STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA-2049 (R09/2016)

DIVISION OF EXECUTIVE BUDGET AND FINANCE
101 EAST WILSON STREET, 10TH FLOOR
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FAX: (608) 267-0372

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis
☒ Original ☐ Updated ☐ Corrected

2. Date
August 17, 2026

3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable)
ATCP 93; no assigned CR

4. Subject
Flammable, Combustible, and Hazardous Liquids

5. Fund Sources Affected
☒ GPR ☐ FED ☐ PRO ☐ PRS ☐ SEG ☐ SEG-S

6. Chapter 20, Stats. Appropriations Affected

7. Fiscal Effect of Implementing the Rule
☒ No Fiscal Effect ☐ Increase Existing Revenues ☐ Increase Costs ☐ Decrease Costs
☐ Indeterminate ☐ Decrease Existing Revenues ☒ Could Absorb Within Agency's Budget

8. The Rule Will Impact the Following (Check All That Apply)
☐ State's Economy ☒ Specific Businesses/Sectors
☐ Local Government Units ☐ Public Utility Rate Payers
☐ Small Businesses **(if checked, complete Attachment A)**

9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1).
$unknown but small

10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be $10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)?
☐ Yes ☒ No

11. Policy Problem Addressed by the Rule
ATCP 93 regulates many different types of petroleum and hazardous liquid applications, from time to time, it is necessary for the agency to consider updating the rule. Chapter ATCP 93 addresses standards for the construction, maintenance, and closure of tank systems for the storage, handling, or use of liquids that are flammable, combustible, or federally regulated substances. Rule changes reflect technical developments and industry changes that have occurred during the past several years. DATCP needs to review these matters internally and with industry and does so during the rule revision.

12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments.
Many of the businesses affected by this rule are "small businesses." DATCP shared details of the proposed ATCP 93 with stakeholders twice before seeking the DATCP Board's approval to hold hearings on the hearing draft rule. Many stakeholders are represented through organizations such as the Wisconsin Fuel and Retail Association, the Cooperative Network and industry leaders. Stakeholders who signed up for the mailing list received proposed revisions.

13. Identify the Local Governmental Units that Participated in the Development of this EIA.
None.

14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)
The proposed ch. ATCP 93 incorporates standards by reference established by recognized technical societies, as indicated in tables listed in s. 200. Many standards have been repealed in this revision, but a few new standards have been recommended. Depending upon the nature of the entity, a business may need to encumber the cost of purchasing the copyrighted document in which a given standard is published. However, businesses will only need to purchase those publications applicable to their particular needs. The department recognizes purchase decisions as individual choices

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made at stakeholder discretion.

The proposed rule changes also change certain aspects of plan review that may have negligible financial effects. As tank systems age, the new rule proposes certain changes for existing tank systems or new systems if and when replacement is necessary. There may also be some financial effects as businesses transition to new provisions in closing tank systems. These will depend on the age of the tank systems.

Proposed rule changes to aboveground tank overfill and spill prevention may have financial effects for older tank systems and equipment installed

15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

While the 2019 repeal and recreate of the entire rule helped in understanding, the rule still has confusing aspects that should be clarified. Without these clarifications and updates, the rule could still confuse and will not reflect the current nature of the tanks inspection program.

16. Long Range Implications of Implementing the Rule

Implementing this rule benefits business and the general public. The new rule simplifies the rules businesses must follow and develops a more uniform standard. In addition, the rule modifications create consistency between this rule and other existing DATCP rules. ATCP 93 also incorporates known changes that will become necessary over the coming years.

17. Compare With Approaches Being Used by Federal Government

Federal regulations for both aboveground and underground storage tank systems address groundwater and surface water protection. The planned rule changes are not expected to conflict with these federal regulations.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois

Illinois has a similar program reflected in administrative rules found in the Illinois Fire Protection code section (Title 41), particularly 41 Ill. Adm. Code 172 to 180.

Iowa

Iowa has a similar program as reflected in administrative rules found in code sections pertaining to the State Fire Marshal, particularly 661 Iowa Administrative Code sections 221 to 228. Other rules governing underground storage tanks appear in 567 Iowa Administrative Code sections 134 to 136, which pertain to the Iowa Department of Natural Resources.

Michigan

Michigan has a similar program as reflected in rules within the administrative code sections pertaining to the Michigan Department of Licensing and Regulatory Affairs, particularly Mich. Administrative Code R 29.2101 to 29.2174, R 29.5601 to R 29.5917, and R29.6101 to R 29.6156.

Minnesota

In Minnesota, administrative rules governing a similar program may be found in the Minnesota Pollution Control Agency section (Minnesota rules part 7105, Underground Storage Tanks; Training; part 7150, Underground Storage Tanks; Program; and part 7151, Aboveground Storage of Liquid Substances). To a limited degree, the State Fire Marshal, working out of the Minnesota Department of Public Safety, promulgates other rules dealing with the safety of storage tanks.

19. Contact Name	20. Contact Phone Number
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ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?
- ☐ Less Stringent Compliance or Reporting Requirements
- ☐ Less Stringent Schedules or Deadlines for Compliance or Reporting
- ☐ Consolidation or Simplification of Reporting Requirements
- ☐ Establishment of performance standards in lieu of Design or Operational Standards
- ☐ Exemption of Small Businesses from some or all requirements
- ☐ Other, describe:

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

☐ Yes ☐ No