

# NOTABLE PROVISIONS OF THE BUILD ACT

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CHANGES IN LIABILITY PROTECTIONS AND BROWNFIELD  
GRANT ADMINISTRATION ASSOCIATED WITH THE  
BROWNFIELD UTILIZATION, INVESTMENT, AND LOCAL  
DEVELOPMENT ACT

# LIABILITY EXEMPTIONS FOR CERTAIN GOVERNMENT-OWNED SITES NOW IN STATUTE

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- State And Local Units of Government Are Exempt From Superfund Liability For Sites Acquired By:
  - Law Enforcement Seizure
  - Bankruptcy
  - Tax Delinquency
  - Abandonment
  - Eminent Domain
  - Other Governmental Functions
- This Liability Exemption Applies Provided The Governmental Unit Did Not Cause Or Contribute To Contamination Of The Property

# EXPANDED GRANT ELIGIBILITY FOR OTHER GOVERNMENT- OWNED PROPERTIES

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- State And Local Government Agencies May Receive Grant Funding For ANY Site Acquired Prior to January 11, 2002 PROVIDED The Agency Did Not Cause Or Contribute To Contamination Of The Property
  - NOTE: This Is Not a New Liability Defense – It Simply Allows a Government Agency To Receive Grant Funding for Sites Where the Agency Could Be a Superfund PRP
- Prior To The Build Act, Government Agencies Needed To Demonstrate A Phase I Had Been Completed In Cases Where The Property Was Acquired Before 1/11/2002

# WHICH GOVERNMENT-OWNED SITES ARE NOW ELIGIBLE?

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- Any Property Acquired Prior to January 11, 2002 As Long As The Government Agency That Owns The Site Did Not Cause or Contribute To The Contamination
- Properties Acquired After 1/11/2002 For Which The Government Agency Is A Brownfield Prospective Purchaser
  - Conducted All Appropriate Inquiry
  - Exercised Due Care After Acquisition
- Properties Acquired After 1/11/2002 Through Law Enforcement Seizure, Bankruptcy, Tax Delinquency, or Eminent Domain As Long As The Government Agency Did Not Cause or Contribute to the Contamination

# NEW ORGANIZATIONS ARE ELIGIBLE FOR ASSESSMENT GRANTS

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- Starting in 2018, EPA May Award Assessment Grants To:
- 501(c)(3) Nonprofit Organizations
- Limited Liability Corporations or Partnerships in Which All Managing Members Or General Partners Are 501(c)(3) Organizations
- Qualified Community Development Entities
  - These Are A Very Specific Type of Corporation Defined in Section 45D(c)(1) of the Internal Revenue Code
- Nonprofits Must Qualify As A Brownfield Prospective Purchaser To Receive A Grant To Assess Sites The Nonprofit Owns. Nonprofits Do Not Have The Liability Exemptions That Are Available To Government Agencies

# THE FACTORS EPA CONSIDERS IN AWARDING GRANTS CONTINUES TO GROW

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- The Build Act Directs EPA To Give Consideration To Waterfront Brownfield Sites When Selecting Grant Proposals
  - Waterfront Brownfields Are Properties Adjacent to a Body Of Water or Federally Designated Floodplain
- Increasingly Difficult For EPA To Accommodate All Statutory and Agency Priorities In The Grant Guidelines

# CRITERIA EPA MUST CONSIDER IN EVALUATING GRANT PROPOSALS

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- Assist Communities Unable to Secure Non-Federal Funds
- Stimulate Economic Development
- Reuse Existing Infrastructure
- Provide for Local Decision-Making
- Protect Human Health and the Environmental
- Applicant's Eligibility for Other Funds
- **Waterfront Brownfield Sites**
- Ability to Leverage Non-Federal Funds
- Create or Preserve Property for Recreation and Nonprofit Use
- Fair Distribution Between Urban and Nonurban Areas
- Protect Health and Welfare of Sensitive Populations
- Applicant's Grant Management Ability
- *(Got Space For Just One More, Congress)*



# MORE WAYS TO SPEND EPA BROWNFIELD GRANT FUNDS

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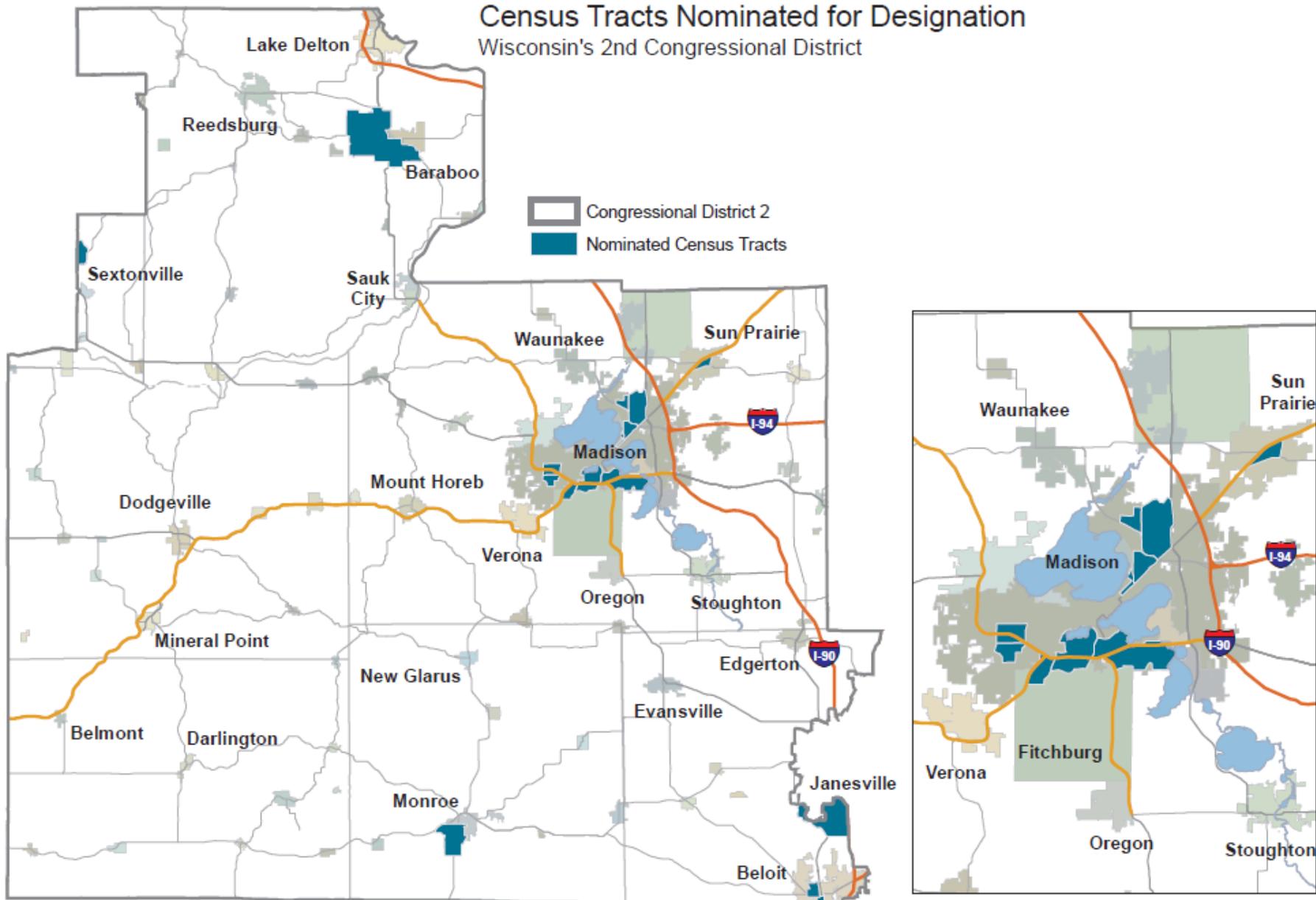
- Indirect Costs Are Now Eligible
- Build Act Authorizes Small Community Assistance Grants (States and Tribes Only)
- Build Act Authorizes A New Multipurpose Grant Program
  - Planning, Assessment, and Cleanup Funding in One Grant
  - EPA Anticipates Awarding 10 Grants at \$800,000
- Build Act Raises The Maximum Site Cleanup Amount
  - Up to \$500,000 Can Be Expended for Cleanup of a Site
  - Applicants May Request Up to \$500,000 for Cleanup of One or More Sites.

# VALUE OF BROWNFIELD REDEVELOPMENT CONTINUES TO BE RECOGNIZED

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- The Build Act Extends Congress' Authority To Fund EPA Brownfield Projects Through 2020.
- The “Authorization” Levels Are \$200 Million For Competitive Grants and \$50 Million for State and Tribal Grants (Same As Before...)
- NOTE: EPA's Brownfield Program Has Never Been Funded at the Authorized Level. The New Authorization Amount Should Not Be Viewed As An Increase In Funds Available For Grants

# Wisconsin Opportunity Zones Census Tracts Nominated for Designation Wisconsin's 2nd Congressional District



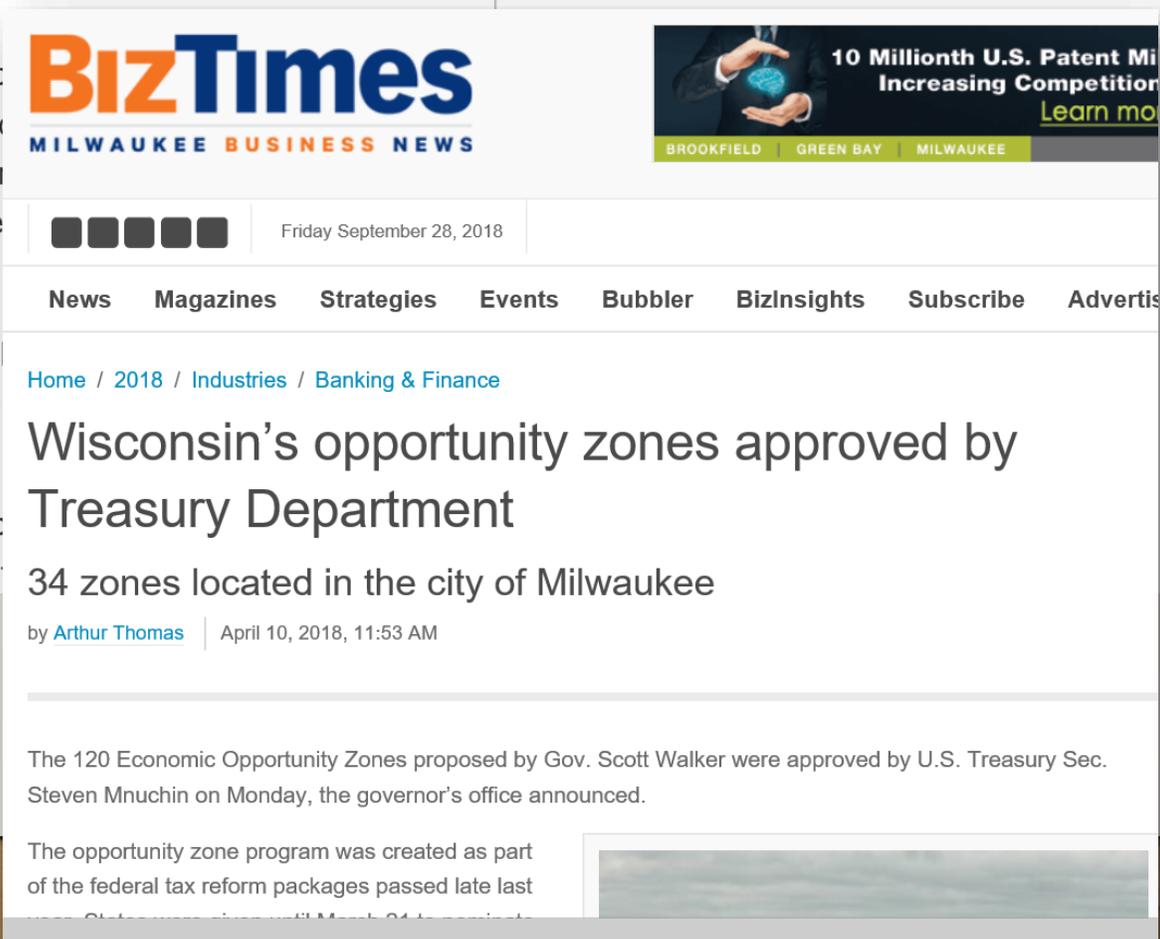
# Opportunity Zones

The 2017 Tax Cuts and Jobs Act established Opportunity Zones to spur investment in some of our nation's most economically challenged communities throughout the U.S. This new Opportunity Zone program provides tax incentives to encourage private investment to accelerate economic growth and job creation. For an overview of the program, [click here](#).

In order to access this new federal program, governors have the responsibility to designate areas in their state that should be designated as Opportunity Zones, following federal guidelines.

[Click here](#) to read a press release announcing the U.S. Department of the Treasury's approval of the 120 Economic Opportunity Zone (EOZ) designations throughout the country.

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## Wisconsin's opportunity zones approved by Treasury Department

### 34 zones located in the city of Milwaukee

by [Arthur Thomas](#) | April 10, 2018, 11:53 AM

The 120 Economic Opportunity Zones proposed by Gov. Scott Walker were approved by U.S. Treasury Sec. Steven Mnuchin on Monday, the governor's office announced.

The opportunity zone program was created as part of the federal tax reform packages passed late last year. State commissions will March 21 to announce...

# Strategies for Attracting Investments

## Begin Engagement:

- Raise awareness with networks (banks, developers, property owners, business networks) and with local entrepreneurs and growth companies
- Develop relationships with local universities, trade schools, business incubators for longer term investment strategy
- Discuss with local planners and developers how these investments might fit into ongoing pipelines of their work

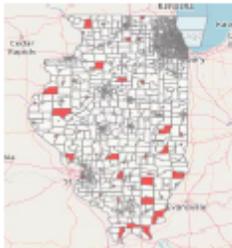
## Preparation Activities:

- Inventory local assets, i.e. land, shovel ready sites, infrastructure, buildings, etc. Have demographics/numbers down pat
  - Elevator speech, written material, website, social media
  - Investor day in the area (shark tank pitches)

## Pair Incentives:

- Discuss and promote add on incentives from the local, regional, state partners
  - Consider additional tax relief for certain Opportunity Fund investments
  - Consider regulatory relief, waivers of fees, tax increment financing, workforce development training
  - Stay informed and stay connected with your peers in region/state

# Opportunity Zone Program Statewide Forums



The Office of Governor Bruce Rauner invites you to an **Opportunity Zone Forum** in anticipation of the official federal rules and guidance. The forums will bring together leaders to begin discussions on implementation and how best to utilize the program. Agency representatives from the Illinois Department of Commerce and Economic Opportunity, the Illinois Housing Development Authority and the Illinois Finance Authority will be on hand to aid the discussion. **The forums are free and open to the public.** Topics to be covered will include tax benefits, identifying zone locations and providing networking possibilities with strategic partners. We hope you can join us!

## Rosemont-October 4, 2018

8:30 a.m.-12:00 p.m.

The Don E Stephens Convention Center  
5555 N River Road

## Decatur-October 10, 2018

1:00 p.m.-4:30 p.m.

Richland Community College  
Shilling Education Center-1 College Park

## Belleville-October 11, 2018

1:00 p.m.-4:30 p.m.

Southwestern Illinois College-Liberal Arts Building  
Room 2311-2313  
2500 Carlyle Avenue

To RSVP for one of these events, please visit

<https://www.illinois.gov/dceo/Pages/OppZoneForums.aspx>  
to register since space is limited.



# Opportunity Zone

Lorain County / Black River

THURSDAY  
July 26, 2018

NAIOP Northern Ohio, US EPA, Lorain County, Lorain Port Authority,  
Lorain County Board of Commissioners and Vita Nuova present the  
Lorain County / Black River Opportunity Zone.

## PROGRAM HIGHLIGHTS:

- Overview of 500+ acres of publicly-owned land available for development along the Black River
- A look at the new Opportunity Zones program, which will allow funds to be used for economic development purposes in exchange for Federal tax breaks
- History of the Black River clean up – **Don Romancak**, Lorain County Community Development, Community Development Director
- Local incentives to development – Lorain County Commissioner **Ted Kalo**
- Environmental and financial incentives available at these and other sites – **Patricia Overmeyer**, Acting Deputy Office Director, EPA Office of Brownfield and Land Revitalization
- Panel Discussion with **Tracey Nichols**, Director of Financial Services/ Project Management Consultants; **Dan Bergrin**, Vice President & Tax Counsel, GBX Group; **Diana Rife**, Revitalization Project Manager, JobsOhio; Moderated by **Michael Taylor**, President, Vita Nuova
- Boat tours along the Black River before and after the program
- Cocktail & appetizers networking reception

## DATE:

Thursday, July 26, 2018

Registration begins at 2:00. Program 3:30-5:00.

Black River boat tours available before and after the program (advance reservations required).

## LOCATION:

Lorain Port Authority Train Station  
421 Black River Lane, Lorain, OH 44052

## REGISTRATION:

\$15 NAIOP Members | \$35 Non-Members  
(Prices will increase \$10 for registrations made after July 19)

Registration & up-to-date details at:

<http://www.naiopnorthernohio.com/event/opportunity-zone-lorain-county-black-river>

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