



State of Wisconsin  
Governor Scott Walker

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**Department of Agriculture, Trade and Consumer Protection**  
Ben Brancel, Secretary

**DATE:** March 15, 2016

**TO:** Board of Agriculture, Trade and Consumer Protection

**FROM:** Ben Brancel, Secretary  
Karley Downing, Office of Legal Counsel

**SUBJECT:** Chs. ATCP 30, 40, 42, 50, 75 Appendix, 90, 91, 92, 93, 94, 105, 127, 134, 141 Minor and Technical Changes to Multiple Department Chapters; Final Draft Rule

**PRESENTED BY:** Karley Downing

**REQUESTED ACTION:**

At the March 22, 2016, Board meeting, the Department of Agriculture, Trade and Consumer Protection ("Department") will ask the Board to approve a Final Draft Rule (copy attached) for proposed minor and technical amendments to current Department rule chs 30, 40, 42, 50, 75 Appendix, 90, 91, 92, 93, 94, 105, 127, 134, 141 related to Pesticide Product Restrictions; Fertilizer and Related Products; Commercial Feed; Soil and Water Resource Management Program; Wisconsin Food Code; Fair Packaging and Labeling; Selling Commodities by Weight, Measure or Count; Weights & Measures; Flammable, Combustible, and Hazardous Liquids; Petroleum and Other Liquid Fuel Products; Sales Below Cost; Direct Marketing; Residential Rental Practices; Cherry Marketing Order. The proposed rule makes technical changes (non-substantive or minor substantive changes) to a number of administrative code chapters administered by the Department.

**SUMMARY:**

*Rule Content*

This rule makes minor or technical changes to a number of current Department rules. This rule does all of the following:

**Pesticide Use and Control**

Removes date references that are no longer necessary and updates cross references to Department chapters.

**Fertilizer and Related Products**

Incorporates by reference the most recent edition of the current rule standard concerning fertilizers.

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### **Commercial Feed**

Updates the technical standards in the current rule to the most recent versions and reinserts a paragraph that was inadvertently removed during prior rulemaking.

### **Soil and Water Resource Management Program**

Updates several sections to reference the current versions of technical standards.

### **Wisconsin Food Code Appendix**

Corrects a spelling and spacing error.

### **Fair Packaging and Labeling; Selling Commodities by Weight, Measure or Count; Weights and Measures; Flammable, Combustible and Hazardous Liquids;**

- Corrects small grammatical errors.
- Updates the technical references to cite the current National Institute of Standards and Technology (NIST) Handbook and American Society for Testing and Materials (ATSM) fuel standards.
- Amends notes to reference website addresses and form numbers.
- Removes obsolete notes.

### **Petroleum and Other Liquid Fuel Products**

Updates the technical references to cite the current NIST Handbook and ATSM fuel standards and amends notes to reference current website addresses and form numbers.

### **Sales Below Cost**

Corrects a grammatical error.

### **Direct Marketing**

Corrects a grammatical error.

### **Residential Rental Practices**

Removes an obsolete note.

## **Cherry Marketing Order**

Removes a note and set of brackets that were added during previous rulemaking to correct the inadvertent removal of language from a subsection.

### ***Changes to Hearing Draft in Response to Public Hearings and Rules Clearinghouse Comments***

The Department did not receive any written comments from the general public to the Hearing Draft, and no persons appeared at the public hearing held on February 17, 2016, to receive testimony or comments concerning the Hearing Draft.

The Department made several minor edits to the Hearing Draft to conform to form, style, and placement requirements, in response to comments received from the Rules Clearinghouse. Minor changes were also made due to notification from one of the Divisions that several of the standards incorporated into certain portions of the rule was recently updated.

### ***Effect on Small Business***

This rule will not have any impact on small businesses or other business. This rule makes minor technical changes that will not have any impact on business standards, costs, or operations. See the complete *Final Regulatory Flexibility Analysis* that accompanies this rule.

### ***Next Steps***

If the Board approves a Final Draft Rule, the Department will transmit the Final Draft Rule for the Governor's approval. After the Governor's approval, the Final Draft Rule will be submitted for legislative committee review. If the Legislature has no objections to the rule, the Secretary will sign the final rulemaking order and transmit it for publication. The rule will take effect the month following publication in the Wisconsin Administrative Register unless the Final Draft Rule specifies a later effective date.

Wisconsin Department of Agriculture, Trade and Consumer Protection

**Final Regulatory Flexibility Analysis**

**Rule Subject:** Technical Rule  
**Adm. Code Reference:** ATCP 30, 40, 42, 50, 75 Appendix, 90, 91, 92, 93, 94, 105, 127, 134, and 141  
**Rules Clearinghouse #:** 16-012  
**DATCP Docket #:** 15-R-14

*Rule Summary*

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Updates the technical standards in the current rule to the most recent versions and reinserts a paragraph that was inadvertently removed during prior rulemaking.

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Updates several sections to reference the current versions of technical standards.

**Wisconsin Food Code Appendix**

Corrects a spelling and spacing error.

**Fair Packaging and Labeling; Selling Commodities by Weight, Measure or Count; Weights and Measures; Flammable, Combustible and Hazardous Liquids;**

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Corrects a grammatical error.

### **Direct Marketing**

Corrects a grammatical error.

### **Residential Rental Practices**

Removes an obsolete note.

### **Cherry Marketing Order**

Removes a note and set of brackets that were added during previous rulemaking to correct the inadvertent removal of language from a subsection.

### ***Small Business Affected***

This rule will not have any impact on small businesses or other business. This rule makes minor technical changes that will not have any impact on business standards, costs, or operations.

### ***Reporting, Bookkeeping and other Procedures***

The proposed rule does not create any reporting, bookkeeping, or other requirement for small businesses.

### ***Professional Skills Required***

The proposed rule does not require any profession skill of small businesses.

*Accommodation for Small Business*

This rule has no impact upon small businesses and as a result, no accommodations are needed.

*Conclusion*

This rule will not have any effect on “small business,” and is not subject to the delayed “small business” effective date provided in s. 227.22(2) (e), Stats.

Dated this 14<sup>th</sup> day of MARCH, 2016.

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE,  
TRADE AND CONSUMER PROTECTION

By 

Karley Downing, Chief Legal Counsel  
Office of the Secretary

**PROPOSED ORDER OF THE WISCONSIN  
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION  
ADOPTING RULES**

1           The Wisconsin department of agriculture, trade and consumer protection proposes the  
2 following order *to repeal* ATCP 50.66 (3) (a) 4., 134.04 (3) (Note), 141.04(1) (Note); *to amend*  
3 ATCP 30.24 (8) (b) 1., 30.31 (4) (a) and (b), 40.08 (8) and (Note), 40.10 (4) (b) 2. and (Note),  
4 40.12 (2) (c) 1. and (Note), 40.18 (2) and (Note), 42.06 (3), 42.16 (1) (b) and (2) (b), 42.32 (2)  
5 (b), 42.44 (6) (a) and (6) (b), 42.54 (1) (a), 50.62 (5) (e) 3. and (e) 5., 50.64 (1) (e) and (5) (a),  
6 50.65 (3) (a) 1., 50.66 (3) (a) 1., 50.68 (4) (a), 50.70 (4) (b) 4., 50.705 (5) (a) 4., 50.72 (3) (a) 4.,  
7 50.73 (3) (d) 7., 50.76 (5) (a) 2., 3., and 6., 50.77 (4) (a) 6., 50.80 (3) (a) 5. and 8., 50.83 (3) (a)  
8 4., 50.86 (4) (b) 5. and 6., 50.87 (4) (a) 3., 50.88 (3) (a) 5., 50.885 (4) 9a) 1., 2., and 4., 50.91 (3)  
9 9b) 2. and 5., 50.94 (3) (a) 5., 50.96 (3) (b) 3., 50.97 (3) (a), 75 appendix 3-201.11(H) (1), 75  
10 appendix 3-202.13, 90.01 (15g) and (Note), and (15r) and (Note), 91.01 (4) and (Note), 92.01  
11 (10h) and (Note), (10p) and (Note), and (10t) and (Note), 92.10 (Title), 93.050 (64) and (117)  
12 (Note), 93.100 (1) (a) 4. (Note), 7. and (Note), and (3) (a) 5. d. (Note), 93.115 (2) (b) 2. a. and  
13 (Note) and 4. a. and b., 93.130 (4) (c) (Note), 93.140 (2) (b) and (Note), (3) (a) and (Note), (c) 1.,  
14 (d) and 2., 3., and 4., 93.150 (2) (e) (Note), 93.1605 (table footnote), 93.350 (2) (b), 93.400 (5)  
15 (f) and (Note), (6) (c) and (Note), (8) (a) 1. b. and (Note), c., and d., 93.440 (3) (a) 2. c. (Note),  
16 93.465 (1) (b) (Note), 93.515 (2) (d) 2., 93.520 (1) (d) 4. and (Note) and (e) 3. b. (Note), 93.530  
17 (2) (f) 4. and (Note), 93.535 (7) (intro.), 93.550 (1) (e) and (Note), 93.560 (1) and (Note), (2) (d)  
18 and (Note), 93.580 (3) (a) (Note), 93.620 (1) (b) (Note), 93.630 (3) (c) and (Note), 93.630 (Table  
19 Title), 93.680 (4) (a) (Note), (b), (c) and (Note), 93.703 (2) (Note), 93.727 (2) (a), 93.745 (2) (j)

1 3. b. (Note), 93.747 (2) (c) 1. b. (Note), 93.810 (2) and (Note), 93.830 (2) (a) and (b), 93.840 (1)  
2 (intro.), 93.841 (2) (b) 5., 93.870 (Title), 94.110 (3) (Note), 94.200 (1) (intro.), (a) to (h), and (j)  
3 to (L), 105.009 (4), 127.18 (Title), 127.48 (Title), 127.76 (Title), 127.84 (Title), 141.04 (1); and,  
4 *to repeal and recreate* ATCP 42.40 (4) (b) and (Note) ; *relating to* various minor and technical  
5 rule changes.

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**Analysis Prepared by the Department of Agriculture,  
Trade and Consumer Protection**

This rule makes minor technical changes to a number of current rules administered by the Department of Agriculture, Trade and Consumer Protection (Department).

***Statutes Interpreted***

Statutes Interpreted: ss. 91.02, 92.05(3) (c), 93.48(1), 94.01(1), 94.64(9), 94.65(9), 94.69, 94.72(13) (a), 94.73(11), 97.27(5), 98.07(4), 100.20(2), 100.30, 168.16(4) and 168.23, Stats.

***Statutory Authority***

Statutory Authority: ss. 93.07 (1) and (24)

***Explanation of Statutory Authority***

The Department has general authority, under s. 93.07(1), Stats., to adopt rules to interpret laws under its jurisdiction. It also has specific rulemaking authority related to various matters addressed by this rule (see above). This rule makes minor changes to a number of different rules administered by the Department. The changes are adopted under the same authority used to adopt the original rules.

***Related Rules or Statutes***

This rule is not substantially affected by statutes or rules other than those identified in this rule.

***Plain Language Analysis***

This rule makes minor or technical changes to a number of current DATCP rules. This rule does all of the following:

## **Pesticide Use and Control**

Removes date references that are no longer necessary and updates cross references to Department chapters.

## **Fertilizer and Related Products**

Incorporates by reference the most recent edition of the current rule standard concerning fertilizers.

## **Commercial Feed**

Updates the technical standards in the current rule to the most recent versions and reinserts a paragraph that was inadvertently removed during prior rulemaking.

## **Soil and Water Resource Management Program**

Updates several sections to reference the current versions of technical standards.

## **Wisconsin Food Code Appendix**

Corrects a spelling and spacing error.

## **Fair Packaging and Labeling; Selling Commodities by Weight, Measure or Count; Weights and Measures; Flammable, Combustible and Hazardous Liquids;**

- Corrects small grammatical errors.
- Updates the technical references to cite the current National Institute of Standards and Technology (NIST) Handbook and American Society for Testing and Materials (ATSM) fuel standards.
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Updates the technical references to cite the current NIST Handbook and ATSM fuel standards and amends notes to reference current website addresses and form numbers.

## **Sales Below Cost**

Corrects a grammatical error.

## **Direct Marketing**

Corrects a grammatical error.

## **Residential Rental Practices**

Removes an obsolete note.

## **Cherry Marketing Order**

Removes a note and set of brackets that were added during previous rulemaking to correct the inadvertent removal of language from a subsection.

### ***Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations***

The technical rule changes proposed in this rule will not create any disparities between Wisconsin rules and federal statutes and regulations.

#### ***Comparison with Rules in Adjacent States***

The technical rule changes proposed in this rule will not create any disparities between Wisconsin and the adjacent states.

#### ***Summary of Factual Data and Analytical Methodologies***

This rule does not depend on any complex analysis of data. This rule merely makes minor technical changes to current rules.

#### ***Analysis and Supporting Documents Used to Determine Effect on Small Business***

Because this rule makes minor technical changes, no significant analysis or documentation was required to determine that the proposed rule will have no impact on small businesses.

#### ***Effect on Business Impact***

This rule will not have any impact on small businesses or other business. This rule makes minor technical changes that will not have any impact on business standards, costs or operations. See the *Initial Regulatory Flexibility Analysis* that accompanies this rule.

#### ***Environmental Impact***

Since this rule only makes minor technical changes, this rule will have no significant impact on the environment.

#### ***Agency Contact for Submitting Comments***

Questions or comments related to this rule may be sent to the following address:

Kelly Monaghan

Department of Agriculture, Trade and Consumer Protection  
2811 Agriculture Drive  
Madison, WI 53718  
Telephone: (608) 224-5023

E-Mail: kelly.monaghan@wi.gov

Comments must be received no later than 14 days following the administrative rule hearing.

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1           **SECTION 1.** ATCP 30.24 (8) (b) 1. is amended to read:

2           ATCP 30.24 (8) (b) 1. A prohibition area is created to include every township quarter-  
3 quarter section lying wholly or in part within one mile of a point of standards application at  
4 which aldicarb residues have been detected in groundwater at a concentration of 10 ppb or more,  
5 based on a reliable groundwater test result received by the division ~~at any time before or after~~  
6 ~~April 1, 1988. If the reliable groundwater test result was received by the division before April 1,~~  
7 ~~1988, the prohibition area is created on April 1, 1988. If the reliable groundwater test result is~~  
8 ~~received by the division after April 1, 1988, the~~ The prohibition area is created on the date when  
9 the groundwater test result is received by the division. The one mile radius from the point of  
10 standards application shall be calculated from the center point of the township quarter-quarter  
11 section in which the actual point of standards application is located.

12           **SECTION 2.** ATCP 30.31 (4) (a) and (b) are amended to read:

13           ATCP 30.31 (4) (a) Atrazine product may only be applied by a certified private  
14 applicator or by a person who is certified as a commercial applicator in the appropriate pesticide  
15 use category under s. ATCP ~~29.16~~ 29.31.

16           (b) Atrazine product may only be mixed or loaded by a certified private applicator or by  
17 a person who is certified as a commercial applicator or mixer-loader in the appropriate pesticide  
18 use category under s. ATCP ~~29.16~~ 29.31.

19           **SECTION 3.** ATCP 40.08 (8) and (Note) are amended to read:

1 ATCP 40.08 (8) TERMS AND DEFINITIONS. Terms used in fertilizer labeling shall be consistent  
2 with the fertilizer terms and definitions contained in the *Official Publication of the Association of*  
3 *American Plant Food Control Officials, No. ~~67(2014)~~ 68 (2015)*.

4 **Note:** The *Official Publication of the Association of American Plant Food Control*  
5 *Officials, No. ~~67(2014)~~ 68 (2015)* is on file with the department and the legislative  
6 reference bureau. Copies may be obtained from the treasurer of the Association of  
7 American Plant Food Control Officials, Inc., North Carolina Department of  
8 Agriculture, P.O. Box 33508, Raleigh, NC 33636-3508, or online at  
9 <http://www.aapfco.org>.

10  
11 **SECTION 4.** ATCP 40.10 (4) (b) 2. and (Note) are amended to read:

12 ATCP 40.10 (4) (b) 2. Identify the source of each plant nutrient, using only terms defined in  
13 the *Official Publication of the Association of American Plant Food Control Officials, No. ~~67(2014)~~ 68*  
14 *(2015)*.

15 **Note:** The *Official Publication of the Association of American Plant Food Control*  
16 *Officials, No. ~~67(2014)~~ 68 (2015)* is on file with the department and the legislative  
17 reference bureau. Copies may be obtained from the treasurer of the Association of  
18 American Plant Food Control Officials, Inc., North Carolina Department of  
19 Agriculture, P.O. Box 33508, Raleigh, NC 33636-3508, or online at  
20 <http://www.aapfco.org>.

21  
22 **SECTION 5.** ATCP 40.12 (2) (c) 1. and (Note) are amended to read:

23 ATCP 40.10 (2) (c) 1. The source material is accurately described by a term defined in the  
24 *Official Publication of the Association of American Plant Food Control Officials, No. ~~67(2014)~~ 68*  
25 *(2015)*.

26 **Note:** The *Official Publication of the Association of American Plant Food Control*  
27 *Officials, No. ~~67(2014)~~ 68 (2015)* is on file with the department and the legislative  
28 reference bureau. Copies may be obtained from the treasurer of the Association of  
29 American Plant Food Control Officials, Inc., North Carolina Department of  
30 Agriculture, P.O. Box 33508, Raleigh, NC 33636-3508, or online at  
31 <http://www.aapfco.org>.

32  
33 **SECTION 6.** ATCP 40.18 (2) and (Note) are amended to read:

34  
35 ATCP 40.18 (2) No fertilizer may contain a metal in a concentration that exceeds the maximum  
36 allowable concentration specified for that metal in the *Official Publication of the Association of American*

1 *Plant Food Control Officials, No. 67 68*, statement of uniform interpretation and policy number 25, (2014  
2 2015).

3 **Note:** Statement of uniform interpretation and policy number 25, from the *Official*  
4 *Publication of the Association of American Plant Food Control Officials, No. 67*  
5 *68 (2014 2015)*, is on file with the department and the legislative reference  
6 bureau. Copies may be obtained from the treasurer of the Association of  
7 American Plant Food Control Officials, Inc., North Carolina Department of  
8 Agriculture, P.O. Box 33508, Raleigh, NC 33636-3508, or online at  
9 <http://www.aapfco.org>.

10  
11 **SECTION 7.** ATCP 42.06 (3) is amended to read:

12 ATCP 42.06 (3) SINGLE-INGREDIENT FEEDS. Product names for single-ingredient  
13 commercial feeds shall be consistent with the feed ingredient definitions specified in the 2014  
14 2015 Official Publication of the Association of American Feed Control Officials.

15 **SECTION 8.** ATCP 42.16 (1) (b) and (2) (b) are amended to read:

16 ATCP 42.16 (1) (b) Paragraph (a) does not apply to a commercial feed which is defined  
17 as a single ingredient feed product by the 2014 2015 Official Publication of the Association of  
18 *American Feed Control Officials*.

19 (2) (b) The official name of that ingredient as stated in the 2014 2015 Official  
20 *Publication of the Association of American Feed Control Officials*.

21 **SECTION 9.** ATCP 42.32 (2) (b) is amended to read:

22 ATCP 42.32 (2) (b) The official name of that ingredient as stated in the 2014 2015  
23 *Official Publication of the Association of American Feed Control Officials*.

24 **SECTION 10.** ATCP 42.40 (4) (b) and (Note) are repealed and recreated to read:

25 ATCP 42.40 (4) (b) By a testing procedure published in the 2015 *Official Publication of*  
26 *the Association of American Feed Control Officials*.

27 **Note:** Copies of the *Official Publication of the Association of American Feed Control*  
28 *Officials* are on file with the department and the legislative reference bureau.  
29 Paper or electronic copies may be obtained from AAFCO at [www.aafco.org](http://www.aafco.org).

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**SECTION 11.** ATCP 42.44 (6) (a) and (b) are amended to read:

ATCP 42.44 (6) (a) The dog or cat food, when fed in recommended amounts, meets all nutrient requirements established in applicable pet nutrient profiles specified in the ~~2014~~ 2015 *Official Publication of the Association of American Feed Control Officials.*

(b) The dog or cat food is adequate as a sole source of nourishment for dogs or cats when fed according to label directions and according to feeding protocols for dogs and cats specified in the ~~2014~~ 2015 *Official Publication of the Association of American Feed Control Officials.*

**SECTION 12.** ATCP 42.54 (1) (a) is amended to read:

ATCP 42.54 (1) (a) The non-protein nitrogen ingredients are identified in the ~~2014~~ 2015 *Official Publication of the Association of American Feed Control Officials.*

**SECTION 13.** ATCP 50.62 (5) (e) 3. and 5. are amended to read:

ATCP 50.62 (5) (e) 3. NRCS technical guide ~~water well decommissioning standard 351 (June, 2011~~ October, 2014).

5. NRCS technical guide heavy use area protection standard 561 (~~April, 2014~~ August, 2015).

**SECTION 14.** ATCP 50.64 (1) (e) and (5) (a) are amended to read:

ATCP 50.64 (1) (e) Heavy use area protection described in NRCS technical guide heavy use area protection standard 561 (~~April, 2014~~ August, 2015).

(5) (a) The system complies with applicable design, construction, and maintenance standards under this subchapter and NRCS technical guide heavy use area protection standard 561 (~~April, 2014~~ August, 2015).

**SECTION 15.** ATCP 50.65 (3) (a) 1. is amended to read:

1 ATCP 50.65 (3) (a) 1. NRCS technical guide access road standard 560 (~~January, 2014~~  
2 October, 2014).

3 **SECTION 16.** ATCP 50.66 (3) (a) 1. is amended to read:

4 ATCP 50.66 (3) (a) 1. NRCS technical guide ~~animal~~ trails and walkways standard 575  
5 (~~January, 2014~~ October, 2014).

6 **SECTION 17.** ATCP 50.66 (3) (a) 4. is repealed.

7 **SECTION 18.** ATCP 50.68 (4) (a) is amended to read:

8 ATCP 50.68 (4) (a) The cropland cover meets NRCS technical guide cover crop  
9 standard 340 (~~January, 2014~~ August, 2015).

10 **SECTION 19.** ATCP 50.70 (4) (b) 4. is amended to read:

11 ATCP 50.70 (4) (b) 4. NRCS technical guide grassed waterway standard 412 (~~January,~~  
12 ~~2011~~ August, 2015).

13 **SECTION 20.** ATCP 50.705 (5) (a) 4. is amended to read:

14 ATCP 50.705 (5) (a) 4. NRCS technical guide vegetated treatment area standard 635  
15 (~~September, 2012~~ October, 2014).

16 **SECTION 21.** ATCP 50.72 (3) (a) 4. is amended to read:

17 ATCP 50.72 (3) (a) 4. NRCS technical guide filter strip standard 393 (~~January, 2001~~  
18 August, 2015).

19 **SECTION 22.** ATCP 50.73 (3) (d) 7. is amended to read:

20 ATCP 50.73 (3) (d) 7. NRCS technical guide grassed waterway standard 412 (~~January,~~  
21 ~~2011~~ August, 2015).

22 **SECTION 23.** ATCP 50.76 (5) (a) 2., 3., and 6. are amended to read:

1 ATCP 50.76 (5) (a) 2. NRCS technical guide watering facility standard 614 (~~May, 2011~~  
2 October, 2014).

3 3. NRCS technical guide water well standard 642 (~~April, 2011~~ October, 2014).

4 6 . NRCS technical guide heavy use area protection standard 561 (~~April, 2014~~ August,  
5 2015).

6 **SECTION 24.** ATCP 50.77 (4) (a) 6. is amended to read:

7 ATCP 50.77 (4) (a) 6. NRCS technical guide vegetated treatment area standard 635  
8 (~~September, 2012~~ October, 2014).

9 **SECTION 25.** ATCP 50.80 (3) (a) 5. and 8. are amended to read:

10 ATCP 50.80 (3) (a) 5. NRCS technical guide heavy use area protection standard 561  
11 (~~April, 2014~~ August, 2015).

12 8. NRCS technical guide ~~animal~~ trails and walkways standard 575 (~~January, 2014~~  
13 October, 2014).

14 **SECTION 26.** ATCP 50.83 (3) (a) 4. is amended to read:

15 ATCP 50.83 (3) (a) 4. NRCS technical guide filter strip standard 393 (~~January, 2001~~  
16 August, 2015).

17 **SECTION 27.** ATCP 50.86 (4) (b) 5. and 6. are amended to read:

18 ATCP 50.86 (4) (b) 5. NRCS technical guide vegetated treatment area standard 635  
19 (~~September, 2012~~ October, 2014).

20 6. NRCS technical guide heavy use area protection standard 561 (~~April, 2014~~ August,  
21 2015).

22 **SECTION 28.** ATCP 50.87 (4) (a) 3. is amended to read:

1 ATCP 50.87 (4) (a) 3. NRCS technical guide grassed waterway standard 412 (~~January,~~  
2 ~~2011~~ August, 2015).

3 **SECTION 29.** ATCP 50.88 (3) (a) 5. is amended to read:

4 ATCP 50.88 (3) (a) 5. NRCS technical guide heavy use area protection standard 561  
5 (~~April, 2014~~ August, 2015).

6 **SECTION 30.** ATCP 50.885 (4) (a) 1., 2., and 4. are amended to read:

7 ATCP 50.885 (4) (a) 1. NRCS technical guide access road standard 560 (~~January, 2014~~  
8 October, 2014).

9 2. NRCS technical guide streambank and shoreline protection standard 580 (~~August,~~  
10 ~~2013~~ March, 2015).

11 4. NRCS technical guide stream crossing standard 578 (~~March, 2013~~ 2015).

12 **SECTION 31.** ATCP 50.91 (3) (b) 2. and 5. are amended to read:

13 ATCP 50.91 (3) (b) 2. NRCS technical guide grassed waterway standard 412 (~~January,~~  
14 ~~2011~~ August, 2015).

15 5. NRCS technical guide terrace standard 600 (~~December, 2010~~ March, 2015).

16 **SECTION 32.** ATCP 50.94 (3) (a) 5. is amended to read:

17 ATCP 50.94 (3) (a) 5. NRCS technical guide vegetated treatment area standard 635  
18 (~~September, 2012~~ October, 2014).

19 **SECTION 33.** ATCP 50.96 (3) (b) 3. is amended to read:

20 ATCP 50.96 (3) (b) 3. NRCS technical guide grassed waterway standard 412 (~~January,~~  
21 ~~2011~~ August, 2015).

22 **SECTION 34.** ATCP 50.97 (3) (a) is amended to read:

23 ATCP 50.97 (3) (a) NRCS technical guide water-well decommissioning standard 351  
24 (~~June, 2011~~ October, 2014).

1           **SECTION 35.** ATCP 75 appendix subpar. 3-201.11(H) (1) is amended to read:

2           ATCP 75 appendix 3-201.11(H) (1) ~~From~~ From an egg handler complying with the  
3 requirements of ATCP 88 and holding a FOOD PROCESSING PLANT license under s. 97.29,  
4 Stats.,

5           **SECTION 36.** ATCP 75 appendix § 3-202.13 is amended to read:

6           ATCP 75 appendix 3-202.13 **Eggs.**

7           EGGS shall be received clean and sound and may not exceed the restricted egg  
8 ~~tolerances~~ tolerances as specified in s. ATCP 88.26. <sup>P</sup>

9           **SECTION 37.** ATCP 90.01 (15g) and (Note), and (15r) and (Note) are amended to read:

10          ATCP 90.01 (15g) "*NIST Handbook 44*" means *NIST Handbook 44* (2014 2016 edition)  
11 published by the National Institute of Standards and Technology, United States department of  
12 commerce.

13          **Note:** Copies of *NIST Handbook 44, Specifications, Tolerances and Other Technical*  
14                *Requirements for Weighing and Measuring Devices* (2014 2016 edition) are on  
15 file with the department and the legislative reference bureau. Copies may be  
16 obtained from the U.S. Government Printing Office, Stop SSOP, Washington,  
17 D.C. 20102-0001, website: [www.nist.gov](http://www.nist.gov).

18          (15r) "*NIST Handbook 133*" means *NIST Handbook 133* (2014 2016 edition) published  
19 by the National Institute of Standards and Technology, United States department of commerce.

21          **Note:** Copies of *NIST Handbook 133, Checking the Net Contents of Packaged Goods*  
22                (2014 2016 edition) are on file with the department and the legislative reference  
23 bureau. Copies may be obtained from the U.S. Government Printing Office, Stop  
24 SSOP, Washington, D.C. 20102-0001, website: [www.nist.gov](http://www.nist.gov).

25          **SECTION 38.** ATCP 91.01 (4) and (Note) are amended to read:

26          ATCP 91.01 (4) "*NIST Handbook 130*" means *NIST Handbook 130* (2014 2016 edition)  
27 published by the National Institute of Standards and Technology, United States department of  
28 commerce.  
29

1       **Note:** Copies of *NIST Handbook 130* ( ~~2014~~ 2016 edition) are on file with the  
2           department and the legislative reference bureau. Copies may be obtained from the  
3           U.S. Government Printing Office, Stop SSOP, Washington, D.C. 20102-0001, or  
4           at [www.nist.gov](http://www.nist.gov).  
5

6       **SECTION 39.** ATCP 92.01 (10h) and (Note), (10p) and (Note), and (10t) and (Note) are  
7 amended to read:

8           ATCP 92.01 (10h) “*NIST Handbook 44*” means *NIST Handbook 44* (~~2014~~ 2016 edition)  
9 published by the National Institute of Standards and Technology, United States department of  
10 commerce.

11       **Note:** Copies of *NIST Handbook 44, Specifications, Tolerances and Other Technical*  
12           *Requirements for Weighing and Measuring Devices* (~~2014~~ 2016 edition) are on  
13           file with the department and the legislative reference bureau. Copies may be  
14           obtained from the U.S. Government Printing Office, Stop SSOP, Washington,  
15           D.C. 20102-0001, website: [www.nist.gov](http://www.nist.gov).  
16

17       (10p) “*NIST Handbook 130*” means *NIST Handbook 130* (~~2014~~ 2016 edition) published  
18 by the National Institute of Standards and Technology, United States department of commerce.

19       **Note:** Copies of *NIST Handbook 130, Uniform Laws and Regulation in the Areas of*  
20           *Legal Metrology and Engine Fuel Quality* (~~2014~~ 2016 edition) are on file with the  
21           department and the legislative reference bureau. Copies may be obtained from the  
22           U.S. Government Printing Office, Stop SSOP, Washington, D.C. 20102-0001,  
23           website: [www.nist.gov](http://www.nist.gov).  
24

25       (10t) “*NIST Handbook 133*” means *NIST Handbook 133* (~~2014~~ 2016 edition) published  
26 by the National Institute of Standards and Technology, United States department of commerce.

27       **Note:** Copies of *NIST Handbook 133, Checking the Net Contents of Packaged Goods*  
28           (~~2014~~ 2016 edition) are on file with the department and the legislative reference  
29           bureau. Copies may be obtained from the U.S. Government Printing Office, Stop  
30           SSOP, Washington, D.C. 20102-0001, website: [www.nist.gov](http://www.nist.gov).  
31

32       **SECTION 40.** ATCP 92.10 (Title) is amended to read:

33       ATCP 92.10 (Title) ~~Recordkeeping~~ **Record keeping and reporting.**

34       **SECTION 41.** ATCP 93.050 (64) and (117) (Note) are amended to read:

1           ATCP 93.050 (64) "Liquid" means any material that has both a fluidity greater than that  
2 of 300 penetration asphalt when tested in accordance with ASTM ~~D-5~~ D5 at standard conditions  
3 of temperature and pressure, and a vapor pressure of 40 pounds per square inch absolute (psia) or  
4 lower at 100oF as determined by ASTM ~~D-323~~ D323 or ~~4953~~ D4953. For materials outside the  
5 scope of the ASTM ~~D-5~~ D5 test, liquid means any material that both starts to melt at  
6 temperatures less than 100°F and has a vapor pressure of 40 psia or lower at 100°F.

7           (117) (Note)

8           **Note:** *Tank System Site Assessment: A Guide to the Assessment and Reporting of*  
9           *Suspected and or Obvious Releases From Underground and Aboveground Storage*  
10           *Tank Systems* (Stock number 61D) is available from Document Sales and  
11           Distribution at 4622 University Avenue, Madison, WI 53705-2156; or at telephone  
12           (800) 362-7253; or at <http://doesales@doa.state.wi.us>; or from the Department's  
13           department's Web site website at  
14           [http://datep.wi.gov/Consumer/Weights\\_and\\_Measures/index.aspx](http://datep.wi.gov/Consumer/Weights_and_Measures/index.aspx)  
15           [http://datcp.wi.gov/Consumer/Hazardous\\_Materials\\_Storage\\_Tanks/Hazardous M](http://datcp.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/Hazardous_Materials_Storage_Tank_Forms/index.aspx)  
16           [aterials\\_Storage\\_Tank\\_Forms/index.aspx](http://datcp.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/Hazardous_Materials_Storage_Tank_Forms/index.aspx).

17  
18           **SECTION 42.** ATCP 93.100 (1) (a) 4. (Note), 7. and (Note), and (3) (a) 5. d. (Note) are  
19 amended to read:

20           ATCP 93.100 (1) (a) 4. (Note)

21           **Note:** Under subsection (3) (a) 5. c., the Department's ~~department's~~ leak detection  
22           installation form (~~ERS-9LD TR-WM-133~~) must be filled out and submitted  
23           anytime leak detection equipment is added or modified, whether or not plan  
24           review is required. This form is available from the Bureau of Weights and  
25           Measures, PO Box 8911, Madison, WI 53708-8911, or at telephone (608) 224-  
26           4942, or from the Bureau's Web site at  
27           [http://datep.wi.gov/Consumer/Weights\\_and\\_Measures/index.aspx](http://datep.wi.gov/Consumer/Weights_and_Measures/index.aspx)  
28           [http://datcp.wi.gov/Consumer/Hazardous\\_Materials\\_Storage\\_Tanks/Hazardous](http://datcp.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/Hazardous_Materials_Storage_Tank_Forms/index.aspx)  
29           [Materials\\_Storage\\_Tank\\_Forms/index.aspx](http://datcp.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/Hazardous_Materials_Storage_Tank_Forms/index.aspx).

30  
31           7. Converting a full-service motor fuel dispensing facility or a self-service motor fuel  
32 dispensing facility to the use of a point-of-sale dispensing system or device. A certified installer  
33 is not required to perform the conversion to a point-of-sale dispensing system. The installer shall

1 fill out the department's point-of-sale fueling installation form (~~ERS-6294 POS TR-WM-130~~)  
2 and shall provide the form to the authorized agent or the department, for inspection of the  
3 system.

4 **Note:** Form ~~ERS-6294 POS TR-WM-130~~ is available from the Bureau of Weights and  
5 Measures, PO Box 8911, Madison, WI 53708-8911, or at telephone (608) 224-  
6 4942, [http://datep.wi.gov/Consumer/Weights\\_and\\_Measures/index.aspx](http://datep.wi.gov/Consumer/Weights_and_Measures/index.aspx) or at  
7 [http://datep.wi.gov/Consumer/Hazardous\\_Materials\\_Storage\\_Tanks/Hazardous](http://datep.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/Hazardous_Materials_Storage_Tank_Forms/index.aspx)  
8 [Materials\\_Storage\\_Tank\\_Forms/index.aspx](http://datep.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/Hazardous_Materials_Storage_Tank_Forms/index.aspx).  
9

10 (3) (a) 5. d. (Note)

11 **Note:** Forms ~~ERS-9 TR-WM-126~~ — ~~Flammable/Combustible~~  
12 ~~Flammable/Combustible/Hazardous~~ Liquid Tanks Installation Application, ~~ERS-~~  
13 ~~6294 POS TR-WM-130~~ — Point-of-Sale Fueling Installation Notification, ~~ERS-9~~  
14 ~~LD TR-WM-133~~ — Storage Tank Leak Detection Installation or Upgrade  
15 Application /Notification, ~~ERS-9 Alternative Fuels TR-WM-132~~ — Storage Tank  
16 Alternative Fuel Installation/Conversion Application, and ~~ERS-10764 TR-WM-~~  
17 ~~124~~ — ~~Farm & Construction AST Installation Notification Farm and Construction~~  
18 ~~Aboveground Storage Tank Installation Notification~~, are available from the  
19 Bureau of Weights and Measures, PO Box 8911, Madison, WI 53708-8911, or at  
20 telephone (608) 224-4942, or from the Bureau's Web site at  
21 [http://datep.wi.gov/Consumer/Weights\\_and\\_Measures/index.aspx](http://datep.wi.gov/Consumer/Weights_and_Measures/index.aspx)  
22 [http://datep.wi.gov/Consumer/Hazardous\\_Materials\\_Storage\\_Tanks/Hazardous](http://datep.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/Hazardous_Materials_Storage_Tank_Forms/index.aspx)  
23 [Materials\\_Storage\\_Tank\\_Forms/index.aspx](http://datep.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/Hazardous_Materials_Storage_Tank_Forms/index.aspx).  
24

25 **SECTION 43.** ATCP 93.115 (2) (b) 2. a. and (Note), 4. a. and b. are amended to read:

26  
27 ATCP 93.115 (2) (b) 2. a. At a pre-construction meeting. For installations involving  
28 underground tanks or piping, the department's pre-construction installation form (~~ERS-6294~~  
29 ~~PCM TR-WM-131~~) shall be filled out by the certified installer, and a copy shall be provided to  
30 the certified tank system inspector at the end of the meeting. Where an LPO has jurisdiction, the  
31 LPO shall send a copy of the form to the department.

32 **Note:** Form ~~ERS-6294 PCM TR-WM-131~~ — Pre-Construction UST/PIPE Installation is  
33 available from the Bureau of Weights and Measures, PO Box 8911, Madison, WI  
34 53708-8911, or at telephone (608) ~~266-7874~~ 224-4942, or from the Bureau's Web  
35 site at [http://datep.wi.gov/Consumer/Weights\\_and\\_Measures/index.aspx](http://datep.wi.gov/Consumer/Weights_and_Measures/index.aspx)

1 [http://datcp.wi.gov/Consumer/Hazardous\\_Materials\\_Storage\\_Tanks/Hazardous](http://datcp.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/Hazardous)  
2 [Materials\\_Storage\\_Tank\\_Forms/index.aspx.](http://datcp.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/Hazardous)

3  
4 4. a. Before a shop-built tank system is placed into operation, including back into  
5 operation after undergoing a modification or upgrade that is required to have plan approval or  
6 registration, the authorized agent or the department shall inspect the installation, and shall record  
7 the results by completing and signing the installation checklist, form ~~ERS-9658~~ TR-WM-120, or  
8 ~~ERS-6294 UST~~ TR-WM-138, as received from the installer, under s. ATCP 93.400 (5) (f) or  
9 93.500 (6) (e).

10 b. The original of the installation checklist, form ~~ERS-9658~~ TR-WM-120, or ~~ERS-6294~~  
11 ~~UST~~ TR-WM-138, shall be completed and submitted to the department. A copy of the checklist  
12 shall be furnished to the owner, and a copy shall be retained by the authorized agent if there is  
13 one.

14 **SECTION 44.** ATCP 93.130 (4) (c) (Note) is amended to read:

15 ATCP 93.130 (4) (c) (Note)

16 **Note:** Form ~~ERS-8028-A~~ TR-WM-127— Wisconsin Material Approval Application is  
17 available from the Bureau of Weights and Measures, PO Box 8911, Madison, WI  
18 53708-8911, or at telephone (608) 224-4942, or ~~from the Bureau's Web site at~~  
19 [http://datep.wi.gov/Consumer/Weights\\_and\\_Measures/index.aspx](http://datep.wi.gov/Consumer/Weights_and_Measures/index.aspx)  
20 [http://datcp.wi.gov/Consumer/Hazardous\\_Materials\\_Storage\\_Tanks/Hazardous](http://datcp.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/Hazardous)  
21 [Materials\\_Storage\\_Tank\\_Forms/index.aspx.](http://datcp.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/Hazardous)

22  
23 **SECTION 45.** ATCP 93.140 (2) (b) and (Note), (3) (a) and (Note), (c) 1., (d) and 2., 3.  
24 and 4. are amended to read:

25 ATCP 93.140 (2) (b) An owner of a registered tank who changes their name or mailing  
26 address, or an owner of a registered tank at a facility that undergoes a name change, shall have  
27 the change registered with the department on form ~~ERS-7437~~ TR-WM-137, ~~ERS-8731~~ TR-WM-  
28 118 or ERS-10861 E, as provided by the department, within 15 business days of the change.

1 ATCP 93.140 (2) (b) (Note)

2 **Note:** Form ~~ERS-7437~~ TR-WM-137— Underground  
3 Flammable/Combustible/Hazardous Liquid Storage Tank Registration, form ~~ERS-~~  
4 ~~8731~~ TR-WM-118— Aboveground Flammable/Combustible/Hazardous Liquid  
5 Storage Tank Registration, and form ERS-10861 E — Change of Ownership,  
6 Flammable/Combustible/Hazardous Liquid Storage Tank Registration are  
7 available from the Bureau of Weights and Measures, PO Box 8911, Madison, WI  
8 53708-8911, or at telephone (608) 224-4942. ~~Forms ERS-7437 and 8731 are also~~  
9 ~~available from the Bureau's Web, or at~~  
10 [http://datep.wi.gov/Consumer/Weights\\_and\\_Measures/index.aspx](http://datep.wi.gov/Consumer/Weights_and_Measures/index.aspx)  
11 [http://datcp.wi.gov/Consumer/Hazardous\\_Materials\\_Storage\\_Tanks/Hazardous](http://datcp.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/Hazardous)  
12 [Materials\\_Storage\\_Tank\\_Forms/index.aspx.](http://datcp.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/Hazardous)  
13

14 (3) (a) *General.* A storage tank registration form, form ~~ERS-7437~~ TR-WM-137 or ~~ERS-~~  
15 ~~8731~~ TR-WM-118, shall be completed, signed by the owner and submitted to the department, for  
16 each tank which stores regulated substances and which is not exempted in sub. (1).

17 **Note:** Form ~~ERS-7437~~ TR-WM-137 — Underground  
18 Flammable/Combustible/Hazardous Liquid Storage Tank Registration, and form  
19 ~~ERS-8731~~ TR-WM-118 — Aboveground Flammable/Combustible/Hazardous  
20 Liquid Storage Tank Registration, are available from the Bureau of Weights and  
21 Measures, PO Box 8911, Madison, WI 53708-8911, or at telephone (608) 224-  
22 4942, or from the Bureau's Web site at  
23 [http://datep.wi.gov/Consumer/Weights\\_and\\_Measures/index.aspx](http://datep.wi.gov/Consumer/Weights_and_Measures/index.aspx)  
24 [http://datcp.wi.gov/Consumer/Hazardous\\_Materials\\_Storage\\_Tanks/Hazardous](http://datcp.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/Hazardous)  
25 [Materials\\_Storage\\_Tank\\_Forms/index.aspx.](http://datcp.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/Hazardous)  
26

27 (c) 1. Submittal of a registration form for a newly installed shop-built tank system, or for  
28 a registered shop-built tank system addressed in sub. (2) (c), shall include the original of the tank  
29 installation inspection checklist, form ~~ERS-9658~~ TR-WM-120, or ~~ERS-6294~~ UST TR-WM-138,  
30 as completed by the certified tank system inspector under s. ATCP 93.115 (2) (b) 4., except as  
31 specified in par. (d).

32 (d) *Exceptions.* In the following circumstances, the specified documents shall be  
33 submitted instead of form ~~ERS-9658~~ TR-WM-120 or ~~ERS-6294~~ UST TR-WM138:

1 (d) 2. 'Conversion to point-of-sale fueling.' Where conversion to point-of-sale fueling  
2 is the only change at a facility, submittal of the registration form shall include the POS fueling  
3 installation form (~~ERS-6294 POS~~ TR-WM-130) completed under s. ATCP 93.100 (3) (a) 5. b.

4 3. 'Upgrade, exchange or conversion of installed leak detection methodology to another  
5 approved methodology or manufacturer.' Where upgrade, exchange or conversion of installed  
6 leak detection methodology to another approved methodology or manufacturer is the only change  
7 at a facility, submittal of the registration form shall include the leak detection installation form  
8 (~~ERS-9 LD~~ TR-WM-132) completed under s. ATCP 93.100 (3) (a) 5. c.

9 4. 'Conversion to storage and dispensing of alternative motor fuels.' Where conversion  
10 to storage and dispensing of alternative motor fuels is the only change at a facility, submittal of  
11 the registration form shall include Part II of form ~~ERS-9 Alternative Fuels~~ TR-WM-132, as  
12 completed by the tank owner under s. ATCP 93.100 (3) (a) 5. d.

13 **SECTION 46.** ATCP 93.150 (2) (e) (Note) is amended to read:

14 ATCP 93.150 (2) (e) (Note)

15  
16 **Note:** Form ~~ERS-7437~~ TR-WM-137 — Underground  
17 Flammable/Combustible/Hazardous Liquid Storage Tank Registration, form ~~ERS-~~  
18 ~~8734~~ TR-WM-118— Aboveground Flammable/Combustible/Hazardous Liquid  
19 Storage Tank Registration, and form ERS-10861 E — Change of Ownership,  
20 Flammable/Combustible/Hazardous Liquid Storage Tank Registration are  
21 available from the Bureau of Weights and Measures, PO Box 8911, Madison, WI  
22 53708-8911, or at telephone (608) 224-4942. ~~Forms ERS-7437 and 8734 are also~~  
23 ~~available from the Division's Web site, or at~~  
24 [http://datcp.wi.gov/Consumer/Weights\\_and\\_Measures/index.aspx](http://datcp.wi.gov/Consumer/Weights_and_Measures/index.aspx)  
25 [http://datcp.wi.gov/Consumer/Hazardous\\_Materials\\_Storage\\_Tanks/Hazardous](http://datcp.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/Hazardous)  
26 [Materials\\_Storage\\_Tank\\_Forms/index.aspx.](http://datcp.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/Hazardous)  
27

28 **SECTION 47.** ATCP 93.1605 (table footnote) is amended to read:

29 ATCP 93.1605 (table footnote)

30 \* If the Department is conducting plan review in the absence of an assigned local  
31 program operator, the appropriate Table 93.1605 fees must be

1 submitted, along with the groundwater fee in sub. (2). Further information on  
2 where local program operators perform reviews is available at the  
3 following ~~Web~~ web-site:  
4 [http://datep.wi.gov/Consumer/Weights\\_and\\_Measures/index.aspx](http://datep.wi.gov/Consumer/Weights_and_Measures/index.aspx)  
5 [http://datep.wi.gov/Consumer/Hazardous Materials Storage Tanks/Hazardous](http://datep.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/Hazardous)  
6 [Materials Storage Tank Forms/index.aspx](http://datep.wi.gov/Consumer/Hazardous_Materials_Storage_Tank_Forms/index.aspx).

7  
8 **SECTION 48.** ATCP 93.350 (2) (b) is amended to read:

9 ATCP 93.350 (2) (b) *Notification*. The qualified engineer shall notify the department, on  
10 form ~~ERS-9198~~ TR-WM-121, of an impending installation of a tank system under this section,  
11 unless this notice is provided under s. ATCP 93.115 (2) (b) 3.

12 **SECTION 49.** ATCP 93.400 (5) (f) and (Note), (6) (c) and (Note), (8) (a) 1. b. and (Note),  
13 c., and d. are amended to read:

14 ATCP 93.400 (5) (f) Upon completion of any installation of new or replacement shop-  
15 built tanks or piping, or any modification or upgrade thereto that requires plan approval or  
16 registration, the certified installer shall provide the authorized agent or the department with a  
17 completed tank installation checklist, form ~~ERS-9658~~ TR-WM-120.

18 **Note:** Form ~~ERS-9658~~ TR-WM-120 - Checklist for Aboveground Storage Tank  
19 Installation is available from the Bureau of Weights and Measures, PO Box 8911,  
20 Madison, WI 53708-8911, or at telephone (608) 224-4942, or ~~from the Bureau's~~  
21 ~~Web site at~~ [http://datep.wi.gov/Consumer/Weights\\_and\\_Measures/index.aspx](http://datep.wi.gov/Consumer/Weights_and_Measures/index.aspx)  
22 [http://datep.wi.gov/Consumer/Hazardous Materials Storage Tanks/Hazardous](http://datep.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/Hazardous)  
23 [Materials Storage Tank Forms/index.aspx](http://datep.wi.gov/Consumer/Hazardous_Materials_Storage_Tank_Forms/index.aspx).

24  
25 (6) (c) If the tank is relocated to a property with a different street address, a revised tank  
26 registration, form ~~ERS-8734~~ TR-WM-118 or ERS-10861 E, and part A of a tank-system service  
27 and closure assessment report, form ~~ERS-8951~~ TR-WM-140, shall be completed and submitted  
28 to the department for the former location.

29 **Note:** Form ~~ERS-8734~~ TR-WM-118 — Aboveground  
30 Flammable/Combustible/Hazardous Liquid Storage Tank Registration; form ERS-  
31 10861 E — Change of Ownership, Flammable/Combustible/Hazardous Liquid  
32 Storage Tank Registration; and form ~~ERS-8951~~ TR-WM-140 — Tank System

1 Service and Closure Assessment Report are available from the Bureau of Weights  
2 and Measures, PO Box 8911, Madison, WI 53708-8911, or at telephone (608)  
3 224-4942. ~~Forms ERS-8731 and 8951 are also available from the Bureau's Web~~  
4 ~~site, or at [http://datep.wi.gov/Consumer/Weights\\_and\\_Measures/index.aspx](http://datep.wi.gov/Consumer/Weights_and_Measures/index.aspx)~~  
5 ~~[http://datep.wi.gov/Consumer/Hazardous Materials Storage Tanks/Hazardous](http://datep.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/Hazardous)~~  
6 ~~[Materials Storage Tank Forms/index.aspx.](http://datep.wi.gov/Consumer/Hazardous_Materials_Storage_Tank_Forms/index.aspx)~~

7  
8 (8) (a) 1. b. All repairs or modifications under STI SP031 shall be recorded on the  
9 department's ~~ERS-10873~~ TR-WM-134 form.

10 **Note:** Form ~~ERS-10873 TR-WM-134~~ –STI SP031 Tank Repair/Modification Summary,  
11 is available from the Bureau of Weights and Measures, PO Box 8911, Madison,  
12 WI 53708-8911, or at telephone (608) 224-4942, or ~~from the Bureau's Web site at~~  
13 ~~[http://datep.wi.gov/Consumer/Weights\\_and\\_Measures/index.aspx](http://datep.wi.gov/Consumer/Weights_and_Measures/index.aspx)~~  
14 ~~[http://datep.wi.gov/Consumer/Hazardous Materials Storage Tanks/Hazardous](http://datep.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/Hazardous)~~  
15 ~~[Materials Storage Tank Forms/index.aspx.](http://datep.wi.gov/Consumer/Hazardous_Materials_Storage_Tank_Forms/index.aspx)~~

16  
17 c. A copy of the completed ~~ERS-10873~~ TR-WM-134 form shall be provided to the tank  
18 owner or operator.

19 d. The tank owner or operator shall have the completed ~~ERS-10873~~ TR-WM-134 form  
20 on site and available for inspection within 30 days after receiving it from the party that  
21 performed the repair.

22 **SECTION 50.** ATCP 93.440 (3) (a) 2. c. (Note) is amended to read:

23 ATCP 93.440 (3) (a) 2. c. (Note)

24  
25 **Note:** STI SP001 requires monthly and annual inspections, and requires maintaining  
26 records of these inspections. For almost all ASTs that have a capacity of 5000  
27 gallons or less, these inspections are only required to be visual. For most tanks  
28 that have a capacity of more than 5,000 gallons, the requirements include, but are  
29 not limited to, having a certified inspection every 20 years, consisting of a visual  
30 exam and spot, ultrasonic examination, with no requirement for an integrity  
31 pressure test. STI SP001 includes optional checklists that may be used for the  
32 required ~~recordkeeping~~ record keeping. These checklists and a compendium that  
33 contains further guidance for these inspections are available from the Bureau of  
34 Weights and Measures, PO Box 8911, Madison, WI 53708-8911, or at telephone  
35 (608) 224-4942, or ~~from the Bureau's Web site at~~  
36 ~~[http://datep.wi.gov/Consumer/Weights\\_and\\_Measures/index.aspx](http://datep.wi.gov/Consumer/Weights_and_Measures/index.aspx)~~  
37 ~~[http://datep.wi.gov/Consumer/Hazardous Materials Storage Tanks/Hazardous](http://datep.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/Hazardous)~~  
38 ~~[Materials Storage Tank Forms/index.aspx.](http://datep.wi.gov/Consumer/Hazardous_Materials_Storage_Tank_Forms/index.aspx)~~

1  
2 SECTION 51. ATCP 93.465 (1) (b) (Note) is amended to read:

3 ATCP 93.465 (1) (b) (Note)

4 **Note:** For further information on sampling and reporting for these assessments, see the  
5 Department's *Tank System Site Assessment: A Guide to the Assessment and*  
6 *Reporting of Suspected and/or Obvious Releases from Underground and*  
7 *Aboveground Storage Tank Systems* (Stock number 61D) which is available from  
8 Document Sales and Distribution at 4622 University Avenue, Madison, WI  
9 53705-2156; or at telephone (800) 362-7253; or at [doesales@doa.state.wi.us](mailto:doesales@doa.state.wi.us); or  
10 from the Department's Web site at  
11 [http://datep.wi.gov/Consumer/Weights\\_and\\_Measures/index.aspx](http://datep.wi.gov/Consumer/Weights_and_Measures/index.aspx)  
12 [http://datep.wi.gov/Consumer/Weights\\_and\\_Measures/Admin\\_and\\_Technical Re](http://datep.wi.gov/Consumer/Weights_and_Measures/Admin_and_Technical_References/index.aspx)  
13 [ferences/index.aspx](http://datep.wi.gov/Consumer/Weights_and_Measures/Admin_and_Technical_References/index.aspx).

14 **Note:** The format for the reporting is available at

15  
16 [http://datep.wi.gov/Consumer/Weights\\_and\\_Measures/index.aspx](http://datep.wi.gov/Consumer/Weights_and_Measures/index.aspx).

17 SECTION 52. ATCP 93.515 (2) (d) 2. is amended to read:

18 ATCP 93.515 (2) (d) 2. Incomplete or inconsistent data entry reflected during any 2  
19 months of data entry out of the most recent 3 months of inventory control ~~recordkeeping record~~  
20 keeping.

21 SECTION 53. ATCP 93.520 (1) (d) 4. and (Note), and (e) 3. b. (Note) are amended to  
22 read:

23 ATCP 93.520 (1) (d) 4. The results of the inspections, evaluations and testing under this  
24 paragraph shall be summarized on the department's form ~~ERS-10785~~ TR-WM-141, and retained  
25 at the site in accordance with s. ATCP 93.500 (9).

26 **Note:** Form ~~ERS-10785~~ TR-WM-141, Underground Tank System- UST Corrosion  
27 Protection Summary Documentation Test/Survey Report, is available from the  
28 Bureau of Weights and Measures, PO Box 8911, Madison, WI 53708-8911, or at  
29 telephone (608) 224-4942, or from the Bureau's Web site at  
30 [http://datep.wi.gov/Consumer/Weights\\_and\\_Measures/index.aspx](http://datep.wi.gov/Consumer/Weights_and_Measures/index.aspx)  
31 [http://datep.wi.gov/Consumer/Hazardous Materials Storage Tanks/Hazardous](http://datep.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/Hazardous_Materials_Storage_Tank_Forms/index.aspx)  
32 [Materials Storage Tank Forms/index.aspx](http://datep.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/Hazardous_Materials_Storage_Tank_Forms/index.aspx).

33  
34 (e) 3. b. (Note)

1 **Note:** Additional information on corrosion protection certifications is available from the  
2 Department's Web site at  
3 [http://datep.wi.gov/Consumer/Weights\\_and\\_Measures/index.aspx](http://datep.wi.gov/Consumer/Weights_and_Measures/index.aspx)  
4 [http://datcp.wi.gov/Consumer/Hazardous Materials Storage Tanks/Hazardous](http://datcp.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/Hazardous)  
5 [Materials Storage Tank Forms/index.aspx](http://datcp.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/Hazardous).  
6

7 **SECTION 54.** ATCP 93.530 (2) (f) 4. and (Note) is amended to read:

8 ATCP 93.530 (2) (f) 4. A revised tank registration, form ~~ERS-7437~~ TR-WM-137.

9 **Note:** Form ~~ERS-7437~~ TR-WM-137 — Underground  
10 Flammable/Combustible/Hazardous Liquid Storage Tank Registration is available  
11 from the Bureau of Weights and Measures, PO Box 8911, Madison, WI 53708-  
12 8911, or at telephone (608) 224-4942, or from the Bureau's Web site at  
13 [http://datep.wi.gov/Consumer/Weights\\_and\\_Measures/index.aspx](http://datep.wi.gov/Consumer/Weights_and_Measures/index.aspx)  
14 [http://datcp.wi.gov/Consumer/Hazardous Materials Storage Tanks/Hazardous](http://datcp.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/Hazardous)  
15 [Materials Storage Tank Forms/index.aspx](http://datcp.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/Hazardous).  
16

17 **SECTION 55.** ATCP 93.535 (7) (intro.) is amended to read:

18 ATCP 93.535 (7) (intro.) The person performing the inspection shall provide a report to  
19 the owner and to the authorized agent and the department within 15 days of completing the  
20 inspection; that describes all of the following items in addition to those required in API 1631:

21 **SECTION 56.** ATCP 93.550 (1) (e) and (Note) are amended to read:

22 ATCP 93.550 (1) (e) The owner shall have a revised tank registration, form ~~ERS-7437~~  
23 TR-WM-137, and part A of the department's tank-system service and closure assessment report,  
24 form ~~ERS-8951~~ TR-WM-140, completed and submitted to the department within 21 business  
25 days of changing a tank system to storage of a non-regulated substance.

26 **Note:** Forms ~~ERS-7437~~ TR-WM-137- Underground Flammable/Combustible/Hazardous  
27 Liquid Storage Tank Registration, and form ~~ERS-8951~~ TR-WM-140- Tank  
28 System Service and Closure Assessment Report are available from the Bureau of  
29 Weights and Measures, PO Box 8911, Madison, WI 53708-8911, or at telephone  
30 (608) 224-4942, or from the Bureau's Web site at  
31 [http://datep.wi.gov/Consumer/Weights\\_and\\_Measures/index.aspx](http://datep.wi.gov/Consumer/Weights_and_Measures/index.aspx)  
32 [http://datcp.wi.gov/Consumer/Hazardous Materials Storage Tanks/Hazardous](http://datcp.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/Hazardous)  
33 [Materials Storage Tank Forms/index.aspx](http://datcp.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/Hazardous).  
34

35 **SECTION 57.** ATCP 93.560 (1) and (Note), (2) (d) and (Note) are amended to read:

1           ATCP 93.560 (1) NOTIFICATION. At least 5 business days before beginning permanent  
2 closure of a tank system, the owner or operator shall notify the authorized agent or the  
3 department of the intended closure, on form ~~ERS-9198~~ TR-WM-121, except a shorter  
4 notification period is permitted where unexpected closure is commenced upon finding adverse  
5 conditions during a corrective action conducted under s. ATCP 93.585.

6           **Note:** Form ~~ERS-9198~~ TR-WM-121— ATCP 93 Notification Record is available from  
7 the Bureau of Weights and Measures, PO Box 8911, Madison, WI 53708-8911, or  
8 at telephone (608) 224-4942, or ~~from the Bureau's Web site at~~  
9 [http://datcp.wi.gov/Consumer/Weights\\_and\\_Measures/index.aspx](http://datcp.wi.gov/Consumer/Weights_and_Measures/index.aspx)  
10 [http://datcp.wi.gov/Consumer/Hazardous\\_Materials\\_Storage\\_Tanks/Hazardous](http://datcp.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/Hazardous)  
11 [Materials\\_Storage\\_Tank\\_Forms/index.aspx](http://datcp.wi.gov/Consumer/Hazardous_Materials_Storage_Tank_Forms/index.aspx).

12  
13           (2) (d) When an underground tank is closed, or when a previously closed tank is  
14 removed under sub. (4), the owner shall have a revised tank registration, form ~~ERS-7437~~ TR-  
15 WM-137, and part A of the department's tank-system service and closure assessment report,  
16 form ~~ERS-8951~~ TR-WM-140, completed and submitted to the department within 21 business  
17 days of closure or removal.

18           **Note:** Form ~~ERS-7437~~ TR-WM-137— Underground  
19 Flammable/Combustible/Hazardous Liquid Storage Tank Registration, and form  
20 ~~ERS-8951~~ TR-WM-140— Tank System Service and Closure Assessment Report  
21 are available from the Bureau of Weights and Measures, PO Box 8911, Madison,  
22 WI 53708-8911, or at telephone (608) 224-4942, or ~~from the Bureau's Web site at~~  
23 [http://datcp.wi.gov/Consumer/Weights\\_and\\_Measures/index.aspx](http://datcp.wi.gov/Consumer/Weights_and_Measures/index.aspx)  
24 [http://datcp.wi.gov/Consumer/Hazardous\\_Materials\\_Storage\\_Tanks/Hazardous](http://datcp.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/Hazardous)  
25 [Materials\\_Storage\\_Tank\\_Forms/index.aspx](http://datcp.wi.gov/Consumer/Hazardous_Materials_Storage_Tank_Forms/index.aspx).

26  
27           **SECTION 58.** ATCP 93.580 (3) (a) (Note) is amended to read:

28           ATCP 93.580 (3) (a) (Note)

29  
30           **Note:** The format for the reporting is available at  
31 [http://datcp.wi.gov/Consumer/Weights\\_and\\_Measures/index.aspx](http://datcp.wi.gov/Consumer/Weights_and_Measures/index.aspx)  
32 [http://datcp.wi.gov/Consumer/Hazardous\\_Materials\\_Storage\\_Tanks/Hazardous](http://datcp.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/Hazardous)  
33 [Materials\\_Storage\\_Tank\\_Forms/index.aspx](http://datcp.wi.gov/Consumer/Hazardous_Materials_Storage_Tank_Forms/index.aspx).

34  
35           **SECTION 59.** ATCP 93.620 (1) (b) (Note) is amended to read:

1 ATCP 93.620 (1) (b) (Note)

2 **Note:** See the ~~Department's Web~~ department's web-site at  
3 [http://datep.wi.gov/Consumer/Weights\\_and\\_Measures/index.aspx](http://datep.wi.gov/Consumer/Weights_and_Measures/index.aspx)  
4 [http://datcp.wi.gov/Consumer/Hazardous\\_Materials\\_Storage\\_Tanks/Hazardous](http://datcp.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/Hazardous)  
5 [Materials\\_Storage\\_Tank\\_Forms/index.aspx](http://datcp.wi.gov/Consumer/Hazardous_Materials_Storage_Tank_Forms/index.aspx).

6  
7 **SECTION 60.** ATCP 93.630 (3) (c) and (Note) are amended to read:

8 ATCP 93.630 (3) (c) The certified installer shall fill out a tank installation notification,  
9 form ~~ERS-10764~~ TR-WM-124, and provide the form to the authorized agent or the department  
10 for inspection of the tank system.

11 **Note:** Form ~~ERS-10764~~ TR-WM-124— Farm & Construction AST Installation  
12 Notification is available from the Bureau of Weights and Measures, PO Box  
13 8911, Madison, WI 53708-8911, or at telephone (608) 224-4942, or ~~from the~~  
14 ~~Bureau's Web site at~~  
15 [http://datep.wi.gov/Consumer/Weights\\_and\\_Measures/index.aspx](http://datep.wi.gov/Consumer/Weights_and_Measures/index.aspx)  
16 [http://datcp.wi.gov/Consumer/Hazardous\\_Materials\\_Storage\\_Tanks/Hazardous](http://datcp.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/Hazardous)  
17 [Materials\\_Storage\\_Tank\\_Forms/index.aspx](http://datcp.wi.gov/Consumer/Hazardous_Materials_Storage_Tank_Forms/index.aspx).

18  
19 **SECTION 61.** ATCP 93.630 (Table Title) is amended to read:

20 ATCP 93.630 (Table Title)

21 **Table 93.630**  
22 **Tank System Setbacks for Tanks With with Secondary Containment**

23 **SECTION 62.** ATCP 93.680 (4) (a) (Note), (b), (c) and (Note) are amended to read:

24 ATCP 93.680 (4) (a) (Note)

25 **Note:** See the ~~Department's Web~~ department's web-site at  
26 [http://datep.wi.gov/Consumer/Weights\\_and\\_Measures/index.aspx](http://datep.wi.gov/Consumer/Weights_and_Measures/index.aspx)  
27 [http://datcp.wi.gov/Consumer/Hazardous\\_Materials\\_Storage\\_Tanks/Hazardous](http://datcp.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/Hazardous)  
28 [Materials\\_Storage\\_Tank\\_Forms/index.aspx](http://datcp.wi.gov/Consumer/Hazardous_Materials_Storage_Tank_Forms/index.aspx).

29  
30 (b) A certified installer or professional engineer shall complete part I of the department's  
31 alternative fuel installation/conversion application form (~~ERS-9~~ TR-WM-126 Alternative Fuels)  
32 and submit it to the department as part of the plan review submittal.

1 (c) Before commencing normal fueling operations using ethanol-blended fuel, the  
2 operator shall complete part II of the department's alternative fuel installation/conversion  
3 application form (~~ERS-9~~ TR-WM-126 Alternative Fuels) and provide the completed form to the  
4 certified tank system inspector performing the pre-operational inspection.

5 **Note:** Form ~~ERS-9~~ TR-WM-126 Alternative Fuels — Storage Tank Alternative Fuel  
6 Installation/Conversion Application is available from the Bureau of Weights and  
7 Measures, PO Box 8911, Madison, WI 53708-8911, or at telephone (608) 224-  
8 4942, or ~~from the Bureau's Web site at~~  
9 [http://datep.wi.gov/Consumer/Weights\\_and\\_Measures/index.aspx](http://datep.wi.gov/Consumer/Weights_and_Measures/index.aspx)  
10 [http://datcp.wi.gov/Consumer/Hazardous\\_Materials\\_Storage\\_Tanks/Hazardous](http://datcp.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/Hazardous)  
11 [Materials\\_Storage\\_Tank\\_Forms/index.aspx](http://datcp.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/Hazardous).

12  
13 **SECTION 63.** ATCP 93.703 (2) (Note) is amended to read:

14 ATCP 93.703 (2) (Note)

15 **Note:** The affidavit of financial responsibility is available from the Bureau of Weights  
16 and Measures, PO Box 8911, Madison, WI 53708-8911, or at telephone (608)  
17 224-4942, or ~~from the Bureau's Web site at~~  
18 [http://datep.wi.gov/Consumer/Weights\\_and\\_Measures/index.aspx](http://datep.wi.gov/Consumer/Weights_and_Measures/index.aspx)  
19 [http://datcp.wi.gov/Consumer/Hazardous\\_Materials\\_Storage\\_Tanks/Hazardous](http://datcp.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/Hazardous)  
20 [Materials\\_Storage\\_Tank\\_Forms/index.aspx](http://datcp.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/Hazardous).

21  
22 **SECTION 64.** ATCP 93.727 (2) (a) is amended to read:

23 ATCP 93.727 (2) (a) A local government owner or operator or local government serving  
24 as a guarantor that is not a general purpose local government and does not have the legal  
25 authority to issue general obligation bonds may satisfy the requirements of s. ATCP 93.705 by  
26 having a currently outstanding issue or issues of revenue bonds of \$1 million or more, excluding  
27 refunded issues, and by also having a Moody's rating of Aaa, Aa, A, or Baa, or a Standard &  
28 Poor's rating of AAA, AA, A, or BBB as the lowest rating for any rated revenue bond issued by  
29 the local government.

30 **SECTION 65.** ATCP 93.745 (2) (j) 3. b. (Note) is amended to read:

31 ATCP 93.745 (2) (j) 3. b. (Note)

1 **Note:** A copy of the affidavit of financial responsibility required in 40 CFR  
2 280.111(b)(11)(i) is available from the ~~Department's Web~~ department's web-site  
3 at [http://datep.wi.gov/Consumer/Weights\\_and\\_Measures/index.aspx](http://datep.wi.gov/Consumer/Weights_and_Measures/index.aspx)  
4 [http://datcp.wi.gov/Consumer/Hazardous\\_Materials\\_Storage\\_Tanks/Hazardous](http://datcp.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/Hazardous)  
5 [Materials\\_Storage\\_Tank\\_Forms/index.aspx](http://datcp.wi.gov/Consumer/Hazardous_Materials_Storage_Tank_Forms/index.aspx).

6  
7 **SECTION 66.** ATCP 93.747 (2) (c) 1. b. (Note) is amended to read:

8 ATCP 93.747 (2) (c) 1. b. (Note)

9 **Note:** A copy of the affidavit of financial responsibility required in 40 CFR  
10 280.111(b)(2)(i) is available from the ~~Department's Web~~ department's web-site at  
11 [http://datep.wi.gov/Consumer/Weights\\_and\\_Measures/index.aspx](http://datep.wi.gov/Consumer/Weights_and_Measures/index.aspx)  
12 [http://datcp.wi.gov/Consumer/Hazardous\\_Materials\\_Storage\\_Tanks/Hazardous](http://datcp.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/Hazardous)  
13 [Materials\\_Storage\\_Tank\\_Forms/index.aspx](http://datcp.wi.gov/Consumer/Hazardous_Materials_Storage_Tank_Forms/index.aspx).

14  
15 **SECTION 67.** ATCP 93.810 (2) and (Note) is amended to read:

16 ATCP 93.810 (2) "Class B operator" means an individual who implements, on-site, the  
17 day-to-day aspects of operating, maintaining and ~~recordkeeping~~ record keeping for an  
18 underground storage tank system.

19 **Note:** This individual generally focuses on field implementation of applicable UST  
20 requirements and the day-to-day aspects of operating, maintaining, and  
21 ~~recordkeeping~~ record keeping for USTs at one or more facilities.

22  
23 **SECTION 68.** ATCP 93.830 (2) (a) and (b) are amended to read:

24 ATCP 93.830 (2) (a) Requirements for leak or release detection methods, ~~recordkeeping~~  
25 record keeping and reporting are met.

26 (b) Requirements for leak or release prevention equipment, ~~recordkeeping~~ record  
27 keeping and reporting are met.

28 **SECTION 69.** ATCP 93.840 (1) (intro.) is amended to read:

29 ATCP 93.840 (1) (intro.) Basic underground storage tank system requirements, so that  
30 he or she can make informed decisions regarding compliance and ensure appropriate individuals

1 are fulfilling operation, maintenance, and ~~recordkeeping~~ record keeping requirements and  
2 standards of this chapter regarding all of the following:

3 **SECTION 70.** ATCP 93.841 (2) (b) 5. is amended to read:

4 ATCP 93.841 (2) (b) 5. Reporting and ~~recordkeeping~~ record keeping requirements.

5 **SECTION 71.** ATCP 93.870 (Title) is amended to read:

6 ATCP 93.870 (Title) ~~Recordkeeping.~~ **Record keeping.**

7 **SECTION 72.** ATCP 94.110 (3) (Note) is amended to read:

8 ATCP 94.110 (3) (Note)

9 **Note:** Form ~~ERS-9890A~~ TR-WM-129 is available from the Bureau of Weights and  
10 Measures, at P.O. Box 8911, Madison, WI 53708-8911, or (608) 224-4942 or at  
11 [http://datcp.wi.gov/Consumer/Weights\\_and\\_Measures/index.aspx](http://datcp.wi.gov/Consumer/Weights_and_Measures/index.aspx)  
12 [http://datcp.wi.gov/Consumer/Hazardous\\_Materials\\_Storage\\_Tanks/Hazardous](http://datcp.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/Hazardous_Materials_Storage_Tank_Forms/index.aspx)  
13 [Materials\\_Storage\\_Tank\\_Forms/index.aspx](http://datcp.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/Hazardous_Materials_Storage_Tank_Forms/index.aspx).

14  
15 **SECTION 73.** ATCP 94.200 (1) (intro.), (a) to (h), and (j) to (L) are amended to read:

16 ATCP 94.200 (1) (intro.) The following standards of the ~~2014~~ *2015 Annual Book of*  
17 *ASTM Standards* of the American society for testing and materials are incorporated by reference  
18 into this chapter:

19 (a) ~~ASTM D396-14~~ 396-15c, standard specification for fuel oils.

20 (b) ~~ASTM D910-13a~~ D910-15, standard specification for aviation gasolines.

21 (c) ~~ASTM D975-14~~ D975-15c, standard specification for diesel fuel oils.

22 (d) ~~ASTM D1655-13a~~ D1655-15de1, standard specification for aviation turbine fuels.

23 (e) ~~ASTM D3699-13b~~ D3699-13be1, standard specification for kerosine.

24 (f) ~~ASTM D4806-13a~~ D4806-15, standard specification for denatured fuel ethanol for  
25 blending with gasolines for use as automotive spark-ignition engine fuel.

1 (g) ASTM ~~D4814-14~~ D4814-15a, standard specification for automotive spark-ignition  
2 engine fuel.

3 (h) ASTM ~~D5798-13a~~ D5798-15, standard specification for ethanol fuel blends for  
4 flexible-fuel for automotive spark-ignition engines.

5 (j) ASTM ~~D6751-12~~ D6751-15c, standard specification for biodiesel fuel blend stock  
6 (B100) for middle distillate fuels.

7 (k) ASTM ~~D7467-13~~ D7467-15c, standard specification for diesel fuel oil, biodiesel  
8 blend (B6 to B20).

9 (L) ASTM ~~D7547-14~~ D7547-15, standard specification for hydrocarbon unleaded  
10 aviation gasoline.

11 **SECTION 74.** ATCP 105.009 (4) is amended to read:

12 ATCP 105.009 (4) Pricing to meet competition. A seller may not claim to be meeting  
13 competition if the seller's price is less than the ~~competitors~~ competitor's price.

14 **SECTION 75.** ATCP 127.18 (Title) is amended to read:

15 ATCP 127.18 (Title) ~~Recordkeeping.~~ **Record keeping.**

16 **SECTION 76.** ATCP 127.48 (Title) is amended to read:

17 ATCP 127.48 (Title) ~~Recordkeeping.~~ **Record keeping.**

18 **SECTION 77.** ATCP 127.76 (Title) is amended to read:

19 ATCP 127.76 (Title) ~~Recordkeeping.~~ **Record keeping.**

20 **SECTION 78.** ATCP 127.84 (Title) is amended to read:

21 ATCP 127.84 (Title) ~~Recordkeeping.~~ **Record keeping.**

22 **SECTION 79.** ATCP 134.04 (3) (Note) is repealed.

23 **SECTION 80.** ATCP 141.04 (1) is amended to read:

1           ATCP 141.04 (1) MEMBERSHIP. A cherry marketing board consisting of 5 affected  
2 producers is established to administer this order. Board members shall be elected producers.  
3 Board members shall be nominated and elected as prescribed in s. 96.10 (1), Stats. Notice of the  
4 secretary's decision for issuance of this marketing order shall contain a call for nominations for  
5 election of board members to initial terms of office. Nominations shall be filed not earlier than  
6 58 days and not later than 75 days after the secretary's call for nominations, and the election held  
7 within 60 days after approval of the marketing order by referendum. A call for nominations of  
8 affected producers for subsequent election to an expired term of office on the marketing board  
9 shall be made by the board [not later than 90 days before expiration of the term, and nominations  
10 shall be filed] not later than 60 days before the term of office expires. Elections to fill expired  
11 terms of office shall be held within the 60-day period preceding expiration of the terms of office.  
12 If no nominations are made by affected producers within the times specified, the secretary or  
13 marketing board may extend the time period within which nominations may be filed.

14           **SECTION 81.** ATCP 141.04 (1) (Note) is repealed.

15           **SECTION 82. EFFECTIVE DATE:** This rule takes effect on the first day of the month  
16 following publication in the Wisconsin administrative register, as provided in s. 227.22 (2)  
17 (intro.), Stats.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE,  
TRADE AND CONSUMER PROTECTION

By \_\_\_\_\_  
Ben Brancel, Secretary

**ADMINISTRATIVE RULES  
FISCAL ESTIMATE  
AND ECONOMIC IMPACT ANALYSIS**

Type of Estimate and Analysis

Original     Updated     Corrected

Administrative Rule Chapter, Title and Number

Chaps. ATCP 30, 40, 42, 50, 75 Appendix, 90, 91, 92, 93, 94, 105, 127, 134, and 141

Subject

Technical Rule Changes

Fund Sources Affected

Chapter 20, Stats. Appropriations Affected

GPR     FED     PRO     PRS     SEG SEG-S

Fiscal Effect of Implementing the Rule

No Fiscal Effect

Increase Existing Revenues

Increase Costs

Indeterminate

Decrease Existing Revenues

Could Absorb Within Agency's Budget

Decrease Costs

The Rule Will Impact the Following (Check All That Apply)

State's Economy

Specific Businesses/Sectors

Local Government Units

Public Utility Rate Payers

Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes     No

Policy Problem Addressed by the Rule

This rule makes minor or technical changes to a number of current Department rules. This rule does all of the following:

**Pesticide Use and Control**

Removes date references that are no longer necessary and updates cross references to other Department chapters.

**Fertilizer and Related Products**

Incorporates by reference the most recent edition of the current rule standard concerning fertilizers.

**Commercial Feed**

Updates the technical standards in the current rule to the most recent versions and reinserts a paragraph that was inadvertently removed during prior rulemaking.

**Soil and Water Resource Management Program**

Updates several sections to reference the current versions of technical standards.

**Wisconsin Food Code Appendix**

Corrects a spelling and spacing error.

**Fair Packaging and Labeling; Selling Commodities by Weight, Measure or Count; Weights and Measures; Flammable, Combustible and Hazardous Liquids;**

- Corrects small grammatical errors.
- Updates the technical references to cite the current National Institute of Standards and Technology (NIST) Handbook and American Society for Testing and Materials (ATSM) fuel standards.
- Amends notes to reference website addresses and form numbers.
- Removes obsolete notes.

**Petroleum and Other Liquid Fuel Products**

Updates the technical references to cite the current NIST Handbook and ATSM fuel standards and amends notes to reference current website addresses and form numbers.

**Sales Below Cost**

Corrects a grammatical error.

**Direct Marketing**

Corrects a grammatical error.

**Residential Rental Practices**

Removes an obsolete note.

**Cherry Marketing Order**

Removes a note and set of brackets that were added during previous rulemaking to correct the inadvertent removal of language from a subsection.

**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)**

**Small Businesses**

This rule makes technical housekeeping changes that will have no effect upon small businesses.

**Utility Rate Payers**

The rule will have no impact on utility rate payers.

**Local Governments**

This rule will not impact local governments. Local governments will not have any implementation or compliance costs.

**General Public**

This rule makes technical changes to the existing rules identified above. The proposed rule will not have any economic impact on the general public or the State's economy different from the impact of the

existing rules that are proposed to be amended.

**Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule**

**Benefits**

This rule will benefit the public and various business sectors, as described above, by making technical changes to existing rules.

**General Public**

The general public and consumers will benefit from the technical changes in this rule through the clarification and updating of existing rules.

**Alternatives**

This rule makes necessary technical changes in existing rules. If the Department does not make the proposed technical changes, there will continue to be outdated provisions in existing regulations, inconsistencies between regulations and referenced documents, and certain regulations will lack necessary clarity.

**Long Range Implications of Implementing the Rule**

Long-term, implementing the rule will benefit businesses and the general public for the reasons stated above.

**Compare With Approaches Being Used by Federal Government**

The technical changes are proposed to ensure that the specified existing Department rules remain consistent with federal statutes and regulations.

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

The housekeeping and technical rule changes proposed in this rule will not create any disparities between Wisconsin and the adjacent states.

**Comments Received in Response to Web Posting and Department Response**

No comments were received in response either to the posting on the Department's external website or the statewide administrative rules website.