DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

BUREAU OF FIRE SERVICES

STORAGE TANK DIVISION

VEHICULAR GASEOUS FUEL SYSTEMS

(By authority conferred on the department of licensing and regulatory affairs by section 3c of 1941 PA 207, MCL 29.3c.)

PART 1. GENERAL PROVISIONS

R 29.4701 Applicability.

Rule 701. These rules apply to the design and installation of gaseous engine fuel systems on vehicles and associated fuel-dispensing systems. Compliance with these rules does not excuse compliance with other applicable state and federal statutes and rules and regulations promulgated in addition to these rules.

History: 2014 AACS.

R 29.4702 Vehicular gaseous fuel systems code; adoption by reference.

Rule 702. The provisions of the national fire protection association (nfpa) pamphlet number 52, 2013 edition, entitled *"Vehicular Gaseous Fuel Systems Code,"* are adopted by reference as part of these rules. Copies of the adopted nfpa 52 are available for inspection and distribution either at the office of the Bureau of Fire Services, Storage Tank Division, 3101 Technology Boulevard, Lansing, Michigan 48910, or from the National Fire Protection Association (NFPA), 1 Batterymarch Park, P.O. Box 9101, Quincy, Massachusetts, 02169-7471. The cost of nfpa 52, as of the time of adoption of these rules, is $46.50 per copy plus a $7.95 handling charge, per copy; or at the office of the Bureau of Fire Services, P.O. Box 30241, Lansing, Michigan 48909-7741, for a cost, at the time of the adoption of these rules, of $54.45, per copy, plus $20.00 handling, plus shipping.

History: 2014 AACS.

PART 2. AMENDMENTS TO VEHICULAR GASEOUS FUEL SYSTEMS CODE

R 29.4751 Equivalency.

Rule 751. Sections 1.4.1.1.1 and 1.4.1.1.2 are added to the vehicular gaseous fuel systems code as follows:

1.4.1.1.1 An owner or operator may make an application for a variance to the rules by applying to the department with a satisfactory explanation as to why compliance is not possible. The department may approve a variance upon finding that the variance is based on the best interests of public health, safety, welfare, and property and the environment.

1.4.1.1.2 A person aggrieved by a final decision of the department on a request for variance may appeal to the circuit court within 21 days of the decision.

History: 2014 AACS.

R 29.4752 Prohibitions.

Rule 752. Sections 1.8, 1.8.1, 1.8.2, 1.8.3, and 1.8.4 are added to the vehicular gaseous fuel systems code as follows:

1.8 Prohibitions.

1.8.1 Upon notification by the department a person shall not deliver any regulated substance into a storage system under any circumstances that are prohibited by these rules or when a tank is not in compliance with these rules. The notification may include verbal or written communication or an affixed written notification on the storage system.

1.8.2 A person shall not tamper with, remove, or disregard written notification affixed to the storage system.

1.8.3 Any storage system or practice that is not in compliance with these rules shall be considered to be in violation of these rules.

1.8.4 An owner or operator shall not continue to use a storage system that is causing a release and shall expeditiously empty the system or the component that is causing the release until the system is repaired or replaced, pursuant to these rules.

History: 2014 AACS.

R 29.4753 Permits.

Rule 753. Sections 1.9, 1.9.1, 1.9.2, 1.9.3, 1.9.4, 1.9.5, 1.9.6, and 1.9.7 are added to the vehicular gaseous fuel systems code as follows:

1.9 Permits.

1.9.1 An application for plan review shall be submitted to the department not less than 30 days before the installation of a storage system by the owner or owner's designee on behalf of the owner.

1.9.2 The installation application shall include a plot map that shows all of the following information:

(a) The locations of buildings, public roadways, railroad mainlines, and power lines.

(b) Storm sewers, sanitary sewers, manholes, and catch basins.

(c) The proposed locations of tanks and buildings.

(d) The location of property lines.

(e) The location of existing tanks, aboveground and underground, within 50 feet (15 meters) of the installation.

(f) The material of construction, the dimension, and the capacity of each tank.

(g) The class of liquid stored.

(h) The type of venting and pressure relief.

(i) The method of spill control provided.

1.9.3 The department shall issue a plan review report within 30 days of the receipt. If the report is not issued within 30 days, the installation may be constructed according to the submitted plans and comply with these rules.

1.9.4 Upon completion of the installation, the owner or designee shall notify the department not fewer than 7 calendar days before the installation is placed in service. The department shall inspect the installation following the receipt of notification and shall certify the installation if the requirements of these rules have been met. If the inspection is not made within 7 calendar days of receipt of notification, the installation may be placed in service and a notarized affidavit shall be submitted to the department attesting to the fact that the installation complies with the plans submitted and applicable rules.

1.9.5 Upon request, all plans and specifications that are submitted to the department for review shall be returned after the department has certified the installation or within 30 working days after notification to the authority having jurisdiction of the completion of the installation. Plans and specifications may be marked "confidential – do not copy" when they are submitted.

1.9.6 If construction of the storage system is not commenced within 1 year after date of approval, an installation application shall be resubmitted pursuant to this section. Fees required under the act shall be submitted with the resubmitted application.

1.9.7 Closure of aboveground storage tanks. Tanks that have not been used for more than 12 months shall be closed. To permanently close an aboveground storage tank that is no longer needed to store regulated substance, the owner or operator shall notify the department, not less than 30 days before the intended closure, on form BFS 3858 provided by the department. To permanently close an aboveground storage tank, the owner or operator shall empty the tank of all liquid and sludge, render it vapor-free, and safeguard it against trespassing. Piping that is permanently removed from service shall be emptied of all liquids and sludge, be purged and capped, or be removed from the ground.

History: 2014 AACS.

R 29.4754 Installation application fees and annual certification fees.

Rule 754. Sections 1.10, 1.10.1, and 1.10.2 are added to the vehicular gaseous fuel systems code as follows:

1.10. Installation application fees and annual certification fees.

1.10.1. Only an owner of a CNG-LNG dispensing station for which an installation application is required to be submitted under section 1.9 of these rules shall be required to pay fees as specified in section 5 of 1941 PA 207, MCL 29.5.

1.10.2. For the purpose of assessing fees, each 18,500 scf storage capacity calculated at standard temperature and maximum allowable working pressure of CNG vessel or increment thereof shall be considered a tank, as used in section 5 of 1941 PA 207, of the Public Acts of 1941, as amended, being section 29.5 of the Michigan Compiled Laws.

History: 2014 AACS.

R 29.4755 Definitions.

Rule 755. NFPA official definitions. Sections 3.2.1, and 3.2.2 of the vehicular gaseous fuel systems code are adopted with the following changes and section 3.2.2.1 is added to the vehicular gaseous fuel systems code as follows:

3.2.1 “Approved” means acceptable to the department.

3.2.2 “Authority having jurisdiction (AHJ)” means the department of licensing and regulatory affairs.

3.2.2.1 “Department” means department of licensing and regulatory affairs.

History: 2014 AACS.