

Florida & Alabama
Annual Brownfields Conference
Virtual: October 27, 2021

**“Recognizing Rehabilitation Resources:
Four Steps to Renewed Interest
in Your Real Estate”**

The Session Will Begin Shortly...

Brownfield Area Designation Process & Brownfield Site Rehabilitation Agreements

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Brownfields 101

- ▶ DEFINITIONS from the Brownfields Redevelopment Act
- ▶ See Section 376.79, Florida Statutes (F.S.)
 - ▶ (4) **“Brownfield sites”** means real property, the expansion, redevelopment, or reuse of which may be complicated by actual or perceived environmental contamination.
 - ▶ (5) **“Brownfield area”** means a contiguous area of one or more brownfield sites, some of which may not be contaminated, and which has been designated by a local government by resolution. Such areas may include all or portions of community redevelopment areas, enterprise zones, empowerment zones, other such designated economically deprived communities and areas, and Environmental Protection Agency-designated brownfield pilot projects.



Brownfield Area Designation Process:

(see Section 376.80, F.S.)

- Local Government jurisdiction; hearing process; agreement on proposed end use; adoption of resolution defining the “Brownfield Area”
- Depending on local government process and timing to “get on the agenda,” this can take 2-3 months, so plan accordingly
- “Brownfield Area” may equal “Brownfield Site” or may cover many properties, city blocks, large acreage, and contain multiple Brownfield Sites.
- A single Brownfield Area can have one or more Brownfield Site Rehabilitation Agreements (BSRAs)



Brownfield Area Designation Process: (see Section 376.80, F.S.)

- Site Rehabilitation to clean up contamination *can occur concurrently* with Site Redevelopment
- *Flexibility* to do what works best for your project
- Cost-Benefit Analysis [comparing costs to go through BF Area Designation Process (and then BSRA negotiations) compared to ROI from economic incentives (which are tangible and quantifiable) and costs avoided (less quantifiable *potential* liability and “peace of mind”)]



The BSRA Process:

- Begin at one of six FDEP District Offices, or one of three Brownfield Delegated Programs (in Miami-Dade, Broward and Hillsborough Counties)
- Templates make the process easy! Available online <https://floridadep.gov/waste/waste-cleanup/content/brownfields-program>
- Add site-specific information. Use the FDEP BSRA Checklist (available at above link) Tip: the fewer changes you make to the template, the faster FDEP/Delegated County can review and approve it.
- Typical timeline for BSRA submittal, review, comment, negotiation, re-submittal, and execution: 1-2 months

The BSRA Process:

- FDEP and the Delegated Counties can be flexible to allow an alternate site rehabilitation schedule to accommodate the redevelopment schedule (often in phases). Default schedule in Chapter 62-780, F.A.C., is starting point but not “set in stone”!
- Key Benefits: signing a BSRA provides liability protection (see Section 376.82, F.S.) and access to economic incentives
- Florida’s #1 economic incentive: the Voluntary Cleanup Tax Credit (VCTC) is available to contaminated sites with an executed BSRA, and also for certain drycleaning-solvent contaminated sites that have an executed Voluntary Cleanup Agreement (VCA).
- Important Note: Costs that are integral to Site Rehabilitation for work done during the calendar year in which you sign the BSRA can be claimed ***even if work was conducted before BSRA execution*** (but must sign BSRA by December 31 to be eligible!)



For Follow-Up Questions & Info:

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