

Summary of the Dry Cleaners Advisory Council/Rule-making Advisory Group
5/21/99

Attendees: Don Gallo, Joe Phillips, Donna Griesemer, Jim Cherwinka , Jim Fitzgerald, Jean Tarvin, John Robinson, Manyee Wong, Leslie Gauberti , Mark Putra, Kim McCutcheon, Pat McCutcheon, Robin Schmidt, Edwina Kavanaugh

The purpose of the meeting was to discuss comments received during the public comment period, which ended April 9, 1999. Robin reviewed the draft responsiveness summary, and the group talked in detail about the following issues.

1. Environmental Risk factors:

Mr. Gallo was concerned that we have a mechanism for identifying the highest need sites. While we remain uncertain about whether there will be more sites requesting interim actions than resources available, there could be an issue where there is not sufficient funds for reimbursement. To be consistent with the remedial portion of the reimbursement program, the group discussed incorporating the same classes of sites for interim actions as for remedial actions. That concept will be included in the next draft of the rule.

2. Interim measures

The group discussed the need for bidding for interim actions, consistent with remedial actions. There was concern by the group that because we aren't asking for competitive proposals, we'll end up with the consultants who have better marketing being the ones to get the project, rather than the firm with the best technical approach. Because there were informal discussions during the public comment period, this concept will be incorporated into the next draft of the rule..

3. Application frequency requirements

The rule limits submittal of claims to two claims per year. The group expressed concerns with the timing of the claims when a site is ready for closure. The group agreed that the final claim submitted after site closure has been granted can be submitted as soon as it is available, and will not be delayed if 2 claims have already been submitted within the past year..

4. Denial of applications for service providers and product suppliers

Significant discussions occurred regarding making distributors eligible for reimbursement under this program. The group discussed concerns about this exclusion resulting in frivolous lawsuits and significant legal fees. The industry offered a compromise solution as follows: all spills from service providers or product suppliers prior to 10/14/97 would be eligible, and rely on the liability insurance to cover any costs post that date. Robin agreed to take this compromise position to the Remediation and Redevelopment management team for discussion and agreement.

The group agreed to a conference call as a follow up to rule changes. Robin will get the rule changes out by June 10th, and the conference call will be held June 17th at 8:30 a.m. Robin will make arrangements for participants to be connected to the call, so they won't have phone charges, but they will need to get Robin a number they can be reached at for the call.