

# EXTERNAL ADVISORY GROUP

Remediation and Redevelopment Program



## AGENDA

### Remediation and Redevelopment External Advisory Group

Friday, April 14, 2023

9:00 a.m. – noon

DNR Green Bay Office  
Lake Michigan Room  
2984 Shawano Ave.  
Green Bay, WI 54313

In-person attendees should RSVP to [Jody.Irland@wisconsin.gov](mailto:Jody.Irland@wisconsin.gov) by noon on Thursday, April 13, 2023.

Register for Zoom meeting:

<https://us02web.zoom.us/j/84461212693?pwd=ZApdu2uqzwsHNzq2ov6Bd6nmtuApT8UVd3o>

<i>Roll Call and Community Building</i>	<i>15 minutes</i>
<i>Upcoming Meetings and Future Meeting Dates</i>	<i>5 minutes</i>
<i>DNR Updates</i>	<i>25 minutes</i>
<ul style="list-style-type: none"><li>• RR Success Stories</li><li>• Upcoming DNR guidance</li><li>• DNR Brownfields Assistance Updates</li></ul>	
<i>Subgroup updates</i>	<i>85 minutes</i>
<ul style="list-style-type: none"><li>• Environmental Justice Subgroup – Jodie Peotter<ul style="list-style-type: none"><li>○ Outreach draft review</li></ul></li><li>• Funding Sustainability Subgroup – Mark Rutkowski</li><li>• NR 700 Subgroup – Bill Nelson<ul style="list-style-type: none"><li>○ Discussion and input about topics and priorities</li></ul></li><li>• Contaminated Sediments – Carrie Webb<ul style="list-style-type: none"><li>○ Workplan update and next steps</li></ul></li></ul>	
<i>Assignments</i>	
<i>Adjourn</i>	

## Oct 2023

MON	TUE	WED	THUR	FRI
2	3	4	5	6
9	10	11	12	13
16	17	18	19	20
23	24	25	26	27
30	31			

## Apr 2024

MON	TUE	WED	THUR	FRI
1	2	3	4	5
8	9	10	11	12
15	16	17	18	19
22	23	24	25	26
29	30			

Name:

## Jan 2024

MON	TUE	WED	THUR	FRI
1	2	3	4	5
8	9	10	11	12
15	16	17	18	19
22	23	24	25	26
29	30	31		

## Jul 2024

MON	TUE	WED	THUR	FRI
1	2	3	4	5
8	9	10	11	12
15	16	17	18	19
22	23	24	25	26
29	30	31		

**Instructions:** Circle all highlighted dates you are AVAILABLE to attend a quarterly RR EAG meeting.

RR staff will collect the responses and select meeting dates based on the number of people who can attend.

# Call to action Heading



The Wisconsin Department of Natural Resources (DNR) Remediation and Redevelopment External Advisory Group (RR EAG) provides recommendations to the Remediation and Redevelopment (RR) program. **The RR EAG Environmental Justice subgroup seeks input from diverse voices and perspectives to help reduce disparities in environmental outcomes for communities affected by contaminated soil, sediment and groundwater in Wisconsin.**

## What does the DNR RR Program do?



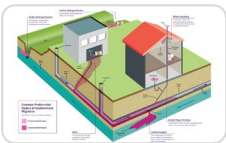
Oversees investigations and cleanup of environmental contamination that has already occurred.



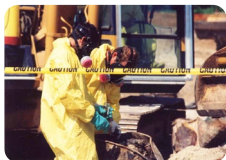
Assists local governments in returning blighted properties to a more productive use.



Guides professionals on best practices for conducting investigations and cleanup to comply with Wisconsin laws.



Provides education and awareness on contamination you may not be able to see, smell or taste.



Uses available state resources, to address contamination when a responsible party is not taking the required action.



## Goals of the RR EAG Environmental Justice Subgroup

- ✓ Cultivate strong partnerships with communities burdened by environmental contamination.
- ✓ Identify impacts and recommended adjustments, if appropriate, of, RR program policies and initiatives.
- ✓ Recommend ways the RR program can promote equitable environmental outcomes in the state.

## What would my role be?

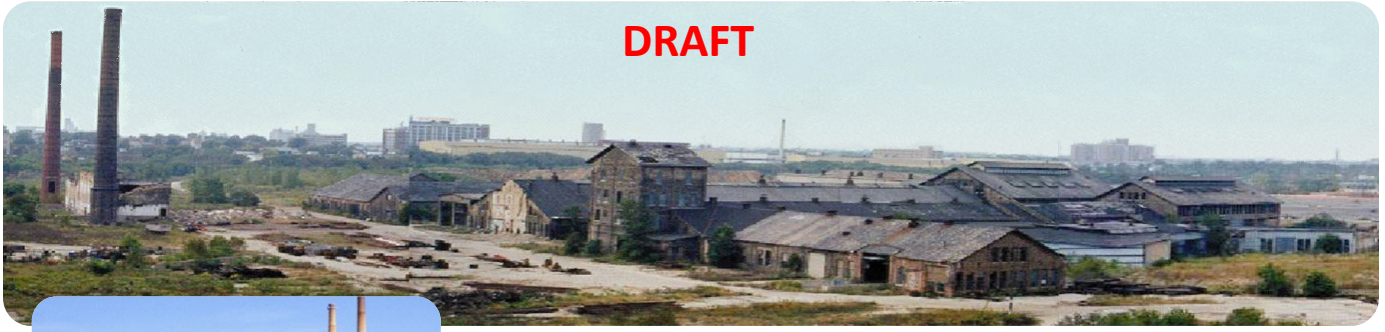
Lend your voice and perspective as a participant in the RR EAG Environmental Justice subgroup.

## What is the commitment?

Meetings are quarterly, adding up to approximately 10 hours per year and can be attended in person or virtually.

You determine the level of engagement right for you.

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Menomonee Valley before and after cleanup and redevelopment



The RR program focuses on restoring the environment and supporting safe redevelopment of areas where recent or historical practices have led to contamination. While pollution prevention is vitally important, the RR Program, protecting public health, focuses on investigating and cleaning up contamination that has already occurred.

**This work is critical to protecting human health and the air, land and waters of the state, and to encourage reuse of polluted land.**

The RR program oversees responsible parties that are accountable under state law for incidents or activities such as:

- ✓ Cleanup of a fuel spill on a highway.
- ✓ Assessing groundwater contamination near an industrial site .
- ✓ Addressing impacts to indoor air in homes near a former dry cleaner
- ✓ Excavating contaminated soil at a former gas station to make it ready for redevelopment.
- ✓ Addressing contamination in private drinking water wells caused by historical spills at a manufacturing facility in the community.
- ✓ Dredging contaminated sediment from a river to reduce PCB concentrations in the environment.

**Participation in the RR EAG Environmental Justice subgroup will help make important initiative and policy recommendations that affect every Wisconsinite and their neighborhoods.**



Insert Contact Method/Person Here  
123-456-7890, Email.Mail@wisconsin.gov

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## MEMORANDUM

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**TO:** Jodie Peotter, Wisconsin Department of Natural Resources  
**CC:** Bill Nelson  
**FROM:** Ned Witte, Dave Misky  
**DATE:** September 22, 2022  
**RE:** RREAG Additional Agenda Item for September 23, 2022

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Thank you for the opportunity to propose additional agenda items for this Friday's Remediation and Redevelopment External Advisory Group.

### Multi-Site Legacy Residual Contamination Sites Revolving Fund Program

#### Issues

- Facilities like former gas stations and former dry-cleaning properties remain open issues in many communities.
- The larger entities in such industries have addressed their issues (e.g., Kwik Trip; Klinke's) while the small businesses, including many in environmental justice communities, merely went out of business and the problems remain.
- Contamination remaining in the environment is often worse than after the initial discharge.
- Human health impacts for VOC vapor intrusion are acute and increasingly understood to be worse than previously understood.
- Environmental justice communities may not have the resources to address single remedial action sites or Brownfields sites.
- The optimal end use of a remedial action site may not be a lucrative redevelopment opportunity but rather a park or community space; again, this concern hits environmental justice and smaller communities harder than "high profile," larger municipalities with desirable redevelopment sites.

#### Barriers

- Cleanups can be expensive undertakings - PECFA has sunset; DERF is underfunded and upside down due to funding tied to phased out products.

- Wisconsin has a mature pipeline of sites suitable for redevelopment – the sites remaining may not have an immediately associated viable responsible party (e.g. a seller who is also the RP) to address the issues or may be complicated by other variables.
- DNR RR staff bandwidth may not permit proactive attention to the sites that are priorities for LGUs
- Changes to Wis. Stat. ch. 227 has made Administrative Rulemaking a 30-month endeavor rife with challenges.
- Faster to promulgate a statute than an administrative rule.
- “Juice is not worth the squeeze” for many communities where the cost to define the unknown with no potential ability to recover costs is a barrier, or no funding is available at all
- DNR receipt of site-specific cost recovery funds are inflexible/directed to general fund.

### Opportunities

- LGU programs (e.g. liability exempt status) have been very successful in achieving favorable outcomes and incentivizing investment in remedial action sites
- LGUs have certain cost recovery tools (i.e. 292.33 and 292.35) that have not been fully leveraged but which could complement DNR directed cleanup and redevelopment
- May lead to cleanups in EJ communities that have been overlooked.

### Proposed Solution

- A new fund and program for LGUs – municipalities, counties, tribes
- Fund to address multiple sites at once
- Reuse of property not driven solely by redevelopment opportunity to maximize profit, but to maximize outcomes including utility of contaminated or perceived contaminated properties for multiple community uses.
- Conceptual approach:
  - Applicant LGU identifies 3-5 sites which meet certain criteria developed by subgroup (consideration: include preference for EJ-related sites).
  - Applicant LGU conducts PRP search and explores cost recovery options (292.33; 292.35)
  - Upon receipt of LGU proposal including the foregoing criteria and funding request, DNR evaluates application of 3-5 sites with Green Team meeting to identify funding opportunities
  - DNR oversight/approval of eligible costs
  - Create an appropriation where (a) the legislature may direct specific funds; and (b) any recovered costs owed to DNR secured through the LGU cost recovery options may feed back into the grant program rather than go to GPR.
- Objectives of program:
  - 3-5 cleanup sites within a community (in case of municipal applicant) or series of communities (in case of county applicant) across state of Wisconsin (not just major municipalities)
  - Cost recovery success for some of the applicants with percentage of cost recovery shared with DNR to continue program
  - Attention to smaller communities and EJ sites

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