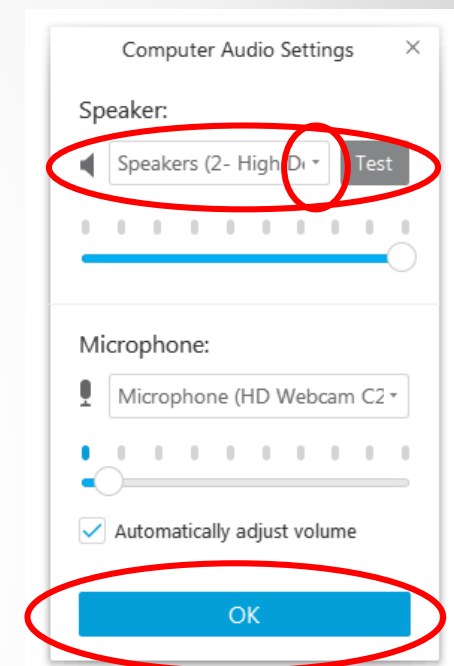
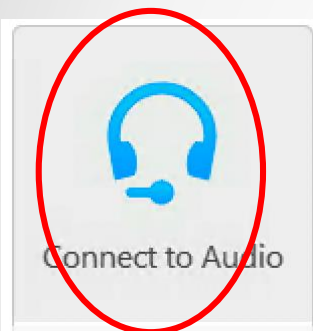


Thank you for joining. We are very glad you're with us today.
Our presentation will begin shortly.

While you are waiting, please take a moment to
minimize any distractions, such as:

shutting your door,
silencing your ringer or message alerts, and
muting your connection (it should be automatically muted).



NOTE: There is no phone audio option. To activate your computer audio, click the blue 'OK' button on the audio connection popup, once you've selected/tested your speakers successfully. A link to a recording of the webinar will be sent to all registrants afterwards. The slides and other useful information about the BUILD Act can be downloaded now from the documents tab at: <https://www.ksutab.org/education/webinars/details?id=308>

BUILDing on Brownfields Progress: *Opportunities from the New Federal “BUILD Act” Brownfields Law*

National Webinar

Technical Assistance to Brownfields (TAB) Program

May 9, 2018, 2PM EST

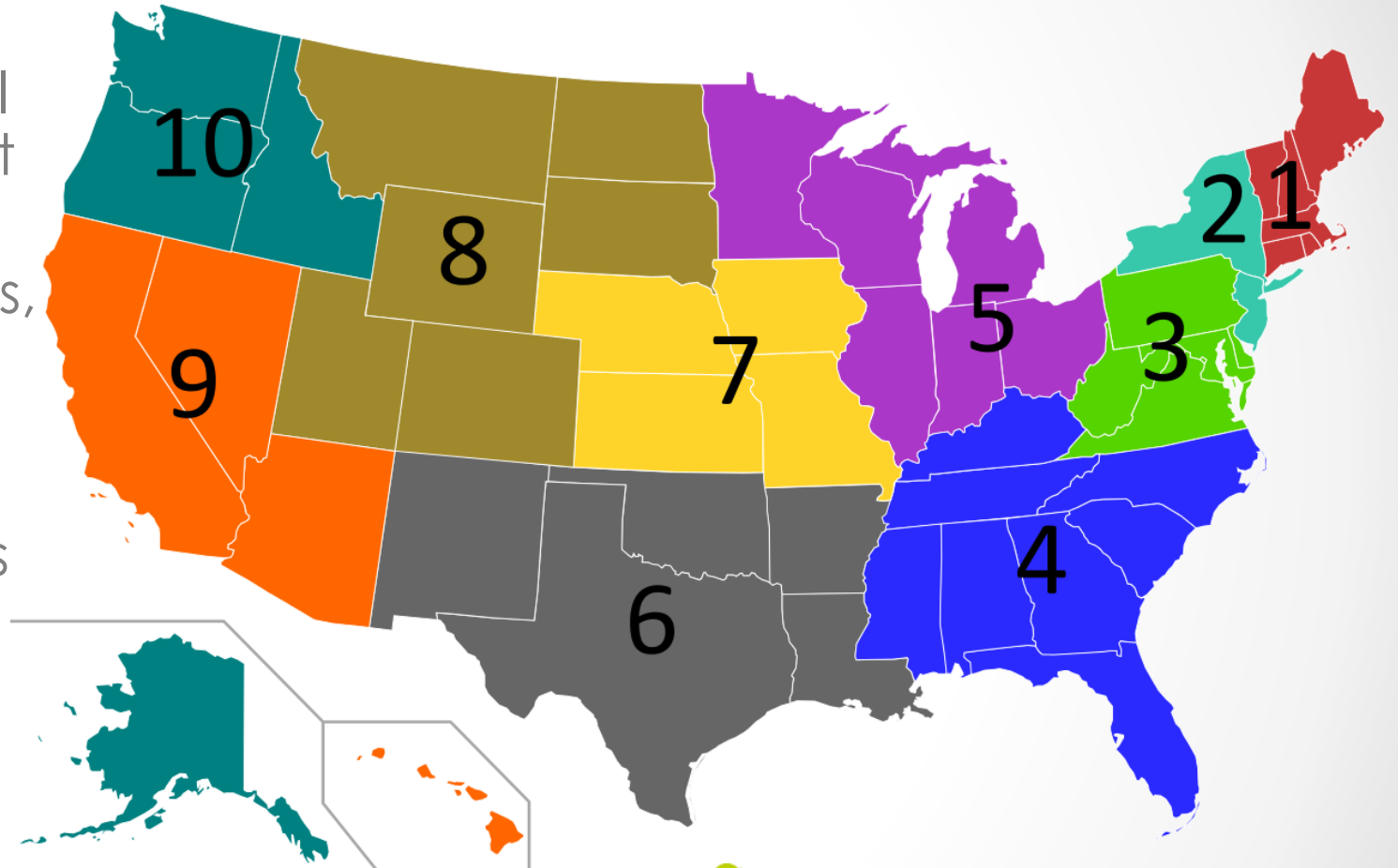


Housekeeping

- All attendees are on mute. Please use the integrated audio on your computer or mobile device for sound.
- Please submit all questions using the **Q&A** function on the upper right section. When you submit your questions, please submit your questions to “**All Panelists.**”
- A recording of the webinar & slides will be available at www.ksutab.org/education/webinars and will also be sent to attendees.
- We appreciate your feedback – please respond to the webinar survey.

Technical Assistance to Brownfields (TAB) Program

- Free Planning, Environmental and Economic Development expertise
- Directly to local governments, non-profits, and tribal communities
- Webinars, workshops, resource roadmaps & E-Tools
- 3 Poll Questions . . .



Today's Presenters



Blase Leven, KSU TAB Director: *Overview & Brownfields Basics*

David Lloyd, Director of U.S. EPA Office of Brownfields & Land Revitalization:
Welcoming remarks on the opportunities of the BUILD Act



Matt Ward, CEO at Sustainable Strategies DC: *Overview of the BUILD Act*

Rachel Lentz, Acting Grants Director of U.S. EPA Office of Brownfields & Land Revitalization: *EPA Implementation of BUILD*



Bob Trezise, Lansing Economic Area Partnership (LEAP):
What BUILD will mean for communities

Christopher Coes, National Brownfields Coalition:
Building on Brownfields Progress



The background of the slide features a low-angle photograph of a modern, multi-story building with a grid-like facade of windows and balconies. The building is on the left side, and the rest of the background is a clear, light blue sky. A semi-transparent blue horizontal band is overlaid across the middle of the image, serving as a backdrop for the text.

The BUILD Act

BUILDing on Brownfields Progress

Blase Leven, Kansas State University TAB Program

May 9, 2018

Today's Agenda

- I. The foundation: Welcome, Overview & Brownfields Basics
- II. The builder: Overview remarks from U.S. EPA
Brownfields Director David Lloyd
- III. The building: Overview of the BUILD Act
- IV. The build-out: EPA Implementation of BUILD Act
- V. The view: Local perspective on BUILD Act opportunities
- VI. The grand opening: Importance of New BUILD Act Tools
for Sustainable Communities
- VII. Q&A

The foundation: Brownfield Basics

- CERCLA or Superfund law sets up scheme for responsibility/liability for contamination of sites by hazardous substances
 - Exempts and provides liability protections for certain parties who did not cause or contribute to the contamination, to include “innocent landowners,” who want to re-use/redevelop a property
- In 2002, new federal “Brownfields Revitalization Act” amends CERCLA
 - Formally defined brownfields and spelled out types and requirements of liability exemptions
 - Provided funding for EPA brownfield grants for assessment, cleanup, revolving funds; State & Tribal brownfield response programs; for eligible sites & entities
- Over past 10+ years, many efforts to tweak the brownfields law to work out the bugs and improve brownfields opportunities
- Bipartisan legislation gets close over past years, and “BUILD Act” amendments to CERCLA finally passed by riding on FY2018 Omnibus Appropriations legislation in March 2018



Welcoming Remarks from U.S. EPA Office of Brownfields & Land Revitalization

- In 2016, the nation celebrated 20 years since the launch of the U.S. EPA Brownfields program, and more than a decade since the passage of the Brownfields Revitalization Act of 2002
- EPA continues to move forward on the “next generation” of brownfields innovation, in partnership with local governments, state governments, communities, environmental organizations and private sector landowners, investors, and redevelopers
- The new BUILD Act passed by Congress will provide new tools and opportunities to build on brownfields progress and partnerships
- EPA wants to work with you to implement the BUILD Act effectively



BUILD Act Description: Funding

- **\$250 million annually authorized** – \$200M for EPA brownfields program; \$50M annually for State brownfields programs (must still be appropriated by Congress)
- **Bigger cleanup grants** – Law allows (but does not require) EPA to increase Brownfields Cleanup Grants from \$200,000 to \$500,000 (or even \$650,000 based on anticipated level of contamination, size of site, and ownership status)
- **Multipurpose grants** – New Multipurpose Grant program created to allow inventory, assessment, planning and cleanup activities under one grant, which may be up to \$1 million
- **Admin costs:** Up to 5% of EPA grants may be used for recipients administrative costs



BUILD Act Description: Liability Protections

- **Local government acquisition** – New clarity on local government sovereign acquisition of sites by seizure, law enforcement tax foreclosure, abandonment, bankruptcy, or other local functions – takes out confusing word “involuntary”
- **Publicly-owned sites acquired before 2002** – Localities can receive EPA grants for sites acquired before 2002, even if BFPP status for brownfield site ownership is not shown, as long as locality did not “cause or contribute” to a pollution release
- **Liability protections for leaseholders**
- **Protection for Alaskan Natives** – Removes liability for Alaskan villages or corporations who received a contaminated site from U.S. government



Brownfield Grants for Non-Profits

- Definition of “eligible entity” for EPA brownfield grants changed to allow 501(c)(3) non-profit organizations to receive brownfield assessment, cleanup, RLF or multipurpose grants



Petroleum Brownfields

- Changes the definition of a petroleum site classified as a “brownfield” by dropping the requirement that EPA or the State determine that the petroleum site be “of relatively low risk, as compared with other petroleum-only sites in the State”, and slightly clarifies the requirement that the petroleum-only site have no viable PRP and will be addressed by a non-PRP



The BUILD-Out: Implementation by U.S. EPA

- **Mandatory statutory provisions:**
 - Implementation of provisions on government acquisition
 - Alaska Native acquisition
 - Petroleum Brownfields definition
 - Lease prospective purchaser provisions
 - Expanded eligibility for non-profit organizations
 - Treatment of certain publicly-owned brownfield sites
 - New grant criteria for waterfront & energy brownfields
 - Administrative costs for brownfield grantees
 - Establishment of Multipurpose Brownfields grant program
- **EPA Discretion:**
 - How large Cleanup grants will be up to limits of \$500,000 or \$650,000 with waiver
 - How large Multipurpose grants will be up to \$1 million
 - How to establish & fund the technical assistance program for small/rural/disadvantaged communities (also States have discretion on whether to use their EPA funding to support assistance for such communities)
- **Gathering Public Input on Program**
- **Timing for FY2019 implementation & grants**



Local View from Lansing on BUILD Opportunities

- Since 2000,. Lansing Economic Area Partnership (LEAP) in Michigan has used seven (7) EPA Brownfields Assessment, Coalition Assessment, and Revolving Loan Fund grants to drive community revitalization, including at a Phoenix Award-winning project
- What the BUILD Act could mean for Lansing Brownfields progress:
 - Publicly owned brownfields & brownfields obtained through local action
 - Larger cleanup grants
 - Multipurpose grants
 - Waterfront & Clean Energy projects



New Support for Sustainable Communities

- Importance of the new BUILD Act
- Small, Rural & Disadvantaged Communities:
 - Allows U.S. EPA to provide up to \$1.5 million annually for grants, up to \$20,000, to brownfields support to small, rural and disadvantaged communities
 - Allows States & Tribes to use their EPA funding to assist small, rural and disadvantaged communities
 - “Small” = Less than 15,000 population; “Disadvantaged” = Annual median household income <80% of statewide median household income
- **Waterfront Brownfields & Clean Energy Projects:** Directs EPA to add criteria for evaluating grant applications to support brownfield projects on waterfronts and in floodplains, and to support brownfield projects involving renewable energy, energy efficiency, district energy, and combined heat and power projects



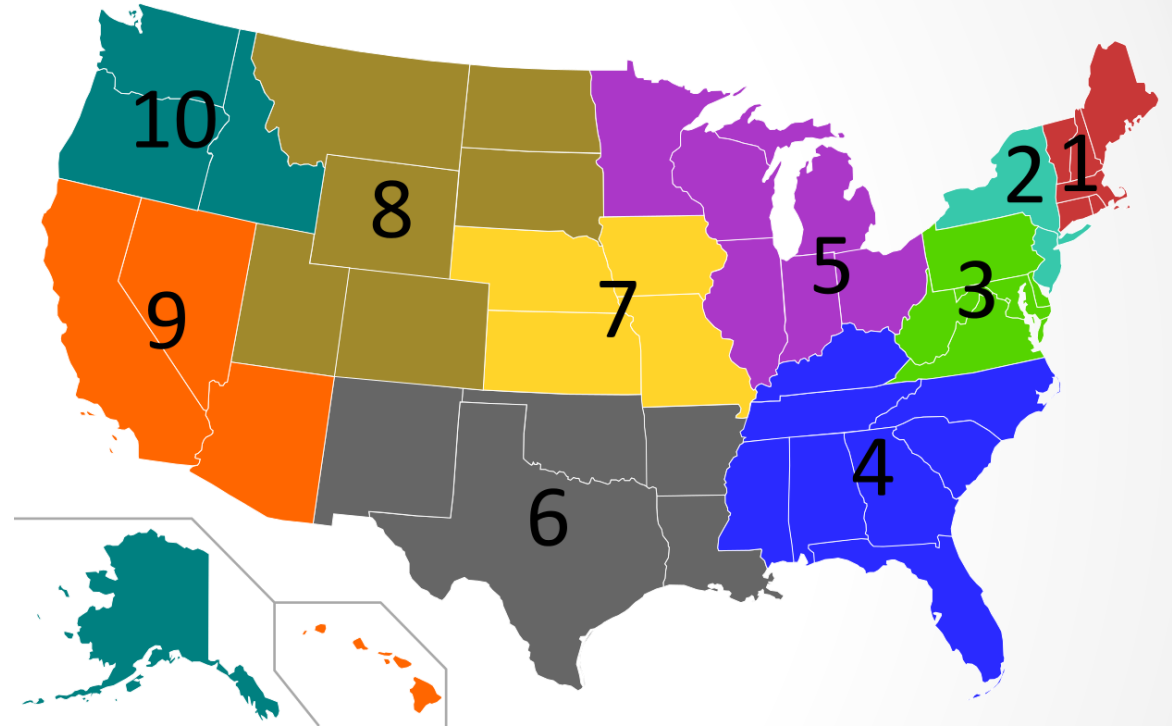
Chat Questions? (and Speaker Points of Contact)

- **Matt Ward**, Sustainable Strategies DC: Matt.Ward@StrategiesDC.com
- **Rachel Lentz**, U.S. EPA Brownfields Office: www.epa.gov/brownfields; Rachel Lentz, Lentz.Rachel@epamail.epa.gov
- **Bob Trezise**, Lansing MI Brownfields Program: bob@purelansing.org
- **Christopher Coes**, National Brownfield Coalition at Smart Growth America: ccoes@smartgrowthamerica.org



Technical Assistance to Brownfields (TAB) Program

- For technical assistance requests please contact your Regional TAB provider (please see next slide)
- Thanks for attending!
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TAB Assistance Providers

New Jersey Institute of Technology (NJIT)—EPA Regions 1, 3, & 4
Colette Santasieri | 973-642-4165 | santasieri@njit.edu | www.njit.edu/tab

Kansas State University (KSU)—EPA Regions 5, 6, 7, 8, & all for Tribes
Blase Leven | 785-532-0780 | baleven@ksu.edu | www.ksutab.org

Center for Creative Land Recycling (CCLR)—EPA Regions 2, 9 & 10
Sarah Sieloff | 415-398-1080 | sarah.sieloff@cclr.org | www.cclr.org

