

Brownfields Redevelopment Steps and Resources

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Technical Assistance to Brownfields (TAB) Program

Kansas State University

March 6, 2012

Undeveloped Farm Ground



Grain Storage Facilities/Coops

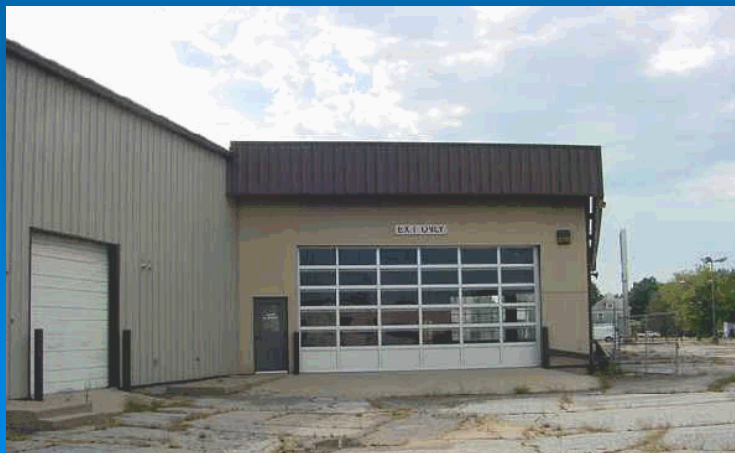


Environmental Due Diligence

- Required for all property purchases, and most major improvements and expansions
- Any time financial assets involved:
 - Loans
 - Federal or State government
 - Shareholders
- Just like other types of due diligence performed when assets sold/purchased

Often it is the PERCEPTION of contamination that keeps properties from being redeveloped, not the actual presence of contamination.

Once the “stigma” is gone, properties can be returned to productive use.




What is a Brownfield?

“...real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.”*


Practical implication: Brownfields are everywhere!

*(Public Law 107-118 (H.R. 2869) - “Small Business Liability Relief and Brownfields Revitalization Act”, signed into law January 11, 2002).

Brownfields Law & Incentives

- Helps address the environmental issues for property transactions & expansions
 - Liability protection
 - For prospective purchaser, contiguous landowners, and others
 - Perform Phase I environmental assessment before purchase and cooperate in addressing environmental issues
 - Funding for
 - Assessment
 - Cleanup
 - Redevelopment (primarily non-EPA sources)
 - For eligible sites and entities
- 

BF Process

- **Identify** Brownfields & Redevelopment Goals
 - **Investigate** – Phase I/II site assessments (environmental due diligence)
 - **Clean-up**, if necessary
 - **Redevelop**
- 

Identify Brownfields

- Make a list of potential sites
- Are environmental unknowns a barrier to redevelopment?
- Is current owner viable/liable for ongoing state or federal environmental actions?

Identify Brownfields (Continued)

- Record information about suitability for redevelopment
 - Size, zoning and incentives
 - Site status (occupancy, public safety, environmental, etc.)
 - Existing infrastructure (roads, utilities, etc.)
 - Ownership, value, and tax status
 - Potential new use, buyers, value, jobs

Identify Brownfields (Continued)

- Use excel spreadsheet list your potential brownfields

PART I - Property										
Cooperative Agreement Recipient Information						Property Background Information				
Note: This report was generated by the Brownfields Inventory Tool (BIT)										
Recipient Name	Cooperative Agreement Number	Type of Cooperative Agreement	Type of Funding	Initial or Updated Form	ACRES Property ID (for updated form only)	Property Name	Street Address	City	County	State
Happyville BF Program	2223	Cleanup	Both	Initial Form	x	Easy Money		Happville		CO
Happyville BF Program	2222	Assessment	Both			Easy Money				
Happyville BF Program	2222	Assessment	Both	Initial Form	x	Easy Money				
Happyville BF Program	2222	Assessment	Both	Initial Form		EM	x		x	x
Happyville BF Program	2222	Assessment	Both	Initial Form		Lafin				
						Lafin				

Identify Brownfields (Continued)



BiT
Brownfield Inventory Tool

Free Database www.tab-bit.org

[Login](#)
[Register](#)
[Contact Us/Feedback](#)

HOME BIT TOOLBOX ABOUT RESOURCES SEARCH HELP

In This

BIT Home

Quick Links

BIT Tutorial
Help

In This Section:

Site Data

- Site Information
- Site Assessment
- Sampling
- Cleanup
- Institutional Controls
- Redevelopment/Reuse

Site Admin Info

- Complaints
- Inspection/Oversight
- Enforcement

Funding Summary

View/Upload Documents

Activity Log

Back to Site Inventory

Quick Links:

- BIT Tutorial
- Data Search / Export
- Generate Reports
- Import Data (Tables)
- Site Inventory Data
- View Sites on Map

Ice Skating Park Development: Site Information

BIT Home > Bit Toolbox > Site Inventory Data > Site Data > Site Information

Site Details Ownership PPF Status and Approvals Comments

Site Name

Site Status

Site Type

ACRES Property ID (if available)

Address

Street Address/P.O. Box

City

State

Zip Code

County

Legal Description (Optional)

Range

Township

Name/Number of Principal Meridian

Part of Section

Section

Current Use/History/Past Ownership

Gas and Maintenance station from 1960. Vacant from then to present of uncontrolled fill and C&D waste dumping.

Prominant Past Use(s)


Acres

Greenspace

Add To List

Parcel/Allotment Number(s)

BF Process

- **Identify** Brownfields & Redevelopment Goals
 - **Investigate** – Phase I/II site assessments
(environmental due diligence – performed by contractors)
 - **Clean-up**, if necessary
 - **Redevelopment**
- 

Investigate


- Perform Phase I/II Environmental Site Assessments (ESAs)
 - to identify environmental risks before purchase
 - evaluate whether environmental risks are worth accepting / correcting in a case where contamination is discovered
 - avoid responsibility for cleanup under CERCLA as an “innocent landowner”

Phase I ESA

- Identifies potential or known recognized environmental conditions
- Involves:
 - Records review
 - Site reconnaissance
 - Interviews
 - Report



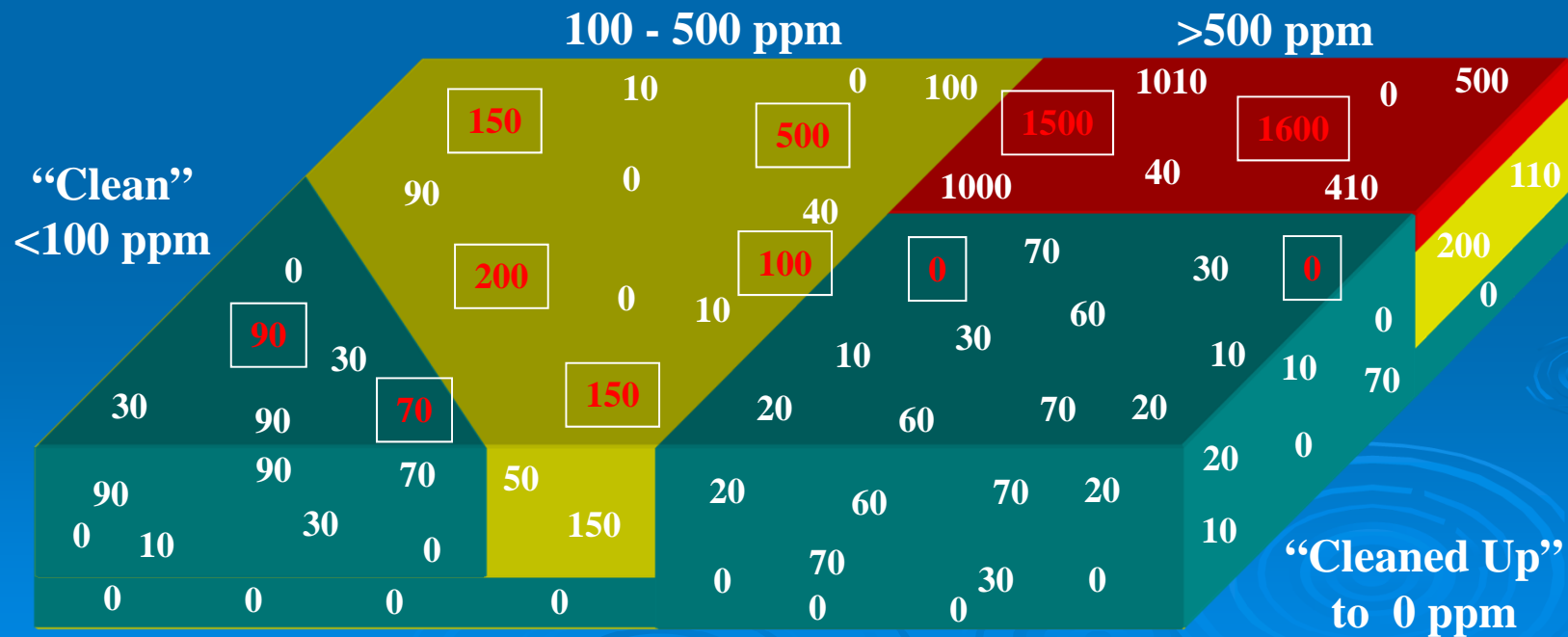
Phase II ESA

- Evaluates known or potential conditions
 - Tailored to site-specific situation
 - Limited sampling and laboratory analysis to confirm or rule out concerns
 - Extensive sampling and analysis to define nature and extent of contamination
 - Recommendations regarding cleanup
- 



Contaminants are rarely distributed evenly

- Neither horizontally, nor vertically
- Assessment estimates between available sample points



Site Assessment Protocols

- All Appropriate Inquiries final rule (40 CFR 312)
- American Society for Testing and Materials (ASTM) Standards
 - Phase I Environmental Assessment (ASTM 1527-05)
 - Phase II ESA (E1903-97, 2002)
- 2002 Brownfields Redevelopment Act & Superfund Liability
 - Clarified appropriate inquiry for Innocent Landowners and extended exemptions to:
 - Bonafide Prospective Purchasers
 - Contiguous landowners
 - Household, small business, and non-profit generators of municipal solid wastes at NPL sites

BF Process

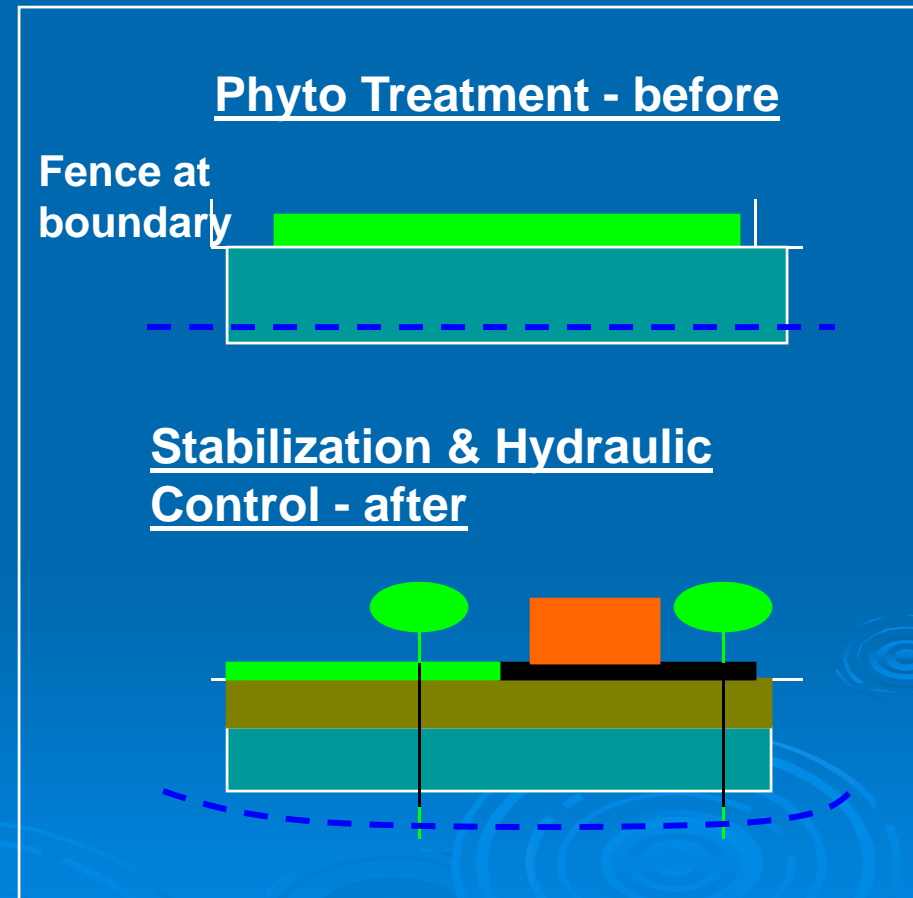
- **Identify** Brownfields & Redevelopment Goals
 - **Investigate** – Phase I/II site assessments
 - **Clean-up, if necessary**
(contracted)
 - **Redevelopment**
- 

Brownfields Cleanup

- Low to moderate levels of contamination
- Risk-based cleanups to standards for future use and/or resource protection
 - Industrial
 - Commercial
 - Residential
 - Soil and Soil to Groundwater
 - Surface Water
 - Groundwater
- Prevent contaminant exposures to receptors
 - Treatment, removal, containment
 - Land use controls (if residual contaminants remain)

Brownfields Cleanup

- **Time available?**
 - Yes - treatment during interim use?
 - No - Integrate construction and final site elements with cleanup



BF Process

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- **Redevelopment**

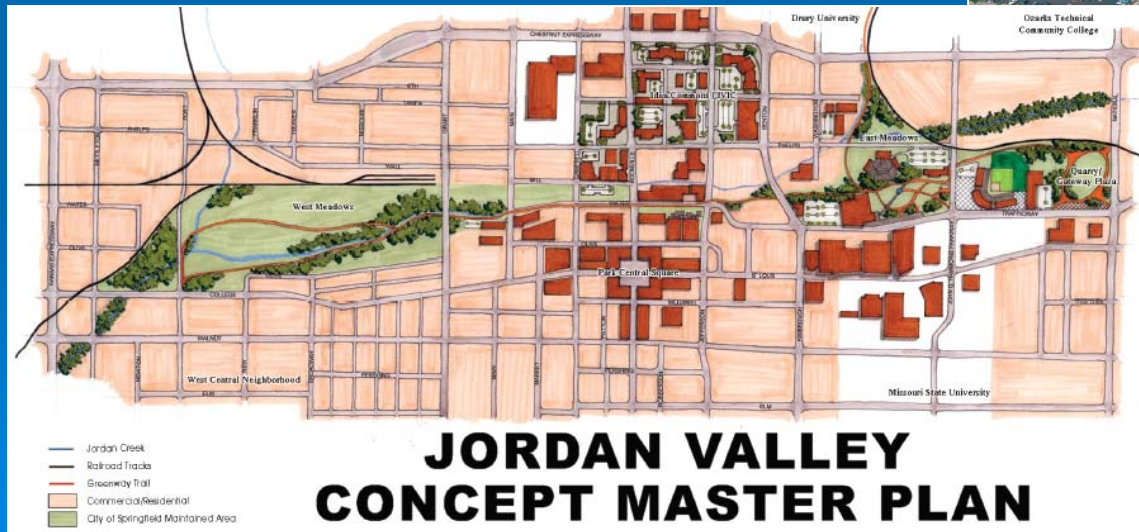
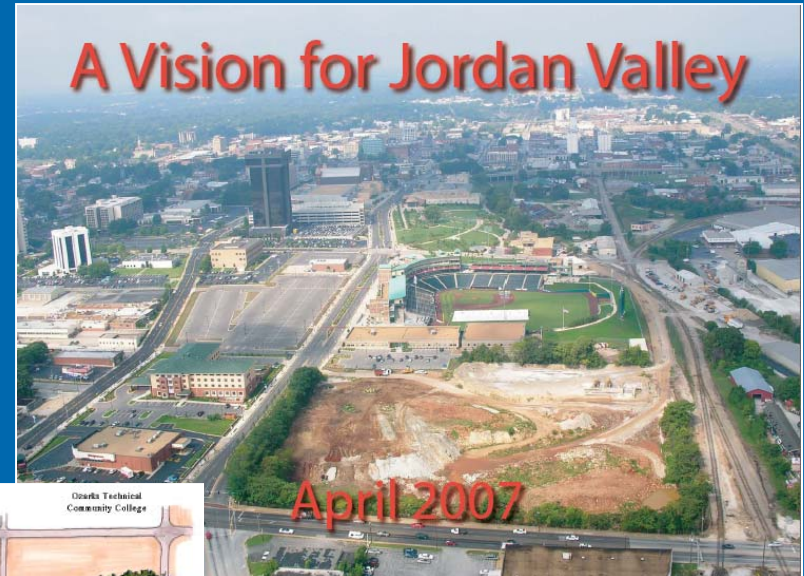
Redevelopment

- Gather resources and partners needed to redevelop
- According to:
 - Master plans and community input
 - To address various needs and opportunities
 - Economic
 - Transportation and infrastructure
 - Quality of Life
 - Other
 - Smart growth & livable community principles for sustainable communities

http://www.epa.gov/smartgrowth/basic_info.htm

Importance of Redevelopment Planning Process

- Vision development
- Stakeholder coordination
- Eligibility for incentives
- Long-term Implementation



City of Springfield, MO

So How Does this Get Paid For?



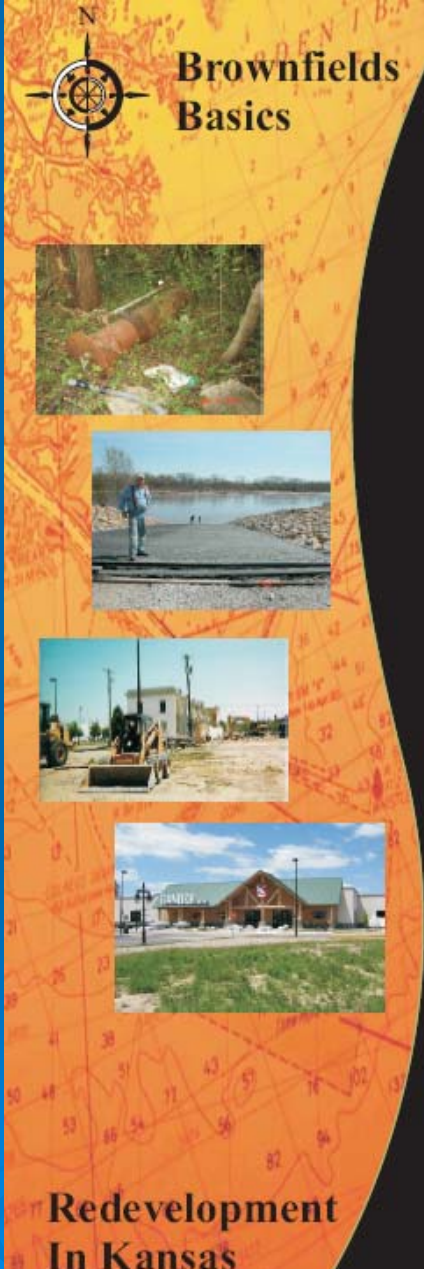
Local, State, and Federal Funds

- **Phase I / II Site Assessments**
 - Free TBAs (Targeted Brownfields Assessments) by KDHE & EPA
 - EPA Assessment Grants
 - Including for Coalitions
- **Cleanup, if necessary**
 - State Trust Funds, EPA Cleanup Grants
- **Redevelopment (Construction, etc.)**
 - EDA, USDA, DOT, HUD, KS Dep't of Commerce, etc.



- **State Contact:**
 - Ryan Weiser
 - 785-296-5519
 - rweiser@kdheks.gov

- **State Brownfields Site**
 - <http://www.kdheks.gov/brownfields/index.html>



Brownfields Basics

Kansas Brownfields Program

Redevelopment In Kansas

The graphic features a background of an orange map with red contour lines. At the top left is a compass rose with 'N' above it. Below the title are four rectangular photographs: 1) A close-up of a hand holding a small white container with a sample. 2) A person standing on a gravel bank next to a river. 3) A construction site with a yellow excavator and a building under construction. 4) A large, modern building with a green roof and a sign that says 'QUALITY'.

Federal Programs: the "Laundry List"

Federal Financial Assistance Programs That Can be Applied to Brownfield Redevelopment Activities

Loans

- EDA's Title IX (capital for local revolving loan funds)
- HUD funds for locally determined CDBG loans and "floats"
- EPA capitalized brownfield revolving loan funds
- SBA's microloans
- SBA's Section 504 development company debentures
- EPA capitalized clean water revolving loan funds (priorities set/ programs run by each state)
- HUD's Section 108 loan guarantees
- SBA's Section 7(a) and Low-Doc programs

Grants

- HUD's Brownfield Economic Development Initiative (BEDI)
- HUD's Community Development Block Grants (for projects locally determined)
- EPA assessment pilot grants
- EDA Title I (public works) and Title IX (economic adjustment)

Grants (continued)

- DOT (various system construction and rehabilitation programs)
- DOT's transportation and community system preservation (TCSP) pilot grants
- Army Corps of Engineers (cost-shared services)

Equity capital

- SBA's Small Business Investment Companies

Tax incentives and tax-exempt financing

- Targeted expensing of cleanup costs (through 12/31/05)
- Historic rehabilitation tax credits
- Low-income housing tax credits
- Industrial development bonds

Tax-advantaged zones

- HUD/USDA Empowerment Zones (various incentives)
- HUD/USDA Enterprise Communities (various incentives)

EPA Assessment, Cleanup & Revolving Loan Grants - Who can apply?

- General Purpose Unit of Local Government
- Land Clearance Authority or other quasi-governmental entity
- Government Entity Created by State Legislature
- Regional Council or group of General Purpose Units of Local
- Redevelopment Agency established by the state
- States and Tribes
- Non-profits (for Cleanup)

EPA Assessment Applicant Options

An applicant applying for an assessment grant can do the following combinations:

- Up to 3 grant proposals (2 community-wide not to exceed \$400k and 1 site-specific not to exceed \$350k).

OR

- 1 grant as part of a coalition not to exceed \$1 M if not applying for individual assessment funds.

Community Wide	Site Specific	Coalitions
Up to \$200,000 for hazardous substances <i>and</i> \$200,000 for petroleum addressing the same community.	Up to \$200,000 for petroleum <i>or</i> hazardous substances (comingled)	Up to \$1 million per coalition. <i>Coalition Members can NOT apply for individual assessment funding.</i>
	May request a waiver for up to \$350,000	Requires 3 or more eligible entities; must assess at least 5 sites; members not eligible for other EPA assessment grants
Maximum Combined Amount \$400,000	Maximum Amount \$350,000	Maximum Amount \$1 million

Three year grant period

EPA Cleanup Grant Program

- Up to \$200K per site for three year grant period
- *Must have:*
 - *FEE SIMPLE TITLE*
 - ASTM E1903-97 Phase II or equivalent
- **Note other requirements**
 - Public notice of intent to apply and availability of proposal for review
 - Analysis of Brownfields Cleanup Alternatives (ABCA)
 - Written responses to comments received

Revolving Loan & Job Training Grants

- Up to \$1M for *revolving loan fund* (RLF) program over 5 year period
 - Assessment
 - Cleanup
 - 20% cost share required
 - at least 60% is for loans, rest can be for grants
- Authorizes grants of up to \$200K for *job training* to eligible entitles over 2 year period

Ranking Criteria

- 4 Ranking Criteria Sections for ARC applicants:
 - Community need
 - Project description and feasibility of success
 - Community engagement and partnerships
 - Project benefits
- Points given for each criteria
- Bottom line: must demonstrate compelling need, plans & relationships, and capacity to do the work

Get Advice as you Go

- Technical Assistance to Brownfields (TAB)
- KDHE
- USDA
- Consultants

Technical Assistance to Brownfield (TAB) Communities

- A national program
- Funded by EPA headquarters via grants to 4 different entities
- **Free** to communities
- K-State assists communities in EPA Regions 5 and 7

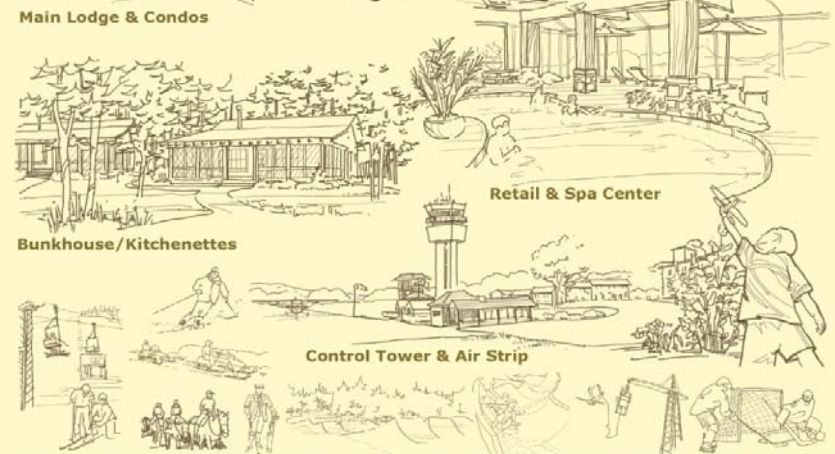
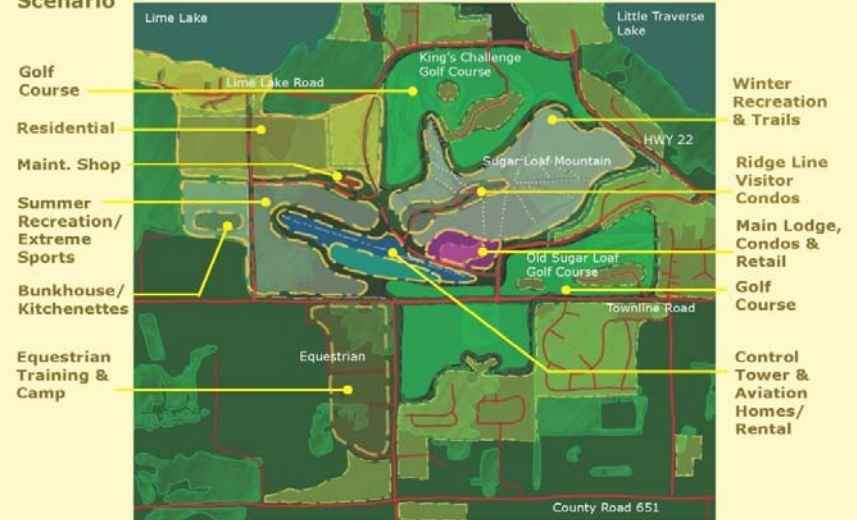


TAB Assistance to Communities

- Tailored to specific community needs
- Typically coordinated through the city, tribal or non-profit brownfields project manager
- May include:
 - Help identifying funding sources for revitalization projects
 - Review of EPA and other grant applications
 - Help finding a consulting firm
 - Review of project plans, technical reports
 - Assistance with community outreach/involvement
 - Visioning
 - Other assistance, as needed and agreed upon
- Communities accepted on a 'first come' basis
- Depends on staff/funding availability

- Redevelopment Planning

Potential Redevelopment Scenario #1: Leelanau County Resort Center
County-wide focused redevelopment.



recreation four seasons jobs agricultural heritage green construction local economy
 Technical Assistance to Brownfields Communities Program at Kansas State University. Summary of Leelanau County Visioning Sessions August 2009

Community Involvement

- Redevelopment Planning
- Technical Presentations
- Clear, concise




Technical Presentations

- Community Meetings



Getting Our Help

- Contact us
 - We'll set up a meeting to discuss assistance needs
 - Review needs and TAB capability
 - Agree on a course of action
 - Get started
- 

TAB Contacts

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**No Question is Too Big
or Small – Just Call -
We'll Help or Find
Someone Who Can!**

