

# ADMINISTRATIVE RULE CORRESPONDENCE

## Department of Commerce

**Date:**

**To:** Mike Klonsinski

**From:** Tom Nardelli

**Rule No.:** Chapters Comm 2, 20, 40 and 65

**Relating To:** Gas Systems

**Subject:** Adoption of Rules

Enclosed are rulemaking documents for adopting proposed rule changes in chapter Comm 40 and corresponding minor adjustments in chapters Comm 2, 20 and 65.

Chapter Comm 40 addresses minimum safety standards for design, construction, installation, inspection, operation, testing, maintenance, repair, and alteration of liquefied petroleum gas systems, liquefied natural gas systems, compressed natural gas systems, gaseous hydrogen systems, and liquefied hydrogen systems – where these gas systems are used for fuel purposes, such as for heating appliances or engines.

The proposed 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, such as for vehicle-fuel dispensing systems.

The changes for chapter Comm 2 address related fees for plan review and inspections. The changes for chapters Comm 20 and 65 address a national standard that we are updating in chapter Comm 40.

The legislative review period for these proposed rule changes has expired without any comments from the Senate and Assembly committees, and the Department may therefore adopt the rules.

The Division supports the proposed rules, as enclosed.

If you agree we can proceed with adopting the proposed rules, please have the attached documents signed and dated where indicated and have them returned to Sam Rockweiler. We will then distribute the required copies of the rule documents.

If you would like to discuss this proposal, or if you have any questions, please contact me at 266-1816.

Enc. 5

c: Rick Merkle

Joe Hertel

*File reference: Comm 40/Adoption*

Bruce Hoesly  
Code Editor  
Legislative Reference Bureau  
Suite 200  
1 East Main Street  
Madison, Wisconsin 53703

Dear Mr. Hoesly:

### TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO.: 11-002

RULE NO.: Chapters Comm 2, 20, 40 and 65

RELATING TO: Gas Systems

Pursuant to section 227.20, Stats., agencies are required to file a certified copy of every rule adopted by the agency with the Legislative Reference Bureau.

At this time, the following material is being submitted to you:

1. Order of Adoption.
2. Rules Certificate Form.
3. Rules in Final Form.

Pursuant to section 227.114, Stats., a summary of the final regulatory flexibility analysis is also included.

Respectfully submitted,

Paul F. Jadin  
Secretary

# ORDER OF ADOPTION

## Department of Commerce

Pursuant to authority vested in the Department of Commerce by section(s) 101.02 (1) and (15) (h) to (j), 101.16 (2),

101.17, 101.19 (1) and 227.11 (2) (a) Stats., the Department of Commerce  creates;  amends;

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

Comm 2, 20, 40 and 65 Gas Systems  
(number) (Title)

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

Adopted at Madison, Wisconsin this

date: \_\_\_\_\_

DEPARTMENT OF COMMERCE

\_\_\_\_\_  
Paul F. Jadin, Secretary

# RULES CERTIFICATE

## Department of Commerce

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Paul F. Jadin, Secretary of the Department of Commerce,

and custodian of the official records of said department, do hereby certify that the annexed rule(s) relating to

gas systems

(Subject)

were duly approved and adopted by this department.

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 at 201 West Washington Avenue  
in the city of Madison, this \_\_\_\_\_  
day of \_\_\_\_\_ A.D. 2011

\_\_\_\_\_  
Paul F. Jadin, Secretary

# SUMMARY OF FINAL REGULATORY FLEXIBILITY ANALYSIS

## Department of Commerce

CLEARINGHOUSE RULE NO.: 11-002

RULE NO.: Chapters Comm 2, 20, 40 and 65

RELATING TO: Gas Systems

### Final Regulatory Flexibility Analysis Summary

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.

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. No substantive new reporting would be imposed on small businesses.

### Summary of Comments of Legislative Standing Committees

Assembly Committee Natural Resources

Senate Committee Judiciary, Utilities, Commerce, and Government Operations

No comments were received.