

MINUTES
BROWNFIELD ADVISORY BOARD

July 12, 2016

6:00 p.m.

City Commission Chambers
22 South Beach Street
Ormond Beach, Florida

I. ROLL CALL

Members Present

Pat Behnke
Curtis Burkett
Thomas MacDonald
William McMunn
Patrick Opalewski
Michael Sznajstajler
Ryck Hundredmark (absent)

Staff Present

Richard Goss, Planning Director
Melanie Nagel, Recording Technician
Randy Hayes, City Attorney

II. APPROVAL OF THE MINUTES

A. January 12, 2016 Minutes

Mr. MacDonald moved to approve the January 12, 2016 Minutes. Mr. Burkett seconded the motion. Vote was called, and the minutes were unanimously approved.

III. OTHER BUSINESS

A. EPA Grant Information – Ric Goss, Planning Director

Mr. Goss, City Planning Director, stated that the City was fortunate to receive the grant from EPA, in the amount of \$400,000, and reviewed the Brownfields Cooperative Agreement Work Plan with the Board. Under the Project Overview and Project Description, Mr. Goss took that information out of the grant program that was brought before the Board last year. Essentially there are four tasks that the Board has to work on. The grant is awarded for a three year period, beginning October 1, 2016 and running through September 30, 2019, with a period of 90 days to close out the program by December 31, 2019.

Mr. Goss continued that the Project Team Structure and Responsibilities have the Director of Finance, Kelly McGuire, handling all of the financial matters with regard to the grant. Loretta Moisio, Grants Manager, will do the grant drawdowns since she handles HUD drawdowns. Mr. Goss stated that he will be responsible for the day-to-day management of the program, and

will attend all meetings, hearings, and other functions. City Manager, Joyce Shanahan will be head of the whole project. The Brownfield Board will be responsible for the outreach, and marketing of the program.

Mr. Goss continued that under Measuring Environmental Results, Outputs to Outcomes, Section 1.3, there will be eight Phase I Environmental Assessments done, six Phase II Environmental Assessments, and six Site Specific Quality Assurance Programs. Quality Assurance Programs basically provide a road map as to how to work through the cleanup plan. There are also four Cleanup Plans. We could do more or less, it depends on what properties we come across to work on.

Under Project Tasks, Section 2.0, it explains about reporting to EPA, which Mr. Goss will be doing in-house. Everything will be coming before the Board with a minimum of quarterly reports, but the Board will probably be meeting every month once the program begins. The quarterly reports to EPA will include the progress against the City's milestones.

Mr. Goss continued that there will be an annual report done, which is based upon what has been done for minority businesses, the financial reports, and projections of what will be done the following year. EPA won't hold us to our projections, but they want to know what the projections are for the workload for the following year. The final performance report will be at the end of the contract period, and within 90 days we will need to wrap everything up.

Mr. Goss stated that the EPA guidelines have been followed for Contractor Procurement and we have Cardno as our contractor. Cardno assisted us in preparing the grant, and they will now be the contractor.

Mr. Goss is hoping to have six kick-off meetings with people who are interested in re-developing their property. It has not been determined if the meetings will be at City Hall, or somewhere out on U.S. 1, or another place, but this can be discussed once Mr. Goss brings back the civic engagement plan to the Board. Mr. Goss has drafted the plan, sent it to Cardno to review, and will bring it to the Board next month.

Mr. Goss continued that Task 2 is doing the actual environmental assessments, site characterizations, inventory the sites, and through Map Direct he has examined various properties on hazardous waste and petroleum. Mr. Goss has prepared a list of attorneys, financial institutions, and commercial brokers who work with real estate, and will be sending letters out to all of them, letting them know what the program is about and how the program can help them out with marketing their properties.

Mr. Goss stated that once the environmental assessments are done, and taken to EPA and are deemed eligible, some of them will be taken to a Level 2 analysis, and then a site specific quality assessment plan and health safety plan will need to be completed. The Board will be reviewing these and making comments and changes to them prior to sending to EPA. Mr. Goss

will be primarily responsible for preparing everything, along with the contractor, for submission to EPA. It is also projected that there will be four cleanup proposals. The property owner or purchaser will be able to get assistance from the City with the cleanup plan of a property.

Mr. Goss continued that Community Outreach, Task 4, will involve developing a Civic Engagement Plan, which has been drafted, and will be brought before the Board next month. Comments will be needed from the Board on who are the community stakeholders, and what organizations can be contacted to market this program.

Mr. Goss explained that the schedule lays out all of the major milestones, by year. If problems develop with the civic engagement part of the plan, then it will be brought back to the Board to be amended and sent in to EPA.

The budget is \$400,000. \$200,000 is for petroleum cleanup, and \$200,000 for hazardous waste. There is a provision that we cannot co-mingle the money and move it around. There are quarterly report templates that will be completed and brought to the Board for approval to send to EPA. Mr. Goss has listed all of the tasks, the deliverable outputs, the milestones, target dates, and who is responsible for doing what.

Mr. Goss continued that attachments 3, 4 and 5 are documents that EPA sent and are items that EPA sends to everyone who gets a grant. Attachment 3 explains how to do a Civic Engagement Plan, but they do not want this to be used as a template. So the engagement plan that Mr. Goss has put together has been done from scratch, and will need some assistance from the Board to make it better.

Attachment 4 basically states that the City will comply with all of the EPA Rules and Regulations. Attachment 5 has guidelines that need to be followed to prepare the Quality Assurance Project Plans. One generic plan will be done and then one will be done for each specific site. Mr. Goss hopes to hear from EPA by August, with their comments on everything.

Ms. Behnke asked where the start and stop points are on the U.S. 1 corridor. Mr. Goss explained that there are none, because when the grant was written last year, it was written that U.S. 1 north would be done, and also Ormond Crossings, the airport, and the downtown. This year, it was indicated that those would be the target areas, but we stated that it was a community wide grant program, so it will allow us to go out further into the community. Depending on how many sites we have along U.S. 1, and how many we have in other areas, we can open this up communitywide. If we get too many sites, then there will have to be prioritizations set.

Mr. Sznajstajler stated that it is important to note that the brownfield areas that have been designated are State brownfield areas. This is a federal grant, so it can be used anywhere in the City. The goal is to find sites that should be in a Brownfield area, as we go through the process. Mr. Goss explained that we are targeting U.S. 1 because there is an ad-hoc group that is already

formed on the U.S. 1 corridor, and the City already began landscaping the entire corridor through a DOT grant. The City took over jurisdiction of most of North U.S. 1 which is outside of City boundaries, to basically clean it up. The City definitely wants to target U.S. 1, but if we don't get enough sites, then we will go outside of that area.

Mr. McMunn asked if we have people that want to get involved with the cleanup. Mr. Goss explained that it has been difficult getting people involved because we didn't have the money in hand. There was a property on south U.S. 1, who had indicated that they were interested in the grant, but moved ahead and went through FDEP, with the low scored site initiative, to get development started. So, we lost a couple sites since last year. When the EPA was here, they thought the U.S 1 corridor was a good corridor due to the large amount of vacant land, although the money can be used on land that is vacant or not.

Mr. McMunn asked if there had been conversations with Halifax Paving. Mr. Goss stated that they are in the unincorporated area. Mr. McMunn then asked if the industrial park out by the airport could use this for the extra lots that are still available. Mr. Goss explained that if someone is looking to purchase those lots, they could do an environmental assessment.

Ms. Behnke asked that once an assessment is done, what kind of timeline is projected for making corrections. Mr. Goss explained that the money couldn't be used to do the actual work, but can be used for all of the pre-planning up to and including the clean-up plan. From there they would have to go to a financial institution to get the funding for the actual clean-up. Ms. Behnke asked if there would be grant applications for the actual clean-up. Mr. Goss doesn't think that the EPA does grants for private property.

Mr. Sznajstajler explained that there is an EPA Remediation Grant for properties owned by non-profits and local governments. There is a State level technical assistance grant to the Brownfields, which gives some funds for cleanup work. But, the hierarchy is local governments first, the non-profits second, and then private sector parties. The goal of this grant that the City was awarded is to identify sites, and then the State program steps in and provides reimbursements for people to do the work themselves.

Ms. Behnke stated that if we are going to spend three years doing assessments, we should have some thoughts about what will be done after the assessments. Mr. Goss explained that there are properties that have been in FDEP's sites since 1985. For example, the old Wendy's property on North U.S. 1, documentation began in 1985 from FDEP. Some of these properties have had issues for decades. Mr. Goss wants to go along the U.S. 1 corridor and make a list of all of the properties that are for sale and who is selling them, and then sending letters to those people, telling them that we have a deal for them. But, he can only help them so far.

Mr. Sznajstajler stated that in the future, we could look into the Revolving Loan Funds. The EPA will actually grant local governments hundreds of

thousands of dollars that it can loan out interest free, to clean up a site. It's been difficult to convince areas within Volusia County to tap into that money, but Tampa has done some incredible things with the funds.

Mr. Goss stated that he doesn't need the Boards comments at this time, but if they could review the information in their packets, and then next month the Board can give Mr. Goss their comments.

Mr. McMunn stated that the trick is going to be getting people involved. Mr. Goss stated that it seemed as if getting the grant and everything approved was a huge task, but that is nothing compared to getting people involved. There are a lot of opportunities out there. We need to get with the financial institutions, the commercial brokers, and the real estate attorneys.

Mr. Sznajstajler stated that there are pros and cons to all of it. It would be great to have 20 Phase I's on gas stations that all are cleaned, and it would help move those properties. But, at the same time, knowing the environmental history of a property, there are probably going to be some environmental conditions recognized, and then it is getting the property owner to go from reviewing the reports, to doing Phase II which is the invasive testing.

Ms. Behnke asked if people who know they have a problem are going to be hesitant to speak up, because if something is found, they can't afford to clean it up. Mr. Sznajstajler stated that in 2016, if anyone is trying to sell their property, this is something they have to do. They can either spend \$20,000 of their own money, or \$20,000 of the federal money.

Mr. McMunn asked if the Level 1 and Level 2 reports are sent to the EPA. Mr. Goss stated yes. If someone wants to eventually put their property up for sale, they will have to go through this process. At that point, EPA will review the eligibility of the sites that go to Level 2.

Mr. Sznajstajler explained that someone can stop at any point in the program. If a Phase I is completed, and they advance to Phase II, the property owner can say they want out. They have a document that says that something should be done in the future. But, if they choose not to do it, then they choose not to do it. It's up to the property owner.

Mr. McMunn stated that he knows of properties that used to have dipping baths. When someone looks at an agricultural property and they know that there might have been a dipping bath, this could be found in the Level I assessment, and puts someone on warning that they need to do something about the property. Then at Level 2 there would be some testing of whether there is a potential problem. An owner could do a Level 2 assessment, and at that point is not required to turn anything over to anyone.

Mr. Sznajstajler stated that there are state requirements to report the results. What people choose to do once they get the results is up to them. There are a lot of sites that are in state funded cleanup programs, where there is no

liability concern, and you can use this to advance those sites that are just sitting there waiting for state funding.

Mr. Sznajstajler continued that it is a lonely world in the Brownfield practice, and it is neat to see how much the City has learned in the last couple of years, and how successful the City has been, because these grants are competitive. Mr. Goss stated that there is a lot that he doesn't know, and he is relying on the Board. Beth Norman from Cardno is very good, and Cardno is a good contractor.

Mr. McMunn stated that the Civil Engineers are key people to seek out, because when a customer is looking to buy a site, the engineers are usually the ones who are doing the Level 1 assessment. Mr. Goss stated that anybody in the development business, from the engineer to the financial can help get properties for assessment.

IV. MEMBER COMMENTS.

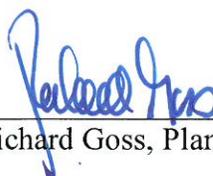
Ms. Behnke stated that with everything in the packet, she doesn't think the Board will be meeting just once a year anymore, and Planning is going to be very busy. It's a wonderful project, but will be a very busy one.

Dwight Selby, 1535 Oak Forest Drive, stated that he will get Mr. Goss to the CID meetings and have him as a speaker and he can present the program to them. Most of this is going to be transaction driven, either at the time of the sale, or at the time of re-finance. Most owners will do the head-in-the-sand routine, so the notion that the program is available and a lot of people will want to tap into it, just won't happen. Realistically they won't want the federal government to know about it, and they won't want to prove that it was something that they didn't cause, especially if they have owned the land for quite some time.

V. ADJOURNMENT

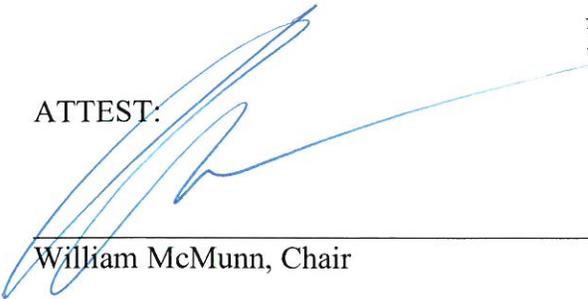
As there was no other business, the meeting was adjourned at 6:40 p.m.

Respectfully submitted,



Richard Goss, Planning Director

ATTEST:



William McMunn, Chair

Minutes prepared by Melanie Nagel