

**1999 DRAFTING REQUEST**

**Bill**

Received: **12/18/98**

Received By: **traderc**

Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Wong**

This file may be shown to any legislator: **NO**

Drafter: **traderc**

May Contact:

Alt. Drafters:

Subject: **Environment - env. cleanup**

Extra Copies:

**Topic:**

DOA:.....Wong - PECFA claim prioritization

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	traderc 01/4/99	ygeller 01/4/99	jfrantze 01/4/99	_____	lrb_docadmin 01/4/99		State
/2	traderc 01/26/99	ygeller 01/26/99	lpaasch 01/26/99	_____	lrb_docadmin 01/26/99		State
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/4	traderc 02/3/99	ygeller 02/3/99	martykr 02/3/99	_____	gretskl 02/3/99		State

FE Sent For:

<END>

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/3	traderc 02/2/99	ygeller 02/2/99	hhagen 02/3/99	_____	lrb_docadmin 02/3/99		State

FE Sent For:

*1/4 2/3 jg* *2/1m 2/3* *2/3 2/3*

<END>

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/2	traderc 01/26/99	jgeller 01/26/99	lpaasch 01/26/99	_____	lrb_docadmin 01/26/99		State

*13 2/2 jlg H2/3 @/w3/3*

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FE Sent For:

*12/26 jlg*

*1/26 LP*

*1/26 LP*  
*KM*  
*<END>*

1999 DRAFTING REQUEST

Bill

Received: 12/18/98

Received By: traderc

Wanted: Soon

Identical to LRB:

For: Administration-Budget

By/Representing: Wong

This file may be shown to any legislator: NO

Drafter: traderc

May Contact:

Alt. Drafters:

Subject: Environment - env. cleanup

Extra Copies:

Topic:

DOA:.....Wong - PECFA claim prioritization

Instructions:

See Attached

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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1/?	traderc	1/24 jlg 1/26 jlg	2/1/4	2/1/4 1/4			

FE Sent For:

<END>

## 2. Revenue Bond Authority

- Authorize \$150 million in bonding.
- Require that debt service be paid from a sum-sufficient appropriation from the Petroleum Inspection Fund.

## 3. Interest Cost Reimbursement

- Cap interest reimbursement at the rate on state revenue bonds issued for the program.
- Eliminate interest reimbursement for site owners with gross revenues in excess of \$20 million in the most recent tax year prior to submission of a claim.
- Authorize Commerce to collect and audit owner revenue information.

## 4. Deductibles

- Change current deductible structure for owners of underground storage tanks with petroleum stored for resale or which handle in excess of 10,000 gallons per month to add \$7,500 for **each** \$100,000 increment after the first \$100,000 in costs.
- Change current deductible structure for owners of underground storage tanks with petroleum not stored for resale and handling less than or equal to 10,000 gallons per month to add \$7,500 for the **first** \$100,000 increment after the first \$100,000 in costs up to a maximum of \$15,000 per occurrence.
- No change is necessary for aboveground, small farm, home heating, and school districts.

## 5. Petroleum Inspection Fee

- Beginning January 1, 2002 and each January 1 thereafter, require the Department of Commerce to determine the backlog of claim reimbursements. If claim backlog exceeds two times the revenue collected and available for claim reimbursements in the previous fiscal year, authorize the Department of Commerce to increase the petroleum inspection fee on the following April 1 by an amount, rounded to the nearest 0.1 cent, that reduces the backlog to twice the revenues collected in the previous fiscal year.
- Beginning April 1, 2003 and each April thereafter, require the Department of Commerce to reduce the petroleum inspection fee by an amount, rounded to the nearest 0.1 cent, equal to the difference between the balance in the petroleum inspection fund on June 30 of the previous year and \$10 million.

## 6. Claim Prioritization Process

- Authorize the Department of Commerce to establish a process for prioritizing claims through rule.
- Allow claim priority to be based on environmental factors as established through rule.
- Authorize Commerce to deny payment of interest costs to claimant that proceeds with cleanup prior to notification from Commerce, as defined in rule.

---

## Tradewell, Becky

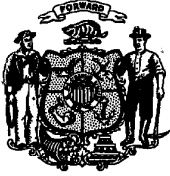
---

**From:** Wong, Manyee [Manyee.Wong@doa.state.wi.us]  
**Sent:** Tuesday, December 29, 1998 4:07 PM  
**To:** Tradewell, Becky  
**Subject:** FW: PECFA claim prioritization draft

Hi Becky,

Here are answers to your questions.

> -----Original Message-----  
> From: Tradewell, Becky [SMTP:Becky.Tradewell@legis.state.wi.us]  
> Sent: Tuesday, December 29, 1998 1:44 PM  
> To: Manyee Wong (E-mail)  
> Subject: PECFA claim prioritization draft  
>  
> Manyee,  
>  
> I have some questions about the request for a PECFA claim prioritization  
> process.  
>  
> Under current law, Commerce is required to have a priority system for  
> paying  
> awards for school district heating oil tanks (s. 101.143 (2) (f)) and for  
> small farm tanks (s. 101.143 (4) (ei) 2.). Should I repeal those  
> provisions  
> or leave them alone and exclude those kinds of tanks from the new priority  
> process. Should home oil tank systems be included in the priority system  
> and be subject to denial of interest if the homeowner goes ahead with a  
> cleanup without notification from Commerce?  
>  
> Maintain current law for school district, home oil and small farm tank  
> systems. These should not be included in the proposed prioritization  
> system.  
>  
> Should the priority process be based only on environmental factors?  
> The claim prioritization process should include but not be limited to  
> environmental factors.  
>  
> Is this process only for cleanups that have not yet started?  
> Yes.  
>  
> Just to let you know, I plan not to be in the office tomorrow.  
>  
> Becky  
>



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-1358/1

RCT:.....

SOAN

JG

DOA:.....Wong - PECFA claim prioritization

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

ONote

do not gen

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

*Analysis by the Legislative Reference Bureau*

ENVIRONMENT ✓

(department)

HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP ✓

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 as PECFA.

This bill authorizes the department of commerce to promulgate rules for assigning award priorities to cleanups under PECFA, except for cleanups of discharges from home heating oil tanks, small farm tanks and heating oil tanks owned by school districts. If the department promulgates the rules, it must pay PECFA awards for cleanups that begin after the rules take effect, in order of the award priorities under the rules. The bill requires the department to inform the owner or operator of a petroleum storage tank of the date on which it is appropriate to begin a cleanup, based on when the department estimates funding will be available for an award for the cleanup. The bill authorizes an owner or operator to delay beginning a cleanup until the date that the department determines it is appropriate to begin the cleanup. The bill also authorizes the department to deny PECFA reimbursement for interest expenses if an owner or operator begins a cleanup before the appropriate beginning date as determined by the department.

\*

\*

costs



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 (2e)<sup>X</sup> of the statutes is created to read:

2           101.143 (2e)<sup>✓</sup> AWARD PRIORITIES. (a) The department<sup>✓</sup> may promulgate rules for  
3 assigning an award priority to each occurrence that the department determines may  
4 result in an award under sub. (4), except for occurrences resulting from discharges  
5 from home oil tank systems, petroleum product storage systems that are described  
6 in sub. (4) (ei) 1.<sup>✓</sup> and petroleum product storage systems that are owned by school  
7 districts and that are used for storing heating oil for consumptive use on the premises  
8 where stored. If the department promulgates rules under this<sup>✓</sup> paragraph, it shall  
9 base the award priorities on environmental factors and any other factors that the  
10 department considers appropriate. The rules may only apply to occurrences for  
11 which activities under sub. (3) (c) or (g)<sup>✓</sup> are begun after the effective date of the rules.

12           (b) If the department promulgates rules under par. (a)<sup>✓</sup>, the department shall  
13 pay awards under sub. (4)<sup>For occurrences to which the rules apply<sup>✓</sup></sup> in order of the award priorities under those rules.

14           (c) If the department promulgates rules under par. (a)<sup>✓</sup>, the department shall  
15 notify an owner or operator of a<sup>✓</sup> petroleum product storage system to which the rules  
16 apply of the date on which the department determines that it is appropriate to begin  
17 activities under sub. (3) (c) or (g)<sup>✓</sup> with respect to a discharge from that system, based  
18 on the department's estimate of when funds will be available to pay an award to the  
19 owner or operator under the award priorities. Notwithstanding s. 292.11 (3)<sup>✓</sup> and (7)<sup>✓</sup>  
20 (c)<sup>✓</sup>, an owner or operator to whom rules under par. (a) apply is not required to begin  
21 activities under sub. (3) (c) or (g) until the date on which the department determines

1 it is appropriate to begin those activities. If an owner or operator begins activities  
2 under sub. (3) (c) or (g) before the date when the department determines it is  
3 appropriate to begin those activities, the department may deny the payment of  
4 interest costs to the owner or operator, as provided in the rules promulgated by the  
5 department.

6

(END) ✓

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1358/1dn

RCT:~:~:~

jlq

Manyee:

Please review this draft carefully to ensure that it complies with your intent. Note that the draft refers to activities under 101.143 (3) (c) and (g).<sup>5.</sup> Paragraph (g) covers emergency actions, so that the draft authorizes an owner or operator to delay those actions as well as nonemergency actions.

I have not provided the department of commerce with a copy of this draft.

Let me know if you have questions or redraft instructions.

Rebecca C. Tradewell  
Managing Attorney  
266-7290

---

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1358/1dn  
RCT:jlj:jf

January 4, 1999

Manyee:

Please review this draft carefully to ensure that it complies with your intent. Note that the draft refers to activities under s. 101.143 (3) (c) and (g). Paragraph (g) covers emergency actions, so that the draft authorizes an owner or operator to delay those actions as well as nonemergency actions.

I have not provided the department of commerce with a copy of this draft.

Let me know if you have questions or redraft instructions.

Rebecca C. Tradewell  
Managing Attorney  
266-7290

**Tradewell, Becky**

---

**From:** Tradewell, Becky  
**Sent:** Wednesday, January 20, 1999 4:00 PM  
**To:** 'Wong, Manyee'  
**Subject:** RE: LRB 1358/1

Manyee,

The problem with Commerce's request is that the statutes do not require applicants to get their remedial action plans approved. Therefore, I cannot tie the applicability of the rules to approval of remedial action plans. I intended the draft to provide that the rules applied to anyone who had not begun remedial action (which would cover more sites than Commerce's proposed change), but I see now that the cross-reference to s. 101.143 (3) (c) is too broad. Perhaps I could redraft to refer to activities under s. 101.143 (3) (c) 3.

Please let me know how you want me to proceed and call if you have any questions.

Becky 6-7290

-----Original Message-----

**From:** Wong, Manyee [mailto:Manyee.Wong@doa.state.wi.us]  
**Sent:** Wednesday, January 20, 1999 10:11 AM  
**To:** Tradewell, Becky  
**Subject:** FW: LRB 1358/1

Hi Becky,

For draft 1358, please apply the rules to occurrences for which a remedial action plan has not yet been approved. Thanks.

> -----Original Message-----

> **From:** Keal, Julie  
> **Sent:** Wednesday, January 20, 1999 9:23 AM  
> **To:** Wong, Manyee  
> **Cc:** Morrissey, Bill; Cornelius, Louie  
> **Subject:** LRB 1358/1

>  
> **Re:** initial application of the rules. On lines 10 and 11 of page 2, the  
> rules should only apply to occurrences for which the remedial action plan  
> has not yet been approved. This will make more sites subject to award  
> priorities. The investigation does not need to be mentioned --  
> mentioning the RAP will pull all sites in.

*use 1669*

---

**Tradewell, Becky**

---

**From:** Wong, Manyee [Manyee.Wong@doa.state.wi.us]  
**Sent:** Wednesday, January 20, 1999 10:11 AM  
**To:** Tradewell, Becky  
**Subject:** FW: LRB 1358/1

Hi Becky,  
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> -----Original Message-----  
> From: Keal, Julie  
> Sent: Wednesday, January 20, 1999 9:23 AM  
> To: Wong, Manyee  
> Cc: Morrissey, Bill; Cornelius, Louie  
> Subject: LRB 1358/1  
>  
> Re: initial application of the rules. On lines 10 and 11 of page 2, the  
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> has not yet been approved. This will make more sites subject to award  
> priorities. The investigation does not need to be mentioned --  
> mentioning the RAP will pull all sites in.



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-1358/2  
RCT:jlj:f

SOON

Redraft  
run

DOA:.....Wong - PECFA claim prioritization

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

Note

do not gen

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

*Analysis by the Legislative Reference Bureau*

**ENVIRONMENT**

**HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP**

Under current law, the department of commerce (department) 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 as PECFA.

This bill authorizes the department to promulgate rules for assigning award priorities to cleanups under PECFA, except for cleanups of discharges from home heating oil tanks, small farm tanks and heating oil tanks owned by school districts. If the department promulgates the rules, it must pay PECFA, awards for cleanups that begin after the rules take effect, in order of the award priorities under the rules. The bill requires the department to inform the owner or operator of a petroleum product storage tank of the date on which it is appropriate to begin a cleanup, based on when the department estimates funding will be available for an award for the cleanup. The bill authorizes an owner or operator to delay beginning a cleanup until the date that the department determines it is appropriate to begin the cleanup. The bill also authorizes the department to deny PECFA reimbursement for interest costs if an owner or operator begins a cleanup before the appropriate beginning date as determined by the department.

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 (2e) of the statutes is created to read:

2 101.143 (2e) AWARD PRIORITIES. (a) The department may promulgate rules for  
3 assigning an award priority to each occurrence that the department determines may  
4 result in an award under sub. (4), except for occurrences resulting from discharges  
5 from home oil tank systems, petroleum product storage systems that are described  
6 in sub. (4) (ei) 1. and petroleum product storage systems that are owned by school  
7 districts and that are used for storing heating oil for consumptive use on the premises  
8 where stored. If the department promulgates rules under this paragraph, it shall  
9 base the award priorities on environmental factors and any other factors that the  
10 department considers appropriate. The rules may only apply to occurrences for  
11 which <sup>remedial action plans</sup> ~~activities under sub. (3) (c) or (g)~~ <sup>approved under sub. (3) (cs) ✓</sup> are ~~begun~~ after the effective date of the rules.

12 (b) If the department promulgates rules under par. (a), the department shall  
13 pay awards under sub. (4) for occurrences to which the rules apply in order of the  
14 award priorities under those rules.

15 (c) If the department promulgates rules under par. (a), the department shall  
16 notify an owner or operator of a petroleum product storage system to which the rules  
17 apply of the date on which the department determines that it is appropriate to begin  
18 activities under sub. (3) (c) or (g) with respect to a discharge from that system, based  
19 on the department's estimate of when funds will be available to pay an award to the  
20 owner or operator under the award priorities. Notwithstanding s. 292.11 (3) and (7)  
21 (c), an owner or operator to whom rules under par. (a) apply is not required to begin



1 activities under sub. (3) (c) or (g) until the date on which the department determines  
2 it is appropriate to begin those activities. If an owner or operator begins activities  
3 under sub. (3) (c) or (g) before the date when the department determines it is  
4 appropriate to begin those activities, the department may deny the payment of  
5 interest costs to the owner or operator, as provided in the rules promulgated by the  
6 department.

✓  
Insert 7 →

(END)

*Insert to 99-1358/2*

~~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 (3) (c) 2. of the statutes is amended to read:

2 101.143 (3) (c) 2. Prepare a remedial action plan that identifies specific  
3 remedial action activities proposed to be conducted under subd. 3. and submit the  
4 remedial action plan to the department for approval. ✓

5 SECTION 2. 101.143 (3) (cs) of the statutes is created to read:

6 101.143 (3) (cs) ✓ *Review of remedial action plans.* The department shall review  
7 and approve or disapprove remedial action plans submitted under par. (c) 2. ✓

8 SECTION 3. 101.143 (3) (d) of the statutes is amended to read:

9 101.143 (3) (d) *Review of* ✓ ~~*site investigations, remedial action plans and*~~  
10 ~~*remedial action activities.*~~ The department of natural resources or, if the discharge  
11 is covered under s. 101.144 (2) (b), the department of commerce shall, at the request  
12 of the claimant, review the site investigation and the remedial action plan and advise  
13 the claimant on the adequacy of proposed remedial action activities in meeting the  
14 requirements of s. 292.11. The advice is not an approval of the remedial action  
15 activities. The department of natural resources or, if the discharge is covered under  
16 s. 101.144 (2) (b), the department of commerce shall complete a final review of the  
17 remedial action activities within 60 days after the claimant notifies the appropriate  
18 department that the remedial action activities are completed.

*(end ins)*

19 SECTION 4. 101.143 (4) (d) 2. a. of the statutes is amended to read:

20 101.143 (4) (d) 2. a. ~~For an owner or operator of an underground petroleum~~  
21 ~~product storage tank system that is located at a facility at which petroleum is stored~~

DNote

-1358/2dn  
RET! jlg

Manya:

PI have redrafted this adding language to the  
PECFB statutes<sup>s</sup> that requires owners to set their  
remedial action plans approved and then changing the applicability language  
in § 101.143 (2e) (a). That is how Dave  
asked me to deal with the applicability issue in LRB-1659.

RET

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1358/2dn  
RCT:jlg:lp

January 26, 1999

Manyee:

I have redrafted this adding language to the PECFA statutes that requires owners to get their remedial action plans approved and then changing the applicability language in s. 101.43 (2e) (a). That is how Dave asked me to deal with the applicability issue in LRB-1669.

Rebecca C. Tradewell  
Managing Attorney  
266-7290



State of Wisconsin  
1999 - 2000 LEGISLATURE

SO ON

LRB-1358/3

RCT:jlg:lp re draft  
run

DOA:.....Wong - PECFA claim prioritization

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

DNote

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

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6 in sub. (4) (ei) 1. and petroleum product storage systems that are owned by school  
7 districts and that are used for storing heating oil for consumptive use on the premises  
8 where stored. If the department promulgates rules under this paragraph, it shall  
9 base the award priorities on environmental factors and any other factors that the  
10 department considers appropriate. The rules may only apply to occurrences for  
11 which remedial action plans are approved under sub. (3) (cs) after the effective date  
12 of the rules.

13           (b) If the department promulgates rules under par. (a), the department shall  
14 pay awards under sub. (4) for occurrences to which the rules apply in order of the  
15 award priorities under those rules.

16           (c) If the department promulgates rules under par. (a), the department shall  
17 notify an owner or operator of a petroleum product storage system to which the rules  
18 apply of the date on which the department determines that it is appropriate to begin  
19 activities under sub. (3) (c) or (g) with respect to a discharge from that system, based  
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21 owner or operator under the award priorities. Notwithstanding s. 292.11 (3) and (7)

1 (c), an owner or operator to whom rules under par. (a) apply is not required to begin  
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7 department.

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10 ~~remedial action activities proposed to be conducted under subd. 3. and submit the~~  
11 ~~remedial action plan to the department for approval.~~

12 ~~SECTION 3. 101.143 (3) (cs) of the statutes is created to read:~~

13 ~~101.143 (3) (cs) *Review of remedial action plans.* The department shall review~~  
14 ~~and approve or disapprove remedial action plans submitted under par. (c) 2.~~

15 ~~SECTION 4. 101.143 (3) (d) of the statutes is amended to read:~~

16 ~~101.143 (3) (d) *Review of site investigations, remedial action plans and*~~  
17 ~~*remedial action activities.* The department of natural resources or, if the discharge~~  
18 ~~is covered under s. 101.144 (2) (b), the department of commerce shall, at the request~~  
19 ~~of the claimant, review the site investigation and the remedial action plan and advise~~  
20 ~~the claimant on the adequacy of proposed remedial action activities in meeting the~~  
21 ~~requirements of s. 292.11. The advice is not an approval of the remedial action~~  
22 ~~activities. The department of natural resources or, if the discharge is covered under~~  
23 ~~s. 101.144 (2) (b), the department of commerce shall complete a final review of the~~

1 remedial action activities within 60 days after the claimant notifies the appropriate  
2 department that the remedial action activities are completed.

3 (END)



**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB -1358/3dn

Ret: JLG

Manjee and Dave:

1358

1669

This draft reconciles LRB-~~XXXX~~, LRB-~~XXXX~~ and LRB-~~XXXX~~. ~~All of these drafts should continue to appear in the compiled bill. All of these drafts, except LRB-XXXX, should continue to appear in the compiled bill. LRB-XXXX should be dropped from the compile.~~

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**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1358/3dn  
RCT:jlg:hmh

Wednesday, February 3, 1999

Manyee and Dave:

This draft reconciles LRB-1358 and LRB-1669. All of these drafts should continue to appear in the compiled bill.

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State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-1358/24

RCT:jlg:hmh

Today

redraft  
run

DOA:.....Wong - PECFA claim prioritization

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

Note

do not gen

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

*Analysis by the Legislative Reference Bureau*

**ENVIRONMENT**

**HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP**

Under current law, the department of commerce (department) 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 as PECFA.

This bill authorizes the department to promulgate rules for assigning award priorities to cleanups under PECFA, except for cleanups of discharges from home heating oil tanks, small farm tanks and heating oil tanks owned by school districts. If the department promulgates the rules, it must pay PECFA awards for cleanups that begin after the rules take effect, in order of the award priorities under the rules. The bill requires the department to inform the owner or operator of a petroleum product storage tank of the date on which it is appropriate to begin a cleanup, based on when the department estimates funding will be available for an award for the cleanup. The bill authorizes an owner or operator to delay beginning a cleanup until the date that the department determines it is appropriate to begin the cleanup. The bill also authorizes the department to deny PECFA reimbursement for interest costs if an owner or operator begins a cleanup before the appropriate beginning date as determined by the department.

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 (2e) of the statutes is created to read:

2           101.143 (2e) AWARD PRIORITIES. (a) The department may promulgate rules for  
3 assigning an award priority to each occurrence that the department determines may  
4 result in an award under sub. (4), except for occurrences resulting from discharges  
5 from home oil tank systems, petroleum product storage systems that are described  
6 in sub. (4) (ei) 1. and petroleum product storage systems that are owned by school  
7 districts and that are used for storing heating oil for consumptive use on the premises  
8 where stored. If the department promulgates rules under this paragraph, it shall  
9 base the award priorities on environmental factors and any other factors that the  
10 department considers appropriate. The rules may only apply to occurrences for  
11 which remedial action plans are approved under sub. (3) (cs) after the effective date  
12 of the rules.

13           (b) If the department promulgates rules under par. (a), the department shall  
14 pay awards under sub. (4) for occurrences to which the rules apply in order of the  
15 award priorities under those rules.

16           (c) If the department promulgates rules under par. (a), the department shall  
17 notify an owner or operator of a petroleum product storage system to which the rules  
18 apply of the date on which the department determines that it is appropriate to begin  
19 activities under sub. (3) (c)<sup>3. ✓</sup> or (g) with respect to a discharge from that system, based  
20 on the department's estimate of when funds will be available to pay an award to the  
21 owner or operator under the award priorities. Notwithstanding s. 292.11 (3) and (7)

1 (c), an owner or operator to whom rules under par. (a) apply is not required to begin  
2 activities under sub. (3) (c)<sup>3,</sup> or (g) until the date on which the department determines  
3 it is appropriate to begin those activities. If an owner or operator begins activities  
4 under sub. (3) (c)<sup>3,</sup> or (g) before the date when the department determines it is  
5 appropriate to begin those activities, the department may deny the payment of  
6 interest costs to the owner or operator, as provided in the rules promulgated by the  
7 department.

8

(END)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1358/3<sup>4</sup>dn  
RCT: ~~jt~~ ~~hsh~~

Wednesday, February 3, 1999

Manyee and Dave:

This draft reconciles LRB-1358 and LRB-1669. All of these drafts should continue to appear in the compiled bill.

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Ⓟ This redraft makes technical corrections in  
S. 101.143 (2e) (c). ✓

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**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1358/4dn  
RCT;jlg:km

February 3, 1999

Manyee and Dave:

This redraft makes technical corrections in s. 101.143 (2e) (c).

This draft reconciles LRB-1358 and LRB-1669. All of these drafts should continue to appear in the compiled bill.

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State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-1358/4  
RCT:jlg:km

DOA:.....Wong - PECFA claim prioritization

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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

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*Analysis by the Legislative Reference Bureau*

**ENVIRONMENT**

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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:*

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17 notify an owner or operator of a petroleum product storage system to which the rules  
18 apply of the date on which the department determines that it is appropriate to begin  
19 activities under sub. (3) (c) 3. or (g) with respect to a discharge from that system,  
20 based on the department's estimate of when funds will be available to pay an award  
21 to the owner or operator under the award priorities. Notwithstanding s. 292.11 (3)

1 and (7) (c), an owner or operator to whom rules under par. (a) apply is not required  
2 to begin activities under sub. (3) (c) 3. or (g) until the date on which the department  
3 determines it is appropriate to begin those activities. If an owner or operator begins  
4 activities under sub. (3) (c) 3. or (g) before the date when the department determines  
5 it is appropriate to begin those activities, the department may deny the payment of  
6 interest costs to the owner or operator, as provided in the rules promulgated by the  
7 department.

8

**(END)**