



STATE OF CONNECTICUT
DEPARTMENT OF ADMINISTRATIVE SERVICES
DIVISION OF CONSTRUCTION SERVICES
OFFICE OF STATE FIRE MARSHAL



DATE: March 8, 2022
TO: Local Fire Marshals and Allied Professionals
FROM: William Abbott; State Fire Marshal
Sgt. Paul Makuc; CSP/FEIU
Subject: Filling and Transporting of Gasoline in Unapproved Containers

As a result of recent events we are seeing an increase of people buying large quantities of gasoline at commercial gasoline stations and transporting it. Unfortunately, many of these people are not doing so in a safe manner. Recently, a person with plastic drums of various sizes on an open landscape type trailer pulled into a gasoline station and filled the containers, one of these containers still contained its original 'corrosive' placard. While we believe this is not being done in malice, but rather by the lack of understanding of the requirements, the following course of action may be utilized with consideration being given on a case by case basis. As a reminder gasoline for motor fuel applications is considered a Class 1B liquid.

Motor Fuel Dispensing

Motor fuel dispensing is addressed in the Connecticut State Fire Prevention Code (CSFPC) adopted pursuant to Connecticut General Statutes 29-291a as amended by Public Act 21-165. Within this code there are several sections that must be complied with. For clarification what we are dealing with is the dispensing of motor fuels into *containers*, these are defined in the CSFSC section 3.3.69.4 which states:

3.3.69.4* Container (Flammable or Combustible Liquid). Any vessel of 119 gal. (450 L) or less capacity used for transporting or storing liquids. [30, 2015]

The basis for the operational requirements for motor fuel dispensing facilities and fuel dispensing systems is found in the CSFPC section 42.7 which states:

42.7 Operational Requirements.

42.7.1 Scope. Section 42.7 shall apply to those requirements that relate to the operation of motor fuel dispensing facilities and fuel dispensing systems. [30A:9.1]

Additionally, section 42.7.2.3 addresses dispensing into containers:

42.7.2.3 Dispensing into Containers.

42.7.2.3.1* Class I or Class II liquids shall not be dispensed into portable containers unless the container is constructed of metal or is approved by the AHJ, has a tight closure, and is fitted



STATE OF CONNECTICUT
DEPARTMENT OF ADMINISTRATIVE SERVICES
DIVISION OF CONSTRUCTION SERVICES
OFFICE OF STATE FIRE MARSHAL



with a spout or so designed that the contents can be poured without spilling. The hose nozzle valve shall be manually held open during the dispensing operation. [30A: 9.2.3.1]

42.7.2.3.2 No sale or purchase of any Class I, Class II, or Class III liquids shall be made in containers unless such containers are clearly marked with the name of the product contained therein. [30A:9.2.3.2]

Next let's address what is an acceptable container. The CSFPC section lists 7 types of containers:

66.9.4 Acceptable Containers.

66.9.4.1* Only the following approved containers, intermediate bulk containers, and portable tanks shall be used for Class I, Class II, and Class IIIA liquids:

(1) Metal containers, metal intermediate bulk containers, and metal portable tanks meeting the requirements of and containing products authorized by the U.S. Department of Transportation Hazardous Materials Regulations in 49 CFR 100–199, or by Part 6 of the UN *Recommendations on the Transport of Dangerous Goods*

(2) Plastic or metal consumer-use containers meeting the requirements of, and used within the scope of, one or more of the following specifications:

(a) ASTM F852, *Standard Specification for Portable Gasoline Containers for Consumer Use*

(b) ASTM F976, *Standard Specification for Portable Kerosene and Diesel Containers for Consumer Use*

(3) Nonmetallic or metallic commercial/industrial safety cans meeting the requirements of, and used within the scope of, one or more of the following specifications:

(a) ANSI/UL 30, *Standard for Metal Safety Cans*

(b) ANSI/UL 1313, *Standard for Nonmetallic Safety Cans for Petroleum Products*

(c) FM Global *Approval Standard for Safety Containers and Filling, Supply, and Disposal Containers* — Class Number 6051 and 6052

(4) Plastic containers that meet requirements set by, and contain products authorized by, the following:

(a) The U.S. Department of Transportation Hazardous Materials Regulations in 49 CFR 100–199, or by Part 6 of the UN publication, *Recommendations on the Transport of Dangerous Goods*



STATE OF CONNECTICUT
DEPARTMENT OF ADMINISTRATIVE SERVICES
DIVISION OF CONSTRUCTION SERVICES
OFFICE OF STATE FIRE MARSHAL



(b) Items 256 or 258 of the National Motor Freight Classification (NMFC) for liquids that are not classified as hazardous by the U.S. Department of Transportation Hazardous Materials Regulations in 49 CFR 100–199, or by Part 6 of the UN publication *Recommendations on the Transport of Dangerous Goods*

(5) Fiber drums that meet the following:

(a) Requirements of Items 294 and 296 of the *National Motor Freight Classification* (NMFC) or of Rule 51 of the Uniform Freight Classification (UFC), for Types 2A, 3A, 3B-H, 3B-L, or 4A

(b) Requirements of, and containing liquid products authorized by, either the U.S. Department of Transportation Hazardous Materials Regulations in 49 CFR Chapter I, or by the U.S. Department of Transportation exemption

(6) * Rigid nonmetallic intermediate bulk containers that meet requirements set by, and contain products authorized by, the following:

(a) The U.S. Department of Transportation Hazardous Materials Regulations in 49 CFR 100–199, or by Part 6 of the UN publication, *Recommendations on the Transport of Dangerous Goods*, for Classes 31H1, 31H2, and 31HZ1

(b) The *National Motor Freight Classification* (NMFC), or the International Safe Transit Association for liquids that are not classified as hazardous by the U.S. Department of Transportation Hazardous Materials Regulations in 49 CFR 100–199, or by Part 6 of the UN publication *Recommendations on the Transport of Dangerous Goods*

(7) Glass containers up to the capacity limits stated in Table 66.9.4.33 and in accordance with U.S. Department of Transportation Hazardous Materials Regulations in 49 CFR 100–199(8) Other nonmetallic intermediate bulk containers that comply with 9.4.1.1

Enforcement – Both the individual and the gas station attendant CAN be charged with 1 count for each container:

The penalty section for the CSFPC is found in the Connecticut General statutes 29-291a(e) as amended by Public Act 21-165, this section states:

(e) In addition to the fine prescribed in subsection (a) of this section, any person who violates any provision of the State Fire Prevention Code or Fire Safety Code shall be fined not less than two hundred dollars or more than one thousand dollars or be imprisoned not more than six months, or both.



STATE OF CONNECTICUT
DEPARTMENT OF ADMINISTRATIVE SERVICES
DIVISION OF CONSTRUCTION SERVICES
OFFICE OF STATE FIRE MARSHAL



This is a misdemeanor summons issued by a police officer.

DEEP's recommended resolution for dealing with the dispensed gasoline was to return it to the gas station's holding tanks, if it could be done so safely and there was no contamination of the product. If this was not possible, or the product became contaminated, a commercial contractor would need to be contacted to dispose of the product.

Please keep in mind that this does not address issues relative to commercial motor vehicles. In the event that you encounter a situation where you are faced with a commercial motor vehicle and you need assistance, please contact the CT State Police - Fire & Explosion Investigation Unit or the CT State Police Traffic Services Unit, 24 hours a day through the Message Center at 800.842.0200 and we will assign a NASTI/HAZMAT certified truck inspector to take enforcement in accordance with Federal Motor Carrier Administration / "Out of Service" criteria. In addition, the Troop/Police Department will have to consider if the totality of the circumstances justify any additional criminal charges such as Reckless Endangerment, Risk of Injury to a Minor, etc.

You should also touch base with the State's Attorney in your respective GA's, so that they are aware of the problem that we are facing and that they support the recommended enforcement action.