

Brownfields Study Group

May 11, 2017

10:00 a.m. – 3:00 p.m.

Training Room

Natural Resource Technology (An OBG Company)

234 W. Florida St. / 5th Floor

Milwaukee, WI

Conference Call Option: 1-855-947-8255 | Passcode: 6612 745#

ATTENDEES

Steve Ales – DNR

Brynn Bemis – City of Madison

Margaret Brunette – DNR

John Roberts – ERM

Christine Haag – DNR

Frank Dombrowski – WEC Energy Group

Tory Kress – RACM

Chris Valcheff – True North Consultants

Darsi Foss – DNR

Erica Lawson – Ramaker & Assoc.

Jodie Peotter – Ramaker & Assoc.

Sam Tobias – Fond du Lac County

Adam Gallagher – Dane County (phone)

Lynn Morgan – Waste Mgmt. (phone)

Barb LaMue – WI Econ. Dev. Corp. (phone)

Geoff Siemering – UW

Jennifer Buzacky – Private Citizen

Kristin Kurzka – Sigma

Jeanne Tarvin – Ramboll Environ

Judy Fassbender – DNR

Jay Karls – NRT/OBG

Mat Reimer – RACM

Tina Reese – The Reese Group

Dave Misky – RACM

Ben Peotter – Ayres Associates

Lanette Altenbach – AECOM

John Stibal – City of West Allis

Mary Panzer – Panzer Pub. Affairs (phone)

Adam Streiffer – WI DHS (phone)

John Robinson – DNR (phone)

10:00 Welcome and Agenda Repair (Misky/Thimke)

5 min

10:05 General Updates

100 min

1. Federal Budget (Foss)

05 min

Foss indicated that DNR has not received any information from EPA regarding potential impacts to federal funding as of yet. There is a budget for the remainder of Fiscal Year 2017 and it contains some proposed cuts that could affect brownfields. EPA has requested comments on the allocation formula used to determine 128(a) brownfields program grants; comments are due at the end May.

2. Clean Soil (Fassbender)

10 min

PowerPoint: Clean Soil.pdf

3. Program Fees (Foss)

30 min

The group discussed Program funding and potential funding sources in light of potential budget cuts.

4. State Legislation (Thimke)

15 min

Thimke discussed AB179. This proposed legislation is currently under consideration in the legislature, with a hearing scheduled for May 16 hearing around 1:00 p.m. Study Group members and others planning to offer

testimony include Mark Thimke, Dave Misky, Scott Wilson, Jay Karls (NRT) and Jeanne Tarvin (Ramboll Environ).

5. Closure Process (Foss)

10 min

Foss and Ales provided members with an update on the Program's consideration of modifying the closure process. DNR is considering the following:

- Updating the existing "closure reconsideration" option
- Clarifying RP options if DNR does not recommend closure
- Screening out sites earlier in the process if no site investigation report has been submitted
- Providing more opportunity to communicate directly with decision makers at DNR
- Offering face-to-face meetings
- Delaying label of "closure denial" until later
- Including Ch. 227 appeal rights at conclusion

6. "Red Dot" (Foss)

10 min

Foss discussed with the Group the Program's decision on how to identify and associate in the DNR's database offsite, affected properties to a site that is responsible for contamination. The Program historically identified those properties with "red dots" on the RR Sites Map. After recent consideration, it was decided that offsite properties will not be identified in this manner. Only source properties will be identified on RR Sites Map. In making this decision, the Program considered the real estate disclosure law and prior discussions with WRA regarding property owners' responsibility for determining when and what to disclose.

7. File Management (Haag)

10 min

Christine Haag provided the members with an update on the RR Program's efforts to scan and upload documents. Full case files, with exception of personally identifiable information, will be in BRRTS. A subset of that information will be available on BRRTS on the Web. BRRTS on the Web used to be part of what the Program called "CLEAN" (Contaminated Lands Environmental Action Network) along with RR Sites Map. That is now referred to as WRRD – The Wisconsin Remediation and Redevlopment Database.

8. PECFA (Haag)

10 min

Christine Haag gave members an update on the PECFA program. The program ran short of funds to reimbursement claims earlier this year due to the increase number of claims being submitted (because of the program ending in June 2020) and a requirement that claims for reimbursement are submitted to the program within 180 days of incurring the expense. The Joint Committee on Finance approved \$2.1 million in additional PECFA funds for the remainder of the current budget biennium. All claims that were on hold have been paid. Gov. Walker has proposed increased funding for the next two years by \$3.45 million. The Program will provide regular updates on the status of the program in its RR Reports or the new RR newsfeed.

11:45 Lender Subgroup Update (Thimke)

15 min

The lender liability subcommittee has been meeting every few months over this past year to review and discuss each section of the statutory lender liability provisions. The subcommittee is creating a chart to summarize the significant topics discussed by the subcommittee and whether the subcommittee believes further work is needed on any of these topics. A separate document is also in development that will summarize issues identified by the subcommittee to date associated with extending the liability exemption to wholly-owned subsidiaries of banks (i.e., LLCs.) The subcommittee determined that the LLC issue is

complicated and requires additional evaluation before a formal proposal can be developed. Both the summary chart and LLC documents will be posted on the DNR's BSG subcommittee pages when completed.

12:00 Lunch 60 min

1:00 Subgroup Updates 60 min

1. Sediment (Foss) 30 min

PowerPoint: Sediment.pdf

2. Soil (Fassbender) 30 min

PowerPoint: Soil.pdf

2:00 Technical Updates 30 min

1. PAH (Fassbender) 20 min

PowerPoint: PAH.pdf

2. Vapor Intrusion (Fassbender) 05 min

PowerPoint: PFAS & VI.pdf

3. PFOA/PFOS (Fassbender) 05 min

PowerPoint: PFAS & VI.pdf

2:30 Outreach Updates 15 min

1. Dr. Kathy Cramer Presentation (Thimke)

The presentation will take place at Foley & Lardner's office in Madison on June 1 at noon. Mark Thimke will take charge of arrangements.

2:45 Standing Items (Dave Misky/Mark Thimke) 15 min

1. WEDC Update (Berger)

Site Assessment Grant budget of \$1,000,000 is fully committed for the remainder of this year.

SAGs made in FY17 to: Alma, Ashland, Beaver Dam, Medford, Rhinelander, Oshkosh, Stoughton, Hartford, and Milwaukee County

Brownfield Grant budget of \$3,500,000 committed and supplemented by an additional \$855,000 from other WEDC funds also committed. FY17 projects in Milwaukee, Menomonee Falls, Germantown, Spooner, West Milwaukee, Cudahy, Ashwaubenon, two in Madison, Middleton, and Sheboygan.

At least two applications for brownfield funds that are in house are being carried over to FY18.

2. 2015 BSG Report Recommendations Update

Mark Thimke spoke to members and guests about making it easier to reestablish Wisconsin's manufacturing base by combining regulatory programs and efforts. He will request volunteers to assist with developing those ideas.

3. Next Meeting

Mark Thimke stressed to the group the importance of meeting in some other location than Madison or Milwaukee. The group will look for a location in the late summer.

3:00 Confirm Assignments & Adjourn (Thimke)

1. Volunteers needed for Clean Soil Subgroup (Judy Fassbender)
2. Members invited to attend Tuesday's Assembly hearing on AB179