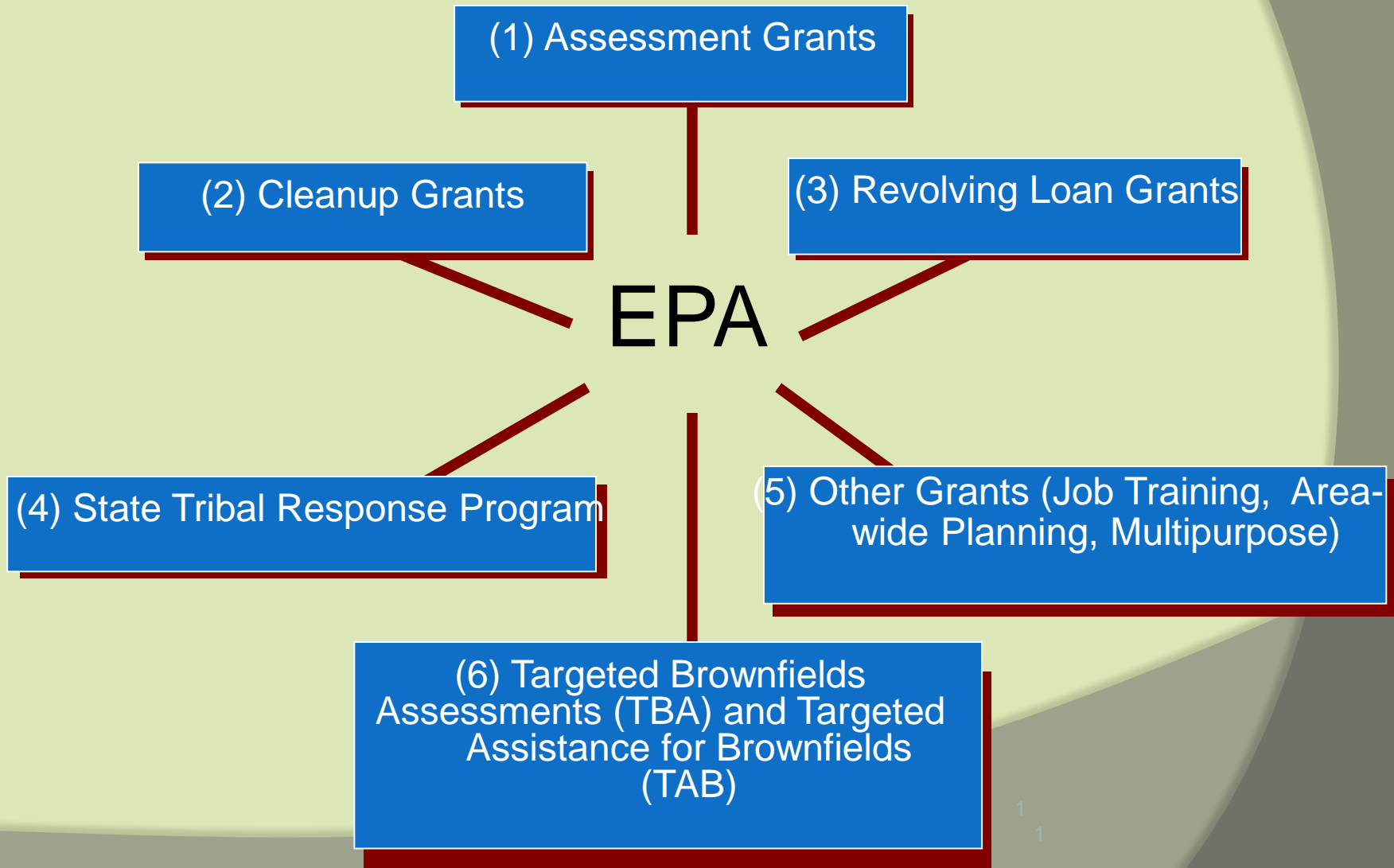


# EPA Brownfields Funding Opportunities



# Reminder of Eligibility for competitive Brownfield Funds

- General purpose unit of local government
- Land clearance authority or other quasi-governmental authority
- Government entity created by the state
- Regional council or group of general purpose units of local government
- Redevelopment Agency chartered or otherwise sanctioned by a state
- State
- Indian Tribe other than in Alaska
- Alaska Native Regional Corporation, Alaska Native Village Corporation, and Metlakatla Indian Community
- Nonprofit organizations

# NEW THIS YEAR

- Brownfields Utilization, Investment, and Local Development (BUILD) Act signed into law in March
- Fall – New Solicitation for Multipurpose, Assessment, and Cleanup Grants

## Brownfields Utilization, Investment, and Local Development Act (BUILD Act) Webinars

### National Technical Assistance to Brownfields (TAB) Webinar May 9, 2018 – 2:00pm - 3:30pm (EST)

The National TAB hosted a webinar on Wednesday, May 9 at 2:00pm (EST) for participants to learn about how the BUILD Act will improve the national brownfields program and support community brownfields revitalization.

The webinar featured officials from U.S. EPA, a local community, national brownfield experts, and the coordinator of the National Brownfields Coalition.

*Link to archived meeting:*

<https://njit.webex.com/njit/onstage/g.php?MTID=ec696679967d04cb26d6f2dfb3e48de27>

### 2018 BUILD Act & the EPA Brownfields Program Webinar

The Brownfields Utilization, Investment, and Local Development Act (BUILD Act) was enacted as part of the Omnibus Appropriations Act. The BUILD Act amends the 2002 Brownfields Law and authorizes changes to EPA's Brownfields program.

Members from EPA's Brownfields and Land Revitalization Program will provide an overview of how the BUILD Act changes some aspects of EPA's brownfields grants, ownership and liability requirements, and State & Tribal Response Programs.

June 6, 2018, 3:00pm - 5:00pm (EST)



MAC  
Competition

# The Brownfields Utilization, Investment, and Local Development Act (**BUILD Act**)

- Enacted on March 23, 2018
- Reauthorized EPA's Brownfields Program
- Amended the original Brownfields law
  - 2002 Small Business Liability Relief and Brownfields Revitalization Act
- Made changes to our brownfields grants, ownership and liability provisions, and state and tribal response programs



## **BUILD Act**

# **AK Native Village/Regional Corporation Liability Protection**

Alaska Native Village Corporations and Alaska Native Regional Corporations that acquired title to property from the U.S. Government under the Alaska Native Claims Settlement Act are excluded from the CERCLA definition of ‘owner/operator’ and are therefore exempt from CERCLA liability for any previous contamination at the property provided that the Alaska Native Village Corporation or Alaska Native Regional Corporation did not cause or contribute to the contamination. Entities that satisfy these conditions are eligible for a Brownfields Grant.

## BUILD Act

# More Redevelopment Certainty for Governmental Entities

Local or state governments that take control of a contaminated site no longer has to be an “involuntary” acquisition.

*Allows control through law enforcement activity, bankruptcy, tax delinquency, abandonment, or other circumstances*

## BUILD Act

# Prospective Purchasers and Lessees

Bona Fide Prospective Purchaser definition was amended to include language related to those who have **tenancy or leasehold** interests in the facility.

# Petroleum Brownfield Enhancement

Removed the language and requirement that petroleum brownfield sites be “of relative low risk” in order to be eligible for funding.

## BUILD Act

# Expanded Eligibility for Non-Profit Organizations

Non-profits (including LLCs and community development entities that are non-profit) can now apply for all brownfields grants (including assessment and RLF grants).

- IRS 501(c)(3)

# Certain Publicly Owned Brownfield Sites

Publicly owned sites acquired prior to January 11, 2002 can receive brownfields grant funding as long as the entity is not responsible for the contamination.



# BUILD Act

## Grant Applications

New ranking criteria focusing on renewable energy or any energy efficiency projects and waterfront developments (adjacent to a body of water or a federally designated flood plain).

## Allowing Administrative Costs for Grant Recipients

Entities are now able to use up to 5% of grant awards on administrative costs.

## BUILD Act

# Increased Funding for Cleanup Grants

Increased the cleanup grant funding amount to \$500,000 per site; eligible entities can also request a waiver to \$650,000 per site, based on the anticipated level on contamination, size, or ownership status of the site.

# Multipurpose Brownfields Grants

Grant authority for Multipurpose Grants (assessment and cleanup combination) was increased up to \$1,000,000. No more than 15% of the total appropriation can be awarded to Multipurpose Grants.



NEW  
GRANT  
TYPE

# BUILD Act

## Small Community Technical Assistance Grants

Authorized a new grant program for states and tribes to provide training, technical assistance, or research for small communities (<15,000), Indian tribes, rural areas, and disadvantaged areas.

Maximum of \$20,000 per community and one per state/tribe.

**\*\*\*\*\*Current EPA State/Tribal Response Program Grantees eligible\*\*\*\*\***

## Funding

Authorizes the competitive grants to \$200 Million for FY 2019 through 2023

Authorization is not appropriation, which is done by Congress yearly



# FY19 Program Highlights

- **M**ultipurpose, **A**ssessment and **C**leanup Guidelines Next Month (only weeks away)
- Community-wide Assessment - Hazardous Substances vs Petroleum  
Apply for up to \$300,000 – can be any amount and any combination
- Coalitions (up to \$600k) and Site-specific Assessment (\$200k or waiver to \$350k) grant amounts are not changing from FY18
- Environmental Workforce Development and Job Training Grant RFP to be issued in the spring with awards in FY20



# FY19 Program Highlights (continued)

- No new RLF competition until FY20 – Only supplementals in FY19
- No more separate AWP grant competition
- Planning activities have always been eligible under the Assessment grant including:
  - Site Reuse Assessment
  - Market Evaluation
  - Market Analysis
  - Infrastructure Evaluation
  - Land Use Assessment
  - Site Design/Reuse Vision
  - Redevelopment Planning
  - Development of a Target Area-wide plan

# FY19 Program Highlights **Cleanup Grants**



- Applicants can apply for up to \$500,000 to address one or more brownfield sites within one proposal and only one proposal per applicant.
- Although the BUILD Act allows it, we will not increase it to \$650,000 this year.
- Tribes, nonprofit organizations, and local governments with a population < 50,000, may request a cost-share waiver.

# FY19 Program Highlights **Multipurpose Grants**



- Applicants can apply for up to \$800,000 to complete at least one Phase II environmental site assessment, one cleanup, and an overall plan for revitalization.
- In addition to those activities, recipients can develop brownfields inventories and cleanup plans, prioritize sites & conduct community involvement activities.
- Eligible entities include the same as those that can apply for assessment and cleanup grant funding.
- Coalitions cannot apply for Multipurpose Grants this pilot year.



New  
this  
Year

A blue, multi-pointed starburst graphic with a white outline, containing the text "New this Year" in white, sans-serif font.

# FY19 Program Highlights **Multipurpose Grants**



- If you apply for a MP grant, you cannot apply for an assessment or cleanup grant this year.
- EPA anticipates being able to award approximately 10 MP grants in FY19.
- MP Recipients will be required to provide a \$40,000 cost-share. The cost-share can be met by a range of activities associated with the assessment and/or cleanup, such as a contribution of money, labor, material, or services from a non-federal source.
- No cost-share waivers will be allowed this year.



New  
this  
Year

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# FY19 Program Highlights **Multipurpose Grants**



- Multipurpose Grant applicants must own at least one site within their target area by the time of the proposal submittal date (December – most likely).
- Additional sites may be acquired and addressed after the award, but at the time of application the applicant needs to affirm they own an eligible site that could be addressed under the grant.
- The threshold criteria will require applicants to affirm they own a site that meets the federal definition of a brownfields.



# Acquiring a Property All Appropriate Inquiry (AAI)

- Must conduct Phase I (or equivalent) within six months prior to acquisition if claiming protection from liability. If Phase I is older than 180 days, must be updated.
- Remedial Investigations/Feasibility Studies do not fulfill AAI requirement.

# Brownfields Revitalization



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