



## Important Information for Appealing a PECFA Claim Decision Wis. Admin. § NR 747.53

Department of Natural Resources (DNR) staff use Wis Stat. § 292.63 and Wis. Admin. § NR 747 to determine which costs submitted as part of a PECFA claim are eligible for reimbursement under the program. Wis. Admin. § NR 747.53 allows claimants/agents or an attorney acting on their behalf to file an appeal to the DNR regarding these decisions on submitted claims within 30 days of the decision date. The code also lays out specific details on required content of appeals and process of submitting appeals. **The Wis. Admin. § NR 747 appeal is not the same as a Wis. Stat. § 227 appeal.** *The Wisconsin statutes and Administrative Code can usually be found at your local library or courthouse and are also available online at [www.legis.state.wi.us/rsb/](http://www.legis.state.wi.us/rsb/).*

### 1. Appeals made to the DNR must contain specific details related to every item that is being appealed.

Wis. Admin. § NR 747.53(b)(4), requires an appeal to list every reason the DNR decision is incorrect and to identify every issue to be considered. The DNR recommends appeals contain a point-by-point argument. Issues not raised in the appeal are considered to be waived and will not be heard.

### 2. Appeals must be received by the DNR no later than 30 days after the initial DATE OF DECISION of the claim.

Wis. Admin. § NR 747.53, requires PECFA appeals to be filed (i.e. postmarked, emailed, faxed or hand delivered) no later than 30 calendar days after the DATE OF DECISION indicated on the PECFA award letter, titled “Breakdown of PECFA Costs.” If the time limit ends on a weekend or holiday, the time is extended to the next state business day. Appeals received after 4:30 p.m. are not filed until the next “business day” as defined in Wis. Admin. § NR 700.03(3). The DNR cannot advise on how to word your appeal or request, nor can the DNR accept supplemental issues after the filing deadline. Appeals can be delivered, mailed or faxed to:

#### Delivery address:

Dept. of Natural Resources  
c/o Remediation and Redevelopment  
Program - PECFA Appeals  
101 South Webster Street,  
(RR/5)  
Madison, Wisconsin 53711

#### Mailing address:

PECFA Appeals  
DNR – 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 by the 30-day deadline. Otherwise, it is not necessary to both fax and mail appeals. All documentation related to the appeal must be received within the 30 day timeline.

### **3. Reviewing an appeal.**

The DNR reviews all Wis. Admin. § NR 747.53 appeals and the arguments presented and may offer a settlement to the claimant for a portion or all of the denied costs based on the additional evidence provided in the appeal. A claimant or an attorney representing the claimant may request to meet with the DNR to discuss complex issues related to the claim and/or appeal. If the DNR finds that the Wis. Admin. § NR 747.53 appeal does not present additional evidence that warrants a settlement, the DNR will deny the costs, either in total or a portion. The DNR will state the reasons for denial decision in a letter to the appellant. This decision will be treated as the DNR's final decision, for purposes of Wis. Stat. § 227 appeals purposes. The denial letter will also include information regarding how to request a judicial review or contested case hearing of the decision under Wis. Stat. § 227, if applicable.

### **4. 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 DNR was wrong to deny 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 DNR was wrong in denying the appealed costs. If multiple costs were denied by the DNR for the same reason, you do not have to repeat the reasons why the DNR was wrong. Just refer back to the previously stated reason or list all invoices where the reason the DNR was wrong is the same.

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 of 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 person whose legal rights are affected by the decision being appealed (i.e. the claimant or assigned agent) or their attorney. The claimant's attorney must certify that they have the claimant's legal permission to appeal the DNR's decision on their behalf.

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This document is intended solely as guidance and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations and is not finally determinative of any of the issues addressed. This guidance does not create any rights enforceable by any party in litigation with the State of Wisconsin or the Department of Natural Resources. Any regulatory decisions made by the Department of Natural Resources in any matter addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.

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 Chief, Public Civil Rights, Office of Civil Rights, U.S. Department of the Interior, 1849 C. Street, NW, Washington, D.C. 20240.

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