

NEW YORK CITY FIRE DEPARTMENT

Notice of Adoption of Final Rule

Fire Department Rule 3 RCNY §307-01, entitled “Coke-Fueled Salamanders”

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED in the Fire Commissioner of the City of New York pursuant to Section 489 of the New York City Charter and Sections 102 and 307 of the New York City Fire Code, and in accordance with the requirements of Section 1043 of the New York City Charter, that the New York City Fire Department has adopted a new Fire Department rule 3 RCNY 307-01, entitled “Coke-Fueled Salamanders.”

The public hearing was held on April 24, 2015. The rule shall take effect on July 1, 2015.

The Notice of Adoption, final rule and the Statement of Basis and Purpose of Final Rule, will be available on the Fire Department’s website (www.nyc.gov/fdny) and NYCRULES (www.nyc.gov/NYCRULES).

Statement of Basis and Purpose of Final Rule

As enacted in 2008, the New York City Fire Code prohibited the use of coke-fueled salamanders. Coke is a type of charcoal burned in open metal containers called salamanders, in order to generate heat to dry and cure the concrete and plaster used at construction sites. In response to construction industry requests and pursuant to its authority under Section FC104.8 of the Fire Code, the New York City Fire Department allowed the use of coke-fueled salamanders at construction sites on a case-by-case basis. The Fire Department granted modifications where applicants obtained a permit for this use, a person holding a Fire Department certificate of fitness supervised the use, and other safety precautions were observed.

Local Law No. 148 for the year 2013 amended the Fire Code to allow coke-fueled salamanders for construction-related drying and curing. In accordance with the new Fire Code sections (FC 307.1 and 307.6), the final rule provides storage, handling and use requirements for coke-fueled salamanders at construction sites. The rule provisions govern the design of the salamanders; restrict the purposes for which, and locations at which, they may be used; mandate the monitoring of their use; and address their proper use, cleaning and replacement.

The final rule incorporates existing permit, certificate of fitness and other requirements for the storage, handling and use of coke salamanders. This rule does not provide the one-year compliance period afforded new permit and certificate requirements.

The final rule is underlined, indicating that it is an entirely new rule.

“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. Chapter 3 of Title 3 of the Rules of the City of New York is amended by adding a new Section 307-01, to read as follows:

§ 307-01 Coke-Fueled Salamanders

- (a) Scope. This section sets forth requirements for the storage, *handling* and use of *coke* and *coke-fueled salamanders* at *construction sites*.
- (b) General Provisions. *Coke* and *coke-fueled salamanders* shall be stored, *handled* and used in compliance with the requirements of FC307.6 and this section.
 - (1) Permits. Pursuant to FC105.6, a *permit* shall be obtained from the *Department* prior to the storage, *handling* or use of *coke-fueled salamanders* at a *construction site*.
 - (2) Supervision. Pursuant to FC307.6, the *handling* or use of *coke* and *coke-fueled salamanders* at a *construction site* shall be under the *personal supervision* of a *certificate of fitness* holder. The storage of *coke* and *coke-fueled salamanders* at a *construction site* shall be under the *general supervision* of a *certificate of fitness* holder. The *certificate of fitness* holder shall ensure that the *coke* and *coke-fueled salamanders* are safely stored, *handled* and used in compliance with the requirements of this section.
- (c) Prohibitions. It shall be unlawful to:
 - (1) use a *coke-fueled salamander* at any location other than a *construction site* at which construction work is being performed pursuant to a work permit issued by the *Department of Buildings*;
 - (2) use a *coke-fueled salamander* at a construction site where the *sprinkler system* and/or *standpipe system* required by the *Building Code* is out of service, or any part of such system is out of service, in the area in which *coke* or *coke-fueled salamanders* are being *handled* or used;
 - (3) use a *coke-fueled salamander* for purposes of human comfort, or any other purpose other than construction-related drying or curing;
 - (4) store, *handle* or use a *coke-fueled salamander* at a *construction site* without a *permit*;

- (5) store, handle or use coke or a coke-fueled salamander at a construction site without the requisite supervision;
- (6) use a flammable liquid, combustible liquid or any other type of accelerant to ignite or reignite the coke;
- (7) use a coke-fueled salamander at a construction site in any of the following locations:
 - (A) on a scaffold;
 - (B) in any occupied building;
 - (C) on any floor where hazardous materials are stored or are in use;
 - (D) on any floor that is of combustible construction;
 - (E) within ten (10) feet of any wall opening of an adjoining occupied building;
or
 - (F) within 50 feet of any building occupied for educational, health care or religious purposes, place of assembly or other place of public gathering.
- (d) Design and Installation Requirements. Coke-fueled salamanders shall consist of a metal vessel, inner grate and ash pan, which shall be fabricated in compliance with the following requirements:
 - (1) The vessel and inner grate shall be designed and fabricated with sufficient strength to support the weight of the coke, and with sufficient durability to withstand repeated exposure to the heat generated by the burning coke.
 - (2) The vessel shall be designed and fabricated:
 - (A) of metal not less than 18 gauge in thickness, with welded joints;
 - (B) with a diameter that does not exceed 17 inches, a height that does not exceed 20 inches and a height to diameter ratio that does not exceed 1.18;
 - (C) to be supported by sturdy metal legs, welded to the vessel, that are designed to maximize stability and reduce the potential for tipping, and that do not extend more than 12 inches from the bottom of the vessel.
 - (3) The inner grate shall be fabricated of metal of substantial gauge, and installed or securely rest at the base of the vessel so as to securely hold the coke to be burned.

- (4) The ash pan shall be fabricated of sheet metal, with not less than a two (2) inch lip on all sides to contain the ash. The ash pan shall extend at least two (2) feet beyond the salamander in all directions.
- (e) Operational Requirements. *Coke-fueled salamanders* shall be operated and maintained in compliance with the following requirements:
- (1) *Coke-fueled salamanders* in use shall be placed at least ten (10) feet from combustible material, except that such salamanders may be placed not less than 24 inches from wooden column form work or such further distance as will ensure that the form work does not attain temperatures equal to or greater than 194 degrees Fahrenheit and is not charred.
- (2) The ash pan shall be placed and positioned under the salamander. A layer of moistened sand shall be placed in the ash pan prior to use of the *coke-fueled salamander*. The ash pan shall be regularly emptied, so as to prevent ash from spilling over the lip of the ash pan.
- (3) *Coke-fueled salamanders* shall be loaded with *coke* to not more than two-thirds (2/3) of the vessel's capacity, and ignited by the *certificate of fitness* holder using an approved *LPG*-fueled torch having an *LPG* container capacity of not more than 20 pounds.
- (4) *Coke-fueled salamanders* that become damaged or unsafe to use shall be immediately extinguished and removed from the premises or, if repairable, shall be restored to a safe condition before being returned to use.
- (5) *Coke-fueled salamanders* shall only be used in areas with sufficient quantities of fresh air so as to maintain carbon monoxide below levels required by Federal, State and City laws, rules and regulations. The *certificate of fitness holder* shall inspect and conduct the required monitoring in such areas not fewer than once an hour when *coke salamanders* are in use, to ensure that carbon monoxide levels are being maintained below such levels.
- (6) *Coke* shall be stored in an approved metal bin when not being burned in a salamander. The storage bin shall be located at least ten (10) feet from any *coke-fueled salamanders* that are in use.
- (7) Tarpaulins used to retain heat in areas in which *coke-fueled salamanders* are in use shall be:
- (A) made of materials that are inherently flame-resistant or treated to be flame-resistant;
- (B) securely fastened to prevent movement caused by the wind; and
- (C) placed not less than ten (10) feet from any *coke-fueled salamander*.

- (8) Any areas in which *coke-fueled salamanders* are in use shall be adequately lighted to allow safe operation of the *coke-fueled salamanders* and to minimize the risk of accidental contact from construction activity on the *construction site*. Any electrical wiring or devices shall be installed in accordance with the *Electrical Code*.
- (9) *Coke-fueled salamanders* in use shall be inspected on a periodic basis by the *certificate of fitness* holder. Inspections shall be conducted as frequently as necessary to ensure the safe operation of the *coke-fueled salamanders* but in no circumstance less than once an hour.
- (f) Portable Fire Extinguisher Requirements. Areas in which *coke-fueled salamanders* are in use shall be provided with portable fire extinguishers with at least a 4-A rating for each 1000 square feet, with a maximum travel distance to an extinguisher of not more than 75 feet.
- (g) Recordkeeping. Periodic inspections of *coke-fueled salamanders* required to be conducted by the *certificate of fitness* holder, and any corrective action taken, shall be recorded in a bound log book maintained at the *construction site*. The log book shall be made available for inspection by any *Department* representative.

307-01 (5/1/15)