

RULES CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPT. OF INDUSTRY,)
LABOR & HUMAN RELATIONS)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

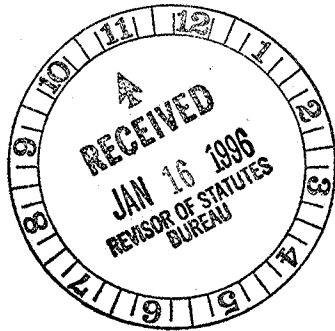
I, Carol Skornicka, Secretary of the Department of Industry, Labor and Human Relations, and custodian of the official records of said department, do hereby certify that the annexed rule(s) relating to compressed natural gas

(Subject)

were duly approved and adopted by this department on 1/12/96

(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 4:00 pm in the city of Madison, this 12th day of January 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)

101.02 (1) and (15)(a), 101.12 (1) and 101.19

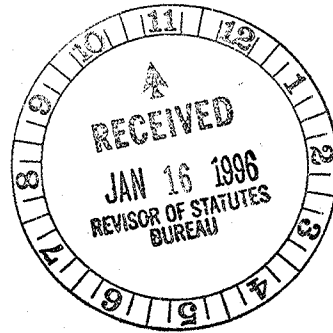
Stats., the Department of Industry, Labor and Human Relations creates; amends;

repeals and recreates; repeals and adopts rules of Wisconsin Administrative Code chapter(s):

ILHR 2 and 13
(Number)

Fee schedule and compressed natural gas
(Title)

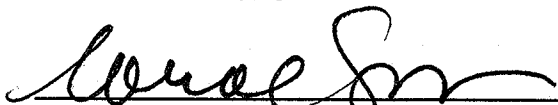
The attached rules shall take effect on the first day of the month following publication in the
Wisconsin Administrative Register pursuant to section 227.22, Stats.



Adopted at Madison, Wisconsin this

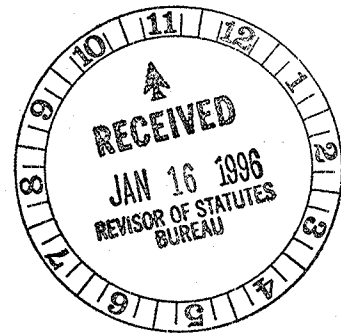
date: 1/12/96

DEPARTMENT OF INDUSTRY, LABOR AND
HUMAN RELATIONS


Secretary



RULES in FINAL DRAFT FORM



Rule No.: Chapters ILHR 2 and 13

Relating to: Compressed Natural Gas

Clearinghouse Rule No.: 94-132

The Wisconsin Department of Industry, Labor and Human Relations proposes an order to renumber ILHR 13.10 (2) (a) to (e) and ILHR 13.10 (4) (a) and (b); to amend ILHR 2.43, ILHR 13.002 Note, ILHR 13.01 (4), ILHR 13.10 (2) (c) to (e), ILHR 13.12, ILHR 13.14, ILHR 13.20 (1) and ILHR 13.21; to repeal and recreate ILHR 13.10 (1), ILHR 13.10 (4) (intro.) and ILHR 13.16 (2) Note 1; and to create ILHR 13.01 (5) Note, ILHR 13.10 (2) (a), ILHR 13.10 (3m), ILHR 13.103, ILHR 13.105 and ILHR 13.18, relating to compressed natural gas.

Analysis of Proposed Rules

Statutory Authority: Sections 101.02 (1) and (15) (a), 101.12 (1) and 101.19, Stats.

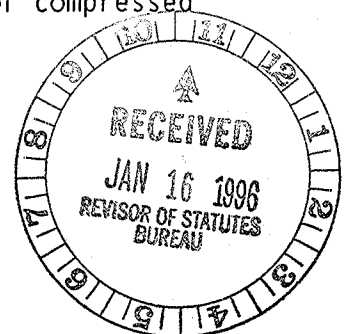
Statutes Interpreted: Sections 101.02 (1) and (15) (a), 101.12 (1) and 101.19, Stats.

The Division of Safety and Buildings within the Department of Industry, Labor and Human Relations is responsible for adopting and enforcing administrative rules relative to the protection of life, health, safety and welfare of employes and frequenters in public buildings and places of employment. The requirements of chapter ILHR 13 contain safety and health rules relating to the design, construction, location, installation, operation, use, repair and maintenance of compressed natural gas equipment in public buildings and places of employment.

The proposed rules consist of miscellaneous changes in chapter ILHR 13 in order to update the code relative to nationally recognized standards and to revise the department's plan review and installation requirements. The basis of chapter ILHR 13 is the incorporation by reference of the National Fire Protection Association (NFPA) Standard NFPA 52 - Standard for Compressed Natural Gas (CNG) Vehicular Fuel Systems. The proposed rules include the incorporation by reference of the 1995 edition of NFPA 52.

The proposed rules revise several requirements relating to the information that must be submitted to the department for plan review and approval. An exemption from plan review and approval is added for vehicle fueling appliances used for outdoor fueling and having no storage capacity. Also, a voluntary one-time approval of materials and equipment is being added in order to improve the efficiency of the plan review process. A new installation application form is being added, as well as a rule clarifying the submittal of revised plans. The proposed rules also require a certificate of installation to be completed by the system installer, with a copy of the certificate to be submitted to the local fire department.

The statutes authorize the department to charge and collect fees to cover the costs of providing plan review and inspection services. The proposed rules contain revisions in the fee schedule in order to more accurately reflect the costs associated with the plan review and inspection of compressed natural gas systems and liquefied petroleum gas systems.



The proposed rules were developed with the assistance of the Wisconsin Fire Prevention Council and the Compressed Natural Gas Subcommittee. The members of those citizen advisory committees are as follows:

Wisconsin Fire Prevention Council

<u>Name</u>	<u>Representing</u>
Neil Cameron	Wisconsin AFL/CIO
Martin G. Collins	City of Milwaukee
George Deel	Wisconsin Insurance Alliance
Charles W. Elliott	Wisconsin Petroleum Council
John Fulcher	Wisconsin State Fire Chiefs Association
Steven J. Hook	Professional Fire Fighters of Wisconsin
Thomas H. Jahn	Wisconsin Manufacturers and Commerce
Matthew Kerschner	Wisconsin Propane Gas Association
Dallas Millard	Wisconsin State Fire Fighters Association
Mark A. Noah	Wisconsin Utilities Association
Robert Vajgrt	Wisconsin Fire Inspectors Association
David M. Wheaton	Wisconsin Building Inspectors Association

Compressed Natural Gas Subcommittee

<u>Name</u>	<u>Representing</u>
Mark Carlson	FuelMaker Corporation
David Duey	EDO Energy, Inc.
John Fulcher	Wisconsin State Fire Chiefs Association
Jim Gaa	Alternative Transportation Fuels, Inc.
Matthew Kerschner	Wisconsin Propane Gas Association
Jeffery Knight	DOA Division of State Agency Services
Greg Michalak	Inland Detroit Diesel-Allison
Dr. Ken Neusen	UWM College of Engineering
Mark A. Noah	Wisconsin Utilities Association
Bob Singleton	Air Improvement Resources
Robert Vajgrt	Wisconsin Fire Inspectors Association

* * * * *

SECTION 1. ILHR 2.43 Table 2.43 is amended to read:

Table 2.43
(Partial Table)

Type of Registration, Renewal, Examination or Inspection	Fee
<u>LIQUEFIED PETROLEUM GAS, AND LIQUEFIED NATURAL GAS SYSTEMS OR COMPRESSED NATURAL GAS</u>	
125 to 1,999 gallon water capacity tank.....	(No state examination or inspection fee required; local fire department shall be provided with a Compliance Certification Form at time of installation.)
2000 Gallon Water Capacity and Above	
Plan Examination Fee.....	\$43.00 per tank <u>\$150.00 per site</u>
Site Inspection Fee.....	\$43.00 per tank <u>\$200.00 per site</u>
<u>COMPRESSED NATURAL GAS SYSTEMS</u>	
<u>Vehicle Fueling Sites*</u>	
Plan Examination Fee.....	<u>\$150.00 per site</u>
Site Inspection Fee.....	<u>\$200.00 per site</u>
<u>PLAN REVISIONS</u>	
Plan Revision Examination Fee.....	\$22.00 <u>\$75.00</u> per revised plan

SECTION 2. ILHR 13.002 Note is amended to read:

ILHR 13.002 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 ~~and 1000-2000~~ ILHR 32 - Public Employee Safety and Health Code. 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 3. ILHR 13.01 (4) is amended to read:

ILHR 13.01 (4) "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.

SECTION 4. ILHR 13.01 (5) Note is created to read:

ILHR 13.01 (5) Note: This definition is taken from s. 101.01 (2) (g), Stats.

SECTION 5. ILHR 13.10 (1) is repealed and recreated to read:

ILHR 13.10 (1) DEPARTMENT APPROVAL. (a) Except as provided in par. (b), department approval shall be obtained before commencing construction on a compressed natural gas facility installation.

(b) Department approval is not required for vehicle fueling appliances used for outdoor fueling and having no storage capacity.

SECTION 6. ILHR 13.10 (2) (a) to (e) are renumbered ILHR 13.10 (2) (b) to (f).

SECTION 7. ILHR 13.10 (2) (a) is created to read:

ILHR 13.10 (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 8. ILHR 13.10 (2) (c) to (e), as renumbered, are amended to read:

ILHR 13.10 (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;

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

(e) The type of container supports, clearances, type of safety relief valves used and combined capacity of all safety relief valves on each container, vaporizer, dryer and similar component; and

SECTION 9. ILHR 13.10 (3m) is created to read:

ILHR 13.10 (3m) LOCAL REGULATIONS. This chapter shall not limit the power of cities, villages and towns to make or enforce additional or more stringent regulations, provided the regulations do not conflict with this chapter, any other rule of the department, or law.

SECTION 10. ILHR 13.10 (4) (intro.) is repealed and recreated to read:

ILHR 13.10 (4) (a) Applications for approval of a compressed natural gas facility installation shall be made in writing on form SBD-6038.

Note: The application for installation form (SBD-6038) is available from the Safety and Buildings Division, Customer Service Center, P.O. Box 7969, Madison, WI 53707, telephone 608/266-3151.

SECTION 11. ILHR 13.10(4)(a) and (b) are renumbered ILHR 13.10(4)(b) and (c).

SECTION 12. ILHR 13.103 is created to read:

ILHR 13.103 CERTIFICATE OF INSTALLATION. Every person, firm, association or corporation installing compressed natural gas equipment shall complete a certificate of installation form. The certificate of installation form shall be completed at the time of installation, kept at the installation site and available for review by an authorized representative of the department. A copy of the installation form shall be submitted to the local fire department within 10 business days of the installation.

Note: The compressed natural gas certificate of installation form is available from the Safety and Buildings Division, Customer Service Center, P.O. Box 7969, Madison, WI 53707, telephone 608/266-3151.

SECTION 13. ILHR 13.105 is created to read:

ILHR 13.105 REVISIONS AND MODIFICATIONS. (1) PLAN REVISIONS. (a) The changes specified in par. (b) to previously approved plans shall be submitted for review as a revision. Revised plans submitted for review shall include the state plan number for the original plans.

(b) Plans shall be submitted to the department for review for changes in tank location or capacity, piping arrangement or material, safety setback clearance, point of transfer location, design of indoor fueling operation, and gas detection or monitoring equipment location.

(2) ADDITIONS AND MODIFICATIONS. Additions or modifications to systems after commencement of system operation shall be submitted for review as a new installation.

SECTION 14. ILHR 13.12 is amended to read:

ILHR 13.12 DEPARTMENTAL LIMITATION AND EXPIRATION OF PLAN APPROVAL. Plan approval by the department or its authorized deputy shall expire ~~one-year~~ 2 years after the date indicated on the approved plans, if construction has not commenced within ~~that-year~~ those 2 years.

SECTION 15. ILHR 13.14 is amended to read:

ILHR 13.14 FEES. 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 shall be made until the fees are received.

SECTION 16. ILHR 13.16 (2) Note 1 is repealed and recreated to read:

ILHR 13.16 (2) Note 1: The petition for variance application form (SBD-9890) is available from the Safety and Buildings Division, Customer Service Center, P.O. Box 7969, Madison, WI 53707, telephone 608/266-3151.

[NOTE TO REVISOR: Delete the Appendix from chapter ILHR 13.]

SECTION 17. ILHR 13.18 is created to read:

ILHR 13.18 SPECIFIC APPROVAL OF MATERIALS, EQUIPMENT OR DEVICES.

Specific approval of materials, equipment or devices may be obtained from the department. Applications for approval shall include sufficient data, tests and other evidence from an independent third party to prove that the material, equipment or device meets the requirements of this chapter. Upon receipt of a fee and application form SBD-8028, the department may issue an approval number for the material, equipment or device. The department shall review and make a determination on an application for approval within 30 business days of receipt of all forms, fees, information and documents required to complete the review.

Note: The material approval application form (SBD-8028) is available from the Safety and Buildings Division, Customer Service Center, P.O. Box 7969, Madison, WI 53707, telephone 608/266-3151.

SECTION 18. ILHR 13.20 (1) is amended to read:

ILHR 13.20 (1) CONSENT TO INCORPORATE. Pursuant to s. 227.21, Stats., the attorney general and the revisor of statutes have consented to the incorporation by reference of the National Fire Protection Association Standard for Compressed Natural Gas (CNG) Vehicular Fuel Systems, NFPA No. 52-1984 1995.

SECTION 19. ILHR 13.21 is amended to read:

ILHR 13.21 DESIGN, CONSTRUCTION, LOCATION, INSTALLATION, OPERATION, USE, REPAIR AND MAINTENANCE OF COMPRESSED NATURAL GAS FACILITIES. All compressed natural gas facilities shall be designed, constructed, located, installed, operated, used, repaired and maintained as specified in the National Fire Protection Association Standard NFPA 52-1984---~~Standard for Compressed Natural Gas (CNG) Vehicular Fuel Systems,~~ as incorporated by reference in s. ILHR 13.20.

(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.

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

January 12, 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.: 94-132

RULE NO.: Chapters ILHR 2 and 13

RELATING TO: Compressed Natural Gas

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

ADM-7239(R.01/95)

