

1999 DRAFTING REQUEST**Assembly Amendment (AA-AB133)**

Received: 05/6/99

Received By: nelsorp1

Wanted: Soon

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing: Worzala

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Alt. Drafters:

Subject: Military Affairs

Extra Copies:

Pre Topic:

LFB:.....Worzala -

Topic:

Require the state to adopt the EPA reporting requirements for retail gas stations

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	nelsorp1 05/10/99	ygeller 05/10/99	martykr 05/10/99	_____	lrb_docadmin 05/10/99		
/2	nelsorp1 06/15/99	wjackson 06/15/99	jfrantze 06/15/99	_____	lrb_docadmin 06/15/99		
/3	nelsorp1 06/15/99	ygeller 06/15/99	martykr 06/15/99	_____	lrb_docadmin 06/15/99		

FE Sent For:

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13 9/15 jg *dm 6/15* *JA 6/15*
dm 15

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12 WLj 6/15
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/1	nelsorp1	1 5/10 jlg	2/10	1/10			

FE Sent For:

<END>

Representative Gard
Senator Shibilski

MILITARY AFFAIRS

Emergency Government
Federalize Wisconsin Reporting Requirements

Motion:

Move to require the state of Wisconsin to adopt the federal EPCRA reporting requirements for retail gas stations, so that Material Safety Data Sheets (MSDS) need only be reported by retail facilities that have more than 75,000 gallons of gasoline or 100,000 gallons of diesel fuel stored underground.

with design
shall ~~be~~ x applicable thresholds
3 n) For retail gas
stations quantities for
reporting under 42
USC 110212 22
for retail gas
stations as
adopted by

Nelson, Robert

From: Worzala, David
Sent: Thursday, May 06, 1999 9:19 AM
To: Nelson, Robert
Subject: DMA related actions before JFC

Hi Bob,

This email lays out the actions of the JFC from Tuesday that affect DMA and require budget drafts. In general the executive session went pretty quickly with very little discussion. DMA got pretty much what they wanted with a few slight changes. Anyways, below is what needs to be drafted and I will fax a copy of the motions or any supporting detail I mention below.

Level A - paper 635 Alternative 2 was chosen. This would delete the last sentence in s166.215(5) relating to the authorization for DMA to come in for more funding under 13.10.

Level A - Motion 226 also passed requesting the Leg. Audit Committee direct LAB to do an audit of emergency response appropriations (Level A, Level B, and emergency response supplemental).

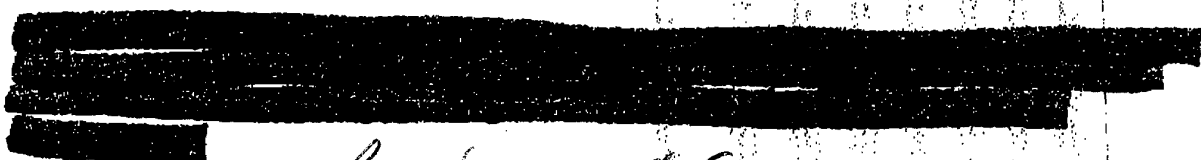
Tuition Grant - Motion 219 passed requiring session law language to require DMA to submit a 13.10 request for additional tuition grants if they estimate the funding provided is insufficient.

DEM Reporting Requirements - Motion 311. Require DEM to adopt EPA revised reporting requirements for retail gasoline facilities. This one popped up at the last minute and apparently DEM submitted an emergency rule to the Legislature (clearinghouse 99-017) which this would alter. I will fax you the talking points put out by the Petroleum Marketers Association that were promoting this change. The person who knows a fair amount about this in DEM is Chris Bacon 242-3206.

If you have any questions, please let me know. I will fax the motions to you this morning. Thanks for your help. DW

DMA— Emergency Planning Community Right-to-Know Reporting

Proposed Motion:

Federalize Wisconsin Reporting Requirements*Randi Milcep 10-3092*Reasoning:

As of March 1, 1999 the USEPA raised the threshold that triggers Material Safety Data Sheet (MSDS) reporting and annual chemical inventory reporting (aka Emergency Planning and Community Right-To-Know Act, or EPCRA) for retail gasoline stations that store less than 75,000 gallons of gasoline in underground tanks, or less than 100,000 gallons of diesel fuel underground.

Unfortunately, the state of Wisconsin has not changed it's rules to mirror the federal government. In fact, after EPA's action, the Department of Military Affairs passed an emergency rule, ERB 1.04(8) requiring facilities with 10,000 pounds of gasoline and/or diesel fuel to continue to file these detailed and complicated reports. In other words, Wisconsin requires MSDS sheets and EPCRA reports for all facilities that have as little as 1,540 gallons of gasoline on-site — whereas the federal government exempts gasoline retail stations with up to 75,000 gallons of gasoline.

The reasons the U.S. Environmental Protection Agency found it appropriate to exempt retail gasoline stations from EPCRA reporting are as valid and acceptable for the State of Wisconsin. These reasons include:

- ◆ Retail gasoline stations are "known commodities" in their communities. Unlike other commercial locations, there is no secret as to what hazardous substance is stored at a gas station. Furthermore, retail gasoline stations post signs to make that fact as conspicuous as possible; *"Unleaded gasoline \$1.04/gallon."*
- ◆ Unlike other hazardous substances, gasoline is extremely well known and well understood. In fact, most firefighter's train extensively on gasoline or petroleum product fires. Further, gasoline is never mixed with other hazardous substances in underground tanks at service stations.
- ◆ The public and local emergency officials are generally familiar with the location of retail gas stations, are aware that these facilities have gasoline and diesel fuel, and can typically discern the general storage location of the gasoline and diesel fuel at the facility. Therefore, fires at gas stations pose no "unknown risks" to emergency personnel.
- ◆ If a retail gasoline station does store reportable quantities of any other hazardous substance, besides gasoline or diesel fuel, then that facility must still report that fact to local fire departments and Local Emergency Planning Committees.
- ◆ Those gas stations with unusually large inventories will continue to report their gasoline and diesel fuel.



5001 (5/10)
State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0254/1
RPN...:.....

^
jlg

LFB:.....Worzala – Require the state to adopt the EPA reporting requirements for retail gas stations

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

1 At the locations indicated, amend the bill as follows:

2 1. Page 1065, line 10: after that line insert:

3 “SECTION 2302m.✓ 166.20 (5) (a) 3.✓ of the statutes is amended to read:

4 166.20 (5) (a) 3. All facilities in this state covered under 42 USC 11021 and all
5 public agencies and private agencies in this state at which a hazardous chemical is
6 present at or above an applicable threshold quantity shall comply with the reporting
7 requirements under 42 USC 11021 and 11022. The division✓ shall implement
8 reporting requirements for retail gas stations that are identical to the reporting
9 requirements under 42 USC 11021 and 11022.”✓

History: 1987 a. 342; 1989 a. 31, 115, 359; 1991 a. 39, 104, 189; 1993 a. 240, 253; 1995 a. 13, 113, 201, 227, 247; 1997 a. 27, 283.



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

Date: 6/15/99

DELIVER TO: Bob Nelson

Addressee Fax #: _____ Addressee Phone #: _____

of Pages, Including Cover: 2 Sender's Initials: DW

From: _____

Message: modification to
LRB 60254/1

ok

1999 - 2000 LEGISLATURE

LRBb0254/1
RPN:jlj:km

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10

→ Minimum threshold levels of

(END)

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State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0254/1
RPN;jlg:km
EWJ

TODAY

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minimum threshold levels of



State of Wisconsin
1999 - 2000 LEGISLATURE

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RPN;jlg&wlj:jf

3

TODAY

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(END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0254/3
RPN:jlg&wlj:km

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