Wisconsin Brownfields Study Group 1998 – 2018

FRIDAY, SEPTEMBER 28, 2018
DANE COUNTY – UW EXTENSION

WIFI NETWORK: DANEGUEST
PASSWORD: NO PASSWORD
Act 70

Integrated Brownfields, VPLE, and Air Permits Initiative
RR Program Budget

- RR program budget updates
  - $2.3M in cash per year
  - $5.2M in environmental repair bonding
  - $4.1M in sediment bonding
- 112.5 authorized staff
- Approximately 30% of staff are federally funded
- 9 number of funded vacancies
- 5.6 unfunded vacancies
- Average PM workload: 70 open sites + approximately 20% additional workload in “other assistance”
RR Hiring Updates

Recruitment and Hiring:
- Business services coordinator in Madison
- Vapor Intrusion Team Leader
- Sediment Team Leader
- 2 hydrogeologists in NER
- 1 environmental program associate SER
- 3 sediment engineers – NER, NOR and SER
- Policy coordinator – Madison
RR Accomplishments

- Open Sites 5878
- RP letters sent = 247
- Case closures = 373
- New VPLE applicants = 5
- VPLE COCs = 16
- Redevelopment assistance = 136
- Acres available for reuse = 1377
- Green Team meetings = 61
- EPA, WNDR, and MPCA Federal Grant Training
- LGU Conference – May
- Additional federal brownfields funds

- Files or Images Downloaded from BRRTS on the Web = 116,482
BSG Recommendations

Innocent Purchaser Committee
RR Program Updates

- Clean Soil – Darsi Foss

- NR 712 – Darsi Foss
  - Fact sheet on NR 712 ready for release
  - Finalizing internal guidance and tracking
  - Finalizing training for staff
RR Program Updates

- Case Closure Reconsideration – Steve Ales
RR Program Updates

- DNR Rules Process – Molly Schmidt
  - Content
  - Scope statements
  - Process
  - Advisory input
RR Program Updates

Phase 1 – Scope Statement
- Preparation of scope by agency staff
- Gubernatorial approval
- Publication in Administrative Register (Begin 30-month scope statement)
- Approval by NRB

Time in stage: 6 months
Total time in rulemaking process: 6 months

Phase 2 – Rule Development
- Initial drafting of rule by agency staff
- Preparation of board order, including board order analysis

Time in stage: 16 months
Total time in rulemaking process: 22 months

Phase 3 – Economic Impact Comments
- Preparation of economic impact analysis (EIA)
- Solicitation of public comment on EIA

Time in stage: 2 months
Total time in rulemaking process: 24 months

Phase 4 – Public Hearings
- NRB passive review 15 days
- Publication of hearing notice
- Review by Legislative Council (20 working days)
- Public hearings, comment period closes

Time in stage: 3 months
Total time in rulemaking process: 27 months

Phase 5 – Rule Adopted by NRB & Governor
- Modification of board order after public comment
- Adoption by NRB
- Approval by Governor

Time in stage: 3 months
Total time in rulemaking process 30 months

Phase 6 – Legislative Review
- Report to Legislature and notices submitted (30-month scope statement deadline)
- Standing Committees and JCRAR review
- Secretary signs and rule filed with LRB
- Rule published; effective first day of the month after publication

Time in stage: 2-4 months
Total time in rulemaking process: 32-34 months
NR 140

Next steps in NR 140 Process – Darsi Foss

- Ch. 160 – Overview of Groundwater Law
  - enacted in 1984 to minimize the concentration of polluting substances in groundwater through the use of numerical standards
  - Each regulatory agency must identify substances already detected in groundwater or having a reasonable probability of entering groundwater and submit a list to DNR
  - Any person may petition an agency to add or delete a substance from the list
  - Substances are determined to be either of public health concern or public welfare
Within specified timelines, DNR must categorize and rank the substances and transmit a list of public health concern substances to DHS.

DHS follows a specified process and timelines to review and recommend health based numerical standards:
- Enforcement Standard (ES or red light)
- Preventative Action Limit (PAL or yellow light)

Once standards are established, each agency is responsible for ensuring compliance within its own areas of authority.

Chapter NR 140 contains the range of responses required by an agency when a PAL or ES is exceeded.
DNR transmitted a list of substances (Cycle 10) to DHS on March 2, 2018.

- There are 27 substances proposed for NR 140 numerical groundwater standards:
  - 11 updates to existing standards and
  - 16 new standards.
- DNR received a petition on August 16, 2018 to add additional PFAS compounds to the list under Chapter 160

Next Steps:
- Waiting for DHS to complete their review on March 2018 request
- If DNR elects to amend NR 140, need Statement of Scope approved by the DNR Secretary, Governor, Legislature and NRB
- Follow rulemaking steps
VPLE Review
Subcommittee
Minnesota Pollution Control Agency

Natural Resources Damage Claim for PFAS

GARY KRUEGER
EPA Update

JOHN GROSSHANS
PFAS: Impact on VPLE

GENERAL DISCUSSION
Standing Items

- WMC Update
- WEDC Update
- BSG membership and structure update
- 2015 BSG report and recommendations
- Next regular meeting
- Confirmation of assignments