#### **EXTERNAL ADVISORY GROUP**

Remediation and Redevelopment Program





#### **Meeting Notes**

#### Remediation and Redevelopment External Advisory Group

Thursday, July 25, 2024 | 9 a.m.– noon Milwaukee DNR Service Center - Harbor Room 1027 W. St. Paul Ave., Milwaukee, WI 53233

#### Action items/assignments for next meeting

- **ALL:** To volunteer for issue paper development for the Funding Sustainability subgroup on vapor intrusion or emergency water for private wells, please email <a href="Michael.Prager@wisconsin.gov">Michael.Prager@wisconsin.gov</a>. Send any comments on vapor issue paper (Vapor Contamination, Mitigation, and Stewardship Cleanup Fund) to <a href="Michael.Prager@wisconsin.gov">Michael.Prager@wisconsin.gov</a>.
- Funding Sustainability subgroup: Subgroup will make updates to paper based on suggestions of EAG.
- ALL: Contact Ed Buc (<u>Edmund.Buc@terracon.com</u>) or Jennifer Borski (<u>Jennifer.Borski@wisconsin.gov</u>) to participate in Vapor Intrusion subgroup white paper development and mitigation contractor certification and local government outreach ad hoc committees.
- ALL: Send any RR Sites Maps comments, questions, or issues to <a href="mailto:DNRRRBRRTSFEEDBACK@wisconsin.gov">DNRRRBRRTSFEEDBACK@wisconsin.gov</a>.
- ALL: The NR 700 Subgroup is seeking volunteers from the EAG to evaluate issue papers (*RR Program Fees & Funding Sustainability* and *Site Investigations & Conceptual Site Models*) ahead of the full EAG meeting in October. Please reach out to <a href="MollyE.Schmidt@wisconsin.gov">MollyE.Schmidt@wisconsin.gov</a> or <a href="Models">Jodie.Thistle@wisconsin.gov</a> to volunteer.
- **ALL:** Subscribe to the RR EAG listserv to receive information about future meeting dates, agendas, resources, and other EAG-relevant items. Zoom attendees are automatically added to the listserv; if you would like to opt out, please email <a href="mailto:CoreenR.Fallat@wisconsin.gov">CoreenR.Fallat@wisconsin.gov</a>
- DNR: Consider adding BRRTS # in subject line of DNR automated emails for NR 700 Semiannual Reporting.
- **DNR**: Review meeting attendance to foster meaningful participation.

#### Roll Call

#### **EAG Members**

- Jodie Thistle, DNR PRESENT
- Judy Fassbender, DNR PRESENT
- Sharlene TeBeest, WI DOT PRESENT
- Curtis Hedman, WI DHS PRESENT
- Sarah Gruza, U.S. EPA PRESENT
- Jason Scott, WEDC PRESENT
- Dave Misky, Redevelopment Authority of the City of Milwaukee PRESENT
- Chris Valcheff, True North Consultants ABSENT

#### Guests

- Lanette Altenbach
- Ryan Blundon, Lifetime Radon
- Jennifer Borski, DNR
- Margarette Brunette, DNR
- Renata Bunger
- Roxanne Chronert, DNR
- Tom Coogan, DNR
- Michelle Cook, city of Racine
- Coreen Fallat, DNR
- Mike Farin
- Don Gallo, Gallo Law
- · Geoffrey House, DNR
- Rob Hoverman, DNR
- Cassie Johnson, EHS Support

- Andrew Mott, Ramboll PRESENT
- Naren Prasad, WEC Energy Group PRESENT
- Sheldon Johnson, Northwest Regional Planning Commission ABSENT
- Ned Witte, Godfrey & Kahn PRESENT
- Carrie Webb ABSENT
- Bill Nelson, Godfrey & Kahn, S.C. PRESENT
- Mark Rutkowski, Shannon & Wilson ABSENT
- Ed Buc, Terracon, PRESENT
- · Stacy Koch, EHS Support
- Gena Larson, DNR
- Glenn Luke, WEC Energy Group
- Jason Lowery, DNR
- Trevor Nobile, DNR
- Michael Prager, DNR
- Eric Rempala
- Chad Rogness, Lifetime Radon
- Molly Schmidt, DNR
- Toni Schoen, the Sigma Group
- Alyssa Sellwood, DNR
- Christine Sieger, DNR
- Ray Tierney, SCS Engineers
- Ben Vondra, DNR

#### **EXTERNAL ADVISORY GROUP**

Remediation and Redevelopment Program





#### Logistics

#### **DNR Updates**

- NR 700 Rule Advisory Committee Update Molly Schmidt, DNR Brownfields Policy Coordinator Summary of rule drafting progress and date of next meeting of the RAC.
- RR Sites Map Updates Geoffrey House, DNR GIS Specialist Demo of RRSM new platform. Search by address is still available but will be enhanced. Layer list will be integrated with legend in future. Can import files to display on the map and can save drawings. Send feedback or questions to **DNRRRBRRTSFEEDBACK@wisconsin.gov.**
- NR 700 Semiannual Reporting Roxanne Chronert, DNR Policy and Program Operations Director DNR issues an email twice each year. Each RP receives a unique identification number to use for reporting which are due in 30 days. When submitted, the DNR project manager receives an email and the report information is uploaded to BRRTS & BOTW. Sites without a completed report are flagged for staff. If you don't receive the automated email you can complete the form. Request made for the email to show the BRRTS # in the email subject.

#### Subgroup Updates

- Funding Sustainability Subgroup Mark Rutkowski & Michael Prager
  - Request for EAG Action: Approve or provide comments, revisions or recommendations.
  - o Discussion of issue paper: Vapor Contamination, Mitigation, and Stewardship Cleanup Fund.
    - Include ranking for highest risk sites, including sites with no RP (causer).
    - Include eligibility criteria to explain which sites need funding assistance.
    - Develop factors that department will consider when allocating the funds. DNR currently uses a screening process to evaluate sites and it could include something like that.
    - Consider costs to provide outreach residents to get access agreements.
    - Consider a cost recovery option to the RP
    - Define underserved communities use various criteria for different programs. Criteria would need to be defined for this specific fund. Multi-faceted evaluation. Innocent landowner definition should also be clarified. EAG could recommend approving paper, or EAG members could seek other partners.
  - Potential future issue papers (e.g. emergency water for private wells, innocent landowners, other funding needs) and call for volunteers.
  - Please reach out to <u>Michael.Prager@wisconsin.gov</u> to be involved in the Funding Sustainability Subgroup issue papers.
- NR 700 Subgroup Bill Nelson & Molly Schmidt
  - The NR 700 Subgroup has standing invitations to members of the EAG and members of the public to bring policy initiatives (general policy, rulemaking, legislative) and discussion items (case studies, local laws) to meetings.
  - Two issue papers are in development: RR Program Fees & Funding Sustainability and Site Investigations & Conceptual Site Models. Topics selected because they are tentatively scheduled to be addressed through future DNR rulemaking and issue papers can assist with DNR staff with scope statement development.
  - The subgroup plans to submit issue papers to EAG for review at next full EAG meeting in October, and if revisions are needed, the subgroup will bring revised versions back to the group in January.
  - The goal is to complete these papers ahead of the development of the next set of scope statements for rulemaking – by April 2025. The NR 700 Subgroup will be seeking volunteers from the EAG to evaluate papers ahead of the full EAG meeting in October. Please reach out to MollyE.Schmidt@wisconsin.gov or Jodie.Thistle@wisconsin.gov to volunteer.
- Vapor Intrusion Ed Buc
  - Mitigation contractor certification ad hoc group: Looking at a draft bill by Indoor Environments Association and developing a white paper for VI subgroup. Will present to EAG in January 2025. Ad hoc group will be meeting in next couple of weeks to start work on white paper.

#### **EXTERNAL ADVISORY GROUP**

#### Remediation and Redevelopment Program





- o Local government outreach: Looking for participants from municipalities.
- o Contact Ed Buc or Jennifer Borski (<u>Jennifer.Borski@wisconsin.gov</u>) to be involved in subgroup items.

#### Action Items & Updates

Annual Action Planning

Vapor Intrusion, NR 700, Funding Sustainability subgroups

- Solicit feedback on completed papers.
- Share final papers with EAG for review and recommendation.
- Upcoming EAG meeting dates
- Review meeting attendance to foster meaningful participation.

Assignments – See list on page 1 Adjourn



## **Agenda**

**Roll Call** 

Logistics

**DNR Updates** 

**Subgroup Updates** 

**Action Items & Updates** 

**Assignments** 



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## **Zoom Meeting Logistics**

All attendees are muted

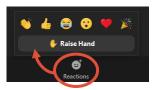
#### **Written Comments/Questions**

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



#### **Verbal Comments/Questions**

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



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## **DNR Updates**

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## **Rulemaking**



Molly Schmidt, DNR

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

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## **Rule Drafting**

#### Rule drafting ~ 10 months

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



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## **Rule Advisory Committee**



Next meeting - September 20, 2024



Open to the public



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

**RAC Meeting Information/Registration & NR 700 Listserv Signup:** dnr.wisconsin.gov/topic/Brownfields/RuleChanges.html

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## Remediation and Redevelopment Sites Map

- What is the RR Sites Map?
   Shows locations of Remediation and Redevelopment activities on an interactive map
- Why is it needed?
  - Public database required by state law
  - Maintain eligibility for U.S. EPA funding

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### **Current and Future Updates**



New platform and enhancements (old platform retires Aug. 1)



Revised user guide and information on the web



Ability to view internal-only layers that require a login

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## **RR Sites Map Tour**

Geoffrey House, DNR

- Accessing help and other links
- Single search tool
- Identify tool and click to identify
- Legend and layer list combination
- Right-click menu
- Add annotations to the map and save/re-load them



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## **Feedback and Recommendations Welcome!**



DNRRRBRRTSFEEDBACK@WISCONSIN.GOV

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### NR 700 Reporting

Roxanne Chronert, DNR



Open cases report progress 2x per year (Wis. Admin. Code § NR 700.11) in January and July



Responsible party and/or consultant receive reminder email and link to reporting form



Report summarizes activities and progress for prior 6 months

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## **NR700 Reporting - How it Works**

- · DNR sends email for each site
- · RP receives unique ID number



Wisconsin state law requires responsible parties submit site progress reports semi-annually until final case closure is granted by the Department of Natural Resources. You are receiving this email as you are listed as a contact for the site shown below or you submitted a progress report for a previous reporting period. If you are the responsible party and have a consultant working on this site, they should complete this report for you. If you do not have a consultant, you are required to complete this report:

BRRTS No.: 02-12-548102
Activity Name: GATEWAY PROJECT NORTH HALF
Address: N MARQUETTE RD & E HAYDEN ST, PRAIRIE DU CHIEN
Activity Start Date: 09/27/2006
Reporting Period: 1/1/2024 - 6/30/2024
Report Due Date: 02/28/2024

Please complete the reporting requirement by the due date for the site listed above by clicking this link: https://uatapps.dnr.wi.gov/rrnr700reportingform/submit-form?rid=240254810202279

Information on this cleanup may be viewed through the public web-based system BRRTS on the WEB (BOTW) via this link: https://apps.dnr.wi.gov/botw/GetActivityDetail.do?dsn=548102

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## NR700 Reporting - Completing Form

- NR700 reports due within 30 days
- Completed by RP or consultant

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## **NR700 Reporting - Confirmation Email**



10: Dessingpas, David < David.Dessingpas@arcadis.com > Cc: John.sager@wisconsin.gov<br/>Subject: DNR NR 700 Semi-annual Report Submittal Confirmation

Thank you for submitting an NR 700 Semi-annual Site Progress report for the noted Activity. The DNR Project Manager has been notified of your report submittal. The contents of your report are included for your records:

Report ID: 2407034579739361
BRRTS No.: 02-16-000484
Activity Name: KOPPERS
Address: 3185 S CTH A, SUPERIOR
Reporting Period: 1/1/2024 - 6/30/2024
Submitted On: 07/23/2024 08:07
Submitter Role: Consultant
Status: Remediation: RAOR Report Preparation
Comments:

The following is a list of submittals for the 7/1/2023 through 12/31/2023 reporting period:

06/24/2024: First Semi-Annual 2024 RCRA Groundwater Monitoring Results.
06/28/2024: Comments on WDNR April 12, 2024 Response to Beazer February 15, 2024 Comments on Draft Conditional Approval; Renewal of Long-Term Care License No. 03157.

In addition to the above submittals, Beazer continued to work with USEPA Great Lakes National Program Office and WDNR on the Great Lakes Legacy Act Focused Feasibility Study project during this reporting period, including submittal of a Data Gap Investigation (wall Ky Assurance Project Plan on May 10; submittal of a Data Gap Investigation Quality Assurance Project Plan on May 10; submittal of a Hydrologic and Hydraulic Modeling Tech Memo on May 17; initiating field implementation of the 2024 OGI Work Plan; and participating in conference calls with WDNR on January S, February 2, April 2, May 17, and June 21.

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## NR700 Reporting - Platform Change

- NR 700 application rewritten to new technology
- Seamlessly deployed July 1, 2024

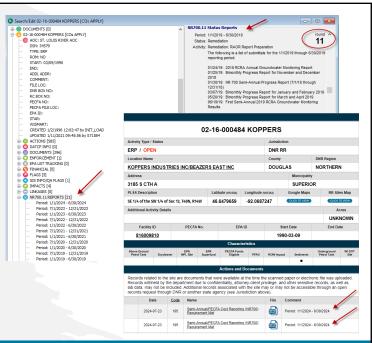


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#### NR700 Reporting -Data Uploaded to BRRTS

- · Email sent to DNR Project Manager
- Information uploaded directly to BRRTS & BOTW



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## NR700 Reporting - DNR Review & Response

- DNR staff "triage" NR700 Reports
- Sites with no NR700 Report submitted are flagged
- Consistently have 89% of open sites submit NR700 Reports
- RR-082

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## Funding Sustainability Subgroup

Mark Rutkowski, Shannon & Wilson

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## Vapor Contamination, Mitigation and Stewardship Cleanup Fund

RR EAG Funding Sustainability Subgroup

**Subgroup Request: EAG Approval of or Input on Issue Paper** 

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### **Vapor Intrusion Background**

- PCE and TCE are chemicals that may contaminate subsurface media such as soil and groundwater.
- Health issues may arise from exposure to PCE and TCE.
- Exposure to PCE and TCE can happen indoors when off-gassing from contaminated soil or groundwater enters a building, or the building foundation contacts contamination.
- The ability for vapors from contaminated soil and groundwater to migrate and enter buildings is known as the vapor intrusion pathway.
- The vapor intrusion pathway is a potential cause of exposure to chemicals in indoor spaces.

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#### **Current State**

RP responsibility to address vapor intrusion at source, rights of way and affected off site properties

Redevelopment & Brownfield Sites address vapor intrusion concerns

Properties not on developers or municipal radar susceptible to vapor intrusion

DNR has very limited funds from state and EPA to address sites with vapor intrusion

Funding does not exist for most sites with vapor intrusion where there is no viable responsible party

Concerns about long-term stewardship

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## **Purpose of Cleanup Fund**

- Source identification (soil, groundwater, and vapor investigations)
- Protection of building occupants
- Vapor mitigation operation, monitoring, and maintenance costs
- Long-term stewardship to maintain and monitor mitigation system
- Source cleanup and reduction

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## **Potential Funding Sources**

- Revitalize Wisconsin
- · Capture gas tax revenue used on former PECFA program
- Lottery credits or funding
- Movement of fees for environmental programs from general fund back to WDNR
- Stand-alone program funded though legislative process
- Acquisition, cleanup, and resale of old-dog sites
- Vapor mitigation system inspection fees
- Create environmental bonding authority exclusively for environmental repair sites
- Environmental surcharges for development at non-brownfield sites
- Prime real estate development fee

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#### **Environmental Justice Evaluation**

- Many sites with unaddressed vapor concerns are in disadvantaged or underserved communities.
- The cleanup fund would support remediation and mitigation system operation and maintenance at all sites - not just those desirable for redevelopment.
- Fees collected as part of a prime real estate development surcharge could benefit underserved communities.

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#### **Resources Needed**

- 2024 Assemble Bill 1055
  - Proposed elimination of existing DERF
  - Revitalize Wisconsin Program
  - Funding mechanisms for remediation and maintenance at previously closed sites
- Subgroup recommends seeking legislative support for cleanup fund

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#### **Future Action Items**

- Funding gaps identified
  - Vapor intrusion
  - Emergency water for private wells (Next issue paper)
- Prepare issue paper that:
  - Addresses community health concerns
  - Ensures use of foundational terms/strategies
  - Is protective of human health and the environment

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## NR 700 Subgroup

Bill Nelson Godfrey & Kahn, S.C.



**RR EAG** 

Funding Sustainability

Subgroup

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#### **NR 700 Subgroup Standing Items**



Legislative proposals

#### Open invite for policy initiatives

General policy discussions

Potential future rulemaking topics
(issue paper ideas)



#### Call for discussion items

Examples, case studies

Best practices discussion

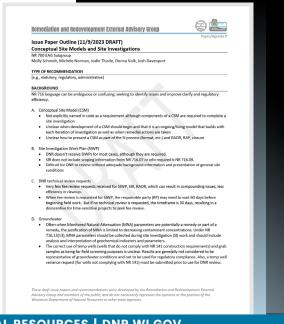
Local rules, laws or restrictions
that may impact remedial actions

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#### **Issue Papers**

- RR Program Fees & Funding Sustainability
- Site Investigations & Conceptual Site Models



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## **RR Program Fees & Funding Sustainability**

- 1. Increasing current ch. NR 749 fees
- 2. Increasing the number of documents that must be submitted with fee for review
- 3. Charging a premium for expedited reviews
- 4. Restructure fees from flat rate to hourly rate
- 5. Developing a long-term stewardship fee
- 6. Developing a delegated environmental professional program to decrease staff workload
- 7. Smaller menu streamlining the structure of ch. NR 749 fees

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## Conceptual Site Models & Site Investigations

- Conceptual Site Model
- Site Investigation Workplan Scoping
- ✓ DNR Technical Review Requests
- Groundwater
- Lab Data Interpretation
- Visual Aids
- Iterative Site Investigations & Comprehensive Site Investigation Reports

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## **Issue Paper - Next Steps**

NR 700 Subgroup working to finalize papers for EAG review

EAG review/adoption opportunities: Oct 2024 and Jan 2025

Final input needed to assist scope statement drafting by April 1, 2025

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## **Mitigation Contractor Certification**







Welcome Amanda Koch
Dept. of Health Services (DHS)

Ad hoc committee meeting

July 17

Draft bill for credentials
Indoor Environments Association
(IEA)

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#### Local Government Outreach Ad Hoc Committee

- Welcome Christine Westrich, Milwaukee Health Department.
- Replacement representative to be selected in Fall 2024
- Fall 2024: Committee Meeting

More community participants welcome!

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## Next Steps and Assignments

#### **Continue Ad Hoc Committees**

- Local Government Outreach & Education
- Mitigation Contractor Certification

#### **Schedule Subgroup Meeting**

Discussion of updates from Ad Hoc Committees

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## Action Items & Updates



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## **Annual Action Planning**

"Annually, the RR EAG will conduct a comprehensive review of technical and policy issues and identify a road map for work items for RR EAG efforts. Identified work items should include expected deliverables, staff resources, the need for subgroups, and timeframes as applicable."

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## **Upcoming Meetings - Proposed Dates**

#### **RR EAG**

- October 11, 2024
- January 23, 2025
- April 23, 2025
- July 16, 2025

#### **Subgroups**

- September 13 or 19, 2024
- December 5, 2024
- February 11, 2025
- May 15, 2025

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