

NEW YORK CITY FIRE DEPARTMENT

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Fire Department is proposing to repeal nine Fire Department rules the content of which was incorporated into the 2014 Fire Code. Six Fire Department rules are proposed to be amended to make various editorial revisions in conjunction with the repeal of these rules, as well as to conform the rules to the renumbering of Fire Code sections in the 2014 Fire Code.

When and where is the hearing? The Fire Department will hold a public hearing on the proposed rule. The public hearing will take place at 11:30 a.m. on Friday, April 24, 2015. The hearing will be in the Fire Department Auditorium at 9 MetroTech Center, Brooklyn, NY 11201.

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to the Fire Department through the NYC rules website at <http://rules.cityofnewyork.us>, or through the Fire Department's website at <http://www.nyc.gov/fdny> (use the "FDNY Rules" link).
- **Mail.** You can mail written comments to Code Development Unit, Bureau of Fire Prevention, New York City Fire Department, 9 MetroTech Center, Room 3E2, Brooklyn, NY 11201.
- **Speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak at the hearing. The time that you can speak may be limited.

Is there a deadline to submit written comments? Yes, you must submit written comments by Friday, April 24, 2015.

Do you need assistance to participate in the hearing? You must notify the Bureau of Fire Prevention if you need a sign language interpreter or other reasonable accommodation for a disability at the hearing. Write to us at the address above or telephone us at (718) 999-2042. You must notify us by Friday, April 10, 2015.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us>. A few days after the hearing, a record of the hearing and copies of the written comments will be available to the public at the Bureau of Fire Prevention.

What authorizes the Fire Department to make this rule? Sections 489 and 1043 of the New York City Charter and Section FC102.6.3 of the New York City Fire Code, Title 29 of Administrative Code of the City of New York, authorize the Fire Department to propose this rule. This proposed rule was not included in the Fire Department's regulatory agenda for this

Fiscal Year because the need for it arose upon enactment of Local Law No. 148 of 2013 on December 30, 2013.

Where can I find the Fire Department rules? The Fire Department rules are codified in Title 3 of the Rules of the City of New York.

What rules govern the rulemaking process? The Fire Department must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made in accordance with the requirements of Section 1043(b) of the City Charter.

Statement of Basis and Purpose of Proposed Rule

The New York City Fire Code was extensively revised by Local Law 148 of 2013. The Fire Department is proposing the repeal of ten sections of the Fire Department’s rules (as codified in Title 3 of the Rules of the City of New York), in whole or in part, the content of which were incorporated into the Fire Code by Local Law 148. Six Fire Department rules and tables of contents are proposed to be amended in conjunction with such repeal and the renumbering of Fire Code sections by Local Law 148.

The Fire Department rules that are proposed to be repealed and the Fire Code sections that replace them are as follows:

<u>Fire Department Rule</u>	<u>2014 Fire Code Section</u>
3 RCNY §104-04, entitled “Modification of Rules”	FC104.8
3 RCNY §301-01, entitled “Boatyards, Marinas and Similar Facilities” (subdivisions (c),(d) and (e))	FC319
3 RCNY §603-01 entitled “Fuel-Oil Transfer Supervision and Maintenance”	FC 601.4.1 and 603.1.9
3 RCNY §901-03 entitled “Portable Fire Extinguisher Sales”	FC901.6.3.2
3 RCNY §906-01 entitled “Portable Fire Extinguishers for Cranes”	FC1415.1(4)
3 RCNY §906-02 entitled “Portable Fire Extinguishers for Fuel Oil-Burning Equipment”	FC603.3.1
3 RCNY §2801-01 entitled “Aerosols”	FC2801.3
3 RCNY §3405-02 entitled “Storage, Handling and Use of Concentrated Alcohol-Based Hand Rubs”	FC2701.1 FC3405.5
3 RCNY §3501-01 entitled “Acetylene”	FC3501.5(2)
3 RCNY §3601-01 entitled “Flammable Solids”	FC3601.4

The following Fire Department Rules are proposed to be amended to make the editorial changes indicated:

<u>Fire Department Rule</u>	<u>Revision/Reason</u>
Subdivision (c) of 3 RCNY §202-01 entitled “Definitions”	Repeal of definition of “Concentrated alcohol-based hand rub” consistent with proposed repeal of 3 RCNY §3405-02.
3 RCNY Chapter 3 table of contents	Amended consistent with proposed partial repeal of 3 RCNY §301-01, the addition of a new section, 3 RCNY §307-01, and new Fire Code Sections 316-324.
3 RCNY Chapter 6 table of contents	Amended consistent with proposed repeal of 3 RCNY §603-01.
3 RCNY Chapter 9 table of contents	Amended consistent with proposed repeal of 3 RCNY §§901-03, 906-01 and 906-02.
Subdivision (c) of 3 RCNY §2208-02 entitled “Self-Service Compressed Natural Gas Motor Fuel-Dispensing Facilities”	Amended consistent with renumbered Fire Code section.
3 RCNY Chapter 28 table of contents	Amended consistent with proposed repeal of 3 RCNY §2801-01.
3 RCNY Chapter 34 table of contents	Amended consistent with proposed repeal of 3 RCNY §3405-02.
3 RCNY Chapter 35 table of contents	Amended consistent with proposed repeal of 3 RCNY §3501-01 and the renumbering of Fire Code sections.
3 RCNY §3507-01 entitled “Compressed Natural Gas”	Amended consistent with renumbered Fire Code section.
3 RCNY §3508-01 entitled “Sanitary Landfill Methane Gas Recovery Facilities”	Amended consistent with renumbered Fire Code section.
Subdivisions (d), (e) and (f) of 3 RCNY §4601-01 entitled “New and Amended Fees”	Repeal of fees now incorporated into Appendix A of the Fire Code.
Subdivision (b) of 3 RCNY §4702-01 entitled “National Fire Protection Association Referenced Standards”	Repeal of National Fire Protection Association standard modifications now incorporated, with updates, into Appendix B of the Fire Code.

The Fire Department’s authority for this rule is found in Sections 489 and 1043 of the New York City Charter and Section FC102.6.3 of the New York City Fire Code.

Terms used in the proposed rule that are defined in the Fire Code or elsewhere in the Fire Department’s rules are indicated by *italics*.

New material is underlined. Material to be deleted is in [brackets].

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Guidance with respect to the interpretation of the Fire Code and Fire Department rules may be obtained using the Public Inquiry Form on the Fire Department’s website, www.nyc.gov/html/fdny/html/firecode/index.shtml#p6.

Section 1. The following sections of Title 3 of the Rules of the City of New York are proposed to be REPEALED:

- 3 RCNY §104-04, entitled “Modification of Rules”
- 3 RCNY §603-01, entitled “Fuel-Oil Transfer Supervision and Maintenance”
- 3 RCNY §901-03, entitled “Portable Fire Extinguisher Sales”
- 3 RCNY §906-01, entitled “Portable Fire Extinguishers for Cranes”
- 3 RCNY §906-02, entitled “Portable Fire Extinguishers for Fuel Oil-Burning Equipment”
- 3 RCNY §2801-01, entitled “Aerosols”
- 3 RCNY §3405-02, entitled “Storage, Handling and Use of Concentrated Alcohol-Based Hand Rubs”
- 3 RCNY §3501-01, entitled “Acetylene”
- 3 RCNY §3601-01, entitled “Flammable Solids”

§2. Subdivision (c) of section 202-01 of Title 3 of the Rules of the City of New York is proposed to be amended to read as follows:

202-01 Definitions

* * *

(c) Definitions

* * *

Central station signaling system. See R901-01(b).

[Concentrated alcohol-based hand rub. See R3405-02(b).]

Core building system. Reserved.

* * *

§3. The table of contents of Chapter 3 of Title 3 of the Rules of the City of New York is proposed to be amended to read as follows:

**CHAPTER 3
GENERAL PRECAUTIONS AGAINST FIRE**

- §301-01 [Boatyards, Marinas and Similar Facilities] Marinas
- §302 Reserved

§303-01	Liquid-Fueled Tar Kettles and Asphalt Melters
§304-[307] <u>306</u>	Reserved
<u>§307-01</u>	<u>Coke-Fueled Salamanders</u>
§308-01	Use of Open Flames in Group A Occupancies and Similar Public Gathering Places
§309	Reserved
§310-01	Designated Smoking Rooms in Hospitals, Nursing Homes, Rehabilitation Facilities and Similar Medical Facilities Housing the Ill, Aged and Infirm
§310-02	Design of “No Smoking” Signs
§311-312	Reserved
§313-01	Sale of Kerosene Space Heaters
§314-01	Indoor Display of Motor Vehicles and Watercraft
§315-01	Storage of Flammable Plastic Foam Products
§[316] <u>316-324</u>	Reserved

§4. Subdivisions (c), (d) and (e) of section 301-01 of Title 3 of the Rules of the City of New York, relating to the design and installation requirements, operational requirements, and portable fire extinguisher requirements for boatyards, marinas, and similar facilities, are proposed to be REPEALED, and subdivision (a) is proposed to be amended to read as follows:

- (a) Scope. This section sets forth requirements for the [design, installation, operation and maintenance of facilities used for the construction, repair, storage, launching, berthing, and/or fueling of watercraft that are 65 feet or less in length] supervision of marinas mooring or storing more than five (5) marine vessels or watercraft 65 feet or less in length.

§5. The table of contents of Chapter 6 of Title 3 of the Rules of the City of New York is proposed to be amended to read as follows:

**CHAPTER 6
BUILDING SERVICES AND SYSTEMS**

§601-[602] <u>609</u>	Reserved
[§603-01	Fuel-Oil Transfer Supervision and Maintenance
§604-610	Reserved]

§6. The table of contents of Chapter 9 of Title 3 of the Rules of the City of New York is proposed to be amended to read as follows:

**CHAPTER 9
FIRE PROTECTION SYSTEMS**

§901-01	Central Station Monitoring of Fire Alarm Systems
§901-02	Maintenance of Sprinkler System Pressure Tanks
[§901-03	Portable Fire Extinguisher Sales] <u>Reserved</u>

§901-04	Buildings Temporarily Occupied as Emergency Shelters
§902	Reserved
§903-01	Flow Testing of Residential Sprinkler Systems.
§904-01	Clean Agent Fire Extinguishing Systems Acceptance Testing
§905-01	Standpipe System Pressure Reducing Devices
[§906-01	Portable Fire Extinguishers for Cranes
§906-02	Portable Fire Extinguishers for Fuel Oil-Burning Equipment]
<u>§906</u>	<u>Reserved</u>
§907-01	Fire Alarm Recordkeeping, Smoke Detector Maintenance, Testing and Recordkeeping, and the Prevention of Unnecessary and Unwarranted Fire Alarms
§908-911	Reserved
§912-01	Periodic Testing of Standpipe System and Sprinkler Systems With Fire Department Connections
§913-914	Reserved

§7. Subparagraph (C) of paragraph 3 of subdivision (c) of section 2208-02 of Title 3 of the Rules of the City of New York is proposed to be amended to read as follows:

§ 2208-02 Self-Service Compressed Natural Gas Motor Fuel-Dispensing Facilities

* * *

(c) Operational and Maintenance Requirements

* * *

(3) Control booth requirements

* * *

(C) Portable fire extinguisher requirements. In addition to the portable fire extinguishers required by [FC2208.7.4.1] FC2208.7.4.2 to be provided in dispensing areas, two (2) portable fire extinguishers with at least a 40-B:C rating shall be provided within the control booth.

* * *

§8. The table of contents of Chapter 28 of Title 3 of the Rules of the City of New York is proposed to be amended to read as follows:

**CHAPTER 28
AEROSOLS**

[§2801-01	Aerosols]
§[2802] <u>2801</u> -2806	Reserved

§9. The table of contents of Chapter 34 of Title 3 of the Rules of the City of New York is proposed to be amended to read as follows:

**CHAPTER 34
FLAMMABLE AND COMBUSTIBLE LIQUIDS**

§3401-3403	Reserved
§3404-01	Out-of-Service Storage Systems
§3404-02	Precision Testing of Certain Underground Storage Systems
§3404-03	Indoor and Aboveground Combustible Liquid Storage Systems
§3405-01	Storage and Use of Fuel Oil on Mobile Trailers for Heating and Power Generation
[§3405-02	Storage, Handling and Use of Concentrated Alcohol-Based Hand Rubs]
§3406-01	Storage of Flammable and Combustible Liquids on Roofs at Construction Sites

§10. The table of contents of Chapter 35 of Title 3 of the Rules of the City of New York is proposed to be amended to read as follows:

**CHAPTER 35
FLAMMABLE GASES**

[§3501-01	Acetylene]
§[3502-3506]	<u>3501-3507</u> Reserved
§[3507-01]	<u>3508-01</u> Compressed Natural Gas
§[3508-01]	<u>3509-01</u> Sanitary Landfill Methane Gas Recovery Facilities
§3510	<u>Reserved</u>

§11. Section 3507-01 of Title 3 of the Rules of the City of New York is renumbered section 3508-01 and subdivision (b), paragraph 2 of subdivision (d), paragraph 3 of subdivision (f), paragraph 1 of subdivision (h), paragraph 1 of subdivision (j), subparagraphs (B) and (E) of paragraph 2 of subdivision (j), item 3 of subparagraph (F) of paragraph 2 of subdivision (j), item 1 of subparagraph (G) of paragraph 2 of subdivision (j), item 4 of subparagraph (H) of paragraph 2 of subdivision (j), subparagraphs (A), (B), and (C) of paragraph 3 of subdivision (j), item 7 of subparagraph (B) of paragraph 4 of subdivision (j), subparagraph (D) of paragraph 4 of subdivision (j), subparagraph (E) of paragraph 6 of subdivision (j), subparagraph (E) of paragraph 7 of subdivision (j), subparagraphs (G) and (H) of paragraph 9 of subdivision (j), paragraph 10 of subdivision (j) and subparagraph (C) of paragraph 10 of subdivision (j) of section 3508-01 of Title 3 of the Rules of the City of New York, as renumbered, are proposed to be amended to read as follows:

§ [3507-01] 3508-01 Compressed Natural Gas.

(b) General Provisions

- (1) General CNG requirements. The provisions of this section shall be applicable to all CNG materials, operations and/or *facilities* as follows:
 - (A) All CNG storage, *handling* and use governed by this section shall comply with the *design and installation document, permit*, supervision, and general storage, *handling* and use requirements set forth in [R3507-01(c)] R3508-01(c), (d), (e) and (f).
 - (B) Outdoor and indoor CNG storage shall be in facilities that comply with the requirements for such facilities set forth in [R3507-01(g)] R3508-01(g) and (h).
 - (C) Stationary CNG installations shall comply with the requirements for such installations set forth in [R3507-01(i)] R3508-01(i).
 - (D) CNG storage, *handling* and use for the special applications set forth in [R3507-01(j)] R3508-01(j) (on construction sites, for emergency indoor repairs, for manhole operations, on *motor vehicles*, for mobile cooking uses, in commercial establishments, on moored vessels, torches used in the manufacture of jewelry, and use of CNG for emergency oil burner ignition) shall additionally comply with the applicable requirements of [R3507-01(j)] R3508-01(j).
- (2) Special CNG authorizations. This section authorizes the following storage, *handling* and/or use of CNG that is prohibited by [FC3507.3] FC3508.3 except as authorized by the *Commissioner*:
 - (A) storage, *handling* and use of CNG below grade for emergency indoor repairs, as set forth in [R3507-01(j)] R3508-01(j);
 - (B) storage, *handling* and use in, and bringing or allowing into, residential occupancies or on lots containing a building used for a residential occupancy, of CNG *containers* with a capacity greater than 8.7 SCF, as set forth in [R3507-01(j)] R3508-01(j);
 - (C) storage, *handling* and use in, and bringing or allowing into, any non-residential building, of CNG *containers* with a capacity greater than 8.7 SCF, as set forth in [R3507-01(h)] R3508-01(h) and (j);
 - (D) *handling* and use on the roof of any building of CNG *containers* with a capacity greater than 8.7 SCF, as set forth in [R3507-01(j)] R3508-01(j);
 - (E) storage, *handling* or use of CNG for stationary CNG installations in any area where access to *pipled natural gas* from a public utility is available, as set forth in [R3507-01(j)] R3508-01(j);

(F) storage, *handling* and use of *CNG* for space heating or water heating, as set forth in [R3507-01(j)] R3508-01(j); and

(G) use of nonmetallic pipe, tubing and components for devices, equipment and systems utilizing *CNG*, as set forth in [R3507-01(j)] R3508-01(j).

(d) Permits

* * *

(2) Applications. *Applications* for issuance of a *CNG permit* shall be made by or on behalf of the person who will be storing, *handling* or using the *CNG*[, except as otherwise provided in R3507-01(d)(3)]. *Applications* shall be submitted to the *Bureau of Fire Prevention* at Fire Department Headquarters prior to any *CNG* storage, *handling* or use.

* * *

(f) General Storage, Handling and Use Requirements

* * *

(3) Only metallic pipe, tubing and components shall be used for *CNG* installations, appliances and equipment, except as provided in [R3507-01(j)(2)(E)] R3508-01(j)(2)(E), (j)(3)(B), (j)(4)(D), (j)(7)(D), (j)(9)(H) and (j)(10)(C). Where use of nonmetallic hose is allowed by this section, such hose shall be protected from twisting, abrasion and damage by proper installation and maintenance. Hoses showing any kind of defects, including burns or signs of wear, shall be rendered unsuitable for service and shall be replaced.

* * *

(h) Indoor CNG Storage

(1) Except as provided in [R3507-01(j)] R3508-01(j), indoor storage of any *CNG container* with a capacity greater than 8.7 *SCF* of gas is prohibited in any residential occupancy and in any building where an outdoor storage location for such *CNG container* is available.

* * *

(j) Special Storage and Use Requirements

(1) All storage or use of *CNG* for the applications set forth in [R3507-01(j)] R3508-01(j) shall be in compliance with the respective requirements of [R3507-01(j)]

R3508-01(j), in addition to the requirements set forth in [R3507-01(c)] R3508-01(c), (d), (e), (f) and (i).

(2) Construction sites

* * *

(B) Except as provided in [R3507-01(j)(2)(D)] R3508-01(j)(2)(D), all *CNG* for use on *construction sites* shall be stored in outdoor storage facilities that comply with the requirements of [R3507-01(g)(1)(B)] R3508-01(g)(1)(B), (g)(1)(C) and (g)(1)(D). No *construction site* storage facility shall:

* * *

(E) Pursuant to [FC3507.3(14)] FC3508.3(14) and [R3507-01(b)(2)(G)] R3508-01(b)(2)(G), nonmetallic hose may be used at a *construction site* where:

* * *

(F) Tar kettle and torch operations

* * *

(3) It shall be unlawful for any person to operate, maintain or use a kindled *tar kettle* or torch in or on the roof of any building, except that torches may be used for emergency indoor repairs in accordance with [R3507-01(j)(3)] R3508-01(j)(3), and may be used on the roof of any building having a roof of noncombustible construction.

* * *

(G) Asphalt melters

(1) *CNG*-fueled *asphalt melters* shall be stored, *handled*, used and maintained in the same manner as *LPG*-fueled *tar kettles*, including the provisions of FC303 and [R3507-01(j)(2)(F)] R3508-01(j)(2)(F).

(H) Curing and drying applications

* * *

(4) Pursuant to [FC3507.3(14)] FC3508.3(14) and [R3507-01(b)(2)(G)] R3508-01(b)(2)(G) nonmetallic hose may be used at a *construction site* where flexibility is required for such operation, provided that:

* * *

(3) Emergency indoor repairs

- (A) Pursuant to [FC3507.3(6)] FC3508.3(6) and (7) and [R3507-01(b)(2)(B)] R3508-01(b)(2)(B) and (C), *CNG* equipment and *containers* may be used indoors, except in an occupied place of public assembly, for the purpose of performing emergency repairs. Such *CNG* use shall be subject to the following requirements:

* * *

- (B) Pursuant to [FC3507.3(14)] FC3508.3(14) and [R3507-01(b)(2)(G)] R3508-01(b)(2)(G), flexible nonmetallic hose may be used for emergency indoor repairs where the nature of the repair work requires a flexible connection between the device, equipment or system and the *CNG container*, provided that:

* * *

- (C) Pursuant to [FC3507.3(3)] FC3508.3(3) and [R3507-01(b)(2)(A)] R3508-01(b)(2)(A), a single *CNG container* with a capacity not greater than 8.7 *SCF* may be used below grade for emergency indoor repairs provided the *container* is not left unattended.

(4) Manhole operations

* * *

- (B) *CNG* storage, *handling* and use at each manhole work site shall be limited to two (2) *CNG containers*, each with a capacity not greater than 285 *SCF*. Such *CNG containers* shall be removed from the work site at the end of each work day unless they are stored in a tool cart that:

* * *

- (7) is situated outdoors and is not located within the distances set forth in [R3507-01(g)(4)] R3508-01(g)(4), except that [R3507-01(g)(4)(B)] R3508-01(g)(4)(B) and (g)(4)(C) shall not apply.

* * *

- (D) Pursuant to [FC3507.3(14)] FC3508.3(14) and [R3507-01(b)(2)(G)] R3508-01(b)(2)(G), nonmetallic hose may be used for manhole operations where the task does not allow use of a stationary *CNG* appliance,

necessitating a flexible connection between the appliance and the *CNG container*, provided that:

* * *

- (6) Mobile cooking uses. Mobile food units, as that term is defined in the New York City Health Code, 24 RCNY §89.01(c) (including but not limited to *motor vehicles*, pushcarts and stands), that are equipped with *CNG containers* for cooking purposes shall comply with the following requirements:

* * *

- (E) All mobile food units that are *motor vehicles* shall also comply with the restrictions applicable to vehicles equipped with *CNG containers* set forth in [R3507-01(j)(5)(A)] R3508-01(j)(5)(A).

* * *

- (7) Commercial establishments. Commercial establishments that store and use *CNG containers* for oil burner ignition and/or cooking shall comply with the following requirements:

* * *

- (E) *CNG* storage and use for the purposes authorized by [R3507-01(j)(7)] R3508-01(j)(7) is subject to the prohibition set forth in [FC3507.3(11)] FC3508.3(11).

- (9) Torches used in the manufacture of jewelry. *CNG* may be stored and used for torches used in the manufacture of jewelry only in areas where access to *pipéd natural gas* from a public utility is not available, and where the manufacturing activity is a lawful use of the *premises*, as set forth on the Certificate of Occupancy for the *premises* or otherwise determined by the *Department of Buildings*. *CNG* storage and use for such torch operations shall comply with the following requirements:

* * *

- (G) Where fixed piping is used to pipe *CNG* or oxygen to the work station, such piping shall be made of either copper or steel, and shall be installed and tested in accordance with the provisions of [R3507-01(i)(4)] R3508-01(i)(4) and (i)(6). Piping previously installed in the building for *natural gas* use shall not be used for *CNG* or oxygen for such torch operations. A *plumber* shall certify that the installation is in accordance with the requirements of this section.

(H) Pursuant to [FC3507.3(14)] FC3508.3(14) and [R3507-01(b)(2)(G)] R3508-01(b)(2)(G), nonmetallic hose may be used for such torch operations where the task does not allow use of stationary *CNG* devices or equipment, necessitating a flexible connection between the device or equipment and the *CNG container*, provided that:

* * *

(10) Use of *CNG* for emergency oil burner ignition. Pursuant to [FC3507.3(3)] FC3508.3(3), (6), (7) and (11), and [R3507-01(b)(2)(A)] R3508-01(b)(2)(A), (b)(2)(B), (b)(2)(C) and (b)(2)(E), *CNG* may be used for mobile emergency heating trailers for a period not to exceed 90 days, or when *piped natural gas* service is temporarily interrupted, provided that:

* * *

(C) Pursuant to [FC3507.3(14)] FC3508.3(14) and [R3507-01(b)(2)(G)] R3508-01(b)(2)(G), nonmetallic hose may be used where the task does not allow use of a stationary *CNG* devices or equipment, necessitating a flexible connection between the device or equipment and the *CNG container*, provided that:

* * *

§12. Section 3508-01 of Title 3 of the Rules of the City of New York is renumbered 3509-01 and paragraph 1 of subdivision (b), item 3 of subparagraph (B) of paragraph 3 of subdivision (c), subparagraph (B) of paragraph 2 of subdivision (d), subparagraph (B) of paragraph 3 of subdivision (d) and paragraph 8 of subdivision (d) of section 3508-01 of Title 3 of the Rules of the City of New York, as renumbered, are proposed to be amended to read as follows:

§ [3508-01] 3509-01 Sanitary Landfill Methane Gas Recovery Facilities

* * *

(b) General Provisions

(1) Applicable provisions of law. Pursuant to [FC3508.1] FC3509.1, methane gas recovery facilities at sanitary landfills must be designed, installed, operated and maintained in compliance with the requirements of the Fire Code, this section, the *Construction Codes* and the *Electrical Code*.

* * *

(c) Design and Installation Requirements

* * *

(3) Piping systems. Process systems shall comply with the following requirements:

* * *

(B) Types of materials

* * *

(3) Threaded steel pipe shall be at least Schedule 80 but no threaded pipe over 2-inch nominal pipe size shall be used for *flammable liquid* or *flammable gas*, and all threaded joints used shall be sealed with tetrafluorethylene (Teflon) tape or equivalent. Larger size threaded plastic piping is allowed when used in low pressure service as specified in [R3508-01(c)(3)(B)(2)] R3509-01(c)(3)(B)(2).

* * *

(d) Operational and Maintenance Requirements

* * *

(2) Operator response to alarms

* * *

(B) The emergency shut-down system abort switch authorized by [R3508-1(c)(5)(C)] R3509-01(c)(5)(C) may be activated only after the operator has investigated the cause of the alarm condition and determined that shut down of the system is unwarranted due to an *unwarranted alarm* or other good cause, and consistent with safe operation of the *facility*.

(3) Piping systems

* * *

(B) Installation system start-up testing. Prior to any initial startup of the process equipment, systems and sub-systems having piping previously tested pursuant to [R3508-01(d)(3)(A)] R3509-01(d)(3)(A) whose integrity has been breached by interconnected piping or equipment shall be hydrostatically retested at the *owner's* risk by his or her representative before a representative of the *Department*. The test pressure for each such system shall be the maximum anticipated operating pressure (above

normal operating pressure), but in no case shall such pressure exceed the relief valve set pressures, machinery seals maximum design pressure, and the maximum design pressure for process equipment. Systems shall be tested prior to any plant start-up operation.

* * *

- (8) Vegetation. A clearance distance of 25 feet shall be maintained from any process equipment to vegetation, and within 25 feet on either side of the fence required by [FC3508-01(c)(15)] R3509-01(c)(15).

* * *

§13. Subdivisions (d), (e) and (f) of section 4601-01 of Title 3 of the Rules of the City of New York, relating to fees for training school accreditation, permits, inspections, and plan reviews, and administrative services, are proposed to be REPEALED, and new subdivisions (d), (e) and (f) are proposed to be added to read as follows:

§ 4601-01 New and Amended Fees

* * *

(d) Training School Accreditation Fees (FC A02). Reserved

(e) Permit, Inspection and Plan Examination Fees (FC A03). Reserved

(f) Administrative Services Fees (FC A04). Reserved

* * *

§14. Subdivision (b) of section 4702-01 of Title 3 of the Rules of the City of New York, relating to modifications to reference standards, is proposed to be REPEALED, and a new subdivision (b) is proposed to be added to read as follows:

§4702-01 National Fire Protection Association Referenced Standards

* * *

(b) Referenced Standard Modifications. Reserved

Repeal of Fire Department rules (3/6/15)

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Miscellaneous Amendments of FDNY Rules

REFERENCE NUMBER: 2014 RG 099

RULEMAKING AGENCY: New York City Fire Department

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: March 9, 2015

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Miscellaneous Amendments of FDNY Rules

REFERENCE NUMBER: FDNY-5

RULEMAKING AGENCY: FDNY

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro
Mayor's Office of Operations

March 9, 2015
Date