

## Chapter Comm 40

### GAS SYSTEMS

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**Note:** Chapters Comm 11, 12 and 13 as they existed on October 31, 1999 were repealed and a new chapter Comm 40 was created effective November 1, 1999.

#### Subchapter I — Purpose and Scope

**Comm 40.001 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 gas systems.

**History:** Cr. Register, October, 1999, No. 526, eff. 11-1-99.

**Comm 40.002 Scope.** This chapter applies to the design, construction, location, installation, operation, repair and maintenance of equipment for gas systems. The provisions of this chapter are not retroactive unless specifically stated in the rule.

**Note:** In addition to the requirements of this chapter, employees in public sector places of employment are protected by the provisions of ch. Comm 32 – Public Employee Safety and Health. Employees in private sector places of employment are protected by the regulations of Title 29 CFR of the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA).

**History:** Cr. Register, October, 1999, No. 526, eff. 11-1-99.

**Comm 40.003 Local regulations.** This chapter does 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.

**History:** Cr. Register, October, 1999, No. 526, eff. 11-1-99.

#### Subchapter II — Definitions

**Comm 40.01 Definitions.** In this chapter:

(1) “Approved” means acceptable to the department.

**Note:** The department will ordinarily accept items approved by a nationally recognized testing laboratory.

(2) “Container” means a vessel such as a tank, cylinder, bottle or drum used for storing of a gas or liquid.

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

(4) “Gas systems” means liquefied petroleum gas systems, liquefied natural gas systems and compressed natural gas systems.

(5) “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.

(6) “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).

**History:** Cr. Register, October, 1999, No. 526, eff. 11-1-99.

#### Subchapter III — Administration and Enforcement

**Comm 40.10 Plan examination and approval.**

(1) **DEPARTMENT APPROVAL.** Department plan approval shall be obtained before commencing construction of the gas system installations specified in ss. Comm 40.42, 40.51 and 40.61.

(2) **PLANS, SPECIFICATIONS AND INFORMATION.** Plans, specifications and information submitted to the department for review and approval of gas systems 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 facility, 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 facility or 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 construc-

tion 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) If the plans are for gas systems service stations involving the use of key, card or code dispensing units, the location of emergency controls and the location and details of the key, card or code operated dispensing devices.

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

**(4) APPLICATION FOR APPROVAL.** Application for approval of a gas system 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.

**(5) 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.

**History:** Cr. Register, October, 1999, No. 526, eff. 11-1-99.

**Comm 40.11 Revisions and modifications. (1) PLAN REVISIONS.** (a) The changes specified in par. (b) to previously approved plans for gas systems before commencement of system operation shall be submitted for review and approval 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 and approval of changes in tank location or capacity, piping arrangement or material, safety setback clearance, point of transfer location, design of indoor fueling operation, and gas detection or monitoring equipment location.

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

**History:** Cr. Register, October, 1999, No. 526, eff. 11-1-99.

**Comm 40.12 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.

**History:** Cr. Register, October, 1999, No. 526, eff. 11-1-99.

**Comm 40.13 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.

**History:** Cr. Register, October, 1999, No. 526, eff. 11-1-99.

**Comm 40.14 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) GENERAL INSPECTIONS.** (a) Gas systems which require plan examination and approval under s. Comm 40.10 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) Gas systems which do not require plan examination and approval under s. Comm 40.10 may be inspected by local authorities to verify compliance with this chapter.

**History:** Cr. Register, October, 1999, No. 526, eff. 11-1-99.

**Comm 40.15 Fees.** Fees shall be submitted to the department as specified in ch. Comm 2. Fees shall be submitted at the time the application for approval is submitted. No plan examinations, approvals or inspections may be made until the fees are received.

**History:** Cr. Register, October, 1999, No. 526, eff. 11-1-99.

**Comm 40.16 Appeals.** As specified in s. 227.12, Stats., any municipality, corporation or any 5 or more persons having an interest in an administrative rule may appeal to the department requesting the adoption, amendment or repeal of the rule.

**History:** Cr. Register, October, 1999, No. 526, eff. 11-1-99.

**Comm 40.17 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.

**History:** Cr. Register, October, 1999, No. 526, eff. 11-1-99.

**Comm 40.18 Penalties.** Penalties for violations of this chapter shall be assessed in accordance with ss. 101.02 (12) and (13) and 101.16 (5), Stats.

**Note:** Section 101.02 (13) (a), Stats., indicates penalties will be assessed against any employer, employee, 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 employee, 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.

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

**Note:** Section 101.16 (5), Stats., indicates that any person, firm, association or corporation who violates s. 101.16, Stats., or any standard, rule or regulation adopted by the department under that section, or issuing a false installation statement under s. 101.16 (4), Stats., will be fined not less than \$25 nor more than \$100, or imprisoned not less than 30 days nor more than 6 months.

**History:** Cr. Register, October, 1999, No. 526, eff. 11-1-99.

## Subchapter IV — Standards

**Comm 40.30 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 standards listed in sub. (2).

**Note:** Copies of the listed standards are on file in the offices of the department, the secretary of state and the revisor of statutes. Copies for personal use may be obtained, at a cost, from the organizations listed.

**(2) STANDARDS.** The following standards are incorporated by reference into this chapter, subject to the changes and additions specified in subchs. V to VII:

(a) *Liquefied petroleum gas standards.* 1. American Petroleum Institute, 1220 L Street Northwest, Washington D.C. 20005. Design and Construction of Liquefied Petroleum Gas Installations, API Standard 2510, 7th Edition, May 1995.

2. National Fire Protection Association, 11 Tracy Drive, Avon, MA 02322-9908. National Fuel Gas Code, NFPA No. 54-1996; Liquefied Petroleum Gas Code, NFPA No. 58-1998;

Recreational Vehicles, NFPA No. 1192–1999, Chapter 2 – Fuel Systems and Equipment.

(b) *Liquefied natural gas standards.* National Fire Protection Association, 11 Tracy Drive, Avon, MA 02322–9908. Production, Storage and Handling of Liquefied Natural Gas (LNG), NFPA No. 59A–1996.

(c) *Compressed natural gas standards.* National Fire Protection Association, 11 Tracy Drive, Avon, MA 02322–9908. Compressed Natural Gas (CNG) Vehicular Fuel Systems, NFPA No. 52–1998.

**History:** Cr. Register, October, 1999, No. 526, eff. 11–1–99.

### Subchapter V — Liquefied Petroleum Gas Facilities

**Comm 40.40 Scope.** (1) **APPLICATION.** This subchapter applies to the storage, handling and use of liquefied petroleum gases in dwellings, public buildings and places of employment and to the transportation of liquefied petroleum gases by tank truck or tank trailer.

(2) **EXEMPTIONS.** This subchapter does not apply to any of the following:

(a) The transportation of liquefied petroleum gases by railroads engaged in interstate commerce or to equipment used by them.

(b) Liquefied petroleum gas facilities owned and operated by utilities when the facilities are part of the distribution system for the utility and are subject to the provisions of ch. PSC 135.

**Note:** Liquefied petroleum gas facilities owned and operated for utility purposes by utilities are regulated by the Public Service Commission and are subject to ch. PSC 135, and the Natural Gas Pipeline Safety Act of 1968 (49 USC 1675, 49 CFR 192 – et. seq.).

**History:** Cr. Register, October, 1999, No. 526, eff. 11–1–99.

**Comm 40.41 Definitions.** In this subchapter:

(1) “Certified inspector” means an individual who holds a valid credential issued by the department as a certified boiler–pressure vessel inspector.

(2) “Pressure vessel” means a container for the containment of pressure, either internal or external. This pressure may be obtained from an external source or by the application of heat from a direct or indirect source, or any combination thereof.

(3) “Secondhand pressure vessel” means a pressure vessel that has changed location subsequent to the original installation.

**History:** Cr. Register, October, 1999, No. 526, eff. 11–1–99.

**Comm 40.42 Approval of proposed installations.** Department plan approval shall be obtained before commencing construction on any liquefied petroleum gas installation using containers of 2000 gallons or larger water capacity or where the aggregate water capacity will be 4000 gallons or larger. Plan examination information shall be submitted as specified in s. Comm 40.10.

**History:** Cr. Register, October, 1999, No. 526, eff. 11–1–99.

**Comm 40.43 Certificate of installation.** Every person, firm, association or corporation installing equipment using liquefied petroleum gas in containers of 125 gallons or larger water capacity shall complete a certificate of installation form. The certificate of installation form shall be completed at the time of installation, shall be kept at the liquefied petroleum gas installation and shall be available for review by an authorized representative of the department. For installations using containers of 2000 gallons or larger water capacity, a copy of the installation form shall also be submitted to the local fire department within 10 business days of the installation.

**Note:** Section 101.16 (4), Stats., indicates that the installation form must be given to the customer or user and that the form state that the design, construction, location and installation of the equipment conforms with this chapter.

**History:** Cr. Register, October, 1999, No. 526, eff. 11–1–99.

**Comm 40.44 Design, construction, installation, operation and maintenance of liquefied petroleum gas facilities.** Liquefied petroleum gas facilities shall be designed, constructed, installed, operated and maintained as specified in the following standards as incorporated by reference in s. Comm 40.30:

(1) AMERICAN PETROLEUM INSTITUTE. Design and Construction of Liquefied Petroleum Gas Installations, API Standard 2510.

(2) NATIONAL FIRE PROTECTION ASSOCIATION. (a) National Fuel Gas Code, NFPA No. 54 as referenced in NFPA No. 58.

(b) Liquefied Petroleum Gas Code, NFPA No. 58.

(c) Recreational Vehicles, NFPA No. 1192 Chapter 2—Fuel Systems and Equipment.

**History:** Cr. Register, October, 1999, No. 526, eff. 11–1–99.

**Comm 40.45 Amendments to NFPA standards.** This is a department rule in addition to the requirements of NFPA No. 58 section 4–2.2.1: Containers shall be filled only by the owner or upon the owner’s authorization.

**Note:** Section 101.16 (3), Stats., indicates that no person, firm or corporation, except the owner thereof and those duly authorized by the owner so to do, shall fill, refill or use in any manner a liquefied petroleum gas container or receptacle for any purpose whatsoever.

**History:** Cr. Register, October, 1999, No. 526, eff. 11–1–99.

**Comm 40.46 Self–service to vehicle fuel tanks and recreational equipment.** (1) **GENERAL.** No person may dispense any liquefied petroleum gases unless the dispensing is through approved liquefied petroleum gas dispensing devices or devices pending approval, except one of the following:

(a) A trained and authorized employe of a bulk storage plant, container charging plant or service station.

(b) A trained and authorized motor vehicle fleet employe.

(2) **LOCATION OF KEY, CARD OR CODE DISPENSING SYSTEMS.** (a) Liquefied petroleum gas fueling facilities may be located in areas accessible or open to the general public if the facility is equipped with key, card or code operated dispensing devices listed or approved by a nationally recognized testing laboratory and an attendant is on duty at all times when liquefied petroleum gas is being dispensed.

(b) Dispensing of liquefied petroleum gas may be permitted without an attendant if the dispensing facility is not freely accessible or open to the general public and the facility is equipped with approved key, card or code operated dispensing devices.

(3) **POSTING OF SIGNS.** A permanent sign providing a 24 hour service call telephone number in letters at least one inch high shall be posted at the liquefied petroleum gas dispensing device in all non–attended locations.

(4) **PUBLIC SELF–SERVICE PROHIBITED.** Self–service of liquefied petroleum gas by the general public is prohibited.

**History:** Cr. Register, October, 1999, No. 526, eff. 11–1–99.

**Comm 40.47 Fuel supply tanks for liquefied petroleum cargo tank trucks.** Every motor vehicle operated by liquefied petroleum gas fuel shall be equipped with a liquefied petroleum gas fuel supply tank separate from and in no way connected to any liquefied petroleum gas cargo tank on or attached to the motor vehicle.

**History:** Cr. Register, October, 1999, No. 526, eff. 11–1–99.

**Comm 40.48 Containers and pressure vessels.** Design and construction of, and repairs and alterations by welding to, liquefied petroleum gas containers and pressure vessels shall conform to the requirements of ch. Comm 41.

**History:** Cr. Register, October, 1999, No. 526, eff. 11–1–99.

**Comm 40.49 Secondhand pressure vessels.** The use of secondhand pressure vessels, having a water capacity in excess of 2,000 gallons and intended for liquefied petroleum gas service, is prohibited, unless all of the following conditions are satisfied:

(1) **MANUFACTURER'S DATA REPORT.** The original manufacturer's data report is available. If the original manufacturer's data report is unavailable, documentation acceptable to the department shall be submitted.

(2) **ALTERATIONS AND REPAIRS BY WELDING.** All alterations and repairs by welding are documented in writing to verify compliance with ch. Comm 41.

(3) **INSPECTIONS.** An inspection of the secondhand pressure vessel has been performed at its new location by a certified inspector.

**History:** Cr. Register, October, 1999, No. 526, eff. 11-1-99.

### Subchapter VI — Liquefied Natural Gas Facilities

**Comm 40.50 Scope. (1) APPLICATION.** This subchapter applies to the storage, handling and use of liquefied natural gas in public buildings and places of employment.

(2) **EXEMPTIONS.** This subchapter does not apply to any of the following:

(a) Liquefied natural gas facilities owned and operated by utilities when the facilities are part of the distribution system for the utility and are subject to the provisions of ch. PSC 135.

**Note:** Liquefied natural gas facilities owned and operated for utility purposes by utilities are regulated by the Public Service Commission and are subject to ch. PSC 135, and the Natural Gas Pipeline Safety Act of 1968 (49 USC 1675, 49 CFR 192 – et. seq.).

(b) The transportation of liquefied natural gas.

**Note:** The transportation of liquefied natural gas is subject to the regulations of the federal Department of Transportation under Title 49 CFR Parts 171-179.

**History:** Cr. Register, October, 1999, No. 526, eff. 11-1-99.

### Comm 40.51 Approval of proposed installations.

Department plan approval shall be obtained before commencing construction using containers of 2000-gallon or larger water capacity on any liquefied natural gas installation. Plan examination information shall be submitted as specified in s. Comm 40.10.

**History:** Cr. Register, October, 1999, No. 526, eff. 11-1-99.

### Comm 40.52 Certificate of installation.

Every person, firm, association or corporation installing liquefied natural gas equipment shall complete a certificate of installation form. The form shall be completed at the time of installation, kept at the installation site and available for review by an authorized representative of the department. A copy of the form shall be submitted to the local fire department within 10 business days of the installation.

**History:** Cr. Register, October, 1999, No. 526, eff. 11-1-99.

### Comm 40.53 Design, construction, installation, operation and maintenance of liquefied natural gas

**facilities.** Liquefied natural gas facilities shall be designed, constructed, installed, operated and maintained as specified in the National Fire Protection Association standard NFPA No. 59A as incorporated by reference in s. Comm 40.30.

**History:** Cr. Register, October, 1999, No. 526, eff. 11-1-99.

### Subchapter VII — Compressed Natural Gas Facilities

**Comm 40.60 Scope. (1) APPLICATION.** This subchapter applies to the storage, handling and use of compressed natural gas in public buildings and places of employment.

(2) **EXEMPTIONS.** This subchapter does not apply to any of the following:

(a) Compressed natural gas facilities owned and operated by utilities when the facilities are part of the distribution system for the utility and are subject to the provisions of ch. PSC 135.

**Note:** Compressed natural gas facilities owned and operated for utility purposes by utilities are regulated by the Public Service Commission and are subject to ch. PSC 135, and the Natural Gas Pipeline Safety Act of 1968 (49 USC 1675, 49 CFR 192 – et. seq.).

(b) The transportation of compressed natural gas.

**Note:** The transportation of compressed natural gas is subject to the regulations of the federal Department of Transportation under Title 49 CFR Parts 171-179.

**History:** Cr. Register, October, 1999, No. 526, eff. 11-1-99.

### Comm 40.61 Approval of proposed installations.

Department plan approval shall be obtained before commencing construction on a compressed natural gas facility installation, except department approval is not required for vehicle fueling appliances used for outdoor fueling and having no storage capacity. Plan examination information shall be submitted as specified in s. Comm 40.10.

**History:** Cr. Register, October, 1999, No. 526, eff. 11-1-99.

### Comm 40.62 Certificate of installation.

Every person, firm, association or corporation installing compressed natural gas equipment shall complete a certificate of installation form. The form shall be completed at the time of installation, kept at the installation site and available for review by an authorized representative of the department. A copy of the form shall be submitted to the local fire department within 10 business days of the installation.

**History:** Cr. Register, October, 1999, No. 526, eff. 11-1-99.

### Comm 40.63 Design, construction, installation, operation and maintenance of compressed natural gas facilities.

Compressed natural gas facilities shall be designed, constructed, installed, operated and maintained as specified in the National Fire Protection Association standard NFPA No. 52 as incorporated by reference in s. Comm 40.30.

**History:** Cr. Register, October, 1999, No. 526, eff. 11-1-99.