



State of Wisconsin
Governor Tony Evers

Department of Agriculture, Trade and Consumer Protection
Secretary-designee Randy Romanski

GUIDANCE DOCUMENT

Date: July 29, 2021

Re: Supply Chain Delays for Tank System Equipment

January 1, 2022 is the deadline to comply with Wis. Admin. Code ATCP § ATCP 93.500 (5) *Secondary Containment for Piping* and ATCP 93.615(5)(f) *Secondary Containment*. Enforcement of the Wis. Admin. Code ATCP § ATCP 93.500 will begin at that time.

Some facilities have opted to replace entire tank systems while making the required secondary containment equipment upgrades. DATCP Bureau of Weights and Measures is aware that current supply chain delays may impact the ability of those facilities to meet the January 1, 2022 deadline.

Storage tank system owners are permitted by [ATCP 93.170](#) to petition for a temporary variance to delay enforcement of a rule. The department shall consider and may grant a variance upon receipt and review of form [TR-WM-129](#), a petition for variance fee of \$300.00, and documentation to support the facility took the appropriate steps to attempt to meet the deadline of January 1, 2022, including, but not limited to the following:

- A copy of the purchase order for materials (tank, piping, sumps) with order date that reflects the normal timeframe in which to purchase and obtain materials for a January 1, 2021 compliance deadline, along with the current estimated delivery schedule
- DATCP plan approval letter
- Signed contract for new tank installation
 - Note that contracts signed after August 6th for installation in 2022 may not be approved due to normal UST installation lead times.
- Any additional steps taken to meet the January 1, 2022 deadline

Per ATCP 93.170(4), the department has 30 days to review and make a determination on an application for a petition for variance upon receipt.

Facilities affected by supply chain delays that do not obtain a variance and do not meet the secondary containment requirements by January 1, 2022, risk system shutdown until compliant with ATCP 93.

Questions? Please contact Joe Smith, Director - Bureau of Weights and Measures, at (608) 516-5362 or via email at JosephJ.Smith@wisconsin.gov.

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2811 Agriculture Drive • PO Box 8911 • Madison, WI 53708-8911 • Wisconsin.gov

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