Overcoming Obstacles to Redevelopment of Petroleum Brownfields and Other Vacant Properties

Panel Objectives

1. Present our project

2. Present our analytical approach for discussion

3. Present our observations about Florida’s program for discussion
Introduction to Project

“Overcoming Barriers to Redevelopment of Petroleum Brownfields and Other Vacant Properties”

1. Producing an overview of legal, institutional, and policy barriers to and solutions for redeveloping vacant properties including petroleum sites

2. Conducting in-depth analyses of state brownfield programs and resources

3. Educating critical state decision- and policy-makers on how they can adopt successful strategies to overcome barriers to redevelopment

Project Approach

- Identifying the legal, regulatory, policy, and institutional components of successful brownfields cleanup and redevelopment programs:
  - Reviewing government, academic, and NGO literature
  - Researching brownfields programs in selected states
  - Discussions with key stakeholders in selected states
  - Consultative workshops with stakeholders in selected states
Study States

- Selected because they provide **successful models** or have **significant corrective action backlogs**:
  - California (Los Angeles)
  - Colorado
  - Florida
  - Georgia
  - Massachusetts
  - Michigan
  - New Jersey
  - Ohio
  - Oregon
  - Pennsylvania
  - Washington
  - Wisconsin

Study Parameters

- Planning
- Information Management
- Legal Tools
- Resources (funding/technical assistance)
- Public Education/Attitudinal Change
- Institutional Structures & Procedures
Successful Approaches

Planning
- Including infill redevelopment in a strategic plan
  - Austintown, OH
- Coordination of brownfields programs with other infill redevelopment initiatives
- Designating brownfields for special focus via local governments
  - Florida
- Corridor redevelopment approach
  - Kansas City Green Zone
  - Tamiami Trail
- Proactively seeking federal grant money
- Institutional controls
- End-use planning

Information Management
- Creating and maintaining an inventory with site history and real property information
  - Pennsylvania
  - Connecticut
- Packaging site information to enable redevelopment of multiple sites at a time
Successful Approaches

**Legal Tools**

- Legal tools that allow the state to access federal resources
  - *Virginia DEQ*
- Petroleum sites addressed by brownfields legal tools
- Systems for holding properties until redevelopment market is ready
  - *Land Bank Legislation*
    - *Michigan’s Land Bank Enabling Legislation*
- Cost-Recovery Mechanisms:
  - *Oregon’s UST Cleanup program uses a voluntary cost recovery agreement which helps them leverage the use of prospective purchaser agreements*

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**Legal Tools (cont’d)**

- Appropriate foreclosure authority
  - *Michigan*
  - *Chicago, IL*
- Institutional controls
  - *Colorado*
- Liability protection accessible to all
  - *Ohio*
  - *Florida*
- Ensure environmental insurance coverage
  - *Regulate private companies to provide coverage*
    - *Connecticut’s new program*
  - *Ohio’s environmental insurance program*
Successful Approaches

**Resources (Financial & Technical)**

- Coordinating resources to support all stages of redevelopment at appropriate timescale
  - Including end-use planning
  - Including institutional control evaluation
- Providing resources to relevant players
  - CBO access to assessment funds regardless of ownership status
- Providing correct incentives for cleaning up and revitalizing
  - Aligned with the goals of those involved
- Disseminating information
  - Wisconsin
  - Florida

**Education and Outreach**

- Promoting the benefits of brownfields and infill redevelopment
- Recognizing successful brownfields cleanup and redevelopment
  - Phoenix Awards
  - Wisconsin (Petroleum Environmental Cleanup Fund Award)
**Successful Approaches**

**Institutional Structures and Procedures**

- Harmonizing disparate processes into a streamlined approach
  - New Jersey
  - Wisconsin
- Systems for holding remediated properties until redevelopment is financially feasible
  - Genesee County, Michigan
  - Atlanta, Georgia

**Institutional Structures and Procedures (Cont'd)**

- Evaluating project outcomes, and showcasing benefits to ensure sustainability
- Systematically involving communities at key stages and in making key decisions
- States and Cities working with CBOs/CDCs to enable them to carry out this work
Florida: Best Practices

- **Planning**
  - Florida Planning Toolbox and Front Porch Initiative
  - Florida brownfields area designation process
  - Corridor Approach: Tamiami Trail

- **Information Management**
  - Geoviewer/Oculus
  - Public database of ICs

- **Legal Tools**
  - Florida Brownfields Redevelopment Act
    - Process established and coordination required
    - BSRA Liability Protections
  - Institutional Controls
  - Flexibility

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Florida: Best Practices

- **Resources**
  - Economic Incentives
  - Funding Programs e.g. *LUST funds*
  - Technical Resources

- **Education and Outreach**
  - Information and education role of the DEP
  - Critical role of the FBA

- **Institutional Structure**
  - Devolves responsibility to local authorities
  - Includes petroleum sites
  - excellent working relationship between stakeholders
Florida: Room to Improve?

- **Planning**
  - No legal tools to truly prioritize urban infill or brownfields development as in Austintown, OH

- **Information Management**
  - Inventory
  - Project tracking: return on investments

- **Legal Tools**
  - Land Banking
    - Community Redevelopment Agencies
    - Could consider an approach like Michigan’s Land Bank Enabling Legislation
  - **What about brownfields that are not designated by local governments?**

Florida: Room to Improve?

- **Education and Outreach**
  - Increased education of local governments especially in rural areas
  - Increased community education
  - Show how funds are put back into the community -- benefits of redevelopment

- **Resources**
  - More incentives
    - Incentives for infill redevelopment generally
    - Raise limits and total funding for tax incentives for voluntary cleanups

- **Institutional Structures and Procedures**
  - Unify whole remediation and redevelopment process
  - Enhance involvement of community
Thank you...

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Questions?

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