Florida Brownfields Association Meeting Minutes

Tuesday, February 16, 2010
10:00 a.m. – 11:34 a.m.
Teleconference Number: 218-844-8230 / Access Code 875795#

I. CALL TO ORDER

- Jason called meeting to Order.

II. WELCOME & INTRODUCTIONS (Jason Lichtstein)

a. Please email (Anna.Long@lowndes-law.com) Your Participation in Today’s Call

<table>
<thead>
<tr>
<th>Participant</th>
<th>Association</th>
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<tr>
<td>Anna Long</td>
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<td>Becky Buice</td>
<td>nancy d. Stephens &amp; Associates</td>
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<td>Jason Lichtstein</td>
<td>Akerman Senterfitt</td>
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<td>Joe Ullo</td>
<td>Lewis Longman &amp; Walker, P.A.</td>
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<td>Michael Sznapstajler</td>
<td>Cobb Cole</td>
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<td>Bruce Nocita</td>
<td>QORE Property Sciences</td>
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<td>Sarah Meyer Doar</td>
<td>Hopping Green &amp; Sams</td>
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<td>Laurel Lockett</td>
<td>Carlton Fields</td>
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<td>Janet Peterson</td>
<td>Bureau Veritas North America, Inc.</td>
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<td>Fred Seguiti</td>
<td>HSW Engineering, Inc.</td>
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<td>Eric Krebill</td>
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<td>Ken Pennix</td>
<td>City of Jacksonville</td>
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<td>Miles Ballogg</td>
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<td>Andrea L. Falvey</td>
<td>City of St. Petersburg</td>
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<td>Teresa Booeshaghi</td>
<td>FDEP</td>
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<td>Kim Walker</td>
<td>FDEP</td>
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<td>Glendon Hall</td>
<td>City of Miami</td>
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<td>Greg Boswell</td>
<td>Groundwater &amp; Environmental Services, Inc.</td>
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<td>Vincent D. Yarina</td>
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<td>Roger Register</td>
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<td>Jared Beck</td>
<td>City of Fort Myers</td>
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<td>Lee C. Taylor</td>
<td>PPM Consultants, Inc.</td>
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<td>Greg Vaday</td>
<td>EDC, Treasure Coast Regional Planning Council</td>
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III. NEW INITIATIVES (Jason Lichtstein)

a. "Highways to Health Care" Initiative (Miles Ballogg)
   - Discussion regarding expanding on EPA Brownfield petroleum initiative. Transforming these sites into health care facilities as the end use. Health Care sector is still pretty strong as far as employment, so looking at a partnering here makes good sense. Promoting with a nationwide focus looking for potential Federal funding to facilitate the same.
     ⇒ Series of conference calls will be scheduled.
     ⇒ Fact sheet will be provided
     ⇒ FBA members are encouraged to submit locations in their area that could qualify to be a Brownfield site used ultimately to a health care use. Contact Miles or Jason regarding the same.

b. Status and Work Re: Coordination and Outreach With Redevelopment, Renewable Energy, and Other Partners in State
   - Rochelle Lawandales, President, FRA and Carol Westmoreland, FRA Administrator.
     ⇒ From an organizational point a lot of alignment possible – FRA redevelopment planning through a blueprint of planning, CRAs are administered at a local level. All over the board projects, not only Brownfields, broad-based mission, part of mission to support Brownfields, usually in urban downtown areas and part of CRAs.
     ⇒ Proffering a couple of positions in 2010, funding being one of those. Supporting committed funding resources to better serve the State. Supporting “home rule” powers is on their agenda. Finally, watching closely Amendment 4. FRA is advocating a Vote NO on Amendment 4.
     ⇒ FRA is looking to expand its outreach efforts as is the FBA. While the “joint-conference” could not be accomplished in 2010, FRA would still like to work together with the FBA in areas that are mutually beneficial to the organizations. Jason provided that the FBA is interested in working with the FRA as well. Jason offered that the FRA “participate” in the FBA conference this year, and the FRA’s board has approved the same.
     ⇒ Joe mentioned EPA’s program for potential additional funding to include integrated are-wide planning. Fits well with the FRA’s mission. It was suggested that the Century Commission be involved with these efforts as well, additional participation will strengthen the groups as a “coalition” pursuing like interests.

c. Proposed FBA Webinars/Calls – February-March 2010 – Members Only Events
Jason hoping to have several webinars for FBA members only events. First one will be hosted by Legislative Committee likely in March. An April call will be co-hosted by FRA and the FBA. Finally looking for a webinar on renewable energy including Florida Alliance for Renewable Energy. Looking for this to add value for the current membership and to grow new members within the Association.

IV. FBA LEGISLATIVE WORK – 2010 SESSION (Roger Register, Jason Lichtstein and Joe Ullo): 2010 Legislative Session - Summary and FBA's Current Legislative Work

a. FBA Substantive Legislation/Bill
   • A lot of time and effort on the Legislative initiatives this year. Discussion of Fact Sheet and Proposed Legislation.

   ⇒ Senator Constantine and Representative Trudi Williams have agreed to sponsor an FBA Bill again this year.

   ⇒ Some components of the Brownfield Bill this year: Concurrency provision (first year FBA is looking at redevelopment and incentives for a Brownfield redeveloper that applies to Chapter 163), building materials tax credit, change to job bonus refund as a small business incentive, revision to annual Brownfield report, funding mechanism through Clean Water Evolving Loan Fund.

b. VCTC Funding Efforts
   • Looking to increase VCTC funding backlog. Not a lot of funding opportunities, but looking to move some funds from the Loan Guarantee Fund to the VCTC fund to pay up backlog.

c. Contamination Notification Legislation
   • Similar to how it was proposed in 2009. Proposing to expand off-site contamination requirements extending notification requirements from 250’ to 500’ from the location of the analytical “hit.”

d. Proposed QTI/Brownfield Redevelopment Job Bonus Legislation
   • There are some bills regarding the Brownfield Redevelopment Job Bonus program that would result in a removal of ad valorem tax being eligible as associated with the Brownfield Job Bonus currently available under the Brownfield program. It could have a negative impact if removed.

   ⇒ FBA members are encouraged to let the Committee and/or Jason know of how this type of change could (would have) negatively effect the Brownfield projects in their areas if ad valorem tax component is removed as a result of pending legislation.

V. FDEP REPORT (Kim Walker & Teresa Booeshaghi, FDEP)

• Statistics
⇒ 239 Brownfield Areas
⇒ 142 BSRA
⇒ 32 SRCOs
⇒ 55 VCTC Applications – Totaling $5,956,895.05 (40 Brownfield Sites) in 2009. $4 million from 2008 applications still pending payout.
• Little less Brownfield activity this past year, attributable to the economy and VCTC being a year or two out for reimbursement probably doesn’t help.
• Suggestion of including additional information on FDEP web site regarding the pending applications/awarded amount, etc. was briefly discussed.

VI. EPA REPORT (Brian Holtzclaw, U.S. EPA, Region 4)
• No report.

VII. 2010 FBA ANNUAL CONFERENCE (NOVEMBER 2010)
a. Status and Update (Jason reported)
   • Jason reported that we could not co-host with FRA this year due to a number of logistical issues.
   • Looking for a conference chair or two co-chairs in the Jacksonville area. If interested contact Joe or Jason. Ken Pennix has volunteered to be a Co-Chair.

   • Becky Buice did a significant amount of research in honing in on this as a likely location.

VIII. FBA COMMITTEE REPORTS
a. Environmental Justice and Public Health Committee (Miles Ballogg, reporting)
   • Conference call tomorrow, interested FBA members are encouraged to join the committee. Looking for new members from Jacksonville and Miami area to provided an overview as to what is going on in their respective areas. Want to post items of interest on the web site. Send information to the committee. Committee is also working on a Mission Statement as well.

b. Web Site Committee (Jason reporting)
   • Looking to dramatically improve the FBA’s web site. Working with Becky Buice and Nancy Stephens as well. Proposal to the Executive Board is expected later this month.

c. Membership Committee (Kelly Bishop reporting)
• The Committee is continuing to work on a new membership fee structure, as well as member benefits to add more value. Finally, new member package to include information on all available committees provided to any new members. Looking to enhance the revenues generated from membership is a goal for the Committee this year.

⇒ An updated membership roll is pending.

d. Outreach & Education Committee (Janet Peterson and Eric Krebill reporting)

- Reaching out to determine who is on the committee. Twenty-one members to date. Looking for targeted committees, organization, etc. to determine where FBA could provide assistance: Planning Committees, Environmental Section of the Florida Bar, Stetson University, etc. Florida Alliance for Renewable Energy has been approached and has agreed to send a speaker to our FBA conference and we would then send one to their conference. We can exhibit at the February 22-23, 2010, Florida Bar Conference here in Orlando, but there is a fee involved. Jason suggested that this item be discussed in greater detail with the Executive Committee. Jason will provide a decision to the Committee. There are number of sub-committees as part of this committee, efforts are under way for regular committee meetings.

- Janet reported on the need for additional regional coordinators. If interested, please contact Janet. Mary has requested assistance on the work involved in setting a Foundation for scholarship donations. Anyone interested should contact either Mary Yeargan or Janet Peterson.

f. Volunteers/Interested Members to Join FBA Committees

IX. SECRETARY/TREASURER REPORT (Anna Long)

a. Review/Approval of Previous Meeting Minutes

- Moved, seconded and approved with revisions as noted.

b. Review/Approval of Current Financial Report

- Executive Committee will review the revised 2010 Proposed Budget and approve prior to the March teleconference call. Jason will follow through.

X. UPCOMING MEETINGS

a. Tuesday, March 16, 2010 (Teleconference)

XI. OTHER BUSINESS

- Institutional Controls Regulations

⇒ A meeting was held to discuss the FBA’s position on the revisions to the IC regulations. A position paper will be presented to the FDEP. Looking to take the paper to the FDEP looking for a solution and revised procedures
regarding areas for which the FBA believes there is a need for improvement/change/modification.

⇒ Committee is suggesting that FDEP counsel needs to get involved earlier on in the process.

⇒ Written Lender/Joinder Subordination is being questioned regarding whether it should be “required.” Looking to suggest an alternative.

⇒ Committee believes the guidance can be a lot tighter than as currently written.

⇒ Interested in joining the working group? Contact Laurel, Roger or Joe.

⇒ The Executive Committee moved, seconded and approved, that the working group move forward and present the points set forth in the Summary Sheet discussed herein to the FDEP.

XII. ADJOURN

• Moved, seconded and approved to adjourn at 11:34.