

Tallahassee, Florida
September 2026

The past and the future. A new vision for the Florida Brownfields Program

Jorge R. Caspary, P.G., Senior Principal
Onterris

Aaron Getchell, CPG, P.G., Senior Geologist
Halff Associates, Inc.

Travis Hearne, Esq.
Mechanik, Nuccio, Hearne & Silvestri, P.A.



MECHANIK
NUCCIO
HEARNE &
SILVESTRI,
P.A.

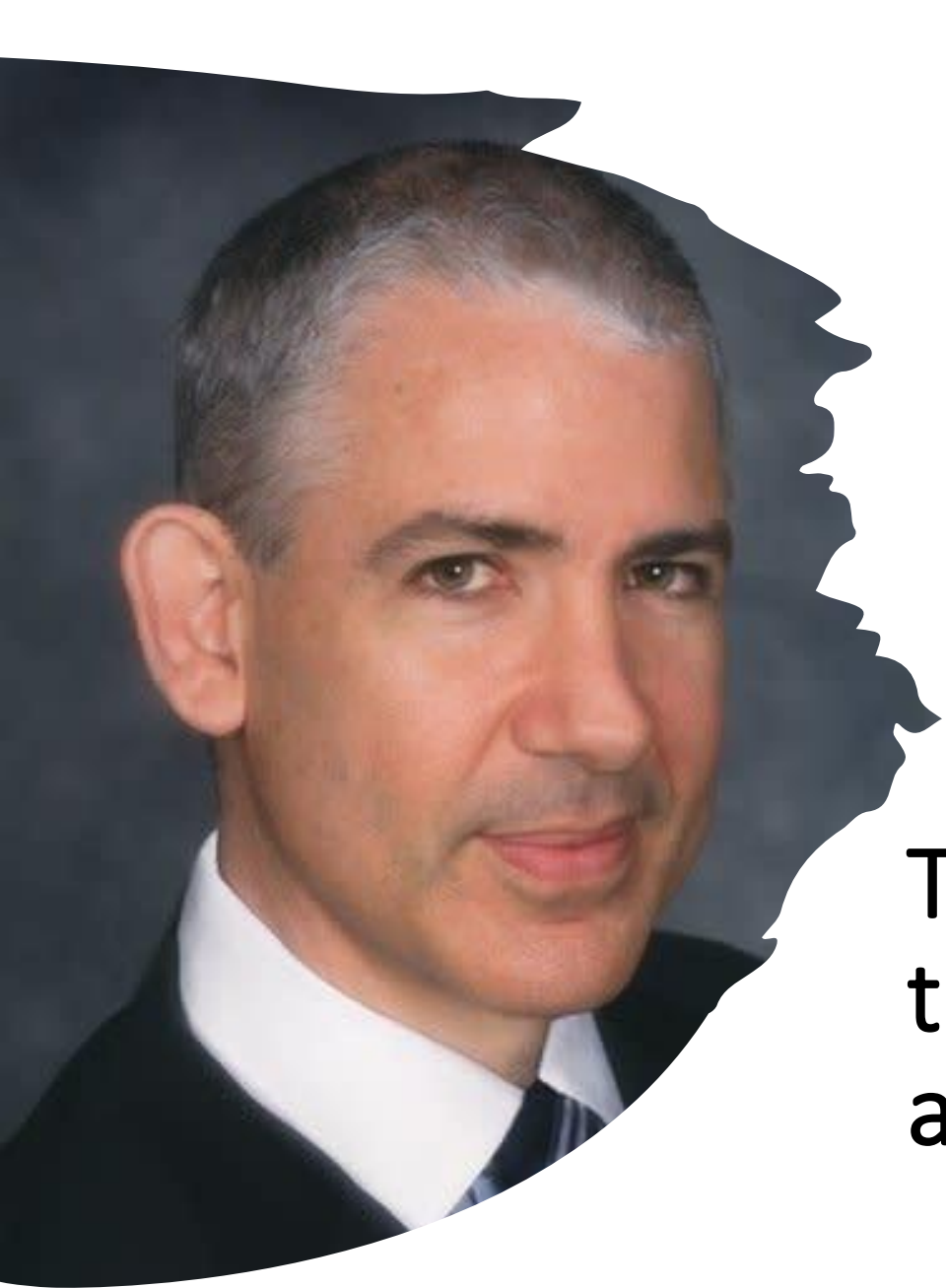


A brief historical context of Brownfields in Florida



- 1997. The Florida Legislature adopts the Florida Brownfields Act. Main tenets of the Act: provide fiscal incentives for local governments and individuals to voluntarily clean up and redevelop contaminated properties.
- The first conference was held in 1998 in Clearwater.
- Between 1998 and 2002, an informal group of cities, attorneys, and consultants operated an informal "FL Brownfields Coalition".
- In 2002, the Florida Brownfields Association incorporates.





Thank you. Some of the icons
that had the vision...and are still
at it.

A brief historical context of Brownfields and VCTCs in Florida

The early to mid years

- By January 2004, \$1.38 million in VCTCs were awarded.
- By December 2002, local governments had designated 45 Brownfield Areas, 14 BSRAs, and only two sites had been rehabilitated
- By 2011, 259 Brownfields Designated Areas; \$24.6M in tax credits, 155 BSRAs, and 46 sites cleaned up

Maturity

- January 2023, 573 designated Brownfield Areas and \$23 million in VCTCs were awarded in 2022
- From 2002 to 2023, 219 SRCOs, 108 unconditional and 111 conditional
- \$454 million in confirmed capital investment in Brownfield Sites
- 2023 the VCTC cap is raised from \$10M to \$35M



Some of the most notable projects to date

- Waterworks Armature Works (Tampa)
- IKEA (Tampa)
- Midtown (Miami)
- Cascades Park (Tallahassee)

So, in general, what have learned so far, last 10 years?

Contamination is not a deterrent to redevelopment

Land reuse must go hand in hand with remedial goals

Perceived environmental costs may inhibit redevelopment

Empowered communities can impact property end-use

Long-term vision leverages dollars

For rural areas, incentives, even when combined with Opp Zones, may not be enough (location)

Communication, coordination, collaboration are crucial

So, in general, what have learned so far, last 10 years?

Brownfield properties provide marketing challenges –and opportunities

Capital (\$) still sees Brownfields as a potential high-risk investment

Lack of a venue to market Brownfield Areas in Florida

Liability protection is sometimes more important than monetary incentives

Most brownfield sites are closed with Institutional Controls

Brownfields are non partisan

There is still room to grow and improve the program



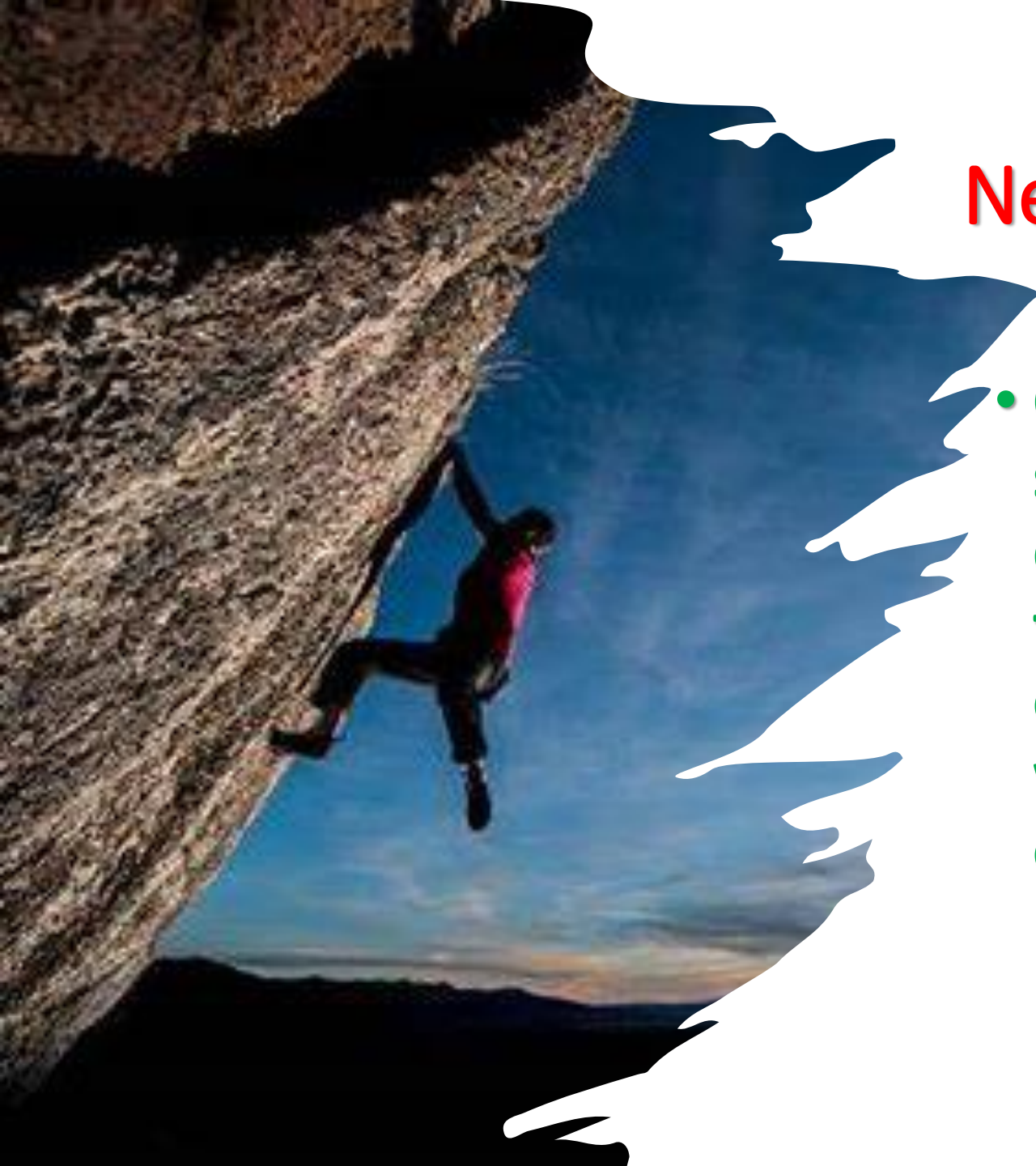
The last two years have been quite active. Let's see what is in our near future and what challenges lie ahead...





Rulemaking and Legislation

- **Brownfields Legislation (2025) and its implementing rule**
- **62-524, Well Construction in Delineated Areas 2026/2027**
- **62-777, target cleanup target levels 2027/2028**

A photograph of a person rappelling down a steep, rocky cliff face. The person is wearing a red shirt and dark pants, and is positioned on the left side of the frame. The cliff face is rugged and brownish-grey. The background shows a clear blue sky and distant mountains. The image is partially obscured by a white, jagged, torn-paper-like border on the right side.

Near term challenges

- **Closure of a site within a larger site, we anticipate that distinguishing a smaller site from a larger site will be challenging. Ideas? How can we work to reduce potential obstacles/drawbacks?**

Near term challenges

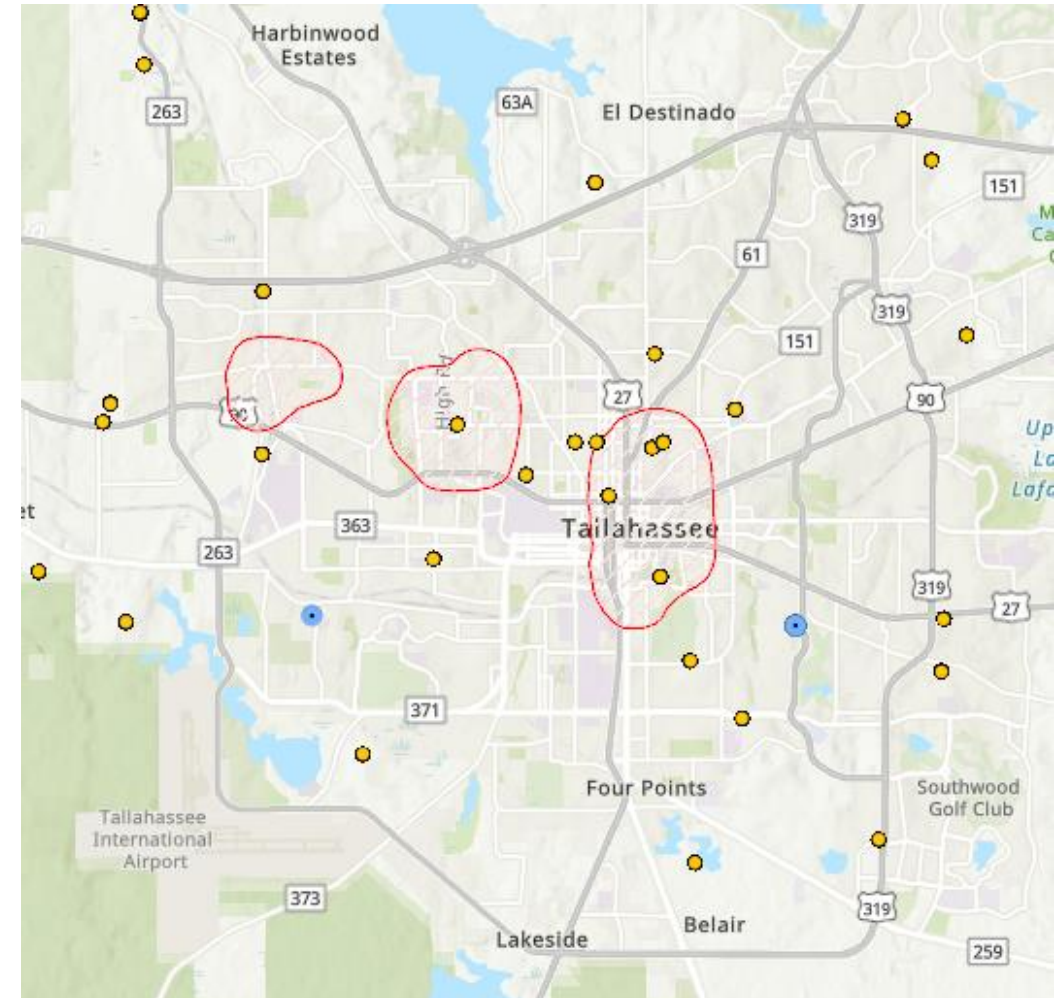
- **Background issues continue to come up. Also, background will be a huge issue when 62-777 rulemaking takes flight.**
- **Discussion of revision of the current background guidance.**
- **Proposed path forward.**





Delineated Area Rule 62-524, FAC

- New Potable Water Well Permitting in Delineated Areas
- Well permit cannot be issued to construct a new potable water well on property located within a delineated area
- 427,897 acres in 38 counties in Florida have been delineated as areas of known groundwater contamination
- Majority are EDB, with a few areas delineated for solvents and petroleum
- Typically mapped using a 1,000-foot setback from a contaminated well or site





FDEP's Background Guidance

If protective of human health and the environment, protective of potential receptor pathways, based on providing supporting lines from data evaluation and using the following FDEP guidance:

- Guidance for Comparing Background and Site Chemical Concentrations in Soil, March 2019
- Guidance for Evaluation of Low Yield/Poor Quality Criteria, Florida Department of Environmental Protection, Bureau of Waste Cleanup, Program & Technical Support Section, Draft, October 2008
- Guidance for Comparing Background and Site Chemical Concentrations in Groundwater, Florida Department of Environmental Protection, Office of District & Business Support, July 2013

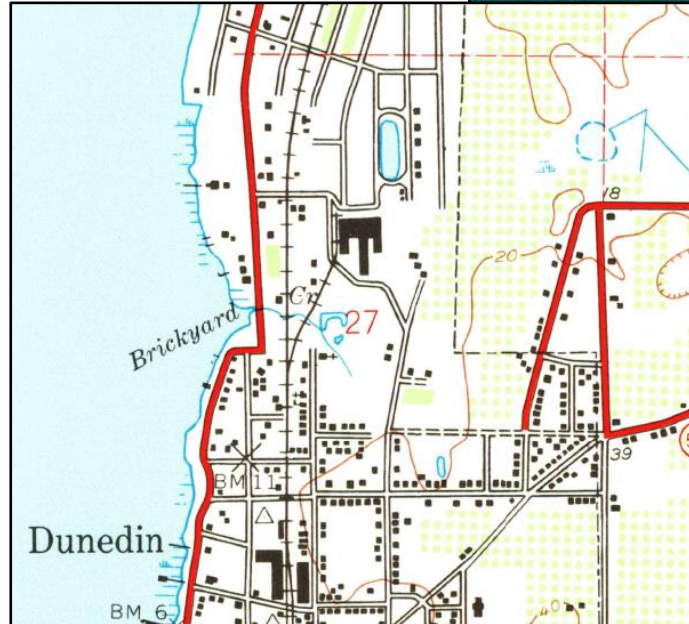
Case Study: Former Minute Maid A-GCTL



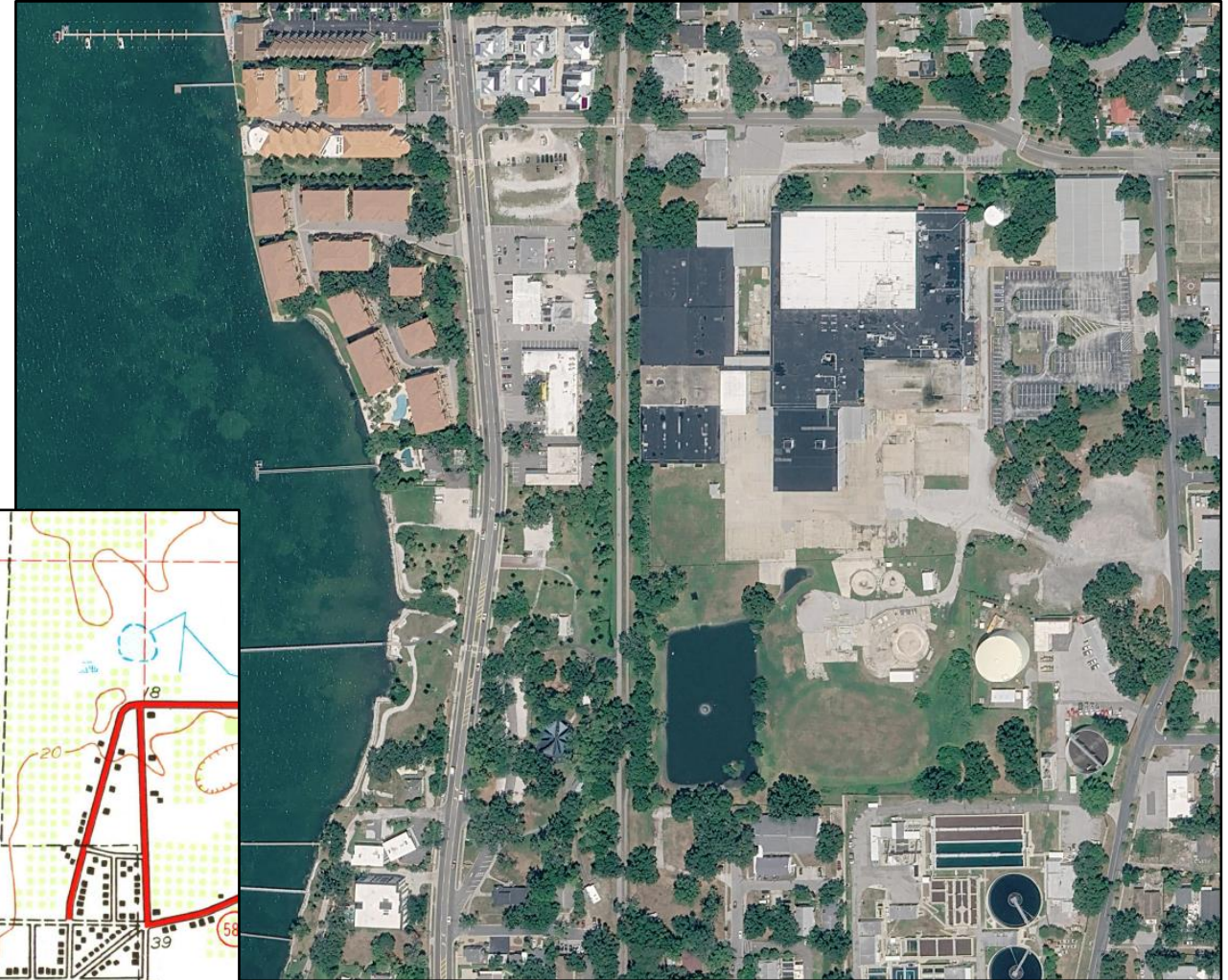
Historical picture of the Orange Belt Railway, Unknown



1924 Florida orange grove powder dusting, UF Archive



USGS, Dunedin, FLA, 1943



Google Earth, July 2026

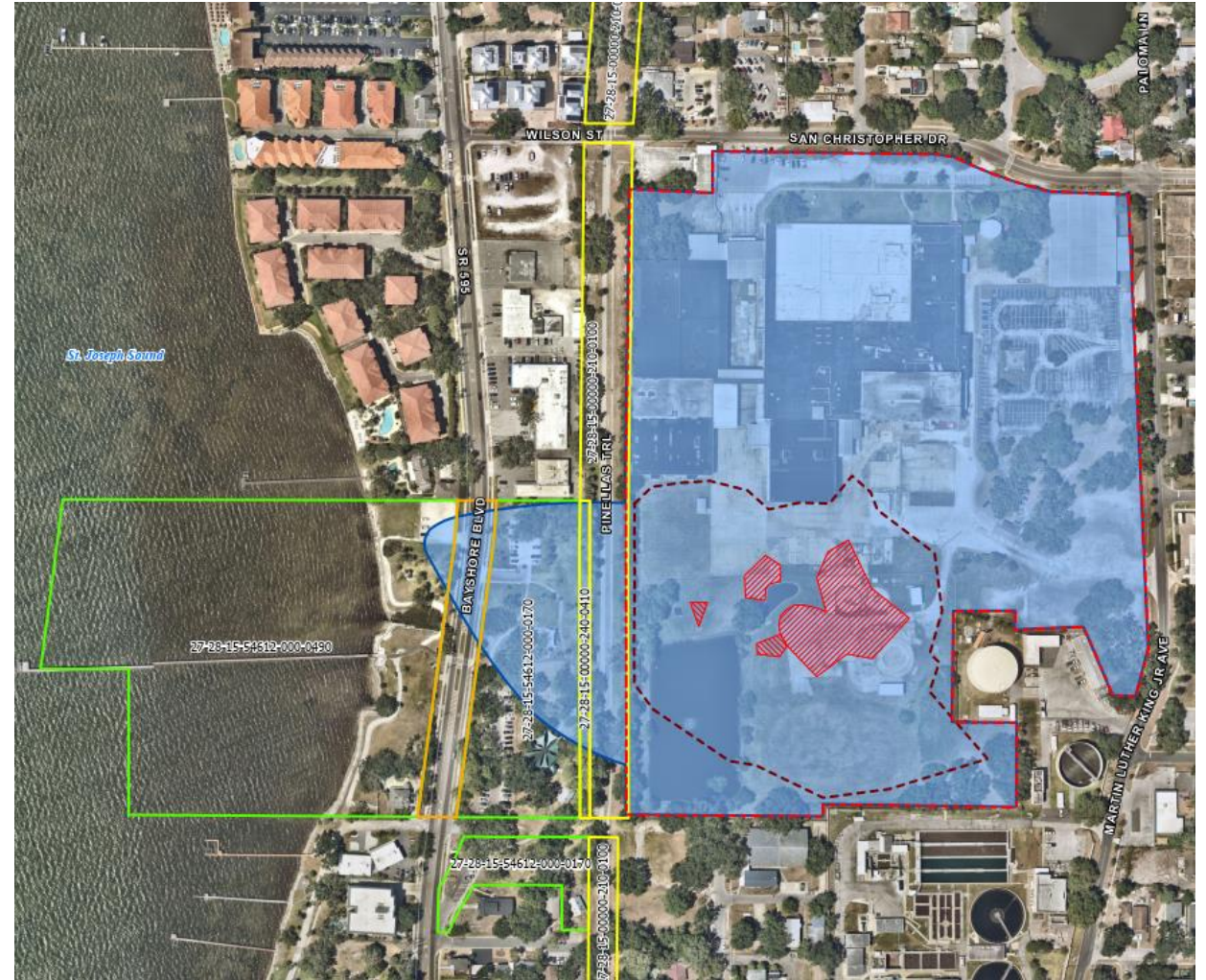
Case Study: Former Minute Maid A-GCTL

- 1944 - the Plant was constructed to produce citrus fruit juice products, including railroad spurs from the Orange Belt Railway railroad corridor to accept citrus for processing.
- The railroad cars loaded with citrus were parked on the railroad spurs in the central portion of Plant. The ***citrus (treated with arsenical pesticides) was then rinsed with water and the cars were allowed to drain while sitting on the spurs.***
- 1980s – the practice of using railroad spurs to bring citrus into the Plant for processing was changed to freight tucks.
- 1986 – three monitoring wells were installed at the Plant pursuant to a wastewater permit, arsenic was detected above the permit limits.
- 1986 – arsenic exceeded the limits of the wastewater permit in samples collected from the three monitoring wells.
- 1988 - Coca-Cola purchased the plant (industrial assets and real property) and initiates a Contamination Assessment on a leaking bunker oil tank.
- 1990 – Coca-Cola conducts a Contamination Assessment for arsenic.



Case Study: Former Minute Maid A-GCTL

- Proposed arsenic A-GCTL of 50 $\mu\text{g/L}$ (Marine Surface Water Criteria) **NOT APPROVED**
- City, FDOH, FDEP produced 403 arsenic data sets for 88 water supply wells within a 1.5-mile radius of the site with a high value of 166 $\mu\text{g/L}$ and **regional average value of 13.6 $\mu\text{g/L}$**
- Site monitoring wells 93 arsenic data sets from seven wells with a high value of 48 $\mu\text{g/L}$ and **site-specific average value of 13.8 $\mu\text{g/L}$**
- Twice the mean site-specific value of 14 $\mu\text{g/L}$ is 28 $\mu\text{g/L}$ which was proposed **NOT APPROVED**
- FDEP approved A-GCTLs of 18 $\mu\text{g/L}$ for the surficial aquifer and 25 $\mu\text{g/L}$ for the Floridan Aquifer **APPROVED**



Near term challenges

- Widespread adoption of Non-Recorded Institutional Controls (NRICS) by property owners and their legal advisors. Resistance at the local level.
- Dialogue and solutions?



Where do we want to be in 5 -10 years?

- VCTC legislation: expand VCTC eligibility to additional redevelopment expenses.
 - asbestos and lead based paint abatement;
 - demolition of structures/slabs;
 - removal of underground storage tanks; environmental insurance;
 - and costs associated with brownfield-area designation.”



Where do we want to be in 5 -10 years?

- **VCTC increase? \$750K? Why? Why not?**
- **25% SRCO bonus? Why? Why not?**
- **CTLs. How would you manage the change?**
- **Additional guidance? What subjects?**
- **How do we improve the Florida Brownfields program?**



A top-down view of a wooden desk with various stationery items. In the top left, there is a blue pen and a silver pen. In the top center, there are two white pens. In the top right, there is a box of 'TOUCHLINE' pencils. In the bottom left, there is a blue eraser and a white pen. In the bottom right, there are two black pens. In the center of the desk is a white rectangular card with the text 'THANK YOU' written on it in a large, black, serif font.

THANK
YOU