CERCLA SEC. 128(a) GRANT MIDYEAR REPORT

FISCAL YEAR 2020–21

U.S. EPA Section 128(a) Grant Cooperative Agreement: RP-96520015
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INTRODUCTION

This report summarizes the use of CERCLA Sec. 128(a) grant funds by the Wisconsin Department of Natural Resources (DNR) Remediation and Redevelopment (RR) Program for its state response efforts and public records management system, for the period of October 1, 2020, to March 31, 2021. Activities listed in this report are the equivalent to those identified in Attachment 1 to Cooperative Agreement No. RP-96520015 titled “WDNR’s FY21 Work Plan and Time Frames for Accomplishments (Commitments).”

The DNR uses the CERCLA Sec. 128(a) grant to support state programs and designated federal programs under the jurisdiction of the RR Program, including:

- High-priority leaking underground storage tanks (LUST);
- RCRA hazardous waste closures and corrective actions;
- State-required cleanups; and
- Voluntary party remediation actions.

Brownfields tools developed and administered through CERCLA Sec. 128(a) grant funding are packaged with assessment contractor services and cleanup funding for greatest leverage.

CERCLA Sec. 128(a) grant funds further support outreach, site discovery and redevelopment tools, such as:

- Hands-on assistance which empowers local governments;
- Voluntary Party Liability Exemption;
- General liability assistance;
- Conferences and training;
- Policy development to address emerging issues;
- Institutional control audits;
- Online site information — public database and interactive maps;
- Public/private partnerships for continuous program improvement; and
- Green Team Meetings — where tools are packaged and strategies are formed.

FINANCIAL STATUS

On June 30, 2020, the U.S. EPA awarded the DNR $929,806 in CERCLA Sec. 128(a) grant funding for the October 1, 2020, to September 30, 2021, grant period. In accordance with available grant accounting information, the DNR is on track to fully expend all grant funding by the end of the grant period. There are no slippages, work plan problems, cost overruns or adverse conditions to report, per 40 CFR Part 31.40.

REPORTING PERIOD HIGHLIGHTS

The DNR effectively puts CERCLA Sec. 128(a) grant funds to work to, among other things:

- Maintain high-quality, online information and resource tools for customers—such as our contaminated property database, GIS map, web pages, publications and more;
- Deliver resources and assistance on contamination, assessment and cleanup to empower Wisconsin communities; and
- Offer grant and loan programs that provide valuable resources.

The DNR’s RR Program continues to deliver quality services that address the environmental and economic challenges of contaminated sites to improve Wisconsin communities by returning properties to productive use.

FREQUENTLY USED ACRONYM GUIDE

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>BRRTS on the Web</td>
<td>BOTW</td>
</tr>
<tr>
<td>Bureau for Remediation and Redevelopment</td>
<td>BRRTS</td>
</tr>
<tr>
<td>Tracking System</td>
<td>COC</td>
</tr>
<tr>
<td>Certificate of Completion</td>
<td>LGU</td>
</tr>
<tr>
<td>Local Governmental Unit</td>
<td>PM</td>
</tr>
<tr>
<td>Project Manager</td>
<td>RR Program</td>
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<tr>
<td>Remediation and Redevelopment Program</td>
<td>BOP Section</td>
</tr>
<tr>
<td>Brownfields, Outreach and Policy Section</td>
<td>SERTS Spills Electronic Reporting and Tracking System</td>
</tr>
<tr>
<td></td>
<td>VI Vapor Intrusion</td>
</tr>
<tr>
<td></td>
<td>VPLE Voluntary Party Liability Exemption</td>
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<tr>
<td></td>
<td>WA Waste and Materials Management</td>
</tr>
<tr>
<td></td>
<td>WEDC Wisconsin Economic Development Corporation</td>
</tr>
<tr>
<td></td>
<td>WAM Wisconsin Assessment Monies</td>
</tr>
<tr>
<td></td>
<td>DNR Wisconsin Department of Natural Resources</td>
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<tr>
<td></td>
<td>DATCP Wisconsin Department of Agriculture, Trade and Consumer Protection</td>
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WORKPLAN ACCOMPLISHMENTS
BY THE NUMBERS

<table>
<thead>
<tr>
<th>TASK 1</th>
<th>TIMELY SURVEY &amp; INVENTORY</th>
<th>Mid-Year Numbers</th>
<th>End-of-Year Totals</th>
<th>Annual Target</th>
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<tr>
<td>Enhance Site Discovery Through Inter-Bureau Coordination</td>
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<td>Enhance Site Discovery Through Local Government Education</td>
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<th>TASK 2</th>
<th>OVERSIGHT &amp; ENFORCEMENT</th>
<th>Mid-Year Numbers</th>
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<td>Responsible Party Letters Issued</td>
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<td>Wis. Plant Recovery Initiative Letters Sent</td>
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<td>Bankruptcy Filings Reviewed / Proof of Claim Filed</td>
<td>63</td>
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<td>Redevelopment Assistance Actions &amp; Tools</td>
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<th>MECHANISMS &amp; RESOURCES FOR PUBLIC PARTICIPATION*</th>
<th>Mid-Year Numbers</th>
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<td>News Releases, Media Events, Articles, Social Media</td>
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<td>RR Report Newsfeed Email Announcements</td>
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<td>New and Updated RR Publications</td>
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<td>New and Updated RR Web Pages</td>
<td>96</td>
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<td>Green Team Meetings</td>
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<td>Public Speaking Events</td>
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<td>Workshops and Training Meetings</td>
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<th>TASK 4</th>
<th>MECHANISMS FOR APPROVAL OF CLEANUP PLANS, VERIFICATIONS &amp; CERTIFICATIONS</th>
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<td>Develop and Implement Soil Management Tracking System</td>
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<td>Audit Continuing Obligations at Closed Sites</td>
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<td>Streamlined and Consistent Case Closure Process</td>
<td>157</td>
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<td>New Voluntary Party Liability Exemption Program Applications</td>
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<th>ESTABLISH &amp; MAINTAIN THE PUBLIC RECORD</th>
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<td>Update and Maintain RR Sites Map and BBRTS on the Web</td>
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<td>Enhance Data in Public Record</td>
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<td>Digitize Site Records in Public Database</td>
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<th>ENHANCE RESPONSE PROGRAM CLEANUP CAPACITY</th>
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<td>Ensure Cooperative Agreements Are Developed and Implemented in Accordance with State and Federal Policies</td>
<td>ongoing</td>
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<td>Implement One Clean-Up Program MOA with Reg. 5 U.S. EPA</td>
<td>ongoing</td>
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<td>Implement Wisconsin Assessment Monies (WAM) Program</td>
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<tr>
<td>Implement Ready for Reuse RLF Program</td>
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* Details are available upon request, including event and announcement dates and publication and web page titles.
FEATURE STORIES

Land Recycling Team fosters community relationships

The RR Program utilizes a statewide team of staff, referred to as the Land Recycling Team, to implement the state’s various brownfield related tools and programs. The Land Recycling Team is made up of at least one person from each of the state’s five regional DNR offices and several members of central office staff. The central office staff are, in most cases, the lead contacts for brownfields and related programs (e.g., experts on lender liability issues and revolving loan funds).

The team has several key functions that result in the RR Program integrating brownfields redevelopment into the remediation of various types of cleanup projects. The team functions include:

- Providing training to all staff in the RR Program on available brownfields tools and programs, so that statewide project managers may answer questions about brownfields redevelopment, providing assistance to local governments, businesses and others in their area.
- Developing guidance and addressing unique questions that arise. Guidance on brownfields topics are developed with input from the Land Recycling Team, providing a wide range of experience and perspectives with the challenges of redeveloping brownfields.
- Identifying needs and implementing training for external partners and stakeholders (e.g., consultants and local governments).
- Supporting peer to peer input for challenging brownfields projects.

The Land Recycling Team has been operating since 1997, when the state’s brownfields initiatives were first enacted. The team’s work output has evolved over the years, but it remains focused on fostering relationships and supporting efforts to protect the environment and reuse blighted properties across the state.
NR 700-799 rulemaking update: emergency rule in effect; permanent rulemaking underway

In January 2019, the Wisconsin Natural Resources Board authorized the DNR to begin drafting revisions to Wisconsin Administrative Code chapters NR 700-799, Environmental Protection – Investigation and Remediation of Environmental Contamination. The code revisions included a small set of emergency rule changes and a larger set of permanent rule changes.

The code revisions—prompted by legislative changes in the statutes governing the state’s cleanup program—aim to implement statutory changes and ensure that administrative code remains consistent with state statutes. The rule revisions also update code with revisions needed to keep pace with terminology and practices that have evolved since the last set of rule revisions took place in 2013.

In Wisconsin, the emergency rulemaking process allows for expedited rulemaking; however, emergency rules are temporary. The emergency rules, which relate to financial assurance requirements for certain types of contaminated sediment cleanups, went into effect on September 8, 2020, and will remain in effect until June 4, 2021.

The state’s permanent rulemaking process typically spans about three years. The permanent rule—which covers a more comprehensive set of topics—is a little more than two-thirds of the way through this process. In the future, the DNR will request that the Natural Resources Board adopt the permanent rule. If adopted, the rule will be submitted to the governor for approval, and then to the state legislature for review. If approved, the permanent rule may become effective as early as summer 2021.
RR Program staff contribute to DNR's efforts addressing PFAS

Perfluoroalkyl and polyfluoroalkyl substances (PFAS) are a large group of human-made chemicals that have been used in industry and consumer products worldwide since the 1950s. PFAS do not occur naturally and are widespread in the environment. They are found in people and wildlife, including fish, all over the world. Some PFAS can stay in peoples' bodies a long time and do not break down easily in the environment.

WisPAC Action Plan

RR Program staff also managed the design and publication of the Wisconsin PFAS Action Council’s (WisPAC) Action Plan, an 82-page document presented to Wis. Governor Tony Evers on December 16, 2020. The Action Plan is the culmination of a year of collaboration, including 14 public meetings and hundreds of recommendations and comments from WisPAC members, advisory groups and the public. The Action Plan describes statewide initiatives to address growing public health and environmental concerns regarding PFAS.

Staff employed design and layout strategies to ensure readability and accessibility, using color to distinguish various action themes, and creating graphic symbols and icons for an inclusive and accessible design.

PFAS GIS Viewer

Managing the investigation and remediation of PFAS sites in Wisconsin is a priority for the RR Program. Program staff have recently made significant contributions to the DNR’s overall efforts to respond to and manage known instances of PFAS contamination and to provide information to stakeholder, communities and partner state agencies.

The RR Program’s GIS specialist developed an internal PFAS GIS Viewer that provides information the DNR has— and project managers and decision-makers need— regarding known instances of PFAS contamination. When complete, it will be available for all DNR staff to use. In addition to the site name, the GIS viewer will provide:

- specific sample locations;
- analytical results (where available); and
- information on PFAS sources and transport.

Users will find the viewer helpful for acquiring general information about PFAS sites in Wisconsin, gathering information for stakeholders, enforcing environmental laws, and conducting site and regional research. In short, the viewer is designed to be a “one stop shop” for known PFAS sites in Wisconsin.

Work on this project is expected to be complete in the summer of 2021. An external version of this viewer is expected to go live in winter 2021–22.
Enhance site discovery through inter-bureau coordination

Workplan output: Regular meetings with Waste and Materials Management and other Programs to identify sites that may need immediate action or investigation

Contaminants of Emerging Concern

Since fall 2019, and outlined in an Executive Order from Wisconsin Governor Tony Evers, the DNR has been engaged in an agency-wide effort to effectively address environmental and public health threats associated with per- and polyfluoroalkyl substances (PFAS). Advisory groups with external partners are also involved. This extensive undertaking has engendered a significant amount of inter-bureau collaboration and coordination throughout the agency. RR Program staff are engaged with numerous PFAS-related teams and workgroups, often as leaders. Highlights during this reporting period included:

- Continuation of leadership of an ad-hoc committee with several DNR programs regarding PFAS-containing firefighting foams. The committee partnered with the state’s firefighting community and identified best management practices for the use and management of PFAS-containing foams.

- Creation of a centralized team to oversee the investigation and cleanup of PFAS contamination in Marinette and Peshtigo, Wisconsin. PFAS contamination has been detected in soil, sediment, groundwater, surface water, private drinking water wells and biosolids. As it has become apparent that the PFAS contamination associated with the JCI/Tyco facilities in Marinette, Peshtigo and surrounding communities is significantly complex, the DNR identified that the affected communities would be best served by creating a centralized team, which is lead within the BOP Section, to oversee the project. Due to the extent of the contamination in both area and affected media, the team conducts regular inter-agency coordination meetings, as well as public listening sessions and other stakeholder engagement, in addition to managing the technical aspects of the projects.

- Creation of an ad-hoc, inter-bureau team to address PFAS contamination in the Town of Campbell, located in southwestern Wisconsin. The recent discovery of PFAS contamination in private drinking water wells prompted the RR Program and other DNR programs to initiate outreach and engagement within the affected community. Actions included development of a site-specific web page, a public listening session and outreach to affected well owners.

Integrated Sediments Team

The Remediation and Development Program, in coordination with the Waste, Water Resources, Waterways, and Office of Great Waters programs, continued efforts to create a unified approach to address regulatory issues associated with the investigation, remediation and management of contaminated sediments. These efforts are coordinated through the DNR’s internal cross-program Integrated Sediments Team.

By identifying policy issues and developing administrative rules, manual codes, guidance documents and fact sheets, the Integrated Sediments Team works to improve and clarify remediation and redevelopment processes authorized under Wis. Stats ch. 292 and the NR 700 series. These processes include the investigation, remediation and management of contaminated sediments from dredging projects, environmental cleanups, redevelopment and other construction projects.

During this reporting period, the Integrated Sediments Team met six times with a smaller group having weekly check-ins. The team has been working on a large guidance document that aims to cover all issues related to sediment.

Waste and Materials Management and Remediation and Redevelopment Integrated Team

The Remediation and Redevelopment (RR) Program continued its collaborative efforts with the Waste and Materials Management (WA) Program to increase site discovery and inter-program coordination. The Integration Team works to ensure consistent, cross-program understanding of issues and implementation of practices that are routinely regulated by administrative codes that govern waste and materials management, and remediation and redevelopment programs.

The team met three times during this reporting period; five small subgroups continued to resolve outstanding issues, with focus on the private well sampling notification process, material management and low hazard approvals, transferring oversight of landfill actions between programs, historic fill approvals and dredge material management. Team members provided support to DNR staff, consultants and responsible parties related to each of these issues.
During this reporting period, in addition to the regular, daily brownfield outreach and education efforts to local government staff and officials, the RR Program gave presentations during virtual annual conferences to the Wisconsin League of Municipalities and the Wisconsin Towns Association. Both conferences, held in mid-October 2020, were well-attended. In addition to discussions about Wisconsin’s wide array of brownfield assessment, investigation, cleanup and property reuse tools, DNR presenters spoke about site identification and KSU-TAB and EPA brownfield services.

The RR Program also maintains an online library of instructional videos about brownfields and other cleanup and redevelopment topics. Many of these, such as a presentation about using DNR’s online database of contaminated sites, are useful for interested local governments. The RR Program is currently evaluating additional ways to help local government staff and officials successfully address brownfield properties in their communities.

Outreach, education and regular involvement with local governments promotes site discovery

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Responding to bankruptcies

*Workplan output: Appropriate and timely response to bankruptcies*

The DNR receives notice of pending bankruptcy filings from the state Department of Justice. DNR staff compare filing information to the Bureau for Remediation and Redevelopment Tracking System (BRRTS) to see if contamination issues exist at open remediation projects or at closed sites with continuing obligations.

When additional case investigation needs arise, the RR Program bankruptcy coordinator solicits input from regional RR Program staff by submitting a project manager (PM) worksheet. The PM worksheet identifies current and past uses of the listed properties in the bankruptcy filing, contamination concerns (e.g., spills or ongoing cleanups), whether cleanup work is needed, any DNR money spent at the site(s), and any recommendations for future action.

Based on the PM information, a bankruptcy team comprised of RR Program and legal staff decide what, if any, actions to take in response to the bankruptcy filing. Possible actions include filing a proof of claim to request a share of the assets for cleanup work or monitoring re-organization plans.

RR Program staff continue to review bankruptcy filings. There were 63 bankruptcy filings reviewed, with seven of those filings requiring additional review and correspondence with other DNR programs.

Updates to redevelopment assistance tools

*Workplan output: Ensure template documents are up to date and reflect current processes and law*

Over the grant period, the DNR provided written redevelopment assistance 62 times. The template documents for the tools listed below are developed, maintained and updated with CERCLA Sec. 128(a) grant funding:

1. General liability clarification letters;
2. Liability clarification letters for lessees;
3. Liability exemption letters for contamination originated on another property;
4. Lender liability exemption letters;
5. Approval letters to build on abandoned landfills;
6. Cleanup agreements to allow cancellation of delinquent property taxes;
7. Cleanup agreements to allow direct assignment of title to third parties during tax foreclosure proceedings;
8. Negotiated cleanup agreements with local governments; and
9. Liability clarification letters for local governments.
Wisconsin Plant Recovery Initiative update

Workplan output: The cleanup and revitalization of industrial and commercial facilities that have recently closed

The Wisconsin Plant Recovery Initiative (WPRI) is an effort to help communities expedite the cleanup and revitalization of industrial and commercial facilities that have recently shut their doors.

Each time a company announces a plant closing, the DNR offers to work with company officials and the community affected by the closing to outline the company’s responsibilities to safeguard public health and the environment, and discuss the brownfield resources available to both parties to help assess, clean up and redevelop the property. The DNR’s goal is to organize a Green Team meeting with the company and comprehensively discuss any obligations associated with air, waste, water and land issues.

During this reporting period, the DNR identified 11 plant closings that required contact and consultation. There were nine letters sent to closing businesses and communities identifying environmental issues associated with the closings. The letters also outlined assistance options and opportunities for repurposing or redeveloping these shuttered sites.

Wisconsin Plant Recovery Initiative Plant Closings

Sites for reporting period October 1, 2020 – March 31, 2021

1. W.M. Sprinkman (Waukesha, WI)
2. Calibre, Inc. (Grafton, WI)
3. Calibre, Inc. (Grafton, WI)
4. Calibre, Inc. (Saukville, WI)
5. Calibre, Inc. (Saukville, WI)
6. Maple Leaf Cheese (Twin Grove, WI)
7. WP OPS (Hixton, WI)
8. Fleet Farm Distribution Center (Appleton, WI)
9. Briess Malt & Ingredients Co. (Waterloo, WI)
10. Conagra Brands, Inc. (Milwaukee, WI)
11. Dairyland Power Cooperative (Genoa, WI)
**TASK 3 | MECHANISMS & RESOURCES FOR PUBLIC PARTICIPATION**

**DNR, KSU’s TAB Program and local redevelopment experts team up for Local Government Associations’ annual (virtual) conferences**

*Workplan outputs: Green Team meetings, public speaking appearances, trainings, etc.*

On October 14, 2020, the DNR’s Barry Ashenfelter (not pictured) and Michael Prager (third) teamed up with Maggie Egbarts (second) from Kansas State University’s (KSU) Technical Assistance for Brownfields (TAB) program and Karen Harkness (bottom), the Director of Community and Economic Development for the City of Appleton, Wis., to present a virtual discussion of brownfields tools and cleanup strategies to the Annual Conference of the League of Wisconsin Municipalities.

On October 30, a similar presentation was made to web-based participants of the Wisconsin Towns Association Annual Conference, with Garth Frable, City Planner for Prairie du Chien, Wis., taking the place of Karen Harkness.

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**Identify Brownfields**

- Make a list (inventory) of potential sites
  - Look for red flags (former gas station, dry cleaner, industrial).
  - Are environmental unknowns a barrier to redevelopment?
  - Ongoing environmental actions?
- How can these sites meet your redevelopment goals?
- KSU TAB Brownfields Inventory Tool

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**Workplan output: News releases, articles, media events, publications, website updates and other outreach materials**

**Communications & Outreach Tools Chart**

<table>
<thead>
<tr>
<th>Communications &amp; Outreach Tools Chart</th>
<th>Mid-Year Numbers</th>
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<th>Annual Target</th>
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<tbody>
<tr>
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<tr>
<td>New and Updated RR Web Pages</td>
<td>96</td>
<td>—</td>
<td>20</td>
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<tr>
<td>Green Team Meetings</td>
<td>13</td>
<td>—</td>
<td>30</td>
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<tr>
<td>Public Speaking Events</td>
<td>25</td>
<td>—</td>
<td>10</td>
</tr>
<tr>
<td>Workshops and Training Meetings</td>
<td>4</td>
<td>—</td>
<td>3</td>
</tr>
</tbody>
</table>

*Details are available upon request, including event and announcement dates and publication and web page titles.*
NR 700–799 rule drafting opened to public participation

*RR Program continues proactive outreach for rulemaking*

Since gaining approval in January 2019 to draft revisions to Wisconsin Administrative Code chapters NR 700-799, Environmental Protection – Investigation and Remediation of Environmental Contamination, the RR Program has continually engaged stakeholders in a variety of forums. In addition to the hearing and comment opportunities required by state rulemaking laws, the DNR conducted 14 public rule input meetings (town halls), 8 public work group meetings, 2 individual stakeholder meetings, 7 stakeholder meeting updates to the Brownfields Study Group, and 2 informational overview presentations to technical experts and the general public.

**Public rule development meetings:** The DNR scheduled 12 monthly town hall meetings to encourage stakeholder participation during rule drafting. At these meetings, staff presented policy overviews and preliminary drafts as a sounding board for input. After incorporating input, staff returned to subsequent meetings with revised and updated drafts to facilitate further public comments and discussion – with an average of three input sessions for each rulemaking topic. Following drafting, the DNR scheduled 2 additional public meetings to discuss topics specifically relating to emergency rules. The emergency rules then completed the expedited emergency rulemaking process and became effective in September 2020.

**Individual stakeholder meetings:** The DNR held two targeted meetings to listen to specific stakeholder concerns as they arose throughout the rulemaking process, the first in October 2020, and the second in March 2021.

**Brownfields Study Group updates:** Throughout rulemaking, staff delivered regular updates at public meetings of the Brownfields Study Group, starting before the initiation of the rulemaking process, with the most recent update occurring in March 2021. Staff presented the Brownfields Study Group with an in-depth summary of rule changes at a single-purpose public meeting ahead of the public comment period in October 2020.

**Public work group meetings:** In November 2020, the DNR began with the Contaminated Sediments External Advisory Group (CSEAG) to gain consensus on guidance for the rule on financial assurance. CSEAG and its work group, formed by a smaller set of CSEAG members, has met 8 times and continues to co-host public meetings with the DNR to collaborate on rule implementation and guidance.

**Informational presentations:** In September 2020, the DNR provided an overview of NR 700 rule change topics via an Issues and Trends public webinar. In October 2020, staff presented proposed rule changes to the Federation of Environmental Technologists (FET), a well-established nonprofit organization that assists members from industry, municipalities, organizations and individuals with interpreting and complying with environmental regulations. Both presentations were held ahead of the public hearing and comment period to encourage input.

**Announcements and web page:** The RR Program publicized public meetings on the program’s e-newsletter, *RR Report*, reaching about 4,200 stakeholders. The program also emailed meeting announcements to numerous external advisory groups and set up a dedicated listserv to notify any additional interested persons. Announcements included a link to the [NR 700-799 Rule Changes web page](#), which provides all key information and documents related to rulemaking.

This proactive outreach strategy and the resulting public participation mean that the rule revisions proposed by the RR Program are fine-tuned to needs and interests of the Wisconsin remediation and redevelopment community—meeting the longstanding goal of ensuring a consistent, up-to-date, and efficient approach to regulating investigation and cleanup in Wisconsin.
Coordination with Brownfields Study Group to bring about legislation

Workplan output: Passage of new state brownfields legislation; Improvement of existing processes and programs; Development of new programs and resources

Members of the Brownfields Study Group (BSG), its Voluntary Party Liability Exemption (VPLE) sub-group and DNR staff met a total of four times during the reporting period; three times in the fall of 2020 and once in the spring of 2021. The meetings were held via Zoom on Oct. 8, 9 and Nov. 13, 2020, and on March 12, 2021.

BSG Members and guests met Oct. 8 for an update on the RR Program’s efforts to update portions of chs. NR 700-799, Wis. Adm. Code. The BSG’s VPLE sub-group met the following day to review VPLE issue papers and decide which recommendations to make to the larger BSG meeting including:

- Amending VPLE statute (Wis. Stat. § 292.15) to address uncertainty regarding timing and costs of investigative/remediation requirements
- Increasing staff resources and fees to implement changes to the program
- Enhancing statutory authority to enforceable closure requirements at VPLE property
- Clarifying VPLE exemptions and insurance obligations
- Screening of hazardous substances

The DNR presented updates to the BSG at its March 2021 meeting on rulemaking, upcoming new and revised guidance documents, and other general RR Program updates.

The Brownfields Study Group is planning its next virtual meeting for summer 2021 to continue discussions regarding VPLE, program funding and emerging contaminants.

**TASK 4 | MECHANISMS FOR APPROVAL OF CLEANUP PLANS, VERIFICATION & CERTIFICATION**

The DNR approved case closure for 363 cleanup sites during this grant period. Case closure means the DNR has reviewed all technical submittals related to the environmental investigation and contaminant remediation activities at a site and found them complete and in compliance with state laws and rules. Case closure requests are thoroughly reviewed by regional technical staff, ensuring the closure meets the requirements of the law and monitoring decision consistency in the region and throughout the state. All site actions are documented in DNR’s publicly accessible database, BRRTS, and the associated RR Sites Map.

**Voluntary Party Liability Exemption program evolves**

Workplan outputs: Continued implementation of VPLE process

The voluntary party liability exemption (VPLE) program has aided the redevelopment of approximately 200 brownfield sites across Wisconsin. No new applications were received during this reporting period and the DNR issued three Certificates of Completion (COC). The program underwent changes and reevaluations over the past year.

- Staff continued to work with the Brownfields Study Group to evaluate the program and identify areas of improvement. The Study Group and DNR had three public meetings in October and November 2020 and in March 2021 to refine the group’s recommendations and address Executive Order #40 from Gov. Tony Evers. The executive order tasked the DNR to provide recommendations to address the risk of PFAS contamination at sites in the VPLE program. The DNR prepared comments and recommendations that will be further developed this year.
- Staff continued work on developing rules that would define a process for sites with contaminated sediment to obtain the liability exemption through the VPLE program. The proposed rules also include updates stemming from changes to state laws that define a “property” in the VPLE program, and procedures to follow when property boundaries change. A portion of the rules pertaining to financial responsibility requirements for VPLE properties with contaminated sediment was approved as emergency rules and took effect on September 8, 2020.
- The DNR issued an updated insurance fee schedule for VPLE properties on October 8, 2020. The fees were updated due to a new insurance policy for VPLE sites that utilize natural attenuation as part of the groundwater cleanup. DNR staff will continue to develop VPLE policies while the program keeps moving sites toward a productive reuse.
Streamlined and consistent case closure process

Workplan output: Implementation of new closure form and process

Over the reporting period, the RR Program continued its work related to our case closure process. Numerous small group meetings were held, including staff representing technical, supervisory, administrative, tracking and GIS development resources. The various calls focused on updating the closure review process, closure-related forms and associated closure template letters. Consistency and streamlining efforts include:

- Continued improvements upon the interactive peer review process and updates to the recommendation form to streamline the closure process.
- Continued small group work on updates to the closure letter templates, including standardized language for continuing obligations upon site closure.
- Small group work to modify and streamline the current pre-closure notification letters required under NR 725.
- Updates for consistency to code language throughout closure letter templates.

TASK 5 | ESTABLISH & MAINTAIN THE PUBLIC RECORD

Maintain & update RR Program tracking, mapping & submittal applications

Workplan output: Enhanced geo-location and mapping options

During the past grant year, the RR Program completed an upgrade and many updates to BRRTS, SERTS, BOTW, Submittal Portal, Internal RR Dashboard and RR Sites Map.

Upgraded software for BRRTS, SERTS, BOTW, Closure Checklist, Document Uploader and Tracker.

BOTW

- Redesigned look consistent with new dnr.wisconsin.gov website
- Improved readability on all pages, improved fonts, reduced clutter
- Consolidated previously separate Basic and Advanced search criteria pages into single criteria page containing all possible criteria
- A single criterion field for Name will now search both the Activity and Location name fields
- New criterion field allows to search for Activities with relationships to other Activities (e.g., ERP activities related to Facility-Wide activities)
- New DNR project manager dropdown list criteria.
- New characteristic (flag) criteria checkboxes that may be used in combination (e.g., Continuing Obligations with Sediment Contamination)
- Two new characteristic criteria include “On RR Sites Map” and “Affected Another Property”

RR Sites Map

- Ability to choose how search results will be sorted by 10 different fields in selectable ascending or descending order
- More convenient return to Search buttons
- New Site Files section displaying the downloadable permanent record (PDF) for the Activity
- New Actions and Documents combined section listing both actions, documents linked to actions, stand-alone documents (not Site Files), and links to NR700.11 reports in one table
- The title of this section will show the number of actions and the number of documents for the Activity
- New document file type icons with mouse-over popup details displaying document category, filename, and file size
- New Spill Information section
- NR 700 reporting pages redesigned

- Improved entry of fee transaction details for fee-based actions
- Created new submodule combining Tank Eligibility and Energy Act into one
- Added new reports for Energy Act, Smart Regulations, Semi-Annual EPA UST Report, UST tracking QAQC report, List of NAR activities not geolocated, List of SERTS Open Incidents
• Changes to Pending module to support future electronic notifications flowing through the e-Submittal system and to support testing in development
• Added new version checking at application start up to allow user to update to current version even if BRRTS was open and run from the wrong short-cut
• Created and updated PFAS action codes, flags and validation
• Updates to Location/Facility Lien module
• Added ability to search for records by Lien Parcel ID field
• Added ability to search by full or partial WTM X and/or Y
• Added ability to search if an Activity has been geolocated or not (Yes/No). This searches SDE in real time
• Added ability to search for an action code, with optional date range and comment, that does not have a linked document

BRRTS
• Improved entry of fee transaction details for fee-based actions
• Created new submodule combining Tank Eligibility and Energy Act into one
• Added new reports for Energy Act, Smart Regulations, Semi-Annual EPA UST Report, UST tracking QAQC report, List of NAR activities not geolocated, List of SERTS Open Incidents
• Changes to Pending module to support future electronic notifications flowing through the e-Submittal system and to support testing in development

Submittal Portal
• Developing Notification for Hazard Substance web form
• Data from new form will go directly to the database, eliminating data entry

Internal Dashboard
• Developing dashboard for program associates to process new Notification for Hazardous web form
• Developing process to connect RR Program data to other DNR data that are at the same location

RRSM
• Conducted user feedback survey
• Added additional layers to support users need (active landfills, DNR lands, additional well information)
• Added tools for quick reference to historical aerial photography and county GIS/LIO contacts
• Additional aerial photography layers added
• Added tool to maximize map for clutter free viewing
• New tool added to allow bulk mapping of locations with optional buffers

Digitization of Site Records in Public Database

Workplan output: Ongoing activities

The RR Program continues its implementation of case file records digitization and other efforts to increase public access to data. Over this grant period, the Program Support and Automation teams have tackled more specialized processes, and have focused on improving usability, including the following:
• Ongoing database cleanup: 64 additional federally eligible tanks for Energy Act resulted from NAR site reviews
• New processes implemented and flagged in BRRTS to better track federally eligible USTs for Energy Act
• 10,555 uploads to BRRTS
• E-submittals continue to be received daily
• Open records requests continue to be fulfilled during pandemic; response actions and language for staff working from home developed and implemented
• Program support staff are continuing record digitization efforts
• Environmental Management Division implemented the “Compliance Assistance Process”
Task 6 | Enhance the Response Program Cleanup Capacity

In this reporting period, the DNR provided financial assistance to communities and property owners through the Ready for Reuse and Wisconsin Assessment Monies (WAM) programs, which are funded through grants from U.S. EPA 104(k) funds. In addition, the RR Program provided support to federal brownfields grant applications by providing letters of acknowledgement.

Implement Ready for Reuse (R4R) RLF Program

Workplan output: All R4R activities not covered by the RLF CA with U.S. EPA, plus data input for ACRES

Since 2004, the Wisconsin Brownfields Coalition, which includes the DNR and several regional planning commissions, has received $11.254 million in traditional U.S. EPA brownfields revolving loan funds.

The RR Program administers the funds through the Ready for Reuse Program. The program offers loans and sub-grants to local governments, tribes and non-profits to help with environmental cleanup of hazardous substances or petroleum at brownfields throughout Wisconsin.

During this period, the Ready for Reuse Program managed ongoing projects funded through its open cooperative agreement (BF00E01344) and through loan repayment, or revolved, funds. Staff continued to work with existing award recipients to move their projects forward including the city of Kenosha and city and village of West Milwaukee, which wrapped up work during the reporting period.

Locally, the DNR promoted the Ready for Reuse Program through its website, in RR Report e-newsletter, and in various publications such as the Financial Resource Guide for Cleanup & Redevelopment. As a result, RR Program staff respond to numerous Ready for Reuse general inquiries. This indicates substantial program awareness with target audiences and a strong need for funding.

Wisconsin Assessment Monies (WAM) update

Workplan output: All WAM activities not covered by the Assessment CA with U.S. EPA

The Wisconsin Assessment Monies (WAM) Program provides contractor services for environmental assessment at brownfields sites throughout Wisconsin where closed or closing industrial plants act as impediments to redevelopment. Since 2009, the EPA has awarded the Wisconsin Brownfields Coalition $3.3 million in Brownfield Assessment grants, which the DNR’s RR Program administers. Awarding contractor services rather than funding takes the administrative burden of managing a grant off the award recipient, empowering even small communities to take charge of brownfields.

The DNR awards contractor services for Phase I and Phase II environmental site assessments and limited site investigation work at selected sites. Sites in this program are generally less than 10 acres and have petroleum or hazardous substance contamination that can be assessed for less than $35,000.

Approximately 64% of WAM awards have been made to communities with populations of less than 10,000 people.

The RR Program is currently managing a $600,000 federal site assessment grant (BF 00E02369) from the U.S. EPA. During this grant reporting period, the DNR closed out federal site assessment grant BF 00E02021. In addition, the DNR awarded two new contractor services requests and two assessments were completed.

See Table 3 for a list of site locations, facilities and awarded services.
### Wisconsin Assessment Monies Awards - 104(k) Assessment Funds

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>FACILITY</th>
<th>AWARDED SERVICES</th>
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</thead>
<tbody>
<tr>
<td>FY 18 Assessments Funds (BF 00E02369)</td>
<td></td>
<td></td>
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<tr>
<td>Chilton, Wis.</td>
<td>Stoeger's Plating</td>
<td>Phase I &amp; II</td>
</tr>
<tr>
<td>Prairie du Chien, Wis.</td>
<td>Blackhawk Junction</td>
<td>Limited Site Investigation</td>
</tr>
<tr>
<td>Watertown, Wis.</td>
<td>101/107/109/111 W. Main Street</td>
<td>Phase I &amp; II</td>
</tr>
<tr>
<td>Watertown, Wis.</td>
<td>115 &amp; 121 W. Main Street</td>
<td>Phase I &amp; II</td>
</tr>
<tr>
<td>Randolph, Wis.</td>
<td>Graafsma Garage</td>
<td>Phase I &amp; II</td>
</tr>
<tr>
<td>Seymour Township, Wis.</td>
<td>Sherwood Inn</td>
<td>Phase I &amp; II</td>
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<tr>
<td>Stoughton, Wis.</td>
<td>Highway Trailer</td>
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<tr>
<td>Lancaster, Wis.</td>
<td>132 E. Maple Street</td>
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<tr>
<td>Neenah, Wis.</td>
<td>Former Loren's Auto Recycling</td>
<td>Phase II</td>
</tr>
<tr>
<td>Clinton, Wis.</td>
<td>Former Doug's Standard</td>
<td>Limited Site Investigation</td>
</tr>
</tbody>
</table>

### Federal Acknowledgment Letters

The DNR provides letters of acknowledgment for non-tribal entities applying for U.S. EPA brownfield grants. Combined, Wisconsin communities and other development groups requested over $5.1 million in FY21 federal grant funds. Acknowledgment letters were provided to:

- **Kenosha County** Assessment, community-wide
- **Manitowoc CDA** Assessment, Site specific
- **Groundwork Milwaukee** Assessment, Coalition
- **Calumet County** Assessment, Coalition
- **Manitowoc** Assessment, Coalition
- **Milwaukee** Cleanup, Site specific
- **Washington County** Assessment, Coalition
- **Eau Claire** Cleanup, Site specific
- **Stevens Point** Assessment, community-wide
- **Fond du Lac** Assessment, community-wide
- **Racine CDA** Assessment, community-wide
- **West Allis CDA** Assessment, community-wide
- **NWRPC** Assessment, community-wide
- **Winneconne** Assessment, Site specific

### Petroleum Eligibility Letters

Petroleum Eligibility Letters - In this reporting period, October 1, 2020, to March 31, 2021, the Wisconsin DNR provided six eligibility determinations for petroleum assessment or cleanup using an U.S. EPA brownfields grant:

1. 814 & 826 North Avenue, Madison
2. 3802 Mineral Point Road, Madison
3. 3802 Mineral Point Road, Madison
4. 2120 Fish Hatchery Road, Madison
5. Former Save A Lot, Sheboygan
6. Badger Sheet Metal, Green Bay