



FLORIDA'S BROWNFIELDS REDEVELOPMENT PROGRAM

Presented by
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Central District Brownfields Coordinator
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



Former
Robbins
Manufacturing
Facility



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

**BROWNFIELD AREA
DESIGNATION**
By Local Government

- 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

**BROWNFIELD AREA
DESIGNATION**
By Local Government



**IDENTIFICATION OF
PRFBSR**

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



Florida Brownfields Process

**BROWNFIELD AREA
DESIGNATION**
By Local Government



**IDENTIFICATION OF
PRFBSR**



EXECUTION OF BSRA
By FDEP and PRBSR

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



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 PRFBSR

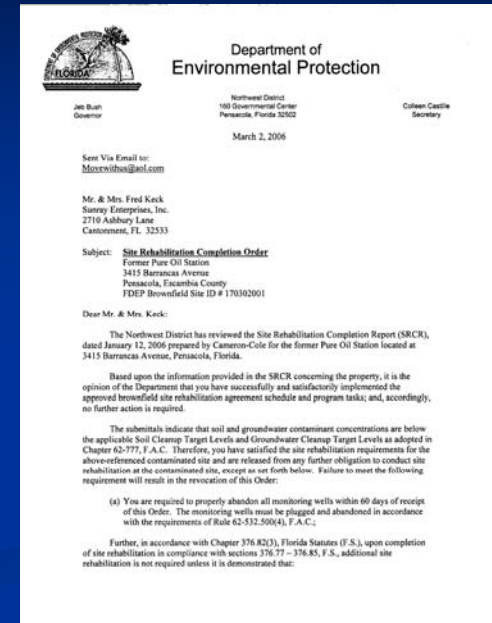
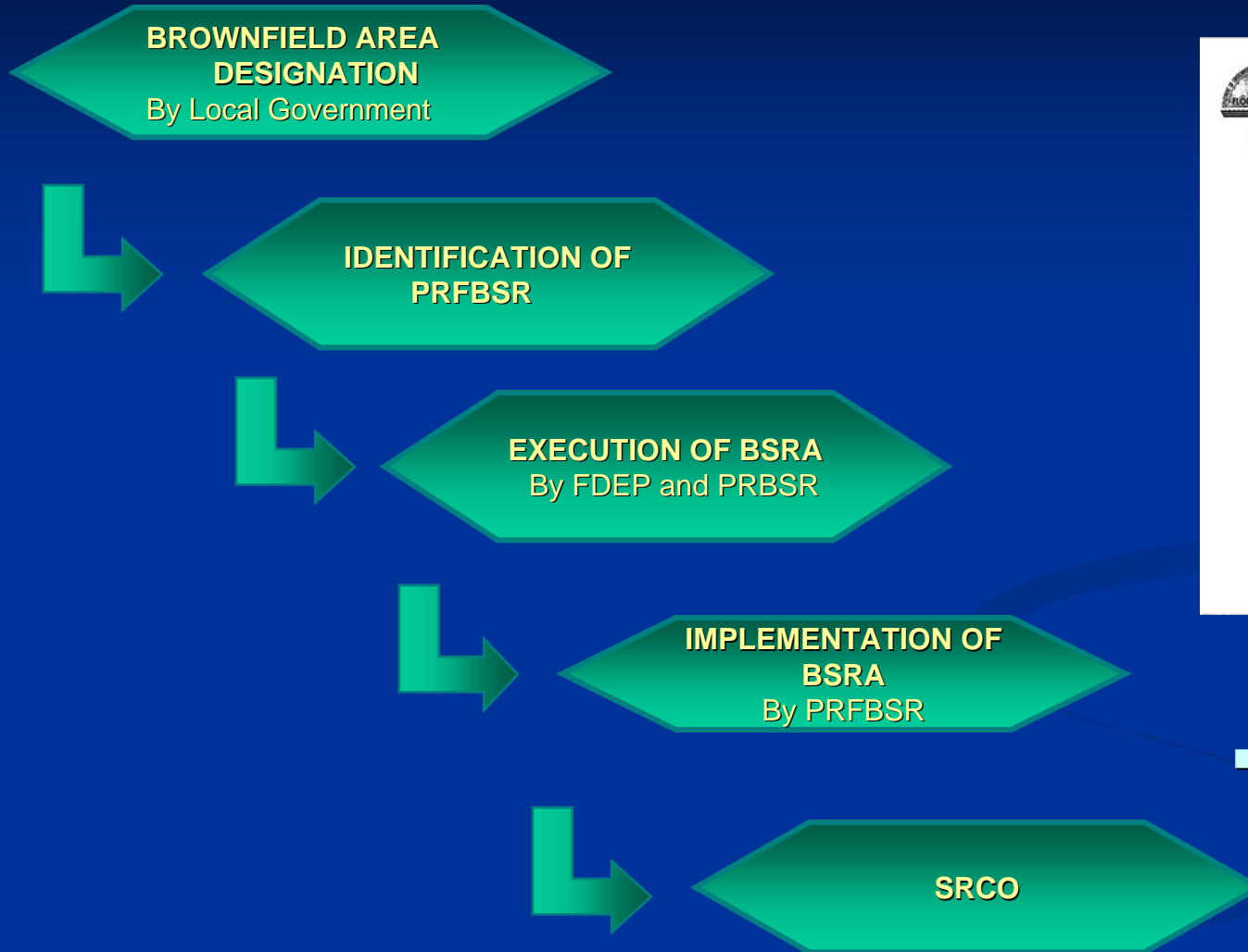


**IMPLEMENTATION OF
BSRA**
By PRFBSR

- Conduct site rehabilitation
- According to:
 - ◆ Chapter 62-785
 - ◆ Schedule in BSRA



Florida Brownfields Process



■ 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
 - ◆ Regulatory Framework for Cleanup (Rules 62-785 and 62-777, F.A.C.)
 - ◆ 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

Tax Credit Type	Application Frequency	Maximum Credit for Costs Incurred after 06/30/06	
Site Rehabilitation	Annually	50%	\$500,000
No Further Action Bonus (i.e., SRCO)	Once	25%	\$500,000
Affordable Housing Bonus	Once	25%	\$500,000
Health Care Facility Bonus	Once	25%	\$500,000
Solid Waste	Once	50%	\$500,000



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

FDEP Consolidated Web Mapping Application (CA/MapDirect) - Microsoft Internet Explorer

FDEP Consolidated Web Mapping Application (CA/MapDirect) [DEP Home](#) | [About DEP](#) | [Programs](#) | [Contact](#) | [Site Map](#)

Map Focus: Brownfields

Welcome

Change Map Focus ?
Brownfields

Welcome

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

Find

Help

- » [Disclaimer](#)
- » [What's New](#)
- » [Map Viewer Quick Start](#)
- » [Map Viewer Tutorial](#)
- » [Map Viewer Help](#)
- » [System Recommendations](#)
- » [Known Issues / Troubleshooting](#)
- » [For MapDirect Users](#)
- » [Feedback and Comments](#)
- » [Help Desk](#)

Zoom



Layers

Tools

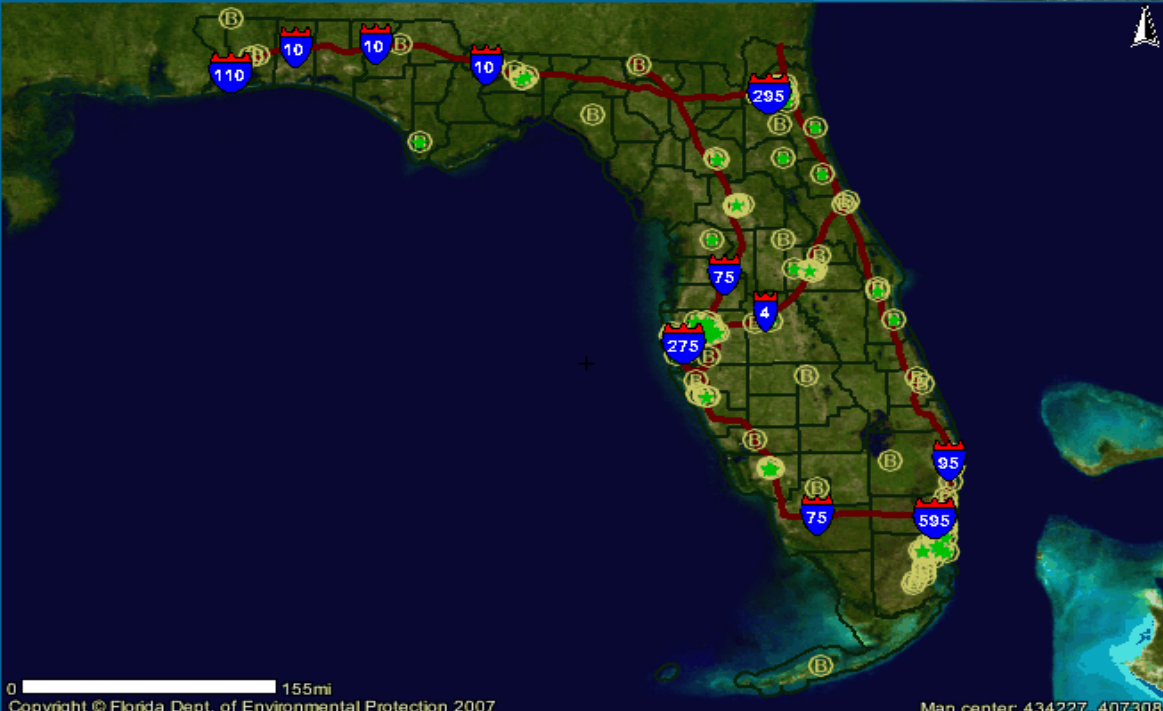
Links

- » [FDEP Brownfields Website](#)
- » [Florida Brownfields Introduction](#)
- » [Florida Brownfields Instructional Aids](#)
- » [Brownfields Economic Incentives](#)
- » [Florida Front Porch Communities](#)
- » [Federal EPA Enviromapper Brownfields](#)
- » [Federal EPA Pilots](#)

Notes

 *Department of Environmental Protection* 

[CA 4.3.10.0] [Helpdesk: \(850\) 245-7555](#)



0 155mi
Copyright © Florida Dept. of Environmental Protection 2007
Map center: 434227, 407308

Active Tool: **Zoom In** Scale = 1: 6,551,961

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.

Done Local intranet

Map Focus: Brownfields

Welcome

Change Find Tools ?
Brownfields

Find

Find Brownfields by City ?
ORLANDO
Find

Zoom

Find Brownfields by County ?
Select County
Find

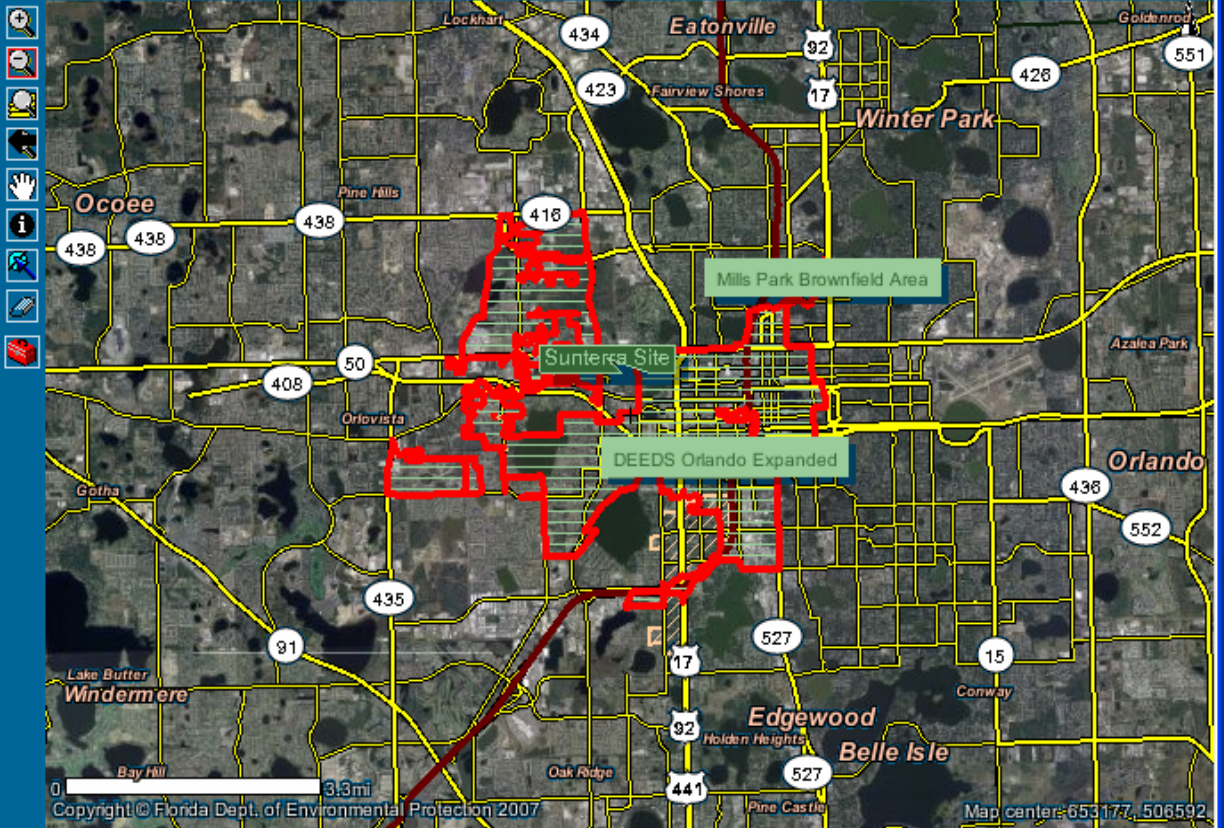
Layers

Find Brownfields by Area Id ?
Select Brownfields by Area Id
Find

Tools

Find Brownfields by Area Name ?
Select Brownfields by Area Name
Find

Find Brownfields with BSRAs by City ?
Select City
Find

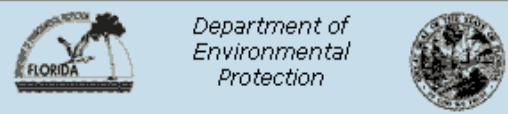


Active Tool: [Zoom Out](#) Scale = 1: 139,750

Selection Results

5 feature(s) found from: [Brownfields \(areas\)](#)

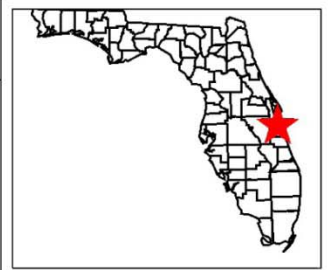
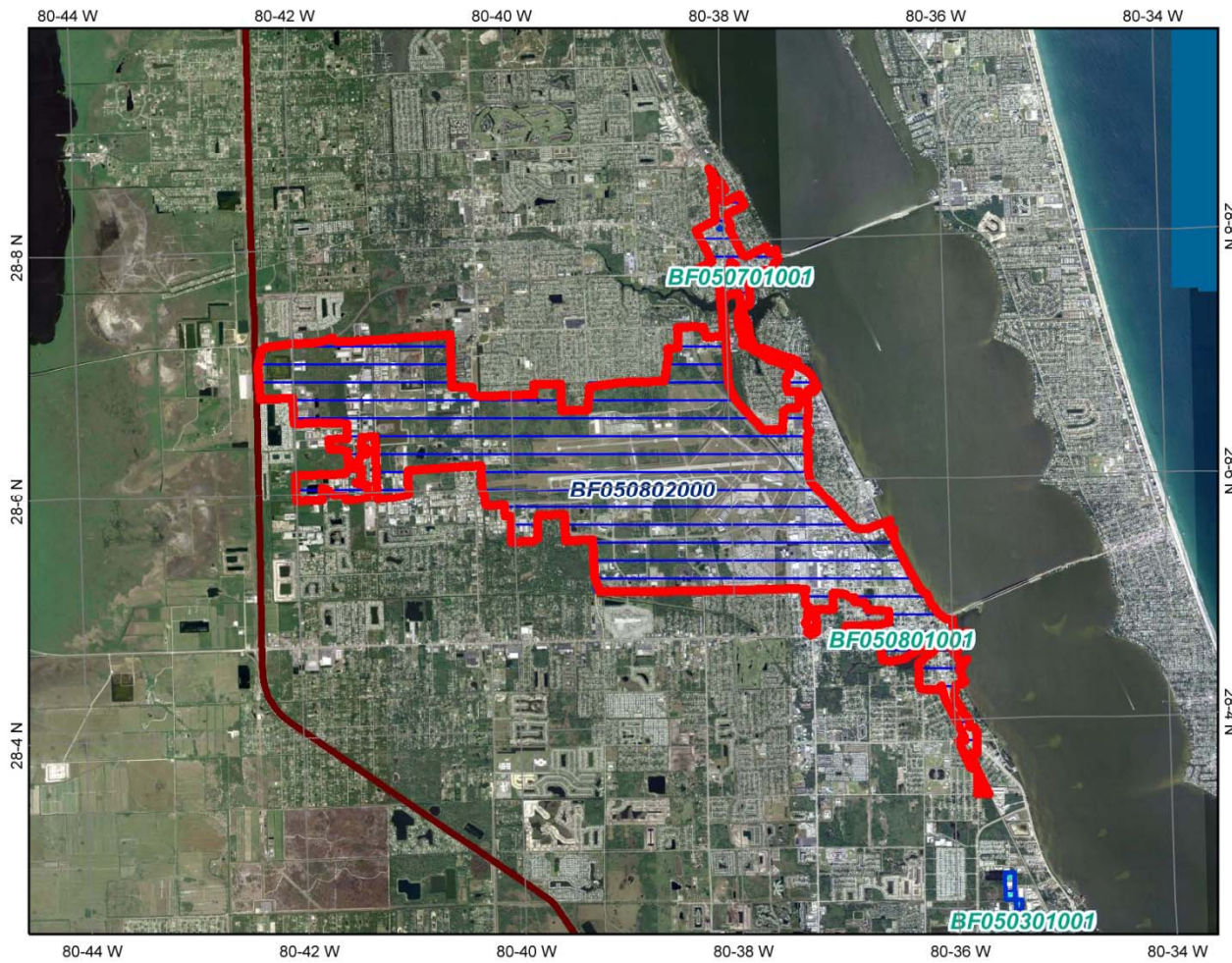
Rec#	Links	Area Id	Area Name	City	County	Acreage	FDEP D
1		BF480202000	DEEDS Orlando	Orlando	Orange	21	Central
2		BF480601000	Hughes Supply Mega Center Brownfield Area	Orlando	Orange	73	Central



[CA 4.3.10.0] [Helpdesk](#): (850) 245-7555



MEED area



Legend

- Brownfield Areas
- Brownfield Sites with BSRAs
- Interstates (no labels)
- Counties (generalized)



Scale: 1:96,621

[Florida Department of Environmental Protection] 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.

Notes: Map produced on Thu Aug 20 09:28:07 EDT 2009

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



Common Questions and Misconceptions

- 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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