FUEL VARIANCE APPLICANT INSTRUCTIONS

1. Applicant completes all sections of the variance request form and returns to Port Authority for review along with a current pier use permit.

2. If authorization to use the property is granted, applicant will be asked to sign a letter outlining the terms of the authorization (template attached in packet).

3. After receiving Port Authority authorization letter, applicant requests approval from the local Fire Department (following their processes and procedures). The Fire Department will not approve without receiving the Port Authority approval.

4. Applicant submits their completed application (with letters of authorization from DPH and local Fire Department) to the State Fire Marshall, by mail using the address on the form or by email to fmo@dos.nh.gov.

5. Applicant will provide copies of complete variance request packet to Port Authority.

6. State Fire Marshall will return an approval or denial letter to the applicant by mail or email.

7. If by mail, applicant notifies the Division they have received approval and provides a copy of the approval letter for our files.

8. DPH or applicant will provide the State Fire Marshall’s letter of approval to the approved fuel vendors.

9. Atlantic Fuels and Broco Oil are the only approved vendors as of 3/5/2020.
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:

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 orb.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 - 9.6.3]
- 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.
If applicant agrees, they will complete page 2 and return to Port. Port will update page 1 and have the Director sign page 2.

Date, Month, Day, Year

Company Name
Owner Name
Vessel Name
Mailing address
City, State Zip

Re: Authorization to use Approved Fuel Vendors @ (choose one only) Hampton, Rye, PFP, Market St. Harbor Marine Facility

Dear XXXXX,

The Pease Development Authority Division of Ports and Harbors (PDA-DPH) is in receipt of your request for proof that you are authorized to use the facilities at (choose only one) Hampton or Rye Harbor Marine Facility, Market St. Marine Terminal or Portsmouth Commercial Fish Pier. You have made this request in connection with your application for a variance from the Office of the NH State Fire Marshal to receive bulk fuel deliveries at this facility.

This letter will substantiate that you are currently in possession of a valid Pier-Use Permit and that you are authorized to use the facility in connection with your commercial fishing business.

PDA-DPH authorizes you to receive bulk fuel deliveries at the facility subject to the following terms and conditions:

- Deliveries are limited to diesel fuel only
- Deliveries are only to be received from a vendor approved by the PDA-DPH, currently there are 2 approved vendors:
  - Atlantic Fuels: 603-964-6967
  - Broco Oil: 978-228-0613
- Vessel owners and operators agree to be familiar with and follow the vendor’s Fueling Procedures as approved by the United States Coast Guard
- Vessel owners and operators agree to be familiar with and follow the fuel vendors Emergency Action Plan as approved by the United States Coast Guard
- Vessel owners and operators agree to apply for and secure a variance from the Office of the State Fire Marshal BEFORE receiving diesel fuel deliveries from a PDA-DPH approved vendor
- Vessel owners and operators agree to continued compliance with the terms and conditions of any variance and/or changes and updates issued by the Office of the State Fire Marshal
• Vessel owners and operators agree to indemnify and hold harmless the PDA-DPH for any damage or injury resulting for diesel fuel deliveries received from a vendor and tank truck at PDA-DPH facilities

• Vessel owners and operators agree to notify the U.S. Coast Guard National Response Center (1-800-424-8802), NH-DES (1-603-271-3503), local Fire Department (911 and emergency call box at facility) and PDA-DPH (1-603-436-8500) immediately of any spills resulting from diesel fuel deliveries from a PDA-DPH approved vendor.

Please sign BOTH copies to acknowledge your agreement to these terms and conditions. Return one executed copy of this letter to the PDA-DPH office to my attention. Retain one executed copy as proof of authorization to be submitted with the fuel variance application for the State Fire Marshal.

Sincerely,

Geno J. Marconi, Director PDA-DPH

I,_________________________ [PRINT name] being the owner/operator of the vessel,

_________________________ [vessel name], have read, understand and agree to the terms and conditions of this letter of authorization to receive bulk diesel fuel deliveries at the PDA-DPH facilities named above.

Date:___________________________

Signature:__________________________

Title:_____________________________
Request for Variances or Exceptions
Pursuant to NH Code of Administrative Rules Saf-C 6005.03

Applicant Name: ____________________________ Vessel Name: ____________________________

Mailing Address: ________________________________________________________________

Address: __________________________________________ State: ____________ Zip Code: ____________

City: ____________________________ State: ____________ Zip Code: ____________

E-Mail: ____________________________ Best Contact phone number: ____________________________

Property Owner: NH Division of Ports and Harbors

Mailing Address: 555 Market St.

Address: 555 Market St.

City: Portsmouth State: NH Zip Code: 03801

Telephone: 603-436-8500 Cell Phone: 603-365-0503

E-Mail Address: g.marconi@peasedev.org and b.therrien@peasedev.org

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

Name of Property: ____________________________

Address: __________________________________________

City: ____________________________ State: ____________ Zip Code: ____________

Occupancy type: Business Building Class: ____________

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

What is the nature and extent of the relief requested there from, 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;

1) Requesting relief from NFPA 30A Chapter 11.

2)
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 #: ___________________________ Date Letter Sent: ___________________________

Assigned By: ___________________________ Assigned To: ___________________________

Form: DSFM 129
Rev: 7/2012