

1997-98 SESSION  
COMMITTEE HEARING  
RECORDS

Committee Name:

*Joint Committee for  
Review of  
Administrative Rules*

*(JCR-AR)*

Sample:

- Record of Comm. Proceedings
- 97hr\_AC-EdR\_RCP\_pt01a
- 97hr\_AC-EdR\_RCP\_pt01b
- 97hr\_AC-EdR\_RCP\_pt02

➤ Appointments ... Appt

➤

➤ Clearinghouse Rules ... CRule

➤

➤ Committee Hearings ... CH

➤

➤ Committee Reports ... CR

➤

➤ Executive Sessions ... ES

➤

➤ Hearing Records ... HR

➤

➤ Miscellaneous ... Misc

➤ 97hr\_JCR-AR\_Misc\_pt04

➤ Record of Comm. Proceedings ... RCP

➤

ILHIE 10 - TANKS - FED LAW  
TO FULL / RECHA

Department of Commerce

Emergency Rule Relating to the Regulation of Flammable and Combustible Liquids

Finding of Emergency and Rule Analysis

The Department of Commerce finds that an emergency exists and that adoption of the rule included in this order is necessary for the immediate preservation of public health, safety, welfare and the environment.

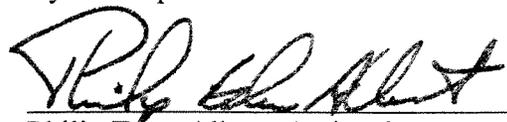
The facts constituting the emergency are as follows. Under sections 101.09, 101.142 and 101.144, Wisconsin Statutes, the Department protects public health, safety, welfare and the environment by promulgating rules for and administering the regulation of petroleum product storage tank systems and the storage and handling of flammable and combustible liquids. The purpose of the regulatory effort is to guarantee that storage tank systems and their contents are managed in a manner that is protective of life safety and the environment.

On December 22, 1998, a ten-year upgrade deadline comes to an end, and all tank systems falling under the United States Environmental Protection Agency's rules are required to have been upgraded to comply with new and environmentally protective construction standards. After the final compliance date, the Department and its contracted agents will conduct inspections to guarantee that tank systems which are not in compliance have been shut down in accordance with state and federal rules. In those instances where owners or operators have not complied with the upgrade or shutdown requirements, immediate action must be taken to either prevent the tank systems from continuing to be used or prevent the delivery of additional petroleum product to the systems.

The shut down of noncomplying tank systems is a core environmental and financial issue. The tank systems that are not in compliance pose a continuing high-risk threat to the environment, and delay in action will continue an unnecessary environmental hazard. Additionally, new releases from these non-upgraded tank systems will add to the financial burden of the PECFA program, which is significantly over-subscribed. The rule included with this order is in response to environmental issues associated with non-upgraded tank systems.

Pursuant to s. 227.24, Stats., this rule is adopted as an emergency rule to take effect upon publication in the official state newspaper and filing with the Secretary of State and Revisor of Statutes.

Dated at Madison, Wisconsin, this  
7 day of December, A.D. 1998,  
By the Department of Commerce

  
Philip Edw. Albert, Acting Secretary

SECTION 1. ILHR 10.18 (3) (intro) is amended to read:

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

SECTION 2. ILHR 10.18 (3) (d) is created to read:

ILHR 10.18 (3) (d) *Immediate shutdown because of upgrade standards violation.* Tank systems that do not comply with the provisions of either s. ILHR 10.51 or 10.52 after December 22, 1998, shall be subject to immediate shutdown.

SECTION 3. ILHR 10.48 is created to read:

**ILHR 10.48 Product delivery to tank systems.** It shall be a violation of this code for any person to deliver or place a flammable or combustible liquid into a tank system that has been shut down by an enforcement action under s. ILHR 10.18.

(End)

FISCAL ESTIMATE  
DOA-2048 (R10/92)

ORIGINAL  
 CORRECTED

UPDATED  
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.

ILHR 10

Amendment No. if Applicable

Subject Flammable and Combustible Liquids

Fiscal Effect

State:  No State Fiscal Effect  
Check columns below only if bill makes a direct appropriation  
or affects a sum sufficient appropriation

- Increase Existing Appropriation
- Decrease Existing Appropriation
- Create New Appropriation
- Increase Existing Revenues
- Decrease Existing Revenues

- Increases Costs - May be possible to Absorb  
Within Agency's Budget  Yes  No
- Decrease Costs

Local:  No local government costs

- 1.  Increase Costs  
 Permissive  Mandatory
- 2.  Decrease Costs  
 Permissive  Mandatory

- 3.  Increase Revenues  
 Permissive  Mandatory
- 4.  Decrease Revenue  
 Permissive  Mandatory

5. Types of Local Governmental Units Affected:

- Towns  Villages  Cities
- Counties  Others \_\_\_\_\_
- School Districts  WTCS Districts

Fund Sources Affected  
 GPR  FED  PRO  PRS  SEG  SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

Very few enforcement actions are expected to result from the proposed rules, because the rules are being implemented after a ten-year upgrade period that the United States Environmental Protection Agency established for obtaining compliance with the associated construction standards.

Long-Range Fiscal Implications

None known.

Agency/Prepared by: (Name & Phone No.)

Bill Morrissey 266-7605

Authorized Signature/Telephone No. Date

*William E. Allen*  
(609) 267-0770 12/8/98

**FISCAL ESTIMATE WORKSHEET**  
Detailed Estimate of Annual Fiscal Effect  
DOA-2047(R10/92)

ORIGINAL       UPDATED  
 CORRECTED       SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.      Amendment No.  
ILHR 10

**Subject**

Flammable and Combustible Liquids

**I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):**

II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
<b>A. State Costs By Category</b>		
State Operations - Salaries and Fringes	\$ 0	\$ - 0
(FTE Position Changes)	( 0 FTE)	( - 0 FTE)
State Operations - Other Costs		-
Local Assistance		-
Aids to Individuals or Organizations		-
<b>TOTAL State Costs By Category</b>	<b>\$ 0</b>	<b>\$ - 0</b>
<b>B. State Costs By Source of Funds</b>	<b>Increased Costs</b>	<b>Decreased Costs</b>
GPR	\$	\$ -
FED		-
PRO/PRS	0	- 0
SEG/SEG-S	0	- 0
<b>III. State Revenues- Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</b>	<b>Increased Rev.</b>	<b>Decreased Rev.</b>
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS	0	- 0
SEG/SEG-S	0	- 0
<b>TOTAL State Revenues</b>	<b>\$ 0</b>	<b>\$ - 0</b>

**NET ANNUALIZED FISCAL IMPACT**

	<u>STATE</u>	<u>LOCAL</u>
NET CHANGE IN COSTS	\$ 0	\$ 0
NET CHANGE IN REVENUES	\$ 0	\$ 0

Agency/Prepared by: (Name & Phone No.)

Bill Morrissey 266-7605

Authorized Signature/Telephone No.

*Bill Morrissey*  
(600) 267-0770

Date

12/7/98