

# Florida Department of Environmental Protection



Division of Waste Management

## FLORIDA'S BROWNFIELDS REDEVELOPMENT PROGRAM Brownfields 101

Presented to:

3<sup>rd</sup> Annual Northwest Florida Brownfield  
Redevelopment Forum

Callaway, Florida





# What Are Brownfields?

- **Brownfield site** *means real property, the expansion, redevelopment or reuse of which may be complicated by **actual or perceived** environmental contamination.* Section 376.79(3) Florida Statutes



# 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. Section 376.79(4) Florida Statutes



# 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



IKEA,  
Tampa





**Who are the “Brownfields” people at DEP  
and how are they organized?**



# DEP Brownfields Contacts

## Brownfields Program Manager

Kim Walker 850.245.8934

[Kim.Walker@dep.state.fl.us](mailto:Kim.Walker@dep.state.fl.us)

## Voluntary Cleanup Tax Credit Program Manager

To be determined 850.245.????

[???,???@dep.state.fl.us](mailto:???,???@dep.state.fl.us)

## DEP DISTRICT BROWNFIELD COORDINATORS

Northwest District, Pensacola

Sally Cooley 850.595.0558

[Sally.Cooley@dep.state.fl.us](mailto:Sally.Cooley@dep.state.fl.us)

South District, Ft. Myers

Charles Masella 239.344.5667

[Charles.Masella@dep.state.fl.us](mailto:Charles.Masella@dep.state.fl.us)

Northeast District, Jacksonville

Darrin McKeehen 904.256.1545

[Darrin.McKeehen@dep.state.fl.us](mailto:Darrin.McKeehen@dep.state.fl.us)

Southwest District, Tampa

Stephanie Mills 813.470.5763

[Stephanie.Mills@dep.state.fl.us](mailto:Stephanie.Mills@dep.state.fl.us)

Central District, Orlando

George Houston 407.897.4322

[George.Houston@dep.state.fl.us](mailto:George.Houston@dep.state.fl.us)

Southeast District, West Palm Beach

Art Torvela 561.681.6676

[Art.Torvela@dep.state.fl.us](mailto:Art.Torvela@dep.state.fl.us)



**Who are the “Brownfields”  
people outside of DEP that  
might help me?**



# Other Important Brownfields Contacts

## JOB BONUS REFUND

Enterprise Florida, Inc.  
Heather Squires 407.956.5696  
[hsquires@eflorida.com](mailto:hsquires@eflorida.com)

## LOAN GUARANTY

Department of Economic Opportunity  
Marianne Arbulu 850.717.8519  
[Marianne.Arbulu@deo.myflorida.com](mailto:Marianne.Arbulu@deo.myflorida.com)

## SALES TAX REFUND

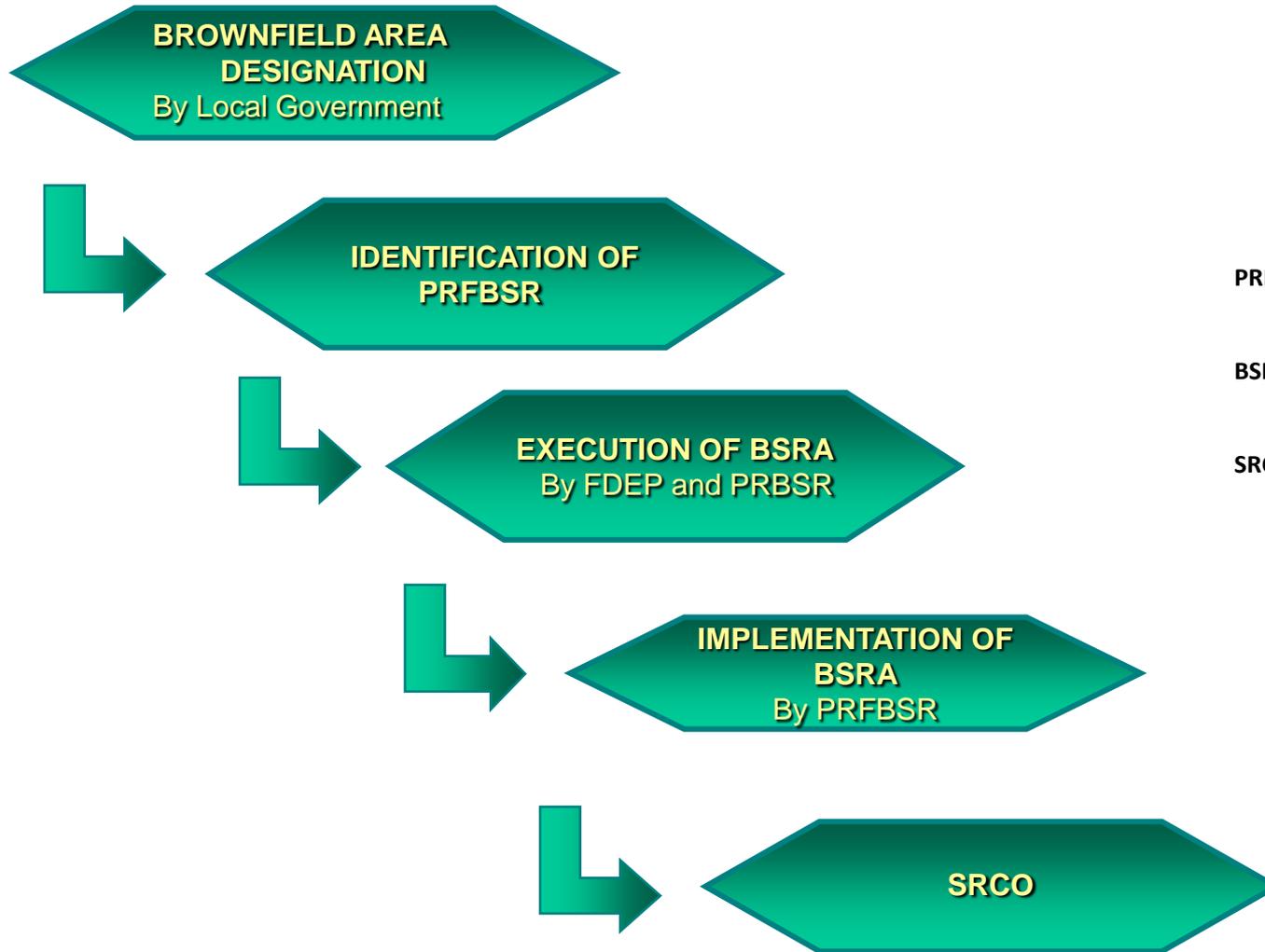
Department of Revenue  
Andrea Hunter 850.717.7773  
[HunterAN@dor.state.fl.us](mailto:HunterAN@dor.state.fl.us)



# What is Florida's Brownfields Process and When should I enter It?



# Florida Brownfields Process



## Acronym Key

- PRFBSR** Person responsible for brownfield site rehabilitation
- BSRA** Brownfield site rehabilitation agreement
- SRCO** Site rehabilitation completion order



# 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



# **What are the Differences Between the State and Federal Brownfields Programs?**



# State vs. Federal Program Comparison

- Florida Brownfields – Incentive based
  - Can be used with EPA grant
  - Available to public sector and private sector
  - Incentives encourage reuse and redevelopment
- EPA Brownfields – Grant based
  - Subject to state cleanup rules
  - Don't need to participate in state program
  - Funding amount emphasizes leveraging



# Why participate in the Florida Brownfields Program?



# Brownfield Area Economic Incentives

- Bonus refund for job creation
  - up to \$2,500 per job
- Sales/use tax exemption on building materials for affordable housing projects

**Effective July 1, 2013 – Development must have a executed BSRA or abut a property with an executed BSRA**

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

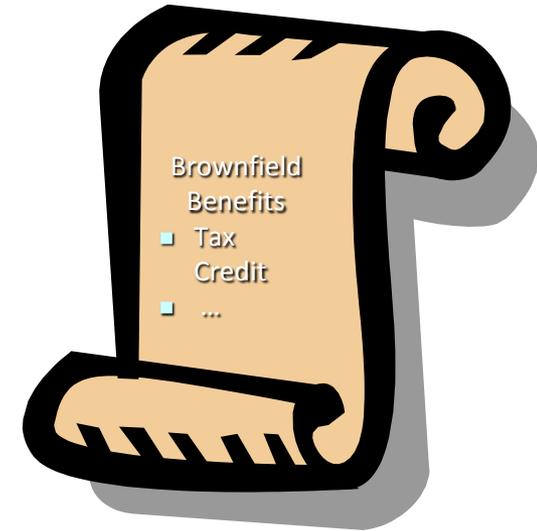
*Applicable to any property within a designated brownfield area provided eligibility criteria for each incentive are met*





# Brownfields Program Benefits

- Brownfield Sites (executed BSRA)
  - All benefits of Brownfield area
  - Regulatory Framework for Cleanup (Rules 62-780 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 and property damage Section 376.82(2)(a), F.S.
  - Does not limit third party rights for personal injury 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	
		Percentage	Maximum Amount
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
- \$5 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





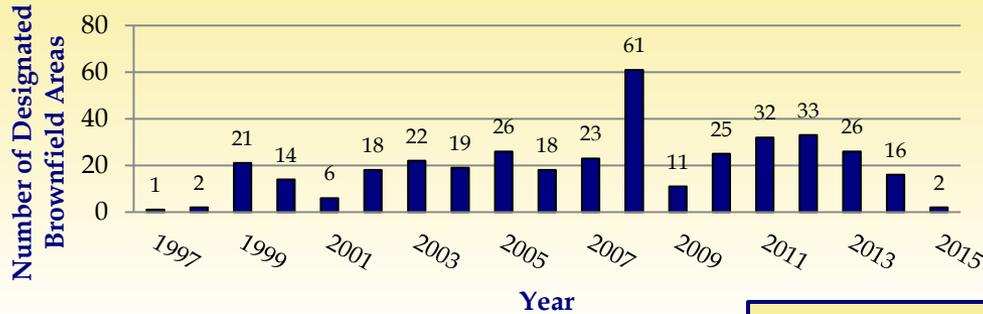
# Current Status



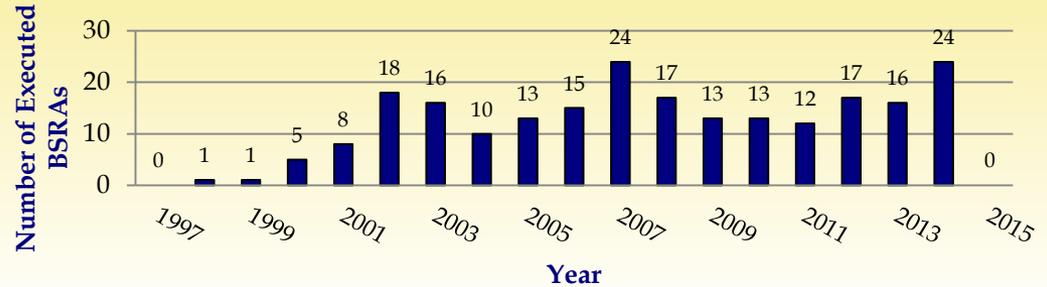
# Current Status of Program

as of March 2015

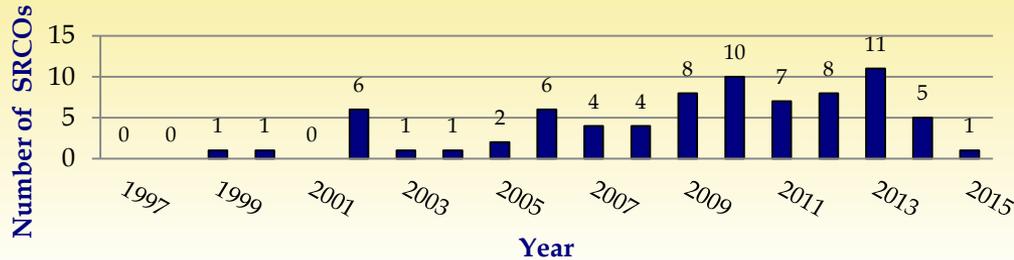
### Designated Brownfield Areas Per Year



### Executed BSRAs Per Year



### SRCOs Per Year





# Current Status of Program

<b>Table 1</b>					
<b>Brownfields Redevelopment Bonus Refund</b>					
<b>Period</b>	<b>New Direct Jobs Projected</b>	<b>Indirect Jobs Projected</b>	<b>Investment Projected</b>	<b>Confirmed Net New Direct Jobs</b>	<b>Investment Confirmed to Date</b>
January 1, 2013 - December 31, 2013 <sup>1</sup>	2,496	7,257	\$194,593,470		
January 1, 2014 - June 30, 2014	280	423	\$11,562,995		
1997 - June 30, 2014	25,561	39,616	\$2,734,956,248		
1997 - December 31, 2012				10,413**	\$125,602,189
1997 - June 2013 <sup>2</sup>	24,081	34,295	\$2,596,333,783		

\*\*Applicants for the Brownfield Redevelopment Bonus Refund submit their requests in January following the year the jobs were created. Applications for 2013 jobs were received in January 2014 and are currently being evaluated and confirmed. Therefore, the most recent confirmed jobs data is for the period ending December 31, 2012.

<sup>1</sup> The status of two projects was updated and a project's certification was revised, which increased the new jobs projected, indirect jobs created and projected investment.

<sup>2</sup> This is a revision to last year's Brownfield Report. The number provided last year did not include the full data set. The information has been updated to reflect both EDIS and Salesforce data.



# Other Brownfields Resources

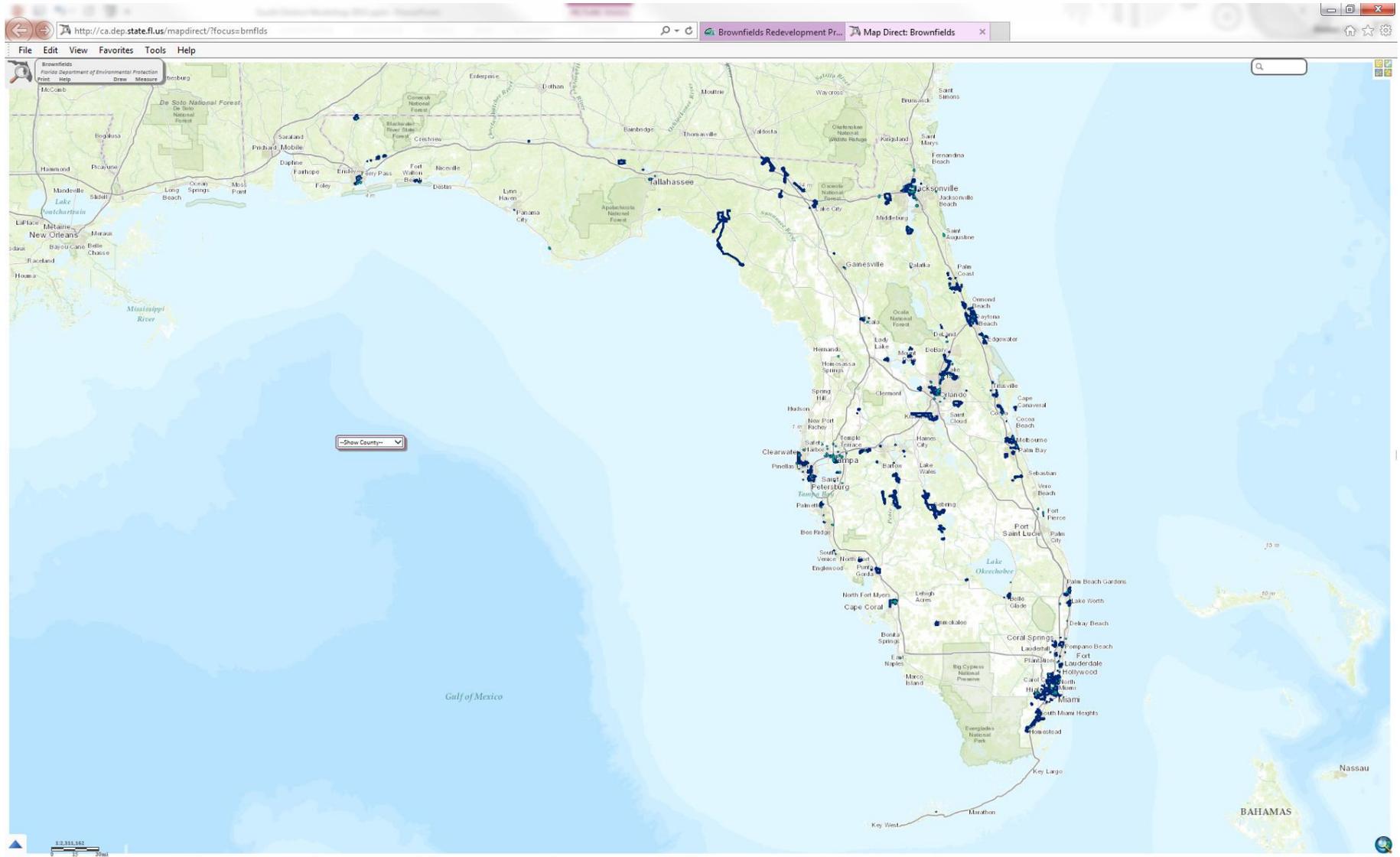


# State and Tribal Response Grant

- State and Tribal Response (SRP) Grant
  - EPA funding
  - Administered by DEP
- Independent of the Florida Brownfields Program
- Grant of services, performed by DEP 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





# Brownfields Geoviewer

The screenshot displays the 'Brownfields Geoviewer' web application. The browser address bar shows the URL: <http://ce.dep.state.fl.us/mapdirect/?focus=brnfd>. The application interface includes a menu bar (File, Edit, View, Favorites, Tools, Help) and a toolbar with icons for navigation and map manipulation. The main map area shows a street grid in Panama City, Florida, with labels for streets such as W-13th St, W-12th St, W-11th St, W-10th St, W-9th St, W-8th St, W-7th St, W-6th St, W-5th St, W-4th St, W-3rd St, W-2nd St, W-1st St, E-14th St, E-13th St, E-12th St, E-11th St, E-10th St, E-9th St, E-8th St, E-7th St, E-6th St, E-5th St, E-4th St, E-3rd St, E-2nd St, E-1st St, and E-Cove Ln. Key landmarks include Bay County Government Center, Bay High School, Bay Memorial Park, Johnson Bayou, Watson Bayou, and Lake Clair. A search box in the top right corner contains the coordinates: `30.38582914 x -86.24583740` and `30°23'8.9849" x -86°14'45.0146"`. Below the search box, it indicates 'No Search Results.' and provides a 'List of Results' button. A scale bar at the bottom right shows a scale of 1:18,055, with markers for 0, 0.15, and 0.3 miles. The map also features a 'Callow' button and a 'Show County' dropdown menu.



# State and Federal Programs – Things to Know



# 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 I am 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
  - 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 – Complete
    - Dansville project – In progress
    - Tallahassee Gaines Street Corridor Projects – In progress



# Where are the Brownfield Success Stories?



# Former St. Joe Paper Mill

- Historical use:
  - Paper mill since 1934
- Contaminants
  - Metals, PAHs, PCBs, solvents
  - Soils
  - Groundwater contamination in one well
- Status
  - Facility razed
  - 80% of site meets residential criteria
  - Remainder meets industrial
  - Soil caps in four locations
  - Planned mixed use
  - SRCO timing based on business deal





# Residence Inn, Tallahassee

- Historical use
  - Warehouse
  - Petroleum storage
- Contaminants
  - Arsenic, petroleum, dioxin
- Brownfield activity
  - TBA grant for dioxin removal
  - BSRA for remaining rehabilitation
- Community benefits
  - Previous property value \$588,166
  - Current property value \$10,139,737
  - 32 full time and 9 part-time jobs
  - Key redevelopment for the Gaines Street revitalization effort





# Baratta ROCC, Apopka



- Historical use
  - Empty lot for over 20 years
  - Storage for Used Tires
- Contaminants/concerns
  - 88,000 buried tires
  - No groundwater contamination
- Brownfield activity
  - Tires removed and disposed
  - SRCO issued May 2008
  - Collected solid waste incentive
- Status
  - 2002 property value \$210,000
  - Construction of 22,000 sq. ft. flex warehousing space
  - Current value \$1,560,000



# Matt's Casbah, Melbourne



- Historical use
  - Service station
- Contaminants/concerns
  - Petroleum contamination
- Brownfields activity
  - Removal of 9 tanks
  - SRCO December 2008
- Status
  - Transformed into a must-eat dining destination
  - Catalyst for revitalization of downtown Melbourne



# IKEA, Tampa

- Historical use
  - Cannery
- Contaminants
  - Arsenic, petroleum, PAHs
- Brownfield activity
  - BSRA December 2007
  - Assessment and removal
  - Conditional SRCO June 2009
- Community benefits
  - 2009 taxable value \$4.5M
  - 2010 taxable value \$15M
  - 500 construction jobs
  - 400 new, in-store jobs
  - Key project for Ybor City and Adamo corridor revitalization effort





# Willa Carson Health Resource Center

- Historical Use/challenges
  - Abandoned gas station
  - Low income/minority community
  - Drugs/crime location
- Tools
  - Brownfields assessment grant
  - Community Development Block grant
  - Florida Tobacco settlement funds
- Results
  - Created health facility in underserved community
  - National model for brownfields to healthcare
  - Stimulated additional redevelopment in area





# 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>