

**Brownfields Working Group – Meeting Notes
April 6, 2001**

- A. Issue 1: Model Settlement Agreement (Brownfield Issue 8P) – The Boilerplate Settlement Agreement is attached to these notes. Please review and comment for next meeting. This Model Settlement Agreement is based on DEM's experience on resolving approximately 67 cases. The use of the Model Settlement Agreement will help to expedite cases. Major deviations from the model could lead to additional time delays due to the need for additional reviews.
- B. Issue 2: Local Governments (Brownfield Issues 2A, 3A, 7A, 12P, 14R) – RIDEM and EPA are available to have brownfield informational meetings with municipalities upon request. RIDEM is considering taking a more proactive approach to these meetings (one possibility is county by county). The issue of conducting seminars for municipalities was discussed. It was noted that DEM has made efforts in the past on working with the municipalities, but has had difficulties in getting local governments involved in the process. One reason mentioned was the lack of additional capacity at the local level to work on these issues. Earlier efforts have been focussed on the local planners. Perhaps working with economic development personnel, where available, would be more productive.
- C. Issue 3: Objectives and expectations of Stakeholders –
- Quick turnaround (review) time Vs. Knowing how long the review will take
 - Level of public involvement
 - Mission statement (Brownfield Issue 10P) – members want an overall statement on brownfield policy. *Rich Hittinger from Beta Group was tasked with coming up with a skeleton mission statement that can be worked on by the rest of the task force group. If this task is completed prior to the next meeting, it should be e-mailed to the group for comments.*
- D. Issue 4: Separate DEM staff/process for Brownfields (Brownfield Issue 1A) – Separate federal brownfield program from the state voluntary clean-up program and assign to people with the appropriate skill set.
- E. Issue 5: Developing alliances with impacted constituencies of distressed properties (Brownfield Issue 11P) – DEM should investigate charging for expedited review. In exchange, RIDEM gives exact timeline. If timeline is not met, site continues to move through the process, but the fee could get returned if DEM is responsible for the delay in processing the submission. An advantage for charging for reviews is that it would screen out projects that may not be ready for development. Review of submittals conducted by: (a) In-house staff or (b) Technical assistance contractor. New Jersey uses this type of system. The initial filing fee is \$500 and then additional cost for review can range from \$1000 to \$6000. Fee is non-refundable. One issue raised was DEM ability to

use the funds collected for these expedited reviews. Could the funding be put in an account that would either pay for additional staff or consultants?

- F. Issue 6: DEM's staffing and funding issues (Brownfield Issue 1A) – The working group feels that DEM's budget needs to reflect a new emphasis on Brownfields and that efforts need to be made now to persuade the legislature. Grow Smart RI was tasked with following up these budget and staffing issues and potentially calling a meeting with key government officials that deal with the budget. DEM was asked what the “best case” organizational model would be for the brownfields program. How many more staff people does the program really need?
- G. Issue 7: Critical Economic Concern – This mechanism is currently in place through RIEDC and is based on job creation. The process and criteria through which sites are given this designation are currently being rewritten and will be subject to a public hearing. The group discussed a process that should run parallel to this process – “Critical Environmental Concern.” One person suggested that Critical Environmental Concern projects could be linked to Environmental Equity concerns. It was also noted that the Brownfields program as a whole may be of Critical Environmental Concern, however individual projects may not stand up to the criteria. One thought was that a fee should be paid for this designation. Developer's perspective – should there be an “out” for fees for tight budgets? For instance, if a developer (perhaps a non-profit) had a very limited budget and they had to pay to receive a Critical Economic Concern designation, is that really right to tie a fee to the designation for those types of sites? Michigan and Illinois tied the fee to a tax credit. If pay the fee, get the money back later in tax credits.
- H. Issue 8: Brownfield program priorities – Economic Vs. Community Vs. Environmental priorities
- Developers and consultants want definitive time frame on submittal turnaround (For example, if the turnaround time is going to be 60 days, make sure that it is done in 60 days. Developers need to be able to count on this time frame). Compare developer process to environmental review process. DEM should be brought into the developer's process at an earlier stage of their development. DEM is often brought in at the latter stages of their process and our review timelines may not fit into their timelines. Earlier meetings could help to resolve these issues.
 - Need to limit timeliness to issues under DEM control. Separate SI and RAWP and set specific number of days review time for each process. Quality of applications (documents received) must play a role in this. Certainty Vs. Speed.
 - Pilot Program – Demonstration of expediting review process. One person suggested using outside contractors to show how expedited review could work. Limit the program initially to simple site and consider expanding it later if the pilot was a success.

- Developer’s perspective – Need a clear definition of clean up costs. The Settlement Agreement and Covenant Not To Sue is for the banks.
 - Emphasize early involvement of technical and customer assistance. Standardize the pre-application meeting. Suggestions included having a meeting prior to the submission of an SI report where the scope for further study and the possible remedy could be discussed. Meeting at the front end of the process is much more effective than a meeting near the end.
 - Use EDC staff to review submissions. This idea was considered a conflict of interest for EDC and should not be pursued.
- I. Issue 9: Municipal Liability – Grow Smart RI is looking for someone to clarify this issue in the statute. Municipal liability is very unclear right now.
- J. Summary and Assignments
- Brownfield mission statement → *Rich Hittinger tasked with writing “straw man” version of this.*
 - Definition of a brownfield site
 - Create a defined process for brownfields, including a pre-application meeting. Put expectations of all parties in the process on the table.
 - Fee structure for expedited review – with money going into staff support. Pilot program for simple site using contractors.
 - Budget meeting and support from General Assembly – *Grow Smart to organize and coordinate this effort.*
 - Priority sites – Establishing a Critical Environmental Concern program
 - Define needs of the developers – *Michael DiCorso tasked with giving Task Force insight into developer’s perspective, as well as, the names of developer (industrial/commercial) organizations that would be a good source of information for the Task Force.*
 - Model Settlement Agreement – *Everyone tasked with reviewing for next meeting.*

Next Brownfield Task Force Meeting:

April 24th, 8:30 – 10:00 am
RIDEM, 4th Floor – Conference Room A