



Legislation Details (With Text)

File #: ID#17-4156 **Version:** 1 **Name:** A04-00198: Brownfield Site Rehabilitation Agreement ("BSRA")
Type: Action Item **Status:** Passed
File created: 11/30/2017 **In control:** Gas System
On agenda: 12/7/2017 **Final action:** 12/7/2017
Title: Approve Brownfield Site Rehabilitation Agreement (BSRA) BF529701006 for the property located at 400 N. Myrtle Avenue, Clearwater, Florida, formerly known as the Clearwater Manufactured Gas Plant (MGP), parcel 09-29-15-74052-000-0020, located within the designated Clearwater Brownfields Area and authorize the appropriate officials to execute same. (consent)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 2012 ESRI - Site Map - CLW Brownfield.pdf, 2. BSRA - Clearwater MGP(1).pdf

Date	Ver.	Action By	Action	Result
12/7/2017	1	City Council		
12/4/2017	1	Council Work Session		

SUBJECT/RECOMMENDATION:

Approve Brownfield Site Rehabilitation Agreement (BSRA) BF529701006 for the property located at 400 N. Myrtle Avenue, Clearwater, Florida, formerly known as the Clearwater Manufactured Gas Plant (MGP), parcel 09-29-15-74052-000-0020, located within the designated Clearwater Brownfields Area and authorize the appropriate officials to execute same. (consent)

SUMMARY:

The subject property is owned by the City of Clearwater (City) and is located within the area designated as the Clearwater Brownfield Area. A manufactured gas plant was operated by the City on the property until approximately 1959. Since that time, the property has served as the offices and operations center for Clearwater Gas System (CGS), the municipal gas system owned by the City. The City wishes to redevelop the site as an expanded and upgraded campus of Clearwater Gas System.

The City is a party to an Intergovernmental Agreement with the Florida Department of Environmental Protection (FDEP) that obligated the City to investigate and remediate, if necessary, environmental impacts attributable to the former operation of the Clearwater MGP on the property. To date, the City has defined the horizontal and vertical limits of contamination attributable to the Clearwater MGP and has evaluated select remediation technologies. The contamination has not migrated from the site and the immediately adjacent Pinellas County Department of Health property.

As a result of a pilot study performed on the property for the past several years, the City has determined that there are limited remediation alternatives for the property, with the most appropriate remedy incorporating an impervious cap over the remaining impacted soils and a restriction from the use of groundwater underlying the property. Regulations promulgated by FDEP after the date of the Intergovernmental Agreement now provide

for risk based closure of sites that have limited environmental impacts, such as those present on the property.

The City's plan for redevelopment of the property will allow for properly addressing the remaining environmental impacts while at the same time provide the City with an opportunity to expand CGS' use of the property. Under the Florida Brownfield Program, the City can recover certain marketable tax credits for expenses incurred in connection with implementation of a remedy on a site designated for redevelopment. In order to move forward with redevelopment of the site under the state Brownfield Program, a Brownfield Site Rehabilitation Agreement (BSRA) must be entered into between the City and the FDEP.

As required by Section 376.80 Florida Statutes, the draft BSRA and a summary of environmental findings and recommendations were presented by Economic Development staff to the Brownfields Advisory Board at its October 5, 2017 meeting. The draft BSRA was submitted to the FDEP for review and accepted in the form presented herein.

The BSRA enables the prompt review of all remaining environmental documents, the ability to apply for and receive marketable state tax credits, the use of federally awarded Brownfields revolving loan funds, and to provide meaningful liability protections specified in the Brownfields Redevelopment Act to the City.

Upon execution of the BSRA by the City and FDEP, a Brownfield Remedial Action Plan will be completed and submitted to FDEP for review and approval. Upon City approval, loan funds from the Brownfield Revolving Cleanup Loan Fund Grant (BRCLF) can be used to complete eligible portions of the remediation. In addition, the City may obtain marketable state tax credits for eligible expenses incurred in completing the FDEP approved remedial action components of the final site redevelopment plan.

Upon execution of the BSRA by the City and FDEP, the Intergovernmental Agreement will be held in abeyance. FDEP will issue a site rehabilitation completion order (SRCO) for the property upon completion of the remedy approved by FDEP. Issuance of the SRCO will result in FDEP releasing the City from any remaining obligations under the Intergovernmental Agreement.

APPROPRIATION CODE AND AMOUNT: N/A

USE OF RESERVE FUNDS: N/A