

Wisconsin Department of Agriculture, Trade and Consumer Protection

Initial Regulatory Flexibility Analysis

Rule Subject: Petroleum and Other Liquid Fuel Products

Adm. Code Reference: ATCP 94

Rules Clearinghouse #: n/a

DATCP Docket #: 21-R-06

Rule Summary

This rule does all of the following:

- Adds standard definitions and applies consistent use of terminology.
- Adopts by reference portions of National Institute of Standards and Technology (NIST) Handbook 130 (2020 edition).
- Creates new section on E15.
- Updates petition of variance and fee requirements to conform to DATCP policies and authority.
- Updates allowance for water in tanks to match national standards and standards established in ATCP 93.

Other changes

The proposed rule makes other minor clarifying and corrective changes to the rule.

Small Business Affected

This rule will apply to businesses that sell or distribute petroleum and other liquid fuel products, either at wholesale or at retail. Although these businesses are already regulated under the existing rule, they might need to make minor changes to comply with updated requirements, such as a reduction in the water levels permitted in tanks containing certain fuels.

Recalibration of water sensors in tanks will pose the greatest impact on businesses selling petroleum and other liquid fuel products. Sellers are already required to complete annual checks of fueling systems, at which time a recalibration of water sensors to meet the new standard can be done, thereby avoiding the cost of additional visits from service providers.

The new rule also largely eliminates the need to consult SPS rules in the assessment of fees. This should help small businesses in reviewing relevant rules.

Recordkeeping requirements

There are no changes to recordkeeping requirements.

Accommodation for Small Business

Many of the businesses affected by this rule are “small businesses.” However, given the subject matter, there are very few accommodations or special exceptions that can be made for small businesses.

Conclusion

This rule will have minimal impact on affected businesses, including “small businesses.” Negative effects, if any, will be few and limited. Because this rule will not have a significant adverse effect on “small business,” it is not subject to the delayed “small business” effective date provided in Wis. Stat. s. 227.22 (2) (e).