

# PECFA Agent

## Frequently Asked Questions

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The purpose of this guidance is to answer frequently asked questions regarding PECFA agent status. Pursuant to s. 292.63(bm), Wis. Stats. and Wis. Admin. Code s. NR 747.10(1)(b), an owner or operator or a person owning a home oil tank system may enter into a written agreement with a person or organization to act on behalf of the owner or operator in conducting remedial activities.

### General Questions

#### **What is an agent?**

A PECFA “agent” is a person or organization designated by an owner, operator or person owning a petroleum tank system, to act on their behalf when conducting remedial activities.

#### **What are the responsibilities of an agent?**

The agent is responsible for managing and carrying the costs for an environmental cleanup on behalf of the responsible party and submitting a PECFA reimbursement claim.

#### **Who is the claimant for PECFA reimbursement?**

The claimant under the PECFA program is always the owner or operator of the property.

#### **What are the responsibilities of the claimant?**

Prior to agent approval, the claimant is responsible for obtaining PECFA site eligibility. **Please note, as of July 20, 2015, no new sites will be accepted into the program.**

Claimants must also arrange for satisfaction of the PECFA deductible prior to agent approval. Those claimants with financial hardship may qualify for deferment or reduction of the deductible, which requires a lien on the property by the DNR. For information regarding deferment or reduction of the deductible please see the [PECFA Deductible Financial Hardship \(4400-290\)](#) for more information.

#### **How is the reimbursement disbursed under the PECFA program?**

- The reimbursement check will be issued in both the claimant’s and the agent’s names and will be mailed to the agent.
- Consulting firms are not eligible for interest reimbursement.
- Use of ‘promissory note’ agreements will be allowed for reimbursement of sub-contractor payments. See [Promissory Note \(4400-306\)](#).
- Claims must be submitted within 180 days of incurring costs, and all PECFA claims must be submitted to the DNR by June 30, 2020.



### What is required of the consulting firm acting as agent?

- Must be a PECFA registered consulting firm and have at least one registered consultant.
- Must maintain compliance with ch. NR 747, Wis. Admin. Code, and s.292.63, Wis. Stats.
- Must complete and submit [PECFA Agent Assignment Form \(4400-292\)](#) for each site and receive DNR approval for agent status.
- Must include a [W-9 Taxpayer Identification Number \(TIN\) \(DOA-6448\)](#) Verification form and [STAR Vendor Form \(DOA-6457\)](#). *Note: These forms must be signed by the claimant and include the claimant's tax ID number.*
- Must execute the standard DNR agent contract with the claimant and submit the signature page to DNR.
- Must be willing to carry all response action costs and pay any commodity service providers, (either directly or through the use of a promissory note), until the approved scope of work is completed.

### What is the process for filing a claim?

- See [PECFA Claim Submittal Checklist \(4400-295\)](#) for instructions on submitting a claim.
- Agents may sign the claim forms on behalf of the claimant.
- Once an original W-9 form and STAR Vendor form with an claimant's signature is submitted, it may be copied and submitted in future claims after the agent has verified with the claimant the information is still current. If submitting claims electronically, please include all tax documents as a separate PDF. **If a claimant's name, address or tax ID has changed in any way, an updated original must be submitted.**
- Proper supporting documentation for all invoices must be included in the claim. This includes subcontractor invoices, technical reports, required backup documentation and standardized invoices for Usual & Customary (U&C) costs.
- There will be no pre-approval of invoices on agent sites.
- Claims must be submitted within 180 days of incurring costs.
- Costs for claim submittals will not be included in the costs caps. This task will be monitored by the claim review staff and applies to agent-approved sites only.

## Specific Questions

### Do claims for agent-approved sites get priority review?

No. Claims are audited on a first-in, first-reviewed basis.

### Can DNR issue a reimbursement check made out only in the name of the agent?

No. The law provides reimbursement to the claimant per s. 292.63, Wis. Stats. The statutes allow for joint claim submittal and reimbursement payable to both parties when there is an agent, per s. 292.63(3)(bm).

### Do I still need to provide proof of payment for all activities with a claim?

For consultant costs, the answer is “no.” The agent agreement allows you to carry the cost on your books until the approved scope of work has been completed. For sub-contractor costs, the answer is “yes”. This would either be in the form a cancelled check payable to the sub-contractor, or a Promissory Note (4400-306) that both the agent and sub-contractor sign.

**Is there a time limit in which a scope of work must be completed?**

All PECFA reimbursement claims must be submitted no later than June 30, 2020. Claims can be submitted via fax, email, hand delivery or postal mail. Claims are considered “submitted” on the date received by the Department, except for postal mail, in which the postmark date is considered the submittal date.

**If a site receives case closure with continuing obligations applied to the site, (such as direct contact issues, or barrier cap maintenance), is the agent responsible for this in the future?**

No, it is the responsibility of the property owner per s. 292.12, Wis. Stats., unless contractually transferred to another person.

**Does agent registration fulfill my requirement to register as a PECFA consulting firm per Wis. Admin Code, s. SPS 305.81?**

No. You still must register and pay a fee, per Wis. Admin Code, s. SPS 305.81, to be considered a registered PECFA consulting firm. The DNR will establish a list of PECFA-registered consulting firms and consultants who have expressed interest in working as an agent on PECFA sites. The list will be a tool to assist PECFA customers in moving their sites toward closure.

**How do I get added or removed from the agent list?**

If you would like to become a registered PECFA agent (or need to renew your registration), please fill out the required application materials and attachments and submit with the applicable fee to the address indicated on the application. Application materials can be found on the PECFA website under the [“Consultant/Agent” tab](#).

To be removed from the registered consultant list, please contact James Moser at [james.moser@wisconsin.gov](mailto:james.moser@wisconsin.gov) or 608-267-7533. Please note that registration fees are non-refundable.

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