

Agricultural Chemical Cleanup Council
Meeting Minutes
Tuesday March 11, 2025

The ACCC meeting convened at 9:03 a.m. in Conference Room 266 at the Prairie Oak State Office Building on Tuesday March 11, 2025 and on Microsoft Teams video conference. Prior to the start of the meeting.

Council members present on Teams: Arch Morton Jr., Joe Sikora, Jennifer Wickman, Tom Culp and Bill Whitworth. Kevin Solum was not in attendance at today's meeting.

Department of Agriculture, Trade and Consumer Protection employees attending in person: Mark McColloch and Sally Ballweg. Attending on Microsoft Teams: Alan Hopfensperger, Ryan Berzinski and our guest today is Waylon Hurlburt from DATCP Finance.

Mark: The Agenda is included in the Agenda book as well as shared on screen. Are there any Agenda repair items? There were none.

ACM / ACCP Update and Discussion:

Ryan Berzinski:

Personnel changes: Our Investigation and Compliance Section Manager Position remains unfilled. Robby is working on the Position Description (PD) and should have that completed and then posted in the near future.

We had a University of Wisconsin Fellow working on our Atrazine Prohibition Area Evaluation Study since June 2024, and he is now our newest Hydrogeologist replacing Carla Romano. We are excited to have him.

Kevin Brey retired after working as an Environmental Specialist and Inspection Program Manager since 1989. Hopefully we will be filling his position soon.

Some of you may know Art Fonk, He has announced that he will be retiring this summer.

We are continuing to move into CRM to replace our current Case Tracking System (CTS) and Licensing Management System. Changing these database systems is a challenge, but our staff is working through problems and finding solutions.

Some of you may have experience with Feed License Renewals using MyDATCP V3. This latest update to the website allows for on-line applications and tonnage reports.

Lastly, we started collecting ACCP fee at half rate with Fertilizer licensing, etc. Overall, this is going well, but we do have some issues to address. We will review the fund again on May 1, 2025 and anticipate the balance may fall below \$750,000.00. If it falls below this balance, ACCP fees will then increase to full rate for future renewals. When and how much additional funds will arrive will take time to determine. All of this will be verified after the May 1st deadline. Waylon will be helping with that so I appreciate his attendance today.

That's all I have for today. Ryan asked if there were any questions. There were none.

Mark McColloch:

Other updates: This is Groundwater Awareness Week. Please see our posts on social media pertaining to the work done by DATCP to protect groundwater in our state. Please comment, like, or share these posts.

Agricultural Chemical Cleanup Council
Meeting Minutes
Tuesday March 11, 2025

Our Newsletter was distributed again on February 21st to all of you, our industry consultants and other interested persons. A portion of the information is reminders from Sally for completing applications. Does anyone have any questions or comments on the newsletter? There were none.

We also reached out to our council members with terms expiring June 30th to see if interested in renewing for another two year term. Both Arch and Bill have agreed to serve another two year term. We will process these requests through our Secretary's office and follow up with appointment letters in July.

Update on this year's Public Records Law training and the Ethics training information: Details should be available sometime in April. We will share the information with all of you once received.

Mark asked if any questions. There were none.

Meeting Minutes Approval from December 12, 2024

Meeting Minutes from December 12, 2024 are included as Insert 12 in our Agenda Book. Mark asked if there were any comments or questions on the minutes from the previous Council meeting. Any items to discuss or any items to repair? There were none.

MOTION: Arch Morton, Jr. moved, seconded by Joseph Sikora to accept the minutes of the December 12, 2024 Council meeting. (Motion carried 5-0)

Post Meeting Memo and Post Meeting Table from December 12, 2024

The post meeting memo and post meeting table are included as Insert 13 in our Agenda Books. Mark noted the Department and Council were in agreement on all decisions made regarding reimbursement amounts from the December 12, 2024 meeting. Mark asked if any questions or comments. There were none.

Program Financial Summaries

Each year program financial summaries through life of the program are included in March Agenda Books. This Agenda Book includes program financial summaries through December 2024 included as attachments 14, 15, and 16. Insert 14 is a summary of all applications (it shows that 1,577 applications submitted and 1,534 reviewed) in order received. Insert 15 is a summary of total payments and eligible costs organized by discharge site. Insert 16 is a summary of average cost per application by site. Highlights are summarized below:

- As shown in the application summary table included as Insert 14, \$51,804,507 has been reimbursed since the program began in 1994. Cost submitted total \$73,467,635 of which \$70,039,864 was determined to be eligible (approximately 95% of cost requested were subsequently reimbursed).

Agricultural Chemical Cleanup Council
Meeting Minutes
Tuesday March 11, 2025

- The summary table included as Insert 15 lists 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 16 lists all applications submitted by discharge site showing all eligible costs by cost categories A through F. Soil Remediation (Category B) remains the largest cost at 56.9%, followed by Groundwater Investigation (Category D) at 18.6%, and Laboratory Analysis (Category C) at 11.4%.

Next Council Meeting

The next ACCC meeting was scheduled for Tuesday, June 24, 2025, starting at 9:00 a.m. Sally will send a meeting invite.

Mark: Sally and I have made a change in the way interest is calculated for reimbursement applications to comply with DATCP finance department policy. The reimbursement program has historically calculated interest paid through the last Friday of the month following a council meeting, or closest day to last Friday of the month after the meeting is held. This is always a different day and is not consistent from quarter to quarter. . Our rule requires interest to be paid from the time and application is complete, but does not indicate how long interest is to be paid after reimbursement is approved. Our finance department's policy is to process all payments within 30 days after a request for payment is submitted. Because of this, some reimbursements were sent before or after the calculated interest paid date (i.e. last Friday of the month). Going forward DATCP has decided to calculate the reimbursement application interest payment through the quarterly Council meeting date. Upon approval by the Council, all requests for reimbursement will be submitted to finance, and reimbursement will be made as soon as possible within 30 days of the meeting date in accordance with the finance department's policy.

Sally: Because checks will no longer need to be requested two weeks in advance, this process will allow us to schedule meetings later in the month, which will allow for more application processing time during meeting months.

Summary of ACCP Program Progress

- For the ACCP program, 31 reimbursement applications were processed for CY 2024 compared to 21 applications for CY 2023.
- The total amount of *eligible costs submitted* for all applications for CY 2024 is \$1,681,932.99, and the total amount reimbursed for the year is \$1,254,988.84.
- For this second meeting of FY 2025, 7 applications were processed. The total amount of *costs submitted* for all applications for this meeting is \$568,945.78.
- Total eligible costs for this meeting are \$564,822. Costs totaling \$4,123.78 were identified as *ineligible* for this meeting.

Agricultural Chemical Cleanup Council
Meeting Minutes
Tuesday March 11, 2025

- The amount proposed for reimbursement for this meeting is \$412,121.10.
- No discharge sites reviewed for today's meeting exceeded the \$400,000 cap, but one site (the *Insight FS site at Amherst Junction*) will exceed the \$650,000 cap upon reimbursement. (Note: Of the 38 site that exceeded the \$400,000 cap, 26 have been closed. So far, four sites have exceeded the \$650,000 cap, and we expect 3 to 4 move sites to hit the cap within the next year).
- One site presented at today's meeting (the *Insight FS at Jefferson*) is for a spill.
- Two sites, the *TruGreen site at Monona* and the *Alcivia site at Durand*, presented at today's meeting have been closed. Both cases had prior reimbursements.
- The remaining four sites (the *Insight FS site at Amherst Junction*, the *Insight FS at Palmyra*, the *Crossroad Big Creek site at Sturgeon Bay*, and the *Alcivia site at Juda*) presented at today's meeting will likely be closed in the near future. These cases all had prior reimbursements.
- DATCP has responded to 2 spills so far in 2025.
- Overall, the number of active ACCP cases has declined (around 100). Since the last meeting, one new case was opened and three re-opened cases were closed.

Mark asked if any questions or comments. There were none.

Review of Applications

In your agenda books you'll find our proposed reimbursement summary sheets for 7 applications included as Inserts 18 through 24.

Costs for three applications were found to be all eligible.

Applications with non-eligible costs:

There are two Insight FS applications with ineligible costs. The first Insight FS application with non-eligible cost is for the *Amherst Junction site*. The reimbursement summary sheets is included as Insert 20 in your agenda book. As shown, an application in the amount of \$398,247.29 was submitted and the department is recommending reimbursement in the amount of \$283,802.29. Costs totaling \$3,445.16 were identified as ineligible by the Department. As shown on the explanation sheet ineligible costs include costs invoiced above the maximum allowable mileage rate, ineligible costs for auto maintenance, and administrative labor invoiced above the approved rate. Additional costs of \$13,820.38 were included with the application, but are not eligible because these potentially eligible cost exceeded

Agricultural Chemical Cleanup Council
Meeting Minutes
Tuesday March 11, 2025

the maximum allowable reimbursement under the \$650,000 cap. *Note: The Ineligible amount includes double deduction costs.*

Mark asked if there was any discussion. There were none.

Is there a motion to accept the Department's decision for non-reimbursement in the amount of \$3,445.16, which will reduce the reimbursement amount to \$283,802.29 as proposed by the department?

MOTION: Tom Culp moved, seconded by Arch Morton Jr. to accept the Department's recommendation for reimbursement. (Motion carried 4-0-Joseph Sikora abstained)

The second insight FS application with non-eligible cost is for the Insight FS site at Palmyra. The reimbursement summary sheets is included as Insert 21 in your agenda book. As shown, an application in the amount of \$17,595.55 was submitted and the department is recommending reimbursement in the amount of \$12,937.57. Costs totaling \$569.36 were identified as ineligible by the Department. As shown on the explanation sheet ineligible costs include several costs invoiced above the maximum allowable mileage rate, ineligible costs for auto maintenance, and mark ups for project administrative costs.

Note: the Department's is recommending \$482.36 for ineligible costs that includes double deduction, and an additional \$87 (\$75-first invoice + \$12 math error) for ineligible costs with no double deduction.

Mark asked if there was any discussion. There were none.

Is there a motion to accept the Department's decision for non-reimbursement in the amount of \$569.36, which will reduce the reimbursement amount to \$12,937.57 as proposed by the department?

MOTION: Bill Whitworth moved, seconded by Tom Culp to accept the Department's recommendation for reimbursement. (Motion carried 4-0-Joseph Sikora abstained)

The third application with non-eligible cost is for the Crossroads at Big Creek site at Sturgeon Bay. The reimbursement summary sheets is included as Insert 23 in your agenda book. As shown, an application in the amount of \$11,677.80 was submitted and the department is recommending reimbursement in the amount of \$8,783.56. Costs totaling \$33.38 were identified as ineligible by the Department. As shown on the explanation sheet the ineligible cost is for mark up of a land record fee.

Agricultural Chemical Cleanup Council
Meeting Minutes
Tuesday March 11, 2025

Note: The Ineligible amount includes double deduction costs.

Mark asked if there was any discussion. There were none.

Is there a motion to accept the Department's decision for non-reimbursement in the amount of \$33.38 which will reduce the reimbursement amount to \$8,783.56 as proposed by the department?

Mark: This case is also closed.

MOTION: Bill Whitworth moved, seconded by Joseph Sikora to accept the Department's recommendation for reimbursement. (Motion carried 4-0) Jennifer Wickman did not vote.

The fourth application with non-eligible cost is for the ALCIVIA site at Juda. The reimbursement summary sheets is included as Insert 24 in your agenda book. As shown, an application in the amount of \$101,524.36 was submitted and the department is recommending reimbursement in the amount of \$76,320.87. Costs totaling \$75.88 were identified as ineligible by the Department. As shown on the explanation sheet the ineligible cost is for mark up of a land record fee.

Note: The Ineligible amount includes double deduction costs.

Mark asked if there was any discussion.

Tom: I am wondering what DNR fees are that low?

Mark: Sally will look that up. I did not include in the above description. Is this a land use or DNR fee?

Sally: It is DNR, I will pull up the application invoice for more information.

Mark: GFL Environmental, they might have had to do a storm water permit for construction?

Tom: GFL stands for Green for Life and that's a Landfill.

Mark: Oh that's what it is, it's a landfill fee.

Tom: Oh I see, within the landfill invoice, they have a line item for the DNR fees? Ok I understand.

Mark: You are right, that is low for a DNR fee.

Tom: That's important to me because I am working on an application that will have a landfill invoice, so I will watch for any DNR fee's and be sure to exclude them.

Mark: Ok. Yes, we can't reimburse costs for another Government agency.

Sally: The invoice indicates it is a license fee.

Agricultural Chemical Cleanup Council
Meeting Minutes
Tuesday March 11, 2025

Tom: Ok, yes that's per ton.

Sally: Correct, it is per ton, yes.

Mark asked if there was any further discussion. There were none, and thanked Tom for his question.

Is there a motion to accept the Department's decision for non-reimbursement in the amount of \$75.88 which will reduce the reimbursement amount to \$76,320.87 as proposed by the department?

MOTION: Tom Culp moved, seconded by Joseph Sikora to accept the Department's recommendation for reimbursement. (Motion carried 5-0)

Review of Applications with all eligible costs

The first eligible application reviewed for today's meeting includes cost for a spill cleanup at the Insight FS site at Jefferson. The reimbursement summary sheets is included as Insert 19 in your agenda book. As shown, an application in the amount of \$12,211.55 was submitted and the department is recommending reimbursement in the amount of \$9,322.01.

Mark asked if there was any discussion. There were none.

Is there a motion to accept the Department's decision to reimburse this application as proposed by the department?

MOTION: Jennifer Wickman moved, seconded by Tom Culp to accept the Department's recommendation for reimbursement. (Motion carried 4-0-Joseph Sikora abstained)

The remaining all eligible applications reviewed for today's meeting include:

- Insert 18 - \$18,332.23 in eligible costs for the TruGreen site at Monona with a proposed reimbursement amount of \$13,867.83, and
- Insert 22 - \$9,357 in eligible costs for the ALCIVIA site at Durand with a proposed reimbursement amount of \$7,086.97.

Mark: Both of these sites have been closed.

Mark asked if there was any discussion. There were none.

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 both of these applications as proposed by the department?

MOTION: Jennifer Wickman moved, seconded by Joseph Sikora to accept the Department's recommendation for reimbursement. (Motion carried 5-0)

Agricultural Chemical Cleanup Council
Meeting Minutes
Tuesday March 11, 2025

Conclusion:

That concludes our review of applications for this quarterly Council meeting. Are there any comments, questions, or other business that needs attention?

Hearing none, I would like to thank everyone for attending today. Is there a motion to adjourn?

MOTION to adjourn: Arch Morton Jr. moved, seconded by Tom Culp (Motion carried 5-0.)

Meeting adjourned at 9:36 a.m.