

**Agricultural Chemical Cleanup Council  
Meeting Minutes  
Tuesday March 12, 2024**

The ACCC meeting convened at 9:02 a.m. in Conference Room 211 at the Prairie Oak State Office Building on Tuesday March 12, 2024 and via Microsoft Teams video conference.

Council members present via Teams: Frank Masters, Joe Sikora, Jennifer Wickman and Tom Culp. Not present today: Arch Morton, Jr. and Kevin Solum.

Department of Agriculture, Trade and Consumer Protection employees attending in person: Mark McColloch, Alan Hopfensperger, Sally Ballweg and Waylon Hurlburt (Finance). Attended via Teams: Ryan Berzinski.

**ACM / ACCP Update and Discussion:**

*Mark asked our new Member, Tom Culp, to introduce himself to the council.*

*Tom: Good Morning, I am Tom Culp, I am with a company called True North, and we are Environmental Consultants. I have been working in the Ag Industry for about the last 30 years or so, since 1995. I have worked on many ACCP sites, lots of different clients, however they have gotten reduced over time due to acquisitions and mergers. I am also a member of the Wisconsin Agri Business Association and have attended their yearly trade show for approximately the last 25 years. I am excited to be part of this Council.*

*Mark then asked each Council member present, to introduce themselves to Tom. Frank, Joe and Jennifer spoke briefly about their backgrounds.*

*Mark asked if any items on today's agenda needed repair. There were none.*

**Ryan Berzinski-Bureau Updates:**

For Tom's benefit, Ryan introduced himself today as well.

*Not a lot of updates to report since our last meeting. Rose Thrun joined as our Bureau Program and Policy Analyst. Filling the role last held by Jill Hoskins. She works on legislative tracking, rulemaking and other items as needed at that level.*

*Our big news is the Statewide Survey results from last year has been signed and published. Please take a look if you haven't already. Mark McColloch and his group did the work, so I will Mark answer any of your questions about that.*

*Lastly, as of May 1, 2024, we are expected to drop below the \$1.5 million in our ACCP fund. Confirming that does occur, our fees will reinstate at 50% starting with the months following May 1<sup>st</sup>. Outreach will occur to let industry know about this change before it occurs.*

*That is all I have. Any questions?*

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*Frank: Ryan, when the fees are reinstated at 50%, when will those start?*

*Ryan: Once we confirm our balance at May 1<sup>st</sup>, fees will start subsequent to that date. We will conduct outreach to advice of the dates and process.*

*Frank: So these fees will hit in 2024? Rather than 2025?*

*Mark: Yes they would start during 2024. Projecting late summer or fall.*

*Ryan: Also, the fees will not be retroactive to any fees paid prior to May 1, 2024. We plan to update our forms and conduct outreach to let you know as soon as possible.*

*Frank: Ok. Thank you.*

**Mark McColloch-Other Updates:**

*As most of you know, Members are required to take training for the 'Public Records Law' and new this year you will also have to take 'Ethics for Public Officials' training.*

*We would like invite the group to complete the training after our June 2024 Council meeting. Once the meeting has concluded, Sally will conduct both trainings for everyone through Teams. This should only take about a half hour. Sally will report all in attendance who have completed the required trainings.*

*Also, this is 'Groundwater Awareness Week'. We have daily postings going out through social media on Facebook and Instagram. Each day will be a different story on what the Department does for groundwater protection. This is something we have done for the last 3 or 4 years. DNR and other state agencies also participate in Groundwater Awareness Week with similar efforts.*

*That is all the announcements I have. Any questions? There were none.*

**Meeting Minutes Approval from December 7, 2023**

Meeting Minutes from December 7, 2023 are included as Insert 9 in our Agenda Books. Mark asked if there were any comments or questions on the minutes from the previous Council meeting. Any items to discuss or items to repair? There were none.

*MOTION: Frank Masters moved, seconded by Joe Sikora to accept the minutes of the December 7, 2023 Council meeting. (Motion carried 4-0.)*

**Post Meeting Memo and Post Meeting Table from December 7, 2023**

The post meeting memo and post meeting table are included as Insert 10 in our Agenda Books. Mark noted the Department and Council were in agreement on all decisions made regarding reimbursement amounts from the December 7, 2023 meeting. Mark asked if any questions or comments. There were none.

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**Program Financial Summaries**

Program financial summaries through the prior calendar year are included in March Agenda Books. This Agenda Book includes program financial summaries through December 2023 included as attachments 11, 12, and 13. Insert 11 is a summary of all 1,560 applications reviewed in order received. Insert 12 is a summary of total payments and eligible costs organized by discharge site. Insert 13 is a summary of average cost per application by site. Highlights are summarized below.

- As shown in the summary table included as Insert 11, \$50,549,528 has been reimbursed since the program began in 1994. Eligible cost submitted total \$71,750,755 of which \$68,357,932 was determined to be eligible (approximately 95% of cost requested were approved).
- The summary table included as Insert 12 list all applications submitted by discharge site, and provides a summary of total payments and total eligible costs by discharge site.
- The summary table included as Insert 13 lists all applications submitted by discharge site showing all eligible costs by cost category A through F. Soil Remediation (Category B) remains the largest cost at 57.1%, followed by Groundwater Investigation (Category D) at 18.7%, and Laboratory Analysis (Category C) at 11.5%,

**Next Council Meeting**

The next ACCC meeting was scheduled for Thursday, June 13, 2024, starting at 9:00 a.m. Sally will send out the meeting invite.

**Summary of ACCP Program Progress**

- Processed 12 applications for the first meeting of CY 2024 compared to 22 applications for all of CY 2023.
- The total amount of *eligible costs submitted* for all applications for CY 2023 (through December) is \$1,001,076.59 and the total amount reimbursed for the year is \$755,374.50
- For this third meeting for FY 2024, 12 applications were processed. The total amount of *costs submitted* for all applications for this meeting is \$1,156,301.35.
- Total eligible costs for this meeting are \$1,154,762.90. Including double deduction amounts, \$1,538.45 was identified as *ineligible* for this meeting.
- The amount proposed for reimbursement for this meeting is \$868,892.91.
- Two discharge sites, the *United Cooperative site at Pulaski* and the *United Cooperative site at Johnson Creek*, reviewed for today's meeting previously exceed the \$400,000 cap. *Note: Of the 38 site that exceeded the \$400,000 cap, 25 have been closed.*

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- No discharge sites reviewed for today's meeting will exceed the \$650,000 cap upon reimbursement. However, the Helena Chemical site at Monroe is within \$1,000 of exceeding the cap. *So far, one site has exceeded the \$650,000 cap; we expect 3 to 5 more sites to exceed the cap this year, and at least one of these cases will be closed soon.*
- Large excavations were completed for two sites, the *Countryside Cooperative site at Readfield* and the *Helena Chemical site at Monroe* reviewed for today's meeting.
- On-going long term groundwater monitoring was performed at four sites, the *United Cooperative site at Johnson Creek*, the *Rio Creek Feed Mill site at Algoma*, the *Synergy Cooperative site at Elk Mound*, and the *ALCIVIA site at Ellsworth*, reviewed at today's meeting. *(Note: the Johnson Creek site includes two applications, one for the current owner, and one for the past owner).*
- Contaminated soil excavation and groundwater monitoring has been performed at the *United Cooperative site at Pulaski*, and the *ALCIVIA site at Osseo*. Case closure is anticipated in the near future for both cases.
- Three sites, the *Countryside Aviation site at Nekoosa*, the *ALCIVIA site at Union Grove*, and the *Exeland Feed Mill site at Exeland* presented at today's meeting have been closed.
- DATCP has not responded to any spills so far in 2024, compared to 34 spills in 2023. A reimbursement application for one spill case (*ALCIVIA at Union Grove*) was processed for this meeting. One or two spill case applications can be expected for upcoming meetings.
- Overall, the number of active ACCP cases has declined slightly (around 114). Since the last meeting, two cases were closed, one case was re-opened, and one case was opened and closed.

Mark asked if there were any comments, questions, discussion. There were none.

### **Review of Applications**

In your agenda books you'll find our proposed reimbursement summary sheets for 12 applications included as Inserts 15 through 26.

There are 3 applications for which the department proposed some ineligible costs; costs for the remaining 9 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 Country Visions Cooperative site at Readfield. The reimbursement summary sheets is included as Insert 21 in your agenda books. As shown, an application in the amount of \$524,980.35 was submitted and the department is recommending reimbursement in the amount of \$398,566.27. Costs totaling \$381.31 were identified as ineligible by the Department. As shown on the explanation sheet ineligible costs include a \$190.18 credit card fee and \$0.95 for math errors. Note: the Department is recommending a double deduction for the credit card fee, but not for math errors, in the amount of \$381.31.

Mark asked if there was any comments, questions, discussion. There was none.

Is there a motion to accept the Department's decision for non-reimbursement in the amount of \$381.31 as proposed by the department?

*MOTION: Frank Masters moved, seconded by Tom Culp to accept the department's decision for non-reimbursement in the amount of \$381.31. (Motion carried 4-0)*

The second application with non-eligible cost is for the *ALCIVIA site at Union Grove*. The reimbursement summary sheets is included as Insert 22 in your agenda books. As shown, an application in the amount of \$55,944.70 was submitted and the department is recommending reimbursement in the amount of \$36,637.07. Costs totaling \$156 were identified as ineligible by the Department. As shown on the explanation sheet ineligible costs include overnight lodging costs of \$39 and mileage costs totaling \$39 exceeding maximum allowable state rates for a total of \$78. Note: the Department is recommending a double deduction for these charges in the amount of \$156.

*Mark: Also wanted to point out this application is for two cases, one case is for a spill that occurred in 2021, and the other case is for a separate site investigation and clean up for the dry fertilizer building. Because both cases are on-site, only one application is needed.*

Mark asked if there was any comments, questions, discussion. There was none.

Is there a motion to accept the Department's decision for non-reimbursement in the amount of \$156 as proposed by the department?

*MOTION: Joe Sikora moved, seconded by Frank Masters to accept the department's decision for non-reimbursement in the amount of \$156. (Motion carried 4-0)*

The third application with non-eligible cost is for the *Helena Chemical site at Monroe*. The reimbursement summary sheets is included as Insert 26 in your agenda books. As shown, an application in the amount of \$263,995.24 was submitted and the department is recommending reimbursement in the amount of \$198,574.02. Costs totaling \$1,001.14 were identified as ineligible by the Department. As shown on the explanation

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sheet ineligible costs include expenses with no proof of payment, and an overnight lodging cost that exceeded the maximum allowable state rates for a total of \$500.47. *Note: the Department is recommending a double deduction for these charges in the amount of \$1,001.14.*

This was a last minute application and a large application, so Kudos to Sally for completing this application in time for this meeting.

Mark asked if there was any comments, questions, discussion.

*Joe: Mark were the lack of receipts all lodging?*

*Sally: Two were for lodging, one was for supplies from Farm & Fleet and the other one for rental of a water level indicator, field vehicle use, and a dissolved oxygen (DO) meter.*

*Mark: I also believe they may have thought that they would not need these receipts because they would hit the cap.*

*Sally: They also had some receipts for the hotel stays, but they were over the maximum allowable state rate of \$90.*

Is there a motion to accept the Department's decision for non-reimbursement in the amount of \$ 1,001.14 as proposed by the department?

*MOTION: Joe Sikora moved, seconded by Frank Masters to accept the department's decision for non-reimbursement in the amount of \$1,001.14. (Motion carried 4-0)*

**Review of Applications with ALL ELIGIBLE costs**

ALL ELIGIBLE applications for the nine 9 remaining applications reviewed for today's meeting include the following:

- Insert 15 - \$40,230.50 in eligible costs for the Agriliance site at Johnson Creek (submitted on behalf of Agriliance, the prior owner) with a proposed reimbursement amount of \$31,076.82;
- Insert 16 - \$40,078.50 in eligible costs for the United Cooperative site at Johnson Creek (submitted by United Cooperative, the current owner) with a proposed reimbursement amount of \$30,959.41;
- Insert 17- \$13,099.04 in eligible costs for the Rio Creek Feed Mill site at Algoma with a proposed reimbursement amount of \$10,006.81;
- Insert 18- \$7,236.92 in eligible costs for the Synergy Cooperative site at Elk Mound with a proposed reimbursement amount of \$5,519.71;

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- Insert 19- \$74,713.21 in eligible costs for the Countryside Aviation site at Nekoosa with a proposed reimbursement amount of \$54,521.88. This was also a first time application for this site, and the case is now closed.
- Insert 20 - \$32,603.98 in eligible costs for the ALCIVIA site at Ellsworth with a proposed reimbursement amount of \$24,833.48;
- Insert 23 - \$11,808 in eligible costs for the Exeland Feed Mill site at Exeland with a proposed reimbursement amount of \$8,958.84;
- Insert 24 - \$41,069 in eligible costs for the ALCIVIA site at Osseo with a proposed reimbursement amount of \$31,059.27.
- Insert 25 - \$50,541.90 in eligible costs for the United Cooperative site at Pulaski with a proposed reimbursement amount of \$38,179.33.

Mark asked if there was any comments, questions, discussion.

*Frank: Mark, how close is the Pulaski site to the cap?*

*Mark: A budget was approved to prepare a case closure package, but it has not been submitted yet. I anticipate that it will be submitted before our next closure committee meeting in May. They are getting close.*

*Frank: Are they going to bump up against the \$650,000 cap?*

*Mark: I do not think they will hit the \$650,000, but they will be close.*

*Frank: Ok*

*Mark: Out of today's applications, the ones that will hit the \$650,000 cap will be Johnson Creek, Alcivia at Osseo is getting close, Helena Agri at Monroe will likely hit the cap. There are also 2 or 3 other sites that are not part of today's meeting that may also hit the cap.*

*Frank: Ok. Thank you.*

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 all costs for all nine 9 of these applications as proposed by the department?

*MOTION: Jennifer Wickman moved, seconded by Tom Culp to accept the department's decision to reimburse all costs for all nine of these applications. (Motion carried 4-0.)*

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**Conclusion:**

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

Is there a motion to adjourn?

*MOTION: Tom Culp moved, seconded by Joe Sikora to accept the department's decision to reimburse all costs for all nine of these applications. (Motion carried 4-0.)*

Meeting ended: Time 9:35 a.m.