

NC Brownfields Redevelopment Section: A Fact Sheet for Prospective Developers



WHO ARE WE?

The Brownfields Redevelopment Section (BRS), is a branch of DEQ Division of Waste Management. We partner with prospective developers (aka those who did not cause or contribute to the contamination on a property) to remove or reduce uncertainty in environmental liabilities when developing a Brownfields Property.

About the Section

What are Brownfields Properties?

Brownfields are abandoned, idled, or underused properties where expansion or redevelopment is stalled by actual or perceived environmental contamination.

Common examples include:

- Former industrial facilities or mills
- Gas stations
- Dry cleaners
- Vacant commercial buildings
- Fill sites
- Idled properties impacted by natural disasters

Who or What is a prospective developer?

Under North Carolina law, a prospective developer is any person or organization that is seeking to redevelop a brownfield property and did not cause or contribute to the contamination at the site. BRS can help the prospective developers with liability protection measures as well as financial incentives, including property tax benefits that support redevelopment.

What Are the Benefits of a Brownfields Agreement?

A Brownfields Agreement provides developers with a practical tool for managing environmental liability and moving projects forward with greater certainty.

Liability Protection

The agreement includes a covenant not to sue, which can provide assurance to lenders and investors.

Transferable Protection

Liability protection extends to future property owners, provided they comply with the land use restrictions outlined in the agreement.

Cost-Effective Remedies

Engineering Controls and redevelopment actions are tailored to the proposed use of the property, helping to reduce costs and shorten project timelines as compared with other DEQ programs.

Known Costs Up Front

Environmental obligations are identified before the agreement is signed, allowing developers to plan and budget with confidence.

Property Tax Incentives

Eligible projects receive a reduction in property taxes on the improved value of the property for up to five years, helping offset environmental assessment and cleanup costs.



About the Process

Prospective Developers begin the Brownfields process by submitting a Brownfields Property Application to the Department of Environmental Quality (DEQ). If the site is determined to be eligible, DEQ issues an eligibility letter and assigns a project manager to review available environmental reports, evaluate site conditions, and identify any additional assessment or remediation needed to support the safe reuse of the property. Once the assessment process is complete and land use restrictions and engineering controls are defined, the Prospective Developer and DEQ execute a Brownfields Agreement.



Costs

Project costs depend on site conditions, existing environmental data, and the proposed reuse of the property. Costs may include:

- Environmental assessment
- Risk mitigation or remediation
- Engineering Controls
- Plat Map & Surveyor fees
- Legal services
- Section fees

The Brownfields Property Reuse Act is designed to ensure that costs for eligible developers are reasonable and clearly defined before the agreement is finalized.

Information on statutory fees for standard and expedited review tracks is available on the [NC Brownfields Section website](#).

Timeline

The time required to complete a Brownfields Agreement varies depending on:

- Site complexity
- Availability of environmental data
- Proposed land uses and size
- Responsiveness to technical requests
- Section workload

BRS offers both standard and expedited review tracks. Projects involving residential uses require more environmental assessment versus a commercial or industrial project. In some cases, sufficient data already exists, which can shorten the process significantly. Each agreement requires a 30-day public comment period.



BRS Impact

Since the Brownfields Property Reuse Act was passed in 1997, BRS has negotiated hundreds of brownfields agreements across the State. The projects range in size from a \$100,000 small business expansion to city center multiple high rise towers complexes valued at ~\$1 billion. These projects represent significant economic development opportunity to communities. In addition to the private investment facilitated, these projects have created thousands of jobs, returned abandoned blighted eyesores into new tax performers for local governments, and provided infrastructure and resources to community members.