip pan or absorbent pillow need not be reported. Operators, when fueling, shall have on their person an absorbent pad capable of capturing diesel fuel overfills. Except during fueling, the nozzle shall face upward, and an absorbent pad shall be kept under the nozzle to catch drips. Containment absorbent pads or pillows shall be disposed of regularly in accordance with local, state and federal requirements.

Tank Vehicles and Vehicle Operations

All tank vehicle and vehicle operations will follow the requirements set forth in the **2020 NYS FC Sections 5706.6 thru 5706.6.4**

Procedure for submitting site plans

1. Site plans shall drawings, computer generated is preferred but not mandatory. 1/8 inch scaled drawings are preferred but not mandatory.
2. Three sets of plans shall be submitted for each desired location
3. Submitted with the plans shall be a notarized letter from the **property** owner stating that they shall permit "company name" to deliver fuel from a tank vehicle into the tank of a motor vehicle on "property address"
4. Refer to Article XVI and Article XXII of the Nassau County Fire Prevention Ordinance for more specific site plan instructions
5. Submit fee's

Upon Plan Approval

1. You will be notified when plans have been reviewed and if they are approved or rejected and ready for pick
2. A request for final inspection will be faxed or emailed to the Nassau County Fire Marshal
3. A Fire Marshal will make an appointment and come to the site to ascertain if the plans match the site.

Residential Property

1. A notarized letter from the **property** owner stating that they shall permit "company" to deliver fuel from a tank vehicle into the tank of a motor vehicle on "property address".
2. Letter will be entered into a file and you will receive an email approving or rejecting the property.