

Brownfields Bill Introduced in Senate Would Expand EPA Grant Program Eligibility

A new bipartisan Senate bill seeks to provide additional funding to small and rural communities and make nonprofit groups and additional city-owned properties eligible to receive grants under the Environmental Protection Agency's Brownfields Program.

The [bill](#) (S. 1479), introduced June 2, would reauthorize the federal brownfields program for the first time since 2006. It wouldn't make any significant changes to the brownfields program, but some minor changes could have implications for businesses and other groups, observers told Bloomberg BNA.

S. 1479 would expand eligibility to nonprofits, limited liability corporations, limited partnerships and community development groups. It also would allow grantees to use up to 8 percent of their grant for administrative costs, require the EPA to dedicate some grants and revolving loan funds to locating clean energy projects on brownfield sites and increase the funding limit for remediation grants to \$500,000 per site and \$950,000 for multi-purpose grants, which the bill's backers say will help provide more long-term financing for projects.

The Brownfields Utilization, Investment and Local Development Act of 2015 (BUILD Act) is sponsored by Sens. Jim Inhofe (R-Okla.), Edward Markey (D-Mass.) and Cory Booker (D-N.J.) and picks up where a similar bill left off last year after it was reported by committee April 3, 2014, but not taken up on the Senate floor ([23 EDDG 26, 4/17/14](#)).

Funding Level Maintained

Even without official congressional reauthorization, the brownfields program has continued to receive appropriated funds from Congress, at \$250 million per year. This bill would maintain that funding level.

The brownfields program encourages the redevelopment and reuse of formerly contaminated properties through federal grants and loans intended to leverage additional investments from municipal, private or nonprofit partners.

"The program just provides a fantastic return on federal investment. A lot of the time, federal investment is what makes projects possible that otherwise would not be," said Alex Dodds, spokeswoman for the advocacy group Smart Growth America.

Minor Changes Significant

The inclusion of nonprofits as eligible to receive grants struck Dodds as particularly significant. "I'm really in favor of the expansion. The brownfield program process is complicated, and a lot of the administrative work is really time-consuming. Right now the grants don't really cover that, and nonprofits can help with that work," Dodds told Bloomberg BNA. "Giving more entities more access to brownfield funds is good for everybody."

The most important change in the legislation would be to allow "municipalities that acquired contaminated property by tax foreclosure or condemnation prior to January 11, 2002 to be eligible for funding," Lawrence Schnapf of Schnapf LLC said in an e-mail to Bloomberg BNA. Still, Schnapf said, the changes mostly are at the "margins" of the brownfield program.

"I'd like to see more changes directed towards incentivizing private parties to redevelop these sites, such as directing EPA to amend the [National Contingency Plan] to provide for streamlined cleanup procedures for brownfield sites," among other modifications to add clarity and regulatory certainty that could encourage faster development, he said.

Bipartisan Support

Assessing, cleaning up and redeveloping brownfields is supported by both parties, as evidenced by the bipartisan coalition of senators backing both this bill and the previous iteration.

"While Senator Markey and I may not see eye-to-eye on every environmental issue, the brownfields program is where we have found common ground to achieve real results in cleaning up contaminated sites while also promoting economic development across our states and in our local communities," Inhofe said in a statement announcing the bill June 2. "The BUILD Act will make several overdue improvements to the brownfields program that expired in 2006. Our bill directs EPA to provide technical assistance grants to small communities, Indian tribes, rural areas, and disadvantaged areas, and provides greater certainty for long-term cleanups of more complex projects."

"If a staunch Republican like Senator Inhofe can support it, I think anyone can," Dodds said.

Schnapf also saw it as a "good sign" that both members of both parties were behind the bill, which he said showed the importance of brownfield redevelopment getting the recognition it deserve