

CR 90-125

WISCONSIN)
) SS
STATE EMERGENCY RESPONSE BOARD)

I, ROBERT M. THOMPSON, Chairman of the State Emergency Response Board and custodian of the official records, certify that the annexed rules, relating to procedures for authorizing inspectors were duly approved and adopted by the State Emergency Response Board on March 15, 1991.

I further certify that this copy has been compared by me with the original on file with the State Emergency Response 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 and affixed the official seal of the State Emergency Response Board at 99A, Hill Farms State Office Building in the city of Madison, this 25th day of March, 1991.



ROBERT M. THOMPSON, Chairman
State Emergency Response Board

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6-1-91

ORDER OF THE STATE EMERGENCY RESPONSE BOARD

ADOPTING RULES

Relating to procedures for authorizing inspectors.

To create chapter SERB 2 of the Wisconsin Administrative Code.

Analysis prepared by State Emergency Response Board:

The rule establishes the procedure for authorizing individuals to conduct inspections of facilities on behalf of the State Emergency Response Board or a Local Emergency Planning Committee for the purpose of determining compliance with s.166.20, Stats. and rules promulgated under the section.

The rule establishes experience requirements for inspectors. It establishes training requirements for inspectors. It requires individuals, in order to qualify to be an authorized inspector, to provide documentation that they meet either the experience requirement or the training requirement and to pass a written test given by the State Emergency Response Board.

It requires the State Emergency Response Board to, at least annually, publish a list of courses which have been approved as meeting the training requirements.

It requires Local Emergency Planning Committees to provide the State Emergency Response Board with the names and qualifications of any individuals the Local Emergency Planning Committee has authorized to conduct inspections. It requires the State Emergency Response Board to, at least annually, publish a list of authorized inspectors.

It requires the State Emergency Response Board and Local Emergency Planning Committees to authorize at least one inspector by a year from the effective date of the rule. It allows the Local Emergency Planning Committee to designate an inspector authorized by the State Emergency Response Board to be the committee's authorized inspector.

It provides for the authorization as inspector to be valid for two years and to be renewable at the discretion of State Emergency Response Board or a Local Emergency Planning Committee. It also allows the State Emergency Response Board or a Local Emergency Planning Committee to terminate the authorization at any time.

It requires the State Emergency Response Board to develop procedures to implement the rule prior to its effective date.

Pursuant to the authority vested in the State Emergency Response Board by ss.166.20(2)(b), 166.20(7m)(a) & (b) as created by 1989 Wisconsin Act 115, and 227.11(2)(a), Stats., the State Emergency Response Board hereby proposes to create rules interpreting s.166.20(7m)(b), Stats., as follows:

SECTION 1, Ch. SERB 2 is created to read:

CHAPTER SERB 2

INSPECTION RULE

SERB 2.01 PURPOSE. The purpose of this chapter is to establish the procedure to authorize individuals to conduct inspections on behalf of the board or committee, as required by s.166.20(7m)(b), Stats.

SERB 2.02 DEFINITIONS. In this chapter:

- (1) "Board" has the meaning given in s.166.20(1)(a), Stats.
- (2) "Committee" has the meaning given in s.166.20(1)(b), Stats.
- (3) "First Responder Awareness" means a training course that meets the criteria established in 40CFR 311 and 29CFR 1910,120(q)(6)(i).
- (4) "Hazardous chemical" has the meaning given in s.166.20(1)(f), Stats.

SERB 2.03 EXPERIENCE REQUIREMENT. Individuals who are authorized to conduct inspections relating to hazardous chemicals under the authority of another state agency or a local government unit shall be deemed to have the experience necessary to conduct inspections under s.166.20(7m)(a), Stats.

SERB 2.04 TRAINING REQUIREMENTS.

- (1) Individuals shall be deemed to have the necessary training to conduct inspections under s.166.01(7m)(a), Stats., who have completed a board approved course in all of the following:
 - (a) Requirements of s.166.20, Stats. and any implementing rules.
 - (b) Methods and procedures of conducting inspections.
 - (c) First Responder Awareness.
- (2) The board shall, at least annually, publish a list of courses which the board has approved as meeting the training requirements of this section.

SERB 2.05 AUTHORIZATION OF INSPECTORS.

- (1) The board or a committee may authorize an individual to conduct inspections who meets the requirements of s. SERB 2.03 or s. SERB 2.04 and passes a written test given by the board.
- (2) Only individuals who provide documentation that they meet the requirements of this section may be authorized to conduct inspections under s.166.20(7m)(a), Stats.
- (3) The board and each committee shall authorize at least one individual to conduct inspections by one year from the effective date of this section. A committee may designate an inspector authorized by the board as its authorized inspector.
- (4) The committee shall provide the board with the name and proof of qualification of any individual that the committee has authorized to conduct inspections.
- (5) The board shall at least annually publish a list of individuals who have been authorized by either the board or a committee to conduct inspections.
- (6) An individual may be authorized to conduct inspections for a period of two years from the date of authorization. The authorization may be renewed for two year periods at the discretion of the board or committee.
- (7) At its discretion, the board or committee may terminate at any time the authorization of an individual to conduct inspections on its behalf.

SERB 2.06 ESTABLISHMENT OF PROCEDURES. Prior to the effective date, the board shall establish procedures to implement this section.

EFFECTIVE DATE. This section shall take effect as provided in as provided in

s.227.22(2)(intro), Stats. _____ (Revisor insert effective date).

3-25-91

Date


ROBERT M. THOMPSON, Chair

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Final Regulatory Flexibility Analysis

Chapter SERB 2, Inspection Rule, will not have a significant effect on small businesses since there are no additional costs to small businesses associated with the authorization of inspectors under this rule. The costs to small businesses associated with being inspected are as a result of s.166.20(7m)(9), Stats..

serb2.doc/adminrules



State of Wisconsin \

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March 25, 1991

Gary L. Poulson
Revisor of Statutes
119 Martin Luther King Blvd., 2nd Fl.
Madison, WI 53703

Dear Mr. Poulson:

Attached is a certified copy of Administrative Rule SERB 2. Also enclosed is an ASCII file copy as you requested.

The wrong copy of SERB 2 was inadvertently attached to the certification and was delivered to your office on March 15, 1991.

This is the correct copy. We apologize for any inconvenience this may have caused.

Sincerely,

ROBERT M. THOMPSON, Chairman
State Emergency Response Board

RMT:jg

Attachment & Enc.

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