

## Wisconsin Brownfields Study Group

February 9, 2018 | 10:00am – 3:15pm  
Wisconsin Dept. of Natural Resources  
101 S. Webster Street | Madison, WI | Room G-09

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

### Attendees

Dave Misky  
Margaret Brunette  
Kristin Kurzka  
Bernie Esselman  
Robert Langdon  
Scott Wilson  
Mick Skwarok  
Bart Sponseller  
Gail Good  
Kristin Hart  
Christine Haag  
Mark Thimke  
Geoff Siemering  
Laurie Parsons  
Darsi Foss

Pat Stevens  
Art Harrington  
Brynn Bemis  
Ben Peotter  
Jodie Peotter  
Ken Ebbott  
Lanette Altenbach  
Molly Schmidt  
Jackie Mich  
Wendy McGown  
Frank Dombrowski  
Nancy Peterson  
Lori Huntoon  
Mary Panzer  
John Antaramian

Ned Witte  
Daniel Narvey  
**Via Phone:**  
Jennifer Buzicky  
John Stibal  
Donna Volk  
Judy Fassbender  
Alyssa Sellwood  
Nancy Frank  
Karen Dettmer  
Bob Pearson  
Lynn Morgan  
Bill Scott  
Barb LaMue  
Mat Reimer

10:00 Welcome and Agenda Repair (Misky/Thimke) 5 min

10:05 2017 Wisconsin Act 70: Brownfields and Air Program (Thimke) 25 min  
With Pat Stevens, Bart Sponseller, Gail Good and Kristin Hart

The BSG included a proposal titled “Air Permit Certainty” in the 2015 BSG report to promote redevelopment of brownfields properties as new manufacturing sites by reducing cost and risk associated with air permitting. 2017 Wisconsin Act 70 included a provision directing DNR to implement a pilot program under which an owner/operator is not required to make changes to air pollution controls due to new or modified requirements (excepting those from federal Clean Air Act) for 10 years after DNR grants coverage.

Looking for volunteers to help develop this initiative and report to the Group (and the department) on the issue. Harrington, Thimke, Antaramian, Misky and Buzicky agreed to volunteer.  
Suggestion - send a mail piece to Green Tier companies to recruit for pilot projects.

10:30 Potential state funds for innocent landowners (Thimke) 30 min

2017 Assembly Bill 720 related to the responsibility of a property owner for discharge of a hazardous substance by another. A legislative committee asked the BSG for alternative solutions.

A sub-group is needed to examine the issue and make a recommendation. The following have volunteered:

- Geoff Siemering
- Brynn Bemis

- Scott Wilson
- Laurie Parsons
- Jennifer Buzacky
- John Antaramian

11:00 DNR Updates 60 min

Clean Fill (Fassbender) (**see Clean Fill PowerPoint presentation**)

Vapor Intrusion and RR-800 (Sellwood) (**see VIPPI PowerPoint presentation**)

Alyssa requested a small group to review the VIPPI tool box and plan. Volunteers include:

- Brynn Bemis
- Ben Peotter
- (Dave Misky remarked that someone from Milwaukee would participate)

NR 712 “Qualifications” (Foss)

“Old Dog” sites (Foss)

Federal Brownfields 128(a) Funding Update (Haag) (**see Funding 128a handout**)

Members suggested taking a couple steps to help shore up 128(a) funding. The Group plans to pen a letter to David Lloyd’s attention at EPA. Lynn Morgan also said that she would pen a note to Rep. Grothman about the issue.

12:00 Lunch 45 min

12:45 Umpire Process: Wis. Stat. § 292.35 (Schmidt/Witte) (**see Umpire Process PowerPoint**) 30 min

- Overview of “umpire” process
- Case study (with Ned Witte and Daniel Narvey)
- Lessons learned
- Expansion of concept to non-LGU sites?
- BSG Subgroup?

1:30 PFCs and VPLE (Fassbender/Haag)(copies of the RR Report story) 15 min

Staff provided a copy of the recent article that was published on the RR Report newsfeed website (<https://rr-report.blogs.govdelivery.com/>) (**see RR Report PFC Article**) regarding emerging contaminants. The Group’s opinion is that they are dealt with at VPLE sites like at any other site. However, PFAO/PFOS creates some uncertainty. For VPLE sites, some assurance from DNR that the VPLE covers these emerging contaminants would be helpful. Group requested that staff create some guidance on what industries may have used these compounds. There is an ad hoc team at DNR reviewing a matrix of compounds and industries. The DNR is also looking at lab methodology to test for certain compounds.

Judy Fassbender will provide a draft document of the product that staff is working on. Group suggested that this might be something to discuss with the NR 700 Focus Group.

1:45 Contaminated Sediment (Fassbender) (**see Sediment PowerPoint presentation**) 15 min

2:00 BSG Updates 45 min

Waterfront Redevelopment/Ch. 30 + NR 700 (Thimke)

Federal Legislation Update (Wilson)

- Tracked two House bills last year. Broad support for Brownfields funding. HR 3017 combined the best from several other bills; it easily passed the House and was given to Senate on 12/1/17.
- Opportunity Zones webinar.

Lender Subgroup – report out and recommendations (Thimke)  
Comments at next meeting

2:45 Legal Update/Act 21 (Thimke) 15 min

Staff agreed that the program would ask someone from DNR's Bureau of Legal Services to provide updates at next meeting.

3:00 Standing Items (Thimke/Misky) 15 min

WMC Update

WEDC Update (**see WEDC Update handout**)

BSG Membership and Structure Update

2015 BSG Report Recommendations Update

Next Regular Meeting - Location/Timeframe

Co-Chairs suggested another meeting to occur sometime before Memorial Day.

3:15 Confirm Assignments and Adjourn (Misky/Thimke)

- Send a letter to Green Tier companies re: Act 70 (DNR)
- Respond to state legislative committee regarding alternative to Assembly Bill 720 (BSG)
- Letter from the BSG to EPA re: support for 128(a) (BSG)
- Lynn Morgan - Letter to Rep. Grothman regarding 128(a) (BSG)
- Invite DNR's Bureau of Legal Services to next BSG meeting (DNR)
- Next meeting: Before Memorial Day. Possibly at the Blue Harbor Resort in Sheboygan on May 16.

**(Times are approximate)**