

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

Sponsored by Sen. Lautenberg, Sen. Inhofe, Sen. Tom Udall, & Sen. Crapo

Section 1 – Short Title: Establishes the title of the bill as the Brownfields Utilization, Investment, and Local Development Act of 2013.

Section 2 – Expanded Eligibility for Nonprofit Organizations: Allows 501(c)(3) non-profits, certain limited liability corporations and partnerships, and qualified community development organizations to qualify for site assessment grants under Section 104(k)(1). Non-profits are currently eligible for site remediation grants only.

Section 3 – Multipurpose Brownfields Grants: Authorizes EPA to award grants that include multiple elements, including site inventory, characterization, assessment, planning, or remediation for one or more Brownfields sites. This allows grant applicants to secure financing for multiple phases of a Brownfields project. Individual grants are limited to \$950,000, and total expenditures on multi-purpose grants are limited to not more than 15 percent of the total appropriated funds for Section 104(k) grants. EPA has already established a pilot project to provide multipurpose grants under the existing Brownfields program. This section would explicitly give EPA that authority.

Section 4 – Treatment of Certain Publicly Owned Brownfield Sites: Allows local governments to apply for site assessment grants for properties that were acquired prior to the enactment of the Brownfields program, even if the local government did not make all appropriate inquiries prior to acquiring the site. This reflects the public interest in evaluating potential contamination at a property that was acquired prior to the start of the Brownfields program without eliminating the local government's liability as a responsible party to clean up the site.

Section 5 – Increased Funding for Remediation Grants: Increases the limit for site remediation grants from the current \$200,000 to \$500,000 per site, and gives the EPA Administrator discretion to raise the limit further to \$650,000. According to the Northeast-Midwest Institute, the average cost of cleanups under the Brownfields program has been \$602,000.

Section 6 – Allowing Administrative Costs for Grant Recipients: This section eliminates the current prohibition on administrative costs and allows grant recipients to use up to 8 percent of the grant amount to cover administrative costs.

Section 7 – Small Community Technical Assistance: EPA currently provides technical assistance to communities seeking to inventory, assess, cleanup, and prepare brownfields sites for redevelopment. While it is important that EPA provide technical assistance to all communities, this section ensures that it prioritizes communities with the least resources.

Specifically, it directs EPA to prioritize technical assistance to small communities, Indian tribes, rural communities, or low-income areas with populations below 15,000 people when applying for grants under the Brownfields program.

Section 8 – Waterfront Brownfields Grants: Directs EPA to give consideration to waterfront Brownfields sites, defined as adjacent to a body of water or a federally-designated floodplain, when making grants under Section 104(k).

Section 9 – Clean Energy Brownfields Grants: Authorizes EPA to establish grants up to \$500,000 for Brownfields properties suitable for energy efficiency improvements, such as combined heat and power, or a renewable electricity generating facility. Under this section, renewable electricity is defined as wind, solar, or geothermal energy.

Section 10 – Targeted Funding for States: Allows the EPA Administrator to use up to \$2 million of the appropriated funds for Section 104(k) to provide grants to States for activities under the Section 128(a) program. In order to qualify, States must have expended at least 50 percent of the previous fiscal year's Section 128(a) funds on site assessment and remediation activities.

Section 11 – Authorization of Appropriations: Extends the current authorization levels through FY 2016. The authorization for the Section 128 program is maintained at \$50 million and the Section 104(k) authorization is maintained at \$200 million.