

# Indiana Brownfields Program Financial and Legal Assistance

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Community Resources for Brownfields  
Redevelopment  
May 6 & 7, 2010 Workshops

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## Presentation Overview

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- What's the bad news? – obstacles (I mean challenges)
- What's the good news? – incentives (for opportunities)
- Who needs financial and legal assistance?
- How can the Indiana Brownfields Program help?
- What do you really need to remember?



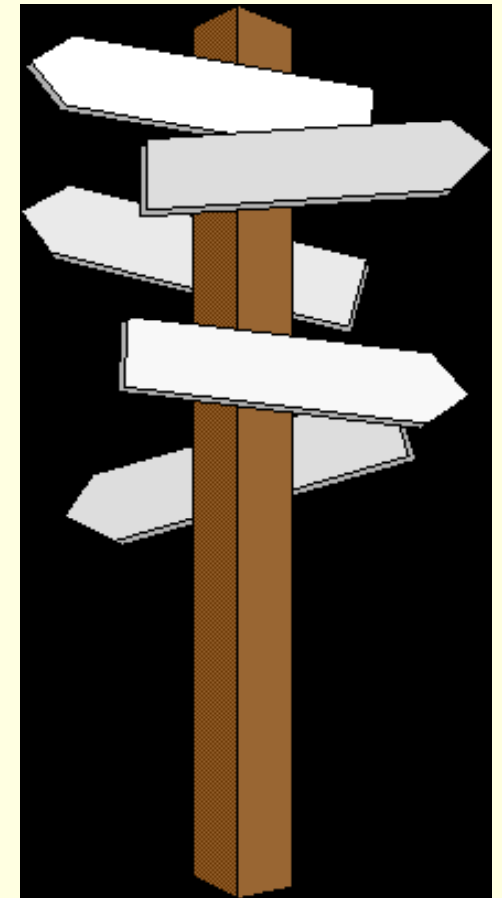
# Help?! Is the glass half empty or half full?





# Issues with Brownfields

- **Science**
  - *Environmental contamination factor*
  - Private environmental consultant & IDEM opinions on technical aspects
- **Law**
  - Liability fears
- **Real Estate**
  - Property reuse & transfers
  - Brownfields vs. Greenfields
- **Politics**
  - Competing priorities of local governments
- **Socio-economics**
  - Tax base in blighted areas
  - Jobs
- **Art**
  - Understanding & coordination of multi-disciplines
  - Creativity





# What are Obstacles to Brownfield Redevelopment?

- **Real or potential environmental contamination**
- **Assessment / Cleanup costs**
- **Liability issues for the lender, prospective purchaser, and third parties**
- **Socio-economic issues**
- **Economic development climate**
- **Viability of re-use plans for the site**



# More Potential Obstacles to Redevelopment?

- Unknowns – risks, ownership, access
- Lack of awareness
- Lack of planning
- Lack of partnerships (*among local gov't, developers, community groups, etc.*)
- Lack of community support



## Who Can Help?

- YOU...can help redevelop brownfields!
  - Provide input for proposed brownfield redevelopment projects.
  - Promote brownfield sites when planning new parks; recreation, youth, and senior citizen centers; businesses; municipal buildings; and schools.
  - Support businesses that have redeveloped brownfields or plan to occupy brownfields.
  - Identify potential partners to help you....



## Stakeholders/Partners

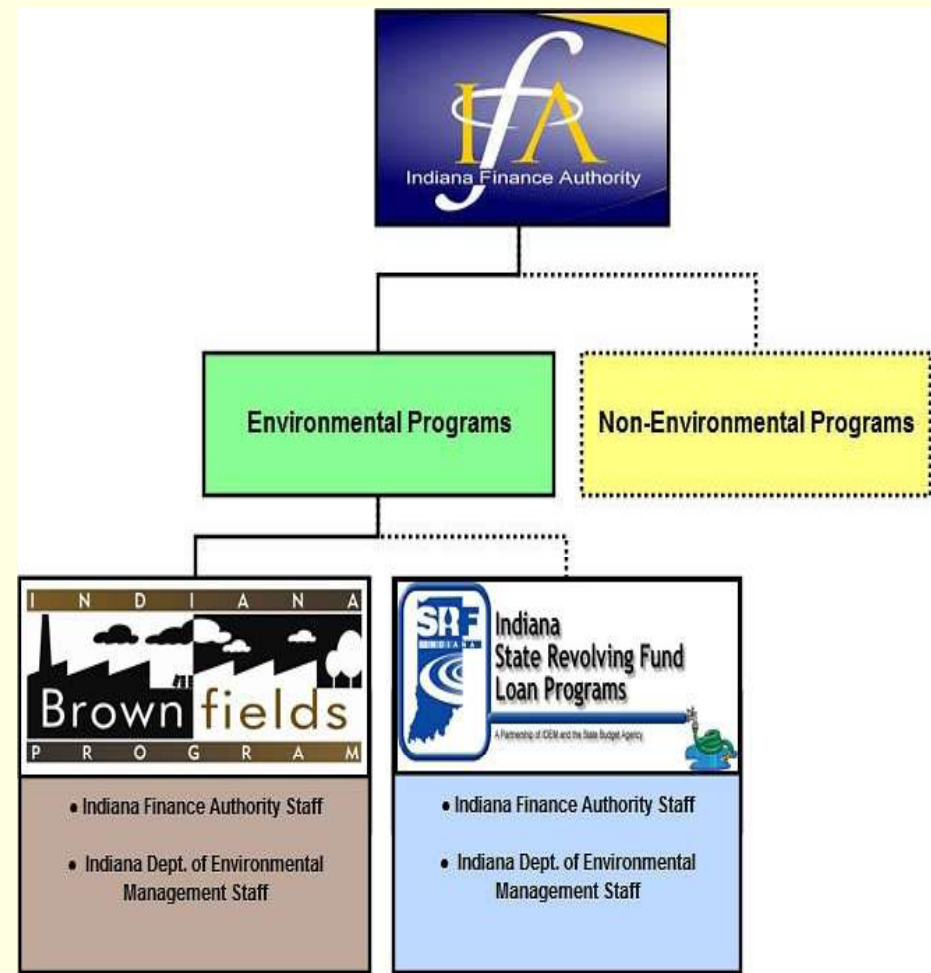
- Local Government – Public
- State and Federal Government Agencies – Public
- Local/State Interest Groups - Private & Public
- Local Business Organizations - Private & Public





# Indiana Brownfields Program Lends a Hand

- Helps communities by providing:
  - Educational Assistance
  - Financial Assistance
  - Legal Assistance
  - Technical Assistance
- Serves as a liaison with U.S. EPA for financial assistance
- Coordinates with IDEM's Voluntary Remediation Program
  - Certificates of Completion
  - Covenants Not to Sue
- Coordinates with other related IDEM programs





## When to Call for \$...

- Indiana Brownfields Program - loan funding throughout the year
  - Stipulated Assessment & Remediation Grants - *suspended*
  - Federal Matching Grants - *suspended*
  - Supplemental Environmental Projects
  - Low-interest Loans - *suspended*
  - Revolving Loan Fund (RLF) Incentive (federally funded)
  - Trails and Parks Initiative (federally funded) – petroleum
  - Auto Sector Initiative
  - State Revolving Loan Fund coordination



## When to Call for legal help...

- Indiana Brownfields Program – letters throughout the year
  - Environmental liability interpretation letters, including BFPP language –
    - Comfort Letters
    - Site Status Letters
  - Oversight



# Liability Interpretation Letters

## ■ **Comfort Letter:**

- Issued to a party that qualifies for an applicable exemption to liability found in Indiana law or IDEM policy, but is not a legal release from liability
- Explains the applicable liability exemption or IDEM's exercise of enforcement discretion under an applicable IDEM policy



# Liability Interpretation Letters

## ■ Site Status Letter:

- Issued to a party that can demonstrate that current levels of contaminants of concern substantially meet current cleanup criteria as established by IDEM under the Risk Integrated System of Closure
- Does not address the potential liability of the party requesting the letter
- States that based on a technical analysis of information submitted to IDEM pertaining to site conditions, IDEM concludes that current site conditions do not present a threat to human health or the environment and that IDEM does not plan to take or require a response action at the brownfield site



# Teamwork leads to Success!





## Teamwork leads to Success!





## Important Points to Remember

- Brownfields are not just challenges – they're opportunities!
- Brownfield redevelopment balances economic development with environmental protection.
- Brownfield projects are driven by local champions.
- Success breeds success – talk to other stakeholders – don't reinvent the wheel.
- 3 Ps: *planning (long-term), public participation, and partnerships are keys to success!!*
- Brownfield projects may warrant state and/or federal assistance.
- **Indiana Brownfields Program offers tools to address environmental issues to facilitate brownfield redevelopment.**





# Contact Information

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- Check out the Indiana Brownfields Program web site at [www.brownfields.in.gov](http://www.brownfields.in.gov)



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