

EXTERNAL ADVISORY GROUP

Remediation and Redevelopment Program



MEETING NOTES

Remediation and Redevelopment External Advisory Group (RR EAG)

Friday, Jan. 27, 2023

9 – 10:00 a.m.

Updated Jan. 17, 2023, to online meeting only for this instance

Roll call and icebreaker

EAG Members

- Jodie Peotter, DNR *PRESENT*
- Judy Fassbender, DNR *PRESENT*
- Sharlene TeBeest, WI DOT *PRESENT*
- Roy Irving, WI DHS *PRESENT*
- Sarah Gruza, U.S. EPA *PRESENT*
- Jason Scott, WEDC *PRESENT*
- Dave Misky, Redevelopment Authority of the City of Milwaukee *PRESENT*
- Debora Sielski, Washington County Public Agency Center Community Development Department *PRESENT*
- Chris Valcheff, True North Consultants *PRESENT*
- Donna Volk, Ramboll *PRESENT*
- Brain Bartoszek, WEC Energy Group *PRESENT*
- Sheldon Johnson, Northwest Regional Planning Commission *ABSENT*
- Noah Saperstein, Red Cliff Band of Lake Superior Chippewa *PRESENT*
- Ned Witte, Godfrey & Kahn *PRESENT*
- Lynn Morgan, WM *PRESENT*

Guests

- Jody Irland, DNR
- Alyssa Sellwood, DNR
- Michael Prager, DNR
- Michael Barry
- Jason Lowery, DNR
- Jennifer Borski, DNR
- Roxanne Chronert, DNR
- Mark Rutkowski, Shannon & Wilson
- Gena Larson, DNR
- Kurt McClung, SET Environmental
- Charles “Buck” Sweeney, Axley Attorneys
- Carrie Webb, DNR
- Ted Warpinski, Halling & Cayo
- Heidi Woelfel, GZA GeoEnvironmental, Inc.
- Jenna Soyer, DNR
- Logan Seipel, Ayres Associates
- Krista Hovestol, Endpoint Solutions Corp.
- Megan Hamilton, Arcadis
- Lanette Altenbach, AECOM
- Renee Bashel, DNR
- Mackenzie Gerin, Department of Health Services
- Josh Davenport, KPRG & Associates
- Nathalia London, ECS
- Steve Wells, The WCM Group, Inc.
- Andrea Lorenz, Forth
- Derek Panches, Stafford Law
- Bernadette Greenwood
- Jennifer Hagen, Ramboll
- Paul Carter, Pinnacle Engineering
- Joel Janssen, SpecPro Professional Services
- Patrick Kenny, WEC Energy Group
- Margaret Brunette, DNR
- Phillip Bower, DNR
- Jeremiah Yee, Department of Health Services
- Bill Nelson, Godfrey & Kahn
- Trevor Nobile, DNR
- Adam Roder, The Sigma Group
- Chelsea Engnath, The Sigma Group
- Troy Stucke, Charter Steel
- Margaret Hutter, DNR
- Sarah Slack, Foley
- Josh Voss, ECS
- Tauren Beggs, DNR
- Nathan Kloczko, Department of Health Services
- Katie Simonsen, DNR
- Jason Warren, ECS
- Mike Neal, AET
- Toni Schoen, SET Environmental
- James Bannantine, Kapur Inc.
- Tammy Rabideau, Masco Corporation
- Aubrey Dunshee, GZA
- Greg Prom, Minnesota Power
- Brian Bailey, REI Engineering
- Molly Schmidt, DNR
- Roger Miller, GEI Consultants
- Michelle Cook, City of Racine
- Erin Hughes, Foth
- Lisa Ashenbrenner Hunt, DNR
- Chelsea Corson, The Sigma Group
- Dogus Meric, GeoSyntec

EXTERNAL ADVISORY GROUP

Remediation and Redevelopment Program



DNR updates

- **Wisconsin Assessment Monies (WAM)**
 - WAM community-managed grants are now being offered in addition to WAM contractor services (DNR-managed) grants
 - Ready for Reuse (RFR) funds may be able to fill the gaps of a WAM grant
 - If your project is ineligible for WAM or RFR, the DNR will work to connect you to any other known funding sources for which you may be eligible.
- **Published Guidance**
 - External publications available on the [DNR RR Publications and Forms webpage](#).
 - Subscribe to the [RR Report](#) for notification of newly published guidance or public comment opportunities; program guidance out for public comment will be available on the [DNR RR Program Public Notices webpage](#).

Subgroups updates

- **Environmental Justice Subgroup** – Jodie Peotter, DNR
 - Upcoming meeting will focus on outreach to expand stakeholders and community partner participation in the RR EAG EJ subgroup.
- **Funding Sustainability Subgroup** – Mark Rutkowski, Shannon & Wilson
 - Upcoming meeting will focus on Misky/Nelson/Witte memo and identifying potential funding sources for the proposal.
- **NR 700 Subgroup** – Bill Nelson, Godfrey & Kahn
 - Upcoming meeting will focus on discussing DNR priorities and external stakeholder priorities, finding the overlap, and planning next steps.
- **Contaminated Sediments** – Carrie Webb, DNR
 - *Guidance on Addressing Contaminated Sediment Sites in Wisconsin* (RR-0124) next steps are RR program reviews, including legal review, and publication.
 - Upcoming meeting will focus on discussing a framework for cleanup levels.

Assignments, general discussion and comments

- Suggestion to rotate time of day (including outside of standard business hours) and locations to provide more opportunity to participate
- Reminder that EAG and subgroup participation is open to input and engagement by all people.

Adjourn

Next meeting dates

Thurs., March 2, 2023

- **12:15-2:15 p.m.** – RR EAG Contaminated Sediments Subgroup
[Register here to join the meeting via Zoom.](#)
- **2:30-4:30 p.m.** – RR EAG Environmental Justice Subgroup
[Register here to join the meeting via Zoom.](#)

EXTERNAL ADVISORY GROUP

Remediation and Redevelopment Program



Fri., March 3, 2023

- **8-10 a.m.** – RR EAG NR 700 Subgroup
[Register here to join the meeting via Zoom.](#)
- **10:15-12:15 p.m.** – RR EAG Funding Sustainability Subgroup
[Register here to join the meeting via Zoom.](#)

Fri., April 14, 2023

- **9 a.m. – noon** – RR EAG
Location to be determined

Visit the [DNR's Remediation and Redevelopment External Advisory Group webpage](#) for meeting agendas, materials and additional information. [Subscribe here](#) for updates on future meetings.

Remediation & Redevelopment External Advisory Group Meeting

January 27, 2023





Welcome

Agenda

Roll call and ice breaker

DNR updates

Subgroup updates

- Environmental Justice, Jodie Peotter
- Funding Sustainability, Mark Rutkowski
- NR 700, Bill Nelson
- Contaminated Sediments, Carrie Webb

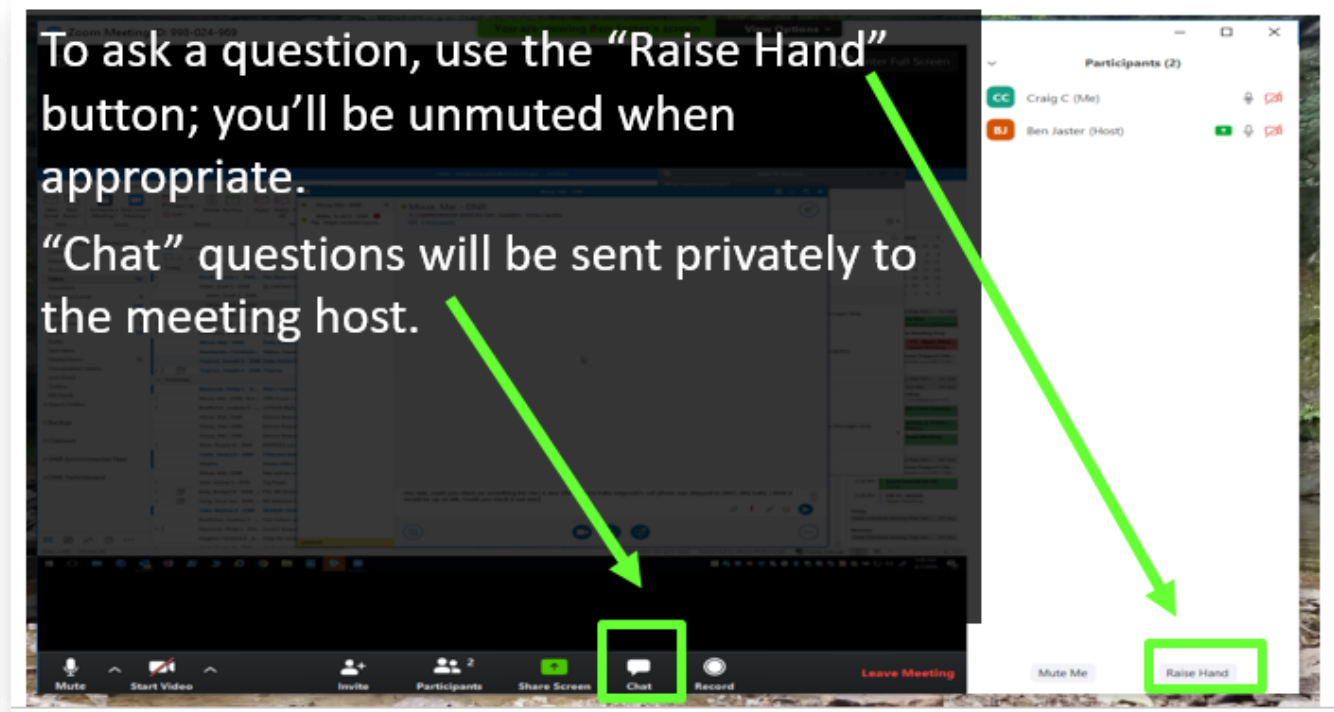
Assignments

Adjourn

Sign up to receive notifications for RR EAG and subgroups
dnr.wi.gov/topic/brownfields/rreag

Zoom Meeting Logistics

- All attendees muted
- To comment/ask questions via **Zoom**
 - Use **'chat'** to type questions to **Jody Irland**
 - Use **'raise hand'** to request to be unmuted
- To comment/ask questions via **Phone**
 - *9 raise hand
 - *6 mute/unmute



Roll Call and Ice Breaker

What would your word of the year be for 2023?

A word of the year is an intention, an anchor, a re-entry point, or something you like to keep a focus on.

EAG members and subgroup chairpersons

Brian Bartoszek

WEC Energy Group –
Business Services

Judy Fassbender

DNR

Sarah Gruza

U.S. EPA

Roy Irving

Wisconsin Department
of Health Services

Sheldon Johnson

Northwest Regional
Planning Commission

Dave Misky

Redevelopment
Authority of the City of
Milwaukee

Lynn Morgan

Waste Management

Jodie Peotter

DNR

Noah Saperstein

Red Cliff Band of Lake
Superior Chippewa

Jason Scott

Wisconsin Economic
Development
Corporation

Debora Sielski

Washington County
Public Agency Center -
Community Development
Department

Sharlene TeBeest

Wisconsin Department
of Transportation

Chris Valcheff

True North Consultants

Donna Volk

Ramboll

Ned Witte

Godfrey & Kahn

Bill Nelson

Godfrey & Kahn
NR 700 Subgroup
Chair

Mark Rutkowski

Shannon & Wilson
Funding Sustainability
Subgroup Chair

Carrie Webb

DNR
Contaminated
Sediments Subgroup
Chair

EAG Schedule

- Fri., April 14, 2023
- Thurs., July 13, 2023*

April 2023				
MON	TUE	WED	THU	FRI
3	4	5	6	7
10	11	12	13	14
17	18	19	20	21
24	25	26	27	28

July 2023				
MON	TUE	WED	THU	FRI
3	4	5	6	7
10	11	12	13	14
17	18	19	20	21
24	25	26	27	28
31				

EAG Subgroup Schedule

Thursday, March 2	Friday, March 3
Contaminated Sediment Subgroup 12:15 – 2:15 p.m. Madison GEF 2 or Zoom	NR 700 Subgroup 8 – 10 a.m. Madison GEF 2 or Zoom
Environmental Justice Subgroup 2:30 – 4:30 p.m. Madison GEF 2 or Zoom	Funding Sustainability Subgroup 10:15 – 12:15 p.m. Madison GEF 2 or Zoom

DNR Updates

- Wisconsin Assessment Monies (WAM)
- Guidance

Wisconsin Assessment Monies (WAM)



Gena Larson, DNR

Wisconsin Assessment
Monies (WAM)

&

Ready for Reuse (RFR)

WAM Contractor Services (DNR-managed)

- Up to ~ \$54,000 in services per property
- DNR hires contractor & oversees work

WAM Community-managed

- Up to \$100,000 grant to local government
- Local government selects contractor & oversees work

Ready for Reuse

- 0% interest loan, 22% match requirement
- Up to 30% loan forgiveness

Eligible Activities

Wisconsin Assessment Monies (WAM):

- Phase I & II Environmental Site Assessments
- Site Investigation (NR 716)
- Remedial action plans (NR 722)

Ready for Reuse (RFR):

- Cleanup
 - Soil management (open and closed sites)
 - Excavation of contaminated material
 - Soil vapor extraction system installation (passive and/or active)
 - Cap placement
 - Groundwater treatment

For more information, go to dnr.wi.gov, search “WAM” or email Gena.Larson@wisconsin.gov

Guidance Updates

Published

- Guidance: Voluntary Party Liability Exemption (RR-0141)
- Environmental Contamination and Real Estate (RR-973)
- Guidance: Wisconsin Vapor Quick Look-Up Table(RR-0136)
- Guidance: History of Changes to VAL, VRSL, and AF for VOC in Wisconsin (RR-0137)

Public comment complete

Guidance on Addressing Contaminated Sediment Sites in Wisconsin (RR-0124)

Upcoming publications

Negotiated Agreements: Contracts for Non-Emergency Remediation of Contaminated Properties (RR-664)

Upcoming public comment

Brownfields Redevelopment in Wisconsin (RR-933)



Subgroup Updates

**Environmental
Justice Subgroup**
Jodie Peotter, DNR
Subgroup
Chairperson



Summary

- Level-setting
 - EPA definition
 - Disproportionate burdens and what it looks like in Wisconsin (EPA EJ Screen)
- DNR EJ authority through NR 700 and ch. 292
 - Places for opportunity
- Review work plan and end-product
- Prioritized tasks

Task 1

Expand Stakeholders
and Community
Partners



Objective

- Encourage participation in the EJ subgroup of those disproportionately affected

How

- Brainstormed potential outreach channels and needs
- Need standardized language and approach
- Created a parking lot of future considerations
 - Trust building
 - Compensation

Assignments



ALL: share potential EJ contacts with Jody.Irland@wisconsin.gov, who will create a database with the information to be reviewed at a future meeting

DNR: begin draft outreach one pager to create a standardized list of talking points when reaching out to EJ contacts

Mark Rutkowski,
Subgroup Chairperson
Shannon & Wilson

DNR RR EAG
Funding Sustainability Subgroup
Meeting Summary
December 9, 2022

December 9, 2022, Meeting Agenda

- Funding sustainability advisory group objectives
- Deliverables and milestones
- Expected outcomes
- Overview and status of existing funding mechanisms
- Funding gaps
- Misky/Nelson/Witte memo

Funding Sustainability Advisory Group Objectives

- Evaluate and recommend improvements to current grant/funding programs
- Recommend new programs or resources to fill current funding gaps
- Include recommendations that incorporate funding environmental injustice projects or redevelopment of sites in undeserved or marginalized communities

Deliverables & Milestones

- Compile a list of funding gaps
- Create/list additional recommended resources for cleanup of brownfields, innocent landowner, stalled, or environmental justice sites
- Evaluation and recommendations of RR Program fees to ensure sufficient and sustainable program funding

Expected Outcomes

- Funding gaps bridged
- Enhance existing grant programs
- Improve marketing of grant programs
- Fund WDNR staff at a sustainable level

Overview and Status of Existing Funding Mechanisms

- RR Program Funding
 - Ben Vondra, DNR State & Federal Programs Section Chief
- DNR Funding – Wisconsin Assessment Monies and Ready for Reuse
 - Gena Larson, DNR
- WEDC Funding Sources & Programs
 - Jason Scott, Wisconsin Economic Development Council

Funding Gaps

- Innocent Landowner
- Petroleum impacted sites
- Dry-cleaner (DERF) sites
- Cost recovery
 - \$\$\$s back into cleanup vs to general fund
- Environmental Justice
 - Community outreach
 - Education
- Sustainability of funding programs
- WDNR staff travel budget for community outreach

Misky/Nelson/Witte Memo

Multi-Site Legacy Residual Contamination Sites Revolving Fund Program

- Identified issues – (e.g., open former gas and dry-cleaning sites, EJ)
- Barriers – (e.g., previous funding mechanism gone or insolvent, RP gone or unable to address site)
- Opportunities – (e.g., LGU success at remedial action sites, leverage cost recovery tools)
- Proposed Solutions – (e.g., new fund and program for LGUs, multiple site applicability, property reuse not exclusive to corner of Main & Main)

NR 700 Subgroup Report

Bill Nelson
January 27, 2023

Overview & Significant Discussion

▶ December 9, 2022

▷ Finalized NR 700 Work Plan and Goals

- ▶ Advise on legislative actions affecting RR program
- ▶ Recommend changes to NR 700
- ▶ Recommend new or revised policies for consistent application of NR 700

▷ Administrative Rule Drafting 101

▷ Finalized Issue Paper Template

Assignments & Next Steps

- ▶ Assignment: request subgroup members come with a rule or policy for consideration
 - ▷ Examples
 - ▶ NR 714 – public notification
 - ▶ Modernize submittals
 - ▶ PAHs in soil
- ▶ Next subgroup meeting early March 2023
 - ▷ White paper development

Contaminated Sediment Subgroup

Carrie Webb, DNR

Guidance on Addressing Contaminated Sediment Sites in Wisconsin (RR-0124)

Public comment period

- Few comments received
- Common themes:
 - Clean up levels
 - Financial Assurance
 - Recommendation for technical reviews
- Next steps

Wisconsin DNR - Environmental Contamination
Remediation and Redevelopment Program December 2022

Guidance on Addressing Contaminated Sediment Sites in Wisconsin

Purpose
The purpose of this guidance is to outline approaches for investigating and remediating hazardous substance discharges that impact sediment to comply with the requirements in Wisconsin Statutes (Wis. Stat.) ch. 292 and the applicable provisions of Wisconsin Administrative (Wis. Admin.) Code chs. NR 700-799. This guidance explains and outlines steps recommended for assessment of contaminated sediment, evaluation of remedial options and the selection, design, implementation and monitoring of remedial actions. This document also provides clarification to closure requirements at sites with contaminated sediments, including continuing obligations, long term stewardship and financial assurance.

This guidance is applicable to sites where hazardous substances were discharged to sediment and surface water and have the potential to migrate to waters of the state or impact associated receptors. This document is intended for use by responsible parties (RPs), environmental professionals, riparian property owners and Department of Natural Resources (DNR) staff.

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Related DNR Guidance
The following documents may also be useful:

- *When Should a Site Investigation Enter Surface Water (RR-0117)*
- *Guidance for Sediment-Related Continuing Obligations for Environmental Protection (RR-0126)*
- *When Contamination Crosses a Property Line (RR-185)*
- *Hazardous Substance Spills (RR-560)*
- *Management of Contaminated Soils and Other Solid Wastes (RR-965)*
- *Except Soil Management (RR-103)*
- *Guidance for Hazardous Waste Remediation (RR-705)*
- *PCB Remediation in Wisconsin Under the One Cleanup Program Act (RR-786)*

Remediation and Redevelopment (RR) Program publication numbers begin with "RR." To locate these documents search online at dnr.wi.gov and search the publication number or name.

Publication: RR-0124
dnr.wi.gov
Search: sediment

This document is intended solely as guidance and does not constitute any mandatory requirements except where requirements found in statute or administrative rules are referenced. Any regulatory decisions made by the Department of Natural Resources in any matter addressed by this guidance will be made by applying the governing statute and administrative rules to the relevant facts.

Assignments

EJ Subgroup

- ✓ share potential EJ contacts with Jody.Irland@wisconsin.gov, who will create a database with the information to be reviewed at a future meeting

Funding Sustainability Subgroup

- ✓ Identify open questions and areas of improvement regarding the Multi-Site Legacy Fund Program proposal
- ✓ Identify funding gaps to discuss at next meeting

NR 700 Subgroup

- ✓ Email MollyE.Schmidt@wisconsin.gov with initiatives or topics to explore at the next meeting

Contaminated Sediments Subgroup

- ✓ Submit future meeting topics to CarrieA.Webb@wisconsin.gov



Adjourn

CONNECT WITH US

Thank You!

DNR RR Program Contacts:

dnr.wi.gov/topic/Brownfields/Contact.html



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"WILD WISCONSIN:
OFF THE RECORD"