Brownfields Redevelopment in Wisconsin
Essential steps and resources 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 competent 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 ESA to further define the extent of the contamination.
   - Federal liability exemption
     - The EPA enforces liability for environmental contamination under CERCLA, o.k.a. Superfund. You may be exempt from CERCLA liability if you:
       - qualify as a Bon A Fide Prospective Purchaser (BFP) by completing All Appropriate Inquiry (AAI), are a contiguous property owner (CPO) or an innocent landowner (ILO); or
       - are a government unit that acquired the property involuntarily.

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 for qualifying entities if certain procedures are followed.
   - State liability exemption
     - Chapter 29Q, Wis. Stat., establishes certain liability exemptions for several different groups including:
       - local governments that acquire a site involuntarily;
       - lenders who are engaged in normal lending practices (e.g., foreclosure of a security interest, etc.);
       - impacted neighbors; and
       - property owners who participate in the Voluntary Party Liability Exemption (VPLE) process.
   - Federal liability exemption
     - 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 how 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 clean up 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.

4. INVESTIGATE the site and CLEAN-UP for future use
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5. Ready the site for REDEVELOPMENT
   - Market the site
     - Redveloping a brownfields site may have multiple community benefits such as:
       - eliminating an eyesore;
       - enhancing the safety of the neighborhood; and
       - increasing the taxbase 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
Cleaning up and reinvesting in brownfields protects the environment, reduces blight and takes development pressures off greenspaces and working lands. Even during 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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