

(2) Sections Ind 43.30 through 43.40 apply to stationary, non-refrigerated storage installations utilizing containers other than those stamped ICC.

(3) Sections Ind 43.50 through 43.61 apply to systems mounted on trucks, semi-trailers and full trailers (other than farm vehicles) used for the transportation of ammonia.

(4) Sections Ind 43.70 through 43.75 apply to systems mounted on farm vehicles for the transportation of ammonia.

(5) Sections Ind 43.80 through 43.83 apply to systems mounted on farm vehicles for the application of ammonia.

History: Cr. Register, December, 1959, No. 48, eff. 1-1-60.

Note: Penalty For Violation of Rules

Section 101.02(12), Stats., provides that "every day during which any person, persons, corporation or any officer, agent or employe thereof, shall fail to observe and comply with any order of the department or to perform any duty enjoined by ss. 101.01 to 101.25 inclusive, shall constitute a separate and distinct violation of such order, or of said sections as the case may be."

Section 101.02(13)(a), Stats., provides that any employer or other person who violates an order; or fails or refuses to comply with the requirements of a legal order of the department shall forfeit and pay into the state treasury the sum of not less than \$10, nor more than \$100, for such violation.

Ind 43.03 Inspections. (1) The authorized inspectors of the department, upon presenting appropriate credentials to the owner, operator, or agent in charge, are authorized—

(a) To enter without delay and at reasonable times any factory, plant, establishment, construction site, or other area, workplace or environment where work is performed by an employe of an employer; and

(b) To inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any such employer, owner, operator, agent or employe.

(2) The inspector before making an inspection shall contact a representative of the employer and a representative authorized by the employes who shall be given an opportunity to accompany the inspector during the physical inspection of any workplace under sub. (1) for the purpose of aiding such inspection.

(a) Where there is no authorized employe representative, the inspector shall consult with a reasonable number of employes concerning matters of health and safety in the workplace.

Note: The department policy is not to give advance notice, but in the scheduling and in the act of inspecting it may not always be possible to avoid advance notice or to obtain accompaniment as, for example, inside boilers or in precarious locations of elevator installations, but otherwise these rules will be diligently observed.

History: Cr. Register, April, 1973, No. 208, eff. 5-1-73; am. (2) (intro.), Register, July, 1978, No. 271, eff. 8-1-78.

**PART III
BASIC RULES**

Ind 43.10 Approval of equipment and systems. (1) Each system utilizing containers of 1,200 U.S. gallons capacity or less shall be:

- (a) Listed by a nationally recognized testing laboratory, which has been approved by the department, or
- (b) Accepted by the department.

(2) In systems utilizing containers of over 1,200 U. S. gallons capacity, each metering or dispensing device, container valve, excess-flow valve, gaging device and relief valve shall have its correctness as to design, construction, and performance determined by:

- (a) Listing by a nationally-recognized testing laboratory which has been approved by the department, or
- (b) The department.

(3) (a) Before construction or installation of new or additional facilities for the bulk storage or handling of anhydrous ammonia is undertaken, approval of the department shall be obtained. The department shall review and make a determination on an application for installation approval within 15 business days of receiving the required information and fees.

(b) In applying for approval, full information shall be submitted in writing together with at least 3 prints of scaled engineering plans. The submitted plans shall show the following:

1. The name of the person, firm or corporation proposing the construction or installation.
2. The location of the proposed construction or installation showing the property lines on all sides and adjacent railways or streets and highways.
3. A plot of the area to be utilized showing location of buildings, tanks, loading and unloading points and clearances as covered in s. Ind 43.13 (1).
4. The capacity and outside surface area of each tank.
5. The size, manufacturer, figure number and capacity of safety relief valves.

History: Cr. Register, December, 1959, No. 48, eff. 1-1-60; am. (1)(a) and (b), (2)(a) and (b) and (3)(a), Register, July, 1978, No. 271, eff. 8-1-78; am. (3) (a), Register, May, 1985, No. 353, eff. 6-1-85.

Ind 43.11 Requirement for construction and original test of containers. (1) All containers (except those stamped ICC) used for the storage, transportation or dispensing of anhydrous ammonia shall be constructed in accordance with the Wisconsin boiler and unfired pressure vessel code.

(2) Containers exceeding 36 inches in diameter or 250 gallons capacity shall be constructed to comply with one or more of the following additional requirements:

Register, May, 1985, No. 353

(a) Containers shall be stress-relieved after fabrication in accordance with the code, or

(b) Cold-formed heads, when used shall be stress-relieved, or

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