



2018 EPA Rule Requirements and Wisconsin ATCP 93 Implementation

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RESOURCES

More information on applicable Wisconsin laws can be found at these links:

Wis. Admin. Code ATCP 93

https://docs.legis.wisconsin.gov/code/admin_code/atcp/090/93

40 CFR 280

https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40cfr280_main_02.tpl&SID=2fa2adfcdfd0ddc5b78752e1b2b6083e&m=06&d=01&y=2016&pd=20150101&pitd=20150101&submit=GO

EPA Technical Compendium

<https://www.epa.gov/ust/underground-storage-tank-ust-technical-compendium-about-2015-ust-regulations>

EPA Implementation Timeframes

<https://www.epa.gov/ust/implementation-time-frames-2015-underground-storage-tank-requirements>

[Wisconsin Administrative Code ATCP 93](#) regulates the storage of flammable, combustible, and hazardous liquids in aboveground and underground tanks with respect to fire safety and environmental protection. Included within the ATCP 93 rule are requirements contained in the United States Environmental Protection Agency (EPA) rule for underground storage tanks, [40 CFR 280](#). This allows for the regulated community to use a single code, ATCP 93, to meet the federal and state environmental protection requirements for underground tanks. The department is in the process of revising the current edition of ATCP 93 with an anticipated effective date of early 2019.

In 2015, the EPA published a [rule revision](#) with several new requirements that have various implementation deadlines. The majority of the new requirements were already incorporated into ATCP 93 during the last revision in 2009. However, effective October 13, 2018 the EPA rule, 40 CFR 280 implements the following requirements that are not currently addressed in ATCP 93:

- Spill prevention equipment, aka spill bucket, testing (periodic test every 3 years)
- Containment sump testing for sumps used for piping interstitial monitoring (periodic test every 3 years)

The revised ATCP 93 rule is going to match the EPA requirements when ATCP 93 becomes effective in early 2019.

The EPA periodic testing requirement of containment sumps is required only when the containment sump is used for secondary containment of the piping and interstitial monitoring is used for release detection of that piping. The first test has to be completed by October 13, 2018 for these types of systems and the spill buckets. Thereafter the sump containment and spill bucket tests have to be repeated once every three years.

Important considerations from the EPA Underground Storage Tank (UST) Technical Compendium about the 2015 UST Regulations:

- For piping installations installed on or after October 15, 2015, the installation test of the spill buckets and containment sumps can be used as the first periodic test.
- Spill buckets and secondary containment sumps that have a continuous monitoring system; pressure, vacuum, or liquid filled secondary systems are exempt from the periodic testing requirement.
- For containment sumps, low level liquid testing is allowed if a liquid level sensor is mounted at the lowest point in the sump and a periodic test is performed by adding liquid to a point that will ensure activation of the sensor; and
 - The pump automatically shuts off when product activates the sensor, or
 - The dispenser automatically shuts off when product activates the sensor, and the facility is always staffed when the pumps are operational.

Questions concerning the Wisconsin ATCP 93 requirements and code revision effective date should be directed to Greg Bareta- Section Chief, Storage Tank Regulation, at (608) 224-5150 or greg.bareta@wisconsin.gov