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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**2021 Assembly Bill 384**

**Assembly  
Amendment 1**

### 2021 ASSEMBLY BILL 384

Section 168.23 (1), Stats., directs the Department of Agriculture, Trade, and Consumer Protection (DATCP) to establish, by rule, standards for the construction, maintenance, and abandonment of tanks that are used for the storage, handling, and use of liquids that are flammable or combustible or are federally regulated hazardous substances (storage tanks) and for the property and facilities where these tanks are located. Generally, every person who constructs, owns, or controls a storage tank must comply with these rules [s. 168.23 (1), Stats.] However, the statutes exempt from this requirement “storage tanks which are installed above ground level and which are less than 5,000 gallons in capacity.” [s. 168.23 (3), Stats.]

2021 Assembly Bill 384 makes various changes affecting DATCP’s regulation of petroleum products and the storage of dangerous substances. As relevant to the amendment, the bill lowers the threshold for aboveground storage tanks to be exempt from DATCP rules that regulate storage tanks. Under the bill, this exemption applies to aboveground storage tanks with a capacity of less than 110 gallons, rather than aboveground storage tanks with a capacity of less than 5,000 gallons.

### ASSEMBLY AMENDMENT 1

Assembly Amendment 1 exempts any “farm tank” from the requirement to comply with storage tank standards DATCP promulgates by rule, except the requirement to report information to DATCP in connection with DATCP’s statutorily required inventory of aboveground and underground storage tanks. For these purposes, “farm tank” is defined as an aboveground tank system installed on farm premises that is less than 5,000 gallons in capacity.

### BILL HISTORY

Representative James offered Assembly Amendment 1 on November 23, 2021. On December 8, 2021, the Assembly Committee on Consumer Protection voted to recommend adoption of Assembly Amendment 1 on a vote of Ayes, 7; Noes, 0 and passage of Assembly Bill 384, as amended, on a vote of Ayes, 8; Noes, 0.

DM:jal