



## 1995 SENATE BILL 400

November 1, 1995 - Introduced by Senators RUDE, MOEN, BUETTNER and BRESKE, cosponsored by Representatives HUEBSCH, JOHNSRUD, FREESE, OTT, GOETSCH, MUSSER, ZUKOWSKI, WILDER, BOYLE, GROTHMAN, PLOMBON, KREIBICH and SKINDRUD. Referred to Committee on Environment and Energy.

1     **AN ACT to amend** 101.143 (1) (fg), 101.143 (4) (d) 2. (intro.) and d., 101.143 (4)  
2             (dm) 2. b., 101.143 (4) (dm) 3. b. and 101.143 (4) (e) 2.; and **to create** 101.143  
3             (4) (ek) of the statutes; **relating to:** eligibility for awards for costs incurred  
4             because of discharges from certain petroleum product storage tanks.

---

### ***Analysis by the Legislative Reference Bureau***

Currently, under the petroleum storage remedial action program (commonly called PECFA), this state pays a portion of the costs incurred by the owners and operators of certain petroleum product storage tanks to remedy environmental damage caused by discharges from those storage tanks. Under current law, PECFA generally does not cover costs related to discharges from tanks used to store heating oil for use on the premises where stored. PECFA does cover heating oil tanks owned by school districts and technical college districts and provides limited coverage of home and farm heating oil tanks.

Under this bill, PECFA covers costs incurred because of a discharge from a heating oil tank of 15,000 gallons or less capacity that is owned by a dairy cooperative if the owner has received a letter or notice from the department of natural resources or the department of development indicating that the owner must conduct an investigation of a discharge or a cleanup or has received an order to conduct an investigation or discharge. Under the bill, the owner of a dairy cooperative heating oil tank is subject to the same deductible and maximum payment amounts as is a school district or technical college district under current law.

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.** 101.143 (1) (fg) of the statutes is amended to read:

2           101.143 (1) (fg) “Petroleum product storage system” means a storage tank that  
3 is located in this state and is used to store petroleum products together with any  
4 on-site integral piping or dispensing system. The term does not include pipeline  
5 facilities; tanks of 110 gallons or less capacity; residential tanks of 1,100 gallons or  
6 less capacity storing petroleum products that are not for resale; farm tanks of 1,100  
7 gallons or less capacity storing petroleum products that are not for resale, except as  
8 provided in sub. (4) (ei); tanks used for storing heating oil for consumptive use on the  
9 premises where stored, except for heating oil tanks owned by school districts and  
10 heating oil tanks owned by technical college districts and except as provided in sub.  
11 (4) (ei) and (ek); or tanks owned by this state or the federal government.

12           **SECTION 2.** 101.143 (4) (d) 2. (intro.) and d. of the statutes are amended to read:

13           101.143 (4) (d) 2. (intro.) The department shall issue the award under this  
14 paragraph without regard to fault in an amount equal to the amount of the eligible  
15 costs that exceeds a deductible amount of \$2,500 plus 5% of the eligible costs, but not  
16 more than \$7,500 per occurrence, except that the deductible amount for a petroleum  
17 product storage system that is owned by a school district or a technical college district  
18 and that is used for storing heating oil for consumptive use on the premises or for a  
19 petroleum product storage system described in par. (ek) is 25% of eligible costs. An  
20 award issued under this paragraph may not exceed the following for each occurrence:

21           d. For a school district or a technical college district with respect to a discharge  
22 from a petroleum product storage system that is used for storing heating oil for  
23 consumptive use on the premises where stored or for a petroleum product storage  
24 system described in par. (ek), \$190,000.

25           **SECTION 3.** 101.143 (4) (dm) 2. b. of the statutes is amended to read:

1           101.143 (4) (dm) 2. b. For a school district or a technical college district with  
2           respect to a discharge from a petroleum product storage system that is used for  
3           storing heating oil for consumptive use on the premises where stored or for a  
4           petroleum storage system described in par. (ek), 25% of eligible costs.

5           **SECTION 4.** 101.143 (4) (dm) 3. b. of the statutes is amended to read:

6           101.143 (4) (dm) 3. b. For a school district or a technical college district with  
7           respect to a discharge from a petroleum product storage system that is used for  
8           storing heating oil for consumptive use on the premises where stored or for a  
9           petroleum product storage system described in par. (ek), \$190,000.

10          **SECTION 5.** 101.143 (4) (e) 2. of the statutes, as affected by 1995 Wisconsin Act  
11          27, is amended to read:

12          101.143 (4) (e) 2. The department shall issue the award under this paragraph  
13          without regard to fault in an amount equal to the amount of the eligible costs that  
14          exceeds a deductible amount of \$10,000, except that the deductible amount for a  
15          petroleum product storage system that is owned by a school district or a technical  
16          college district and that is used for storing heating oil for consumptive use on the  
17          premises where stored or for a petroleum product storage system described in par.  
18          (ek) is 25% of eligible costs and except that the deductible for a petroleum product  
19          storage system that is described in par. (ei) 1. is \$2,500 plus 5% of the eligible costs,  
20          but not more than \$7,500 per occurrence without regard to when the eligible costs  
21          are incurred.

22          **SECTION 6.** 101.143 (4) (ek) of the statutes is created to read:

23          101.143 (4) (ek) *Awards for certain dairy cooperative tanks.* A heating oil tank  
24          of 15,000 gallons or less capacity that is used for storing number 1 or number 2 fuel  
25          oil for consumptive use on the premises where stored and that is owned by a dairy

1 cooperative is a petroleum product storage system for the purposes of this section if  
2 the owner has received a letter or notice from the department of development or  
3 department of natural resources indicating that the owner must conduct a site  
4 investigation or remedial action because of a discharge from the heating oil tank or  
5 has received an order to conduct such a investigation or remedial action.

6 (END)