

Important Information for Appealing a PECFA Claim Decision

November 2013

RR-941

Appeals made to the Wisconsin Department of Natural Resources must contain specific detail.

Issues not contained in the appeal will not be heard.

Section 101.02(6)(e)(i), Stats., requires an appeal to list every reason the DNR's (hereafter referred to as the Department) decision is unreasonable (i.e., incorrect) and to identify every issue to be considered in the hearing. Issues not raised in the appeal are considered to be waived. *The Wisconsin statutes can be found at your local library or courthouse and are also available on-line at www.legis.state.wi.us/rsb/.*

Appeals must be received by the Department of Natural Resources no later than 30 days after the DATE OF DECISION.

Section NR 747.53, Wis. Adm. Code, requires PECFA appeals to be filed (received by the Department) no later than 30 calendar days after the DATE OF DECISION indicated on the face of the PECFA award summary, titled "Breakdown of PECFA Costs." If the time limit ends on weekend or holiday, the time is extended to the next business day. Appeals received after 4:30 p.m. are not filed until the next business day. The appeal must meet this time limit. The Department cannot advise you how to word your appeal or request, or accept supplemental issues after the filing deadline. *A copy of the Wisconsin Administrative Code is usually available at the same places as statutes and is on-line at the web address given above.*

Where to file an appeal:

A claimant or an attorney representing the claimant may request an administrative hearing to review this action by delivering, mailing, or faxing a written request for a hearing to:

Delivery address:

Dept. of Natural Resources PECFA Appeals
c/o Fiscal and Information Technology
Section Chief
101 South Webster Street, (RR/5)
Madison, Wisconsin
53711

Mailing address:

Department of Natural Resources
PECFA Appeals – Remediation and
Redevelopment Program
P.O. Box 7921
Madison WI 53707-7921

Fax number:

(608) 267-7646

If faxing a lengthy appeal, you may fax the appeal letter only and mail lengthy attachments. Otherwise, it is not necessary to both fax and mail appeals.

How to identify issues and costs being appealed:

Because appeals vary in length and complexity, there is no specific required format. Some claimants list each invoice and the amount on the invoice that is being appealed and then explain in a sentence or two why the department was wrong in denying each appealed amount. Other claimants circle the amounts being appealed on a copy of the claim decision and number each amount to correspond to a separate numbered list of explanations for why the department was wrong in denying the appealed costs. If multiple costs were denied by the Department of Natural Resources for the same reason, you do not have to repeat the reasons why the department was wrong. Just refer back to the previously stated reason or list all invoices where the reason the department was wrong is the same.



Wisconsin Department of Natural Resources
PO Box 7921, Madison, WI 53707
dnr.wi.gov, search "brownfields"



You must identify every cost item that you are appealing, even if you combine costs from more than one invoice for purposes of listing a single explanation why the DNR's decision was incorrect. The appeal does not have to be notarized and does not have to contain statements of jurisdictional facts. The appeal must be signed by the claimant or the claimant's attorney. We have received appeals in the past that were filed without the claimant's knowledge or permission.

This document contains information about certain state statutes and administrative rules but does not necessarily include all of the details found in the statutes and rules. Readers should consult the actual language of the statutes and rules to answer specific questions.

The Wisconsin Department of Natural Resources provides equal opportunity in its employment, programs, services, and functions under an Affirmative Action Plan. If you have any questions, please write to Equal Opportunity Office, Department of Interior, Washington, D.C. 20240.

This publication is available in alternative format upon request. Please call 608-267-3543 for more information.