

## Draft Notes

### Pilot Program for Manufacturing Facilities on Brownfields

April 5, 2018 | 1:00 – 3:00pm

Wisconsin Department of Natural Resources

101 S. Webster Street | Madison | Room 713

Conference Call Option: 1-888-291-0310 | Passcode: 6140 078#

1. Introductions
2. [Act 70](#) – Background and Intent (Thimke)
  - a. Brownfield study group was put together by legislature 20 years ago
    - i. Tasked with considering brownfield related issues and reporting on policy issues
    - ii. Last review: expand the use of brownfields
      1. Brownfields are often looked at as a clean-up project and not a reuse project; especially not for manufacturing
      2. Can we create a pilot program to create certainty on land and air sides to be able to reuse the sites for the manufacturing industry?
        - a. Act 70 includes this idea

Q: Is there anything in this pilot that will have construction requirements?  
A: Because this will be overlaid with Green Tier, there will likely be some requirements  
B: The PDFs below were provided in hardcopy at the April meeting:
3. Requirements for Pilot participation
  - a. [Voluntary party liability exemption](#) (Haag)
    - i. A way to voluntarily investigate and clean up a site and receive a liability exemption
      1. Assess and investigate (Phase I & II)
      2. Conduct remedial action
      3. Obtain DNR review and closure letter
      4. Certificate of completion: assurance that contamination has been cleaned up to state required standards
    - ii. Many different types of sites can qualify for VPLE
    - iii. Certainty: assurance that you will not need to undertake further clean up on the property; ability to sell the property in the future
  - b. [Green Tier](#) (Sukup)
    - i. Voluntary program that involves superior environmental performance and is based in statute
      1. Everyone part of Green Tier uses the Environmental Management System (EMS): a tool that helps a company understand environmental impacts
    - ii. Participation:

- 1 Tier 1: encourages innovation, collaboration, and environmental goal setting
  - 2 Tier 2: involves written contract between DNR and facility
  - 3 Charter: involves a trade organization, or a multitude of organizations to address a common issue
- iii Requirements for developing a Tier 2 contract:
- 1 Clean enforcement record
  - 2 Letter of Intent (and public notice/press release)/Request to participate
  - 3 Develop a participation contract
  - 4 Commitment to maintain involvement of interested parties
  - 5 Use EMS and have a system audited annually
  - 6 Complete a compliance audit annually (Tier 2)
  - 7 Report annually to DNR on progress, audits, performance results, and future goals
- iv Benefits:
- 1 Receive a single point of contact
  - 2 Improved relations with the agency
  - 3 Green Tier logo use
  - 4 Recognition
  - 5 Web page on DNR Green Tier website
  - 6 Opportunity to network with other environmental leadership companies
  - 7 Potential for permit streamlining, modified monitoring requirements, alternative compliance methods (Tier 2)
  - 8 Cost savings
  - 9 Attract new employees and employee retention
  - 10 Public participation element to Green Tier provides opportunity for community involvement

Q: Since the program began, how many companies have started and completed?

A: This is ongoing, by nature it is never completed. Probably around 90 participants so far.

Q: Where are the locations of the participants?

A: Heavy toward MKE, Madison, Fox River; but spread all throughout the state. Green Tier website has an interactive map.

c. [Air permits](#) (Hart)

- i Registration Operation Permit (ROP)
  - 1 General permit involving low emitting facilities, undergoes public comment and is issued, eligible facilities apply for coverage
  - 2 Type A Permit: caps emissions at 25% of major source threshold
  - 3 Type B Permit: caps emissions at 50% of major source threshold
  - 4 Type C Permit for Printers: capped at 25% of major source threshold
- ii Requirements:

- 1 Actual emissions must be under the threshold
    - 2 Only certain federal standards are allowed
    - 3 Must not need a case by case determination (general permit)
    - 4 Must not need a Title V Permit
  - iii Advantages:
    - 1 Simple application
    - 2 Quick coverage decisions
    - 3 Flexibility: facility may add or modify equipment without getting a construction permit (this is a huge plus for many facilities)
  - iv Disadvantages:
    - 1 ROP does not list out requirements but facility must still comply with all applicable requirements (facilities must reach out to Small Business Program and do their own research)
    - 2 Facilities cannot rely on permit to list specific records or monitoring that must be kept (facilities need to do their homework to make sure that they remain in compliance)
    - 3 Few visits by compliance representatives
  - v Around 700 facilities are involved
4. Advisory Group charge
  - a. What is in scope?
    - i Put together a package that makes it easy to apply (create a standardized approach)
    - ii Define the need for funding
    - iii Explore the concept of a charter
    - iv Explore the concept of a new registration system
    - v Research on existing facility conditions
    - vi Build an ongoing check for this program
    - vii Establish baseline and criteria for measuring environmental and economic effects
  - b. What is not in scope?
    - i Major sources
    - ii Searching for funding
5. Discussion – within the scope of authority, how can DNR help position this pilot for success?
  - a. Flexibility might give us ability to create certainty that facilities will be able to remain in compliance and apply for grants in the future if conditions change
    - i Whatever the package is, it could include a standardized Green Tier contract
  - b. If this is a pilot are we allowed to go beyond admin rule 50%?
  - c. Do we need to request a language change in Act 70 that requires this to be a new facility?
  - d. DNR can issue a charter to an association of entities to assist those entities in participating in Green Tier
    - i The charter can be defined by the requirements and if facilities are willing to comply, then they can be covered by the charter

- ii Funding needs to be available under the charter (legislature will need to find funding)
      - iii What actual changes do we need to make within the program?
    - e. EMS registration has underlying applicable requirements section to make sure applicants are aware of them. Compliance audits would check those
    - f. ROP would include a review of applicable requirements
    - g. Should there be a path for Tier 1 that uses existing permits?
      - i Focus on Tier 2 to get the most flexibility for the largest emission facilities
      - ii Mine the current data to figure out what we actually need
    - h. What is the structure of implementation? This will need to be fleshed out as we go forward; air, brownfields, and Green Tier would coordinate
      - i Deliverable for this project is implementation: how does DNR staff this, how will this be marketed
        - 1 We will want to have external check-ins and input at key points along the way to make sure we are on the right track
        - 2 Being clear upfront on the advantages and steps
      - ii Deliverable: report on environmental and economic effects
6. Other ideas for innovations (within scope)
  - a. Green Tier registration permits (Hart/Sukup)
    - i The 80% threshold is because EPA's compliance program excludes sources emitting below the 80% threshold.
    - ii Allow new source standards and national permit standards as long as they do not require a Title V permit.
    - iii Latest available control techniques can be met through EMS provisions that target reductions in VOC emissions
    - iv Do we need to make a statutory change to be able to issue at this level?
      - 1 SIP approval, or rule or statute revision?
    - v We could create a subgroup of this group to investigate opportunities of these registration permits (Jennifer, Kristin, Mark, Patti, Amy, Jeff)
    - vi Is there a separate participation contract for Tier 2?
      - 1 Start by mapping out what we are currently doing and if it is working
  - b. Larger sources - \$ for controls (Hart/Sukup)
7. Next steps
  - a. Goals
    - i Short term goal: create charter; investigate legal and technical issues; develop metrics
  - b. Advisory Group Structure
    - i DNR can assimilate the notes into a advisory group charter
    - ii Kristen and ROP subgroup start working on the legal and technical issues
  - c. Schedule
    - i Have a draft released to this group May 3; meeting/call on May 11 @ 10-12
    - ii Brownfields study group meets May 17

Air group meets May 2