

REUSE FRAMEWORK

Fairfax St. Wood Treaters Site, Jacksonville, FL

FINAL
MARCH 2013



OVERVIEW

In September 2012, the Fairfax St. Wood Treaters Site (site) was listed on EPA's National Priorities List of Superfund sites. The 12-acre site property, located at 2610 Fairfax Street in Jacksonville, FL, has been vacant and abandoned since July 2010 when operator, Wood Treaters, LLC, ceased operations at the site amid bankruptcy proceedings. The former wood treating facility is owned by Fairfax Land Management, Inc. Following two years of removal actions and site investigations, EPA sponsored a reuse planning process to gather community input, inform cleanup decisions and identify site stewardship options.

The process brought together City of Jacksonville elected officials and staff, residents of the Mid-Westside neighborhood and local community development corporations to develop a reuse vision for the site that will help guide EPA's evaluation of cleanup options and local redevelopment efforts.

OWNERSHIP AND STEWARDSHIP

The City of Jacksonville and neighborhood stakeholders recognize that the site presents a significant in-fill redevelopment opportunity for the neighborhood and identified the need for a coordinated effort in the near-term. The City is evaluating its options to help facilitate reuse.

REUSE OPPORTUNITIES

Approximately 9-10 acres at the site may be suitable for mixed-use redevelopment in the next 5 years. Based on analysis of surrounding land uses, site suitability and stakeholder input received to date, reasonably anticipated future land uses for the site are likely to include:

- Mixed-use with a residential component; and
- Related, targeted open space.

The following uses are not anticipated for the site:

- Industrial uses;
- Open space as a single use; and
- Single-family residential use.

Key reuse considerations, selected case studies and stewardship considerations are highlighted on the following pages to help coordinate cleanup and redevelopment efforts in the near-term.



NEAR-TERM ACTIONS

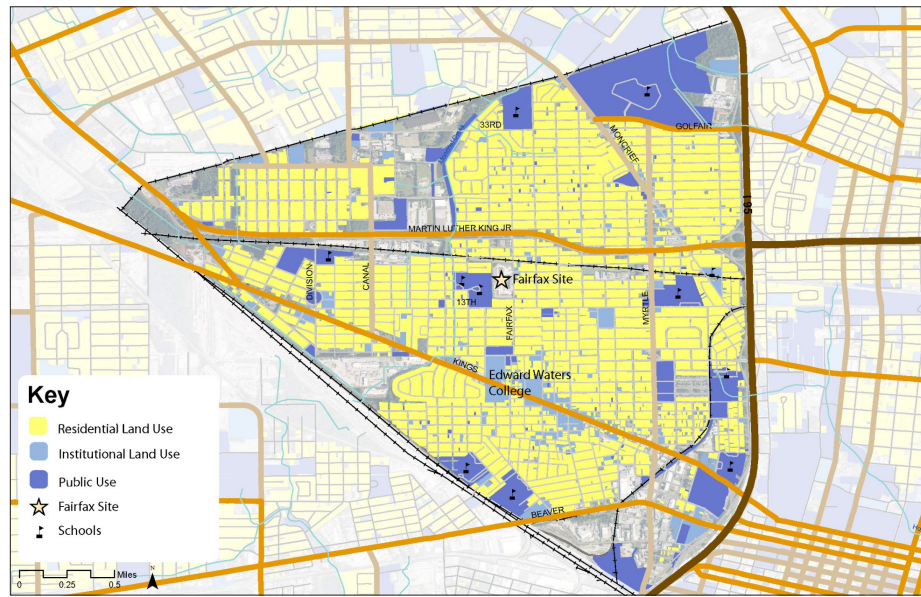
Stakeholders identified the following near-term actions to help facilitate the site's reuse and long-term stewardship:

- Outline a process to transfer ownership of site to a new entity;
- Identify appropriate funding and entity to remove the former feed mill building and concrete slabs; and
- Develop a concept plan for mixed-use residential and neighborhood-oriented services in coordination with the City of Jacksonville, EPA and future site owner.

Reuse Considerations


LAND USE CONSIDERATIONS


- The 12.5-acre site is one of only two vacant parcels larger than 10 acres in the Mid-Westside neighborhood.
- Land uses surrounding the site primarily include residential, public and institutional.
- The site is located on a residential collector street, outside of major commercial corridors on such as Kings Road and Myrtle Avenue.
- The site is not located within a major industrial center.
- There are three neighborhood parks within 1/2 mile of the site.







REUSE CONSIDERATIONS

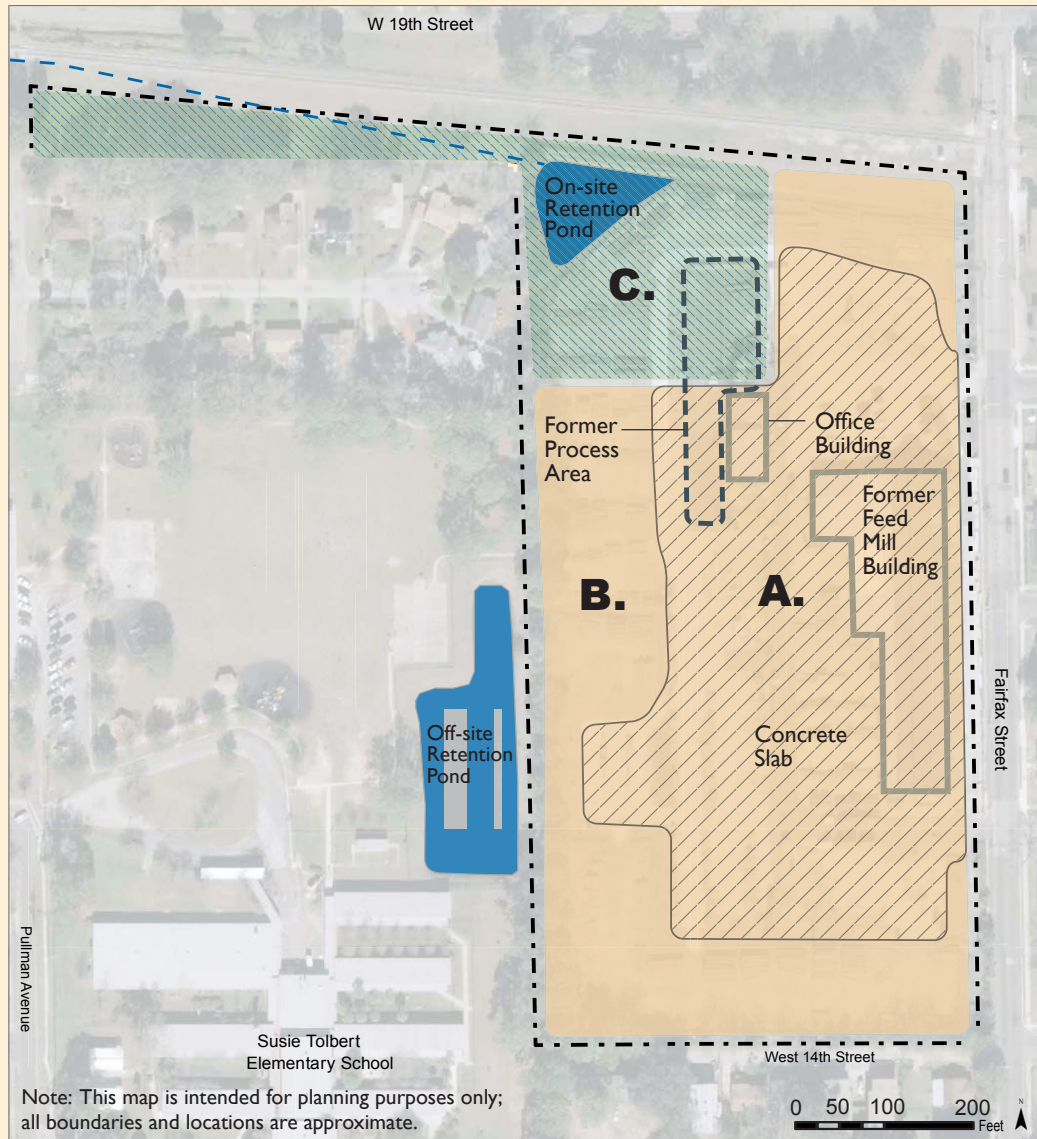
The map below highlights reuse considerations to help guide EPA’s evaluation of remedial approaches to buildings and slabs, final surface cover and stormwater during the Feasibility Study.

-  **A. Buildings and Slab (5.5 acres)**
 - Existing buildings and concrete slab present a barrier to reuse of the site.
 - Identify appropriate entity and funding to remove buildings and slab.

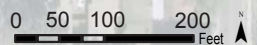
-  **B. Flexible Mixed-Use Zone (9.5 acres)**
 - Reuse goals indicate need for large contiguous area with street frontage.
 - Consider final surface cover that provides flexibility to accommodate new structures, utilities, open space and parking.

-  **C. On Site Stormwater Management (2.5 acres)**
 - Existing site drainage channels and retention facilities will need to be reconfigured to support the site’s remedy and future uses.
 - If feasible, consider locating stormwater retention facility in northwestern corner of site.

-  Existing Stormwater Retention Ponds
-  Existing Buildings (former feed mill, office building)
-  Former Process Area (wood treating operations, drip pad)



Note: This map is intended for planning purposes only; all boundaries and locations are approximate.



Reuse Options

REUSE GOALS AND PRINCIPLES

Stakeholder input clarified a set of priority future uses for the site, along with guiding principles that can help to inform cleanup and redevelopment efforts.

Reuse Principles

- Consider uses that are compatible with surrounding neighborhoods and schools and provide long-term benefits, such as income and basic services, to the community.
- Consider multiple uses (such as small businesses) instead of a single user at the site to meet multiple community needs and diversify the local economy.
- Ensure that new buildings are appropriately scaled to the neighborhood.
- Integrate open space, walking trails and sustainable stormwater management principles into site design.

Priority Uses

- Mixed-use space to support small businesses
- Grocery store
- Banking services
- Health Clinic/Pharmacy
- Senior housing center
- Police stop station

CASE STUDY EXAMPLES

The two case studies below provide examples of successful Superfund site redevelopment efforts featuring neighborhood-oriented services and mixed-use development that may be possible at the Fairfax St. Wood Treaters site once cleanup is complete.



JACOBSVILLE NEIGHBORHOOD - EVANSVILLE, IN

In Evansville, Indiana, residents of the Jacobsville Neighborhood, EPA, city officials and a non-profit housing corporation have worked collaboratively to address soil contamination and return several formerly contaminated and vacant properties to community uses.

EPA coordinated remedial efforts to align the cleanup of two vacant lots in the Jacobsville neighborhood with ECHO Housing Corporation's efforts to establish model, multi-family affordable housing in the neighborhood. With funding from the American Recovery and Reinvestment Act, ECHO acquired two lots and built a 26-unit residential building for homeless and disabled military veterans.

EPA has also worked with several community churches and residents of the Jacobsville neighborhood to establish community gardens on remediated properties within the Jacobsville Neighborhood site.



MCGILLIS & GIBBS / BELL LUMBER & POLE COMPANY - NEW BRIGHTON, MN

Through close collaboration between the City of New Brighton, the Minnesota Pollution Control Agency and EPA, the MacGillis & Gibbs / Bell Lumber & Pole Company Superfund site has been cleaned up and redeveloped into one of the leading examples of mixed-use Superfund redevelopment in the nation.

In 1997, the City, along with state and federal agencies, successfully negotiated a Prospective Purchaser Agreement to resolve the City's liability concerns about obtaining the property. Soon after, the City acquired the property through use of eminent domain. This enabled the site's cleanup and redevelopment to move

forward, resulting in the 32-acre New Brighton Corporate Park III. Today, the redevelopment includes manufacturing and distribution businesses as well as 70,000+ square feet of commercial office space, a range of retail shops and restaurants, legal and medical services, a post office, and a 120-unit condominium development.

STEWARDSHIP OPTIONS

Successful redevelopment of the site will require a viable party to step forward, take ownership of the site and oversee redevelopment. Several potential stewardship options are highlighted below that outline a range of development capacity and local land use control considerations.

Current Ownership

- Limited local site control (property owner unresponsive to the needs of the community)
- Limited development capacity to further community goals

Municipal Ownership (City of Jacksonville)

- Local site control to further community goals
- Development capacity, long-term ownership options and financial resources limited to public uses and infrastructure

Community Development Corporation

- Local site control to further community goals
- Development capacity to oversee redevelopment
- Access to grants and resources to implement site improvements

Private Developer

- Future use and development priorities subject to market considerations that may not align with community goals
- Development capacity to oversee redevelopment

OWNERSHIP TRANSFER PROCESS

The City of Jacksonville, while not well-positioned to maintain ownership of the site over the long-term, could potentially take interim ownership of the site to help facilitate redevelopment. A potential process for ownership transfer could include the following steps:

- City's Office of the Mayor identifies appropriate City offices to evaluate ownership acquisition and transfer options and proposes approach for consideration by City Council.
- City Council approves acquisition of property through tax-foreclosure or other appropriate mechanisms consistent with CERCLA liability protections.
- City takes title to property, as an interim owner.
- In coordination with EPA and appropriate local agencies, City develops criteria for disposition, redevelopment and long-term stewardship of property.
- City solicits redevelopment proposals from qualified prospective purchasers such as community development corporations, private developers or other entities.
- Qualified bidders propose redevelopment concepts and long-term stewardship plans for the site and future uses.
- City selects bidder to oversee redevelopment and transfers the property to the new owner.



REMEDIAL TIMELINE

- Fall 2012:** **Site Listed on NPL**
(eligible for additional federal cleanup funding)
- 2012-2013:** **Feasibility Study**
(evaluation of cleanup options)
- 2014:** **Record of Decision**
(description of remedial approach)
Remedial Design (engineering and design)
- 2015-2016:** **Remedial Action**
(completed cleanup of site)

LIABILITY PROTECTIONS

As the City of Jacksonville, community development corporations and private sector entities continue to evaluate ownership and redevelopment options for the site, addressing the potential liability concerns of prospective purchasers and partners will be an important step in the process. The 2002 Brownfield Amendments to the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) provided important liability protections to landowners at Superfund sites who meet certain statutory criteria and comply with ongoing obligations at a site.

Bona Fide Prospective Purchasers (BFPPs) – *CERCLA Sections 101(40) and 107(R)(1)*

In order to be considered a BFPP under the CERCLA, a prospective purchaser would need to ensure it meets the statute's requirements. A BFPP must also satisfy the criteria discussed in the "common elements" guidance, which includes 1) performing "all appropriate inquiries" prior to acquiring the property, 2) demonstrating "no affiliation" with a liable party and 3) satisfying ongoing long-term stewardship obligations.

For additional information on BFPP liability protections, see:
www.epa.gov/oecaerth/cleanup/revitalization/bfpp.html

Local Governments and Involuntary Acquisition – *CERCLA Sections 101(20)(D) and 101(35)(A)(ii)*

CERCLA provides liability protection to state and local governments who acquire property by virtue of their function as a sovereign. This protection is known as the "involuntary acquisition" exemption and includes the following types of property transactions that lead to local government ownership: bankruptcy; tax-delinquency or tax-foreclosure; abandonment; or other circumstances in which the government entity involuntarily acquires title.

For additional information on liability protections for local governments, see:

www.epa.gov/oecaerth/cleanup/revitalization/local-acquis.html
www.epa.gov/oecaerth/resources/publications/cleanup/brownfields/local-gov-liab-acq-fs-rev.pdf

Note: This information is for reference and does not constitute legal advice.

CONTACT INFORMATION

For additional information on reuse planning or cleanup at the Fairfax St. Wood Treaters, please contact:

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*Reuse Framework Prepared by Skeo Solutions
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