



CR 92-61

State of Wisconsin | DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

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STATE OF WISCONSIN )  
 )  
DEPARTMENT OF NATURAL RESOURCES )      ss

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Bruce B. Braun, Deputy Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. AM-15-92 was duly approved and adopted by this Department on August 20, 1992. 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 here-  
unto set my hand and affixed the  
official seal of the Department at  
the Natural Resources Building in  
the City of Madison, this 2nd  
day of December, 1992.

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*Bruce B. Braun*  
Bruce B. Braun, Deputy Secretary

(SEAL)

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DEC 7 1992

ORDER OF THE STATE OF WISCONSIN  
NATURAL RESOURCES BOARD  
RENUMBERING, AMENDING AND CREATING RULES

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.....  
IN THE MATTER of renumbering ss. NR 494.025 and  
494.03, amending ss. NR 420.04(2)(a)2. and (3)(a)2.,  
439.06(3)(c), 484.05(1) and 484.06(2)(intro.) and  
creating ss. NR 420.02(8m), (24m), (32m), (38m) and  
(39m), 420.045, 425.03(11) and 425.035, 439.06(3)(i),  
484.06(2)(u) and (v) and 494.04 of the Wisconsin  
Administrative Code pertaining to the regulation of  
organic compound emissions.  
.....

AM-15-92

Authorizing statutes: ss. 144.31(1)(a), 144.38, 144.405(3) and 227.11(2)(a)  
Stats.

Statutes interpreted: ss. 144.405(3) and (4), 144.423(2), Stats.

These rules are created to require the use of Stage 2 vapor recovery systems  
at gasoline dispensing facilities during fueling of motor vehicles to control  
volatile organic compound emissions. Additionally, Stage 1 vapor recovery  
requirements will be expanded to include Door & Kewaunee counties.

The department is proposing to incorporate by reference certain standards  
promulgated by the California Air Resources Board. Consent of the Attorney  
General and the Revisor of Statutes for this incorporation by reference is  
being requested.

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SECTION 1. NR 420.02(8m), (24m), (32m), (38m) and (39m) are created to read:

NR 420.02(8m) "California air resources board certified" means a vapor  
recovery system or system component that has been certified by the California  
air resources board pursuant to section 41954 of the California health and  
safety code.

(24m) "Liquid tight" means having a liquid leak rate not exceeding .10  
gallons per hour when measured with a +/- 5% accuracy.

(32m) "Top off" means to attempt to dispense more gasoline to a motor  
vehicle fuel tank after the vapor recovery dispensing nozzle has shut-off.

(38m) "Vapor recovery assist system" means a vapor control system which employs a pump, blower or other vacuum inducing device to collect or process vapors generated during motor vehicle fueling operations.

(39m) "Vapor tight" means having the detection of less than 10,000 ppm hydrocarbon concentration, as determined by Method 21 in Appendix A of 40 C.F.R. part 60, incorporated by reference in ch. NR 484, at a distance of one inch from the source.

SECTION 2. NR 420.04(2)(a)2. and (3)(a)2. are amended to read:

NR 420.04(2)(a)2. Bulk plant uploading facilities, the delivery vessels receiving gasoline from bulk plants, and the operation of transferring gasoline from bulk plant to delivery vessel when the transfer takes place outside the counties of Brown, Calumet, Dane, Dodge, Door, Fond du Lac, Jefferson, Kenosha, Kewaunee, Manitowoc, Milwaukee, Outagamie, Ozaukee, Racine, Rock, Sheboygan, Walworth, Washington, Waukesha and Winnebago or when the gasoline is delivered exclusively to facilities exempted from the requirements of sub. (3) by sub. (3)(a)1., 2, 3, 4, 5 or 6. However, this subsection does apply if gasoline transferred during the ozone season to a delivery vessel whose last previous delivery was to a gasoline dispensing facility (either inside or outside Wisconsin) which is required to have a vapor balance system.

(3)(a)2. Gasoline dispensing facilities located outside the counties of Brown, Calumet, Dane, Dodge, Door, Fond du Lac, Jefferson, Kenosha, Kewaunee, Manitowoc, Milwaukee, Outagamie, Ozaukee, Racine, Rock, Sheboygan, Walworth, Washington, Waukesha and Winnebago.

SECTION 3. NR 420.045 is created to read:

NR 420.045 MOTOR VEHICLE FUELING. (1) APPLICABILITY AND EXEMPTIONS. (a) Applicability. This section applies to all gasoline dispensing facilities located in the counties of Kenosha, Kewaunee, Manitowoc, Milwaukee, Ozaukee, Racine, Sheboygan, Washington and Waukesha which dispense more than 10,000 gallons of gasoline per month except as specified in pars. (b), (c) and (d).

(b) Non-highway vehicle exemption. The provisions of this section do not apply to any gasoline dispensing equipment that is used exclusively for fueling marine vehicles, aircraft or snowmobiles.

(c) Throughput exemption. A gasoline dispensing facility is exempt from the requirements of this section if the facility never dispenses greater than 10,000 gallons of gasoline per month, on average, for any 24 month period beginning with calendar years 1991 and 1992. The calculation of the average monthly quantity of gasoline dispensed at a facility may not include any period of time when the facility was non-operational. The owner or operator of such a gasoline dispensing facility shall comply with the reporting requirements of sub. (10).

(d) Independent small business marketer exemption. 1. A gasoline dispensing facility is exempt from the requirements of this section if all of the following criteria in this subdivision are met:

a. The gasoline dispensing facility never dispenses greater than 50,000 gallons of gasoline per month, on average, for any 24 month period beginning with calendar years 1991 and 1992. The calculation of the average monthly quantity of gasoline dispensed at a facility may not include any period of time when the facility was non-operational;

b. The owner of the facility complies with the reporting requirements in sub. (10); and

c. The owner of the facility is able to demonstrate to the satisfaction of the department that the owner is an independent small business marketer.

2. For purposes of this paragraph, an independent small business marketer of gasoline is a person engaged in the marketing of gasoline who would be required to pay for procurement and installation of vapor recovery equipment under this section, unless the person meets one of the following criteria:

a. The person is a refiner;

b. The person controls, is controlled by, or is under common control with a refiner;

c. The person is directly or indirectly affiliated with a refiner or with a person who controls, is controlled by, or is under common control with a refiner (unless the sole affiliation is by means of a supply contract or an agreement or contract to use a trademark, trade name, service mark, or other identifying symbol or name owned by the refiner or any person); or

d. The person receives less than 50% of the person's annual income from refining or marketing of gasoline.

3. For the purpose of this paragraph, the term "refiner" does not include any refiner whose total refinery capacity, including the refinery capacity of any person who controls, is controlled by, or is under common control with, the refiner does not exceed 65,000 barrels per day.

4. For purposes of this paragraph, "control" of a corporation means ownership of more than 50% of the stock of the corporation.

(e) Exceeding thresholds. Any gasoline dispensing facility which exceeds an applicable gallons of gasoline per month threshold established in par. (c) or (d) for any 24 month period after calendar years 1991 and 1992 is subject to this section and shall comply with the requirements of s. NR 425.035 for reporting throughput and for installing and beginning operation of a vapor recovery system.

(2) VAPOR CONTROL REQUIREMENTS. (a) No owner or operator of a gasoline dispensing facility may permit gasoline to be dispensed from a stationary storage tank to a motor vehicle fuel tank unless the owner or operator has installed on the dispensing equipment a vapor recovery system which meets the requirements of subs. (3) and (4).

(b) If a tag or notice prohibiting operation has been placed on dispensing equipment under s. NR 494.04, no person may dispense gasoline from the dispensing equipment until the tag or notice is removed by or at the written direction of the department. No person may remove a tag or notice placed on dispensing equipment under s. NR 494.04 unless the department directs the person, in writing, to remove it. The owner or operator of the dispensing facility shall notify the department in writing that the dispensing equipment which was tagged has been repaired.

(3) APPROVAL OF VAPOR RECOVERY SYSTEMS. The department may approve the installation and operation of a vapor recovery system if it meets all of the following criteria:

(a) The type of vapor recovery system is certified by the California air resources board to achieve 95% vapor recovery;

Note: A vapor recovery system must have a vapor control system which meets the requirements of s. NR 420.04(3) in order to be certified as 95% efficient by the California air resources board.

(b) The vapor recovery system uses only coaxial vapor recovery hoses;

(c) The vapor recovery system does not use remote check valves; and

(d) The vapor recovery system has been tested in accordance with sub. (7), and has been demonstrated to function properly in these tests.

(4) OPERATION REQUIREMENTS. An owner or operator of a gasoline dispensing facility shall do all of the following:

(a) Demonstrate proper functioning of the vapor recovery system in the most recent vapor recovery system tests required under sub. (7).

(b) Maintain the vapor recovery system such that it is free of any of the following defects:

1. Any component required to be used in the California air resources board system certification which is absent or disconnected;

2. A vapor recovery hose or return line which is crimped or flattened such that the vapor passage is blocked, torn such that vapors can escape, or malfunctioning such that the pressure drop through the vapor hose or return line exceeds by a factor of 2 or more the requirements in the California air resources board certification;

3. A nozzle boot which is torn in one or more of the following manners:

a. Triangular-shaped or similar tear 1/2 inch or more on a side, or a hole 1/2 inch or more in diameter.

b. Slit one inch or more in length.

4. Faceplate of flexible cone which is damaged in the following manner:

a. The capability of the faceplate to achieve a seal with a fill pipe interface is affected for one-fourth of the circumference of the faceplate.

b. Facecones which have more than one-fourth of the cone missing.

5. Nozzle shutoff mechanisms which malfunction in any manner;

6. Vapor processing unit which is inoperative or severely malfunctioning;

7. Vacuum producing device which is inoperative or severely malfunctioning;

8. Pressure/vacuum relief valves, vapor check valves or dry breaks which are inoperative;

9. Any vapor recovery equipment which is not liquid tight and vapor tight;

10. Any equipment defect identified in the California air resources board system certification as substantially impairing the effectiveness of the system in reducing air contaminants; and

11. Any other defect not specifically identified which may reduce by 10% or more the vapor recovery efficiency of the vapor recovery system.

(5) EMPLOYEE TRAINING. (a) Training requirement. The owner or operator of a gasoline dispensing facility shall ensure that at least one employee of the gasoline dispensing facility receives department approved training. Department approved training shall consist of at least 6 hours of instruction which includes all of the following elements:

1. Purposes and effects of the vapor recovery system;

2. Equipment operation and functions specific to the vapor recovery system installed at the facility;



3. Maintenance schedules and procedures for maintaining the vapor recovery equipment installed at the facility;
4. Warranties applicable to the vapor recovery equipment;
5. Equipment manufacturer contacts including names, addresses and phone numbers, for parts and service; and

Note: This requirement may also be met if the trained employee is familiar with the names, addresses and phone numbers of company staff who are responsible for maintenance of the vapor recovery system.

6. The requirements of subs. (4) and (6) for operating and maintaining the vapor recovery system.

(b) Training schedule. The training required under par. (a) shall be completed according to the following schedule:

1. Initial training shall be completed within 45 days of the final compliance date specified in s. NR 425.035(3) for the gasoline dispensing facility.

2. If the only employee who has received training under par. (a) terminates employment at the facility, training of another employee shall be completed no later than 45 days after the departure of the trained employee.

3. If the gasoline dispensing facility changes the type of vapor recovery system which is in use at the facility, new training or retraining of an employee under par. (a) shall be completed before start-up of the new vapor recovery system.

(6) EQUIPMENT MAINTENANCE. (a) Weekly inspections. The owner or operator of a gasoline dispensing facility shall ensure that weekly equipment inspections are conducted. The weekly inspection shall include all of the following:

1. A visual inspection of refueling of motor vehicles to ensure that the flow shut-off mechanisms are working properly;

2. An inspection of all boots, hoses, facecones and faceplates for tears or rips;

3. A visual inspection of all dispensing equipment for any gasoline leaks; and

4. An inspection of all gasoline delivery nozzles for tightness and bends which may impede vapor recovery.

(b) Marking of non-compliant equipment. The owner or operator of a gasoline dispensing facility shall mark "out-of-service" and cease use of any dispensing equipment which has a defect listed in sub. (4)(b).

(c) Equipment replacement. The owner or operator of a gasoline dispensing facility shall replace any defective part of the dispensing equipment only with a part which is certified by the California air resources board for use in the vapor recovery system which is in use at the facility.

(7) COMPLIANCE TESTING. (a) Vapor recovery balance systems. The owner or operator of a gasoline dispensing facility which has installed a vapor recovery balance system shall test the vapor recovery system according to the following schedule:

1. Complete initial compliance testing prior to the final compliance date specified in s. NR 425.035(3) for the gasoline dispensing facility. The testing shall include all of the following:

a. A leak test on the complete vapor recovery system; and

b. A liquid blockage and dynamic backpressure test on each vapor recovery nozzle.

2. Conduct an annual compliance test on the vapor recovery system within 60 days of the anniversary date of the initial compliance tests required under subd. 1. The annual testing shall include all of the following:

- a. A leak test on the complete vapor recovery system; and
- b. A dynamic backpressure test on each vapor recovery nozzle.

3. At intervals of 5 years after the initial compliance test required under subd. 1., the annual test required under subd. 2. shall include all the tests required under subd. 1.

(b) Vapor recovery assist systems. The owner or operator of a gasoline dispensing facility which has installed a vapor recovery assist system shall test the vapor recovery system according to the following schedule:

1. Complete initial compliance testing prior to the final compliance date specified in s. NR 425.035(3) for the gasoline dispensing facility. The testing shall include all of the following:

- a. A leak test on the vapor recovery system; and
- b. A liquid blockage test on each vapor recovery nozzle.

2. Conduct an annual compliance test on the vapor recovery system within 60 days of the anniversary date of the initial compliance tests required under subd. 1. The annual testing shall consist of a leak test on the complete vapor recovery system.

3. At intervals of 5 years after the initial compliance test required under subd. 1., the annual test required under subd. 2. shall include all the tests required under subd. 1.

(c) Testing procedures. All testing required under this subsection shall be performed in accordance with ss. NR 439.06(3)(i) and 439.07.

(8) RECORDKEEPING. The owner or operator of a gasoline dispensing facility shall maintain the records specified in this subsection in a manner acceptable to the department. Except as noted in pars. (e) and (f), these records shall be maintained on the facility premises for a minimum of 3 years and shall be made available upon request to an authorized department representative at any time during normal working hours. The records to be maintained are:

(a) Any and all department approvals or permits which are necessary for the operation of the facility or the vapor recovery system;

(b) A maintenance and inspection log which includes all of the following:

1. Name of the person who conducted the compliance inspection.
2. Date of the compliance inspection.
3. Identity of any part of the vapor recovery system which has a defect listed in sub. (4)(b).
4. Date of repair of the defective part; and
5. The manufacturer and manufacturer's identification number of any part used to replace any defective part.

(c) Results of the compliance tests required under sub. (7);

(d) All compliance records, including warnings and notices of violation, issued by the department;

(e) A permanent record which demonstrates that the training required under sub. (5) has been completed. This record shall consist of a document signed by the employee trained under sub. (5) which contains all of the following:

1. The name of the employee who received training;

2. The dates on which the employee received training;
3. A list of the areas in which the employee has received training; and
4. The amount of time, in hours, that the employee spent in receiving the training identified in subd. 3.; and

(f) The quantity of gasoline dispensed at the facility on a monthly basis. This record shall be made available to the department within 15 days of the receipt of a request for the record. This record is not required to be maintained on the facility premises.

(9) POSTING. The owner or operator of a gasoline dispensing facility shall post clear and legible instructions for the operation of the vapor recovery equipment on each dispenser. These instructions shall contain, at a minimum, the following elements:

- (a) How to operate the vapor recovery nozzle.
- (b) A warning to not top off the fuel tank.
- (c) The phone number of a department representative to whom questions on the vapor recovery equipment may be directed.

(10) REPORTING. The owner or operator of a gasoline dispensing facility which claims exemption from meeting the requirements of this section by use of sub.(1)(c) or (d), and which has at least 2000 gallons of stationary gasoline storage tank capacity, shall, beginning in 1993, submit an annual report to the department by March 1 of each year for gasoline dispensed during the preceding year. These annual reports shall contain, at a minimum, all of the following:

- (a) The quantity of gasoline dispensed at the facility during each month of operation for the preceding calendar year; and
- (b) Any period of time that the facility was non-operational during the preceding calendar year.

SECTION 4. NR 425.03(11) is created to read:

NR 425.03(11) BULK GASOLINE PLANTS AND GASOLINE DISPENSING FACILITIES IN DOOR AND KEWAUNEE COUNTIES. (a) This subsection applies only to bulk gasoline plants and gasoline dispensing facilities located in Door or Kewaunee county on which construction or last modification commenced before November 15, 1992, and which are required to comply with the requirements of s. NR 420.04(2) or (3).

(b) The owner or operator of any bulk gasoline plant subject to the requirements of s. NR 420.04(2) shall:

1. Notify the department in writing by July 1, 1993, of the affected facility, the storage capacity of each stationary tank, in gallons, located at the facility, the material stored in each stationary storage tank and the yearly throughput of gasoline at the facility for the calendar years 1990, 1991 and 1992; and

2. Achieve final compliance with s. NR 420.04(2) no later than November 15, 1994.

(c) The owner or operator of any gasoline dispensing facility subject to the requirements of s. NR 420.04(3) shall:

1. Notify the department in writing by July 1, 1993, of the affected facility, the storage capacity of each stationary storage tank, in gallons, located at the facility, and the material stored in each stationary storage tank.

2. Achieve final compliance with the requirements of s. NR 420.04(3) no later than November 15, 1994.

SECTION 5. NR 425.035 is created to read:

NR 425.035 THROUGHPUT REPORTING AND COMPLIANCE SCHEDULES FOR MOTOR

VEHICLE FUELING. (1) APPLICABILITY. This section applies only to owners or operators of gasoline dispensing facilities which are subject to s. NR 420.045.

(2) THROUGHPUT REPORTING. The owner or operator of a gasoline dispensing facility which is in operation prior to January 1, 1993, shall submit a report to the department by March 1, 1993, which contains all of the following:

- (a) The facility owner and operator;
- (b) The facility address, including county;
- (c) The date on which the last construction or modification of the facility was completed;
- (d) The quantity of gasoline, in gallons, dispensed at the facility for each month of the calendar years 1991 and 1992;
- (e) Any period of time during the calendar years 1991 and 1992 when the gasoline dispensing facility was not operating; and
- (f) Certification that the owner of the gasoline dispensing facility is an independent small business marketer if the owner claims exemption from the requirements of s. NR 420.045 by use of s. NR 420.045(1)(d).

(3) COMPLIANCE SCHEDULES. (a) The owner or operator of a gasoline dispensing facility on which construction or physical modification commenced on or after May 15, 1993, shall do all of the following:

1. Submit a compliance plan to the department at least 60 days prior to start of construction or modification of the vapor recovery system. The compliance plan shall contain, at a minimum, all of the following:

- a. Facility name.

b. Facility owner and operator, if different from that previously reported under sub. (2).

c. Facility employee designated to serve as a contact person regarding the vapor recovery system.

d. Facility address including county.

e. Number of dispensers and gasoline dispensing nozzles.

f. Type of vapor recovery system which is proposed for installation at the facility, including California air resources board certification number.

g. Date the vapor recovery system is expected to be installed.

2. Notify the department at least 5 working days before construction or modification of the vapor recovery system begins.

3. Achieve final compliance with s. NR 420.045 before start-up and initial operation of any new or modified vapor recovery system.

Note: Operation of a vapor recovery system for the sole purpose of confirming that the system is operating properly is allowed before the system must be in compliance with s. NR 420.045.

4. Submit a certification of compliance to the department within 45 days of initial operation of the vapor recovery system. The certification of compliance shall contain, at a minimum, all of the following:

a. Facility name.

b. Facility address.

c. Type of vapor recovery system which has been installed, including California air resources board certification number.

d. The date the vapor recovery system began operation.

e. Results of testing required under s. NR 420.045(7).



f. Copies of the maintenance logs required under s. NR 420.045(8)(b) for the first 4 weeks of system operation.

(b) The owner or operator of a gasoline dispensing facility on which construction or last modification commenced on or after November 15, 1990, but before May 15, 1993, shall comply with all of the following:

1. Submit a compliance plan to the department which contains, at a minimum, the information required under par. (a) 1. by March 1, 1993.

2. Achieve final compliance with s. NR 420.045 no later than May 15, 1993.

3. Submit a certification of compliance to the department which contains, at a minimum, the information required under par. (a) 4., by July 1, 1993.

(c) The owner or operator of a gasoline dispensing facility on which construction or last modification commenced before November 15, 1990, and which dispensed more than 100,000 gallons of gasoline per month, on average, for the 24 months immediately preceding January 1993, shall comply with all of the following:

1. Submit a compliance plan to the department which contains, at a minimum, the information required under par. (a) 1. by May 1, 1993.

2. Achieve final compliance with s. NR 420.045 no later than November 15, 1993.

3. Submit a certification of compliance to the department which contains, at a minimum, the information required under par. (a) 4. by January 1, 1994.

(d) The owner or operator of a gasoline dispensing facility on which construction or last modification commenced before November 15, 1990, and

which dispensed 100,000 gallons of gasoline or less per month, on average, for the 24 months immediately preceding January 1993, shall comply with all of the following:

1. Submit a compliance plan to the department which contains, at a minimum, the information required under par. (a) 1. by May 1, 1994.

2. Achieve final compliance with s. NR 420.045 no later than November 15, 1994.

3. Submit a certification of compliance to the department which contains, at a minimum, the information required under par. (a) 4. by January 1, 1995.

(e) The owner or operator of a gasoline dispensing facility which becomes subject to the requirements of s. NR 420.045 because of s. NR 420.045(1)(e) shall comply with all of the following:

1. Submit a compliance plan to the department which contains, at a minimum, the information required under par. (a) 1. no later than the first day of the third month after the 24 month averaging period in which the facility exceeded the throughput levels established in s. NR 420.045(1)(c) or (d);

2. Achieve final compliance with s. NR 420.045 no later than the first day of the ninth month after the 24 month averaging period in which the facility exceeded the throughput levels established in s. NR 420.045(1)(c) or (d); and

3. Submit a certification of compliance to the department which contains, at a minimum, the information required under par. (a) 4. within 45 days of the final compliance date established in subd. 2.

SECTION 6. NR 439.06(3)(c) is amended to read:

NR 439.06(3)(c) Method 21 in 40 CFR part 60, Appendix A, incorporated by reference in ch. NR 484, shall be used to detect organic compound emission leaks except as provided in par. (i)2 or 3.

SECTION 7. NR 439.06(3)(i) is created to read:

NR 439.06(3)(i) The owner or operator of a gasoline dispensing facility shall use the methods in this paragraph to determine compliance of motor vehicle fueling vapor recovery systems required under s. NR 420.045(7)

1. San Diego Air Pollution Control District Test Procedure TP-91-2, incorporated by reference in ch. NR 484, shall be used for dynamic backpressure and liquid blockage tests.

2. San Diego Air Pollution Control District Test Procedure TP-91-1, incorporated by reference in ch. NR 484, shall be used for leak tests.

3. The department may approve the use of alternative test methods for a vapor recovery system only if the manufacturer, installer or operator of the vapor recovery system demonstrates all of the following:

a. The test method in subd. 1 or 2. is not applicable to the vapor recovery system;

b. The proposed test method will provide test results which are similar to those provided by the test method in subd. 1. or 2. in terms of accuracy and validity; and

c. The proposed test method has been accepted by another air pollution control agency within the United States.

SECTION 8. NR 484.05(1) is amended to read:

NR 484.05(1) Test Method 21 in Appendix A of 40 CFR part 60 is incorporated by reference for ss. NR 420.02(39m), 421.02(12m), 421.05(2)(e) and 421.06(2)(e).

SECTION 9. NR 484.06(2)(intro.) is amended to read:

NR 484.06(2)(intro.) OTHER MATERIALS. The materials listed in this subsection are incorporated by reference for the corresponding sections noted. Some of the materials are also incorporated for Appendix A or B of 40 CFR part 60 as in effect on July 1, 1990. Since these Appendices are incorporated by reference in this chapter by sub. (1), materials listed in this subsection which are incorporated by reference for the Appendices are hereby also incorporated by reference and made a part of this chapter and ch. NR 439. The materials are available for inspection in the offices of the department of natural resources, secretary of state and revisor of statutes, Madison, Wisconsin or may be purchased for personal use at one of the following addresses: American Society for Testing and Materials (ASTM), 1916 Race Street, Philadelphia, ~~Pennsylvania~~ PA 19103; or the University Microfilms International, 300 North Zeeb Road, Ann Arbor, ~~Michigan~~ MI 48106; or the address listed in the applicable paragraph.

SECTION 10. NR 484.06(2)(u) and (v) are created to read:

NR 484.06(2)(u) San Diego Air Pollution Control District Test Procedure TP-91-1, Pressure Decay/Leak Test Procedure, Phase I and Phase II Vapor Recovery Installations, for s. NR 439.06(3)(i). Copies may be obtained from the National Technical Information Service, 5285 Port Royal Road, Springfield,

VA 22161 or from the San Diego Air Pollution Control District, 9150 Chesapeake Drive, San Diego, CA 92123-1095.

(v) San Diego Air Pollution Control District Test Procedure TP-91-2, Pressure Drop vs. Flow/Liquid Blockage Test Procedure, Phase II Balance System Installations, for s. NR 439.06(3)(i). Copies may be obtained from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161 or from the San Diego Air Pollution Control District, 9150 Chesapeake Drive, San Diego, CA 92123-1095.

SECTION 11. NR 494.025 and 494.03 are renumbered NR 494.03 and 494.05.

SECTION 12. NR 494.04 is created to read:

NR 494.04 TAGGING GASOLINE DISPENSING EQUIPMENT (1) TAGGING. If the department has reason to believe that a violation of s. NR 420.045 has occurred, the notice served on the alleged violator under s. 144.423(1)(a)1., Stats., may include a tag or other notice placed on the dispensing equipment that is alleged to be in violation of s. NR 420.045. The tag or notice shall indicate that the dispensing equipment on which the tag or notice is placed may not be used to dispense gasoline until the tag or notice is removed by or at the written direction of the department.

(2) REMOVAL OF TAG. The department shall remove or direct the removal of a tag or notice placed on dispensing equipment under sub. (1) only after the department finds that the dispensing equipment is in compliance with s. NR 420.045. The department shall make a finding regarding compliance within 2 working days after the receipt of written notice from the facility that the dispensing equipment has been repaired.

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on August 20, 1992.

The rule shall take effect on November 15, 1992.

Dated at Madison, Wisconsin December 2, 1992.

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny  
Carroll D. Besadny, Secretary

(SEAL)

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State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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Secretary

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DEC 7 1992

Revisor of Statutes  
Bureau

December 2, 1992

Mr. Gary L. Poulson  
Assistant Revisor of Statutes  
119 Martin Luther King, Jr., Blvd.

Dear Mr. Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. AM-15-92. These rules were reviewed by the Assembly Committee on Environmental Resources, Utilities and Mining and the Senate Committee on Urban Affairs, Environmental Resources and Elections pursuant to s. 227.19, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees are also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,

C. D. Besadny  
Secretary

Enc.