



**Minutes**  
**Small Business Environmental Council (SBEC)**  
**July 28, 2016**

**DNR Central Office**  
**101 S. Webster St. Madison, WI**  
**Room 713**  
**9:00 – 11:30 A.M.**

**Members Present:** Amy Litscher, Mark Aquino, Shane Lauterbach, Vince Ruffolo, Representative Jacque (part of meeting)

**Absent:** Richard Klinke, J.D. Tripoli

**DNR Staff:** Renee Bashel, Jennifer Hamill, Laurel Sukup, Gail Good (part of meeting), Lisa Ashenbrenner Hunt, Roberta Walls, Jim Doperalski Jr

**DOA Staff:** Joe Knilans, Nancy Mistele (part of meeting)

**Speakers:** no additional speakers

**Public Participants:** none

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**Next Meeting Update**

Need to possibly change the date of the next meeting currently scheduled for Oct. 6. SBEAP staff has training the days prior. Need poll for the best date for a fall meeting.

**Action Items for members**

- Please share information on property transaction pages.
- Register for the Governor's Small Business Summit if you want to attend and if you want to attend please let SBEAP know.
- Review SBEC guidelines & will address updates at the next meeting.
- Continue to provide feedback and update the draft of the proposed changes to the Compliance Audit Program.
- Request reappointment letters. Everyone's appointment is expired.

**Program updates**

*Lisa Ashenbrenner Hunt, SBEAP*

Property transaction webpage:

<http://dnr.wi.gov/topic/SmallBusiness/Purchaseproperty.html>

If someone is looking to purchase a property, there is a new DNR website created by SBEAP with environmental information.

Outreach has occurred:

- Internal DNR article,
- Advisor (SBEAP email list),
- National SBEAP,
- EPA SBO Bulletin,
- New North Supply Chain Marketplace,
- Northern Connection, and
- Some economic development staff.

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**P.O. BOX 7921 • MADISON, WI 53707 • 855-889-3021**

## **Program updates – continued**

*Lisa Ashenbrenner Hunt, SBEAP*

Property transaction webpage:

<http://dnr.wi.gov/topic/SmallBusiness/Purchaseproperty.html>

- Recommendation to look into adding Waters of US onto property pages.
- Possible clarification needed to show a list of what permits may be required for a property transaction. Page is linked at bottom of property transaction page, but doesn't stand out has covering permits:  
<http://dnr.wi.gov/topic/SmallBusiness/PropertyTransfers.html>
- DOA would like an updated slide with this information, will also do an email blast with the outreach information.
- SBEC is also willing to send out information. Sample communications message will be attached.

SBEAP will be at the [Governor's Small Business Summit](#) in Appleton on September 19, 2016 from 8:00 AM – 4:00 PM. Please register if you want to attend. It has sold out in previous years. It may be possible to give some recognition if you plan on attending, so let us know.

## **DNR Updates**

*Mark Aquino, Administrator, Business Support and External Services*

- Alignment proposals: developing recommendations.
- Consolidated inspections: there are a broad range of perceptions and beliefs both internally with the programs and external customers. Developing a matrix of required inspections to look at facility size, and the type of inspection required to see if there are opportunities.
- Electronic IT initiatives: looking at development of new systems and maintenance of current systems in regards to budgets, life cycle of the system and if it is a key system. Evaluating timelines to coincide with budgets.
- Had Division awards. From SBEAP's data collected for annual report submitted to EPA, contacts increased from 45,000 to 60,000 (actual numbers are 44,189 in FY 2015 and 60,794 in FY2016). SBEAP is looking to further increase outreach in FY2017.
- SBEAP is also working in developing teams from multiple DNR programs to provide better customer service.
  - Comment from SBEC member: Met with people moving business from IL to WI who met with DNR staff doing the team approach and the company was very happy with staff working together to keep the project moving.
- Have been strengthening the relationship between DNR and DOA.

DNR Budget Update:

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- Expecting future budget to be the status quo.
- All programs need to show what a 5% budget reduction would look like to evaluate priority items and core work.
  - The 5% is for general funding sources across DNR that can be reallocated across different programs.
  - Example: Air has federal grants and those funds are tracked and go where they are required.
- IT initiatives may be needed in future budget.
  - Comment from SBEC member: IT can drive more efficiency. With 60,000 SBEAP contacts, IT could assist. How does DNR want to address IT?
  - Looking at return on investment for efficiency and IT systems.
  - Also looking at where duplicative work can be removed with IT efficiency. Example: field staff having to take handwritten notes and then type the notes later.
  - Comment from SBEC member: Customers want more information and to increase contacts, technology will be needed.
- The strategic analysis will drive where to invest and reallocate resources.
- Every agency submits a budget plan to the joint finance committee, who makes the budget decisions.
- If needed the SBEC is willing to make letters of recommendation to support and advocate for SBEAP.

### **Industrial Sand Mine Strategic Analysis**

*Roberta Walls, Sustainability & Business Support*

Roberta works with the sand mining industry, which includes large, medium and small entities.

About the strategic analysis:

- Is for only sand mines, not stone.
- Looks at permits, regulations and impacts including: air quality, water quality, wetlands, groundwater, wildlife, endangered resources, and socio-economics.
- Previous study completed but it wasn't as comprehensive.
- This study was directed by the Natural Resources Board (NRB) in 2014 based on a proposal that all impacts were not known.
- The analysis was completed in June 2016.
- Based on science and facts
- A draft copy is located here:  
<http://dnr.wi.gov/topic/EIA/documents/ISMSA/ISMSA.pdf>.
- Comments on the draft are due on August 22, 2016.
- A public hearing already occurred.
- Will be utilized to assist in determinations.

The industry:

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- 128 industrial sand mines in WI (92 are active, meaning have active permit requirements), mostly in Western WI.
- WI has more than MN.
- 19 standalone facilities, 4 rail loading, 69 are mining sites (½ of the mining sites also have a processing facility and ½ also have rail loading)
- The acreage of the 69 active mines are:
  - 25% - less than 100 acres
  - 51% between 100-499 acres
  - 15% between 500-999 acres
  - And 9% (6 sites) are greater than 1000 acres.

#### Findings:

- Permits and Enforcement: the types of permits from local, state and federal regulations vary on the type and location of the facility.
  - There is a nonmetallic mining reclamation permit program
  - Full consideration of potential impacts to endangered and threatened species, fisheries, and cultural resources.
  - There may be federal permits required for construction affecting wetlands and waterways.
- Air Quality: The main pollutant is particulate matter (PM). Mining facilities have levels of monitoring that are required and existing data has not found any problematic air quality.
- Groundwater: mines utilize groundwater from high capacity wells for processing and washing.
  - Sometimes they use polyacrylamides to clean the sand to remove metals. There have not been any polyacrylamides detected in the ground water or runoff.
- Surface water: surface water could be impacted by storm water runoff, waste water disposal from processing.
- Wetlands: Typically from the construction of infrastructure and permits would be required.
- Other impacts were studied on how the mines would affect the cities surrounding them.
  - Agriculture
  - Jobs, property value, quality of life (noise, light)
  - Archeological
  - Safety

#### Other:

- Document could be used to figure out ordinances at a local level to assist in addressing issues.
- It also shows what permits the source may need, and hopefully will bring the DNR involvement earlier in the process to avoid issues when possible. Also assists with understanding of who regulates what.
- The strategic analysis is a process defined in [NR150](#). Other strategic analyses have been completed on wild rice and fish passages (for utilities to stop the spread of invasive species and resource management).

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## **SBEC Guideline Review**

*All*

The last time the SBEC guidelines were reviewed was May 2014.

Handout redlined of the SBEC guidelines (will attach an electronic copy in message)

Meeting requirements: lists bimonthly but have been meeting quarterly. Need to update.

Currently there is not a policy if someone leaves before their term is up.

Discussed value of SBEC:

- Can assist with budget recommendations
- Provide DNR with feedback on a variety of topics
- Utilize SBEC's network of connections
- Provide collaboration on concepts

Propose to have more meetings around the state:

- Could utilize meetings to educate local businesses, students and economic development organizations.
- Universities, technical school, local chambers and other state buildings are all options for possible locations. Vince has a connection at UW Parkside.
- Would like to get more public involvement and public to attend more meetings
- Want to address issues and show experiences on how DNR can assist.
- Proposal to discuss at next meeting on having the January or February meeting at another location.
- Homework: Review the SBEC guidelines and will address for updates at the next meeting.

## **Compliance Audit Program follow-up discussion**

*All*

No comments were received in advance of the meeting from the SBEC members. Do members want to:

- Provide recommendations?
- Want to align the DNR compliance plan better with the EPA plans?
- Figure out ways to get the program better utilized.
- The plan is different from EPA. One significant difference is the EPA audit program is policy, not law.
- SBEC recommends aligning the DNR plan with EPA regarding notifications and timelines, as much as possible and wants to change the rule using the legislative process.

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- EPA has up to 100% penalty reduction, which differs from DNR. Want similar language for WI DNR if possible.
- Notification differences:
  - Businesses typically want to do the right thing, especially in a voluntary action and typically will make corrections.
  - Want to remove the notification requirement from WI DNR policy requiring notification before the audit occurs.
  - No changes needed for reporting requirements.
  - Want the EPA timelines for corrections in the WI DNR plan.
    - Extend DNR from 90 days to 180 days (same as EPA)
- Penalties:
  - Does regulatory flexibility language need to be added?
  - Currently DNR is capped at \$500 but could also reference 2013ACT296.
- Exclusions: no proposed changes
- Other:
  - Change the dates to be similar to EPA: Extend DNR from 90 days to 180 days (same as EPA)
  - Public notice requirement. What is the intent for the public notice? The company is acknowledging the issues, if they are doing what they can to comply timely, what is the purpose? Often public notification is an enforcement step. Need to address language of cooperation with DNR. What is the standard for cooperation? What is cooperation defined as? Need to address when public notification is needed or a cooperative plan of corrective action for a voluntary action.
- New Owner policy: need to further review the EPA new owner policy.
- Next steps: Draft proposed changes and review.

### **Council Member appointment updates**

*All*

Everyone's appointments are expired. Need to request reappointments quickly.

Let SBEAP know if you need assistance in finding a sponsor.

Spreadsheet of previous appointing roles provided, although Rep.

Jacque's is unclear – but was not governor as indicated.

### **Public Comment**

No comments

### **Adjourn**

### **Parking Lot**

- Small Business Green Tier level
- Other Legislative ideas

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