

INTRODUCTION

Purpose and Structure

The Legislature, by s. 35.93 and ch. 227, Stats., directed the publication of the rules of executive agencies having rule-making authority in a loose-leaf, continual revision system known as the Wisconsin Administrative Code. The Code is kept current by means of new and replacement pages. The pages are issued monthly, together with notices of hearings, notices of proposed rules, emergency rules, instructions for insertion of new material, and other information relating to administrative rules. This service is called the Wisconsin Administrative Register, and comes to the subscriber near the middle and at the end of each month. Code pages are issued to subscribers only with the end of the month Register. The editing and publishing of the Register and Code is done by the Revisor of Statutes Bureau, Suite 800, 131 W. Wilson St., Madison, Wisconsin, 53703. (608-266-7275).

Availability

The complete code and the upkeep service are distributed to the county law libraries; to the libraries of the University of Wisconsin Law School and Marquette University Law School; to the State Historical Society; to the Legislative Reference Bureau and to the State Law Library, and to certain designated public libraries throughout the state.

The sale and distribution of the Register, Code and of its parts is handled by Department of Administration, Document Sales, P.O. Box 7840, Madison, Wisconsin 53707. (608-266-3358 information) (1-800-362-7253 or 608 264-9419 charge card orders).

Table of Contents

Each code with more than one chapter will have a table of chapters. After the title of each chapter will be the page numbers on

which the chapter begins. Each chapter will have a table of sections.

History Notes

Each page of the code as it was originally filed and printed pursuant to the 1955 legislation, had a date line 1-2-56. A rule which is revised or created subsequent to the original printing date is followed by a history note indicating the date and number of the Register in which it was published and the date on which the revision or creation of the rule became effective. Additions to a section's history note will be shown in **bold face** when those affected code sections are first released. The absence of a history note at the end of a section indicates that the rule has remained unchanged since the original printing in 1956. The date line at the bottom of the page indicates the month in which the page was released, but does not necessarily mean a substantive change has occurred on that page. Some common abbreviations used in the history notes are: cr. - created, am. - amend, r. - repeal, recr. - recreate, renum. - renumber, eff. - effective and emerg. - emergency.

In some instances an *entire* chapter has been repealed and recreated or renumbered subsequent to the original printing date. When this occurs a note has been placed at the beginning of the chapter after the table of sections to contain this information. A separate history note appears after each section indicating the date when the revision or creation became effective.

Index

The index for the complete Wisconsin Administrative Code will be found in the last volume of the complete set. It will be recompiled, reprinted and distributed at least 3 times a year. Some codes have a separate index prepared by the agency involved. See the Uniform Dwelling Code (chs. ILHR 20-25) and the Building and Heating Code (chs. ILHR 50-64) as examples.

Chapter Comm 11

LIQUEFIED PETROLEUM GASES

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Note: Ch. Ind 9 as it existed on December 31, 1984 was repealed and chs. ILHR 11 and 12 were created effective January 1, 1985. Chapter ILHR 11 was renumbered to be ch. Comm 11 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, No. 490.

Subchapter I— Purpose and Application

Comm 11.001 Purpose. The purpose of this code is to provide safe installation, operation, use, maintenance and transportation of liquefied petroleum gas equipment and systems.

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85.

Comm 11.002 Application. The rules of this chapter shall apply to the design, construction, location, installation, operation, repair and maintenance of equipment for the storage, handling and use of liquefied petroleum gases in dwellings, public buildings and places of employment. The rules shall also apply to the transportation of liquefied petroleum gases by tank truck or tank trailer but not to railroads engaged in interstate commerce or to equipment used by them.

Note: In addition to the requirements of this chapter, employees in public sector places of employment are protected by the provisions of ch. ILHR 32—Safety and Health Standards for Public Employees. Employees in private sector places of employment are protected by the regulations of 29 CFR of the U.S. department of labor, occupational safety and health administration (OSHA).

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85.

Subchapter II— Definitions

Comm 11.01 Definitions. In this chapter:

- (1) "Approved" means acceptable to the department.

Note: The department will ordinarily accept items approved by a nationally recognized testing laboratory.

(1h) "Certified inspector" means an individual who holds a valid credential issued by the department as a certified boiler-pressure vessel inspector.

(2) "Container" means all vessels such as tanks, cylinders, bottles or drums used for transporting or storing of liquefied petroleum gas.

(3) "Department" means the department of commerce.

(4) "Dwelling unit" means a structure, or part of a structure, which is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.

(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) (f), Stats.

(6) "Pressure vessel" means a container for the containment of pressure, either internal or external. This pressure may be obtained from an external source or by the application of heat from a direct or indirect source, or any combination thereof.

(7) "Public building" means any structure, including exterior parts of the building, such as a porch, exterior platform or steps providing means of ingress or egress, used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public or by 3 or more tenants.

Note: This definition is taken from s. 101.01 (2) (g), Stats.

(8) "Secondhand vessel" means a pressure vessel that has changed location subsequent to the original installation.

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85; cr. (1h), am. (5), Register, June, 1993, No. 450, eff. 7-1-93; r. and recr. (1h), Register, October, 1996, No. 490, eff. 11-1-96.

Subchapter III— Administration and Enforcement

Comm 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: 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: 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.

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85; r. and recr. Register, June, 1993, No. 450, eff. 7-1-93.

Comm 11.11 Approval of proposed construction, installation and operation of liquefied petroleum gas facilities. (1) DEPARTMENT APPROVAL. Department approval shall be obtained before commencing construction on any liquefied pe-

roleum gas installation using containers of 2000-gallon or larger water capacity.

(2) **PLANS, SPECIFICATIONS AND INFORMATION.** Plans, specifications and information submitted to the department for review and approval shall contain the following:

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

(b) The name of the owner; the name of the person, firm or corporation proposing the construction or installation, if other than the owner; the address of the facility including the names of adjacent streets and highways;

(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;

(d) The location, size and capacity of each container;

(e) The type of container supports, clearances, type of venting and pressure relief used and combined capacity of all venting and relief valves on each container; and

(f) Plans for service stations involving the use of key, card or code 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.

(3) **ADDITIONAL APPROVAL.** Approval of plans is based upon compliance with the requirements of this chapter. Storage, handling and use of liquefied petroleum gases may be subject to compliance with additional requirements in applicable codes, local zoning and similar ordinances.

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

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

(5) **APPLICATION PROCESSING TIME.** The department shall process all applications and shall approve, conditionally approve or deny the application in writing within 15 working days of receipt of the application.

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85; r. and recr. (1) and (4), renun. (2) (a) to (e) to be (2) (b) to (f) and am. (2) (c), cr. (2) (a), Register, June, 1993, No. 450, eff. 7-1-93.

Comm 11.12 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, December, 1984, No. 348, eff. 1-1-85.

Comm 11.13 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, December, 1984, No. 348, eff. 1-1-85.

Comm 11.14 Enforcement and inspections. (1) **ENFORCEMENT.** The 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 during or after construction or installation 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.

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85.

Comm 11.15 Fees. Fees shall be submitted to the department as specified in ch. Comm 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.

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85; am. Register, June, 1993, No. 450, eff. 7-1-93.

Comm 11.16 Appeals. As specified in s. 227.12, Stats., any municipality, corporation or any 5 or more persons having an interest in an administrative rule may appeal to the department requesting the adoption, amendment or repeal of the rule.

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85; am. Register, June, 1993, No. 450, eff. 7-1-93.

Comm 11.17 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 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 a petition for variance to promote the protection of the health, safety or welfare of the employees or the public. Violation of those conditions under which the petition is granted shall constitute a violation of this chapter.

(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.

Note: See Appendix for an example of the Petition for Variance Form (form SBD-8) and the Fire Department Position Statement Form (form SBD-8A).

Note: Section 101.02 (6), Stats., outlines the procedure for submitting petitions to the department and the department's procedures for hearing petitions.

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85.

Comm 11.18 Penalties. 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.

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85; r. and recr. Register, June, 1993, No. 450, eff. 7-1-93.

Subchapter IV— Standards

Comm 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. Comm 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.

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85; r. and recr. Register, June, 1993, No. 450, eff. 7-1-93.

Comm 11.21 Amendments to NFPA standards.

(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.

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85; r. and recr. Register, June, 1993, No. 450, eff. 7-1-93.

Comm 11.22 Construction, installation, operation and maintenance of liquefied petroleum gas facilities. All liquefied petroleum gas facilities shall be constructed, installed, operated and maintained as specified in the following standards:

(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.

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85; r. and recr. (1) and (2), Register, June, 1993, No. 450, eff. 7-1-93.

Subchapter V— General Requirements

Comm 11.30 Self-service to vehicle fuel tanks and recreational equipment. **(1) GENERAL.** No person, except the following, may dispense any liquefied petroleum gases unless the dispensing is through approved liquefied petroleum gas dispensing devices or devices pending approval:

(a) Trained authorized employee of a bulk storage plant, container charging plant or service station; or

(b) Trained authorized motor vehicle fleet employees.

(2) LOCATION OF KEY, CARD OR CODE DISPENSING SYSTEMS. (a) **Attended locations.** Liquefied petroleum fueling facilities may be located in areas accessible or open to the general public provided the facility is equipped with key, card or code operated dispensing devices listed or approved by a nationally recognized testing laboratory and an attendant is on duty at all times when liquefied petroleum gas is being dispensed.

(b) **Nonattended locations.** Dispensing of liquefied petroleum gas may be permitted without an attendant provided the dispensing facility is not freely accessible or open to the general public and the facility is equipped with approved key, card or code operated dispensing devices.

(3) POSTING OF SIGNS. A permanent sign providing a 24 hour service call telephone number in letters at least one inch high shall be posted at the dispensing device in all nonattended locations.

(4) PUBLIC SELF-SERVICE PROHIBITED. Self-service of liquefied petroleum gas by the general public shall be prohibited.

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85.

Comm 11.33 Fuel supply tanks for liquefied petroleum cargo tank trucks. Every motor vehicle operated by liquefied petroleum gas fuel shall be equipped with a liquefied petroleum gas fuel supply tank separate from and in no way connected to any liquefied petroleum cargo tank on or attached to the motor vehicle.

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85.

Comm 11.35 Containers and pressure vessels. Design, construction, and repairs and alterations by welding to liquefied petroleum gas containers and pressure vessels shall conform to the requirements of chs. ILHR 41 and 42.

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85.

Comm 11.36 Secondhand pressure vessels. The use of secondhand pressure vessels, having a water capacity in excess of 2,000 gallons and intended for liquefied petroleum gas service, shall be prohibited, unless the following conditions are satisfied:

(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;

(2) ALTERATIONS AND REPAIRS BY WELDING. All alterations and repairs by welding are documented in writing to verify compliance with chs. ILHR 41 and 42; and

(3) OTHER REQUIREMENTS. An inspection of the pressure vessel has been performed at its new location by a certified inspector.

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85; am. (1) and (3), Register, June, 1993, No. 450, eff. 7-1-93; am. (3), Register, September, 1996, No. 490, eff. 11-1-96.

Chapter Comm 11

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.

referred to in section Comm 11.17. Copies of this form are available from the Safety and Buildings Division, P.O. Box 7969, Madison, Wisconsin 53707.

A11.17 Petitions for Variance. The following form (SBD-8) is

Wisconsin Department of Industry,
Labor and Human Relations

PETITION FOR VARIANCE APPLICATION

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-Number
Owner/Petitioner's Name	Building Or Project		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	

1. The rule being petitioned reads as follows (cite specific rule number and language; one rule per application):

2. The rule being petitioned cannot be entirely satisfied because:

3. The following alternative(s) and supporting information are proposed as a means of providing an equivalent degree of health, safety or welfare as addressed by the rule:

Note: Please attach any pictures, plans, sketches or required position statements.

VERIFICATION BY OWNER - PETITION IS VALID ONLY IF NOTARIZED WITH AFFIXED SEAL AND ACCOMPANIED BY REVIEW FEE
See Section ILHR 2.52 for complete fee information

Note: Petitioner must be the owner of the building or project. Tenants, agents, designers, contractors, attorneys, etc., shall not sign petition unless Power of Attorney is submitted with the Petition For Variance Application

_____, being duly sworn, I state as petitioner that I have read the foregoing
petition and I believe it is true and that I have significant ownership rights to the subject building or project.

Petitioner's Signature:	Subscribed And Sworn To Before Me This Date:	Notary Public	My Commission Expires On:
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