

# **EPA Brownfields Program: What's New**

## **Florida Brownfields Conference Daytona Beach**

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**October 1, 2018**

# NEW THIS YEAR

- EPA FY18 budget approved in March after a series of continuing resolutions
- New 5-Year Strategic Plan released in March
- Brownfields Utilization, Investment, and Local Development (BUILD) Act signed into law in March
- FY18 Assessment, Cleanup, RLF, and EWDJT grant recipients announced in April
- Fall – New solicitations 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

# EPA'S 5-YEAR STRATEGIC PLAN (FY18 – FY22)

## GOAL 1.3: REVITALIZE LAND AND PREVENT CONTAMINATION

Goal is to Get Sites to meet the **Ready for Anticipated Use (RAU)** measure

**Target: 3,420 additional Brownfield sites RAU**

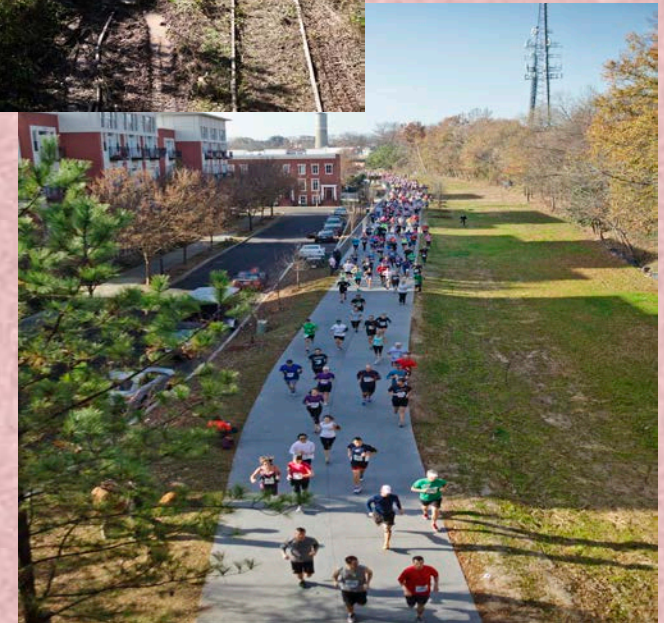
- Region 4 Goals for Brownfields:

This year = 14 RAU through Completing Cleanups

Next year = 11 RAU through Completing Cleanups



Atlanta Beltline  
Before and After



# Cross Program Agency Measure

- **Brownfields:** Sites that meet RAU as reported by cooperative agreement recipients (CARs).
- **Superfund:** sites that meet site-Wide Ready for Anticipated Use (SWRAU)
- **Underground storage tank (UST):** Tank removals meet RAU measure
- **RCRA Corrective Action:** RAU is met only for entire site



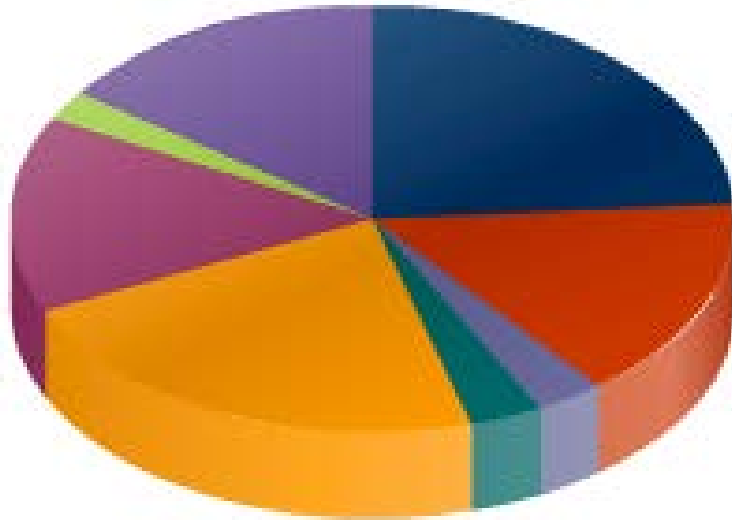
## Purpose of RAU

To report the # of properties benefiting from EPA Brownfields funding that have been assessed and determined not to require cleanup, or where cleanup has been completed and institutional controls are in place (if required)

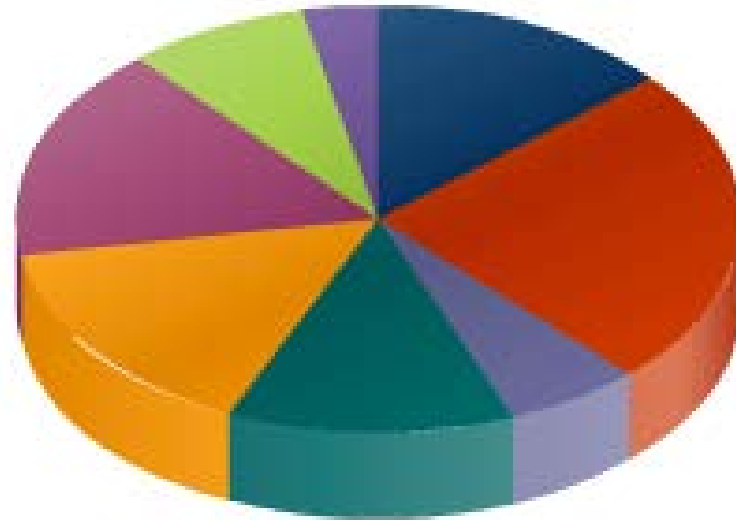
- A POSITIVE TREND THROUGH SEVERAL YEARS OF RESULTS WILL CONVEY THE CONTINUOUS IMPACT BROWNFIELDS FUNDING HAS ON RETURNING PROPERTIES TO A USEFUL STATE ACROSS THE COUNTRY



# Cumulative total for Brownfields RAU Measure – FY07 to FY17



ACRES



Properties

- AL
- FL
- GA
- KY
- MS
- NC
- SC
- TN

# 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 EPA's brownfields grant authorities, ownership and liability provisions, and state and tribal response programs



## 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*

Liability Exemption – Impacts Applicant/Site Eligibility



## 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.

Liability Defense – Impacts Applicant/Site Eligibility

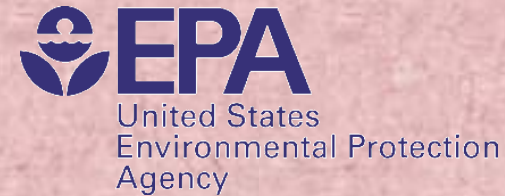
## Expanded Eligibility for Non-Profit Organizations

Non-profits (including LLCs and community development entities that are non-profit) can now apply for all brownfields grants (including assessment and RLF grants). - Internal Revenue Service 501(c)(3)

## Expanded Site Eligibility

Grant funding can be used for publicly-owned property acquired prior to January 11, 2002, where there was no Phase I prior to purchase, as long as the eligible entity is not responsible for the contamination.

## **BUILD Act**



# **Petroleum Brownfield Enhancement**

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

## **Grant Applications**

New evaluation 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.

## 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) cannot exceed \$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.

## Funding

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

Authorization is not appropriation, which is done by Congress yearly



# Immediate Program Impact due to the BUILD Act

- Region 4 Revised Site Eligibility Form this summer
  - Removed the requirement for a petroleum site to be a “low risk”
  - Eligible sites are where the Cooperative Agreement Recipient (CAR)
    - is not responsible for the contamination at the Site &
    - has a defense to liability (BFPP or acquired the property thru certain local government acquisition\*)
      - BFPP means that a Phase I ESA was conducted prior to purchase **UNLESS the local government acquired the property prior to January 11, 2002**
      - **\*acquisition through law enforcement activity, bankruptcy, tax delinquency, abandonment, or other circumstances**



New!

# Then What?

- EPA acted immediately to form National workgroups of Brownfields managers and coordinators to discuss BUILD Act provisions
- Developed process to implement the new provisions
- Put changes into FY19 competitive grants
- = FY19 MAC Grant competition
- = Changes to our Guidelines by Fall 2018



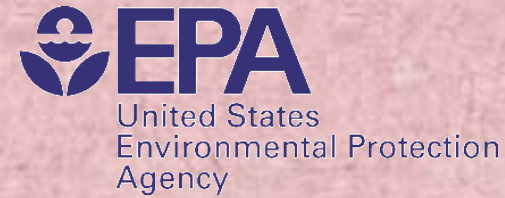
# FY19 Grant Program Highlights



- MAC Grant Guidelines Next Month (late October)
- No specific apportionment for Community-wide Assessment between hazardous substances vs petroleum funds
  - Apply for up to \$300,000
- Assessment Coalitions and Site-specific Assessment Grant amounts are not changing from FY18
- Environmental Workforce Development & Job Training Grant RFP to be issued in the spring and will end with awards in FY20
- No new RLF competition until FY20 – only supplementals in FY19



# FY19 Grant Program Highlights (continued)



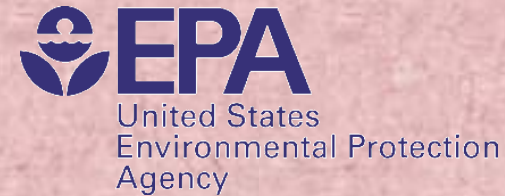
- No more separate AWP Grant competition
- Planning activities have always been eligible under the Assessment Grant; and are now also eligible under the Multipurpose Grants
- Planning activities include:
  - Site Reuse Assessment
  - Market Evaluation
  - Market Analysis
  - Infrastructure Evaluation
  - Land Use Assessment
  - Site Design/Reuse Vision
  - Redevelopment Planning
  - Development of a Target Area-wide plan

# FY19 Grant Program Highlights (continued)

- Applicants can submit both an Assessment Grant application and a Cleanup Grant application.
- EPA is looking to reduce the number of pages applicants have to respond to the ranking criteria (previous years it has been 15).
- It is likely that community support/commitment letters are no longer required.
- Current EPA Brownfields Assessment Grant recipients must expend at least 70% of the funds before applying for additional assessment funding.
  - Funds must be expended by October 1, 2018 as reflected in EPA's financials database (Compass Data Warehouse).

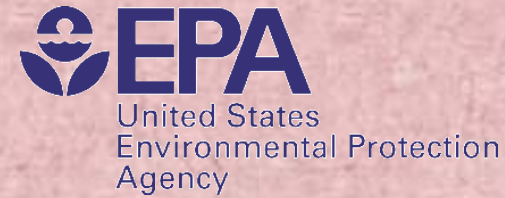


# FY19 Program Highlights – Cleanup Grants



- Applicants can apply for up to \$500,000 to address one or more brownfield sites within one proposal and only one proposal per applicant.
- For this first year although the BUILD Act allows it, we will NOT accept waiver requests to increase funding to \$650,000.
- Tribes, nonprofit organizations, and local governments with a population < 50,000, may request a cost-share waiver.
- Eligible Non-Profits include those other than IRS 501(c)(3) designated entities, such as IRS 501(c)(6). This only applies to Cleanup Grants.

# FY19 Program Highlights – Multipurpose Grants



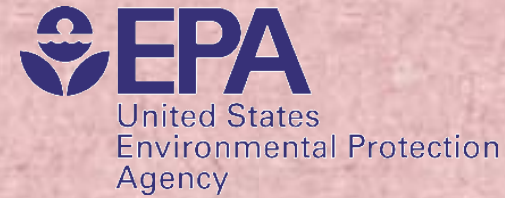
- Applicants can apply for up to \$800,000 to complete at least one Phase II environmental site assessment, one cleanup, and an overall plan for revitalization.
- In addition to those activities, recipients can develop brownfields inventories and site-specific cleanup plans, prioritize sites, conduct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



New this  
Year

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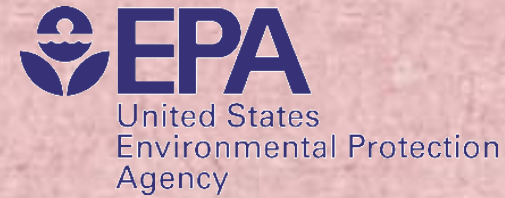
# FY19 Program Highlights – Multipurpose Grants (continued)



- 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.



# Multipurpose Grants (continued)



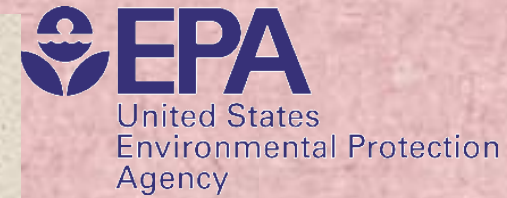
- Multipurpose Grant applicants must own at least one site within their target area by the time of the proposal submittal date (December – most likely).
- Additional sites may be acquired and addressed after the award, but at the time of application the applicant needs to affirm they own an eligible 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 brownfield sites.
- At least 70% of EPA awarded grant funds must be allocated for tasks directly related to site-specific work, including site assessments, remediation, and associated activities.
- At least \$200,000 of funding must go towards cleanup



New this  
Year

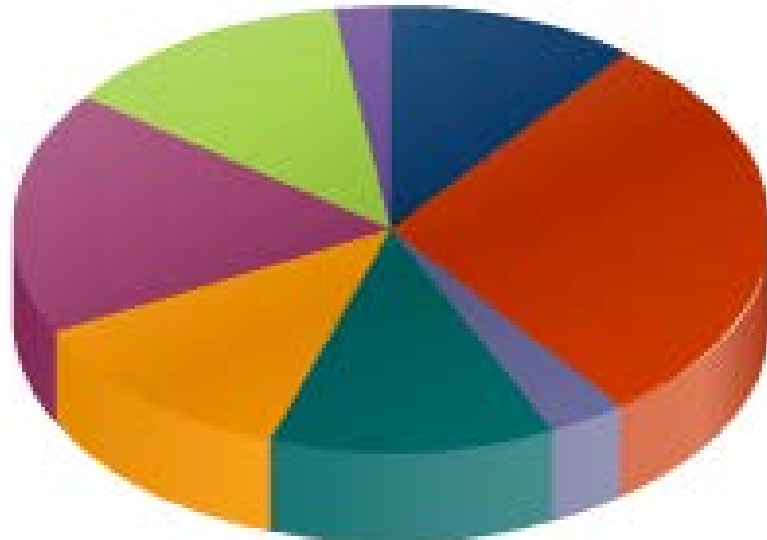
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# Brownfields Accomplishments in Florida – 1995 to Present



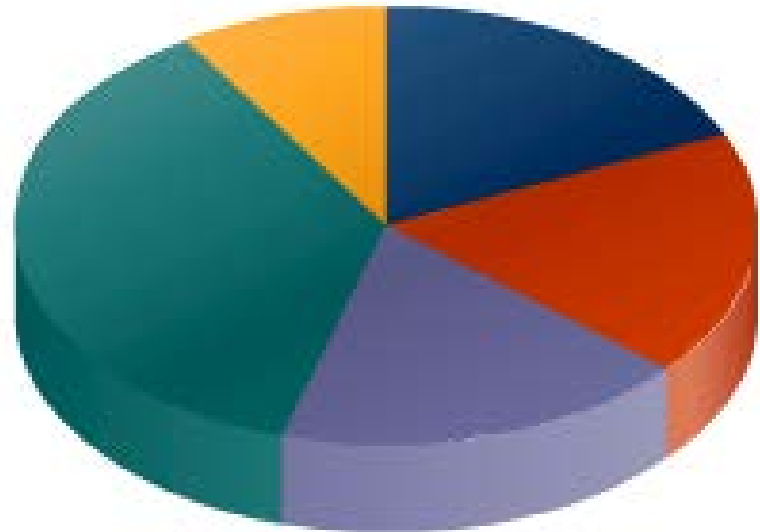
Number of Assessments Completed	1,405
Number of Cleanups Completed	33
Dollars Leveraged	\$626,988,081.58
Jobs Leveraged	3,010
Acres/Properties Ready for Reuse	5527.87/332

# Brownfields Accomplishments by State in FY18 – Assessments Completed

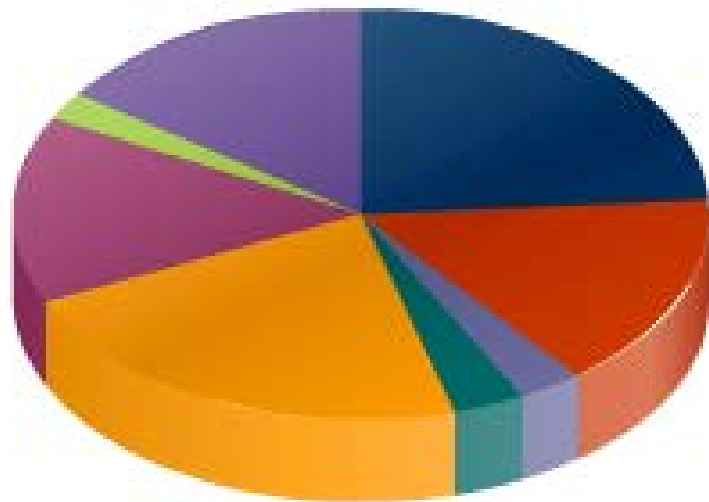




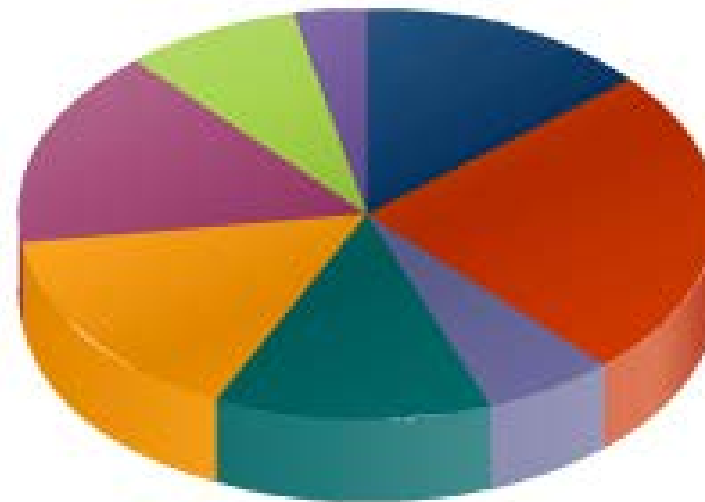
# Brownfields Accomplishments by State in FY18 – Cleanups Completed



# Brownfields Accomplishments by State in FY18 – Ready for Re(Use) ★



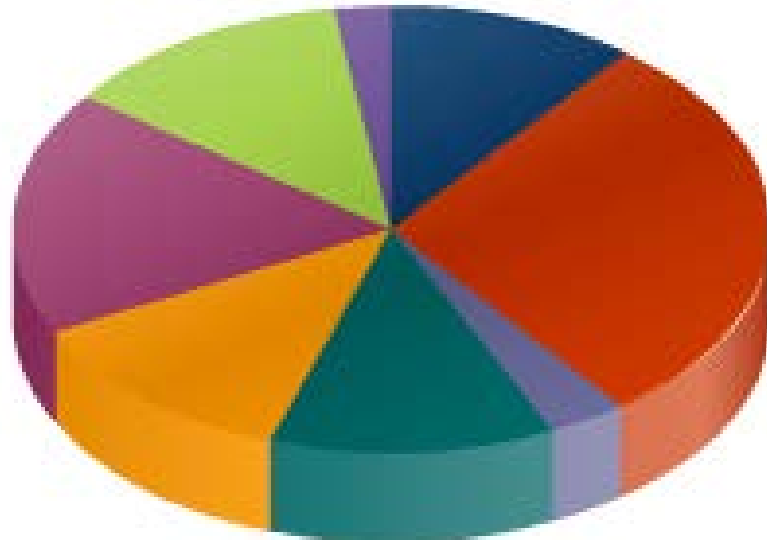
ACRES



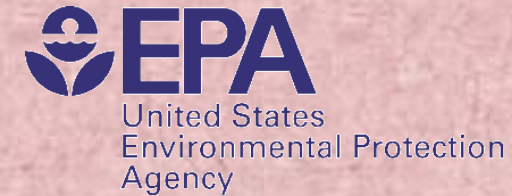
Properties



# Brownfields Accomplishments by State in FY18 – Assessments Completed

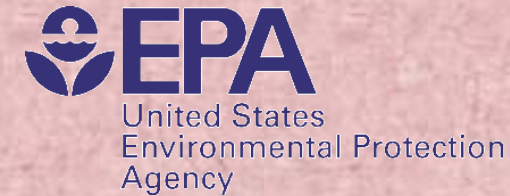


# Grant Applications Received/Award Status (FY2016 – FY2018)

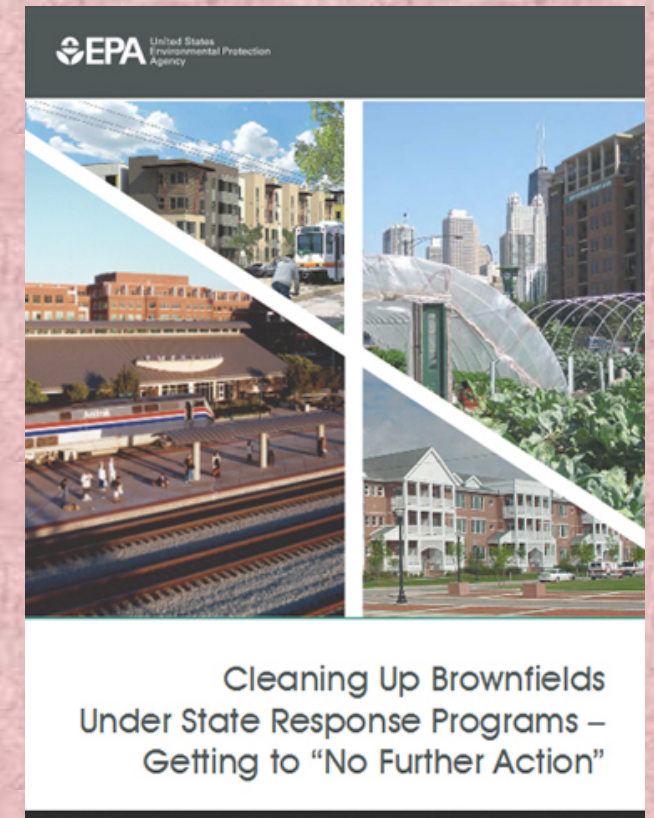


	FY2016 Rec'd/Awarded	FY2017 Rec'd/Awarded	FY2018 Rec'd/Awarded	FY2018 Amount Received
Alabama	10/3	18/6	10/2	\$ 600,000
Florida	20/5	23/6	20/3	\$1,200,000
Georgia	9/1	16/7	12/4	\$1,200,000
Kentucky	9/3	11/4	7/1	\$ 300,000
Mississippi	9/4	10/9	6/0	
North Carolina	21/4	19/5	20/11	\$3,395,000
South Carolina	11/5	12/3	17/7	\$2,200,000
Tennessee	9/3	2/0	5/0	
Funds Awarded R4	\$9,897,000	\$11,349,803		\$8,895,000
National \$\$	\$55.2	\$56.8M		\$54.3M

# State Programs

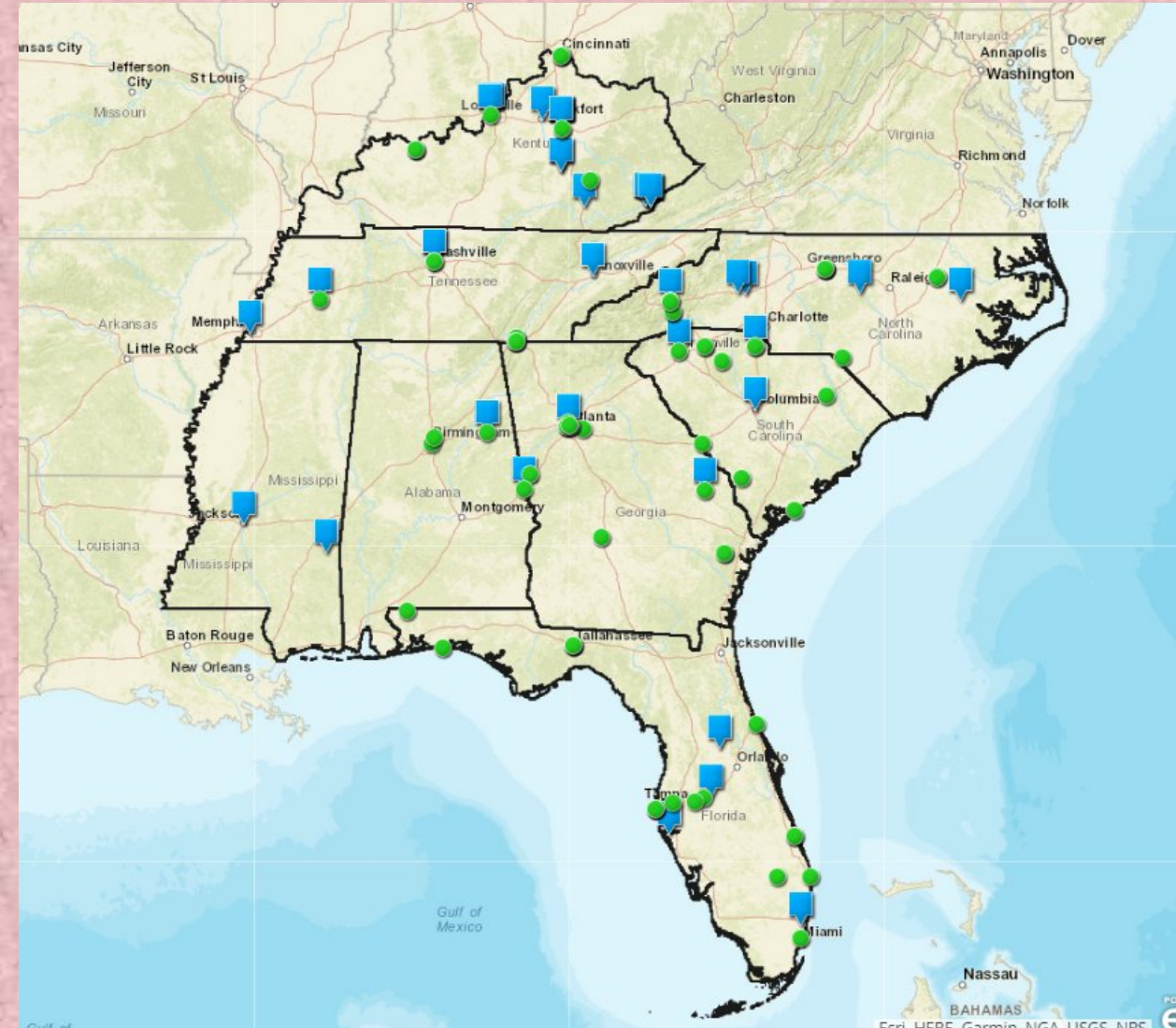


- EPA provides funding to States and Tribes via cooperative agreements to implement Response Programs - FDEP
- EPA encourages grant recipients to use State VCP/Brownfields programs
- EPA has Memorandums of Agreements with Florida and Kentucky
- EPA could not attain the success we do without our state partners

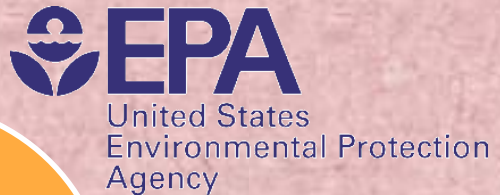


# EPA Region 4 Brownfields Story Map

- **Brownfields Success Stories** (*blue dot*)
- **FY08-FY17 Completed Cleanups** (*green dot*)
- Highlights the accomplishments of EPA Brownfields grantees in EPA Region 4.
- EPA hopes to make it publicly accessible soon.
- States are further ahead than EPA on developing Brownfields/VCP Story Maps



# Brownfields Revitalization



# Brownfields Section



Cindy J. Nolan  
Brownfields Section Chief



Derek Street



Barbara Alfano  
Brownfields Coordinator



Barbara Johnson  
ACRES Coordinator



# Brownfields Section



Wanda Jennings  
Budget & Grants Coordinator



Olga Perry  
State & Tribal Coordinator



Camilla Warren



Brian Gross



Steve Smith



Bob Rosen  
Targeted Brownfields  
Assessment Coordinator

# QUESTIONS?

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