

RUNOFF MANAGEMENT GRANT PROGRAMS CONTAMINATED PROPERTY ACQUISITION GUIDANCE

If the project which you are proposing under a Runoff Management grant will involve ground disturbance, you will need to include an Environmental Hazards Assessment (EHA) with your application. When you are considering the acquisition or development of property, this exercise will disclose whether this property has a known history of environmental contamination.

After the EHA is received, the department will compare the site location with the respective data bases containing documented hazards. If either the proposed site or any contiguous properties are listed as contaminated, further research will determine whether the hazard has been mitigated or remediated. In the event that the hazard continues to be active, either additional protections must be developed, the location must be adjusted, or the grant will not be issued.



You should also recognize that the acquisition process for purchasing that property, or obtaining an easement on that property, may well be affected if contamination exists on the property. The buyer's approach to the property, the negotiations with the seller, and the required appraisal assignment will change significantly. Depending on the nature of the contamination, cost-sharing for acquisition of that property may not be eligible.

Obviously the community would not knowingly assume the risk of, or exposure to, such contamination. Similarly, the grant program cannot deploy cost-share funds either to increase the existing level of risk by exposing the contamination or to introduce this contaminant into waters of the state. Since runoff management grant projects are expected to be completed within two years, adequate time is not available to remediate such a site and then proceed with construction.

Because infill locations are quite desirable for runoff management practice installations in developed areas, some communities have chosen to remediate the property first (perhaps using one of the several state grant programs for financial assistance) and then applying afterwards for the runoff management grant to construct an structural urban best management practice.

PROPERTIES OF SPECIAL CONCERN:

The following is a list of problem areas where the potential of contamination would indicate a Phase 1 Environmental Site Assessment should be ordered before any appraisals are ordered or serious planning or negotiations begin:

1. Any site previously developed and now vacant.
2. Any current or previous industrial or commercial site.
3. Any site used for storage or warehousing of commercial or industrial materials.
4. Orchards.
5. Railroads and railroad spurs.
6. Suspected former landfills.
7. Areas without vegetation.
8. Areas with monitoring wells.
9. Areas with a history or likelihood of underground storage tanks.
10. Any land suspected of being contaminated.
11. And any site adjacent to any of the above.

Note: Properties acquired by condemnation are not eligible for runoff management grant cost-sharing. And, the grant program does not reimburse clean up costs.

For acquisition projects where the contamination has been remediated, the site must have been remediated according to department (DNR) standards and to the point where the intended pollutant prevention by the urban nonpoint construction project is viable given the property's characteristics. And, excavation and dewatering of the site cannot contribute contaminants or other pollutants to waters of the state.



For additional information regarding contaminated property, check out the following website:

www.dnr.state.wi.us/org/aw/rr