

(5) Sections Ind 43.80 through Ind 43.83 apply to systems mounted on farm vehicles for the application of ammonia.

**History:** Cr. Register, December, 1959, No. 48, eff. 1-1-60.

**Note: Penalty For Violation of Rules**

Section 101.18, Wis. Stats., provides that "every day during which any person, persons, corporation or any officer, agent or employe thereof, shall fail to observe and comply with any order of the commission or to perform any duty enjoined by sections 101.01 to 101.29, inclusive, shall constitute a separate and distinct violation of such order, or of said sections as the case may be."

Section 101.28, Wis. Stats., provides that any employer or other person who violates an order, or fails or refuses to comply with the requirements of a legal order of the commission shall forfeit and pay into the state treasury the sum of not less than \$10, nor more than \$100, for such violation.

**Ind 43.03 Inspections.** (1) The authorized inspectors of the department, upon presenting appropriate credentials to the owner, operator, or agent in charge, are authorized—

(a) To enter without delay and at reasonable times any factory, plant, establishment, construction site, or other area, workplace or environment where work is performed by an employee of an employer; and

(b) To inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any such employer, owner, operator, agent or employee.

(2) The inspector before making his inspection shall contact a representative of the employer and a representative authorized by his employees who shall be given an opportunity to accompany the inspector during the physical inspection of any workplace under subsection (1) for the purpose of aiding such inspection.

(a) Where there is no authorized employee representative, the inspector shall consult with a reasonable number of employees concerning matters of health and safety in the workplace.

**Note:** The department policy is not to give advance notice, but in the scheduling and in the act of inspecting it may not always be possible to avoid advance notice or to obtain accompaniment as, for example, inside boilers or in precarious locations of elevator installations, but otherwise these rules will be diligently observed.

**History:** Cr. Register, April, 1973, No. 208, eff. 5-1-73.

### PART III

#### BASIC RULES

**Ind 43.10 Approval of equipment and systems.** (1) Each system utilizing containers of 1,200 U. S. gallons capacity or less shall be:

(a) Listed by a nationally recognized testing laboratory, which has been approved by the industrial commission of Wisconsin, or

(b) Accepted by the industrial commission of Wisconsin.

(2) In systems utilizing containers of over 1,200 U. S. gallons capacity, each metering or dispensing device, container valve, excess-flow valve, gaging device and relief valve shall have its correctness as to design, construction, and performance determined by:

(a) Listing by a nationally-recognized testing laboratory which has been approved by the industrial commission of Wisconsin, or

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(b) The industrial commission of Wisconsin.

(3) (a) Before construction or installation of new or additional facilities for the bulk storage or handling of anhydrous ammonia is undertaken, approval of the industrial commission of Wisconsin shall be obtained.

(b) In applying for approval, full information shall be submitted in writing together with at least 3 prints of scaled engineering plans. The submitted plans shall show the following:

1. The name of the person, firm or corporation proposing the construction or installation.

2. The location of the proposed construction or installation showing the property lines on all sides and adjacent railways or streets and highways.

3. A plot of the area to be utilized showing location of buildings, tanks, loading and unloading points and clearances as covered in section Ind 43.13 (1).

4. The capacity and outside surface area of each tank.

5. The size, manufacturer, figure number and capacity of safety relief valves.

**History:** Cr. Register, December, 1959, No. 48, eff. 1-1-60.

**Ind 43.11 Requirement for construction and original test of containers.** (1) All containers (except those stamped ICC) used for the storage, transportation or dispensing of anhydrous ammonia shall be constructed in accordance with the Wisconsin boiler and unfired pressure vessel code.

(2) Containers exceeding 36 inches in diameter or 250 gallons capacity shall be constructed to comply with one or more of the following additional requirements:

(a) Containers shall be stress-relieved after fabrication in accordance with the code, or

(b) Cold-formed heads, when used shall be stress-relieved, or

(c) Hot-formed heads shall be used.

(3) Non-code welding, where necessary, shall be made only on saddles or brackets originally welded to the container by the manufacturer. Non-code welding directly to the container or any part subject to pressure is not authorized.

(4) The provisions of section Ind 43.11 (1) and (2) shall not be construed as prohibiting the continued use or reinstallation of containers constructed and maintained in accordance with the standards of the industrial commission in effect at the time of fabrication.

**History:** Cr. Register, December, 1959, No. 48, eff. 1-1-60.

**Ind 43.12 Markings on containers and systems.** (1) All aboveground containers (except those stamped ICC) shall have the manufacturer's nameplate firmly attached to the container, designating manufacturer's serial number A.S.M.E. or National Board number, year built, working pressure in pounds per square inch gage, outside surface area in square feet, shell and head thickness, and capacity in U. S. gallons.

(2) On underground containers, the manufacturer's nameplate designating the same information as required in section Ind 43.12 (1) shall be fastened to the system.

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(3) Marking shall indicate the maximum level to which the container may be filled with liquid at liquid temperatures between 20°F. and 100°F., except on containers provided with fixed maximum level indicators, or which are filled by weighing. Markings shall be in increments of not more than 20°F.

(a) For underground and aboveground containers the markings shall appear on system nameplate or on liquid level gaging device.

(4) Where a container is fabricated with "welded-in" internal piping, the container openings shall be marked to indicate whether they communicate with the liquid or vapor space.

**History:** Cr. Register, December, 1959, No. 48, eff. 1-1-60.

**Ind 43.13 Location of storage tanks.** (1) Tanks shall be located outside of buildings other than those especially constructed for that purpose. Permanent storage shall be located outside of densely populated areas and subject to the approval of the industrial commission. However, this distance shall not be less than 50 feet from the line of property which may be built on, or from a source of drinking water; or not less than 400 feet from any school, hospital, or other place of public assembly.

(2) A permanent storage location which at the time of its establishment was in conformity with the requirements of section Ind 43.13 (1) shall continue to be lawful notwithstanding the subsequent installation or constructed by others within the clearances specified in section Ind 43.13 (1).

**History:** Cr. Register, December, 1959, No. 48, eff. 1-1-60.