

# RULES CERTIFICATE

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

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, John T. Coughlin, 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 compressed natural gas and fees were duly approved and adopted by this department on October 13, 1988.  
*(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 10:00 a.m in the city of Madison, this 13th day of October A.D. 1988.

John T. Coughlin  
Secretary

RECEIVED

OCT 14 1988  
3:30 pm  
Revisor of Statutes  
Bureau

# ORDER OF ADOPTION

Pursuant to authority vested in the Department of Industry, Labor and Human Relations by section(s) 101.02, 101.14, 101.16 and 101.19, Stats., the Department of Industry, Labor and Human Relations  creates;  amends;  repeals and recreates;  repeals and adopts rules of Wisconsin Administrative Code chapter (s):

ILHR 13 and Ind 69 (Number) Compressed Natural Gas and Fee Schedule (Title)

The attached rules shall take effect on the first day of the month following publication in the Wisconsin Admin. Register, \_\_\_\_\_ pursuant to section 227.22, Stats.

Adopted at Madison, Wisconsin, this

date: October 13, 1988

DEPARTMENT OF INDUSTRY, LABOR AND HUMAN  
RELATIONS

  
Secretary

RECEIVED

OCT 14 1988

Revisor of Statutes



# RULES in FINAL DRAFT FORM

**Rule:**           Chapters ILHR 13 and Ind 69          

**Relating to:**           Compressed Natural Gas Code and Associated Fees          

**Clearinghouse Rule No.:**           86-132

AN ORDER to amend Ind 69.10 (title), (1) and Table 69.10 and to create ch. ILHR 13, relating to compressed natural gas.

\*\*\*\*\*

ANALYSIS OF RULES

The proposed rules create a new Wisconsin Administrative code chapter to regulate the installation, operation, use and maintenance of compressed natural gas equipment and systems.

The basis of the chapter is the adoption by reference of the newly published National Fire Protection Association Standard No. 52-1984 - Compressed Natural Gas (CNG) Vehicular Fuel Systems.

The proposed chapter was developed in conjunction with the Liquefied Petroleum/Natural Gas Sub-Committee and the Wisconsin Fire Prevention Council. The members of the sub-committee and council are as follows:

Liquefied Petroleum/Natural Gas Sub-Committee

Jeffrey Amo	Wis. Fire Insp. Association
Kingsley Forbes	Wisconsin LP Gas Association
William M. Huegel	Wisconsin Gas Company
Kay Lamson	American Tank Company
Robert Marsden	Wisconsin LP Gas Association
Shirley Noltemeyer	Div. of Safety & Bldgs., DILHR
Peter Westra	Beaver Dam Fire Department

Wisconsin Fire Prevention Council

Jeffrey Amo	Wis. Fire Insp. Association
David Berenz	Wis. AFL-CIO
John R. Bingham	Prof. Firefighters of Wis.
Paul S. Bodeau	Wis. Assoc. of Mfg. & Commerce
Edward Ciechanowski	Wis. Bldg. Insp. Association
Kingsley Forbes	Wis. LP Gas Association
Karl Kearns	Wis. State Fire Chiefs Assoc.
James McLaughlin	Wis. Ch. Society of Fire Protection Engineers
Vacant	Wis. League of Women Voters (Public)
Vacant	Wis. Petroleum Council

Pursuant to the authority vested in the state of Wisconsin, Department of Industry, Labor and Human Relations by ss. 101.02 (1), 101.02 (15) (h) to (j), 101.14 (1) (a), 101.16 (2) and 101.19 (1) (a), (b), (d), and (g), Stats., the department hereby amends and creates rules interpreting ss. 101.02 (15) (h) to (j), 101.14 (1) (a), 101.16 (2) and 101.19 (1) (a), (b), (d), and (g), Stats., as follows:

SECTION 1. Ch. ILHR 13 is created to read:

Chapter ILHR 13  
Compressed Natural Gas

Subchapter I - Purpose and Application

ILHR 13.001 Purpose

ILHR 13.002 Application

Subchapter II - Definitions

ILHR 13.01 Definitions

Subchapter III - Administration and Enforcement

ILHR 13.10 Approval of Proposed Design, Construction, Location,  
Installation, Operation, Use, Repair and Maintenance of  
Compressed Natural Gas Facilities

ILHR 13.11 Revocation of Approval

ILHR 13.12 Departmental Limitation and Expiration of Plan Approval

ILHR 13.13 Enforcement and Inspections

ILHR 13.14 Fees

ILHR 13.15 Appeals

ILHR 13.16 Petition for Variance

ILHR 13.17 Penalties

Subchapter IV - Standards

ILHR 13.20 Adoption of Standards by Reference

ILHR 13.21 Design, Construction, Location, Installation, Operation, Use,  
Repair and Maintenance of Compressed Natural Gas Facilities

## Subchapter I - Purpose and Application

ILHR 13.001 PURPOSE. The purpose of this chapter is to provide safe design, construction location, installation, operation, use, repair, and maintenance of compressed natural gas equipment and systems.

ILHR 13.002 APPLICATION. (1) GENERAL. The rules of this chapter shall apply to the design, construction, location, installation, operation, use, repair and maintenance of equipment for the storage, handling and use of compressed natural gas in public buildings and places of employment.

Note: In addition to the requirements of this chapter, all frequenters and employers in public buildings and places of employment and employes in public sector places of employment are protected by the provisions of chapter Ind 1000-2000 - Safety and Health Code; employes in private sector places of employment are protected by the regulations of 29 CFR 1910, OSHA 2206, Revised March 11, 1983, of the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA).

(2) EXCEPTION. (a) The rules of this chapter do not apply to 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, Wis. Adm. Code.

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, Wis. Adm. Code and the Natural Gas Pipeline Safety Act of 1968 (49USC1675, 49CFR192 - et. seq.).

(b) The rules of this chapter do not apply to the transportation of compressed natural gas.

## Subchapter II - Definitions

ILHR 13.01 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 pressure vessel or cylinder used to store compressed natural gas.

(3) "Department" means the department of industry, labor and human relations.

(4) "Place of employment" means 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 farming.

(5) "Public building" means any structure, including exterior parts of the 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.

Subchapter III - Administration and Enforcement

ILHR 13.10 APPROVAL OF PROPOSED DESIGN, CONSTRUCTION, LOCATION, INSTALLATION, OPERATION, USE, REPAIR AND MAINTENANCE OF COMPRESSED NATURAL GAS FACILITIES. (1) DEPARTMENTAL APPROVAL OF PLANS. At least 3 sets of plans, which are clear, legible and permanent copies, and one copy of specifications and complete information shall be submitted to the department for examination and approval before commencing construction on any compressed natural gas facility installation.

(2) PLANS, SPECIFICATIONS AND INFORMATION. Plans, specifications and information submitted to the department for review and approval shall contain the following:

(a) The name of the owner; the name of the person, firm or corporation proposing the construction or installation, if other than the owner; the address of the facility including the names of adjacent streets and highways;

(b) A plot plan 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 construction of each building and any stream or body of water within 150 feet of the containers shall also be indicated;

(c) The location, size and capacity of each container;

(d) The type of container supports, clearances, type of safety relief valves used and combined capacity of all safety relief valves on each container, vaporizer and similar component; and

(e) Pertinent information with regard to the design, construction and operation of the specific facility to demonstrate compliance with the rules of this chapter.

(3) ADDITIONAL APPROVAL. Approval of plans is based upon compliance with the requirements of this chapter. Storage, handling and use of compressed natural gas may be subject to compliance with additional requirements in applicable codes, local zoning and similar ordinances.

(4) APPLICATION FOR APPROVAL. Each application for approval shall be submitted to the department in writing, together with the plans and information specified in sub. (2) and the fees specified in s. ILHR 13.14.



(a) If, upon examination, the department determines that the plans and the application for approval substantially conform to the provisions of this chapter, a conditional approval in writing, shall be granted. All conditions requiring compliance stated in the conditional approval shall be corrected before or during construction or erection. A conditional approval issued by the department may not be construed as an assumption of any responsibility for the design or construction of a compressed natural gas facility.

(b) If the department determines that the plans or application do not substantially conform to the provisions of this chapter, the application for conditional approval shall be denied, in writing.

(5) APPLICATION PROCESSING TIME. The department shall process all applications and shall approve, conditionally approve or deny the application in writing within 15 working days of receipt of the application.

ILHR 13.11 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.

ILHR 13.12 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.

ILHR 13.13 ENFORCEMENT AND INSPECTIONS. (1) ENFORCEMENT. The rules in 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) INSPECTIONS. Inspections shall be conducted during or after construction or installation by an authorized representative of the department or by local officials having jurisdiction to ascertain whether or not the construction or installations conform to the conditionally approved plans, the conditional approval letter, and the provisions of this chapter.

ILHR 13.14 FEES. Fees shall be submitted to the department as specified in s. Ind 69.10. Fees shall be submitted at the time the application for approval is submitted. No plan examinations, approvals or inspections shall be made until the fees are received.

ILHR 13.15 APPEALS. As specified in s. 227.015, Stats., any municipality, corporation or any 5 or more persons having an interest in the rule may appeal to the department requesting the adoption, amendment or repeal of the rule.

ILHR 13.16 PETITION FOR VARIANCE. (1) PROCEDURE. The department may consider and may grant a variance to an administrative rule upon receipt of a fee, a completed petition for variance form from the owner and a position statement from the fire department having responsibility, provided an equivalency is established in the petition for variance which meets the intent of the rule being petitioned. 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 shall constitute a violation of this chapter.

(2) PETITION PROCESSING TIME. Except for petitions for which the owner has required priority processing, 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 1: See Appendix for an example of the Petition for Variance Form (form SB-8) and the Fire Department Position Statement Form (form SB-8A).

Note 2: Section 101.02 (6), Stats., and ch. ILHR 3 - Petition for Variance, outlines the procedure for submitting petitions to the department and the department's procedures for hearing petitions.

ILHR 13.17 PENALTIES. Penalties for violations shall be assessed in accordance with s. 101.02 (13), Stats.

Note 1: Section 101.02 (13) (a), Stats., indicates penalties will be assessed against any employer, employe, 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 judgement or decree made by anyone in connection with ss. 101.01 to 101.25, Stats. For each such violation, failure or refusal, such employe, owner or other person must forfeit and pay into the state treasury a sum not less than \$10.00 nor more than \$100.00.

Note 2: Section 101.02 (12), Stats., indicates that every day during which any person, persons, corporation, or any officer, agent or employe thereof, fails to observe and comply with an order of the department will constitute a separate and distinct violation of such order.

#### Subchapter IV - Standards

ILHR 13.20 ADOPTION OF STANDARDS BY REFERENCE. (1) CONSENT TO INCORPORATE. Pursuant to s. 227.025, Stats., the attorney general and the revisor of statutes have consented to the incorporation by reference of the National Fire Protection Association Standard for Compressed Natural Gas (CNG) Vehicular Fuel Systems, NFPA No. 52-1984.

(2) INTERIM AMENDMENTS. Interim amendments of the standard shall have no effect in the state until such time as this section is correspondingly revised to reflect those changes.

(3) AVAILABILITY OF STANDARD. Standards of the National Fire Protection Association may be obtained by writing to Publications Sales Department, National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269.

(4) FILING OF STANDARD. Copies of the standard in reference are on file in the offices of the department, the secretary of state and the revisor of statutes.

ILHR 13.21 DESIGN, CONSTRUCTION, LOCATION, INSTALLATION, OPERATION, USE, REPAIR AND MAINTENANCE OF COMPRESSED NATURAL GAS FACILITIES. All compressed natural gas facilities shall be designed, constructed, located, installed, operated, used, repaired and maintained as specified in the National Fire Protection Association Standard NFPA 52-1984 - Standard for Compressed Natural Gas (CNG) Vehicular Fuel Systems.

APPENDIX

The material contained in this Appendix is for clarification only. The notes, illustrations, forms, etc., are numbered to correspond to the number of the rule as it appears in the text of the chapter.

A13.16 - Petitions for Variance. The following forms (SB-8 and SB-8A) are referred to in this section. Copies of these forms are available from the Division of Safety and Buildings, P.O. Box 7969, Madison, Wisconsin 53707.

PETITION FOR VARIANCE  
OF A RULE IN THE  
WISCONSIN ADMINISTRATIVE CODE

WISCONSIN DEPARTMENT OF  
INDUSTRY, LABOR AND HUMAN RELATIONS  
DIVISION OF SAFETY & BUILDINGS  
P.O. BOX 7969, MADISON, WI 53707

OFFICE USE ONLY
Petition No.
E-Number
E-

Name of Owner	Building Occupancy or Use	Agent, Architect or Engineering Firm
Company	Tenant Name, if any	Street & No.
Street & No.	Building Location, Street & No.	City State & Zip
City State & Zip	City County	Phone
Phone	Plan Number(s) IF KNOWN	Name of Contact Person

1. Rule \_\_\_\_\_ of the Wisconsin Administrative code cannot be entirely satisfied because:

-----  
-----  
-----

2. In lieu of complying exactly with the rule, the following alternative is proposed as a means of providing an equivalent degree of safety:

-----  
-----  
-----

3. Supporting arguments are:

-----  
-----  
-----

**VERIFICATION BY OWNER - PETITION IS VALID ONLY IF NOTARIZED**

For Fee Information See ILHR 69.15 or Contact The Department at (608)-267-7843

NOTE: Petitioner must be building owner. Tenants, agents, designers, contractors, attorneys, etc. may not sign petition unless a Power of Attorney is submitted with the Petition.

\_\_\_\_\_ being duly sworn, I state as petitioner; that I have read  
(NAME of PETITIONER Please type/print)  
the foregoing petition, that I believe it to be true and I have significant ownership rights in the subject building.

\_\_\_\_\_  
Signature of Owner

Subscribed and sworn to me this date: \_\_\_\_\_

\_\_\_\_\_ County, Wisconsin.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

OFFICE USE ONLY		
Date Received	Amount Paid	Receipt No.
Department Action		
Office of The Secretary		Date

POSITION STATEMENT:

To be compiled by  
Chief of Fire Department

WISCONSIN DEPARTMENT OF  
INDUSTRY, LABOR AND HUMAN RELATIONS  
DIVISION OF SAFETY & BUILDINGS  
P.O. BOX 7969 MADISON WI 53707

Name of Owner	Building Occupancy or Use	Agent, Architect or Engineering Firm
Company	Tenant Name, if any	Street & No.
Street & No.	Building Location, Street & No.	City State & Zip
City State & Zip	City County	Phone

1. I have read the petition for variance of rule:

2. I recommend (Check appropriate box)	Denial	Approval	Conditional Approval	No Comment*
---	--------	----------	----------------------	-------------

3. Explanation for Recommendation:

\* If desired, Fire Departments may indicate "No Comment" on non-fire safety issues such as sanitary, energy conservation, structural, barrier free environments, etc.

4.  I find no conflict with local rules and regulations  
 I find that the petition is in conflict with local rules and regulations

Explanation

Signature of Fire Chief	Date
-------------------------	------

PLEASE COMPLETE AND SUBMIT PROMPTLY TO DEPARTMENT OF INDUSTRY, LABOR AND HUMAN RELATIONS AT THE ADDRESS SHOWN ABOVE.

SECTION 2. Ind 69.10 (title), (1) and Table 69.10 are amended to read:

Ind 69.10 STORAGE TANKS: FLAMMABLE AND COMBUSTIBLE LIQUIDS, LIQUEFIED PETROLEUM GAS, LIQUEFIED NATURAL GAS, AND COMPRESSED NATURAL GAS. (1) Fees for the examination of plans and site inspections for tanks used for the storage of flammable and combustible liquids, liquefied petroleum gas ~~and~~, liquefied natural gas and compressed natural gas shall be determined in accordance with Table 69.10.

Table 69.10

Type of Examination or Inspection	Fee
<b>FLAMMABLE LIQUID TANKS OR COMBUSTIBLE LIQUID TANKS OR BOTH</b>	
Under 5,000 gallons . . . . .	(no State examination or inspection fee required; local Fire Department approval required)
5,000 to 100,000 gallons	
Plan examination fee . . . . .	\$.32.00 per tank
Site inspection fee . . . . .	\$.43.00 per tank
Over 100,000 gallons	
Plan examination fee . . . . .	\$.43.00 per tank
Site inspection fee . . . . .	\$.43.00 per tank
<b>LIQUEFIED PETROLEUM OR NATURAL GAS</b>	
125 to 1,999 gallon water capacity tank . . . . .	(no State examination or inspection fee required; local Fire Department approval required)
2000 gallon water capacity and above	
Plan examination fee . . . . .	\$.43.00 per tank
Site inspection fee . . . . .	\$.43.00 per tank
<b>COMPRESSED NATURAL GAS</b>	
Plan examination fee . . . . .	\$.43.00 per tank
Site inspection fee . . . . .	\$.43.00 per tank
<b>PLAN REVISIONS</b>	
Plan revision examination fee . . . . .	\$.22.00 per revised plan



\*\*\*\*\*

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.

\*\*\*\*\*

# ADMINISTRATIVE RULES

Date 26 August 1988

The committee on LABOR, BUSINESS, INSURANCE, VETERANS AND MILITARY AFFAIRS

CLEARINGHOUSE  
RULE 86-132

(Submitted by the Department of Industry,  
Labor and Human Relations) AN ORDER. . .  
relating to compressed natural gas.

NO ACTION TAKEN.

  
JEROME VAN SISTINE, Chairperson

RECEIVED

SEP 23 1988

SAFETY & BUILDINGS



State of Wisconsin \ Department of Industry, Labor and Human Relations

RECEIVED

OCT 13 1988

Revisor of Statutes  
Bureau

Office of the Secretary  
201 E. Washington Avenue  
P.O. Box 7946  
Madison, Wisconsin 53707  
Telephone 608/266-7552

October 13, 1988

Gary Poulson  
Assistant Revisor of Statutes  
Suite 904  
30 West Mifflin Street  
Madison, Wisconsin 53703

Douglas LaFollette  
Secretary of State  
Room 271, GEF-1  
201 East Washington Avenue  
Madison, Wisconsin 53702

Dear Messrs. Poulson and LaFollette:

TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO. 86-132

RULE NO. Chapter ILHR 13 and Ind 69

RELATING TO Compressed Natural Gas Code and Associated Fees

Pursuant to section 227.20, Stats., agencies are required to file a certified copy of every rule adopted by the agency with 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 227.114, Stats., a summary of the final regulatory flexibility analysis is also included.

Respectfully submitted,

*John T. Coughlin*

John T. Coughlin  
Secretary