



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0320~~3~~ 3
RCT:kmg:km
vmy
& JK

DOA:.....Wong - Dry cleaner program changes

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

in 1-2-01

note

SOON

1 AN ACT ^{Don't} GEN. CAT. relating to: the budget.

Analysis by the Legislative Reference Bureau
ENVIRONMENT

HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP

Under current law, DNR administers the dry cleaner environmental response program (DERP) which provides reimbursement for a portion of the costs of responding to discharges of dry cleaning solvents from dry cleaning facilities. DERP is funded by dry cleaning license and solvent fees which are paid by owners and operators of dry cleaning facilities. Under this bill, DERP provides reimbursement for the costs of responding to discharges of other kinds of dry cleaning products, in addition to solvents.

Under current law, the deductible under DERP generally ranges from \$10,000 to \$76,000, depending on the amount of eligible costs. However, for a dry cleaning facility that has closed before the owner or operator applies under DERP, the deductible is increased by an amount equal to 30 times the average license fee for the year in which the award is made and an amount equal to the average amount of solvent fees paid by operating dry cleaning facilities for that year. This bill eliminates the higher deductible for closed dry cleaning facilities.

Under current law, owners and operators are eligible for reimbursement under DERP. An owner is either: 1) a person who owns property on which a licensed dry cleaning facility is located or on which a dry cleaning facility that has ceased operation, but that was licensed before it ceased operation, is located; or 2) a person

who owns, or has possession or control of, or who receives or received consideration from the operation of, a licensed dry cleaning facility or a closed dry cleaning facility. If the dry cleaning facility was closed on or after October 14, 1997, it must have been licensed before it was closed. An operator is a person who holds a license from DOR for a dry cleaning facility or a person who operated a dry cleaning facility that closed before October 14, 1997.

This bill changes eligibility for DERP by changing the definitions of "owner" and "operator." Under this bill, "owner" includes a person who formerly owned a dry cleaning facility or who formerly owned land on which a dry cleaning facility is located and "operator" includes a person who formerly held the license for a dry cleaning facility.

Currently under DERP, the owner or operator of a dry cleaning facility on which construction began after October 4, 1997, is required to have implemented five specified pollution prevention measures. This requirement does not generally apply to older dry cleaning facilities. Under this bill, beginning one year after this bill takes effect, all dry cleaning facilities must have implemented three of the pollution prevention requirements in order to be eligible under DERP.

Currently, the owner or operator of a dry cleaning facility is not eligible under DERP if the discharge of dry cleaning solvent was caused by a person who provided services or products to the owner or operator. This bill changes that provision so that it only applies if the provider caused the discharge after October 14, 1997.

This bill provides that only one owner or operator is eligible for DERP with respect to any one discharge of dry cleaning product.

Under a part of DERP, the owners of certain dry cleaning facilities are eligible for reimbursement for the costs of preliminary site screening and interim remedial equipment to begin the cleanup of dry cleaning discharges before the completion of full-site investigations and clean-up plans. Under this part of the program, the reimbursement for preliminary site screening and interim remedial equipment is 50% of the eligible costs, but not more than \$20,000, of which not more than \$3,000 may be for the cost of the preliminary site screening. This bill eliminates the part of DERP relating to preliminary site screening and interim remedial equipment.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

- 1 **SECTION 1.** 20.370 (2) (eq) of the statutes is amended to read:
- 2 20.370 (2) (eq) *Solid waste management — dry cleaner environmental response.*
- 3 From the dry cleaner environmental response fund, the amounts in the schedule for
- 4 review of remedial action under ss. s. 292.65 and 292.66.

1 **SECTION 2.** 20.370 (6) (eq) of the statutes is amended to read:

2 20.370 (6) (eq) *Environmental aids — dry cleaner environmental response.*

3 Biennially, from the dry cleaner environmental response fund, the amounts in the
4 schedule for financial assistance under ~~ss. s. 292.65 and 292.66~~ and to make
5 transfers required under s. 292.65 (11).

6 **SECTION 3.** 20.370 (9) (nq) of the statutes is amended to read:

7 20.370 (9) (nq) *Aids administration — dry cleaner environmental response.*

8 From the dry cleaner environmental response fund, the amounts in the schedule to
9 administer ~~ss. s. 292.65 and 292.66~~.

10 **SECTION 4.** 77.996 (2) (intro.) of the statutes is amended to read:

11 77.996 (2) (intro.) “Dry cleaning facility” means a facility that ~~dry~~ cleans
12 apparel or household fabrics for the general public using a nonaqueous substance,
13 other than the following facilities:

14 **SECTION 5.** 292.65 (1) (intro.) of the statutes is amended to read:

15 292.65 (1) DEFINITIONS. (intro.) In this section ~~and s. 292.66~~:

16 **SECTION 6.** 292.65 (1) (b) of the statutes is amended to read:

17 292.65 (1) (b) “Case closure letter” means a letter provided by the department
18 that states that, based on information available to the department, no further
19 remedial action is necessary with respect to a dry cleaning ~~solvent~~ product discharge.

20 **SECTION 7.** 292.65 (1) (d) (intro.) of the statutes is amended to read:

21 292.65 (1) (d) (intro.) “Dry cleaning facility” means a facility for ~~dry~~ cleaning
22 apparel or household fabrics for the general public using a nonaqueous substance,
23 other than a facility that is one of the following:

24 **SECTION 8.** 292.65 (1) (e) of the statutes is amended to read:

↓
INSERT
A
←

1 292.65 (1) (e) "Dry cleaning solvent product" means a ~~chlorine-based or~~
2 ~~hydrocarbon-based formulation or product that is used as a primary cleaning agent~~
3 ~~in dry cleaning facilities~~ hazardous substance used to clean apparel or household
4 fabrics, except for a hazardous substance used to launder apparel or
5 household fabrics

6 **SECTION 9.** 292.65 (1) (gm) of the statutes is amended to read:

7 292.65 (1) (gm) "Immediate action" means a remedial action that is taken
8 within a short time after a discharge of dry cleaning solvent product occurs, or after
9 the discovery of a discharge of dry cleaning solvent product, to halt the discharge,
10 contain or remove discharged dry cleaning solvent product, or remove contaminated
11 soil or water in order to restore the environment to the extent practicable and to
12 minimize the harmful effects of the discharge to air, lands, and waters of the state
13 and to eliminate any imminent threat to public health, safety, or welfare.

14 **SECTION 10.** 292.65 (1) (gs) of the statutes is created to read:

15 292.65 (1) (gs) "Interim action" means a remedial action that is taken to contain
16 or stabilize a discharge of a dry cleaning product, in order to minimize any threats
17 to public health, safety, or welfare or to the environment, while other remedial
18 actions are being planned.

19 **SECTION 11.** 292.65 (1) (h) 1. of the statutes is amended to read:

20 292.65 (1) (h) 1. A person who holds or held the license under s. 77.9961 (2) for
21 a dry cleaning facility.

22 **SECTION 12.** 292.65 (1) (i) 1. (intro.) of the statutes is amended to read:

23 292.65 (1) (i) 1. (intro.) A person who owns, owned, or has possession or control
24 of, and who receives or received direct or indirect consideration from the operation
25 of, any of the following:

SECTION 13. 292.65 (1) (i) 3. (intro.) of the statutes is amended to read:

1 292.65 (1) (i) 3. (intro.) A person who owns or owned the property on which one
2 of the following is located:

3 **SECTION 14.** 292.65 (1) (i) 3. b. of the statutes is amended to read:

4 292.65 (1) (i) 3. b. A dry cleaning facility that has ceased operation but that,
5 if it ceased operation on or after October 14, 1997, was licensed under s. 77.9961 (2)
6 before it ceased operation.

7 **SECTION 15.** 292.65 (4) (b) of the statutes is amended to read:

8 292.65 (4) (b) *Report.* An owner or operator shall report a dry cleaning solvent
9 product discharge to the department in a timely manner, as provided in s. 292.11.

10 **SECTION 16.** 292.65 (4) (e) of the statutes is amended to read:

11 292.65 (4) (e) *Investigation.* After notifying the department under par. (c) 1.,
12 if applicable, and before conducting remedial action activities, an owner or operator
13 shall complete an investigation to determine the extent of environmental impact of
14 the dry cleaning solvent product discharge, except as provided in pars. (g) and (h).

15 **SECTION 17.** 292.65 (4) (h) of the statutes is repealed and recreated to read:

16 292.65 (4) (h) *Interim action.* An owner or operator is not required to complete
17 an investigation or prepare a remedial action plan before conducting an interim
18 action activity if the department determines that an interim action is necessary.

19 **SECTION 18.** 292.65 (4) (i) of the statutes is amended to read:

20 292.65 (4) (i) *Review of site investigation and remedial action plan.* The
21 department shall, at the request of an owner or operator, review the site
22 investigation results and the remedial action plan and advise the owner or operator
23 on the adequacy of the proposed remedial action activities in meeting the
24 requirements of this section. The department shall complete the review of the site
25 investigation and remedial action plan within 45 days. The department shall also

1 provide an estimate of when funding will be available to pay an award for remedial
2 action conducted in response to the dry cleaning ~~solvent~~ product discharge.

3 **SECTION 19.** 292.65 (4) (j) (intro.) and 1. of the statutes are amended to read:

4 292.65 (4) (j) *Remedial action.* (intro.) The owner or operator shall conduct all
5 remedial action activities that are required under this section in response to the dry
6 cleaning ~~solvent~~ product discharge, including all of the following:

7 1. Recovering any recoverable dry cleaning ~~solvent~~ product from the
8 environment.

9 **SECTION 20.** 292.65 (5) (b) (intro.) of the statutes is amended to read:

10 292.65 (5) (b) (intro.) An owner or operator who is required to implement
11 enhanced pollution prevention measures under par. (a) shall demonstrate all of the
12 following:

13 **SECTION 21.** 292.65 (5) (b) 1. of the statutes is amended to read:

14 292.65 (5) (b) 1. That the owner or operator manages all wastes that are
15 generated at the dry cleaning facility and that contain dry cleaning ~~solvent~~ product
16 as hazardous wastes in compliance with ch. 291 and 42 USC 6901 to 6991i.

17 **SECTION 22.** 292.65 (5) (b) 1. of the statutes, as affected by 2001 Wisconsin Act
18 (this act), is renumbered 292.65 (5) (c) 1.

19 **SECTION 23.** 292.65 (5) (b) 2. of the statutes is amended to read:

20 292.65 (5) (b) 2. That the dry cleaning facility does not discharge dry cleaning
21 ~~solvent~~ product or wastewater from dry cleaning machines into any sanitary sewer
22 or septic tank or into the waters of this state.

23 **SECTION 24.** 292.65 (5) (b) 2. of the statutes, as affected by 2001 Wisconsin Act
24 (this act), is renumbered 292.65 (5) (c) 2.

25 **SECTION 25.** 292.65 (5) (b) 3. of the statutes is amended to read:

1 292.65 (5) (b) 3. That each machine or other piece of equipment in which dry
2 cleaning solvent product is used, or the entire area in which those machines or pieces
3 of equipment are located, is surrounded by a containment dike or other containment
4 structure that is able to contain any leak, spill, or other release of dry cleaning
5 ~~solvent~~ product from the machines or other pieces of equipment.

6 **SECTION 26.** 292.65 (5) (b) 4. of the statutes is amended to read:

7 292.65 (5) (b) 4. That the floor within any area surrounded by a dike or other
8 containment structure under subd. 3. is sealed or is otherwise impervious to dry
9 cleaning solvent product.

10 **SECTION 27.** 292.65 (5) (b) 5. of the statutes is amended to read:

11 292.65 (5) (b) 5. That ~~all dry cleaning solvent product is~~ ^{any perchloroethylene} delivered to the dry
12 cleaning facility ^{is delivered} by means of a closed, direct-coupled delivery system.

13 **SECTION 28.** 292.65 (5) (b) 5. of the statutes, as affected by 2001 Wisconsin Act
14 ... (this act), is renumbered 292.65 (5) (c) 3.

15 **SECTION 29.** 292.65 (5) (c) (intro.) of the statutes is created to read:

16 292.65 (5) (c) The owner or operator of a dry cleaning facility is not eligible for
17 an award under this section unless the owner or operator has implemented the
18 following enhanced pollution prevention measures:

19 **SECTION 30.** 292.65 (7) (a) (intro.) of the statutes is amended to read:

20 292.65 (7) (a) *General.* (intro.) Subject to pars. (c), (ce), (cm), and (d), eligible
21 costs for an award under this section include reasonable and necessary costs paid
22 by the owner or operator of a dry cleaning facility ^{the} incurred because of a discharge of dry cleaning product at a dry cleaning facility for
23 the following items only:

24 **SECTION 31.** 292.65 (7) (a) 2. of the statutes is amended to read:

perchloroethylene

1 292.65 (7) (a) 2. Investigation and assessment of contamination caused by a dry
2 cleaning solvent product discharge from a dry cleaning facility.

3 **SECTION 32.** 292.65 (7) (a) 8. of the statutes is amended to read:

4 292.65 (7) (a) 8. Maintenance of equipment for dry cleaning solvent product
5 recovery performed as part of remedial action activities.

6 **SECTION 33.** 292.65 (7) (a) 13. of the statutes is repealed.

7 **SECTION 34.** 292.65 (7) (c) 3. of the statutes is amended to read:

8 292.65 (7) (c) 3. Other costs that the department determines to be associated
9 with, but not integral to, the investigation and remediation of a dry cleaning solvent
10 product discharge from a dry cleaning facility.

11 **SECTION 35.** 292.65 (7) (d) of the statutes is amended to read:

12 292.65 (7) (d) *Discharges from multiple activities.* If hazardous substances are
13 discharged at a dry cleaning facility as a result of dry cleaning operations and as a
14 result of other activities, eligible costs under this section are limited to activities
15 necessitated by the discharge of dry cleaning solvent product.

16 **SECTION 36.** 292.65 (8) (a) (intro.) of the statutes is amended to read:

17 292.65 (8) (a) *Application.* (intro.) An owner or operator shall submit an
18 application on a form provided by the department. An owner or operator may not
19 submit an application before September 1, 1998. An owner or operator may not
20 submit an application after August 30, ~~2003~~ 2005, if the application relates to a dry
21 cleaning facility that ceased to operate before September 1, 1998. An owner or
22 operator may not submit an application after August 20, 2008, if the application
23 relates to any other dry cleaning facility. The department shall authorize owners and
24 operators to apply for awards at stages in the process under sub. (4) that the
25 department specifies by rule. An application shall include all of the following

1 documentation of activities, plans, and expenditures associated with the eligible
2 costs incurred because of a dry cleaning solvent product discharge from a dry
3 cleaning facility:

4 **SECTION 37.** 292.65 (8) (d) 8. of the statutes is amended to read:

5 292.65 (8) (d) 8. The dry cleaning solvent product discharge was caused after
6 October 14, 1997, by a person who provided services or products to the owner or
7 operator or to a prior owner or operator of the dry cleaning facility, including a person
8 who provided perchloroethylene to the owner or operator or prior owner or operator
9 of a dry cleaning facility using a system other than a closed, direct-coupled delivery
10 system.

11 **SECTION 38.** 292.65 (8) (d) 9. of the statutes is created to read:

12 292.65 (8) (d) 9. The department previously received an application from a
13 person other than the applicant with respect to ^{the same stage of the remedial action} the discharge to which the
14 application relates.

15 **SECTION 39.** 292.65 (8) (e) 1. of the statutes is renumbered 292.65 (8) (e), and
16 292.65 (8) (e) (intro.), as renumbered, is amended to read:

17 292.65 (8) (e) *Deductible.* (intro.) The department may reimburse the owner
18 or operator of a dry cleaning facility that is operating at the time that the owner or
19 operator applies under par. (a) only for eligible costs incurred at each dry cleaning
20 facility that exceed the following deductible:

21 **SECTION 40.** 292.65 (8) (e) 3. of the statutes is repealed.

22 **SECTION 41.** 292.65 (11) of the statutes is amended to read:

23 292.65 (11) ENVIRONMENTAL FUND REIMBURSEMENT. If the department expends
24 funds from the environmental fund under s. 292.11 (7) (a) or 292.31 (3) (b) because
25 of a discharge of dry cleaning solvent product at a dry cleaning facility, the

1 department shall transfer from the appropriation account under s. 20.370 (6) (eq) to
2 the environmental fund an amount equal to the amount expended under s. 292.11
3 (7) (a) or 292.31 (3) (b). The department shall make transfers under this subsection
4 when the department determines that sufficient funds are available in the
5 appropriation account under s. 20.370 (6) (eq).

6 **SECTION 42.** 292.65 (13) of the statutes is amended to read:

7 292.65 (13) COUNCIL. The dry cleaner environmental response council shall
8 advise the department concerning the ~~programs~~ program under this section ~~and s.~~
9 ~~292.66~~. The dry cleaner environmental response council shall evaluate the program
10 under this section at least every 5 years, using criteria developed by the council.

11 **SECTION 43.** 292.66 of the statutes is repealed.

12 **SECTION 44.** 292.99 (1m) of the statutes is amended to read:

13 292.99 (1m) Any person who violates s. 292.65 (12m) ~~or 292.66 (5)~~ shall forfeit
14 not less than \$10 nor more than \$10,000.

15 **SECTION 9137. Nonstatutory provisions; natural resources.**

16 (1) DRY CLEANER ENVIRONMENTAL RESPONSE PROGRAM DEDUCTIBLE. The
17 department of natural resources shall identify any award made under section 292.65
18 of the statutes using the deductible under section 292.65 (8) (e) 3., 1999 stats., and
19 recalculate the award using the deductible under section 292.65 (8) (e) of the
20 statutes, as affected by this act. Before July 1, 2002, the department shall pay to the
21 recipient the difference between the amount of the original award and the amount
22 as recalculated under this subsection.

23

SECTION 9437. Effective dates; natural resources.

INSERT B

INSERT A

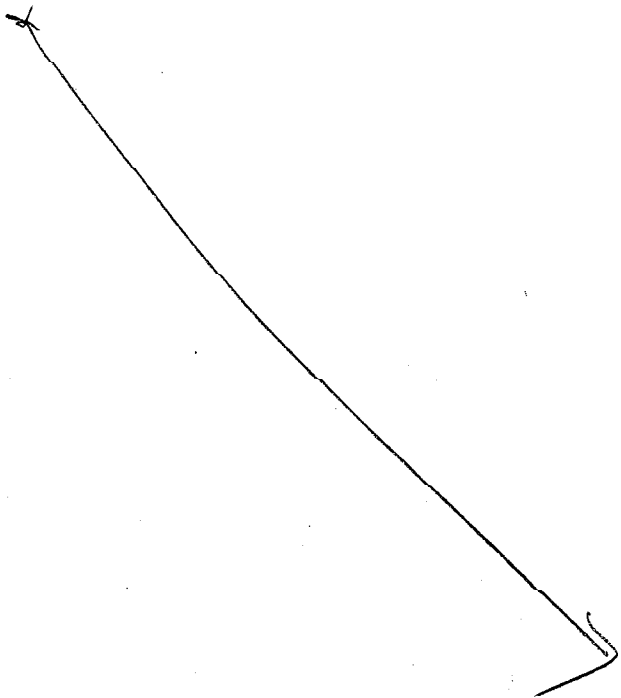
Section #. 77.996 (3) of the statutes is amended to read:

product

77.996 (3) "Dry cleaning solvent" means a ~~chlorine-based or hydrocarbon-based formulation~~
~~or product that is used as a primary cleaning agent in dry cleaning facilities.~~

History: 1997 a. 27; 1999 a. 9.

hazardous substance used to clean apparel
or household fabrics, except a hazardous substance used to
launder apparel or household fabrics

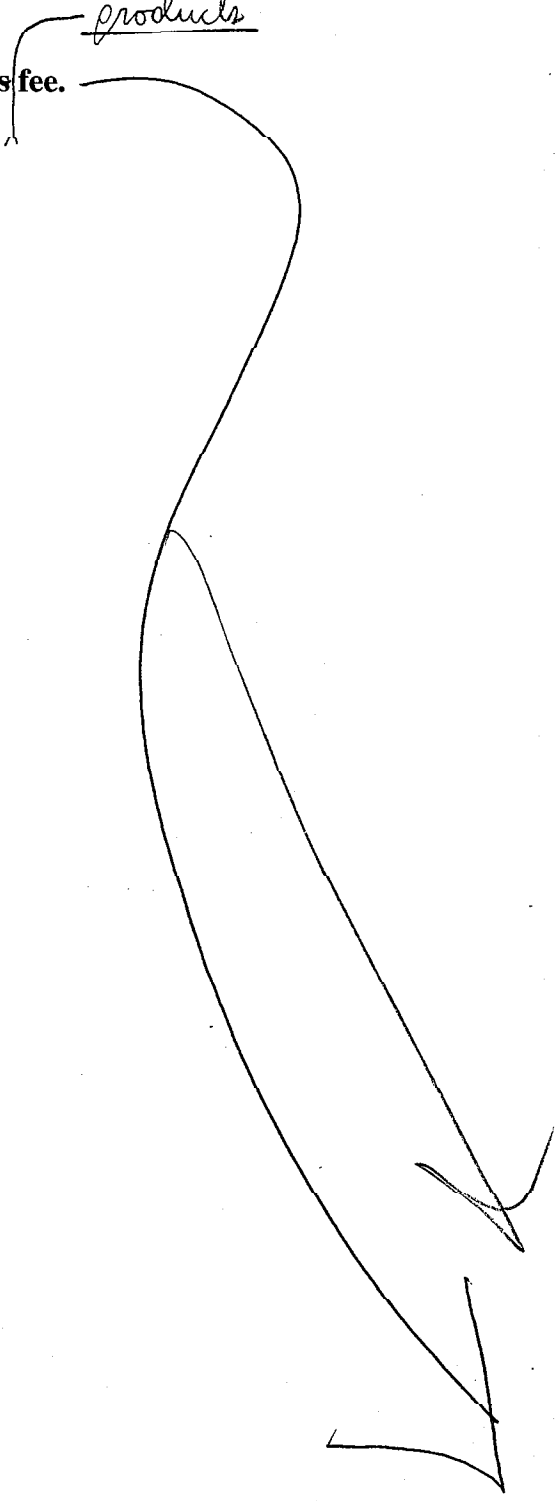


INSERT A

Section #. 77.9962 ~~(title)~~ of the statutes is amended to read:

77.9962 ~~(title)~~ Dry cleaning solvents fee. ^{products}

History: 1997 a. 21.



INSERT A-cont

Section #. 77.9962 of the statutes is amended to read:

product

~~77.9962 Dry Cleaning Solvents Fee.~~ There is imposed on each person who sells a dry cleaning solvent to a dry cleaning facility a fee equal to \$5 per gallon of perchloroethylene sold and 75 cents per gallon of a hydrocarbon-based solvent sold. The fees for the previous 3 months are due on January 25, April 25, July 25, and October 25.

product

History: 1997 a. 27.

Sec #. nq; 77.9963

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2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0320/3ins
RCT:kmg:km

INSERT B

1 **SECTION 9344. Initial applicability; revenue.**

2 (1) DRY CLEANING PRODUCTS FEE. The treatment of sections 77.996 (3), 77.9962,
3 ~~and~~ 77.9963 of the statutes first applies to fees that are due on January 25, 2002.

and 292.65 ✓
(8) (d) 7. ✓

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0320/3insKMG
RCT:kmg:kmg

INSERT 9-3 ✓

- 1 **SECTION 1.** 292.65 (8) (d) 7. of the statutes is amended to read:
- 2 292.65 (8) (d) 7. The applicant has not paid all of the fees under ss. 77.9961,
- 3 and 77.9962 and ~~77.9963~~.

History: 1997 a. 27; 1999 a. 9, 185 ss. 143 to 145, 188 to 190.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0320/3dn

RCT:km:km

& JK

KMG

Regarding the applicability of pollution prevention requirements: ^{AA} the draft creates s. 292.65 (5) (c) (intro.), which applies to all dry cleaning facilities. When existing s. 292.65 (5) (b) 1., 2., and 5. are moved into s. 292.65 (5) (c), they become applicable to all facilities, not just new facilities.

I have modified proposed s. 292.65 (8) (d) 9. [✓] to try to respond to DNR's concern. ^{DNR's}

About the issue of whether the definition of dry cleaning solvent ^{needs to say that the} dry cleaning solvent had to be used at a dry cleaning facility and ^{the} remark on my last drafter's note: I do not think that adding "at a dry cleaning facility" will solve the problem described in the remark. I have changed the treatment of s. 292.65 (7) (a) (intro.) in a way that I hope will address the concern. [↑]

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INSERT D-N

JK

0.320/3 dv

INSERT DIV

The dry cleaning products fee under section 77.9962 of the statutes is due on January 25, April 25, July 25, and October 25 of each year, and each payment is based on the product sold in the previous three months. Therefore, any changes related to the fee should probably first apply to fees that ^{are} due on one of those dates. In this draft, the changes related to the dry cleaning products fee first apply to fees that are due on January 25, 2002. Is that O.K.?

Rather than amend section 77.9963 of the statutes so that ^{is} that section refer^s to "product" and not "solvent," the draft repeals section 77.9963 of the statutes because that section, which impos^es a tax on solvent ~~processed~~ ^{processed} on October 14, 1997, is no longer operative.

6005

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0320/3dn
RCT&JK:kmg:rs

January 4, 2001

Regarding the applicability of pollution prevention requirements: the draft creates s. 292.65 (5) (c) (intro.), which applies to all dry cleaning facilities. When existing s. 292.65 (5) (b) 1., 2., and 5. are moved into s. 292.65 (5) (c), they become applicable to all facilities, not just new facilities.

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Tradewell, Becky

From: Wong, Manyee
Sent: Tuesday, January 09, 2001 3:21 PM
To: Tradewell, Becky
Subject: FW: Statutory Language Updates

Hi Becky,

Please review DNR's comments on the following drafts. Please make any changes necessary.

Thanks.

-----Original Message-----

From: Potter, Lance
Sent: Tuesday, January 09, 2001 3:10 PM
To: Wong, Manyee
Cc: Felker-Donsing, Susan
Subject: Statutory Language Updates

Hello Manyee,

Here are the changes that I have today. I will hopefully have the rest to you by tomorrow (1/10) morning.

LRB - 0320/3 Dry Cleaning



Comments on Dry
Cleaning 1.08....

LRB Draft - 0357/1 Funds for specific sites



Comments on LRB -
0357 .1.08.d...

LRB Draft - 0365/1 Criminal penalties for false filings in environmental programs

DNR staff has approved this draft.

LRB Draft - 0363/4 Immunity regarding the use of solid waste for public projects

DNR staff has approved the language. If the LRB analysis is used, please include the following suggested changes:



Comments on LRB
0363.4.doc

Comments on Dry Cleaning Draft – LRB – 0320/3

Drafters note:

I agree with all of the comments made and changes referenced in the drafters note.

✓ Specific comments:

✓ Section 4

Instead of defining dry cleaning facility as using a nonaqueous substance, now that we have a good definition of dry cleaning product - why not define a dry cleaning facility as one that "cleans apparel or household fabrics for the general public using a *dry cleaning product* ..."

✓ Section 6

I think we want the 75 cent fee to apply to *all* dry cleaning products (other than perc) not just hydrocarbon based products - I would again refer back to the term "dry cleaning product" when assessing fees (that way new products that are not hydrocarbon based will be assessed a fee).

✓ Section 10

comment same as the one for Section 4 - replace using a nonaqueous substance with a "*dry cleaning product*".

✓ Section 17

This is not accurate - we do not want *all* past property owners to be eligible for the program, only past property owners of facilities that were licensed under this program (i.e. in operation after 10/14/97). In other words, anyone who owns or owned property on which a licensed dry cleaning facility is located should be eligible for the program, but if they owned the property before 10/14/97, they are not eligible.

This is very important as it opens the door for everyone to have access to the fund and we want to limit the access to dry cleaner owner and operators (past and present) and property owners of licensed facilities (past and present).



State of Wisconsin
2001 - 2002 LEGISLATURE

SOON

LRB-032014
RCT&JK:kmg:rs

rmr

DOA:.....Wong - Dry cleaner program changes

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

ONote

in 1-9-01

1 AN ACT ^{DON'T} ^{GEN. CAT} relating to: the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP

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Under current law, the deductible under DERP generally ranges from \$10,000 to \$76,000, depending on the amount of eligible costs. However, for a dry cleaning facility that has closed before the owner or operator applies under DERP, the deductible is increased by an amount equal to 30 times the average license fee for the year in which the award is made and an amount equal to the average amount of solvent fees paid by operating dry cleaning facilities for that year. This bill eliminates the higher deductible for closed dry cleaning facilities.

Under current law, owners and operators are eligible for reimbursement under DERP. An owner is either: 1) a person who owns property on which a licensed dry cleaning facility is located or on which a dry cleaning facility that has ceased operation, but that was licensed before it ceased operation, is located; or 2) a person

who owns, or has possession or control of, or who receives or received consideration from the operation of, a licensed dry cleaning facility or a closed dry cleaning facility. If the dry cleaning facility was closed on or after October 14, 1997, it must have been licensed before it was closed. An operator is a person who holds a license from DOR for a dry cleaning facility or a person who operated a dry cleaning facility that closed before October 14, 1997.

This bill changes eligibility for DERP by changing the definitions of “owner” and “operator.” Under this bill, “owner” includes a person who formerly owned a dry cleaning facility or who formerly owned land on which a dry cleaning facility is located and “operator” includes a person who formerly held the license for a dry cleaning facility.

Currently under DERP, the owner or operator of a dry cleaning facility on which construction began after October 4, 1997, is required to have implemented five specified pollution prevention measures. This requirement does not generally apply to older dry cleaning facilities. Under this bill, beginning one year after this bill takes effect, all dry cleaning facilities must have implemented three of the pollution prevention requirements in order to be eligible under DERP.

Currently, the owner or operator of a dry cleaning facility is not eligible under DERP if the discharge of dry cleaning solvent was caused by a person who provided services or products to the owner or operator. This bill changes that provision so that it only applies if the provider caused the discharge after October 14, 1997.

This bill provides that only one owner or operator is eligible for DERP with respect to any one discharge of dry cleaning product.

Under a part of DERP, the owners of certain dry cleaning facilities are eligible for reimbursement for the costs of preliminary site screening and interim remedial equipment to begin the cleanup of dry cleaning discharges before the completion of full-site investigations and clean-up plans. Under this part of the program, the reimbursement for preliminary site screening and interim remedial equipment is 50% of the eligible costs, but not more than \$20,000, of which not more than \$3,000 may be for the cost of the preliminary site screening. This bill eliminates the part of DERP relating to preliminary site screening and interim remedial equipment.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

- 1 **SECTION 1.** 20.370 (2) (cq) of the statutes is amended to read:
- 2 20.370 (2) (cq) *Solid waste management — dry cleaner environmental response.*
- 3 From the dry cleaner environmental response fund, the amounts in the schedule for
- 4 review of remedial action under ~~ss. s. 292.65 and 292.66.~~

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2 20.370 (6) (eq) *Environmental aids — dry cleaner environmental response.*

3 Biennially, from the dry cleaner environmental response fund, the amounts in the
4 schedule for financial assistance under ss. s. 292.65 and ~~292.66~~ and to make
5 transfers required under s. 292.65 (11).

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10 **SECTION 4.** 77.996 (2) (intro.) of the statutes is amended to read:

11 77.996 (2) (intro.) "Dry cleaning facility" means a facility that dry cleans
12 apparel or household fabrics for the general public using ~~an aqueous substance~~ ^{dry cleaning product}
13 other than the following facilities:

14 **SECTION 5.** 77.996 (3) of the statutes is amended to read:

15 77.996 (3) "Dry cleaning solvent product" means a ~~chlorine-based or~~
16 ~~hydrocarbon-based formulation or product that is used as a primary cleaning agent~~
17 ~~in dry cleaning facilities~~ hazardous substance used to clean apparel or household
18 fabrics, except a hazardous substance used to launder apparel or household
19 products.

20 **SECTION 6.** 77.9962 of the statutes is amended to read:

21 **77.9962 Dry cleaning solvents products fee.** There is imposed on each
22 person who sells a dry cleaning solvent product to a dry cleaning facility a fee equal
23 to \$5 per gallon of perchloroethylene sold and 75 cents per gallon of ~~a~~
24 ~~hydrocarbon-based solvent~~ any dry cleaning product sold. The fees for the previous 3 months are due
25 on January 25, April 25, July 25, and October 25.

other than perchloroethylene

1 **SECTION 7.** 77.9963 of the statutes is repealed.

2 **SECTION 8.** 292.65 (1) (intro.) of the statutes is amended to read:

3 292.65 (1) DEFINITIONS. (intro.) In this section ~~and s. 292.66:~~

4 **SECTION 9.** 292.65 (1) (b) of the statutes is amended to read:

5 292.65 (1) (b) "Case closure letter" means a letter provided by the department
6 that states that, based on information available to the department, no further
7 remedial action is necessary with respect to a dry cleaning solvent product discharge.

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16 fabrics, except for a hazardous substance used to launder apparel or household
17 fabrics.

18 **SECTION 12.** 292.65 (1) (gm) of the statutes is amended to read:

19 292.65 (1) (gm) "Immediate action" means a remedial action that is taken
20 within a short time after a discharge of dry cleaning solvent product occurs, or after
21 the discovery of a discharge of dry cleaning solvent product, to halt the discharge,
22 contain or remove discharged dry cleaning solvent product, or remove contaminated
23 soil or water in order to restore the environment to the extent practicable and to
24 minimize the harmful effects of the discharge to air, lands, and waters of the state
25 and to eliminate any imminent threat to public health, safety, or welfare.

1 **SECTION 13.** 292.65 (1) (gs) of the statutes is created to read:

2 292.65 (1) (gs) "Interim action" means a remedial action that is taken to contain
3 or stabilize a discharge of a dry cleaning product, in order to minimize any threats
4 to public health, safety, or welfare or to the environment, while other remedial
5 actions are being planned.

6 **SECTION 14.** 292.65 (1) (h) 1. of the statutes is amended to read:

7 292.65 (1) (h) 1. A person who holds or held the license under s. 77.9961 (2) for
8 a dry cleaning facility.

9 **SECTION 15.** 292.65 (1) (i) 1. (intro.) of the statutes is amended to read:

10 292.65 (1) (i) 1. (intro.) A person who owns, owned, or has possession or control
11 of, and who receives or received direct or indirect consideration from the operation
12 of, any of the following:

13 **SECTION 16.** 292.65 (1) (i) 3. (intro.) of the statutes is amended to read:

14 292.65 (1) (i) 3. (intro.) A person who owns or owned the property on which one
15 of the following is located:

16 ~~**SECTION 17.** 292.65 (1) (i) 3. b. of the statutes is amended to read:~~

17 ~~292.65 (1) (i) 3. b. A dry cleaning facility that has ceased operation but that,~~
18 ~~if it ceased operation on or after October 14, 1997, was licensed under s. 77.9961 (2)~~
19 ~~before it ceased operation.~~

20 **SECTION 18.** 292.65 (4) (b) of the statutes is amended to read:

21 292.65 (4) (b) *Report.* An owner or operator shall report a dry cleaning solvent
22 product discharge to the department in a timely manner, as provided in s. 292.11.

23 **SECTION 19.** 292.65 (4) (e) of the statutes is amended to read:

24 292.65 (4) (e) *Investigation.* After notifying the department under par. (c) 1.,
25 if applicable, and before conducting remedial action activities, an owner or operator

1 shall complete an investigation to determine the extent of environmental impact of
2 the dry cleaning solvent product discharge, except as provided in pars. (g) and (h).

3 **SECTION 20.** 292.65 (4) (h) of the statutes is repealed and recreated to read:

4 292.65 (4) (h) *Interim action.* An owner or operator is not required to complete
5 an investigation or prepare a remedial action plan before conducting an interim
6 action activity if the department determines that an interim action is necessary.

7 **SECTION 21.** 292.65 (4) (i) of the statutes is amended to read:

8 292.65 (4) (i) *Review of site investigation and remedial action plan.* The
9 department shall, at the request of an owner or operator, review the site
10 investigation results and the remedial action plan and advise the owner or operator
11 on the adequacy of the proposed remedial action activities in meeting the
12 requirements of this section. The department shall complete the review of the site
13 investigation and remedial action plan within 45 days. The department shall also
14 provide an estimate of when funding will be available to pay an award for remedial
15 action conducted in response to the dry cleaning solvent product discharge.

16 **SECTION 22.** 292.65 (4) (j) (intro.) and 1. of the statutes are amended to read:

17 292.65 (4) (j) *Remedial action.* (intro.) The owner or operator shall conduct all
18 remedial action activities that are required under this section in response to the dry
19 cleaning solvent product discharge, including all of the following:

20 1. Recovering any recoverable dry cleaning solvent product from the
21 environment.

22 **SECTION 23.** 292.65 (5) (b) (intro.) of the statutes is amended to read:

23 292.65 (5) (b) (intro.) An owner or operator who is required to implement
24 enhanced pollution prevention measures under par. (a) shall demonstrate all of the
25 following:

1 **SECTION 24.** 292.65 (5) (b) 1. of the statutes is amended to read:

2 292.65 (5) (b) 1. That the owner or operator manages all wastes that are
3 generated at the dry cleaning facility and that contain dry cleaning solvent product
4 as hazardous wastes in compliance with ch. 291 and 42 USC 6901 to 6991i.

5 **SECTION 25.** 292.65 (5) (b) 1. of the statutes, as affected by 2001 Wisconsin Act
6 (this act), is renumbered 292.65 (5) (c) 1.

7 **SECTION 26.** 292.65 (5) (b) 2. of the statutes is amended to read:

8 292.65 (5) (b) 2. That the dry cleaning facility does not discharge dry cleaning
9 solvent product or wastewater from dry cleaning machines into any sanitary sewer
10 or septic tank or into the waters of this state.

11 **SECTION 27.** 292.65 (5) (b) 2. of the statutes, as affected by 2001 Wisconsin Act
12 (this act), is renumbered 292.65 (5) (c) 2.

13 **SECTION 28.** 292.65 (5) (b) 3. of the statutes is amended to read:

14 292.65 (5) (b) 3. That each machine or other piece of equipment in which dry
15 cleaning solvent product is used, or the entire area in which those machines or pieces
16 of equipment are located, is surrounded by a containment dike or other containment
17 structure that is able to contain any leak, spill, or other release of dry cleaning
18 solvent product from the machines or other pieces of equipment.

19 **SECTION 29.** 292.65 (5) (b) 4. of the statutes is amended to read:

20 292.65 (5) (b) 4. That the floor within any area surrounded by a dike or other
21 containment structure under subd. 3. is sealed or is otherwise impervious to dry
22 cleaning solvent product.

23 **SECTION 30.** 292.65 (5) (b) 5. of the statutes is amended to read:

1 292.65 (5) (b) 5. That ~~all dry cleaning solvent is~~ any perchloroethylene
2 delivered to the dry cleaning facility is delivered by means of a closed, direct-coupled
3 delivery system.

4 **SECTION 31.** 292.65 (5) (b) 5. of the statutes, as affected by 2001 Wisconsin Act
5 (this act), is renumbered 292.65 (5) (c) 3.

6 **SECTION 32.** 292.65 (5) (c) (intro.) of the statutes is created to read:

7 292.65 (5) (c) The owner or operator of a dry cleaning facility is not eligible for
8 an award under this section unless the owner or operator has implemented the
9 following enhanced pollution prevention measures:

10 **SECTION 33.** 292.65 (7) (a) (intro.) of the statutes is amended to read:

11 292.65 (7) (a) *General.* (intro.) Subject to pars. (c), (ce), (cm), and (d), eligible
12 costs for an award under this section include reasonable and necessary costs paid
13 incurred by the owner or operator of a dry cleaning facility because of a discharge of
14 dry cleaning product at the dry cleaning facility for the following items only:

15 **SECTION 34.** 292.65 (7) (a) 2. of the statutes is amended to read:

16 292.65 (7) (a) 2. Investigation and assessment of contamination caused by a dry
17 cleaning solvent product discharge from a dry cleaning facility.

18 **SECTION 35.** 292.65 (7) (a) 8. of the statutes is amended to read:

19 292.65 (7) (a) 8. Maintenance of equipment for dry cleaning solvent product
20 recovery performed as part of remedial action activities.

21 **SECTION 36.** 292.65 (7) (a) 13. of the statutes is repealed.

22 **SECTION 37.** 292.65 (7) (c) 3. of the statutes is amended to read:

23 292.65 (7) (c) 3. Other costs that the department determines to be associated
24 with, but not integral to, the investigation and remediation of a dry cleaning solvent
25 product discharge from a dry cleaning facility.

1 **SECTION 38.** 292.65 (7) (d) of the statutes is amended to read:

2 292.65 (7) (d) *Discharges from multiple activities.* If hazardous substances are
3 discharged at a dry cleaning facility as a result of dry cleaning operations and as a
4 result of other activities, eligible costs under this section are limited to activities
5 necessitated by the discharge of dry cleaning solvent product.

6 **SECTION 39.** 292.65 (8) (a) (intro.) of the statutes is amended to read:

7 292.65 (8) (a) *Application.* (intro.) An owner or operator shall submit an
8 application on a form provided by the department. An owner or operator may not
9 submit an application before September 1, 1998. An owner or operator may not
10 submit an application after August 30, ~~2003~~ 2005, if the application relates to a dry
11 cleaning facility that ceased to operate before September 1, 1998. An owner or
12 operator may not submit an application after August 20, 2008, if the application
13 relates to any other dry cleaning facility. The department shall authorize owners and
14 operators to apply for awards at stages in the process under sub. (4) that the
15 department specifies by rule. An application shall include all of the following
16 documentation of activities, plans, and expenditures associated with the eligible
17 costs incurred because of a dry cleaning solvent product discharge from a dry
18 cleaning facility:

19 **SECTION 40.** 292.65 (8) (d) 7. of the statutes is amended to read:

20 292.65 (8) (d) 7. The applicant has not paid all of the fees under ss. 77.9961,
21 and 77.9962 ~~and 77.9963~~.

22 **SECTION 41.** 292.65 (8) (d) 8. of the statutes is amended to read:

23 292.65 (8) (d) 8. The dry cleaning solvent product discharge was caused after
24 October 14, 1997, by a person who provided services or products to the owner or
25 operator or to a prior owner or operator of the dry cleaning facility, including a person

1 who provided perchloroethylene to the owner or operator or prior owner or operator
2 of a dry cleaning facility using a system other than a closed, direct-coupled delivery
3 system.

4 **SECTION 42.** 292.65 (8) (d) 9. of the statutes is created to read:

5 292.65 (8) (d) 9. The department previously received an application from a
6 person other than the applicant with respect to the same stage of the remedial action
7 to which the application relates.

8 **SECTION 43.** 292.65 (8) (e) 1. of the statutes is renumbered 292.65 (8) (e), and
9 292.65 (8) (e) (intro.), as renumbered, is amended to read:

10 292.65 (8) (e) *Deductible.* (intro.) The department may reimburse the owner
11 or operator of a dry cleaning facility ~~that is operating at the time that the owner or~~
12 ~~operator applies under par. (a)~~ only for eligible costs incurred at each dry cleaning
13 facility that exceed the following deductible:

14 **SECTION 44.** 292.65 (8) (e) 3. of the statutes is repealed.

15 **SECTION 45.** 292.65 (11) of the statutes is amended to read:

16 292.65 (11) ENVIRONMENTAL FUND REIMBURSEMENT. If the department expends
17 funds from the environmental fund under s. 292.11 (7) (a) or 292.31 (3) (b) because
18 of a discharge of dry cleaning solvent product at a dry cleaning facility, the
19 department shall transfer from the appropriation account under s. 20.370 (6) (eq) to
20 the environmental fund an amount equal to the amount expended under s. 292.11
21 (7) (a) or 292.31 (3) (b). The department shall make transfers under this subsection
22 when the department determines that sufficient funds are available in the
23 appropriation account under s. 20.370 (6) (eq).

24 **SECTION 46.** 292.65 (13) of the statutes is amended to read:

1 292.65 (13) COUNCIL. The dry cleaner environmental response council shall
2 advise the department concerning the ~~programs~~ program under this section and s.
3 292.66. The dry cleaner environmental response council shall evaluate the program
4 under this section at least every 5 years, using criteria developed by the council.

5 **SECTION 47.** 292.66 of the statutes is repealed.

6 **SECTION 48.** 292.99 (1m) of the statutes is amended to read:

7 292.99 (1m) Any person who violates s. 292.65 (12m) ~~or 292.66 (5)~~ shall forfeit
8 not less than \$10 nor more than \$10,000.

9 **SECTION 9137. Nonstatutory provisions; natural resources.**

10 (1) DRY CLEANER ENVIRONMENTAL RESPONSE PROGRAM DEDUCTIBLE. The
11 department of natural resources shall identify any award made under section 292.65
12 of the statutes using the deductible under section 292.65 (8) (e) 3., 1999 stats., and
13 recalculate the award using the deductible under section 292.65 (8) (e) of the
14 statutes, as affected by this act. Before July 1, 2002, the department shall pay to the
15 recipient the difference between the amount of the original award and the amount
16 as recalculated under this subsection.

17 **SECTION 9344. Initial applicability; revenue.**

18 (1) DRY CLEANING PRODUCTS FEE. The treatment of sections 77.996 (3), 77.9962,
19 77.9963, and 292.65 (8) (d) 7. of the statutes first applies to fees that are due on
20 January 25, 2002.

21 **SECTION 9437. Effective dates; natural resources.**

22 (1) DRY CLEANER POLLUTION PREVENTION. The treatment of section 292.65 (5) (c)
23 (intro.) of the statutes and the renumbering of section 292.65 (5) (b) 1., 2., and 5. of
24 the statutes take effect on first day of the 13th month beginning after publication.

25 (END)

DN Note

-0320/eln
RET: King

DN de

Manjee Wong!

We have not provided a copy of this redraft to

OUR.

RET

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

LRB-0320/4dn
RCT:kmg:km

January 10, 2001

Maynee Wong:

We have not provided a copy of this redraft to DNR.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.state.wi.us

Tradewell, Becky

From: Wong, Manyee
Sent: Friday, January 12, 2001 4:45 PM
To: Tradewell, Becky
Subject: Dry Cleaner Response Program

Hi Becky,

The Governor denied some of the statutory requests in the Dry Cleaner Response Program. They include:

- ✓ ~~The license penalty fee - up from \$5 to \$25~~
- ✓ The eligibility clarification - allow reimbursement for cleanup of discharges caused by a supplier of dry cleaner solvents that occurred prior to October 1997
- ✓ Multiple Responsible Parties - require that only one applicant may apply per facility and per response action.
 - Clarify definition of Ownership - change to include past and present owners and operators

Please take them out of the overall dry cleaner program changes draft.

Thanks.
Manyee



State of Wisconsin
2001 - 2002 LEGISLATURE

SO ON

LRB-0320/5
RCT&JK:kmg:km
rmy

DOA:.....Wong - Dry cleaner program changes

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

1 AN ACT ^{DON'T GEN. CAT.} relating to: the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP

Under current law, DNR administers the dry cleaner environmental response program (DERP) which provides reimbursement for a portion of the costs of responding to discharges of dry cleaning solvents from dry cleaning facilities. DERP is funded by dry cleaning license and solvent fees which are paid by owners and operators of dry cleaning facilities. Under this bill, DERP provides reimbursement for the costs of responding to discharges of other kinds of dry cleaning products, in addition to solvents.

Under current law, the deductible under DERP generally ranges from \$10,000 to \$76,000, depending on the amount of eligible costs. However, for a dry cleaning facility that has closed before the owner or operator applies under DERP, the deductible is increased by an amount equal to 30 times the average license fee for the year in which the award is made and an amount equal to the average amount of solvent fees paid by operating dry cleaning facilities for that year. This bill eliminates the higher deductible for closed dry cleaning facilities.

~~Under current law, owners and operators are eligible for reimbursement under DERP. An owner is either: 1) a person who owns property on which a licensed dry cleaning facility is located or on which a dry cleaning facility that has ceased operation, but that was licensed before it ceased operation, is located; or 2) a person~~

who owns, or has possession or control of, or who receives or received consideration from the operation of, a licensed dry cleaning facility or a closed dry cleaning facility. If the dry cleaning facility was closed on or after October 14, 1997, it must have been licensed before it was closed. An operator is a person who holds a license from DOR for a dry cleaning facility or a person who operated a dry cleaning facility that closed before October 14, 1997.

This bill changes eligibility for DERP by changing the definitions of "owner" and "operator." Under this bill, "owner" includes a person who formerly owned a dry cleaning facility or who formerly owned land on which a dry cleaning facility is located and "operator" includes a person who formerly held the license for a dry cleaning facility.

Currently under DERP, the owner or operator of a dry cleaning facility on which construction began after October 4, 1997, is required to have implemented five specified pollution prevention measures. This requirement does not generally apply to older dry cleaning facilities. Under this bill, beginning one year after this bill takes effect, all dry cleaning facilities must have implemented three of the pollution prevention requirements in order to be eligible under DERP.

Currently, the owner or operator of a dry cleaning facility is not eligible under DERP if the discharge of dry cleaning solvent was caused by a person who provided services or products to the owner or operator. This bill changes that provision so that it only applies if the provider caused the discharge after October 14, 1997.

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Under a part of DERP, the owners of certain dry cleaning facilities are eligible for reimbursement for the costs of preliminary site screening and interim remedial equipment to begin the cleanup of dry cleaning discharges before the completion of full-site investigations and clean-up plans. Under this part of the program, the reimbursement for preliminary site screening and interim remedial equipment is 50% of the eligible costs, but not more than \$20,000, of which not more than \$3,000 may be for the cost of the preliminary site screening. This bill eliminates the part of DERP relating to preliminary site screening and interim remedial equipment.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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24 ~~hydrocarbon-based solvent~~ any dry cleaning product sold, other than

1 perchloroethylene. The fees for the previous 3 months are due on January 25, April
2 25, July 25, and October 25.

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5 292.65 (1) DEFINITIONS. (intro.) In this section ~~and s. 292.66~~:

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24 contain or remove discharged dry cleaning solvent product, or remove contaminated
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7 actions are being planned.

8 **SECTION 14.** 292.65 (1) (h) 1. of the statutes is amended to read:

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10 a dry cleaning facility.

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13 of, and who receives or received direct or indirect consideration from the operation
14 of, any of the following:

15 **SECTION 16.** 292.65 (1) (i) 3. (intro.) of the statutes is amended to read:

16 292.65 (1) (i) 3. (intro.) A person who owns or owned the property on which one
17 of the following is located:

18 **SECTION 17.** 292.65 (4) (b) of the statutes is amended to read:

19 292.65 (4) (b) *Report.* An owner or operator shall report a dry cleaning solvent
20 product discharge to the department in a timely manner, as provided in s. 292.11.

21 **SECTION 18.** 292.65 (4) (e) of the statutes is amended to read:

22 292.65 (4) (e) *Investigation.* After notifying the department under par. (c) 1.,
23 if applicable, and before conducting remedial action activities, an owner or operator
24 shall complete an investigation to determine the extent of environmental impact of
25 the dry cleaning solvent product discharge, except as provided in pars. (g) and (h).

SECTION 19

1 **SECTION 19.** 292.65 (4) (h) of the statutes is repealed and recreated to read:

2 292.65 (4) (h) *Interim action.* An owner or operator is not required to complete
3 an investigation or prepare a remedial action plan before conducting an interim
4 action activity if the department determines that an interim action is necessary.

5 **SECTION 20.** 292.65 (4) (i) of the statutes is amended to read:

6 292.65 (4) (i) *Review of site investigation and remedial action plan.* The
7 department shall, at the request of an owner or operator, review the site
8 investigation results and the remedial action plan and advise the owner or operator
9 on the adequacy of the proposed remedial action activities in meeting the
10 requirements of this section. The department shall complete the review of the site
11 investigation and remedial action plan within 45 days. The department shall also
12 provide an estimate of when funding will be available to pay an award for remedial
13 action conducted in response to the dry cleaning solvent product discharge.

14 **SECTION 21.** 292.65 (4) (j) (intro.) and 1. of the statutes are amended to read:

15 292.65 (4) (j) *Remedial action.* (intro.) The owner or operator shall conduct all
16 remedial action activities that are required under this section in response to the dry
17 cleaning solvent product discharge, including all of the following:

18 1. Recovering any recoverable dry cleaning solvent product from the
19 environment.

20 **SECTION 22.** 292.65 (5) (b) (intro.) of the statutes is amended to read:

21 292.65 (5) (b) (intro.) An owner or operator who is required to implement
22 enhanced pollution prevention measures under par. (a) shall demonstrate all of the
23 following:

24 **SECTION 23.** 292.65 (5) (b) 1. of the statutes is amended to read:

1 292.65 (5) (b) 1. That the owner or operator manages all wastes that are
2 generated at the dry cleaning facility and that contain dry cleaning solvent product
3 as hazardous wastes in compliance with ch. 291 and 42 USC 6901 to 6991i.

4 **SECTION 24.** 292.65 (5) (b) 1. of the statutes, as affected by 2001 Wisconsin Act
5 (this act), is renumbered 292.65 (5) (c) 1.

6 **SECTION 25.** 292.65 (5) (b) 2. of the statutes is amended to read:

7 292.65 (5) (b) 2. That the dry cleaning facility does not discharge dry cleaning
8 solvent product or wastewater from dry cleaning machines into any sanitary sewer
9 or septic tank or into the waters of this state.

10 **SECTION 26.** 292.65 (5) (b) 2. of the statutes, as affected by 2001 Wisconsin Act
11 (this act), is renumbered 292.65 (5) (c) 2.

12 **SECTION 27.** 292.65 (5) (b) 3. of the statutes is amended to read:

13 292.65 (5) (b) 3. That each machine or other piece of equipment in which dry
14 cleaning solvent product is used, or the entire area in which those machines or pieces
15 of equipment are located, is surrounded by a containment dike or other containment
16 structure that is able to contain any leak, spill, or other release of dry cleaning
17 solvent product from the machines or other pieces of equipment.

18 **SECTION 28.** 292.65 (5) (b) 4. of the statutes is amended to read:

19 292.65 (5) (b) 4. That the floor within any area surrounded by a dike or other
20 containment structure under subd. 3. is sealed or is otherwise impervious to dry
21 cleaning solvent product.

22 **SECTION 29.** 292.65 (5) (b) 5. of the statutes is amended to read:

23 292.65 (5) (b) 5. That ~~all dry cleaning solvent is~~ any perchloroethylene
24 delivered to the dry cleaning facility is delivered by means of a closed, direct-coupled
25 delivery system.

SECTION 30

1 **SECTION 30.** 292.65 (5) (b) 5. of the statutes, as affected by 2001 Wisconsin Act
2 (this act), is renumbered 292.65 (5) (c) 3.

3 **SECTION 31.** 292.65 (5) (c) (intro.) of the statutes is created to read:

4 292.65 (5) (c) The owner or operator of a dry cleaning facility is not eligible for
5 an award under this section unless the owner or operator has implemented the
6 following enhanced pollution prevention measures:

7 **SECTION 32.** 292.65 (7) (a) (intro.) of the statutes is amended to read:

8 292.65 (7) (a) *General.* (intro.) Subject to pars. (c), (ce), (cm), and (d), eligible
9 costs for an award under this section include reasonable and necessary costs paid
10 incurred by the owner or operator of a dry cleaning facility because of a discharge of
11 dry cleaning product at the dry cleaning facility for the following items only:

12 **SECTION 33.** 292.65 (7) (a) 2. of the statutes is amended to read:

13 292.65 (7) (a) 2. Investigation and assessment of contamination caused by a dry
14 cleaning solvent product discharge from a dry cleaning facility.

15 **SECTION 34.** 292.65 (7) (a) 8. of the statutes is amended to read:

16 292.65 (7) (a) 8. Maintenance of equipment for dry cleaning solvent product
17 recovery performed as part of remedial action activities.

18 **SECTION 35.** 292.65 (7) (a) 13. of the statutes is repealed.

19 **SECTION 36.** 292.65 (7) (c) 3. of the statutes is amended to read:

20 292.65 (7) (c) 3. Other costs that the department determines to be associated
21 with, but not integral to, the investigation and remediation of a dry cleaning solvent
22 product discharge from a dry cleaning facility.

23 **SECTION 37.** 292.65 (7) (d) of the statutes is amended to read:

24 292.65 (7) (d) *Discharges from multiple activities.* If hazardous substances are
25 discharged at a dry cleaning facility as a result of dry cleaning operations and as a

1 result of other activities, eligible costs under this section are limited to activities
2 necessitated by the discharge of dry cleaning ~~solvent~~ product.

3 **SECTION 38.** 292.65 (8) (a) (intro.) of the statutes is amended to read:

4 292.65 (8) (a) *Application.* (intro.) An owner or operator shall submit an
5 application on a form provided by the department. An owner or operator may not
6 submit an application before September 1, 1998. An owner or operator may not
7 submit an application after August 30, ~~2003~~ 2005, if the application relates to a dry
8 cleaning facility that ceased to operate before September 1, 1998. An owner or
9 operator may not submit an application after August 20, 2008, if the application
10 relates to any other dry cleaning facility. The department shall authorize owners and
11 operators to apply for awards at stages in the process under sub. (4) that the
12 department specifies by rule. An application shall include all of the following
13 documentation of activities, plans, and expenditures associated with the eligible
14 costs incurred because of a dry cleaning ~~solvent~~ product discharge from a dry
15 cleaning facility:

16 **SECTION 39.** 292.65 (8) (d) 7. of the statutes is amended to read:

17 292.65 (8) (d) 7. The applicant has not paid all of the fees under ss. 77.9961,
18 and 77.9962 ~~and 77.9963~~.

19 **SECTION 40.** 292.65 (8) (d) 8. of the statutes is amended to read:

20 292.65 (8) (d) 8. The dry cleaning ~~solvent~~ product discharge was caused ~~after~~
21 ~~October 14, 1997~~ by a person who provided services or products to the owner or
22 operator or to a prior owner or operator of the dry cleaning facility, including a person
23 who provided perchloroethylene to the owner or operator or prior owner or operator
24 of a dry cleaning facility using a system other than a closed, direct-coupled delivery
25 system.

1 **SECTION 41.** 292.65 (8) (d) 9. of the statutes is created to read:

2 292.65 (8) (d) 9. The department previously received an application from a
3 person other than the applicant with respect to the same stage of the remedial action
4 to which the application relates.

5 **SECTION 42.** 292.65 (8) (e) 1. of the statutes is renumbered 292.65 (8) (e), and
6 292.65 (8) (e) (intro.), as renumbered, is amended to read:

7 292.65 (8) (e) *Deductible.* (intro.) The department may reimburse the owner
8 or operator of a dry cleaning facility that is operating at the time that the owner or
9 operator applies under par. (a) only for eligible costs incurred at each dry cleaning
10 facility that exceed the following deductible:

11 **SECTION 43.** 292.65 (8) (e) 3. of the statutes is repealed.

12 **SECTION 44.** 292.65 (11) of the statutes is amended to read:

13 292.65 (11) ENVIRONMENTAL FUND REIMBURSEMENT. If the department expends
14 funds from the environmental fund under s. 292.11 (7) (a) or 292.31 (3) (b) because
15 of a discharge of dry cleaning solvent product at a dry cleaning facility, the
16 department shall transfer from the appropriation account under s. 20.370 (6) (eq) to
17 the environmental fund an amount equal to the amount expended under s. 292.11
18 (7) (a) or 292.31 (3) (b). The department shall make transfers under this subsection
19 when the department determines that sufficient funds are available in the
20 appropriation account under s. 20.370 (6) (eq).

21 **SECTION 45.** 292.65 (13) of the statutes is amended to read:

22 292.65 (13) COUNCIL. The dry cleaner environmental response council shall
23 advise the department concerning the ~~programs~~ program under this section and s.
24 292.66. The dry cleaner environmental response council shall evaluate the program
25 under this section at least every 5 years, using criteria developed by the council.

1 **SECTION 46.** 292.66 of the statutes is repealed.

2 **SECTION 47.** 292.99 (1m) of the statutes is amended to read:

3 292.99 (1m) Any person who violates s. 292.65 (12m) or ~~292.66 (5)~~ shall forfeit
4 not less than \$10 nor more than \$10,000.

5 **SECTION 9137. Nonstatutory provisions; natural resources.**

6 (1) DRY CLEANER ENVIRONMENTAL RESPONSE PROGRAM DEDUCTIBLE. The
7 department of natural resources shall identify any award made under section 292.65
8 of the statutes using the deductible under section 292.65 (8) (e) 3., 1999 stats., and
9 recalculate the award using the deductible under section 292.65 (8) (e) of the
10 statutes, as affected by this act. Before July 1, 2002, the department shall pay to the
11 recipient the difference between the amount of the original award and the amount
12 as recalculated under this subsection.

13 **SECTION 9344. Initial applicability; revenue.**

14 (1) DRY CLEANING PRODUCTS FEE. The treatment of sections 77.996 (3), 77.9962,
15 77.9963, and 292.65 (8) (d) 7. of the statutes first applies to fees that are due on
16 January 25, 2002.

17 **SECTION 9437. Effective dates; natural resources.**

18 (1) DRY CLEANER POLLUTION PREVENTION. The treatment of section 292.65 (5) (c)
19 (intro.) of the statutes and the renumbering of section 292.65 (5) (b) 1., 2., and 5. of
20 the statutes take effect on first day of the 13th month beginning after publication.

21 (END)



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0320/5
RCT&JK:kmg:kjf

DOA:.....Wong - Dry cleaner program changes

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP

Under current law, DNR administers the dry cleaner environmental response program (DERP) which provides reimbursement for a portion of the costs of responding to discharges of dry cleaning solvents from dry cleaning facilities. DERP is funded by dry cleaning license and solvent fees which are paid by owners and operators of dry cleaning facilities. Under this bill, DERP provides reimbursement for the costs of responding to discharges of other kinds of dry cleaning products, in addition to solvents.

Under current law, the deductible under DERP generally ranges from \$10,000 to \$76,000, depending on the amount of eligible costs. However, for a dry cleaning facility that has closed before the owner or operator applies under DERP, the deductible is increased by an amount equal to 30 times the average license fee for the year in which the award is made and an amount equal to the average amount of solvent fees paid by operating dry cleaning facilities for that year. This bill eliminates the higher deductible for closed dry cleaning facilities.

Currently under DERP, the owner or operator of a dry cleaning facility on which construction began after October 4, 1997, is required to have implemented five specified pollution prevention measures. This requirement does not generally apply to older dry cleaning facilities. Under this bill, beginning one year after this bill takes

effect, all dry cleaning facilities must have implemented three of the pollution prevention requirements in order to be eligible under DERP.

Under a part of DERP, the owners of certain dry cleaning facilities are eligible for reimbursement for the costs of preliminary site screening and interim remedial equipment to begin the cleanup of dry cleaning discharges before the completion of full-site investigations and clean-up plans. Under this part of the program, the reimbursement for preliminary site screening and interim remedial equipment is 50% of the eligible costs, but not more than \$20,000, of which not more than \$3,000 may be for the cost of the preliminary site screening. This bill eliminates the part of DERP relating to preliminary site screening and interim remedial equipment.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 20.370 (2) (eq) of the statutes is amended to read:

2 20.370 (2) (eq) *Solid waste management — dry cleaner environmental response.*

3 From the dry cleaner environmental response fund, the amounts in the schedule for
4 review of remedial action under ~~ss. s. 292.65 and 292.66.~~

5 **SECTION 2.** 20.370 (6) (eq) of the statutes is amended to read:

6 20.370 (6) (eq) *Environmental aids — dry cleaner environmental response.*

7 Biennially, from the dry cleaner environmental response fund, the amounts in the
8 schedule for financial assistance under ~~ss. s. 292.65 and 292.66~~ and to make
9 transfers required under s. 292.65 (11).

10 **SECTION 3.** 20.370 (9) (nq) of the statutes is amended to read:

11 20.370 (9) (nq) *Aids administration — dry cleaner environmental response.*

12 From the dry cleaner environmental response fund, the amounts in the schedule to
13 administer ~~ss. s. 292.65 and 292.66.~~

14 **SECTION 4.** 77.996 (2) (intro.) of the statutes is amended to read:

1 77.996 (2) (intro.) “Dry cleaning facility” means a facility that dry cleans
2 apparel or household fabrics for the general public using a dry cleaning product,
3 other than the following facilities:

4 **SECTION 5.** 77.996 (3) of the statutes is amended to read:

5 77.996 (3) “Dry cleaning ~~solvent~~ product” means a ~~chlorine based or~~
6 ~~hydrocarbon based formulation or product that is used as a primary cleaning agent~~
7 ~~in dry cleaning facilities~~ hazardous substance used to clean apparel or household
8 fabrics, except a hazardous substance used to launder apparel or household
9 products.

10 **SECTION 6.** 77.9962 of the statutes is amended to read:

11 **77.9962 Dry cleaning solvents products fee.** There is imposed on each
12 person who sells a dry cleaning ~~solvent~~ product to a dry cleaning facility a fee equal
13 to \$5 per gallon of perchloroethylene sold and 75 cents per gallon of ~~a~~
14 ~~hydrocarbon based solvent~~ any dry cleaning product sold, other than
15 perchloroethylene. The fees for the previous 3 months are due on January 25, April
16 25, July 25, and October 25.

17 **SECTION 7.** 77.9963 of the statutes is repealed.

18 **SECTION 8.** 292.65 (1) (intro.) of the statutes is amended to read:

19 292.65 (1) DEFINITIONS. (intro.) In this section and s. 292.66:

20 **SECTION 9.** 292.65 (1) (b) of the statutes is amended to read:

21 292.65 (1) (b) “Case closure letter” means a letter provided by the department
22 that states that, based on information available to the department, no further
23 remedial action is necessary with respect to a dry cleaning ~~solvent~~ product discharge.

24 **SECTION 10.** 292.65 (1) (d) (intro.) of the statutes is amended to read:

1 292.65 (1) (d) (intro.) “Dry cleaning facility” means a facility for dry cleaning
2 apparel or household fabrics for the general public using a dry cleaning product,
3 other than a facility that is one of the following:

4 **SECTION 11.** 292.65 (1) (e) of the statutes is amended to read:

5 292.65 (1) (e) “Dry cleaning ~~solvent product~~” means a ~~ehlorine-based or~~
6 ~~hydrocarbon-based formulation or product that is used as a primary cleaning agent~~
7 ~~in dry cleaning facilities~~ hazardous substance used to clean apparel or household
8 fabrics, except for a hazardous substance used to launder apparel or household
9 fabrics.

10 **SECTION 12.** 292.65 (1) (gm) of the statutes is amended to read:

11 292.65 (1) (gm) “Immediate action” means a remedial action that is taken
12 within a short time after a discharge of dry cleaning solvent product occurs, or after
13 the discovery of a discharge of dry cleaning solvent product, to halt the discharge,
14 contain or remove discharged dry cleaning solvent product, or remove contaminated
15 soil or water in order to restore the environment to the extent practicable and to
16 minimize the harmful effects of the discharge to air, lands, and waters of the state
17 and to eliminate any imminent threat to public health, safety, or welfare.

18 **SECTION 13.** 292.65 (1) (gs) of the statutes is created to read:

19 292.65 (1) (gs) “Interim action” means a remedial action that is taken to contain
20 or stabilize a discharge of a dry cleaning product, in order to minimize any threats
21 to public health, safety, or welfare or to the environment, while other remedial
22 actions are being planned.

23 **SECTION 14.** 292.65 (4) (b) of the statutes is amended to read:

24 292.65 (4) (b) *Report.* An owner or operator shall report a dry cleaning solvent
25 product discharge to the department in a timely manner, as provided in s. 292.11.

1 **SECTION 15.** 292.65 (4) (e) of the statutes is amended to read:

2 292.65 (4) (e) *Investigation.* After notifying the department under par. (c) 1.,
3 if applicable, and before conducting remedial action activities, an owner or operator
4 shall complete an investigation to determine the extent of environmental impact of
5 the dry cleaning solvent product discharge, except as provided in pars. (g) and (h).

6 **SECTION 16.** 292.65 (4) (h) of the statutes is repealed and recreated to read:

7 292.65 (4) (h) *Interim action.* An owner or operator is not required to complete
8 an investigation or prepare a remedial action plan before conducting an interim
9 action activity if the department determines that an interim action is necessary.

10 **SECTION 17.** 292.65 (4) (i) of the statutes is amended to read:

11 292.65 (4) (i) *Review of site investigation and remedial action plan.* The
12 department shall, at the request of an owner or operator, review the site
13 investigation results and the remedial action plan and advise the owner or operator
14 on the adequacy of the proposed remedial action activities in meeting the
15 requirements of this section. The department shall complete the review of the site
16 investigation and remedial action plan within 45 days. The department shall also
17 provide an estimate of when funding will be available to pay an award for remedial
18 action conducted in response to the dry cleaning solvent product discharge.

19 **SECTION 18.** 292.65 (4) (j) (intro.) and 1. of the statutes are amended to read:

20 292.65 (4) (j) *Remedial action.* (intro.) The owner or operator shall conduct all
21 remedial action activities that are required under this section in response to the dry
22 cleaning solvent product discharge, including all of the following:

23 1. Recovering any recoverable dry cleaning solvent product from the
24 environment.

25 **SECTION 19.** 292.65 (5) (b) (intro.) of the statutes is amended to read:

1 292.65 (5) (b) (intro.) An owner or operator who is required to implement
2 enhanced pollution prevention measures under par. (a) shall demonstrate all of the
3 following:

4 **SECTION 20.** 292.65 (5) (b) 1. of the statutes is amended to read:

5 292.65 (5) (b) 1. That the owner or operator manages all wastes that are
6 generated at the dry cleaning facility and that contain dry cleaning solvent product
7 as hazardous wastes in compliance with ch. 291 and 42 USC 6901 to 6991i.

8 **SECTION 21.** 292.65 (5) (b) 1. of the statutes, as affected by 2001 Wisconsin Act
9 (this act), is renumbered 292.65 (5) (c) 1.

10 **SECTION 22.** 292.65 (5) (b) 2. of the statutes is amended to read:

11 292.65 (5) (b) 2. That the dry cleaning facility does not discharge dry cleaning
12 solvent product or wastewater from dry cleaning machines into any sanitary sewer
13 or septic tank or into the waters of this state.

14 **SECTION 23.** 292.65 (5) (b) 2. of the statutes, as affected by 2001 Wisconsin Act
15 (this act), is renumbered 292.65 (5) (c) 2.

16 **SECTION 24.** 292.65 (5) (b) 3. of the statutes is amended to read:

17 292.65 (5) (b) 3. That each machine or other piece of equipment in which dry
18 cleaning solvent product is used, or the entire area in which those machines or pieces
19 of equipment are located, is surrounded by a containment dike or other containment
20 structure that is able to contain any leak, spill, or other release of dry cleaning
21 solvent product from the machines or other pieces of equipment.

22 **SECTION 25.** 292.65 (5) (b) 4. of the statutes is amended to read:

23 292.65 (5) (b) 4. That the floor within any area surrounded by a dike or other
24 containment structure under subd. 3. is sealed or is otherwise impervious to dry
25 cleaning solvent product.

1 **SECTION 26.** 292.65 (5) (b) 5. of the statutes is amended to read:

2 292.65 (5) (b) 5. That ~~all dry cleaning solvent~~ is any perchloroethylene
3 delivered to the dry cleaning facility is delivered by means of a closed, direct-coupled
4 delivery system.

5 **SECTION 27.** 292.65 (5) (b) 5. of the statutes, as affected by 2001 Wisconsin Act
6 (this act), is renumbered 292.65 (5) (c) 3.

7 **SECTION 28.** 292.65 (5) (c) (intro.) of the statutes is created to read:

8 292.65 (5) (c) The owner or operator of a dry cleaning facility is not eligible for
9 an award under this section unless the owner or operator has implemented the
10 following enhanced pollution prevention measures:

11 **SECTION 29.** 292.65 (7) (a) (intro.) of the statutes is amended to read:

12 292.65 (7) (a) *General.* (intro.) Subject to pars. (c), (ce), (cm), and (d), eligible
13 costs for an award under this section include reasonable and necessary costs ~~paid~~
14 incurred by the owner or operator of a dry cleaning facility because of a discharge of
15 dry cleaning product at the dry cleaning facility for the following items only:

16 **SECTION 30.** 292.65 (7) (a) 2. of the statutes is amended to read:

17 292.65 (7) (a) 2. Investigation and assessment of contamination caused by a dry
18 cleaning ~~solvent~~ product discharge from a dry cleaning facility.

19 **SECTION 31.** 292.65 (7) (a) 8. of the statutes is amended to read:

20 292.65 (7) (a) 8. Maintenance of equipment for dry cleaning ~~solvent~~ product
21 recovery performed as part of remedial action activities.

22 **SECTION 32.** 292.65 (7) (a) 13. of the statutes is repealed.

23 **SECTION 33.** 292.65 (7) (c) 3. of the statutes is amended to read:

1 292.65 (7) (c) 3. Other costs that the department determines to be associated
2 with, but not integral to, the investigation and remediation of a dry cleaning solvent
3 product discharge from a dry cleaning facility.

4 **SECTION 34.** 292.65 (7) (d) of the statutes is amended to read:

5 292.65 (7) (d) *Discharges from multiple activities.* If hazardous substances are
6 discharged at a dry cleaning facility as a result of dry cleaning operations and as a
7 result of other activities, eligible costs under this section are limited to activities
8 necessitated by the discharge of dry cleaning solvent product.

9 **SECTION 35.** 292.65 (8) (a) (intro.) of the statutes is amended to read:

10 292.65 (8) (a) *Application.* (intro.) An owner or operator shall submit an
11 application on a form provided by the department. An owner or operator may not
12 submit an application before September 1, 1998. An owner or operator may not
13 submit an application after August 30, 2003 2005, if the application relates to a dry
14 cleaning facility that ceased to operate before September 1, 1998. An owner or
15 operator may not submit an application after August 20, 2008, if the application
16 relates to any other dry cleaning facility. The department shall authorize owners and
17 operators to apply for awards at stages in the process under sub. (4) that the
18 department specifies by rule. An application shall include all of the following
19 documentation of activities, plans, and expenditures associated with the eligible
20 costs incurred because of a dry cleaning solvent product discharge from a dry
21 cleaning facility:

22 **SECTION 36.** 292.65 (8) (d) 7. of the statutes is amended to read:

23 292.65 (8) (d) 7. The applicant has not paid all of the fees under ss. 77.9961,
24 and 77.9962 and ~~77.9963~~.

25 **SECTION 37.** 292.65 (8) (d) 8. of the statutes is amended to read:

1 292.65 (8) (d) 8. The dry cleaning solvent product discharge was caused by a
2 person who provided services or products to the owner or operator or to a prior owner
3 or operator of the dry cleaning facility, including a person who provided
4 perchloroethylene to the owner or operator or prior owner or operator of a dry
5 cleaning facility using a system other than a closed, direct-coupled delivery system.

6 **SECTION 38.** 292.65 (8) (e) 1. of the statutes is renumbered 292.65 (8) (e), and
7 292.65 (8) (e) (intro.), as renumbered, is amended to read:

8 292.65 (8) (e) *Deductible.* (intro.) The department may reimburse the owner
9 or operator of a dry cleaning facility ~~that is operating at the time that the owner or~~
10 ~~operator applies under par. (a) only~~ for eligible costs incurred at each dry cleaning
11 facility that exceed the following deductible:

12 **SECTION 39.** 292.65 (8) (e) 3. of the statutes is repealed.

13 **SECTION 40.** 292.65 (11) of the statutes is amended to read:

14 292.65 (11) ENVIRONMENTAL FUND REIMBURSEMENT. If the department expends
15 funds from the environmental fund under s. 292.11 (7) (a) or 292.31 (3) (b) because
16 of a discharge of dry cleaning solvent product at a dry cleaning facility, the
17 department shall transfer from the appropriation account under s. 20.370 (6) (eq) to
18 the environmental fund an amount equal to the amount expended under s. 292.11
19 (7) (a) or 292.31 (3) (b). The department shall make transfers under this subsection
20 when the department determines that sufficient funds are available in the
21 appropriation account under s. 20.370 (6) (eq).

22 **SECTION 41.** 292.65 (13) of the statutes is amended to read:

23 292.65 (13) COUNCIL. The dry cleaner environmental response council shall
24 advise the department concerning the programs program under this section ~~and s.~~

1 ~~292.66.~~ The dry cleaner environmental response council shall evaluate the program
2 under this section at least every 5 years, using criteria developed by the council.

3 **SECTION 42.** 292.66 of the statutes is repealed.

4 **SECTION 43.** 292.99 (1m) of the statutes is amended to read:

5 292.99 (1m) Any person who violates s. 292.65 (12m) ~~or 292.66 (5)~~ shall forfeit
6 not less than \$10 nor more than \$10,000.

7 **SECTION 9137. Nonstatutory provisions; natural resources.**

8 (1) DRY CLEANER ENVIRONMENTAL RESPONSE PROGRAM DEDUCTIBLE. The
9 department of natural resources shall identify any award made under section 292.65
10 of the statutes using the deductible under section 292.65 (8) (e) 3., 1999 stats., and
11 recalculate the award using the deductible under section 292.65 (8) (e) of the
12 statutes, as affected by this act. Before July 1, 2002, the department shall pay to the
13 recipient the difference between the amount of the original award and the amount
14 as recalculated under this subsection.

15 **SECTION 9344. Initial applicability; revenue.**

16 (1) DRY CLEANING PRODUCTS FEE. The treatment of sections 77.996 (3), 77.9962,
17 77.9963, and 292.65 (8) (d) 7. of the statutes first applies to fees that are due on
18 January 25, 2002.

19 **SECTION 9437. Effective dates; natural resources.**

20 (1) DRY CLEANER POLLUTION PREVENTION. The treatment of section 292.65 (5) (c)
21 (intro.) of the statutes and the renumbering of section 292.65 (5) (b) 1., 2., and 5. of
22 the statutes take effect on first day of the 13th month beginning after publication.

23 (END)