

CR 94-41

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 Flammable and Combustible Liquids - Used Oil Classification

(Subject)

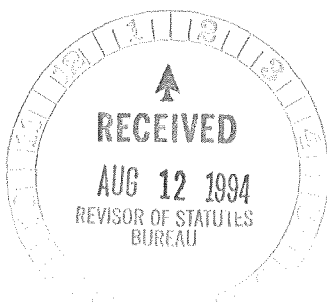
were duly approved and adopted by this department on August 12, 1994.

(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 10:00 a.m. in the city of Madison, this 12th day of August A.D. 19 94.

Pat Skornicka
for Secretary



10-1-94

ORDER OF ADOPTION

Pursuant to authority vested in the Department of Industry, Labor and Human Relations by section(s)

101.02(1) and (15), 101.09(3), and 101.14

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 10

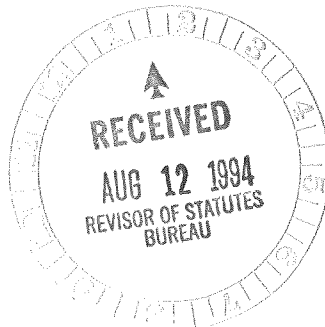
(Number)

Flammable and Combustible Liquids

(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: August 12, 1994

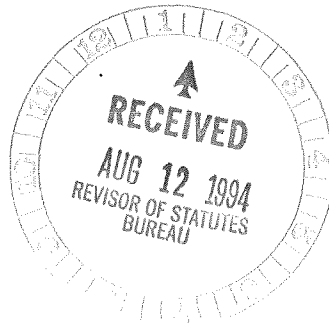
DEPARTMENT OF INDUSTRY, LABOR AND HUMAN
RELATIONS

Pat O'Connell

for Secretary



RULES in FINAL DRAFT FORM



Rule No.: Chapter ILHR 10

Relating to: Flammable and Combustible Liquids - Used Oil Classification

Clearinghouse Rule No.: 94-41

The Department of Industry, Labor and Human Relations proposes an order to repeal ILHR 10.471 to 10.49; renumber ILHR 10.25(1)(g) 5. to 12. and 10.33(2); to amend ILHR 10.18(3), 10.27(6), and 10.33(3); to repeal and recreate ILHR 10.33(1), 10.335 and 10.47; and to create ILHR 10.01(101m), 10.01(101p), 10.25(1)(g)5., 10.33(intro) and 10.33(2), relating to flammable and combustible liquids.

Analysis of Proposed Rules

Statutory Authority: ss. 101.02(1) and (15); 101.09(3) and 101.14 Stats.
Statutes Interpreted: ss. 101.02(1) and (15); 101.09(3) and 101.14, Stats.

Under the current rules, used motor oil is classified as a Class I flammable liquid which requires tank storage system designs to meet numerous safety requirements.

Based on actual test studies, the department has determined it would be more appropriate to classify used motor oil as a Class IIIA combustible liquid.

The rules provide procedures the department may use to ensure that highly flammable products are safely stored, properly vented and identified.

The rules also ensure that properly listed heating equipment be installed for burning used oil by adopting NFPA Standard 31, "Standard for the Installation of Oil-Burning Equipment".

SECTION 1. ILHR 10.01 (101m) is created to read:

ILHR 10.01 (101m) "Used oil" means any oil that has been refined from crude oil , or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities.

SECTION 2. ILHR 10.01 (101p) is created to read:

ILHR 10.01 (101p) "Used product" means a flammable or combustible liquid with a flash point of 200°F or lower that is no longer suitable for its original use, has been contaminated, or has been mixed with other products.

SECTION 3. ILHR 10.18 (3) is amended to read:

ILHR 10.18 (3) SYSTEM SHUTDOWN. Persons with enforcement authority under this chapter shall have the authority to shut down UST tank systems or components of UST tank systems via the issuance of orders and disabling of the system with locks under the following conditions:

(a) Immediate shutdown. Underground/storage/tank Tank systems or their components which pose an immediate danger to life, safety or health shall be subject to immediate shutdown. Conditions which cause immediate danger to life, safety, or health include, but are not limited to: visual evidence of leakage of flammable or combustible liquid; immediate human exposure to flammable or combustible liquids, such as presence in drinking water or vapors in buildings; broken equipment resulting in uncontrolled release of flammable or combustible liquids; or free flammable or combustible liquid product going to surface water.

(b) Shutdown after investigation. Underground/storage/tank Tank systems or their components for which there is clear and present evidence of a release to the environment shall be subject to shutdown. Clear and present evidence of a release to the environment includes, but is not limited to: inventory records, precision tank integrity testing results, leak detection system results or other specific physical evidence associated with a particular tank or system.

(c) Shutdown after long term violation. Underground/storage/tank Tank systems or components for which there is a continuing code violation under this chapter will be subject to shutdown if the following conditions are met:

1. An order is issued with a specific compliance date and a period for compliance;
2. The first reinspection made after the specified compliance date shows that compliance has not been achieved;
3. A second compliance date is set with a period for compliance;
4. Reinspection after the second compliance date shows that compliance is still not achieved; and
5. The owner has not filed a written appeal with the department within 15 days of receiving the order.

SECTION 4. ILHR 10.25 (1) (g) 5. to 12. are renumbered 6. to 13.

SECTION 5. ILHR 10.25 (1) (g) 5. is created to read:

ILHR 10.25 (1) (g) 5. Standard for the Installation of Oil-Burning Equipment, NFPA No. 31-1992;

SECTION 6. ILHR 10.27 (6) is amended to read:

ILHR 10.27 (6) NATIONAL FIRE PROTECTION ASSOCIATION. National Fire Protection Association (NFPA) Standards 13, 17, 30, 30A, 31, 33, 34, 35, 37, 45, 72E, 80, and 385.

SECTION 7. ILHR 10.33 (intro) is created to read:

ILHR 10.33 (title) PUBLIC USED OIL AND USED PRODUCT COLLECTION POINTS. Used oil and used product collection points shall comply with the applicable sections of NFPA 30, NFPA 31 and this section.

SECTION 8. ILHR 10.33 (1) is repealed and recreated to read:

ILHR 10.33 (1) OUTDOOR ABOVEGROUND TANKS. (a) General. All new and replacement outdoor aboveground used oil and used product collection points that are used by the public shall comply with the requirements of this section.

Note: Also see ch. NR 183 for additional rules pertaining to used oil collection points.

(b) Tank construction and installation requirements. 1. The tank may be of any size.

2. The tank shall be equipped with an approved vent pipe and fill opening.

3. The fill opening shall be located in a waterproof enclosure of noncombustible construction and shall be screened to prevent the passage of solid objects into the tank.

4. The tank shall be listed for use with the liquid it contains.

5. Tanks shall observe the setback requirements of NFPA Standard 30.

(c) Diked area. The tank shall be placed in the center of a dike that conforms to s. ILHR 10.345 (1). The fill opening shall be located within the diked area.

(d) Signage. 1. A permanent sign, of durable material, shall be installed at the used oil or used product collection point.

2. The sign shall include the following information:

a. "NO SMOKING"; and

b. "USED OIL COLLECTION ONLY" or a description of other allowable products.

3. Other signs including substantially similar wording may be accepted by the department.

(e) Vehicle collision protection. Vehicle collision protection shall be provided in accordance with s. ILHR 10.415 (8) unless the department determines the tank system is not accessible to vehicles.

SECTION 9. ILHR 10.33 (2) is renumbered (3) and amended to read:

ILHR 10.33 (3) UNDERGROUND TANKS. (a) All new and replacement underground ~~with~~ used oil or used product collection points shall comply with the applicable portions of ~~the~~ NFPA Standard 30 and subch. VI for underground tanks, including the provisions for groundwater protection.

(b) The fill opening to the tank shall comply with sub. (1) (b) 3.

Note: See s. 144.64, Stats., for additional information.

SECTION 10. ILHR 10.33 (2) is created to read:

ILHR 10.33 (2) INDOOR ABOVEGROUND TANKS (a) General. All new and replacement indoor aboveground used oil or used product collection points that are used by the public shall comply with the requirements of this section.

(b) Tank construction and installation requirements. 1. The tank shall be listed for use with the liquid it contains.

2. The fill opening shall be screened to prevent the passage of solid objects into the tank. If the fill opening is located outdoors, the opening shall be located in a waterproof enclosure of noncombustible construction and shall be provided with spill containment.

SECTION 11. ILHR 10.335 is repealed and recreated to read:

ILHR 10.335 USED MOTOR VEHICLE ENGINE CRANKCASE OIL. (1) TANK STORAGE. When installed in the lowest story, cellar or basement of a building, a storage tank for used motor vehicle engine crankcase oil may be no larger than 660 gallons. The total aggregate capacity may not exceed 1320 gallons unless a 2-hour separation is provided for each 660 gallons of capacity.

(2) USE AND HANDLING. Other aspects of use and handling of used motor vehicle engine crankcase oil not described in sub. (1) shall comply with the requirements of this chapter for Class IIIA combustible liquids.

(3) HEATING FUEL. Used motor vehicle engine crankcase oil used as fuel for a heating device shall comply with s. ILHR 10.47 and NFPA 31.

SECTION 12. ILHR 10.47 is repealed and recreated to read:

ILHR 10.47 APPROVED EQUIPMENT. (1) PUBLIC BUILDINGS AND PLACES OF EMPLOYMENT. Oil-burning equipment serving public buildings or places of employment shall comply with chs. ILHR 50 to 64 and NFPA 31.

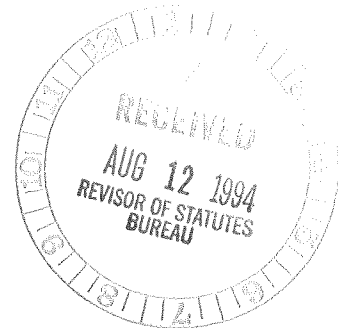
(2) ALL OTHER LOCATIONS. Oil-burning equipment in all other locations not described in sub. (1) shall be listed by an approved listing agency and shall comply with NFPA 31.

(3) UNDERGROUND STORAGE TANKS. Underground storage tank systems serving oil-burning equipment shall comply with subch. VII.

(4) ABOVEGROUND STORAGE TANKS. Aboveground storage tank systems serving oil-burning equipment shall comply with this chapter and NFPA 31.

SECTION 13. ILHR 10.471 to 10.49 are repealed.

(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



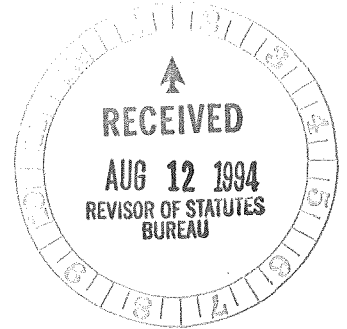
Mailing Address:
201 E. Washington Avenue
Post Office Box 7946
Madison, WI 53707-7946
Telephone (608) 266-7552

State of Wisconsin Department of Industry, Labor and Human Relations

August 12, 1994

Gary Poulson
Assistant Revisor of Statutes
Suite 800
131 W. Wilson St.
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. 94-41
RULE NO. Chapter ILHR 10
RELATING TO: Flammable and Combustible Liquids - Used Oil Classification

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