Subcommittees & Potential Issues for 2014 Report from the Wisconsin Brownfields Study Group

1. Waterfront

Co-Chairs: Bruce Keyes & Dave Misky
State Buddy: Christine Haag

Issues
See DNR’s note from Secy’s roundtable
Sediment
Dockwalls, Piers
Public Trust
Continuing Obligations
VPLE
Soil v Sediment
Dredging
Funding / Financing
Chapter 30
Board Public Lands
DNR Organization
Watershed Cooperation
Streamline App for $$$
Advocate needed for bundling small projects
State – Federal Jurisdiction
Transparency
DNR Decision maker
Climate Issues
Common to all Subcommittees: IT needs, Business needs, Fed / State Interface

Post-It Notes
Nancy Frank
Sharon Gayan – DNR Water
Representation from the Great Lakes Water Institute or similar
Roy Wittenberg – Natural Resource Technology
Rick Fox – Natural Resource Technology – rfox@naturalrt.com
Frank Dombrowski – We Energies – 414-221-2156
Mark Thimke
Mary Panzer
Vicki Elkin – Fund for Lake Michigan
Mat Reimer – City of Milwaukee
DOA Budget Analyst?
Jeff Voltz (DNR Analyst)?
2. Liability

Chairperson: Mark Thimke
State Buddy: Michael Prager

Issues
Issue paper 1 (e) i-vi:
  i. Sediments and VPLE- see section #6
  ii. Expansion of business and air program
  iii. Private cost recovery statute
  iv. Underfunded or single-purpose LLCs
  v. Non-licensed landfill/fill areas
  vi. Local governments: Expand definition of LGU?

Post-closure obligations / due care
Access
Fine tune possess & control
WI v. Chrysler – outreach
Lenders
Off-site
VPLE
3rd party lawsuits and VPLE
Urban Ag
PCBs
Private Cost Recovery
Delete 292.35
Bankruptcy / ownership
Receivership DNR Ownership
Common to all Subcommittees: IT needs, Business needs, Fed / State Interface

Post-It Notes
Dan Kolberg
Karen Dettmer – City of Milwaukee
Roy Wittenberg – Natural Resource Technology
Jodie Potter – True North Consultants
3. Municipal / Local Governments

Co-Chairs: John Stibal & Sam Tobias
State Buddy: Dan Kolberg & Jenna Soyer

Issues
See notes on “f” from issue document:

f. Municipal Incentives:

1. Modify Negotiated Sale In Lieu Of Bidding For Tax Delinquent Brownfields Properties:
   Create a statutory amendment to s.75.69(2), Wis. Stats., that would allow a county or city of the first class to transfer tax delinquent property it owns, without using the competitive bidding process, if environmental pollution is present and the property meets the definition of a brownfield under s.292.75(1)(a), Wis. Stats.

2. Assign Judgment Of A Tax Deed Without Taking Title: allow a county to execute a tax deed under s.75.14(1), Wis. Stats., to an individual under the same conditions as prescribed under s.75.106, Wis. Stats.; -allow the individual who has elected to accept a tax deed under the above conditions to commence an action to bar former owners under s.75.39, Wis. Stats.

3. Clear authority of county to cancel all or portion of taxes prior to transfer to other local government – outside of ss. 75.105 & 75.106

4. Structural/salvaging Model Ordinance

5. Vapor intrusion
   - model ordinance
   - Vapor intrusion partnership initiative with DNR

6. Access to contaminated properties authority

7. BF Best Management Practices Guide


Adam Gallagher’s comments

Below are the comments I received from other county treasurers on the draft 2015 Brownfields Study Group topic 1-F.

“I find them interesting ideas...3 may be redundant as we can use 75.17 to transfer to a muni for no consideration....it’s taken by tax deed so it clears the taxes and we are allowed to “give” it to them. I would be very wary of the first one if its intent is to transfer to a private party and not a taxing entity. I would want agreements in hand and many of the requirements of 75.105 with the addition of a letter of credit to be held until such a time as the remediation is complete or they have spent more than the value of the property/taxes for the remediation to make sure it is not being misused. We haven’t seen a need for 1) as we generally work with the municipality and use 75.17. I’ve often wanted an option like 2) so that one I would be very interested. I would also add the potential to change municipality in most of these statute to taxing entity as we have had some cases where the school district was interested in cleaning up and retaining contaminated property near a school.”

“Regarding the highlighted areas under Municipal Incentives –

f.1. I think they’re asking 75.69(2) to be modified so counties are able to transfer brownfields without a bidding process? I believe any pricing exceptions for brownfields properties are adequately addressed in 75.105 and 75.106.
f.2. Something to do with tax deed process? Not sure what’s being proposed.

f.3. Clear authority to cancel all or portion of taxes in order to transfer property to another local government, outside of 75.105 and 75.106. It appears this would allow transfer of any property (non-brownfield included?) to municipalities for any price. Transfer of brownfield land to munis is also covered under 75.17, which gives a lot of leeway on price. What is trying to be achieved in this that’s not already allowed under 75.105, 75.106 and 75.17?

Sounds like they’re trying to loosen up the statutes. Examples of situations that are causing issue would be helpful to determine whether these changes are really needed.”

$ coordinated with Finance subcommittee
Separate 3rd party for LGU
Utilities & Infrastructure
BMPs for Vapor
Definition of LGU – asbestos?
Model Ordinances – demolition & salvage
PACE program as model for brownfields funding?
Outreach and NR 714
Exemption criteria / methods of acquisition s. 292.11(9)(e)
Common to all Subcommittees: IT needs, Business needs, Fed / State Interface

Post-It Notes
Karen Dettmer – City of Milwaukee
Dan Kolberg
Art Harrington
John Stibal
Sam Tobias

4. Technical

Chairperson: Scott Wilson & Karen Dettmer
State Buddy: Tom Coogan & Mick Skwarok

Issues
VI
Chlorinated solvents
Building contamination
Background levels (lead, PAH)
Sediment standards
292.12 & Feds
NR 718 and Low Hazard Exemptions
Urban Ag : direct and uptake numbers
Presumptive remedies / guidance on historic fill sites
Common to all Subcommittees: IT needs, Business needs, Fed / State Interface
5. Economic Impact

Chairperson: Nancy Frank
State Buddy: Jenna Soyer & Barry Ashenfelter

Issues
- Making a business case
- Economic Impact
- Common to all Subcommittees: IT needs, Business needs, Fed / State Interface

Post-It Notes
- Art Harrington
- John Antaramian
- Dave Misky
- Mat Reimer – City of Milwaukee
- John Stibal
- Laura Bray or Corey Zetts (suggested by Bruce Keyes?)

6. Financial

Chairperson: John Antaramian
State Buddy: Barry Ashenfelter & Jenna Soyer

Issues
- Assessment of former and present funding sources
- Sources of Revenue
- Issue paper 1 (a – d)
  1. Brownfields – General
     a. Financial:
        i. Possible sources of funds.
     b. State funds needed for:
        i. Demolition
ii. Inventories
iii. Planning /Plans
iv. Assessment
v. Investigation
vi. Clean up
vii. Infrastructure
viii. Redevelopment costs – soil management

c. Greenspace and public space grants
   i. Issue - need
   ii. Past program
   iii. Financial
   iv. Urban Ag issues

d. Green and Sustainable brownfields projects
   i. Funding to do innovative projects ala EPA
   ii. Storm water, surface water, etc.

Sediment assessment funds
Historic Tax Credits
Bonding
DERF
PACE Program
DOA’s CDBG?
Common to all Subcommittees: IT needs, Business needs, Fed / State Interface

Post-It Notes
Bruce Keyes
Tory Kress – City of Milwaukee
Chris Valcheff
DOA Budget Analyst?
Jeff Voltz (DNR Analyst)?