

BROWNFIELD BASICS:

UNDERSTANDING THE FUNDAMENTALS OF REDEVELOPMENT

KENTUCKY BROWNFIELD PROGRAM

Kentucky Brownfield Staff:

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WHAT IS A BROWNFIELD?

Brownfields are properties that are contaminated, or thought to be contaminated, and are underutilized because of concerns with contaminant health effects, cleanup costs or liability.

EXAMPLES OF BROWNFIELDS

- Abandoned or blighted buildings
- Former industries or factories
- Former gas stations
- Former dry cleaners
- Old railyards
- Old schools and hospitals
- Vacant lots





WHAT BROWNFIELDS CAN BE

- Park or recreation area
- Entertainment & restaurants
- New retail or commercial property
- Residential housing
- Community Center

*Benefits of Reuse Strategy in Brownfield Application 10pts (stimulating economic development vs. community benefit)

NAVIGATING BROWNFIELD REDEVELOPMENT

Do you want to redevelop a brownfield?

Yes, then take action to identify, assess, and clean.

No, then property will likely remain a burden.

IDENTIFY
SITE AND
OWNER

CONDUCT
SITE
ASSESSMENTS

CONSIDER
LIABILITY
PROTECTION

DECIDE SITE
REUSE AND
CLEANUP

SEEK
ASSISTANCE
AND FUNDING

WHO IS RESPONSIBLE FOR CONTAMINATION?

- **Superfund Law** – Responsibility generally falls to the person(s) who caused the pollution.
- **Brownfield Act** – Sometimes the responsible party is not easily identified. To help promote redevelopment of properties, provisions were created to provide liability protections.

WHAT ARE ENVIRONMENTAL SITE ASSESSMENTS?

- Phase I Environmental Site Assessment (ESA)
- Phase II ESA
- Analysis of Brownfield Cleanup Alternatives (ABCA)
- Asbestos & Lead-Based Paint Surveys

THE KEY TO BROWNFIELD BENEFITS



Required prior to property transfer for...

- Liability protection
- Cleanup grants
- Cleanup loans
- CCF loans or subgrants

THE KEY TO BROWNFIELD BENEFITS



- **Expire after 180 days**
180 days – update report
365 days – new report
- Timing only matters in relation to property transfer

WHAT ARE LIABILITY PROTECTIONS?

- Designed to ease concerns for potential purchaser(s).
- Require an environmental site assessment (Phase I ESA).
- Can be obtained through state or federal programs.
- Liability protections do not apply anyone connected to the cause of contamination.

KY'S LIABILITY RELIEF PROGRAM (415 PROGRAM)

Under KY's brownfield law (KRS 224.1-415), a person receives documentation that they will not be held responsible for contamination.

- **Prospective Owner**
 - *Notice of Eligibility*
- **Current Owner**
 - *Notification of Concurrence*

IS IT SAFE? HOW CLEAN IS CLEAN?

- Phase II ESA sampling will determine the types and levels of contamination
- Most contaminated properties can be remediated to reduce or eliminate risk
- Cleanup standards depend on:
 - The type and extent of contamination
 - The intended property use

RISK-BASED CLEANUP

More cleanup needed

Less cleanup needed



Residential

Residents spend a lot of time at home



Parks / Green Space

Children and adults may frequent areas



Commercial

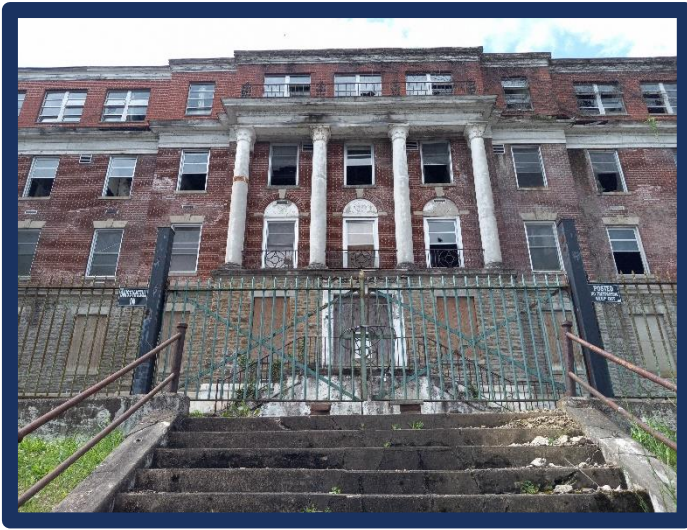
Workers/customers during business hours



Industrial

Safety controls minimize exposure

BROWNFIELD REDEVELOPMENT IN KENTUCKY COMMUNITIES – BIL FUNDED



Hayswood Hospital | Maysville, KY

In FY23, Frontier Housing (a non-profit) was awarded \$2 million dollars for the remediation of the former Hayswood Hospital.



The Yard | Irvine, KY

In FY24, Kentucky Steam Heritage Corporation (a non-profit) was awarded \$5 million dollars for the remediation of an old CSX Railyard.

Since FY22, Kentucky has been awarded over \$5 million in assessment dollars in over 10 communities / Area Development Districts.

BROWNFIELDS AND ECONOMIC DEVELOPMENT

- Cleaning up contamination at brownfield sites can help make properties “shovel-ready” for developers or available for public use.
- Redevelopment can create jobs and increase the tax base in a community.
- Brownfield redevelopment projects often serve as a catalyst for other projects.

KENTUCKY BROWNFIELD PROGRAM SERVICES



**TARGETED
BROWNFIELD
ASSESSMENTS**



**TECHNICAL
ASSISTANCE**



**OUTREACH
AND
PLANNING**



**FUNDING
OPPORTUNITIES**



**GRANT
WRITING
ASSISTANCE**

**Services are offered to local governments,
quasi-governmental agencies and nonprofit organizations (501(c)(3))**

TARGETED BROWNFIELD ASSESSMENTS



TBA's are offered at ***NO COST*** to qualifying applicants.

- Phase I Environmental Site Assessment
- Phase II Environmental Site Assessment
- Analysis of Brownfield Cleanup Alternatives (ABCA)
- Asbestos and lead-based paint surveys

TECHNICAL ASSISTANCE



- TBA Reports (Phase I and Phase II Reports)
- Site Management (tracking/monitoring property cleanups)
- Liability Protection
- General program navigation from start to end

OUTREACH AND PLANNING

- Education and Outreach Events (Partnerships)
- Community Planning
- Visioning Sessions
- Resource Materials
- Assistance with Public Involvement/Education



FEDERAL FUNDING OPPORTUNITIES



FEDERAL FUNDING OPPORTUNITIES

Bipartisan Infrastructure Law:

A historic 5 billion dollar investment in Brownfields.

Only 2 cycles left to apply (FY25 and FY26).



STATE FUNDING OPPORTUNITIES



- Cleaner Commonwealth Fund (CCF) Loans
 - Seed Funding

KBP staff can suggest funding through other agencies, leveraged resources and in-kind service

GRANT WRITING ASSISTANCE

- Grant Writing Workshops
- Review of Draft Proposals
- General Grant Guidance





WHAT'S NEXT?

If you are pursuing redevelopment efforts in your community, there are several way you can proceed.

DEVELOPING A BROWNFIELD INVENTORY

There are benefits to developing an inventory of brownfields in your community.

- A chance to get the community involved early in the process
- Prioritization of redevelopment projects
- Available for when you or a community partner prepares an assessment grant
- The owner's permission is required to access the property

IDENTIFY SITE AND OWNER

- You know your community
- Does your community have properties that are abandoned, underutilized, or potentially contaminated?
- Can your city or community purchase or obtain the property?
- Is the owner willing to sell?

SEEK GUIDANCE FROM BROWNFIELD STAFF

Local officials and community leaders should seek guidance from the state brownfield program.

- Guidance for Getting Started
- Technical Assistance for Site Assessment
- Financial Assistance to help with Project Costs

APPLY FOR A FREE ASSESSMENT – *PHASE I FIRST!*

- Conducting a Phase I is the only time-critical activity.
 - All other components of the redevelopment process can be addressed as needed once a Phase I is completed.
- The Phase I must be conducted prior to property acquisition to pursue brownfield benefits.

DETERMINE FEASIBILITY OF PROJECT

- A Phase II will help you determine environmental contamination through sampling and analysis.
- The Phase II findings, as well as a cost benefit analysis, such as an ABCA, will help you determine if redevelopment is feasible.



CONTACT THE KY BROWNFIELD PROGRAM

Our primary goal is to help you navigate the redevelopment process. Whether you need help assessing sites, applying for grants/loans, seeking partnerships, or understanding how to get liability protections, our staff is here to help you!



UPCOMING EVENTS

Louisville Bankers and Developers Brownfield Summit –
September 5th

EKY Brownfield Grant Workshop – September 12, 2024

Big Sandy Area Development District – Prestonsburg, KY

QUESTIONS?

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