



PECFA POST



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REDEVELOPMENT, COMMERCE AND PECFA

Since the introduction of the State of Wisconsin's Brownfield's program, hundreds of blighted properties have been cleaned up and subsequently redeveloped, placing these once tax-delinquent properties back onto state and local tax rolls. Over the last five years, legislation has expanded Brownfield's redevelopment capacity to provide grant funds for not only tax-delinquent or abandoned properties, but also provide funds for simply idle or underused contaminated properties.

Prior to the creation of the Brownfield program, another state program was implemented that continues to provide funds to assist in the redevelopment of contaminated properties, regardless if the property is occupied, tax delinquent, abandoned, idle or underused. The program is known as the Petroleum Environmental Cleanup Fund Award (PECFA).

PECFA was created in response to federal regulations requiring release prevention from petroleum storage tanks and cleanup of existing contamination from those tanks. Although not a Brownfield's program, many cleanups that PECFA has funded allowed for the properties to be redeveloped. These redeveloped properties have created jobs, increased state and local tax bases, or expanded green spaces. A property in the Village of Oakdale is one example of how PECFA assisted in redevelopment directly relating to the creation of commerce in the area.

Located in the west central region of the state, the Village of Oakdale is situated on the cusp of Interstate Highways 90/94. These two major interstate highway arteries divide just north of Oakdale, serving the north and western areas of the state. Because of its location along the interstate, the village has a history of supporting large travel plazas. One of the many travel plazas in this area was the former Stockmen's East.



Figure 1: Photo of Stockman's East prior to PECFA cleanup

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Originally built in 1968, Stockmen's East operated as a large travel plaza and restaurant until bank foreclosure in 1992, at which time the petroleum systems were dismantled and removed. Following removal of the systems, it was determined that substantial petroleum releases had occurred, and utilizing PECFA funding, a large scale cleanup took place at the site.

The property remained vacant from 1992 until 2007, when the Bureau of PECFA was contacted by Love's Travel Shop Inc. (Love's) regarding the status of cleanup activities and potential purchase of the property to develop a large scale travel plaza. Known for large scale travel plazas in both the south and western United States, Love's has begun to expand to the Midwest and chose to redevelop the former Stockmen's East property as part of their Midwest expansion. Because of the substantial contamination and the planned location of the new underground tank systems, PECFA worked in conjunction with Love's and its contractors to facilitate cleanup while taking into consideration the travel plaza design.

The PECFA program provided more than \$650,000.00 in funding to define and remediate petroleum contamination on the property. Following cleanup activities, Love's invested over \$5 million to develop the property into their newest travel plaza, employing over 50 people at the 24-hour travel plaza and restaurant.



Figure 2 Present Love's Travel Plaza

PECFA POST SUBSCRIPTION AND REQUEST FOR TOPICS

To subscribe to the PECFA Post go to <http://commerce.wi.gov/ER/ER-PECFA-News.html>, enter your email address and name and click the subscribe box. You will receive an email to confirm your email address. Upon confirmation, you will have been added to the electronic distribution list.

Commerce appreciates suggestions for future Post topics or comments on current articles. Please contact Beth Erdman at beth.erdman@wisconsin.gov to provide suggestions or topics.

CLAIM SUBMITTAL REQUIREMENT PER COMM 47.625

Comm 47.625 (1) states: Whenever the Wisconsin Department of Commerce (Commerce) notifies a responsible party (RP) and the consulting firm that an occurrence is subject to the public bidding process in s. Comm 47.68, a claim for eligible costs incurred up to then shall be submitted to Commerce, no later than 120 days after the date of the notice.

The notice to the RP and consultant is the *Assignment to Public Bidding* letter. In many cases, the consultant previously working on site has already submitted their costs and terminated their contract. Because the claim has not yet been reviewed, interest may still be accruing on those costs. The consultant winning the bid is now under the assumption that a claim must be filed for the accruing interest (only) or, eligible costs incurred, to avoid a penalty per Comm 47.625(3).

"Eligible costs incurred" was meant to address the costs associated to the actual scope of work performed at a site. It is the Bureau of PECFA's intention to have consultants submit a claim for the work they have completed as soon as they know they will no longer be working on a site. This is to encourage timely claim filing, to keep interest costs at a minimum and to ensure that scopes of work are being completed. As long as a claim is submitted for the exiting consultant's work, the entering consultant does not have to file an 'interest only' claim; penalties per Comm 47.625(3) will not be assessed in this situation.

If however, a scope of work includes the consultant filing a claim and it is not filed, the scope of work will not be considered complete; this task will be very clearly spelled out in the bid spec. If PECFA sees a pattern of consultants not completing scopes of work, PECFA registrations may be revoked per Comm 5.

NO MORE COPIES OF GIS CHECKS PLEASE

For years, copies of checks submitted to the Wisconsin Department of Natural Resources (DNR) to pay the Geographic Information System (GIS) Soil and Groundwater Registry fees have been included with GIS packets submitted to Commerce. Commerce Site Reviewers verify GIS fee payments through the Bureau of Remediation and Redevelopment Tracking System (BRRTS) web application. Until that payment is verified in BRRTS, we will not issue a closure letter. Due to open records concerns Commerce asks that you no longer include copies of the checks.

IMPORTANT NOTE REGARDING PECFA INTEREST ON NON-REIMBURSABLE COSTS

A reminder from the Bureau of PECFA that there are a lot of outstanding loan balances incurring interest after scopes of work are completed, and costs have been reimbursed. This is most often due to costs remaining on the loan that are not reimbursable by PECFA and are the responsibility of the claimant, such as site deductibles or other costs denied during claim review. Consultants are reminded that interest that is incurred on these costs is not reimbursable by PECFA and should not be submitted in future claims. Ideally, these costs should be 'zeroed out' of the loan by having the claimant pay off the loan difference or by establishing a separate loan for the costs. If that is not an option, PECFA does expect the lender to track and separate the non-eligible interest from any future claim submittals. This information has been distributed to lenders that are actively participating in PECFA lending, and is also included in the claim packets that are sent to the responsible parties.

COMMERCE CLOSE OUT FORM

Commerce would like to remind consultants to use the correct Commerce Closeout Form when applying for closure. There are two Commerce Closeout Forms located on the PECFA Website. The form, available at: <http://commerce.wi.gov/ERpdf/pecfa/ER-PECFA-CaseSummaryandCloseOut050316rev604.pdf> was created to be printed and filled out and does not contain shaded boxes. The other form, located at: <http://commerce.wi.gov/ERpdf/pecfa/ER-PECFA-CaseSummaryandCloseOutFormFieldsAdded050316rev604.pdf> was created to be filled out electronically. It contains shaded boxes where information is entered and is not to be filled out by hand.

WEATHERED LNAPL PHYSICAL PROPERTY TESTING

The following is a list of laboratories (in no order of preference or cost) that the Commerce is currently aware of that provide the light non-aqueous phase liquid (LNAPL) physical property testing identified in the February 2008 Assessment Guidance for sites with Residual Weathered Free Product (<http://dnr.wi.gov/org/aw/rr/archives/pubs/RR787.pdf>).

- Torkelson Geochemistry, Inc.
2528 South Columbia Place
Tulsa, OK 74114
Voicemail: (918) 749-8441
Fax: (918) 749-6005
Email: BTorkelson@aol.com
- PTS Laboratories
8100 Secura Way
Santa Fe Springs, CA 90670
Voicemail: (562) 907-3607
Fax: (562) 907-3610
- PTS Laboratories
4342 West 12th
Houston, TX 77055
Voicemail: (713) 680-9467
Fax: (713) 680-0763
Web: www.ptsgeolabs.com
- EMSL Analytical, Inc.
Materials Science
108 Haddon Ave.
Westmont, NJ 08108
Voicemail: (856) 858-4800 ext. 1293 (Matthew Maki, contact)
Email: mmaki@EMSL.com

A REMINDER ABOUT SUBMITTALS TO COMMERCE

Site Reviewers are still receiving submittals via fax and email that include requests for review and response. A September 2005 PECFA Post article (Volume 5, Issue 3) outlined what Commerce considers acceptable and unacceptable submittals for “official” review and response. Please follow the guidelines listed below:

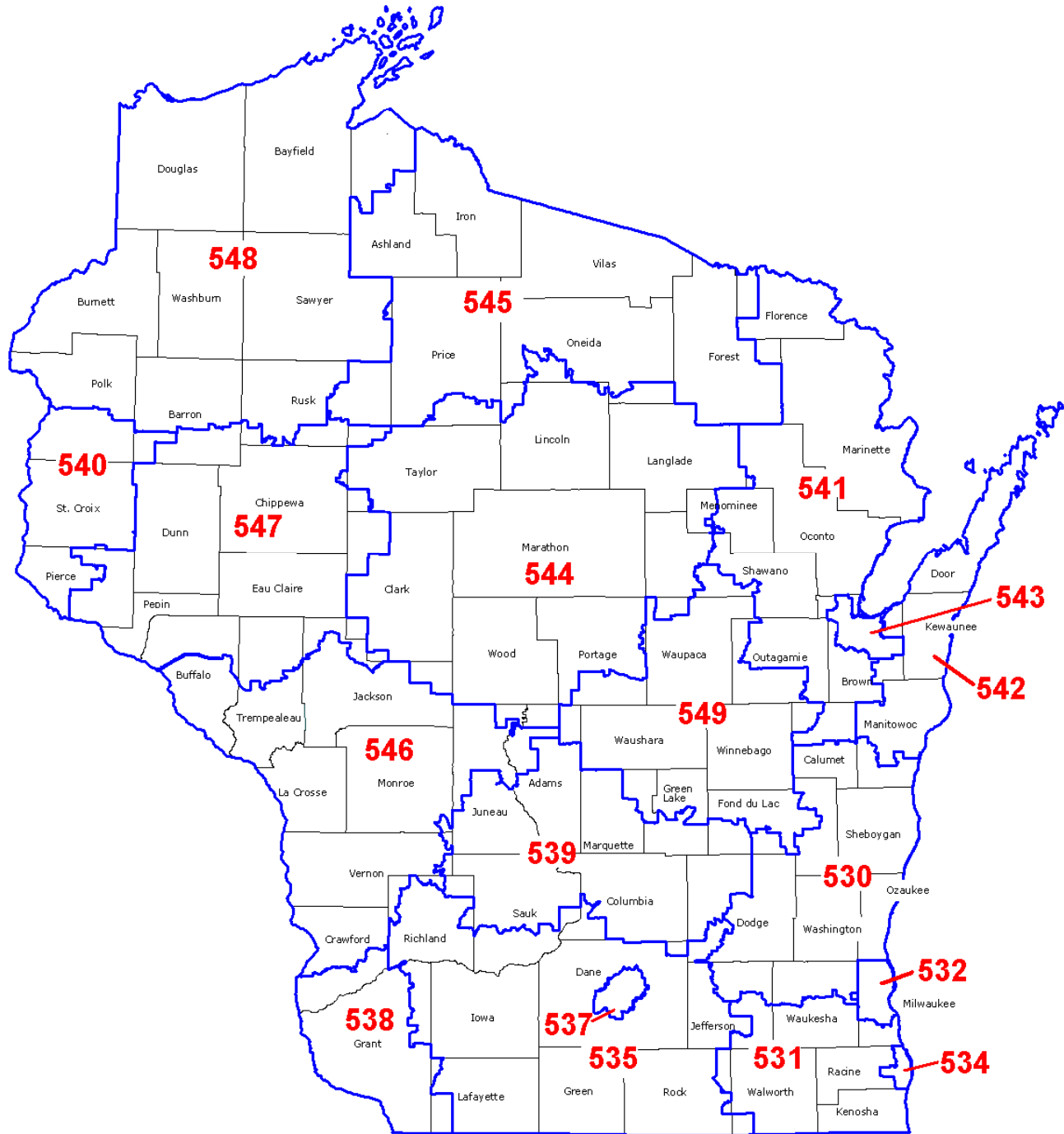
- A formal letter request via mail or hand-delivered is preferred.
- Email messages do not constitute official requests and are not the communication vehicle for funding decisions.
- An emailed or faxed Word or other letterhead document is considered a preliminary request and must be followed up by a hard copy sent to Commerce. Similarly, Commerce may email a Word document as a preliminary decision, but the mailed hard copy letter is considered the formal decision.
- An Adobe (pdf) attachment that includes signatures will be considered a formal request or decision document if the claimant is identified and included in the email request.

The postal service is the best means for submitting a request. Fax and email submittals are acceptable for eliciting an informal response from a Site Reviewer. Also, with tight budgets, Commerce will not print out the many pages electronic submittals contain in order to have a “formal” document in the files. Whenever in doubt about submittal requirements, please call or email a Site Reviewer.

PECFA UPDATES SINCE THE LAST ISSUE OF THE POST:

Update 33: <http://commerce.wi.gov/ERpdf/pecfa/ER-PECFA-Update33.pdf>

PECFA SITE REVIEW ZONE COVERAGE MAP



PECFA SITE REVIEW CONTACT INFORMATION

Bureau Director Oscar Herrera (608) 266-7605		Wisconsin Department of Commerce 201 W. Washington Avenue PO Box 8044 Madison, WI 53708-8044 FAX: 608-267-1381
Section Chief Eric Scott (608) 266-8516		
Program Assistants Cathy Voges (608) 261-7717 Kristi Prindle (608) 267-3753		
Advanced Hydrogeologists Greg Michael (414) 357-4702 David Swimm (608) 264-8766 Tom Verstegen (920) 424-0025		Milwaukee (see address below) Madison (see address below) Oshkosh (see address below)
Zip Code Starting with:	Senior Hydrogeologists	
532	Linda Michalets (414) 357-4703 Monica Weis (414) 357-4705	Wisconsin Department of Commerce 9316 N. 107 th Street Milwaukee, WI 53224-1121 FAX: 414-357-4700
530	Stephen Mueller (414) 357-4704 Lee Delcore (414) 357-4701	
531	Shawn Wenzel (608) 261-5401	Wisconsin Department of Commerce 201 W. Washington Avenue PO Box 8044 Madison, WI 53708-8044 FAX: 608-267-1381
534, 538	Andy Alles (608) 261-8509	
535	Ralph Smith (608) 261-6543 Alan Hopfensperger (608) 266-0562	
537	Jon Heberer (608) 261-5405	
539, 546	Gena Larson (608) 261-5404 Brian Taylor (608) 266-0593	
545	David Blair (608) 261-2515	
548	Will Myers (608) 261-7718	
544	Dee Lance (715) 342-3802	Wisconsin Department of Commerce 2715 Post Road Stevens Point, WI 54481-6456 FAX: 715-345-5225
540, 547	Tim Zeichert (715) 345-5307	
542, 543	Robert Klauk (920) 424-0046	Wisconsin Department of Commerce 2129 Jackson Street Oshkosh, WI 54901-1805
549*	Tom Verstegen (920) 424-0025	
541	Beth Erdman (920) 303-5410	

*Outagamie, Winnebago, Fond du Lac Counties are managed by Robert Klauk and Tom Verstegen whereas the remainder of 549 sites, including the City of New London, are managed by Dee Lance.

PECFA CLAIM REVIEW CONTACT INFORMATION

Bureau Director Oscar Herrera (608) 266-7605		Wisconsin Department of Commerce 201 W. Washington Avenue PO Box 8044 Madison, WI 53708-8044 FAX: 608-267-1381
Section Chief Claim Review Section Dennis Legler (608) 267-7642		
Position	Contact Information:	
Claim Review	Linda Collier (608) 267-5264	Wisconsin Department of Commerce 201 W. Washington Avenue PO Box 7838 Madison, WI 53707 FAX: 608-267-1381
	Tanya Herranz (608) 266-6796	
Tim Prosa (608) 261-7715		
Initial Claim Eligibility	Renee Dickey (608) 264-8765	
Alternate Proof of Payment and Agent Approval	Mary Ann Gosda (608) 266-9420	
Appeals Field Audit	James Moser (608) 267-1394	
Appeals Coordinator-Initial Contact for Appeals	Laura Pleasants (608) 261-2511	
Initial Claim Review	Diane Ploessl (608) 261-7723	
Financial Manager-Payment Issues	Dottie White (608) 266-3713	
Program Assistant	Kristi Prindle (608) 267-3753	
Field Auditor	Carl Kramer (262) 638-7247	