

**Committee Name:**  
**Joint Committee – Finance**  
**(JC–Fi)**

**Appointments**

99hr\_JC–Fi\_Appt\_pt00

**Committee Hearings**

99hr\_JC–Fi\_CH\_pt00

**Committee Reports**

99hr\_JC–Fi\_CR\_pt00

**Clearinghouse Rules**

99hr\_JC–Fi\_CRule\_99–

**Executive Sessions**

99hr\_JC–Fi\_ES\_pt00

**Hearing Records**

99hr\_ab0000

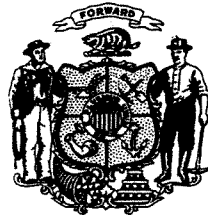
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**Misc.**

99hr\_JC–Fi\_\_Misc\_\_s.13.10\_pt06c2

**Record of Committee Proceedings**

99hr\_JC–Fi\_RCP\_pt00



TOMMY G. THOMPSON  
GOVERNOR  
MARK D. BUGHER  
SECRETARY

April 16, 1999

The Honorable Brian Burke  
State Senate  
119 M L King Jr Blvd, Room 516  
Madison, WI 53707-8952

The Honorable John Gard  
State Assembly  
315 North, State Capitol  
Madison, WI 53707-8952

Dear Senator Burke and Representative Gard:

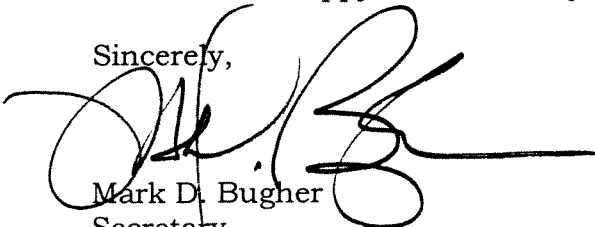
Attached is our report as required under s. 16.50, Wisconsin Statutes, on the number of federally funded positions approved during the October 1 - December 31, 1998 quarter. Also shown are changes in positions approved by the UW-System and by the Legislature during the same period. There were 48.49 federal positions approved in the quarter and 6.17 deleted for a net increase of 42.32 FTE.

Of the new positions created, the Department of Health and Family Services received 7.47 FTE, the Department of Natural Resources received 5.25 FTE funded through the SFR Fisheries Molecular Grant, the Wisconsin Arts Board received 1.4 FTE through the Infrastructure Grant for 2 Community Services Specialist 1 positions and the University of Wisconsin received 25.37 FTE.

Also attached is our report on the surplus positions created for the same quarter.

We would be happy to answer any questions you may have on these reports.

Sincerely,



Mark D. Bugher  
Secretary  
Attachments (2)

REPORT ON POSITIONS AUTHORIZED - OCTOBER 1 - DECEMBER 31, 1998

Agency	Budgeted Positions for FY99*(9/30/98)		Approved Under s. 16.50		UW Approved		JFC or Misc. Leg.*		Totals as of 12/31/98
	Adds	Deletes	Adds	Deletes	Adds	Deletes	Adds	Deletes	
Administration	1,114.16								1,115.16
GPR	171.71								171.71
PRO/PRS	864.84								864.84
Federal	64.41		1.00						65.41
SEG	13.20								13.20
Adolescent Pregnancy Prevention and Pregnancy Services Board									
GPR	1.50								1.50
	1.50								1.50
Aging and Long-Term Care									
GPR	23.99								24.99
PRO/PRS	15.54								15.54
	8.45		1.00						9.45
Agriculture, Trade & Consumer Protection									
GPR	712.58								712.58
PRO/PRS	317.86								317.86
Federal	259.67								259.67
SEG	67.35								67.35
	67.70								67.70
Arts Board									
GPR	12.00								13.40
PRO/PRS	5.00								5.00
Federal	1.00								1.00
	6.00		1.40						7.40
Child Abuse & Neglect Prevention Board									
PRO/PRS	4.00								4.00
	4.00								4.00
Circuit Court									
GPR	496.00								496.00
	496.00								496.00

REPORT ON POSITIONS AUTHORIZED - OCTOBER 1 - DECEMBER 31, 1998

Agency	Budgeted Positions for FY99*(9/30/98)		Approved Under s. 16.50		UW Approved		JFC or Misc. Leg.*		Totals as of 12/31/98
			Adds	Deletes	Adds	Deletes	Adds	Deletes	
Commerce	452.15								454.40
GPR	85.85								85.85
PRO/PRS	243.75	1.50							245.50
Federal	27.35	0.50							27.85
SEG	95.20								95.20
Corrections	8,577.09								8,574.27
GPR	7,086.32								7,084.20
PRO/PRS	1,490.77								1,490.07
Court of Appeals	75.50								75.50
GPR	75.50								75.50
District Attorneys	387.80								387.80
GPR	364.00								364.00
PRO/PRS	23.80								23.80
Educational Communications Board	87.50								87.50
GPR	61.75								61.75
PRO	25.75								25.75
Elections Board	13.00								13.00
GPR	13.00								13.00
Employe Trust Funds	174.85								174.85
SEG	174.85								174.85
Employment Relations Commission	33.50								33.50
GPR	28.50								28.50
PR	5.00								5.00



REPORT ON POSITIONS AUTHORIZED - OCTOBER 1 - DECEMBER 31, 1998

Agency	Budgeted Positions for FY99*(9/30/98)		Approved Under s. 16.50		UW Approved		JFC or Misc. Leg.*		Totals as of 12/31/98
	Adds	Deletes	Adds	Deletes	Adds	Deletes	Adds	Deletes	
Employment Relations Department	87.50								89.50
GPR	80.05								80.05
PRO/PRS	7.45	1.00							8.45
FED	0.00	1.00							1.00
Ethics Board	6.00								6.00
GPR	3.00								3.00
PRO/PRS	3.00								3.00
Financial Institutions	168.50								168.50
PR	168.50								168.50
Governor's Office	46.05								43.05
GPR	46.05								46.05
PR	0.00			-3.00					-3.00
Health and Family Services	6,369.15								6,392.65
GPR	1,870.23	9.29							1,879.52
PRO/PRS	3,544.72	2.00							3,546.72
Federal	949.20	7.47							956.67
SEG	5.00	4.74							9.74
Higher Educational Aids Board	22.00								22.00
GPR	11.50								11.50
PR	5.50								5.50
SEG	1.50								1.50
FED	3.50								3.50

REPORT ON POSITIONS AUTHORIZED - OCTOBER 1 - DECEMBER 31, 1998

Agency	Budgeted Positions for FY99*(9/30/98)		Approved Under s. 16.50		UW Approved		JFC or Misc. Leg.*		Totals as of 12/31/98
	Adds	Deletes	Adds	Deletes	Adds	Deletes	Adds	Deletes	
Historical Society	178.90								179.40
GPR	146.50								146.50
PRO/PRS	23.30								23.30
Federal	5.85		0.50						6.35
SEG	3.25								3.25
Insurance	124.00								124.00
PRO	111.25								111.25
SEG	12.75								12.75
Investment Board	101.50								101.50
PRO	101.50								101.50
Judicial Commission	2.00								2.00
GPR	2.00								2.00
Justice	558.90								564.90
GPR	407.90								407.90
PRO/PRS	135.25		6.00						141.25
Federal	13.00								13.00
SEG	2.75								2.75
Legislature	829.97								829.97
Legislators - GPR	132.00								132.00
Assembly Staff - GPR	253.50								253.50
Senate Staff - GPR	194.50								194.50
Legislative Technology Services- GPR	21.00								21.00
Retirement Committee - GPR	3.00								3.00
Revisor of Statutes - GPR	11.00								11.00

REPORT ON POSITIONS AUTHORIZED - OCTOBER 1 - DECEMBER 31, 1998

Agency	Budgeted Positions for FY99*(9/30/98)		Approved Under s. 16.50		UW Approved		JFC or Misc. Leg.*		Totals as of 12/31/98
	Adds	Deletes	Adds	Deletes	Adds	Deletes	Adds	Deletes	
Legislative Reference Bureau - GPR	56.00								56.00
Legislative Audit Bureau									
GPR	67.00								67.00
PRS	21.80								21.80
Legislative Fiscal Bureau - GPR	35.00								35.00
Legislative Council - GPR	35.17								35.17
Lieutenant Governor's Office									
GPR	7.75								7.75
	7.75								7.75
Lower Wisconsin State Riverway Board									
SEG	2.00								2.00
	2.00								2.00
Military Affairs									
GPR	384.26								384.26
PRO/PRS	118.83								118.83
Federal	26.25								26.25
	239.18								239.18
Natural Resources									
GPR	2,908.57								2,912.82
PRO/PRS	520.28								520.28
Federal	250.64								250.64
SEG	451.30								455.55
	1,686.35								1,686.35
					5.25				-1.00
Personnel Commission									
GPR	10.00								10.00
	10.00								10.00
Public Defender									
GPR	530.60								530.60
PRO/PRS	526.60								526.60
	4.00								4.00

REPORT ON POSITIONS AUTHORIZED - OCTOBER 1 - DECEMBER 31, 1998

Agency	Budgeted Positions for FY99*(9/30/98)		Approved Under s. 16.50		UW Approved		JFC or Misc. Leg.*		Totals as of 12/31/98
	Adds	Deletes	Adds	Deletes	Adds	Deletes	Adds	Deletes	
Public Instruction	611.95								615.45
GPR	327.36								327.36
PRO/PRS	80.37		0.50						80.87
Federal	204.22		3.00						207.22
Public Lands	10.00								10.00
PR	10.00								10.00
Public Service Commission	191.75								191.75
PRO/PRS	190.75								190.75
Federal	1.00								1.00
Regulation and Licensing	138.50								148.50
PRO	138.50		10.00						148.50
Revenue	1,297.70								1,298.85
GPR	907.75		0.50						908.25
PRO/PRS	254.45		0.65						255.10
Federal	0.00								0.00
SEG	135.50								135.50
Secretary of State	7.50								7.50
PRO	7.50								7.50
State Fair Park Board	47.70								47.70
PRO	47.70								47.70
State Treasurer	15.50								15.50
PRO/PRS	15.50								15.50

REPORT ON POSITIONS AUTHORIZED - OCTOBER 1 - DECEMBER 31, 1998

Agency	Budgeted Positions for FY99*(9/30/98)		Approved Under s. 16.50		UW Approved		JFC or Misc. Leg.*		Totals as of 12/31/98
	Adds	Deletes	Adds	Deletes	Adds	Deletes	Adds	Deletes	
Supreme Court	190.00								190.00
GPR	112.00								112.00
PRO/PRS	73.00								73.00
SEG	5.00								5.00
TEACH	6.00								6.00
GPR	6.00								6.00
Transportation	3,895.45								3,895.45
PRO/PRS	17.00								17.00
Federal	946.62								946.62
SEG	2,931.83								2,931.83
Tourism	62.25								62.25
GPR	58.25								58.25
PR	1.00								1.00
SEG	3.00								3.00
University of Wisconsin	27,842.04								27,842.64
GPR	18,259.75								18,259.75
PRO/PRS	5,848.42				82.65	-2.25			5,928.82
Federal	3,647.18				25.37	-5.17			3,667.38
SEG	86.69								86.69
U.W. Hospitals & Clinic Board	1,556.71								1,556.71
PR	1,556.71								1,556.71
Veterans Affairs	822.30								822.30
GPR	6.30								6.30
PRO/PRS	694.24								694.24
SEG	116.26								116.26
FED	5.50								5.50

REPORT ON POSITIONS AUTHORIZED - OCTOBER 1 - DECEMBER 31, 1998

Agency	Budgeted Positions for FY99*(9/30/98)		Approved Under s. 16.50		UW Approved		JFC or Misc. Leg.*		Totals as of 12/31/98
	Adds	Deletes	Adds	Deletes	Adds	Deletes	Adds	Deletes	
Wisconsin Technical College									
System	82.30								83.30
GPR	38.65								38.65
PRO/PRS	13.00								13.00
Federal	30.65		1.00						31.65
Workforce Development									
GPR	2,459.35								2,486.35
PRO/PRS	303.74								303.74
Federal	686.74		25.00						711.74
SEG	1,461.37		2.00						1,463.37
	7.50								7.50
TOTALS	63,740.18		85.30	-4.00	108.02	-7.42	0.00	0.00	63,922.08
GPR	33,301.10		9.29	0.00	0.00	0.00	0.00	0.00	33,310.39
PRO/PRS	16,965.07		37.65	-3.00	82.65	-2.25	0.00	0.00	17,080.12
Federal	8,123.68		23.12	-1.00	25.37	-5.17	0.00	0.00	8,166.00
SEG	5,350.33		4.74	0.00	0.00	0.00	0.00	0.00	5,355.07

REPORT ON SURPLUS POSITIONS AUTHORIZED  
OCTOBER 1 - DECEMBER 31, 1998

Agency	C Unclassified Service Leaves	D, E Medical, Education or Personal Leaves	A, B, I, X Double-filled Positions	Reason for Double-fill
Administration				
GPR	-2.0	+1.0		Leave of Absence
PR	-1.0	+2.0	-1.0	Medical Leave
Agriculture				
GPR		+1.0	+2.0	Incumbent Retiring
PR	+1.0	+1.0	+1.0	Leave of Absence
Corrections				
GPR	+1.0; -1.0		+2.0; -6.0	
PR			-7.0	
District Attorneys				
GPR		-6.0		
Health and Family Services				
GPR			+1.0; -1.0	
PR			-3.0	
FED				
SEG			-1.0	
Insurance				
PR		+1.0		
Justice				
GPR	+1.0		+1.9	Leave of Absence
PR	+1.0			
Natural Resources				
PR			-1.0	
SEG				
Office of the State Treasurer				
PR			+1.0	Incumbent to train new hire
Public Instruction				
GPR		-1.8		
PR	-1.0	-1.0		
FED	-2.0	-2.0		

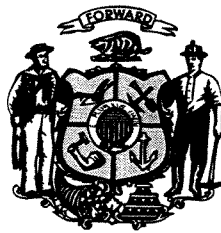
REPORT ON SURPLUS POSITIONS AUTHORIZED  
OCTOBER 1 -DECEMBER 31, 1998

Agency	C Unclassified Service Leaves	D, E Medical, Education or Personal Leaves	A, B, I, X Double-filled Positions	Reason for Double-fill
Revenue				
GPR		+1.90; -1.0		Medical leave
Transportation				
SEG			+1.0; -35.0	Train replacement
Veteran's Affairs				
PR		+2.0; -3.0		
SEG		-2.0		
Workforce Development				
GPR		+2.15		
PR				
FED		+3.46		Train replacement
SEG		+3.39	+2.0	Sabbatical

Pool Code Types

- A= Understudy, 3 months or longer.
- B= Overlap replacement, less than 3 months for on-the-job training.
- C= Leave of absence replacement. Temporary hire during permanent employee's authorized leave to unclassified service.
- D= Leave-of-absence designation when permanent employee's authorized leave is less than 12 months.
- E= Leave-of-absence replacement. Temporary hire during permanent employee's authorized leave which is expected to last more than 12 months.
- I= Extended illness or worker's compensation (employee using accumulated sick leave or being paid through worker's compensation).
- X= DOA approved hire in anticipation of attrition (high turnover positions).





March 19, 1999

The Honorable Brian Burke  
Senate Co-Chair  
Joint Committee on Finance  
316 South, State Capitol  
Madison, WI 53702

The Honorable John Gard  
Assembly Co-Chair  
Joint Committee on Finance  
315 North, State Capitol  
Madison, WI 53702

Dear Senator Burke and Representative Gard:

Attached is the third progress report regarding the implementation of the revised memorandum of understanding (MOU) between the Department of Administration (DOA), Commerce (Commerce), and Natural Resources (DNR) concerning the PECFA program. This is the second and final report that is submitted for Joint Committee on Finance consideration as required by 1997 Act 237 and is intended to communicate the efforts Commerce and DNR have made toward limiting PECFA cleanup costs and speeding site closures.

In the past six months, both agencies have continued to work in the spirit of cooperation and diligently implemented various activities (e.g., transfer of sites, cost cap development, and data model improvement) by the deadlines established in the MOU. The attached report discusses progress in this area as well as the classification of sites and results of the bidding and bundling process. Key elements of the report are summarized below:

#### Progress on Implementing the MOU

##### *Transfer of Sites to Commerce*

In January of 1999, the definition of low and medium priority sites was changed to include all sites with groundwater contamination between the preventative action limit and the enforcement standard. The classification of these sites with site investigation reports submitted before June 1, 1998 has been completed and DNR has instructed regional staff to classify all sites with site investigation reports submitted after June 1, 1998 within 60 days. To eliminate the need for DNR review in the future, a pilot requiring consultants to classify their site investigation reports and to submit them to the appropriate agency has been implemented. This pilot is currently being evaluated and a report on its effectiveness will be submitted by April 30, 1999.

##### *Mini Investigations and Cost Caps*

Both agencies have made progress in defining sites that are subject to the mini-investigation process but a template for correspondence regarding the

transfer of cases to Commerce needs to be finalized. In addition, a more involved site investigation with estimated costs of \$15,000 will be established to focus simple sites within a target cost range in order to further limit cleanup costs. To accomplish this goal, both agencies are working toward resolution of core issues such as identification of eligible sites, allowable costs, work activities, and methods of communicating this new process to site owners and consultants. Furthermore, a draft defining cost caps and a rate catalog in Comm 47 has been prepared. Commerce will continue discussions of the draft with DNR and consultants to obtain agreement on the final version.

#### *Data Model*

Both agencies are working to agree on a method to reconcile PECFA sites and have identified a common set of data fields necessary to track the total number of PECFA sites. Both agencies will continue with their efforts to evaluate, determine and address any data inconsistencies between their databases in the next few months.

#### Classification of Sites

As of March 1999, a total of 12,010 sites have been identified in both Commerce and DNR databases. Of that number, 6,332 sites (53%) are still open. Of all open sites, 5,247 (83%) are assigned to DNR and 1,085 (17%) are assigned to Commerce. Currently, 1,295 sites that are in Commerce's database are not identified in DNR's database while 5,698 sites in DNR's LUST database are not identified in Commerce's. For these outstanding sites, staff from both agencies will need to work together to obtain reconciliation.

Of all the high priority sites, the majority (80%) is so classified because of groundwater contamination exceeding the preventive action level. Only 20% of the sites in this classification are the result of co-contamination with non-petroleum substances or both groundwater contamination and co-contamination. Less than one percent of the sites in this classification are due to contamination to an area of exceptional environmental value. However, changes to the definition of low and medium priority sites in Comm 46 will shift the current allocation of sites between high, medium, and low classifications. The result of this change will be available and discussed in the next report to the Department of Administration.

Between July 1, 1996 and October 1, 1998, Commerce closed 1,426 PECFA sites and DNR closed 1,717 petroleum sites. Between October 1, 1998 and December 31, 1998, Commerce closed 146 PECFA sites and DNR closed 178 petroleum sites. DNR also issued 73 conditional closures during this second quarter of FY98.

Progress on Implementation of the Bundling and Public Bidding Process

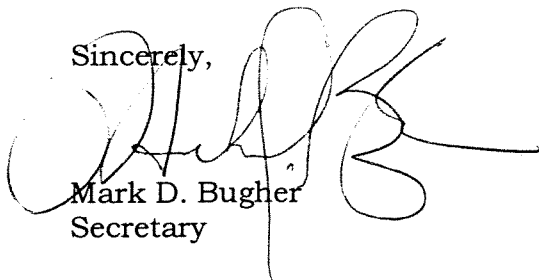
The creation of the \$80,000 cap for less complex sites, the "bundling" of sites, and a public bidding process for complex sites are expected to significantly reduce PECFA program costs. During the first two quarters of FY98, 40% of all remedial action plans received indicate that both site investigation and cleanup can be completed for less than \$80,000. Also, results from the first two bid processes indicate a reduction in estimated cleanup cost of over 60% (\$900,000 in the first bid and \$3,000,000 in the second bid). In addition to bidding, bundling of sites is underway. Four remediation bundles have so far been identified but are all at the initial stage of the cleanup process. As such, cost savings in this area are unknown at this time.

Other Issues Related to Cost Control

In order for the newly implemented control cost measures to work effectively, both agencies must ensure that only quality site investigations are approved, underbidding and cost overruns are limited, and consultant appeals of disallowed costs are reduced. To ensure proper oversight in these areas, both agencies have continued to explore possible strategies. Strategies implemented include requesting information on sites where information was clearly held back, notifying DNR project managers of all sites to be bid, having joint agency evaluation of site investigation reports, and educating consultants and site owners on how to minimize disallowed costs. The program is also considering the use of an umbrella insurance policy to hedge against cost overruns. This recommendation has been incorporated in the Governor's 1999-2001 budget.

I hope this information has been helpful.

Sincerely,



Mark D. Bugher  
Secretary

CC: Members, Joint Committee on Finance  
Bob Lang  
Representative Johnsrud  
Representative Kedzie  
Secretary Blanchard  
Secretary Meyer

March 2, 1999

Mark D. Bugher, Secretary  
Department of Administration  
P.O. Box 7864  
Madison, WI 53707-7864

*Mark*

Dear Secretary Bugher:

The Department of Natural Resources and the Department of Commerce are pleased to transmit to you the SFY99 2<sup>nd</sup> Quarter status report for the PECFA program.

The report summarizes the progress that the two departments have made in implementation of the Memorandum of Understanding (MOU). Additionally, as with the previous reports, we provide an update on demographic information such as the number of sites within the program, the sites under jurisdiction of each agency, a listing of remedial action plans submitted during the 2<sup>nd</sup> quarter, progress made in achieving site closures, and other important information.

Over the majority of the last year, the two agencies, working with guidance from the Department of Administration, have continued to make significant progress in improved data flow and in implementation of the provisions of the MOU. We hope that you conclude that the attached report confirms that progress. If you, or your staff, have any questions regarding this report, please contact us so that we can provide any needed clarification.

Sincerely,

*Brenda*

Brenda J. Blanchard  
Secretary of  
Commerce

*George*

George E. Meyer  
Secretary of  
Natural Resources

**REPORT TO DEPARTMENT OF ADMINISTRATION  
and JOINT COMMITTEE ON FINANCE**

**Progress on Implementating the Memorandum of Understanding between the  
Departments of Commerce and Natural Resources relating to the PECFA Program  
[SFY99 2<sup>nd</sup> Quarter]**

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<b>Chapter 2.</b>	<b><u>Classification of Sites</u></b> DNR Progress on Classifying Sites Percentage of High Priority Sites Closure of Sites
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## Chapter 1.

# **PROGRESS ON IMPLEMENTING THE MEMORANDUM OF UNDERSTANDING**

### INTRODUCTION

Staff from the Department of Natural Resources (DNR) and the Department of Commerce (Commerce) continue to implement the procedures within the MOU as established in May of 1998. The major activities include:

1. Continuation of the development of a system for the transfer of sites to Commerce from DNR where a complete tank closure assessment shows limited contamination and minor additional sampling may result in a decision to require no further action.
2. Continued evaluation of the merits of using a \$15,000 investigatory cap in appropriate situations, rather than allowing all sites to automatically have a \$40,000 limit on investigation costs.
3. Continuation of discussions and evaluation regarding exchange of data elements for the quarterly joint reporting to the DOA and semi-annual reports to the Joint Committee on Finance, including involvement with DOA information technology experts to evaluate the best practice for merging database information.
4. Continuation of the consultant selection pilot project, which allows consultants to determine which agency has jurisdiction on sites, including the direct submittal of the Site Investigation Report (SIR) to the cognizant agency as determined by the consultant.
5. Implementation of the 2<sup>nd</sup> round of bidding for 17 sites as defined in PECFA's emergency rule, including involvement in the bid evaluation process by DNR. The 3<sup>rd</sup> round of the site bidding for 17 sites has been initiated and has incorporated front-end joint agency evaluation of the SIRs. Several of the sites which have been evaluated have been required to complete additional site investigation activities prior to reentering the RAP review process.
6. Evaluation of the results of the first Consistency Meeting between the two agencies, which led to greater understanding of the roles and responsibilities of each agency.

A detailed description of the progress achieved in a number of the topic areas is included in the following section titled "Progress on Deadlines". Commerce and DNR have different perspectives on several key points, including understandings of the intent and purpose of several elements of the MOU. While discussions continue to be quite detailed, we continue to move toward resolution of key points.

## PROGRESS ON DEADLINES ESTABLISHED IN THE MOU

### **1. Transfer of Sites to Commerce**

June 12, 1998: Assess status of sites that were "unclassified" (Section E of the MOU)

June 30, 1998: Transfer all sites to Commerce where groundwater contamination exists, but where all compounds detected are less than the PAL (Section C of the MOU)

July 31, 1998: Classify all "unknown" sites with site investigation reports (SIRs) received before Feb. 1, 1998, unless the SIR was incomplete or there were extenuating circumstances. Transfer the low and medium priority sites to Commerce (Section E of MOU).

August 31, 1998: Classify all unknown sites with SIRs received before June 1, 1998 unless the SIR was incomplete or there were extenuating circumstances. Transfer the low and medium priority sites to Commerce (Section E of the MOU).

October 1, 1998: Establish a process where SIRs are reviewed and the priority established within 60 days of receipt of the SIR. Transfer sites to Commerce within 14 days of priority being established (Section C of the MOU).

Status: The DNR has classified all sites with complete SIRs submitted prior to June 1, 1998 and transferred low and medium priority sites to Commerce. Further information has been requested where SIRs submitted before that deadline have been determined to be incomplete. For sites with SIRs submitted after June 1, 1998, DNR regional staff has been instructed to classify sites within the 60-day deadline and transfer sites to Commerce as appropriate. However, it is anticipated that the pilot project for consultant self-classification of sites will demonstrate less need for reviews at the DNR and greatly reduce the need for file-review prior to transfer. DNR regional staff are to classify sites, or request further information in cases where the report is incomplete, within the 60-day deadline. In a related development, the definitions of low and medium priority sites were changed in January of 1999 through the promulgation of Comm 46, Wis. Adm. Code to include sites with groundwater contamination between the preventative action limit and the enforcement standard. This will result in an additional number of sites that will be classified as medium priority and subsequently transferred to Commerce. The agencies expect to finalize a schedule for the transfer of the additional sites by May 30, 1999.

### **2. Mini-investigations**

June 30, 1998: Implement a mini-investigation process (Section D of the MOU).

Status: Previously the agencies have made progress on the definition of sites that would be subject to the mini-investigation and in understanding what would be encompassed by the investigation process. Work remains on finalizing the templates for correspondence regarding the transfer of cases to Commerce. In addition to the mini-investigation process, which would limit site expenditures to no more than \$3,000, the work group is also looking at how to identify sites that could limit investigation costs to the \$10,000 - \$12,000 range. Core issues that need resolution include: how to identify these sites, allowable cost and work activities, and methods of communicating this new process to site owners and consultants. Guidance documents will need to be prepared to provide information to the public and the respective staffs in order to successfully implement the program.

### **3. Data Model**

June 30, 1998: Agree on a common set of data fields for determining number and status of PECFA sites between the two agencies (Section J of the MOU).

September 15 1998: Develop a data model (Section J of the MOU).

October 15, 1998: Decide upon implementation of data model (Section J of the MOU).

Status: Tasks completed. Agreement was reached on a method of matching existing PECFA identification numbers with the DNR BRRTS case number. This match of numbers will be the link between the databases. BRRTS numbers have linked to each contamination occurrence identified, and DNR has added necessary "flags" to the BRRTS system in order to extract information on PECFA sites. The decisions agreed upon have allowed the development of data reports to continue and made possible much of the information that is included with this report. The one outstanding issue on this topic is whether or not a unique DNR BRRTS activity number needs to be assigned to each Commerce TRACKER occurrence number. Additional evaluation has been conducted in both agencies to determine the source of, and steps needed to eliminate, data inconsistencies. The agencies will contract a third party to evaluate the various options for incorporating the data sets, which is needed in order to finalize the model.

### **4. Site Classification Pilot**

July 1, 1998: Create a pilot process to allow consultants to submit site investigation reports to the appropriate agency.

March 31, 1999: Evaluate the effectiveness of the pilot (Section E of the MOU).

Status: The pilot has been implemented. The agencies are proceeding with the evaluation and anticipate having a final report prepared by April 30, 1999.

### **5. MOU Reports**

August 17, 1998: Meet to discuss first joint report to Legislature and DOA (Section J of the MOU).

August 31: Provide first report to Legislature and DOA (Section J of the MOU).

December 31, 1998: Provide Second report to DOA (Section J of the MOU).

Status: These tasks were completed. The first report [Fourth Quarter SFY98] was prepared by the agencies and submitted to DOA and the Legislative Joint Finance Committee on September 2, 1998. The December 31, 1998 report [First Quarter SFY99] was submitted to DOA. This report constitutes the third report [Second Quarter SFY99] and will be submitted to DOA and the Legislative Joint Finance Committee on March 2, 1999.



## **6. Cost Cap Development**

September 30, 1998: Develop additional cost caps and a rate catalog for inclusion in the final PECFA rule (MOU transmittal letter).

Status: A working draft of additional cost caps and allowable rates and activity levels has been prepared and presented to the industry. Discussions are occurring with Commerce and DNR and these discussions have led to consensus that there needs to be:

- Full agreement between both agencies on all features of this rule package;
- Joint vocalization of the purpose and goals of the package; and
- Ongoing collaboration between both agencies during all phases of the rule promulgation process.

## **7. Review of Sites with Contamination between the PAL and ES**

October 31, 1998: Joint review of a segment of high priority sites where contamination is detected between the preventive action level and the enforcement standard (Section C 4 of the MOU).

Status: This activity has been completed. The DNR has committed to either close sites with contaminant levels above the preventative action limit (PAL) but below the enforcement standard (ES) with a PAL exemption, or transfer such sites to Commerce if they are not closable due to the presence of some other factor which must be addressed. In addition, recent procedures have been implemented within both agencies in order to allow closure of this category of sites under the recently promulgated Comm 46, Wis. Adm. Code. These sites will be under Commerce's jurisdiction under the revised classification system in this rule.

## **8. Peer Review Meeting**

December 1, 1998: Hold first peer review meeting to involve staff in ongoing consistency efforts, and prepare a report within 60 days of the meeting (Section N of the MOU).

Status: Staff from the DNR and Commerce met on December 4, 1998 to discuss issues of consistency between the two agencies. **The next peer review meeting is scheduled for March 10, 1999.** Commerce is preparing the report summarizing the findings of the meeting required under the MOU. The report will be completed by April 1, 1999.

## Chapter 2.

### **CLASSIFICATION AND CLOSURE OF SITES**

#### **DNR PROGRESS ON CLASSIFYING SITES**

Section 9155(1g)(a) of 1997 Act 237 required that information on the progress DNR has made in determining the classification of sites as high, medium or low priority be included in semi-annual reports to the Joint Committee on Finance. The current status of the classification of sites covered in the MOU between the agencies is contained in Table 2.1, entitled "Petroleum Tanks Sites by Priority Rank". This table contains the data for the last two quarterly reporting periods to allow comparison of the information.

The information on the sites is split into five segments. The first segment consists of sites where the agencies have matched the Commerce occurrence to a DNR activity and the sites are included in both agencies' databases. This set of sites is the most important for this report as it contains most of the discharges from petroleum storage tanks that are PECFA-eligible or covered by the MOU. (Note: Both PECFA-eligible and PECFA-ineligible sites were transferred to Commerce in the 1995-1997 Budget Bill.)

The second segment contains information on sites that are in the DNR's LUST database but could not yet be matched to a Commerce occurrence. The third segment summarizes the totals of the first two segments and is a summary of all the petroleum sites in the DNR database. The fourth segment gives the total number of occurrences in the Commerce database. The last segment is the number of sites in the Commerce database that have not been matched to a site in the DNR database.

DNR staff did the initial database matching by checking their files against a list of sites from the Commerce database. Commerce staff is currently matching the list of sites that DNR could not match against their files. The next step in reconciling the databases will be a side-by-side comparison of the files that were not matched. This effort should lead to reconciliation of virtually all the data.

The information in Table 2.1 indicates that the DNR has maintained jurisdiction over 13 medium priority sites and 36 low priority sites. The low and medium priority sites are still with DNR because of co-contamination, location in an environmentally sensitive area or involvement in an ongoing DNR enforcement action.

Table 2.1 - PETROLEUM SITE COUNTS BY PRIORITY RANK As Of 3/99

Sites In Both Commerce and DNR Databases	High		Medium		Low		Unknown		Total	
	12/98	3/99	12/98	3/99	12/98	3/99	12/98	3/99		
A. Date of Information	12/98	3/99	12/98	3/99	12/98	3/99	12/98	3/99	12/98	3/99
B. DNR Open Sites	3,887	3,859	11	13	36	34	1262	1,341	5,196	5,247
C. DNR Closed Sites	1,316	1,406	1,031	1,034	1,362	1,365	260	288	3,969	4,093
D. Commerce Open sites	0	0	378	363	632	620	100	102	1,110	1,085
E. Commerce Closed Sites	0	0	448	463	947	1,034	79	88	1,474	1,585
F. Total Sites (A+B+C+D)	5,203	5,265	1,868	1,873	2,977	3,053	1,701	1,819	11,749	12,010
<b>Sites Identified Only In DNR LUST Database, Not In Commerce Database</b>										
G. DNR Open Sites	961	944	12	11	36	33	1,135	1,110	2,144	2,098
H. DNR Closed Sites	528	549	663	655	1,991	2,012	372	384	3,544	3,600
I. Total Sites (G+H)	1,489	1,493	675	666	2,027	2,045	1,507	1,494	5,688	5,698
J. Sites In DNR Database (F+I)	6,692	6,758	2,543	2,539	5,004	5,098	3,208	3,313	17,437	17,708
<b>K. Total Occurrences In Commerce Database</b>										
<b>L. Sites Identified Only In Commerce Database, Not In DNR Database (K-F)</b>										
									13,305	1,295

## PERCENTAGE OF HIGH PRIORITY SITES

Section 9155(1g)(g) of 1997 Act 237 requires a description the of causes for the number of high priority sites if more than 30% of the total known active petroleum discharge sites are classified as high priority. Of the total of 17,708 known petroleum discharge sites, including both open and closed sites, the percentage breakdown is:

High Priority	6,758 Sites	38% of Total
Medium Priority	2,539 Sites	14%
Low Priority	5,098 Sites	29%
Unknown (No SIR)	3,313 Sites	19%

Of the 8,430 active sites, the percentage breakdown is:

High Priority	4,803 Sites	57%
Medium Priority	387 Sites	5%
Low Priority	687 Sites	8%
Unknown (No SIR)	2,553 Sites	30%

As with the previous reports, about 57% of all active petroleum sites, including those with unknown priority, are classified as high priority and about 30 % are of unknown priority. The reasons for the sites being classified as high priority also remain the same as in the previous reports. (Roughly 80% of the high priority sites are high priority solely because of groundwater contamination greater than the preventative action limits, 5% solely because of co-contamination with non-petroleum substances and 15% have both groundwater contamination and co-contamination. Less than 1% are classified as high priority due to contamination to an area of exceptional environmental value.) The set of sites with unknown priority includes sites for which no SIR has been submitted and , those for which an SIR has been submitted but it was determined by DNR there was not enough information to establish the sites' classification.

The agencies have recently revised the definitions so that medium priority sites now include sites with groundwater contamination between the preventative action limits and the enforcement standards. The number of additional sites that will be classified as medium priority under this change is not yet known but should be available for the next report.

## **CLOSURE OF SITES**

During the review of the first report, the Joint Committee on Finance requested information on the numbers of petroleum site closures by Commerce and DNR. According to the BRRTS database, between July 1, 1996 and December 31, 1998, Commerce closed 1,572 sites and DNR closed 2,318 sites. All of the Commerce closures were petroleum sites on both agencies' databases. Of the DNR closures, 1,229 were petroleum sites also on the Commerce database and 666 were LUST sites not on the Commerce database, giving DNR a total of 1,895 closed petroleum sites for the time period. In addition, DNR has issued 192 "conditional closures". These sites have completed all required remedial activities, and only need to finish minor actions (for example, properly abandon the monitoring wells) or administrative items (for example, placement of groundwater use or other necessary restrictions on a deed) prior to getting a final closure.

In the second quarter of FY99 (10/1/98 through 12/31/98), Commerce closed 146 sites (which were all petroleum sites). DNR closed a total of 207 sites, 178 of which were petroleum sites (116 of the petroleum sites are tracked on the Commerce database and 62 are not on the Commerce database). The DNR also issued 73 conditional closures during that quarter.

## Chapter 3.

### **PROGRESS IN IMPLEMENTATION OF THE BUNDLING AND PUBLIC BIDDING PROCESSES**

COMM47 has incorporated statutory authority, which the program had been provided, to allow the creation of \$80,000 sites, a public bidding process, and the ability to bundle sites and services.

The streamlined \$80,000 site provision has resulted in over a third of the remedial action plans indicating that they will complete the site investigation and remediation activities for less than \$80,000.

During the evaluation of the remaining remedial action plans received from consultants, PECFA hydrogeologists have the authority to determine whether the remedial action plans received should be:

- Approved for the site and established as a maximum cap on the remediation effort.
- Bundled with another site in an effort to reduce total cost.
- Sent through a public bid process.

In the public bid process the original remedial alternative cost submitted by the consultant for a site is the "first bid" and will be included in the final bid comparison to determine the lowest reimbursible cost for a site. The first bid effort included 5 sites and an estimated savings of approximately \$900,000 to the PECFA program. The second set of bids included an additional 16 sites, and an estimated savings of \$3,000,000 to the PECFA program.

#### **\$80,000 SITES**

The incentive for owners to complete work on their sites with less control and intervention from Commerce if the sites can be investigated and remediated for less than \$80,000 (excluding interest) continues to provide positive rewards to the program.

- During the first quarter of SFY99, the PECFA program received 308 remedial alternatives, of which 130 were proposals to complete the work for less than \$80,000 (including investigation and remedial action). This is 42% of the remedial alternatives submitted from July 1, 1998 through September 30, 1998.
- During the second quarter of SFY99, the PECFA program received 246 remedial alternatives, of which 100 were \$80,000 proposals. This is 41% of the remedial alternatives submitted from October 1, 1998 through December 31, 1998.

The following chart provides a comparison of the percentage of remedial alternatives received notifying PECFA of intent to close the site for less than \$80,000. This option from the COMM47 Rule continues to demonstrate success in minimizing costs to the PECFA program.

	<b>Remedial Alternatives Received</b>	<b>&lt;80K sites</b>
<b>SFY98: 4<sup>th</sup> Quarter</b> 4/21/98 - 6/30/98	216	56
<b>SFY99: 1<sup>st</sup> Quarter</b> 7/1/98 - 9/30/98	308	130
<b>SFY99: 2<sup>nd</sup> Quarter</b> 10/1/98 - 12/31/98	246	100
<b>TOTAL</b>	<b>770</b>	<b>286</b>

### **BIDDING ACTIVITY LEVELS**

The program has identified a total of 56 sites since promulgation of the emergency rules in April 1998 that are candidates for bidding. The original proposals on these sites totaled over \$12,785,000.

The first of several sets of "bids" was submitted for evaluation in October 1998. Five sites were submitted through the competitive bid process, and the results have demonstrated an approximate savings of \$900,000. A summary of the sites in Bidding/Phase I follows:

<b>PECFA #, site name And address</b>	<b>Initial remediation estimate</b>	<b>Winning Bid Amount</b>
53583-9602-94 MIKE'S KITCHEN E11394 Hwy 12, Sauk City, WI	\$384,542	\$113,885
53039-1202-12 DODGE COUNTY COOPERATIVE 112 S. Depot St., Juneau, WI	\$255,628	\$77,633
53217-4846-06 GENE'S BAY SERVICE 5606 N. Lake Dr., Whitefish Bay, WI	\$252,757	\$85,925
54208-9129-90 FORMER BELLEVUE OIL 5290 County R, Denmark, WI	\$197,111	\$80,848
54931-0170-14 SERVICE MOTORS CO. W9614 Hwy 10, Dale, WI	\$267,945	\$96,895
<b>Total proposed cost</b>	<b>\$1,357,983</b>	<b>\$455,186</b>
<b>Total savings to PECFA</b>		<b>\$902,797</b>

The second set of "bids" was published on December 8, 1998, and includes 16 remediation sites, the average cost of which is \$260,000. The bid submittal date for these sites was January 20, 1999. The second round of bidding presented a similar savings to the PECFA program, totaling \$3,045,000. A summary of the sites in the second bidding follows:

<b>Site name And address</b>	<b>Initial remediation estimate</b>	<b>Winning Bid Amount</b>
<b>53012-1702-06 FORMER JEFF'S TOTAL SERVICE 506 Wauwatosa Rd., Cedarburg, WI</b>	\$259,692.50 (removed)	-----
<b>53073-2089-11 PLYMOUTH OIL 76 STATION 1611 Eastern Avenue, Plymouth, WI</b>	\$210,402.85	\$41,071
<b>53110-2801-00 ACE WORLD WIDE MOVING &amp; STORAGE 1900 E. College Ave., Cudahy, WI</b>	\$49,600	\$9,150
<b>53156-9771-02 PALMYRA AMOCO 102 East Main Street, Palmyra, WI</b>	\$110,931	\$14,500
<b>53188-3735-25 DIXON OIL, INC. 25 E. St. Paul Ave. Waukesha, WI 53188</b>	\$368,120	\$22,970
<b>53188-5101-12 TOM'S HEATING SERVICE, INC. 212 W. St. Paul Ave. Waukesha, WI</b>	\$124,555	\$14,303
<b>53211-3228-74 DUNKIN' DONUTS 2974 N. Oakland Ave., Milwaukee, WI</b>	\$389,868	\$131,700
<b>53531-9407-01 VILLAGE OF DEERFIELD Right of Way 1 South Main St., Deerfield, WI</b>	\$450,200	\$94,262
<b>53545-4858-04 LION'S QUICK MART 104 East Racine St., Janesville, WI</b>	\$349,500	\$14,000
<b>53589-3000-88 QUICK STOP FOODS 1888 Barber Drive, Stoughton, WI</b>	\$463,400	\$149,000
<b>53962-9999-47 SULLIVAN AND PRIELIPP SITE 447 and 445 Madison St., Union Center, WI</b>	\$228,450	\$68,235
<b>54556-1227-91 KC's SERVICE 1791 Railroad Ave., Prentice, WI 54556</b>	\$443,992	\$80,000
<b>54220-4933-07 SUPERAMERICA #4097 1807 Washington St., Manitowoc, WI</b>	\$57,400	\$11,615
<b>54220-5144-20 NOVAK'S SERVICE STATION 1320 Washington St., Manitowoc, WI</b>	\$91,401	\$19,550
<b>54303-3474-00 FOX VALLEY &amp; WESTERN 300 Prairie Avenue, Green Bay, WI</b>	\$315,500	\$307,279



<b>54448-9392-00</b> <b>RIB RIVER VALLEY CO-OP</b> <b>900 E. Fourth St., Marathon City, WI</b>	\$205,497	\$83,886
<b>54642-0115-00</b> <b>TENNER'S MELROSE MOBIL</b> <b>300 N. Washington St., Melrose, WI</b>	\$324,720	\$76,779
<b>Total proposed cost</b>	<b>\$4,443,229.35</b>	<b>\$1,138,300</b>
<b>Total savings to PECFA</b>		<b>\$3,045,236</b>

### BUNDLING ACTIVITY LEVELS

In addition to the bidding sites, an additional 4 remediation bundles have been identified. Each of these potential bundles contains 3 or more properties that will be incorporated into one coordinated remedial effort. Many of these bundles are in the initiation phase, and although estimates for savings to the program are expected to be significant, there are no specific numbers available at this time.

### COST GUIDELINES

A working draft of additional cost caps and allowable rates and activity levels was prepared and presented to the PECFA Code Advisory Committee as well as the DNR on December 10, 1998. These cost guidelines include limitations on the personnel levels which would be eligible for reimbursement, limitations on the level of work effort allowable, and cost guidelines for specific tasks. Comments are currently being received and evaluated prior to incorporation into the PECFA rule. Discussions are also being held with DNR, as their input and agreement on the cost caps to be promulgated is integral to its success.

### CURRENT STATUS

The following issues were previously identified in the first report provided to the Joint Finance Committee (September 2, 1998), and were summarized in the second report which was provided to the Department of Administration (December 30, 1998). These continue to present a challenge toward ultimate success of the cost control measures currently being implemented:

#### Quality of Site Investigations:

**Previous Issue:** The quality of original site investigations is critical to conducting competitive bids or bundling for remediation. A poor investigation prevents the program from conducting an effective bid because the information needed by consulting firms to prepare a bid is lacking. It is even possible for the firm performing the investigation to withhold information from the investigation report in order to advantage themselves in the bid or bundle process.

**Status:** Commerce and DNR continue to discuss the site investigation issue. Commerce hydrogeologists have requested additional information on sites where it is expected that there is other information available, or where information was clearly being held back. Recently, Commerce has implemented a procedure to notify DNR project managers of sites being sent to the bidding process (requesting minimum remediation requirements as well as concerns with regards to the completion of the site investigation). Results of this joint agency evaluation have resulted in several sites being held back from the bidding process in order to allow for completion of additional site investigation activities prior to remediation. Additional steps will need to be taken if the results of the bidding process indicate that this continues to be a problem.

### Insurance Coverage for Site Overruns

**Previous Issue:** The bidding of a site is designed to establish a maximum reimbursement amount to site closure. Although this will work for many sites, there will be sites where the maximum is reached and the site is not yet closed. For some of these sites, the cost overrun may be significant and the suggestion has been made that performance bonding or an insurance policy be created for these sites. The program is investigating this issue and is considering the possible recommendation that the program take out an umbrella policy to "re-insure" this risk.

**Status:** The proposed Biennial Budget has incorporated this provision regarding potential cost-cap insurance for the program.

### Potential for Increase in Disallowed Costs

**Previous Issue:** Willingness of owners and consultants to participate in bidding or bundling processes. As sites have been moved towards bidding or bundling, there has been a tendency on the part of consulting firms to try to move the site quickly into remediation in order to generate reimbursement dollars and possibly hold onto the site. This has taken place even though there may have been long previous delays in getting any action going on the site. This rush to remediation has the potential of resulting in disallowed costs and a significant level of duplicate work.

**Status:** Commerce continues to educate consultants and site owners regarding minimization of disallowed costs. Updates have been sent which describe appropriate procedures, and Commerce will be publishing a list of the most common disallowed costs within the program. Statements have been provided regarding the activities which will not be reimbursed, and under what conditions.

## CONCLUSIONS

Given the current knowledge and progress on the bidding and bundling of sites, we have the following early assessment:

1. Bidding and bundling continues to demonstrate significant program savings. The initial set of five bids demonstrates a savings to the PECFA program of approximately \$900,000. The second set of 16 bids indicates savings to the program of over \$3,000,000.
2. Cost cap insurance continues to be developed, and would provide a safety net for the issue of potential cost overruns on bid sites. The department has already received questions related to cost exceedences on sites, and it is anticipated that there is a significant role for implementation of insurance for the program. This has been incorporated into the proposed biennial budget.
3. With the completion of the initial two rounds of bids, meetings have been held between the site owners, representatives of Commerce, and the "winning bid provider". It is uncertain at this point in time as to whether the majority of the site owners will contract with the winning bidder, or a different consulting firm. At this point in time, it appears that approximately half the responsible parties are electing to contract with the ("winning") lowest bidder. The effectiveness of the bid process could severely be impacted if site owners are not willing to hire the lowest competitive bidder. As stated in previous reports, if this is an issue, it may be necessary to allow PECFA the authority to require the use of the successful bidder.

Chapter 4.

Table 4.1 - PETROLEUM SITE COUNTS BY PRIORITY RANK As Of 3/99												
	High		Medium		Low		Unknown		Total			
	12/98	3/99	12/98	3/99	12/98	3/99	12/98	3/99	12/98	3/99		
<b>Sites In Both Commerce and DNR Databases</b>												
A. Date of Information	12/98	3/99	12/98	3/99	12/98	3/99	12/98	3/99	12/98	3/99		
B. DNR Open Sites	3,887	3,859	11	13	36	34	1262	1,341	5,196	5,247		
C. DNR Closed Sites	1,316	1,406	1,031	1,034	1,362	1,365	260	288	3,969	4,093		
D. Commerce Open sites	0	0	378	363	632	620	100	102	1,110	1,085		
E. Commerce Closed Sites	0	0	448	463	947	1,034	79	88	1,474	1,585		
F. Total Sites (A+B+C+D)	5,203	5,265	1,868	1,873	2,977	3,053	1,701	1,819	11,749	12,010		
<b>Sites Identified Only In DNR LUST Database, Not In Commerce Database</b>												
G. DNR Open Sites	961	944	12	11	36	33	1,135	1,110	2,144	2,098		
H. DNR Closed Sites	528	549	663	655	1,991	2,012	372	384	3,544	3,600		
I. Total Sites (G+H)	1,489	1,493	675	666	2,027	2,045	1,507	1,494	5,688	5,698		
J. Sites In DNR Database (F+I)	6,692	6,758	2,543	2,539	5,004	5,098	3,208	3,313	17,437	17,708		
<b>K. Total Occurrences In Commerce Database</b>												
<b>L. Sites Identified Only In Commerce Database, Not In DNR Database (K-F)</b>												
										13,305		
										1,295		







TABLE 4.5

LENGTH OF TIME TO CLOSE PETROLEUM SITES UNDER DNR AND COMMERCE JURISDICTION - NOTIFICATION TO CLOSURE  
 Sites Closed Between 10/1/98 and 12/31/98

	Less Than 6 Months	6- 24 Months	2-4 Years	4-6 years	6-8 Years	8 Years or Greater
<b>Sites In Both Commerce and DNR Data Bases</b>						
Sites Under DNR Jurisdiction	1	16	32	38	43	36
	1%	10%	19%	23%	26%	22%
Sites Under Commerce Jurisdiction	37	55	19	16	10	3
	26%	39%	14%	11%	7%	2%
<b>Sites Only In DNR LUST Data Base</b>						
Sites Under DNR Jurisdiction	31	10	10	11	4	4
	44%	14%	14%	16%	6%	6%
<b>All DNR Petroleum Sites</b>						
Sites Under DNR Jurisdiction	32	26	42	49	47	40
	14%	11%	18%	21%	20%	17%