

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

MINNESOTA STATE REGULATIONS

Notice of filing by the Commissioner of Administration

We have received on this date, stamped and filed 2 copies of Rules and Regulations pertaining to the Department of Public Safety - Fire Marshal Division
(Agency or Board)

Regulation No. Fire Mar. 1 thru 29 (amended)

Subject: Flammable Liquids

Department of Administration
Publication, Central Services Division
Documents Section
140 Centennial Office Building
St. Paul, Minnesota 55155
Telephone: (612) 296-2874

FILED
RICHARD L. BRUBACHER
Commissioner of Administration

AUG 1 1974 11:35 am

BY Eda Staudenmaier
AUTH. SIGNATURE EJ

Stamped and filed with the Secretary of State 8-1-74

Rev. 9-72

ADMIN 1000

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : MICHAEL MILLER
Special Assistant
Attorney General

DATE: July 30, 1974

FROM : THOMAS H. JENSEN
Special Assistant
Attorney General

SUBJECT:

I am returning to you the State Fire Marshal Rules regarding transportation of natural and other gas by pipeline, storage and handling of liquified petroleum gases, and flammable and combustible liquids. I am including the N.F.P.A. and Federal Register materials which are incorporated by reference in the above mentioned rules and regulations. Would you please notify me when the rules and regulations are filed.

Enclosure

THJ:dms

ADMIN 1000A (2/66)

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : MIKE MILLER
Special Assistant
Attorney General

DATE: July 17, 1974

FROM : THOMAS H. JENSEN
Special Assistant
Attorney General

SUBJECT:

Mike, I am returning for your examination the proposed Fire Marshal Rules regarding flammable and combustible liquids, liquified petroleum gases and natural gas pipeline safety. I hope that the new findings of fact are sufficient to support these proposed rules.

Attach.

THJ:dms

MINNESOTA DEPARTMENT OF PUBLIC SAFETY

STATE FIRE MARSHAL DIVISION

CHAPTER ONE: MINIMUM SAFETY STANDARDS FOR THE TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE.

FireMar 1 PURPOSE AND SCOPE

The purpose of these regulations is to prescribe minimum safety standards for pipeline facilities and the transportation of natural and other gas by pipeline, as required for State certification under Section 5 (a) of the federal Natural Gas Pipeline Safety Act of 1968. These rules apply to the design, installation, inspection, testing, construction, operation, extension, replacement and maintenance of pipeline facilities. The scope of these regulations is intended to be consistent with the provisions of ~~Laws of Minnesota 1969, Chapter 988.~~ Minnesota Statutes 1971, Sections 299F.56 through 299F.64.

FireMar 2 DEFINITIONS

As used in these rules, including those portions adopted by reference, the following terms or phrases shall have the meanings as prescribed herein:

(a) Secretary. Interpreted to mean the Commissioner of the Minnesota Department of Public Safety.

(b) State agency. The State Fire Marshal Division of the Minnesota Department of Public Safety.

(c) State. The State of Minnesota.

FireMar 3 REGULATIONS AND STANDARDS ADOPTED BY REFERENCE

The regulations and standards for gas and pipeline safety as incorporated in Title 49, Code of Federal Regulations, Chapter 1 - Hazardous Materials Regulations Board, Department of Transportation, Part 192 - Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards and as published in the Federal Register on August 19, 1970 (35 F.R., pp. 13257 to 13276 inclusive), and as amended on October 21, 1970 (35 F.R., pp. 16405), and as amended on November 17, 1970. (35 F.R., pp. 17660 to 17661 inclusive) and as amended on June 30, 1971, (36 F.R., pp. 12301 to 12304 inclusive), and as amended on September 10, 1971, (36 F.R., pp. 18194 to 18195 inclusive), and as amended October 3, 1972 (37 F.R., pp. 20694), and as amended October 4, 1972 (37 F.R., pp. 20826), and as amended October 13, 1972 (37 F.R., pp. 21638), and as amended October 14, 1972 (37 F.R., pp. 21816), and as amended February 22, 1973 (38 F.R., pp. 4760 to 4762 inclusive), and as amended April 10, 1973 (38 F.R., pp 9083 to 9084 inclusive), and Part 191 -

Transportation of Natural and Other Gas by Pipeline: Reports of Leaks, as published in the Federal Register on January 8, 1970, (35 F.R., pp. 320 to 321 inclusive) and subsequently amended on April 21, 1971 (36 F.R., p. 7507), are incorporated by reference and hereby made a part of the Minnesota regulations and standards for gas and pipeline safety, subject to the following alterations and amendments listed in FireMar 4 herein.

FireMar 4 AMENDMENTS TO THE FEDERAL CODE AS ADOPTED

(a) In the sections listed below the dates as adopted are changed to ~~"30-days after the effective date of these rules"~~ the dates ascribed herein:

(1) 192.12 (a) and (b) - Thirty days after the effective date of these rules

(2) 192.13 (a) - ~~March 12, 1971~~ October 1, 1972

(3) 192.13 (b) - ~~November 12, 1970~~ October 1, 1972

(4) 192.55 (a) and (b) - Thirty days after the effective date of these rules

(5) 192.55 (d) - ~~November 12, 1970~~ October 1, 1972

(6) 192.63 (d) - ~~November 12, 1970~~ October 1, 1972

(7) 192.65 (b) - Thirty days after the effective date of these rules

(8) 192.359 (b) - ~~November 12, 1970~~ October 1, 1972

(9) 192.455 title and (a) - ~~July 31, 1971~~ October 1, 1972

(10) 192.457 title, (a), and (b) - ~~August 1, 1971~~ October 1, 1972

(11) 192.475 (a) - ~~July 31, 1972~~ October 1, 1972

(12) 192.477 - ~~July 31, 1972~~ October 1, 1972

(13) 192.479 (a) - ~~July 31, 1971~~ October 1, 1972

(14) 192.479 (b) - ~~August 1, 1971~~ October 1, 1972

(15) 192.491 (a) - ~~July 31, 1972 and August 1, 1971~~ October 1, 1972

(16) 192.555 (c) - ~~September 12, 1970~~ October 1, 1972

(17) 192.619 (a)(3) - ~~July 1, 1970~~ October 1, 1972

(18) 192.619 (c) - ~~July 1, 1970~~ October 1, 1972

(19) Appendix BIII - Thirty days after the effective date of these rules

(b) New section 192.12 is added, to read as follows: "No operator may store, process, or transport liquified natural gas in a system unless that system meets the requirements of these rules and of NFPA Standard No. 59A-1971. In the event of a conflict, the requirement of these rules prevail."

(c) Section 192.17 is amended to read as follows: "Each operator shall file with the Minnesota State Fire Marshal a plan for inspection and maintenance of each pipeline facility he owns or operates. Each change to

an inspection and maintenance plan must be filed within 20 days after the change is made. Plans must be sent to the State Fire Marshal Division, Department of Public Safety, St. Paul, Minnesota 55155."

(d) In section 192.607 (a), "Before April 15, 1971" is deleted.

(e) In section 192.607 (c), "not later than December 31, 1971" is deleted.

(f) In section 192.619 (a)(3), "5 years" is changed to "7 years."

(g) In section 192.619 (c), "5 years" is changed to "7 years."

(h) In section 191.5 a new paragraph (c) is added to read as follows: "Each notice required by paragraph (a) of this section must also be telephoned to the Minnesota State Fire Marshal, Area Code 612-296-3584, and shall include the information required by paragraph (b) of this section."

(i) In order to adopt the State option as provided for in section 191.7 that section is revised to read as follows: "Each written report required by this part must be made to the Director, Office of Pipeline Safety, Department of Transportation, Washington, D.C. One copy of each written report required by this part must be submitted to the Department of Public Safety, State Fire Marshal Division, St. Paul, Minnesota 55155."

(j) In section 191.9 a new paragraph (c) is added to read as follows: "Each operator of a distribution system serving 100,000 customers or less will comply with the leak reporting requirements of this paragraph by submitting one copy of each report to the Minnesota State Fire Marshal only."

(k) Section 191.11 is revised to read as follows: "(a) Except as provided in paragraph (b) of this section, each operator of a distribution system shall submit an annual report on Department of Transportation Form DOT-F-7100.1. This report must be submitted not later than February 15 for the preceding year. One copy of the report must be submitted to the Minnesota State Fire Marshal not later than February 15 for the preceding calendar year."

(l) In section 191.11 a new paragraph (b) is added to read as follows: "Operators of petroleum gas systems serving less than 100 customers form a single source need not submit a copy of the annual report required by paragraph (a) of this section."

(m) Section 191.17 is revised to read as follows: "Each operator of a transmission system or gathering system shall submit an annual report not later than February 15 for the preceding calendar year to the

Department of Transportation on Form DOT-F-710[illegible]-1. One copy of the report must be submitted to the Minnesota State Fire Marshal not later than February 15 for the preceding calendar year."

FireMar 5 REPEALER OF PREVIOUS REGULATIONS

The United States Standards Institute Code for Pressure Piping, Gas Transmission and Distribution Piping Systems, U.S.A.S. B 31.8, 1967 edition, adopted by reference on July 26, 1967, is hereby repealed.

FireMar 6-10 Reserved for future use.

MINNESOTA DEPARTMENT OF PUBLIC SAFETY

STATE FIRE MARSHAL DIVISION

CHAPTER TWO: STORAGE AND HANDLING OF LIQUEFIED PETROLEUM GASES

FireMar 11 PURPOSE AND SCOPE

(a) The purpose of these regulations is to adopt minimum safety standards for the storage and handling of liquefied petroleum gases. These regulations update, supercede and repeal the Rules and Regulations Relating to the State Fire Marshal Liquefied Petroleum Gases Code SFM 201-329, 1966 edition, approved and filed December 9, 1965.

(b) The scope of these regulations is intended to be consistent with Minnesota Statutes 1971, Section 299F.19.

FireMar 12 DEFINITIONS

As used in these rules, including those portions adopted by reference, the following terms and phrases shall have the meanings as ascribed below:

(a) The authority having jurisdiction. The Minnesota State Fire Marshal or his authorized assistants. (Minnesota Department of Public Safety, Fire Marshal Division, 1246 University, St. Paul, Minnesota 55104.)

(b) N.F.P.A. National Fire Protection Association.

FireMar 13 REGULATIONS AND STANDARDS ADOPTED BY REFERENCE

The standard for the storage and handling of liquefied petroleum gas as incorporated in N.F.P.A. No. 58, Storage and Handling of Liquefied Petroleum Gases 1972, adopted by the N.F.P.A. at its annual meeting on May 17, 1972, is incorporated by reference and hereby made part of the Minnesota regulations on flammable gases pursuant to statutory authority, subject to the alterations and amendments listed in FireMar 14 herein.

FireMar 14 AMENDMENTS TO N.F.P.A. STANDARDS AS ADOPTED

(a) A new subsection is added to section 14 (page 58-12) to read as follows:

"142. Submittal of Plans

1420. Where underground containers are permitted, plans of any such installation, regardless of capacity, shall be submitted for approval to the Minnesota State Fire Marshal before construction.

1421. For any installation utilizing aboveground storage containers of over 2,000 gallons water capacity, or when aggregate water capacity of all above ground containers exceeds 4,000 gallons, plans shall be submitted to the State Fire Marshal before construction."

(b) Subsection 120 (page 58-10) is amended by adding, in paragraph (a), "Factory Mutual Engineering Corp."

(c) In Section 16, the definition of PORTABLE STORAGE CONTAINER (page 58-16) is amended by changing "normally for 12 months or less" to "6 months maximum".

(d) Table 3-2 of subsection 362 (Page 58-76) is revised by changing "Point of Transfer (see 4001)" to "Opposite End of Storage Tank from Direct Fired Vaporizer."

(e) Table 4-2 of Subsection 422 (page 58-98) is amended by adding new item number 10 to read as follows: "10. Direct Fired Vaporizer - Opposite End of Storage Tank from Direct Fired Vaporizer."

(f) Subsection 640 (page 58-111) is amended by revising the last sentence to read as follows: "Such containers may be transported partially filled with LP-Gas, but not more than permitted by 6410.

(g) A requirement for Notification of Product Leakage or Emergency is hereby incorporated as part of this standard: "It shall be the duty of the responsible person in charge thereof to notify the Minnesota State Fire Marshal or his authorized assistants of any unusual loss of product or equipment, other than domestic installations, or of any emergency, including domestic installations, involving or attributed to liquefied petroleum gas."

(h) Subsection 210, paragraph 2103 (page 58-20) is revised to read as follows: "Containers for general use shall not have individual water capacities greater than 90,000 gallons, and containers in service stations shall not have individual water capacities greater than 30,000 gallons, except as permitted by the Minnesota State Fire Marshal or his authorized assistants."

(i) Subsection 2510 (page 58-40) is revised to read as follows: "Except as provided in 2511 and 2520, new residential, commerical and industrial appliances shall not be installed unless their correctness as to design, construction, and performance is certified by one of the following:

(a) Determined by a nationally recognized testing agency adequately equipped and competent to perform such services, and shall be evidenced by the attachment of its seal or label to such gas appliance. This agency shall be one which maintains a program of national inspection of production models of gas appliances at least once each year on the manufacturer's premises. Approval by the American Gas Association Laboratories, as evidenced by the attachment of its listing symbol or Approval Seal to gas appliances and a certificate or letter certifying approval under

the above mentioned requirements, or listing by Underwriters' Laboratories, Inc. or Factory Mutual Engineering Corp., shall be considered as constituting compliance with the provisions of this section.

(b) Approval by the State Fire Marshal or his authorized assistants."

(j) Subsection 3126 including paragraphs (a) through (e) therein on page 58-47 is repealed and the following new subsection 3126 is incorporated as part of this standard: "ASME container assemblies or container systems listed for underground installation, or container assemblies listed for interchangeable aboveground-underground service may be installed underground. Installation location will be judged on individual merit according to the water table level of the area. Underground containers shall never be abandoned; rather, they must be removed from the ground."

(k) Appendix C-21 on page 58-130 is repealed.

FireMar 15-19 Reserved for future use

MINNESOTA DEPARTMENT OF PUBLIC SAFETY

STATE FIRE MARSHAL DIVISION

CHAPTER THREE: FLAMMABLE AND COMBUSTIBLE LIQUIDS

FireMar 20 PURPOSE AND SCOPE

(a) The purpose of these regulations is to adopt minimum safety standards for the storage, handling and use of flammable and combustible liquids. These regulations update, supercede and repeal the Rules and Regulations Relating to the State Fire Marshal Flammable Liquids Code, SFM 1-125, 1967 edition approved and filed with the Secretary of State September 20, 1967 and filed with the Commissioner of Administration September 21, 1967.

(b) The scope of these regulations is intended to be consistent with Minnesota Statutes 1971, Section 299F.19.

FireMar 21 DEFINITIONS

As used in these regulations, including those portions adopted by reference, the following terms and phrases shall have the meanings as ascribed below:

(a) The authority having jurisdiction. The Minnesota State Fire Marshal or his authorized assistants. (Minnesota Department of Public Safety, Fire Marshal Division, 1246 University, St. Paul, Minnesota 55104.)

(b) N.F.P.A. The National Fire Protection Association.

FireMar 22 REGULATIONS AND STANDARDS ADOPTED BY REFERENCE

The standard for storage, handling and use of flammable and combustible liquids as incorporated in N.F.P.A. No. 30, Flammable and Combustible Liquids Code 1973, adopted by the N.F.P.A. at its annual meeting May 14-18, 1973, is incorporated by reference and hereby made part of the Minnesota regulations on flammable liquids pursuant to statutory authority, subject to the alterations and amendments listed in FireMar 23 herein.

FireMar 23 AMENDMENTS TO N.F.P.A. STANDARDS AS ADOPTED

(a) A requirement of notification of product spill, loss or leakage, as follows, is hereby incorporated as part of this flammable liquids standard: "It shall be the duty of the owner of a flammable liquid facility or other responsible person in charge thereof to notify the Minnesota State Fire Marshal or his authorized assistants of any individual loss of 25 gallons or more of stored flammable liquids either by accident or otherwise. Said notice shall be made by telephone (612-296-3584) or other comparable means and shall be made immediately upon discovery of the loss. The notification shall include the location and nature of the loss and other pertinent information as may be available at the time."

(b) Requirements for the approval of plans, as covered in the following paragraphs (1) through (7), are herein incorporated as part of this flammable liquids regulation:

"(1) Except as otherwise provided in paragraphs (1) and (2) of this section, before any construction or new or additional installation for the storage, handling or use of flammable liquids is undertaken in bulk plants, service stations, chemical plants, refineries, and processing plants, drawings or blueprints thereof made to scale shall be submitted to the State Fire Marshal or his authorized assistants, with an application, all in duplicate, for approval. Within a reasonable time (10 days) after receipt of the application with drawings or blueprints, the State Fire Marshal or his authorized assistants will cause the same to be examined, and if he finds that they conform to the applicable requirements of these regulations, he shall signify his approval of the application either by endorsement thereon or by attachment thereto, retain one copy for his files and return to the applicant the other copy plus any additional copies submitted by the applicant. If the drawings or blueprints do not conform to the applicable requirements of these regulations, he shall notify the applicant in writing within the time aforementioned.

"(2) Drawings shall show the name of the person, firm, or corporation proposing the installation, the location thereof and the adjacent streets or highways and surface waters of the State.

"(3) In the case of bulk plants the drawings shall show, in addition to any applicable features required under paragraphs (5) and (6) of this section, the plot of ground to be utilized and its immediate surroundings on all sides; complete layout of buildings, tanks, loading and unloading docks; type of construction of each building and the type and location of heating devices therefor, if any.

"(4) In the case of service stations, the drawings, in addition to any applicable features required under paragraphs (5) and (6) of this section, shall show the plot of ground to be utilized; the complete layout of buildings, drives, dispensing equipment, greasing or washing stalls and the type and location of any heating devices.

"(5) In the case of aboveground storage, the drawing shall show the location and capacity of each tank; dimensions of each tank the

capacity of which exceeds 50,000 gallons; the class of liquids to be stored in each tank; the type of tank supports; the clearance as covered in Section 21 of the standards herein adopted; the type of venting and pressure relief relied upon and the combined capacity of all venting and pressure relief valves on each tank, as covered in Subsections 2140, 2150, and 2160 of the standard herein adopted; the tank control valves as covered in Subsection 2180 of the standard herein adopted; the location of the pumps and other facilities by which liquid is filled into and withdrawn from the tanks and diking provided, if any.

"(6) In the case of underground storage, the drawings shall show the locations of fill gauge and vent pipes and openings, the location and capacity of each tank, the class of liquid to be stored therein, along with the clearances and requirements as covered in Subsections 2110 of the standard herein adopted.

"(7) In the case of an installation for storage, handling, or use of flammable liquids within buildings or enclosures at any establishment or occupancy covered in these regulations, the drawings shall be in such detail as will show whether applicable requirements are to be met."

(c) Subsection 1050 (page 30-7) is amended by adding the following: "Application for a variance or exemption from any part of this code shall be made in writing to the Minnesota State Fire Marshal and be based upon a showing of need. In no case shall the Minnesota State Fire Marshal grant such request for exemption or variance if he should determine that the requested use will constitute a distinct hazard to life, adjoining properties, or the surface waters of Minnesota. Applicants for variances or exemptions from the provisions of this code shall be afforded the opportunity to be heard on the request for variance or exemption and shall receive at least ten (10) days written notice of the time and place of the hearing. The Fire Marshal shall consider all of the evidence submitted at such hearing and upon due consideration issue written notice of his findings to all interested parties."

(d) Section 1060 (page 30-8) is revised to read as follows:

"1060. Retroactivity

"1061. Insofar as these regulations cover operational practice or use of containers, they shall apply and be enforced as to all plants, stations, establishments and facilities, wherein or whereon flammable liquids are stored, handled or used, whether existing and in service as of the effective date of these regulations or subsequently estab-

lished or placed in service. Regulations covering physical installations shall apply to all plants, stations, establishments, and facilities erected or installed or first devoted to flammable liquids storage, handling or use on or after the effective date of these rules and, to the extent specifically provided for or to the extent necessary to eliminate any distinct hazard to life or adjoining property or surface waters of Minnesota, shall apply to existing establishments and facilities devoted to storage, handling or use of flammable liquids prior to the effective date of these regulations.

"(a) Non-conformity with these regulations existing as of the effective date with respect to the locations or arrangement of buildings, tanks, platforms or docks, or to spacing or clearances between these installations or between these installations and adjoining property lines, shall not be deemed to be distinctly hazardous and may be allowed to continue.

"(b) Non-conformity with these regulations existing as of the effective date with respect to vents or pressure relief devices on tanks, control valves on tanks or in piping systems, ventilation or sources of ignition shall be deemed distinctly hazardous and shall be corrected or eliminated; provided however, that vents or pressure relief devices installed on tanks prior to these regulations and meeting the size requirements of the 1965 edition of the State Fire Marshal Flammable Liquids Code shall be allowed to continue.

"(c) Non-conformity with these regulations existing as of the effective date, otherwise than as covered in (a) or (b) of this section, and otherwise than with respect to operational practice and container use, shall be subject to evaluation as provided in subsection 1050 before any order for the elimination thereof is issued.

"At any plant, station or establishment existing and devoted to flammable liquid use as of the effective date of these rules in which continuance of non-conformity is allowed under the foregoing provisions, the installation of additional or replacement facilities shall be made in conformity with these rules.

"1062. Correction or Elimination of Existing Non-Conformity in Physical Installations: Where required correction or elimination of existing non-conformity necessitates the obtaining and installing of additional devices or structural protection or the empyting or temporary non-use of one or more facilities, then a reasonable time, considering

the amount of work to be done, the availability of materials, and the need for continued operation of the facility, shall be allowed therefor. Provided that when work involving reconstruction or modernization of storage facilities is undertaken at a location, then any required elimination or correction of non-conformity thereat shall be made in the course of such work. Provided, further, however, that where practical difficulties are encountered in accomplishing required elimination of non-conformity at any location, an extension or further extension beyond the time specified in any order therefor may be granted in writing by the State Fire Marshal upon written application to the State Fire Marshal or his authorized assistants setting forth supporting facts."

(e) Section 4460 (page 30-47) paragraph (b) is revised (changing 660 gallons of Class IIIA liquids to 500 gallons) to read as follows: "Where the aggregate quantity of additional stock exceeds 60 gallons of Class IA, 120 gallons of Class IB, 180 gallons of Class IC, 240 gallons of Class II, or 500 gallons of Class IIIA liquids or any combination of Class I and Class II liquids exceeding 240 gallons, the excess shall be stored in a room or portion of the building that complies with the construction provisions for an Inside Storage Room as provided in 43. For water miscible liquids, these quantities may be doubled."

(f) Section 4480 (page 30-48) paragraph (a) is amended by adding the following: "The fire resistive requirements of exterior walls for new or remodeled buildings, building additions, and changes in building occupancy shall be as specified in the State Building Code, U.B.C. Section 504(b)."

(g) Section 5220 (page 30-55) is amended by adding the following: "The fire resistive requirements of exterior walls for new or remodeled buildings, building additions, and changes in building occupancy shall be as specified in the State Building Code, U.B.C. Section 504(b)."

(h) Section 6110 (page 30-63) is amended by adding the following: "The exit requirements of the State Building Code, U.B.C. Chapter 33 shall apply to new or remodeled buildings, building additions, and changes in building occupancy."

(i) Subsection 7633 (page 30-82) is revised to read as follows: "Dispensing of Class I Liquids at locations not open to the public does not require an attendant or supervisor. Such locations may be used by commercial, industrial, governmental or manufacturing establishments

for fueling vehicles used in connection with their business. This provision shall not include private or fraternal clubs or associations."

(j) Section 7640 (page 30-83) is amended adding a subsection to read as follows: "No dwelling unit or sleeping facility for owner, operator, or employee shall be maintained in or on the premises of self service stations closer than 100 feet from Class I flammable liquid self service devices or 50 feet from Class II flammable liquid self service dispensing devices."

(k) Subsection 7642 (page 30-83) is amended to read as follows: "Approved dispensing devices are permitted for self service stations. Coin and currency operated dispensing devices are not approved dispensing devices."

(l) Section 7640 (page 30-83) is amended by adding a subsection to read as follows: "Flammable and combustible liquids shall be dispensed only by persons 16 years of age or older. Prominent signs shall be posted at self service stations prohibiting flammable liquids from being dispensed by anyone under age 16."

(m) Subsection 8211 (page 30-85) is amended by adding the following: "The fire resistive requirements of exterior walls for new or remodeled buildings, building additions, and changes in building occupancy shall be as specified in the State Building Code, U.B.C. Section 504(b)."

(n) Subsection 8212 (page 30-86) is amended by adding the following: "The exit requirements of the State Building Code, U.B.C. Chapter 33 shall apply to new or remodeled buildings, building additions, and changes in building occupancy."

FireMar 24-29 Reserved for future use.

Standards adopted by reference in Public Safety regulations included herewith may be obtained from the sources as indicated in the following reference list:

Fire Mar 1-10 Minimum Safety Standards for Transportation of Natural and Other Gas by Pipeline

Title 49, Federal Register, Chapter One, Part 192 and Part 191 and all amendments thereto (Federal Register number and page numbers as listed in the regulation), obtainable from -

State Fire Marshal
1246 University Avenue
St. Paul, Minnesota 55104
Telephone: (612) 296-3584

Documents Section
140 Centennial Office Building
658 Cedar Street
St. Paul, Minnesota 55155
Telephone: (612) 296-2874

Fire Mar 11-19 Storage and Handling of Liquified Petroleum Gases

N.F.P.A. No. 58, 1972 edition, obtainable from -

State Fire Marshal
1246 University Avenue
St. Paul, Minnesota 55104
Telephone: (612) 296-3584

Documents Section
140 Centennial Office Building
658 Cedar Street
St. Paul, Minnesota 55155
Telephone: (612) 296-2874

Fire Mar 20-29 Flammable and Combustible Liquids

N.F.P.A. No. 30, 1973 edition, obtainable from -

State Fire Marshal
1246 University Avenue
St. Paul, Minnesota 55104
Telephone: (612) 296-3584

Documents Section
140 Centennial Office Building
658 Cedar Street
St. Paul, Minnesota 55155
Telephone: (612) 296-2874

MINNESOTA DEPARTMENT OF PUBLIC SAFETY

STATE FIRE MARSHAL DIVISION

CHAPTER ONE: MINIMUM SAFETY STANDARDS FOR THE TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE.

FireMar 1 PURPOSE AND SCOPE

The purpose of these regulations is to prescribe minimum safety standards for pipeline facilities and the transportation of natural and other gas by pipeline, as required for State certification under Section 5 (a) of the federal Natural Gas Pipeline Safety Act of 1968. These rules apply to the design, installation, inspection, testing, construction, operation, extension, replacement and maintenance of pipeline facilities. The scope of these regulations is intended to be consistent with the provisions of ~~Laws of Minnesota 1969, Chapter 988.~~ Minnesota Statutes 1971, Sections 299F.56 through 299F.64.

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(a) Secretary. Interpreted to mean the Commissioner of the Minnesota Department of Public Safety.

(b) State agency. The State Fire Marshal Division of the Minnesota Department of Public Safety.

(c) State. The State of Minnesota.

FireMar 3 REGULATIONS AND STANDARDS ADOPTED BY REFERENCE

The regulations and standards for gas and pipeline safety as incorporated in Title 49, Code of Federal Regulations, Chapter 1 - Hazardous Materials Regulations Board, Department of Transportation, Part 192 - Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards and as published in the Federal Register on August 19, 1970 (35 F.R., pp. 13257 to 13276 inclusive), and as amended on October 21, 1970 (35 F.R., pp. 16405), and as amended on November 17, 1970, (35 F.R., pp. 17660 to 17661 inclusive) and as amended on June 30, 1971, (36 F.R., pp. 12301 to 12304 inclusive), and as amended on September 10, 1971, (36 F.R., pp. 18194 to 18195 inclusive), and as amended October 3, 1972 (37 F.R., pp. 20694), and as amended October 4, 1972 (37 F.R., pp. 20826), and as amended October 13, 1972 (37 F.R., pp. 21638), and as amended October 14, 1972 (37 F.R., pp. 21816), and as amended February 22, 1973 (38 F.R., pp. 4760 to 4762 inclusive), and as amended April 10, 1973 (38 F.R., pp 9083 to 9084 inclusive), and Part 191 -

Transportation of Natural and Other Gas by Pipeline: Reports of Leaks, as published in the Federal Register on January 8, 1970, (35 F.R., pp. 320 to 321 inclusive) and subsequently amended on April 21, 1971 (36 F.R., p. 7507), are incorporated by reference and hereby made a part of the Minnesota regulations and standards for gas and pipeline safety, subject to the following alterations and amendments listed in FireMar 4 herein.

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(a) In the sections listed below the dates as adopted are changed to ~~"30-days after the effective date of these rules".~~ the dates ascribed herein:

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(8) 192.359 (b) - ~~November 12, 1970~~ October 1, 1972

(9) 192.455 title and (a) - ~~July 31, 1971~~ October 1, 1972

(10) 192.457 title, (a), and (b) - ~~August 1, 1971~~ October 1, 1972

(11) 192.475 (a) - ~~July 31, 1972~~ October 1, 1972

(12) 192.477 - ~~July 31, 1972~~ October 1, 1972

(13) 192.479 (a) - ~~July 31, 1971~~ October 1, 1972

(14) 192.479 (b) - ~~August 1, 1971~~ October 1, 1972

(15) 192.491 (a) - ~~July 31, 1972 and August 1, 1971~~ October 1, 1972

(16) 192.555 (c) - ~~September 12, 1970~~ October 1, 1972

(17) 192.619 (a)(3) - ~~July 1, 1970~~ October 1, 1972

(18) 192.619 (c) - ~~July 1, 1970~~ October 1, 1972

(19) Appendix BIII - Thirty days after the effective date of these rules

(b) New section 192.12 is added, to read as follows: "No operator may store, process, or transport liquified natural gas in a system unless that system meets the requirements of these rules and of NFPA Standard No. 59A-1971. In the event of a conflict, the requirement of these rules prevail."

(c) Section 192.17 is amended to read as follows: "Each operator shall file with the Minnesota State Fire Marshal a plan for inspection and maintenance of each pipeline facility he owns or operates. Each change to

an inspection and maintenance plan must be filed within 20 days after the change is made. Plans must be sent to the State Fire Marshal Division, Department of Public Safety, St. Paul, Minnesota 55155."

(d) In section 192.607 (a), "Before April 15, 1971" is deleted.

(e) In section 192.607 (c), "not later than December 31, 1971" is deleted.

(f) In section 192.619 (a)(3), "5 years" is changed to "7 years."

(g) In section 192.619 (c), "5 years" is changed to "7 years."

(h) In section 191.5 a new paragraph (c) is added to read as follows: "Each notice required by paragraph (a) of this section must also be telephoned to the Minnesota State Fire Marshal, Area Code 612-296-3584, and shall include the information required by paragraph (b) of this section."

(i) In order to adopt the State option as provided for in section 191.7 that section is revised to read as follows: "Each written report required by this part must be made to the Director, Office of Pipeline Safety, Department of Transportation, Washington, D.C. One copy of each written report required by this part must be submitted to the Department of Public Safety, State Fire Marshal Division, St. Paul, Minnesota 55155."

(j) In section 191.9 a new paragraph (c) is added to read as follows: "Each operator of a distribution system serving 100,000 customers or less will comply with the leak reporting requirements of this paragraph by submitting one copy of each report to the Minnesota State Fire Marshal only."

(k) Section 191.11 is revised to read as follows: "(a) Except as provided in paragraph (b) of this section, each operator of a distribution system shall submit an annual report on Department of Transportation Form DOT-F-7100.1. This report must be submitted not later than February 15 for the preceding year. One copy of the report must be submitted to the Minnesota State Fire Marshal not later than February 15 for the preceding calendar year."

(l) In section 191.11 a new paragraph (b) is added to read as follows: "Operators of petroleum gas systems serving less than 100 customers form a single source need not submit a copy of the annual report required by paragraph (a) of this section."

(m) Section 191.17 is revised to read as follows: "Each operator of a transmission system or gathering system shall submit an annual report not later than February 15 for the preceding calendar year to the

Department of [redacted]nsportation on Form DOT-F-710[redacted]-1. One copy of the report must be submitted to the Minnesota State Fire Marshal not later than February 15 for the preceding calendar year."

FireMar 5 REPEALER OF PREVIOUS REGULATIONS

The United States Standards Institute Code for Pressure Piping, Gas Transmission and Distribution Piping Systems, U.S.A.S. B 31.8, 1967 edition, adopted by reference on July 26, 1967, is hereby repealed.

FireMar 6-10 Reserved for future use.

MINNESOTA DEPARTMENT OF PUBLIC SAFETY

STATE FIRE MARSHAL DIVISION

CHAPTER TWO: STORAGE AND HANDLING OF LIQUEFIED PETROLEUM GASES

FireMar 11 PURPOSE AND SCOPE

(a) The purpose of these regulations is to adopt minimum safety standards for the storage and handling of liquefied petroleum gases. These regulations update, supercede and repeal the Rules and Regulations Relating to the State Fire Marshal Liquefied Petroleum Gases Code SFM 201-329, 1966 edition, approved and filed December 9, 1965.

(b) The scope of these regulations is intended to be consistent with Minnesota Statutes 1971, Section 299F.19.

FireMar 12 DEFINITIONS

As used in these rules, including those portions adopted by reference, the following terms and phrases shall have the meanings as ascribed below:

(a) The authority having jurisdiction. The Minnesota State Fire Marshal or his authorized assistants. (Minnesota Department of Public Safety, Fire Marshal Division, 1246 University, St. Paul, Minnesota 55104.)

(b) N.F.P.A. National Fire Protection Association.

FireMar 13 REGULATIONS AND STANDARDS ADOPTED BY REFERENCE

The standard for the storage and handling of liquefied petroleum gas as incorporated in N.F.P.A. No. 58, Storage and Handling of Liquefied Petroleum Gases 1972, adopted by the N.F.P.A. at its annual meeting on May 17, 1972, is incorporated by reference and hereby made part of the Minnesota regulations on flammable gases pursuant to statutory authority, subject to the alterations and amendments listed in FireMar 14 herein.

FireMar 14 AMENDMENTS TO N.F.P.A. STANDARDS AS ADOPTED

(a) A new subsection is added to section 14 (page 58-12) to read as follows:

"142. Submittal of Plans

1420. Where underground containers are permitted, plans of any such installation, regardless of capacity, shall be submitted for approval to the Minnesota State Fire Marshal before construction.

1421. For any installation utilizing aboveground storage containers of over 2,000 gallons water capacity, or when aggregate water capacity of all above ground containers exceeds 4,000 gallons, plans shall be submitted to the State Fire Marshal before construction."

(b) Subsection 120 (page 58-10) is amended by adding, in paragraph (a), "Factory Mutual Engineering Corp."

(c) In Section 16, the definition of PORTABLE STORAGE CONTAINER (page 58-16) is amended by changing "normally for 12 months or less" to "6 months maximum".

(d) Table 3-2 of subsection 362 (Page 58-76) is revised by changing "Point of Transfer (see 4001)" to "Opposite End of Storage Tank from Direct Fired Vaporizer."

(e) Table 4-2 of Subsection 422 (page 58-98) is amended by adding new item number 10 to read as follows: "10. Direct Fired Vaporizer - Opposite End of Storage Tank from Direct Fired Vaporizer."

(f) Subsection 640 (page 58-111) is amended by revising the last sentence to read as follows: "Such containers may be transported partially filled with LP-Gas, but not more than permitted by 6410.

(g) A requirement for Notification of Product Leakage or Emergency is hereby incorporated as part of this standard: "It shall be the duty of the responsible person in charge thereof to notify the Minnesota State Fire Marshal or his authorized assistants of any unusual loss of product or equipment, other than domestic installations, or of any emergency, including domestic installations, involving or attributed to liquefied petroleum gas."

(h) Subsection 210, paragraph 2103 (page 58-20) is revised to read as follows: "Containers for general use shall not have individual water capacities greater than 90,000 gallons, and containers in service stations shall not have individual water capacities greater than 30,000 gallons, except as permitted by the Minnesota State Fire Marshal or his authorized assistants."

(i) Subsection 2510 (page 58-40) is revised to read as follows: "Except as provided in 2511 and 2520, new residential, commerical and industrial appliances shall not be installed unless their correctness as to design, construction, and performance is certified by one of the following:

(a) Determined by a nationally recognized testing agency adequately equipped and competent to perform such services, and shall be evidenced by the attachment of its seal or label to such gas appliance. This agency shall be one which maintains a program of national inspection of production models of gas appliances at least once each year on the manufacturer's premises. Approval by the American Gas Association Laboratories, as evidenced by the attachment of its listing symbol or Approval Seal to gas appliances and a certificate or letter certifying approval under

the above mentioned requirements, or listing by Underwriters' Laboratories, Inc. or Factory Mutual Engineering Corp., shall be considered as constituting compliance with the provisions of this section.

(b) Approval by the State Fire Marshal or his authorized assistants."

(j) Subsection 3126 including paragraphs (a) through (e) therein on page 58-47 is repealed and the following new subsection 3126 is incorporated as part of this standard: "ASME container assemblies or container systems listed for underground installation, or container assemblies listed for interchangeable aboveground-underground service may be installed underground. Installation location will be judged on individual merit according to the water table level of the area. Underground containers shall never be abandoned; rather, they must be removed from the ground."

(k) Appendix C-21 on page 58-130 is repealed.

FireMar 15-19 Reserved for future use

MINNESOTA DEPARTMENT OF PUBLIC SAFETY

STATE FIRE MARSHAL DIVISION

CHAPTER THREE: FLAMMABLE AND COMBUSTIBLE LIQUIDS

FireMar 20 PURPOSE AND SCOPE

(a) The purpose of these regulations is to adopt minimum safety standards for the storage, handling and use of flammable and combustible liquids. These regulations update, supercede and repeal the Rules and Regulations Relating to the State Fire Marshal Flammable Liquids Code, SFM 1-125, 1967 edition approved and filed with the Secretary of State September 20, 1967 and filed with the Commissioner of Administration September 21, 1967.

(b) The scope of these regulations is intended to be consistent with Minnesota Statutes 1971, Section 299F.19.

FireMar 21 DEFINITIONS

As used in these regulations, including those portions adopted by reference, the following terms and phrases shall have the meanings as ascribed below:

(a) The authority having jurisdiction. The Minnesota State Fire Marshal or his authorized assistants. (Minnesota Department of Public Safety, Fire Marshal Division, 1246 University, St. Paul, Minnesota 55104.)

(b) N.F.P.A. The National Fire Protection Association.

FireMar 22 REGULATIONS AND STANDARDS ADOPTED BY REFERENCE

The standard for storage, handling and use of flammable and combustible liquids as incorporated in N.F.P.A. No. 30, Flammable and Combustible Liquids Code 1973, adopted by the N.F.P.A. at its annual meeting May 14-18, 1973, is incorporated by reference and hereby made part of the Minnesota regulations on flammable liquids pursuant to statutory authority, subject to the alterations and amendments listed in FireMar 23 herein.

FireMar 23 AMENDMENTS TO N.F.P.A. STANDARDS AS ADOPTED

(a) A requirement of notification of product spill, loss or leakage, as follows, is hereby incorporated as part of this flammable liquids standard: "It shall be the duty of the owner of a flammable liquid facility or other responsible person in charge thereof to notify the Minnesota State Fire Marshal or his authorized assistants of any individual loss of 25 gallons or more of stored flammable liquids either by accident or otherwise. Said notice shall be made by telephone (612-296-3584) or other comparable means and shall be made immediately upon discovery of the loss. The notification shall include the location and nature of the loss and other pertinent information as may be available at the time."

(b) Requirements for the approval of plans, as covered in the following paragraphs (1) through (7), are herein incorporated as part of this flammable liquids regulation:

"(1) Except as otherwise provided in paragraphs (1) and (2) of this section, before any construction or new or additional installation for the storage, handling or use of flammable liquids is undertaken in bulk plants, service stations, chemical plants, refineries, and processing plants, drawings or blueprints thereof made to scale shall be submitted to the State Fire Marshal or his authorized assistants, with an application, all in duplicate, for approval. Within a reasonable time (10 days) after receipt of the application with drawings or blueprints, the State Fire Marshal or his authorized assistants will cause the same to be examined, and if he finds that they conform to the applicable requirements of these regulations, he shall signify his approval of the application either by endorsement thereon or by attachment thereto, retain one copy for his files and return to the applicant the other copy plus any additional copies submitted by the applicant. If the drawings or blueprints do not conform to the applicable requirements of these regulations, he shall notify the applicant in writing within the time aforementioned.

"(2) Drawings shall show the name of the person, firm, or corporation proposing the installation, the location thereof and the adjacent streets or highways and surface waters of the State.

"(3) In the case of bulk plants the drawings shall show, in addition to any applicable features required under paragraphs (5) and (6) of this section, the plot of ground to be utilized and its immediate surroundings on all sides; complete layout of buildings, tanks, loading and unloading docks; type of construction of each building and the type and location of heating devices therefor, if any.

"(4) In the case of service stations, the drawings, in addition to any applicable features required under paragraphs (5) and (6) of this section, shall show the plot of ground to be utilized; the complete layout of buildings, drives, dispensing equipment, greasing or washing stalls and the type and location of any heating devices.

"(5) In the case of aboveground storage, the drawing shall show the location and capacity of each tank; dimensions of each tank the

capacity of which exceeds 50,000 gallons; the class of liquids to be stored in each tank; the type of tank supports; the clearance as covered in Section 21 of the standards herein adopted; the type of venting and pressure relief relied upon and the combined capacity of all venting and pressure relief valves on each tank, as covered in Subsections 2140, 2150, and 2160 of the standard herein adopted; the tank control valves as covered in Subsection 2180 of the standard herein adopted; the location of the pumps and other facilities by which liquid is filled into and withdrawn from the tanks and diking provided, if any.

"(6) In the case of underground storage, the drawings shall show the locations of fill gauge and vent pipes and openings, the location and capacity of each tank, the class of liquid to be stored therein, along with the clearances and requirements as covered in Subsections 2110 of the standard herein adopted.

"(7) In the case of an installation for storage, handling, or use of flammable liquids within buildings or enclosures at any establishment or occupancy covered in these regulations, the drawings shall be in such detail as will show whether applicable requirements are to be met."

(c) Subsection 1050 (page 30-7) is amended by adding the following: "Application for a variance or exemption from any part of this code shall be made in writing to the Minnesota State Fire Marshal and be based upon a showing of need. In no case shall the Minnesota State Fire Marshal grant such request for exemption or variance if he should determine that the requested use will constitute a distinct hazard to life, adjoining properties, or the surface waters of Minnesota. Applicants for variances or exemptions from the provisions of this code shall be afforded the opportunity to be heard on the request for variance or exemption and shall receive at least ten (10) days written notice of the time and place of the hearing. The Fire Marshal shall consider all of the evidence submitted at such hearing and upon due consideration issue written notice of his findings to all interested parties."

(d) Section 1060 (page 30-8) is revised to read as follows:

"1060. Retroactivity

"1061. Insofar as these regulations cover operational practice or use of containers, they shall apply and be enforced as to all plants, stations, establishments and facilities, wherein or whereon flammable liquids are stored, handled or used, whether existing and in service as of the effective date of these regulations or subsequently estab-

lished or placed in service. Regulations covering physical installations shall apply to all plants, stations, establishments, and facilities erected or installed or first devoted to flammable liquids storage, handling or use on or after the effective date of these rules and, to the extent specifically provided for or to the extent necessary to eliminate any distinct hazard to life or adjoining property or surface waters of Minnesota, shall apply to existing establishments and facilities devoted to storage, handling or use of flammable liquids prior to the effective date of these regulations.

"(a) Non-conformity with these regulations existing as of the effective date with respect to the locations or arrangement of buildings, tanks, platforms or docks, or to spacing or clearances between these installations or between these installations and adjoining property lines, shall not be deemed to be distinctly hazardous and may be allowed to continue.

"(b) Non-conformity with these regulations existing as of the effective date with respect to vents or pressure relief devices on tanks, control valves on tanks or in piping systems, ventilation or sources of ignition shall be deemed distinctly hazardous and shall be corrected or eliminated; provided however, that vents or pressure relief devices installed on tanks prior to these regulations and meeting the size requirements of the 1965 edition of the State Fire Marshal Flammable Liquids Code shall be allowed to continue.

"(c) Non-conformity with these regulations existing as of the effective date, otherwise than as covered in (a) or (b) of this section, and otherwise than with respect to operational practice and container use, shall be subject to evaluation as provided in subsection 1050 before any order for the elimination thereof is issued.

"At any plant, station or establishment existing and devoted to flammable liquid use as of the effective date of these rules in which continuance of non-conformity is allowed under the foregoing provisions, the installation of additional or replacement facilities shall be made in conformity with these rules.

"1062. Correction or Elimination of Existing Non-Conformity in Physical Installations: Where required correction or elimination of existing non-conformity necessitates the obtaining and installing of additional devices or structural protection or the empyting or temporary non-use of one or more facilities, then a reasonable time, considering

the amount of work to be done, the availability of materials, and the need for continued operation of the facility, shall be allowed therefor. Provided that when work involving reconstruction or modernization of storage facilities is undertaken at a location, then any required elimination or correction of non-conformity thereat shall be made in the course of such work. Provided, further, however, that where practical difficulties are encountered in accomplishing required elimination of non-conformity at any location, an extension or further extension beyond the time specified in any order therefor may be granted in writing by the State Fire Marshal upon written application to the State Fire Marshal or his authorized assistants setting forth supporting facts."

(e) Section 4460 (page 30-47) paragraph (b) is revised (changing 660 gallons of Class IIIA liquids to 500 gallons) to read as follows: "Where the aggregate quantity of additional stock exceeds 60 gallons of Class IA, 120 gallons of Class IB, 180 gallons of Class IC, 240 gallons of Class II, or 500 gallons of Class IIIA liquids or any combination of Class I and Class II liquids exceeding 240 gallons, the excess shall be stored in a room or portion of the building that complies with the construction provisions for an Inside Storage Room as provided in 43. For water miscible liquids, these quantities may be doubled."

(f) Section 4480 (page 30-48) paragraph (a) is amended by adding the following: "The fire resistive requirements of exterior walls for new or remodeled buildings, building additions, and changes in building occupancy shall be as specified in the State Building Code, U.B.C. Section 504(b)."

(g) Section 5220 (page 30-55) is amended by adding the following: "The fire resistive requirements of exterior walls for new or remodeled buildings, building additions, and changes in building occupancy shall be as specified in the State Building Code, U.B.C. Section 504(b)."

(h) Section 6110 (page 30-63) is amended by adding the following: "The exit requirements of the State Building Code, U.B.C. Chapter 33 shall apply to new or remodeled buildings, building additions, and changes in building occupancy."

(i) Subsection 7633 (page 30-82) is revised to read as follows: "Dispensing of Class I Liquids at locations not open to the public does not require an attendant or supervisor. Such locations may be used by commercial, industrial, governmental or manufacturing establishments

for fueling vehicles used in connection with their business. This provision shall not include private or fraternal clubs or associations."

(j) Section 7640 (page 30-83) is amended adding a subsection to read as follows: "No dwelling unit or sleeping facility for owner, operator, or employee shall be maintained in or on the premises of self service stations closer than 100 feet from Class I flammable liquid self service devices or 50 feet from Class II flammable liquid self service dispensing devices."

(k) Subsection 7642 (page 30-83) is amended to read as follows: "Approved dispensing devices are permitted for self service stations. Coin and currency operated dispensing devices are not approved dispensing devices."

(l) Section 7640 (page 30-83) is amended by adding a subsection to read as follows: "Flammable and combustible liquids shall be dispensed only by persons 16 years of age or older. Prominent signs shall be posted at self service stations prohibiting flammable liquids from being dispensed by anyone under age 16."

(m) Subsection 8211 (page 30-85) is amended by adding the following: "The fire resistive requirements of exterior walls for new or remodeled buildings, building additions, and changes in building occupancy shall be as specified in the State Building Code, U.B.C. Section 504(b)."

(n) Subsection 8212 (page 30-86) is amended by adding the following: "The exit requirements of the State Building Code, U.B.C. Chapter 33 shall apply to new or remodeled buildings, building additions, and changes in building occupancy."

FireMar 24-29 Reserved for future use.

FILED
RICHARD [illegible] RUBACHER
Commissioner [illegible] Administration
AUG 1 1974 11:35 am
BY Eda Staudenmaier
AUTH. SIGNATURE

APPROVED AS TO FORM AND LEGALITY
August 1 19 74
WARREN SPANNAUS, ATTORNEY GENERAL
BY Michael B Miller
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
AUG 1 - 1974 11:30 am
Arlen I. Erdahl
Secretary of State

PROPOSED

MINNESOTA DEPARTMENT OF PUBLIC SAFETY

STATE FIRE MARSHAL DIVISION

CHAPTER ONE: MINIMUM SAFETY STANDARDS FOR THE TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE.

FireMar 1 PURPOSE AND SCOPE

The purpose of these regulations is to prescribe minimum safety standards for pipeline facilities and the transportation of natural and other gas by pipeline, as required for State certification under Section 5 (a) of the federal Natural Gas Pipeline Safety Act of 1968. These rules apply to the design, installation, inspection, testing, construction, operation, extension, replacement and maintenance of pipeline facilities. The scope of these regulations is intended to be consistent with the provisions of ~~Laws of Minnesota 1969, Chapter 988.~~ Minnesota Statutes 1971, Sections 299F.56 through 299F.64.

FireMar 2 DEFINITIONS

As used in these rules, including those portions adopted by reference, the following terms or phrases shall have the meanings as prescribed herein:

(a) Secretary. Interpreted to mean the Commissioner of the Minnesota Department of Public Safety.

(b) State agency. The State Fire Marshal Division of the Minnesota Department of Public Safety.

(c) State. The State of Minnesota.

FireMar 3 REGULATIONS AND STANDARDS ADOPTED BY REFERENCE

The regulations and standards for gas and pipeline safety as incorporated in Title 49, Code of Federal Regulations, Chapter 1 - Hazardous Materials Regulations Board, Department of Transportation, Part 192 - Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards and as published in the Federal Register on August 19, 1970 (35 F.R., pp. 13257 to 13276 inclusive), and as amended on October 21, 1970 (35 F.R., pp. 16405), and as amended on November 17, 1970, (35 F.R., pp. 17660 to 17661 inclusive) and as amended on June 30, 1971, (36 F.R., pp. 12301 to 12304 inclusive), and as amended on September 10, 1971, (36 F.R., pp. 18194 to 18195 inclusive), and as amended October 3, 1972 (37 F.R., pp. 20694), and as amended October 4, 1972 (37 F.R., pp. 20826), and as amended October 13, 1972 (37 F.R., pp. 21638), and as amended October 14, 1972 (37 F.R., pp. 21816), and as amended February 22, 1973 (38 F.R., pp. 4760 to 4762 inclusive), and as amended April 10, 1973 (38 F.R., pp 9083 to 9084 inclusive), and Part 191 -

Transportation of Natural and Other Gas by Pipeline: Reports of Leaks, as published in the Federal Register on January 8, 1970, (35 F.R., pp. 320 to 321 inclusive) and subsequently amended on April 21, 1971 (36 F.R., p. 7507), are incorporated by reference and hereby made a part of the Minnesota regulations and standards for gas and pipeline safety, subject to the following alterations and amendments listed in FireMar 4 herein.

FireMar 4 AMENDMENTS TO THE FEDERAL CODE AS ADOPTED

(a) In the sections listed below the dates as adopted are changed to ~~"30-days after the effective date of these rules"~~ the dates ascribed herein:

(1) 192.12 (a) and (b) - Thirty days after the effective date of these rules

(2) 192.13 (a) - ~~March 12, 1971~~ October 1, 1972

(3) 192.13 (b) - ~~November 12, 1970~~ October 1, 1972

(4) 192.55 (a) and (b) - Thirty days after the effective date of these rules

(5) 192.55 (d) - ~~November 12, 1970~~ October 1, 1972

(6) 192.63 (d) - ~~November 12, 1970~~ October 1, 1972

(7) 192.65 (b) - Thirty days after the effective date of these rules

(8) 192.359 (b) - ~~November 12, 1970~~ October 1, 1972

(9) 192.455 title and (a) - ~~July 31, 1971~~ October 1, 1972

(10) 192.457 title, (a), and (b) - ~~August 1, 1971~~ October 1, 1972

(11) 192.475 (a) - ~~July 31, 1972~~ October 1, 1972

(12) 192.477 - ~~July 31, 1972~~ October 1, 1972

(13) 192.479 (a) - ~~July 31, 1971~~ October 1, 1972

(14) 192.479 (b) - ~~August 1, 1971~~ October 1, 1972

(15) 192.491 (a) - ~~July 31, 1972 and August 1, 1971~~ October 1, 1972

(16) 192.555 (c) - ~~September 12, 1970~~ October 1, 1972

(17) 192.619 (a)(3) - ~~July 1, 1970~~ October 1, 1972

(18) 192.619 (c) - ~~July 1, 1970~~ October 1, 1972

(19) Appendix BIII - Thirty days after the effective date of these rules

(b) New section 192.12 is added, to read as follows: "No operator may store, process, or transport liquified natural gas in a system unless that system meets the requirements of these rules and of NFPA Standard No. 59A-1971. In the event of a conflict, the requirement of these rules prevail."

(c) Section 192.17 is amended to read as follows: "Each operator shall file with the Minnesota State Fire Marshal a plan for inspection and maintenance of each pipeline facility he owns or operates. Each change to

an inspection and maintenance plan must be filed within 20 days after the change is made. Plans must be sent to the State Fire Marshal Division, Department of Public Safety, St. Paul, Minnesota 55155."

(d) In section 192.607 (a), "Before April 15, 1971" is deleted.

(e) In section 192.607 (c), "not later than December 31, 1971" is deleted.

(f) In section 192.619 (a)(3), "5 years" is changed to "7 years."

(g) In section 192.619 (c), "5 years" is changed to "7 years."

(h) In section 191.5 a new paragraph (c) is added to read as follows: "Each notice required by paragraph (a) of this section must also be telephoned to the Minnesota State Fire Marshal, Area Code 612-296-3584, and shall include the information required by paragraph (b) of this section."

(i) In order to adopt the State option as provided for in section 191.7 that section is revised to read as follows: "Each written report required by this part must be made to the Director, Office of Pipeline Safety, Department of Transportation, Washington, D.C. One copy of each written report required by this part must be submitted to the Department of Public Safety, State Fire Marshal Division, St. Paul, Minnesota 55155."

(j) In section 191.9 a new paragraph (c) is added to read as follows: "Each operator of a distribution system serving 100,000 customers or less will comply with the leak reporting requirements of this paragraph by submitting one copy of each report to the Minnesota State Fire Marshal only."

(k) Section 191.11 is revised to read as follows: "(a) Except as provided in paragraph (b) of this section, each operator of a distribution system shall submit an annual report on Department of Transportation Form DOT-F-7100.1. This report must be submitted not later than February 15 for the preceding year. One copy of the report must be submitted to the Minnesota State Fire Marshal not later than February 15 for the preceding calendar year."

(l) In section 191.11 a new paragraph (b) is added to read as follows: "Operators of petroleum gas systems serving less than 100 customers form a single source need not submit a copy of the annual report required by paragraph (a) of this section."

(m) Section 191.17 is revised to read as follows: "Each operator of a transmission system or gathering system shall submit an annual report not later than February 15 for the preceding calendar year to the

Department of Transportation on Form DOT-F-7100.2-1. One copy of the report must be submitted to the Minnesota State Fire Marshal not later than February 15 for the preceding calendar year."

FireMar 5 REPEALER OF PREVIOUS REGULATIONS

The United States Standards Institute Code for Pressure Piping, Gas Transmission and Distribution Piping Systems, U.S.A.S. B 31.8, 1967 edition, adopted by reference on July 26, 1967, is hereby repealed.

FireMar 6-10 Reserved for future use.

PROPOSED

MINNESOTA DEPARTMENT OF PUBLIC SAFETY

STATE FIRE MARSHAL DIVISION

CHAPTER TWO: STORAGE AND HANDLING OF LIQUIFIED PETROLEUM GASES

FireMar 11 PURPOSE AND SCOPE

(a) The purpose of these regulations is to adopt minimum safety standards for the storage and handling of liquified petroleum gases. These regulations update, supercede and repeal the Rules and Regulations Relating to the State Fire Marshal Liquified Petroleum Gases Code SFM 201-329, 1966 edition, approved and filed December 9, 1965.

(b) The scope of these regulations is intended to be consistent with Minnesota Statutes 1971, Section 299F.19.

FireMar 12 DEFINITIONS

As used in these rules, including those portions adopted by reference, the following terms and phrases shall have the meanings as ascribed below:

(a) The authority having jurisdiction. The Minnesota State Fire Marshal or his authorized assistants. (Minnesota Department of Public Safety, Fire Marshal Division, 1246 University, St. Paul, Minnesota 55104.

(b) N.F.P.A. National Fire Protection Association.

FireMar 13 REGULATIONS AND STANDARDS ADOPTED BY REFERENCE

The standard for the storage and handling of liquified petroleum gas as incorporated in N.F.P.A. No. 58, Storage and Handling of Liquified Petroleum Gases 1972, adopted by the N.F.P.A. at its annual meeting on May 17, 1972, is incorporated by reference and hereby made part of the Minnesota regulations on flammable liquids pursuant to statutory authority, subject to the alterations and amendments listed in FireMar 14 herein.

FireMar 14 AMENDMENTS TO N.F.P.A. STANDARDS AS ADOPTED

(a) A new subsection is added to section 14 (page 58-12) to read as follows:
"142. Submittal of Plans
1420. Where permitted, plans of any installation utilizing underground containers, regardless of capacity, shall be submitted for approval to the Minnesota State Fire Marshal before construction."

(b) Subsection 120 (page 58-10) is amended by adding, in paragraph (a), "Factory Mutual Engineering Corp."

(c) In Section 16, the definition of PORTABLE STORAGE CONTAINER (page 58-16) is amended by changing "12 months or less" to "6 months maximum".

(d) Table 3-2 of subsection 362 (page 58-76) is revised by changing "Point of Transfer (see 4001)" to "Opposite End of Storage Tank from Direct Fired Vaporizer."

(e) Table 4-2 of Subsection 422 (page 58-98) is amended by adding new item number 10 to read as follows: "10. Direct Fired Vaporizer - Opposite End of Storage Tank from Direct Fired Vaporizer"

(f) Subsection 640 (page 58-111) is amended by revising the last sentence to read as follows: "Such containers may be transported partially filled with LP-Gas, but not more than required by 6410.

(g) A requirement for Notification of Product Leakage or Emergency is hereby incorporated as part of this standard: "It shall be the duty of the responsible person in charge thereof to notify the Minnesota State Fire Marshal or his authorized assistants of any unusual loss of product or equipment, other than domestic installations, or of any emergency, including domestic installations, involving or attributed to liquified petroleum gas."

(h) Subsection 210, paragraph 2103 (page 58-20) is revised to read as follows: "Containers for general use shall not have individual water capacities greater than 90,000 gallons, and containers in service stations shall not have individual water capacities greater than 30,000 gallons, except as permitted by the Minnesota State Fire Marshal or his authorized assistants."

(i) Subsection 2510 (page 58-40) is revised to read as follows: "Except as provided in 2511 and 2520, new residential, commercial and industrial appliances shall not be installed unless their correctness as to design, construction, and performance is certified by one of the following:

(a) Determined by a nationally recognized testing agency adequately equipped and competent to perform such services, and shall be evidenced by the attachment of its seal or label to such gas appliance. This agency shall be one which maintains a program of national inspection of production models of gas appliances at least once each year on the manufacturer's premises. Approval by the American Gas Association Laboratories, as evidenced by the attachment of its listing symbol or Approval Seal to gas appliances and a certificate or letter certifying approval under the above mentioned requirements, or listing by Underwriters' Laboratories, Inc. or Factory Mutual Engineering Corp., shall be considered as constituting compliance with the provisions of this section.

(b) Approval by the State Fire Marshal or his authorized assistants."

(j) For purposes of these regulations, subsection 3126(e) on page 58-47 and Appendix C-21 on page 58-130 are repealed, and the following is incorporated as part of this standard: "Underground containers shall never be abandoned; rather, when circumstances require, containers must be removed from the ground."

(k) For purposes of these regulations subsection 3126 (a) through (d) is repealed and in its place the following is incorporated as part of this standard: "ASME container assemblies or container systems listed for underground installation, or container assemblies listed for interchangeable aboveground - underground service may be installed underground. Installation location will be judged on individual merit according to the water table level of the area."

FireMar 15-19 Reserved for future use

PROPOSED

MINNESOTA DEPARTMENT OF PUBLIC SAFETY

STATE FIRE MARSHAL DIVISION

CHAPTER THREE: FLAMMABLE AND COMBUSTIBLE LIQUIDS

FireMar 20 PURPOSE AND SCOPE

(a) The purpose of these regulations is to adopt minimum safety standards for the storage, handling and use of flammable and combustible liquids. These regulations update, supercede and repeal the Rules and Regulations Relating to the State Fire Marshal Flammable Liquids Code, SFM 1-125, 1967 edition approved and filed with the Secretary of State September 20, 1967 and filed with the Commissioner of Administration September 21, 1967.

(b) The scope of these regulations is intended to be consistent with Minnesota Statutes 1971, Section 299F.19.

FireMar 21 DEFINITIONS

As used in these regulations, including those portions adopted by reference, the following terms and phrases shall have the meanings as ascribed below:

(a) The authority having jurisdiction. The Minnesota State Fire Marshal or his authorized assistants. (Minnesota Department of Public Safety, Fire Marshal Division, 1246 University, St. Paul, Minnesota 55104.

(b) N.F.P.A. National Fire Protection Association.

FireMar 22 REGULATIONS AND STANDARDS ADOPTED BY REFERENCE

The standard for storage, handling and use of flammable and combustible liquids as incorporated in N.F.P.A. No. 30, Flammable and Combustible Liquids Code 1973, adopted by the N.F.P.A. at its annual meeting May 14-18, 1973, is incorporated by reference and hereby made part of the Minnesota regulations on flammable liquids pursuant to statutory authority, subject to the alterations and amendments listed in FireMar 23 herein.

FireMar 23 AMENDMENTS TO N.F.P.A. STANDARDS AS ADOPTED

(a) A requirement of notification of product spill, loss or leakage, as follows, is hereby incorporated as part of this flammable liquids standard: "It shall be the duty of the owner of a flammable liquid facility or other responsible person in charge thereof to notify the Minnesota State Fire Marshal or his authorized assistants of any individual loss of 25 gallons or more of stored flammable liquids either by accident or otherwise. Said notice shall be by telephone (612-296-3584) or other comparable means and shall be made immediately upon discovery of the loss. The notification shall include the locations and nature of the loss and other pertinent information as may be available at the time."

(b) Requirements for the approval of plans, as covered in the following paragraphs (1) through (7) are herein incorporated as part of this flammable liquids regulation:

"(1) Except as otherwise provided in paragraphs (1) and (2) of this section, before any construction or new or additional installation for the storage, handling or use of flammable liquids is undertaken in bulk plants, service stations, chemical plants, refineries, processing plants, and private homes, drawings or blueprints thereof made to scale shall be submitted to the State Fire Marshal or his authorized assistants, with an application, all in duplicate, for approval. Within a resonable time (10 days) after receipt of the application with drawings or blueprints, the State Fire Marshal or his authorized assistants will cause the same to be examined, and if he finds that they conform to the applicable requirements of these regulations, he shall signify his approval of the application either by endorsement thereon or by attachment thereto, retain one copy for his files and return to the applicant the other copy plus any additional copies submitted by the applicant. If the drawings or blueprints do not conform to the applicable requirements of these regulations, he shall notify the applicant accordingly within the time aforementioned.

(2) Drawings shall show the name of the person, firm, or corporation proposing the installation, the location thereof and the adjacent streets or highways and surface waters of the State.

(3) In the case of bulk plants the drawings shall show, in addition to any applicable features required under paragraphs (5) and (6) of this section, the plot of ground to be utilized and its immediate surroundings on all sides; complete layout of buildings, tanks, loading and unloading docks; type of construction of each building and the type and location of heating devices therefor, if any.

(4) In the case of service stations, the drawings, in addition to any applicable features required under paragraphs (5) and (6) of this section, shall show the plot of ground to be utilized; the complete layout of buildings, drives, dispensing equipment, greasing or washing stalls and the type and location of any heating devices.

(5) In the case of above ground storage, the drawing shall show the location and capacity of each tank; dimensions of each tank the capacity of which exceeds 50,000 gallons; the class of liquid to be stored in each tank; the type of tank supports; the clearance as covered in section 21 of the standard herein adopted; the type of venting and pressure relief relied upon and the combined capacity of all venting and pressure relief valves on each tank, as covered in subsections 2140, 2150, and 2160 of the standard herein adopted; the tank control valves as covered in subsection 2180 of the standard herein adopted; the location of the pumps and other facilities by which liquid is filled into and withdrawn from the tanks and diking provided, if any.

(6) In the case of underground storage, the drawings shall show the locations of fill gauge and vent pipes and openings, the location and capacity of each tank, the class of liquid to be stored therein, along with the clearances and requirements as covered in subsection 2110 of the standard herein adopted.

(7) In the case of an installation for storage, handling, or use of flammable liquids within buildings or enclosures at any establishment or occupancy covered in these regulations, the drawings shall be in such detail as will show whether applicable requirements are to be met."

(c) Subsection 1050 (page 30-7) is amended by adding the following: "Applicatio for exemption from any part of this code must be made in writing to the Minnesota State Fire Marshal. Such request shall not be granted where the requested use will constitute a distinct hazard to life, to adjoining properties, or to the surface waters of Minnesota. The reasons and conditions of such exemptions, when granted, shall be entered upon the approval granted, and a copy thereof shall be retained by the State Fire Marshal."

(d) Section 1060 (page 30-8) is revised to read as follows:

"1060. Retroactivity

"1061. Insofar as these regulations cover operational practice or use of containers, they shall apply and be enforced as to all plants, stations, establishments and facilities, wherein or whereon flammable liquids are stored, handled or used, whether existing and in service as of the effective date of these rules or subsequently established or placed in service. Regulations covering physical installations shall apply to all plants, stations, establishments, and facilities

erected or installed or first devoted to flammable liquids storage, handling, or use on or after the effective date of these rules and, to the extent specifically provided for or to the extent necessary to eliminate any distinct hazard to life or adjoining property, or surface waters of Minnesota, shall apply to existing establishments and facilities devoted to storage, handling or use of flammable liquids prior to the effective date of these regulations.

(a) Non-conformity with these regulations existing as of the effective date with respect to the locations or arrangement of buildings, tanks, platforms or docks, or to spacing or clearances between these installations or between these installations and adjoining property lines, shall not be deemed to be distinctly hazardous and may be allowed to continue.

(b) Non-conformity with these regulations existing as of the effective date with respect to vents or pressure relief devices on tanks, control valves on tanks or in piping systems, ventilation or sources of ignition shall be deemed distinctly hazardous and shall be corrected or eliminated; provided however, that vents or pressure relief devices installed on tanks prior to these regulations and meeting the size requirements of the 1965 edition of the State Fire Marshal Flammable Liquids Code shall be allowed to continue.

(c) Non-conformity with these regulations existing as of the effective date, otherwise than as covered in (a) or (b) of this section, and otherwise than with respect to operational practice and container use, shall be subject to evaluation as provided in subsection 1062 before any order for the elimination thereof is issued.

"At any plant, station or establishment existing and devoted to flammable liquid use as of the effective date of these rules, existing non-conformities the continuance of which is allowed under the foregoing provisions shall not prevent the installation of additional or replacement facilities which in and of themselves are in conformity with these rules.

"1062. Where, under these regulations, the application of a requirement to an establishment or facility is conditioned upon a determination of need, or upon a determination of whether the continuance of a non-conformity, existing as of the effective date of these regulations, will or will not constitute a distinct hazard, then before any

determination is made or order issued in the premises, the proprietor of the establishment or facility to be affected shall be given an opportunity to be heard with at least 10 days written notice of time and place. In the evaluation, due consideration shall be given to all existing protection and fire safety devices and the extent to which they eliminate or modify the need or hazard.

"1063. Correction or Elimination of Existing Nonconformity in Physical Installations: Where required correction or elimination of existing nonconformity necessitates the obtaining and installating of additional devices or structural protection or the emptying or temporary non-use of one or more facilities, then a reasonable time, considering the amount of work to be done, the availiability of materials, and the need for continued operation of the facility, shall be allowed therefor. Provided that when work involving reconstruction or modernization of storage facilities is undertaken at a location, then any required elimination or correction of nonconformity thereat shall be made in the course of such work. Provided, further, however, that where practical difficulties are encountered in accomplishing required elimination of non-conformity at any location, an extension or further extension beyond the time specified in any order therefor may be granted upon written application to the State Fire Marshal or his authorized assistants setting forth supporting facts."

(e) Subsection 7633 (page 30-82) is revised to read as follows: "Dispensing of Class I liquids at locations not open to the public does not require an attendant or supervisor. Such locations may be used by commercial, industrial, governmental or manufacturing establishments for fueling vehicles used in connection with their businesses. This provision shall not include private or fraternal clubs or associations."

(f) Section 7640 (page 30-83) is amended adding a subsection to read as follows: "No dwelling unit or sleeping facility for owner, operator, or employee shall be maintained in or on the premises of self service stations closer than 100 feet from Class I flammable liquid self service devices or 50 feet from Class II flammable liquid self service dispensing devices."

(g) Subsection 7642 (page 30-83) is amended to read as follows: "Coin and currency operated dispensing devices for flammable liquids are prohibited."

(h) Section 7640 (page 30-83) is amended by adding a subsection to read as follows: "Flammable and combustible liquids shall be dispensed only by persons 16 years of age or older. Prominent signs shall be posted at self service stations prohibiting flammable liquids from being dispensed by anyone under age 16."

FireMar 24-29 Reserved for future use

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE WALLACE R. HOAGLUND

COMMISSIONER OF PUBLIC SAFETY

In the matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing the transportation of natural and other gas by pipeline.

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before the Commissioner of Public Safety of the State of Minnesota on the 19th day of November, 1973, at 8:30 a.m. in Conference Room D of the Veterans Service Building, St. Paul, Minnesota, after proper notice required by M.S. 1969, Section 15.0412 was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards or criteria, and having confirmed the need for the above captioned rules;

NOW THEREFORE, IT IS ORDERED that these rules identified as Minnesota Department of Public Safety, Fire Marshal Division, Chapter One: Minimum Safety Standards for the Transportation of Natural and Other Gas by Pipeline, FireMar 1-10 are adopted this 8th day of May, 1974, pursuant to authority vested in me by M.S. 1969, Section 299A.01, Subdivision 6.

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY

W. R. Hoaglund

COMMISSIONER OF PUBLIC SAFETY

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE WALLACE R. HOAGLUND

COMMISSIONER OF PUBLIC SAFETY

In the matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing storage and handling of liquefied petroleum gases.

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before the Commissioner of Public Safety of the State of Minnesota on the 19th day of November, 1973, at 8:30 a.m. in Conference Room D of the Veterans Service Building, St. Paul, Minnesota, after proper notice required by M.S. 1969, Section 15.0412 was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards or criteria, and having confirmed the need for the above captioned rules;

NOW, THEREFORE, IT IS ORDERED that these rules identified as Minnesota Department of Public Safety, State Fire Marshal Division, Chapter Two: Storage and Handling of Liquefied Petroleum Gases, Fire Mar 11-19 are adopted this 7th day of May, 1974, pursuant to authority vested in me by M.S. 1969, Section 299A.01, Subdivision 6.

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY

W. R. Hoaglund

COMMISSIONER OF PUBLIC SAFETY

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE WALLACE R. HOAGLUND

COMMISSIONER OF PUBLIC SAFETY

In the matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing minimum safety standards for the storage, handling and use of flammable and combustible liquids.

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before the Commissioner of Public Safety of the State of Minnesota on the 19th day of November, 1973, at 8:30 a.m. in Conference Room D of the Veterans Service Building, St. Paul, Minnesota, after proper notice required by M.S. 1969, Section 15.0412 was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards or criteria, and having confirmed the need for the above captioned rules;

NOW, THEREFORE, IT IS ORDERED that these rules identified as Minnesota Department of Public Safety, State Fire Marshal Division Chapter ~~Three~~: Flammable and Combustible Liquids, FireMar 20-29 are adopted this 8th day of May, 1974, pursuant to authority vested in me by M.S. 1969, Section 299A.01, Subdivision 6.

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY

W. R. Hoaglund

COMMISSIONER OF PUBLIC SAFETY

STATE OF MINNESOTA

BEFORE Wallace R. Hoaglund

COUNTY OF RAMSEY

COMMISSIONER OF Public Safety

In the matter of the Proposed Adoption of Rules of the State Department of Public Safety, revising and amending regulations of the Fire Marshal Division concerning flammable and combustible liquids, liquified petroleum gases, and natural gas pipeline safety.

ORDER FOR HEARING

To effectively implement Minnesota Statutes 1971 Sections 299F.19 and 299F.56 through 299F.64, the Minnesota Commissioner of Public Safety deems it necessary to consider adoption of the proposed rules captioned above pursuant to the authority vested in me by M.S. 1971, Section 299A.01, Subdivision 6.

NOW, THEREFORE, IT IS ORDERED this 9th day of October, 1973, that a public hearing on the proposed rules captioned above be held in the Veterans Service Building, Conference Room D (5th floor), St. Paul, Minnesota, November 19, 1973, commencing at 8:30 A.M., and continuing until all representatives of associations or other interested groups or persons have had an opportunity to be heard.

IT IS FURTHER ORDERED, that notice of said hearing be given to all representatives of associations or other interested groups or persons who have registered their names with the Secretary of State for that purpose and all persons who are presently members of the Minnesota Legislature.

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY

W. R. Hoaglund

COMMISSIONER OF PUBLIC SAFETY

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE Wallace R. Hoaglund

COMMISSIONER OF Public Safety

NOTICE OF HEARING

In the matter of the proposed adoption of rules of the State Department of Public Safety revising and amending regulations of the Fire Marshal Division concerning flammable and combustible liquids, liquified petroleum gases, and natural gas peipline safety.

Notice is hereby given that a public hearing will be held pursuant to M.S. 1971, Section 15.0412, Subd. 4, in the above-entitled matter in the Veterans Service Building, Conference Room D (5th floor), 20 W. 12th Street and Columbus Ave. (between Wabasha and Iglehart), St. Paul, Minnesota 55155, on November 19, 1973, commencing at 8:30 A.M., and continuing until all representatives or other interested groups or persons have had an opportunity to be heard concerning adoption of the proposed rules captioned above by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted within 20 days after the hearing without appearing at the hearing.

The Commissioner proposes to adopt rules relating to the following matters:

1. Flammable and Combustible Liquids. Repealing the 1967 edition of the State Fire Marshal Flammable Liquids Code, SFM 1-125. Adopting, by reference, the National Fire Protection Association standards on flammable and combustible liquids entitled N.F.P.A. No. 30, Flammable and Combustible Liquids Code, 1973. Amending N.F.P.A. No. 30 by adopting a requirement for notification of product spill or loss, incorporating requirements for approval of plans, and amending certain sections of N.F.P.A. No. 30, the most significant of which are listed below:

   1060, by adding three lengthy subsections, taken from the (repealed) 1967 code, on retroactivity.

   7633, by specifically excluding private or fraternal clubs or associations from this "no attendant" provision.

   7640, by adding a provision prohibiting living quarters on the premises of self service stations.

   7642, by prohibiting coin and currency operated dispensing devices for self service stations.

   7640, by adding a provision that flammable and combustible liquids shall be dispensed only by persons 16 years of age or older.

2. Storage and Handling of Liquified Petroleum Gases. Repealing the 1966 edition of the State Fire Marshal Liquified Petroleum Gases Code, SFM 201-329. Adopting, by reference, the National Fire Protection Association standards on liquified petroleum gases, entitled N.F.P.A. No. 58, Storage and Handling of liquified Petroleum Gases, 1972. Amending N.F.P.A. No. 58 by adopting a requirement for notification of product leakage and by making minor amendments to various sections of N.F.P.A. No. 58.

3. Natural Gas Pipeline Safety. Amending existing State Fire Marshal Division regulations entitled Minimum Safety Standards for the Transportation of Natural and Other Gas by Pipeline, FireMar 1-10, by adding the latest amendments made by the federal Department of Transportation to the Federal pipeline safety regulations.

Copies of the proposed rules are available and may be obtained by writing to Mrs. Diane Hamilton, Minnesota Department of Public Safety, 210A Highway Building, St. Paul, Minnesota 55155. Additional copies will be available at the door on the date of the hearing.

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY

DATED 10-10-73

W. R. Hoaglund
COMMISSIONER OF PUBLIC SAFETY

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the matter of the Proposed Adoption of Rules of the State Department of Public Safety, revising and amending regulations of the Fire Marshal Division concerning flammable and combustible liquids, liquified petroleum gases, and natural gas peipline safety.

AFFIDAVIT OF MAILING

Beverly Ballard, being first duly sworn, deposes and says:

That on the 16th day of October, 1973, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Hearing by depositing in the United States mail at said City of St. Paul, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations at the addresses listed on the attached Certificate of the Secretary of State as well as to all persons presently being members of the Minnesota Legislature.

Oline Cae

Notary Public, Ramsey County, Minnesota

Subscribed and sworn to before me

this 16th day of Oct, 1973.

Notary Public, Ramsey County, Minn.
My Commission Expires Jan. 21, 1975

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the matter of the Proposed Adoption of Rules of the State Department of Public Safety, revising and amending regulations of the Fire Marshal Division concerning flammable and combustible liquids, liquified petroleum gases, and natural gas pipeline safety.

CERTIFICATE

I hereby certify that the enclosed 3 sheets & 293 general labels and Public Safety list constitute the complete list of persons, associations, and other interested groups who as of 11:00 o'clock A .M., this 16th day of October, 1973, have requested pursuant to M.S. 1969, Section 15.0412, Subdivision 4, that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

Secretary of State

Arlen I. Erdahl

Arlen I. Erdahl

By Ceil Dirlam

Robert Carolan
Assistant Attorney General
Room 160, State Office Building
St. Paul, Minn.

Commissioner Wallace Hoaglund
211 Highway Building

Phillip Iverson
Deputy Commissioner
211 Highway Building

Wes Werner
State Fire Marshal
1246 University Ave.
St. Paul, Minn.

James Stockton
Assistant State Fire Marshal
1246 University Ave.
St. Paul, Minn.

Department of Public Safety
Safety Information Section
318 Highway Building

LIST OF NATU[redacted]L GAS PIPELINE SAFETY HEARING [redacted]

Mr. L. W. Freeman
Northern States Power Company
360 Wabasha Street
St. Paul, Minnesota 55102

Mr. Warner P. Blake
Minneapolis Gas Company
739 Marquette Avenue
Minneapolis, Minnesota 55402

Mr. William Harper
Midwest Gas Association
7600 Parklawn Avenue
Minneapolis, Minnesota 55435

Mr. Orville Kuiken
City of Hutchinson
Hutchinson, Minnesota 55350

Mr. Augie Stricker
Great Plains Natural Gas Company
P.O. Box 176
Fergus Falls, Minnesota 56537

Mr. George Lucas
Inter City Gas Limited, Inc.,
1004 Cloquet Avenue
Cloquet, Minnesota 55720

Mr. James Finnegan
Northern Natural Gas Company
1163 Northwestern Bank Bldg.,
Minneapolis, Minnesota 55402

Mr. Roger Bacon
Peoples Natural Gas Company
525 First Avenue S.W.
Rochester, Minnesota 55901

Mr. William Huestis
LP Gas Equipment Inc.,
539 N. Cleveland Avenue
St. Paul, Minnesota 55114

Mr. Warren Hansen
Skelly Oil Company
1717 University Avenue
St. Paul, Minnesota 55104

Mr. Robert Swanson
Dahlen Transports, Inc.,
1680 16th Street
Newport, Minnesota

Mr. Leroy Lindbloom
Northern Propane Gas Company
4820 Excelsior Blvd.,
Minneapolis, Minnesota 55416

Mr. Gerald Everett
Northwest Petroleum Association
512 Nicollet Mall
Minneapolis, Minnesota 55402

Mr. Robert Swanson
Dahlen Transports, Inc.,
1680 16th Street
Newport, Minnesota

Mr. Bill Gardner
4 Strader Drive
Trotwood, Ohio 45426

Robert Thornburg
Minn. Petroleum Council
446 Builders Exchange Bldg
Mpls Mn 55402

FIRE MARSHALL

~~American Plywood Assn., Attn. Glenn J. Halme, [illegible] W. 98th St., [illegible], Mpls. 55420~~
Bose, Vilmar K., Ellerbe Arch., 333 Sibley St., St.:aul 55101
Merlite Industries, Inc., 114 E. 32nd St., New York, N.Y. 10016.
Northern Natural Gas Company, c/o C T Corp. System, 405 2nd Ave.S., Mpls 55401
Northwest Petroleum Ass'n, 84 S. 6th St., Mpls. 55402

Sanford, S. M. 7000 Portland Ave., Richfield, Mpls. 55423

Scherer, Roger E., 7036 Willow Lake, Brooklyn Center 55430

Berkeland, Merle, Fire Marshal, Box 932, Willmar 56201

Buresh, Robert J. 4801 W. 50th St., Edina 55424
Burke, Donald A., 6700 Portland S., Richfield 55423

Ryden, Bruce, Fire Marshal, 2701 N. Lexington, Roseville 55113

Sherwin Oil Co., 200 S. Water St., Northfield 55057

St. Paul Motorcycle Escort Club, Inc., PO Box 3264, St.Paul 55101

Shields, J.B., Driver Ed.Range, 1000 N. Snelling Ave., St.Paul 55108

COX AND KING
600 BUILDERS EXCH
MPLS MN
55402

CRU[illegible]ING CO PLANNING & ADV
COURT HOUSE
BRAINERD MN
56401

DANFORTH & ALLEN
731 NW BANK BLDG
MPLS MN
55402

DANKERS,KENNETH
1200 WEST FOURTH STREET
RED WING MN
55066

DAYTON CHAS SIERRA CLUB
400 ROANOKE
MPLS MN
55402

DIEHL JOHN
1100 1ST NATL BK BLDG
MPLS MN
55402

DOUGLASS BELL
525 OSBORN BLDG
ST PAUL MN
55102

DOYTON MAURICE, MET SEWER BD
350 METRO SQ BLDG
ST PAUL MN
55101

EBELING EDWARD H.
161 W. MAIN
PERHAM MN
56573

ELDRED R W ARMOUR & CO
UNION STOCK YARDS
SO ST PAUL MN
55075

ELMER EDWIN W
2901 PLEASANT AVE
MPLS MN
55408

ERNEST K LEHMANN & ASSOC.
1409 WILLOW ST.
MPLS MN
55403

ESSE KENNETH
4801 W 50TH ST
EDINA MN
55424

EWALD DOUGLAS MINN HOSP ASSN
2333 UNIV AVE SE
MPLS MN
55414

EWING MRS WM
42 ASTAR RD
BABBITT MN
55706

FELHABER R S
W 1ST NATL BANK BLDG
ST PAUL MN
55101

FINLEY JAMES F
920 MINN BLDG
ST PAUL MN
55101

FLETCHER RONALD
7900 XERXES AVE S
MPLS MN
55431

FITZGERALD DR BOB
3007 LYNDALE AVE SO
MPLS MN
55408

FRANKLIN ROBERT B MPLS TRIB
426 PORTLAND
MPLS MN
55415

FURLONG DR JOHN
RT 1
BOVEY MN
55709

GALVIN M J JR
W2162 1ST NATL BK BLDG
ST PAUL MN
55101

GAS HUT INC
4940 VIKING DR
MINNEAPOLIS MN
55435

GODIN RALPH J
3824 47TH AVE SO
MPLS MN
55406

GRANATH MARVIN -HONEYWELL
2701 4TH AVE SO
MPLS MN
55408

ALBERT,AA CALDER CORP
366 JACKSON ST
ST PAUL MN
55101

AM CAMPING ASSN MRS LEACOCK
1235 BRIGHTON SQ
NEW BRIGHTON MN
55112

AM INST PROF GEOLOGISTS
2201 PRINCETON AVE
ST PAUL MN
55105

ANDERSON JAMES
7705 NORMANDALE RD
MPLS MN
55435

ANTHONY R.S. E.L.M.
1222 FOURTH ST. S.E.
MINNEAPOLIS MN
55414

ASMUSSEN, DENNIS, MPIRG
3036 UNIV AVE SE
MPLS MN
55414

ASSOCIATED INDUST OF MPLS
NATIONAL BLDG
MPLS MN
55402

BARKER KENT
8100 34TH AVE SO
MPLS MN 55420

BADALICH JOHN P
2025 THOMPSON AVE
SO ST PAUL MN
55075

BECKLIN ROBERT C
447 N W 4TH
CAMBRIDGE MN
55008

BEECHER EVERETT
10 10 1ST ST SO
HOPKINS MN

BERGERUD ALF
300 ROANOKE BLDG
MPLS MN
55402

BEST FLANAGAN ET AL
1ST NATL BANK BLDG
MPLS MN
55402

BROEKER JOHN M
2850 METRO DR SUITE 513
BLOOMINGTON MN
55420

BROOKS WILLIAM F JR
854 MIDLAND BK BLDG
MPLS MN
55401

BRUNING C.R.DEPT.CLINIC.EXP.
BURTON HALL
MPLS. MN
55455

BURGER ALBERT
600 DEGREE OF HONOR BLD
ST PAUL MN
55101

BRIGGS & MORGAN
BP FRIEL
2200 WEST NATL BK BLDG
ST PAUL MN 55101

CARLSON CARL L
7516 80TH ST S
COTTAGE GROVE MN
55016

CENTRAL BUSINESS DATA
BENSON RADIO ARCADE BLD
BENSON MN
56215

CHAMBER OF COMMERCE
30 SO 1ST AVE EAST
ELY MN
55731

CHERCHES CHRIS CITY MGR
5005 MTKA BLVD
ST LOUIS PARK MN
55416

CHRISTIAN SCI COMM ON PUB
1821 UNIV AVE SUITE 271
ST PAUL MN
55104

COLEMAN NICHOLAS D
700 LINWOOD AVE
ST PAUL MN
55105

COLLIN LAURENCE
RT 2
ISANTI MN
55040

ALLEN CLAUDE H
1200 N W BK BLDG
ST PAUL MN
55101

ALTMAN MILTON H
707 DEGREE OF HONOR BLD
ST PAUL MN
55101

ANCHOR BLOCK COMPANY
PO BOX 3360
ST PAUL MN
55165

ANDERSON HERBERT
418 8TH ST. SO.
VIRGINIA MN
55792

ARMCUR AND COMPANY
UNION STOCK YARDS
SO ST PAUL MN
55075

ARVER JOHN A
2467 COHANCY
ST PAUL MN
55113

ASSN OF MINN COUNTIES
55 SHERBURNE AVE #203
ST PAUL MN
55103

AUTOMOBILE MFRS ASSN INC
55 SHERBURNE AVE
ST PAUL MN
55103

BARRETT FRED
ST LOUIS CO COURT HOUSE
DULUTH MN

BARTHOLOW HAROLD E FIRE C
1327 COON RAPIDS BLVD
COON RAPIDS MN
55433

BEMIDJI STATE COLLEGE
PLACEMENT BUR.J.C.BRADY
BEMIDJI MN
56601

BENSONI PETER USW OF AM
609 PROVIDENCE BLDG.
DULUTH MN

BEUTEL ROBERT
BOX 1205
ST CLOUD MN
56301

BREHL JAMES W
332 HAMM BLDG
ST PAUL MN
55102

BROWN D M GOODRIDGE PUB SCH
IND DIST #561
GOODRIDGE MN
56725

BRUBACHER RICHARD COMM AD
208 ADM BLDG
ST PAUL MN
55101

BUR.ENGR.IND.DIV. MR.KIBIGER
219 N. 2ND ST.
MPLS. MN

BUR NATL AFFAIRS INC
1231 25TH ST NW
WASHINGTON DC
20037

CARPENTER MRS MARY LEE
DOW CHEMICAL 47 BLDG
MIDLAND MICH.
48640

CARRISON DALE K
MANKATO STATE COLLEGE
MANKATO MN
56001

CHAMBERLAIN JOHN L
PO BOX 241
MPLS MN
55440

CHAMBERLAIN WARREN D
887 SW 4TH AVE
FARIBAULT MN
55021

CITY CLERK
386 CITY HALL
ST PAUL MN
55102

CLARKSON J.B.
2350 I.D.S. CENTER
MINNEAPOLIS MN
55402

CONCORDIA COLLEGE
DEAN
MOORHEAD MN
56560

CONSUMER SERVICES DEPT CO
230 STATE OFF BLDG
ST PAUL MN
55101

SAN SIMEON DEVELOP CORP
OLD 1ST STATE BK BLDG
PAYNESVILLE MN

SATTRE, HARVEY
77 SHERBURNE
ST PAUL MN
55103

ST PAUL FOOD RETAILERS ASSN
1220 ARCADE
ST PAUL MN
55106

SCARBOROUGH WILLIAM
DIV.ED. U.M.
MORRIS MN
56267

SCHNEIDER MAHLON
GREEN GIANT
LESUEUR MN
56058

SCHWINN ROBT.P.
1400 SCO LINE BLDG.
MPLS. MN
55402

SEARS ROEBUCK & CO
2929 ELLIOT AVE D 703MW
MPLS MN
55401

SENATE COUN OFF J ST MARIE
STATE CAPITOL
ST PAUL MN
55101

SHAW ROBERT M
616 MOBIL OIL BLDG
MPLS MN
55402

SHELL OIL CO. W.A. ROQUET
ONE SHELL PLAZA BX 2463
HOUSTON TX
77001

SMERIKA WN.
BOISE CASCADE PAPERS
INTL FALLS MN
56649

STATE BD.BARBER EXAMINERS
555 WABASHA
ST PAUL MN
55102

STENSLAND M.E. PRES. MVMA
203 NW 22ND ST.
AUSTIN MN
55912

STUPKA & MOREM
MIDTOWN BLDG
AUSTIN MN
55912

SWANSON BURT E
W-2162 1ST NATL BK BLDG
ST PAUL MN
55101

SWANSON GERALD H
212 CITY HALL
ROCHESTER MN
55901

UNION STOCK YARDS
ATTN PRES
SO ST PAUL MN
55075

VERRILL JOHN E
DEPT SECONDARY ED UOF M
DULUTH MN
55812

VILLAGE OF WOODBURY-F.STRONG
561 TOWER DRIVE
NEWPORT MN
55055

WELK G V
NORTHERN STATES
414 NICOLLET MALL
MPLS MN 55401

WELLS G W INS FED OF MINN
RT 4 BOX 194
WAYZATA MN
55391

WHITLOCK A G
ECON LAB OSBORN BLDG
ST PAUL MN
55102

WM.MITCHEL COLLEGE LAW LIB.
2100 SUMMIT AVE.
ST.PAUL MN
55105

WOZNIAK D D
828 MINN BLDG
ST PAUL MN
55101

WYANT CLINTON W ATTY

ATKIN MN
56431

MINN ASSN [redacted]TERSHED DIST'S
ADA MN
56510

MI[redacted] WATER RESOURCES BD
RM 206 555 WABASHA ST
ST PAUL MN
55102

MOOD R BLOOMINGTON HLTH DEPT
10200 PENN SO
BLOOMINGTON MN
55431

MOONEY, MICHAEL A.
BOX 903, ST.JOHN'S UNIV
COLLEGEVILLE MN
56321

NATL COUNCIL JEWISH WOMEN
4330 CEDAR LK RD
MPLS MN
55416

NATL FAMILY INS CO
2147 UNIV AVE
ST PAUL MN
55114

NELSON DONALD E NSP CO
414 NICOLLET AVE
MPLS MN
55401

NEUMAN RALPH W
RT 2 BOX 125
EMBARRASS MN
55732

NW COUNTRY ELEVATOR ASSN
802 GRAIN EXCH BLDG
MPLS MN
55415

NURSING HOME ADMRS BD EXAMRS
277 W UNIV AVE
ST PAUL MN
55103

O'BRIEN J.DENNIS
1200 1ST NATL.BANK BLDG
MINNEAPOLIS MN
55402

OFFICE OF THE GOVERNOR
130 STATE CAPITOL
ST PAUL MN
55101

OHMAN W C NATL ELEC CONTRS
608 AM NATL BK
ST PAUL MN
55101

PATTISON ORVIS
BOX 645
WILLMAR MN
56201

PETERSEN JOHN W
525 OSBURN BLDG
ST PAUL MN
55102

PHAR MFGRS ASSN WM D PATTON
1155 15TH ST NW
WASHINGTON DC DC
20005

PORTER LYLE O
TRACY MN
56175

PORT AUTH CITY OF ST PAUL
330 MINNESOTA BLDG
ST PAUL MN
55101

RACHNER MARY JANE
1917 PINEHURST AVE
ST PAUL MN
55116

RENNER R.H. ST PAUL AREA CC
300 OSBORN BLDG.
ST PAUL MN
55102

RAMSEY CO MEDICAL SOCIETY
1500 LOWRY MEDICAL BLDG
ST PAUL MN
55102

ROBERTS DAVID E
1200 NW NATL BK BLDG
ST PAUL MN
55101

ROCHE T E
5007 FREMONT AVE S
MPLS MN
55419

MAL[illegible]E E I COMM LABOR & INDU
444 LAFAYETTE RD 5TH FL
ST PAUL MN
55101

MASTOR MATTSON HART ET AL
414 ROANOKE BLDG
MPLS MN
55402

MAUL WARREN E
320 S 4TH ST
MPLS MN
55415

MERRITT GRANT-POLLUTION CONT
OAK & DELAWARE
MPLS MN
55440

MET OPEN SPACE INFOR PROJ
111 E FRANKLIN AVE SO
MPLS MN
55404

MPLS STAR PRESS ROOM
STATE CAPITOL
ST PAUL MN
55101

MPLS TRIBUNE CITY DESK
425 PORTLAND AVE
MPLS MN
55415

MINN AFL-CIO, L G LA SHOMB
414 AUDITORIUM ST
ST PAUL MN
55102

MINN ASSN COOPERATIVES
55 SHERBURNE AVE
ST PAUL MN
55103

MINN AUTOMOBILE DEALERS ASSN
GRIGGS MIDWAY BLDG
ST PAUL MN
55104

MINN BD PODIATRY EXAM & REG.
1111 W 2ND ST.
CROOKSTON MN
56716

MINN DENTAL HYGIENISTS
5041 YVONNE TERRACE
MPLS MN
55436

MINN ELECTRICAL ASSN INC
525 SO 7TH
MPLS MN
55415

MINN FARMERS UNION PRES OFF
1275 UNIV AVE
ST PAUL MN
55104

MINN FOOD RETAILERS ASSN
555 WABASHA
ST PAUL MN
55101

MINN HOUSING INST N T CARTER
7801 METRO PKWY
MPLS MN
55420

MINN LP GAS ASSN
7515 WAYZATA BLVD 106
MPLS MN
55426

MINN POULTRY & HATCHERY ASSN
BOX 158
MADELIA MN
56062

MINN PUB INT RES DAYTON
2418 UNIV AVE SE
MPLS MN
55414

MINN RETAIL FEDERATION
7600 PARKLAWN STE 457
MPLS MN
55435

MINN RETAIL HARDWARE ASSN
3033 EXCELSIOR BLVD 313
MPLS MN
55416

MINN SOC CERTIFIED PUB ACCTS
1102 WESLEY TEMPLE BLDG
MPLS MN
55403

MINN STATE BAR ASSN
100 MINN FED BLDG
MPLS MN
55402

MINN STATE MED ASSN
375 JACKSON ST
ST PAUL MN
55101

MINN STATE OPTOMETRIC ASSN
333 E HENNEPIN AVE
MPLS MN
55414

GUSTAFSON WALLACE
BOX 567
WILLMAR MN
56201

HAYES,THOMAS W
700 SELLWOOD BLG
DULUTH MN
55812

HESS DONALD MIDWEST PLANNING
2101 HENN BLDG
MPLS MN
55405

HENN CO WELFARE BRD RM 26
COURT HOUSE
MPLS MN
55415

HILL JIM ASSOC.MILK PROD.
7850 METRO PARKWAY
MINNEAPOLIS MN
55420

HOUSE APPROPRIATIONS COMM
RM 109 STATE CAPITOL
ST PAUL MN
55101

HOUSE ED STANDING SUB COMM
RM 109 STATE CAPITOL
ST PAUL MN
55101

HUNT MRS CHAS L MECCA
26 E EXCH CENTRAL MANOR
ST PAUL MN
55101

HUNT JAMES P JR
11470 GALTIER DR
BURNSVILLE MN
55378

INGEBRIGTSEN DR K H
23 SE 4TH ST
MPLS MN
55414

INGVALSON VERN MN.FARM BUR.
3110 WOODDALE DR PO 337
OST PAUL MN
55165

IVERSON DR JOS DEPT ED
ST OLAF COLLEGE
NORTHFIELD MN
55057

JENSEN CARL A
127 E MAIN ST
SLEEPY EYE MN
56085

JOHNSON M.D. FRUNDT & FRUNDT

BLUE EARTH MN
56013

KANE ANTHONY
176 E FIFTH ST
ST PAUL MN
55101

KING,TIMOTHY
3333 OAKLAND AVE S
MPLS MN
55407

KNUTSON DR KEITH,BIOLOGY DPT
ST CLOUD STATE
ST CLOUD MN
56301

KOLLER MR & MRS ERWIN A
1568 DULUTH ST
ST PAUL MN
55108

LAKE SUPERIOR INDUSTRIAL BUR
828 FIRST AM. BK. BLDG.
DULUTH MN
55802

LAPP LAZAR LAURIE ET AL
1200 BUILDERS EXCHANGE
MINNEAPOLIS MN
55402

LAUNDERERS&DRY CLEANERS ASSN
W 1ST NATL BK BLDG
ST PAUL MN
55101

LEAGUE MINN MUNICIPALITIES
314 SOC SCIENCES BLDG
MPLS MN
55455

LOOS CALVIN J
6809 LYNDALE AVE SO
MPLS MN
55423

ST PAUL ASSN PLBG & HTG MECH
614 AM NATL BK
ST PAUL MN

ST PAUL B[illegible] HLTH DR P COX
555 CEDAR ST
ST PAUL MN
55101

SCHMIDT H W TCHRS RETIREMENT
302 CAPITOL SQ BLDG
ST PAUL MN
55101

SCHMIDT LARRY WCCO-TV NEW
50 S 9TH ST
MPLS MN
55402

SCHNEIDER & NEESER
706 1ST ST SO PO BX 876
WILLMAR MN
56201

SCHROEDER ALFRED H
2172 CARROLL AVE
ST PAUL MN
55104

SENATE FINANCE COMMITTEE
113 STATE CAPITOL
ST PAUL MN
55101

SHABATURA EUGENE H
2833 LAKE AVE SO
DULUTH MN
55811

SHINER JOHN T.
297 GOODRICH AVE
ST PAUL MN
55102

SKELLY OIL CO R R WELLING
PO BOX 436
KANSAS CITY MO

STATE BD VETERINARY EXAMINER
C/O DR A C SPANNAUS DVM
WACONIA MN

STD AM LIFE & ANNUITY CO
3801 W 50TH ST
MPLS MN
55410

SUMMIT NATL BANK D L MORRILL
205 AURORA AVE
ST PAUL MN
55103

SUSSEL CO.ATTN:TED SCHWEN
1850 COMO AVE.
ST PAUL MN
55108

TWIN CITY RETAIL DRUGGIST
2388 UNIV AVE
ST PAUL MN
55104

VAN CLEVE JOHN H
2101 HENN AVE
MPLS MN
55405

VOGEL HOWARD G
814 FLOUR EXCH BLDG
MPLS MN
55415

VOLDNESS PERRY
IDS 8TH & MARQUETTE
MPLS MN
55402

WEST & GOWAN
ATTORNEYS AT LAW
PINE ISLAND MN
55963

WEST MIDWAY-SO.ST ANTH.PK
898 RAYMOND AVE.
ST PAUL MN
55114

WIS FEEDER PIG MARKET CO-OP

FRANCIS CREEK WI

WOLKERSTORFER THEODORE
676 17TH AVE NW
NEW BRIGHTON MN
55112

ZATARGA A E CPA
1800 MIDWEST PLAZA BLDG
MPLS MN
55402

MINN-WISC BOUNDARY AREA COMM
600 2ND ST
HUDSON WI
54016

MOFFITT R. DIR.ENV.CONT
MPLS.CITY HALL RM 301M
MPLS MN
55415

NASS GEO V HENN CO GEN HO
5TH AND PORTLAND AVE
MPLS MN
55415

NAT'L SOLID WASTES-R. GRASSO
1730 RHODE ISLAND AV.NW
WASHINGTON DC
20036

NCEC INC C/O DR DAHLBERG
CONCORDIA COLLEGE
MOORHEAD MN
56560

NIELSEN STOCK & BLACKBURN
415 730 BLDG
MPLS MN

NORTH CENTRAL ELEC ASSN
PO BOX 202
BATTLE LAKE MN
56515

NW BELL TEL CO LEGAL DEPT
224 S 5TH ST RM 2000
MPLS MN
55402

NYQUIST DEAN A
3707 53RD PL N
BROOKLYN CTR MN
55429

OCONNELL THOMAS
941 LAUREL
ST PAUL MN
55104

OCONNOR GREEN THOMAS ET A
845 NW BANK BLDG
MPLS MN
55402

OLD COLONY GAS & OIL COMPANY
17TH AVE N AT 2ND ST
MPLS MN
55411

OTTER TAIL POWER CO.
215 S. CASCADE ST.
FERGUS FALLS MN
56537

PAYNE COL ALVIN

DEGRAFF MN
56233

PAYNE WM B
2400 FIRST NATL BK BLDG
MPLS MN
55402

PHILLIPS LEGISLATIVE SERVICE
113 W UNIV AVE
ST PAUL MN
55103

POPOVICH PETER S
314 MINN BLDG
ST PAUL MN
55101

PRAUSE JOS.C.
2220 105TH AVE.N.W.
COON RAPIDS MN
55433

PULSCHER ROT SPRINGSTED I
813 OSBORN BLDG
ST PAUL MN
55102

RANALLO CLARENCE
800 CENTRAL AVE N E
MPLS MN
55413

RED OWL STORES INC
215 E EXCELSIOR AVE
HOPKINS MN
55343

RICHARDS MONTGOMERY ET AL
1430 RAND TOWER
MPLS MN
55402

ROBBIE JOSEPH
904 CARGILL BLDG NO CTR
MPLS MN
55402

ROSS ALFRED
6356 WAKE RD
LINC LAKES MN
55014

SCHAPS NICHOLAS
100 DAIN TOWER
MPLS MN 55402

MANKATO STAT STUDE[illegible] SENATE
CENTENNIAL STUDENT UN
MANKATO MN
56001

MANTHEY T [illegible]RICKANDS MATH
2000 UNION COMM BLDG
CLEVELAND CH
44115

MECCA R.F. NELSON
26 E EXCHANGE ST
ST PAUL MN
55101

MEIEROTTO, JOAN
1794 SO LEXINGTON
ST PAUL MN
55118

MET TFR MEN ASSN A ROSENTHAL
1821 UNIV AVE
ST PAUL MN
55104

MILLER TOM
2311 PILLSBURY AVE S
MPLS MN
55404

MINN APT ASSN
GRIGGS-MIDWAY BLDG
ST PAUL MN
55104

MN. ASN.C&IND H.D.PETERSO
480 CEDAR ST.
ST.PAUL MN
55101

MINN ASSN ELEC COOPERATIVES
4901 W 77TH ST
MPLS MN
55435

MINN. ASSN. PET RETAILERS
1115 2ND AVE. SO.
MINNEAPOLIS MN
55403

MINN COUNCIL STATE EMP NO 6
475 RICE ST
ST PAUL MN
55103

MINN DEPT HEALTH J C MCKA
717 DELAWARE S E
MPLS MN
55440

MINN ENV CONTROL CITIZEN ASN
CENTRAL MANOR 26 E EXCH
ST PAUL MN
55101

MINN ENV LAW INST INC
PO BOX 15076 COMM STA
MPLS MN
55415

MINN. HOTEL & MTR. ASSN
2001 UNIVERSITY AVE
ST PAUL MN

MINN HWYS MANAGEMENT SERV
410 HWY BLDG
ST PAUL MN
55101

MINN.MTR.TRANSP. .J.N.DENN
1821 UNIV.
ST.PAUL MN
55104

MINN PETROLEUM COUNCIL
446 BUILDERS EXCH BLDG
MPLS MN
55402

MINN REP STATE CEN COMM
4900 VIKING DR
MPLS MN
55435

MINN RESTAURANT ASSN
2001 UNIVERSITY AVE.
ST PAUL MN 55
104

MINN SCH BUS OPERATORS ASSN

FARIBAULT MN
55021

MINN SOCIETY ARCHITECTS A
NW NATL BK BLDG
ST PAUL MN
55101

MINN ST BD PHAR P G GRUSSING
1965 FORD PKWY
ST PAUL MN
55116

MINN STATE CAPITOL EMP UN
PO BOX 3215
ST PAUL MN
55165

MINN STATE RETIREMENT SYSTEM
529 JACKSON ST
ST PAUL MN
55101

MINN.TURKEY GROWERS ASSN
2383 UNIV AVE
ST PAUL MN
55114

HARVEY MICHAEL
1390 W M HAHA PKWY
MPLS MN
55409

HALLBERG [illegible] & MCCABE
4927 34TH AVE S
MPLS MN
55417

HARTFELDT WILL
415 HAMM BLDG 6TH ST
ST PAUL MN
55102

HEAD & TRUHN
1007 SOO LINE BLDG
MPLS MN
55402

HOPKINS WM.B. DIR.MISCCA
3915 GOLDEN VALLEY ROAD
GOLDEN VALLEY MN
55422

HOULE MELVIN
881 W HWY 96
SHOREVIEW MN
55112

HULSTRAND ANDERSON & LARSON
PO BOX 130
WILLMAR MN
56201

HUMAN RIGHTS DEPT
60 STATE OFF BLDG
ST PAUL MN
55101

HUTCHISON R.M. ANOKA CO.COMP
COURT HOUSE
ANOKA MN
55303

INS FED OF MINN
902 SOO LINE BLDG
MPLS MN
55402

IUOE LOC 49 CHAS SWENSON
2580 UNIV AVE
ST PAUL MN
55101

JACKMAN DONALD G
4023 E LAKE ST
MPLS MN
55406

JENOS INC
525 LAKE AVE SO
DULUTH MN
55801

KABLE RICHARD W
BETHEL MN
55006

KLUZ STEVEN J
1910 1ST NATL BK BLDG
MPLS MN
55402

KNOWLES, LARRY D.
8025 33RD AVE N
CRYSTAL MN
55427

KOPP MRS VERNON
2050 65TH ST E
INVER GR HGHT MN
55075

KIMBALL ROBERT
647 CAPITOL SQ BLDG
ST PAUL MN 55101

LARSON C L
3800 MINNEHAHA AVE SO
MPLS MN
55406

LARSON HANS P DIV HOSP SE
717 DELAWARE ST SE
MPLS MN
55440

LINDALL & JONATHAN DEVELOP.
VILLAGE ONE CENTER
CHASKA MN
55318

LOCKNER GARY
R R 1 BOX 23
BAUDETTE MN
56623

MCKIBBON MRS SHIRLEY
11 EVERGREEN LN
BABBITT MN
55706

MCLELLAN LARKIN
215 ADM BLDG ST CAPITOL
ST PAUL MN
55101

CUSHMAN J S DAYTON HUDSON
700 NICOLLET MALL
MPLS MN
55402

DANIELSON RODNEY L
418 AUDITORIUM
ST PAUL MN
55102

DAVIS HENRY
6301 SHINGLE CREEK
BROOKLYN CTR MN
55429

DISPATCH PIONEER PRESS
PRESS RM STATE CAPITOL
ST PAUL MN
55101

DORSEY MARQUART
2400 1ST NATL BANK BLDG
MPLS MN
55402

DUDLEY E H
RT 7 BOX 122
EXCELSIOR MN
55331

DUNN OLIVER PLUMBERS LOC
708 SO 10TH ST
MPLS MN
55404

EDINA FIRE D JAMES MCNELLIS
4801 W 50TH ST
EDINA MN
55424

ELDER DR JAMES B
11140 WASHBURN AVE SO
BLOOMINGTON MN
55431

EMERICK RICHARD A
1908 IDS CENTER
MPLS MN
55402

EMP HANDICAPPED PERSONS C
527 JACKSON RM 227
ST PAUL MN
55101

EVANS CHAS.L. PRENTICE-HALL
ENGELWOOD CLIFFS
NEW JERSEY

EVERETT JERRY NW PETRO AS
512 NICOLLET MALL RM917
MPLS MN
55402

FAEGRE & BENSON ATTN LIBR
1260 NW BANK BLDG
MPLS MN
55402

FINNEGAN J.R.
55 E. 4TH
ST.PAUL MN
55101

FLEMING FREDERICK A
1860 HIGHLAND PARKWAY
ST PAUL MN
55116

FORBES GORDON MINN RRS ASSN
207 UNION DEPOT
ST PAUL MN
55101

FOX W.E. LINDQUIST & VENN
4200 IDSCTR 80 S.8TH ST
MINNEAPOLIS MN
55402

F W WOOLWORTH CO
3316 W 66TH ST
EDINA MN
55424

GIEL DAVID
RM B-28 STATE CAPITOL
ST PAUL MN
55155

GLEN. HILLS HOSP.R.VAN HA
3901 GOLDEN VALLEY RD.
MPLS. MN
55422

GREEN DEL CITY MGR
BLOOMINGTON CITY HALL
BLOOMINGTON MN
55431

GUSTAFSON MRS D MINN VET
24 S 6TH ST
MPLS MN
55402

ORIGINAL

MINNESOTA DEPARTMENT OF PUBLIC SAFETY

STATE FIRE MARSHAL DIVISION

In the Matter of:

Proposed Adoption of Rules of
State Department of Public Safety
Revising and Amending Regulations
of the Fire Marshal Division
Concerning Flammable and Combustible
Liquids, Liquified Petroleum Gases,
and Natural Gas Pipeline Safety

Transcript of proceedings taken before Honorable PHILLIP A. IVERSON, at Veteran's Service Building, Conference Room D, St. Paul, Minnesota, commencing at approximately 8:30 o'clock in the morning on November 19, 1973.

* * *

APPEARANCES:

PHILLIP A. IVERSON, Deputy Commissioner
BOB CAROLAN, Assistant Attorney General
WES WERNER, State Fire Marshal
JIM STOCKTON, Assistant State Fire Marshal

WHEREUPON, the following proceedings were duly had: --

* * *

MR. IVERSON: My name is Phillip A. Iverson, Deputy Commissioner of the Minnesota Department of Public Safety and I will be presiding over this hearing. The other members of the panel with me here this morning are Mr. Bob Carolan, Assistant Attorney General for the State of Minnesota; Mr. Wes Werner, I am sure you all know Mr. Werner, the State Fire Marshal; and Jim Stockton here beside me, our Assistant State Fire Marshal. Now, if you have not signed the attendance sheet, please raise your hand? Anybody?

(No response.)

MR. IVERSON: Okay. This hearing is being held this 19th day of November, 1973, in Conference Room D of the Veteran's Service Building, St. Paul, Minnesota, commencing at 8:30, and we will continue until all representatives of associations or other interested groups or persons have had an opportunity to be heard concerning a proposed adoption of

rules of the State Department of Public Safety, revising and amending regulations of the Fire Marshal Division concerning flammable and combustible liquids; liquified petroleum gases and natural gas pipeline safety. The following document of the State Department of Public Safety are now introduced as exhibits: Order for Hearing executed on October 9, 1973; the Notice of Hearing executed on October 10, 1973; the Secretary of State's certified mailing list executed on October 16, 1973; and the affidavit of mailing executed on October 17, 1973. All interested persons will be given the opportunity to give testimony limited to the subject of this hearing. It is permissible to present written material which should be marked as an exhibit and introduced for the record. Statements or briefs typed on 8½ by 11 inch paper may be submitted after the hearing to the Commissioner of Public Safety, State Highway Building, St. Paul, Minnesota, 55155. Such statements must be postmarked no later than midnight, December 10, 1973. Those who have indicated on the attendance sheet their desire to speak will be called upon first. Therefor and thereafter any other interested persons will be allowed to speak. We do not have a podium here this morning, so I am going to ask that when I call upon you that you rise and speak from wherever you may be sitting. I think this will work out sufficiently in this small group. You will have to speak loudly enough so that our reporter here will be

able to understand what you are saying. So, before making your statement, please introduce yourself, spell your name, and give the name and address of the association or the organization that you represent. I am going to reverse the order of the Orders that we are going to be reviewing this morning, because I think we have a lot of people here concerned about Chapter Three dealing with flammable and combustible liquids. We are going to deal with this one first. Is there anyone at this time who would like to speak on this subject? Does everyone understand what this matter deals with? Any questions?

MR. HENDRICKSON: I am Sivert Hendrickson. I am with the Minnesota Building Code Division, at 408 Metro Square Building. There are a couple of minor items in Pamphlet 30 dealing with the fire resistance quality of exterior wall adjacent to property lines and also, on flammable liquids prior to those that are in conflict with the building code. We will submit a resume' of the areas of conflict between the building and the requirements on Pamphlet 30. We will do this within the next twenty days. The differences are very minimal, however.

MR. IVERSON: Thank you. Is there anyone else? Yes, sir.

MR. BORRETT: Bob Borrett, Minnesota Association of Petroleum Retailers. On Section H here, on this last page

here, pertaining to this 16 year old age limit, where is the burden of responsibility put on this?

MR. STOCKTON: In our review of this code, 16 years of age was the age that a person could have a driver's license. We set that age as the minimum age for which they could buy gas either through self-service or at a self-service station. You are talking about the enforcement of it? Is that what you want to know?

MR. BORRETT: Yes.

MR. STOCKTON: I imagine it would be the same as if somebody was going into a bar where you must be 21 or you must be 18. It is the burden of proof right there of serving, to see if they have got a driver's license if you are in question about it. In other words, what we are trying to circumvent is the possibility of children getting into a gas station and especially a self-service starting up some molotov cocktails or some other use from the liquid than in the car.

MR. BORRETT: I guess what I had in mind was, for instance, a father comes in and his son jumps out of the car and goes over and fills it. I would say that he is 14 years old.

MR. STOCKTON: I would say that the father is at fault.

MR. BORRETT: In other words, the station owner himself would not be the -- what I am thinking of also is that

there are some of the 16 year old kids that come out and -- I know one in particular that is six feet four. There would be no way of telling that he was under sixteen. If he is 16, I would imagine it is going to be a judgment on this fellow's part. It is up to him just like filling anything other than a metal container. He is guilty of the misdemeanor if he doesn't require the thing and this would be in my estimation the way this thing would be handled if the boy was under sixteen. Then it is a judgment called on his part, the same as a tavern.

MR. WERNER: My name is Wes Werner. At the time we discussed this 16 year old requirement, we felt that this would be a self-policing action if it would be observed the same as in most homes. And that is why we did add the comments to be posted prohibiting dispensing of the liquids by anyone under the age of sixteen. We felt that this would be a sort of self-policing action in this way.

MR. BORRETT: Sometimes when some of these laws where they have 16 particular labor clause and so forth, it's the employee -- they be son of the owner -- in a lot of cases, which doesn't apply. He may be working in the station, but he may be under sixteen. I know mine started when they were 13, 14 years old.

MR. STOCKTON: He wouldn't be under the self-service, though.

MR. BORRETT: Okay.

MR. IVERSON: Is there anyone else in this matter? Yes, sir.

MR. REED: John H. Reed. I am here on behalf of the Northwest Petroleum Association. I was called upon the last minute to appear here this morning and I would like to read a letter to Commissioner Hoaglund from our Association to be read into the record, if I may.

MR. IVERSON: All right.

MR. REED: "Northwest Petroleum Association, 512 Nicolette Mall, Room 917, Minneapolis, Minnesota, 55402; November 15, 1973; Commissioner Wallace R. Hoaglund, Department of Public Safety, Room 211, Highway Building, St. Paul, Minnesota, 55155; Dear Commissioner Hoaglund, We have studied the 1973 edition of N.F.P.A. Code 30 as a suggested amendment. Our self-service committee felt that the amendment of the adoption of N.F.P.A. Code 30 would meet with our approval with the exception of 7643 page 30-A1 of the 1973 edition of the N.F.P.A. We feel changing the wording of this section would clear up some of the ambiguous wording that could be subject to varied interpretations. We would support the adoption of the following wording to amend the Section 7643, all self-service stations shall have at least one attendant on duty while the station is open to the public and the service station where Class 1 fuel is regularly dispensed for tanks of motor vehicles by the station attendant.

Then the presence of such an attendant with 100 feet of the self-service dispenser shall be prima facie evidence of compliance of this section. We ask your consideration of this suggestion. Best regards, Jerry Everett, Executive Secretary, Northwest Petroleum Association." May I leave this with you, sir?

MR. IVERSON: Yes, sir.

MR. REED: Thank you, sir.

MR. IVERSON: Yes, sir.

MR. THORNBERG: Mr. Chairman, my name is Robert Thornberg, Secretary of the Minnesota Petroleum Council, and we concur with the recommendation of the Northwest Petroleum Association.

MR. IVERSON: Thank you. Does anyone else have anything to add to this matter? Sir?

MR. HORNICK: Robert Hornick, S.S.G. Corporation. I would like to refer you to page number five, Section (f). We feel that there is a method of merchandising gasoline and serving the public with people living within the service station facility. The requirement that would not allow people to live within 100 feet of Class 1 flammable liquids, self-service devices would discriminate against that type of merchandising. The self-serve live-in concept is beneficial I think to our community in many ways which allows a marketer to be competitive. We are all concerned about pricing. And,

also, it provides for many handicapped and elderly citizens because they are allowed to live within the vicinities and service their customers by being in attention of them 100 per cent of the time.

MR. IVERSON: Thank you. Is there anyone else? Yes, sir.

MR. KNOWER: My name is John Knower of Kickapoo Oil Company, Incorporated, primarily located in Wisconsin. We agree with Mr. Hornick's viewpoint on this. This is in direct discrimination to our type of operation. We operate approximately 75 self-serving units within the State of Wisconsin. I would say that 73 of these are lived-in locations. We found this to be very practical and a very successful method to operate. Thank you.

MR. IVERSON: Thank you. Is there anyone else? Is there any other discussion on this matter?

(No response.)

MR. IVERSON: Hearing none, we will move on to Chapter One.

MR. HORNICK: Mr. Chairman, Robert Hornick of S.S.G. Corporation. What I said, is that going to be taken into consideration, or should a positive statement of request be made to change that section at this time, or will you be given consideration --

MR. IVERSON: We will give consideration to all

of these things which will be reviewed at a later date with the Commissioner. I trust you read Chapter One dealing with the minimum safety standards for the transportation of natural and other gas by pipeline. Is there anyone that would like to speak on this subject?

(No response.)

MR. IVERSON: Hearing none, then we will pass on to the next item of business which is Chapter Two and deals with the storage and handling of liquified petroleum gases. Is there anyone who would like to speak on this matter? Yes, sir.

MR. HENDRICKSON: Sivert Hendrickson with the Minnesota Building Code Division. Again, I would like to state that the Building Code Division will review Chapter 58 with the building code standards and will try to eliminate any conflicts that will arise between the two standards so that we will have a uniform standard for new construction as well as your regulation of existing buildings.

MR. IVERSON: Does anyone have any comments on this matter?

(No response.)

MR. IVERSON: Hearing no other comments then, I will declare that this hearing end at this time. We thank you all for your participation, for being here at this early hour. The hearing is closed.

* * *

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Be it known that I took the proceedings held before the Minnesota Department of Public Safety, State Fire Marshal Division, on the 19th day of November, 1973, at St. Paul, Minnesota;

That I was then and there a Notary Public in and for the County of Ramsey, State of Minnesota;

That the proceedings of said hearing were recorded in stenotype by myself and transcribed into typewriting under my direction, and that the transcript is a true record of the proceedings to the best of my ability.

WITNESS MY HAND AND SEAL THIS 26th day of November, 1973.

Kathleen Ricci

Kathleen Ricci
Notary Public, Ramsey County, Minnesota
My Commission Expires:

By Kathleen Ricci
CHRISTOPHER L. COLUMBUS & ASSOCIATES
COURT REPORTERS
720 COMMERCE BUILDING
ST. PAUL, MINNESOTA 55101
224-5415

N O R T H W E S T P E T R O L E U M A S S O C I A T I O N

512 Nicollet Mall - Room 917

Minneapolis, Minnesota 55402

November 15, 1973

Commissioner Wallace R. Hoaglund
Department of Public Safety
Room 211, Highway Building
St. Paul, Minnesota 55155

Dear Commissioner Hoaglund:

We have studied the 1973 edition of NFPA Code 30 and the suggested amendments.

Our self serve committee felt the amendments and the adoption of NFPA Code 30 would meet with our approval with the exception of section 7643, page 30-81 in the 1973 edition of NFPA Code 30.

We feel changing the wording in this section would clear up some of the ambiguous wording that could be subject to varying interpretations.

We would support the adoption of the following wording to amend section 7643:

"All self service stations shall have at least one attendant on duty while the station is open to the public, and is a service station where Class I fuel is regularly dispensed into tanks of motor vehicles by the station attendant, then the presence of such an attendant within 100 feet of the self service dispenser shall be prima facie evidence of compliance with this section."

We ask for your consideration of this suggestion.

Best Regards,

Jerry Everett
Executive Director

E. W. "BILL" QUIRIN
DISTRICT 33B
OLMSTED COUNTY
P. O. BOX 6537
ROCHESTER, MINNESOTA 55901



COMMITTEES:
GOVERNMENTAL OPERATIONS, CHAIRMAN
EDUCATION
HIGHER EDUCATION
RULES AND LEGISLATIVE ADMINISTRATION

State of Minnesota
HOUSE OF REPRESENTATIVES
MARTIN OLAV SABO, Speaker

November 27, 1973



Wallace Hoaglund, Commissioner
Department of Public Safety
211 Highway Building
St. Paul, Minnesota 55155

Dear Commissioner Hoaglund:

It has come to my attention that the Department of Public Safety has been in the process of reviewing the state regulation against self-service gasoline operations. It is my understanding that the Department plans to alter the regulation so as to permit self-service stations.

It is unfortunate that the legislature, and particularly the Governmental Operations Committee of the House, has not been involved in this administrative action. Our committee has been very concerned about recent developments in the petroleum retail business. During the mini-session of November the House Governmental Operations Committee pursued that concern with several of the major petroleum manufacturing corporations.

The committee intends to continue its inquiry with additional firms during committee week of December. We invite your participation and would anticipate reviewing with you the proposed administrative action with respect to self-service gasoline stations.



The committee meeting will be on December 12, at 1:00 P.M.

We look forward to hearing from you.

Sincerely,

E. W. "Bill" Quirin

sk

TRANSCRIPT OF TELEPHONE CONVERSATION BETWEEN WES WERNER, STATE FIRE MARSHAL AND REP. QUIRIN

W What questions do you have on what we have done?

Q An explanation of what has been done and the effect it will have on self-service systems in the State.

Q We are concerned about it being so timely in the taking over of the whole distribution by the industry on self service. I am sure it is just coincidental, but there are people that are concerned about it.

W We have been working on this for the last two or three years. We have been using the 1967 edition of Pamphlet 30. Our intent was to update our regulations by adopting the 1973 edition. Self service was allowed in 1969 under the revised Pamphlet 30. Presently 44 other states allow self service.

Our research and the National record indicated that self service was no more hazardous than full service. We were also informed that our existing regulations on self service, if challenged, in all probability would not be valid.

A notice of hearing was sent to all Legislators and all persons on the Secretary of State certification list. At the time of the hearing, the Executive Secretary of the Minnesota Petroleum Council and the NorthWest Petroleum Association, both of these people were present, did not voice any objections to the adoption of the new regulations.

Q I would like to have you comment on it some, and explain how this came about, so it does not look that one of our State Offices' is assisting them in their takeover of the distribution system.

W All I can do is tell it the way it is.

W There is still some time to file an objection to the adoption of these regulations. However, December 9 is the deadline.

Q I will tell my secretary to get a hold of them and see if they want to say anything on it.

ADMIN 1070

STATE OF MINNESOTA

DEPARTMENT of Public SAfety

Office Memorandum

TO : Wes Werner

DATE: December 4, 1973

FROM : James E. Stockton JS

SUBJECT: Public Hearing, November 19, 1973 on updating State Fire Marshal Flammable Liquids Code.

In connection with the Honorable Representative E. W. Quirin's letter dated November 27, 1973, the preliminary work on revising the State Fire Marshal Flammable Liquids Code, 1967 Edition has been going on for the last two or three years with the sole purpose in mind of updating our regulations. The self service gasoline operations have been a part of Revised NFPA Pamphelt #30 since 1969 Edition, and prior to our joining the ranks 44 states had already adopted the concept of self service gasoline operations.

The normal 30 day public hearing notice requirement was complied with in sending notices to all persons on the Secretary of States certified list. The oil industry was well represented in the presence of Mr. Robert T. Thornburg, Executive Secretary of Minnesota Petroleum Council as well as a person representing Mr. Jerry Everett, Executive Secretary of Northwest Petroleum Association, both of who concurred in not having any objections to the adopting regulations as presented.

There is still time to get imput into the hearing as the 20 days do not expire until December 9, 1973 and all comments can be given consideration.

JES:yep

T·P·H DIVISION
PARKER HANNIFIN
3033 EXCELSIOR BLVD., MINNEAPOLIS, MINNESOTA 55416 • TELEPHONE 612/920-9070

November 30, 1973

TRU-FLATE

PLEWS



Mr. Wallace R. Hoagland
Commissioner of Public Safety
210 Highway Building
St. Paul, Minnesota 55155

Dear Mr. Hoagland:

We are marketer's of a line of metal gasoline cans which are sold throughout the country. Several months ago, we foresaw the possibility of a trememdous rise in the use of metal containers for storing gasoline in and about the home. We became vastly concerned with the potential fire hazards connected with this practice, and as a result began a research effort into the specifications and requirements for containers of this type.

We contacted the State Marshal Offices in all fifty states requesting information from them pertaining to their standards for containers of this kind. Almost without exception, each state responded with copies of their state fire codes which are primarily based on the NFPA (National Fire Protection Association) code number 30. This code is the basis of our Minnesota State Fire code.

After examining the code, we find in chapter four that containers approved by DOT regulations are permissible. In checking the DOT regulations we have also found that there are no less than seven different specifications which may or may not apply. We next contacted the State Fire Marshal office, and I talked to both Mr. Werne and Mr. Jim Stockton and they both suggested that we contact you regarding the results of our findings. They told me that the the state fire codes are currently in the process of being revised and that any input we could offer would be helpful. To cover the entire scope of the input which we can provide would take at least two hours. Mr. Stockton suggested that we write to you outlining the primary areas which we feel would be helpful in developing the state code. The following are a list of the specific items which we feel should be examined at this time;

1. A definite DOT specification for containers should be selected as the basis for manufacture and use of flammable liquid containers used by consumers in the state.

2. Because of the snowmobile industry and the use of snowmobiles in this state, the size limitation of five gallons on flammable liquid containers for consumer use should be re-evaluated. Since many snowmobile engines require a six to one fuel to oil ratio mixture, a container of at least 6¼ gallons capacity is need by the snowmobile user to safely mix the fuel and oil. We know

For a fact that many of these cans have been sold in the state, and we ourselves have a can of this type in our product line.

3. The state codes call for closures on cans to be of a screw thread type. Many containers currently being sold in the state are equipped with what is known as a poly-vent. Although the vent does not have screw threads, it is very efficient in acting as a safety valve on the can to prevent build-up of pressure in the can. Both Mr. Stockton and Mr. Werne agreed that a poly-vent on a gasoline can were more beneficial than a completely closed can, since a closed can will explode while a vented can will burn. The advantages and disadvantages of the poly-vent should be examined in terms of inclusion in the fire code.

4. We recently learned that the Canadian Standards Association has issued a complete standard for containers of this type. Copies of the Canadian Standards were given to Mr. Stockton and we suggest that a similar set of standards be adopted here in the United States.

We would be most happy to discuss the further ramifications of this with you and members of your department and provide you with the benefits of the information which we have already gathered. We trust we can be of service to the State and to the Fire Protection Association in attempting to arrive at reasonable regulations aimed at preventing major fires caused by storage of gasoline in the state.

Sincerely,

TPH DIVISION
Parker-Hannifin Corporation

C R Hynes

C. R. Hynes
Sales Promotion Manager

CRH/jk
CC: Jim Stockton

S - S - G Corporation

BOX 15 G - ROUTE #1 • ELLSWORTH, WISCONSIN 54011



To: Mr. Wallace R. Hoagland
Commissioner of Public Safety
Room 211 -- Highway Building
St. Paul, Minnesota 55155

From: Robert C. Hornick
6020 Stoneybrook Ct.
Minnetonka, Minnesota 55343

Subject: Flammable and Combustible Liquids
FireMar 23 Paragraph (f)
Section 7640 (page 30-38) is amended adding a subsection to read as follows: "No dwelling unit or sleeping facility for owner, operator, or employee shall be maintained in or on the premises of self service stations closer than 100 feet from Class I flammable liquid self service devices or 50 feet from Class II flammable liquid self service dispensing devices."

Dear Commissioner Hoagland:

Your consideration is requested to remove the above subsection.

The regulations for the operation of self service gasoline stations are very stringent and will allow the owner or operator to reside in the station safely.

In addition, the State or Local Fire Marshall should be able to designate the initial construction requirements or modifications to existing stations as he deems necessary, i.e. installation of fire walls, so that a live-in type operation would be considered safe.

The primary reason for furnishing living quarters in the stations is to allow employment of elderly couples, handicapped people or handicapped veterans to operate the stations. You can understand how difficult it would be for a person on crutches or in a wheelchair to commute 100 feet through ice, mud or snow.

Please consider what the bays will be used for once the stations are converted to self service. Some of the stations in Minnesota have already converted the service bays to grocery stores.. Once self service is legal many more will convert the bays to merchandising grocery items.

Is it any safer for people to shop for groceries within 20 or 30 feet of self service devices than it is to dwell or sleep there. The same area is used for both!

S - S - G Corporation

BOX 15 G - ROUTE #1 • ELLSWORTH, WISCONSIN 54011

Actually the live-in type of self sevice allows the dealer-operator to give 100% attention to his sole purpose of supervising the safe dispensing of petroleum products. In contrast, the self service stations featuring grocery items requires the dealer-operator to operate without the sole purpose concept. He is a combination dealer-operator and grocery store cashier.

It appears that inadvertantly the subsection discriminates against a particular mode of doing business.

I am General Manager of S-S-G Corporation which is headquartered in Ellsworth, Wisconsin. I live in Minnetonka, Minnesota.

S-S-G Corporation ownes and operates 13 self service gasoline stations of live-in type in the northern, central and western areas of Wisconsin. Our stations are always attended by "sole-purpose" individuals.

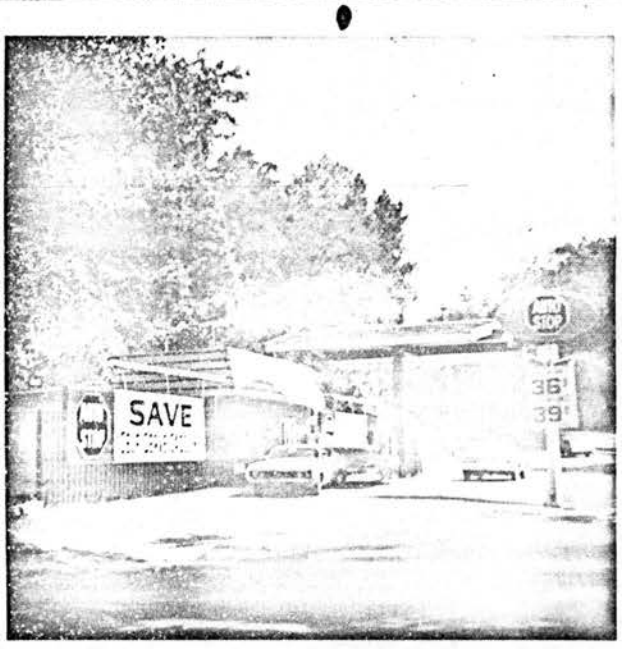
Enclosed is a picture of our typical Auto-Stop live-in self service gasoline station. This station is located in Hudson, Wisconsin. As an aid in making your very important decision, if you would like to visit any or all of our stations I would be most happy to assist you. Please call me at 935-0006.

Your most urgent consideration is requested so that all types of self service stations can function equally in Minnesota. Please eliminate the subsection so that the new regulations do not discriminate against a particular mode of doing business or against a certain class of individuals, under the guise of a safety regulation.

Sincerely,

Robert C. Hornick

Robert C. Hornick



NFPA-385

MINNETONKA
CITY OFFICES
14600 MINNETONKA BOULEVARD
MINNETONKA, MINNESOTA 55343
TELEPHONE 612/933-2511

November 30, 1973



Commissioner of Public Safety
Wallace Hoaglund
210 Highway Building
St. Paul, Minnesota 55155

Dear Sir:

I would like to present the following recommendations for revision of the rules and regulations relating to flammable liquids.

I feel there should be one definition for tank vehicles which would cover all the vehicles which carry LP, flammable liquid or combustible liquid. There should be one regulation on fire control for all tank vehicles.

Fire Control

a. Each tank vehicle shall be provided with at least one portable fire extinguisher having at least a 20 B,C rating or when more than one is provided, each extinguisher shall have at least a 10 B,C rating. Ratings shall be in accordance with the standards for the installation of portable fire extinguishers NFPA 10.

b. Fire extinguishers shall be kept in good operating condition at all times, and they shall be located in an accessible place on each tank vehicle. They shall be properly sealed and have the durable tag securely attached to show the maintenance or recharge date and the initials or signature of the person who performs this service.

c. While unloading, the fire extinguisher shall be out of its carrying device and ready for instant use and shall be at least 15 feet and not more than 30 feet from the unloading valves. The seal shall not be broken unless a fire occurs.

Ignition Sources

a. Smoking by tank vehicle drivers, helpers, repairmen, or other personnel is prohibited while they are driving, making deliveries, filling, or making any repairs to tank vehicles.

b. Open flames shall not be used near manholes or vents.

OFFICE OF:
Fire Marshal

Filling and Discharging Tank Vehicles.

a. The driver, operator or attendant of any tank vehicle shall not remain in the vehicle but shall not leave the vehicle while it is being filled or discharged, or hose is connected to tank. Delivery hose, when attached to a tank vehicle shall be considered to be a part of the tank vehicle. All deliveries to underground tanks shall be made by means of tight connections between the hoses and the fill pipe.

b. Simultaneous delivery to underground tanks from two or more hoses shall be made by means of tight connections between the hose and the fill pipe. I would like to see it worded so that all hose connections shall be tight connected between hose and fill pipe.

In the service station section of the SFM30 Smoking or Open Flames.

In addition to the previous restrictions of this division, the following shall apply: There shall be no smoking or open flames in the areas used for fueling, servicing fuel systems for internal combustion engines, or receiving or dispensing of flammable or combustible liquids. Conspicuous and legible signs shall be posted within sight of customer being served with the wording "No Smoking, Motor shall be shut off during fueling." The motors of all equipment being fueled shall be shut off during the fueling operation.

The reason for having the wording "Motor shall be shut off during fueling" is that the average citizen does not realize it is a law and the gas station attendant hesitates to ask him to shut off the motor in the cold weather. He is afraid he will lose his customer, but it is very much of a health hazard plus a fire hazard for the attendant to stand back and breathe the carbon monoxide.

Also the SFM31 Fire Control should be more specific with the wording.

Fire Control-Each service station shall be provided with at least one fire extinguisher having a minimum classification of 10 B,C located so that an extinguisher will be within 75 feet of each pump, dispenser, underground fill pipe opening and lubrication or service room.

I feel that your rules and regulations on abandonment or removal of underground tanks is far too lax. It should have some wording that when an underground tank is not used for six months, it shall be removed. We are having problems with gas stations and industrial sights which have underground tanks and they're quitting business or moving and they just want to abandon the tanks in the ground. Some people think that filling fuel tanks with water eliminates the safety hazard. But that is eroneous because future excavation in that area could prove hazardous.

If you have an questions, please don't hesitate to call 933-2511 ext. 76.

Sincerely,

S.P. Anderson

S.P. Anderson
Fire Marshal

SPA:ic

PHONE: (608)
489-3631

KICKAPOO OIL CO., INC.

215
EAST
MADISON

HILLSBORO, WISCONSIN 54634

December 10, 1973

Mr. Wallace R. Hoagland
Commissioner of Public Safety
Room 211--Highway Building
St. Paul, Minnesota 55155

SUBJECT: Chapter 3. FLAMMABLE AND COMBUSTIBLE LIQUIDS. FIREMAR 23. Paragraph f. (page 30-83) is amended adding a subsection to read as follows: "No dwelling unit or sleeping facility for owner, operator, or employee shall be maintained in or on the premises of self service stations closer than 100 feet from Class I flammable liquid self service devices or 50 feet from Class II flammable liquid self service dispensing devices."

Dear Commissioner Hoagland:

The above amended subsection is in our opinion directly discriminatory against the "live in method" of self service gasoline marketing.

Kickapoo Oil Co., Inc. owns and operates 75 self-service gasoline stations throughout Wisconsin, 95% of which utilize the "live in method" of self service marketing.

The 100 foot setback required for a dwelling in FIREMAR 23, paragraph f, in our opinion does nothing to promote safety in the self service operation. In fact the tremendous setback required may be a deterrent toward the safety operation we are all striving for.

We have found that the "live in Method" decreased the possibility of vandalism, possible fire hazard during the hours of non-operation.

FIREMAR 23, paragraph f would preclude any existing service station from converting to self service if its despensing equipment is located within 100 feet of any residence.

DEPARTMENT OF PUBLIC SAFETY
DEC 13 1973
To
From
File

N.C.R. Systemedia Division

PHONE: (608)
489-3631

KICKAPOO
OIL CO. INC.

215
EAST
MADISON

HILLSBORO, WISCONSIN 54634

We do not feel you intend to make this distinction or restriction on any existing or future self service station plans.

The fact that the building is used as living quarters for owners, employees, or operators, does not create any greater hazard than a building of like construction used as living quarters for a person unassociated to the self-service gasoline dispensing business, such as a conventional service station, grocery convenience store, dry cleaning establishment, or any other comparable enterprise.

We have found the "live in method" of self service gas marketing both safe and economically beneficial to the consumer and the operator.

We sincerly urge your consideration in removing the 100 foot restriction from your proposed Flammable and Combustible Liquids Code.

Very truly yours,

John Knower
Vice President
Kickapoo Oil Co., Inc.
of Wisconsin

C.R. Systemedia Division

STATE OF MINNESOTA

DEPARTMENT Administration

Office Memorandum

TO : Wes Werner
State Fire Marshal's Office

DATE: December 7, 197

FROM : Sivert O. Hendrickson
Building Code Division

SUBJECT: Comparison of NFPA Pamphlet 30-1973 with 1973 Edition of the Uniform Building Code

1. Definitions: Pamphlet 30 includes in the definition of dwellings, lodging houses with up to 15 persons. UBC limits dwellings and lodging houses to not more than 5 guests.

2. Definitions: Pamphlet 30 defines a hotel as a building with sleeping accommodations (no lower limit on number of rooms). UBC defines a hotel as one containing 6 or more guest rooms.

3. Article 4460(b) Retail Stores - Merchantile Occupancies, permits storage of 660 gallons of Class III A liquids whereas Table 10-A of UBC limits storage to 500 gallons without classifying the building in the E-2 group.

4. Article 4480(a) Flammable and Combustible Liquid Warehouses:

NFPA 30-1973
Fire Resistance of Exterior Walls

2 Hour exterior wall if less than 50' ft. from property line.

UBC-1973
Fire Resistance of Exterior Walls

Occupancy E-2	4 Hour less than 20 ft.
Fire Zone 1	1 Hour elsewhere
Fire Zone 2	4 Hour less than 5 ft.
	2 Hour less than 10 ft.
	1 Hour elsewhere
Fire Zone 3	4 Hour less than 5 ft.
	2 Hour less than 10 ft.
	1 Hour less than 20 ft.

Article 4521 - Outside Storage adjacent to building on same property -

Building Code does not cover this....
Pamphlet 30 requires 2 Hour wall no openings if the building is other than a 1 story flammable or combustible liquids handling or storage area.

Article 5220 - Same as article 4480.

Article 5230 - 2 Hour separation required in Pamphlet 30 between areas where unstable liquids are handled or small scale unit chemical processes are carried on and the remainder of the plant.

Building Code does not define.

Article 5251 - Ventilation. Pamphlet 30 requires ventilation at the rate of 1 cu/ft per minute sq. ft. of (solid) floor area - Make-Up air required.

UBC Sec. 1005 references 605, requires at least 5 cu/ft per minute of outside air with a total of not less than 15 cu/ft per minute per occupant.

Heating Code - SBC 7702-8 has general requirement and is not specific.

Article 6110 references NFPA 101 for exit requirements at bulk plants.

UBC Chapter 33 has requirements for all occupancies.

Articles 6130 - 6131, same as 5251.

Article 8110 - location of Processing Plants in relationship to property line references Table II-6 (tank location) and Sec. 8111 waives 8110 if wall is 4 Hour fire resistive and has no openings.

Table II-6

Capacity Tank Gallons	Minimum Distance in Feet from Property Line Which May be Built Upon, Including the Opposite Side of a Public Way	Minimum Distance In Feet from Nearest Side of Any Public Way or from Nearest Important Building
275 or less	5	5
276 to 750	10	5
751 to 12,000	15	5
12,001 to 30,000	20	5
30,001 to 50,000	30	10
50,001 to 100,000	50	15
100,001 to 500,000	80	25
500,001 to 1,000,000	100	35
1,000,001 to 2,000,000	135	45
2,000,001 to 3,000,000	165	55
3,000,001 or more	175	60

Article 8210 - Processing Building - construction requirements, Load bearing walls prohibited - (with exceptions).

Article 8212 - Same as 6110 - References NFPA 101.

Article 8231 - Ventilation of processing building. Same as 5251.

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE EDWARD G. NOVAK

COMMISSIONER OF PUBLIC SAFETY

In the matter of Proposed Adoption of Rules of the State Department of Public Safety relating to the storage and handling of liquified petroleum gases

FINDINGS OF FACT

The above entitled matter came on for hearing before the Commissioner of Public Safety of the State of Minnesota on the 19th day of November, 1973, at 8:30 a.m. in Conference Room D of the Veterans Service Building, St. Paul, Minnesota, after proper notice required by Minn. Stat. § 15.0142 (1971) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and oral arguments, and having heard all the testimony, having considered all of the evidence adduced and upon the records, findings and proceedings herein, I make the following FINDINGS OF FACT:

1. The State Fire Marshal Division of the Department of Public Safety is specifically authorized, pursuant to Minn. Stat. § 299F.19 (1971) to adopt rules and regulations establishing minimum safety standards for the storage and handling of liquified petroleum (LP) gases.

2. The purpose of these rules and regulations is to establish improved safety standards for the safekeeping,

storage and handling of liquified petroleum gases.

3. A definite need exists for these rules and regulations. The adoption of these rules and regulations is necessitated by two factors: First, the proposed rules and regulations clarify and improve general comprehension of the complex standards governing storage and handling of liquified petroleum gases; second, the proposed rules and regulations establish new and more comprehensive regulations governing the storage and handling of liquified gases.

4. Among the most significant changes and amendments implemented by these proposed rules and regulations are:

a. New regulations governing the safety standards for portable LP gas storage containers.

b. The proposed rules and regulations also require submission to the State Fire Marshal of plans governing proposed installation of LP gas containers.

c. The proposed rules and regulations also establish safety requirements governing LP gas appliances used in mobile homes, recreational, and commercial vehicles.

d. The proposed rules and regulations establish new and more comprehensive fire protection requirements than had previously existed.

e. The proposed rules and regulations also establish the requirement that the State Fire Marshal be notified of any emergency involving or attributed to LP gas.

All of the above requirements, as well as the additional provisions of the proposed rules and regulations, constitute necessary changes or additions to the existing

structure of rules and regulations governing this subject matter. The proposed rules and regulations establish necessary and desirable safety standards governing the storage and handling of LP gases and are justified by the extremely volatile nature of liquified petroleum gases and the danger to the public which arises from improper storage or handling of LP gases. Furthermore, the proposed rules and regulations accomplish the purpose of clarifying and increasing comprehension of the complex standards necessary to maximize safety factors in the storage, use and handling of LP gases.

5. The proposed rules and regulations are necessary to implement the policy of Minn. Stat. § 299F.19 (1971).

6. No comments, statements or arguments were presented during or after the public hearing on this matter.

Dated: 7-16-74

State of Minnesota
Department of Public Safety

Edward H Kovak
Commissioner of Public Safety

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE EDWARD G. NOVAK

COMMISSIONER OF PUBLIC SAFETY

In the matter of Proposed Adoption of Rules of the State Department of Public Safety relating to the transportation of natural and other gas by pipeline

FINDINGS OF FACT

The above entitled matter came on for hearing before the Commissioner of Public Safety of the State of Minnesota on the 19th day of November, 1973, at 8:30 a.m. in Conference Room D of the Veterans Service Building, St. Paul, Minnesota, after proper notice required by Minn. Stat. § 15.0142 (1971) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and oral arguments, and having heard all the testimony, having considered all of the evidence adduced and upon the records, findings and proceedings herein, I make the following FINDINGS OF FACT:

1. The State Fire Marshal Division of the Department of Public Safety is specifically authorized, pursuant to Minn. Stat. § 299F.57 (1971) to adopt rules and regulations establishing minimum safety standards for the transportation of natural and other gas by pipeline.

2. The purpose of these rules and regulations is to establish improved safety standards relating to the

design, installation, inspection, testing, construction, extension, operation, replacement and maintenance of pipeline facilities.

3. A definite need exists for these rules and regulations. Among the most significant changes made by these rules and regulations are:

a. The addition of requirements that certain pipeline operators report gas leakage or spillage to the State Fire Marshal. See: FireMar 4(j). Such a requirement will further both the public safety and ecological concerns, both of which are matters that the Legislature has declared to be within the scope of the Fire Marshal's authority in the adoption of rules and regulations relating to the transportation of natural and other gas by pipelines. See: Minn. Stat. § 299F.57, subd. 4 (1971).

b. The rules and regulations fulfill a further need through addition of the requirement that pipeline operators file with the Fire Marshal plans for inspection and maintenance of pipeline facilities. See: FireMar 4(c). This requirement enables the Fire Marshal to insure that pipelines to which these rules and regulations apply are continuously maintained in such a manner as to provide maximum safety for the public. Such a requirement further aids the State Fire Marshal in the fulfillment of the duties delegated to him by Minn. Stat. §§ 299F.57 subd. 4 (1971) and 299F.62 (1971).

c. The new rules and regulations also provide safety standards for the facilities to store, process and transport liquid natural gas. See: FireMar 4(b). Such requirements are clearly necessary to increase safety standards for the storage, processing and transportation of liquid natural gas.

4. The new rules and regulations for the transportation of natural and other gas by pipeline are necessary to implement effectively the provisions of Minn. Stat. §§ 299F.56 through 299F.64 (1971). Furthermore, these rules and regulations will enable the State of Minnesota to obtain federal funds available under the Natural Gas Pipeline Safety Act of 1968 (P.L. 90-481) since these rules and regulations establish a comprehensive safety program for intrastate gas facilities.

5. No comments, statements or arguments were presented during or after the public hearing on this matter.

Dated: 7-16-74

State of Minnesota
Department of Public Safety

Edward S Novak
Commissioner of Public Safety

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE EDWARD G. NOVAK

COMMISSIONER OF PUBLIC SAFETY

In the matter of Proposed Adoption of Rules of the State Department of Public Safety relating to flammable and combustible liquids

FINDINGS OF FACT

The above entitled matter came on for hearing before the Commissioner of Public Safety of the State of Minnesota on the 19th day of November, 1973, at 8:30 a.m. in Coference Room D of the Veterans Service Building, St. Paul, Minnesota, after proper notice required by Minn. Stat. § 15.0142 (1971) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and oral arguments, and having heard all the testimony, having considered all of the evidence adduced and upon the records, findings and proceedings herein, I make the following FINDINGS OF FACT:

1. The State Fire Marshal Division of the Department of Public Safety is specifically authorized pursuant to Minn. Stat. § 299F.57 (1971) to adopt rules and regulations establishing minimum safety standards for the storage, handling, use, transportation or other disposition of flammable and combustible liquids.

2. The purpose of these rules and regulations is to establish the improved safety standards relating to

the storage, handling, use or other disposition of flammable or combustible liquids.

3. A definite need exists for these rules and regulations. Four factors have given rise to the necessity for the adoption of these proposed rules and regulations. First, the break point between flammable and combustible liquids has been changed from 140°F to 100°F by the National Fire Protection Association (NFPA). Second, after investigation and based upon the experience in other states, it has been determined that self-service gas stations would be of benefit to the consuming public and accordingly, these proposed rules and regulations contain provisions regulating the disposition of flammable and combustible liquids at self-service gas stations. Third, these rules and regulations have been drafted in such a manner as to resolve preexisting conflicts between rules relating to storage of flammable and combustible liquids and certain provisions of the Uniform Building Code. Fourth, these rules and regulations establish improved safety standards especially in the area of storage of flammable and combustible liquids.

4. Among the most significant changes and amendments implemented by these rules and regulations are:

a. New rules have been drafted in order to regulate properly the dispensation of flammable and combustible liquids at self-service gas stations.

b. The proposed rules require notification to the State Fire Marshal of any product spill or loss of 25 gallons or more. See: FireMar 23(a). Such a requirement is a necessary safety measure and is an example of the improvement of the safety standards relating to flammable and combustible liquids which these rules accomplish.

c. The proposed rules and regulations also establish a requirement that the State Fire Marshal give prior approval to the construction of new or additional facilities for the storage, handling or use of flammable liquids at bulk plants, service stations, chemical plants, refineries and processing plants. This requirement is a necessary safety measure which will enable the Fire Marshal to insure that such new construction is undertaken in a manner which conforms to the requirements established by these rules and regulations. See: FireMar 23(b)(1)-(7).

5. At the public hearing on this matter, several comments were made regarding certain of the provisions of these proposed rules and regulations. These comments were confined to two areas of the proposed rules: First, it was pointed out that certain of the proposed rules were in potential conflict with certain provisions of the Uniform Building Code. Second, several comments were made regarding the proposed rules regulating self-service gas stations.

6. After consideration of the comments made by the representatives of the State Building Code Division certain changes were made in the rules as originally proposed.

These changes are designed to conform these proposed rules and regulations to applicable sections of the Uniform Building Code and therefore alleviate any possible conflict between those provisions and these rules. See: FireMar 23(e)-(h) and FireMar 23(m)-(n).

7. Comments regarding the provisions relating to self-service gas stations were primarily directed at the provisions of FireMar 23(j) which prohibit the maintenance of a dwelling unit or sleeping facility for owners, operators or employees of self-service gas stations within 100 feet of class I flammable liquid self-service dispensing devices or 50 feet of class II flammable liquid self-service dispensing devices. Comments relating to this provision were negative in nature. However, after careful consideration of the comments received, it has been determined that FireMar 23(j) establishes a reasonable and necessary safety measure and should therefore be retained in the rules.

Dated: 1-16-74

State of Minnesota
Department of Public Safety

Edward J. Novak
Commissioner of Public Safety

STATE OF MINNESOTA

BEFORE WALLACE R. HOAGLUND

COUNTY OF RAMSEY

COMMISSIONER OF PUBLIC SAFETY

In the matter of the Proposed Adoption of Rules of the State Department of Public Safety Relating to minimum safety standards for the storage, handling and use of flammable and combustible liquids.

STATEMENT OF NEED

The above captioned rules update, supercede and repeal the Rules and Regulations Relating to the State Fire Marshal Flammable Liquids Code, SFM 1-25, 1967 edition.

The need to adopt these rules arises because of industrial developments and changes in standards supported by the National Fire Protection Association.

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY

W. R. Hoaglund
COMMISSIONER OF PUBLIC SAFETY

5-8-74
DATE

STATE OF MINNESOTA

BEFORE WALLACE R. HOAGLUND

COUNTY OF RAMSEY

COMMISSIONER OF PUBLIC SAFETY

In the matter of the Proposed Adoption of Rules of the State Department of Public Safety Relating to the transportation of natural and other gases by pipeline.

STATEMENT OF NEED

The above captioned rules are amendments to existing rules of the Department of Public Safety first adopted August 31, 1972.

The need to adopt these rules arises because of federal requirements for state certification, under Public Law 90-481, in order to enable Minnesota to receive federal funds to carry out a gas and pipeline safety program. The above captioned rules amend the previously adopted (by reference) pipeline safety rules by adopting amendments since made to the federal regulations.

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY

W. R. Hoaglund

COMMISSIONER OF PUBLIC SAFETY

5-8-74

DATE

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE WALLACE R. HOAGLUND

COMMISSIONER OF PUBLIC SAFETY

In the matter of the Proposed Adoption of Rules of the State Department of Public Safety Relating to storage and handling of liquefied petroleum gases.

STATEMENT OF NEED

The above captioned rules update, supercede and repeal the Rules and Regulations Relating to the State Fire Marshal Liquefied Petroleum Gases Code SFM 201-329, 1966 edition.

The need to adopt these rules arises because of industrial developments and changes in standards supported by the National Fire Protection Association.

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY

W. R. Hoaglund
COMMISSIONER OF PUBLIC SAFETY

5-8-74
DATE