

INDUSTRY, LABOR AND HUMAN RELATIONS 1
ILHR 48

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 employes 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.