



HIGHLIGHTS OF BROWNFIELDS UTILIZATION, INVESTMENT, AND LOCAL DEVELOPMENT (BUILD) ACT OF 2018

In November 2017, the House passed H.R. 3017, the Brownfields Enhancement, Economic Redevelopment, and Reauthorization Act of 2017 to reauthorize the U.S. Environmental Protection Agency's (EPA) Brownfields Program.

Several other brownfields reauthorization bills have been introduced in the 115th Congress including the Brownfields Utilization, Investment, and Local Development (BUILD) Act of 2017 (S. 822), the Brownfields Reauthorization Act of 2017 (H.R. 1758), and the Brownfields Reauthorization Increase Act of 2017 (H.R. 1747). In addition, the House Energy and Commerce Committee released a brownfields reauthorization discussion draft and the committee's Environment Subcommittee held a hearing on the topic in April 2017.

While the details of these bills differ slightly, all authorize the program for several years, increase the authorized level for clean-up grants, create a new multipurpose grant program, make non-profit entities eligible for grants, and allow for a percentage of the grant award to be used for administrative costs.

On March 23, the president signed into law the Consolidated Appropriations Act of 2018. The bill funds programs for fiscal year (FY) 2018 through September 30, 2018. The BUILD Act of 2018 was attached to the omnibus spending package and reauthorizes the Brownfields Program through FY2023. The content of the bill is very similar to the brownfields legislation passed by the House in November 2017, H.R. 3017. The BUILD Act authorizes program spending at \$200 million annually and provides reforms supported by NADO, including:

BUILD Act of 2018 Summary

- Expands eligibility of brownfields grants recipients to nonprofit and community development entities; eligibility includes brownfields assessment, cleanup, revolving loan fund, and job training grants
- Increases brownfields remediation cleanup grants from \$200,000 to \$500,000 and may be raised to \$650,000 based on need
- Establishes new program for multipurpose grants providing up to \$1 million for eligible entity to inventory, characterize, assess, plan, and remediate one or more sites within specific area; grants can be used for the full range of brownfields funded activities including assessment, cleanup, reuse planning as well as on an area-wide and community-wide basis
- Allows eligible entities to use up to five percent of program funding for administrative costs
- Directs EPA to provide technical assistance grants to small communities, Indian tribes, rural areas, or disadvantaged areas; grants are for up to \$20,000 per grant for communities under 15,000 in population or with an annual median household income that is less than 80 percent of the statewide annual median household income
- Classifies petroleum sites as brownfields where no viable responsible party exists, and state and EPA decide entity assessing and remediating the site is not liable to clean up the site