

**Richland County**  
**Local Emergency Planning Committee (LEPC)**  
**By-Laws**

**ARTICLE I:           General Provisions/Rules of Operation**

**Section 1:       Preamble**

The Local Emergency Planning Committee (LEPC) serves Richland County, which was established by the Wisconsin State Emergency Response Board (SERB) on July 17, 1987. The RCLEPC was confirmed by the SERB on August 13, 1987 and held its first meeting on September 28, 1987. The LEPC has been established in compliance with the requirements of Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986 ([PL 99-499](#)) and [1987 Wisconsin Act 342](#), Hazardous Substance Information and Emergency Planning Act, and assumes thereby all responsibilities, duties, and powers as provided therein, by related statutes and by County Board ordinances, resolutions, or other directives. These by-laws are promulgated under the directive of [SARA Title III, Section 301\(c\)](#). The effective date of these by-laws is March 22, 2001.

**Section 2:       Name**

The official name of the Committee shall be the “Richland County Local Emergency Planning Committee (RCLEPC)”.

**ARTICLE II:       Members and Officers:**

**Section 1:       Members**

SARA Title III, Section 301 (c) requires LEPC consist of at least one representative from each of the following groups:

- Elected State or Local Officials
- Law Enforcement
- Emergency Management
- Fire Fighting
- Health/Medical Services
- Transportation
- Broadcast Media
- Print Media
- Community Groups
- Representatives of Facilities subject to SARA Title III

**Wisconsin State Statute § 59.54 (8) (a) LOCAL EMERGENCY PLANNING COMMITTEES.**

(a) The board shall do all of the following:

- Create a local emergency planning committee, with members as specified in [42 USC 11001 \(c\)](#), which shall have the powers and the duties established for such committees under 42 USC 11000 to 11050 and under [ss. 323.60](#) and [323.61](#).
- At least annually, submit to the division of emergency management in the department of military affairs a list of the members of the local emergency planning committee appointed by the county board under this paragraph, including the agency, organization or profession that each member represents.

**42 U.S. Code § 11001 - Establishment of State commissions, planning districts, and local committees (excerpted)**

Each committee shall include, at a minimum, representatives from each of the following groups or organizations: elected State and local officials; law enforcement, civil defense, firefighting, first aid, health, local environmental, hospital, and transportation personnel; broadcast and print media; community groups; and owners and operators of facilities subject to the requirements of this subchapter. Such committee shall appoint a chairperson and shall establish rules by which the committee shall function.

It is the opinion of the Richland County LEPC that its membership be all inclusive of anyone representing any organization or group identified within the context of U.S. Code and Wisconsin State Statute. At least one representative from each group or organization should be appointed to the Richland County LEPC.

**Section 2: Officers**

The Officers of the RCLEPC shall be a Chairperson, Vice Chairperson and Secretary.

**Section 3: Duties of the Officers**

Chairperson: The chairperson shall preside over meetings of the RCLEPC, sign all official documents when required, and perform other duties usual to the office.

Vice- Chairperson: In order to assure the continuity of operations in the absence of the Chairperson, the RCLEPC has established the post of Vice-Chairperson, who, in the Chairperson's absence, will preside over meetings of the RCLEPC. In the case of prolonged absence of the Chairperson, the Vice Chairperson shall assume the other duties of the Chairperson and shall perform such other duties as are usual to the office.

Secretary: The Secretary shall keep minutes of the business conducted. The Secretary shall forward such minutes to the Coordinator of Information who will forward the minutes to those requiring their distribution. During regular meetings, the committee will provide the Secretary. During sub-committee meetings, the Emergency Management will tape record the business of the sub-committee and have those minutes transcribed in the Emergency Management office.

#### **Section 4: Election of Officers**

Chairperson: Subject to the requirements of [Title III, Section 301\(c\)](#), the RCLEPC will elect a Chairperson for a term of two years, to coincide with the Plan of Work cycle. The position is held until a new election is conducted. The position of Chairperson can be held for consecutive terms if so desired by the RCLEPC.

Vice Chairperson: The Vice Chairperson will be elected for a term of two years, to coincide with the Plan of Work cycle. The position is held until a new election is conducted. The position of Vice Chairperson can be held for consecutive terms if so desired by the RCLEPC.

Secretary: The Secretary will be elected for a term of two years, to coincide with the Plan of Work cycle. The position is held until a new election is conducted. The position of Secretary can be held for consecutive terms if so desired by the RCLEPC.

#### **Section 5: Support Personnel**

Subject to the requirements of Title III, Section 301(c), the Richland County Division of Emergency Management will manage, as ancillary assignments, the Community Emergency Coordinator and Coordinator of Information positions.

- Community Emergency Coordinator: Subject to the requirements of Title III, Section 301(c), the Community Emergency Coordinator will undertake those duties and responsibilities, and other responsibilities and duties assigned by the RCLEPC.

- Coordinator of Information: Subject to the requirements of Title III, Section 301(c), the Coordinator of Information will undertake those duties and responsibilities, and other responsibilities and duties assigned by the RCLEPC.

LEPC Inspector: Since the Richland County LEPC does not have anyone that is qualified to complete inspections of facilities within the county, the LEPC delegates this responsibility to Wisconsin Emergency Management at the State level.

#### **Section 6: RCLEPC Functions**

The following functions will be performed by the Chairperson, Vice-Chairperson, County Emergency Management Director and/or Designee as required by State and Federal EPCRA Code and Guidelines:

Communications and Public Relations: Provide the media with information and undertake arrangements for news releases relative to legislation, compliance and general information.

Community Right-To-Know: Develop procedures, review and retain records, and disseminate information to the public with respect to chemical hazards and safety.

Emergency Response: Review all off-site plans and recommend to the RCLEPC either approval or disapproval.

Compliance: Assess and review the compliance status of facilities subject to SARA Title III or Wisconsin State Law, and provide appropriate recommendations to the RCLEPC or other agencies, as necessary.

Membership: Select and retain qualified RCLEPC members and recommend to the RCLEPC and to the Richland County Board Chair potential new members, as necessary, to fill vacancies or new positions. Carry out periodic review of the RCLEPC by-laws and recommend revisions, as appropriate, to support effective function of the RCLEPC.

Exercise Design: Design and conduct exercises annually based on the needs of the response community. The RCLEPC will work in cooperation with public stakeholders in the wider community to assure that emergency response plans are adequately tested and revised. Planners and coordinators have the option of selecting any of the following three types of exercises in any given planning year: Table Top, Functional and Full Scale.

Ad Hoc Sub-Committees may be created by the RCLEPC, as necessary, to address issues related to SARA Title III implementation and effective functioning of the Richland County LEPC.

## **ARTICLE III: Operational Procedures**

### **Section 1: Meetings**

The RCLEPC has established that a regular meeting will be held once per year. Additional meetings can be held at the discretion of the Committee or as may be otherwise necessary. All meetings shall be open to the public in accordance with applicable Wisconsin Open Meeting Laws, except when the RCLEPC may call a closed session but only in strict accordance with [Wisconsin State Statute 19.85](#) as amended.

An emergency meeting of the RCLEPC may be called by the Chairperson and within 24-hours require a full committee meeting. All regular meetings require a 72-hour (3 day) notice to be given to the members.

### **Section 2: Quorum**

A quorum shall consist of five (5) members of the RCLEPC membership. No actions may be taken except by a majority vote of such a quorum.

### **Section 3: Communication**

Email is the preferred mode of communication for the committee. It is requested that all members activate and use a valid email account in order to maintain communication with other members, and receive official communications from the committee. Committee members who have a valid email account shall be informed of news and information regarding meetings through email. Hardcopies of documents will be furnished upon request to those who still desire to receive them via U.S.P.S. Planning facilities will continue to

receive hardcopies of all committee proceedings through U.S.P.S. in addition to their regular email correspondence.

Minutes, agendas, exercise AARs and other documents related to the RCLEPC will be posted on the official Richland County Emergency Management website.

#### **Section 4: Order of Business**

The Chairperson shall prepare an agenda for each RCLEPC meeting, listing the matters of business of all meetings. Items to be included on the agenda will be submitted by the Chairperson to the Richland County Emergency Management Secretary, at least nine (9) working days prior to the meeting of the RCLEPC, unless emergency RCLEPC By-Laws conditions are present. The agenda will be compiled and distributed to the RCLEPC members, local media, representatives, and others who request copies at least 24-hours prior to the RCLEPC meeting via email, or upon request, the U.S.P.S. Planning facilities will continue to receive the agenda through regular mail as well. Agenda items may not be added on the floor of the meeting.

The RCLEPC will, in every agenda, provide a limited period of time to receive public comments and input. Time for public comments will be allotted on a first-come-first-serve basis. The RCLEPC may limit comments to reasonable time frames, limit input time, and close the time for public input upon a majority roll call vote from the RCLEPC.

Minutes of all meetings and sessions of the RCLEPC will be distributed via email to committee members, the Southwest Regional Office of the Wisconsin Division of Emergency Management, and others who request them. Hardcopies will be mailed via the postal service to those who do not have access to email or are unable to check their email regularly. Planning facilities will continue to receive hardcopies of all committee proceedings through U.S.P.S. in addition to their regular email correspondence.

Roberts Rules of Order shall govern actions of the RCLEPC where these by-laws or other Richland County Ordinances do not cover.

#### **Section 5: Voting**

Every member of the RCLEPC shall have one vote on items of business. A majority vote in favor of a motion before the RCLEPC will be needed for passage.

Every member of the RCLEPC appointed by the Richland County Board Chair may select an alternate to attend meetings in his or her absence. The alternate may participate in discussions and will have voting rights.

#### **Section 6: Adoption and Amendments of the RCLEPC By-Laws:**

Adoption of these By-Laws or approval of amendments to the By-Laws can be made at any regular or special meeting of the RCLEPC as an agenda item with a majority roll call vote.

Approval Date: March 22, 2001  
Revision Date: September 25, 2022  
Reviewed Date: October 27, 2022

**APPENDIX A: Duties of a Local Emergency Planning Committee**

**Emergency Planning and Community Right-to-Know Act (Title III of SARA) Section 59.07(146)(1), Wisconsin State Statutes and 323.60 and 323.61 , Wisconsin State Statute**

<b>REQUIRED DUTIES</b>	<b>Federal and State Law Reference</b>
Powers and duties of LEPC. This state Law incorporates <b>all</b> of the duties For an LEPC outlined in the Federal Law.	SS. 59.07(146)(a)1, WI SS., “The County Board <b>shall</b> do all of the following: Create a Local Emergency Planning Committee as specified in 42USC1101(c), which <b>shall</b> have the powers and duties established for such committee under 42USC11000 to 11050 and under 323.60 and 323.61, WI Statute.”
County Board ensuring the execution Of the LEPC’s duties	Section 59.07(146)(a)3, WI Statute, “Within the availability of state funds takes all actions necessary to ensure that the committee created under this paragraph, properly executes the duties of a LEPC under 42USC1000 to 11050 and under ss. 323.60 and 323.61, WI Statute.”
County Board’s annual submission Of LEPC membership list to SERB	Section 59.07(146)(a)4, WI statute, “At least annually, submit to the SERB a list of members the LEPC appointed by the county board under this paragraph, including agency, organization, or profession that each member represents.”
Establish planning districts	Section 301(b), Establish of Emergency Planning Districts “The SERB <b>shall</b> designate emergency planning districts in order to facilitate preparation and implementation of emergency plans.”
Establish LEPCs. This section includes The LEPC membership requirements.	Section 301(c): Establishment of Local Emergency Planning Committees (Includes categories for required LEPC membership)
An LEPC shall carry out all requirements of LEPC under the federal law.	S. 323.60(3)(a) WI Statute, Duties of Committees, “A committee <b>shall</b> carry out all requirements of a committee under the federal act.

## REQUIRED DUTIES

## Federal and State Law Reference

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An LEPC shall designate a Community Emergency Coordinator to receive 304 Emergency Release Notifications

S. 323.60(3)(c), WI Statute, “Consult and coordinate with county board, the county and local heads of emergency management designated under S. 323.14 (1) (a) 2. or (b) 2. and the county emergency management committee designated under S. 323.14 (1) (a) 3. in the execution of the local emergency planning committee's duties under this section.”

Duties of an LEPC: Appoint a LEPC Chair, establish committee rules, Provide public notice(s) for committee Activities for public meetings, notice of Plan distribution, establish procedures for Receiving/processing public information Request.

Section 301(c), “Such committee **shall** appoint a chairperson and **shall** establish rules by which the committee shall function. Such rules **shall** include provisions for public notifications of committee activities, public meetings to discuss the emergency Plans, public comments, response to such comments by the committee, and distribution of the emergency plans.”

Establish procedures for receiving/  
Processing public information request.

The LEPC **shall** establish procedures for Receiving and processing request from the public for information under Section 324, including Tier II information under Section 312.

Designate coordinator of information.

Such procedures **shall** include the designation of an official to serve as coordinator of information.

Coordination between agencies.

Section 323.60 (4m), WI Statute, Cooperation. “A state agency or local governmental unit may assist the SERB of an LEPC in performance of its duties and may enter into an agreement with the SERB or an LEPC.”

LEPC shall receive a facility’s  
Emergency Planning Notification.

Section 302(c) and S. 323.60(5)(a), WI Statute.



## REQUIRED DUTIES

## Federal and State Law Reference

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Comprehensive Emergency Response Plans required, LEPC must review it once a year.

Section 303(a) Plan Required. “Each LEPC **shall** complete preparation of an Emergency Plan in accordance with this section not later than two years after the date of the enactment of this title. The committee **shall** review such plan once a year or more frequently as changed circumstances in the community or at any facility required.”

Resources for plan development, Implementation and exercising.

Section 303(b) Resources: “Each local Emergency planning committee **shall** evaluate the resources necessary to develop, implement, and exercise the emergency plan, and **shall** make recommendations with respect to additional resources that may be required and the means for providing such additional resources.”

Elements of comprehensive Emergency plan.

Section 303(c) Plan Provisions, “Each Emergency Plan **shall** include (but not limited to) each of the following:

1. Identification of facility subject to the requirements of this subtitle that are within the emergency planning district, identification of routes likely to be used for the transportation of substance on the list of extremely hazardous substance referred to in section 302(a), and identification of additional facilities contributing to subjected to additional risk due to their proximity to facilities subject to the requirements of this subtitle such as hospitals or natural gas facilities.
2. Methods and procedures to be followed by facility owners and operators and local emergency and medical personnel to respond to any release.
3. Designation of a community emergency coordinator and facility emergency coordinators, who **shall** make determinations necessary to implement the plan.

## REQUIRED DUTIES

## Federal and State Law Reference

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4. Procedures providing reliable, effective, and timely notification by the facility emergency coordinator and the community emergency coordinator to persons designed in the emergency plan, and to the public, that a release has occurred (consistent with the emergency notification requirements of section 304).
5. Methods for determining the occurrence of a release, and the area of population likely to be affected by such a release.
6. A description of emergency equipment and facilities in the community and at each facility in the community subject to the requirements of this subtitle, and an identification of person's responsible for such equipment and facilities.
7. Evacuation plans, including provisions for precautionary evacuation and alternative traffic routes.
8. Training programs, including schedules for training of local emergency response and medical personnel.
9. Methods and schedules for exercising the emergency plan.

**NOTE:** The Comprehensive Emergency Response Plan for each emergency planning district (LEPC) in Wisconsin is the SARA County Wide Plan.

Elements of the Wisconsin County Wide Plan:

1. List of LEPC members.
2. List of planning facilities subject to Section 302 and 303.
3. Emergency Response Resource List.
4. Local Emergency Response Training Program.
5. SARA Training Program
6. Wisconsin Off-Site Facility Emergency Response Plans with Attachments. Elements include, but are not limited to, the following:
  - Identification of facility and location.
  - Name and phone number of the facility emergency coordinator and an alternate.
  - Name and quantity of extremely hazardous substance(s) and hazardous substances at the facility.
  - List of primary emergency responders (fire, police, ambulance, etc.)

## REQUIRED DUTIES

## Federal and State Law Reference

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- List of support and resources available at or from the facility.
  - i. Chemical emergency monitoring equipment
  - ii. Personal protection equipment (PPE)
  - iii. Containment/absorbent supplies.
  - iv. Fire equipment
  - v. Communication equipment
  - vi. Other equipment and supplies.
- Outside resources available:
  - i. Hazardous materials response team
  - ii. Other possible contractors
  - iii. Assistance available from chemical suppliers
- Hazard Analysis Summary:
  - i. Description of the facility
  - ii. Release potential (Storage types, container sizes, seasonal information)
  - iii. Calculate vulnerability zone for release (potential area for response)
  - iv. Possible limitations or problems that could arise
  - v. Estimated of population affected
  - vi. Conclusion
- A list of special facilities (hospitals, nursing homes, schools, day care centers, and other high population facilities with limited transportation) within the vulnerability zone, which may be affected by a release.
- Population protection:
  - i. General information on In-Place Sheltering
  - ii. General information on evacuation
  - iii. Provide a list of shelters.
- Special Considerations (as appropriate):
  - i. Address environmental concerns
  - ii. Potential for affecting other jurisdictions.
  - iii. Actual capabilities.

### ATTACHMENTS:

- Facility layout highlighting EHS chemical storage.
- Chemical Data Sheet for EHS chemicals
- Vulnerability Zone Map highlighting Special Facilities

Providing Information for plan  
Development

Section 303(d)(3), “upon request from the emergency planning committee, the owner or operator of the facility **shall** promptly Provide information to such committee necessary for developing and implementing the emergency plan.”

## REQUIRED DUTIES

## Federal and State Law Reference

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	<p>State Statute 323.60(5m), Furnish information, “If the board or a committee request, in writing, information relating to the federal act or to this section, a facility <b>shall</b> furnish the information in the manner requested.”</p>
Plan review by SERB	<p>Section 303(e), “After completion of an emergency plan under subsection (a) for an emergency planning district, the local emergency planning committee <b>shall</b> submit a copy of the plan to the State Emergency Response Commission (Board) of each State in which the district is located. The board <b>shall</b> review the plan and make recommendations to the committee on revisions of the plan that may be necessary to ensure coordination of such plan with emergency response plans of the other emergency planning districts.”</p>
Plan Guidance Documents.	<p>Section 303(f), “The national response team, as established pursuant to the National Contingency Plan as established under section 105 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42USC9601 et seq) <b>shall</b> publish guidance documents for preparation and implementation of emergency plans.”</p> <p>From the National Response Team: NRT-1: <i>Hazardous Materials Emergency Planning Guide</i></p> <p>NRT-1A: <i>Criteria for Review of Hazardous Materials Emergency Plans</i></p> <p>NRT-2: <i>Developing a Hazardous Materials Exercise Program</i></p> <p>From U.S. Environmental Protection Agency (EPA): <i>Technicians Guidance for Hazard Analysis: Emergency Planning for Extremely Hazardous Substances</i></p> <p>From the State Emergency Response Board (SERB): <i>Guide for Complying with SARA Hazardous Materials Off-Site Planning Requirements.</i></p>

## REQUIRED DUTIES

## Federal and State Law Reference

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An LEPC **shall** receive a facility's MSDS Chemical List submission

Section 311(a)(1) and Wisconsin State Statute 323.60(5)(c)

Availability of MSDS on Request

Section 311(c) and Wisconsin State Statute 323.60(5)(c)

When facility submits an MSDS Chemical list an MSDS must be Supplied to the LEPC upon request

Section 311(c)(1), "If an owner or operator of a facility submits a list of MSDS chemicals under section 311(a)(1), the owner or operator, upon request by the local emergency planning committee, **shall** make available a material safety data sheet (MSDS) to the person in accordance with section 324. If the local emergency planning committee does not have the requested MSDS, the committee **shall** request the sheet from the facility owner or operator and then make the sheet available to the person in accordance with section 324."

An LEPC shall receive a facility's Tier II Annual Emergency and Hazardous Chemical Inventory Report Form

Section 312(a)(1) and Wisconsin State Statute 323.60(5)(c)

Use of Tier II Form is Required In Wisconsin

Wisconsin State Statute 323.60 (7)(b), SERB 1.04

Availability of Tier Ii Information

Section 312(e)(1) and Wisconsin State Statute 323.60(5)(c)

Availability to SERB, LEPC and

Section 312(e)(1), "Upon request by a State Fire Department, Emergency Response Board, a local emergency planning committee, or a fire department with jurisdiction over the facility, the owner or operator of a facility shall provide Tier II information, as described in subsection (d), to the person making the request. Any such request **shall** be with respect to a specific facility."

## REQUIRED DUTIES

## Federal and State Law Reference

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Availability to other state and local Officials

Section 312(e)(2), “A state or local official acting in his or her official capacity may have access to Tier II information by submitting a request to the SERB or the LEPC. Upon request of a request for Tier II information, the SERB or LEPC **shall**, pursuant to paragraph (1), request the facility owner or operator for the Tier II information and make available such information to the official.

Availability to the Public

Section 312(e)(3)(a), “Any person may request a SERB or LEPC for Tier II information relating to the preceding calendar with respect to a facility. Any such request **shall** be in writing and **shall** be with respect to a specific facility.”

Confidential Location Information

Section 324(a), “Upon request by an owner or operator if a facility subject to the requirements of section 312, the SERB and the appropriate LEPC **shall** withhold from disclosure under this section the location of any specific chemical required by section 312(d)(2) to be contained in an inventory from as Tier II information.

Notice of Public Availability

Section 324(b), “Each LEPC **shall** annually publish a notice in local newspaper that the emergency response plan, MSDS, and inventory forms have been submitted under this section. The notice **shall** announce that members of the public who wish to review any such plan, sheets, forms, or follow-up notice may do so at the location designated under subsection (a).”

## **Remediation and Redevelopment Program Spill Response Program Fact Sheet**

### **Wisconsin Spill Reporting Requirements**

All discharges of hazardous substances that adversely impact, or threaten to adversely impact public health, welfare or the environment must be immediately reported to the DNR. NR 706, the spill notification rule specifies the details of the reporting requirements. This rule is effective March 1, 1997. Regardless of reporting requirements, responsible parties must comply with the requirements of NR 700-726 for response (clean-up) actions. There are also federal reporting requirements that you must comply with should you have a spill. *This fact sheet only addresses the Wisconsin reporting requirements.*

### **What is a Hazardous Substance?**

When a spill occurs, you need to determine whether the substance is considered a hazardous substance. The definition of hazardous substance, found in Wisconsin State Statute 292.01(5) (formerly 144.01(4m)) is:

“...any substance or combination of substances including any waste of a solid, semisolid, liquid or gaseous form which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential hazard to human health or the environment because of its quantity, concentration, or physical, chemical or infectious characteristics.”

Responsible parties shall determine whether a discharge substance is hazardous by its quantity, concentration, and physical, chemical and infectious characteristics. For many substances, whether or not the substance is considered hazardous will depend on the quantity discharge and the location of the discharge.

If you are unsure about whether the substance that has been released would be considered a hazardous substance, you should contact your Regional Spill Coordinator (See end of fact sheet), who can help you with the determination.

### **What if the Spill is contained?**

A hazardous substance that is released into a secondary containment structure, completely contained and can be recovered with no discharge to the environment, it is not “discharged” as that term is used in Wisconsin State Statute 292.11. Only discharges “to the environment” require notification to the DNR.

### **What is the Discharger’s Responsibilities?**

Persons who cause the discharge to the environment of a hazardous substance or who possess or control a hazardous substance, which is discharged to the environment, are required to immediately notify the department of the discharge.

**The 24-hour WDNR Hotline Number for Reporting Spills is:  
1-800-943-0003**

You will need to provide information such as:

- Your name, address, location of the discharge.
- Physical state, quantity, chemical characteristics of the discharge substance.
- Cause of the discharge.
- Destination of the discharge substance.
- Actions taken to stop the release/minimize the impact to the environment.
- Actual or potential impacts to human health or the environment.

**Are there any Exemptions?**

NR 706, Wisconsin Administration Code specifies what types of exemptions – statutory exemptions and de-minimis exemptions.

**Statutory Exemptions:**

There are a number of exemptions to spill reporting that are included in Wisconsin State Statute 292.11. These include:

- Discharges within the limits authorized by a permit or program approved under Chapters 281, 285, or 289-299 (e.g., WPDES discharge permit).
- Law enforcement agencies/fire departments using hazardous substances in protecting human health, safety, or welfare.
- Applications of a registered pesticide according to label instructions, or applications of a fertilizer at or below normal and beneficial agronomic rates.

**De Minimis Exemptions:**

Besides the statutory exemptions identified above, Chapter NR 706, Wisconsin Administration Code established exemptions for small quantity spills of agricultural and petroleum related compounds, as well as, substances that have a federal reportable quantity established. These quantities are termed “de minimis” in that below levels, if there is not threat to human health, safety, or the environment, state notification of a discharge is not required. While reporting requirements may be exempted, clean-up requirements remain.

**De Minimis exemptions ONLY apply when the discharged substance:**

- Has evaporated or been cleaned up in accordance with NR 700-726.
- Does not adversely impact or threaten to adversely impact the air, land, waters of the state as a single discharge, or when accumulated with past discharges.
- Does not cause or threaten to cause chronic/acute human health impacts.
- Does not present or threaten to present a fire or explosion or other safety hazard.

**De Minimis Exemptions are as follows:**

**1. Petroleum Compounds:**

- A discharge of gasoline or another petroleum products that is completely contained on an impervious surface.
- A discharge of less than one gallon of gasoline onto a surface that is not impervious or runs off an impervious surface.



- A discharge of less than five gallons of other petroleum products onto a surface that is not impervious or runs off an impervious surface.
2. **Agrochemical Compounds:**
    - A discharge of dry fertilizer if the amount is less than 250 pounds.
    - A discharge of liquid fertilizer, if the amount is less than 25 gallons.
    - A discharge of pesticides registered for use in Wisconsin, if the amount discharged when diluted as indicated on the pesticide label would cover less than one acre of land if applied according to label instructions.
  3. **Federal Reportable Quantities:**
    - A discharge of substances specifically listed as a federal reportable quantity if the amount discharged is less than the federal reportable quantity.

**What if MY release is Associated with an Underground Storage Tank?**

The spill-reporting rule, NR 706, includes provisions for the management of underground storage tank systems (USTs) to all Wisconsin to implement federal UST Program. The provision basically incorporated the former NR 705 – Discharger Notification Requirements for USTs into one notification rule. The provision, specific to tanks, including tank integrity, tank testing, and source confirmation. The same exemptions included in Subchapter II of Chapter NR 706 apply to USTs. All USTs must provide notification of confirmed discharges as a result of either integrity tests or sampling results.