



All you need to know about
**VCTC – Unlocking the
Potential for Brownfields
Transformations**



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What are Brownfields Sites?

Magnificent Opportunities for Redevelopment?

- “Brownfield sites” means real property, the expansion, redevelopment, or reuse of which may be complicated by actual or perceived environmental contamination. 376.79 F.S.
 - Gas stations/auto repair – “Tanks a Lot”
 - Junk yards or salvage yards
 - Printers
 - Dry cleaners
 - Agricultural lands
 - Former landfills
 - Hazardous substances/waste sites
 - Former industrial, municipal & abandoned properties
 - Mine scarred lands
 - Other impacted properties



Why Brownfields?

State Legislative Perspective

- The reduction of public health and environmental hazards on existing commercial and industrial sites is vital to their use and reuse as sources of employment, housing, recreation, and open space areas. The reuse of industrial land is an important component of sound land use policy for productive urban purposes, which will help prevent the premature development of farmland, open space areas, and natural areas, and reduce public costs for installing new water, sewer, and highway infrastructure. 376.78(1) F.S.

Local Government Perspective

- Increases tax base
- CRAs – Increases Tax Increment Finance (TIF) Revenue and is reinvested and leveraged
- Removal of blight and encourages additional private sector investment
- Multiplies return on brownfields assessment and cleanup investment
 - EPA Brownfields Grants + VCTC Return = Nearly Doubles Return from outside sources



Seaport Town Center Tampa – Former 12th Street Yard



Why Brownfields?

Community Perspective

- Can leverage EPA, state and private sector funding to assess and remove contamination from communities
- Brownfields projects can and do help deliver the community's vision – gas stations to health centers
- Brownfields projects can be integral to equitable development projects
 - Healthfields projects – access to health care, fresh food, opens space, affordable housing
 - Job generating end uses incentives make projects practical and profitable

Developers Perspective

- Removes environmental stigma through redevelopment
- Liability protections
- Increases value of land through environmental assessment and remediation
- Leverage, leverage, leverage
- Redevelopment niche – brownfields pioneers



Brownfields Designation Process

What is a Brownfields Area?

- A continuous 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. **Section 376.79(5) F.S.**
- **Local Government Initiated Brownfields Area Considerations**
 - 1) Whether proposed site warrants economic development
 - 2) Whether proposed site is overly large
 - 3) Whether proposed site of interest to the private sector
 - 4) Whether proposed site is suitable for recreational open space
- **Individual Initiated Brownfields Area Considerations**
 - 1) Person who is proposing owns/controls site
 - 2) Redevelopment will result in the creation of at least 5 full-time jobs
 - 3) Redevelopment is consistent with comprehensive plan
 - 4) Proper notice has been provided
 - 5) Sufficient financial resources



City of Clearwater – Florida's First Brownfields Area



Brownfields Program Administration Process

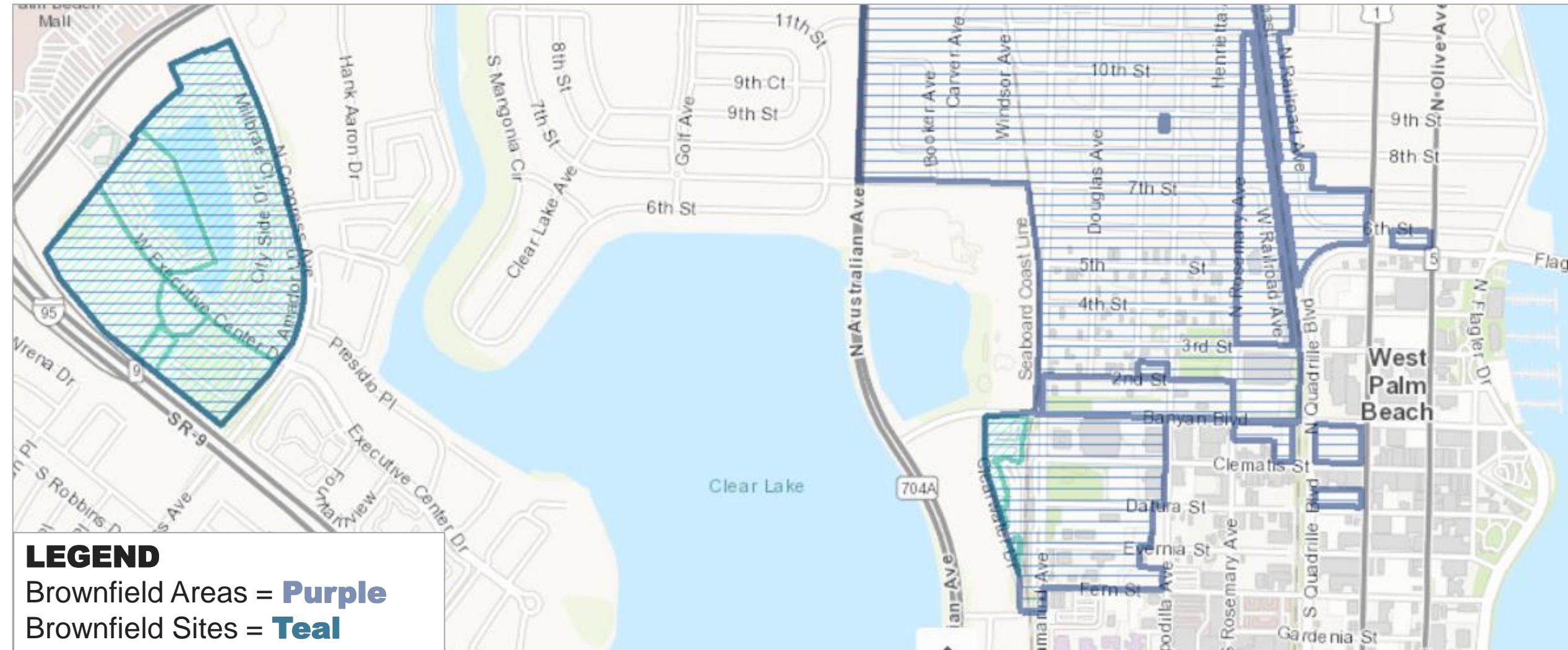
Designation Requirements

- Requirements 376.80(1) and 376.80(2)(a) F.S.
- Notice of the public hearing must be made in a newspaper of general circulation in the area and the notice must be at least 16 square inches in size, must be in ethnic newspapers or local community bulletins, must be posted in the affected area, and must be announced at a scheduled meeting of the local governing body before the actual public hearing.
- Additional Brownfields public hearing required as close as reasonably practicable to the area to be designated to provide an opportunity for public input on the size of the area, the objectives for rehabilitation, job opportunities and economic developments anticipated, neighborhood residents' considerations, and other relevant local concerns.





FL Brownfield Area Vs. Brownfield Site





Brownfields Site Rehabilitation Agreement (BSRA)

What is a BSRA?

- Voluntary agreement between the Person Responsible for Brownfields Site Rehabilitation (“PRFBSR”) with FDEP or Delegated Agency – HCEPC, DERM...

Why enter into a BSRA?

- Liability protections
- Access to a wide range of redevelopment incentives, including Voluntary Cleanup Tax Credits
- Defined and flexible schedule with timeframes for review – Time is Money!
- Did I say access to Voluntary Cleanup Tax Credits?
- Model BSRA can be found at <https://floridadep.gov/waste/waste-cleanup/documents/model-brownfield-site-rehabilitation-agreement-bsra>

MODEL - Effective Date: July 23, 2020

Brownfield Site Rehabilitation Agreement (BSRA) and
Attached Instructions

NOTE:

1. This model BSRA supersedes any previously distributed models. This model BSRA should be used as the template beginning on, July 23, 2020. However, if a BSRA has been drafted with an earlier template, the Florida Department of Environmental Protection (FDEP) will work with the Person Responsible For Brownfield Site Rehabilitation (PRFBSR) to make the appropriate changes.
2. This model BSRA **does not apply to sites that are subject to RCRA enforcement or HSWA permits**. Contact the FDEP's Brownfields Program Manager to obtain the model RCRA-BSRA for those sites.
3. Remove the attached instructions (these instructions and the instructions associated with each attachment) and delete all language in { } or [], but not () before finalizing the document.
4. Complete the Checklist provided at <https://floridadep.gov/waste/waste-cleanup/documents/brownfield-site-rehabilitation-agreement-checklist>.
5. Submit a completed electronic Word or Word compatible copy or a hard copy of the draft BSRA with all attachments and the completed Checklist to the appropriate District Brownfield Coordinator for review. Please include a cover letter or email which provides contact information for the person(s) coordinating the BSRA for the PRFBSR and indicate when the BSRA needs to be executed (for example, by the end of the current calendar year, or some other date).
6. Contact the appropriate delegated local environmental program [Broward DEPGM (954-519-1478), Hillsborough County EPC (813- 627-2600, Ext. 1294) or Miami-Dade RER (305-372-6700)] for a copy of a modified template if the brownfield site is located within the jurisdiction of these counties.
7. The model includes optional language in a few places throughout the document. Please work with your District Brownfields Coordinator or the Brownfields Program Manager to determine the correct language for your project.
8. FDEP will provide the Brownfield ID numbers and OGC tracking number during review of the draft BSRA.
9. Due to the large number of BSRA's and amendments submitted at the end of each calendar year, the FDEP recommends that BSRA's and BSRA amendments that need to be executed by the end of the calendar year, be submitted to the District Brownfield Coordinator no later than October 1. District Brownfield Coordinators are encouraged to review such drafts with PRFBSRs and, when complete, forward the BSRA to FDEP's Brownfields Program Manager as soon as possible.



Brownfields Incentives

- Regulatory framework for cleanup
- Dedicated staff – expedited technical review
- Liability Protection (s. 376.82, F.S.)
 - Lender liability protection
 - PRFBSR – liability protection
 - Seek legal counsel
- Voluntary Cleanup Tax Credits (VCTC)
- Building materials sales tax refunds – for Brownfields sites with 20% or more of affordable housing
- Brownfields job bonus refund – up to \$2,500 in tax refunds for each job created on brownfields or adjacent to brownfields sites
- Local Government Incentives – financial and regulatory





Local Government Brownfields Incentives Chapter 376.84 F.S.

- More than 30 potential financial and regulatory incentives
- Excellent wish list for development agreements
- What can local governments contribute to a brownfields project or program ?



- (1) Financial incentives and local incentives for redevelopment may include, but not be limited to:
- (a) Tax increment financing through community redevelopment agencies pursuant to part III of chapter 163.
 - (b) Enterprise zone tax exemptions for businesses pursuant to chapters 196 and 290.
 - (c) Safe neighborhood improvement districts as provided in ss. [163.501-163.523](#).
 - (d) Waiver, reduction, or limitation by line of business with respect to business taxes pursuant to chapter 205.
 - (e) Tax exemption for historic properties as provided in s. [196.1997](#).
 - (f) Residential electricity exemption of up to the first 500 kilowatts of use may be exempted from the municipal public service tax pursuant to s. [166.231](#).
 - (g) Minority business enterprise programs as provided in s. [287.0943](#).
 - (h) Electric and gas tax exemption as provided in s. [166.231\(6\)](#).
 - (i) Economic development tax abatement as provided in s. [196.1995](#).
 - (j) Grants, including community development block grants.
 - (k) Pledging of revenues to secure bonds.
 - (l) Low-interest revolving loans and zero-interest loan pools.
 - (m) Local grant programs for facade, storefront, signage, and other business improvements.
 - (n) Governmental coordination of loan programs with lenders, such as microloans, business reserve fund loans, letter of credit enhancements, gap financing, land lease and sublease loans, and private equity.
 - (o) Payment schedules over time for payment of fees, within criteria, and marginal cost pricing.
- (2) Regulatory incentives may include, but not be limited to:
- (a) Cities' absorption of developers' concurrency needs.
 - (b) Developers' performance of certain analyses.
 - (c) Exemptions and lessening of state and local review requirements.
 - (d) Water and sewer regulatory incentives.
 - (e) Waiver of transportation impact fees and permit fees.
 - (f) Zoning incentives to reduce review requirements for redevelopment changes in use and occupancy; establishment of code criteria for specific uses; and institution of credits for previous use within the area.
 - (g) Flexibility in parking standards and buffer zone standards.
 - (h) Environmental management through specific code criteria and conditions allowed by current law.
 - (i) Maintenance standards and activities by ordinance and otherwise, and increased security and crime prevention measures available through special assessments.
 - (j) Traffic-calming measures.
 - (k) Historic preservation ordinances, loan programs, and review and permitting procedures.
 - (l) One-stop permitting and streamlined development and permitting process.
- (3) Technical assistance incentives may include, but not be limited to:
- (a) Expedited development applications.
 - (b) Formal and informal information on business incentives and financial programs.
 - (c) Site design assistance.
 - (d) Marketing and promotion of projects or areas.
- History: s. 8, ch. 97-277, § 73, ch. 2007-5.



Palmetto Florida VCTC Success!

Site	VCTC Return to Date
Edenfield Property	\$ 232,590.88
Riverside North	\$ 64,442.73
Riverside South (Former Shell Site)	\$ 86,761.36
Slick's Garage	\$ 54,955.51
Grower's Hardware	\$ 33,267.00
Total for all Years plus awarded SRCO Bonus	\$ 472,017.48

Funding continues to be reinvested – Heartland Fertilizer Plant to new Multi-Family Development



Conner Park for Environmental Wellness also leveraged EPA Brownfields Cleanup Funding



Questions?



Thank you!

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