



*Department of Environmental Quality  
Brownfields Redevelopment Section  
Stakeholder Meeting  
September 2025*



# *Agenda*

- Review of Session Law 2025-53
- Fee Increases
- Process Improvements
- Issue Resolution 20
- AccessDEQ & LURU Submittals for January 2026
- Q&A





### **Timing of Fees Simplified and Made Consistent with Current Procedures**

A prospective developer who enters into a brownfields agreement with the Department shall pay, on a time schedule that the Department may specify, a fee in an amount equal to the full cost to the Department and the Department of Justice of all activities related to the brownfields agreement, including but not limited to negotiation of the brownfields agreement, public notice and community involvement, and monitoring the implementation of and compliance with the brownfields agreement and requirements of this Part regarding the Notice of Brownfields Property. The procedure by which the amount of this fee is determined shall be established by agreement between the prospective developer and the Department and shall be set out as a part of the brownfields agreement.



### **Cost Recovery for Compliance (and its Documentation) Made More Explicit**

If, in an effort to implement and monitor the brownfields agreement, it must recover costs unanticipated in the agreement, the Department must provide to the prospective developer or then current owner documentation supporting any fee it charges a prospective developer or current owner pursuant to this section.

Any owner of property subject to a recorded Notice of Brownfields Property that is out of compliance with the requirements of this Part regarding the Notice shall pay a fee to the Department and the Department of Justice equal to the documented costs to the State to enforce or otherwise seek to correct the noncompliance.



# *Fee Increases*

- Fees not increased since 2008
- Vapor Intrusion has raised costs
- BRS has sought Grants to keep fees as low as possible
- Stewardship costs currently paid by EPA Grant which is ending in 2026 or 2027
- Worked with Subgroup of experienced stakeholders to discuss fiscal situation and fee increases
- Examined several methodologies to include increases from VI complexity and Stewardship
- Modeled revenue needs and receipts under these methods/scenarios
- Arrived at simple Inflation calculation for fee increase
- Arrived at fees during active construction for Stewardship (until final redevelopment Summary Report is submitted)





# Fee Increases

Table 1. Current Fees (unchanged since 2008)			
Fee Type	Fee Amount	Modeled Projects Per Year	Annual Projected Revenue
Standard	\$8,000	10	\$80,000
Redevelopment Now (express)	\$30,000	45	\$1,350,000
Ready-For-Reuse	\$15,000	5	\$75,000
Revenue			<b>\$1,505,000</b>
Expenditures			<b>\$3,300,000</b>
Gap			<b>\$1,795,000</b>
EPA 128(a) Grant			<b>\$715,000</b>
EPA BIL Grant <sup>1</sup>			<b>\$800,000</b>
Deficit			<b>\$280,000</b>



# Fee Increases

**Table 2. New Fees (for projects submitted after November 1)**

Fee Type	Fee Amount	Modeled Projects Per Year	Annual Projected Revenue
Muni/Local Government <sup>1</sup>	\$8,000	5	\$40,000
Standard <sup>2</sup>	\$12,000	10	\$120,000
Redevelopment Now or Ready-For-Reuse (causative party proxy)	\$45,000	45	\$2,025,000
Construction Review, <sup>3</sup> per year during construction	Up to \$10,000 annually during construction	50	\$400,000
Revenue			<b>\$2,585,000</b>
Expenditures			<b>\$3,300,000</b>
Gap			<b>\$715,000</b>
EPA 128(a) Grant			<b>\$715,000</b>
Deficit			<b>0</b>





# *Fee Increases*

## **Footnotes**

- <sup>1</sup>Separate fee structure for municipalities and local government projects as they do not receive tax benefits, and EPA Grants they use will pay \$8,000 but not more. Supported by stakeholder subgroup.
- <sup>2</sup>Permitted only for projects with estimated capital investment \$5 million or less who choose to be on a slow construction schedule. Supported by Stakeholder Subgroup.
- <sup>3</sup>Charged during active construction only in support of property management branch. Originated by stakeholder subgroup





# Fee Increases

## Questions:

- **Q:** How will the Construction fee be administered? Example: We have projects with 2-3 yrs of construction and often 1-2 yrs of post-construction VIMS monitoring. Therefore, we could have 4-5 yrs of involvement with BRS.
  - **A:** The Construction Fee will only be charged during active construction. This fee will not be charged during the post construction VIMS monitoring period. This approach was based on comments from developers in the stakeholder subgroup that budgeting for it in construction would be best for them. We believe the present value of the fee charged during construction will carry forward to cover the VIMS monitoring
- **Q:** I think the State of NC has close to a billion-dollar budget surplus....What about making up the \$1.5 million shortfall there?
  - **A:** This is a question for the NCGA. The Program has never had an appropriation from the NCGA and has always worked from fees subsidized by EPA Grants. If someone were to propose an appropriation, I doubt we would oppose it, but there are other entities out there in a better position to propose such than DEQ.
- Others?



# Process Improvements

- Goals overall more predictability and consistency, saving time and money while still maintaining quality and protection of public health and the environment
  - Scope of work for assessment, no more work plans.
  - Streamlined Brownfields Agreement template with consistently used LUR and LUD menus.
  - Multiple checklists and guidance for: site assessment, vapor intrusion mitigation and monitoring, and survey plat preparation.
  - AccessDEQ for better project management, tracking, and process analysis both internally and externally.
- Historical improvements of note:
  - Project Initiator for RN to ensure projects are moving forward in the right direction on a faster timeline.
  - Completing the EMP and/or VIMP prior to the BFA to facilitate the PDs redevelopment schedule, as needed/requested.



# Issue Resolution 20

## Continued Viability of a BPA

- Addresses protocol for dealing with dormant BPAs
- Eligibility for BFs can create de facto interferences to regulating that site under remediation programs; delays in that process once a PM has been assigned may delay management of environmental risks posed by the site
- Dormant – lack of progress toward redeveloping the site, or not fulfilling brownfields statutory procedural requirements after a brownfields project manager assigned
- Viability review:
  - Time since BF PM assigned
  - Responsiveness of the PD in following BRS's procedural requirements
  - Continued good standing of the PD entity with NC SOS office
  - Activities that potentially cause, contribute, or exacerbate contamination on the BF Property
  - Other relevant circumstances that indicate a lack of a bona fide desire to redevelop the brownfields property



# *Issue Resolution 20*

## Continued Viability of a BPA

- BRS will attempt contact with the PD and/or its legal counsel to resume the brownfields process
- An NFI will be issued if:
  - There is a lack of response within 30 days of BRS's attempt to contact the PD and legal counsel
  - PD violated its continued eligibility for a BFA due to its actions or other procedural requirements
- Once an NFI is issued, the PD may
  - Contact the program for further discussion and review of the viability decision
  - Submit a new BPA should conditions warrant, which would trigger a new eligibility determination and fees





# *Brownfields by the Numbers*

- 769 Agreements to date, \$30B+ in investment, and 13k+ acres reused.
- 280 Projects in the pipeline for an Agreement
- Over 1,200 entities with LURU compliance requirements.
- And we recently celebrated our 750<sup>th</sup> Brownfields Agreement at Brown School in Winston-Salem!
  - <https://www.deq.nc.gov/news/press-releases/2025/07/02/ncdeq-secretary-reid-wilson-celebrates-750th-brownfields-site-north-carolina>



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# *AccessDEQ & LURU Submittals*

- Most other submittals now through AccessDEQ
- Efficiencies in management
- LURU submittals in January 2026
- [Issue Resolution 18](#)
- Noncompliance Letter

Links for Future Reference:

[User Guide](#)

[Portal Instructional Videos](#)

[PMB Website](#)

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AccessDEQ is your digital hub to easily access online tools in one convenient place. Created to increase public access and streamline the department's permitting processes, AccessDEQ provides convenient public access to:

