



9670 SW Marine
Way Green
Reuse Area
Designation –
Community
Meeting

November 5,
2024



THE GOLDSTEIN
ENVIRONMENTAL LAW FIRM

AGENDA

I. Introduction

- a) Applicant: 9670 SW Marine Way, LLC
- b) Representative: The Goldstein Environmental Law Firm, P.A.

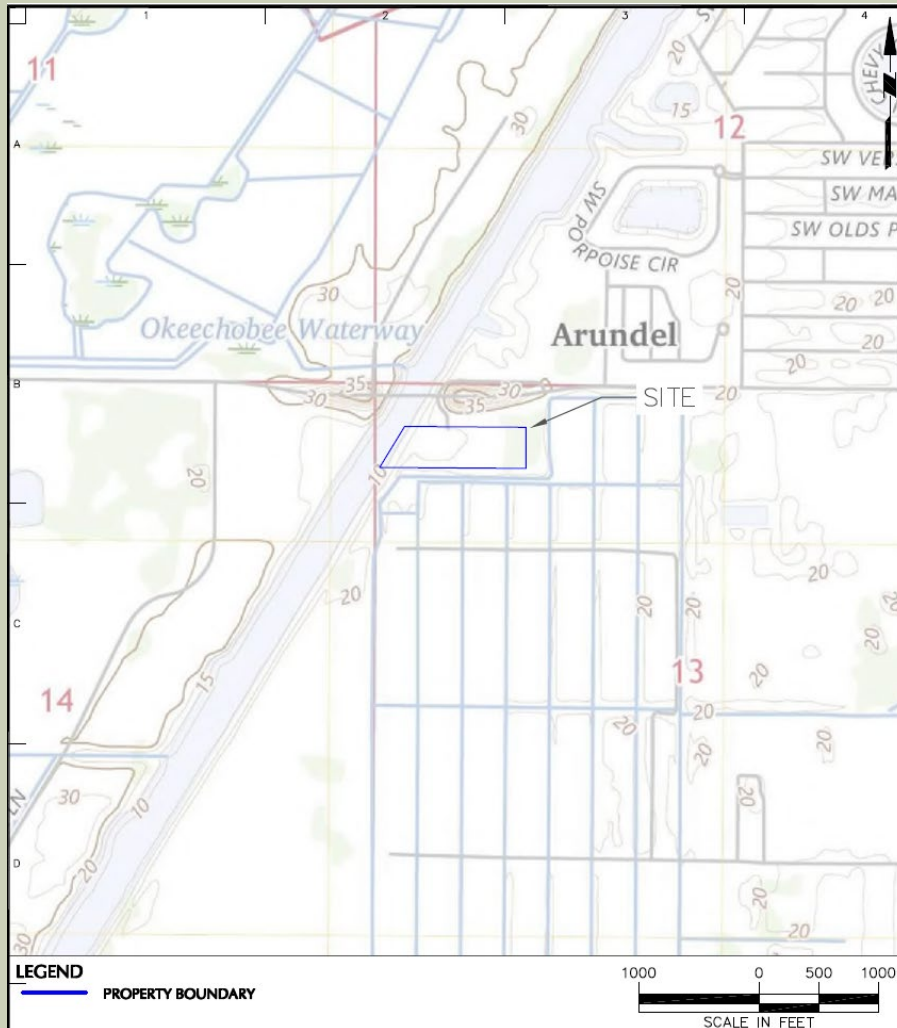
II. Overview of Project Environmental Matters

- a) Historical Use
- b) Current Conditions
- c) Property Reuse Plans

III. Brownfield Area Designation Process

IV. Closing and Open Discussion/Questions

INTRODUCTION - PROPERTY LOCATION



- 9670 Southwest Marine Way, Stuart, Florida 34997
- Parcel No: 13-39-40-000-004-00020-5

INTRODUCTION – KEY DEFINITIONS

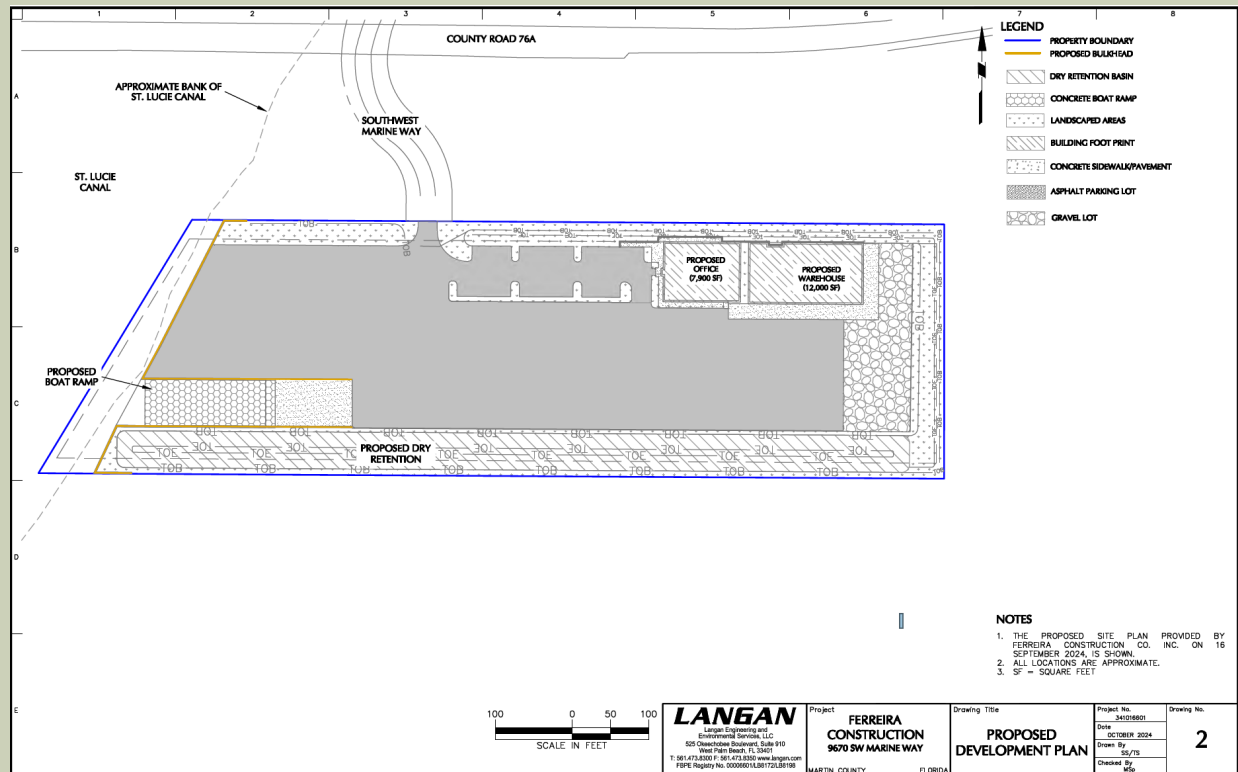
- “Brownfield sites” - real property, the expansion, redevelopment, or reuse of which may be complicated by actual or perceived environmental contamination. § 376.79(4), Florida Statutes (“F.S.”)
- “Brownfield area” means a contiguous area of one or more brownfield sites, some of which may not be contaminated, and which has been designated by a local government by resolution. Such areas may include all or portions of community redevelopment areas, enterprise zones, empowerment zones, other such designated economically deprived communities and areas, and Environmental Protection Agency-designated brownfield pilot projects. § 376.79(5), F.S.

OVERVIEW OF PROJECT ENVIRONMENTAL MATTERS

- Former agricultural site with later history of use for marine tug operations
- Soil and groundwater is impacted with common pesticides and herbicides used in agricultural operations
- Soil Management Plan has been filed with FDEP that describes:
 - Excavation and disposal of contaminated soil in stormwater retention, utility areas, future boat ramp, and landscaped areas
 - Import clean fill to form an engineering control cap in landscaped areas
 - Construct impervious structures to act as engineering control caps on other areas of the property
 - Construct bulkhead to prevent contaminants from entering the St. Lucie Canal

PROPERTY REUSE PLANS

- Base of operations for Ferreira Construction marine construction equipment
- 12,000 sq. ft. warehouse
- 7,800 sq. ft. office building
- Boat ramp
- New bulkheads on St. Lucie Canal



FLORIDA'S BROWNFIELDS REDEVELOPMENT PROGRAM

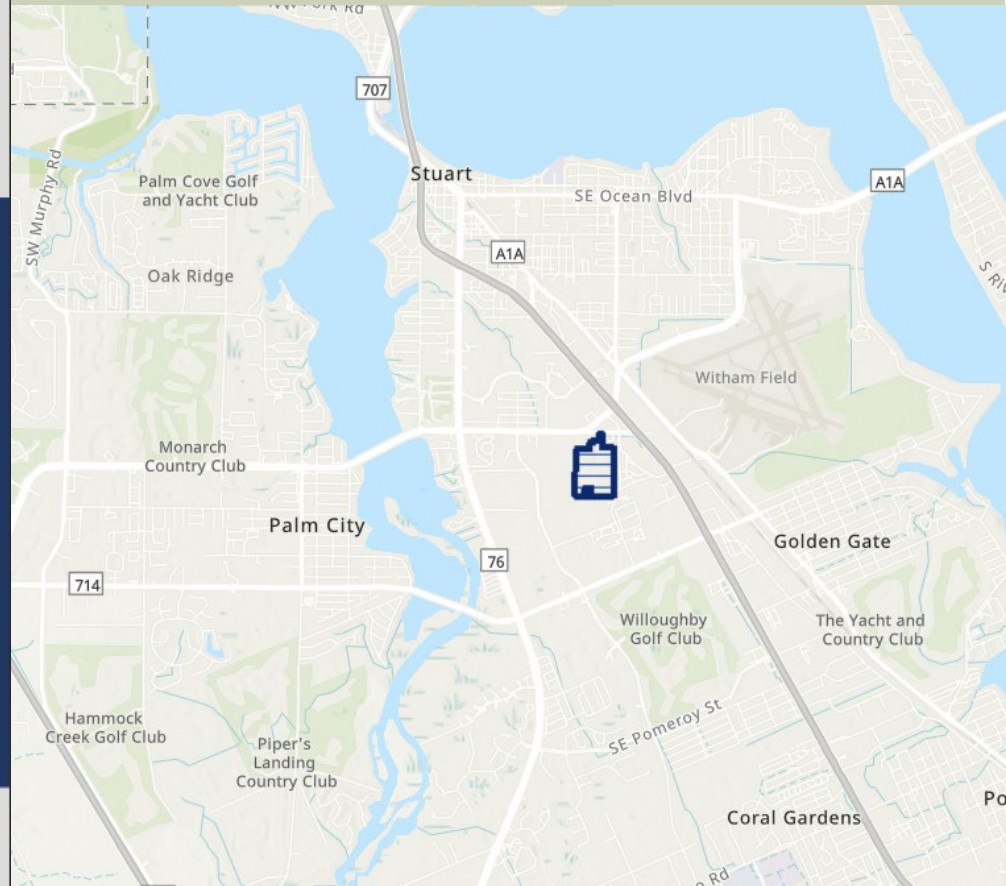


FLORIDA BROWNFIELDS REDEVELOPMENT PROGRAM

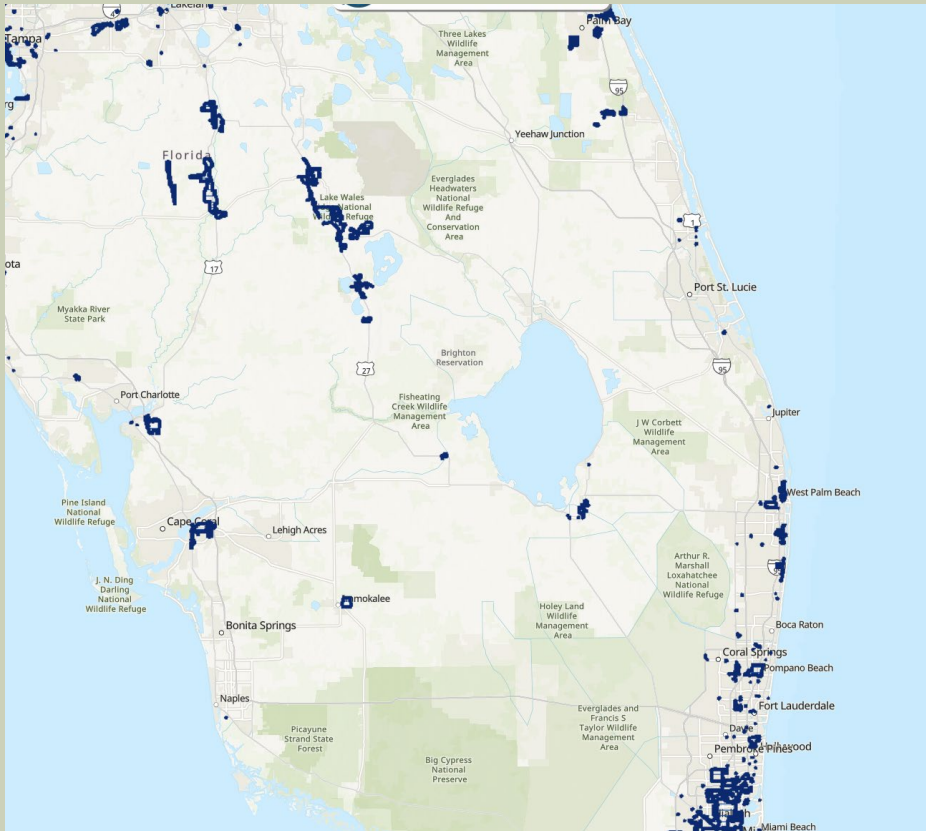


Madison Street Park, Hillsborough County

Annual Report
August 2022



FLORIDA BROWNFIELD PROGRAM - METRICS -



- **593 Designated Brownfield Areas (08/01/24)**
 - Total: 292,865 acres
 - Largest: 14,190.37 acres (Hamilton County EZ Area)
 - Smallest 0.26 acres (Land South, North Miami, FL)
- **\$3.188 Billion in Projected Capital Investment (08/01/24)**
- **16,549 Confirmed New Direct (08/01/24)**

BROWNFIELD AREA DESIGNATION PROCESS

- Brownfield Area designations are governed by the provisions of § 376.80, Florida Statutes (“F.S.”) of Florida’s Brownfields Redevelopment Act
- For a designation proposed by a private party, § 376.80(2)(C), F.S., applies
- Process:
 - Provide notice
 - Hold community meeting
 - Conduct two public hearings
 - Adopt a resolution following consideration of five criteria

The 2022 Florida Statutes

Title XXVIII	Chapter 376	View Entire Chapter
NATURAL RESOURCES; CONSERVATION, RECLAMATION, AND USE	POLLUTANT DISCHARGE PREVENTION AND REMOVAL	
376.80	Brownfield program administration process.—	
(1)	The following general procedures apply to brownfield designations:	
(a)	The local government with jurisdiction over a proposed brownfield area shall designate such area pursuant to this section.	
(b)	For a brownfield area designation proposed by:	
1.	The jurisdictional local government, the designation criteria under paragraph (2)(a) apply, except if the local government proposes to designate as a brownfield area a specified redevelopment area as provided in paragraph (2)(b).	
2.	Any person, other than a governmental entity, including, but not limited to, individuals, corporations, partnerships, limited liability companies, community-based organizations, or not-for-profit corporations, the designation criteria under paragraph (2)(c) apply.	
(c)	Except as otherwise provided, the following provisions apply to all proposed brownfield area designations:	
1.	Notification to department following adoption.—A local government with jurisdiction over the brownfield area must notify the department, and, if applicable, the local pollution control program under s. 403.182 , of its decision to designate a brownfield area for rehabilitation for the purposes of ss. 376.77-376.86 . The notification must include a resolution adopted by the local government body. The local government shall notify the department, and, if applicable, the local pollution control program under s. 403.182 , of the designation within 30 days after adoption of the resolution.	
2.	Resolution adoption.—The brownfield area designation must be carried out by a resolution adopted by the jurisdictional local government, which includes a map adequate to clearly delineate exactly which parcels are to be included in the brownfield area or alternatively a less-detailed map accompanied by a detailed legal description of the brownfield area. For municipalities, the governing body shall adopt the resolution in accordance with the procedures outlined in s. 166.041 , except that the procedures for the public hearings on the proposed resolution must be in the form established in s. 166.041(3)(c)2 . For counties, the governing body shall adopt the resolution in accordance with the procedures outlined in s. 125.66 , except that the procedures for the public hearings on the proposed resolution shall be in the form established in s. 125.66(4)(b) .	

BROWNFIELD AREA DESIGNATION PROCESS

■ Five Criteria for Designation:



1. requested by person who owns or controls the brownfield site and who has agreed to redevelop and rehabilitate it;



2. the rehabilitation and redevelopment will result in economic productivity and will create at least 5 jobs;



3. the redevelopment is consistent with the local comprehensive plan and is permissible under local land development regulations;



4. notice has been provided to neighbors and nearby residents and the applicant has afforded those receiving notice an opportunity for comments and suggestions about rehabilitation; and



5. the applicant has provided reasonable assurance that they have sufficient financial resources to complete rehabilitation and redevelopment.

QUESTIONS/ANSWERS



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THE GOLDSTEIN
ENVIRONMENTAL LAW FIRM
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Special Emphasis on Cleanup and Reuse of Former Fueling Stations, Landfills, Automobile Dealerships, Golf Courses, and Agricultural Sites

- Environmental Due Diligence
- Environmental Liability Analysis and Protection
- Hiring & Management of Qualified Environmental Consultants
- Brownfield Grants
- Brownfield Tax Incentives
- Brownfield Loan Guarantees
- Assistance with Securing Acquisition Financing & Placing Environmental Insurance
- Negotiation of Voluntary Cleanup Agreements & Covenants Not-to-Sue
- Integration of Cleanup and Construction Requirements
- Regulatory Approvals to Build on Contaminated Development Sites