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September 10, 2015

Ms. Cathy Stepp, Secretary
Wisconsin Department of Natural Resources
101 South Webster Street
Post Office Box 7921
Madison, WI 53707-7921

Re: Strategic Realignment – Waterfront Redevelopment

Dear Secretary Stepp:

The Brownfields Study Group appreciates the recent strategic realignment of the Department as it relates to waterfront redevelopment. In the recent Brownfields Study Group's 2015 Report, waterfront redevelopment is a key area for the application of Brownfields policies, which we believe can be best accomplished by combining the existing water sediment team with the Bureau of Remediation and Redevelopment.

Since its inception, the focus of the Brownfields Study Group is to recommend approaches that assist in the efficient reuse and redevelopment of contaminated properties. The Group works closely with the Department and the Bureau of Remediation and Redevelopment. The work of the Group was recently recognized by United States Environmental Protection Agency with receipt of an award for achievement in promoting Brownfields legislation, rules and policy.

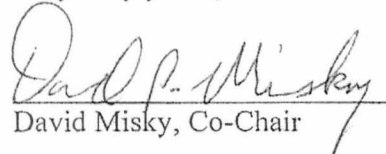
Last year, the Brownfields Study Group undertook a year long review of the Wisconsin Brownfields program. A major focus was on waterfront redevelopment and the "disconnect" between various Department programs, including the water sediment program and the Bureau of Remediation and Redevelopment. As noted by the numerous waterfront related recommendations in the 2015 Report, removing these "disconnects" will greatly aid in promoting the redevelopment of Brownfields waterfront properties.

With respect to the water sediment group and the Bureau of Remediation and Redevelopment, we recommend the following steps be taken to assure an efficient Brownfields waterfront program results from the Department's strategic realignment:

1. The sediment technical team should be combined into the Bureau of Remediation and Redevelopment. Doing so will provide for a unified approach in implementing Wis. Admin. Code ch. NR 700, the rules governing the remediation of contaminated sites. It will also eliminate the current impediment of differing interpretations of the regulatory standards by two different and independent regulatory groups. This lack of consistent application and interpretation of NR 700 as applied to waterfront projects slows resolution of environmental issues and increases transaction costs, both of which are significant redevelopment concerns.
2. After the integration of the sediment team into the Bureau, work should begin to develop standards/guidelines for sediment cleanups beginning with polycyclic aromatic hydrocarbons (PAHs). Critically missing from the Department's Brownfields program are clear standards for sediment remediation. The lack of standards results in "site-by-site" decisions that are time consuming and expensive due to the high transaction costs. The need for concise sediment standards was recognized as early as the 1990s during the initial review of the NR 700 cleanup rules when the Natural Resources Board directed the Department to develop such criteria for inclusion in NR 700. The experience of the Brownfields Study Group is that removing regulatory uncertainties and time consuming case-by-case decisionmaking results in faster and less expensive redevelopment of contaminated areas, which will be vital to a successful waterfront redevelopment program.

Again, the Brownfields Study Group supports the strategic realignment as it relates to waterfront redevelopment. In order to accomplish our mutual goals, we request the sediment team be incorporated into the Bureau of Remediation and Redevelopment with a focus on developing a fully integrated approach to the redevelopment of contaminated waterfront areas. The Brownfields Study Group is willing to assist in this effort and welcomes the opportunity to discuss this aspect of the strategic realignment with you and others in the Department.

Very truly yours,


David Misky, Co-Chair


Mark A. Thimke, Co-Chair