

2007 DRAFTING REQUEST

Bill

Received: **09/20/2006**

Received By: **btradewe**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Miner**

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

Drafter: **btradewe**

May Contact:

Addl. Drafters:

Subject: **Environment - env. cleanup**

Extra Copies:

Submit via email: **NO**

Pre Topic:

DOA:.....Miner, BB0035 -

Topic:

Allow PECFA payment for abandoned tanks

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>
/?							
/P1	btradewe 11/20/2006	kfollett 11/21/2006	rschluet 11/21/2006	_____	sbasford 11/21/2006		
/P2	btradewe 12/19/2006	wjackson 01/02/2007	nnatzke 01/02/2007	_____	sbasford 01/02/2007		State
/1	btradewe 01/24/2007	kfollett 01/24/2007	pgreensl 01/25/2007	_____	sbasford 01/25/2007		

FE Sent For:

<END>

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/P2	btradewe 12/19/2006	wjackson 01/02/2007	nmatzke 01/02/2007	_____	sbasford 01/02/2007		

FE Sent For: *1/15 f* *1/24* *bs* *pv* *px* **<END>**

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/?							
/P1	btradewe 11/20/2006	kfollett 11/21/2006	rschluet 11/21/2006	_____	sbasford 11/21/2006		

FE Sent For:

/p2 Wlj 12/28 nwn 1/2

*nwn/ed
1/2*

<END>

2007 DRAFTING REQUEST

Bill

Received: **09/20/2006**

Received By: **btradewe**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 266-1103**

By/Representing: **Miner**

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

Drafter: **btradewe**

May Contact:

Addl. Drafters:

Subject: **Environment - env. cleanup**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to: **lcorneilius@commerce.state.wi.us**

Pre Topic:

DOA:.....Miner, BB0035 -

Topic:

Allow PECFA payment for abandoned tanks

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>
/?							
/P1	btradewe 11/20/2006	kfollett 11/21/2006	rschluet 11/21/2006	_____	sbasford 11/21/2006		

FE Sent For:

<END>

2007 DRAFTING REQUEST

Bill

Received: 09/20/2006

Received By: btradewe

Wanted: As time permits

Identical to LRB:

For: Administration-Budget 266-1103

By/Representing: Miner

This file may be shown to any legislator: NO

Drafter: btradewe

May Contact:

Addl. Drafters:

Subject: Environment - env. cleanup

Extra Copies:

Submit via email: YES

Requester's email:

Carbon copy (CC:) to: lcornelius@commerce.state.wi.us

Pre Topic:

DOA:.....Miner, BB0035 -

Topic:

Allow PECFA payment for abandoned tanks

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>
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/?	btradewe	1P11gf 11/21/06		_____	_____	_____	_____
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FE Sent For:

<END>

Bill Request Form

Legislative Reference Bureau
100 N. Hamilton Street
Legal Section 266-3561

You may use this form or talk directly with the LRB attorney who will draft the bill.

Date 9/12/06

Legislator, agency, or other person requesting this draft Dept. of Commerce

Person submitting request (name and phone number) Louise Cornilio - 6-8629

Persons to contact for questions about this draft (names and phone numbers) Laura Varrault - 261-2180, Sheldon Schall

Describe the problem, including any helpful examples. How do you want to solve the problem?
266-0956
Phil Albert:
266-8076

Please attach a copy of any correspondence or other material that may help us. If you know of any statute sections that might be affected, list them or provide a marked-up copy.

You may attach a marked-up copy of any LRB draft or provide its number (e.g., 2001 LRB-2345/1 or 1999AB-67).

Requests are confidential unless stated otherwise. May we tell others that we are working on this for you? YES NO

If yes: Anyone who asks? YES NO
Any legislator? YES NO

Only the following persons DOA Budget Shop

Do you consider this request urgent? YES NO If yes, please indicate why Budget

Should we give this request priority over any pending request of this legislator, agency, or person?
YES NO

medium priority

Budget Initiative PECFA

Proposal to Allow PECFA to Pay for Abandoned Tank Removal

What

The Department of Commerce proposes modifying s. 101.143, Stats., to allow for direct payment of the costs of removal and closure of abandoned underground petroleum storage tanks, under certain circumstances, using funding from the PECFA program. The department would pay all costs related to the removal of abandoned underground petroleum storage tanks to bring the tank to closure under COMM 10 Part 7, if an owner or responsible party cannot be determined or is unable to pay.

Why

There are abandoned petroleum tanks and tanks owned by those unable to pay for removal that have been improperly closed or not closed at all that pose a threat to the environment. These tanks need to be removed before causing further environmental damage. Without the ability of the department to pay or reimburse for these tanks' removal, these sites will likely never get investigated or cleaned up.

When

2007-2009 biennium budget beginning July 1, 2007.

Where

Certified contractors throughout the state would remove the tanks and conduct any other activities necessary to bring the tank to proper closure. The operations would be directly overseen by Petroleum Tanks staff throughout the state. Payment of the contractors would be handled by PECFA claims staff by directly paying the contractors.

How

The department would pay for the removal and associated costs to bring the tank to closure for abandoned tanks and where owners are unable or unwilling to pay to remove them. Currently, the PECFA program has the ability to establish liens on properties for the cost of the deductible. The department would use this same tool to recover its tank closure expenses upon sale of the property.

Proposed Statutory Change:

Insert 101.145 Costs to remove and close a tank system.

- (1) The department shall be able to pay a certified contractor for the costs of emptying, cleaning and disposing of tank and other costs normally associated with

closing or removing any petroleum product storage system or home oil tank system, such as initial closure assessment, only if:

- a) the Department of Commerce finds that the tank is abandoned, the owner or responsible party cannot be determined, or
 - b) the owner is unable or unwilling to pay to remove the tank. The inability to pay shall be determined under the same rules as the determination of a waiver of deductible under s. 101.143(4)(ee).
- (2) The costs shall be paid from a portion of the PECFA budget allocated for that purpose and administered by the PECFA program.
- (3) The department shall record a statement of lien with the register of deeds of the county in which the petroleum product storage system is located for the costs of tank removal and associated activities to achieve tank closure. If the department records the statement of lien, the department has a lien on the property on which the petroleum product storage system was located in the amount of the cost of the storage tank removal and associated costs that were paid by the department. The property remains subject to the lien until that amount is paid in full.

Justification

Under current law, the department is precluded from paying for the closure or removal of a petroleum product storage system, even if remediation is required and the tank qualifies under the PECFA program. This was enacted to prevent intentional contamination to the environment where there was none in order to have the tank removal be an eligible PECFA cost.

The storage tank database currently reflects a total of over 7,400 abandoned tanks; however, there is credible evidence to suggest the existence of additional unregistered abandoned tanks in Wisconsin. Abandoned tanks may not have been properly closed, and speculation exists regarding the environmental contamination risk of these tanks. Removing these tanks to stop possible ongoing contamination before a confirmed release of product is more cost effective than waiting until a release is confirmed and remediative work is required.

The department proposes to earmark up to \$250,000 in annual funding for PECFA cleanups to be spent on the removal of abandoned tanks. If an owner or responsible party cannot be established, the department would pay 100% of the cost of removal of a tank pending an evaluation of the potential risk to the environment or public health posed by the abandoned tank.

IN 11/20

DOA:.....Miner, BB0035 - Allow PECFA payment for abandoned tanks
FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

note

Don + Gen

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

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

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

2 SECTION 1. 20.143 (3) (v) of the statutes is amended to read:
3 20.143 (3) (v) *Petroleum storage environmental remedial action; awards.*
4 Biennially, from the petroleum inspection fund, the amounts in the schedule to pay
5 awards under s. 101.143, costs incurred under s. 101.1435, legal costs incurred under
6 s. 101.143 (7m), amounts to reduce principal of outstanding revenue obligations
7 issued pursuant to s. 101.143 (9m) and, if the department promulgates rules under
8 s. 101.143 (2) (i) 1., to purchase, or provide funding to purchase, insurance described
9 in s. 101.143 (2) (i) 2.

History: 1979 c. 361; 1981 c. 20, 21, 349; 1983 a. 27, 83, 192, 381; 1985 a. 29 ss. 169 to 204, 3202 (14); 1985 a. 120, 332, 334; 1987 a. 27, 109, 317, 318, 399, 403; 1989 a. 31, 185, 237, 317, 325, 335, 336, 342, 359; 1991 a. 39, 259, 261, 269, 315; 1993 a. 5, 16, 75, 110, 232, 437; 1995 a. 27 ss. 483, 505 to 517, 608s, 609g, 609j, 964, 965, 977,

987, 988, 990 to 993, 1080b, 1085b, 1086b, 9116 (5); 1995 a. 116, 119, 216, 227; 1997 a. 9, 27, 35, 215, 237, 252, 310; 1999 a. 9, 84, 106, 185, 186; 2001 a. 16, 109; 2003 a. 33 ss. 292c to 297m, 593 to 600, 602 to 604; 2003 a. 255, 256; 2005 a. 25 ss. 150m to 156t, 331; 2005 a. 45, 358.

1 **SECTION 2.** 101.1435 of the statutes is created to read:

2 **101.1435 Removal and closure of underground petroleum storage**

3 **tanks.** (1) In this section:

4 (a) "Home oil tank system" has the meaning given in s. 101.143 (1) (cm).

5 (b) "Underground petroleum product storage tank system" has the meaning
6 given in s. 101.143 (1) (i).

7 (2) The department may contract with a person certified under s. 101.143 (2)

8 (g) to remove, empty, clean, and dispose of an unused underground petroleum
9 product storage tank system or home oil tank system if any of the following applies:

10 (a) The department determines that the underground petroleum product
11 storage tank system or home oil tank system is abandoned or the department is
12 unable to identify the owner of, or other person responsible for, the underground
13 petroleum product storage tank system or home oil tank system.

14 (b) Using the method that the department uses to determine inability to pay
15 under s. 101.143 (4) (ee), the department determines that the owner of the
16 underground petroleum product storage tank system or home oil tank system is
17 unable to pay to remove, empty, clean, and dispose of the underground petroleum
18 product storage tank system or home oil tank system.

19 (c) The department determines that the owner of the underground petroleum
20 product storage tank system or home oil tank system is unwilling to pay to remove,
21 empty, clean, and dispose of the underground petroleum product storage tank system
22 or home oil tank system.

23 (3) The department shall pay the costs incurred under sub. (2) from the
24 appropriation under s. 20.143 (3) (v).

1 (4) If the department incurs costs under s. (2), the department shall record a
2 statement of lien with the register of deeds of the county in which the underground
3 petroleum product storage tank system or home oil tank system is or was located.
4 Upon recording the statement of lien, the department has a lien on the property on
5 which the underground petroleum product storage tank system is or was located in
6 the amount of the costs incurred. The property remains subject to the lien until that
7 amount is paid in full.

8 (END)

DWote

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0314/P1dn

RCT. *ljf*

Date

Andrew Miner:

This is a preliminary version of the Department of Commerce proposal to allow the department to pay contractors to remove underground petroleum storage tanks in certain situations. It should be reviewed carefully.

It is unclear to me whether the language in (1) (a) of the department's proposed language is meant to describe two situations or one. That is, I am uncertain whether there is a difference between a situation in which a tank is abandoned and a situation in which the department is unable to identify the owner of, or other responsible person for, a tank.

Please contact me with any questions or redraft instructions.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.wisconsin.gov

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

LRB-0314/P1dn
RCT:kjfrs

November 21, 2006

Andrew Miner:

This is a preliminary version of the Department of Commerce proposal to allow the department to pay contractors to remove underground petroleum storage tanks in certain situations. It should be reviewed carefully.

It is unclear to me whether the language in (1) (a) of the department's proposed language is meant to describe two situations or one. That is, I am uncertain whether there is a difference between a situation in which a tank is abandoned and a situation in which the department is unable to identify the owner of, or other responsible person for, a tank.

Please contact me with any questions or redraft instructions.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.wisconsin.gov

Tradewell, Becky

From: Miner, Andrew - DOA
Sent: Wednesday, December 13, 2006 12:32 PM
To: Tradewell, Becky
Subject: FW: Abandoned Tanks Draft
Attachments: Tank yanks3.doc

Becky,

Here are Commerce's proposed revisions to the abandoned tank removal draft. They are looking to earmark \$250,000 in annual PECFA award funds for this purpose. A sizable difference from your draft is the removal of references to home oil tank systems—I believe they do not want to include those in this proposal. I'm requesting more info on that and your drafter's note question regarding the difference between "abandoned" and "unable to find" the responsible party. I will let you know when I hear more. Thanks,
 Andrew

From: Cornelius, Louie - COMM [mailto:lcornelius@commerce.state.wi.us]
Sent: Thursday, November 30, 2006 9:57 AM
To: Miner, Andrew - DOA
Cc: Mattsson, Berni - COMMERCE; Herrera, Oscar - COMMERCE; Legler, Dennis - COMMERCE; Gahan-Hunter, Tarna - COMMERCE; Craney, Terry - COMMERCE; Storey, David K - COMMERCE; Albert, Phil - COMMERCE; Rockweiler, Sam - COMMERCE
Subject: Abandoned Tanks Draft

Andrew,

As you requested, I am submitting our requested revisions to you for a discussion with Kirsten. I understand that you will then transmit them to the drafter. Attached is a draft that reflects our response to the "abandoned tanks" draft. The basic suggested revisions are:

- Clarify that we can contract not only for the removal of the tank, but also for the "backfill of the excavation" created by the removal. Please note that the insertion of s. 101.09 (3) is a reference to tank firms and removers, while s. 101.143 (2) (g) refers to PECFA consultants---we want to contract directly with the tank firms or tank removers, rather than going through the consultants.
- Insert an annual \$250,000 limit on the amount that can be expended on the "abandoned tanks" initiative.
- Specify that in the event a lien is placed on the property, the payments should be paid to the Department of Commerce, which will deposit the payments into the Petroleum Inspection Fund. Language has been provided under the PIF to reflect the potential deposit of these payments.

I have submitted the "direct payment" response. As the note from Berni Mattsson, the Division Administrator, states for that draft: (my paraphrase)---If there is a need for a conference call or meeting that includes you, the bill drafter, and the Division to discuss any issues or intent, we will welcome and encourage the discussion. We will welcome any additional discussion on this draft, as well. Although I will be happy to assist in facilitating any discussions, please also feel welcome to contact Berni at 266-9403.

DOA:.....Miner, BB0035 - Allow PECFA payment for abandoned tanks FOR
2007-09 BUDGET --- NOT READY FOR INTRODUCTION

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

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

20.143 (3) (v) *Petroleum storage environmental remedial action; awards.* Biennially, from the petroleum inspection fund, the amounts in the schedule to pay awards under s. 101.143, costs incurred under s. 101.1435, legal costs incurred under s. 101.143 (7m), amounts to reduce principal of outstanding revenue obligations issued pursuant to s. 101.143 (9m) and, if the department promulgates rules under s. 101.143 (2) (em) 1., to purchase, or provide funding to purchase, insurance described in s. 101.143 (2) (em) 2.

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

25.47 (4m) The payments under s. 101.1435 (4).

Deleted: 2

SECTION 3. 101.1435 of the statutes is created to read:

101.1435 Removal and closure of underground petroleum storage tanks.

(1) In this section:

(a) "Petroleum product" has the meaning given in s. 101.143 (1) (f).

Deleted: Home oil tank system

Deleted: cm

(b) "Underground petroleum product storage tank system" has the meaning given in s.

101.143 (1) (i).

(2) The department may contract with an entity or person registered or certified under s. 101.09 (3) to empty, clean, remove, and dispose of an underground petroleum product storage tank system and backfill the excavation if any of the following applies:

Deleted: 143

Deleted: 2

Deleted: (g)

Deleted: remove

Deleted: unused

Deleted: or home oil tank system

Deleted: or home oil tank system

(a) The department determines that the underground petroleum product storage tank system is abandoned.

Deleted: or

Deleted: t

Deleted: or home oil tank system

(b) The department is unable to identify the owner of, or other person responsible for, the underground petroleum product storage tank system.

Deleted: b

(c) Using the method that the department uses to determine inability to pay under s. 101.143 (4) (ee), the department determines that the owner of the underground petroleum

Deleted: or home oil tank system

Deleted: remove

Deleted: or home oil tank system

product storage tank system is unable to pay to empty, clean, remove, and dispose of the underground petroleum product storage tank system.

Deleted: c

(d) The department determines that the owner of the underground petroleum product storage tank system is unwilling to pay to empty, clean, remove, and dispose of the underground petroleum product storage tank system.

Deleted: or home oil tank system

Deleted: remove,

Deleted: or home oil tank system

(3) The department shall pay the costs incurred under sub. (2) from the appropriation under s. 20.143 (3) (v). These payments may not exceed \$250,000 annually.

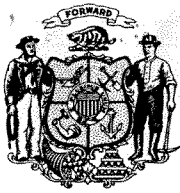
Deleted:

(4) If the department incurs costs under sub. (2), the department shall record a statement of lien with the register of deeds of the county in which the underground petroleum product storage tank system was located. Upon recording the statement of lien, the department has a lien on the property on which the underground petroleum product storage tank system was located in the amount of the costs incurred. The property remains subject to the lien until that amount is paid in full to the department. Payments made under this subsection shall be deposited into the petroleum inspection fund.

Deleted: or home oil tank system is or

Deleted: is or

(END)



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0314/P# 2

RCT:kj:rs

SOON (w/ 12/19)

+WLJ
DNote

DOA:.....Miner, BB0035 - Allow PECFA payment for abandoned tanks

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

DO NOT GEN

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6 s. 101.143 (7m), amounts to reduce principal of outstanding revenue obligations

7 issued pursuant to s. 101.143 (9m) and, if the department promulgates rules under

8 s. 101.143 (2) ^(em) (i) 1., to purchase, or provide funding to purchase, insurance described

9 in s. 101.143 (2) ^(em) (i) 2. (em)

Insert 1-9

SECTION 2. 101.1435 of the statutes is created to read:

101.1435 Removal and closure of underground petroleum storage

tanks. (1) In this section:

(a) "Home oil tank system" has the meaning given in s. 101.143 (1) (cm).

(b) "Underground petroleum product storage tank system" has the meaning given in s. 101.143 (1) (i).

(2) The department may contract with a person registered or certified under s. 101.143 (2)

(g) to remove empty, clean, and dispose of an unused underground petroleum product storage tank system or home oil tank system if any of the following applies:

(a) The department determines that the underground petroleum product storage tank system or home oil tank system is abandoned or the department is unable to identify the owner of, or other person responsible for, the underground petroleum product storage tank system or home oil tank system.

(b) Using the method that the department uses to determine inability to pay under s. 101.143 (4) (ee), the department determines that the owner of the underground petroleum product storage tank system or home oil tank system is unable to pay to remove empty, clean, and dispose of the underground petroleum product storage tank system or home oil tank system.

(c) The department determines that the owner of the underground petroleum product storage tank system or home oil tank system is unwilling to pay to remove empty, clean, and dispose of the underground petroleum product storage tank system or home oil tank system.

(3) The department shall pay the costs incurred under sub. (2) from the appropriation under s. 20.143 (3) (v). The department may not pay more than \$25,000 annually under this section.

1 (4) If the department incurs costs under sub. (2), the department shall record
 2 a statement of lien with the register of deeds of the county in which the underground
 3 petroleum product storage tank system or home oil tank system is or was located.
 4 Upon recording the statement of lien, the department has a lien on the property on
 5 which the underground petroleum product storage tank system is or was located in
 6 the amount of the costs incurred. The property remains subject to the lien until that
 7 amount is paid in full *to the department.*

(END)

*The department shall deposit
 payments received under this
 subsection into the petroleum
 inspection fund*

↓
ONote

**2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0314/P2ins
RCT:.....

Insert 1-9

SECTION ~~1~~ 25.47 (4m) of the statutes is created to read:

25.47 (4m) The payments under s. 101.1435 (4). ✓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0314/P2dn

RCT./:....

W LJ

Andrew Miner:

This is a redraft of the proposal to allow the Department of Commerce to pay for petroleum storage tank removal.

I got more information about the intent behind the proposal from the Legislative Fiscal Bureau publication Overview of State Agency Major Request Items. That publication indicates that what Commerce means by "abandoned" is "a tank regulated by Commerce that is not in use and has not been properly closed." It also indicates that a tank must be abandoned to be eligible for removal. I incorporated the concept of not being properly closed into the introductory language of proposed s. 101.1435 (2) and eliminated the reference to abandoned tanks in proposed s. 101.1435 (2) (a) because it would be redundant. Alternatively, "abandoned" could be defined and used in the introductory language of proposed s. 101.1435 (2).

The LFB publication also indicates that Commerce would only be allowed to pay for removal of a tank if Commerce determined that the tank poses a threat to the environment. I did not add that concept to the draft. Please let me know if it should be added.

I did not add a definition of "petroleum product" as Commerce proposed. Adding that definition is not necessary or appropriate because the term is not used in the new statute except as part of the term "underground petroleum product storage system," which is defined by cross-reference. I did not add "or entity" because in the statutes "person" includes entities. see s. 990.01 (26).

Please let me know if you have any questions or redraft instructions. If the draft is acceptable as is, please let me know that and I will redraft it to add an analysis.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0314/P2dn
RCT:wlj:nwn

January 2, 2007

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I got more information about the intent behind the proposal from the Legislative Fiscal Bureau publication *Overview of State Agency Major Request Items*. That publication indicates that what Commerce means by "abandoned" is "a tank regulated by Commerce that is not in use and has not been properly closed." It also indicates that a tank must be abandoned to be eligible for removal. I incorporated the concept of not being properly closed into the introductory language of proposed s. 101.1435 (2) and eliminated the reference to abandoned tanks in proposed s. 101.1435 (2) (a) because it would be redundant. Alternatively, "abandoned" could be defined and used in the introductory language of proposed s. 101.1435 (2).

The LFB publication also indicates that Commerce would be allowed to pay for removal of a tank only if Commerce determined that the tank poses a threat to the environment. I did not add that concept to the draft. Please let me know if it should be added.

I did not add a definition of "petroleum product" as Commerce proposed. Adding that definition is not necessary or appropriate because the term is not used in the new statute except as part of the term "underground petroleum product storage system," which is defined by cross-reference. I did not add "or entity" because in the statutes "person" includes entities. See s. 990.01 (26).

Please let me know if you have any questions or redraft instructions. If the draft is acceptable as is, please let me know that and I will redraft it to add an analysis.

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1/24- Per Andrew- remove "canceled" on p. 2, line 8.

Ret



State of Wisconsin
2007 - 2008 LEGISLATURE

In 1/24

LRB-0314/P2 1
RCT:kjffwlj:pmr
3

DOA:.....Miner, BB0035 - Allow PECFA payment for abandoned tanks
FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

Don't Gen

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

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

Analysis
insert

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

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

3 20.143 (3) (v) *Petroleum storage environmental remedial action; awards.*

4 Biennially, from the petroleum inspection fund, the amounts in the schedule to pay

5 awards under s. 101.143, costs incurred under s. 101.1435, legal costs incurred under

6 s. 101.143 (7m), amounts to reduce principal of outstanding revenue obligations

7 issued pursuant to s. 101.143 (9m) and, if the department promulgates rules under

8 s. 101.143 (2) (i) (em) 1., to purchase, or provide funding to purchase, insurance

9 described in s. 101.143 (2) (i) (em) 2.

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

2 25.47 (4m) The payments under s. 101.1435 (4).

3 **SECTION 3.** 101.1435 of the statutes is created to read:

4 **101.1435 Removal and closure of underground petroleum storage**
5 **tanks.** (1) In this section, “underground petroleum product storage tank system”
6 has the meaning given in s. 101.143 (1) (i).

7 (2) The department may contract with a person registered or certified under
8 s. 101.09 (3) to empty, clean, remove, and dispose of an unused underground
9 petroleum product storage tank system that has not been properly closed and to
10 backfill the excavation if any of the following applies:

11 (a) The department is unable to identify the owner of, or other person
12 responsible for, the underground petroleum product storage tank system.

13 (b) Using the method that the department uses to determine inability to pay
14 under s. 101.143 (4) (ee), the department determines that the owner of the
15 underground petroleum product storage tank system is unable to pay to empty,
16 clean, remove, and dispose of the underground petroleum product storage tank
17 system.

18 (c) The department determines that the owner of the underground petroleum
19 product storage tank system is unwilling to pay to empty, clean, remove, and dispose
20 of the underground petroleum product storage tank system.

21 (3) The department shall pay the costs incurred under sub. (2) from the
22 appropriation under s. 20.143 (3) (v). The department may not pay more than
23 \$250,000 annually under this section.

24 (4) If the department incurs costs under sub. (2), the department shall record
25 a statement of lien with the register of deeds of the county in which the underground

1 petroleum product storage tank system was located. Upon recording the statement
2 of lien, the department has a lien on the property on which the underground
3 petroleum product storage tank system was located in the amount of the costs
4 incurred. The property remains subject to the lien until that amount is paid in full
5 to the department. The department shall deposit payments received under this
6 subsection into the petroleum inspection fund.

7

(END)

Analysis insert

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 contract with a person who removes underground petroleum storage tanks to empty, remove, and dispose of an underground petroleum product storage tank that has not been properly closed if the department is unable to identify the owner of the tank, the department determines that the owner of the tank is unable to pay to have the tank emptied, removed, and disposed of, or the department determines that the owner of the tank is unwilling to pay to have the tank emptied, removed, and disposed of. The bill gives the department a lien on the property from which a tank is removed in the amount of the costs that the department incurred.

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



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0314/1
RCT:kjf&wlj:pg

DOA:.....Miner, BB0035 - Allow PECFA payment for abandoned tanks

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

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

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15 (END)