



PFAS Legal Issues – From Litigation to Regulation to Brownfields and Beneficial Reuse

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Landmark Ruling: *Chamber of Commerce v. EPA* - The Overview

- **Case Citation:** *Chamber of Commerce of the United States of America, et al. v. Environmental Protection Agency*, No. 24-1193 (D.C. Cir.).
- **Decision Date:** August 18, 2026.
- **The Core Issue:** A high-stakes legal challenge brought by the **U.S. Chamber of Commerce** and six major industry trade associations (including the American Chemistry Council and National Waste & Recycling Association).
- **The Challenge:** Industry sought to vacate the EPA's **May 2024 rule** that designated two legacy PFAS compounds—**PFOA and PFOS**—as "hazardous substances" under Section 102(a) of **CERCLA (Superfund)**.
- **The Outcome:** The U.S. Court of Appeals for the District of Columbia Circuit issued a **unanimous decision denying all petitions** and upholding the EPA's rule in its entirety.

Chamber of Commerce v. EPA: The Court's Rationale

- Unanimous Panel: Decided by Judges Patricia Millett, Gregory Katsas, and Neomi Rao, with Judge Millett writing the opinion.
- Statutory Authority Affirmed: The court ruled that the EPA acted squarely within its delegated Congressional authority under CERCLA when designating new hazardous substances based on evolving scientific evidence.
- "Reasoned Decision on the Record": Rejected the industry's "arbitrary and capricious" arguments. The court held that the EPA adequately demonstrated that PFOA and PFOS pose significant risks to human health (cancer, immune impacts) and exhibit extreme persistence in the environment.
- Cost-Benefit and Procedural Compliance: The court found that the EPA was not textually required to perform the specific cost-benefit limitations proposed by industry under Section 102(a) and had provided more than sufficient public notice-and-comment opportunities.

Chamber of Commerce v. EPA: Practical Implications

- **Unlocking Superfund Enforcement Tools:** With the rule firmly upheld, the EPA retains full authority to order private cleanups, respond directly to releases, and recover cleanup costs from responsible parties. Private parties can also pursue other private parties.
- **Shift of the Financial Burden:** It fundamentally transitions millions in remediation costs from public taxpayers to chemical manufacturers and downstream users.
- **Immediate Reporting Requirements:** Facilities must report any releases of PFOA or PFOS that exceed the reportable quantity (1 pound) within a 24-hour window.
- **Impact on Corporate Transactions:** Drastically changes Phase I Environmental Site Assessments (ESAs) for commercial real estate, creating massive strict, joint, and several liability risks for current land owners and downstream handlers.

Pending House Legislation for Passive Receivers

- In February 2025, Rep. Marie Gluesenkamp Perez (D-TX) and Rep. Celeste Maloy (R-UT) proposed a bill, H.R. 1267, the “Water Systems PFAS Liability Protection Act.”
- Exempts public water systems, private and public wastewater treatment works, municipalities, state and local government subdivisions acting as wholesale water agencies, and contractors performing any of these equivalent functions from CERCLA PFAS liability if they adhere to applicable laws when handling PFAS, with the exception of liability resulting from gross negligence or willful misconduct.
- In February 2025, it was referred to the Subcommittee on Water Resources and Environment, but no other updates have occurred since.
- Assigned to the House Committee on Energy and Commerce and the House Committee on Transportation and Infrastructure, where it awaits further action.

Pending Senate Legislation for Passive Receivers

- Sen. Cynthia M. Lummis (R-WY) introduced several bills in May 2023 to enact passive receiver protections in various contexts, but none gathered much momentum.
 - S. 1433 to create protections for “certain aviation entities”
 - S. 1432 for entities with fire suppression systems that used PFAS and complied with federal, state and local fire codes
 - S. 1430 for water and wastewater treatment entities just as H.R. 1267 later proposed
 - S. 1429 for “resource management facilities” like landfills
 - S. 1427 for those “engaged in the production or harvesting of agricultural products.”
- While Sen. Lummis has seniority on the Environment and Public Works Committee, which has jurisdiction over these matters, she has announced that she is not running for the U.S. Senate and will end her service in the chamber this coming January. This means that this is her last year to get these bills across the finish line.

Pending Senate Legislation for Passive Receivers

- Given the difficulty in passing standalone legislation, most recently Sen. Pete Ricketts (R-NE) has filed two amendments
- S. Amdt. 3363 in September 2025 and S. Amdt. 6429 on June 24, 2026—to the National Defense Authorization Act (“NDAA”) for fiscal years 2026 and 2027 (S. 2296 and S. 4784, respectively) in an attempt to implement passive receiver protections.
- The two amendments are substantively very similar, though they differ in how they define covered PFAS and PFAS substances
- Legislation proposes to create protections for agricultural producers, fire protection entities, water and wastewater entities, resource management entities, and aviation entities from CERCLA liability resulting from releases or threatened releases of PFAS. Each entity must adhere to applicable laws and standards, and
7 no entity may receive protection in the event of gross negligence or willful misconduct.

EPA Administrative Treatment of Passive Receivers

- The CERCLA Enforcement Discretion Policy:
 - In tandem with designating PFOA and PFOS as hazardous substances, the EPA issued its formal PFAS Enforcement Discretion and Settlement Policy on April 19, 2024.
 - The Intent: The EPA explicitly states it will *not* target passive receivers for administrative cleanups or cost-recovery actions.
- Targeting the "Major Contributors":
 - The EPA's stated policy is to focus enforcement exclusively on entities that significantly contributed to environmental degradation—primarily chemical manufacturers, industrial users, and federal facilities.
- The Structural Flaw of Administrative Discretion:
 - An EPA policy memorandum cannot override statutory text. The EPA cannot prevent private-party litigation.
 - Primary responsible parties (PRPs) can—and do—sue municipal passive receivers in federal court for CERCLA contribution, leaving utilities legally exposed despite the EPA's non-enforcement promise.

Coalition of Recyclers of Residual Organics by Practitioner of Sustainability



“CRROPS”

435 Williams Court, Suite 100
Baltimore, MD 21220



August 24, 2026

The Honorable Shelley Moore Capito
Chair - Committee on Environment and Public Works
U.S. Senate
Washington, D.C. 20510

The Honorable Sheldon Whitehouse
Ranking Member - Committee on Environment and Public Works
U.S. Senate
Washington, D.C. 20510

Dear Chair Capito and Ranking Member Whitehouse:

On August 18, 2026, the U.S. Court of Appeals for the D.C. Circuit affirmed and upheld the U.S. Environmental Protection Agency's designation of PFOA and PFOS as hazardous substances under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). The Court's decision creates an unacceptable exposure to liability for all passive receivers. This includes the management of biosolids that deliver critical public health and environmental services on behalf of public wastewater agencies. We therefore renew our calls for Congress to pass an explicit liability exemption for biosolids management contractors that are in compliance with the Clean Water Act.

As the Court's decision notes, CERCLA contains a number of liability exemptions. However, these exemptions fail to protect such passive receivers that have no control over the presence of PFAS in biosolids. This decision now creates the ability for Potentially Responsible Parties (PRPs) to leverage CERCLA's liability regime and shift the costs of clean-ups away from the manufacturers and producers of PFAS to passive receivers and ultimately ratepayers. As illustrated during congressional hearings, EPA's enforcement discretion fails to provide sufficient legal protections for passive receivers. The court's decision effectively changes the original intent of CERCLA when it was enacted in 1980.

Again, we urge the committee to address the liability created for passive receivers and pass an explicit liability exemption for biosolids management contractors and other passive receivers that are in compliance with the Clean Water Act.

Sincerely, 9

President, CRROPS

7 May 2025 testimony to U.S. House Subcommittee on Water Resources and Environment Statutory proposing:

- An exemption to CERCLA where a party has voluntarily entered into a brownfield cleanup agreement with a state agency to remediate PFAS contamination. Immunity would cover cost recovery and contribution claims under CERCLA and citizen suits under RCRA, a hold on NPL status for sites being cleaned up under a state brownfields program, and immunity under CERCLA and RCRA from citizen suits lenders who have a security interest in or foreclosed on PFAS contaminated property.
- Congress should direct EPA to expand its strategic roadmap, which is founded on key goals and objectives – Research, Restrict, and Remediate – by adding a fourth key goal – Redevelop.
 - Objectives within this goal could consist of (i) engaging brownfields stakeholders on redevelopment-focused enforcement discretion policies; (ii) brownfields planning, assessment, remediation, and job creation and training grants specifically targeting PFAS impaired sites; (iii) administrative initiatives that further defer federal enforcement authority to state environmental officials where responsible parties have entered into binding, enforceable voluntary cleanup agreements; and (iv) cross-agency collaboration to encourage other federal brownfield partners to allocate human and financial resources to support cleanup and redevelopment of PFAS impaired sites.

U.S. EPA – Rollback of Regulatory Positions

- RCRA Definition Rule Withdrawn: On May 6, 2026, the EPA withdrew its proposed rule to change the "Definition of Hazardous Waste Applicable to Corrective Action."
 - This leaves PFAS without a clear Resource Conservation and Recovery Act (RCRA) pathway for corrective action at permitted disposal facilities.
- The EPA TSCA Section 8(a)(7) Guidance has been updated to postpone the start of the mandatory PFAS reporting period from April 13, 2026 to January 31, 2027.

U.S. EPA – Rollback of Regulatory Positions

- On May 18, 2026, EPA announced two proposed rules related to PFAS in drinking water for public comment.
- One proposed rule upholds the National Primary Drinking Water Regulation for PFOA and PFOS while providing an option for drinking water systems to request two additional years - to 2031 - to comply with enforceable limits.
- The second proposed rule rescinds drinking water regulations for PFHxS, PFNA, HFPO-DA (commonly known as GenX) and the Hazard Index mixture of these three PFAS plus PFBS.

Drinking Water Rulemaking: 2024 MCLs vs. May 2026 Proposals

Contaminant	2024 final MCL	May 2026 proposal
PFOA	4.0 ppt	Keep; compliance to 2031
PFOS	4.0 ppt	Keep; compliance to 2031
PFHxS	10 ppt	Rescind
PFNA	10 ppt	Rescind
HFPO-DA (GenX)	10 ppt	Rescind
Mixture: PFHxS, PFNA, GenX, PFBS	Hazard Index 1.0	Rescind

Florida angle: FDEP's primacy extension agreement means EPA handles formal enforcement for now. Florida systems face a 4 ppt MCL, while FDEP's groundwater cleanup level remains a provisional 70 ppt (PFOA + PFOS).

Key dates & dockets

- **Apr. 10, 2024:** Final NPDWR. Initial monitoring due Apr. 26, 2027 (unchanged).
- **Extension proposal:** 91 FR 29425; EPA-HQ-OW-2025-1742 (40 CFR 142). Two-year exemptions; requests due Nov. 16, 2026; systems at 12 ppt or higher need interim measures.
- **Rescission proposal:** 91 FR 29413; EPA-HQ-OW-2025-0654 (40 CFR 141, 142). EPA says it skipped SDWA's required sequence.
- **Status:** Both published May 20, 2026; comments closed July 20. Neither is final.

In court: AWWA v. EPA (D.C. Cir.). The court denied EPA's motions to vacate or sever the Hazard Index standards (Jan. and Mar. 2026). Oral argument Sept. 18, 2026. All six 2024 standards remain in effect.

U.S. EPA – Rollback of Regulatory Positions

- On August 11, 2026, EPA rescinded a 5 December 2022 Policy memorandum to EPA Regional Water Division Directors, Regions 1-10, entitled, “Addressing PFAS Discharges in NPDES Permits and Through the Pretreatment Program and Monitoring Programs.”
- Rescission is appropriate as this memorandum has caused confusion for states and permittees and resulted in inconsistent application across the country.
- The agency is also aware that some states have inappropriately conflated maximum contaminant levels under the Safe Drinking Water Act with separate Clean Water Act permitting requirements related to water quality standards, resulting in the inappropriate direct incorporation of MCLs in issued CWA permits.
- Given the important issues raised in this document and considering the agency’s priorities to appropriately address PFAS contamination, any guidance documents involving these issues should also be properly vetted through a public notice and comment process.

PFAS in Biosolids: The Regulatory Dilemma

- The Exposure Pathway
 - Wastewater treatment plants concentrate "down-the-drain" residential and industrial PFAS into sewage sludge, which is frequently treated and recycled as biosolids for agricultural land application.
- The January 2025 Draft Risk Assessment Panic
 - The EPA issued a draft assessment suggesting that PFOA and PFOS concentrations as low as 1 part per ppb (billion) in biosolids could exceed acceptable human health risk thresholds (mainly via milk consumption from cattle grazing on contaminated forage).

PFAS in Biosolids: The Regulatory Dilemma

- The June 2026 Pivot (Draft Guidance on Biosolids):
 - Following widespread industry alarm, the EPA released updated draft guidance on June 29, 2026.
 - The EPA acknowledged its initial model created intense confusion, clarifying that 1 ppb exceedances are hyper-dependent on localized factors (e.g., decades of repeated application) and do not warrant an outright federal ban.
- The Current State Strategy: The EPA currently pushes states to use industrial pretreatment programs to cut off industrial discharges *before* they enter municipal wastewater facilities, lowering final biosolid contamination.

States Are Filling the Federal Gap with a Regulatory Patchwork

Examples of state approaches

Maine | Land application ban

State experience with PFAS-impacted farms drove a prohibition on land application of biosolids.

Connecticut | Product / land-application restrictions

State law bars fertilizer or soil amendments containing biosolids or wastewater sludge that contain PFAS.

Michigan | Tiered thresholds + source reduction

≥100 µg/kg PFOA or PFOS: no land application; 20–<100 µg/kg: reduced application rate or approved mitigation; <20 µg/kg: land application without added PFAS conditions.

What the patchwork means

Requirements may include bans, concentration thresholds, mandatory monitoring, reporting, source investigations, reduced application rates, or permit-specific controls. Biosolids and biosolids-derived products can cross state lines, complicating compliance and diligence.

Florida context

Florida's biosolids statute and rules historically focus heavily on nutrients and water-quality protection. Section 403.0855 now phases toward Class AA biosolids for land application, with general compliance by July 1, 2028 (and a later date for specified local governments). PFAS-specific requirements should be checked independently as policy develops.

Why Biosolids Matter in Brownfield Due Diligence

Historic land application

Agricultural land, reclamation areas, landscaping, fill/soil amendment



PFAS reservoir

Persistent mass in soil; potential leaching/runoff



Redevelopment pathway

Excavation • dewatering • stormwater • off-site disposal



Liability / cost

CERCLA diligence + continuing obligations • schedule • disposal

Diligence questions practitioners should add

- Was the property ever agricultural, reclaimed, municipally owned, or amended with biosolids / sludge-derived fertilizer?
- Are wastewater residuals, compost, imported soil, or historic land-application records available?
- Could redevelopment mobilize PFAS through excavation, dewatering, runoff, or soil export?
- Does the Phase I / AAI record adequately address PFOA and PFOS as CERCLA hazardous substances?

Transaction implications

PFOA and PFOS are CERCLA hazardous substances. EPA's Brownfields guidance states that AAI for Brownfields purposes must consider conditions indicative of their release or threatened release. A property can therefore present PFAS diligence and continuing-obligation issues even where biosolids were lawfully applied under then-existing programs.

Recommended Playbook for Brownfield Practitioners & Developers

1. Expand historical inquiry

Add biosolids/sludge land application, agricultural amendments, municipal residuals, compost and imported soil to records review and interviews.

2. Use a risk-based sampling trigger

Do not sample every site reflexively. Sample where history, receptors, planned earthwork, water supply, dewatering, or state requirements make PFAS material to the transaction.

3. Design PFAS sampling carefully

Use PFAS-specific QA/QC and appropriate methods (including Method 1633 where applicable); control cross-contamination and establish decision objectives before collecting data.

4. Model redevelopment pathways

Evaluate excavation depth, soil reuse/export, dewatering discharge, stormwater, groundwater migration, worker controls, and disposal/treatment outlets before pricing the deal.

5. Map the governing jurisdictions

Check federal requirements plus state, tribal, county, local, permit, landfill, and wastewater acceptance criteria—especially for interstate soil/residuals movement.

6. Allocate emerging-risk contractually

Address PFAS expressly in access, indemnity, cleanup standards, disposal assumptions, change-in-law provisions, environmental insurance, and post-closing cooperation.

Bottom line: Treat biosolids history as a potential PFAS source term—and resolve the issue before redevelopment converts a latent condition into an active soil, water, disposal, or liability problem.

Practice recommendations synthesized from EPA's 2025–2026 biosolids/PFAS materials, CERCLA Brownfields guidance, and state regulatory approaches. Verify current site-specific requirements before implementation.

The Joe Casello Act (HB 1019): Florida's First PFAS Statute

CS/CS/HB 1019 · Ch. 2026-158, Laws of Fla. · Signed June 16, 2026 · Effective July 1, 2026 · Passed unanimously · Codified at ss. 376.911 and 403.086(12), F.S.



Wastewater & biosolids sampling

s. 403.086(12), F.S.

- **Who:** Public entities that dispose of domestic wastewater biosolids and treated effluent, with design flow of at least 25,000 gpd.
- **What:** Sample biosolids and treated effluent quarterly for PFOA and PFOS, and report results to FDEP.
- **Informational only:** Results can't be the basis for enforcement until EPA sets standards and FDEP adopts them.
- FDEP must adopt rules on sampling methods.
- **Practical risk:** Even non-enforceable results are government records and could surface in public records requests or toxic tort litigation.



AFFF firefighting foam phase-out

s. 376.911, F.S.

July 1, 2026

No nonemergency training, testing, or instructional use. Inventories must be reported to FDEP.

July 1, 2027

Sale, purchase, and distribution banned. Disposal plans due for remaining stock.

July 1, 2029

Possession and use banned, except federal aviation, military (no alternative), emergency firefighting, and approved retrofits.

Civil penalties up to \$10,000 per day. FDEP will keep a registry of PFAS-free foam alternatives, fund transition grants, and write rules on AFFF containment and disposal (Rule 62-701.520 rulemaking is underway).

Biosolids: A Statewide Move Away from Class B Land Application



SB 290: 2026 Farm Bill

Enacted · Ch. 2026-3 · Signed Mar. 23, 2026
· s. 403.0855, F.S.

- **By July 1, 2028:** Permitted land application sites may use Class AA biosolids only. Class A and B are barred.
- Local governments that keep biosolids in-county get until July 1, 2031.
- Removes the requirement that the Legislature ratify FDEP biosolids rules.



HB 1245: Class AA limits

Vetoed June 30, 2026 · Had passed 111-0 / 38-0

- Would have capped Class AA fertilizer application at agronomic rates, required records, and had UF/IFAS publish recommended rates.
- The Governor cited "unnecessary regulations" and "onerous recordkeeping," and pointed to existing DEP and FDACS oversight.
- **Result:** Class AA products, the only type still allowed after 2028, remain lightly regulated.



Existing law + data

Ch. 62-640, F.A.C. · s. 373.4595, F.S.

- The 2021 amendments to Rule 62-640 focus on nutrients (phosphorus). The rule sets no PFAS limits.
- Application was already restricted in the Lake Okeechobee, Caloosahatchee, and St. Lucie watersheds.
- HB 1019's quarterly PFOA/PFOS sampling will produce Florida's first statewide biosolids PFAS data set.

Why it matters: About 340,000 dry tons of biosolids are produced in Florida each year, and recent research identifies biosolids as a pathway for PFAS releases. None of the 2026 laws sets a PFAS number, but the Class B phase-out pushes utilities toward more treatment, disposal, or thermal options, and HB 1019 will build statewide data on PFAS levels in biosolids.

Failed and Pending Florida PFAS Measures

MEASURE	WOULD HAVE / WHAT'S PENDING	WHY IT MATTERS NOW
DIED SB 1058 / HB 855 (2026) PFAS cleanup framework <i>Berman / Long · Died in committee Mar. 13, 2026</i>	Put PFAS cleanup target levels on a statutory footing with legislative ratification, added interim screening values until EPA acts, created protection for prospective purchasers, and restricted Class B PFAS foam.	<i>FDEP's 70 ppt groundwater level and soil levels stay provisional and open to challenge. Buyers of PFAS-affected sites get no state liability protection.</i>
DIED SB 1692 / HB 1665 (2024) PFAS pretreatment initiative <i>Brodeur / Gossett-Seidman · Died Mar. 8, 2024</i>	Required FDEP to identify industrial users sending PFOA, PFOS, or 1,4-dioxane to wastewater plants, set interim limits (PFOS 10 ng/L, PFOA 170 ng/L), and issue pretreatment permits by 2027.	<i>Florida has no state program to control PFAS at the source. HB 1019 now measures PFAS in effluent and biosolids but doesn't limit it.</i>
PENDING Implementation + 2027 session HB 1019 and SB 290 follow-through <i>2027 Regular Session convenes March 2027</i>	FDEP rules on HB 1019 sampling methods and on AFFF containment and disposal (Rule 62-701.520 underway). SB 290's Class AA-only deadline arrives July 1, 2028 (2031 for in-county local governments).	<i>The rules will decide how PFAS data is collected and reported. Watch for refiled versions of HB 1245 (Class AA rate limits) and SB 1058 (cleanup framework).</i>

Florida | § 376.91, Florida Statutes

Statewide cleanup of perfluoroalkyl and polyfluoroalkyl substances.

Core mechanism

If EPA has not finalized standards for PFAS in drinking water, groundwater, and soil by the statutory trigger date, FDEP must adopt statewide cleanup target levels by rule under §376.30701, prioritizing PFOA/PFOS. The rules cannot take effect until ratified by the Legislature.

Enforcement pause / tolling

Until a constituent's CTL rule is ratified, governmental entities and private water suppliers receive protection from specified state/local Chapter 376 rehabilitation actions based on that PFAS. Limitations periods for governmental claims are tolled from June 20, 2022, subject to the statute.

2024 → 2026 trigger dates

- 2024 statute: Jan. 1, 2025.
- 2025 implementing legislation: Jan. 1, 2026 (temporary).
- 2026 implementing legislation: Jan. 1, 2027 (temporary).
- The recurring deferral reflects continued legislative control over when statewide PFAS CTLs become enforceable.



PFAS – STATE LAW

Section 376.91, F.S. – Statewide Cleanup of Perfluoroalkyl and Polyfluoroalkyl Substances

(2) STATEWIDE CLEANUP TARGET LEVELS. —

(a) If the United States Environmental Protection Agency has not finalized its standards for PFAS in drinking water, groundwater and soil by Jan. 1, 2027, the department shall adopt by rule statewide cleanup target levels for PFAS in drinking water, groundwater and soil using criteria set forth in s. 376.30701, with priority given to PFOA and PFOS. The rules for statewide cleanup target levels may not take effect until ratified by the Legislature.

(b) Until the department's rule for a particular PFAS constituent has been ratified by the Legislature, a governmental entity or private water supplier may not be subject to any administrative or judicial action under this chapter brought by any state or local governmental entity to compel or enjoin site rehabilitation, to require payment for the cost of rehabilitation of environmental contamination or to require payment of any fines or penalties regarding rehabilitation based on the presence of that particular PFAS constituent.

(c) Until site rehabilitation is completed or rules for statewide cleanup target levels are ratified by the Legislature, any statute of limitations that would bar a state or local governmental entity from pursuing relief in accordance with its existing authority is tolled from June 20, 2022.

Florida Department of Environmental Protection (FDEP) Regulatory Position

- Immediate AFFF Inventory Intake: Following the passage of HB 1019, FDEP officially began collecting and managing mandatory inventories of AFFF from all state entities as of July 1, 2026.
- Adopting Federal Extensions: FDEP aligned its guidance with the U.S. EPA's May 2026 rule, confirming that public water systems in Florida can apply for the extended 2031 compliance window for PFOA and PFOS.
- Interim Monitoring Enforcement: While formal state CTLs remain bottlenecked by legislative ratification under s. 376.91, FDEP enforces ongoing sampling and public disclosure rules, requiring complete initial monitoring for public water systems by December 31, 2027.
- Reluctant to initiate enforcement against private parties; reluctant to facilitate voluntary cleanup using Provisional GCTLs for PFOA/PFOS as benchmark – super narrow needle to thread.



PFAS – STATE AND FEDERAL ACTIONS

WASTE CLEANUP PROGRAM

Fire Training Facilities (FTFs):

30 FTFs (current and former) have been sampled, and **27** exceeded the P-GCTL and are undergoing additional PFAS monitoring/assessment:

- **29** of the 30 FTFs sampled were above at least one of the MCLs.

State-Funded Cleanup:

43 sites have been sampled, and **23** sites exceeded the P-GCTL and are undergoing additional PFAS monitoring/assessment:

- **42** of 43 sites sampled were above at least one of the MCLs.

Dry Cleaners:

Actively screening drycleaning sites for PFAS:

- Total of **310** sites have been sampled, **187** sites exceeded the P-GCTL.
- **307** of the 310 sites sampled were above at least one of the MCLs.

Superfund Sites:

At DEP's request, EPA has sampled **three** Superfund sites that were former drycleaners:

- All **three** were above the P-GCTL and at least one of the MCLs.

Brownfield, CERCLA Site Screening Sites or Responsible Party:

Nine sites have been screened and exceeded the P-GCTL and at least one of the MCLs. Sites have included former landfills, dumps and plating facilities.



CLEANUP UPDATES CONTINUED

WASTE CLEANUP PROGRAM

Additional Areas Under Investigation by Site Investigation Section (SIS):

Drycleaners – Dade County Sampling:

UCMR 5 Data (through May 16, 2025):

Five areas currently under investigation by SIS (all have wells that exceed P-GCTL).

- **Three** areas are being investigated due to data that submitted to the Drinking Water Supply Restoration Fund and UCMR 5.
- **Two** areas are undergoing source area investigation by SIS.

Nine Drycleaners have been sampled (one monitoring well per site) by Dade County Environmental Resources Management (DERM).

- **One** of the 9 sites exceeded the P-GCTL. All exceed at least one of the proposed MCLs.

240 Large PWS water sources tested.

- **98** exceed at least one of the MCLs for PFOA or PFOS.

129 Medium PWS water sources tested.

- **36** exceed at least one of the MCLs for PFOA or PFOS.

20 Small PWS water sources tested.

- **10** exceed at least one of the MCLs for PFOA or PFOS.

Summary of the Intersecting PFAS Challenges

- The Federal Legislative Gap: Statutory protection for passive receivers remains stalled in Congress, keeping municipalities in legal jeopardy despite federal enforcement discretion.
- The Federal Regulatory Gap: Is EPA rollback an administration based pause or is it permanent and subject to a dramatic reverse in enforcement policy direction if the Democrats assume power in next national election. Freezing investment capital for redevelopment on the sidelines.
- The Florida legislative and regulatory gap. Similar uncertainties also impacting on investment in redevelopment.

Summary of the Intersecting PFAS Challenges

- The Biosolids Bottleneck: Municipalities are caught between environmental circularity goals (recycling biosolids) and the risk of generating multi-million dollar CERCLA liability on agricultural lands.
- Aerial Dispersion of PFAS: Incomplete combustion of PFAS in commercial waste to energy incinerators results in airborne conveyance of PFAS compounds over great distances, impacting soil (community garden), groundwater, surface water, drinking water impounds, fisheries, and livestock. Risk to municipal entities increased with incineration of biosolids. “The open loop closed loop conundrum.” Major legal liability risk under §376.313, Florida Statutes.
- The Redevelopment Tax: Commercial real estate and brownfields transactions now face intensive, costly testing regimes to insulate buyers from strict, joint, and several liabilities.

FLORIDA BROWNFIELDS REDEVELOPMENT ACT
1998 ANNUAL REPORT

SUMMARY

The Brownfields Redevelopment Act (Act) was created by the Florida Legislature in 1997 (Chapter 97-277, L.O.F.) and amended in 1998 (Chapter 98-79, L.O.F.). The primary goals of the Act were to reduce public health and environmental hazards on existing commercial and industrial sites that are abandoned or underused due to these hazards; create financial and regulatory incentives to encourage voluntary cleanup and redevelopment of sites; develop cleanup target levels and a process for obtaining a "No Further Action" letter; and provide the opportunity for Environmental Equity and Justice.

Since July 1997, the Department of Environmental Protection (DEP) has assisted in the early development of the Brownfields Program. Emphasis has been placed on outreach and education for a variety of interest groups including community, environmental, commercial, business, local government, economic redevelopment boards, and others. While public outreach was underway, several administrative actions were also required. These included adopting a brownfields cleanup criteria rule, hiring a brownfields coordinator in each of the DEP's district offices, partnering with the Governor's Office of Tourism, Trade, and Economic Development (OTTEED) for the various economic incentives, developing and adopting a tax credit incentive rule, developing a model brownfields site rehabilitation agreement, developing and maintaining an Internet web site, participating in the U.S. Environmental Protection Agency (EPA) in its federal Brownfields Initiative, and attempting to negotiate a Memorandum of Agreement with the EPA addressing such agency's authority at Florida brownfields sites.

STATE PROGRAM STATUS

In 1997, the legislature created the Brownfields Redevelopment Act (Chapter 97-277, L.O.F.) to encourage the reuse and redevelopment of brownfields sites within state-designated brownfields

areas. Brownfields sites are "sites that are generally abandoned, idled, or under-used industrial and commercial properties where expansion or redevelopment is complicated by actual or potential environmental contamination." The Act provided the framework for Florida's Brownfields Program to facilitate redevelopment of these sites while also providing for environmental cleanup and protection of the public health and the environment.

Brownfields Cleanup Criteria Rule
(Chapter 62-765, F.A.C.)

The Act required that, by July 1, 1998, the DEP establish criteria by rule for the purpose of determining, on a site-specific basis, the necessary steps for the investigation and cleanup of brownfields sites and the contamination levels at which a cleanup can be deemed completed. The Act required that the contamination cleanup criteria at sites within a brownfields area incorporate to the maximum extent feasible risk-based corrective action (RBCA) principles to achieve protection of human health and safety and the environment in a cost-efficient manner. Using RBCA principles, the DEP established a cleanup process and defined cleanup target levels for a brownfields site within a state-designated brownfields area that are protective under actual circumstances of exposure. On April 30, 1998, Chapter 62-765, F.A.C., Brownfields Cleanup Criteria Rule, was adopted by the Environmental Regulation Commission with an effective date of July 6, 1998.

Voluntary Cleanup Tax Credit Rule
(Proposed Chapter 62-785, F.A.C.)

In order to provide additional economic incentives for brownfields redevelopment, the 1998 Florida tax legislation created a tax credit against either intangible personal property tax or corporate income tax for taxpayers that voluntarily participate in the cleanup of a brownfields site in a designated brownfields area pursuant to s. 375.80, F.S.

Chapter 98-189, L.O.F., allows a credit of 35 percent of the costs of voluntary cleanup activity that is

1999 ANNUAL REPORT
FLORIDA BROWNFIELDS REDEVELOPMENT ACT

HISTORY AND SUMMARY

The Brownfields Redevelopment Act (Act) was created by the Florida Legislature in 1997 (Chapter 97-277, L.O.F.) and amended in 1998 (Chapter 98-79, L.O.F.). The Act established the reuse and redevelopment of brownfields sites within designated brownfields areas. Brownfields are defined as abandoned industrial and commercial properties where expansion or redevelopment is complicated by actual or potential environmental contamination. The Act provided the framework for Florida's Brownfields Program to facilitate redevelopment of these sites while also providing for environmental cleanup and protection of the public health and the environment.

Since July 1997, the Department of Environmental Protection (DEP) has assisted in the early development of the Brownfields Program. Emphasis has been placed on outreach and education for a variety of interest groups including community, environmental, commercial, business, local government, economic redevelopment boards, and others. While public outreach was underway, several administrative actions were also required. These included adopting a brownfields cleanup criteria rule, hiring a brownfields coordinator in each of the DEP's district offices, partnering with the Governor's Office of Tourism, Trade, and Economic Development (OTTEED) for the various economic incentives, developing and adopting a tax credit incentive rule, developing a model brownfields site rehabilitation agreement, developing and maintaining an Internet web site, participating in the U.S. Environmental Protection Agency (EPA) in its federal Brownfields Initiative, and attempting to negotiate a Memorandum of Agreement with the EPA addressing such agency's authority at Florida brownfields sites.

STATE PROGRAM STATUS

In 1997, the legislature created the Brownfields Redevelopment Act (Chapter 97-277, L.O.F.) to encourage the reuse and redevelopment of brownfields sites within state-designated brownfields

STATE PROGRAM STATUS

Memorandum of Agreement with EPA

On December 2, 1999, the DEP and the U.S. Environmental Protection Agency (EPA) signed a Memorandum of Agreement for the Brownfields Program. The Memorandum of Agreement with the EPA specifies the criteria under which the EPA would provide technical assistance to brownfields sites within a brownfields area that are participating in the cleanup process. The Memorandum of Agreement also provides for the EPA to provide technical assistance to brownfields sites that are participating in the cleanup process. The Memorandum of Agreement also provides for the EPA to provide technical assistance to brownfields sites that are participating in the cleanup process.

Brownfields Cleanup Criteria Rule
(Chapter 62-765, F.A.C.)

Chapter 62-765, F.A.C., the Brownfields Cleanup Criteria Rule, was adopted by the Environmental Regulation Commission with an effective date of July 6, 1998. The rule was adopted by the Environmental Regulation Commission with an effective date of July 6, 1998. The rule was adopted by the Environmental Regulation Commission with an effective date of July 6, 1998. The rule was adopted by the Environmental Regulation Commission with an effective date of July 6, 1998.

Voluntary Cleanup Tax Credit Rule
(Chapter 62-785, F.A.C.)

In order to provide additional economic incentives for brownfields redevelopment, the 1998 Florida tax legislation created a tax credit against either intangible personal property tax or corporate income tax for taxpayers that voluntarily participate in the cleanup of a brownfields site in a designated brownfields area pursuant to s. 375.80, F.S.

Florida Brownfields
Redevelopment Act
2000 Annual Report



Division of Waste Management
Bureau of Waste Cleanup
January 3, 2001

FLORIDA BROWNFIELDS
REDEVELOPMENT ACT
2001 ANNUAL REPORT



Division of Waste Management
Bureau of Waste Cleanup
January 21, 2002

Florida Brownfields
Redevelopment Program
2002 Annual Report



Prepared by:
Division of Waste Management
Bureau of Waste Cleanup
December 31, 2002

Florida Brownfields
Redevelopment Program
2003 Annual Report



"Removing Roadblocks to the Recycling of Lands"



Prepared by:
Division of Waste Management
Bureau of Waste Cleanup
January 26, 2004

Florida Brownfields
Redevelopment Program
2004 Annual Report



"Removing Roadblocks to the Recycling of Lands"



Prepared by:
Division of Waste Management
Bureau of Waste Cleanup

Florida Brownfields
Redevelopment Program
2005 Annual Report



"Removing Roadblocks to the Recycling of Lands"



Prepared by:
Division of Waste Management
Bureau of Waste Cleanup

FLORIDA
BROWNFIELDS
REDEVELOPMENT
PROGRAM

2006 ANNUAL REPORT



FLORIDA
BROWNFIELDS
REDEVELOPMENT
PROGRAM

2008 ANNUAL REPORT



FLORIDA
BROWNFIELDS
REDEVELOPMENT
PROGRAM

ANNUAL REPORT

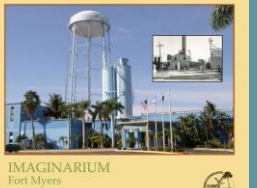
January 2009 thru June 2010



FLORIDA
BROWNFIELDS
REDEVELOPMENT
PROGRAM

ANNUAL REPORT

July 2011 - June 2011



FLORIDA
BROWNFIELDS
REDEVELOPMENT
PROGRAM

ANNUAL REPORT

July 2011 - June 2012



FLORIDA
BROWNFIELDS
REDEVELOPMENT
PROGRAM

ANNUAL REPORT

July 2012 - June 2013



FLORIDA
BROWNFIELDS
REDEVELOPMENT
PROGRAM

ANNUAL REPORT

July 2013 - June 2014



FLORIDA
BROWNFIELDS
REDEVELOPMENT
PROGRAM

ANNUAL REPORT

August 2015



FLORIDA
BROWNFIELDS
REDEVELOPMENT
PROGRAM

ANNUAL REPORT

August 2016



FLORIDA
BROWNFIELDS
REDEVELOPMENT
PROGRAM

ANNUAL REPORT

August 2017



FLORIDA
BROWNFIELDS
REDEVELOPMENT
PROGRAM

ANNUAL REPORT

August 2018



FLORIDA
BROWNFIELDS
REDEVELOPMENT
PROGRAM

ANNUAL REPORT

August 2019



FLORIDA
BROWNFIELDS
REDEVELOPMENT
PROGRAM

ANNUAL REPORT

August 2020



FLORIDA
BROWNFIELDS
REDEVELOPMENT
PROGRAM

ANNUAL REPORT

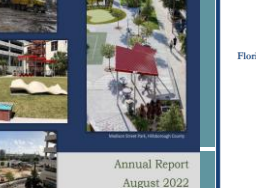
August 2021



FLORIDA
BROWNFIELDS
REDEVELOPMENT
PROGRAM

ANNUAL REPORT

August 2022



Florida Brownfields Redevelopment Program
Annual Report

Division of Waste Management /
Waste Cleanup Program
Florida Department of Environmental Protection
August 2023

Florida Brownfields Redevelopment Program
Annual Report
Fiscal Year 2023-24

Division of Waste Management /
Waste Cleanup Program
Florida Department of Environmental Protection
August 2024

Florida Brownfields Redevelopment Program
Annual Report
Fiscal Year 2024-25

Division of Waste Management/Waste Cleanup Program
Florida Department of Environmental Protection
August 2025

All FDEP Florida Brownfields Program Annual Reports can be accessed here:
<https://floridadep.gov/waste/waste-cleanup/content/florida-brownfields-redevelopment-program-annual-reports>

Florida's Brownfields Redevelopment Program - Statistics

- Enacted July 1, 1997
- As of April 15, 2026
 - 627 Brownfield Areas
 - 292,896.74 acres
 - 565 Brownfield Site Rehabilitation Agreements
 - 6,999.8 acres
- As of August 1, 2025
 - 87,499 confirmed and projected direct and indirect jobs have been created
 - 16,662 confirmed net new direct jobs attributed to Florida Brownfields Program
 - \$3,188,015,703 in capital investment projected in designated brownfield areas



What Are Brownfields?

Any real property where the expansion, redevelopment, or reuse is complicated by actual or perceived contamination.

Why Develop Brownfields?

Cleaning up and reinvesting in Brownfields properties facilitates job growth, utilizes existing infrastructure, increases local tax bases, removes development pressures on undeveloped open land, as well as both improving and protecting the environment.

Florida's Brownfields Redevelopment Program:

- Creates jobs.
- Promotes voluntary cleanup.
- Prevents the premature development of greenspace (farmland, open space, and natural areas).
- Reduces public costs for installing infrastructure in greenspaces.
- Encourages the highest and best use of blighted properties.
- Minimizes or eliminates the need for environmental enforcement or state-funded cleanup.
- Encourages community revitalization.

Brownfield redevelopment is of great importance in Florida where balancing strong economic and community growth with suburban sprawl is an ongoing challenge.

Brownfields Staff

Region	Staff	Contact
Northwest District	Steve Potts, 850.245.8958	steve.potts@floridadep.gov
North Central District	Debra McQuinn, P.G., 850.245.8946	debra.mcquinn@floridadep.gov
Central District	Lu Buran, 407.507.2012	lu.buran@floridadep.gov
South Central District	Philip Wilkerson, 813.470.5753	philip.wilkerson@floridadep.gov
South District	Philip Wilkerson, 813.470.5753	philip.wilkerson@floridadep.gov
Southeast District	Ryanne Hathaway, 861.681.6614	ryanne.hathaway@floridadep.gov

Financial Incentives

Voluntary Cleanup Tax Credit (VCTC) Program

This program encourages voluntary cleanup of Brownfield sites by awarding tax credits* to partially offset the cost of site rehabilitation or solid waste removal. If you enter into a Brownfield Site Rehabilitation Agreement (BSRA), you may be eligible for:

- **Annual 50% VCTC** for eligible site rehabilitation costs.
- **One-time 25% SRCO Bonus VCTC** when cleanup is complete.
- **One-time 25% Bonus VCTC** for development of 100% affordable housing or healthcare facility/providers.
- **One-time 50% VCTC** for solid waste removal.

*VCTCs are applicable to Florida's corporate income tax.

[Voluntary Cleanup Tax Credit | Florida Department of Environmental Protection](#)

Courtney Johnstone, VCTC Program Manager
850.245.8998
courtney.johnstone@floridadep.gov

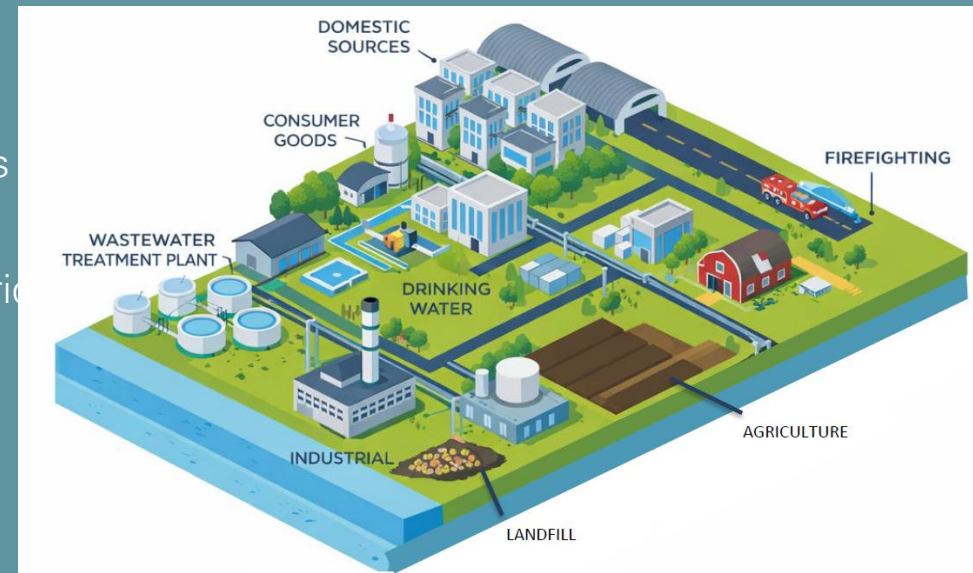
Other Financial Incentives

If your property is in a designated Brownfield Area, you may be eligible for:

- **Up to \$2,500 Job Bonus Tax Refund** for each new job created by an eligible business on or abutting a site with a BSRA. This incentive is offered through FloridaCommerce.
- **Refunds on Sales Tax** paid on the purchase of building materials used for affordable or mixed-use housing projects built on or abutting a site with a BSRA. This incentive is offered through Florida Department of Revenue.

Additional benefits that may be available:

- **Targeted Brownfield Assessment/Site-Specific Activities grant.**
- **U.S. EPA Brownfields Assessment, Revolving Loan Fund, and Cleanup Grants.**

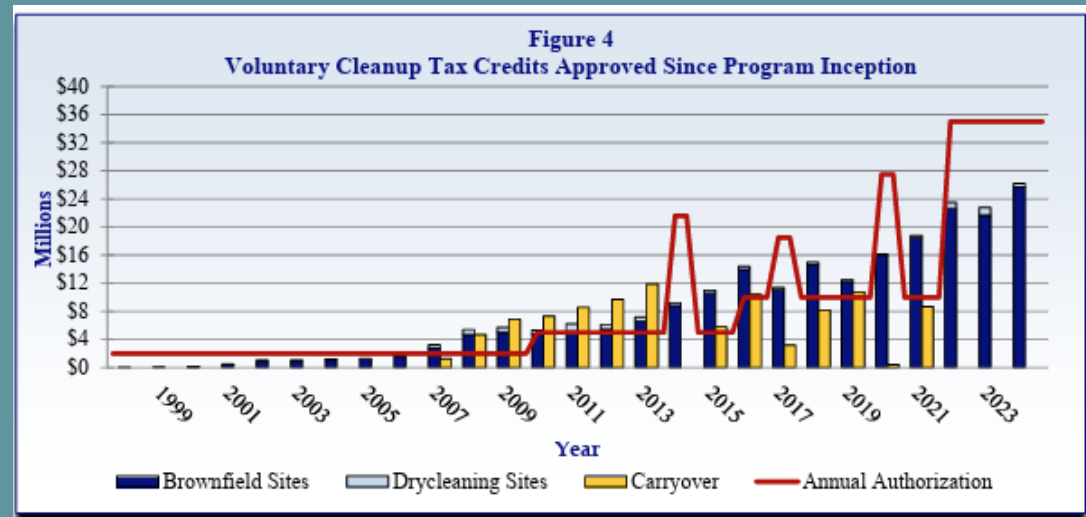


Florida's Voluntary Cleanup Tax Credit Program

- The Voluntary Cleanup Tax Credit (“VCTC”), governed by Florida Statute § 376.30781, and Rule 62-788, Florida Administrative Code (“F.A.C.”), is an incentive to encourage voluntary cleanup by awarding Florida corporate income tax credits to offset site rehabilitation or solid waste removal costs.
- Applications for VCTCs are for the cost of voluntary cleanup activity that is **integral to site rehabilitation**.
- “**Integral to site rehabilitation**” is defined at Rule 62-788.301(2), F.A.C., to mean “work that is necessary to implement the requirements of Chapter 62-780, F.A.C.”
- The VCTC Program was established in 1988 and has a long track record of success.
 - More than \$201 million in Voluntary Cleanup Tax Credits have been approved by FDEP through January 31, 2024
 - Annual statewide cap increased from \$2M to \$5M in 2011, from \$5M to \$10M in 2017, and from \$10M to \$35M in 2023.

CHAPTER 62-788 VOLUNTARY CLEANUP TAX CREDIT RULE

62-788.100	Applicability and Limitations (Repealed)
62-788.101	Applicability and Limitations
62-788.151	Referenced Guidelines
62-788.200	Definitions (Repealed)
62-788.201	Definitions
62-788.300	Application Process (Repealed)
62-788.301	Site Rehabilitation Voluntary Cleanup Tax Credit Application Process
62-788.311	Site Rehabilitation Completion Order Bonus Voluntary Cleanup Tax Credit Application Process
62-788.321	Affordable Housing Bonus Voluntary Cleanup Tax Credit Application Process
62-788.331	Health Care Bonus Voluntary Cleanup Tax Credit Application Process
62-788.341	Solid Waste Removal Voluntary Cleanup Tax Credit Application Process
62-788.400	Eligibility Determination (Repealed)
62-788.401	Eligibility Determination
62-788.900	Forms (Repealed)



Generation and Calculation of VCTCs Based on Eligible Activities & Timing and Sequencing of Site Rehabilitation

Voluntary Cleanup Tax Credits – Types and Limits				
VCTC Type	Application Frequency	Cap on Eligible Costs	Factor to Apply to Eligible Costs to Generate Tax Credit	Maximum Tax Credit Based on Application of Tax Credit Factor to Eligible Costs
Site Rehabilitation	Annually	\$1,000,000.00	50%	\$500,000.00
Cleanup Completion	Once	\$2,000,000.00	25%	\$500,000.00
Affordable Housing	Once	\$2,000,000.00	25%	\$500,000.00
Health Care	Once	\$2,000,000.00	25%	\$500,000.00
Solid Waste Removal	Once	\$1,000,000.00	50%	\$500,000.00

Analysis of Potential Voluntary Cleanup Tax Credit Recovery for Eligible Contamination Assessment and Remediation Costs (with and without Affordable Housing & Public Health Facility Tax Credit Bonus)													
Total Eligible Costs of Cleanup	Total Years of Cleanup	Year 1		Year 2		Year 3		Cleanup Completion Bonus Tax Credit	Total Tax Credits w/o AH/PH Bonus	Total % w/o AH/PH Bonus	AH/PH Bonus	Total Tax Credits with AH/PH Bonus	Total % with AH/PH Bonus
		Eligible Costs	Tax Credit	Eligible Costs	Tax Credit	Eligible Costs	Tax Credit						
\$1.0M	1	\$1.0M	\$500K					\$250K	\$750K	75%	\$250K	\$1M	100%
\$1.0M	2	\$500K	\$250K	\$500K	\$250K			\$250K	\$750K	75%	\$250K	\$1M	100%
\$2.0M	1	\$2.0M	\$500K					\$500K	\$1M	50%	\$500K	\$1.5M	75%
\$2.0M	2	\$1.0M	\$500K	\$1.0M	\$500K			\$500K	\$1.5M	75%	\$500K	\$2M	100%
\$2.0M	3	\$1.25M	\$500K	\$500K	\$250K	\$250K	\$125K	\$500K	\$1.375M	68.75%	\$500K	\$1.875M	93.75%
\$3.0M	1	\$3.0M	\$500K					\$500K	\$1.0M	33.33%	\$500K	\$1.5M	50%
\$3.0M	2	\$2.0M	\$500K	\$1.0M	\$500K			\$500K	\$1.5M	50%	\$500K	\$2M	66.67%
\$3.0M	3	\$1.5M	\$500K	\$1.0M	\$500K	\$500K	\$250K	\$500K	\$1.75M	78.30%	\$500K	\$2.25M	75%



Partial List of VCTC Eligible Costs

- Invasive sampling of contaminated media such as (but not limited to) soil and groundwater in a calendar year.
- Environmental consulting directly associated with evaluating site rehabilitation requirements under Chapter 62-780, Florida Administrative Code (“F.A.C.”).
- Legal consulting directly associated with evaluating site rehabilitation requirements under Chapter 62-780, F.A.C.
- Legal and environmental consulting directly associated with drafting a BSRA.
- Legal and environmental consulting directly associated with drafting and recording an environmental deed restriction.
- Legal and environmental consulting directly associated with obtaining approval of an engineering control.
- Costs directly associated with active remediation of contaminated media.
- Costs directly associated with off-site disposal of contaminated media.
- Some or all of the costs of on-site relocation of contaminated soil beneath an approved engineering control (such as building slabs, impermeable parking surfaces, hardscaped walking surfaces, and/or two feet of clean-fill in landscaped areas).
- Some or all of the costs of the actual engineering control itself (such as building slabs, impermeable parking surfaces, hardscaped walking surfaces, and/or two feet of clean-fill in landscaped areas).
- Some or all of the costs of treating or disposing of contaminated effluent generated during construction dewatering
- Costs of solid waste removal can include sorting, screening, recycling, transportation, and disposal



Examples of Private & Public Entities Receiving Voluntary Cleanup Tax Credits

Private Entities

- Banc of America Community Development Corporation
- Florida Rock Properties
- Gerdau Ameristeel
- Honeywell International
- Lennar Homes
- New York Life Insurance Company
- East Capital Partners
- Publix Super Markets
- Walmart Stores
- Waste Management

Health Systems

- Encompass Health
- Jackson Health System
- South Florida Baptist Hospital

Local Government Entities

- See tables

Public Utilities

- Florida Power & Light
- Jacksonville Electric Authority
- Peoples Gas System (TECO)

Universities

- Bethune Cookman University
- Embry-Riddle Aeronautical University

VCTCs Awarded to Local Government Entities from 1998 to 2019				
Local Government	Total Amount	Total Apps	First App	Last App
City of Orlando	\$5,258,604.81	25	2007	2019
Fort Pierce CRA	\$2,597,140.19	10	2012	2018
Jacksonville Electric Authority	\$1,634,154.12	16	2001	2018
Tampa Port Authority	\$1,595,138.12	23	2011	2019
City of Clearwater	\$1,584,976.85	17	2001	2019
City of Tampa	\$1,542,139.28	12	2013	2019
Pinellas County	\$1,171,924.03	10	2010	2019
City of Pompano Beach	\$1,100,575.73	4	2010	2018
Escambia County	\$1,010,079.72	15	2007	2019
City of Doral	\$1,008,251.87	4	2015	2018
City of Gainesville	\$842,492.65	8	2002	2011
City of Jacksonville	\$636,009.99	5	2015	2019
City of Daytona Beach	\$613,832.18	14	2008	2019
City of Tallahassee	\$367,717.41	3	2012	2014
City of Palmetto CRA	\$335,915.11	11	2016	2019
City of Casselberry	\$293,863.41	8	2013	2018
City of Oakland Park	\$279,673.00	2	2019	2019
City of St. Petersburg	\$276,309.92	9	2005	2015
City of Winter Garden	\$260,212.27	2	2017	2018
City of Saint Marks	\$217,994.03	4	2015	2016
City of Miami Beach	\$204,547.71	2	2018	2019
Seminole County School Board	\$196,387.71	2	2008	2009
City of Cocoa	\$184,900.49	5	2016	2018
Plant City CRA	\$183,184.34	19	2013	2019
City of Wauchula	\$147,749.86	4	2016	2019
Delray Beach CRA	\$143,537.73	2	2008	2010
West Palm Beach CRA	\$135,465.83	3	2016	2018
City of Sanford, Florida	\$93,923.41	1	2017	2017
Palm Beach County	\$90,784.37	4	2015	2019
Collier County CRA	\$80,938.13	3	2009	2011
City of Pahokee	\$72,665.04	1	2011	2011
City of Kissimmee	\$54,950.75	1	2019	2019
City of Oviedo	\$41,883.84	2	2018	2019
City of North Miami	\$25,343.92	2	2018	2019
City of Lake Alfred	\$19,269.78	1	2019	2019
Totals	\$24,302,537.60	254	2001	2019

Key to Color Coding

Cities
Community Redevelopment Agencies
Counties
Local Port Authorities
Local Utilities
School Boards

VCTCs Awarded to Local Government Entities for 2018 to 2022	
Local Government	Amount
City of Casselberry	\$47,173.81
City of Clearwater	\$741,172.92
City of Cocoa	\$22,093.25
City of Daytona Beach	\$366,577.65
City of Doral	\$368,358.43
City of Haines City	\$40,023.71
City of Jacksonville	\$572,870.14
City of Kissimmee	\$65,113.98
City of Lake Alfred	\$106,442.34
City of Miami Beach	\$216,262.16
City of North Miami	\$11,347.65
City of Oakland Park	\$725,269.34
City of Orlando	\$1,870,256.27
City of Oviedo	\$909,538.72
City of Palmetto Community Redevelopment Agency	\$682,613.58
City of Plant City Community Redevelopment Agency	\$133,959.35
City of Pompano Beach	\$435,987.03
City of Tampa	\$1,912,034.32
City of Wauchula	\$96,012.40
City of West Palm Beach Community Redevelopment Agency	\$27,659.76
District Community Development District	\$178,689.03
Escambia County	\$35,548.98
Gracewater Sarasota Community Development District	\$569,352.22
Palm Beach County	\$101,828.01
Pinellas County	\$522,287.62
Tampa Port Authority	\$933,605.08
Town of Cutler Bay, Florida	\$210,563.70
Village of Key Biscayne	\$94,955.15



CS/HB 733 – Senator Adam Anderson

- Passed House Chamber – 116 Yas, 0 Nays
- Passed Senate Chamber – 32 Yas, 0 Nays
- Companion Senate Bill 736 - Senator Keith Truenow
- Extends contaminated site eligibility cutoff date for local governments
- Streamlines process that requires certain sites to obtain EPA approval to participate in the program.
- Allows larger brownfield properties to be subdivided into smaller parcels
- Revises the requirements and timing for claiming a certain tax credit under the Voluntary Cleanup Tax Credit (VCTC) program.
- Revises other requirements and procedures related to the program.

FLORIDA HOUSE OF REPRESENTATIVES

FINAL BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: [CS/HB 733](#)

TITLE: Brownfields

SPONSOR(S): Anderson

COMPANION BILL: [CS/CS/SB 736](#) (Truenow)

LINKED BILLS: None

RELATED BILLS: None

FINAL HOUSE FLOOR ACTION: 116 Y's 0 N's

GOVERNOR'S ACTION: Approved

SUMMARY

Effect of the Bill:

The bill makes various changes related to the Brownfields Program (program). Specifically, the bill:

- Extends the contaminated site eligibility cutoff date for local government participants that did not cause or contribute to the contamination from July 1, 1997, to July 1, 2025.
- Streamlines a process that requires certain sites to obtain approval from the Environmental Protection Agency to participate in the program.
- Revises the requirements and timing for claiming a certain tax credit under the Voluntary Cleanup Tax Credit (VCTC) program.
- Allows larger brownfield properties to be subdivided into smaller parcels for purposes of brownfield site rehabilitation.
- Revises other requirements and procedures related to the program.

Fiscal or Economic Impact:

The Revenue Estimating Conference estimated that the bill will not have an impact on state or local government revenues. The bill may have an indeterminate positive fiscal impact on the private sector associated with the expanded eligibility of the VCTC.

JUMP TO

[SUMMARY](#)

[ANALYSIS](#)

[RELEVANT INFORMATION](#)

ANALYSIS

EFFECT OF THE BILL:

The bill makes various changes related to the [Brownfields Program](#) (program).

Definitions

The bill revises definitions that apply to the program to create separate definitions for the terms "brownfield" and "brownfield site." The bill defines "brownfield" as any real property, the expansion, redevelopment, or reuse of which may be complicated by actual or perceived environmental contamination and which has not yet been entered into a brownfield site rehabilitation agreement. The bill defines the term "brownfield site" to mean the real property identified in a brownfield site rehabilitation agreement executed by the person responsible for brownfield site rehabilitation of the property and the Department of Environmental Protection (DEP) or a delegated local pollution control program, as applicable. (Section [4](#))

Eligibility and Participation

Local Governments

The bill authorizes a local governmental entity, including any other person who may be organized or united with the entity for a business purpose, to participate in the program if such entity or person did not cause or contribute to the contamination of a brownfield site on or after July 1, 2025. Thus, the bill extends the contaminated site eligibility cutoff date for local government participants from July 1, 1997, to July 1, 2025. (Section [6](#))

STORAGE NAME: h0733z1.NRD

DATE: 6/10/2025



THE GOLDSTEIN
ENVIRONMENTAL LAW FIRM

Florida Brownfield Program – Three Key Definitional Changes

§ 376.79, Florida Statutes

§ 376.79(4), Florida Statutes

“Brownfield” means any real property, the expansion, redevelopment, or reuse of which may be complicated by actual or perceived environmental contamination and which has not yet been entered into a brownfield site rehabilitation agreement pursuant to s. 376.80(5).

§ 376.79(5), Florida Statutes

“Brownfield area” means a contiguous area of one or more brownfields, some of which may not be contaminated, and which has been designated by a local government by resolution. Such areas may include all or portions of community redevelopment areas, enterprise zones, empowerment zones, other such designated economically deprived communities and areas, and United States Environmental Protection Agency-designated brownfield pilot projects.

§ 376.79(6), Florida Statutes

“Brownfield sites” means the real property identified in a brownfield site rehabilitation agreement executed by the person responsible for brownfield site rehabilitation of the property and the department or a delegated local pollution control program, as applicable.



Florida Brownfield Program – NFA for “Portioned” Sites § 376.81(3)(a) and (b), Florida Statutes

§ 376.81(3)(a), Florida Statutes

- The Legislature finds that rehabilitation and redevelopment of a potential brownfield site that is a portion of a larger contaminated site are significantly complicated when multiple parties may own, lease, or operate different portions of the contaminated site.
- The Legislature further finds that delaying a person’s ability to achieve a “No Further Action” status for a potential brownfield site until such time as the owners, lessees, or operators of all other portions of the larger historical contaminated site have completed site rehabilitation on their respective portions is not in the public interest, as such delay disincentivizes rehabilitation and redevelopment of the potential brownfield site by imposing unnecessary legal burdens, technical obstacles, and financial costs.

§ 376.81(3)(b), Florida Statutes

- Therefore, the Legislature finds that it is in the public interest to remove any such barriers to the rehabilitation and redevelopment of property by providing a clear path to obtaining a “No Further Action” status in cases where a potential brownfield site is only a portion of a larger contaminated site.



Florida Brownfield Program – NFA for “Portioned” Sites § 376.81(3)(c) and (d), Florida Statutes

§ 376.81(3)(c), Florida Statutes

If the person responsible for a brownfield site rehabilitation demonstrates compliance with the applicable contamination cleanup criteria described in subsection (1), and the brownfield site is only a portion of a larger contaminated site, the department or any delegated local pollution control program under s. 376.80(9) may not:

1. Deny a “No Further Action” status for the brownfield site; or
2. Refuse to issue a site rehabilitation completion order for the brownfield site, regardless of whether it has engineering and institutional controls. This subparagraph applies even where similar contamination exists elsewhere on the contaminated site which was the result of similar or related activities or operations that occurred both on the contaminated site and the brownfield site, provided that all soil and groundwater contamination emanating from the brownfield site is adequately addressed pursuant to chapter 62-780, Florida Administrative Code.

§ 376.81(3)(d), Florida Statutes

This subsection applies to all brownfield sites, irrespective of the effective date of the brownfield site rehabilitation agreement.



Florida Brownfield Program – Expanded Eligibility for Local Government Sites
§ 376.82(1)(a)2, Florida Statutes

(1) ELIGIBILITY.—

(a) All of the following persons are eligible to participate in the brownfield program established in ss. 376.77-376.85:

1. Notwithstanding subparagraph 2., a person who has not caused or contributed to the contamination of a brownfield site on or after July 1, 1997.
2. A local governmental entity, including any other person who may be organized or united with the local governmental entity for a business purpose, if such entity or person did not cause or contribute to the contamination of a brownfield site on or after July 1, 2025.



Florida Brownfield Program Liability Protection for
Property Owners & Responsible Parties
§ 376.82(2), Florida Statutes

(a) Any person, including his or her successors and assigns, who executes and implements to successful completion a brownfield site rehabilitation agreement, is relieved of:

1. Further liability for remediation of the contaminated site or sites to the state and to third parties.
2. Liability in contribution to any other party who has or may incur cleanup liability for the contaminated site or sites.
3. Liability for claims of property damages, including, but not limited to, diminished value of real property or improvements; lost or delayed rent, sale, or use of real property or improvements; or stigma to real property or improvements caused by contamination addressed by a brownfield site rehabilitation agreement. Notwithstanding any other provision of this chapter, this subparagraph applies to causes of action accruing on or after July 1, 2014. This subparagraph does not apply to a person who discharges contaminants on property subject to a brownfield site rehabilitation agreement, who commits fraud in demonstrating site conditions or completing site rehabilitation of a property subject to a brownfield site rehabilitation agreement, or who exacerbates contamination of a property subject to a brownfield site rehabilitation agreement in violation of applicable laws which causes property damages.

Brownfield Liability Protection for
Property Owners & Responsible Parties
§ 376.82(2), Florida Statutes

(d) The liability protection provided under this section shall become effective upon execution of a brownfield site rehabilitation agreement and shall remain effective, provided the person responsible for brownfield site rehabilitation complies with the terms of the site rehabilitation agreement. Any statute of limitations that would bar the department from pursuing relief in accordance with its existing authority is tolled from the time the agreement is executed until site rehabilitation is completed or immunity is revoked pursuant to s. 376.80(8).

Florida Brownfield Program Liability Protection for Lenders § 376.82(4), Florida Statutes

(4) ADDITIONAL LIABILITY PROTECTION FOR LENDERS.—

(a) The Legislature declares that, in order to achieve the economic redevelopment and site rehabilitation of brownfield sites in accordance with this act, it is imperative to encourage financing of real property transactions involving brownfield site rehabilitation plans. Accordingly, lenders, including those serving as a trustee, personal representative, or in any other fiduciary capacity, in connection with a loan, are entitled to the liability protection established in subsection (2) if they have not caused or contributed to a release of a contaminant at the brownfield site.

(b) Lenders who hold indicia of ownership of a parcel within a brownfield area primarily to protect a security interest or who own a parcel within a brownfield area as a result of foreclosure or a deed in lieu of foreclosure of a security interest and who seek to sell, transfer, or otherwise divest the parcel via sale at the earliest practicable time are not liable for the release or discharge of a contaminant from the parcel; for the failure of the person responsible for brownfield site rehabilitation to comply with the brownfield site rehabilitation agreement; or for future site rehabilitation activities required pursuant to a reopener provision established in subsection (3) where the lender has not divested the borrower of, or otherwise engaged in, decisionmaking control of the site rehabilitation or site operations or undertaken management activities beyond those required to protect its financial interest while making a good faith effort to sell the site as soon as practicable and when an act or omission of the lender has not otherwise caused or contributed to a release of a contaminant at the brownfield site.



BROWNFIELDS SITES ADDRESSING PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS)

Sites with Brownfields Site Rehabilitation Agreements (BSRAs) undergoing voluntary assessment of PFAS discharges:

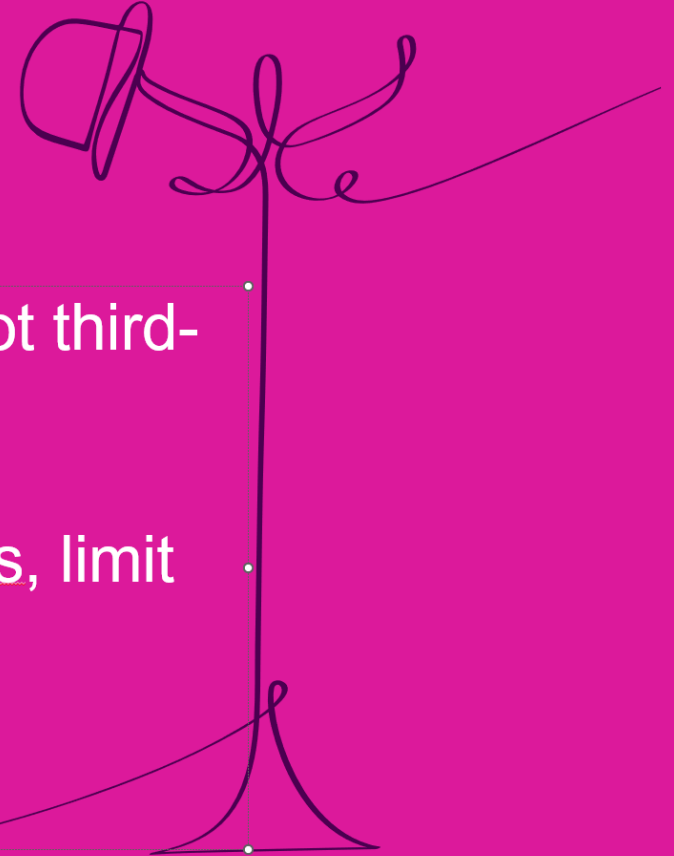
- City of Oakland Park Public Works Campus Green Reuse Site.
- Umdasch Real Estate Green Reuse Site.
- Former Pine Oaks Golf Course.

Environmental Insurance

beazley

Underwriting terms and conditions

- We exclude for cleanup costs but not third-party liability
- We use higher deductibles, sublimits, limit terms



Key Dates to Watch | Fall 2026 → 2027

OCT 5, 2026

Extended comment deadline on EPA draft PFOA/PFOS biosolids guidance.

LATE 2026

EPA action expected on drinking-water proposals and TSCA reporting revisions; timing subject to rulemaking process.

JAN 1, 2027

Current Florida §376.91 trigger date for federal standards in drinking water, groundwater, and soil.

JAN 2027

Inside EPA reports planned finalization of nine-PFAS RCRA hazardous-constituent rule.

2027

Florida AFFF sale/purchase/distribution ban begins July 1; federal PFAS monitoring/reporting implementation continues.

Dates reflect current statutes, EPA proposals/agendas, and published guidance as of Sept. 15, 2026; proposed federal dates may change.

Questions/Answers



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- Integration of Cleanup and Construction Requirements
- Regulatory Approvals to Build on Contaminated Development Sites