The brownfields cookbook: a redevelopment guide

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Abstract

The \textit{Brownfields Cookbook: a redevelopment guide} is meant to serve as a toolbox for communities looking for assistance and ideas for redeveloping brownfields in their localities. This guide is not only meant to serve the needs of those communities located in Southeastern Louisiana, but nationwide as well for brownfields can exist in any community, in any state. The redevelopment of such sites into productive and safe uses is a major issue for Louisiana communities, as well as communities nationwide, where urban sprawl and environmental issues are major factors affecting land use and development today.

By focusing on lessons learned and the examples put forward by the Southeast Louisiana Brownfields Economic Redevelopment Assessment Demonstration Pilot Program, the members of the Regional Planning Commission and participating parishes (i.e. counties) provide this toolbox example of redevelopment practices and principles. To demonstrate these practices and principles, this cookbook closely examines the unique area of Southeast Louisiana and offers outstanding examples of community efforts to encourage brownfield redevelopment to meet the needs of the citizens, the economy and the environment of the region.

In addition, the cookbook provides a partial list of resources available to communities looking for funding, or just assistance with getting a brownfields redevelopment program off the ground. These resources range from voluntary cleanup programs, to liability assurances for the protection of the community, and to new federal brownfields legislation.
Introduction

Communities need the tools to assess, cleanup, and reuse contaminated properties through partnerships, streamlining, research, and community based-projects. The Regional Planning Commission for Jefferson, Orleans, Plaquemines, St. Bernard, and St. Tammany Parishes (RPC) in Southeast Louisiana (www.norpc.org) undertook the regional brownfields effort to provide these tools. The Southeast Louisiana Regional Brownfields Redevelopment Model Program (www.epa.gov.swerosps/bf.html-doc/selouis.htm) was funded in March 1999 by a $200,000 grant from the Environmental Protection Agency (EPA). The regional brownfields effort is structured to provide the resources necessary for Southeast Louisiana’s parishes and municipalities—rural as well as urban—to develop local solutions to local brownfields problems.

The RPC created the regional policy group, the Southeast Louisiana Regional Brownfields Consortium, to assist the communities and the parishes of Jefferson, Orleans, Plaquemines, St. Bernard, St. Tammany, St. Charles, St. John, St. James, and Tangipahoa to achieve a common goal—sustainable development. The Southeast Louisiana Regional Brownfields Redevelopment Model Program is the first and only regional brownfields assessment pilot in EPA Region 6.

Southeast Louisiana is one of North America’s most distinctive and culturally diverse areas, covering 3,399 square miles, and includes the parishes (i.e., counties) of Orleans, Jefferson, St. Bernard, St. Charles, St. John the Baptist, St. Tammany, St. James, and Plaquemines. The region was settled in 1718 and has been a leading commercial center ever since. After World War II, the area’s rich cultural heritage contributed to its emergence as a major international tourist center. According to the 2000 Census, the parishes of Orleans, Jefferson, St. Bernard, St. Charles, St. John the Baptist, St. Tammany, St. James, and Plaquemines have a combined population of 1,338,000—a rise in population of 53,000 since 1990. The descendants of New Orleans original settlers and newcomers to the area continue to move into the surrounding parishes, resulting in explosive growth. However, the economic development that accompanies this progress brings with it a threat to the environment and the continued economic vitality of the area in the form of contaminated, or potentially contaminated, industrial and commercial facilities that are abandoned, idled, or underutilized.

Brownfields redevelopment projects attempt primarily to encourage the recycling of these sites and promote redevelopment through encouraging public/private investments. Communities that allow brownfield sites to remain inactive lose the tax revenue and employment opportunities generated by thriving operations—for some cities, this can total hundreds of jobs, millions of tax dollars, and hundreds of thousands of dollars in wages that might circulate through the area, bringing still more economic benefits. Existing streets and roads, water lines, rail spurs, and other infrastructure systems go unused. In jurisdictions with numerous brownfield sites, this means that billions of dollars in prior public and private investment are essentially wasted. Given land-use patterns prevalent earlier in the last century, many brownfields sites are well
Brownfield Sites: Assessment, Rehabilitation and Development

located, often along waterfronts or adjacent to downtown centers. Their decaying presence can drag down efforts to revitalize nearby sites, stalling a community’s revitalization efforts and undermining its tax base.

*The Brownfields Cookbook* has been very effective in offering communities a “taste” of what brownfields development is like, in different parishes, and with different outcomes. With this combination of results, *The Brownfields Cookbook* provides an adaptable toolbox for communities looking to redevelop brownfields in Southeast Louisiana and nationwide.

### Brownfields redevelopment: the recipe

**Ingredients needed:**
- One Concerned Community
- One Brownfields Team
- Several Potential Brownfields Sites
- Several Interested Developers
- One Community-Supported Cleanup Plan
- Voluntary Cleanup Plan (season to taste)
- One Reuse Plan

Take the community and thoroughly inspect for potential and public involvement. Look for possible federal, state, and local funding sources. Separate the brownfields team from the community, but keep the team in close proximity to the community. Blend the team into one cohesive unit. Use the team to assess and improve on public involvement. Extract sources of valuable information on traffic patterns, local work forces, and public desires. Conduct public meetings in affected neighborhoods to gather community desires and needs. Take this public outreach effort and set aside for continuous use. Add to it as needed.

Have the team collect all potential brownfields sites and place them in a row. Select the best site for redevelopment using appropriate selection criteria for community tastes. Perform a site ranking. Take the best site and inspect it thoroughly. Place remaining sites in a GIS database to simmer, for later use. Determine if any contamination may be present that could threaten or hinder redevelopment of selected site. Replace if necessary. Assess the history of the site thoroughly. Environmental risks and potential cleanup costs must be thoroughly investigated.

Prepare a community-supported cleanup and reuse plan. Season to taste with an appropriate voluntary cleanup plan. Mix reuse plan with one or more developers. Stir often. Wash brownfields sites as necessary to achieve cleanup goal. Look for other funding ingredients to add to the pot. Bring to a boil and serve immediately. Season to taste. Enjoy!

### Getting started: gathering the ingredients

Brownfields redevelopment is a voluntary undertaking by members of both the public and private sectors, focusing on converting land from idled, polluted states into a cleaner, useful, and potentially profitable condition. Initiating a brownfields redevelopment plan means that one or more entities has recognized the benefits associated with this redevelopment. It is intended for communities to modify the “recipe for redevelopment” to fit the needs and desires of their community.
Form a brownfields team: a fine blend

Strategies for successful redevelopment are invariably community based. Dealing with brownfields sites is a multi-disciplinary challenge. No one person has all of the skills needed. Those communities and developers who have been successful have assembled teams of people to address the issues.

The role of the brownfields team is to provide a forum and an organized series of public meetings to address the issues and concerns associated with the redevelopment of brownfields. The brownfields team serves to advise and assist the municipality or governing agency in the identification of potential public and private brownfields sites and development initiatives desired in each locality. The brownfields team should be formed as soon as a community has noted that brownfields might exist, and there is a desire to redevelop these sites. Ideally, the brownfields team should operate as long as questions remain as to the identification and redevelopment of brownfields sites.

To guide the RBP, the RPC established a technical steering committee, named the Regional Brownfields Consortium, consisting of representatives from each parish government. Representatives of the Louisiana Department of Environmental Quality (LDEQ), the real estate community, and private citizens are also participating in meetings to provide advice to the Consortium. The Consortium initially served to identify potential public and private brownfields site opportunities in each parish.

Public involvement: the main ingredient

Public involvement allows citizens to become partners in the brownfields redevelopment process. The time and effort invested up front to involve the community will eliminate costly delays and plan revisions. Many citizen groups are inviting redevelopment into their neighborhoods. The community can be a source of valuable information on traffic patterns, local work force, and other qualitative factors.

Stakeholders should be involved from the outset of a brownfields redevelopment project. Regional, parish, and city Planning Commissions can be excellent resources to help identify active community groups in a project area. Non-traditional partnerships, including those consisting of churches, chambers of commerce, and schools, are excellent cooperatives when working with neighborhood revitalization. Education is crucial to the stakeholders' understanding of information relating to a brownfields redevelopment project. By educating the neighbors, valuable time and money can be saved as the project proceeds. Information should be widely shared with the community to encourage support and open communication.

The formation of the Southeast Louisiana Regional Brownfields Consortium presented the best opportunity for the RBP to disseminate information to the public and gather information from the public. The Consortium held a series of public meetings, in several different locations throughout the region, so no one area would be over represented. By holding these public meetings in a range of...
locations, the best opportunity to reach the widest audience of residents was achieved.

Site identification: filling the pantry

Site identification is undertaken to diminish the costs of site assessments, meaning the actual analysis of contaminants. Site identification is used as the initial qualifier to determine if a site is indeed a brownfield. Identification can also provide the community with the beginnings of a database of all brownfields sites in the area. All communities can contain sites that are potential brownfields. There is no one-way to determine whether a site is a brownfield or not. More often than not, research into the past history of a site will yield the operations on site and the types of potential contamination that might exist on site.

After identifying potential brownfields sites through historical records and visual surveys, the members of the RBP Consortium recognized that a site inventory process, including both short- and long-term considerations, was necessary. As a result, they formulated a comprehensive process to list, record, and publicly disseminate information about properties that are or could be considered brownfields.

At times, there may be little information remaining about the operation of a site due to the loss of records to natural hazards. Some property owners and adjacent property owners are reluctant to allow access to sites and records.

Site ranking: select the ripest

The purpose for ranking a site is to determine which sites have the best chance for an economically successful redevelopment based on the needs of the community. This means developing a set of criteria unique to your individual community that meets its needs and goals. This system also gives the community an opportunity to create a developer’s package for that site. Ranking scenarios can include criteria for the potential for redevelopment, inclusion of community priorities, and the targeting of local efforts.

The ranking of sites can be an ongoing process as new sites are identified and the needs of the community change. Typically, however, site ranking will provide community leaders with a definitive list of sites prime for redevelopment. This list can also increase public awareness of those areas with environmental challenges, as well as providing an opening for the provision of incentives for redevelopment in these areas.

Numerous “breakout” meetings supplemented the Regional Consortium meetings. The meetings were designed to help each participating parish develop the parish’s brownfields inventory, delineate ranking criteria for their brownfields sites, and to select a candidate site for site assessment and site evaluation.

The final step for the parish members was the challenging step of ranking their parish’s sites. While each of the parish members felt that all of their sites were “top” sites in terms of characteristics and needs, each site had unique
issues, which distinguished it from the other sites. Ownership, size, level of suspected contamination, and land supply are but a few of the differences.

These sites will be the first in each parish to be eligible for further funding and development incentives under state and federal brownfields programs. The candidate sites for the member parishes selected for the assessment and evaluation process are as follows:

**Jefferson Parish: Jefferson Parish Incinerator site**

This site is located on David Drive near Airline Drive (also known as U. S. Highway 61). The site is the location of the former Jefferson Parish incinerator. Most recently the site has been used as the parish recycling center and parking area for the parish maintenance facility. For over twenty years the site was used as one of the public facilities that burned solid waste collected from the residents of Jefferson Parish. The concept for the redevelopment of this site is based on a dual approach that incorporates the planning concepts of public-private partnerships and mixed-use development. The anticipated use of this property is a combination of a public recycling facility and a privately operated sports complex for in-line skate hockey.

**Plaquemines Parish: Jefferson Lake Canal site**

This site is located on Louisiana Highway 23 approximately 25 miles south of the urbanized area at the Jefferson Lake Canal. The site is parish-owned land, which dead ends where the Jefferson Lake Canal intersects Louisiana Highway 23. The former site of a public boat launch and other parish marine activities, it now lies abandoned with sunken vessels and is listed as the top brownfields redevelopment potential for Plaquemines Parish.

**St. Bernard Parish (1): St. Bernard Parish Main Road Yard site**

This site is located at 3940 Paris Road in Chalmette. The site itself is a vacant, rectangular parcel of flat land that covers approximately two acres. Concrete slabs indicate the location of previous structures. Behind the site is the abandoned parish incinerator, partially converted to office space currently being used by parish personnel. End use of the redeveloped site is projected to be an extension of parish-based services.

**St. Bernard Parish (2): St. Bernard Parish Old Paris Road Landfill site**

This site is located at 5039 Paris Road in Chalmette. The site was the location of the now closed St. Bernard Parish landfill that once operated as an open dump. There are no existing buildings on the site; however, there is a waste transfer station in the front of the property.

**St. Tammany Parish: Camp Villere Landfill site**

The site is adjacent to the Camp Villere National Guard Training Facility off Airport Road in Slidell. The site was the location of the now closed landfill.
Creating a database of sites: simmer for future use

A Geographic Information System (GIS) is a computerized map, which is connected to a database. This combination allows the user to juxtapose, or layer, a wide variety of information about a given geographic area, from lot lines and sewer locations to census population and income data. In addition, GIS can be a useful tool in site identification and ranking efforts for a brownfields team.

Working with the resources of the RPC and aided by a grant from the EPA, the New Orleans region has been selected as a part of a national pilot grant to map brownfields sites using the latest GIS software. By using GIS to map sites, the RPC can and has placed these maps on the Internet for use by the general public. In addition, this database provides a valuable tool for tracking the progress of sites targeted for redevelopment, as well as documenting successful redevelopment stories.

How to assess site conditions: adjusting the recipe

After you have your ingredients for brownfields redevelopment together, now is the time to further tailor the recipe. Once you have developed a list of potential brownfields sites in your community, or you have selected one that is of particular interest, you will want to determine if any contamination may be present that could threaten your neighborhood or hinder redevelopment. Not all old industrial or commercial properties will be contaminated—this will depend on past land uses and housekeeping practices. A brownfields site may also be contaminated as a result of illegal dumping after operations ceased.

Sources of public information that can help assess the possibility of property contamination include newspapers, historical documents, local or county government records, and environmental permits. For example, details about site ownership are available from land titles and property tax files. Past property uses also can be documented from historical fire insurance maps (also known as Sanborn Maps), which may be located on microfilm at libraries, colleges, and local historical societies.

Once a brownfields site has been identified, the environmental risks and potential cleanup costs must be thoroughly investigated. This is called an Environmental Site Assessment (ESA). An ESA is generally conducted by a qualified specialist in conjunction with the sale, purchase or refinancing of real estate. The investigatory phase of an ESA has two parts. Phase I is basically a site history. Phase II involves on-site sampling and testing. The actual cleanup plan of the site is sometimes referred to as the Phase III. Sometimes the results of Phase I and II assessments show that the costs of cleanup (Phase III) are too great to support redevelopment and reuse.

Attract developers and establish a redevelopment plan: season to taste

When considering a site for brownfields redevelopment, communities should consider sustainable developments. Communities should ask themselves questions in order to realize if a development is sustainable. For example, can individual sites be combined into larger tracts to facilitate greater redevelopment
opportunities, or will the project build on public or private redevelopment efforts already underway? Working with local economic development agencies and organizations, as well as local residents, will ensure that the brownfields redevelopment is compatible with surrounding neighborhoods and fills a need in the local market. The more diverse the economy is, the more sustainable it is.

Brownfields liability: the splatter shield

However, most brownfields sites are not federal Superfund sites. Brownfields cleanup and redevelopment is occurring largely under a rubric of state laws that reduce barriers erected by the Superfund liability approach, and provide numerous incentives to spur brownfields cleanup and redevelopment. Voluntary Cleanup Programs (VCPS) encourage voluntary brownfields cleanup, as well as making cleanup a faster, more efficient process by assuring property owners that the EPA will honor remediation results that have complied with the state's VCP requirements. This assurance is achieved through a Memorandum of Agreement (MOA) that the state signs with the EPA, making the state and the EPA partners in the redevelopment process. Some brownfields developers will utilize new liability protection tools now available from private insurance markets.

Completed activities and quantitative measures of success

As a result of RPC efforts to date, the parish members of the Consortium have identified over 300 brownfields sites where immediate development is warranted and desired. Candidate sites in each parish have been selected to demonstrate Phase I and Phase II environmental site assessment procedures to the public and potential real estate developers. The environmental site assessments underway are scheduled for completion in 2001 with the aim of developing full site development plans by early 2002, attracting developers and financing of the cleanup and improvements to these sites in 2003.

Brownfields resources

Voluntary cleanup programs

Voluntary Cleanup Programs (VCPS) are state-sponsored programs that encourage private parties to conduct cleanups of contaminated properties in the absence of state enforcement measures. VCPS establish clear cleanup goals that when met, absolve new site owners and operators from any state liability stemming from the original contamination. There are no federal laws or standards that regulate state VCPS. VCPS can vary widely in eligibility, cleanup standards, and liability provisions.

More than 40 states now have VCPS under which private parties that voluntarily agree to clean up a contaminated site are offered some protection from future state enforcement action at the site, often in the form of a "No Further Action" letter or "Certificate of Completion" from the state. Such state commitments do not affect the EPA's authority to respond to actual or threatened releases of hazardous substances under CERCLA.
The EPA does, however, encourage its regions to use the negotiation of voluntary cleanup program Superfund Memoranda of Agreement (SMOA) as an opportunity to define a division of labor between the region and the state by defining what kinds of sites fall within the SMOA. The EPA has developed a framework for these negotiations. This framework provides suggested language for stating a region's intended treatment of sites participating in a VCP program covered by a SMOA.

In 1995, the Louisiana Legislature passed Act 1092, known as the Voluntary Investigation and Remedial Action law, which allows property owners and other persons who clean up properties to risk-based standards to obtain a Certificate of Completion from the Louisiana Department of Environmental Quality (LDEQ). With this certificate, the property owner and any subsequent owners of the property are released from further liability under state law for past contamination at the site. In effect, the certificate allows potential buyers to acquire and remediate brownfields properties without fear of state Superfund liability.

The Louisiana Legislature established the framework for its VCP by passing the Voluntary Investigation and Remedial Action Act (LA R.S. 30:2272.1 and LA R.S. 30:2285) in July 1996. The act has as its primary goal, the redevelopment of former industrial and commercial properties. LDEQ published the minimum remediation standards entitled, “Risk Evaluation/Corrective Action Program” (RECAP) on December 20, 1998.

On April 20, 2001, LDEQ promulgated the Louisiana Voluntary Remediation Regulations to implement this statute and formalize its VCP, the Voluntary Remediation Program (VRP), within the department. LDEQ will use the statute and these new regulations to facilitate voluntary cleanups.

Liability assurances

The EPA’s Brownfields Economic Redevelopment Initiative is designed to empower states, communities, and other stakeholders in economic redevelopment to work together in a timely manner to prevent, assess, safely clean up, and sustainably reuse brownfields. The EPA’s Brownfields Initiative strategies include funding pilot programs and other research efforts, clarifying liability issues, entering into partnerships, conducting outreach activities, developing job training programs, and addressing environmental justice concerns.

The EPA is working with states and localities to develop and issue guidances that will clarify the liability of prospective purchasers, lenders, property owners, and others regarding their association with activities at a site. These guidances will clearly state the EPA’s decision to use its enforcement discretion in specific situations not to pursue such parties. The EPA anticipates that these clear statements will alleviate concerns these parties may have and will facilitate their involvement in cleanup and redevelopment.
Federal brownfields legislation

President George Walker Bush signed the Small Business Liability Relief and Brownfields Revitalization Act (P.L. 107-118, United States of America) on January 11, 2002. This bill is the first major environmental law of the new millennium. Its provisions clarify and expand many of the concepts, funding opportunities and “tools in the toolbox” of brownfields redevelopment.

Beginning with a legal and concise definition of brownfields: 'brownfield site' means real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. This bill continues in several key areas including: increased funding for site assessments; streamlined grant procedures; direct grants for cleanup; new provisions for petroleum-contaminated sites; Superfund liability relief for small business, innocent property owners, purchasers and nearby property owners; and increased funding for the new roles for tribal and state brownfields programs.

The specific provisions of the “Brownfields Act” of 2002 enhance and expand advantages and opportunities such as those detailed in The Brownfields Cookbook. In terms of the “Cookbook” approach; look for specific provisions in applications in the Congressional Budget for Fiscal year 2003 (beginning October 1, 2002) such as:

- increased funding for Phase I and Phase II site assessments,
- direct grants (instead of revolving loans) for site cleanup,
- new funding for petroleum contaminated sites,
- new opportunities for direct grants to localities and non-profit groups,
- clear liability protection for stakeholders groups,
- new funding for sites and tribal responsibilities in brownfield redevelopment programs, and
- clear delineation of federal and state roles on site cleanup completions issues.

The overall effect of this new bill will be seen from two different perspectives. The first is the detailed and specific application of the above listed provisions and their enhanced impact on the brownfields toolbox. The second and more important effect will be new support, a positive attitude, and increased acceptance of the brownfields philosophy of cleaning up contaminated sites. Moreover, re-entering these properties into active use through national environmental legislation and new funding will buttress this powerful land use redevelopment solution for the next millennium.