

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB133)

Received: 05/27/99

Received By: isagerro

Wanted: Soon

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing: Bonderud

This file may be shown to any legislator: NO

Drafter: isagerro

May Contact:

Alt. Drafters: jkreye

Subject: Environment - env. cleanup

Extra Copies: RCT

Pre Topic:

LFB:.....Bonderud -

Topic:

Dry cleaner program changes

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>
/?	isagerro 05/28/99 jkreye 06/2/99			_____			
/1	isagerro 06/3/99	gilfokm 06/4/99	martykr 06/6/99	_____	lrb_docadmin 06/7/99		

FE Sent For:

<END>

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1/?	isagerro 05/28/99 jkreye	1-6-99 Kmg	[Signature]	[Signature]			

FE Sent For:

<END>

JFC Approved
5/26/99 16-0
Representative Kaufert

NATURAL RESOURCES -- AIR, WASTE AND CONTAMINATED LAND

Dry Cleaner Program Changes

Motion:

Move to make the following changes to the dry cleaner environmental response program and regulation of dry cleaners:

292.6512

1. Provide reimbursement for interim remedial equipment to owners and operators for dry cleaning facilities that closed prior to the date that the owner or operator applies for an interim remedial equipment award, in addition to reimbursement for dry cleaning facilities that are operating at the time the owner or operator applies for assistance. (Owners and operators would be defined in the same manner as under the dry cleaner program.)

77,9961
JK

2. Change the payment of the dry cleaning facility license fee from an annual payment due January 15 for the prior calendar year, to quarterly, with payments due January 25, April 25, July 25 and October 25 for the previous three months. In addition, specify that if the owner or operator of the dry cleaning facility does not make the required quarterly payments, the owner or operator would be subject to a penalty of \$5 for each day that the payment is late. Provide that the change would be effective for calendar year 2000 gross receipts, so that the first payment would be due April 25, 2000, for gross receipts for January 1 to March 31, 2000. Direct that the Department of Revenue would issue the license fee for the calendar year in which the January 25 payment is made, assuming that the three previous quarterly payments have been made. (For example, after an owner or operator makes the January 25, 2001, payment for the last quarter of calendar year 2000 gross receipts, and if the three quarterly payments have been made on April 25, July 25 and October 25 of 2000, the Department of Revenue would issue the calendar year 2001 license valid through December 31, 2001.) Estimate that the one-time increase in revenue to the dry cleaner environmental response fund due to the transition from an annual to the quarterly payment schedule would be approximately \$250,000 in 2000-01.

292.6512

3. Amend the interim remedial equipment awards section under the dry cleaner environmental response program to require that in order for an owner or operator of a dry cleaning facility to be eligible for an interim remedial equipment award, the owner or operator must certify that all perchloroethylene which is delivered to the dry cleaning facility is delivered through a closed loop system. A closed loop system would be defined as system that transfers perchloroethylene directly from the delivery vehicle to the dry cleaning machines.

292.6512

4. Deny reimbursement under the dry cleaner environmental response program if the

dry cleaning solvent discharge is caused by a person who provides perchloroethylene on or after October 14, 1999, to the owner or operator of a dry cleaning facility through a method other than through a closed loop delivery system.

5. Prohibit suppliers of dry cleaning solvent from selling and delivering dry cleaning solvent to a dry cleaning facility which does not hold a valid dry cleaner facility license. Require that any person who sells dry cleaning solvent to an owner or operator in violation of this prohibition would be subject to a penalty of not more than \$500 per sale which is in violation of the section.

6. Direct DNR to study whether changes should be made in the list of commercial chemical products that are listed as hazardous wastes in state statutes and regulations.

Note:

[Change to Bill: \$250,000 SEG-REV dry cleaner environmental response fund]



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0435/1
ISR&JK:.....

King

LFB:.....Bonderud – Dry cleaner program changes

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

*SOON
Date*

shall be

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 910, line 6: after that line insert:

3 "SECTION 1818d. 77.9961 (1) of the statutes is amended to read:

4 77.9961 (1) No person may operate a dry cleaning facility in this state unless

5 the person completes and submits to the department a form that the department

6 prescribes and pays to the department a fee for each dry cleaning facility that the

7 person operates. The fee is paid in instalments, as provided ~~under~~ ⁱⁿ sub. (2), and each

8 instalment is equal to 1.8% of the previous year's gross receipts from the previous

9 ~~the~~ ³ months from dry cleaning.

10 SECTION 1818~~d~~. 77.9961 (2) of the statutes is amended to read:

11 77.9961 (2) Persons who owe a fee under this section shall pay it in instalments

12 on or before April 25, July 25, October 25 and January 15 25. The department shall

1 issue a license to each person who pays the fee January 25 instalment and the
 2 previous ~~three~~³ instalments and submits the form under this section. The license is
 3 valid ~~through December 31~~ of for the year during in which the fee January 25
 4 instalment is due. If a dry cleaning facility is sold, the seller may transfer the license
 5 to the buyer. Each holder of a license under this section shall display it prominently
 6 in the facility to which it applies.

7 **SECTION 1818~~h~~^g**. 77.9961 (4) of the statutes is renumbered 77.9961 (4) (a).

8 **SECTION 1818~~h~~^h**. 77.9961 (4) (b) of the statutes is created to read:

9 77.9961 (4) (b) Any person who operates a dry cleaning facility and who pays
 10 an instalment under sub. (2) after the instalment is due shall pay to the department
 11 a penalty of \$5 for each day from the date that the instalment is due to the date that
 12 the instalment is paid.”.

13 ✓ **2.** Page 1170, line 10: after that line insert:

14 “**SECTION 2569r.** 291.09 (3) of the statutes is created to read:

15 291.09 (3) The department shall study whether the list of hazardous wastes
 16 under s. 291.05 (2) [✓] should be revised as it relates to commercial chemical products.”.

17 ✓ **3.** Page 1191, line 16: after that line insert:

18 “**SECTION 2636g.** 292.65 (8) (d) 8. of the statutes is amended to read:

19 292.65 (8) (d) 8. The dry cleaning solvent discharge was caused by a person who
 20 provided services or products to the owner or operator or to a prior owner or operator
 21 of the dry cleaning facility, including a person who provided perchloroethylene to the
 22 owner or operator or prior owner or operator of a dry cleaning facility using a system
 23 other than a closed, direct-coupled delivery system.”.

History: 1997 a. 27.

24 ✓ **4.** Page 1193, line 15: after that line insert:

1 “SECTION 2645m. 292.66 (2) (e) of the statutes is repealed.

2 SECTION 2645^P. 292.66 (2) (g) of the statutes is created to read:

3 292.66 (2) (g) The owner or operator of a dry cleaning facility that is operating
4 at the time that the owner or operator applies for assistance under this section
5 certifies that any perchloroethylene delivered to the dry cleaning facility is delivered
6 using a closed, direct-coupled delivery system.”

7 ✓5. Page 1203, line 19: after that line insert:

8 “SECTION 2681k. 299.47 of the statutes is created to read:

9 299.47 Sale and delivery of dry cleaning solvent. (1) In this section:

10 (a) “Dry cleaning facility” has the meaning given in s. 292.65 (1) (d).

11 (b) “Dry cleaning solvent” has the meaning given in s. 292.65 (1) (e).

12 (c) “Owner” means a person who owns, or has possession or control of, a dry
13 cleaning facility, or who receives direct or indirect consideration from the operation
14 of a dry cleaning facility.

15 (2) A supplier of dry cleaning solvent may not sell or deliver to the owner or
16 operator of a dry cleaning facility any dry cleaning solvent unless the facility is
17 licensed under s. 77.9961 (2). ✓ ← dry cleaning

18 (3) Any person who violates sub. (2) may be required to forfeit not more than
19 \$500 for each violation.”

20 ✓6. Page 1204, line 10: after that line insert:

21 SECTION 2682m. 299.97 (1) of the statutes is amended to read:

22 299.97 (1) Any person who violates this chapter, except s. 299.15 (1), 299.47
23 (2), 299.51 (4) (b), 299.53 (2) (a) or (3), 299.62 (2) or 299.64 (2), or any rule
24 promulgated or any plan approval, license or special order issued under this chapter,

1 except under those sections, shall forfeit not less than \$10 nor more than \$5,000, for
2 each violation. Each day of continued violation is a separate offense. While the order
3 is suspended, stayed or enjoined, this penalty does not accrue."

History: 1979 c. 34 s. 987m; 1979 c. 221; Stats. 1979 s. 144.99; 1989 a. 336; 1991 a. 262, 300, 315; 1995 a. 27; 1995 a. 227 s. 830; Stats. 1995 s. 299.97; 1995 a. 290 s. 14; 1997 a. 35.

4 7. Page 1462, line 3: after that line insert:

5 "(23) ^{fw} DRY CLEANING FEES. The treatment of section 77.9961 (1) (2) ^{and} ~~and~~
6 ~~of~~ of the statutes first ~~added~~ ^{apply} to a license fee instalment payment that is due on ~~it~~
7 ~~from~~ April 25, 2000."

(END)

the renumbering of section 77.9961 (4) of the statutes and the creation of section 77.9961 (4) (b) of the statutes

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0435/1dn
ISR&JK:.....
Kmg

June 3, 1999

Kendra Bonderud:

Please review this amendment carefully to ensure that it complies with your intent. If the issuance of a license is dependent, in part, upon a person paying the three instalments prior to the January 25 instalment, how does a new dry cleaning operation get a license? Is a new operation required to make the first three instalments while operating without a license? If so, is the new operation then subject to the penalty under section 77.9961 (4) of the statutes? What does a new dry cleaning operation do to get a license if the operation begins, for example, after the July 25 instalment is due?

Joseph T. Kreye
Legislative Attorney
Phone: (608) 266-2263
E-mail: Joseph.Kreye@legis.state.wi.us

1. Is the language of section 292.65 (8) (d) 8. what you intended? Please note that this change is unnecessary because current law already requires DNR to deny an application if the dry cleaning solvent discharge was caused by a person who provided services or products to the facility. ✓

2. Do you want to include a definition of commercial chemical product in section 291.09 (3)? ✓

3. Do you want the study in section 291.09 (3) to be a one-time study and do you want to specify a date by which the study must be completed? Please note that, under current law, the hazardous substance list must include at least those hazardous substances listed as hazardous substances by the ^{U.S.} ~~united states~~ environmental protection agency. Thus, the department is limited as to what substances may be taken off the list. ✓

4. Finally, are the definitions of dry cleaning facility, dry cleaning solvent and owner in section 299.47 what you intended? In addition, do you want to include a definition of an operator?

If you have any questions or comments, please feel free to contact me.

Ivy G. Sager-Rosenthal
Legislative Attorney
Phone: (608) 261-4455
E-mail: Ivy.Sager-Rosenthal@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb0435/1dn
ISR&JK:kmg:km

June 4, 1999

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State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0435/1
ISR&JK:kmg:km

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8 each instalment is equal to 1.8% of the previous year's gross receipts from the
9 previous 3 months from dry cleaning.

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