



## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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George E. Meyer, Secretary

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April 7, 1998

Mr. Darrell Hofland  
Village Administrator  
1971 Washington Street  
P.O. Box 125  
Grafton , WI 53024-0125

Subject: Municipal Landfill Pilot Program

Dear Mr. Hofland:

This letter is a follow up to George Meyer's October 7, 1997 letter to President Rodney Schroeder (attached), and our meeting of February 6<sup>th</sup>, 1998 regarding the Village of Grafton's potential participation in a pilot program to encourage participation in the Local Governmental Unit Negotiation & Cost Recovery Process under s. 292.35 Wis. Stats. (hereafter referred to as the Process). I have also attached a Department memo dated September 8, 1997 which approves the cost share pilot proposal. Please note that the approval memo does indicate that other communities may qualify for participation in the pilot, and that the Department will communicate with them to inform them of our intent to establish the pilot program. The October letter, and our February meeting confirms the Department's interest in the Village's participation in this effort.

The Landfill Proposal discussed in the September 8 memo includes two points. Point number 1 discusses expansion of the NR 700 rule series to include cost share provisions. This effort was delayed pending development of proposed legislation being considered this legislative session. This legislation subsequently stalled, and we anticipate legislative direction to study this matter further in the coming year. Point number 2 discusses establishing a pilot program for communities that participate in the Process. This pilot effort is proceeding with the three communities mentioned. The Village of Grafton was identified last fall as a possible participant in the pilot as well. We strongly encourage the Village to proceed with the Process. As we proceed with the initial three municipalities, we are developing a better understanding of how cost share funds can provide some meaningful incentive to communities in this process. Grafton's participation should be able to advance this understanding further.

In our February meeting the Village was very interested in the level of cost sharing that could be expected from the Department. This will need to be developed in concert with the overall remedial action plan, the progress of the Process at Grafton and proposed timing for actual implementation of the remedy. Another question raised at the meeting was the potential for the Department to seek cost recovery from non-participating potentially responsible parties (PRPs). The Department anticipates that the Process will



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include all viable PRPs. Nevertheless, the Department does retain its ability to pursue cost recovery or enforcement action against any responsible parties who do not comply with an agreement or recommendation under the Process. Those RPs may also be subject to cost recovery actions from settling PRPs as well.

Once again, the Department encourages the Village to proceed with the Local Governmental Unit Negotiation & Cost Recovery Process. Marie Stewart and I will continue to work with the Village as it proceeds through the process. If you have further questions or comments, please call me at 608-266-2699.

Sincerely,



Robert E. Strous Jr., Chief  
Fiscal & Program Evaluation Section  
Remediation & Redevelopment Program

cc: Mark Giesfeldt RR/3 w/o attachments  
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Michael Best & Friedrich with attachments