

## **DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES**

Effective July 1, 2013, programs within Department of Safety and Professional Services (DSPS), Division of Industry Services were transferred to other departments. Plumbing and Private Onsite Wastewater Treatment Systems (POWTS) remains at DSPS.

The Bureau of Petroleum Products and Tanks was transferred to the DATCP's Bureau of Weights and Measures. The new Petroleum Products and Tanks Section continues to regulate flammable and combustible liquids and hazardous substance liquids. The authority to fund the removal underground petroleum product storage tanks has been transferred from DSPS to DNR.

The Bureau of PECFA was transferred to DNR's Bureau of Remediation and Redevelopment. PECFA continues to reimburse owners and operators of leaking petroleum storage tanks for remediating environmental contamination. The regulatory jurisdiction of petroleum sites determined to be a low or medium risk to the environment has been transferred back to the DNR.

The statutory jurisdiction over stormwater runoff on building sites (Soil Erosion and Sediment Control Program) was transferred to DNR.

Within the Division of Industry Services, two plumbing programs have the responsibility of safeguarding public health and the waters of the State. Graywater reuse and stormwater is regulated by the General Plumbing Program. Private on-site wastewater treatment systems are regulated by the Private Onsite Wastewater Treatment Systems Program.

### **FY 2016 Highlights**

- Over 90% of statewide private on-site wastewater treatment systems (POWTS) have been inventoried and more than a third of counties are operating a maintenance program for all POWTS in their jurisdiction

### **Details of Ongoing Activities**

#### **Plumbing – Reuse, Stormwater and Private Onsite Wastewater Treatment Systems (POWTS)**

In addition to public health and safety, the water supply and quality issues facing Wisconsin are a focus of the General Plumbing and POWTS programs in the Department of Safety and Professional Services.

General Plumbing – Reuse and Stormwater Use. The Department plumbing code includes standards for reuse of wastewater and stormwater. Currently, the Chapter SPS 382 stormwater rules create the ability for plumbing to be integrally involved with the design and installation of storm systems complying with Chapter NR 151, Wis. Admin. Code. Currently in Wisconsin there are over 65 approved stormwater use or wastewater reuse plumbing systems.

Private Onsite Wastewater Treatment Systems (POWTS) The Department maintains regular contact with the Department of Natural Resources regarding mutual issues of interest such as large onsite sewage systems, mixed wastewater treatment systems, Underground Injection Control (UIC) regulations, septage disposal and water well regulations. The Department also

communicates with the USEPA Region 5 office regarding POWTS related matters. Department staff participates when requested in the development of a regional and national model code related to onsite sewage systems.

### **Petroleum Product and Hazardous Substance Storage Tanks**

The Division of Industry Services continued to maintain regulatory oversight of aboveground and underground petroleum and CERCLA hazardous substance storage tanks in the Chapter SPS 310, Wis. Admin. Code. Underground storage tank regulations include the Federal EPA Underground Storage Tank (UST) requirements, as well as heating fuels, tanks supplying stationary combustion engines such as emergency generators, and other tanks storing regulated liquid products. Chapter SPS 310, Wis. Admin. Code, was revised with an effective date of July 2009, which included the Federal Energy Policy Act of 2005 operator training requirements. A revision of SPS 310 to address additional federal requirements is expected in a future revision.

In order to maintain a federally regulated tank in use (i.e. tanks used for vehicle fueling), the tank must have a valid “permit-to-operate.” Permit renewal administrative review includes compliance assessment of the owner’s financial responsibility. Federally regulated and large fuel oil USTs are subject to periodic inspections involve verification of leak detection, spill and overfill protection, and record keeping. Annual inspections have been performed by Department of Safety and Professional Services (DSPS) employees and private contractors. Due to budget reduction initiatives many of the private contractor inspections have been eliminated with the objective to move these inspections to DSPS inspectors, but extending the time between inspections to no more than two years.

Program tank permit initiatives have resulted in approximately 93% of the tanks required to have financial responsibility being in compliance with the rule. The remaining tanks will not be permitted and will be shut-down if financial responsibility coverage is not verified. Insurance carriers are required to notify when a policy is terminated either by the carrier or by the insured.

The closure of federally regulated tanks will continue, but at a slower pace than experienced over the past few years. Closure of out-of-service residential heating fuel tanks is continuing as realtors and lenders recognize the potential problems and liability. Wisconsin has over 6,000 abandon underground storage tanks (USTs). Many of the tanks are on property of indigent owners. The 2009 Wisconsin Act 28 created ss. 101.1435, Stats, and provided DSPS with \$100,000 per year from the Petroleum Inspection Fund (PIF) to contract for the closure of abandon USTs. Internally this program is referred to as the “PIF tank closure” program. The owner must give DSPS authorization to access the property and remove the UST(s); DSPS will procure the contractor via low bid, and subsequently place a lien against the property for the amount of the tank closure. The PIF closure covers the excavation and backfill, removing the islands, scrapping the tank(s) and piping, soil assessment when required, and removal of existing canopy.

The PIF UST Closure funding has helped significantly; but the closure program comes with challenges, such as: locating and communicating with the property owner and the owner agreeing to a lien against the property. On the positive side is the cooperation of the Department of Justice (DOJ) to include authorization for DSPS to remove tanks under the PIF program in judgments served for non-compliance with tank closure requirements. Some owners found the financial

means to remove tanks when approached with the possibility of DOJ referral. To date the funding program has provided for the closure of 114 underground tanks at thirty-eight facilities.

Proactive educational outreach efforts and annual inspections by the Department and its agents have resulted in a high level of regulatory compliance, and a reduction of system failures and environmental contamination. Mandates required in the Federal Energy Bill of 2005 that had to be implemented in Wisconsin by August 2012 have a significant positive impact on release reduction as the requirement for secondary containment and owner/operator training was implemented with a revision to the administrative code. The ongoing regulatory challenges are owner operational compliance with leak detection. The department has partnered with trade associations working with the regulated community to provide training related to the revised SPS 310 and the pending operator training.

### **Petroleum Environmental Cleanup Fund Act (PECFA)**

Since 1989, the PECFA program has reimbursed approximately \$1.53 billion to petroleum storage tank system owners for costs associated with the investigation and remediation of petroleum contaminated sites. The program, in addition to auditing owner invoices and authorizing payments, performs technical reviews of site investigations, evaluates the feasibility of remedial options, approves funding for scopes of work, and makes decisions regarding closures for the majority of the State's leaking underground storage tank (LUST) sites.

The Petroleum Inspection Fee supports PECFA's spending authority. The spending authority for 2012/2013 is \$12.3 million. It is estimated that the PECFA program will reimburse \$4.3 million to 430 claimants in FY 13. The Program currently reimburses claimants within two months of receiving a claim. The Program's current bond obligation amount is \$188 million.

In addition to administering the PECFA fund, the DSPS PECFA Bureau had the administrative authority for low and medium risk petroleum contaminated sites (which includes both soil and groundwater sites). The Bureau closed approximately 7,750 sites since 1994.

### **Data Management**

DSPS is continuing its data integration information technology (IT) initiative. The database also stores information on activities associated with on-site sewage system design, installation and maintenance. The Department is working with county code administrators and POWTS industry members to upgrade the reporting and recording of inspection, maintenance and servicing events for onsite sewage systems. The department promulgated a rule revision in late 2008 that implements POWTS program related provisions contained in 2005 Wisconsin Act 347 and further modified in 2011 by Wisconsin Act 134. The revised rule requires that counties conduct an inventory by October 1, 2017, to identify all POWTS within their jurisdictional areas. Counties must also initiate new or enhance existing reporting programs related to inspection, maintenance and servicing events by October 1, 2019. Over 90 % of statewide POWTS have been inventoried and more than a third of the counties are operating a maintenance program for all POWTS in their jurisdiction.