

Brownfields 101



Presenters

Nichole Rodgers, Terracon

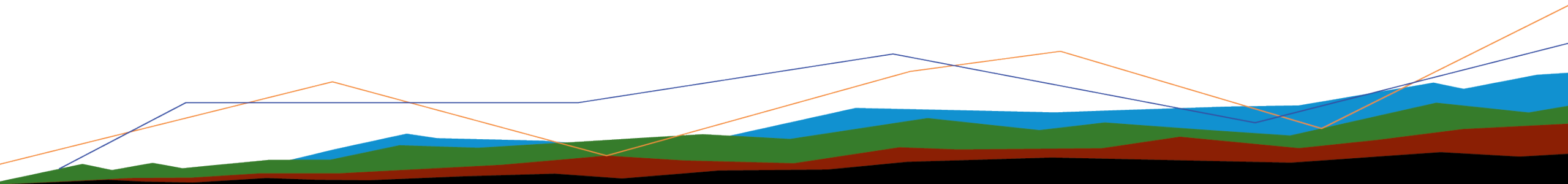
Scott Sweeney, Justin Cross, FDEP

Moderator

Belinda Richard - Terracon

Today's Discussion Points

- Definition and Impact of Brownfields Sites
- Evolution of Brownfields Legislation and Regulations
- Brownfields Partnerships and Process
- Federal Funding Mechanisms Supporting Brownfields Work
- Brownfields for FY2027



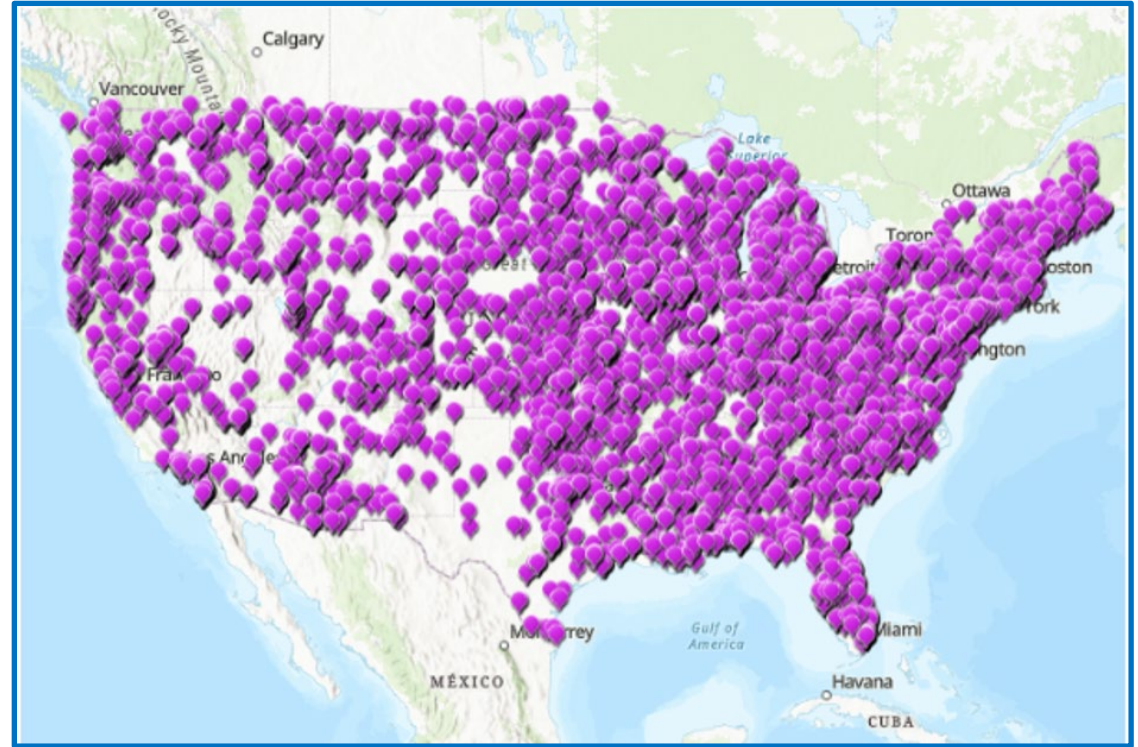
What is a Brownfield?

Brownfields are properties with *actual* or *perceived* environmental contamination hindering redevelopment efforts.



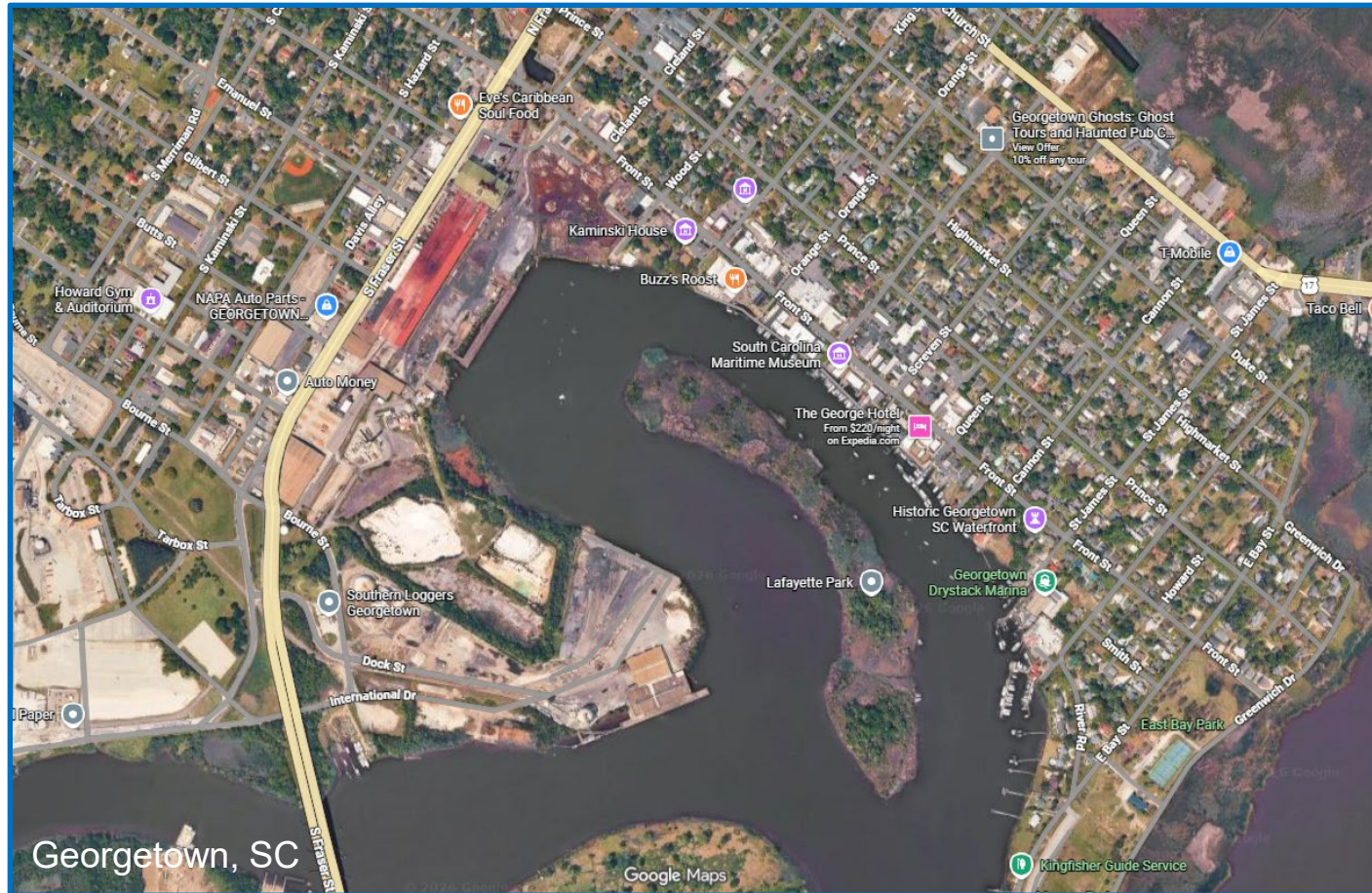
Where are Brownfields?

The [U.S. Environmental Protection Agency \(EPA\)](#) defines a brownfield as any real property where expanding, **redeveloping, or reusing** the site is complicated by the **actual or potential presence** of a hazardous substance, pollutant, or contaminant.



<https://www.epa.gov/brownfields>

Impacts of contaminated properties



- Lost **economic** development and job opportunities
- Depressed property values and reduced tax base
- Ongoing **environmental**, health, and **community** blight concerns

Impacts of Brownfield Redevelopment



- Economic growth
- Increased tax base
- Community revitalization
- **Reduced risk of human exposure to environmental contaminants**

Brownfields Redevelopment: Challenges and Opportunities

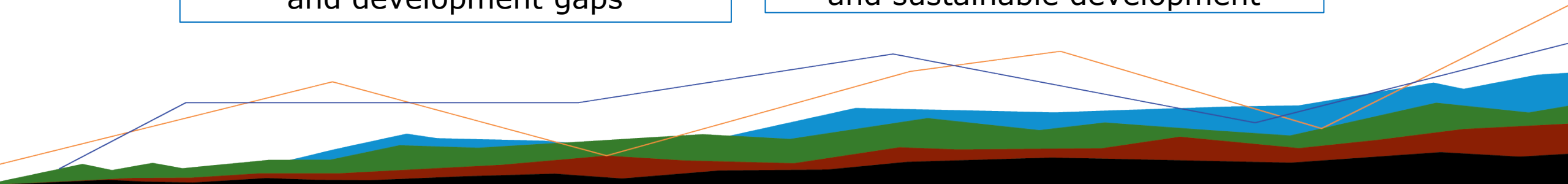


Challenges

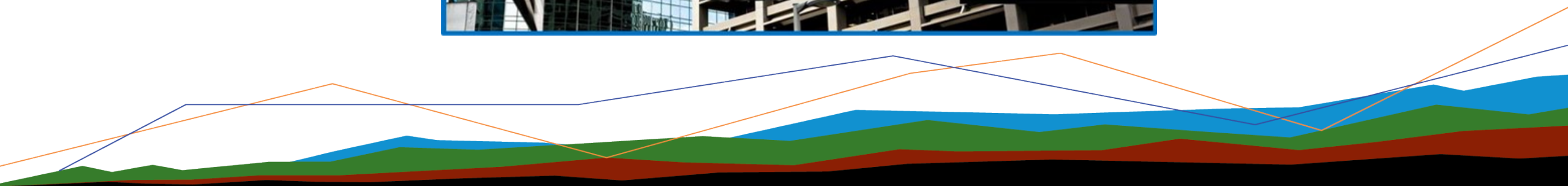
Environmental uncertainty, liability and regulatory concerns, financing and development gaps

Opportunities

Centrally located, integrated in community, existing infrastructure, and sustainable development



Federal Brownfields Legislation and Regulations



CERCLA regulations and liability implications



1980 CERCLA

Property owners were held to strict liability.

Strict Liability Concept

CERCLA enforces strict liability, holding property owners responsible with/without fault for contamination.

Joint and Several Liability

Both current and past property owners can be held individually or collectively liable for contamination.

Chain of Title Accountability

Any owner in the property's chain of title may be liable, regardless of who caused the contamination.

Historical development and initial legislation



Brownfields Program Origins

Began in 1995 with pilot projects focusing on community redevelopment and environmental cleanup in Cuyahoga Co., OH (\$200k -> \$4.2M) and Birmingham, AL.

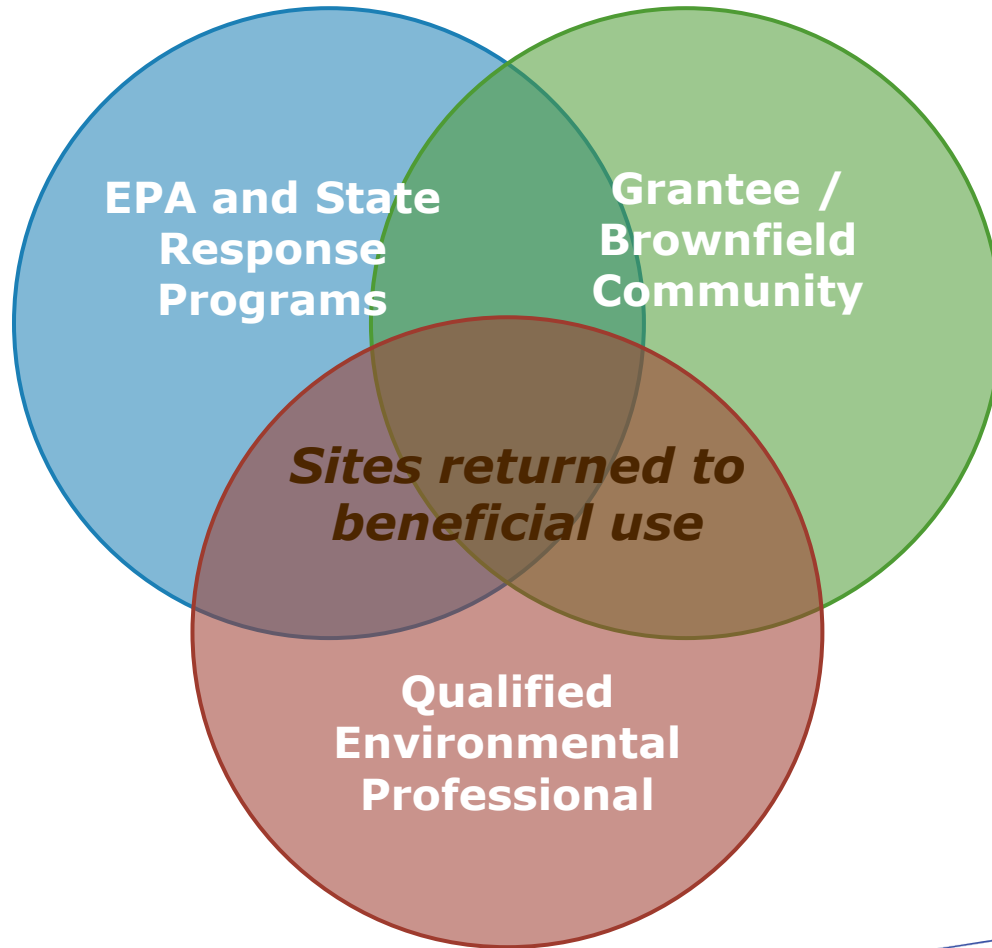
Purpose and Goals

Program aims to **empower states and stakeholders** to prevent, assess, clean up, and sustainably reuse brownfields.

Pre-Brownfields Legislation

Before Brownfields, CERCLA or Superfund law addressed environmental contamination and cleanup responsibilities.

Who makes a brownfields project work



EPA/State Response Programs

Funding and oversight

Awards assessment, cleanup, and revolving loan grants, sets program requirements, and oversees compliance.

Grantee / Brownfield Community

Vision, sites, and stewardship

Identifies priority properties, engages residents, manages the grant, and directs reuse toward community benefit.

Environmental Professional

Assessment, cleanup, and programmatic support

Grant writing, community engagement, Phase I and Phase II assessments, cleanup and reuse planning, remediation, supports reporting, budgeting, and grant administration.

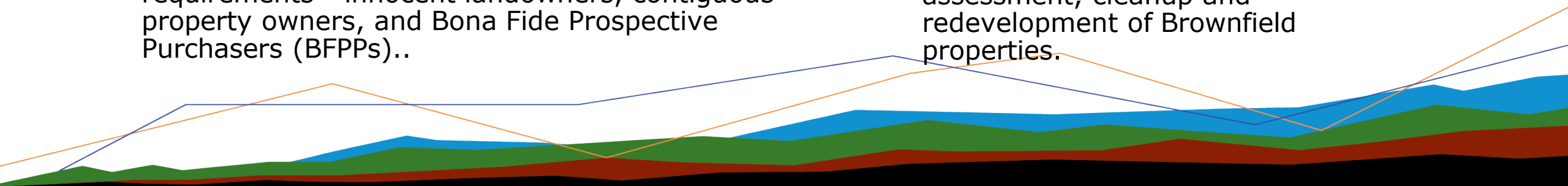
EPA Brownfield Legislation

Brownfields Revitalization Act 2002

- This act amended CERCLA to provide a clear **definition of Brownfield** sites for regulatory purposes.
- **Codified EPA policies** and established essential programs for environmental cleanup. Codified many of EPA practices, policies and guidance.
- **Established applicability of AAI.**
- Provided **liability protection** to prospective responsible parties who meet specific regulatory requirements - innocent landowners, contiguous property owners, and Bona Fide Prospective Purchasers (BFPPs)..

Small Business Liability Relief and Brownfields Revitalization Act (2002)

- **Established funding for Brownfields projects (CERCLA 128(a) and 104(k))**
- Supported **state response programs** to help manage and remediate Brownfield sites effectively.
- Established assessment, cleanup and revolving loan fund grants to finance assessment, cleanup and redevelopment of Brownfield properties.



Key updates to Brownfields legislation



Brownfields Utilization, Investment, and Local Development Act (BUILD) 2018

2018 BUILD Act Reauthorization

- **Reauthorized EPA's Brownfield Program** to continue supporting redevelopment projects.
- **Increased grant funding** for Brownfield cleanup grants to support more environmental cleanup projects. Created Multipurpose grants up to \$1M.
- **Expanded applicant eligibility** to 501c3 nonprofits, LLCs, and LLPs with 501c3 managing partners can now apply for Brownfield funding.
- **Expanded liability protections** Brownfield redevelopment projects to some tenants/lessees and broadened protections for state/local governments acquiring contaminated properties.

Brownfields Process



**AAI before
you buy**

Grant funding, technical assistance, and liability protections support every stage of the process.

Overview of brownfield funding sources and incentives



Federal Grant Programs (104(k))

EPA provides federal grants for assessment, cleanup, revolving loans, and multipurpose brownfield projects to support redevelopment. Also, state response programs, job training and tribal grants.

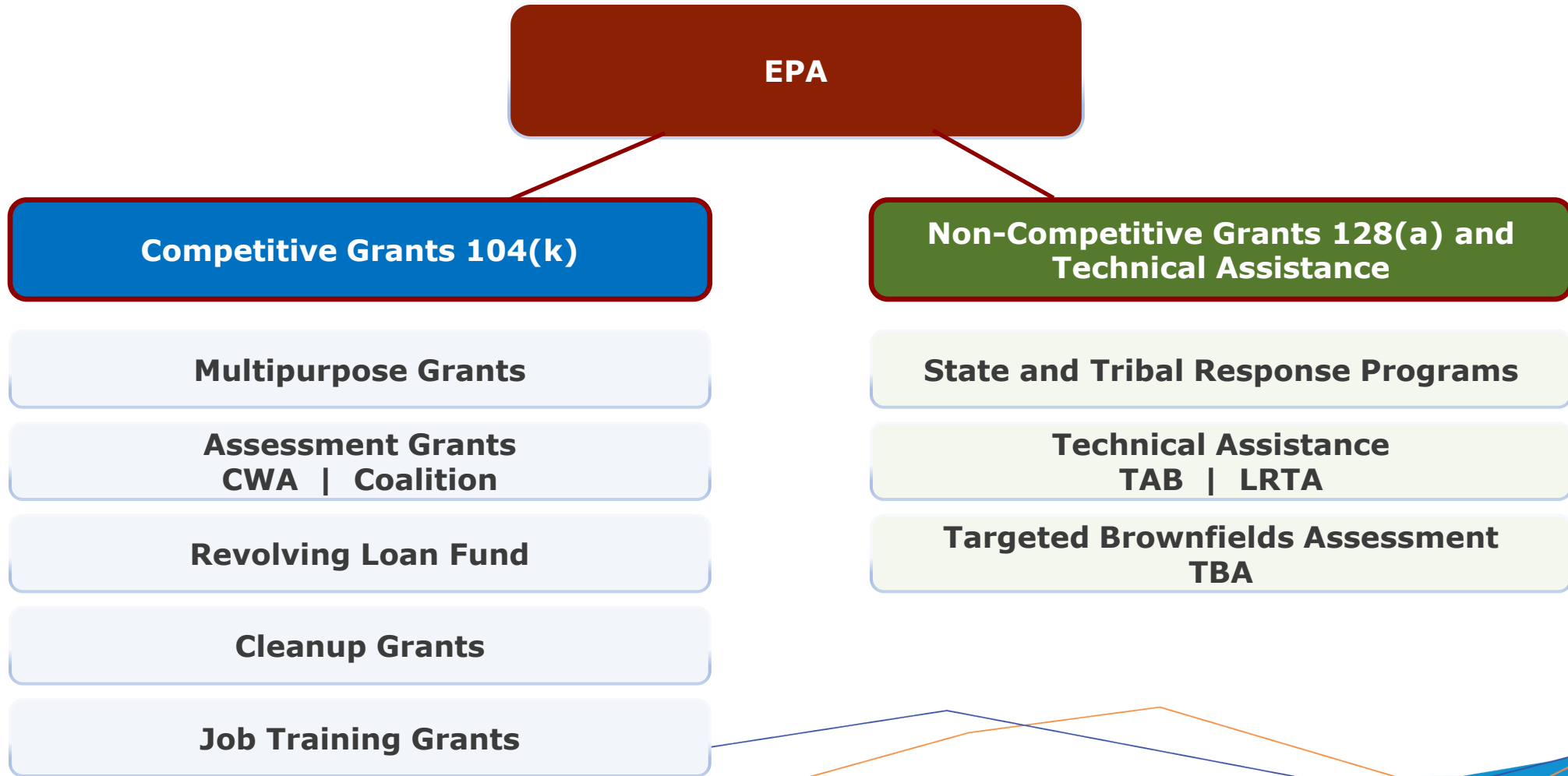
State and Tribal Financial Incentives (128(a))

State programs offer diverse financial incentives including tax credits and funding targeting brownfield redevelopment.

Regulatory and Technical Support

Brownfield programs provide regulatory benefits, liability protections, and technical assistance to encourage redevelopment. (FDEP, also EPA)

Federal brownfield funding sources



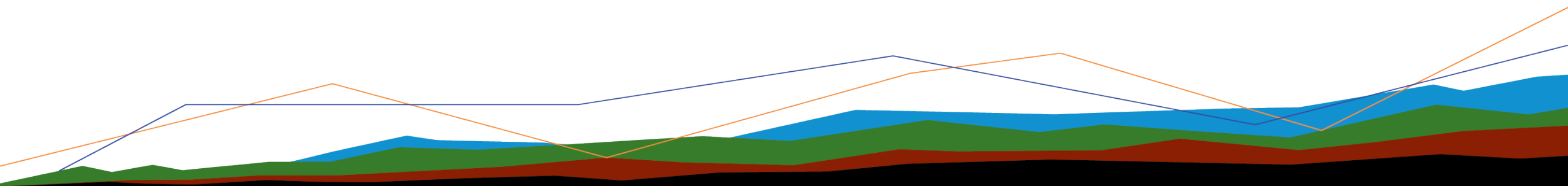
Eligibility for Brownfield 104(k) grants

Eligible entities include:

- General Purpose Unit of Local Government
- Government Entity Created by State Legislature
- Regional Council or group of General-Purpose Units of Local Government
- Redevelopment Agency that is chartered or otherwise sanctioned by a state
- States and Tribes
- Non-profit organizations

Entities that are **not** eligible:

- X For-profit organizations and individual entities
- X Nonprofit organizations subject to section 501(c)(4) of the Internal Revenue Code that lobby



EPA FY 27 Grant Funding

Grant Type	Maximum Project Period	Maximum Amount Per Grant	Estimated Awards	Total Per Grant Type
Community-wide Assessment	4 years	\$500,000	30	\$15,000,000
Assessment Coalitions	4 years	\$1,000,000	13	\$13,000,000
Community-wide Assessment Grant for States and Tribes	5 years	\$1,000,000	12	\$12,000,000
Revolving Loan Fund	5 years	\$1,000,000	10	\$10,000,000
Cleanup	4 years	\$500,000	28	\$14,000,000
Totals	-	-	93	\$64,000,000

Thank you!

Nichole Rodgers

Terracon

Florida Division

Brownfields Manager

803.212.0071

Nichole.Rodgers@Terracon.com

Belinda Richard

Terracon

National Manager – Brownfields & Grants

813.321. 0345

Belinda.Richard@Terracon.com

We will take questions at the end of FDEP's presentation





FLORIDA'S BROWNFIELDS PROGRAM

Scott Sweeney and Justin Cross

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

Florida Brownfields Conference | September 15, 2026



PRIMARY GOAL

Brownfield Redevelopment Act – Section 376.78(1), Florida Statutes (F.S.)

- Reduce **public health and environmental hazards** at sites proposed for rehabilitation and redevelopment that are **abandoned or underused**.
- Create **financial and regulatory incentives** to encourage **cleanup and redevelopment**.



FLORIDA STATUTE CHANGES (2025)

SECTIONS 376.78 – 376.82 AND 376.30781, F.S.

Changes include:

- Redefining “**Brownfield site**” to potentially include a **portion of a larger contaminated site**, allowing tax credits for cleanup and closure of smaller parcels separately from the larger contaminated site.
- Expanding the Brownfields Program to address environmental hazards at **all sites**, rather than limiting eligibility to commercial and industrial sites.
- Allowing **Superfund sites** to participate in the Brownfields and Voluntary Cleanup Tax Credit (VCTC) programs, unless the U.S. Environmental Protection Agency objects.
- Allowing **local governments** to earn tax credits for cleaning up contamination they caused or contributed to through **July 1, 2025**, an extension from the previous **July 1, 1997** cutoff.



WHAT IS A BROWNFIELD?

Brownfield (*new in 2025*)

- Any real property where the **expansion, redevelopment or reuse** may be complicated by **actual or perceived environmental contamination**.

Brownfield Area

- A **continuous area** consisting of one or more brownfields, some of which may not be contaminated.
- Must be **designated by a local government by resolution**.

Brownfield Site (*new in 2025*)

- The real property identified in a Brownfield Site Rehabilitation Agreement (BSRA) executed by the person responsible for brownfield site rehabilitation of the property and the department or a delegated local pollution control program, as applicable.

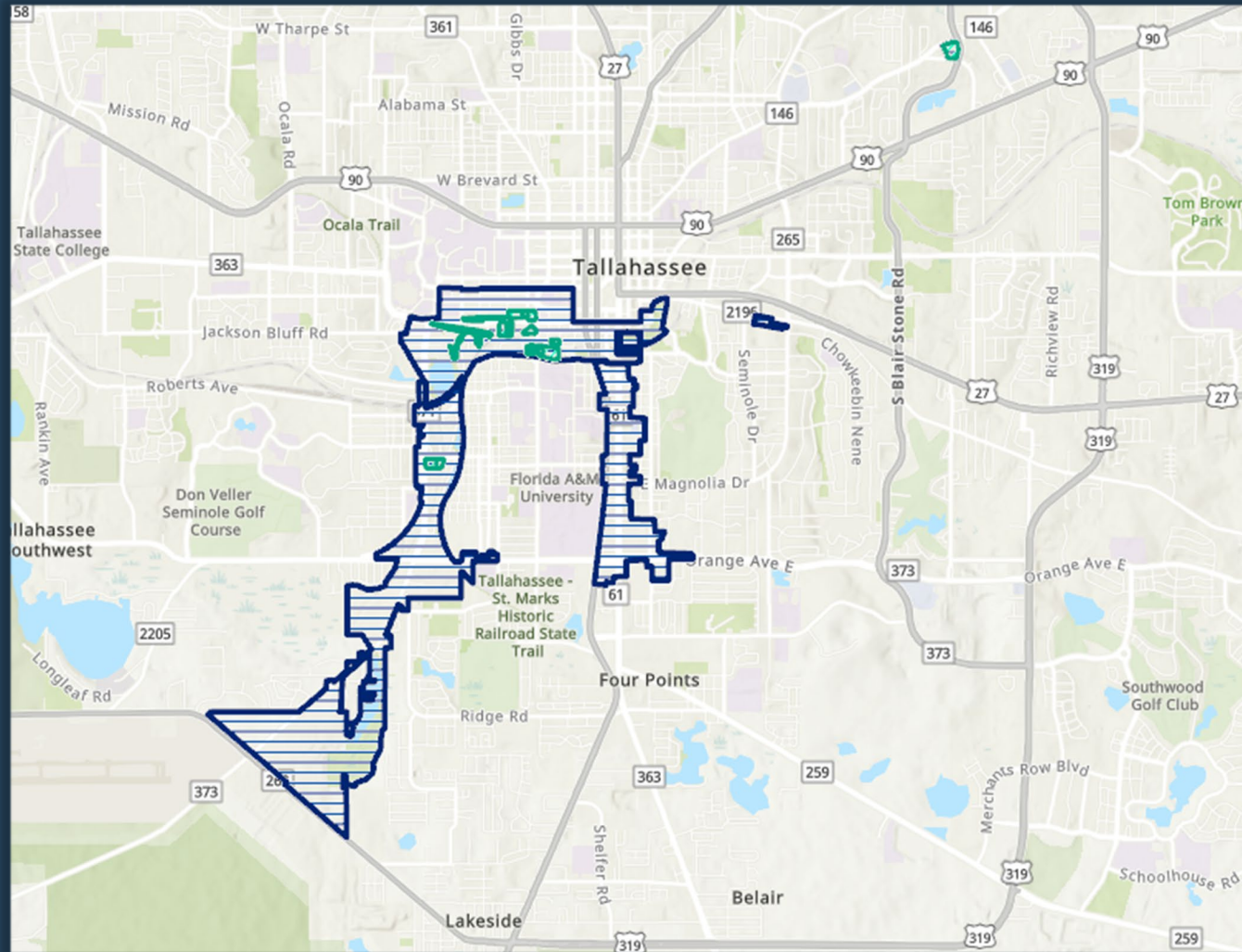


THE BROWNFIELD PROCESS



BROWNFIELD PROCESS

BROWNFIELD AREA DESIGNATION BY LOCAL GOVERNMENT





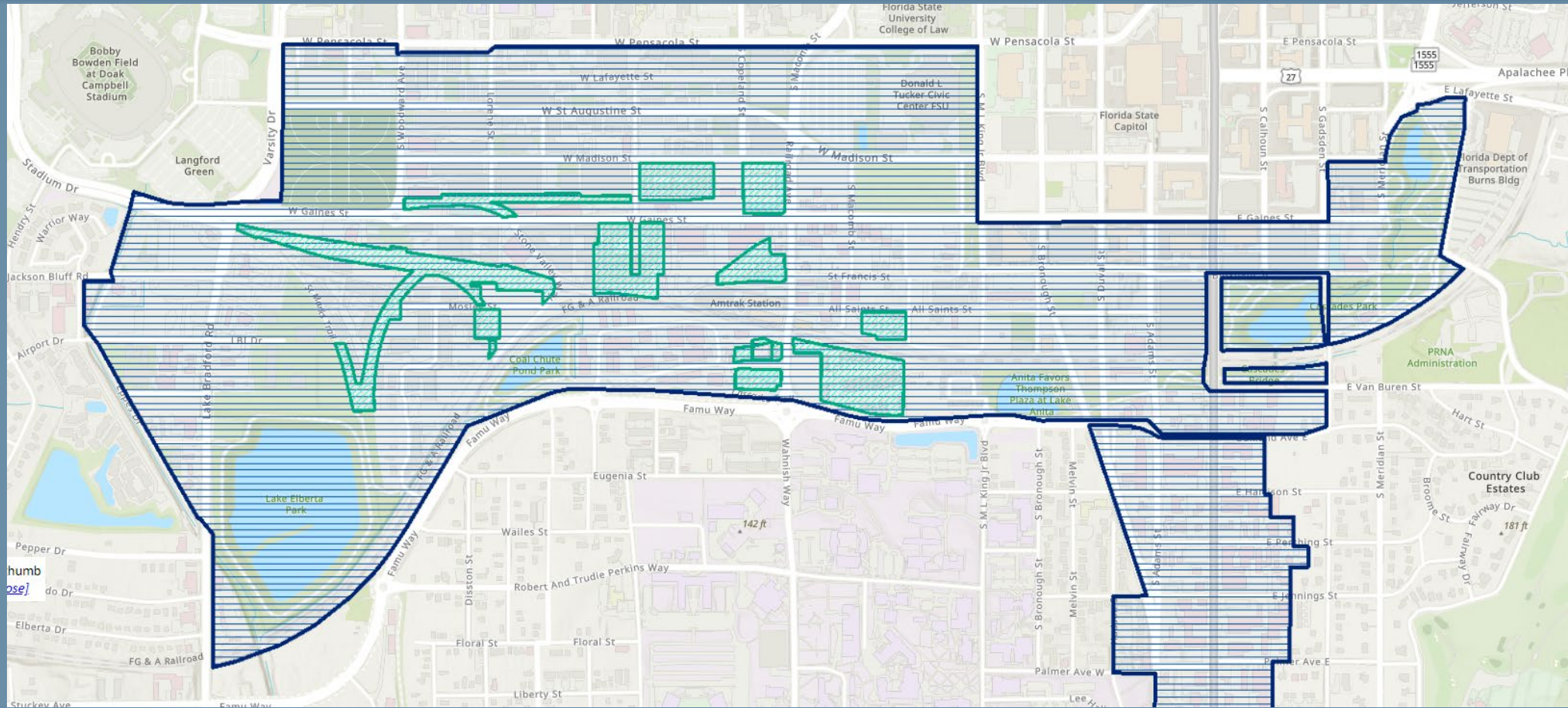
PERSON RESPONSIBLE FOR BROWNFIELD SITE REHABILITATION

A Person Responsible for Brownfield Site Rehabilitation (PRFBSR) is identified to perform site rehabilitation.



EXECUTION OF A BROWNFIELD SITE REHABILITATION AGREEMENT

Brownfield Site Rehabilitation Agreement (BSRA)





BROWNFIELD PROCESS

IMPLEMENTATION OF THE BSRA BY PRFBSR

Implementation of a BSRA follows a process similar to that of a waste cleanup site.





BROWNFIELD PROCESS

SITE REHABILITATION COMPLETION ORDER

Upon completion of site rehabilitation under the BSRA, the Department issues a Site Rehabilitation Completion Order (SRCO).



BROWNFIELD PROCESS SUMMARIZED

**Brownfield
Area
Designation**
by local
government

**Identification
of PRFBSR**

**Execution
of BSRA**
by the
Department
and PRFBSR

**Implementation
of BSRA**
by PRFBSR

SRCO



FLORIDA BROWNFIELDS REDEVELOPMENT PROGRAM

BROWNFIELD AREA DESIGNATIONS

Calendar year 2025	17
Calendar year 2026 (to 9/9/26)	5

BROWNFIELD SITE REHABILITATION AGREEMENTS

Calendar Year 2025	47
Calendar Year 2026 (to 9/9/26)	1

SITE REHABILITATION COMPLETION ORDERS

Calendar Year 2025	14
Calendar Year 2026 (to 9/9/26)	4



VOLUNTARY CLEANUP TAX CREDITS

Tax Credit Type	Application Frequency	% Allowed / Maximum Credit for Costs Incurred and Paid after 12/31/07	
Site Rehabilitation	Annually	50%	\$500,000
No Further Action Bonus (i.e., SRCO)	Once	25%	\$500,000
Affordable Housing Bonus	Once	25%	\$500,000
Health Care Facility Bonus	Once	25%	\$500,000
Solid Waste	Once	50%	\$500,000



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



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 Scott.L.Sweeney@FloridaDEP.gov or call 850-245-8958.

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)



STATE AND TRIBAL RESPONSE PROGRAM (SRP)

\$16.2 million

**Total amount
awarded to date**

\$610,000

**Federal Fiscal Year
2026-27**

Assisted 119 applicants with 138 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 (RLF) Grants</u>	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, Including Targeted 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 Agreements to State and 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 FUNDING

- FY26-27 was expected to be the fifth and final year of the BIL grant funding, which has provided a significant boost to TBA/SSA activities.
- A new five-year BIL grant will begin instead, extending the remaining funding, including unused “rollover” funds.
- While this extension provides greater funding stability for the future, capacity will be constrained in the near term, as current project portfolio is expected to use most or all available funding.



TBA / SSA PROPOSED BUDGET

FY 2026-27

BIL Funds

SRP Grant Allotment

**Funds Available For
TBA/SSA**

\$690K



\$136K



\$826K



THANK YOU

Scott Sweeney and Justin Cross

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

Contact Information:

Scott Sweeney
(850) 245-8958

Justin Cross
(850) 245-8968

Scott.L.Sweeney@FloridaDEP.gov

Justin.L.Cross@FloridaDEP.gov

<https://floridadep.gov/waste/waste-cleanup/content/brownfields-program>

Questions?

