

**May 10, 2002 Minutes  
Governor's Council for the  
Dry Cleaner Environmental Response Fund**

**Council members present:** Steve Plater, Jim Cherwinka, Jill Fitzgerald, Richard Klinke, Jim Fitzgerald, Jeanne Tarvin

**Other participants:** Brian Swingle, WFI; Don Gallo, Reinhart Law; DNR: Robin Schmidt, Jeff Soellner, Pat McCutcheon; DOR: Keith Brunner, Tim Whitcher

1. Introductions: Tim Whitcher introduced Kevin Brunner from DOR who will be assisting with the DERF program implementation and efforts that Tim was previously involved with. Bob Little will continue working on statutory issues, and Kevin will be working on more policy issues. The Council encouraged DOR to work with them on statutory changes as the needs arise, and the Council will also make efforts to help DOR make the program more consistent with other existing DOR systems.
2. Robin went over the goals for the meeting: to provide the Council with progress and issues associated with the rule-revision advisory group; to discuss upcoming budget issues associated with statutory changes to the DERF program; to review the status of the fund and sites in the program; to provide a brief update on the States Coalition for the Remediation of Drycleaners efforts.
3. The Council and other participants discussed the provisions within Ch. NR 169, the DERF program rule. Comments were incorporated where appropriate and will be brought to the next rule-revision advisory group meeting. In general, there were no major disagreements with the rule language. Several points were discussed relating to statutory language that will be addressed in that part of the meeting minutes.
4. The Council discussed the proposed statutory changes outlined by Robin per previous discussions and arising out of discussions during the rule-revision process. Specific items discussed include:
  - ★ Clarifying the definition of owner/operator – this should be clear that all past owner and operators of drycleaning facilities are eligible, assuming they paid their appropriate fees, but only the property owners of a licensed facility are eligible (and not subsequent property owners)
  - ★ Language relating to past costs and application deadlines will be removed as no longer pertinent.
  - ★ Language will be inserted regarding notification of the DNR of reimbursement from insurance claims, receipt of proceeds, and reimbursement from other sources. TIF's are not considered another source since they are repaid and not "grant" type monies.
  - ★ The Council did not agree to change language regarding enhanced pollution prevention measures, as previously discussed. That language will not be included in the agency's budget proposal. The language will remain as currently drafted.
  - ★ Eligible costs – again past cost references will be deleted from the statute.
  - ★ Deadlines – After discussion, the Council recommended changing the deadlines so that there would be one date by which *all potential claim notification forms* are to be submitted to the DNR – that date being August 30, 2008. This replaces the requirement for all *applications* to be submitted to the DNR by August 20, 2005 for closed facilities and August 30, 2008 for active facilities.
  - ★ The discussions of making it illegal to sell drycleaning products to unlicensed facilities concluded that the Council did not support this amendment to the statute.
  - ★ The discussion of compliance with state and federal environmental regulations be expanded to cover all sites, not just those on tribal lands concluded that this language should be left status quo.

- ★ The Council supported eliminating the statutory provision that required DNR to be reimbursed when state environmental fund monies were used to conduct response actions at sites with discharges of drycleaner products. Robin said she would take this back to the RR management team for further discussion and report back at the next Council meeting.
  - ★ The Council discussed with the Department of Revenue ways of defining the licensing requirements to fit more easily with how DOR administers other programs. They agreed that having an indefinite license issued and then the ability to revoke that license if fees are not paid is the easiest for the DOR. The Council also agreed with the elimination of the late fees, but keep the current interest and penalties in place, consistent with the current sales tax laws. DOR will continue to work with DNR and the Council on statutory changes for this budget cycle.
  - ★ The Council discussed the issue of allowing third party claims when a release is discovered, and Robin said she would bring this issue back to the RR management team for further discussion.
5. Robin provided the group with a brief update of discussions at the national States Coalition for the Remediation of Drycleaner (SCRD) meeting held earlier in the week, and mentioned that the next meeting may be in Madison in October.
  6. The group discussed the follow up needed for the rule and statute, and agreed that Robin would set up a meeting/conference call for early in June, which would allow her time to complete the rule and have discussions with the RR management team on items highlighted at this meeting. She would try to get Lapham Peak Park for those who want to come in person, others can phone in to a conference call without having to travel.