

# Indiana Brownfields Program

Incentives: Financial, Legal, & Technical Assistance

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*Michele Oertel*  
317-234-0235

Redevelopment Resources for Blighted Properties  
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## Presentation Overview

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- What's the bad news? – brownfields can be obstacles
- What's the good news? – incentives can help overcome obstacles
- Who needs financial, legal/liability, and/or technical assistance?
- What is the Indiana Brownfields Program and how can it help?
- What are some take-home points & next steps?



# Obstacle? Opportunity? Brownfield?





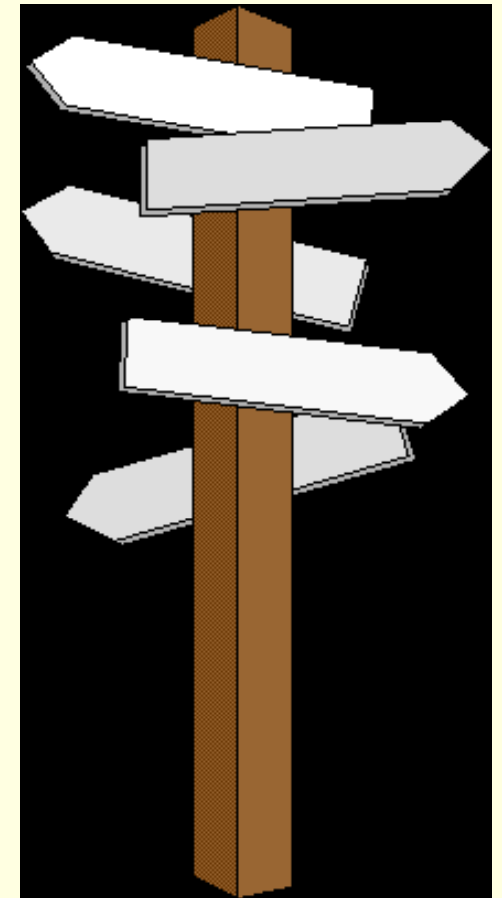
# What is a Brownfield?

- **Indiana defines a brownfield site as:**
  - **a parcel of real estate**
  - **abandoned, inactive, or underutilized**
  - **on which expansion, redevelopment, or reuse is complicated because of the presence or potential presence of a hazardous substance, a contaminant, petroleum, or a petroleum product**



# 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**
- **Economic development climate**
- **Viability of re-use plans for the site**
- **Unknowns – risks, ownership, access**
- **Lack of resources – knowledge, money, partners**



## Stakeholders/Partners

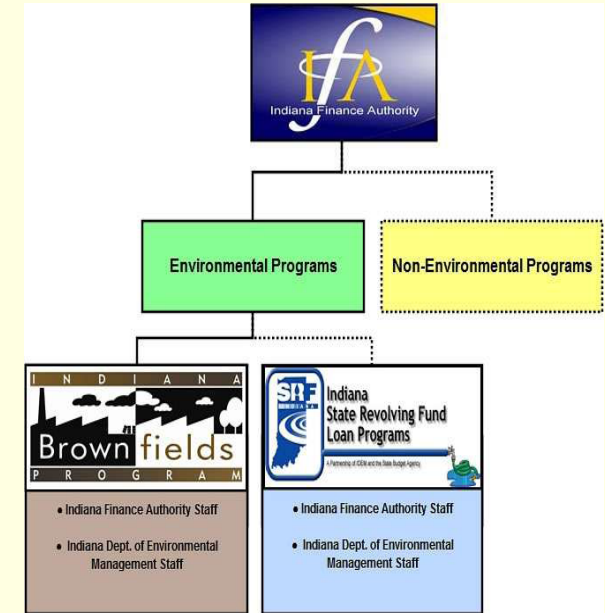
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- State and Federal Government Agencies – Public
- Local Government – Public
- Local/State Interest Groups - Private & Public
- Local Business Organizations - Private & Public



# Indiana Brownfields Program Background

- Created by 2005 legislation (SEA 578); IC 13-11-2-19.3
- Housed under the Indiana Finance Authority (IFA)
- Funded by state appropriations & federal funds
- Allows for voluntary participation – not regulatory
- Provides govt. assistance to address environmental issues to facilitate brownfield redevelopment
- Works typically with communities vs. RPs
- Relies on existing laws/regs/policies to protect human health and environment
- Has different processes for different incentives
- Uses consultants differently per incentive
- Utilizes IDEM's RISC
- Offers closure documents

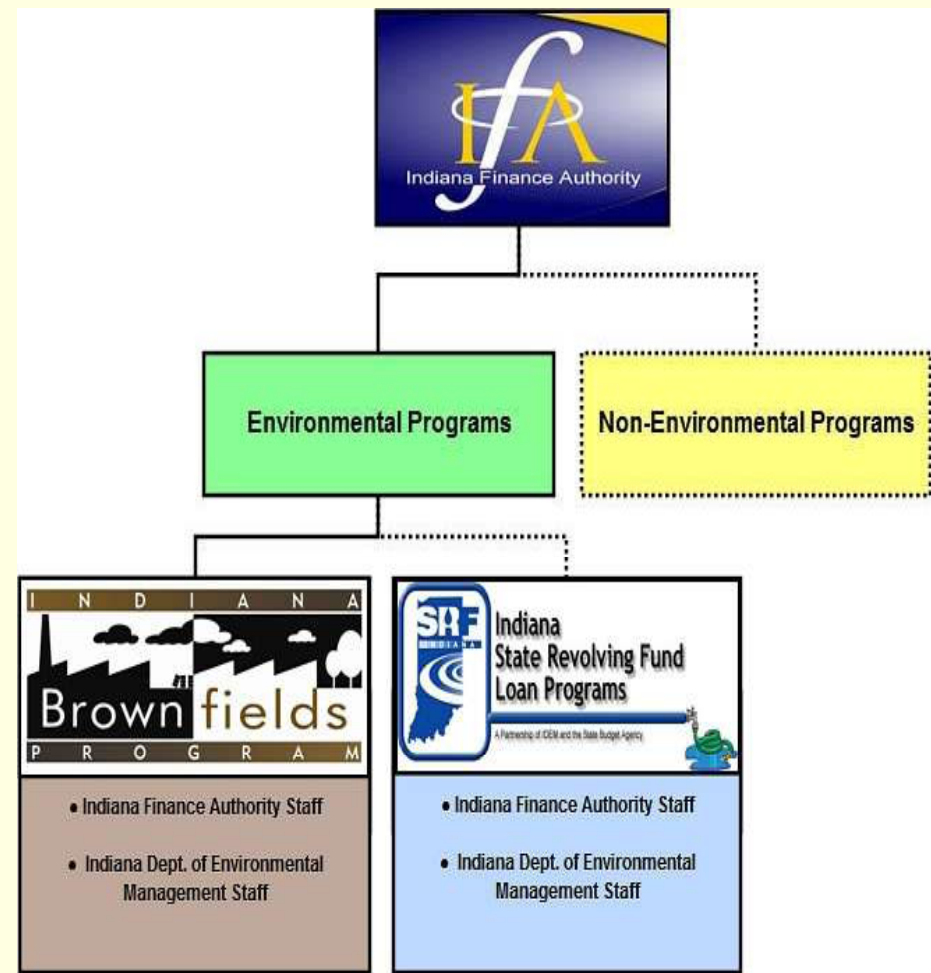






# Indiana Brownfields Program Lends a Hand

- 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 as appropriate





# When Stakeholders Want/Need \$...

- Indiana Brownfields Program - loan funding throughout the year
  - Revolving Loan Fund (RLF) Incentive (federally funded)
  - Automotive Sector Brownfields Assessment Initiative
  - Supplemental Environmental Projects
  - State Revolving Fund (SRF) Loan Program coordination
  - Current/Future funding via U.S. EPA



# When Stakeholders Want/Need \$...

- **Indiana Brownfields Program** - loan funding throughout the year
  - **Revolving Loan Fund (RLF) Incentive**
    - federally funded, including award of American Recovery & Reinvestment Act funding
    - political subdivisions, non-profit and for-profit organizations eligible; can re-loan to eligible 3<sup>rd</sup> party
    - cleanup activities to address hazardous substances & petroleum contamination
    - zero to low-interest rate
    - available hazardous substances funding: ~\$1.4M; petroleum funding: ~\$1.2M
    - rolling applications; first come, first served



# When Stakeholders Want/Need \$...

## ■ Indiana Brownfields Program

### ■ Automotive Sector Brownfields Assessment Initiative

- Political subdivisions (and private applicants in certain circumstances) eligible to apply for award of services
- Private applicants require match of percentage of award amount
- Permanently idled or closed dealerships and parts/supplier, assembly & manufacturing plants
- Hazardous substances & petroleum contamination
- Phase I/II environmental site assessments, asbestos-containing material & lead-based paint surveys, remediation work plan development, limited demolition, controlling access/site security
- Approximately \$200,000 in available funding
- Maximum award amount per site, if any, to be determined on case-by-case basis
- Rolling applications; first come, first served



## When Stakeholders Want/Need Liability & Technical Assistance...

- **Indiana Brownfields Program** – letters throughout the year via request form
  - Environmental technical oversight
  - Comment Letters
  - Environmental liability clarification/closure letters (per non-rule policy)
    - Comfort Letters (include BFPP language)
    - Site Status Letters or No Further Action Letters (petro sites)



# Liability Clarification 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 Clarification 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 (RISC)
- 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!

South Bend: Former Studebaker Plant 8 deconstructed to make way for Green Tech Transfer and Recycling Station







## Teamwork leads to Success!

Wabash: Former Bront building demolished to make way for new YMCA facility with Skate Park across the street





## Teamwork leads to Success!

Indianapolis: Former Gas Stations redeveloped into vibrant Live-Work Residences





## Important Points to Remember

- Brownfields: not just obstacles or challenges – but opportunities!
- Brownfield redevelopment balances economic development with environmental protection.
- Brownfield projects are driven by local leaders.
- 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.**
- ***Next steps: Determine needs and ask for appropriate assistance....***



# Contact Information

- **Jim McGoff, General Counsel /Director of Env. Programs, IFA 317- 234-2916**  
[jmcgoff@ifa.in.gov](mailto:jmcgoff@ifa.in.gov)
- **Meredith Gramelspacher, Program Director /General Counsel 317- 233-1430**  
[mgramels@ifa.in.gov](mailto:mgramels@ifa.in.gov)
- **Sue Overstreet, Administrative Assistant, General Questions 317- 234-4293**  
[soverstreet@ifa.in.gov](mailto:soverstreet@ifa.in.gov)
- **Michele Oertel, Federal Funding & Community Relations 317- 234-0235**  
[moertel@ifa.in.gov](mailto:moertel@ifa.in.gov)
- **Sara Westrick Corbin, Financial Resources 317- 234-1688**  
[swestrick@ifa.in.gov](mailto:swestrick@ifa.in.gov)
- **Kevin Davis, Technical Matters 317- 233-2415**  
[kdavis@ifa.in.gov](mailto:kdavis@ifa.in.gov)
  
- Check out the Indiana Brownfields Program web site at  
[www.brownfields.in.gov](http://www.brownfields.in.gov)



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