RULES CERTIFICATE

•			
STATE OF WISCONSIN)		•
DEPT. OF INDUSTRY, LABOR & HUMAN RELATIONS) SS) 5)		
TO ALL TO WHOM THESE PRE	SENTS SHALL COME, GREETI	INGS:	
		•	
I, <u>Carol Skornicka</u>		, Secretary of the Department	of Industry,
Labor and Human Relations, a	and custodian of the official	records of said department, do he	ereby certify that
the annexed rule(s) relating to	o liquefied petroleur	m gases	
		(Subject)	
were duly approved and adop	oted by this department on _		
		(Date)	
	4		
		ne with the original on file in the c	lepartment
and that the same is a true co	py thereof, and of the whole	e of such original.	
		,	•
γ (- 1 · · · ·			
		IN TESTIMONY WHEREOF, I hav my hand and affixed the officia	
		department at 9:00 a.m. in the city of Madison, this 4	th
			A.D. 19 93 .
		love Don	
	_	Seefetary	7
		,	RECEIVED

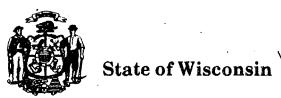
ADM-6056 (R 06/92)

7-1-93

MAY 4 1993 135 Revisor of Statutes

ORDER OF ADOPTION

Pursuant to authority vested in the Dep	partment of Indu	stry, Labor	and Hum	nan Relations	by section(s)	
101.02 (1) and 101.16 (2)						
Stats., the Department of Industry, Lab X repeals and recreates; X rep	or and Human Re		_	ates; X	amends; e Code chapter(s	s):
ILHR 11	Liquefied Po	etro1eum	Gases			
(Number)			(Title	e)		
The attached rules shall take effect on	the first day	y of the	month	following	publication	<u>in</u>
the Wisconsin Administrative	Register		р	ursuant to sec	tion 227.22, Sta	ts.
•						
					RECE	:IVED
					MAY	4 1993
					Revisor of Bure	Statutes au
		Adopted	at Madis	son, Wisconsir	n this	
	√	date:	May 4	, 1993		
		DEPARTM		INDUSTRY, L	ABOR AND HUM	IAN
				Sacratary		



RULES in FINAL DRAFT FORM

Rule No.:	Chapter ILHR 11		
Relating to:	Liquefied Petroleu	ım Gases	
Clearinghouse	Rule No.:	92-148	

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MAY 4 1993

Revisor of Statutes Bureau The Wisconsin Department of Industry, Labor and Human Relations proposes an order to repeal ILHR 11.31, ILHR 11.32, ILHR 11.34 and ILHR 11.37; to renumber and amend ILHR 11.11 (2)(a) to (e); to amend ILHR 11.002 Note, ILHR 11.01 (5), ILHR 11.01 (7) Note, ILHR 11.15, ILHR 11.16 and ILHR 11.36 (1) and (3); to repeal and recreate ILHR 11.10, ILHR 11.11 (1), ILHR 11.11 (4), ILHR 11.18, ILHR 11.20, ILHR 11.21, ILHR 11.22 (1) and (2) and ILHR 11 Appendix; and to create ILHR 11.01 (1h) and ILHR 11.11 (2)(a), relating to liquefied petroleum gases.

Analysis of Proposed Rules

Statutory Authority: ss. 101.02 (1) and 101.16 (2), Stats. Statutes Interpreted: ss. 101.02 (1) and 101.16 (2), Stats.

The Division of Safety and Buildings within the Department of Industry, Labor and Human Relations is responsible for adopting and enforcing rules relative to the protection of life, health, safety and welfare of employes and frequenters in public buildings and places of employment. The provisions of chapter ILHR 11 contain safety and health rules relating to the design, construction, location, installation, operation and inspection of equipment for the storage, handling, use and transportation of liquefied petroleum gases.

The proposed rules consist of miscellaneous changes in chapter ILHR 11 in order to correct some inconsistencies and to update the code relative to nationally recognized standards. The basis of chapter ILHR 11 is the incorporation by reference of several national standards issued by the National Fire Protection Association (NFPA) and the American Petroleum Institute (API). In the proposal, the incorporated NFPA and API standards are updated to the current editions. As a result of this update, several existing rules are revised or repealed. The rules relating to setback distances for aboveground containers are revised to allow reduced setbacks if a properly constructed firewall is provided. The current rules for installation notification are revised by requiring a copy of the installation form to be submitted to the local fire department only for those installations using containers of 2000 gallons or larger. The proposal also includes a revision to require 4 sets of plans to be submitted to the department and to require a minimum scale of one inch equals 20 feet on the plot plan.

The proposed rules were developed with the assistance of the Wisconsin Fire Prevention Council. The members of that citizen advisory committee are as follows:

Robert Bartlett Wisconsin Petroleum Council Petroleum Marketers Association of Wisconsin, Inc. Pirie Benson Neil Cameron Wisconsin AFL-CIO Public Member Judy Cardin Martin Collins City of Milwaukee Marc Eernisse Wisconsin State Fire Chiefs Association Insurance Industry Ray Hathaway Charles Hawk Wisconsin Association of Manufacturers and Commerce Wisconsin Building Inspectors Association Marvin Horman James Jarapko Professional Firefighters of Wisconsin Andrievs Jatnieks Wisconsin Chapter, Society of Fire Protection Engineers Matthew Kerschner Wisconsin Propane Gas Association Dallas Millard Wisconsin State Firefighters Association, Inc.

Robert Vajgrt

Wisconsin Fire Inspectors Association

SECTION 1. ILHR 11.002 Note is amended to read:

ILHR 11.002 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 ILHR 32 — Safety and Health Gode Standards for Public Employes. 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).

SECTION 2. ILHR 11.01 (1h) is created to read:

ILHR 11.01 (1h) "Authorized inspector" means a boiler or pressure vessel inspector who holds a valid certificate of competency issued by the department.

SECTION 3. ILHR 11.01 (5) is amended to read:

ILHR 11.01 (5) "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 in farming.

Note: This definition is taken from s. 101.01(2)(4a)(f), Stats.

SECTION 4. ILHR 11.01 (7) Note is amended to read:

ILHR 11.01 (7) Note: This definition is taken from s. 101.01 (2) 4h (q), Stats.

SECTION 5. ILHR 11.10 is repealed and recreated to read:

ILHR 11.10 CERTIFICATE OF INSTALLATION. Every person, firm, association or corporation installing equipment using liquefied petroleum gas in containers of 125 gallons or larger water capacity shall complete a certificate of installation form. The certificate of installation form shall be completed at the time of installation, shall be kept at the liquefied petroleum gas installation and shall be available for review by an authorized representative of the department. For installations using containers of 2000 gallons or larger water capacity, a copy of the installation form shall also be submitted to the local fire department within 10 business days of the installation.

Note 1: The liquefied petroleum gas certificate of installation form (SBD-9656) is available from the Safety and Buildings Division, P.O. Box 7969, Madison, WI 53707.

Note 2: Section 101.16 (4), Stats., indicates that the installation form must be given to the customer or user and that the form state that the design, construction, location and installation of the equipment conforms with this chapter.

SECTION 6. ILHR 11.11 (1) is repealed and recreated to read:

ILHR 11.11 (1) DEPARTMENT APPROVAL. Department approval shall be obtained before commencing construction on any liquefied petroleum gas installation using containers of 2000-gallon or larger water capacity.

SECTION 7. ILHR 11.11 (2) (a) to (e) are renumbered ILHR 11.11 (2) (b) to (f) and ILHR 11.11 (2) (c), as renumbered, is amended to read:

ILHR 11.11 (2) (c) A plot plan, drawn to a minimum scale of one inch equals 20 feet, 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;

SECTION 8. ILHR 11.11 (2) (a) is created to read:

ILHR 11.11 (2) (a) At least 4 sets of plans, which are clear, legible and permanent copies, and one copy of specifications, fees and a completed application;

SECTION 9. ILHR 11.11 (4) is repealed and recreated to read:

ILHR 11.11 (4) APPLICATION FOR APPROVAL. Applications for approval of a liquefied petroleum tank installation shall be made in writing on form SBD-6038.

Note: See Appendix for an example of form SBD-6038.

SECTION 10. ILHR 11.15 is amended to read:

<u>ILHR 11.15 FEES</u>. Fees shall be submitted to the department as specified in s-Ind-69-10 ch. ILHR 2. Fees shall be submitted at the time the application for approval is submitted. No plan examinations, approvals or inspections may be made until the fees are received.

SECTION 11. ILHR 11.16 is amended to read:

<u>ILHR 11.16 APPEALS</u>. As specified in s. 227+015 227.12, Stats., any municipality, corporation or any 5 or more persons having an interest in the an <u>administrative</u> rule may appeal to the department requesting the adoption, amendment or repeal of the rule.

SECTION 12. ILHR 11.18 is repealed and recreated to read:

<u>ILHR 11.18 PENALTIES</u>. Penalties for violations of this chapter shall be assessed in accordance with s. 101.16 (5), Stats.

Note: Section 101.16 (5), Stats., indicates that any person, firm, association or corporation who violates s. 101.16, Stats., or any standard, rule or regulation adopted by the department under that section, or issuing a false installation statement under s. 101.16 (4), Stats., will be fined not less than \$25 nor more than \$100, or imprisoned not less than 30 days nor more than 6 months.

SECTION 13. ILHR 11.20 is repealed and recreated to read:

- ILHR 11.20 ADOPTION OF STANDARDS BY REFERENCE. (1) CONSENT. Pursuant to s. 227.21, Stats., the attorney general and the revisor of statutes have consented to the incorporation by reference of the standards listed in sub. (4).
- (2) INTERIM AMENDMENTS. Interim amendments of the listed standards shall have no effect in the state until such time as this section is correspondingly revised to reflect those changes.
- (3) COPIES OF STANDARDS. Copies of the listed standards are on file in the offices of the department, the secretary of state and the revisor of statutes. Copies for personal use may be obtained, at a cost, from the organization listed.
- (4) STANDARDS. The following standards are hereby incorporated by reference into this chapter, subject to the changes specified in s. ILHR 11.21:
- (a) American Petroleum Institute, 1220 L Street Northwest, Washington D.C. 20005. Design and Construction of Liquefied Petroleum Gas Installations, API Standard 2510, 6th Edition, April 1989.
- (b) National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269.
 - 1. National Fuel Gas Code, NFPA No. 54-1992.
 - 2. Storage and Handling of Liquefied Petroleum Gases, NFPA No. 58-1992.
- 3. Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants, NFPA No. 59-1992.
- 4. Recreational Vehicles, NFPA No. 501C-1990, Chapter 2 Fuel Systems and Equipment.

SECTION 14. ILHR 11.21 is repealed and recreated to read:

<u>ILHR 11.21 AMENDMENTS TO NFPA STANDARDS</u>. (1) QUALIFICATION OF PERSONNEL. Substitute the following wording for NFPA No. 58 section 1-6:

In the interest of safety, all persons employed in handling liquefied petroleum gases shall be trained in proper handling and operating procedures, which the employer shall document.

- (2) LOCATION OF CONTAINERS. The following are department rules in addition to the requirements in NFPA No. 58 section 3-2.2.2:
- (a) The setbacks for aboveground containers specified in Table 3-2.2.2 of NFPA No. 58 may be reduced to a minimum of 15 feet if a 4-hour fire-rated wall is placed between the container and the building or property line that may be built upon. The 15-foot distance shall be measured from the side of the fire wall away from the tank to the building or property line.
 - (b) Fire walls used for setback reduction shall:
- 1. Extend laterally 3 feet beyond the container and 3 feet above the container;
 - 2. Be placed at least 10 feet from the container;
 - 3. Allow fire department access to the building and the container; and
 - 4. Be constructed on no more than 2 sides of the container.
- (c) The setback reduction allowed in par. (a) applies to containers of 1201 to 50,000 gallons water capacity.
- (3) CONTAINERS TO BE FILLED. Substitute the following wording for NFPA No. 58 section 4-2.2.1:

Containers shall be filled only by the owner or upon the owner's authorization.

Note: Section 101.16 (3), Stats., indicates that no person, firm or corporation, except the owner thereof and those duly authorized by the owner so to do, shall fill, refill or use in any manner a liquefied petroleum gas container or receptacle for any purpose whatsoever.

SECTION 15. ILHR 11.22 (1) and (2) are repealed and recreated to read:

ILHR 11.22 (1) AMERICAN PETROLEUM INSTITUTE. Design and Construction of Liquefied Petroleum Gas Installations, API Standard 2510.

- (2) NATIONAL FIRE PROTECTION ASSOCIATION. (a) National Fuel Gas Code, NFPA No. 54 as referenced in NFPA No. 58.
 - (b) Storage and Handling of Liquefied Petroleum Gases, NFPA No. 58.
- (c) Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants, NFPA No. 59.
- (d) Recreational Vehicles, NFPA No. 501C Chapter 2 Fuel Systems and Equipment.

SECTION 16. ILHR 11.31, 11.32 and 11.34 are repealed.

SECTION 17. ILHR 11.36 (1) and (3) are amended to read:

ILHR 11.36 (1) MANUFACTURER'S DATA REPORT. The original manufacturer's data report is available. If the original manufacturer's data report is unavailable, documentation acceptable to the department shall be submitted;

(3) OTHER REQUIREMENTS. An inspection of the pressure vessel as specified—in-s-ILHR-11-01-46 has been performed at its new location by an authorized inspector as-defined—in-s-ILHR-41-02-410.

SECTION 18. ILHR 11.37 is repealed.

SECTION 19. ILHR 11 Appendix is repealed and recreated to read:

APPENDIX

The material contained in this Appendix is for clarification purposes only. The material is numbered to correspond to the number of the rule in the text of this chapter.

All.11 (4) APPLICATION FOR APPROVAL. The following form (SBD-6038) is referred to in section ILHR 11.11 (4). Copies of this form are available from the Safety and Buildings Division, P.O. Box 7969, Madison, WI 53707.

DEPARTMENT OF INDUSTRY, LABOR AND **HUMAN RELATIONS**

APPLICATION FOR INSTALLATION OF LIQUID PETROLEUM TANK

SAFETY & BUILDING DIVISION P.O. BOX 7969 **MADISON, WI 53707**

Application is made to the Department of Industry, Labor and Human Relations for conditional approval to install a Liquid Petroleum Tank(s). This application is in accordance with the following detailed statement and attached plans subject to the orders of the Department of Industry, Labor and Human

Relations. The installation, in all other respects, will comply with applicable provisions of Chapter II of the Wisconsin Administrative Code, (LP GAS) and **NFPA 58.** DIRECTIONS: Submit the one copy of this form and three copies of the plot plan, with the required fee to the nearest approval authority listed on the back of this form, for tanks with water capacity greater than 1,999 gallons or aggregate capacity greater than 4,000 gallons. Plans must be drawn to scale and the scale indicated on the plan. Plans must include (1) location of property lines, (2) buildings, (3) tanks, (4) load and unload racks, (5) streets and highways, (6) streams and other bodies of water within 150 feet of the tanks, (7) fencing, (8) fence exists, (9) distances, and (10) wells. Two copies of the plan and a letter of conditional approval will be returned to you after approval. A final inspection of the site must be performed by the local fire inspector before product is put in the tank. LOCATION WHERE TANK WILL BE INSTALLED: Name of Establishment Owner Name Street Address City County State Zip Code TANK SPECIFICATIONS: **EACH** TANK WORKING WATER **TYPE** LOCATION YEAR **TANK MANUFACTURER PRESSURE** CAPACITY Above Under-Horz. Vert. Ground ground Under-Above 2. Horz. Vert. Ground ground Above Under-Vert. Horz. 3. Ground ground RELIEF VALVE IF USED PREVIOUS **EXCESS FLOW VALVE EACH** CONDITION Owner How many **TANK** Location Size Location New 1. Used New Used 2. 3. New Used **EACH BACK CHECK VALVE FLOAT** ROTARY **OUTAGE** THER-EMERG. **GAUGE GAUGE GAUGE MOMETER TANK** Size Location VALVE 1. No No No Yes No No 2. Yes No Yes No No Yes No Yes 3. Yes No No Yes Yes No No Yes No Are manufacture's data reports available? Do service lines contain hydrostatic relief values? Yes Is tank paint in good condition? Yes No Specify:

Will there be self-service or Key-Card-Code operation?

No

Yes

FEES: (IND-69)			
	NO. OF	2007	SUB TOTAL
INSTALLATION	TANKS	COST	
Plan Examination – 2000 gallons water capacity and larger	*	X \$43.00	= \$
Site Inspection — 2000 gallons water capacity and larger		X \$43.00	= \$
SELF SERVICE OR KEY-CARD-CODE			
Plan Examination		\$22.00	= \$
Site Inspection		\$43.00	= \$
REVISION OF PLANS PREVIOUSLY APPROVED		\$22.00	= \$
		TOTAL	= \$
Installer Name		-, , , , , , , , , , , , , , , , , , , 	
Street Address	City, State, Zip	Code	
Where should plan approval be sent?			
<u> </u>			
CERTIFICATION			
I certify by signature that applicable provisions of ILHR 11 and N	NFPA 58, 198	3, listed or no	t listed hereon, will be complied with
·			
Signature	Date		Phone No.
	20		
· · · · · · · · · · · · · · · · · · ·	 		

RETURN THIS APPLICATION WITH APPROPRIATE FEE(S) TO THE AREA CLOSEST TO YOU:

SAFETY & BUILDINGS DIVISION FIRE PREVENTION POST OFFICE BOX 7969 201 E. WASHINGTON AVENUE MADISON, WI 53707 (608) 266-8076 SAFETY & BUILDINGS DIVISION WAUKESHA OFFICE FIRE PREVENTION COORD. 1570 E. MORELAND BLVD. WAUKESHA, WI 53186 (414) 521-5444 SAFETY & BUILDINGS DIVISION GREEN BAY OFFICE FIRE PREVENTION COORD. 2331 SAN LUIS PLACE GREEN BAY, WI 54304 (414) 497-6006 SAFETY & BUILDINGS DIVISION CHIPPEWA FALLS OFFICE FIRE PREVENTION COORD. 13 E. SPRUCE ST. CHIPPEWA FALLS, WI 54729 (715) 723-1903 All.17 PETITION FOR VARIANCE. The following forms (SB-8 and SB-8A) are referred to in section ILHR 11.17. Copies of these forms are available from the Safety and Buildings Division, P.O. Box 7969, Madison, WI 53707.

Wisconsin Department of Industry, Labor and Human Relations

PETITION FOR VARIANCE APPLICATION

ARIANCE Safety and Buildings Division P.O. Box 7969
Madison, Wisconsin 53707 (608) 266-1542

Please type or print.

OFFICE USE ONLY Amount Paid	Receipt Number	Petition No.	E-Na	imber
Owner/Petitioner's Name	Building Or Project		Agent, Architect or Engi	neering Firm
Company	Tenant's Name, If Any		Street Address	
Street Address	Location - Street Address		City, State, Zip Code	
City, State, Zip Code	City, County		Telephone Number	
Telephone Number	Plan Number, If Known		Contact Person's Name	
The rule being petitioned reads as follows:	ws (cite specific rule num	ber and language;	one rule per applica	tion):
			`	
2. The rule being petitioned cannot be ent	irely satisfied because:		•	
			· · · · · · · · · · · · · · · · · · ·	
The following alternative(s) and support	ting information are pro	nosed as a means o	f providing an equiv	alent
degree of health, safety or welfare as ad		posed as a means o	i providing an equiv	areric
				* .
Note: Please attach any pictures, plans, ske	etches or required position	on statements.		
VERIFICATION BY OWNER - PETITION IS VA	LID ONLY IF NOTARIZED	WITH AFFIXED SEA		ED BY REVIEW FEE
See Se Note: Petitioner must be the owner of the not sign petition unless Power of Att		ants, agents, desigi	ners, contractors, att	orneys, etc., shall
	, being duly sworn, I s	tate as petitioner th	at I have read the fo	pregoina
Petitioner's Name (type or print) petition and I believe it is true and that I hav				
Petitioner's Signature:	Subscribed And Sworn To Before Me This Date:	Notary Public		My Commission Expires On:

POSITION STATEMENT

Safety and Buildings Division P.O. Box 7969 Madison, Wisconsin 53707

Instructions: This form is to be completed by the fire department chief or designee and sent promptly to the address shown above. Please print or type all responses.

Owner's Name	Building Occupancy Or Facility Description	Agent, Architect or Engineering Firm
Company	Tenant's Name, If Any	Street Address
Street Address	Location - Street Address	City, State, Zip Code
City, State, Zip Code	City, County	Telephone Number
Telephone Number	Plan Number, If Known	Contact Person's Name
I have read the application for variance	of rule ILHR	
2. I recommend (check appropriate box):	Approval Conditional Appro	oval 🔲 Denial 🔲 No Comment *
3. Explanation For Recommendation:		
•		
* If desired, Fire Departments may indicate barrier free environments, etc.	"No Comment" on non-fire safety issue	es such as sanitation, energy conservation,
4. I find no conflict with local rules and	regulations.	
☐ I find the petition is in conflict with	local rules and regulations.	
Explanation:		
	, , , , , , , , , , , , , , , , , , ,	
·		
Fire Department Name And Address:		
Name Of Fire Chief Or Designee (type or print):	Tele	phone Number
Signature Of Fire Chief Or Designee:	Date	e Signed:

(END)

EFFECTIVE DATE

Pursuant to s. 227.22 (2) (intro.), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.

CODES6:27

RECEIVED

MAY 4 1993

Revisor of Statutes Bureau Tommy G. Thompson Governor Carol Skornicka Secretary



Mailing Address: 201 E. Washington Avenue Post Office Box 7946 Madison, WI 53707-7946 Telephone (608) 266-7552

State of Wisconsin

Department of Industry, Labor and Human Relations

May 4, 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

RECEIVED

MAY 4 1993
Revisor of Statutes
Bureau

Dear Messrs. Poulson and LaFollette:

TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUS	E RULE NO.	92-148	
RULE NO.	Chapter	ILHR 11	
RELATING TO:	Liquefi	ed Petroleum Gases	

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:

Donnes

- 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