

Chapter ILHR 48

PETROLEUM PRODUCTS

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

Subchapter I — Administration and Enforcement

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

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

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

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

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

(6) AUTHORITY TO PROVIDE ASSISTANCE TO LOCAL AUTHORITIES. The department has been granted the authority, upon request of state agencies or local authorities, to assist in the investigation of hazardous situations involving suspected or known products of petroleum.

(7) AUTHORITY TO STOP SALE. Persons with enforcement authority under this chapter shall have the authority to shut down petroleum storage tank systems by the issuance of orders and the disabling with locks under the following conditions:

(a) **Immediate shutdown to protect life, safety or health.** Petroleum storage systems which contain products which pose an immediate danger to life, safety or health shall be subject to immediate shutdown. Products that cause immediate danger to life, safety, or health include but are not limited to: heating oil or kerosene contaminated with gasoline, or contaminated aircraft fuels.

(b) **Immediate shutdown to blend or remove petroleum products or wastes.** Petroleum storage systems which contain wastes or products that fail to meet the operational and technical standards of this chapter shall be shut down until a pump out or blend

is completed under the supervision of a person with enforcement authority under this chapter. The system may be reopened as soon as the product contained in the tank is verified by a person with enforcement authority under this chapter as meeting this chapter's operational and technical standards.

(c) **Shutdown after long term violation.** Petroleum storage systems containing petroleum products for which there is a continuing code violation under this chapter are subject to shutdown if the following conditions are met:

1. An order is issued with a specific compliance date and a period for compliance;

2. The first reinspection made after the specified compliance date shows that compliance has not been achieved;

3. A second compliance date is set with a period for compliance;

4. Reinspection after the second compliance date shows that compliance is still not achieved; and

5. The owner has not filed a written appeal with the department within 15 days of receiving the order.

History: Cr. Register, July, 1980, No. 295, eff. 8-1-80; emerg. cr. (7), eff. 9-13-95; cr. (7), Register, May, 1996, No. 485, eff. 6-1-96.

ILHR 48.02 Petition for variance, penalties and fees. (1) PENALTIES. Pursuant to s. 168.15, Stats., every person who violates any provision of this chapter shall forfeit not less than \$10 nor more than \$100 for each violation. Each day a person fails to comply with any provision of this chapter is a separate violation.

(2) FEES. The department is authorized to collect fees for the inspection of any petroleum product. The fees for inspection shall be in accordance with ch. ILHR 2, Fee Schedule, s. ILHR 2.41.

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

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

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

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

(5) PETITION FOR VARIANCE. (a) Procedure. The department shall consider and may grant a variance to an administrative rule upon receipt of a fee and a completed petition for variance form from the owner, provided an equivalency is established in the petition for variance which meets the intent of the rule being peti-

tioned. The department may impose specific conditions in a petition for variance to promote the protection of the health, safety or welfare of the employes or the public. Violation of those conditions under which the petition is granted constitutes a violation of these rules.

(b) *Petition processing time.* Except for priority petitions, the department shall review and make a determination on a petition for variance within 30 business days of receipt of all calculations, documents and fees required to complete the review. The department shall process priority petitions within 10 business days.

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

History: Cr. Register, July, 1980, No. 295, eff. 8-1-80; am. Register, October, 1984, No. 346, eff. 11-1-84; renum. (5) to be (5) (a) and cr. (5) (b), Register, April, 1985, No. 352, eff. 5-1-85; r. and recr. (1), Register, February, 1986, No. 362, eff. 3-1-86; correction in (2) made under s. 13.93 (2m) (b) 7., Stats., Register, November, 1995, No. 479.

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

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

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

(4) **PETROLEUM PRODUCTS.** Petroleum products means gasoline, gasoline/alcohol-ether blends, aviation gasoline, automotive gasoline, kerosene, fuel oil, burner fuel oil and diesel fuel oil.

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

(6) "Reclaimed oil" means used oil which has been cleaned by cleaning methods used for the primary purpose of removing insoluble contaminants to make the oil suitable for further use. In this

subsection, "cleaning method" includes settling, heating, dehydration, filtration or centrifuging.

(7) "Re-refined oil" means used oil on which refining processes have been used to produce high-quality base stock for lubricants. In this subsection, "refining process" includes distillation, hydrotreating, or treatments employing acid, caustic, solvent, clay or other chemicals or a combination of the processes.

History: Cr. Register, July, 1980, No. 295, eff. 8-1-80; cr. (6) and (7), Register, February, 1986, No. 362, eff. 3-1-86.

Subchapter II — Petroleum Product Specifications

ILHR 48.04 Gasoline specifications. (1) **GASOLINE, AUTOMOTIVE GASOLINE, AND GASOLINE/ALCOHOL-ETHER BLENDS.** Gasoline, automotive gasoline, and gasoline/alcohol-ether blends sold or offered for sale in this state shall be visually free of undissolved water, sediment and suspended matter and shall be clear and bright at the ambient temperature or 70° F (21° C), whichever is higher.

(a) *Gasoline.* Any petroleum product designated by name or reference as gasoline shall meet the requirements of Table 48.04-A.

TABLE 48.04-A
MINIMUM REQUIREMENTS FOR GASOLINE

| Test | Requirement | ASTM Test Method ^{a/} |
|------------------------------------|-----------------|--------------------------------|
| Distillation temp., deg F (deg C): | | D86 |
| Initial boiling point (max.) | 131° F (55° C) | |
| Not less than 10% evaporation | 167° F (75° C) | |
| Not less than 50% evaporation | 284° F (140° C) | |
| Not less than 90% evaporation | 392° F (200° C) | |
| End point (max.) | 437° F (225° C) | |
| Natural residue (max.) | 2% | |

a/ Pursuant to s. 168.07, Stats., the latest revision of the ASTM Book of Standards of the American Society for Testing and Materials shall be used.

(b) *Automotive gasoline.* Any petroleum product designated by name or reference as automotive gasoline shall meet the requirements of Tables 48.04-B1 and 48.04-B2.

TABLE 48.04-B1
REQUIREMENTS FOR AUTOMOTIVE GASOLINE

| Test | Gasoline Volatility Class | | | ASTM Test Method ^{a/} |
|---|---------------------------|-----------------|-----------------|--|
| | C | D | E | |
| Distillation temperature, deg F (deg C) | | | | D86 |
| C): 10% Evaporation (max.) | 140° F (60° C) | 131° F (55° C) | 122° F (50° C) | |
| 50% Evaporation (min.) | 170° F (77° C) | 170° F (77° C) | 170° F (77° C) | |
| 50% Evaporation (max.) | 240° F (116° C) | 235° F (113° C) | 230° F (110° C) | |
| 90% Evaporation (max.) | 365° F (185° C) | 365° F (185° C) | 365° F (185° C) | |
| End point (max.) | 437° F (225° C) | 437° F (225° C) | 437° F (225° C) | |
| Residue (max.) | 2% | 2% | 2% | |
| Vapor/Liquid Ratio | | | | D2533 |
| Test temperature | 124° F (51° C) | 116° F (47° C) | 105° F (41° C) | |
| Vapor/liquid (max.) | 20 | 20 | 20 | |
| Reid Vapor Pressure (psi, max.) | 11.5 | 13.5 | 15.0 | D323 or D2551 |
| Lead Content (g/gal, max.) | | | | D2547 |
| Unleaded | .05 | .05 | .05 | (Below 0.5 g/gal, use D2547, D2599 or D3237) |
| Conventional | * | * | * | |
| Corrosion (copper strip) (max.) | No. 1 | No. 1 | No. 1 | D130 |
| Existent gum (mg/100 ml, max.) | 5 | 5 | 5 | D381 |

TABLE 48.04-B1 Continued

| | | | | |
|-------------------------------|-----|-----|-----|-----------------------|
| Sulfur (weight, % max.) | | | | D1266 or D2622 |
| Leaded | .20 | .20 | .20 | |
| Unleaded | .10 | .10 | .10 | |
| Antiknock Index ^{b/} | | | | D2700, D2885 or D2699 |

* Maximum amount approved by the Federal Environmental Protection Agency (EPA).

^{a/} Pursuant to s. 168.07, Stats., the latest revision of the ASTM Book of Standards of the American Society for Testing and Materials shall be used.

^{b/} The antiknock index equals the sum of the research octane number (RON) and the motor octane number (MON) divided by 2 as follows:

$$\text{Antiknock Index} = \frac{\text{RON} + \text{MON}}{2}$$

Note: Under an emergency situation, such as a shortage of gasoline, the department may accept the requirements established in the ASTM Emergency Standard Specifications for Automotive Gasoline (E5 5-79).

TABLE 48.04-B2
WISCONSIN SCHEDULE OF SEASONAL VOLATILITY CLASSES

| Jan. | Feb. | Mar. | Apr. | May | June | July | Aug. | Sep. | Oct. | Nov. | Dec. |
|------|------|------|------|-----|------|------|------|------|------|------|------|
| E | B | H/D | D | D/C | C | C | C | C | C/D | D/E | B |

(c) Gasoline/oxygenate blends. 1. Anhydrous denatured alcohol may be added to gasoline if the original gasoline product meets the requirements of par. (b).

2. The alcohol content for ethyl alcohol may not exceed a concentration of 10 volume percent.

3. The alcohol content for methyl alcohol may not exceed a concentration of one volume percent.

4. Other oxygenated fuels shall be acceptable if the oxygenates are blended at the refinery in amounts allowed by the EPA and the final product conforms to the standard specification for gasoline under par. (b).

(d) Documentation. Any person who distributes gasoline products which contain one percent or more by volume of ethyl alcohol or methyl alcohol, or both, shall state on any invoice, bill of lading, shipping paper or other documentation accompanying the shipment used in normal and customary business practices, the type and percentage of alcohol rounded to a whole number or half number equal to or less than the determined percentage.

(2) AVIATION GASOLINE. Any petroleum product designated as aviation gasoline shall meet the requirements of Table 48.04-C.

TABLE 48.04-C
REQUIREMENTS FOR AVIATION GASOLINES ^{a/}

| Minimum Grade Requirements | Grade 80 | Grade 100 | Grade 100LL | ASTM Test Method ^{b/} |
|--|----------|---|---|--------------------------------|
| Knock value, min. octane number, lean rating | 80 | 100 | 100 | D 2700 ^{c/} |
| Knock value, min. octane number, rich rating | 87 | isooctane plus 1.28 ml of tetraethyllead per gallon | isooctane plus 1.28 ml of tetraethyllead per gallon | D 909 |
| Color | red | green | blue | D 2392 |
| Dye content: | | | | |
| Permissible blue dye, max. mg/gal | 0.5 | 4.7 | 5.7 | |
| Permissible yellow dye, mg/gal | none | 5.9 | none | |
| Permissible red dye, max. mg/gal | 8.65 | none | none | |
| Tetraethyllead ^{d/} , max. ml/gal | 0.5 | 4.0 | 2.0 | D 2547, D2599 or D3341 |
| Net heat of combustion, min. Btu/lb | 18,720 | 18,720 | 18,720 | D 1405 or D3338 |

TABLE 48.04-C CONTINUED

| Minimum Grade Requirements | Requirements For All Grades | ASTM Test Method ^{b/} |
|--|------------------------------------|--------------------------------|
| Distillation temperature, deg F (deg C): | | |
| 10% evaporated, max. temp. | 167 (75) | D 86 |
| 40% evaporated, min. temp. | 167 (75) | |
| 50% evaporated, max. temp. | 221 (105) | |
| 90% evaporated, max. temp. | 275 (135) | |
| Final boiling point, max. deg F (deg C) | 338 (170) | |
| Sum of 10 and 50% evaporated temperatures, min. deg F (deg C) | 307 (135) | |
| Distillation recovery, min. percent | 97 | |
| Distillation residue, max. percent | 1.5 | |
| Distillation loss, max. percent | 1.5 | |
| Acidity of distillation residue | shall not be acid | D 1093 |
| Vapor pressure, max. lb. | 7.0 | D 323 or D 2551 |
| Copper strip corrosion, max. | No. 1 | D 130 |
| Potential gum (5 h aging gum), max. mg/100 ml | 6 | D 873 |
| Visible lead precipitate ^{e/} , max. mg/100 ml | 3 | D 873 |
| Sulfur, wt. max., percent | 0.05 | D 1266 or D 2622 |
| Freezing point, max. deg F (deg C) | -72 (-58) | D 2386 |
| Water reaction | volume change not to exceed ± 2 ml | D 1094 |
| Permissible antioxidants ^{f/} , max. lb/1000 bbl (42 gal) | 4.2 | |

^{a/}Aviation gasoline shall be free from water, sediment and suspended matter. The odor of the fuel shall not be nauseating or irritating. No substances of known dangerous toxicity under usual conditions of handling and use shall be present.

^{b/}Pursuant to s. 168.07, Stats., the latest revision of the ASTM Book of Standards of the American Society for Testing and Materials shall be used.

^{c/}The knock values shown in Table 48.04-C represent aviation method ratings. Motor octane ratings obtained by ASTM method D 2700 shall be converted to aviation ratings. (See Appendix for conversion table.)

^{d/}The tetraethyllead shall be added in the form of an antiknock mixture containing not less than 61 weight percent of tetraethyllead and sufficient ethylene dibromide to provide 2 bromine atoms per atom of lead. The balance shall contain no added ingredients other than kerosene, and an approved inhibitor, and blue dye.

^{e/}The visible lead precipitate requirement applies only to leaded fuels.

f/Permissible antioxidants are as follows:

- N, N' — diisopropyl-para-phenylenediamine
- N, N' — di-secondary-butyl-para-phenylenediamine
- 2, 4 — dimethyl-6-tertiary-butylphenol
- 2, 6 — ditertiary butyl-4-methylphenol
- 2, 6 — ditertiary butylphenol

Mixed tertiary butylphenols, composition:

- 75% 2, 6 — ditertiary butylphenol
- 10 to 15% 2, 4, 6 — tritertiary butylphenol
- 10 to 15% o-tertiary butylphenol.

72% min 2, 4-dimethyl-6-tertiary butylphenol, and 28% max monomethyl and dimethyl tertiary butylphenols. These inhibitors may be added to the gasoline separately or in combination, in total concentration not to exceed 4.2 lb of inhibitor (not including weight of solvent) per 1000 bbl (42 gal).

History: R. and recrate from Ind 10.03, Register, July, 1980, No. 295, eff. 8-1-80; Table 10.04-B1 reprinted to correct error, Register, September, 1980, No. 297; r. and recr. (1) (c) and Table 48.04-B1, cr. (1) (d), Register, February, 1986, No. 362, eff. 3-1-86.

ILHR 48.05 Minimum kerosene specifications. Any petroleum product designated by name or reference as "kerosene" shall meet the minimum requirements specified in Table 48.05.

TABLE 48.05

CHEMICAL AND PHYSICAL REQUIREMENTS FOR KEROSENE — K-1 and K-2

| Property | Limit | ASTM TEST Method ^{a/} |
|--|-----------------|---|
| Appearance: | | |
| Color, min. | +16 | D 156 |
| Composition: | | |
| Mercaptan sulfur, ppm max. | 3 ^{b/} | D 3227 |
| Sulfur, weight % max. | | D 1266 or D 2622 |
| No. 1-K | 0.04 max. | D 1266 or D 2622 |
| No. 2-K | 0.30 max. | D 1266 or D 2622 |
| Volatility: | | |
| Distillation, temperature, deg F (deg C) | | D 86 |
| 10% recovered, max. | 401 (205) | |
| Final boiling point, max. | 572 (300) | |
| Flash point, deg F (deg C) | 100 (38) | D 56 or D 3828 (D 56 shall be used in cases of dispute) |
| Corrosion: | | |
| Corrosion, 3 h at 212°F (100°C), max. | No. 3 | D 130 |

g/Pursuant to s. 168.07, Stats., the latest revision of the ASTM Book of Standards of the American Society for Testing and Materials shall be used.

b/The mercaptan sulfur determination may be waived if the fuel is considered sweet by the Doctor test.

History: R. and recr. from Ind 10.03, Register, July, 1980, No. 295, eff. 8-1-80; am. table, Register, May, 1984, No. 341, eff. 6-1-84; r. and recr. table, Register, February, 1986, No. 362, eff. 3-1-86.

ILHR 48.06 Fuel oil specifications. Any petroleum product designated by name as No. 1 or No. 2 fuel oil shall meet the requirements specified in Table 48.06.

TABLE 48.06
REQUIREMENTS FOR FUEL OILS ^{a/}

| Test | Grade of Fuel Oil | | ASTM Test Method ^{b/} |
|--|-----------------------|-------------------------|--|
| | No. 1 | No. 2 | |
| Flash point, deg F (deg C), min. | 100 (38) | 100 (38) | D 93 or D 56 (D 93 shall be used in cases of dispute) |
| Pour point, deg F (deg C), max. | 0 (-18) ^{c/} | 20 (-6) ^{c/} | D 97 |
| Water and sediment, vol %, max. | 0.05 | 0.05 | D 1796 |
| Carbon residue on 10% bottoms, % max. | 0.15 | 0.35 | D 524 |
| Distillation temperatures, deg F (deg C) | | | D 86 |
| 10% point, max. | 420 (215) | — | |
| 90% point, min. | — | 540 (282) ^{d/} | |
| 90% point, max. | 550 (288) | 640 (338) | |
| Saybolt Viscosity ^{e/} | | | |
| Universal at 38°C (100°F) | | | D 2161 |
| Minimum | — | (32.6) | |
| Maximum | — | (37.9) | |
| Kinetic at 38°C (100°F) | | | D 445 |
| Minimum | — | 2.0 | |
| Maximum | — | 3.6 | |
| Gravity, deg API, min. | 35 | 30 | D 287 |
| Specific gravity 60/60° F, max. | (0.8499) | (0.8762) | |
| Corrosion (copper strip), max. | No. 3 | No. 3 | D 130 |
| Sulfur, percent, max. | 0.5 | 0.5 | D 129 or D 1552 or D 2622 or D 1266 (No. 1 grade only) |

a/It is the intent of these classifications that failure to meet any requirement of a given grade does not automatically place an oil in the next lower grade unless in fact it meets all requirements of the lower grade.

b/Pursuant to s. 168.07, Stats., the latest revision of the ASTM Book of Standards of the American Society for Testing and Materials shall be used.

c/Lower or higher pour points may be specified whenever required by conditions of storage or use. When pour point less than 0° F (-18° C) is specified, the minimum 90% distillation temperature does not apply.

d/Seasonal blending to accommodate cold weather operation may be necessary and in such cases the minimum 90% distillation temperature requirement for No. 2 does not apply.

e/Viscosity values in parenthesis are for information only and not necessarily limiting.

History: R. and recr. from Ind 10.01 and 10.02, Register, July, 1980, No. 295, eff. 8-1-80; am. table, Register, May, 1984, No. 341, eff. 6-1-84; r. and recr. table, Register, February, 1986, No. 362, eff. 3-1-86.

ILHR 48.07 Diesel fuel oils. Any petroleum product designated as No. 1 or No. 2 diesel fuel shall meet the requirements specified in Table 48.07.

TABLE 48.07^{a,b}
REQUIREMENTS FOR DIESEL FUEL OILS

| Test | Grade of Diesel Fuel Oil | | ASTM Test Method ^c |
|--|--------------------------|------------------------|---|
| | No. 1-D | No. 2-D | |
| Flash point, deg F (deg C), min. | 100 (38) | 100 (38) | D 93 or D 56 (D 93 shall be used in cases of dispute) |
| Water and sediment, vol. %, max. | 0.05 | 0.05 | D 1796 |
| Distillation temperatures, deg F (deg C) | | | D 86 |
| 90% point, min. | — | 540 (282) ^d | |
| 90% point, max. | 550 (288) | 640 (338) | |
| Viscosity | | | D 445 |
| Kinematic, cSt ^e at 40°C | | | D 2161 ^f |
| Minimum | 1.3 | 1.9 | |
| Maximum | 2.4 | 4.1 | |
| Saybolt, SUS at 100°F | | | |
| Minimum | — | 32.6 | D 2161 |
| Maximum | 34.4 | 40.1 | |
| Corrosion (copper strip), max. | No. 3 | No. 3 | D 130 |
| Sulfur, weight, percent | 0.5 | 0.5 | D 129 |
| Cetane number ^g | 40 | 40 | D 613 |

^aTo meet special operating conditions, modifications of individual limiting requirements may be agreed upon between purchaser, seller, and manufacturer.

^bThe values stated in SI units are to be regarded as the standard. The values in U.S. customary units are for information only.

^cPursuant to s. 168.07, Stats., the latest revision of the ASTM Book of Standards of American Society for Testing and Materials shall be used.

^dSeasonal blending to accommodate cold weather operation may be necessary and in such cases the minimum 90% distillation temperature requirement for No. 2-D does not apply.

^e1 cSt = 1mm²/s.

^fConversion of kinetic viscosity to saybolt universal viscosity.

^gWhere cetane number by method D 613 is not available, ASTM method D 976, Calculated Cetane Index of Distillate Fuels, may be used as an approximation. Where there is disagreement, method D 613 shall be used in cases of dispute.

History: Cr. Register, July, 1980, No. 295, eff. 8-1-80; r. and recr. table, Register, February, 1986, No. 362, eff. 3-1-86.

ILHR 48.08 Octane posting. (1) The minimum octane rating of all automotive gasoline products offered for sale to consumers shall be posted on the gasoline dispenser. The posted octane shall be the antiknock index rounded off to a whole number or a half number equal to or less than the determined octane rating.

(2) The posting shall be as specified in Public Law No. 95-297, entitled "The Petroleum Marketing Practices Act" and contained in 15 USC 2822 Sec. 202, and this chapter.

Note: The Federal Trade Commission (FTC), Title 16 Commercial Practices, Chapter 1, Part 306, establishes requirements for octane certification and posting. The FTC rules on label specifications are printed in the Appendix.

History: Cr. Register, July, 1980, No. 295, eff. 8-1-80; r. and recr. Register, February, 1986, No. 362, eff. 3-1-86.

Subchapter III — Inspection Procedures

ILHR 48.09 Inspection procedures. (1) INSPECTION OF PETROLEUM PRODUCTS. All petroleum products imported into and received in this state shall be sampled by the department prior to being unloaded, sold, offered for sale or used.

(a) *Exceptions.* The inspection of petroleum products does not apply in the following situations:

1. Petroleum products previously inspected by the department at the refinery or at a marine or pipeline terminal within or without the state.

2. Where the department permits unloading of ships or boats due to an emergency declared by the coast guard or where a permit has been granted by the department.

3. To users of petroleum products which have inspection procedures certified by the department.

(2) **NOTIFICATION FOR INSPECTION.** (a) The recipient of all petroleum products received on Monday through Friday shall notify the department between the hours of 7:45 a.m. and 4:30 p.m. The department shall be notified of any petroleum products received after 4:30 p.m. or received on a Saturday, Sunday or any legal holiday, between the hours of 7:45 a.m. and 10:00 a.m. of the next regular working day.

(b) If a person transfers one grade of a petroleum product into a container with another grade of petroleum product, the entire commingled product shall be deemed uninspected and the department shall be notified.

(c) If no sample is taken by an inspector within the time limit specified, the receiver or commingler shall take a true sample of not less than 8 ounces in accordance with the procedures per sub. (3) (b).

(d) After proper notification, the department shall take a sample of the petroleum product in accordance with the following schedule:

| <u>Time of notification by recipient</u> | <u>Time of sampling by department</u> |
|--|---------------------------------------|
| Before 11:45 a.m. | 11:45 a.m. — 4:30 p.m. of same day |
| 11:45 a.m. — 4:30 p.m. | Before 11:45 a.m. of following day |

Note: Saturdays, Sundays and legal holidays are not considered regular business days.

(3) **SAMPLING PROCEDURES.** A true sample of at least 8 ounces shall be taken from every shipment of petroleum products, including commingled products, imported into and received in this state.

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

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

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

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

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

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

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

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

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

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

ILHR 48.10 Labeling of dispensers and containers.

(1) **DISPENSING EQUIPMENT.** (a) *General.* All devices dispensing petroleum products at filling stations, garages or other places where petroleum products are sold or offered for sale shall be marked with a conspicuous label visible on both faces of the dispensing device indicating the name and grade of the petroleum product. No label may be placed so that the text is sideways or upside down.

(b) *Oxygenated gasoline dispensing device labels.* 1. A device that dispenses a gasoline-ethanol fuel blend of more than 2% by volume of ethanol shall be labeled with the volume percent of ethanol at all times the product is offered for retail sale.

2. A device that dispenses a reformulated gasoline, as defined in s. 144.3716 (1), Stats., that contains an oxygenate other than ethanol shall be labeled with the identity of the oxygenate at all times the product is offered for retail sale. If the reformulated gasoline contains multiple oxygenates, the label shall identify the predominate oxygenate based upon volume percent.

Note: Reformulated gasoline is defined in s. 144.3716 (1), Stats., as gasoline formulated to reduce emissions of volatile organic compounds and toxic air pollutants as provided in 42 USC 7545 (k) (5). The addition of an oxygenate to a fuel alone does not create a reformulated gasoline, other criteria specified in the law must also be met.

3. The label shall be placed on the face of the dispenser next to the name and grade of the product being dispensed.

4. The label shall be contrasting in color to the dispenser and have lettering using not less than one-half inch high letters with a stroke of not less than one eighth inch in width.

5. The label shall identify the oxygenate as either "Ethanol", "Methyl Tertiary Butyl Ether (MTBE)", "Ethyl Tertiary Butyl Ether (ETBE)", "Tertiary Amyl Methyl Ether (TAME)", "Tertiary Butyl Alcohol (TBA)", or as an other oxygenate name approved by the bureau of petroleum.

6. A label shall state that the product being dispensed "Contains" followed by the approved name for the oxygenate.

7. A label shall be conspicuous and legible to a customer when viewed from the driver's seat of a motor vehicle that is located within 6 feet of the dispensing device.

8. The label shall be capable of withstanding extremes of weather conditions for at least one year and shall be resistant to gasoline, oil, grease, solvents, detergents, and water. When damaged so that they are not legible, labels shall be replaced.

9. If a dispenser remains unlabeled after the expiration of orders issued by the department for labeling, and the owner does not file a written appeal within 15 days of receiving the order, the department shall stop the sale of the product in accordance with s. ILHR 48.01 (7).

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

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

(b) *Exception No. 2.* Any container holding one gallon or less of a petroleum product, which was filled originally by a manufacturer or a packager, and which complies with the federal standards for packaging and labeling.

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

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

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

(a) *Reclaimed oils.* Any person representing, advertising, promoting for sale, offering for sale or selling any lubricating oil which has previously been used shall identify the product as such.

The label shall contain the appropriate and descriptive words of "reclaimed, rerefined, recleaned or reconditioned used lubricating oil."

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

History: Cr. Register, July, 1980, No. 295, eff. 8-1-80; renum. (1) (a) to be (4), cr. (1) (a), Register, May, 1984, No. 341, eff. 6-1-84; reprinted to correct error in (1) (a), Register, October, 1984, No. 346; r. and recr. (1), Register, February, 1986, No. 362, eff. 3-1-86; emerg. r. and recr. (1) (b), r. (1) (c), eff. 9-13-95; r. and recr. (1) (b), r. (1) (c), Register, May, 1996, No. 485, eff. 6-1-96.

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

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

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

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

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

Subchapter IV — Certification of Petroleum Products Users

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

History: Cr. Register, June, 1979, No. 282, eff. 7-1-79.

ILHR 48.13 Eligibility. Any petroleum product user may be eligible to become a certified petroleum product user. Eligibility for certification shall be based upon acceptance of the application, laboratory facilities and personnel to perform the laboratory test procedures indicated in s. ILHR 48.16. The applicant shall designate the specific petroleum product categories for which certification is requested: gasoline, kerosene, fuel oils or diesel fuel oils.

History: Cr. Register, June, 1979, No. 282, eff. 7-1-79; renum. from Ind 10.14, Register, July, 1980, No. 295, eff. 8-1-80.

ILHR 48.14 Application for certification. (1) Application for certification and recertification shall be made to the department, together with the payment of the fee as specified in s. ILHR 2.41.

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

Bureau of Petroleum Inspection
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 will review and evaluate the application and make all necessary notifications to the applicant. If it is determined that the applicant does not qualify for certification or recertification, the

applicant will be notified of such findings in writing and instructed of the appeals procedure.

History: Cr. Register, June, 1979, No. 282, eff. 7-1-79; renum. from Ind 10.15, Register, July, 1980, No. 295, eff. 8-1-80; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, November, 1995, No. 479.

ILHR 48.15 Laboratory test procedures. (1) SCOPE OF TEST PROCEDURES. The department shall inspect the laboratory facilities and shall determine the applicant's capability to perform the following laboratory test procedures for the petroleum product for which the applicant is to be certified.

- (a) *Gasoline.* (minimum). 1. Distillation.
- (b) *Automotive gasoline.* 1. Distillation;
 2. Vapor/liquid ratio;
 3. Reid vapor pressure;
 4. Lead content;
 5. Corrosion;
 6. Gum;
 7. Sulfur.
- (c) *Aviation gasoline.* 1. Knock value (lean rating);
 2. Knock value (rich rating);
 3. Color;
 4. Tetraethyllead;
 5. Net heat of combustion;
 6. Distillation;
 7. Acidity of distillation residue;
 8. Vapor pressure;
 9. Corrosion (copper strip);
 10. Gum;
 11. Visible lead precipitate;
 12. Sulfur;
 13. Freezing point;
 14. Water reaction.
- (d) *Kerosene.* 1. Color;
 2. Mercaptan sulfur;
 3. Distillation;
 4. Flash point;
 5. Corrosion.
- (e) *Fuel oils.* 1. Flash point;
 2. Pour point;
 3. Water and sediment;
 4. Carbon residue;
 5. Distillation;
 6. Specific gravity (deg. API);
 7. Corrosion (copper strip);
 8. Sulfur.

Note: If deemed necessary, the department may waive the test procedures for carbon residue and corrosion.

- (f) *Diesel fuel oils.* 1. Flash point;
 2. Water and sediment;
 3. Distillation;
 4. Corrosion (copper strip);
 5. Sulfur;
 6. Cetane number.

Note: The department will accept the latest revision of the American Society for Testing and Materials (ASTM) standard test methods, including reproducibility limits, as listed in the Appendix.

(2) MONITORING LABORATORY TESTING. The department shall monitor the testing procedures used by the certified petroleum user.

(a) *Test samples.* When deemed necessary, the department shall take test samples to confirm the petroleum product user's test results. Test samples shall be retained for a minimum of 3 months.

(b) *Reports and test records.* When deemed necessary, the department shall, during regular business hours, monitor the inspection reports and test records.

History: Cr. Register, June, 1979, No. 282, eff. 7-1-79; renum. from Ind 10.16, r. and recr. (1) and am. (2) (a), Register, July, 1980, No. 295, eff. 8-1-80.

ILHR 48.16 Notification of certification. Upon completion of the requirements for certification, the department shall notify the applicants, in writing that they are exempt from departmental inspections.

History: Cr. Register, June, 1979, No. 282, eff. 7-1-79; renum. from Ind 10.17, Register, July, 1980, No. 295, eff. 8-1-80.

ILHR 48.17 Reissuance of certification. Certification shall be reissued upon evidence of a satisfactory record of the laboratory testing methods, laboratory facilities, personnel to perform the laboratory test procedures and the payment of the annual fee.

History: Cr. Register, June, 1979, No. 282, eff. 7-1-79; renum. from Ind 10.18, Register, July, 1980, No. 295, eff. 8-1-80.

ILHR 48.18 Denial of certification or application. (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.

(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 days. Hearings will be conducted by the department and the proceedings recorded.

History: Cr. Register, June, 1979, No. 282, eff. 7-1-79; renum. from Ind 10.19, Register, July, 1980, No. 295, eff. 8-1-80.

ILHR 48.19 Duties and responsibilities of certified petroleum product users. The certified petroleum product user shall be responsible for the assurance that:

(1) All sampling of petroleum products is performed at each storage location to ensure compliance with this code;

(2) Test reports are signed by the person responsible for the testing;

(3) The department receives written notification within 5 days of any product which does not conform to the flash point standards established by this code; and

(4) Complete testing report records and sampling procedures are maintained for at least one year at each location where petroleum products are stored in Wisconsin.

History: Cr. Register, June, 1979, No. 282, eff. 7-1-79; renum. from Ind 10.20, Register, July, 1980, No. 295, eff. 8-1-80.

ILHR 48.20 Suspension or revocation of certification.

(1) **REASONS.** The department may suspend or revoke the certification of any petroleum product user for:

(a) Fraud or deceit in testing or in obtaining certification;

(b) Knowingly aiding or abetting the unauthorized testing and inspection of petroleum products not authorized by the department;

(c) Any negligence, incompetency or misconduct in the discharge of the sampling and testing procedures required under this code;

(d) Conviction of a criminal charge relating to any provisions of this code.

(2) **PROCEEDINGS.** (a) *Investigation and notification.* The department will investigate alleged violations at its own initiative or upon the filing of a complaint. If it is determined that no further action is warranted, the department will notify the persons affected. If the department determines that there is probable cause for suspension or revocation, it shall order a hearing and notify the persons affected by mail.

(b) *Response.* Upon receipt of hearing notice, the charged party may respond to the charges in writing. Failure to respond within 30 days or failure to appear at the hearing may result in the charges being taken as true.

(c) *Hearings.* All hearings will be conducted by persons selected by the department.

(d) *Findings.* Any findings shall be in writing and shall be binding unless appealed to the secretary of the department.

(e) *Appeals.* All appeal arguments shall be submitted in writing.

History: Cr. Register, June, 1979, No. 282, eff. 7-1-79; renum. from Ind 10.21, Register, July, 1980, No. 295, eff. 8-1-80.