

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 13

COMPRESSED NATURAL GAS

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Note: Chapter ILHR 13 was renumbered chapter Comm 13 under s. 13.93 (2m) (b) 1. and corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, August, 1997, No. 500.

Subchapter I – Purpose and Application

Comm 13.001 Purpose. The purpose of this chapter is to provide safe design, construction, location, installation, operation, use, repair and maintenance of compressed natural gas equipment and systems.

History: Cr. Register, December, 1988, No. 396, eff. 1-1-89.

Comm 13.002 Application. (1) **GENERAL.** The rules of this chapter shall apply to the design, construction, location, installation, operation, use, repair and maintenance of equipment for the storage, handling and use of compressed natural gas in public buildings and places of employment.

Note: In addition to the requirements of this chapter, employees in public sector places of employment are protected by the provisions of chapter ILHR 32 – Public Employee Safety and Health Code. 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).

(2) **EXCEPTION.** (a) The rules of this chapter do not apply to compressed natural gas facilities owned and operated by utilities when the facilities are part of the distribution system for the utility and are subject to the provisions of ch. PSC 135, Wis. Adm. Code.

Note: Compressed natural gas facilities owned and operated for utility purposes by utilities are regulated by the public service commission and are subject to ch. PSC 135, and the Natural Gas Pipeline Safety Act of 1968 (49USC1675, 49CFR192 – et. seq.).

(b) The rules of this chapter do not apply to the transportation of compressed natural gas.

History: Cr. Register, December, 1988, No. 396, eff. 1-1-89.

Subchapter II – Definitions

Comm 13.01 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.

(2) “Container” means a pressure vessel or cylinder used to store compressed natural gas.

(3) “Department” means the department of commerce.

(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 (11), Stats.

(5) “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 (12), Stats.

History: Cr. Register, December, 1988, No. 396, eff. 1-1-89; am. (4), Register, March, 1996, No. 483, eff. 4-1-96.

Subchapter III – Administration and Enforcement

Comm 13.10 Approval of proposed design, construction, location, installation, operation, use, repair and maintenance of compressed natural gas facilities. (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.

(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 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

(f) Pertinent information with regard to the design, construction and operation of the specific facility to demonstrate compliance with the rules of this chapter.

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

(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.

(4) **APPLICATION FOR APPROVAL.** (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 53704, telephone 608/266-3151.

(b) If, upon examination, the department determines that the plans and the application for approval substantially conform to the provisions of this chapter, a conditional approval in writing, shall be granted. All conditions requiring compliance stated in the conditional approval shall be corrected before or during construction or erection. A conditional approval issued by the department may not be construed as an assumption of any responsibility for the design or construction of a compressed natural gas facility.

(c) If the department determines that the plans or application do not substantially conform to the provisions of this chapter, the application for conditional approval shall be denied, in writing.

(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, 1988, No. 396, eff. 1-1-89; r. and rec. (1) and (4) (intro.), renum. (2) (a) to (e), (4) (a) and (b) to be (2) (b) to (f), (4) (b) and (c) and am. (2) (c) to (e), Register, March, 1996, No. 483, eff. 4-1-96.

Comm 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 (SBD-9656) is available from the Safety and Buildings Division, Customer Service Center, P. O. Box 7969, Madison, WI 53707, telephone 608/266-3151.

History: Cr. Register, March, 1996, No. 483, eff. 4-1-96.

Comm 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.

History: Cr. Register, March, 1996, No. 483, eff. 4-1-96.

Comm 13.11 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, 1988, No. 396, eff. 1-1-89.

Comm 13.12 Departmental limitation and expiration of plan approval. Plan approval by the department or its authorized deputy shall expire 2 years after the date indicated on the approved plans, if construction has not commenced within those 2 years.

History: Cr. Register, December, 1988, No. 396, eff. 1-1-89; am., Register, March, 1996, No. 483, eff. 4-1-96.

Comm 13.13 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, 1988, No. 396, eff. 1-1-89.

Comm 13.14 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 shall be made until the fees are received.

History: Cr. Register, December, 1988, No. 396, eff. 1-1-89; am., Register, March, 1996, No. 483, eff. 4-1-96.

Comm 13.15 Appeals. As specified in s. 227.12, Stats., any municipality, corporation or any 5 or more persons having an interest in the rule may appeal to the department requesting the adoption, amendment or repeal of the rule.

History: Cr. Register, December, 1988, No. 396, eff. 1-1-89.

Comm 13.16 Petition for variance. (1) **PROCEDURE.** The department may 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 petitions for which the owner has required priority processing, 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: 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: Section 101.02 (6), Stats., and ch. ILHR 3 outline the procedure for submitting petitions to the department and the department's procedures for hearing petitions.

History: Cr. Register, December, 1988, No. 396, eff. 1-1-89.

Comm 13.17 Penalties. Penalties for violations shall be assessed in accordance with s. 101.02 (13), Stats.

Note: Section 101.02 (13) (a), Stats., indicates penalties will be assessed against any employer, employee, owner or other person who fails or refuses to perform any duty lawfully enjoined, within the time prescribed by the department for which no penalty has been specifically provided, or who fails, neglects or refuses to comply with any lawful order made by the department or any judgement or decree made by anyone in connection with ss. 101.01 to 101.25, Stats. For each such violation, failure or refusal, such employee, owner or other person must forfeit and pay into the state treasury a sum not less than \$10.00 nor more than \$100.00.

Note: Section 101.02 (12), Stats., indicates that every day during which any person, persons, corporation, or any officer, agent or employee thereof, fails to observe and comply with an order of the department will constitute a separate and distinct violation of such order.

History: Cr. Register, December, 1988, No. 396, eff. 1-1-89.

Comm 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.

History: Cr. Register, March, 1996, No. 483, eff. 4-1-96.

Subchapter IV – Standards

Comm 13.20 Adoption of standards by reference.

(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. 52-1995.

(2) INTERIM AMENDMENTS. Interim amendments of the stan-

dard shall have no effect in the state until such time as this section is correspondingly revised to reflect those changes.

(3) AVAILABILITY OF STANDARD. Standards of the National Fire Protection Association may be obtained by writing to Publications Sales Department, National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269.

(4) FILING OF STANDARD. Copies of the standard in reference are on file in the offices of the department, the secretary of state and the revisor of statutes.

History: Cr. Register, December, 1988, No. 396, eff. 1-1-89; am. (1), Register, March, 1996, No. 483, eff. 4-1-96.

Comm 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, as incorporated by reference in s. Comm 13.20.

History: Cr. Register, December, 1988, No. 396, eff. 1-1-89; am. Register, March, 1996, No. 483, eff. 4-1-96.