

# 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:

Chapter 6 Adoption of Standards (amend)

TYPE OF RULE (*check one*):  Routine Technical  Major Substantive

PROPOSED RULE NUMBER (*leave blank; to be assigned by Secretary of State*):

BRIEF SUMMARY:

In the 2021 edition of the NFPA 54, recently adopted and incorporated by reference into board rule Chapter 6, a new table was established for both direct vent and non-direct vent appliances requiring that the direct vent termination from appliances over 150,000 btu is required to be 4' from the side or below an opening or 1' above. Prior to the adoption of 2021 NFPA 54, the vent terminal of a direct vent appliance with an input of over 50,000 btu was required to be 12" from building openings. The proposed changes would amend the 2021 NFPA as adopted by the board and revert to the previously adopted standard, requiring direct vent terminal clearances for appliances greater than 150,000 btu to be in accordance with the manufacturer's instructions, and in no case less than 12".

Date, time and location of PUBLIC HEARING: 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: Friday, January 26, 2024 at 5:00 p.m.

CONTACT PERSON FOR THIS FILING: Kristin M. Racine, OPOR Deputy Director, 35 State House Station, Augusta, ME 04333-0035, [kristin.racine@maine.gov](mailto:kristin.racine@maine.gov), 207-624-8615, 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: 32 M.R.S. § 18123(2)

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](mailto:kristin.racine@maine.gov)

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\* 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.

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

APPROVED FOR PAYMENT *Rachel Lindera* DATE: 12/20/2023  
(authorized signature)

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

## Rulemaking Fact Sheet (5 MRS A §8057-A)

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

NAME, ADDRESS, PHONE NUMBER, EMAIL OF AGENCY CONTACT PERSON: Kristin M. Racine, OPOR Deputy Director, 35 State House Station, Augusta, ME 04333-0035, [kristin.racine@maine.gov](mailto:kristin.racine@maine.gov), 207-624-8615, TTY users call Maine Relay 711.

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PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE:

In the 2021 edition of the NFPA 54, recently adopted and incorporated by reference into board rule Chapter 6, a new table was established for both direct vent and non-direct vent appliances requiring that the direct vent termination from appliances over 150,000 btu is required to be 4' from the side or below an opening or 1' above. Prior to the adoption of 2021 NFPA 54, the vent terminal of a direct vent appliance with an input of over 50,000 btu was required to be 12" from building openings. The proposed changes would amend the 2021 NFPA as adopted by the board and revert to the previously adopted standard, requiring direct vent terminal clearances for appliances greater than 150,000 btu to be in accordance with the manufacturer's instructions, and in no case less than 12".

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE?  YES  NO

ANALYSIS AND EXPECTED OPERATION OF THE RULE: It is expected the return to the prior venting clearance standard will alleviate a hardship for installers and homeowners without compromising public safety.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE: Expertise of board inspection staff, consultation with NFPA 54 committee member and the NFPA 54 staff liaison, review of prior versions of standard NFPA 54.

ESTIMATED FISCAL IMPACT OF THE RULE: [see §8057-A(1)(C)] **FOR EXISTING RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:**

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:  
[see §8057-A(2)(A)]

INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED AND HOW THEY WILL BE AFFECTED: [see §8057-A(2)(B)]

BENEFITS OF THE RULE: [see §8057-A(2)(C)]

*Note: If necessary, additional pages may be used.*

**Summary:** This Chapter sets forth the standards, subject to the exclusions and amendments as set forth herein, for installation of any oil and solid fuel burning equipment, propane and natural gas equipment, chimneys, fireplaces and vents.

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## 6.1 Adopted Standards

The Maine Fuel Board adopts and incorporates by reference into this Chapter the following editions of technical standards or codes, subject to the exclusions and amendments as set forth in this Chapter. All installations and servicing of any oil and solid fuel burning equipment, propane and natural gas equipment, and the installation of chimneys, fireplaces and vents must comply with applicable requirements of these technical standards and codes, as well as any additional standards imposed by Title 32, Maine Revised Statutes, Chapter 139 and Board rules.

- 6.1.1 NFPA 30A, *Code for Motor Fuel Dispensing Facilities and Repair Garages* (2021 edition, issued by the Standards Council on June 1, 2020, with an effective date of June 21, 2020) (referred to in Board rules as “NFPA 30A”);
- 6.1.2 NFPA 31, *Standard for the Installation of Oil-Burning Equipment* (2020 edition, issued by the Standards Council on November 4, 2019, with an effective date of November 24, 2019), subject to the exclusions and amendments set forth in Section 6.2.1 of this Chapter (referred to in Board rules as “NFPA 31”);
- 6.1.3 NFPA 52, *Vehicular Natural Gas Fuel Systems Code* (2019 edition, issued by the Standards Council on November 5, 2018, with an effective date of November 25, 2018), subject to the exclusions and amendments set forth in Section 6.2.2 of this Chapter (referred to in Board rules as “NFPA 52”);
- 6.1.4 NFPA 54/ANSI Z223.1, *National Fuel Gas Code* (2021 edition, issued by the Standards Council on March 15, 2020, with an effective date of April 4, 2020), subject to the exclusions and amendments set forth in 6.2.3 of this Chapter (referred to in Board rules as “NFPA 54”);
- 6.1.5 NFPA 55, *Compressed Gases and Cryogenic Fluids Code* (2020 edition, issued by the Standards Council on April 28, 2019, with an effective date of May 18, 2019), subject to the exclusions and amendments set forth in 6.2.4 of this Chapter (referred to in Board rules as “NFPA 55”);
- 6.1.6 NFPA 58, *Liquefied Petroleum Gas Code* (2020 edition, issued by the Standards Council on August 5, 2019, with an effective date of August 25, 2019), subject to the exclusions and amendments set forth in 6.2.5 of this Chapter (referred to in Board rules as “NFPA 58”);

- 6.1.7 NFPA 59, *Utility LP-Gas Plant Code* (2021 edition, issued by the Standards Council on March 15, 2020, with an effective date of April 4, 2020) (referred to in Board rules as “NFPA 59”);
- 6.1.8 NFPA 59A, *Standard for the Production, Storage, and Handling of Liquefied Natural Gas (LNG)* (2019 edition, issued by the Standards Council on November 5, 2018, with an effective date of November 25, 2018) (referred to in Board rules as “NFPA 59A”);
- 6.1.9 NFPA 70, *National Electrical Code* (2020 edition, issued by the Standards Council on August 5, 2019, with an effective date of August 25, 2019) (referred to in Board rules as “NFPA 70”);
- 6.1.10 NFPA 88A, *Standard for Parking Structures* (2019 edition, issued by the Standards Council on May 4, 2018, with an effective date of May 24, 2018) (referred to in Board rules as “NFPA 88A”);
- 6.1.11 NFPA 90B, *Standard for the Installation of Warm Air Heating and Air- Conditioning Systems* (2021 edition, issued by the Standards Council on March 15, 2020, with an effective date of April 4, 2020) (referred to in Board rules as “NFPA 90B”); and
- 6.1.12 NFPA 211, *Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances* (2019 edition, issued by the Standards Council on July 26, 2018, with an effective date of August 15, 2018), subject to the exclusions and amendments set forth in 6.2.6 of this Chapter (referred to in Board rules as “NFPA 211”).

## 6.2 Exclusions and Amendments to Adopted Standards

### 6.2.1 NFPA 31

- 6.2.1.1 The Board does not adopt Chapter 7, Section 7.3.1 of NFPA 31. (*See instead* Chapter 8, Sections 8.10 and 8.11 of Board rules)
- 6.2.1.2 The Board does not adopt Chapter 7, Section 7.8.7 of NFPA 31.
- 6.2.1.3 The Board adopts Chapter 7, Section 7.12 of NFPA 31, as amended below:

**7.12 Abandonment and Removal from Service of Tanks and Related Equipment.** Except as provided for in Maine Fuel Board Rules, 02-658 C.M.R. ch. 8, § 8.9.4, if a tank and its related piping are abandoned for whatever reason, the tank and all piping connected to it, including the outside fill and vent piping and any piping connected to the appliance, shall be emptied of all contents, cleaned, removed from the premises or property, and disposed of in accordance with applicable local, state and federal rules and regulations.

- 6.2.1.4 The Board does not adopt Chapter 7, Section 7.12.1 of NFPA 31.
- 6.2.1.5 The Board does not adopt Chapter 7, Section 7.13.1 of NFPA 31.
- 6.2.1.6 The Board does not adopt Chapter 7, Section 7.13.2 of NFPA 31.

## 6.2.2 NFPA 52

6.2.2.1 The Board does not adopt Chapter 15, “Automotive Equipment (Onboard)” of NFPA 52.

6.2.2.2 The Board does not adopt Chapter 16 “Automotive Fuel and Safety Systems (Onboard)” of NFPA 52.

## 6.2.3 NFPA 54

6.2.3.1 The Board does not adopt Chapter 9, Section 9.1.22, Existing Appliances of NFPA 54.

6.2.3.2 The Board does not adopt Exception No. 1 and Exception No. 2 to Chapter 10, Section 10.21.2 of NFPA 54 (*See instead* Chapter 13, Section 13.4.7 of the Board’s rules).

**6.2.3.3 The Board adopts Chapter 12, Table 12.9.1, Through the Wall Vent Terminal Clearances of NFPA 54 as amended below:**

**Table 12.9.1 Through the Wall Vent Terminal Clearances**

<u>Figure Clearance</u>	<u>Clearance Location</u>	<u>Minimum Clearances for Direct Vent Terminals</u>	<u>Minimum Clearances for Non-Direct Vent Terminals</u>
<u>A</u>	<u>Clearance above finished grade level, veranda, porch, deck, or balcony</u>	<u>12 in.</u>	<u>12 in.</u>
<u>B</u>	<u>Clearance to window or door that is openable</u>	<u>6 in. Appliances ≤10,000 Btu/hr 9 in. Appliances &gt; 10,000 Btu/hr ≤50,000 Btu/hr 12 in. Appliances &gt; 50,000 Btu/hr ≤150,000 Btu/hr Appliances &gt; 150,000 Btu/hr In accordance with manufacturers’ instructions, but, in no case less than 12 in.</u>	<u>4 ft below or to side of opening or 1 ft above opening</u>
<u>C</u>	<u>Clearance to non-openable window</u>	<u>None unless otherwise specified by the appliance manufacturer</u>	
<u>D</u>	<u>Vertical clearance to ventilated soffit located above the terminal within a horizontal distance of 2 ft (610 mm) from the center line of the terminal</u>	<u>None unless otherwise specified by the appliance manufacturer</u>	
<u>E</u>	<u>Clearance to the unventilated soffit</u>	<u>None unless otherwise specified by the appliance manufacturer</u>	
<u>F</u>	<u>Clearance to outside corner of building</u>	<u>None unless otherwise specified by the appliance manufacturer</u>	
<u>G</u>	<u>Clearance to inside corner of building</u>	<u>None unless otherwise specified by the appliance manufacturer</u>	
<u>H</u>	<u>Clearance to non-mechanical air supply inlet to building and the combustion air inlet to any other appliance</u>	<u>Same clearance as specified for row B</u>	
<u>I</u>	<u>Clearance to a mechanical air</u>	<u>10 ft horizontally from inlet or 3 ft above inlet</u>	

<u>Figure Clearance</u>	<u>Clearance Location</u>	<u>Minimum Clearances for Direct Vent Terminals</u>	<u>Minimum Clearances for Non-Direct Vent Terminals</u>
	<u>supply inlet</u>		
<u>J</u>	<u>Clearance above paved sidewalk or paved driveway located on public property or other areas where condensate or vapor can cause a nuisance or hazard</u>	<u>7 ft and not located above public walkways or other areas where condensate or vapor can cause a nuisance or hazard</u>	
<u>K</u>	<u>Clearance to underside of veranda, porch, deck, or balcony</u>	<u>12 in. where the area beneath the veranda, porch, deck, or balcony is open on not less than two sides. The vent terminal is prohibited in this location where only one side is open.</u>	

For SI units, 1 in. = 25.4 mm, 1 ft= 0.3 m, 1 Btu/hr =0.293 W.

#### 6.2.4 NFPA 55

The Board does not adopt the following Chapters of NFPA 55:

- 6.2.4.1 Chapter 8, Cryogenic Fluids;
- 6.2.4.2 Chapter 9, Bulk Oxygen Systems;
- 6.2.4.3 Chapter 10, Gas Hydrogen Systems;
- 6.2.4.4 Chapter 11, Bulk Liquefied Hydrogen Systems;
- 6.2.4.5 Chapter 13, Carbon Dioxide Systems;
- 6.2.4.6 Chapter 14, Storage, Handling, and Use of Ethylene Oxide for Sterilization and Fumigation;
- 6.2.4.6 Chapter 15, Acetylene Cylinder Charging Plants; and
- 6.2.4.7 Chapter 16, Liquid Nitrous Oxide Systems.

#### 6.2.5 NFPA 58

- 6.2.5.1 The Board does not adopt Chapter 6, Sections 6.4.4.1 and 6.4.4.2 of NFPA 58 (*See instead* Chapter 14, Section 14.5 of Board rules).
- 6.2.5.2 The Board adopts Chapter 6, Section 6.5.3.6 of the NFPA 58 as amended below:

##### **6.5.3.6**

The minimum horizontal separation between aboveground LP-Gas containers and aboveground tanks containing liquids having flash points below 200 °F (93.4°C) shall be 20 ft (6 m). The requirements of this provision do not apply to a single tank containing methanol, connected to and as part of a propane bulk plant, for the specific purpose of adding said methanol to the propane gas stored in the bulk plant.

- 6.2.5.3 The Board does not adopt Chapter 6 Section 6.8.3.5 of NFPA 58.



- 6.2.5.4 The Board adopts Chapter 6, Section 6.18.1 of NFPA 58 as amended below:
- 16.18.1\*** Piping, regulators, meters, and other equipment installed in the piping system shall be protected from the forces of accumulated and falling snow.
- 6.2.5.5 The Board does not adopt Chapter 6, Section 6.21.4.2(E) of NFPA 58. (*See instead* Chapter 12, Section 12.1.1; Chapter 14, Section 14.7.7 of the Board's rules).
- 6.2.5.6 The Board does not adopt Chapter 6, Sections 6.27.3.14 and 6.27.3.15 of NFPA 58 (*See instead* Chapter 14, Section 14.6 of the Board's rules).

**6.2.6 NFPA 211**

- 6.2.6.1 The Board does not adopt Chapter 9, Section 9.8.2 of NFPA 211 for interconnection. (*See instead* 32 M.R.S. § 18107(1)(A)).
- 6.2.6.2 The Board does not adopt Chapter 11, Fireplaces, of NFPA 211.
- 6.2.6.3 The Board does not adopt Chapter 12, Masonry Heaters, of NFPA 211.
- 6.2.6.4 The Board does not adopt Chapter 13, Section 13.5.2, Room Heaters, Fireplace Stoves, Room Heater/Fireplace Stove Combinations, and Ranges, of NFPA 211.
- 6.2.6.5 The Board does not adopt the following Sections of Chapter 14 of NFPA 211:
- 6.2.6.4.1 Section 14.2, Annual Inspection; and
- 6.2.6.4.2 Section 14.7.2.
- 6.2.6.6 The Board adopts Chapter 14, Section 14.4.1, of Section 14.4 of NFPA 211, Appliance or Connector Replacement, with the following amendment:
- 14.4.1** When an existing appliance or connector is replaced or a new appliance is connected to a chimney, the chimney flue shall be inspected.
- 6.2.6.7 The Board does not adopt Chapter 15, Inspection of Existing Chimneys, of NFPA 211.

**6.3 Copies of the standards referenced in Section 6.1 of this Chapter may be purchased from:**

National Fire Protection Association  
1 Batterymarch Park  
P.O. Box 9101  
Quincy, MA 02269-9101  
Telephone: 1-800-344-3555  
[www.nfpa.org](http://www.nfpa.org)

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STATUTORY AUTHORITY: 32 M.R.S. § 18123(2)

EFFECTIVE DATE: