## Article 7. – FLAMMABLE AND COMBUSTIBLE LIQUIDS

**22-7-6 Flammable and combustible liquids; applications and checklists.** The state fire marshal shall make available on request applications, guidelines, checklists, procedures, applicable regulations and the like regarding the safe storage, use and sale of flammable and combustible liquids as well as the installation and maintenance of related tanks, piping, valves and dispensers. (Authorized by and implementing K.S.A. 1991 Supp. 31-133; effective May 10, 1993.)

**22-7-7 Approval of plans.** (a) Except as otherwise provided in this section, before the construction or modification of any installation for the storage, handling or use of flammable liquids is undertaken, drawings or blueprints made to scale shall be submitted to the state fire marshal with an application, all in duplicate, for approval. Within a reasonable time after receipt of the application with drawings or blueprints, the state fire marshal shall examine the plans and, if found to conform to applicable requirements of the Kansas Fire Prevention Code, shall signify approval of the application either by endorsement thereon or by attachment thereto, retain one copy for the files and forward the second copy to the Kansas Department of Health and Environment for their required approvals and eventual return to the requestor. If the drawings or blueprints do not indicate conformity with the applicable requirements of the Kansas Fire Prevention Code, the state fire marshal shall notify the applicant accordingly. Plans and applications shall be submitted postage paid to the address specified by the state fire marshal.

(b) The plans approval requirements applies to the following:

(1) Each new installation of tanks containing flammable or combustible liquids in the following amounts:

(A) Any state, county or local governmental unit installing tanks of 660 gallons or more capacity;

(B) any Industrial or Business company installing tanks of 660 gallons or more capacity;

(C) any agricultural farm installation of tanks of 1,100 gallons or more capacity; and

(D) any tank installed for the retail sale of flammable or combustible product through dispenser devices;

(2) any modifications to or replacements of tanks or piping at any establishment or facility meeting the requirements of (1); and

(3) any installation of new dispenser locations at any establishments or facility meeting the requirements of (1). This does not include the routine replacement of dispensers at existing sites.

(c) This plans approval requirements is in addition to any local jurisdiction requirements necessary to meet local zoning or permit approval and additional local requirements. In the event of a dispute as to whether or not the drawings or blueprints show conformity with the applicable requirements of these regulations, the local decision can be appealed to the state fire marshal in accordance with statutory provisions.

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

(1) The name of the person, firm, or corporation proposing the installation, the location thereof and the adjacent streets or highways;

(2) for bulk plants, in addition to any applicable features required under (4) and (5) of this section, 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, the complete layout of buildings, tanks, loading and unloading docks, and the types of construction of each building;

(3) for service stations, in addition to any applicable features required under (4) and (5) of this section, the plot of ground to be utilized and the complete layout of buildings, drives, and dispensing equipment;

(4) for above ground storage, the location and capacity of each tank, the dimensions of each tank, the class and name of liquid to be stored in each tank, the type of any tank supports, the types and sizes of normal and emergency valves, and the location of pumps and other facilities by which the tanks are filled or drained;

(5) in the case of underground storage, the location and capacity of each tank, the class and name of liquid to be stored in each tank, and the location of fill, gauge and vent pipes and openings; and

(6) in the case of installation for storage, handling or use of flammable liquids within the buildings or enclosures at any establishment or occupancy covered in this section, such detail as to show whether applicable requirements are met. (Authorized by and implementing K.S.A. 1991 Supp. 31-133; effective May 10, 1993.)

**22-7-8 Retroactivity.** (a) Kansas Fire Prevention Code regulations governing flammable and combustible liquids shall apply uniformly at all new or existing establishments and facilities in Kansas except as modified below. Requirements pertaining to operational practices and use of containers shall apply and be enforced at all new or existing establishments and facilities at or in which flammable or combustible liquids are stored, handled or used as of the effective date of these regulations.

(1) Physical installations shall apply and be enforced at all establishments and facilities erected, constructed, installed or first devoted to flammable or combustible liquid storage, handling or use on or after the effective date of these regulations.

(2) Establishments and facilities in existence prior to the effective date of these regulations shall comply with the following minimum requirements.

(A) The location or arrangement of buildings, tanks, platforms, docks, or 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 continued. When reconstruction or

modernization of any noncomplying establishment or facility existing prior to the effective date of these regulations is undertaken, the elimination or correction of such nonconformity shall then be made in the course of such work.

(B) Lack of adequate emergency venting on any above ground tank, or lack of an operable fire valve at any tank opening below the liquid level on above ground tanks of more than 1,100 gallons or on any size above ground tank used for refueling at a service station, is deemed to be distinctly hazardous and shall be corrected or eliminated by no later than January 1, 1994 in all tanks except for crude oil tanks in oil fields, or tanks at refineries or marine or pipeline terminals.

(C) Lack of a liquid level gauge or a suitable means to prevent tank overfilling with the availability of appropriate conversion charts to determine the available capacity of a tank is deemed to be distinctly hazardous, and such system or means shall be installed and operable by no later than October 1, 1993.

(D) Lack of diking of existing above ground tanks to contain a fuel spill of at least 110 percent to the capacity of the largest tank is deemed to be distinctly hazardous, and such diking or containment shall be installed which contains the product at a location away from inhabited buildings or places of high value by no later than January 1, 1994.

(E) Lack of breakaway devices on all dispenser hoses and the secure anchoring of dispensers is deemed to be distinctly hazardous, and such shall be installed, anchored and operable by no later than October 1, 1993.

(F) Lack of a properly installed fire valve underneath a dispenser in a pressurized piping system is deemed to be distinctly hazardous, and such device shall be installed immediately.

(G) Lack of a properly operating solenoid valve installed adjacent to any tank installed at an elevation which produces a gravity head on a dispensing device used to refuel vehicles and in the piping serving any such dispenser is deemed to be distinctly hazardous, and such valve shall be installed by no later than July 1, 1994, or at any prior date when such piping or dispenser is modified or replace.

(H) Lack of a fire valve or vacuum-activated anti-siphon valve installed underneath any suction type dispenser served by above ground tanks at an elevation that produces a gravity head on a dispensing device used to refuel vehicles is deemed to be distinctly hazardous, and either a fire valve or anti-siphon vacuum activated valve shall be installed by no later than July 1, 1994, or at any prior date when such piping or dispenser is modified or replaced.

(I) Lack of substantial collision protection at the end of dispenser islands is determined to be distinctly hazardous, and such protection shall be provided no later than January 1, 1994, or any prior date when dispenser island is modified or upgraded. (Authorized by and implementing K.S.A. 1992 Supp. 31-133; effective May 10, 1993.)

**22-7-9 Flammable and combustible liquid transfer responsibility.** Each individual conducting the transfer of flammable or combustible liquids from a transport vehicle to a storage tank governed by the Kansas Fire Protection Code shall verify the available capacity of the tank prior to starting any transfer operations, be in attendance during such operations and take the necessary steps to insure that overfilling does not occur. (Authorized by and implementing K.S.A. 1991 Supp. 31-133; effective May 10, 1993.)

**22-7-10 Emergency response training.** (a) Each employee involved in fuel transfer into motor vehicles at a retail service station, including attendants and cashiers of self-service stations, upon employment and at least annually thereafter shall receive training from a responsible facility representative or industry organization on the proper procedures to be used in case of fire, overfill, or fuel spill situation. Such training shall include information regarding improper transfer of fuels, types of improper and illegal containers, and instruction of the proper use of fire extinguishers. Documentation of such training shall be maintained and shall be available for inspection upon request by a deputy state fire marshal.

(b) Each establishment or facility involved in fuel transfer into motor vehicles at retail service stations shall have emergency instructions covering fire, overfill or fuel spill procedures posted and readily available in the vicinity of all control consoles or attendant locations. Emergency telephone numbers shall be included on the instructions. The owner or designee of each establishment or facility is responsible for developing and posting the instructions. (Authorized by and implementing K.S.A. 1991 Supp. 31-133; effective May 10, 1993.)

**22-7-11 Connection of above ground tanks to dispensers used for refueling vehicles.** (a) Above ground tanks of no more than 12,000 gallons total capacity may be connected to a dispenser used for refueling vehicles if, by the determination of the state fire marshal, adequate safeguards, including distances to property of value, proper valving and dispenser protection are provided and a reasonable degree of safety is maintained.

(b) Local jurisdictions may supersede this approval through zoning, ordinance or permitting prohibitions against such installations. (Authorized by and implementing K.S.A. 1991 Supp. 31- 133; effective May 10, 1993.)

**22-7-12 Aboveground abandonment of underground tanks.** (a) Any underground tanks previously containing flammable or combustible liquids which are abandoned above ground shall be marked on two sides, in legible numbers not less than eight inches tall, the month, day and year the tank was first abandoned. The local fire department shall be notified of the location of any site where any group of tanks having a combined capacity of more than 12,000 gallons is abandoned.

(b) The tank owner shall be responsible for:

(1) Purging the tank of vapors;

(2) insuring that explosive concentrations of vapors cannot gather inside the tank; and

(3) insuring that no opening of the tank is accessible to children.

(c) Tanks abandoned for more than twelve months shall then be rendered unusable by the tank owner by disassembly or other appropriate means which shall permit the free circulation of air throughout the tank.

(d) No underground tank shall be reinstalled for aboveground use without being certified for such use by meeting the requirements of UL standard 142 or equivalent. (Authorized by and implementing K.S.A. 1991 Supp. 31-133; effective May 10, 1993.)