

EXTERNAL ADVISORY GROUP

Remediation and Redevelopment Program



NOTES

Remediation and Redevelopment External Advisory Group

Thursday, April 11, 2024 | 1:00 – 2:30 p.m.
State Natural Resources Building | Room G-09
101 S. Webster St. | Madison, WI

Action items/assignments for next meeting

- **ALL:** Looking for subgroup chairs for the VI and EJ subgroups. Contact Jodie Thistle (Jodie.Thistle@wisconsin.gov) if you are interested.
- **ALL:** To volunteer for issue paper development for the Funding Sustainability subgroup on vapor intrusion or emergency water for private wells, please email Michael Prager (Michael.Prager@wisconsin.gov).
- **ALL:** To volunteer for issue paper development for upcoming July 2025 rulemaking topics (site investigations and conceptual site models, fees), please email MollyE.Schmidt@wisconsin.gov.
- **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 Jodie.Thistle@wisconsin.gov

Roll Call

EAG Members

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

Guests

In-Person

- Curtis Hedman, DHS
- Nathan Kloczko, DHS
- Gena Larson, DNR
- Michael Prager, DNR
- Molly Schmidt, DNR
- Alyssa Sellwood, DNR
- Ben Vondra, DNR

Online

- Jennifer Borski, DNR
- Ryan Blundon, Lifetime Radon
- Margarette Brunette, DNR

- Renata Bungler
- Michelle Castile
- Roxanne Chronert, DNR
- Tom Coogan, DNR
- Donald Gallo, Donald Gallo Law
- Glenn Luke, WEC Energy Group
- Jason Lowery, DNR
- Kurt McClung, SET Environmental
- Marcus Mussey
- Eric Rempala
- Randy Ristow, Pace Labs
- Issac Ross, DNR
- Toni Schoen, the Sigma Group

Logistics

Statewide tornado drill likely to occur during meeting. Meeting to pause during drill so in person attendees can participate in the drill.

EXTERNAL ADVISORY GROUP

Remediation and Redevelopment Program



DNR Updates

- NR 700 Rule Advisory Committee - April 12
- Brownfield Redevelopment Open House for Local Governments – April 24, 2024

Subgroup Updates

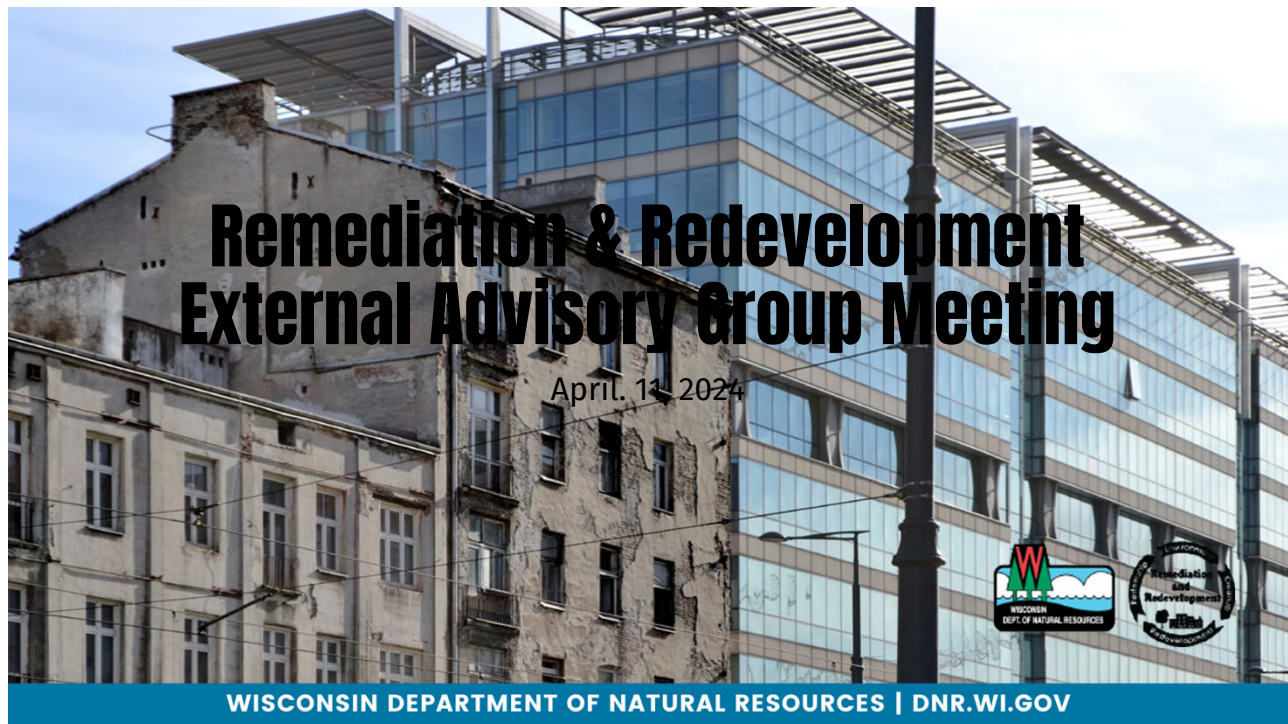
- Funding Sustainability Subgroup – Michael Prager (15 minutes)
Contact Michael Prager if you are interested in participating in developing either the vapor intrusion or emergency water for private wells issue papers.
- NR 700 Subgroup – Bill Nelson (15 minutes)
- Vapor Intrusion – Jennifer Borski (30 minutes)
 - Communication mapping
 - Fact Sheet: Active Notification and Telemetry
 - Ad Hoc committee updates
 - Topics for May 29 Subgroup Meeting

Action Items & Updates

- Subgroup Chairs
Looking for a VI subgroup chair and EJ subgroup chair.
- Term Expirations and Vacancies
Email Jodie Thistle with any comments. Suggestion to designate membership role to a tribal representative.
- Upcoming EAG meetings

Assignments


Adjourn



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Agenda

- Roll Call**
- Logistics**
- DNR Updates**
- Subgroup Updates**
- Action Items & Updates**
- Assignments**
- Adjourn**

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

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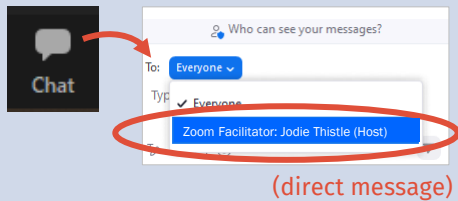
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Zoom Meeting Logistics

All attendees are muted

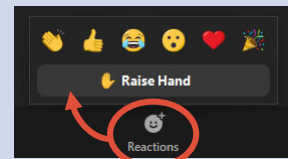
Written Comments/Questions

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



Verbal Comments/Questions

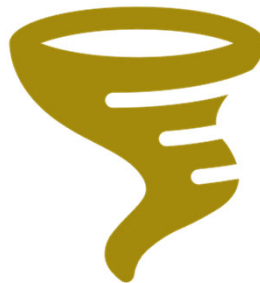
- **Raise hand** to request a turn to talk (* 9 on phone)
- Please unmute when your name is called (*6 on phone)



Logistics - Statewide Tornado Drill

In Person Attendees

- Participate in drill
- Take stairs to parking garage



Online Attendees

- Will see a slide on the screen until in person attendees return

Statewide Tornado Drill

- This meeting is currently on a break due to the statewide tornado drill
- We will resume the meeting at the conclusion of the drill



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Roll Call

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	Vacant Responsible party representative
Jodie Thistle DNR	Noah Saperstein Red Cliff Band of Lake Superior Chippewa	Jason Scott Wisconsin Economic Development Corporation	Debra 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	Vacant Environmental Justice Subgroup Chair	Vacant Vapor Intrusion Subgroup Chair	Carrie Webb DNR Contaminated Sediments Subgroup Chair	

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Rulemaking



Molly Schmidt, DNR

- Rulemaking began following approval of scope statements at the Jan. 24 NRB meeting
- RR-14-23: Definitions, notifications, fees, agreements, reports and procedures for interim action and remedial action **continuing obligations**; and
- RR-15-23: Definitions, land use classifications, procedures for identifying environmental standards for soil and **soil cleanup standards**.

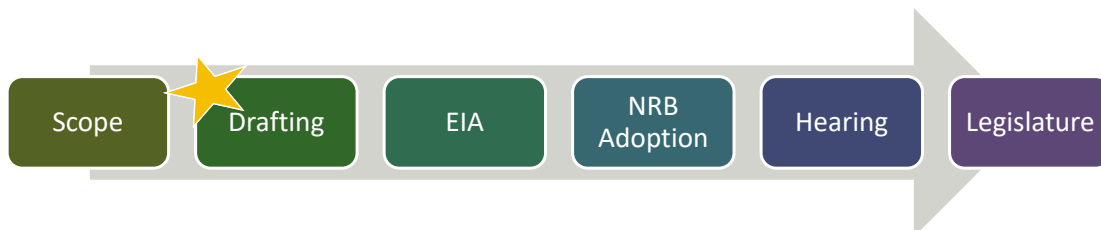
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Rule Drafting

Rule drafting ~ 10 months

- Rule drafting started Feb. 2024
- RR Program advised by Rule Advisory Committee (appointed by DNR Secretary)



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Rule Advisory Committee



Next meetings April 12 (tomorrow!)

- 9-11 a.m. Continuing Obligations (RR-14-23)
- Noon – 2 p.m. Soil Standards (RR-15-23)



Open to the public



In person (@GEF 2 in downtown Madison) or via zoom

RAC Meeting Information/Registration & NR 700 Listserv Signup:

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

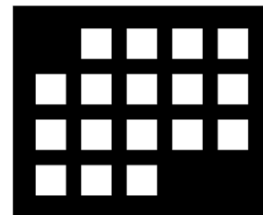
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RR Program - Future Rulemaking

- Two topics initially slated for July 2024
 - DNR Technical Assistance Fees (Wis. Admin. Code ch. NR 749)
 - Conceptual Site Models & Site Investigations
- Now scheduled for **July 2025**
 - Issue paper development

July 2025



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Brownfield Redevelopment Open House For Local Governments

When:

- April 24, 2024
- 10 a.m. – noon

- Local governments are encouraged to attend
- Staff from DNR and WEDC
- Resources for redevelopment of brownfield properties

Where:

- DNR Spooner Service Center
- Community Room 112
- 810 W Maple St.
- Spooner, WI

RSVP to Thomas.Coogan@wisconsin.gov by April 18

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Subgroup Updates



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Funding Sustainability

Michael Prager

DNR

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February 28, 2024- Meeting Overview

- **Update on RR Program fee issue paper discussed by NR 700 Group**
- **Reviewed Funding Gaps Identified by Subgroup**
 - Ranked funding gaps in order of importance to the group
 - Discussed Ready for Reuse Loan program inactivity
- **Preparation of Issue Papers – What is needed to start the process**
 - Focused on 2 or 3 key funding gaps to address in issues paper
 - Combined funding gaps if it was determined that FGs have similar funding needs
 - Solicit volunteers from group to assist in paper development
- **Top Three Issue Paper Topics**
 - Vapor Sites with no RP
 - Flexible Cleanup Funding
 - Emergency Water for private well owners with impacted wells
- **Legislative Update**



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Issue Papers



- **Two selected topics were determined to be foundational in nature**
 - Vapor intrusion
 - Emergency water for private well
- **Address Community Health Concerns**
 - Ranked 2nd in FS Group prioritization
 - Wide breath of concerns, issues, multi-agency participation (e.g. DHS)
 - Also foundational to Vapor Issues and Emergency Water
- **Foundational Topics**
 - Can become basis for other funding initiatives/mechanisms
 - Meets objective of WDNR-Protection of human health & the environment

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Issue Paper - Vapor Intrusion Sites without RP



- Began discussion of this topic
- Discussed universe of sites
- What funding is out there now and what actions are being taken by DNR
- Ad hoc group will put ideas into an issue paper for discussion by group at next meeting

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Legislative Update



- **2023 AB 1055 – Revitalize Wisconsin**
 - Eliminates DERF
 - Provides aid in the form of grants or direct services
 - Assists local government, dry cleaners, private parties including innocent landowner
 - Covered activities include remediation, site investigation, private water supply and more.
- **2023 SB 312**
 - PFAS funding with limits to Spill law authority

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Assigned Tasks



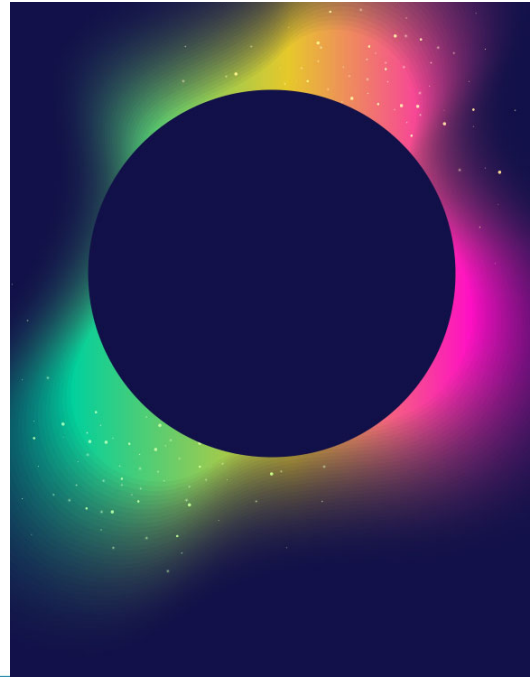
- Ad hoc committee to generate white paper for vapor issue
- Work on issue papers for funding for emergency water next

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NR 700 Subgroup Update

REMEDATION & REDEVELOPMENT
EXTERNAL ADVISORY GROUP
Bill Nelson, Godfrey & Kahn, S.C.



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Open Invite for Policy Initiatives

- NR 700 EAG Subgroup open invitation for policy initiatives

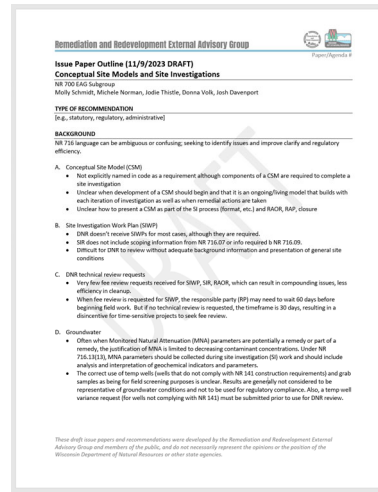


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Issue Papers

- DNR Assistance Fees
- Site Investigations & Conceptual Site Models



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RR Program Fees & Funding Sustainability

1. Increasing current ch. NR 749 Fees
2. Increasing the number of documents that must be submitted with fee for review
3. Charging a premium for expedited reviews
4. Restructure fees from flat rate to hourly rate
5. Developing a Long-Term Stewardship Fee
6. Developing a Delegated Environmental Professional Program to decrease staff workload
7. Smaller menu - streamlining the structure of ch. NR 749 fees

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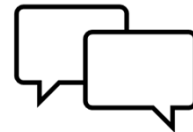
Conceptual Site Models & Site Investigations

- A. Conceptual Site Model
- B. Site Investigation Workplan Scoping
- C. DNR Technical Review Requests
- D. Groundwater
- E. Lab Data Interpretation
- F. Visual Aids
- G. Iterative Site Investigations & Comprehensive Site Investigation Reports

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Call for Discussion Items



- The objectives of the NR 700 Subgroup are to:
 - (1) advise on legislative action affecting the program,
 - (2) evaluate and recommend revisions to the NR 700 rules and
 - (3) recommend new or revised policies for consistent implementation of rules.
- Call for discussion items
 - Examples
 - Case studies
 - Best practices discussion
 - Local rules, laws or restrictions that may impact remedial actions (zoning, stormwater, TID/TIF)

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Vapor Intrusion Subgroup

Jennifer Borski
DNR

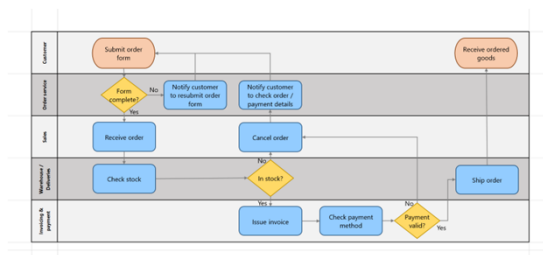


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Vapor Intrusion Communication Mapping

- DNR, Dept. of Health Services (DHS) & city of Milwaukee
- Initiated Jan. 2024
- Includes workflow, swim lane diagram & narrative
- Example generic swim lane diagram



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Vapor Intrusion Communication Mapping

Mapping scenarios:

1. **Federally Funded: Vapor Intrusion Assessment Contract (VIAC)** – vapor assessment of historical dry cleaner locations; state-funded mitigation where needed
2. **State Funded: Vapor Intrusion Zone Contract (VIZC)** – vapor investigation at open sites; mitigation where needed
3. **Responsible Party (RP) Funded:** open site with redevelopment
4. **RP Funded:** open site without redevelopment
5. **RP Funded:** open site with high public health risk

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Active Notification, Telemetry & Backup Power

Issues & Trends webinar (10/25/23 – slides 12 – 21)

2023 SERIES

Date	Presentation	Audio/Video
Oct. 25, 2023	Vapor Intrusion in Wisconsin – 2023 Updates [PDF]	Webinar recording [VIDEO length 1:12:54] [exit DNR]

<https://dnr.wisconsin.gov/topic/Brownfields/TrainingLibrary.html>

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Active Notification & Telemetry - Fact Sheet

- Authority – Wisconsin Administrative Code citations
- Active notification definition
- Telemetry definition
- When active notification should be installed
- When telemetry and backup power should be installed
- Minimum recommendations for a telemetry system
- Information to include in Operation, Monitoring & Maintenance (OM&M) Plan for telemetry systems
- Contacts for questions

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Local Gov. Outreach & Training - Ad Hoc Meetings

- Local government, consultants, developer, DNR & DHS represented
- Vapor mitigation system design, install, commission, and documentation timeline (visual) needed for Local Gov.
- Local governments do not understand how LGU Exemption applies to VI issues
- Local governments inspections required for HVAC, fire safety, elevators, etc. – environmental health?
- Existing education & outreach avenues discussed
- State & local requirements for other development discussed
- Next steps

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Mitigation Contractor Certification - Ad hoc Meetings

- Consultants, mitigator, DNR & DHS represented
- AARST/Indoor Environments Assoc (IEA) & Midwest Chapter
- IA, IL, MN – regulated states
- MI – Soil Gas Compliance Inspector (SGCI) program state
- Home inspectors regulated in WI but not mitigators
- Draft bill – radon measurement / mitigation & soil gas (vapor) mitigation (not vapor sampling); references chs. NR 700 - 799
- Next steps

Next Steps and Assignments

- Continue:
 - VI Communications Mapping / Mitigation Timeline
 - Active Notifications & Telemetry Fact Sheet
 - Local Government Outreach & Education Ad Hoc Committee
 - Mitigation Contractor Certification Ad Hoc Committee
- Next meeting 5/29:
 - Info: Content summary for RR-800
 - Discussion: Potential outreach following publication
 - Update: Active Notifications & Telemetry Fact Sheet
 - Update: Local Government Outreach & Education Ad Hoc Committee
 - Update: Mitigation Contractor Certification Ad Hoc Committee

Action Items & Updates

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EJ and VI Subgroups - Seeking External Chairs

- Important to have an external chair to lead the subgroup
- No experience with RR Program needed (DNR buddies)

- 4 subgroup meetings per year (Madison/ Milwaukee or virtual) and
- 4 EAG meetings per year.
- Agenda planning with DNR buddies.
- Term: TBD

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Expiring Terms

June 30, 2024

Local governments:
Deb Sielski

Consultants:
Donna Volk

Interest Groups:
Noah Saperstein

Responsible Party Representatives:
Ned Witte

Vacancies

DHS:
Roy Irving vacancy

Responsible Party Representatives:
Lynn Morgan vacancy

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Upcoming Meetings

RR EAG - July 25, 2024

- 9 – 12 a.m.
- Milwaukee Service Center

Subgroups – May 29

- 10 a.m. – 5:30 p.m.
- Madison GEF 2

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Assignments

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Adjourn

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CONNECT WITH US

Thank You!

DNR RR Program Contacts:
dnr.wi.gov/topic/Brownfields/Contact.html



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OFF THE RECORD"