

## Wisconsin Brownfields Study Group

January 25, 2019 | 10:00am – 3:00pm  
Wisconsin DNR – GEF 2 Office Building, Room G-09  
101 S. Webster St., Madison

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

Karen Dettmer	City of Milwaukee	Rob Thibodeaux	DHS
Bruce Keyes	Foley & Lardner	Sarah Yang	DHS
Lee Bergquist	Milwaukee Journal	Judy Fassbender	DNR
Mary Christie	Pace Analytical	Jay Karls	Ramboll
Lanette Altenbach	AECOM	Laura Olah	CSWAB
Ken Ebbott	Fehr Graham	Maria Powell	Midwest EJ
Leah Ziemba	Michael Best	Frank Dombrowski	WEC Energy
Jodie Peotter	Tetra Tech	Phillip Bower	Husch Blackwell
Ben Peotter	Ayres Associates	Andrew Savagian	DNR
Eric Uram	Headwater LLC	Kenn Anderson	Aon
Tom Wolf	Public	Donna Volk	Ramboll
Alyssa Sellwood	TRC	Margaret Brunette	DNR
Marita Stollenwerk	TRC	Kristin Kurzka	Sigma Group
Jenna Soyer	DNR	Michael Prager	DNR
Nancy Frank	UW Milwaukee	Trent Kohl	GEI Consultants
Art Harrington	Godfrey & Kahn	Chris Valcheff	True North
Jennifer Buzucky	Public	Bernie Esselman	Test America Labs
Geoff Siemering	UW Madison	Jason Scott	WEDC
Scott Wilson	Ayres Associates	Mick Skwarok	DNR
Mark Thimke	Foley & Lardner	Nancy Peterson	Quarles & Brady
Dave Misky	City of Milwaukee	Kristin Schultheis	OTIE
Christine Haag	DNR	Via Phone:	
Bill Nelson	DNR	Lane Ruhland	WMC
Steve Ales	DNR	Lynn Morgan	Waste Management
Darsi Foss	DNR	Jeff LaMont	Public
Mary Panzer	Panzer Public Affairs	Laurie Parsons	OBG

10:00 **Welcome, Introductions and Agenda Repair (Misky/Thimke)** 10 min

10:10 **Grant Proposal for Brownfields Sites (Wilson/Thimke)** 15 min

Memo: [Innocent Landowner BSG Subcommittee Memo \(.pdf\)](#)

Mark Thimke and Scott Wilson met with Rep. Chris Taylor and her Chief of Staff on Dec. 3 to discuss the memo and funding proposal the “innocent purchaser” subcommittee produced in the summer/fall of 2018. She acknowledged that brownfield redevelopment receives bi-partisan support. She liked the BSG funding proposal and thought that it addressed the concern. She asked if the Study Group would be willing to assist the Legislature further, to which Scott responded “yes.” Rep. Taylor said she would send the memo to other legislators for support. Rep. Taylor mentioned that she would like Scott, Mark, and other Study Group members to meet with additional legislators to discuss BSG efforts. Mid-January, Sen. Andre Jacque contacted

(Times are approximate)

Mark Thimke. He wants to discuss the BSG memo. Mark and Scott intend to meet with Sen. Jacque in the next two weeks and report back to the BSG.

10:25 **Act 70 Pilot: Brownfields/Air Permitting/Green Tier (Thimke/Harrington)** 20 min

Presentation: [January 2019 BSG Presentation \(.pdf\)](#)

An Act 70 pilot proposal is moving along quickly. Waiting for final version of Air Permit to be issued. 7-10 days from 1/25/19. Study Group members or guests could help identify potential pilot projects.

10:45 **Updates to NR 700 Rules – 1/23/19 NRB, Scope, Timeline and Public Input (Haag)** 15 min

Presentation: [January 2019 BSG Presentation \(.pdf\)](#)

Discussed requirements of the rulemaking process and the need for why the RR Program is doing this. This involves a broad range of topics, but authority for rule changes is narrowly focused on specific sections. The first meeting to kick-off the rule development is on Tuesday, Feb. 5 from 10:00 a.m. to 1:00 p.m. in Rm. 513 at GEF 2 (Madison). Website for the rulemaking process: <https://dnr.wi.gov/topic/Brownfields/RuleChanges.html>

11:00 **VPLE Topics**

**DNR Update** (Haag/Foss)

15 min

DNR continues to have conversations with participants in VPLE program about emerging contaminants. People understand the need for state to manage risk and the interim decision to issue Certificates of Completion limited to the hazardous substances that have been investigated. The RR Program has done outreach on this issue (most recently, an [RR Report article on Jan. 4](#)) and has placed an “alert box” on the [Program’s VPLE web page](#). The Program is reviewing and compiling results from a survey that ASTSWMO sent to states on RR’s behalf. Thirty-two state programs responded with details on how their liability exemption program works, if they can provide exemptions for PFAS and under what situations their sites can be reopened.

**Study Group Update** (Thimke/Buzecky)

15 min

Presentation: [January 2019 BSG Presentation \(.pdf\)](#)

Mark discussed the VPLE issue from the BSG perspective. Gave some history of the discussions and the subcommittee that’s working on recommendations. Jennifer Buzecky is heading up that group and anyone interested in participating should [contact Jennifer](#). The Group recognizes and appreciates how effective the VPLE program has been for 18 years and is optimistic that there’s a solution to move forward in light of PFAS and other emerging chemicals.

11:30 **PFAS and Emerging Contaminants**

60 min

Darsi Foss, Christine Haag, Judy Fassbender and others from DNR programs recently met with the Minnesota Pollution Control Agency regarding PFAS issues. Group, staff and guests discussed potential magnitude of PFAS sites in Wisconsin. DNR talked about the agency strategy in addressing PFAS. Department of Health Services staff talked about their role in developing groundwater standards. Adrian Stocks with the Water Quality Program told the group that DNR will be working to establish water quality baselines on all the major watersheds and will collaborate with Fisheries to sample fish. RR will hold an advisory group meeting on February 22 to begin working through technical issues. The Office of Communication has an Emerging Contaminants / PFAS website (<https://dnr.wi.gov/topic/Contaminants/PFAS.html>). Information will be shared via future RR Reports, website and email to various recipients.

12:15 **Elizabeth Kluesner / Office of the Secretary**

15 min

Elizabeth Kluesner, the new DNR Deputy Secretary, introduced herself and talked about her experience working with the Study Group on brownfields in the early years and praised the work of the group.

12:30 Break

45 min

**1:15 DNR Updates**

60 min

Presentation: [January 2019 BSG Presentation \(.pdf\)](#)

**RR Year in Review**

Darsi Foss provided a snapshot of RR accomplishments in 2018, as detailed on the first page of the DNR Updates section of the presentation.

**Dry Cleaner Environmental Repair Fund (DERF)**

DERF has limited funding. The wait for reimbursement from DERF is around 5 years. Also, the problem of vapor intrusion issues at former dry cleaner sites is likely larger than is presently known/investigated.

**Exempt Soil Guidance**

Judy Fassbender informed the Group that the recently updated guidance – [RR 103](#) – is now available online.

**NR 712 Implementation**

[RR 081](#) was published online last December. Case closure form will soon be updated to reflect current language in NR 712 Wis. Admin. Code.

**Consultant's Day 2019**

No update. (Since then, it's been announced that Consultants' Day 2019 events have been postponed until next year.)

**RR Strategic Plan Update**

Presentation: [January 2019 BSG Presentation \(.pdf\)](#)

Notes and highlights in the presentation.

**Staffing / Funding**

RR Program currently has 19 vacancies. Six positions are unfunded. The program is authorized for 114.55 FTEs at \$6.9M salary.

Environmental Repair Fund – \$50M authorized; \$5.2M available

Contaminated Sediments - \$32M authorized; \$5.9M available (committed to existing projects)

Biennial budget for the PECFA program is \$15M. Paid through 12/31/18 is \$10,410,615. Available through 6/30/19 (end of fiscal year) is \$4,589,385. Average monthly reimbursement is \$578,368.

**New State Legislation**

Presentation: [January 2019 BSG Presentation \(.pdf\)](#)

Mark Timke explained the changes made by this new law to development and adoption of guidance by state agencies. The Group would like to provide input to the program as it determines its list of priority documents.

**2:15 EPA Brownfields Update and Realignment** (Grosshans)

15 min

Jon Grosshans – EPA Region 5 – was not at meeting due to partial government shutdown. Christine explained that EPA staff had previously informed them of some realignment efforts at EPA that would affect their brownfields staff. EPA brownfields grants deadline remains unchanged – January 31. (Group was not sure of this on 1/25. DNR confirmed date and shared with group/guests on 1/28.)

**2:30 BSG 2015 Report Accomplishments and New Initiatives** (Thimke/Misky/Keyes)

15 min

Bruce Keyes recognized that the group had accomplished a number of recommendations that it laid out in its 2015 report ([Investing in Wisconsin: Reducing Risk, Maximizing Return](#)). Encouraged Group that the document remains relevant and inspirational. The committee structure to address issues is working well and the Group will proceed with that. BSG meeting guests are encouraged to participate at the subcommittee level.

**2:45 Study Group Standing Items** (Co-Chairs and Members)

15 min

(Times are approximate)

**WMC Update:** Lane Ruhland is new WMC representative on the Study Group. Lane participated via phone earlier in the day but was obligated to attend a WMC Board meeting later in the day.

**WEDC Update:**

- With the departure of Kathryn Berger in Milwaukee, Jenny Kuderer in La Crosse and a transfer of position for Mary Perry (Milwaukee), Jason Scott provided an updated contact list for the WEDC regions. (WEDC REDD Territories.pdf)
- Fiscal year is ending June 30th, and applicants seeking this year's (FY19) funds must apply to the appropriate Regional Economic Development Director by April 1, 2019. Applications received after April 1 will be considered for FY20 funds.
- Fund balances:
  - SAG: \$1.3M budgeted, \$470,500 committed or currently in underwriting
  - BF: \$5M budgeted, \$2,593,900 committed or currently in underwriting
  - Idle Sites: \$1.5M budgeted, \$1.5M committed or currently in underwriting
  - Community Development Investment Grants (CDI): \$5M budgeted, \$3,401,400 committed or currently in underwriting

**BSG Membership and Structure Update:** Lane Ruhland (WMC) is newest member.

**Next Regular Meeting:** Likely meeting sometime in May. Provide suggestions for location to Co-Chairs as soon as possible.

3:00 **Confirm Assignments and Adjourn** (Misky/Thimke)

15 min

Will send information to Study Group members and guests regarding Emerging Chemical External Advisory Group as soon as possible.