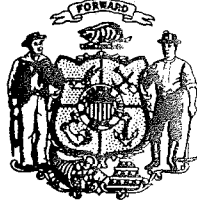


CR 89-139

Tommy G. Thompson
Governor
Richard I. Braund
Chairman



Mailing Address:
Post Office Box 7865
Madison, WI 53707-7865
Phone: 608/266-3232

State of Wisconsin
State Emergency Response Board

4802 Sheboygan Avenue, Room 99A • Madison, Wisconsin

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DEC 11 1989
10:50 am
Revisor of Statutes
Bureau

STATE OF WISCONSIN)
) SS.
STATE EMERGENCY RESPONSE BOARD)

I, Richard I. Braund, Chairman of the State Emergency Response Board and custodian of the official records, certify that the annexed rules relating to facilities housing hazardous chemicals, were duly approved and adopted by this board on December 8, 1989. I further certify that this copy has been compared by me with the original on file with the Board and that it is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto
set my hand at 4802 Sheboygan Avenue,
in the city of Madison, this 8th day of December, 1989.

Richard I. Braund, Chairman

3-1-90

DEC 11 1989

Revisor of Statutes
Bureau**ORDER OF THE STATE EMERGENCY RESPONSE BOARD
ADOPTING RULES**

Relating to facilities housing hazardous chemicals.

To create chapter SERB 1.

Analysis Prepared by State Emergency Response Board:

The rule establishes the fee to be paid to the State Emergency Response Board when a facility makes the emergency planning and notification required by s. 166.20(5)(a)1, Stats. It does not change the fee established by s. 166.20(7)(c)1, Stats.

This rule requires owners and operators of facilities with hazardous chemicals, in order to comply with s. 166.20(5)(a)3, Stats., to file a Tier Two Emergency and Hazardous Chemical Inventory form with the State Emergency Response Board, the local emergency planning committee and fire departments. It establishes the inventory form fee to be paid to the State Emergency Response Board by a facility by March 1 of each year when the Tier Two form is filed. This rule changes the inventory fee established in s. 166.20(7)(c)2, Stats. The facility is also required to include a site plan with the Tier Two form filed with the State Emergency Response Board, the local emergency planning committee and fire department.

The rule establishes a 20% surcharge to be paid to the State Emergency Response Board if a facility fails to pay a fee by the due date.

Pursuant to the authority vested in the State Emergency Response Board by ss. 166.20(2)(b), 166.20(7)(a) & (b) and 227.11(2)(a), Stats., the State Emergency Response Board hereby proposes to create rules interpreting s. 166.20(7), Stats., as follows:

SECTION 1, Ch. SERB 1 is created to read:

**CHAPTER SERB 1
FEE RULE**

SERB 1.01 PURPOSE. The purpose of this chapter is to establish a fee payment structure for owners or operators of facilities housing hazardous chemicals, as required by s. 166.20(7), Stats.

SERB 1.02 DEFINITIONS. In this chapter:

- (1) "Board" has the meaning given in s. 166.20(1)(a), Stats.
- (2) "Facility" has the meaning given in s. 166.20(1)(c), Stats.
- (3) "Hazardous chemical" has the meaning given in s. 166.20(1)(f), Stats.
- (4) "Inventory fee statement" means the form prepared by the board for the purpose of collecting the fee under s. SERB 1.04 or claiming exemption of the fee under s. SERB 1.06.
- (5) "Planning notification fee statement" means the form prepared by the board for the purpose of collecting the fee under s. SERB 1.03 or claiming exemption of the fee under s. SERB 1.06.

- (6) "Site plan" means facility floor plans which indicate the storage location of hazardous chemicals.

SERB 1.03 EMERGENCY PLANNING NOTIFICATION FEE. An owner or operator who has made an emergency planning notification required under s. 166.20(5)(a)1, Stats., shall submit a fee of \$800 per facility no later than 2 months after the effective date of this section. [revisor inserts date] Except as provided under s. SERB 1.06, an owner or operator shall submit a fee of \$800 per facility with the emergency planning notification required under s. 166.20(5)(a)1, Stats. The planning notification fee statement shall be submitted one time to the board.

SERB 1.04 INVENTORY REPORTING FEE.

- (1) An owner or operator of a facility required to submit an inventory form under s. 166.20(5)(a)3, Stats., shall submit a tier two inventory form, a site plan and the appropriate fee on or before March 1, 1990 and annually thereafter on or before March 1.
- (2) An owner or operator of a facility that has submitted an inventory form pursuant to s. 166.20(5)(a)3, Stats., and which is no longer subject to the inventory form reporting requirements shall return any inventory fee statement received from the board with a notation stating the reason(s) why the facility is no longer subject to the inventory form reporting requirements.
- (3) Except as provided under SERB 1.07 the fee required under this section is:
- (a) For facilities submitting inventory forms listing one hazardous chemical, \$150.
 - (b) For facilities submitting inventory forms listing 2 to 10 hazardous chemicals, \$250.
 - (c) For facilities submitting inventory forms listing 11 to 100 hazardous chemicals, \$400.
 - (d) For facilities submitting inventory forms listing 101 to 200 hazardous chemicals, \$500.
 - (e) For facilities submitting inventory forms listing 201 to 300 hazardous chemicals, \$600.
 - (f) For facilities submitting inventory forms listing 301 to 400 hazardous chemicals, \$700.
 - (g) For facilities submitting inventory forms listing 401 to 500 hazardous chemicals, \$800.
 - (h) For facilities submitting inventory forms listing over 500 hazardous chemicals, \$900.

SERB 1.05 SURCHARGE. An owner or operator who fails to pay a fee under s. SERB 1.03 or s. SERB 1.04 by its due date shall pay a surcharge of 20% of the amount due.


SERB 1.06 EXEMPTIONS. A facility is not required to pay a fee under s. SERB 1.03 if any of the following apply:

- (1) A facility meets the exemption criteria in s. 166.20(7)(d), Stats.
- (2) A facility has submitted a planning notification fee under s. 166.20(7)(c)1, Stats.

SERB 1.07 EXEMPTIONS. A facility is not required to pay a fee under s. SERB 1.04 if a facility meets the exemption criteria in s. 166.20(7)(d), Stats.

NOTE. A copy of the inventory fee statement, tier two form, or planning notification fee statement may be obtained at no charge by contacting the State Emergency Response Board, P.O. Box 7865, 4802 Sheboygan Ave., Room 99A, Madison, Wisconsin 53707-7865, telephone 608-266-3232.

This rule shall take effect as provided in s. 227.22 (2) (intro.), Stats., _____
(revisor insert effective date)

Dated: 8 Dec 1989 Agency: 
Richard I. Braund, Chairman

FINAL REGULATORY FLEXIBILITY ANALYSIS. Chapter SERB 1, Fee Rule will not have a significant impact on small businesses. The impact on owners or operators with less than 10 full-time equivalent employees in the state is zero since they are exempt from the fees. Under this rule, typically an owner or operator with 10 or more full-time equivalent employees in the state will pay an annual fee for each facility ranging from \$150 to \$400, with most paying \$150 or \$250. This is an increase from \$100 annually that would be paid under s. 166.20(7)(c)2, Stats.

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Pursuant to the authority vested in the State Emergency Response Board by ss. 166.20(2)(b), 166.20(7)(a) & (b) and 227.11(2)(a), Stats., the State Emergency Response Board hereby proposes to create rules interpreting s. 166.20(7), Stats., as follows:

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8 Dec 1989

Agency: _____

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