

Governor's Council for the Drycleaner Environmental Response Fund Program
Meeting Minutes – May 15, 2000

Participants:

Council Members: Jim Fitzgerald, Jim Cherwinka, Steve Plater, Donna Griesemer, Jeanne Travin

Other Participants: Joe Phillips, Don Gallo

DNR Participants: Leslie Gauberti, Jeff Soellner, Barbara Schultz, Robin Schmidt

Summary of Discussion

Status of the fund/program

Robin Schmidt gave a brief presentation on the status of the program, and Leslie Gauberti presented information on the status of the fund. There were significantly fewer past cost applications received than anticipated, which resulted in the fund being flush instead of in the red. Leslie discussed that applications are currently being audited and the first checks should be going out on time – by the end of June. As expected, we are seeing some applications with inadequate documentation, and are sending letters out requesting supplemental information, as appropriate.

Statutory changes/budget items

Robin led a discussion of a number of statutory changes for which the DNR was seeking industry support.

1. Funding for Remediation and Redevelopment administration of the program: Robin indicated that while there were 2 FTE's funded for technical reviews and support in the field, none of her time was reimbursable against the fund and she is spending considerable time managing the DERF program at the expense of her other job responsibilities. She provided some options for funding an additional .5 FTE (approximately) to allow her to continue to work with the DERF program at the current level. The Council indicated that while they appreciated the work Robin was doing, they did not believe they could get support within industry to fund any more administration positions from the fund. They also asked about the time being spent on the current staff funded from the program and how much of the DERF monies have gone to salaries since monies have been collected for the fund. Robin and Leslie will get more information to the Council on funding levels and time spent working on this program. The agency will not put a statutory change into the budget package for Robin's time. Robin will need to work with her managers to see what level of support she will continue to have for this program.
2. Eliminating Closed Facility Deductibles – DNR proposed eliminating the higher fees for closed facilities – it is an administrative problem and affects the ability of the department to grant waivers to facilities that claim they are unable to pay the deductible. The statute allows the Department to waive the deductibles and put a lien on the properties of those facilities for which waivers were granted until the deductible is paid to the fund. The Council did not agree that this was an appropriate change, and that there were some developers who could gain a significant advantage if this were eliminated. This change will not be included in the agency budget.

The Council agreed to the following statutory changes:

3. Amend the statute to allow the deductibles for active facilities to apply to owners or operators of dry stores and owners and operators of licensed facilities that remain in operation but relocate.
4. Deletion of Interim Action Statute – This deletion will simplify the program while continuing to allow interim actions to occur as necessary under NR 700.
5. Pollution prevention language: Add language for pollution prevention requirements eliminated when s. 292.66 is deleted; allow eligible costs from discharges caused by persons who provided services or products to the owner or operator or to a prior owner or operator of the dry cleaning facility prior to 10/14/97.
6. Allow the department to deny applications if the applicant has not paid all of the fees under ss. 77.9961, 77.9962, and 77.9963, Wis. Stats.
7. Modify the definition of dry cleaning facility to specify the use of a non-aqueous material in 292.65 and 77.996(2), Wis. Stats.

8. Specify that the discharge of drycleaning solvents must be associated with the facility applying for reimbursement from this fund.

Programmatic issues: Ability to pay/waivers/variances

Robin provided a brief summary of guidance documents being prepared by the department for staff to use to interpret the new rules. These include using time codes properly, granting exemptions to rules, and eligibility flow charts.

Program Outreach/Web issues/SCRD update

Robin alerted the group to updates on the web, and the status of activities of the States Coalition for the Remediation of Drycleaners. The information for this group can be found on their web site www.clu-in.org/programs/dryclean.

Contact for NR 700 group

Jeanne Tarvin agreed to be the Council representative on the NR 700 Focus group.

Role of Council/Program Review

Robin raised the issue that the Council should start thinking about the criteria it wants to use in evaluating the program, required every 5 years. DNR will also think about ways to do this and it should be discussed at a future meeting.