

Meeting Notes
Brownfield Redevelopment Task Force
April 11, 2005

Attended:

L'Tryce Slade- Slade Land Use Environmental& Transportation Planning
Chad Williamson- Civil Engineering Associates
Tom Maxwell-RPCGB
Chris Reaves- UAD
Joel Gilbert- Balch & Bingham
Edwin Johnston- ADEM
Dixie Beatty-ADEM
Larry Bryant_ ADEM
Pat Donalson-Nationwide Insurance
Keith Strother-City of Birmingham
Billy Hewitt- City of Tarrant
Mayor Loxcil Tuck- City of Tarrant
Michael Staley- Office of Congressman Spencer Bachus
Jim Delano-MACTEC
Jeff Fincher-MACTEC
Bob Strickland-Alagasco
Terry Macaluso- Barge Waggoner Sumner & Cannon
Emi Burton- RPCGB
Phillip Wiedmeyer-ARCA
Camilla Warren- EPA Region 4
Madeleine Kellam- Georgia EPD
Bill Mundy-Georgia EPD
Bob Wilkerson-RRCGB

Introductions:

Bob Wilkerson opened the meeting with introductions of all attendees.

Toolkit Update:

Wilkerson conducted a demonstration of a newly released Brownfield Toolkit developed by The National Association of Local Government Environmental Professionals (NALGEP). The toolkit titled: *Revitalizing Southeastern Communities* provides the Task Force with an outstanding reference for introducing communities and property owners to the basics of brownfield redevelopment. The task force will utilize this resource as its standard toolkit.

Wilkerson suggested that the CD based toolkit be converted to an on-line resource accessible through the Task Force web-site. Copies of the CD are presently available through NALGEP or EPA Region 4.

Grant and Funding Resources Conference

Wilkerson called on Michael Staley- Field Representative for the Office of Congressman Spencer Bachus to discuss the conference:

Congressman Spencer Bachus Grant Conference
Birmingham Jefferson Convention Complex
May 1-3, 2006

Those interested in attending may register through the following link:

<http://www.bachusgrantconference.com/rsvp/>

For questions, please contact Jennifer Pino at BachusGrantConference@mail.house.gov or Michael Staley at michael.staley@mail.house.gov. You can reach us by phone at 205-969-2296.

Thank you from the Office of Congressman Spencer Bachus
www.bachusgrantconference.com

Building Communities Conference:

Wilkerson announced the upcoming conference. He noted that Dan Grogan of MACTEC will be the keynote luncheon speaker on May 12th. Dan will present the highly successful Atlantic Station mixed-use redevelopment project in mid-town Atlanta.

Theme: *Public Spaces & Gathering Places*

Date: May 11th-12th, 2006

Location: McWayne Center- 200 19th Street North, Birmingham, AL 35203

The 2006 Building Communities Conference will highlight the social, economic, and environmental value of quality placemaking and the importance of developing good public spaces in the form of parks, plazas, squares, buildings, public markets, streets and roadways, trails, transit facilities and transportation infrastructure and neighborhoods and districts.

Visit www.bhammpo.org under Upcoming Events to view an invitation and see how to RSVP.

Regional Greenspace Project, Southeastern Ecological Framework/GeoBook and GSA:

Wilkerson took the opportunity to provide the Task Force with information on a new regional initiative that has significant overlap and complementary objectives relative to the Brownfield Task Force. Phase I is scheduled for completion on June 30th. A major public outreach campaign will be conducted under phase II beginning in August 2006.

A major component of the Greenspace project's phase I objective is the development of a model inventory and collection of technical data related to ecological conditions and the built environment. With the discovery of the *Southeastern Ecological Framework*,

and EPA Region 4's *Geo Book*, Wilkerson initiated a collaborative partnership among and between RPCGB, EPA Region 4, and the Geological Survey of Alabama. The partnership will address a methodology for collecting and sharing of technical information. This collaborative has the potential to provide various interests across the state with highly accessible and valuable GIS information serving primary decision makers including developers, economic developers, municipalities and governmental officials, brownfield redevelopment stakeholders, and others. Achieving that objective would place Alabama in the position of a "best practices" model for the rest of the nation.

Additional information will soon be available on the internet at: www.rpcgb.org - Regional Greenspace Project.

Presentation: State of Georgia: Environmental Protection Division- Brownfield Program

Madeleine Kellam: Brownfield Program Manager- presented a PowerPoint overview of Georgia's Program. For reference, a copy of the presentation is on the brownfield website at www.rpcgb.org, see brownfield tab. **Bill Mundy:** Georgia EPD Corrective Action Manager was also present and contributed to the discussion.

Points taken from the presentation and interactive discussion with the audience include the following:

Approximately three years ago, Georgia EPD made a conscious decision to change its approach to the voluntary program. Kellam provided the following points:

- The program philosophy "recognizes that real estate factors, rather than contamination factors, drive redevelopment".
- The program is grounded from the perspective of a facilitator rather than one of strict regulatory enforcement : "this is not a *got you* program", rather this is a program designed to help find reasonable solutions.
- The program was developed by listening to the concerns and needs of the developer: developers communicated the need for:
 1. Direct communications with EPD
 2. Timeliness: must be able to move ahead without delays to the developer's project timeline.

A question was raised regarding two issues of concern with Alabama's program: the 60 day allowance for response and the significant front end fees of \$10,000-\$15,000 per site.

How does Georgia handle those issues?

Kellam responded that they sit down with the developer and discuss the timeline. EPD attempts to get a good understanding of when a decision is needed and they make every attempt to accommodate: some are rendered in a matter of days; others may take 90 days,

depending on the time needs communicated by the developers/ stakeholders. Such communications between developer and EPD highlights the value of accessibility and face to face communications among the key parties on the front end.

Regarding fees: Georgia accesses a standard application review fee of \$3,000. Additional fees may be charged depending on the EPD's effort to review the application and *Prospective Purchasers Corrective Action Plan (CAP)*.

Another issue was raised from the floor regarding the role of the environmental engineer/geologist (P.E. /P.G.) and the need for a relationship of trust, built upon professional knowledge and professional responsibility. The point was made that Georgia works closely with the P.E. / P.G., placing professional responsibility on their backs, recognizing that the P.E. /P.G. is in fact placing their stamp of approval on the remediation plan and is responsible for its impact. Bill Mundy interjected that "The building of trust is crucial to the process". The goal is then to collaboratively "figure out solutions" rather than looking for opportunities to tag on delays and penalties.

Mundy explained that once Georgia figured out how to do this, their voluntary clean-up program exploded: in the three years since, the Georgia program has accommodated the redevelopment of *over 80 sites*. Mundy stated: "the goal is to improve properties, and the best way to do that is to make solutions happen".

Kellam added that Georgia EPD maintains its primary mission of "protecting human health and the environment", but three years ago realized that to improve significant volumes of damaged sites, they must add to that mission the goal of "improving Georgia's economy by including an economic development component". Mechanisms were then developed to accommodate responsiveness to developers' timelines, thereby fostering greater interest in redevelopment, while *improving the environment*.

When asked specifically how the turnaround time was reduced, Kellam responded:

The developer is give two options:

1. They can submit a *Corrective Action Plan* that EPD approves for compliance. The developer is not required to provide a complete report before they set a corrective action plan: they are allowed to work from soil and water samples along with the *agreement* to comply in the end. This greatly facilitates advancement of the redevelopment timeline. If for some reason plan "A" as submitted does not work, EPD will work with the developer to divert to plan "B". The Georgia program allows for the approved CAP to be amended provided the amendment is made before final certification of the EPD approved CAP.
2. If desired, the developer can elect to follow through with the process of a complete certified environmental report on the front end. This approach is based on sites that can certify soil impacts do not exceed applicable risk reduction standards (or EPD established cleanup standards).

In addition, Kellam noted that her division openly encourages developers to come in and talk on the front end where many obstacles can be identified and or avoided, sometimes from simply discussing the potential project. Georgia EPD is committed to offering the developer added value in the form of suggestions for how to make the deal work better and avoid unnecessary obstacles and delays.

Noting that Georgia's process of a few years ago was similar to our present Alabama processes; **a question was raised regarding how changes came about in Georgia: the question was: "How did you break the barriers?"**

Kellam and Mundy answered that the Atlantic Steel/ Atlantic Station project was the deal that made it happen. In brief, the various parties, including EPD had been operating on separate agendas. Finally, all parties realized that redevelopment of the site would never happen without *unilateral cooperation among the parties*. Working through the challenges of making Atlantic Station a reality, EPD learned to accommodate developer timelines as well as other needs/concerns related to brownfield redevelopment. EPD and developers learned how to communicate effectively and listen to one another. The magnitude and economic development potential of the Atlantic Station project also forced EPD to look for opportunities within the regulations that could reasonably allow for increased flexibility when applying the regulations. Mundy added that this was not an overnight process: he advised change works best when achieved slowly, ensuring effectiveness with a positive impact over the long-term.

Closing:

Next meeting is scheduled for May 18th

Wilkerson adjourned the meeting at approximately 5:00 PM