

ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

John Thurston

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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Liquefied Petroleum Gas Board

Department Department of Energy and Environment

Contact Lauren Ballard E-mail lauren.ballard@Arkansas.Gov Phone 501-682-0581

Statutory Authority for Promulgating Rules Ark. Code Ann. Sec. 25-15-401

Rule Title: State Liquefied Petroleum Gas Board Code Rules and Regulations

Intended Effective Date

(Check One)

Date

☐ Emergency (ACA 25-15-204)	Legal Notice Published	_____
☐ 10 Days After Filing (ACA 25-15-204)	Final Date for Public Comment	_____
☐ Other _____ (Must be more than 10 days after filing date.)	Reviewed by Legislative Council	<u>01/26/2024</u>
	Adopted by State Agency	_____

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

<u>Peter Alberg</u>	<u>Peter.Alberg@adeq.state.ar.us</u>	<u>2/1/2024</u>
Contact Person	E-mail Address	Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Lauren Ballard
Signature

501-682-0581

Phone Number

E-mail Address

Chief of Staff

Title

2/1/2024

Date



ARKANSAS

ENERGY & ENVIRONMENT

Sarah Huckabee Sanders
GOVERNOR

Shane E. Khoury
SECRETARY

February 1, 2024

VIA ELECTRONIC MAIL
Arkansas Secretary of State
Arkansas Register
State Capitol
500 Woodlane Street
Room 026
Little Rock, AR 72201

RE: Ark. Code Ann. §25-15-401 Filing Requirement
Liquefied Petroleum Gas Board

To Whom it May Concern:

On Thursday, January 25, 2024, the Administrative Rules Committee of the Legislative Council approved the extension of the rules of the Department of Energy and Environment - Liquefied Petroleum Gas Board. This action was approved by the Legislative Council on January 26, 2024. Pursuant to Ark. Code Ann. § 25-15-401(g)(3), the Department of Energy and Environment and the Liquefied Petroleum Gas Board are hereby filing with the Secretary of State the attached list of rules that were extended by the Legislative Council, which list is incorporated herein by reference.

The Department of Energy and Environment - Liquefied Petroleum Gas Board did not have any rules that were not extended or otherwise repealed.

Should you have any questions, please contact the undersigned at lauren.ballard@arkansas.gov, or 501-682-0581.

Sincerely,

A handwritten signature in black ink that reads "Lauren Ballard".

Lauren Ballard
Chief of Staff
Department of Energy and Environment

Act 781 of 2017 Rules Report

for Department of Energy and Environment - Liquefied Petroleum Gas Board

Department of Energy and Environment - Liquefied Petroleum Gas Board							
Enforce							
1. Waiver		ID#: 1382		Promulgated Date	Effective Date	Filed w/ SOS Date	Last Revision Date
☐	Required under State or Federal Law:	15-75-207		01/01/1965	05/01/1965	05/01/1965	
	Requirement Statement:	Rule allows common sense board approved exceptions where safety is maintained and no statute is violated.					
	Enforce or Repeal?:	Enforce					
	Agency Justification:	The rule allows for the State Liquefied Petroleum Gas Board to consider facts of a particular case and public safety to grant exemptions or modifications of its rules as long as they do not conflict with other laws.					
	Link to Rule Document:	http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/118/Rules/1382/Final/Waiver.pdf					
2. Definitions		ID#: 1395					
☐	Required under State or Federal Law:	15-75-102, 15-75-207		01/01/1965	05/01/1965	05/01/1965	
	Requirement Statement:	Rule sets forth language used to define certain terms used throughout Code.					
	Enforce or Repeal?:	Enforce					
	Agency Justification:	This rule clarifies the definitions of rule terms to make sure that they conform to the definitions listed in Ark. Code Ann. Sec. 15-75-102.					
	Link to Rule Document:	http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/118/Rules/1395/Final/Definitions.pdf					
3. Liquefied Petroleum Gas - Refineries		ID#: 1407					
☐	Required under State or Federal Law:	15-75-314, 15-75-207		01/01/1965	05/01/1965	05/01/1965	
	Requirement Statement:	This rule sets the minimum standard for purity of propane received by consumers.					
	Enforce or Repeal?:	Enforce					
	Agency Justification:	This rule sets the minimum safety standards for purity of propane received by consumers, vapor pressure, and required safety specifications of propane in conformity the requirements of the Natural Gasoline Association of America.					
	Link to Rule Document:	http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/118/Rules/1407/Final/Liquefied Petroleum Gas - Refineries.pdf					
5. Safety Supervisor		ID#: 1416					
☒	Required under State or Federal Law:	15-75-307, 15-75-303, 15-75-207		01/01/1965	05/01/1965	05/01/1965	
	Requirement Statement:	Ark. Code Ann. Sec. 15-75-303 requires that the LP Gas Board conduct examinations to ensure that gas is handled safely. This rule provides for testing of competency of individuals prior to working in the industry.					
	Enforce or Repeal?:	Enforce					
	Agency Justification:	This rule requires each dealer or company who has been issued a Class 1 Permit to have in their full-time employ a safety supervisor to have charge of the company's safety operations.					
	Link to Rule Document:	http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/118/Rules/1416/Final/Safety Supervisors.pdf					
6. Probation of Permit Holders or Holders of Certificates of Competency		ID#: 1427					

	Promulgated Date	Effective Date	Filed w/ SOS Date	Last Revision Date
Statutory Authority: 15-75-207, 15-75-321 ☐ Required under State or Federal Law: 15-75-321 Requirement Statement: Rule allows for violations that do not rise to the level of revocation or suspension of Permit. Enforce Agency Justification: This rule allows for fair and equitable board discipline of holders when it is determined that their conduct does not merit permit or certificate revocation or suspension. http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/118/Rules/1427/Final/Probation of Permit Holders or Holders of Certificates of Competency.pdf Link to Rule Document:	01/01/1965	05/01/1965	05/01/1965	
7. Liquefied Petroleum Gas Permit Holders				
Statutory Authority: 15-75-207, 15-75-305 ☒ Required under State or Federal Law: 15-75-305 Requirement Statement: Ark. Code Ann. Sec. 15-75-305 and the rule require that any person engaged in the liquefied petroleum gas business must be first issued a permit by the LP Gas Board. Enforce or Repeal?: Enforce Agency Justification: This rule implements requirements for permit holders to timely pay permit fees, requirements regarding the safety of gas containers, and training. http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/118/Rules/1446/Final/Liquefied Petroleum Gas Permit Holders.pdf Link to Rule Document:	01/01/1965	05/01/1965	05/01/1965	ID#: 1446
8. Dealer's Area of Operation				
Statutory Authority: 15-75-207 ☐ Required under State or Federal Law: (none) Requirement Statement: (none) Enforce or Repeal?: Enforce Agency Justification: This rule requires dealers to offer or sell gas or gas operations only in locations authorized by a current permit. http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/118/Rules/1451/Final/Dealers Area of Operation.pdf Link to Rule Document:	01/01/1971	01/01/1971	01/01/1971	ID#: 1451
9. Report of Installation				
Statutory Authority: 15-75-207, 15-75-110 ☒ Required under State or Federal Law: 15-75-110 Requirement Statement: Ark. Code Ann. Sec. 15-75-110 requires that reports be made in the manner prescribed by the LP Gas Board. Enforce or Repeal?: Enforce Agency Justification: This rule implements the state requirement for monthly submittal of installation reports for containers and systems installed in the previous month. http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/118/Rules/1454/Final/Report of Installation.pdf Link to Rule Document:	01/01/1965	05/01/1965	05/01/1965	ID#: 1454
10. Containers				
Statutory Authority: 15-75-207, 15-75-208 ☒ Required under State or Federal Law: 15-75-208 Requirement Statement: Ark. Code Ann. Sec. 15-75-208 requires that the LP Gas Board provide standards and specifications for gas containers. This rule provides standards or specifications by which all containers used to hold, transport, or deliver propane must be built ensuring safety of the consumer and general public. http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/118/Rules/1459/Final/10_Containers.pdf Enforce or Repeal?: Enforce Agency Justification: Ark. Code Ann. Sec. 15-75-208 requires that the LP Gas Board provide standards and specifications for gas containers. This rule provides standards or specifications by which all containers used to hold, transport, or deliver propane must be built ensuring safety of the consumer and general public. Link to Rule Document:	01/01/1965	05/01/1965	10/13/2021	ID#: 1459

	Promulgated Date	Effective Date	Filed w/ SOS Date	Last Revision Date
11. Fittings and Assembling				ID#: 1464
Statutory Authority: 15-75-207, 15-75-208	01/01/1965	05/01/1965	05/01/1965	01/01/1971
☒ Required under State or Federal Law: 15-75-208				
Requirement Statement: Ark. Code Ann. Sec. 15-75-208 requires that the LP Gas Board provide standards and specifications for gas containers. This rule provides standards or specifications by which all containers used to hold, transport, or deliver propane must be built ensuring safety of the general public.				
Enforce or Repeal?: Enforce				
Agency Justification: Ark. Code Ann. Sec. 15-75-208 requires that the LP Gas Board provide standards and specifications for gas containers. This rule provides standards or specifications by which all containers used to hold, transport, or deliver propane must be built ensuring safety of the general public.				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/118/Rules/1464/Final/Fittings and Assembling.pdf				
12. Tank Trucks Construction and Assembly				ID#: 1468
Statutory Authority: 15-75-207, 15-75-208	01/01/1965	05/01/1965	10/13/2021	10/23/2021
☒ Required under State or Federal Law: 15-75-208				
Requirement Statement: Ark. Code Ann. Sec. 15-75-208 requires that the LP Gas Board provide standards and specifications for gas containers. This rule provides standards or specifications by which all containers used to hold, transport, or deliver propane must be built ensuring safety of the consumer and general public.				
Enforce or Repeal?: Enforce				
Agency Justification: Ark. Code Ann. Sec. 15-75-208 requires that the LP Gas Board provide standards and specifications for gas containers. This rule provides standards or specifications by which all containers used to hold, transport, or deliver propane must be built ensuring safety of the consumer and general public.				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/118/Rules/1468/Final/12_Tank_Truck_Assembly.pdf				
13. Fuel Tanks and Vaporizers				ID#: 1479
Statutory Authority: 15-75-207, 15-75-208	01/01/1965	05/01/1965	05/01/1965	09/01/1995
☒ Required under State or Federal Law: 15-75-208				
Requirement Statement: Ark. Code Ann. Sec. 15-75-208 requires that the LP Gas Board provide standards and specifications for systems, appliances, and appurtenances. This rule sets forth specifications for the construction of equipment for motor fuel use ensuring the safety of the consumer and general public.				
Enforce or Repeal?: Enforce				
Agency Justification: Ark. Code Ann. Sec. 15-75-208 requires that the LP Gas Board provide standards and specifications for systems, appliances, and appurtenances. This rule sets forth specifications for the construction of equipment for motor fuel use ensuring the safety of the consumer and general public.				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/118/Rules/1479/Final/Fuel_Tanks and Vaporizers.pdf				
14. Tank Truck-Operation				ID#: 1488
Statutory Authority: 15-75-207	01/01/1965	05/01/1965	05/01/1965	01/01/1994
☐ Required under State or Federal Law: (none)				
Requirement Statement: (none)				
Enforce or Repeal?: Enforce				
Agency Justification: This rule provides safety standards for tank vehicle operations and maintenance restrictions to avoid hazardous incidents.				
Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/118/Rules/1488/Final/Tank_Truck-Operation.pdf				
15. Servicing or Filling Containers				ID#: 1489

	Promulgated Date	Effective Date	Filed w/ SOS Date	Last Revision Date
Statutory Authority: 15-75-207, 15-75-208 ☒ Required under State or Federal Law: 15-75-208 Requirement Statement: Ark. Code Ann. Sec. 15-75-208 requires that the LP Gas Board provide standards and specifications for systems, appliances, and appurtenances. This rule implements the statutory requirement for standards on filling containers for liquefied petroleum gas. Enforce or Repeal?: Enforce Agency Justification: Ark. Code Ann. Sec. 15-75-208 requires that the LP Gas Board provide standards and specifications for systems, appliances, and appurtenances. This rule implements the statutory requirement for standards on filling containers for liquefied petroleum gas. Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/118/Rules/1489/Final/Serviceing or Filling Containers.pdf	01/01/1965	05/01/1965	05/01/1965	
16. Farm Vehicles and Trailers				ID#: 1493
Statutory Authority: 15-75-207 ☐ Required under State or Federal Law: (none) Requirement Statement: (none) Enforce or Repeal?: Enforce Agency Justification: This rule protects the public by establishing requirements for liquefied petroleum gas containers mounted on trailers or motor vehicles of the farm type used in connection with the transporting of liquefied petroleum gas on a farm and from one farm to another. Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/118/Rules/1493/Final/16_Farm_Vehicles_and_Trailers.pdf	01/01/1965	05/01/1965	10/13/2021	10/23/2021
17. Storage Containers				ID#: 1497
Statutory Authority: 15-75-207, 15-75-208 ☒ Required under State or Federal Law: 15-75-208 Requirement Statement: Ark. Code Ann. Sec. 15-75-208 requires that the LP Gas Board provide standards and specifications for gas containers. This rule protects the public by establishing standards and specifications on the use of vessels used for bulk storage or commercial storage of liquefied natural gas. Enforce or Repeal?: Enforce Agency Justification: Ark. Code Ann. Sec. 15-75-208 requires that the LP Gas Board provide standards and specifications for gas containers. This rule protects the public by establishing standards and specifications on the use of vessels used for bulk storage or commercial storage of liquefied natural gas. Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/118/Rules/1497/Final/17_Storage_Containers.pdf	01/01/1965	05/01/1965	10/13/2021	10/23/2021
18. Vaporizers and Housing				ID#: 1502
Statutory Authority: 15-75-207 ☐ Required under State or Federal Law: (none) Requirement Statement: (none) Enforce or Repeal?: Enforce Agency Justification: To protect the general public from hazardous conditions, this rule implements requirements for the design, construction, and performance certification of vaporizers. Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/118/Rules/1502/Final/Vaporizers and Housing.pdf	01/01/1965	05/01/1965	05/01/1965	
19. Installation and Painting of Containers				ID#: 1506

	Promulgated Date	Effective Date	Filed w/ SOS Date	Last Revision Date
Statutory Authority: 15-75-207 ☐ Required under State or Federal Law: (none) Requirement Statement: (none) Enforce or Repeal?: Enforce Agency Justification: To protect the general public from hazardous conditions, this rule implements requirements for the design, construction, and testing of above ground gas containers, below ground gas containers, container assemblies, underground piping systems. http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/118/Rules/1506/Final/Installation and Painting of Containers.pdf Link to Rule Document:	01/01/1965	05/01/1965	05/01/1965	10/11/2004
20. Appliances				ID#: 1520
Statutory Authority: 15-75-207, 15-75-208 ☒ Required under State or Federal Law: 15-75-208 Requirement Statement: Ark. Code Ann. Sec. 15-75-208 requires that the LP Gas Board provide standards and specifications for systems, appliances, and appurtenances. This rule implements requirements for the design, construction, and performance certification of all domestic and commercial liquefied petroleum gas consuming appliances. Enforce or Repeal?: Enforce Agency Justification: Ark. Code Ann. Sec. 15-75-208 requires that the LP Gas Board provide standards and specifications for systems, appliances, and appurtenances. This rule implements requirements for the design, construction, and performance certification of all domestic and commercial liquefied petroleum gas consuming appliances to protect the general public from hazardous conditions. http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/118/Rules/1520/Final/Appliances.pdf Link to Rule Document:	01/01/1965	05/01/1965	05/01/1965	01/01/1994
21. Venting				ID#: 1536
Statutory Authority: 15-75-207 ☐ Required under State or Federal Law: (none) Requirement Statement: (none) Enforce or Repeal?: Enforce Agency Justification: This rule requires that every gas appliance for use with liquefied petroleum gas equipment have proper ventilation to the outer air to protect the general public from hazardous conditions. http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/118/Rules/1536/Final/Venting.pdf Link to Rule Document:	01/01/1965	05/01/1965	05/01/1965	07/01/1981
22. Definitions - Appliances				ID#: 1539
Statutory Authority: 15-75-207 ☐ Required under State or Federal Law: (none) Requirement Statement: (none) Enforce or Repeal?: Enforce Agency Justification: To clarify terms used in the State Liquefied Petroleum Gas Board rules, this rule provides an expansive list of terms general used in the gas industry. http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/118/Rules/1539/Final/Definitions - Appliances.pdf Link to Rule Document:	01/01/1965	05/01/1965	05/01/1965	
23. NFPA 58 & NFPA 54				ID#: 1542

	Promulgated Date	Effective Date	Filed w/ SOS Date	Last Revision Date
☐ Required under State or Federal Law: (none) Requirement Statement: (none) Enforce or Repeal?: Enforce Agency Justification: The rule allows the board to enforce accepted national standards from recognized authorities in order to enhance public safety. Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/118/Rules/1542/Final/NFPA58_&_NFPA_54.pdf	01/01/1965	05/01/1965	05/01/1965	07/01/1981
24. Validity				ID#: 1543
☐ Required under State or Federal Law: (none) Requirement Statement: (none) Enforce or Repeal?: Enforce Agency Justification: This is a severability clause. Should any part of the rules be invalid for any reason, it allows the remaining rules to be valid and enforceable. Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/118/Rules/1543/Final/Validity.pdf	01/01/1965	05/01/1965	05/01/1965	
25. Repeal of Conflicting Code				ID#: 1545
☐ Required under State or Federal Law: (none) Requirement Statement: (none) Enforce or Repeal?: Enforce Agency Justification: This is a conflict clause. This rule provides for repeal of any rule that existed before the approval of these rules that conflicts with any of these rules. Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/118/Rules/1545/Final/Repeal of Conflicting Code.pdf	01/01/1965	05/01/1965	05/01/1965	
26. Act Declaration Code Inclusion				ID#: 1546
☐ Required under State or Federal Law: (none) Requirement Statement: (none) Enforce or Repeal?: Enforce Agency Justification: This rule incorporates acts of the Legislature into the rules. Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/118/Rules/1546/Final/Act Declaration Code Inclusion.pdf	01/01/1965	05/01/1965	05/01/1965	01/01/2008
27. 2004 Foregoing Rules and Regulation Adoption				ID#: 1547
☐ Required under State or Federal Law: (none) Requirement Statement: (none) Enforce or Repeal?: Enforce Agency Justification: This rule verifies that the rules were adopted by the LP Gas Board and its Advisory Committee. Link to Rule Document: http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/118/Rules/1547/Final/2004 Foregoing Rules and Regulation Adoption.pdf	09/15/2004	10/11/2004	10/11/2004	