

# Stemming the Tide

Urban municipalities need to offer true greenfield substitutes.

**T**hroughout the United States, industry continues to flee from environmentally contaminated urban brownfield sites in pursuit of the new frontier—greenfield sites on virgin soil in suburban and exurban areas. This industrial out-migration contributes to urban sprawl, disturbing natural habitats, wetlands, and productive agricultural land. Both the private sector and economic development officials have been arguing for more reasonable standards to make business ventures feasible in complex brownfield scenarios.

the site must be located in an urban area, within municipal boundaries or within an urban township with a population of at least 20,000 residents, and evidence must be shown that there is no current or likely future use of the groundwater for residential drinking or bathing. To prove that residents will not be exposed to the groundwater, site applicants must show that 90 percent of parcels within a one-half-mile radius of the brownfield site are supplied by public water and provide notification of their intent to apply for a USD with all nearby local government subdivisions.

Other considerations under the USD include adjacent/ proximate land uses, soil types, depth of bedrock (since groundwater may be contained in isolated areas), drinking water sources independent from groundwater, and the type of hazardous materials in the area. Since Ohio's urban brownfield areas are serviced primarily by public water and not wells, the probability of human contact with contaminated groundwater is minimal. Furthermore, the USD reasons, it is nearly impossible to allocate responsibility for groundwater contamination, given the substantial number of Ohio brownfield sites that likely were contaminated since the early stages of the Industrial Revolution.

To encourage industrial decision makers to refocus on Ohio's urban areas, the USD relieves property owners of the fear of substantial liability and the significant time and expense of

complying with the generic groundwater cleanup standards set forth in the Ohio Administrative Code. The USD requirements are generally satisfied when the property owner can show that its site is served by city water, and that contaminated groundwater cannot flow to other areas or otherwise pollute the potable water supply. Programs like Ohio's USD can provide a compromise that should result in some environmental remediation—cleaning the soil but not the groundwater, under appropriate circumstances. These less-stringent requirements, coupled with CERCLA's lower soil cleanup standards for industrial land reuse, provide site owners some relief regarding remediation costs, and allow them to redevelop their sites for industrial purposes.

By the end of this past March, nine of the 15 USDs issued in Ohio were located in the city of Cleveland. Cleveland applied for the USD for most of its industrially zoned



Compromises continue to be difficult to find, implement, and sustain. How do we balance the need to protect and restore our exurban natural resources with conflicting urban socioeconomic issues? Should we weaken the cleanup standards or continue the sprawl?

Under Superfund, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), voluntary cleanup programs (VCPs) implemented at the state level were developed to address this dilemma. For example, to encourage participation in the Ohio voluntary action program (VAP), the Ohio Environmental Protection Agency has developed several tools to encourage urban infill redevelopment, most notably the urban setting designation (USD). For sites qualifying under the USD, the Ohio VAP has established criteria by which the requirement to detoxify groundwater is waived, reducing cleanup costs and environmental liability. To qualify,

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land, approximately 18 square miles in six tracts of land. (The other three Cleveland USDs represent single properties designated prior to the city's efforts.) In other words, approximately 14,000 individual properties are no longer burdened with the exorbitant cost of pumping and treating contaminated groundwater. However, the sheer geographic coverage of the Cleveland USDs makes the potential ramifications of sustaining, in effect, contaminated groundwater throughout the city's industrial zones a considerable issue to Clevelanders. To limit the risk of future exposure to this contaminated groundwater, enforceable institutional controls and deed restrictions must be implemented.

In isolation, state VCPs, including tools like the USD, are not likely to be enough to encourage significant brownfield redevelopment. A broader impact on market dynamics is needed, one that simplifies urban investment for developers and/or corporations and one that provides a clear urban choice to the corporate decision maker. In order to stem current labor and logistics trends, cities need to participate as market makers by leading efforts to recycle land.

Cleveland has taken the first step. However, Cleveland and other municipalities need to be

progressive enough to offer true greenfield substitutes. Some argue that municipalities must have the foresight to assemble enough contiguous acreage (that is, beyond land banking acreage) to create business parks. Others argue that to provide a true greenfield substitute—such as a business park ready for development without the uncertainties of environmental approval processes—municipalities must oversee the remediation process.

Since brownfield redevelopment solutions without other economic development strategies are not likely to reverse urban sprawl, urban leaders must continue to develop desirable site selection packages for corporate users that include economic incentives and low-interest public financing and must focus on ways to change the negative perceptions and realities of living and working in urban areas.

Alternatively, attractive brownfield redevelopment programs are needed to entice sophisticated brownfield developers who are willing to assemble business parks with creative financial structuring, using both public and private sources. Such comprehensive business attraction/retention programs are needed in order to benefit from speculation in the next frontier—the inner city. ■

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