FLORIDA’S BROWNFIELDS REDEVELOPMENT PROGRAM

Presented by
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Florida Department of Environmental Protection
Presentation Overview

- Brownfields Redevelopment Program
  - What are Brownfields?
  - Florida’s Brownfields Process
- Program Benefits
  - Brownfield areas
  - Brownfield sites
  - Other Brownfields opportunities and tools
- Integrating the Federal and State Programs
- Success Stories
- Information and Contacts
What Are Brownfields?
What are Brownfields?

- Redevelopment tool that results in:
  - Economic development
  - Community development
  - Residential projects, and
  - Open-Space/ Green-Space projects

  and

  - Reduction of public health and environmental hazards
  - Removal of stigma
  - Promoting effective use of community resources
What Are Brownfields?

- Brownfield site means real property, the expansion, redevelopment or reuse of which may be complicated by actual or perceived environmental contamination. 376.79(3) F.A.C.
What Are Brownfields?

- **Brownfield area** means a contiguous area of one or more brownfield sites, some of which may not be contaminated, and which has been designated by a local government by resolution. Such areas may include all or portions of community redevelopment areas, enterprise zones, empowerment zones, other such designated economically deprive communities and areas, and Environmental Protection Agency-designated brownfield pilot projects. 376.79(4) F.A.C.
Florida’s Brownfields Process
Florida Brownfields Process

- Initiated by local government or PRFBSR - DEP not involved
- Statutory Requirements
- Makes some benefits available
Brownfield Area Designation

by Local Government

Local government must consider whether the Brownfield area:

- Warrants economic development
- Is reasonably focused, not overly large
- Has potential interest to the private sector
- Is suitable for recreation or preservation
Brownfield Area Designation

Requested by Individual

- Local government shall designate if:
  - Owner/controller agrees to site rehabilitation
  - 5 new permanent jobs will be created
  - Redevelopment consistent with comp plan
  - Designation is properly noticed
  - Reasonable assurance of financial viability
Florida Brownfields Process

- Person Responsible for Brownfield Site Rehabilitation (PRFBSR)
- May occur before or after designation of area
Florida Brownfields Process

- **Brownfield Site Rehabilitation Agreement (BSRA)**
- Voluntary
- Negotiable
- Eligible for voluntary cleanup tax credit
- Model agreement available online
BSRA Elements

- Model agreement
  - Provides terms and responsibilities
  - Negotiable

- Attachments
  - A – Maps and legal descriptions of area and site
  - B – Brownfield Site Rehabilitation Schedule
  - C – Site Access Agreement
  - D – Certification of Redevelopment Agreement
  - E – Contractor Certification and Insurance
  - F – Quality Assurance Certificate
  - G – Advisory Committee Members
  - H – Format for submittal of Technical Documents
Florida Brownfields Process

BROWNFIELD AREA DESIGNATION
By Local Government

IDENTIFICATION OF PRFBSR

EXECUTION OF BSRA
By FDEP and PRBSR

IMPLEMENTATION OF BSRA
By PRFBSR

- Conduct site rehabilitation
- According to:
  - Chapter 62-785
  - Schedule in BSRA
Florida Brownfields Process

BROWNFIELD AREA DESIGNATION
By Local Government

IDENTIFICATION OF PRFBSR

EXECUTION OF BSRA
By FDEP and PRBSR

IMPLEMENTATION OF BSRA
By PRFBSR

Site Rehabilitation Completion Order (SRCO)
Brownfields Program Benefits
Brownfields Program Benefits

- Brownfield Area
  - Economic Incentives
  - Loan Guaranties
  - Contact Enterprise Florida early in process
Brownfield Area Economic Incentives

- **Bonus Refund for Job Creation**
  - up to $2,500 per job

- **Loan Guarantee Program**
  - 50% loan guarantee on site rehabilitation and development
  - 75% for affordable housing/health care providers

- **Sales/Use Tax Exemption on Building Materials for Affordable Housing Projects**
  
  Applicable to any property within a designated brownfield area provided eligibility criteria for each incentive are met
Brownfields Program Benefits

- Brownfield Sites (*executed BSRA*)
  - All benefits of Brownfield area
  - Dedicated staff – expedited technical review
  - Liability Protection
  - Voluntary cleanup tax credits
  - Memorandum of Understanding with EPA
BSRA Liability Protections

- Owners and Redevelopers (PRFBSRs)
  - Relief from further liability for site rehabilitation Section 376.82(2)(a), F.S.
  - Does not limit third party rights for damages Section 376.82(2)(b), F.S.
  - Available if BSRA terms met

- Lenders
  - Serving in fiduciary capacity - loan
  - Did not
    - Cause/contribute to contamination
    - Control/manage site rehabilitation
  - Economic incentives do not apply during the lender’s ownership

- Government, non-profit, charitable organizations
### Voluntary Cleanup Tax Credits

<table>
<thead>
<tr>
<th>Tax Credit Type</th>
<th>Application Frequency</th>
<th>Maximum Credit for Costs Incurred after 06/30/06</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Rehabilitation</td>
<td>Annually</td>
<td>50% $500,000</td>
</tr>
<tr>
<td>No Further Action Bonus (i.e., SRCO)</td>
<td>Once</td>
<td>25% $500,000</td>
</tr>
<tr>
<td>Affordable Housing Bonus</td>
<td>Once</td>
<td>25% $500,000</td>
</tr>
<tr>
<td>Health Care Facility Bonus</td>
<td>Once</td>
<td>25% $500,000</td>
</tr>
<tr>
<td>Solid Waste</td>
<td>Once</td>
<td>50% $500,000</td>
</tr>
</tbody>
</table>
Voluntary Cleanup Tax Credits

- Credits on Florida corporate income tax
- May be transferred once
- $2 million annual cap
  - If exhausted, first priority in next year's allocation
- Credits awarded for eligible work
  - Site rehabilitation
  - Solid waste removal, transport and disposal
- Bonus credits awarded for site rehabilitation only
  - SRCO
  - Affordable housing
Other Brownfields
Opportunities and Tools
SRP Grant

State and Tribal Response Grant
- EPA funding
- Administered by FDEP

Independent of the Florida Brownfields Program

Grant of services, performed by FDEP contractors
- Up to $200,000 for assessment tasks
- Up to $200,000 for remediation tasks (source removal)

Eligibility considerations
- Meet federal definition of brownfield
- Applicant did not cause or contribute to contamination
- No viable responsible party
- Project provides public benefit
- Applicant has willingness and ability to complete project
Brownfields Geoviewer

Map Focus: Brownfields

Welcome
- Add to Favorites (Internet Explorer)
- Welcome to the Division of Waste Management's Brownfields web mapping site.

Help
* Disclaimer
* What's New
* Map Viewer Quick Start
* Map Viewer Tutorial
* Map Viewer Help
* System Recommendations
* Growth Issues / Troubleshooting
* For MapDirect Users
* Feedback and Comments
* Help Desk

Links
* FDEP Brownfields Website
* Florida Brownfields: Introduction
* Florida Brownfields: Instructional Aids
* Brownfields Economic Incentives
* Florida Front Porch Communities
* Federal EPA: Envirnmonitor
* Brownfields
* Federal EPA: Pilots

Notes
- Florida Department of Environmental Protection
- [CA 4.3.10.0] Helpdesk: (850) 245-7555
- Active Tool: Zoom In
- Scale = 1
- Map center 434.777, 407.966

Selection Results
This frame is used to display results for the current selection set. The selected features will be highlighted on the map image. There is currently no selection set. Use the controls in the Find Tab to select features using focused input forms. Use the Select map tool from the toolbar to manually select features using the mouse.
Disclaimer: This map is intended for display purposes only. It was created using data from different sources collected at different scales, with different levels of accuracy, and/or covering different periods of time.
Current Status of Program
as of August 2009

- Statewide –
  - 230 Brownfield Designation Areas
    - >174,000 acres
  - 130 executed BSRAS (BF Sites)
    - >3267 acres
  - 24 Site Rehabilitation Completion Orders (SRCOs)

- Central District –
  - 44 Brownfield Designation Areas
    - >13,000 acres
  - 18 executed BSRAS (BF Sites)
    - >110 acres
  - 4 SRCOs
Integrating the Federal and State Programs
Common Questions and Misconceptions

- Do I need a State Brownfield Area Designation before I implement my EPA grant?
  - No
  - Participation in the state brownfields program is not a requirement if you have an EPA grant
  - However, you still must comply with state rules
If working with EPA on assessment or cleanup, I don’t need to involve DEP, right?

- In most cases this is not true.
  - Exceptions would be Phase I and maybe Phase II projects
- If you are conducting assessment and cleanup in Florida, you are obligated to comply with state rules.
- You may choose
  - Brownfields – 62-785
  - Another appropriate cleanup rule
- EPA cannot provide you with a no further action order.
Common Questions and Misconceptions

- Can the state and federal brownfields programs be used together?
  - Yes
  - Example sites
    - Tallahassee Residence Inn – Complete
    - Clearwater Auto – In progress
    - Danville project – Just starting
Success Stories
City View
(Bank of America/City of Orlando)

Challenges
- Parramore Area of Orlando
  - CRA
  - Enterprise Zone
  - Brownfields Area
- Corner Gas Station
- Underground Storage Tank Removal
- Groundwater Contamination
- Excavation of Petroleum Contamination
City View
(Bank of America/City of Orlando)

Tools
- $900,000 Building Materials Tax Refund
- Florida Brownfield Program Support
- Brownfields Liability Protection
- Brownfields Job Bonus Refund
City View
(Bank of America/City of Orlando)

Results

- $64-Million Investment
- Mixed-Use / Mixed-Income Project
- 266 Apartments
  - 40% Affordable
  - 60% Market Rate
- 200,000 sf Office
- 25,000 sf Ground Floor Retail
- Hughes Supply Corporate Headquarters
Former Whites Meats Plant - Ocala

- **Historical Use**
  - Meat Packing/ Cold Storage Plant

- **Contaminants**
  - Petroleum soil impacts

- **Status**
  - Plant demolished
  - Soil remediated
  - SRCO issued 2006
  - Taylor Bean & Whittaker Corporate HQ
  - Opened Fall 2007
Lowes - Fern Park

- **Historical Use**
  - Kmart – oil change facility

- **Contaminants**
  - Petroleum soil and groundwater impacts

- **Status**
  - USTs/ Hydraulic Lifts removed
  - Soil remediated
  - SRCO issued 3/2008
  - Lowes opened 2007
  - $225,000 for job creation
Baratta ROCC, Apopka

- 2596 Clark Street
- Historical use:
  - Empty lot for over 20 years
  - Storage for Used Tires
- Contaminants
  - 88,000 buried tires
  - No groundwater contamination
- Status
  - Tires removed and disposed
  - SRCO issued May 2008
  - Collected SW Incentive
  - In 2002, the property valued at $210,000. The current value is $1,560,000.
Matt’s Casbah Restaurant

- 801 New Haven Ave, Melbourne
- Historical Use
  - Former Gas station
- Contaminants
  - Petroleum
- Status
  - Nine Aboveground and Underground Storage Tanks Removed
  - No soil or groundwater contamination present
  - SRCO issued 12/18/08
  - VCTC awarded - $36,312.54
Information and Contacts
Visit Us on the Web

- Brownfields
  - http://www.dep.state.fl.us/waste/categories/brownfields/default.htm

- VCTC
  - http://www.dep.state.fl.us/waste/categories/vctc/default.htm

- Rule Development
  - http://www.dep.state.fl.us/waste/categories/wc/pages/WCRuleDevelopment.htm
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