

wem001\_EmR0836.pdf **Wisconsin Emergency Management – Revises Ch. WEM 1 – EmR0836**  
**WISCONSIN EMERGENCY MANAGEMENT**

**EMERGENCY RULE RELATING TO A FEE CHANGE FOR FACILITIES STORING HAZARDOUS MATERIALS  
AND EXTREMELY HAZARDOUS SUBSTANCES UNDER THE EMERGENCY PLANNING & COMMUNITY  
RIGHT-TO-KNOW ACT (EPCRA)**

**FINDING OF EMERGENCY**

The Wisconsin Division of Emergency Management (WEM)/State Emergency Response Commission finds that an emergency exists and that a rule revision is necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of facts constituting an emergency is as follows:

Emergency response to and planning for accidental or purposeful releases of dangerous chemicals will be compromised by a significant reduction of money available to fund emergency management activities at the county level. County emergency management agencies will be unable to fully comply with state and federal laws. Wisconsin Emergency Management would also experience substantial reductions in capabilities to assist local units of government with their state and federally required responsibilities. Sufficient funding of the county grant program and WEM activities is necessary to protect and defend the citizens of Wisconsin from accidental releases and releases caused by terrorist actions.

**ANALYSIS PREPARED BY WISCONSIN EMERGENCY MANAGEMENT**

Statutes Interpreted: Sections 166.20 generally, 166.20 (5), 166.20 (7), and 166.21, Stats.

Statutory Authority: Sections 166.20 generally, 166.20(5), and 166.20 (7), Stats.

Wisconsin Emergency Management proposes an order to amend WEM 1.03 and WEM 1.04 (7) relating to fees.

**Plain Language Summary**

The proposal to amend WEM 1.03 and WEM 1.04 (7)(a) – (j) would establish fee revisions to facilities housing hazardous chemicals, hazardous substances and extremely hazardous substances as defined in WEM 1.02 (5).

Facilities and certain small businesses which have 10 or more full-time employees and store hazardous materials, hazardous substances and extremely hazardous substances are assessed a fee based on the types and numbers of chemicals present. Fees have not increased since the initial implementation of the fee structure in 1990.

Wisconsin Emergency Management has been successful in stretching dwindle dollars over the years but projections indicate that a change in fees is necessary to avoid substantial reductions of services at the county and state levels of emergency management.

The fees collected fund the grant program which assists county emergency management with planning, response, exercising and training activities as they relate to accidental or purposeful release of hazardous materials, hazardous substances or extremely hazardous substances.

The fees collected fund planning, response, exercise and training activities by the state which supports county emergency management activities.

The changes in this emergency rule will fund the program at the present level for one year to ensure that citizens are protected from the affects of accidental or purposeful release of chemicals at the present level. The permanent rule is being drafted.

**TEXT OF RULE**

SECTION 1: WEM 1.03 is amended to read:

An owner or operator who has made an emergency planning notification required under 166.20 (5) (a) 1., Stats., shall submit a fee of \$800 per facility no later than 2 months after February 1, 1990. Except as provided under as provided under s. WEM 1.06, an owner or operator shall submit a fee of ~~\$800~~945 per facility with the emergency planning

notification required under s. 166.20 (5) (a) 1., Stats. The planning notification fee statement shall be submitted one time to the division.

SECTION 2. WEM 1.04 (7) (a) through (j) is amended to read:

(7) Except as provided under s. WEM 1.07, the appropriate inventory form fee required under this section is:

- (a) For facilities submitting an inventory form listing one hazardous chemical subject to inventory form fee calculations and a maximum daily amount of less than 100,000 pounds, ~~\$150~~180. Facilities with an actual maximum daily amount of 100,000 or more, ~~\$180~~210
- (b) For facilities submitting an inventory form listing 2 to 10 hazardous chemicals subject to inventory form fee calculations and a cumulative actual maximum daily amount of less than 100,000 pounds, ~~\$300~~355. Facilities with an actual maximum daily amount of 100,000 or more, ~~\$360~~425.
- (c) For facilities submitting an inventory form listing 11 to 100 hazardous chemicals subject to inventory form fee calculations and a cumulative actual maximum daily amount of less than 100,000 pounds, ~~\$450~~530. Facilities with a cumulative actual maximum daily amount of 100,000 pounds or more, ~~\$540~~635.
- (d) For facilities submitting an inventory form listing 101 to 200 hazardous chemicals subject to inventory form fee calculations and a cumulative actual maximum daily amount of less than 100,000 pounds, ~~\$550~~650. Facilities with a cumulative actual maximum daily amount of 100,000 pounds or more, ~~\$660~~780.
- (e) For facilities submitting an inventory form listing 201 to 300 hazardous chemicals subject to inventory form fee calculations and a cumulative actual maximum daily amount of less than 100,000 pounds, ~~\$650~~765. Facilities with a cumulative actual maximum daily amount of 100,000 pounds or more, ~~\$780~~920.
- (f) For facilities submitting an inventory form listing 301 to 400 hazardous chemicals subject to inventory form fee calculations and a cumulative actual maximum daily amount of less than 100,000 pounds, ~~\$750~~885. Facilities with a cumulative actual maximum daily amount of 100,000 pounds or more, ~~\$900~~1060.
- (g) For facilities submitting an inventory form listing 401 to 500 hazardous chemicals subject to inventory form fee calculations and a cumulative actual maximum daily amount of less than 100,000 pounds, ~~\$850~~1005. Facilities with a cumulative actual maximum daily amount of 100,000 pounds or more, ~~\$1020~~1205.
- (h) For facilities submitting an inventory form listing over 500 hazardous chemicals subject to inventory form fee calculations and a cumulative actual maximum daily amount of less than 100,000 pounds, ~~\$950~~1120. Facilities with a cumulative actual maximum daily amount of 100,000 pounds or more, ~~\$1140~~1345.
- (i) For temporary construction facilities, ~~\$20~~24.
- (j) For batch plants, ~~\$20~~24.

**Note:** Facilities that have submitted Tier II and Inventory Fee Statements in 2008 for chemicals in 2007 will receive preprinted forms in the mail on or about January 1, 2009. These forms can also be obtained through the Wisconsin Emergency Management website at [emergencymanagement@wisconsin.gov](mailto:emergencymanagement@wisconsin.gov) or call 608-242-3221.

**EFFECTIVE DATE.** This emergency rule shall take effect upon publication in the official state newspaper, on December 1, 2008.