



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-1696/P2  
MCP:cdc

DOA:.....Potts, BB0233 - Abandoned Tanks Program

**FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION**

AN ACT ...; relating to: the budget.

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*Analysis by the Legislative Reference Bureau*

**ENVIRONMENT**

**HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP**

**1. Abandoned tank removal program**

The bill transfers, from DNR to DATCP, the abandoned tank system removal program, which currently allows DNR to hire contractors to remove abandoned underground petroleum storage tanks if the owner is unable to afford to do so.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 20.370 (4) (dw) of the statutes is amended to read:

20.370 (4) (dw) *Solid waste management — environmental repair; petroleum spills; administration.* From the petroleum inspection fund, the amounts in the schedule for the administration of ss. s. 292.63 and 292.64.

**SECTION 2.** 25.47 (4m) of the statutes is amended to read:

25.47 (4m) The payments under s. ~~292.64~~ 168.225 (3).

**SECTION 3.** Subchapter II (title) of chapter 168 [precedes 168.21] of the statutes is amended to read:

## CHAPTER 168

### SUBCHAPTER II

#### STORAGE OF DANGEROUS SUBSTANCES; REMOVAL OF UNDERGROUND PETROLEUM STORAGE TANKS

**SECTION 4.** 292.64 of the statutes is renumbered 168.225, and 168.225 (2) (b), as renumbered, is amended to read:

168.225 (2) (b) Using the method that the department of natural resources uses to determine inability to pay under s. 292.63 (4) (ee), the department determines that the owner of the underground petroleum product storage tank system is unable to pay to empty, clean, remove, and dispose of the underground petroleum product storage tank system; to assess the site on which the underground petroleum product storage tank system is located; and to backfill the excavation.

#### **SECTION 9132. Nonstatutory provisions; Natural Resources**

(1) TRANSFER OF ABANDONED UNDERGROUND PETROLEUM STORAGE TANK REMOVAL PROGRAM.

(a) *Positions and employees.* On the effective date of this paragraph, 1.0 FTE position, and all incumbent employees holding that position, in the department of natural resources primarily related to the underground petroleum storage tank removal program, as determined by the secretary of administration, are transferred to the department of agriculture, trade and consumer protection.

(b) *Employee status.* Employees transferred under paragraph (a) have all the rights and the same status under ch. 230 in the department of agriculture, trade and

consumer protection that they enjoyed in the department of natural resources immediately before the transfer. Notwithstanding s. 230.28 (4), no employee so transferred who has attained permanent status in class is required to serve a probationary period.

(c) *Contracts.* All contracts entered into by the department of natural resources primarily related to the abandoned underground petroleum storage tank removal program, as determined by the secretary of administration, that are in effect on the effective date of this paragraph remain in effect and are transferred to the department of agriculture, trade and consumer protection. The department of agriculture, trade and consumer protection shall carry out any obligations under those contracts unless modified or rescinded by that department to the extent allowed under the contract.

(d) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the department of natural resources primarily related to the abandoned underground petroleum storage tank removal program, as determined by the secretary of administration, is transferred to the department of agriculture, trade and consumer protection.

(e) *Pending matters.* Any matter pending with the department of natural resources primarily relating to the abandoned underground petroleum storage tank removal program, as determined by the secretary of administration, on the effective date of this paragraph is transferred to the department of agriculture, trade and consumer protection. All materials submitted to or actions taken by the department of natural resources with respect to the pending matter are considered as having been submitted to or taken by the department of agriculture, trade and consumer protection.

(f) *Assets and liabilities.* The assets and liabilities of the department of natural resources primarily relating to the abandoned underground petroleum storage tank removal program, as determined by the secretary of administration, become the assets and liabilities of the department of agriculture, trade and consumer protection on the effective date of this paragraph.

(END)