Brownfields Redevelopment in Wisconsin
Essential steps for successful redevelopment of brownfields

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) from past uses and issues that may have contributed to current 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, ground-water, and other media present at the site. A Site Investigation (SI) may be warranted after the Phase II ESA 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.

4. INVESTIGATE the site and CLEANUP for future use
   - Site Investigation
     A Site Investigation (SI) may be warranted after the Phase II ESA 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;
     - 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.
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