



EPA Brownfields Program What's New

Southeast Brownfields Conference Birmingham, Alabama

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September 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

Source: yahoo.com

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



GOAL 1.3: REVITALIZE LAND AND PREVENT CONTAMINATION

- Getting a Site to **Ready for Anticipated Use (RAU)** – Cleanup Complete
- **3,420 additional Brownfield sites RAU**



Atlanta Beltline
Before and After

EPA's Superfund, Brownfields and Corrective Action programs have RAU Goals

- Region 4 Goals for Brownfields:

This year = 14 RAU through Completing Cleanups

Next year = 11 RAU through Completing Cleanups

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

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.

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)

Certain Publicly Owned Brownfield Sites

Grant funding can be used for 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.

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

BUILD Act

- EPA acted immediately to develop process to implement the new provisions
- Changes our ARC Grant competition to the FY19 MAC Grant competition
 - Multipurpose, Assessment and Cleanup
 - Changes to our Guidelines
 - National workgroups of Brownfields managers and coordinators
 - Recommendations made to Senior Management



Impacts Due to the BUILD Act



- Region 4 revised the Site Eligibility Form THIS YEAR
 - 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!

FY19 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 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 Program Highlights (continued)



NEW THRESHOLD CRITERIA



NEW
CRITERIA

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- **Assessment**

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 December 1, 2018 as reflected in EPA's grants financial database (Compass Data Warehouse).**

- **Cleanup**

Recipients that were previously awarded for a Brownfields Cleanup Grant may not request additional Cleanup Grant funding for the same site.

FY19 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.



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.

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.



FY19 Program Highlights – 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.



New this
Year

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Brownfields Grants in Alabama – 1995 to Present



Grant Recipient Name	Grant Type	FY Announced
Alabama DEM	Revolving Loan Fund	2002
Alabama DEM	Assessment	2010
Anniston, City of	Assessment	2001
Anniston, City of	Job Training (2)	2004 and 2008
Anniston, City of	Cleanup ★	2007
Bay Minette, City of	Assessment	2017
Birmingham, City of	Assessment (2)	1995 and 2016
Birmingham, City of	Revolving Loan Fund	1997
Black Warrior-Cahaba Rivers Land Trust	Assessment	2004
Cordova, City of	Assessment	2007
Cullman, City of	Cleanup	2011
Decatur, City of	Assessment	2012
Dothan, City of	Assessment	2017
Florence, City of (Alabama)	Assessment	2008
Freshwater Land Trust	Assessment (2)	2007 and 2010
Greenville, City of	Assessment	2018
Guin, City of	Assessment	2004

Brownfields Grants in Alabama – 1995 to Present (continued)



Grant Recipient Name	Grant Type	FY Announced
Jefferson County EIDA	Cleanup ★	2009
Lawson State Community College	Job Training	2016
Mobile, City of	Assessment (2)	2009 and 2014
Monroe County	Assessment	2013
Montgomery, AL	Assessment	2001
Prichard, AL	Assessment (2)	1996 and 2011
Selma, City of	Assessment (3)	2001, 2006 and 2017
Sheffield Redevelopment Authority	Cleanup	2017
Sheffield, City of	Assessment (2)	2013 and 2018
Talladega, City of	Assessment (2)	2009 and 2012
Tarrant, City of	Cleanup (3) ★	2006, 2016, and 2017
Tuscaloosa, City of	Assessment	2006
Uniontown, AL	Assessment	1998
Valley, City of	Assessment and Cleanup (2) ★	2007, 2008 and 2011

★ Cleanup Complete!!!

Grant Applications Received/Award Status (FY2016 – FY2018)



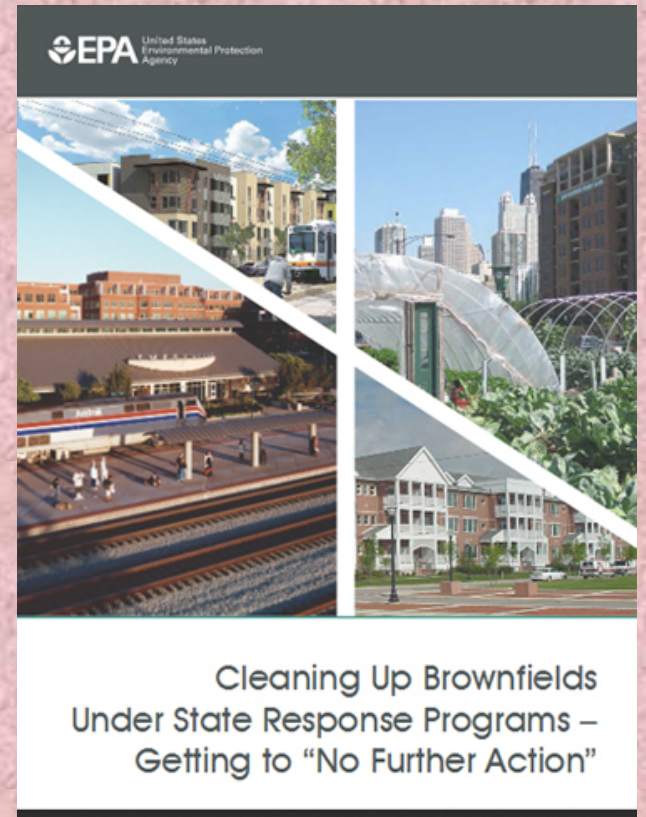
	FY2016 Rec'd/Awarded	FY2017 Rec'd/Awarded	FY2018 Rec'd/Awarded	FY2018 Amount Received
Alabama	10/3	18/6	10/2	\$ 600,000
Florida	20/5	23/6	20/3	\$1,200,000
Georgia	9/1	16/7	12/4	\$1,200,000
Kentucky	9/3	11/4	7/1	\$ 300,000
Mississippi	9/4	10/9	6/0	
North Carolina	21/4	19/5	20/11	\$3,395,000
South Carolina	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

ADEM

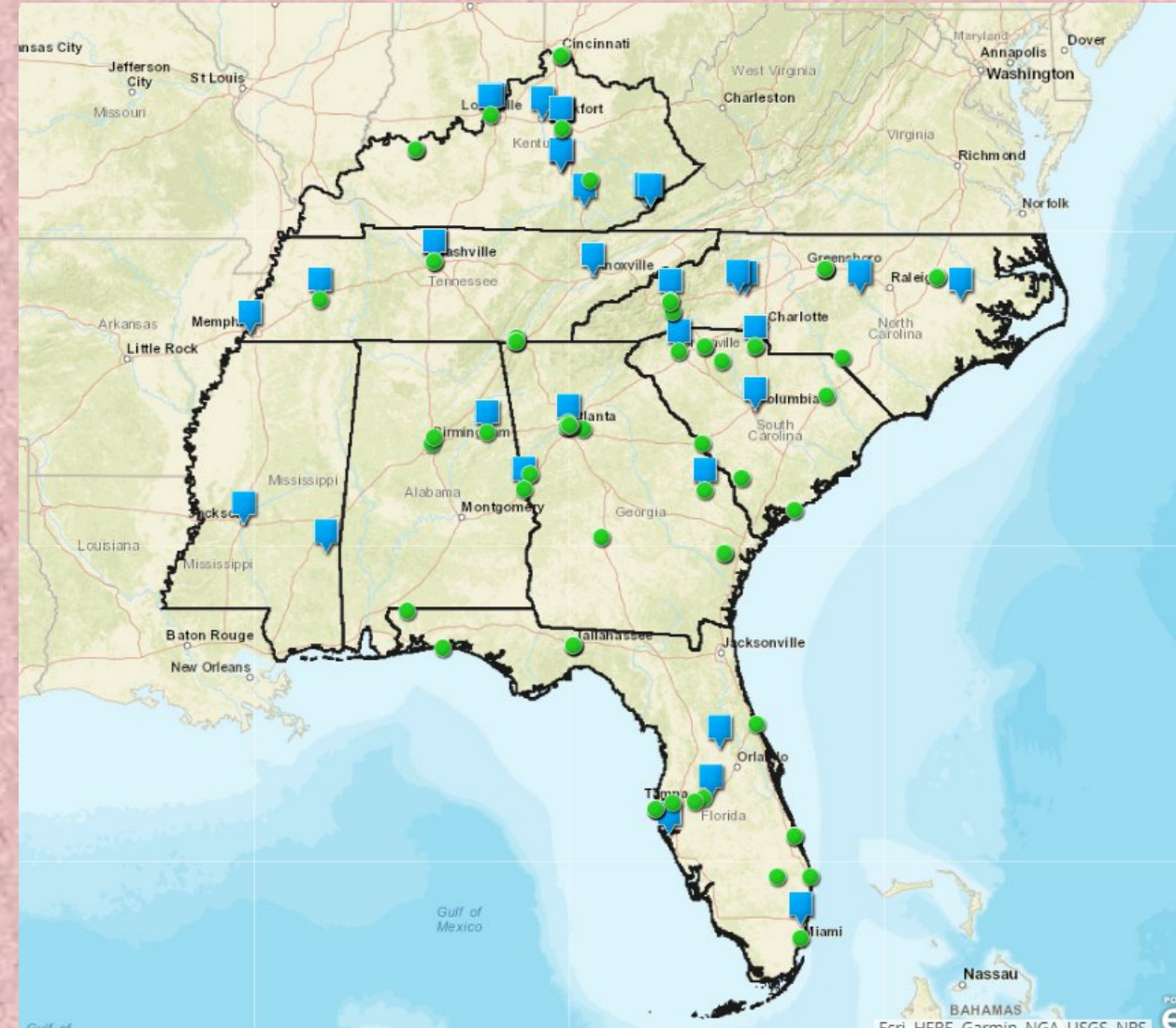
Alabama Department of Environmental Management

- EPA provides funding to States and Tribes via cooperative agreements to implement Response Programs
- 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



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Targeted Brownfields
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And the Southeast Brownfields Community



QUESTIONS?

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