

BERMUDA STATUTORY INSTRUMENT

BR 54/1988

**LIQUEFIED PETROLEUM GASES (HANDLING, STORAGE,
SUPPLY AND TRANSPORT) REGULATIONS 1988**

*[made under section 3(1) of the Building Authority Act 1962 [title 20 item 2]
and brought into operation on 27 July 1988]*

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Citation

1 These Regulations may be cited as the Liquefied Petroleum Gases (Handling, Storage, Supply and Transport) Regulations 1988.

NFPA 58

NFPA 58 to have force of law in Bermuda

2 The provisions of Standard 58 of the National Fire Protection Association of the United States, 1986 Edition, as amended from time to time (hereafter referred to as "NFPA 58")—

- (a) shall have the force of law in Bermuda, shall form part of and be subject to these Regulations; and
- (b) shall be construed with the necessary modifications, adaptations, qualifications and exceptions to bring them into conformity with the Act and these Regulations.

Interpretation

3 In addition to the expressions defined in NFPA 58, for the purpose of these Regulations the following expressions have, unless the context otherwise requires, the meanings assigned to them—

"owner" includes the person authorised by the owner to have control of a container;

"portable exchange cylinder" means a portable container constructed to DOT (United States Department of Transportation) cylinder specifications with a maximum capacity of 100 lbs. of LPG (Liquefied Petroleum Gas);

"storage container" means any vessel constructed to DOT cylinder specifications with a maximum capacity of 420 lbs. of LPG or constructed to ASME (American Society of Mechanical Engineers) specifications, to be used in a stationary consumer installation.

DISTRIBUTING PLANT

Bulk storage plant

4 (1) In addition to the definition contained in section 1 - 7 of NFPA 58, a bulk storage plant will consist of storage containers not greater than 200,000 gallons w.c. (water capacity) each, intended to receive LPG from tanker-vessels approved by international maritime organisations or from approved portable containers.

(2) The plant mentioned in paragraph (1) may fill portable exchange cylinders and approved cargo tanks.

[regulation 4 amended by BR 53/1998 effective 24 July 1998]

Licence

5 (1) No person shall maintain or operate a plant mentioned in regulation 4 unless under and in accordance with the terms of a valid licence issued pursuant to these Regulations.

(2) An application for the issue of a licence shall be made in writing to the Minister.

(3) The Minister may, after consultation with the Chief Fire Officer, approve the application or where he is not satisfied as to the suitability of the location or the equipment of the plant, reject the application.

(4) Where the Minister approves the application he shall issue a licence which may be subject to such terms as the Minister thinks fit.

(5) The terms specified in the licence shall be complied with; however, the Minister may vary the terms or may for reasonable cause revoke the licence.

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Installation and fire protection

6 The plant mentioned in regulation 4 must comply with the standards of NFPA 58 and in addition must observe the API-2510 standards and shall have a water spray system complying with NFPA 15.

Dock facilities

7 (1) The docking facilities for a tanker-vessel shall be used exclusively for petroleum products and not for passengers or general cargo use or both.

(2) Remote operated valves, approved for their intended use, shall be installed at each pipeline, at the dock side or at the beginning and end of a jetty.

[regulation 7 amended by BR 53/1998 effective 24 July 1998]

DISTRIBUTING POINT

Distributing point facility

8 (1) In addition to the definition contained in section 1 - 7 of NFPA 58, a distributing point facility (hereafter referred to as "the facility") shall not consist of storage containers greater than 1,000 gallons w.c., with a maximum aggregate capacity of 4,000 gallons w.c., and intended to receive LPG from an approved cargo tank.

(2) The facility shall only fill portable exchange cylinders and the engine fuel tanks of motor vehicles.

Licence

9 (1) No person shall maintain or operate the facility unless under and in accordance with the terms of a valid licence issued pursuant to these Regulations.

(2) An application for the issue of a licence shall be made in writing to the Minister.

(3) The Minister may, after consultation with the Chief Fire Officer, approve the application or where he is not satisfied as to the suitability of the location or the equipment of the facility, reject the application.

(4) Where the Minister approves the application he shall issue a licence which may be subject to such terms as the Minister thinks fit.

(5) The terms specified in the licence shall be complied with; however, the Minister may vary the terms or may for reasonable cause revoke the licence.

Installation and fire protection

10 The facility must comply with the standards of NFPA 58 and with the minimum distance requirements for the location of storage tanks; however, if the aggregate capacity of the storage tanks is greater than 2,000 gallons w.c. a water supply system shall be installed.

Filling of containers

11 No container shall be filled other than by qualified personnel in the employ of the operator of the facility.

CONSUMER INSTALLATION

LP- Gas System

12 For the purposes of these Regulations an LP- Gas System, (defined in section 1 - 7 of NFPA 58, shall consist of storage containers that shall be subject to the approval of the Chief Fire Officer or of portable exchange cylinders for domestic household use and of storage containers with a capacity of not greater than 1,000 gallons w.c. or of portable exchange cylinders for commercial use.

Notification

13 Section 1 - 5.1.1 of NFPA 58 shall be construed with the modification requiring that plans for all stationary installations using storage containers and for portable exchange cylinder installations with an aggregate capacity exceeding 501 gallons w.c. shall be submitted to the Chief Fire Officer before the installation is started.

Licence

14 (1) No person shall maintain or operate an installation mentioned in regulation 13 unless under and in accordance with the terms of a valid licence issued pursuant to these Regulations.

(2) An application for the issue of a licence shall be made in writing to the Minister.

(3) The Minister may, after consultation with the Chief Fire Officer, approve the application or where he is not satisfied as to the suitability of the location or the equipment of the installation, reject the application.

(4) Where the Minister approves the application he shall issue a licence which may be subject to such terms as the Minister thinks fit.

(5) The terms specified in the licence shall be complied with; however, the Minister may vary the terms or may for reasonable cause revoke the licence.

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Marking of containers

15 All containers shall be marked with the name of the owner of the container and shall comply with the provisions of NFPA 58.

Filling of containers

16 (1) No person other than the owner or the person authorised by the owner or both shall—

- (a) connect or disconnect a container;
- (b) fill a portable exchange cylinder unless at a distributing plant or at a distributing point; or
- (c) fill a storage container unless from a cargo tank.

(2) A person requesting the disconnection of a container shall give sufficient notice to the owner of the container to disconnect it.

(3) Notwithstanding paragraph (1), if after a reasonable time the container has not been disconnected by the owner or the person authorised by him, the person requesting the same may then disconnect it, whether empty or full, downstream of the system regulator in a manner that renders the container leak tight, with valves turned off and all openings plugged.

Location of containers

17 Containers shall be installed in accordance with section 3 - 2.2 of NFPA 58, save that containers must not be installed underground or mounded.

Inspection of containers

18 (1) Portable exchange cylinders shall be qualified by visual inspection in accordance with DOT standards and storage containers must be inspected every twelve months.

(2) A record of the inspection mentioned in paragraph (1) must be maintained by the owner in a manner prescribed by the Chief Fire Officer and made available upon request.

ENGINE FUEL SYSTEMS

Filling of containers

19 A container must not be filled unless the owner of the engine fuel system displays certification that the system conforms to section 3 - 6 of NFPA 58.

Inspection of containers

20 Engine fuel tanks must be inspected every twelve months and a record of the inspection must be maintained in a manner prescribed by the Chief Fire Officer and made available upon request.

VEHICULAR TRANSPORTATION OF LPG

Tank truck

21 The capacity of a cargo tank mounted on a vehicle, as defined in section 1 - 7 of NFPA 58, shall be limited to 2,000 gallons w.c. and the manufacturer or the fabricator shall certify that the tank truck, container and its assembly and appurtenances comply with section 6 - 3 of NFPA 58 and to DOT standards.

Portable containers

22 A container of more than 1,000 gallons w.c. may be used to transport LPG in bulk but shall be limited to 2,000 gallons w.c.: the container may be filled to its approved capacity but must be constructed to DOT Specification 51 and comply with section 6 - 2.3 of NFPA 58.

Licence

23 (1) No person shall maintain or operate a tank truck or a portable container unless under and in accordance with the terms of a valid licence issued pursuant to these Regulations.

(2) An application for the issue of a licence shall be made in writing to the Minister.

(3) The Minister may, after consultation with the Chief Fire Officer, approve or reject the application.

(4) Where the Minister approves the application he shall issue a licence which may be subject to such terms as the Minister thinks fit.

(5) The terms specified in the licence shall be complied with; however, the Minister may vary the terms or may for reasonable cause revoke the licence.

TRAINING OF PERSONNEL

Training of personnel

24 (1) In addition to the requirements mentioned in section 1 - 6 of NFPA 58, the operator of a Distributing Plant or Point must satisfy the Chief Fire Officer that personnel involved in LPG liquid transfer have received suitable training in their responsibilities.

(2) In addition to the requirements mentioned in section 1 - 6 of NFPA 58, the operator of a tank truck, a vehicle transporting a

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portable container or a truck for the delivery of portable exchange cylinders must satisfy the Chief Fire Officer that personnel involved with the transportation have received suitable training in their responsibilities.

SAVING AND REPEAL

Transitional saving

25 [omitted]

Repeal

26 [omitted]

[Amended by:

BR 53/1998]