

Chapter ILHR 48

PETROLEUM PRODUCTS

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Note: Chapter Ind 10 was renumbered to be chapter ILHR 48, Register, May, 1984, eff. June 1, 1984.

PART I—ADMINISTRATION AND ENFORCEMENT

ILHR 48.01 Power and authority. (1) RULE-MAKING AUTHORITY. The department has been granted the power and authority for the promulgation of rules relating to petroleum product grade specifications and the administration and enforcement of the rules.

(2) AUTHORITY TO ENTER. The department has been granted the authority to enter any premises of any manufacturer, vendor, dealer or user of products of petroleum during the regular business hours to determine whether the petroleum product has been inspected in accordance with the rules of the code.

(3) AUTHORITY TO SAMPLE AND TEST. The department has been granted the authority to obtain samples of products of petroleum, at any point within or without this state, for the purpose of testing these products in accordance with the rules of this code.

(4) AUTHORITY FOR ACCESS TO RECORDS. The department has the authority to inspect the records of every person having custody of books or records showing the shipment or receipt of products of petroleum for the purpose of determining the amount of petroleum products shipped or received.

(5) AUTHORITY TO PERFORM INVESTIGATIONS. Any accident or explosion involving products of petroleum which come to the knowledge of the department shall be investigated by the department to determine whether or not there has been a violation of these rules.

(6) AUTHORITY TO PROVIDE ASSISTANCE TO LOCAL AUTHORITIES. The department has been granted the authority, upon request of state agen-

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cies or local authorities, to assist in the investigation of hazardous situations involving suspected or known products of petroleum.

History: Cr. Register, July, 1980, No. 295, eff. 8-1-80.

ILHR 48.02 Petition for variance, penalties and fees. (1) PENALTIES. Any person who violates any provision of this chapter may be fined not more than \$500 or be imprisoned for not more than 6 months, or both.

(2) **FEES.** The department is authorized to collect fees for the inspection of any petroleum product. The fees for inspection shall be in accordance with ch. Ind 69, Fee Schedule, s. Ind 69.11.

(3) **REIMBURSEMENT OR CREDIT.** If a petroleum product is shipped outside of the state after inspection, the persons making the shipment shall be given credit or be reimbursed by the department for such fees, providing the following conditions are met:

(a) Notice of such shipment out of state is properly acknowledged and sworn to before a notary public.

(b) The notice is given to the department not later than the 20th day of the following month.

(4) **NO INSPECTION FEE.** No inspection fee shall be charged on a petroleum product that is shipped by a person from storage at a refinery, marine terminal, pipeline terminal, pipeline tank farm or place of manufacture in this state to a person for storage at another refinery, marine terminal, pipeline terminal, pipeline tank farm or place of manufacture in this state.

(5) **PETITION FOR VARIANCE.** The department shall consider and may grant a variance to an administrative rule upon receipt of a fee and a completed petition for variance form from the owner, provided an equivalency is established in the petition for variance which meets the intent of the rule being petitioned. The department may impose specific conditions in a petition for variance to promote the protection of the health, safety or welfare of the employees or the public. Violation of those conditions under which the petition is granted constitutes a violation of these rules.

Note: Copies of the petition for variance (form SB-8) are available from the Division of Safety and Buildings, P.O. Box 7969, Madison, Wisconsin 53707.

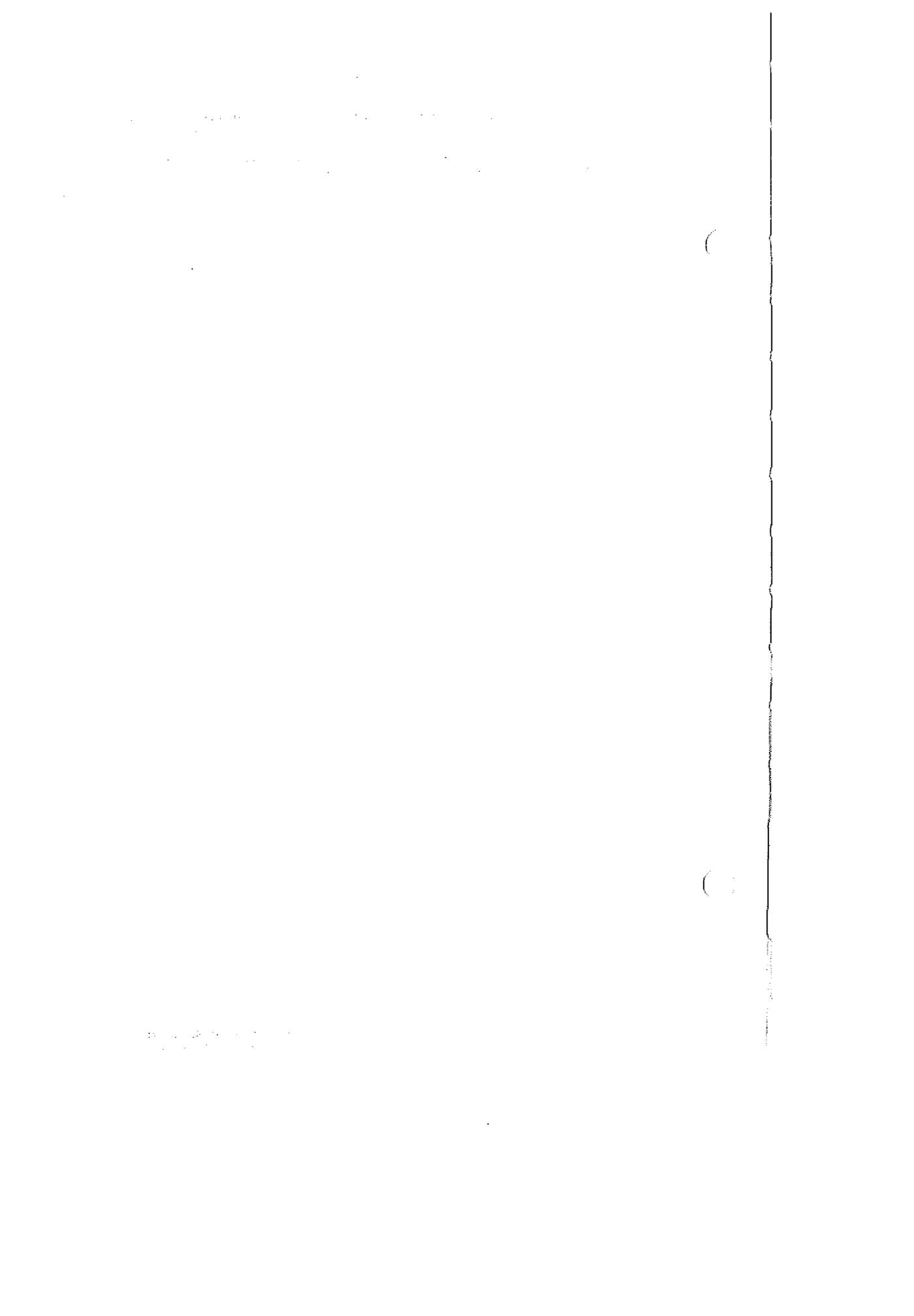
History: Cr. Register, July, 1980, No. 295, eff. 8-1-80; am. Register, October, 1984, No. 346, eff. 11-1-84.

ILHR 48.03 Definitions. (1) CERTIFIED PETROLEUM PRODUCT USER. A certified petroleum product user means a user who has inspection procedures certified by the department, has its own storage location and does not receive its petroleum products from a pipeline terminal, marine terminal, pipeline tank farm or bulk plant in this state or from such a facility located in Michigan, Minnesota, Iowa or Illinois that is inspected by the department, and who uses such petroleum products for its own consumption.

(2) **DEPARTMENT.** The department, as used in this chapter, means the department of industry, labor and human relations.

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(3) INSPECTOR. Inspector, as used in this chapter, means a duly authorized petroleum products inspector of the department.



(a) *Department procedures.* The department shall inspect each sample of petroleum product and perform the tests, deemed necessary, in accordance with the specifications as outlined in this code.

1. The department shall issue an inspection certificate if the petroleum product meets the specifications set forth in this code.

2. If the petroleum product does not meet the standards specified in this code, the department will notify the person for whom the inspection was made that the petroleum product shall not be sold, used or removed from storage until compliance with the standards are satisfied.

(b) *Sampling procedures by others.* Recipients of petroleum products and users of petroleum products which have been certified by the department shall comply with the following sampling procedures.

1. The sample shall be taken in the presence of a disinterested person.

2. The petroleum sample shall be placed in a clean container which can be tightly closed.

3. The container holding the sample shall be identified with the following information:

- a. Means of conveyance (i.e., from a pipeline, tank car);
- b. Type of original container;
- c. Product name;
- d. Content quantity.

4. Upon request, the sample taken shall be held for delivery to the inspector.

History: Cr. Register, July, 1980, No. 295, eff. 8-1-80.

ILHR 48.10 Labeling of dispensers and containers. (1) **DISPENSING EQUIPMENT.** All equipment dispensing petroleum products, at filling stations, garages or other places where petroleum products are sold or offered for sale, shall be marked with a conspicuous label indicating the name and grade of the petroleum product.

(a) *Gasoline/alcohol dispensing pump labels.* Any dispensing pump used by retailers to dispense gasoline blended with more than one volume percent of alcohol shall be labeled in such a manner to indicate the type of alcohol and cosolvents the gasoline contains. The labels shall be visible on both faces of the pump. The labels shall identify the type and volume percent of alcohols and cosolvents with letters at least 1 inch in height and ¼-inch in stroke.

(2) **STORAGE CONTAINERS.** All containers for storing gasoline shall be metal or materials meeting the standards approved by the department and all containers shall be labeled and colored red. These requirements do not apply to the following:

(a) *Exception No. 1.* Fuel supply tanks connected to internal combustion engines, appliances or any device consuming the fuel.

(b) *Exception No. 2.* Any container holding one gallon or less of a petroleum product, which was filled originally by a manufacturer or a pack-

ager, and which complies with the federal standards for packaging and labeling.

(c) *Exception No. 3.* Kerosene, diesel fuel, burner fuel oils and similar products of petroleum with a flash point of 100° F (38° C) or greater shall not be stored in any container colored red.

(d) *Exception No. 4.* Containers having a capacity of 275 gallons or more.

(3) **MISLABELING.** No person shall receive, unload, use, sell or offer for sale any petroleum products which are misidentified as to name or grade.

(a) *Reclaimed oils.* Any person representing, advertising, promoting for sale, offering for sale or selling any lubricating oil which has previously been used shall identify the product as such. The label shall contain the appropriate and descriptive words of "reclaimed, rerefined, re-cleaned or reconditioned used lubricating oil."

(4) **CLEANING OF DISPENSING EQUIPMENT.** Any pipeline, hose, pump or metering device used for dispensing petroleum products shall be properly flushed and cleaned before dispensing a dissimilar petroleum product.

History: Cr. Register, July, 1980, No. 295, eff. 8-1-80; renum. (1) (a) to be (4), cr. (1) (a), Register, May, 1984, No. 341, eff. 6-1-84; reprinted to correct error in (1) (a), Register, October, 1984, No. 346.

ILHR 48.11 Records. (1) **DEPARTMENT RECORDS.** The department shall keep records of each inspection made showing:

- (a) Time and place of each inspection;
- (b) Number of 50 gallon barrels inspected;
- (c) Number of gallons contained in the original container;
- (d) Amount of fees;
- (e) Product name of petroleum product inspected;
- (f) Name and address of person for whom inspection is made.

(2) **TRANSPORTATION RECORDS.** Every person transporting petroleum products shall maintain records showing the shipment or receipt of petroleum products. The department shall have free access to the records for the purpose of determining the amount of petroleum products shipped or received.

(3) **RECEIPT RECORDS.** Every person receiving petroleum products shall maintain records, together with bills of lading, waybills and other pertinent documents, for at least 3 years, unless approval to the contrary is obtained from the department in writing. The department shall have free access to the records for the purpose of determining the amount of petroleum products shipped or received.

History: Cr. Register, July, 1980, No. 295, eff. 8-1-80.

PART IV—CERTIFICATION OF PETROLEUM PRODUCTS USERS

ILHR 48.12 Scope. The purpose of these rules is to establish procedures for the department to certify inspection procedures used by petroleum product users. These rules establish the requirements and procedures for

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