

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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Scott Walker, Governor
Laura Gutiérrez, Secretary

NOTICE OF VIOLATIONS AND ORDERS

October 29, 2018

CUST ID No.: 1463547 TRANSACTION No.: 3164881
Phone: (608) 306-3745

ALAN BARK
RIDGETOP AG LLC
56699 OAK GROVE RIDGE RD
EASTMAN, WI 54626

Site ID No.: 854386 Ridgetop Ag, LLC
SITE ADDRESS: 17702 State Highway 27
Crawford County, Village of Mount Sterling
Site Contact: Alan Bark
Contact Phone: (608) 306-3745

0005937

Regulated Objects:

Nature of Complaint Summary: Commercial building, electrical, and plumbing violations
Object Type: Complaint Regulated Object ID No.: 1799528 (17 COM 69)
Last Inspection Date: May 10, 2018

INVESTIGATION NOTES:

This DEPARTMENT ORDER is issued as a result of an inspection on the above referenced site. "Building one" is defined as the larger building on the site measuring approximately 60' x 104'. The building contains an office and toilet area and an area for vehicle storage and liquid chemical storage. "Building two" is defined as the smaller building on the site measuring approximately 40' x 70'. This building is used for storing fertilizer.

The following violations were revealed:

Building Code Violations:

Per Wis. Admin. Code § SPS 361.05 the State of Wisconsin incorporates by reference the International Building Code (IBC); International Energy Conservation Code (IECC); International Mechanical Code (IMC); International Fuel Gas Code (IFGC); and International Existing Building Code (IEBC).

Building 1:

1. **Violation:** Building plans were not submitted for review and conditional approval by the Department prior to commencing construction on this project as required.

Wis. Admin. Code § SPS 361.30(1) Plan review and approval: Except as provided in par. (b), Table 361.30-1, and sub. (4), the construction of, the alteration of, or the addition to a public building or a place of employment may not commence unless plans for the project have been submitted to and approved by the department or its authorized representative in accordance with s. SPS 361.31.

Suggested Action: Submit four sets of building plans (or one planset and three additional index sheets), with one set of calculations and specifications, a completed SBD-118 form, a copy of orders as issued by a Dept. representative from the field, and fees to this Department for review and approval. If the building is over 50,000 cubic feet in total volume, all plans, calculations and specifications shall be properly stamped, signed and dated by a WI-registered architect or engineer.

2. **Violation:** HVAC plans, calculations, and appropriate fees are required to be submitted for review and approval prior to installation in the field.

Wis. Admin. Code § SPS 361.30(3)(a)2.: Except as provided in sub. (4), building component or system plans shall be submitted to and approved by the department or authorized representative prior to installation of the component or system, for each of the following type components or systems: Heating, ventilating and air conditioning systems.

Suggested Action: The HVAC plans shall be directed to the office where building plans were originally submitted and conditionally approved (as appropriate). Building Designer should coordinate with HVAC design to avoid problems with clearance to combustibles, dampers etc. The submitted HVAC plans and calculations shall match the approved building plans. Building Designer is requested to provide a complete set of plans, Energy Calculations and the Building plan review Transaction I.D. number to the HVAC Designer to help coordinate review. Note as per SPS 302.10 installation of HVAC without approved plans could result in double plan review fees. Submit, prior to installation, one (1) set of properly signed and sealed truss plans, calculations substantiating the design, and a completed SBD-118 application form including this transaction number and signed by the building designer to the office of original review. Note as per SPS 302.31(1)(d)4. the fee for a structural component submitted after project completion shall be an additional \$250.

3. Violation: The building uses unvented fuel-fired space heating.

IFGC 621/SPS 365.0621/IMC 801/SPS 364.0801(2) - The use of unvented fuel-fired space heating equipment is prohibited except for the equipment types and occupancies specified in the IMC, IFGC or Wisconsin amendments.

Suggested Action: Remove unvented fuel-fired space heating.

4. Violation: Plumbing elements and facilities are inaccessible.

ICC/ANSI A117.1 Sec. 601.1 - Plumbing elements and facilities in this building shall be accessible, unless meeting an exception to the scoping provisions of this code and shall be designed to provide required minimum wheelchair turning space, fixture positioning, clearances and heights, grab bars, accessible accessories and controls.

Suggested Action: Make plumbing elements and facilities accessible.

5. Violation: Thresholds at doorways exceed maximum height.

ICC/ANSI 117.1 Sec. 404.2.4 – Thresholds at Doorways. If provided, thresholds at doorways shall be ½ inch maximum in height. Raised thresholds and changes in level at doorways shall comply with Sections 302 and 303.

Suggested Action: Repair thresholds to code compliance.

6. Violation: Building lacks the proper number of exits.

IBC 1021.1/SPS 362.1021(1) & (2) - All spaces within each story shall have access to the minimum number of approved independent exits required by Table 1021.1 based on the occupant load of the story unless an exception is met.

Suggested Action: Provide additional exits for code compliance.

7. Violation: Exhaust fumes present in facility.

IMC 403 & 404/SPS Table 364.0403 & 364.0404 - Provide minimum garage exhaust ventilation in the amount of 1/2 cfm/sf of floor area, as well as sufficient make-up air to maintain minimum inside temperature if the exhausts are continuous.

Suggested Action: Install proper ventilation.

8. Violation: Building lacks proper ventilation system.

IMC 401.3/SPS 364.0401 - Mechanical ventilation systems, and all associated supply & exhaust fans, must be operated to provide a continuous source of outside air during the periods that the room or space is occupied, unless a listed exception is met.

Suggested Action: Install proper ventilation system.

9. Violation: Building lacks proper exit signs.

IBC 1011.1 - Exits and exit access doors shall be marked by an approved exit sign readily visible from any direction of egress travel. The path of egress travel to exits and within exits shall be marked by readily visible exit signs to clearly indicate the direction of egress travel in cases where the exit or the path of egress travel is not immediately visible to the occupants. Intervening means of egress doors

within exits shall be marked by exit signs. Exit sign placement shall be such that no point in an exit access corridor is more than 100 feet from the nearest visible exit sign. Address the need for 90 minute continued illumination in case of power loss.

Suggested Action: Install code compliant exit signs.

10. Violation: Building lacks proper exit signs.

IBC 1006.1 - Provide emergency illumination power in egress paths per this section. Each interior exit area designated in the code shall be addressed. In addition, each of the exterior exit discharge areas adjacent to exit discharge doorways shall be addressed if two or more exits are required.

Suggested Action: Install code compliant exit signs.

11. Violation: Building lacks fire extinguishers.

IBC 906.1/IBC 906.2 - Provide fire extinguishers per this code section. Fire extinguishers shall be selected, installed and maintained in accordance with IFC 906 and NFPA 10.

Suggested Action: Install fire extinguishers.

Building 2:

12. Violation: Building plans were not submitted for review and conditional approval by the Department prior to commencing construction on this project as required.

Wis. Admin. Code § SPS 361.30(1) - Except as provided in par. (b), Table 361.30-1, and sub. (4), the construction of, the alteration of, or the addition to a public building or a place of employment may not commence unless plans for the project have been submitted to and approved by the department or its authorized representative in accordance with s. SPS 361.31.

Suggested Action: Submit four sets of building plans (or one plan set and three additional index sheets), with one set of calculations and specifications, a completed SBD-118 form, a copy of orders as issued by a Dept. representative from the field, and fees to this Department for review and approval. If the building is over 50,000 cubic feet in total volume, all plans, calculations and specifications shall be properly stamped, signed and dated by a WI-registered architect or engineer.

Electrical Violations

Per Wis. Admin. Code § SPS 316.007 the State of Wisconsin incorporates by reference the National Fire Protection Association code (NFPA) and the National Electrical Code (NEC).

Building One

13. Violation: Meter socket & jumpers are being used as part of the feeder circuit at the seed warehouse building.

Wis. Admin. Code 2011 § SPS 316.110 Requirements for electrical installation. Listed or labeled equipment shall be installed or used, or both, in accordance with any instructions included in the listing or labeling, provided the instructions, listing or labeling do not conflict with this chapter.

Suggested Action: Provide documentation from the manufacturer that this is listed for the use. If the meter socket & jumpers installed are not listed for the application they shall be removed and a junction box installed.

14. Violation: The feeder circuit violates code.

2011 NEC 250.32(B) (B) Grounded Systems.(1) Supplied by a Feeder or Branch Circuit. An equipment grounding conductor, as described in 250.118, shall be run with the supply conductors and be connected to the building or structure disconnecting means and to the grounding electrode(s). The equipment grounding conductor shall be used for grounding or bonding of equipment structures, or frames required to be grounded or bonded. The equipment grounding conductor shall be sized in accordance with 250.122. Any installed grounded conductor shall not be connected to the equipment grounding conductor or to the grounding electrode(s).

Suggested Action: Rework the feeder circuit and separate the ground & neutral conductors in the electrical panel to code.

15. Violation: 120-volt receptacles lack GFCI protection.

2011 NEC 210.8(B) GFCI protection required. All 120-volt receptacles in the Garage, service bays, and similar areas where electrical diagnostic equipment, electrical hand tools, or portable lighting equipment are to be used shall be GFCI protected.

Suggested Action: Install GFCI protection.

16. Violation: Compressor wiring violates code.

Wis. Admin. Code 2011 § SPS 316.012 Materials, equipment, and products that do not comply with the requirements of this chapter shall not be used unless approved in writing by the department in an approval of a petition for variance. Approval of materials, equipment, and products shall be based on sufficient data, tests, and other evidence that prove the material, equipment, or product meets the intent of the requirements of this chapter. Data, tests, and other evidence shall be provided by a qualified independent third party.

Suggested Action: Rework the compressor wiring to code requirements.

Building Two

17. Violation: Circuits improperly labeled.

2011 NEC 408.4 Field Identification Required. (A) Circuit Directory or Circuit Identification. Every circuit and circuit modification shall be legibly identified as to its clear, evident, and specific purpose or use. The identification shall include sufficient detail to allow each circuit to be distinguished from all others.

Suggested Action: All electrical distribution panels & disconnects shall be legible marked for its specific purpose or use.

18. Violation: Open circuit breakers.

2011 NEC 408.7 Unused Openings. Unused openings for circuit breakers and switches shall be closed using identified closures, or other approved means that provide protection substantially equivalent to the wall of the enclosure.

Suggested Action: All breaker openings at the main service disconnect panel locations shall be closed.

19. Violation: Open disconnects/boxes.

2011 NEC 110.12 (A) & 314.17 Unused Openings. Unused openings, other than those intended for the operation of equipment, those intended for mounting purposes, or those permitted as part of the design for listed equipment, shall be closed to afford protection substantially equivalent to the wall of the equipment.

Suggested Action: All disconnects/boxes shall have box openings closed.

20. Violation: Switchboards, panelboards and disconnects lack Arc-Flash Hazard Warning identification.

2011 NEC 110.16 Arc-Flash Hazard Warning. Electrical equipment, such as switchboards, panelboards, industrial control panels, meter socket enclosures, and motor control centers, shall be field marked to warn qualified persons of potential electric arc flash hazards. The marking shall be located so as to be clearly visible to qualified persons before examination, adjustment, servicing, or maintenance of the equipment.

Suggested Action: All Switchboards, panelboards, and disconnects shall be field marked with Arc-Flash Hazard Warning identification.

21. Violation: Service equipment lacks proper labeling.

2011 NEC 110.24 Available Fault Current Field Marking. Service equipment shall be legibly marked in the field with the maximum available fault current. The field marking(s) shall include the date the fault current calculation was performed and be of sufficient durability to withstand the environment involved.

Suggested Action: Label service equipment to code compliance.

22. Violation: Service, feeder & branch circuits improperly sized and grounded.

2011 NEC 215.5 Diagrams of Feeders & Service Installation. A diagram showing Feeder & Service details shall be provided for review. Such a diagram shall show the total calculated loads, and the size and type of conductors & conduits used.

Suggested Action: All service, feeder & branch circuits shall be properly sized and grounded.

23. Violation: Common grounding electrode is not code compliant.

2011 NEC 250.58 Common Grounding Electrode. The same ground rod electrode shall be used to ground conductor enclosures and equipment in or on the structure. Where separate services supply a building and are required to be connected to a grounding electrode(s), the same grounding electrode(s) shall be used. Two or more grounding electrodes that are bonded together shall be considered as a single grounding electrode system in this sense.

Suggested Action: The (2) required ground rods shall be exposed for inspection, tied together, connecting conductor sized a minimum of #4 AWG copper, and located a minimum of 6' apart.

24. Violation: Dry location disconnects have been installed on the exterior of the building.

2011 NEC 110.28 Enclosure Types. All electrical disconnects/enclosures shall be listed for the location installed.

Suggested Action: All disconnects not listed for wet location on the exterior of the building shall be replaced.

25. Violation: Tec- Screws improperly used for Grounding & Bonding.

2011 NEC 250.8 Connection of Grounding and Bonding Equipment. Equipment grounding conductors, grounding electrode conductors, and bonding jumpers shall be connected by one of the following means listed in NEC 250.8(A) (1)-(8).

Suggested Action: Use proper grounding conductors for grounding and bonding.

26. Violation: PVC conduit is not properly secured.

2011 NEC 352.30(A) Securing PVC conduit. PVC conduit shall be securely fastened within 900 mm (3 ft) of each outlet box, junction box, device box, conduit body, or other conduit termination.

Suggested Action: Properly secure PVC conduit.

27. Violation: PVC conduit is not properly supported per NEC Table 352.30.

2011 NEC 352.30(B) Supporting PVC conduit. PVC conduit shall be supported as required in Table 352.30.

Suggested Action: Properly support PVC conduit.

28. Violation: Several pieces of equipment are marked "Service Disconnect".

2011 NEC 230.66 Service Disconnect Marking. Service equipment rated at 600 volts or less shall be marked to identify it as being suitable for use as service equipment.

Suggested Action: Only the service disconnects can be marked "Service Disconnect".

29. Violation: Conductors are not be properly protected in accordance with their ampacities.

2011 NEC 240.4 Protection of Conductors. Conductors shall be protected against overcurrent in accordance with their ampacities specified in 310.15.

Suggested Action: Circuit breakers and fuses shall be properly sized.

30. Violation: Several electrical panel cover screws are not installed.

2011 NEC 110.12 Mechanical execution of work.

Suggested Action: Install all missing panel cover screws.

31. Violation: Flexible cord has been installed throughout the building and does not meet the requirements in NEC 400.8.

2011 NEC 400.8 Uses not permitted for flexible cords. . Unless specifically permitted in NEC 400.7, flexible cords and cables shall not be used for the following: (1) As a substitute for the fixed wiring of a structure (2) Where run through holes in walls, structural ceilings, suspended ceilings, dropped ceilings, or floors (3) Where run through doorways, windows, or similar openings in the building (4) Where attached to building surface.

Suggested Action: All flexible cord shall be removed or re-worked to code requirements.

Plumbing Violations

Building One

32. Violation: 3" main vent terminated inside of the building.

Wis. Admin. Code § SPS 382.31(16): All vents and vent systems shall terminate in the open air in accordance with this subsection.


Suggested Action: Have the vent terminate to the exterior of the building to reach code compliance.

You are hereby ordered to have the installation corrected to conform to the indicated provisions of the Wisconsin Administrative Code and/or Wisconsin Statutes. This installation shall be corrected by the compliance date noted, and upon correction of violations I must be notified. If you fail to comply, this order is enforceable in circuit court pursuant to s. 101.02(13), Stats., with forfeitures ranging from \$10 to \$100 per day for each violation.

If you have any questions regarding this matter, please feel free to contact me at the number listed below.

Wis. Admin. Code § SPS 303.03 Permits any person affected by a rule of the department to petition for a variance of the rule. The petition needs to establish equivalency to the rule, be provided on the form from the department and be submitted with accompanying fee and municipal recommendation.

Wis. Stat. § 101.02(6)(e) stats. Any employer or other person interested either because of ownership in or occupation of any property affected by any such order, or otherwise, may petition for a hearing on the reasonableness of any order of the department in the manner provided in this subchapter. All petitions for a hearing must be received within 30 days of this Order. Such petition shall state every reason why such order is unreasonable and every issue to be considered by the department on the hearing. Petitioner shall be deemed to have finally waived all objections other than those set forth in the petition.

| | | |
|---|-------|--|
| INSPECTOR NAME: Matthew McCasland | | INVESTIGATION DATE: 05/10/2018 |
| PHONE/WORK HOURS: (608)266-9814 | | |
| E-MAIL: matthew.mccasland@wisconsin.gov | | INVESTIGATION TYPE: Requested |
| SIGNATURE: | DATE: | INVESTIGATION SOURCE: Other |
|  | | COMPLIANCE DATE: 12/31/18 |
| 10/29/18 | | Fee Required: (Invoice will be send Separately) |
| | | PTO Expires: |

cc: Charlotte Martin, State Building Inspector, (608) 235-0579,
 Ryan M Boebel, Industry Services, Plumbing Consultant, (608) 412-3998,
 Anthony J Tadysak