

Proposed Rulemaking

Title

Promulgated by:
Liquefied Petroleum Gas Board

Title 15. Natural Resources and Economic Development

Chapter XIV. Liquefied Petroleum Gas Board, Department of Energy and Environment

Subchapter A. Generally

Part 270. State Liquefied Petroleum Gas Board Code

Subpart 1. Generally

15 AR § 270-101. General order.

(a)(1) Except as modified in the remaining sections of this part, the Liquefied Petroleum Gas Board adopts by reference the rules and standards established by the National Fire Protection Association (NFPA) in its 2024 edition of LP-Gas Code, number 58 (NFPA 58) and ANSI Z223.1 National Fuel Gas Code, number 54 (NFPA 54).

(2) All publications are published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269-9101.

(3) Any documents or parts of documents incorporated by reference into NFPA 54 and NFPA 58 shall be a part of these rules and this part as if set out in full.

(b)(1) This rule does not incorporate any subsequent amendments or additions to the referenced material.

(2) Nothing in these sections or subchapters shall prevent the Board from adopting additional requirements, whether more or less stringent, to protect the health, safety and welfare of the general public.

(c)(1) Any documents or language incorporated by reference into these rules shall be a

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part of these rules, except for any provisions of NFPA 54 and NFPA 58 that are inconsistent with the Liquefied Petroleum Gas Board Act, Arkansas Code § 15-75-101, et seq., or this part.

(2) In cases of inconsistency, the provisions of the Liquefied Petroleum Gas Board Act and this part shall be effective and control.

15 CAR § 270-102. Waiver.

To the extent permitted by statute, where the application of a State Liquefied Petroleum Gas Board Code rule would be unreasonable under the facts of the particular case, and safety may be obtained in other ways, the Liquefied Petroleum Gas Board may, upon adequate showing by the person affected, grant exemption or modification of the rule complained of under such requirements as will secure a reasonable condition of safety, provided such exemption or modification be not in conflict with the law.

15 CAR § 270-103. Definitions.

(a) In the application of the rules of the State Liquefied Petroleum Gas Board Code, the terms "liquefied petroleum gases", "liquefied petroleum gas system", "container", "appliance", "manufacturer", "jobber", "dealer", "vendor", "board," and "person" shall be construed to mean the same as defined by Acts 1965, No. 31, Arkansas Code § 15-75-102.

(b) "Important building". Definition adopted by reference NFPA 58 Annex A, A.6.4.1.1 with the following additional language:

Any building wired for electricity. A building "wired for electricity" consists of an electrical wiring system that distributes energy to be used for equipment, lighting, or appliances in the building. "Wired for electricity" also involves the proper installation, operation, and existence of electrical outlets, switches, breakers, meter base, and different electrical circuits for the building.

(c) "Transloading" is defined as the transfer of liquefied petroleum gas between a transport cargo conveyance, such as a railcar or road-going transport cargo tank, and a

delivery vehicle such as a bobtail tank truck.

15 CAR § 270-104. Liquefied petroleum gases — Refineries.

(a) Liquefied petroleum gases sold for use in the state shall comply with specifications as published by the Natural Gasoline Association of America.

(b) The refineries shall furnish the distributor with a delivery slip showing the vapor pressure of the gas at one hundred degrees Fahrenheit (100° F) and specific gravity of the gas at sixty degrees Fahrenheit (60° F) for every load of gas sold to the distributor.

(c) No container shall be filled or partially filled:

(1) At the loading station of a refinery with a gas with higher vapor pressure at one hundred degrees Fahrenheit (100° F) than that for which the container is constructed and stamped on the container; and

(2) In excess of ninety percent (90%) of the water gallon capacity, as shown on the name plate or by the strapping on the tank.

15 CAR § 270-105. [Reserved].

15 CAR § 270-106. Safety supervisors.

(a) Each dealer or company who has been issued a class one permit shall have in its full-time employ a person who shall be designated the safety supervisor to have charge of the company's safety operations.

(b) The person assigned this position shall be required to have a general knowledge of the characteristics of liquefied petroleum gases, as well as its proper handling and utilization, along with a thorough knowledge and understanding of the National Fire Protection Association Pamphlet No. 58 and this part, covering the storage and handling of liquefied petroleum gases.

(c) Proof of such person's competency shall be evidenced by a written or oral examination, indicative as to the knowledge required to engage safely in the handling of liquefied petroleum gases, as well as the rules governing such operation.

15 CAR § 270-107. Probation of permit holders or holders of certificates of competency.

In the event the Liquefied Petroleum Gas Board should find violations of the liquefied petroleum gas laws, or the rules which do not merit revocation or suspension, the board may in its discretion place such permit holder or holder of a certificate of competency upon probation for a period not to exceed one (1) year, during which time the board or its representative shall investigate in order to ascertain whether or not the violation complained of has been:

- (1) Corrected or terminated; and
- (2) Not repeated.

15 CAR § 270-108. Liquefied petroleum gas permit holders.

(a) After the expiration of the permit fee payment date, which has been set by law as January 1:

(1) Any dealer continuing in operation without payment of the fee as required shall be considered as operating in violation of the law; and

(2) The Liquefied Petroleum Gas Board may or may not issue a permit, as in their judgment they decide.

(b) Dealers shall report to the office of the Director of the Liquefied Petroleum Gas Board the explosion of any liquefied petroleum gas container.

(c)(1)(A) All liquefied petroleum gas containers must be purchased from a manufacturer who has been issued a permit by the board.

(B) A list of such manufacturers will be furnished upon request.

(2) No person shall use or install, or cause to be used or installed in this state, any container upon which:

(A) The applicable fee has not been paid; and

(B) Does not have the state tag of approval attached.

(d)(1) Applicants for certificate of competency through liquefied petroleum gas examination must present proof of satisfactory previous on-the-job training to the board before they shall be allowed to participate in an examination.

(2) Minimum period of training for liquefied petroleum gas installation personnel and liquefied petroleum gas transport and delivery truck operators or drivers shall be not less than thirty (30) days.

(3)(A) Any applicant participating in a liquefied petroleum gas examination who fails to obtain a passing grade shall not be eligible for reexamination for at least thirty (30) days.

(B) In the event the applicant fails to obtain a passing grade on the second examination, a period of ninety (90) days will be required before participating again in another similar examination.

(C) In the event the applicant should fail to make a successful grade on the third examination, a period of not less than one (1) year will be required before reexaminations.

(4) Certified personnel who have not been employed for one (1) year or more by a dealer who has been issued a current permit will be required to be recertified through a current written or oral examination.

(5) The issuance of a temporary certificate of competency is prohibited.

15 CAR § 270-109. Dealers' area of operation.

(a) No dealer shall sell or offer for sale liquefied petroleum gas or conduct liquefied petroleum gas operations of any type in any area or location not shown on and authorized by a current permit.

(b)(1)(A) Each holder of a class five permit with a customer outside the area of the class one dealer for which the class five permit holder delivers shall receive written authorization from the Liquefied Petroleum Gas Board for each customer outside the class one dealer's area.

(B) This provision shall apply to only those class five permit holders with customers outside the area of the class one dealer as of March 31, 1995.

(2)(A) Each class five permit holder shall submit to the board adequate proof of each customer outside their class one dealer's area.

(B) Such proof shall be that which is sufficient to establish to the board's

satisfaction that the service existed on or before March 31, 1995.

(C) The board shall consider only such proof as establishes a customer relationship in the twelve-month period immediately preceding the March 31, 1995, deadline.

(D) After March 31, 1995, each class five permit holder must apply for and acquire a class one permit for any customer outside the area of the class one dealer for which they deliver.

(3) Any class five permit holders who were formerly, but are not currently, serving customers outside the area of a class one dealer, must apply for and be granted a class one permit if they desire to resume service to such customers.

15 CAR § 270-110. Report of installation.

(a) Dealers shall forward to the Liquefied Petroleum Gas Board on an approved type form not later than the fifteenth of each month, a report of installation covering each container and system installed during the preceding month.

(b) For report of installation covering public buildings, see ~~15 CAR § 270-120(f)~~.
15 CAR § 270-115(b).

15 CAR § 270-111. DOT Cylinders

(a) The filling of Department of Transportation (DOT) forklift cylinders from a delivery truck is prohibited.

(b) DOT Cylinder Safety

(1) All cylinders with a capacity of over forty pounds (40 lbs.) of propane that are not fitted with an OPD valve must be transported and stored with a POL plug.

(2) Cylinder valves requiring maintenance that are fifteen (15) years or older must be replaced.

(3) Liquefied Petroleum Gas Board-approved signage must be displayed in a prominent location.

(4) Permit holders must use the Liquefied Petroleum Gas Board-approved form to report new and existing station locations.

(5)(A) Class 1 and Class 3 permit holders will provide Liquefied Petroleum Gas Board-approved training for exchange station employees.

(B) Record of such training will be transmitted to the Liquefied Petroleum Gas Board office.

15 CAR § 270-112. ASME Containers.

(a) The filling of any container which does not have an attached approval tag is prohibited.

(b) "Fit for Service" designation. As set out below, certain containers that have a missing name plate may be placed back into service if they meet the following criteria:

(1) All containers with missing name plates must be certified "Fit for Service" using Liquefied Petroleum Gas Board-approved inspection methodology;

(2) All entities seeking to inspect and designate "Fit for Service" containers must be approved and permitted by the Liquefied Petroleum Gas Board;

(3) (A) Storage containers allowed under "Fit for Service" are limited in size from five hundred water gallons (500 w.g.) up to one thousand water gallons (1000 w.g.).

(B) This limitation does not apply to large bulk storage located at permit holders' bulk plant; and

(4) "Fit for Service" containers can be used only in the agricultural industry and for the following purposes:

(A) Provide fuel to field irrigation units;

(B) Provide fuel for commercial livestock operations;

(C) Provide fuel for crop drying; and

(D) Other agricultural applications as may be brought before the Liquefied Petroleum Gas Board for consideration.

(c) Liquid petroleum containers out of service.

(1) When the board receives a complaint concerning an out-of-service container, the board or its director will notify the permit holder that the permit holder must retrieve the container and corresponding equipment within thirty (30) days from

initial receipt of notification.

(2) Notification will be made by email transmission or certified United States Postal Service mail.

(3) Permit holders who fail to retrieve the container and equipment within thirty (30) days of receipt of notification will be fined fifty dollars (\$50.00) per day for each day beyond the thirty-day period, until the container and equipment are retrieved and may be subject to injunctive action to have the container and equipment removed.

15 CAR § 270-113. Bulk Storage Containers.

(a) The words "Storage containers" shall be construed to mean all vessels used for bulk storage and commercial storage of liquefied petroleum gases.

(b) (1) Containers used for bulk storage, and commercial storage vessels located at cotton gins, rice dryers, schools, hospitals, bottle filling plants, etc., having a capacity over two thousand (2,000) water gallons shall be located not less than fifty feet (50') from the nearest important building or group of buildings or line of adjoining property which may be built on.

(2) Bulk storage containers shall not be less than fifty feet (50') from a track of a railroad or public highway.

(3) Waiver of this requirement may be made by the Director of the Liquefied Petroleum Gas Board providing no undue hazards exist, but in no case shall bulk storage containers be located closer than twenty-five feet (25') from the main line or passing track of a railroad or public highway, regardless of size of the container.

(4) Exception. Bulk storage containers used for the transferring of liquefied petroleum gases into delivery trucks shall be not less than four hundred feet (400') from any:

- (A) School;
- (B) Hospital; or
- (C) Other place of public assembly.

(c) Each liquid petroleum gas stationary storage installation of six thousand (6,000) gallons or more, aggregate capacity, installed on or after July 1, 1993, shall incorporate

in its design bulkheads and emergency shutoff valves (ESVs) for liquid and vapor transfer systems.

(1) Bulkhead design shall be approved by the board and shall be of concrete or steel and anchored sufficiently to prevent displacement of piping and fittings in the event of a truck pull-away while the transfer hose is connected. (See diagram page)

(2) Piping through a bulkhead shall be secured to the bulkhead by means of a schedule 80 threaded coupling welded into the top plate. A minimum of 12" schedule 80 nipple shall be installed on the truck side of the bulkhead to provide a shear point. (See Appendix A)

(3) Emergency shutoff valves (ESVs) shall be installed in fixed piping of the transfer system upstream of the bulkhead and within four feet (4') of the bulkhead with a flexible wire braided hose not more than twenty-four inches (24") installed between the ESVs and the bulkhead.

(4) ESVs shall be installed according to the manufacturer's instructions.

(5) ESVs shall incorporate all of the following means of closing:

(A) Automatic shut off through thermal (fire) actuation using fusible elements with a melting point not to exceed two hundred fifty degrees Fahrenheit (250° F);

(B) Manual shutoff at the installed location; and

(C) Manual shutoff from a remote location.

(i) Remote controls shall be connected to each ESV.

(ii) Emergency remote controls shall be conspicuously marked and shall be located and maintained to be readily accessible in emergencies;

(6) Where the flow of liquefied petroleum gas is in one (1) direction only, a backflow check valve may be used in lieu of an ESV in the fixed piping, provided that the back-flow check valve has a metal-to-metal seat or a primary resilient seat with a secondary metal seat not hinged with combustible material.

(7) ESVs or back-flow check valves shall be installed in the piping system in such a manner that:

(A) Any break resulting from a pull-away will occur on the transfer hose side of

the bulkhead; and

(B) The valves and piping on the container side of the bulkhead will remain intact

(8) The bulkheads and ESVs must be kept in proper working order at all times in accordance with the manufacturer's instructions. (See Appendix A)

(9) No bulk or commercial storage container shall be installed or moved and reinstalled at any location prior to approval by the director or a representative of the Liquefied Petroleum Gas Board.

(10) All bulkheads must be located a minimum of ten feet (10') from the container.

(11) All new Bulk Plants installed after July 1st 2011 are required to meet NFPA58.

(12) Bulk Plants in existence prior to July 1st 2011 will be required to be updated to meet NFPA58 under any of the following conditions:

(A) The Bulk Plant or storage is moved within the State.

(B) Additional Storage is added; or

(C)(i) The plumbing is altered either for repair or addition.

(ii) This does not include any repairs made from the inlet of the pump downstream or the replacement of any flexible components.

15 CAR § 270-114. Railcar to Cargo Tank Transfer (Transloading).

(a) Railcar to transport cargo tank transfer is allowable under the following conditions:

(1) Installation of all equipment used for transloading must be done in accordance with NFPA 58 guidelines;

(2) Installation is limited to twenty-four (24) months and must be approved by the Liquefied Petroleum Gas Board;

(3) Cargo tank transfer is for transport service only;

(4) A Class 8 permit must be obtained; and

(5) Annual inspections must be conducted.

(b) Railcar to Bobtail cargo tank (hereinafter defined as 5000wg or smaller) transfer is

allowable under the following conditions:

(1) A temporary permit authorizing transloading must be obtained from the board by a Class 1 permit holder; and

(2) The permit will be issued for a specific number of days.

(c) Transport cargo tank to Bobtail cargo tank transloading is allowable under the following conditions:

(1) A temporary permit authorizing transloading must be obtained from the board by the Class 1 permit holder;

(2) The permit will be issued for a specific number of days; and

(3) Inspection must be conducted prior to transloading.

15 CAR § 270-115. Pressure Testing / Leak Check.

(a) (1) The installation of a system for use with liquefied petroleum gas at a public building or structure including, but not limited to, a school, church, hospital, theater, motel, rest home, shall be examined and tested under an air pressure of not less than twenty-five pounds per square inch gauge (25 psig) for a period of time commensurate or proportionate to the size and length of the piping, but in no case shall the test be for a period of less than thirty (30) minutes.

(2) The test shall be witnessed by the owner, user, or representative thereof.

(b) A report of installation on an approved type form, obtainable from the Liquefied Petroleum Gas Board, shall be completed at the time of installation, and forwarded to the board by the dealer on the same date, separate and apart from any and all other reports that may be required.

(c) Upon receipt of the report of installation, a representative of the board shall, within a period of time not to exceed one hundred twenty (120) days, make an inspection of the installation to determine that the container, visible piping, and appliances are properly installed.

(d) Any extension, change, or alteration in the system shall be performed in accordance with the above procedure.

(e)(1) No piping may be buried under public buildings, including, but not limited to

schools, churches, hospitals, theaters, motels, and rest homes.

(2) All piping shall be installed aboveground and shall be supported with hangers as outlined in NFPA54, Chapter 7.

(3) Exception.

(A) Piping from the container to the building shall be installed underground.

(B) When it is not practical to install piping below ground, adequate protection suitable to the board shall be provided where installed above ground.

(f)(1) On all installations, after new piping is installed, all outlets shall be capped and tested at a pressure of not less than twenty-five pounds per square inch (25 psi) air pressure for a period of not less than thirty (30) minutes.

(2) There shall be no loss of pressure during this test.

(g)(1) When an interruption of service occurs because of an addition to the piping system, or an existing system has been repaired or replaced, all additions, repaired, or replaced piping shall be tested at a pressure of not less than twenty-five pounds per square inch (25 psi) air pressure for a period of not less than thirty (30) minutes.

(2) There shall be no loss of pressure during this test.

(h)(1) A manometer, pressure gauge, or equivalent test shall be performed on an existing installation:

(A) Whenever there is an interruption of service caused by an out of gas situation; or

(B) If the dealer is servicing the system for the first time.

(2)(A) Also, if servicing the system for the first time, the dealer shall do a visible systems check to ensure the gas system is installed correctly.

(B) This shall be done before placing the system in service.

(i) Interruption of service means systems which require repair, replacement, or addition to the piping system as well as out of gas systems.

(j)(1) Existing installations in a single-family dwelling or small commercial building shall be tested between a minimum of eighty-five percent (85%) and a maximum of ninety-five percent (95%) of the operating pressure of the system at the location of the test.

(2) No gain or loss in pressure shall occur during this test for a period of

three (3) minutes.

(k)(1) Existing installations in a larger piping application shall be tested between a minimum of eighty-five percent (85%) and a maximum of ninety-five percent (95%) of the operating pressure of the system at the location of the test.

(2) The duration of the test shall be not less than thirty (30) minutes for each five hundred cubic feet (500 ft³) of pipe volume or fraction thereof.

(3) No gain or loss in pressure shall occur during this test.

(l)(1) An alternative test method may be used for systems serving appliances that receive gas at pressures of one-half pounds per square inch gauge (1/2 psig) or less, by:

(A) Inserting a water manometer or pressure gauge into the system downstream of the final system regulator;

(B) Pressurizing the system with either fuel gas or air to a test pressure of 9 inches + or - V2 inches w.c.; and

(C) Observing the device for a pressure change.

(2) If fuel gas is used as a pressure source, it is necessary to pressurize the system to full operating pressure, close the container service valve, and then release enough gas from the system through a range burner valve or other suitable means to drop the system pressure to 9 inches + or - V2 inches w.c.

(3) This ensures that:

(A) All regulators in the system are unlocked; and

(B) A leak anywhere in the system is communicated to the gauging device.

(4) No gain or loss of pressure shall occur during this test for a period of three (3) minutes.

(5) For larger piping systems, the duration of the test shall not be less than thirty (30) minutes for each five hundred cubic feet (500 ft³) of pipe volume or fraction thereof.

(6) No gain or loss in pressure shall occur during this test.

(m) There shall be no gain or loss of pressure during these tests.

(n) If a pressure gain or loss is noted in any of the above test procedures, the source of

the leak must be determined and repaired immediately before the system can be placed in operation.

(o)(1) A second test shall then be applied after gas cocks and appliances have been connected.

(2) This test shall be:

(A) Made by filling the lines with gas at operating pressure; and

(B) Held long enough to prove all connections free from leaks by the use of a soapy water test at all connections.

(3) This test shall include the connections at the regulator and service line valve.

(4)(A) The piping system shall withstand the test pressure specified without showing any evidence of leakage or other defects.

(B) Any reduction of test pressures as indicated by pressure gauge shall be deemed to indicate the presence of a leak unless such reduction can be readily attributed to some other cause.

(5) (A) The leakage shall be located by means of an approved combustible gas detector, soap and water, or equivalent nonflammable solution, as applicable.

(B) Caution. Since some leak test solutions, including soap and water, may cause corrosion or stress cracking, the piping shall be rinsed with water after testing, unless it has been determined the leak test solution is noncorrosive.

(6) When leakage or other defects are located, the affected portion of the piping system shall be repaired or replaced and retested.

(7) (A) Before gas is introduced into a system of new gas piping, or back into an existing system after being shut off for repair, the entire system shall be checked to determine that:

(i) There are no open fittings or ends;

(ii) All manual valves at outlets on equipment are closed; and

(ii) All unused valves at outlets are closed and plugged or capped.

(B)(i) Immediately after turning on the gas, the piping system shall be checked to ascertain that no gas is escaping.

(ii) If leakage is indicated, the gas supply shall be shut off until the

necessary repairs have been made.

(p)(1) Dealers shall then forward to the board, on an approved type form not later than the fifteenth of each month, a report of installation covering each container and system installed and tested during the preceding month.

(2) Additionally, the dealer shall provide the customer with a copy of the report for installation.

15 CAR § 270-116. Industry Personnel Training.

(a) The Board shall require initial, recurring and annual training for employees of all permit holders under this section. Permit holders must provide proof of training when submitting annual permit renewals. Certified employees who fail to attend required training are subject to certification suspension or revocation.

(b) Initial training.

(1) Initial training is required of new certified employees of all permit holders.

(2) Initial training must consist of:

(A) Class one employees: At least 30 hours of Board-approved, instructor-led classroom training. Training is required within one (1) year of employment or at the next opportunity.

(B) Classes 2-10 employees: At least six hours of Board-approved training.

(C) Board approved curriculum based on national industry safety protocols.

(D) Successful completion of the curriculum will be demonstrated by a test score of at least 70% based on an examination.

(E) Training may be provided by a Board-approved recognized safety organization.

(c) Recurring training.

(1) Recurring training is required every three years for all certified employees of permit holders who have previously

completed initial training.

(2) Recurring training must consist of:

(A) At least six (6) hours of board-approved, instructor-led classroom training.

(B) Board- approved curriculum based on national industry safety protocols.

(C) Successful completion of the curriculum will be demonstrated by a test score of at least 70% based on an examination.

(D) Training may be provided by a board-approved recognized safety organization.

(d) Annual training.

(1) Annual training consists of at least one (1) general safety meeting attended by all certified employees of permit

holders within each twelve (12) month period.

(2) Annual Training must consist of:

(A) Curriculum based on industry protocols. Permit holders shall have broad discretion in determining annual safety meeting curriculum.

(B) Testing and scoring is not required but encouraged.

(C) Permit holders must document the topic, date and attendance of each annual training session and retain a copy of the curriculum for inspection.

(D) Training may be provided by a Board-approved recognized safety organization

15 CAR § 270-117. Compliance with other material.

In addition to the rules contained in this State Liquefied Petroleum Gas Board Code, the Liquefied Petroleum Gas Board or any representative thereof may require compliance with any recommendation or standard contained in the latest edition of the National

Fire Protection Association Pamphlet No. 58 or Pamphlet No. 54 (ANSI 223.1) relative to the installation and operation of any container, system, or appliance in this state.

Appendix A

BULKHEAD

