

How to Find Property Contamination – Tools From the DNR

By DNR's Remediation and Redevelopment Program

Title insurance companies do not need to check the Department of Natural Resources' (DNR's) on-line database of contaminated properties, but they may want to tell their clients that this information is available to the public. The potential for soil and groundwater pollution is a very real concern to someone undertaking a real estate purchase.

The majority of Wisconsin real estate is *not* home to vast expanses of pollution, but there is a subset of properties – often called “brownfields” – where there has been some contamination. It might be a farm fertilizer spill, a former dry cleaner or an old gas station. These properties come under the jurisdiction of the DNR's Remediation and Redevelopment (RR) Program, which adds them to an on-line database daily.

Some properties in the database need a clean up; others are already cleaned up and have some *residual contamination*. State law allows residual contamination as long as it doesn't threaten public health. Such properties are subject to “continuing obligations”, legal requirements to maintain certain conditions in certain sections of the property, or to obtain RR Program approval before making changes.

Under Wisconsin law, the person liable for a polluted property is generally the one who "causes", "possesses" or "controls" the contamination. This means that when a purchaser takes possession, the new owner can be equally liable for contamination as the person that caused it. It's wise for a buyer to find out whether a property needs an environmental cleanup, or to know if there is residual contamination and understand how to work around it.

DNR is doing its best to help the public find this type of information. Since legislation effective in June of 2006, DNR no longer uses deed restrictions to record contamination information. Instead, the RR Program provides round-the-clock information on the Internet in an easily navigated system titled *CLEAN* – the Contaminated Lands Environmental Action Network, at dnr.wi.gov/org/aw/rr/clean.htm. Users of *CLEAN* can design their own property searches - everything listed in Marathon County, or the City of Wausau, on Second Street in Wausau or at a specific address.

Finding contamination should not be a serious impediment to purchasers and developers in Wisconsin. The RR Program's informational web pages at dnr.wisconsin.gov/org/aw/rr have information about cleanup and redevelopment of contaminated property, liability clarifications, tax credits, finding environmental consultants, conducting environmental site assessments (in case of contamination not reported to DNR) and how to contact RR Program staff..

DNR wants to public to find our web site, and is grateful to title insurers who inform their clients about this resource. The *CLEAN* web page includes a printable tri-fold brochure. Thank you!

[DNR's database of contaminated and cleaned up properties, including information about continuing obligations if there is residual contamination after a cleanup.](#)

<http://dnr.wi.gov/org/aw/rr/clean.htm>