

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 12

LIQUEFIED NATURAL GAS

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Note: Chapter Ind 9 as it existed on December 31, 1984 was repealed and new chapters Comm 11 and 12 were created effective January 1, 1985.

Note: Chapter ILHR 12 was renumbered chapter Comm 12 under s. 13.93 (2m) (b) 1, Stats., and corrections made under s. 13.93 (2m) (b) 6., and 7., Stats., Register, July, 1998, No. 511.

Subchapter I — Purpose and Application

Comm 12.001 Purpose. The purpose of this chapter is to provide safe installation, operation, use and maintenance of liquefied natural gas equipment and systems.

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

Comm 12.002 Application. (1) **GENERAL.** 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 natural gas in public buildings and places of employment.

Note: In addition to the requirements of this chapter, all frequenters and employers in public buildings and places of employment and employees in public sector places of employment are protected by the provisions of ch. Comm 32 - Public Employee Safety and Health; employees 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).

(2) **EXCEPTION.** (a) The rules of this chapter do not apply to liquefied natural gas facilities owned and operated by utilities.

Note: Liquefied natural gas facilities owned and operated by utilities are regulated by the public service commission and are subject to ch. PSC 135, Wis. Adm. Code and the Natural Gas Pipeline Safety Act of 1968 (49 USC 1675, 49 CFR 193 - et. seq.).

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

Note: The transportation of liquefied natural gas is subject to the regulations of the federal department of transportation (49 CFR, Parts 171-179).

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

Subchapter II — Definitions

Comm 12.01 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 all vessels such as tanks, cylinders, bottles or drums used for transporting or storing of liquefied 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.

(5) "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.

(6) "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.

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

Subchapter III — Administration and Enforcement

Comm 12.10 Approval of proposed construction, installation and operation of liquefied natural gas facilities.

(1) **DEPARTMENTAL APPROVAL OF PLANS.** At least 3 sets of plans, which are clear, legible and permanent copies, and one copy of specifications and complete information shall be submitted to the department for examination and approval before commencing construction on any liquefied natural gas installation using containers 2000 gallon or larger water capacity.

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

(a) 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;

(b) A plot plan 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;

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

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

(e) 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 liquefied natural gas may be subject to compliance with additional requirements in applicable codes, local zoning and similar ordinances.

(4) **APPLICATION FOR APPROVAL.** Each application for approval shall be submitted to the department in writing, together with the plans and information specified in sub. (2) and the fees specified in s. Comm 12.14.

(a) If, upon examination, the department or local official having approval jurisdiction 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 noncode complying conditions stated in the conditional approval shall be corrected before or during construction or erection. A conditional approval issued by the department or local official having approval jurisdiction shall not be construed as an assumption of any responsibility for the design or construction of a liquefied natural gas facility.

(b) If the department or local official having approval jurisdiction 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.

(c) In the event of a dispute as to whether the information submitted to a local official having approval jurisdiction shows compliance with the provisions of this chapter, the application shall be submitted to the department for review and the decision of the department shall govern.

(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.

Comm 12.11 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, 1984, No. 348, eff. 1-1-85.

Comm 12.12 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 12.13 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, 1984, No. 348, eff. 1-1-85.

Comm 12.14 Fees. Fees shall be submitted to the department as specified in s. Comm 2.43. Fees shall be submitted at the time the application for approval is submitted. No plan examinations, approvals or inspections will be made until the fees are received.

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85; correction made under s. 13.93 (2m) (b) 7., Stats., Register, March, 1995, No. 471.

Comm 12.15 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, 1984, No. 348, eff. 1-1-85; correction made under s. 13.93 (2m) (b) 7., Stats., Register, March, 1995, No. 471.

Comm 12.16 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 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: The petition for variance application form (SBD-9890) is available from the Safety and Buildings Division, P.O. Box 7162, Madison, WI 53707, telephone 608/266-1818.

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 12.17 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 judgment 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 for each violation.

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, 1984, No. 348, eff. 1-1-85.

Subchapter IV — Standards

Comm 12.20 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 the Storage and Handling of Liquefied Natural Gas, NFPA No. 59A-1979.

(2) **INTERIM AMENDMENTS.** Interim amendments of the standard 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, 1984, No. 348, eff. 1-1-85; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, March, 1995, No. 471.

Comm 12.21 Design, construction, installation, operation and maintenance of liquefied natural gas facilities. All liquefied natural gas facilities shall be designed, constructed, installed, operated and maintained as specified in the National Fire Protection Association Standard NFPA 59A-1979 — Standard for the Storage and Handling of Liquefied Natural Gas.

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