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BUILD ACT BOOSTS EPA BROWNFIELDS PROGRAM

The year 2018 has already proven to be a success for brownfields redevelopment. On April 25, 2018, the Environmental Protection Agency (EPA) [awarded 221 grants](#) totaling \$54.3 million through the 2018 Brownfields Program. These Assessment, Revolving Loan Fund, and Cleanup (ARC) grants are an important step for [revitalizing blighted areas](#) of communities where development may have been halted due to environmental concerns.

Additionally, although President Trump's earlier proposed budgets for 2019 [suggested cuts to EPA's Brownfield Program](#), the new BUILD Act (Brownfields Utilization, Investment, and Local Development Act) reauthorized the program's funding level of \$250 million per year from 2019 through 2023. It will also provide new tools and opportunities to build on brownfields progress.

Highlights of the BUILD Act

The BUILD Act was passed on March 22, 2018 as part of the [2018 Omnibus spending bill](#) to enhance the [EPA Brownfields Program](#). It was the first major legislative change to the program since its establishment in 2002. The BUILD Act increases the allowable funding level for remediation grants from \$200,000 to \$500,000 and amends the Comprehensive Environmental, Response, Compensation, and Liability Act (CERCLA) of 1980 to include increased liability protections for local governments.

Under CERCLA's current liability provisions, owners and operators are considered Potentially Responsible Parties (PRPs) who are required to pay the costs associated with investigating and cleaning up contaminated properties, even when contamination occurred prior to that party's acquisition of the property. [Exceptions exist](#) only for innocent purchasers, contiguous property owners, and bona fide prospective purchasers who meet the "All Appropriate Inquiry" standard and other criteria.

However, the BUILD Act expands the definition of a bona fide prospective purchaser to include leaseholders who enter a lease after January 1, 2002. It also clarifies that states and local governments that acquire properties

through seizure of other law enforcement activities are excluded from CERCLA's definition of owner and operator. Amendments to CERCLA will also remove liability for Alaskan villages and corporations who received a contaminated site from the U.S. government.

The BUILD Act also expands brownfields grant eligibility for nonprofit organizations and created a new multipurpose grant program. The new multipurpose grants will allow inventory, characterization, assessment, planning, and cleanup activities all under one grant, which can be worth up to \$1 million. The earliest these grants will be available will be in fiscal year 2019; however, a specific date has not been released.

Learn More

These changes in the EPA Brownfields Program are an important step forward as cleaning up blighted buildings can stimulate economic development and create jobs in affected communities. For more information about brownfields, please visit the [program's website](#), the [BUILD Act summary](#), or the full [2018 Brownfields Grant Fact Sheet](#).

