

Article 8.-LIQUEFIED PETROLEUM GASES

22-8-1. (Authorized by and implementing K.S.A. 1989 Supp. 31-133; effective May 1, 1979; amended, E-82-28, Dec. 22, 1981; amended May 1, 1984; amended Aug. 28, 1989; amended Sept. 17, 1990; revoked May 10, 1993.)

22-8-2. Required signs at liquefied petroleum gas facilities. Each owner or operator of a liquefied petroleum gas facility shall ensure that the requirements of this regulation are met.

(a) Each bulk storage container for liquefied petroleum gas shall be marked with "Flammable LP gas" in letters at least six inches in height. A "No smoking" sign shall be posted within 20 feet of the container area.

(b) A weatherproof sign shall be posted at the main entrance to the facility stating the owner's name, the address of the facility, the license number of the facility, and an emergency phone number, which shall be answered 24 hours a day and seven days a week. The owner or operator, or designee, shall be available for emergency callback. This sign shall be readable at all times and shall be marked with letters and numbers at least three inches in height. (Authorized by and implementing

K.S.A. 2004 Supp. 55-1812; effective May 1, 1979; amended May 1, 1984; amended March 31, 2006.)

22-8-3. Definitions.

(a) "End retail user" has the meaning specified in K.S.A. 55-1807, and amendments thereto.

(b) "Interruption of service" has the meaning specified in K.S.A. 55-1807, and amendments thereto.

(c) "Liquefied petroleum gas" has the meaning specified in K.S.A. 55-1807, and amendments thereto. This term is also known as "LP gas" or "LPG."

(d) "Liquefied petroleum gas facilities" has the meaning specified in K.S.A. 55-1807, and amendments thereto.

(e) "Liquefied petroleum gas marketer" and "marketer" have the meaning specified in K.S.A. 55-1807, and amendments thereto.

(f) "Liquefied petroleum gas system" and "system" have the meaning specified in K.S.A. 55-1807, and amendments thereto.

(g) "LP gas motor fuel" means a material having a vapor pressure not exceeding that allowed for commercial propane composed predominantly of the following hydrocarbons, either by themselves or as mixtures: propane, propylene, butane, including normal butane and isobutene, and butylene's.

(h) "Major modification" means a 2,000-gallon increase or decrease in the amount of LP gas storage or the relocation of any LP gas bulk storage tank, dispenser, or bulkhead.

(i) "Public transportation vehicle" means a motor vehicle used to transport persons for hire.

(j) "Recognized testing laboratory" means a nationally recognized testing agency approved by the state fire marshal that is staffed by qualified personnel, is properly equipped to conduct safety tests, and is regularly engaged in conducting tests and furnishing inspection and reexamination services.

(k) "Retail distribution of liquefied petroleum gas" has the meaning specified in K.S.A. 55-1807, and amendments thereto.

(l) "Returned to service" has the meaning specified in K.S.A. 55-1807, and amendments thereto.

(m) "Site plans" means a scale drawing of an LP gas marketer's property showing the location of the site, including the location of the buildings, aboveground or underground tanks, and dispensing units, indicating the distances between all buildings, tanks, and units.

(n) "State fire marshal" means the fire marshal of the state of Kansas. (Authorized by and implementing **K.S.A. 55-1812; effective, E-82-28, Dec. 22, 1981; effective May 1, 1982; amended May 1, 1983; amended March 31, 2006.)**

22-8-4. (Authorized by and implementing K.S.A. 31-133; effective, E-82-28, Dec. 22, 1981; effective May 1, 1982; amended May 1, 1983; revoked May 2, 2014.)

22-8-5. Application and drawings.

Each LP gas marketer who wants to construct a LP gas facility or make a major modification to an existing liquefied petroleum gas facility shall submit an application, on a form provided by the state fire marshal's office, with drawings to the state fire marshal's office as specified in this regulation. If required, the marketer shall send a copy of the drawings to the local authority having jurisdiction before the marketer begins the construction or a major modification.

(a) Each application shall be accompanied by drawings, which shall be made to scale on paper no larger than 11 inches by 17 inches. The tank drawings and site plan shall be clear and readable and shall show all dimensions. The applicant shall submit the application, drawings, and a review fee of \$35 and shall obtain approval from the state fire marshal before the construction of, or any major modification to, any of the following:

- (1) Any bulk storage or transfer facility with an aggregate water capacity of more than 2,000 gallons;
- (2) any tank installed for the retail sale of LP gas through dispenser devices;
- (3) any portable cylinder storage and filling facility;
- (4) any vehicle fuel dispensing station;
- (5) any facility where the handling or use of liquefied petroleum gas is undertaken; or
- (6) any liquefied petroleum gas service station.

(b) The construction or major modification of any liquefied petroleum gas facility with an aggregate water capacity exceeding 2,000 gallons shall not commence until the application and drawings are reviewed and approved by the state fire marshal.

(c) The requirement to submit drawings for approval shall be in addition to any local jurisdiction's zoning or permit approval requirements and any additional local requirements.

(d) All submitted drawings shall include the following information:

- (1) The name of the person, firm, or corporation planning the new or modified LP gas facility, the location of the proposed facility, and the location of the adjacent streets or highways;
- (2) for bulk plants, the location of the plot of ground to be utilized and its immediate surroundings, including any structures of value located on adjacent properties within 100 feet of the property line on all sides, and the complete layout of the buildings, tanks, point-of-transfer operations, driveways, and dispensing equipment;
- (3) the location, capacity, and dimensions of each tank; the types, sizes, and locations of all valves, including hydrostatic relief and emergency shutoff valves; the location of all lines and pumps; the location of the plot of ground to be utilized; and the complete layout of the buildings, driveways, and dispensing equipment;
- (4) the type, size, and location of all appliances piping located below ground and connected to aboveground equipment;
- (5) for underground storage, the location and capacity of each tank, the class and name of the liquid to be stored in each tank, and the location of the fill openings, gauges, vent pipes, valves, and regulators;
- (6) all details specifically requested in the application; and
- (7) any other relevant information deemed necessary by the fire marshal.

(Authorized by and implementing K.S.A. 55-1810; effective, E-82-28, Dec. 22, 1981; effective May 1, 1982; amended May 1, 1983; amended March 31, 2006.)

22-8-6. Self-service LP stations. Self-service LP gas service stations open to the public except political or state subdivision shall be prohibited in the state of Kansas

(Authorized by and implementing K.S.A. 31-133; effective, E-82-28, Dec 22, 1981; effective May 1, 1982).

22-8-7. (Authorized by and implementing K.S.A. 1985 Supp. 31-133; effective May 1, 1986; amended May 1, 1987; revoked May 2, 2014)

22-8-8. Inspections.

Each liquefied petroleum gas facility licensed under the Kansas propane and safety act shall be inspected by the state fire marshal or the state fire marshal's designee during the application process or during the first year of licensure. After each license renewal, the facility shall be inspected by the state fire marshal or the state fire marshal's designee.

(Authorized by and implementing K.S.A. 55-1BOB and 55IBI2; effective March 31, 2006.)

22-8-9. Approval process for application and drawings.

(a) Each submitted application and the accompanying drawings specified in K.A.R. 22-8-5 shall be approved or denied pursuant to K.S.A. 55-1810 and amendments thereto.

(b) If the application or drawings do not indicate substantial conformity to the applicable requirements of the Kansas fire prevention code and the state fire marshal's regulations, the applicant shall be notified in writing that the application is deemed deficient by the state fire marshal.

(Authorized by K.S.A. 55-1BI2; implementing K.S.A. 55-1810; effective March 31, 2006.)

22-8-10. Licensing requirements; classes; fees; renewals.

(a) To obtain a license under the Kansas propane safety and licensing act, each applicant shall submit the following to the state fire marshal's office:

(1) An application for each desired license;

(2) proof that the training requirements in K.A.R. 22-8-11 for each desired license have been met;

(3) proof of continuous general liability insurance coverage of at least \$1,000,000; and

(4) a onetime, nonrefundable initial application fee of \$25, unless the applicant is an officer or employee of the state of Kansas or any political or taxing subdivision and that person is acting on behalf of the state or political taxing subdivision.

(b) If the license application is approved, the appropriate annual fee shall be paid before issuance of the license.

(1) The annual license fee for a class one dealer license, which shall be required for the retail distribution of liquefied petroleum gas, shall be \$175 per location.

(2) The annual fee for a class two bulk storage site license, which shall be required for the bulk storage of liquefied petroleum gas, shall be \$25 per tank.

(3) The annual fee for a class three cylinder transport license, which shall be required to operate a cylinder delivery service, shall be \$100 per vehicle.

(4) The annual fee for a class four cylinder filling license, which shall be required to operate a cylinder filling facility, shall be \$50 per facility. For the purpose of this paragraph, "cylinder filling facility" shall include any facility that fills cylinders or sells cylinder valves.

(5) The annual fee for a class five recreational vehicle fueling license, which shall be required to fuel recreational vehicles or mobile fuel containers, shall be \$50 per facility.

(6) The annual fee for a class six cylinder exchange cabinet license, which shall be required to establish a cylinder exchange cabinet or participate in a cylinder program, shall be \$10 for each cabinet at any location. Each cabinet shall be required to have a new sticker applied to the cabinet annually. Each sticker shall be provided by the state fire marshal's office.

(7) The annual fee for a class seven self-serve liquefied petroleum gas dispensing license, which shall be required to operate a liquefied petroleum gas fueling facility, shall be \$50 per facility.

(b) The annual fee for a class eight installation and service of liquefied petroleum gas systems license, which shall be required to install, maintain, or modify a residential or commercial liquefied petroleum gas distribution and utilization system, shall be \$20 per technician.

(c) Each license shall expire on September 30 each year.

(d) Any LP gas license may be renewed annually. Each applicant for renewal shall submit the following to the state fire marshal's office on or before July 15:

(1) The renewal form;

(2) proof that the continuing education requirements have been met;

(3) proof of continuous general liability insurance coverage of at least \$1,000,000; and

(4) payment of each applicable annual license fee.

(Authorized by K.S.A. 55-1BI2; implementing K.S.A. 55-1809 and 55-1812; effective March 31, 2006.)

22-8-11. Initial training; instructor and class approval.

(a) For each type of initial license sought, each applicant or, if the applicant is not an individual, an agent or employee of the applicant shall complete the required training specified in this regulation.

(b) If the individual who completed the required training specified in this regulation ceases to be an agent or employee of the licensee, another agent or employee of the licensee shall complete the training specified in this regulation within six months of the date the individual who previously completed the training ceased to be an agent or employee of the licensee.

(c) Each instructor and each class shall be approved in advance by the state fire marshal. (d) Each applicant shall submit proof of successful completion of the following certified employee training program (CETP) or propane education and research council (PERC) courses or equivalent courses approved by the state fire marshal, as applicable, to the state fire marshal's office:

(1) For a class one dealer license, the basic principles and practices class, except that this requirement shall not apply to any applicant seeking a class four or class five license who will not otherwise engage in the retail distribution of liquefied petroleum gas;

(2) for a class two bulk storage site license, the basic plant operations class;

(3) for a class three cylinder transport license, the propane delivery operations and cylinder delivery class or the bobtail delivery operations class;

(4) for a class four cylinder filling license, the dispensing propane safely class;

(5) for a class five recreational vehicle fueling license, the dispensing propane safely class;

(6) for a class six cylinder exchange cabinet license, one of the following:

(A) If the applicant is a cylinder exchange company, the basic principles and practices class; or

(B) if the applicant owns or operates an individual cylinder exchange location, no required training;

(7) for a class seven self-serve liquefied petroleum gas dispensing license, the dispensing propane safely class; and

(8) for a class eight installation and service of liquefied petroleum gas systems license, the basic principles and practices class and one of the following:

(A) The installing appliances and interior vapor distribution systems class;

(B) the designing and installing exterior vapor distribution systems class; or

(C) systems testing training.

(Authorized by and implementing K.S.A. 2013 Supp. 55-1812; effective March 31, 2006; amended May 2, 2014.)

22-8-12. Refresher training.

(a) Each licensee shall ensure that one of the following occurs at least every three years:

(1) The individual who completed the initial training required by K.A.R. 22-8-11 completes the corresponding refresher training.

(2) An agent or employee of the licensee other than the individual specified in paragraph (a)(1) completes the initial training specified in K.A.R. 22-8-11.

(b) Each instructor and each refresher course shall be approved in advance by the state fire marshal.

(c) Each licensee shall submit proof of compliance with this regulation to renew the license.

(Authorized by and implementing K.S.A. 2013 Supp. 55-1812; effective March 31, 2006; amended May 2, 2014.)

22-8-13. Adoption of national codes.

The following national fire protection association standards, including the annexes, are hereby adopted by reference:

(a) Standard no. 54, "national fuel gas code," 2006 edition; and

(b) Standard no. 58, "liquefied petroleum gas code," 2008 edition, except that the provisions of chapter 6.25 shall be effective on and after January 1, 2012.

(Authorized by and implementing K.S.A. 55-1812; effective March 31, 2006; amended Feb.4, 2011.)

22-8-14. Interruption of LP gas service.

(a) Each licensee that modifies, repairs, services, or alters an end retail user's liquefied petroleum gas system shall fill out an "interruption of LP gas service form" for each modification, repair, service, or alteration. The licensee shall require the signature of the customer on the form and shall keep the original form on file for five years. The licensee shall make each form available to the state fire marshal upon request.

(b) The form specified in subsection (a) shall be obtained from or approved by the state fire marshal's office. This form is also known as an "out of LP gas" form.

(Authorized by and implementing K.S.A. 2004 Supp. 55-1812; effective March 31, 2006.)

22-8-17. Public LP gas cylinder exchange cabinets.

Each liquefied petroleum gas marketer and each owner or operator of a location with any public LP gas cylinder exchange cabinets shall ensure that the requirements of this regulation are met.

(a) Each public LP gas cylinder exchange cabinet shall be located at least 10 feet from any doorway or opening in a building frequented by the public. Each cabinet shall be located at least 20 feet from any automotive fuel dispenser and at least 20 feet from any source of ignition.

(b) Each public LP gas cylinder exchange cabinet shall be protected from vehicle damage. The protection of each cabinet shall consist of guard posts or either tire bumpers or curbs made of concrete.

(1) Each guard post shall be designed and constructed as follows:

(A) Each post shall be constructed of steel that is at least four inches in diameter and is filled with concrete.

(B) The posts shall be spaced not more than four feet apart and at least four feet high from the top edge of the footing hole. A minimum of two posts shall be used.

(C) Each cabinet corner that does not abut a building shall be protected by a post.

(D) Each post shall be set at least three feet deep in a concrete footing that is at least 15 inches in diameter.

(E) Each post shall be painted yellow.

(F) The clearance between the posts and the cabinet shall be at least three feet.

(2) Each tire bumper or curb shall be designed and constructed as follows:

(A) Each bumper or curb shall be made of concrete and shall be at least four feet long.

(B) The premanufactured height of the bumper or curb shall be at least five inches.

(C) Each bumper or curb shall be permanently affixed to the sidewalk or driveway.

(D) The clearance between the cabinet and either the bumper or curb shall be at least three feet.

(E) Each bumper or curb shall be painted yellow.

(c) (1) All emergency information and product information on each public LP gas cylinder exchange cabinet shall be visible and readable from the front of each cabinet and on each cylinder. All company information, including an emergency phone number that is answered 24 hours a day and seven days a week, shall appear on each cabinet and cylinder and shall be readable. Each cabinet shall bear the words "No smoking" and "propane" in letters at least three inches high.

(2) Each exchange cabinet shall bear one or more warning labels that identify the hazards of propane in terms of the categories of health, flammability, and instability to provide basic information to fire-fighting, emergency response, and other personnel. Each warning label shall meet the requirements specified in national fire protection standard no. 704, 2001 edition, including the annexes, which is hereby adopted by reference.

(d) Each cylinder shall remain upright when stored in the exchange cabinet, whether the cylinder is empty, full, or partly full.

(Authorized by and implementing K.S.A. 2004 Supp. 55-1812; effective March 31, 2006.)