

RULES CERTIFICATE

Department of Commerce

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Brenda J. Blanchard, Secretary of the Department of Commerce,
and custodian of the official records of said department, do hereby certify that the annexed rule(s) relating to
Flammable and Combustible Liquids
(Subject)

were duly approved and adopted by this department.

I further certify that said copy has been compared by me with the original on file in the department and
that the same is a true copy thereof, and of the whole of such original.



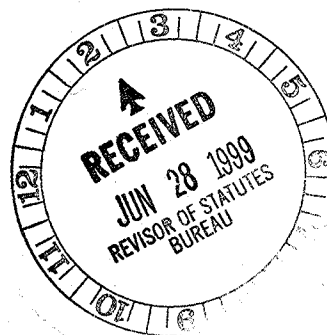
IN TESTIMONY WHEREOF, I have hereunto set
my hand at 201 West Washington Avenue
in the city of Madison, this 25
day of June A.D. 1999

Brenda J. Blanchard
Secretary



State of Wisconsin \ Department of Commerce

RULES IN FINAL DRAFT FORM



Rule No.: Chapter Comm 10

Relating to: Flammable and Combustible Liquids

Clearinghouse Rule No.: 99-010

The Wisconsin Department of Commerce proposes an order to amend Comm 10.18 (3) (intro) and to create Comm 10.18 (3) (d) and 10.48 relating to flammable and combustible liquids.

Analysis of Proposed Rules

Statutory Authority: ss. 101.09, 101.142, and 101.144

Statutes Interpreted: ss. 101.09, 101.142, and 101.144

Under sections 101.09, 101.142, and 101.144, Wisconsin Statutes, the Department protects public health, safety, welfare, and the environment by promulgating rules for and administering the regulation of petroleum product storage tank systems and the storage and handling of flammable and combustible liquids. The purpose of the regulatory effort is to guarantee that storage tank systems and their contents are managed in a manner that is protective of life safety and the environment.

On December 22, 1998, a ten-year upgrade period came to an end, and all underground tank systems falling under the United States Environmental Protection Agency's rules are now required to have been upgraded to include adequate protection against corrosion, leaks, spills, and overfills. Under the proposed rule, the Department and its contracted agents will conduct inspections to ensure that tank systems which are not in compliance have been shut down in accordance with state and federal rules. In those instances where owners or operators have not complied with the upgrade or shutdown requirements, immediate action will be taken to either prevent the tank systems from continuing to be used or to prevent the delivery of additional petroleum product to the systems.

The shut down of noncomplying tank systems is a core environmental and financial issue. The tank systems that are not in compliance pose a continuing high-risk threat to the environment, and delay in action will continue an unnecessary environmental hazard. Additionally, new releases from these non-upgraded tank systems will add to the financial burden of the PECFA program, which is significantly over-subscribed. The rule included with this order is in response to environmental issues associated with non-upgraded tank systems.

SECTION 1. Comm 10.18 (3) (intro) is amended to read:

Comm 10.18 (3) SYSTEM SHUTDOWN. Persons with enforcement authority under this chapter shall have the authority to shut down tank systems or components of tank systems ~~via the issuance of orders and disabling of the system with locks~~ under the following conditions:

SECTION 2. Comm 10.18 (3) (d) is created to read:

Comm 10.18 (3) (d) *Immediate shutdown because of upgrade standards violation.* Tank systems that do not comply with the provisions of either s. Comm 10.51 or 10.52 after December 22, 1998, shall be subject to immediate shutdown.

SECTION 3. Comm 10.48 is created to read:

Comm 10.48 Product delivery to tank systems. It shall be a violation of this chapter for any person to deliver or place a flammable or combustible liquid into a tank system that has been shut down by an enforcement action under s. Comm 10.18.

(End)

EFFECTIVE DATE

Pursuant to s. 227.22 (2)(intro.), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.

File ref: lr draft and summary

June 25, 1999

Gary Poulson
Assistant Revisor of Statutes
Suite 800
131 West Wilson Street
Madison, Wisconsin 53703-3233



Douglas LaFollette
Secretary of State
10th Floor
30 West Mifflin Street
Madison, Wisconsin 53703

Dear Messrs. Poulson and LaFollette:

TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO.: 99-010

RULE NO.: Chapter Comm 10

RELATING TO: Flammable and Combustible Liquids

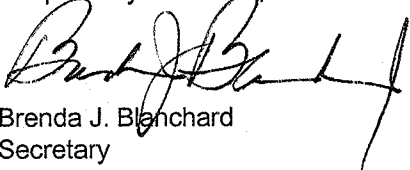
Pursuant to section 227.20, Stats., agencies are required to file a certified copy of every rule adopted by the agency with the offices of the Secretary of State and the Revisor of Statutes.

At this time, the following material is being submitted to you:

1. Order of Adoption.
2. Rules Certificate Form.
3. Rules in Final Draft Form.

Pursuant to section 227.114, Stats., a summary of the final regulatory flexibility analysis is also included.

Respectfully submitted,


Brenda J. Blanchard
Secretary