

Chapter ILHR 10

FLAMMABLE AND COMBUSTIBLE LIQUIDS

Subchapter I — Purpose and Application	ILHR 10.31	Fueling of motor vehicles (p. 35)
ILHR 10.001 Purpose (p. 3)		
ILHR 10.002 Application (p. 4)	ILHR 10.32	Vehicle-mounted contractor tanks and vehicle-mounted farm fuel tanks (p. 35)
Subchapter II — Definitions		
ILHR 10.01 Definitions (p. 5)		
Subchapter III — Administration and Enforcement	ILHR 10.33	Waste oil collection points (p. 40)
ILHR 10.10 Approval of proposed construction, installation or operation (p. 15)	ILHR 10.335	Used internal combustion engine crankcase oil (p. 40)
ILHR 10.105 Plan revision (p. 19)		<i>Part 2 - Tank storage</i>
ILHR 10.11 Revocation of approval (p. 19)	ILHR 10.34	Tanks used as pressure vessels (p. 42)
ILHR 10.12 Department limitation and expiration of plan approval (p. 19)	ILHR 10.342	Location of new and replacement underground storage tanks (p. 42)
ILHR 10.125 Specific approval of materials, equipment and devices (p. 19)	ILHR 10.345	Impounding around outside aboveground storage tanks by diking (p. 42)
ILHR 10.13 Registration - New and replacement aboveground and underground storage tanks (p. 21)	ILHR 10.35	Aboveground tank labels (p. 44)
ILHR 10.14 Registration - Existing aboveground and underground storage tanks (p. 21)	ILHR 10.355	Aboveground tank design (p. 44)
ILHR 10.15 Registration - Permanently closed or removed aboveground and underground storage tanks (p. 22)	ILHR 10.36	Closure of aboveground storage tanks (p. 44)
ILHR 10.16 New and replacement underground storage tank use permit (p. 23)		<i>Part 3 - Bulk plants and terminals</i>
ILHR 10.17 Existing underground storage tank use permit procedure (p. 24)	ILHR 10.37	Lesser clearances at existing bulk plants permitted (p. 45)
ILHR 10.18 Enforcement and inspections (p. 25)	ILHR 10.38	Bulk plant product color coding (p. 46)
ILHR 10.19 Groundwater protection inspections (p. 27)	ILHR 10.39	Care and attendance of property (p. 47)
ILHR 10.20 Fees (p. 27)		<i>Part 4 - Service stations</i>
ILHR 10.21 Appeals (p. 27)	ILHR 10.395	Overfill protection (p. 47)
ILHR 10.22 Petition for variance (p. 27)	ILHR 10.40	Separation and color coding of dispensing equipment (p. 47)
ILHR 10.23 Penalties (p. 28)	ILHR 10.41	Service station product color coding (p. 48)
Subchapter IV — Standards	ILHR 10.415	Vehicle fuel dispensing from aboveground tanks (p. 49)
ILHR 10.25 Adoption of standards by reference (p. 28)	ILHR 10.42	Fuel dispensing for marine craft (p. 53)
ILHR 10.26 Secondary references (p. 32)		<i>Part 5 - Farms and construction projects</i>
ILHR 10.27 Construction, installation, operation and maintenance of flammable and combustible liquid facilities (p. 32)	ILHR 10.43	Application (p. 56)
Subchapter V — General Requirements for Fire Prevention and Protection	ILHR 10.44	General requirements for tank storage (p. 56)
<i>Part 1 - Miscellaneous applications</i>	ILHR 10.445	Individual containers of 60 gallons or less capacity each (p. 57)
ILHR 10.28 General provisions for sale, purchase, dispensing or use of flammable and combustible liquids (p. 33)	ILHR 10.45	Tanks of 61 to 1100 gallons capacity each (p. 57)
ILHR 10.29 Race track fueling stations (p. 34)	ILHR 10.455	Tanks of more than 1100 gallons capacity or located less than 40 feet from buildings (p. 59)
ILHR 10.30 Motor vehicle exhibition (p. 34)	ILHR 10.46	Marking of tanks and containers (p. 60)
		<i>Part 6 - Oil burning</i>
	ILHR 10.47	Use of approved equipment (p. 60)

- ILHR 10
- ILHR 10.471 Oil storage and supply systems (p. 60)
- ILHR 10.472 Design and construction of aboveground tanks (p. 60)
- ILHR 10.473 Installation of unenclosed tanks inside buildings (p. 60-1)
- ILHR 10.474 Installation of enclosed supply tanks inside buildings (p. 64)
- ILHR 10.475 Installation of outside aboveground tanks not larger than 660 gallons (p. 65)
- ILHR 10.476 Installation of outside aboveground tanks larger than 660 gallons (p. 66)
- ILHR 10.477 Location of outside aboveground tanks (p. 66)
- ILHR 10.478 Control of releases from aboveground tanks exceeding 660 gallons capacity (p. 66)
- ILHR 10.479 Venting for aboveground tanks (p. 66)
- ILHR 10.48 Supports, foundations and anchorage (p. 66)
- ILHR 10.481 Testing (p. 66)
- ILHR 10.482 Piping materials and design for aboveground tanks (p. 66)
- ILHR 10.483 Fill and return piping (p. 67)
- ILHR 10.484 Supply connections (p. 68)
- ILHR 10.485 Vent piping (p. 68)
- ILHR 10.486 Pressurized tank feed (p. 69)
- ILHR 10.487 Oil gauging (p. 69)
- ILHR 10.488 Centralized oil distribution systems (p. 69)
- ILHR 10.489 Oil distribution systems for roof-mounted or ceiling-suspended oil-fired units (p. 70)
- ILHR 10.49 Tests of piping (p. 71)
- Subchapter VI — General Requirements for Groundwater Protection (All Underground Storage Tanks Except Farm and Residential Tanks of 1100 Gallons or Less Capacity Used for Storing Motor Fuel for Noncommercial Purposes and Underground Storage Tanks Used for Storing Heating Oil for Consumptive Use on the Premises Where Stored)
- Part 1 - Program scope and interim prohibition*
- ILHR 10.50 Applicability (p. 72)
- ILHR 10.505 Interim prohibition for deferred UST systems (p. 73)
- Part 2 - UST systems: design, construction, installation and notification*
- ILHR 10.51 Performance standards for UST systems installed after December 22, 1988 (p. 73)
- ILHR 10.52 Upgrading of existing UST systems (p. 77)
- Part 3 - General operating requirements*
- ILHR 10.54 Spill and overflow control (p. 79)
- ILHR 10.55 Operation and maintenance of corrosion protection (p. 79)
- ILHR 10.56 Compatibility (p. 80)
- ILHR 10.57 Repairs allowed (p. 80)
- ILHR 10.58 Reporting and recordkeeping (p. 81)
- Part 4 - Release detection*
- ILHR 10.59 General requirements for all UST systems (p. 82)
- ILHR 10.60 Requirements for petroleum UST systems (p. 83)
- ILHR 10.605 Requirements for hazardous substance UST systems (p. 84)
- ILHR 10.61 Methods of release detection for tanks (p. 85)
- ILHR 10.615 Methods of release detection for piping (p. 90)
- ILHR 10.625 Release detection record-keeping (p. 90)
- Part 5 - Suspected release investigation and confirmation*
- ILHR 10.63 Conditions indicating suspected releases (p. 91)
- ILHR 10.635 Confirming suspected releases (p. 91)
- ILHR 10.64 Release confirmation and reporting (p. 92)
- Part 6 - Emergency release response*
- ILHR 10.66 Emergency release response and abatement measures (p. 92)
- ILHR 10.67 Investigation and corrective action (p. 93)
- Part 7 - Out-of-service UST systems, closure, and site assessment*
- ILHR 10.73 Temporary closure (p. 93)
- ILHR 10.731 Seldom used tanks (p. 94)
- ILHR 10.732 Permanent closure and changes-in-service (p. 94)
- ILHR 10.734 Site assessment (p. 95)
- ILHR 10.736 Applicability to previously closed UST systems (p. 96)
- ILHR 10.738 Closure records (p. 96)
- Subchapter VII — Groundwater Protection for Small Farm and Residential Motor Fuel USTs and for Heating Oil USTs (Farm and Residential Underground Storage Tanks of 1100 Gallons or Less Capacity Used For Storing Motor Fuel for Noncommercial Purposes; Underground Storage Tanks for Storing Heating Oil for Consumptive Purposes on the Premises Where Stored)
- Part 1 - Program scope*
- ILHR 10.74 Scope (p. 96)
- Part 2 - Notification and registration*
- ILHR 10.75 New and replacement storage tank system registration (p. 97)
- ILHR 10.76 Existing storage tank system registration (p. 97)
- Part 3 - UST System design, construction, installation, release detection, maintenance and repair*
- ILHR 10.77 Performance standards for new UST systems (p. 97)

- ILHR 10.771 Upgrading of existing UST systems (p. 97)
- ILHR 10.772 General operating requirements (p. 97)
- ILHR 10.773 Release detection (p. 97)
- Part 4 - Suspected release investigation and confirmation*
- ILHR 10.78 General (p. 98)
- Part 5 - Emergency release response*
- ILHR 10.79 General (p. 99)
- Part 6 - Out-of-service storage tank systems, closure, and site assessment*
- ILHR 10.80 Temporary and permanent closure and change-in-service (p. 99)
- ILHR 10.805 Site assessment (p. 99)
- Subchapter VIII — Financial Responsibility**
- ILHR 10.81 Applicability (p. 99)
- ILHR 10.812 Compliance dates (p. 100)
- ILHR 10.814 Definition of terms (p. 100)
- ILHR 10.816 Amount and scope of required financial responsibility (p. 102)
- ILHR 10.818 Allowable mechanisms and combinations of mechanisms (p. 103)
- ILHR 10.82 Financial test of self-insurance (p. 103)
- ILHR 10.822 Guarantee (p. 108)
- ILHR 10.824 Insurance and risk retention group coverage (p. 111)
- ILHR 10.826 Surety bond (p. 115)
- ILHR 10.828 Letter of credit (p. 118)
- ILHR 10.834 Trust fund (p. 120)
- ILHR 10.836 Standby trust fund (p. 121)
- ILHR 10.838 Substitution of financial assurance mechanisms by owner or operator (p. 127)
- ILHR 10.84 Cancellation or nonrenewal by a provider of financial assurance (p. 127)
- ILHR 10.842 Reporting by owner or operator (p. 128)
- ILHR 10.844 Recordkeeping (p. 128)
- ILHR 10.846 Drawing on financial assurance mechanisms (p. 130)
- ILHR 10.848 Release from the requirements (p. 131)
- ILHR 10.85 Bankruptcy or other incapacity of owner or operator or provider of financial assurance (p. 131)
- ILHR 10.852 Replenishment of guarantees, letters of credit, or surety bonds (p. 131)
- Subchapter IX — Qualifications, Testing Procedures and Duties for Certified Persons**
- Part 1 - Application*
- ILHR 10.91 General (p. 132)
- Part 2 - Procedures for certification or registration*
- ILHR 10.912 Eligibility for certification (p. 132)
- ILHR 10.914 Application for certification or recertification (p. 132)
- ILHR 10.916 Examination (p. 133)
- ILHR 10.918 Issuance of certificate (p. 134)
- ILHR 10.92 Renewal of certificate (p. 134)
- ILHR 10.922 Denial of certification (p. 134)
- ILHR 10.923 Registration of companies (p. 135)
- ILHR 10.9235 Certification advisory board (p. 135)
- Part 3 - Duties of certified persons*
- ILHR 10.924 Supervision (p. 135)
- ILHR 10.9243 Electrical work (p. 136-1)
- ILHR 10.9245 Conflict of interest (p. 136-1)
- Part 4 - Suspension and revocation*
- ILHR 10.925 Suspension or revocation of certification or registration (p. 137)
- Part 5 - Procedures*
- ILHR 10.926 Filing of complaint (p. 137)
- ILHR 10.928 Investigation and notification (p. 137)
- ILHR 10.93 Mailing (p. 137)
- ILHR 10.932 Response (p. 137)
- ILHR 10.934 Conciliation agreement prior to hearing (p. 138)
- ILHR 10.936 Hearings (p. 138)
- ILHR 10.938 Findings (p. 138)
- ILHR 10.94 Appeal arguments (p. 138)
- ILHR 10.942 Petition for rules or declaratory rulings (p. 138)
- Appendix A
- Appendix B

Subchapter I — Purpose and Application

ILHR 10.001 Purpose. (1) The purpose of this chapter is to provide for safe storage, installation, operation, use, maintenance and transportation of flammable and combustible liquids.

(2) (a) Pursuant to s. 101.09 (3), Stats., as created by 1983 Wis. Act 410, the purpose of this chapter is as follows: “. . . protecting the waters of the state from harm due to contamination by flammable and combustible liquids. The rule shall comply with ch. 160. The rule may include different standards for new and existing tanks, but all standards shall provide substantially similar protection for the waters of the state. The rule shall include maintenance requirements related to detection and prevention of leaks.”

Register, January, 1993, No. 445

ILHR 10

Note: The locations and phone numbers of district offices of the Bureau of Petroleum Inspection and Fire Protection, DILHR, and DNR field districts and areas may be obtained by contacting DILHR, Bureau of Petroleum Inspection and Fire Protection, P.O. Box 7969, Madison, Wisconsin 53707.

(b) The rules of this chapter are intended to comply with the flammable and combustible liquid related provisions of Subtitle I of the Hazardous and Solid Waste Amendments of 1984, Public Law 98-616 which extended and strengthened the provisions of the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act (RCRA) of 1976 [42 U.S.C. 6912, 6991 (a) to 6991 (h)].

History: Cr. Register, April, 1991, No. 424, eff. 5-1-91.

ILHR 10.002 Application. (1) **NEW FACILITIES AND STRUCTURES.** The provisions of this chapter shall apply to all new facilities and structures involving flammable and combustible liquids, and also to additions to existing facilities and structures involving flammable and combustible liquids.

(2) **ALTERATIONS TO FACILITIES AND STRUCTURES.** (a) The provisions of this chapter shall apply to remodeling or alterations in any flammable and combustible liquid facility or structure which is integral to the flammable and combustible liquid storage or dispensing including those which affect fire hazard or replacement of major equipment.

(b) The provisions of this chapter do not apply to general maintenance of any flammable and combustible liquid facility or structure.

(3) **CHANGE IN OPERATION.** If the operation of an existing facility or structure is changed to an operation regulated by this chapter, the facility or structure shall be made to comply with the requirements for the new operation as provided in this chapter.

(4) **GROUNDWATER PROTECTION PROVISIONS.** Pursuant to s. 101.09, Stats., each groundwater protection provision of this chapter shall apply, as specified in that provision, to all flammable and combustible liquid facilities and structures in existence on May 1, 1991, even if the flammable and combustible liquid facility or structure is not undergoing remodeling, alteration or change of operation.

Note: See ss. ILHR 10.13 to 10.17 and subchs. VI and VII for specific requirements.

(5) **CONFLICTING RULES.** Where different sections of this chapter specify different requirements, the most restrictive requirement shall govern.

(6) **RETROACTIVITY.** The provisions of this chapter are not retroactively applied to existing facilities unless specifically stated in the administrative rule.

SPECIAL NOTE 1

In addition to the requirements of this chapter, all frequenters and employers in public buildings and places of employment and employes in public sector places of employment are protected by the provisions of ch. ILHR 32—Safety and Health Standards for Public Employes. Employes in private sector places of employment are protected by the regulations of 29 CFR 1910, of the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA).

SPECIAL NOTE 2

The Wisconsin Department of Natural Resources and the U.S. Environmental Protection Agency administer statutes and administrative rules and regulations which also pertain to flammable and combustible liquids. The regulated areas include discharges of hazardous substances and wastes, air emissions, discharges to ground and surface waters, and disposal of solid and hazardous wastes. Chapters 144, 147 and 160, Stats., should be consulted in addition to rules adopted by the Department of Natural Resources. The federal Resource Conservation and Recovery Act, Clean Air Act, Clean Water Act and Code of Federal Regulations

Register, January, 1993, No. 445

(82) "Repair" means to restore a tank or storage tank system component that has caused a release or may cause a release of product from the underground storage tank system.

(83) "Residential marine service station" means that portion of a one- or 2-family residential property where liquid fuels are stored in or dispensed for nonretail purposes from fixed equipment on land into the fuel tanks of self-propelled marine craft, including all facilities used for the storage, dispensing, and handling of flammable and combustible liquids.

(84)* "Residential tank" means a tank located on the same property as a one- or 2-family dwelling or on the same property as a residential building that falls under the scope of ch. ILHR 57 and used only by the residents of the property or for the maintenance of the property.

Note: Section ILHR 57.001 specifies that ch. ILHR 57 applies to all places of abode, including but not limited to: apartment buildings; garden apartments; rowhouses; townhouses; condominiums; hotels; motels; rooming houses; dormitories; convents; monasteries; homes for the aged; sheltered facilities for battered women as defined in s. 46.95, Stats., and community based residential facilities.

(85)* "SARA" means the Superfund Amendments and Reauthorization Act of 1986.

(86) "Secondary containment" means a system installed around an UST that is designed to prevent a release from migrating beyond the secondary containment system outer wall in the case of a double-walled tank system or excavation area in the case of a liner or vault system before the release can be detected. Such a system may include, but is not limited to, impervious natural and synthetic liners, double-walls or vaults.

(87)* "Septic tank" means a watertight covered receptacle designed to receive or process, through liquid separation or biological digestion, the sewage discharged from a building sewer. The effluent from such receptacle is distributed for disposal through the soil. Settled solids and scum from the tank are pumped out periodically and hauled to a treatment facility.

(88)* "Stormwater or wastewater collection system" means piping, pumps, conduits, and any other equipment necessary to collect and transport the flow of surface water run-off resulting from precipitation, or domestic, commercial, or industrial wastewater to and from retention areas or any areas where treatment is designated to occur. The collection of stormwater and wastewater does not include treatment except where incidental to conveyance.

(89)* "Surface impoundment" means a natural topographic depression, diked area, or man-made excavation other than an injection well formed primarily of earthen materials, although it may be lined with man-made materials.

(90)* "Tank" means a stationary device designed to contain an accumulation of regulated substances and constructed of nonearthen materials, such as concrete, steel or plastic, that provide structural support.

(90m) "Tank system" means a tank, connected piping, ancillary equipment and containment system, if any.

* Definitions included in federal regulations.

(91) "Tank, auxiliary" for an oil-burning appliance, means a tank having a capacity of 60 gallons or less listed for installation in the supply piping between a burner and its main fuel supply tank. It may be included as an integral part of an automatic pump or a transfer pump, or may be a separate tank.

(92) "Tank, gravity" means a supply tank from which the product is delivered directly by gravity.

(93) "Tank, storage" means a separate tank that is not connected to an appliance for consumption.

(94) "Tank, supply" means a separate tank connected directly or by pump to an appliance for consumption.

(95) "Tightness testing" means a procedure for testing the ability of a tank system to prevent an inadvertent release of any stored substance into the environment or, in the case of a UST system, intrusion of groundwater into a tank system.

(96) "Underground area" means an underground room, such as a basement, cellar, shaft or vault, providing enough space for physical inspection of the exterior of the tank situated on or above the surface of the floor.

(97) "Underground release" means any below ground release.

(98) "Underground storage tank" or "UST" means any one or combination of tanks, including connected pipes, that is used to contain an accumulation of regulated substances, and the volume of which, including the volume of connected underground pipes, is 10 percent or more beneath the surface of the ground. The term does not include any of the following or pipes connected to any of the following:

- (a) Septic tank;
- (b) Pipeline facility, including gathering lines, regulated under:
 1. The Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671, et seq.), or
 2. The Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2001, et seq.), or
 3. Which is an intrastate pipeline facility regulated under state laws comparable to the provisions of the law referred to in subd. 1. or 2;
- (c) Surface impoundment, pit, pond, or lagoon;
- (d) Storm water or waste water collection system;
- (e) Flow-through process tank;
- (f) Liquid trap or associated gathering lines directly related to oil or gas production and gathering operations; or
- (g) Storage tank situated in an underground area, such as but not limited to a basement, cellar, mineworking, drift, shaft, or tunnel, if the storage tank is situated upon or above the surface of the floor.

* Definitions included in federal regulations.

Register, January, 1993, No. 445

(99) "Underground storage tank system" or "UST system" means an underground storage tank, connected piping, underground ancillary equipment, and containment system, if any.

(100) "Unsaturated zone" means the subsurface zone containing water under pressure less than that of the atmosphere, including water held by capillary forces within the soil and containing air or gases generally under atmospheric pressure. This zone is limited above by the ground surface and below by the upper surface of the zone of saturation or the water table.

(101) "Upgrade" means the addition or retrofit of some systems such as cathodic protection of tanks or piping, lining, or spill and overfill controls to improve the ability of an underground storage tank system to prevent the release of product.

(102) "Valve, manual oil shutoff" means a manually operated valve in an oil line for the purpose of turning on or shutting off the oil supply to a burner.

(103)* "Wastewater treatment tank" means a tank that is designed to receive and treat an influent wastewater through physical, chemical, or biological methods.

Note: Also see definition of terms as listed in the standards adopted by reference as part of this chapter in subch. IV.

History: Cr. Register, April, 1991, No. 424, eff. 5-1-91; cr. (90m), Register, January, 1993, No. 445, eff. 2-1-93.

Subchapter III — Administration and Enforcement

ILHR 10.10 Approval of proposed construction, installation or operation.

(1) GENERAL. (a) Plan review and written approval from the department or its authorized deputy shall be obtained before: commencing any construction of new or additional aboveground or underground tank installation or piping installation; change in operation of an installation from storage of a nonregulated substance to a regulated substance; upgrading to bring into compliance an existing piping or tank installation for the storage, handling or use of flammable or combustible liquids; addition of vapor or groundwater monitoring wells; addition of leak detection; addition of spill or overfill protection; tank lining; conversion of general service stations to self-service stations; or conversion to the use of key, card or code operated dispensing devices.

(b) Approval need not be obtained for the following:

1. Oil-burning installations for one- and 2-family dwellings located aboveground or in basements; and
2. Fuel supply tanks of a motor vehicle, aircraft, watercraft, mobile power plants or mobile heating plants.

(2) LOCAL APPROVAL. (a) *Plan review and approval.* Plans for installations in which all tanks for the storage, handling or use of flammable or combustible liquids have an individual capacity of less than 5000 gallons shall be submitted for review and approved in writing by the chief of the local fire department or other authorized agent. Review of plans for com-

* Definitions included in federal regulations.

pliance with the groundwater protection provisions of this chapter shall be performed by a certified inspector.

(b) *Exercise of jurisdiction for groundwater protection.* 1.a. With the approval of the chief elected official of the municipality, the municipality shall determine if the fire department or other authorized agent will exercise jurisdiction over the groundwater protection-related provisions of this chapter. The municipality shall designate, in writing, to the department that the fire department or authorized agent will exercise jurisdiction over the groundwater protection provisions of this chapter for the entire upcoming 3-year period. The written designation shall be received by the department at least 3 months prior to the beginning of the 3-year period, and shall include the name of the certified inspector.

b. If the fire chief or other authorized agent elects to discontinue exercising jurisdiction as specified in subpar. a., the fire chief shall notify the department in writing and the discontinuance shall not begin until January 1 of the following year.

2. If the municipality elects not to exercise jurisdiction as specified in subd. 1, written notice to the department shall be provided. The department shall exercise jurisdiction over the groundwater protection-related provisions of this chapter in that municipality for that upcoming year or secure another authorized agent.

3. The department shall forward payment to a fire department or other authorized agent which exercises jurisdiction for the enforcement of the groundwater related provisions of this chapter. The amount of the payment shall be determined by the department and based on the number of underground storage tank use permits issued for tanks within the area of jurisdiction.

(3) DEPARTMENTAL APPROVAL. (a) Departmental approval shall be obtained as follows:

1. Installations of tank and piping systems, as specified in sub. (2), but located in areas where the authority to approve has not been granted to the fire chief or authorized agent shall be approved in writing by the department.

2. Installations in which one or more tanks for storage, handling or use of flammable or combustible liquid will have individual capacity of 5,000 gallons or larger.

(b) The department shall review and make a determination on an application for installation approval and for plan review within 15 business days of receiving the required information and fees.

(4) PLANS, SPECIFICATIONS AND INFORMATION. (a) Plans, specifications and information submitted to the department or fire chief or other authorized agent for review and approval shall contain the following:

1. At least 4 sets of plans, which are clear, legible and permanent copies, and one copy of specifications, fees and a completed application.

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

3. A plot plan, drawn to a minimum scale of 1 inch equals 20 feet, indicating the location of the installation with respect to property lines, lot lines, adjoining streets or alleys, fences including those installed over or through any part of the system, and other buildings on the same lot or property. The plot plan shall indicate the location of buildings, other tanks, loading and unloading docks, underground utilities, sanitary sew-

Next page is numbered 17

(c) The tank vehicle complies with the requirements of NFPA Standard 385.

(d) The dispensing nozzle is a listed manual or automatic-closing type with or without a latch-open device.

(e) The entire tank vehicle is in clear view of the operator during dispensing.

(f) A fire extinguisher having at least a 2-A:20-B:C rating is readily accessible.

(g) Not more than 75 feet of hose is deployed during dispensing.

(h) Dispensing operations are located at least 20 feet horizontally from any source of ignition, smoking or open flame.

(i) Minimum 3 feet high by 2 feet wide double faced signs are placed over the hose line as close as possible to the point of transfer and in a conspicuous location to the public.

1. The signs have black letters at least 2 inches high with a minimum stroke width of $\frac{1}{2}$ inch on yellow background.

2. The signs say:

"NO SMOKING
FUELING IN PROGRESS
AUTHORIZED PERSONNEL ONLY"

Note: See Appendix for an illustration of a sign meeting the requirements of this section.

(j) The tank vehicle flasher lights are in operation while dispensing.

(k) Nighttime deliveries are made only in lighted areas.

(l) The following precautions are observed before opening tanks and during the entire fueling process:

1. All engines, motors, and fans are shut down;

2. All open flames are extinguished;

3. Smoking materials used by any person in or upon the marine craft are extinguished; and

4. Precautions are taken to prevent fuel vapors from entering the marine craft.

(m) The fuel delivery nozzle is put in contact with the fill pipe before the flow of fuel is commenced and this contact is continuously maintained until the flow has stopped.

(n) The operator remains in attendance at the dispensing nozzle while fuel is flowing.

(o) Fuel expansion space is left in each fuel tank to prevent overflow in the event of temperature increase.

(p) The fire department having jurisdiction and the department of natural resources or an appropriate unit of emergency government are immediately notified in the event of a spill.

Note: Federal regulations 33 CFR 154 and 156 require notification of spills to federal officials. Notification can be made by calling 1-800-424-8802.

History: Cr. Register, April, 1991, No. 424, eff. 5-1-91.

Part 5 — Farms and Construction Projects

ILHR 10.43 Application. (1) **FARMS.** The provisions of ss. ILHR 10.43 to 10.46 apply to the storage and handling of flammable and combustible liquids having a flash point below 200° F on farms.

(2) **CONSTRUCTION PROJECTS.** The provisions of ss. ILHR 10.43 to 10.46 apply to the temporary storage and handling of flammable and combustible liquids at construction projects where it is customary to obtain fuels in bulk and dispense or transfer them under control of the owner or contractor and where long distances from other structures make it unnecessary to require compliance with the more restrictive standards of this chapter.

(3) **EXCEPTIONS.** (a) The provisions of this part do not apply to the storage, handling and use of fuel oil tanks and containers connected with oil-burning equipment.

(b) The provisions of this part do not apply to the storage of 25 gallons or less of flammable or combustible liquids in containers not exceeding 5 gallons capacity each.

(4) **CONFLICTS WITH OTHER REQUIREMENTS OF THIS CHAPTER.** Where the provisions of this part conflict with more rigid standards of this chapter, this part shall govern.

(5) **RETROACTIVITY.** Existing tanks at farms and construction projects shall comply with this part within 2 years of February 1, 1993.

Note: Tanks that are designed in accordance with NFPA 395, Standard for the Storage of Flammable and Combustible Liquids on Farms and Isolated Construction Projects, will comply with the tank design requirements of this part (exclusive of tank supports).

History: Cr. Register, April, 1991, No. 424, eff. 5-1-91; emerg. r. and recr. eff. 4-30-92; r. and recr. Register, January, 1993, No. 445, eff. 2-1-93.

ILHR 10.44 General requirements for tank storage. (1) **TYPES OF APPROVED STORAGE.** Flammable and combustible liquids shall be stored in one of the following tank systems:

(a) In aboveground or underground tanks or in containers meeting the requirements of this chapter.

(b) In containers of 60 gallons or less capacity each in accordance with s. ILHR 10.445.

(c) In tanks of 61 to 1,100 gallons capacity each in accordance with s. ILHR 10.45 or 10.455.

(d) In tanks of more than 1,100 gallons capacity each in accordance with s. ILHR 10.455.

(2) **STORAGE AREAS.** Storage areas shall be kept free of weeds and extraneous combustible material. Open flames and smoking shall be prohibited in flammable or combustible liquids storage areas.

History: Cr. Register, April, 1991, No. 424, eff. 5-1-91; emerg. r. and recr. eff. 4-30-92; r. and recr. Register, January, 1993, No. 445, eff. 2-1-93.

Register, January, 1993, No. 445

ILHR 10.445 Individual containers of 60 gallons or less capacity each. (1) STORAGE AND DISPENSING. Flammable and combustible liquids shall be stored in department of transportation approved metal containers or in other approved containers of 60 gallons or less capacity each. Discharge devices requiring the container to be pressurized are prohibited. Pumping devices or faucets used for dispensing flammable and combustible liquids shall be well maintained to prevent leakage. Individual containers shall not be interconnected and shall be kept closed when not in use.

(2) **STORAGE LOCATION.** Containers provided for in this section for storage of Class I flammable liquids shall be stored outside at least 10 feet from any building or may be stored inside a building used exclusively for the storage of flammable and combustible liquids and located at least 10 feet from any other building. Buildings used for the storage of Class I flammable liquids shall be provided with cross ventilation with at least two vents of 64 square inches of area, each placed at floor level.

History: Cr. Register, April, 1991, No. 424, eff. 5-1-91; emerg. r. and recr. eff. 4-30-92; r. and recr. Register, January, 1993, No. 445, eff. 2-1-93.

ILHR 10.45 Tanks of 61 to 1,100 gallons capacity each. (1) CONSTRUCTION. Flammable and combustible liquids in aboveground tanks of 61 to 1,100 gallons capacity shall be stored outside buildings in tanks of single-compartment design constructed in accordance with accepted engineering practice. Joints shall be riveted and caulked, riveted and welded, or welded. Tank heads over 6 feet in diameter shall be dished, stayed, braced, or reinforced. Tanks shall comply with the requirements of Table 10.45-1.

Table 10.45-1
 Tank Thickness

Capacity Gallons	Minimum Thickness of Steel Manufacturer's Standard Gage Number
60 to 560	14
561 to 1,100	12

(2) **FILL OPENINGS.** A fill opening shall be provided and shall be equipped with a closure designed so that it may be locked. The fill opening shall be separate from the vent opening.

(3) **VENTS. (a)** Each tank shall be provided with a free opening vent of the minimum nominal pipe size given to Table 10.45-2 or with venting devices of equivalent venting capacity, to relieve vacuum or pressure which may develop in normal operation or from fire exposure.

Register, January, 1993, No. 445

Table 10.45-2
Minimum Vent Size

Tank Capacity Gallons	Vent Diameter Inches
Up to 275	1 1/2
276 to 660	2
661 to 900	2 1/2
901 to 1,100	3

(b) Vents shall be arranged to discharge in a manner that prevents localized overheating of, or flame impingement on, any part of the tank in the event vapors from such vents are ignited.

Note: Vent sizes are based upon limiting internal tank pressure to 120 percent of 2.5 psig using an orifice coefficient of 0.3 and an environmental factor of 0.5. The environmental factor of 0.5 recognizes the limited time a small tank is subjected to fire exposure, loss of fuel by absorption into the soil and the drainage of liquid away from the tank. Calculation methods are based upon NFPA 30, 1987 Flammable and Combustible Liquids Code, subsection 2-2.5, Emergency Relief Venting for Fire Exposure for Aboveground Tanks.

(4) **OVERFILL PREVENTION.** Tanks shall be constantly attended during product delivery and shall be provided with a vent whistle or other overfill prevention device acceptable to the department.

(5) **LOCATION.** Tanks installed under this section shall be located outside, at least 40 feet from any building and shall be so located, or such additional distance from buildings shall be provided, as to ensure that any vehicle, equipment, or container being filled directly from such tank will be at least 40 feet from any building, hay stack, or combustible structure.

(6) **TOP OPENINGS OR GRAVITY DISCHARGE.** Tanks installed under this section shall be tanks with top openings only or tanks elevated for gravity discharge.

(a) Tanks designed with all openings in the top of the tank shall be mounted and equipped as follows:

1. Stationary tanks shall be mounted on noncombustible supports so that the bottom of the tank is elevated at least 6 inches. The tank shall be placed in a stable position. Movable tanks may be equipped with attached metal legs resting on shoes or runners designed so that the tank is supported in a stable position and so that the entire tank and its supports may be moved as a unit.

2. Tanks shall be equipped with a tightly and permanently attached approved pumping device having an approved hose of sufficient length for filling vehicles, equipment or containers to be served from the tank. Either the pump or the hose shall be equipped with a padlock or its hanger to prevent tampering. An effective antisiphoning device shall be included in the pump discharge unless a self-closing nozzle is provided. Siphons or internal pressure discharge devices are prohibited.

(b) Tanks designed with a connection in the bottom or the end of the tank for gravity dispensing of flammable and combustible liquids shall be mounted and equipped as follows:

1. Supports to elevate the tank for gravity discharge shall be of adequate strength and design to provide stability. Supports shall be noncombustible.

2. The base of the supports shall be at the same grade level as the vehicles positioned for fueling.

3. Bottom openings for gravity discharge shall be equipped with a valve located adjacent to the tank shell which will close automatically in the event of fire through the operation of an effective heat actuated releasing device. If this valve cannot be operated manually, it shall be supplemented by a second valve which can be operated manually. The gravity discharge outlet shall be provided with an approved hose equipped with a self-closing valve at the discharge end, of a type that can be padlocked to its hanger to prevent tampering.

History: Cr. Register, April, 1991, No. 424, eff. 5-1-91; emerg. r. and recr. eff. 4-30-92; r. and recr. Register, January, 1993, No. 445, eff. 2-1-93.

ILHR 10.455 Tanks of more than 1,100 gallons capacity or located less than 40 feet from buildings. Aboveground tanks at farms and construction projects that exceed 1,100 gallons capacity or that are located less than 40 feet from buildings shall conform to this section.

(1) **TANK LISTING.** The tank shall be listed for aboveground use in accordance with standards recognized by the department as specified in s. ILHR 10.27.

(2) **SYSTEM DESIGN AND LOCATION.** The design, capacity and location of the tank fueling system shall comply with s. ILHR 10.415 with the following exceptions:

(a) In lieu of the setback requirements specified in s. ILHR 10.415, the fueling tank system may be located in accordance with the setbacks specified in Table 10.455. The setbacks shall be measured from the inside of the dike wall or other secondary containment. In addition, tanks shall be so located or additional setback distances shall be provided, to ensure that any vehicle, equipment or container being filled from the tank will be located in accordance with the setbacks specified in Table 10.455.

Table 10.455
Tank System Setbacks
For Tanks Constructed and Diked per ILHR 10.455 (2)

Aggregate Capacity Gallons	Distance to Nearest Building, Haystack or Combustible Structure or Nearest Side of Any Public Way	Distance to Property Line Which is or Can be Built Upon, Including the Opposite of a Public Way
275 or less	5 feet	5 feet
276-750	5 feet	10 feet
751-12,000	5 feet	15 feet
12,001-30,000	5 feet	20 feet
Any size.	The minimum setback between multiple tank fueling systems shall be 200 feet.	

(b) The fence or enclosure specified in s. ILHR 10.415 (5) may be omitted.

(c) The vehicle collision protection specified in s. ILHR 10.415 (8) may be omitted when a dike is provided for secondary containment in accordance with s. ILHR 10.415 (7) (a).

History: Cr. Register, April, 1991, No. 424, eff. 5-1-91; emerg. r. and recr. eff. 4-30-92; r. and recr. Register, January, 1993, No. 445, eff. 2-1-93.

ILHR 10.46 Marking of tanks and containers. Tanks and containers for the storage of flammable and combustible liquids aboveground shall be conspicuously marked with the name of the product that they contain and "FLAMMABLE—KEEP FIRE AND FLAME AWAY." Tanks of 60 to 1,100 gallons capacity installed in accordance with s. ILHR 10.45 shall bear the additional marking "KEEP 40 FEET FROM BUILDINGS."

History: Cr. Register, April, 1991, No. 424, eff. 5-1-91; emerg. r. and recr. eff. 4-30-92; r. and recr. Register, January, 1993, No. 445, eff. 2-1-93.

Part 6 — Oil burning

ILHR 10.47 Use of approved equipment. (1) **PUBLIC BUILDINGS AND PLACES OF EMPLOYMENT.** Oil-burning equipment installed to serve public buildings or places of employment shall conform with the applicable requirements of ch. ILHR 64.

(2) **ALL OTHER LOCATIONS.** Oil-burning equipment installed in all other locations shall be listed by Underwriters Laboratories.

History: Cr. Register, April, 1991, No. 424, eff. 5-1-91.

ILHR 10.471 Oil storage and supply systems. (1) **UNDERGROUND.** Underground storage tank systems serving oil-burning equipment shall comply with subch. VII.

(2) **ABOVEGROUND.** Aboveground storage tank systems serving oil-burning equipment shall comply with this part.

History: Cr. Register, April, 1991, No. 424, eff. 5-1-91.

ILHR 10.472 Design and construction of aboveground tanks. (1) **GENERAL.** Tanks may be of any shape or type consistent with sound engineering design.

(2) **METAL TANKS.** Metal tanks shall be welded, riveted, and caulked, brazed, or bolted, or constructed by use of a combination of these methods. Filler metal used in brazing shall be nonferrous metal or an alloy having a melting point above 1,000° F and below that of the metal joined.

(3) **ATMOSPHERIC TANKS.** Tanks shall be used under substantially atmospheric pressure and shall be built in accordance with approved standards of design. Atmospheric tanks may be built in accordance with:

(a) Underwriters Laboratories, Inc., Standard for Steel Aboveground Tanks for Flammable and Combustible Liquids, UL 142; Standard for Steel Underground Tanks for Flammable and Combustible Liquids, UL 58; or Standard for Steel Inside Tanks for Oil-burner Fuel, UL 80.

(b) American Petroleum Institute Standard No. 650, Welded Steel Tanks for Oil Storage, Seventh Edition.

Register, January, 1993, No. 445

(4) **OPERATING PRESSURES.** Tanks built according to Underwriters Laboratories, Inc., requirements in sub. (3) (a) may be used for operating pressures not exceeding one psig and shall be limited to 2.5 psig under emergency venting conditions.

(5) **STATIC HEAD.** The tank shall be designed for the maximum static head which will be imposed when the vent or fill pipe is filled with oil. The maximum static head so imposed on tanks built in accordance with sub. (3) (a) shall not exceed 10 psig at the bottom of the tank.

(6) **PRESSURE TANKS.** Pressure tanks shall be built in accordance with applicable requirements of the chs. ILHR 41-42.

History: Cr. Register, April, 1991, No. 424, eff. 5-1-91.

ILHR 10.473 Installation of unenclosed tanks inside buildings. (1) ALLOWABLE UNENCLOSED TANKS. A supply tank inside of a building that is not enclosed by fire-resistive construction as described in s. ILHR 10.474 shall conform to one of the following:

(a) A supply tank not larger than 10 gallons shall be specifically approved for the purpose; or

(b) An approved safety can may be used as a storage tank; or

(c) A supply tank larger than 10 gallons but not larger than 660 gallons that meets the construction provisions of Standard UL 80 or as provided in s. ILHR 10.472 (6).

(2) **SIZE AND LOCATION.** A supply tank shall be of such size and shape that it can be installed in and removed from the building as a unit. The size and location of unenclosed tanks inside of any building or any one portion of a building separated from other portions by a fire wall shall be in accordance with the following:

(a) Not more than 6 safety cans may be located in any one or more stories of a building. No such safety can shall have an individual capacity exceeding 5 gallons.

(b) A supply or storage tank located above the lowest story, cellar, or basement shall not exceed 60-gallons capacity and the total capacity of tanks so located shall not exceed 60 gallons.

(c) A supply tank shall be not larger than 660 gallons. Not more than one 660-gallon tank or 2 tanks of aggregate capacity of 660 gallons or less shall be connected to any single oil-burning appliance. The aggregate capacity of such tanks installed in the lowest story, cellar, or basement of a building and unenclosed shall not exceed 1,320 gallons unless separation is provided for each 660 gallons of tank capacity. The separation shall consist of an unpierced masonry wall or partition extending from the lowest floor to the ceiling above the tank or tanks and shall have a fire-resistance rating of not less than 2 hours. See Figure 10.473-1.

Note: See also ss. ILHR 54.14, 55.29, 56.15, 57.14, 58.24, 59.21 and 62.32 Wis. Adm. Code for more requirements for the isolation of fuel tanks.

(4) **CLEARANCES.** (a) An unenclosed supply tank less than 10 gallons shall be placed at least 2 feet horizontally from any source of heat either in or external to the appliance being served but in any case shall be located so that the temperature of the oil in the tank will not exceed 25°F above room temperature.

(b) An unenclosed supply tank of 10 gallons capacity or larger shall be placed at least 5 feet from any fire or flame either in or external to any fuel-burning appliance. The tank shall not obstruct quick and safe access to any utility service meters, switch panels and shutoff valves.

Next page is numbered 61

(3) If the department determines that the amount of corrective action costs and third-party liability claims eligible for payment under sub. (2) may exceed the balance of the standby trust fund and the obligation of the provider of financial assurance, the first priority for payment shall be corrective action costs necessary to protect human health and the environment. The department shall pay third-party liability claims in the order in which the department receives certifications under sub. (2) (b) 1. and valid court orders under sub. (2) (b) 2.

History: Cr. Register, April, 1991, No. 424, eff. 5-1-91.

ILHR 10.848 Release from the requirements. An owner or operator is no longer required to maintain financial responsibility under this subchapter for an underground storage tank after the tank has been properly closed or, if corrective action is required, after corrective action has been completed and the tank has been properly closed as required by subch. VI, part 7.

History: Cr. Register, April, 1991, No. 424, eff. 5-1-91.

ILHR 10.85 Bankruptcy or other incapacity of owner or operator or provider of financial assurance. (1) Within 10 days after commencement of a proceeding under Title 11, U.S. Code, naming an owner or operator as debtor, the owner or operator shall notify the department by certified mail of such commencement and submit the appropriate forms listed in s. ILHR 10.844 (2) documenting current financial responsibility.

(2) Within 10 days after commencement of a proceeding under Title 11, U.S. Code, naming a guarantor providing financial assurance as debtor, such guarantor shall notify the owner or operator by certified mail of such commencement as required under the terms of the guarantee specified in s. ILHR 10.822.

(3) An owner or operator who obtains financial assurance by a mechanism other than the financial test of self-insurance will be deemed to be without the required financial assurance in the event of a bankruptcy or incapacity of its provider of financial assurance, or a suspension or revocation of the authority of the provider of financial assurance to issue a guarantee, insurance policy, risk retention group coverage policy, surety bond, letter of credit, or state-required mechanism. The owner or operator shall obtain alternate financial assurance as specified in this subchapter within 30 days after receiving notice of such an event. If the owner or operator does not obtain alternate coverage within 30 days after such notification, he or she shall notify the department.

(4) Within 30 days after receipt of notification that the state fund or other state assurance has become incapable of paying for assured corrective action or third-party compensation costs, the owner or operator shall obtain alternate financial assurance.

History: Cr. Register, April, 1991, No. 424, eff. 5-1-91.

ILHR 10.852 Replenishment of guarantees, letters of credit, or surety bonds. (1) If at any time after a standby trust is funded upon the instruction of the department with funds drawn from a guarantee, letter of credit, or surety bond, and the amount in the standby trust is reduced below the full amount of coverage required, the owner or operator shall by the anniversary date of the financial mechanism from which the funds were drawn:

Register, January, 1993, No. 445

(a) Replenish the value of financial assurance to equal the full amount of coverage required; or

(b) Acquire another financial assurance mechanism for the amount by which funds in the standby trust have been reduced.

(2) For purposes of this section, the full amount of coverage required is the amount of coverage to be provided by s. ILHR 10.816. If a combination of mechanisms was used to provide the assurance funds which were drawn upon, replenishment shall occur by the earliest anniversary date among the mechanisms.

History: Cr. Register, April, 1991, No. 424, eff. 5-1-91.

Subchapter IX — Qualifications, Testing Procedures and Duties for Certified Persons

Part 1 — Application

ILHR 10.91 General. This subchapter applies to all persons who install, remove, clean, line, perform tightness testing on and inspect underground or aboveground storage tank systems, persons who perform site assessments and to companies that provide services which require certification under the scope of this chapter.

History: Cr. Register, April, 1991, No. 424, eff. 5-1-91.

Part 2 — Procedures for Certification or Registration

ILHR 10.912 Eligibility for certification. Eligibility for certification shall be based upon receipt and approval of the application and fee after the successful completion of an approved examination.

History: Cr. Register, April, 1991, No. 424, eff. 5-1-91; emerg. am. (2), eff. 4-30-92; renum. (1) to be ILHR 10.912, r. (2), Register, January, 1993, No. 445, eff. 2-1-93.

ILHR 10.914 Application for certification or recertification. (1) All applicants shall be at least 18 years of age.

(2) Application for certification and recertification shall be made to the department, together with the payment of the fees as specified in s. ILHR 2.44.

(a) Applications shall be made on forms provided by the department and may be obtained by writing to:

Certification Coordinator
Safety and Buildings Division
Department of Industry, Labor and Human Relations
P.O. Box 7969
Madison, Wisconsin 53707

(3) Upon receipt of the completed application form, the department shall review and evaluate the application and make all necessary notifications to the applicant within 15 days of the receipt of the application. If it is determined that the applicant does not qualify for certification or recertification, the applicant shall be notified of the findings in writing and instructed of the appeals procedure provided under part 4 of this subchapter.

History: Cr. Register, April, 1991, No. 424, eff. 5-1-91.
Register, January, 1993, No. 445

ILHR 10.916 Examination. (1) APPLICATION FOR EXAMINATION. All applications for examination shall be filed with the department prior to examination. The applicant shall be advised by the department of the date and place of the next scheduled examination within 30 business days of receipt of an application for examination.

(2) EXAM FORMAT. Exams shall be a written format unless an oral test or other alternative test is provided for special circumstances.

(3) TIME AND PLACE OF EXAMINATIONS. Scheduled examinations shall be offered at least annually. Specific details regarding time and place are available from the department upon request. The department shall schedule an examination within 9 months of the date of the last examination.

(4) SCOPE OF EXAMINATION. The examinations shall test the applicant's ability to either inspect, or install, or remove or perform tightness testing on storage tank systems or perform site assessments, including but not limited to:

(a) For underground storage tank system installers, the standards for installation specified in s. ILHR 10.51;

(b) For aboveground storage tank system installers, the standards for installation specified in subchapter V and NFPA 30, Flammable and Combustible Liquids Code, for aboveground storage tank systems including: retail or nonretail motor vehicle fueling; farm; construction project; public and private waste oil collection; waste oil used for heating; heating oil; tanks inside buildings; and shop-fabricated bulk petroleum storage.

(c) For removers and cleaners, the standards for tank system closure specified in ss. ILHR 10.36 and 10.732;

(d) For tightness testers, the standards for tightness testing specified in ss. ILHR 10.61 (3) and 10.615 (2). Tightness testers shall submit proof of department approval of the test method or methods they plan to use;

(e) For liners, the standards specified in ss. ILHR 10.345, 10.52 (2) (d) 1. and 2., and 10.734.

(f) For site assessment providers, site assessment procedures specified in s. ILHR 10.734 including procedures for the taking and handling of samples. Applicants for certification in this category shall submit a description of the sampling protocol they intend to use for department review as a part of their examination;

(g) For inspectors, all code requirements relating to groundwater protection. Applicants for certification in this category shall submit proof of completion of a department approved educational course or training program;

(h) For all applicants, skills such as general mathematics, reading of plans and specifications, materials and methods of storage tank system construction, fire safety and groundwater protection practices, oral and written communication and knowledge of code administration and enforcement procedures;

(i) For all applicants, knowledge of industry and national practices and state code requirements; and

(j) All applicants shall provide a signed statement which indicates that they know, understand and have a copy of the state code.

(5) **GRADING OF EXAMINATIONS.** The final grading of all examinations shall be by persons approved by the department. A grade of 70% or greater in each part shall be considered a passing grade for certification.

(6) **EXAMINATION RETAKE.** Applicants failing part or all of an examination shall be required to retake, within 2 years of the original examination, only that part failed. All applications for re-examination shall be filed with the department prior to the scheduled date of the examination to be retaken. Prior to the third consecutive retake of any examination or portion of an examination, the applicant shall attend a department approved educational course in the subject of the examination to be retaken. Applicants shall be allowed to take the same examination no more than 3 times in one year.

History: Cr. Register, April, 1991, No. 424, eff. 5-1-91; emerg. am. (4) (a), cr. (4) (b), renum. (4) (b) to (i) to be (4) (c) to (j), eff. 4-30-92; am. (4) (a), cr. (4) (b), renum. (4) (b) to (i) to be (4) (c) to (j), Register, January, 1993, No. 445, eff. 2-1-93.

ILHR 10.918 Issuance of certificate. (1) **GENERAL.** Upon completing the requirements for certification, the department shall notify the applicant in writing and shall issue the appropriate certificate. The certificate shall bear the name of the applicant, certification number, expiration date, and certification category. The certificate shall be valid for a period of one year. The department shall issue the certificate within 30 business days of completion of the requirements for certification by the applicant.

(2) **CERTIFICATION PERIOD.** The initial certification issued for any category to a person who is found eligible under s. ILHR 10.912 (1) shall be valid for a period of 2 years. Subsequent certificates issued for the same category shall be valid for a period of 3 years.

History: Cr. Register, April, 1991, No. 424, eff. 5-1-91; emerg. am. (2) (a), eff. 4-30-92; r. (2) (a), renum. (2) (b) to be (2), Register, January, 1993, No. 445, eff. 2-1-93.

ILHR 10.92 Renewal of certificate. Upon receipt of written notice of expiration, certification may be renewed. Certification renewal shall be contingent on receiving a passing grade on an examination. The department shall review and make a determination on an application for renewal of certification within 30 business days of receipt of the application for renewal and successful completion of the examination.

History: Cr. Register, April, 1991, No. 424, eff. 5-1-91.

ILHR 10.922 Denial of certification. (1) **NOTICE OF DENIAL.** Upon denial of certification or recertification, the department shall notify the applicant in writing stating the reasons for denial. The notice of denial shall be made by certified mail sent to the address filed with the application. Service shall be verified by the certified mail receipt. The department shall notify the applicant of denial of certification within 30 business days.

(2) **HEARING.** Upon receipt of denial, any applicant may submit a written request for hearing. The right to hearing shall be considered waived if the applicant fails to submit the request within 30 business days of receipt of the denial. The hearing will be conducted and the proceedings will be recorded by the department. The department shall con-
Register, January, 1993, No. 445

duct a hearing and make a determination within 30 business days of request for a hearing regarding denial of certification.

History: Cr. Register, April, 1991, No. 424, eff. 5-1-91.

ILHR 10.923 Registration of companies. Companies or other organizations that provide services that are required to be performed by certified persons shall be registered with the department. Application for registration shall be made in writing and shall include the names and certification numbers of certified employees. Registered organizations shall inform the department in writing within 30 business days of any change in the certification or employment status of the persons included in their registration application.

History: Cr. Register, April, 1991, No. 424, eff. 5-1-91.

ILHR 10.9235 Certification advisory board. The division of safety and buildings shall establish an advisory board to provide consultation on the certification process. The board shall be made up of 5 members and shall represent service users, the regulated community and the public.

History: Cr. Register, April, 1991, No. 424, eff. 5-1-91.

Part 3 — Duties of Certified Persons

ILHR 10.924 Supervision. (1) **GENERAL.** Storage tank system installation, removal, testing, lining, cleaning and site assessments shall be supervised by a person holding an appropriate certification.

(2) **ON-SITE SUPERVISION POINTS.** A person holding an appropriate certification shall be on-site at the following points for storage tank system installation, removal, cleaning, testing, relining and site assessments:

(a) *Installation of underground tank systems.*

1. Soap test of tanks.
2. Inspection and repair of coatings.
3. Placing of bedding material, setting and bedding of tanks.
4. Backfilling operations and compaction of backfill around tanks and piping.
5. Installation of cathodic protection on piping or the installation of impressed current systems.
6. Installation and testing of all connections and tank related piping including vapor recovery, vents, and supply pipes.
7. Installation of leak detection and installation of any monitoring wells.
8. Testing of tanks and piping both prior to and after backfilling.
9. Hook up of pumps and dispensers.

(b) *Installation of aboveground tank systems.*

1. Test tank tightness.
2. Inspection and repair of coatings.
3. Placement of tanks.

4. Installation and testing of all connections and tank-related piping including vapor recovery, vents, and supply pipes.

5. Installation of monitoring devices.

6. Hook up of pumps and dispensers.

(c) *Removal.*

1. Disconnection and draining of piping.

2. Capping of piping.

3. Vapor freeing or inerting of tanks.

4. Cleaning of tanks, if done on the premises, and handling of sludges and other waste.

5. Removal of tanks from the ground and loading for transport or the filling of the tank with an inert material, where allowed by the authorized agent.

6. Visual inspection of soils around excavation or tank location.

(d) *Tightness testing.* A certified tester shall be on-site for the full test process.

(e) *Site assessment.*

1. Calibration of field instruments.

2. Visual inspection of excavations.

3. Selection of sample sites.

4. Screening of samples with field instruments.

5. Taking of soil samples and handling in preparation for testing or shipment.

6. Conductance of field screenings.

7. Completion of plot plan, chain of custody forms, and other on-site recordkeeping.

(f) *Lining.*

1. Removal of product and vapor freeing or inerting of tanks.

2. Cutting of openings in tanks.

3. Removal and handling of sludges and other wastes from tanks.

4. Sand blasting of interior.

5. Inspection for holes and the thickness of the walls.

6. Repair of holes.

7. Coating of tanks.

8. Testing for holidays.

9. Measuring for thickness of coatings.

10. Testing for hardness of coating.

11. Resealing of tanks.

(g) *Cleaning.*

1. Vapor freeing or inerting of tanks.

2. Cleaning of the tanks and handling of sludges and other wastes.

History: Cr. Register, April, 1991, No. 424, eff. 5-1-91; emerg. cr. (2) (b), renum. (2) (b) to (f) to be (2) (c) to (g), eff. 4-30-92; am. (1), cr. (2) (b), renum. (2) (b) to (f) to be (2) (c) to (g), Register, January, 1993, No. 445, eff. 2-1-93.

ILHR 10.9243 Electrical work. All electrical equipment shall be installed in accordance with ch. ILHR 16, Wisconsin State Electrical Code, Volume 2.

Note: Some municipalities require electrical contractors to be licensed to install electrical equipment.

History: Cr. Register, January, 1993, No. 445, eff. 2-1-93.

ILHR 10.9245 Conflict of interest. When directed by the department or fire department or other authorized agent, tank system installation, removal, testing, lining, cleaning or site assessment shall be performed by certified persons without personal or monetary interest in the system and whose employer has no personal or monetary interest in the system.

History: Cr. Register, April, 1991, No. 424, eff. 5-1-91.

Next page is numbered 137