

Agricultural Chemical Cleanup Program Council
Minutes
Tuesday, June 25, 2019

The ACCP Council convened at 9:02 a.m. in Conference Room 266 at the Prairie Oak State Office Building on June 25, 2019.

Council members present by speakerphone: John Manske, Cooperative Network; Arch Morton, Jr., farmer; Ben Nelson, Montgomery Associates Resource Solutions, LLC.; and Marv Prestrud, farmer.

Department of Agriculture, Trade and Consumer Protection employees attending: Lori Bowman, Mark McColloch, Rick Graham, Sally Ballweg and Bonnie Bruns.

ACM / ACCP Update and Discussion: - Lori Bowman

This is Sally Ballweg's first council meeting. Sally joined as the ACCP Financial Coordinator on May 28th. Lori reported that the ACM Bureau is now fully staffed, but will not be for long. Jennifer Heaton-Amrhein accepted a position as Section Chief for the Bureau of Land and Water, and will begin on July 8th. Jen was instrumental in completing the RevEx project, and for the past year has been instrumental in setting up the industrial hemp program for the Bureau of Plant Industry. John Manske offered his congratulation to Jennifer on her new position and expressed gratitude for the work she has done for ACM.

Lori announced that this will be John Manske's final council meeting. His appointment ends on June 30th. Jennifer Wickman has been nominated as John's replacement. Jennifer joined Cooperative Network as the Government Affairs Director following John Manske's retirement.

Lori reported that ACM staff will be working in Speaker Vos's task force. There is an upcoming meeting on July 11th, and council member Frank Masters has been asked to give a presentation on the ACCP as a representative from industry. Additionally, ACM staff will be working with DNR on NR 140 Cycle 10 Rule Making for new groundwater water standards. Per DNR's request, DHS proposed groundwater standard for 27 compounds on June 21st. This is the beginning of a process that may take several years to complete. The last time drinking water standards were updated was 2010 (Cycle 9).

March 19, 2019 Minutes

Mark asked if there were any comments or questions on the minutes from the previous Council meeting.

MOTION: Marv Prestrud moved, seconded by John Manske to accept the minutes of the March 19, 2019 Council meeting. (Motion carried 4-0.)

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Department Decisions on Applications Reviewed at the March 19, 2019 Meeting

Mark asked if there were any comments or questions (Insert 2). DATCP and ACCP Council were in agreement with all eligibility decisions. No discussion or comments noted.

Next Council Meeting

The next ACCP Council meeting was scheduled for Tuesday, September 17, 2019, starting at 9:00 a.m.

Review of Applications

There are 14 total proposed reimbursement summary sheets. Of these applications:

- Eight sites had eligible cost that previously exceeded the \$400,000 cap (shown in bold italics on Agenda). These 8 applications reviewed this round will be applied towards the \$650,000 cap, which was increased in July 2017;
- One first time applications (with \$7,500 deductible paid) for one site (Sheboygan Falls – Insert 17);
- Two applications were submitted for one case (Lancaster) because work was performed by previous owner and the new owner, and
- Six of the 13 sites are now closed.

12 of the 14 applications have ALL ELIGIBLE costs. ALL ELIGIBLE applications include:

Insert No	Applicant	Eligible Application Amount	Proposed Reimbursable Amount
4	Land O'Lakes, Inc. at Clinton	\$30,351.57	\$23,254.19
5	United Cooperative at Pulaski	\$24,311.80	\$18,624.00
6	United Cooperative at Eldorado	\$72,830.91	\$55,791.97
7	Landmark Services Cooperative at Dane	\$17,609.85	\$13,446.21
8	Agri-Alliance, LLC at Nekoosa	\$16,218.18	\$12,370.75
9	Allied Cooperative at Adams	\$12,768.11	\$9,733.37
11	Landmark Services Cooperative at East Troy	\$25,971.25	\$19,757.27
12	Land O'Lakes, Inc. at Whitewater	\$29,661.17	\$22,564.33
13	United Cooperative at Coleman	\$89,209.54	\$67,834.69
14	Premier Cooperative at Lancaster (application by Premier)	\$12,220.89	\$9,267.87
15	Country Visions Cooperative at Kiel	\$7,443.75	\$5,641.70
16	Premier Cooperative at Lancaster (application by Land O'Lakes)]	\$2,633.40	\$1,994.10

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The total eligible amounts for the above 12 application is **\$331,970.81**, and the amount proposed for reimbursement is **\$253,221.67**.

In the past, we've taken a motion to approve, as a group, all applications where the Department's decision is to reimburse all costs. Is there a motion to accept the Department's decision to reimburse these 12 applications as proposed by the department?

MOTION: John Manske moved, seconded by Arch Morton Jr. to accept the Department's recommendation on the above 12 applications with all costs proposed as eligible for reimbursement. (Motion carried 4-0.)

Applications with non-eligible costs:

There are 2 applications in which the department proposes some ineligible costs. The first application is for the Farmer Elevator Site at Waupun; the proposed reimbursement summary is included as **Insert 10**.

- Soil sample collected during that assessment identified contaminated soil above the generic clean up standard for total nitrogen beneath the mix load pad. Farmers decided to request case closure with a structural impediment for the mix load pad (i.e. remove contaminated soil when the pad is removed).
- Farmers Elevator completed an environmental assessment for a failed sump test. Total project costs were \$4,978.
- A \$300 database registry fee was included with the invoiced amount is not eligible per ATCP 35.12 (2).
- DATCP review identified \$4,678 in eligible costs.
- Although a work plan was approved, a cost estimate was not approved. Farmers submitted a 75-percent request.
- The 75% request yields \$3,508.50 as eligible for reimbursement and leaves \$1,169.50 as ineligible.
- Total ineligible costs are \$1,469.50

Is there a motion to accept the Department's decision for non-reimbursement of the \$1,469.50 in costs as proposed by the department?

MOTION: Ben Nelson moved, seconded by John Manske to accept the Department's recommendation on the above application for non-reimbursement. (Motion carried 4-0.)

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The second application with costs proposed as ineligible for reimbursement is for the Country Visions Cooperative in Sheboygan Falls; the proposed reimbursement summary is included as **Insert 17**.

- Rick Graham explained that this was a very large cleanup. Country Visions Cooperative is no longer operating at this facility and will sell this property as soon as the case closes. No buildings remain on the property.
- The volume of nitrogen contaminated removed exceeded the estimated amount, and was removed prior to approval of additional soil remediation.
- Country Visions Cooperative submitted a 75-percent request for additional costs of \$5,371.08 for removal of this contaminated soil.
- The 75% request yields \$4,028.31 as eligible for reimbursement.
- Total ineligible costs are \$1,342.77.

Is there a motion to accept the Department's decision for non-reimbursement of the \$1,342.77 in costs as proposed by the department?

MOTION: John Manske moved, seconded by Arch Morton Jr. to accept the Department's recommendation on the above application for non-reimbursement. (Motion carried 4-0.)

John thanked everyone at DATCP for their hard work over the years.

MOTION: John Manske moved, seconded by Joe Sikora to adjourn the meeting at 9:35 a.m. (Motion carried 4-0.)