



# Abandoned Storage Tanks: Returning to In-Use or Temporarily Out-of-Service

## BUREAU OF WEIGHTS & MEASURES

PO Box 8911  
Madison, WI 53708  
608-224-4942  
datcp.wi.gov

## RESOURCES

### Wis. Admin. Code ATCP 93

[http://docs.legis.wisconsin.gov/code/admin\\_code/atcp/090/93](http://docs.legis.wisconsin.gov/code/admin_code/atcp/090/93)

### Storage Tanks Website

[https://datcp.wi.gov/Pages/Programs\\_Services/PetroleumHazStorageTanks.aspx](https://datcp.wi.gov/Pages/Programs_Services/PetroleumHazStorageTanks.aspx)

### Form TR-WM-129a

[https://datcp.wi.gov/Pages/Programs\\_Services/PetroleumHazStorageTanksForms.aspx](https://datcp.wi.gov/Pages/Programs_Services/PetroleumHazStorageTanksForms.aspx)

### Form TR-WM-139

[https://datcp.wi.gov/Pages/Programs\\_Services/PetroleumHazStorageTanksForms.aspx](https://datcp.wi.gov/Pages/Programs_Services/PetroleumHazStorageTanksForms.aspx)

Wisconsin Administrative Code [ATCP 93 defines](#) “abandoned tank” as an aboveground or underground tank, with or without product, which does not meet the requirements of in-use, temporarily out-of-service or closed.

Tanks that are abandoned with or without product must be permanently closed within 60 days of being abandoned per [Wis. Admin. Code § ATCP 93.560\(5\)](#).

To bring an abandoned tank system back to in-use or temporarily out-of-service, a variance from the permanent closure requirements of Wis. Admin. Code § ATCP 93.560(5) must be requested from the department. A variance must be requested using the Petition for Variance form [TR-WM-129a](#).

In order to obtain a variance from the law, it must be proven that the tank system meets the required standards for operation. A complete petition for variance submission must include all of the following items:

- A Petition for Variance Form TR-WM-129a and the required fee.
- Application(s) for permit(s) to operate that include proof of financial responsibility. Permit applications for the facility can be obtained by contacting our permitting department at (608)224-4942, option 3.
- An internal inspection to assess the integrity of the tank.
  - For fiberglass and fiberglass-jacketed steel tanks, the internal inspection may be conducted using the approved KWA camera method and must meeting the following requirements:
    - The interior of the tank is sufficiently free of product, sludge, residue, or other materials that would impede visual inspection.
    - At least 98% of the tank is visible for inspection.
    - Final results include a certification or letter from the tank manufacturer or a qualified professional engineer stating the tank is suitable for continued use.
  - For steel tanks, an evaluation of the remaining tank metal thickness must be performed.
    - 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 Wis. Admin. Code § ATCP 93.560.
    - 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 [Wis. Admin. Code § ATCP 93.520](#) or be immediately closed per Wis. Admin. Code § ATCP 93.560.

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A complete petition for variance submission must include all of the following items (cont'd):

- Proof that cathodically protected tanks meet the requirements of Wis. Admin. Code § ATCP 93.520.
- Precision testing of all tanks and lines conducted **without product** and performed per [Wis. Admin. Code § ATCP 93.515\(4\)](#) by a certified Tank System Tightness Tester.

Upon approval of the above items, fuel may be introduced into the system. The following items are then required to complete the variance process:

- Completion of underground tank system functionality verification per [Wis. Admin. Code § ATCP 93.510\(2\)](#). [TR-WM-139](#) must be submitted to the department with proof any deficiencies found have been corrected.
- Any other testing required to obtain permits to operate. These requirements are dependent on the type of tank system and equipment. For example, this may include the annual leak detector test, a passing test from the automatic tank gauge, a passing test from the line leak detector, etc.
- The tank system must fully comply with Wis. Admin. Code ATCP 93 before being placed back into service, except double-wall construction is not newly required for tank systems installed before February 1, 2009.
- Tank system must pass a department storage tank system inspection conducted in accordance with Wis. Admin. Code ATCP 93.

Questions? Please contact us at (608)224-4942, option 4 or email [datcpweightsandmeasures@wi.gov](mailto:datcpweightsandmeasures@wi.gov).