

Attachment 1 - Proposed Talking Points for Municipalities - Act 70 Pilot Project
Art Harrington – October 31st

- Purpose: Outline an ideal type of project that could utilize the special registration permit provisions contained in Act 70
- Proposed outline of an ideal project
 - The property is characterized by a plant closure with accompanying loss of jobs in a community
 - There is concern about potential contamination on the property resulting from past history of industrial use
 - The municipality (City or Village) desires to see productive industrial reuse for the property
 - A developer exists who would like to construct a new multi-purpose building that could be subdivided for light industrial use by tenants who have proposed air emissions but those tenants each qualify as a minor source.
 - The proposed construction project will be characterized by energy and/or water efficiency onsite infrastructure
- Propose legal structure of the Ideal Project
 - The property is located in an ERTID or TID
 - Municipality and/or CDA/RDA acquires the property and relies on a municipal liability exemption under Sec. 292.11 (9)(e).
 - The developer enters a ground lease with the municipal owning entity with an option to purchase when environmental contingencies are satisfied (VPLE certificate granted for the property).
 - The developer obtains a letter from DNR that it and the existing/future tenants have no liability for pre-existing contamination located on the property.
 - The developer enters a Green Tier Charter that covers the developer and future tenants on the property with a superior environmental performance based upon the water and energy efficiency components of the new proposed development.
 - The developer agrees to provide as condition of the lease the performance of an EMS system for each of the tenants and provides a process for annual environmental compliance audits to be conducted for the operations of each future tenant. The results of the audit are covered by the EPA and DNR audit policies provided requirements of the policies are followed by the tenant.

- The City conducts the investigation necessary for VPLE coverage for the light industrial use proposed for the property. In the unlikely event a significant environmental pre-existing condition is discovered that make the use of VPLE unreasonable, only limited remediation is conducted to support existing use and the municipal entity, the developer and tenants rely on the respective assurance letters provided by the DNR for any other remediation that would otherwise be required under existing law.
- In the event investigation results in limited contamination and proposed remediation is cost effective, the municipal entity completes remediation and receives the necessary VPLE completion certificate for the benefit of all parties.
- The following costs are covered by the ERTID or TID:
 - Environmental Investigation and remediation necessary for the VPLE
 - Cost of EMS/Audits required by Green Tier 2 status for the property and tenants' operations
- Milestones are included in the Development Agreement between the developer and municipality to reach benchmark dates under the VPLE program that are enforceable (e.g. Complete Site Investigation, Remediation Completion and Completion Certificate) subject to approval by DNR.
- Once the Green Tier Status is certified for the Developer and future tenants and VPLE completion certificate is issued, each existing and future light industrial tenant are entitled to receive a ROP with the benefits afforded by Act 70 for the air permit