Date: January 20, 2016

To: All Pier Users

From: Geno Marconi

Subject: Dispensing of diesel fuel from a tank vehicle to marine craft

The dispensing of diesel fuel from a tank vehicle to a marine craft located at a commercial, industrial, governmental, or manufacturing establishment and used in conjunction with their business may only be accomplished with prior approval by the State Fire Marshal.

Attached is a copy of an Informational Bulletin 2015-07 issued by the New Hampshire Office of the State Fire Marshal which sets forth the policies and procedures relative to applying for a variance.

Also attached is a copy of the form "Request for Variances or Exceptions" as referenced in the bulletin. The form can also be found at: www.nh.gov/safety/divisions/firesafety/documents/Variance7-31-12.pdf

Vessels may only receive bulk fuel deliveries at Division facilities in Portsmouth, Rye and Hampton from a PDA approved vendor. Additionally, such vessels must have entered into a written agreement with the PDA Division of Ports and Harbors for the use of Division facilities which may, subject to meeting specified requirements, include permission to use authorized fuel vendors.

Additional information is available on the Port’s website: http://portofnh.org/directory.html or by contacting:
Geno Marconi, Director
603-436-8500 g.marconi@peasedev.org
Informational Bulletin 2015-07
Diesel Fueling of Vessels at Piers


The State Fire Code and NFPA 30A provide for the proper refueling of all marine craft by way of stationary aboveground and underground storage tank facilities. Such existing and proposed stationary storage tank facilities are regulated by the New Hampshire Code of Administrative Rules, Env-Wm 1402, Control of Aboveground Petroleum Storage Facilities (UST rules). These rules prohibit the use of tank vehicles for the purpose of on-site storage of oil at a facility. Please contact the DES Oil Compliance Section at orgx.wmd@des.nh.gov or (603) 271-3899 with questions specific to existing or proposed stationary refueling facilities.

Pursuant to NFPA 30A Chapter 11, Marine Fueling, dispensing of gasoline directly from a tank vehicle to a marine craft is expressly prohibited under any circumstances. Dispensing of diesel fuel from a tank vehicle to a marine craft located at a commercial, industrial, governmental, or manufacturing establishment and used in conjunction with their business may only be accomplished with prior approval by the State Fire Marshal.

- The tank vehicle shall comply with the requirements of NFPA 385, Standard for Tank Vehicles for Flammable and Combustible Liquids. [30A - 9.6.2]
- The dispensing hose shall not exceed 50 feet in length. [30A - 9.6.2]
- The dispensing nozzle shall be a listed, automatic closing-type without a latch-open device. [30A - 9.6.4]
- Nighttime deliveries shall only be made in areas deemed adequately lighted by the State Fire Marshal’s Office. [30A - 9.6.5]
- The tank vehicle flasher lights shall be in operation while dispensing operations are in progress. [30A - 9.6.6]
- Expansion space shall be left in each fuel tank to prevent overflow in the event of temperature increase. [30A - 9.6.7]
- A locally approved Emergency Action Plan (EAP) along with emergency spill equipment must be available prior to initiating operations. [NFPA 1, 10.9]
Under the NH State Fire Code, Saf-C 6005.01 Availability; The State Fire Marshal shall grant exceptions or variances to the State Fire Code to the extent that such action will provide a degree of safety substantially equivalent to that provided under the provisions for which the exception or variance is granted. To apply for an exception or variance pursuant to Saf-C 6005.03, please visit http://www.nh.gov/safety/divisions/firesafety/documents/Variance7-31-12.pdf to complete and submit form DSFM 129 along with additional documents.

This type of request for exception or variance shall include, but not be limited to the following:

- Letter of approval from property owner
- State hardship reason for not complying with prescribed code
- Letter of approval from Fire Department
- Locally approved Emergency Action Plan (EAP)

**Emergency Action Plan EAP Checklist**

- List of Emergency Spill Equipment/Location
- Location of fueling identified and accessible
- 24-hour contact for vendor
- Type and quantity of product to be dispensed
- Impervious surface type (recommendation)
- Spill control procedures identified
- Fire Department notification procedures
- Site plan noting fueling facility/area with drains

Please contact the State Fire Marshal’s Office at FMO@dos.nh.gov or (603) 223-4289 with questions specific to the State Fire Code requirements.
Request for Variances or Exceptions
Pursuant to NH Code of Administrative Rules Saf-C 6005.03

Applicant Name: ____________________________

Mailing Address: ____________________________
  Address: ____________________________
  City: ____________________________ State: __________ Zip Code: __________
  E-Mail: ____________________________

Property Owner: ____________________________

Mailing Address: ____________________________
  Address: ____________________________
  City: ____________________________ State: __________ Zip Code: __________
  Telephone: ____________________________ Cell Phone: ____________________________
  E-Mail Address: ____________________________

Property Location for which the variance or exception is being requested:

Name of Property: ____________________________

Address: ____________________________
  City: ____________________________ State: __________ Zip Code: __________

Occupancy type: ____________________________ Building Class: ____________________________

Specify the code or rule provision for which this request is applicable.

What is the nature and extent of the relief requested therefrom, including but not limited to a detailed description, including architectural or engineering plans, of the structure, equipment, property or process that will be affected by the exception or variance, if approved;
Detailed reason for request;

Provide a detailed explanation of how the exception or variance if approved will provide a degree of safety substantially equivalent to that required by the code or rule provision for which the exception or variance is requested;

Attach additional pages if needed and any supporting documents if applicable.

Signature of Applicant: ___________________________ Date: ____________________

Return form to: Office of the State Fire Marshal
                NH Department of Safety
                Bureau of Fire Safety
                33 Hazen Dr
                Concord NH 03305

cc: Local Fire Department

FIRE MARSHAL’S OFFICE USE ONLY

Date Received: ___________________________  □ Approved  Date Approved: ____________________

Date Assigned: ___________________________  □ Denied  Date Denied: ____________________

Variance / Exception #: ___________________________

Assigned By: ___________________________  Assigned To: ___________________________

Date Letter Sent: ____________________

Form: DSFM 129
Rev: 7/2012