

4th Annual Northeast Sustainable Communities Workshop
Thursday, June 7, 2012 John Jay College New York, NY



Introduction to the Conference & Welcome

Breakfast Sponsored by Fuss & O'Neil

Dr Howard Apsan, University Director of Environmental Health, Safety, and Risk Management (EHSRM) for the City University of New York inclusive of John Jay College, welcomed workshop participants to John Jay College, applauded the Brownfield Coalition of the Northeast (BCONE), and recognized redevelopment project achievements such as LEED certified green buildings. **Lya Theodoratos**, USEPA Region 2 Brownfield Coordinator, welcomed workshop participants and emphasized progress in the area of brownfields over the last 12 years noting specifically economic growth and improvements to the environment. **Dan Walsh**, Director of the Mayor's Office of Environmental Remediation, New York City, addressed the benefits of municipal government involvement in addressing brownfields. And finally, **Michael Taylor**, Program Chair, Vita Nuova, welcomed participants, explained the format of the day's events and encouraged each attendee to embrace the workshop format through their interaction and dialog with panelists and other attendees throughout the day.

**Morning Plenary Session: Economic and Regulatory Innovations Across the Region:
Positive Impacts on Site Cleanup and Redevelopment**

Sponsored by GEI Consultants and Day Pitney LLP

New York, Connecticut, New Jersey and Pennsylvania are examples of states which, during the recent economic downturn, have reassessed and recast their redevelopment and remediation programs to drive area-wide revitalization to achieve economic development, create jobs and revitalize local and state economies. Often these redevelopment plans involve areas affected by Brownfield sites and other vacant and abandoned properties. Hear about how these states, and New York City with its unique municipally-implemented program and its agreement with the state, are taking aggressive actions to fund or otherwise facilitate strategic and catalytic redevelopment plans that will further these economic goals while returning brownfield sites to productive reuse. Learn about liability protections, cutting red-tape, standardizing remedies and remediation privatization.

Moderators:

Sue Boyle, GEI Consultants & **Gary Rozmus**, Gannett Fleming

Panelists:

Megan Daly, New York Statewide Regional Economic Development Councils
Gov. Cuomo made significant changes in New York State in 2011. Ten (10) Regional Councils developed strategic planning for individual communities to address sustainability, brownfields,

and redevelopment projects. In a new approach, funding was paired with redevelopment planning. For example, new funding for redevelopment of the Brooklyn Navy Yard was approved for the next 2 years.

Michael Van Wagner, NJ Business Action Center

When it became apparent that economic development in New Jersey required stimulation, an interagency team was formed to review the situation. The team identified problems with excessive red tape and urban sprawl and recommended more robust incentive programs and a more active developer-oriented brownfields program.

Beth Barton, Day Pitney LLP

Recent Brownfields legislation in Connecticut created an innovative program to incentivize brownfield development projects and sustainability. Connecticut's Brownfields Liability Relief Program, as improved in 2012, includes meaningful liability relief and is housed in the Department of Economic and Community Development (DECD), who works closely with the Department of Energy and Environmental Protection. The program includes immediate relief from the obligation to investigate and remediate off-site impacts attributable to on-site contamination sources and also from third party claims relating to this off-site contamination. Properties in the Brownfield Liability Relief Program are exempt from the Connecticut Transfer Act. There are simplified eligibility requirements and provision for expedited permit reviews with the assistance of a DECD ombudsman. Connecticut has also announced plans for a dedicated land use docket.

Dan Walsh, NYC Mayor's Office of Environmental Remediation (OER)

Municipal government is in the best position to deal with its brownfield problems, but until last year, even New York City did not oversee its own cleanup program. Mayor Bloomberg created the Mayor's Office of Environmental Remediation (OER) to start and run New York City's Voluntary Cleanup Program (VCP). The VCP addresses properties that are burdened with light to moderate contamination and do not warrant a Superfund designation. The VCP is the first municipally administered cleanup program in the country and already has 45 properties enrolled with 20 more working towards enrollment. Seventy percent of these sites are in traditionally low income neighborhoods.

Program highlights include liability releases from New York City and State, enrollment incentives of up to \$100,000, certification of remedial expenses qualifying for Federal Tax Reduction (Form 198(a)), availability of NYC Green Property Certification, availability of OER's Green Team staff to provide assistance with securing permits for cleanup activities, and access to New York City's databases, (SPEED for property information, and EPIC for environmental data), to expedite research by developers and their consultants.

Further, the E-Designation Environmental Review Program has been consolidated into OER so that environmental zoning obligations are addressed in one place. OER's approach to streamlining the brownfield program, from application to completion, is to provide templates with basic text for all documents and provide comparable solutions and data from OER's archives of previous jobs. Developers do not incur any obligation to OER until an Approved Cleanup Plan is agreed on. OER does not act as an enforcement agency, and developers are

generally comfortable that enrollment in the VCP lowers their risk of State involvement in the cleanup.

Financial returns from brownfield redevelopment to both New York City and New York State are considerable and come from construction jobs, permanent jobs, increased sales, income and property taxes. For New York City alone, the estimated return on expenditure is approximately \$100 to \$1 over the next 30 years. It is clear that City governments have the most to gain, and therefore need to play a more active role in brownfield management.

Conclusion

New brownfield initiatives focus on reducing risk, reducing bureaucratic delays, increasing incentives, creating certainty, and ultimately turning liabilities into assets.

Morning Breakout Session: The Sustainable Communities Initiative in the Region: TOD comes to Life *Sponsored by VHB*

Communities in the New York Metropolitan region are using an innovative national program involving DOT/HUD/EPA to reshape themselves and create greater choice for moving around the region. With a unique bi-state coalition brought together to compete for rare national planning dollars, nine cities in CT and NY are working to take better advantage of our regional rail system to create sustainable communities. The region's activities include both local place-based projects as well as regional activities to facilitate the implementation of those projects and to foster comparable developments in other communities.

Moderators:

David Kooris, RPA & **Christian Michel**, AKRF, Inc.

Christian Michel focused on place-making issues and frictions to connectivity. Residential units situated by transit hubs do not alone qualify as transit oriented development (TOD), he explained. TOD is a carefully planned mixed development. Collaboration is necessary to successful TOD, but it may create friction; each development must overcome unique barriers, including assembling sufficient funding from multiple sources. Tools for overcoming friction include the use of visioning as a strategy for constituency and consensus building, and framing discussions in terms of implementation as opposed to planning. TOD projects often take 10-15 years from inception to development.

Panelists:

Jennifer Cribbs, US Housing and Urban Development (HUD)

Jennifer Cribbs spoke about 6 livability principles used by The Partnership for Sustainable Communities and their focus on transit oriented development (TOD). She focused on stacked

solutions to the problem sustainable development and a return to the historical roots of safe, healthy, walkable communities. Half of the work being done by The Partnership for Sustainably Communities is in rural communities, but all sustainable development is in desperate need of catalytic funds. The average grant awarded by the partnership is \$610,500 and the work is being conducted with hopes to build innovative solutions to social equity, inclusion, access, and sustainability issues that will serve as models for future development. At present, fifty-two cents of the average worker's dollar is spent on housing and transportation costs. TOD could reduce that amount if demand so does not so far outpace supply as to cause housing prices to skyrocket and deplete affordable housing stock.

Ken Schwartz, Vanasse Hangen Brustlin

Ken Schwartz spoke about the challenges of transit oriented development (TOD), including zoning impediments, high costs often associated with parking facilities, parcel assembly, creating a coherent plan from a large, collaborative process, and providing for school-age children. These factors can drive the economics and density of a project. In addition, building in affordability is an essential political element of ensuring that TOD remains accessible.

Leadership is a crucial element of making these new developments possible. TOD maybe be seen as a government intrusion or a socialist plot, or alternatively as a job creator that supports economic prosperity and promotes healthy lifestyles. Three things that are driving TOD are: 1) changing demographics where the creative class, empty nesters, and elderly non-white populations are moving fastest and drawing the market; 2) economic trends where walkability and mixed use save residents money; and 3) the "room with a view trend," meaning that consumer preference is to be able to live, walk, and play in their neighborhoods.

Holly Edinger, Lehigh Valley Economic Development Corporation

Holly Edinger spoke about the competitive edge of northeastern states, including the Lehigh Valley, an area perfectly situated for shipping product to the west, the mid-Atlantic and north. Despite its strategic location and the high volume of inbound commuters, the Lehigh Valley has no train. In many ways, the Lehigh Valley has been 2 steps behind on smart growth and getting transit back, and that lack of tax investment in sustainable transportation is its biggest impediment to progress. Accordingly, much of the Economic Development Corporation's work has focused on education and outreach..

Brian Bidolli, Greater Bridgeport Regional Council

The strategic work of the Greater Bridgeport Regional Council includes developing zoning amendments and expanding regional infrastructure assets. The impediments to TOD, Bidolli says, are coordination and policy and the sustainable communities initiative is a mechanism to guide planning. His region received \$225,000 in federal grants to move forward with implementing a TOD strategy. They chose 3 likely sites, selecting a group of 5 train stations covering 16 miles of coast, and included a development corridor feasibility study in their plan. DuPont and GE brownfield sites are being remediated as part of the project.

Tom Jost, Parsons Brinckerhoff

Tom Jost explained the importance of public-private partnerships, financial incentives, and the difficult frictions arising from the differences between visions and reality. He also suggested

that TOD need not wait for transit. Brownfield sites that make for good transit areas should be prioritized for clean-up, and TOD can be implemented in steps where the development acts as the source of interest for transit investment.

Conclusion

While demand for TOD is increasing, projects continue to face unique community-specific challenges that require collaboration among public and private entities and the community at large. Careful site selection and long-term, inclusive project planning are key to the ultimate success of each project.

Morning Breakout Session: Crystal-balling the BCP: Current Opportunities and Potential Futures for the Program

Sponsored by Schnapf Law & Bousquet Holstein PLLC

Projects are stalled, its future uncertain, the deadline looms. This panel will explore how to take advantage of NYSDEC's most successful cleanup program now, and what its future might be. Panelists include the creator of the program, now in private practice, developers continuing to seek other opportunities, and advocates for the future of the program.

Moderators:

Larry Schnapf, Schnapf LLC & **Neil Pariser**, NYC Brownfields Partnership

Neil Pariser discussed affordable housing and described a successful redevelopment project that includes 64 residential units and 8,000 square feet of commercial space. The 11,200 square foot property, designated as a brownfield, was formerly owned by BP. One obstacle the project overcame was an expensive contamination issue that the geo-technical report did not disclose.

Panelists:

Jody Kass, New Partners for Community Revitalization

Jody Kass discussed the New York State Assembly hearings on the Brownfields Cleanup Program (BCP) and Senate bills to extend and increase the environmental credits cap, including for Superfund sites, and other bills commenced but not yet passed. She discussed the state of tax credits and the potential to split tax credits with federal government tax credits, as well as tax credit implications for the NYS budget.

Dale Desnoyers, Allen & Desnoyers LLP

Dale Desnoyers discussed methods developers can use to expedite their applications including:

- Relying on templates provided by DEC whenever possible

- Using interim remedial measures (IRMs) to expedite on-site work in advance of Approved Work Plans
- Drafting easements early in the process because they are predictable and do not change during remediation
- Drafting the Final Report early, using assumed depths and quantities, then replacing them with final numbers when available

In addition, Dale Desnoyers explained that the 10 year “improvement credit” commences when the Certificate of Completion (COC) is achieved, but a completed foundation is not necessarily a prerequisite to the COC if the Site Management Plan (SMP) includes provisions for a temporary cover.

Phil Bousquet, Bousquet Holstein PLLC

Phil Bosquet explained that tax credits for remediation and development are separate. Tax credits serve to offset risk associated with brownfield development, but in New York, these credits are presently scheduled to expire on March 31, 2015 (sunset provision). Achieving the certification of completion (COC) for a project by March 31, 2015 is therefore an important and common condition of investment in a brownfield property.

Marc Godick, AKRF, Inc.

Marc Godick discussed various ways to expedite brownfields applications. For example he suggested filing early and using interim remedial measures (IRMs).

Jane O’Connell, NYSDEC

Jane O’Connell reviewed the brownfield application process including commencement with the pre-application meeting, the creation and approval of work plans, DEC and DOH oversight costs, and application termination (if schedules are not met). She also addressed Brownfield Cleanup Program (BCP) benefits including tax credits after issuance of the certificate of completion (COC) and the limitation of the cleanup obligation to on-site contamination only.

Conclusion

Brownfields stakeholders utilizing the Brownfields Cleanup Program (BCP) suggested a variety of ways to expedite the application process and maximize tax credits. The tax credits set to sunset in 2015 are a concern given the limited time until they expire and the uncertainty of renewal.

Morning Breakout Session: Working with Nature: Growing Economies from the Bottom Up!
Sponsored by PB

Communities are growing food, growing their economies, creating jobs and learning to work with nature to become more self-sufficient and sustainable.

Moderators:

Kate Bakewell, Biocities, & **Adrienne Houel**, Greater Bridgeport Community Enterprises, Inc.

Adrienne Houel opened the discussion by imparting themes and ideas related to nature and economic development: growing economies from the bottom up, working with nature to build more self-sufficient and sustainable communities that provide food, jobs, and good economies, and looking at the system of transforming nature into food.

Panelists:

Father Reginald Delanie Norman, Blessed Sacrament Church, Bridgeport, CT

In a crime ridden and poor area, the parish had been selecting the foods distributed at their food pantry. Many of the recipients suffer health problems, spend a lot of money on medicine, and have poor access to healthy foods. So the parish set a goal to offer a free choice of healthy foods and to try to enhance options in a cost-effective manner. To accomplish the goal, they set out to get to know what people wanted, and to serve only healthy foods. They implemented two effective ideas:

- Put in gardening beds in parking lots to grow produce → the outcome was abundant produce from March until November, 3 crops per season, with harvest going to the food pantry (supplemented by local farmers)
- Teach the community how to eat healthier, make healthy foods, and cook with the local produce, including a camp for children with lessons on how to grow vegetables and start a garden at home → the outcomes included gardens created at homes, other churches adopting the model, and the community becoming healthier

Eddie Stone, GreenThumb Program, NYC Department of Parks & Recreation

The community gardening program was created in 1988 to address vacant/dumping lots, but now they need more land for urban agricultural projects. The GreenThumb Program has 3 goals:

- Maximize amount of people who can use the community gardens
- Maximize productivity of the gardens
- Assess current land for potential for urban agriculture (pursuant to NYC Local Law and GreenNYC)

Steve Smith, Oak Point Property LLC

Steve Smith discussed an urban farm/economic development project on a large parcel of undeveloped land in Bronx. They had to move many tons of trash and many yards of soil—with no outside capital. Mr. Smith was advised to “work the farm,” so he set up shop, cleaned up the property, rented space to tenants, and made it look attractive (set up gazebo, had BBQ’s, etc.). The effect of the work was to discourage dumping by presenting a more attractive area. Now the land is used as a restaurant depot, food distribution facility, produce market, and more. In the future there will be a wildlife preserve.

Michael Hurwitz, Greenmarket – GrowNYC

GrowNYC's, a hands-on non-profit, has a variety of programs including Recycling Outreach and Education, Environmental Education, Open Space Greening (w/ community gardens) and Greenmarket. Greenmarket was created in the mid-1970s as a producer-only market place for small family farms to sell their locally grown product. It has two goals: to keep small local farms in production, and to provide access to fresh food and produce. To keep farms in production, Greenmarket includes retail locations, but also facilitates wholesale sales from local midsize farms to institutional buyers, like the NYC Board of Education. To provide access to communities where fresh foods are less available, Greenmarket distributes food there. The three questions to focus on with respect to food are : who grows the food, how it's grown, and who has access to it.

Discussion

Workshop participants engaged panelists to discuss issues related to the scale of urban agriculture, the scope of community benefits, and concerns about remediation and healthy soils at existing and potential urban agriculture sites.

- Scale → Participants agreed there is a viable market for urban agriculture and discussed “cutting out the middle man” to connect farmers with communities, working with universities on research to, for example, reintroduce grains to traditionally grain-producing land, and educating leaders about the benefits of sustainable agriculture.
- Community Benefits → In addition to healthy, fresh food, participants discussed the positive impacts of community gardens in that they help create a sense of ownership and pride and improve access to healthy foods. Producer-only farmers markets foster community relationships directly with farmers and transform open spaces into vibrant centers of community activity.
- Soils: Participants asked a number of questions related to soils at community gardens and discussed necessary remediation measures, likely contaminants of concern, and maintenance of soils through composting techniques. Community garden soils must be tested for contamination, and most have excessive lead because lead is still present in buildings. There are mitigation methods available, and there is ongoing research about contamination in urban soils.

Conclusion

Community gardens and urban agriculture involve significant investments of time and much dedication, but they yield community benefits not available from other food sources and present mechanisms to involve otherwise isolated communities in an expanding trend toward local, healthy food. Collaboration among multiple agencies, communities, and other stakeholders to develop a system to produce and deliver local foods, and provide education on the importance of the health, environmental, and economic benefits that arise from a local food system are key to successful implementation.

Luncheon
Sponsored by AKRF

The Cuomo administration has spearheaded an ambitious effort to strengthen the economic viability of regions across the state. With significant state resources offered to those regions who demonstrate a compelling case for investment, this regional strategic process also provides a new model for how government allocates finite resources to achieve success. The Governor's Secretary for Economic Development, Leecia Eve, shared insights into how to make this process part of local programs, and how it might be used in other states across the Northeast.

Introduction to the Brownfield Coalition of the Northeast

Stephen Jaffe, President of Brownfield Coalition

The Brownfield Coalition of the Northeast (BCONE) is a non-profit organization to facilitate redevelopment of Brownfield in the Northeast including Connecticut, Delaware, Massachusetts, Maryland, New Jersey, New York, and Pennsylvania. BCONE's goal is to promote the remediation and redevelopment of brownfields by providing education, networking opportunities, and information sharing among the member states. It is intended to be collaborative and to include a pro bono counseling program to assist municipalities and non-profits with brownfields programs. Stephen Jaffe noted that he brings the brownfield developer's perspective to the Coalition, and he emphasized the need for successful public and private cooperation.

Kelley Race, New England Chapter of Brownfield Coalition

Kelley Race discussed BCONE seminars and workshops and addressed some of the major questions involved in a project, namely, what is to be developed, whether there is community support, and what financing may be available. She indicated that the focus for the next year will be on the following question: Is the community ready for the developer?

Introduction to the Economic Development Association of NJ

On behalf of Mike Sylvester, VP of EDANJ, Sue Boyle introduced the 50+ year old EDANJ, a multi-faceted non-profit dedicated to improving the economic conditions of NJ through education, information and partnerships. With its affiliation with the Northeastern Economic Developers Association, EDANJ has a similar reach to BCONE.

"Creating Sustainable Regions: Collaboration Across Borders"
Leecia Eve, New York State Deputy Secretary for Economic Development

Leecia Eve provided a regional perspective on attaining sustainability and discussed Governor Cuomo's commitments to economic development and sustainability development. She

recounted working with Paul Beyer in the New York Department of State on smart growth from day one, and she described the formation and structure of the Regional Economic Development Councils. The effort involves many agencies, staff, and attorneys for private and non-profit organizations, and although it was a massive undertaking to combine 10 separate programs and hundreds of individuals into a single coordinated program, its resulted in improved efficiency. The Regional Economic Development Councils compete for resource allocation by bringing numerous stakeholders together to create strategic plans. Proposals must then be consistent with the plan, and funding is provided to implement the plan. Redevelopment for the urban poor is integrated into each plan.

Leecia Eve touted sustainability as being not only the right thing to do, but also a mechanism to get state assistance and gain competitive advantage. She cited LEED buildings with large water and energy use reductions and attractive aesthetics, and also talked about the success of Steiner Studios at the Brooklyn Navy Yard. It was a previously industrial area that was transformed into film studios. The New York City film tax credit and available building and space were strong incentives, and the project creates jobs for the New York City economy.

Discussion

Workshop participants asked Leecia Eve about the future of the Brownfields Cleanup Program (BCP) tax credits, and she indicated that there really isn't a need to worry, the Governor is focused on reforming the program. She indicated that both she and legislative leaders understand the importance of the program.

Participants also discussed the role of big infrastructure projects, and coordination on the local level to support the same goals. Leecia Eve indicated the critical infrastructure needs are not only important from a public safety standpoint, but they also create jobs. The Governor's focus is on efficient and effective use of federal, state, and private funds, and community participation is required in the Regional Councils.

Conclusion

Governor Cuomo understands the need to bring together all relevant stakeholders to develop sustainability initiatives, and he has already had successes in raising awareness, achieving economic development and increasing government efficiency.

Afternoon Break Session #1: The Insiders Guide to Brownfield Redevelopment in Perilous Times Sponsored by TRC

Many large brownfield redevelopment projects were planned in the early part of the 21st century and had 5-10 year planning horizons. Many of them didn't survive when the country was faced with a down turn in the economy. Did you ever wonder how brownfield redevelopment projects initiated in a more robust market survive the tough economic times? Brownfield redevelopers

from around the country who are experiencing this situation presented their strategies for evaluating potential brownfield projects to ensure a high probability of success. Panelists discussed how risk is assessed in many different arenas (zoning, environmental, finance) as well as ways to structure/incentivize a deal for both buyer and seller satisfaction.

Moderators:

Colleen Kokas, NJDEP & **Denise Brinley**, TRC Solutions

Panelists:

George Vallone, Hoboken Brownstone Company

George Vallone discussed a very successful brownfield project where construction costs were reduced because of the energy efficient design of the building. To realize the cost savings and meet market demand, they changed the design from a 7 story condo building with underground parking to a 4 story rental with stand alone parking on grade. This drastically reduced construction costs because they didn't have to excavate for the underground garage (\$7 million in savings). Also, they used an in situ clean up. The yield went from 7% to 9% giving lenders more security and attracting interest from investors.

Randall Jostes, Environmental Liability Transfer

Environmental Liability Transfer is a real estate development company that specializes in brownfield redevelopment. Randall Jostes created a formula to determine whether a brownfield site will be economically viable by looking at a variety of factors: total sum of its value and its fair market value less all investigative costs, environmental liability less carrying costs, less a risk contingency factor of 15%, and a variety of other factors. He advised that the key to surviving the economic downturn is weighing the costs of acquiring the brownfield and the costs to get it to its best use. Because of today's low interest rates, and a general buyer's real estate market, it is prime to acquire brownfields.

Stuart Miner, EnviroFinance Group-Brownfield Partners

Stuart Miner shared his insights on surviving the recession, namely by having a diverse portfolio, undertaking quality planning and entering effective public and private partnerships. He advised that locations well served by transportation make for high value returns on both the east and west coast. He also advised that forming public private partnerships provides an important and proactive opportunity to meet with the community and sell them on the use of the property. The importance of zoning and maximizing the use of the zoning is important too; a project should have a lot of traffic and create a unique experience. Finally, a site that has been long neglected may be prime for redevelopment.

Discussion

Workshop participants asked a number of questions related to costs and financing including how small municipalities can compete with large, populated areas, how to keep carrying costs low, and how to deal with reluctant lenders. Panelists focused on public financing options and flexibility in zoning as mechanisms small municipalities may employ to attract brownfield developers. They proposed demolishing existing buildings to keep carrying costs low, and as

examples of ways to reassure lenders, they suggested securing end users, and on municipally owned sites, pursuing bond financing.

Participants and panelists also explored other ideas owners of distressed properties may want to consider including joint ventures where the landowner receives an equity share of the project, setting realistic goals, and maintaining as much flexibility in financing options and timing of studies as possible to assure project completion and resolution of liability exposure.

Panelists also encouraged group meetings with community members to learn what the communities' expectations are. Community support is often key to getting the necessary approvals and it decreases the overall risk and likelihood of impediments to a project.

Conclusion

In a tough economic climate, it is still very possible for a brownfield site to be a valuable investment for stakeholders. Flexibility is extremely important with respect to financing and timing.

Afternoon Breakout Session #1: Community Engagement and Brownfield Area-Wide Planning *Sponsored by Langan*

The area-wide approach to brownfield redevelopment is certainly underfoot. The importance of community focused efforts in transforming neighborhoods has been recognized as well. The panel discussion focused on the intersection of both area-wide initiatives in planning/remediation and implementation of these initiatives as shaped by a local vision unique to an individual community. There are many ways to achieve this type of coordinated activity, whether through formal programs such as EPA's Area-Wide program, New York's Brownfield Opportunity Area program or New Jersey's Brownfield Development Area program. But it can be accomplished absent formal programs too, in Philadelphia, for example.

Moderators:

Zach Schreiber, NYC MOER & **Shira Gidding**, SoBro

Shira Gidding explained that underutilized brownfields have contributed to blight, but they are becoming opportunities for jobs, housing and more. Revitalization of brownfields in economically deprived areas is timely and important; it creates job opportunities, park space, and reduces risk to the community. An area-wide approach can serve as a catalyst for further development. The panelists have different approaches and priorities, but they fall under the same umbrella of the area-wide approach.

Panelists:

Liz Gabor, Philadelphia Industrial Development Corporation

The Philadelphia Industrial Development Corporation developed a plan making a case for importance of industry in Philadelphia. They scout for land for businesses needing to diversify and expand, draw attention to the importance of industrial jobs and focus on community education. The benefits of the approach include substantial revenue for the City—the pride of Philadelphia's industry is that they make it, mend it, or move it.

Drew Curtis, Ironbound Community Corporation

Ironbound Community Corporation is a community development corporation for early childhood, after school, senior, and environmental justice services. In 2004, they received a planning grant for a comprehensive neighborhood plan. With help from EPA, the focus expanded beyond East Ferry area. Their first step was to determine what the community wants, and then work with city, state, and federal partners, alongside community and non-profit organizations, to develop implementation strategies for neighborhood revitalization projects like traffic calming, pocket parks, and rehabilitated public housing.

Catherine M. Ward, Stradley Ronon Stevens & Young, LLP

Catherine Ward discussed the New Jersey approach, focusing on a site location in Haddon township, a brownfield development area (BDA). Administrative assistance and streamlining from the NJ Department of Environmental Protection was key for the success of this project, and community involvement was both good and bad. A vapor investigation expanded the scope of their project, but now they are close to the end of remediation.

Brian Coleman, Greenpoint Manufacturing and Design Center

Greenpoint Manufacturing and Design Center is a New York City nonprofit industrial organization in the Newtown Creek brownfield opportunity area (BOA). There are 250 brownfields in the Newtown Creek area, and its an EPA superfund site. There is heavy industry today, with environmental problems. The goals of the BOA study for the Newtown area are to upgrade infrastructure, improve environmental conditions, and introduce new industry and sustainable practices in two boroughs (Brooklyn and Queens). Industry is a big part of the character of the area, and they are working hard to reactivate it. Other areas included the Newtown BOA study are ecology, combined sewer overflow (CSO) issues, and the potential for bioremediation. They are also working to integrate an intermodal freight project into the area to support industry.

Sabrina Terry, United Puerto Rican Organization of Sunset Park (UPROSE)

Sabrina Terry discussed the Sunset Park BOA in southwest Brooklyn. It's the largest walk to work community in New York City, and the goal there is to incorporate green infrastructure, but not necessarily new development. They would like to transition into green development and increase waterfront access and open space. Community feedback helps narrow down strategic sites and the community has been very involved in framing their BOA study. EPA provided a community action grant, and transportation planning is being considered in the BOA study as well.

Discussion

Participants and panelists discussed the roles of business and property owners, particularly with respect to property condemned or otherwise owned by municipalities. They also discussed their specific approaches to education and outreach including hosting tours, presenting photo exhibitions and connecting with local officials.

Conclusion

The panelists demonstrated through their discussion of various models that there are many effective approaches to brownfield redevelopment involving numerous stakeholders.

Afternoon Breakout Session #1: Resilient Communities: Energy & Green Infrastructure *Sponsored by CDM Smith*

Unpredictable weather patterns and the threats associated with climate change, including the October 2011 snowstorm and blackouts across the northeast, have revealed the weakness in our nation's infrastructure. The panel explored how communities are re-thinking sustainability with regard to energy and other infrastructure. Panelists will include experts on the front lines of these issues.

Moderators:

Robert Bell, CT DEEP & **Barry Hersh**, New York University

Robert Bell discussed the 2011 storms in which much of Connecticut lost electrical power for 9-12 days. The Governor created a "Two Storm Panel" to study what happened and how to change current infrastructure. Robert Bell also talked about storm water infrastructure and its impacts on flooding and water quality in Connecticut's fishable/swimmable waters. Then, he introduced the panelists to further discuss projects related to energy resiliency and the use of green infrastructure to manage storm water.

Barry Hersh spoke briefly about the idea of "resiliency" considering it in terms of the ability to withstand change and as a way to describe economic recovery. He explained that in the context of infrastructure, the resilience in question is that of the built and natural environment.

Panelists:

Virginia Roach, CDM Smith

Virginia Roach explained that her company, CDM Smith, has traditionally dealt with waste water treatment and stormwater facilities. She gave a brief overview of the approaches to stormwater management and how they have changed since the Clean Water Act. Recently, an integrated approach guided by a concern for water quality is gaining momentum. Climate

change concerns and the increasing frequency of storms must be considered in designing piped systems.

Most of the New York City sewer system is combined storm and sanitary sewer system and it regularly overflows into the harbor. New York City has made a commitment to reduce impervious lands, and Virginia Roach outlined a number of the projects being undertaken to reduce stormwater including the Edenwall Houses that include bioswales and other elements to capture stormwater. She also touched on the green roofs, blue roofs, pervious pavements, and a flow monitoring program.

Jessie Stratton, CT Department of Energy & Environmental Protection

To meet energy needs and be protective of the environment, we need to change energy choices to meet environmental goals. We need to take new responsibility for energy and combine that agenda with other environmental goals. Smart growth and assessment of energy infrastructure are two ways to do that.

The Two-Storm Panel in Connecticut caused a change in the conversation towards preparedness, and a reassessment of energy infrastructure. The problems with our energy infrastructure include redundancy and expense of building and regulating transmission lines that bring power, the significant loss of power over those lines, and lines that go through areas of wilderness and the resulting necessary access roads. One way to restructure infrastructure may be to localize generation (known as distributed generation). A pilot program in Connecticut will identify the essential critical facilities and emergency services that collapsed during the 2011 storms, create preparedness and response plans, and develop a process to guarantee those services. Fuel cells, because of their reliability, and natural gas centers may be employed to offset demand from traditional infrastructure.

There are challenges to these potential infrastructure changes including figuring out how best to structure different ownership models, the creation of energy improvement districts, structuring generator/producer service agreements, transferring energy between sources and the main grid, and rethinking what supports the grid that our society relies upon now. The goal is to integrate agendas that are complementary, and coordinate with other State's efforts.

Glen Abrams, City of Philadelphia Water Department

The Philadelphia Water Department provides drinking water, sewage treatment, and stormwater services; the Office of Watersheds brings together the related regulatory programs into one office and also handles related issues with land use. The mayor, Michael Nutter, started building support for urban sustainability and created the Mayor's Office of Sustainability and the Greenworks Plan. Administrative and structural changes encourage collaboration across agencies.

The City's long-term stormwater control plan, "Green City, Clean Waters" is a decentralized program that focuses on changing urban design standards to incorporate strategies to manage rainfall ("engineering greenly"). The implementation strategies include a focus on institutionalizing certain design strategies to reduce stormwater volume. So far, 475 projects have been approved. Stormwater services will be billed based on property characteristics like

impervious area, and the “Green 2015” effort includes programs to green the yards of schools and recreation centers with lots of impervious surfaces, and to repurpose vacant lands as stormwater pocket parks.

Discussion

Workshop participants explored energy issues with Jessie Stratton, and specifically considered approaches to rate structure for distributed generation because substantial amounts of distributed generation, if rates are not carefully structured, could lead to a lack of support for traditional transmission that is and would still be necessary. They also discussed the economic viability of new and cleaner power, and transmission line requirements for those sources.

With respect to stormwater, participants discussed how best to create a stormwater market, with the potential for a trading program. They also discussed concerns about stormwater storage (for infiltration) in urban areas given how dirty that water typically is. And finally, there was some discussion about the disposal of food scraps and the potential for putting them in sewers or accepting them at ecoparks.

Also, it was noted that EPA’s recent Memorandum of Agreement with FEMA encourages communities to integrate smart growth into hazard mitigation plans. If done, FEMA would have to build to the plan, and that could save money in the future.

Conclusion

In order to address the changing climate and storm patterns, new infrastructure design must integrate smart growth principles such as limiting impervious area and using local energy sources.

Afternoon Breakout Session #2: Innovations in Brownfield Cleanup and Redevelopment - the Municipal Model: What's Happening in NYC?

Sponsored by the New York City Brownfield Partnership

Created in 2008, over the past four years the New York City Mayor's Office of Environmental Remediation (OER) has put into place a comprehensive system to advance brownfield cleanup and redevelopment in New York City. OER's General Counsel introduced OER's innovative approach and two developers and two environmental industry specialists discussed their experiences with the City's new brownfield programs, and highlighted how their projects benefitted from the novel approach that OER is taking. Leaders working with the program discussed the many benefits of the program, the challenges they face, and how NYC is leading the country in reclaiming abandoned and underutilized properties by supporting these projects from inception to successful development.

Moderators:

David Freeman, Paul Hastings LLP & NYC Brownfield Partnership:

David Freeman kick off the discussion by posing the question, “What can municipal governments learn from the NYC Mayor’s Office of Environmental Remediation?”

Panelists:

Sin Senh, Roux Associates, Inc.

Sin Senh was initially very skeptical of OER’s program and first advised his client not to enroll. But his first project with OER, in Queens, a \$50 million hotel with a 45 foot excavation, was fast tracked—the work of OER was very helpful. The coordination between OER and other agencies, like DEP, was seamless and project managers were very accessible and proactive. It enabled him to better serve his client—they would not be at this phase of construction without the coordination of OER.

Andrew Orchulli, Related Real Estate

Andrew Orchulli shared a story about a 29th Street, E-designated site. His team met with OER at the beginning of the year, the documents were submitted, OER responded quickly, and now they are about to receive their Notice to Proceed (“NTP”). OER fast tracked remediation of their project and everything went smoothly with OER’s oversight and monitoring.

For a developer, it is very important to have a clear set of guidelines and OER’s comments and programs are very clear and able to quickly address any issues. Andrew Orchulli shared that both of his projects were moving fast and OER was able to meet their needs without overly expensive remediation.

Mark P. McIntyre, NYC Mayor’s Office of Environmental Remediation

OER has approved 45 clean up plans, 20 more are enrolled in the program and 3 sites have been completed. Program incentives include \$60,000 to \$100,000 in available grants for reimbursement for a project’s remediation costs and cost of environmental insurance premiums. Also, NYC offers a green property certification. OER works with DEC to obtain 198-A federal tax deductions for remediation expenses, and liability protection is available from both city and state governments.

OER works hard to approve a plan within 90 days or less. The applicant is not actually enrolled in the program until the clean-up plan is approved, and OER is not an environmental enforcement agency.

OER operates programs on 2 tracks: One looks back and is for a completed projects needing refinancing. OER may sign-off on clean-up standards to satisfy lenders. The other program looks forward and provides an opportunity to a seller to do an investigation to sell property with an approved clean-up plan.

Evan Kashanian, Artimus Construction

Evan Kashanian had a project in Manhattan on 26th St. and 8th Avenue; it was E-designated. The first question was how they could acquire a Notice to Proceed (NTP), and it turned out that working with OER was like a partnership that helped the developers meet a tight timeline. OER allowed a training program where construction personnel could send OER information about the remediation when the Qualified Environmental Professional (QEP) was not on site.

Deborah Shapiro, CA Rich

Deborah Shapiro agreed with other panelists that timing of everything with OER is fast, much faster than the state Brownfields Cleanup Program (BCP). They are able to accomplish a lot in a short period of time and they are always working on improving the program.

Discussion

Participants asked panelists about some of the details of their successes with OER and what pitfalls they felt they had avoided. Panelists explained that working through DEC would likely have taken much longer, that OER walked through remediation requirements up front which helped them estimate costs, and that although OER has an obligation to report hazardous waste sites to DEC, they are not an enforcement agency. In response to a question about the incentives created by the Brownfield Incentive Grant (BIG) Program, one panelist indicated it was a nice extra because of construction costs, but it certainly wouldn't cover the full cost of remediation.

Conclusion

New York City's Voluntary Cleanup Program is fast and effective because they are proactive, flexible, and communicate very effectively with stakeholders.

Afternoon Breakout Session #2: Corporate Models of Property Disposition

Sponsored by Robinson & Cole

Fortune 100 leaders discussed various models, strategies and examples of disposing of, redeveloping and managing underutilized assets. They explored the risks, rewards and benefits to stakeholders of bringing sites back into productive use.

Moderators:

Pamela Elkow, Robinson & Cole & **Michael Taylor**, Vita Nuova

Michael Taylor talked about the perception of corporations as individuals or as opaque monoliths, when in fact, employees are individuals who are each accountable to internal metrics. Sustainable brownfield redevelopment can help pull different values into the remediation process and provide an opportunity to address stakeholder concerns while improving project success and integrity.

Panelists:

Isidoros Zanikos, DuPont

Isidoros Zanikos spoke about DuPont's 35 most challenging sites. Managing and assessing risk at the sites involves an evaluation formula that is different for each site, but the ultimate goal for each of them is to be back in productive use. DuPont works with community leaders to try to meet community needs, but it's a process that must balance the major issues of jobs, recreation, and the environment. The work is complicated because it requires a calculation of whether a site's redevelopment will be robust enough to last.

Marian Whiteman, General Electric

Using the Environmental Transactions Councils definition of what constitutes a brownfield, GE has 180 brownfield sites, and each business is responsible for their own site and activities. The attitude toward brownfields in GE has shifted from asking, "How do we get rid of a site because it's a liability?," to, "How do we manage this as an asset?"

Evan van Hook, Honeywell

Many Department of Justice and other government employees in the environmental sector are making career moves to Honeywell. Honeywell handles its remediation projects centrally, and every site in the Honeywell real estate portfolio has an annual site strategic plan process with all sites viewed as potential brownfields. The company's priority is to manage the most critical liabilities by remediating leased & formerly owned properties, and they've embarked on joint ventures with municipalities to remediate and sell properties.

Discussion

Panelists discussed various tool they use to communicate with the community about brownfield sites including posting a hotline number at site locations, engaging in community meetings, and establishing contacts with local governments. When workshop participants asked how companies handled community demand for costlier clean-ups than are necessary, panelists explained that often clean-up is appropriate for some types of reuse, but not others and that regulators can be valuable allies is helping explain what cleanup levels are protective of human health. Panelists also recounted working on consensus solutions through an iterative process and even providing some real estate training for professional stakeholders.

Conclusions

Corporate models for addressing brownfield properties have shifted from focusing only on reducing liability exposure to managing risk and exploring beneficial redevelopment options.

Afternoon Breakout Session #2: Brownfields for Energy (Brownfields Are Powerful!)
Sponsored by Buchanan Ingersoll & Rooney

This session explored how Brownfields/Landfills can be redeveloped for energy projects (i.e. solar, wind, CHP), policies that support that redevelopment, GIS & other tools to assist it (i.e. RePowering America's Initiative) and completed projects. Much can be learned from the successes to date and the conditions that allowed them to come to fruition. Examples included New York brownfield projects with combined heat and power, wind turbine projects sited on landfill/brownfields and landfills with utility-scale solar.

Moderator:

Brian Clark, Buchanan Ingersoll & Rooney

Panelists:

Evans Paull, Redevelopment Economics

Evans Paull discussed combined heat and power cogeneration projects and the megawatts(mw)/acre yield of these types of projects compared to solar projects. Capturing waste heat improves the overall efficiency and is complementary to urban redevelopment projects. Successful projects include a 22MW biomass plant at Griffiss Air Force Base, a combined heat and power tri-generation system that benefits numerous tenants, including manufacturing businesses, in a large industrial park and various sustainable agriculture projects in New England, Chicago, and New York.

Barry Skoulchi, Whitman

Barry Skoulchi presented a case study involving a landfill site in Providence, RI. The property is 225 acres, with 70 acres of landfill consisting of household waste and construction debris. The landfill was not capped and there were extensive wetlands on the site. In April 2012, the designs for a solar facility were completed and approved and a 9-10MW solar generation is on its way to completion with the first phase, 3mw, anticipated in the 4th quarter of 2012 and the remainder coming online in 2013.

Paul Curran, Sun Edison

Paul Curran talked about the process of converting brownfields and landfills to generation sites including project design, financing, construction, renewable energy credit (REC) certification, the rebate process, and real time monitoring. He discussed a landfill project in Greenfield, MA with wind power generating 30MW.

Katie Brown, USEPA-HQ

Katie Brown talked about the potential for solar power explaining that there are currently 22 million acres of useable land in the United States that together are capable of generating a terawatt of energy. States that are implementing solar include New York, Massachusetts, Texas, Georgia, New Mexico, and Wyoming and they're putting solar on tops of everything from garages to mines. To effectively implement solar generation, its necessary to leverage existing

infrastructure. EPA is tracking sites, and for example, New Jersey alone has 10,000 potential solar sites. The choice between solar and wind involves a careful pre-screening process analyzing topology, available area, and redevelopment priorities. It also involves site screening to determine owner interest, electricity costs, and energy demand, and last but not least, a financial analysis.

Afternoon Plenary Session: What Lies Ahead: The Future of Cleanup and Redevelopment
Sponsored by LSRPA

Every year, this workshop helps people see into the future. As Director of Emergency and Remedial Response Division at USEPA Region 2, Walter Mugdan oversees some of the largest and most complex cleanups in the world. Walter Mugdan and a multi-stakeholder panel discussed what lies ahead at the federal, state and local level in a wide-ranging discussion that included regulatory trends, cleanup technologies, redevelopment and community engagement.

Moderators:

Beth Barton, Day Pitney & **Lee Ilan**, NYC MOER

Keynote Speaker

Walter Mugdan, EPA Region 2

Walter Mugdan took a look back on Superfund and brownfield achievements and noted the thousands of successful sites over the past 10 years. He discussed brownfield grants and noted specifically that assessment grants have a high correlation to cleanup grants. He talked about constrained funding being a regular problem; there was a 1.8% cut in the President's FY13 budget. While there will be no new federal cleanup construction starts because of the cuts to the Superfund Program, he expects there will be more state referrals for removal actions as federal funds as still available for them.

Walter Mugdan indicated that the National Priorities List (NPL) is still open for business; it's how EPA can display to Congress its highest priorities. Right now, the trend is toward sediment megasites, of which we have a number locally in New Jersey and New York. He also touched on the issues of combined sewer overflow (CSO) contribution at New York and some west coast Superfund sites, EPA's focus on green remediation and reducing the environmental footprint of cleanup operations and innovations in assessment technologies such as field portable versions of existing lab equipment.

Dave Hurley, Fuss & O'Neill

Developers are moving into the urban environment because of its investment appeal. Liability releases will become increasingly important, and we need to consider how to make laws more navigable for developers. Also, sustainable redevelopment funding needs to be provided at the state level.

Michelle de la Uz, Fifth Avenue Committee

The goal of the Fifth Avenue Committee is to advance economic and social justice by building affordable housing and addressing other related issues, for example, adult literacy for which they have a program in Brooklyn. The affordable housing demand in Brooklyn is high, even near the Gowanus Canal Superfund site; employment rates are low.

John Morris, Honeywell

Honeywell used to have a more confrontational relationship with regulators regarding brownfields, but that has changed. Today, Honeywell engages the community and develops positive working relationships with the regulators. They've learned that success is easier to come by if the community is on board with a project and it aligns with the community vision.

Nancy Anderson, Sallan Foundation

Nancy Anderson talked about the global trend toward urban density, climate change risks, and the remediation and revitalization of communities. She explained that resilience, the ability of the community to adapt and overcome obstacles, is an equally important part of the equation.

Ben Alter, LSRPA Steering Committee, GZA GeoEnvironmental, Inc.

The future of redevelopment for New Jersey is now. Instead of government dictating and overseeing remediation, New Jersey will allow licensed professionals to perform this function through the Licensed Site Remediation Professional (LSRP) program. It is privatization of a public function because the old system was broken. The public function is now to audit LSRPs and fine them if they fail to meet requirements. The Program includes a number of checks and balances and is ultimately good for developers because it provides more certainty with respect to the timeline.

Discussion

Workshop participants discussed some of the administrative logistics of the new LSRP program in New Jersey and panelists provided insight on when, in other states with similar programs, remediation related documents are made available to the public. Panelists and participants also discussed the role of the community in remediation projects, and they shared some examples from different types of sites.

Conclusion

Brownfield remediation and redevelopment opportunities and programs are constantly improving and the future is bright, despite the fact that funding is still scarce. Community involvement is imperative for successful brownfield redevelopment.

Following this year's workshop, The Society of Women Environmental Professionals (SWEP) sponsored a reception for all attendees. Submissions to the "Design Within Nature" competition were displayed and winners were announced.

Compiled by: Elizabeth N. Leaderman, Day Pitney LLP

Assisted by: Steve Eisner, Hana Lewis, Jullee Kim, Case Wyse, Chase Sandler, and Breanna Gribble