

SENATE BILL 513

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M3

2000 Regular Session
(01r1580)

ENROLLED BILL

-- *Economic and Environmental Affairs/Environmental Matters* --

Introduced by **Senators Frosh, Conway, and Sfikas**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Environment - Brownfields Revitalization Incentive and Voluntary Cleanup**
3 **Programs**

4 FOR the purpose of altering the requirement that for a brownfields site to be eligible
5 for certain financial incentives the site must be located in a jurisdiction that has
6 elected to participate in the Brownfields Revitalization Incentive Program;
7 authorizing the Department of Business and Economic Development to provide
8 certain loans and grants to certain ~~inculpable~~ persons for the environmental site
9 assessment of certain brownfields sites; requiring the repayment of certain
10 grants under certain circumstances; providing that certain low-interest loans
11 convert to market rate loans under certain circumstances; providing for the
12 ownership of the information contained in certain environmental site
13 assessments; providing for the application of certain provisions; authorizing the
14 Department of Business and Economic Development to establish certain
15 procedures and eligibility requirements for these loans and grants; ~~requiring the~~
16 ~~Department of the Environment to establish a certain process for certifying~~
17 ~~inculpable persons for certain purposes; establishing certain application and~~

1 notification requirements for the certification process; eliminating the
 2 requirement that a jurisdiction that elects to participate in the Brownfields
 3 Revitalization Incentive Program contribute certain moneys to a certain fund
 4 requiring that certain moneys deposited by certain jurisdictions into the
 5 Brownfields Revitalization Incentive Fund be used to provide incentives for
 6 qualified brownfields sites in certain jurisdictions that enacted certain tax
 7 credit ordinances by a certain date; altering the definition of "brownfields site"
 8 to exclude properties for which there exists certain responsible persons; defining
 9 a certain term; include properties for which there exists certain innocent
 10 purchasers; altering the requirements for jurisdictions electing to provide
 11 certain property tax credits for certain property; *providing for a certain*
 12 *contingency*; and generally relating to the Brownfields Revitalization Incentive
 13 and Voluntary Cleanup programs.

14 BY repealing and reenacting, with amendments,
 15 Article 83A - Department of Business and Economic Development
 16 Section 3-901, ~~and 3-902~~ 3-902, and 3-905
 17 Annotated Code of Maryland
 18 (1998 Replacement Volume and 1999 Supplement)

19 ~~BY adding to~~
 20 ~~Article - Environment~~
 21 ~~Section 7-505.1~~
 22 ~~Annotated Code of Maryland~~
 23 ~~(1996 Replacement Volume and 1999 Supplement)~~

24 BY repealing and reenacting, with amendments,
 25 Article - Tax - Property
 26 Section ~~9-229(e)~~ 9-229(b) and (c)
 27 Annotated Code of Maryland
 28 (1994 Replacement Volume and 1999 Supplement)

29 BY repealing and reenacting, with amendments,
 30 Article 83A - Department of Business and Economic Development
 31 Section 5-1401(f) and 5-1408
 32 Annotated Code of Maryland
 33 (1998 Replacement Volume and 1999 Supplement)
 34 (As enacted by Chapter _____ (S.B. 783/H.B. 972) of the Acts of the General
 35 Assembly of 2000)

36 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 37 MARYLAND, That the Laws of Maryland read as follows:

1 **Article 83A - Department of Business and Economic Development**

2 3-901.

3 (a) In this subtitle the following words have the meanings indicated.

4 (b) (1) "Brownfields site" means:

5 (i) An eligible property, as defined in § 7-501 of the Environment
6 Article, that is:

7 1. Owned or operated by ~~an~~:

8 A. AN inculpable person, as defined in § 7-501 of the
9 Environment Article; ~~and~~ OR

10 B. AN INNOCENT PURCHASER THAT MEETS THE
11 REQUIREMENTS SET FORTH IN § 7-201(X)(2)(I) OF THE ENVIRONMENT ARTICLE; AND

12 2. Located in a [taxing jurisdiction] COUNTY OR MUNICIPAL
13 CORPORATION that has elected to participate in the Brownfields Revitalization
14 Incentive Program in accordance with [§ 9-229 of the Tax - Property Article] §
15 3-902(C) OF THIS SUBTITLE; or

16 (ii) Property where there is a release, discharge, or threatened
17 release of oil, as defined in § 4-401 of the Environment Article, that is:

18 1. Subject to a corrective action plan approved by the
19 Department of the Environment in accordance with Title 4 of the Environment
20 Article; and

21 2. Located in a [taxing jurisdiction] COUNTY OR MUNICIPAL
22 CORPORATION that has elected to participate in the Brownfields Revitalization
23 Incentive Program in accordance with [§ 9-229 of the Tax - Property Article] §
24 3-902(C) OF THIS SUBTITLE.

25 (2) "Brownfields site" does not include property {that is owned or
26 operated by} ~~FOR WHICH THERE EXISTS a FINANCIALLY VIABLE~~ a responsible person
27 or a ~~FINANCIALLY VIABLE~~ person responsible for the discharge.

28 ~~(C) "FINANCIALLY VIABLE RESPONSIBLE PERSON" AND "FINANCIALLY VIABLE~~
29 ~~PERSON RESPONSIBLE FOR THE DISCHARGE" MEAN A RESPONSIBLE PERSON WHO IS~~
30 ~~A READILY IDENTIFIABLE PAST OR PRESENT OWNER OR OPERATOR WITH THE~~
31 ~~FINANCIAL RESOURCES TO UNDERTAKE THE CLEANUP.~~

32 {(c)} ~~(D)~~ "Person responsible for the discharge" has the meaning stated in §
33 4-401 of the Environment Article.

34 {(d)} ~~(E)~~ "Qualified brownfields site" means a brownfields site that has been
35 determined by the Department of Business and Economic Development to be eligible
36 for financial incentives under § 3-903 of this subtitle.

1 ~~{(e)}~~ ~~(F)~~ "Responsible person" has the meaning stated in § 7-201 of the
2 Environment Article.

3 3-902.

4 (a) There is a Brownfields Revitalization Incentive Program in the
5 Department.

6 (b) The purpose of the Brownfields Revitalization Incentive Program is to:

7 (1) Provide financial incentives for redevelopment of properties
8 previously used for commercial or industrial purposes;

9 (2) Provide financial incentives for redevelopment of properties within
10 locally designated growth areas;

11 (3) Prevent urban sprawl;

12 (4) Encourage economic revitalization;

13 (5) Expand employment opportunities; and

14 (6) Provide financial incentives for qualified brownfields sites.

15 (C) A COUNTY OR MUNICIPAL CORPORATION MAY ELECT TO PARTICIPATE IN
16 THE BROWNFIELDS REVITALIZATION INCENTIVE PROGRAM BY:

17 (1) SUBMITTING TO THE DEPARTMENT A LIST OF ~~THE~~ POTENTIAL
18 BROWNFIELDS SITES IN THE COUNTY OR MUNICIPAL CORPORATION, RANKED IN THE
19 ORDER OF PRIORITY FOR REDEVELOPMENT RECOMMENDED BY THE COUNTY OR
20 MUNICIPAL CORPORATION; AND

21 (2) ANNUALLY UPDATING THE LIST SUBMITTED UNDER PARAGRAPH (1)
22 OF THIS SUBSECTION.

23 (D) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
24 CONTRARY, THE DEPARTMENT MAY PROVIDE A PERSON, INCLUDING A RESPONSIBLE
25 PERSON, WITH A LOW-INTEREST LOAN OR GRANT FOR CONDUCTING THE
26 ENVIRONMENTAL SITE ASSESSMENT OF A POTENTIAL BROWNFIELDS SITE THAT IS
27 REQUIRED FOR PARTICIPATION IN THE VOLUNTARY CLEANUP PROGRAM IF THE
28 PERSON:

29 (I) HAS NOT ALREADY APPLIED TO PARTICIPATE IN THE
30 VOLUNTARY CLEANUP PROGRAM UNDER TITLE 7, SUBTITLE 5 OF THE ENVIRONMENT
31 ARTICLE; ARTICLE, BUT IS OTHERWISE ELIGIBLE TO PARTICIPATE IN THAT
32 PROGRAM; AND

33 (II) ~~HAS BEEN CERTIFIED AS AN INCULPABLE PERSON BY THE~~
34 ~~DEPARTMENT OF THE ENVIRONMENT IN ACCORDANCE WITH § 7-505.1 OF THE~~
35 ~~ENVIRONMENT ARTICLE; AND~~

1 ~~(H)~~—(II) MEETS THE ELIGIBILITY REQUIREMENTS ESTABLISHED
2 BY THE DEPARTMENT.

3 (2) (I) IF AN ENVIRONMENTAL ASSESSMENT IS FINANCED IN WHOLE
4 OR IN PART WITH A GRANT FROM THE DEPARTMENT, OR BY A LOAN THAT IS IN
5 PAYMENT DEFAULT, THE INFORMATION CONTAINED IN THE ENVIRONMENTAL
6 ASSESSMENT IS THE PROPERTY OF THE STATE.

7 (II) IF AN ENVIRONMENTAL ASSESSMENT IS FINANCED BY A LOAN
8 FROM THE DEPARTMENT, OR BY A GRANT THAT IS REPAID, THE INFORMATION
9 CONTAINED IN THE ENVIRONMENTAL ASSESSMENT IS THE PROPERTY OF THE
10 PERSON WHO CONTRACTED FOR THE ASSESSMENT.

11 (3) ELIGIBILITY FOR FINANCIAL ASSISTANCE FOR ENVIRONMENTAL
12 ASSESSMENTS UNDER PARAGRAPH (1) OF THIS SUBSECTION DOES NOT CONSTITUTE
13 ELIGIBILITY FOR ANY OTHER FINANCIAL INCENTIVES UNDER THIS SUBTITLE OR
14 FOR THE TAX CREDITS PROVIDED UNDER § 9-229 OF THE TAX - PROPERTY ARTICLE.

15 ~~(2)~~ (4) A RECIPIENT OF A GRANT UNDER PARAGRAPH (1) OF THIS
16 SUBSECTION MUST REPAY THE GRANT IF THE RECIPIENT, WITHIN 12 MONTHS AFTER
17 RECEIVING THE GRANT, DOES NOT APPLY TO AND RECEIVE APPROVAL FROM THE
18 DEPARTMENT OF THE ENVIRONMENT:

19 (I) TO PARTICIPATE IN THE VOLUNTARY CLEANUP PROGRAM
20 UNDER TITLE 7, SUBTITLE 5 OF THE ENVIRONMENT ARTICLE; OR

21 (II) FOR THE IMPLEMENTATION OF A CORRECTIVE ACTION PLAN
22 UNDER TITLE 4 OF THE ENVIRONMENT ARTICLE.

23 (5) A LOW-INTEREST LOAN PROVIDED UNDER PARAGRAPH (1) OF THIS
24 SUBSECTION SHALL CONVERT TO A MARKET RATE LOAN IF THE RECIPIENT OF THE
25 LOAN, WITHIN 12 MONTHS AFTER RECEIVING THE LOAN, DOES NOT APPLY TO AND
26 RECEIVE APPROVAL FROM THE DEPARTMENT OF THE ENVIRONMENT:

27 (I) TO PARTICIPATE IN THE VOLUNTARY CLEANUP PROGRAM
28 UNDER TITLE 7, SUBTITLE 5 OF THE ENVIRONMENT ARTICLE; OR

29 (II) FOR THE IMPLEMENTATION OF A CORRECTIVE ACTION PLAN
30 UNDER TITLE 4 OF THE ENVIRONMENT ARTICLE.

31 ~~(3)~~ (6) THE DEPARTMENT MAY ESTABLISH PROCEDURES AND
32 ELIGIBILITY REQUIREMENTS FOR THE APPROVAL OF REQUESTS FOR LOANS AND
33 GRANTS UNDER PARAGRAPH (1) OF THIS SUBSECTION.

34 ~~(E)~~ ~~THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF THE~~
35 ~~ENVIRONMENT, SHALL DETERMINE WHETHER THERE IS A FINANCIALLY VIABLE~~
36 ~~RESPONSIBLE PERSON OR FINANCIALLY VIABLE PERSON RESPONSIBLE FOR THE~~
37 ~~DISCHARGE ASSOCIATED WITH A BROWNFIELDS SITE.~~

1 3-905.

2 This subtitle does not affect, and may not be construed as affecting[.];

3 (1) [the] THE planning and zoning authority of a county or municipal
4 corporation; OR

5 (2) ANY PROVISION OF THE ENVIRONMENT ARTICLE.

6 **~~Article – Environment~~**

7 ~~7-505.1.~~

8 ~~(A) THE DEPARTMENT SHALL ESTABLISH A PROCESS TO CERTIFY WHETHER A~~
9 ~~PERSON QUALIFIES AS AN INCULPABLE PERSON WHO MAY APPLY FOR A GRANT OR~~
10 ~~LOAN IN ACCORDANCE WITH ARTICLE 83A, § 3-902 OF THE CODE FOR CONDUCTING~~
11 ~~THE ENVIRONMENTAL SITE ASSESSMENTS NECESSARY FOR PARTICIPATING IN THE~~
12 ~~VOLUNTARY CLEANUP PROGRAM UNDER THIS SUBTITLE.~~

13 ~~(B) TO SEEK CERTIFICATION AS AN INCULPABLE PERSON, AN APPLICANT~~
14 ~~SHALL SUBMIT AN APPLICATION, ON A FORM PROVIDED BY THE DEPARTMENT, THAT~~
15 ~~INCLUDES:~~

16 ~~(1) INFORMATION DEMONSTRATING THE PERSON'S STATUS AS AN~~
17 ~~INCULPABLE PERSON;~~

18 ~~(2) INFORMATION DEMONSTRATING THAT THE PROPERTY THAT WOULD~~
19 ~~BE THE SUBJECT OF THE ENVIRONMENTAL SITE ASSESSMENT IS AN ELIGIBLE~~
20 ~~PROPERTY AS DEFINED IN § 7-501 OF THIS SUBTITLE; AND~~

21 ~~(3) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT.~~

22 ~~(C) (1) THE DEPARTMENT SHALL NOTIFY THE APPLICANT IN WRITING,~~
23 ~~WITHIN 60 DAYS AFTER RECEIPT OF THE APPLICATION, WHETHER THE APPLICANT~~
24 ~~HAS BEEN CERTIFIED AS AN INCULPABLE PERSON.~~

25 ~~(2) IF THE DEPARTMENT DENIES THE APPLICATION, THE DEPARTMENT~~
26 ~~SHALL PROVIDE TO THE APPLICANT THE REASONS FOR ITS DECISION IN WRITING.~~

27 ~~(3) AN APPLICANT MAY RESUBMIT AN APPLICATION WITHIN 60 DAYS~~
28 ~~AFTER RECEIPT OF NOTICE OF THE DEPARTMENT'S DECISION TO DENY THE INITIAL~~
29 ~~APPLICATION.~~

30 ~~(4) THE DEPARTMENT SHALL APPROVE OR DENY A RESUBMITTED~~
31 ~~APPLICATION WITHIN 30 DAYS AFTER RECEIPT.~~

32 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
33 read as follows:

1 **Article - Tax - Property**

2 9-229.

3 (b) (1) (I) A taxing jurisdiction may elect to participate in the Brownfields
4 Revitalization Incentive Program under Article 83A, Title 3, Subtitle 9 of the Code
5 THROUGH THE ENACTMENT OF LEGISLATION THAT GRANTS PROPERTY TAX CREDITS
6 IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.

7 (II) IF A TAXING JURISDICTION ELECTS TO PARTICIPATE IN THE
8 PROGRAM IN ACCORDANCE WITH THIS SECTION, THE TAXING JURISDICTION SHALL
9 NOTIFY THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT.

10 (2) If a taxing jurisdiction elects to participate in the Brownfields
11 Revitalization Incentive Program, the taxing jurisdiction shall:

12 (i) enact the necessary legislation to grant the property tax credits
13 established under this section; and

14 (ii) notify the Department of Business and Economic Development.

15 (3) If a taxing jurisdiction elects to participate in the Brownfields
16 Revitalization Incentive Program IN ACCORDANCE WITH THIS SECTION, the property
17 tax credits under this section shall also apply to the State property tax in that
18 jurisdiction in the same percentage and for the same duration as provided for the
19 property tax of the taxing jurisdiction.

20 (c) For each of the 5 taxable years immediately following the first revaluation
21 of the property after completion of a voluntary cleanup or corrective action plan of a
22 brownfields site, each ~~participating~~ PARTICIPATING taxing jurisdiction where a
23 qualified brownfields site is located shall:

24 (1) ~~grant~~ a property tax credit against the property tax imposed on the
25 qualified brownfields site in an amount equal to 50% of the property tax attributable
26 to the increase in the assessment of the qualified brownfields site, including
27 improvements added to the site within the 5-year period as provided under this
28 subsection, over the assessment of the qualified brownfields site before the voluntary
29 cleanup; and

30 (2) contribute to the Brownfields Revitalization Incentive Fund under
31 Article 83A, § 3-904 of the Code, 30% of the property tax attributable to the increase
32 in the assessment of the brownfields site, including improvements added to the site
33 within the 5-year period as provided under this subsection, over the assessment of
34 the qualified brownfields site before the voluntary cleanup.

35 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
36 read as follows:

Article 83A - Department of Business and Economic Development

1 5-1401.

2 (f) (1) "Brownfields site" means:

3 (i) An eligible property, as defined in § 7-501 of the Environment
 4 Article, that is:

5 1. Owned or operated by [an]:

6 A. AN INCUPLABLE PERSON, AS DEFINED IN § 7-501 OF THE
 7 Environment Article; OR

8 B. AN INNOCENT PURCHASER THAT MEETS THE
 9 REQUIREMENTS SET FORTH IN § 7-201(X)(2)(1) OF THE ENVIRONMENT ARTICLE; and

10 2. Located in a [taxing jurisdiction] COUNTY OR MUNICIPAL
 11 CORPORATION that has elected to participate in the Brownfields Revitalization
 12 Incentive Program in accordance with [§ 9-229 of the Tax - Property Article] §
 13 5-1408(A) OF THIS SUBTITLE; or

14 (ii) Property where there is a release, discharge, or threatened
 15 release of oil, as defined in § 4-401 of the Environment Article, that is:

16 1. Subject to a corrective action plan approved by the
 17 Department of the Environment in accordance with Title 4 of the Environment Article;
 18 and

19 2. Located in a [taxing jurisdiction] COUNTY OR MUNICIPAL
 20 CORPORATION that has elected to participate in the Brownfields Revitalization
 21 Incentive Program in accordance with [§ 9-229 of the Tax - Property Article] §
 22 5-1408(A) OF THIS SUBTITLE.

23 (2) "Brownfields site" does not include property that is owned or operated
 24 by a responsible person or a person responsible for the discharge.

25 5-1408.

26 (A) A COUNTY OR MUNICIPAL CORPORATION MAY ELECT TO PARTICIPATE IN
 27 THE BROWNFIELDS REVITALIZATION INCENTIVE PROGRAM BY:

28 (1) SUBMITTING TO THE DEPARTMENT A LIST OF POTENTIAL
 29 BROWNFIELDS SITES IN THE COUNTY OR MUNICIPAL CORPORATION, RANKED IN
 30 THE ORDER OF PRIORITY FOR REDEVELOPMENT RECOMMENDED BY THE COUNTY
 31 OR MUNICIPAL CORPORATION; AND

32 (2) ANNUALLY UPDATING THE LIST SUBMITTED UNDER PARAGRAPH (1)
 33 OF THIS SUBSECTION.

1 (B) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
2 CONTRARY, THE DEPARTMENT MAY PROVIDE A PERSON, INCLUDING A RESPONSIBLE
3 PERSON, WITH A LOW-INTEREST LOAN OR GRANT FOR CONDUCTING THE
4 ENVIRONMENTAL SITE ASSESSMENT OF A POTENTIAL BROWNFIELDS SITE THAT IS
5 REQUIRED FOR PARTICIPATION IN THE VOLUNTARY CLEANUP PROGRAM IF THE
6 PERSON:

7 (I) HAS NOT ALREADY APPLIED TO PARTICIPATE IN THE
8 VOLUNTARY CLEANUP PROGRAM UNDER TITLE 7, SUBTITLE 5 OF THE ENVIRONMENT
9 ARTICLE, BUT IS OTHERWISE ELIGIBLE TO PARTICIPATE IN THAT PROGRAM; AND

10 (II) MEETS THE ELIGIBILITY REQUIREMENTS ESTABLISHED BY
11 THE DEPARTMENT.

12 (2) (I) IF AN ENVIRONMENTAL ASSESSMENT IS FINANCED IN WHOLE
13 OR IN PART WITH A GRANT FROM THE DEPARTMENT, OR BY A LOAN THAT IS IN
14 PAYMENT DEFAULT, THE INFORMATION CONTAINED IN THE ENVIRONMENTAL
15 ASSESSMENT IS THE PROPERTY OF THE STATE.

16 (II) IF AN ENVIRONMENTAL ASSESSMENT IS FINANCED BY A LOAN
17 FROM THE DEPARTMENT, OR BY A GRANT THAT IS REPAID, THE INFORMATION
18 CONTAINED IN THE ENVIRONMENTAL ASSESSMENT IS THE PROPERTY OF THE
19 PERSON WHO CONTRACTED FOR THE ASSESSMENT.

20 (3) ELIGIBILITY FOR FINANCIAL ASSISTANCE FOR ENVIRONMENTAL
21 ASSESSMENTS UNDER PARAGRAPH (1) OF THIS SUBSECTION DOES NOT CONSTITUTE
22 ELIGIBILITY FOR ANY OTHER FINANCIAL INCENTIVES UNDER THIS SUBTITLE OR
23 FOR THE TAX CREDITS PROVIDED UNDER § 9-229 OF THE TAX - PROPERTY ARTICLE.

24 (4) A RECIPIENT OF A GRANT UNDER PARAGRAPH (1) OF THIS
25 SUBSECTION MUST REPAY THE GRANT IF THE RECIPIENT, WITHIN 12 MONTHS
26 AFTER RECEIVING THE GRANT, DOES NOT APPLY TO AND RECEIVE APPROVAL FROM
27 THE DEPARTMENT OF THE ENVIRONMENT:

28 (I) TO PARTICIPATE IN THE VOLUNTARY CLEANUP PROGRAM
29 UNDER TITLE 7, SUBTITLE 5 OF THE ENVIRONMENT ARTICLE; OR

30 (II) FOR THE IMPLEMENTATION OF A CORRECTIVE ACTION PLAN
31 UNDER TITLE 4 OF THE ENVIRONMENT ARTICLE.

32 (5) A LOW-INTEREST LOAN PROVIDED UNDER PARAGRAPH (1) OF THIS
33 SUBSECTION SHALL CONVERT TO A MARKET RATE LOAN IF THE RECIPIENT OF THE
34 LOAN, WITHIN 12 MONTHS AFTER RECEIVING THE LOAN, DOES NOT APPLY TO AND
35 RECEIVE APPROVAL FROM THE DEPARTMENT OF THE ENVIRONMENT:

36 (I) TO PARTICIPATE IN THE VOLUNTARY CLEANUP PROGRAM
37 UNDER TITLE 7, SUBTITLE 5 OF THE ENVIRONMENT ARTICLE; OR

38 (II) FOR THE IMPLEMENTATION OF A CORRECTIVE ACTION PLAN
39 UNDER TITLE 4 OF THE ENVIRONMENT ARTICLE.

1 (6) THE DEPARTMENT MAY ESTABLISH PROCEDURES AND ELIGIBILITY
2 REQUIREMENTS FOR THE APPROVAL OF REQUESTS FOR LOANS AND GRANTS UNDER
3 PARAGRAPH (1) OF THIS SUBSECTION.

4 [(a)] (C) (1) At the time a person applies to participate in the Voluntary
5 Cleanup Program under Title 7, Subtitle 5 of the Environment Article or receives
6 approval from the Department of the Environment for the implementation of a
7 corrective action plan under Title 4 of the Environment Article, the person may submit
8 a request to the Department to determine whether the person qualifies for financial
9 assistance for the potential redevelopment of a Brownfields site.

10 (2) (i) Within 30 days after receipt of a request under paragraph (1) of
11 this subsection, the Department shall notify an applicant whether, if approved to
12 participate in the Voluntary Cleanup Program or a corrective action plan, and if
13 approved by the Authority, the applicant qualifies for financial assistance for the
14 redevelopment of a Brownfields site.

15 (ii) In the Department's notice of an applicant's qualification for
16 financial incentives under subparagraph (i) of this paragraph, the Department shall
17 specify which of the criteria set forth in paragraph (4) of this subsection the applicant
18 met.

19 (3) The Department shall determine the eligibility of a site as a qualified
20 Brownfields site based on whether:

21 (i) The property is located in a densely populated urban center and
22 is substantially underutilized; or

23 (ii) The property is an existing or former industrial or commercial
24 site that poses a threat to public health or the environment.

25 (4) The Department may consider the following criteria when selecting a
26 qualified Brownfields site:

27 (i) The feasibility of redevelopment;

28 (ii) The public benefit provided to the community and the State
29 through the redevelopment of the property;

30 (iii) The extent of releases or threatened releases at the site and the
31 degree to which the cleanup and redevelopment of the site will protect public health or
32 the environment;

33 (iv) The potential to attract or retain manufacturing or other
34 economic base employers;

35 (v) The absence of identifiable and financially solvent responsible
36 persons; or

1 (vi) Any other factor relevant and appropriate to economic
 2 development.

3 ~~[(b)]~~ (D) During the course of evaluating potential qualified Brownfields sites,
 4 the Department shall consult with:

5 (1) The Department of the Environment, the Office of Planning, and
 6 relevant local officials;

7 (2) The neighboring community and any citizens groups located in the
 8 community;

9 (3) Representatives of State and local environmental organizations;

10 (4) Public health experts; and

11 (5) Any other person the Department considers appropriate.

12 ~~[(c)]~~ (E) The Department shall develop a program of financial incentives,
 13 including low-interest loans and grants, to assist persons who participate in the
 14 Brownfields Revitalization Incentive Program.

15 ~~[(d)]~~ (F) This section does not affect, and may not be construed as affecting I,
 16 the;

17 (1) THE planning and zoning authority of a county or municipal
 18 corporation; OR

19 (2) ANY PROVISION OF THE ENVIRONMENT ARTICLE.

20 ~~SECTION 2. 4.~~ AND BE IT FURTHER ENACTED, That any money received by
 21 the Brownfields Revitalization Fund from a taxing jurisdiction shall only be used for
 22 Brownfields sites in the taxing jurisdictions that have enacted a Brownfields property
 23 tax credit ordinance on or before June 1, 2000.

24 SECTION 5. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall
 25 take effect October 1, 2000, contingent on the taking effect of Chapter _____ (S.B.
 26 783/H.B. 972) of the Acts of the General Assembly of 2000, and if Chapter _____ does not
 27 become effective, Section 3 of this Act shall be null and void without the necessity of
 28 further action by the General Assembly. If Chapter _____ (S.B. 783/H.B. 972) of the Acts
 29 of the General Assembly of 2000 takes effect, Section 1 of this Act shall be null and void
 30 without the necessity of further action by the General Assembly.

31 ~~SECTION 2. 3. 6.~~ AND BE IT FURTHER ENACTED, That, subject to Section 5
 32 of this Act, this Act shall take effect October 1, 2000.

