



State of Wisconsin
Governor Tony Evers

Department of Agriculture, Trade and Consumer Protection

On November 1, 2019, the new [Wisconsin Administrative Code ATCP 93](#) went into effect. Below is a chart listing the substantive changes in the rule. In addition to the chart, please note:

- Throughout the rule, “tank” has been changed to “tank system” where appropriate.
- “SPS” code references have been updated to “ATCP” where appropriate.

ATCP	Change	Old Language	New Language
ATCP 93.020(1)	Delete	ATCP 93.020 Scope and application. (1) NEW FACILITIES AND STRUCTURES. The provisions of this chapter apply to all new facilities and structures and to new additions to facilities and structures that involve storage, transfer or dispensing of flammable, combustible or hazardous liquids.	None
93.050 (4m)	Add	None	(4m) “Airport hydrant system” means an underground storage tank system which fuels aircraft and operates under high pressure with large diameter piping that typically terminates into one or more hydrants (fill stands). The airport hydrant system begins where fuel enters one or more tanks from an external source such as a pipeline, barge, rail car, or other motor fuel carrier.
93.050(15)	Amend	(15) “Bulk plant” means a facility where flammable or combustible liquids are stored or blended in bulk, prior to further distribution.	(15) “Bulk plant” means that portion of a facility where flammable, combustible or hazardous liquids are stored or blended in bulk for the purpose of subsequently distributing such liquids beyond that portion of the facility. This term does not include a facility where such liquids are stored or blended only in intermediate bulk containers.
93.050 (37m)	Add	None	(37m) “Direct supervision” means to assume the responsibility of an activity of others and its results by providing oversight and guidance at the site where the activity is being conducted.
93.050 (43m)	Add	None	(43r) “Equivalency” means having the same degree of safety, health or public welfare as contained in the requirements specified in this chapter.

ATCP	Change	Old Language	New Language
93.050 (63)	Amend	(63) “Leak detection” means determining whether a discharge of regulated substance has occurred from a storage tank system into the environment or into the interstitial space between the storage tank system and its secondary barrier or secondary containment around it.	(63) “Leak detection” means determining whether a discharge of a regulated substance has occurred from a point in a storage tank system, that is not intended to be a discharge or dispensing point, such as a discharge into the interstitial space between the primary tank or piping and the secondary barrier or secondary containment around that tank or piping.
93.050 (64) (a) Note, (b), and (c)	Add	None	Note: a pressure of 14.7 pounds per square inch absolute is the typical atmospheric pressure at sea level, which varies with changes in altitude and weather. Everyday pressure measurements, such as with a tire-pressure gauge, typically begin with a zero reading at the atmospheric pressure. (b) “Liquid” also means any material that is a viscous substance for which a specific melting point cannot be determined but which is determined to be a liquid in accordance with ASTM D4359, except as excluded under par. (c). (c) “Liquid” does not include any asphalt substance that must be heated to at least 60°F at a pressure of 14.7 pounds per square inch absolute (psia) in order to make it fluid.
93.050 (73) Note2.	Add	None	Note: Based on this definition, fuel storage tanks on a railroad train or other motorized equipment which operates exclusively on a rail a regulated under this chapter and NFPA 30 as non-vehicle fueling tanks, and NFPA 30A does not apply to them.
93.050 (101)	Amend	(101) “Red–tag” means a red tag secured to a component of a storage or dispensing system, which gives notice that the system or the product stored is under enforcement action for failure to comply with the requirements of either this chapter or ch. ATCP 94, and which prohibits operation of the system until the tag is removed by an inspector.	(101) “Red–tag” means a red tag secured to a component of a storage or dispensing system, which gives notice that the system or the product stored is under enforcement action for failure to comply with the requirements of either this chapter or ch. ATCP 94 , and which prohibits operation of the system until the tag is removed by or under the direction of the authority having jurisdiction.
93.050 (104)	Amend	(104) “Release detection” means determining whether a discharge of regulated substance has occurred from a storage tank system into the environment or into the interstitial space between the storage tank system and its secondary barrier or secondary containment around it.	(104) “Release detection” means determining whether a discharge of regulated substance has occurred from a storage tank system into the environment.

ATCP	Change	Old Language	New Language
93.050 (105)	Amend	(105) “Repair” means any work necessary to correct or restore a tank or related storage tank system component to a condition suitable for safe operation.	(105) “Repair” means any work necessary to correct or restore a tank, pipe, spill prevention equipment, overfill prevention equipment, corrosion protection equipment, leak detection equipment, or other storage tank or dispensing system component that either has caused a suspected or obvious release or has failed to function properly.
93.050 (114)(f)	Amend	(f) “Field-erected tank” means a tank that is built on the site from sections and components.	(f) “Field-erected tank” means an aboveground tank that is built on the site from sections and components.
93.050 (115)	Amend	(115) “Tank system” includes the primary tank and pipe, integral secondary containment, integral supports, leak detection, overfill prevention, spill containment, anti-siphon devices, and the necessary core components that allow the tank system to function as intended and in accordance with the installation requirements. Tank system configurations include on-shore underground storage tanks, on-shore aboveground storage tanks, and storage tanks over water that are integral with a stationary pier, floating vessel or floating structure for the purpose of storage or vehicle fueling.	(115) “Tank system” includes the primary tank and pipe, integral secondary containment, integral supports, leak detection, overfill prevention, spill containment, anti-siphon devices, any vapor-recovery system connected to the tank, and the necessary core components that allow the tank system to function as intended and in accordance with the installation requirements. Tank system configurations include on-shore underground storage tanks, on-shore aboveground storage tanks, and storage tanks over water that are integral with a stationary pier, floating vessel or floating structure for the purpose of storage or vehicle fueling.
93.050 (120)	Amend	(120) “Temporarily-out-of-service” means a storage tank system that is not being used, but is intended to be placed back into operation within the next annual registration period.	(120) “Temporarily-out-of-service” or “TOS” means a storage tank system that is not in use meets the requirements of s. ATCP 93.445(1) or 93.545(1), and is intended to be placed back into use within 24 months.
93.050 (121m)	Add	None	(121m) “Underground storage tank” or “underground tank” has the meaning given in sub. (122) unless the context requires otherwise.
93.050 (122)(b)5.	Delete	5. A pipeline facility, including gathering lines, regulated under any of the following: a. The federal Natural Gas Pipeline Safety Act of 1968 (49 USC App. 1671, et seq.). b. The federal Hazardous Liquid Pipeline Safety Act of 1979 (49 USC App. 2001, et seq.). c. An intrastate pipeline facility regulated under state laws comparable to the provisions of the law referred to in this section.	None

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93.050 (127)	Add	None	(127) “Watercraft” or “Marine craft” means a vehicle designed to operate on rivers, streams or lakes for the transport of people or goods for recreation, business or commerce purposes.
93.050 (128)	Add	None	(128) “Watercraft fueling” means the storage and fueling system and activities associated with shoreline fuel transfer into watercraft and aircraft while moored on the water to be fueled.
93.100 (1)(a)5.	Amend	5. Upgrading or modifying spill or overfill protection.	5. Upgrading or modifying spill or overfill protection, except this requirement does not apply where drop tube overfill protection is added or modified for existing underground fill piping that drops vertically into a tank.
93.100 (1)(c)	Add	None	(c) Notwithstanding pars. (a) and (b), if the department determines that the review of a specific application, modification or special equipment meets the regulatory oversight objective of this chapter, a plan review and written approval from the authorized agent or the department shall be obtained
93.100 (2)	Amend	(2) PLANS, SPECIFICATIONS AND INFORMATION. Plans, specifications and information submitted to the authorized agent or the department for review and approval shall contain all of the following: (a) At least 5 sets of plans and specifications, that are clear, legible and permanent copies, along with fees and a completed installation application. (b) 1. The name of the owner. 2. The name of the person, firm or corporation proposing the installation, if other than the owner. 3. The address of the facility, including the names of adjacent streets and highways.	(2) PLANS, SPECIFICATIONS AND INFORMATION. Plans, specifications and information submitted to the authorized agent or the department for review and approval shall contain all of the following: (a) Plans that are clear and legible and submitted per department requirements along with fees and a completed installation application. (b) 1. The name of the owner. 2. The name of the person, firm or corporation proposing the installation, if other than the owner. 3. The address of the facility, including the names of adjacent streets and highways. (bm) A statement summarizing the scope of the project.
93.100 (3)(a)4.b.	Add	None	b. If the component or equipment manufacturer verifies the compatibility of the equipment, the verification shall be in writing, indicate an affirmative statement of compatibility, and specify the range of biofuel blends the component is compatible with.

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93.100 (3)(b)	Amend	(b) Review time. The authorized agent or the department shall review and make a determination on an application for installation approval and plan review within 15 business days of receiving all of the required information and fees.	(b) <i>Review time</i> . The authorized agent or the department shall review and make a determination on an application for installation approval and plan review within 20 business days of receiving all of the required information and fees.
93.115 (3)(c)	Amend	(c) Shutdown after continued violation. 1. Tank systems or components for which there is a continuing code violation under this chapter are subject to shutdown provided all of the following conditions are met, except as specified in subd. 2.: a. An initial order, allowing a period for compliance of at least 10 days, is issued with a specific compliance date. b. The first re-inspection made after the specified compliance date shows that compliance has not been achieved. c. A second specific compliance date, allowing at least 5 days, is set. d. Re-inspection after the second compliance date shows that compliance has still not been achieved. e. The owner has not filed a written appeal with the department within 15 calendar days of receiving the original order. 2. If the owner files a written appeal with the department within 15 calendar days of receiving the original order, enforcement action shall proceed until such time as a decision is issued in relation to the appeal, overturning or modifying the order.	(c) <i>Shutdown after continued violation</i>. 1. Tank systems or components are subject to shutdown for a continuing code violation under this chapter, provided all of the following conditions are met: a. An order, allowing a period for compliance of at least 15 days, is issued with a specific compliance date. b. The re-inspection made after the specified compliance date shows that compliance has not been achieved. 2. If compliance is not achieved by the 15-day compliance date as in subd. 1. a., any additional inspections may result in a reinspection fee per the special inspection fees listed in s. ATCP 93.1605(5).
93.115 (4)	Amend	(4) PRODUCT DELIVERY INTO NONCOMPLYING TANK SYSTEMS. (a) It is a violation of this chapter for any person to knowingly deliver or place a regulated substance into a tank system that has been shut down by an enforcement action under this section.	(4) PRODUCT DELIVERY INTO NONCOMPLYING TANK SYSTEMS. (a) It is a violation of this chapter for any person to knowingly deliver, place, or receive a regulated substance into a tank system that has been shut down by an enforcement action under this section.
93.120 (2)	Amend	(2) Plan approval by the authorized agent or the department shall expire 2 years after the date indicated on the approved plans if construction has not commenced within that 2 year period.	(2) Plan approval by the authorized agent or the department shall expire in the following circumstances: (a) Construction has not commenced within 2 years from the date indicated on the approved plan or (b) The construction has not been completed within 5 years from the date indicated on the approved plan

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93.130 (3)(b)1. Note.	Amend	Note: US EPA test protocols require precision tightness testing for tanks to be capable of detecting a 0.1 gallon per hour leak rate from any portion of the tank that routinely contains product when the tank is 95 percent full, with a probability of detection of 0.95 and probability of false alarm of 0.05. Precision tightness testing for piping must be capable of detecting a 0.1 gallon per hour leak rate with a probability of detection of 0.95 and a probability of false alarm of 0.05. Automatic tank gauges and all methods of monthly monitoring must be capable of detecting a 0.2 gallon per hour leak rate from any portion of the tank that routinely contains product with a probability of detection of 0.95 and probability of false alarm of 0.05.	Note: US EPA test protocols require precision tightness testing for tanks to be capable of detecting a 0.1 gallon per hour leak rate from any portion of the tank that routinely contains product when the tank is 95 percent full, with a probability of detection of 0.95 and probability of false alarm of 0.05. Precision tightness testing for piping must be capable of detecting a 0.1 gallon per hour leak rate, at a pressure of 1.5 times the operating pressure, with a probability of detection of 0.95 and a probability of false alarm of 0.05. Automatic tank gauges and all methods of monthly monitoring must be capable of detecting a 0.2 gallon per hour leak rate from any portion of the tank that routinely contains product with a probability of detection of 0.95 and probability of false alarm of 0.05.
93.140 (1)(a) 2. Note.	Add	None	Note: Tanks that are not exempt from registration requirements under this paragraph include tanks which store heating oil as a back-up fuel for natural-gas-fired boilers.
93.140 (2)(c) 1.	Amend	1. Change in service, where the subsequent service is storing a regulated substance.	1. Change in service, where the subsequent service is storing a regulated substance or when changing service from one regulated substance to another.
93.140 (2)(d)	Amend	(d) The owner of a tank system that is undergoing any of the following changes shall have the change registered with the department in accordance with sub. (3) (a) within 15 business days of the change:	(d) The owner of a tank system that is undergoing conversion to being either temporarily out of service or back in service shall have the change registered with the department in accordance with sub. (3) (a) within 15 business days of the change.
93.140 (2)(d)1. And 2.	Delete	1. Conversion to being either temporarily out of service or back into service. 2. Disconnecting and discontinuing use of a stage II vapor-recovery system.	None
93.145 (2)	Amend	(2) PERMIT APPLICATION TIMELINE. The tank owner shall apply for a permit to operate, in accordance with sub. (3), after all requirements for plan approval under s. ATCP 93.100 and registration under s. ATCP 93.140 are completed and the tank is installed, but before the tank is placed into service.	(2) PERMIT APPLICATION TIMELINE. The tank owner shall obtain a permit to operate, in accordance with sub. (3), after all requirements for plan approval under s. ATCP 93.100 and registration under s. ATCP 93.140 are completed and the tank is installed, but before the tank is placed into service.

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93.150 (2)(f)	Add	None	(f) Proof of financial responsibility in accordance with subch. VII and an affidavit of financial responsibility in accordance with s. ATCP 93.745 (2) (j) .
93.160	Delete	ATCP 93.160 Fees. (1) Fees shall be submitted to the department as specified in this chapter or ch. ATCP 94. (2) Fees shall be submitted at the time of application. (3) No examinations, approvals, variances, permits or inspections may be given until all fees are received.	None
93.1605	Add and amend	ATCP 93.1605 Fees relating to storage tanks for liquids that are flammable, combustible or federally regulated hazardous substances. (1) PLAN EXAMINATION AND INSPECTION FEES. Fees for the examination of plans, site inspections and reinspections for tanks used for the storage of liquids that are flammable, combustible or federally regulated hazardous substances shall be determined in accordance with Table 93.1605. (2) GROUNDWATER FEE. Pursuant to s. 168.23 (5), Stats., in addition to any fee charged by the department by rule for plan review and approval for the construction of a new or additional installation or change in operation of a previously approved installation for the storage, handling or use of flammable, combustible or hazardous liquids, the department shall collect a groundwater fee of \$100 for each plan review submittal. The moneys collected under this subsection shall be credited to the environmental fund for environmental management. Note: In accordance with s. 168.23 (5) (b), Stats., an installation that has a capacity of less than 1,000 gallons is not subject to the groundwater fee. (3) REINSPECTION FEE. The contractor, when performing activities covered under ss. SPS 305.84 to 305.87, shall pay the reinspection fee to the authorized agent if the authorized agent is required to make a return trip due to any of the following, or is required to reschedule a trip on less than 24 hours notice of any of the following:	ATCP 93.1605 Fees relating to storage tanks for liquids that are flammable, combustible or federally regulated hazardous substances. (1) PLAN EXAMINATION AND INSPECTION FEES. Fees for the examination of plans, site inspections and reinspections for tanks used for the storage of liquids that are flammable, combustible or federally regulated hazardous substances shall be determined in accordance with Table 93.1605. (1m) PROJECTS INITIATED WITHOUT PLAN APPROVAL. The plan examination fees specified in Table 93.1605 shall be doubled for projects where the installation, erection or construction was initiated without the required departmental approval. (2) GROUNDWATER FEE. Pursuant to s. 168.23 (5), Stats., in addition to any fee charged by the department by rule for plan review and approval for the construction of a new or additional installation or change in operation of a previously approved installation for the storage, handling or use of flammable, combustible or hazardous liquids, the department shall collect a groundwater fee of \$100 for each plan review submittal that includes at least one storage tank with a 1,000 gallon or greater capacity. The fees collected under this subsection shall be credited to the environmental fund for environmental management. (3) REINSPECTION FEE. The contractor, when performing activities covered under ss. ATCP 93.240 (16) to (19) , shall pay the reinspection fee to the authorized agent or the department if a return trip is required due to any of the following, or is required to

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		(a) Failure to have the tank system accessible for inspection on the date and time specified for inspection. (b) Installation inspection points that are incomplete on the date and time specified for inspection. (c) Failure to correct deficiencies by the date and time specified for inspection. Note: Section SPS 305.84 covers aboveground tank system installation certification requirements. SPS 305.85 covers underground tank system installation certification requirements. SPS 305.86 covers tank system lining certification requirements. SPS 305.87 covers tank system removing and cleaning certification requirements. (4) SPECIAL INSPECTION FEE. The owner or operator shall pay the miscellaneous inspection fee specified in s. SPS 302.04 (2) to the authorized agent for any of the following reasons: (a) Replacement of identical equipment where the department or local program operator has waived the plan submittal requirement. (b) Pre—operational inspection required by the department as a result of compliance orders where plan submittal is not required.	reschedule a trip on less than 24 hour notice for any of the following: (a) Failure to have the tank system accessible for inspection on the date and time specified for inspection. (b) Installation inspection points that are incomplete on the date and time specified for inspection. (c) Failure to correct deficiencies by the date and time specified for inspection. Note: Section ATCP 93.920(16) covers aboveground tank system installation certification requirements. ATCP 93.240(17) covers underground tank system installation certification requirements. ATCP 93.240(18) covers tank system lining certification requirements. ATCP 93.240(19) covers tank system removing and cleaning certification requirements. (4) SPECIAL INSPECTION FEE. The owner or operator shall pay the miscellaneous inspection fee specified in sub. (5) to the authorized agent for any of the following reasons: (a) Replacement of identical equipment where the department or local program operator has waived the plan submittal requirement. (b) Pre—operational inspection required by the department as a result of compliance orders where plan submittal is not required. (5) SPECIAL INSPECTION FEE; AMOUNT. Any miscellaneous inspection fees assessed under this subsection or 93.115 (3)(c) 2. shall be assessed at the following rates: (a) \$160 per inspection for a facility with only aboveground storage tanks. (b) \$240.00 per inspection for a facility with at least one belowground storage tank. (c) If applicable, any additional actual costs for special circumstances may be assessed.
93.165	Add	None	ATCP 93.165 Alternate Forms. Although various sections of this chapter include a requirement to record certain information on a particularly specified department form, that requirement may be met by recording the same information in the same format on an alternate form if that form is approved by the department.

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93.170	Amend and add	ATCP 93.170 Petition for variance and petition for rule change. (1) PETITION FOR VARIANCE. The department shall consider and may grant a variance to a provision of this chapter in accordance with ch. SPS 303. The petition for variance shall include, where applicable, a position statement from the fire department having jurisdiction. Note: Chapter SPS 303 requires submittal of a petition for variance form (ERS-9890-A) and a fee, and that an equivalency is established in the petition for variance which meets the intent of the rule being petitioned. Chapter SPS 303 also requires the Department to process regular petitions within 30 business days and priority petitions within 10 business days. A position statement from the fire department is applicable when the rule being petitioned relates to fire safety issues. Note: Form ERS-9890-A is available from the Bureau of Weights and Measures, PO Box 8911, Madison, WI 53708-8911, or at telephone (608) 224-4942, or from the Bureau's Web site at https://datcp.wi.gov/Pages/Programs_Services/Petroleum-HazStorageTanks.aspx. (2) PETITION FOR RULE CHANGE. As specified in s. 227.12, Stats., any municipality; any association which is representative of a farm, labor, business or professional group; or any 5 or more persons having an interest in a rule may petition the department requesting the adoption, amendment or repeal of the rule.	ATCP 93.170: Petition for variance. The department shall consider and may grant a variance to a provision of this chapter. The petition for variance shall establish an equivalency which meets the intent of this chapter. (1) APPLICATIONS FOR PETITION FOR VARIANCE. A petition for variance must include all of the following: (a) A completed and notarized petition for variance form, TR-WM-129 (b) A petition for variance fee of \$300.00. (c) If the petition is requesting a variance from building or property setback requirements, a position statement completed by the fire department having jurisdiction. (2) DEPARTMENT ACTION. (a) Upon receipt of the petition for variance, including all required information, the department shall evaluate the petition for variance and determine if it provides for an equivalency which meets the intent of this chapter. (b) If additional information is needed, the department shall notify the owner in writing of the specific information required. (c) If the department determines that the petition for variance provides an equivalency, the department shall approve the variance. (e) If the department determines that the petition for variance does not provide an equivalency, the department may: 1. Approve the petition for variance subject to specific conditions determined by the division which shall establish an equivalency which meets the intent of the rule; 2. Grant a temporary variance to delay enforcement of a rule to a specified date, not to exceed one year. In requesting the variance, the petitioner shall demonstrate that all available steps are being taken to safeguard the public and environment and shall possess and describe a program for coming into compliance with the rule as quickly as possible. A temporary variance may be renewed no more than twice, not to exceed one year each, and only if the petitioner files an application for renewal at least 90 calendar days before expiration of the temporary variance. 3. Grant an experimental variance to allow the petitioner to participate in an experiment approved by the department to demonstrate or validate new or improved

ATCP	Change	Old Language	New Language
			techniques to safeguard the public and the environment; or 4. Deny the petition for variance. (3) NOTIFICATION OF PETITION FOR VARIANCE DETERMINATION. The department shall notify the petitioner in writing of the petition for variance determination, including any conditions of approval. Any denial shall include the reason for denial, and information on the appeals procedure. (4) TIME LIMIT FOR PROCESSING. The department shall review and make a determination on an application for a petition for variance within 30 business days. (5) MODIFICATIONS AND REVISIONS. (a) If a petition for variance is initially denied by the department, the petitioner may, in writing, modify the request for variance by submitting additional or other alternatives in order to provide an equivalency and resubmit the application for the petition for variance. (b) The petitioner may, in writing, request that the petitioner's original statements or the conditions of approval be modified and resubmit the application for the petition for variance. (6) REVOCATION. The department may revoke any petition for variance where it is determined that the variance was obtained through fraud or deceit or where the petitioner has violated the specific conditions on which the variance was approved.
93.175	Add	None	ATCP 93.175 Prohibited practices. Persons subject to this chapter are prohibited from the following: (1) Falsifying any records and reports required under this chapter (2) Removal of or tampering with any red-tag without written authorization from the department or an authorized agent. (3) Installation or removal of any storage tank system without department or authorized agent approval. (4) Unauthorized altering or disabling of any system covered in this chapter (5) Failing to maintain permits and financial responsibility for underground storage tank systems (6) Failure to comply with an administrative order issued by the department or an authorized agent.

ATCP	Change	Old Language	New Language
93.200(2)	Delete	(2) ALTERNATE STANDARDS. Alternate standards that are equivalent to or more stringent than the standards incorporated by reference in this chapter may be used in lieu of incorporated standards if the alternate standard is approved by the department, or if written approval is issued by the department in accordance with s. ATCP 93.130, under all of the following conditions: (a) Determination of approval shall be based on an analysis of the alternate standard and the incorporated standard, prepared by a qualified independent third party or the organization that published the incorporated standard. (b) The department may include specific conditions in issuing an approval, including an expiration date for the approval. Violations of the conditions under which an approval is issued shall constitute a violation of this chapter. (c) If the department determines that the alternate standard is not equivalent to or more stringent than the standards incorporated by reference, the request for approval shall be denied in writing. (d) The department may revoke an approval for any false statements or misrepresentations of facts on which the approval was based. The department may re-examine an approved alternate standard or issue a revised approval at any time.	None
Table 93.200-2	Add	None	(Please see Appendix to this Change Log)
93.225	Amend	ATCP 93.225 Alternate standards. (1) Alternate standards that are equivalent to or more stringent than the standards referenced in this chapter may be used in lieu of the referenced standards when approved by the department or if written approval is issued by the department in accordance with sub. (2). (2) (a) Upon receipt of a fee and a written request, the department may issue an approval for the use of the alternate standard. (b) The department shall review and make a determination on an application for approval within 40 business days of receipt of all forms, fees and documents required to complete the review.	ATCP 93.225 Alternate standards. (1) Alternate standards that are equivalent to or more stringent than the standards incorporated by reference in this chapter may be used in lieu of incorporated standards if the alternate standard is approved by the department, or if written approval is issued by the department in accordance with s. ATCP 93.130 or ATCP 93.170.

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93.230(9)	Amend	(9) PROPERTY MAINTENANCE. All surface area within a 20-foot radius of a storage tank or dispenser shall be maintained free of combustible material and debris, except as allowed for public-access motor vehicle fueling operations in s. ATCP 93.620.	(9) PROPERTY MAINTENANCE. (a) The area around any tank, the area around or within a secondary containment, and the dispensing or transfer area shall be maintained free of vegetation, debris and other material that is not necessary for the operation of the tank, leak or spill containment, or liquid dispensing or transfer. (b) Portable-container storage shall comply with NFPA 30 chapter 15. (c) All surface area within a 20-foot radius of a storage tank or dispenser shall be maintained free of combustible material and debris, except as allowed for public-access motor vehicle fueling operations in ss. ATCP 93.605 (8) and 93.620 (2). Note: With the exception of the requirements in section ATCP 93.605 (8) and 93.620 (2), the ability to maintain the combustible material free surface area addressed in this subsection may be limited by land features, landscaping and facility management of adjacent property owners.
93.230(10)	Amend	(10) SYSTEM MAINTENANCE. (a) All system equipment and components shall be maintained to function to the manufacturer's original specifications and shall be maintained to be leak-free.	(10) SYSTEM MAINTENANCE. (a) All system equipment and components shall be maintained to function to the manufacturer's original specifications, or in the absence of manufacturer's specifications, the designer's or construction contractor's original specifications, and shall be maintained to be leak-free.
93.230(10) (f)	Add	None	(f) Aboveground or underground storage tanks shall be properly maintained as in-use or temporarily-out-of-service or be closed in accordance with s. ATCP 93.460 or ATCP 93.560, unless the requirements in s. ATCP 93.450 or ATCP 93.550 are met for a change in service to store a non-regulated substance.
93.230(11) (a)1.a.	Amend	1. Perform third-party precision tightness testing of the portion of the tank system where damage occurred, in accordance with s. ATCP 93.515 (4) (a) 1.	1. a. Perform third-party precision tightness testing of the tank system in accordance with s. ATCP 93.515 (4) (a) 1.
93.230(11) (a)1.b.	Add	None	b. Perform a tightness test on the tank ullage in accordance with s. ATCP 93.515 (10).

ATCP	Change	Old Language	New Language
93.230(11) (a) 6. And Note	Add	None	6. Notify the authorized agent or the department if the damage resulted in a release. Note: This notification can be part of the notice that is submitted under section ATCP 93.400 (8)(c) or ATCP 93.500 (7)(d) when repairs are made because of a release from an AST or UST system.
93.230(11) (b) Note	Amend	Note: These are minimum requirements for the restart of a damaged system, dependent on the situation at the incident site. Additional safety or environmental protection actions or repairs may be needed by the owner or operator.	Note: In addition to these requirements, other additional safety or environmental protection actions or repairs may be necessary.
93.230(12) (a) 2. Note	Amend	Note: Extenders or oxygenates are added to gasoline and typically comprise a maximum of 10 percent of the fuel by volume.	Note: Extenders or oxygenates are added to gasoline and typically comprise a maximum of 15 percent of the fuel by volume.
93.230(13)	Amend	(13) DEACTIVATION OF VAPOR RECOVERY. When deactivating a stage II vapor-recovery system or a portion thereof, the deactivated pipe shall be removed, or be capped or plugged at the dispenser. If the pipe is removed, the connection to the tank shall be capped or plugged. Note: Each connection of a tank to deactivated, unremoved vapor-recovery pipe should be capped or plugged at the tank, if readily accessible, to minimize the potential for water intrusion from the pipe.	(13) DISCONNECTING AND DISCONTINUING VAPOR RECOVERY. Disconnecting or discontinuing use of a stage II vapor-recovery system or a portion thereof shall comply with PEI RP300 chapter 14, be completed within five days after it begins, and be reported to the department on form TR-WM-122 within 15 business days after the completion. Note: Each connection of a tank to deactivated, unremoved vapor-recovery pipe should be capped or plugged at the tank, if readily accessible, to minimize the potential for water intrusion from the pipe. Note: Form TR-WM-122 is available from the Bureau of Weights and Measures, PO Box 8911, Madison, WI 53708-8911, or at telephone (608) 224-4942. The form is also available from the Bureau's Web site at http://datcp.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/Hazardous_Materials_Storage_Tank_Forms/index.aspx.
93.230 (14)	Add	None	(14) REMOVING WATER AND OTHER CONTAMINANTS FROM STORAGE TANKS. Water and other contaminants shall be removed from storage tanks in accordance with STI R-111. Note: See section ATCP 93.605 (1)(g) for related requirements for water in storage tanks at motor fuel dispensing facilities.

ATCP	Change	Old Language	New Language
93.230 (15)	Add	None	(15) PREPARING TANKS FOR CHANGES IN FUEL TYPE. Converting a tank from storing a different type of liquid that is regulated by this chapter shall include complying with STI R-111. Note: See sections ATCP 93.450, 93.550, and 93.680 for related requirements for changing the type of liquid stored in a tank.
93.240	Add	None	(All credentialing programs were moved from SPS 305 to ATCP 93.240)
Table 93.260	Amend	Other UST or AST system with single wall	Other UST or AST system with single wall or an AST system with double wall and visual monitoring
93.300 (3)(c)	Amend	(c) 1. If the fill point is remote from the tank or if the delivery person cannot readily observe the tank gauge, an overfill alarm shall be provided at the fill point. 2. The alarm shall be readily audible or visible at the fill point and shall alert the delivery person when the tank is 90 percent full.	(c) 1. Each tank shall have a means of overfill prevention that consists of either a visual gauge, an audible or visual alarm, or a pump shut-down which activates at 90 percent of the tank's capacity, except as provided in subd. 2. 2. a. If the fill point is remote from the tank or if the delivery person cannot readily observe the tank gauge, an overfill alarm shall be provided at the fill point unless a pump shutdown is provided that activates at 90 percent of the tank's capacity. b. All overfill alarms shall be readily audible or visible at the fill point and shall alert the delivery person when the tank is 90 percent full.
93.310 (3)(a)	Amend	(3) UNDERGROUND TANKS THAT HAVE A CAPACITY OF 4000 GALLONS OR LESS. Underground heating oil tank systems that have a capacity of 4000 gallons or less shall have all of the following: (a) A vent whistle, or equivalent means of overfill protection.	(3) UNDERGROUND TANKS THAT HAVE A CAPACITY OF LESS THAN 4,000 GALLONS. Underground heating oil storage tank systems that have a capacity of less than 4,000 gallons shall have all of the following: (a) Overfill prevention equipment that notifies the person filling the tank, with either an audible or a visual signal, that the liquid level has reached 90 percent of the tank's capacity.
93.310 (4)	Amend	(4) UNDERGROUND TANKS THAT HAVE A CAPACITY OF MORE THAN 4000 GALLONS. Underground heating oil storage tanks that have a capacity of more than 4000 gallons shall have leak detection that complies with s. ATCP 93.510 and corrosion protection that complies with s. ATCP 93.520.	(4) UNDERGROUND TANKS THAT HAVE A CAPACITY OF 4,000 GALLONS OR MORE. Underground heating oil storage tank systems that have a capacity of 4,000 gallons or more shall have secondary containment which complies with s. ATCP 93.500 (1) if the system is either new or a replacement, leak detection which complies with s. ATCP 93.510 and corrosion protection which complies with s. ATCP 93.520.

ATCP	Change	Old Language	New Language
93.320 (1)	Amend	Note: Stationary combustion engines are commonly used to power emergency generators and pumps that provide fire protection. For setbacks for storage tanks that are used to fuel stationary combustion engines at a farm premises or construction project, see section ATCP 93.630 (2). (b) Certified installer. The installation of tanks used to store fuel for stationary combustion engines and gas turbines shall be supervised by a certified installer. Note: See section ATCP 93.100 (1) (b) 11. for criteria that can be used to exempt these tanks from plan review. (c) Marking. 1. Aboveground tanks with the fill point remote from the tank and all new and existing underground storage tanks used to store fuel for stationary combustion engines and gas turbines shall have the fill point labeled with the type of fuel. 2. Aboveground storage tanks used to store fuel for stationary combustion engines and gas turbines shall have the tank labeled with the type of fuel. (d) Aboveground storage tanks located in buildings. Aboveground storage tanks located in buildings and used to store fuel for stationary combustion engines and gas turbines shall comply with NFPA 37 chapter 6 and all of the following: 1. The fill connection shall be located outside the building. 2. Spill and overfill prevention shall be provided in accordance with s. ATCP 93.410. (e) Aboveground storage tanks not located in a building. Aboveground storage tanks not located in a building and used to store fuel for stationary combustion engines and gas turbines shall comply with subch. IV and NFPA 37 chapter 5, except that double-wall tanks which are only filled with a manual-shutoff nozzle without a latching mechanism are not required to have additional spill prevention at the fill point. (f) Underground storage tanks. Underground storage tanks used to store fuel for stationary combustion engines and gas turbines shall comply with subch. V and NFPA 37 chapter 5.	Note: Stationary combustion engines under this section are commonly used to power emergency generators and pumps that provide fire protection. For requirements for storage tanks that are used to fuel stationary combustion engines at a farm premises or construction project, see section ATCP 93.630. (b) <i>Certified installer</i>. Tank installation shall be performed or supervised by a certified installer. Note: See section ATCP 93.100 (1) (b) 11. for criteria that can be used to exempt these tanks from plan review. (c) <i>Marking</i>. 1. Aboveground tanks with the fill point remote from the tank and all new and existing underground storage tanks shall have the fill point labeled with the type of fuel. 2. Aboveground storage tanks shall have the tank labeled with the type of fuel. (d) <i>Aboveground storage tank systems located in buildings</i>. Aboveground storage tank systems located in buildings and used to store fuel for stationary combustion engines and gas turbines shall comply with NFPA 20 and 37 chapter 6, and the fill connection shall be located outside the building (e) <i>Aboveground storage tank systems not located in a building</i>. 1. Aboveground storage tank systems not located in a building and used to store fuel for stationary combustion engines and gas turbines shall comply with subch. IV and NFPA 20 and 37 chapter 6. 2. Storage tanks under this section that are within an enclosure which does not have enough non-mechanical, open-louver area in the lower portion of the walls or doors to prevent hazardous build-up of vapors shall have vents terminating outside of the enclosure. Any vent terminating through the roof of the enclosure shall extend high enough to prevent snow or ice build-up from impacting the operation of the vent. (f) <i>Underground storage tank systems</i>. Underground storage tank systems used to store fuel for stationary combustion engines and gas turbines shall comply with subch. V and NFPA 37 chapter 6.

ATCP	Change	Old Language	New Language
93.320 (2) (b)	Delete	(b) Tanks that are filled by hand using a nozzle without a latch–open device are not required to have spill containment at the fill point.	None
93.335	Add	None	ATCP 93.335 Manufacture of organic coatings. (1) APPLICATION. This section applies to storage tank systems for flammable or combustible liquids used in the manufacture of organic coatings. (2) GENERAL. The tank systems shall comply with NFPA 35. (3) CERTIFIED INSTALLER. A certified installer shall perform or supervise the installation. (4) RETROACTIVITY. Tanks existing by November 1, 2019, shall comply with the registration requirements in s. ATCP 93.140 within 12 months after that date and shall comply with the spill and overfill requirements in s. ATCP 93.410 and with the transfer containment requirements in s. ATCP 93.420(5) by December 31 of the fifth year after November 1, 2019.
93.340 (5)	Amend	(5) TRANSFER OPERATIONS. In order to prevent a spill from moving beyond the loading or unloading area, any new or existing aboveground tank that has a capacity of 5000 gallons or more shall be provided with a catchment basin or treatment facility to contain the maximum capacity of the largest compartment of a tank car or tank vehicle loaded or unloaded at the facility. Existing tanks shall comply with this subsection within 2 years after December 31, 2009.	(5) TRANSFER OPERATIONS AT BULK PLANTS AND TERMINALS. In order to prevent a spill from moving beyond the loading or unloading area, any new or existing aboveground or underground storage tank which has a capacity of 5,000 gallons or more and which is drained or filled by pumping to or from a transport vehicle shall be provided with a catchment basin or treatment facility to contain the maximum capacity of the largest compartment of a tank car or tank vehicle loaded or unloaded at the facility. Existing tanks shall comply with this subsection within 2 years after November 1, 2019.
93.350 (11)(a)3. & Note	Add	None	3. Existing and new aboveground fiberglass storage tanks shall have certified external tank inspections and certified tank integrity inspections in accordance with FTPI 2007-1. Note: The Department accepts use of the following standard for performing periodic inspections under this subdivision: FTPI 2007-1, Recommended Practice for the In-Service Inspections of Aboveground Atmospheric Fiberglass Reinforced Plastic (FRP) Tanks and Vessels ©, as published by the Fiberglass Tank and Pipe Institute. This standard is available

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			by contacting FTPI at http://www.fiberglasstankandpipe.com .
93.370	Add	None	(2) The emergency electrical shut-off shall be tested annually. Annual testing for UST systems shall be documented on the functionality verification form, TR-WM-139.
93.400 (title)	Add	None	Note: The requirements in this subchapter are general requirements. Under section ATCP 93.020(7)(b), wherever subchapter III prescribes a specific or more detailed requirement regarding the same subject, that subchapter III requirement governs instead of the requirement in this subchapter.
93.400 (5)(b)	Add	None	2. All tank and pipe systems that are installed on or after November 1, 2019, including replacement systems, shall undergo all of the following before the tank and pipe systems are placed into service: a. Pressure testing that shall assure that the tank, pipe and all connections are tight in accordance with PEI RP200 sections 6.6 and 9.6 and chapter 14. b. Pre-operational testing and inspection in accordance with PEI RP200 chapter 14.
93.400 (6) (cm)	Add	None	(cm) If the tank is relocated on the same property, part A of a tank–system service and closure assessment report, form TR-WM-140, shall be completed and submitted to the department for the former location.
93.400 (8)	Amend and add	(8) MAINTENANCE. (a) Tanks. 1. a. All shop–built aboveground steel storage tanks, whether new or existing, shall be maintained and repaired in accordance with STI SP031. b. All repairs or modifications under STI SP031 shall be recorded on the department’s TR–WM–134 form. Note: Form TR–WM–134 –STI SP031 Tank Repair/Modification Summary, is available from the Bureau of Weights and Measures, PO Box 8911, Madison, WI 53708–8911, or at telephone (608) 224–4942, or at https://datcp.wi.gov/Pages/Programs_Services/PetroleumHazStorageTanks.aspx. c. A copy of the completed TR–WM–134 form shall be provided to the tank owner or operator.	(8) MAINTENANCE AND REPAIRS. (a) <i>Tanks.</i> 1. a. All shop–built aboveground steel storage tanks, whether new or existing, shall be maintained and repaired in accordance with STI SP031. b. All repairs or modifications under STI SP031 shall be recorded on the department’s TR–WM–134 form. Note: Form TR–WM–134–STI SP031 Tank Repair/Modification Summary, is available from the Bureau of Weights and Measures, PO Box 8911, Madison, WI 53708–8911, or at telephone (608) 224–4942, or from the Bureau’s Web site at http://datcp.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/Hazardous_Materials_Storage_Tank_Forms/index.aspx . c. A copy of the completed TR–WM–134 form shall be provided to the tank operator.

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		d. The tank owner or operator shall have the completed TR-WM-134 form on site and available for inspection within 30 days after receiving it from the party that performed the repair. 2. Field-erected aboveground storage tanks shall be maintained and repaired in accordance with API 653.	d. The tank operator shall have the completed TR-WM-134 form on site and available for inspection within 30 days after receiving it from the party that performed the repair, except as provided in sub. (11)(b) 2. for unattended sites. 2. Field-erected aboveground storage tanks shall be maintained and repaired in accordance with API 653. (b) <i>Other system components.</i> 1. Repairs to any of the following tank system components shall be recorded on the department's TR-WM-136 form: a. Below-grade components. b. Tank containment and piping sumps. c. Overfill valves and vent whistles. d. Emergency vents. e. Normal vent pressure or vacuum valves and flame arrestors. f. Anti-siphon valves. Note: Form TR-WM-136-STI SP031 Tank System Repair Report, is available from the Bureau of Weights and Measures, PO Box 8911, Madison, WI 53708-8911, or at telephone (608) 224-4942, or from the Bureau's Web site at http://datcp.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/Hazardous_Materials_Storage_Tank_Forms/index.aspx 2. A copy of the completed TR-WM-136 form shall be provided to the tank operator. 3. The tank operator shall have the completed TR-WM-136 form on site and available for inspection within 30 days after receiving it from the party that performed the repair, except as provided in sub. (11)(b) 2. for unattended sites. (c) <i>Testing of repairs.</i> 1. "Interstitial space." Any repair that affects any portion of an interstitial space for an AST system shall include testing of the affected portion in accordance with methods prescribed in s. ATCP 93.500 (6) (b) and (c) and s. ATCP 93.515 (7), or other methods approved by the department, to verify that the containment complies with this chapter before that portion is placed back into service. 2. "Secondary containment sumps." Repair of any secondary containment sumps that are addressed in s. ATCP 93.400 (3) shall include testing in accordance with the methods prescribed in s. ATCP 93.400 (3) (b) before placing the sumps back into service.

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			3. “Overfill prevention equipment.” Repair of overfill prevention equipment shall include testing in accordance with the methods prescribed in s. ATCP 93.410 (12) before placing the equipment back into service. (d) <i>Reporting</i>. Repairs that are recorded under par. (a) 1.b. or (b) 1. because of a leak shall be reported to the department within 15 days of the repair. Note: See sections ATCP 93.230 (8) to (10) for additional facility maintenance requirements.
93.400 (11)(a) 1.	Amend	1. Documentation of any system repairs, alterations or upgrades— including software and hardware upgrades — and any inspections required under this chapter.	1. Documentation of any system repairs, alterations or upgrades— including software and hardware upgrades — and any inspections or testing required under this chapter.
93.400 (11)(a) 10.	Add	None	10. Documentation of compliance with the compatibility requirements in s. ATCP 93.680 (3)(c)1. Or (6)(c)1., if the ethanol or biodiesel blends addressed therein are stored or dispensed.
93.400 (11) (c) 8. And 9.	Amend	8. Any tank or pipe system modification or repair — the life of the system. 9. Inspection records — 3 years or the interval between required inspections, whichever is longer.	8. Any tank or pipe system modification or repair — the operational life of the system. 9. Inspection or testing records — 3 years or the interval between required inspections or testing, whichever is longer.
93.400 (11) (c) 13.	Add	None	13. Equipment or component compatibility for ethanol or biodiesel blends under s. ATCP 93.680 (3)(c)1. or (6)(c)1.—the operational life of the equipment or component.
93.410 (1)	Add	None	ATCP 93.410 Spill and overfill prevention. (1) (a) All aboveground storage tanks, whether new or existing, shall have a means of overfill prevention which consists of either a visual gauge, an audible or visual alarm, or a pump shut-down that activates at 90 percent of the tank’s capacity, and which complies with any other applicable requirements in this section.
93.410 (6)(d) 2. Note.	Add	None	Note: The “controls” referred to in this subdivision may be something other than a mechanical device. In other words, they are anything that will reliably prevent a loss of product at the fill point from reaching the environment.

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93.410 (7)	Amend	(7) Tanks that are filled via hand-held nozzles shall be constantly attended during product delivery and shall be provided with a vent whistle or with other overfill prevention equipment which provides a visual signal at 90 percent of the tank's capacity	(7) Aboveground tanks that are filled via hand-held nozzles shall be constantly attended during product delivery and shall be provided with overfill prevention equipment which notifies the person filling the tank, with either an audible or a visual signal that the liquid level has reached 90 percent of the tank's capacity.
93.410 (9)	Add and amend	(9) (a) The following new and existing tanks that have a fill point not located within a diked area shall be provided with overfill prevention equipment which notifies the person filling the tank, with both an audible and a visual signal, that the liquid level has reached 90 percent of the tank's capacity, and which automatically shuts off flow when the quantity of liquid in the tank reaches 95 percent of the tank's capacity: 1. Tanks using tight-connect delivery. 2. Tanks located remote from the fill point, that use delivery nozzles with latch-open devices. (b) Existing tank systems shall comply with this subsection within 2 years after August 1, 2009.	(9) (a) Any of the following new aboveground double-wall tanks storing Class IIIB products shall be provided with overfill prevention equipment which notifies the person filling the tank, with both an audible and a visual signal, that the liquid level has reached 90 percent of the tank's capacity: 1. Tanks using tight-connect delivery 2. Tanks located remote from the fill point. (b) Any of the following existing aboveground double-wall tanks storing Class IIIB products shall be provide with overfill prevention equipment which notifies the person filling the tank, with both an audible and a visual signal, that the liquid level has reached 90 percent of the tank's capacity: 1. Tanks using tight-connect delivery 2. Tanks located remote from the fill point that use delivery nozzles with latch-open devices. (10) (a) Any of the following double-wall aboveground tanks that are installed on or after November 1, 2019, shall be provided with overfill prevention equipment which notifies the person filling the tank, with both an audible and a visual signal, that the liquid level has reached 90 percent of the tank's capacity, and which automatically shuts off flow when the quantity of liquid in the tank reaches 95 percent of the tank's capacity, except this requirement does not apply to the tanks addressed in sub. (9)(a): 1. Tanks using tight-connect delivery. 2. Tanks located remote from the fill point that use delivery nozzles with latch-open devices. (b) Any of the following existing aboveground double-wall tanks shall be provided with overfill prevention equipment which notifies the person filling the tank, with both an audible and a visual signal, that the liquid level has reached 90 percent of the

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			tank's capacity, and which automatically shuts off flow when the quantity of liquid in the tank reaches 95 percent of the tank's capacity, except this requirement does not apply to the tanks addressed in sub.(9)(b): 1. Tanks using tight-connect delivery. 2. Tanks located remote from the fill point that use delivery nozzles with latch-open devices. (11) Any single-wall aboveground tank which is not addressed in subch. III and which either is existing by November 1, 2019, or is installed on or after that date shall be provided with overfill prevention equipment which notifies the person filling the tank, with both an audible and a visual signal, that the liquid level has reached 90 percent of the tank's capacity. (12) Overfill prevention equipment shall be tested before it is placed into service to ensure it is set to activate at the levels specified in this section and that it will activate when the contained liquid reaches those levels. This testing shall be performed in accordance with one of the following: (a) Requirements developed by the manufacturer, if the manufacturer has developed testing requirements. (b) An approved standard developed by a nationally recognized association or independent testing laboratory. (c) Requirements determined by the department to be no less protective of human health and the environment than the requirements listed in this subsection.
93.420 (2)(e) 3.	Add	None	3. All piping shall be routed over the top of the dike wall.
93.420 (2)(f) 4.	Add	None	4. All new or replacement piping shall be routed over the top of the dike wall.
93.420 (2) (g)	Amend	(g) Installation of synthetic liners. Synthetic liners shall be installed under the direct supervision of a qualified representative of the manufacturer.	(g) <i>Approval and installation of synthetic liners.</i> Synthetic liners shall be approved in accordance with s. ATCP 93.130 and installed under the direct supervision of a qualified representative of the manufacturer
93.420 (2) (n)	Add	None	(n) <i>Dike maintenance.</i> Dikes shall be maintained in accordance with API 2610.

ATCP	Change	Old Language	New Language
93.420 (3)(c) and (d)	Add	None	(c) For electronic interstitial monitoring, the sensor shall be of a normally-closed type. (d) Interstitial leak detection devices shall be tested for operability and functionality at installation.
93.440 (4) (b)	Amend	(b) Inspection records shall be maintained at the site and available for review by the authorized agent or the department upon request.	(b) HIR FTV RP 2007, <i>In-service Inspection of Aboveground Atmospheric Fiberglass Reinforced Plastic Tanks and Vessels</i> , may be used as an alternative to the sub. (4) (a) requirements for fiberglass reinforced plastic tanks.
93.440 (6)	Delete	(6) SUBMITTAL OF INSPECTION RECORDS. (a) For all tanks within a new or existing dike system that has walls or floor made of earth or masonry, all inspections required by API 653 or STI SP001 section 1.6 shall be documented as required or recommended by those standards. Each of these inspection records shall be submitted to the department no later than 1 month after the inspection, except as specified in par. (b). (b) For all tanks within an existing dike system that has walls or floor made of earth or masonry, a record of the most recent inspection shall be submitted to the department no later than 6 months after February 1, 2009, and records of subsequent inspections shall be submitted to the department no later than 1 month after each inspection.	None
93.445 (2)(c)	Amend and add	(c) Tank systems out of service for more than 365 days shall have a pressure test of the ullage portion to assure that tank connections are tight before the tanks are placed back into service.	(c) 1. Tank systems out of service for more than 365 days shall pass a tightness test of the tank ullage portion in accordance with s. ATCP 93.515 (10), to assure that tank connections are liquid- and vapor-tight before the tanks are placed back into service. 2. Field-erected tank systems out of service for more than 365 days shall be evaluated for suitability for service in accordance with API 653, to assure that tank connections are liquid- and vapor-tight before the tanks are placed back into service. 3. Underground product piping out of service for more than 365 days shall pass a tightness test in accordance with s. ATCP 93.515 (4).
93.460 (1m)	Add	None	(1m) TANK REMOVAL. Tanks shall be removed from the site within one year of closure.

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93.500 (1)	Amend and add	(b) Exceptions. This section does not apply to any of the following: 1. Any farm or residential underground storage tank system which has a capacity of less than 1,100 gallons and which is used for storing motor fuel for noncommercial purposes. 2. Any underground storage tank system which has a capacity of less than 4,000 gallons and which is used for storing heating oil for consumptive use on the premises where stored. 3. Piping of safe suction systems, that is installed before August 1, 2009. 4. A pipe manifold connecting 2 or more tanks, that is installed before August 1, 2009. 5. Airport fuel hydrant systems.	(b) <i>Exceptions</i>. This subsection and sub. (5) do not apply to any of the following: 1. Any farm or residential underground storage tank system which has a capacity of less than 1,100 gallons and which is used for storing motor fuel for noncommercial purposes. 2. Any underground storage tank system which has a capacity of less than 4,000 gallons and which is used for storing heating oil for consumptive use on the premises where stored. 3. Airport fuel hydrant systems. (c) <i>Electronic interstitial monitoring</i>. 1. Electronic interstitial monitoring installed in new tank or pipe systems after November 1, 2019, shall have the ability to generate a printed status report and alarm history report, except as provided in subd. 2. 2. Subdivision 1. does not apply to any interstitial monitoring device for piping that automatically shuts down product flow when liquid is detected inside the secondary-containment space.
93.500 (2)	Amend	(2) FLEXIBLE CONNECTIONS. Flexible piping approved under s. ATCP 93.130 or listed metallic flex connectors shall be used in all of the following locations: (a) At the top of the tank. (b) Between the tank and the vent pipe. (c) Below the dispenser. (d) In fiberglass pipe, where there are sections less than 4 feet long between turns.	(2) FLEXIBLE CONNECTIONS. Flexible piping approved under s. ATCP 93.130 or listed metallic flex connectors shall be used in all of the following locations: (a) At the top of the tank. (b) Below the dispenser. (c) Any other locations recommended by the manufacturer.
93.500 (5)(a) 2. c.	Add	None	c. Secondary containment is not required for pedestal-type suction pumps with a vertical riser that is readily visible and is located directly above the riser connection to the tank.
93.500 (5)(f) 1.	Amend	(f) 1. Secondary containment sumps provided under this subsection shall have non-discriminating electronic sensors that will detect liquids in the sump, unless approved otherwise by the department.	(f) 1. Secondary containment sumps provided under this subsection shall have non-discriminating electronic sensors to detect liquids located in the lowest collection point of the sump, unless approved otherwise by the department.
93.500 (6)(a) 3.	Add	None	3. Tank and pipe interstitial leak detection equipment shall be tested for operability and functionality at installation.

ATCP	Change	Old Language	New Language
93.500 (6) (b)	Amend and add	(b) Tanks. 1. Tanks shall have an air pressure and soap test performed after unloading. 2. a. All new tanks and pipe systems shall have pressure or vacuum testing that shall assure that the tank, pipe and all connections are tight in accordance with NFPA 30 section 21.5 and PEI RP100 sections 11 and 14 before the tanks and pipe systems are placed into service. Note: For further guidance, see the program letter at the following Web site: https://datcp.wi.gov/Pages/Programs_Services/PetroleumHazStorageTanks.aspx. b. If a volumetric tank integrity test is used, it shall be capable of detecting a release of 0.1 gallon per hour from any portion of the tank when the tank is at least 70 percent full of product, shall be approved in accordance with s. ATCP 93.130, and shall be conducted in accordance with the approval. In addition, a precision tightness test shall be performed on the ullage portion of the tank. Note: Volumetric tests approved under section ATCP 93.130 at 90 percent capacity are acceptable under this section at 70 percent capacity in combination with the ullage test. c. If a non-volumetric tank integrity test is used, it shall be capable of detecting a release of 0.1 gallon per hour from any portion of the tank at any product level. d. The volumetric or non-volumetric tests performed under this section shall be conducted by a certified tank system tightness tester.	(b) <i>Tanks</i>. 1. Tanks shall have an air pressure and soap test performed after unloading. 2. a. All new and replacement tanks and pipe systems shall pass a pre-operational pressure or vacuum testing that assure that the tank, pipe and all connections are tight in accordance with NFPA 30 section 21.5 and PEI RP100 chapters 11 and 14 before the tanks and pipe systems are placed into service. am. Pre-operational testing shall be recorded on the department's pre-operational test form (TR-WM-155) and shall be maintained onsite in accordance with sub. (9) (a). b. If a volumetric tank integrity test is used, it shall be capable of detecting a leak of 0.1 gallon per hour from any portion of the tank when the tank is at least 70 percent full of product, shall be approved in accordance with s. ATCP 93.130, and shall be performed in accordance with the approval. In addition, a tightness test shall be performed on the ullage portion of the tank in accordance with s. ATCP 93.515 (10). Note: Volumetric tests approved under section ATCP 93.130 at 95 percent capacity are acceptable under this section at 70 percent capacity in combination with the ullage test. c. If a non-volumetric tank integrity test is used, it shall be capable of detecting a leak of 0.1 gallon per hour from any portion of the tank at any product level. d. The volumetric or non-volumetric tests performed under this section shall be conducted by a certified tank system tightness tester. An automatic tank gauge cannot be used to perform the volumetric or non-volumetric test requirement under this paragraph.
93.500 (6) (b) 4.	Add	None	4. Tanks may be ballasted during installation with either clean potable water or the regulated liquid that will be stored in the tank. a. If ballasted with the regulated liquid, all of the following shall be required: interstitial monitoring either by electronic sensor or weekly visual reading of interstitial vacuum gauge with vacuum gauge readings kept in a written log at the installation site; vent risers installed at the appropriate height for class of product; drop tube with automatic

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			shutoff at 95%; and spill containment installed at the fill. b. Tanks ballasted under this paragraph shall have a fully functional electronic interstitial monitoring system installed prior to operation.
93.500 (6) (d)	Amend and add	(d) Sumps. 1. Secondary containment sumps shall be fabricated and installed in a manner that prevents release of liquids. These sumps shall be tested for leaks hydrostatically at installation, to the levels specified in subds. 2. to 4., in accordance with the manufacturer's instructions and the requirements of this chapter, for a period of not less than 60 minutes. 2. To no less than 1 inch over the top of the highest penetration. 3. To no less than 1 inch over the top of any horizontal joint between wall sections. 4. To no lower than the top of any vertical joint.	(d) <i>Sumps</i>. 1. Secondary containment sumps shall be fabricated and installed in a manner that prevents release of liquids. These sumps shall be tested for leaks hydrostatically at installation, , in accordance with the manufacturer's instructions and the adopted standard PEI RP 1200, except as provided in subd. 2.. 2. The testing may be omitted for a sump that has continuous electronic pressure, vacuum, or liquid-filled interstitial monitoring in addition to double-wall construction, if the monitoring system is tested at installation to verify that it operates in accordance with the manufacturer's specifications.
93.500 (7)	Amend and add	(7) REPAIRS. (a) General. Owners and operators of tank systems shall ensure that repairs will prevent releases due to structural failure or corrosion as long as the tank system is used to store regulated substances. (b) Standards. Repairs to tank systems shall be made by the manufacturer's authorized representative or in accordance with a code of practice developed by a nationally recognized association or an independent testing laboratory that is acceptable to the department. (c) Pipe repair and replacement. Metal pipe and fittings that have released product as a result of corrosion or other damage shall be replaced. Fiberglass pipe and fittings that have released product shall be replaced or repaired in accordance with the manufacturer's specifications. (d) Tank-system site assessment. When repairs are made to piping or fittings that have released product to the environment, an assessment of the piping run, to identify points of release, shall be performed in accordance with ss. ATCP 93.575 to 93.585. (e) Precision tightness testing. Repaired tanks and piping shall have	(7) REPAIRS. (a) <i>General</i>. Owners and operators of underground tank systems shall ensure that repairs will prevent releases due to structural failure or corrosion as long as the tank system is used to store regulated substances. (b) <i>Standards</i>. Repairs to underground tank systems shall be made by the manufacturer's authorized representative or in accordance with a standard developed by a nationally recognized association or an independent testing laboratory that is acceptable to the department. Note: The Department accepts use of the following standards in performing repairs under this paragraph, in addition to the applicable codes and standards adopted in section ATCP 93.200: National Leak Prevention Association: NLPA Standard 631. This standard is available from NLPA at http://www.nlpa-online.org/standards.html. Fiberglass Tank and Pipe Institute: Recommended Practice T-95-02, <i>Remanufacturing of Fiberglass Reinforced Plastic (FRP) Underground Storage Tanks</i>. This standard is available by contacting FTPI at http://www.fiberglasstankandpipe.com.

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		precision tightness testing in accordance with s. ATCP 93.515 (4) before being placed back into service.	(c) <i>Tank, pipe, containment, or fitting repair and replacement.</i> 1. Metal tanks, pipe and fittings that have released product as a result of corrosion or other damage shall be replaced. Non-corrodible pipe and fittings that have released product shall be replaced or repaired in accordance with the manufacturer's specifications. Damaged spill basins and containment sumps shall be replaced or repaired in accordance with the manufacturer's specifications using a manufacturer-designed replacement insert or a complete factory-built, field-installed repair kit. Containment sump penetration boots shall be replaced or repaired in accordance with either manufacturer specifications or by other methods approved by the department. 2. Replacement flex connectors shall be placed within a containment sump so that it contains the entire flex connector for future accessibility and replacement. (d) <i>Tank-system site assessment.</i> When repairs are made to piping or fittings that have released product to the environment, an assessment of the piping run, to identify points of release, shall be performed in accordance with ss. ATCP 93.575 to 93.585. (e) <i>Precision tightness testing.</i> Repaired tanks and piping shall have precision tightness testing in accordance with s. ATCP 93.515 (4) before being placed back into service. (f) <i>Ullage portion.</i> Any repair that affects the ullage portion of a tank shall include a tightness test of the ullage portion in accordance with s. ATCP 93.515 (10) before the tank is placed back in service. (g) <i>Interstitial space.</i> Any repair that affects any portion of secondary containment for a UST system shall include testing of the affected portion in accordance with the methods prescribed in sub. (6)(b), (c), and (d) and s. ATCP 93.515(7) to verify that the containment complies with this chapter before that portion is placed back into service. (h) <i>Spill containment equipment.</i> Repaired spill containment equipment shall be tested in accordance with the methods prescribed in s. ATCP 93.505 (2)(a) 3. before it is placed back into service. (i) <i>Containment sumps.</i> Any repair that affects any portion of containment sump for a UST system shall include testing of the affected portion in accordance with the

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			methods prescribed in sub. (6)(d) to verify that the containment complies with this chapter before that portion is placed back into service. (j) <i>Overfill prevention equipment.</i> Repaired overfill containment equipment shall be tested in accordance with the methods prescribed in s. ATCP 93.505 (2)(b) 2. before it is placed back into service. (k) <i>Records and reporting.</i> 1. Any repair to below-grade tank system components below the top of a shear valve, or to leak detection equipment that affects the capability of the leak detection system to detect a leak shall be recorded on the department's TR-WM-136 form. Note: Form TR-WM-136–STI SP031 Tank System Repair Report is available from the Bureau of Weights and Measures, PO Box 8911, Madison, WI 53708–8911, or at telephone (608) 224–4942, or from the Bureau's Web site at http://datcp.wi.gov/uploads/Consumer/pdf/10901RepairReport.pdf. 2. A copy of the completed TR-WM-136 form shall be provided to the tank system operator. 3. The tank system operator shall have the completed TR-WM-136 form on site and available for inspection within 30 days after receiving it from the party that performed the repair, except as provided in sub. (9)(b) 2. for unattended sites. 4. Repairs that are recorded under subd. 1. because they affect the capability of the leak detection equipment to detect a leak shall be reported to the department within 15 days of the repair.
93.500 (8)	Amend and add	(8) INSPECTION AND MAINTENANCE OF UST SYSTEMS. Operators of new and existing UST systems shall conduct routine and periodic inspection and maintenance in accordance with the applicable sections of PEI RP900.	(8) INSPECTION, MAINTENANCE, AND PERIODIC TESTING OF UST SYSTEMS. (a) Operators of new and existing UST systems shall conduct routine and periodic inspection and maintenance in accordance with the applicable sections of PEI RP900, except that Section 6, Daily UST Inspection Checklist items may be performed at least monthly rather than daily. (b) Any secondary containment sump: 1. With a tear, crack, or hole shall be either repaired with department-approved methods to be liquid-tight or replaced with

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			equipment meeting the criteria for new secondary containment. 2. That is repaired under par. (b) and subsequently becomes no longer liquid-tight shall then be replaced with equipment meeting the criteria for new secondary containment. Note: The one-time-repair limit in this section does not apply to connection boots or clamps. This section is directed instead at patches to the wall or floor of a sump, because these patches commonly have failed by delaminating. 3. That may have released product to the environment is repaired or replaced under sub (b) or when an initial sump is installed for preexisting piping on or after November 1, 2019, an assessment shall be performed in accordance with ss. ATCP 93.580 to 93.585. Note: See section ATCP 93.605 (1)(g) for maintenance requirements relating to water levels in storage tanks for motor fuel dispensing facilities. Note: See sections ATCP 93.230 (8) to (10) for additional facility maintenance requirements.
93.500 (9) (a) 1.	Amend	(9) RECORD KEEPING. (a) General. Operators of new and existing underground storage tank systems shall maintain all of the following records: 1. Documentation of any system repairs, alterations or upgrades, including software and hardware upgrades, and any inspections required under this chapter.	(9) RECORD KEEPING. (a) <i>General.</i> Operators of new and existing underground storage tank systems shall maintain all of the following records: 1. Documentation of any system repairs, alterations or upgrades, including software and hardware upgrades, and any inspections required under this chapter. These inspections include any precision tightness testing, ullage testing, or other testing that is required for determining whether a tank-system component is liquid-tight or otherwise complying with this chapter. Note: For examples of this testing, see the testing for spill-containment basins in section ATCP 93.505 (3)(b) 1., and the tightness testing described in the Note under ATCP 93.510(1)(e).
93.500 (9) (a) 11.	Add	None	11. Documentation of compliance with the compatibility requirements in s. ATCP 93.680(3)(c)1. or (6)(c) 1., as applicable to the ethanol or biodiesel blend.

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93.500 (9) (c) 15. And 16.	Amend and add	15. One set of stamped, approved plans and specifications and a copy of the approval letter — the life of the system.	15. One set of stamped, approved plans and specifications and a copy of the approval letter — the operational life of the system. 16. Equipment or component compatibility for ethanol or biodiesel blends under s. ATCP 93.680 (3)(c)1. or (6)(c)1.—the operational life of the equipment or component.
93.505	Amend	ATCP 93.505 Spill and overfill prevention. (1) GENERAL. (a) Prior to delivery, the operator of the fuel delivery equipment that is transferring the product shall ensure that the volume available in the tank is greater than the volume of product to be transferred to the tank. (b) The transfer operation shall be monitored constantly by the operator of the delivery equipment so as to prevent overfilling and spilling. (2) EQUIPMENT. All underground storage tank systems, whether new or existing, shall meet all of the following requirements: (a) 1. A liquid-tight containment system with a minimum capacity of 5 gallons shall be provided on top of the tank where connections are made for product fill piping, except the 5-gallon minimum does not apply to containment that was installed before February 1, 2009. 2. The basin shall be equipped with either a drain system that directs spilled product into the tank, or a mechanism to pump product out of the basin. (b) Storage tank overfill prevention equipment shall be provided that complies with NFPA 30 section 21.7.1.5 and PEI RP100 chapter 7. Existing tank systems shall comply with this paragraph within 2 years after February 1, 2009. Note: NFPA 30 section 21.7.1.5 requires equipment that will (1) automatically shut off the flow into a tank when the tank is no more than 95 percent full; and (2) alert the transfer operator when the tank is no more than 90 percent full, by restricting the flow into the tank or triggering a high-level alarm. Retrofit equipment is available which complies with these requirements and which can be installed in a tank without removing	ATCP 93.505 Spill and overfill prevention. (1) GENERAL. (a) Prior to delivery, the operator of the fuel delivery equipment that is transferring the product shall ensure that the volume available in the tank is greater than the volume of product to be transferred to the tank. (b) The transfer operation shall be monitored constantly by the operator of the delivery equipment so as to prevent overfilling and spilling. (2) EQUIPMENT. All underground storage tank systems, whether new or existing, shall meet all of the following requirements except par. (a) 1.a. does not apply to containment that was installed before February 1, 2009, and pars. (a) 3. do not apply to containment that was installed before November 1, 2019: (a) <i>Spill prevention.</i> A liquid-tight containment basin that meets all of the following requirements shall be provided on top of the tank, where communications are made for product fill piping: . 1. a. The basin shall have a capacity of at least five gallons. b. The basin shall be fabricated and installed in a manner that prevents release of liquids. 2. The basin shall be equipped with either a drain system that directs spilled product into the tank, or a mechanism to pump product out of the basin. 3. a. The basin shall be tested for leaks hydrostatically at installation in accordance with any manufacturer's instructions, and the adopted standard PEI RP 1200, except as provided in this subd. 3. b. b. The testing in this subd. 3. a. may be omitted for a spill containment basin that has continuous electronic pressure, vacuum, liquid-filled interstitial monitoring in addition to double-wall construction, if the monitoring

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		pavement. See PEI RP100 section 7.3.2 for description of how the contents of the delivery hose can be drained into the tank after an automatic shut-off valve closes. (3) MAINTENANCE. All new and existing spill and overfill protection shall be maintained to perform as originally intended. Note: Under section ATCP 93.585 (2) (b), fuel-delivery persons must immediately inform the owner or operator of any spilling or overfilling which occurs during the delivery procedure and which may result in or be a release. Requirements for the owner or operator to report, investigate and clean up any spills and overfills are contained in sections ATCP 93.575 to 93.585.	system is tested at installation to verify that it operates in accordance with the manufacturer's specifications. (b) <i>Overfill prevention</i>. 1. Overfill prevention equipment shall be provided that will operate as follows unless approved otherwise in writing by the department: a. Alert the transfer operator when the tank is no more than 90 percent full by triggering an audible and visual high-level alarm. b. Automatically shut off the flow of liquid into the tank when the tank is no more than 95 percent full, if the tank uses tight-connect delivery. Note: Retrofit equipment is available which complies with these requirements and which can be installed in a tank without removing pavement. See PEI RP100 section 7.3.2 for description of how the contents of the delivery hose can be drained into the tank after an automatic shut-off valve closes. 2. Overfill prevention equipment shall be tested before it is placed into service and annually to ensure it is set to activate at the level specified in subd. 1. and that it will activate when the contained liquid reaches that level. This testing shall be performed in accordance with manufacturer's instructions and the adopted standard PEI RP 1200. Note: API RP 1007, <i>Loading and Unloading of MC 306/DOT 406 Cargo Tank Motor Vehicles</i>, is a guideline for use by truck drivers and other personnel that includes specific steps for unloading tank trucks into underground and aboveground tanks in a safe and efficient manner which protects the environment. It is available at http://publications.api.org. (3) MAINTENANCE. (a) All new and existing spill and overfill protection shall be maintained to perform as originally intended. Note: Under section ATCP 93.585 (2) (b), fuel-delivery persons must immediately inform the owner or operator of any spilling or overfilling which occurs during the delivery procedure and which may result in or be a release. Requirements for the owner or operator to report, investigate and clean up any spills and overfills are contained in sections ATCP 93.575 to 93.585. History: CR 07-029; cr. Register November 2008 No. 635, eff. 2-1-09; CR

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			09–017: am. (2) (a) 2. Register July 2009 No. 643, eff. 8–1–09. (b) 1. All new or existing spill-containment basins shall be tested for leaks at least once every 3 years in accordance with one of the following methods: a. Methods prescribed in sub. (6)(d). b. A code of practice developed by a nationally recognized association or independent testing laboratory. c. Another method approved by the department. 2. The testing in subd. 1. may be omitted for a spill containment basin that has continuous electronic pressure, vacuum, liquid-filled interstitial monitoring in addition to double-wall construction, if the monitoring system is tested at installation to verify that it operates in accordance with the manufacturer's specifications. 3. Spill-containment basin tightness testing shall be performed by a person with no personal or monetary interest in the facility and whose employer has no personal or monetary interest in the facility. 4. Any spill-containment basin with a tear, crack, or hole shall be replaced with equipment meeting the criteria for new spill containment. 5. When a spill-containment basin replaced under subd. 2. has an obvious or suspected release or when an initial basin is installed on a preexisting tank on or after November 1, 2019, an assessment shall be performed in accordance with ss. ATCP 93.580 to 93.585.
93.510 (1) (e) Note.	Add	None	Note: This section primarily addresses the leak detection that is required on a routine, ongoing basis during normal operation of an underground storage tank system. Several other sections of this chapter require additional UST leakage or tightness testing.
93.510 (2) Title.	Amend	(2) ANNUAL CALIBRATION VERIFICATION.	(2) ANNUAL EQUIPMENT VERIFICATION
93.510 (2) (a) 5.	Add	None	5. Overfill prevention equipment automatic high-level alarm at 90% tank capacity and automatic overfill prevention shut off device at 95% capacity. The automatic overfill prevention device does not have to be removed from the tank if designed to be tested in place by the manufacturer and the manufacturer provides a test procedure that

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			includes verification of operation and shut off level at 95% tank capacity.
93.515 (3)(a) 2. a.	Amend	a. The tank system has a precision tightness test performed in accordance with sub. (4) at least once every 5 years.	a. The tank system has a precision tightness test performed in accordance with sub. (4) at least once every 5 years from the date of installation until the tank is ten years old.
93.515 (4)	Add	None	(c) Precision tightness testing of double-wall underground product piping shall include testing of both the inner and outer wall. (d) Precision tightness testing shall be recorded on the department's tank precision tightness testing form (TR-WM-152) or line precision testing form (TR-WM-125) as applicable and shall be maintained onsite in accordance with s. ATCP 93.500 (9) (a). Alternative forms may be used with the permission of the department.
93.515 (5) (b) 4., Note, and 93.515 (5)(c)	Amend and add	3. An automatic tank gauge shall be placed in the center of the tank and no closer than 24 inches from the fill pipe and the submersible pump, unless approved otherwise by the department. (b) Automatic tank gauges shall be provided with a printer that provides at least all of the following information: 1. The starting date and time and ending date and time of the test. 2. The volume of liquid in the tank during the test. 3. The measured leak rate in gallons per hour and whether this leak rate indicates a pass or a fail. 4. The specific identification of the tank and any associated piping that is being tested.	3. An automatic tank gauge shall be placed in the center of the tank and no closer than 12 inches from the fill pipe and the submersible pump, unless approved otherwise by the department. (b) Automatic tank gauges shall be provided with a printer that provides at least all of the following information: 1. The starting date and time and ending date and time of the test. 2. The volume of liquid in the tank during the test. 3. The measured leak rate in gallons per hour and whether this leak rate indicates a pass or a fail. 4. The specific identification of the tank, associated piping, or sumps used for interstitial monitoring that are being tested. Note: See section ATCP 93.130 (3)(b) 1. for approval requirements for automatic tank gauges. (c) Automatic tank gauges shall be programmed to provide an audible and visual alarm in the event of a tank or line test failure, a periodic monthly tank or line test not performed within a 30-day interval, or a tank or line interstitial sensor actuation. Manual operator action shall be needed to silence the alarm.

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93.515 (6)	Amend	(6) STATISTICAL INVENTORY RECONCILIATION. (a) Operators using statistical inventory reconciliation (SIR) as the primary method of leak detection shall have in effect a process to submit their data to the vendor within 4 business days of the end of the monthly reporting period. (b) The daily tank product inventory records shall be maintained current and be maintained on site. (c) The SIR vendor shall analyze the data and supply a summary report to the operator on a monthly basis. (d) The SIR vendor shall return the summary report to the submitter within 10 business days after the postmark on the submittal. (e) Operators using statistical inventory reconciliation shall review the vendor summary report within 24 hours of receipt. If the summary report indicates a failure, the operator shall take immediate action in accordance with the requirements in ss. ATCP 93.575 to 93.585 for assessing and responding to a release. (f) Operators who receive summary reports that indicate either a failure or inconclusive results, or 1 of each, for 2 out of any 3 consecutive months shall have a precision tightness test performed on the tank system within 7 calendar days of receipt of the report. (g) Statistical inventory reconciliation may not be used as a method of precision tightness testing. (h) Before changing from another method of leak detection to statistical inventory reconciliation, the operator shall provide the department with proof of a precision tightness test completed within the previous 12 months showing the tank system to be tight.	(6) STATISTICAL INVENTORY RECONCILIATION (a) Leak detection methods based on the application of statistical principles to inventory data shall meet the requirements of 40 CFR §280.43(h) including: 1. Report a quantitative result with a calculated leak rate; 2. Be capable of detecting a leak rate of 0.2 gallon per hour or a release of 150 gallons within 30 days; and 3. Use a threshold that does not exceed one-half the minimum detectible leak rate. (b) Tank systems or portions of tank systems using statistical inventory reconciliation as the primary method of leak detection shall be monitored and evaluated for leaks at least every 30 days with a conclusive result of pass or fail within the 30-day monitoring period. (c) The daily tank system product inventory records shall be kept current and shall be maintained on site. (d) Tank product level measurements shall be recorded using an electronic inventory probe or an automatic tank gauge. (e) The operator shall have an effective process to submit their data to the vendor according to the vendor requirements for producing an evaluation report within the 30-day monitoring period. (f) The statistical inventory reconciliation vendor shall analyze the data and supply an evaluation report to the operator within the 30-day monitoring period. (g) If the result of the 30-day monitoring period is inconclusive or missing, another method of leak detection shall be used to determine a conclusive pass or fail for that monitoring period. (h) If during the initial 30-day monitoring period, a conclusive result has not been obtained, another method of leak detection shall be used to determine a conclusive pass or fail for that monitoring period.(i) Operators using statistical inventory reconciliation shall review the vendor summary report within 24 hours of receipt. If the summary report indicates a failure, the operator shall take immediate action in accordance with the requirements in ss. ATCP 93.575 to 93.585 for assessing and responding to a leak or release.

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			(j) Statistical inventory reconciliation may not be used as a method of precision tightness testing. (L) Before changing from another method of leak detection to statistical inventory reconciliation, the operator shall provide the department with proof that precision testing was performed in accordance with sub. (4) within the previous 12 months, showing the tank system to be liquid-tight.
93.515 (7) (b)	Amend	(b) Double-walled systems. For double-walled systems, the sampling or testing method shall be capable of detecting a leak through the inner wall in any portion of the tank that routinely contains product.	(b) <i>Double-walled systems</i> . For double-walled systems, the sampling or testing method shall be capable of detecting a leak through the inner or outer wall in any portion of the tank or piping that routinely contains product.
93.515 (8) (b)	Add	None	2. New or replacement automatic electronic line leak detection shall be provided with a printer that provides at least all of the following information: a. The date and time of the test. b. The measured leak rate in gallons per hour and whether this leak rate indicates a pass or a fail. c. The specific identification of the associated piping or sumps used for interstitial monitoring that are being tested. 3. Automatic electronic line leak detection shall be programmed to provide an audible and visual alarm in the event of a line test failure or if a periodic monthly line test is not performed within a 30-day interval. Manual operator action shall be needed to silence the alarm. 4. Any of the methods in sub. (7) may be used in lieu of complying with subd. 1. if they are designed and approved under s. ATCP 93.130 to detect a leak from any portion of the underground piping that routinely contains product.
93.515 (8) (d)	Add	None	(d) <i>Interstitial sensors</i> . Sensors used for interstitial line monitoring shall be programmed to provide an audible or visual alarm. Manual operator action shall be needed to silence the alarm. The operator shall respond to the alarm within 30 minutes
93.515 (8) (e) 5.	Add	None	5. Annual functionality verification shall be recorded on the department's electronic-mechanical line leak detector annual

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			functionality form, TR-WM-123 and shall be maintained onsite in accordance with s. ATCP 93.500 (9) (a) .
93.515 (10) and 93.515 (11)	Add	None	(10) ULLAGE TESTING. Tightness testing of the ullage portion shall be performed in one of the following ways: (a) As specified in NFPA 30 section 21.5, by or under the direct supervision of a certified installer or tank system tightness tester. (b) By or under the direct supervision of a certified tank system tightness tester, with leak detection equipment and methods as approved under s. ATCP 93.130 that measure the tightness of the ullage portion. (11) ORDERED CONVERSION OF LEAK DETECTION METHODOLOGY. (a) The authorized agent or the department may order an operator, in writing, to terminate the use of a leak detection method and convert to an approved electronic methodology with history-generation capabilities for any of the following reasons: 1. The operator has a history of failing to perform monthly leak detection for a total of six months or more during a twenty-four month period, or for three consecutive months. 2. Statistical inventory reconciliation reports reflect “pass” for a total of six months or more during the preceding twenty-four months, or for three consecutive months, and the data points are not consistent with the material approval criteria in s. ATCP 93.130. 3. The operator fails to review monthly leak-detection reports on an approved basis. 4. The operator enters data into an inventory record that is not supported by actual probe-generated data. (b) The operator shall complete a conversion under par. (a) within 30 days of the date of the order or as determined by the department. Daily inventory verification as specified in s. ATCP 93.503(2) is acceptable as a temporary monthly leak detection method during the conversion period. Note: Failure to provide monthly leak detection in accordance with this subsection beyond the 30-day period or compliance date as determined by the department may result in immediate shutdown under section ATCP 93.115(3)(a) 2.

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93.517	Amend	ATCP 93.517 Airport hydrant leak detection requirements. (1) GENERAL. All new and existing airport fuel hydrant systems shall comply with this section. (2) LEAK DETECTION PLANS. All fuel hydrant systems shall have a leak detection plan that is specifically approved by the department in accordance with s. ATCP 93.130. (3) PLAN DEADLINES. (a) For new fuel hydrant systems, leak detection plans shall be submitted to the department before the system becomes operational. (b) For existing fuel hydrant systems, leak detection plans shall be submitted to the department within 10 years after February 1, 2009. (4) PLAN REQUIREMENTS. Fuel hydrant leak detection plans shall include all of the following: (a) A description of the fuel hydrant system. (b) A description of the leak detection method used. Note: A designer of an airport hydrant leak detection system who does not have a financial interest in the airport may be considered to be the independent third party that is required in section ATCP 93.130 (3) (b) 1. for leak detection methods. (c) A schedule for testing the system. (d) Any limitations of the leak detection method. (e) An action plan in the event a leak is identified. (5) SYSTEM REQUIREMENTS. (a) All new fuel hydrant systems shall be designed and equipped with isolation valves appropriate for leak testing. (b) Any repair or upgrade to an existing fuel hydrant system shall include the installation of isolation valves in the section that is repaired or upgraded. (c) Existing fuel hydrant systems shall have isolation valves for leak testing installed within 10 years after February 1, 2009.	ATCP 93.517 Airport hydrant system requirements. (1) GENERAL. (a) Airport hydrant system installations shall comply with release reporting, response and investigation, closure, financial responsibility and notification requirements in accordance with this section. (b) New installations shall meet the plan review requirements in accordance with ATCP 93.100. (c) New or existing installations shall meet the requirements of subch. V unless specified otherwise in this section. (2) AIRPORT HYDRANT SYSTEM PLANS AND REQUIREMENTS. (a) For new airport hydrant systems, leak detection plans shall be submitted to the department before the system becomes operational in accordance with ATCP 93.100. (b) Fuel hydrant leak detection plans shall include all of the following: 1. A description of the airport hydrant system. 2. A description of the leak detection method used. Note: A designer of an airport hydrant leak detection system who does not have a financial interest in the airport may be considered to be the independent third party that is required in section ATCP 93.130 (3) (b) 1. for leak detection methods. 3. A schedule for testing the system. 4. Any limitations of the leak detection method. 5. An action plan in the event a leak is detected. (c) Owners and operators of underground piping systems associated with airport hydrant systems shall meet leak detection requirements in accordance with ATCP 93.510, or use one or a combination of the following alternative methods of release detection: 1. Perform a semi-annual or annual tightness test at or above the piping operating pressure in accordance with the following system volume; a. Fuel systems with less than 50,000 gallons are not to exceed 1.0 gallons per hour for semi-annual testing or 0.5 gallons for annual testing. b. Fuel systems with 50,000 to 75,000 gallons are not to exceed 1.5 gallons per hour

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			for semi-annual testing or 0.75 gallons for annual testing. c. Fuel systems with 75,000 to 100,000 gallons are not to exceed 2.0 gallons per hour for semi-annual testing or 1.0 gallons for annual testing. d. Fuel systems greater than 100,000 gallons are not to exceed 3.0 gallons per hour for semi-annual testing or 1.5 for annual testing. 2. Piping segments not capable of meeting the maximum 3.0 gallon per hour leak rate for the semi-annual test may be tested at a leak rate up to 6.0 gallons per hour according to the following schedule: a. First test, not later than October 13, 2018 airport hydrant systems may use up to a 6.0 gph leak rate. b. Second test, between October 13, 2018 and October 13, 2021 airport hydrant systems may use up to a 6.0 gph leak rate. c. Third test, between October 13, 2021 and October 22, 2022, airport hydrant systems must use a 3.0 gph leak rate. d. Subsequent tests, after October 13, 2022 begin using semi-annual or annual line testing according to the maximum leak detection rate in par. (b). 3. Perform inventory control in accordance with ATCP 93.515(2) at least every 30 days that can detect a leak equal to or less than 0.5 percent of flow through; and 4. Perform a line tightness test, conducted in accordance with ATCP 93.515(4), at least every two years; or 5. Another method approved by the implementing agency if the owner and operator can demonstrate that the method can detect a release as effectively as any of the methods allowed in this section. In comparing methods, the implementing agency shall consider the size of release that the method can detect and the frequency and reliability of detection. (3) REGISTRATION AND NOTIFICATION. (a) The owner of a newly installed airport hydrant system shall notify the implementing agency and register the system in accordance with ATCP 93.140 (b) All owners of airport hydrant systems shall provide proof of financial responsibility in accordance with s. ATCP 93.700. (4) SYSTEM REQUIREMENTS. (a) All new airport hydrant systems shall be

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			designed and equipped with isolation valves appropriate for leak testing. (b) Any repair or upgrade to an existing airport hydrant system shall include the installation of isolation valves in the section that is repaired or upgraded. (5) PERIODIC INSPECTIONS AND WALKTHROUGHS. Owners and operators must inspect the following additional areas for airport hydrant systems at least once every 30 days if confined space entry according to the Occupational Safety and Health Administration is not required, or at least annually if confined space entry is required: (a) Hydrant pits—visually check for any damage; remove any liquid or debris; and check for any leaks, and (b) Hydrant piping vaults—check for any hydrant piping leaks.
93.520 (1)(d) 1.	Amend	(d) Testing periods. 1. a. All new and existing corrosion protection for UST systems shall be tested within 6 months of installation or repair and at least annually, except as provided in subd. 3. b. Structure-to-soil potential readings shall be conducted with a minimum of three readings per tank along the center line, located at the ends and in the middle, and with one reading remote from the structure. c. For each product line, structure-to-soil potentials shall be taken above the piping, at the ends and middle, away from the anode locations. Piping runs over 30 feet shall have additional readings taken every 10 feet. d. For impressed current systems, the annual test shall include instant-off potentials.	(d) <i>Periodic testing requirements</i> . 1. a. All new and existing corrosion protection for UST systems shall be tested within 6 months of installation or repair and at least annually, except as provided in subd. 3. b. For sacrificial anode systems, structure-to-soil potential readings shall be conducted with a minimum of one local potential measurement near the UST center and away from the anodes and one remote potential measurement. Alternatively, a minimum of three potential measurements, one at each of the UST ends and one near the center of the UST, may be taken. Note: This requirement is from NACE standard TM-0101. c. For each product line, structure-to-soil potentials shall be taken above the piping, at the ends and middle, away from the anode locations. Piping runs over 50 feet shall have additional readings taken every 25 feet. d. For impressed current systems, the annual test shall include instant-off potentials.
93.520 (2) (b) 4.	Amend	4. After an inspection under this paragraph, if the tank is not closed under subd. 3. a., a precision tightness test shall be performed on the tank system in accordance with s. ATCP 93.515 (4). The tightness test shall test 100 percent of the tank's volume.	4. After an inspection under this paragraph, if the tank is not closed under subd. 3. a., a precision tightness test shall be performed on the tank system in accordance with s. ATCP 93.515 (4). In addition, a tightness test shall be performed on the ullage portion of the tank in accordance with s. ATCP 93.515 (10).

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93.520 (3) (c) 4.	Amend	4. Impressed current systems that have been inoperative for more than 365 days shall comply with all of the following requirements:	4. Impressed current systems that have been either inoperative or not tested for more than 365 days shall comply with all of the following requirements:
93.520 (3) (c) 4.d.	Amend	d. If the tank is not closed under subd. 4. b., a precision tightness test shall be performed on the tank system in accordance with s. ATCP 93.515 (4). The tightness test shall test 100 percent of the tank's volume.	d. If the tank is not closed under subd. 4. b. , a precision tightness test shall be performed on the tank system in accordance with s. ATCP 93.515 (4) . In addition, a tightness test shall be performed on the ullage portion of the tank in accordance with s. ATCP 93.515 (10).
93.530 (2) (dm)	Add	None	(dm) <i>Tank integrity assessment after lining.</i> After installing the lining, the tank-lining contractor shall have a tightness test performed on the tank ullage in accordance with s. ATCP 93.515 (10) to assure that all tank-top connections and openings are liquid- and vapor-tight.
93.535 (3)	Amend	(3) The owner shall notify the authorized agent or the department in writing at least 5 business days before having the inspection performed.	(3) The owner shall notify the authorized agent and the department in writing at least 5 business days before having the inspection performed.
93.535 (3m)	Add	None	(3m) Before commencing any inspection, the underground tank system liner shall insure that the tank is prepared for inspection in accordance with API 1631.
93.535 (4)	Amend	(4) (a) Tank lining inspections shall use one or more of the following methods: 1. Video camera in accordance with KWA. 2. Ultrasound tester. 3. Other method acceptable to the department. (b) The use of the equipment to perform the inspection under par. (a) 2. and 3. shall be in accordance with national consensus standards.	(4) Tank lining inspections shall use one of the following methods as specified in sub.(5): (a). Video camera inspection in accordance with KWA Method A only. A pre-inspection tightness test shall be performed in accordance with s. ATCP 93.510 (4); if the tank fails the tightness test, video inspection is not permitted. (b). Physical inspection in accordance with API 1631.
93.535 (5)	Amend and add	(5) The person performing the inspection shall be certified by the manufacturer of the inspection equipment and acceptable to the department.	(5) Inspection requirements are as follows: (a) For tanks with lining and cathodic protection added at the same time, if cathodic protection has been maintained at a protective level: 1. Video inspection as prescribed under sub. (4) (a). 2. Physical inspection as prescribed under sub. (4)(b).

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			(b) For tanks with cathodic protection added after the tank was lined: 1. For 1st 5-year inspection following cathodic protection addition with cathodic protection maintained at a protective level, physical inspection is required under sub. (4)(b). 2. If 1st 5-year inspection indicates no change of external wall thickness, then subsequent 5-year inspections can be performed as allowed in sub. (5)(a). (c) For lined tanks without cathodic protection installed, physical inspection is required under sub. (4)(b). (d) The use of the equipment to perform the inspections under par. (a) shall be in accordance with national consensus standards. (e) Inspection and repairs of lined tanks shall be conducted by or under the direct supervision of an underground tank system liner in accordance with s. ATCP 93.240 (1)(b). (f) The person performing the inspection shall be certified by the manufacturer of the inspection equipment. (g) An inspection shall include all interior portions of the tank.
93.535 (6)	Delete	(6) (a) The person performing the inspection shall ascertain that the tank has been adequately emptied and cleaned to allow for a complete inspection of the tank. (b) The authorized agent or the department may not accept an inspection that does not include all interior portions of the tank.	None
93.535 (7g)	Add	None	(7g) Tanks that have an overall average tank metal thickness or an average tank thickness of a designated thin wall area of less than 75% or any through-wall perforations shall be immediately closed per ATCP 93.560.
93.535 (7r)	Add	None	(7r) Tanks that have an overall average tank metal thickness or an average tank thickness of a designated thin wall area of 75% to 85% shall have an impressed current system installed per ATCP 93.520 or be immediately closed per ATCP 93.560.

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93.535 (8)	Add	None	(8) A lined tank that requires repairs to more than 10 percent of the lined surface shall be returned to service only if all of the following conditions are met: (a) The tank meets the structural requirements in subs. (7), (7g), and (7r) before the lining repair. (b) The tank has impressed current corrosion protection installed in accordance with s. ATCP 93.520 before being placed back into service.
93.545 (1)	Amend	ATCP 93.545 Seldom-used and temporarily-out-of-service tanks. (1) OPERATIONAL REQUIREMENTS. When a storage tank system is placed temporarily out of service, the owner or operator shall comply with all of the following: (a) 1. Operation and maintenance of corrosion protection and leak detection systems shall be continued, except as provided in subd. 2. 2. a. Leak detection shall be maintained in accordance with this chapter unless the tank system is empty. b. The tank system is empty when all liquid has been removed from the tank and the associated piping so that no more than 1 inch of residue, or 0.3 percent by weight of the total capacity of the tank system, remains in the system. (b) The tank shall be protected against floatation caused by flooding or soil saturation. (c) 1. The tank, piping, dispensing equipment, lines, pumps, manways, and other ancillary equipment shall be secured to prevent tampering, except as exempted in subd. 2. 2. Facilities that are in operation and secured against general public access are not required to have the additional security required in subd. 1. (d) All vent lines shall be left open and functioning. (e) All periodic inspections and maintenance shall be performed as if the tank were still in service. (f) Financial responsibility requirements of subch. VII shall be maintained.	(1) OPERATIONAL REQUIREMENTS. When a storage tank system is placed temporarily out of service, the owner or operator shall comply with all of the following: (a) Notify the department of the registration change in accordance with s. ATCP 93.140 (2)(d) (b) Maintain tank permits in accordance with s. ATCP 93.145 (c) Maintain financial responsibility in accordance with subchapter VII (d) Operation and maintenance of corrosion protection shall be continued. (e) 1. The tank, piping, dispensing equipment, lines, pumps, manways, and other ancillary equipment shall be secured to prevent tampering, except as exempted in sub. 2. 2. Facilities that are in operation and secured against general public access are not required to have the additional security required in sub. 1. All vent lines shall be left open and functioning. (f) All inspections, maintenance, and periodic testing shall be performed as if the tank were still in service. (g) Requirements for tanks with product. 1. Product must be removed from tanks if they have been in TOS status for twelve months. 2. Product must be tested and meet ASTM standards prior to bringing the tank back into service. 3. Leak detection shall be maintained in accordance with this chapter (h) Requirements for tanks without product. 1. The tank system is empty when all liquid has been removed from the tank and the associated piping so that no more than 1 inch of residue, remains in the system.

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			2. The tank shall be protected against flotation caused by flooding or soil saturation. (j) Single-walled tanks or piping installed more than 30 years ago shall be placed back into service within one year or be permanently closed per ATCP 93.560.
93.545 (2)	Amend	(2) PLACING A TANK BACK INTO SERVICE. (a) A precision tightness test shall be performed on the tank and piping in accordance with s. ATCP 93.515 (4) before placing the tank system back into service. (b) Tank systems out of service for more than 365 days shall have a pressure test of the ullage portion to assure that tank connections are tight and shall fully comply with this chapter before being placed back into service, except double-wall construction is not newly required for tank systems installed before February 1, 2009. (c) Tank systems covered in par. (a) shall immediately have the leak detection system verified in accordance with s. ATCP 93.510 (2). (d) Tanks covered in par. (b) shall have all the respective components documented as functional on form ERS-10778.	(2) PLACING A TANK BACK INTO SERVICE. (a) Notify the department of the registration change in accordance with s. ATCP 93.140(2)(d). (b) A precision tightness test shall be performed on the tank and piping in accordance with s. ATCP 93.515 (4) (a) 1. before placing the tank system back into service. (c) Tank systems out of service for more than 365 days shall pass a tightness test of the ullage portion in accordance with s. ATCP 93.515(10) to assure that tank connections are liquid- and vapor-tight. (d) The tank system shall fully comply with this chapter before being placed back into service, except double-wall construction is not newly required for underground tank systems installed before February 1, 2009. (e) Tank systems covered in par. (a) shall immediately have the leak detection system verified in accordance with s. ATCP 93.510(2). (f) Tanks covered in par. (b) shall have all the respective components documented as functional on form TR-WM-139 and on forms TR-WM-123 and TR-WM-125, if applicable, before being placed back into service.
93.545 (2)(g)	Add	None	(g) Product stored in tank during the TOS period shall be tested and meet ch. ATCP 94 standards prior to being sold.
93.545 (3)	Amend	(3) NON-COMPLYING TANK SYSTEMS. Tank systems that are placed out of service which do not comply with this section shall be permanently closed in accordance with s. ATCP 93.560 within 60 calendar days.	(3) NON-COMPLYING TANK SYSTEMS. Tank systems that do not comply with this section or in-use tank system requirements are abandoned tanks and shall be closed in accordance with s. ATCP 93.560 within 60 calendar days of non-compliance.
93.550 (1)(f)	Add	None	(f) The change in service shall occur within 60 days after in-use or temporarily-out-of-service status is terminated.

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93.560 (3)	Amend	(3) TANK–SYSTEM SITE ASSESSMENT. A tank–system site assessment shall be performed in accordance with ss. ATCP 93.575 to 93.585 after notifying the authorized agent or the department but before installing a new system or backfilling the tank basin and the piping trenches.	(3) TANK–SYSTEM SITE ASSESSMENT. A tank–system site assessment shall be performed in accordance with ss. ATCP 93.575 to 93.585 after notifying the authorized agent or the department but before closing a tank system in place, installing a new system, or backfilling the tank basin and the piping trenches.
93.560 (5)	Delete	(5) ABANDONED TANKS. Tanks that are abandoned with or without product shall be permanently closed within 60 days of being abandoned or discovered.	None
93.565	Add	None	ATCP 93.565 Abandoned tank system closure. (1) Tank systems that are abandoned with or without product shall be closed within 60 days of non-compliance with s. ATCP 93.545 or in-use tank system requirements. (2) Exceptions. Abandoned tank systems that are less than 30 years old or of double-wall construction may be returned to service if they meet the conditions outlined in par. (b) in the order listed: (a) Apply for permits to operate in accordance with s. ATCP 93.145. (b) 1. The integrity of a fiberglass tank shall be assessed and certified by the manufacturer, or a qualified professional engineer. The assessment shall include an internal inspection and certification that the tank is suitable for continued service. 2. The integrity assessment of a steel tank shall be performed in accordance with API 1631. a. Tanks that have an overall average tank metal thickness or an average tank thickness of a designated thin wall area of less than 75% or any through-wall perforations shall be immediately closed per ATCP 93.560. b. Tanks that have an overall average tank metal thickness or an average tank thickness of a designated thin wall area of 75% to 85% shall have an impressed current system installed per ATCP 93.520 or be immediately closed per ATCP 93.560. c. The certification and report of the assessment shall be submitted to the department for approval prior to adding product to the tank. 3. Cathodically protected tanks shall meet the requirements of ATCP 93.520.

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			4. Precision testing of the entire tank system without product shall be performed per ATCP 93.515(4) by a certified Tank System Tightness Tester. 5. A complete underground tank system functionality verification shall be conducted per ATCP 93.510(2). Form TR-WM-139 documenting the verification shall be submitted to the department. 6. The tank system shall fully comply with this chapter before being placed back into service, except double-wall construction is not newly required for tank systems installed before February 1, 2009. 7. Tank system shall pass a department storage tank system inspection conducted in accordance with this chapter.
93.570 (1) and 93.570 (2)	Amend	ATCP 93.570 Conditions indicating a release. The owner or operator of a storage tank system shall follow the procedures in s. ATCP 93.575 when any of the following conditions exist or when ordered to do so by the department: (1) OPERATING CONDITIONS. Unusual operating conditions exist, such as erratic behavior of product dispensing equipment, loss of product from the tank system or an unexplained presence of water in the tank. Note: Significant damage to equipment would be considered to be an unusual operating condition that could result in needing to perform the assessments specified in section ATCP 93.575. (2) MONITORING RESULTS. Results from a leak detection method indicate that a release may have occurred.	(1) OPERATING CONDITIONS. Unusual operating conditions exist, such as erratic behavior of product dispensing equipment, loss of product from the tank system, an unexplained presence of water in the tank, or water or product in the interstitial space of a secondarily contained system. Note: Significant damage to equipment would be considered to be an unusual operating condition that could result in needing to perform the assessments specified in section ATCP 93.575. (2) MONITORING RESULTS. Results from a leak detection method, including an alarm, indicate that a release may have occurred.
93.575 (2) a. 2.	Add	None	2. For UST systems with secondary containment, the owner or operator shall have the integrity of the interstitial space tested in accordance with one of the following, to determine whether a breach of the interstitial space has occurred: a. Requirements developed by the manufacturer, if the manufacturer has developed testing requirements. b. An approved standard developed by a nationally recognized association or independent testing laboratory.

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			c. Requirements determined by the department to be no less protective of human health and the environment than the requirements listed in this subd.
93.580 (3) (c) 2.	Amend	2. For all tank or piping removals, and for all releases that must be reported to the department of natural resources under s. ATCP 93.585 (2), the documentation required in par. (a) shall also be filed with the department of natural resources no later than 21 business days after the tank removal or the discovery of the release.	2. For all tank or piping removals, any replacement of single-wall spill containment under ATCP 93.505 (2)(a), and for all releases that must be reported to the department of natural resources under s. ATCP 93.585 (2) , the documentation required in par. (a) shall also be filed with the department of natural resources no later than 21 business days after the tank or component removal or the discovery of the release.
93.605 (1)(fm)	Add	None	(fm) <i>Testing.</i> Emergency electrical disconnect shall be tested at least annually. Tests conducted on underground storage tank dispensing systems shall be documented on functionality verification form, TR-WM-139.
93.605 (1)(g)	Amend	(g) Water level in tanks. 1. Tanks used to store motor fuels or kerosene shall have the water level checked and recorded at least once per month. 2. Anytime the water level exceeds 2 inches, the water shall be removed within 5 days.	(g) <i>Water level in tanks.</i> 1. Water may not exceed the following depths, as measured with water-indicating paste, in any tank utilized in storing the following fuels, except as otherwise approved by the department: a. Gasoline-alcohol blends, biodiesel, biodiesel blends, and E85 fuel ethanol — 1/4 inch. b. Aviation gasoline and aviation turbine fuel — one inch. c. Gasoline, diesel, gasoline-ether, kerosene and other fuels — 2 inches. 2. Tanks used to store motor fuels or kerosene shall have the water level checked and recorded at least once per month. 3. Anytime the water level exceeds the levels in this paragraph, sale of the fuel shall be stopped. The cause of the water ingress shall be determined and corrected and excess water removed from the tank within 5 days. 4. Water levels in tanks at retail facilities subject to the requirements of ch. ATCP 94 shall be maintained in accordance with that chapter.
93.605 (3)(cm)	Add	None	(cm) No combustible materials, including pallets and packaging material, may be within 3 feet horizontally of the dispenser cabinet or tank.

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93.605 (8)	Add	None	(8) SEPARATION FROM GASEOUS FUELS. A motor fuel dispenser shall be separated from storage vessels and dispensers for liquefied petroleum gas, liquefied natural gas, compressed natural gas, gaseous hydrogen, and liquefied hydrogen that are regulated by ch. SPS 340. Separation distances shall be the distances that are required by NFPA 30A chapter 12. Note: Based on definitions of “dispenser,” “dispensing area,” and “dispensing system” in sections ATCP 93.050 (38), (40), and (41), respectively, the distances under this subsection are measured to the body of the device that measures and dispenses the liquid product, rather than to the distal end of the hose and nozzle which can be extended away from that device.
93.615 (5) (m)	Amend	(m) Overfill prevention. 1. Tanks that are filled via hand-held nozzles shall be constantly attended during product delivery and shall be provided with a vent whistle or with other overfill prevention equipment which provides a visual signal at 90 percent of the tank’s capacity. 2. Tanks that are filled by means of a tight connection between the delivery hose and the fill pipe or a similar device acceptable to the department shall be provided with overfill protection equipment which complies with NFPA 30 section 21.7.1.5.	(m) <i>Overfill prevention.</i> 1. Tanks that are filled via hand-held nozzles shall be constantly attended during product delivery and shall be provided with overfill prevention equipment which notifies the person filling the tank, with either an audible or a visual signal that the liquid level has reached 90 percent of the tank’s capacity. 2. Tanks that are filled by means of a tight connection between the delivery hose and the fill pipe or a similar device acceptable to the department shall be equipped with overfill prevention equipment that will operate as follows, unless approved otherwise in writing by the department: a. Alert the transfer operator when the tank is no more than 90 percent full by triggering an audible and visual high-level alarm. b. Automatically shut off the flow of liquid into the tank when the tank is no more than 95 percent full.
93.615 (7) (c)	Amend	(c) For tanks that have a capacity of 1320 gallons or less, enclosure of the tank and secondary containment by one of the structures listed in par. (a) is not required if all of the following conditions are met: 1. The fill opening of the tank is kept locked. 2. The electrical control panel is secured inside of a building.	(c) For fleet fuel dispensing tank systems that have an aggregate tank capacity of 1320 gallons or less, enclosure of the tank by one of the structures listed in par. (a) is not required if all of the following conditions are met: 1. The fill opening of the tank is kept locked. 2. The electrical control panel is secured inside of a building.

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		3. The dispenser is secured against unauthorized use. 4. The top of the tank is at least 6 feet above grade. 5. Dusk-to-dawn lighting is provided above the tank area. 6. All tank system vents terminate at least 12 feet above grade.	3. The dispenser is secured against unauthorized use. 4. Dusk-to-dawn lighting is provided above the tank area. 5. For Class I liquids, all normal vents on the primary tank terminate at least 12 feet above grade.
93.630 (2)(d)	Add	None	(d) <i>Irrigation operations.</i> 1. A tank that supplies a combustion engine in an irrigation system shall be located on land or on a pier of the solid-fill type. 2. The tank shall be mounted to maintain stability against vibration, wind, water-saturated ground and floodwater, and shall be liquid-tight. 3. Where a tank is at an elevation that may produce a gravity head-pressure or siphon pressure, the tank outlet shall be equipped with a device, such as a normally closed solenoid valve, which will prevent gravity or siphon flow from the tank to the engine. This device shall be located adjacent to and downstream of the tank outlet valve. The device shall be installed and adjusted so that liquid cannot flow by gravity or siphon from the tank to the engine if the fuel piping, tubing, or hose system fails when the engine is not in use. 4. The fuel piping, tubing, or hose system connecting the tank to the engine shall comply with all of the following: a. Be compatible with the fuel. b. Be constructed, supported, and protected against physical damage and stresses arising from impact, settlement, vibration, expansion, contraction, wave action, and wildlife. c. Be of a type that is designed to withstand the forces and pressures exerted upon it, including from any motion of the engine or a pier. d. Be liquid-tight. e. Have a valve at the tank to shut off the liquid supply from the tank.
93.640 (2)	Amend	(2) PUBLIC ACCESS WATERCRAFT FUELING. (a) General. 1. All tanks, and any associated pump that is not integral with the dispensing device, which are used in fueling watercraft shall be located on land or on a pier of solid-fill construction, except as allowed otherwise in subd. 2.	(2) PUBLIC ACCESS WATERCRAFT FUELING. All piping systems and tank systems that are installed on or after November 1, 2019, for watercraft beyond the scope of sub. (4) shall comply with PEI RP1000, this subsection, and sub. (3).

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		Note: The placement of piers is subject to the requirements of chapter 30 of the Statutes, and may need permits from the Department of Natural Resources or local zoning or building departments. 2. The components listed in subd. 1. may be located on other types of piers if all of the following conditions are met: a. The plans submitted for review clearly describe the size and type of pier. b. The tank is a listed and labeled double-wall tank. c. The primary tank has a capacity of 1,100 gallons or less. (b) Piping. 1. 'General.' Piping that extends from shore onto a pier shall meet the requirements of NFPA 30 chapter 27 and this paragraph. 2. 'Material requirements.' Piping used along a pier shall be one of the following types: a. Steel piping that is coated to prevent corrosion. b. Flexible piping that is listed and rated for aboveground marine use. c. Fiberglass piping placed in steel containment that has standoffs to maintain clearance between the piping and the containment. 3. 'Flex connectors.' a. At least 1 flex connector, listed and labeled for aboveground use, shall be placed between rigid pipe that is connected to the shore and rigid pipe that serves a dispenser located on a pier. b. An accessible shutoff valve with an expansion relief device shall be located on at least one end of the flex connector, where it connects to the rigid pipe from shore.	
93.680 (1)	Amend	ATCP 93.680 Alternative motor fuels. (1) APPLICATION. All storage or dispensing systems for fuel consisting of more than 10 percent ethanol by volume shall follow the requirements of this section.	ATCP 93.680 Alternative motor fuels. (1) APPLICATION. (a). All storage or dispensing systems for fuel consisting of more than 10 percent ethanol by volume shall comply with subs. (2) to (4) and DOE/GO-102013-3861. (b) All storage or dispensing systems for fuel consisting of more than 5 percent biodiesel by volume shall comply with subs. (5) to (7) and NREL/TP-540-43672. Note: The Department and the U.S. Environmental Protection Agency consider the

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			following parts of a UST system to be critical for demonstrating equipment compatibility under this section: 1. Tank or internal tank lining. 2. Piping. 3. Line leak detector. 4. Flexible connectors. 5. Drop tube. 6. Spill and overfill prevention equipment. 7. Submersible turbine pump and components. 8. Sealants (including pipe dope and thread sealant), fittings, gaskets, o-rings, bushings, couplings, and boots. 9. Containment sumps (including submersible turbine sumps and under dispenser containment). 10. Leak and release detection floats, sensors, and probes. 11. Fill and riser caps. 12. Product shear valve.
93.680 (4)	Amend	(4) NOTIFICATION PROCEDURES. (a) Before commencing normal fueling operations using ethanol-blended fuel, the operator shall notify the department's district petroleum products inspection office. Note: See the department's website at https://datcp.wi.gov/Pages/Programs_Services/PetroleumHazStorageTanks.aspx. (b) A certified installer or professional engineer shall complete part I of the department's alternative fuel installation/conversion application form (TR-WM-126 Alternative Fuels) and submit it to the department as part of the plan review submittal. Note: Within a first class city, the provisions in par. (b) may be administered by that city instead of the department, as authorized in sections ATCP 93.020 (8) and 93.110 (3) and (4). As of February 1, 2009, only the City of Milwaukee had become a first class city. (c) Before commencing normal fueling operations using ethanol-blended fuel, the operator shall complete part II of the department's alternative fuel installation/conversion application form (TR-WM-126 Alternative Fuels) and provide the completed form to the certified	(4) NOTIFICATION PROCEDURES FOR ETHANOL BLENDS. (b) At least 30 days prior to commencing conversion to an ethanol-blended fuel, a certified installer or professional engineer shall complete part I of the department's alternative fuel installation/conversion application form, TR-WM-132, and submit it to the department as part of the plan review submittal. Note: Plan review is required in section ATCP 93.100 for facilities converted to store and dispense ethanol-based fuels. Note: Within a first class city, the provisions in par. (b) may be administered by that city instead of the department, as authorized in sections ATCP 93.020 (8) and 93.110 (3) and (4). As of November 1, 2019, only the City of Milwaukee had become a first class city. (c) At least 15 days prior to commencing normal fueling operations using ethanol-blended fuel, the operator shall complete part II of the department's alternative fuel installation/conversion application form, TR-WM-132, Alternative Fuels and provide the completed form to the certified tank system inspector performing the pre-operational inspection. Note: A map of weights and measures petroleum inspectors can be found at:

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		tank system inspector performing the pre-operational inspection.	http://datcp.wi.gov/uploads/Consumer/pdf/WM_Gen_Insp_Territories.pdf
93.680 (5)	Add	None	(5) MATERIAL COMPATIBILITY FOR BIODIESEL BLENDS. Equipment used to store or dispense fuel consisting of more than 5 percent biodiesel by volume may not contain or consist of any of the following materials: (a) <i>Metals.</i> Zinc, lead, aluminum, or alloys containing these metals, such as brass orterne. Note: Terne-plated steel and lead-based solder are commonly used in equipment that handles gasoline. These materials will dissolve when in contact with high concentrations of biodiesel. (b) <i>Natural materials.</i> Cork, leather, or natural rubber. (c) <i>Polymers.</i> Polyurethane, polyvinyl chloride, polyamides, or methyl-methacrylate plastics. Note: Materials that have been shown to be generally compatible with high concentrations of biodiesel include unplated steel, stainless steel, black iron, bronze, Neoprene rubber, Buna-N, polypropylene, nitrile, Viton, Teflon, thermoset reinforced fiberglass and thermoplastic piping material.
93.680 (6)	Add	None	(6) GENERAL REQUIREMENTS FOR BIODIESEL BLENDS. (a) <i>Tank cleaning.</i> 1. If another type of fuel was stored in the tank, the tank shall be cleaned in accordance with API 2015 or another method approved by the department, before introducing fuel consisting of more than 5 percent biodiesel by volume. Note: See section ATCP 93.230 (15) for related cleaning criteria when changing the type of liquid stored in a tank. 2. All cleaning work shall be performed by a certified tank cleaner unless specifically approved by the department based on an alternate cleaning method. Note: Most metal storage tanks and pipe other than galvanized steel are compatible with biodiesel. However, some fiberglass storage tank systems manufactured before 1995 might not be compatible with higher levels of biodiesel. The tank manufacturer and installation contractor should be consulted for additional information on the reuse of underground storage tanks.

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			(b) <i>Tightness testing.</i> A precision tightness test shall be performed on the tank and piping in accordance with s. ATCP 93.515 (4) before placing the tank system back into service. (c) <i>Equipment requirements.</i> 1. ‘Approved equipment.’ Equipment or components used for storing or dispensing fuel consisting of more than 5 percent biodiesel by volume shall be listed or shall be verified by the manufacturer as being compatible with the fuel except where otherwise approved in writing by the department. 2. ‘Dispenser nozzles and hoses.’ Dispensers that are installed on or after November 1, 2019, shall use a separate fueling nozzle and hose for dispensing fuel consisting of more than five percent biodiesel by volume. Note: See chapter ATCP 94 for signage requirements for biodiesel-blended fuels. 3. ‘In-line filters.’ A two- or ten-micron in-line filter shall be used for dispensing fuel consisting of more than five percent biodiesel by volume. 4. ‘Lined tanks.’ Tanks with linings regulated under s. ATCP 93.530 may not be used to store fuel consisting of more than five percent biodiesel by volume.
93.680 (7)	Add	None	(7) NOTIFICATION PROCEDURES FOR BIODIESEL BLENDS. (a) At least 30 days prior to commencing conversion to biodiesel blends, a certified installer or professional engineer shall complete part I of the department’s alternative fuel installation/conversion application form, TR-WM-132 Alternative Fuels, and submit it to the department as part of the plan review submittal. Note: Plan review is required in section ATCP 93.100 for facilities converted to store and dispense fuel consisting of more than five percent biodiesel by volume. Note: Within a first class city, the provisions in par. (b) may be administered by that city instead of the department, as authorized in sections ATCP 93.020(8) and 93.110 (3) and (4). As of November 1, 2019, only the city of Milwaukee had become a first class city. (b) At least 15 days prior to commencing normal fueling operations using fuel consisting

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			of more than five percent biodiesel by volume, the operator shall complete part II of the department's alternative fuel installation/conversion application form, TR-WM-132 Alternative Fuels, and provide the completed form to the certified tank system inspector performing the pre-operational inspection. Note: Form TR-WM-132 Alternative Fuels—Storage Tank Alternative Fuel Installation/Conversion Application is available from the Department's Web site at http://datcp.wi.gov/Consumer/Hazardous Materials Storage Tanks/Hazardous Materials Storage Tank Forms/index.aspx.
93.753 (2g) and (2r)	Add	None	(2g) Within ten days after commencement of a voluntary or involuntary proceeding under Title 11, U. S. Code, naming a local government owner or operator as debtor, the local government owner or operator shall notify the department by certified mail of such commencement and submit the appropriate forms listed in s. ATCP 93.745 (2) documenting current financial responsibility. (2r) Within ten days after commencement of a voluntary or involuntary proceeding under Title 11, U.S. Code, naming a guarantor providing a local government financial assurance as debtor, such guarantor shall notify the local government owner or operator by certified mail of such commencement as required under the terms of the guarantee specified in s. ATCP 93.733.
93.810 (1)	Amend	ATCP 93.810 Definitions. In this subchapter: (1) "Class A operator" means an individual who has primary responsibility to operate and maintain an underground storage tank system in accordance with this chapter.	ATCP 93.810 Definitions. In this subchapter: (1) "Class A operator" means the individual who has primary responsibility to operate and maintain the UST system in accordance with applicable requirements. The Class A operator typically manages resources and personnel, such as establishing work assignments to achieve and maintain compliance with regulatory requirements.
93.810 (2)	Amend	(2) "Class B operator" means an individual who implements, on-site, the day-to-day aspects of operating, maintaining and record keeping for an underground storage tank system.	(2) "Class B operator" means the individual who has day-to-day responsibility for implementing applicable regulatory requirements. The Class B operator typically implements in-field aspects of operation,

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			maintenance, and record keeping for the UST system.
93.810 (3)	Amend	(3) “Class C operator” means an individual who has on-site responsibility to respond to emergencies or alarms relating to spills, leaks or releases from an underground storage tank system.	(3) “Class C operator” means the individual responsible for initially addressing emergencies presented by a spill or release from an UST system. The Class C operator typically controls or monitors the dispensing or sale of regulated substances.
93.841 (intro)	Amend	ATCP 93.841 Training elements for Class B operators. (1) Compared with training for a Class A operator, training for a Class B operator shall provide a more in-depth understanding of operation and maintenance aspects, but may cover a more narrow breadth of applicable regulatory requirements. (2) Each Class B operator shall receive either of the following: (a) Site-specific operator training that is focused only on equipment used at the operator’s underground storage tank system facility. (b) Broader training regarding regulatory requirements that encompass all of the following: 1. Components of underground storage tank systems. 2. Materials of underground storage tank system components. 3. Methods of leak and release detection, and leak and release prevention applied to underground storage tank system components. 4. Operation and maintenance requirements of this chapter which apply to underground storage tank systems and which address each of the following: a. Spill prevention. b. Overfill prevention. c. Leak and release detection. d. Corrosion protection. e. Emergency response. f. Product compatibility. 5. Reporting and record keeping requirements. 6. Class C operator training requirements.	ATCP 93.841 Training elements for Class B operators. Each Class B operator shall attend department-approved training in all of the following: (1) Compared with training for a Class A operator, training for a Class B operator shall provide a more in-depth understanding of operation and maintenance aspects, but may cover a more narrow breadth of applicable regulatory requirements. At a minimum, the department-approved training program shall teach the Class B operator, as applicable, about the purposes, methods, and function of: (a) Components of underground storage tank systems. (b) Materials of underground storage tank system components. (c) Methods of leak and release detection, and leak and release prevention applied to underground storage tank system components. (d) Operation and maintenance requirements of this chapter which apply to underground storage tank systems and which address each of the following: 1. Spill prevention. 2. Overfill prevention. 3. Leak and release detection. 4. Corrosion protection. 5. Emergency response. 6. Product compatibility. 7. Reporting and record keeping requirements. 8. Class C operator training requirements. (2) Each Class B operator shall receive either of the following: (a) Site-specific operator training that is focused only on regulatory requirements and equipment specific to the operator’s underground storage tank system facility. (b) General training that encompasses all regulatory requirements and typical equipment used at UST facilities.

ATCP	Change	Old Language	New Language
93.880	Amend	ATCP 93.880 Retraining. (1) (a) If the authorized agent or the department determines that an underground storage tank system is not in significant compliance with this chapter, the Class B operator shall be retrained within either 60 days or another time period prescribed by the department, in the areas that are determined to not be in compliance, except both the Class A and Class B operators shall be retrained if so directed by the department. (b) Retraining under this section shall be in accordance with a directive by the department. Note: Significant operational compliance performance measures for release prevention and release detection, as developed by the U.S. environmental protection agency, are available at the following Web site: https://www.epa.gov/ust/significant-operational-compliance-soc-performance-measures (2) In this section, “significant compliance” means, in addition to release prevention and release detection efforts, that an ample amount of the required activity is performed through a concerted effort aimed at total compliance. A determination of significant compliance is obtained through a common-sense approach to evaluating whether enough effort was made to comply with the applicable requirements. Substantial compliance is not a specific number or percent of compliance. Note: Section ATCP 93.115 (3) (c) allows shutdown of any underground storage tank system for which there is a continuing violation of the requirements in this chapter.	ATCP 93.880 Retraining for non-compliance. (1) If the authorized agent or the department determines that an underground storage tank system is not in compliance with release prevention and release detection requirements or exhibits a continuing pattern of non-compliance with this chapter, the department or authorized agent may order that the Class A, Class B, or Class C operators shall be retrained within 30 days. (2) Retraining under this section shall be in accordance with a directive by the department. Note: Significant operational compliance performance measures for release prevention and release detection, as developed by the U.S. environmental protection agency, are available at the following Web site: https://www.epa.gov/ust/significant-operational-compliance-soc-performance-measures. Note: Section ATCP 93.115 (3) (c) allows shutdown of any underground storage tank system for which there is a continuing violation of this chapter.

ATTACHMENT 1: Changes to adopted standards

Table 93.200–2

API	American Petroleum Institute 1220 L Street, NW, Washington, DC 20005
Standard Reference Number	Title
7. Std 1529-05	Aviation Fuelling Hose and Hose Assemblies.
8. Std 1542-02	Identification Markings for Dedicated Aviation Fuel Manufacturing and Distribution Facilities, Airport Storage and Mobile Fuelling Equipment.

Table 93.200–3j

EI	Energy Institute 61 New Cavendish Street, London W1G 7AR, UK
Standard Reference Number	Title
EI 1529-14	Aviation fuelling hose and hose assemblies, 7 th edition
EI 1542-12	Identification markings for dedicated aviation fuel manufacturing and distribution facilities, airport storage and mobile fuelling equipment, 9 th edition

Table 93.200–3m

FTPI	Fiberglass Tank and Pipe Institute 11150 South Wilcrest Drive, Suite 101, Houston, TX 77099-4343
Standard Reference Number	Title
RP 2007-1	Recommended Practice for the In-service Inceptions of Aboveground Atmospheric Fiberglass Reinforced Plastic (FRP) Tanks and Vessels

Table 93.200–5

NACE	NACE International 1440 South Creek Drive, Houston, TX 77084-4906
Standard Reference Number	Title
6m. TM0101-12	Measurement Techniques Related to Criteria for Cathodic Protection on Underground or Submerged Metallic Tank Systems.

Table 93.200–6

NFPA®	National Fire Protection Association® 1 Batterymarch Park, Quincy, MA 02269
Standard Reference Number	Title
1m. 20-13	Standards for the Installation of Stationary Pumps for Fire Protection.
5m. 35-11	Standard for the Manufacture of Organic Coatings

Table 93.200–7

PEI	Petroleum Equipment Institute P.O. Box 2380, Tulsa, OK 74101
Standard Reference Number	Title
9. RP1000-14	Recommended Practices for the Installation of Marina Fueling Systems.
10. RP1200-12	Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities
11. RP1300-13	Recommended Practices for the Design, Installation, Service, Repair and Maintenance of Aviation Fueling Systems
12. RP1400-14	Recommended Practices for the Design and Installation of Fueling Systems for Emergency Generators, Stationary Diesel Engines and Oil Burner Systems

Table 93.200–9

STI	Steel Tank Institute 944 Donata Court, Lake Zurich, IL 60047
Standard Reference Number	Title
4g. R111-11	Storage Tank Maintenance.
4r. R892-06	Recommended Practices for Corrosion Protection of Underground Piping Networks Associated with Liquid Storage and Dispensing Systems.
3. R972-10	Recommended Practice for the Addition of Supplemental Anodes to sti-P3® USTs.
7. SP131-14	Standard for Inspection, Repair and Modification of Shop-Fabricated Underground Tanks for Storage of Flammable and Combustible Liquids