

Agricultural Chemical Cleanup Council
Meeting Minutes
Tuesday September 13, 2022

The ACCC meeting convened at 9:01 a.m. in Conference Room 212 at the Prairie Oak State Office Building and also via Microsoft Teams video conference, on Tuesday September 13, 2022.

Council members present via Teams: Frank Masters, Arch Morton Jr., Ben Nelson, Jennifer Wickman, Joe Sikora and Kevin Solum.

Department of Agriculture, Trade and Consumer Protection employees attending: Robby Personette, Mark McColloch, Alan Hopfensperger and Sally Ballweg.

ACM / ACCP Update and Discussion

Mark asked Kevin Solum, our new Council Member representing Farmers, to introduce himself and mention organizations he has served.

Kevin: Hi, I am Kevin Solum from Deer Park, Wisconsin, which is North of Baldwin on the Interstate. Our family Farm has been here since 1893, our daughter and son-in-law are soon taking over our milking business. Right now I am 'board-less', however, I have served on many boards. Past boards I have served include the local Coop here which is now part of Alcivia Cooperative, the DHI Board, the local Church Board, some Township business, Dairy Business Association (DBA) board for 8 or 9 years. I have been very fortunate to meet a lot of great people, including Archie Morton.

Mark then asked other Board Members to introduce themselves to Kevin:

Arch: Yes, I would be glad to go next. First of all, welcome Kevin. Kevin and I go way back to the late 70's from our short course days. Kevin, I farm down here just Southeast of Janesville and a former dairy farmer, but now I grow corn, soybeans, alfalfa and winter wheat. I also serve on the Wisconsin Farm Bureau Board of Directors representing District 2-which is Rock, Green, Dane, Sauk, Columbia and Dodge Counties. I am very involved with the Farm Bureau and have served on that Board for almost 8 years. I have also served as a supervisor on our Town Board for about 24 years. I am glad to be here and again, Welcome Kevin.

Frank: Good Morning, my name is Frank Masters, I have been on the ACCC for over 20 years. I work for Twin State Incorporated; we are a wholesale fertilizer distributor and I cover Northern Illinois and throughout the state of Wisconsin. I am based out of Janesville, live in Janesville and we also have a production facility there. My previous involvement in the state has been with the Wisconsin Fertilizer and Chemical Board (the predecessor to WABA). I also served on the Wisconsin CCA Board and I have been on various committees at DATCP with various advisory functions. Welcome to Kevin.

Joe: I am Joe Sikora. I work for Insight FS at our Home Office here in Jefferson. I manage our safety, environmental, regulatory, insurance and DOT departments. I get to travel all over the state to all of our locations, so I get to meet with a lot of employees and a lot of different issues. I have worked here for about 10 years. Prior to this position, I worked for about 10 years with an environmental consultant. I have been with this Council for about three years now.

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Jennifer: I am Jennifer Wickman, Director of Affairs for Cooperative Network in Downtown Madison. Which consists of a lot of the Agricultural Cooperatives that come before this Council or are members. However, we also represent all kinds of Cooperatives, everyone from Union Cab to Group Health Cooperatives to your Telecom and Electric Cooperatives. I am honored to be on the Council for the last several years. I am not the newest member anymore.

Ben: Good Morning and Welcome Kevin. My name is Ben Nelson. I am a Water Resource Specialist with Emmons & Olivier Resources (EOR) in Madison. Mark and I worked together many years ago and I am the Consulting Representative for the ACCC. I do a lot of work with utility companies and renewable energy with civil design, water resources, permitting. I also served for about 14 years on the North American Stormwater and Erosion Control Association of Wisconsin which is a professional development organization that offers a lot of training and conferences to water resource professionals. I believe I have been on the ACCC for about six years or so.

Next Mark asked Robby to give the Bureau Updates:

My name is Robby Personette. I am the Director of the Bureau of Agrichemical Management. Since the last Council meeting, we have been busy filling vacant positions. I think that's probably a common theme both here, at other agencies, and possibly with your companies as well.

Our Bureau is broken up into two areas, one is the Compliance and Investigations Section and the other is Agrichemical Program Section which also includes our Fertilizer Program, our Feed Program, Pesticide Programs, and Mark's Environmental Quality Unit Program area. We recently filled two positions and have two vacant positions from the program side.

Positions that were recently filled are in Mark's unit and include the Hydrogeologist position by Carla Romano. For those of you who had worked with Stan Senger in the past, Carla was hired in July to replace Stan after he retired this past January. Also in Mark's unit we hired a LTE (Limited Term Employee), his name is Adam Ornelles. He just graduated from Grad School at Clemson. He will work part time to help out with some of the water/well monitoring and sampling programs.

The Feed and Fertilizer unit has a vacant position for the Commercial Animal Feed Program Manager that was occupied by Ashley Olson for a short time before she went back to work for her family farm. Prior to Ashley, some of you may have worked with Heather Bartley, she was with us for about seven or eight years. The unit supervisor, Mike Murray, put an offer out yesterday to a candidate, so we are hoping to have that position filled soon.

The other vacancy that we have is my former position as the Section Manager for the Agrichemical Programs Section. Second round interviews are next week, so we should have that position filled soon as well.

Our Compliance and Investigations Section will have a vacancy for a field staff position soon. Environmental Enforcement Specialists K.J. Dickman from the Adams-Juneau County area will be retiring at the end of September. Our Compliance group will start

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assessing the position and get that filled sometime after the first of the year.

When a person retires or leaves, we have to go through a process of assessing or analyzing the position, essentially updating and tweaking the position description. Then we go through the staffing request, which goes all the way to our Secretary, who has the final say on whether we are going to fill that position or not. The next step is to go out to the general public on the Wisconsin Jobs website or some of the industry or association groups like the American Association of Feed Control Officials, Pesticide Control Officials, etc to recruit nationwide. When we do that, by statute we have 60 days to make an offer for that position or have a significant reason as to why we were unable to make and offer in that time frame. Also, the state of Wisconsin has a process if after November 11th, we are not able to start a new employee until after the first of the year, due to payroll, orientation and onboarding items that need to occur. Robby asked if there are any questions. There were none.

Announcements

Mark: I want to remind council members about the required Public Records Training. Sally sent an email to all council members with regard to the training due dates and the process. The training is pretty painless; the hardest part is logging in. The training is more informational with regard to what is a public record, what is not a public record and how to deal with a public record. Please send an email to confirm that you have completed the training. We have tried to send PDF's in the past that you could just read, however the process is now automated, so we can no longer do that. If you have any questions or problems with that, please reach out to Sally, she will be happy to help you.

Meeting Agenda

The Meeting Agenda is included in the Agenda Book. Mark asked if there are any changes or updates to the Agenda. There were none.

June 16, 2022 Council Meeting Minutes

Mark asked if there were any comments, questions, items for discussion or repair on the minutes from the previous Council meeting. There were none. Mark asked if there is a motion to accept minutes.

MOTION: Frank Masters moved, seconded by Arch Morton, Jr. to accept the corrected meeting minutes of the June 16, 2022 Council meeting. (Motion carried 6-0.)

Department Decision Summary from June 16, 2022 Council Meeting

Please note that the Department and Council were in agreement on all decisions made regarding reimbursement amounts for the June 2022 meeting. Mark asked if there were any questions or comments. There were none.

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Next Council Meeting

The next ACCP Council meeting was scheduled for Tuesday, December 13, 2022, starting at 9:00 a.m.

Summary of ACCP Program Progress

- For the first meeting of this fiscal year, a total of four applications have been reviewed.
- The total amount of costs submitted for all applications for this meeting is \$23,639.50.
- Total of eligible costs are \$23,619.50; a total of \$20 was identified as ineligible. The amount proposed for reimbursement for this meeting is \$17,866.44.
- Total of eligible costs submitted this calendar year are \$651,374.14; a total of \$1,157.13 was identified as ineligible. The amount proposed for reimbursement for this calendar year through the September meeting is \$490,212.79.
- No sites reviewed for today's meeting had previously exceeded the \$400,000 cap, and none of these sites will exceed the \$650,000 cap upon reimbursement.
- All four applications presented for today's meeting are for existing sites with prior applications and reimbursements.
- Two sites, the Emmert & Sons site at Baldwin and the Economy Feed Mill site at Bloomington have been closed with continuing obligation for residual soil and/or groundwater contamination.
- Additional groundwater monitoring is planned for the remaining sites (Provision Partners sites at Black Creek and at Nichols); contaminated soil was previously removed and groundwater monitoring is underway to evaluate natural attenuation as a final remedial response at these sites.
- DATCP responded to 26 spills so far in 2022 compared to 24 spills in 2021. Reimbursement applications for at least one spill, and maybe as many as four spill case sites are expected (costs associated with spills that were incurred within the last 3 years are eligible if not covered by insurance).
- Overall number of active ACCP cases remains stable (around 120). Since the last meeting, 4 cases were opened and 5 cases were closed.

Review of Applications

In your agenda books you'll find our proposed reimbursement summary sheets for four applications included as Inserts 21 through 24.

There is one application for which the department proposes some ineligible costs; costs for the remaining three applications were found to be all eligible.

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Applications WITH non-eligible costs:

The first application with non-eligible cost is for the ProVision Partners Cooperative site at Center Valley Road at Black Creek. The reimbursement summary sheets is included as Insert 22 in your agenda books. As shown, an application in the amount of \$2,965 was submitted and the department is recommending reimbursement in the amount of \$2,235.19. Costs totaling \$20 were identified as ineligible by the Department. As shown on the explanation sheet (attached to the Reimbursement Summary) this cost is for using a hourly billing rate higher than the approved amount; the higher billing rate is not eligible for reimbursement, but reimbursement at the lower is eligible. Please note that the Department is not recommending a double deduction for this amount. Mark asked if any further discussion. There was none.

Is there a motion to accept the Department's decision for non-reimbursement in the amount of \$20 as proposed by the department?

Motion: Joe Sikora moved, seconded by Ben Nelson, to accept the Department's decision to reimburse costs as proposed by the department. (Motion carried 6-0)

Applications with ALL ELIGIBLE costs

ALL ELIGIBLE applications for the remaining 3 applications include the following:

- Insert 21 - \$1,757.50 in eligible costs for the ProVision Partners Cooperative site at County Road F in Black Creek with a proposed reimbursement amount of \$1,333.91;
- Insert 23 - \$11,245 in eligible costs for the Emmert & Sons site at Baldwin with a proposed reimbursement amount of \$8,505.09, and
- Insert 24 - \$7,672 in eligible costs for the Economy Feed Mill site at Bloomington with a proposed reimbursement amount of \$5,792.15.

Mark asked if any further discussion. There was none.

In the past, we have 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 all three of these applications as proposed by the department?

Motion: Arch Morton, Jr. moved, seconded by Joe Sikora, to accept the Department's decision to reimburse all costs as proposed by the department. (Motion carried 6-0)

Conclusion:

That concludes our review of applications for this quarterly Council meeting. Are there any comments, questions, or other business that needs attention? There was none. Is there a motion to adjourn?

MOTION to adjourn: Kevin Solum moved that we adjourn and seconded by Jennifer Wickman. (Motion carried 6-0)

Meeting adjourned at 9:28 a.m.