

INDUSTRY, LABOR AND HUMAN RELATIONS

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Chapter Ind 8

FLAMMABLE AND COMBUSTIBLE LIQUIDS

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Note: Chapter Ind 8 as it existed on March 31, 1982 was repealed and a new chapter Ind 8 was created effective April 1, 1982.

the conditionally approved plans, the conditional approval letter, and the provisions of this chapter.

Note 1: See Appendix for example of Inspection Checklist for Underground Tank Installation form SBD-6294. The original copy is to be given to the owner and a copy is to be retained by the fire department as part of their permanent file.

Note 2: Form SBD-6294 will be provided to fire departments at no cost upon request.

(3) **INSPECTION BEFORE COVERING INSTALLATIONS.** (a) The installer shall notify the chief of the local fire department, in writing, before covering an installation for which approval is required.

(b) The chief of the fire department or authorized representative shall inspect the installation and give written notice of approval or disapproval.

History: Cr. Register, March, 1982, No. 315, eff. 4-1-82.

Ind 8.13 Fees. Fees shall be submitted to the department pursuant to ch. Ind 69, Wis. Adm. Code. 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, March, 1982, No. 315, eff. 4-1-82.

Ind 8.135 * Petition for modification. The department will consider and may grant modification to an administrative rule upon receipt of a fee, a completed petition for modification form from the owner, and a position statement from the fire department having responsibility and an interest in the rule provided an equivalency is established in the petition for modification which meets the intent of the rule being petitioned. The department may impose specific conditions in the petition for modification to promote the protection of the health, safety and welfare of the employes or the public. Violation of those conditions under which the petition for modification is granted constitutes a violation of these rules.

Note 1: See Appendix for an example of the Petition for Modification Form (form SB-8) and the Fire Department Position Statement Form (form SB-8A).

Note 2: 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, March, 1982, No. 315, eff. 4-1-82.

Ind 8.14 Penalties. Penalties for violations shall be assessed in accordance with s. 101.02, Stats.

Note 1: Section 101.02 (13) (a), Stats., indicates penalties will be assessed against any employer, employe, 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 employe, 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 2: Section 101.02 (12), Stats., indicates that every day during which any person, persons, corporation or any officer, agent or employe 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, March, 1982, No. 315, eff. 4-1-82.

* See Appendix for further explanatory material.

SUBCHAPTER 3 GENERAL PROVISIONS

Ind 8.15 General provisions for sale, purchase, dispensing or use of flammable liquids. (1) **LABELING.** No sale or purchase of any Class I, II or III liquids shall be made in containers, unless such containers are clearly marked with the name of the product.

(2) **CONTAINERS.** (a) A Class I flammable liquid when used in starting an engine or as fuel for a small heating appliance, lighting appliance, power tool or gasoline engine shall be dispensed only from an approved, properly identified safety can or screwed cover spout can approved for that specific use.

(b) No dispensing of any liquids having a flash point of less than 100° F. shall be made into portable containers or portable tanks unless such container or tank is substantially a bright red color, is listed or classified by Underwriter's Laboratory (U.L.), or is constructed of metal having a tight closure with screwed or spring cover, and is fitted with a spout or so designed that the contents can be poured without spilling.

(c) No kerosene, fuel oil or similar liquids having a flash point of 100° F. or more shall be filled into any portable container or portable tank colored red.

Note: See s. 168.11, Stats., for additional requirements.

(3) **DISPENSING WHILE ENGINE IS RUNNING.** A Class I flammable liquid shall not be dispensed into the fuel supply tank of any type internal combustion engine while the engine is running, except as permitted in ss. Ind 8.16 and 8.48 (1).

(4) **REPAIR AND MAINTENANCE, SOURCES OF IGNITION.** Repair and maintenance work involving a possible source of ignition shall not be performed in a room or area containing or likely to contain an ignitable mixture of hydrocarbon vapors and air.

(5) **DEGREASING AND CLEANING.** A Class I flammable liquid shall not be used for degreasing or cleaning any engine, machine, equipment or part thereof, or for cleaning a floor, pit, or any part of a building or premises.

(a) *Exception.* Industrial processes requiring use of Class I flammable liquids for degreasing or cleaning any engine, machine or part thereof shall be designed to incorporate a ventilation system to reduce vapor concentration below fire and explosive limits.

(6) **SATURATED CLOTHING.** Clothing saturated with a Class I or II liquid shall not be worn longer than the time required for removal and shall not be worn or taken into a building where a source of ignition exists.

(7) **DISPENSING FROM TANK VEHICLE TO SUPPLY TANK.** Class I flammable liquids shall not be dispensed from a tank vehicle into the fuel supply tank of any type of internal combustion engine, except as permitted in s. Ind 8.48 (1) (b).

(8) [5-2.4.2] **DRAWING OR TRANSFERRING OF CLASS I OR II LIQUIDS.** Class I and Class II liquids shall be drawn from or transferred into vessels, containers or portable tanks within a building only from original shipping containers with a capacity of 5 gallons or less, from safety cans, through a closed piping system, or from a portable tank or container by