



# Florida Department of Environmental Protection

## Division of Waste Management

# FLORIDA'S BROWNFIELDS REDEVELOPMENT PROGRAM

## Brownfields 101





# 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

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



# Other Important Brownfields Contacts

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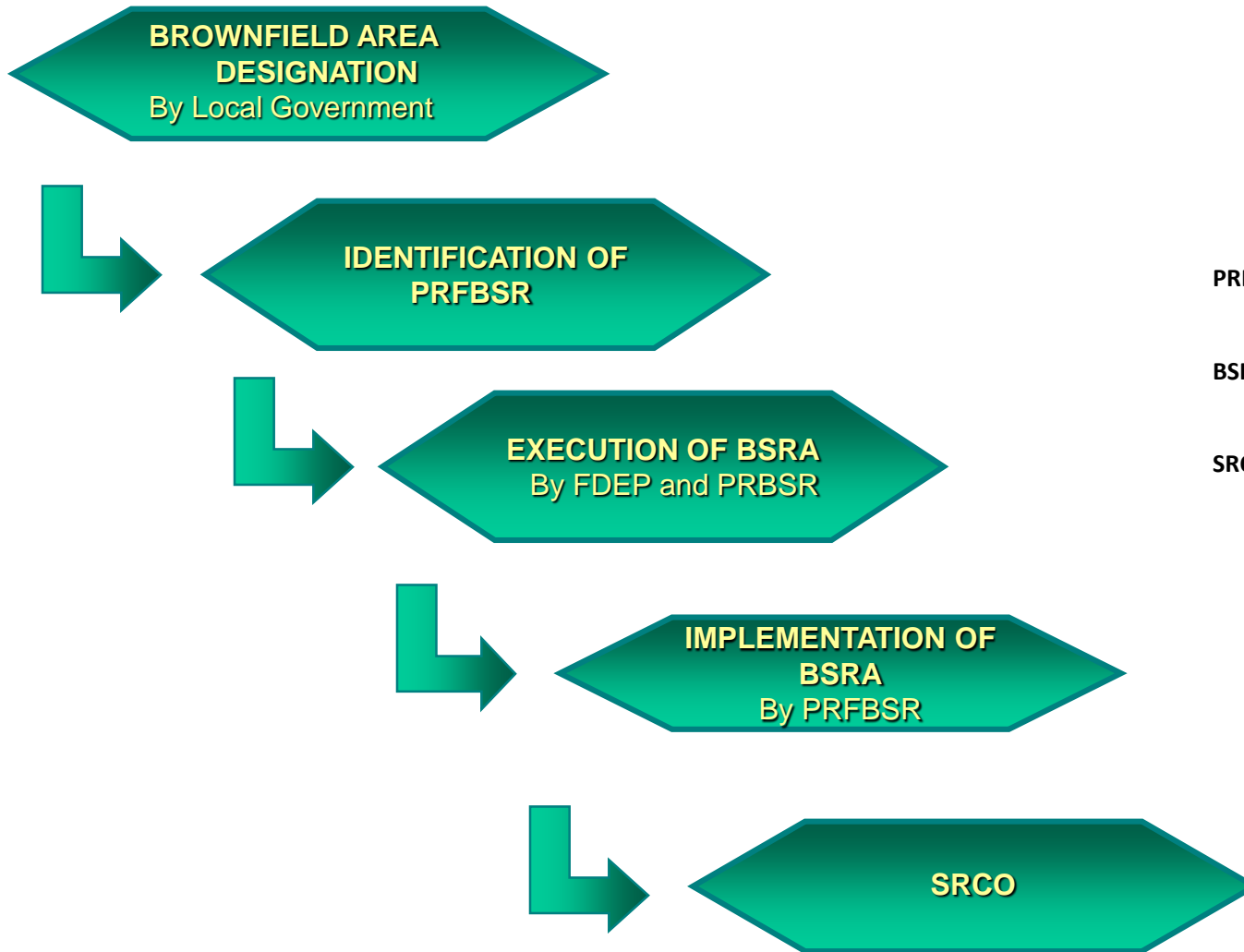




# What is Florida's Brownfields Process and When should I enter It?



# 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



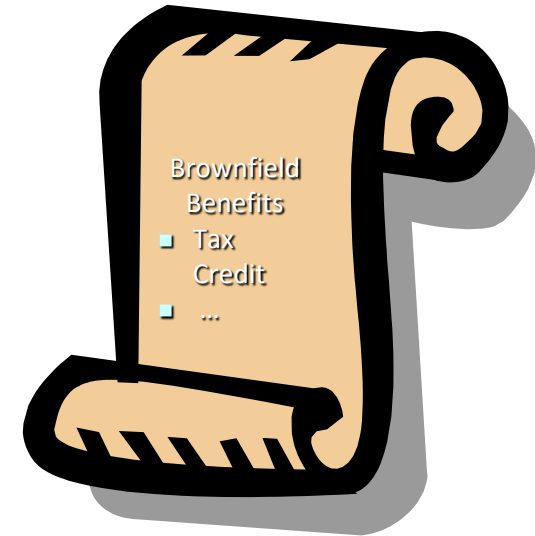
*Applicable to any property within a designated brownfield area provided eligibility criteria for each incentive are met*





# 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



# 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



# 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?



# 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





# Hampton Inn, Bradenton

- Historical use
  - 1920s hotel
  - Retirement housing
- Contaminants
  - Petroleum related
- Brownfield activity
  - BSRA December 2011
  - Assessment and removal
  - Conditional SRCO January 2014
- Community benefits
  - Reuse of foreclosed building in the heart of downtown
  - \$21 million renovation
  - Reopened as Hampton Inn
  - Projected \$2.5 million in economic impact the first year
  - Estimated \$500,00 in sales tax
  - Positive impact on nearby property values





# Imaginarium, Ft. Myers



- Historical use
  - Coal gasification plant
- Contaminants
  - Petroleum constituents
- Brownfield activity
  - Contaminated soil removal
  - Groundwater treatment
  - Conditional SRCO 2011
- Community benefits
  - State of the art hands-on museum
  - Adaptive re-use of old plant structures
  - Multi-purpose civic campus that will also house the emergency operations center
  - Collateral development resulting from these improvements



# Centro Asturiano, Tampa



- Historical use
  - Hospital
  - Abandoned in early 1990s
- Contaminants/concerns
  - Incinerated hospital waste
  - Petroleum contamination
  - Biohazards
  - Vagrants and vandalism
- Status
  - SRCO achieved
  - Redevelopment project
    - Affordable housing
    - Assisted living



# Jacksonville Raceway

- Historical use
  - Motorsports facility
- Contaminants
  - Arsenic, BaPs, and PCBs in soil
  - No groundwater contamination
- Brownfield activity
  - Developer executed BSRA in 2008
  - Assessment and source removal were conducted
    - 1,176 tons concrete and debris
    - 52,500 tires
    - 52,448 tons of soil
  - SRCO in September 2010
- Status
  - Property ready for reuse
  - At build out planned development will:
    - Create 1,495 jobs
    - Generate \$520,000/yr in property taxes







# Steel House Apartments, Orlando

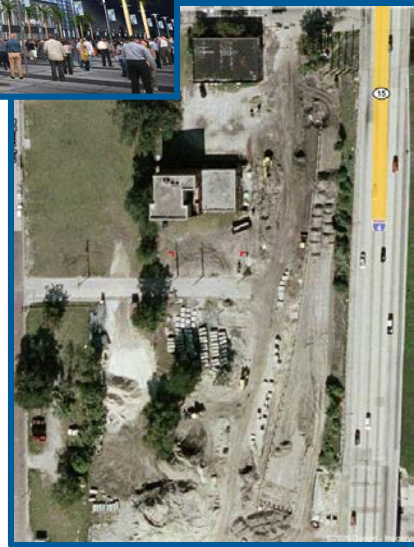


- Historical Use
  - Former Gas Station
- Contaminants/Concerns
  - Petroleum
- Brownfield Activity
  - 407 tons of soil excavated
  - Groundwater monitoring ongoing
- Status
  - Construction of apartments complete
  - Apartments are being leased and occupied





# Amway Center, Orlando



- Historical Use/contaminants
  - Empty lot for over 20 years
  - Storage for used tires
  - Chlorinated solvents, petroleum
- Brownfield activity
  - Largest public/private partnership in Orlando history
  - BSRA signed 2007
  - Source area remediated, assessment /cleanup ongoing
- Status
  - Home of the Orlando Magic
  - Sustainable building design
  - \$380 million capital investment
  - 900 new jobs created



# 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>