

Governor's Dry Cleaner Council
Meeting Notes
DNR Waukesha Service Center
February 4, 2004
9:30 a.m. – 2 p.m.

Attending:

Governor's Council

Steve Plater, Chair
Rich Klinke
Jeanne Tarvin
Jim Fitzgerald
Jill Fitzgerald

DNR

Mark Giesfeldt
Lance Potter
Jeff Soellner
Terry Evanson

WI Fabricare Institute

Brian Swingle
Shaw Environmental
Jim Draught
Reinhart-Boerner
Don Gallo

Introduction & Administrative Business: Steve Plater

Steve Plater conducted the meeting. All the participants introduced themselves. Terry Evanson passed out expense forms, but all Council members declined to claim travel expenses and expressed that they'd prefer to donate their time to this effort. All of the Council members terms of appointment have expired or will expire shortly. Application materials have been sent to all the Council members and the forms should be returned if they are interested in being reappointed.

Review of Rule Revisions to NR 169: Terry Evanson

Terry Evanson reviewed the revisions to the hearing version of NR 169. After discussion, the following changes were made to the rule language:

1. NR 169.09(2)(e)3. The note following the paragraph has been changed to quote the applicable statute as follows:

Note: s. 292.65(7)(b)2 Stats., states eligible costs for an award under this section include reasonable and necessary costs, up to \$15,000, incurred by a 3rd party in the discovery of a discharge of dry cleaning product from an eligible owner's or operator's dry cleaning facility before the eligible owner or operator discovered the discharge.

2. NR 169.11(1)(c)(9), the phrase "12 month period" was changed to "fiscal year":

. . . Only one interim reimbursement request may be submitted during any fiscal year.

3. NR 169.19(4)(c), the phrase "12 month period" was changed to "fiscal year" and the last sentence was revised as following: A final reimbursement request may be submitted upon department approval of the site investigation report.

. . . The minimum reimbursement request shall be \$15,000 and only one reimbursement request may be submitted within any fiscal year. No more than three (3) reimbursement requests, each accompanied by a change order or orders and a summary of work accomplished may be submitted prior to submittal of the site investigation report. A final reimbursement request may be submitted upon department approval of the site investigation report.

Review of funding status for DERF: Jeff Soellner and Lance Potter

Mark Giesfeldt explained that DNR management has decided not to move forward on a 13.10 request to the legislature for an emergency increase in spending authority for DERF. Instead, the Department is hoping that a one-time increase in spending authority will be included in the Governor's budget, due out on Feb. 8.¹ Lance Potter stated that the program will be in a much better position by asking for the spending authority in the budget bill.

Jeff Soellner updated the Council on the current status of DERF. There are currently more reimbursement requests than there are dollars available. This increased demand is due to the maturity of the program – more site investigations have been completed and remediation begun or completed. Jeff pointed out that almost 65% of the sites in DERF have not requested reimbursement, which points to significant pent-up demand.

Revenue fluctuates over time with money from solvent fees declining. The main discussion of the afternoon centered on alternatives for future funding.

Ways to address Future Revenue Needs

The group discussed whether extending the eligibility for the program (beyond the Aug. 30, 2008 date) will help with revenue projections. Needs of small dry cleaning business to address cleanup, the ability to provide timely reimbursement, and methods of prioritization were discussed. The main idea that emerged is to consider moving from a reimbursement focused program to a State-lead clean up program. The Council decided to discuss at a future meeting (likely 1st week of April) the idea of piloting a State lead program with an opt-out option. Issues of redevelopment, financing and DNR staff to support this will all need to be addressed. Ideas for how to raise the needed revenues will be discussed at future meetings.

Specific assignments:

1. Steve and Brian will draw up a summary of a State lead program with opt in/out options.
2. Terry will look at other states using the State lead approach.
3. Jeff will look at how much additional revenue may be needed per year to address such a program.

¹ Subsequently, the Governor's budget did include an additional \$1 M in spending authority, for a total of \$3.1M for the biennium, if this remains in the final budget.