

# RULES CERTIFICATE

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 Labeling of Oxygenated Fuels  
(Subject)  
were duly approved and adopted by this department on April 12, 1996  
(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 4:00pm  
in the city of Madison, this 12th  
day of April A.D. 1996

Carol Skornicka  
Secretary

# ORDER OF ADOPTION

Pursuant to authority vested in the Department of Industry, Labor and Human Relations by section(s)

ss. 168.11(1)(b) and 168.16(4), 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 48

(Number)

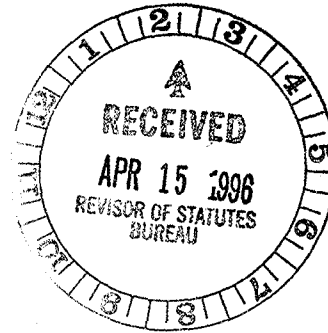
Petroleum Products

(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.



Adopted at Madison, Wisconsin this

date: April 12, 1996

DEPARTMENT OF INDUSTRY, LABOR AND  
HUMAN RELATIONS

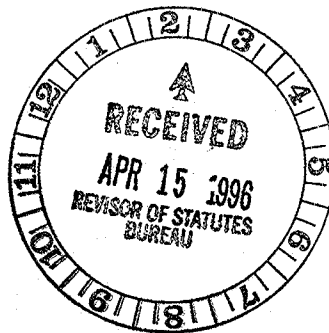
A handwritten signature in cursive script, appearing to read "Loreal Bern", written over a horizontal line.

Secretary



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

# RULES in FINAL DRAFT FORM



**Rule No.:** ILHR 48

**Relating to:** Labeling of Oxygenated Fuels

**Clearinghouse Rule No.:** 95-183

The Wisconsin Department of Industry, Labor and Human Relations proposes an order to repeal s. ILHR 48.10 (1)(c); to repeal and recreate s. ILHR 48.10 (1)(b); and to create s. ILHR 48.01 (7), relating to labeling of oxygenated fuels.

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Analysis of Proposed Rules

Statutory Authority: ss. 168.11(1)(b) and 168.16(4), Stats.

Statutes Interpreted: s. 168.11(1)(b), Stats.

The proposed rules require reformulated fuels to be labeled with the oxygenate that they contain and specify the form, content, and location of acceptable labels.

The proposed rules are currently in effect as emergency rules. The department intends to adopt the rules to make them permanent.

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SECTION 1. ILHR 48.01 (7) is created to read:

ILHR 48.01 (7) **AUTHORITY TO STOP SALE.** Persons with enforcement authority under this chapter shall have the authority to shut down petroleum storage tank systems by the issuance of orders and the disabling with locks under the following conditions:

(a) Immediate shutdown to protect life, safety or health. Petroleum storage systems which contain products which pose an immediate danger to life, safety or health shall be subject to immediate shutdown. Products that cause immediate danger to life, safety, or health include but are not limited to: heating oil or kerosene contaminated with gasoline, or contaminated aircraft fuels.

(b) Immediate shutdown to blend or remove petroleum products or wastes. Petroleum storage systems which contain wastes or products that fail to meet the operational and technical standards of this chapter shall be shut down until a pump out or blend is completed under the supervision of a person with enforcement authority under this chapter. The system may be reopened as soon as the product contained in the tank is verified by a person with enforcement authority under this chapter as meeting this chapter's operational and technical standards.

(c) Shutdown after long term violation. Petroleum storage systems containing petroleum products for which there is a continuing code violation under this chapter are subject to shutdown if the following conditions are met:

1. An order is issued with a specific compliance date and a period for compliance;
2. The first reinspection made after the specified compliance date shows that compliance has not been achieved;
3. A second compliance date is set with a period for compliance;
4. Reinspection after the second compliance date shows that compliance is still not achieved; and
5. The owner has not filed a written appeal with the department within 15 days of receiving the order.

SECTION 2. ILHR 48.10 (1)(b) is repealed and recreated to read:

ILHR 48.10 (1) (b) Oxygenated gasoline dispensing device labels. 1. A device that dispenses a gasoline-ethanol fuel blend of more than 2 percent by volume of ethanol shall be labeled with the volume percent of ethanol at all times the product is offered for retail sale.

2. A device that dispenses a reformulated gasoline, as defined in s.144.3716(1) Stats., that contains an oxygenate other than ethanol shall be labeled with the identity of the oxygenate at all times the product is offered for retail sale. If the reformulated gasoline contains multiple oxygenates, the label shall identify the predominate oxygenate based upon volume percent.

Note: "Reformulated gasoline" is defined in s.144.3716(1) Stats., as gasoline formulated to reduce emissions of volatile organic compounds and toxic air pollutants as provided in 42 USC 7545 (k) (5). The addition of an oxygenate to a fuel alone does not create a reformulated gasoline, other criteria specified in the law must also be met.

3. The label shall be placed on the face of the dispenser next to the name and grade of the product being dispensed.

4. The label shall be contrasting in color to the dispenser and have lettering using not less than one-half inch high letters with a stroke of not less than one eighth inch in width.

5. The label shall identify the oxygenate as either "Ethanol", "Methyl Tertiary Butyl Ether (MTBE)", "Ethyl Tertiary Butyl Ether (ETBE)", "Tertiary Amyl Methyl Ether (TAME)", "Tertiary Butyl Alcohol (TBA)", or as an other oxygenate name approved by the bureau of petroleum.

6. A label shall state that the product being dispensed "Contains" followed by the approved name for the oxygenate.

7. A label shall be conspicuous and legible to a customer when viewed from the driver's seat of a motor vehicle that is located within 6 feet of the dispensing device.

8. The label shall be capable of withstanding extremes of weather conditions for at least one year and shall be resistant to gasoline, oil, grease, solvents, detergents, and water. When damaged so that they are not legible, labels shall be replaced.

9. If a dispenser remains unlabeled after the expiration of orders issued by the department for labeling, and the owner does not file a written appeal within 15 days of receiving the order, the department shall stop the sale of the product in accordance with s. ILHR 48.01(7).

SECTION 3. ILHR 48.10 (1)(c) is repealed.

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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.

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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

April 11, 1996

✓ Gary Poulson  
Assistant Revisor of Statutes  
Suite 800  
131 West Wilson Street  
Madison, Wisconsin 53703-3233

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.: 95-183

RULE NO.: II HR 48

RELATING TO: Labeling of Oxygenated Fuels

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,

A handwritten signature in cursive script, appearing to read "Carol Skornicka".

Carol Skornicka  
Secretary

