

# RULES CERTIFICATE

CR 92-83

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

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Carol Skornicka, 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 Certification, Farms and Construction Projects  
(Subject)  
were duly approved and adopted by this department on January 12, 1993.  
(Date)

I further certify that said copy has been compared by me with the original on file in the 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 1:30 p.m.  
in the city of Madison, this 12th  
day of January A.D. 19 93.

  
Secretary

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JAN 12 1993  
11:15 am  
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# ORDER OF ADOPTION

Pursuant to authority vested in the Department of Industry, Labor and Human Relations by section(s)  
SS. 101.02(1), 101.02(15)(h)to(j), 101.09(3) and 101.14(1)(a), Stats.

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 10

(Number)

Flammable and Combustible Liquids Code

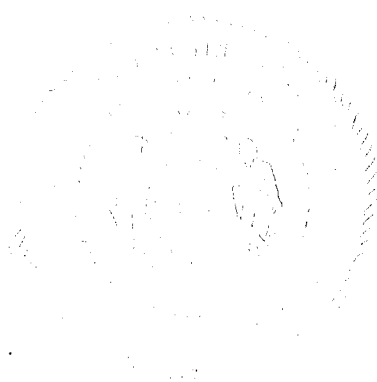
(Title)

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

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Adopted at Madison, Wisconsin this

date: January 12, 1993

DEPARTMENT OF INDUSTRY, LABOR AND HUMAN  
RELATIONS

*Carol Bauer*

Secretary



# RULES in FINAL DRAFT FORM

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Rule No.: \_\_\_\_\_ Chapters ILHR 10

Relating to: \_\_\_\_\_ Flammable and Combustible Liquids Code

Clearinghouse Rule No.: \_\_\_\_\_ 92-83

The Wisconsin Department of Industry, Labor and Human Relations proposes an order to repeal and recreate ss. ILHR 10.36 (2)(a) relating to the Flammable and Combustible Liquids Code.

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Analysis of Rules

Statutory Authority: ss. 101.02 (1), 101.02 (15)(h) to (j), 101.09 (3) and 101.14 (1)(a), Stats.

Statutes Interpreted: s. 101.02 (15)(h) to (j), 101.09 (3) and 101.14 (1)(a), Stats.

Pursuant to ss. 101.09 and 101.14 (1)(a), Stats., the department developed the Wisconsin Flammable and Combustible Liquids Code, Chapter ILHR 10, to regulate the storage and handling of those products. The purpose of the code is to provide environmental protection as well as fire prevention and protection.

The rules contain provisions for the certification of persons who do work on flammable and combustible liquid storage systems. There are seven categories for certification: installers, removers, cleaners, liners, tightness testers, inspectors, and site assessors. All persons who do work within these categories must be certified by examination.

Individuals in the Heating, Ventilating and Air Conditioning profession have expressed their concerns with the ILHR 10 rule requiring that individuals removing heating fuel tanks from basements or aboveground at one and two family be certified for removal and cleaning. They have challenged the rule based upon the following:

1. limited availability of training and testing sites in the state;
2. the limited scope of knowledge possessed by the HVAC contractors in relation to the broad scope of knowledge required under the existing certification requirement;
3. the population of HVAC contractors became aware of the requirement approximately 18 months after the rule was implemented;
4. the financial impact that the additional cost of certification will place on the tank owner, many of which are currently on limited incomes; and
5. the financial impact that will be placed upon the contractor to comply with an activity that is a minimal portion of their activities.

In response to these concerns, the department developed the proposed rules to specifically exempt persons who clean or remove heating oil tanks located aboveground or in basements serving one- and two-family dwellings from certification requirements.

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(3)(a)

Bm

SECTION 1. ILHR 10.36 (2)(a) is repealed and recreated to read:

(a) 1. To permanently close an aboveground storage tank system, owners and operators shall empty and clean it by removing all liquids and accumulated sludges in accordance with the procedures specified in API Publication 2015--Cleaning Petroleum Storage Tanks. Tanks shall be inerted so that the composition of the atmosphere inside the tank is 10% of the lower explosive limit for the stored product prior to performing any other work on the tank.

2. Cleaning of the tank shall be performed by a certified cleaner. If removed, removal of tanks and other portions of storage tank systems shall be performed by a certified remover. Except that certification need not be obtained for individuals performing cleaning and removal of heating fuel tanks located aboveground or in basements at one- and two-family dwellings.

(END)

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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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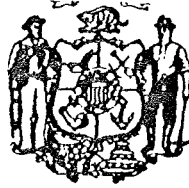
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Tommy G. Thompson  
Governor  
Carol Skornicka  
Secretary



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

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January 12, 1993

Gary Poulson  
Assistant Revisor of Statutes  
2nd Floor  
119 Martin Luther King Blvd.  
Madison, Wisconsin 53703

Douglas LaFollette  
Secretary of State  
10th Floor  
30 West Mifflin Street  
Madison, Wisconsin 53703

Dear Messrs. Poulson and LaFollette:

### TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO. 92-83

RULE NO. Ch ILHR 10 - Flammable and Combustible Liquids Code

RELATING TO: Certification, Farms and Construction Projects

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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 included for permanent rules. A fiscal estimate and fiscal estimate worksheet is included with an emergency rule.

Respectfully submitted,

  
Carol Skornicka  
Secretary

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