

EXTERNAL ADVISORY GROUP

Remediation and Redevelopment Program



Meeting Notes

Remediation and Redevelopment External Advisory Group

Friday, October 11, 2024 | 9 a.m.– noon

Virtual meeting via Zoom

Roll Call

EAG Members

- Jodie Thistle, DNR *PRESENT*
- Judy Fassbender, DNR *PRESENT*
- Sharlene TeBeest, WI DOT *PRESENT*
- Jeremiah Yee, WI DHS *PRESENT*
- Sarah Gruza, U.S. EPA *PRESENT*
- Jason Scott, WEDC *PRESENT*
- Dave Misky, Redevelopment Authority of the City of Milwaukee *ABSENT*
- Chris Valcheff, True North Consultants *PRESENT*
- Julie Ketchum, WM *PRESENT*
- Andrew Mott, Ramboll *ABSENT*
- Naren Prasad, WEC Energy Group *PRESENT*
- Sheldon Johnson, Northwest Regional Planning Commission *ABSENT*
- Ned Witte, Godfrey & Kahn *PRESENT*
- Carrie Webb *PRESENT*
- Bill Nelson, Godfrey & Kahn, S.C. *PRESENT*
- Mark Rutkowski, Shannon & Wilson *ABSENT*
- Ed Buc, Terracon, *PRESENT*

Guests

- Lanette Altenbach
- Chris Bonniwell, TetraTech
- Jennifer Borski, DNR
- Roxanne Chronert, DNR
- Tom Coogan, DNR
- Michelle Cook, city of Racine
- Jenny Coughlin, Alliant Energy
- Coreen Fallat, DNR
- Evan Feinauer, Clean Wisconsin
- Don Gallo, Gallo Law
- Adam Jordahl, WMC
- Gena Larson, DNR
- Erica Lawson, TRC
- Rob Lee, Midwest Environmental Advocates
- Jason Lowery, DNR
- Glenn Luke, WEC Energy Group
- Kurt McClung, Endpoint Solutions
- Evan Miller, Wisconsin Legislature (Cowles)
- Marcus Mussey, UW EHS
- Pam Mylotta, DNR
- Michael Prager, DNR
- Adam Roder, Geosyntec
- Noah Saperstein, Red Cliff Band of Lake Superior Chippewa
- Lindor Schmidt, City of Milwaukee Health Department
- Molly Schmidt, DNR
- Alyssa Sellwood, DNR
- Christine Sieger, DNR
- Lucas Totzke, City of Milwaukee
- Ben Vondra, DNR
- Ted Warpinski, Halling & Cayo
- Stephanie Zellner, UW Student
- Leah Ziemba, Michael Best

DNR Updates

- Guidance & web
 - RCL guidance updates – look for the revised documents in the coming days. An email notification will go out.
 - Status of vapor intrusion guidance (RR-800) updates – goal is to publish in 2025.
 - Active notifications/telemetry for vapor mitigation systems information on the web
- Upcoming opportunities
 - Issues and Trends – Nov. 7 10-11:30 a.m. on Vapor intrusion and utility conduits.
 - Local government learning sessions – 3 opportunities coming up in November. Reach out to Tom Coogan to RSVP by Nov. 7
- Status of NR 700 rulemaking – DNR suspended efforts on 2 scope statements.

EXTERNAL ADVISORY GROUP

Remediation and Redevelopment Program



Discussion: Next Steps for EAG

- Subgroup Updates
 - Funding Sustainability (see presentation slides). Discussion of whether to continue moving forward with VI funding white paper. Support statements. Chris V. will continue to work on it with Mark.
 - NR 700 – open invite for initiatives. Consider scaling back on meeting schedule unless active rulemaking is happening. Open to discussing policy as well on specific topics, or best practices. White paper – consider where they live. Finish them and post for future use.
 - Vapor Intrusion
(refer to subgroup work plans: [Funding Sustainability Work Plan](#), [NR 700 Work Plan](#), [Vapor Intrusion Work Plan](#)).
- Considerations regarding the EAG
 - Support for finishing NR 700 and Funding Sustainability subgroup white papers to use as framework for future. Suggestion to have volunteer from EAG review them ahead of bringing them to full group for approval
 - Future white papers/projects: Consider timing, deadlines, etc.
 - Concern that EAG members should be required to attend, consider adding more members.
 - Virtual meetings ok
 - Subgroup chairs should invite stakeholders to meetings
 - Consider a second chair for subgroups
 - Consider a survey of EAG members/participants to direct future efforts
 - Consider reactivating sediment subgroup if options for further development of a process for determining clean up levels in sediment is feasible
 - Consider outreach to young professionals

Action Items & Updates

- Upcoming EAG meetings Discuss engagement needs and ideas at next subgroup meeting day, recap in January

Assignments

- Judy Fassbender to reach out to Naren Prasad regarding further development of sediment cleanup level process with the sediment subgroup
- DNR look into survey possibility to get input on what people would like to see the EAG work on
- DNR reach out to Bill Nelson regarding engagement and membership ideas
- DNR evaluate shorter outreach/webinar/presentations
- Financial Subgroup – finish VI funding white paper then reevaluate at December meeting, let Mark or Michael know if you want to help finish the white paper.
- NR 700 – finish white papers
- Vapor -regroup and revisit work plan
- DNR will add time to discuss engagement at December subgroup meetings

Adjourn

Remediation & Redevelopment External Advisory Group Meeting

October 31, 2024

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Agenda

- Roll Call
- Logistics
- DNR Updates
- Subgroup Updates
- Discussion of EAG
- Action Items & Updates
- Assignments

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Roll Call: Members and Subgroup Chairs

Naren Prasad WEC Energy Group – Business Services	Judy Fassbender DNR	Nathan Kloczko (Acting) DHS	Sarah Gruza U.S. EPA	Sheldon Johnson Northwest Regional Planning Commission	Dave Misky Redevelopment Authority of the City of Milwaukee
Julie Ketchum Waste Management	Jodie Thistle DNR	Jason Scott Wisconsin Economic Development Corporation	Sharlene TeBeest Wisconsin Department of Transportation	Chris Valcheff True North Consultants	Andrew Mott Ramboll
Ned Witte Godfrey & Kahn	Bill Nelson Godfrey & Kahn NR 700 Subgroup Chair	Mark Rutkowski Shannon & Wilson Funding Sustainability Subgroup Chair	Ed Buc Terracon Vapor Intrusion Subgroup Chair	Carrie Webb DNR Contaminated Sediments Subgroup Chair	

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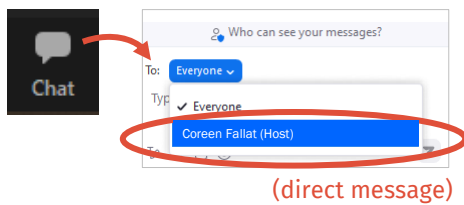
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Zoom Meeting Logistics

All attendees are muted

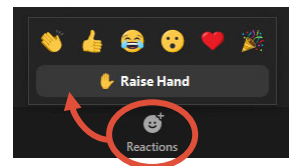
Written Comments/Questions

- 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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Guidance: Contaminated Soil Quick Reference Table Wis. Admin. Code ch. NR 720 Residual Contaminant Levels (RCLs)

Contaminant	CAS	Non-Industrial DC RCL (mg/kg)	Industrial DC RCL (mg/kg)	GW RCL (mg/kg)	Background Threshold Value (BTV) (mg/kg)
Inorganics					
Arsenic	7440-38-2	0.677	3	0.58	8.3
Barium	7440-39-3	15,300	100,000	165	364
Cadmium (Diet)	7440-43-9	7.1	100	0.75	1.1
Chromium(VI)	18540-29-9	0.301	6.36	3.8	
Chromium, Total	7440-47-3			360,000	44
Lead and Compounds					
Lead	7439-92-1	200	800	27	52
Mercury (elemental)	7439-97-6	3.13	3.13	0.21	
Selenium	7782-49-2	391	5,840	0.52	
Silver	7440-22-4	391	5,840	0.85	
Polycyclic Aromatic Hydrocarbons (PAHs)					
Acenaphthene	83-32-9	3,590	45,200		
Anthracene	120-12-7	17,900	100,000	197	
Benz[a]anthracene	56-55-3	1.14	20.80		

Remediation and Redevelopment Program October 2024

Guidance: Soil Residual Contaminant Level (RCL) Spreadsheet Wis. Admin. Code ch. NR 720

RCL Worksheet Descriptions

- Sheet "Compiled RCLs" contains the non-industrial direct contact RCLs, industrial direct contact RCLs, groundwater pathway RCLs, and background threshold values (BTV) in one table.
- Sheet "Non-Industrial DC RCLs" is applicable at settings like private residences where children may live and play.
- Sheet "Industrial DC RCLs" is applicable at settings like a factory where access is limited and no child is expected to be present.
- Sheets "Non-Ind_ePAH CCR Calculator" and "Ind_ePAH CCR Calculator" are available for cumulative cancer risk calculations for carcinogenic PAHs.
- Sheet "GW RCLs" has soil RCLs protective of groundwater quality. The groundwater-protective soil RCLs (GW-RCLs) are applicable at all sites.
- The RCL worksheets contain RCLs for the most common contaminants. In addition, some contaminants do not have RCLs if there is not enough data to generate an RCL using the EPA RSL Calculator. If you need an RCL for a compound that is not listed in the spreadsheet, please contact your DNR project manager.

Soil Data Entry

DC-RCLs - enter site soil data in the "Input Site Data" column

Chemical	CAS No.	Contaminant Type	Noncancer RCL (mg/kg)	Cancer RCL (mg/kg)	Default Non-Ind DC RCL (mg/kg)	Background Threshold Value (mg/kg)	Input Site Data (mg/kg)
Acenaphthene	83-32-9	PAH	3,590	45,200	3,590	nc	
Acetone	3425-82-1	VOC	1,200	1,200	1,200	nc	
Acetone	67-64-1	VOC	39,400	39,400	39,400	nc	
Ambicor	10025-00-8	Phenolic	633	9.00	633	nc	

* Cumulative DC calculation is not needed if individual exceedances exist

Updated Guidance - Residual Contaminant Levels (RCL)

- Residual Contaminant Level (RCL) Spreadsheet (RR-0151)
- Contaminated Soil Quick Reference Table (RR-106)

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Updates In Process - Vapor Intrusion Guidance (RR-800)

Published Jan.
2018



Updates – In
Process



Publication
Goal: 2025

Remediation and Redevelopment Program

January 2018

Addressing Vapor Intrusion at Remediation & Redevelopment Sites in Wisconsin

Wis. Stat. ch. 292; Wis. Admin. Code ch. NR 700

Purpose

The purpose of this guidance is to provide approaches for complying with the requirements in Wis. Stat. ch. 292 and Wis. Admin. Code ch. NR 700 that relate to vapor intrusion. This guidance identifies the conditions where assessment of the vapor intrusion pathway is necessary at contaminated sites; sets out the criteria for evaluating health risk; identifies appropriate responses; explains long-term stewardship; and clarifies when sites with a complete or potential vapor migration pathway may achieve closure.

This guidance is applicable to contaminated sites where volatilization of subsurface contaminants has migrated or has the potential to migrate to current or future occupied buildings. Unless otherwise noted, all provisions in this guidance apply to the responsible party (RP) and/or property owner of a contaminated site.

Related DNR Guidance

Overview of Vapor Intrusion

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Contents of RR 800

- Screening for VI risks in occupied buildings
- Conceptual site models for VI
- Field investigation & sampling
- Public outreach, community engagement & property access
- Rapid response measures (i.e., immediate actions)
- Mitigation and stewardship
- Continuing obligations

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Best Practices for Active Notification on Webpage

- Active notification includes:
 - Audible alarm
 - Visual indicator
 - Telemetry
- Best practice recommendations:
 - Active notifications for all active VMS
 - Telemetry and backup power at multi-family residences with acute risk

» TOPIC » BROWNFIELDS: REDEVELOPMENT OPPORTUNITIES
<https://dnr.wisconsin.gov/topic/Brownfields/Vapor.html>

VAPOR INTRUSION RESOURCES FOR ENVIRONMENTAL PROFESSIONALS

Screening Levels	+
Health Information	+
Community Outreach	+
Active Notification & Telemetry	+
Training	+
2011 Webinar PowerPoint Slides	+

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ISSUES & TRENDS



Investigation of Vapor Intrusion along the Conduit Pathway

10 – 11:30 a.m.

<https://dnr.wisconsin.gov/topic/Brownfields/Training.html>

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Learning Sessions for Local Governments

Redevelopment of Brownfield Properties

- What is a brownfield property
- How to identify redevelopment opportunities
- Assistance available to local governments
- Liability protections and exemptions for local governments
- See successful examples of redevelopment from other communities

November 12
(Whitewater)

November 15
(Dodgeville)

November 20
(Shawano)

<https://dnr.wisconsin.gov/topic/Brownfields/Training.html>



RSVP - Thomas.Coogan@wisconsin.gov by Nov. 7

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Rulemaking



- Discontinued in September 2024

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Subgroup Updates



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Are changes to subgroups needed?



How should the EAG focus its efforts?

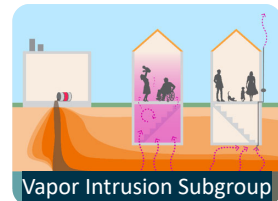
Workplans | Meeting schedules | Priorities



Funding Sustainability Subgroup



NR 700 Subgroup



Vapor Intrusion Subgroup

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Funding Sustainability Subgroup

Timeline of Subgroup Activities

Mark Rutkowski

Shannon & Wilson

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March 2023

- **Initial Identification of Funding Gaps**
 - Programmatic funding
 - Drycleaner (DERF) Sites – financial status
 - Vapor Intrusion
 - Stalled Petroleum Sites
 - PFAS
 - Innocent Landowner
- **Funding Gaps and Needs**
 - Financial Assistance Gaps
 - WAM/Ready For Reuse
 - County Community Development
 - Neighborhood Association
- **Recommendations/Proposal** - Multi-Site Legacy Residual Contamination Sites Revolving Loan Fund – Misky-Nelson- Witte (City of Milwaukee, Godfrey & Kahn)



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June 2023



- **EDC/Municipalities/County Funding Gap Issues**
 - Confirmation & addition of issues
 - Participation by outside entities
- **Success Story Shared**
 - Washington County Success Story
 - Deb Sielski
- **White Papers**
 - LGU - Misky-Nelson- Witte proposal
 - Summary issues paper –Rutkowski
- **Action Item Assignment** - DNR Evaluation of funding in Quick Reference Chart
- **New Issue Introduced** - Environmental Stewardship

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September 2023



- **DNR Updates on Federal State Funding Opportunities**
- **Case Study Scenario Results**
 - Funding Case-Study
 - Four Project Case Study Scenarios (Drycleaner site owned by LGU, Private development of former manufacturing site with PCB impacts, Boat service launch with LUST, Vacant lot in disadvantaged community)
- **Issues Paper Review:** *“Funding Sustainability-Barriers to Project Funding”*
- **Action Item Completed** - Draft Quick Reference Chart updated
- **Additional Issues**
 - DERF Insolvency
 - Options to address barriers

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December 2023

- **WDNR Updates**
 - General State Budget Process & Timelines
 - WAM and Ready for Reuse
- **Funding Gap Prioritization-Group Activity**
 - Twelve funding gaps prioritized by committee
 - Pared down to four major issues
 - Sites with known or potential vapor issues
 - Funding to support neighbor groups with sites in their community
 - Flexible cleanup funding
 - Emergency water for contaminated private wells (Outside R&R)
 - Funding for small business owners that can't afford to pay cleanup
- **2023 EOY Summary**
 - 2023 Focused on data gaps
 - One out of all data gaps proposed for solution
 - GOAL for FY 2024 – Solutions driven; agenda based on priority list



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February 2024

- **WDNR Updates**
 - Rulemaking discussion
 - NR 700 Subgroup meeting of RR program fees
- **Legislative Bill Updates**
 - Assembly Bill 1055 – Revitalize Wisconsin
 - Senate Bill 312 - PFAS
- **Funding Gap Prioritization**
 - Vapor Intrusion
- **Priorities for Subgroup in 2024**



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May 2024



- **Whitepaper Vapor Intrusion – Group Discussion**

- Draft paper titled “*Establishment of a Vapor Contamination, Mitigation, and Stewardship Cleanup Fund*” Valcheff, Rutkowski
- Items for discussion included:
 - Need for fund to cover costs at sites w/o viable RP
 - Funds open to other sites or vapors only
 - Include innocent landowner provisions
 - AB-1055 and Revitalize Wisconsin similarities for funding
 - Pared down options for funding
 - Lottery revue as funding source

- **Additional Priority Gaps for Whitepaper Development** – DNR-supplied temporary emergency drinking water

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July 2024



- **Presented Vapor Issue Paper to larger EAG report out**

- **Full EAG reviewed Vapor Issue paper and recommended the following be added:**

- 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.
- 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
- Multi-faceted evaluation
- Innocent landowner definition should also be clarified
- EAG could recommend approving paper, or EAG members could seek other partners.

- **Discussion of future issue papers**

- Emergency drinking water
- Innocent landowners
- Other funding needs

- **Call for Volunteers**

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NR 700 Subgroup

Bill Nelson
Godfrey & Kahn, S.C.



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NR 700 Subgroup Standing Items



Open invite for policy initiatives

- General policy discussions
- Potential future rulemaking topics (issue paper ideas)
- Legislative proposals



Call for discussion items

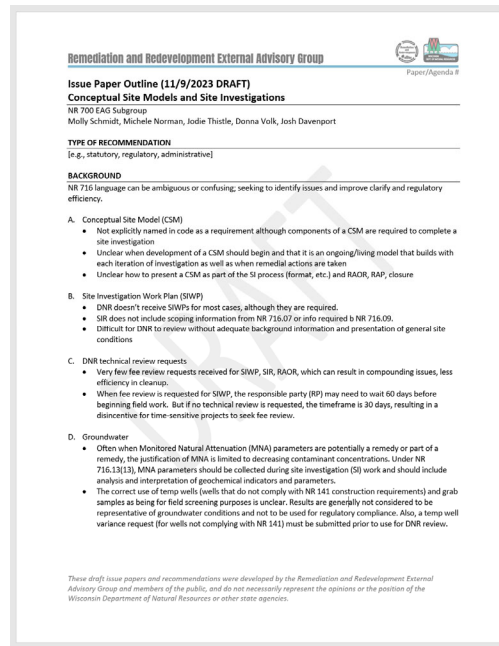
- Examples, case studies
- Best practices discussion
- Local rules, laws or restrictions that may impact remedial actions

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Issue Papers

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



Issue Paper - Next Steps

Initial plan:

- Finalize issue papers after September subgroup
- Request EAG input and adoption in October & January

Changing circumstances:

- September subgroup meetings canceled
- RR program rulemaking discontinued

Next steps

- TBD

Vapor Intrusion Subgroup



Ed Buc
Terracon

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VI Work Plan

SUBGROUP: Vapor Intrusion

Remediation and Redevelopment External Advisory Group



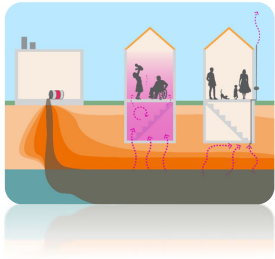
DELIVERABLES AND MILESTONES

- Training and outreach for municipalities to develop better relationships with communities and provide tools for consideration of vapor intrusion at many stages (e.g., occupancy to consider all environmental hazards, redevelopment, permitting, planning).
- Development of timeline and process for mitigation, commissioning and documentation with recommendations for occupancy.
- Outreach or fact sheets for occupants about general chemical use related to VI.
- Training and outreach for off-site property owners, including people with no or limited English language proficiency.
- Uniform reporting format for sharing building-specific results with diagrams.
- Framework for certification for mitigation regulation.
- ✓ Education and incentives for telemetry.
- Framework to increase compliance with long-term stewardship of vapor mitigation systems including on-line reporting for confirmation of system effectiveness.
- Database and mapping tools that communicate with municipality databases, in service of increasing the consideration of vapor intrusion at all stages of municipal work.
- Training tools and resources on environmental contamination concerns, health risk from vapors, need for mitigation systems, continuing obligations and RR database (BOTW/RRSM) for real estate agents, bankers and insurance agencies.
- Enhance partnership with Department of Safety and Professional Services (DSPS) regarding regulated entities related to VI (e.g. building inspectors, plumbers, electricians).

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Current Focus



Ad hoc committees

Local government outreach and training

Mitigation contractor certification

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Food for thought



EAG Discussion

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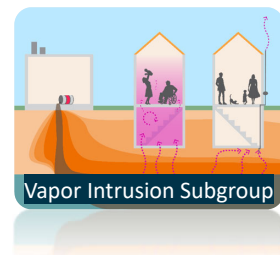


Are changes to subgroups needed?



How should the EAG focus its efforts?

Workplans | Meeting schedules | Priorities



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Recommendation for EAG Action

Subgroups meet in December to revisit subgroup work plans based on today's input, consider options and develop recommendation.

Full EAG meets in January to consider and take action on subgroup proposals.

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Action Items & Updates

RR EAG Meetings

- January 23, 2025
- April 23, 2025
- July 16, 2025

Proposed Subgroup Meeting Dates

- December 5, 2024
- February 11, 2025
- May 15, 2025

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Assignments



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CONNECT WITH US

Thank You!

DNR RR Program Contacts:
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OFF THE RECORD"