

Notice of Agency Rulemaking Proposal

AGENCY: 02-658, Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Maine Fuel Board

CHAPTER NUMBER AND TITLE:

Repeal and Replace:

Chapter 1	Definitions
Chapter 2	Advisory Rulings
Chapter 3	Categories and Responsibilities of Licensure
Chapter 4	Qualifications for Examination and Licensure
Chapter 5	Use of Other License Authorities
Chapter 6	Adoption of Standards
Chapter 7	Modification of Standards
Chapter 8	Installation of Oil Burning Equipment (with Appendix)
Chapter 9	Installation of Solid Fuel Burning Equipment
Chapter 10	Chimneys
Chapter 11	Installation of Waste Oil Appliances and Waste Oil Supply Tanks
Chapter 12	Permits for Aboveground and Underground Propane and Natural Gas Storage Facilities and Rooftop Installations
Chapter 13	Installation of Propane and Natural Gas Burning Equipment

New:

Chapter 14	Propane and Natural Gas Containers, Dispensers, and Piping (with Appendix)
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TYPE OF RULE (*check one*): ☒ Routine Technical ☐ Major Substantive

PROPOSED RULE NUMBER:

BRIEF SUMMARY:

The principal reasons for this rulemaking are to update all of the Board's rules to reflect statutory changes, to add clarity to the phrasing and structure of the rules, and to adopt updated codes and standards. Visit the Board's webpage at <https://www.maine.gov/pfr/professionallicensing/professions/maine-fuel-board> and scroll down to Information and Resources and "Rulemaking" for copies of the proposed rules and rulemaking documents, or send a request in writing to the contact person for this filing for a copy of the proposed rulemaking.

Date, time and location of PUBLIC HEARING (*if any*): N/A. Pursuant to 5 M.R.S. § 8052(1) and § 8053(3)(B), a hearing may be requested by five (5) interested persons by submitting a request in writing to contact person for this filing.

COMMENT DEADLINE: Monday, April 10, 2023 by 5:00 p.m.

CONTACT PERSON FOR THIS FILING (*include name, mailing address, telephone, fax, TTY, email*): Matthew Kaply, Regulatory Board Manager, 35 State House Station, Augusta, ME 04333, matthew.s.kaply@maine.gov, (tel) 207-624-8605, TTY users call Maine Relay 711

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT (*if different*): N/A

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES (*if any*): N/A

STATUTORY AUTHORITY FOR THIS RULE: 5 M.R.S. §§ 8051, 9001(4); 32 M.R.S. §§ 18107(2); 18123(2), 18132, 18133, 18134, 18134-A, 18135, 18136, 18138, 18139

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (if different): N/A

AGENCY WEBSITE: <https://www.maine.gov/pfr/professionallicensing/professions/maine-fuel-board>

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: kristin.racine@maine.gov

* Check one of the following two boxes.

☐ The summary provided above is for publication in both the newspaper and website notices.

☒ The summary provided above is for the newspaper notice only. Title 5 §8053, sub-§5 & sub-§7, ¶D. A more detailed summary is attached for inclusion in the rulemaking notice posted on the Secretary of State's website. Title 5 §8053, sub-§3, ¶D & sub-§6.

Please approve bottom portion of this form and assign appropriate AdvantageME number.

APPROVED FOR PAYMENT _____ DATE: _____

(authorized signature)

FUND	AGENCY	ORG	APP	OBJ	PROGRAM	FUNDING Profile JVC	FUND Pri JVC	FUND Line JVC
014	02A	4320	01	4946				

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Additional Information for the Web *(if any)*

DETAILED SUMMARY:

The principal reasons for this rulemaking are to update all of the Board's rules to reflect statutory changes, to add clarity to the phrasing and structure of the rules, and to adopt updated codes and standards.

Chapter 1, Definitions. The proposal includes amending this chapter as follows: making minor, technical changes, aligning the definition of "equipment installations" with statute; amending the definition of licensed practical experience to state that one year of licensed practical experience means an individual has worked at least 2,000 hours within a 12-month period and six months of licensed practical experience means an individual has worked at least 1,000 hours within a 6-month period; and changing the term from a "signing" to a "supervising" master oil burner and/or solid fuel technician or a propane and natural gas technician.

Chapter 2, Advisory Rulings. The proposed changes to amend this chapter are as follows: minor, technical changes, as well as removing the requirement of the assent of four (4) members of the Board for the issuance of an advisory ruling.

Chapter 3, Categories and Responsibilities of Licensure. The proposed rule repeals and replaces this chapter in its entirety. The replacement rule would clarify certain provisions and standardize the order and structure of rule for each licensure category. The proposed replacement includes a new section requiring a master oil burner and/or solid fuel technician, upon a valid request for verification of licensed practical experience, to provide a signed affidavit documenting said experience while the journeyman or apprentice (or helper) was under their supervision or employ. The proposed rule incorporates language that is currently located in Appendix I, which was promulgated when there existed a separate Oil & Solid Fuel Board and a Propane and Natural Gas Board. The other changes are minor, technical, changes to align the rule with statute; including but limited to adding pellet-fired central heating to the licensing authorities for oil and/or solid fuel technicians.

Chapter 4, Qualifications for Examination and Licensure. The proposed rule repeals and replaces this chapter with a rule that more clearly organizes and describes the experience and/or education requirements when applying for examination and licensure. The replacement rule would align the rule with the qualifications for licensure as set forth in statute; in particular requiring that an individual submitting proof of completion of a certified employee training program (CETP) when applying to be a propane and natural gas technician must also take an examination to qualify for licensure.

Chapter 5, Use of Other License Authorities. The proposed rule amendment sets forth the requirements for licensed master and journeyman oil burner and/or solid fuel technicians to gain licensed experience as an apprentice to qualify for an additional license authority. Current license authorities are: 1 & 2 up to 15 gph oils; 1 & 2 over 15 gph oils; 4, 5 & 6 oils; 1-6 oils; solid fuel; and pellet-fired central heating appliances. The proposed rule also adds a pathway for journeyman and master oil burner technicians to apply for a pellet-fired central heating appliance authority.

Chapter 6, Adoption of Standards. The proposed rule amendment updates the installation standards that the Board incorporates by reference into its rules, subject to the exclusions and amendments set forth therein, for installation of any oil and solid fuel burning equipment, propane and natural gas equipment, chimneys, fireplaces and vents. The Board is proposing to adopt updated editions of NFPA 30A, 31, 52, 54, 55, 58, 59, 59A, 70, 88A, 90B and 211, subject to the amendments and exclusions as stated in the proposed rule. The proposed changes would also include repealing the incorporation of the Appendices in Chapter 6 and instead relocate and reorganize the information contained therein. The substantive information contained in Appendix A will form the basis of an Appendix contained in Chapter 8, the current Appendix B will be repealed in its entirety as redundant of DEP rules regarding asbestos, Appendices C, D, and H will be posted on the Board's webpage as it has been determined unnecessary to incorporate in rules, Appendices E and F are forms that will be directly provided in Chapter 10, Chimneys, the substantive information contained in Appendix G will form the basis of an Appendix contained in Chapter 14, and Appendix I will be repealed in its entirety and the contents incorporated directly in rule provisions contained in Chapter 3, Categories and Responsibilities of Licensure.

Chapter 7, Modification of Standards. The proposed amendments to this chapter are minor, technical changes to the rule.

Chapter 8, Installation of Oil Burning Equipment. The proposed rule would replace the current rule, and: include a new section to inform licensees exactly what they can do with potable water piping; add a new section to inform licensees of requirements for condensate disposal from fuel fired appliances; add a new section regarding PEX Tubing for use in heating systems; add a section with regards to fuel supply systems that are permanently taken out of service; remove certain sections as they will appear in other chapters for clarity; and make some other wording changes to clarify meaning of terms. This Chapter will also reference and incorporate an Appendix regarding DEP regulations of underground oil storage tanks and the cleanup of any discharge of oil onto or into land or waters of the State of Maine.

Chapter 9, Installation of Solid Fuel Burning Equipment. The proposed rule would repeal and replace the current chapter, and includes: changes to the section regarding Oil Tank Requirements upon Conversion to Solid Fuel; adds a new section regarding PEX Tubing for use in heating systems; removes the allowance to weld warm air heat exchangers in solid fuel burning appliances; and makes other technical changes proposed for clarity.

Chapter 10, Chimneys. The proposed rule would replace the current rule, and would include sections added for clarity and would contain certain relocated sections from current Chapters 8 and 13, as they relate to regulation of chimneys. This chapter would contain copies of the forms formerly located in Appendices E and F, the Chimney or Fireplace Construction/Installation Disclosure and the Emergency Chimney Update Waiver Form.

Chapter 11, Installation of Waste Oil Appliances and Waste Oil Supply Tanks. The proposed rule would repeal and replace the current chapter, changing the structure and order of the rule, adding language to clarify limitations on water connections to waste oil boilers and requirements that all piping and safety controls on domestic water heaters, provide that domestic water connections to boilers and water heaters as well as condensate disposal from oil fired condensing appliances must be made in accordance with the rules of the Plumbers' Examining Board, and making other technical changes proposed for clarity.

Chapter 12, Permits for Aboveground and Underground Propane and Natural Gas Storage Facilities and Rooftop Installations. The proposed rule would repeal and replace current chapter and restructure the sections applicable to aboveground and underground propane storage facilities versus compressed natural gas and liquified natural gas storage facilities. Some sections were relocated from the current Chapter 6 and added to the proposed rule for clarity.

Chapter 13, Installation of Propane and Natural Gas Burning Equipment. The proposed rule would repeal and replace current chapter. Changes would include relocating sections from current Chapter 6 for clarity and ease of reference, adding a section regarding gas piping identification in response to the vast use of plain copper piping and the possibility of a gas line being mistaken for water, set forth what water connections a propane and natural gas technician with appliance connection and service authority may make; provide that all piping and safety controls on domestic water heaters, domestic water connections to boilers and water heaters, and condensate disposal from condensing gas fired appliances must be made in accordance with the rules of the Plumbers' Examining Board, and other technical changes needed for clarity.

Chapter 14, Propane and Natural Gas Containers, Dispensers, and Piping. This new proposed rule chapter would include provisions that were relocated to a new chapter for clarity and ease of reference. The chapter describes the necessary safety controls, devices and standards for the reduction of fire hazards associated with propane and natural gas storage and transfer equipment (including piping) used in residential, commercial and industrial applications. The proposed new chapter would add a section to delegate the initial review of nonstandard engineered vehicle protection systems to the Senior Fuel Inspector and permit review of the inspector's disposition on an application to the board. This chapter would contain an Appendix summarizing the current vehicle protection requirements as set forth in the Chapter.