

Subcommittees & Potential Issues for 2014 Report from the Wisconsin Brownfields Study Group

1. Waterfront

Co-Chairs: Bruce Keyes & Dave Misky

State Buddy: Christine Haag

Issues

See DNR's note from Secy's roundtable

Sediment

Dockwalls, Piers

Public Trust

Continuing Obligations

VPLE

Soil v Sediment

Dredging

Funding / Financing

Chapter 30

Board Public Lands

DNR Organization

Watershed Cooperation

Streamline App for \$\$\$

Advocate needed for bundling small projects

State – Federal Jurisdiction

Transparency

DNR Decision maker

Climate Issues

Common to all Subcommittees: IT needs, Business needs, Fed / State Interface

Post-It Notes

Nancy Frank

Sharon Gayan – DNR Water

Representation from the Great Lakes Water Institute or similar

Roy Wittenberg – Natural Resource Technology

Rick Fox – Natural Resource Technology – rfox@naturalrt.com

Frank Dombrowski – We Energies – 414-221-2156

Mark Thimke

Mary Panzer

Vicki Elkin – Fund for Lake Michigan

Mat Reimer – City of Milwaukee

DOA Budget Analyst?

Jeff Voltz (DNR Analyst)?

2. Liability

Chairperson: Mark Thimke

State Buddy: Michael Prager

Issues

Issue paper 1 (e) i-vi:

- i. Sediments and VPLE- see section #6
- ii. Expansion of business and air program
- iii. Private cost recovery statute
- iv. Underfunded or single-purpose LLCs
- v. Non-licensed landfill/fill areas
- vi. Local governments: Expand definition of LGU?

Post-closure obligations / due care

Access

Fine tune possess & control

WI v. Chrysler – outreach

Lenders

Off-site

VPLE

3rd party lawsuits and VPLE

Urban Ag

PCBs

Private Cost Recovery

Delete 292.35

Bankruptcy / ownership

Receivership DNR Ownership

Common to all Subcommittees: IT needs, Business needs, Fed / State Interface

Post-It Notes

Dan Kolberg

Karen Dettmer – City of Milwaukee

Roy Wittenberg – Natural Resource Technology

Jodie Potter – True North Consultants

3. Municipal / Local Governments

Co-Chairs: John Stibal & Sam Tobias

State Buddy: Dan Kolberg & Jenna Soyer

Issues

See notes on “f” from issue document:

f. Municipal Incentives:

1. Modify Negotiated Sale In Lieu Of Bidding For Tax Delinquent Brownfields Properties: Create a statutory amendment to s.75.69(2), Wis. Stats., that would allow a county or city of the first class to transfer tax delinquent property it owns, without using the competitive bidding process, if environmental pollution is present and the property meets the definition of a brownfield under s.292.75(1)(a), Wis. Stats.
2. Assign Judgment Of A Tax Deed Without Taking Title: allow a county to execute a tax deed under s.75.14(1), Wis. Stats., to an individual under the same conditions as prescribed under s.75.106, Wis. Stats.; -allow the individual who has elected to accept a tax deed under the above conditions to commence an action to bar former owners under s.75.39, Wis. Stats.
3. Clear authority of county to cancel all or portion of taxes prior to transfer to other local government – outside of ss. 75.105 & 75.106
4. Structural/salvaging Model Ordinance
5. Vapor intrusion
 - model ordinance
 - Vapor intrusion partnership initiative with DNR
6. Access to contaminated properties authority
7. BF Best Management Practices Guide
8. Area wide Cleanups - <http://www.nj.gov/dep/srp/brownfields/bda/index.html>

Adam Gallagher’s comments

Below are the comments I received from other county treasurers on the draft 2015 Brownfields Study Group topic 1-F.

“I find them interesting ideas...3 may be redundant as we can use 75.17 to transfer to a muni for no consideration....it’s taken by tax deed so it clears the taxes and we are allowed to “give” it to them. I would be very wary of the first one if its intent is to transfer to a private party and not a taxing entity. I would want agreements in hand and many of the requirements of 75.105 with the addition of a letter of credit to be held until such a time as the remediation is complete or they have spent more than the value of the property/taxes for the remediation to make sure it is not being misused. We haven’t seen a need for 1) as we generally work with the municipality and use 75.17. I’ve often wanted an option like 2) so that one I would be very interested. I would also add the potential to change municipality in most of these statute to taxing entity as we have had some cases where the school district was interested in cleaning up and retaining contaminated property near a school.”

“Regarding the highlighted areas under Municipal Incentives –

f.1. I think they’re asking 75.69(2) to be modified so counties are able to transfer brownfields without a bidding process? I believe any pricing exceptions for brownfields properties are adequately addressed in 75.105 and 75.106.

f.2. Something to do with tax deed process? Not sure what's being proposed.

f.3. Clear authority to cancel all or portion of taxes in order to transfer property to another local government, outside of 75.105 and 75.106. It appears this would allow transfer of any property (non-brownfield included?) to municipalities for any price. Transfer of brownfield land to munis is also covered under 75.17, which gives a lot of leeway on price. What is trying to be achieved in this that's not already allowed under 75.105, 75.106 and 75.17?

Sounds like they're trying to loosen up the statutes. Examples of situations that are causing issue would be helpful to determine whether these changes are really needed."

\$ coordinated with Finance subcommittee

Separate 3rd party for LGU

Utilities & Infrastructure

BMPs for Vapor

Definition of LGU – asbestos?

Model Ordinances – demolition & salvage

PACE program as model for brownfields funding?

Outreach and NR 714

Exemption criteria / methods of acquisition s. 292.11(9)(e)

Common to all Subcommittees: IT needs, Business needs, Fed / State Interface

Post-It Notes

Karen Dettmer – City of Milwaukee

Dan Kolberg

Art Harrington

John Stibal

Sam Tobias

4. Technical

Chairperson: Scott Wilson & Karen Dettmer

State Buddy: Tom Coogan & Mick Skwarok

Issues

VI

Chlorinated solvents

Building contamination

Background levels (lead, PAH)

Sediment standards

292.12 & Feds

NR 718 and Low Hazard Exemptions

Urban Ag : direct and uptake numbers

Presumptive remedies / guidance on historic fill sites

Common to all Subcommittees: IT needs, Business needs, Fed / State Interface

Post-It Notes

Frank Dombrowski – We Energies
Chris Valcheff
Karen Dettmer – City of Milwaukee
Jodie Potter – True North Consultants
Dan Buss
Roy Wittenberg – Natural Resource Technology
Donna Volk – AECOM
Liz Evans (DHS)?
Brynn Bemis ?

5. Economic Impact

Chairperson: Nancy Frank
State Buddy: Jenna Soyer & Barry Ashenfelter

Issues

Making a business case
Economic Impact
Common to all Subcommittees: IT needs, Business needs, Fed / State Interface

Post-It Notes

Art Harrington
John Antaramian
Dave Misky
Mat Reimer – City of Milwaukee
John Stibal
Laura Bray or Corey Zetts (suggested by Bruce Keyes?)

6. Financial

Chairperson: John Antaramian
State Buddy: Barry Ashenfelter & Jenna Soyer

Issues

Assessment of former and present funding sources
Sources of Revenue
Issue paper 1 (a – d)

1. Brownfields – General
 - a. Financial:
 - i. Possible sources of funds.
 - b. State funds needed for:
 - i. Demolition

- ii. Inventories
- iii. Planning /Plans
- iv. Assessment
- v. Investigation
- vi. Clean up
- vii. Infrastructure
- viii. Redevelopment costs – soil management
- c. Greenspace and public space grants
 - i. Issue - need
 - ii. Past program
 - iii. Financial
 - iv. Urban Ag issues
- d. Green and Sustainable brownfields projects
 - i. Funding to do innovative projects ala EPA
 - ii. Storm water, surface water, etc.

Sediment assessment funds

Historic Tax Credits

Bonding

DERF

PACE Program

DOA's CDBG?

Common to all Subcommittees: IT needs, Business needs, Fed / State Interface

Post-It Notes

Bruce Keyes

Tory Kress – City of Milwaukee

Chris Valcheff

DOA Budget Analyst?

Jeff Voltz (DNR Analyst)?