

Draft Plant Closing Issue Matrix – 04/15/09

Types or Category of Closed Plant	Background	Issues	Possible Recommendations/Resources
<p>1. Large Plants with Recently Announced Closing (more than 50 employees)</p>	<p>Plants subject to state (DWD) plant closing notification law (companies with 50 or more employees in state closing a plant with 25 or more people). Some are firms closing the one and only plant and company is ceasing to operate, others are companies that are closing one facility while firm still has other plants in other locations and \$ resources.</p>	<ol style="list-style-type: none"> 1. May be property where environmental work is ongoing, and company cannot/elects to not proceed 2. May be a property where contamination is suspected but not known 3. May be situation where the company was a RCRA HW generator or treatment, storage or disposal (TSD) facility, & is no longer reporting 4. May have been required to have an air permit, and is no longer reporting 5. May close leaving materials, drums, vats, etc., on site and unsecured 6. Provide an opportunity for trespassers, salvagers, etc., to enter and worsen situation/ health concerns 	<p>Administrative</p> <ol style="list-style-type: none"> 1. DNR send letters to plant owners who notify DWD informing them of options to help (VPLE, financial assistance) reminding them of benefits/ requirements to conduct assessment and begin SI/ Remediation SUPPORT 2. Partner with Waste program on targeted inspections SUPPORT 3. Partner with Waste and Air on whether companies are no longer reporting SUPPORT 4. Partner with local governments & utilities on list of closed properties for inspections SUPPORT 5. Identify sites for EPA removal actions or brownfields funds UNKNOWN 6. If received, use \$1M in EPA assmt funds to evaluate closed plants SUPPORT 7. Determine if insurance policies in place SUPPORT 8. Maintain list of closed plants, with environmental issues and attributes for prospective purchasers UNKNOWN <p>Legislative</p> <ol style="list-style-type: none"> 9. Require owners of closing plants to conduct environmental assessment if plant is closing or allow local government access to conduct assessment SUPPORT 10. Require some industrial/ commercial property owners to disclose environmental impairments when title is transferred NOT RECOMMENDED 11. Modification of VPLE law/ Spill law to provide some greater carrots and sticks to encourage companies to cleanup historic contamination SUPPORT

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<p>2. Smaller Plants Closing (less than 50 employees)</p>	<p>Plants closed that are too small to be required to notify DWD when they close.</p>	<ol style="list-style-type: none"> 1. State law does not require notification to State 2. Concern over how to identify where these plants are and ownership issues 3. Assumption would be that they have fewer resources to address contamination than the sites in Category #1 4. Same issues as Category #1 plants, listed above 	<p>Administrative</p> <ol style="list-style-type: none"> 1. Identification of these properties is key challenge, without state law. 2. What would be ways to compile and maintain a list of these sites? 3. Once identified, DNR send letters to plant owners who notify DWD informing them of options to help (VPLE, financial assistance) reminding them of benefits/ requirements to conduct assessment and begin SI/ Remediation SUPPORT 4. Partner with Waste program on targeted inspections SUPPORT 5. Partner with Waste and Air on whether companies are not longer reporting SUPPORT 6. Partner with local governments & utilities on list of closed properties for inspections SUPPORT 7. Identify sites for EPA removal actions or brownfields funds UNKNOWN 8. Determine if insurance policies in place SUPPORT <p>Legislative</p> <p>Legislative requirement described above (#1) could apply to smaller firms as well. Harder to monitor. Option, if local gov. learns of plant closing, could request owner do assessment or allow access. If we proceed, legal solution may be separate from state plant closing statute, as environmental notification may be different that DWD notice. UNKNOWN</p>

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<p>Plant has closed in past, mothballed facility</p>	<p>In some cases, large corporations cease operations at a WI facility but choose not to conduct environmental investigation or cleanup and do not sell property. DWD notice submitted in past.</p>	<ol style="list-style-type: none"> 1. Present public health and environmental risks, due to trespass issues, materials left in place, residual environmental contamination 2. May be major employer in community 3. No evidence of a discharge, but suspect contamination 4. Blighting influence; devalued tax base; delay in reuse 	<ol style="list-style-type: none"> 1. Work with local governments to identify all these properties UNKNOWN 2. Work with community on federal and state brownfields funding opportunities UNKNOWN 3. Master contract for EPA money to evaluate these properties UNKNOWN 4. Work with communities on access and acquisition UNKNOWN 5. Conference with local governments on this topic UNKNOWN 6. Search data bases as in Category 1 UNKNOWN 7. HW inspection capabilities UNKNOWN
<p>Company Going Bankrupt (may or may not close plant)</p>	<p>Each year many companies file for bankruptcy protection, some (Chapter 11) may continue operating for years and emerge from bankruptcy and others may be in closing down (Chapter 7). If company is declaring bankruptcy and they have a known contaminated site, the state or EPA can in some cases file a claim for past and future cleanup costs.</p>	<p>In most cases the state does not file a claim (because they haven't incurred costs) and as a result, DNR is not one of the parties that the court/trustee settles with first.</p> <p>These sites have same issues as other closed plants, but the fuzzy nature of access and ownership makes them even more challenging</p>	<p>Administrative</p> <ol style="list-style-type: none"> 1. The DNR and DOJ could modify procedures to monitor bankruptcy filings and take action to file claims where appropriate SUPPORT 2. Identify for brownfields, Superfund, state-lead dollars UNKNOWN 3. Similar to solutions to previous category of sites UNKNOWN
<p>Bank foreclosing on Property</p>	<p>Some commercial and industrial properties are foreclosed on by banks.</p>	<p>In some cases banks take title and work to sell or cleanup and sell, in other cases banks elect not to foreclose.</p>	<ol style="list-style-type: none"> 1. Outreach to lenders and realtors. UNKNOWN

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<p>Company that is struggling financially</p>	<p>In many cases companies are known to have financial challenges for several years. Some are subject to the Mass Layoff law requirements and notify DWD. While not closed, in many cases these facilities will soon be abandoned and closed. Some may shrink in size to the point where they do not need to file a plant closing notice when they finally close.</p>	<ol style="list-style-type: none"> 1. may be financially unable to do all or any of the environmental work 2. may not want to report contamination due to financial concerns 3. may be taking shortcuts on waste management due to economy 	<p>Administrative</p> <ol style="list-style-type: none"> 1. Work with Waste on inspection frequency. UNKNOWN 2. Consider brownfields loan opportunities to assist company UNKNOWN 3. Enter into schedule for work to assuage enforcement concerns UNKNOWN 4. Work with lenders and LGU on financing UNKNOWN 5. Other financial tools: tax credits, federal tax deduction, tax cancellation, etc. UNKNOWN
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- KEY:**
- SUPPORT** - Subgroup Supports Recommendation and Wants it forwarded to the full Brownfields Study Group.
 - NOT RECOMMENDED** - Subgroup considered this, but does not support recommendation.
 - UNKNOWN** - Not clear whether Study Group Subgroup supported recommendation and wants it forwarded to full Study Group.