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

Bill Summary

Overview

In March 2018, Congress passed the BUILD Act, which amends the Brownfields provisions of CERCLA, as part of the FY 2018 Omnibus Bill. In this factsheet, we explain the major changes to the Brownfields Amendments. The BUILD Act reauthorized the Brownfields Provisions through 2023.

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.

Alaska Native Village and Native Corporation Liability Relief

Provides liability relief for Alaska Native Villages and Native Corporations for a facility received under the Alaska Native Claims Act, as long as the entity did not cause or contribute to the release of a hazardous substance from 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.

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.

Expanded Eligibility for Non-Profit Organizations

Non-profits (including LLCs and community development entities that are non-profit) can now apply for assessment and RLF grants.

Certain Publicly Owned Brownfield Sites

Publicly owned sites acquired prior to January 11, 2002 can apply for assessment and remediation (RLF and cleanup) grants as long as the entity is not responsible for the contamination.

Increased Funding for Remediation 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 multi-purpose grants (assessment and cleanup combination) was increased up to $1,000,000. No more than 15% of the total appropriation can be awarded to multi-purpose grants.

Allowing Administrative Costs for Grant Recipients

Entities are now able to use up to 5% of grant awards on administrative costs.

Grant Applications

New ranking criteria focusing on renewable energy or energy efficiency projects and waterfront developments.

Small Community Technical Assistance Grants

Authorized a new grant program for states and tribes to provide training, technical assistance, or research for small communities (populations of 15,000 or less), Indian tribes, rural areas, and disadvantaged areas. Maximum of $20,000 per community.

EPA United States Environmental Protection Agency

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