

Integrated Brownfields/Air Permit

Mark A. Thimke
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Wisconsin Act 70

- Trial program to promote industrial redevelopment of Brownfields sites
- Three components
 - Voluntary Party Liability Exemption (VPLE)
 - Air “certainty”
 - Green Tier
- Department established Act 70 task group
 - Bart Sponseller, Department lead
 - Art Harrington/Mark Thimke, Brownfields Study Group/Air Working Group members
- Potential statutory changes - clarifications

Potential Statutory Change

- Currently, Wis. Stat. § 285.675(3) states –
“(c) The stationary source is located on property on which the owner or operator has conducted the activities required under s. 292.15(2)(a)2., (ae)2., or (ag)1. and the owner or operator has obtained a certificate of completion from the department under s. 292.15(2)(a)3., (ae)3., or (ag)2. for the property.”
- Change – eligibility of the Act 70 pilot program should depend on the completion of the remediation activities and existence of the certificate of completion pertaining to the property itself, instead of limiting participation to those properties where only the “owner or operator” obtained these documents and completed these activities

Air “Certainty”/Green Tier

- Most work focused on air/Green Tier
- Approach
 - Focus on medium-size industrial use (avoids complicated federal overlay)
 - Registration permit
 - Provides certainty as permanent permit
 - Bubble approach – “construction” permitting not required
 - Emissions up to 80 tons per year
 - Green Tier
 - Facilities have EMS
 - Annual audits
 - Registration permit set up to provide time – 18 months/18 months to implement

Potential Redevelopment Approaches

- Single redevelopment site
 - Participation agreement/Green Tier
- Economic Development Zone
 - Charter arrangement with Green Tier
 - EMS development costs part of TIF
 - Pre-work to induce manufacturing to locate; pre-developed air permits/EMS

Timing

- Full Act 70 implementation meeting – October 31
- Air permit meeting – October 12
- Schedule for air permit
 - Public hearing – fall of 2018
 - Availability – early 2019
- Other components to pursue
 - WEDC involvement
 - VPLE discussion
 - Potential statutory clarification

Questions?

Mark A. Thimke

mthimke@foley.com

414-297-5832

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