

**PETITION FOR VARIANCE**  
**RETURNING ABANDONED STORAGE TANKS TO INUSE OR TEMPORARILY OUT-OF-SERVICE STATUS**  
**INFORMATION AND INSTRUCTIONS**

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 using this form TR-WM-129a.

**A variance is not a waiver from a code requirement.** The petitioner shall **provide an equivalency which meets the intent** of the code section petitioned to obtain a variance. Documentation of the rationale for the equivalency is requested below. Test reports, technical data, pictures, sketches, and plans must be submitted to support equivalency. The request will be denied if the proposed equivalency does not adequately safeguard the health, safety, and welfare of building occupants, frequenters, firefighters, or provide equivalent environmental protection.

The Bureau is unable to process petitions for variance that are not properly completed. Before submitting the application, the following items should be checked for completeness in order to avoid delays:

- Facility information
- Petitioner's name (typed or printed)
- Petitioner's signature (must be signed by the owner of the building or project unless a Power of Attorney is submitted.)
- Notary Public signature with affixed seal

The following items must also be submitted with this form:

- Fee of \$300
- Application(s) for permit(s) to operate that include proof of financial responsibility
- An assessment of the integrity of the tank system that includes an internal inspection and certification by the manufacturer, or a qualified professional engineer, that the tank system is suitable for continued service (for steel tanks, an evaluation of the remaining tank metal thickness must be performed)
- Proof that cathodically protected tanks meet the requirements of Wis. Admin. Code § ATCP 93.520
- Precision testing of the entire tank system conducted without product and performed per Wis. Admin. Code § ATCP 93.515(4) by a certified Tank System Tightness Tester

Except for special cases, the department will review and make a determination on a petition for variance within 30 business days of receipt of all calculations, documents, and fees required for the review.

Upon approval of the above items, the department will notify the petitioner when the following steps may be taken 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.
- 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.

Please direct questions about this form, or the process for returning abandoned tanks to in-use or temporarily out-of-service to Alicia Clark via email at [Alicia.Clark@wisconsin.gov](mailto:Alicia.Clark@wisconsin.gov) or by phone at (608)224-4938.



Wisconsin Department of Agriculture, Trade and Consumer Protection  
 Bureau of Weights and Measures, Permits and Licensing  
 PO Box 7837, Madison, WI 53707-7837  
 Phone: (608) 224-4942

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 Class Code 7636  
 Trans No:  
 Amount Paid:  
 Wis. Admin. Code § ATCP 93.170 and § ATCP 93.560

## PETITION FOR VARIANCE

### RETURNING ABANDONED STORAGE TANKS TO IN-USE OR TEMPORARILY OUT-OF-SERVICE STATUS

PLEASE TYPE OR PRINT CLEARLY - Personal information you provide may be used for purposes other than that which it was originally collected (s. 15.04 (1)(m) Wis. Stats.).

<b>OWNER INFORMATION</b>			
NAME		TELEPHONE ( ) -	CELL PHONE ( ) -
COMPANY NAME	CONTACT PERSON	EMAIL	
STREET ADDRESS		CITY	ZIP
<b>FACILITY INFORMATION</b>			
FACILITY ID		FACILITY LOCATION (STREET ADDRESS)	
<input type="checkbox"/> CITY <input type="checkbox"/> VILLAGE <input type="checkbox"/> TOWN		COUNTY OF	ZIP
<b>Attach and submit all of the following items along with this application:</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> The required fee.</li> <li><input type="checkbox"/> Application(s) for permit(s) to operate that include proof of financial responsibility.</li> <li><input type="checkbox"/> An assessment of the integrity of the tank system that includes an internal inspection and certification by the manufacturer, or a qualified professional engineer, that the tank system is suitable for continued service. (For steel tanks, an evaluation of the remaining tank metal thickness must be performed.)</li> <li><input type="checkbox"/> Proof that cathodically protected tanks meet the requirements of Wis. Admin. Code § ATCP 93.520.</li> <li><input type="checkbox"/> Precision testing of the entire tank system conducted without product and performed per Wis. Admin. Code § ATCP 93.515(4) by a certified Tank System Tightness Tester.</li> </ul>			

**VERIFICATION BY OWNER - PETITION IS VALID ONLY IF NOTARIZED WITH AFFIXED SEAL AND ACCOMPANIED BY REVIEW FEE**  
 See Section ATCP 93.170 for complete fee information

**Note:** Petitioner must be the owner of the building or project. Tenants, agents, designers, contractors, attorneys, etc., shall not sign petition unless Power of Attorney is submitted with the Petition for Variance Application.

\_\_\_\_\_ being duly sworn, I state as petitioner, that I have read the foregoing petition and I believe it is true and  
 Petitioner's Name (type or print) that I have significant ownership rights to the subject property or project.

\_\_\_\_\_ Subscribed and sworn Notary Public: My commission expires  
 Petitioner's Signature before me on this date: on:

**Mail the completed Petition for Variance and fee to:**  
 Department of Agriculture, Trade and Consumer Protection  
 Bureau of Weights and Measures  
 PO Box 7837  
 Madison, WI 53707-7837