

CR 85-122

RULES CERTIFICATE

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STATE OF WISCONSIN)
) SS
DEPT. OF INDUSTRY,)
LABOR & HUMAN RELATIONS)

DEC 18 1985
8:20 am
Revisor of Statutes
Bureau

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Howard S. Bellman, Secretary of the Department of Industry, Labor and Human Relations, and custodian of the official records of said department, do hereby certify that the annexed rule(s) relating to Petroleum Products were duly approved and adopted by this department on 12/16/85.
(Subject) (Date)

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 8:30 am in the city of Madison, this 16th day of December A.D. 1985.

Howard S. Bellman
Secretary

ORDER OF ADOPTION

Pursuant to authority vested in the Department of Industry, Labor and Human Relations by section(s) 168.04, 168.07(2) & 168.16(4) Stats., the Department of Industry, Labor and Human Relations hereby creates; amends; repeals and recreates; and repeals and adopts rules of Wisconsin Administrative Code chapter(s):

Ind. ILHR 48 Petroleum Products
(Number) (Title)

The attached rules shall take effect on the first day of the month following
publication in the Wisc. Adm. Register, pursuant to section
227.026, Stats.

Adopted at Madison, Wisconsin, this 16th
day of December, A.D., 1985.

DEPARTMENT OF INDUSTRY, LABOR AND HUMAN RELATIONS
Howard S. Bellman
Secretary



RULES in FINAL DRAFT FORM

Rule: Chapter ILHR 48

Relating to: Petroleum Products Code

Clearinghouse Rule No.: 85-122

AN ORDER to repeal and recreate ss. ILHR 48.02 (1), 48.04 (1) (c), Table 48.04-B1, Table 48.05, Table 48.06, Table 48.07, 48.08, 48.10 (1); to create ss. ILHR 48.03 (6), (7), 48.04 (1) (d), B48.10 (1) (b), relating to the Petroleum Products Code.

ANALYSIS OF RULES

Pursuant to s. 168.04, Stats., the department periodically reviews and updates the rules of ch. ILHR 48 - Petroleum Products Code to address new product technologies, changes in testing standards and changes in Federal Law. The following is a brief summary of the proposed changes:

1. ILHR 48.02 (1) - Rules updated to be consistent with s. 168.15, Stats.;
2. ILHR 48.03 (6) and (7) - Rules updated to be consistent with s. 168.14, Stats.;
3. ILHR 48.04 (1) (c) - Rules updated to be consistent with current industry trends and federal regulations regarding gasoline-oxygenated (alcohol) fuels;
4. ILHR 48.04 (1) (d) - Rules for dispenser labeling and prevention of excessive alcohol blending are added;
5. ILHR 48.04 Table B1 - Rules updated to conform with Federal Environmental Protection Agency (EPA) specifications for lead and sulfur content;
6. ILHR 48.05 Table - ASTM Standards for 1-K kerosene (sulfur weight) are added;
7. ILHR 48.06 Table - ASTM Saybolt Viscosity specifications added to improve quality control testing for fuel oils;
8. ILHR 48.07 Table - ASTM Saybolt Kinetic Viscosity specifications are added to improve quality control testing for diesel fuel;
9. ILHR 48.08 (1) and (2) - Rules amended to comply with federal octane posting regulations; and
10. ILHR 48.10 (1) - Rules amended to clarify and update labeling requirements for petroleum product and gasoline/alcohol dispensing devices.

Pursuant to the authority vested in the state of Wisconsin Department of Industry, Labor and Human Relations by ss. 168.04, 168.07 (2) and 168.16 (4), Stats., the department hereby repeals and recreates, and creates rules interpreting ss. 168.04, 168.07 (2) and 168.16 (4), Stats., as follows:

SECTION 1. ILHR 48.02 (1) is repealed and recreated to read:

ILHR 48.02 (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.

SECTION 2. ILHR 48.03 (6) and (7) are created to read:

ILHR 48.03 (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.

ILHR 48.03 (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.

SECTION 3. ILHR 48.04 (1) (c) is repealed and recreated to read:

ILHR 48.04 (1) (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).

SECTION 4. ILHR 48.04 (1) (d) is created to read:

ILHR 48.04 (1) (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.

SECTION 5. Table 48.04-B1 is repealed and recreated to read:

TABLE 48.04-B1
REQUIREMENTS FOR AUTOMOTIVE GASOLINE

Test	Gasoline Volatility Class			ASTM Test Method <u>a/</u>
	C	D	E	
Distillation temperature deg F (deg C):				D86
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
Conventional	*	*	*	g/gal. use D2547, D2599 or D3237)
Corrosion (copper strip) (max.)	No. 1	No. 1	No. 1	D130
Existant gum (mg/100 ml, max.)	5	5	5	D381
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 (ES 5-79).

SECTION 6. Table 48.05 is repealed and recreated to read:

TABLE 48.05
CHEMICAL AND PHYSICAL REQUIREMENTS FOR
KEROSENE - K-1 and K-2

Property	Limit	ASTM TEST Method <u>a/</u>
Appearance:		
Color, min.	+16	D 156
Composition:		
Mercaptan sulfur, ppm max.	<u>3b/</u>	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

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

SECTION 7. Table 48.06 is repealed and recreated to read:

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.

SECTION 8. Table 48.07 is repealed and recreated to read:

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			
Minimum	1.3	1.9	D 2161 ^{f/}
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

^{a/}To meet special operating conditions, modifications of individual limiting requirements may be agreed upon between purchaser, seller, and manufacturer.

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

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

^{d/}Seasonal 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.

^{e/}1 cSt = 1 mm²/s.

^{f/}Conversion of kinetic viscosity to saybolt universal viscosity.

^{g/}Where 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.

SECTION 9. ILHR 48.08 is repealed and recreated to read:

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.

SECTION 10. ILHR 48.10 (1) is repealed and recreated to read:

ILHR 48.10 (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) Gasoline/alcohol dispensing device labels. 1. Except as provided in par. (c), any dispensing device used by retailers to dispense gasoline blended with more than one volume percent of alcohol shall be labeled to indicate that the gasoline contains alcohol and cosolvents. The labels shall identify the type and volume percent of alcohol and the volume percent of cosolvents with letters at least one inch in height and 1/4-inch in stroke.

2. The labels shall be visible on both faces of the dispensing device. No label may be placed so that the text is sideways or upside down.

Note: See Appendix A for further explanatory material.

3. Labels shall be of a contrasting color to that of the dispensing device.

4. No information other than that specified in this paragraph may be included on the label.

5. All labels 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.

6. Labels shall be maintained and replaced as needed to ensure visibility and readability.

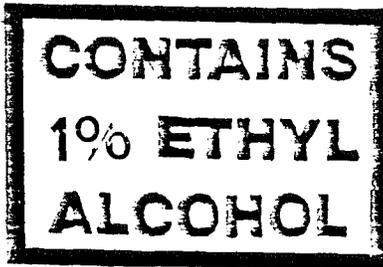
(c) Gasoline-oxygenate blends considered similar to gasoline and blended at the refinery in amounts allowed by the EPA and conforming to the standard specifications for gasoline under s. ILHR 48.04 (1) (b) may be sold with no identifying label.

SECTION 11. [Note to Revisor: Insert the following before the material currently in Appendix B:]

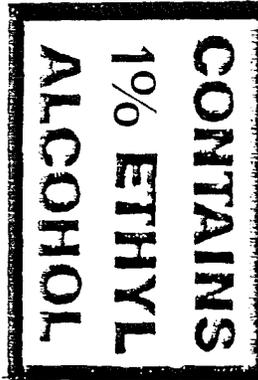
B48.08 (2) OCTANE LABELS. The following is a reprint of the FTC rules on octane labels:

SECTION 12. B48.10 (1) (b) is created to read:

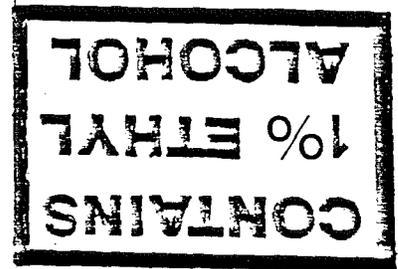
B48.10 (1) (b) Label orientation. The following diagrams illustrate the correct and incorrect placement of labels on the dispensing device:



Correct Placement



Incorrect Placement



Incorrect Placement

* * * * *

EFFECTIVE DATE

Pursuant to s. 227.026 (1) (intro.), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.

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The Wisconsin Department of Industry, Labor and Human Relations

December 16, 1985

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Madison, Wisconsin 53707
Telephone 608/266-7552

Gary Poulson
Assistant Revisor of Statutes
for Administrative Rules
411 West, State Capitol
Madison, Wisconsin

Douglas LaFollette
Secretary of State
Room 271, GEF-1
201 East Washington Avenue
Madison, Wisconsin

Dear Messrs. Poulson and LaFollette:

TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO. 85-122

RULE NO. Chapter ILHR 48

RELATING TO: Petroleum Products

Pursuant to section 227.023, Stats., agencies are required to file a certified copy of every rule adopted by the agency in the offices of the Secretary of State and the Revisor of Statutes.

At this time, the following material is being submitted to you.

1. Order of Adoption.
2. Rules Certificate Form.
3. Rules in Final Draft Form.

Pursuant to section 227.016 (6), Stats., a summary of the final regulatory flexibility analysis is also included.

Respectfully submitted,



Howard S. Bellman
Secretary

cc: Agency Contact Person