

Georgia's Brownfields Program



Brownfields – Federal Definition

- Real property, the expansion, development or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant

Georgia Brownfields Legislation



- Georgia Hazardous Site Reuse and Redevelopment Act
- Brownfields Tax Incentive Law

Georgia's Approach to Brownfields Redevelopment



- Recognizes that real estate factors, rather than contamination factors, drive redevelopment

Brownfields Redevelopment



- Preserves value of existing infrastructure
- Revitalizes city centers
- Increases property values
- Increases property tax base
- Improves the environment

Environmental Liability



- Is joint, strict, and several
- Is created by ownership
- Includes cleanup liability
- Can result in third party claims

- Doesn't have to be a deal-breaker!

Why would I want to redevelop contaminated property?

- Brownfields protection reduces liability
- Cleanup costs for soil and source material may not be as high as feared
- Many Brownfields are located in desirable areas
- New state law provides incentives that may affect redevelopment prospects

Georgia Brownfields Incentives



- Liability Limitation
- Tax Incentives

Liability Limitation



- For the cost of groundwater cleanup
- For third party claims (lawsuits) arising from the contamination

Responsibilities Assumed by Purchaser



- Site investigation (soil and groundwater)
- Soil and source cleanup, if needed
- Compliance Status Report

*Why investigate groundwater?
I won't be cleaning it up.*



The groundwater investigation establishes the
baseline site conditions for which you

ARE NOT
responsible.

Limitation of Liability Takes Effect



- Upon approval of the Corrective Action Plan, or
- Upon EPD's concurrence with the Compliance Status Report

More about Georgia's Limitation of Liability



- Dependant upon completing Corrective Action as planned
- Fully transferable (with one exception)

Brownfields Eligibility Requirements



- Property eligibility
- Prospective purchaser eligibility
- Both must be eligible

Georgia Brownfields Properties:



- Must have a preexisting release of a hazardous waste, hazardous constituent, or hazardous substance

Brownfield Purchaser Eligibility



Is Prospective!!!

If you already own the site, you cannot
apply!!!

Prospective Brownfields Purchasers Must Not:

- Have contributed to the release of hazardous substances
- Have a substantial business relationship or other affiliation with a party responsible for the release
- Be in violation of EPD's enforcement authority

Two Types of Applications for Brownfields Program



- Compliance Status Report
- Application Review Fee \$3000
- Corrective Action Plan
- Application Review Fee \$3000

Compliance Status Report



A Compliance Status Report is the final environmental report on the property. It demonstrates, using descriptive narrative, environmental sampling data, risk assessment calculations, and a legal certification, that all appropriate steps have been taken to ensure that the property is safe for its new use.

Corrective Action Plan



- Is the cleanup plan for soil and source material
- Is often the fastest way to obtain a limitation of liability
- Can be amended if unexpected conditions are encountered

Why are there two types of Brownfields application?

- Land-use will dictate the appropriate cleanup standard
- Not all properties will need cleanup
- All properties will eventually need a Compliance Status Report for limitation of liability

Initial Compliance Status Report



- Appropriate where site conditions are well understood
- Future land use is well established
- Further cleanup is not needed

Prospective Purchaser Corrective Action Plan



- Appropriate where source material and/or soil require cleanup
- Useful when site assessment is not complete at closing
- Can usually be approved within typical due diligence timeframes

Georgia's Approach to Voluntary Brownfields Cleanup



- Recognizes that timeliness is critical
- Relies on being available to prospective purchasers
- Encourages working face-to-face in lieu of paper exchanges for most purposes

May we help you ?



- Georgia's new Brownfields program is committed to helping redevelopment efforts
- We've learned that contamination doesn't have to get in the way of development
- We are available to discuss your project, even if you're still just thinking about it

Georgia Brownfields Contacts



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