

# RULE REPORT

## Department of Commerce

Clearinghouse Rule No.: 11-002

Rule No.: Chapters Comm 2 and 40

Relating to: Gas Systems

*Contact person for substantive questions:*

*Contact person for internal processing:*

Name Sam Rockweiler

Name (same)

Title Code Development Consultant

Title \_\_\_\_\_

Telephone Number 266-0797

Telephone Number \_\_\_\_\_

1. Basis and purpose of the proposed rule.

These rule changes would primarily update chapter Comm 40 to have it include newer editions of its referenced national standards, and to make it consistent with current industry and regulatory practices. The changes would also clarify and refine the administrative elements, such as where and how the chapter applies, and where Department-level plan approval and inspection is required, including for vehicle-fuel dispensing systems.

2. How the proposed rule advances relevant statutory goals or purposes.

These rule changes would advance the purposes of sections 101.02 (1) and (15) (h) to (j) of the Statutes, which require the Department to establish rules and to prescribe safeguards for protecting the life, health, safety and welfare of employees and frequenters of public buildings and places of employment. The rule changes would also advance the purposes section 101.16 (2) of the Statutes, which requires the Department to establish rules relating to design, construction, location, installation, operation, repair, and maintenance of equipment for storage, handling, use, and transportation by tank truck or tank trailer, of liquefied petroleum gases for fuel purposes, and for the odorization of those gases.

3. Changes to the rule analysis or fiscal estimate that was prepared for public hearing.

No substantive changes were made to the rule analysis or fiscal estimate.

# FINAL REGULATORY FLEXIBILITY ANALYSIS

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Final regulatory flexibility analysis not required. (Statement of determination required.)

1. Reason for including or failing to include the following methods for reducing impact of the rule on small businesses: Less stringent compliance or reporting requirements; less stringent schedules or deadlines for compliance or reporting requirements; simplification of compliance or reporting requirements; establishment of performance standards to replace design or operational standards; exemption from any or all requirements.

Less stringent requirements are not proposed for small businesses because the statutory directives under which these rule changes are proposed do not provide such flexibility.

2. Issues raised by small businesses during hearings, changes in proposed rules as a result of comments by small businesses and reasons for rejecting any alternatives suggested by small businesses.

No such issues were raised, and no such changes were made.

3. Nature and estimated cost of preparation of any reports by small businesses.

No substantive new reporting would be imposed on small businesses.

4. Nature and estimated cost of other measures and investments required of small businesses.

None of the proposed rule changes are expected to significantly increase the current cost of installing and operating fuel gas systems because the primary effect of the changes is to make chapter Comm 40 consistent with current regional and national standards for these systems, and with current industry and regulatory practices.

5. Additional cost to agency of administering or enforcing a rule which includes any of the methods in 1. for reducing impact on small businesses.

None of the methods listed in 1. for reducing small-business impacts are included in the proposed rules.

6. Impact on public health, safety and welfare caused by including any of the methods in 1. for reducing impact on small businesses.

None of the methods listed in 1. for reducing small-business impacts are included in the proposed rules.

# RESPONSE TO LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

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Agency contact person for substantive questions.

Name: Sam Rockweiler

Title: Code Development Consultant

Telephone No. 266-0797

Legislative Council report recommendations accepted in whole.

Yes

No

1. Review of statutory authority [s. 227.15(2)(a)]

a.  Accepted

b.  Accepted in part

c.  Rejected

d.  Comments attached

2. Review of rules for form, style and placement in administrative code [s. 227.15(2)(c)]

a.  Accepted

b.  Accepted in part

c.  Rejected

d.  Comments attached

3. Review rules for conflict with or duplication of existing rules [s. 227.15(2)(d)]
- a.  Accepted
  - b.  Accepted in part
  - c.  Rejected
  - d.  Comments attached
4. Review rules for adequate references to related statutes, rules and forms [s. 227.15(2)(e)]
- a.  Accepted
  - b.  Accepted in part
  - c.  Rejected
  - d.  Comments attached
5. Review language of rules for clarity, grammar, punctuation and plainness [s. 227.15(2)(f)]
- a.  Accepted
  - b.  Accepted in part
  - c.  Rejected
  - d.  Comments attached
6. Review rules for potential conflicts with, and comparability to, related federal regulations [s. 227.15(2)(g)]
- a.  Accepted
  - b.  Accepted in part
  - c.  Rejected
  - d.  Comments attached
7. Review rules for permit action deadline [s. 227.15(2)(h)]
- a.  Accepted
  - b.  Accepted in part
  - c.  Rejected
  - d.  Comments attached