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## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

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**2003 Assembly Bill 380**

**Assembly  
Amendment 3**

*Memo published:* November 3, 2003

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### ASSEMBLY BILL 380

Under current law, the Department of Agriculture, Trade and Consumer Protection (DATCP) promulgates rules for the storage of bulk fertilizer and bulk pesticides. These rules are intended to protect waters of the state from contamination. Under current law, these rules apply to the storage of bulk fertilizer or bulk pesticides by manufacturers and distributors of these products.

Assembly Bill 380 expands the coverage of the DATCP rules to apply also to those who store bulk fertilizer or bulk pesticides, but are not manufacturers or distributors (i.e., farmers).

### ASSEMBLY AMENDMENT 3

The current DATCP rules for storage of bulk fertilizers and pesticides contain provisions regarding the storage containers, secondary containment areas around the storage containers, and loading areas. Assembly Amendment 3 provides that two types of storage containers possessed by a farmer are not subject to the secondary containment requirements (but are subject to all other requirements of the DATCP rules). The amendment exempts from secondary containment requirements “mini-bulk containers,” which have a capacity from 55 to 300 gallons of liquid or 100 to 2,500 pounds of dry material. Assembly Amendment 3 also exempts from secondary containment requirements a container for liquid fertilizer that has a capacity of 1,650 gallons or less that is possessed by a person who is not a manufacturer or distributor and the person does not possess more than one such container per 40 acres (i.e., the containers for applying fertilizer through pivot irrigation systems).

### LEGISLATIVE HISTORY

The Assembly Committee on Agriculture offered Assembly Amendment 3 and recommended adoption of the amendment by a vote of Ayes, 15; Noes, 0. The Assembly Committee on Agriculture recommended passage as amended on a vote of Ayes, 15; Noes, 0, on October 30, 2003.

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