

****All present are expected to conduct themselves in accordance with our City's Core Values****



OFFICIAL NOTICE AND AGENDA

of a meeting of a City Board, Commission, Department, Committee, Agency, Corporation, Quasi-Municipal Corporation, or sub-unit thereof.

Meeting of the: **COMMITTEE OF THE WHOLE**
Date/Time: **Wednesday, September 8, 2021 at 6:30 pm.**
Location: **Council Chambers, City Hall, 407 Grant Street, Wausau**

Members: Patrick Peckham, Michael Martens, Tom Kilian, Tom Neal, Jim Wadinski, Rebecca McElhaney, Lisa Rasmussen, Sarah Watson, Dawn Herbst, Lou Larson, Deb Ryan, Mayor Katie Rosenberg

AGENDA ITEMS FOR DISCUSSION (No action will be taken)

- 1 Public Comment - Register to speak or submit written comment
- 2 Discussion and Possible Action Regarding Resolution Supporting Environmental Justice

Becky McElhaney
Council President

This meeting is being held in person and via teleconference. Members of the media and the public may attend in person or **by calling 1-408-418-9388**. The **Access Code is: Password: 2481 384 5635 Password: wausau1** The lines of those public members monitoring the meeting by phone will be muted.

Members of the public who do not wish to appear in person may view the meeting live over the internet on the City of Wausau's YouTube Channel <http://www.tinyurl.com/WAAMedia>, live by cable TV, Channel 981, and a video is available in its entirety and can be accessed at <https://tinyurl.com/WausauCityCouncil>. Any person wishing to offer public comment in person or in writing may register at this address: <https://forms.co.marathon.wi.us/forms/City-Council-Agenda-Item-Form>. All public comment, either by email or in person, will be limited to items on the agenda at this time. The messages related to agenda items received prior to the start of the meeting will be provided to the Council President.

This Notice was posted at City Hall and faxed to the Daily Herald newsroom on 9/03/21 @ 9:00 AM

In accordance with the requirements of Title II of the Americans with Disabilities Act (ADA), the City of Wausau will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. If you need assistance or reasonable accommodations in participating in this meeting or event due to a disability as defined under the ADA, please call the City's ADA Coordinator at (715) 261-6620 or e-mail clerk@ci.wausau.wi.us at least 48 hours prior to the scheduled meeting or event to request an accommodation.

Other Distribution: Media, Council Alderpersons, Department Heads

CITY OF WAUSAU, 407 Grant Street, Wausau, WI 54403

RESOLUTION OF THE PUBLIC HEALTH & SAFETY COMMITTEE

Supporting Environmental Justice

Committee Action: Failed 2 - 2

Fiscal Impact: Undetermined

File Number: 21-0808

Date Introduced: August 10, 2021

FISCAL IMPACT SUMMARY

COSTS	<i>Budget Neutral</i>	Yes ☐ No ☐	
	<i>Included in Budget:</i>	Yes ☐ No ☐	<i>Budget Source:</i>
	<i>One-time Costs:</i>	Yes ☐ No ☐	<i>Amount:</i>
	<i>Recurring Costs:</i>	Yes ☐ No ☐	<i>Amount:</i>
SOURCE	<i>Fee Financed:</i>	Yes ☐ No ☐	<i>Amount:</i>
	<i>Grant Financed:</i>	Yes ☐ No ☐	<i>Amount:</i>
	<i>Debt Financed:</i>	Yes ☐ No ☐	<i>Amount</i> <i>Annual Retirement</i>
	<i>TID Financed:</i>	Yes ☐ No ☐	<i>Amount:</i>
	<i>TID Source: Increment Revenue ☐ Debt ☐ Funds on Hand ☐ Interfund Loan ☐</i>		

RESOLUTION

WHEREAS, the City of Wausau Comprehensive Plan 2017 recognizes that both the natural environment and equity are key components of Livability and a community's quality of life; and

WHEREAS, the North Central Wisconsin Regional Planning Commission's Regional Livability Plan 2015 highlights the importance of the natural environment and equity on making the region more livable for all residents, while listing the identification of resources and the provision of environmental remediation support for brownfields and other industrial sites as an objective; and

WHEREAS, the Metro Region Economic Development Assessment 2017 from the North Central Wisconsin Regional Planning Commission with support from the Marathon County Economic Development Corporation (MCDEVCO) includes the improvement of Metro Region Livability as part of the framework for an Economic Development Strategy; and

WHEREAS, as reflected by the East Riverfront Brownfields Area-Wide Plan in relation to the U.S. EPA's Brownfields Area-Wide Planning (AWP) program, the City of Wausau strives to help the community confront local environmental and public health challenges related to

brownfields, which benefits underserved or economically disadvantaged areas, among others; and

WHEREAS, in the City of Wausau’s application for a U.S. EPA Brownfields Area-Wide Planning Grant (Fiscal Year 2013), the City of Wausau highlighted in detail that the proximity to environmental contamination and brownfields for sensitive populations such as persons of color and low-income persons historically posed potential “Socio-Economic and Health Concerns” within the project area of the application; and

WHEREAS, the City of Wausau is committed to the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies; and

WHEREAS, the City of Wausau seeks to support the delivery of an equitable share of environmental benefits and community assets in all neighborhoods and wards that enhance the quality of life, such as parks and open spaces, trees, natural areas, community gardens, and the riverfront, as well as equal access to the City’s environmental and infrastructure investments that support health, well-being and a sense of community; and

WHEREAS, The City of Wausau seeks to foster equity, community engagement, environmental sustainability, community cohesion, and transparent decision-making. The City of Wausau aspires to engage all Wausau residents equally regardless of income, race, ethnicity, language, age, gender, sexual orientation, ability, immigration status, and address for equal access to information about, and opportunities for meaningful involvement in, local decision-making that affects their quality of life.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Wausau, Marathon County, Wisconsin that:

SECTION 1: For purposes of this Resolution, the following definitions apply:

Environmental Justice (Wausau): As defined by the U.S. Environmental Protection Agency (EPA), Environmental Justice is “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies” and Environmental Justice is achieved when “everyone enjoys the same degree of protection from environmental and health hazards, and equal access to the decision-making process to have a healthy environment in which to live, learn, and work.”

Public Engagement: Public engagement is any process that meaningfully, inclusively, and equally engages residents and stakeholders in taking an action or making a decision and gives full consideration to public input in making that decision.

Equity: Equity, as defined by the 2021 Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, “means the consistent and systematic fair, just, and impartial treatment of all individuals...”

SECTION 2: This Resolution establishes the City of Wausau's definition for environmental justice and also serves as the foundation for the future development of practices that ensure active consideration of environmental justice and meaningful public participation in City policies, practices, procedures, and other decision-making.

SECTION 3: The City of Wausau is committed to meaningful and inclusive public engagement that provides the foundation for making better decisions around environmental justice issues. Through meaningful and inclusive public engagement, decision-makers have more complete information to understand any potential impact a project or program may have on the community, decisions are more implementable and sustainable, decisions are perceived as more legitimate, and decision-makers are better communicators.

SECTION 4: The City of Wausau will incorporate environmental justice into City of Wausau ordinances, codes, policies, and processes, which could include review of existing codes which will be conducted with appropriate revisions to bolster and improve environmental justice outcomes. This work will be done in consultation with relevant City committees and departments, and community organizations.

SECTION 5: The City of Wausau is committed to developing a policy that specifies clear goals for meaningful public engagement, policies and decision-making processes. These engagements are intended to ensure that decisions with the potential to affect the quality of life for residents and entire neighborhoods in Wausau are supported by public engagement that is pursuant to the City's policy on meaningful, timely, inclusive, accessible public comment, as well as responsiveness to public comment. The public engagement policy shall be developed in consultation with the relevant City departments and committees, along with the involvement and input of community stakeholders.

SECTION 6: The City will develop and maintain an active GIS-based inventory of environmental justice areas in Wausau. Environmental justice areas are geographic regions in which low-income populations and/or people of color face a disproportionately high exposure to environmental challenges and burdens, as statistically defined and demonstrated by EJSCREEN: The EPA's Environmental Justice Screening and Mapping Tool. That inventory will be made public through online mapping platforms. Once completed, this tool will help to identify existing burdens, and needed improvements and investments, that can be considered by City Departments through their planning process.

Approved:

Katie Rosenberg, Mayor

PUBLIC HEALTH & SAFETY COMMITTEE

Date and Time: Tuesday, June 29, 2021 at 5:15 pm, (Council Chambers)

Members Present: Lisa Rasmussen (C), Pat Peckham, Dawn Herbst, Jim Wadinski

Members Excused: Becky McElhaney

Others Present: Tara Alfonso, Leslie Kremer, Todd Baeten, Bob Barteck, Mary Goede, Eric Lindman, Kevin Fabel, Katie Rosenberg, Tom Kilian

Discussion and possible action on a “Resolution to Support Environmental Justice” considered and recommended by the Liberation and Freedom Committee

Lisa Rasmussen noted following the consideration of the resolution by the Liberation and Freedom Committee the legal department asks for some revisions to the draft, which has been done and that is what is before them tonight.

Tom Kilian explained the origins of the resolution for environmental justice and its implications. This was followed by public comment and extensive committee discussion which can be accessed on YouTube for the full dialogue:

<https://www.youtube.com/watch?v=RNe5juceT2g>

Public Comment:

- 1) Gary Gisselman, 319 Park Ave, former Alderperson, urged the committee to move the resolution to City Council for approval.
- 2) Bruce Grau, 1115 N 10th St, spoke in support of the resolution.
- 3) Rita Pachal, 1310 Maple Hill Rd, spoke in support of the resolution.
- 4) Terry Kilian, 133 E Thomas St, on behalf of Citizens for a Clean Wausau, indicated strong support of the resolution.
- 5) Randy Radtke, 244 Wyatt St, spoke in support of the resolution.
- 6) Lisa Ortsondergard, 220180 Pleasant Dr, Edgar, retired Social Worker for Wausau School District, spoke in support of the resolution.
- 7) Don Lewandowski, 174514 Mission Lake Rd, Hatley, owner of rental properties in the City of Wausau, spoke in support of the resolution.
- 8) Joyce Luedke, 3605 Cross Pointe Blvd, Apt 371, Weston, spoke in support of the resolution.
- 9) Chris Norfleet, 227 Scott St, spoke about the lack of public participation in government and in support of the resolution.
- 10) Jack Hogendyke, Hilltop Rd, express concerns about the resolution not accomplishing much because the problems can be addressed with existing laws.
- 11) Will Harris, 316 ½ N 3rd St, Apt C, Marathon County Board Supervisor District 3, urged committee support for the resolution.
- 12) Ka Lo, 620 ½ Lincoln Ave, Marathon County Board Supervisor District #5, urged passage of the resolution.

Kevin Fabel, Environment Engineer for the City of Wausau, addressed the committee on his review of the resolution and went through each point in the statement provided to the committee in the packet. Link to packet below:

https://www.ci.wausau.wi.us/Portals/0/Departments/Council/Archives/Standing%20Committees/Public%20Health%20and%20Safety%20Committee/2021/PHSC_20210629_Packet.pdf *Discussion followed,*

Eric Lindman, Director of Public Works and Utilities, commented he reviewed the resolution and tried to understand where the objectives and priorities are and to align them with what we are already doing. He felt direction to staff on how to move forward was missing. *Further discussion and questions. 5 minute recess was taken.*

Motion by Peckham, second by Wadinski to amend the wording in Section 2 as follows “also serves as the foundation for the future development of ~~additional ordinances~~ **practices** that ensure active consideration of environmental justice.....” Motion carried 3-1.

Motion by Peckham, second by Wadinski to approve the Environmental Justice Resolution with the intention of working with staff to develop equitable and wise procedures to handle these matters in the future, and as amended on the committee floor. Motion failed 2-2. *(Rasmussen and Herbst were the dissenting votes)*



TO: Public Health & Safety Committee

FROM: Eric Lindman, P.E.
Director of Public Works & Utilities

DATE: June 29, 2021

SUBJECT: Environmental Justice – Proposed Resolution

Staff has reviewed a second draft of a proposed resolution related to Environmental Justice. Per Kevin Fabel, Environmental Engineer, *"I as Environmental Engineer for the City of Wausau for the past 8+ years am aware of zero (0) instances during that time, or any time previous, where minority groups or low income areas have shouldered any additional burden or have been disproportionately affected by environmental consequences as the result of any environmental violations in any of the issues or areas I have been involved with. In other words, I am aware of no Environmental Injustices which would require a new Environmental Justice Policy to correct, repair, or make good on, in the City of Wausau."*

Here are staff comments related to sections of the resolution.

Section 2: This section seems to indicate the City has no establishment of policies/ordinances for public input and engagement. The City has written ordinances and there are also state and federal laws the city follows in regards to public engagement. All citizens have equal access to these public meetings and information. There are currently ordinances in place for public engagement.

Section 3: This section is more about general public engagement and not necessarily related to EJ. Public engagement is only one component of making decisions. There are many other factors that are considered; engineering principles, effects of laws, rules, regulations, private property owner decisions, etc. All information/data need to be considered when making decisions. The City has current policies/ordinances in place which establish public engagement; they range from public hearings to public information meetings and public committee meetings.

Section 4: Environmental Justice is a federal policy used by the USEPA in dealing with violators of Environmental Law and preventing violations of Environmental Law. The USEPA does this by issuing permits through the Clean Water Act and Clean Air Act. EJ would not necessarily apply to most ordinances or codes, the resolution seems to indicate a request for more public engagement. The City already has public engagement requirements and in other cases additional public engagement and environmental requirements is required by outside funding received.

Section 5: The City currently has requirements for public engagement. As is the current process, ordinance changes are brought through committees and public meetings. Public Hearings and notices to residents are also required for other processes.

Section 6: Staff has not worked with EJScreen. GIS has the City LMI areas mapped and has census data and they are available. Our mapped LMI areas are used to help determine areas of the City we can use various federal funding. For example, the CDBG funding used for infrastructure is used in LMI areas. These funds require Environmental Review and other public engagement for the projects as well as public meetings to approve the use of these funds. Other federal infrastructure funding we receive requires environmental reviews and public engagement meetings throughout the process.

General comments:

It would be helpful to understand from the governing body where their priorities lie, what challenges the council feels need to be addressed, what needs to be improved and what is the overall objective of this type of resolution. None of these items are outlined in the resolution as written. One option that may be more beneficial and provide a more meaningful discussion would be for staff to outline our current public engagement policies and requirements for the council's review and discuss requested changes and potential implications/benefits. If the council wants to establish policies/procedures that ensure we recognize EJ then this may be a place a start, this resolution does not seem to be a good start or beneficial to establishing good policy and staff direction moving forward.



Office of the City Attorney

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Anne L. Jacobson
City Attorney

Tara G. Alfonso
Assistant City Attorney

Nathan Miller
Assistant City Attorney

To: Public Health & Safety Committee
From: Tara G. Alfonso, Asst. City Attorney 
Date: June 24, 2021
Re: Comments on Proposed Environmental Justice Resolution

- On February 19, 2021, the Liberation and Freedom Committee (“L/F Committee”) held a joint meeting with the Sustainability, Energy and Environment Committee (“SEE Committee”) to discuss a draft resolution presented for consideration by Alderperson Tom Kilian (“Resolution Draft I”). A quorum of members were present sufficient for action by the L/F Committee but a quorum of members were not present to enable action by the SEE Committee. Alderperson Kilian provided an overview of the draft resolution titled “To Support Environmental Justice.” At that time a motion was made and approved by the L/F Committee to seek to have the draft resolution considered by the Public Health & Safety Committee (“PH&S Committee”). A later meeting was scheduled for the SEE Committee to consider the resolution at a time a full quorum of its members could be obtained. This meeting was later scheduled for February 24, 2021.
- The general understanding is that Resolution Draft I was one which was substantially identical to one adopted September 14, 2020, by the City of Evanston, Illinois, pop. 74,587 (2019 U.S. Census), a city located just north of the City of Chicago, Illinois.
- City Attorney Anne Jacobson, who had listened to the L/F Committee meetings of February 19, and March 8, 2021, assigned this writer to review this resolution prior to consideration at/by the Public Health & Safety Committee (“PH&S Committee”) anticipating that committee members would expect a response to a number of items which mentioned the City Attorney’s Office, although the office had not been contacted to discuss or review this or other items on the agendas.
- This writer reviewed the Resolution Draft I and provided written comments on February 23, 2021, via email to Alder Lisa Rasmussen (PH&S Chair), Alder Tom Kilian and also to Blake Opal-Wahoske, L/F Committee Chair. A “cc” was provided to Mayor Rosenberg. This writer was also requested to attend the February 24, 2021 SEE Committee meeting by Alder Kilian through Mayor Rosenberg.
- At the SEE Committee meeting, this writer expressed legal concerns that Resolution Draft I set forth a number of statements that lent themselves to an interpretation, or seemed to express the viewpoint, that the City had allegedly made distinctions among its citizens based upon potentially impermissible legal and constitutional considerations. These statements however, were untested, and the accuracy or inaccuracy of these statements was not established: they could be true or untrue, provable or unprovable, in whole or in part. The proposed resolution then, based upon the untested factual

allegations proceeded to somewhat incautiously set forth conclusory statements, similarly untested that could lead to legal consequences.¹

- Other issues raised concerning the Resolution Draft I included the definition in the draft of the term “environmental justice” and the lack of definition of the term “environmental assets.” Additional issues related to matters such as whether the Resolution Draft I was to serve as the City’s actual written policy, or whether a policy was to be developed moving forward and who would develop or recommend that policy and the absence of data based evidence supporting certain statements made in the resolution were also noted.
- At its meeting on February 24, 2021, the SEE Committee approved a motion sending the resolution back to the L/F Committee for editing.
- At its meeting on March 8, 2021, the L/F Committee added a definition of “environmental justice” that Alder Kilian explained was obtained from a U.S. Environmental Protection Agency document/website. A motion was made and approved to ‘direct city staff in the Attorney’s Office review the resolution with this definition.’²
- A further motion was made and approved by the L/F committee at the March 8, 2021 meeting to “direct city staff and attorney’s office to review and re-draft/edit this resolution.”
- Copies of Minutes from relevant L/F Committee and SEE Committee meetings are attached.
- On March 7, 2021, Alder Kilian forwarded this writer a revised resolution for review (“Resolution Draft II”) along with links to documents referenced in the re-drafted resolution.
- On May 7, 2021, this writer provided comments to Alders Kilian and Rasmussen and observed that Resolution Draft II removed the statements which lent themselves to an interpretation, or seemed to express the viewpoint, that the City had allegedly made distinctions among its citizens based upon potentially impermissible legal and constitutional considerations. Additional legal comments were set forth on a copy of the draft resolution (a copy of which is included with this memorandum).

¹ Examples included:

Whereas, for decades, working class neighborhoods and people of color in the City of Wausau have disproportionately experienced environmental injustice...

...it is necessary to recognize, and acknowledge its own history of environmental injustice, to recognize the disproportionate and negative impacts of industrial, municipal, and commercial pollution in certain Wausau neighborhoods which created an unequal distribution of environmental assets, environmental hazards and health risk...

²A definition of “Environmental Justice” as set forth in Resolution Draft II:

...the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies

is set forth at various locations on the U.S. Environmental Protection Agency website. *See e.g.*, <https://www.epa.gov/environmentaljustice> and <https://www.epa.gov/environmentaljustice/learn-about-environmental-justice>

- The following matters are observed about Resolution Draft II:
 - Resolution Draft II contains several references to the term “equity” or “equitable.”³ Resolution Draft II includes a definition of equity taken from President Biden’s January 20, 2021 Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (“Executive Order”). While Resolution Draft II recites a portion of the Executive Order definition, the use of the ellipsis in the quote raises the question of whether just the quoted portion is intended as the proposed definition of equity, or whether the intention is to adopt the entire Executive Order definition. Resolution Draft II should be clarified for the purposes of determining whether the entire definition is proposed to be adopted or just the actual portion set forth in the resolution.

The full definition in the Executive Order is (the portion set forth in Resolution Draft II is that portion indicated in italics):

“The term “equity” *means the consistent and systematic fair, just, and partial treatment of all individuals*, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; persons otherwise adversely affected by persistent poverty or inequality.

- As a document proposed as the foundation for the future development of ordinances and direction for the City to incorporate environmental justice into City of Wausau ordinances, codes, policies, and processes, the resolution could benefit from additional guidance to future Council and current staff as far as actual implementation. For example, what are the initial priorities for focus and action or when and how will it be determined the City is achieving steps or goals in the direction of delivery of equitable share of environmental assets and equal access to the City’s environmental and infrastructure investments?
- Similarly, the resolution would direct the City to develop a policy specifying clear goals for meaningful public engagement, policies and decision-making process. The resolution could benefit from additional guidance as to what is meant to be achieved beyond existing state law requirements of Open Meetings laws or existing state laws that require public hearings.
- An alternate approach that might provide direction concerning the above could be adoption of a resolution that first directs or requests City staff to develop an environmental policy for Council consideration/approval. For example, is achieving environmental justice one that seeks mitigation opportunities with

³ For example:

“The City of Wausau seeks to foster equity, community engagement, environmental sustainability, community cohesion, and transparent decision-making.”

respect to current existing facilities or future projects or both? Should it examine opportunities to relocate current facilities or to examine alternatives for relocation of a planned or proposed project?

A RESOLUTION
To Support Environmental Justice

WHEREAS, the City of Wausau Comprehensive Plan 2017 recognizes that both the natural environment and equity are key components of Livability and a community's quality of life; and

WHEREAS, the North Central Wisconsin Regional Planning Commission's Regional Livability Plan 2015 highlights the importance of the natural environment and equity on making the region more livable for all residents, while listing the identification of resources and the provision of environmental remediation support for brownfields and other industrial sites as an objective; and

WHEREAS, the Metro Region Economic Development Assessment 2017 from the North Central Wisconsin Regional Planning Commission with support from the Marathon County Economic Development Corporation (MCDEVCO) includes the improvement of Metro Region Livability as part of the framework for an Economic Development Strategy; and

WHEREAS, as reflected by the East Riverfront Brownfields Area-Wide Plan in relation to the U.S. EPA's Brownfields Area-Wide Planning (AWP) program, the City of Wausau strives to help the community confront local environmental and public health challenges related to brownfields, which benefits underserved or economically disadvantaged areas, among others; and

WHEREAS, in the City of Wausau's application for a U.S. EPA Brownfields Area-Wide Planning Grant (Fiscal Year 2013), the City of Wausau highlighted in detail that the proximity to environmental contamination and brownfields for sensitive populations such as persons of color and low-income persons historically posed potential "Socio-Economic and Health Concerns" within the project area of the application; and

WHEREAS, the City of Wausau is committed to the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies; and

WHEREAS, the City of Wausau seeks to support the delivery of an equitable share of environmental benefits and community assets in all neighborhoods and wards that enhance the quality of life, such as parks and open spaces, trees, natural areas, community gardens, and the riverfront, as well as equal access to the City's environmental and infrastructure investments that support health, well-being and a sense of community; and

Commented [TA1]: The Comprehensive Plan, which is 130 pages, states on p. 26 "Livability is often defined as the sum of the factors that add up to a community's quality of life—including the built and natural environments, economic prosperity, social stability and equity, educational opportunity, and cultural, entertainment, and recreation possibilities." That does not appear equivalent to this statement that the Comprehensive Plan itself recognizes it.

Commented [TA2]: This document is 63 pages. Page 8 recognizes "Multiple federal agencies, non-profit organizations, and professional associations have developed different definitions of livability." And then quotes the following as one of the "Representative Definitions of Livability:" "PARTNERS FOR LIVABLE COMMUNITIES Livability is the sum of the factors that add up to a community's quality of life— including the built and natural environments, economic prosperity, social stability and equity, educational opportunity, and cultural, entertainment, and recreation possibilities." That does not appear equivalent to the instant statement.

Commented [TA3]: While this 130 page document includes at p. 83 a "framework and "some potential tasks" one of which provides: "Improve Metro Region Livability • Increase Community Quality of Life to Attract People • Develop Needed Infrastructure for Business to Prosper • Encourage Needed Housing Options for all segments of the population" there is no definition of what is meant by "livability."

Commented [TA4]: This 85 page document provided a plan for the East Riverfront Brownfields Area. Page 9 states: "The U.S. EPA's Brownfields Area-Wide Planning (AWP) program is designed to help communities confront local environmental and public health challenges related to brownfields and benefit underserved or economically disadvantaged communities." Additionally on the same page the document states: "Through a brownfields area-wide planning approach, the community identifies a specific project area that is affected by one or multiple brownfields, then works with residents and other stakeholders to develop reuse plans for catalyst, high priority brownfield sites and their surroundings." It appears these statements may be broader than the statements in the document.

WHEREAS, The City of Wausau seeks to foster equity, community engagement, environmental sustainability, community cohesion, and transparent decision-making. The City of Wausau aspires to engage all Wausau residents equally regardless of income, race, ethnicity, language, age, gender, sexual orientation, ability, immigration status, and address for equal access to information about, and opportunities for meaningful involvement in, local decision-making that affects their quality of life.

NOW BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WAUSAU, MARATHON COUNTY, WISCONSIN, THAT:

SECTION 1: For purposes of this Resolution, the following definitions apply:

Environmental Justice (Wausau): As defined by the U.S. Environmental Protection Agency (EPA), Environmental Justice is “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies” and Environmental Justice is achieved when “everyone enjoys the same degree of protection from environmental and health hazards, and equal access to the decision-making process to have a healthy environment in which to live, learn, and work.”

Public Engagement: Public engagement is any process that meaningfully, inclusively, and equally engages residents and stakeholders in taking an action or making a decision and gives full consideration to public input in making that decision.

Equity: Equity, as defined by the 2021 Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, “means the consistent and systematic fair, just, and impartial treatment of all individuals...”

SECTION 2: This Resolution establishes the City of Wausau’s definition for environmental justice and also serves as the foundation for the future development of ordinances to ensure active consideration of environmental justice and meaningful public participation in City policies, practices, procedures, and other decision-making.

SECTION 3: The City of Wausau is committed to meaningful and inclusive public engagement that provides the foundation for making better decisions around environmental justice issues. Through meaningful and inclusive public engagement, decision-makers have more complete information to understand any potential impact a project or program may have on the community, decisions are more implementable and sustainable, decisions are perceived as more legitimate, and decision-makers are better communicators.

SECTION 4: The City of Wausau will incorporate environmental justice into City of Wausau ordinances, codes, policies, and processes, which could include review of

Commented [TA5]: At some point it might be good to pinpoint the citation for this document more. Can be done after committee consideration.

Commented [TA6]: At some point it might be good to pinpoint the citation for this document more. Can be done after committee consideration.

Commented [TA7]: Given the broad spectrum of environmental justice considerations, I would urge adding a modifier such as “will strive to” or “will seek to” and “as appropriate.” For example, the Presidential Executive Order 12898 states “[t]o the greatest extent practicable ...” and “make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States...”

existing codes which will be conducted with appropriate revisions to bolster and improve environmental justice outcomes. This work will be done in consultation with relevant City committees and departments, and community organizations.

SECTION 5: The City of Wausau is committed to developing a policy that specifies clear goals for meaningful public engagement, policies and decision-making processes. These engagements are intended to ensure that decisions with the potential to affect the quality of life for residents and entire neighborhoods in Wausau are supported by public engagement that is pursuant to the City's policy on meaningful, timely, inclusive, accessible public comment, as well as responsiveness to public comment. The public engagement policy shall be developed in consultation with the relevant City departments and committees, along with the involvement and input of community stakeholders.

SECTION 6: The City will develop and maintain an active GIS-based inventory of environmental justice areas in Wausau. Environmental justice areas are geographic regions in which low-income populations and/or people of color face a disproportionately high exposure to environmental challenges and burdens, as statistically defined and demonstrated by EJSCREEN: The EPA's Environmental Justice Screening and Mapping Tool. That inventory will be made public through online mapping platforms. Once completed, this tool will help to identify existing burdens, and needed improvements and investments, that can be considered by City Departments through their planning process.



JOINT LIBERATION & FREEDOM COMMITTEE with the SUSTAINABILITY, ENERGY AND ENVIRONMENT COMMITTEE

Date and Time: Friday, February 19, 2021 at 3:00 p.m., Council Chambers & Webex Videoconference

LFCO Members Present: Blake Opal-Wahoske, Tom Kilian, Brenton Wildman, Mayor Katie Rosenberg

LFCO Members Not Present: LaTanya Campbell, Carmyn Hoen, Andrea Oyuela

SEEC Members Present: John Kroll, Mary Kluz, Tom Kilian

SEEC Members Not Present: Paul Kage, Leah Van De Lou, Paul Zouski

Others Present: Chris Norfleet, Patrick Peckham, Kathi Groeschel

1. Discussion and Possible Action on the Environmental Justice Resolution Policy

Chairman Blake Opal-Wahoske noted a quorum for the Liberation and Freedom Committee and opened the meeting. Chairman John Kroll noted an absence of quorum for the Sustainability, Energy and Environment Committee.

Chairman Opal-Wahoske called upon member/Aldersperson Tom Kilian to provide a brief overview of the draft resolution before us today. Draft Resolution is attached below. This was originally driven by the EPA. Objective is to bring this to the municipal level.

Chairman John Kroll asked what the starting point was for this draft resolution. Killian believes there has been disproportionate burden shouldered by low-wealth neighborhoods and among past city developments and development agreements.

Opal-Wahoske and the Liberation & Freedom Committee thought it would be beneficial to include support from the Sustainability Committee. Mary Kluz is pleased to partner together on this. She indicated that about 10 years ago, the city was declared as an eco-municipality. There were 4 principals and one had to do with the people aspect by creating equity in all our systems of municipal government. Would knowing that this eco-municipality declaration was already in place, would this be beneficial to move forward? Groeschel will look into finding more information on the eco-municipality resolution.

Opal-Wahoske asked for a motion to move this forward to the Public Health and Safety Committee. Killian motioned and Wildman seconded this motion. Motion passed. The Public Health and Safety Committee would take this up at their March 15, 2021 meeting at 5:15pm.

Chris Norfleet was pleased to see that local county government and city government are taking up this issue. He would like to see this resolution acknowledge these disparities and knows equity is a good word. This can be a tool to not only protect the environment but to build up people's social standings within the community. It gives people a policy in which they can lean on. Just community/Just society.

The Sustainability Committee will hold a meeting to get a full quorum together to vote on partnering with the L&F Committee on this draft resolution.

A motion to adjourn was made by Kilian and seconded by Wildman. Meeting adjourned at 3:25 p.m.

DRAFT



OFFICIAL NOTICE AND AGENDA

of a meeting of a City Board, Commission, Department
Committee, Agency, Corporation, Quasi-Municipal
Corporation, or Sub-unit thereof.

Meeting: **SUSTAINABILITY, ENERGY AND ENVIRONMENT
COMMITTEE**
Members: John Kroll (C), Paul Kage, Tom Kilian, Mary Kluz, Leah Van De Loo,
Paul Zouski
Location: Board Room, 2nd Floor of Wausau City Hall, 407 Grant Street.
Date/Time: **Wednesday, February 24, 2021 at 5:00 p.m.**

1. Welcome and introductions
2. Discussion and possible action on the Environmental Justice Resolution Policy – 10 minutes
3. Discussion and possible action on the Sustainability Award program – 15 minutes
4. Discussion on sustainability strategy – 30 minutes
5. Future items for consideration and future meeting date – 5 minutes
6. Adjourn

Questions regarding this agenda may be directed to the City Planning Office @ (715) 261-6760.

This Notice was posted at City Hall and emailed to the media on February 22, 2021.

Due to the COVID-19 pandemic, this meeting is being held in person and via teleconference. Members of the media and the public may attend in person, subject to the social distancing rules of maintaining at least 6 feet apart from other individuals, or by calling **1-408-418-9388**. The Access Code is **146 502 2440** and password is **wausau**. Individuals appearing in person will either be seated in the **Board Room** or an overfill room, subject to the social distancing rules. Space available will be on a first come, first served basis. All public participants' phones will be muted during the meeting. Members of the public who do not wish to appear in person may call in using the information above. Any person wishing to offer public comment who does not appear in person to do so, may e-mail Brad.Lenz@ci.wausau.wi.us with "SEEC public comment" in the subject line prior to the meeting start. All public comment, either by email or in person, will be limited to items on the agenda at this time. The messages related to agenda items received prior to the start of the meeting will be provided to the Chair.

It is possible that members of, and possibly a quorum of members of, other committees of the Common Council of the City of Wausau may be in attendance at the above-mentioned meeting to gather information. No action will be taken by any such group(s) at the above-mentioned meeting other than the committee specifically referred to in this notice.

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), the City of Wausau will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs or activities. If you need assistance or reasonable accommodations in participating in this meeting or event due to a disability as defined under the ADA, please call the ADA Coordinator at (715) 261-6590 or ADAServices@ci.wausau.wi.us to discuss your accessibility needs. We ask your request be provided a minimum of 72 hours before the scheduled event or meeting. If a request is made less than 72 hours before the event the City of Wausau will make a good faith effort to accommodate your request.

CITY OF WAUSAU SUSTAINABILITY, ENERGY AND ENVIRONMENT COMMITTEE

Time and Dates: The Sustainability, Energy and Environment Committee met on Wednesday, February 24, 2021 at 5:00 p.m. in the Boardroom of Wausau City Hall and virtually via WebEx

Members Present: Mary Kluz, Paul Zouski, John Kroll (C), Tom Kilian

Members Absent: Paul Kage, Leah Van De Loo

Others Present: Mayor Katie Rosenberg, Tara Alfonso, Patrick Peckham, Brad Lenz

In compliance with Chapter 19, Wisconsin Statutes, notice of this meeting was posted and transmitted to the Wausau Daily Herald in the proper manner.

Welcome and Introductions

Chair John Kroll called the meeting to order at 5:00 p.m. Introductions were made.

Approval of Minutes from previous meeting(s)

No minutes were available to approve.

Discussion and possible action on the Environmental Justice (EJ) Resolution Policy

Last week this committee met jointly with the Liberation and Freedom Committee to join forces with them to lend support for this policy moving forward.

Kilian indicated the original language of the resolution was drafted from Evansville, IL and then edited by him. The intent is to serve as the foundation for future policies and procedures associated with EJ. There is also one tactical deliverable that would set in motion a GIS mapping inventory system in Wausau. This is intended to be in alignment with the EPA and its data. This would address inequality within the low-income neighborhoods and with people of color who have potentially shouldered a disproportionate burden of hazards or negative consequences related to environmental justice. An element of public engagement is also included in this resolution.

Attorney Alfonso indicated she's reviewed the resolution and is looking at this resolution from a legal standpoint. In its current form it sets forth statements that lend themselves to an interpretation or an expressed viewpoint that the city has allegedly made classifications among citizens based on impermissible constitutional considerations. From a legal perspective, these statements are untested and they may be accurate or inaccurate; they may be truthful or untruthful at this point. They haven't been established. It also perceives, based upon these untested factual allegations to cautiously set forth conclusory statements that could lead to legal consequences. As a result, she would not be comfortable presenting this to the full body without them knowing the potential legal consequences. She would suggest that edits could potentially be made. She indicated there are a few internal inconsistencies within this resolution regarding whether or not this was the only document that the body would be seeing or a potential policy down the road that would be developed. It also could use a definition of the words "environmental assets" and "environmental justice". What are the specific goals and what outcomes are expected from this resolution? There could be another approach to this. There's a real desire for public engagement and it might be advantageous to bring forth key focus ideas and propose an ordinance based

on that. For example, perhaps the city would like to see a procedure where anytime there's a new development project in a proposed neighborhood that's over a certain dollar amount, you would like to see a public hearing for that. That's a specific thing to put forth for community engagement. The way the resolution is written it states that these engagements would come forward and are designed to ensure that all decisions with the potential to affect quality of life for residents in the entire neighborhood get community engagement. So, therefore if the city wants to raise dog licensing fees, for example, is that what is intended here? To have a public engagement session? We already have committee meetings, website information, packets of minutes and discussion, and oftentimes offer community input. There's nothing wrong with having a resolution with some goals in it to tackle one at a time.

Kilian thanked Attorney Alfonso for these suggestions.

Kluz believes it's important to see what language is problematic, and asked if there could be more specifics.

Alfonso provided examples and more discussion took place.

Chairman John Kroll asked if this discussion will now be communicated to the Liberation and Freedom Committee. Kilian would suggest that the Attorney's office mark this resolution up (edit it) for another review by the Liberation and Freedom Committee and this committee. More documentation is better and this provides an opportunity for more education.

Patrick Peckham would like to see the resolution state more about the environmental injustices that we have all seen around the country and this resolution details what Wausau is going to do about them.

Member Kluz understands more and isn't comfortable passing this on until it's re-written (edited by the Attorney).

It was brought to the Mayor and the Attorney's attention that the Chairperson of the Public Health and Safety Committee did not want to entertain this version. Mayor Rosenberg pointed out to both the Chairperson and Alder Kilian that we can work on identifying the goals of this and work out what the rest of the language would look like. Another option would be to say – Okay, we understand the goals, we understand we're working on the city's strategic plan, are these goals suited for the strategic plan or an ordinance? We could do both. That wouldn't be a problem. An option we don't want to see if discussion on this come to a halt. How do we continue to move those goals forward? If it takes massaging, then let's do that.

Chairman Kroll would like to provide feedback to the Liberation and Freedom Committee that these are our thoughts and we aren't going to support this version. We do, however, support the intent of it. Alfonso expressed the fact that the Liberation and Freedom didn't have the opportunity to hear these comments. Chairman Kroll would support a re-write of this resolution.

Killian would like to make a motion to have a highlighting of what language is problematic from a legal standpoint. He said Marathon County is dragging their name through the mud with equality and diversity issues and it would be advantageous to show them how policy can work when you recognize injustice.

Alfonso said this committee doesn't need to make a motion for that. You may want to make a motion to send this resolution back to the Liberation and Freedom Committee for editing.

Chairman Kroll made a motion to send this resolution back to the Liberation and Freedom Committee for editing. Kluz seconded the motion. Motion passed unanimously.



LIBERATION & FREEDOM COMMITTEE

Date and Time: Monday, March 8, 2021 at 3:30 p.m., Council Chambers & Webex Videoconference
Members Present: Blake Opal-Wahoske, Tom Kilian, Brenton Wildman, LaTanya Campbell, Carmyn Hoen, Bee Her, Mayor Katie Rosenberg
Members Not Present: Andrea Oyuela
Others Present: Patrick Peckham, Tara Alfonso, Kathi Groeschel

Mission Statement:

The Liberation and Freedom Committee is a volunteer committee established to promote an environment that accepts, celebrates, and appreciates diversity within the community by proactively identifying areas of discrimination, providing education, communication, and recommendations to the city council and mayor of the city of Wausau.

1. Call Meeting to Order/Approval of 02/01/21 and 02/19/21 meeting minutes

Chairman Opal-Wahoske called the meeting to order at 3:30 p.m. A quorum was noted and he introduced new member, Bee Her. Other introductions of committee members were made. A motion to approve the above minutes was made by Tom Kilian and seconded by LaTanya Campbell. Motion passed unanimously.

2. Update committee on the joint meeting held with the Sustainability, Energy and Environment Committee (SEEC) on 02/19/21 and discuss and possible action on potential topics for incorporation into a proposed environmental justice (EJ) resolution.

Since the SEEC did not have a quorum at the joint meeting, they held another meeting with their members to discuss and potentially support the environmental justice resolution. Their committee agreed to send this back to the Liberation and Freedom Committee for review and edits. After review from the City Attorney's office, the wording on parts of the resolution was determined to open the city up for liability. Therefore, it wasn't going to be supported by the Public Health and Safety in its current version. Chairman Opal-Wahoske went over the role of the committee since we are an "Advisory Committee". As a reminder, all members have equal voting powers, all members may introduce an item for discussion. We can identify areas of discrimination, provide education and communication and recommendations to the city council or Mayor. We do not have any power to approve policy but rather advise other committees.

Mayor Katie said she has spoken with Council President and made the suggestion to look at what the role of this body is?

The EJ resolution is before us and it was advised to look at the bottom of the first page and the top of the second page to more clearly define "environmental justice", "environmental assets" and "public engagement". Then we can direct this further to city staff. What is our end goal for the EJ resolution.

Kilian read the EPA definition for "environmental justice". The committee agreed that this definition is one we should use. A motion was made by Campbell to direct city staff in the

Attorney's Office review the resolution with this definition. A second was made by Her. Motion passed unanimously.

Next, the committee discussed what environmental justice should look like within the city. Chairman Opal-Wahoske asked the membership if we should look at breaking out the two defining issues of "environmental justice" and "public engagement" into two separate policies. He understands they go hand-in-hand. Campbell would like to see this left into the resolution but also include various forms of public engagement. This will be placed on the next agenda for further discussion.

A motion was made by Campbell and seconded by Kilian to direct city staff and attorney's office to review and re-draft/edit this resolution. The draft can then be viewed by this committee at the next meeting. Motion passed unanimously.

3. Discussion and possible action to amend city's charter ordinances to change pronouns to gender-neutral pronouns.

Upon further review by Mayor Katie Rosenberg, it was discovered that the city charter ordinance is dated and used the pronouns "He/His" when referring to the Mayor. When this committee was earlier formed, part of the goal was to work towards being a more inclusive community. Mayor Katie would like to see changes made within this charter ordinance to align with today's intent on being welcoming, friendly and inclusive. A question was asked if there is a cost to change this. Mayor Katie didn't think so. A motion was made by Campbell and seconded by Hoen to recommend city staff look into any associated costs with amending the city charter ordinance to change pronouns to gender-neutral. Motion passed unanimously.

4. Discussion and possible action on the Marathon County's resolution "A Community for All".

Campbell explained that this resolution hasn't been formally passed by Marathon County yet, but suggested our committee stand in support with Marathon County to send a clear message that we remain committed to being a community without hate. She would like to see 3 things: 1) write to your state representative, 2) voice your support verbally at committee meetings and 3) she would like to see this committee adopt a similar resolution. Campbell is a member of the Marathon County Diversity Committee and she indicated that the original objective of this resolution was in response to the civil unrest and mass protests in our country. We want all people in Marathon County to feel protected and safe, welcome and embraced. She wants individuals who are identified in a marginalized population to feel welcome here and to communicate that we condemn any form of hate. A community response to this has taken place recently and the opposition stated that racism doesn't exist in Marathon County, and they didn't believe in the word equity (equity vs equality) and Marathon County already is a community for all and we don't need a resolution to tell us that.

Alder Peckham asked if this body is looking to ask the city council to endorse this resolution or is this body asking the city to urge support for what the county is doing, or both? Campbell indicated both.

Chairman called for a motion to direct staff to create a parallel resolution "A Community for All" explaining the support our committee has. Campbell made a motion and it was seconded by Bee Her. More discussion took place. A roll call vote was made. Motion passed unanimously.

From: [Becky McElhaney](#)
To: [Mary Goede](#)
Cc: [Katie Rosenberg](#)
Subject: Fw: Environmental Justice Template
Date: Tuesday, August 31, 2021 4:41:44 PM

Hi Mary,

Below is Lisa's email explaining her request to include the previously sent attachments in the COW packet. Please add to this email to the packet as well.

Thanks!

Becky McElhaney
Alderperson District 6
becky.mcelhaney@ci.wausau.wi.us
715-581-3762

From: Lisa Rasmussen
Sent: Thursday, August 26, 2021 3:32 PM
To: Anne Jacobson; Katie Rosenberg; Becky McElhaney
Cc: Tara Alfonso; Eric Lindman; Lisa Parsch
Subject: Re: Environmental Justice Template

Thank you all. I'm requesting these materials and the template Tara worked on be included in the COW packets for Sept 8. Given all the concerns surrounding the EJ resolution as proposed from citizens and the business sector, after the referral on Aug 10, I asked Tara and Eric to contemplate, what a resolution of this type should actually state publicly so that it supports the concept of Environmental Justice as set forth by the federal government, recognizes the need to ensure safe environments for all our citizens and gets to a place where more can agree. This will give the COW more than one choice and they can craft their own be it resolved ending as they choose and direct staff to add it.

Ultimately, if the city wants an EJ resolution, it needs to recognize the programs, skillset and authority of the actual regulatory agencies that have the power to manage it, advocate that their work be carried out using their powers and programs to the fullest extent and support their work, but not seek to usurp or supercede it. This draft also is focused on Environmental Justice. If we want to craft a separate policy about public engagement, we can absolutely do so, but the two were so comingled before it was hard to discern if it was actually about EJ or if it was about public engagement.

Thanks everyone for helping out on this. I appreciate the effort in gathering the resources we

need to make an informed decision without just adopting documents mostly crafted in Illinois.
Lisa

WHEREAS, the federal government has established a comprehensive program ensuring that “[t]o the greatest extent practicable and permitted by law ... each Federal agency shall make achieving environmental justice part of its mission ...” through the issuance of Presidential Executive Order 12898, “Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations,” 59 Fed. Reg. 7629; and¹

WHEREAS, the U.S. Environmental Protection Agency’s (“EPA”) “goal is to provide an environment where all people enjoy the same degree of protection from environmental and health hazards and equal access to the decision-making process to maintain a healthy environment in which to live, learn, and work;” and²

WHEREAS, the EPA statutory and regulatory authority vests it with the authority to consider and address environmental justice concerns and includes the lawful power to set environmental standards, permit facilities, make grants, issue licenses or regulations, and review proposed actions of other federal agencies; and³

WHEREAS, President William J. Clinton’s “Memorandum for the Heads of All Departments and Agencies,” February 11, 1994, accompanying Executive Order 12898, emphasizes the “provision of existing law that can help ensure that all communities and persons across this Nation live in a safe and healthful environment;” and⁴

WHEREAS, Title IV of the Civil rights Act of 1964⁵ prohibits recipients of federal financial assistance (e.g., states and local governments) from discriminating on the basis of race, color, or national origin in their programs or activities and the U.S. EPA’s office of Civil Rights is responsible for the agency administration of Title VI; and⁶

WHEREAS, in addition to the federal EPA, state governments, including the State of Wisconsin, have established state agencies to implement policies and strategies to protect the environment and to continue both the economic growth and an environmentally sustainable future for their citizens and future generations; and⁷

WHEREAS, the Wisconsin Department of Natural Resources (“DNR”) “is dedicated to working with Wisconsinites while preserving and enhancing the natural resources of Wisconsin”⁸ including “... forests, parks, air and water resources while promoting a healthy and sustainable environment;”⁹ and

WHEREAS, the DNR has recognized that “[c]lean air, clean water and healthy landscapes ... are foundations of Wisconsin’s economy, environment and quality of life;”¹⁰ and

WHEREAS, the DNR is vested with a wide range of authority concerning the environment of the State of Wisconsin including air and water quality, investigation and cleanup of environmental contamination, redevelopment of contaminated properties, as well as recycling, state park management, and animal resources;¹¹ and

WHEREAS, the DNR Remediation and Redevelopment Program provides “a comprehensive, streamlined program that consolidates state and federal cleanups into one program (e.g., hazardous waste cleanup, underground storage tank investigation and cleanup, spill response, state-funded cleanups and brownfields);”¹² and

WHEREAS, the DNR and the EPA, Region 5 have entered into a “One Cleanup Program Memorandum” between the two agencies which “is nationally significant in that it is the first EPA-state MOA to address cleanup requirements across several environmental media, including the Comprehensive Environmental Response Compensation, and Liability Act [42 U.S.C. §§9601-9675], Resource Conservation and Recovery Act [42 U.S.C. §§ 6901-6992k], Toxic Substance Control Act [15 U.S.C. §2601 et seq.], and Leaking Underground Storage Tanks [42 U.S.C. ch. 82, subch. IX];¹³ and

WHEREAS, the DNR’s Remediation and Redevelopment program “has a wide range of financial and liability tools available to help local governments, businesses, lenders and others clean up and redevelop brownfields in Wisconsin”¹⁴ including but not limited to: the U.S. EPA Brownfields Grant Funding; the U.S. HUD Brownfields Economic Development Initiative; the Wisconsin Assessment Monies; the Wisconsin Ready for Reuse Grants & Loans; the Brownfields Grant and Site Assessment Grant Programs; CDBG Community Development Funds;¹⁵ and

WHEREAS, the EPA and DNR has the professional expertise, decades of successful brownfield success stories,¹⁶ ranging from “500 acre former automobile assembly plant to a small, abandoned gas station;¹⁷ and

WHEREAS, the DNR promotes “diversity, fairness, equity and the principles of environmental justice”¹⁸ and is bound by the provisions of Title VI of the Civil Rights Act and its implementing regulations;¹⁹ and

WHEREAS, the City of Wausau is committed to the well-being of its citizens with regard to economic opportunities, safe and decent housing, safe neighborhoods, affordable, reliable, secure and clean energy, the well-being and safety of its citizens and community both in the present day and for the benefit of all future generations.

¹ Executive Order 12898, “Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations,” 59 Fed. Reg. 7629 at §1-101.

² United States Environmental Protection Agency, “Learn About Environmental Justice” <https://www.epa.gov/environmentaljustice/learn-about-environmental-justice>

³ Id.

⁴ Office of the President of the United States of America, “Memorandum for the Heads of All Departments and Agencies” *Executive Order on Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, February 11, 1994 at p. 1.

⁵ 42 U.S.C. §2000d et seq.

⁶ United States Environmental Protection Agency, “Title VI and Environmental Justice” <https://www.epa.gov/environmentaljustice/title-vi-and-environmental-justice>

⁷ Wisconsin Department of Natural Resources, “About the DNR” <https://dnr.wisconsin.gov/about> and “Environmental Protection” <https://dnr.wisconsin.gov/topic/environment>

⁸ Wisconsin Department of Natural Resources, “About the DNR” <https://dnr.wisconsin.gov/about>

⁹ Id.

¹⁰ Wisconsin Department of Natural Resources, “Environmental Protection”
<https://dnr.wisconsin.gov/topic/environment>

¹¹ Id. at p. 1-13.

¹² Wisconsin Department of Natural Resources, “Environmental Cleanup & Brownfields Redevelopment”
<https://dnr.wisconsin.gov/topic/Brownfields>

¹³ Wisconsin Department of Natural Resources, “About the Remediation and Redevelopment (RR) Program” and
“One Cleanup Program” tab <https://dnr.wisconsin.gov/topic/Brownfields/RRProgram.html>

¹⁴ Wisconsin Department of Natural Resources, “Brownfields: Redeveloping Contaminated Property”
<https://dnr.wisconsin.gov/topic/Brownfields/Brownfields.html>

¹⁵ Wisconsin Department of Natural Resources, “Brownfields Redevelopment in Wisconsin,” April 2016
<https://dnr.wi.gov/files/PDF/pubs/rr/RR933.pdf>

¹⁶ Wisconsin Department of Natural Resource, “Brownfields Success Stories”
<https://dnr.wisconsin.gov/topic/Brownfields/Success.html>

¹⁷ Wisconsin Department of Natural Resources, “Brownfields: Redeveloping Contaminated Property”
<https://dnr.wisconsin.gov/topic/Brownfields/Brownfields.html>

¹⁸ Wisconsin Department of Natural Resources, “Nondiscrimination Policy and Procedures”
<https://dnr.wisconsin.gov/About/Nondiscrimination>

¹⁹ Id.

Presidential Documents

Title 3—

Executive Order 12898 of February 11, 1994

The President

Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1—Implementation.

1-101. Agency Responsibilities. To the greatest extent practicable and permitted by law, and consistent with the principles set forth in the report on the National Performance Review, each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Mariana Islands.

1-102. Creation of an Interagency Working Group on Environmental Justice.

(a) Within 3 months of the date of this order, the Administrator of the Environmental Protection Agency ("Administrator") or the Administrator's designee shall convene an interagency Federal Working Group on Environmental Justice ("Working Group"). The Working Group shall comprise the heads of the following executive agencies and offices, or their designees: (a) Department of Defense; (b) Department of Health and Human Services; (c) Department of Housing and Urban Development; (d) Department of Labor; (e) Department of Agriculture; (f) Department of Transportation; (g) Department of Justice; (h) Department of the Interior; (i) Department of Commerce; (j) Department of Energy; (k) Environmental Protection Agency; (l) Office of Management and Budget; (m) Office of Science and Technology Policy; (n) Office of the Deputy Assistant to the President for Environmental Policy; (o) Office of the Assistant to the President for Domestic Policy; (p) National Economic Council; (q) Council of Economic Advisers; and (r) such other Government officials as the President may designate. The Working Group shall report to the President through the Deputy Assistant to the President for Environmental Policy and the Assistant to the President for Domestic Policy.

(b) The Working Group shall: (1) provide guidance to Federal agencies on criteria for identifying disproportionately high and adverse human health or environmental effects on minority populations and low-income populations;

(2) coordinate with, provide guidance to, and serve as a clearinghouse for, each Federal agency as it develops an environmental justice strategy as required by section 1-103 of this order, in order to ensure that the administration, interpretation and enforcement of programs, activities and policies are undertaken in a consistent manner;

(3) assist in coordinating research by, and stimulating cooperation among, the Environmental Protection Agency, the Department of Health and Human Services, the Department of Housing and Urban Development, and other agencies conducting research or other activities in accordance with section 3-3 of this order;

(4) assist in coordinating data collection, required by this order;

(5) examine existing data and studies on environmental justice;

(6) hold public meetings as required in section 5-502(d) of this order; and

(7) develop interagency model projects on environmental justice that evidence cooperation among Federal agencies.

1-103. *Development of Agency Strategies.* (a) Except as provided in section 6-605 of this order, each Federal agency shall develop an agency-wide environmental justice strategy, as set forth in subsections (b)-(e) of this section that identifies and addresses disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. The environmental justice strategy shall list programs, policies, planning and public participation processes, enforcement, and/or rulemakings related to human health or the environment that should be revised to, at a minimum: (1) promote enforcement of all health and environmental statutes in areas with minority populations and low-income populations; (2) ensure greater public participation; (3) improve research and data collection relating to the health of and environment of minority populations and low-income populations; and (4) identify differential patterns of consumption of natural resources among minority populations and low-income populations. In addition, the environmental justice strategy shall include, where appropriate, a timetable for undertaking identified revisions and consideration of economic and social implications of the revisions.

(b) Within 4 months of the date of this order, each Federal agency shall identify an internal administrative process for developing its environmental justice strategy, and shall inform the Working Group of the process.

(c) Within 6 months of the date of this order, each Federal agency shall provide the Working Group with an outline of its proposed environmental justice strategy.

(d) Within 10 months of the date of this order, each Federal agency shall provide the Working Group with its proposed environmental justice strategy.

(e) Within 12 months of the date of this order, each Federal agency shall finalize its environmental justice strategy and provide a copy and written description of its strategy to the Working Group. During the 12 month period from the date of this order, each Federal agency, as part of its environmental justice strategy, shall identify several specific projects that can be promptly undertaken to address particular concerns identified during the development of the proposed environmental justice strategy, and a schedule for implementing those projects.

(f) Within 24 months of the date of this order, each Federal agency shall report to the Working Group on its progress in implementing its agency-wide environmental justice strategy.

(g) Federal agencies shall provide additional periodic reports to the Working Group as requested by the Working Group.

1-104. *Reports to the President.* Within 14 months of the date of this order, the Working Group shall submit to the President, through the Office of the Deputy Assistant to the President for Environmental Policy and the Office of the Assistant to the President for Domestic Policy, a report that describes the implementation of this order, and includes the final environmental justice strategies described in section 1-103(e) of this order.

Sec. 2-2. *Federal Agency Responsibilities for Federal Programs.* Each Federal agency shall conduct its programs, policies, and activities that substantially affect human health or the environment, in a manner that ensures that such programs, policies, and activities do not have the effect of excluding persons (including populations) from participation in, denying persons (including populations) the benefits of, or subjecting persons (including populations) to discrimination under, such programs, policies, and activities, because of their race, color, or national origin.

Sec. 3-3. *Research, Data Collection, and Analysis.*

3-301. *Human Health and Environmental Research and Analysis.* (a) Environmental human health research, whenever practicable and appropriate, shall include diverse segments of the population in epidemiological and clinical studies, including segments at high risk from environmental hazards, such as minority populations, low-income populations and workers who may be exposed to substantial environmental hazards.

(b) Environmental human health analyses, whenever practicable and appropriate, shall identify multiple and cumulative exposures.

(c) Federal agencies shall provide minority populations and low-income populations the opportunity to comment on the development and design of research strategies undertaken pursuant to this order.

3-302. *Human Health and Environmental Data Collection and Analysis.* To the extent permitted by existing law, including the Privacy Act, as amended (5 U.S.C. section 552a): (a) each Federal agency, whenever practicable and appropriate, shall collect, maintain, and analyze information assessing and comparing environmental and human health risks borne by populations identified by race, national origin, or income. To the extent practical and appropriate, Federal agencies shall use this information to determine whether their programs, policies, and activities have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations;

(b) In connection with the development and implementation of agency strategies in section 1-103 of this order, each Federal agency, whenever practicable and appropriate, shall collect, maintain and analyze information on the race, national origin, income level, and other readily accessible and appropriate information for areas surrounding facilities or sites expected to have a substantial environmental, human health, or economic effect on the surrounding populations, when such facilities or sites become the subject of a substantial Federal environmental administrative or judicial action. Such information shall be made available to the public, unless prohibited by law; and

(c) Each Federal agency, whenever practicable and appropriate, shall collect, maintain, and analyze information on the race, national origin, income level, and other readily accessible and appropriate information for areas surrounding Federal facilities that are: (1) subject to the reporting requirements under the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. section 11001-11050 as mandated in Executive Order No. 12856; and (2) expected to have a substantial environmental, human health, or economic effect on surrounding populations. Such information shall be made available to the public, unless prohibited by law.

(d) In carrying out the responsibilities in this section, each Federal agency, whenever practicable and appropriate, shall share information and eliminate unnecessary duplication of efforts through the use of existing data systems and cooperative agreements among Federal agencies and with State, local, and tribal governments.

Sec. 4-4. *Subsistence Consumption of Fish and Wildlife.*

4-401. *Consumption Patterns.* In order to assist in identifying the need for ensuring protection of populations with differential patterns of subsistence consumption of fish and wildlife, Federal agencies, whenever practicable and appropriate, shall collect, maintain, and analyze information on the consumption patterns of populations who principally rely on fish and/or wildlife for subsistence. Federal agencies shall communicate to the public the risks of those consumption patterns.

4-402. *Guidance.* Federal agencies, whenever practicable and appropriate, shall work in a coordinated manner to publish guidance reflecting the latest scientific information available concerning methods for evaluating the human health risks associated with the consumption of pollutant-bearing fish or

wildlife. Agencies shall consider such guidance in developing their policies and rules.

Sec. 5-5. *Public Participation and Access to Information.* (a) The public may submit recommendations to Federal agencies relating to the incorporation of environmental justice principles into Federal agency programs or policies. Each Federal agency shall convey such recommendations to the Working Group.

(b) Each Federal agency may, whenever practicable and appropriate, translate crucial public documents, notices, and hearings relating to human health or the environment for limited English speaking populations.

(c) Each Federal agency shall work to ensure that public documents, notices, and hearings relating to human health or the environment are concise, understandable, and readily accessible to the public.

(d) The Working Group shall hold public meetings, as appropriate, for the purpose of fact-finding, receiving public comments, and conducting inquiries concerning environmental justice. The Working Group shall prepare for public review a summary of the comments and recommendations discussed at the public meetings.

Sec. 6-6. *General Provisions.*

6-601. *Responsibility for Agency Implementation.* The head of each Federal agency shall be responsible for ensuring compliance with this order. Each Federal agency shall conduct internal reviews and take such other steps as may be necessary to monitor compliance with this order.

6-602. *Executive Order No. 12250.* This Executive order is intended to supplement but not supersede Executive Order No. 12250, which requires consistent and effective implementation of various laws prohibiting discriminatory practices in programs receiving Federal financial assistance. Nothing herein shall limit the effect or mandate of Executive Order No. 12250.

6-603. *Executive Order No. 12875.* This Executive order is not intended to limit the effect or mandate of Executive Order No. 12875.

6-604. *Scope.* For purposes of this order, Federal agency means any agency on the Working Group, and such other agencies as may be designated by the President, that conducts any Federal program or activity that substantially affects human health or the environment. Independent agencies are requested to comply with the provisions of this order.

6-605. *Petitions for Exemptions.* The head of a Federal agency may petition the President for an exemption from the requirements of this order on the grounds that all or some of the petitioning agency's programs or activities should not be subject to the requirements of this order.

6-606. *Native American Programs.* Each Federal agency responsibility set forth under this order shall apply equally to Native American programs. In addition, the Department of the Interior, in coordination with the Working Group, and, after consultation with tribal leaders, shall coordinate steps to be taken pursuant to this order that address Federally-recognized Indian Tribes.

6-607. *Costs.* Unless otherwise provided by law, Federal agencies shall assume the financial costs of complying with this order.

6-608. *General.* Federal agencies shall implement this order consistent with, and to the extent permitted by, existing law.

6-609. *Judicial Review.* This order is intended only to improve the internal management of the executive branch and is not intended to, nor does it create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any person. This order shall not be construed to create any right to judicial review involving the compliance or noncompliance

of the United States, its agencies, its officers, or any other person with this order.

A handwritten signature in black ink, reading "William J. Clinton". The signature is written in a cursive style with a large, stylized "W" and "C".

THE WHITE HOUSE,
February 11, 1994.

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Environmental Justice

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Learn About Environmental Justice

Environmental justice (EJ) is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies.



President Clinton signing the EJ Executive Order in 1994.

Fair treatment means no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies.

Meaningful involvement means:

- People have an opportunity to participate in decisions about activities that may affect their environment and/or health;
- The public's contribution can influence the regulatory agency's decision;
- Community concerns will be considered in the decision making process; and
- Decision makers will seek out and facilitate the involvement of those potentially affected.

Want to learn more about the EPA's Office of Environmental Justice [<https://epa.gov/aboutepa/about-office-enforcement-and-compliance-assurance-oeca#oej>](https://epa.gov/aboutepa/about-office-enforcement-and-compliance-assurance-oeca#oej)?

- Factsheet on the EPA's Office of Environmental Justice [<https://epa.gov/environmentaljustice/factsheet-epas-office-environmental-justice>](https://epa.gov/environmentaljustice/factsheet-epas-office-environmental-justice)
- Memorandum on EPA's Environmental Justice and Community Revitalization (released 23 February 2018) [<https://epa.gov/environmentaljustice/memorandum-epas-environmental-justice-and-community-revitalization-priorities>](https://epa.gov/environmentaljustice/memorandum-epas-environmental-justice-and-community-revitalization-priorities)

Read the accomplishment reports to learn more about the progress that the EPA has made in advancing environmental justice principles? Click here to read annual progress reports on the Agency's most recent EJ accomplishments.

[<https://epa.gov/environmentaljustice/annual-environmental-justice-progress-reports>](https://epa.gov/environmentaljustice/annual-environmental-justice-progress-reports)

“Whether by conscious design or institutional neglect, communities of color in urban ghettos, in rural 'poverty pockets,' or on economically impoverished Native-American reservations face some of the worst environmental devastation in the nation.”

- Overview
- Executive Order 12898
- Interagency Working Group



- Laws and Statutes
- Integrating EJ at EPA

EPA and Environmental Justice

EPA's goal is to provide an environment where all people enjoy the same degree of protection from environmental and health hazards and equal access to the decision-making process to maintain a healthy environment in which to live, learn, and work.

EPA's environmental justice mandate extends to all of the Agency's work, including:

- setting standards
- permitting facilities
- awarding grants
- issuing licenses
- regulations
- reviewing proposed actions by the federal agencies

EPA works with all stakeholders to constructively and collaboratively address environmental and public health issues and concerns. The Office of Environmental Justice (OEJ) coordinates the Agency's efforts to integrate environmental justice into all policies, programs, and activities. OEJ's mission is to facilitate Agency efforts to protect environment and public health in minority, low-income, tribal and other vulnerable communities by integrating environmental justice in all programs, policies and activities.

Executive Order 12898

Executive Order 12898 <<http://www.archives.gov/federal-register/executive-orders/1994.html#12898>> directed federal agencies to develop environmental justice strategies to help federal agencies address disproportionately high and adverse human health or environmental effects of their programs on minority and low-income populations.

The Presidential Memorandum <<https://epa.gov/environmentaljustice/presidential-memorandum-heads-all-departments-and-agencies-executive-order>> accompanying the order underscores certain provisions of existing law that can help ensure that all communities and persons across the nation live in a safe and healthy environment.

Federal Interagency Working Group

The executive order established an Interagency Working Group <<https://epa.gov/environmentaljustice/federal-interagency-working-group-environmental-justice-ej-iwg>> on Environmental Justice (EJ IWG) chaired by the EPA Administrator and comprised of the heads of 11 departments or agencies and several White House offices. The EJ IWG now includes 17 agencies and meets on a monthly basis to continue collaborative efforts.

Laws and Statutes

The statutes that EPA implements provide the Agency with authority to consider and address environmental justice concerns. These laws encompass the breadth of the Agency's activities including:

- Setting standards
- Permitting facilities
- Making grants
- Issuing licenses or regulations
- Reviewing proposed actions of other federal agencies

These laws often require the Agency to consider a variety of factors that generally include one or more of the following:

- Public health
- Cumulative impacts
- Social costs
- Welfare impacts

Moreover, some statutory provisions, such as under the Toxics Substances Control Act, explicitly direct the Agency to target low-income populations for assistance. Other statutes direct the Agency to consider vulnerable populations in setting standards. In all cases, the way in which the Agency chooses to implement and enforce its authority can have substantial effects on the achievement of environmental justice for all communities.

Integrating EJ at EPA

Since OEJ was created, there have been significant efforts across EPA to integrate environmental justice into the Agency's day-to-day operations. Read more about how EPA's EJ 2020 Action Agenda <<https://epa.gov/environmentaljustice/ej-2020-action-agenda-epas-environmental-justice-strategy>> will help EPA advance environmental justice through its programs, policies and activities, and support our cross-agency strategy on making a visible difference in environmentally overburdened, underserved, and economically distressed communities.

Every regional and headquarter office has an environmental justice coordinator who serves as a focal point within that organization. This network of individuals provides outreach and educational opportunities to external, as well as internal, individuals and organizations. To find out more about Agency efforts to address environmental justice, contact an EJ coordinator <<https://epa.gov/environmentaljustice/forms/contact-us-about-environmental-justice#local>> based on your location or area of interest.

Environmental Justice (EJ) Home <<https://epa.gov/environmentaljustice>>

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Federal Interagency Working Group on EJ <<https://epa.gov/environmentaljustice/federal-interagency-working-group-environmental-justice-ej-iwg>>

EJ and National Environmental Policy Act <<https://epa.gov/environmentaljustice/environmental-justice-and-national-environmental-policy-act>>

EJ and Title VI <<https://epa.gov/environmentaljustice/title-vi-and-environmental-justice>>

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LAST UPDATED ON OCTOBER 22, 2020

THE WHITE HOUSE

WASHINGTON

February 11, 1994

MEMORANDUM FOR THE HEADS OF ALL DEPARTMENTS AND AGENCIES

SUBJECT: Executive Order on Federal Actions to Address Environmental Justice in
Minority Populations and Low-Income Populations

Today I have issued an Executive Order on Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. That order is designed to focus Federal attention on the environmental and human health conditions in minority communities and low-income communities with the goal of achieving environmental justice. That order is also intended to promote non-discrimination in Federal programs substantially affecting human health and the environment, and to provide minority communities and low-income communities access to public information on, and an opportunity for public participation in, matters relating to human health or the environment.

The purpose of this separate memorandum is to underscore certain provision of existing law that can help ensure that all communities and persons across this Nation live in a safe and healthful environment. Environmental and civil rights statutes provide many opportunities to address environmental hazards in minority communities and low-income communities. Application of these existing statutory provisions is an important part of this Administration's efforts to prevent those minority communities and low-income communities from being subject to disproportionately high and adverse environmental effects. I am therefore today directing that all department and agency heads take appropriate and necessary steps to ensure that the following specific directives are implemented immediately:

In accordance with Title VI of the Civil Rights Act of 1964, each Federal agency shall ensure that all programs or activities receiving Federal financial assistance that affect human health or the environment do not directly, or through contractual or other arrangements, use criteria, methods, or practices that discriminate on the basis of race, color, or national origin. Each Federal agency shall analyze the environmental effects, including human health, economic and social effects, of Federal actions, including effects on minority communities and low-income communities, when such analysis is required by the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. section 4321 et seq. . Mitigation measures outlined or analyzed in an environmental assessment, environmental impact statement, or record of decision, whenever feasible, should address significant and adverse environmental effects of proposed Federal actions on minority communities and low-income communities.

Each Federal agency shall provide opportunities for community input in the NEPA process, including identifying potential effects and mitigation measures in consultation with affected

communities and improving the accessibility of meetings, crucial documents, and notices.

The Environmental Protection Agency, when reviewing environmental effects of proposed action of other Federal agencies under section 309 of the Clean Air Act, 42 U.S.C. section 760, shall ensure that the involved agency has fully analyzed environmental effects on minority communities and low-income communities, including human health, social, and economic effects.

Each Federal agency shall ensure that the public, including minority communities and low-income communities, has adequate access to public information relating to human health or environmental planning, regulations, and enforcement when required under the Freedom of Information Act, 5 U.S.C. section 552, the Sunshine Act, 5 U.S.C. section 552h, and the Emergency-Planning and Community Right-to-Know Act, 42 U.S.C. section 11044.

This memorandum is intended only to improve the internal management of the Executive Branch and is not intended to, nor does it create, any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any person.

William Clinton

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Title VI and Environmental Justice

- Overview
- How are EJ and Title VI Different?
- Title VI
- Resources

Overview

On February 11, 1994, Executive Order 12898 <https://www.archives.gov/federal-register/executive-orders/1994.html#12898> was issued to direct Federal agencies to incorporate achieving environmental justice into their mission. Accompanying that Executive Order was a Presidential Memorandum

<https://epa.gov/environmentaljustice/presidential-memorandum-heads-all-departments-and-agencies-executive-order> stating, in part,

In accordance with Title VI of the Civil Rights Act of 1964, each Federal agency shall ensure that all programs or activities receiving Federal financial assistance that affect human health or the environment do not directly, or through contractual or other arrangements, use criteria, methods, or practices that discriminate on the basis of race, color, or national origin.

With that directive in mind, in August 2011 the Environmental Justice IWG established a Title VI Committee to address the intersection of agencies' environmental justice efforts with their Title VI enforcement and compliance responsibilities.

- Read the Presidential Memorandum to Executive Order on Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations <https://epa.gov/environmentaljustice/presidential-memorandum-heads-all-departments-and-agencies-executive-order>

"Simple justice requires that public funds, to which all taxpayers of all races [colors, and national origins] contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial [color or national origin] discrimination."
— **President John F. Kennedy, 1963**

How are EJ and Title VI Different?

Title VI of the Civil Rights Act prohibits recipients of federal financial assistance (states, grantees, etc.) from discriminating based on race, color, or national origin in any program or activity.

Executive Order 12898, on the other hand, directs federal agencies to identify and address, as appropriate, disproportionately high adverse human health and environmental effects of their programs, policies, and activities on minority populations and low-income populations.

However, a Title VI civil rights complaint may raise environmental justice issues when challenging a recipient's activity. For instance, if a state agency receives funds from EPA to run a clean air program, that state recipient is legally prohibited from discriminating on the basis of race, color or national origin under Title VI when engaging in clean air enforcement activities.

The EPA, in complying with Executive Order 12898, can also ensure the programs it funds consider disproportionately high adverse human health and environmental effects on minority and low income populations.



For more information of the differences and similarities, see the EJ and Title VI comparison chart

<https://epa.gov/environmentaljustice/title-vi-and-executive-order-12898-comparison>.

Title VI

1. Title VI prohibits recipients of federal financial assistance (e.g., states, universities, local governments) from discriminating on the basis of race, color, or national origin in their programs or activities.
2. Title VI is a federal law that applies to federal financial assistance recipients (i.e., persons or entities that receive EPA financial assistance) and not to EPA itself as the Executive Order does.
3. Title VI allows persons to file administrative complaints with the federal departments and agencies that provide financial assistance alleging discrimination based on race, color, or national origin by recipients of federal funds.
4. Under Title VI, EPA has a responsibility to ensure that its funds are not being used to subsidize discrimination based on race, color, or national origin. This prohibition against discrimination under Title VI has been a statutory mandate since 1964 and EPA has had Title VI regulations since 1973.
5. EPA's Office of Civil Rights is responsible for the Agency's administration of Title VI, including investigation of such complaints.

Resources

- Links to agencies Offices of Civil Rights <https://www.justice.gov/crt/fcs/agency-ocr-offices>
- Limited English Proficiency: A Federal Interagency Website <http://www.lep.gov>
- Advancing Environmental Justice Through Title VI of the Civil Rights Act <https://epa.gov/environmentaljustice/plan-ej-2014-advancing-environmental-justice-through-title-vi-civil-rights-act>
- Understanding EPA's Nondiscrimination Statutes and Regulations <https://epa.gov/ocr/title-vi-laws-and-regulations>
- Executive Order 12250: Coordination of Grant-Related Civil Rights Statutes <https://www.justice.gov/crt/executive-order-12250>
- Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency <http://www.justice.gov/crt/about/cor/13166.php>
- Title VI Coordination Regulations <http://www.justice.gov/crt/about/cor/byagency/28cfr424.pdf>
- Title VI Enforcement Guidelines <http://www.justice.gov/crt/about/cor/byagency/28cfr503.pdf>
- Title VI Legal Manual https://epa.gov/sites/production/files/2021-01/documents/titlevi_legal_manual_rev_ed_1.pdf
- OMB Draft Assurance Language http://www.justice.gov/crt/about/cor/draft_assurance_language.pdf
- January 28, 1999 Block Grant Memo <http://www.justice.gov/crt/about/cor/pubs/blkgnt.php>
- Recovery Act Non-Discrimination Notice <http://www.justice.gov/crt/about/cor/recoveryactnotice09.pdf>
- Your Rights under Title VI of the Civil Rights Act of 1964, brochure <http://www.justice.gov/crt/about/cor/pubs/titlevieng.pdf>

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In keeping with our mission, the DNR is dedicated to working with Wisconsinites while preserving and enhancing the natural resources of Wisconsin. In partnership with individuals and organizations, DNR staff manage fish, wildlife, forests, parks, air and water resources while promoting a healthy, sustainable environment and a full range of outdoor opportunities.

SECRETARY AND EXECUTIVE TEAM

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The Wisconsin Natural Resources Board sets policy for the Department of Natural Resources.

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Interested in natural resources management and an opportunity to provide input?

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DNR employs a diverse workforce in a variety of fields including natural resources, law enforcement, IT and more.

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NONDISCRIMINATION POLICY AND PROCEDURES

The DNR is committed to promoting diversity, fairness, equity and the principles of environmental justice.

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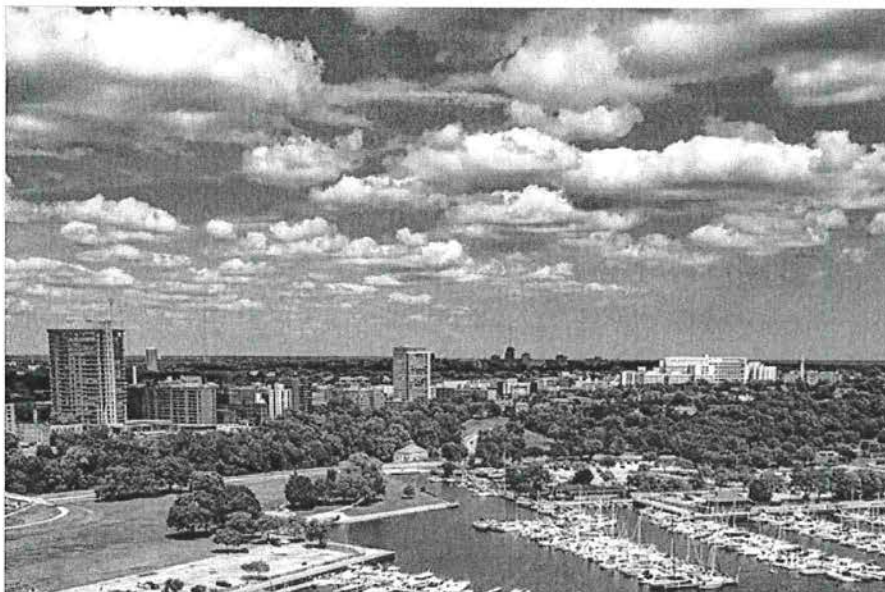
ENVIRONMENTAL PROTECTION

Clean air, clean water and healthy landscapes. These are foundations of Wisconsin's economy, environment and quality of life. They are the assets that separate us from the rest of the pack.

Protecting and enhancing them will benefit everyone in Wisconsin - and require everyone's help.

Early planning and consultation with DNR, strong, sound regulations, cost sharing and partnerships are the keys.

View [full topic list](#).



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AIR PERMITS



AIR QUALITY



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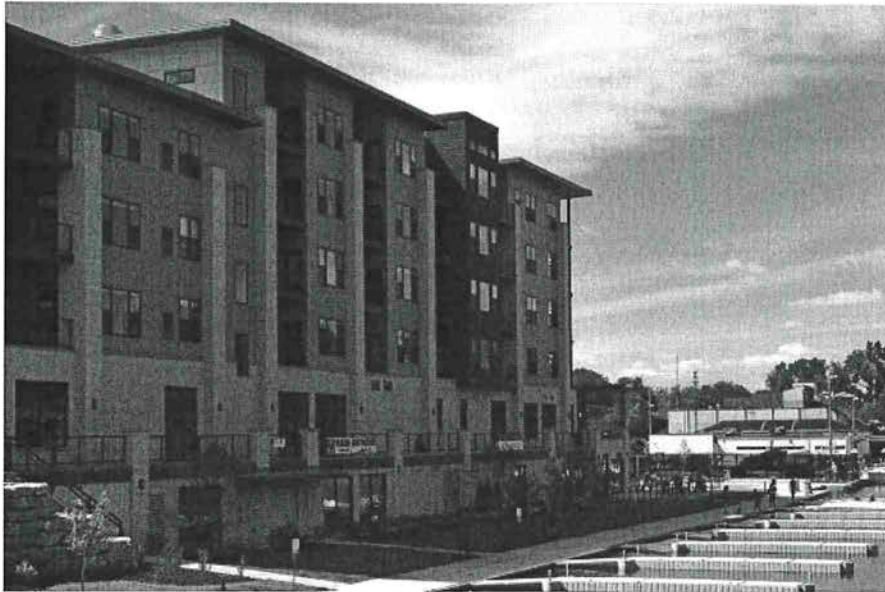
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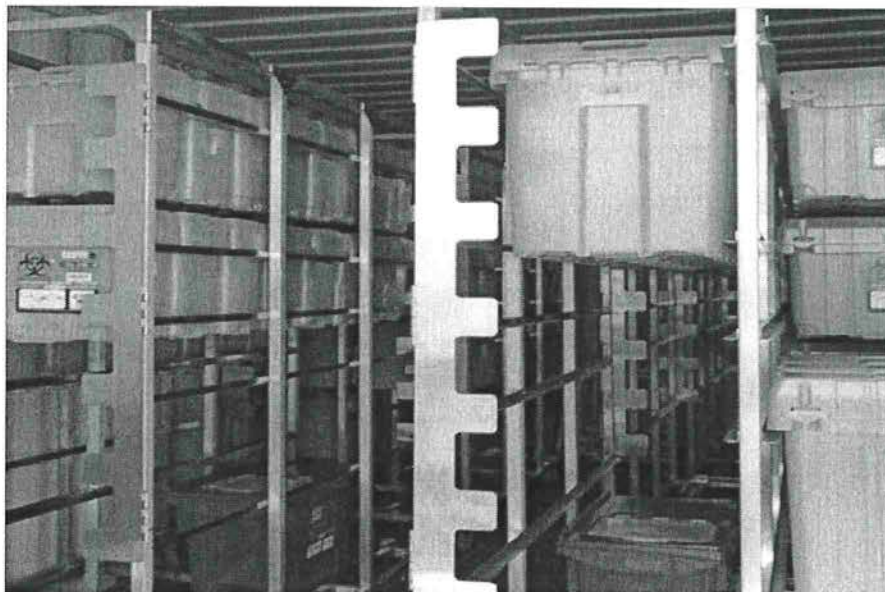
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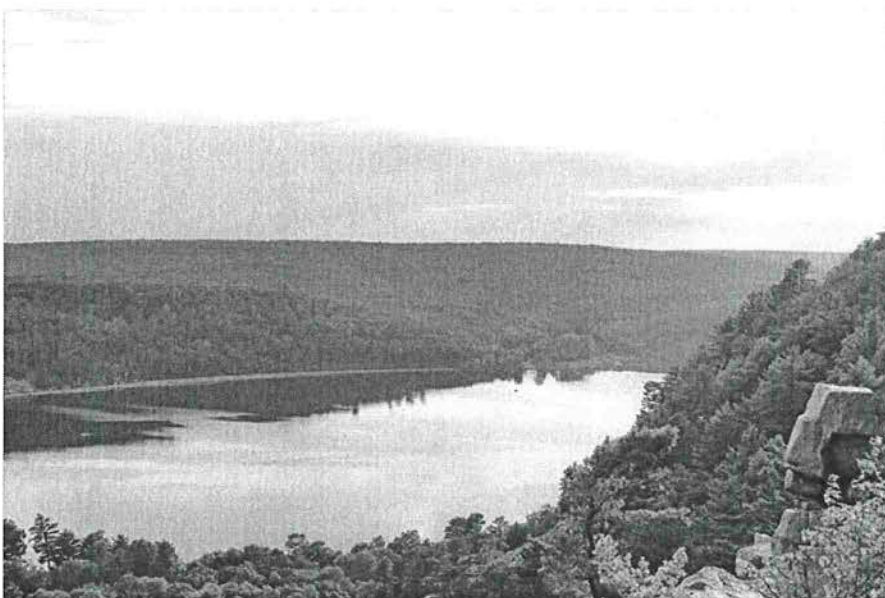
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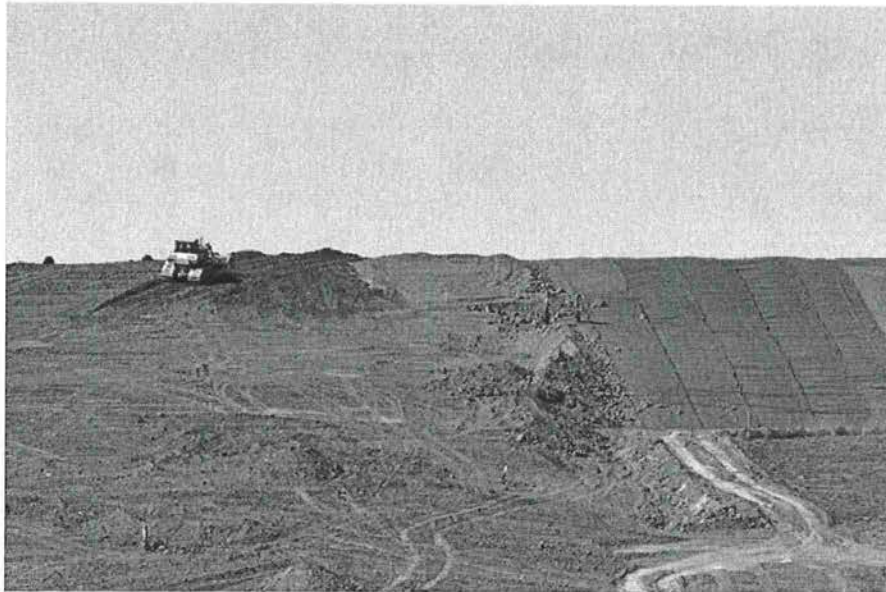
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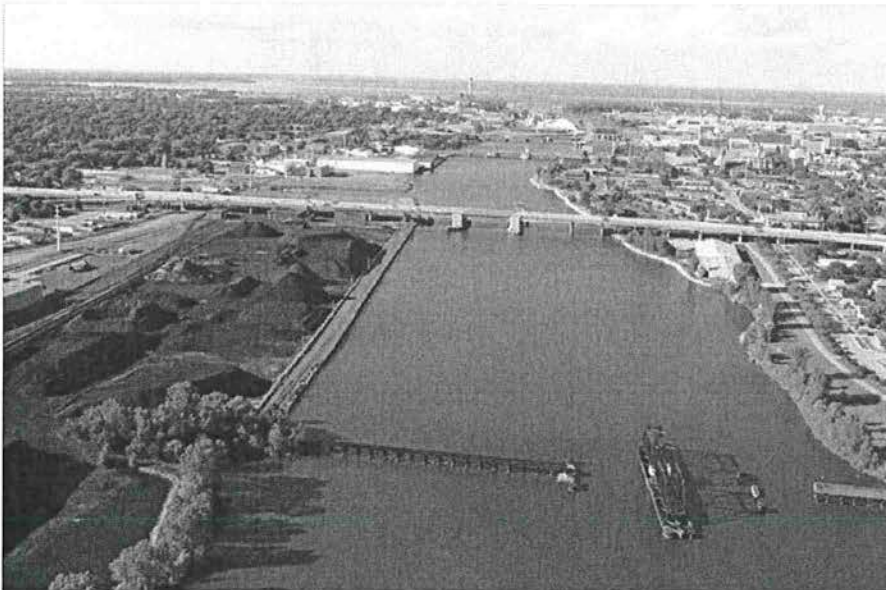
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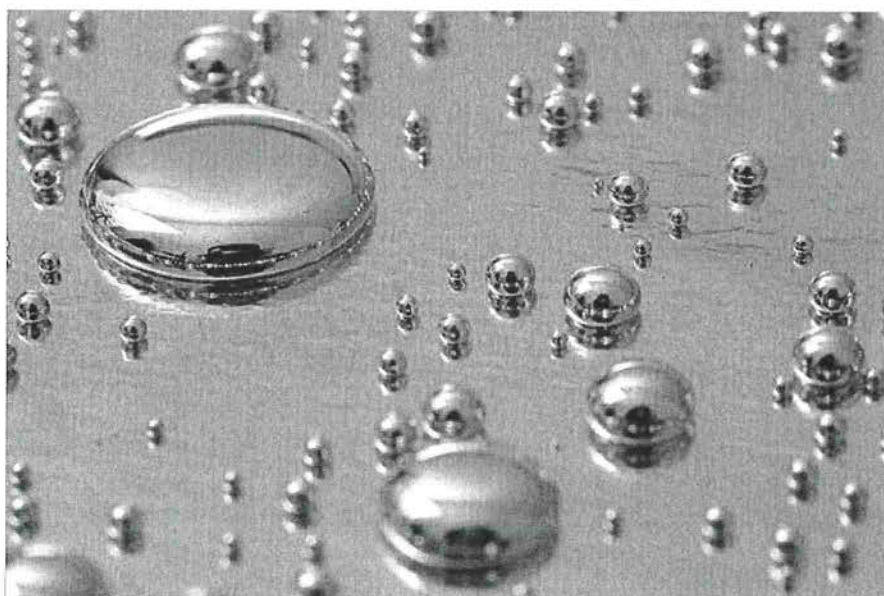
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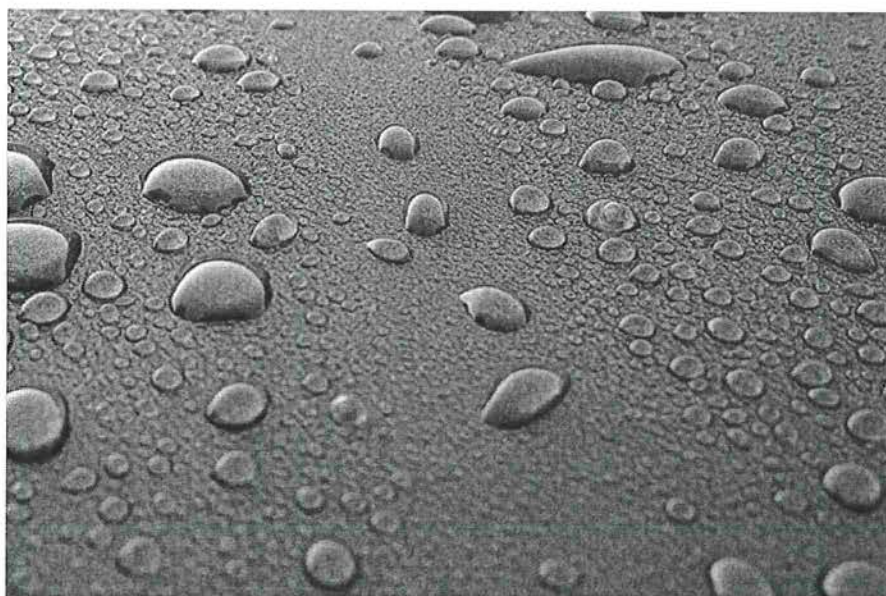
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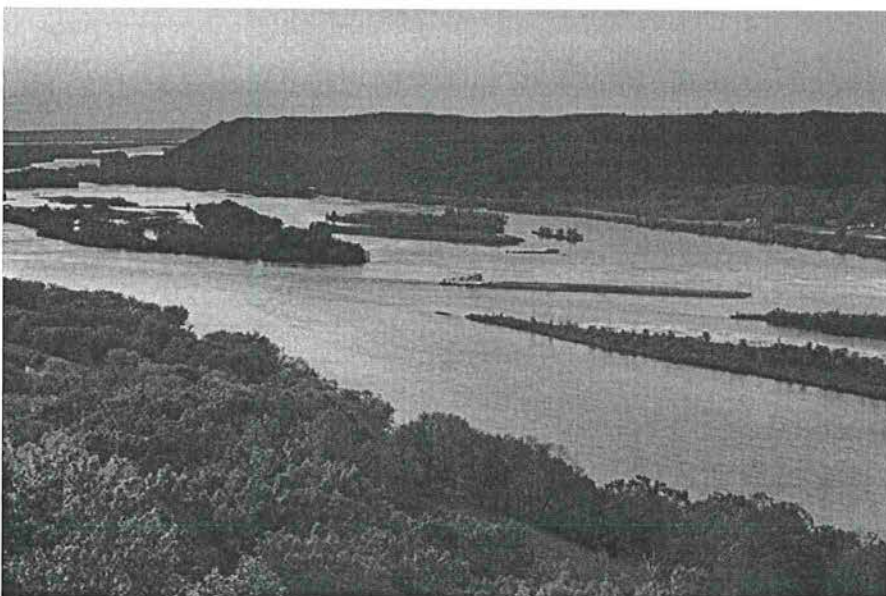


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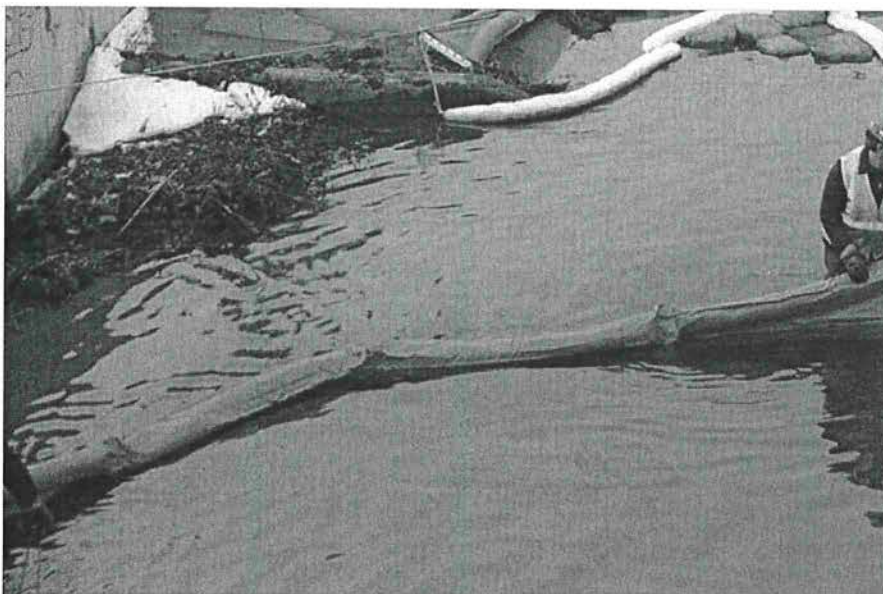
Perfluoroalkyl and polyfluoroalkyl substances



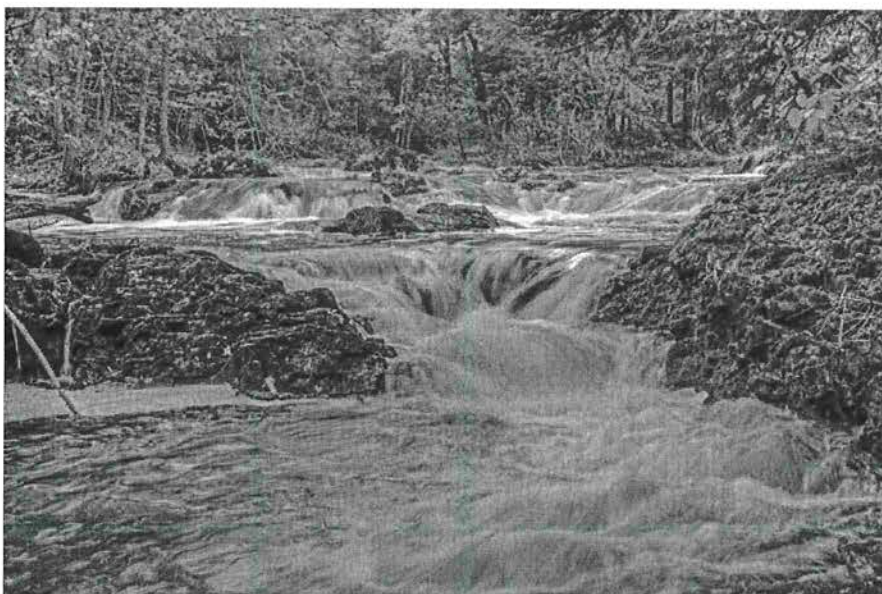
RECYCLING AND COMPOSTING



RIVERS AND STREAMS



SPILLS



SURFACE WATER QUALITY



TOTAL MAXIMUM DAILY LOADS (TMDLS)



WASTEWATER



WATER USE



ENVIRONMENTAL CLEANUP & BROWNFIELDS REDEVELOPMENT

7/6/21 COVID-19 UPDATE:

Thank you for your patience during the COVID-19 public health emergency. As staff at state agencies return to state office buildings, we anticipate operations will begin to resemble pre-pandemic conditions. However, we will continue to utilize online or virtual business practices that were found to be efficient over the past year.

Field work, including compliance inspections, continue to take place but you may notice an uptick in activity as conditions allow. In most cases, staff will continue to schedule pre-inspection calls with facilities to gather some of the information that would previously have been collected while on-site. These advance calls will also be used to discuss safety protocols for on-site visits that may be needed to complete all aspects of a compliance assessment.

Staff will keep their voicemails and availability messages up to date and will respond as they are able.

For the most up-to-date information, please visit our [COVID-19 information webpage](#).

The Remediation and Redevelopment (RR) Program oversees the investigation and cleanup of environmental contamination and the redevelopment of contaminated properties. Our staff provide a comprehensive, streamlined program that consolidates state and federal cleanups into one program (e.g., hazardous waste cleanup, underground storage tank investigation & cleanup, spill response, state-funded cleanups and brownfields).

BROWNFIELDS REDEVELOPMENT

Properties where reuse is hindered by real or perceived contamination

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ENVIRONMENTAL CONTAMINATION

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FINANCIAL HELP

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RR REPORT

The Remediation & Redevelopment Program newsfeed

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PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS) CONTAMINATION

A large group of human-made chemicals that have been used in industry and consumer products worldwide since the 1950s

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RULES AND LAWS

Statutes and administrative code govern the investigation and cleanup actions

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CONTAMINATED SOIL AND SEDIMENT

The characterization, assessment and management of contaminated soil, sediment and other solid waste on sites

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VAPOR INTRUSION

Information about vapor intrusion for property owners, tenants and the general public

[READ MORE](#)



REPORT A SPILL

All spill incidents should be reported immediately using the 24-hour toll free hotline: 1-800-943-0003



TRAINING AND EDUCATION

DNR staff are available to speak at workshops, conferences and meetings



BROWNFIELDS REDEVELOPMENT



ENVIRONMENTAL CONTAMINATION



ADVISORY GROUPS



GENERAL RESOURCES



AUDIENCE-SPECIFIC RESOURCES



FINANCIAL HELP



SITES IN THE NEWS



CLEANUP TOOLS



For more information, contact:

Mick Skwarok
Remediation & Redevelopment Program
tel: +1-608-400-9218



ABOUT THE REMEDIATION AND REDEVELOPMENT (RR) PROGRAM

The DNR's Remediation and Redevelopment (RR) Program oversees the investigation and cleanup of environmental contamination and the redevelopment of contaminated properties. Our staff provide a comprehensive, streamlined program that consolidates state and federal cleanups into one program (e.g., hazardous waste cleanup, underground storage tank investigation and cleanup, spill response, state-funded cleanups and brownfields).

[Reports and successes](#)
[Site statistics](#)
[One Cleanup Program](#)
[State-funded cleanups](#)

PROGRAM AWARDS



RR Program awards from 2010 and 2011.

In April 2011, EPA Region 5 presented the Remediation and Redevelopment (RR) Program with a **Brownfields Recognition Award**. The honor recognizes "participants who have made exceptional contributions to the Brownfields Program." In making the award, EPA recognized the over-all work done by the RR Program, including projects such as our [report on institutional controls](#) [\[PDF\]](#), the [Wisconsin Plant Recovery Initiative \(WPRI\)](#), our [One Cleanup Memorandum of Agreement with EPA](#), and our program transparency.

In 2010, the RR Program was recognized with a **State Program Innovation Award** from the [Environmental Council of States \(ECOS\)](#) [\[visit DNR\]](#), a nonpartisan organization based in Washington, D.C. This honor recognized the [Wisconsin Plant Recovery Initiative](#), a statewide effort to provide environmental and economic assistance to communities and companies struggling with closed manufacturing facilities.

DNR'S EPA S.128(A) GRANT ACCOMPLISHMENTS

The DNR was awarded EPA Section 128(a) funds beginning on Sept. 1, 2003, to enhance its state response program. This federal grant is used to support federal and state programs under the jurisdiction of DNR's Remediation and Redevelopment (RR) Program. Below are the reports over the last several years that summarize many of the RR Program's successes.

- [Oct. 1, 2020 - March 30, 2021 - mid-year \(RR-0132\)](#) [\[PDF\]](#)
- [Oct. 1, 2019 - Sept. 30, 2020 - end-of-year \(RR-0130E\)](#) [\[PDF\]](#)
- [Oct. 1, 2019 - March 31, 2020 - mid-year \(RR-0123E\)](#) [\[PDF\]](#)
- [Sept. 1, 2018 - Aug. 31, 2019 - end-of-year \(RR-112\)](#) [\[PDF\]](#)
- [Sept. 1, 2018 - Feb. 28, 2019 - mid-year \(RR-109\)](#) [\[PDF\]](#)
- [Sept. 1, 2017 - Aug. 31, 2018 - end-of-year \(RR-051\)](#) [\[PDF\]](#)
- [Sept. 1, 2017 - Feb. 28, 2018 - mid-year \(RR-091\)](#) [\[PDF\]](#)
- [Sept. 1, 2016 - Aug. 31, 2017 - end-of-year \(RR-090\)](#) [\[PDF\]](#)
- [Sept. 1, 2016 - Feb. 28, 2017 - mid-year \(RR-054\)](#) [\[PDF\]](#)
- [Sept. 1, 2015 - Aug. 31, 2016 - end-of-year \(RR-062\)](#) [\[PDF\]](#)
- [Sept. 1, 2015 - Feb. 29, 2016 - mid-year \(RR-056\)](#) [\[PDF\]](#)
- [Sept. 1, 2014 - Aug. 31, 2015 - end-of-year \(RR-049\)](#) [\[PDF\]](#)
- [Sept. 1, 2014 - Feb. 28, 2015 - mid-year \(RR-044\)](#) [\[PDF\]](#)
- [Sept. 1, 2013 - Aug. 31, 2014 - end-of-year \(RR-992\)](#) [\[PDF\]](#)
- [Sept. 1, 2013 - Feb. 28, 2014 - mid-year \(RR-974\)](#) [\[PDF\]](#)
- [Sept. 1, 2012 - Oct. 31, 2013 - end-of-year \(RR-955\)](#) [\[PDF\]](#)
- [Sept. 1, 2012 - Feb. 28, 2013 - mid-year \(RR-936\)](#) [\[PDF\]](#)

GRANT ADMINISTRATION REPORT - A TRACK RECORD OF SUCCESS

The RR Program published a grant administration report that highlights how the program has partnered with various communities to turn idle properties with known or suspected contamination into new redevelopment utilizing various grant sources. The report focuses on the successes of the DNR's former Site Assessment Grant program (SAG) and showcases 29 site success stories.

- [Grant administration in the RR Program: A look at our success and the case for future funding \(RR-924\)](#) [\[pdf\]](#) (June 2012)

VOLUNTARY PARTY LIABILITY EXEMPTION (VPLE) PROGRAM ACHIEVEMENTS

A report is prepared every year, required by section 292.25, Wis. Stats., with an update on the status of the voluntary party liability exemption. This required report is prepared on a biannual basis and highlights the performance of the [VPLE program](#).

- [2014 VPLE Report to Legislature \(RR-929\)](#) [\[pdf\]](#)

SUMMARY OF NEW CONTAMINATED SITES AND COMPLETED CLEANUPS

The following table illustrates the number of contaminated sites reported to DNR since 1995, and the number of sites cleaned up and approved by the DNR each year.

All new contamination incidents must be reported to the DNR by law. However, the DNR transfers responsibility for oversight of some incidents to other agencies. Cleanups where the contaminants are agri-chemicals (fertilizer, pesticides) are overseen and approved by the [Wisconsin Department of Agriculture, Trade and Consumer Protection](#) [\[exit DNR\]](#).

Most investigations and cleanups of contaminated soil and groundwater take more than a year and there is little correlation between the number of new incidents reported in a year and the number of completed cleanups in the same calendar year.

Year	New Reports to the DNR of contaminated soil or groundwater	Completed cleanups of soil or groundwater approved by the DNR
2020	197	306
2019	218	270
2018	232	346
2017	277	344
2016	283	271
2015	306	335
2014	288	348
2013	327	368
2012	362	500
2011	292	422
2010	336	464
2009	313	453
2008	444	467
2007	400	511
2006	477	604
2005	483	553
2004	544	543
2003	582	588
2002	600	540
2001	725	510
2000	720	815
1999	1,158	1,144
1998	1,686	842
1997	1,819	864
1996	1,588	1,482
TOTALS	14,657	13,910

ONE CLEANUP PROGRAM

The DNR and the United States Environmental Protection Agency (U.S. EPA) Region 5 have a One Cleanup Program Memorandum of Agreement (MOA) between the two agencies.

The memorandum is nationally significant in that it is the first EPA-state MOA to address cleanup requirements across several environmental media, including the Comprehensive Environmental Response, Compensation, and Liability Act, Resource Conservation and Recovery Act, Toxic Substances Control Act and Leaking Underground Storage Tanks.

Wisconsin's program simplifies cleanups of contaminated sites under different regulatory programs by providing a single, consolidated approach rather than utilizing a range of separate programs with potentially conflicting approaches and cleanup standards. By clarifying the U.S. EPA's intentions and expectations with respect to Wisconsin's One Cleanup Program, it is believed that the MOA will expedite cleanups of all contaminated sites, including brownfields, as well as guide property owners, developers, consultants and others in understanding how meeting Wisconsin's standards can satisfy both agencies.

- [One Cleanup Program MOA \(RR-064\)](#) (PDF)
- [PCB Remediation in Wisconsin under the One Cleanup Program Memorandum of Agreement \(RR-786\)](#) (PDF)

For more information about the OCP, please contact [Judy Fassbender](#).

STATE-FUNDED RESPONSE

State-funded response is a process that occurs when the state – through the DNR – provides resources and tools to communities to address contamination issues that endanger public health and the environment.

Under Section 20.370(2)(dv), Wis. Stats., the DNR's Remediation and Redevelopment (RR) Program uses appropriations from the state's Environmental Fund to take action at sites in need of immediate or long-term response.



One of the main goals of state-funded response actions is to protect Wisconsin communities dealing with difficult environmental challenges. State-funded response dollars are paying for remediation of a contaminated Minocqua city well.

Cases where the RR Program uses state funds generally fall into the following four categories.

- **Orphan sites** – Properties or areas of concern where a responsible party (RP) - i.e., the individual/entity responsible for the contamination – is unknown, unwilling or unable to pay for necessary remediation.
- **Spill responses** – Locations where recent spills pose a public health or environmental threat that must be addressed immediately.
- **Abandoned containers** – Some properties have containers or barrels which hold hazardous materials, many of which are dumped by unknown parties.
- **Bottled water** – The RR Program uses state funds to provide potable water to homes in areas where contamination makes local drinking water unsafe.

For state-funded response actions where the RPs are unknown, unwilling or unable to pay for the cost of the state response, the RR Program will attempt to recover the cost after the project is complete.

EXAMPLES OF STATE-FUNDED RESPONSE ACTIVITIES

State funds can be used to finance a variety of activities, including:

- site investigations;
- design and installation of multimillion-dollar landfill caps;
- providing emergency water to residents with contaminated drinking water sources;
- installation of treatment systems to remove pollutants from groundwater;
- contracts for construction oversight; and
- operation and maintenance of treatment facilities and other remediation activities.

FREQUENTLY ASKED QUESTIONS ABOUT STATE-FUNDED RESPONSE

Who conducts state-funded response activities?

The RR Program oversees state-funded response actions. The RR Program has authority to hire environmental consultants and contracting firms. These private companies conduct cleanups and other activities to the best technical standards that are economically feasible at the time.

If you are a consultant or contractor interested in being considered for state-funded work and would like to be added to the [Environmental services contractor list \(RR-024\)](#) (PDF), please contact [Jennifer Dorman](#).

How are sites chosen for state-funded response projects?

A site can move into and out of the state-funded response process any time from site discovery through completed cleanup. State funding is usually targeted at sites which pose an immediate health concern to people or where not acting could result in much greater costs down the line. Other sites are chosen because there is simply no one else to respond to the problem, and without state help, the site would continue to pose a public and/or environmental health threat.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGIONS 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

NOV 21 2006

R-19J

Scott Hasset, Secretary
Wisconsin Department of Natural Resources
P.O. Box 7921
Madison, Wisconsin 53707-7921

RECEIVED

NOV 24 2006
OFFICE OF THE
SECRETARY

Dear Mr. Hasset:

It is with great pleasure that I forward to you the enclosed "*One Cleanup Program Memorandum of Agreement Between the United States Environmental Protection Agency Region 5 and the Wisconsin Department of Natural Resources.*" This document recognizes WDNR's consolidated approach to the cleanup of a wide range of sites through its NR700 rules. U.S. EPA shares your Agency's belief that this agreement will help to guide property owners, developers, consultants, and others to understand the applicability and utilization of Wisconsin's consolidated cleanup approach.

I am excited about the opportunities this concept presents for the implementation of the Agency's One Cleanup Program Initiative and the enhanced potential for redevelopment and revitalization in Wisconsin. Your Agency has shown a history of cooperation and coordination with Region 5 and has been consistently successful in achieving environmental results. I want to personally thank you and your staff for the amount of effort and perseverance exhibited in bringing this to a successful conclusion.

Please sign and date both copies of the enclosed document and return one original to Region 5. We look forward to working with you on this endeavor.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mary A. Gade", is written over a horizontal line.

Mary A. Gade
Regional Administrator

Attachment

**One Cleanup Program
Memorandum of Agreement
Between the
United States Environmental Protection Agency Region 5 and the
Wisconsin Department of Natural Resources**

This Memorandum of Agreement (MOA) is entered into between the Regional Administrator, United States Environmental Protection Agency (U.S. EPA), Region 5, and the Secretary, Wisconsin Department of Natural Resources (WDNR), in order to implement the U.S. EPA's One Cleanup Program (OCP) initiative and to provide a roadmap of cleanup approaches. Wisconsin provides a single, consolidated approach to the cleanup of a wide range of types of sites through its NR700 rules, rather than utilizing a range of separate programs with conflicting approaches and cleanup standards. This agreement will help to guide property owners, developers, consultants, and others to understand the applicability and utilization of Wisconsin's consolidated NR700 approach.

I. Purpose and Scope

A. General

U.S. EPA Region 5 and the WDNR agree to mutually exercise their respective legal authorities in order to:

- 1) facilitate timely implementation of the Resource Conservation and Recovery Act (RCRA) related to hazardous waste remediation at facilities subject to RCRA Subtitle C Cleanup Requirements and environmental cleanup requirements pertaining to RCRA Subtitle I Leaking Underground Storage Tank (LUST) Corrective Action, Toxic Substance Control Act (TSCA) 15 U.S.C. § 2605(e) (hereafter referred to as TSCA Section 6(e)), and Comprehensive Environmental Response, Compensation, Liability Act (CERCLA, known also as Superfund);
- 2) meet the federal Government Performance Results Act (GPRA) implementation schedule;
- 3) facilitate the productive cleanup and redevelopment of brownfields and other contaminated properties in Wisconsin by adopting the efficiencies and innovations resulting from U.S. EPA's OCP initiative;
- 4) meet each agency's mandate to protect human health and the environment, and
- 5) recognize the WDNR's Remediation and Redevelopment (RR) program for grant funding eligibility purposes under § 128(a) of CERCLA as amended by the Small Business Liability Relief and Brownfields Revitalization Act.

B. Applicability

- 1) The following types of sites, if cleaned up under WDNR's oversight, are covered by Section IV.B.1 of this MOA:
 - a) sites subject to RCRA Subtitle I LUST corrective action, as defined in s. 101.144(1)(aq), Wis. Stats.;

- b) sites with PCB contamination subject to TSCA Section 6(e) as explained in Attachment 1 of this MOA;
 - c) "eligible response sites," as defined in CERCLA § 101(41); and
 - d) other sites or facilities subject to RCRA Subtitle C cleanup requirements, except as listed below.
- 2) The following types of sites are covered by Section IV.B.2 of this MOA and may be addressed by WDNR utilizing NR700 procedures as described in this MOA, **consistent with the requirements of Wisconsin's authorized program**, however the controlling documents will be the applicable orders or licenses (i.e. the state equivalent of a RCRA permit) which remain in effect.
- a) facilities where WDNR has issued a hazardous waste license to a RCRA treatment, storage or disposal facility, provided the facility complies with the corrective action conditions of their plan approval, and
 - b) facilities where WDNR has issued a corrective action order pursuant to s. 291.37(2) Wis. Stats., provided the facility complies with the conditions of the order.
- 3) The following sites shall not be subject to this MOA:
- a) permitted hazardous waste treatment, storage, and disposal facilities which are subject to cleanup requirements under a U.S. EPA-issued RCRA operating permit;
 - b) sites that are proposed or listed on U.S. EPA's National Priorities List (NPL);
 - c) any site where WDNR and U.S. EPA Region 5 agree that a hazard ranking system (HRS) scoring package will be submitted to U.S. EPA Headquarters for inclusion on the National Priorities List;
 - d) federal-lead PCB contamination sites as defined in Attachment 1 of this MOA; and
 - e) any site or facility which is under the authority of an existing federal (administrative or judicial) order for cleanup

II. Authority

A. Environmental Protection Agency, Region 5

U.S. EPA Region 5 enters into this MOA in furtherance of its statutory and regulatory responsibilities and authorities under:

- the RCRA Subtitle C cleanup requirements, 42 U.S.C. § 6901 et seq.;

- CERCLA , commonly known as Superfund, 42 U.S.C. § 9601 et seq.;
- the TSCA, 15 U.S.C. § 2601 et seq., as it relates to PCB contamination under Section 6 (e); and
- the RCRA Subtitle I Underground Storage Tank requirements, Subchapter IX, 42 U.S.C. § 6991 et seq., pertaining to LUSTs.

B. Wisconsin Department of Natural Resources

The WDNR enters into this MOA in furtherance of its statutory and regulatory responsibilities pursuant to:

- Wisconsin Spill Law, s. 292.11, Wis. Stats.;
- Wisconsin Environmental Repair Law, s. 292.31, Wis. Stats.;
- Wisconsin Groundwater law, Ch. 160, Wis. Stats.;
- Hazardous Waste Law, s. 291.37, Wis. Stats.; and
- The respective administrative codes, including ch. NR 140, Wis. Adm. Code, and the NR 700 rule series, Wis. Adm. Code.

III. Background

Mandate and Authorization

The State of Wisconsin and U.S. EPA Region 5 are mandated to protect human health and the environment. U.S. EPA Region 5 and the WDNR have a history of working cooperatively to clean up contaminated properties and environmental media. U.S. EPA has authorized Wisconsin for the base RCRA program and for the Corrective Action program. In 1995, U.S. EPA Region 5 and the WDNR entered into a Superfund Voluntary Cleanup Program Memorandum of Agreement, to clarify the intentions and expectations of U.S. EPA Region 5 and WDNR at sites subject to CERCLA and addressed by WDNR. This MOA replaces and supersedes the 1995 Superfund Voluntary Cleanup Program Memorandum of Agreement. Since the TSCA PCB program cannot be delegated to states, U.S. EPA Region 5 and WDNR agree to make maximum use of the PCB Coordinated Approval provision in the Federal PCB regulations (40 CFR 761.77). U.S. EPA Region 5 and the WDNR acknowledge the potential benefits that can be achieved by clarifying the intentions and expectations of U.S. EPA Region 5 and WDNR regarding the cleanup and reuse of contaminated properties that are addressed by the WDNR under Wisconsin law

General One Cleanup Program Goals

Both the WDNR and U.S. EPA Region 5 acknowledge their mutual respect, positive working relationship, and commitment to the successful implementation of this MOA. In particular, the WDNR and U.S. EPA Region 5 seek to clarify the roles and responsibilities of U.S. EPA Region 5 and the WDNR at contaminated properties, so as to increase the numbers and timeliness of cleanups that will result in the protection of human health and the environment by:

- 1) Supporting the use of the WDNR's RR program's NR 700 series comprehensive cleanup rules at properties where this approach is appropriate for achieving timely and protective cleanups;

- 2) Providing coordinated and consistent technical assistance and information to allow for informed decision making by property owners, prospective purchasers, lenders, public and private developers, citizens, local units of government, and elected officials;
- 3) Ensuring that the timely cleanup of sites protects human health and the environment, and promotes revitalization of contaminated property for appropriate use;
- 4) Facilitating the effective use of all available authorities and resources and select the optimum programmatic tools to increase the pace, efficiency, and quality of cleanups.
- 5) Promoting processes by which cleanups that are carried out under state authority are performed in a manner that is consistent with federal objectives and comply with requirements for the site or media of concern.

C. Specific Program Goals

The WDNR and U.S. EPA Region 5 intend to ensure that program-specific goals are met, including:

- 1) For sites and facilities subject to RCRA Corrective Action, WDNR will ensure that the following corrective action objectives are met:
 - a) require the owner or operator to conduct facility-wide assessments to determine the full nature and extent of releases;
 - b) ensure that all releases of hazardous wastes or hazardous constituents into the environment from all Solid Waste Management Units and Areas of Concern are addressed (on and off-site) where necessary to protect human health and the environment;
 - c) provide meaningful opportunities for public involvement throughout the cleanup process; and
 - d) ensure that remedies are protective of human health and the environment.
- 2) For sites subject to TSCA Section 6(e) requiring the cleanup of PCB contamination, ensure the cleanup under this MOA follows applicable federal and state-laws;
- 3) For sites subject to RCRA Subtitle I LUST Corrective Action, WDNR will ensure that the following corrective action objectives are met:
 - a) require the owner or operator to conduct facility-wide investigations, and
 - b) ensure that all releases of petroleum products or hazardous substances into the environment from underground storage tanks are addressed (on and off-site).
- 4) For sites that may be subject to CERCLA, WDNR will ensure that the necessary environmental response actions are taken in accordance with applicable federal and state law and are protective of human health and the environment.

IV. OCP Implementation

A. Program Adequacy and Relevant State Authorities

1) Background

- a) U.S. EPA Region 5 recognizes that the WDNR has successfully implemented cleanups at sites subject to federal environmental cleanup authorities.
- b) In particular, the WDNR's RR program is responsible for implementing the state's portion of the federal CERCLA program, RCRA Subtitle C Corrective Action program, brownfields, state response initiatives, RCRA Subtitle I LUST Corrective Action sites, and working with the U.S. EPA Region 5 TSCA PCB program on relevant PCB remediation issues. The WDNR's various programs, laws, and regulations work together to achieve appropriate environmental remediation objectives and requirements as mentioned in section III of this MOA.
- c) The WDNR intends to use, as appropriate, the ch. NR 700 series, Wis. Adm. Code process for implementation of requirements at sites that may also be subject to RCRA Subtitle C Corrective Action program, CERCLA, RCRA Subtitle I LUST Corrective Action, and TSCA Section 6(e).

2) Evaluation of WDNR RR under CERCLA Section 128(a)

- a) U.S. EPA Region 5 has evaluated the RR program for purposes of grant eligibility under CERCLA § 128(a) and determined that the RR program includes each of the four elements of a state response program as described in CERCLA § 128(a)(2). WDNR agrees to maintain all of these elements for the RR program as follows:
 - i) Timely survey and inventory of Brownfields sites in Wisconsin. The WDNR has initiated efforts to evaluate historic lists of sites to determine the priority of those sites for follow up. In addition, the WDNR is undertaking an initiative to locate historic brownfields properties not previously identified.
 - ii) Adequate oversight and enforcement authorities and resources. Cleanups under the RR program will result in timely and appropriate response actions that protect human health and the environment and are conducted in accordance with applicable state and federal laws. The WDNR has adequate enforcement resources and authority to ensure completion of response actions, including operation and maintenance or long-term monitoring if the responsible party fails or refuses to complete the required actions.
 - iii) Mechanisms and resources to provide meaningful opportunities for public participation. WDNR's ch. NR 714, Wis. Adm. Code, sets forth a process for public participation on cleanup decisions, and the public has access to site-specific documents.
 - iv) Mechanisms for approval of cleanup plans and verification of completed response actions. U.S. EPA Region 5 has determined that the cleanup

program under the RR program reviews all requests for case closure or a Certificate of Completion, and renders a written decision approving the investigation and cleanup activities.

- b) U.S. EPA Region 5 has reviewed and evaluated the RR program and determined that it provides adequate access to information and meets the public record requirement described in CERCLA Section 128(b)(1)(C). Through Wisconsin's Open Records Law and the WDNR's web-based Bureau for Remediation and Redevelopment Tracking System, which contains data on over 19,000 sites, WDNR will maintain and continue to make this record available to the public.
- 3) Recognition of WDNR standard-setting processes and standards
- a) U.S. EPA Region 5 has reviewed and evaluated Wisconsin's cleanup standard-setting processes, including its risk-based process and standards in chs. NR 720 and 140, Wis. Adm. Code, and has determined that the WDNR's procedures and standards will result in cleanups that meet the objectives of the RCRA Subtitle C Corrective Action program, CERCLA, RCRA Subtitle I LUST Corrective Action, and TSCA Section 6(e) for sites subject to this MOA.
 - b) Based on the assessment of WDNR's capabilities and authorities as listed above, U.S. EPA Region 5 has determined that the standards and processes in ch. NR 140, Wis. Adm. Code, for groundwater, and ch. NR 720, Wis. Adm. Code, to establish residual soil contaminant levels or performance standards for each exposure and migration pathway of concern will result in cleanups that meet the objectives of the RCRA Subtitle C Corrective Action program, CERCLA, RCRA Subtitle I LUST Corrective Action, and TSCA Section 6(e) for sites subject to this MOA.
- 4) Recognition of WDNR RR program processes
- a) The cleanup criteria specified in the ch. NR 700, Wis. Adm. Code rule series provide for land use-based cleanups which may entail deed restrictions, placement on WDNR's GIS (Geographical Informational Systems) Registry of Closed Remediation sites, a combination of those institutional controls, or other restrictions in order to meet the criteria specified for each land use category.
 - b) The WDNR will utilize criteria specified in the ch. NR 700 Wis. Adm. Code rule series when reviewing and approving institutional controls.
 - c) The WDNR acknowledges its responsibility with respect to RCRA Corrective Action, CERCLA, and RCRA Subtitle I LUST Corrective Action to ensure that any investigation and cleanup conducted under state authority meets the objectives and requirements of the federal programs addressed by this MOA.
 - d) The WDNR acknowledges it will issue a state approval to remediate PCB contamination under this MOA, including Attachment 1, which is consistent with TSCA Section 6(e).
 - e) Based on the assessment of the WDNR's capabilities and authorities, U.S. EPA Region 5 had determined that the processes in ch. NR 726, Wis. Adm. Code, for

determining when no further cleanup action (i.e., closure) is necessary, will result in cleanups that meet the objectives of RCRA Subtitle C Corrective Action program, CERCLA, RCRA Subtitle I LUST Corrective Action, and TSCA Section 6(e) sites subject to this MOA.

- f) U.S. EPA Region 5 has reviewed and evaluated the WDNR's RR program, rules, public record and participation requirements and guidances, and has determined that this comprehensive state cleanup program is adequate to ensure that the federal objectives identified in Section III.C. are met at sites subject to this MOA.

B. Future EPA Action

- 1) Generally, U.S. EPA Region 5 does not plan or anticipate taking action under the authorities listed in paragraph II.A at a site or facility described in Section I.B.1 of this MOA and being addressed or overseen by the WDNR while that site or facility remains in compliance with the RR program and the authorities listed in paragraph II.B, except where one or more of the following circumstances apply:
 - a) The WDNR requests that U.S. EPA Region 5 provide assistance in the performance of a response action;
 - b) U.S. EPA Region 5 determines that contamination has or will migrate across the state line; or U.S. EPA Region 5 determines that contamination has migrated or is likely to migrate onto property subject to the jurisdiction, custody, or control of a department, agency, or instrumentality of the United States and may impact the authorized purposes of the federal property;
 - c) After considering the response activities already taken at the site, U.S. EPA Region 5 determines under the authorities listed in paragraph II.A that the site or facility may present an imminent and substantial endangerment to public health or welfare or the environment;
 - d) After considering the response activities already taken, U.S. EPA Region 5 determines that the PCB contamination subject to TSCA Section 6(e) poses an unreasonable risk of injury to health or the environment; or
 - e) WDNR fails to respond in a timely manner to a known situation where institutional controls, engineering controls, land use restrictions, or other conditions placed on a property by the WDNR are no longer protective of public health or the environment, given the current conditions at the property, except where inconsistent with CERCLA § 128.
2. (a) U.S. EPA does not generally anticipate taking action under RCRA Subtitle C for corrective action non-compliance at a facility described in Section 1.B.2(a) of this MOA, as long as that facility is in compliance with the corrective action portion of the state license (i.e. the state equivalent of a RCRA permit) unless one or more of the conditions specified in NR 680.40 (the state analog to 40 C.F.R. Section 270.4(a)) exists.
 - (b) U.S. EPA does not generally anticipate taking action under RCRA Subtitle C for

corrective action non-compliance at a facility described in Section I.B.2(b) of this MOA, as long as that facility is in compliance with the state corrective action order.

- 3) CERCLA § 128(b) provides limitations regarding federal enforcement actions at "eligible response sites", as defined in CERCLA § 101(41), that are being addressed in compliance with a state program that (1) specifically governs response actions for the protection of public health and the environment and (2) maintains and updates a public record, as required by CERCLA § 128(b)(1)(C). These limitations operate as a matter of law and are subject to the exceptions listed in CERCLA 128(b). Thus, subject to the exceptions in CERCLA § 128(b), U.S. EPA does not plan or anticipate taking an administrative or judicial enforcement action under CERCLA §§ 106(a) or 107(a) against a person regarding a specific release at an eligible response site that is being addressed by that person in compliance with the RR program.

C. Reservation of Rights

This MOA does not have any legally binding effect, does not create any legal rights or obligations, and does not in any way alter the authority of WDNR or U.S. EPA Region 5 under state or federal law. This MOA does not replace or amend the Resource Conservation and Recovery Act ("RCRA") MOA for Wisconsin's authorized RCRA program. This MOA is intended to implement the efficiencies and innovations contained in U.S. EPA's OCP initiative and the WDNR's comprehensive cleanup rules and to achieve cleanups that comply with federal and state cleanup requirements. U.S. EPA Region 5 continues to have its authority to bring enforcement action under federal law.

Nothing in this MOA modifies federal or state statutory requirements (or regulations promulgated there under) or WDNR's responsibility to fully implement Wisconsin's authorized hazardous waste program under RCRA

D. Coordination Between the WDNR and U.S. EPA Region 5

- 1) U.S. EPA Region 5 and the WDNR have developed a process for prioritizing sites or facilities and determining which agency is primarily responsible for a particular site. Key to the success of this process is frequent communication between U.S. EPA Region 5 and the WDNR regarding RCRA Subtitle C Corrective Action facilities, CERCLA sites, high-priority state-lead LUST sites under the jurisdiction of the WDNR, TSCA Section 6(e) sites subject to this MOA, and overall program implementation. As part of this process, the WDNR may request, and U.S. EPA Region 5 may transfer to the WDNR, primary responsibility for overseeing activities at a federal-lead facility within the legal parameters of that program. For TSCA Section 6(e) sites, U.S. EPA Region 5 may acknowledge the sufficiency of proposed cleanups under a PCB Coordinated Approval. U.S. EPA Region 5 and the WDNR hereby commit to continuing implementation and improvement of this process.
- 2) Frequent communication between U.S. EPA Region 5 and the WDNR is critical to the success of this MOA. U.S. EPA Region 5 and the WDNR commit to continuing to share information on sites or facilities, implementation priorities, new program initiatives, cleanup criteria decisions, federal grant opportunities and other relevant issues.

- 3) In order to achieve this level of communication, the WDNR and U.S. EPA Region 5 will conduct semi-annual meetings or conference calls to discuss progress in implementing this MOA, the WDNR's overall cleanup program, achieving state and federal commitments, funding opportunities and facility- or property-specific concerns.
- 4) This OCP MOA clarifies U.S. EPA Region 5's intentions regarding those closed sites or facilities addressed under Wisconsin's NR 700 rule series, Wis. Adm. Code, as set forth in section IV.B of this MOA, subject to the limitations set forth herein or as may be required by law.
- 5) The cleanup criteria in the NR 700 rule series, Wis. Adm. Code, provide for land use-based cleanups, which may entail restrictive covenants, or other restrictions in order to meet the criteria specified for each land use category. The WDNR will utilize these criteria when reviewing and approving institutional controls used in lieu of restrictive covenants.
- 6) For sites or facilities with PCB contamination, the parties agree to implement the review process in Attachment 1. Attachment 1 explains the WDNR-U.S. EPA coordinated review and approval process and clarifies the roles of each Agency. This MOA does not supersede or eliminate the PCB remediation and disposal options available to facilities under 40 CFR Section 761.61.

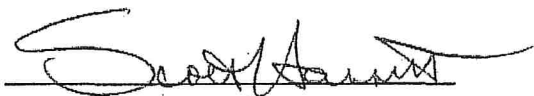
V. Entry and Modification

This MOA has been developed by mutual cooperation and consent and hereby becomes and integral part of the working relationship between U.S. EPA Region 5 and the WDNR.

U.S. EPA Region 5 enters into this MOA based upon review of WDNR's cleanup criteria and processes. The WDNR agrees to provide U.S. EPA Region 5 with prompt notice of significant changes to the laws, regulations, and guidance and practices addressed through this MOA. The WDNR and U.S. EPA Region 5 agree to review this MOA, if U.S. EPA promulgates new regulations or develops relevant guidance after the effective date of this MOA.

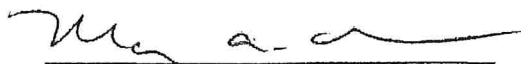
This MOA may only be modified by the mutual written agreement of both parties, or it may be terminated by one Party after a 45-day notice to the other Party.

For the Wisconsin Department of Natural Resources



4/27/06
Date

For the U.S. Environmental Protection Agency, Region 5



11/21/06
Date

Attachment 1
TSCA Section 6(e) Applicability Screening Analysis and
Expedited Coordinated Review and Approval Process

Intent of MOA. The intent of the OCP MOA is to describe the process under which WDNR and U.S. EPA Region 5 will recognize WDNR's leadership role for the remediation of certain sites with PCB contamination under the multiple cleanup programs in Wisconsin. In section IV.D.6 of the OCP MOA, U.S. EPA Region 5 and the WDNR have agreed to implement the review process in this attachment, which clarifies the roles and responsibilities of each Agency at certain sites involving PCB contamination. This MOA is not a delegation of U.S. EPA's authority under TSCA Section 6(e). However, U.S. EPA regulations at 40 CFR 761.77 provide for federal TSCA Section 6(e) coordinated approvals based on state permits or enforcement and decision documents. This attachment establishes a specific process under which the WDNR and U.S. EPA Region 5 will provide expedited coordinated approval for any person seeking to remediate PCB contamination at certain sites as described below.

Although the federal PCB regulations at 40 CFR 761.77 do not restrict the types of sites that are subject to coordinated approval, U.S. EPA Region 5 has determined that the expedited review and approval process established in this MOA would not be appropriate for certain environmentally diverse sites, or for those involving multiple complex issues. Such sites, which are referred to as Type A sites below, typically require more time to evaluate and consider than is provided for in the expedited coordinated review process. Any person seeking to remediate such sites may still apply to U.S. EPA Region 5 for a coordinated approval under 40 CFR 761.77, but the application will not be subject to the expedited review process established in this MOA.

This document primarily addresses the cleanup and disposal of PCBs, however, the federal PCB regulations at 40 CFR 761 address use, as well as clean up and disposal, of PCBs. The use of contaminated portions of real property constitutes the use of PCBs on the property, and such use is prohibited under TSCA section 6(e)(2)(A), unless the owner of the property contaminated with PCBs complies with all applicable use authorizations. In general, this means that the owner must first clean up the property or decontaminate it before it can be used (see 40 CFR §761.30(u)).

Program adequacy. Consistent with Section IV of the MOA, the U.S. EPA Region 5 TSCA PCB program has reviewed the Wisconsin State Statutes, administrative rules, and program guidance used by WDNR to implement the State's remediation program. As part of that program, for Type C sites, described below, WDNR agrees to assess the risk posed by PCBs via dermal exposure pathway as well as to assess the risk residual PCBs pose to post remediation construction workers. U.S. EPA Region 5 has determined the State's program should generally result in cleanups that meet the objectives and requirements of TSCA Section 6(e) for sites subject to this MOA.

Notification. WDNR and U.S. EPA Region 5 will provide each other with information on the status of Type A, B, or C sites described below. Notification by WDNR of Type C sites is covered in paragraph ii in the discussion on the expedited coordinated review process at the conclusion of this attachment. In addition to participating in the semi-annual meeting discussed in section IV.D.3, DNR agrees to provide a status report to U.S. EPA Region 5 TSCA program on Type A and B sites by March 31, annually. U.S. EPA Region 5 TSCA Program agrees to provide WDNR with a status report on all PCB

sites in Wisconsin it is managing on an annual basis by the same date. Either agency may request information about individual sites any time during the year.

If PCBs are found on a site, the owner or operator has the burden of proving the date the PCBs were released and the concentration of the original spill (See 40 CFR 761.50(b)(3)(iii)). This information can be used to determine if review and approval of the PCB remediation should proceed under TSCA Section 6(e) authority or if it can proceed under state authority only, as discussed further under Type A, B, or C sites described below.

It is important that the proper TSCA Section 6(e) determination be made as early in the site investigation process as possible to ensure proper implementation of the applicable requirements. This determination will affect whether PCB contaminated media is regulated under TSCA Section 6(e), and will affect the cleanup and disposal options for the contaminated media or materials. Failure to evaluate all available information could result in costly delays of redevelopment projects, put the owner or operator at risk of future liability (future complaints, spill report data or other information), or both.

This TSCA Section 6(e) determination should include a thorough and good faith inquiry into the nature and origin of the contamination. Where a facility owner or operator makes a good-faith effort to determine the date and concentration of the material at the time of the release, but cannot make a definitive determination because documentation regarding the date of the release and source of contamination is unavailable or inconclusive, then U.S. EPA may presume that PCBs are illegally disposed of at a site and require remediation under TSCA (See 59 FR 62788, 62799 (Dec. 6, 1994)).

WDNR and U.S. EPA recommend the owner or operator interview current and former employees and take other reasonable steps, such as using available site and waste specific information such as manifests, vouchers, bills of lading, sales and inventory records, accident reports, site investigation reports, spill reports, inspection logs, enforcement orders, etc., to determine the timing and concentration of the PCB release. In-depth inquiries are in the best interest of the owner or operator (individuals, companies, municipalities, etc.) as it may limit liability and guard against potential enforcement action should information later be discovered as a result of a less than adequate inquiry. WDNR and U.S. EPA recommend working with the WDNR regional project manager in making this determination.

Determining Agency Review and Approval based on TSCA Section 6(e) Determination. For the purpose of this MOA, three "types" of sites will be considered. Specific criteria to determine the "type" of site and agency review for a site are identified below. Once an appropriate determination has been made involving PCBs, the type of WDNR and U.S. EPA regulatory review for the proper investigation, cleanup and disposal of the contamination can be made. The screening criteria below will be used as guidance to determine the appropriate agency and process to follow in order to receive approval for the cleanup actions.

The screening criteria summarize the considerations for determining the applicability of the expedited review and approval. They do not establish any rights, obligations, or limitations beyond those established in the statute or the regulations themselves, and they do not otherwise supersede or substitute for the statute or regulations.

Type A: PCB Sites not subject to the expedited coordinated review and approval under this MOA and subject to WDNR and U.S EPA Region 5 review and approval outside of this MOA. These sites would typically be complex sites or sites involving environmentally diverse or multiple complex issues such as those described in the first through third bullets, below. In addition, Type A sites would include sites where the owner or operator has not met the WDNR's procedures or standards or fails to submit adequate information to the WDNR and does not receive an approval from the WDNR. Sites which do not receive an approval or a decision and enforcement document from the WDNR could not be approved by U.S. EPA Region 5 under 40 CFR 761.77 because the party must have such a state-issued document for U.S. EPA to issue a coordinated approval (See 40 CFR 761.77(c)). For Type A sites, the owner or operator is subject to WDNR and U.S. EPA Region 5 review and approval, outside of this MOA.

Type A sites include:

- sites where there is widespread sediment contamination beyond that which is merely incidental to soil contamination;
- sewers or sewage treatment systems;
- private or public drinking water sources or distribution systems; or
- sites where the responsible party has not met the WDNR's procedures or standards.

Type B: PCB Sites generally not subject to TSCA Section 6(e) and only subject to WDNR review and approval. These sites are subject to WDNR review and approval and are managed by the WDNR under the NR 700 rule series because they are presumed not to present an unreasonable risk of injury to health or the environment under TSCA Section 6(e) and the federal PCB regulations at 40 CFR 761.50(b)(3)(i)(A).

Type B sites include sites where:

- the PCB remediation waste resulted from spills, or other releases into the environment:
 - o prior to April 18, 1978, regardless of the concentration of the spill or release, or
 - o on or after April 18, 1978, but prior to July 2, 1979, where the concentration of the spill or release was greater than or equal to 50 ppm but less than 500 ppm;
- the date the PCBs were released was on or after July 2, 1979, and the PCB concentration of the actual material that was released was less than 50 ppm.

However, if a site meets either of the criteria under the first bullet above and U.S. EPA Region 5 and WDNR make a finding that an unreasonable risk of injury to health or the environment exists, U.S. EPA Region 5 and WDNR may direct the owner or operator of the site to remediate the site under TSCA Section 6(e) and the federal PCB regulations at 40 CFR 761.50(b)(3)(i)(A) and the WDNR's NR 700 rule series, Wis. Adm. Code, respectively. In cases where U.S. EPA Region 5 and WDNR direct the owner or operator of the site to remediate the site and the site is also determined by U.S. EPA Region 5 and WDNR to be a Type C site, it may be subject to the expedited coordinated review and approval process (See provisions for Type C sites, below).

If a site meets either of the criteria under the first bullet above and U.S. EPA Region 5 or WDNR makes a unilateral finding that an unreasonable risk of injury to health or the environment exists and U.S. EPA Region 5 or WDNR directs the owner or operator of the site to remediate the site, the sites would not be subject to the expedited coordinated

review and approval under this MOA and instead would be subject to separate U.S. EPA or WDNR review and approval outside of this MOA.

Type C: PCB Sites subject to WDNR review and approval under this MOA, with U.S. EPA TSCA Section 6(e) expedited coordinated review and approval. These are PCB contamination sites that do not fall into either the Type A or Type B site classification. Sites that meet the criteria for a Type C site may utilize the WDNR-U.S. EPA Region 5 expedited coordinated review process, below. Type C sites can include sites where there is sediment contamination as long as that contamination is merely incidental to soil contamination.

Type C sites include sites where:

- the PCB remediation waste is at any concentration and resulted from spills, or other releases into the environment:
 - on or after July 2, 1979, where the concentration of the spill or release was greater than or equal to 50 ppm or
 - on or after April 18, 1978, but prior to July 2, 1979, where the concentration of the spill or release was greater than or equal to 500 ppm; or
- the following provisions are met:
 - the screening criteria under the first bullet for a Type B site, above, are met,
 - the site is determined by WDNR and U.S. EPA not to be a Type A site,
 - the as-found concentration is greater than or equal to 50 ppm,
 - U.S. EPA Region 5 and WDNR make a finding that an unreasonable risk of injury to health or the environment exists in accordance with 40 CFR 761.50(b)(3)(i)(A) and the NR 700 rule series, Wis. Adm. Code, respectively, and
 - U.S. EPA Region 5 and WDNR direct the owner or operator of the site to remediate the site under TSCA Section 6(e) and the federal PCB regulations at 40 CFR 761.50(b)(3)(i)(A) and the NR 700 rule series, Wis. Adm. Code, respectively, based on their findings of unreasonable risk.

WDNR-U.S. EPA Region 5 Expedited Coordinated Review and Approval Process

The WDNR-U.S. EPA Region 5 expedited coordinated review and approval process below is solely for the purpose of evaluating coordinated approval requests under this MOA. Any person seeking any approval of a remedial action should consult the applicable regulations to determine their legal responsibilities. This MOA does not absolve any person from their legal responsibilities or obligations.

- i. Any person seeking approval from the WDNR on response activities to address PCB contamination under a remedial action options report prepared pursuant to ch. NR 722, Wis. Adm. Code, or other appropriate vehicle must also, and will be encouraged by the WDNR to, formally request coordinated approval from U.S. EPA Region 5. The WDNR will, upon request, supply an electronic form to the person to facilitate this step.
- ii. If the WDNR determines that the site investigation and remedial action options report or other appropriate vehicle (including revisions required by the WDNR as part of its review) satisfy the WDNR's NR 700 rule series, Wis. Adm. Code, processes and criteria, the WDNR will transmit information relevant to the PCB remediation and approval activities to U.S. EPA Region 5. The WDNR will use an electronic form to verify to U.S. EPA Region 5 that the regulatory package is

complete and identify significant site-specific issues, if any. The form will include a summary description of the site, contamination, remediation targets, proposed cleanup activities, including any disposal activities, public comments, proposed conditions, and a draft approval.

- iii. U.S. EPA Region 5 agrees that within 30 days after receipt of a complete package including WDNR's information in ii, above, and the request for coordinated approval, it will issue a letter to the person seeking the approval and WDNR informing the person seeking the approval and WDNR of its intent to grant or deny a TSCA coordinated approval, requesting further information, or requesting additional time to complete its review. If U.S. EPA Region 5 intends to grant a TSCA coordinated approval, the letters will include any additional conditions it determined are necessary to prevent unreasonable risk of injury to health or the environment.
- iv. U.S. EPA Region 5 also agrees that if it must request additional information or time, it will complete its review as expeditiously as possible.
- v. U.S. EPA Region 5 agrees that when it intends to grant a TSCA coordinated approval, it will work with WDNR to finalize and issue the TSCA coordinated approval to the person seeking the approval immediately after WDNR issues its approval.
- vi. U.S. EPA Region 5 will consult with the WDNR and provide the WDNR, where practicable and appropriate, an opportunity to respond to U.S. EPA's comments in a timely manner, prior to denying or conditioning a request for coordinated approval.
- vii. All requirements, conditions and limitations of the WDNR's approved remedial action options report or other determinations are conditions of the coordinated approval.
- viii. Any person that receives coordinated approval under this MOA must comply with the reporting and record keeping requirements of 40 CFR Part 761, Subparts J and K, as applicable.

The WDNR will monitor the site's compliance with the approved PCB remediation measures and will notify U.S. EPA Region 5 of changes it finds relating to PCB waste requirements and/or changes in facility ownership.

EPA, DNR Sign Agreement Streamlining Cleanup Efforts In Wisconsin

MADISON – The Wisconsin Department of Natural Resources (DNR) and the U.S. Environmental Protection Agency (EPA) recently signed an agreement between the two agencies that will expedite cleanups of contaminated properties.

“This agreement is great news,” DNR Secretary Scott Hassett said. “It confirms that our single, consolidated approach to cleaning up contaminated areas in Wisconsin is consistent with EPA’s One Cleanup Program Initiative. It will not only help property owners, developers and citizens better understand how meeting Wisconsin’s standards will satisfy both agencies, it will also help improve business creation and growth in those areas.”

The MOU, signed by Secretary Hassett and Mary A. Gade, Regional Administrator of U.S. EPA Region 5, is significant in that it is the first EPA-state agreement to fully address cleanup requirements across all major federal programs, including the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund); Resource Conservation and Recovery Act; Toxic Substances Control Act; and leaking underground storage tanks.

Department and EPA’s Region 5 staff have a history of working cooperatively to clean up and oversee the cleanup of contaminated properties. The original impetus to create this agreement came through Wisconsin’s Brownfields Study Group.

A copy of the MOA can be obtained at <http://dnr.wi.gov/org/aw/rr/cleanup/ocp.htm>. For more information, please contact Mark Gordon, WI DNR’s Remediation and Redevelopment Program, at mark.gordon@wisconsin.gov.

###



BROWNFIELDS: REDEVELOPING CONTAMINATED PROPERTY

Brownfields are abandoned, idle and underused commercial or industrial properties where reuse is hindered by real or perceived contamination. Brownfields vary in size, location, age and past use; they can be anything from a 500-acre former automobile assembly plant to a small, abandoned gas station.

Interest in cleaning up and returning brownfields to productive use has transformed this environmental issue into a major public policy initiative that also involves redevelopment and community revitalization. In Wisconsin, there are an estimated 10,000 brownfields; 1,500 of these are believed to be tax delinquent.

These properties present public health threats, along with economic, environmental and social challenges to the rural and urban communities where they are located.

WISCONSIN DNR AND BROWNFIELDS

The DNR's Remediation and Redevelopment program has a wide range of financial and liability tools available to help local governments, businesses, lenders and others clean up and redevelop brownfields in Wisconsin. Staff in the DNR's Madison office and regional offices around the state are available to meet with community leaders, bankers, developers and private individuals to discuss brownfield projects.

For more information on the basics of brownfields redevelopment, see: [Brownfields Redevelopment in Wisconsin: Essential steps and resources for successful redevelopment of brownfields \(RR-933\)](#) ^(PDF).

- [Liability information](#)
- [Financial resources](#)
- [Success stories](#)
- [Wisconsin Plant Recovery Initiative](#)

FEDERAL BROWNFIELDS INFORMATION AND POLICY

For information on federal brownfields programs and policies, visit the [EPA Brownfields page](#) ^(exit DNR).

- EPA publication [Petroleum Brownfields: Selecting a Reuse Option](#) ^(PDF)
- EPA's [State and Tribal Brownfields Response Programs](#) ^(exit DNR)
- [EPA Land Revitalization Toolkit](#) ^(exit DNR)

Brownfields Redevelopment in Wisconsin

Essential steps and resources for successful redevelopment of brownfields

RR-933
April 2016

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 requirement 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 (ESA) 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 to further define the extent of the contamination.

3 ACQUISITION and LIABILITY protection

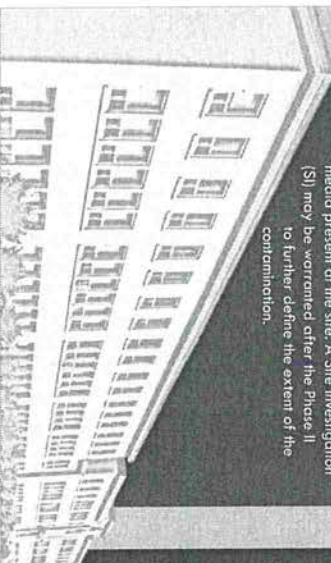
- ☐ **Understand liability risks**
You may be responsible for cleaning up a site you own even if you did not cause the contamination. There are both state and federal protections against liability for qualifying entities if certain procedures are followed.
 - ☐ **State liability exemption**
Chapter 292, Wis. Stats., 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.
- You may request a General Liability Clarification letter from the DNR to understand exactly what your state liabilities may be.
- ☐ **Federal liability exemption**
The EPA enforces liability for environmental contamination under CERCLA, a.k.a. Superfund. You may be exempt from CERCLA liability if you:
 - qualify as a bona 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.
 - ☐ **If you're unsure, call and ask!**

4 INVESTIGATE the site and CLEAN-UP for future use

- ☐ **Site Investigation**
A Site Investigation (SI) may be warranted after the Phase II 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 action 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 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 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 Incremental 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" of 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), enclosures, and maintaining vapor control systems.
 - ☐ **Brownfields are opportunities in the making**
Cleaning up and reinvigorating brownfields protects the environment, reduces blight and takes development pressures off green spaces 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.



Resources

general information

Wisconsin Department of Natural Resources
Remediation and Redevelopment Program
dnr.wis.gov/topic/Brownfields

U.S. EPA Region 5
www.epa.gov/aboutepa/epa-region-5

U.S. EPA Brownfields
www.epa.gov/brownfields

Wisconsin Economic Development Corporation (WEDC)
inwisconsin.com

Wisconsin Department of Administration
doa.wis.gov

technical resources

Selecting an Environmental Consultant
dnr.wis.gov/topic/Brownfields/Select.html

Green Remediation
dnr.wis.gov/topic/brownfields/WISRR.html
www.clu-in.org/greenremediation/

Residual Contamination and Continuing Obligations
dnr.wis.gov/topic/Brownfields/Residual.html

Case Closure and Certificate of Completion
dnr.wis.gov/topic/Brownfields/Cleanup.html

Petroleum Contamination and Underground Storage Tanks
dnr.wis.gov/topic/Brownfields/Petro.html

Vapor Intrusion
dnr.wis.gov/topic/Brownfields/Vapor.html

regulations & standards

Wisconsin Cleanup Rules & Laws
dnr.wis.gov/topic/Brownfields/Laws.html

All Appropriate Inquiries (AAI) Final Rule (40 CFR Part 312)
www.epa.gov/brownfields/brownfields-dl-appropriate-inquiries

Reporting Hazardous Substance Spills
dnr.wis.gov/topic/Spills/Report.html

Storage Tank Regulations
dnr.wis.gov/Consumer/Weights_and_Measures/Storage_Tank_Regulations/index.aspx

Superfund Policy, Guidance and Laws
www.epa.gov/superfund/superfund-policy-guidance-and-laws

liability information

Understanding Liability in Wisconsin
dnr.wis.gov/topic/Brownfields/Liability.html

Local Government Liability Exemptions
and Involuntary Acquisition
dnr.wis.gov/files/PDF/pubs/rr_RR579.pdf
www.epa.gov/enforcement/state-and-local-government-activities-and-liability-protections

Voluntary Party Liability Exemption (VPLE)
dnr.wis.gov/topic/Brownfields/vple.html

Off-Site Exemption
dnr.wis.gov/topic/Brownfields/Offsite.html

Lender Liability Exemption
dnr.wis.gov/topic/Brownfields/lender.html

Superfund's Bona Fide Prospective Purchaser (BFPF) Provision
www.epa.gov/enforcement/bona-fide-prospective-purchasers

financial resources

Federal

U.S. EPA Brownfields Grant Funding
www.epa.gov/brownfields/types-brownfields-grant-funding

U.S. HUD Brownfields Economic Development Initiative (BEDI)
portal.hud.gov/hudportal/HUD?src=/hudprograms/bedi

State

Wisconsin Assessment Monies (WAM)
dnr.wis.gov/topic/Brownfields/wam.html

Wisconsin Ready for Reuse Grants & Loans
dnr.wis.gov/topic/Brownfields/rft.html

Brownfields Grant and Site Assessment Grant Programs
inwisconsin.com/community/assistance

CDBG Community Development
www.dca.state.wi.us/Divisions/Housing/Bureau-of-Community-Development

Other Financial Resources
dnr.wis.gov/topic/Brownfields/Financial.html



Wisconsin Department of Natural Resources
Remediation and Redevelopment Program
P.O. Box 7921, Madison, WI 53707
dnr.wis.gov, search "brownfields"



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BROWNFIELDS SUCCESS STORIES

Communities all across Wisconsin have successfully investigated, cleaned up and redeveloped many of their contaminated properties. Better yet, many of these redevelopment projects resulted in uses which make their communities a better place to be. We've highlighted some of the most interesting projects from our partnerships with local governments and private parties to showcase the eye-opening transformations that can happen when we work together to clean up Wisconsin brownfield sites.

INTERACTIVE MAP OF BROWNFIELD REDEVELOPMENT SUCCESS STORIES



The interactive [Brownfield success stories story map](#) allows users to see at a glance the locations of many successful brownfield redevelopment sites across the state. Click on a location indicated on the map and a summary of the project appears with a photo. Some are side-by-side, before-and-after images to showcase the eye-opening transformations in many Wisconsin communities.

FEATURE VIDEO

Watch partnerships in action as the village of Potosi and the Colectivo coffee company work with the DNR and other state agencies to clean up and revitalize two brownfield properties. To see more ways the DNR is working with businesses and communities to redevelop brownfields, check out the [DNR YouTube channel](#).

Stories: A-Z Before After Financial assistance Location

Highlighted below are 99 of the Remediation and Redevelopment Program's most interesting brownfield success stories. Additional details about all of the success stories featured on the [interactive story map](#) are included in this list. Search for them **alphabetically by name** here.

1. [128th Military Refueling Wing](#) – Milwaukee
2. [3M Sponge Plant](#) – Prairie du Chien
3. [Alterra Coffee](#) – Milwaukee
4. [Amery Fire Station](#) – Amery
5. [Ampco Foundry](#) – West Milwaukee
6. [Amtrak Railroad Station](#) – Milwaukee
7. [Ashland Precision Products](#) – Ashland
8. [Autozone](#) – Milwaukee
9. [Badger Garage](#) – Three Lakes
10. [Bayshore Town Center](#) – Glendale
11. [Bliffert's Lumber & Fuel Company](#) – Milwaukee
12. [Borg Instruments](#) – Delavan
13. [C.A. Lawton](#) – De Pere
14. [Candlewood Suites](#) – La Crosse
15. [Central Railyard](#) – Ashland
16. [CenturyTel](#) – La Crosse
17. [Charter Films](#) – Superior
18. [Chico's Super Service](#) – Green Bay
19. [City Services Center](#) – Baraboo



22. [Delton Family Medical Center](#) – Wisconsin Dells
23. [Doberstein Lumber & Fence](#) – Medford
24. [Druml Concrete](#) – Menomonee Falls
25. [Edgerton Motor Company](#) – Edgerton
26. [Feiler Property](#) – Adams Co.
27. [Former Metalfab Facility](#) – Columbus
28. [Former Milwaukee Road Shops](#) – Milwaukee
29. [Former Royster-Clark Plant](#) - Madison
30. [Green Energy Brownfields](#)
31. [Harley Davidson Museum](#) – Milwaukee
32. [Hawthorn Melody](#) – Whitewater
33. [Inryco and Babcock & Wilcox](#) – West Milwaukee
34. [Kane Place Lofts](#) – Milwaukee
35. [Kenosha Harbor Park](#) – Kenosha
36. [Kettle Lakes Cooperative](#) – Plumbuth
37. [La Crosse Xcel Trail](#) – La Crosse
38. [Lipman Gifts](#) – Crandon
39. [Manpower Corporate Headquarters](#) – Milwaukee
40. [Marathon Rubber](#) – Wausau
41. [Marshfield Depot](#) – Marshfield
42. [Marshfield Oil Bulk Plant](#) – Marshfield
43. [Menomonee Valley Stormwater Park](#) – Milwaukee
44. [Middleton Redevelopment](#) – Middleton
45. [Mobile Blasting](#) – West Milwaukee
46. [Mondo Brothers Inc.](#) – Milwaukee
47. [Murray Machinery, Inc.](#) – Wausau
48. [National Auto Salvage](#) – Onalaska
49. [Neillsville Foundry](#) – Neillsville
50. [North Barstow Redevelopment](#) – Eau Claire
51. [North Point Lighthouse](#) – Milwaukee
52. [Northend Salvage](#) – Superior
53. [Obsession Boats](#) – Shawano
54. [Old Ironsides](#) – Ashford
55. [Osceola Creek](#) – Osceola
56. [Our House Senior Living](#) – Richland Center
57. [Outpost Natural Foods Cooperative](#) – Wauwatosa
58. [Neenah Downtown Redevelopment](#) - Neenah
59. [Platteville Police Department](#) - Platteville
60. [Potosi Brewery](#) – Potosi
61. [Quality Wood](#) – Prairie du Chien
62. [Radford Village](#) – Oshkosh
63. [Rapid Service Bulk Plant](#) – River Falls
64. [Refuse Hideaway](#) – Town of Middleton
65. [Richard I. Bong WWII Heritage Center](#) – Superior
66. [River Bluff Townhomes](#) - West Bend
67. [Riverside Park/Leach Amphitheater](#) – Oshkosh
68. [Riverview Hospital Expansion](#) – Wisconsin Rapids
69. [Rockline, Inc.](#) – Sheboygan
70. [Rueping Leather](#) – Fond du Lac
71. [Save-a-Lot Foods](#) – Green Bay
72. [Seven Mile Creek Park](#) – Lamartine
73. [Sheboygan Harbor Centre](#) – Sheboygan
74. [Shields Creamery](#) – Shields
75. [The Shores Redevelopment](#) – Glendale
76. [Shorewood Hills Redevelopment](#) – Madison
77. [Sigma Environmental](#) – Milwaukee
78. [Speed Queen](#) – Omro



81. [Summit Place](#) – West Allis
82. [Thorson Residence](#) – Merrill
83. [Town of Madison Redevelopment](#) – Madison
84. [Tractor Lot East](#) – La Crosse
85. [Tri-Par](#) – Cedarburg
86. [Trolley Square](#) – Appleton
87. [Trostel Tannery](#) – Milwaukee
88. [Tundra Lodge](#) – Green Bay
89. [Uptown Commons](#) – Chilton
90. [U.S. Castings](#) – Ladysmith
91. [UWM Cambridge Commons Residence Hall](#) – Milwaukee
92. [UWM Riverview Residence Hall](#) – Milwaukee
93. [Veterans Memorial Park](#) – Seymour
94. [Viroqua Food Cooperative](#) – Viroqua
95. [Walco Transport](#) – Superior
96. [Wausau Energy Bulk Plant](#) – Wausau
97. [We Energies North Service Center](#) – Glendale
98. [Whole Foods/Columbia St. Mary's](#) – Milwaukee
99. [Wisconsin Clock Factory](#) – Clintonville

Brownfields projects come in all shapes and sizes. Search here to find success stories based on their **pre-cleanup land use**.

AUTOMOTIVE (E.G., SERVICE STATIONS, SALVAGE YARDS, AUTO DEALERSHIPS)

- [Amtrak Railroad Station](#) – Milwaukee
- [Autozone](#) – Milwaukee
- [Candlewood Suites](#) – La Crosse
- [Chico's Super Service](#) – Green Bay
- [City Services Center](#) – Baraboo
- [Parks Automotive](#) – DeForest
- [Edgerton Motor Company](#) – Edgerton
- [Feiler Property](#) – Adams Co.
- [Kane Place Lofts](#) – Milwaukee
- [Middleton Redevelopment](#) – Middleton
- [National Auto Salvage](#) – Onalaska
- [Old Ironsides](#) – Ashford
- [Our House Senior Living](#) – Richland Center
- [Save-a-Lot Foods](#) – Green Bay
- [Seven Mile Creek Park](#) – Lamartine
- [St. Brendan's Inn](#) – Green Bay
- [Stephens Motor Sales](#) – Platteville
- [Badger Garage](#) – Three Lakes
- [UWM Cambridge Commons Residence Hall](#) – Milwaukee
- [Veterans Memorial Park](#) – Seymour
- [Whole Foods/Columbia St. Mary's](#) – Milwaukee

COMMERCIAL PROPERTIES (E.G., RETAIL BUSINESSES, HEALTHCARE, DRY CLEANERS)

- [Alterra Coffee](#) – Milwaukee
- [Bayshore Town Center](#) – Glendale
- [Bliffert's Lumber & Fuel Company](#) – Milwaukee
- [Candlewood Suites](#) – La Crosse
- [Lipman Gifts](#) – Crandon
- [Riverview Hospital Expansion](#) – Wisconsin Rapids
- [The Shores Redevelopment](#) – Glendale



- [We Energies North Service Center](#) – Glendale

INDUSTRIAL/AGRICULTURAL PROPERTIES (E.G., MANUFACTURING PLANTS, DAIRIES, BULK OIL PLANTS, RAILROAD SITES)

- [3M Sponge Plant](#) – Prairie du Chien
- [Amery Fire Station](#) – Amery
- [Ampco Foundry](#) – West Milwaukee
- [Ashland Precision Products](#) – Ashland
- [Central Railyard](#) – Ashland
- [C.A. Lawton](#) – De Pere
- [CenturyTel](#) – La Crosse
- [Charter Films](#) – Superior
- [Chiquita Processed Foods](#) – Sun Prairie
- [City Services Center](#) – Baraboo
- [Borg Instruments](#) – Delavan
- [Doberstein Lumber & Fence](#) – Medford
- [Former Metalfab Facility](#) – Columbus
- [Former Milwaukee Road Shops](#) – Milwaukee
- [Former Royster-Clark Plant](#) – Madison
- [Glatfelter](#) – Neenah
- [Gundrum Brothers Farm Supply](#) – West Bend
- [Harley Davidson Museum](#) – Milwaukee
- [Hawthorn Melody](#) – Whitewater
- [Incryo and Babcock & Wilcox](#) – West Milwaukee
- [Kenosha Harbor Park](#) – Kenosha
- [Kettle Lakes Cooperative](#) – Plymouth
- [La Crosse Xcel Trail](#) – La Crosse
- [Manpower Corporate Headquarters](#) – Milwaukee
- [Marathon Rubber](#) – Wausau
- [Marshfield Depot](#) – Marshfield
- [Marshfield Oil Bulk Plant](#) – Marshfield
- [Menomonee Valley Stormwater Park](#) – Milwaukee
- [Mobile Blasting](#) – West Milwaukee
- [Mondo Brothers Inc.](#) – Milwaukee
- [Murray Machinery, Inc.](#) – Wausau
- [Neillsville Foundry](#) – Neillsville
- [North Barstow Redevelopment](#) – Eau Claire
- [Northend Salvage](#) – Superior
- [Our House Senior Living](#) – Richland Center
- [Outpost Natural Foods Cooperative](#) – Wauwatosa
- [Potosi Brewery](#) – Potosi
- [Quality Wood](#) – Prairie du Chien
- [Radford Village](#) – Oshkosh
- [Rapid Service Bulk Plant](#) – River Falls
- [Richard I. Bong WWII Heritage Center](#) – Superior
- [Riverside Park/Leach Amphitheater](#) – Oshkosh
- [Rockline, Inc.](#) – Sheboygan
- [Rueping Leather](#) – Fond du Lac
- [Seven Mile Creek Park](#) – Lamartine
- [Sheboygan Harbor Centre](#) – Sheboygan
- [Shields Creamery](#) – Shields
- [Sigma Environmental](#) – Milwaukee
- [Speed Queen](#) – Omro
- [Summit Place](#) – West Allis
- [Tractor Lot East](#) – La Crosse
- [Tri-Par](#) – Cedarburg
- [Trolley Square](#) – Appleton



- [U.S. Castings](#) – Ladysmith
- [UWM Riverview Residence Hall](#) – Milwaukee
- [Walco Transport](#) – Superior
- [Stokely Canning](#) – Waunakee
- [Viroqua Food Cooperative](#) – Viroqua
- [Wausau Energy Bulk Plant](#) – Wausau
- [Wisconsin Clock Factory](#) – Clintonville

LANDFILLS

- [Bayshore Town Center](#) – Glendale
- [Delton Family Medical Center](#) – Wisconsin Dells
- [Druml Concrete](#) – Menomonee Falls
- [Refuse Hideaway](#) – Town of Middleton
- [Shorewood Hills Redevelopment](#) – Madison
- [Town of Madison Redevelopment](#) – Madison

MISCELLANEOUS

- [128th Military Refueling Wing](#) – Milwaukee
- [North Point Lighthouse](#) – Milwaukee
- [Osceola Creek](#) – Osceola
- [Thorson Residence](#) – Merrill

You probably have visited a brownfield redevelopment project and didn't even know it! Search here to find success stories based on their **post-cleanup use**.

COMMERCIAL PROPERTIES (E.G., BANKS, RETAIL, HEALTHCARE, OFFICE SPACE)

- [Alterra Coffee](#) – Milwaukee
- [Ampco Foundry](#) – West Milwaukee
- [Autozone](#) – Milwaukee
- [Badger Garage](#) – Three Lakes
- [Bliffert's Lumber & Fuel Company](#) – Milwaukee
- [Candlewood Suites](#) – La Crosse
- [Central Railyard](#) – Ashland
- [CenturyTel](#) – La Crosse
- [Chico's Super Service](#) – Green Bay
- [Chiquita Processed Foods](#) – Sun Prairie
- [Delton Family Medical Center](#) – Wisconsin Dells
- [Edgerton Motor Company](#) – Edgerton
- [Neenah Downtown Redevelopment](#) – Neenah
- [Kane Place Lofts](#) – Milwaukee
- [Lipman Gifts](#) – Crandon
- [Manpower Corporate Headquarters](#) – Milwaukee
- [Marshfield Depot](#) – Marshfield
- [Marshfield Oil Bulk Plant](#) – Marshfield
- [Mobile Blasting](#) – West Milwaukee
- [Mondo Brothers Inc.](#) – Milwaukee
- [North Barstow Redevelopment](#) – Eau Claire
- [Obsession Boats](#) – Shawano
- [Outpost Natural Foods Cooperative](#) – Wauwatosa
- [Radford Village](#) – Oshkosh
- [Riverview Hospital Expansion](#) – Wisconsin Rapids
- [Rueping Leather](#) – Fond du Lac
- [Save-a-Lot Foods](#) – Green Bay
- [The Shores Redevelopment](#) – Glendale
- [Shorewood Hills Redevelopment](#) – Madison



- [Summit Place](#) – West Allis
- [Town of Madison Redevelopment](#) – Madison
- [Tractor Lot East](#) – La Crosse
- [Trolley Square](#) – Appleton
- [Viroqua Food Cooperative](#) – Viroqua
- [Wausau Energy Bulk Plant](#) – Wausau
- [We Energies North Service Center](#) – Glendale
- [Whole Foods/Columbia St. Mary's](#) – Milwaukee

COMMUNITY SPACES (E.G., GOVERNMENT BUILDINGS, FARMER'S MARKETS, OUTDOOR FUN)

- [3M Sponge Plant](#) – Prairie du Chien
- [Amery Fire Station](#) – Amery
- [City Services Center](#) – Baraboo
- [Kenosha Harbor Park](#) – Kenosha
- [Platteville Police Department](#) – Platteville
- [Neillsville Foundry](#) – Neillsville
- [North Barstow Redevelopment](#) – Eau Claire
- [Riverside Park/Leach Amphitheater](#) – Oshkosh
- [Veterans Memorial Park](#) – Seymour

GREEN SPACES (E.G., PARKS, TRAILS)

- [Borg Instruments](#) – Delavan
- [La Crosse Xcel Trail](#) – La Crosse
- [Marathon Rubber](#) – Wausau
- [Menomonee Valley Stormwater Park](#) – Milwaukee
- [Osceola Creek](#) – Osceola
- [Rapid Service Bulk Plant](#) – River Falls
- [Seven Mile Creek Park](#) – Lamartine
- [Sheboygan Harbor Centre](#) – Sheboygan
- [Shields Creamery](#) – Shields

INDUSTRIAL PROPERTIES (E.G., MANUFACTURING, PRINTING, ELECTRONICS)

- [128th Military Refueling Wing](#) – Milwaukee
- [Ashland Precision Products](#) – Ashland
- [Charter Films](#) – Superior
- [Doberstein Lumber & Fence](#) – Medford
- [Druml Concrete](#) – Menomonee Falls
- [Former Metalfab Facility](#) – Columbus
- [Former Milwaukee Road Shops](#) – Milwaukee
- [Incryo and Babcock & Wilcox](#) – West Milwaukee
- [Murray Machinery, Inc.](#) – Wausau
- [National Auto Salvage](#) – Onalaska
- [Northend Salvage](#) – Superior
- [Old Ironsides](#) – Ashford
- [Rockline, Inc.](#) – Sheboygan
- [Speed Queen](#) – Omro
- [U.S. Castings](#) – Ladysmith
- [Walco Transport](#) – Superior

RESIDENTIAL (E.G., APARTMENTS, CONDOS, SINGLE-FAMILY HOUSING, SENIOR HOUSING)

- [C.A. Lawton](#) – De Pere
- [Chiquita Processed Foods](#) – Sun Prairie
- [Feiler Property](#) – Adams Co.



- [Marathon Rubber](#) – Wausau
- [Middleton Redevelopment](#) – Middleton
- [Our House Senior Living](#) – Richland Center
- [Radford Village](#) – Oshkosh
- [River Bluff Townhomes](#) - West Bend
- [Stokely Canning](#) – Waunakee
- [Thorson Residence](#) – Merrill
- [Trostel Tannery](#) – Milwaukee
- [UWM Cambridge Commons Residence Hall](#) – Milwaukee
- [UWM Riverview Residence Hall](#) – Milwaukee
- [Uptown Commons](#) – Chilton
- [Wisconsin Clock Factory](#) – Clintonville

TOURISM

- [Harley Davidson Museum](#) – Milwaukee
- [Potosi Brewery](#) – Potosi
- [North Point Lighthouse](#) – Milwaukee
- [Richard I. Bong WWII Heritage Center](#) – Superior
- [Sheboygan Harbor Centre](#) – Sheboygan
- [St. Brendan's Inn](#) – Green Bay
- [Tri-Par](#) – Cedarburg
- [Tundra Lodge](#) – Green Bay

MISCELLANEOUS

- [Green Energy Brownfields](#)
- [Refuse Hideaway](#) – Town of Middleton

Sometimes it takes a financial incentive to make a brownfield cleanup a reality. State and federal agencies, including the DNR, have offered a variety of grant, loan, tax and liability clarification programs to spark cleanup and redevelopment. Search here to find success stories **filtered by assistance program**.

BROWNFIELD SITE ASSESSMENT GRANT (DNR)

- [Alterra Coffee](#) – Milwaukee
- [Ampco Foundry](#) – West Milwaukee
- [Autozone](#) – Milwaukee
- [Borg Instruments](#) – Delavan
- [Chiquita Processed Foods](#) – Sun Prairie
- [City Services Center](#) – Baraboo
- [Edgerton Motor Company](#) – Edgerton
- [Feiler Property](#) – Adams Co.
- [Former Metalfab Facility](#) – Columbus
- [Lipman Gifts](#) – Crandon
- [Marshfield Depot](#) – Marshfield
- [Marshfield Oil Bulk Plant](#) – Marshfield
- [Mondo Brothers Inc.](#) – Milwaukee
- [North Barstow Redevelopment](#) – Eau Claire
- [Neillsville Foundry](#) – Neillsville
- [Our House Senior Living](#) – Richland Center
- [Parks Automotive](#) – DeForest
- [Neenah Downtown Redevelopment](#) - Neenah
- [Platteville Police Department](#) - Platteville
- [Potosi Brewery](#) – Potosi
- [Quality Wood](#) – Prairie du Chien
- [Rockline, Inc.](#) – Sheboygan
- [Seven Mile Creek Park](#) – Lamartine



- [Summit Place](#) – West Allis
- [Trolley Square](#) – Appleton
- [Town of Madison Redevelopment](#) – Madison
- [Uptown Commons](#) – Chilton
- [U.S. Castings](#) – Ladysmith
- [Veterans Memorial Park](#) – Seymour
- [Wisconsin Clock Factory](#) – Clintonville

DNR VOLUNTARY PARTY LIABILITY EXEMPTION

- [3M Sponge Plant](#) – Prairie du Chien
- [Ampco Foundry](#) – West Milwaukee
- [Bliffert's Lumber & Fuel Company](#) – Milwaukee
- [Charter Films](#) – Superior
- [Doberstein Lumber & Fence](#) – Medford
- [Former Metalfab Facility](#) – Columbus
- [Kenosha Harbor Park](#) – Kenosha
- [Mobile Blasting](#) – West Milwaukee
- [National Auto Salvage](#) – Onalaska
- [North Barstow Redevelopment](#) – Eau Claire
- [Northend Salvage](#) – Superior
- [Obsession Boats](#) – Shawano
- [Parks Automotive](#) – DeForest
- [Neenah Downtown Redevelopment](#) – Neenah
- [Radford Village](#) – Oshkosh
- [River Bluff Townhomes](#) – West Bend
- [Sheboygan Harbor Centre](#) – Sheboygan
- [Shorewood Hills Redevelopment](#) – Madison
- [Thorson Residence](#) – Merrill
- [Trolley Square](#) – Appleton
- [Walco Transport](#) – Superior
- [We Energies North Service Center](#) – Glendale

STATE-FUNDED CLEANUP (DNR)

- [Doberstein Lumber & Fence](#) – Medford
- [Kenosha Harbor Park](#) – Kenosha
- [Menomonee Valley Stormwater Park](#) – Milwaukee
- [Mobile Blasting](#) – West Milwaukee
- [Murray Machinery, Inc.](#) – Wausau
- [North Barstow Redevelopment](#) – Eau Claire
- [Neillsville Foundry](#) – Neillsville
- [Osceola Creek](#) – Osceola
- [Refuse Hideaway](#) – Town of Middleton
- [Seven Mile Creek Park](#) – Lamartine

BLIGHT ELIMINATION AND BROWNFIELDS REDEVELOPMENT GRANTS (WEDC)

- [Ampco Foundry](#) – West Milwaukee
- [Ashland Precision Products](#) – Ashland
- [CenturyTel](#) – La Crosse
- [Chiquita Processed Foods](#) – Sun Prairie
- [City Services Center](#) – Baraboo
- [Doberstein Lumber & Fence](#) – Medford
- [Incryo and Babcock & Wilcox](#) – West Milwaukee
- [Former Metalfab Facility](#) – Columbus
- [Former Milwaukee Road Shops](#) – Milwaukee
- [Former Royster-Clark Plant](#) – Madison



- [Manpower Corporate Headquarters](#) – Milwaukee
- [Middleton Redevelopment](#) – Middleton
- [Mobile Blasting](#) – West Milwaukee
- [Murray Machinery, Inc.](#) – Wausau
- [North Barstow Redevelopment](#) – Eau Claire
- [Northend Salvage](#) – Superior
- [Old Ironsides](#) – Ashford
- [Outpost Natural Foods Cooperative](#) – Wauwautosa
- [Parks Automotive](#) – DeForest
- [Neenah Downtown Redevelopment](#) – Neenah
- [Potosi Brewery](#) – Potosi
- [Radford Village](#) – Oshkosh
- [Rockline, Inc.](#) – Sheboygan
- [Sheboygan Harbor Centre](#) – Sheboygan
- [Sigma Environmental](#) – Milwaukee
- [Stokely Canning](#) – Waunakee
- [Summit Place](#) – West Allis
- [Town of Madison Redevelopment](#) – Madison
- [Trostel Tannery](#) – Milwaukee
- [UWM Cambridge Commons Residence Hall](#) – Milwaukee
- [Viroqua Food Cooperative](#) – Viroqua

PETROLEUM ENVIRONMENTAL CLEANUP FUND AWARD

- [Alterra Coffee](#) – Milwaukee
- [Amery Fire Station](#) – Amery
- [Autozone](#) – Milwaukee
- [Badger Garage](#) – Three Lakes
- [C.A. Lawton](#) – De Pere
- [Chico's Super Service](#) – Green Bay
- [Chiquita Processed Foods](#) – Sun Prairie
- [Edgerton Motor Company](#) – Edgerton
- [Kane Place Lofts](#) – Milwaukee
- [Kettle Lakes Cooperative](#) – Plymouth
- [Parks Automotive](#) – DeForest
- [Rapid Service Bulk Plant](#) – River Falls
- [Rueping Leather](#) – Fond du Lac
- [Save-a-Lot Foods](#) – Green Bay
- [St. Brendan's Inn](#) – Green Bay
- [Tri-Par](#) – Cedarburg
- [Tundra Lodge](#) – Green Bay
- [UWM Cambridge Commons Residence Hall](#) – Milwaukee
- [Veterans Memorial Park](#) – Seymour

FEDERAL BROWNFIELD GRANTS (EPA)

- [Alterra Coffee](#) – Milwaukee
- [CenturyTel](#) – La Crosse
- [Former Milwaukee Road Shops](#) – Milwaukee
- [Incryo and Babcock & Wilcox](#) – West Milwaukee
- [Kenosha Harbor Park](#) – Kenosha
- [Menomonee Valley Stormwater Park](#) – Milwaukee
- [Radford Village](#) – Oshkosh
- [Riverside Park/Leach Amphitheater](#) – Oshkosh
- [Rueping Leather](#) – Fond du Lac
- [Town of Madison Redevelopment](#) – Madison

READY FOR REUSE LOAN AND GRANT PROGRAM



Contamination can happen anywhere, so cleanup and redevelopment projects are common all across Wisconsin. Search here to find success stories **filtered by county**.

ADAMS COUNTY (WCR)

- [Feiler Property](#) – Adams Co.

ASHLAND COUNTY (NOR)

- [Ashland Precision Products](#) – Ashland
- [Central Railyard](#) – Ashland

BROWN COUNTY (NER)

- [C.A. Lawton](#) – De Pere
- [Chico's Super Service](#) – Green Bay
- [Save-a-Lot Foods](#) – Green Bay
- [St. Brendan's Inn](#) – Green Bay
- [Tundra Lodge](#) – Green Bay

CALUMET COUNTY (NER)

- [Uptown Commons](#) – Chilton

CLARK COUNTY (WCR)

- [Neillsville Foundry](#) – Neillsville

COLUMBIA COUNTY (SCR)

- [Former Metalfab Facility](#) – Columbus

CRAWFORD COUNTY (WCR)

- [3M Sponge Plant](#) – Prairie du Chien
- [Quality Wood](#) – Prairie du Chien

DANE COUNTY (SCR)

- [Chiquita Processed Foods](#) – Sun Prairie
- [Former Royster-Clark Plant](#) - Madison
- [Middleton Redevelopment](#) – Middleton
- [Parks Automotive](#) – DeForest
- [Refuse Hideaway](#) – Town of Middleton
- [Shorewood Hills Redevelopment](#) – Madison
- [Town of Madison Redevelopment](#) – Madison

DOUGLAS COUNTY (NOR)

- [Charter Films](#) – Superior
- [Northend Salvage](#) – Superior
- [Richard I. Bong WWII Heritage Center](#) – Superior
- [Walco Transport](#) – Superior

EAU CLAIRE COUNTY (WCR)

- [North Barstow Redevelopment](#) – Eau Claire

FOND DU LAC COUNTY (NER)

- [Old Ironsides](#) – Ashford
- [Rueping Leather](#) – Fond du Lac
- [Seven Mile Creek Park](#) – Lamartine



- [Lipman Gifts](#) – Crandon

GRANT COUNTY (SCR)

- [Potosi Brewery](#) – Potosi

KENOSHA COUNTY (SER)

- [Kenosha Harbor Park](#) – Kenosha

LA CROSSE COUNTY (WCR)

- [Candlewood Suites](#) – La Crosse
- [CenturyTel](#) – La Crosse
- [La Crosse Xcel Trail](#) – La Crosse
- [National Auto Salvage](#) – Onalaska
- [Tractor Lot East](#) – La Crosse

LINCOLN COUNTY (NOR)

- [Thorson Residence](#) – Merrill

MARATHON COUNTY (WCR)

- [Marathon Rubber](#) – Wausau
- [Marshfield Depot](#) – Marshfield
- [Marshfield Oil Bulk Plant](#) – Marshfield

MILWAUKEE COUNTY (SER)

- [128th Military Refueling Wing](#) – Milwaukee
- [Alterra Coffee](#) – Milwaukee
- [Ampco Foundry](#) – West Milwaukee
- [Amtrak Railroad Station](#) – Milwaukee
- [Autozone](#) – Milwaukee
- [Bayshore Town Center](#) – Glendale
- [Bliffert's Lumber & Fuel Company](#) – Milwaukee
- [Former Milwaukee Road Shops](#) – Milwaukee
- [Harley Davidson Museum](#) – Milwaukee
- [Incryo and Babcock & Wilcox](#) – West Milwaukee
- [Kane Place Lofts](#) – Milwaukee
- [Manpower Corporate Headquarters](#) – Milwaukee
- [Menomonee Valley Stormwater Park](#) – Milwaukee
- [Mondo Brothers Inc.](#) – Milwaukee
- [Mobile Blasting](#) – West Milwaukee
- [North Point Lighthouse](#) – Milwaukee
- [Outpost Natural Foods Cooperative](#) – Wauwatosa
- [Sigma Environmental](#) – Milwaukee
- [Summit Place](#) – West Allis
- [Trostel Tannery](#) – Milwaukee
- [The Shores Redevelopment](#) – Glendale
- [UWM Cambridge Commons Residence Hall](#) – Milwaukee
- [UWM Riverview Residence Hall](#) – Milwaukee
- [We Energies North Service Center](#) – Glendale
- [Whole Foods/Columbia St. Mary's](#) – Milwaukee

MARQUETTE COUNTY (NER)

- [Shields Creamery](#) – Shields

ONEIDA COUNTY (NOR)

- [Badger Garage](#) – Three Lakes



- [Trolley Square](#) – Appleton
- [Veterans Memorial Park](#) – Seymour

OZAUKEE COUNTY (SER)

- [Tri-Par](#) – Cedarburg

PIERCE COUNTY (WCR)

- [Rapid Service Bulk Plant](#) – River Falls

POLK COUNTY (NOR)

- [Amery Fire Station](#) – Amery
- [Osceola Creek](#) – Osceola

RICHLAND COUNTY (SCR)

- [Our House Senior Living](#) – Richland Center

ROCK COUNTY (SCR)

- [Edgerton Motor Company](#) – Edgerton

RUSK COUNTY (NOR)

- [U.S. Castings](#) – Ladysmith

SAUK COUNTY (SCR)

- [Delton Family Medical Center](#) – Wisconsin Dells
- [City Services Center](#) – Baraboo

SHAWANO COUNTY (NER)

- [Obsession Boats](#) – Shawano

SHEBOYGAN COUNTY (NER)

- [Kettle Lakes Cooperative](#) – Plymouth
- [Rockline, Inc.](#) – Sheboygan
- [Sheboygan Harbor Centre](#) – Sheboygan

TAYLOR COUNTY (NOR)

- [Doberstein Lumber & Fence](#) – Medford

VERNON COUNTY (WCR)

- [Viroqua Food Cooperative](#) – Viroqua

WALWORTH COUNTY (SCR)

- [Borg Instruments](#) – Delavan
- [Hawthorn Melody](#) – Whitewater

WASHINGTON COUNTY (SER)

- [River Bluff Townhomes](#) – West Bend

WAUKESHA COUNTY (SER)

- [Druml Concrete](#) – Menomonee Falls

WAUPACA COUNTY (NER)

- [Wisconsin Clock Factory](#) – Clintonville



- [Neenah Downtown Redevelopment](#) - Neenah
- [Radford Village](#) - Oshkosh
- [Riverside Park/Leach Amphitheater](#) - Oshkosh
- [Speed Queen](#) - Omro

WOOD COUNTY (WCR)

- [Marshfield Oil Bulk Plant](#) - Marshfield
- [Riverview Hospital Expansion](#) - Wisconsin Rapids

WATERFRONT REDEVELOPMENTS

- [C.A. Lawton](#) - De Pere
- [CenturyTel](#) - La Crosse
- [Harley Davidson Museum](#) - Milwaukee
- [Kenosha Harbor Park](#) - Kenosha
- [La Crosse Xcel Trail](#) - La Crosse
- [Manpower Corporate Headquarters](#) - Milwaukee
- [Menomonee Valley Stormwater Park](#) - Milwaukee
- [North Point Lighthouse](#) - Milwaukee
- [Osceola Creek](#) - Osceola
- [Richard I. Bong WWII Heritage Center](#) - Superior
- [Riverside Park/Leach Amphitheater](#) - Oshkosh
- [Sheboygan Harbor Centre](#) - Sheboygan
- [St. Brendan's Inn](#) - Green Bay
- [Stokely Canning](#) - Waunakee
- [Trolley Square](#) - Appleton
- [Trostel Tannery](#) - Milwaukee



NONDISCRIMINATION POLICY AND PROCEDURES

The Wisconsin Department of Natural Resources (DNR) is committed to promoting diversity, fairness, equity and the principles of environmental justice. We also ensure we do not discriminate in our programs, decisions, actions or delivery of services.

NOTICE OF NONDISCRIMINATION

Title 40 of the Code of Federal Regulations (CFR), Part 7, Nondiscrimination in Programs or Activities Receiving Federal Assistance from the Environmental Protection Agency (40 CFR Part 7), prohibits discrimination on the basis of race, color, national origin, age, sex, or disability in programs or activities receiving federal assistance from the United States Environmental Protection Agency (EPA). It requires recipients of federal assistance from the EPA to:

1. Collect, maintain, and provide information showing compliance with 40 CFR Part 7.
2. Designate a person to be the Nondiscrimination Compliance Coordinator to coordinate efforts to comply with 40 CFR Part 7.
3. Adopt grievance procedures that assure the prompt and fair resolution of discrimination complaints alleging violations of 40 CFR Part 7.
4. Provide continuing and prominent public notice of nondiscrimination on the basis of race, color, national origin, age, sex, or disability, and of the identity and contact information for the Nondiscrimination Compliance Coordinator.

It is the DNR's policy not to discriminate on the basis of the factors in 40 CFR Part 7, as well as other applicable state and federal laws.

- [Notice of Nondiscrimination](#) [PDF]
- [Aviso de no discriminación](#) [PDF]
- [Daim Ntawv Ceeb Toom ntawm Kev Tsis Pub Muaj Kev Ntxub Ntxaub](#) [PDF]

GRIEVANCE PROCEDURE

The DNR adopts the following procedures to allow any person or group to submit a complaint alleging discrimination of any kind by the Wisconsin DNR that may constitute a violation of 40 CFR Part 7 or any state or federal statutes or regulations that DNR enforces, and in order to assure the prompt and fair resolution of any such discrimination complaints.

- [Grievance Procedure](#) [PDF]
- [Procedimiento de reclamación](#) [PDF]
- [Txheej Txheem Kev Txais Lus Tsis Txaus Siab](#) [PDF]

HOW TO SUBMIT A COMPLAINT

If you have any questions about this notice or any of DNR's nondiscrimination programs, policies or procedures or if you believe that you have been discriminated against with respect to a DNR program or activity, you may contact:

Wisconsin Department of Natural Resources
 Nondiscrimination Compliance Coordinator
 Bureau of Legal Services
 101 South Webster St
 PO Box 7921
 Madison WI 53707-7921
DNRNondiscriminationCC@wisconsin.gov

You also have the right to file a federal complaint of alleged discrimination on the basis of race, color, national origin, sex, age, disability and reprisal or retaliation for prior civil rights activity (not all prohibited bases apply to all programs) by contacting either the U.S. Environmental Protection Agency or the U.S. Department of Agriculture.

U.S. Environmental Protection Agency

Director of the Office of Civil Rights

Mail Code 1201A

1200 Pennsylvania Ave, NW

Washington DC 20460

202-564-7272 (voice)

202-565-0196 (fax)

[Title VI Complaints@epa.gov](mailto:Title_VI_Complaints@epa.gov)

U.S. Department of Agriculture

Office of the Assistant Secretary for Civil Rights

1400 Independence Ave, SW

Stop 9410

Washington DC 20250-9410

866-632-9992 (voice)

800-877-8339 (TTY)

800-845-6136 (Spanish relay)

FILED COMPLAINTS

Resolution in Support of Environmental Justice – Version 9/3/2021

Drafted by Wausau Mayor Katie Rosenberg

WHEREAS, Wausau has affirmed our commitment to being a community for everyone in aspiration and in reality, including building an inclusive, and welcoming place to live, learn, work, and enjoy life; and

WHEREAS, we continue to rise to meet the challenges that misunderstandings about our diverse experiences may present. We seek to listen to understand each other. We aspire to learn from each other about our diverse experiences and barriers so we can empathetically and soundly inform our community's policies; and

WHEREAS, the City of Wausau is committed to engaging the community on policies that affect residents, citizens, workers, employers, and visitors; and

WHEREAS, the principles of environmental justice can help build public policy based on respect and equality for all people, free from discrimination or bias; and

WHEREAS, Environmental Justice is defined by the United States Environmental Protection Agency as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies; and

WHEREAS, the City of Wausau seeks to actualize the goal of ensuring residents, citizens, workers, employers, and visitors enjoy the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work; and

WHEREAS, the City of Wausau has supported work towards achieving these goals over the last decade through policy writing, participation in, supporting the East Riverfront Brownfields Area-Wide Plan and application for the EPA planning grant in 2013, the 2015 the North Central Wisconsin Regional Planning Commission's Regional Livability Plan, the 2017 Metro Region Economic Development Assessment, the 2019 resolution supporting HR763 – the Energy Innovation and Carbon Dividend Act, and the 2021 We Are Wausau resolution supporting our diverse community; and

WHEREAS, environmental justice principles are a part of the trillion-dollar federal infrastructure framework that passed the US Senate in August 2021 and it includes directing 40% of climate and clean energy investments into communities of color and low-income neighborhoods; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Wausau, Marathon County, Wisconsin that The City of Wausau will use environmental justice principles during policymaking by developing a plan with clear goals for meaningful public engagement. The plan should ensure that those responsible for decisions that could affect the quality of life for residents, citizens, workers, employers, visitors, neighborhoods and our City at large hear and consider meaningful, timely, inclusive, accessible public comment, with the intention of being responsive to that public input; and

BE IT FURTHER RESOLVED that the City will develop and maintain an active GIS-based inventory of environmental justice areas in Wausau using the EPA's EJSCREEN, the EPA's Environmental Justice Screening and Mapping Tool; and

BE IT FURTHER RESOLVED that the City will use an environmental justice lens when discussing how to use federal infrastructure funds should Congress approve the trillion-dollar federal infrastructure bill.