



## **What are Brownfields?**

Brownfields are properties that are idle, underutilized or abandoned. They are either contaminated or thought to be contaminated.

## **Why consider a Brownfields site for redevelopment?**

Until recently, developers have been reluctant to commit resources to rehabilitate and market Brownfields sites. With the passage of federal and state legislation allowing for significant liability protections to “clean hands” entities, many of these sites have been assessed, cleaned up, and returned to productive use. Location and infrastructure usually play major factors in the reuse of a Brownfields site. Prime Brownfields sites are usually near major highways with access to existing power, water and sewer utilities. Many times existing buildings can be used for industrial or commercial purposes. The potential for immediate use of a Brownfields site may well offset the cost of waiting while a Greenfields site is prepared and developed for use. Once redevelopment in an area begins, sites in close proximity generally experience a level of rejuvenation and growth.

## **Does Alabama have a program for Brownfields redevelopment?**

The Alabama Department of Environment Management (ADEM) began its Brownfields Redevelopment and Voluntary Cleanup Program in May 2001 when the Alabama Land Recycling and Economic Redevelopment Act was signed into law. The act created a state voluntary cleanup program managed by ADEM, which allows for the assessment and remediation of contaminated sites and grants certain liability protections, including protection from third party lawsuits, to those non-responsible entities wishing to redevelop Brownfields sites. Applicants, such as private industry, land developers, cities, counties, and the federal government, pay nominal fees to enroll eligible sites in the program. Roughly 275 applicants have been enrolled, and almost 302 sites have been assessed, cleaned up, and returned to productive use.

## **What are the benefits of the Brownfields Redevelopment and Voluntary Cleanup Program?**

Upon ADEM's approval of a voluntary property assessment plan, voluntary cleanup plan, or a certification of compliance, an applicant who is not a responsible person shall not be liable to the state or any third party for costs incurred in the investigation or cleanup of, or equitable relief relating to, or damages resultant from a preexisting release at the qualifying Brownfields site. The liability protections are fully transferable to any non-responsible party who may purchase the site, provided all land use controls are adequately maintained.

## **Is my site eligible for the Brownfields Redevelopment and Voluntary Cleanup Program?**

The sites that are not eligible for this program are those that are subject to ADEM's permitting requirements as hazardous waste treatment storage facilities, Superfund sites found on the National Priorities List, and

those sites currently under an administrative order for cleanup by either ADEM or USEPA. All other sites are eligible for participation.

## **How to enroll a site in the Brownfields Redevelopment and Voluntary Cleanup Program?**

To begin, review the Brownfields Redevelopment and Voluntary Cleanup Program regulations found in Division 15 of the ADEM Administrative Code. Then contact ADEM to schedule a pre-application meeting with the ADEM Redevelopment Section to discuss how the program can work for your site. Finally, submit an application package with the appropriate fee. The fee regulations can be found in Division 1 of the ADEM Administrative Code. Be sure to include all the information outlined in Chapter 3 of Division 15 in your completed application.

## **The site is enrolled, now what?**

Once the site has been enrolled, a site assessment plan with applicable review fee should be submitted. Once the assessment plan has been approved, the applicant will conduct the assessment activities and prepare the assessment report. ADEM will review and provide comments on assessment reports. After the site has been assessed, the applicant will submit a cleanup plan with review fee. The cleanup plan addresses the type(s) and extent of contamination and the future use of the site. ADEM will review the plan and, if acceptable, place it on public notice for a **30-day** comment period. After the comment period ADEM will notify the applicant that the cleanup plan is approved and ready for implementation. Please note that if the site is not remediated to unrestricted use, the applicant **must** enter into an Environmental Covenant with ADEM that identifies institutional and/or engineering controls used to protect human health and the environment. Upon successful completion of cleanup activities including, if necessary, the execution of the environmental covenant, ADEM will conduct a site inspection and issue a Letter of Concurrence, which grants the applicant the full liability protections cited in the Act.

## **Does ADEM have any funds available for Brownfields redevelopment?**

ADEM has funds available for site remediation through the Alabama Land Recycling Revolving Loan Fund Program. These low-interest loans have a term of 10 years and are available to local governments and non-profit organizations for site remediation only. Contact ADEM for additional information.

## **Are there any other incentives available for Brownfields redevelopment?**

The Alabama Department of Revenue has information on the various Brownfields tax abatements and incentives offered on both the state and federal levels. Contact Kelly Graham, 334-242-1188 or e-mail at [kelly.graham@revenue.alabama.gov](mailto:kelly.graham@revenue.alabama.gov) for additional information.

## **For more information on Brownfields redevelopment, contact:**

Redevelopment Section  
Industrial Hazardous Waste Branch  
Land Division  
Phone/Fax: 334-271-7700  
E-mail: [brvcp@adem.alabama.gov](mailto:brvcp@adem.alabama.gov)