

ISSUE: Potential changes to authorizing statute for the Economic Development Green Environment (EDGE) Pilot created in 2017 Act 70

BACKGROUND

2017 Wisconsin Act 70 included a new section in Wis. Stats. § 285.675 titled “Pilot program for manufacturing facilities on brownfields”. This pilot program, now called Economic Development Green Environment (EDGE) encourages manufacturing facilities to locate on brownfields. The pilot requires participants to manage their environmental performance by participating in the State’s Green Tier program and to locate on properties that were remediated through the state Voluntary Party Liability Exemption (VPLE) program. Successful participants in the program could qualify for a registration operation permits (ROP) for the air emissions that is at a higher level of emissions than previously allowed and would not be required to make changes to the air pollution controls for their stationary source, even with new or modified legal requirements (except for Federal requirements) for 10 years after the Department grants coverage under a ROP.

PROPOSED CLARIFICATIONS

Improve the Economic Development Green Environment (EDGE) statutory language by clarifying the following issue regarding what type of facilities can participate in the program. Issues to consider:

- Modify Wis. Stats. § 285.675(3)(b) to clarify that the source could be an existing, operating facility or one that is being modified, expanded or newly constructed and that the source could have a ROP or other air permit already or could be new and the ROP would be for a new source. For example, this would clarify that a factory with an existing operational permit could conduct a VPLE cleanup and enter Green Tier and then could participate in the EDGE pilot and change to a new ROP.
- Modify Wis. Stats. § 285.675(3)(c) to clarify that the property where the facility is located needs to have obtained a Certificate of Completion through the VPLE program and the site may have been cleaned up by the owner of the property or the manufacturer or another party. For example, a city could cleanup a brownfield site and then sell it to a business and that business could qualify for EDGE.