

# PECFA Agent Frequently Asked Questions

November 2013

RR-943

## General Questions

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

A PECFA “agent” is a person or organization designated by an owner, operator or person owning a home oil tank system, to act on their behalf when conducting the 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?**

PECFA site eligibility must be determined prior to agent approval. Arrangement for satisfaction of the site deductible must be done prior to agent approval. Financial hardship claimants may qualify for a deferment or reduction, which requires a lien on the property by the DNR.

For information regarding deferment or reduction of the deductible please contact: [Dave Swimm](#) at 608-264-8766. Please see the [Application for Reduction of PECFA Deductible \(4400-294\)](#) for more information.

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

- The reimbursement check will be issued in both the claimants and the agents name 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.
- PECFA will allow a claim to be submitted four times per year.

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

- Must be a PECFA registered consulting firm.
- Must maintain compliance with ch. NR 747, Wis. Administrative Code, and s.101.143, Stats.



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- Must complete and submit an [Agent Assignment Certification Scope of Work Form \(4400-292, formerly Form 6, ERS 8079\)](#), and [Consultant Agent Pre-Qualification Form \(4400-298, formerly Form 6CA, ERS-10871\)](#) (for each site) and receive DNR approval for agent status.
- Must include a [W-9 Taxpayer Identification Number \(TIN\) \(DOA-6448\)](#) Verification form.  
*Note: This form must be signed by the claimant and include the claimant's TIN number.*
- Must execute the standard DNR agent contract with the claimant and submit the signature page to DNR.
- Must only perform PECFA eligible work on the site.
- Must be willing to carry all site clean-up 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?**

- Claim packets will be mailed directly to the agent from DNR.
- Agents may sign the claim forms on behalf of the claimant.
- Once an original W-9 form with an owners' 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.
- Proper supporting documentation for all invoices must be submitted in a 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.
- Agents may file claims no more frequently than every 90 days. However, an exception may be granted with prior approval\* when high cost commodities are incurred.
  - \*If you need approval to submit a claim please contact: [Tim Prosa](#) at 608-261-7715.
- 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. Currently claims are audited and paid within 60 days of receipt.

### **My sub-contractor wants to be paid immediately for their work and I have already submitted a claim in the past 90 days. How can I get my sub-contractor paid quickly?**

Contact the Department for approval to submit a claim for those commodity costs.

### **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. 101.143(4), Stats. The code allows for joint claim submittal and reimbursement payable to both parties when there is an agent, per s. NR 747.10(1)(b), Wis. Admin. Code.

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

For consultant costs--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--yes, this would either be in the form a cancelled check payable to the sub-contractor, or a promissory note that both the agent and sub-contractor sign.

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

If DNR determines that work is not progressing, it has the authority to terminate the contract and agent from further work on a site.

**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 site owner per s. 292.12, Stats., unless contractually transferred to another person.

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

No. You still must register and pay a fee, per ch. SPS 305.81, Wis. Admin. Code, to be considered a registered PECFA consulting firm. The consultant-agent registration will establish a list of PECFA registered consulting firms 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?**

Contact Tim Prosa at 608-261-7715 or by email at [timothy.prosa@wisconsin.gov](mailto:timothy.prosa@wisconsin.gov)

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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.

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