



ENVIRONMENTAL LAW INSTITUTE®

AN INDEPENDENT, NON-PARTISAN ENVIRONMENTAL EDUCATION AND POLICY RESEARCH CENTER

OVERCOMING BARRIERS TO THE REDEVELOPMENT OF PETROLEUM BROWNFIELDS AND OTHER VACANT PROPERTIES: THE WISCONSIN APPROACH

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Except where expressly noted, the views expressed in this final report, and in the accompanying materials prepared and assembled by ELI, should not be attributed to U.S. EPA, or to other federal or State agencies, nor should any official endorsement be inferred. The information contained in these materials was gathered from many and varied sources, and ELI alone is responsible for errors or inaccuracies.

ELI maintains a companion website for this and related projects: our *Petroleum Brownfields Resource Center*, at:
http://www.eli.org/program_areas/PetroleumBrownfieldsResourceCenter.cfm.

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Executive Summary

In May, 2010, ELI convened key brownfields practitioners for a workshop in Milwaukee, WI to identify best practices in overcoming obstacles to brownfields redevelopment in Wisconsin. The workshop was intended to identify the tools and approaches that have been responsible for Wisconsin's programmatic success, determine how these tools and approaches could be transferred to other states, and identify ways in which U.S. EPA could better support the states in their efforts to redevelop brownfields.

The workshop was designed to build on the information compiled through our assessment of Wisconsin's Brownfields program. This workshop is part of ELI's multi-year EPA-funded project on identifying best practices in overcoming obstacles to brownfields redevelopment and one of the key analytical tools in the project is our state assessments. The workshop was designed based on the analytical framework of our assessment and background research on Wisconsin through internet research and interviews. We conducted phone interviews with more than two dozen representatives from cities and towns, state agencies, regional and federal offices of the US EPA, private law firms, academia, development organizations, and community-based organizations. Initially, we talked to these individuals about their views on the process of redeveloping a brownfields site, incentives and policies for brownfields and infill redevelopment, information management, funding, public participation, and risk-based corrective action (RBCA), and which aspects of the brownfields redevelopment process in Wisconsin could be improved. Building on insights developed during earlier conversations, we proceeded to consult with these stakeholders to shape the specific substance of the sessions and to identify appropriate presenters.

The two-day workshop, held in a retreat-type setting, successfully generated new ideas and built relationships between Wisconsin brownfields practitioners at the local, state, regional, and national level. Through the workshop, innovative approaches were highlighted and discussions began on how gaps could be filled. The themes that emerged over the course of the two days are identified in the two pages that follow. The remainder of this report contains discussions of the proceedings, session-by-session, and concludes with recommendations for next steps. The appendices include the workshop agenda, the participant list, the planning methodology, and a summary of the evaluations. ELI continues to build on the momentum and enthusiasm generated by this and the prior year's events through an ELI-administered website for State Brownfields and Petroleum Cleanup Programs.

I. Workshop: Themes

From the perspective of ELI staff, a number of important themes emerged from this workshop regarding best practices for brownfields redevelopment and improving relationships amongst state agencies, federal agencies, community groups, and the private sector. Themes included:

1) Supporting policies and regulations that facilitate low-risk brownfields redevelopment:

- Ensuring a clear cleanup process;
- Providing certainty about costs;
- Empowering local governments;
- From the agency perspective, ensuring timely property transaction and redevelopment;
- Collaborating with agencies such as the US Department of Housing and Urban Development, and the US Department of Transportation;
- Encouraging new initiatives to foster inter-agency relationships;

2) Following the example of successful models of brownfields redevelopment, such as the Menomonee Valley in Milwaukee by considering:

- Effective project timelines;
- Efforts by project proponents to access and coordinate sufficient local, state, and federal resources – including both technical and financial resources;
- The importance of incorporating public input and buy-in;
- Effectively considering and taking advantage of opportunities presented by city planning concerns, including stormwater management and roads;

3) Drawing lessons from the use of public-private partnerships as well as groups such as the Brownfields Study Group:

- Forming partnerships that include representatives from different sectors;
- Seizing opportunities from state agencies, as well as performance-based contracting and innovative financial mechanisms;
- Considering the challenges of securing funding in an economic downturn with agencies that have overstretched budgets;

4) How to better utilize resources to support innovative approaches to brownfields redevelopment:

- Forming public-private partnerships;

- Clarifying the scope of a project early in the process;
- Effectively using state property inventories;
- Considering the various components of project planning;
- Using incentives;
- Appropriately using risk-based corrective action;
- Finding ways for state and federal partners to effectively pool resources and coordinate, and to also engage local governments;

5) Incorporating broader themes of environmental justice and sustainability into brownfields programs:

- Consulting with interested stakeholders, including community groups and local governments, at key stages in the process;
- Incorporating community needs and objectives into project design;
- Finding ways for state and federal partners with environmental justice and sustainability mandates to support brownfields projects;
- Using benchmarks of sustainability and community involvement to gauge success and share lessons learned.

II. Workshop: Session-by-Session Discussion

Welcome, Introductions, & Workshop Overview

ELI staff began the two-day workshop with opening remarks to welcome approximately 30 participants representing EPA Headquarters, EPA Region 5, Wisconsin Department of Natural Resources, Wisconsin Department of Commerce, municipalities, private law firms, and non-profit organizations. Participants introduced themselves to the group and shared reasons for attending, which included: networking with people involved in particular projects, learning about how to finance redevelopment projects, and learning how US EPA can better support the work of state agencies.

Introductory remarks were also presented by Gloria McCutcheon (Regional Director, Southeast Region) and Jim Schmidt (Team Supervisor, Remediation and Redevelopment Program, Southeast Region) of the Wisconsin Department of Natural Resources, and Steve McNeely of EPA Headquarters. Praise was shared regarding Wisconsin's successful experience with redeveloping brownfields and creating extensive mechanisms for overcoming barriers to redevelopment. Interest was also expressed in learning how to replicate structures, such as the Brownfields Study Group, that facilitate cross-sectoral collaboration.

Session 1: Components of Integrated and Effective Redevelopment Projects

Topic and Intended Outcomes.

This session provided a broad introduction to Wisconsin's programs for remediating and redeveloping brownfields (including petroleum brownfields) within the context of Wisconsin's history, culture, fiscal, and legal framework. To connect Wisconsin to regional and national policies, representatives from EPA Headquarters and EPA Region 5 described federal programs that make resources available to states for cleaning up and redeveloping brownfields. ELI staff also introduced participants to ELI's criteria for evaluating state brownfields programs and for identifying national best practices.

This session was designed to result in the following outcomes:

- Participants will understand the Remediation and Redevelopment Program of the Wisconsin Department of Natural Resources, and its success in developing a clear cleanup process.
- Participants will be familiar with the financial incentives available through the state and federal government for costs associated with brownfields redevelopment.

- Participants will understand the position of local governments in relation to Wisconsin state agencies whose role is relevant to the process of brownfields redevelopment.
- Participants will become familiar with federal initiatives to address environmental justice, smart growth, and brownfields redevelopment, and will understand the relationship between states and the federal government on these matters.
- Participants will understand the objectives and considerations in ELI's 5-year cooperative framework for assessing brownfields programs in different states.
- Participants will share a common vocabulary and framework for evaluating the success of redevelopment programs and will understand the goals and objectives of partner institutions.

Themes.

Important themes of the session included the effectiveness of brownfields redevelopment programs that have a clear cleanup process, provide certainty about costs, timely property transaction and redevelopment, integration of cleanup with site redevelopment, and empowerment of local governments. The importance of collaboration amongst agencies such as the US Department of Housing and US Urban Development and Department of Transportation and the US Environmental Protection Agency was highlighted, and new initiatives which foster these collaborations were identified. Additionally, the relationship between state and federal efforts was highlighted and current redevelopment efforts were shared.

Session Highlights.

Wisconsin's Program: **Andrew Savagian** of the **Wisconsin Department of Natural Resources** and **Jason Scott** of the **Wisconsin Department of Commerce** discussed Wisconsin's programs, including their timelines and keys to the programs' success.

Andrew Savagian gave background information on Wisconsin's agricultural and manufacturing sectors, and discussed the strength of Wisconsin's history of environmental protection – highlighting the strength and comprehensiveness of existing environmental laws within the state. Savagian indicated that NR 700 is the chapter of the Wisconsin Administrative Code that deals with remediation, simultaneously providing flexible remediation options and proactive obligations for protection of the environment and public health. He discussed liability tools such as the local government liability exemption and voluntary party liability exemption, which include coverage of leaking underground storage tanks, and Wisconsin's use of the federal tax incentive. Savagian also discussed the importance of facilitating property transaction and redevelopment, empowering local governments, and integrating cleanup with site redevelopment.

Jason Scott discussed the Department of Commerce's role in providing financial incentives for economic development. This department administers a number of relevant funds,

including through the Petroleum Environmental Cleanup Fund Act (PECFA) that supports a reimbursement program of up to \$190,000 for eligible tanks. The procedure involves the responsible party or owner/operator submitting a claim, and the Department of Commerce providing regulatory oversight and funding for investigation and remedial action. The Department of Commerce also administers the Blight Elimination and Brownfield Redevelopment (BEBR) program, which addresses redevelopment of sites with soil and/or groundwater contamination. This program, with a budget of \$6.5 million for FY2011 makes funding available to both the public and private sector. Scott gave a brief overview of the eligibility requirements, matching requirements, and statutory requirements for these funding options. Scott attributes the success of these programs to its high levels of funding and flexibility of funding activities – as well as their comprehensive approach and clear goals for redevelopment activities. Scott also addressed some of the challenges faced by his agency, including the most costly activities, which he identified as: site cleanups, asbestos, tank removal, and hazardous waste removal.

Federal Initiatives: **Adhir Kackar** and **Steve McNeely** of the **United States Environmental Protection Agency** discussed federal initiatives for brownfields redevelopment through the Office of Smart Growth and the Office of Underground Storage Tanks.

Kackar described the efforts of the Office of Smart growth to raise awareness on innovations, regulatory brownfields programs, creating green streets, and continually incorporating the needs of the community – including housing, transportation, parks, and urban space. He discussed the newly-established Partnership for Sustainable Communities—a collaboration of US EPA, the US Department of Housing and Urban Development, and the US Department of Transportation. The goals of this program include supporting existing communities, and leveraging federal investment to develop multi-modal solutions for efficiently creating pedestrian-oriented communities as alternatives to conventional development and sprawl development. Kackar emphasized the importance of multi-agency work, and the effectiveness of coordinated area-based approaches that center round particular communities. He also emphasized the importance of integrating the needs of minority and disadvantaged communities, including issues of displacement, and of remaining responsive to these concerns.

Jim Van der Kloot and **Kevin Hill** of the **United States Environmental Protection Agency, Region 5** discussed the implementation of these programs through the Region 5 Office in Chicago, and **Alan Walts** of the **United States Environmental Protection Agency, Region 5** discussed the environmental justice work of the Office of Enforcement and Compliance Assurance.

Jim Van der Kloot, Land Revitalization Coordinator, discussed the increase in partnerships with agencies such as the Department of Transportation and Department of Housing and Urban Development and the new role of short-term money directed to federal projects in the form of new initiatives. He also described specific community development and smart growth efforts in cities of the region such as Indianapolis, Milwaukee, Cincinnati, and how these interact with issues including affordable housing, green buildings, stormwater management, and healthy homes.

Kevin Hill from US EPA Region 5, Office of Underground Storage Tanks, discussed his experience with region's work around petroleum brownfields. He explained the importance of the role of the state, given the EPA's limited amount of funding, and also discussed some of the uses of stimulus funds for leaking underground storage tanks at the 30th Street Corridor in Milwaukee. Additionally, he explained that the region is hoping to work more with communities, work more closely with tribes, hold more workshops with tribes, and streamline eligibility requirements for tribes.

Alan Walts from US EPA Region 5, Office of Enforcement and Compliance, discussed the Environmental Justice Showcase Communities, and their efforts to maintain focus on community priorities and a long-term commitment to revitalization. His office hopes to add value to ongoing projects, including brownfields projects, and believes that partnering across state and federal lines can be a useful way to add to make connections to issues of economic development and public health.

Assessing State Programs: ELI's Framework for Analysis of Brownfields Programs: **Jordan Diamond** of the **Environmental Law Institute** discussed ELI's 5-year cooperative agreement with the US EPA and presented its Assessment Parameters for evaluating brownfields program success in various states. The categories within these parameters have been defined as Project Planning, Information Management, Legal Tools, Resources, Implementation, Outreach and Communication. Diamond also directed participants to ELI's online Brownfields Center. An example of best practices of information management she identified included packaging information online so that grouping properties for reuse is easier.

Session 2: Redevelopment Projects: Elements for Success

Topic and Intended Outcomes.

This session provided two examples of the brownfields redevelopment process, highlighting the specific experience of two Wisconsin towns: Neenah and Prairie du Chien. Presenters discussed their experiences with project planning, information management, legal tools, resources, program implementation, communication, and outreach in their particular projects. They also discussed the unique challenges presented by their particular sites and communities at various stages of the project, and discussed their efforts to showcase the benefits of redevelopment.

This session was designed to result in the following outcomes:

- Participants will better understand the way that the key brownfields project elements fit together and have examples of effective application of the elements to use as a model for future efforts.
- Participants will have new approaches for dealing with problems related to barriers to brownfields redevelopment in Wisconsin.

Themes.

Central themes in this panel included an explanation of the various stages of brownfields redevelopment in case studies. Presenters discussed the timelines of their projects, and their efforts to access and coordinate sufficient local, state, and federal financial and technical resources for the project. They also discussed broader city planning concerns, and their efforts to incorporate public input.

Session Highlights.

Bill Scott from **Gonzalez Saggio & Harlan LLP** discussed several brownfields that have been redeveloped in Neenah, Wisconsin. He provided the context of the town, describing it as being marked with a diverse mix of corporations, retail, office, and hospital buildings, a river system through the town, old small town buildings, and numerous idle paper mills. He described it as highly walkable and bikeable, with efforts underway to build a rapid train system. Major corporate employers include Bemis Company, Inc., Alta Resources Corps, and Kimberly-Clark Corporation. He explained that the town has the low downtown vacancy rate of 2 percent, and the town as a whole has seen \$35 million in public investment since 1984. Numerous brownfields redevelopment projects have taken place, including Shattuck Park, Alta Resources, and Glatfelter. Shattuck Park, in particular, was a combination of old gas stations and a small foundry, and features a waterfront recreation area.

Glatfelter has an open space component, and was built on a landfill. The start of this project involved meetings between the City of Neenah, the Wisconsin Department of Natural Resources and the Wisconsin Department of Commerce, as well as the landowner. Other key players involved included legal counsel, an environmental regulation and strategy attorney, environmental consulting firms, and an engineer. Scott emphasized the importance of including regulators, who – in this case – were willing to engage in conversations around various issues and approaches that had emerged – even without the full extent of relevant data.

Scott also emphasized how certain institutions within the City of Neenah helped make this project possible, including Neenah's focus on planning, its dedicated city planner, and the presence of the nonprofit "Future Neenah" which helped ease tensions between the city and local businesses. They recognized the importance of legal tools, and worked to incorporate liability protection, legal exemptions, a liability clarification letter, and the Voluntary Party Liability Exemption Program. Further, the City of Neenah recognized the economic benefits of removing blight, attracted \$75 million in private sector investment in downtown Neenah, and creatively used \$35 million in Tax Incremental Financing (TIF) funding for infrastructure, land cost write-down, real estate assemblage, parking acquisition and construction, and more. In this project, the city and community served as the master developers.

Garth Frable of **Praire du Chien** described the overall context of Prairie du Chien, and the shifts in development focus that have taken place over the past 10 years. For example, until 2000, the City of Prairie du Chien had a strong focus on economic development with an emphasis on job creation through highway planning, airport expansion, home design, and so on. After creating a significant number of jobs, they shifted their attention to people as a new

priority, and worked to address issues such as walkability, bikeability, housing needs, quality of life, appearance, livability, and community. Frable explained that contaminated sites were a key component of this.

Initially, when Frable joined the staff of the city of Prairie du Chien, the existing comprehensive plan had been neglected. At first, people were uninterested in possibilities for redevelopment, but as successes built, they gained faith. Prairie du Chien has two notable brownfields redevelopment projects, known as Gateway 1 and 2. Gateway 1 was a blighted, underutilized property near a rail line whose redevelopment required the relocation of property owners. The location presented a good opportunity in part because of its position as a gateway to the historic downtown. The city was able to form a strong partnership with the Department of Commerce, who then gave them a significant grant for acquiring the properties. Later, the city sold these properties to the developer at a reduced price and used that income to capitalize a revolving loan fund.

Gateway 2 was a project in a floodplain, bordering wetlands, also in the historic downtown. The site involved an archaeological component, which brought along strong historic preservation concerns, and the entire property was filled with contaminated soil. The location was seen as ideal, because it was on the river and provided a gateway to an island. The city had been in the process of redoing the streetscape, and was planning to use contaminated fill to raise the site affordably. With the support of the Wisconsin Department of Natural Resources, they revised this problematic plan. It is also worth noting that, for this project, the city applied for an EPA Site assessment grant three times before eventually receiving it.

Lessons from these projects in Prairie du Chien included the realization that surprises will happen, that projects are opportunities to test new ideas, and that it is necessary to have strong development agreements in place to achieve goals. Further, Frable learned that one project can lead to multiple projects. For example, in one project, workers hit debris from demolished building pieces during the process of removing contaminated soil. This meant that the cleanup and soil removal process would involve the unanticipated task of removing demolished building debris. Frable also explained that every party has a different perspective and a different set of goals, and bringing all these different stakeholders together can be very valuable.

Discussion.

Meeting participants raised a number of specific questions relating to the planning process for these sites as well as particular challenges that may have emerged. Participants were interested in the role of the petroleum contamination in these brownfields projects. The petroleum aspects of projects in Neenah were addressed through PECFA, whereas petroleum aspects of projects in Prairie du Chien were addressed through the Ready for Reuse Petroleum grant.

Strong interest was also expressed in various aspects of the planning process, including how communities were able to come to agreements on plans, how individuals and organizations served as liaisons between institutions, and which resources assisted in broader planning efforts.

With regard to information resources, Bill Scott explained Neenah's use of numerous public meetings, testimonies, a website, a newsletter, and the active solicitation of public input at public meetings in order to make information widely available to people in Neenah. Andrew Savagian also mentioned the use of Green Team meetings as a way to engage the community.

The discussion incorporated themes of engineering controls, as certain projects had restrictions on contamination, waste, wells, and water. Bill Scott noted that Neenah has restrictions that prohibit wells, and that their remedy to the presence of contaminants in the ash was to place a cap on it. Garth Frable also noted Prairie du Chien's use of caps – whether soil or asphalt. He also explained that the use of planning documents was very helpful, and that it was useful to be able to bring information from a consultant and Wisconsin Department of Natural Resources to the developer.

Session 3: Keys to Wisconsin's Redevelopment and Revitalization Program for Petroleum Brownfields and Other Vacant Properties

Topic and Intended Outcomes.

This session covered the creation and role of the Brownfields Study Group. The session also highlighted the benefits of utilizing public-private partnerships to effectively leverage financial resources and technical and legal expertise, and to build confidence in projects. This session also covered the topic of financial resources, including an explanation of the financial resources for brownfields redevelopment projects available through the State of Wisconsin and measures ensuring liability protection for those interested in redeveloping brownfields.

This session was designed to result in the following outcomes:

- Participants will have a detailed understanding of the key tools of Wisconsin's brownfields program and be aware of current challenges and potential solutions facing the program.
- Participants will understand the effectiveness of the Brownfields Study Group model and will learn how it has utilized resources from different sectors to achieve its goals.
- Participants will understand the components of Wisconsin's program that have led to its success, and consider how these might be implemented in other States.

Themes.

Themes in this session included the role of the Brownfields Study Group and the use of public-private partnerships in Wisconsin and beyond. It highlights the achievements that can come from partnerships involving representatives from different sectors. This session also covered financial resources, including opportunities through state agencies, as well as performance-based contracting and innovative financial mechanisms. Presenters also spoke to

the challenges of securing funding in a climate of an economic downturn and routinely overstretched budgets.

Session Highlights.

Brownfields Study Group and Public-Private Partnerships:

Art Harrington of **Godfrey & Kahn S.C.** spoke of the tools that municipalities can use to help ensure the redevelopment of difficult projects. He spoke of the ways through which municipalities can use a cost recovery statute to their advantage, and also use completion certificates – piggy-backing on voluntary liability exemption – to protect against known and unknown liabilities. Harrington discussed how the municipal liability exemption allows municipalities to address blighted properties they own by a voluntary transfer or condemnation. He also spoke of the importance of insurance given the large risks involved in brownfields redevelopment, and how Wisconsin negotiated with AIG to develop a state insurance program. Insurers respond to failed remedies for a modest fee that is paid when a completion certificate is issued. Harrington also discussed the usefulness of a Memorandum of Understanding with the EPA which allows for municipal exemptions and thereby gives cities a fair amount of confidence in addressing brownfields. Qualified municipalities can take advantage of the cost recovery statute to collect money for future intended uses for sites.

Harrington provided examples of case studies, including the American Brass Foundry Redevelopment in Kenosha, which involved a private party transaction between the city and the immediate past owner of the site and its predecessor. This site involved a known contaminant plume, and was eventually remediated for residential housing. Harrington also discussed a current project involving Chrysler, and the unique challenges that arise in the context of bankruptcy law.

Bill Scott of **Gonzalez Saggio & Harlan LLP** discussed the Brownfields Study Group, and aspects of the group that would be worth emulating elsewhere. Citing the work of Bob Buckingham, Bill Scott described five strategies that create the foundation for building a successful public-private partnership: 1) beginning with quick victories on small projects, so that success is evident and the group has a track record of working together, 2) repeating concepts and ideas loud and often, so that the community can trust the leadership and believe that results will come, 3) sharing and listening, talking with businesses and citizens new and old, and making the group's presence known, 4) understanding and reconciling differences with other entities in town, and 5) seeking partners and asking them to join in the effort.

Bill Scott also explained how the liability reduction tools in the state have completely changed the standard approach to environmental law, and emphasized the importance of private entities linking up with municipalities because of the exemption from liability that can be acquired by these partnerships. He also discussed how being in a public private partnership requires everyone to approve the same plan for redevelopment, and that buy-in is needed from all. Intentional facilitation is viewed as very important. Bill Scott also proposed ways to entice people to form public-private partnerships, such as giving more points to grant applications that

come from public-private partnerships, providing training, and giving public-private partnerships a more rapid regulatory response.

Financial Resources and Information:

Michael Prager of the **Wisconsin Department of Natural Resources** presented a useful overview of funding sources to support the various aspects of brownfields planning, cleanup, and redevelopment. He discussed the department's Financial Resource Guide for Cleanup and Redevelopment, which describes funding opportunities such as Brownfields Site Assessment Grants which help local governments jumpstart site investigation, Blight Elimination and Brownfields Redevelopment (BEBR) grants, Ready for Reuse grants. He also provided figures on the numbers of communities and projects that have used these funds. Prager also described how sites can use EPA Brownfields Assessment Grants, and the differences between using state funding and federal funding. He discussed the Wisconsin Plant Recovery Initiative that deals with large-scale plant closings, and placed it in the broader context of numerous plant closings and associated job losses in Wisconsin in recent years due to bankruptcy. Prager expressed a hope that these facilities could be effectively redeveloped towards a goal of economic and community revitalization, instead of becoming mothballed facilities and the next generation of brownfields.

James Drought of **Shaw Environmental, Inc.** discussed the use of performance-based contracting for brownfields redevelopment. He described the nature of a guaranteed fixed rate contract, where the contractor or consultant takes on liability and guarantees no cost change over the course of the project. He noted the dramatic changes in the insurance market in recent years, as well as changes relating to pollution liability and remediation stop loss. Drought described the redevelopment environment as having fewer lenders, or lenders with a reduced capacity to provide loans. He provided comments on the importance of various tools relating to brownfields redevelopment, such as Conceptual Site Models and Voluntary Party Liability Exemption. Drought also described emerging challenges including vapor intrusion.

Discussion.

The discussion following this panel included further discussion on the Brownfields Study Group, and the role of the Department of Natural Resources in the group. The early fostering of Brownfields Study Group was praised. Workshop participants discussed the importance of listening to dissenting opinions, as trust is built when people really feel as if their views are respected and incorporated. Art Harrington emphasized the broad range of constituencies involved, and how the group is essentially a citizen group that understands the importance of having buy-in from the community level. It was stated that the Brownfields Study Group is considering how to address the enormous numbers of plant closings, and that this issue currently dominates their agenda. Additionally the NR 700 rules series was going through a substantial rewrite and the study group was going to summarize the proposed changes for other stakeholders.

Optional Evening Activity: Visit to Esser Paint Redevelopment Area

Staff from the City of Milwaukee led workshop participants on a walking tour of the 30th Street Corridor which includes the Esser Paint Redevelopment Area. The Esser Paint site is a building that has been slated for demolition. It is located on an industrial rail line and is also integrated into the neighborhood. The project has received funding at the local, state, and federal levels for tank removal, hot spot excavation, site investigation and demolition. The project also has an urban garden component. Area residents had been growing vegetables on contaminated soil, but the remediation of a nearby site through funding from the US EPA, City of Milwaukee and other partners has allowed for the creation of a new community garden. The garden is managed and operated by the Hmong American community in the area.

Workshop participants then enjoyed dinner at the Amaranth Bakery and Café, a prominent component of the revitalization of the West Side of Milwaukee. A number of participants also visited the Hank Aaron State Trail – a recreational component of the redevelopment of the Menomonee Valley.

Session 4: The Conception, Management, Achievement, and Evaluation of Area-Wide Redevelopment – Transferring Lessons

Topic and Intended Outcomes.

This session highlighted two major brownfields redevelopment projects in Milwaukee – the Menomonee Valley and the 30th Street Corridor – with the aim of providing workshop participants with examples of successful brownfields redevelopment projects. Central aspects of the projects included the history of the projects, players involved, and the use of federal and state tools – including financial resources.

This session was designed to result in the following outcomes:

- Participants will better understand the way that the key brownfields project elements – including coordination and collaboration within Wisconsin among agencies, community groups, local governments, and the private sector and with EPA, as well as end-use planning and financing – fit together in area-wide projects and will have examples of effective application of the elements to use as models.

Themes.

Themes that emerged from this session included the process of forming public-private partnerships, identifying boundaries of projects, use of state property inventories, and overall components of project planning that were have been invoked. Additional themes included the use of incentives, the critical need to identify sufficient resources to actualize the project, and the considerations involved in engaging in risk-based corrective action. Panelists were asked to

speak to ways in which state and federal partners and resources worked together, as well as the role of the local government in the projects. The projects highlighted – the Menomonee Valley and 30th Street Corridor – are at very different stages, with the Menomonee Valley project being essentially completed and the 30th Street Corridor project being in an earlier phase.

Session Highlights.

Menomonee Valley

Corey Zetts of **Menomonee Valley Partners** provided a comprehensive background of the Menomonee Valley – a 1200-acre area that was historically a wild rice marsh. It became contaminated with the development of industries in the area and the use of fill material. At its peak, it had more than 50,000 workers and very densely developed neighborhoods. As industry left the area, more than 300 acres of land were abandoned and a variety of types of pollution adversely affected water quality. While contamination was significant, public perception that the contamination was insurmountable impeded efforts to begin to address the site. High rates of asthma and obesity in the area were also significant concerns. By the end of the 1990s, groups were coming together to discuss the long-term potential for the valley in terms of job creation, community revitalization, and sustainable development. The city was able to develop new policies, and the Department of Natural Resources developed new ways of addressing brownfields. They used partnerships to ensure they were looking at ecology and public impact. In ten years, they were able to develop 300 acres. According to Zetts, 20 new companies have moved in despite the bad economy, 4200 jobs were created, and 48 acres of parks and native landscapes were restored. Job growth continues, and many sectors are involved.

Peter McAvoy of the **Sixteenth Street Health Clinic** reiterated the point that the environmental and economic success of the Valley was not conceivable in the earlier days of their project. He emphasized the great obstacle posed by public perception of contamination, and pointed out that some of this was accurate and much of it was not; for example, many people thought that the valley was a Superfund site. With the help of EPA funding, Sigma Environmental, the Milwaukee Metropolitan Sewerage District and the Department of Natural Resources assessed the actual conditions. McAvoy explained that the Sixteenth Street Community Health Center worked with low-income families to change the perception of what the Menomonee Valley could actually be. They sought involvement from the School of Architecture to contribute to the vision of what the valley could look like, and enlisted philanthropic support from the Joyce Foundation and private companies, and also formed a Business Improvement District. They created a national design competition, and the eventual participation of the National Endowment of the Arts won them the involvement of some of the leading architects from around the world. A technical advisory committee helped to develop the challenge for the competition, which had flooding, open space, soil condition, and groundwater provisions. They eventually implemented the winning design.

Dave Misky of the **City of Milwaukee** presented the city perspective on the Menomonee Valley project and explained the role of the City of Milwaukee, which of course had a vested interest in what happened in the valley. As a City, they came up with redevelopment plans, and he noted that the first two plans did not amount to anything, and the third plan came about in

1999 and 2000. Their hope was to clean up the valley, bring in jobs, and look at sustainability – and to try to hit the important spot of sustainability where economic, social, and environmental goals come together. They wanted to also emphasize the social aspect of brownfields redevelopment, which also involved public transportation and access to the river. Misky noted that the Menomonee Valley Partners got the business community on-board, and noted the importance of creating a business park, developing guidelines for job creation and job ratios, and the development of a partnership to result in comprehensive achievement of goals. Misky discussed the unanticipated technical challenges presented by viaducts, unlabeled drums, wildlife, demolition debris, asbestos, and underground sewers. He also explained the importance of establishing a positive relationship with the Department of Natural Resources early on in a brownfields redevelopment project.

Margaret Brunette of the **Wisconsin Department of Natural Resources** discussed the role of the state with regard to the Menomonee Valley project. A significant part of the agency's role was through the use of a Technical Assistance Grant, which involved aspects such as an area-wide groundwater study. Results of the groundwater study caused the project proponents to reconsider some aspects of project design. The DNR also developed a comprehensive remedial action plan, which followed the standard procedures for building on fill material. They were also involved with post-construction groundwater monitoring, excavating materials, and reinstalling wells to address groundwater issues by removing hot spot leakages. The Marquette Interchange Extension allowed them to partner with the Department of Transportation, which contributed financial support.

Kevin Shafer of the **Milwaukee Metropolitan Sewerage District** discussed some of the aspects of wastewater systems in the Menomonee Valley Project, and the various considerations that came into play in deciding how best to address this issue. There were prolonged discussions about whether the area should be reseeded, or whether there should be separate sewer systems with separate flows. This question was related to the city's efforts towards regional flood management. Shafer discussed combined sewer overflows and separate sewer overflows, and the debates over the impact of tunnels on the groundwater in the Menomonee Valley. Later, an area-wide groundwater study brought science into the discussion. This evidence helped solidify the support for a green approach. Shafer noted that they learned to be collaborative, and that a set of sustainability guidelines is very important. He also found a regional approach to be useful, as well as a holistic approach towards redevelopment.

Dave Scherzer of **The Sigma Group** discussed his company's role in demystifying the valley with the use of science. He emphasized that the way things have changed from a regulatory perspective in the past 15 years was a key part of this project's success. The shift has been towards a risk-based approach for cleanup. Scherzer described some of the conditions they were facing at Miller Park, within the Valley, which is built on a landfill. He noted the presence of soft soils, methane, junk, and unregulated disposal. A methane abatement system was a costly component of the project. His group considered many aspects from a user's perspective – that is, the jobs and commerce that would be created. An interesting layer of Scherzer's story is that The Sigma Group themselves decided to relocate their business to the Valley as well, and were also faced with soil and groundwater problems which they addressed through quality treatment

and revegetation with native plantings. They bought a tax-delinquent property, began paying taxes, received grant funding, added tenants, and filled all available square footage.

30th Street Corridor

The other project this session focused on was the 30th Street Corridor. To start off, **Brenna Holly** of **The Corridor** described the area as a 5 mile, 1000 acre rail corridor that is a historic manufacturing hub. It is on the north side of Milwaukee, and has a population of over 73,000, of whom 78 percent are African American. The area faced business and job loss in the 1980s, and in 1989 the Sherman Park Community Association – a nonprofit resident group – began to focus on the corridor and what they could do to revitalize the area. Assets of the area include the fact that it has a number of anchor companies, including Harley-Davidson, Miller-Coors, and Master Lock, as well as national rail line access, major highway access, low cost space available to lease or purchase, a labor pool, and incentives available for development and expansion. Challenges of the area include aging building stock, the narrow size and shape of parcels, and the lack of a buffer between industrial and residential areas.

Significant progress began in 2005 with the creation of the Urban Reinvestment Initiative, which created a state priority to clean up and redevelop areas in the Corridor. They also received \$400,000 in EPA brownfields assessment grants, and – like the Menomonee Valley – created a Business Improvement District for the Corridor. In 2006, Milwaukee Mayor Barrett designated the area as a Green Light Corridor and committed staff and resources to it. In 2007 the corridor received another EPA brownfields assessment grant, and in 2009 acquired the keystone Century City site. Holly’s organization has focused on keeping the area an attractive business environment, and has done so through marketing, recruitment, giving grants to businesses in the area, and providing technical assistance and financing this help them expand business.

Tory Kress of the **City of Milwaukee** discussed a range of topics from the perspective of the City. Some of the challenges of the area have included the fact that the Southern end of the Corridor has old buildings that are not energy efficient. The middle part of the Corridor has potential for new commercial and retail development, and the Northern end of the Corridor has larger parcels that allow for industrial redevelopment. Kress explained the use of assessment grants to analyze the condition of tax-delinquent properties acquired by the city, as well as the use of EPA brownfields cleanup grants and WDNR Ready for Reuse Grants. She also noted the importance of attracting developers as a way to leverage private investment.

Kress explained that the City has spent money on Phase I and/or Phase II assessments for about 50 sites in the City. Kress talked about two major catalytic projects: one at the 31st and Galena properties, and one at the Esser Paint properties. Another redevelopment plan has been around AO Smith/Tower Automotive site which filed bankruptcy in 2005. The Milwaukee Industrial Trade Center acquired the main 86 acres of land. The City of Milwaukee has worked to acquire acres, properties and sales agreements, and also created a Tax Increment Finance District (TID).

Challenges for the City include stormwater challenges – especially regarding combined sewer overflow, and runoff that degrades the water quality. The City’s approach has been to acquire funding for a contractor to do a study of the site to determine whether they could promote stormwater infiltration on the site, or whether they should be concerned about mobilizing pollutants. They have looked to see where stormwater basins would make the most sense, and have also looked at green streets and green roofs. The City looked for opportunities for designing infrastructure to be environmentally sustainable, considering options such as geothermal piping and stormwater management. They are planning to redevelop the area into a business park to create 1000 jobs, and plan to develop sustainably. Additionally, the City is working on education for residents as stormwater management systems do not always look attractive. They have also made significant efforts to promote urban agriculture on vacant lots.

Costs incurred by the City include demolition and asbestos abatement, but they are also able to use a combination of tax and grant credits. Additionally, they have partnerships with the US EPA and Department of Natural Resources.

Andrew Savagian of the **Wisconsin Department of Natural Resources** discussed the role of WDNR in the project, and acknowledged that WDNR did not have a lot of experience with area-wide projects and that they lacked funding and knowledge in this area. He explained that a lot of what they did was overlay what the City already did, and also consider social issues such as crime. Savagian noted that they had some 200 brownfields in their database in the area, and their lack of funding forced them to think seriously about an appropriate economic framework. In his view, their role was to assess, clean up, and provide technical assistance. They received two grants, of which \$200,000 was for hazardous substances and \$200,000 was for petroleum. They did technical oversight, as well as an outreach and marketing campaign. They worked to make sure information was available through the DNR website, which shows site activity and current status. Thus far, their successes have included assessing more than 50 properties, achieving a great deal of public involvement, and staying out of their partners’ way. Savagian noted that it is important for a Department to come in when it is needed, but also to know when not to come in. He concluded with the thoughts that it is best to start small, form partnerships, engage your neighborhood, and to not take “no” for an answer.

Marilou Martin of the **United States Environmental Protection Agency, Region 5** spoke about her role as the Coordinator for the Milwaukee EJ Showcase Community – which is part of EPA Administrator Lisa Jackson’s new initiative launched in November, 2009. She noted the importance of involving the community and residents in development projects, and explained that collaborative approaches are important. Martin explained the process for selecting Showcase Communities, and how long-standing partnerships and achievable goals were taken into consideration. She noted the importance of identifying environmental justice concern areas, and looking at environmental indicators as well as social demographic indicators such as high minority population, low mean income level, and high rates of unemployment. The EPA uses a screening tool to identify areas that might experience proportionately high and adverse environmental impacts. Additionally, from the perspective of the EPA, it is useful to come in to areas where strong long-term relationships already exist.

Martin explained that Showcase Communities build on where work is already being done, but add another dimension that helps incorporate additional resources, tools, and other social improvements. They build collaborative efforts with community groups and business groups, and also work on partnerships between and among the community and state, EPA, and other federal agencies. Their first efforts involved working with the Wisconsin Department of Natural Resources to collect and compile information, and plan different stages of the project. Their plan and vision involves public engagement, cleaning up brownfields, addressing blighted properties, job training and creation, sustainable redevelopment, improving public health and promoting multi-modal transportation, improving residential housing, and looking at environmental justice projects outside the 30th Street Industrial Corridor. EPA is also interested in consulting with residents to identify real needs, instructing residents on issues such as pesticides in their homes, lead, diabetes, and other environmental health issues.

Discussion.

The discussion during this session included advice that those involved in the projects would offer to others in similar situations. This advice included understanding the physical characteristics of a particular site, using public-private partnerships, understanding the need to compromise, and to persist even though it is easy to get discouraged. Participants noted that it is not very common to do a great deal of post-development analysis, but it is important. It was also explained that public meetings are very important, as is a thorough understanding of the site information. Policies and standards that support job creation and sustainable development are also very valuable. The discussion also covered benchmarking.

A question was asked about how businesses are recruited, and the panelists explained the role of developers already in the area that they have relationships with, and their knowledge of potential interest in properties. They described the organization called Milwaukee 7 which represents seven counties surrounding the City. Some of the panelists described working closely with Milwaukee 7 on business recruitment to help prevent poaching of projects and to attract companies to the region. It was noted that water considerations are beginning to drive where businesses locate, as the City has better water resources than some of the surrounding counties.

In the conversation about environmental justice, there were discussions about the challenges of speaking to many different people with a range of views, and thoughts were shared on how this process could potentially be streamlined to be made more efficient. EPA staff in the room spoke about funding available through the EPA for environmental justice, and about how funding often goes to regions rather than being available as grants for the city. Some money is available for pulling together meetings, trainings, and bringing in contractors. It was also noted that small environmental justice grants do exist. EPA staff also spoke about their process for granting CARE grants and environmental justice grants, and their desire to host community meetings, identify partners, and help community groups be in a position to use these grants.

Session 5: Common Goals – Achieving Broader Concepts of Sustainability and Environmental Justice Through Brownfields Redevelopment

Topic and Intended Outcomes.

The final session of the workshop involved widening the scope of the conversation to consider how brownfields redevelopment, broadly speaking, can be support objectives of sustainability and environmental justice. This included identifying elements of a sustainable project and monitoring and evaluating success. This session also included a final facilitated wrap-up discussion on drawing conclusions and next steps for advancing and sharing Wisconsin's model with other states that might be faced with similar situations. Participants were asked to review current challenges and potential solutions, review identified approaches for meeting common goals, seek methods for improving collaboration in the future, and identifying what states need from federal partners.

This session was designed to result in the following outcomes:

- Participants will have a frame of reference for evaluating and improving project and program sustainability.
- Participants will also have an understanding of the keys to Wisconsin's brownfields successes, models to transfer, and be aware of current programmatic challenges and possible approaches for overcoming them.

Themes.

Themes that emerged from this session included ways that Wisconsin could advance sustainability in its projects and programs, and lessons that could be transferred from Wisconsin to other states. Another theme that was raised was the identification of key areas where the EPA could learn from Wisconsin, as well as key areas where Wisconsin and the EPA could better collaborate. Questions included how this effective approach could be legislated, and how to encourage necessary information-gathering.

Session Highlights.

Christopher de Sousa, a professor in the **Department of Geography** at the **University of Wisconsin at Milwaukee** discussed changes in the culture of brownfields redevelopment. From the early 1970s to 1990s, the focus was on cleanup and people were afraid and focused on the legal aspects as well as the costs and risks. From the early 1990s to the present, the focus has been on addressing the real and perceived barriers to property development. From 2000 to the future, the focus is on sustainability. He discussed the successes and challenges of each era, the lessons learned, and the motivations for each phase – whether purely economic or social and community-oriented as well.

In the present day context, de Sousa spoke about efforts to achieve sustainability by design – rather by default. He discussed benchmarks for evaluating brownfields projects, including: taxes and jobs, real estate value, local spending, job skills, job density, job quality, and sense of community. He also discussed some of the sustainability criteria, such as whether a cleanup is innovative and sustainable, whether water is used efficiently, how stormwater management is designed and implemented, and whether green building and infrastructure is used. In terms of social aspects, de Sousa discussed public health benefits of redevelopment, the health impact on surrounding communities, and community empowerment and involvement – even if adding public involvement adds a layer of risk. De Sousa also discussed trends of transportation and commuting, including rates of car ownership and average distances traveled. Some of these benefits may not have a cost directly associated with them, but they are working to find ways to highlight these benefits. He discussed the importance of determining whether workers are happy, whether they are more efficient and taking less sick days. He discussed the importance of asking whether jobs are increasing, and whether they are going to local residents. These indicators are useful, and important to address both before and after development.

De Sousa discussed the City of Milwaukee’s redevelopment requirements, and how there are certain items that the City would like to see in proposals in terms of expectations of using businesses, minority businesses, having a certain job density, and having certain stormwater benefits. Other tools such as LEED certification have helped to create incentives for the private sector to build more sustainably. Placing sustainable development in a broader context, de Sousa also discussed strategies being used by Europeans to incentivize sustainability and evaluate projects based on various sustainability metrics.

Discussion.

The discussion following de Sousa’s presentation included thoughts on how EPA could be more involved in topics such as public health, outreach, and public consultation. Participants acknowledged that there would be ways for EPA to participate more effectively, including better understanding issues and concerns. It was noted that a targeted focus where EPA knows it can be effective – outreach on asthma, training community health workers – could be fruitful, as the main benefit would be increasing community capacity. Additionally, this would help them deal with larger-scale, area-wide conflicts. The conversation also covered the difficulties of public participation, and how there were always be a certain subset of people who will never be pleased. De Sousa noted the effectiveness of engaging people through organizations and institutions that have been there for a long time, such as the 16th Street Community Health Center.

Drawing Conclusions & Next Steps for Advancing and Sharing Wisconsin’s Model: Preliminary Conclusions & Facilitated Discussion

The meeting ended with a facilitated discussion on barriers to brownfields redevelopment, and a request for how approaches could be improved. Participants referred to the analytical framework presented by the Environmental Law Institute at the beginning of the workshop. Beginning with elements of City Planning, participants notes that City Plans were an

important component for supporting redevelopment of projects, and that there should be some kind of guidance or requirements as well as stronger tools such as zoning. It was stated that Wisconsin does not have brownfield-designated areas in the same way that Florida does, but it does have areas that are designated for redevelopment, and brownfields could be laid over that.

There was additionally a discussion around tax incremental financing and attracting private initiatives, as well as ways to focus brownfields development. Leo Ries asked how it might be possible to prioritize neighborhoods with multiple investment opportunities, and it was suggested that local governments might be the actor to do the designation. There was a discussion among Adhir Kackar, Chris de Sousa, Garth Frable, and Leo Ries about the new Partnership for Sustainable Communities, and conversations amongst federal agencies – including the EPA, Department of Housing and Urban Development, and Department of Transportation. A significant amount of the conversation focused on area-wide brownfields redevelopment, particularly in areas where investment could be focused to improve the market. It was explained that this strategy might be appropriate for large communities, and that Smart Growth legislation includes element guides associated with each part – including waterfront planning. It is viewed as important to come up with a plan to set the direction in which everyone will move, and to provide the resources necessary for those planning activities.

In discussing information management, participants commented upon ways the State's brownfields database could be improved – though it was acknowledged that it is a very effective tool and something that all states should have. Marilou Martin stated that more locator information would be useful, and staff from WDNR explained that the system is currently being upgraded. Andrew Savagian and Woody Myers explained that they are hoping to make it more user-friendly, and to add open sites as well (it is currently just closed sites). It was explained that it would be useful to include more flexibility in the search, and also to have GPS coordinate information. They also discussed institutional control audits, and the shift away from deed restrictions. It was also acknowledged that it is very useful to use information databases to track money.

It was explained that demonstrating the value of brownfields development, which is something that the EPA could become increasingly involved with, could encourage benchmarking. It was also noted that the EPA looks at past success when reviewing an application.

The discussion of legal tools included the way in which petroleum sites are treated through the legal structure, which is very much integrated with the rest of the brownfields program. In Wisconsin, the City looks at a brownfield as a brownfield, and does not distinguish between spills and tanks – the same tools and rules apply. It is NR 700 that is responsible for the combined approach for different brownfields programs. Bill Scott mentioned that he does not differentiate between petroleum sites and non-petroleum sites until it comes down to which agency to go to. They also explained that the Memorandum of Understanding about the cleanup program gives them a good deal of certainty. It was also explained that the flexibility in the interpretation of the statute is critical.

In terms of relationship with the EPA, Dave Misky explained that Milwaukee's relationship with the federal government has improved in recent years – but that it could still be improved further. WDNR noted that both the Department of Commerce and the Department of Natural Resources themselves are losing a lot of their staff, and more stabilized funding for their programs and staff could improve some of the technical assistance they might be able to provide. Bill Scott expressed a feeling that technical assistance would be better provided by the private sector than the public sector. Participants also noted a transition from government regulators to project managers – largely as a function of cost. There was also a discussion of how there has been a strengthening in the non-profit sector's ability to do work, and universities have also become involved in activities such as training people in areas with limited market potential. Local groups, faith-based groups, and local non-profits can also become involved as project developers.

A key lesson from Wisconsin's brownfields success is that the Remediation and Redevelopment Program of the WDNR has a different regulatory approach than many programs. They are able to work with the private sector and also use creativity and flexibility. There is a strong relationship between the regulator and the private sector, and it is seamlessly integrated with the EPA.

Appendix 1: Workshop Agenda



ENVIRONMENTAL LAW INSTITUTE®

AN INDEPENDENT, NON-PARTISAN ENVIRONMENTAL EDUCATION AND POLICY RESEARCH CENTER

OVERCOMING BARRIERS TO THE REDEVELOPMENT OF PETROLEUM BROWNFIELDS AND OTHER VACANT PROPERTIES: THE WISCONSIN APPROACH

Ambassador Hotel

2308 West Wisconsin Avenue
Milwaukee, WI 53233

May 18th & 19th 2010

WORKSHOP AGENDA

WORKSHOP VISION:

To provide an opportunity for key federal, State, and local decision makers and stakeholders in Wisconsin's Redevelopment Program to share approaches and identify ways to improve collaboration, coordination, and program implementation for redevelopment of petroleum brownfields and other vacant properties in a manner that achieves environmental justice and sustainable communities.

WORKSHOP GOALS:

- Identify the role of key aspects of Wisconsin's Redevelopment program—including coordination and collaboration, end-use planning, and financing—for the seamless integration of redevelopment of petroleum brownfields along with other vacant properties.
- Discuss how Wisconsin's redevelopment program is meeting broader redevelopment, sustainability, and equity objectives.
- Identify current legal or policy obstacles and possible approaches for overcoming them.
- Develop approaches for improving collaboration for meeting goals common to all stakeholders including within Wisconsin and EPA.
- Identify aspects of Wisconsin's program that support:
 - Collaborative, community-based approaches to address environment and public health challenges in minority, low-income, and vulnerable communities; and
 - Integrated housing and transportation-based community development.

Day I (Tuesday, May 18th)

9:00 – 9:30 WELCOME, INTRODUCTIONS, AND WORKSHOP OVERVIEW

Opening Remarks

- Jim Schmidt, WDNR
- Steve McNeely, EPA

Workshop Goals & Overview

- Sandra Nichols, ELI

Introduction of Participants

- *Facilitator:* Vrinda Manglik, ELI

9:30 – 11:00 SESSION 1: COMPONENTS OF INTEGRATED AND EFFECTIVE REDEVELOPMENT PROJECTS

Wisconsin's Program

Presentation topics:

- Timeline of Wisconsin's program
- Keys to the program's success
- Highlighting how petroleum sites are incorporated

Speakers:

- Andrew Savagian, WDNR
- Jason Scott, WI Dept. of Commerce

Federal Initiatives

Presentation topics:

- Objectives and key elements of relevant Programs:
 - EPA Underground Storage Tanks Program
 - EPA Showcase Communities and Other Programs
 - EPA-HUD-DOT Partnership for Sustainable Communities

Speakers:

- Adhir Kackar, EPA and Jim Van der Kloot, EPA Region 5
- Alan Walts, EPA Region 5
- Steve McNeely, EPA and Kevin Hill, EPA Region 5

Assessing State Programs: ELI's Framework for Analysis of Brownfields Programs

Presentation topics:

- Overview of the project

- Assessment parameters: Project Planning, Information Management, Legal Tools, Resources, Implementation, Communication and Outreach

Speaker:

- Jordan Diamond, ELI

SESSION 1 DISCUSSION QUESTIONS:

What is the relationship between state and federal efforts? What are the primary focus areas of current redevelopment efforts? How comprehensive is the analytical framework?

SESSION 1 OUTCOMES:

Participants will share a common vocabulary and framework for evaluating the success of redevelopment programs and will understand the goals and objectives of partner institutions. The common vocabulary and framework will facilitate drawing lessons from the projects presented in subsequent sessions.

11:00 – 11:15 NETWORKING BREAK

11:15 – 12:30 SESSION 2: REDEVELOPMENT PROJECTS: ELEMENTS FOR SUCCESS

Neenah's use of project planning, community involvement, legal tools, and the leveraging of financial resources; Prairie du Chien's use of federal funds including petroleum-specific funds to redevelop a key downtown corridor for Gateway #2

Speakers:

- Bill Scott, Gonzalez Saggio & Harlan LLP
- Garth Frable, Prairie du Chien

SESSION 2 DISCUSSION QUESTIONS:

How did project planning, information management, legal tools, resources, program implementation, communication and outreach play a role in each of these projects? What were the keys in each project?

How did you identify the boundaries of the project? Did you use Wisconsin's property inventories at the planning stage? Are you engaging in risk-based corrective action, incorporating tools such as engineering and institutional controls? How are these elements monitored? How is the local, state, and/or federal government involved in the project? Which state agencies in particular were involved? The department of transportation? What role did petroleum play in the project? What has been/will be critical to accessing and coordinating sufficient local, state, and federal financial and technical resources for the project? How has the timeline of assistance affected the project? What role have incentives played in project design and

implementation? How was public participation encouraged and facilitated at key points of the project development process? What were the key challenges at the various stages of the project? How did you/do you plan to monitor and showcase the benefits of the redevelopment (e.g. jobs created, housing created, etc.)?

SESSION 2 OUTCOMES:

Participants will better understand the way that the key elements fit together and have examples of effective application of the elements to use as a model for future efforts.

12:30 – 1:30

LUNCH

1:30 – 4:00

SESSION 3: KEYS TO WISCONSIN'S REDEVELOPMENT AND REVITALIZATION PROGRAM FOR PETROLEUM BROWNFIELDS AND OTHER VACANT PROPERTIES

Brownfields Study Group and Public-Private Partnerships

Presentation topics:

- History of the study group starting from brownfields and bagels
- Achievements of the study group
- Role of the study group
- How public-private partnerships form
- Partnership achievements
- How to institutionalize the partnership process

Speakers:

Art Harrington, Godfrey & Kahn
Bill Scott, Gonzalez Saggio & Harlan LLP

Financial Resources and Information

Presentation topics:

- Overview of Financial Resources Guide
- Performance-based contracting and innovative financial mechanisms
- The additional challenges of redeveloping in an economic downturn

Speakers:

- Michael Prager, WDNR
- James Drought, Shaw Environmental, Inc.

Current Challenges to Redevelopment of Petroleum Brownfields and other Vacant Properties in Wisconsin, *Group Discussion*

Facilitator: Jordan Diamond, ELI

SESSION 3 DISCUSSION QUESTIONS:

What prevents the accomplishment of more projects like those we've heard about? Are there tools or approaches we have heard about during the previous discussions that could be used more broadly or institutionalized? What if anything could have improved the projects we have discussed? What progress is being made through Redevelopment and Revitalization in Wisconsin? Do programs consider environmental justice and equity concerns?

SESSION 3 OUTCOMES:

Participants will have a detailed understanding of the key tools of Wisconsin's program and be aware of current challenges and potential solutions facing the program.

4:30

Visit to ESSER PAINT REDEVELOPMENT AREA:

We invite workshop participants to join us for a site visit to the Esser Paint Redevelopment Area in the 30th Street Corridor. This building, slated for demolition, is located on an industrial rail line but is also integrated into the neighborhood. The project has received funding at the local, state, and federal levels for tank removal, hot spot excavation, site investigation, and demolition, and also has an urban garden component. We will not enter the building, but will walk around the site and will also meet with local residents and business owners.

5:30

Optional Dinner at AMARANTH BAKERY & CAFÉ:

3329 West Lisbon Avenue, Milwaukee (Walnut Hill neighborhood)

Join us for an informal, optional dinner at Amaranth Bakery & Café in the Walnut Hill neighborhood, a prominent component of the revitalization of the West Side of Milwaukee.

This dinner is raising funds for the community garden of the 30th Street Corridor, a collaboration with UW-Extension service and the City of Milwaukee, and others, to be installed this year. Typical donations are \$10 per meal.

Day II (Wednesday, May 19th)

9:00 – 12:15 **SESSION 4: THE CONCEPTION, MANAGEMENT, ACHIEVEMENT, AND EVALUATION OF AREA-WIDE REDEVELOPMENT – TRANSFERRING LESSONS**

I. Menomonee Valley

Presentation topics:

- History of the project
- Players involved in the project
- Critical aspects of the project including early consideration of end uses and goals including job creation; evaluation of environmental conditions; coordination; sustainable development guidelines; and post facto evaluation
- Key challenges and how they were overcome

Speakers:

- Corey Zetts, Menomonee Valley Partners
- Peter McAvoy, Sixteenth Street Health Clinic
- Dave Misky, City of Milwaukee
- Margaret Brunette, WDNR
- Kevin Shafer, Milwaukee Metropolitan Sewerage District
- Dave Scherzer, The Sigma Group

II. The 30th Street Corridor

Presentation topics:

- History of the project
- Players involved in the project
- Critical aspects of the project
- Combining state and federal tools: state BID, state enterprise development zone, EPA assessment and remedial action plan grants, revolving fund for prioritized redevelopment
- Accessing federal resources: federal enterprise community, federal brownfields showcase community

Speakers:

- Brenna Holly, 30th Street Industrial Corridor
- Tory Kress, City of Milwaukee
- Andrew Savagian, WDNR
- Marilou Martin, EPA R5

SESSION 4 DISCUSSION QUESTIONS:

How did project planning, information management, legal tools, resources, institutional structures, communication and outreach play a role in each of these projects? What were the keys in each project?

How was the public-private partnership formed? How did you identify the boundaries of the project? Did you use Wisconsin's property inventories at the planning stage? How did you identify relevant state and federal resources and what was key to your success in obtaining them? Do you have sufficient resources to actualize the project? Were incentives an important factor in the planning process? If there were petroleum sites within the area, did this raise any additional concerns? Are you engaging in risk-based corrective action, incorporating tools such as engineering and institutional controls? How do state and federal partners and resources work together? How is the local government involved in the project?

SESSION 4 OUTCOMES:

Participants will better understand the way that the key elements—including coordination and collaboration within Wisconsin among agencies, community groups, local governments, and the private sector and with EPA, as well as end-use planning and financing—fit together in area-wide projects and will have examples of effective application of the elements to use as models.

12:15 – 1:15 LUNCH

1:15 – 3:30 SESSION 5: COMMON GOALS—ACHIEVING BROADER CONCEPTS OF SUSTAINABILITY AND ENVIRONMENTAL JUSTICE THROUGH BROWNFIELDS REDEVELOPMENT

I. Broader Concepts of Sustainability and EJ

Topics covered:

- Elements of a sustainable project
- Monitoring and evaluating success

Speaker:

Professor Christopher de Sousa, University of Wisconsin-Milwaukee, Department of Geography

II. Drawing Conclusions and Next Steps for Advancing and Sharing Wisconsin's Model: Preliminary Conclusions and Facilitated Discussion

Topics covered:

- Review of the identified approaches for meeting common goals
- Review of the current challenges and potential solutions
- Improving collaboration in the future
- What states need from their federal partners

Speakers:

- Garth Frable, Prairie du Chien
- Brian Taylor, Department of Commerce
- Jim Van der Kloot, EPA Region 5
- Sandra Nichols, ELI

SESSION 5 DISCUSSION QUESTIONS:

How can Wisconsin advance sustainability in its projects and programs? What are the key areas where EPA can learn from Wisconsin? What are the key areas where Wisconsin and EPA can better collaborate? What would WI recommend to colleagues from other states in order to advance a WI-like approach? How to legislate this effective approach? How to encourage the info-gathering?

SESSION 5 OUTCOMES:

Participants will have a frame of reference for evaluating and improving project and program sustainability. Participants will also have an understanding of the keys to Wisconsin's brownfields successes, models to transfer, and be aware of current programmatic challenges and possible approaches for overcoming them.

Appendix 2: Participant List



ENVIRONMENTAL LAW INSTITUTE®

AN INDEPENDENT, NON-PARTISAN ENVIRONMENTAL EDUCATION AND POLICY RESEARCH CENTER

OVERCOMING BARRIERS TO THE REDEVELOPMENT OF PETROLEUM BROWNFIELDS AND OTHER VACANT PROPERTIES: THE WISCONSIN APPROACH

*May 18-19, 2010
Ambassador Hotel
Milwaukee, Wisconsin*

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Appendix 3: Planning Methodology

ELI's approach to this meeting began with conversations with US EPA's Office of Smart Growth, Office of Environmental Justice, and Office of Solid Waste and Emergency Response. These conversations included strategizing about how best to approach a state like Wisconsin which has had a great deal of success in its brownfields redevelopment program, and is often held up as a national model with best practices.

ELI conducted background internet research on Wisconsin's approach to brownfields redevelopment, and developed a discussion draft of an assessment of Wisconsin's program. This process involved understanding the different agencies involved in Wisconsin brownfields development, such as the Wisconsin Department of Natural Resources and Department of Commerce. Wisconsin's tools such as the Financial Resource Guide for Cleanup and Redevelopment were useful in providing ELI with an understanding of Wisconsin's opportunities and constraints.

ELI staff then began contacting different stakeholders with a role in relation to brownfields redevelopment in Wisconsin, including staff at US EPA Region 5, the Department of Natural Resources, and the City of Milwaukee. These phone consultations were extremely beneficial in better understanding the workings of brownfields redevelopment in Wisconsin, and also identifying other individuals to speak to. We learned about different brownfields projects in big cities and small towns, and continued to contact individuals to learn about their work and the barriers to brownfields development in their municipalities. In the months leading up to the conference, we spoke to approximately 20 stakeholders to better understand the context of brownfields redevelopment in Wisconsin, and to understand what would be most valuable to them in a face-to-face meeting.

The next major consideration was where to host the meeting, and how to begin to develop an agenda that would ensure a successful and valuable meeting. We spoke several times with our EPA partners to help guide and shape the vision for the meeting, and began logistical research on appropriate venues for the meeting. Upon developing several drafts of our agenda and discussing them with Wisconsin stakeholders, the vision of the meeting began to solidify and we collaborated with Wisconsin partners to continue to refine it. At this stage, we began to identify panelists who would fit in well on our agenda, and continued to ask Wisconsin partners for suggestions on speakers for various topics. We also began coordinating with our venue in Milwaukee to discuss logistics including catering, AV, and transportation. We also decided that it would be useful to videotape the entire conference, to help achieve our goal of transferring lessons from Wisconsin to other states. Significant logistical coordination was involved at this stage, in order to make sure we had all the necessary stakeholders at the table, and to make ensure a successful conference.

We then began inviting key panelists, which often required extensive follow-up. We scheduled conference calls with the panelists to help them understand what material

we hoped for them to cover, and coordinated with them on matters such as PowerPoint presentations, objectives, and timing. We continued to ask for their input on individuals to include in the audience – emphasizing that this would be a small, discussion-oriented event for key stakeholders. We invited other individuals, making sure we had representation from various sectors, and sent out reminders and details. We also sought input on our Assessment from a small group of select reviewers.

Materials we brought to the conference, held at the Ambassador Hotel in Milwaukee, Wisconsin on May 18th and 19th, included the Draft Assessment, participant list, an agenda, and evaluations – as well as gifts for participants including ELI tote bags and honey from a community development group in the area. Our meeting involved numerous presentations, discussions, and a site visit to a brownfields project and restaurant within the area. Participants filled out workshop evaluation forms in order for ELI to evaluate our methodology and how to improve our approach in subsequent meetings.

Appendix 4: Summary of Workshop Participant Evaluations

1. Participant Numerical Evaluations

Scale: 5 = Excellent, 4 = Very Good, 3 = Satisfactory, 2 = Fair, 1 = Poor

The Workshop—Overall

Information Presented: **Avg: 5**

Workshop Materials: **Avg: 4.5**

Workshop Organization: **Avg: 4**

Group Interaction: **Avg: 4.75**

Session Facilitation: **Avg: 4.25**

Conference Facility: **Avg: 3.4**

Food: **Avg: 3.8**

Goals and Outcomes; Topical Coverage

How effective was the workshop in satisfying the stated goals and intended session outcomes?

Avg: 4

How successfully did the workshop meet your own expectations? **Avg: 3.6**

What I learned will be useful to me: **Avg: 4 (“In Short-term”)**

2. Participant Written Evaluations

The Workshop—Overall

“Very informational”

“Good job”

“All presentations were well done. Very informative on what is possible with cooperation between all interested and parties and the need for additional funding options.”

“There was very little focus on petroleum brownfields. The projects showcased had little impact by petroleum. The site showcased should have been mostly petroleum brownfields per the name of the workshop. There are several barriers to the first step of redevelopment of petroleum brownfields the cleanup. Again little to no time was spent discussing these. Some of the lessons learned could be applied to petroleum sites, but the specific problems to petroleum were not addressed.”

*What additional information, if any, that was **not** covered would have been useful to you and your colleagues?*

“Unfortunately, most of the presenters work together nearly every day and so sharing of knowledge was probably limited. However, it was great spending time with the EPA to share ideas.”

“The discussions were heavy in redevelopment, community involvement and interaction of fed, state, local gov, and business community. There was no discussion on cleanup.”

Optional Site Visit: Esser Paint Redevelopment Area

“Very informative.”

Session #5: Common Goals – Achieving Broader Concepts of Sustainability and Environmental Justice Through Brownfields Redevelopment

Broader Concepts of Sustainability and EJ:

“Connecting better with community was briefly touched. I believe it needs to be further looked into, because sustainability and environment was predominantly discussed but not its connections to the injustices the community faces.”

Other Comments or Suggestions:

“Room noise bothersome. Room chilly. Need better facilitation. Less waste, more green.”

“I would suggest allowing more time for the final session to discuss overall meeting results and goals of research. Good job overall.” – Dave Misky (City of Milwaukee)