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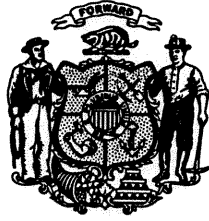
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FORM 2

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 00-038

AN ORDER to repeal and recreate chapter Comm 43, relating to anhydrous ammonia.

Submitted by **DEPARTMENT OF COMMERCE**

02-11-00 RECEIVED BY LEGISLATIVE COUNCIL.

03-07-00 REPORT SENT TO AGENCY.

RNS:DF:jal;tlu

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

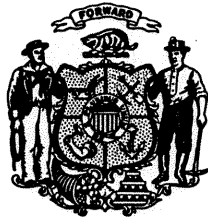
Comment Attached YES NO

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CLEARINGHOUSE RULE 00-038

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

- a. In s. Comm 43.12, "the provisions of" should be deleted.
- b. In s. Comm 43.14 (1), "This" should be substituted for "The rules in this." In sub. (2) (b), "department district inspector where" should be replaced by "inspector of the department district in which."

4. Adequacy of References to Related Statutes, Rules and Forms

a. In s. Comm 43.10 (4), "required under subs. (2) and (3)" should replace "necessary to obtain the approval" in order to provide a more specific reference to the prerequisites for installation approval contained in the chapter. [See s. 1.07 (2), Manual.]

Also, the term "applicable codes" in the second sentence is vague and should be clarified to indicate whether the reference is to state building codes promulgated by the department by rule or local building codes, or both.

b. In s. Comm 43.11 (2), "under s. Comm 43.10" should be inserted after "review" to provide a specific rule reference to the requirements for the approval of new installations. Similarly, in s. Comm 43.15 (1), "under s. Comm 43.14 (3)" should be inserted after "inspections."



State of Wisconsin \ Department of Commerce

HEARING DRAFT of PROPOSED RULES

Rule No.: Chapter Comm 43

Relating to: Anhydrous Ammonia

The Department of Commerce proposes an order to repeal and recreate chapter Comm 43, relating to anhydrous ammonia.

Analysis of Proposed Rules

Statutory Authority: Sections 101.02 (15)(h) to (j) and 101.17, Stats.
Statutes Interpreted: Sections 101.02 (15)(h) to (j) and 101.17, Stats.

The Division of Safety and Buildings within the Department of Commerce is responsible for protecting the health, safety and welfare of the public by establishing reasonable and effective safety standards for the construction, repair and maintenance of public buildings and places of employment. Chapter Comm 43 contains minimum safety standards for the design, construction, installation, operation, inspection, repair and maintenance of anhydrous ammonia systems.

The proposed rules consist of a complete update of chapter Comm 43 in order to bring the chapter up to date with current technology and nationally recognized standards. The current chapter Comm 43 is basically a rewritten version of a previous edition of the American National Standards Institute (ANSI) Safety Requirements for the Storage and Handling of Anhydrous Ammonia, ANSI K61.1, published by the Compressed Gas Association. The proposed rules contain the incorporation by reference of the 1999 edition of the ANSI K61.1 standard rather than rewriting it. The proposed new chapter Comm 43 also contains the same administration and enforcement provisions as the recently adopted new chapter Comm 40 for gas systems.

Although chapter Comm 43 generally applies only to new installations, the proposed rules contain one new retroactive rule and retain one existing retroactive rule from the current code. The new retroactive rule requires a working platform to be constructed at existing installations within one year from the effective date of the proposed rules. The current retroactive rule was effective on November 1, 1999, and requires a breakaway device to be installed at existing installations by January 1, 2001.

The proposed rules have been developed with the assistance of the Anhydrous Ammonia Code Advisory Council. The members of that citizen advisory council are as follows:

<u>Name</u>	<u>Representing</u>
Ed Aldridge	Growmark, Inc.
Bruce Barganz	Wisconsin Fertilizer & Chemical Association
Tim Clay	Wisconsin Federation of Cooperatives
Donald Healy	Wisconsin Agri-Service Association
Art Herschberger	Wisconsin Propane Gas Association
Bruce Kleespie	Kleespie Tank & Petroleum Equipment
Gene Reece	Wisconsin State Fire Chiefs Association

SECTION 1. Chapter Comm 43 is repealed and recreated to read:

**Chapter Comm 43
ANHYDROUS AMMONIA**

Subchapter I – Purpose and Scope

Comm 43.01 Purpose. The purpose of this chapter is to establish minimum safeguards to life, health and property by the adoption of reasonable and effective standards relating to the storage and handling of anhydrous ammonia.

Comm 43.02 Scope. (1) APPLICATION. (a) This chapter applies to the design, construction, repair, alteration, location, installation, inspection and operation of anhydrous ammonia systems, including refrigerated ammonia storage systems, in public buildings and at places of employment. The provisions of this chapter are not retroactive unless specifically stated in the administrative rule.

(2) EXEMPTIONS. This chapter does not apply to all of the following:

(a) Ammonia manufacturing plants.

(b) Refrigeration plants where ammonia is used solely as a refrigerant.

Note: Refrigeration plants where ammonia is used as a refrigerant are covered in ch. Comm 45. The rules of ch. Comm 45 are not appropriate to refrigerated ammonia storage systems as covered in this chapter.

(c) Ammonia transportation pipelines.

(d) Ammonia barges and tankers.

Comm 43.03 Local regulations. This chapter shall not limit the power of cities, villages and towns to make or enforce additional or more stringent regulations, provided the regulations do not conflict with this chapter, any other rule of the department, or law.

Subchapter II - Definitions

Comm 43.05 Definitions. In this chapter:

(1) “Department” means the department of commerce.

(2) “Place of employment” has the meaning specified under s. 101.01 (11), Stats.

Note: Under s. 101.01 (11), Stats., “place of employment” includes every place, whether indoors or out or underground and the premises appurtenant thereto where either temporarily or permanently any industry, trade or business is carried on, or where any process or operation, directly or indirectly related to any industry, trade or business, is carried on, and where any person is, directly or indirectly, employed by another for direct or indirect gain or profit, but does not include any place where persons are employed in private domestic service which does not involve the use of mechanical power or in farming. “Farming” includes those activities specified in s. 102.04 (3), and also includes the transportation of farm products, supplies or equipment directly to the farm by the operator of said farm or employes for use thereon, if such activities are directly or indirectly for the purpose of producing commodities for market, or as an accessory to such

production. When used with relation to building codes, "place of employment" does not include an adult family home, as defined in s. 50.01 (1), or, except for the purposes of s. 101.11, a previously constructed building used as a community-based residential facility, as defined in s. 50.01 (1g), which serves 20 or fewer residents who are not related to the operator or administrator.

(3) "Public building" has the meaning specified under s. 101.01 (12), Stats.

Note: Under s. 101.01 (12), Stats., "public building" means any structure, including exterior parts of such building, such as a porch, exterior platform or steps providing means of ingress or egress, used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public or by 3 or more tenants. When used in relation to building codes, "public building" does not include a previously constructed building used as a community-based residential facility as defined in s. 50.01 (1g) which serves 20 or fewer residents who are not related to the operator or administrator or an adult family home, as defined in s. 50.01 (1).

Subchapter III – Administration and Enforcement

Comm 43.10 Plan examination and approval. (1) DEPARTMENT APPROVAL.

Department plan approval shall be obtained before commencing construction of any new or additional permanent storage installation for anhydrous ammonia.

(2) **PLANS, SPECIFICATIONS AND INFORMATION.** Plans, specifications and information submitted to the department for review and approval of anhydrous ammonia installations shall contain all of the following:

(a) At least 4 sets of plans, which are clear, legible and permanent copies; one copy of specifications; a completed application form; and the required fees.

(b) The name of the owner; the name of the person, firm or corporation proposing the construction or installation, if other than the owner; and the address of the installation, including the names of adjacent streets and highways.

(c) A plot plan, drawn to a minimum scale of one inch equals 20 feet, indicating the location of the installation with respect to property lines, lot lines, adjoining streets or alleys and other buildings on the same lot or property. The layout of buildings, containers, loading and unloading docks, type of construction of each building and any stream or body of water within 150 feet of the containers shall also be indicated.

(d) The location, size and capacity of each system and container.

(e) The type of container supports, clearances, type of venting and pressure relief used and combined capacity of all venting and relief valves on each container.

(f) A plot plan showing the land use of the area surrounding the proposed site for a distance of 2000 feet.

(3) **LOCAL APPROVAL.** Approval of a permanent storage installation site for anhydrous ammonia shall be obtained from the local fire department and shall be verified at the time of plan submittal.

(4) **ADDITIONAL APPROVAL.** Approval of plans is based upon compliance with the requirements of this chapter. Construction, installation and operation of anhydrous ammonia systems may be subject to compliance with additional requirements in applicable codes, local zoning and similar ordinances.

(5) **APPLICATION FOR APPROVAL.** Application for approval of an anhydrous ammonia installation shall be made in writing on form SBD-6038.

Note: All forms referenced in this chapter are available at no charge from the department at the Safety and Buildings Division, P.O. Box 2509, Madison, WI 53701-2509, telephone 608/266-1818.

(6) **APPLICATION PROCESSING TIME.** The department shall review and make a determination on an application for installation approval within 15 business days of receiving all of the application materials necessary to obtain the approval.

Comm 43.11 Revisions and modifications. (1) PLAN REVISIONS (a) The changes specified in par. (b) to previously approved plans for anhydrous ammonia systems before commencement of system operation shall be submitted for review as a revision. Revised plans submitted for review shall include the department plan number for the original plans.

(b) Plans shall be submitted to the department for review for changes in tank location or capacity, piping arrangement or material, safety setback clearance, or point of transfer location.

(2) **ADDITIONS AND MODIFICATIONS.** Additions or modifications to anhydrous ammonia systems after commencement of system operation shall be submitted for review as a new installation. A modification shall include the replacement of parts or components only if they are not identical in function.

Comm 43.12 Revocation of approval. The department may revoke any approval issued under the provisions of this chapter for any false statements or misrepresentation of facts upon which the approval was based.

Comm 43.13 Departmental limitation and expiration of plan approval. Plan approval by the department or its authorized deputy shall expire one year after the date indicated on the approved plans, if construction has not commenced within that year.

Comm 43.14 Enforcement and inspections. (1) ENFORCEMENT. The rules in this chapter shall be enforced by the department and its deputies, and by all local officials or bodies having jurisdiction to approve plans or specifications or issue permits for construction, alterations or installations within the scope of this chapter or having authority to investigate and eliminate related fire hazards.

(2) **INITIAL INSPECTIONS.** (a) Anhydrous ammonia systems which require approval under s. Comm 43.10 shall be inspected by the department.

Note: Local jurisdictional authorities may also conduct inspections in addition to those of the department.

(b) The installer shall notify the department district inspector where the installation is located at least 5 business days prior to the start of construction to arrange for the inspection.

Note: The district inspector is indicated on the conditional approval letter.

(c) Anhydrous ammonia systems which do not require approval under s. Comm 43.10 may be inspected by local jurisdictional authorities to verify compliance with this chapter.

(3) PERIODIC INSPECTIONS. Permanent storage tanks for anhydrous ammonia exceeding 2000 gallons water capacity and all anhydrous ammonia nurse tanks located at storage facilities shall be subject to an inspection by the department at least once every 3 years.

Comm 43.15 Permit to operate. (1) The owner or user of an anhydrous ammonia tank which requires periodic inspections shall be responsible for obtaining and maintaining a valid permit to operate.

(2) After each initial or periodic inspection, a permit to operate shall be issued by the department upon determination that the system meets the applicable requirements of this chapter. The department shall make that determination and issue a permit to operate within 15 business days of the inspection.

(3) The permit to operate shall be valid until the next required periodic inspection.

Comm 43.16 Accident reporting. Whenever an accident occurs that relates to the operation an anhydrous ammonia installation and causes personal injury requiring professional medical attention, the owner or operator shall report the facts involved to the department within 2 business days.

Note: Accidents may be reported by calling the department district inspector where the installation is located or the department's Waukesha office at 262/548-8617.

Comm 43.17 Petition for variance. The department shall consider and may grant a variance to a provision of this chapter in accordance with ch. Comm 3. The petition for variance shall include a position statement from the fire department having jurisdiction.

Note: Chapter Comm 3 requires the submittal of a petition for variance form (SBD-9890) and a fee, and that an equivalency is established in the petition for variance that meets the intent of the rule being petitioned. Chapter Comm 3 also requires the department to process regular petitions within 30 business days and priority petitions within 10 business days.

Comm 43.18 Appeals. (1) **APPEAL OF DEPARTMENT ORDER.** Pursuant to s. 101.02 (6)(e), Stats., any person who owns or occupies a property that is affected by an order of the department may petition the department for a hearing on the reasonableness of the order.

(2) **APPEAL OF LOCAL ORDER.** Pursuant to s. 101.02 (7)(b), Stats., any person affected by a local order that is in conflict with an order of the department may petition the department for a hearing on the local order.

(3) **PETITION OF ADMINISTRATIVE RULE.** Pursuant to s. 227.12, Stats., any municipality, corporation or any 5 or more persons having an interest in an administrative rule may petition the department requesting the adoption, amendment or repeal of the rule.

Comm 43.19 Penalties. Penalties for violations of this chapter shall be assessed in accordance with s. 101.02 (12) and (13)(a), Stats.

Note: Section 101.02 (12), Stats., indicates that every day during which any person, persons, corporation or any officer, agent or employe thereof, fails to observe and comply with an order of the department will constitute a separate and distinct violation of such order.

Note: Section 101.02 (13) (a), Stats., indicates penalties will be assessed against any employer, employe, owner or other person who fails or refuses to perform any duty lawfully enjoined, within the time prescribed by the department, for which no penalty has been specifically provided, or who fails, neglects or refuses to comply with any lawful order made by the department, or any judgment or decree made by any court in connection with ss. 101.01 to 101.25, Stats. For each such violation, failure or refusal, such employe, owner or other person must forfeit and pay into the state treasury a sum not less than \$10 nor more than \$100 for each violation.

Comm 43.20 Fees. Fees for the plan examination, permit to operate and inspection of anhydrous ammonia systems shall be submitted as specified in ch. Comm 2.

Subchapter IV - Standards

Comm 43.30 Adoption of standards by reference. (1) CONSENT. Pursuant to s. 227.21, Stats., the attorney general and the revisor of statutes have consented to the incorporation by reference of the American National Standard Safety Requirements for the Storage and Handling of Anhydrous Ammonia, ANSI K61.1-1999.

(2) INCORPORATION. The American National Standard Safety Requirements for the Storage and Handling of Anhydrous Ammonia, ANSI K61.1-1999, subject to the changes, additions and omissions specified in subch. V, is hereby incorporated by reference into this chapter.

Note: Copies of the ANSI K61.1 standard can be purchased from the American National Standards Institute, Customer Service, 11 West 42nd Street, New York, NY 10036.

Note: Copies of the listed standards are on file in the offices of the department, the secretary of state and the revisor of statutes.

Comm 43.31 Construction and operation. All anhydrous ammonia installations shall be designed, installed, maintained and operated in accordance with the ANSI K61.1 standard incorporated by reference in s. Comm 43.30, subject to the changes, additions and omissions specified in subch. V.

Subchapter V – Changes, Additions or Omissions to Adopted Standards

Comm 43.40 Changes, additions or omissions to ANSI K61.1. Changes or additions to or omissions from the ANSI K61.1 standard are specified in this subchapter and are rules of the department and are not requirements of the ANSI K61.1 standard.

Note: The referenced K61.1 rule number, located in brackets, follows the Comm section number and title and precedes the text of the rule.

Comm 43.41 Scope and general [K61.1 1.1 and 1.2]. K61.1 Rule 1.1 and Rule 1.2 are not included as part of this chapter.

Comm 43.42 Definitions [K61.1 Section 2]. (1) ADDITIONS. The following are department definitions in addition to the definitions in K61.1 section 2:

(a) "Secondhand" means having changed location subsequent to the original installation.

(2) SUBSTITUTIONS. The following department definitions are substitutions for the respective definitions in K61.1 section 2:

(a) "Authority having jurisdiction" means the department.

Comm 43.43 Equipment and systems [K61.1 5.1]. This is a department rule in addition to the requirements in K61.1 5.1:

Except for the hydrostatic pressure test requirements, secondhand anhydrous ammonia tanks shall comply with ch. Comm 41, subch. VII.

Comm 43.44 Pressure relief devices [K61.1 5.8]. (1) FLOW CAPACITY [K61.1 5.8.1]. This is a department rule in addition to the requirements in K61.1 5.8.1:

Pressure relief device flow capacity shall conform to the ASME Code requirements for capacity rating.

(2) DEVICE REPLACEMENT [K61.1 5.8.16]. This is a department rule in addition to the requirements in K61.1 5.8.16:

In lieu of the expiration date, a relief valve may be used for a total of 5 years if a record is maintained of when it was installed and it was not over 2 years old at the time of installation.

Comm 43.45 Transfer of liquids [K61.1 5.10]. (1) BREAKAWAY PROTECTION [K61.1 5.10.8.1]. This is a department rule in addition to the requirements in K61.1 5.10.8.1:

All permanent storage installations with systems for filling implements of husbandry or for filling cargo vessels with container capacity of 3500 gallons or less shall have all vapor and liquid risers protected against any break resulting from a pull-away. Each vapor and liquid hose shall have a properly rated excess flow valve, a manual control valve, and a breakaway or shear fitting designed to conform with good engineering practices. For installations existing on November 1, 1999, the breakaway or shear fitting shall be installed by January 1, 2001.

(2) WORKING PLATFORM. This is a department rule in addition to the requirements in K61.1 5.10:

Riser platforms shall be constructed in a way that will not allow standing on the piece of equipment while connecting or disconnecting hoses. For installations existing on [the effective date of these rules...Revisor to insert date], the riser platform shall be constructed by [one year from the effective date of these rules...Revisor to insert date].

Comm 43.46 Systems mounted on railcar structures for transportation of ammonia [K61.1 Section 8]. K61.1 section 8 is not included as part of this chapter.

Note: Regulations covering railcar transportation of anhydrous ammonia are contained in U.S. Department of Transportation, Federal Railroad Administration, Title 49 CFR Parts 200 to 299.

Comm 43.47 Systems mounted on trucks, semi-trailers and trailers for transportation of ammonia [K61.1 Section 9]. K61.1 section 9 is not included as part of this chapter.

Note: Regulations covering highway transportation of anhydrous ammonia are contained in Wisconsin Department of Transportation chs. Trans 305 and 325 to 328.

(END)

EFFECTIVE DATE

Pursuant to s. 227.22 (2)(intro.), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.



JUN 07 2000

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Tommy G. Thompson, Governor
Brenda J. Blanchard, Secretary

June 6, 2000

Senate Chief Clerk
Room 501
119 Martin Luther King Blvd
Madison, Wisconsin 53703

Assembly Chief Clerk
Room 402
1 East Main Street
Madison, Wisconsin 53703

Dear Chief Clerks:

**TRANSMITTAL IN FINAL DRAFT FORM OF ADMINISTRATIVE
RULES AND REPORT**

CLEARINGHOUSE RULE NO.: 00-038

RULE NO.: Chapter Comm 43

RELATING TO: Anhydrous Ammonia

Pursuant to section 227.19, Stats., agencies are required to submit, in triplicate, copies of the proposed administrative rules in final draft form together with a rule report and an analysis. The recommendations received from the Legislative Council are also to be submitted.

At this time, this material, together with cover letters to the President of the Senate and the Speaker of the Assembly, is being transmitted for referral to the standing committees for legislative review.

Respectfully submitted,

Brenda J. Blanchard
Secretary



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Tommy G. Thompson, Governor
Brenda J. Blanchard, Secretary

June 6, 2000

Senator Fred Risser
President of the Senate
Room 220 South, State Capitol
Madison, Wisconsin 53702

Representative Scott Jensen
Speaker of the Assembly
Room 211 West, State Capitol
Madison, Wisconsin 53702

Dear Senator Risser and Representative Jensen:

NOTICE OF ADMINISTRATIVE RULES IN FINAL DRAFT FORM

CLEARINGHOUSE RULE NO.: 00-038

RULE NO.: Chapter Comm 43

RELATING TO: Anhydrous Ammonia

Section 227.19, Stats., requires agencies to submit proposed rules in final draft form to the presiding officer of each house for referral to the appropriate legislative standing committees.

The following information, as required by law, is being submitted to you.

1. Rules in final draft form (in triplicate).
2. Report consisting of:
 - a) Rule Report.
 - b) Public Hearing Attendance Record.
 - c) Public Hearing Comment and Agency Response Form.
 - d) Legislative Council Rules Clearinghouse Report.
 - e) Response to Legislative Council Rules Clearinghouse Report.
 - f) Fiscal Estimate.
 - g) Final Regulatory Flexibility Analysis.

If you have any questions regarding this matter, please do not hesitate to contact us.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'B. J. Blanchard', written over a horizontal line.

Brenda J. Blanchard
Secretary

**DEPARTMENT OF COMMERCE
PUBLIC HEARING COMMENT AND AGENCY RESPONSE**

Clearinghouse Rule No.: 00-038		Hearing Location: Madison	
Rule Number: Chapter Comm 43		Hearing Date: March 16, 2000	
Relating to: Anhydrous Ammonia			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
1	David Wantland Ed Aldridge Growmark, Inc. Bloomington, IL	<p>1. Thanks to the Department for taking the time and effort to review and revise the existing rule for anhydrous ammonia. This is a very large undertaking and the effort is appreciated.</p> <p>2. There is a concern with the 5-day notice to the Department district inspector prior to the start of construction. Weather conditions can play havoc with the intended start day. It would be better to give an intended start day and then follow up with a shorter notice if weather forces a change.</p> <p>3. The new language clarifying the use time and shelf life for pressure relief devices and the need for platforms to protect workers while filling NH3 nurse tanks is good. The breakaways to protect vapor and liquid risers is also a good idea, although there will be considerable cost at a time when prices are depressed.</p> <p>4. There is concern with the requirement in part 5.4.2.2 of the K61.1 standard regarding registering containers with the National Board. This is not necessary, as there are many NH3 storage vessels currently in use in Wisconsin that are not registered. This rule would prohibit the moving of these tanks and using them in new locations, greatly increasing the cost of putting in new NH3 systems. If this rule must be included, it should apply only to new tanks manufactured after a specific date.</p>	<p>1. Comment noted.</p> <p>2. Once the notice is given to the Department inspector, it is the inspector's responsibility to keep track of the construction. The procedure suggested by the submitter may be followed.</p> <p>3. The requirement for the breakaway device has been in the code since November 1999. Existing installations have until January 1, 2001 to install the device.</p> <p>4. Agree. The registration with the National Board only applies to new tanks manufactured after the effective date of the proposed rules.</p>

**DEPARTMENT OF COMMERCE
PUBLIC HEARING COMMENT AND AGENCY RESPONSE**

Clearinghouse Rule No.: 00-038		Hearing Location: Eau Claire	
Rule Number: Chapter Comm 43		Hearing Date: March 17, 2000	
Relating to: Anhydrous Ammonia			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
		No comments or recommendations were submitted.	

**DEPARTMENT OF COMMERCE
PUBLIC HEARING COMMENT AND AGENCY RESPONSE**

Clearinghouse Rule No.: 00-038	Hearing Location: Mailed In
Rule Number: Chapter Comm 43	Hearing Date: Not Applicable

Relating to: Anhydrous Ammonia

Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
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2	Timothy Clay Wisconsin Federation of Cooperatives Madison, WI	<p>1. For some facilities, it is not feasible to construct working platforms. Some facilities do not have the space necessary for constructing fixed platforms, since a permanent structure would further limit the space necessary for safely maneuvering nurse tanks and delivery transports. There are mobile working platforms that meet OSHA specifications and the intent of the rule. The rule should be revised to read: "Where needed, a platform shall be provided to prevent standing on pieces of equipment while connecting or disconnecting hoses. For installations existing on [the effective date of these rules ... Revisor to insert date], the platform shall be provided by [one year from the effective date of these rules ... Revisor to insert date]."</p> <p>2. SB 351 and AB 703 were recently advanced by committees. This legislation is consistent with the scope of Comm 43 and it should be incorporated as rule language. The Department should be ready for called-for administrative rules if this legislation is enacted. For industry, this is very important legislation.</p>	<p>1. Agree.</p> <p>2. SB 351 and AB 703 were not enacted during the last legislative session.</p>
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RESPONSE TO LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

Department of Commerce

CLEARINGHOUSE RULE NO.: 00-038

RULE NO.: Chapter Comm 43

RELATING TO: Anhydrous Ammonia

Agency contact person for substantive questions.

Name: Joe Hertel

Title: Program Manager

Telephone No. 608/266-5649

Legislative Council report recommendations accepted in whole.

Yes

No

1. Review of statutory authority [s. 227.15(2)(a)]

- a. Accepted
- b. Accepted in part
- c. Rejected
- d. Comments attached

2. Review of rules for form, style and placement in administrative code [s. 227.15(2)(c)]

- a. Accepted
- b. Accepted in part
- c. Rejected
- d. Comments attached

(Continued on reverse side)

3. Review rules for conflict with or duplication of existing rules [s. 227.15(2)(d)]

- a. Accepted
- b. Accepted in part
- c. Rejected
- d. Comments attached

4. Review rules for adequate references to related statutes, rules and forms [s. 227.15(2)(e)]

- a. Accepted
- b. Accepted in part
- c. Rejected
- d. Comments attached

5. Review language of rules for clarity, grammar, punctuation and plainness [s. 227.15(2)(f)]

- a. Accepted
- b. Accepted in part
- c. Rejected
- d. Comments attached

6. Review rules for potential conflicts with, and comparability to, related federal regulations [s. 227.15(2)(g)]

- a. Accepted
- b. Accepted in part
- c. Rejected
- d. Comments attached

7. Review rules for permit action deadline [s. 227.15(2)(h)]

- a. Accepted
- b. Accepted in part
- c. Rejected
- d. Comments attached

FINAL REGULATORY FLEXIBILITY ANALYSIS

Department of Commerce

CLEARINGHOUSE RULE NO.: 00-038

RULE NO.: Chapter Comm 43

RELATING TO: Anhydrous Ammonia

Final regulatory flexibility analysis not required. (Statement of determination required.)

Sections 101.02 (15)(h) to (j) and 101.17, Stats., authorize the Department to promulgate rules prescribing minimum installation and operation standards for anhydrous ammonia facilities in public buildings and places of employment. The proposed rules of Clearinghouse Rule No. 00-038 are minimum requirements to meet the directives of the Statutes, and any exceptions from compliance for small businesses would be contrary to the Statutory objectives which are the basis for the rules.

1. Reason for including or failing to include the following methods for reducing impact of the rule on small businesses: Less stringent compliance or reporting requirements; less stringent schedules or deadlines for compliance or reporting requirements; simplification of compliance or reporting requirements; establishment of performance standards to replace design or operational standards; exemption from any or all requirements.
2. Issues raised by small businesses during hearings, changes in proposed rules as a result of comments by small businesses and reasons for rejecting any alternatives suggested by small businesses.

(Continued on reverse side)

3. Nature and estimated cost of preparation of any reports by small businesses.

4. Nature and estimated cost of other measures and investments required of small businesses.

5. Additional cost to agency of administering or enforcing a rule which includes any of the methods in 1. for reducing impact on small businesses.

6. Impact on public health, safety and welfare caused by including any of the methods in 1. for reducing impact on small businesses.

RULE REPORT

Department of Commerce

Rule No.: Chapter Comm 43

Relating to: Anhydrous Ammonia

Agency contact person for substantive questions:

Name Joe Hertel

Title Program Manager

Telephone Number 608/266-5649

Agency contact person for internal processing:

Name Ronald Acker

Title Code Consultant

Telephone Number 608/267-7907

1. Agency statutory authority under which the agency intends to promulgate the rule(s).
Sections 101.02 (15)(h) to (j) and 101.17, Stats.

2. Citation of federal regulations which require adoption or which are relevant to the proposed rule(s).

None known.

3. Citation of court decisions which are applicable to the proposed rule(s).

None known.

4. Description of the proposed rule(s).

The proposed rules consist of a complete update of chapter Comm 43. The current chapter Comm 43 is basically a rewritten version of a previous edition of the American National Standards Institute (ANSI) Safety Requirements for the Storage and Handling of Anhydrous Ammonia, ANSI K61.1, published by the Compressed Gas Association. The proposed rules contain the incorporation by reference of the 1999 edition of the ANSI K61.1 standard rather than rewriting it. The proposed new chapter Comm 43 also contains the same administration and enforcement provisions as the recently adopted new chapter Comm 40 for gas systems.

Although chapter Comm 43 generally applies only to new installations, the proposed rules contain one new retroactive rule and retain one existing retroactive rule from the current code. The new retroactive rule requires a working platform to be provided at existing installations within one year from the effective date of the proposed rules. The current retroactive rule was effective on November 1, 1999, and requires a breakaway device to be installed at existing installations by January 1, 2001.

5. Reason for the proposed rule(s).

The proposed rules have been developed in order to bring chapter Comm 43 up to date with current technology and nationally recognized standards.

FISCAL ESTIMATE
DOA-2048 (R06/99)

ORIGINAL
 CORRECTED

UPDATED
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
Ch. Comm 43
Amendment No. if Applicable

Subject
Anhydrous Ammonia

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation

- Increase Existing Appropriation
- Decrease Existing Appropriation
- Create New Appropriation
- Increase Existing Revenues
- Decrease Existing Revenues

- Increase Costs - May be Possible to Absorb Within Agency's Budget Yes No
- Decrease Costs

Local: No local government costs

- 1. Increase Costs
- Permissive Mandatory

- 3. Increase Revenues
- Permissive Mandatory

5. Types of Local Governmental Units Affected:

- Towns Villages Cities
- Counties Others _____
- School Districts WTCS Districts

- 2. Decrease Costs
- Permissive Mandatory

- 4. Decrease Revenues
- Permissive Mandatory

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

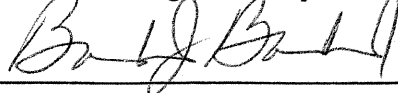
The Safety and Buildings Division is responsible for administering and enforcing the current rules for anhydrous ammonia systems. The proposed rules do not contain any changes in the Division's fees charged for administering and enforcing those rules. Also, the proposed rules will not create any additional workload costs. Therefore, the proposed rules will not have any fiscal effect on the Division.

Local municipalities may voluntarily enforce the rules for anhydrous ammonia systems, and they have the authority to offset any costs by charging appropriate fees.

Long-Range Fiscal Implications
None known.

Agency/Prepared by: (Name & Phone No.)
Commerce/Ronald Acker 267-7907

Authorized Signature/Telephone No.



Date

2/7/00

FISCAL ESTIMATE WORKSHEET
 Detailed Estimate of Annual Fiscal Effect
 DOA-2047(R06/99)

ORIGINAL
 CORRECTED

UPDATED
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
 Ch. Comm 43

Amendment No.

Subject
 Anhydrous Ammonia

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

None known.

II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
A. State Costs By Category	\$	\$ -
State Operations - Salaries and Fringes		
(FTE Position Changes)	(0 FTE)	(- 0 FTE)
State Operations - Other Costs		-
Local Assistance		-
Aids to Individuals or Organizations		-
TOTAL State Costs By Category	\$ 0	\$ -0
B. State Costs By Source of Funds	\$	\$
GPR		-
FED		-
PRO/PRS	0	-0
SEG/SEG-S		-
III. State Revenues- Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	\$	\$
GPR Taxes		-
GPR Earned		-
FED		-
PRO/PRS		-
SEG/SEG-S		-
TOTAL State Revenues	\$ 0	\$ -0

NET ANNUALIZED FISCAL IMPACT

	STATE	LOCAL
NET CHANGE IN COSTS	\$ 0	\$ 0
NET CHANGE IN REVENUES	\$ 0	\$ 0

Agency/Prepared by: (Name & Phone No.)
 Commerce/Ronald Acker 267-7907

Authorized Signature/Telephone No.



Date

2/7/00

DEPARTMENT OF COMMERCE
PUBLIC HEARING ATTENDANCE RECORD

RULE NO.: Chapter Comm 43 DATE: March 16, 2000
 RELATING TO: Anhydrous Ammonia TIME: 10:00 a.m.
 LOCATION: Room 3C, Thompson Commerce Center CITY: Madison

Name	Representation (Business, Assoc., Group, Self, etc.)	City and State	Appearing in Support	Appearing in Opposition	Appearing for Information
<i>David Wantland</i>	<i>BROWMARK, Inc</i>	<i>Bloomington, IL</i>	<i>x</i>		

DEPARTMENT OF COMMERCE
PUBLIC HEARING ATTENDANCE RECORD

RULE NO.: Chapter Comm 43
 RELATING TO: Anhydrous Ammonia
 LOCATION: Room 105, State Office Building

DATE: March 17, 2000

TIME: 11:00 a.m.

CITY: Eau Claire

Name	Representation (Business, Assoc., Group, Self, etc.)	City and State	Appearing in Support	Appearing in Opposition	Appearing for Information
Dan Healy	West Central Camp Line	Eau Claire, WI 54601	X		



State of Wisconsin \ Department of Commerce

RULES in FINAL DRAFT FORM

Rule No.: Chapter Comm 43

Relating to: Anhydrous Ammonia

Clearinghouse Rule No.: 00-038

The Department of Commerce proposes an order to repeal and recreate chapter Comm 43, relating to anhydrous ammonia.

Analysis of Proposed Rules

Statutory Authority: Sections 101.02 (15)(h) to (j) and 101.17, Stats.

Statutes Interpreted: Sections 101.02 (15)(h) to (j) and 101.17, Stats.

The Division of Safety and Buildings within the Department of Commerce is responsible for protecting the health, safety and welfare of the public by establishing reasonable and effective safety standards for the construction, repair and maintenance of public buildings and places of employment. Chapter Comm 43 contains minimum safety standards for the design, construction, installation, operation, inspection, repair and maintenance of anhydrous ammonia systems.

The proposed rules consist of a complete update of chapter Comm 43 in order to bring the chapter up to date with current technology and nationally recognized standards. The current chapter Comm 43 is basically a rewritten version of a previous edition of the American National Standards Institute (ANSI) Safety Requirements for the Storage and Handling of Anhydrous Ammonia, ANSI K61.1, published by the Compressed Gas Association. The proposed rules contain the incorporation by reference of the 1999 edition of the ANSI K61.1 standard rather than rewriting it. The proposed new chapter Comm 43 also contains the same administration and enforcement provisions as the recently adopted new chapter Comm 40 for gas systems.

Although chapter Comm 43 generally applies only to new installations, the proposed rules contain one new retroactive rule and retain one existing retroactive rule from the current code. The new retroactive rule requires a working platform to be provided at existing installations within one year from the effective date of the proposed rules. The current retroactive rule was effective on November 1, 1999, and requires a breakaway device to be installed at existing installations by January 1, 2001.

The proposed rules have been developed with the assistance of the Anhydrous Ammonia Code Advisory Council. The members of that citizen advisory council are as follows:

<u>Name</u>	<u>Representing</u>
Ed Aldridge	Growmark, Inc.
Bruce Barganz	Wisconsin Fertilizer & Chemical Association
Tim Clay	Wisconsin Federation of Cooperatives
Donald Healy	Wisconsin Agri-Service Association
Art Herschberger	Wisconsin Propane Gas Association
Bruce Kleespie	Kleespie Tank & Petroleum Equipment
Gene Reece	Wisconsin State Fire Chiefs Association

SECTION 1. Chapter Comm 43 is repealed and recreated to read:

**Chapter Comm 43
ANHYDROUS AMMONIA**

Subchapter I – Purpose and Scope

Comm 43.01 Purpose. The purpose of this chapter is to establish minimum safeguards to life, health and property by the adoption of reasonable and effective standards relating to the storage and handling of anhydrous ammonia.

Comm 43.02 Scope. (1) APPLICATION. (a) This chapter applies to the design, construction, repair, alteration, location, installation, inspection and operation of anhydrous ammonia systems, including refrigerated ammonia storage systems, in public buildings and at places of employment. The provisions of this chapter are not retroactive unless specifically stated in the administrative rule.

(2) EXEMPTIONS. This chapter does not apply to all of the following:

(a) Ammonia manufacturing plants.

(b) Refrigeration plants where ammonia is used solely as a refrigerant.

Note: Refrigeration plants where ammonia is used as a refrigerant are covered in ch. Comm 45. The rules of ch. Comm 45 are not appropriate to refrigerated ammonia storage systems as covered in this chapter.

(c) Ammonia transportation pipelines.

(d) Ammonia barges and tankers.

Comm 43.03 Local regulations. This chapter shall not limit the power of cities, villages and towns to make or enforce additional or more stringent regulations, provided the regulations do not conflict with this chapter, any other rule of the department, or law.

Subchapter II - Definitions

Comm 43.05 Definitions. In this chapter:

(1) “Department” means the department of commerce.

(2) “Place of employment” has the meaning specified under s. 101.01 (11), Stats.

Note: Under s. 101.01 (11), Stats., “place of employment” includes every place, whether indoors or out or underground and the premises appurtenant thereto where either temporarily or permanently any industry, trade or business is carried on, or where any process or operation, directly or indirectly related to any industry, trade or business, is carried on, and where any person is, directly or indirectly, employed by another for direct or indirect gain or profit, but does not include any place where persons are employed in private domestic service which does not involve the use of mechanical power or in farming. “Farming” includes those activities specified in s. 102.04 (3), and also includes the transportation of farm products, supplies or equipment directly to the farm by the operator of said farm or employes for use thereon, if such activities are directly or indirectly for the purpose of producing commodities for market, or as an accessory to such

production. When used with relation to building codes, "place of employment" does not include an adult family home, as defined in s. 50.01 (1), or, except for the purposes of s. 101.11, a previously constructed building used as a community-based residential facility, as defined in s. 50.01 (1g), which serves 20 or fewer residents who are not related to the operator or administrator.

(3) "Public building" has the meaning specified under s. 101.01 (12), Stats.

Note: Under s. 101.01 (12), Stats., "public building" means any structure, including exterior parts of such building, such as a porch, exterior platform or steps providing means of ingress or egress, used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public or by 3 or more tenants. When used in relation to building codes, "public building" does not include a previously constructed building used as a community-based residential facility as defined in s. 50.01 (1g) which serves 20 or fewer residents who are not related to the operator or administrator or an adult family home, as defined in s. 50.01 (1).

Subchapter III – Administration and Enforcement

Comm 43.10 Plan examination and approval. (1) DEPARTMENT APPROVAL.

Department plan approval shall be obtained before commencing construction of any new or additional permanent storage installation for anhydrous ammonia.

(2) **PLANS, SPECIFICATIONS AND INFORMATION.** Plans, specifications and information submitted to the department for review and approval of anhydrous ammonia installations shall contain all of the following:

(a) At least 4 sets of plans, which are clear, legible and permanent copies; one copy of specifications; a completed application form; and the required fees.

(b) The name of the owner; the name of the person, firm or corporation proposing the construction or installation, if other than the owner; and the address of the installation, including the names of adjacent streets and highways.

(c) A plot plan, drawn to a minimum scale of one inch equals 20 feet, indicating the location of the installation with respect to property lines, lot lines, adjoining streets or alleys and other buildings on the same lot or property. The layout of buildings, containers, loading and unloading docks, type of construction of each building and any stream or body of water within 150 feet of the containers shall also be indicated.

(d) The location, size and capacity of each system and container.

(e) The type of container supports, clearances, type of venting and pressure relief used and combined capacity of all venting and relief valves on each container.

(f) A plot plan showing the land use of the area surrounding the proposed site for a distance of 2000 feet.

(3) **LOCAL APPROVAL.** Approval of a permanent storage installation site for anhydrous ammonia shall be obtained from the local fire department and shall be verified at the time of plan submittal.

(4) **ADDITIONAL APPROVAL.** Approval of plans is based upon compliance with the requirements of this chapter. Construction, installation and operation of anhydrous ammonia systems may be subject to compliance with additional requirements in state and local building codes, local zoning and similar ordinances.

(5) **APPLICATION FOR APPROVAL.** Application for approval of an anhydrous ammonia installation shall be made in writing on form SBD-6038.

Note: All forms referenced in this chapter are available at no charge from the department at the Safety and Buildings Division, P.O. Box 2509, Madison, WI 53701-2509, telephone 608/266-1818.

(6) **APPLICATION PROCESSING TIME.** The department shall review and make a determination on an application for installation approval within 15 business days of receiving all of the application materials required under subs. (2) and (3).

Comm 43.11 Revisions and modifications. (1) PLAN REVISIONS (a) The changes specified in par. (b) to previously approved plans for anhydrous ammonia systems before commencement of system operation shall be submitted for review as a revision. Revised plans submitted for review shall include the department plan number for the original plans.

(b) Plans shall be submitted to the department for review for changes in tank location or capacity, piping arrangement or material, safety setback clearance, or point of transfer location.

(2) **ADDITIONS AND MODIFICATIONS.** Additions or modifications to anhydrous ammonia systems after commencement of system operation shall be submitted for review under s. Comm 43.10 as a new installation. A modification shall include the replacement of parts or components only if they are not identical in function.

Comm 43.12 Revocation of approval. The department may revoke any approval issued under this chapter for any false statements or misrepresentation of facts upon which the approval was based.

Comm 43.13 Departmental limitation and expiration of plan approval. Plan approval by the department or its authorized deputy shall expire one year after the date indicated on the approved plans, if construction has not commenced within that year.

Comm 43.14 Enforcement and inspections. (1) ENFORCEMENT. This chapter shall be enforced by the department and its deputies, and by all local officials or bodies having jurisdiction to approve plans or specifications or issue permits for construction, alterations or installations within the scope of this chapter or having authority to investigate and eliminate related fire hazards.

(2) **INITIAL INSPECTIONS.** (a) Anhydrous ammonia systems which require approval under s. Comm 43.10 shall be inspected by the department.

Note: Local jurisdictional authorities may also conduct inspections in addition to those of the department.

(b) The installer shall notify the inspector of the department district in which the installation is located at least 5 business days prior to the start of construction to arrange for the inspection.

Note: The district inspector is indicated on the conditional approval letter.

(c) Anhydrous ammonia systems which do not require approval under s. Comm 43.10 may be inspected by local jurisdictional authorities to verify compliance with this chapter.

(3) **PERIODIC INSPECTIONS.** Permanent storage tanks for anhydrous ammonia exceeding 2000 gallons water capacity and all anhydrous ammonia nurse tanks located at storage facilities shall be inspected by the department at least once every 3 years.

Comm 43.15 Permit to operate. (1) The owner or user of an anhydrous ammonia tank which requires periodic inspections under s. Comm 43.14 (3) shall be responsible for obtaining and maintaining a valid permit to operate.

(2) After each initial or periodic inspection, a permit to operate shall be issued by the department upon determination that the system meets the applicable requirements of this chapter. The department shall make that determination and issue a permit to operate within 15 business days of the inspection.

(3) The permit to operate shall be valid until the next required periodic inspection.

Comm 43.16 Accident reporting. Whenever an accident occurs that relates to the operation an anhydrous ammonia installation and causes personal injury requiring professional medical attention, the owner or operator shall report the facts involved to the department within 2 business days.

Note: Accidents may be reported by calling the department district inspector where the installation is located or the department's Waukesha office at 262/548-8617.

Comm 43.17 Petition for variance. The department shall consider and may grant a variance to a provision of this chapter in accordance with ch. Comm 3. The petition for variance shall include a position statement from the fire department having jurisdiction.

Note: Chapter Comm 3 requires the submittal of a petition for variance form (SBD-9890) and a fee, and that an equivalency is established in the petition for variance that meets the intent of the rule being petitioned. Chapter Comm 3 also requires the department to process regular petitions within 30 business days and priority petitions within 10 business days.

Comm 43.18 Appeals. (1) **APPEAL OF DEPARTMENT ORDER.** Pursuant to s. 101.02 (6)(e), Stats., any person who owns or occupies a property that is affected by an order of the department may petition the department for a hearing on the reasonableness of the order.

(2) **APPEAL OF LOCAL ORDER.** Pursuant to s. 101.02 (7)(b), Stats., any person affected by a local order that is in conflict with an order of the department may petition the department for a hearing on the local order.

(3) **PETITION OF ADMINISTRATIVE RULE.** Pursuant to s. 227.12, Stats., any municipality, corporation or any 5 or more persons having an interest in an administrative rule may petition the department requesting the adoption, amendment or repeal of the rule.

Comm 43.19 Penalties. Penalties for violations of this chapter shall be assessed in accordance with s. 101.02 (12) and (13)(a), Stats.

Note: Section 101.02 (12), Stats., indicates that every day during which any person, persons, corporation or any officer, agent or employe thereof, fails to observe and comply with an order of the department will constitute a separate and distinct violation of such order.

Note: Section 101.02 (13) (a), Stats., indicates penalties will be assessed against any employer, employe, owner or other person who fails or refuses to perform any duty lawfully enjoined, within the time prescribed by the department, for which no penalty has been specifically provided, or who fails, neglects or refuses to comply with any lawful order made by the department, or any judgment or decree made by any court in connection with ss. 101.01 to 101.25, Stats. For each such violation, failure or refusal, such employe, owner or other person must forfeit and pay into the state treasury a sum not less than \$10 nor more than \$100 for each violation.

Comm 43.20 Fees. Fees for the plan examination, permit to operate and inspection of anhydrous ammonia systems shall be submitted as specified in ch. Comm 2.

Subchapter IV - Standards

Comm 43.30 Adoption of standards by reference. (1) CONSENT. Pursuant to s. 227.21, Stats., the attorney general and the revisor of statutes have consented to the incorporation by reference of the American National Standard Safety Requirements for the Storage and Handling of Anhydrous Ammonia, ANSI K61.1-1999.

(2) INCORPORATION. The American National Standard Safety Requirements for the Storage and Handling of Anhydrous Ammonia, ANSI K61.1-1999, subject to the changes, additions and omissions specified in subch. V, is hereby incorporated by reference into this chapter.

Note: Copies of the ANSI K61.1 standard can be purchased from the American National Standards Institute, Customer Service, 11 West 42nd Street, New York, NY 10036.

Note: Copies of the listed standards are on file in the offices of the department, the secretary of state and the revisor of statutes.

Comm 43.31 Construction and operation. All anhydrous ammonia installations shall be designed, installed, maintained and operated in accordance with the ANSI K61.1 standard incorporated by reference in s. Comm 43.30, subject to the changes, additions and omissions specified in subch. V.

Subchapter V – Changes, Additions or Omissions to Adopted Standards

Comm 43.40 Changes, additions or omissions to ANSI K61.1. Changes or additions to or omissions from the ANSI K61.1 standard are specified in this subchapter and are rules of the department and are not requirements of the ANSI K61.1 standard.

Note: The referenced K61.1 rule number, located in brackets, follows the Comm section number and title and precedes the text of the rule.

Comm 43.41 Scope and general [K61.1 1.1 and 1.2]. K61.1 Rule 1.1 and Rule 1.2 are not included as part of this chapter.

Comm 43.42 Definitions [K61.1 Section 2]. (1) ADDITIONS. The following are department definitions in addition to the definitions in K61.1 section 2:

(a) "Secondhand" means having changed location subsequent to the original installation.

(2) **SUBSTITUTIONS.** The following department definitions are substitutions for the respective definitions in K61.1 section 2:

(a) "Authority having jurisdiction" means the department.

Comm 43.43 Equipment and systems [K61.1 5.1]. This is a department rule in addition to the requirements in K61.1 5.1:

Except for the hydrostatic pressure test requirements, secondhand anhydrous ammonia tanks shall comply with ch. Comm 41, subch. VII.

Comm 43.44 Pressure relief devices [K61.1 5.8]. (1) FLOW CAPACITY [K61.1 5.8.1]. This is a department rule in addition to the requirements in K61.1 5.8.1:

Pressure relief device flow capacity shall conform to the ASME Code requirements for capacity rating.

(2) **DEVICE REPLACEMENT [K61.1 5.8.16].** This is a department rule in addition to the requirements in K61.1 5.8.16:

In lieu of the expiration date, a relief valve may be used for a total of 5 years if a record is maintained of when it was installed and it was not over 2 years old at the time of installation.

Comm 43.45 Transfer of liquids [K61.1 5.10]. (1) BREAKAWAY PROTECTION [K61.1 5.10.8.1]. This is a department rule in addition to the requirements in K61.1 5.10.8.1:

All permanent storage installations with systems for filling implements of husbandry or for filling cargo vessels with container capacity of 3500 gallons or less shall have all vapor and liquid risers protected against any break resulting from a pull-away. Each vapor and liquid hose shall have a properly rated excess flow valve, a manual control valve, and a breakaway or shear fitting designed to conform with good engineering practices. For installations existing on November 1, 1999, the breakaway or shear fitting shall be installed by January 1, 2001.

(2) **WORKING PLATFORM.** This is a department rule in addition to the requirements in K61.1 5.10:

Where needed, a platform shall be provided to prevent standing on pieces of equipment while connecting or disconnecting hoses. For installations existing on [the effective date of these rules...Revisor to insert date], the platform shall be provided by [one year from the effective date of these rules...Revisor to insert date].

Comm 43.46 Systems mounted on railcar structures for transportation of ammonia [K61.1 Section 8]. K61.1 section 8 is not included as part of this chapter.

Note: Regulations covering railcar transportation of anhydrous ammonia are contained in U.S. Department of Transportation, Federal Railroad Administration, Title 49 CFR Parts 200 to 299.

Comm 43.47 Systems mounted on trucks, semi-trailers and trailers for transportation of ammonia [K61.1 Section 9]. K61.1 section 9 is not included as part of this chapter.

Note: Regulations covering highway transportation of anhydrous ammonia are contained in Wisconsin Department of Transportation chs. Trans 305 and 325 to 328.

(END)

EFFECTIVE DATE

Pursuant to s. 227.22 (2)(intro.), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.
