



2005 SENATE BILL 500

January 6, 2006 – Introduced by Senator OLSEN, cosponsored by Representatives HINES, TOWNS and GRONEMUS. Referred to Committee on Natural Resources and Transportation.

1 **AN ACT to amend** 94.645 (2) (a) and 94.645 (3); and **to create** 94.645 (2) (c) of the
2 statutes; **relating to:** the applicability of rules concerning the storage of bulk
3 fertilizer and bulk pesticides.

Analysis by the Legislative Reference Bureau

Current law requires the Department of Agriculture, Trade and Consumer Protection to promulgate rules for the storage of bulk fertilizer and bulk pesticides to protect the waters of the state from contamination. Bulk fertilizer is fertilizer distributed in nonpackaged form. Bulk pesticides are liquid pesticides in containers larger than 55 gallons and solid pesticides in undivided quantities greater than 100 pounds. Under current law, the rules apply to any person who manufactures or sells bulk fertilizer or bulk pesticides. This bill provides that the rules for the storage of bulk fertilizer and bulk pesticides also apply to persons who store those substances, except that requirements concerning secondary containment do not apply to specified containers.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 94.645 (2) (a) of the statutes is amended to read:

SENATE BILL 500**SECTION 1**

1 94.645 (2) (a) Except as provided in par. (b) or (c), every person who
2 manufactures ~~or~~, distributes, or stores bulk fertilizer or bulk pesticides shall comply
3 with the storage standards adopted under sub. (3).

4 **SECTION 2.** 94.645 (2) (c) of the statutes is created to read:

5 94.645 (2) (c) 1. Any secondary containment requirements in rules
6 promulgated under sub. (3) do not apply to a mini-bulk container, as defined by the
7 department by rule, that is possessed by a person who does not manufacture or
8 distribute bulk fertilizer or bulk pesticides.

9 2. Any secondary containment requirements in rules promulgated under sub.
10 (3) do not apply to a container for liquid fertilizer that has a capacity of 5,000 gallons
11 or less if the container is possessed by a person who does not manufacture or
12 distribute bulk.

13 **SECTION 3.** 94.645 (3) of the statutes is amended to read:

14 94.645 (3) RULES. The department shall adopt by rule standards for the storage
15 of bulk fertilizer or bulk pesticides, for the purpose of protecting the waters of the
16 state from harm due to contamination by fertilizer or pesticides. The rule shall apply
17 to all persons who manufacture ~~or~~, distribute, or store bulk fertilizer or bulk
18 pesticides. The rule shall comply with ch. 160. The rule may include different
19 standards for new and existing facilities, but all standards shall provide
20 substantially similar protection for the waters of the state.

21 **SECTION 4. Effective date.**

22 (1) This act takes effect on the first day of the 13th month beginning after
23 publication.

24

(END)