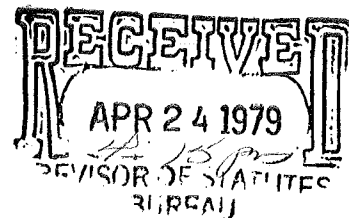


Ind 10

STATE OF WISCONSIN            )  
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DEPARTMENT OF INDUSTRY,    )  
LABOR AND HUMAN RELATIONS)

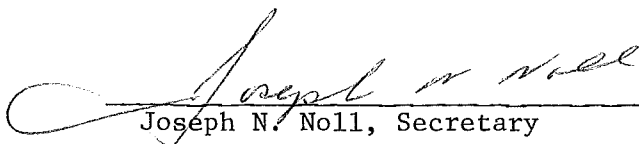


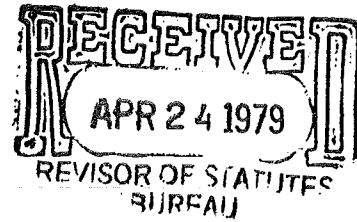
TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Joseph N. Noll, Secretary of the Department of Industry, Labor and Human Relations, and custodian of the official records of said department, do hereby certify that the attached rules to Wisconsin Administrative Code chapter Ind 10, Petroleum Products, were adopted by this department on 4/23/79.

I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at the Capitol, in the City of Madison, this 23rd day of April, A.D., 1979.

  
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Joseph N. Noll, Secretary



ORDER OF

DEPARTMENT OF INDUSTRY, LABOR AND HUMAN RELATIONS

Pursuant to authority vested in the Department of Industry, Labor and Human Relations by section 168.07, Wis. Stats., the Department of Industry, Labor and Human Relations hereby creates and adopts rules of Wisconsin Administrative Code chapter Ind 10--Petroleum Products.

The rules attached hereto shall become effective on the first day of the month following publication in the Wisconsin Administrative Register, as provided in section 227.026, Wis. Stats.

Note to Revisor: Following the index to Chapter Ind 10, create heading:

PART I--SPECIFICATIONS

Following section Ind 10.03, create heading:

PART II--CERTIFICATION OF PETROLEUM PRODUCT USERS

Sections Ind 10.12 through Ind 10.21 are created to read:

Ind 10.12 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.

Ind 10.13 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. Department means the department of industry, labor and human relations.

(3) Petroleum product user. A petroleum product user means a user who 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.

Ind 10.14 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 section Ind 10.16. The applicant shall designate the specific petroleum product categories for which certification is requested: gasoline, kerosene, fuel oils or diesel fuel oils.

Ind 10.15 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 Wis. Adm. Code section Ind 69.11 (2).

(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.

Ind 10.16 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. The petroleum products and respective tests are as follows:

(a) Gasoline.

1. Gravity test;
2. Distillation test;
3. Corrosion test;
4. Vapor pressure test;
5. Sulfur test;
6. Existent gum test.

(b) Kerosene.

1. Gravity test;
2. Distillation test;
3. Flash point.

(c) No. 1 and No. 2 fuel oil.

1. Gravity test;
2. Distillation test;
3. Flash point.

(d) No. 1 and No. 2 diesel fuel.

1. Gravity test;
2. Distillation test;
3. Flash point;
4. Calculated cetane index.

Note: The department will recognize the current American Society for Testing and Materials standard test methods, including reproducibility limits, for the following:

- D56 - Flash Point by Tag Closed Tester;
- D86 - Distillation of Petroleum Products;
- D93 - Test for Flash Point by Pensky-Martens Closed Tester;
- D130 - Detection of Copper Corrosion from Petroleum Products by the Copper Strip Tarnish Test;
- D287 - Gravity of Crude Petroleum and Petroleum Products;
- D323 - Vapor Pressure of Petroleum Products;
- D381 - Test for Existent Gum in Fuels by Jet Evaporation;
- D976 - Calculated Cetane Index of Distillate Fuels;
- D1266 - Test for Sulfur in Petroleum Products (Lamp Method); or
- D2622 - Test for Sulfur in Petroleum Products (X-Ray Spectrographic Method).

(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.

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

Ind 10.17 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.

Ind 10.18 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.

Ind 10.19 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.

Ind 10.20 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;
- (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.

Ind 10.21 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.