

1/13/99 12:44:51 PM

Page 1

1999 DRAFTING REQUEST

Bill

Received: **12/28/98**

Received By: **traderc**

Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Wong**

This file may be shown to any legislator: **NO**

Drafter: **isagerro**

May Contact:

Alt. Drafters:

Subject: **Environment - env. cleanup**

Extra Copies: **RCT**

Topic:

DOA:.....Wong - Dry cleaner response program, refer to remedial action options report, rather than remedial action plan

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	traderc 01/11/99	ygeller 01/11/99		_____			
/P1	isagerro 01/12/99	chanaman 01/13/99	jfrantze 01/13/99	_____	lrb_docadmin 01/13/99		

FE Sent For:

<END>

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1/?	traderc 01/11/99 isagerro	jpgeller 01/11/99 cmj 1/11/99	1/13	1/13			
FE Sent For:		PI 1/2 jlg					

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/?	traderc			_____			

FE Sent For:

<END>

CORRESPONDENCE MEMORANDUM

STATE OF WISCONSIN
Department of Administration

Date: December 21, 1998

To: Steve Miller, Chief
Legislative Reference Bureau

From: Manyee Wong *M.W.*
State Policy and Budget Analyst

Subject: Drafting Instructions for 1999-01 Budget

At your office request, I have revised my previous memo and made further clarifications on certain items. Also, I have attached relevant documents that may help with your drafting process. Please let me know if you have any further questions. My number is 266-7597.

Dry Cleaner Response Program - DNR

Please see Attachment A for further details and explanations.

1. License Fee

- Include retail and dry stores as entities subject to the fee.
- Require the fee to be paid quarterly based on previous quarter sales.
- If a license transfer is involved in the transfer of business ownership, the buyer has to pay the license fee in an amount assessed on gross receipts for the entire quarter in which the buyer officially took ownership.
- If no license transfer is involved in the transfer of business ownership, the seller has to pay the license fee in an amount assessed from the last quarter payment until the last day the seller operated the facility.

2. Definitions

- Define a "dry cleaning facility" as a facility where dry cleaning of apparel or household fabrics and related services are provided to the public.
- Define "dry store" as a retail outlet for dry cleaning drop off and pick up.
- Define "owner" as a property or business owner of a licensed facility or a closed facility that ceased operation before September 1, 1998.
- Define "operator" as business operator of a licensed facility or a closed facility that ceased operation before September 1, 1998.
- Exclude lenders from the definition of "service provider".
- Replace all "remedial action plan" references with "remedial action options report".

6. Change the deductible for closed facilities so that it is the same as the deductibles for active facilities (different deductibles based on cost of response actions). In 292.65(8)(e)3 a. should be reworded so that the deductible is based on the amount of the eligible costs plus the 30 year calculated fee for the license fee, and the solvent fee (3.b., and 3.c.). Currently the deductible for closed facilities is simply \$10,000 plus the average license fee and solvent fee for 30 years.

7. New language needs to be created that if the environmental fund is used to fund eligible costs at a dry cleaning facility, the dry cleaner fund will be used to reimburse the environmental fund; the facility will be classified for reimbursement as if the dry cleaner was funding the work, but the reimbursement monies will be paid to the environmental fund instead of the dry cleaner (since the dry cleaner didn't fund the activities, the EF did). When the environmental fund is used, no deductibles or closed facility fees will be assessed. The environmental fund will only be used in high priority cases or where long term costs will significantly drain the dry cleaner fund.

8. New language is needed that requires anyone applying to the program to notify the department when they make any insurance claims that would cover any eligible costs. The department shall be given the ability to join any private suits against insurance companies to cover the costs of deductibles and other fees appropriate for a closed facilities. Any monies collected for this purpose shall be put into the dry cleaner fund.

9. Change the definition of "service provider" in s. 292.65(1)(l) so that lender is no longer included in this definition (financing costs are not eligible costs under this program).

10. Change 292.65(4) (f), (g) and (h) to state remedial action options report instead of remedial action plan. This should be done to remain consistent with the terminology used in NR 700.

Changes to the license fees relating to how the fees are applied:

11. A license fee of 1.8% of wholesale receipts shall be paid by a dry cleaning facility operator for all out of state dry cleaning sales and for all dry cleaning services provided to outlets other than dry stores including pick-up or bobtail routes, hotel valet services and other valet services, and other related services as defined in 292.65(1)(d) and paid on a quarterly basis, based on the previous quarter's sales.

12. A license fee of 1.8% of retail sales shall be paid on all dry cleaning services provided by all dry stores and dry cleaning facilities that retail dry cleaning services. and paid on a quarterly basis, based on the previous quarter's sales.

13. Add language that states if a facility transfers ownership and the seller transfers their license to the buyer, the seller has to pay the 1.8% fee on gross receipts, as defined above, for the period of time that the seller was operating the facility until the new owner took over operations and paid on a quarterly basis, based on the previous quarter's sales.

14. Add language that if the facility transfers ownership and the license is not transferred to the buyer, the seller is responsible for paying 1.8% of the fees from the last quarterly payment until the last day they operated the facility.

15. Change 20.370(6)(eq) to state a continuing appropriation of all monies received.

Explanatory Note:

1. Clarifying property owner and business owner allows property owners where a dry cleaner is operating the ability to use the fund. If landowners are not eligible for the fund they may not lease



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1483/P1

ISR:.....

SOON Date

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DOA:.....Wong - Dry cleaner response program, refer to remedial action options report, rather than remedial action plan

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

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1 AN ACT ...; relating to: remedial action options reports under the dry cleaner
2 environmental response program. ✓

Analysis by the Legislative Reference Bureau

ENVIRONMENT ✓

SOLID AND HAZARDOUS WASTE ✓

Under current law, the department of natural resources (DNR) ✓ administers the dry cleaner environmental response program to reimburse owners and operators of dry cleaning facilities a portion of the costs incurred in cleaning up a discharge of dry cleaning solvent. Applicants must submit a remedial action plan that proposes specific remedial action activities as part of the ✓ clean up process.

add
hydro

This bill changes the name of the remedial action plan to remedial action options report. ✓

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 292.65 ✓ (4) (f) of the statutes is amended to read:

4 292.65 ✓ (4) (f) Remedial action ~~plan~~ options report. ✓ After completing the

5 investigation under par. (e) and before conducting remedial action activities, an

1 owner or operator shall prepare a remedial action ~~plan~~ options report, based on the
2 investigation under par. (e), that identifies specific remedial action activities
3 proposed to be conducted, except as provided in pars. (g) and (h).

4 SECTION 2. 292.65 ^X(4) (g) of the statutes is amended to read:

5 292.65 (4) (g) *Immediate action.* An owner or operator is not required to
6 complete an investigation or prepare a remedial action ~~plan~~ options report before
7 conducting an immediate action activity if the department determines that an
8 immediate action is necessary.

9 SECTION 3. 292.65 ^X(4) (h) of the statutes is amended to read:

10 292.65 (4) (h) *Interim remedial equipment.* An owner or operator may install
11 interim remedial equipment for which the owner or operator would be eligible for
12 reimbursement under s. 292.66 before completing a site investigation or remedial
13 action ~~plan~~ options report.

14 SECTION 4. 292.65 ^X(4) (i) of the statutes is amended to read:

15 292.65 (4) (i) *Review of site investigation and remedial action ~~plan~~ options*
16 *report.* The department shall, at the request of an owner or operator, review the site
17 investigation results and the remedial action ~~plan~~ options report and advise the
18 owner or operator on the adequacy of the proposed remedial action activities in
19 meeting the requirements of this section. The department shall complete the review
20 of the site investigation and remedial action ~~plan~~ options report within 45 days. The
21 department shall also provide an estimate of when funding will be available to pay
22 an award for remedial action conducted in response to the dry cleaning solvent
23 discharge.

24 SECTION 5. 292.65 ^X(7) (a) 3. of the statutes is amended to read:

25 292.65 (7) (a) 3. Preparation of remedial action ~~plans~~ options report.

add
underscores
's

1 SECTION 6. 292.65 (7) (c) 4. of the statutes is amended to read:

2 292.65 (7) (c) 4. Costs that the department determines to be unreasonable or
3 unnecessary to carry out the remedial action activities as specified in the remedial
4 action plan options report.

5 SECTION 7. 292.65 (8) (a) of the statutes is amended to read:

6 292.65 (8) (a) *Application*. An owner or operator shall submit an application
7 on a form provided by the department. An owner or operator may not submit an
8 application before September 1, 1998. An owner or operator may not submit an
9 application after August 30, 2003, if the application relates to a dry cleaning facility
10 that ceased to operate before September 1, 1998. An owner or operator may not
11 submit an application after August 20, 2008, if the application relates to any other
12 dry cleaning facility. The department shall authorize owners and operators to apply
13 for awards at stages in the process under sub. (4) that the department specifies by
14 rule. An application shall include all of the following documentation of activities,
15 plans reports and expenditures associated with the eligible costs incurred because
16 of a dry cleaning solvent discharge from a dry cleaning facility:

- 17 ~~1. A record of investigation results and data interpretation.~~
- 18 2. A remedial action plan options report.
- 19 ~~3. Contracts for eligible costs incurred because of the discharge and records of~~
20 ~~the contract negotiations.~~
- 21 ~~4. Accounts, invoices, sales receipts or other records documenting actual~~
22 ~~eligible costs incurred because of the discharge.~~
- 23 ~~5. Other records and statements that the department determines to be~~
24 ~~necessary to complete the application.~~

25 SECTION 8. 292.66 (1) of the statutes is amended to read:

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1483/P1dn

ISR:.....

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js

January 12, 1999

Manyee:

This draft changes the remedial action plan required as part of the dry cleaner environmental response program to remedial action options report. This is now consistent with the administrative regulations. I don't think it is necessary to change the name of the required document. Remedial action plan is still used elsewhere in the statutes and regulations, particularly in PECFA.

Also, section 292.65 (7) (a) 14. refers to costs of "remedial action planning" as potential eligible costs. Do you want this changed to "remedial action reporting" or is ~~this OK~~ for the purposes of this draft?

If you have any questions regarding this draft please feel free to contact me.

Ivy G. Sager-Rosenthal
Legislative Attorney
261-4455

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1483/P1dn
ISR:cmh&jlg:jf

January 13, 1999

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Also, section 292.65 (7) (a) 14. refers to costs of "remedial action planning" as potential eligible costs. Do you want this changed to "remedial action reporting" or is "planning" okay for the purposes of this draft?

If you have any questions regarding this draft please feel free to contact me.

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Legislative Attorney
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State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1483/P1
ISR:cmh&jlg:jf

DOA:.....Wong – Dry cleaner response program, refer to remedial action options report, rather than remedial action plan

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** remedial action options reports under the dry cleaner
2 environmental response program.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

SOLID AND HAZARDOUS WASTE

Under current law, the department of natural resources (DNR) administers the dry cleaner environmental response program to reimburse owners and operators of dry cleaning facilities a portion of the costs incurred in cleaning up a discharge of dry cleaning solvent. Applicants must submit a remedial action plan that proposes specific remedial action activities as part of the clean-up process.

This bill changes the name of the remedial action plan to remedial action options report.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 292.65 (4) (f) of the statutes is amended to read:
4 292.65 (4) (f) *Remedial action ~~plan~~ options report.* After completing the
5 investigation under par. (e) and before conducting remedial action activities, an

1 owner or operator shall prepare a remedial action ~~plan~~ options report, based on the
2 investigation under par. (e), that identifies specific remedial action activities
3 proposed to be conducted, except as provided in pars. (g) and (h).

4 **SECTION 2.** 292.65 (4) (g) of the statutes is amended to read:

5 292.65 (4) (g) *Immediate action.* An owner or operator is not required to
6 complete an investigation or prepare a remedial action ~~plan~~ options report before
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21 department shall also provide an estimate of when funding will be available to pay
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5 **SECTION 7.** 292.65 (8) (a) (intro.) and 2. of the statutes are amended to read:

6 292.65 (8) (a) *Application.* (intro.) An owner or operator shall submit an
7 application on a form provided by the department. An owner or operator may not
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13 operators to apply for awards at stages in the process under sub. (4) that the
14 department specifies by rule. An application shall include all of the following
15 documentation of activities, ~~plans~~ reports and expenditures associated with the
16 eligible costs incurred because of a dry cleaning solvent discharge from a dry cleaning
17 facility:

18 2. A remedial action ~~plan~~ options report.

19 **SECTION 8.** 292.66 (1) of the statutes is amended to read:

20 292.66 (1) The department shall allocate 46% of the funds appropriated under
21 s. 20.370 (6) (eq) in each fiscal year for awards to reimburse owners and operators
22 for costs of preliminary site screening and the purchase and installation of
23 equipment to begin the cleanup of discharges of dry cleaning solvent from dry
24 cleaning facilities before the completion of full site investigations and remedial

1 action ~~plans options reports~~. The department may not make an award under this
2 section before September 1, 1998, or after June 30, 2002.

3 (END)

NOTE TO DRAFTING FILE for LRB-1483:

Per the drafter, this draft has been redrafted to a “/1” as no problems remain in the draft that require resolution before introduction of the budget bill. There are no changes between the “/PX” and the “/1.”

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