

### **238.13 Brownfields grant program.**

**(1)** In this section:

- (a)** "Brownfields" means abandoned, idle or underused industrial or commercial facilities or sites, the expansion or redevelopment of which is adversely affected by actual or perceived environmental contamination.
- (b)** "Brownfields redevelopment" means any work or undertaking by a person to acquire a brownfields facility or site and to raze, demolish, remove, reconstruct, renovate, or rehabilitate the facility or existing buildings, structures, or other improvements at the site for the purpose of promoting the use of the facility or site for commercial, industrial, or other purposes. "Brownfields redevelopment" does not include construction of new facilities on the site for any purpose other than environmental remediation activities.
- (d)** "Environmental remediation activities" means investigation, analysis and monitoring of a brownfields facility or site to determine the existence and extent of actual or potential environmental pollution; abating, removing or containing environmental pollution at a brownfields facility or site; or restoring soil or groundwater at a brownfields facility or site.
- (g)** "Person" means an individual, partnership, limited liability company, corporation, nonprofit organization, city, village, town, county, or trustee, including a trustee in bankruptcy.

**(2)**

**(a)** The corporation may make a grant to a person if all of the following apply:

1. The recipient uses the grant proceeds for brownfields redevelopment or associated environmental remediation activities.
    - 1m.** The recipient does not use the grant proceeds to pay lien claims of the department of natural resources or the federal environmental protection agency based on investigation or remediation activities of the department of natural resources or the federal environmental protection agency or to pay delinquent real estate taxes or interest or penalties that relate to those taxes.
  2. All of the following are unknown, cannot be located, or are financially unable to pay the cost of environmental remediation activities:
    - a.** The party that caused the portion of the environmental contamination that is the basis for the grant request.
    - b.** Any person who possessed or controlled the environmental contaminant that is the basis for the grant request before the contaminant was released.
  3. The recipient contributes to the cost of the project as provided in par. (b).
    - (b)**
      1. The contribution required under par. (a) 3. may be in cash or in-kind. Cash contributions may be of private or public funds. In-kind contributions shall be limited to actual remediation services.
      3. The recipient of a grant under this section shall contribute to the project an amount that is equal to at least 50 percent of the amount of the grant.
- (3)** The corporation may consider the following criteria in making awards under this section:
- (a)** The potential of the project to promote economic development in the area.
  - (c)** The level of financial commitment by the applicant to the project.
  - (d)** The extent and degree of soil and groundwater contamination at the project site.
  - (e)** The adequacy and completeness of the site investigation and remediation plan.
  - (f)** Any other factors considered by the corporation to be relevant to assessing the viability and feasibility of the project.]
- (5)** Before the corporation awards a grant under this section, the corporation shall consider the recommendations of the department of natural resources.
- (6m)** Receipt of a grant under this section shall not render the recipient ineligible for a loan or any other grant awarded by the state, unless under the eligibility criteria of the loan or other grant the recipient is excluded by virtue of having received the grant.

**History:** [1997 a. 27](#); [1999 a. 9](#); [2001 a. 16](#); [2007 a. 20, 125](#); [2009 a. 28](#); [2011 a. 32](#) ss. [3341](#) to [3343](#); Stats. 2011 s. 238.13; [2013 a. 166](#) s. 76; [2015 a. 55](#).

### **238.133 Brownfield site assessment grants.**

**(1) DEFINITIONS.** In this section:

- (a) "Eligible site or facility" means one or more contiguous industrial or commercial facilities or sites with common or multiple ownership that are abandoned, idle, or underused, the expansion or redevelopment of which is adversely affected by actual or perceived environmental contamination.
- (b) "Local governmental unit" means a city, village, town, county, redevelopment authority created under s. [66.1333](#), community development authority created under s. [66.1335](#), or housing authority.
- (c) "Petroleum product" has the meaning given in s. [292.63 \(1\) \(f\)](#).
- (d) "Underground hazardous substance storage tank system" means an underground storage tank used for storing a hazardous substance other than a petroleum product together with any on-site integral piping or dispensing system with at least 10 percent of its total volume below the surface of the ground.
- (e) "Underground petroleum product storage tank" has the meaning given in s. [292.63 \(1\) \(i\)](#).

**(2) DUTIES OF THE CORPORATION.**

- (a) The corporation shall administer a program to award brownfield site assessment grants from the appropriation under s. [20.192 \(1\) \(s\)](#) to local governmental units for the purposes of conducting any of the eligible activities under sub. [\(3\)](#).
- (b) The corporation may not award a grant to a local governmental unit under this section if that local governmental unit caused the environmental contamination that is the basis for the grant request.
- (c) The corporation may only award grants under this section if the person that caused the environmental contamination that is the basis for the grant request is unknown, cannot be located or is financially unable to pay the cost of the eligible activities.
- (d) The corporation shall establish criteria as necessary to administer the program. The corporation may limit the total amount of funds that may be used to cover the costs of each category of eligible activity described in sub. [\(3\)](#).

**(3) ELIGIBLE ACTIVITIES.** The corporation may award grants to local governmental units to cover the costs of the following activities:

- (a) The investigation of environmental contamination on an eligible site or facility for the purposes of reducing or eliminating environmental contamination.
- (b) The demolition of any structures, buildings or other improvements located on an eligible site or facility.
- (c) The removal of abandoned containers, as defined in s. [292.41 \(1\)](#), from an eligible site or facility.
- (d) Asbestos abatement activities, as defined in s. [254.11 \(2\)](#), conducted as part of activities described in par. [\(b\)](#) on an eligible site or facility.
- (e) The removal of underground hazardous substance storage tank systems.
- (f) The removal of underground petroleum product storage tank systems.

**(4) APPLICATION FOR GRANT.** The applicant shall submit an application on a form prescribed by the corporation and shall include any information that the corporation finds necessary to calculate the amount of a grant.

**(5) GRANT CRITERIA.** The corporation shall consider the following criteria when determining whether to award a grant:

- (a) The local governmental unit's demonstrated commitment to performing and completing necessary environmental remediation activities on the eligible site, including the local governmental unit's financial commitment.
- (b) The degree to which the project will have a positive impact on public health and the environment.
- (c) Other criteria that the corporation finds necessary to calculate the amount of a grant.

**(6) LIMITATION OF GRANT.** The total amount of all grants awarded to a local governmental unit in a fiscal year under this section shall be limited to an amount equal to 15 percent of the available funds appropriated under s. [20.192 \(1\) \(s\)](#) for the fiscal year.

**(7) MATCHING FUNDS.** The corporation may not distribute a grant unless the applicant contributes matching funds equal to 20 percent of the grant. Matching funds may be in the form of cash or in-kind contribution or both.

**History:** [1999 a. 9](#); [2001 a. 16, 30](#); [2011 a. 32 s. 2990r](#); Stats. 2011 s. 238.133; [2013 a. 20](#).