



Battalion Chief Thomas J. Pigott – Chief of Technology Management
Office of Technology Management
Bureau of Fire Prevention



9 METROTECH CENTER – BROOKLYN, NY 11201

TECHNOLOGY MANAGEMENT BULLETIN # 05-1/2013

ON-SITE DIESEL FLEET FUELING VARIANCE: FILING PROCEDURES AT FDNY

I. SUBJECT:

This document clarifies the application process and pertinent information required when submitting an Application for Modification from the Provisions of the New York City Fire Code regarding on-site diesel fueling of fleet vehicles.

II. APPLICABLE CODES AND REGULATIONS:

As per FC 3406 “*Special Operations*” §3406.5.4, it is unlawful to dispense any flammable or combustible liquid from a cargo tank or a tank car into the fuel tanks of motor vehicles, *except* for construction vehicles at construction sites. If full compliance is impractical, Section 104.8 of the New York City Fire Code and 3RCNY §104-01 states that an Application for Modification (Variance) from the Provisions of the New York City Fire Code can be submitted to Technology Management for review.

III. SUBMITTING AN APPLICATION FOR MODIFICATION:

Applications for Modification can be completed and submitted by the vehicle fleet owner. All pertinent documentation must be submitted to FDNY headquarters at 9 MetroTech Center, Brooklyn NY 11201. Applications may be submitted to Window #8 by an applicant or expeditor with an FDNY registration certificate. Applications can be submitted between the hours of 9:00AM and 3:00PM on regular business days.

A. REQUIRED DOCUMENTATION

All the following documentation must be provided:

1. Completed Application for Modification (Variance) form. The application for modification, form “BFP-MOD (10/09)”, can be obtained at the Fire Department’s website:

http://www.nyc.gov/html/fdny/pdf/fire_prevention/modification_variances.pdf

2. A non-refundable application fee of \$200.
3. A letter from the corporation that will be conducting the fleet fueling operations (i.e., the diesel fuel transporter/supplier). Said letter shall be printed on the official letterhead of the fuel transporter, and signed by an officer of that corporation.
4. A letter from the financial owner of the subject property. Said letter shall indicate that said corporation (i.e., the financial owner) has no objection to the proposed fleet fueling operations being conducted at the subject property. Said letter shall be printed on the official letterhead of the financial owner, and signed by an officer of that corporation.
5. Detailed documentation indicating the current daily fueling requirements for the vehicles parked at the subject premises. Indicate the number, type, ownership, and operators of the subject diesel-powered vehicles (i.e., those that are proposed to be fueled as part of this fleet fueling operation).
6. Plans of the premises (submitted in 11"x17" size), indicating the:
 - Outline of the premise.
 - Locations and types of buildings on the premise.
 - Locations of all vehicle entrances to and exits from the yard.
 - Location of outdoor lighting at the designated fueling locations.
 - Locations of sewers on premises.
 - Nearest residential property to the premise.
 - Designated locations on the premise where fleet fueling will be performed.
 - The parking space for each vehicle (in the yard) that will be fueled.
 - The total number of parked vehicles that will be fueled in the yard must be specified.
 - Proposed route of the cargo tank vehicle (i.e., diesel fuel tank truck) through the yard

Submitted plans **ARE NOT REQUIRED** to be signed and stamped by a registered design professional.

The application will be assigned a tracking number and issued to a plan examiner for review. The tracking number (FP Index # or FPIMS #) can be utilized when inquiring about the individual application.

B. SUBMITTING DETAILED PHOTOGRAPHS

Detailed photographs of the premises where fleet fueling operations will occur must be submitted with the application packet. Photographs should illustrate the entire premises where the fueling operations will be conducted, including as much information as possible regarding the layout of the property, adjacent buildings, fleet parking locations, vehicle entrances/exits, and all other information relevant to fueling operations.

C. INSPECTION

Prior to receiving an approval, The Fire Department may request an inspection of the premises to confirm whether the information submitted is accurate, as well as to determine if any further limitations or conditions should be imposed. The applicant must attend this inspection.

IV. APPROVAL/OBJECTION PROCESS

Once the inspection is completed, the examiner assigned to the application will review the submitted documents and recommend whether the application shall be approved or objected.

A. IF APPLICATION IS APPROVED:

An official FDNY approval letter will be mailed to the applicant of record or filing representative as noted in the Application for Modification.

B. IF APPLICATION IS OBJECTED:

An objection letter will be issued to the applicant that states the necessary changes or additional information required to render the application approvable. Revised site plans or additional information can be submitted through Window #8 and do not require additional fees if resubmitted within 6 months.