

Subject: Fuel Service Stations

Purpose: To clarify the standards applicable to fuel service stations.

Scope: This instruction applies MNOSHA-wide.

Cancellation: This instruction supersedes MNOSHA Instruction STD 1-5.17, dated July 7, 2009.

Background:

This instruction discusses the application of the 1910.106 standards pertaining to fuel dispensing. In a Seventh Circuit Court of Appeals decision (ca. 1980); the court ruled that a single, above-ground dispensing tank used to refuel forklifts was not a "Service Station" within the meaning of 1910.106(g). The following definitions apply to fuel service stations:

1. Automotive service station: is defined by 1910.106(a)(3) as "that portion of property where flammable liquids used as motor fuels are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles and shall include any facilities available for the sale and service of tires, batteries, and accessories, and for minor automotive maintenance work. Major automotive repairs, painting, body and fender work are excluded."

An automotive service station may be either privately owned, such as a private trucking, logging or farming operation, or open to the public, such as a gas station.
2. Marine service station: is defined by 1910.106(a) (22) as "that portion of a property where flammable liquids used as fuels are stored and dispensed from fixed equipment on shore, piers, wharves, or floating docks into the fuel tanks of self-propelled craft, and shall include all facilities used in connection therewith."
3. Refueling station: is not defined by 1910.106, but based on the courts decision is understood to be an outside fuel dispensing station owned by an individual employer who customarily obtains fuel in bulk and dispenses it to the company's own private vehicles. This may be a single pump or tank in the backyard of the facility. The number of tanks, the volume of fuel stored and dispensed, the intermittent use of the facility, and its isolation from other structures are factors which differentiate a Refueling Station from an Automotive Service Station.
4. Construction Industry: "Refueling station" is not defined within the Construction standards. Refer to 1926.152(g) for service and refueling areas in construction settings and to 1926.152(k) for Marine service stations also in construction situations.

Action:

Based on the definitions above, the following sections of the 1910.106 standards apply:

- A. Automotive Service Stations: Apply 1910.106(g) (1) through (g) (9), except for 1910.106(g) (4).
- B. Marine Service Stations: All of 1910.106(g) applies.
- C. Refueling Stations: Apply the applicable sections of 1910.106 (b) (2) and (b) (6) to stationary above-ground storage and dispensing tanks. Apply the applicable sections of 1910.106(d) (6) and (7) if dispensing from portable tanks stored outside the building.

Note: For situations dealing exclusively with forklifts/powerd industrial trucks; 1910.178(f) contains requirements on the storage and handling of fuels used for the refueling of powered industrial trucks.

James Krueger, Director MNOSHA Compliance
For the MNOSHA Management Team

Distribution: OSHA Compliance and WSC Director

NOTICE: Minnesota OSHA Directives are used exclusively by MNOSHA personnel to assist in the administration of the OSHA program and in the proper interpretation and application of occupational safety and health statutes, regulations, and standards. They are not legally binding declarations and they are subject to revision or deletion at any time without notice.