



FLORIDA BROWNFIELDS 201

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Division of Waste Management/Waste Cleanup Program
Florida Department of Environmental Protection

Florida Brownfield Conference, Gainesville, FL | June 26, 2024



FLORIDA BROWNFIELDS REDEVELOPMENT PROGRAM UPDATE

Florida Brownfields 201



FLORIDA BROWNFIELDS REDEVELOPMENT PROGRAM

BROWNFIELD AREA DESIGNATIONS

Calendar year 2023	19
Calendar year 2024 (to 6/26/24)	3

BROWNFIELD SITE REHABILITATION AGREEMENTS

Calendar Year 2023	27
Calendar Year 2024 (to 6/26/24)	2

SITE REHABILITATION COMPLETION ORDERS

Calendar Year 2023	21
Calendar Year 2024 (to 6/26/24)	4



STATE AND TRIBAL RESPONSE PROGRAM (SRP)

\$14.9 million
Total amount
awarded to date.

\$698,112
Federal Fiscal Year
2023-24.

Assisted **111** applicants with **129** projects.



BIPARTISAN INFRASTRUCTURE LAW (BIL) OVERVIEW

\$1.2 billion in project grants.

\$300 million to SRPs.

\$1.5 BILLION Investment Highlights	2022 & 2023 OFFERINGS*
\$150 MILLION in <u>Multipurpose Grants</u>	UP TO \$10 MILLION per grant for communities, states, tribes and nonprofits to plan, assess and cleanup sites <i>No cost share requirement</i> Proposals due November 2022 • Projects awarded Summer 2023
\$600 MILLION in <u>Assessment Grants</u>	UP TO \$10 MILLION per grant for communities, states, tribes and nonprofits to determine extent of contamination and plan revitalization at brownfield sites <i>No cost share requirement</i> Proposals due November 2022 • Projects awarded Summer 2023
\$160 MILLION in <u>Cleanup Grants</u>	UP TO \$5 MILLION per grant for communities, states, tribes and nonprofits to cleanup contamination on brownfield sites <i>No cost share requirement</i> Proposals due November 2022 • Projects awarded Summer 2023
\$150 MILLION in <u>Revolving Loan Fund</u> (RLF) Grants	UP TO \$5 MILLION per grant for existing, high-performing RLF grantees to provide loans and subgrants for the cleanup of contamination and revitalization of brownfield sites <i>No cost share requirement</i> Supplemental requests from existing grantees due March 2022 Funds awarded August 2022
\$30 MILLION in <u>Job Training Grants</u>	UP TO \$1 MILLION per grant for communities, states, tribes and nonprofits to develop a job training program that supports revitalization at brownfield sites Proposals due July 2022 • Projects awarded November 2022
\$110 MILLION in <u>Technical Assistance,</u> Including <u>Targeted</u> <u>Brownfields Assessments</u>	The largest investment ever in direct contracts and cooperative agreements to provide communities with technical assistance to adapt to a changing climate and remove barriers to safe and sustainable property reuse Projects awarded on a rolling basis • First round of Targeted Brownfields Assessment funds awarded April 2022
\$300 MILLION in <u>Cooperative</u> <u>Agreements to State and</u> <u>Tribal Response Programs</u>	\$60 MILLION available per year in cooperative agreements for states and tribes to build response program capacity, oversee brownfields cleanups and conduct limited site assessment and cleanup activities FY22 requests due May 2022 • Funds awarded November 2022

**Funding amounts and deadlines are tentative and subject to change.*



FLORIDA'S BIL REQUEST

BIL WORK PLAN ACTIVITIES

- Increased Targeted Brownfields Assessment/Site Specific Activity (TBA/SSA).
- Environmental Justice 40/67 Initiative (EJ40/67).
- Institutional Control Engineering Control Audit Program.

\$800,000



TARGETED BROWNFIELD ASSESSMENT (TBA) / SITE SPECIFIC ACTIVITIES (SSA)

Florida Brownfields 201



FLORIDA'S TBA/SSA PROGRAM



Florida's Targeted Brownfields Assessment/Site-Specific Activity Program

Brownfields Redevelopment Supplement

The Florida Department of Environmental Protection can help municipalities – especially those without federal Brownfields Assessment grants – reach their redevelopment goals by supplementing cleanup and redevelopment efforts through the U.S. Environmental Protection Agency's Brownfields Initiative and the Florida Brownfields Redevelopment Program.

Cleaning up and remediating contaminated or underused property protects both public health and the environment. Additionally, successful revitalization of former brownfields sites has been proven to bolster local economies and strengthen community pride.

The brownfields projects approved in 2019 alone are projected to create over 5,700 new direct and indirect jobs, and over \$527 million in capital investments throughout the life of the projects.

DEP's Targeted Brownfields Assessment and Site-Specific Activity program provides brownfields supplement service to conduct environmental assessments and/or limited cleanups.

- Up to \$200,000 per site for cleanups
- Up to \$200,000 per site for assessments

Types of services provided

- Screening: background and historical investigation, preliminary site inspection
- Full site assessment to identify types and concentrations of contaminants and areas to be cleaned
- Analysis of Brownfield Cleanup Alternatives to establish cleanup options and cost estimate based on future uses and redevelopment plans

- Site Assessment Report to delineate contamination
- Limited cleanups for source removals and remediation
- Site monitoring

Selection criteria

- Legal permission to access the property
- Ability to complete the project within the budget period
- Locally approved redevelopment plan in place for the property
- Preference will be given to applicants who demonstrate community need

Eligibility

- Local governments
- Nonprofit organizations
- Community redevelopment agencies
- Housing authorities
- Regional planning councils
- Water management districts
- Private landowners

Restrictions

- Services cannot be used for assessments or cleanups at sites that do not meet the legal definition of a brownfield
- Assessments and cleanups must comply with federal and state laws
- Properties must be eligible for EPA Brownfields funding

Learn how your community can benefit

Contact DEP's Brownfields Program Manager at Kelly.Crain@FloridaDEP.gov or call 850-245-8953.

Apply

Download application: FloridaDEP.gov/SSA-Application



FloridaDEP.gov/BrownfieldsProgram

Assessment and cleanup services performed by DEP contractors.

- Up to \$250,000 per site for assessment tasks.
- Up to \$250,000 per site for remediation tasks (including source removal).



TBA/SSA PROPOSED BUDGET

FY 2023-24

BIL Funds

Annual Appropriations

**Funds Available For
TBA/SSA**

\$620K



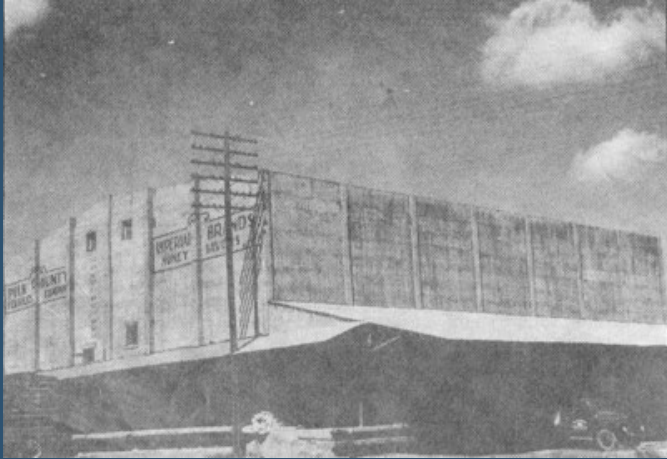
\$280K



\$900K



POLK COUNTY FERTILIZER COMPANY HAINES CITY, FL



Source: City of Haines City



EJ40/67

EJ40/67:

- Response to Justice 40.
- Identify at least one community with environmental justice concerns in each of Florida's 67 counties.
- Florida university students perform the work.
- Target outreach efforts.



THANK YOU

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VOLUNTARY CLEANUP TAX CREDIT PROGRAM: “VCTC 101 PLUS”

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Florida Department of Environmental Protection

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VOLUNTARY CLEANUP TAX CREDIT (VCTC)

Florida Statute 376.30781:

- Incentive to encourage voluntary cleanup by awarding corporate income tax credits to offset site rehabilitation or solid waste removal costs.

Rules under Chapter 62-788, Florida Administrative Code (F.A.C.):

- Provides administrative guidelines and procedures (including application form) to administer the VCTC Program.



TAX CREDIT TYPES AND AMOUNTS

	Tax Credit Type				
	Site Rehabilitation	Site Rehabilitation Completion Order (SRCO)	Affordable Housing	Health Care	Solid Waste Removal
Maximum Credit for Costs Incurred and Paid from 07/01/1998 to 06/30/2006	35% \$250,000	10% \$50,000	N/A	N/A	N/A
Maximum Credit for Costs Incurred and Paid after 06/30/2006	50% \$500,000	25% \$500,000	25% \$500,000	N/A	50% \$500,000
Maximum Credit for Costs Incurred and Paid after 12/31/2007	50% \$500,000	25% \$500,000	25% \$500,000	25% \$500,000	50% \$500,000



ELIGIBILITY REQUIREMENTS

Executed Cleanup Agreement (by December 31):

- Voluntary Cleanup Agreement (VCA):
 - Drycleaning Solvent Cleanup Program sites.
 - Drycleaning-solvent contaminated sites where the real property owner has not owned or operated the drycleaning facility.
- Brownfield Site Rehabilitation Agreement (BSRA).



ELIGIBLE COSTS

“integral to site rehabilitation”

As required by Chapter 62-780, F.A.C.

Examples include:

- Executing cleanup agreement.
- Site assessment activities.
- Remedial actions.
- Legal assistance (directly related to the voluntary cleanup, such as drafting/negotiating an Institutional Control).





SOLID WASTE TAX CREDITS (VCTC PROGRAM)

DETAILS TO KEEP IN MIND

- The BSRA is a **cleanup** agreement, not a “solid waste removal” agreement.
- Solid waste removal tax credits are limited to Brownfield sites (under a BSRA).
- Solid waste removal costs are not considered when calculating bonus tax credits (e.g., SRCO).
- Eligible costs typically limited to screening, removal, and disposal. Most costs outside of that are site rehabilitation or redevelopment.



ELIGIBLE COSTS

Solid Waste Removal (from eligible Brownfield sites):

Examples include:

- Transport and disposal.
- Sorting and screening.
- Recycling solid waste.

Often includes costs separated from concurrent site rehabilitation (e.g., source removal).

“You” decide when solid waste removal is done.



BONUS TAX CREDITS

- Bonus tax credits calculated on total eligible site rehabilitation costs **to date** (including “current year”).
- Affordable Housing and Health Care/Facility bonuses are limited to Brownfield sites.
- For the Affordable Housing bonus, use of the site **must** be limited to housing (i.e., no “mixed-use”). However, bonus can be prorated by percentage of “affordable” units (i.e., not all the units have to be “affordable”).
- The Health Care/Facility bonus does not have similar limitations and qualifying facility types are quite broad.



APPLICATION REQUIREMENTS

Submit (by January 31 deadline):

A completed application with \$250 review fee.

Supporting documentation:

- Cover and signature page(s) from BSRA or VCA.
- Contractual records, payment requests, and complete payment records.
- Certified Public Accountant Report.
- Professional Engineer/Professional Geologist certification.
- SRCO and other bonus materials (as applicable).



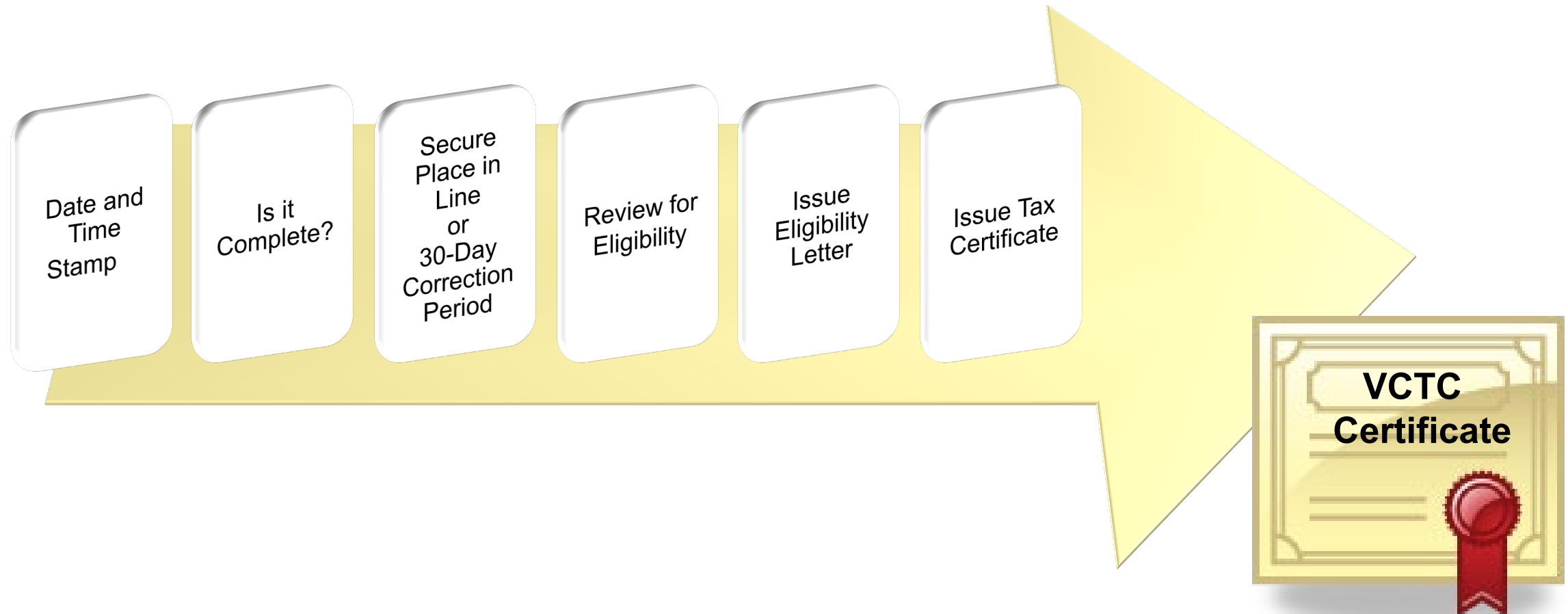
MORE REQUIREMENTS

TIPS TO HELP AVOID COMPLETENESS ISSUES OR LOST TAX CREDITS

- Make sure you submit your application on time.
- Make sure you are submitting complete payment records.
- Make sure that the paying entity is the applicant who incurred the costs.
- Scopes of work for work in one calendar year may have started during a previous calendar year (application period).
- Choose a stable point of contact.



WHAT HAPPENS NEXT?





TAX CREDIT HISTORY

- 1,837 tax credit certificates issued to date.
- Total awarded is over \$190 million.
- 177 applications for 2023 applications, with awards totaling approximately \$21.7 million.



TAX CREDIT SUMMARY

WITH TAX CREDIT TYPES, INCLUDING BONUSES

Calendar Year	Number of VCTC Applications Received	Total Amount of Tax Credits Approved	Solid Waste Removal	SRCO Bonus	Affordable Housing Bonus	Health Care Bonus
2022	184	\$23,685,952.39	\$921,646.15 (4)	\$2,711,680.23 (14)	\$1,761,236.27 (5)	\$781,471.96 (2)
2021	167	\$18,799,854.84	\$862,902.26 (3)	\$4,061,569.06 (18)	\$675,744.98 (3)	\$583,626.11 (2)
2020	157	\$16,157,168.98	\$1,400,383.86 (5)	\$1,496,783.06 (13)	\$90,397.29 (2)	\$271,948.82 (1)
2019	149	\$12,525,086.20	\$53,038.50 (1)	\$955,613.83 (11)	\$189,565.72 (2)	\$205,989.54 (1)
2018	135	\$15,055,055.38	\$1,498,155.57 (5)	\$2,365,781.26 (20)	\$120,939.64 (2)	\$191,281.84 (1)
2017	139	\$11,407,898.28		\$ 2,087.721.89 (13)		
2016	136	\$14,356,339.93	\$1,040,588.86 (4)	\$1,984,815.31 (13)	\$8,252.69 (1)	\$500,000.00 (1)
2015	99	\$11,015,908.91	\$734,688.50 (4)	\$771,870.07 (7)		
2014	86	\$9,229,751.04	\$500,000.00 (1)	\$453,129.42 (5)		
2013	80	\$7,495,412.94		\$879,095.66 (8)	\$102,355.19 (1)	
2012	68	\$6,130,212.24		\$558,824.56 (7)		
2011	52	\$6,230,166.43	\$500,000.00 (1)	\$234,442.14 (4)		



ANTICIPATED RULEMAKING

- Updates to application form, mostly to incorporate Enterprise Self-Service Authorization (ESSA) portal submission information.
- Adding another subparagraph to 62-788.301(4), F.A.C., to formalize prorations for existing hardscape over contaminated areas being replaced during redevelopment and claimed as new engineering controls.
- Other minor fixes for “typos,” old citations, and clarifications.



THANK YOU

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