

erator or other confined equipment. Burning shall only be conducted in accordance with department of natural resources administrative rules regarding pollution.

(e) Section 6-2.5.1 All quantities of waste monomers or material contaminated with monomers shall be disposed of by removal to a safe, open area and burned. Department of natural resources administrative rules regarding health and pollution shall be observed.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

Ind 8.10 Amendments to national fire protection association (NFPA) standard No. 385-1979. (1) DELETIONS. The following sections of NFPA No. 385-1979 are not incorporated by reference as part of this chapter:

- (a) Chapter 1, General Provisions; and
- (b) Appendix.

(2) CHANGES. The following changes to NFPA No. 385-1979 are included as part of this chapter:

(a) Section 2-2 Cargo tanks, piping and connections designed for transporting flammable and combustible liquids above their boiling points shall be built in accordance with Specifications NC-307 or MC-331 of Part 178 of Title 49, Code of Federal Regulations, or in accordance with ch. Ind 9, Wis. Adm. Code.

(b) Section 2-3.1 General Requirements. Cargo tanks constructed after the effective date of this standard shall be constructed in accordance with the requirements contained in section 2-3.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

Ind 8.105 Amendments to national fire protection association (NFPA) standard 45-1975. (1) DELETIONS. The following sections of NFPA No. 45-1975 are not incorporated by reference as part of this chapter:

- (a) Chapter 1, General;
- (b) Appendix A;
- (c) Appendix B;
- (d) Appendix C; and
- (e) Appendix D.

(2) CHANGES. The following change to NFPA No. 45-1975 is included as part of this chapter:

(a) Section 6-3.1.1 Air exhausted from laboratory hoods shall not be recirculated except air may be recirculated to the hood face area if the design of the hood structure incorporates this feature.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

## SUBCHAPTER 2 ADMINISTRATION AND ENFORCEMENT

Ind 8.11 Approval of proposed construction, installation or operation. (1) GENERAL. (a) Except as provided in par. (b), written approval, plan re-

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view and approval or both from the department or its authorized deputy shall be obtained before commencing any construction of new or additional installation or change in operation of a previously approved installation for the storage, handling or use of flammable or combustible liquids.

(b) *Exception.* Approval need not be obtained for:

1. Oil burning installations for one- and 2-family dwellings.
2. Flammable and combustible liquid tanks located on farms.

(2) **LOCAL APPROVAL.** Plans shall be submitted to and approved in writing by the chief of the local fire department or other local official specified by ordinance for installations in which all tanks for storage, handling or use of flammable or combustible liquid have an individual capacity of less than 5,000 gallons.

(3) **DEPARTMENTAL APPROVAL.** (a) Installations, as specified in sub. (2), but located in areas where the authority to approve has not been granted by ordinance to the fire chief or local official, shall be approved in writing by the department. The department shall review and make a determination on an application for installation review within 15 business days of receiving the required information and fees.

(b) 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 installations in which one or more tanks for storage, handling or use of flammable or combustible liquid will have individual capacity of 5,000 gallons or larger.

(c) Plans for general service stations and self-service stations, conversion of general service stations to self-service stations or change of operation to the use of key, card or code operated dispensing devices shall be submitted for review and approval by the department or its authorized deputy as required by chs. ILHR 50-64. The department shall review and make a determination on an application for plan review within 15 business days of receiving the required information and fees.

(d) *Exceptions.* Approval of plans shall not be required for the following:

1. Replacement with approved equipment, other than storage tanks, at approved existing facilities other than general or self-service stations.
2. Class II and Class III flammable or combustible liquid tanks of a capacity not exceeding 275 gallons used for the heating of buildings.
3. Individual containers not exceeding 60 gallons in capacity.
4. Fuel supply tanks of a motor vehicle, aircraft, watercraft, mobile power plants or mobile heating plants.

(4) **PLANS, SPECIFICATION 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 Register, March, 1985, No. 351

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, tanks, loading and unloading docks, type of construction of each building and any stream or body of water within 150 feet of the tanks shall also be indicated.

(c) The location, size and capacity of each tank and the class of liquid to be stored.

(d) The type of tank supports, clearances, type of venting and pressure relief used and combined capacity of all venting and relief valves on each tank for aboveground storage.

(e) The clearances, location of fill, gauge and vent pipes and other openings for underground storage.

(f) Additional data and information for storage, handling or use of flammable or combustible liquids within buildings or enclosure to demonstrate compliance with the requirements of this code.

(g) Location of burners, tanks, pumps, piping and control valves and the elevations of buildings and the lowest floor or pit in relation to the installation for oil burning equipment in incidental storage.

(h) Plans for service stations involving the use of automatic dispensing units shall indicate the location of emergency controls and shall include the following, if applicable:

1. The location and details of the key, card or code operated dispensing devices;
2. A copy of the agreement between the key, card or code holder and the station owner; and
3. A copy of the program used to train those persons who will operate the key, card or code dispensing devices.

(i) Location and details of collection sump (see s. Ind 8.21).

(5) **ADDITIONAL APPROVAL.** (a) *Local ordinances.* Approval of plans as to compliance with the requirements of this chapter covers only the uniform statewide fire safety and technical controls of storage, handling and use of flammable or combustible liquids and is subject to compliance with additional requirements in applicable building codes, local zoning and similar ordinances.

(6) **APPLICATION FOR APPROVAL.** An Application for Installation of Bulk Storage Flammable Liquid/Liquid Petroleum/Natural Gas Tanks form shall be included with each application for approval.

**Note 1:** See Appendix for an example of the Application for Installation of Bulk Storage Flammable Liquid/Liquid Petroleum/Natural Gas Tanks form (SBD-9).

**Note 2:** Form SBD-9 is available from the Department of Industry, Labor and Human Relations, Division of Safety and Buildings, P.O. Box 7969, Madison, Wisconsin 53707.

(a) If, upon examination, the department or local official having approval jurisdiction determines that the plans and the application for ap-

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approval substantially conform to the provisions of this chapter, a conditional approval, in writing, will be granted. All noncode complying conditions stated in the conditional approval shall be corrected before or during construction or erection. A conditional approval issued by the department or local official having approving jurisdiction shall not be construed as an assumption of any responsibility for the design or construction of a flammable and combustible liquid facility.

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

(c) In the event of a dispute as to whether the information submitted to a local official having approval jurisdiction shows compliance with the provisions of this chapter, the application shall be submitted to the department for review and the decision of the department shall govern.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; am. (3)(a) and (c), Register, March, 1985, No. 351, eff. 4-1-85.

**Ind 8.115 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.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

**Ind 8.12 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.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

**Ind 8.125 Enforcement and inspections.** (1) **ENFORCEMENT.** The administrative 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 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.

Note 1: See Appendix for example of Inspection Checklist for Underground Tank Installation form SBD-6294. The original copy is to be given to the owner and a copy is to be retained by the fire department as part of their permanent file.

Note 2: Form SBD-6294 will be provided to fire departments at no cost upon request.

(3) **INSPECTION BEFORE COVERING INSTALLATIONS.** (a) The installer shall notify the chief of the local fire department, in writing, before covering an installation for which approval is required.

(b) The chief of the fire department or authorized representative shall inspect the installation and give written notice of approval or disapproval.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.  
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**Ind 8.13 Fees.** Fees shall be submitted to the department pursuant to ch. Ind 69. Fees shall be submitted at the time the application for approval is submitted. No plan examinations, approvals or inspections will be made until the fees are received.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

**Ind 8.135 Petition for variance. (1) PROCEDURE.** The department shall 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 and an interest in the rule 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 the petition for variance to promote the protection of the health, safety and welfare of the employees or the public. Violation of those conditions under which the petition is granted constitutes a violation of these rules.

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., outlines the procedure for submitting petitions to the department and the department's procedures for hearing petitions.

**(2) PETITION PROCESSING TIME.** Except for priority petitions, 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.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82; am. Register, November, 1984, No. 347, eff. 12-1-84; renum. to be (1) and cr. (2), Register, March, 1985, No. 351, eff. 4-1-85.

**Ind 8.14 Penalties.** Penalties for violations shall be assessed in accordance with s. 101.02, Stats.

Note 1: Section 101.02 (13) (a), Stats., indicates penalties will be assessed against any employer, employee, 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 employee, owner or other person must forfeit and pay into the state treasury a sum not less than \$10.00 nor more than \$100.00 for each violation.

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

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

### SUBCHAPTER 3 GENERAL PROVISIONS

**Ind 8.15 General provisions for sale, purchase, dispensing or use of flammable liquids. (1) LABELING.** No sale or purchase of any Class I, II or III liquids shall be made in containers, unless such containers are clearly marked with the name of the product.

**(2) CONTAINERS. (a)** A Class I flammable liquid when used in starting an engine or as fuel for a small heating appliance, lighting appliance, power tool or gasoline engine shall be dispensed only from an approved,

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properly identified safety can or screwed cover spout can approved for that specific use.

(b) No dispensing of any liquids having a flash point of less than 100° F. shall be made into portable containers or portable tanks unless such container or tank is substantially a bright red color, is listed or classified by Underwriter's Laboratory (U.L.), or is constructed of metal having a tight closure with screwed or spring cover, and is fitted with a spout or so designed that the contents can be poured without spilling.

(c) No kerosene, fuel oil or similar liquids having a flash point of 100° F. or more shall be filled into any portable container or portable tank colored red.

Note: See s. 168.11, Stats., for additional requirements.

(3) **DISPENSING WHILE ENGINE IS RUNNING.** A Class I flammable liquid shall not be dispensed into the fuel supply tank of any type internal combustion engine while the engine is running, except as permitted in ss. Ind 8.16 and 8.48 (1).

(4) **REPAIR AND MAINTENANCE, SOURCES OF IGNITION.** Repair and maintenance work involving a possible source of ignition shall not be performed in a room or area containing or likely to contain an ignitable mixture of hydrocarbon vapors and air.

(5) **DEGREASING AND CLEANING.** A Class I flammable liquid shall not be used for degreasing or cleaning any engine, machine, equipment or part thereof, or for cleaning a floor, pit, or any part of a building or premises.

(a) *Exception.* Industrial processes requiring use of Class I flammable liquids for degreasing or cleaning any engine, machine or part thereof shall be designed to incorporate a ventilation system to reduce vapor concentration below fire and explosive limits.

(6) **SATURATED CLOTHING.** Clothing saturated with a Class I or II liquid shall not be worn longer than the time required for removal and shall not be worn or taken into a building where a source of ignition exists.

(7) **DISPENSING FROM TANK VEHICLE TO SUPPLY TANK.** Class I flammable liquids shall not be dispensed from a tank vehicle into the fuel supply tank of any type of internal combustion engine, except as permitted in s. Ind 8.48 (1) (b).

(8) [5-2.4.2] **DRAWING OR TRANSFERRING OF CLASS I OR II LIQUIDS.** Class I and Class II liquids shall be drawn from or transferred into vessels, containers or portable tanks within a building only from original shipping containers with a capacity of 5 gallons or less, from safety cans, through a closed piping system, or from a portable tank or container by