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(FORM UPDATED: 08/11/2010)

## WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2011-12

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on Natural Resources...

### COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

### INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
  - (**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)
  - (**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

\* Contents organized for archiving by: Stefanie Rose (LRB) (August 2013)



Registrations for Information Only

- None.

November 3, 2011

**EXECUTIVE SESSION HELD**

Present: (12) Representatives Mursau, Rivard, Kleefisch, Nerison, Severson, Steineke, Tiffany, Litjens, Molepske Jr, Mason, Danou and Milroy.  
Absent: (4) Representatives Williams, Stroebel, Clark and Hulsey.  
Excused: (0) None.

Moved by Representative Kleefisch, seconded by Representative Rivard that **Assembly Bill 333** be recommended for passage.

Ayes: (12) Representatives Mursau, Rivard, Kleefisch, Nerison, Severson, Steineke, Tiffany, Litjens, Molepske Jr, Mason, Danou and Milroy.  
Noes: (0) None.  
Absent: (4) Representatives Williams, Stroebel, Clark and Hulsey.

PASSAGE RECOMMENDED, Ayes 12, Noes 0



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Tim Gary  
Committee Clerk

## Vote Record Committee on Natural Resources

Date: 11-3-2011

Moved by: Kleefisch

Seconded by: Rivard

AB 333 SB \_\_\_\_\_ Clearinghouse Rule \_\_\_\_\_  
 AJR \_\_\_\_\_ SJR \_\_\_\_\_ Appointment \_\_\_\_\_  
 AR \_\_\_\_\_ SR \_\_\_\_\_ Other \_\_\_\_\_

A/S Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_  
 A/S Sub Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_

Be recommended for:

- Passage     Adoption     Confirmation     Concurrence     Indefinite Postponement  
 Introduction     Rejection     Tabling     Nonconcurrence

| <u>Committee Member</u>                     | <u>Aye</u>                          | <u>No</u>                | <u>Absent</u>                       | <u>Not Voting</u>        |
|---|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| <b>Representative Jeffrey Mursau, Chair</b> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| <b>Representative Roger Rivard</b>          | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| <b>Representative Mary Williams</b>         | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <b>Representative Joel Kleefisch</b>        | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| <b>Representative Lee Nerison</b>           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| <b>Representative Erik Severson</b>         | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| <b>Representative Jim Steineke</b>          | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| <b>Representative Thomas Tiffany</b>        | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| <b>Representative Duey Stroebel</b>         | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <b>Representative Michelle Litjens</b>      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| <b>Representative Louis Molepske Jr</b>     | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| <b>Representative Cory Mason</b>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| <b>Representative Chris Danou</b>           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| <b>Representative Fred Clark</b>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <b>Representative Nick Milroy</b>           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| <b>Representative Brett Hulse</b>           | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

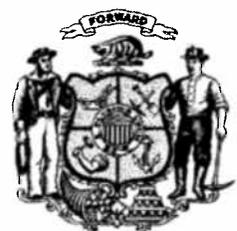
Totals: 12 0 4 \_\_\_\_\_

Motion Carried

Motion Failed



# WISCONSIN STATE LEGISLATURE





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.

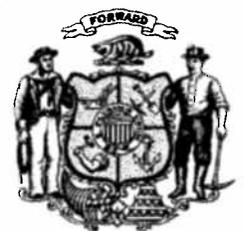
Sincerely,

Brad Karger  
County Administrator  
On Behalf of Marathon County Government

BK:mp



# WISCONSIN STATE LEGISLATURE





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,

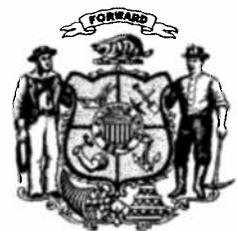
A handwritten signature in cursive script that reads "James E. Tipple".

James E. Tipple  
Mayor, City of Wausau

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



# WISCONSIN STATE LEGISLATURE





## 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 health 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.