



NC Brownfields Program

- ❖ Program Overview
- ❖ Brownfields Benefits
- ❖ Process Overview



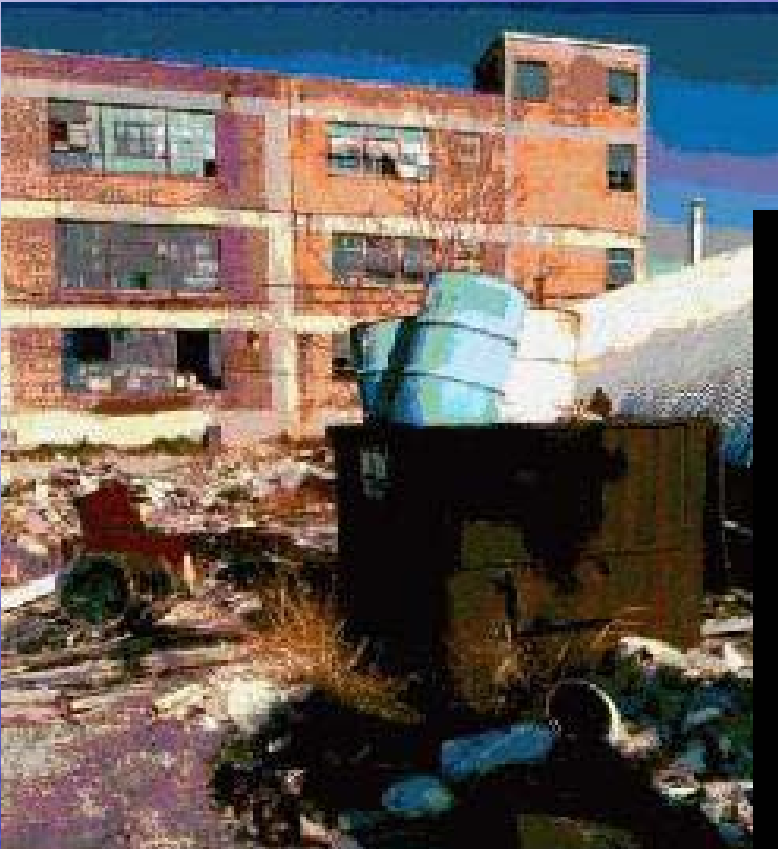
**Workshop and Training
November 16, 17, and 18, 2005**



What is a Brownfield?

- “Abandoned, idled, or underused property where redevelopment is hindered by actual or perceived environmental contamination.”
 - ▽ Can be safely reused
 - ▽ Offers pre-existing infrastructure
 - ▽ Reuse brings public benefit
 - ▽ Cleanup liability can be defined
 - ▽ Can compete with “greenfields”
 - ▽ Offers viable investment opportunity

A Brownfield?





Brownfields Sites

Typical projects come from Inactive Haz. Sites, AP Section, Haz. Waste. We **cannot** address:

- ✓ Other than Part 2A of Article 21A of Chapter 143 of the General Statute [**i.e. Leaking Petroleum Underground Storage Tanks Sites**]
- ✓ Remediation under the Comprehensive Environmental Response, Compensation & Liability Act of 1980 (CERCLA) [**i.e., NPL Sites**]



Typical Brownfield Sites

- ✓ Textile Mills
- ✓ Light and Heavy Industrial Properties
- ✓ Automobile Service Stations
- ✓ Manufacturing Facilities
- ✓ Machine Shops
- ✓ Dry Cleaners



Barrier to Redevelopment

- Mere Owner Liability
- Open Ended Cleanup Cost
- Banks Hesitant to Make Loans
- Property Value < Cleanup Cost



Where does this lead?



History of Brownfields: State

- **Voluntary Cleanup Program**
 - North Carolina Inactive Hazardous Sites Response Act of 1987
 - Focused on remediation by responsible parties
 - Real Estate transaction driver but not all abandoned or underused
- **Brownfields Program**
 - Brownfields Property Reuse Act of 1997
 - Focused on redevelopment of abandoned properties
 - Must be nonresponsible party to be eligible



History of Brownfields: State

- **Voluntary Cleanup Program**
 - Responsible Parties Cleanup to Standards
 - Responsible Parties Receive Nothing
- **Brownfields Program**
 - Nonresponsible Parties to Make Site Safe through Site Specific Risk Based Approach
 - Nonresponsible Parties Receive Incentives



What are the Benefits?

- Recognize Sites as Profit Opportunities
- **Liability Protection** (ie, brownfields agreement)
- Cleanup for “**Safe Reuse**” rather than standard
 - DENR lists necessary actions in brownfields agreement
 - liability protection contingent on completion
- Local Property Tax Phased in over 5 years



Why do we do it this way?

- Encourages **NEW** cleanups that would never have been undertaken at all
- Removes Barriers to Redeveloping Abandoned Sites...not Just Standard Property Transactions
- Brownfield Developers asked logical public policy question...*why hold me responsible?...I didn't pollute the site*
- Preserves **"Polluter Pays"** Concept
- Sites will not languish after assessment... the developer brings site to us for a **rea\$on**



Brownfield Process Summary

- 1) Submit Letter of Intent
- 2) Perform Eligibility Screen
- 3) Submit Site Information to Identify Data Gaps
- 4) Perform Assessment Work, as needed
- 5) Evaluate Site Risks for Land Use
- 6) Negotiate & Draft Brownfield Agreement
- 7) Submit for 60-Day Public Comment Period
- 8) Implement Brownfield Agreement



Let's take a closer look...

1 PD submits LOI

- β DENR Project Manager assigned and begins eligibility review. < 1 month.

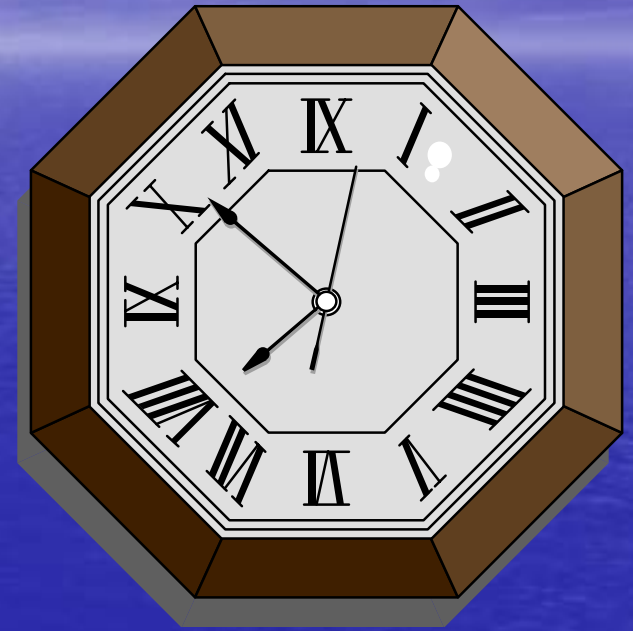
2 PD is ELIGIBLE!!

- β You get a DENR Letter of Eligibility, with a request for any environmental reports completed for the site. **This starts the DATA GAP evaluation stage.**

- β Data Gap Evaluation is dependant on receipt of all reports. Approximately 1 month.

$\frac{1}{2}$ Data Gaps are identified.

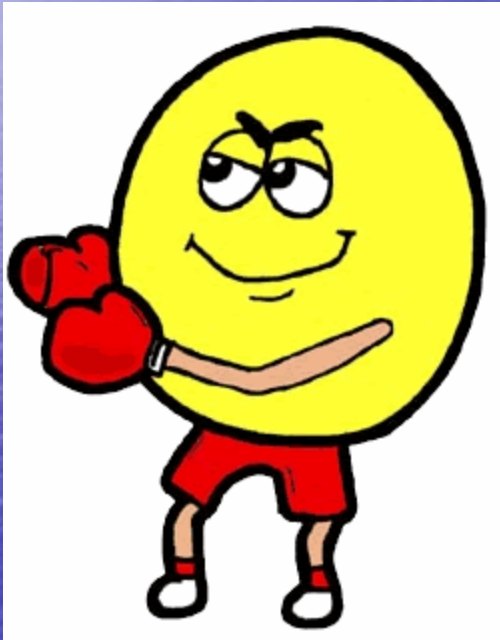
β If gaps exist DENR issues a letter of additional assessment requirements. Additional assessment phase depends on going out to bid, laboratory turn around times, reporting. Estimated range 2-4 months.



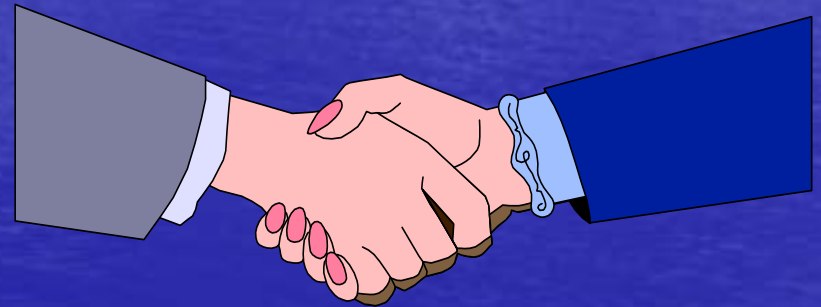
- 3 Based on assessment data, evaluate site risks for land use.
 - β This evaluation is the basis to begin drafting the BFA. Approximately 1 month.



- 4 Negotiate BFA between DENR attorney and PD attorney...tick, tick, tick.



or





3/4 Draft BFA is submitted for 60-day Public Comment.



Implement Brownfields Agreement.





Brownfields Web Site

www.ncbrownfields.org

Staff Contacts:

Bruce Nicholson Program Manager

Tony Duque

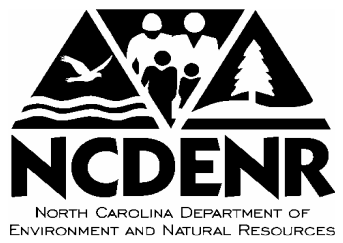
Carolyn Minnich - Charlotte Office

Daphne Olszewski

Lisa Taber

Sandra Moore

Tracy Wahl - Asheville Office



Your Western North Carolina Brownfields Resource

Tracy Wahl
Brownfields Project Manager
Located in Asheville, NC at:
Land of Sky Regional Council
25 Heritage Drive
Asheville, NC 28806
1-828-251-6622 ext. 150
Tracy.Wahl@ncmail.net

Questions & Comments

