

**Agricultural Chemical Cleanup Council**  
**Meeting Minutes**  
**Thursday June 13, 2024**

The ACCC meeting convened at 9:03 a.m. in Conference Room 212 at the Prairie Oak State Office Building on Thursday June 13, 2024 and via Microsoft Teams video conference.

Council members present via Teams: Frank Masters, Arch Morton Jr., Joe Sikora, Jennifer Wickman and Tom Culp.

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

*Mark: Waylon works in our Finance Department here at DATCP. He monitors our ACCP Fund and is attending meetings to observe and learn.*

*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:

*It has been stable with staffing. No big changes with the programs except for the return of the ACCP fee. This was effective on June 1, 2024, however, will not impact industry until earliest July 1, 2024 when the new tonnage cycle begins. Besides tonnage fees, the next licensing impact will be when fall licenses renew. The license fee will be a flat fee, there will no longer be percentage of sales. And fee will only be charged at ½ rate at this time.*

*Mark: We did post an update regarding the ACCP fee to our website. See [DATCP Home ACCP Fund and Surcharges \(wi.gov\)](#) and List of fee distribution: [DATCP Home Agrichemical License Fees and Surcharges - Amounts and Recipients \(wi.gov\)](#)*

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

Mark McColloch:

- *We are pleased to announce Council member re-appointments for Joe Sikora, Kevin Solum, and Tom Culp. All have all agreed to serve another two year term. Re appointment letters will be sent in early July. Tom is finishing Ben Nelson's term since January 2024 and would like to continue for a full two year term.*
- *Sally will update us on the Public Records Law training and the Ethics training; Sally: As discussed at our last meeting, we are not able to hold the group training this year, therefore, each of you will need to log on to Cornerstone and take the trainings individually. Some of you have done this in the past. Please know that we are aware of issues with receiving the instruction email from Cornerstone. I am working closely with our Human Resources Department to be sure each of you receive this email with your instructions on the process for taking the training's. I will stay on top of this and keep you posted.*

**Agricultural Chemical Cleanup Council**  
**Meeting Minutes**  
**Thursday June 13, 2024**

- Another topic we would like to discuss is included as Insert 01 in your Agenda Books. The Wisconsin Public Records Law for DATCP board, council and committee members. As highlighted on page 3, the law suggests the best practice is to have a separate email account that you use only for council business. This makes it easier to find any public records and helps to ensure your privacy.

That is all we have for updates. Mark asked if any questions. There were none.

**Meeting Minutes Approval from March 12, 2024**

Meeting Minutes from March 12, 2024 are included as Insert 02 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: Joe Sikora moved, seconded by Frank Masters to accept the minutes of the March 12, 2024 Council meeting. (Motion carried 4-0. Arch Morton motioned to abstain from voting because he was not present at the March meeting and had not read the minutes)*

**Post Meeting Memo and Post Meeting Table from March 12, 2024**

The post meeting memo and post meeting table are included as Insert 03 in our Agenda Books. Mark noted the Department and Council were in agreement on all decisions made regarding reimbursement amounts from the March 12, 2024 meeting. Mark asked if any questions or comments. There were none.

**Next Council Meeting**

The next ACCC meeting was scheduled for Tuesday, September 17, 2024, starting at 9:00 a.m. Sally will send out the meeting invite.

**Summary of ACCP Program Progress**

- Processed 23 applications for CY 2024 compared to 22 applications for CY 2023.
- The total amount of *eligible costs submitted* for all applications for CY 2024 (through June) is \$1,482,002.31 and the total amount reimbursed for the year is \$1,111,174.22
- For this fourth meeting for FY 2024, 11 applications were processed. The total amount of *costs submitted* for all applications for this meeting is \$328,994.26.
- Total eligible costs for this meeting are \$327,239.41. Including double deduction amounts, \$1,754.85 was identified as *ineligible* for this meeting.
- The amount proposed for reimbursement for this meeting is \$247,357.81.

**Agricultural Chemical Cleanup Council**  
**Meeting Minutes**  
**Thursday June 13, 2024**

- Four discharge sites reviewed for today's meeting previously exceed the \$400,000 cap. These sites include the *United Cooperative site at Eldorado*, the *Premier Cooperative site at Lancaster*, and the *Countryside Cooperative sites at Kiel and Valders*. *Note: Of the 38 sites that exceeded the \$400,000 cap, 25 have been closed, and one case will be closed soon.*
- One discharge site, the *Premier Cooperative site at Lancaster*, reviewed for today's meeting will exceed the \$650,000 cap upon reimbursement. *This is the third site to exceed the \$650,000 cap, and we expect 3 to 5 more sites to exceed the cap this year.*
- Two sites, the *Synergy Cooperative site at Chetek* and the *Allied Cooperative site at Adams*, presented at today's meeting have been closed.
- Large excavations were completed for two sites, the *Allied Cooperative site at Adams* and the *Premier Cooperative site at Lancaster* reviewed for today's meeting. Additional groundwater monitoring is planned for the Lancaster. *(Note: the Lancaster site includes two applications, one for the current owner, and one for the past owner).*
- A groundwater investigation was completed at the *United Cooperative site at Hillsboro*, and additional soil excavation is planned. On-going long term groundwater monitoring was performed at the remaining sites
- DATCP has responded to 11 spills so far in 2024, compared to 34 spills in 2023. A reimbursement application for one or more spill cases can be expected for upcoming meetings.
- Overall, the number of active ACCP cases has declined slightly (around 107). Since the last meeting, nine cases were closed, two cases was re-opened, and one new case was opened.

Mark asked if any questions or comments.

*Joe: Were the 34 spills in 2023 for the entire year? Or is that a comparison to where we are at now with 2024?*

*Mark: The 34 spills were from all of 2023; the entire calendar year. We are up to 11 so far this year. We are a little behind schedule from prior years, but that's ok.*

*Alan: Usually we would have about 15 spills at this time of year. Also, DNR's spills hotline changed to an emergency hotline, so we now get a lot of calls that are complaints. We spend a lot of time vetting calls that are not spills, but often times they lead to a pesticide misuse investigation or other complaint response. The DNR encourages the public to call and then let DNR staff access the situation.*

*Alan: In the past, we have also had responded to spills that did not exceed the minimum volume required for reporting (i.e. the reportable quantity). Spill cases have*

**Agricultural Chemical Cleanup Council**  
**Meeting Minutes**  
**Thursday June 13, 2024**

*been open for these small spills. However, this year we have not had many small spills, which may explain why the number of total spill is lower this year.*

**Review of Applications**

In your agenda books you'll find our proposed reimbursement summary sheets for 11 applications included as Inserts 5 through 15.

There are 5 applications for which the department proposed some *ineligible* costs; costs for the remaining 6 applications were found to be ALL ELIGIBLE.

**Applications WITH non-eligible costs:**

The first application with non-eligible cost is for the *United Cooperative site at Eldorado*. The reimbursement summary sheet is included as Insert 6 in your agenda books. As shown, an application in the amount of \$45,150.02 was submitted and the department is recommending reimbursement in the amount of \$34,426.65. Costs totaling \$451.98 were identified as ineligible by the Department. As shown on the explanation sheet ineligible costs include two fees (a \$146.19 fee for insurance, and a \$79.80 environmental energy recovery fee) totaling \$225.99. *Note: the Department is recommending a double deduction for these ineligible cost in the amount of \$225.99 for a total ineligible amount of \$451.98.*

*Mark: For this site the environmental fee is related to contamination from product that is a banned pesticide. The responsible party needed to dispose of the groundwater as hazardous waste, which requires insurance fees. However, our rule does not allow reimbursement for insurance fees.*

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

Is there a motion to accept the Department's decision for non-reimbursement in the amount of \$451.98 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. Jennifer Wickman abstained from voting)*

The second application with non-eligible cost is for the *Premier Cooperative site at Lancaster*. The reimbursement summary sheet is included as Insert 8 in your agenda books. As shown, an application in the amount of \$20,652.31 was submitted and the department is recommending reimbursement in the amount of \$15,819.62. Costs totaling \$28.86 were identified as ineligible by the Department. Overnight lodging cost exceeded the maximum allowable state rate by \$14.43. *Note: the Department*

**Agricultural Chemical Cleanup Council**  
**Meeting Minutes**  
**Thursday June 13, 2024**

*is recommending a double deduction for these charges in the amount of \$14.43 for a total ineligible amount of \$28.86.*

*Sally is now showing a summary to show this site has hit the \$650,000 cap. We monitor the cumulative amounts eligible and reimbursed for processing future applications. Also noted, are the amounts each applicant will receive for the Lancaster site. One received more than the other because one applicant applied for more reimbursement than the other.*

*Frank: How do you decide which RP gets money and which one maybe doesn't?*

*Mark: Each RP has to notify any other RP's involved with the same site, that they are submitting an application, giving each RP the opportunity to also submit an application within 30 days. We have a form in our application packet to address this issue. If each RP submits an application with amounts that exceed the amount they are eligible for, we would equally split the balance remaining. Both RP's for this case knew the cap would be exceeded, and both were given a chance to submit costs incurred during their cleanup efforts knowing that this would be the last application(s).*

*Sally showed breakdown of numbers to back up Mark's explanation.*

*Mark: this one was unique because two applications were submitted simultaneously and hit the cap. Usually there is only one application per case.*

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

Is there a motion to accept the Department's decision for non-reimbursement in the amount of \$28.86 as proposed by the department?

*MOTION: Frank Masters moved, seconded by Joe Sikora to accept the Department's recommendation for reimbursement. (Motion carried 4-0)*

The third application with non-eligible cost is for the *River Country Cooperative site at Bloomer*. The reimbursement summary sheet is included as Insert 9 in your agenda books. As shown, an application in the amount of \$19,161.62 was submitted and the department is recommending reimbursement in the amount of \$14,667.70. Costs totaling \$22.50 were identified as ineligible by the Department. As shown on the explanation sheet this ineligible cost is for using an hourly rate above the approved rate by \$11.25. *Note: the Department is recommending a double deduction for these charges in the amount of \$11.25 for a total ineligible amount of \$22.50.*

**Agricultural Chemical Cleanup Council  
Meeting Minutes  
Thursday June 13, 2024**

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

Is there a motion to accept the Department's decision for non-reimbursement in the amount of \$22.50 as proposed by the department?

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

The fourth application with non-eligible cost is for the *Allied Cooperative site at Adams*. The reimbursement summary sheets is included as Insert 11 in your agenda books. As shown, an application in the amount of \$63,443.49 was submitted and the department is recommending reimbursement in the amount of \$47,510.27. Costs totaling \$1,237.75 were identified as ineligible because a 75 percent request per ATCP 35.16 (8) (c) was made for costs that exceeded DATCP budget approval amounts for soil sampling and contaminated material disposal. *Note: the Department is not recommending a double deduction for these charges.*

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

Is there a motion to accept the Department's decision for non-reimbursement in the amount of \$1,237.75 as proposed by the department?

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

The fifth application with non-eligible cost is for the *Country Visions Cooperative site at Kiel*. The reimbursement summary sheets is included as Insert 13 in your agenda books. As shown, an application in the amount of \$17,464.42 was submitted and the department is recommending reimbursement in the amount of \$13,239.97. Costs totaling \$13.76 were identified as ineligible by the Department. Costs totaling \$6.88 were identified as ineligible because meal costs exceeded the maximum allowable state rate by \$6.88. *Note: the Department is recommending a double deduction for these charges in the amount of \$6.88 for a total ineligible amount of \$13.76.*

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

Is there a motion to accept the Department's decision for non-reimbursement in the amount of \$13.76 as proposed by the department?

*MOTION: Joe Sikora moved, seconded by Frank Masters to accept the Department's recommendation for reimbursement. (Motion carried 5-0)*

**Review of Applications with ALL ELIGIBLE costs**

**Agricultural Chemical Cleanup Council**  
**Meeting Minutes**  
**Thursday June 13, 2024**

ALL ELIGIBLE applications for the six (6) remaining applications reviewed for today's meeting include the following:

- Insert 5 - \$61,552.02 in eligible costs for the *United Cooperative site at Hillsboro* with a proposed reimbursement amount of \$47,407.67;
- Insert 7 - \$33,014.43 in eligible costs for the *Premier Cooperative site at Lancaster* (submitted on behalf of Agriliance, the prior owner) with a proposed reimbursement amount of \$22,209.20;
- Insert 10 - \$5,936 in eligible costs for the *Synergy Cooperative site at Chetek* with a proposed reimbursement amount of \$4,547.12;
- Insert 12 - \$15,926.05 in eligible costs for the *River Country Co-op site at Sheldon* with a proposed reimbursement amount of \$12,127.62;
- Insert 14- \$25,224.56 in eligible costs for the *Country Visions Cooperative site at Valders* with a proposed reimbursement amount of \$19,133.71;
- Insert 15 - \$21,469.34 in eligible costs for the *Country Visions Cooperative site at Reedsville* with a proposed reimbursement amount of \$16,270.28;

*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 six of these applications as proposed by the department?

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

That concludes our review of applications for this quarterly Council meeting.

*Mark: Just as a reminder Sally will follow up on the training information and she will also send out the Reappointment letters to our three council members on July 1st.*

*Alan: Because of the delay in the sending out the training emails, will they still have to complete by November 15<sup>th</sup>?*

*Sally: Correct, there will not be an extension. But good question Alan.*

Are there any comments, questions, or other business that needs attention?

Hearing none, is there a motion to adjourn?

*MOTION to adjourn: Jennifer Wickman motioned, seconded by Arch Morton Jr. (Motion carried 5-0.)*

*Meeting adjourned at 9:36 a.m.*