

Fiscal Year 2022-2023

# *CERCLA SEC. 128(a) GRANT* **MIDYEAR REPORT**



Remediation and Redevelopment Program

*Wisconsin Department of Natural Resources*

U.S. EPA Section 18(a) Grant Cooperative Agreement RP-96520017-0





*Abandoned building photo courtesy of Adobe Stock Images*

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## INTRODUCTION

This midyear report summarizes the use of CERCLA Sec. 128(a) grant funds by the DNR RR Program, for its state response efforts and public records management system, for the period of Oct. 1, 2022, to March 31, 2023. Activities listed in this report are the equivalent to those identified in Attachment 1 to Cooperative Agreement No. RP-96520016-0 titled “Wisconsin DNR’s FY22-23 Work Plan and Time Frames for Accomplishments (Commitments).” The DNR uses the CERCLA Sec. 128(a) grant to support state programs, and designated federal programs, under the jurisdiction of DNR’s RR Program, including:

- High-priority leaking underground storage tanks;
- Resource Conservation and Recovery Act (RCRA) hazardous waste closures and corrective actions;
- State-required cleanups
- Voluntary party remediation actions

Brownfields tools developed and administered through CERCLA Sec. 128(a) grant funding are packaged with assessment and cleanup funding for greatest leverage.

CERCLA Sec. 128(a) grant funds further support outreach, site discovery and redevelopment tools, such as:

- Hands-on assistance which empowers local governments
- VPLE
- General liability assistance
- Conferences and training
- Policy development to address emerging issues
- Institutional control audits
- Online site information, such as public database and interactive maps
- Public/private partnerships for continuous program improvement
- Green Team Meetings where tools are packaged and strategies are formed

## FINANCIAL STATUS

The U.S. EPA awarded the DNR \$940,000 in CERCLA Sec. 128(a) grant funding for the Oct. 1, 2022, to Sept. 30, 2023, grant period. In accordance with available grant accounting information, the DNR is anticipated to fully expend all grant funding by the end of the grant period. There are no slippages, work plan problems, cost overruns or adverse conditions to report, per 40 CFR Part 31.40.

## REPORTING PERIOD HIGHLIGHTS

The DNR effectively puts CERCLA Sec. 128(a) grant funds to work to, among other things:

- Maintain high-quality, online information and resource tools for customers— such as our contaminated property database, GIS map, webpages, publications and more;
- Deliver resources and assistance on contamination, assessment and cleanup to empower Wisconsin communities; and
- Offer grant and loan programs that provide valuable resources.

The DNR’s RR Program continues to deliver quality services that address the environmental and economic challenges of contaminated sites to improve Wisconsin communities by returning properties to productive use.

## FREQUENTLY USED ACRONYMS GUIDE

Area of Concern.....	AOC	Project Manager.....	PM
Brownfields, Outreach and Policy Section.....	BOP Section	RR External Advisory Group.....	RREAG
BRRTS on the Web .....	BOTW	RR Sites Map.....	RRSM
Bureau for Remediation and Redevelopment		Ready for Reuse.....	RFR
Tracking System .....	BRRTS	Remediation and Redevelopment Program.....	RR Program
Centers for Disease Control.....	CDC	Resource Conservation and Recovery Act.....	RCRA
Certificate of Completion .....	COC	Responsible Party.....	RP
Continuing Obligations.....	CO	Social Vulnerability Index.....	SVI
Drinking Water and Groundwater Program.....	DG	Trichloroethylene.....	TCE
Drycleaning and Vapor Intrusion Team.....	DVIT	Vapor Intrusion .....	VI
Environmental justice.....	EJ	Voluntary Party Liability Exemption .....	VPLE
Integrated Sediments Team.....	IST	Waste and Materials Management Program .....	WA
Land Recycling Team.....	LRT	Wisconsin Assessment Monies .....	WAM
Memorandum of Agreement.....	MOA	Wisconsin Department of Health Services.....	DHS
Office of Great Waters.....	OGW	Wisconsin Department of Natural Resources .....	DNR
Per- and polyfluoroalkyl substances.....	PFAS		

**TABLE 1: WORKPLAN ACCOMPLISHMENTS BY THE NUMBERS**

	Mid-Year Numbers	End-of-Year Totals	Annual Target
<b>TASK 1   TIMELY SURVEY &amp; INVENTORY</b>			
Enhance site discovery through inter-program coordination	71		2
Enhance site discovery through local government education	---		2
<b>TASK 2   OVERSIGHT &amp; ENFORCEMENT</b>			
RP letters issued	105		---
WPRI letters sent	7		---
Bankruptcy filings reviewed - proof of claim filed	68		---
Redevelopment assistance actions and tools	78		---
<b>TASK 3   MECHANISMS &amp; RESOURCES FOR PUBLIC PARTICIPATION*</b>			
News releases, media events, articles, social media	54		3
RR Report newsfeed email announcements	32		12
Subscription news bulletins	39		---
New and updated RR publications	28		10
New and updated RR webpages	45		20
Green Team meetings	31		30
Public speaking events	8		10
Workshops and training meetings	25		3
<b>TASK 4   MECHANISMS FOR APPROVAL OF CLEANUP PLANS, VERIFICATIONS &amp; CERTIFICATIONS</b>			
Develop and implement soil management tracking system	ongoing		---
ACRES ready for reuse	550		---
Audit continuing obligations at closed sites	---		35
Streamlined and consistent case closure process	108		300
New VPLE program applications	2		5
<b>TASK 5   ESTABLISH &amp; MAINTAIN THE PUBLIC RECORD</b>			
Update and maintain RRSN and BOTW	ongoing		---
Enhance data in public record	ongoing		---
Digitize site records in public database	ongoing		---
Searches performed on BOTW	44,858		---
Files/images downloaded from BOTW	466,055		---
Sites with active cleanups	2,655		---
<b>TASK 6   ENHANCE RESPONSE PROGRAM CLEANUP CAPACTIY</b>			
Hire, supervise and manage RR Program staff to meet program goals	ongoing		---
Ensure cooperative agreements are developed and implemented in accordance with state and federal policies	ongoing		---
Implement One Clean-Up Program memorandum of agreement (MOA) with Reg. 5 U.S. EPA	ongoing		---
Implement WAM program	ongoing		---
Implement Ready for Reuse Revolving Loan Fund (RFR) program	ongoing		---

\* Details are available upon request, including event and announcement dates and publication and web page titles.



## TASK 1 | TIMELY SURVEY & INVENTORY

### Enhance site discovery through inter-program coordination

**Workplan output:** Regular meetings with Waste and Materials Management (WA) and other programs to identify sites that may need immediate action or investigation.

**Workplan outcomes:** Mitigate/prevent imminent threats (vapors, fire, direct contact); reduce pollution entering the environment; prevent new generation of brownfield sites.

#### Integration Team

The RR Program continued its collaborative efforts with the WA Program to increase site discovery and inter-program coordination through the Integration Team. The Integration Team works to ensure consistent, inter-program understanding of issues and implementation of practices that are routinely regulated by administrative codes that govern the WA and RR Programs.

Integration Team members provide ongoing support to DNR staff, consultants and RP in each of their areas of focus. The full team met two times during this reporting period, with one subgroup meeting to focus on specific issues.

Highlights during this reporting period include:

- Updated guidance for coordinating landfill regulatory responsibilities between the participating programs.
- Updated guidance and tracking codes for consistency by switching terminology to “low-hazard approval” from “low-hazard exemption” to reflect the language of Wisconsin Administrative (Wis. Admin.) Code ch. NR 500.
- Continued to develop recommendations to address historical fill approvals, evaluate requirements for historical fill approval, and develop the criteria to determine which DNR programs should issue the approvals.
- Development of a project charter for addressing methane concerns at sites with historical fill or other sources of methane generation, especially when new construction is proposed on fill sites that may generate significant methane; the group anticipates process for approvals to construct on historical fill sites may be modified to better address methane.
- Progressed toward creating a document of frequently asked questions, updating standard approval templates and developing direction for transferring oversight of landfill actions between programs.
- Collaborated with the Office of Great Waters (OGW) and the Integrated Sediments Team (IST) on criteria development and guidance related to the beneficial use of dredged material, including updated criteria for unrestricted use of sediment dredged from the Mississippi River under a MOA with the U.S. Army Corps of Engineers. Separate efforts were made with Brown County, related to developing options for reusing dredged material from the Green Bay area.

#### Integrated Sediments Team (IST)

The RR Program, in coordination with the WA, Water Resources and Waterways Programs as well as the OGW, continued efforts to create a unified approach to address regulatory

issues associated with the investigation, remediation and management of contaminated sediments, as well as provide an opportunity to share cross program issues that many team members are involved in. These efforts are coordinated through the cross program IST.

The IST works to improve and clarify remediation and redevelopment processes authorized under Wisconsin Statute (Wis. Stat.) ch. 292 and Wis. Admin. Code chs. NR 700–799 by identifying policy issues and developing administrative rules, manual codes, guidance documents, and fact sheets. These processes include the investigation, remediation, and management of contaminated sediments from dredging projects, environmental cleanups, redevelopment and other construction projects. During this reporting period, the IST met five times.

Highlights during this reporting period include:

- Continued work on several guidance documents to clarify processes regarding contaminated sediment.
- *Guidance on Addressing Contaminated Sediment in Wisconsin* (RR-0124) went through a public notice period and public comments were incorporated. The anticipated publication is spring 2023.
- Continued mapping known contaminated sediment sites in RRSN, the DNR’s web-based mapping system.
- Several DNR staff attended the International Conference on the Remediation and Management of Contaminated Sediments -Battelle Conference and shared information learned with the entire team upon return.

#### Cross Program Coordination around PFAS

Since fall 2019, the DNR has been engaged in a coordinated effort to effectively address environmental and public health threats associated with per- and polyfluoroalkyl substances (PFAS) by forming cross program teams and coordinating with other state agencies such as the DHS.

Highlights during this reporting period include:

- Continued oversight of the investigation and cleanup of widespread PFAS contamination in Marinette, Peshtigo and surrounding communities in northeast Wisconsin. The investigation in this area covers over 10 square miles and PFAS contamination has been detected in soil, sediment, groundwater, surface water, private drinking water wells, fish, wildlife and biosolids. Due to the extent of the contamination in both area and affected media, the team conducted regular cross program and multi-agency meetings to improve alignment, identify resources, and share information. The team hosted public listening sessions, ad hoc stakeholder meetings and responded to questions and concerns received on a dedicated hotline, in addition to managing the technical

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## TASK 1 | TIMELY SURVEY & INVENTORY OF BROWNFIELD SITES

### Enhance site discovery through inter-program coordination *(Continued)*

and public-health aspects of the project.

- Supported and engaged with various work groups developed by the DNR's Office of Emerging Contaminants, including interaction with researchers, biosolids groups and other work groups.
- Development of an interactive online map to link the public, other programs and agencies to information on sites in Wisconsin.
- Continued coordination between the RR Program, Water Quality Program, and Fish, Wildlife and Parks Division on background monitoring, sampling and consumption advisories.
- Monthly meetings between cross program communications team to strategize and coordinate outreach.
- Weekly cross program (i.e., Drinking Water and Groundwater Program, RR Program, Office of Emerging Contaminants) and multi-agency (i.e., DHS) meetings to collaborate and align on a variety of issues such as well sampling, site investigation, health assessments, and guidance needs.

### Enhance site discovery through local government education

**Workplan output:** Creation and implementation of outreach efforts to local governments to aid in discovery of potential sites; updating and maintaining program documents of and tools

**Workplan outcomes:** Mitigate/prevent imminent threats (vapors, fire, direct contact); reduce pollution entering the environment; reduce greenfield loss through facilitated brownfields redevelopment; prevent new generation of brownfields sites.

Six full-time Brownfield, Outreach and Policy (BOP) section central office staff, and five full-time regional Land Recycling Team (LRT) project managers work on identifying, assessing, investigating, cleaning up, and redeveloping brownfields properties. BOP and LRT staff have daily contact with local government staff and officials to maintain and develop strong working relationships. BOP and LRT staff support, educate, and assist dozens of counties, towns, and municipalities throughout the state to help identify and address brownfield properties and other contaminated sites in their communities.

U.S. EPA funding provided to the DNR for local government outreach helps the DNR make contact and stay in touch with increasingly more local governments every year. These Green Team conversations and other outreach activities help local governments learn about and effectively address brownfield properties in Wisconsin.

Many of these interactions and related discussions lead to the identification of new brownfield properties while some provide updates on the status of existing sites that are transitioning to a new phase in the cleanup process. The DNR stays in touch with the local governments and in turn, they contact the DNR with questions, suggestions, and information about new brownfield sites. It is an ongoing, collaborative process of education and information sharing.

The DNR works with local staff and officials to assess, clean up and revitalize these properties. During this reporting period, the DNR participated in 31 Green Team meetings with local governments. These meetings and related follow up discussions aided in the discovery of many new brownfield properties throughout the state.

The RR Program continuously creates and updates online brownfields information, publications and other resources for local governments to enhance their knowledge of brownfield

issues and opportunities. Dozens of brownfield articles are sent to local governments throughout the year via the *RR Report* newsletter. The *RR Report* has gained 36 followers in the last reporting period, bringing the total number of subscribers to over 4,900. The *RR Report* is one of many channels where the DNR strives to enhance local government knowledge. Activities during this grant period included:

- Issues & Trends* Webinar: Passive Air Sampling for VI – online training session hosted by RR staff topic experts, attended by 137 consultants, DNR staff, local government representatives, and members of the general public.
- WAM Factsheet* (RR-863) - overviews eligibility requirements for the two WAM award categories.
- Model Municipal Resolution for WAM Applications* (RR-0135) – a template for WAM applicants for submitting a municipal resolution to the DNR.
- Guidance: Superfund Sites in Wisconsin* (RR-005) – an updated list of Wisconsin Superfund site locations, scores, and other information.
- Guidance: Voluntary Party Liability Exemption (VPLE)* (RR-0141) – provides information about the VPLE process.
- Vapor Quick Look-up Table* (RR-0136) – table of vapor action levels and vapor risk screening levels of common contaminants in Wisconsin.
- Guidance: History of Changes to Wisconsin Vapor Quick Look-up Table* (RR-0137) – table of historical information intended for understanding previous decisions regarding vapor data.
- Guidance: Environmental Contamination and Your Real Estate* (RR-973) – general overview of possible impacts of environmental contamination on property values.

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## TASK 1 | TIMELY SURVEY & INVENTORY OF BROWNFIELD SITES

### Enhance site discovery through local government education *(Continued)*

- *Negotiated Agreements: Contracts for Non-Emergency Remediation of Contaminated Properties* (RR-664) – describes what a negotiated agreement is, and provides information on non-emergency cleanup situations and when negotiated agreements can be used.
- *CERCLA s.128(a) Grant Final Report* (RR-0142) – Grant use status update
- *Report on Impact of Exemptions for Liability* (RR-929) – Report to legislature on VPLE performance.

## TASK 2 | OVERSIGHT & ENFORCEMENT

### Training and toolkit for staff

**Workplan output:** *Guidance and training to resume activity at stalled sites; increase activity at stalled sites; increased activity on stalled sites*

**Workplan outcomes:** *Stalled sites are effectively and efficiently conducting response actions to restore the environment.*

The RR Program rolled out new tools that support smooth coordination between RR Program staff and the DNR's Environmental Enforcement (EE) unit. Staff now have access to a site prioritization form and two process maps that guide internal workflow for stalled sites and coordination with EE for enforcement cases.

The DNR's EE unit handles elevated enforcement actions across the agency using a "stepped enforcement" philosophy, which is to resolve any violations at the lowest level appropriate. In line with the DNR's stepped enforcement philosophy, the site prioritization form and process maps encourage staff to implement partnership-focused options and incentives prior to pursuing enforcement actions.

The RR Program strives for statewide uniformity in priority-based enforcement decisions when overseeing contaminated site cleanups. The new workflows and prioritization form clarify expectations for staff working with stalled sites and encourage consistent treatment of stalled sites across the state. The program is in the process of implementing these new items. Next, the program will gather and compare tracking data to determine the impact on the number of stalled sites in Wisconsin.



*Janesville Riverside Plating project*

### EJ and health equity in enforcement policies

**Workplan output:** *Develop procedures to ensure EJ and health equity are considered in enforcement; internal guidance and training development*

**Workplan outcomes:** *Best management practices to improve environmental and health equity in Wisconsin's communities; reduce environmental contamination burden in disadvantaged communities*

The RR Program is partway through development of procedures to ensure EJ and health equity are considered in enforcement. Recently, the RR Program published and implemented several new tools that affect prioritization of enforcement cases.

These tools include *Stalled Sites & Enforcement Prioritization Worksheet* (RR-5586), that uses health-based criteria to prioritize sites at which contamination poses a risk and where receptors of concern are present. RR staff can access EJ and health indices for areas surrounding contamination cases directly on the RRSMS; the Center for Disease Control's (CDC) Social Vulnerability Index (SVI) was added as a layer in late 2021 and direct links to both the CDC SVI and U.S. EPA's EJ Screen were added during this grant period. The RR Program also kicked off the EJ subgroup of the RR External Advisory Group (RR EAG) during this grant period. The EJ subgroup was created to assist the RR EAG with

broadening meaningful participation by underrepresented and disadvantaged communities as the RR EAG develops recommendations to the DNR on policy and technical issues.

RR Program staff continue to participate in the Environmental Management (EM) Division EJ Team. One of the goals of the EJ Team is to provide tools to staff who regulate environmental contamination in Wisconsin to consider and implement an environmental justice lens in their day-to-day work.

During this reporting period, the cross-program team worked on several initiatives including development of baseline training for all EM staff on EJ.

The team is also working on development of tools for advanced practitioners who create and implement policy within the DNR.



## TASK 2 | OVERSIGHT & ENFORCEMENT

### Technical policy development, training and outreach - soil and sediment management

**Workplan output:** A strategy for handling soils, sediments and other solid wastes in protective locations, if management at a licensed landfill is not necessary; standardizing implementation statewide of sampling protocols, standards for on- and off-site placement of materials, protocols to track movement of materials and safeguards for final placement

**Workplan outcomes:** A clear set of standards ensure safe management and placement of materials excavated/dredged from cleanup and post-closure redevelopment actions; a safe alternative for management of low-level impacted material at locations other than a licensed landfill, thereby addressing sustainability considerations by using sustainable materials management practices and reducing impacts from transportation.

The IST coordinates with other programs, especially with the WA program and OGW on issues related to beneficial use opportunities for sediment from the Great Lakes, the Mississippi River and other waters of the state. In this reporting period, the IST continued work with local municipalities and county governments to develop long term strategies for management of sediments.

Also in this reporting period RR staff attended an area of concern (AOC) meeting with the Great Lakes National Program Office to discuss sediment cleanup projects in the AOCs, including complex dredging projects. A wide variety of disposal options were assessed, including use as reconstructive material at a closed landfill and creation of a dredged material management facility.

Several contaminated sediment sites are in the process of being

remediated during FY2022-23. Plans are under development for designing C Street and C. Reiss slips in Superior, WI; completion of remediation at Munger Landing and Third Ward is expected; remediation of the Car Ferry Slip at Solvay Coke in Milwaukee and Cedar Creek in southeast Wisconsin is underway; and many other large scale remedial actions in the AOCs in Wisconsin are in progress.

A sustainability consideration that the IST is exploring in the Milwaukee Estuary AOC separating the sand from evacuated/dredged contaminated sediments and using that material for sand cover over residual contamination.

### Implementation of risk-based screening criteria from DHS recommendations for PAH contamination

**Workplan output:** Approach for assessing PAH-contaminated soil, individual and cumulative risk

**Workplan outcomes:** Improved clarity for management of PAH-contaminated materials

In 2016, DHS provided recommendations on the use of cumulative risk-based assessments at sites contaminated with PAHs. Given that exposures occur to a mixture of PAHs, rather than individual compounds, using a cumulative risk-based assessment is representative and acceptable at sites with PAH contamination to be protective of human health.

During the grant period, RR staff implemented PAH risk-based screening criteria based on recommendations provided by the DHS. The RR program has specifically used a cumulative

risk-based assessment at sites where PAHs are the main contaminant and the main source of risk.

As next steps, the RR program will release guidance, outreach, and training relating to cumulative risk-based assessment for PAHs as a comprehensive package. Next steps may also include proposed changes to Wis. Admin. Code chs. NR 700-799 to provide further direction on cumulative risk-based assessment in code.

### Enforce responsibility and due diligence through issuance of RP letters

**Workplan output:** Timely issuance of RP letters.

**Workplan outcomes:** Narrative summary of accomplishments over the grant period, including number of RP letters issued; cleanup of contaminated properties across the state.

The DNR uses CERCLA Sec. 128(a) grant funding to support efforts to identify and track brownfields sites by issuing RP letters to the parties responsible for the investigation and cleanup of environmental contamination under Wisconsin law. RPs may include the causer of the contamination and any current possessor or controller of the property.

Wisconsin law requires immediate reporting of hazardous substance discharges to the environment to the DNR. Phase II Environmental Site Assessments and other due diligence may result in discovery of past hazardous substance discharges; those discharges must also be reported. After receiving a notice of a hazardous substance discharge to the environment, the RR

Program sends the causer or possessor an RP letter to start the process of investigating the contamination and cleaning up the site.

The DNR undertakes continuous outreach efforts to remind lenders, local officials, businesses, consultants and others about the notification requirements. During this grant reporting period, the DNR sent out a total of 105 RP letters.

## TASK 2 | OVERSIGHT & ENFORCEMENT

### Respond to state and federal bankruptcies

**Workplan output:** *Appropriate and timely response to bankruptcies*

**Workplan outcomes:** *Cleanup of contaminated properties across the state*

The DNR receives notice of pending bankruptcy filings from the Wisconsin Department of Justice. RR staff compare filing information to the BRRTS to see if contamination issues exist at open remediation projects or at closed sites with continuing obligations.

When additional case investigation needs arise, the RR Program bankruptcy coordinator solicits input from regional RR staff through a project manager (PM) worksheet.

The PM worksheet identifies current and past uses of the listed

properties in the bankruptcy filing, contamination concerns (e.g., spills, ongoing cleanups), whether cleanup work is needed, any DNR money spent at the site(s), along with future action recommendations.

Based on the PM worksheet, a bankruptcy team comprised of RR staff and DNR legal staff decide what, if any, actions to take in response to the bankruptcy filing. Possible actions include filing a proof of claim to request a share of the assets for cleanup work or monitoring reorganization plans.

### Implement the WPRI

**Workplan output:** *Communities expedite the cleanup and revitalization of industrial and commercial facilities that have recently closed.*

**Workplan outcomes:** *Cleanup of contaminated properties across the state.*

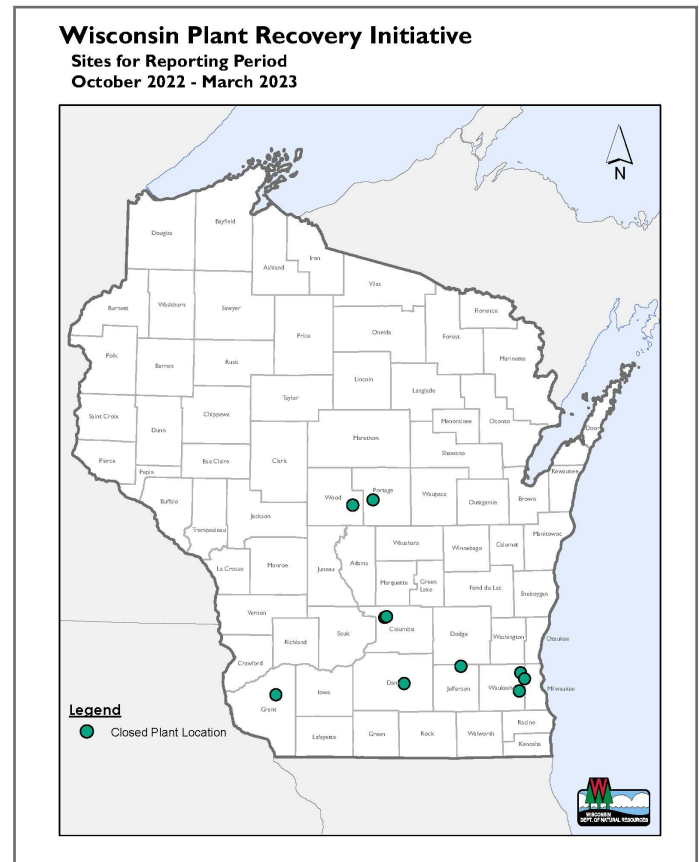
The WPRI is a DNR effort to help communities expedite the cleanup and revitalization of industrial and commercial facilities that have recently shut their doors.

Each time a company announces a plant closing, the DNR offers to work with company officials and the community affected by the closing, to outline the company's responsibilities to safeguard public health and the environment and discuss the brownfield resources available to both parties to help assess, clean up and redevelop the property. The DNR's goal is to organize a Green Team meeting with the company to comprehensively discuss any obligations associated with air, waste, water and land issues.

During this reporting period, the DNR identified 10 plant closings for contact and consultation. Seven letters were sent to closing businesses and the communities identifying environmental issues associated with the closings. The letters outlined assistance options and opportunities for repurposing or redeveloping these pending site closures.

#### Plant closings (at right) included:

1. Portage Plastics Corporation (Portage, WI)
2. Diversey, Inc. (Watertown, WI)
3. Sonoco Wisconsin Cores, LLC (Wisconsin Rapids, WI)
4. Hubbell Gas Utility Solutions, Inc. (New Berlin, WI)
5. Multi-Color (Menomonee Falls, WI)
6. Briggs & Stratton (Wauwatosa, WI)
7. Biery Cheese Company (Plover, WI)
8. Weir Slurry Group (Madison, WI)
9. Energizer Holdings, Inc. (Fennimore, WI)
10. Energizer Holdings, Inc. (Portage, WI)



## TASK 3 | MECHANISMS & RESOURCES FOR PUBLIC PARTICIPATION

### Coordinate with interested stakeholders and external advisory groups to identify existing program issues

**Workplan output:** *Improvement of existing processes and programs; development of new programs and resources; improved understanding and consistency in regulating emerging contaminants and communicating with the public about related policies*

**Workplan outcomes:** *Increased the number of properties assessed and cleaned up through new laws, rules, programs and resources; improved understanding of regulatory and industry issues related to emerging contaminants; improved communication tools.*

The RR Program established and now coordinates the RR External Advisory Group (RR EAG) to obtain constructive and practical input from interested parties on a wide variety of regulatory and policy issues related to environmental cleanup activities in Wisconsin. The DNR also provides new and other relevant information to group members.

Through the RR EAG, the RR Program works together with external stakeholders to address issues associated with the investigation, management, and cleanup of environmental contamination, and encourage more environmental cleanup efforts in Wisconsin. The group also works cooperatively to remove barriers to the redevelopment of contaminated sites. RR EAG meetings are open to the public and active participation is encouraged for all attendees.

Meetings are held on Zoom and in-person to promote broad attendance without requiring the cost and time of travel. RR EAG

meetings are held quarterly. During the January 2023 meeting, details about the initial meetings of each of the four RR EAG subgroups were shared with everyone, and information on recently published and forthcoming DNR guidance documents was provided.

The four subgroups were created to discuss assigned topics in-depth and to work on specific assigned deliverables. One subgroup is dedicated to each of the following topics: environmental justice, contaminated sediments, NR 700 and funding sustainability. The initial subgroup kick-off was held in December 2022, followed by a two-day series of meetings in March 2023. Subgroup meetings are coordinated to occur on the same or concurrent days for efficient scheduling and information sharing due to the high number of cross-over participants between subgroups. Subgroup work has focused on collecting input about potential program and resource improvements, and prioritizing tasks from the respective work plans.

### Seek public input during administrative rule promulgation, development of new guidance and guidance revisions

**Workplan output:** *Implementation of rules for Act 204 regarding use of VPLE at contaminated sediment sites and statutory changes related to Act 204 and Act 70; development of new and revised guidance for rule changes*

**Workplan outcomes:** *Financial assurance for sediment cleanup sites; continuous improvements and clarifications to existing rules*

The RR Program continually works to create and update regulatory and technical guidance to ensure that responsible parties, consultants and the public have access to resources they need for contaminated site cleanup in Wisconsin. In the last reporting period, RR staff continued to work on guidance and templates that staff had prioritized for revision or creation following rule changes that took effect in 2021.

On Oct. 1, 2021, two new permanent rule chapters went into effect in Wisconsin. Both chapters apply to cleanup sites with contaminated sediment. The rules allow the DNR to require financial assurance for future maintenance or cleanup costs relating to certain types of sites with contaminated sediment.

To identify the guidance needing revision or creation, several months before the new rule chapters took effect,

the RR Program convened an internal interdisciplinary team with expertise in contaminated sediment cleanups, finance and law. The internal team met regularly over 12 months to systematically vet existing guidance needing updates and identify new guidance needing creation.

In July 2022, the team disbanded to focus on finishing the new guidance documents. The process of updating and creating guidance includes seeking public input on draft guidance through a public input process prior to publishing the final guidance for public use.

In the last reporting period, the RR Program worked on two broad guidance items. In January 2023, after completing the public input process, the RR Program published *Guidance: Voluntary Party Liability Exemption* (RR-0141). This guidance provides information about the VPLE and includes updated information

following recent statutory changes to Wis. Stat. § 292.15. From December 2022 to January 2023, the RR program sought public input on *Guidance on Addressing Contaminated Sediment Sites in Wisconsin* (RR-0124).

This guidance explains the steps recommended for assessment of contaminated sediment, evaluation of remedial options and the selection, design, implementation and monitoring of remedial actions for contaminated sediment.

This guidance also clarifies topics recently affected by statutory and rule changes, such as long-term stewardship and financial assurance at sites with engineering controls. The RR Program anticipates publishing this guidance in upcoming months.



### TASK 3 | MECHANISMS & RESOURCES FOR PUBLIC PARTICIPATION

**Perform ongoing public outreach regarding acute risk at vapor sites, NR 714 public notice requirements, vapor mitigation systems, long term stewardship issues, and redevelopment of sites closed with vapor mitigation systems; coordination with DHS when appropriate**

**Workplan output:** *VI Guidance updates; development of a clear, reasoned policy with tools on how to work effectively with impacted property owners; improvements in place for online access to property-specific VI information; development and implementation of additional tools for VI developed with external and DHS input*

**Workplan outcomes:** *Threats to human health from VI are safely addressed through the development of pragmatic guidance and training for staff and customers*

Providing up-to-date and accessible guidance is imperative to VI training and outreach. Internal staff and external stakeholders rely on the accuracy of DNR publications for guidance and information related to its work.

Edits are underway to significantly enhance the publication, *Addressing VI at Remediation & Redevelopment Sites in Wisconsin* (RR-800), which provides approaches for complying with the requirements outlined in Wis. Stat. ch. 292 and Wis. Admin. Code chs. NR 700-799 at sites with potential VI concerns. The updates include current research findings and recommendations for screening, investigation and mitigation of VI. A revised document is planned for public comment in FY2022-23.

During the current fiscal year, VI staff provided presentations on *Vapor Intrusion Guidance and Projects in Wisconsin* for the Association of VI Professionals in October 2022, *Chemical*

*Vapor Intrusion* at the Conference of Radiation Control Program Directors in October 2022, *Vapor Intrusion: Risks and Solutions* at the AARST International Radon and VI Symposium in October 2022, and *Issues & Trends: Passive Air Sampling for Vapor Intrusion* in November 2022 as part of the RR Program's webinar series for internal and external audiences.

Work is underway at open sites throughout the state to identify where Trichloroethylene (TCE) is present to accurately update the substance list in BRRS. As of September 2022, 77% of the selected sites have been screened. DNR created a map of the sites where TCE has been identified as of September 2022 and is including this information in external presentations regarding VI. Identifying TCE as a contaminant of concern and identifying it on BRRS is one step in the recent initiative to prioritize open sites with TCE.

**Perform ongoing public outreach regarding on the DNR's RR Program; develop fact sheets, brochures and update existing public outreach materials and website**

**Workplan output:** *News releases, articles, media events, publications (e.g., fact sheets, brochures) website updates and other outreach*

**Workplan outcomes:** *Improve understanding and participation in environmental cleanups and increase awareness of funding availability and liability clarifications*

Collaboration with state colleagues and public citizens is a core value for the DNR. Accordingly, the RR Program involves and works often with external stakeholders to evaluate and address issues associated with the identification, investigation, management, and cleanup of emerging and other environmental contamination. External advisory groups evaluate DNR initiatives and recommend incentives and changes to encourage more effective environmental cleanup efforts in Wisconsin, and to remove barriers to redevelopment of contaminated sites.

In 2022, the RR EAG was formed to address a broad range of issues, encompassing both technical and policy topics related to encouraging the investigation, cleanup, and redevelopment of contaminated sites in Wisconsin. Four active subgroups focus on EJ, funding sustainability, NR 700, and contaminated sediments. The RR EAG meets quarterly, with additional subgroup meetings scheduled as needed. Meetings are open to the public.

To stay current on environmental contamination issues, DNR staff participated in internal and external trainings, webinars and conferences. This allows DNR staff to provide timely external outreach for rule changes, ask for public input on guidance, and remain updated on the status of rule promulgation.

External workgroups include events sponsored by the DNR's Office of Emerging Contaminants, the Federation of Environmental Technologists, Interstate Technology and Regulatory Council, Northeast Waste Management Officials'

Association and the Association of State And Territorial Solid Waste Management Officials. Coordination with research institutions, including University of Wisconsin-Madison, is also ongoing and provides state-of-the-science information to DNR staff.

RR staff also coordinate with many other programs within the DNR including the Office of Emerging Contaminants, WA, Drinking and Groundwater, Water Quality, Laboratory Certification and Air Programs. A standing meeting is held with the field operations directors from each program to address consistency concerns.

Inter-agency workgroups are also an asset in continuously improving communication and efforts. The DNR participated in regular meetings regarding emerging contaminant issues with DHS and U.S. EPA Region V staff in the Superfund and RCRA Corrective Action programs.

Providing current and relevant communications with the public about emerging contaminant issues included web publications, blog posts, GovDelivery notifications and periodic webinars related to the emerging contaminant, PFAS, coordinated through DNR's OEC with support from other DNR programs. In addition, significant outreach is ongoing to parties that may have used or potentially continue to use compounds of emerging concern. See details in Table 2: Summary of Public Participation Activities.

## TASK 3 | MECHANISMS & RESOURCES FOR PUBLIC PARTICIPATION

**Market the RR program to the public and educate the public, especially local governments, about the tools available to cleanup and reuse properties**

**Workplan output:** Green Team meetings, public speaking appearances, trainings, etc.

**Workplan outcomes:** Improve understanding and participation in environmental cleanups and increase awareness of funding availability and liability clarifications

**TABLE 2: SUMMARY OF PUBLIC PARTICIPATION ACTIVITIES**

Activity	Mid-Year Numbers	End-of-Year Totals	Annual Target
News releases, media events, articles, social media	54	---	3
RR Report newsfeed articles	32	---	12
Subscriptions news bulletins	39	---	---
New and updated RR publications	28	---	10
New and updated RR webpages	45	---	20
Green Team meetings	31	---	30
Public speaking events	8	---	10
Workshops and trainings	25	---	3

## TASK 4 | MECHANISMS FOR APPROVAL OF CLEANUP PLANS, VERIFICATION & CERTIFICATION

**Develop and implement mechanisms for tracking institutional controls at VI sites**

**Workplan output:** Tracking protocol for VI institutional controls

**Workplan outcomes:** Ensure public health and the environment is protected at cleaned up properties

The DNR has authority to implement limitations and ongoing duties at properties with residual contamination as continuing obligations (CO), which include both engineering and institutional controls. Following recent changes to Wis. Stat. § 292.12, the RR Program has authority to implement COs when an interim action is taken at a contaminated site. One aspect of implementing this statutory change is developing mechanisms for tracking COs at VI sites, including the review and development of tracking protocol for VI-specific COs.

During this grant period, RR staff focused on developing and implementing mechanisms for assigning and tracking COs VI sites at the interim action stage. First, a subgroup of the Dry Cleaner

and Vapor Intrusion Team (DVIT) worked to develop a set of recommended action codes and other features to add to the BRRTS to allow tracking of certain VI information. Then, the DVIT subgroup and other RR staff held a RR Program Tech Talk meeting to gather input from DNR information technology staff. Lastly, using input from DVIT staff, RR staff performed an interim action pilot for COs by ground-truthing the tracking codes at a VI site.

In addition to successful development of tracking protocol, RR staff anticipate this work will support the development of future administrative rules relating to continuing obligations for interim actions.

### Implement streamlined and consistent case closure process

**Workplan output:** Implementation of new closure form and process

**Workplan outcomes:** Cleanup of contaminated properties across the state

The RR Program implemented efforts to ensure consistency and streamline the case closure process to improve public information regarding cleaned up contaminated properties across the state. The revised process began with a series of small group meetings with staff to receive feedback on goals and strategies for the case closure process.

The RR Program examined its process for reviewing closure documentation submittals, CO recordkeeping and statewide data entry. The goal was to improve the quality and consistency of the legal documentation associated with COs imposed at properties

at the time of closure – ensuring consistent location information, readable and legible documents, and consistent data entry into BRRTS. The program also reviewed regional administrative, technical and peer review procedures for closure requests. This effort improved the coordination between the five DNR regions, ensuring consistent treatment of closure requests statewide.

At the end of this reporting period, the RR Program reports a total of 108 closure decisions, representing successful implementation of continual improvements to the state's closure process.

## TASK 4 | MECHANISMS FOR APPROVAL OF CLEANUP PLANS, VERIFICATION & CERTIFICATION

### Implement VPLE, with contaminated sediment as a new media

**Workplan output:** Continued implementation of VPLE process

**Workplan outcomes:** Cleanup of contaminated properties across the state

The VPLE program continues to assist with the redevelopment of brownfield properties across the state of Wisconsin. Two new applications were received during this reporting period and one certificate of completion (COC) was issued; several voluntary parties made substantial progress toward completing cleanups.

The VPLE law and administrative rules were recently changed to allow a pathway for sediment cleanup sites to pursue VPLE. A sediment cleanup site in Rhinelander, WI enrolled in the VPLE program and is proceeding towards a dredging effort in the next few years.

The RR Program completed a comprehensive guidance document on the VPLE program that was published in January of 2023.

*Guidance: Voluntary Party Liability Exemption (RR-0141)* was sent out for public comment late in 2022 and announced in the *RR Report* newsfeed in January of 2023. This guidance combined

two out-of-date documents that and added information about procedures for sediment cleanup sites to use VPLE.

Work toward making internal procedures and documents clearer and more effective was a continuing focus. *Job Aid – Voluntary Party Liability Exemption (VPLE)* (RR-5132) was drafted by combining several job aids on various parts of the VPLE process. The job aid will assist staff with processes related to fees, entering information into the database and document storage system, and application review.

Completion of this job aid is expected in summer of 2023. Staff also made changes to the BRRTS and internal procedures to better track VPLE sites that have continuing obligations and are taking actions after closure that require DNR approval. Staff are also revising VPLE job aids and template letters, including the application approval letter and the different types of COCs.

### Maintain and update soil, sediment and materials management tracking protocol

**Workplan output:** Tracking protocol for on-and-off-site movement of contaminated soils, sediments and other materials

**Workplan outcomes:** Safe management and placement of soils, sediments and other materials excavated/dredged from construction and cleanup projects

RR staff continue to work on maintaining and updating soil and sediment management processes. During the reporting period, 27 soil management plan approval requests were received.

The RR Program continues to work with sediment topic experts on planning the structure and tracking of key actions for AOCs, including sediment sites that fall inside and outside an AOC.

RR staff also continue to work on mapping sediment polygon areas that will eventually be available to the public on RR Sites Map.



Heavy equipment was brought in to raze the former Kenosha Brass building.

### Develop and implement mechanisms for approving and tracking financial assurance at sediments sites with engineering controls

**Workplan output:** Approval process and tracking protocol

**Workplan outcomes:** Ensure public health and the environment is protected at cleaned up properties

In October of 2021, the RR Program created a new chapter of administrative rules providing procedures for meeting financial assurance requirements that the DNR may impose on RPs that elect to use engineering controls to address contaminated sediment rather than fully removing contaminated sediment. This financial assurance protects state taxpayers from future cleanup or maintenance costs.

To implement these regulations in the BRRTS, RR staff created eight activity codes for tracking financial assurance regulatory

steps from the initial requirement for a plan and compliance schedule to the eventual release of funds and extinguishment of further obligations, and also provide for tracking the transfer of responsibility through contractual agreements. The tracking system will allow for documents to be retained in connection with the associated action.



## TASK 5 | ESTABLISH & MAINTAIN THE PUBLIC RECORD

### Maintain and update RRSN and BOTW

**Workplan output:** *Enhanced geo-location and mapping options*

**Workplan outcomes:** *Provide the public with access to information and status of contaminated properties*

RRSN is the DNR's web-based mapping system that provides information about contaminated properties and other activities related to the investigation and cleanup of contaminated soil or groundwater in Wisconsin. In the last reporting period, several updates and enhancements were made and are listed below.

- Applied a scale threshold for the parcel layer to prevent the layers from turning on when zoomed out too far. The parcel layer is large and without the scale threshold the map can take a long time to load.
- Improved ability to identify information in the parcel layer.
- Added ability to toggle parcel labels on and off, which is helpful for viewing boundaries in concentrated urban areas.
- Added 2022 Air Photos.

Development is underway for the rebuild of RRSN using modern web development technology; it is estimated to be completed by end of 2023 calendar year.

### Enhance data in the public record

**Workplan output:** *New search features, data reports and new activities measured by BRRTS*

**Workplan outcomes:** *Greater inclusion of data and documents.*

DNR databases bring transparency to data in the public record and provide valuable information to internal and external stakeholders. In the last reporting period, enhancements to BOTW and the Spills Substance Notification Release form were completed to provide greater inclusion of and timely access to data and information.

#### BRRTS

- Improvements to search features and data display
- Numerous updates to the closure document review module
- Updated document sub-module for improved data entry
- Updated reports including GIS Quality Assurance Quality Control reports, GIS reports, Energy Act reports, and U.S. EPA LUST Grant
- Updated VPLE tracking
- Made updates to prepare for AOC tracking
- Updates made for geolocation tracking, including flags, reports, and validation
- Updates to historic fill tracking and validation
- Worked on development of document staging upload tool to allow large documents to upload while being able to do other work
- Improved State Funded Response tracking by adding more validations

#### BOTW

- Added new Environmental Services Contractor List supplemental report
- Addition of a new "Licensed Landfill or Historic Waste Site" banner
- Created new State-Funded Response supplemental page

#### Spills Substance Notification Release form

- Rewrote and released new Spills Substance Notification Release form to a more modern platform
- Added more validations and dropdowns to help staff complete the form efficiently
- Added a few more questions to gather more detailed information
- Added ability to view previously submitted forms

## TASK 5 | ESTABLISH & MAINTAIN THE PUBLIC RECORD

### Digitization of site records in public database

**Workplan output:** *Implement process and guidance to direct digitization of records; uploading electronic records in BRRTS*

**Workplan outcomes:** *Customers have easy, efficient and timely access to data and information through e-documents, e-files and e-innovations*

The RR Program continues implementation of case file records digitization and other efforts to increase public access to e-documents. RR staff continue historical records digitization efforts and recalling files from the State Records Center for digitization. Additionally, supplemental pages with live data have been added to BOTW for the public to easily access the Environmental Services Contractor List and State-Funded Response Cleanups webpages. The RR Program continues to strive for efficient and easy access of information for the public.

RR Program files by the numbers:

- 288 Notification for Hazardous Substance Discharge forms were submitted since the launch of the webform on Oct. 25, 2021
- 88 Notification for Hazardous Substance Discharge forms submitted during this reporting period
- 6,505 documents were uploaded to BRRTS and are available on BOTW
- 1,254 submittals were sent through the RR Submittal Portal document uploader
- 499 open records requests were fulfilled

## TASK 6 | ENHANCE THE RESPONSE PROGRAM OR CLEANUP CAPACITY

### Federal acknowledgment letters

**Workplan output:** *Acknowledgement letters written*

**Workplan outcomes:** *Additional sites assessed and cleaned up*

The DNR provides letters of acknowledgment for non-tribal entities applying for U.S. EPA brownfield grants. Combined, Wisconsin communities and other groups requested over \$7.4 million in FY2022-2023FY23 federal grant funds. See Table 3 for details.

**TABLE 3: FEDERAL ACKNOWLEDGMENT LETTERS**

Applicant	Type of Grant
City of Marinette	Community Wide Assessment
City of Manitowoc Community Development Authority	Brownfield Cleanup Grant
City of Oshkosh	Community Wide Assessment
City of Eau Claire	Community Wide Assessment
City of Racine	Community Wide Assessment
Forest County Potawatomi Community	Brownfield Cleanup Grant
City of Ashland	Community Wide Assessment
City of Wausau	Brownfield Cleanup Grant
City of Milwaukee Regional Development Authority	Brownfield Cleanup Grant
Sheboygan County	Community Wide Assessment
City of Milwaukee Regional Development Authority	Community Wide Assessment
City of Green Bay/Green Bay Regional Development Authority	Community Wide Assessment
City of Green Bay/Green Bay RDA	Brownfield Cleanup Grant
Calumet County	Coalition Assessment Grant

### Petroleum eligibility letters

**Workplan output:** *Eligibility determinations made*

**Workplan outcomes:** *Additional sites addressed and cleaned up using petroleum funds*

In this reporting period, the DNR provided three eligibility determinations for petroleum assessment or cleanup using an U.S. EPA brownfields grant.

**TABLE 4: PETROLEUM ELIGIBILITY LETTERS**

Address of Eligible Assessment or Cleanup
1220 Grove St., Menasha, WI
1500 Memorial Dr., Racine, WI
6901 Beloit Ave., West Allis, WI

## TASK 6 | ENHANCE THE RESPONSE PROGRAM OR CLEANUP CAPACITY

### Administer the U.S. EPA revolving loan fund

**Workplan output:** *Activities not covered by the RLF/WAM CA; input of data into ACRES*

**Workplan outcomes:** *Increase the number of properties assessed and cleaned up through issuance of grants and loans*

Since 2004, the Wisconsin Brownfields Coalition, which includes the DNR and several regional planning commissions, has received \$11.254 million in traditional U.S. EPA brownfields revolving loan funds. The RR Program administers the funds through the RFR. The RFR program offers loans and sub-grants to local governments, tribes and non-profits to help with environmental cleanup of hazardous substances or petroleum at brownfields throughout Wisconsin. During this period, RFR managed ongoing projects funded through its open cooperative agreement (BF00E01344) and through loan repayment— or revolved— funds. A two-year no-cost time extension was approved for the open cooperative agreement (BF00E01344) to allow for additional time fully exhaust funds.

Locally, the DNR promoted the RFR Program through its website, at Green Team meetings, in *RR Report* newsletter articles, and in various publications such as the *Financial Resource Guide for Cleanup & Redevelopment* (RR-0539). RR staff respond to numerous RFR general inquiries. This indicates increased program awareness with target audiences and a strong need for continued funding.



Monona Riverside Project

### Administer the WAM program

**Workplan output:** *Activities not covered by the RLF/WAM CA; input of data into ACRES*

**Workplan outcomes:** *Increase the number of properties assessed and cleaned-up through issuance of grants and loans*

The WAM program provides funding to address specific brownfields sites where potential or known contamination is acting as an impediment to economic redevelopment. Since 2009, the U.S. EPA has awarded the DNR's RR Program \$5.3 million in Brownfield Assessment grants.

Contractor service awards take the administrative burden of managing a grant off the award recipient, allowing small and low-capacity communities to more easily access funding and be proactive about brownfields. Community managed awards are available for communities with larger brownfields who have the ability to self-manage a brownfield project and grant requirements.

The Wisconsin DNR awards contractor services and community managed funding awards for Phase I and Phase II environmental site assessments, site investigations and/or remedial action planning at selected sites.

The RR Program is currently managing federal site assessment grant BF 00E02369 from the U.S. EPA. During this grant reporting period, one limited site investigation was completed and subsequently, Cooperative Agreement BF00E02369 was closed out with U.S. EPA.

During this grant reporting period under Cooperative Agreement B4-00E03200, a Request for Qualifications process for new contractors was completed.

Four contractors were selected from 16 respondents. The Quality Assurance Project Plan approval process for the new contractors is underway. Six applications for contractor services and three applications for community managed awards have been received.

**TABLE 5: WAM AWARDS - 104(K) ASSESSMENT FUNDS**

Location	Facility	Awarded Services
Chilton, WI	T & M (a.k.a. Stroeger's) Plating	Phase 1 and Limited Site Investigation