February 27, 2015
Brownfields Study Group

Attendees

Scott Wilson – Ayres Associates
Sam Tobias – Fond du Lac County
Jodie Peotter – Ramaker & Assoc.
Erica Mukand-Cerro – Ramaker & Assoc.
Gloria Stearns – 30th St. Industrial Corridor
Kevin Bugel – Giles Engineering
Nancy Frank – UW Milwaukee
Art Harrington – Godfrey & Kahn
John Antaramian – EC Corp.
Tauren Beggs – DNR
Dan Kolberg – DNR
Dave Misky – City of Milwaukee
Lanette Altenbach – AECOM
Geoff Siemering – UW Soils Extension
Judy Fassbender – DNR
Laurie Parsons – NRT
Mark Thimke – Foley & Lardner LLP
Michael Prager – DNR
Christine Haag – DNR
Mick Skwarok – DNR
D.J. Burns – Drake Consulting Group, LLC
Mat Reimer – City of Milwaukee
Ben Peotter – Cornerstone Environmental Group
Margaret Brunette – DNR
Karen Dettmer – City of Milwaukee
Stephanie Hinz – We Energies
Tom Coogan – DNR
Sonya Rowe – DNR
Barry Ashenfelter – DNR
Frank Dombrowski – We Energies
Mary Panzer – Panzer Public Affairs
Scott Harrington – Vandewalle & Associates
John Stibal (via phone) – City of West Allis
Bruce Keyes (via phone) – Foley & Lardner LLP
Ben Gramling (via phone) – 16th St. Community Health Center

I. Welcome – Christine Haag

II. Introductions & Agenda Repair – Christine Haag
III.  NR 700 Study Group – Upcoming Issues – Judy Fassbender

- NR 700 Technical Focus Group meeting on March 18
- Agenda and more information to be posted on Focus Group webpage
- New guidance considered to add screening information on VI sites with petroleum
- Public input on NR 720 Soil Averaging guidance open until March 9
- NR 718 guidance and current status of comment incorporation and focus group status will also be discussed
- Post closure concerns to be discussed
- PECEA sunset in the Budget
- Thimke – The Group should also look at the s. 716.14, Wis. Adm. Code notification requirements for neighbors
- Judy will report back to the BSG on the meeting and outcomes

IV. 2015 Study Group Report

a. Legislative Contacts – BSG members
- Copies of Report were delivered to members of the legislature (Assembly and Senate)
- Bill drafts will start to emerge and Thimke will lend assistance on legal points.
- Harrington – Suggests working with Mike Strigel (Gathering Waters Conservancy) on Stewardship issues.
- Prager – Current regulations on Stewardship may not allow the money to be used for all the activities described in the BSG Report for a waterfront program.
- John A. – What’s the BSG “wish list” if there’s anything that could be funded. If there’s a specific item, John offers to work through his contacts to that end. What’s the item and how much does the Group ask for?
- Five budget items on Page 8 of the Report.
- Fassbender – Moving forward with the PAH study. Could use more funds. Could consultant data be accessible? Would this need approval by RPs?
- Misky – Cleanup Catalyst Grants might be the item to put forth to John. Does that present difficulty for RR Program?
- Haag – If it happens, Program will reallocate resources and make the initiative work.
- Misky – Rep. Subeck met with Dave and was interested in supporting some initiatives.
- Kolberg – Contacted by WI Bankers Assoc. Interested in the Lender Liability issue. Would like to meet with Sec. Stepp.
b. Outreach – BSG members
- Staff not likely to participate in outreach to the extent that the Program has been able to in the past.
- Harrington – outreach to WMC and League of Municipalities are probably the best efforts.
- John A. – Did you send these out to all municipalities in the past?
- Prager – To Association staff, but not to every community.
- Harrington – will talk with the League in-house attorney to pitch the report.
  - Harrington – Tom Larson at WRA / Oak Creek, Two Rivers, Glendale
  - John A. – Kenosha contacts
  - Thimke – Will speak with a contact at the JS. (Daykin)
  - Wilson – ACEC (engineers)
  - Tobias – WI Counties Association
  - Nancy Frank – Planners
  - Jodie Peotter – WI Groundwater Assoc.
  - Thimke – Will check with his office to draft a PR.
  - Gloria Stearns – 30th St. Street Corridor newsletter
  - Suggested to have Mary Panzer contact Beloit-area Representative on the Finance Committee.

Suggested by Mary Panzer: Do a legislative briefing on the Report and the Economic Impact Study (Mary will help arrange)

c. Status of Administrative Priorities for DNR – Christine Haag
- Budget implications impact Administrative proposals
- Handout provided to Group
- Administrative priorities for RR Program include the BSG’s recommendations regarding contaminated sediment, soil management (NR 718) and the PAH background study.
- Prager – DNR is developing guidance on two VPLE issues from the report. One is on importing soil to a VPLE site during cleanup and development and the other is to clarify situations when a property boundary changes at a VPLE site in the course of the cleanup and development. Will send VPLE Guidance documents to BSG for input, if you are not a study group member and want to provide input on these, send email to Prager.

Suggested by Mary Panzer: Do a legislative briefing on the Report and the Economic Impact Study (Mary will help arrange)

d. Items for Further Study – Christine Haag
- Dan Kolberg retiring in July. Would like to prioritize and capture his experience as pertains to these.
- Barry taking on some of Dan’s responsibilities.
- Anything the Group would like us to develop over the next few months?
  - Thimke – Banker issue(s)
  - Stibal – any LGU issues? Will provide some comments.
  - Harrington – Lender issues on orphan sites. LLCs remain an issue.
  - Stibal – Probably every project he has includes one or more LLCs
No agreement in the Liability Subgroup on how to address/resolve LLC issues.
- Christine – LLCs…monitor / with Lender Liability issues…let’s look quickly to take advantage of Dan Kolberg’s experience.
- Valuation issues on contaminated properties

V. Economic Impact Report Update – Nancy Frank

- Thanks to John Stibal for raising the funds to do the study.
- Eleven donors made contributions
- Contract to UW Whitewater
- Data collection underway
- Subcommittee to meet once data in hand to review and determine if any adjustments are necessary.
- Wilson – What was it about UW Whitewater that made it stand out?
- Nancy – some seem overly complicated. Some didn’t have sufficient brownfields experience. Some on the contract review committee had personal experience of UW W team.
- Mary Panzer – Good experience with UW W in the past. They have credibility in the legislature.
- Part of the data collection includes surveys that were sent to many people involved with brownfields projects and people should fill these out if they got them and talk with Nancy if there are any questions.
- Dettmer – Is there a second round of inquiries on the horizon?
- Misky – Timetable?
- Nancy – Was February, but it’s been moved back. Well before the end of the year.
- Misky – National organizations may very well be interested in this.

VI. Soil Management / NR 718 (Low Haz. Exemption subgroup) – Judy Fassbender

- Two parallel groups of agency and external members will be formed, one to address soil management and a second to address sediment management.
- The groups will have some overlap of members. Group members will include representatives from RR and WMM programs at DNR, plus DOT, DATCP, DHS, MMSD, industry reps (non-metal mines & waste mgmt.), power companies, county representation, consultants, attorneys, developers, environmental groups, and municipalities.
- Sediment group will also include representatives from the DNR water program.
- John A. – Can the group look at curtailing the use of concrete and brick, etc. as fill?

VII. 2015 Brownfields Conference – Chicago – September 2-4, 2015 – Michael Prager

a. Update on educational programs

- By end of next week, all notices out on acceptance
- Three that DNR is involved with on the list:
  - MI, MN, WI, on BSG issues (Roundtable discussion)
  - Kenosha Chrysler Bankruptcy
Also…from the Group…

- Wilson – Cheyenne, WY case study
- Dettmer – With EPA on Superfund removals
- Misky – a presentation on the Menomonee Valley

b. Request for partner organizations to help promote event and do outreach

- If any members or guests would like to help promote, contact Michael Prager, he can connect you to the staff at ICMA who are coordinating
- Field Museum evening reception
- It would be very good to get lots of Wisconsin communities, developers, consultants and other at the conference since it is a great opportunity for training and networking.

c. Anyone considering a Wisconsin reception or event?

- Is there interest in sponsoring an event?
- Contact Prager

d. Updates on Economic Redevelopment Forum and other topics

- Misky – opportunity for various groups to get together and work out deals and details on projects.

VIII. BSG Leadership & New Members – Christine Haag

BSG started as a provision in the 1997 budget. 17 years later, many original members still here. Does current membership list reflect interest? Are new members needed? Should some replacements be made? Should the group change up its leadership and organization?

a. Existing Membership

Set up subcommittees to look at Structure (S) and Membership (M).

Nancy Frank S
John Antaramian Either
Mary Panzer Either
Dave Misky Both
Mark Thimke Both
Scott Wilson S&M
Sam Tobias M
Ben Gramling M
Bruce Keyes Either
John Stibal Either as needed

b. New Members

- Contact Realtors & Bankers Assoc. to see who they would like on the BSG.
- Could do a better job of recruiting from smaller communities.
- Does the group bring in any members of the legislature? Staff members? Ex Officio members?
- Supportive of a wide breadth of representatives on the Group.
c. Operating Guidelines & Leadership

- Thimke – Supports more independent structure
- Those with strong interest in the work of the group should step up and support the idea of being more self-governed and organized.
- Thimke & Misky offering to take on the Co-Chair positions
- Christine – DNR still take a logistic role (rooms, lunch, etc.) and administrative work. DNR role is to help make sure that the BSG can be productive.
- John A. – In favor of Dave/Mark Co-Chair. Additionally, you take on the spokesperson (media) role.

IX. 2015 Meeting Calendar

- Schedule a meeting within a few weeks following the September brownfields conference in Chicago.
- Schedule one for the end of May or early June
- Staff will propose dates for the above timeframes and send a note to Group

X. Confirm Assignments & Adjourn

Sharing the BSG Report (hard copies or link to web):

- Harrington – Tom Larson @ Realtors / Oak Creek, Two Rivers, Glendale
- Thimke – Will speak with a contact at the JS. (Daykin)
- Wilson – ACEC (engineers)
- Tobias – WI Counties Association
- Nancy Frank – Planners
- Jodie Peotter – WI Groundwater Assoc.
- Thimke – Will work with staff in his office to draft a PR and share with the Group.
- Gloria Stearns – 30th Street Corridor newsletter
- Suggested to have Mary Panzer contact Beloit-area Representative on the Finance Committee.

Self-identified assignments:

Mark-organize the subcommittees / press release / 6 talking points to distribute / contact at JS

Scott-send report to ACEC / Waterfront contacts

Sam-work with Scott on Membership and Ben…review list…offer modifications and process for finding new members and reach out to Counties Assoc.

Nancy-Continue work on Economic Impact report / BSG Report item in Planners’ newsletter

Dave – reach out to Daykin when PR is in hand

John A. – Follow up with legislative contacts

Art – Outreach to: Tom Larson @ Realtors / Oak Creek, Two Rivers, Glendale
Mary - contact members of environmental committees and schedule information hearing / Reach out to WI Banker Assoc.

Gloria – Outreach to industrial BIDs

Staff – arrange 2 future meetings as noted above