

**BROWNFIELDS STUDY GROUP
MEETING
November 8, 2007**

I. Attendees

John Antaramian, City of Kenosha
Tom Bergamini, BT2
Erika Bremann, Giles Engineering
Scott Brockway, ELM Consulting
Margaret Brunette, DNR
D.J. Burns, Drake Environmental
Chelsea Corson, Drake Environmental
Frank Dombrowski, WE Energies
Laurie Egre, DNR
Bill Fazio, Niemi Associates
Darsi Foss, DNR
Shelley Fox, DNR
Nancy Frank, UW-Milwaukee
Mark Giesfeldt, DNR
Kathy Hanson, DNR
Pat Henderson, DNR
Jeff Hosler, TEMCO
Maureen Hubeler, DNR
Thomas Jansen, WE Energies
Kate Juno, Natural Resources Tech.
Bruce Keyes, Foley & Lardner
Larry Kirch, City of La Crosse
Dan Kolberg, DNR

Ken Konicek, Konicek Environmental
Jane Lemcke, DNR
Tom Leonard, Single-Source, Inc.
Richard Lyster, MSA Professional Services
Louis Maier, Factotum
Jessica Milz, DNR
Mike Mueller, TEMCO
Tom Mueller, TEMCO
Tom Mueller, Jr., TEMCO
Eileen Pierce, DNR
Michael Prager, DNR
Al Rabin, Commerce
Andrew Savagian, DNR
Jim Schmidt, DNR
John Stibal, City of West Allis
Joy Stieglitz, Vandewalle & Associates
Mark Thimke, Foley & Lardner
Ben Verburg, Arcadis
Donna Volk, STS Consultants
Scott Wilson, Ayres Associates
Paul Zovic, Shaw Environmental

II. Welcome, Introductions, Agenda Repair

PLEASE NOTE! The Brownfields Study Group has agreed to schedule 2008 meetings in advance; Andrew Savagian will send out an email to Study Group members soliciting available dates and times

III. Wisconsin Initiative For Sustainable Cleanups (WISC)

Mark Giesfeldt provided a brief background; with all the sustainable initiatives around the nation/state, RR Program wanted to incorporate those ideas into our efforts

Giesfeldt: We asked the question: What can we focus on? We thought we should first look at the cleanups we work with, i.e. state-funded; look at the economic and redevelopment aspects at sites as well as review sustainable energy ideas; fore example, for a soil-vapor extraction system, there are electrical costs, and we want to look at how we can save energy and money; we would also be looking at recycling and reducing waste

Giesfeldt: Eventually we want to look beyond state-funded projects and look at other cleanups; we also want to measure it, so will be hiring a consultant to develop some standards for measuring; this effort will be similar to Green Tier, in that we want to reward those folks who go above and beyond what's going on with cleanups

Mark Thimke: I applaud the effort; I think there are lots of ways in which you can incorporate this idea, including beyond state cleanups; for example, adding some type of other approval incentives for doing certain sustainable efforts

Tome Mueller: In the private sector, you have to have the incentives, whether they are compliance incentive or economics operational costs savings; that's what will get these initiatives put into project, especially for non-state level projects

Bruce Keyes: EPA has some of their funds set aside for projects that incorporate sustainable methods; I think there are some low hanging fruit out there, we can get a lot accomplished within the first year, then build off of that for two and three year plans, and deal with some of the more difficult issues down the road

Mueller: Does somebody have a method to make sure the two programs mesh, Green Tier and WISC; so they can coexist

Thimke: I think we should make this a constant agenda item and keep the discussion going; we should also broaden into the energy sector; there lot of other state entities looking at this, so it will help highlight the efforts of the Study Group for the state agenda

The Study Group agreed to support this idea and establish a subgroup, to meet and bring back a discussion paper to the main group; the if you would like to be involved in a subgroup on brownfields and sustainability issues, please contact Andrew Savagian at andrew.savagian@wisconsin.gov

Drew will make sure this is a constant agenda item for future Study Group meetings

IV. State Brownfields Legislation – Update

Dan Kolberg: In developing the local government unit (LGU) exemption for solid waste facilities, the group decided to establish a cut off for licensed and unlicensed facilities; so that unlicensed facilities would be eligible for the exemption; the exemption is similar to the LGU exemption under the Spills Law, where the property acquired by the LGU determines the exemption based on certain requirements

Kolberg: We've been working and meeting with staff from the Waste Program to get a list of licensed sites since 1969, so we can compare and contrast; i.e. if we know who's licensed and on the list, then anything not on the list was not licensed and thereby eligible for the exemption; we now have a list, which we'll put on the Internet along with some guidance, so anyone wanting to work with this exemption can go to the web and cross check

Nancy Frank: Any plans for direct outreach to communities to notify them?

Kolberg: Yes, that is in the works; it will go more to the statewide audiences and local government associations promoting the expansion of this exemption

Kate Juno: What if you find a record that the municipality used the dump site, how would that play out?

Darsi Foss: I think the law states environmental pollution or hazardous substance discharge; we'd have to look at it

Tom Mueller: What about the VPLE process? There were a lot of hoops to jump through – has that changed?

Kolberg: With the exemption to include unlicensed facilities into the VPLE program, we've had an interim process to deal with those, and it involved completion of the VPLE form and a cover letter that laid out the investigation work and findings that the applicant came up with for that property; they need to look at 5-6 different sources of information, evaluate the local info, etc.; Now, with the VPLE we'll modify our process by relying on the list and eliminate a lot of that independent research

Andrew Savagian: How many sites are we looking at?

Kolberg: There are approximately 2,000 licensed sites that existed at one time or another; there are far more sites that have accepted solid wastes for disposal that have not been listed; the total number of sites accepting waste for disposal is estimated at around 5,000

Kolberg: In regards to the LGU Exemption and the GIS Registry – in the case of LGU exempt sites, where the property will be put to productive use, and where it becomes necessary to direct that certain actions be taken to control or prevent threats on that property, and where land use controls (LUCs) are necessary, those sites should be included in the GIS Registry where those LUCs have been imposed

Kolberg: Really it's a small number of sites, a handful every year, and we've only been able to think of five in the history of the program that are candidates for the GIS Registry; we already have drafted language in NR 708 to deal with these types of sites

Erika Bremman: I'm assuming these sites are closed with residual impacts, and there's language in the closure letter

Kolberg: That's where it's different – these are LGU sites, so they wouldn't reach the closure standpoint, because they don't have to do all the cleanup steps because they're exempt; so that's why we put it in 708 instead of 726, because it doesn't mean the site is going to be closed; however, there are enough guidance and tools in place to protect the public health and the environment

Foss: In regards to fixing the municipal debt issue; it was in the state budget at one time, but they took all the policy items out, so we'll have to start over

V. State Budget Update

Giesfeldt: Thank you for very much your support, it meant a lot to us and it did help; we were able to save the 10 positions that were in question, and we ended up doing very well overall

Pat Henderson: We've of course been working on the last budget; for what we accomplished, it was well worth the wait, it's a pretty good budget; there's a lot to be proud of, everyone worked hard together and stayed at the table; for the DNR budget, there's lot to be pleased with, we reauthorized the Stewardship program, which fits in well with goals of the brownfield program; the brownfields program is one where never seems to have any trouble in the Legislature; it's about using the money wisely and things are getting cleaned up in a timely manner; however, even though it is a no brainer, getting this through the budget was no easy task, thank you for all your work

Keyes: We've talked before about grants that are awarded but not used, and that funding gets carried over from one budget into the next

Michael Prager: Since it's a biennial appropriation, it goes back into general funding

Darsi: In order for that to change, it has to go to a continuous appropriation

Giesfeldt: For the nine brownfield project positions set to expire, we have until April of 2008 to address that question; our goal is to convert those positions to permanent status; there is also a structural deficit in the environmental fund, although the tipping fee increase should help; there is a larger state budget deficit, but how that will affect us is unknown at this time

Mueller: We shouldn't lose \$1 million, and the fact that we are losing funding vs. growing – we have to start fighting for it

Thimke: As part of that, it would be useful to reauthorize the Study Group – we work well together

Henderson: Without a doubt, because you guys work so well together, the \$1 million cut was more of a reflection of the lateness in the budget process; the letter you sent in made an impact on the Legislature

John Stibal: And don't forget, for all the grants we received, yes they're critical and important, but as important as they are, we need the technical staff to help us – they're as critical to this effort, if not more

Brownfields Study Group will be sending out thank you letters to the appropriate individuals who assisted on state budget efforts

VI. Federal Brownfields Funding Update

Darsi Foss provided a brief overview; the National Brownfields Coalition is proposing, as part of the reauthorization of the federal brownfields law, to increase funding for brownfield grants, establish multi-purpose brownfield grants, make brownfield grants work better at the local level,

and establish pilot brownfield programs for sustainable reuse/alternative energy and waterfront redevelopment

John Antaramian: If we're going to do this, it would be worth it for this group to put something together and make a pitch ourselves to EPA; maybe get one or two people to take a trip to EPA and talk to them about the practicalities; there's a lot of money out there that's hard to use; maybe it's time to focus on the federal side

Foss: You may also want to get David Lloyd (EPA Brownfield Chief) and Evans Paul from the Great Lakes Institute involved

Stieglitz: Would we do this for the entire Study Group or just a smaller subgroup?

Antaramian: I think you get the full Study Group together; this needs to be focused; so maybe a meeting prior to talking with EPA

Prager: That would give you the opportunity to talk administrative ideas on how they operate their program, as well as reauthorizing the law and modifying it

Study Group members agreed to work on a proposal through a subgroup and bring a draft proposal back to the main group; members also agreed to further discuss the option of having 2-3 members going to Washington, D.C., to promote their proposal

DNR will assist with setting up a meeting with EPA in addition to other individuals

VII. All Appropriate Inquiry/Bona Fide Perspective Purchaser

Darsi Foss gave a brief overview; there is still a need to deal with a number of issues, both statutorily and administratively, for EPA BF grants and loans

Foss: You still need to indicate you've done your due diligence for both AAI and BFPP

If you have questions about this issue, please contact Dan Kolberg, at 608-267-7500, or dan.kolberg@wisconsin.gov

VIII. State Agencies – Update

Commerce Brownfield Grants

Al Rabin: In FY 08 we've made six awards, none have been released to the press yet; thanks to the Study Group, we have been getting a real good turnout for communities under \$30,000

Rabin: The governor also announced a new initiative on waterfront redevelopments; we're still trying to work out the details; if you are interested or have a site with waterfront redevelopment; please contact me we'll work with you

Mueller: With less money being available this fiscal year, would waterfront projects possibly score higher?

Rabin: If there is a competitive application process, it would probably get additional consideration; we will be actively seeking those types of projects

DNR Brownfield Site Assessment Grants

Shelley Fox: We received 80 grants for more than \$3.5 million, but have only \$1.7 to award; there were 58 small grants totaling more than \$1.66 million, and 22 large grants totaling more than \$1.89; we're also now requiring progress reports, which will help reduce the amount of money that's not used; and we're working with our forms people to create an on-line, fill-in application

Thimke.: Are there repeat offenders (for applicants that don't use the money)?

Fox: Yes, we're tracking that

Wilson: For ones that are successful, maybe those applicants could get bonus points, is that something worth thinking about?

Foss: We should probably re-convene the subgroup to review these suggestions

Prager: We did review and update the rule (NR 168) four years ago, not sure if this is a good time yet to re-visit and see what needs to be changed

Keyes: In regards to sustainability concepts; I could see a scenario where demolition could be used effectively; if they can demonstrate they re-used 90 percent or more of the materials, maybe they would score more points during the grant review

DNR Green Space and Public Facilities Grants

Prager: We have \$1 million for two years to award; it pays for cleanup of sites that goes for greenspace, recreation and public facilities; the new change is we now have an open/rolling enrollment, similar to the Commerce brownfield grants; we begin accepting applications January 25, 2008

DNR's Ready For Reuse Brownfields Grants and Loans

Jessica Milz: We've either awarded or applicants have requested all of the hazardous substance grant and loan funds; however, we still have a lot of petroleum funding leftover; so if you are over your PECFA cap, you can still get funding via Ready For Reuse; also, if Commerce is only paying for a certain amount, you can get Commerce to send a letter to help make your projects eligible for Ready For Reuse funds

Milz: We were also able to garner an additional \$1.5 million of EPA brownfield funds that were not being used by Richland Center and Delevan; all of this information will go out on our web site soon

Please contact Jessica Milz at 608-267-5743, or jessica.milz@wisconsin.gov, for more information

Land Recycling Loan

Maureen Hubeler gave a brief summary; New Richmond is working on a loan for their landfill cleanup; this has been problematic because they have 12 RPs on their list; all of those issues have been resolved and the project is moving forward

Mueller: Having finally worked completely through an entire process with the first West Allis process, it was easier than we had thought

Dry Cleaner Environmental Response Fund (DERF)

Giesfeldt: The fund was industry created and the funding is generated by the dry cleaner industry; however, the fund is out of money, and the Governor's Dry Cleaner Council is hoping to meet with the main parties to try and to fix the problem

30th Street Industrial Corridor Project

Savagian: The DNR, city and the 30th Street Industrial Corridor Coalition (ICC) applied for and received an additional \$400,000 in EPA brownfield site assessment funds, giving the partnership \$800,000 to assess brownfields in the corridor; the work plan and cooperative agreement with EPA have been approved and signed by both parties; we're now working on amending the intergovernmental agreement between DNR and the city to reflect the new grant

Wisconsin Brownfields Insurance Program (WBIP)

Prager: There are no policies yet; just completed all our seminars this fall; also, since WBIP was created, there are new products out there that cover items WBIP does not, like cost cap insurance (Study Group didn't think it was feasible with the current set up); for example, Zurich has cost cap insurance for smaller cleanups only (typically this insurance was only for very expensive cleanups)

If you want more information about this type of insurance, please contact Michael Prager at 608-261-4927, or michael.prager@wisconsin.gov

IX. 2008 Brownfields Study Group – 10 Year Anniversary Planning

Andrew Savagian will coordinate efforts to host a 10 Year Anniversary event; anyone interested please contact Andrew at 608-261-6422, or andrew.savagian@wisconsin.gov;

X. DNR's New & Improved RR Sites Map! – GIS Presentation

To view this presentation, please go to the DNR's Brownfields Study Group web site at: dnr.wi.gov/org/aw/rr/rbrownfields/bsg/index.htm

Adjourn

**Lunch
Bus Tour**