

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: **06/23/99**

Received By: **rmarchan**

Wanted: **Soon**

Identical to LRB:

For: **Senate Democratic Caucus**

By/Representing: **Walter**

This file may be shown to any legislator: **NO**

Drafter: **rmarchan**

May Contact:

Alt. Drafters:

Subject: **Buildings/Safety - bldg codes
Environment - miscellaneous**

Extra Copies:

Pre Topic:

SDC:.....Walter - # 1732,

Topic:

Home heating oil storage tanks

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	rmarchan 06/23/99	ygeller 06/23/99	martykr 06/25/99	_____	lrb_docadmin 06/25/99		
/2	rmarchan 06/27/99	ygeller 06/27/99	ismith 06/28/99	_____	lrb_docadmin 06/28/99		

FE Sent For:

<END>

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/1	rmarchan 06/23/99	jgeller 06/23/99	martykr 06/25/99	<u>WLJ</u> <u>GM</u>	lrb_docadmin 06/25/99		

FE Sent For: *1/2 6/26 JG* *IS 6/28*

<END>

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1/1	rmarchan	1 6/23 jlg	km 6/26	sh 6/26	km 6/26		

FE Sent For:

<END>

yes

SPC

Agency: Commerce - Building and Environmental Regulation

caucus number 1731

duplicate flag:
duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number: Sen. Sub. Am 1 to SB 86	
LRB draft #	LRB P-draft:

description: Sen. Sub. Am 1 to SB 86 (LRB s0026/1) re: PECFA

other notes

drafting instructions: See above and attached.

more instructions:

caucus number 1732

duplicate flag: y
duplicate with: 2322

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Exempt home heating oil tanks that store less than 1,100 gallons from current law that requires tank "tightness" and leak detection tests by May 1, 2001.

other notes

drafting instructions: See above.

more instructions:

caucus number 2141

duplicate flag:
duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Construction site soil erosion control. Expands the authority of a municipality to enforce a more stringent standard regardless of date criteria.

other notes

drafting instructions: See above and attached

more instructions:

caucus number 2634

duplicate flag:
duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Designate a \$250,000 grant from Community Development Block Grant-Public Facilities appropriation be awarded to a county with a YWCA in a 2nd class city with population >52,000 and <60,000 that is constructing a domestic violence shelter

other notes

drafting instructions: See above and attached

more instructions:

CN 1732

Underground Home Heating Oil Tanks

Exempt home heating oil tanks that store less than 1,100 gallons from current law that requires tank "tightness" and leak detection tests by May 1, 2001.

Background information attached.

The Problem: Under current law, Underground Home Heating Oil Tanks must begin expensive tank "tightness" and leak detection tests by May 1, 2001. Or, they must be closed by May 1, 2006.

Economic Impact: The most inexpensive tightness tests cost approximately \$300. And these tests must be performed every other year. The alternative to annual testing is to upgrade the tank or remove it and replace the furnace/heating method — either of these alternatives cost more than \$1000. Worst of all, the impact of these requirements will hit hardest people who live in older homes with older heating systems — the elderly, and the urban poor who live in the Milwaukee Metropolitan area.

Environmental Threat: Minuscule. The components of petroleum fuels which pose health and safety risks (benzene, ethyl benzene, toluene, xylene, petroleum volatile organic compounds and poly cyclic aromatic hydrocarbons) are in very small quantities in home heating fuel — significantly less than in gasoline or diesel fuel. That's why, when EPA set guidelines for regulating underground storage tanks, they EXCLUDED HOME HEATING OIL TANKS, and limited their upgrade regulations to commercial motor fuel tanks. Further, because heating oil is so thick and viscous it migrates significantly slower than motor fuels. Thus it poses less of an environmental risk.

Finally, the vast majority of home heating oil tanks are in the Milwaukee Metropolitan area — where people are connected to municipal water. Therefore, home heating oil is unlikely to contaminate drinking water sources.

Other States: The USEPA did not include home heating oil tanks in its regulations for tank testing and upgrading. In fact, no other state in the nation regulates home heating oil tanks under 1,100 gallons. (See 40 CFR 280 and attached sheet).

The Solution: Home heating oil tanks can be simply exempted from regulatory requirements, by amending Wisconsin State Statutes 101.09(2)(e). Because these tanks are primarily no bigger than 1,100 gallons, we suggest amending the statute as follows: 101.09(2)(e) This section does not apply to storage tanks which installed underground and store less than 1,100 gallons in capacity. However, amending this section must not be construed as exempting these tanks from the PECFA program.



State of Wisconsin
1999 - 2000 LEGISLATURE

SDC

1
LRBb1137
RJM
jg
RMR
DNOTE

SDC:.....Walter - # 1732, Home heating oil storage tanks

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

INSERT
1-1

1

At the locations indicated, amend the substitute amendment as follows:

2

(END)



ARC:.....Anderson - # 302, Underground home heating oil storage tanks

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

**CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 133**

INSERT 1-1

1
2
3
4
5
6
7
8

~~At the locations indicated, amend the substitute amendment as follows:~~

1. Page 1017, line 24: after that line insert:

“SECTION 1975m. 101.09 (2) (cm) of the statutes is created to read:

101.09 (2) (cm) Any rules promulgated under sub. (3) requiring an owner to test the ability of a storage tank, connected piping or ancillary equipment to prevent an inadvertent release of a stored substance, requiring an owner to implement a program for determining whether a release of a stored substance has occurred or requiring an owner to permanently close or upgrade a storage tank do not apply to

1 storage tanks that have a capacity of less than 1,100 gallons and that are used to
2 store heating oil for residential, consumptive use on the premises where stored.”.

3

~~(END)~~

(end ins)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb1137/1dn

RJM:.....

JLg

Attached is the amendment you requested that exempts certain home heating oil storage tanks from tightness testing and leak detection standards. In addition, I assume that you intended to exempt these home heating oil storage tanks from any requirement that storage tanks be either closed or upgraded. If these exemptions are inconsistent with your intent, please let me know.

This amendment is identical to caucus amendment number 2322 and, thus, I did not draft a separate amendment for caucus amendment number 2322.

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: Robert.Marchant@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb1137/1dn
RJM:jlj:km

June 25, 1999

Attached is the amendment you requested that exempts certain home heating oil storage tanks from tightness testing and leak detection standards. In addition, I assume that you intended to exempt these home heating oil storage tanks from any requirement that storage tanks be either closed or upgraded. If these exemptions are inconsistent with your intent, please let me know.

This amendment is identical to caucus amendment number 2322 and, thus, I did not draft a separate amendment for caucus amendment number 2322.

Robert J. Marchant
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E-mail: Robert.Marchant@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb1137/1dn
RJM:jlg:km

To: Rob

June 25, 1999

Fr: Doug, Sen.
Chvala's office

→ See redraft attached

Attached is the amendment that you requested that exempts certain home heating oil storage tanks from tightness testing and leak detection standards. In addition, I assume that you intended to exempt these home heating oil storage tanks from any requirement that storage tanks be either closed or upgraded. If these exemptions are inconsistent with your intent, please let me know.

This amendment is identical to caucus amendment number 2322 and, thus, I did not draft a separate amendment for caucus amendment number 2322.

→ I made 2322 a 6/26 in our list

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: Robert.Marchant@legis.state.wi.us

1999 - 2000 LEGISLATURE

LRBb1137/1

RJM:jlg:km

SDC:.....Walter - # 1732, Home heating oil storage tanks

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 1017, line 24: after that line insert:

3 "SECTION 1975m. 101.09 (2) (cm) of the statutes is created to read:

4 101.09 (2) (cm) Any rules promulgated under sub. (3) requiring an owner to test

5 the ability of a storage tank, connected piping or ancillary equipment to prevent an

6 inadvertent release of a stored substance, ~~requiring an owner to implement a~~

7 ~~program for determining whether a release of a stored substance has occurred or~~

8 ~~requiring an owner to permanently close or upgrade a storage tank~~ do not apply to

1 storage tanks that have a capacity of less than 1,100 gallons and that are used to
2 store heating oil for residential, consumptive use on the premises where stored."

3 (END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1137/2
RJM:jlq:km

2000

RMR

DNJSTE

SDC:.....Walter - # 1732, Home heating oil storage tanks

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 1017, line 24: after that line insert:

3 "SECTION 1975m. 101.09 (2) (cm)[✓] of the statutes is created to read:

4 101.09 (2) (cm) Any rules promulgated under sub. (3) requiring an owner to test

5 the ability of a storage tank, connected piping or ancillary equipment to prevent an

6 inadvertent release of a stored substance, ~~requiring an owner to implement a~~

7 ~~program for determining whether a release of a stored substance has occurred or~~

8 ~~requiring an owner to permanently close or upgrade a storage tank~~ do not apply to

1 storage tanks that have a capacity of less than 1,100 gallons and that are used to
2 store heating oil for residential, consumptive use on the premises where stored.”.

3 (END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb1137/2dn

RJM:.....

Jlg

Attached is the redraft of LRBb1137 that you requested, regarding home heating oil storage tanks. Please note that I originally drafted this amendment with language currently used in the rules relating to heating oil storage tanks. As redrafted, these tanks will still be subject to rules from which you may want to provide an exemption. If you have not done so already, you may want to review ss. Comm. 10.771 and 10.773, Wis. Adm. Code to ensure that the draft satisfies your intent.

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Legislative Attorney
Phone: (608) 261-4454
E-mail: Robert.Marchant@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb1137/2dn
RJM:jlg:ijs

June 28, 1999

Attached is the redraft of LRBb1137 that you requested, regarding home heating oil storage tanks. Please note that I originally drafted this amendment with language currently used in the rules relating to heating oil storage tanks. As redrafted, these tanks will still be subject to rules from which you may want to provide an exemption. If you have not done so already, you may want to review ss. Comm. 10.771 and 10.773, Wis. Adm. Code to ensure that the draft satisfies your intent.

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State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1137/2
RJM:jlg:ijs

SDC:.....Walter - #1732, Home heating oil storage tanks

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 1017, line 24: after that line insert:

3 "SECTION 1975m. 101.09 (2) (cm) of the statutes is created to read:

4 101.09 (2) (cm) Any rules promulgated under sub. (3) requiring an owner to test
5 the ability of a storage tank, connected piping or ancillary equipment to prevent an
6 inadvertent release of a stored substance do not apply to storage tanks that have a
7 capacity of less than 1,100 gallons and that are used to store heating oil for
8 residential, consumptive use on the premises where stored."

9 (END)