Wisconsin State Senator
PAM GALLOWAY
Senate District 29

Testimony on Senate Bill 253 and Assembly Bill 333
Senate Committee on Natural Resources and Environment and Assembly Committees on Natural Resources
October 26, 2011

Chairman Kedzie, Chairman Mursau and members of the committee, thank you for taking the time to hear both Senate Bill 253 and Assembly Bill 333 today.

Representative Petrowski and I were approached by constituents in our district about a unique situation they are facing in Marathon County. In the city of Wausau there is a 57-acre piece of land that used to be home to the Holtz and Krause landfill. This landfill was closed in 1995, at which time the process began to seal the landfill, headed by the Holtz and Krause steering committee. Throughout this time the committee has worked with the DNR to ensure that the proper processes were done to safely encapsulate the landfill in hopes of utilizing the land for future productive purposes. With members of the steering committee being present today, I will let them give you the details as to how they went about doing this.

With the process completed and the landfill satisfactorily closed, the steering committee has come forward with a plan for this land. The proposed idea is to build a soccer complex on this land. This will, in turn, give Central Wisconsin the opportunity to bring regional soccer tournaments to the area, provide a set of fields for local soccer organizations to utilize, and provide an economic boost for the Wausau community.

These bills are a crucial piece of this plan as it will allow for the Holtz and Krause steering committee to transfer ownership of this land over to a local governmental body such as the City of Wausau, to ensure that it will be able to continue to be cared for far into the future. This bill would also create this same opportunity for other landfill sites that have been properly closed throughout the state that may be in similar situations, thus giving new life to land that would normally be set aside with no future purpose.

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2703 Rib Mountain Drive
Wausau, WI 54401
Phone: (715) 848-3963

I want to acknowledge Representative Petrowski for his work on this legislation. My thanks to both Chairmen Kedzie and Mursau for hearing this proposal. Thank you all for your time and consideration and I urge your concurrence of Senate Bill 253 and Assembly Bill 333. I know Representative Petrowski would like to say a few words.

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
Box 7921
Madison WI 53707-7921

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 608-266-2621
FAX 608-267-3579
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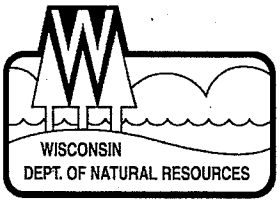

2011 Assembly Bill 333 and Senate Bill 253

Prepared Testimony by Michael Prager, Land Recycling Team Leader – Wisconsin Department of Natural Resources

Joint Meeting of Assembly Committee on Natural Resources and Senate Committee on Natural Resources and the Environment – October 26, 2011

Introduction

Good morning Chairperson Mursau and Chairperson Kedzie and members of the committees. My name is Michael Prager and I am the Land Recycling Team leader in the Remediation and Redevelopment Program at the Department of Natural Resources. I am here today to testify for information only on behalf of the Department on AB 333. Most significantly, this legislation would modify what entities are eligible to participate in the Voluntary Party Liability Exemption (VPLE) Program.

What is the Voluntary Party Liability Exemption?

The VPLE Program is a voluntary process where a person can do an investigation and cleanup of a contaminated property and, when they are completed, the DNR issues a Certificate of Completion. The VPLE Program provides the person with an exemption from liability for historic contamination on the property. As a result, the person has assurance that no additional, active work will be needed for those pre-existing issues.

This very successful program is a key part of the Wisconsin Brownfields Initiative, which is aimed at helping businesses and local governments cleanup and redevelop abandoned, idle or underused commercial or industrial properties, where the expansion or redevelopment is hindered by real or perceived contamination. Brownfields cleanup is important to protect public heath and restore the environment and it also improves the state's economy by creating jobs, new housing, and recreational opportunities and increases property taxes. To date, the DNR has issued 112 Certificates of Completion granting the VPLE exemption. None of those sites have had to be reopened by the DNR.

What are Changes in Bill?

Under current law, unlicensed landfills, as well as spill sites, could participate in the VPLE Program if certain conditions are met. This bill, which is supported by the Brownfields Study Group, would allow a certain subset of licensed landfills to enter the VPLE clean up program. The goal would be to increase the number of brownfield sites – many of them landfills – that are cleaned up and redeveloped. In many communities, older licensed landfills represent prime development opportunities for commercial, industrial, mixed use and green space. There are approximately 2,000 licensed solid waste facilities in the state; these range from large, engineered landfills to small foundry sand landfills, to tree disposal areas. The DNR has received several requests from businesses and local governments who want to cleanup and redevelop brownfield sites who want to obtain the Voluntary Party Liability Exemption but they are not currently eligible because the properties include licensed solid waste facilities. Many of these properties could be cleaned up in a way that is protective of public health and the environment, but they are not able

to obtain this liability exemption. The law would still exclude certain large engineered landfills and landfills that need to operate systems to control leachate and methane to prevent public health and environmental risk.

The legislation also includes a couple of other changes to the VPLE law which the Brownfields Study Group and the Department feel would improve the program.

Benefits and Conclusion

In closing, the DNR expects this bill to result in more brownfield sites being cleaned up and put into productive use. Thank you for the opportunity to testify today, and I would be more than happy to answer any questions that you may have on the proposed legislation at this time, or at a later time in the hearing. Thank you.

Konopacki, Larry

From: Doug & Kathy Rivard [dkrivard@frontiernet.net]
Sent: Saturday, October 22, 2011 10:32 AM
To: Sen.Harsdorf
Subject: AB333

Dear Senator Harsdorf

RE: AB333

As town chairman for the Town of Star Prairie, I would like to urge you to support Bill #333 introduced by Representative Petrowski with the companion Bill introduced by Senator Galloway. This Bill will permit licensed landfills to have the same potential benefit of a voluntary party liability exemption that currently exists for older, unlicensed landfills and spill sites. Historically, licensed landfills, such as the New Richmond Landfill, could never qualify for a voluntary party liability exemption because the State of Wisconsin would not permit such a landfill exemption because it had obtained a license to operate from the State. This quirk in the law could eventually prevent the New Richmond Landfill from ever qualifying for the voluntary party liability exemption. If passed, the Bill would allow the towns in St Croix County, and the City of New Richmond from obtaining a final liability signoff and facilitate beneficial reuse of the site.

Because, for the last 15 years, the State of Wisconsin has strongly advocated reuse of brownfields sites and licensed landfills are brownfields, AB333 has been introduced.

There are now approximately 13 former landfills in Wisconsin that are being actively used as soccer, baseball, softball, and other recreational uses. There have been no problems of significance at any of these sites.

It is also important to note that even though a site may eventually qualify for a voluntary party liability exemption, under this new legislation it must still pass the scrutiny of the Department of Natural Resources.

Although the New Richmond Landfill is not ready for such an application for exclusion at this time, this legislation would allow us, at some time in the future, to apply for the exclusion and ultimately reuse the site in a meaningful way. We ask you to support the Bill. Thank you very much.

Sincerely,

Douglas Rivard, Chairman
Town of Star Prairie
2286 100th Street
New Richmond, WI 54017
Ph. No. 715-248-3741

Konopacki, Larry

From: Doug & Kathy Rivard [dkrivard@frontiernet.net]
Sent: Saturday, October 22, 2011 10:27 AM
To: Rep.Murtha
Subject: AB333

Dear Representative Murtha:

RE: AB333

As town chairman for the Town of Star Prairie, I would like to urge you to support Bill #333 introduced by Representative Petrowski with the companion Bill introduced by Senator Galloway. This Bill will permit licensed landfills to have the same potential benefit of a voluntary party liability exemption that currently exists for older, unlicensed landfills and spill sites. Historically, licensed landfills, such as the New Richmond Landfill, could never qualify for a voluntary party liability exemption because the State of Wisconsin would not permit such a landfill exemption because it had obtained a license to operate from the State. This quirk in the law could eventually prevent the New Richmond Landfill from ever qualifying for the voluntary party liability exemption. If passed, the Bill would allow the towns in St. Croix County, and the City of New Richmond from obtaining a final liability signoff and facilitate beneficial reuse of the site.

Because, for the last 15 years, the State of Wisconsin has strongly advocated reuse of brownfields sites and licensed landfills are brownfields, AB333 has been introduced.

There are now approximately 13 former landfills in Wisconsin that are being actively used as soccer, baseball, softball, and other recreational uses. There have been no problems of significance at any of these sites.

It is also important to note that even though a site may eventually qualify for a voluntary party liability exemption, under this new legislation it must still pass the scrutiny of the Department of Natural Resources.

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Sincerely,

Douglas Rivard, Chairman
Town of Star Prairie
2286 100th Street
New Richmond, WI 54017
Ph. No. 715-248-3741

MARATHON COUNTY

October 24, 2011

Rep. Jeffrey Mursau, Chair
Committee on Natural Resources
Room 18 North
State Capitol
P.O. Box 8953
Madison, WI 53708-8953

Senator Neal Kedzie, Chair
Committee on Natural Resources and Environment
Room 313 South
State Capitol
P.O. Box 7882
Madison, WI 53707-7882

RE: SB 253 / AB 333 CLARIFYING THE LIABILITY EXEMPTION TO CERTAIN CLEANED UP LANDFILLS

Gentlemen:

Marathon County Government strongly supports passage of SB 253 / AB 333.

We have in our community a cleaned up landfill, Holtz Krause Landfill, which is currently underutilized as a result of liability concerns. In December of 2008 the Marathon County Executive Committee met to discuss the possibility of using the Holtz Krause site to develop a soccer complex facility. That discussion ended abruptly when County leaders learned that a special statute applicable only to the Holtz Krause Landfill might be unconstitutional.

A sports complex developed on the Holtz Krause site would pump millions of dollars into the local economy and generate more interest in what is already a popular sport. The current plan is to convert the underutilized site into a 15 field soccer complex. The passage of SB 253 / AB 333 is a must for Marathon County Government to consider partnering with others in the community to make the soccer complex a reality.

Thank you for considering SB 251 / AB 333. We commend our local legislators, Representatives Petrowski and Seidel and Senator Galloway for creating this opportunity.

Sincerely,

Brad Karger
County Administrator
On Behalf of Marathon County Government

BK:mp

Office of the County Administrator • 500 Forest St. Wausau WI 54403-5568 • administrator@co.marathon.wi.us • P: 715-261-1400

Office of the Mayor

James E. Tipple

October 25, 2011

Representative Jerry Petrowski
Room 11 North
State Capitol
P.O. Box 8953
Madison, WI 53708-8953

Re: AB 333 - Holtz Krause Landfill

Dear Representative Petrowski,

The Holtz Krause Landfill occupies approximately 55 acres in the heart of the Wausau metro area. Local individuals, businesses, municipalities, and the Wisconsin Department of Natural Resources (WDNR) organized and successfully capped the site with a state of the art clay and geo-membrane cap in 1995. Their intent at that time, to develop the site for future use was never realized.

We now have a second chance to complete the final phase of this project. The Holtz Krause Steering Committee has proposed developing soccer fields and transferring ownership of the property to either the City of Wausau or Marathon County. The soccer complex envisioned would be a tremendous asset for our local soccer organizations and the tournaments planned would greatly boost our local economy.

In order to get this done, we need your assistance to address potential liability. The WDNR has a Voluntary Party Liability Program that addresses long term liabilities for Brownfield properties, but specifically excludes former licensed landfills. We need your help and support efforts to expand that program. All over the country, state and local municipalities are successfully transforming former landfills into recreation areas for the enjoyment of their residents. Please help facilitate this opportunity for Wisconsin.

Please let us know if you need additional information or if we can be of further assistance. Thank you for your consideration.

Sincerely,

James E. Tipple
Mayor, City of Wausau

Cc: Rep. Donna Seidel
Sen. Pam Galloway
Jim Lonsdorf
Ann Werth
Dave Erickson

Dear Senator Harsdorf:

Dear Representative Murtha:

RE: AB333

As City Administrator for the City of New Richmond, I would like to urge you to support Bill #333 introduced by Representative Petrowski with the companion Bill introduced by Senator Galloway. This Bill will permit licensed landfills to have the same potential benefit of a voluntary party liability exemption that currently exists for older, unlicensed landfills and spill sites. Historically, licensed landfills, such as the New Richmond Landfill, could never qualify for a voluntary party liability exemption because the State of Wisconsin would not permit such a landfill exemption because it had obtained a license to operate from the State. This quirk in the law could eventually prevent the New Richmond Landfill from ever qualifying for the voluntary party liability exemption. If passed, the Bill would allow the towns in St. Croix County, and the City of New Richmond from obtaining a final liability signoff and facilitate beneficial reuse of the site.

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There are now approximately 13 former landfills in Wisconsin that are being actively used as soccer, baseball, softball, and other recreational uses. There have been no problems of significance at any of these sites.

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Although the New Richmond Landfill is not ready for such an application for exclusion at this time, this legislation would allow us, at some time in the future, to apply for the exclusion and ultimately reuse the site in a meaningful way. We ask you to support the Bill. Thank you very much.

Sincerely,

Dennis Horner
City Administrator
City of New Richmond