



1997 SENATE BILL 169

April 16, 1997 - Introduced by Senators COWLES, RUDE and DRZEWIECKI, cosponsored by Representatives JOHNSRUD, FREESE, WARD, GOETSCH, AINSWORTH, MUSSER, MEYER, GARD, HASENOHRL, GRONEMUS, ALBERS, HUTCHISON, DUFF, KREIBICH, OWENS, BRANDEMUEHL, ZUKOWSKI, SYKORA, OURADA, POWERS, OLSEN, GUNDERSON and HARSDORF. Referred to Committee on Agriculture and Environmental Resources.

1 **AN ACT to repeal** 101.143 (3) (as) and 101.143 (4) (a) 5.; **to renumber and**
2 **amend** 101.143 (5) (a); **to amend** 20.143 (3) (v), 25.47, 101.143 (1) (gm),
3 101.143 (2) (e), 101.143 (2) (e), 101.143 (3) (a) (intro.), 101.143 (3) (a) (intro.),
4 101.143 (3) (ae), 101.143 (3) (am), 101.143 (3) (c) 4., 101.143 (3) (f) 5., 101.143
5 (4) (a) 7., 101.143 (4) (d) 1., 101.143 (4) (dm) 1., 101.143 (4) (e) 1. b. and c.,
6 101.143 (5) (b) and 101.143 (5) (c); and **to create** 101.143 (3) (ah), 101.143 (3)
7 (ap), 101.143 (4) (a) 8., 101.143 (4) (ce), 101.143 (4) (dr), 101.143 (4) (g) 7.,
8 101.143 (4) (h), 101.143 (5) (a), 101.143 (5) (am) 2. and 101.143 (6m) of the
9 statutes; **relating to:** reimbursement for costs incurred because of discharges
10 from certain petroleum product storage tanks, granting rule-making authority
11 and making an appropriation.

Analysis by the Legislative Reference Bureau

Under current law, the department of commerce administers a program to reimburse owners of certain petroleum product storage tanks for a portion of the costs of cleaning up discharges from those tanks. This program is commonly known

SENATE BILL 169

as PECFA. The department generally determines the amount of a PECFA award by subtracting a specified deductible from the amount of the eligible costs.

Under this bill, if a claimant includes certain ineligible costs in a PECFA claim, the department determines the amount of the PECFA award by subtracting the amount of those ineligible costs, as a penalty, in addition to the deductible, from the amount of the eligible costs. The bill requires the department to promulgate a rule identifying the ineligible costs that will be subtracted.

This bill authorizes the department of commerce to promulgate rules under which it requires 2 or more owners of petroleum storage tanks to use the same service providers to conduct cleanups of discharges from those tanks as a condition of receiving PECFA reimbursement. The bill also authorizes the department of commerce to promulgate rules under which the department selects service providers to provide investigation or remedial action services in specified areas. The rules may deny PECFA reimbursement for a service performed by a person other than a selected provider or limit PECFA reimbursement to the amount that the selected provider would have charged for the service.

Under current law, the owner of an underground petroleum product storage tank that meets state or federal standards for new underground petroleum product storage tanks or that has been upgraded to meet state or federal standards for upgrading existing underground petroleum product storage tanks is generally not eligible for PECFA reimbursement for discharges from that tank. Under this bill, the owner of an aboveground petroleum product storage tank that meets state standards for new aboveground petroleum product storage tanks or that has been upgraded to meet state standards for upgrading existing aboveground petroleum product storage tanks is generally not eligible for PECFA reimbursement for discharges from that tank.

Current law specifies situations in which an owner is ineligible for a PECFA award, including when the owner has been grossly negligent in maintaining the storage tank. This bill provides that the owner of a petroleum product storage tank is ineligible for a PECFA award if the discharge was caused by someone who provided services or products to the owner.

Under current law, PECFA reimburses the owner of an underground tank for compensation paid to 3rd parties for property damages caused by a discharge. This bill provides that PECFA reimbursement for property damages does not cover the loss of fair market value resulting from a discharge.

Under this bill, if a person who received a PECFA award sells equipment or supplies that were eligible costs for which the PECFA award was issued, the person must pay the proceeds of the sale to this state.

This bill requires the department of commerce to specify the information that must be submitted by a person who requests a hearing to contest a PECFA determination, such as the amount of a PECFA award. If a person fails to submit the required information, the department may deny the person a hearing.

Under current law, the maximum allowable PECFA awards for most kinds of storage tanks decrease on July 1, 1998. This bill delays that decrease until December 22, 2001.

SENATE BILL 169

Under current law, the owner of a storage tank is generally ineligible for a PECFA award for the cleanup of a discharge from the tank if the owner has received a PECFA award for an earlier discharge from that tank. This bill eliminates that ineligibility.

Under this bill, if an owner of a storage tank received a PECFA award but the cleanup activities for which that award was granted failed to remedy the discharge, the owner may receive additional financial assistance for other activities to remedy the discharge. The amount of the original award plus the additional financial assistance may not exceed the maximum allowable PECFA award.

Under current law, a PECFA claimant must receive a written determination from the department of commerce or from the department of natural resources (DNR), depending on the severity of the contamination, that the cleanup restored the environment to the extent practicable and minimized the harmful effects from the discharge to the environment. This bill authorizes DNR to specify methods of showing that the cleanup restored the environment to the extent practicable and minimized the harmful effects from the discharge to the environment, other than a written determination by the department of commerce or DNR.

Current law limits PECFA awards for discharges from home heating oil tanks to \$500,000 per fiscal year. The law limits PECFA awards for school district heating oil tanks to 5% of the amount appropriated for PECFA awards in each fiscal year. This bill limits PECFA awards for school district heating oil tanks plus home heating oil tanks to 5% of the amount appropriated for PECFA awards in each fiscal year.

Under current law, the amount of the deductible that an owner must pay under PECFA depends on factors including the type of tank involved. The amount of the deductible for a cleanup involving an aboveground tank may be higher than the amount of the deductible for a cleanup involving an underground tank. This bill provides that, if a cleanup involves discharges from both an aboveground tank and an underground tank owned by the same person, the deductible is the amount specified for an underground tank, if underground tanks are the predominant storage method at the site, and is the amount specified for an aboveground tank, if aboveground tanks are the predominant storage method at the site.

This bill authorizes the department of commerce to pay legal costs incurred under the PECFA program from the appropriation for PECFA awards.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 20.143 (3) (v) of the statutes is amended to read:

SENATE BILL 169**SECTION 1**

1 20.143 (3) (v) *Petroleum storage environmental remedial action; awards.*
2 Biennially, from the petroleum inspection fund, the amounts in the schedule to pay
3 awards under s. 101.143 and legal costs incurred under s. 101.143 (~~7m~~).

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

5 **25.47 Petroleum inspection fund.** There is established a separate
6 nonlapsible trust fund designated as the petroleum inspection fund, to consist of the
7 fees imposed under s. 168.12 (1), the payments under s. 101.143 (5) (a) and the net
8 recoveries under s. 101.143 (5) (c).

9 **SECTION 3.** 101.143 (1) (gm) of the statutes is amended to read:

10 101.143 (1) (gm) "Property damage" does not include those liabilities ~~which~~
11 that are excluded from coverage in liability insurance policies for property damage,
12 other than liability for remedial action associated with petroleum product discharges
13 from petroleum product storage systems. "Property damage" does not include the
14 loss of fair market value resulting from contamination.

15 **SECTION 4.** 101.143 (2) (e) of the statutes is amended to read:

16 101.143 (2) (e) The department shall promulgate rules, with an effective date
17 of no later than January 1, 1996, specifying the methods the department will use
18 under sub. (3) (ae), and (am) ~~and~~ (as) to identify the petroleum product storage
19 system or home oil tank system which discharged the petroleum product that caused
20 an area of contamination and to determine when a petroleum product discharge that
21 caused an area of contamination occurred. The department shall write the rule in
22 a way that permits a clear determination of what petroleum product contamination
23 is eligible for an award under sub. (4) after December 31, 1995.

24 **SECTION 5.** 101.143 (2) (e) of the statutes, as affected by 1997 Wisconsin Act ...
25 (this act), is amended to read:

SENATE BILL 169

1 101.143 (2) (e) The department shall promulgate rules, with an effective date
2 of no later than January 1, 1996, specifying the methods the department will use
3 under sub. (3) (ae) ~~and, (ah),~~ (am) and (ap) to identify the petroleum product storage
4 system or home oil tank system which discharged the petroleum product that caused
5 an area of contamination and to determine when a petroleum product discharge that
6 caused an area of contamination occurred. The department shall write the rule in
7 a way that permits a clear determination of what petroleum product contamination
8 is eligible for an award under sub. (4) after December 31, 1995.

9 **SECTION 6.** 101.143 (3) (a) (intro.) of the statutes is amended to read:

10 101.143 (3) (a) *Who may submit a claim.* (intro.) Subject to pars. (ae), and (am)
11 ~~and (as)~~, an owner or operator or a person owning a home oil tank system may submit
12 a claim to the department for an award under sub. (4) to reimburse the owner or
13 operator or the person for the eligible costs under sub. (4) (b) that the owner or
14 operator or the person incurs because of a petroleum products discharge from a
15 petroleum product storage system or home oil tank system if all of the following
16 apply:

17 **SECTION 7.** 101.143 (3) (a) (intro.) of the statutes, as affected by 1997 Wisconsin
18 Act (this act), is amended to read:

19 101.143 (3) (a) *Who may submit a claim.* (intro.) Subject to pars. (ae) ~~and, (ah),~~
20 (am) and (ap), an owner or operator or a person owning a home oil tank system may
21 submit a claim to the department for an award under sub. (4) to reimburse the owner
22 or operator or the person for the eligible costs under sub. (4) (b) that the owner or
23 operator or the person incurs because of a petroleum products discharge from a
24 petroleum product storage system or home oil tank system if all of the following
25 apply:

SENATE BILL 169**SECTION 8**

1 **SECTION 8.** 101.143 (3) (ae) of the statutes is amended to read:

2 101.143 (3) (ae) (title) *New underground systems.* 1. An owner or operator or
3 a person owning a home oil tank system is not eligible for an award under this section
4 for costs incurred because of a petroleum product discharge from a an underground
5 petroleum product storage tank system or a home oil tank system that meets the
6 performance standards in 40 CFR 280.20 or in rules promulgated by the department
7 relating to underground petroleum product storage tank systems installed after
8 December 22, 1988, except as provided in subd. 2.

9 2. If a an underground petroleum product storage tank system or home oil tank
10 system that meets the performance standards in 40 CFR 280.20 or in rules
11 promulgated by the department relating to underground petroleum product storage
12 tank systems installed after December 22, 1988, is located on a site on which a
13 petroleum product discharge is confirmed before the date on which the underground
14 petroleum product storage tank system or home oil tank system is installed and the
15 department of natural resources does not issue a case closure letter with respect to
16 that discharge before the installation date, then the owner or operator or person
17 owning the home oil tank system remains eligible for an award for costs incurred
18 because of a petroleum product discharge, from that underground petroleum product
19 storage tank system or home oil tank system, which is confirmed, and with respect
20 to which activities under par. (c) or (g) are begun, before January 1, 1996, or before
21 the 91st day after the day on which the department of natural resources issues a case
22 closure letter with respect to the discharge that occurred before the installation of
23 the underground petroleum product storage tank system or home oil tank system,
24 whichever is earlier.

25 **SECTION 9.** 101.143 (3) (ah) of the statutes is created to read:

SENATE BILL 169

1 101.143 (3) (ah) *New aboveground systems.* 1. An owner or operator is not
2 eligible for an award under this section for costs incurred because of a petroleum
3 product discharge from a petroleum product storage system that is not an
4 underground petroleum product storage tank system and that meets the
5 performance standards in rules promulgated by the department relating to
6 petroleum product storage systems that are not underground petroleum product
7 storage tank systems and that are installed after April 30, 1991, except as provided
8 in subd. 2.

9 2. If a petroleum product storage system that is not an underground petroleum
10 product storage tank system and that meets the performance standards in rules
11 promulgated by the department relating to petroleum product storage systems that
12 are not underground petroleum product storage tank systems and that are installed
13 after April 30, 1991, is located on a site on which a petroleum product discharge is
14 confirmed before the date on which the petroleum product storage system is installed
15 and the department of natural resources does not issue a case closure letter with
16 respect to that discharge before the installation date, then the owner or operator
17 remains eligible for an award for costs incurred because of a petroleum product
18 discharge, from that petroleum product storage system, which is confirmed, and with
19 respect to which activities under par. (c) or (g) are begun, before May 1, 2001, or
20 before the 91st day after the day on which the department of natural resources issues
21 a case closure letter with respect to the discharge that occurred before the
22 installation of the petroleum product storage system, whichever is earlier.

23 **SECTION 10.** 101.143 (3) (am) of the statutes is amended to read:

24 101.143 (3) (am) (title) *Upgraded underground systems.* 1. An owner or
25 operator or a person owning a home oil tank system is not eligible for an award under

SENATE BILL 169**SECTION 10**

1 this section for costs incurred because of a petroleum product discharge from an
2 underground petroleum product storage tank system or a home oil tank system if the
3 discharge is confirmed, or activities under par. (c) or (g) are begun with respect to that
4 discharge, after the day on which the underground petroleum product storage tank
5 system or home oil tank system first meets the upgrading requirements in 40 CFR
6 280.21 (b) to (d) or in rules promulgated by the department relating to the upgrading
7 of existing underground petroleum product storage tank systems, except as provided
8 in subds. 2. to 4.

9 2. If a an underground petroleum product storage tank system or home oil tank
10 system first meets the upgrading requirements in 40 CFR 280.21 (b) to (d) or in rules
11 promulgated by the department relating to the upgrading of existing underground
12 petroleum product storage tank systems, after December 31, 1993, and the owner or
13 operator or person owning the home oil tank system applies for private pollution
14 liability insurance covering the underground petroleum product storage tank
15 system or home oil tank system within 30 days after the day on which the
16 underground petroleum product storage tank system or home oil tank system first
17 meets those upgrading requirements, then the owner or operator or person remains
18 eligible for an award for costs incurred because of a petroleum product discharge,
19 from that underground petroleum product storage tank system or home oil tank
20 system, which is confirmed, and with respect to which activities under par. (c) or (g)
21 are begun, before the 91st day after the day on which the underground petroleum
22 product storage tank system or home oil tank system first meets those upgrading
23 requirements.

24 3. If a an underground petroleum product storage tank system first met the
25 upgrading requirements in 40 CFR 280.21 (b) to (d) before May 1, 1991, then the

SENATE BILL 169

1 owner or operator remains eligible for an award for costs incurred because of a
2 petroleum product discharge, from that underground petroleum product storage
3 tank system, which is confirmed, and with respect to which activities under par. (c)
4 or (g) are begun, before January 1, 1996.

5 4. If a an underground petroleum product storage tank system or home oil tank
6 system first meets the upgrading requirements in 40 CFR 280.21 (b) to (d) or in rules
7 promulgated by the department relating to the upgrading of existing underground
8 petroleum product storage tank systems, after April 30, 1991, and is located on a site
9 on which a petroleum product discharge is confirmed before the date on which the
10 underground petroleum product storage tank system or home oil tank system first
11 meets those upgrading requirements and the department of natural resources does
12 not issue a case closure letter with respect to that discharge before that date, then
13 the owner or operator or person owning the home oil tank system remains eligible
14 for an award for costs incurred because of a petroleum product discharge, from that
15 underground petroleum product storage tank system or home oil tank system, which
16 is confirmed, and with respect to which activities under par. (c) or (g) are begun,
17 before January 1, 1996, or before the 91st day after the day on which the department
18 of natural resources issues a case closure letter with respect to the discharge that
19 occurred before the upgrading requirements were met, whichever is earlier.

20 **SECTION 11.** 101.143 (3) (ap) of the statutes is created to read:

21 101.143 (3) (ap) *Upgraded aboveground systems.* 1. An owner or operator is
22 not eligible for an award under this section for costs incurred because of a petroleum
23 product discharge from a petroleum product storage system that is not an
24 underground petroleum product storage tank system if the discharge is confirmed,
25 or activities under par. (c) or (g) are begun with respect to that discharge, after the

SENATE BILL 169**SECTION 11**

1 day on which the petroleum product storage system first meets the upgrading
2 requirements in rules promulgated by the department relating to the upgrading of
3 existing petroleum product storage systems that are not underground petroleum
4 product storage tank systems, except as provided in subd. 2.

5 2. If a petroleum product storage system that meets the upgrading
6 requirements in rules promulgated by the department relating to the upgrading of
7 existing petroleum product storage systems that are not underground petroleum
8 product storage tank systems is located on a site on which a petroleum product
9 discharge is confirmed before the date on which the petroleum product storage
10 system first meets those upgrading requirements and the department of natural
11 resources does not issue a case closure letter with respect to that discharge before
12 that date, then the owner or operator remains eligible for an award for costs incurred
13 because of a petroleum product discharge, from that petroleum product storage
14 system, which is confirmed, and with respect to which activities under par. (c) or (g)
15 are begun, before May 1, 2001, or before the 91st day after the day on which the
16 department of natural resources issues a case closure letter with respect to the
17 discharge that occurred before the upgrading requirements were met, whichever is
18 earlier.

19 **SECTION 12.** 101.143 (3) (as) of the statutes is repealed.

20 **SECTION 13.** 101.143 (3) (c) 4. of the statutes is amended to read:

21 101.143 (3) (c) 4. Receive written approval from the department of natural
22 resources or, if the discharge is covered under s. 101.144 (2) (b), from the department
23 of commerce that the remedial action activities performed under subd. 3. meet the
24 requirements of s. 292.11 unless rules promulgated by the department of natural

SENATE BILL 169

1 resources provide for an alternate means of certifying that the remedial action
2 activities performed under subd. 3. meet the requirements of s. 292.11.

3 **SECTION 14.** 101.143 (3) (f) 5. of the statutes is amended to read:

4 101.143 (3) (f) 5. The written approval of the department of natural resources
5 or the department of commerce, or alternate certification, under par. (c) 4.

6 **SECTION 15.** 101.143 (4) (a) 5. of the statutes is repealed.

7 **SECTION 16.** 101.143 (4) (a) 7. of the statutes is amended to read:

8 101.143 (4) (a) 7. In any fiscal year, the department may not award more than
9 5% of the amount appropriated under s. 20.143 (3) (v) as awards for home oil tank
10 systems and petroleum product storage systems that are owned by school districts
11 and that are used for storing heating oil for consumptive use on the premises where
12 stored.

13 **SECTION 17.** 101.143 (4) (a) 8. of the statutes is created to read:

14 101.143 (4) (a) 8. If the department issues an award under this section for
15 remedial action activities that were necessitated by a petroleum product discharge
16 from a petroleum product storage system or home oil tank system and it is
17 subsequently determined that the approved remedial action activities failed to
18 remedy the discharge, then the department may approve additional financial
19 assistance for costs incurred to enhance the approved remedial action activities or
20 implement new remedial action activities. The total amount of an original award
21 under this section plus additional financial assistance provided under this
22 subdivision is subject to the limits in pars. (d) to (e), (ei) and (em) on amounts of
23 awards.

24 **SECTION 18.** 101.143 (4) (ce) of the statutes is created to read:

SENATE BILL 169**SECTION 18**

1 101.143 (4) (ce) *Eligible cost; service providers.* 1. The department may
2 promulgate rules under which the costs incurred for a specified service because of
3 discharges from petroleum product storage systems are not eligible costs under par.
4 (b) unless the owners or operators of those petroleum product storage systems obtain
5 the service from the same service provider approved by the department.

6 2. The department may promulgate rules under which the department selects
7 service providers to provide investigation or remedial action services in specified
8 areas. The rules may provide that the costs of a service for which the department
9 has selected a service provider in an area are not eligible costs under par. (b), or that
10 eligible costs are limited to the amount that the selected service provider would have
11 charged, if an owner or operator of a petroleum product storage system located in
12 that area, or a person owning a home oil tank system located in that area, uses a
13 service provider other than the service provider selected by the department to
14 perform the services.

15 **SECTION 19.** 101.143 (4) (d) 1. of the statutes is amended to read:

16 101.143 (4) (d) 1. The department shall issue an award under this paragraph
17 for a claim filed after July 31, 1987, for eligible costs, under par. (b), incurred on or
18 after August 1, 1987, and before ~~July 1, 1998~~ December 22, 2001, by the owner or
19 operator of an underground petroleum product storage tank system and for eligible
20 costs, under par. (b), incurred on or after ~~July 1, 1998~~ December 22, 2001, by the
21 owner or operator of an underground petroleum product storage tank system if the
22 petroleum product discharge on which the claim is based is confirmed and activities
23 under sub. (3) (c) or (g) are begun before ~~July 1, 1998~~ December 22, 2001.

24 **SECTION 20.** 101.143 (4) (dm) 1. of the statutes is amended to read:

SENATE BILL 169

1 101.143 (4) (dm) 1. The department shall issue an award under this paragraph
2 for a claim for eligible costs, under par. (b), incurred on or after August 1, 1987, and
3 before ~~July 1, 1998~~ December 22, 2001, by the owner or operator of a petroleum
4 product storage system that is not an underground petroleum product storage tank
5 system and for eligible costs, under par. (b), incurred on or after ~~July 1, 1998~~
6 December 22, 2001, by the owner or operator of a petroleum product storage system
7 that is not an underground petroleum product storage tank system if the petroleum
8 product discharge on which the claim is based is confirmed and activities under sub.
9 (3) (c) or (g) are begun before ~~July 1, 1998~~ December 22, 2001.

10 **SECTION 21.** 101.143 (4) (dr) of the statutes is created to read:

11 101.143 (4) (dr) *Deductible in certain cases.* If a person is the owner or operator
12 of an underground petroleum product storage tank system and a petroleum product
13 storage system that is not an underground petroleum product storage tank system,
14 both of which have discharged resulting in one occurrence, and if the person is
15 eligible for an award under pars. (d) and (dm), the department shall calculate the
16 award using the deductible determined under par. (d) 2. if the predominant method
17 of petroleum product storage at the site, measured in gallons, is underground
18 petroleum product storage tank systems or using the deductible determined under
19 par. (dm) 2. if the predominant method of petroleum product storage at the site is not
20 underground petroleum product storage tank systems.

21 **SECTION 22.** 101.143 (4) (e) 1. b. and c. of the statutes are amended to read:

22 101.143 (4) (e) 1. b. Eligible costs, under par. (b), incurred on or after ~~July 1,~~
23 ~~1998~~ December 22, 2001, by the owner or operator of a petroleum product storage
24 system that is not an underground petroleum product storage system if those costs
25 are not reimbursable under par. (dm) 1.

SENATE BILL 169**SECTION 22**

1 c. Eligible costs, under par. (b), incurred on or after ~~July 1, 1998~~ December 22,
2 2001, by the owner or operator of an underground petroleum product storage tank
3 system if those costs are not reimbursable under par. (d) 1.

4 **SECTION 23.** 101.143 (4) (g) 7. of the statutes is created to read:

5 101.143 (4) (g) 7. The petroleum product discharge was caused by a person who
6 provided services or products to the claimant or to a prior owner or operator of the
7 petroleum product storage system or home oil tank system.

8 **SECTION 24.** 101.143 (4) (h) of the statutes is created to read:

9 101.143 (4) (h) *Reductions of awards.* 1. Notwithstanding pars. (d) 2. (intro.),
10 (dm) 2. (intro.), (e) 2. and (em) 2., if a claimant submits a claim that includes ineligible
11 costs that are identified under subd. 2., the department shall calculate the award by
12 determining the amount that the award would otherwise be under par. (d), (dm), (e)
13 or (em) based only on the eligible costs and then by reducing that amount by the
14 amount of the ineligible costs identified under subd. 2. that are included in the claim.

15 2. The department shall promulgate a rule identifying the ineligible costs to
16 which subd. 1. applies.

17 **SECTION 25.** 101.143 (5) (a) of the statutes is renumbered 101.143 (5) (am)
18 (intro.) and amended to read:

19 101.143 (5) (am) *Right of action.* (intro.) A right of action under this section
20 shall accrue to the state against an owner, operator or other person only if the one
21 of the following applies:

22 1. The owner, operator or other person submits a fraudulent claim or does not
23 meet the requirements under this section and if an award is issued under this section
24 to the owner, operator or other person for eligible costs under this section or if
25 payment is made to a lender under sub. (4e).

SENATE BILL 169

1 **SECTION 26.** 101.143 (5) (a) of the statutes is created to read:

2 101.143 (5) (a) *Sale of remedial equipment or supplies.* If a person who received
3 an award under this section sells equipment or supplies that were eligible costs for
4 which the award was issued, the person shall pay the proceeds of the sale to the
5 department. The proceeds shall be paid into the petroleum inspection fund.

6 **SECTION 27.** 101.143 (5) (am) 2. of the statutes is created to read:

7 101.143 (5) (am) 2. A person fails to make a payment required under par. (a).

8 **SECTION 28.** 101.143 (5) (b) of the statutes is amended to read:

9 101.143 (5) (b) *Action to recover awards.* The attorney general shall take action
10 as is appropriate to recover awards moneys to which the state is entitled under par.
11 (a) (am). The department shall request that the attorney general take action if the
12 department discovers a fraudulent claim after an award is issued.

13 **SECTION 29.** 101.143 (5) (c) of the statutes is amended to read:

14 101.143 (5) (c) *Disposition of funds.* ~~If an award is made from the petroleum~~
15 ~~inspection fund, the~~ The net proceeds of ~~the~~ a recovery under par. (b) shall be paid
16 into the petroleum inspection fund.

17 **SECTION 30.** 101.143 (6m) of the statutes is created to read:

18 101.143 (6m) **REQUEST FOR HEARING.** The department shall promulgate rules
19 that specify the information that must be provided by a person who requests a
20 hearing to contest a determination by the department under this section. The
21 department may deny a request for a hearing by a person who fails to submit the
22 information required by the rules promulgated under this subsection.

23 **SECTION 31. Initial applicability.**

SENATE BILL 169**SECTION 31**

1 (1) REDUCTION OF PETROLEUM PRODUCT CLEANUP AWARDS. The treatment of section
2 101.143 (4) (h) 1. of the statutes first applies to claims submitted on the first day of
3 the 3rd month beginning after the effective date of this subsection.

4 (2) COVERAGE OF ABOVEGROUND PETROLEUM STORAGE TANKS. The treatment of
5 section 101.143 (2) (e) (as it relates to coverage of aboveground petroleum storage
6 tanks) and (3) (a) (intro.) (as it relates to coverage of aboveground petroleum storage
7 tanks), (ah) and (ap) of the statutes first applies to claims submitted for costs
8 incurred on the effective date of this subsection.

9 (3) PETROLEUM PRODUCT DISCHARGES CAUSED BY OTHERS. The treatment of section
10 101.143 (4) (g) 7. of the statutes first applies to petroleum product discharges caused
11 by services or products provided on the day after the effective date of this subsection.

12 **SECTION 32. Effective dates.** This act takes effect on the day after
13 publication, except as follows:

14 (1) COVERAGE OF ABOVEGROUND PETROLEUM STORAGE TANKS. The treatment of
15 section 101.143 (2) (e) (by SECTION 5) and (3) (a) (intro.) (by SECTION 7), (ah) and (ap)
16 of the statutes and SECTION 31 (2) of this act take effect on the first day of the 7th
17 month beginning after publication.

18 (END)