1

 $\mathbf{2}$ 

3

4

5

6

7

8

9

10

11

12

LRBb3237/1 RCT:kg:km

## ASSEMBLY AMENDMENT 47, TO ASSEMBLY SUBSTITUTE AMENDMENT 1, TO 1997 ASSEMBLY BILL 768

May 6, 1998 - Offered by Representative HASENOHRL.

At the locations indicated, amend the substitute amendment as follows:

- **1.** Page 13, line 12: after "cleanups;" insert "coverage of certain farm and residential tanks under the petroleum storage remedial action program;".
  - 2. Page 253, line 21 after that line insert:

"Section 330n. 101.143 (1) (fg) of the statutes is amended to read:

101.143 (1) (fg) "Petroleum product storage system" means a storage tank that is located in this state and is used to store petroleum products together with any on-site integral piping or dispensing system. The term does not include pipeline facilities; tanks of 110 gallons or less capacity; residential tanks of 1,100 gallons or less capacity storing petroleum products that are not for resale, except as provided in sub. (4) (ek); farm tanks of 1,100 gallons or less capacity storing petroleum products that are not for resale, except as provided in sub. (4) (ei) and (ek); tanks used

for storing heating oil for consumptive use on the premises where stored, except for heating oil tanks owned by school districts and heating oil tanks owned by technical college districts and except as provided in sub. (4) (ei); or tanks owned by this state or the federal government.

**SECTION 330p.** 101.143 (4) (a) 6. of the statutes is amended to read:

101.143 (4) (a) 6. In any fiscal year, the department may not award more than 5% of the amount appropriated under s. 20.143 (3) (v) as awards for petroleum product storage systems described in par. pars. (ei) 1. and (ek) 1.

**Section 330q.** 101.143 (4) (d) 2. c. of the statutes is amended to read:

101.143 **(4)** (d) 2. c. For an owner or operator of a petroleum product storage system described in par. (ei) 1. or (ek) 1., \$100,000.

**Section 330r.** 101.143 (4) (dm) 2. c. of the statutes is amended to read:

101.143 (4) (dm) 2. c. For the owner or operator of a petroleum product storage system that is described in par. (ei) 1. or (ek) 1., \$2,500 plus 5% of eligible costs but not more than \$7,500 per occurrence.

**Section 330s.** 101.143 (4) (e) 2. of the statutes is amended to read:

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

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

**Section 330t.** 101.143 (4) (e) 2m. of the statutes is amended to read:

101.143 (4) (e) 2m. An award issued under this paragraph may not exceed \$190,000 for each occurrence, except that an award under this paragraph to the owner or operator of a petroleum product storage system described in par. (ei) 1. or (ek) 1. may not exceed \$100,000 per occurrence.

**SECTION 330v.** 101.143 (4) (ek) of the statutes is created to read:

101.143 (4) (ek) Awards for certain farm and residential tanks. 1. A farm or residential tank of 1,100 gallons or less capacity storing petroleum products that are not for resale that is not described in par. (ei) 1. and is not a home oil tank system, together with any on-site integral piping or dispensing system, is a petroleum product storage system for the purposes of this section, if all of the following apply:

- a. The owner of the farm or residential tank did not own the property on which the tank is located when the tank was installed and has never used or authorized another person to use the tank.
- b. The owner of the farm or residential tank has received a letter or notice from the department of commerce or department of natural resources indicating that the owner must conduct a site investigation or remedial action because of a discharge from the farm or residential tank or an order to conduct such an investigation or remedial action.
- 2. The department shall promulgate a rule establishing a priority system for paying awards for farm or residential tanks described in subd. 1.".

22 (END)