

1999 DRAFTING REQUEST

Bill

Received: **12/21/98**

Received By: **traderc**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Wong**

This file may be shown to any legislator: **NO**

Drafter: **isagerro**

May Contact:

Alt. Drafters:

Subject: **Environment - env. cleanup**

Extra Copies:

Topic:

DOA:.....Wong - Provide funding for brownfields site assessment

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	traderc 12/23/98 nilsepe 01/11/99			_____			S&L
/P1	isagerro 01/20/99	wjackson 01/25/99	jfrantze 01/25/99	_____	lrb_docadmin 01/25/99		S&L
/1	isagerro 01/29/99	gilfokm 01/29/99	hhagen 01/29/99	_____	gretskl 01/30/99		S&L
/2	isagerro 02/1/99	wjackson 02/1/99	martykr 02/1/99	_____	lrb_docadmin 02/1/99		

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/1	isagerro 01/29/99	gilfokm 01/29/99	hhagen 01/29/99	_____	gretskl 01/30/99		

FE Sent For:

1/2 WLJ 2/1
1/2 JLG 2/1

Handwritten initials and dates: Jm B 2/1, JA 2/1, Am 2/1

<END>

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1/?	traderc 12/23/98 nilsepe 01/11/99 isagerro	1/1-1-22-99 KMG	1/25	1/25			

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<END>

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Drafter: ~~traderc~~ JSR

May Contact:

Alt. Drafters:

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1?	traderc	/pl 1/20 WJ		_____			

FE Sent For:

<END>

- Include community development authority in the definition of local units of governments under current law.
- Exempt municipalities from federal hazardous waste requirements through an exemption from state requirements (as suggested by Becky Tradewell).
- Exempt lenders and local units of governments from the requirement to clean up federally defined underground storage tanks through an exemption from state requirements (as suggested by Becky Tradewell).

3. Provide Funding for Neighborhood Revitalization Brownfields Projects

- Create a biennial appropriation from the Environmental Fund with an annual amount of \$1 million to provide site assessment grants.
- Authorize DNR to administer the grants. These grants are to assist municipalities with costs related to phase I and II of the environmental assessment, demolition, and the removal of abandoned containers and asbestos. NR 790.03
- cont. land recycling program
- Limit the amount of grants that can be received by any community to 15% of the available funding.
- Require a 20% local match.
- Require that if a land recycling loan is received by the grantee to redevelop that same piece of land that the grant was used on, the municipality must repay in full the site assessment grant from the loan. 281.60
- Allow requests for land recycling loans on projects to include the amount of the assessment grant.
- Limit eligibility to local units of governments.

Liability

1. Potential impact associated with 1) expanding the eligibility of voluntary parties, 2) exemption from liability for off-site contamination, 3) allowing the use of interim liability exemptions, and 4) issuing Certificate of Completion for sites using natural attenuation as a final remedy in their cleanup efforts.
 - In conjunction with the biennial report, DNR must submit a status report to the Governor, the Legislature, and DOA that includes the following information:
 1. Number of active sites associated with the use of each process identified above.
 2. Number of Certificates of Completion issued using the first and last processes identified above.
 3. Number of sites with failed remedial options or where additional contamination was found after the Certificate of Completion was issued.
 4. Number of sites where contamination migrated to an off-site property after the Certification of Completion has been issued.
 5. Number of priority sites using the Environmental Fund to conduct cleanup and costs of responding to these sites.
 6. Number of sites where additional contamination was discovered between the end of a site investigation and the start of remediation activities (i.e., discuss the effectiveness of the interim liability program).

Issue: Provide Funding for Neighborhood Revitalization Brownfields Projects

Background

In 1997, the Legislature and Governor greatly expanded Wisconsin's Brownfields Initiative, by creating a number of brownfields funding mechanisms. Specifically, a brownfields grant program for private and public entities and a low-interest loan program for municipalities were created. While there are a range of programs available to fund brownfield redevelopment, local governments still have a number of needs that are not being met. This is particularly evident at properties where there is no current private sector commitment of jobs or where the property's end use is for public purposes. Projects involving green space, light commercial development, housing and those that have no currently job commitment generally have a difficult time securing funding.

In addition, many brownfields properties contain not only environmental challenges but the structures remaining on the properties represent unique challenges to many local governments. These buildings are often obsolete because they do not fit current manufacturing needs – most are multilevel structures with inadequate space. Often these structures contain asbestos, lead paint, and are attractive places for persons to illegally dump hazardous materials or for children to play. Demolition costs of these structures can be a significant part of many brownfields redevelopment projects. For example, an outdated 400,000 square-foot furniture manufacturing structure in one Wisconsin community has an estimated demolition cost of \$1.5 million on a 3.6 acre property. Presently, the Commerce grant program is one of few programs with the ability to pay for demolition.

Local Governments have two critical needs for public funds:

Category 1: Short Term Brownfields Projects

First, local governments have a critical need for public funds to “jump start” new brownfields projects. That is to remove some of the economic obstacles in order to make the project more attractive to the private sector. These costs often include:

- conduct Phase I and II environmental assessments, particularly at petroleum properties, where Commerce and DNR grant and loan programs don't cover this important expense;
- remove underground tanks, barrels, liquids and other materials from property;
- demolish structures and remove asbestos.

Category 2: Long-Term Needs

The second is for the investigation and cleanup of brownfields projects. There are many brownfields that are unlikely to receive, or are not eligible for, current state funding and those properties contribute to neighborhood deterioration. Funds for the investigation and cleanup of the following types of properties is needed:

- properties for public use, such as green space;
- properties where the end use is likely commercial or industrial (i.e., there no current private sector job commitment), yet money is needed to make the property more

economically viable for the private sector; and

- properties where the end use is unknown or unrelated to economic development, for example for housing.

Proposal

Create a new neighborhood revitalization grant program, available to local units of government including: municipalities, counties, towns, villages, redevelopment authorities, housing authorities, community development authorities, county utility districts, town sanitary districts, public inland lake protection and rehabilitation districts, or metropolitan sewage districts. There should be two types of grants available:

Category 1 - 20% or \$1 million per year

- Phase 1 and 2 assessments
- Testing and removal of underground storage tanks
- Removal and analysis of above ground tanks, containers, barrels, or contaminated debris
- Demolition costs of less than \$100,000

Category 2 - 80% or \$4 million per year

- Demolition costs greater than \$100,000
- Costs associated with investigation, analysis and monitoring of a brownfields facility or site to determine the existence and extent of actual or potential environmental pollution
- Costs associated with abating, removing, or containing environmental pollution at a brownfields facility or site
- Cost associated with restoring soil or groundwater at a brownfields facility or site

Guidelines for creating this neighborhood revitalization program include:

- properties must meet brownfields definition or be impacted by properties that meet the definition of brownfields;
- no local government can receive more than 15% (\$750,000) of funds per year;
- local government cannot have caused the contamination;
- responsible party is not able to pay;
- local government must commit 20% of grant request in cash, in-kind services, or a combination of both;
- allow a flexible, streamlined schedule for soliciting and awarding grants, similar to the small community block grants or the DOT's ISTEA grants; and
- in the first biennial year, give the DNR authority to create emergency rules to implement this program; during the second year, provide DNR \$5 million to distribute to local governments; after that, allocate \$10 million per biennium.
- projects are not eligible or likely to receive other brownfields funding from the Petroleum Environmental Cleanup Fund Awards (PECFA) or the Brownfields Grant program.

Comments



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1420/P1

ISR: /...
WJ & KMg

Soon

Dnote

DOA:.....Wong - Provide funding for brownfields site assessment

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

- 1 AN ACT ...; relating to: neighborhood revitalization site assessment grants ~~and~~,
- 2 ^ making an appropriation.

Do Not Gen Cat

granting rule-making authority and

Analysis by the Legislative Reference Bureau

ENVIRONMENT ✓
AND CS
SOLID HAZARDOUS WASTE

revitalization

This bill creates a neighborhood site assessment grant program to be administered by the department of natural resources (DNR). Under this program, cities, villages, towns, or counties may apply for a grant to conduct preliminary cleanup activities on brownfield sites they own. These grants specifically cover the costs of investigating environmental contamination, demolishing structures, and removing abandoned containers and asbestos.

that

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 3 SECTION 1. 20.370 (6) (et) of the statutes is created to read:

WPP: dash
Δ — Δ

1

20.370 (6) (et) Environmental aids neighborhood revitalization. From the

2

environment fund, the amounts in the schedule for neighborhood revitalization site

3

assessment grants under s. 292.75.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4

SECTION 2. 25.46 (11) of the statutes is created to read:

5

25.46 (11) The moneys collected under s. 292.75 (7).

6

SECTION 3. 292.75 of the statutes is created to read:

292.75

7

Neighborhood revitalization site assessment grants. (1) DEFINITIONS. In

8

this section:

9

(a) "Eligible site or facility" means an abandoned, idle or underused industrial

10

or commercial facility or site owned by a political subdivision, the expansion or

11

redevelopment of which is adversely affected by actual or perceived environmental

12

contamination.

13

(b) "Political subdivision" means a city, village, town or county.

14

(2) DUTIES OF THE DEPARTMENT. The department shall administer a program to

15

award neighborhood revitalization site assessment grants from the appropriation

16

under s. 20.370 (6) (et) to political subdivisions for the purposes of conducting any

17

of the eligible activities under sub. (3). The department shall promulgate rules as

18

necessary to administer the program.

19

(3) ELIGIBLE ACTIVITIES. The department may award grants to political

20

subdivisions to cover the costs of the following activities:

21

(a) The investigation of environmental contamination on an eligible site or

22

facility for the purposes of reducing or eliminating environmental contamination.

1

(b) The demolition of any structures, buildings, or other improvements located on an eligible site or facility.

2

3

(c) The removal of abandoned containers, as defined in s. 292.41 (1), from an eligible site or facility.

4

5

(d) Asbestos ^{abatement} ~~management~~ activities, as defined in s. 254.11 (4), conducted on an eligible site or facility. ^{plain "q"}

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7

(4) APPLICATION FOR GRANT. The applicant shall submit an application on a form prescribed by the department and shall include any information ^{that} the department finds necessary to determine the amount of a grant.

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(5) LIMITATION OF GRANT. Any grant awarded under this section shall be limited to an amount equal to 15% of the available funds appropriated under s. 20.370 (6) (et) for the fiscal year in which the department awards the grant.

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(6) MATCHING FUNDS. The department may not distribute a grant unless the applicant contributes matching funds equal to 20% of the grant.

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(7) REPAYMENT REQUIREMENT. If an applicant receives a loan under s. 281.60 for the purpose of conducting activities for which a grant under this section was awarded, the applicant shall repay the grant to the department. Money collected under this section shall be deposited in the environmental fund.

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17

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19

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sub

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1420/P1dn

ISR:/:....

WLJ & King

January 19, 1998

Manye: -

This draft allows grants to be awarded for cleanup activities performed on brownfields. This is a broader definition than the definition of an eligible site used in the land recycling loan program. Under the loan program, an eligible site is a solid, hazardous, or mining waste disposal site that is or poses a threat to groundwater or surface water. Under this program, an eligible site is any site or facility that is adversely affected by environmental contamination. Did you want the grants to apply to all brownfields or just to those sites ^{that are} eligible for land recycling loans?

I have required applicants to contribute matching funds equal to 20% of the grant. Is this what you intended or did you want applicants to contribute 20% of the eligible costs? Drafting it to require a match equal to 20% of the eligible costs would mean that a grant could not be for more than 80% of the eligible costs.

Also, I have defined abandoned containers to mean any container ^{that} ~~which~~ contains a hazardous substance and is not being monitored and maintained. This is consistent with definitions used elsewhere in the statutes.

I have also allowed for the grants to cover ^{the} ~~cover~~ "asbestos abatement activities". These activities include the repair, enclosure, or removal of asbestos-containing material and the renovation or demolition of any part of a structure containing asbestos. This definition is found in the statutes under toxic substances removal in section 254.11 (2). Is it OK to allow the grants to cover all of these abatement activities or do you just want to cover the removal of asbestos?

Please let me know if I should make changes to this draft and feel free to contact me if you have any questions.

Ivy G. Sager-Rosenthal
Legislative Attorney
261-4455

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1420/P1dn
ISR:wj&kmg:jf

January 25, 1999

Manyee:

This draft allows grants to be awarded for clean-up activities performed on brownfields. This is a broader definition than the definition of an eligible site used in the land recycling loan program. Under the loan program, an eligible site is a solid, hazardous or mining waste disposal site that is or poses a threat to groundwater or surface water. Under this program, an eligible site is any site or facility that is adversely affected by environmental contamination. Did you want the grants to apply to all brownfields or just to those sites that are eligible for land recycling loans?

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Please let me know if I should make changes to this draft and feel free to contact me if you have any questions.

Ivy G. Sager-Rosenthal
Legislative Attorney
261-4455

Sager-Rosenthal, Ivy

From: Wong, Manyee
Sent: Tuesday, January 26, 1999 6:29 PM
To: Sager-Rosenthal, Ivy
Subject: FW: LRB Draft: 99-1420/P1

Hi Ivy,

Please change the title of draft 1420 to "Brownfields Site Assessment grants." Thanks.

-----Original Message-----

From: Schmiedicke, David
Sent: Tuesday, January 26, 1999 6:04 PM
To: Wong, Manyee
Subject: RE: LRB Draft: 99-1420/P1

Yes, we should change it. Use "Brownfields Site Assessment grants". Thanks.

David P. Schmiedicke
Wisconsin Department of Administration
Voice -- (608) 266-1040
FAX -- (608) 267-0372
E-Mail -- david.schmiedicke@doa.state.wi.us

-----Original Message-----

From: Wong, Manyee
Sent: Tuesday, January 26, 1999 5:21 PM
To: Schmiedicke, David
Subject: RE: LRB Draft: 99-1420/P1

It was how the Brownfields Study Group titled it in their report. We could change it since the title is broader than what we are really doing.

-----Original Message-----

From: Schmiedicke, David
Sent: Tuesday, January 26, 1999 5:19 PM
To: Wong, Manyee
Subject: FW: LRB Draft: 99-1420/P1

Manyee: Why are we calling these neighborhood revitalization grants? Thanks.

David P. Schmiedicke
Wisconsin Department of Administration
Voice -- (608) 266-1040
FAX -- (608) 267-0372
E-Mail -- david.schmiedicke@doa.state.wi.us

-----Original Message-----

From: Frantzen, Jean
Sent: Monday, January 25, 1999 1:07 PM
To: Wong, Manyee
Cc: Schmiedicke, David; LaBelle, Vicky; Hubli, Scott; Haugen, Caroline
Subject: LRB Draft: 99-1420/P1

Following is the PDF version of draft 99-1420/P1.

<< File: 99-1420/P1 >> << File: 99-1420/P1dn >>

11420

State of Wisconsin

CORRESPONDENCE/MEMORANDUM

Post-it* Fax Note	7671	Date	# of pages 2
To	Judy Sager-Rosenthal	From	Monyee Wong
Co./Dept		Co.	
Phone #		Phone #	266-7597
Fax #	266-5648	Fax #	

DATE: January 27, 1999

TO: Brian Dranzick, MB/5
Monyee Wong, DOA

FROM: Darsi Foss, RE/A

SUBJECT: LRB Draft 1420/P1 - Neighborhood Revitalization Site Assessment Grants

Thank you for the opportunity to comment on this draft. We believe that this is an extremely important tool for local governments and we are pleased to see proposed language for this exciting new program. With regards to the questions from the Legislative Reference Bureau we feel that all brownfields should be able to receive these grants, not just those sites eligible for the land recycling loans. Also, we have no objections to the proposed language related to abandoned containers or asbestos abatement activities. Based on the recommendations from the Brownfields Study Group we have the following comments:

1. Clean-up Activities

~~Section 292.75 (3) of the bill does not include remedial activities (i.e. cleanup) as an eligible activity for the grant program. The Department supports the concerns raised by the Brownfields Study Group that there is a significant gap in the current funding available for the cleanup of brownfields in Wisconsin. As described in the Study Group report, there are many brownfields that are unlikely to receive other grants for cleanup because they do not result in direct economic impacts. Local Governments from around the state have expressed concern to the Department staff that there is no funding available to cleanup important brownfields in their communities. We suggest that eligible activities be expanded to include environmental remediation activities.~~

2. Responsible Parties

OK The Brownfields Study Group recommended that there be additional limitations on what projects could receive these grants. Specifically, local governments who caused the contamination at the site should not be eligible to receive these grants. Also, grants should only be awarded if the parties who caused, possessed or controlled the environmental contamination are unknown, cannot be located, or are financially unable to pay for the costs of environmental investigation or remediation.

3. Priority System

OK The statutory language does not include any section that describes what type of priority system the Department should use to award these grants. We suggest that a simple section be added with the following criteria that the Department should follow when it determines who should be awarded these grants:

- The Communities' commitment to complete the necessary environmental response actions at the property. *including local govt comm; innovative ways*
- The degree to which the project will lead to a positive impact on public health and the environment *in local govt + role in the project*



11420

- Other criteria that that Department of Natural Resources determines to be appropriate

4. Local Governments That are Eligible for the Grant

Handwritten: "local government" circled with "CDR" and "DNR" written next to it.

The Draft identifies "political subdivision" as the units of local government eligible to receive one of these grants. The Study Group suggested that any this grant be eligible to more than cities, towns, villages, and counties. The reason for this is that in many brownfields redevelopment projects, other local units of government especially community development authorities, housing authorities, and redevelopment authorities, are often the lead agencies. Also, the liability exemptions provided under s. 292.11(9)(e) can apply to other local units of government beyond what is listed in the draft. We suggest that, at a minimum, the definition of political subdivisions in 292.75 (1)(b) be expanded to include community development authorities, housing authorities, and redevelopment authorities.

5. Funding of the Program

We were unclear when we read the draft where the funding for this grant program would come from. Section 20.370 (6) (et) identifies the Environmental Fund however it is unclear from the draft if additional money from some other revenue source would be added to the Fund to pay for this program. Also, it is unclear what level of funding would be available for this program. The Department would be concerned about taking additional money from the Environmental Fund for this program if it would impact the available funding for other Department priorities.

6. Matching Funds

With response to the question from LRB, we agree that applicants should contribute matching funds equal to 20% of the grant. However, additional clarification should be added to s. 292.75 (6) such that matching funds can be either cash or in-kind services.

7. Eligible Site or Facility

Section 292.75 (1) (a) should be amended to remove the phrase "owned by a political subdivision". This should not be requirement for this program. Many local governments work with private developers to assess, cleanup and redevelop brownfields and this requirement would limit the usefulness of this program for many local governments. Any concerns about abuse from this grant program should be addressed by the requirements described in the comments related to responsible parties described above.

8. Emergency Rules

The Brownfields Study Group recommended that the Department be given the authority to develop emergency rules to implement this program. There are urgent needs to obtain this funding and local governments would like this program to be up and running as soon as possible.

9. Repayment Requirements

Section 292.75 (7) seems unnecessary given that the Land Recycling Loan is only available for cleanup activities and this grant program, as the draft is currently written, is only for site investigation. Therefore, there would not be overlapping costs that applicants would be awarded a grant and a land recycling loan for. In addition, if a community received a grant, it is unlikely that they would apply for a loan for the same activities if they knew they would have to return the grant.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1420/PN |
ISR: wj&kg:jf
Redraft
maker
run
stat

DOA:.....Wong - Provide funding for brownfields site assessment

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

1 AN ACT ^{Draft Central.} relating to: ^{brownfield} ~~neighborhood revitalization~~ site assessment grants,
2 granting rule-making authority, ^{providing an exemption from rule-making procedures} and making an appropriation.

Analysis by the Legislative Reference Bureau
ENVIRONMENT

SOLID AND HAZARDOUS WASTE

This bill creates a ^{brownfield} ~~neighborhood revitalization~~ site assessment grant program to be administered by the department of natural resources (DNR). Under this program, cities, villages, towns, ^{red development authorities, communities} or counties may apply for a grant to conduct preliminary clean-up activities on brownfield sites ~~that they own~~. These grants specifically cover the costs of investigating environmental contamination, demolishing structures and removing abandoned containers and asbestos.

development authorities
and pursuing
authorities

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 20.370 (6) (et) of the statutes is created to read:

SECTION 1

1 20.370 (6) (et) *Environmental aids* ^{(x) brownfield site assessment} ~~neighborhood revitalization~~ From the
 2 environmental fund, the amounts in the schedule for ^{brownfield} ~~neighborhood revitalization~~
 3 site assessment grants under s. 292.75.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4 **SECTION 2.** 25.46 (11) of the statutes is created to read:

5 25.46 (11) The moneys collected under s. 292.75 (f).^g

6 **SECTION 3.** 292.75 of the statutes is created to read:

7 **292.75** ^{Brownfield} ~~Neighborhood revitalization~~ **site assessment grants. (1)**

8 DEFINITIONS. In this section:

9 (a) "Eligible site or facility" means an abandoned, idle or underused industrial
 10 or commercial facility or site ~~owned by a political subdivision~~, the expansion or
 11 redevelopment of which is adversely affected by actual or perceived environmental
 12 contamination.

→ Insert A ✓

13 (b) ~~"Political subdivision" means a city, village, town or county.~~

14 (2) ^(a) DUTIES OF THE DEPARTMENT. The department shall administer a program to
 15 award ^{brownfield} ~~neighborhood revitalization~~ site assessment grants from the appropriation
 16 under s. 20.370 (6) (et) to ~~political subdivisions~~ ^{local governmental units} for the purposes of conducting any

17 of the eligible activities under sub. (3). ^{Insert 39(d)} The department shall promulgate rules as
 18 necessary to administer the program.

19 (3) ELIGIBLE ACTIVITIES. The department may award grants to ~~political~~
 20 ~~subdivisions~~ ^{local governmental units} to cover the costs of the following activities:

21 (a) The investigation of environmental contamination on an eligible site or
 22 facility for the purposes of reducing or eliminating environmental contamination.

1 (b) The demolition of any structures, buildings or other improvements located
2 on an eligible site or facility.

3 (c) The removal of abandoned containers, as defined in s. 292.41 (1), from an
4 eligible site or facility.

5 (d) Asbestos abatement activities, as defined in s. 254.11 (2), conducted on an
6 eligible site or facility.

7 (4) APPLICATION FOR GRANT. The applicant shall submit an application on a form
8 prescribed by the department and shall include any information that the department
9 finds necessary to ^{calculate} ~~determine~~ the amount of a grant.

10 → Insert C (5) LIMITATION OF GRANT. Any grant awarded under this section shall be limited
11 to an amount equal to 15% of the available funds appropriated under s. 20.370 (6)
12 (et) for the fiscal year in which the department awards the grant.

13 (6) MATCHING FUNDS. The department may not distribute a grant unless the
14 applicant contributes matching funds equal to 20% of the grant. ^ Insert D

15 (7) REPAYMENT REQUIREMENT. If an applicant receives a loan under s. 281.60 for
16 the purpose of conducting activities for which a grant under this section was
17 awarded, the applicant shall repay the grant to the department. Money collected
18 under this subsection shall be deposited in the environmental fund.

19 → Insert E ✓

(END)

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1420/lins
ISR:wlj&kmg:jf

1 Insert A ✓

2 (b) "Local governmental unit" means a city, village, town, county,
3 redevelopment authority created under s. 66.431, community development
4 authority created under s. 66.4325, or housing authority.

5 Insert B ✓

6 (b) The department may not award a grant to a local governmental unit under
7 this section if that local governmental unit caused the environmental contamination
8 that is the basis for the grant request.

9 (c) The department may only award grants under this section if the party who
10 caused the environmental contamination that is the basis for the grant request is
11 unknown, cannot be located or is financially unable to pay the cost of the eligible
12 activities.

13 Insert C ✓

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

16 (a) The local governmental unit's demonstrated commitment to performing and
17 completing necessary environmental remediation activities on the eligible site,
18 including the local governmental unit's financial commitment.

19 (b) The degree to which the project will have a positive impact on public health
20 and the environment.

21 (c) Other criteria ^{that} the department finds necessary to calculate the amount of a
22 grant.

23 Insert D ✓

1 Matching funds may be in the form of cash, ^{or} in-kind contribution or both. ✓

2 Insert E ✓

3 **SECTION 9136. Nonstatutory provisions; natural resources.**

4 (1) EMERGENCY RULE-MAKING AUTHORITY. Using the procedure under section
5 227.24 of the statutes, the department ^{of natural resources} shall promulgate rules required under section
6 292.75 of the statutes, as created by this act, for the period before permanent rules
7 become effective, but not to exceed the period authorized under section 227.24 (1) (c)
8 and (2) of the statutes. Notwithstanding section 227.24 (1) (a) and (2) (b) of the
9 statutes, the department [✓] is not required to provide evidence that promulgating a rule
10 under this subsection as an emergency rule is necessary for the preservation of the
11 public peace, health, safety or welfare and is not required to provide a finding of
12 emergency for a rule promulgated under this subsection.



State of Wisconsin
1999 - 2000 LEGISLATURE

today

LRB-1420/1
ISR: [initials]
WJ [initials]
stays [initials]
draft maker [initials]

DOA:.....Wong - Provide funding for brownfields site assessment
FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

1 ^{Don't Gen}
2 ^{cat} AN ACT **relating to:** brownfield site assessment grants, granting rule-making
3 authority, providing an exemption from rule-making procedures and making
an appropriation.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

SOLID AND HAZARDOUS WASTE

This bill creates a brownfield site assessment grant program to be administered by the department of natural resources (DNR). Under this program, cities, villages, towns, counties, redevelopment authorities, community development authorities and housing authorities may apply for a grant to conduct preliminary clean-up activities on brownfield sites. These grants specifically cover the costs of investigating environmental contamination, demolishing structures and removing abandoned containers and asbestos. *Applicants who receive a brownfield site assessment grant must contribute funds equal to 20% of the grants*
For further information see the **state and local** fiscal estimate, which will be matching printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.370 (6) (et) of the statutes is created to read:

2 20.370 (6) (et) *Environmental aids — brownfield site assessment.* From the
3 environmental fund, the amounts in the schedule for brownfield site assessment
4 grants under s. 292.75.

 ****NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

5 **SECTION 2.** 25.46 (11) of the statutes is created to read:

6 25.46 (11) The moneys collected under s. 292.75 (8).

7 **SECTION 3.** 292.75 of the statutes is created to read:

8 **292.75 Brownfield site assessment grants.** (1) DEFINITIONS. In this
9 section:

10 (a) “Eligible site or facility” means an abandoned, idle or underused industrial
11 or commercial facility or site, the expansion or redevelopment of which is adversely
12 affected by actual or perceived environmental contamination.

13 (b) “Local governmental unit” means a city, village, town, county,
14 redevelopment authority created under s. 66.431, community development
15 authority created under s. 66.4325, or housing authority.

16 (2) DUTIES OF THE DEPARTMENT. (a) The department shall administer a
17 program to award brownfield site assessment grants from the appropriation under
18 s. 20.370 (6) (et) to local governmental units for the purposes of conducting any of the
19 eligible activities under sub. (3).

20 (b) The department may not award a grant to a local governmental unit under
21 this section if that local governmental unit caused the environmental contamination
22 that is the basis for the grant request.

1 (c) The department may only award grants under this section if the ^{person that} party who
2 caused the environmental contamination that is the basis for the grant request is
3 unknown, cannot be located or is financially unable to pay the cost of the eligible
4 activities.

5 (d) The department shall promulgate rules as necessary to administer the
6 program.

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

9 (a) The investigation of environmental contamination on an eligible site or
10 facility for the purposes of reducing or eliminating environmental contamination.

11 (b) The demolition of any structures, buildings or other improvements located
12 on an eligible site or facility.

13 (c) The removal of abandoned containers, as defined in s. 292.41 (1), from an
14 eligible site or facility.

15 (d) Asbestos abatement activities, as defined in s. 254.11 (2), conducted on an
16 eligible site or facility.

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

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

22 (a) The local governmental unit's demonstrated commitment to performing and
23 completing necessary environmental remediation activities on the eligible site,
24 including the local governmental unit's financial commitment.

1 (b) The degree to which the project will have a positive impact on public health
2 and the environment.

3 (c) Other criteria that the department finds necessary to calculate the amount
4 of a grant.

5 (6) LIMITATION OF GRANT *The total amount of all grants awarded to a local governmental unit in a fiscal year*
~~Any grant awarded~~ under this section shall be limited
6 to an amount equal to 15% of the available funds appropriated under s. 20.370 (6)
7 (et) for the fiscal year in which ~~the department awards the grant.~~

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

11 (8) **REPAYMENT REQUIREMENT.** If an applicant receives a loan under s. 281.60 for
12 the purpose of conducting activities for which a grant under this section was
13 awarded, the applicant shall repay the grant to the department. Money collected
14 under this subsection shall be deposited in the environmental fund.

15 **SECTION 9136. Nonstatutory provisions; natural resources.**

16 (1) **EMERGENCY RULE-MAKING AUTHORITY.** Using the procedure under section
17 227.24 of the statutes, the department of natural resources shall promulgate rules
18 required under section 292.75 of the statutes, as created by this act, for the period
19 before permanent rules become effective, but not to exceed the period authorized
20 under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24
21 (1) (a) and (2) (b) of the statutes, the department is not required to provide evidence
22 that promulgating a rule under this subsection as an emergency rule is necessary for
23 the preservation of the public peace, health, safety or welfare and is not required to
24 provide a finding of emergency for a rule promulgated under this subsection.

25

(END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1420/2
ISR:wlj&kmg:km

DOA:.....Wong - Provide funding for brownfields site assessment

FOR 1999-01 BUDGET -- NOT READY FOR INTRODUCTION

- 1 **AN ACT ...; relating to:** brownfield site assessment grants, granting rule-making
2 authority, providing an exemption from rule-making procedures and making
3 an appropriation.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

SOLID AND HAZARDOUS WASTE

This bill creates a brownfield site assessment grant program to be administered by the department of natural resources (DNR). Under this program, cities, villages, towns, counties, redevelopment authorities, community development authorities and housing authorities may apply for a grant to conduct preliminary clean-up activities on brownfield sites. These grants specifically cover the costs of investigating environmental contamination, demolishing structures and removing abandoned containers and asbestos. Applicants who receive a brownfield site assessment grant must contribute matching funds equal to 20% of the grant.

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13 (b) “Local governmental unit” means a city, village, town, county,
14 redevelopment authority created under s. 66.431, community development
15 authority created under s. 66.4325, or housing authority.

16 **(2) DUTIES OF THE DEPARTMENT.** (a) The department shall administer a
17 program to award brownfield site assessment grants from the appropriation under
18 s. 20.370 (6) (et) to local governmental units for the purposes of conducting any of the
19 eligible activities under sub. (3).

20 (b) The department may not award a grant to a local governmental unit under
21 this section if that local governmental unit caused the environmental contamination
22 that is the basis for the grant request.

1 (c) The department may only award grants under this section if the person that
2 caused the environmental contamination that is the basis for the grant request is
3 unknown, cannot be located or is financially unable to pay the cost of the eligible
4 activities.

5 (d) The department shall promulgate rules as necessary to administer the
6 program.

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11 (b) The demolition of any structures, buildings or other improvements located
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13 (c) The removal of abandoned containers, as defined in s. 292.41 (1), from an
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23 completing necessary environmental remediation activities on the eligible site,
24 including the local governmental unit's financial commitment.

1 (b) The degree to which the project will have a positive impact on public health
2 and the environment.

3 (c) Other criteria that the department finds necessary to calculate the amount
4 of a grant.

5 (6) LIMITATION OF GRANT. The total amount of all grants awarded to a local
6 governmental unit in a fiscal year under this section shall be limited to an amount
7 equal to 15% of the available funds appropriated under s. 20.370 (6) (et) for the fiscal
8 year.

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

12 (8) REPAYMENT REQUIREMENT. If an applicant receives a loan under s. 281.60 for
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19 required under section 292.75 of the statutes, as created by this act, for the period
20 before permanent rules become effective, but not to exceed the period authorized
21 under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24
22 (1) (a) and (2) (b) of the statutes, the department is not required to provide evidence
23 that promulgating a rule under this subsection as an emergency rule is necessary for

1 the preservation of the public peace, health, safety or welfare and is not required to
2 provide a finding of emergency for a rule promulgated under this subsection.

3 (END)