



Regulation of Aboveground Storage Tanks Less Than 5,000 Gallons

BUREAU OF WEIGHTS AND MEASURES

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RESOURCES

Wis. Admin. Code ATCP 93
http://docs.legis.wisconsin.gov/code/admin_code/atcp/090/93

Storage Tanks Website
https://datcp.wi.gov/Pages/Programs_Services/PetroleumHazStorageTanks.aspx

Wis. Stat. Ch. 227
<https://docs.legis.wisconsin.gov/statutes/statutes/227>

Wis. Stat. Ch. 168
<http://docs.legis.wisconsin.gov/statutes/statutes/168>

On March 29, 2019, DATCP submitted its Biennial Report Reviewing Administrative Rules to the Joint Committee for Review of Administrative Rules, as required under [Wisconsin Statute § 227.29 \(1\)](#). DATCP reported that certain portions of [Wisconsin Administrative Code Chapter ATCP 93](#) conflict with [Wis. Stat. § 168.22 \(3\)](#). In the report, the Department recommended a statutory change to align the statute's 5,000-gallon threshold with the administrative code's 110-gallon threshold.

To date, no statutory change has occurred. As a result, effective October 1, 2019, DATCP will no longer enforce portions of ATCP 93 that conflict with Chapter 168. DATCP has developed this list of frequently asked questions to assist in understanding how these changes affect the program.

How will this change affect tank owners?

- Tank owners are no longer required to register aboveground storage tanks (AST) less than 5,000 gallons.
 - If a currently registered tank is removed, it is strongly encouraged that tank owners notify DATCP so the removal is reflected in DATCP's database.
- DATCP no longer conducts plan review of ASTs less than 5,000 gallons.
- DATCP no longer routinely inspects ASTs less than 5,000 gallons.

How will this change affect service companies?

- Technician and company credentials are no longer required for any work on ASTs less than 5,000 gallons including installation and removal.
- Credentials are still required for work on ASTs 5,000 gallons and larger.

How can I ensure my tank is compliant with remaining requirements?

- DATCP strongly encourages owners to continue to work with credentialed companies to ensure that the tanks meet the requirements of the fire code, local regulations, and federal laws as well as to ensure public safety and protect the environment.
- DATCP will conduct inspections, upon request, where staff and resources are available to do so.

What is not affected by this change?

- Underground storage tank regulations.
- Fuel sold must meet the requirements of Wisconsin Administrative Code ATCP 94.
- Dispensing equipment connected to these tanks must meet the weights and measures requirements of Wisconsin Statute Chapter 98 and the applicable administrative codes.
- Requirements of local regulations, fire codes, and federal regulations are unaffected by this change.