

# Overcoming Obstacles to Redevelopment of Petroleum Brownfields and Other Vacant Properties

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## 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”***

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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

information management

legal tools

resources

education & outreach

institutional structures

### **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



## Successful Approaches

planning

information management

legal tools

resources

education & outreach

institutional structures

### **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

planning

information management

legal tools

resources

education & outreach

institutional structures

### 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*



## Successful Approaches

planning

information management

legal tools

resources

education & outreach

institutional structures

### 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

- planning
- information management
- legal tools
- resources
- education & outreach
- institutional structures

### **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*



## Successful Approaches

- planning
- information management
- legal tools
- resources
- education & outreach
- institutional structures

### **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

planning

information management

legal tools

resources

education & outreach

institutional structures

### ***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*



## Successful Approaches

planning

information management

legal tools

resources

education & outreach

institutional structures

### ***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
- information management
- legal tools
- resources
- education & outreach
- institutional structures

- **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



## Florida: Best Practices

- planning
- information management
- legal tools
- resources
- education & outreach
- institutional structures

- **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
- information management
- legal tools
- resources
- education & outreach
- institutional structures

- **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?

- planning
- information management
- legal tools
- resources
- education & outreach
- institutional structures

- **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



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## Questions?

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