

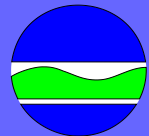
BROWNFIELD REDEVELOPMENT

TOOLBOX

A Guide to
Assist Communities in
Redeveloping
New York State's
Brownfields



New York State
Department of
Environmental Conservation



BROWNFIELD REDEVELOPMENT TOOLBOX

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Introduction

The *Brownfield Redevelopment Toolbox* was developed by the Association of State and Territorial Solid Waste Management Officials' (ASTSWMO) State Response and Brownfields Program Operations Task Force. It was originally designed as a generic resource on brownfields to be used nationally. New York State-specific information has been added, including an overview of New York State brownfield programs and resources in Appendix A.



Purpose of the Toolbox

The Toolbox was designed to explain the cleanup and redevelopment of brownfields in straightforward terms and provide a systematic, start-to-finish guide to cleanup and redevelopment.

It identifies four steps in the renewal process, provides a summary of each step, presents a series of key concepts, and lists and summarizes available tools and incentives local governments may want to use in pursuing redevelopment of contaminated sites in their communities.

A list of questions is presented at the end of steps 1 through 3; based on the answers, the reader/user is directed to the appropriate next step for that project.

How to Use this Document

The Toolbox provides a framework for successful project implementation. Prior to redeveloping a brownfield, familiarize yourself with the Toolbox, and refer to it throughout the various stages of your project. The Toolbox comprises four steps, each corresponding to a step in the renewal process. Keep in mind that the brownfield renewal process can

sometimes be an iterative process and you may have to revisit certain steps. The following is a guide to navigating the Toolbox for effective completion of your project.

1. For a general overview of the process for assessment, cleanup, and redevelopment, review the narrative summary provided at the beginning of each section.
2. Be aware that each project is different; treat the Toolbox as a guide that must be adapted to meet the needs of your specific project, not as a one-size-fits-all approach. For example, if you are working to address a specific property where an environmental assessment has already been completed, you will begin the process at Step 3.
3. Follow this approach until environmental issues are resolved or until you reach Step 4, Redevelopment of your site. This section provides information that can assist you in addressing the issues inherent in marketing and developing a formerly contaminated property (or one where contamination has been properly and safely addressed but has not been completely eliminated.)

The Four-Step Brownfield Renewal Process

The Toolbox breaks the renewal process into four steps:

Step 1: Site identification and project planning

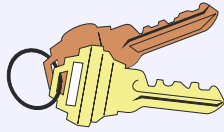
Step 2: Determining whether you have contamination on your site

Step 3: Cleaning up your site

Step 4: The end of the line – Redevelopment of your site

The Toolbox summarizes some of the state and federal tools available. These include a list of useful documents and resources available nationwide, presented in Appendix B. The resources can provide additional information to better understand the issues and terminology often encountered during the assessment, cleanup, and redevelopment process. Appendix A provides detailed information relative to New York State's brownfield programs, incentives, guidance, funding and other tools available to local governments.

Key Concepts



What are brownfields?

Brownfields are abandoned or underused properties, including but not limited to industrial and commercial facilities, where redevelopment or expansion may be complicated by possible environmental contamination (real or perceived). A brownfield site is defined in New York State Environmental Conservation law as "... any real property where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations." Specific examples of sites which could qualify include: abandoned gas stations, old factory and mill complexes and foundries.

Why is brownfield redevelopment important?

These properties are often abandoned, with owners no longer maintaining the property or paying taxes. Abandoned properties can quickly become eyesores, and may attract vandalism and illegal dumping, which degrade the environment, depress our communities, and potentially put our health at risk. Productively reusing such properties reduces urban sprawl, increases the tax base, cleans up the environment, encourages urban revitalization and creates jobs for the community and surrounding communities. Redeveloping these properties links economic vitality with environmental protection.

What would be the advantage of having a brownfield revitalization plan for my community?

Establishing a community-led revitalization plan aids in removing environmental hazards from communities, eliminates the need to develop pristine open space and farmland, revitalizes communities by creating jobs, and returns property to productive use and to local tax rolls. An additional advantage of a community-based approach is that community members have a direct role in determining how their affected properties can be cleaned up and redeveloped to best facilitate the community's future development plans.

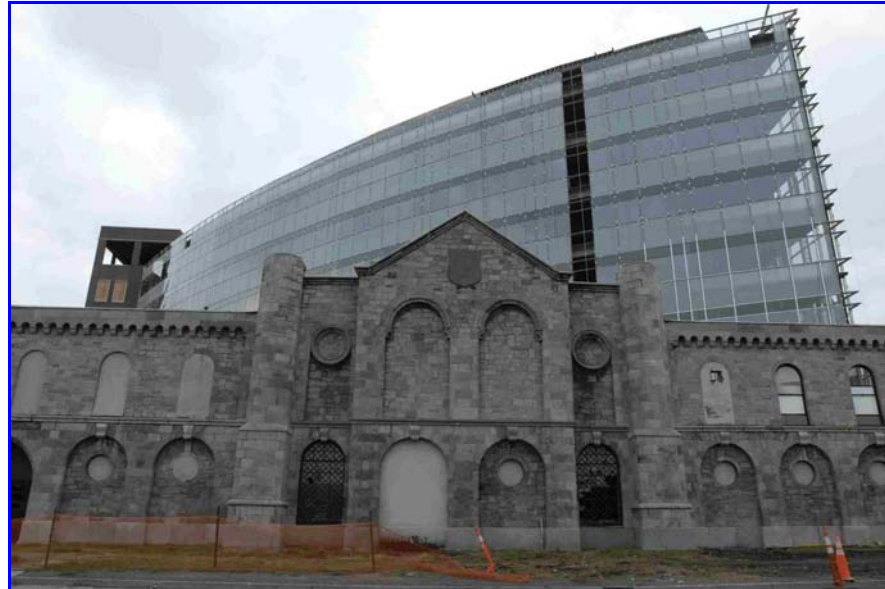
Step 1: Site Identification and Project Planning

This section provides guidance on how to identify contaminated properties with redevelopment potential in your community, how to develop a revitalization plan to address those properties and how to initiate project planning.

Experience has shown that successful brownfield redevelopment comes in many forms and that each community has its own unique opportunities and revitalization goals. Regardless

of a community's size, history, and number of contaminated properties, planning is extremely important.

Whether your community's goal is to develop a comprehensive revitalization plan for multiple properties, or whether you plan to redevelop just one contaminated property, successful project planning must consider the resources available for environmental investigation and cleanup of the property(ies) and determine how the property(ies) will be redeveloped and/or marketed for redevelopment. Considering these issues early on can make a big difference in successfully meeting your community's revitalization goals.



HealthNow, the parent company of Blue Cross/ Blue Shield of Western New York, utilized a Buffalo historic site and brownfield to build its new headquarters.

The key concepts, recommended activities, and available tools presented provide information to help you understand the process and guide your community through the site-identification and project-planning phase.

Activities and Available Tools

If you have identified contaminated properties, or properties that are perceived to be contaminated in your community that you would like to do something about, you've taken the first step. So what are the next steps? This depends on what your community's plans or desires are for future development in your city, town or village. Some questions you should consider are:

- Does your community want to clean up these properties and market them to potential commercial, industrial or residential buyers or developers?
- Does your community want to retain some of these properties for its own use, perhaps for municipal or open-space purposes, or for affordable housing?
- Has your community been approached by potential buyers or developers who have been subsequently “turned off” because the property is contaminated or perceived as contaminated?
- Does your community have (or want to develop) a comprehensive plan for revitalizing its abandoned or underused properties that are contaminated or are perceived to be contaminated?

Forming a Brownfield Revitalization Team

If the answer to any or all of the above questions is yes, your community may want to consider forming a property revitalization team. Such a team is typically a mix of public and private parties from your community who have an interest in fostering well-planned, successful cleanup and redevelopment. The team can be large or small or as formal or informal as the community needs. It can be tailored to the size and complexity of one specific project, or it can guide an entire revitalization vision. It can be made up of elected



The City of Hudson holds regular summer concerts at their new Waterfront Park, once a brownfield site.

officials, planners, attorneys, environmental professionals, economic development officials, members of environmental and citizen interest groups and the like. The team can bring valuable perspectives from each member's area of expertise to help develop a mission and determine long-term and short-term goals based on the community's revitalization needs and desires. In addition to forming a team, it can be quite helpful to contact other local communities, private entities or professionals with previous experience addressing these properties. New York State and the United States Environmental Protection Agency (USEPA) have programs for assessment and cleanup of brownfields. State and federal representatives are well versed in the issues encountered at these sites and would be happy to share their knowledge. Contact information can be found in the appendices.

Determining the Intended Use for the Brownfield

The intended use of a property plays an important role in the revitalization process. If contamination is identified, the nature and extent of the contamination will have to be assessed. How that contamination is cleaned up, however, may be affected by the property's intended future use. For example, if the redevelopment plan calls for the construction of a light industrial facility, it may be appropriate to apply industrial clean-up standards that are less stringent than those that would be applicable to a property that is to be redeveloped for residential use. Therefore, it is important to consider potential redevelopment plans at the outset of any project.

If the intended use is not known at the beginning of the project, the community representatives or property revitalization team should make every attempt to identify the general type of desired development, whether industrial, commercial, residential or mixed. In the absence of that information, the most conservative clean-up assumptions would likely have to be made at every stage of the project. While this approach preserves the greatest number of options for development, it may significantly increase the time and expense of the project. These factors are discussed in greater detail in Step 3.

Financial Assistance for Community-Led Assessment and Clean-up Activities

Forming a brownfield team and determining the best use of your community's contaminated properties are important first steps and require resources.

New York State offers grants to communities through its Brownfield Opportunity Areas Program and Environmental Restoration Program. For more information on these programs, see Appendix A.

USEPA also offers brownfields grants on a periodic basis (usually once a year) to assist communities with various activities related to contaminated property revitalization. One of the grants USEPA makes available to communities is the Brownfields Assessment Grant. This grant provides funding for property characterizations and assessments, as well as activities to conduct planning and community involvement related to qualifying sites. This grant can also provide funding for conducting contaminated property inventories. In addition to funding for assessments, grants are awarded for cleanup and to establish revolving loan funds.

More information about the Brownfields Assessment Grant can be found on USEPA's Brownfields web page at: <http://www2.epa.gov/brownfields/targeted-brownfields-assessments-tba>. Additional financial resources are listed in Appendix B of this document which includes brief descriptions of tax-increment financing and other potential resources.

Brownfield Inventories

Historical industrial or commercial property use often resulted in environmental contamination. If your community had an industrial past and now has abandoned or underused industrial or commercial properties, an inventory can help you identify the number and location of such properties. Then you can begin to consider what can be done for these properties to benefit the economic health and vibrancy of the community.



At a brownfield site in Lackawanna, NY, 6,000 tons of contaminated soil and several underground storage tanks were removed. The site was then redeveloped into a full service gas station.

Communities are often in a good position to create such inventories. Local units of government have access to historical documents that can help determine which properties should be in such an inventory, and can conduct title searches to determine ownership. The local government and its brownfield team will also be in a good position to know which of these properties would provide the greatest redevelopment benefit to your community. This is a crucial initial step in prioritizing cleanup and redevelopment. Organizations that have local historical expertise, such as senior citizen and scouting groups, have helped communities successfully conduct such inventories after receiving training from the local property revitalization team or other state or local experts. You may want to enlist the help of a local volunteer-service organization to maximize your inventory efforts.

Planning Resources

It is important to plan as much as possible. There are many resources available to assist your community in the planning process. For more information on tools and financial resources to assist with project planning and site identification see Appendices A and B.

Determining Your Next Step

The following series of questions will help you determine the next step in the redevelopment process:

Has your community identified property(ies) where redevelopment is complicated by real or perceived environmental contamination, and the nature and extent of that contamination is not known?

- If yes, go to Step 2 “How to Determine Whether You Have Contamination on Your Site.”

Has your community identified property(ies) where contamination exists, documented the nature and extent of contamination and analyzed the risks posed by that contamination?

- If yes, go to Step 3 “Cleaning Up Your Site.”

Has your community evaluated cleanup options for a contaminated property project and selected a remedial action?

- If yes, go to Step 4 “The End of the Line – Redevelopment of Your Site!”

Step 2: How to Determine Whether You Have Contamination on Your Site

Once you have identified potential contaminated property that your community would like to redevelop, the next step is to determine whether there actually are any environmental conditions present that may affect future use and redevelopment. This will assist you in determining what liability the community may have and possibly the cost it might bear if it chooses to take ownership and begin a cleanup.

Making a determination of whether a property is contaminated or not is accomplished by conducting an environmental site assessment, which includes a review of historical records, an inspection of the site and, quite often, collecting and analyzing soil and groundwater samples.

Federal and state funding is available for environmental site assessments and site investigations.



Originally an 8.4-acre portion of the Former Atlas Terminals Industrial Park in the Glendale Section of Queens - "The Shops at Atlas Park" were developed with assistance from New York State's remedial programs.

Key Concepts



What is an environmental site assessment?

Environmental site assessments are typically conducted in phases, and are used to determine whether a site is contaminated or not. A Phase I environmental assessment is a review of all the records and knowledge associated with the property's historical record to see whether there is the potential for the presence of contamination. If Phase I indicates there is a potential for contamination, then the assessment of the site proceeds to the next phase. Phase II involves sampling of the site and will help determine: the extent of contamination, the types and probable sources of contamination, the level of risk to humans and the environment associated with the contamination and whether the contamination needs to be cleaned up.

Why should I do an environmental site assessment?

As with any large investment, you want to know what kind of additional costs you will incur before you finalize the purchase. In the case of a site with redevelopment potential, you want to find out whether the site is contaminated and, if so, how much it is likely to cost to clean it up before you buy it. An environmental site assessment can accomplish that task and, if it meets the requirements of the All Appropriate Inquiry (AAI) rules, limit your liability under the federal Superfund law.

Who performs the environmental site assessment?

Environmental site assessments are typically conducted by environmental consultants trained and experienced in the areas of environmental investigation and cleanup. Federal regulations require that AAI investigations be carried out by qualified environmental professionals who meet certain minimum requirements.

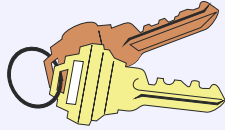
New York State Environmental Remediation Program Regulations (6 NYCRR Part 375-1.2(ak)) have similar requirements and define "qualified environmental professional."

See [https://govt.westlaw.com/nycrr/Document/I4eadae57cd1711dda432a117e6e0f345?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextD ata=\(sc.Default\)](https://govt.westlaw.com/nycrr/Document/I4eadae57cd1711dda432a117e6e0f345?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextD ata=(sc.Default))

Who pays for the assessment?

Assessment costs are typically paid for by the prospective purchaser, although under certain circumstances USEPA may be able to conduct these assessments at no cost to the municipality under its Targeted Brownfield Assessment Program. For more information about this program, see the Activities and Available Tools section.

Key Concepts



Can I do an environmental site assessment before I own the property?

Yes, if you have permission and access rights from the owner of the property. Municipalities and developers often include access rights and permission to conduct an environmental assessment as part of their pre-purchase agreement with a property owner.

What is meant by “All Appropriate Inquiry” (AAI)?

AAI is an environmental site assessment that meets the requirements of USEPA’s All Appropriate Inquiry rule (40 CFR 312). Following the requirements of AAI in a pre-purchase environmental site assessment gives a prospective purchaser liability protection from Comprehensive Environmental Response, Compensation and Liability Act (CERCLA aka federal Superfund) for those environmental issues that are identified by the AAI assessment.

Prospective property owners who were never involved in any practices that might have contaminated the property (aka innocent landowners), as well as owners of contiguous properties, are eligible for protection from CERCLA if AAI is conducted prior to purchasing a property. In addition, to maintain protection from CERCLA liability, property owners must comply with certain “continuing obligations” provided in the statute. For more information on the AAI rule, go to the USEPA website at: <http://www2.epa.gov/enforcement/landowner-liability-protections>

Will an environmental assessment performed several years ago meet the new AAI requirements?

No. Information from older Phase I reports may be used as a resource, but the 2002 federal Brownfields Act requires that a Phase I assessment used to meet the requirements of AAI must be completed within a year prior to taking ownership of the property. This is to ensure that the current environmental status of the property is known at the time the property is transferred. In addition, certain aspects of the AAI assessment must be completed within 180 days prior to the property transfer (i.e., the on-site investigation, the records search, the interviews and the search for environmental cleanup liens). This protects the buyer from inadvertently accepting liability for contamination that may have occurred between the time the initial assessment was conducted and when the property actually transfers.

Does New York State require cleanup of this property?

Assessment and cleanup of properties must be done in conformance with the requirements of both USEPA and those of New York State. Before starting remedial activities, please see Section 3 of the Toolbox, and contact the New York State Department of Environmental Conservation (NYSDEC) to determine whether technical or financial assistance is available: <http://www.dec.ny.gov/chemical/brownfields.html>

Activities and Available Tools

Phase I Environmental Assessments

A Phase I environmental site assessment requires that an appropriately qualified environmental professional review existing records concerning the site, research the operational history of the site, and conduct a site visit and interviews to determine whether the potential exists for contamination at the site.

Phase I site assessments are used to identify existing or past signs of potential contamination at a property. Contamination can consist of hazardous substances, hazardous waste and petroleum products.

If the Phase I assessment does not indicate a significant potential for environmental risk due to contamination at the site, then further investigation or cleanup may not be needed.

If the assessment is inconclusive or identifies potential contamination that poses environmental risk, further environmental assessment may be needed. Soil, sediment and soil vapor and/or groundwater sampling may be required to determine whether the property is contaminated and whether it needs to be cleaned up before it can be redeveloped. Sampling for contamination and determining the need for cleanup at the property is conducted under the Phase II assessment.

Phase II Assessments: Sampling and Risk Assessment

A Phase II environmental site assessment is a detailed evaluation of environmental conditions at a property. This evaluation relies on the collection and analysis of soil, sediment, soil vapor and/or groundwater samples, and other measurements taken at the site to confirm and quantify the presence of environmental contamination at the property. If contamination is confirmed and the levels of contaminants are known, an assessment of risks to human health and the environment may be conducted to determine how people and/or the environment could be affected. Once a risk assessment has been conducted or a comparison is made to state or federal cleanup standards, a decision can be made as to whether or not the property poses an unacceptable environmental or health risk. If unacceptable risk is determined to exist at the site, a plan can be developed to clean up the property and reduce risks to humans and the environment.

The Phase II site assessment is designed to evaluate the degree of contamination and health or environmental risk posed by exposure to such contamination. It may not provide

sufficient information to estimate the exact quantity of wastes to be addressed or the costs of cleanup. Additional work may be needed, which is discussed in Step 3 of this document, “Cleaning Up Your Site”.

New York State Assessment Grants

The Brownfield Opportunity Area Program provides municipalities and community-based organizations with financial and technical assistance to complete area-wide revitalization plans. Funding for site assessments may also be provided for strategic brownfield sites that are catalysts for revitalization. See Appendix A.



Grandview and Shadows on the Hudson, Poughkeepsie, NY - The site was home to several industrial facilities and received various wastes including sewage sludge, street cleaning debris and convenience dumping. Following remediation, construction was completed for a catering facility and restaurant that overlook the Hudson River.

USEPA Assessment Grants

Grants of up to \$200,000 are available to municipalities and quasi-governmental entities that bear no responsibility for causing the contamination at a site. These competitive grants are available from the USEPA on an annual basis for planning and assessment of sites contaminated with petroleum, hazardous substances or hazardous waste.

See <http://www2.epa.gov/brownfields> for more information.

Targeted Brownfields Assessments Program

NYSDEC may be able to nominate sites for assessments under the USEPA's Targeted Brownfields Assessment Program. These assessments are done at no cost to the requesting community at sites where there is a clear public benefit and the community did not cause the contamination.

See <http://www.epa.gov/brownfields/tba.htm> for more information. For more information on tools and financial resources to assist you with project planning and site identification, refer to appendices A and B of this document.

Determining Your Next Step

The following questions were developed to help determine your next step in the contaminated property redevelopment process:

Did my environmental site assessment reveal any potential contamination or other recognized environmental conditions on this property?

- If no, go to Step 4, "The End of the Line – Redevelopment of Your Site!"
- If yes, and you want to clean up the property before marketing it for redevelopment, go to Step 3, "Cleaning Up Your Site."
- If yes, but you do not want to clean up the property prior to marketing it for redevelopment, go to Step 4, "The End of the Line – Redevelopment of Your Site!"

Does the contamination pose a risk to human health or the environment?

- If yes, then cleanup will likely be necessary, so proceed to Step 3 "Cleaning Up Your Site."
- If no, and it does not affect the future use of the property, then proceed to Step 4, "The End of the Line – Redevelopment of Your Site."

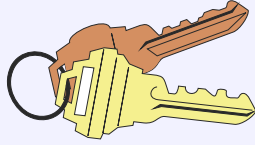
Does the contamination require cleanup or other corrective measures in order to protect human health or the environment, or can the contamination be addressed through a deed notice or other similar mechanism?

- Go to Step 3, "Cleaning Up Your Site."

What financial or human resources are available to address this project?

- Go to Step 3, "Cleaning Up Your Site."

Key Concepts



How do you know when a site needs to be cleaned up?

If, after conducting an environmental assessment as described in Step 2, your sampling results exceed New York State's Soil Cleanup Objectives (SCOs) for its intended use, or the risk assessment indicates that a potential risk to human health or the environment exists, it is likely that some form of cleanup is necessary.

Who do I need to consult to get help with cleaning up the site?

If you haven't done so already, you should hire a qualified environmental professional to work with you to develop and implement a plan to address the contamination at your site. In addition, it may be necessary to hire an environmental attorney who is familiar with state and federal laws to assist you in dealing with the legal issues relative to the cleanup process. Finally, you should also contact NYSDEC to ensure that any cleanup work you are planning to conduct will fulfill state requirements. See Step 3 for more information.

How much will the cleanup cost?

The more information you have about the types and amount of contamination on your property, the easier it will be to estimate the cost to clean it up. In addition, determining future intended use for the property may allow you to tailor the cleanup and reduce the costs.

Incorporating cleanup activities into the general construction process or using innovative architectural designs can help reduce costs. For example, it may be possible to reduce the amount of contaminated soil requiring excavation and disposal by constructing buildings on less-contaminated areas and/or paving areas of higher contamination to reduce exposure.

Step 3: Cleaning Up Your Site

The results of your Phase II assessment may indicate that contamination on the property exceeds state and/or federal screening or cleanup standards. Cleanup may be necessary to either prevent exposure by future users of the site to contamination or to stop a release of contamination into the environment. This step is intended to provide general information on cleanup and its role in the contaminated-property redevelopment process.

Activities and Available Tools

Types of Cleanups for Contaminated Sites

The type of cleanup required at a site depends on a number of factors. These factors include location, type and amount of contaminant(s) present, how widespread and deep the contamination is and the intended future use. The most common types of cleanups include removal or treatment of contaminated soil, capping and/or covering the contaminated area, and cleaning up groundwater. However, additional methods for mitigating risks at contaminated sites include the use of Institutional Controls (ICs) and engineering controls (ECs).

ECs are constructed parts of a cleanup that act to cover (i.e., “cap”) or limit exposure to residual contamination at the property. ECs include soil, asphalt or concrete cover systems on residual contamination and the use of fences. In some cases, contamination at depth can be “capped” by a newly constructed building or roadway.

Because the amount of cleanup needed can be highly dependent on future use, it is very important to thoroughly assess the property in the early planning stages of your project. The assessment information may allow you to design appropriate cost-effective clean-up options that can be incorporated into the redevelopment process.

Importance of Determining Future Use of the Property

The redevelopment of a contaminated property is essentially a real estate transaction, and any real estate transaction is affected by location, location, location. A key question that must be answered for every property redevelopment project is, “Will I realize a return on my investment?” To determine that, you need to know the cost of cleanup.

What constitutes a successful and protective cleanup has evolved during the past several decades from an expensive “remove-it-all” approach, regardless of how low the actual risks to humans and the environment might be, to a more measured, risk-based approach, where low levels of contamination can be left on site if properly controlled. The risk-based approach recognizes that any cleanup must be protective of human health and the environment, but cleanup need only go as far as necessary to make the site safe for its intended use. For example, cleaning up a site to address exposure levels associated with single family residential use is unnecessary if the property is to be used as a warehouse or

convenience store. The reverse is also true. You wouldn't want a less stringent cleanup that is appropriate for an industrial use to occur where homes were to be built.

So, the intended future use of a site can determine the extent of cleanup that will be required. It is just as true that the extent of cleanup can determine the future use of a site. Sometimes the intended use of a site is known from the beginning, and the cleanup is tailored for that use. In other cases, available funding limits the extent of cleanup, which may then dictate more limited options for future use. Knowing the intended future use can significantly affect the cleanup both in scope and cost.



Jamestown Development Corporation opened a new 170,000-square foot facility on a former brownfield in an economic development zone in Chautauqua County.

How New York State's Programs Can Help When a Site Is Contaminated

Assessment and cleanup of properties must be done in conformance with the requirements of both USEPA and those of the state. New York State, like most states, has its own cleanup programs, separate and distinct from USEPA's Superfund cleanup program. Eligibility, technical requirements, time frame, fee structure, liability relief and level of oversight vary state by state.

New York State has voluntary brownfield programs, such as the Brownfield Cleanup Program and the Environmental Restoration Program, which encourage participants and municipalities to conduct cleanups on properties that might not otherwise take place. The state's Inactive Hazardous Waste Disposal Site Remedial Program (State Superfund) and the Spill Response Program, however, are not considered voluntary, because the responsible party is required by law to clean up the property.

Acknowledgment of Completion of Cleanup

One of the benefits of conducting a cleanup under New York State's remedial programs is that, in return for completing cleanup to the satisfaction of the state, you receive a release from liability when you complete the cleanup. New York State issues written acknowledgment of this in the form of a Certificate of Completion. These may be used to demonstrate to prospective purchasers, future users of the site, lenders, the local community and other interested parties that contamination issues have been resolved, and the site is safe for reuse.

Loans and Grants Available for Funding Cleanup

One of the biggest barriers to cleanup of contaminated properties is cost, but help is available. New York State offers grants to communities under its Environmental Restoration Program. See <http://www.dec.ny.gov/chemical/8444.html>

New York State also offers tax credits to potential purchasers for cleanup and redevelopment of brownfield sites. See <http://www.dec.ny.gov/chemical/8450.html>

Loans for water-quality-protection projects may also be available through the Clean Water State Revolving Fund (CWSRF). More information about these loans may be obtained at: <http://www.nysefc.org/>

USEPA brownfields cleanup grants are an excellent source of funding for cleanup of qualifying properties (see Step 1, "Site Identification and Project Planning"). Because the grants are highly competitive and applications are only accepted once a year, your project should have some flexibility built in for these constraints.

More information about brownfields cleanup grants can be found on USEPA's Brownfields web page at: <http://www2.epa.gov/brownfields>. Also see Appendix B for a list of other federal or regional loan and grant programs.

For more information on tools and financial resources to assist you with project planning and site identification, refer to appendices A and B of this document.

Determining Your Next Step

Have you completed cleanup prior to redevelopment?

- Go to Step 4, “The End of the Line – Redevelopment of Your Site” for assistance in marketing or developing your site.

Have you identified but not addressed all environmental concerns at the property, and do not intend to clean up the property prior to selling it?

- Go to Step 4, “The End of the Line – Redevelopment of Your Site” for assistance in marketing your site.

Do your cleanup activities require institutional controls, and have they been appropriately filed and recorded according to applicable statute and regulation?

- Go to Appendix A, which provides contacts and information specific to the requirements of New York State.

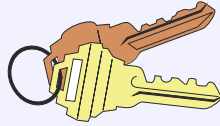
If you know who the purchaser of the property will be, have you conveyed the content and responsibilities of the institutional controls to the purchaser?

- Go to Step 4, “The End of the Line – Redevelopment of Your Site” for assistance in marketing your site.

Step 4: The End of the Line – Redevelopment of Your Site

By working through steps 1 through 3, you have quantified the environmental concerns at your site. You have either addressed those environmental concerns through cleanup or institutional controls, or you have documented them for a future developer to address as part of development. Assessment is complete; actions were taken, or plans were developed for resolving unacceptable environmental risks. The property is ready for redevelopment.

Key Concepts



If my property has a deed restriction/institutional control/environmental easement, how will this affect the marketing and redevelopment of the site?

If your site is safe for reuse but has an environmental easement, developers and occupants will need to be made aware that, in certain areas, some uses are either prohibited (i.e., growing vegetables is not permitted) or require special consideration (i.e., excavation below six feet requires a soil-management plan). Developers will need this information to formulate the best plan for reuse of the property. Potential owners or occupants need this information so that they can safely use the property and fulfill any ongoing obligations associated with the deed restriction. These obligations are site-specific and may include periodic review and reporting of site conditions or operation of a remediation system. A future owner may also have to report a change in use. You should check with NYSDEC's Division of Environmental Remediation to determine whether any such ongoing obligations apply to your site.

What information generated during assessment and clean-up work will developers, lenders and potential occupants request during the development stage, and how should the information be presented?

At a minimum, most developers, lenders and potential occupants will want to be assured that the site has been appropriately cleaned up under a state and/or federal clean-up program. They may also be interested in reviewing the final engineering report and having a copy of the Certificate of Completion. Other documents of interest may include the investigation reports and documentation of remediation activities. Copies of these environmental documents are available for the public to review from the entity that oversaw the cleanup.

What role, if any, will local, state or federal environmental agencies have during the redevelopment phase?

You should ask this question as you access specific resources to assist you with redevelopment. The answer is highly dependent on site specifics, state law and the type of federal, state or local resources that have been accessed to assist in redevelopment.

How should I market this property?

Many tools are available that enable you to market your cleaned-up property to the right audience at little or no cost. New York State Empire State Development has a number of local and state offices that can help market properties. For contact information, see:

<http://www.nylovesbiz.com>

Now that you have resolved the initial challenges associated with the environmental aspects of the site, you can turn your attention to the final steps. You may be marketing your now-clean property, trying to ensure a good return on your investment, and doing your best to attract the right developer. You will be facing the challenges inherent in any development project, such as providing appropriate infrastructure, but you also need to convince future buyers and occupants that the site is safe for their use.

You may be redeveloping the property yourself instead of seeking to sell it to a developer. In this case, return on investment is not necessarily a primary driver, but you will still need to address infrastructure. You will also need to convince future occupants or users that the site is safe for their reuse.

On the other hand, you may have decided not to clean up the property yourself, but instead, to market it for simultaneous cleanup and redevelopment. This is most likely to be successful when contamination at the property has been quantified and final cleanup costs can be reasonably determined.

This section:

- provides information on federal and state financial and technical resources that may be available to help with planning and financing redevelopment;
- provides advice on managing the issues inherent in developing a property with contamination; and
- details the activities involved in marketing such a site.

Depending on your plans for redeveloping the property, a variety of federal and regional resources may be available to you. Depending on your answers to the questions below, consider the tips that follow and the resources described in appendices A and B.

- Do you plan to redevelop the site, or to sell/market the site once cleanup has been completed, and allow the buyer to redevelop the site?
- Will a public or private entity redevelop the site?
- Is the intended use public or private?
- Did you start this entire process with a planned, known reuse for the site, or are you still developing your reuse plans?
- Is your site in the heart of a bustling urban center or in a rural setting?
- What infrastructure exists at the site?
- Will the reuse be residential, commercial, industrial or open space?

Now select the tools that appear most applicable, and work with your local and state economic development specialists to move from planning into redevelopment.

Activities and Available Tools

Tip for Success No. 1 – Establish and maintain a well-rounded brownfield revitalization team

If your team does not already include local, state or federal economic development agency staff, look to the resources described in Appendix A and Appendix B, and contact the economic development agencies best suited to help with your project.

Tip for Success No. 2 – Establish clear goals

Work with your team to develop appropriate, locally supported redevelopment goals for your site.

Tip for Success No. 3 – Identify available tools

Use your redevelopment goals/plan to identify and use appropriate tools throughout redevelopment.

Tip for Success No. 4 – Work to make your site “shovel-ready”

Based on the redevelopment goals for the site, in partnership with the economic development staff, identify and use the tools that will make your site “shovel-ready” for development. A shovel-ready site is one where as many regulatory hoops as possible have been cleared in advance of redevelopment. This is a critical step if you plan to market the property for sale prior to redevelopment, because you will clear regulatory hurdles for the purchasing developer.

Tip for Success No. 5 – Market your site

Market your redevelopment project. Local and state economic development staff can be particularly well versed in strategies and available avenues for marketing. Coordinating with these representatives will help ensure success. The Empire State Development brownfield redevelopment website can be found at:

<http://www.nylovesbiz.com/BusinessPrograms/EnvironmentalAssistance.html>

APPENDIX A

New York State Brownfield Programs

New York State's brownfield programs provide financial assistance, as well as technical assistance and liability protection, for the investigation, remediation and redevelopment of brownfield sites.

Legislation signed into law in 2003 amended and refinanced the Inactive Hazardous Waste Disposal Site Remedial Program (State Superfund Program) and created or enhanced the following brownfield-related programs administered by the NYSDEC's Division of Environmental Remediation:

Brownfield Cleanup Program (BCP)

Environmental Restoration Program (ERP)

Brownfield Opportunity Areas (BOA) Program (administered by the New York State Department of State)

Answers to common questions regarding New York State's brownfield programs are provided below:

What are the benefits of New York State's programs?

The Brownfield Cleanup Program (BCP) enhances private-sector cleanup of brownfields and reduces development pressure on greenfields. This program encourages a cooperative approach among the state, current property owners, lenders, developers and prospective purchasers to investigate and/or remediate contaminated sites and return these sites to productive use. The BCP addresses the environmental, legal liability and financial barriers that often hinder the redevelopment and reuse of contaminated properties. This program provides brownfield investment incentives, including business and personal tax credits, for remediation and development costs.

More information on the BCP can be found at: <http://www.dec.ny.gov/chemical/8450.html>

The Environmental Restoration Program (ERP) provides financial assistance and incentives to municipalities for investigation and cleanup at eligible contaminated

brownfield sites. Under the ERP, New York State provides grants to municipalities for reimbursement of a portion (up to 90 percent on-site and 100 percent off-site) of eligible costs for site investigation and remediation. A municipal cost share is required. Remediation may include cleanup of contamination in environmental media, such as soil and groundwater, and may also include building demolition and asbestos removal for which reimbursement of up to 50 percent of eligible costs is available. In addition, the ERP provides liability protection, including an indemnification for any claims and defense by New York State for claims made against the funding recipient and future site owners. More information on the ERP can be found at:

<http://www.dec.ny.gov/chemical/8444.html>



A contaminated site in Yonkers that had been used in the past as a junk yard, machine shop and commercial laundry, was remediated and developed into Riverdale Senior Housing.



The eight story building features 82 one-bedroom apartments. The 75,600-square foot development includes community rooms, office space, laundry facilities and parking.



The Brownfield Opportunity Areas (BOA) Program is the brownfield redevelopment planning arm of the Superfund/Brownfield Law. The BOA program provides municipalities and community-based organizations with financial and technical assistance to complete area-wide revitalization plans for discrete geographic areas or neighborhoods affected by multiple brownfield sites. Funding for site assessments may also be provided for strategic brownfield sites that are catalysts for revitalization.

The BOA Program delivers to communities the New York State Department of State's expertise in community-based planning projects combined with NYSDEC's expertise in assessing and cleaning up brownfield sites.



"Winds of Change" - The old Bethlehem Steel site in Lackawanna, is now a wind farm capable of generating enough power for 7,000 homes.

Photo- Mark Webster

The BOA program can fund many of the activities described in the Toolbox, i.e. creating a revitalization plan, forming a revitalization team, creating inventory, etc. More information on the BOA Program can be found at:

<http://www.dos.ny.gov/opd/programs/brownFieldOpp/index.html>

Inactive Hazardous Waste Disposal Site Remedial Program (State Superfund Program)

The mission of the Inactive Hazardous Waste Disposal Site Remedial Program is to identify and characterize suspected inactive hazardous waste disposal sites and to investigate and remediate inactive hazardous waste disposal sites that have consequential amounts of hazardous waste which pose a significant threat to public health and the environment. Unlike the brownfield programs, this is an enforcement program, the goal of which is to have the remedial activities performed and paid for by the parties responsible for the contamination. More information on the State Superfund Program can be found at: <http://www.dec.ny.gov/chemical/8439.html>

Who is eligible to enter New York State's programs?

Brownfield Cleanup Program

A person in any of the following categories is ineligible to participate in the BCP, regardless of whether the proposed site otherwise meets the definition of "brownfield site":

- A person subject to a pending action or proceeding relating to the proposed site in any court or administrative agency in any jurisdiction wherein the state or federal government seeks the investigation, removal, or remediation of contamination or penalties.
- A person subject to an order providing for the investigation, removal, or remediation of contamination relating to the proposed site.
- A person subject to an outstanding claim for cleanup and removal costs under Article 12 of the Navigation Law, ("Oil Spill Prevention, Control, and Compensation").

DEC may reject a request to participate in the BCP even if the proposed site meets the definition of "brownfield site," upon a determination that the public interest would not be served by granting such request. To view the statutory criteria that DEC must consider in making a determination as to whether a proposed project would serve the public interest, see: <http://www.dec.ny.gov/chemical/8450.html>

Environmental Restoration Program

New York State municipalities are eligible. The term “municipality” includes counties, cities, towns and villages, as well as local public authorities, public benefit corporations, school and supervisory districts, district corporations, improvement districts and Indian nations or tribes within New York State.

The term “municipality” also includes a municipality acting in partnership with a community-based organization (CBO). The municipality, inclusive of a partner CBO, must not be responsible for the contamination at the site. In addition, municipalities cannot indemnify any responsible party when acquiring the property.

The one exception to the site ownership requirement is when a municipality obtains “temporary incidents of ownership” during a tax-foreclosure proceeding for a property in order to conduct a site investigation.

The Brownfield Opportunity Areas (BOA) Program

Eligible applicants include municipalities, community-based organizations (CBO) and New York City community boards.

Municipalities are defined as cities, villages, towns, counties, local public authorities and public benefit corporations, school districts, special improvement districts, and Indian nations or tribes recognized by New York State or the United States with a reservation wholly or partially within the boundaries of New York State.

CBOs are defined as: not-for-profit corporations that are incorporated under Section 501(c)(3) of the Internal Revenue Code, whose stated mission is to promote community revitalization (the reuse of brownfield sites) within a specific geographic area in which the CBO is located, which has 25 percent or more of its board of directors residing in the community in such area, and which represents a community with a demonstrated financial need.

Inactive Hazardous Waste Disposal Site Remedial Program (State Superfund Program)

The State Superfund Program is an enforcement program. The state is made aware of potential hazardous waste sites in a variety of ways, including notification by the

responsible party and citizen complaints. The determination as to whether or not a site requires remediation is made through a decision process, beginning with a site characterization. The purpose of a site characterization is to identify and investigate any potentially contaminated areas of concern at a site. The first step of a site characterization is a record search. The need for a field characterization is based upon the results of the records search. After completing the site characterization report, the state determines whether no further action is required, a remedial investigation is required or a decision can be made regarding the remediation based upon the site characterization report. More information about the State Superfund Program can be found at: <http://www.dec.ny.gov/chemical/8439.html>

Is financial assistance available?

Brownfield Cleanup Program

A comprehensive package of tax incentives is available to parties cleaning up sites under the BCP. These incentives will offset costs associated with site preparation and property improvements and will include tax credits based on real property taxes and the purchase of environmental insurance. These tax credits can apply to business or personal income tax. In order to be eligible for any of these tax incentives, a certificate of completion stating that remediation requirements have been achieved for the site must be received from the state.

The Environmental Restoration Program (ERP)

New York State provides grants to municipalities for reimbursement of a portion (up to 90 percent on-site and 100 percent off-site) of eligible costs for site investigation and remediation. A municipal cost share is required. Remediation may include cleanup of contamination in environmental media, such as soil and groundwater, and may also include building demolition and asbestos removal, for which reimbursement of up to 50 percent of eligible costs is available.

The Brownfield Opportunity Areas (BOA) Program

Projects that are approved for the BOA program can receive up to 90 percent of eligible costs to complete revitalization plans and implementation strategies for areas or communities affected by the presence of brownfield sites, and site assessments for strategic brownfield sites.

Inactive Hazardous Waste Disposal Site Remedial Program (State Superfund Program)

NYSDEC is obligated by law to attempt to secure responsible party funding before using state funds to investigate and/or remediate a Superfund site. Therefore, NYSDEC's divisions of Environmental Enforcement and Environmental Remediation work together to identify the parties responsible for contaminating a site. NYSDEC attempts to negotiate with the responsible parties to arrive at a commitment which will achieve remedial goals using private funds. At sites where responsible parties cannot be found or are unable or unwilling to fund the remedial activities, the state pays and tries to recover the costs through litigation.

Technical Assistance Grants (TAGs)

TAGs are a citizen participation tool available to eligible community groups to increase public awareness and understanding of remedial activities taking place in their community. Eligible community groups may apply to NYSDEC to receive grants for up to \$50,000 per eligible site. No matching contribution is required on the part of the grant recipient. TAGs, in the form of state assistance contracts, are available to eligible community groups for the purpose of obtaining independent technical assistance in interpreting existing environmental information about an eligible "significant threat" site being remediated in the State Superfund Program or Brownfield Cleanup Program.

NYSDEC's *Technical Assistance Grant (TAG) Guidance Handbook (DER-14)* can be found at: <http://www.dec.ny.gov/regulations/2630.html>

Clean Water State Revolving Fund (CWSRF)

The New York State Environmental Facilities Corporation implements a program to provide low interest loans to local governments, not-for-profit organizations and businesses for water quality protection projects. Such projects may include cleaning up petroleum spill sites caused by leaking underground storage tanks or remediation of sites contaminated with hazardous waste that may potentially affect water quality. More information about these loans may be obtained at:

<http://www.nysefc.org>

Does the participant need to conduct community-involvement activities under New York State's programs?

Citizen participation is a key element in all the state's remedial programs. Citizen participation plans are required for each site. Fact sheets are required at various intervals throughout the project. Templates for the Citizen Participation Plan and fact sheets are available from NYSDEC. In addition, a *Citizen Participation Handbook* outlining the specific requirements for each program is available from NYSDEC.

Public Information on Particular Remediated Sites

NYSDEC maintains a public repository in the form of a database on its public web site that includes information regarding remedial sites under the state's remedial programs and Spill Response Program.

The Environmental Remediation Database Search is available at:

<http://www.dec.ny.gov/chemical/8437.html>

Is there an application process?

Brownfield Cleanup Program (BCP)

Yes, there is an application process. NYSDEC staff are available to provide assistance and encourage all applicants to schedule a pre-application meeting to review the benefits, requirements, and procedures for completing a project in the BCP. Pre-application meetings help projects to be completed more quickly and efficiently.

Information on the application process, downloadable forms and additional guidance can be found at: <http://www.dec.ny.gov/chemical/8450.html>

Environmental Restoration Program (ERP)

Information on the ERP program can be found at:

<http://www.dec.ny.gov/chemical/8444.html>

Brownfield Opportunity Areas (BOA) Program

Application materials for the BOA Program can be obtained at the New York State Department of State's website at:

<http://www.dos.ny.gov/opd/programs/brownFieldOpp/index.html>

Inactive Hazardous Waste Disposal Site Remedial Program (State Superfund Program)

Applications are not required as NYSDEC will make the determination as to whether or not a site requires remediation.

Where can I learn more about New York State's programs?

NYSDEC Division of Environmental Remediation Contacts

Contact the main office for general statewide questions:

DEC Headquarters

Environmental Remediation

625 Broadway
Albany, NY 12233-7011
518-402-9764

Contact the regional remediation engineer for project-specific and local concerns:

DEC Region 1

(Counties: Nassau, Suffolk)

SUNY Stony Brook
50 Circle Road
Stony Brook, NY 11790
631-444-0240

DEC Region 2

(Counties: Bronx, Kings, New York, Queens, Richmond)

1 Hunter's Point Plaza
47-40 21st Street
Long Island City, NY 11101
718-482-4599

DEC Region 3

(Counties: Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, Westchester)

21 South Putt Corners Road
New Paltz, NY 12561
518-402-9662 George Heitzman

DEC Region 4

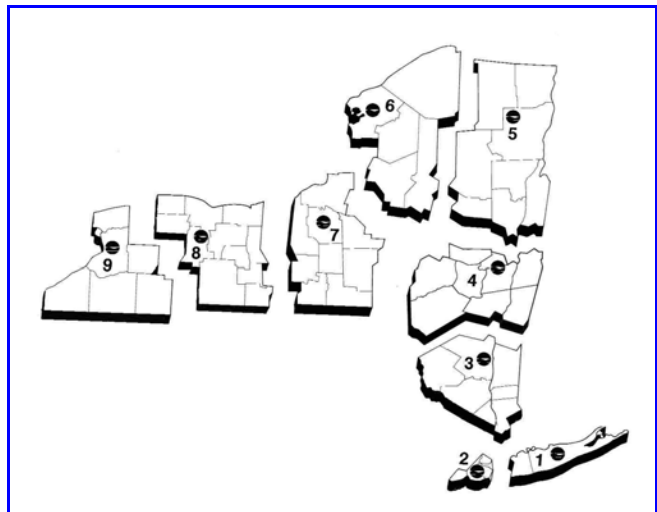
(Counties: Albany, Columbia, Delaware, Greene, Montgomery, Otsego, Rensselaer, Schenectady, Schoharie)

1130 North Westcott Road
Schenectady, NY 12306
518-357-2273

DEC Region 5

(Counties: Clinton, Essex, Franklin, Fulton, Hamilton, Saratoga, Washington, Warren)

Route 86, PO Box 296
Ray Brook, NY 12977
518-897-1242



NYSDEC Regional Office Locations

DEC Region 6

(Counties: Herkimer, Jefferson, Lewis, Oneida, St. Lawrence)

317 Washington Street
Watertown, NY 13601
315-785-2511

DEC Region 7

(Counties: Broome, Cayuga, Chenango, Cortland, Madison, Onondaga, Oswego, Tioga, Tompkins)

615 Erie Boulevard West
Syracuse, NY 13204-2400
315-426-7551

DEC Region 8

(Counties: Chemung, Genesee, Livingston, Monroe, Ontario, Orleans, Schuyler, Seneca, Steuben, Wayne, Yates)

6274 East Avon-Lima Road
Avon, NY 14414-9519
585-226-5315

DEC Region 9

(Counties: Allegany, Cattaraugus, Chautauqua, Erie, Niagara, Wyoming)

270 Michigan Avenue
Buffalo, NY 14203-2999
716-851-7220



**New York State Department of State
Brownfield Opportunity Areas Contact**

Information on the New York State Brownfields Opportunity Areas Program can be obtained by contacting:

**Office of Planning and Development
New York Department of State
Suite 1010
One Commerce Place, 99 Washington Avenue
Albany, New York 12231-0001
(518) 474-6000**

E-Mail: opd@dos.ny.gov

New York State Web Resources

NYSDEC, Division of Environmental Remediation:
<http://www.dec.ny.gov/about/627.html>

Brownfields in New York State:
<http://www.dec.ny.gov/chemical/brownfields.html>

Brownfield Cleanup Program:
<http://www.dec.ny.gov/chemical/8450.html>

Environmental Restoration Program:
<http://www.dec.ny.gov/chemical/8444.html>

Voluntary Cleanup Program:
<http://www.dec.ny.gov/chemical/8442.html>

Brownfield Opportunity Areas Program.
Information from the New York State Department of State's web site:
<http://www.dos.ny.gov/opd/programs/brownFieldOpp/index.html>

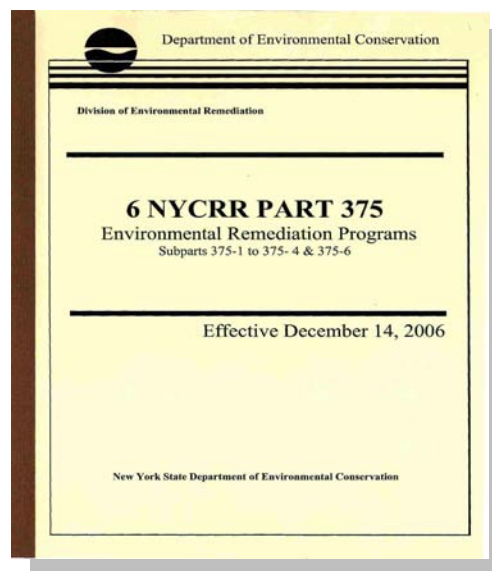
State Superfund Program:
<http://www.dec.ny.gov/chemical/8439.html>

NYSDEC, Division of Environmental Remediation Guidance and Policy Documents:
<http://www.dec.ny.gov/regulations/2393.html>

Environmental Remediation Programs Regulation Development.
A revised regulation - 6 NYCRR Part 375 - went into effect on December 14, 2006:
<http://www.dec.ny.gov/chemical/34189.html>

Environmental Remediation Database Search.
Search for spill incidents and sites that have been or are being cleaned up under one of the NYSDEC's remedial programs:
<http://www.dec.ny.gov/chemical/8437.html>

Chemical and Petroleum Bulk Storage Information and Guidance:
<http://www.dec.ny.gov/regulations/287.html>



The 6 NYCRR Part 375 regulation creates a multi-track approach for the remediation of contamination at brownfield sites.

APPENDIX B

Resources

Please note that the resources referenced below are often implemented at the regional, state and local levels, so it is important to include regional, state and local economic development specialists in your revitalization team.

USEPA: Brownfields and Land Revitalization

<http://www2.epa.gov/brownfields/>

USEPA provides grants to fund assessments and cleanups of brownfield sites. Grants are also made to capitalize revolving loan funds to clean up brownfield sites or fund job training programs.

THINK ABOUT...using assessment grants to identify and prioritize brownfield sites for redevelopment or quantifying the degree of cleanup needed to get the site "business ready." Cleanup grants often need to be pooled with other cleanup funds unless the cleanup is minor. Non-profits such as urban renewal authorities are eligible recipients of cleanup grants.

National Association of Development Organizations (NADO)

<http://www.nado.org>

Since 2001, NADO has been dedicated to assisting regional development organizations across the country. Through their research foundation, they have sought to raise awareness and examine issues related to contaminated property revitalization and redevelopment in small metropolitan areas and rural America.

THINK ABOUT...using NADO to identify potential resources specifically targeted to smaller municipalities and rural communities.

International City/County Management Association (ICMA)

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

Since 1914, ICMA has offered a wide range of services to its members and the local government community. The organization is a recognized publisher of information resources ranging from textbooks and survey data to topical newsletters and e-publications. ICMA Press, <http://icma.org/en/press/home>, provides publications, data, information, technical assistance and training in a variety of issues--including redevelopment of contaminated properties--and professional development,

<http://www.icma.org/university>, to thousands of city, town and county experts.

THINK ABOUT...using ICMA resource documents to gain additional knowledge on addressing and redeveloping contaminated properties.

National Association of Local Government Environmental Professionals (NALGEP)

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

NALGEP represents local government personnel responsible for ensuring environmental compliance and developing and implementing environmental policies and programs. Their Brownfields Community Network frequently sponsors webcasts aimed at empowering localities to revitalize their communities through the exchange of strategies, tools, and best practices for brownfields cleanup and reuse.

THINK ABOUT...using NALGEP resources as a forum for exchanging lessons learned and expanding a community's knowledge base on a variety of redevelopment issues.

U.S. Department of Housing and Urban Development (HUD)

<http://www.hud.gov>

HUD provides block grants and competitive awards (targeted to state and local governments) for revitalizing entitlement communities, offers federally guaranteed loans for large economic development and revitalization projects--typically in entitlement communities--provides priority status for certain federal programs and grants for HUD-designated Empowerment Zone or Enterprise Communities (targeted to 80 local governments with low-income or distressed areas) and provides options for meeting safe and affordable housing needs in developed areas.

The six applicable HUD programs listed below provide resources for the renewal of economically distressed areas:

- Community Development Block Grant Program
- Section 108 Loan Guarantee Program
- Brownfield Economic Development Initiative
- HOME Investment Partnership Program
- Empowerment Zones and Enterprise Communities Initiative
- Lead-Based-Paint Hazard-Control Grant Program

U.S. Department of Agriculture (USDA)

Forest Service

<http://www.fs.fed.us>

The Forest Service provides technical assistance for projects in selected areas (targeted to EPA grantee, local governments, federal Empowerment Communities and Enterprise Zones) and offers technical and financial assistance for sustainable redevelopment and reuse projects (targeted to state and local governments and community-based groups in Atlanta, Seattle, New York, Chicago, San Francisco, Los Angeles, Denver, Las Vegas, East St. Louis, South Florida [four-county area], Philadelphia, Boston and Buffalo).

Rural Development Agency (RDA)

<http://www.rurdev.usda.gov>

The RDA provides grant, loan and loan-guarantee assistance for a variety of business, commercial and industrial projects in small towns and rural areas, supports the installation and improvement of critical infrastructure needed to support economic development and helps finance the construction of key public facilities, e.g., sewer systems, firehouses, etc., that can support property revitalization efforts.

THINK ABOUT...using RDA resources to meet various project needs within the context of small town or rural needs--real estate acquisition, cleanup, demolition, working capital, water and sewer system improvements and supportive community facilities.

U.S. Department of Commerce Economic Development Administration (EDA) <http://www.eda.gov/>

The EDA funds infrastructure enhancements in designated redevelopment areas or economic development centers that serve industry and commerce, provides planning grants and offers revolving loan funds and loan guarantees to stimulate private investments.

THINK ABOUT...using EDA to address cleanup and site preparation needs at reviving industrial areas...street, utility, port and other infrastructure needs at project sites...site revitalization planning and site marketing.

Small Business Administration (SBA)

<http://www.sba.gov>

The SBA provides information and other non-financial technical assistance for redevelopment efforts, offers loan guarantees to support small businesses, and assists in developing management and marketing skills.

THINK ABOUT...using loan guarantees to attract capital to small businesses once sites are clean...using Certified Development Companies (CDCs) to help underwrite and finance building expansions or renovations...using informational resources available to help with loan documentation and packaging.

U.S. Department of the Interior National Park Service (DOI)

<http://www.nps.gov/ncrc/programs/rtca/>

The DOI provides technical assistance for planning, assessment, and conservation in urban areas, assists in acquisition of surplus federal lands and offers technical assistance for community revitalization.

THINK ABOUT...enhancing redevelopment projects with parks and open-space amenities.

U.S. Department of Labor (DOL)

<http://www.doleta.gov>

The DOL offers technical assistance linked to job training and workforce development in Brownfields Showcase Communities.

THINK ABOUT...using training and workforce-development services as a cash-flow- offset incentive to companies locating at brownfields sites.

U.S. Department of Transportation Federal Transit Administration (DOT)

http://www.fta.dot.gov/funding/grants_financing_263.html

The DOT provides grants for transit capital and maintenance projects, offers discretionary capital grants for new fixed-guideway transit lines, bus-related facilities, and new buses and rail vehicles and funds transportation and land-use planning, and promotes delivery of safe and effective public and private transportation in non-urban areas.

THINK ABOUT...enhancing site marketability with transit access...planning for and cleaning up sites used for transportation purposes...identifying contaminated sites for stations, lots and other transit purposes.

U.S. Department of Transportation Federal Highway Administration (FHWA)

http://www.fhwa.dot.gov/environment/brownfields/bf_disc.cfm

The FHWA provides funds that can be used to support eligible roadway and transit-enhancement projects related to property redevelopment, targeted to state and local governments and metropolitan planning organizations.

THINK ABOUT...using FHWA resources to cover some clean-up, planning and/or development costs, freeing up resources for other purposes...reconfiguring or modernizing roads or other transportation infrastructure to make them more complementary to site-reuse opportunities or to provide transportation-related access or amenities that enhance site value.

U.S. Department of Treasury Oversight of Various Tax Incentives

<http://www.treas.gov>

The Department of Treasury offers tax incentives to leverage private investment in contaminated property cleanup and redevelopment targeted to private sector entities.

THINK ABOUT...promoting the cash-flow advantages of tax incentives...promoting the financial and public relations advantages of participating in contaminated property redevelopment to lenders...tapping into programs to expand capital access for small businesses that could locate at a redevelopment site.

Federal Housing Finance Board (FHFB)

<http://www.fhfb.gov>

The FHFB funds community-oriented mortgage lending for targeted economic-development funding. Funds are targeted towards a variety of site users and can be accessed through banks. FHFB subsidizes interest rates and loans to increase the supply of affordable housing and funds the purchase of taxable and tax-exempt bonds to support redevelopment.

THINK ABOUT...using FHFB to attract more lenders to specific clean-up and redevelopment projects.

U.S. General Services Administration (GSA)

<http://www.gsa.gov>

The GSA works with communities to determine how underused or surplus federal properties can support revitalization.

THINK ABOUT...incorporating former federal facilities into larger projects, to take advantage of site-assessment resources.

National Oceanic and Atmospheric Administration (NOAA) Coastal Brownfields

<http://www.noaa.gov/>

The NOAA provides technical and financial assistance for coastal resource protection and management, funds workshops in Showcase Communities on contaminated-property redevelopment-related coastal management issues and coordinates a new “Portfields” initiative (initially targeted to port areas in New Bedford, MA, Tampa, FL and Bellingham, WA).

THINK ABOUT...planning for a revitalized waterfront and restoring coastal resources...linking port revitalization needs with broader economic development purposes...linking site-design needs at contaminated waterfront properties to end-use planning.

U.S. Army Corps of Engineers (USACE)

<http://www.usace.army.mil/Missions/Environmental/BrownfieldsUrbanWaters.aspx>

USACE executes projects emphasizing ecosystem restoration, inland and coastal navigation and flood and storm damage reduction that may be contaminated property-related, and provides technical support on a cost-reimbursable basis to federal agencies for assessment and cleanup activities.

THINK ABOUT...requesting assistance from the Corps for project planning in waterfront situations...defining Corps-eligible projects like riverbank restoration can enhance property revitalization efforts.

U. S. Department of Defense (DOD)

Office of Economic Adjustment

<http://www.oea.gov/>

The DOD provides extensive information on redevelopment of closed military base properties. Models developed may be useful to other types of contaminated property and community stakeholders.

U.S. Department of Energy (DOE)

Office of Energy Efficiency and Renewable Energy/Center of Excellence for Sustainable Development

<http://www.smartcommunities.ncat.org/>

This DOE office serves as a resource center on sustainable development, including land use planning, transportation, municipal energy, green building and sustainable businesses.

Office of Building Technology, State and Community Programs (BTS)

<http://www.eere.energy.gov/buildings/>

The BTS works with government, industry, and communities to integrate energy technologies and practices to make buildings more efficient and communities more livable. The resources available through BTS can help ensure that contaminated property cleanups are connected to energy efficiency and sustainable redevelopment.

Other Financial Mechanisms for Assessment, Cleanup and Redevelopment of Brownfields

Tax Increment Financing: A Brief Overview

One approach to financing the cleanup and redevelopment of brownfields is the creation of a tax-increment-financing (TIF) district. TIF is a financing technique wherein bonds are issued to fund redevelopment and the bondholders are repaid through the new or incremental tax revenues generated by new construction/development. Usually, urban renewal authorities and downtown development authorities have the ability to create a TIF district.

For example, suppose a municipality creates a TIF district to facilitate redevelopment of several adjacent properties, including aging and vacant industrial buildings and former rail yards. Once the properties within the TIF district are redeveloped, property values will increase, which results in increased tax revenues. Property tax revenues from the TIF district are split into two revenue streams:

1. The first stream (base) is equal to the “As-Is” property tax revenues without redevelopment and goes to the same city, county, school district and other taxing entities (the base is allowed to increase with the market over time).
2. The second stream (increment) is the net increase in property taxes resulting solely from new development. The increment can be used to fund the redevelopment through tax increment financing, which diverts the increment revenues to pay for annual debt service on construction bonds.