

STANDING COMMITTEES:

Natural Resources & Energy, Chair
Transportation & Local Government, Vice-Chair

ROBERT L. COWLES

Wisconsin State Senator
2nd Senate District

JOINT COMMITTEES:
Audit Committee, Co-Chair

Testimony on 2021 Senate Bill 381
Senator Robert Cowles
Senate Committee on Labor and Regulatory Reform
January 13th, 2022

Thank you, Chairman Nass and Committee Members, for holding a hearing and allowing me to submit testimony on 2021 Senate Bill 381. This bill makes various changes to the hazardous liquid storage tank regulation and inspection program run by DATCP.

The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP), after various changes between state agencies, regulates storage tank systems in Wisconsin. The program has regulated storage tank systems, including aboveground storage tank systems, for decades. Due to the reorganizations, statutes have neglected to keep pace with the program, leaving uncertain authority to carry-out these programs.

The issue of regulated aboveground storage tank sizes gained an urgency when the Department's 2017 Wisconsin Act 108 review discovered that the Department lacked specific statutory authority to fulfill its longstanding mission to regulate aboveground storage tanks between 110 and 5,000 gallons. After consultation with stakeholders, DATCP ceased regulation on October 1, 2019. In anticipation, DATCP worked to draft legislation to fix these problems. This work is reflected in Senate Bill 381, which will:

- Match statutory authority with the program that had been in operation for decades.
- More accurately characterizes certain terms relevant to this program in the law.
- Resolves issues of statutory, prosecutorial, and fees authority requested by the Legislature in Section 9138 (3) (fm) of 2013 Wisconsin Act 20, the 2013-15 State Budget.

Since October 2019, the state has exposed itself to various potential threats to the environment and the regulated community. This includes failing to meet federal standards and the standards in surrounding states, increased environmental pollution with massive costs, some of which may fall to the taxpayers, reductions in the capacity of local and private program operators to review tank system plans and inspect tanks, leaving those duties to overtaxed local fire departments, and more.

Senate Amendment 1 to the bill provides an exemption for certain tanks designated as "farm tanks", defined in the amendment, from program requirements, except for certain reporting requirements. This change was at the suggestion of farm organizations after hearing testimony in the Assembly Committee on Consumer Protection.

Senate Bill 381 resolves these issues and others that have emerged by updating our statutes to reflect the longstanding program operations and ensure our law reflects the duties that have fallen to DATCP after reorganizations. I also believe this legislation reflects the intent of 2017 Wisconsin Act 108, which is to identify agency actions that do not reflect statutory authority, halt those actions, and let the Legislature decide whether those regulations are worthy of being reinstated. I believe this bill reflects regulations that are worthy of being reinstated, and I look forward to a conversation with stakeholders on how to make this happen.

Office:
Wisconsin State Capitol
118-South
P.O. Box 7882
Madison, WI 53707-7882

608-266-0484
Toll-Free: 1-800-354-1465
Fax: 608-267-0304
Sen.Cowles@legis.wisconsin.gov
legis.wi.gov/senate/02/cowles

Home:
300 W. St. Joseph Street
Unit #23
Green Bay, WI 54301-2328
920-448-5092



STATE REPRESENTATIVE
JESSE JAMES

Representative Jesse James' Testimony in Support of SB 381

January 13th, 2022

Thank you Chairman and other committee members for holding and hearing testimony regarding Senate Bill 381 today. The issue of regulated aboveground storage tank sizes became an urgent issue when a DATCP department review discovered that the Department lacked specific statutory authority to regulate aboveground storage tanks between 110 and 5,000 gallons. The program existed in the Department of Commerce before its subsequent transfers to the Department of Safety and Professional Services (DSPS) and DATCP. The program has regulated storage tank systems, including aboveground storage tank systems, for decades. Due to the reorganizations, statutes have neglected to keep pace with the program. After communication with fire departments, local program operators, and stakeholders, the Department ceased regulation completely on October 1, 2019. This bill simply brings back into play statutory language which existed for over 40 years prior to October of 2019. There was an obvious misstep here, and the goal is to bring things back to the way they were.

Some say this isn't even a big problem; I would beg to differ. There are various potential issues that could come about without these regulations in place; for example, not meeting EPA or industry standards, the cost of damage and cleanup efforts if a spill occurs due to lack of inspection, and local program operators not contracting with DATCP due to lack of revenue, causing their usual responsibilities of tank system plan review and inspection to fall on local fire departments, who lack the resources to do them.

With these regulations in place, we wouldn't have had a recent spillage incident in Eau Claire County this past April. I have attached a copy of this incident for your review. This stuff happens, and we do have a duty to protect the environment and our communities from these types of preventable accidents.

Here is a brief synopsis of this incident:

Multiple diesel and fuel tanks were stated to be stored improperly, hidden in a semi trailer. The tanks are not up to regulations and constantly leak. A drip pan is noted to be at the location which is supposed to be emptied out which never is. A few years ago a 500 gallon tank was stated to have completely emptied which leaked out into the surrounding soil.

Environmental Impact:

The soil of the location has been affected. No sewer systems or local waterway were stated to have been breached but rp believes the groundwater may have been contaminated due to the constant leakage.

It is unknown how much was released and recovered. The clean-up process and start up is unknown. I am waiting to hear from the DNR in regards to this incident. Having this legislation in place would have potentially prevented this situation. The persons involved in this would have had to report what they have



STATE REPRESENTATIVE

JESSE JAMES

on their property, the quantity on site, and the storage of the product would have been subjected to inspection. These regulations just makes sense; this change just makes sense.

We have trained professionals here to explain this process more in depth so I am going to stop here and allow them to get up here and testify. Thank you!

SERTS ID:
20210423WC18-1

Reported:
04/23/2021 10:06

Occurred:
UNKNOWN

Substance:
DIESEL FUEL [DIESEL]
AMOUNT RELEASED AND
AMOUNT RECOVERED ARE
UNKNOWN AT THIS TIME

Reported by:
DISPATCH
HOTLINE#: CFS 000181-7671
DNR VIOLATION HOTLINE
(800) 847-9367

Location:
WC REGION
EAU CLAIRE COUNTY
EAU CLAIRE, CITY OF
BLUE NORTHERN DISTRIBUTING
5640 OLD TOWN HALL RD

Responsible Party:
ANDY PRITCHARD (BLUE NORTHERN DISTRIBUTING)
5640 OLD TOWN HALL RD
EAU CLAIRE, WI 54701

Cause:
OTHER CAUSE



STATE REPRESENTATIVE

JESSE JAMES

Cause Description:

Multiple diesel and fuel tanks were stated to be stored improperly, hidden in a semi trailer. The tanks are not up to regulations and constantly leak. A drip pan is noted to be at the location which is supposed to be emptied out which never is. A few years ago a 500 gallon tank was stated to have completely emptied which leaked out into the surrounding soil.

Environmental Impact:

The soil of the location has been affected. No sewer systems or local waterway were stated to have been breached but rp believes the groundwater may have been contaminated due to the constant leakage.

Comments:

CFS 000181-7671

RP reporting a continuous situation in Eau Claire CO/Eau Claire at the above address. It was noted that multiple gasoline and fuel tanks were stated to be hidden in a semi-trailer which are not up to regulations. The containers were indicated to be constantly leaking. A drip pan was noted to be under them that is supposed to be emptied by employees at blue northern distributing which never are. The floor to the semi was stated to be covered with fuel and diesel which drips into the ground at the location. A few years ago one of the 500 gallon diesel tanks leaked all over into the soil and RP believes the ground water may be contaminated at this time. The property was stated to be owned by Chaput produce which has a hands off policy with the renter blue northern distributing. The trailer with the hidden tanks was stated to be right next to the white house which is next to the road. If you go in the driveway, it will be the trailer which is the furthest north with blue stairs leading up to it. Andy Pritchard was indicated to be the owner of the organization. RP stated that the fuel tanks are also not grounded which is causing an explosion hazard. RP left contact information and stated willingness to also talk to the spills team.

Cliff 715-829-3695

CALLER WARDEN JACOB BOLKS 10:15:26

WARDEN JACOB BOLKS ACKNOWLEDGED THE CFS 10:15:15 CALLED WCR JAYSON SCHRANK 10:26 - ACKNOWLEDGED

Cleanup:

CLEAN-UP PROGRESS UNKNOWN OR CLEAN-UP NOT STARTED.

Notified WCR JAYSON SCHRANK at 10:26 by Phone



Testimony in Support of Senate Bill 381
Senate Committee on Labor and Regulatory Reform
January 13, 2022

Chairman Nass, Vice-Chair Wanggaard, and members of the committee, I appreciate this opportunity to testify in support of Senate Bill 381.

As you know, Wisconsin regulates aboveground and underground petroleum and hazardous material storage systems to ensure that petroleum products and other volatile substances are stored safely. The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) has been the agency in charge of the aboveground storage system inspection program for nearly a decade, before which it existed in the Department of Commerce and the Department of Safety and Professional Services (DPS). Through reorganizations and shifts between the agencies that oversee the program, our state statutes have failed to keep pace with its needs.

This issue gained urgency when the Department's 2017 Wisconsin Act 108 review discovered that the Department lacked specific statutory authority to fulfill its longstanding mission to regulate aboveground storage tanks between 110 and 5,000 gallons. As a result, on October 1, 2019, the Department ceased regulation of these tanks. DATCP proactively worked with legislators and the Legislative Reference Bureau to draft legislation to fix these problems before the deadline arrived, and while we were unable to pass it into law in time last session, we have an opportunity now to make these overdue and necessary statutory adjustments.

Senate Bill 381, which we drafted in collaboration with DATCP, makes a number of changes in order to update our state statutes and bring them in line with current best practices and the needs of the program. Primarily, the bill revises and more accurately characterizes certain terms, restores DATCP's authority to regulate tanks of the described capacities, resolves other issues of authority, and authorizes DATCP to contract with Local Program Operators (LPOs) to administer or implement aboveground storage tank requirements. The amendment before you was also drafted in consultation with DATCP and stakeholder partners after concerns about the bill's applicability to farm tanks were raised during the bill's public hearing in the Assembly.

While the changes made by the bill are mainly technical, the impact will be significant. Over 18,000 aboveground storage tanks in our state are no longer inspected by DATCP, which leaves our state exposed to potential risks to the environment, public safety, and the regulated community. It's also important to know that DATCP's historical data shows that tanks with fewer than 5,000 gallons have a higher non-compliance rate. Without this bill, our regulatory framework no longer meets industry, EPA, or our surrounding states' standards for aboveground storage tank regulation, and when spills occur, the damage and related cleanup efforts can be very costly. We've also heard from local fire departments about the hazard posed by unregistered and/or ill-placed or ill-managed tanks and the lack of opportunities to educate tank owners to ensure they are utilizing their storage tank systems safely.

Aboveground storage is not a Democratic or Republican issue; it's a public health and safety issue. This bill will support fire prevention, protect our natural resources and public health, and provide certainty for DATCP and the regulated community. Thank you for your consideration, and I welcome any questions you may have.

State Capitol: PO Box 8953, Madison, WI 53708 • (608) 267-9649 • Toll-free: (888) 534-0071

Email: rep.shankland@legis.wisconsin.gov • Website: <http://shankland.assembly.wi.gov>



State of Wisconsin
Governor Tony Evers

Department of Agriculture, Trade and Consumer Protection
Secretary Randy Romanski

January 13, 2022

Chair Nass and Members of the Senate Committee on Labor and Regulatory Reform:

Thank you for the opportunity to testify today in support of Senate Bill 381 as amended, relating to: petroleum products, storage of dangerous substances, granting rule-making authority, and making an appropriation. My name is Lara Sutherlin, and I am the Administrator of the Division of Trade and Consumer Protection at the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP). DATCP supports this bill and thanks Senator Cowles for sponsoring this bill and Representative James for sponsoring the companion bill, AB 384.

The agency supports this bill as amended for five main reasons:

First, 2013 Wisconsin Act 20 (the biennial budget bill) moved the storage tank system inspection program from the Department of Safety and Professional Services (DSPS) to DATCP. At that time, the budget bill simply had DATCP continue to use the statutory, prosecutorial, and fee authority granted to DSPS in Chapter 101. Now that the program has been at DATCP for nearly ten years, to eliminate confusion, this bill removes DSPS authority and places all relevant statutory, prosecutorial, and fee authority in Chapter 168 with DATCP where the program resides.

Second, the bill makes remedial language changes to the statute. For example, DATCP not only inspects tanks, it inspects the piping and equipment with the tank. Therefore, this bill creates a definition for a tank *system*—a term that more accurately describes the inspection and the program itself. It also more specifically and accurately refers to “regulated product” rather than “petroleum product” since the materials regulated are more than just petroleum.

Third, this bill proposes to change the 5,000-gallon threshold for aboveground storage tank systems to 110 gallons for all aboveground tank systems except those designated in the amendment as farm tanks. This proposed statutory change would not be new to the regulated community as it simply codifies a decades-old practice within the program. Until October 1, 2019, aboveground storage tanks with a tank size of 110 gallons and higher were regulated by DATCP through the regulatory framework of ATCP 93 and by its predecessor agencies through their rulemaking authority. However, during its rule review pursuant to Wis. Stat. § 227.29, DATCP identified it did not have the statutory authority to regulate aboveground storage tanks between 110 and 5,000 gallons per Wis. Stat. § 168.22 (3). Therefore, commencing October 1, 2019, DATCP ceased regulating these aboveground tanks and told local program operators under contract with DATCP to cease those inspections.

Wisconsin - America's Dairyland

2811 Agriculture Drive • PO Box 8911 • Madison, WI 53708-8911 • Wisconsin.gov

An equal opportunity employer

The cessation of regulating aboveground tanks sized 110 gallons and higher has impacted DATCP's programmatic standards, the environment, and the regulated community in the following ways:

- DATCP's regulatory framework no longer meets the high expectation for fire prevention and environmental protection that, for decades, Wisconsin citizens have come to expect.
- Over 18,000 previously inspected aboveground storage tanks in Wisconsin are no longer inspected by DATCP. Aboveground tanks smaller than 5,000 gallons typically have more compliance deficiencies and should be included in the storage tank regulatory program.
- The failure to regulate aboveground storage tanks 110 gallons or higher could result in storage tank facilities using portable tanks or Intermediate Bulk Containers (IBCs) as fixed storage tanks. Portable tanks and IBCs are designed to hold a *particular* class of regulated product. Improper use of portable tanks or Intermediate Bulk Containers (IBCs) poses a significant risk of environmental release and hazardous fires with potential for loss of life. With the ability to regulate smaller tanks, the Department hopes to prevent this safety hazard.

Fourth, the program has long worked with both public and private Local Program Operators (LPOs) to conduct storage tank inspections. Our rule revision pursuant to Wis. Stat. § 227.29 also revealed that the law does not permit DATCP to contract with private LPOs. DATCP has built strong relationships with the private LPO community and would like the continued ability to contract with private LPOs. This would prove useful should another public LPO or DATCP inspector be unavailable in a particular area. This provision of the bill makes explicit that DATCP may contract for the services if the need arises.

Fifth and finally, the bill has an amendment. The amendment exempts aboveground farm storage tanks from certain provisions of the bill. More or less, these exemptions already existed in ATCP 93, the administrative rule that governs the storage tank system program. Instead, these provisions have been enshrined in statute. It does not change policy, so we have no objections. The amendment also retains the department's registration requirement for farm tanks so first responders are aware of existing aboveground farm tanks in the event of an emergency call on a farm.

Thank you again for the opportunity to testify today and for your consideration of Senate Bill 381. I would be happy to answer any questions committee members may have.

Sincerely,

Lara Sutherlin, Administrator
Division of Trade and Consumer Protection



CITY OF EAU CLAIRE
"Proudly Meeting the Needs of our Community"

FIRE AND RESCUE DEPARTMENT
Christian M. Bell, Chief

Emergency Calls911
Administration715/839-5012
Inspections/Investigation715/839-4825
After Hours715/839-5013
E-mailecfire@eauclairewi.gov
City Websitewww.eauclairewi.gov

January 11, 2022

Committee on Labor & Regulatory Reform

Wisconsin Senators: Nass, Wanggaard, Stafsholt, Wirch, Johnson
State Capitol
Madison, WI 53708

RE: SB-381 – Regulation of above ground petroleum storage tanks

Dear Senate Committee,

I am writing to register my support for SB-381 pertaining to the regulation of above ground petroleum storage tanks.(AST)

Currently, there are no regulations pertaining to tanks under 5000 gallons. Having no regulations in place outlining the safe installation and inspection of petroleum storage tanks creates a risk to public safety, firefighter safety and the environment. It also increases the possibility of ground water contamination.

For example, recently there was a release of diesel and other fuel in my area due to the improper installation and operation of storage containers which leaked over time. These tanks were not subject to plan review nor an annual safety inspection. The soil in the area has been affected and the ground water has possibly been contaminated. It is my opinion this release was partly caused by no regulation and no safety inspections performed by trained inspectors.

As a tank inspector, it is my job to perform installation plan review of new tank installations and routine inspections to ensure the safety and integrity of petroleum tanks with intention to prevent such problems from developing. Based on my experience and training I believe enacting this bill will continue to protect life, property and the environment as we have in the past.

If you have any questions or require any additional information, please contact me.

Jason Knecht

Fire Inspector
LPO Tank Inspector



CITY OF
**EAU
CLAIRE**
Engineering

Phone: (715) 839-4934
Fax: (715) 552-7288
engineering@eauclairewi.gov

January 11, 2022

Wisconsin Senators: Nass, Wanggaard, Stafsholt, Wirch, Johnson
COMMITTEE ON LABOR & REGULATORY REFORM
State Capitol
Madison, WI 53708

RE: SB-381 – Regulation of above & below ground petroleum storage tanks

Dear Senate Committee:

I am writing to register my support for SB-381 pertaining to the regulation of above & below ground petroleum storage tanks. (AST/UST)

Currently, there are no regulations pertaining to tanks under 5,000 gallons. No regulations in place outlining the safe installation and inspection of petroleum storage tanks creates a risk to public safety, the environment, and increases the chances of possible ground water contamination.

I am a Wisconsin DATCP LPO tank inspector for the City of Eau Claire. As a tank inspector, it is my job to perform installation plan review and inspections to ensure the safety and integrity of petroleum tanks with intention to prevent such problems from developing. I am also in the field inspecting new and existing tank systems within the Eau Claire area of the State of Wisconsin. Based on my experience and training, I believe, enacting this bill will continue to protect life, property, and the environment as we were doing in years prior, to the current legislation, but now are compromised in our ability to do unless SB-381 is passed.

As a full-time Project Manager for the City of Eau Claire Engineering Department, I am also responsible for building projects, which often includes demolition of older buildings and properties the City of Eau Claire has acquired for the purpose of redevelopment for future housing and business. Along with this process I also enjoy the privilege of working with local Risk Management personnel at the Municipal and County Government levels and the State of Wisconsin Department of Natural Resources when there are hazardous materials and soil contaminations discovered on properties slated for redevelopment. Some of these do include removal of above ground & underground fuel systems and subsequently remediation of soils found contaminated by faulty systems or systems that were abandoned in place. Due to the



nature of these two roles I believe my perspective on this subject is somewhat unique as I get to see the before and after effects of regulated and non-regulated fuel systems.

When Soil contamination is discovered, Wisconsin Department of Natural Resources Chapter NR720 applies. [Wisconsin Legislature: Chapter NR 720](#)

If not already familiar, readers of this letter are encouraged to review the above website and associated links to related regulations to become familiar with the multiple levels of reporting, testing, required containment methods, procedures, and remediation procedures that are required to be taken to clean up or restore limited land resources to a useful condition for the development of future business housing or agriculture. Note these are just State of Wisconsin regulations and do not include federal regulations or OSHA standards that may be applied depending on the extent of contamination or safety procedures required during the cleanup process.

The cost of these processes starts in the multiple thousands of dollars for the smallest scale contamination, up into the millions of dollars very quickly for moderate to large scale contaminations. Most often these costs are not apparent to the taxpayers and often not to State officials because there are delayed costs that may occur over several years or even decades after a release of fuel. The cleanup costs are very often embedded in overall project costs for redevelopment of sites that include many other building costs and design costs. So, remediation, although included, is not often the focal point of a project's cost report.

In many cases of land re-development, the originator of the contamination is no longer in business, has moved out of state, or the land has been sold several times before contamination is discovered. Ultimately then the burden of clean up often falls on the Municipality, County or State of Wisconsin. The cost for this is inevitably borne unilaterally by the taxpayers and businesses operating in the boundaries of the local governing body.

In some cases, the remediation exceeds available budget, so then cleanup is delayed until budgeting can be approved and appropriated or future land use is either restricted or deemed unusable. The extent to be evaluated on case by case basis defined by the size and nature of the contamination. For those owners and companies that are still existing and can be identified as the originators of release, they can be held liable for the remediation. So, lack of regulation also becomes a liability for the fuel system owner, even if the release is of moderate scale. This cost can easily founder a small business and potentially critically wound the financial resources of



larger businesses.

In specific reference to contamination by common fossil fuels such as diesel fuel, gasoline or the newer associated blends there are specific compounds of concern. The following example is specific to the major contaminants found in gasoline. The example is excerpt from an article found in the August 2011 publication of *The Internal Journal of Environmental Research* titled: A review of Centrifugal testing of Gasoline Contamination and Remediation.

The article refers to undetected underground fuel systems as the sources of contamination but it should be noted that Above ground tank systems that are unregulated can also easily become a source for soil and ground water contamination by aboveground release and fuel soaking into the soil.

[A Review of Centrifugal Testing of Gasoline Contamination and Remediation \(nih.gov\)](#)

- Benzene is the most hazardous of these compounds. Its EPA Maximum Contaminant Level (MCL) is 5 parts per billion (ppb). Long-term exposures to benzene in drinking water at levels above the MCL increase the risk of cancer.
- Toluene and ethylbenzene are not considered carcinogenic (cancer-causing). Their MCLs are 1.0 and 0.7 parts per million (ppm). Over the long term, however, toluene and ethylbenzene damage the liver, kidneys, and central nervous system.
- Xylenes are a mixture of compounds (*ortho*-, *meta*-, and *para*-xylene) with two methyl (-CH₃) groups attached to a benzene ring. Xylenes also affect the liver, kidneys, and nervous system, but they are not considered nearly as hazardous as the first three—the MCL for total xylenes is 10 ppm.

A slow leak from a typical 10,000-gallon gasoline storage tank at the neighborhood service station would be virtually undetectable to the station operator but still quite hazardous to nearby groundwater supplies. The hazards of gasoline are mainly attributable to the BTEX compounds. The benzene content of typical gasoline is 0.76% by mass (gasoline composition). A spill of 10 gallons of gasoline (only 0.1% of the 10,000-gallon tank, a quantity undetectable by manual gauging and inventory control) contains about 230 grams of benzene. The EPA's Maximum Contaminant Level (MCL) for benzene is 5 parts per billion (ppb), or 5 micrograms per liter, in drinking water. The density of gasoline is about 0.8 g/mL, so the benzene in a 10-gallon gasoline leak can contaminate about 46 million liters, or 12



CITY OF
**EAU
CLAIRE**
Engineering

Phone: (715) 839-4934
Fax: (715) 552-7288
engineering@eauclairewi.gov

million gallons of water!

According to the data in this article, using simple math the un-expected release of a small 100-gallon AST of gasoline could potential contaminate up to 120 million gallons of water. Needless to say, a release from a tank closer to 5,000 gallons turns into a really big number of gallons of underground water contamination. As unregulated systems age the potential for multiple tank system failures increases.

The article goes on to explain how once in the ground fuel contamination can migrate and spread from the area of release to other adjacent areas underground depending on soil composition and flow of ground water and other media.

Should a release from unregulated above ground fuel systems reach a municipal well or private well the results can become catastrophic to a community. Please consider that currently there are now thousands of unregulated above ground fuel systems in the State of Wisconsin.

In summary, the annual inspection and permit fees are insignificant in comparison to the cost, liability, and potential damage that can and will eventually be caused by continued non-regulation of above ground fuel systems smaller than 5,000 gallons. Non-regulation also bears non-dollar costs in regard to threat to public health and safety.

During my training to become a LPO inspector for the state of Wisconsin, my instructors emphasized that the ultimate goal of the Department of Trade and Agriculture and Consumer Protection in regard to fueling systems would be to reach a state of voluntary compliance where tank system owners thoroughly understand the significance of keeping their systems in safe operating conditions and embracing the fact that the simple inspections and rules of regulation are for the purpose of protecting everyone, business owners, taxpayers and the common citizens of the State all alike. A large part of what systems inspectors do in the field is educate owners and maintenance staff on why and how regulations keep the systems safe and operable at nominal cost so the larger liability costs never have to come to fruition. I am encouraging everyone to do their own independent research on this aspect of the bill to bring awareness to the issues at hand.

If you have any questions or require any additional information, please contact me.



CITY OF
**EAU
CLAIRE**
Engineering

Phone: (715) 839-4934
Fax: (715) 552-7288
engineering@eauclairewi.gov

Respectfully, Rodney R. Bonesteel

A handwritten signature in black ink that reads "Rodney R. Bonesteel". The signature is written in a cursive style.

City of Eau Claire Engineering Department Project Manager.
City of Eau Claire LPO Tank Inspector #47916
Office phone 715 839 6109
City of Eau Claire

**CHIPPEWA FIRE DISTRICT
13140 30TH AVE.
LAKE HALLIE, WI 54729**

January 13, 2022

Good Morning:

The Chippewa Fire District wishes to thank the committee for allowing us this opportunity to address Senate Bill 381 and the proposed Amendment by Senator Cowles.

The Chippewa Fire District has partnered with the State of Wisconsin and its regulatory agencies through the Local Program Operator contract since 1992. The Fire District is the largest LPO Program working with the Department of Agriculture, Trade and Consumer Protection. Since a conflict between State Statute 168 and Wisconsin Administrative Code DATCP 93 was discovered in October of 2019 Above Ground Tanks of 5,000 gallons or less became unregulated . During that time Chippewa Fire District Inspectors discovered a decline in the safe installation of those tanks. That decline endangers both the environment and the health, safety and welfare of firefighters working in our coverage area and statewide. The Committee Clerk has been presented a handout for you to review. The pictures have been taken within the last 3 years and accurately reflect what our Inspectors have found. Under current law the tanks in the picture are exempt from correction orders or enforcement actions.

The Chippewa Fire District believes the passage of Senate Bill 381 and the proposed amendment by Senator Cowles will create no new regulations but will align the Wisconsin Administrative Code, the State Statutes and the Federal Regulations thus returning the status quo. To ease the regulatory burden on the Wisconsin Agricultural community the amendment excludes tanks of less than 5,000 from regulation on farms but does ensure the safety of firefighters who will know the locations of the tanks within their community by requiring the tanks to be registered.

The Chippewa Fire District would like to encourage the committee to pass the proposed bill and its amendment. Again, we appreciate your time and attention to this matter.

Scott Bernette
Chief
Chippewa Fire District
715-723-5488 Office
715-829-4400 Cell

Neglected Aboveground Storage Tanks (AST)

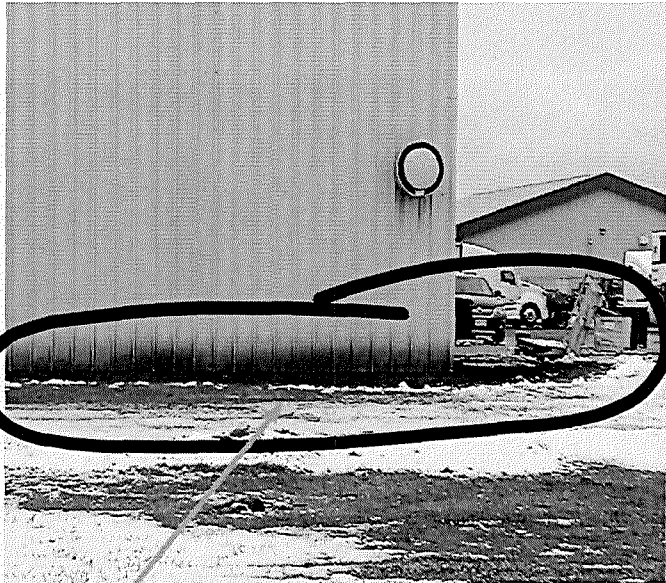
Some legal some not, but none seem to mind leaks causing environmental damage or creating fire and life safety hazards

1

People trying to cover dirt after they heard inspector might have found out

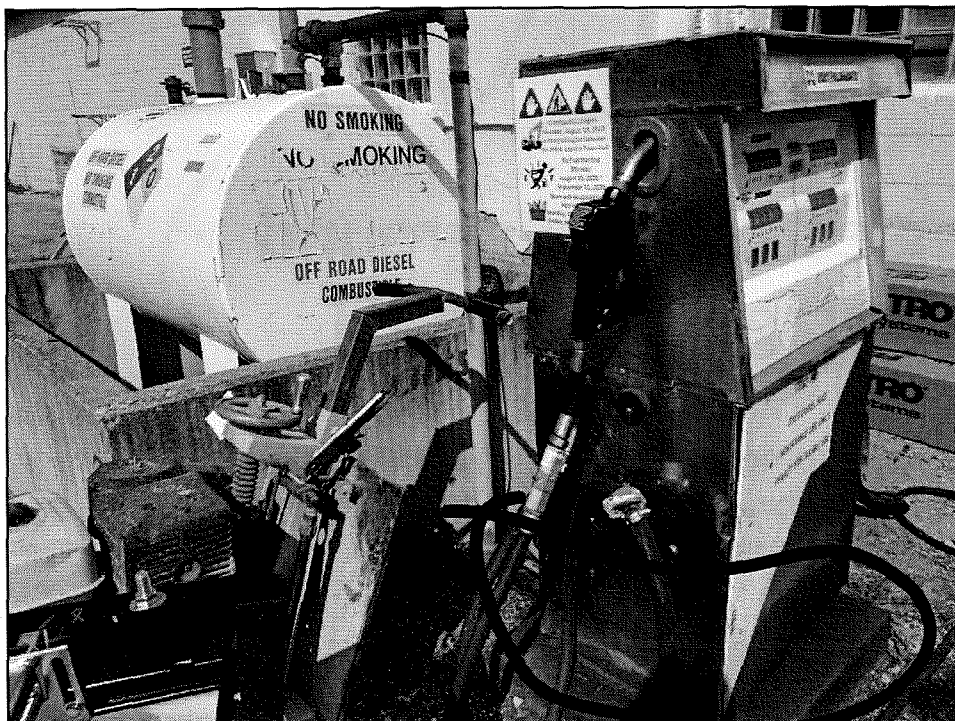


Made aware of a waste oil AST that was removed. It was leaking, now being investigated by DNR



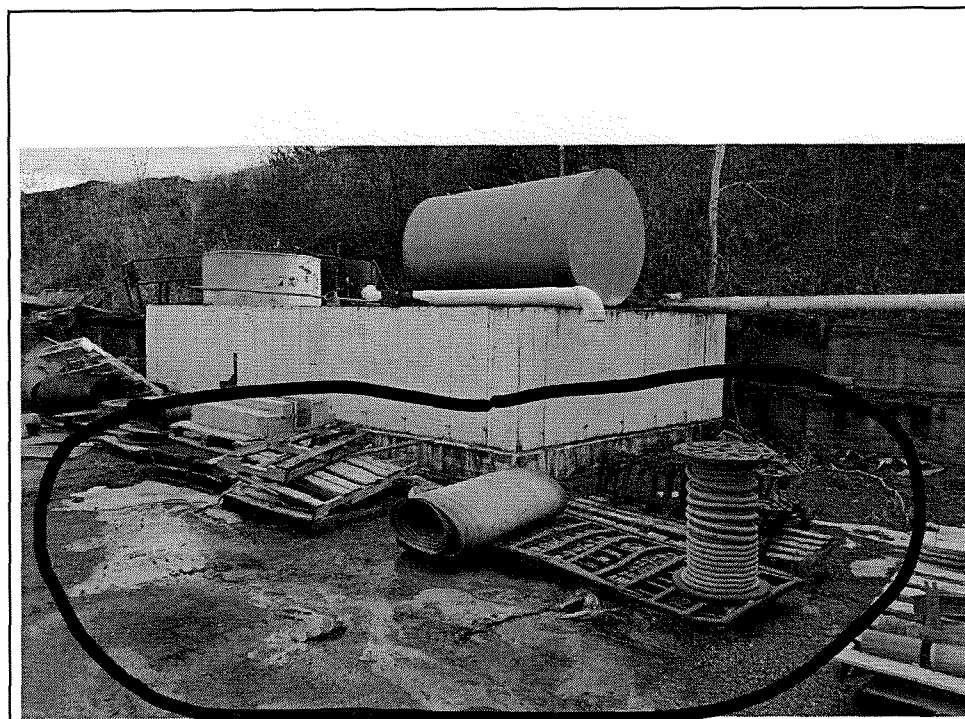
Long term soil contamination splashing on building from eaves

2



RETAIL diesel AST leaking at pipe and under dispenser. Also, way to close to building w/o collision protection. Was told, owner now knows there is nothing inspectors can do about smaller ASTs

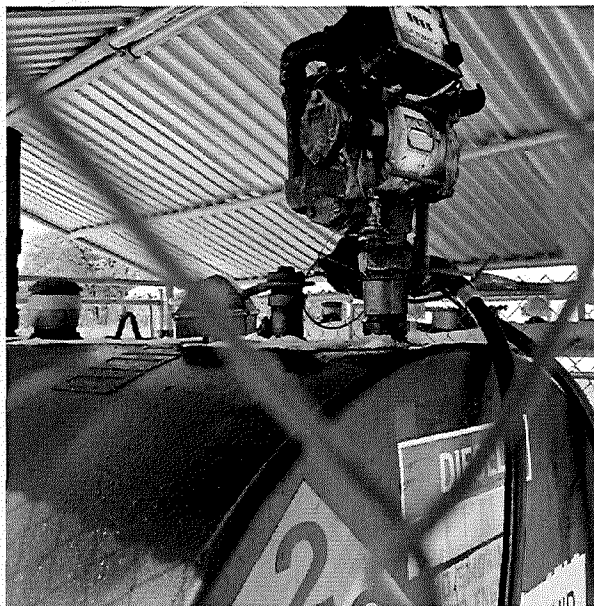
3



Long term contamination found across the street in neighbors ground water.

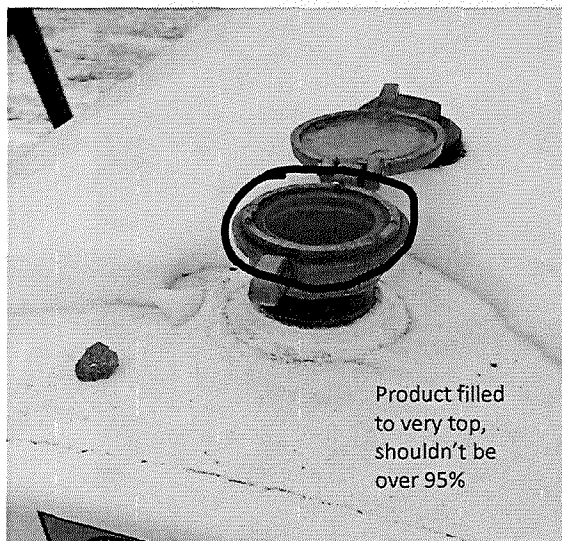
4

Neglected leaking from pump



5

Single walled AST w/o spill protection...
overfilled onto ground, nor cleaned up

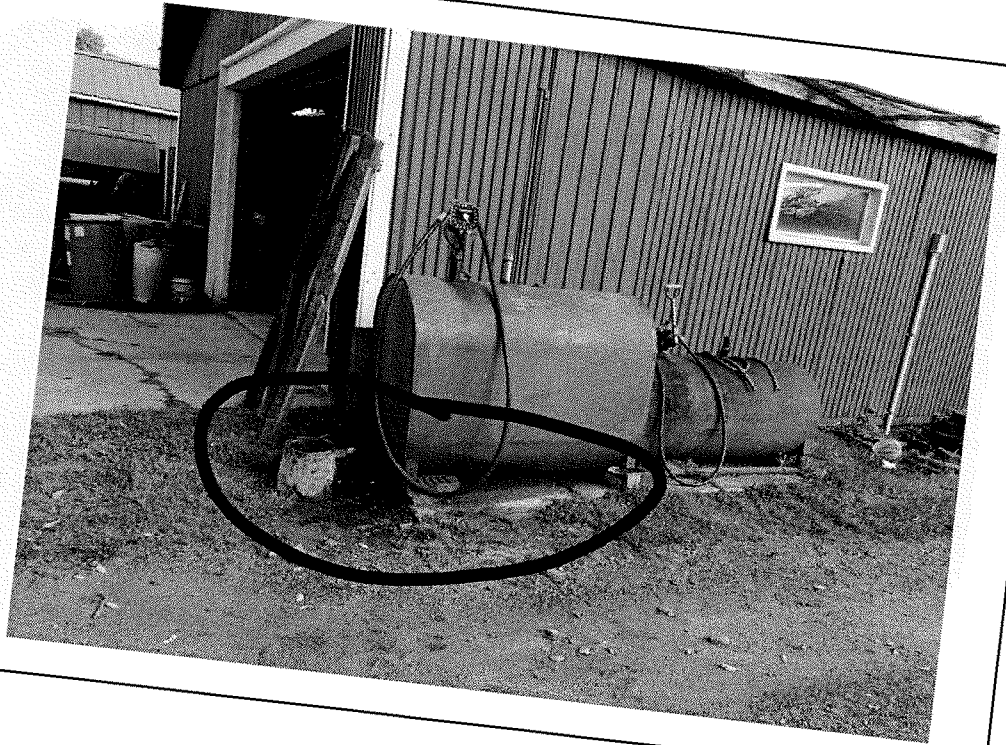


Product filled
to very top,
shouldn't be
over 95%

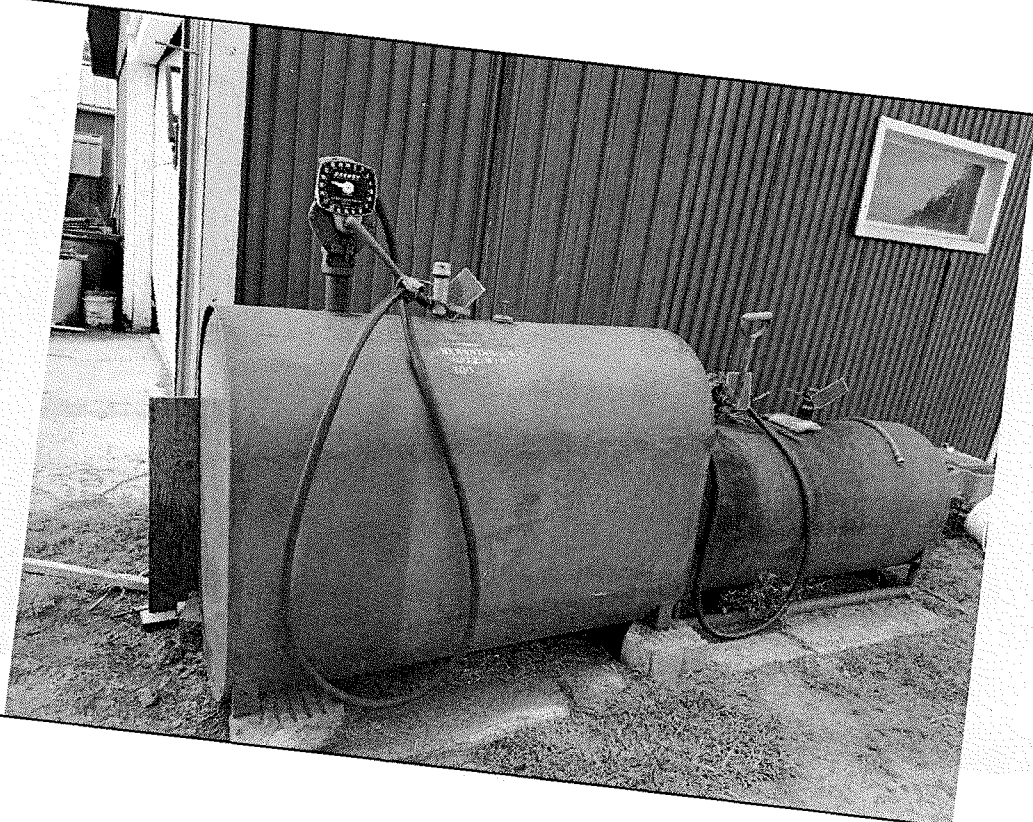


6

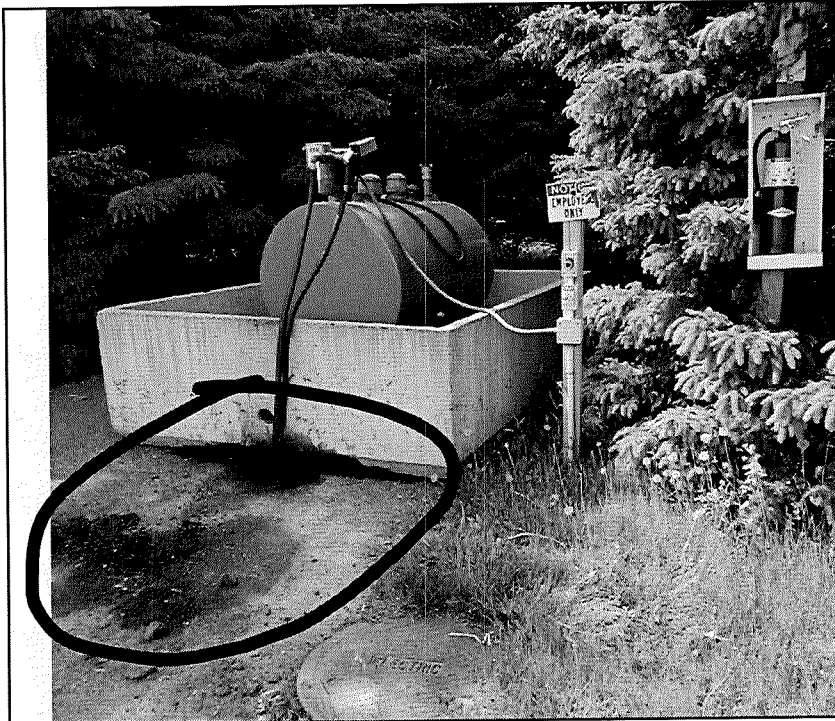
Illegal AST
leaking at
business.



7



8

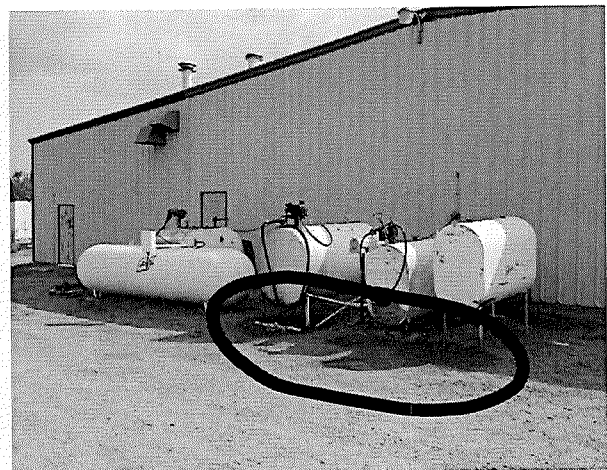


Illegal AST
leaking at
business.

9



Illegal AST leaking at business.
W/o venting and next to propane



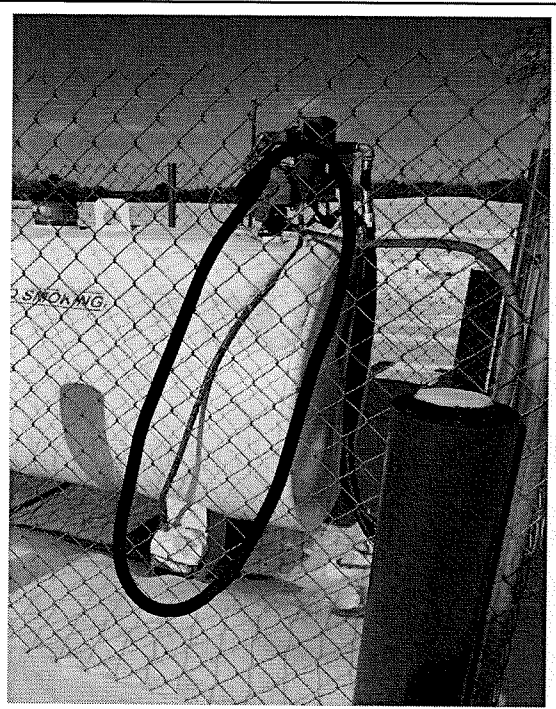
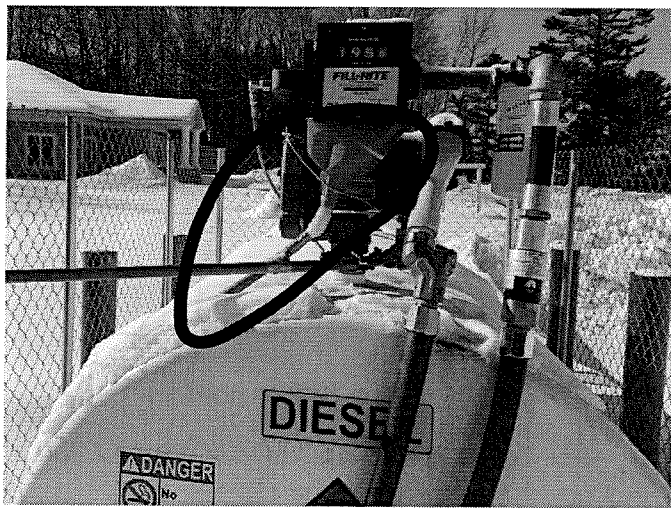
10

Containment not plugged allowing for contamination to seep into earth



11

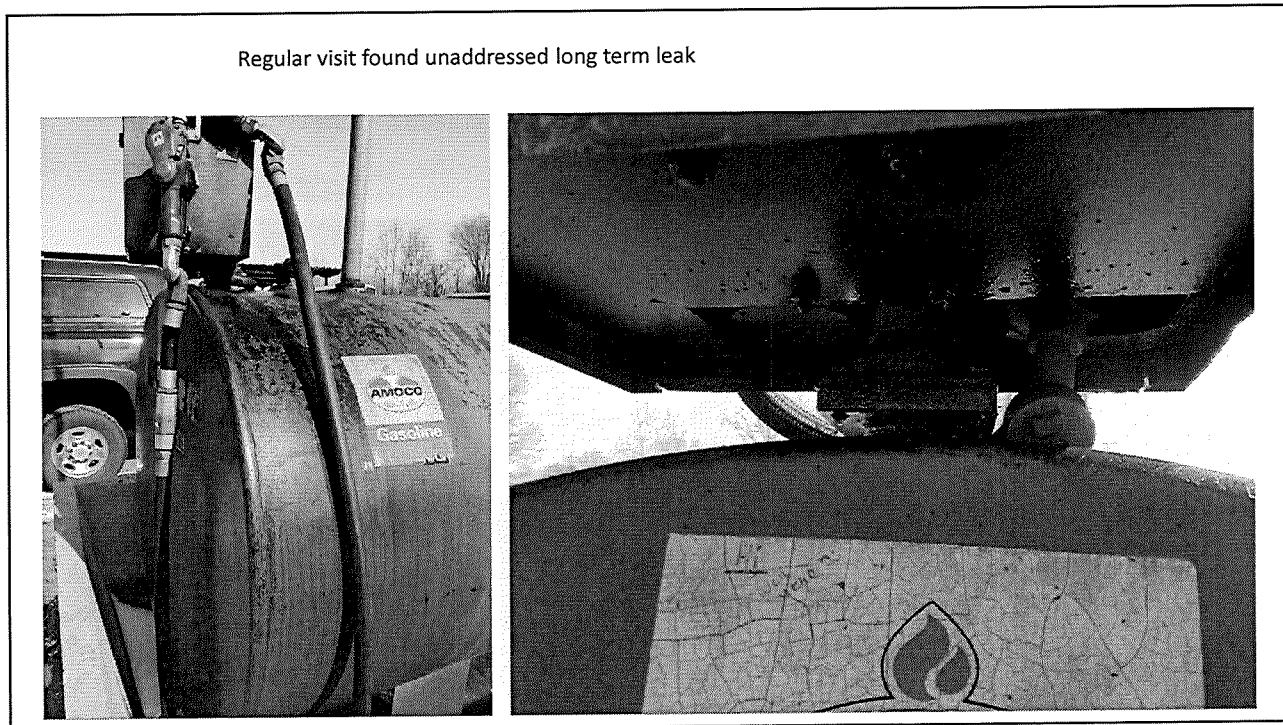
Improper attempt to correct a leak



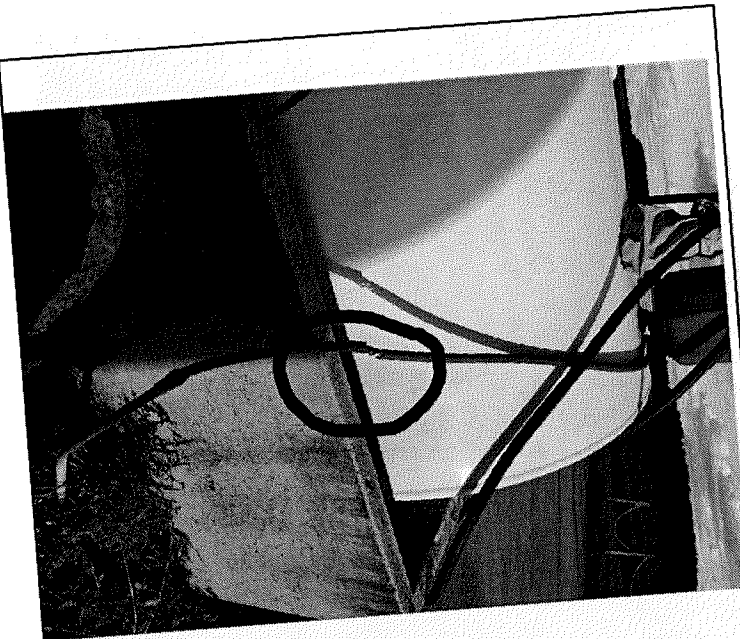
12



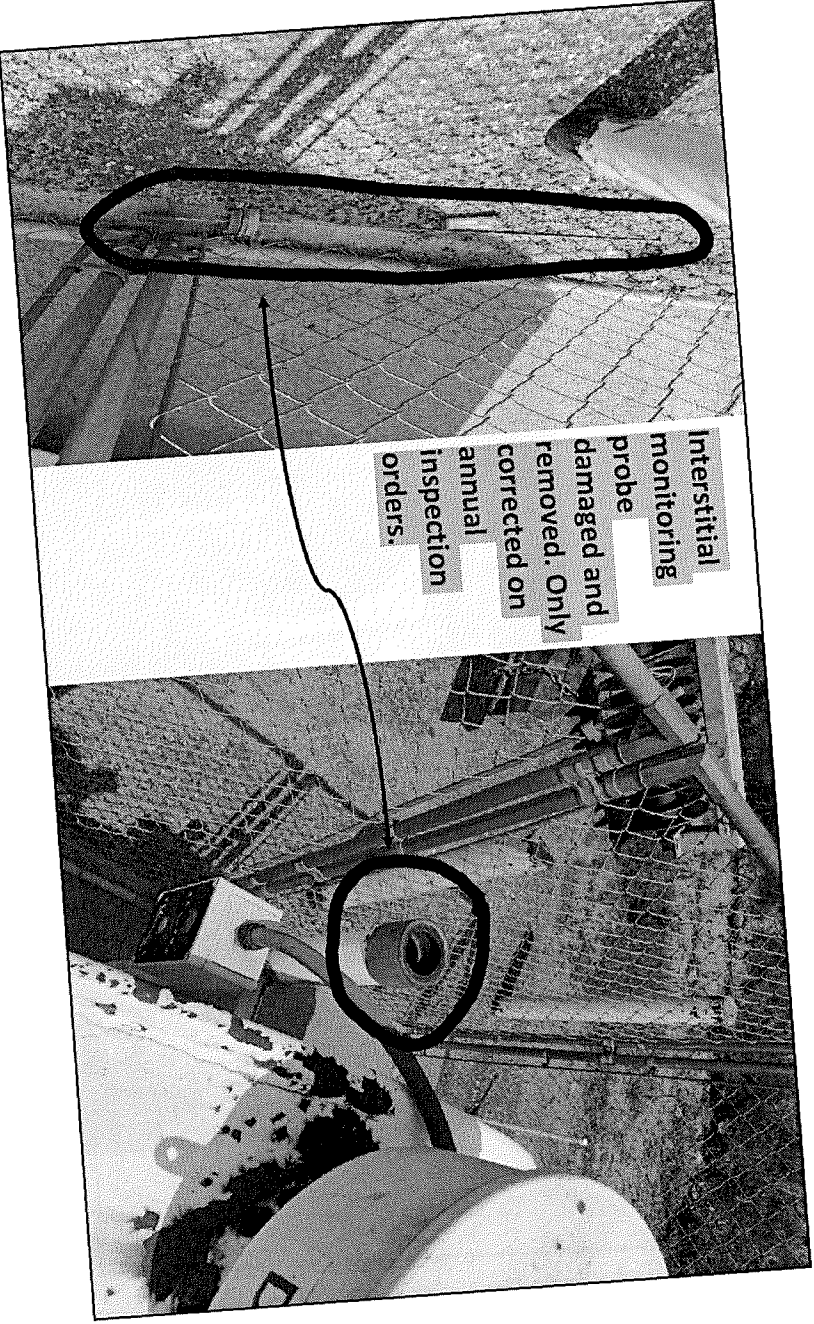
13



14

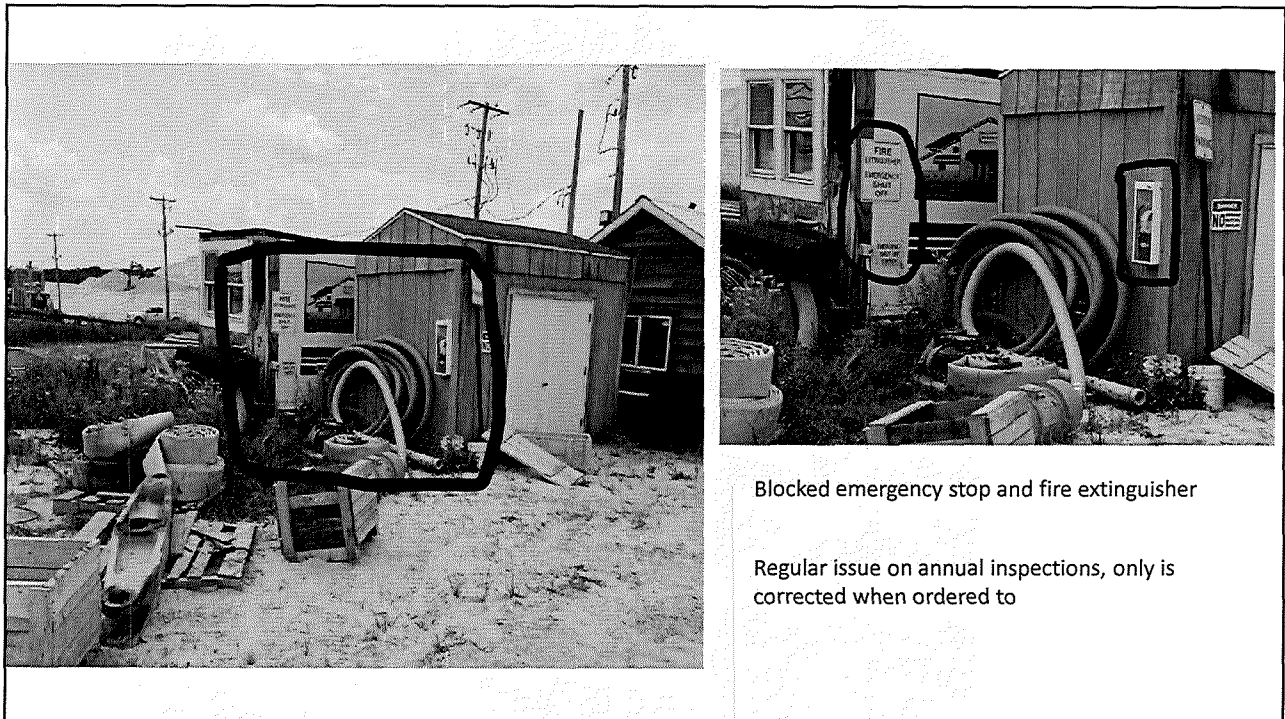


19

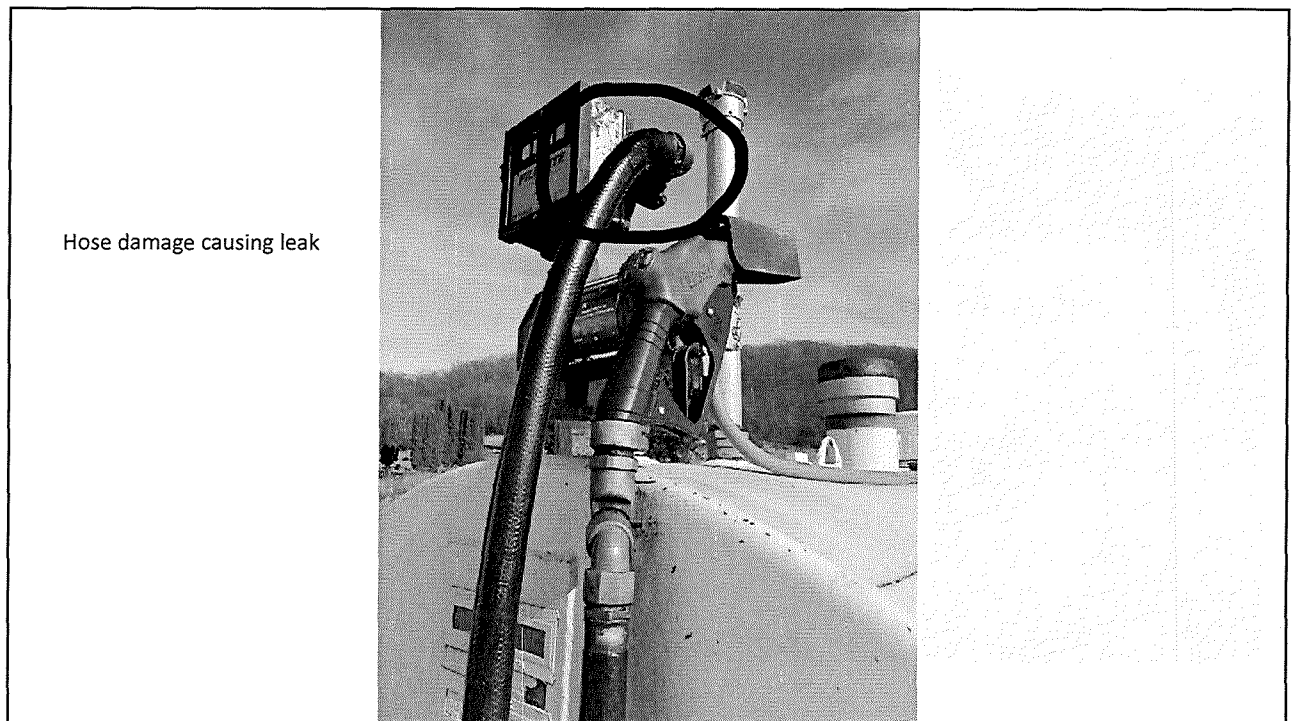


Interstitial monitoring probe [redacted] damaged and removed. Only corrected on annual [redacted] inspection orders.

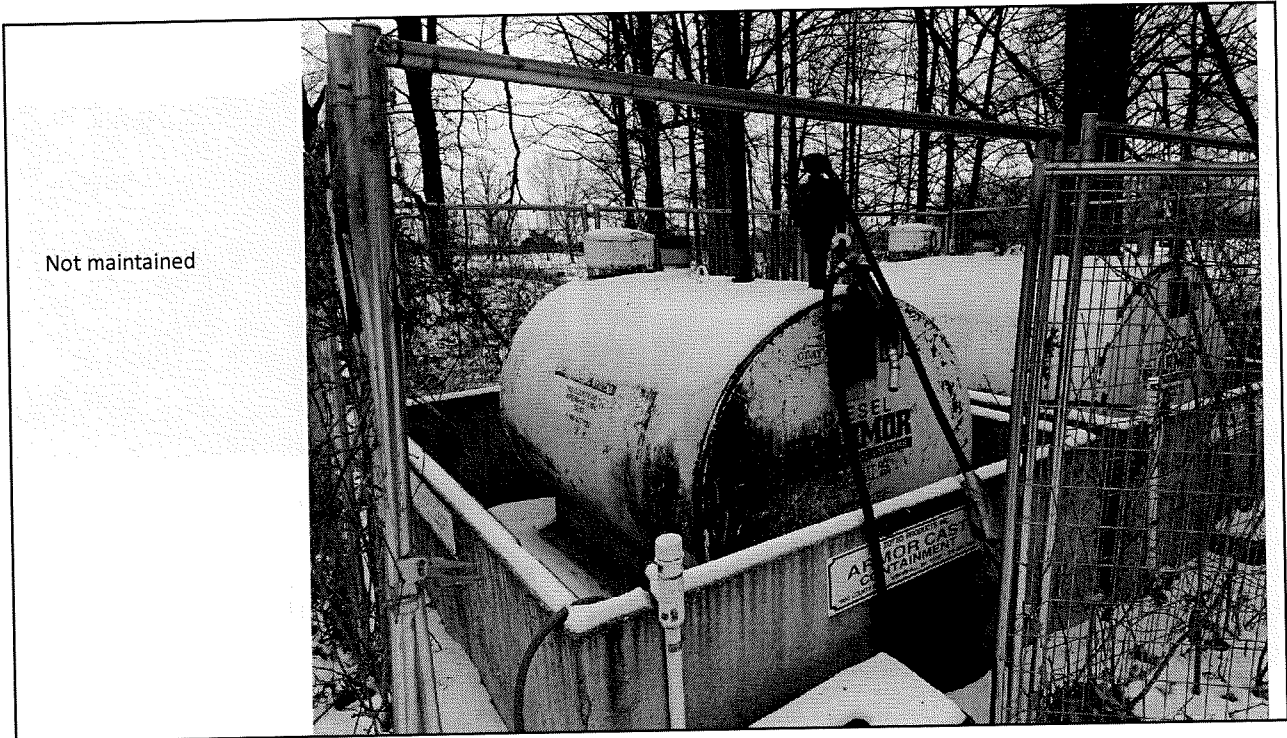
20



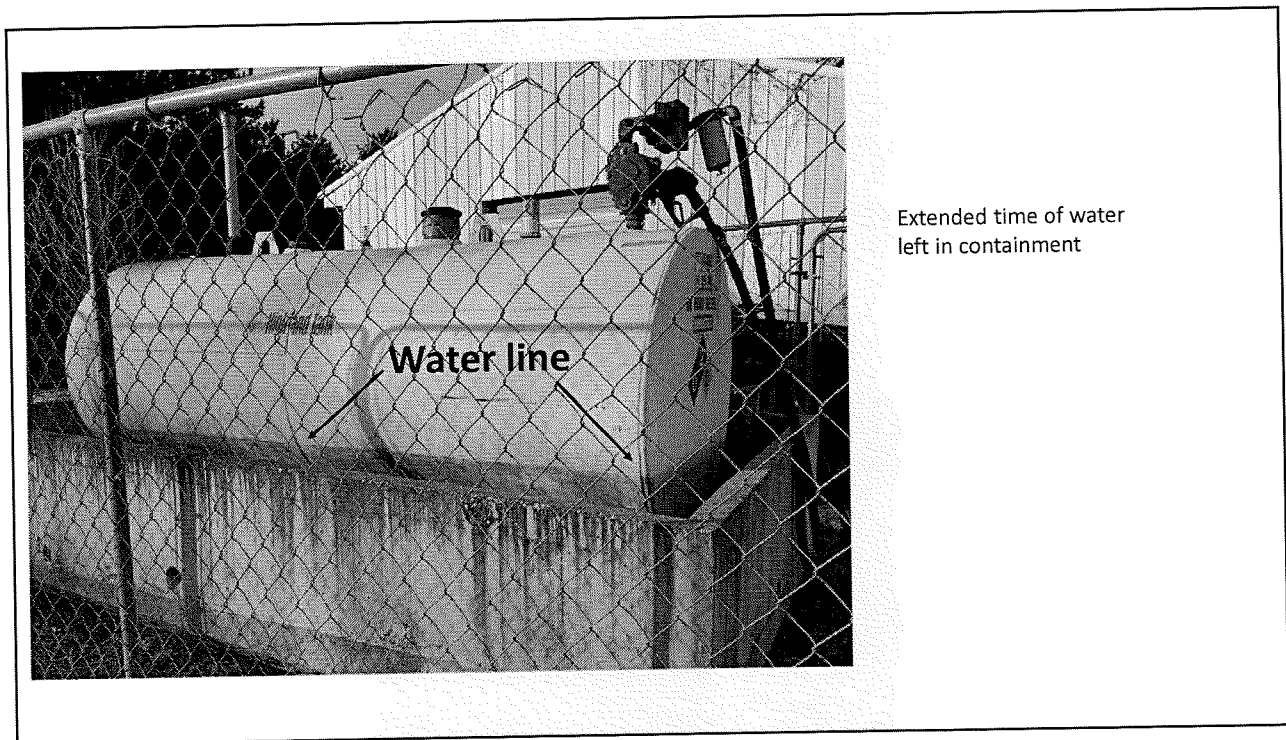
21



22



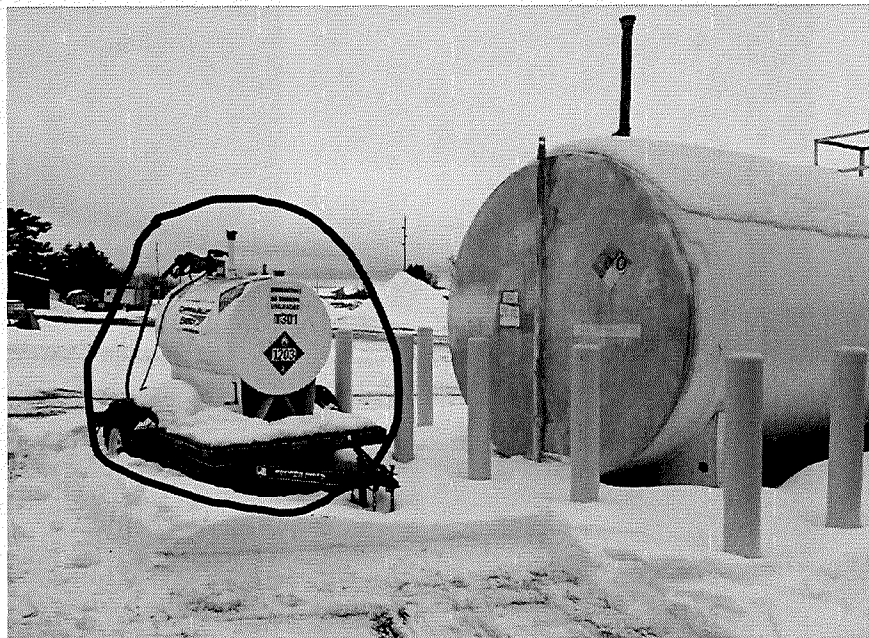
23



24

Site wanted gas,
waited until after
inspection took place.
Was caught at next
inspection

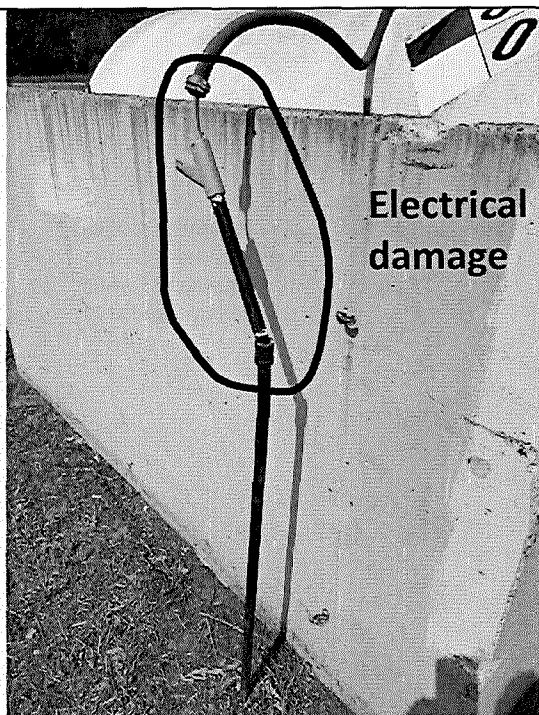
Single-walled AST w/o
containment, proper
venting and fixed
installation



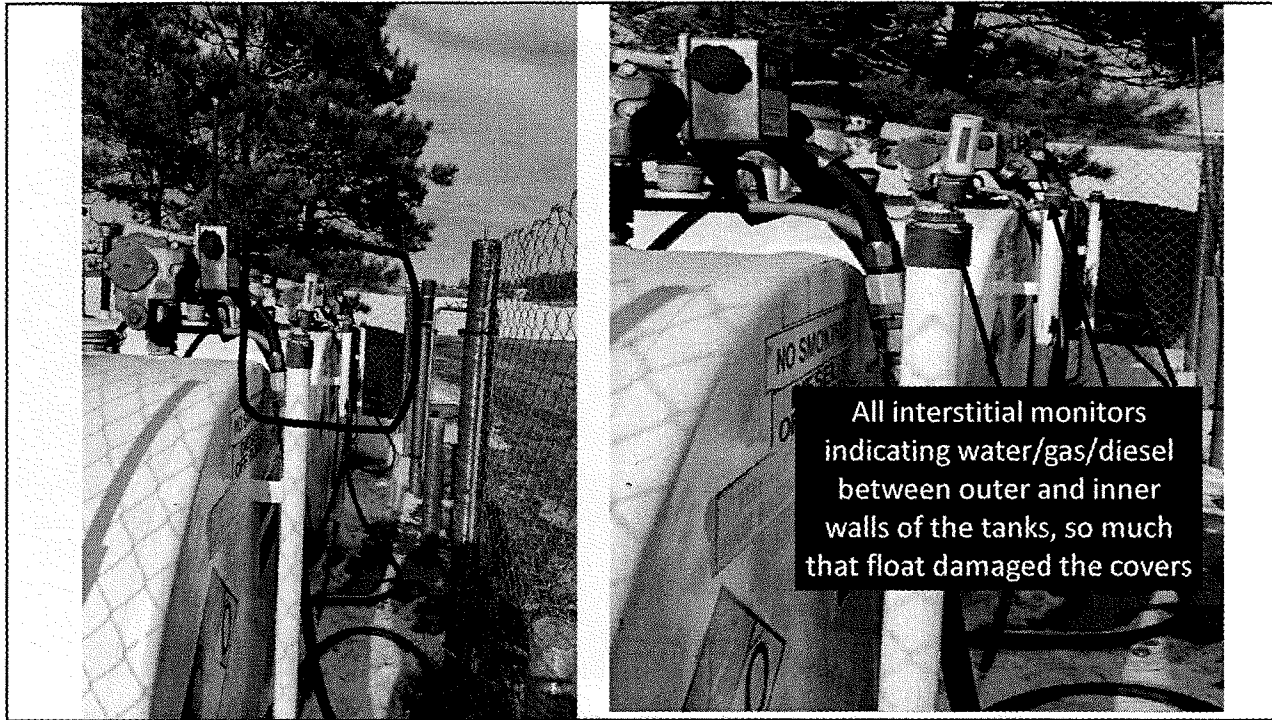
25

Extremely hazardous next
to this class 1 product

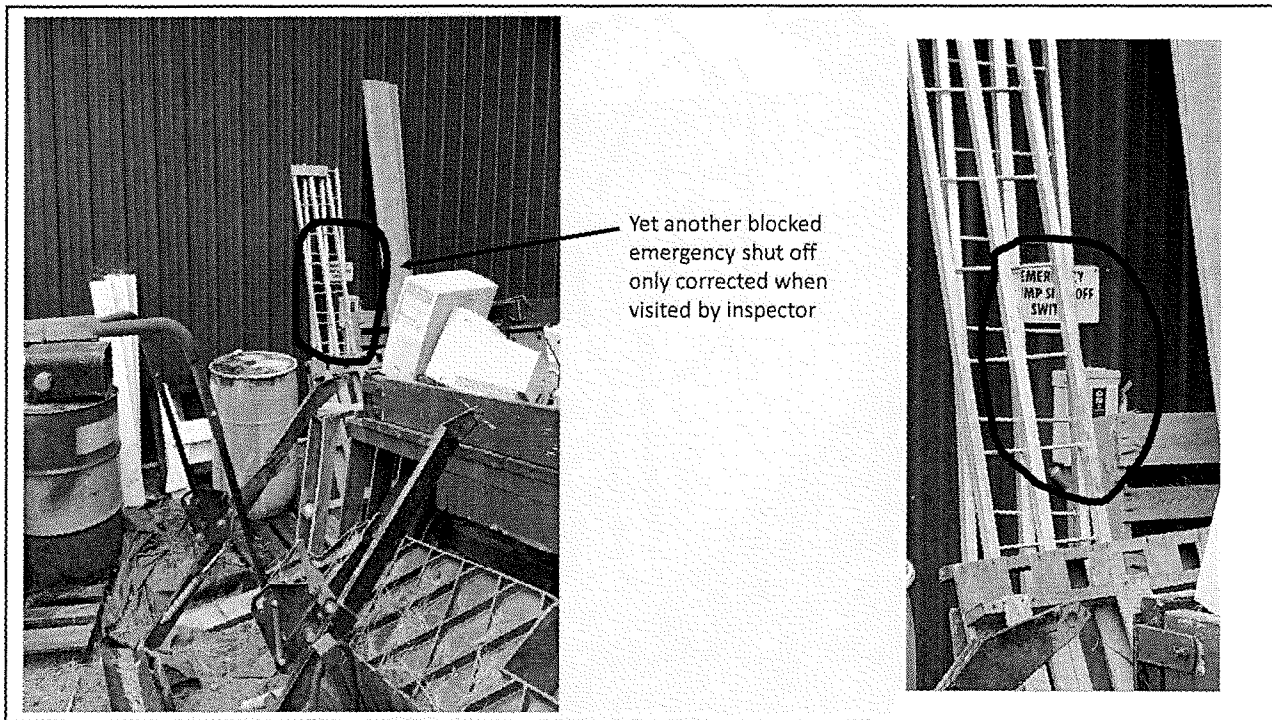
Electrical
damage



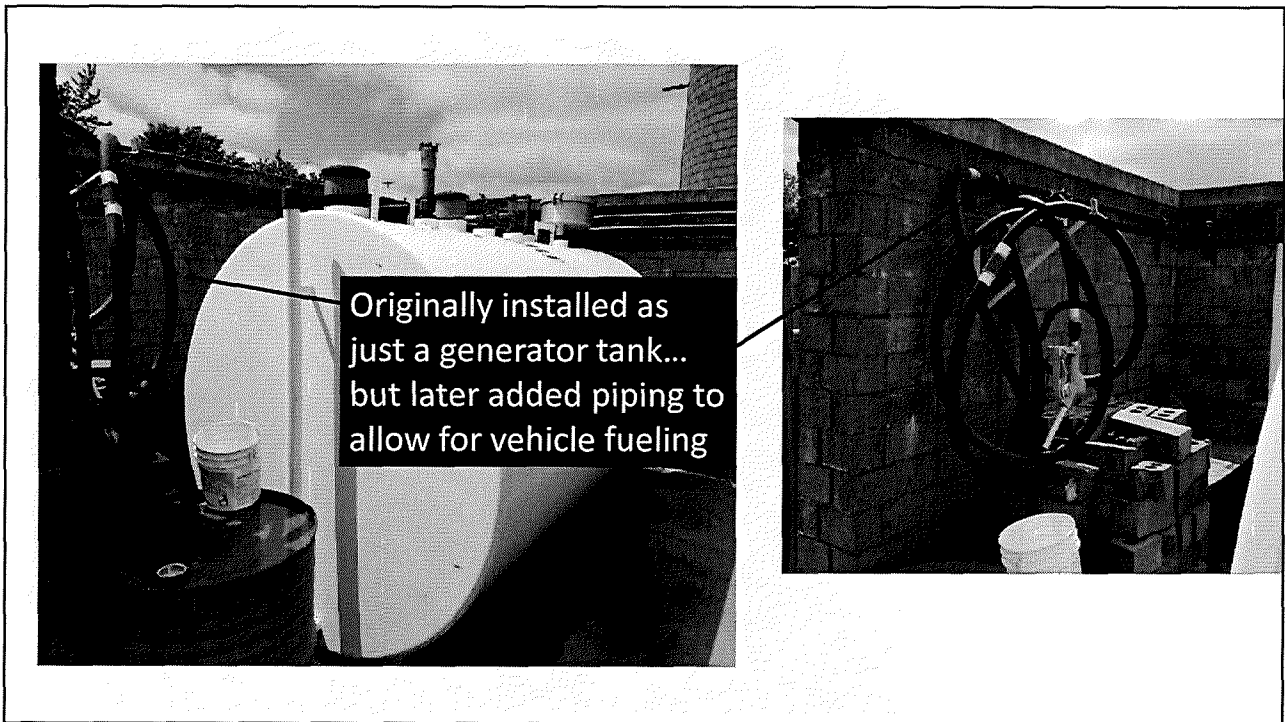
26



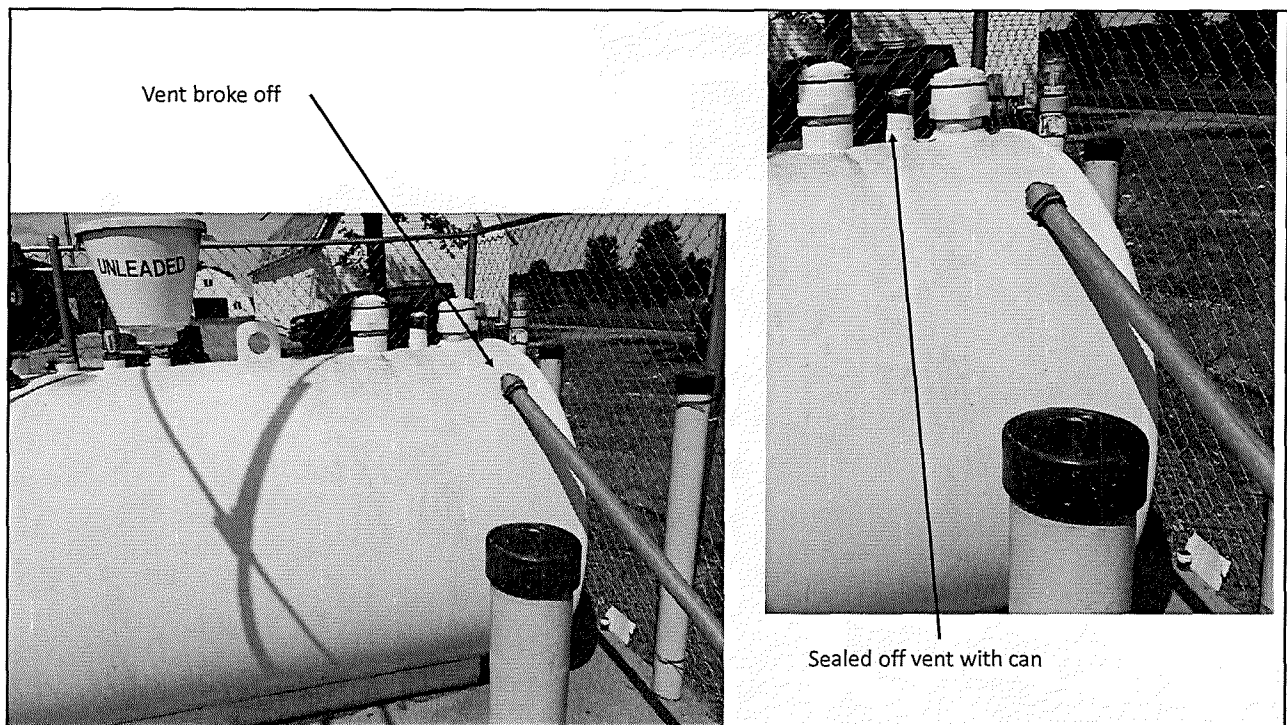
27



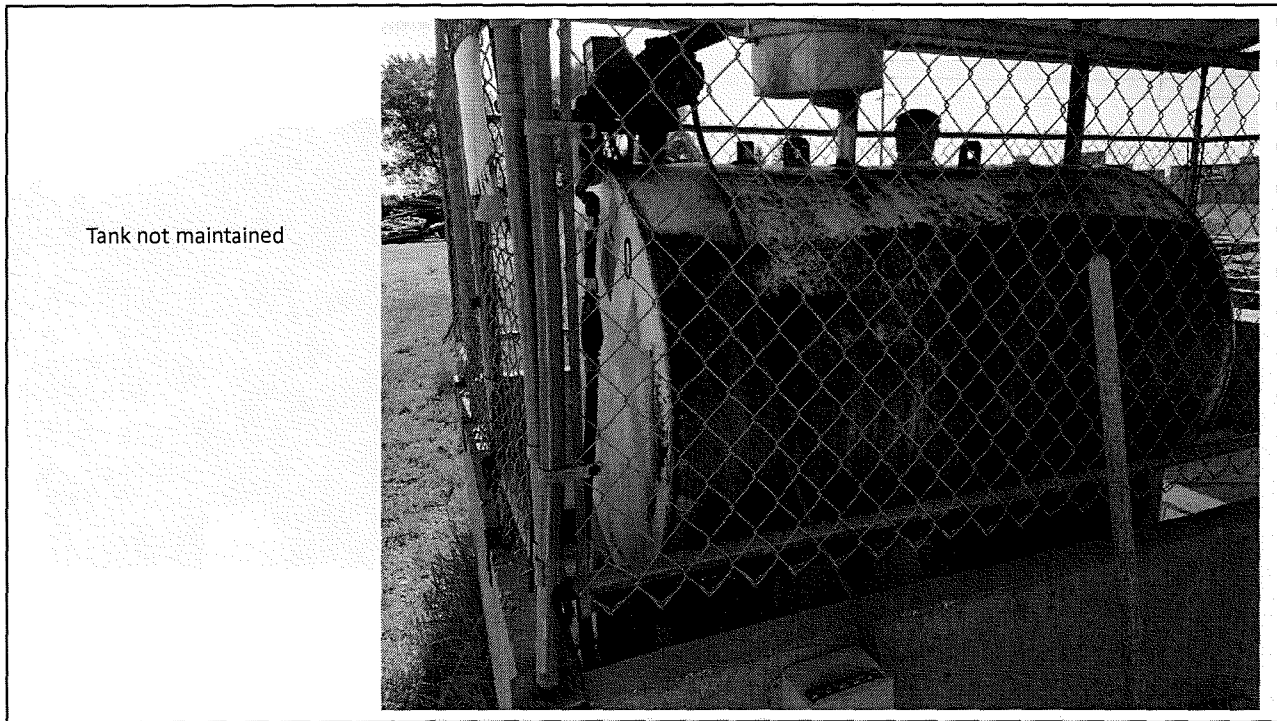
28



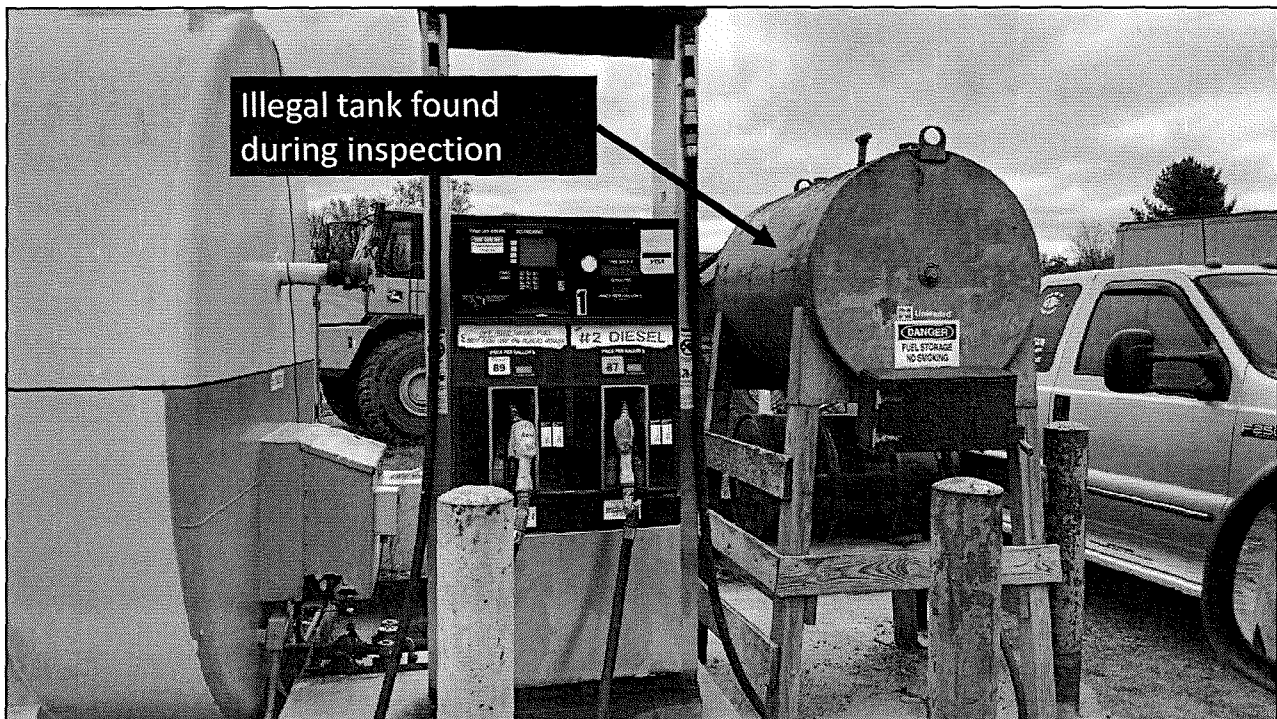
29



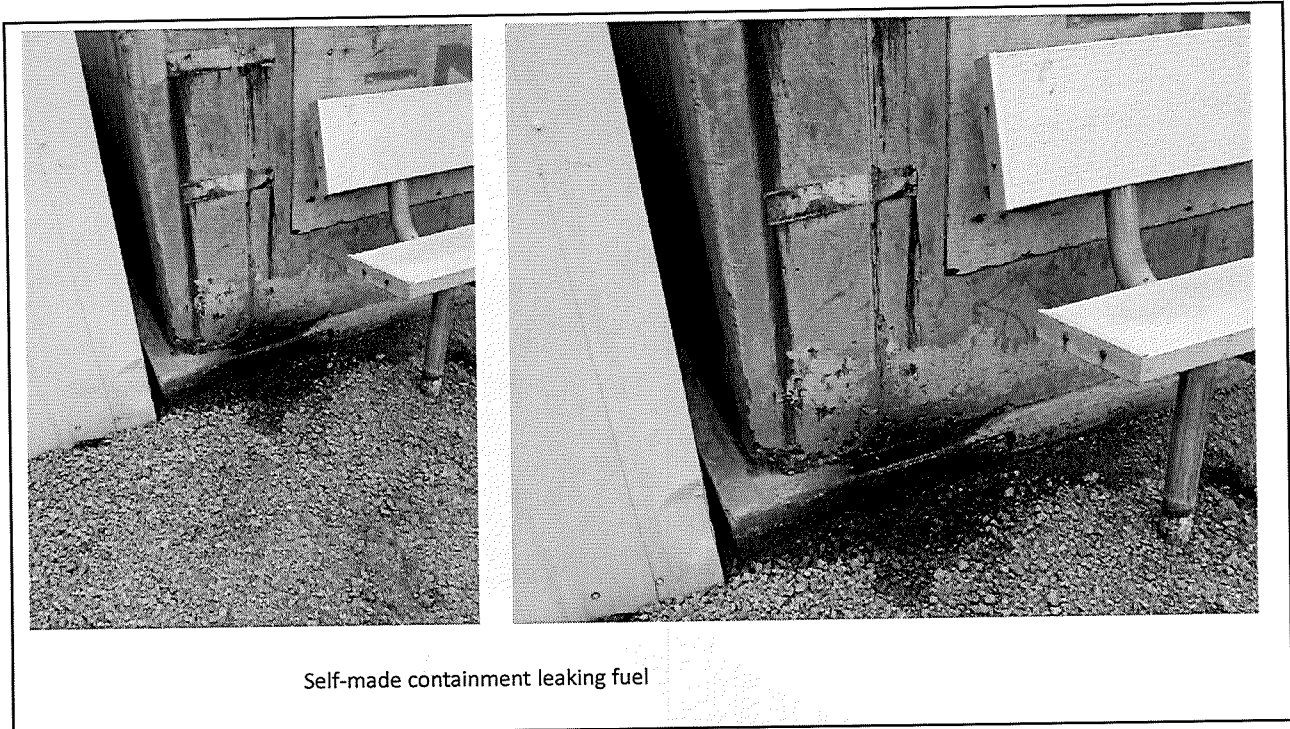
30



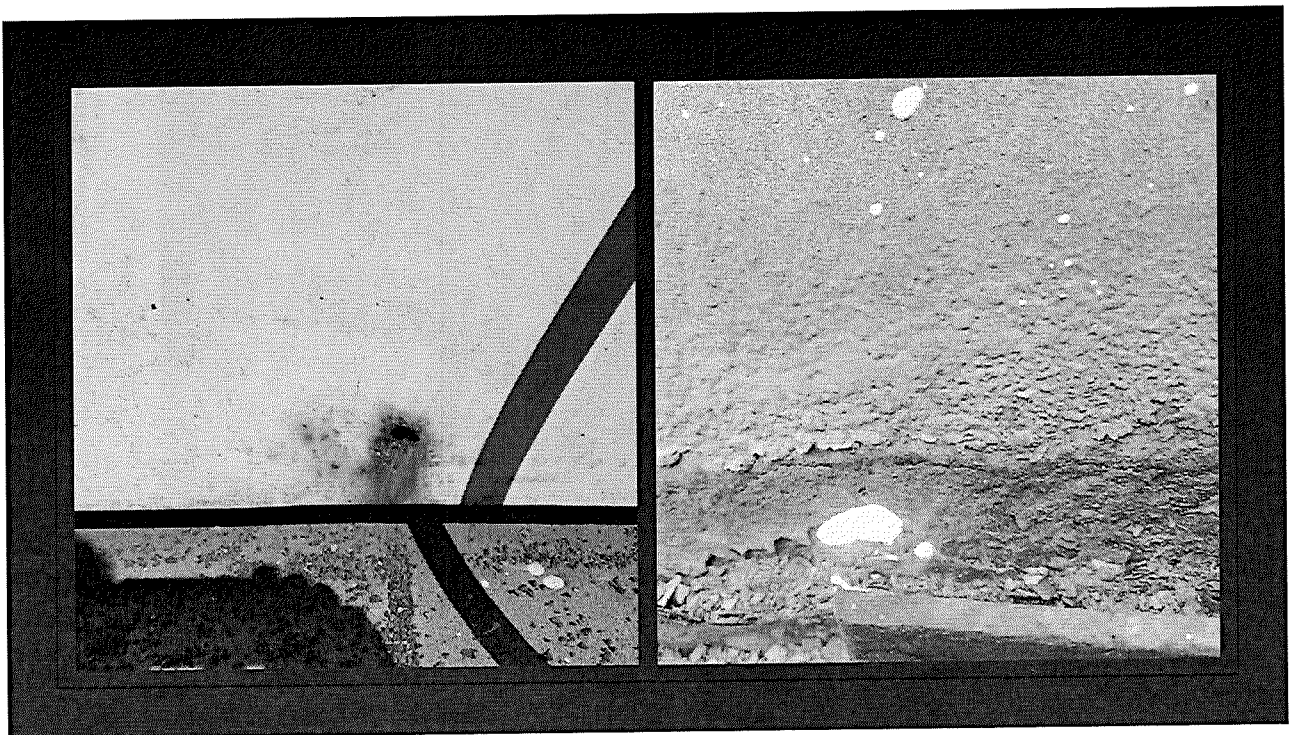
31



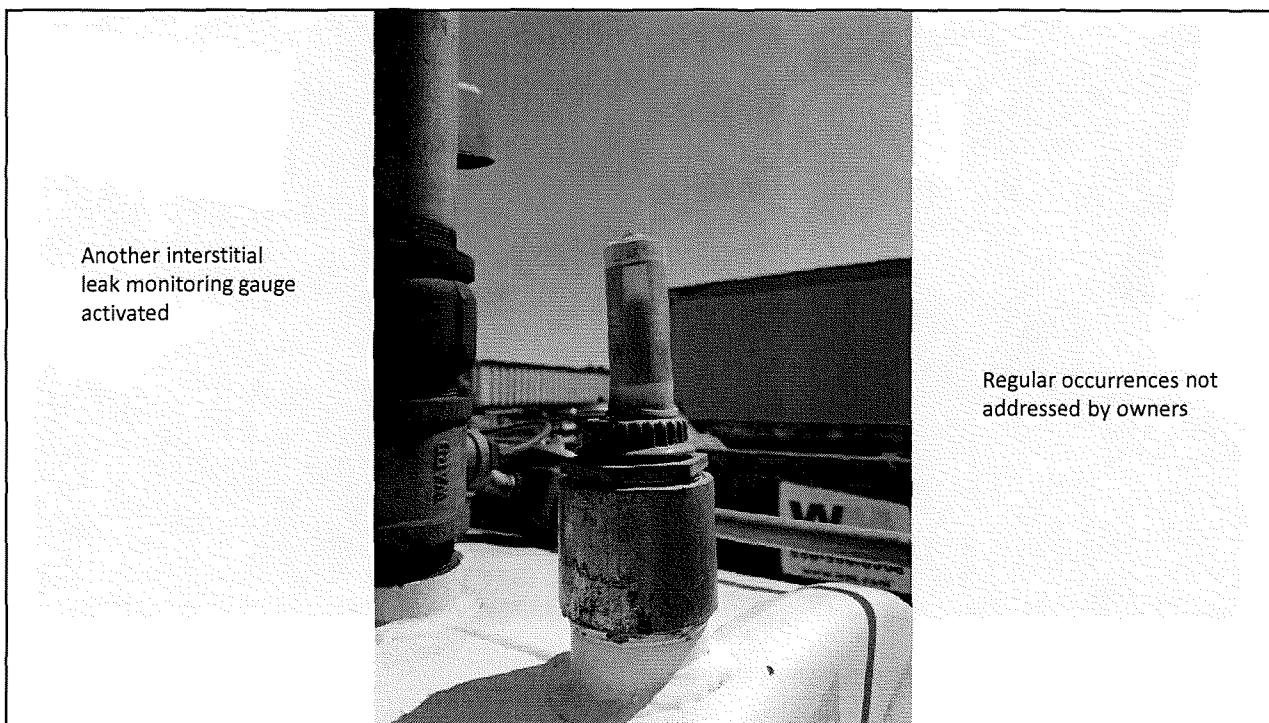
32



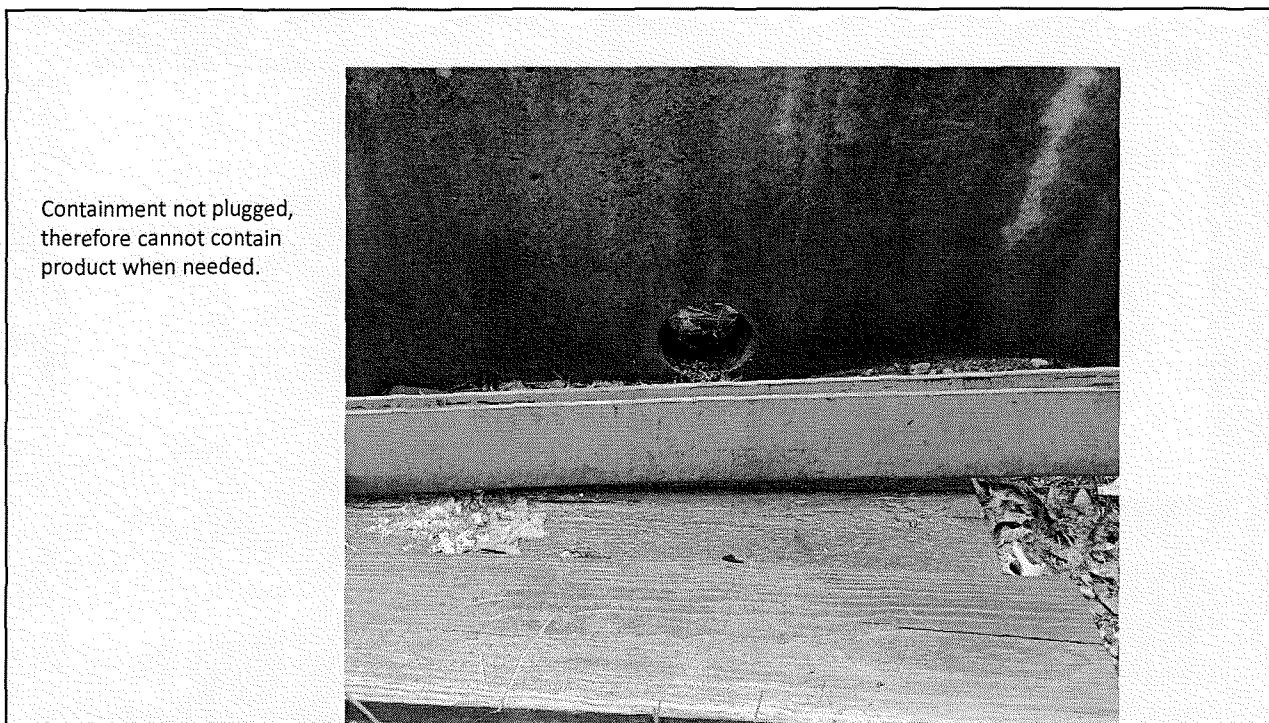
33



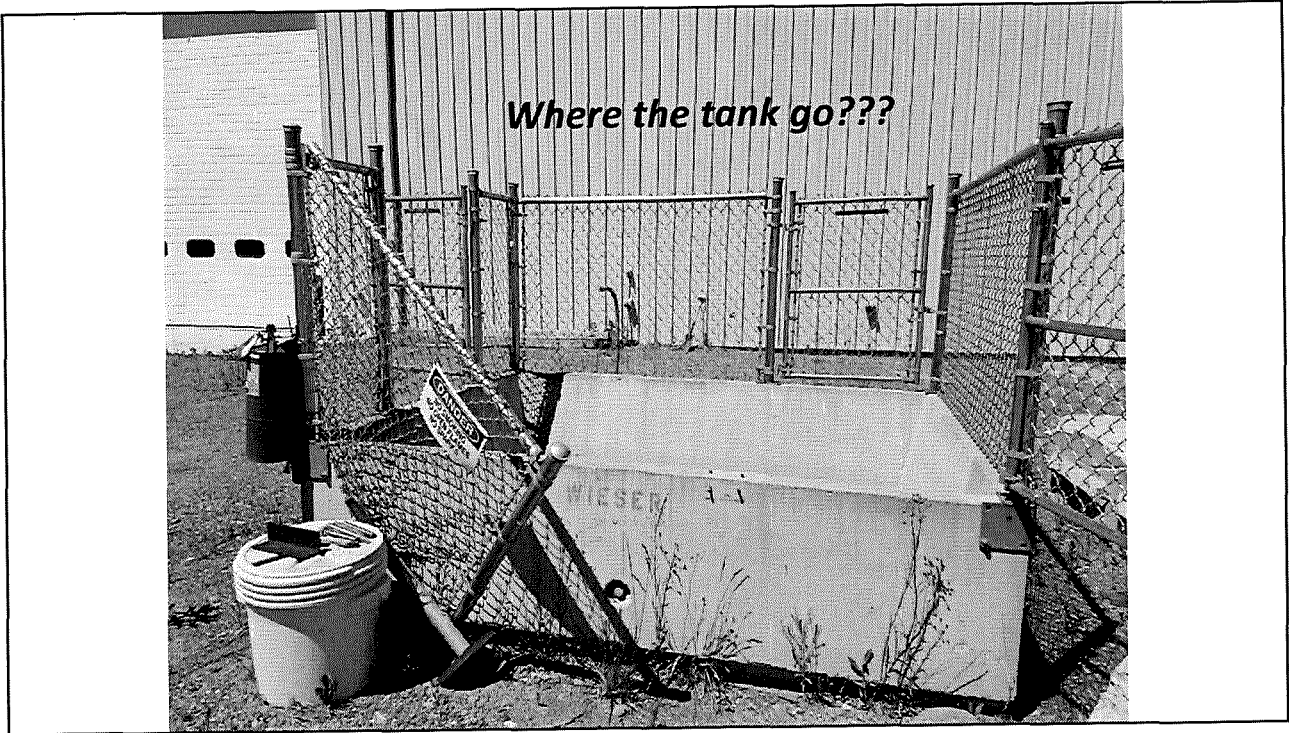
34



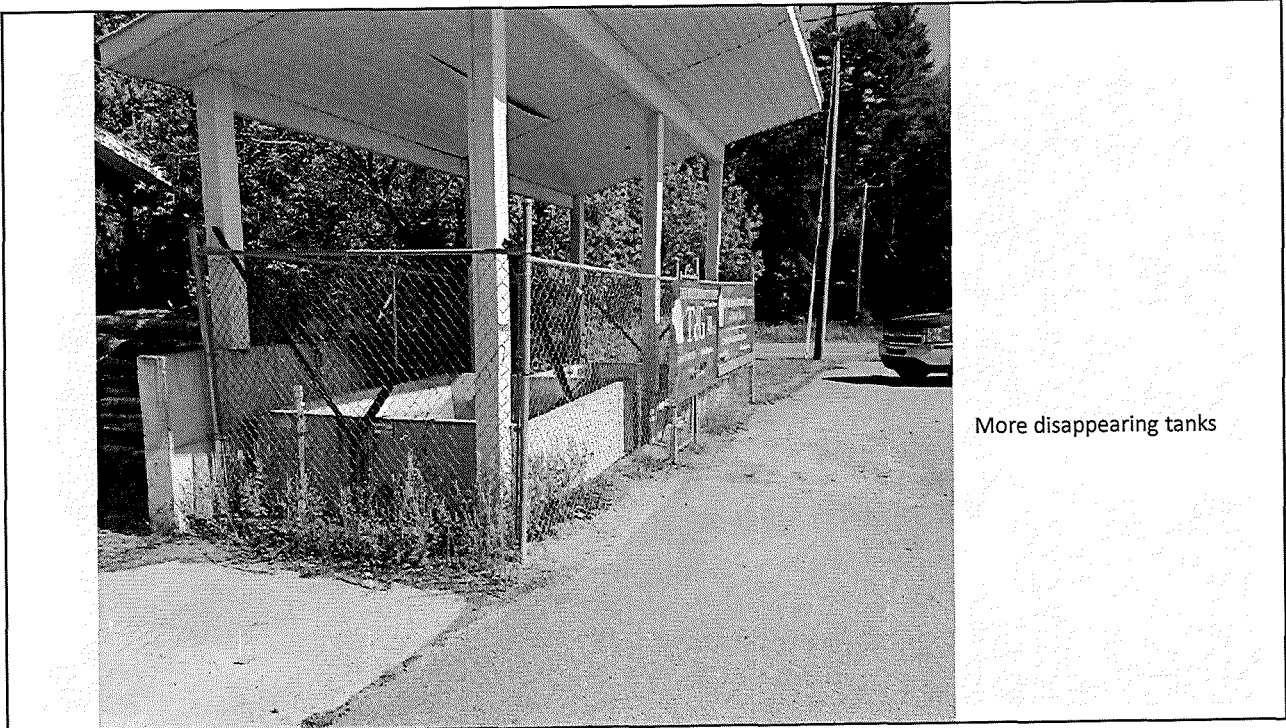
35



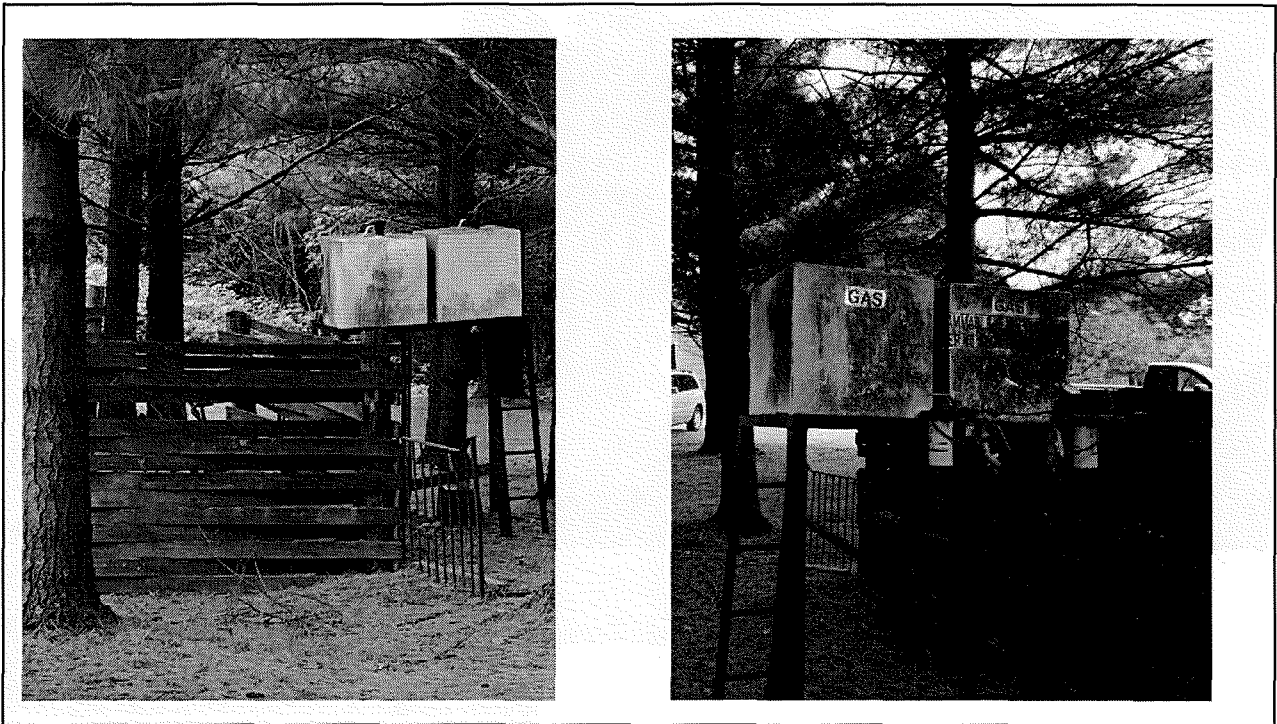
36



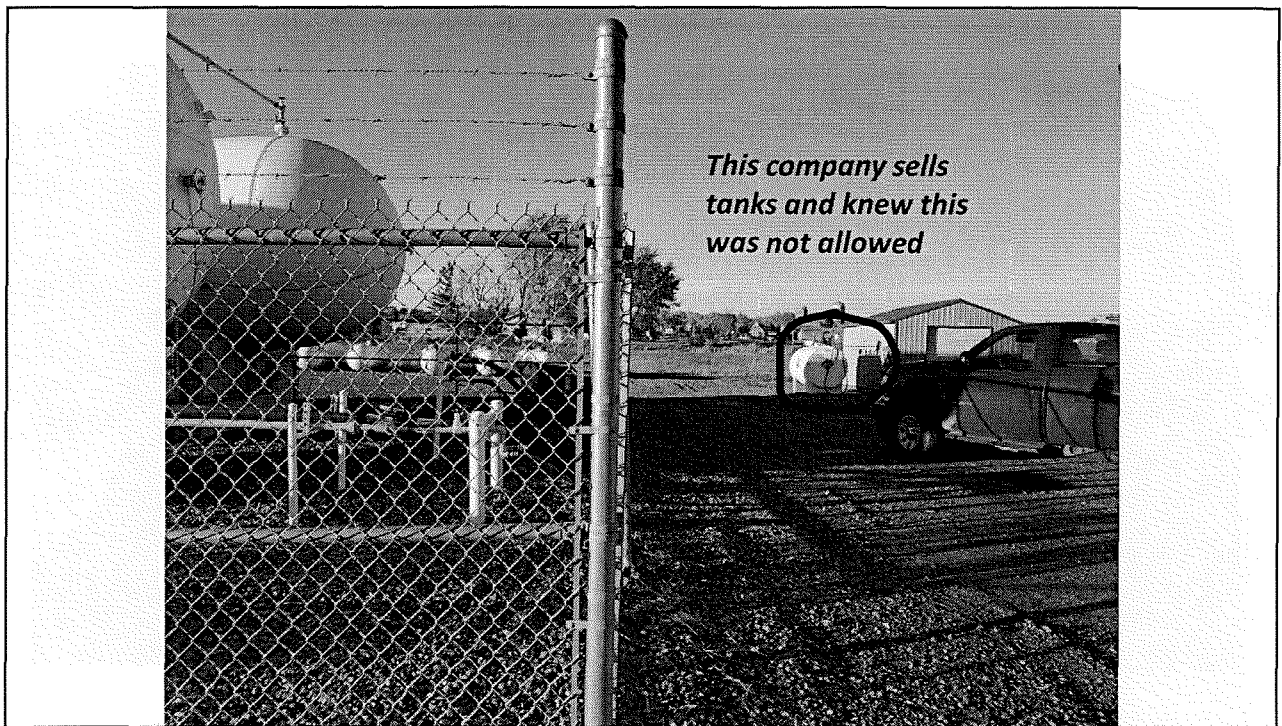
37



38



55

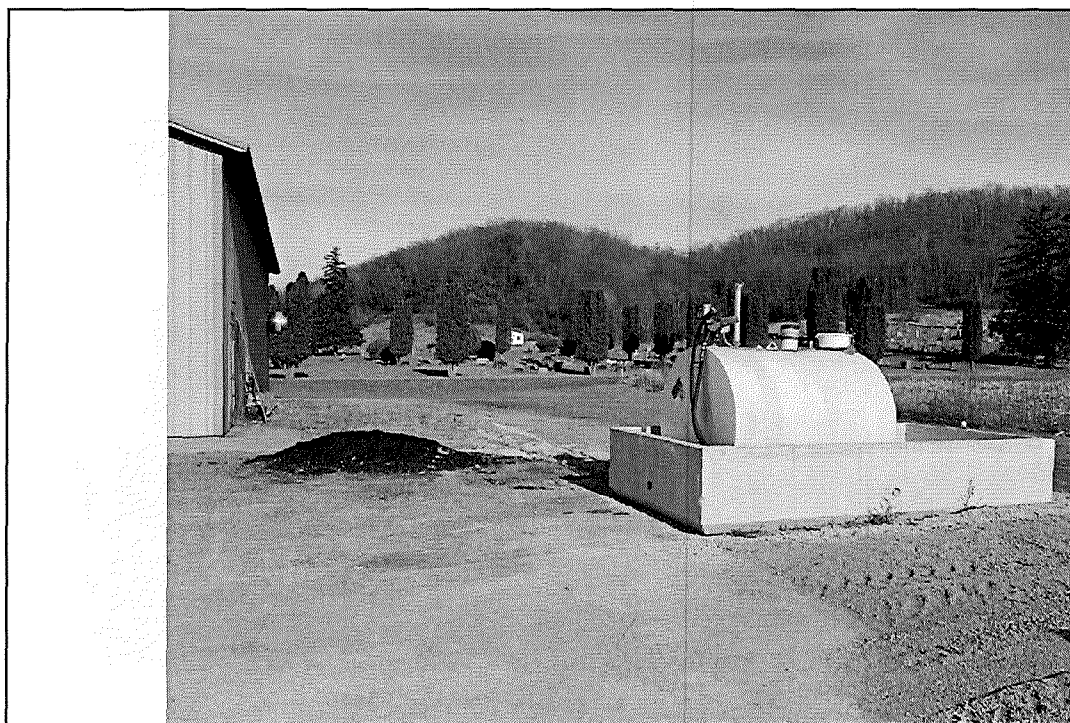


56

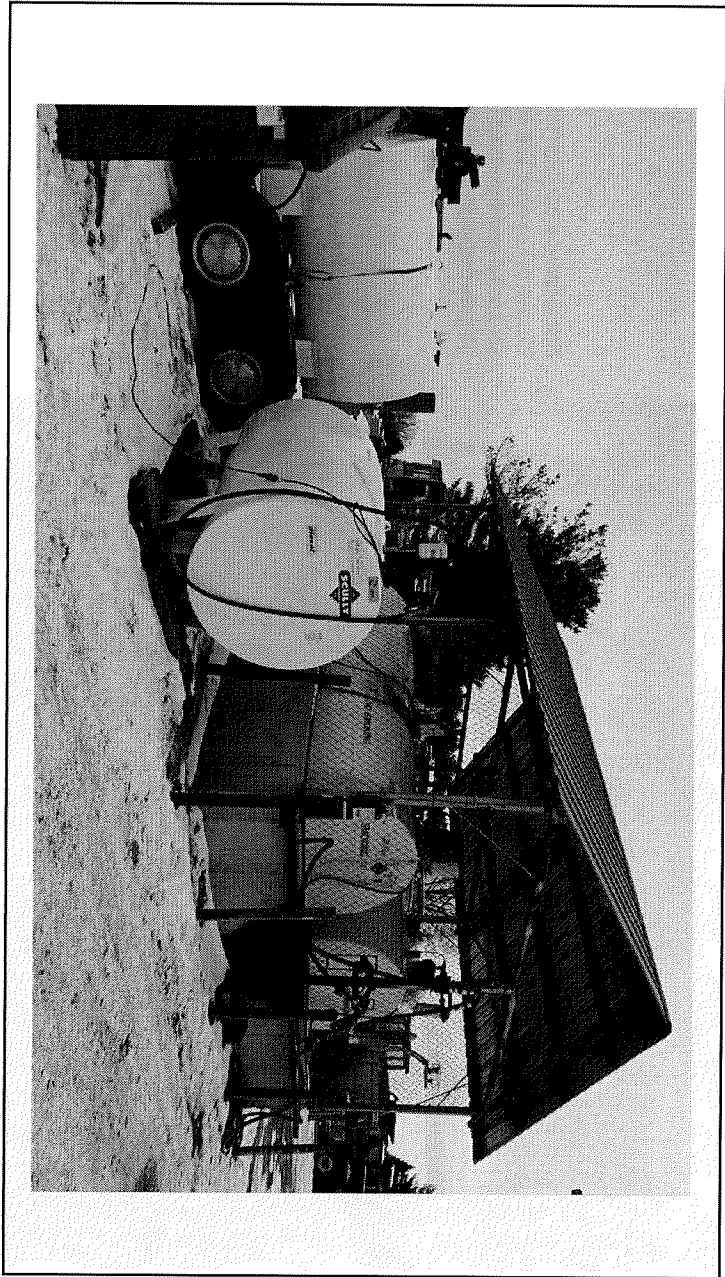


These tanks were cleaned for closure on another site and was sold or taken from scrap to be illegally install at another place

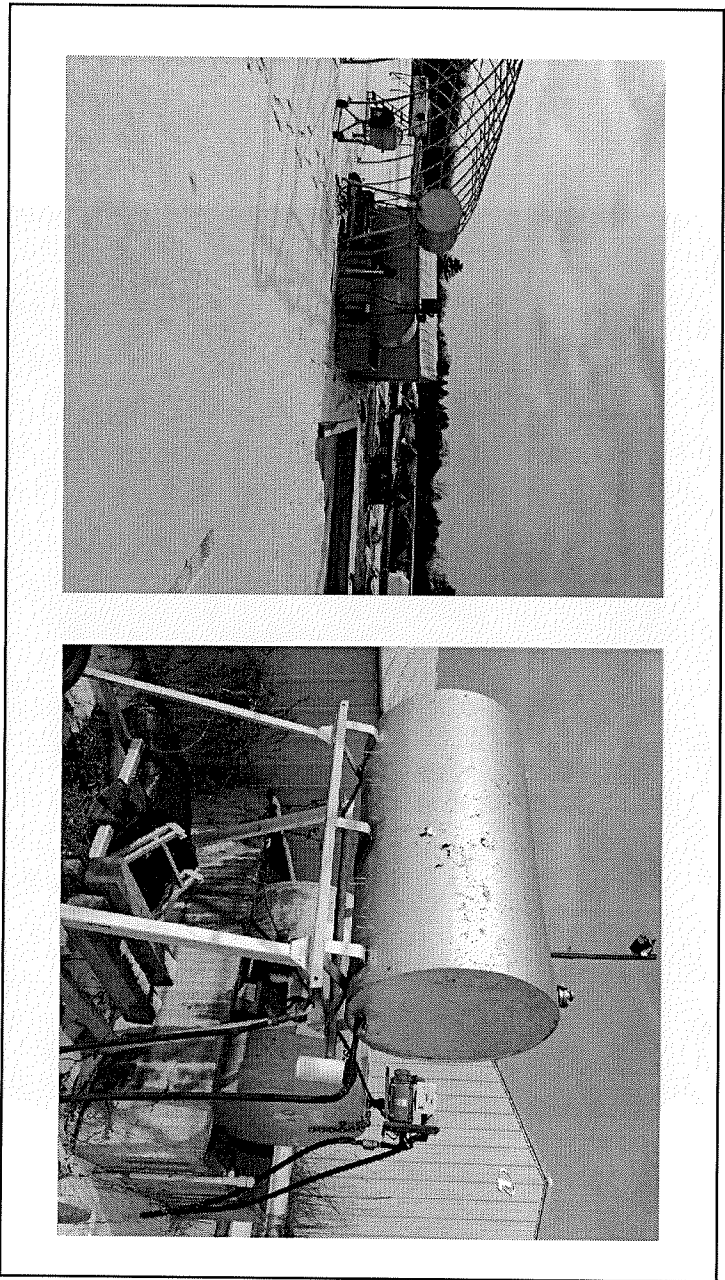
57



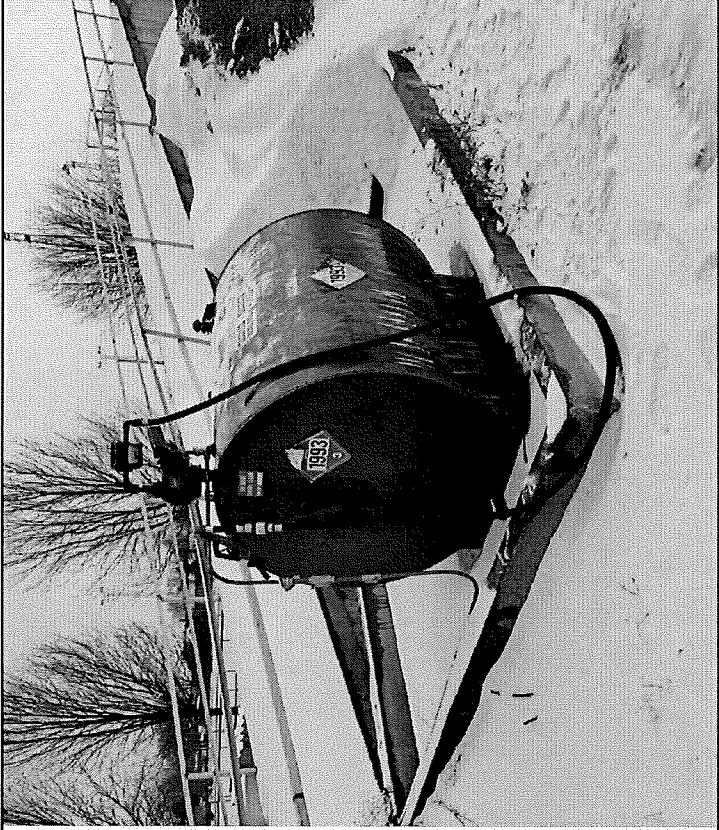
58



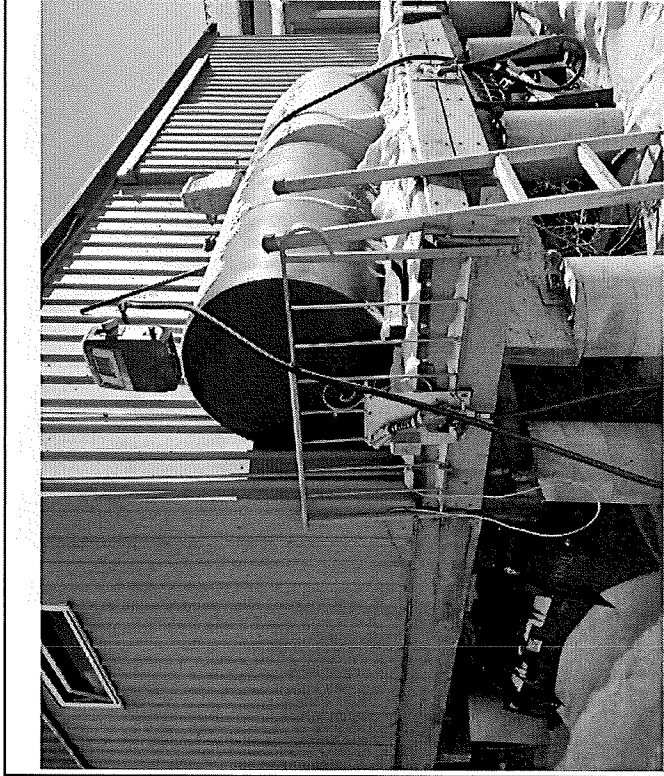
59



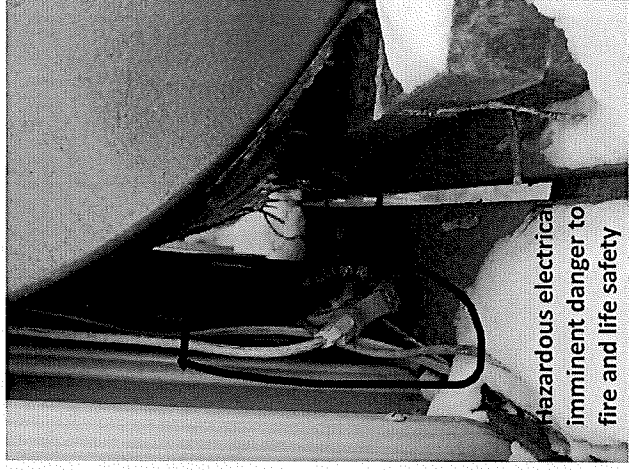
60



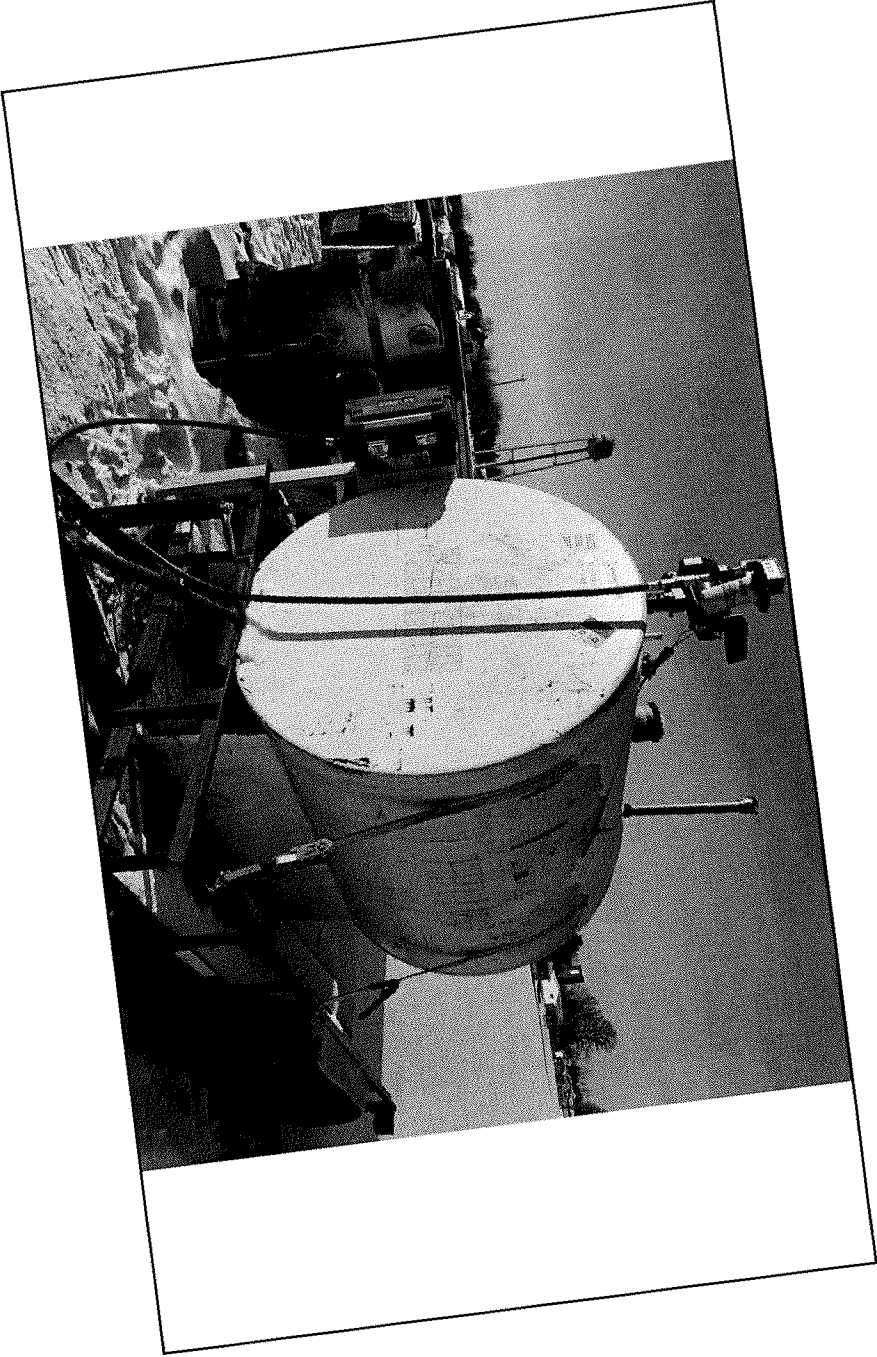
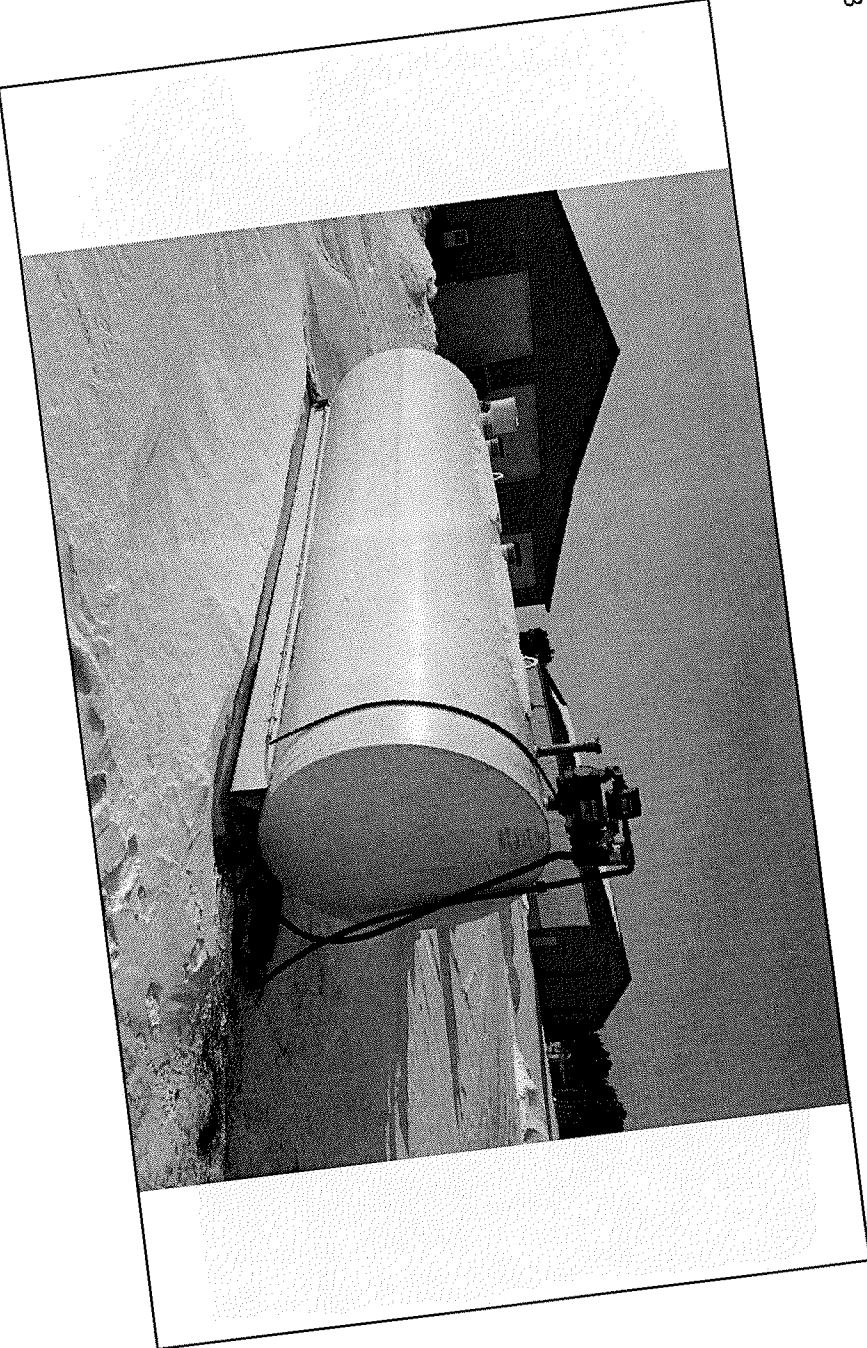
61

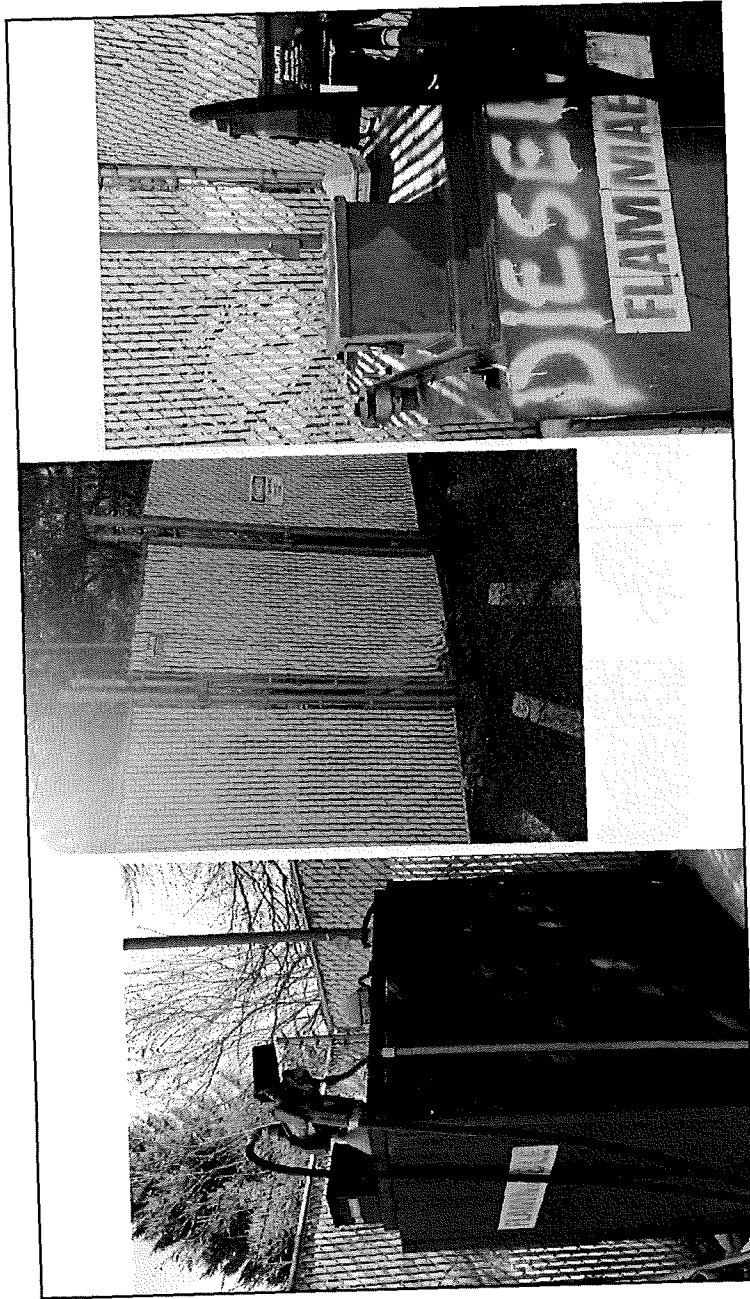


62

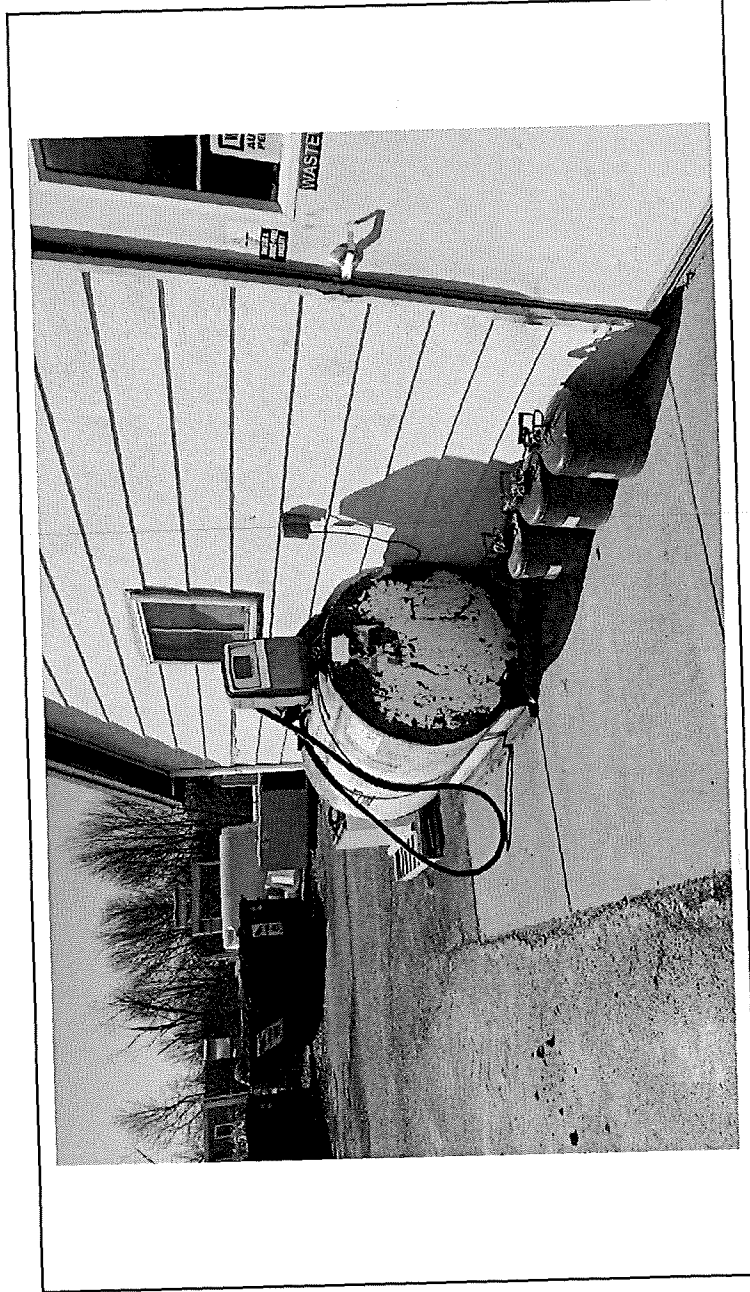


Hazardous electrical
imminent danger to
fire and life safety

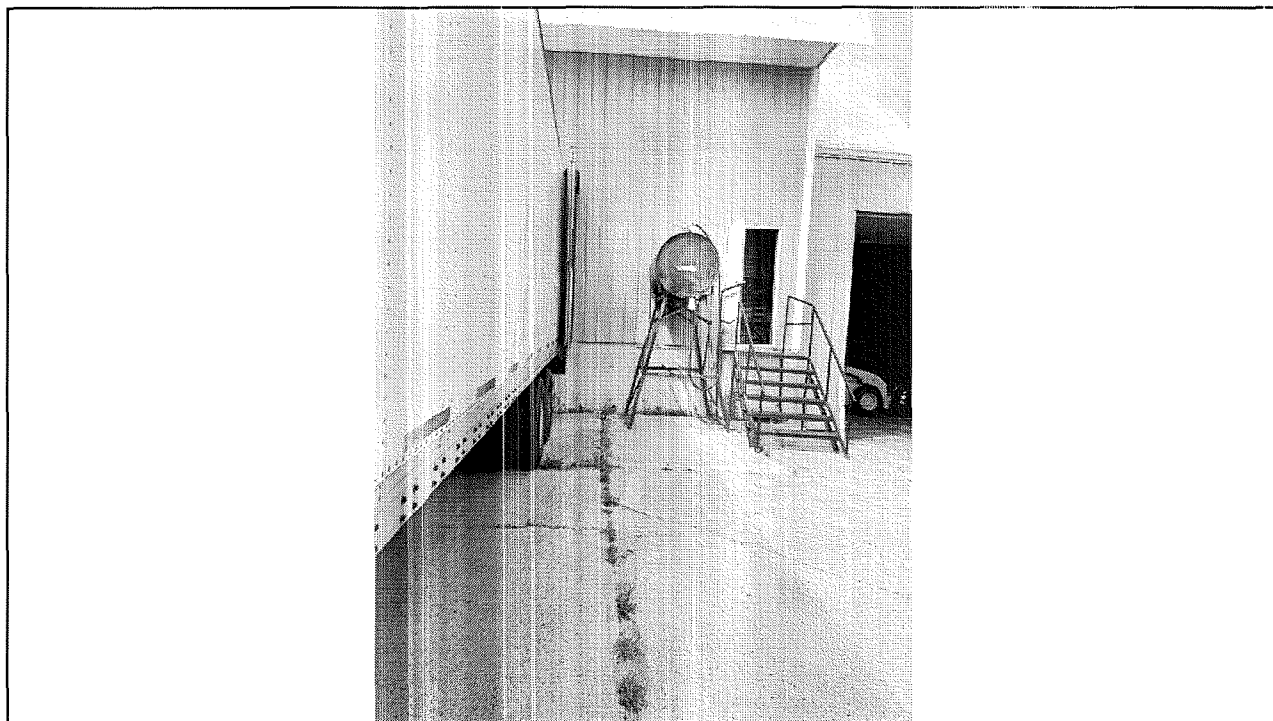




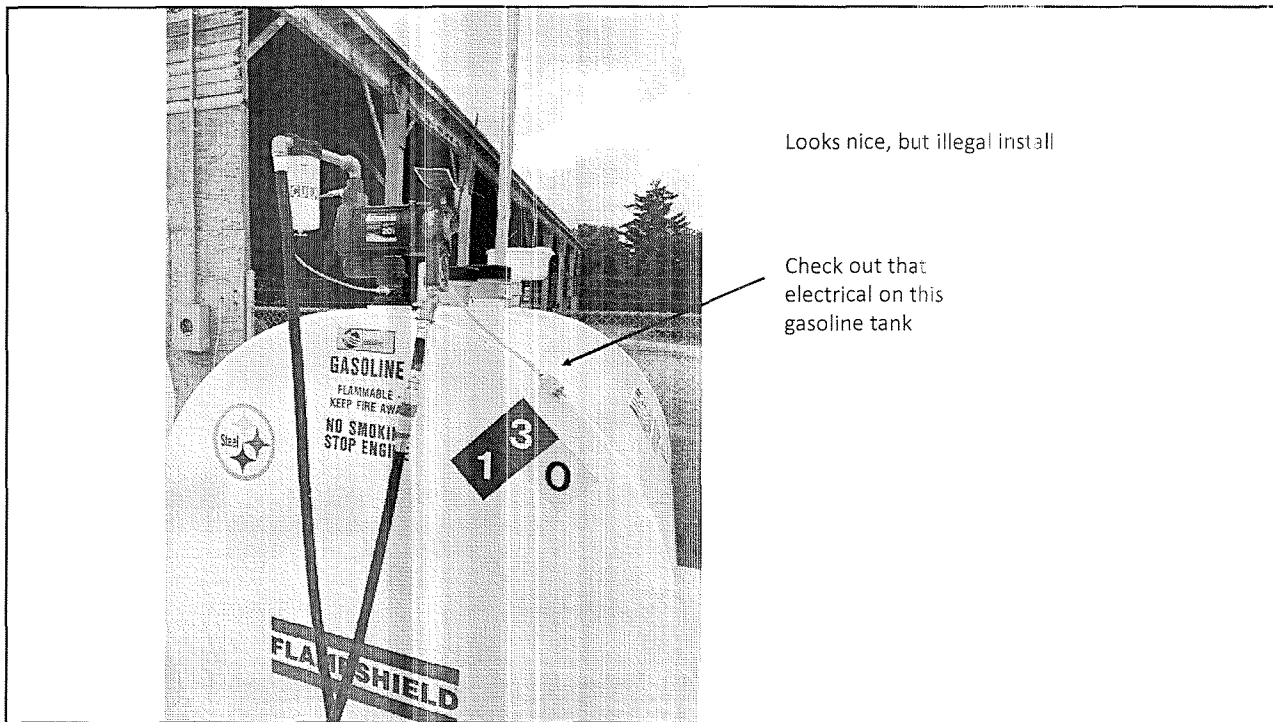
65



66



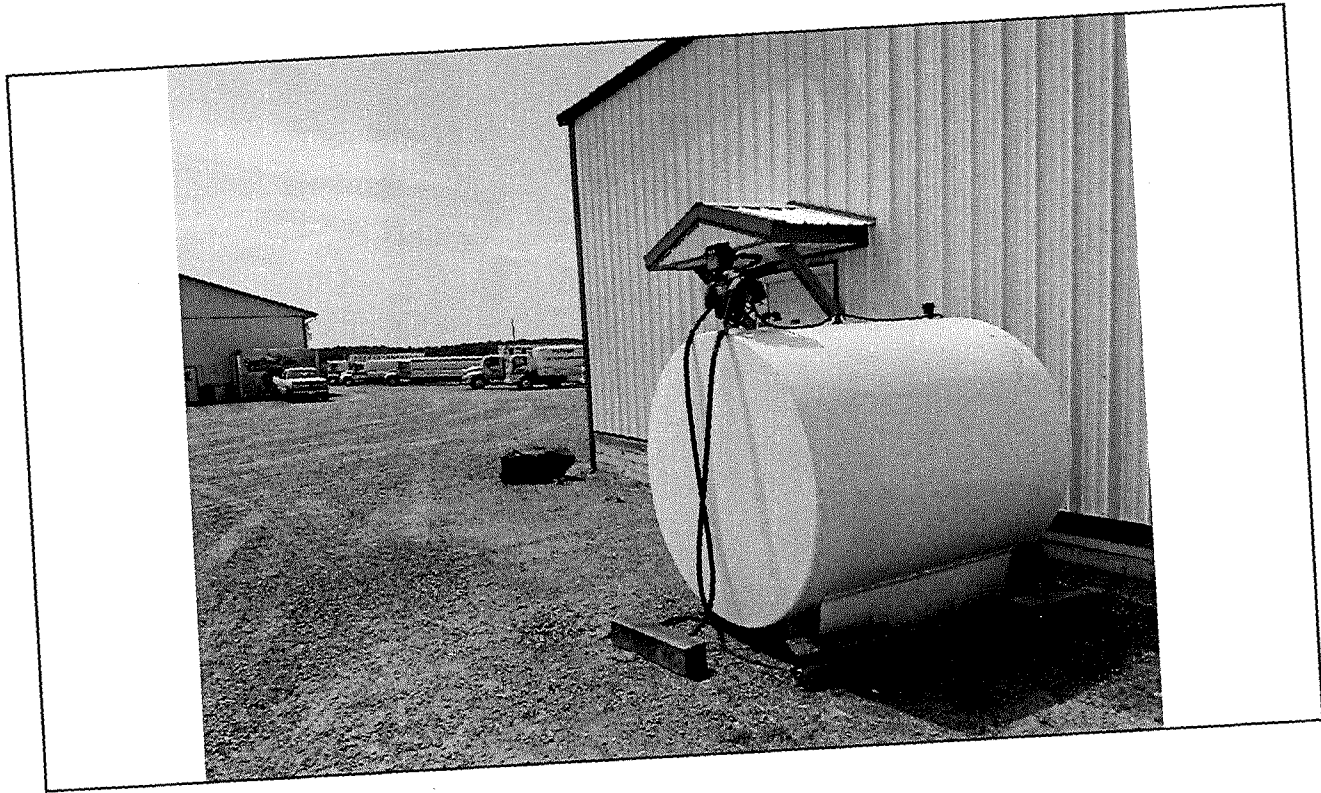
71



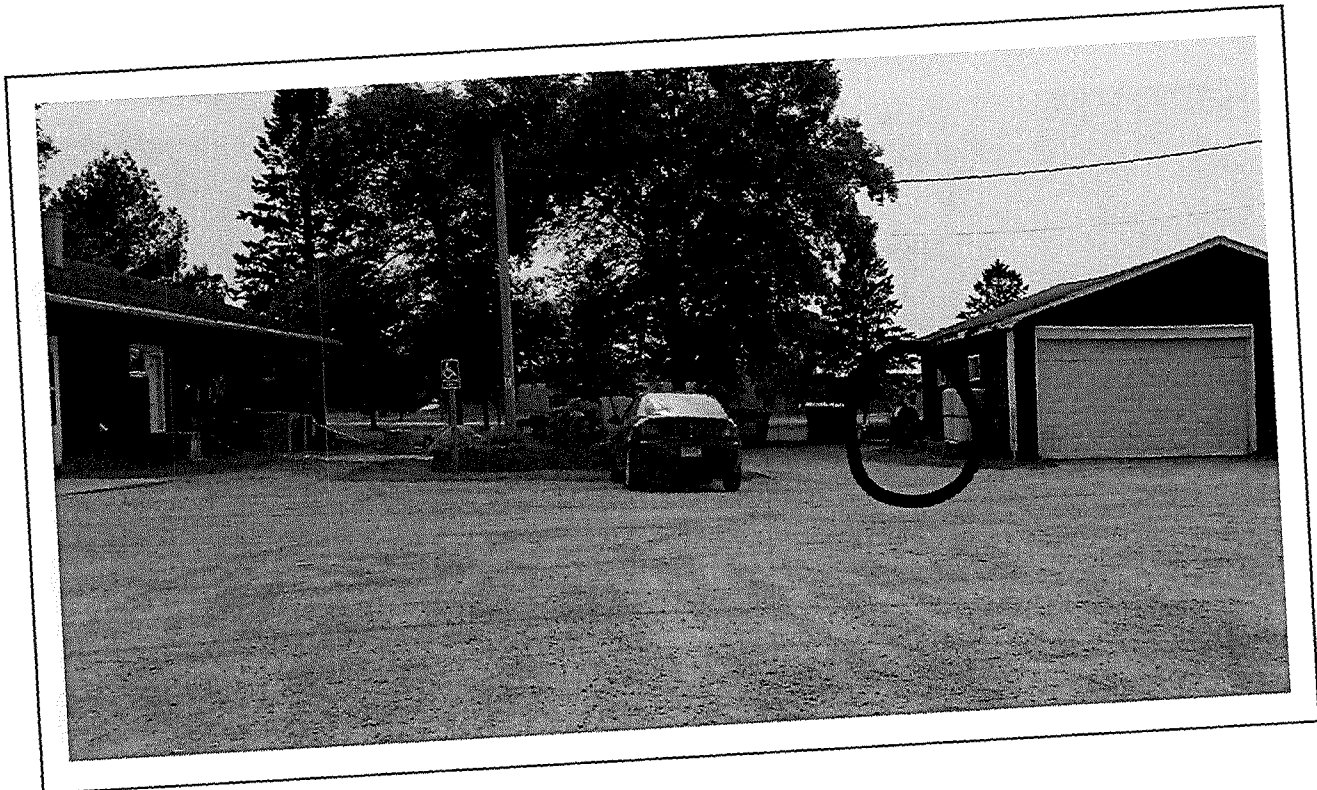
Looks nice, but illegal install

Check out that electrical on this gasoline tank

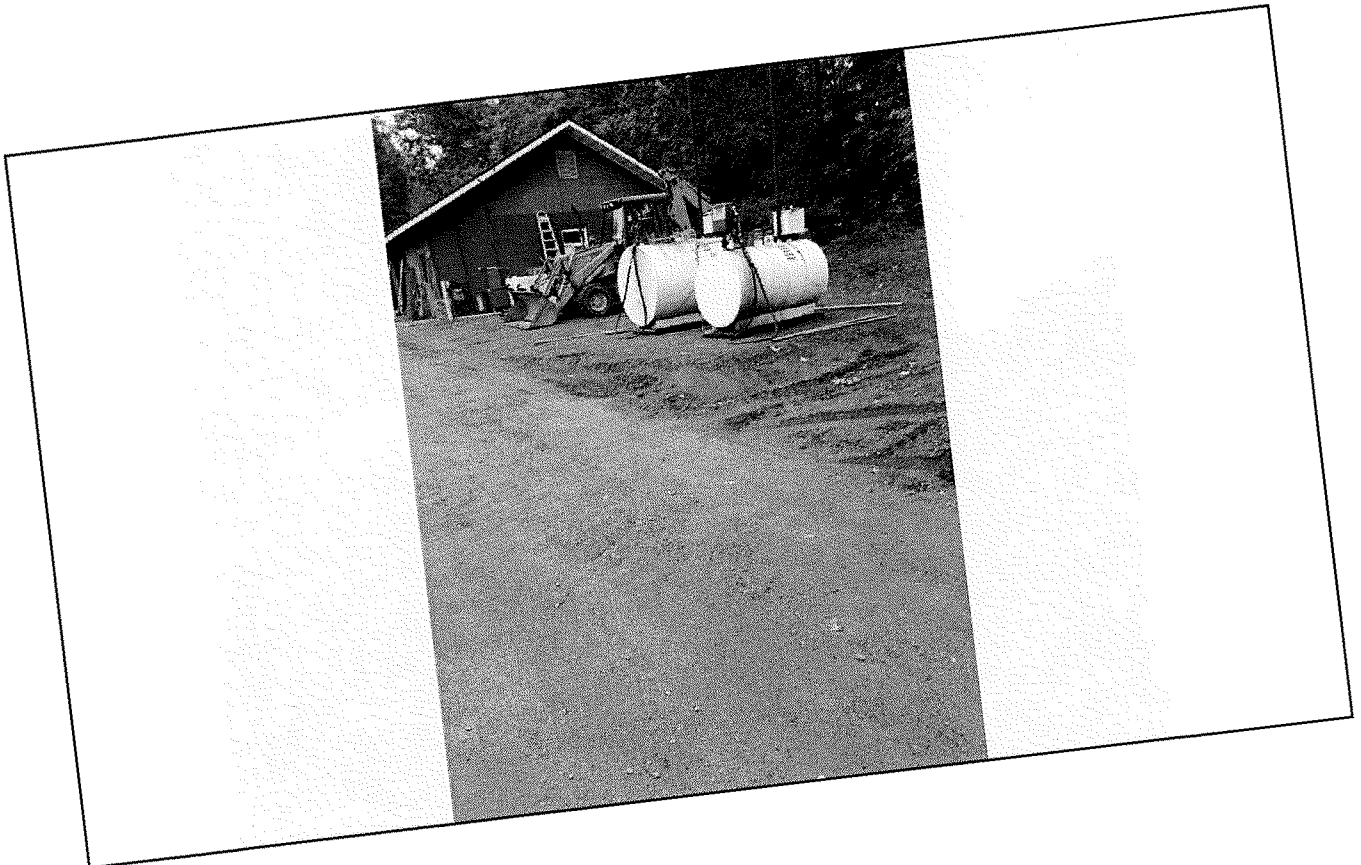
72



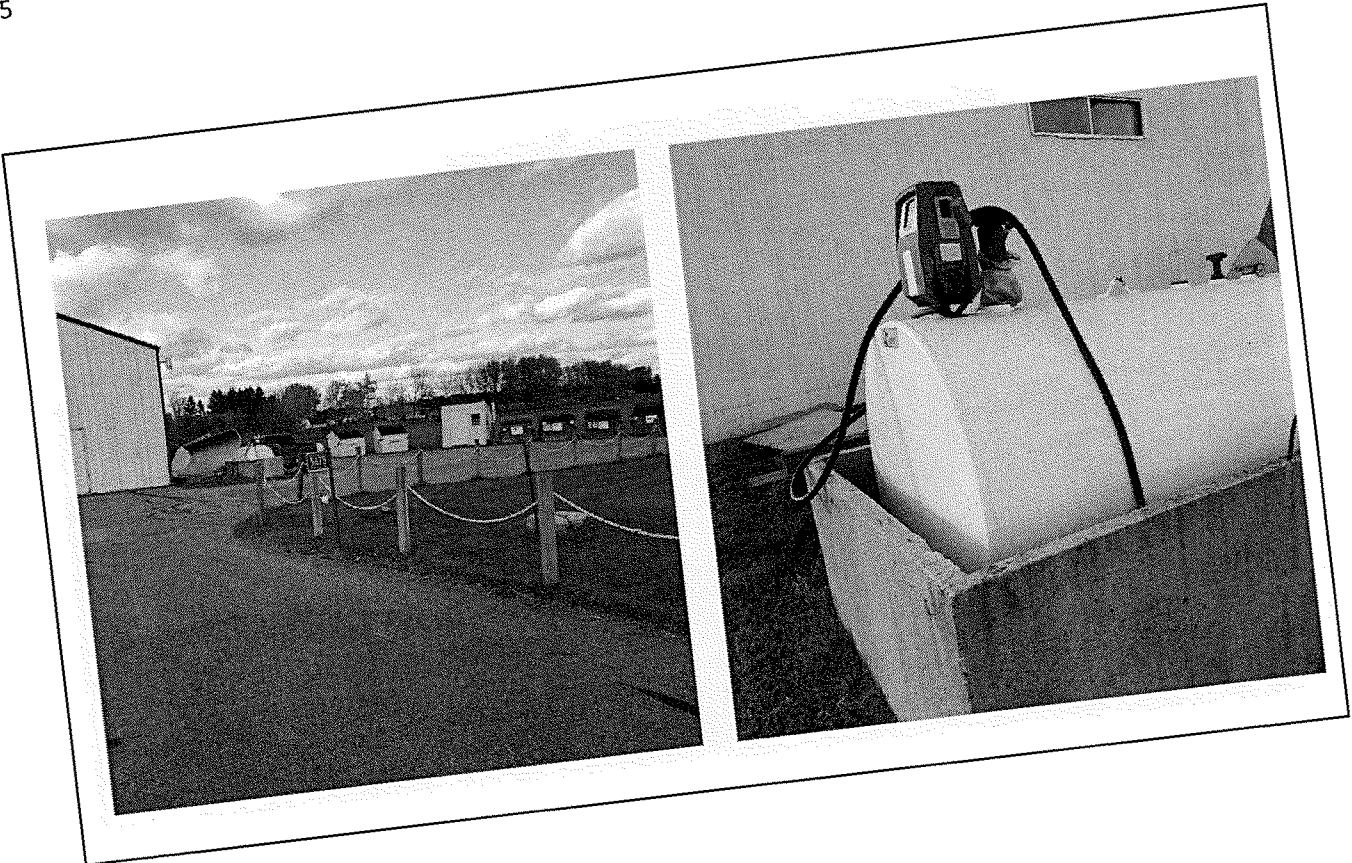
73



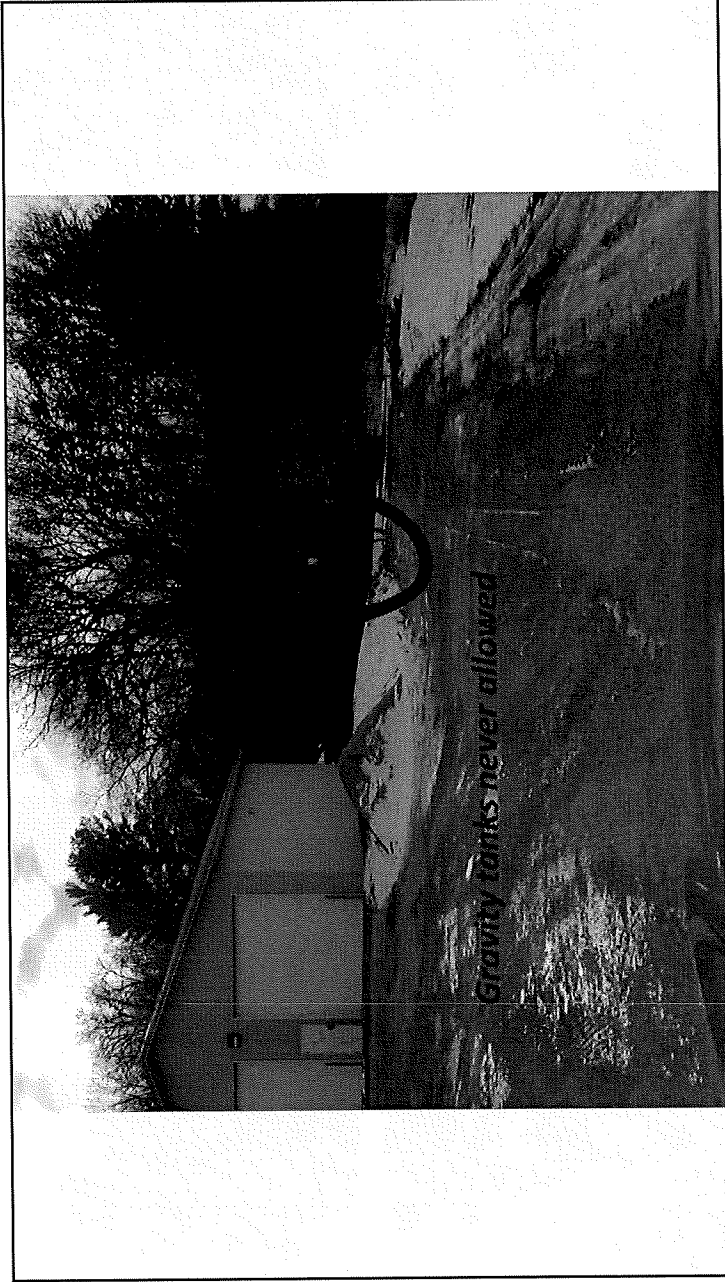
74



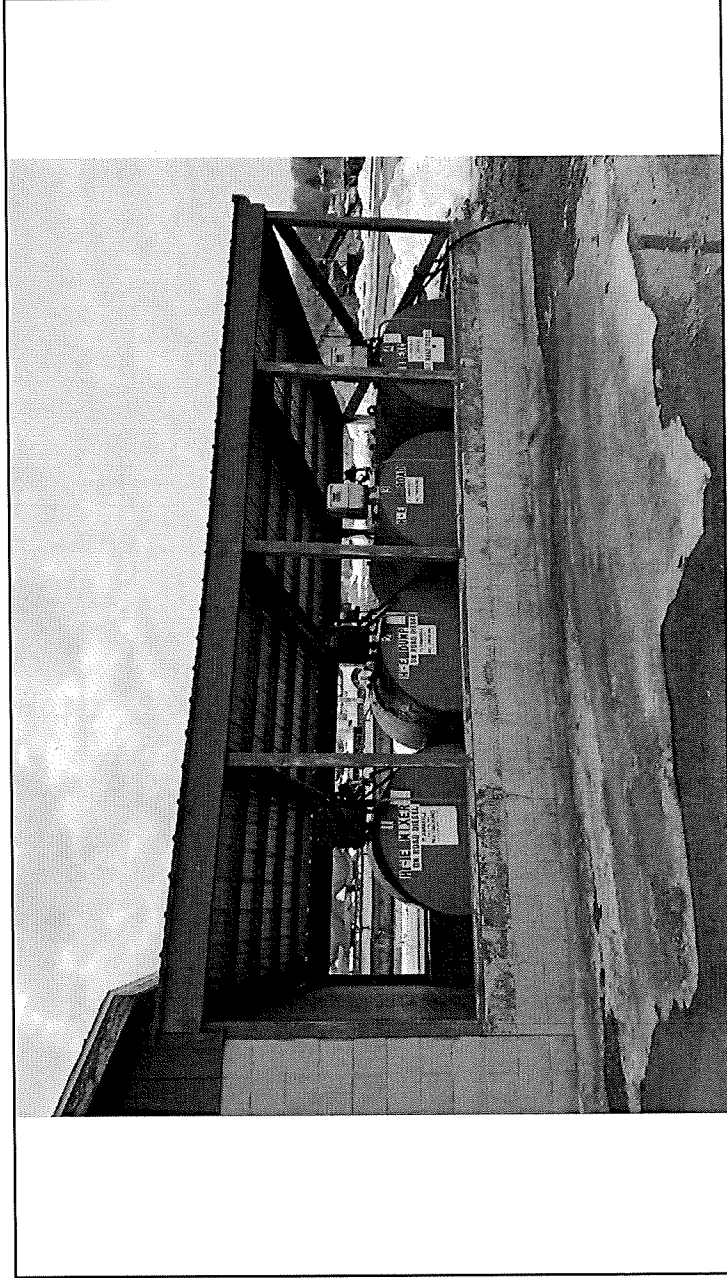
75



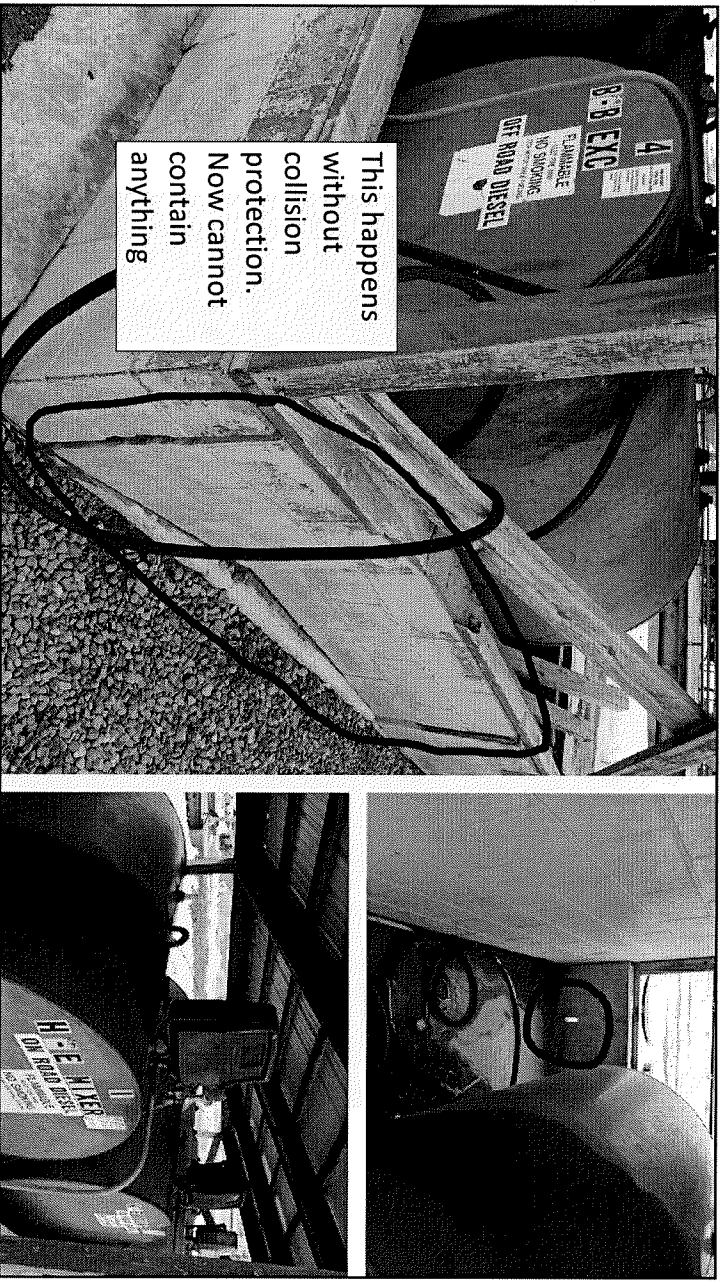
76



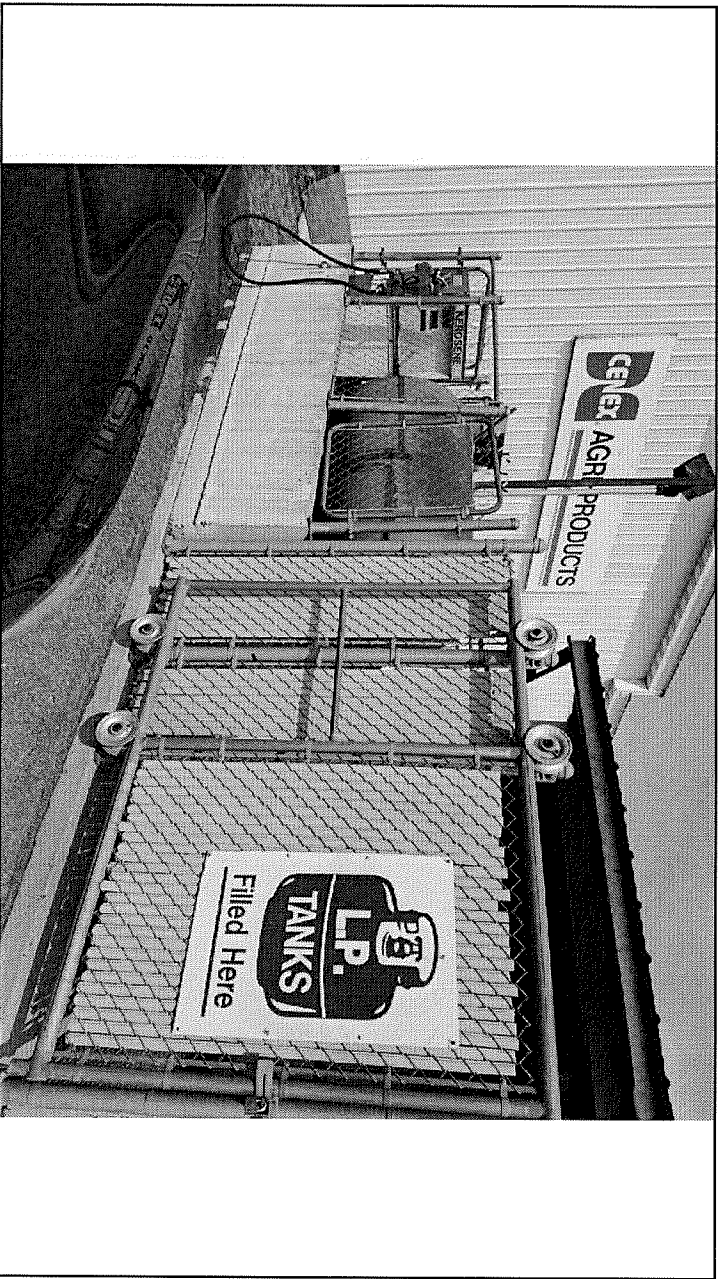
77



78



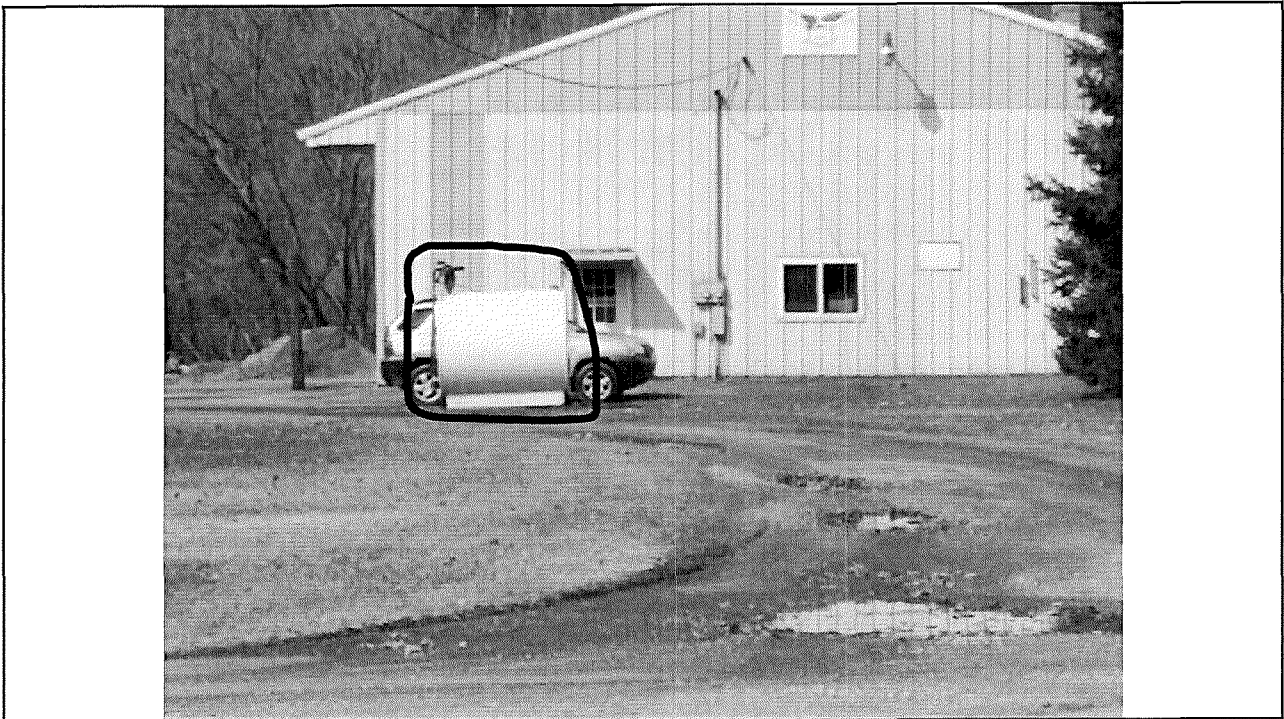
79



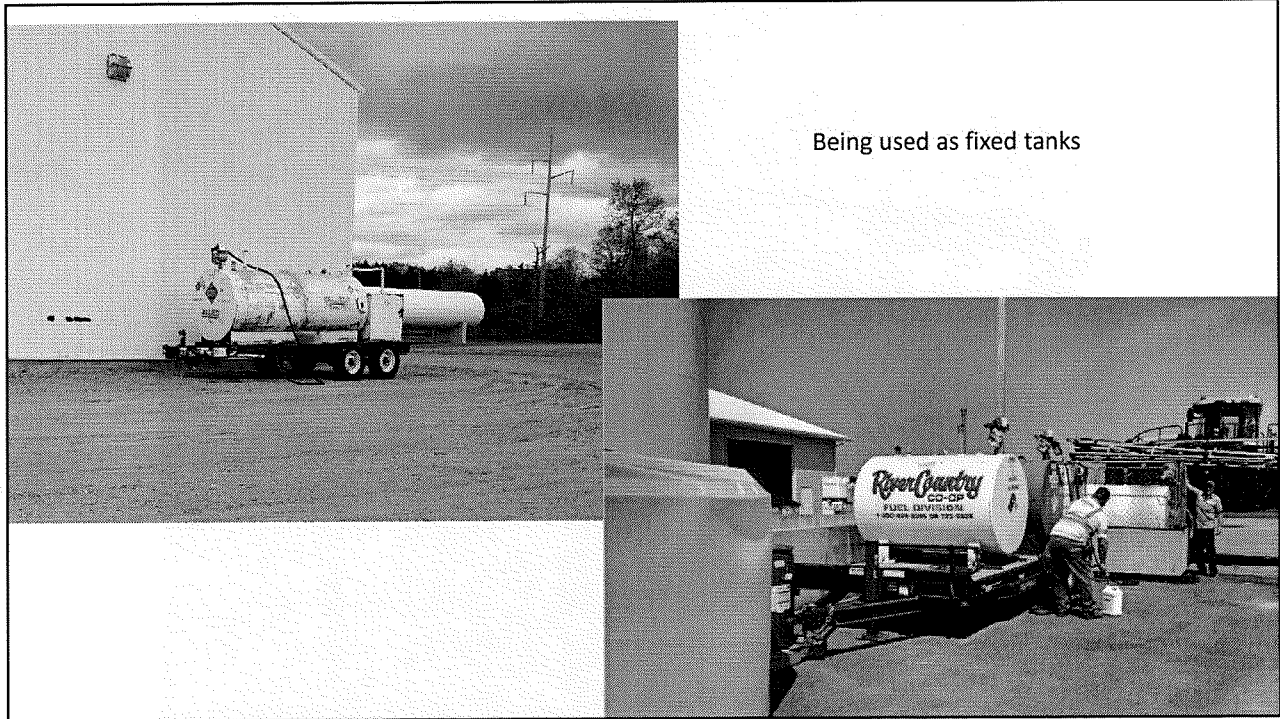
80



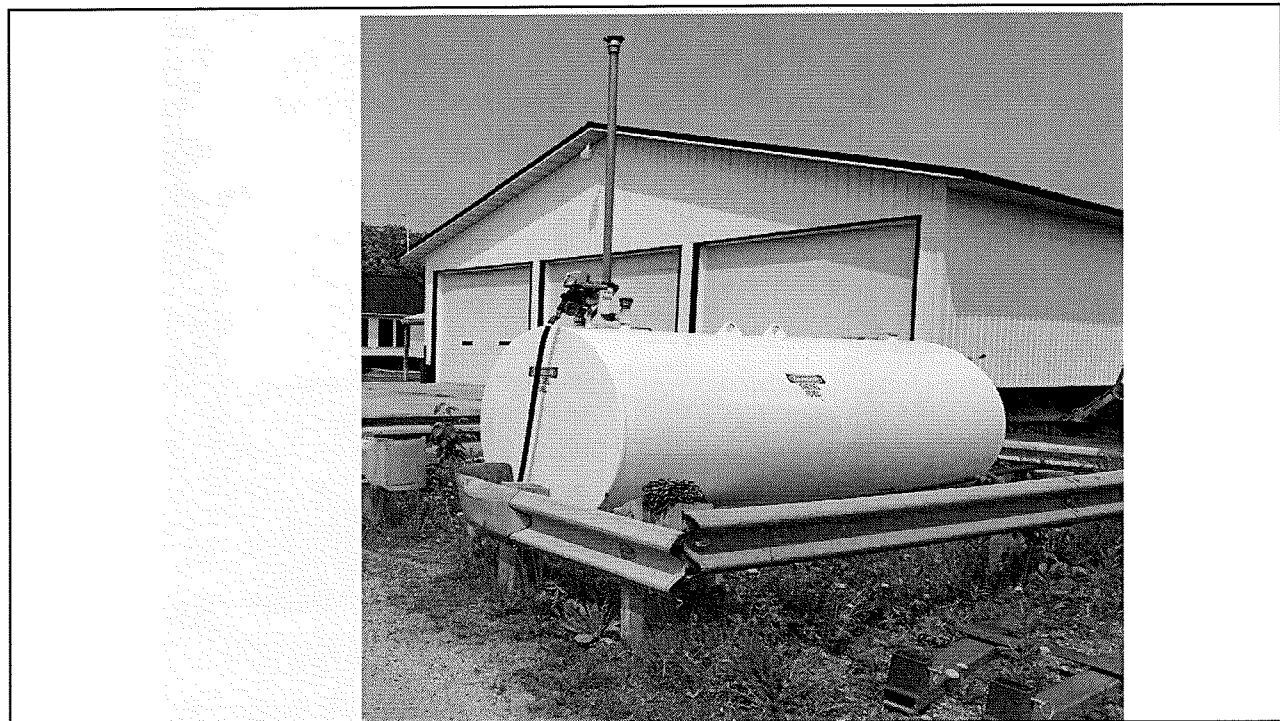
81



82



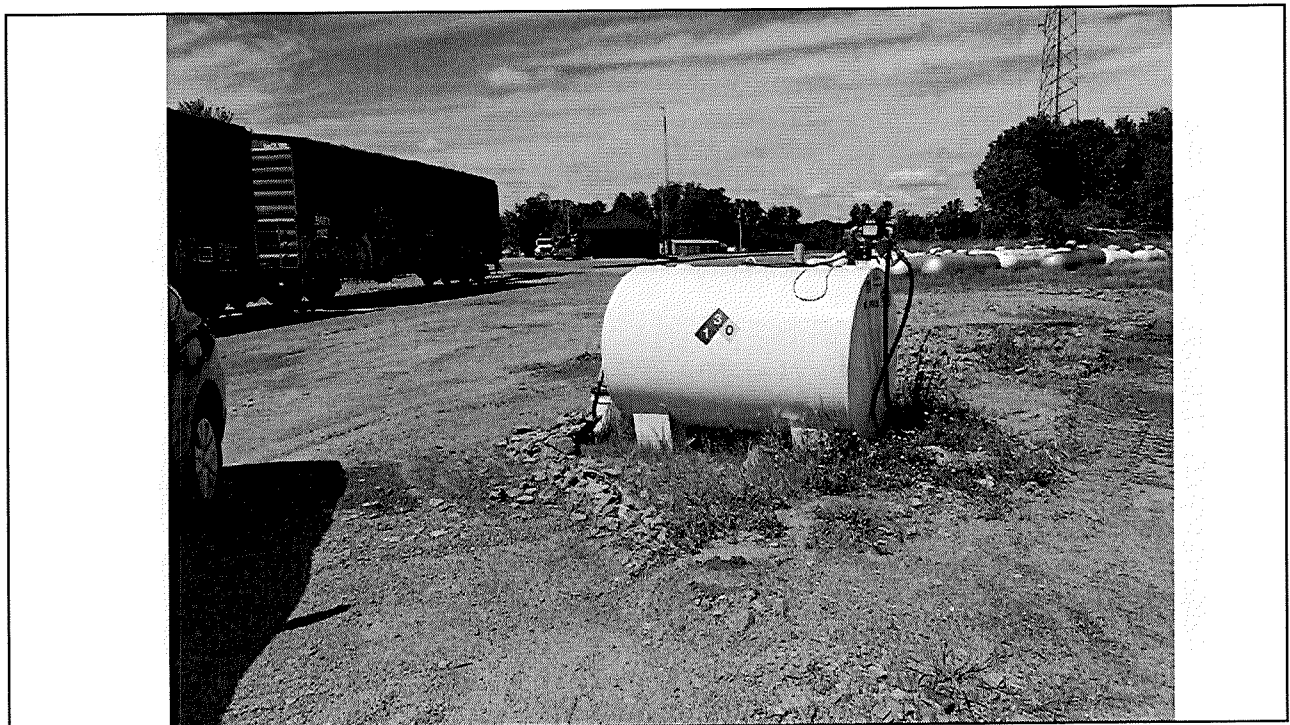
83



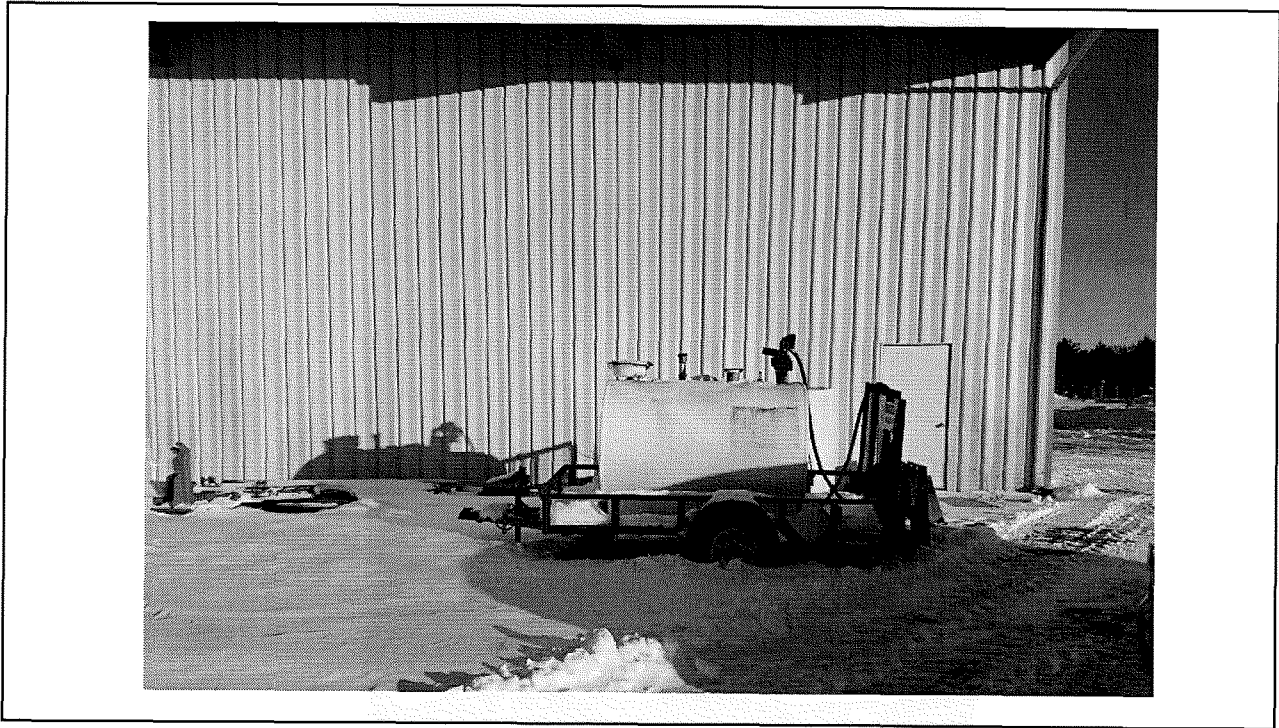
84



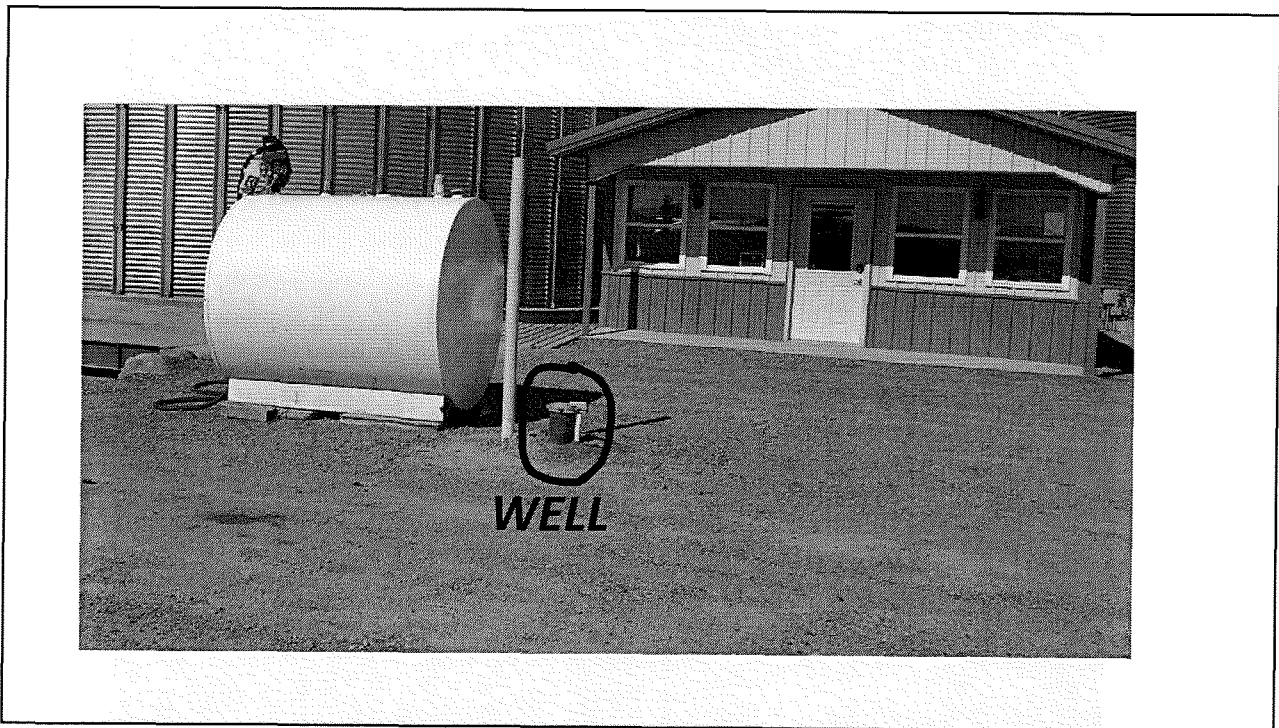
85



86



87



88

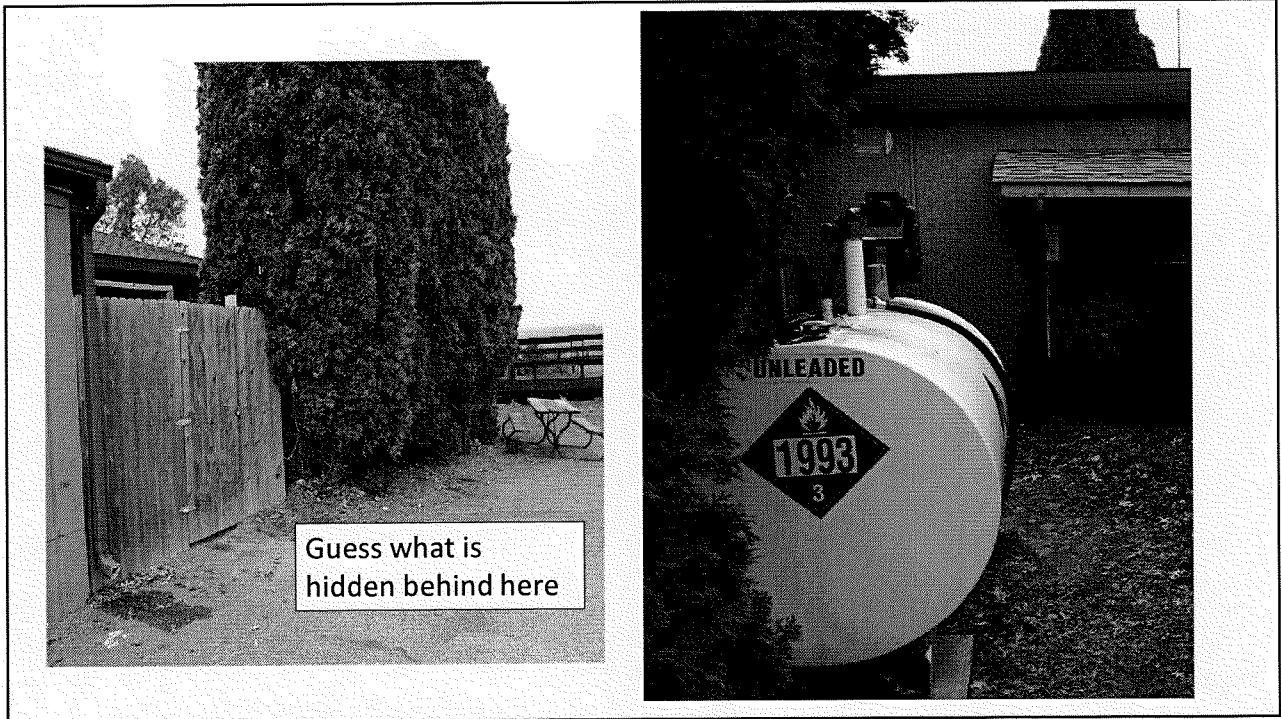


89

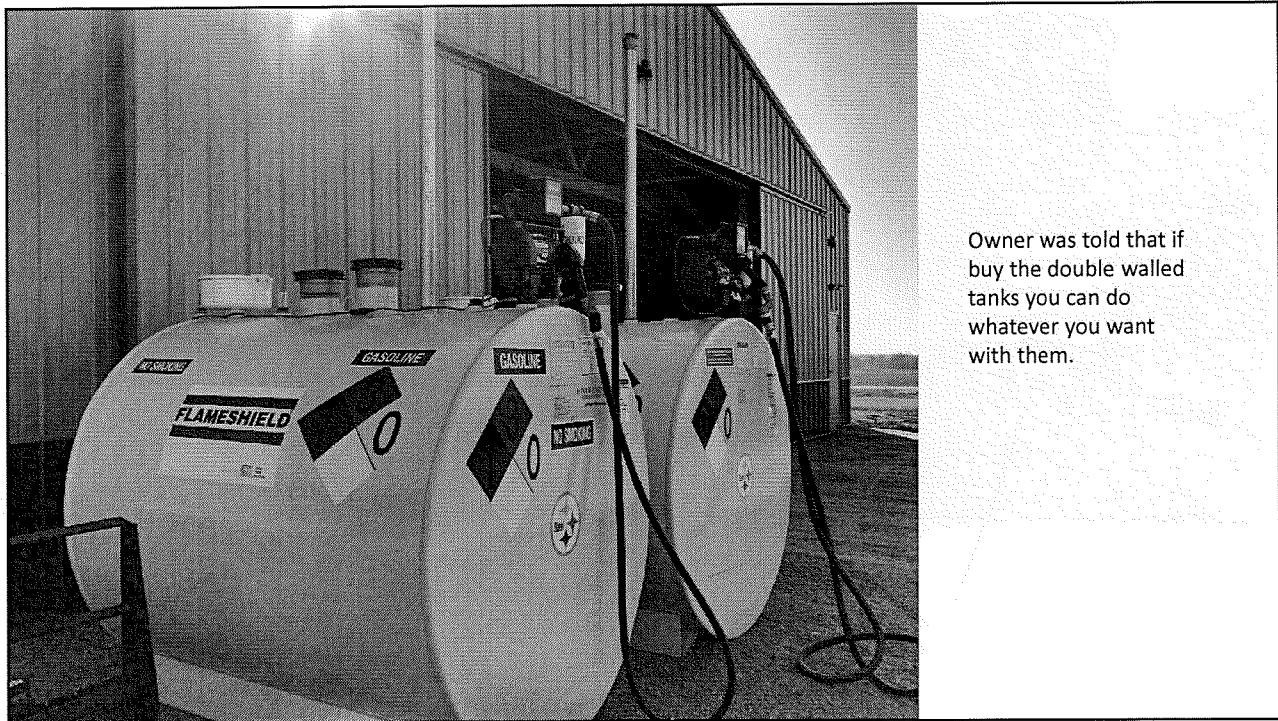


Lake that could easily
be contaminated

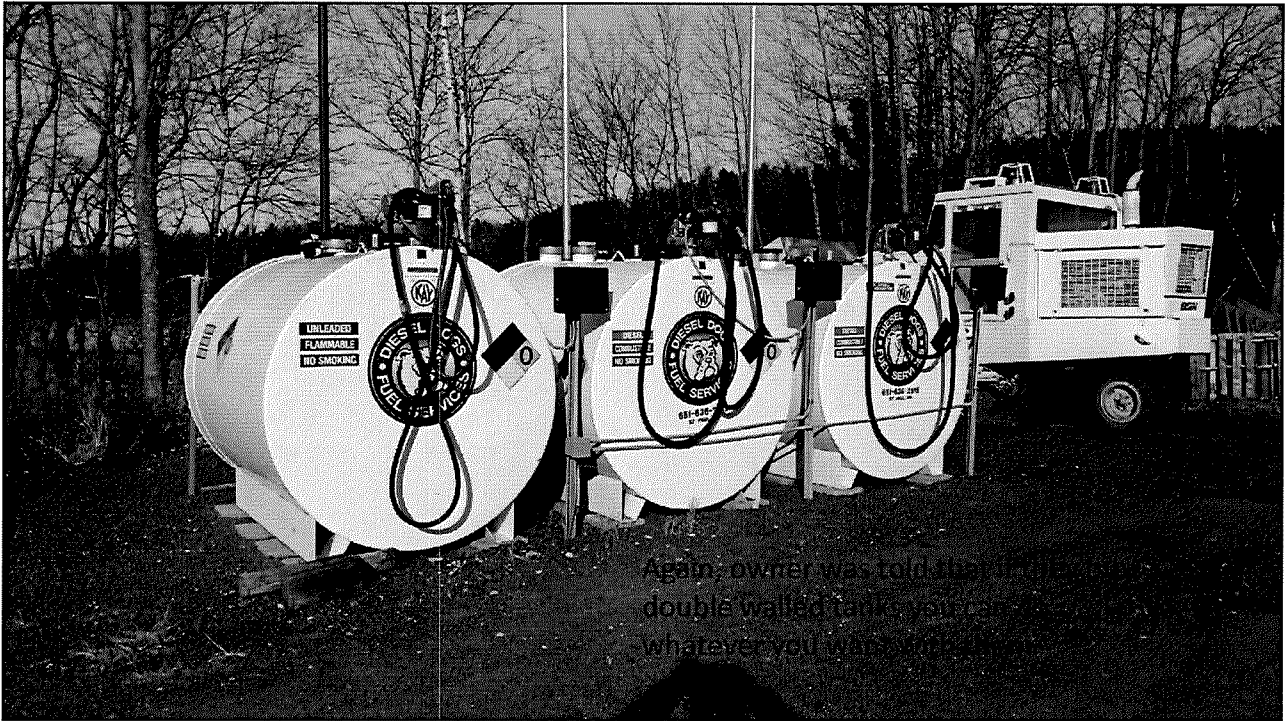
90



91

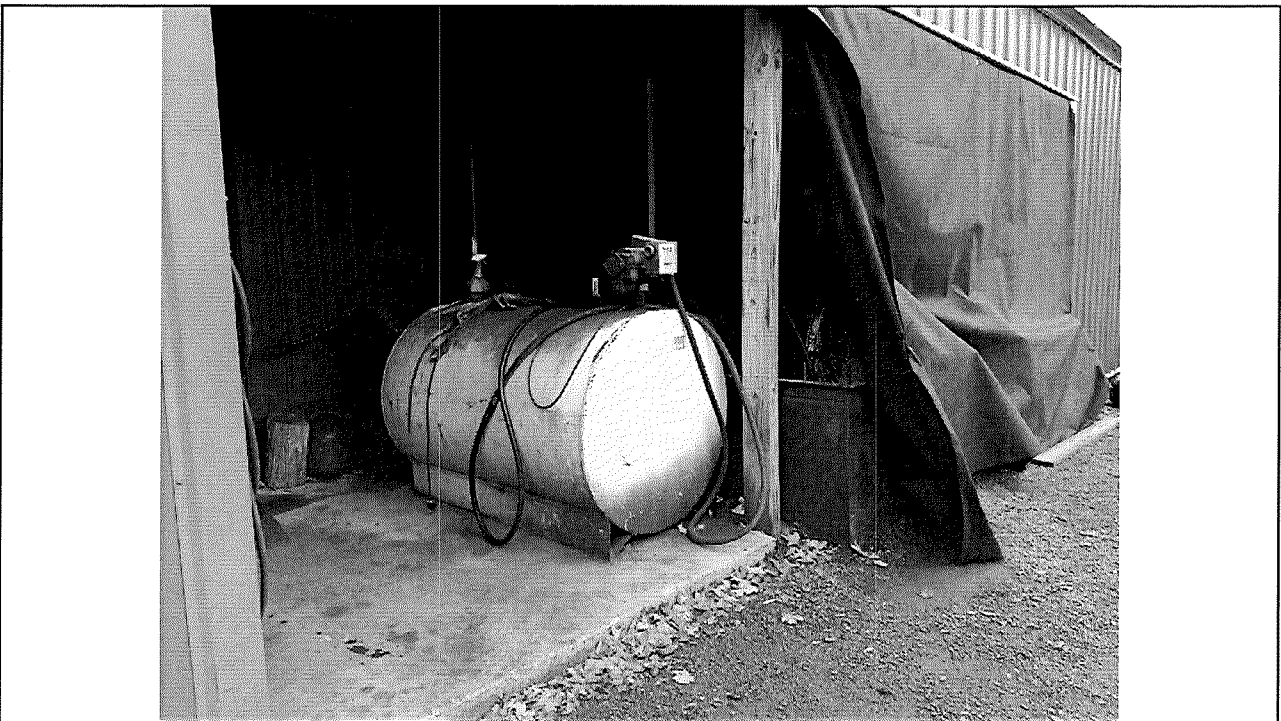


92



Again, owner was told that the tanks were double walled tanks and that they were whatever you want to call them.

93



94



95

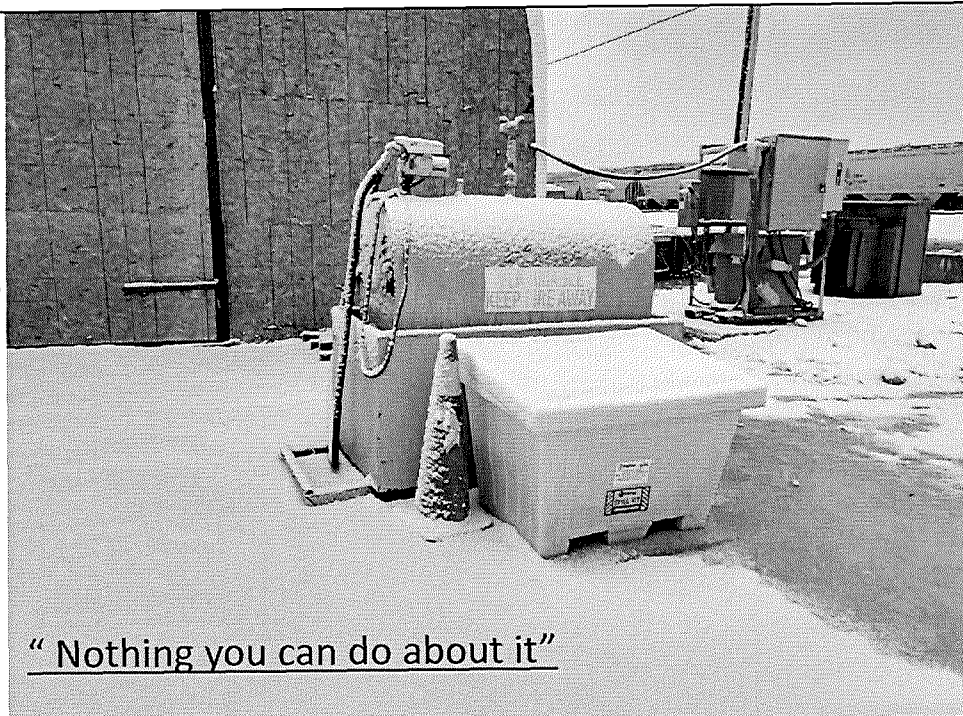


96



97

This was after the change to no enforcement. This isn't code compliant in many ways, yet I was told...



“ Nothing you can do about it”

98

