



STATE OF WISCONSIN

Department of Safety and Professional Services
1400 E Washington Ave.
Madison WI 53703

ENVIRONMENTAL & REGULATORY SERVICES
Petroleum Products and Tanks
P. O. Box 7837
Madison, Wisconsin 53707-7837

Property Transactions of Property or Facilities With Flammable, Combustible or Hazardous Liquid Storage Tanks

Owners taking possession of property with regulated storage tanks have 15 business days to submit the updated registration forms to the department. In general this applies to underground tanks 60 gallon capacity and larger and aboveground tanks 110 gallon capacity or larger.

The department's permit and registration staff can answer questions and provide the change of ownership form to expedite the administrative process. Contact information for the respective permit staff can be obtained at the following link:
<http://dsps.wi.gov/er/ER-BST-StaffStateMap.html>



Following are the code excerpts that apply to the requirement. The link to the SPS 310 code on the Internet is:

https://docs.legis.wisconsin.gov/code/admin_code/sps/safety_and_buildings_and_environment/301_319/310.pdf

SPS 310.15 Change of ownership. (1) An individual or company taking ownership of property with a storage tank registered under s. SPS 310.140 shall notify the department of the change of ownership within 15 business days of completing the real-estate transaction.

(2) The ownership-change notification shall be on form ERS-7437, ERS-8731 or ERS-10861 E, as provided by the department, and shall include all of the following:

- (a) The name and address of the new owner and of a local contact person.
- (b) The date the documents evidencing the property transfer are executed.
- (c) The name of the previous owner.
- (d) The address of all locations included in the real-estate transaction that have tanks which are subject to the registration requirements in s. SPS 310.140.
- (e) A copy of the newly recorded deed showing the new owner.

Note: Form ERS-7437 — Underground Storage Tank Registration, form ERS-8731— Aboveground Storage Tank Registration, and form ERS-10861 E — Change of Ownership, Flammable/Combustible/Hazardous Liquid Storage Tank Registration are available from the Division of Environmental and Regulatory Services at P.O. Box 7837, Madison, WI, 53707-7837, or at telephone (608) 266-7874. Forms ERS-7437 and 8731 are also available from the Division's Web site at <http://www.commerce.state.wi.us/ER/ER-BST-FM-Comm10Forms.html>.

(3) A permit application, form ERS-7658, if received under s. SPS 310.145 (6) (b) 2., shall be completed and submitted to the department within 15 business days of its receipt; and shall include all of the following:

- (a) Proof of financial responsibility in accordance with subch. VII.
- (b) An affidavit of financial responsibility in accordance with s. SPS 310.745 (2) (j)
- (c) Any fees due to the department as assessed under chs. Comm 2 or 48.

(4) All records that are required to be retained under either s. SPS 310.400 (11) or SPS 310.500 (9) shall be transferred to the new owner or operator.

(5) The authorized agent or the department shall inspect the tank system and dispensing system before the new owner puts the tank system into service.

Note: Marketer facilities should refer to the Web site <http://www.commerce.state.wi.us/ER/pdf/ERS-RPS-DistrictMapERS8592.pdf>.

Non-marketer facilities should refer to the Web site <http://www.commerce.state.wi.us/ER/pdf/ER-BST-Fm-9687TankerMap.pdf>.

Comm 10.140 Tank registration. (1) GENERAL. All new and existing storage tanks that are used to store a regulated substance shall be registered with the department, *except this requirement does not apply to any of the following tanks:*

(a) Aboveground tanks which have a capacity of less than 1,100 gallons and which have any of the following characteristics:

1. Are farm tanks, or are located at and serve a construction project.
2. Are used to store heating oil or used oil, for consumptive use on the premises.
3. Are used to store Class IIIB liquids other than used oil.

Note: There is no exemption for used oil unless it is consumed on the premises where stored. Therefore used-oil storage tanks that have a capacity of 110 gallons or more must be registered.

4. Are located inside a building and are used for industrial processes, if that use occurs through piping which connects the tank to the process.

(b) Aboveground tanks which are used to store nonflammable or noncombustible federally regulated hazardous substances and which have a capacity of less than 5,000 gallons.

Note: The list of federally regulated hazardous substances covered in this subchapter, also known as the CERCLA List, is located in 40 CFR 302.4, Table 302.4.

Note: Registration is not required for aboveground or underground tanks that are used to store nonflammable and noncombustible federally regulated hazardous substances in concentrations of less than 1 percent by volume, because section Comm 10.020 (6) (n) excludes those tanks from this chapter.

(c) Tank vehicles.

(d) Tank wagons, portable tanks and movable tanks, that are located on a property for less than 24 months.

SPS 310.115(3)(a) Immediate shutdown. The following tank systems shall be subject to immediate shutdown:

8. Tank systems that undergo a change of ownership in violation of s. SPS 310.150, until all the requirements of that section are met.