Indiana Department of Environmental Management

Overview

- What are Brownfields
- Obstacles to Brownfields Redevelopment
- Tools for Redevelopment
- Financial Incentives
- Additional Resources
Indiana Department of Environmental Management

Brownfields Definition (U.S. EPA) -

- Abandoned, idled or under-used industrial or commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination
Brownfields Definition (SEA 360)

- An industrial or commercial parcel of real estate that is abandoned or inactive or may not be operated at its appropriate use; and
- On which expansion or redevelopment is complicated because of the actual or perceived presence of a hazardous substance or petroleum released into the surface or subsurface soil or groundwater that poses a risk to human health and the environment.
Why is Brownfields Redevelopment Important?

- Links economic vitality with environmental protection
- Discourages urban sprawl
- Abandoned properties are returned to tax base
- Revitalization improves the appearance of the community
Obstacles to Brownfields Redevelopment

- **Real or perceived environmental contamination**
- Cleanup costs
- Liability issues for the lender, prospective purchaser, and third parties
- Socio-economic issues
Tools For Brownfields Redevelopment in Indiana

- Senate Enrolled Act (SEA) 360
- Indiana’s Brownfields Program
Main Provisions of SEA 360

- Allows the creation of Brownfields Revitalization Tax Abatement Zones

- Establishes the Environmental Remediation Revolving Loan Program (funded for 3 years; 5 million 1st year, 2.5 for subsequent years)

- Environmental Legal Actions - Changes the liability from strict, joint, and several, to proportional, for cost recovery and liability claims
IDEM Brownfields Program

I. Brownfields Education and Outreach

II. Brownfields Environmental Assessment Process

III. Voluntary Remediation Program
I. Brownfields Education and Outreach

- Brownfields Workshops
- Education, Outreach and Consultation to Local Units of Government
- Participation in Local Efforts
- National and Regional Brownfield Pilot Projects
- Publication of a Financial Resource Guide for Brownfields Redevelopment (under development)
II. Brownfields Environmental Assessments

- To assist communities in putting abandoned properties into productive reuse, promoting sustainable development

- To conduct environmental assessments at sites meeting the criteria

- Service is free to political subdivisions (units of governments)
II. Brownfields Environmental Assessments

- Perform background review of site history, ownership and past environmental practices
- Conduct site reconnaissance
- Collect and analyze environmental samples
- Prepare a Brownfield Assessment Report
- Discuss report findings and future steps with applicant
III. Voluntary Remediation Program

- Indiana was one of the first states to address, through statutes, liability issues associated with property transactions.

- Established in 1993, pursuant to IC 13-25-5 (prior to July 1, 1996, IC 13-7-8.9)
III. VRP Program Eligibility

- Any property owner, prospective purchaser, or a third party who wishes to remediate a property, or property location that is contaminated with petroleum or hazardous substances is potentially eligible

Ineligible if:
- State / Federal enforcement action is pending
- Federal Grants compel IDEM to take enforcement actions
- Imminent and substantial threat to human health and the environment
- Incomplete application
Keyplayers

State, Federal and Local Government

- Elected Officials
- Local planning/redevelopment department
- Public Works
- Health and Housing departments
- Environmental Department
- IDEM/U.S. EPA
- HUD
- Department of Commerce
- Department of Transportation
Keyplayers

Local Businesses and Interest Groups

- Developers
- Realtors (industrial & commercial)
- Financial Institutions
- Chamber of Commerce
- Industries
- Utilities
- Community Groups/Neighborhood Associations
- Environmental Organizations/Consultants
- Urban Enterprise Associations
- Community Development Corporations
- Not-for-Profit Groups
Different Partnerships in Brownfields Redevelopment Efforts

Public / Private Partnerships

Private - sites where redevelopment would occur without any assistance; the easy ones

Public - usually sites with extensive environmental contamination, other problems; the hard ones
Financial Incentives for Brownfields Redevelopment

- IDEM - Free Environmental Assessments (for eligible applicants)
- Commerce Department - Various Funds and Grants - Community Development Division (317) 232-8911
- Local Incentives - Tax abatement and tax increment financing
- Senate Enrolled Act 360 - establishing an Environmental Remediation Revolving Loan Fund
Additional Resources

IDEM Assistance

- Brownfield Environmental Assessment Application
- Voluntary Remediation Program Application
- Technical Assistance
- Participation in education and outreach activities
- Assistance in coordinating activities with other state and federal agencies
III. Key Steps in the VRP Process

1. Application
2. Work Plan
3. Written Agreement
4. Work Plan Review
5. 30 Day Public Notice
6. Public Hearing (If requested)
7. IDEM Work Plan Approval / Denial Determination
8. Covenant Not to Sue
9. Certificate of Completion
10. Successful Completion
11. Implementation
How to Get Started

- Establish a site inventory
- Get keyplayers involved
- Form workgroups & subgroups if necessary
Brownfields Revitalization
Scopes

Urban Planning
Environmental Cleanup
Economic Redevelopment
Keyplayers

State and Federal Government Agencies

- IDEM / U.S. EPA
- HUD
- Department of Commerce
- Department of Transportation
Keyplayers

Local Interest Groups

- Community Groups / Neighborhood assoc.
- Environmental Organizations / Consultants
- Urban Enterprise Associations
- Community Development Corporations
- Not-for-Profit Groups