

Brownfields Redevelopment in Wisconsin

Essential steps and resources for successful redevelopment of brownfields

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1 PLAN for successful redevelopment

Set reuse goals

Knowing what you want out of the process makes for a more effective and efficient cleanup.

Engage the community

Involve the community early and often in planning and visioning.

Understand regulations and liability

Before acquiring the site or initiating assessment activities, make sure you understand state and federal regulations. You should have a basic understanding of spill notification rules, liability issues, and cleanup requirements before proceeding.

2 ASSESS current conditions

Select an environmental consultant

State and federal laws have specific requirements for environmental professionals performing brownfields assessments. Make sure you know these requirements and how to select a qualified consultant.

Phase I and All Appropriate Inquiries (AAI)

Phase I Environmental Site Assessments (ESAs) identify Recognized Environmental Concerns (RECs), current and past uses and issues that may have contributed to or indicate environmental contamination.

Phase II

If RECs are found during a Phase I ESA, a Phase II ESA should be initiated. Phase II assessments include sampling and analysis of soil, groundwater, and other media present at the site. A Site Investigation (SI) may be warranted after the Phase II to further define the extent of the contamination.

3 ACQUISITION and LIABILITY protection

Understand liability risks

You may be responsible for cleaning up a site you own even if you did not cause the contamination. There are both state and federal protections against liability if you follow certain appropriate procedures.

State liability exemption

Chapter 292, Wis. Stats. establishes certain exemptions for several different groups including:

- local governments that acquire a site “involuntarily;”
- lenders who are engaged in normal lending practices (e.g. foreclosure, security interests, etc.);
- impacted neighbors; and
- property owners who participate in the Voluntary Party Liability Exemption (VPLE) process

You may request a General Liability Clarification letter from the DNR to understand exactly what your state liabilities may be.

Federal liability exemption

The EPA enforces liability for environmental contamination under CERCLA, aka Superfund. You may be exempt from CERCLA liability if you:

- performed an All Appropriate Inquiry (AAI); and
- qualify as a Bona Fide Prospective Purchaser (BFPP), contiguous property owner (CPO), or innocent landowner (ILO); or
- are a government unit and acquired the property involuntarily

If you're unsure, call and ask!



4 INVESTIGATE the site and CLEANUP for future use

Site Investigation

A Site Investigation (SI) may be warranted after the Phase II if evidence of contamination is found. The purpose of an SI is to define the nature, degree, extent and source of contamination, and to determine if any interim or cleanup actions are necessary to comply with environmental and public health laws.

Determine reuse

Because cleanup standards vary for different land uses, it is important to determine to what extent the site will be reused. Risk management is an important step from an economic, environmental and public health standpoint.

Evaluate and select remediation techniques

There are several factors to consider when choosing cleanup options. In addition to the type of contaminants present, the type and intensity of future development, location in proximity to other uses, hydrogeology, and other factors are also important. With emerging green technologies like bioremediation, sustainability of the cleanup should also be considered.

Develop a Remedial Action Plan (RAP)

A Remedial Action Plan details the technical approach to the entire cleanup process.

Implement cleanup

Cleanup should remedy the contamination to the standards appropriate for the intended use. Entities that investigate and cleanup a site following state requirements, with the oversight of DNR staff, can receive a Voluntary Party Liability Exemption (VPLE).

Request case closure

After completion of the investigation and cleanup, a case closure request may be submitted to the DNR. An optional Certificate of Completion (CoC) ensures that the DNR will not require current or future property owners to conduct any additional investigation or cleanup.

Receive case closure or CoC

Provide all necessary documentation to receive case closure and/or a Certificate of Completion.

5 ready the site for REDEVELOPMENT

Market the site

Redeveloping a brownfields site has multiple community benefits including:

- eliminating an eyesore
- enhancing the safety of the neighborhood; and
- increasing the tax-base without adding to suburban sprawl

To help market the site, there are many tools available to incentivize redevelopment including tax abatements, Tax Increment Financing (TIF), and New Market Tax Credits. More information on financial tools can be found on the back of this fact sheet.

Maintain continuing obligations (also known as institutional controls)

- A “must-do” at properties with remaining residual contamination
- A state-approved maintenance plan may be required to assure that contact with contamination is minimized
- Examples: repairing cover systems (e.g. asphalt cover), easements, and maintaining vapor control systems

Brownfields are opportunities in the making

Most brownfields sites are not squeaky clean after cleanup, but usually meet health and safety standards for typical commercial activity. Even if the site is still in the cleanup process, new development can often be integrated into the actual environmental solution for the site. Use the liability tools in Box 3 and the financial tools referenced on the back of this fact sheet to their full advantage.



general information

Wisconsin Department of Natural Resources Remediation & Redevelopment Program
dnr.wi.gov/topic/Brownfields

U.S. EPA Region 5 Brownfields
www.epa.gov/region5Brownfields

U.S. EPA Brownfields Definition
epa.gov/brownfields/overview/glossary.htm

Wisconsin Economic Development Corporation (WEDC)
inwisconsin.com

Wisconsin Department of Administration
doa.wi.gov

technical resources

Selecting an Environmental Consultant
dnr.wi.gov/topic/Brownfields/Select.html

Green Remediation
dnr.wi.gov/topic/brownfields/rrprogram.html
www.clu-in.org/greenremediation/

Residual Contamination & Continuing Obligations
dnr.wi.gov/topic/Brownfields/Residual.html

Case Closure and Certificate of Completion
dnr.wi.gov/topic/Brownfields/Cleanup.html

Underground Storage Tanks
dnr.wi.gov/topic/Brownfields/Petro.html

Vapor Intrusion
dnr.wi.gov/topic/Brownfields/Vapor.html

regulations & standards

Wisconsin Cleanup Rules & Laws
dnr.wi.gov/topic/Brownfields/Laws.html

All Appropriate Inquiries (AAI) Final Rule (40 CFR Part 312)
www.epa.gov/brownfields/aai/

Reporting Hazardous Substance Spills
dnr.wi.gov/topic/Spills/Report.html

Storage Tank Regulations (SPS310 Wisconsin Admin. Code)
dsps.wi.gov/er/ER-BST-HomePage.html

Comprehensive Environmental Response, Compensation & Liability Act (CERCLA)
www.epa.gov/superfund/policy/cercla.htm

liability information

Understanding Liability in Wisconsin
dnr.wi.gov/topic/Brownfields/Liability.html

Local Government Liability Exemptions and Involuntary Acquisition
dnr.wi.gov/files/PDF/pubs/rr/RR579.pdf
www2.epa.gov/enforcement/state-and-local-government-activities-and-liability-protections

Voluntary Party Liability Exemption (VPLE)
dnr.wi.gov/topic/Brownfields/vple.html

Off-Site Exemption
dnr.wi.gov/topic/Brownfields/Offsite.html

Lender Liability
dnr.wi.gov/topic/Brownfields/lenders.html

Superfund's Bona Fide Prospective Purchasers (BFPP) Provision
www2.epa.gov/enforcement/bona-fide-prospective-purchasers



financial resources

Federal

U.S. EPA Brownfields Grants & Funding
www.epa.gov/brownfields/grant_info/index.htm

U.S. HUD Brownfields Economic Development Initiative (BEDI)
www.hud.gov/offices/cpd/economicdevelopment/programs/bedi/bfieldfinance.cfm

State

Wisconsin Plant Recovery Initiative (WPRI) Assessment Monies (WAM)
dnr.wi.gov/topic/Brownfields/wam.html

Wisconsin Ready for Reuse Grants & Loans
dnr.wi.gov/topic/Brownfields/rlf.html

Brownfields Grant and Site Assessment Grant Programs
inwisconsin.com

Petroleum Environmental Cleanup Fund Award (PECFA)
dsps.wi.gov/er/er-pecfa-home.html

CDBG Community Development
doa.wi.gov/Divisions/Housing/Bureau-of-Community-Development

Other Financial Resources
dnr.wi.gov/topic/Brownfields/Financial.html



Wisconsin Department of Natural Resources
P.O. Box 7921, Madison, WI 53707
dnr.wi.gov, search "brownfields"



This document contains information about certain state statutes and administrative rules, but does not necessarily include all of the details found in the statutes and rules. Readers should consult the actual language of the statutes and rules to answer specific questions. The Wisconsin Department of Natural Resources provides equal opportunity in its employment, programs, services, and functions under an Affirmative Action Plan. If you have any questions, please write to Equal Opportunity Office, Department of Interior, Washington, D.C. 20204. This publication is available in alternative format upon request. Please call 608-267-3543 for more information.