

AN OVERVIEW OF STATE BROWNFIELD PROGRAMS

EPA Region 4

The following overview of brownfield programs in EPA Region 4 states is provided as introductory information. For more detail, contact the particular state brownfield office.

ALABAMA

State Agency with Brownfield Oversight

Alabama Department of Environmental Management (ADEM)

www.adem.state.al.us/LandDivision/Brownfields/HWBrownfields.htm

The *Alabama Land Recycling and Economic Redevelopment Act* (ALRERA) was enacted in 2001 to promote the reuse of brownfield properties, thereby saving greenspace and money by utilizing existing infrastructure. ALRERA is designed to encourage the voluntary assessment, cleanup and reuse of brownfields while still holding responsible parties accountable for contaminating the property. Among the key points of the Act are: establishing risk-based cleanup standards, imposing restrictions on future land use based on cleanup levels, and limiting the legal liability of anyone wanting to cleanup the property.

Alabama has implemented a Voluntary Cleanup program, with all brownfield sites eligible to participate *except*:

- Property listed on the federal Superfund list
- Sites undergoing response actions required by ADEM
- Sites undergoing response actions required by EPA
- Sites permitted by ADEM as hazardous waste treatment, storage, or disposal facilities.

To participate in the Voluntary Cleanup program, all applicants must:

- Submit a voluntary property assessment plan that describes the type and extent of contamination, and develop a risk assessment plan or cleanup plan;
- Submit a voluntary cleanup plan describing remediation plans and land use controls;
- Submit a cleanup status report upon completing the action in the Voluntary Cleanup Plan;
- Receive a Letter of Concurrence from ADEM after cleanup is complete.

EPA Brownfield Pilot Recipients: (* indicates sites where the TAB Program has provided assistance)

- Alabama Department of Environmental Management
- Anniston
- Birmingham
- Black Warrior-Cahaba Rivers Land Trust, Jefferson County
- Guin
- Montgomery
- Prichard
- Selma
- Uniontown

FLORIDA

State Agency with Brownfield Oversight

Florida Department of Environmental Protection

Florida Brownfield Redevelopment Program

www.dep.state.fl.us/waste/categories/brownfields

Florida enacted the *Brownfield Redevelopment Act* with several specific legislative intents:

- To reduce public health and environmental hazards posed by brownfield sites;
- Promote the efficient use of public facilities and services;
- To encourage responsible owners to voluntarily redevelop brownfield sites;
- To develop cleanup standards for brownfield sites;
- Evaluate cleanup standards based on actual risk, future land use, and the potential for spread of contamination;
- Promote environmental justice and community redevelopment; and
- Foster cooperation among federal, state, and local entities involved in brownfield cleanup.

With a few exceptions, most sites are eligible to participate in the program. Public participation is required as part of the program. Florida's cleanup regulations take into account risk based assessments, and various financial incentives exist to spur redevelopment.

EPA Brownfield Pilot Recipients: (* indicates sites where the TAB Program has provided assistance)

- Clearwater
- Cocoa
- Escambia County
- Fort Myers
- Fort Lauderdale
- Gainesville
- Hillsborough County
- Jacksonville
- Miami
- Miami Model City Community Revitalization District Trust
- Miami-Dade County
- Ocala
- Opa-Locka
- Pinellas County
- Sarasota
- South Florida Regional Planning Council Coalition
- Southeast Florida
- St. Petersburg*
- Tallahassee
- Tampa
- Treasure Coast Regional Planning Council, Southeast, FL*

GEORGIA

State Agency with Brownfield Oversight

Georgia Environmental Protection Division

<http://www.ganet.org/dnr/environ/>

Georgia's *Hazardous Site Reuse and Redevelopment Act* forms the basis for Georgia's brownfield program, and establishes the provisions for the State's voluntary cleanup program. Georgia's brownfield program is similar to other state programs in terms of who is eligible to participate, and what sites fall under the program. A person *may not* participate in the program if:

- They contributed to a release at the site;
- They are related or otherwise affiliated with a person who contributed to the release;
- They are connected through a business relationship with a person or company who contributed to the release;
- They are in violation of any action issued by the Georgia Environmental Protection Division.

Sites are *not* eligible to participate in the voluntary cleanup program if:

- They are on the federal Superfund list;
- They are under a federal cleanup order;
- They are classified as a hazardous waste facility.

Under the Hazardous Site Reuse Act, a site is eligible for the program whether or not it is listed under the State's Hazardous Site Inventory (HSI).

The Hazardous Site Reuse and Redevelopment Act provides liability protection for purchasers, requires public comment on corrective action plans, provides tax incentives to encourage cleanups, and allows different cleanup standards that are based on the use of the property.

EPA Brownfield Pilot Recipients: (* indicates sites where the TAB Program has provided assistance)

- Atlanta Youth Soccer Association*
- Atlanta*
- Augusta*
- Columbus
- East Point
- Fort Valley
- Lumber City
- Macon*

KENTUCKY

State Agency with Brownfield Oversight

Kentucky Division of Waste Management

Kentucky Brownfields Program

<http://www.waste.ky.gov/programs/sf/Brownfields.htm>

In 2001 Kentucky enacted the *Voluntary Environmental Remediation Act* (VERA) to encourage volunteers to clean up brownfields through increased liability protection for participants. Kentucky's Voluntary Environmental Remediation Program (VERP) allows volunteers to approach the State and initiate cleanups. As a result, volunteers can avoid the delays and costs associated with the enforcement process and conduct cleanups within the time frames needed for redevelopment or sale. Sites not eligible for the VERP are:

- Sites listed on the federal Superfund list;
- Sites with a RCRA permit or subject to hazardous waste closure or corrective action requirements;
- Sites subject to state or federal enforcement actions;
- Sites that present an environmental emergency.

Participants in the VERP must submit a corrective action plan, which is required to be reviewed by the public. Once a volunteer completes a cleanup in Kentucky, the State will issue a Notice of Completion (or No Further Remediation Letter for public entities), giving the volunteer assurance that the State is unlikely to require further cleanup of the release in the future.

EPA Brownfield Pilot Recipients: (* indicates sites where the TAB Program has provided assistance)

- Covington
- Louisville
- Newport

MISSISSIPPI

State Agency with Brownfield Oversight

Mississippi Department of Environmental Quality

http://www.deq.state.ms.us/MDEQ.nsf/page/Cleanup_brownfields?OpenDocument

The *Mississippi Brownfields Voluntary Cleanup & Redevelopment Act* (MBVCRA) was enacted to promote the voluntary cleanup of brownfields without using taxpayer dollars.

Incentives include:

- Cleanup standards based on public health and environmental risks;
- Liability protection for program participants.

Mississippi keeps a list of approved brownfield consulting firms. The State also maintains a listing of brownfield properties available for purchase or lease. MDEQ maintains a list of brownfields inventory of sites in Mississippi.

Mississippi also has in place the Mississippi Uncontrolled Site Voluntary Evaluation Program (MUSVEP) which allows qualified voluntary parties to request MDEQ to review remedial work plans on a fast-track for sites where hazardous or toxic wastes have been released, but there is no federal or state program that can address the problem.

EPA Brownfield Pilot Recipients: (* indicates sites where the TAB Program has provided assistance)

- Columbia
- Jackson*
- Oktibbeha County

NORTH CAROLINA

State Agency with Brownfield Oversight

North Carolina Department of Environment and Natural Resources

<http://www.ncbrownfields.org/>

The *Brownfields Property Reuse Act of 1997* allows the Department of Environment and Natural Resources (DENR) to work with prospective developers to put brownfield sites back into reuse. A prospective developer is any person who desires to buy or sell a brownfield property for the purpose of redeveloping it and who did not cause or contribute to the contamination at the property. Provisions of the Act limit the liability of the prospective developer, while ensuring the site is cleaned to the satisfaction of the DENR. DENR does not specify cleanup standards, but uses the intended future use of the property to determine the extent of cleanup. The prospective developer must follow these steps to comply with North Carolina's brownfield program:

- Submit a letter of intent to DENR;
- Submit a Brownfields Agreement Package to DENR;
- Submit a Notice of Intent to Redevelop and a Proposed Notice of Brownfields Property;
- Enter into an Brownfields Agreement with DENR;
- Pay a \$2,000 initial fee to participate in the program;
- Provide opportunities for public participation in the redevelopment process.

The State also provides tax incentives for brownfield property cleanup and reuse. The State has nearly 100 properties in its brownfield inventory program.

North Carolina also has a voluntary cleanup program for properties where the parties responsible for environmental contamination will conduct the cleanup. This program is administered under the State's superfund laws.

EPA Brownfield Pilot Recipients: (* indicates sites where the TAB Program has provided assistance)

- Burlington
- Charlotte
- Farmville
- Fayetteville
- Greensboro
- High Point
- Land of Sky Regional Council*
- Laurinburg
- Raleigh

- Wilmington
- Winston-Salem

SOUTH CAROLINA

State Agency with Brownfield Oversight

South Carolina Department of Health and Environmental Control
 Division of Site Assessment and Remediation
http://www.scdhec.gov/lwm/html/vcp_info.html

The South Carolina *Brownfields/Voluntary Cleanup Act* is intended to redevelop contaminated industrial and commercial properties. Some of the major provisions of the Act are:

- Parties that are responsible for the contamination, as well as those that are not, are eligible to participate in the voluntary cleanup program;
- The Act requires public participation;
- Cleanup standards are based on whether the participant is a responsible or non-responsible party, and the future use of the site.

The State also has a brownfield cleanup revolving loan fund, and provides tax incentives to cleanup brownfield properties.

South Carolina's EPA Brownfield Pilot Recipients: (* indicates sites where the TAB Program has provided assistance)

- Aiken County
- Anderson
- Catawba Regional Council of Governments
- Charleston
- Columbia
- Cowpens
- Florence
- Greenville
- Laurens
- ReGenesis, Inc. Spartanburg*
- Rock Hill*
- Spartanburg County
- State of South Carolina Coalition
- South Carolina Department of Health and Environmental Control
- Ware Shoals

TENNESSEE

State Agency with Brownfield Oversight

Tennessee Department of Environment and Conservation
 Voluntary Cleanup, Oversight, and Assistance Program (VOAP)

<http://www.state.tn.us/environment/dsf/voap/>

The *Voluntary Cleanup Oversight and Assistance Program* (VOAP) was established and implemented for parties who are willing and able to investigate, cleanup, and monitor sites on a voluntary basis. The program:

- Requires an initial application that includes site history and current information;
- Requires the participant and the State to enter into a Consent Order and Agreement, outlining the process of site evaluation and remediation, and the payment of a fee of up to \$5,000 to participate;
- Requires public notice of a site's participation in the VOAP, and the opportunity for public input.

Cleanups under the VOAP generally follow the State's superfund remedy standards. Economic assistance for VOAP participants is limited.

Tennessee's EPA Brownfield Pilot Recipients: (* indicates sites where the TAB Program has provided assistance)

- Anderson County
- Chattanooga
- Cookeville
- Knoxville
- Knox County
- Lenoir City
- Memphis
- Metropolitan Development and Housing Agency, Nashville
- Nashville and Davidson County