

EXTERNAL ADVISORY GROUP

Remediation and Redevelopment Program



Meeting Notes

Remediation and Redevelopment External Advisory Group

Thursday, Oct. 12, 2023 | 9:00 a.m. – noon | State Natural Resources Building | Room G-09 | 101 S. Webster St. | Madison, WI

Action items/assignments for next meeting

- **ALL:** Email CarrieA.Webb@wisconsin.gov about [Guidance on Addressing Contaminated Sediment Sites in Wisconsin \(RR-0124\)](#) sections or topics you would like to see extra training or support for.
- **ALL:** To volunteer for issue paper development for upcoming July 2024 rulemaking topics (site investigations and conceptual site models, fees), please email MollyE.Schmidt@wisconsin.gov.
- **ALL:** To volunteer for issue paper development on DERF funding issues, please email Michael.Prager@wisconsin.gov.
- **EAG:** Add technical outreach and engagement to standing agenda
- **DNR:** Check-in to see if reports are being scanned for OCR
- **ALL:** 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.

Roll Call and Community Building

EAG Members

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

Guests

In-Person

- Bill Nelson, Godfrey & Kahn, S.C.
- Chris Bonniwell, TetraTech
- Chard Rogness, Lifetime Radon
- Mark Rutkowski, Shannon & Wilson
- Trevor Nobile, DNR
- Jody Irland, DNR
- Michael Prager, DNR
- Jennifer Borski, DNR
- Health Herr, GEI Consultants, Inc
- Curtis Hedman, DHS
- Jason Lowery, DNR
- Derek Panches, Stafford Rosenbaum LLP
- Gena Larson, DNR
- Jennifer Hagen, Ramboll
- Frank Dombrowski, WEC Energy Group
- Christopher Litzau
- Colin Kelly, ecoSPEARS
- Toni Herkert, League of Wisconsin Municipalities
- Kurt McClung, SET Environmental
- Audra Felix, DNR
- Young Kim, Groundwork Milwaukee
- Nathan Kloczko, DHS
- Carrie Webb, DNR
- Erin Endsley, DNR
- Alex Amundson, WEC Energy Group

Online

- Jenna Soyer, DNR
- Donald Gallo, Donald Gallo Law
- Josh Davenport, KPRG Associates
- Adam Roder, The Sigma Group
- Tom Coogan, DNR
- Lanette Altenbach, AECOM Technical Services
- Glenn Luke, WEC Energy Group

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Remediation and Redevelopment Program



Logistics and Upcoming Meetings

DNR Updates

- Rulemaking
- [Vapor intrusion for local government webpage](#) – now published
 - Email Jody.Irland@wisconsin.gov with feedback or ideas for items to be added.
- Soils: Current status and future plans
 - Proposed cPH incorporates a cumulative cancer risk approach. Consist with guidance received from DHS in 2016.
 - *Guidance on Soil Cleanup Standards* (RR-0145)

DNR Guidance

- *Upcoming Public Input Opportunities:*
 - *Guidance: Tips and Reminders for a Complete Closure Submittal* (RR-979)
 - *Addressing Vapor Intrusion at Remediation and Redevelopment Sites in Wisconsin* (RR-800)
 - *Guidance: Mechanical and Chemical/Biological Spill Response Methods* (RR-710)
 - *DNR Staff Provide Spill Response and Support* (RR-559)
 - *Immediate Reporting Required for Hazardous Substance Spills* (RR-560)
- *Guidance on Addressing Contaminated Sediment Sites in Wisconsin* (RR-0124), training needs and outreach feedback
 - *Issues & Trends* to introduce an overview of the document would be helpful to identify detail areas for deep dives.
 - A collection of shorter videos or resources of different sections would be a good supplement to the *Issues & Trends*.
 - Resource roundup to remind people of the documents published over the last six months would be helpful. Remind people of the resources that exist.

Subgroup Updates

- Environmental Justice (EJ) Subgroup – Young Kim
 - **Identified priorities and potential projects**
 - Notification & participation needs vs. realities of code/authority.
 - A guidance for NR 714 best practices and code requirements that includes an EJ perspective for external stakeholders may be helpful.
 - Best practices should be mindful of balancing time, labor, and costs for the responsible party/developer.
 - Consider tribal processes and notifications.
 - Continued learning about the historical context that has led to modern day inequities.
 - Research ways to provide briefings on this to internal and various external stakeholders (e.g., responsible parties, consultants, property owners). Tools could include land acknowledgements or acknowledging how historical systems of power have impacted society today.
 - The DNR and Environmental Management Division are currently working on internal EJ trainings. The DNR hired an EJ policy coordinator in 2022.
 - The EJ subgroup will continue this practice at each meeting.
 - Mechanisms for compensating community members to participate.
 - This maybe a crossover area with the Funding Sustainability subgroup
 - Providing opportunities for participation also requires emphasis on relationship

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Remediation and Redevelopment Program



- building.
- Continue to develop best practices to build relationships and trust, connections.
 - An internal job aid providing suggestions or recommendations for building trust and transparent communication maybe helpful when DNR staff are trying to access properties for testing.
 - There are existing processes for responsible parties to follow for “best faith efforts” to gain access, which include the DNR partnering with Department of Health Services, if needed.
 - Important considerations when approaching entities for access are understanding how perceptions about liability and cost may play a role.
 - An important component is identifying processes for identifying community leaders (e.g., neighborhood associations, alderperson).
- NR 700 Subgroup – Bill Nelson
 - Update on last subgroup meeting
 - Will be starting to work on issue papers for future potential rule topics – site investigations, conceptual site models, fees—see action items (above) for details.
- Funding Sustainability Subgroup – Mark Rutkowski.
 - Update on last subgroup meeting.
 - Went through various funding scenarios, discussed gaps
 - Will continue thought process with additional funding scenarios/case studies to continue to identify areas with gaps, then prioritize gaps for solution identification.
 - Seeking volunteers for issues papers on DERF funding issues, see action items (above) for details.
- Vapor Intrusion – Jennifer Borski.
 - Introduction of Chris Bonniwell, appointed subgroup chair
 - Status of subgroup work planning following inaugural meeting

Continue Annual Reflection (Tabled from July 2023 EAG meeting)

Subgroups – Proposals and Reflections

- Technical Outreach and Engagement
 - These topics show up in each subgroup. This could indicate there needs to be intentional and consistent discussions about the role of technical outreach and engagement to the unique needs of each subgroup. This could be accomplished in each subgroup, at the whole group EAG meetings, or with an ad hoc group—helping balance capacity and dilution of existing work plans.
 - Engagement is broader than the EJ subgroup because it may include entities from local governments, farmers, manufacturers, neighborhood groups, or different socio-economic communities.
 - **Going forward:** Technical outreach and engagement will be standing agenda items on EAG agendas to identify status and needs.
- Contaminated Sediments
 - Paused currently because the group agreed that the workplan items were complete. There are future items that could start a new workplan.
- Other
 - Explore the opportunities to improve communication between the DNR and external parties throughout the remedial process to better streamline the process, submittal comments and case closure review.
 - Explore the ability to increase dialogue between DNR and responsible parties regarding

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Remediation and Redevelopment Program



- changing standards for case closure and the necessary pre-meetings for submittal for closure.
- Check-in to see if reports are being scanned for OCR.

Assignments

Adjourn

Remediation & Redevelopment External Advisory Group Meeting

Oct. 12, 2023



Agenda

Roll Call and Community Building

- What are the best fall treats?

Logistics and Upcoming Meetings

DNR Updates

- Rulemaking
- Vapor intrusion for local governments webpage
- Soils: Current status and future plans

DNR Guidance

Subgroup Updates

Continue Annual Reflection (tabled from July 2023 meeting)

- Potential subgroups – proposals and reflections

Assignments

Adjourn



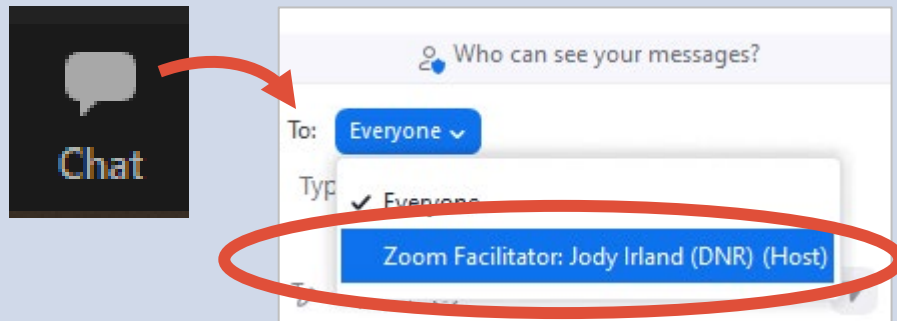
Meeting materials available at dnr.wisconsin.gov/topic/brownfields/rreag

Zoom Meeting Logistics

All attendees are muted

Written Comments/Questions

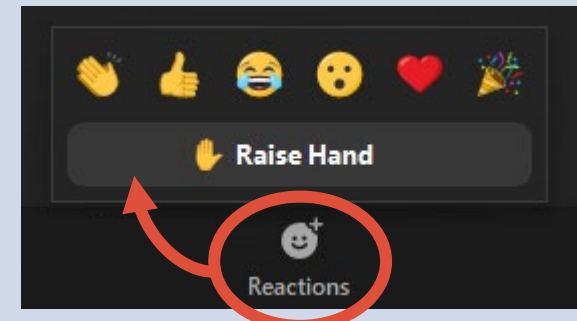
- Use **chat** and select Zoom facilitator in the “To” dropdown
- Remarks will be read out loud by facilitator



(direct message)

Verbal Comments/Questions

- **Raise hand** to request a turn to talk (* 9 on phone)
- Please unmute when your name is called (*6 on phone)



Roll Call and Community Building

What are the best fall treats?

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 Thistle

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 Sustainability
Subgroup Chair

Young Kim

Groundwork
Milwaukee
Environmental Justice
Subgroup Chair

Chris Bonniwell

TetraTech
Vapor Intrusion
Subgroup Chair

Carrie Webb

DNR
Contaminated
Sediments Subgroup
Chair

Upcoming Meetings

RR EAG - January 25, 2024

- 1 – 4 p.m.

RR EAG - April 11, 2024

- 1 – 4 p.m.

RR EAG - July 25, 2024 (tentative)

Subgroup Series – Dec. 5, 2023

- 10 a.m. – 5:30 p.m.

Subgroup Series – Feb. 28

- 10 a.m. – 5:30 p.m.
- Madison GEF 2

Subgroup Series – May 29

- 10 a.m. – 5:30 p.m.
- Madison GEF 2



Oct. 25, 2023 – Vapor Intrusion in Wisconsin – 2023 Updates

- Register at dnr.wi.gov, search “RR Program Presentations & Training”



**Subscribe to RR Report
for notifications about future Issues & Trends**

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

DNR Updates

- Rulemaking
- Vapor intrusion for local governments webpage
- Soils: Current status and future plans

Rulemaking



- Will begin after (anticipated) Jan 2024 Natural Resources Board (NRB) approval of scope statement
- RR Program to be advised by Secretary-appointed NR 700 Rule Advisory Committee
 - Appointments in process
- Total of ~ 8 months available for drafting

Scope Statements - FY 2024

Scope statement process = 6 months

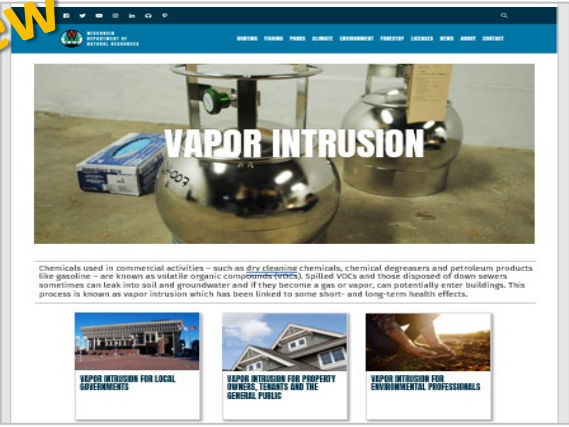
- Scope statement drafting
- DNR Secretary approval
- Dept. of Administration (DOA) and Governor
- Legislative Reference Bureau (LRB) publication in Administrative Register ← **We are here.**
- Preliminary hearing, if directed by Joint Committee for Review of Administrative Rules (JCRAR)
- NRB meeting



Vapor Intrusion for Local Governments Website

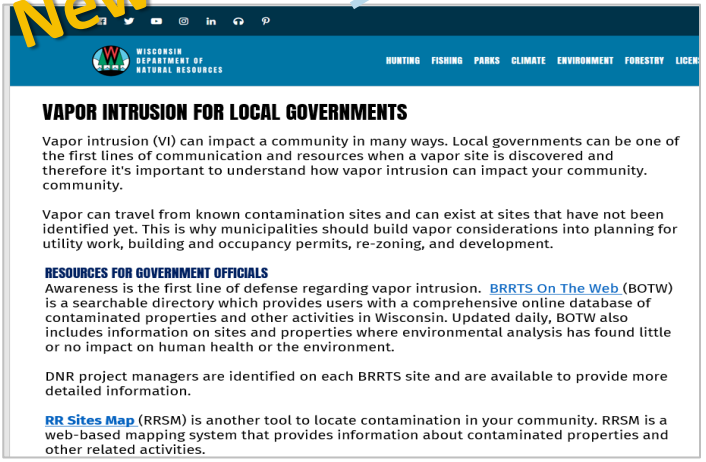
Coming Soon!
Oct. 18

New



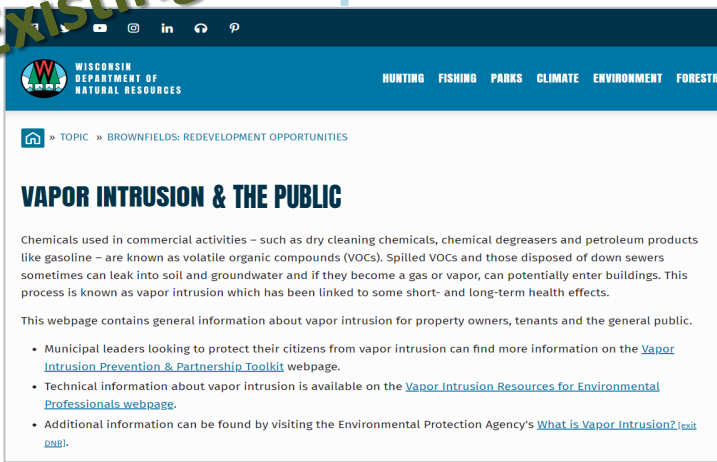
dnr.wisconsin.gov/topic/Vapor/

New



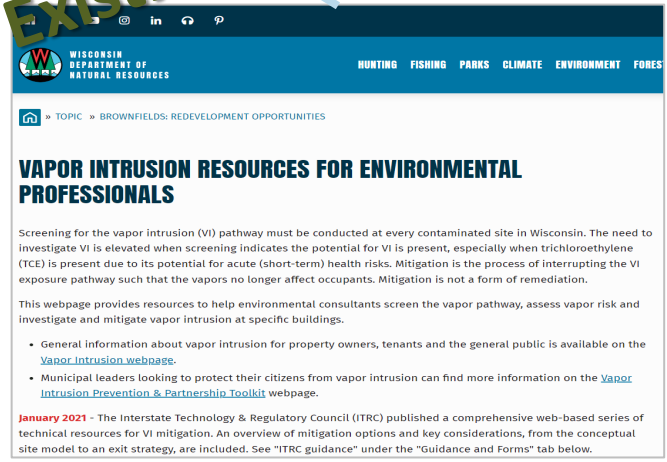
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Existing



[/topic/Brownfields/VaporPublic.html](https://dnr.wisconsin.gov/topic/Brownfields/VaporPublic.html)

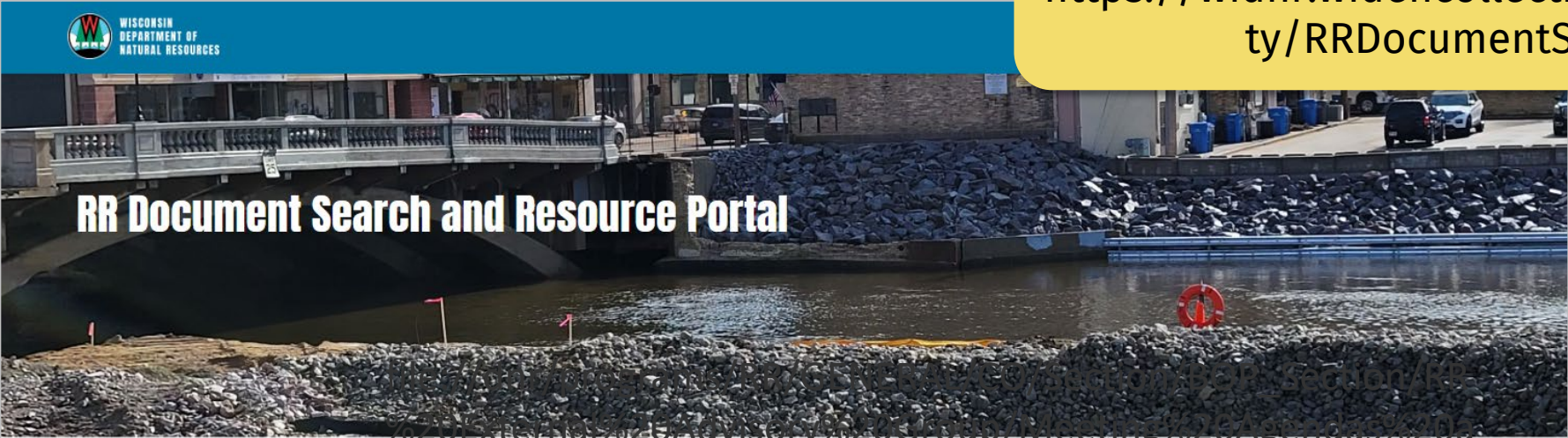
Existing



[/topic/Brownfields/VaporPublic.html](https://dnr.wisconsin.gov/topic/Brownfields/VaporPublic.html)

Vapor Intrusion Resources

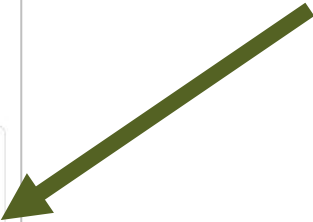
For RR Program Publications & Forms
<https://widnr.widencollective.com/portals/n3gjtfty/RRDocumentSearchPortal>



The Remediation & Redevelopment (RR) Program Document Search and Resource Portal provides access to publications, forms and templates. Each type of document is organized into a collection; if you are unsure of the document type, click on "All Documents" for a comprehensive collection.

RR Document Search and Resource Options

 <p>All Documents</p>	 <p>Forms</p>	 <p>Publications</p>	 <p>Español</p>	 <p>Templates</p>	 <p>Vapor</p>
EM - RR - All Documents 217 Assets	EM - RR - Forms 32 Assets	EM - RR - Publications 171 Assets	EM - RR - Spanish 3 Assets	EM - RR - Templates 18 Assets	EM - RR - Vapor 30 Assets



Soils: Current Status and Future Plans

Erin Endsley

Hydrogeologist Program Coordinator

DNR

Current Guidance

CONTAMINATED SOIL AND SEDIMENT

The information on this page relates to the characterization, assessment and management of contaminated soil, sediment and other solid waste on sites or facilities being investigated or cleaned up in compliance with the requirements of chs. NR 700 to 799, Wis. Admin. Code. Please contact Remediation and Redevelopment (RR) Program staff for situations not addressed on this page and for site-specific technical questions.

Soil RCLs **Alternative assessments** Management Fill exemptions Sediment Other

SOIL RESIDUAL CONTAMINANT LEVELS

The following guidance documents are available to help environmental professionals calculate residual contaminant levels (RCLs) in accordance with [ch. NR 720, Wis. Admin. Code](#) [\[exit DNR\]](#) (soil cleanup standards). The RR Program's spreadsheet will be periodically updated so that the RCLs will be the results from EPA's RSL web-calculator with NR 720 default parameters.

1. Instructions on using and interpreting results from the U.S. EPA's regional screening level (RSL) web-calculator and the RR Program's spreadsheet of RCLs.

- [December 2018 RCL Spreadsheet Update \(RR-052h\)](#) [\[PDF\]](#)
- [Soil RCL Determinations Using the U.S. EPA Regional Screening Level Web Calculator \(RR-890\)](#) [\[PDF\]](#)

2. Two versions of the RR Program's spreadsheet of RCLs with soil levels protective of the direct contact pathway and groundwater quality.

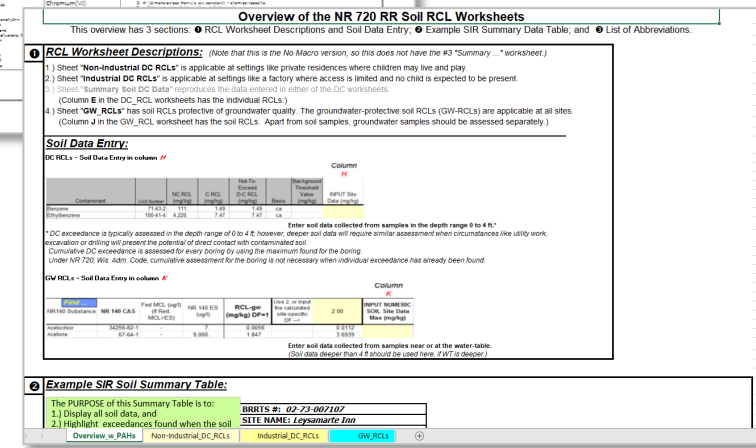
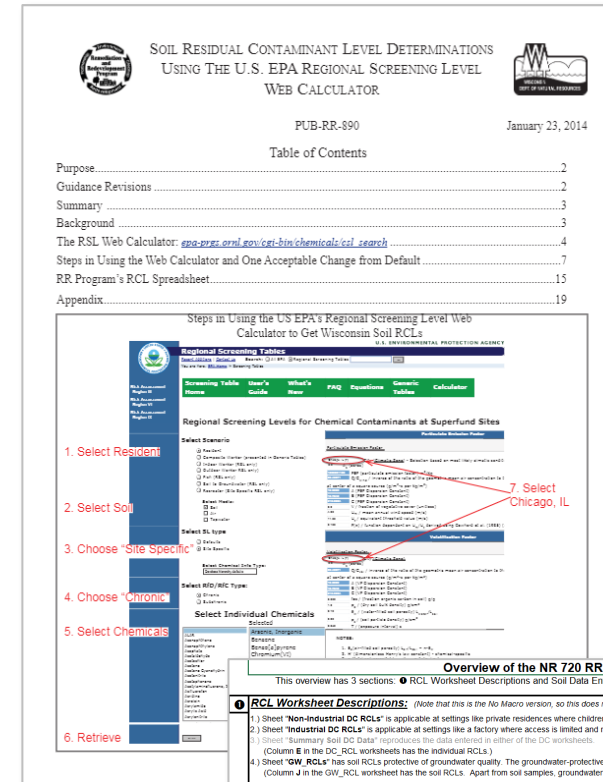
- [RCL spreadsheet for use with macro-enabled Excel program](#) [\[zipped XLSM\]](#) (recommended) - Updated December 2018
- [RCL spreadsheet \(no-macro\) for use with software other than Excel](#) [\[xls\]](#) (file conversion may be needed before use) - updated December 2018

One version of the RCL spreadsheet has five separate worksheets while the no-macro version has four. The no-macro version lacks a "DC Summary" worksheet. The use of either one will provide the same data evaluation results at the bottom of the DC RCL worksheets. The spreadsheet's overview page provides a short "how-to" and "what-to-do" with the evaluations from the RCL worksheets when preparing data summary tables.

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

Current Guidance

- Soil RCL Determinations Using the U.S. EPA Regional Screening Level Web Calculator (RR-890)
- RR Program's RCL Spreadsheet with numeric cleanup levels for direct contact with contaminated soil and the groundwater pathway
- Both are out of date



Updated Guidance

- Will replace RR-890
 - will be updated and included as an appendix
- Provide overview of soil cleanup standard development and application as described in Wis. Admin. Code Ch. NR 720
- Focus more on application of numeric cleanup values and how they will be used to make site decisions
- Updated *RCL Spreadsheet* will be streamlined to include the most common contaminants
- Will include updated guidance on addressing cPAH contamination at sites

Updated Guidance

- Guidance is currently undergoing legal review
- Estimated release for public comment late 2024
- Supporting materials will be released at same time
 - Updated RCL Spreadsheet
 - Updated RCL Quick Reference Table
 - Milwaukee Parks Study
- Training will be scheduled after guidance is published

Other Updates

- NR 720 focused rule revision scoping statement shared with EAG during July 2023 meeting
- Other soil-related guidance will be updated as time allows to be consistent with updated administrative code requirements

DNR Guidance

- Coming soon
- Guidance support from DNR

Public Input Opportunities

Coming Soon

- *Guidance: Tips and Reminders for a Complete Closure Submittal (RR-979)*
- *Addressing Vapor Intrusion at Remediation and Redevelopment Sites in Wisconsin (RR-800)*

Wisconsin DNR – Vapor Intrusion and Dry Cleaners

Remediation and Redevelopment Program **March 2023**

Addressing Vapor Intrusion at Remediation and Redevelopment Sites in Wisconsin

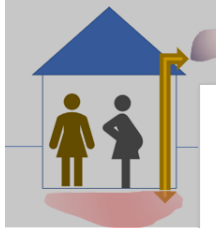
Wis. Stat. ch. 292, Wis. Admin. Code chs. NR 700-799

Purpose
This guidance is for persons who perform investigation and remediation of sites with environmental contamination under Wisconsin Administrative Code (Wis. Admin. Code) chs. NR 700-799 and Wisconsin Statutes (Wis. Stat.) ch. 292. Specifically, this guidance is intended for responsible parties, property owners, environmental consultants, and attorneys who involved with the investigation, remediation, or mitigation of vapor contamination.

This guidance applies to sites with volatilized subsurface contaminants (i.e., vapors) that have migrated to or have the potential to migrate to occupied buildings or buildings may become occupied.

This guidance identifies conditions that indicate an assessment of the vapor intrusion pathway is necessary at contaminated sites. It recommends guidelines for evaluating health risk, identifies appropriate responses, explains long-term stewardship, and clarifies when sites with a complete or potential vapor migration pathway may achieve closure.

Related Guidance
Wisconsin Department of Natural Resources (DNR) publications and forms referenced in this document include a number beginning with "RR-" or "4400-". Locate these publications and forms by visiting dnr.wi.gov and search for the



Publication: RR-800 This document is intended solely as guidance and is not intended to be used in any matter addressed by this guidance unless otherwise stated.
dnr.wi.gov

Wisconsin DNR – NR 700 Process

Remediation and Redevelopment **May 2023**

Guidance: Tips and reminders for a complete closure submittal

This document includes reminders and tips for a correct and complete closure submittal under Wisconsin Administrative (Wis. Admin.) Code ch. NR 726. This document is a supplement to Form 4400-202, *Case Closure*, and Wis. Admin. Code ch. NR 726, and in no way should be used independently for completing a case closure request. If you have questions on a specific case, please contact your assigned project manager.

This document is intended solely as guidance and does not contain any mandatory requirements except where requirements are found in statute or administrative code as referenced. Any regulatory decisions made by the DNR in any matter addressed by this guidance will be made by applying the governing statutes and administrative codes to the relevant facts.

DNR forms referenced in this document include a number beginning with "4400." To locate these forms, visit dnr.wi.gov and search for the form number. Visit the RR program [Publications and Forms](#) web page for instructions and helpful hints using DNR PDF fillable forms. This guidance document replaces previous DNR publications *Improve Your Closure Request: Maintenance Plans & Maps* (RR-983) and *DNR Frequently Asked Questions (FAQs): Administrative Completeness Review at Closure*, ch. NR 726 (RR-975).

General Information	
<input type="checkbox"/> Required	Form 4400-202, Case Closure Use of 4400-202 is required under Wis. Admin. Code § NR 726.09(1). If you have any questions on what is required for a certain section, contact your assigned DNR project manager. This form is subject to periodic updates; make sure you are using the most current version by searching "4400-202" on the DNR website. Do not use a version saved on your desktop.
<input type="checkbox"/> Encouraged	Document Submittal In 2020, DNR temporarily suspended the requirement to submit hard copies of case closure requests. Customers are strongly encouraged to submit a complete electronic closure request packet via the RR Submittal Portal (https://dnr.wi.gov/Topic/Remediation/Submittal.html). For additional submittal instructions, please review RR-690, Guidance for Electronic Submittals for the Remediation and Redevelopment Program . Visit dnr.wi.gov , search "RR-690." Revisions to closure materials should be submitted per the guidance in RR-690. Only revised pages with the date and consultant's initials are requested. Resubmitting an entire closure request packet when revisions are requested to specific items is discouraged.
<input type="checkbox"/> Required	Fees Appropriate fees under Wis. Admin. Code ch. NR 749 must be submitted with the case closure request per Wis. Admin. Code § NR 726.05(2). This includes both the review fee and applicable database fees. The DNR accepts checks and electronic payments for fees. More information on RR Program services and fees is available online RR Services and Fees website. Visit dnr.wi.gov , search "RR Fees." Additional instructions

Publication: RR-979
dnr.wi.gov Search: "closure submittal"

Public Input Opportunities

Coming Soon

- *Immediate Reporting Required for Hazardous Substance Spills (RR-560)*
- *DNR Staff Provide Spill Response and Support (RR-559)*
- *Guidance: Mechanical and Chemical/Biological Spill Response Methods (RR-710)*



Guidance Support for DNR

Wisconsin DNR – Environmental Contamination

Remediation and Redevelopment Program August 2023

Guidance on Addressing Contaminated Sediment Sites in Wisconsin

Purpose
The purpose of this guidance is to outline approaches for investigating and remediating hazardous substances discharges that impact sediment to comply with the requirements in Wisconsin Statutes (Wis. Stat.) ch. 292 and the applicable provisions of Wisconsin Administrative (Wis. Admin.) Code ch. NR 700-799. This guidance explains and outlines steps recommended for assessment of contaminated sediment, evaluation of remedial options and the selection, design, implementation and monitoring of remedial actions. This document also provides clarification to closure requirements at sites with contaminated sediments, including continuing obligations, long term stewardship and financial assurance.

This guidance is applicable to sites where hazardous substances were discharged to sediment and surface water and have the potential to migrate to waters of the state or impact associated receptors. This document is intended for use by responsible parties (RP), environmental professionals, riparian property owners and Department of Natural Resources (DNR) staff.

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Related DNR Guidance

The following documents may also be useful:

- *When Should a Site Investigation Enter Surface Water* (RR-0117)
- *Guidance for Sediment-Related Continuing Obligations for Environmental Protection* (RR-0126)
- *When Contamination Crosses a Property Line* (RR-559)
- *Hazardous Substance Spills* (RR-560)
- *Management of Contaminated Soils and Other Solid Wastes* (RR-060)
- *Exempt Soil Management* (RR-103)
- *Guidance for Hazardous Waste Remediation* (RR-705)
- *PCB Remediation in Wisconsin Under the One Cleanup Program Memorandum of Agreement* (RR-786)

Remediation and Redevelopment (RR) Program publication numbers begin with "RR-". To locate these documents search online at dnr.wi.gov and search the publication number or name.

Publication: RR-0124
dnr.wi.gov
Search: sediment

This document is intended solely as guidance and does not contain any mandatory requirements except where requirements found in statute or administrative rules are referenced. Any regulatory decisions made by the Department of Natural Resources in any matter addressed by this guidance will be made by applying the governing statute and administrative rules to the relevant facts.

Guidance on Addressing Contaminated Sediment Sites in Wisconsin (RR-0124)

- What support or learning opportunities would be beneficial to you?
- Are there additional outreach methods that would be helpful?
- Other feedback or ideas to help support your use of this document?

Public Input Opportunities

The screenshot shows the Wisconsin Department of Natural Resources website. The header includes social media icons and navigation links for HUNTING, FISHING, PARKS, CLIMATE, ENVIRONMENT, FORESTRY, and LIC. The breadcrumb trail reads: » TOPIC » BROWNFIELDS: REDEVELOPMENT OPPORTUNITIES. The main heading is "REMEDIATION & REDEVELOPMENT PROGRAM PUBLIC NOTICES". Below this, text states: "Remediation & Redevelopment (RR) Program public notices and public comment opportunities are listed below." It provides links for "External advisory group" meeting information and "DNR Hearings and Meetings Calendar". It also mentions training opportunities on the "RR Program presentations & trainings" webpage. There are two tabs: "Program Guidance" and "Public Notices", with "Public Notices" selected. Under "PROGRAM GUIDANCE", it says: "The RR Program welcomes input on all program guidance. Current guidance can be found using the search tools listed on the RR Program Publications and Forms page. To offer feedback on current RR Program guidance, you can email the staff contact listed in the specific guidance document or DNRRRGuidance@wisconsin.gov." It also includes a table of guidance in development or under active review, and a note: "There are no program guidance postings for public comment at this time." On the right side, there is a sidebar titled "Brownfields: Redevelopment Opportunities" with links for "RR Report Newsfeed", "Find Contaminated Land Activities", "Request Green Team Assistance", "Submit Files Related to ch. NR 700, Wis. Adm. Code", "Report a Spill", and "Environmental Contamination & Cleanup". A "Related Links" section includes "For Environmental Professionals".

➔ **Find Public Notices**
dnr.wisconsin.gov/topic/brownfields/publicnotices.html

✉ **Subscribe to RR Report**
dnr.wisconsin.gov/topic/Brownfields/News.html

Subgroup Updates



Environmental Justice Subgroup

Young Kim,
Groundworks Milwaukee
EJ Subgroup Chairperson

Summary

- Welcome Young!
- Introduced the mission of Groundwork Milwaukee
- Metcalf Park Case Study: Reviewed how historical actions created current inequities and create future EJ concerns
- Introduced two-way communication framework and provided an notification example



EJ
Subgroup

EAG & RR Program:
Use the EJ subgroup as a sounding board
on how to best integrate EJ practices within
work products; ask questions or for
recommendations

EJ Subgroup:
Bring EJ resources, exercises or ideas to
EAG, other subgroups and RR Program for
consideration in work plans

EAG & RR
Program



Identified Priorities

- Helpful to understand the historical context that led to modern day inequities
- Multiagency collaborations vs. siloed support
- Notification & participation needs vs. realities of code/authority
- Mechanisms for compensating community members to participate
- Continue to develop best practices to build relationships and trust, connections

Of these priorities, which are the easiest lift for your subgroup?



Project – NR 714: Required public participation and notification activities for response actions

- e.g., Public participation notification requirements for responsible parties (NR 714.07)
 - No timing requirement
 - No specific deliverable requirement
 - NR 725 only requires notification just prior to closure
 - NR 716.14 only requires sample notification to certain parties
- Could bring ideas and proposed solutions like this to subgroups



Assignments and Next Steps

- Identify priorities and work plans within the two-way communication framework
- Ongoing:
 - Learn about the historical context that led to modern day inequities
 - Continue to develop best practices to build relationships and trust, connections



Funding Sustainability

Mark Rutkowski,

Shannon & Wilson

Subgroup Chairperson



RR EAG
Funding
Sustainability
Subgroup

September 7, 2023 - Meeting Overview

- **Updates on Current Federal/State Funding Opportunities**
- **Review of Meeting Goals**
 - Identify additional funding or redevelopment service gaps
 - Finalize list of gaps
 - Prioritize gaps/solutions
 - Draft solution white papers
- **Funding Case Studies**
 - Group work -exercise
 - Four Scenarios
- **Drycleaner Environmental Response Fund (DERF)**
- **Issues Paper**
- **Action Items**



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Funding Scenario #1

A local government owns a former dry cleaner and has local government unit liability exemption; site has trichloroethylene (TCE) with known off-site vapors; off-site property will require long term vapor mitigation operation and maintenance (O&M).

- Wisconsin Economic Development Corporation (WEDC) – Brownfields Fields grant with caveats
- Local Government Unit (LGU) Exemption barrier for private development
- Funding mechanisms available up to remedial action
- Restriction at municipality – eligible costs for reimbursement
- Site Assessment Grant (SAG) grant match requirement
- State funded vapor investigations (off-site) are funded but not long term O&M
- U.S. Environmental Protection Agency (U.S. EPA) involvement if acute risk to human health



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Funding Scenario #2

Developer wants to redevelop a former manufacturing facility with polychlorinated biphenyls (PCBs) contaminated soil into a multifamily residential development.

- U.S. Department of Agriculture (USDA), Community Development Block Grant (CBG), U.S. Department of Housing and Development (HUD) grants
 - HUD grants – process burdensome; burden may outweighs benefits
- WEDC Brownfield Grants – A solvent and present responsible party would nullify opportunity
- WEDC – Idle site grants up to \$200K institutional properties up to 4 acres
 - Idle site program – causer can't have development interest



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Funding Scenario #3

A responsible party is cleaning up a boat service station (still operating) with a leaking underground storage tank.

No funding scenarios identified.



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Funding Scenario #4

There is a vacant lot in a disadvantaged and underserved neighborhood along a river with heavy metals contamination.

- Very few options for neighborhood group
- U.S. EPA removal if acute health risk
- No WEDC Brownfields grant without known future use
- Idle site grant if > 4 acres with plan approval, can pay up to \$200K or 25% of cost of investment 75% covered locally
- Need neighborhood group to find a champion with city



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Dry Cleaner Environmental Repair Fund (ERF) Issues Concern Regarding Funding for Current and Future Claims

- **DERF Annual Program Revenues**
 - Revenue collected quarterly by from licensed Drycleaners continues to decline
- **Number of Active Drycleaners continues to decline**
 - Direct correlation to reduction in payment and receipts used to fund DERF
- **Decline in product use**
 - Impacts revenue formula: 2.8% of gross receipts
 - \$5/gallon of perc purchased
 - \$0.75/gallon for drycleaning products other than perc
- **33 unpaid claims and all future claims will not receive reimbursement**
- **Administrative costs greater than DERF program annual revenue**
- **Next Steps**

Assignments



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- Identify additional funding or redevelopment service gaps through case study discussion
- Finalize list of gaps
- Identify gaps to prioritize for solution identification
- White paper volunteer for DERF issues

NR 700

Bill Nelson,

Godfrey & Kahn, S.C.

Subgroup Chairperson

Agenda

- Introductions
- Review Takeaways From Last Meeting
- Vapor Intrusion Continuing Obligations Discussion
- DNR RR Program Process Brainstorming
- Next Steps and Assignments
- Adjourn

Action Items/Assignments

- To volunteer for issue paper development for upcoming July 2024 rulemaking topics (site investigations and conceptual site models, fees), please email **MollyE.Schmidt@wisconsin.gov** with copy to **Jodie.Thistle@wisconsin.gov**.

Vapor Intrusion Subgroup

Jennifer Borski
Interim Subgroup Chairperson



Inaugural meeting

Goal

Begin exploring the connections between vapor intrusion priorities for the DNR and external stakeholders

Summary

- Introductions
- DNR provided vapor intrusion information for level-setting
- DNR vapor intrusion updates
- Work plan brainstorming

Work Plan Brainstorming Takeaways

- Provide more educational resources and opportunities
- Develop mitigation licensure requirements or develop recommended standards or education pathways for mitigators in Wisconsin
- Develop best practices for monitoring and tracking vapor mitigation systems after commissioning to better achieve long-term protectiveness

Next Steps

- ✓ Find external chairperson
 - Welcome **Chris Bonniwell** (TetraTech)!
- Develop a subgroup work plan that includes purpose, deliverables and milestones, and expected outcomes



Continue Annual Reflection

Tabled from July 2023 EAG Meeting

EAG Charter - Annual Action Planning

“Annually, the RR EAG will conduct a comprehensive review of technical and policy issues and identify a road map for work items for RR EAG efforts. Identified work items should include expected deliverables, staff resources, the need for subgroups, and timeframes as applicable.”

Review Tabled
Subgroups

EAG Charter - Annual Action Planning

Small group discussion

Tabled:

Engagement, Technical Outreach, Contaminated Sediments Subgroups

- Are the needs of these group being meet elsewhere?
- Is this something we should currently prioritize and why?

Assignments



Adjourn

CONNECT WITH US

Thank You!

DNR RR Program Contacts:

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



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"WILD WISCONSIN:
OFF THE RECORD"