

CERCLA 128A MID-YEAR REPORT FISCAL YEAR 2018



Remediation and Redevelopment Program
WISCONSIN DEPARTMENT OF NATURAL RESOURCES





Another well-attended gathering of the Wisconsin Brownfields Study Group, March 2019. Still going strong after 20 years.

Photos courtesy of Wisconsin DNR unless otherwise noted.

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**Wisconsin Department of Natural Resources
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INTRODUCTION

This mid-year 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 September 1, 2018, to February 28, 2019. Activities listed in this report are the equivalent to those identified in "Attachment 1 to Cooperative Agreement No. RP-96520013-0 titled DNR's 2018-19 Work Plan and Time Frames for Accomplishments (Commitments)."

DNR uses the CERCLA Sec. 128(a) grant to support state programs, and designated federal programs, under the jurisdiction of DNR's Remediation and Redevelopment (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 128(a) grant funding are packaged with assessment contractor services and cleanup funding for greatest leverage.

CERCLA 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 August 8, 2018, the EPA awarded the Wisconsin DNR \$929,806 in § 128(a) funding for the September 1, 2018 to August 31, 2019 grant period. In accordance with available grant accounting information, the Wisconsin DNR expects 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

DNR effectively puts CERCLA sec. 128(a) 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, webpages, 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 Wisconsin 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.

TABLE 1 – WORKPLAN ACCOMPLISHMENTS BY THE NUMBERS

	Mid-Year Numbers	End of Year Totals	Annual Target
TASK 1: TIMELY SURVEY AND INVENTORY			
Enhance Site Discovery Through Inter-Bureau Coordination			2
Outreach Education to Promote Site Discovery			2
TASK 2: OVERSIGHT AND ENFORCEMENT			
Responsible Party Letters Issued	132		---
Wis. Plant Recovery Initiative Letters Sent	10		---
Bankruptcy Filings Reviewed / Proofs of Claim Filed	42/0		---
Redevelopment Assistance Actions	73		---
TASK 3: MECHANISMS AND RESOURCES FOR PUBLIC PARTICIPATION			
News Releases, Media Events, Articles, Social Media	5		3
RR Report Newsfeed Email Summary Announcements	11		12
New and Updated RR Publications	70*		10
New and Updated RR Webpages	155*		20
Green Team Meetings	24		30
Public Speaking Events	2		10
Workshops and Training Meetings	6		3
TASK 4: MECHANISMS FOR APPROVAL OF CLEANUP PLANS, VERIFICATIONS AND CERTIFICATATIONS			
Develop and implement soil management tracking system	ongoing		---
Audit Continuing Obligations at Closed Sites	11		50
Streamlined and Consistent Case Closure Process	162		300
New Voluntary Party Liability Exemption Program Applications	5		5
TASK 5: ESTABLISH AND MAINTAIN THE PUBLIC RECORD			
Update and Maintain RR Sites Map and BRRTS on the Web	ongoing		---
Enhance Data in Public Record	ongoing		---
Digitize Site Records in Public Database	ongoing		---
TASK 6: ENHANCE RESPONSE PROGRAM CLEANUP CAPACTIY			
Hire Supervise and Manage RR Program Staff to Meet Program Goals	ongoing		
Ensure Cooperative Agreements are Developed and Implemented in Accordance with State and Federal US EPA policies	ongoing		---
Implement One Clean-Up Program MOA with Reg. 5 U.S. EPA	ongoing		---
Implement Wisconsin Assessment Monies (WAM) Program	ongoing		---
Implement Ready for Reuse RLF Program	ongoing		---

* list available upon request

FEATURE STORIES

Environmental investigation and remediation rules update underway

The Remediation and Redevelopment Program, with input and involvement from dozens of external stakeholders, has begun the formal process of developing proposed revisions to Wisconsin Administrative Code chapters NR 700-754, which is titled “Environmental Protection – Investigation and Remediation of Environmental Contamination.”

Recent statutory changes, plus an ongoing need to keep rules current, sparked this latest revision effort. The goal is to ensure code consistency with new statutory language and make sure the rules are clear and up to date.

The administrative rulemaking process in Wisconsin allows for about 12 to 14 months of rule drafting and editing before moving towards completion. This drafting timeframe is limited, but the RR program views external stakeholder input as a crucial part of the process and is committed to hosting monthly town hall-style meetings to allow interested parties ample opportunities to provide suggestions and advice about proposed rule updates and changes.

Draft copies of the agency’s proposed rule updates and changes are distributed online prior to the meetings. At the meetings, RR Program staff describe the most recent proposed changes and outline the agency’s thoughts and positions on key issues. DNR staff are available to answer questions and collect comments from attendees.

To encourage broad participation in the rule development process, meetings are publicized on *RR Report*, the program’s online news feed with an estimated audience of 4,000. In addition, announcements are emailed to external advisory groups, and DNR maintains a listserv for any additional interested persons. Meeting documents are available at <https://dnr.wi.gov/topic/Brownfields/RuleChanges.html>.

Following completion of the external rule development meetings, DNR will continue seeking public input as part of the rulemaking process. Comments on the economic impacts of the proposed rules will be encouraged, and public hearings will be held. The last step requires review and approval of the proposed rule updates and changes by the Wisconsin Natural Resources Board, the state legislature, and the governor.

DNR and TAB help village plan for reuse of former manufacturing property

Remediation and Redevelopment (RR) Program staff in the DNR have supervised site investigation and cleanup efforts at a former, 17-acre, metal tube manufacturing property in the village of East Troy (pop. 4,300) for 20 years. This large property once housed the bustling Trent Tube factory.

The DNR worked for many years with the most recent former factory owner, Crucible Materials, to further site investigation activities and cleanup actions related to contamination of soil, groundwater and creek sediment on and around the property. In 2009, this company declared bankruptcy and was dissolved. A trustee was appointed by the court to own the property and continue necessary environmental cleanup actions. Another company, Coltec (Enpro Holdings, Inc.), was also identified as responsible for contributing to the cleanup work. This company is currently working with DNR and the trust to finish cleanup activities.

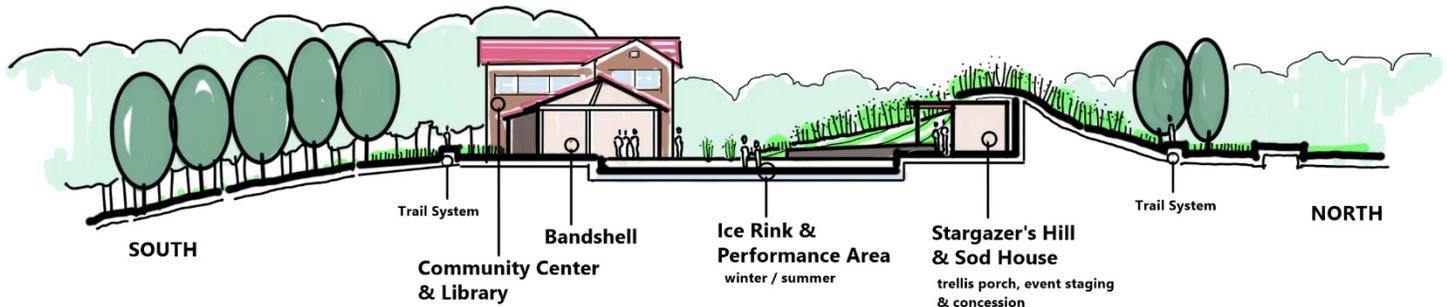
Over the past year, DNR and the Village of East Troy (Village) have intensified their collaborative efforts to plan for and guide the future reuse of the property and the surrounding 20 acres of wetlands and upland that is also owned by the trust. In furtherance of this goal, the Village and DNR requested assistance from the EPA-funded Technical



SDSU renderings of former Trent Tube factory property for the Village of East Troy.

Assistance to Brownfields (TAB) Program at Kansas State University.

The SDSU team was engaged by TAB to prepare concept plans for the reuse of the former factory property, using community, DNR and Village suggestions as a guide. The



SDSU rendering of former Trent Tube factory property for the Village of East Troy.

TAB staff and partners from the Delta Institute helped facilitate a well-attended community visioning workshop on Aug. 22, 2018. TAB also arranged for a South Dakota State University (SDSU) professor of landscape architecture and design, and several students, to attend this public meeting.

In Nov. 2018, TAB and the Delta Institute presented their 38-page follow-up report to the Village Board. This report outlined public input and suggestions for the property, DNR comments on environmental conditions, and more.

college students worked in groups to create varied reuse ideas and options. The students presented their work to Village officials in late 2018 through a video conference.

Property reuse concepts preferred by the Village were more fully developed by students and the professor and submitted to the Village in March 2019. DNR and the Village are working with Coltec and the trust to perform additional cleanup actions that are needed so the site can be reused per the Village's preferred redevelopment plan.

WAM funds leverage redevelopment in Edgerton

The city of Edgerton, pop. 5,500, is in southcentral Wisconsin between Madison and the Illinois state line. At this time, city staff and officials are engaged in two separate efforts to investigate, cleanup and redevelop brownfield properties in their community.

One of these properties is a former shoe factory. This 6.6-acre site on Main Street was home to a busy shoe-making assembly line from 1933 to 1988. Since then, the 55,000 sq. ft. factory building was used by several different tenants but has been mostly vacant since 2011. The building and lot are now in poor condition. An assessment in the late 1980s found evidence of asbestos in the building and other contamination on the property.

City officials say this run-down property on the community's most visible street is an eyesore and is hindering economic development activities. "The property has been for sale for many years but it's just not attractive to potential buyers in its present condition," said Edgerton Mayor Chris Lund.

Remediation and Redevelopment DNR staff have participated in several Green Team meetings and phone conversations with city staff and other stakeholders about

this property over the past year. Recently, DNR approved an award of environmental contractor services to conduct Phase I/II assessments and, if necessary, limited site investigation work at the former shoe factory.

Funds in DNR's Wisconsin Assessment Monies (WAM) program come from U.S. EPA's CERCLA s. 104k brownfields grant awards. DNR uses CECLA s. 128a funding from EPA to manage the WAM program and to provide Green Team services to hundreds of municipalities around the state.

DNR's WAM program provides high-quality professional environmental contractor services to local governments, typically valued at between \$5,000 and \$35,000 per site. The Phase I and II environmental site assessment work will provide valuable information to Edgerton and will help it take informed next steps toward cleanup and redevelopment.

In addition to WAM services, the city is applying for additional funding from other sources to help repurpose this brownfield property. WAM funds could potentially help leverage several million dollars in other assistance and redevelopment investment.

“The DNR’s help with this project is a critical step toward cleaning up and redeveloping the site,” said Mayor Lund.



This former shoe factory property in Edgerton, Wis., received WAM environmental contractor services, and will be put to new use.

Contaminants of emerging concern affect Wisconsin’s voluntary party program

Wisconsin’s Voluntary Party Liability Exemption (VPLE) program allows a person or entity to clean up a contaminated property, obtain case closure and receive an exemption from regulatory liability. The exemption applies even if environmental standards change or if the contamination is more extensive than initially identified. Once a VPLE Certificate of Completion (COC) is issued under Wis. Stat. § 292.15(2), current and future property owners obtain continuing environmental cleanup liability protections. Traditionally the exemption also would cover any subsequently discovered historic contamination – even if it was not tested for in the site investigation.

A VPLE COC transfers to state taxpayers an expectation that the DNR may remediate serious health and safety threats that were not previously identified and subsequently come to light. DNR has issued 186 COCs under this liability exemption framework since 1995, when state law first authorized the VPLE.

In the past few years, however, heightened health and safety concerns have been identified for several contaminant classes, particularly per- and polyfluoroalkyl substances (PFAS). This has prompted DNR to reevaluate the potential for historical discharges of PFAS and other contaminants of emerging concern at properties currently enrolled in the VPLE program. At present, 79 voluntary parties are cleaning up contaminated sites and pursuing VPLE COCs.

Determining the fate and transport of PFAS chemicals in the environment and identifying appropriate site characterization technologies for PFAS is complicated by the vast number and diversity of substances involved, and their frequent occurrence in complex mixtures that can change over time. Evaluating the wide variety of PFAS-containing source materials is also challenging. Currently, DNR recommends soil and groundwater testing as the best way to ascertain if PFAS was discharged at a property. Work continues to refine and improve PFAS detection.

In late 2018, DNR issued an interim decision to begin offering current and future voluntary parties COCs, and the associated liability protections, for just the individual hazardous substances that are investigated at a property. DNR will no longer issue COCs that provide liability protection for historical hazardous substances that were not investigated prior to obtaining the COC. Wis. Stat. § 292.15(2)(am) authorizes this new approach.

Before and after this decision was made, DNR staff met individually with people working on cleanup sites in the VPLE program to explain the agency’s apprehensions about PFAS and other contaminants of emerging concern. Options for obtaining a COC under the new framework were outlined and discussed. DNR also shared information about its interim decision on substance-specific COCs through letters to VPLE program participants, articles in the *RR Report* newsletter,

interviews with news reporters and at meetings with external stakeholders.

DNR is responsible for protecting public health, safety and the environment. It is also expected to be a good steward of state taxpayer dollars. Issuing new COCs that cover PFAS contamination that was not sampled or analyzed during the site investigation and prior to case closure, at a time when so much uncertainty exists, is not prudent and a breach of the DNR's fiduciary duty.

Before making this interim decision about PFAS and VPLE COCs, DNR reviewed the most recent national guidance documents and research from the U.S. Environmental Protection Agency (EPA), the Interstate Technology and Regulatory Council (ITRC) and other sources. DNR staff also worked with the Association of State and Territorial Solid Waste Management Officials, Inc. (ASTSWMO), to gather information about how other states handle emerging contaminants in their voluntary cleanup programs, such as conditions under which approval decisions could be reopened, and the scope of liability protection provided in other states.

Four new COCs have been awarded since VPLE program changes were implemented

Since December 2018, following VPLE program changes related to contaminants of emerging concern, DNR has issued 4 VPLE COCs for former brownfield properties. These COCs provide liability protection for the hazardous substances that were investigated. Three are already redeveloped, and one is seeking a developer. Summary information about the four properties follows.

1. River House Apartments (former Gallun Tannery property), Milwaukee

Tannery operations at this 5.5-acre property on the Milwaukee River started in the late 1800s and ended in 1993. The land and facilities were not reused and steadily declined and deteriorated after the closing. Vandalism, including graffiti and more, was widespread. A large wall of the main building collapsed during a storm in 2011.

In addition to demolishing structures, the company conducted and completed extensive environmental investigation and remediation work. Remedial actions included targeted excavations and the capping of residual contamination with buildings, pavement and construction of a new dock wall.

The VPLE COC was issued in December 2018 and helped make possible a property development phase that included two new buildings with 243 residential units and a riverwalk. Phase two construction is underway.

2. Lullabye Furniture, Stevens Point

The Lullaby Furniture company began manufacturing operations at this downtown property in the 1890s. They made various types of furniture and specialized in baby cradles. It was a long-running successful business, with even Lucille Ball promoting their wares in the 1950s.

The plant closed in the 1990s and remained idle and vacant for many years. The city of Stevens Point acquired the property in 2008, making use of multiple DNR Green Team meetings and liability clarification letters to inform their plans and decisions.

Following property acquisition, obtaining Wisconsin's local government environmental liability exemption, and acquiring a \$200,000 Ready for Reuse grant from DNR, the city assertively took charge of the situation and led the way on site investigation and cleanup. The city received its VPLE COC in February 2019 and is currently talking with developers to create a new mixed-use facility. Revitalization of this long-dormant brownfield property will be a big step forward for the community.



North End Development, Milwaukee. Photo courtesy of The Sigma Group, Inc.

3 & 4. North End Development – Site F and Sites D&E of the former U.S. Leather Tannery, Milwaukee

Two VPLE COCs were issued in February 2019 for final-phase work at a 19-year-long revitalization effort in downtown Milwaukee's North End neighborhood. Work began in 2000, when United States Leather Inc. closed its Milwaukee operations, including the Pfister & Vogel tannery.

"The tannery had 29 separate buildings quilted together. Load-bearing walls had been removed so U.S. Leather could sell some of its equipment. And fumes from industrial

chemicals left visitors coughing,” according to an April 13, 2018, Milwaukee Journal Sentinel story.

"The property was in shambles, the combined effect of their abrupt shutdown and damage caused during the equipment auction process," said Robert Monnat, Mandel Group chief operating officer. The Mandel Group is lead project developer.

The North End is now redeveloped into a commercial and residential complex on the Milwaukee River. This LEED

Neighborhood development includes more than 600 residential units, a grocery store and additional retail space.

The city contributed \$8.4 million to help pay for building demolition, environmental cleanup work, new streets, a riverwalk and other public improvements. The new development will have an assessed value of around \$95 million, and the city expects to recoup its investment by 2022. "A visitor to North Water Street now would find it hard to believe the transformation over the past decade," said Milwaukee Mayor Tom Barrett in the Journal Sentinel story.

PFAS contamination response a top priority for DNR

The Wisconsin Department of Natural Resources is accelerating its response and outreach on per- and polyfluoroalkyl substances (PFAS) contamination. Taking the lead on several of those efforts is the Brownfields and Outreach section of the Remediation and Redevelopment (RR) Program.

PFAS are a large group of human-made chemicals that have been used in industry and consumer products worldwide since the 1950s. The various compounds are widespread in the environment and found in people, wildlife and fish all over the world. In recent years, PFAS contamination has become a concern in Wisconsin and throughout the rest of the United States.

The first cases of PFAS contamination were reported in Wisconsin within the past few years. Locations of known PFAS contamination include military installations where firefighting foams have been used, as well as a Tyco/Johnson Control International firefighting training facility in Marinette. In these cases, the department is working with the responsible parties on site investigations and remedial action plans, which are currently on-going. The state also has a history of cookware and paper manufacturing; it's another source of concern for people in those communities.

Opportunities for Public Input

Drawing from a history of successful external advisory committees such as the Brownfields Study Group, NR 700 Technical Focus Group and the Contaminated Materials Management Group, the RR Program has organized a PFAS technical advisory group (TAG). The group is charged with identifying and helping to solve PFAS-related issues that are specific to the assessment and cleanup of environmental contamination. The goal of the group is to examine the what, where, when and how of PFAS investigation and remediation by sharing concerns, identifying current and proposed practices and strategizing on issues requiring solutions. Unlike the program's successful Brownfields Study Group, the PFAS group does not have appointed members; the meetings are open to any interested individuals.

Prior to the TAG's first meeting, the Brownfields and Outreach Section emailed hundreds of potential meeting attendees with the TAG meeting logistics, the group's stated goals and meeting materials. From those efforts, nearly 60 people attended the group's first meeting on Feb. 22 in Madison. Almost as many joined in via conference call for the four-hour meeting. Quarterly meetings are scheduled for 2019 and those dates have been announced via email, the PFAS TAG webpage and through the RR Program's *RR Report* newsfeed. To keep TAG members and the public informed about PFAS-related events and updates from the group, the Brownfields and Outreach section established a GovDelivery email distribution list. More than 180 people have signed up for those announcements as of early March. The section also created its own TAG webpage, a subsite of the agency's PFAS and Emerging Chemicals webpages.

Follow-ups with other DNR programs and partner agencies are being scheduled to determine the next steps of the TAG and if any subgroups or "issue teams" should be formed to report back or make recommendations to the agency.

Wisconsin Collaborates with U.S. EPA Region 5 Partners

On a snowy Tuesday in late January, a van full of assorted DNR program staff made the five-hour trek to neighboring St. Paul for a two-day meeting with colleagues at the Minnesota Pollution Control Agency (MPCA). Managers and staff from DNR's RR, Legal Services, Drinking Water, Office of Great Waters, Water Quality and Waste programs were anxious to spend time with their MPCA counterparts who've been working on PFAS issues for years.

DNR staff came away from the meeting with a better understanding of how MPCA has responded to PFAS contamination over the past decade as well as MPCA's current strategy. The PFAS discussion between the two state programs will continue.

DNR is currently evaluating opportunities for similar information-sharing meetings with other states.

DNR's Next Steps

The agency’s Environmental Management (EM) Division (which includes the RR program and five others that run air, water and waste programs) is forging ahead with several initiatives to address PFAS in Wisconsin:

- The RR program, along with the Drinking Water and Groundwater program, is collaborating with the Department of Health Services (DHS) to develop a standard operating procedure for responding to situations when PFAS is found in drinking water.
- The EM Division is working to establish collaborative workgroups with other states to share technical information regarding PFAS including sampling techniques, screening criteria, etc. A meeting with Region 5 states is planned for spring in Madison.

- The EM Division is reaching out to other divisions in the agency to address cross-media issues, such as PFAS in wildlife, fish and potential uses in forestry applications.
- The EM Division is establishing a small cross-program team to develop a GIS-based tool to screen for potential/probable sources of PFAS. The purpose of this tool is to help our programs prioritize work by focusing on areas with the greatest potential risk.
- The DNR will evaluate DHS's recommendation for health-based standards for two PFAS compounds in groundwater, possibly by summer 2019. In March 2019, DNR requested recommendations from DHS for an additional 36 PFAS compounds.

TASK 1 -- Timely Survey and Inventory

Enhance Site Discovery Through Inter-Bureau Coordination

The Remediation and Redevelopment Program continued its collaborative efforts with the Waste and Materials Management 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 staff working with waste and materials management, and remediation and redevelopment administrative codes. Team members provided support to Wisconsin DNR staff, consultants and responsible parties related to a new soil management guidance document and the contaminated soil tracking process.

The recent commencement of Wis. Admin. Code chs. NR 700–755 rule-making/updating processes, plus emergent contaminant concerns, and the retirements and reassignments of several key staff have, however, caused this inter-program team’s efforts to slow down somewhat. During this reporting period, the team continued working to better coordinate landfill regulatory responsibilities between the programs, develop a comprehensive list of landfills across the state, and update guidance for transferring landfills between programs.

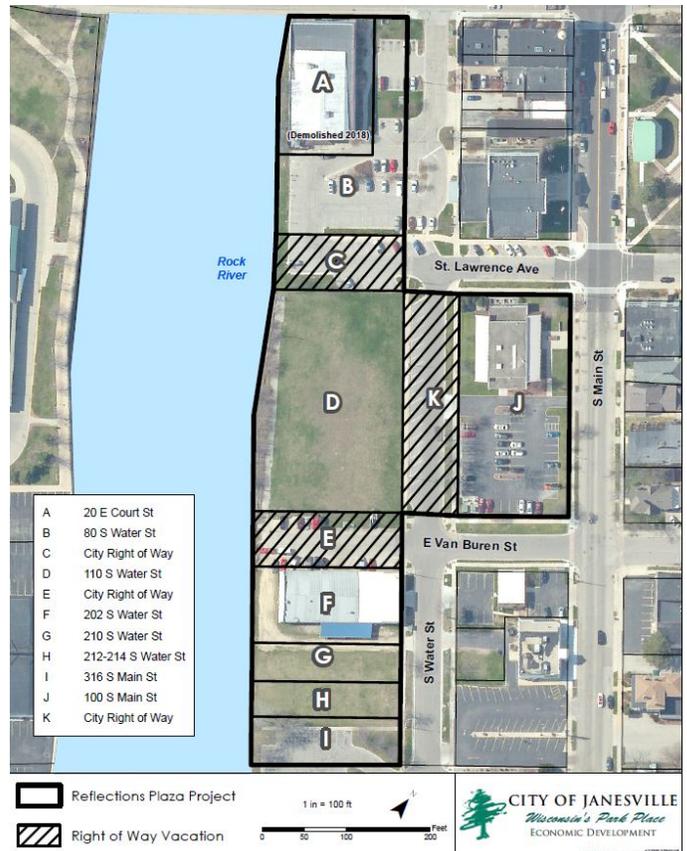
The group is also developing a public info-sheet, with a “frequently asked questions” section, regarding

Local Government Outreach to Promote Site Discovery

Workplan output: Creating and implementation of outreach efforts to LGUs to aid in discovery of potential sites

RR Program employees, both brownfields staff and site project managers have daily interactions with local government staff, officials and contractors. Some of these contacts are technical and site-specific in nature, while others are focused on liability exemptions, financial assistance

environmental regulatory liabilities for owners (and prospective purchasers) of properties containing closed landfills and unlicensed waste disposal areas.



opportunities and other brownfield redevelopment tools. In all cases, issues regarding environmental contamination and health and safety protections arise. These interactions always, explicitly or implicitly, involve discussions about site discovery, assessment, investigation and cleanup.

RR Program staff are trained and equipped to help local government staff and officials understand the state's environmental investigation and cleanup responsibilities, processes and benefits. DNR recognizes the important role that local government staff and officials play in brownfield redevelopment efforts. RR Program staff take every opportunity to answer questions, provide assistance and go the extra mile to help local governments succeed.

During this reporting period, DNR staff had numerous Green Team meetings with local government officials to assist them with brownfields remediation and redevelopment projects. For example, DNR staff met with the city of Kenosha and responsible parties to discuss a planned entertainment district that will involve redevelopment of multiple blocks of brownfields in the city's downtown area. DNR staff also had several meetings with the city of Janesville, a developer and potential end user that would anchor a large riverfront redevelopment project that will transform several historic brownfields. (See map on previous page.)

TASK 2 -- Oversight and Enforcement

Redevelopment Assistance Tools Updates

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

Over the grant period, the Wisconsin DNR provided written redevelopment assistance 73 times. The template documents for the tools listed below are developed, maintained and updated with sec. 128(a) 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.

Soil Management Training and Outreach

Workplan output: A strategy for handling soils and other solid wastes in protective locations, if management at a licensed landfill is not necessary -- Development of sampling protocols, standards for on- and off-site placement of materials, systems to track movement of materials and safeguards for final placement

The Remediation and Redevelopment (RR) Program continues to use its existing site-and-activity tracking system (BRRTS) to identify sites and facilities where contaminated soil and other solid waste were managed under a Wis. Admin. Code ch. NR 718 exemption, and not disposed at a licensed landfill.

Sites and facilities where contaminated materials were reused via this exemption are identified in BRRTS as 'Material Management Activities.' Between Sept. 1, 2018, and Feb. 28, 2019, eighteen new Material Management Activities were created in BRRTS and reviewed by RR Program project managers.

Regional RR Program staff track Material Management Activities in BRRTS; they obtain help from central office specialists when needed. The RR Program is currently working to identify Material Management Activities on its public web-based mapping system (RR Sites Map). The Program is also evaluating other request-approval-tracking options for materials management activities to determine if additional efficiencies and clarity can be obtained. A key goal is to give RR and Waste Program staff more time to accurately track activities when contaminated soil is managed at a different property.

Discussions with staff in both programs have taken place around the state to ensure that RR staff review all exemption requests that they have the responsibility for and authority to approve. This will ensure, in part, that these activities get tracked in BRRTS. Internal training on the tracking process occurred during this period.

Responsibility Through Due Diligence and RP Letters

Workplan output: Timely issuance of RP letters

The DNR uses sec. 128a grant funding to support its efforts to identify and track brownfield sites by issuing letters to the parties responsible (RP letters) under Wisconsin law for the investigation and cleanup of environmental contamination. This includes the causer

of the contamination and any current possessor or controller of the property. Wisconsin law requires that hazardous substance discharges be immediately reported to DNR. Often, when due diligence efforts include Phase I and/or Phase II assessment work, parties learn that hazardous substances were discharged on the property in the past – and those discharges must be reported. After receiving a notice of a hazardous substance discharge to the environment, the Remediation and Redevelopment Program sends the causer or possessor an RP letter to start the process of investigating the contamination and determining the best way for the site to be remediated. The DNR undertakes continuous outreach efforts to remind lenders, local officials, businesses, consultants and others about the notification requirements. During this grant period, Wisconsin DNR sent out a total of 132 RP letters.

Respond to Commercial and Industrial Bankruptcies

Workplan output: Appropriate and timely response to bankruptcies

The DNR receives notice of pending bankruptcy filings from the state Department of Justice. RR Program staff review these filings to compare the company's property location information with the Bureau for Remediation and Redevelopment Tracking System (BRRTS) database to determine if any unresolved contamination issues and/or continuing obligations at closed sites exist.

When additional case investigation exists, the RR Program's bankruptcy coordinator seeks input about the site from appropriate regional RR staff through a project manager (PM) worksheet. This worksheet helps identify potential environmental issues associated with properties involved in the bankruptcy filings. These internal reviews also help determine if DNR has previously spent any state funds at the properties that could be recouped.

Following completion of the worksheet, a bankruptcy team comprised of RR Program and DNR legal staff decide what, if any, action to take in response to the bankruptcy filing. Possible actions include filing a proof of claim with the court to request a share of the assets to recoup public funds spent at the property for investigation and cleanup work, and/or to help pay for future DNR monitoring of the property associated with bankruptcy re-organization and reuse plans. The RR Program staff reviewed 42 bankruptcy filings during this reporting period.

Continuation of Wisconsin Plant Recovery Initiative

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

The Wisconsin Plant Recovery Initiative (WPRI) is a Wisconsin DNR effort to help communities expedite the cleanup and revitalization of industrial and commercial facilities that have recently ended business operations. When a company announces a plant closing, DNR quickly contacts the company and offers to work with its officials and the community affected by the closing to ensure public health and environmental responsibilities are fulfilled.

The RR Program, using enforcement authority and brownfields tools, also works with the parties to help assess, investigate, clean up and reuse the property. Green Team meetings are encouraged to help the company and

community fully understand legal obligations associated with air, waste, water and land issues.

During this reporting period, DNR identified 13 plant closings for contact and consultation. Ten letters were sent to the closing businesses and the local governments where they are located.

These WPRI letters identify known environmental issues associated with properties owned by the companies, outline other related environmental responsibilities, and offer possible assistance options. In addition to public health, safety and environmental protection, DNR identifies resources for communities affected by the closings.

Plant closings include:

1. Bimbo Bakeries (Madison, WI)
2. Beechworth Windows (Ladysmith, WI)
3. Prinsco, Inc. (Appleton, WI)
4. Figi's Companies (S. Central Ave., Marshfield, WI)
5. Figi's Companies (N. Central Ave., Marshfield, WI)
6. Figi's Companies (S. Central Ave., Marshfield, WI)
7. Figi's Companies (E. 29th Street, Marshfield, WI)
8. Figi's Companies (Neilsville, WI)
9. Figi's Companies (Stevens Point, WI)
10. Becton, Dickinson and Company (Franklin, WI)
11. Compass Minerals America, Inc. (Kenosha, WI)
12. Lacrosse Hardwood Flooring (Westby, WI)
13. ABQC Corporation (Milwaukee, WI)

TASK 3 -- Mechanisms and Resources for Public Participation

The Wisconsin DNR's Remediation and Redevelopment (RR) Program uses 128(a) funds to help develop outreach materials, maintain comprehensive webpages, coordinate Green Team meetings with interested communities, give presentations, market state and federal brownfield grants and loans, and coordinate the work of the Wisconsin Brownfields Study Group. The Wisconsin DNR's public participation activities fall into two primary areas: public outreach activities and financial assistance to communities.

During this reporting period, RR Program staff participated in 24 Green Team Meetings, gave 2 presentations to varied audiences, updated or created 155 DNR webpages, participated in 2 media outreach efforts, and created 21 new publications and updated 49. The *RR Report* newsfeed has an audience of 4,000 subscribers and is updated regularly. The RR Program also sends subscribers a monthly email with links to recent posts. These monthly update emails, along with a few time-sensitive posts, went out on 9/5/18, 10/1/18, 10/16/18, 10/23/18, 11/14/18, 12/05/18, 12/12/18, 1/9/19, 1/28/19, 2/7/19, 2/15/19.

RR Program Automation Team Leader Sonya Rowe gave a presentation about DNR's online resources to 20-plus developers and environmental consultants who attended a Feb. 26, 2019, workshop in Madison that was sponsored by the Southeast Chapter of the Federation of Environmental Technologists (FET). The Brownfields and Outreach Section in the RR Program helped promote the event. Additional data is available in Table 2 below.

Table 2 – Summary of Public Participation Activities

	Mid-Year	End of Year	Annual Target
News Releases, Media Events, Articles, Social Media	5		3
RR Report Newsfeed Email Summary Announcements	11		12
New and Updated RR Publications	70		10
New and Updated RR Webpages	155		20
Green Team Meetings	24		30
Public Speaking Events	2		10
Workshops and Training Meetings	6		3

Coordinate Issue Identification and Legislation Follow-through with the Brownfields Study Group

Workplan output: Passage of new state brownfields legislation. Improvement of existing processes and programs -- Development of new programs and resources -- Development of emergency rules for Wisconsin Act 204 regarding use of VPLE at contaminated sediment sites

The DNR staff continued to meet with the Brownfields Study Group as they discussed areas for improvement to the state's brownfields laws including assistance for innocent landowners and the Voluntary Party Liability Exemption (VPLE) program. Full Study Group meetings were held in September 2018 and January 2019. In addition, staff worked on implementation of past legislative changes and administrative recommendations that originated with the Study Group including the rule making that addresses several issues, such as the new process to obtain VPLE for sediments and the Economic Development and Green Environment (EDGE) pilot program aimed at encouraging green industrial development on brownfield sites.

Perform Ongoing Public Outreach on Brownfield Redevelopment Tools. And, Market the RR Program and Educate the Public, Especially Local Governments, Regarding Tools Available to Cleanup and Reuse Properties

Workplan outputs: News releases, articles, media events, publications (fact sheets, brochures, etc.), website updates and other outreach materials. -- Workplan outputs: Green Team meetings, public speaking appearances, trainings, etc.

Brownfields outreach via assorted social media platforms is becoming a mainstay of the RR Program's Brownfields and Outreach Section. A Facebook post last October recognizing the 40th anniversary of the state's Spill Law and the Brownfields Study Group's 20th anniversary got good engagement and feedback. This post reached over 15,000 people, generated 124 comments and shares, and was clicked 408 times. The League of Wisconsin Municipalities also helped the Brownfields and Outreach Section share information with hundreds of local government staff and officials around the state about the DNR's brownfield grant and loan programs, as well as KSU's TAB webinar training events and services.

2018 marked the anniversaries of two things that shape and guide the Wisconsin DNR's Remediation and Redevelopment Program: the Spill Law ([Wis. Admin. Code Ch. 292.11](#)) and the [Brownfields Study Group](#). It's the 40th anniversary of "292," while the Study Group celebrates 20 years. Both were highlighted in [this article](#) in the fall edition of the DNR's [Wisconsin Natural Resources magazine](#).



TASK 4 -- Mechanisms for Approval of Cleanup Plans, Verification and Certification

DNR approved case closure for 162 cleanup sites during this grant period. Case closure means 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 committees, made up of experienced project managers, to ensure the closure request is thoroughly reviewed and to monitor decision consistency in the region and throughout the state. All site actions are documented in DNR's publicly accessible database and the associated RR Sites Map.

Audit Continuing Obligations at Closed Sites

Workplan outputs: Determine if sites closed out with continuing obligations have met and continue to meet those restrictions, and bring sites back into compliance, if necessary

Wisconsin owners of real property with residual contamination are responsible for complying with continuing obligations imposed by DNR at the time of case closure to protect public health, safety and the environment. For example, if DNR approved a cleanup with residual contamination under a parking lot, the property owner is required to maintain the parking lot to specified standards.

Continuing obligations run with the land and apply, until removed by DNR, to present and future property owners. Public notice and detailed information about continuing obligations is available on DNR's online database BRRTS on the Web, and the associated RR Sites Map.

The DNR's RR Program conducts periodic audits of properties with continuing obligations to evaluate compliance. Closed sites are the ones most often audited, although open sites that have completed an interim action may also have continuing obligations that are audited. Common continuing obligations audited by DNR include: caps/covers over residual contamination; structural impediments that restricted the original investigation and cleanup in some way; industrial land use restrictions, and; operation and maintenance of vapor mitigation systems.

For the reporting period of Sept. 1, 2018 through Feb. 28, 2019, eleven (11) sites with an active vapor intrusion mitigation system were audited to evaluate compliance with case closure conditions. RR Program staff also screened 91 additional sites where building construction on the property could result in a vapor intrusion risk to building occupants.

Since 2004, approximately 715 sites have been audited, and a few have been audited more than once. As of September 2017, DNR has required follow-up actions at 96 sites to maintain compliance with continuing obligations, and, to date, 78 of these sites have returned to compliance. DNR's online database applications are updated to reflect these activities and notices.

Streamlined and Consistent Case Closure Process

Workplan output: Implementation of new closure form and process

Over the reporting period, the RR Program has had several small group meetings to continue to update the closure form and associated closure template letters. In January, interim updates were launched to the closure form that included modifying the professional certification and signature page to match language in Wis. Admin. Code ch. NR 712. Staff will continue to work toward improving flow and functionality of the new draft form in the coming months.

Implement Voluntary Party Liability Exemption (VPLE) With Contaminated Sediment as A New Media

Workplan output: Continued implementation of VPLE process

2015 Wisconsin Act 204 created an alternative process for sediment cleanup sites to obtain the Voluntary Party Liability Exemption (VPLE). To effectuate this new statutory provision, RR Program staff have taken the following initial steps:

- Initiated administrative rulemaking to update rules regarding long-term care financial responsibility for closed VPLE sites, and to clarify cleanup standards for sediment sites. See NR 700 series rulemaking story on page 5.
- Continued involvement with the DNR's inter-program contaminated sediments team to develop guidance documents detailing best practices for responsible and voluntary parties involved in sediment investigation, monitoring and remediation. Rules will be updated to clarify how existing regulations apply to a sediment site.
- Providing information to all parties interested in obtaining VPLE for specific ongoing sediment sites, through meetings, conference calls, email and more. Discussing how parties can move their sediment sites through the VPLE program.
- Two new sites, with large sediment cleanup components, have recently entered the VPLE program. RR Program staff are working closely with these parties to successfully employ the new law.

TASK 5 -- Establish and Maintain the Public Record

Maintain and Update RR Sites Map and BRRTS on the Web

Workplan output: Enhanced geo-location and mapping options

During this reporting period the RR program completed several upgrades to its primary site-tracking application, the Bureau for Remediation and Redevelopment Tracking System (BRRTS). This included launching a new, external-facing, document submittal portal and a related internal dashboard.

These new tools provide customers and staff with a streamlined, time-saving process. They also support other web-based applications, such as BRRTS on the Web and RR Sites Map. Reporting period highlights include:



- Improvements to search functions and criteria so staff can pare search lists faster.
- A new action code look-up tool for staff to speed up data input.
- Improvements to data entry windows and tools to make it easier for staff to enter, validate, and clean up data.
- New reports created to more quickly verify information and maintain data quality.
- Updates to the auto letter-generator to give staff more flexibility with template letters.
- New relationships to other activity types to make it easier for users to identify links and connections between individual sites.
- Updates and improvements to document upload tools to make process more efficient.
- Creation of a new facility-wide activity type for tracking information at large sites with a negotiated agreement in place.
- Added a knowledge transfer tool that exports a project-manager specific spreadsheet with project milestones to help new staff quickly understand site history and status.
- Added tools to track Wis. Admin. Code ch. NR 712 consultant qualifications and certifications.
- Created new document submittal portal for RPs and consultants to use to submit required documents.

- Created an internal dashboard for staff to efficiently verify which RPs and consultants are approved to submit documents via the Submittal Portal.
- The RR program’s Automation Team continues evaluate, modify, and update features and functionalities of all applications.

Digitalization 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 the first half of this grant period, the Program Support and Automation teams have tackled more specialized processes, and have focused on improving usability, including the following:

- Refined and simplified tracking and display of case closure documentation.
- Refined and simplified tracking of NR 712 document compliance.
- Cleaned up and displayed deed instrument documentation and data (e.g., liens, affidavits).
- Initiated upload and geolocation of backlog of continuing obligation packets.
- Began a pilot project to develop protocols for upload and display of large files (greater than 250MB).
- Reviewed 500+ action codes for readability to the public and revised/eliminated as necessary.
- Uploaded 10,599 documents to BOTW, thereby improving the public’s access to site file data.

TASK 6 -- Enhance the Response Program Cleanup Capacity

Implement Wisconsin Assessment Monies Program

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

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. WAM awards have been provided to 52 communities, and 36 of these communities have a population under 10,000. Closed or closing industrial plants are prioritized for WAM awards, but other types of brownfields that meet certain objectives can also receive assessment services.

The DNR’s RR Program is currently administering two separate \$600,000 federal site assessment grants from EPA. During this reporting period, DNR awarded three new contractor service requests: 1) Limited site investigation at 31st & Galena site; 2) Limited SI, former Northwoods Hospital; and 3) Phase I assessment for a former shoe factory in Edgerton (see page 6). Three projects were also completed during this reporting period: 1) Frederic Lot site investigation; 2) former Millfab manufacturing and Holley Molding in Stoughton Phase II assessment work.

Since 2009, EPA has awarded the Wisconsin Brownfields Coalition \$3.3 million in Brownfield Assessment grants, which the Wisconsin 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 micro communities to take charge of brownfields. See Table A below, for a list of site locations, facilities, and contractor services awards provided in FY16, under Cooperative Agreement BF 00E02021.

Table A - Wisconsin Assessment Monies Awards - 104(k) Assessment Funds

LOCATION	FACILITY	AWARDED SERVICES
Horicon, WI	Former Gardner Sites	Project not awarded
Green Bay, WI	Fabry Glove	Project not eligible
Edgerton, WI	Lawton Street Site	Phase I & II completed (Sept. 2017 & Jan. 2018)
Stoughton, WI	Millfab /Holley Molding	Phase II completed February 2019
Oshkosh, WI	Waite Grass Rug Factory	Phase II completed in October 2017
East Troy, WI	CMERT	Phase II completed in December 2017
Owen, WI	Owen Manufacturing	Phase I completed in September 2017

LOCATION	FACILITY	AWARDED SERVICES
Ashland, WI	Ashland Ore Dock	Phase II completed in January 2018
Land O' Lakes, WI	Nagel Lumber	Phase II completed in August 2018
Milwaukee, WI	401 E. Greenfield Site	Phase II completed in February 2018
Fitchburg, WI	Index Road Project	Phase I completed in April 2018
Janesville, WI	Former Cole Electric Supply	Project not awarded
Marathon City, WI	Weisenberger Tie & Lumber	Awaiting signed access agreement
Pittsville, WI	Former Fur Foods/Right-Of-Way	Limited Site Investigation underway
Winneconne, WI	PDK Properties	Phase I completed in July 2018
Racine, WI	Imperial Laundry Services	Phase II underway
Frederic, WI	Vacant Lot	Limited SI completed in January 2019
Phelps, WI	Northwoods Hospital	Phase I completed in February 2019
Edgerton, WI	Shoe Factory	Phase I ESA underway
Milwaukee, WI	31 st & Galena	Limited SI is awaiting clarification on redevelopment plans
Marinette	Colonial Building Site	Awaiting an updated access agreement

Implement Ready for Reuse RLF Program

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

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

The Wisconsin DNR's RR Program administers the funds as 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 received \$500,000 in hazardous substance funding through our open cooperative agreement (BF00E01344). Staff continued to work with existing award recipients to move their projects forward. Awards were made to the Village of West Milwaukee and Prairie du Chien.

The Wisconsin DNR promotes the Ready for Reuse Program through its website, at Green Team meetings, in RR Report newsletters, 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 which indicates high program awareness and a strong funding need.

Petroleum Eligibility Letters

In this reporting period, the DNR RR Program researched, evaluated, and provided 17 eligibility determinations for petroleum assessments and/or cleanups using EPA brownfield grant funds:

- Horlick Haban Site N., 2200 Northwestern Ave., Racine
- ROW adjacent to 3915 S. Howell Ave., Milwaukee
- Gehl Co. Property – Main, Water Street, West Bend
- Blaine Property, 2010-12 NW Ave., West Bend
- 1500 Summit Ave, Racine
- 1450 Summit Ave., Racine
- 0 Second Street, Stevens Point
- Jerry's Service, 1105 Second St., Stevens Point
- Portesi Foods, 916 Centerpoint Dr., Stevens Point
- 0 Third Street, Stevens Point
- 914 Portage Street & 1000 Third Street, Stevens Point
- 531 South Broadway, Green Bay
- 525 South Broadway, Green Bay
- Area C, D, E, J and K Reflection Plaza, Janesville
- Area F Reflection Plaza, Janesville
- Brillion Iron Works, Brillion
- 24, 28 and 32 S. Main Street, Hartford