

CR 93-81

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STATE OF WISCONSIN)
) SS
STATE EMERGENCY RESPONSE BOARD)

MAY 26 1993
3:40p
Revisor of Statutes
Bureau

I, Leroy E. Conner, Jr., Chairman of the State Emergency Response Board and custodian of the official records, certify that the annexed rules, relating to hazardous material transportation registration, were duly approved and adopted by the State Emergency Response Board May 25, 1993.

I further certify that this copy has been compared by me with the original on file in this State Emergency Response Board and that it is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the State Emergency Response Board at 4802 Sheboygan Avenue, Hill Farms State Office Building, Room 99A, Madison, WI 53707



LEROY E. CONNER, JR., Chairman
State Emergency Response Board

7-1-93

**ORDER OF THE STATE EMERGENCY RESPONSE BOARD
ADOPTING RULES**

Relating to hazardous material transportation registration.

To create chapter SERB 4

Analysis prepared by the State Emergency Response Board:

The rule establishes a fee to be paid to the Wisconsin Department of Transportation by persons engaged in the transportation of hazardous materials as required by s. 166.20 (7g), Stats. and by persons required to file hazardous materials transportation registration statements with United States Department of Transportation under 49 USC Appendix 1805 (c).

The rule requires an offset to the fee for persons required to pay the fee under s. 166.20 (7)(a)2, Stats.

Pursuant to the authority vested in the State Emergency Response Board by ss. 166.20 (2)(b), 166.20 (7g) and 227.11 (2)(a), Stats., the State Emergency Response Board hereby proposes to create rules interpreting s.166.20 (7g)(a), Stats.

SECTION 1, Ch. SERB 4 is created to read:

**CHAPTER SERB 4
HAZARDOUS MATERIAL TRANSPORTATION REGISTRATION**

SERB 4.01 PURPOSE. The purpose of this chapter is to establish a fee for persons required to file hazardous materials registration statements with the United States department of transportation under 49 USC Appendix 1805 (c), as required by s. 166.20 (7g), Stats.

SERB 4.02 DEFINITIONS. In this chapter:

- (1) "Hazardous material" has the meaning given in 49 USC Appendix 1802 (4).
- (2) "Person" has the meaning given in 49 USC Appendix 1802.

SERB 4.03 HAZARDOUS MATERIALS TRANSPORTATION REGISTRATION FEE.

- (1) Any person required to file hazardous materials transportation registration statements with the United States department of transportation under 49 USC Appendix 1805 (c) shall pay a fee to the Wisconsin department of transportation. The calculation of the fee is determined by the number

of activities the person engages within or through Wisconsin during the prior 12 month period of July 1 to June 30, and shall be paid by September 1, 1993. The fee shall be paid annually thereafter. The activities to be used in the calculation of the fee are as follows:

- (a) Offers or transports in commerce on any highway route any controlled quantity of a class 7, radioactive material as specified under 49 CFR 173.403;
 - (b) Offers or transports in commerce more than 25 kilograms or 55 pounds of a division 1.1, 1.2 or 1.3 explosive material as specified under 49 CFR 173.50 in a motor vehicle, rail car or freight container;
 - (c) Offers or transports in commerce more than one liter or 1.06 quarts per package of a material extremely toxic by inhalation as specified under division 2.3, hazard zone A, or division 6.1, packing group I, hazard zone A as specified under 49 CFR 173.115 and 173.132;
 - (d) Offers or transports in commerce a hazardous material in a bulk packaging, as specified under 49 CFR 171.8, having a capacity equal to or greater than 13,248 liters or 3,500 gallons for liquids or gases or more than 13.24 cubic meters or 468 cubic feet for solids;
 - (e) Offers or transports in commerce a shipment in other than a bulk packaging of 2,268 kilograms or 5,000 pounds gross weight or more, of one class of hazardous materials for which placarding of a vehicle, rail car, or freight container is required for that class as specified under 49 CFR 172.500. The term "shipment" as used in the registration regulations is limited to the hazardous material being offered or loaded at one loading facility.
- (2) Except as provided under s. SERB 4.04, and using the calculation of activities under sub. (1) (a) to (e) the fee required under this section is:
- (a) For persons engaged in one activity, \$400.
 - (b) For persons engaged in 2 activities, \$800.
 - (c) For persons engaged in 3 activities, \$1,200.
 - (d) For persons engaged in 4 activities, \$1,600.
 - (e) For persons engaged in 5 activities, \$2,000.

Multiple shipments within each category does not constitute a separate activity.

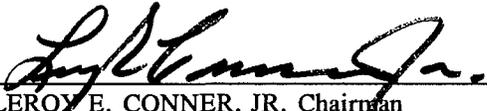
(3) Fees required under sub. (2) (a) to (e) do not apply to sub. (1) (a) to (e) after June 30, 1995.

SERB 4.04 EXEMPTIONS. If a person is required to pay the fee under s. 166.20 (7)(a)(2), Stats., the person shall pay under s. SERB 4.03 the amount by which the fee otherwise payable under s. SERB 4.03 exceeds the fee under s. 166.20 (7)(a)(2), Stats., if any. For purposes of the fee exemption in this section, the reporting period under s. 166.20 (7)(a)(2) shall be the same as s. SERB 4.03.

NOTE. A copy of the hazardous materials transportation registration statement may be obtained from the Motor Carrier Registration Section, 4802 Sheboygan Avenue, P. O. Box 7983, Madison, WI 53707-7983.

This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2) (intro.), Stats.

May 26, 1993
Date

Agency: 
LEROY E. CONNER, JR. Chairman
State Emergency Response Board



State of Wisconsin \ STATE EMERGENCY RESPONSE BOARD

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May 25, 1993

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MAY 26 1993

Mr. Gary Poulson
Revisor of Statutes
131 W. Wilson St.
Madison, WI 53702

Revisor of Statutes
Bureau

Dear Mr. Poulson:

Attached you will find a certified copy of SERB 4 which is being transmitted to you for publication. Also enclosed is a duplicate copy and a disk which contains the rule.

We would greatly appreciate anything you can do to expedite the printing of SERB 4. It is imperative that the rule take effect as soon as possible in order to facilitate the billing of transporters of hazardous materials in a timely manner. This is in keeping with this agency's efforts to work with transporters to assure compliance.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Leroy E. Conner, Jr.", written in a cursive style.

LEROY E. CONNER, JR., Chairman
State Emergency Response Board

Attachment - 1

Enclosures - 2

cc: State Emergency Response Board
Chris Bacon, Director
Bur. of Technological Hazards