

Wisconsin Department of Agriculture, Trade and Consumer Protection

Initial Regulatory Flexibility Analysis

Rule Subject: Petroleum and Other Liquid Fuel Products
Adm. Code Reference: ATCP 94
Rules Clearinghouse #: 21-096
DATCP Docket #: 21-R-06

Rule Summary

This rule does all of the following:

- Updates standards incorporated by reference.
- Creates definitions clarifying the meaning of important terms.
- Updates petition for variance procedures and fee authority per transfer from DSPS.
- Updates allowance for water in tanks to match national standards.
- Creates new sections on E15 and E85.
- Creates new sections on aviation fuel and racing fuel.
- Clarifies record keeping and documentation.
- Codifies the Reid Vapor Pressure waiver.
- Makes other minor updates and changes including corrections to outdated provisions.

Small Business Affected

This rule will apply to businesses that sell or distribute petroleum and other liquid fuel products, either at wholesale or at retail. Although these businesses are already regulated under the existing rule, they might need to make minor changes to comply with updated requirements, such as a reduction in the water levels permitted in tanks containing certain fuels.

Recalibration of water sensors in tanks will pose the greatest impact on businesses selling petroleum and other liquid fuel products. Sellers are already required to complete annual checks of fueling systems, at which time a recalibration of water sensors to meet the new standard can be done, thereby avoiding the cost of additional visits from service providers.

The new rule also largely eliminates the need to consult DSPS rules in the assessment of fees and completes the legislative requirement that the rule comply with DATCP policies. This should help small businesses in reviewing relevant rules.

Recordkeeping requirements

Although some changes were made in formatting to the records management portion of the rule, there are no changes to recordkeeping requirements.

Accommodation for Small Business

Many of the businesses affected by this rule are “small businesses.” However, given the subject matter, there are very few accommodations or special exceptions that can be made for small businesses.

Conclusion

This rule will have minimal impact on affected businesses, including “small businesses.” Negative effects, if any, will be few and limited. Because this rule will not have a significant adverse effect on “small business,” it is not subject to the delayed “small business” effective date provided in Wis. Stat. § 227.22 (2) (e).

Dated this _____ day of _____, 20__.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By _____

Michelle Reinen, Administrator
Division of Trade and Consumer Protection