

EXTERNAL ADVISORY GROUP

Remediation and Redevelopment Program



MEETING NOTES

Remediation and Redevelopment External Advisory Group

Friday, April 14, 2023 | 9:00 a.m. – noon | DNR Green Bay Office, 2984 Shawno Ave. Green Bay, WI 54313

Action Items/assignments for Next Meeting

- Submit your [availability for future meetings dates](#) to Jody.Irland@wisconsin.gov by **May 12, 2023**.
- Submit brownfields success stories ideas via [Story Form](#) for potential addition to the [Wisconsin Brownfield Success Stories Map](#) (ongoing).
- Subscribe to the [RR EAG listserv](#) to receive information about future meeting dates, agendas, resources, and other EAG-relevant items. Zoom attendees are automatically added to the listserv; if you would like to opt out, please email Jody.Irland@wisconsin.gov

Environmental Justice (EJ) Subgroup

- **Seeking external chairperson for the EJ subgroup**; the EJ chair will be supported by knowledgeable DNR staff. Email Jodie.Peotter@wisconsin.gov to express interest or for more information.
- Submit your feedback about the DNR EJ outreach draft to Jody.Irland@wisconsin.gov by **May 12, 2023**. Whatever format works best for you is fine: email notes, picture of handwritten notes, or setting up a conversation.
- Share contacts of entities that may want to participate in the EAG EJ subgroup with Jody.Irland@wisconsin.gov, who will create a database with the information to be reviewed at a future meeting.

Funding Sustainability Subgroup

Ad hoc group opportunity – Continue to draft white paper for the Multi-Site Legacy Residual Contamination Sites Revolving Fund Program proposal (Ned Witte, Godfrey & Kahn; Dave Misky, Redevelopment Authority of the City of Milwaukee). To participate email Michael.Prager@wisconsin.gov to express interest.

NR 700 Subgroup

- **Seeking leads for issue paper topics**; knowledgeable DNR staff will serve as a 'buddy' to assist the author(s) on background research, information gathering, and draft review as necessary and appropriate. Potential topics are described further in the [subgroup's meeting notes](#). Email MollyE.Schmidt@wisconsin.gov to express interest or gain more information.
- Submit additional issue paper topics to MollyE.Schmidt@wisconsin.gov.

Contaminated Sediments Subgroup

Email potential topics and ideas for the [Contaminated Sediments Subgroup Work Plan](#) to Jodie.Peotter@wisconsin.gov.

EXTERNAL ADVISORY GROUP

Remediation and Redevelopment Program



Roll Call and Community Building

EAG Members

- Jodie Peotter, DNR *PRESENT*
- Judy Fassbender, DNR *ABSENT*
- Sharlene TeBeest, WI DOT *PRESENT*
- Roy Irving, WI DHS *ABSENT*
- Sarah Gruza, U.S. EPA *PRESENT*
- Jason Scott, WEDC *PRESENT*
- Dave Misky, Redevelopment Authority of the City of Milwaukee *PRESENT*
- Debora Sielski, Washington County Public Agency Center Community Development Department *PRESENT*
- Chris Valcheff, True North Consultants *ABSENT*
- Donna Volk, Ramboll *PRESENT*
- Brain Bartoszek, WEC Energy Group *PRESENT*
- Sheldon Johnson, Northwest Regional Planning Commission *ABSENT*
- Noah Saperstein, Red Cliff Band of Lake Superior Chippewa *PRESENT*
- Ned Witte, Godfrey & Kahn *PRESENT*
- Lynn Morgan, WM *ABSENT*

Guests

- State Senator Robert Cowles, 2nd Senate District
- Bart Sponseller, DNR
- Christine Sieger, DNR
- Jenna Soyer, DNR
- Trevor Nobile, DNR
- Alyssa Sellwood, DNR
- Michael Prager, DNR
- Ted Warpinski, Halling & Cayo
- Michelle Cook, City of Racine
- Mark Rutkowski, Shannon & Wilson
- Aurora Bergeron, Mississippi River Regional Planning Commission
- Nick Johnson, Foley
- Margarete Brunette, DNR
- Mark Gretebeck, Bay West
- Bill Nelson, Godfrey & Kahn
- Jody Irland, DNR
- Bill Scott, WPS Law
- Jennifer Hagen, Ramboll
- Issac Ross, DNR
- Toni Schoen, SET Environmental
- Molly Schmidt, DNR
- Jason Lowery, DNR
- Jeff Ramey, TRC
- Audra Felix, DNR
- Jenny Coughlin, Alliant Energy
- Blaine Schroyer, Terracon
- Mark Thimke, Foley
- Tom Coogan, DNR
- Lisa Ashenbrenner Hunt, DNR
- Derek Panches, Stafford Law
- Maizie Reif, DNR
- Ben Vondra, DNR
- Michelle Castile
- Keld Lauridsen, DNR
- Jason Pausma, Calumet Country
- Nathan Kloczko, DHS
- Curtis Hedman, DHS
- Gena Larson, DNR
- Jennifer Borski, DNR
- Roxanne Chronert, DNR
- Carrie Webb, DNR
- Jeremiah Yee, DHS
- Alison Levinson, WSP
- Lanette Altenbach, AECOM
- Renee Bashel, DNR

Upcoming Meetings and Future Meeting Dates

Thursday, July 13, 2023, 9:00 a.m. – Noon

Location: TBD, please submit location suggestions to Jody.Irland@wisconsin.gov.

EXTERNAL ADVISORY GROUP

Remediation and Redevelopment Program



DNR Updates

- RR Success Stories
- Upcoming DNR guidance
- DNR Brownfields Assistance Updates
 - Initial Wisconsin Assessment Monies (WAM) awards will be announced in midspring.
 - Applications for Ready for Reuse (RFR) and WAM are still being accepted.
 - View the April 2023 *Issues and Trends*, featuring overview of RFR with a special focus on post-closure modifications, on the [RR Presentations and Training Library webpage](#).

Subgroup Updates

Environmental Justice (EJ) Subgroup – Jodie Peotter, DNR

- Task 1: Expand stakeholders and community partners
 - Objective of Task 1 is to gain additional representation on the EJ subgroup. The EJ subgroup will advise other subgroup as they work to incorporate EJ into their work plans. Long term plans include seeking better representation on the EAG.
 - Discussion on areas of opportunity: encourage safe reuse of polluted land in copy; add providing tools and resources to the goals of the RR EAG Subgroup section; acknowledge the importance of building comfort and trust between government agencies and communities; use targeted outreach.

Funding Sustainability Subgroup – Mark Rutkowski

- There is continued discussion around identifying additional funding mechanisms to address stalled petroleum and DERF sites and the financial burdens for cleanup for small businesses, innocent landowners, and EJ communities. There is a need to provide continued education and access to funding.
 - The DNR is in the process of reviewing *The Financial Resource Guide for Cleanup & Redevelopment* (RR-539) to identify relevant information for reference in future funding sustainability subgroup discussions.
- Recommendation to explore the potential for flexibility in RFR criteria.

NR 700 Subgroup – Bill Nelson

- The continued goal of this subgroup is to identify issue paper priorities to recommend small and incremental rule packages.
- Potential issue paper topics:
 - Soil standards – create a more flexible system for cost saving and time saving resources
 - Contaminated sediments – code lacks references to contaminated sediments. Omission is inconsistent with statutes.
 - Fees – look for ways to simplify and streamline including how fees are entered into the portal. Fees haven't been updated since 2013 including adjustment for market or inflation. Further research could be done on discovering how often each fee is utilized.
 - Case closure requirements – clarify common points of confusion and common failures which could lead to procedural cost changes. The DNR is in the process of creating checklists for case closures to add more clarity to items in each submittal.
 - Conceptual site model – Work toward adding this as a defined term and reference throughout the code. Throughout the industry, conceptual site models are best practices and in some states are required by code.

EXTERNAL ADVISORY GROUP

Remediation and Redevelopment Program



- Continued, Potential issue paper topics:
 - Continuing obligations (CO) – CO code is not consistent and lacks provision that explicitly allows for CO to be added at the interim action stage. There is a need to identify what third parties and the DNR need to be aware of as CO information is uploaded into BRRTS.
 - Clarifications – general opportunities to clarify and improve terminology and creating a more standardized format for submitting data.
- Recommendations were made for: DNR forms that are compatible to bore hole log software to minimize mistakes during the transfer of information and create more efficient work processes; DNR forms that can be downloaded on the most common and modern internet browsers; and prioritizing streamlining fees to reduce the number of inconsistencies.

Contaminated Sediments – Carrie Webb

Discussed a pause on the subgroup until path forward with NR 700 is clearer or until additional topics have been identified.

General Discussion

There is continued acknowledgement that subgroup work is active while the EJ subgroup works to expand membership that includes a better representation of the people of Wisconsin and the perspectives of communities that are impacted by RR work within Wisconsin.

Adjourn

Oct 2023

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Apr 2024

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Future EAG Meeting Dates Availability

Instructions: Indicate which of the **highlighted** dates you are AVAILABLE to attend a quarterly RR EAG meeting.

Email availability to Jody.Irland@wisconsin.gov by May 12, 2023.

Jan 2024

MON	TUE	WED	THUR	FRI
1	2	3	4	5
8	9	10	11	12
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Jul 2024

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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?



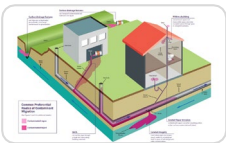
Oversees investigations and cleanup of environmental contamination that has already occurred.



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?

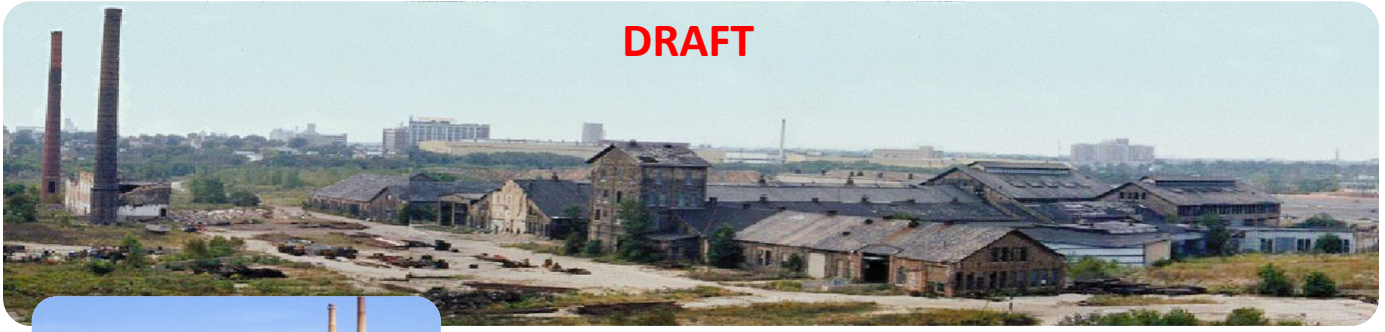
Lend your voice and perspective as a participant in the RR EAG Environmental Justice subgroup.

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.

DRAFT



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

DRAFT



MEMORANDUM

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

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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Remediation & Redevelopment External Advisory Group Meeting

April 14, 2023



Agenda

Roll Call and Community Building

EAG Schedule and Future Meeting Dates

DNR Updates

- RR Success Stories
- Upcoming DNR Guidance
- DNR Brownfields Assistance Updates

Subgroup Updates

- Environmental Justice -- Jodie Peotter
 - Outreach draft review
- Funding Sustainability -- Mark Rutkowski
- NR 700 -- Bill Nelson
 - Discussion and input about topics and priorities
- Contaminated Sediments -- Carrie Webb
 - Workplan update and next steps

Assignments

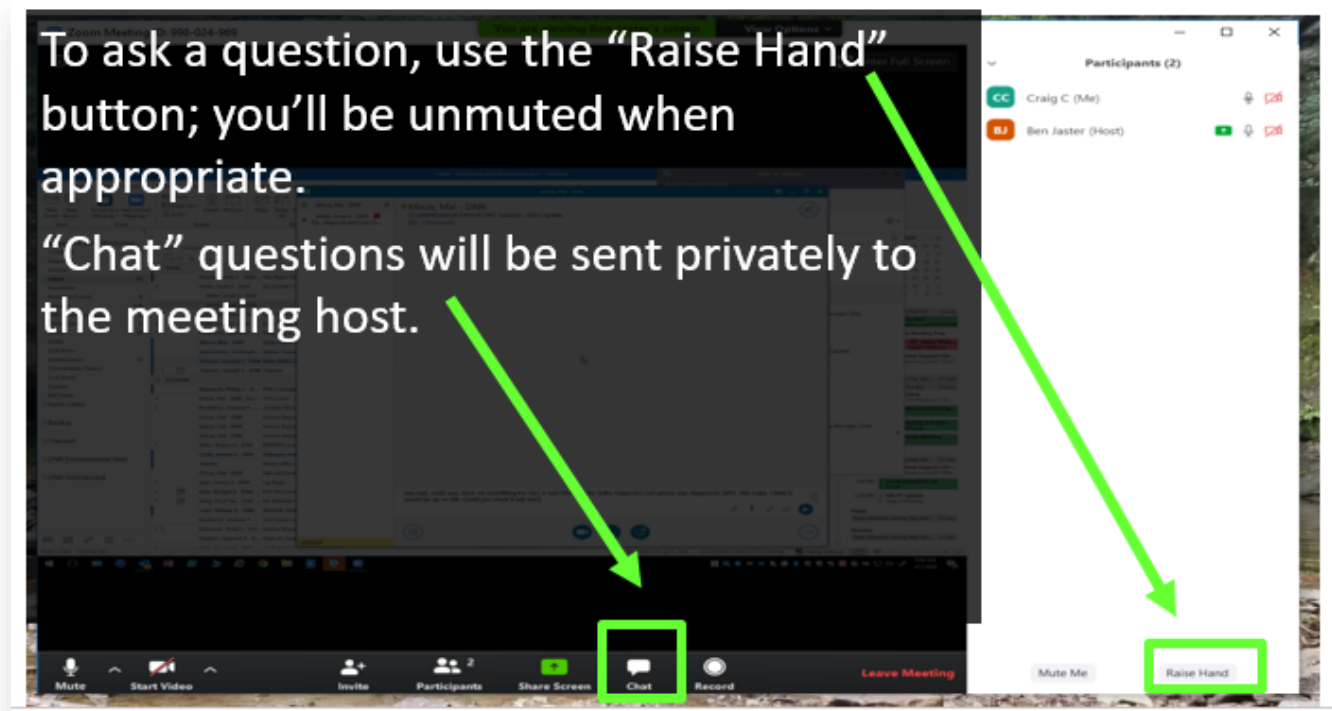
Adjourn



to receive notifications for RR EAG
and subgroups
dnr.wi.gov/topic/brownfields/rreag

Zoom Meeting Logistics

- All attendees muted
- To comment/ask questions via **Zoom**
 - Use **'chat'** to type questions to Jody Irland
 - Use **'raise hand'** to request to be unmuted
- To comment/ask questions via **Phone**
 - *9 raise hand
 - *6 mute/unmute



Roll Call and Community Building

What is your favorite scent or smell?

EAG members and subgroup chairpersons

Brian Bartoszek

WEC Energy Group –
Business Services

Judy Fassbender

DNR

Sarah Gruza

U.S. EPA

Roy Irving

Wisconsin Department
of Health Services

Sheldon Johnson

Northwest Regional
Planning Commission

Dave Misky

Redevelopment
Authority of the City of
Milwaukee

Lynn Morgan

Waste Management

Jodie Peotter

DNR

Noah Saperstein

Red Cliff Band of Lake
Superior Chippewa

Jason Scott

Wisconsin Economic
Development
Corporation

Debora Sielski

Washington County
Public Agency Center -
Community Development
Department

Sharlene TeBeest

Wisconsin Department
of Transportation

Chris Valcheff

True North Consultants

Donna Volk

Ramboll

Ned Witte

Godfrey & Kahn

Bill Nelson

Godfrey & Kahn
NR 700 Subgroup
Chair

Mark Rutkowski

Shannon & Wilson
Funding Subgroup
Chair

Carrie Webb

DNR
Contaminated
Sediments Subgroup
Chair

Next EAG Meeting

- Thurs., July 13, 2023*

July 2023				
MON	TUE	WED	THU	FRI
3	4	5	6	7
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31				

Future EAG Meeting Date Preferences

Online attendees: email your availability on the highlighted dates to Jody.Irland@wisconsin.gov by May 12, 2023



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DNR Updates

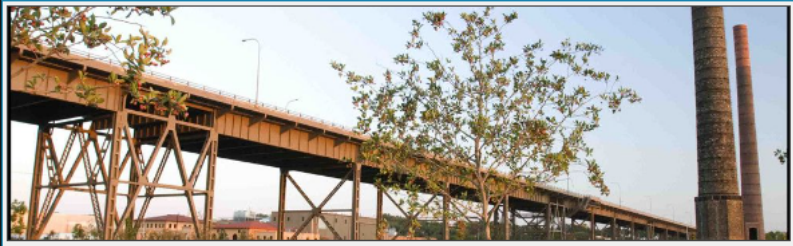
- RR Success Stories
- Upcoming DNR Guidance
- DNR Brownfields Assistance Updates



Welcome!

Story List

Story Tiles



Communities all across Wisconsin have successfully investigated, cleaned up and redeveloped many of their contaminated properties. Better yet, many of these redevelopment projects resulted in uses which make their communities a better place to be. We've highlighted some of the most interesting projects from our partnerships with local governments and private parties to showcase the eye-opening transformations that can happen when we work together to clean up Wisconsin brownfield sites.

About this map

This interactive map shows the locations of many successful brownfield redevelopment sites across the state. Click on a location shown on the map to see more information and media for that site. Many include side-by-side, before-and-after images to showcase the eye-opening transformations in many Wisconsin communities, some even include DNR produced videos.

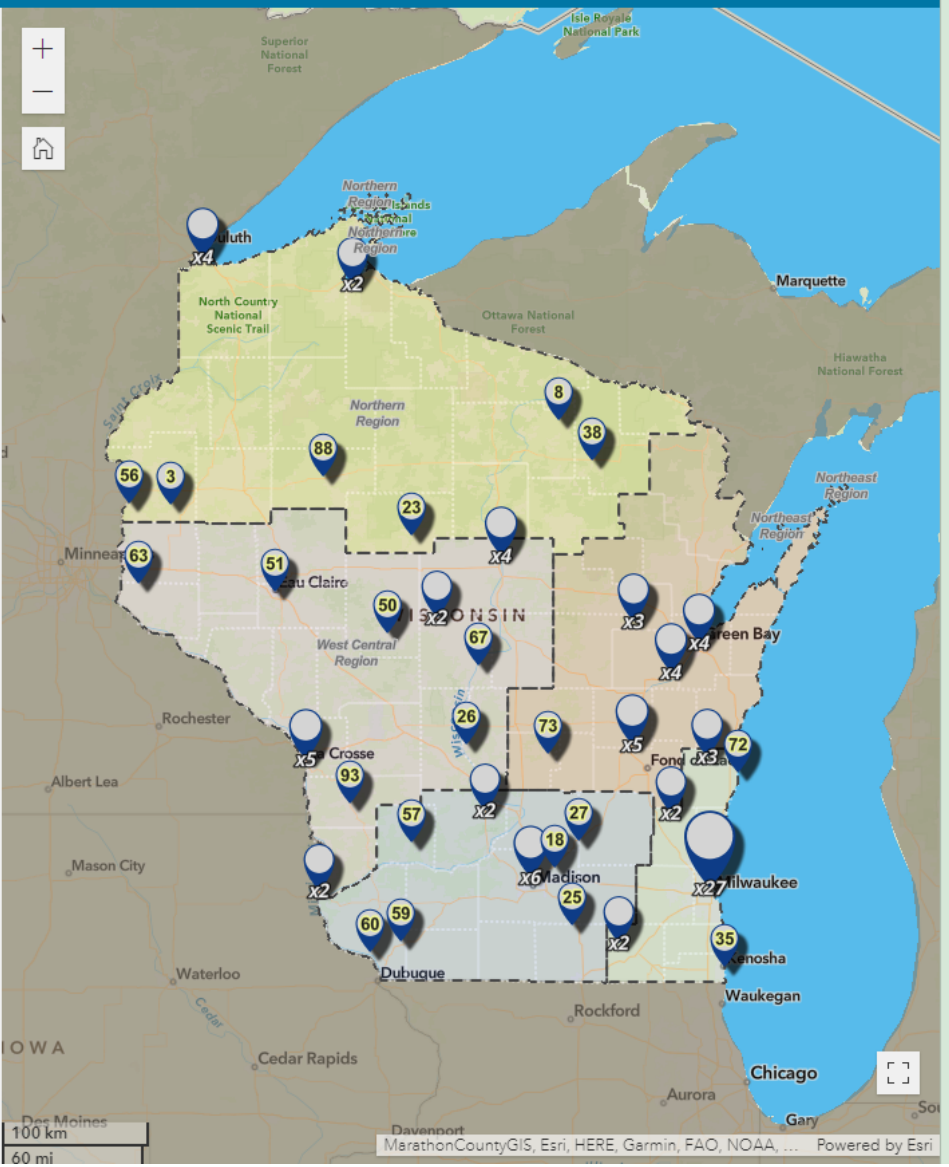
How to get started exploring

- Click on any point on the map to learn more about a brownfield redevelopment success.
- Click above on "Story List" to see an alphabetical list of all of the success stories in the state.
- Click on "Story Tiles" to see thumbnail images of the success stories.
- Explore the map and learn about these great success stories!

How to find more information

Check out the Remediation and Redevelopment [Brownfields Success Stories webpage](#).

Check out the [R&R Brownfields webpage](#).



BROWNFIELDS SUCCESS STORIES

dnr.wisconsin.gov/topic/Brownfields/Success.html

BROWNFIELDS SUCCESS STORIES

dnr.wisconsin.gov/topic/Brownfields/Success.html

#65 River Bluff Townhomes - West Bend

Overview:
Taking a proactive approach to brownfield cleanup and redevelopment paid off nicely for the city of West Bend. The assessed value of a 2.4-acre downtown property jumped by about \$1.7 million from 2011-12. Once an eyesore, it's now home to an attractive 36-unit residential townhome apartment complex situated near the Milwaukee River, numerous restaurants, a museum, cinema, and other businesses.

Project history:
This area of downtown West Bend had been home to numerous industries and commercial enterprises, including a malting company, a grain elevator, an oil and paint manufacturer, a railroad freight yard and an agricultural fertilizer distributor.

Efforts to clean up downtown West Bend began in 2002 when a tax incremental funding (TIF) district was created. The creation of TIF districts have stimulated industry development, increased employment opportunities, improved water and sewer systems

Candlewood Suites La Crosse

Overview:
One brownfield redevelopment led to another in La Crosse. The result is a new extended-stay hotel and a growing business district. With the help of DNR technical and liability clarification assistance, local jobs were created, and property value quadrupled.

Project history:
Copeland Avenue in La Crosse is a long stretch of Wisconsin Highway 53 with a variety of commercial businesses on one side and a wetland on the other. In 2006, developers turned a former brownfield site on the avenue into a retail strip, accompanied by a Festival Foods grocery store.

As a result of this redevelopment, another developer was inspired and saw the area as an opportunity for new growth. The developer targeted two properties just north of Festival Foods for redevelopment. The properties were considered underutilized; a used car dealership and night club took up only small portions of the properties and there were dilapidated buildings.

Remediation & Redevelopment:
Site investigation revealed polycyclic aromatic hydrocarbons (PAHs) and lead in the soil and groundwater, as well as benzopyrene along the river and wetlands. The ground was raised in elevation by 4 feet with clean fill material bringing the area up out of the floodplain.

Three types of remedial action were used—soil excavation, engineering and institutional controls, and natural attenuation. Using the three techniques provided for both technical and economic feasibility, and assured compliance with public health and environmental standards.

Submit your success
story ideas via
[Brownfields Success
Story Form](#)

Jody Irland

RR Outreach Coordinator

Jody.Irland@Wisconsin.gov





Upcoming DNR Guidance

Public Input Opportunities Coming Soon

- RR-933 Brownfields Redevelopment in WI
- RR-055 – Local Government Liability Exemption
- RR-508 – Environmental Liability Exemptions for Lenders and Representatives



Public Input Opportunities Coming Soon

- RR-979 Tips and Reminders for a Complete Closure Request
- RR-982 Post Closure Modifications
- RR-983 Improve your Closure Request: Maintenance Plans and Maps
- RR-800 Vapor Intrusion Guidance





DNR Brownfields Assistance Updates

DNR Brownfields Assistance Updates

WAM Contractor Services (DNR-managed)

- Up to ~ \$54,000 in services per property
- DNR hires contractor & oversees work

WAM Community Managed

- Up to \$100,000 grant to local government
- Local government selects contractor & oversees work

Ready for Reuse

- 0% Interest Loans
- April 2023 Issues & Trends to be posted soon

Subgroup Updates

**Environmental
Justice Subgroup**
Jodie Peotter, DNR
Subgroup
Chairperson



Summary

- Review takeaways from last meeting
- Task 1: Expand stakeholders and community partners
 - Outreach draft, discussion, and feedback

Task 1

Expand Stakeholders and Community Partners



- Is the **purpose** and **authority** of the RR program clear and understandable?
 - And the EAG? EJ subgroup?
- Is the scope of work for the EJ subgroup clear and understandable?
- Are the expectations of participation in the EJ subgroup clear and understandable? (i.e., what input is being sought after)
- Are the benefits of participation in the EJ clear and understandable?

Access draft online dnr.wisconsin.gov, search “RR EAG,” bundled with **Agenda** under **Upcoming Meetings**

Assignments



ALL: share potential EJ contacts with Jody.Irland@wisconsin.gov, who will create a database with the information to be reviewed at a future meeting

DNR: begin draft outreach one pager to create a standardized list of talking points when reaching out to EJ contacts



Remediation & Redevelopment External Advisory Group – March 3, 2022 Meeting Summary

Funding Sustainability

Mark A. Rutkowski, P.G.

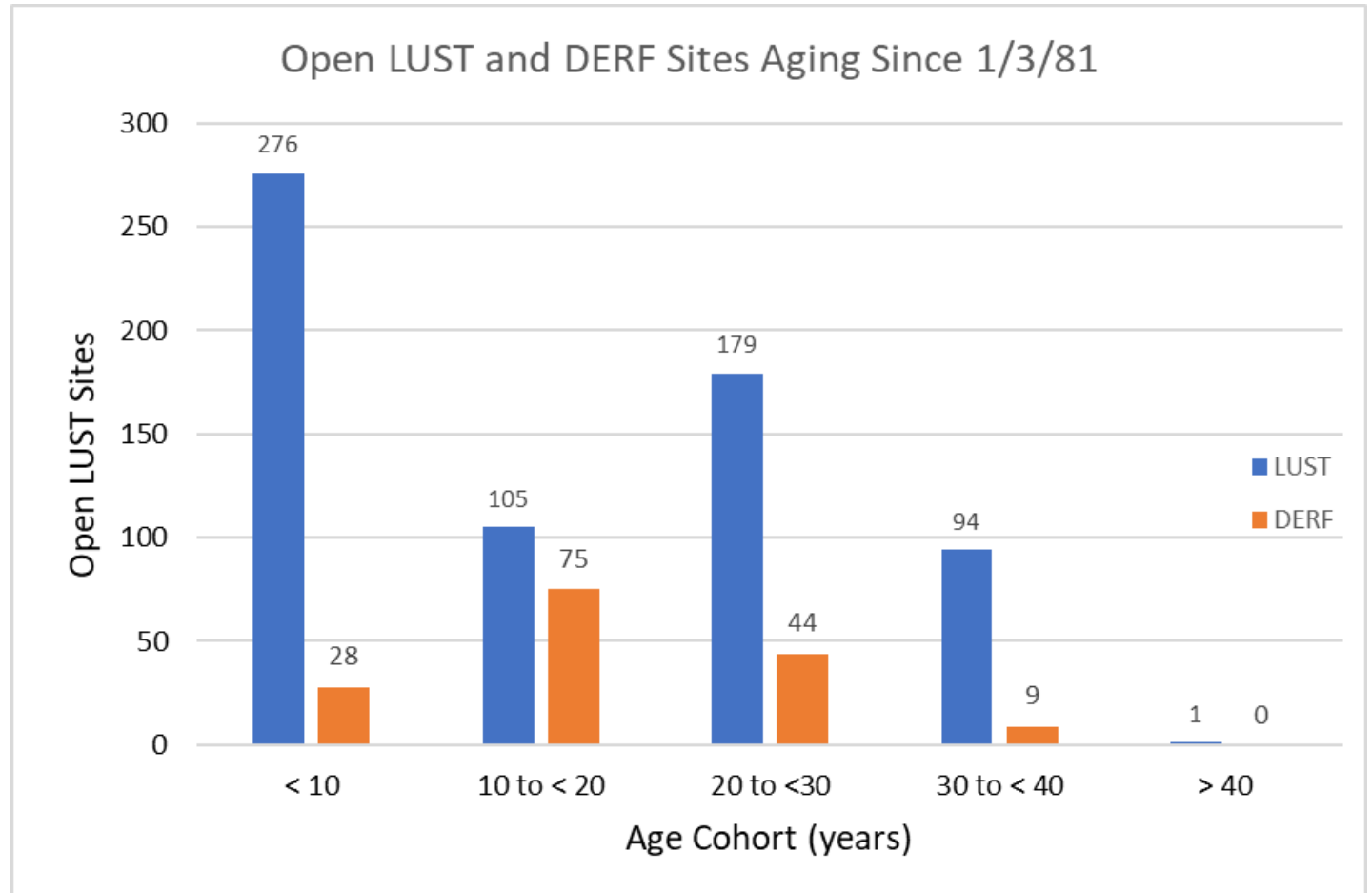


RR EAG
Funding
Sustainability
Subgroup

March 3, 2023 Meeting Agenda

- **Funding gaps as identified by DNR**
 - Dry Cleaner Environmental Repair Fund
 - Other acute risk vapor sites
 - Stalled petroleum sites
 - Innocent landowners
 - PFAS
 - Programmatic funding gaps
 - Area of Opportunity: Governor's FY23-25 budget
- **Funding gaps and needs – group discussion**
- **Recommendations/proposals**
 - Multi-Site Legacy Residual Contamination Sites Revolving Fund Program (Ned Witte, Godfrey & Kahn; Dave Misky, Redevelopment Authority of the City of Milwaukee). Clarifications/questions, feedback on proposal, and next steps

**Aging
Account of
Open LUST &
DERF Sites –
1981 to
Present**



LGU Funding Initiative - A Proposed Solution for addressing Open Sites

- Applicant LGU identifies 3 to 5 candidate sites based on the criteria determined by the EAG subgroup;
- Applicant LGU conducts a potentially responsible party (PRP) search and contacts the PRP regarding site investigation and remediation notification;
- PRP has an opportunity to participate via a number of mechanisms (direct contribution, insurance archaeology, private funding) LGU explores cost recovery options if current PRP is indignant and uncooperative in the restoration of their site;
- LGU employs eminent domain for property acquisition in cases of PRP insolvency, indignation, or tax delinquency;
- LGU has option to apply for WDNR funding (when its available) for site investigation and remediation or self- fund the site investigation and cleanup to closure;

LGU Funding Initiative - A Proposed Solution for addressing Open Sites

- Candidate sites selected by LGU will be submitted to the WDNR Green Team to identify and discuss funding requirements;
- WDNR will provide project oversight and approval of LGU Funding Initiative eligible costs;
- LGU, with third party technical assistance, will complete approved site investigation and remediation activities to take site to case closure;
- The LGU will initiate cost recovery of eligible fees paid out for site investigation and remediation work completed to site closure (this includes insurance archaeology);
- Fees recovered for site investigation and remediation to case closure funded by the WDNR will be placed back into the LGU Funding Initiative account for re-use at other LGU sites.



RR EAG
Funding
Sustainability
Subgroup

Assignments

- **ALL:** AD HOC Group Opportunity - Develop draft white paper for the Multi-Site Legacy Residual Contamination Sites Revolving Fund Program proposal (Ned Witte, Godfrey & Kahn; Dave Misky, Redevelopment Authority of the City of Milwaukee). To participate email Michael.Prager@wisconsin.gov to express interest.
- **DNR:** Review *The Financial Resource Guide for Cleanup & Redevelopment* (RR-539) to pull out the relevant information for reference in future funding sustainability subgroup discussions.

NR 700 Subgroup Report

Bill Nelson

April 14, 2023

Overview & Significant Discussion

▶ **March 3, 2023 NR 700 Subgroup Meeting**

- ▷ Assignment: request subgroup members come with a rule or policy for consideration
- ▷ In addition to examples previously shared with Members:
 - ▶ NR 714 – public notification
 - ▶ Modernize submittals
 - ▶ PAHs in soil

Soil Standards

$$SL_{\text{res-sol-ingc}} \left(\frac{\text{mg}}{\text{kg}} \right) = \frac{TR \times AT_{\text{res}} \left(\frac{365 \text{ days}}{\text{yr}} \times LT(70 \text{ yrs}) \right)}{CSF_o \left(\frac{\text{mg}}{\text{kg-day}} \right)^{-1} \times \left(\frac{10^{-6} \text{ kg}}{\text{mg}} \right) \times RBA \times IFS_{\text{res-adj}} \left(\frac{36,750 \text{ mg}}{\text{kg}} \right)}$$

where:

$$IFS_{\text{res-adj}} \left(\frac{36,750 \text{ mg}}{\text{kg}} \right) = \left[\frac{EF_{\text{res-c}} \left(\frac{350 \text{ days}}{\text{yr}} \right) \times ED_{\text{res-c}}(6 \text{ yr}) \times IRS_{\text{res-c}} \left(\frac{200 \text{ mg}}{\text{day}} \right)}{BW_{\text{res-c}}(15 \text{ kg})} + \frac{EF_{\text{res-a}} \left(\frac{350 \text{ days}}{\text{yr}} \right) \times ED_{\text{res-a}}(20 \text{ yr}) \times IRS_{\text{res-a}} \left(\frac{100 \text{ mg}}{\text{day}} \right)}{BW_{\text{res-a}}(80 \text{ kg})} \right]$$

Contaminated Sediment



Fees

TABLE 1 -- FEE SCHEDULE

TYPE OF LETTER OR ASSISTANCE	STATUTORY CITATION	FEE
<i>(a) Agreements.</i>		
1. Tax assignment agreement.	ss. 75.106 (2) (f) and 292.55	\$700
2. Tax cancellation agreement.	ss. 75.105 (2) (d) and 292.55	\$700
3. Negotiated agreements. ^a	s. 292.11 (7) (d) 2.	\$1400
4. Enforcement actions. ^a	s. 292.94 (d)	a
5. Negotiation and cost recovery. ^a	s. 292.35 (13) (a)	a
<i>Note:</i> For Negotiated Agreements, the \$1400 fee is for department time associated with reviewing the document. If the Negotiated Agreement identifies other reports or activities that require department review, there would be a separate review fee for each specified.		
<i>(b) Liability clarification letters.</i>		
1. Off-site exemption letters.	s. 292.13 (3)	\$700
2. Lease letters — single properties.	s. 292.55	\$700
3. Lease letters — multiple properties.	s. 292.55	\$1400
4. General liability clarification letters.	s. 292.55	\$700
5. Lender assessments.	s. 292.21 (1) (c) 1. d.	\$700
<i>(c) Technical assistance.</i>		
	s. 292.55	
1. ch. NR 708 No further action letter. ^b		\$350
2. ch. NR 716 No further investigation.		\$700
3. ch. NR 716 Site investigation work plan.		\$700
4. ch. NR 716 Site investigation report.		\$1050
5. ch. NR 720 Soil cleanup standards/reports.		\$1050
6. ch. NR 722 Remedial action options report.		\$1050
7. ch. NR 724 Remedial design report.		\$1050
8. ch. NR 724 Operation and maintenance report.		\$425
9. ch. NR 724 Construction documentation report.		\$350

TABLE 1 -- FEE SCHEDULE (Continued)

TYPE OF LETTER OR ASSISTANCE	STATUTORY CITATION	FEE
10. ch. NR 724 Long-term monitoring plans.		\$425
11. ch. NR 726 Case closure action.		\$1050
12. ch. NR 506 Exemption for building on a historic waste site.		\$700
13. Other technical assistance.		\$700
<i>(d) Department database fees.</i>		
	ss. 292.12 and 292.57	
1. Sites with groundwater contamination that attains or exceeds ch. NR 140 enforcement standards.		\$350
2. Sites with soil contamination that attains or exceeds ch. NR 720 RCLs.		\$300
3. Sites not otherwise addressed above, where the department imposes any other limitation or condition in accordance with s. 292.12 (2), Stats.		\$350
<i>Note:</i> This may include, but is not limited to sites where a vapor mitigation system is required as a condition of closure.		
4. Cases submitted for closure with monitoring wells not properly abandoned, without residual groundwater contamination.		\$350
5. Modification or removal of a site or property from the database.		\$1050
<i>Note:</i> This fee applies each time a request is made for modification or removal of a site from the database.		
<i>Note:</i> In accordance with s. 292.12 (3) and 292.57, Stats., responsible parties or local governments shall pay the appropriate fees to list, modify or remove sites with residual contamination on the department's database. This database includes sites with residual contamination and where the department has approved case closure under ch. NR 726 or a Certificate of Completion under s. 292.15, Stats., sites where the department requires listing on the database as a condition of approving a remedial action, or sites where the department requires a local government to take action under s. 292.11 (9) (e) 4., Stats., and listing the site on the database is necessary due to residual contamination. More than one of these fees may apply to a site.		

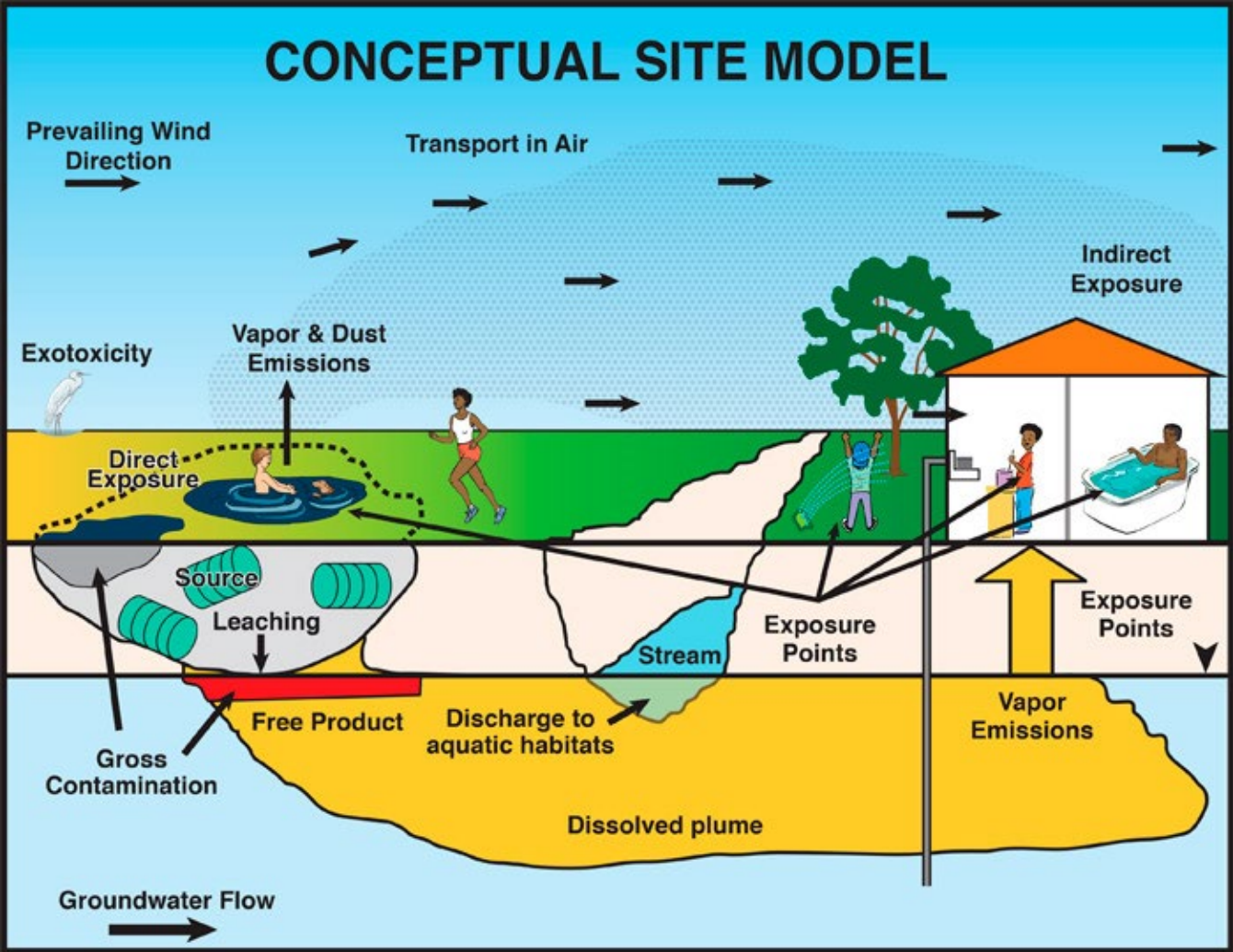
(a) Persons subject to or entered into such orders, agreements, or processes shall pay fees for each service requested or required by the department.

(b) Immediate actions associated with emergency spill cleanup activities, including department signoff on the Notification for Hazardous Substance Discharge form, do not require a review fee.

Case Closure Requirements

- ▶ Clarify common points of confusion and failure for submittals
- ▶ Improve procedural cost efficiency for RPs and DNR

Conceptual Site Model



Continuing Obligations (COs)



Clarifications

- ▶ Submittal details, including property information requirements and terminology changes.
- ▶ Locational GIS improvements.
- ▶ Sampling/monitoring data submittals.

What Did We Miss? What are our priorities?



Assignments & Next Steps

- ▶ **Assignment:** request subgroup members to volunteer to draft white papers
- ▶ Next subgroup meeting May 2023
 - ▷ White paper development
- ▶ Thanks!

Contaminated Sediments Subgroup Agenda

*Carrie Webb,
Chairperson*

Review RR-0124 guidance status and finalization process

- Overview of comments

RR Sites Map and sediment polygons

Ideas for site-specific CUL factors

Financial assurance

Continuing obligations and long-term stewardship

Sediment in NR 700

- Potential for coordination with NR 700 EAG subgroup

Assignments

ALL: Submit ideas how to get to cleanup levels for sediment and areas of financial assurance guidance that are needed to CarrieA.Webb@wisconsin.gov

Workplan Update and Next Steps

Deliverables and Milestones

- List of items in NR 700 rules for sediment that are unclear or inconsistent
- Summary of issues and recommendations for consistent approach to sediment remediation
- Summary of issues and recommendations to ensure long-term stewardship of sediment remedial actions

Expected Outcomes

- Regulatory uncertainties for the management of contaminated sediment reduced
- Consistency in NR 700 rule implementation for sediment cleanup improved
- Long-term stewardship of sediment remedies addressed
- Frustrations of DNR Staff, consultants and responsible parties reduced

Assignments



Adjourn

CONNECT WITH US

Thank You!

DNR RR Program Contacts:

dnr.wi.gov/topic/Brownfields/Contact.html



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OFF THE RECORD"