

## Aboveground Farm Fuel Storage Tanks

### **Background**

As of Oct. 1, 2019, aboveground farm fuel storage tanks less than 5,000 gallons are exempted from regulation by the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP). This is, in part, due to an administrative ruling.

This resulted from a statutory mandate in which DATCP identified that a portion of administrative rule ATCP 93 conflicted with state statute chapter 168, which regulates aboveground storage tanks. As a result, DATCP inspections of aboveground tanks less than 5,000 gallons for compliance with National Fire Protection Association (NFPA) standards are currently suspended.

Previously, farm tanks less than 1,100 gallons were exempt from the DATCP registration requirements or plan review. Tanks of more than 1,100 gallons were still subject to a plan review and required to be registered with DATCP.

Lastly, all aboveground storage tanks of more than 110 gallons were required to be installed by a professional installer.

During the last session, legislation was introduced to fix the effect of the 2019 administrative ruling but wasn't completed.

Currently, DATCP has no authority to regulate aboveground farm fuel storage tanks of less than 5,000 gallons. This includes inspection, registration, plan review and installation standards.

Local regulations, fire codes and federal regulations are unaffected by these regulatory changes at DATCP. Adoption of local regulations to take on the regulatory authority previously held by DATCP could occur.

### **Proposed Resolution**

We support aboveground farm fuel storage tanks being regulated by DATCP. All aboveground farm fuel storage tanks less than 5,000 gallons shall be exempt from regulation, including inspection, plan review and professional installation requirements.

We support registration requirements for all aboveground farm fuel storage tanks more than 110 gallons with DATCP and the local fire authority.

### **Discussion Questions**

- Should DATCP have the authority to regulate aboveground farm fuel storage tanks less than 5,000 gallons?
  - If yes, what should DATCP have the authority to regulate?
    - Registration – plan review – inspection – installation standards
    - Should there be exemptions?
  - If no, local authorities have jurisdiction to regulate. How will a patchwork of local regulations impact farmers?
- Should aboveground farm fuel storage tanks be registered with local officials? DATCP?