

**BROWNFIELDS STUDY GROUP
PLANT RECOVERY SUBGROUP
SEPTEMBER 29, 2009**

I. Attendees

Margaret Brunette, DNR
Karen Dettmer, City of Milwaukee (telephone)
Melissa Enoch, DNR (phone)
Darsi Foss, DNR
Kirk Kapfhammer, Endpoint Solutions (phone)
Bruce Keyes, Foley & Lardner (phone)
Bill Looney, AECOM (phone)
Ed Lynch, DNR
Scott Manley, WI Mfrs. and Commerce
Dave Misky, City of Milwaukee (phone)

Michael Prager, DNR
Andrew Savagian, DNR
Bill Scott, Gonzalez, Saggio & Harlan (phone)
John Stibal, City of West Allis (phone)
Kathleen Strasbaugh, DNR
Mark Thimke, Foley & Lardner
Sam Tobias, Fond du Lac County (phone)
Scott Wilson, Ayres Associates (phone)
Bill Zillmer, WI Dept. of Workforce Development

II. Welcome, Introductions, Agenda Repair

Housekeeping Items

1) Subgroup agreed that the Study Group should continue to utilize LiveMeeting; it's not only more affordable than using WisLine, but it also provides face-to-face interaction, sharing of documents and presentations, as well as saving on gas, time and other resources

2) Subgroup also agreed to change their name from Plant Closings Subgroup to the Plant Recovery Subgroup

III. Subgroup Review – Where We've Been

Michael Prager summarized subgroup activities from last year until now, including reporting to and receiving the approval of the Brownfields Study Group; he also briefed the group on how the department developed the Wisconsin Plant Recovery Initiative to implement a number of the Study Group's recommendations

Mark Thimke: Overall I think this is a very good effort; one question I have is, it seems timing will be essential in your follow through, otherwise you may not hear from many of these companies within an appropriate time frame – have you thought about the timing of the different actions?

Prager: That's a good question, and we do realize we need to be extremely timely, and we thought we'd probably want to send these letters out to the companies within a week after they announce the closing

Thimke: If you have a short time frame, the critical part will be your regional follow up, including tracking what happens next, do you need to elevate the issue(s), etc.

Bill Scott: I think this effort is progressing well; however, in viewing much of this material for the first time, I think it's too complex, has that "decision-by-committee" feel and companies will view this as a big hassle to comply with; I think you need to simplify it, have less people involved/single point of contact, more of a "turn key" involvement; also, if you have some sort of small grant to offer, along with a match, that might get the them to listen to what you have to say

Darsi Foss: Something we've talked about before is that \$1 million in federal assessment funds we received from EPA, which we could use for plant closings

Bruce Keyes: I'd like to echo what Bill's said, and also emphasize that, when a plant closes, environmental lawyers don't usually get involved, it's more along the lines of business lawyers and others who don't have the experience we have in dealing with brownfields, so that's something to consider, and you may want to think about a carrot/incentive; keeping tabs on this effort is very important

Prager: We definitely want to make the process to set assessment dollars as simple as possible

Thimke: I understand you're trying to work with those who want to work with you; but in the end the goal is to identify spills and releases and de-commission any materials, equipment, etc., you need to, so if you don't have cooperation, then who pursues it?

Prager: That's a good point; there are several agency programs that need to be involved so the coordination is going to be very important; if the company doesn't want to be cooperative, we are prepared to take action if appropriate

Ed Lynch: One of the things we're doing ahead of time over in the Waste Program is to remind folks to follow through on their obligations, and that RR is the main point of contact as we follow through

Thimke: I think you can break it down into three areas: 1) Deal with the known spills, releases and any ongoing remediation; 2) Try to obtain information on any release we don't know about or determine if there aren't any; and 3) De-commission

Lynch: With our hazardous waste pilot grant from EPA, we can assist in some situations, but not all, so we try to deal with these on a case-by-case basis

Foss: You could even add a fourth category – emergency situations

Scott: I think your efforts should focus on real world situations, kind of a "Green – Yellow – Red" where you give the company 'X' number of days to respond, or eventually it would go to enforcement

Keyes: I also think there are two additional considerations to think about: 1) You might need a questionnaire/sheet, so you know who should be conducting the appropriate follow up; and 2) It might not hurt to create a fact sheet and/or success stories on plant turn arounds to share with communities/closing facilities

Thimke: Do you plan to post some kind of spreadsheet on the web for folks to kind of monitor what's happening, be aware of how the assessment/cleanup is proceeding?

Prager: That's part of our plan; that can have many benefits, including for prospective buyers

Scott: You could even create a tear off sheet with your materials that they could fill out, tear off and mail back

IV. DNR Initiative – Where We’re Going

Michael Prager then reviewed WPRI outreach materials and how the DNR would be implementing the Initiative; several subgroup members noted they will be providing comments within the next two weeks

Bill Zillmer: I think it’s too passive; instead I think you should say “...within the next week we will contact you”; I would also cut out anything in the letter that is already in the fact sheet; they’re going to be pretty busy at this time and any extraneous information will probably get lost in the shuffle; just be brief, mention that “we’ve got some mutual interests” and it would be good to work together, attach the fact sheet and then contact them soon after

Dave Misky: I agree – a one page letter is about all you can expect these folks to read

Zillmer: In these instances, confidentiality is often a concern

Kathleen Strasbaugh: We’re pretty limited in our ability regarding confidentiality

Foss: We could do something similar that we do with the DNR Brownfields Site Assessment Grants (SAGs) disclaimer

Mark Thimke: I’m also wondering about your outreach to the business community? And are you thinking about how we can help you with this kind of outreach?

Andrew Savagian: That’s a good question, and yes that’s part of the plan

Scott Manley: I think it would be good to brief WMC folks as well

Zillmer: Also don’t forget about the county economic development folks

Darsi Foss: And the business media, e.g. *Milwaukee Business Journal*, *Small Business Times*, etc.

Scott: This comment applies to both the fact sheet and the letter to municipalities; you need to make sure you have something in there that states how it’s to the municipalities’ advantage/best interest to help turn a closed plant around, make it viable once again, regardless of if they’re interested in acquiring it or not; it’s good for the local economy and environment and in the long run the entire community

Scott: My other question is about grants – is it possible to give a couple extra points for your grant scoring criteria if they want to use the funds to help turn a closed plant around?

Karen Dettmer: There’s also a lot of incentives that cities can offer as well; for example, for property transactions, if they’re looking to sell, they can work with our real estate staff; also the regional M7 Milwaukee group has some incentives that go beyond the environmental issues at a property

Foss: So Karen do you think it would be beneficial to have the local government officials at these green team meetings with the companies?

Dettmer: Definitely

Foss: So do we want to have further dialogue on bankruptcies, other than they're part of the mix?

Prager: I'm coordinating on the bankruptcy issue for the Remediation and Redevelopment (RR) Program along with DOJ and DNR legal staff, including Kathleen Strasbaugh

Strasbaugh: Yes, but offering incentives might be because of the bankruptcy, i.e. where would the possible grant/funding end up

Zillmer: Those companies may actually be more interested in working with you vs. us, because you're trying to make these properties more saleable

V. Next Steps – Discussion (All)

Subgroup members have two weeks – COB TUESDAY, OCTOBER 13 – to provide comments on the materials; any one making comments should send them via email to Andrew Savagian at andrew.savagian@wisconsin.gov

The Subgroup agreed to then hold another call in four weeks – end of October – to hear about progress and discuss next steps

Also in two weeks, the DNR will host another call with subgroup to get their input on how best to utilize the \$1 million in federal assessment funding

Finally, the Brownfields Study Group's next meeting is being planned for December, due to the National Brownfields Conference being held in November in New Orleans

Adjourn