

BY: Economic and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL NO. 5

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “- Voluntary Cleanup and Revitalization” and substitute “Revitalization and Voluntary Remediation”.

On pages 1 and 2, strike beginning with “Voluntary” in line 3 on page 1 down through “Revitalization” in line 41 on page 2 and substitute:

“Brownfields Revitalization Program and Voluntary Remediation Program in the Department of the Environment; establishing certain requirements for participation in each program, including the payment of certain fees; establishing certain grounds for the rejection of an application; providing for the use or return of certain fees; requiring participants in each program to develop certain action plans that include certain information; establishing criteria for the approval of certain cleanup standards; requiring the Department to meet certain deadlines for receipt and approval of certain applications and plans; providing for certain public participation in the approval or rejection of certain plans; establishing requirements for certain remediation agreements under certain circumstances; authorizing the Department to withdraw approval of certain action plans under certain circumstances; requiring the Department to issue a certain letter that certifies that a certain action is complete under certain circumstances; authorizing the transfer of a certain letter to certain persons; prohibiting the Department from bringing certain enforcement actions under certain circumstances; establishing certain criminal penalties for certain acts of fraud or misrepresentation; providing for the recovery and reimbursement of certain costs for certain expenses incurred by the Department under certain circumstances; requiring the Department to adopt certain regulations; requiring the Department of Business and Economic Development, in conjunction with the Department of the Environment, to publish a certain list of certain sites that qualify for certain actions under the Brownfields Revitalization Program; requiring the Departments to develop a certain program of financial incentives to participants in the Brownfields Revitalization Program; establishing a certain fund for certain purposes; authorizing certain local governing bodies to grant a certain property tax

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credit on certain property on which a Brownfields Response Action Plan has been implemented and completed; defining certain terms; providing for a certain construction of this Act; and generally relating to the establishment of a Brownfields Revitalization Program and Voluntary Remediation”.

On page 2, in line 42, strike “without” and substitute “with”; in line 44, after “7-201(x)” insert “and 7-221”.

On page 3, in line 3, strike “4-405(d)” and substitute “7-223.1, 7-223.2, and 7-223.3”; strike in their entirety lines 6 through 17, inclusive; and in line 20, strike “9-109” and substitute “9-227”.

AMENDMENT NO. 2

On page 4, strike in their entirety lines 3 through 8, inclusive.

On page 5, in line 16, strike the second “or”; and in line 22, after “subdivision” insert “;”

(VIII) A HOLDER OF A MORTGAGE OR DEED OF TRUST WHO ACQUIRES TITLE TO A SITE SUBJECT TO A BROWNFIELDS RESPONSE ACTION PLAN, A VOLUNTARY RESPONSE ACTION PLAN, OR A VOLUNTARY REMEDIATION AGREEMENT UNDER THIS SUBTITLE, PROVIDED THAT THE HOLDER COMPLIES WITH THE REQUIREMENTS, PROHIBITIONS, AND CONDITIONS OF THE PLAN OR AGREEMENT IN THE SAME MANNER AS THE APPLICANT WHO SUBMITTED THE PLAN OR AGREEMENT; OR

(IX) A LENDER WHO:

1. EXTENDS CREDIT FOR THE PERFORMANCE OF REMOVAL OR REMEDIAL ACTIONS CONDUCTED IN ACCORDANCE WITH REQUIREMENTS IMPOSED UNDER THIS TITLE; OR

2. TAKES ACTION TO PROTECT OR PRESERVE A SECURITY INTEREST IN A SITE AT WHICH A RELEASE OR THREATENED RELEASE OF A HAZARDOUS SUBSTANCE HAS OCCURRED, BY STABILIZING, CONTAINING, REMOVING, OR PREVENTING THE RELEASE OF A HAZARDOUS SUBSTANCE IN A MANNER THAT DOES NOT CAUSE OR CONTRIBUTE TO ONGOING RELEASES OF A

HAZARDOUS SUBSTANCE AT THE SITE.”.

AMENDMENT NO. 3

On pages 6 through 23, strike in their entirety the lines beginning with line 24 on page 6 through line 17 on page 23, inclusive and substitute:

“7-221.

(a) All expenditures from the State Hazardous Substance Control Fund made by the Department under § 7-220(b) of this subtitle in response to a release or a threatened release of a hazardous substance at a particular site shall be reimbursed to the Department for the State Hazardous Substance Control Fund by the responsible person for the release or the threatened release.

(b) (1) In addition to any other legal action authorized by this subtitle, the Attorney General may bring an action to recover costs and interest from any responsible person who fails to make a reimbursement as required under subsection (a) of this section.

(2) (i) In an action under paragraph (1) of this subsection to recover costs, the State shall make a good faith effort to identify and seek recovery against all responsible persons.

(ii) The State shall seek recovery on an apportionment basis in accordance with a person's contribution to the situation or problem, when there is a reasonable basis for determining the contribution of a responsible person.

(iii) Reimbursement in any other case shall not be apportioned.

(c) The Department may recover costs for the Fund resulting from releases or threatened releases of hazardous substances whether or not the hazardous substance was placed at the site, released, or threatened to be released before July 1, 1985.

(d) Except as otherwise provided in subsection (b) of this section, a person who is liable for a release or threatened release of a hazardous substance under this subtitle is subject to the Uniform

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Contribution Among Tort-Feasors Act under Article 50, §§ 16 through 24 of the Code, including a right of contribution, as if that person had caused an injury in tort.

(e) A responsible person against whom a legal action is brought under subsection (b) of this section for a release or threatened release of a hazardous substance may move to join any other responsible person under the Maryland Rules of Civil Procedure.

(f) Upon request by the Department, and after reasonable notice, a person shall provide to the Department any existing information or documents relating to:

(1) The identification, nature, and quantity of any hazardous substance which is or has been generated, treated, stored, or disposed of at a site or facility, or transported to a site or facility; and

(2) The nature or extent of a release of a hazardous substance at or from a site or facility.

(G) (1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF THE DEPARTMENT IDENTIFIES A RESPONSIBLE PERSON FOR A RELEASE OR THREATENED RELEASE AT A SITE WHERE A BROWNFIELDS RESPONSE ACTION PLAN OR VOLUNTARY RESPONSE ACTION PLAN HAS BEEN IMPLEMENTED AND COMPLETED IN ACCORDANCE WITH § 7-223.1 OR § 7-223.2 OF THIS SUBTITLE, THE DEPARTMENT MAY BRING A LEGAL ACTION AGAINST THE RESPONSIBLE PERSON TO RECOVER THE COSTS INCURRED IN THE PERFORMANCE OF THE REMOVAL OR REMEDIAL ACTION.

(II) THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH DO NOT APPLY TO A RESPONSIBLE PERSON FOR ANY RELEASE OR THREATENED RELEASE OF A HAZARDOUS SUBSTANCE THAT IS AT A SITE COVERED BY AN APPLICATION SUBMITTED AND ACCEPTED UNDER § 7-223.2 OF THIS SUBTITLE IF THE RESPONSIBLE PERSON IMPLEMENTS AND COMPLETES THE RESPONSE ACTION PLAN AND COMPLIES WITH THE VOLUNTARY REMEDIATION AGREEMENT FOR THE SITE.

(2) THE COSTS RECOVERED BY THE DEPARTMENT MAY COVER THE

EXPENSES INCURRED BY THE DEPARTMENT FOR THE REMOVAL OR REMEDIAL ACTION, INCLUDING:

(I) INVESTIGATIONS AND ASSESSMENTS THAT WERE PERFORMED TO PREPARE THE BROWNFIELDS RESPONSE ACTION PLAN OR VOLUNTARY RESPONSE ACTION PLAN AS PROVIDED IN §§ 7-223.1(F) AND 7-223.2(E) OF THIS SUBTITLE;

(II) IMPLEMENTATION OF THE ACTION PLAN INCLUDING MONITORING AND OPERATION AND MAINTENANCE OF THE SITE; AND

(III) OVERSIGHT OF THE PREPARATION AND IMPLEMENTATION OF THE ACTION PLAN.

7-223.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “BACKGROUND LEVEL” MEANS THE LEVEL OF A SUBSTANCE OCCURRING NATURALLY AT THE SITE PRIOR TO ANY MAN-MADE SPILL OR RELEASE.

(3) “ELIGIBLE PERSON” MEANS A PERSON WHO IS NOT A RESPONSIBLE PERSON AND WHO IS:

(I) A CURRENT OWNER OF AN ELIGIBLE SITE;

(II) A LENDER ASSOCIATED WITH AN ELIGIBLE SITE;

(III) A DEVELOPER ASSOCIATED WITH AN ELIGIBLE SITE; OR

(IV) A PROSPECTIVE PURCHASER OF AN ELIGIBLE SITE.

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(4) (I) "ELIGIBLE SITE" MEANS A SITE AT WHICH THERE IS A RELEASE OR THREATENED RELEASE OF A CONTROLLED HAZARDOUS SUBSTANCE.

(II) "ELIGIBLE SITE" DOES NOT INCLUDE A SITE THAT IS:

1. ON THE NATIONAL PRIORITIES LIST AS PROVIDED IN § 105 OF THE FEDERAL ACT;

2. PART OF AN OPERATING FACILITY THAT IS SUBJECT TO DEPARTMENT REGULATIONS;

3. SUBJECT TO AN ENFORCEMENT ACTION BY THE DEPARTMENT UNDER THIS SUBTITLE; OR

4. CONTAMINATED BY A RELEASE OR THREATENED RELEASE CAUSED BY THE DISPOSAL OF HAZARDOUS SUBSTANCES AFTER OCTOBER 1, 1996.

(5) "IMMINENT OR SUBSTANTIAL THREAT" MEANS A RELEASE OR THREATENED RELEASE OF A HAZARDOUS SUBSTANCE THAT MAY POSE A RISK OF SIGNIFICANT HARM TO THE PUBLIC HEALTH OR WELFARE AND THE ENVIRONMENT AT SOME FORESEEABLE TIME IN THE FUTURE AND IS NOT LIMITED TO AN EMERGENCY SITUATION.

(6) "LISTED SITE" MEANS AN ELIGIBLE SITE THAT IS LISTED BY THE DEPARTMENT ON THE FINAL LIST OF BROWNFIELDS SITES AS PROVIDED IN SUBSECTION (C) OF THIS SECTION.

(B) (1) THERE IS A BROWNFIELDS REVITALIZATION PROGRAM ADMINISTERED BY THE DEPARTMENT.

(2) THE PURPOSE OF THE BROWNFIELDS REVITALIZATION PROGRAM IS TO:

(I) PROVIDE INCENTIVES FOR THE REDEVELOPMENT OF URBAN AREAS AND ECONOMICALLY DISTRESSED AREAS THROUGHOUT THE STATE;

(II) PREVENT URBAN SPRAWL;

(III) ENCOURAGE ECONOMIC REVITALIZATION; AND

(IV) EXPAND EMPLOYMENT OPPORTUNITIES.

(3) UNDER THE BROWNFIELDS REVITALIZATION PROGRAM, AN ELIGIBLE PERSON THAT IMPLEMENTS AND COMPLETES A BROWNFIELDS RESPONSE ACTION PLAN IN ACCORDANCE WITH THIS SECTION:

(I) IS ELIGIBLE FOR THE FINANCIAL INCENTIVES PROVIDED IN SUBSECTION (O) OF THIS SECTION; AND

(II) SHALL RECEIVE THE ASSURANCES PROVIDED IN SUBSECTION (M) OF THIS SECTION.

(C) (1) BY OCTOBER 1, 1997, THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT, IN CONJUNCTION WITH THE DEPARTMENT, SHALL PUBLISH A LIST OF NO MORE THAN 100 ELIGIBLE SITES THAT QUALIFY FOR REMOVAL OR REMEDIAL ACTION UNDER THIS SECTION.

(2) THE DEPARTMENTS SHALL SELECT ELIGIBLE SITES BASED ON THE FOLLOWING CRITERIA:

(I) THE LOCATION OF THE SITE IN AN INTENSELY DEVELOPED, URBAN AREA;

(II) POTENTIAL INTEREST IN REDEVELOPING THE SITE FOLLOWING COMPLETION OF A REMOVAL OR REMEDIAL ACTION UNDER THIS SECTION;

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(III) POTENTIAL OF CREATION OF NEW JOBS FROM A PROPOSED BUSINESS ENTITY AND THE RETENTION OF EXISTING JOBS IN AREAS OF ECONOMIC DISTRESS;

(IV) THE BENEFITS OF REDEVELOPMENT TO THE COMMUNITY ADJACENT TO THE SITE AND TO THE STATE AS A WHOLE;

(V) THE EXTENT OF RELEASES OR THREATENED RELEASES AT THE SITE AND THE DEGREE TO WHICH A BROWNFIELDS RESPONSE ACTION PLAN CAN BE IMPLEMENTED TO PROTECT THE PUBLIC HEALTH AND WELFARE AND THE ENVIRONMENT WITHIN A REASONABLE TIME FRAME AND AT A REASONABLE COST; AND

(VI) THE ABSENCE OF IDENTIFIABLE AND SOLVENT RESPONSIBLE PERSONS.

(3) DURING THE COURSE OF EVALUATING ELIGIBLE SITES, THE DEPARTMENTS SHALL CONSULT WITH:

(I) RELEVANT STATE AND LOCAL OFFICIALS;

(II) REPRESENTATIVES OF LENDING, REAL ESTATE, INSURANCE, AND OTHER INSTITUTIONS INTERESTED IN REDEVELOPING THE SITES;

(III) CONCERNED CITIZENS;

(IV) REPRESENTATIVES OF STATE AND LOCAL ENVIRONMENTAL ORGANIZATIONS;

(V) PUBLIC HEALTH EXPERTS; AND

(VI) ANY OTHER AFFECTED PARTY THE DEPARTMENTS DEEM APPROPRIATE.

(4) PUBLICATION OF THE FINAL LIST OF BROWNFIELDS SITES SHALL INCLUDE A BRIEF EXPLANATION OF HOW THE CRITERIA LISTED IN PARAGRAPH (2) OF THIS SUBSECTION WERE APPLIED ON A SITE-SPECIFIC BASIS.

(5) THE FINAL LIST OF BROWNFIELDS SITES IS NOT SUBJECT TO JUDICIAL REVIEW UNDER THIS ARTICLE OR ANY OTHER PROVISION OF MARYLAND LAW.

(6) AT LEAST ANNUALLY, THE DEPARTMENTS SHALL UPDATE THE FINAL LIST BY ADDING OR DELETING ELIGIBLE SITES AS APPROPRIATE, PROVIDED THAT THE FINAL LIST MAY NOT CONTAIN MORE THAN 125 SITES DURING ANY 12-MONTH PERIOD.

(D) (1) TO PARTICIPATE IN THE BROWNFIELDS REVITALIZATION PROGRAM, AN ELIGIBLE PERSON SHALL:

(I) SUBMIT TO THE DEPARTMENT AN APPLICATION AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION ON THE FORM THAT THE DEPARTMENT REQUIRES; AND

(II) PAY TO THE DEPARTMENT AN APPLICATION FEE OF \$10,000.

(2) THE APPLICATION SHALL INCLUDE:

(I) INFORMATION DEMONSTRATING THAT THE APPLICANT IS AN ELIGIBLE PERSON;

(II) INFORMATION DEMONSTRATING THAT THE APPLICATION PERTAINS TO A LISTED SITE;

(III) AN ENVIRONMENTAL ASSESSMENT THAT INCLUDES INFORMATION CONCERNING THE NATURE AND EXTENT OF KNOWN

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CONTAMINATION AT THE SITE; AND

(IV) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT.

(3) WITHIN 30 DAYS OF RECEIVING A COMPLETE APPLICATION AND THE APPLICATION FEE, THE DEPARTMENT SHALL NOTIFY THE APPLICANT IN WRITING WHETHER THE APPLICANT IS ACCEPTED.

(4) THE DEPARTMENT MAY REJECT AN APPLICATION IF:

(I) THE APPLICANT DOES NOT DEMONSTRATE TO THE SATISFACTION OF THE DEPARTMENT THAT THE APPLICANT IS AN ELIGIBLE PERSON;

(II) THE APPLICATION DOES NOT PERTAIN TO A LISTED SITE;

(III) THE DEPARTMENT CONCLUDES THAT THE RESPONSE ACTION AT THE SITE COVERED BY THE APPLICATION SHOULD BE IMPLEMENTED UNDER OTHER REGULATORY AUTHORITIES; OR

(IV) THE APPLICANT DOES NOT DEMONSTRATE TO THE SATISFACTION OF THE DEPARTMENT THAT APPROVAL OF THE APPLICATION WOULD BE IN THE PUBLIC INTEREST.

(5) A FINAL DECISION TO REJECT OR ACCEPT AN APPLICATION IS NOT SUBJECT TO JUDICIAL REVIEW UNDER THIS ARTICLE OR ANY OTHER PROVISION OF LAW.

(6) IF THE APPLICATION IS NOT ACCEPTED, THE DEPARTMENT SHALL RETURN TO THE APPLICANT THAT PORTION OF THE APPLICATION FEE THAT IS NOT REQUIRED TO REIMBURSE THE DEPARTMENT FOR THE COSTS OF PROCESSING THE APPLICATION.

(E) THE DEPARTMENT SHALL:

(1) USE THE APPLICATION FEE TO COVER THE COSTS OF

ADMINISTRATION AND OVERSIGHT OF THE BROWNFIELDS REVITALIZATION PROGRAM.

(2) AFTER COMPLETION OF A BROWNFIELDS RESPONSE ACTION PLAN AS PROVIDED IN SUBSECTION (M) OF THIS SECTION:

(I) REIMBURSE TO THE APPLICANT THAT PORTION OF THE APPLICATION FEE THAT WAS NOT SPENT BY THE DEPARTMENT IN THE ADMINISTRATION AND OVERSIGHT OF THE REMOVAL OR REMEDIAL ACTION; OR

(II) REQUIRE THE APPLICANT TO PAY TO THE DEPARTMENT THE ADDITIONAL AMOUNT SPENT BY THE DEPARTMENT IN THE ADMINISTRATION AND OVERSIGHT OF THE REMOVAL OR REMEDIAL ACTION.

(F) (1) AFTER AN APPLICANT RECEIVES NOTICE OF ACCEPTANCE OF THE APPLICATION, THE PERSON SHALL SUBMIT A PROPOSED BROWNFIELDS RESPONSE ACTION PLAN TO THE DEPARTMENT.

(2) THE PROPOSED BROWNFIELDS RESPONSE ACTION PLAN SHALL INCLUDE:

(I) DOCUMENTATION THAT DESCRIBES THE METHODS AND RESULTS OF AN INVESTIGATION OF THE RELEASES AT THE SITE;

(II) THE REMOVAL OR REMEDIAL ACTION TO BE PERFORMED INCLUDING THE LONG-TERM MONITORING AND OPERATION AND MAINTENANCE OF THE SITE;

(III) A DEMONSTRATION THAT THE ACTION, ONCE COMPLETED, WILL PROTECT THE PUBLIC HEALTH AND WELFARE AND THE ENVIRONMENT; AND

(IV) ANY OTHER INFORMATION THE DEPARTMENT REQUIRES.

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(3) REMOVAL OR REMEDIAL ACTIONS REQUIRED UNDER THIS SECTION

SHALL:

(I) BE CONSISTENT WITH THE STATE HAZARDOUS SUBSTANCE RESPONSE PLAN; AND

(II) MEET THE SAME STANDARDS FOR THE PROTECTION OF PUBLIC HEALTH AND WELFARE AND THE ENVIRONMENT THAT APPLY TO REMOVAL OR REMEDIAL ACTIONS TAKEN OR REQUESTED UNDER THIS PART OF THIS SUBTITLE.

(G) (1) SELECTION OF REMEDIAL ACTION SHALL BE BASED ON ONE OR MORE OF THE FOLLOWING CLEANUP STANDARDS AS MAY BE APPROPRIATE AND RELEVANT:

(I) FEDERAL OR STATE MAXIMUM CONTAMINANT LEVEL GOALS (MCLGS) AND MAXIMUM CONTAMINANT LEVELS (MCLS);

(II) FEDERAL SOIL STANDARDS AND WATER QUALITY CRITERIA;

(III) RISK EVALUATIONS BASED ON SITE-SPECIFIC INFORMATION AND CURRENT SCIENTIFIC INFORMATION;

(IV) UNIFORM NUMERIC CLEANUP STANDARDS DETERMINED BY THE DEPARTMENT;

(V) BACKGROUND LEVELS; AND

(VI) ANY OTHER FEDERAL OR STATE STANDARDS.

(2) WHEN APPROVING PROPOSED CLEANUP STANDARDS, THE DEPARTMENT SHALL CONSIDER WHETHER A SITE IS:

(I) LOCATED IN AN INDUSTRIAL AREA AND USED FOR INDUSTRIAL PURPOSES;

(II) LOCATED IN A RESIDENTIAL AREA AND USED FOR INDUSTRIAL PURPOSES; OR

(III) LOCATED IN A RESIDENTIAL AREA AND USED FOR RESIDENTIAL OR OTHER PURPOSES THAT REQUIRE UNLIMITED PUBLIC ACCESS.

(3) THE DEPARTMENT SHALL ENSURE THAT CLEANUP STANDARDS PROVIDED IN A BROWNFIELDS RESPONSE ACTION PLAN THAT IS APPROVED UNDER THIS SECTION PROTECT THE PUBLIC HEALTH AND WELFARE AND THE ENVIRONMENT.

(H) (1) WITHIN 30 DAYS AFTER RECEIVING A COMPLETE PROPOSED BROWNFIELDS RESPONSE ACTION PLAN, THE DEPARTMENT SHALL REQUIRE THE APPLICANT TO:

(I) PUBLISH NOTICE IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE COUNTY WHERE THE SITE IS LOCATED; AND

(II) TO THE EXTENT PRACTICABLE, MAIL NOTICE TO OWNERS OF PROPERTY ADJACENT TO THE SITE.

(2) THE NOTICE SHALL:

(I) DESCRIBE THE NATURE AND EXTENT OF THE PROPOSED REMOVAL OR REMEDIAL ACTION; AND

(II) ALLOW 30 DAYS FOR PUBLIC COMMENT.

(3) THE DEPARTMENT:

(I) MAY HOLD A PUBLIC HEARING ON THE PROPOSED BROWNFIELDS RESPONSE ACTION PLAN AT ITS DISCRETION; AND

(II) SHALL HOLD A PUBLIC INFORMATIONAL MEETING ON THE PROPOSED BROWNFIELDS RESPONSE ACTION PLAN IF AT LEAST 5 RESIDENTS FROM SEPARATE HOUSEHOLDS IN COMMUNITIES ADJACENT TO THE SITE AND POTENTIALLY AFFECTED BY THE REMOVAL OR REMEDIAL ACTION PROPOSED AT THE SITE FILE A WRITTEN REQUEST FOR A PUBLIC INFORMATIONAL MEETING WITHIN 20 DAYS AFTER PUBLICATION OF THE NOTICE.

(I) (1) TO THE MAXIMUM EXTENT PRACTICABLE, WITHIN 60 DAYS AFTER THE PUBLIC PARTICIPATION PERIOD PROVIDED IN SUBSECTION (H) OF THIS SECTION HAS ENDED, THE DEPARTMENT SHALL NOTIFY THE PERSON OF ITS DECISION ON THE DISPOSITION OF THE PROPOSED BROWNFIELDS RESPONSE ACTION PLAN.

(2) TAKING INTO CONSIDERATION ALL WRITTEN COMMENTS AND PUBLIC TESTIMONY, THE DEPARTMENT SHALL:

(I) APPROVE THE PROPOSED BROWNFIELDS RESPONSE ACTION PLAN;

(II) MODIFY AND APPROVE THE PROPOSED BROWNFIELDS RESPONSE ACTION PLAN; OR

(III) REJECT THE PROPOSED BROWNFIELDS RESPONSE ACTION PLAN.

(3) THE DEPARTMENT MAY NOT APPROVE A PROPOSED BROWNFIELDS RESPONSE ACTION PLAN UNLESS THE DEPARTMENT DETERMINES THAT THE NATURE AND EXTENT OF THE RELEASES HAVE BEEN ADEQUATELY IDENTIFIED AND EVALUATED.

(J) (1) WHEN THE PROPOSED BROWNFIELDS RESPONSE ACTION PLAN IS APPROVED, THE DEPARTMENT SHALL ENTER INTO A VOLUNTARY REMEDIATION

AGREEMENT WITH THE PERSON WHO INTENDS TO IMPLEMENT THE BROWNFIELDS RESPONSE ACTION PLAN.

(2) THE VOLUNTARY REMEDIATION AGREEMENT, AT A MINIMUM, SHALL:

(I) OUTLINE THE STEPS TO BE TAKEN IN THE REMOVAL, REMEDIATION, MONITORING, OPERATION, AND MAINTENANCE OF THE SITE;

(II) STATE THE CLEANUP STANDARDS THAT SHALL BE ACHIEVED;

AND

(III) CONTAIN ANY OTHER PROVISIONS THAT THE DEPARTMENT DETERMINES TO BE NECESSARY TO PROTECT PUBLIC HEALTH, THE ENVIRONMENT, OR THE INTERESTS OF THE STATE, OR TO ENHANCE THE EFFICIENT OPERATION OF THE PROGRAM.

(K) ONCE APPROVED, THE DEPARTMENT SHALL OVERSEE THE IMPLEMENTATION OF THE BROWNFIELDS RESPONSE ACTION PLAN TO THE EXTENT THE DEPARTMENT CONSIDERS NECESSARY.

(L) THE DEPARTMENT MAY WITHDRAW THE APPROVAL OF A BROWNFIELDS RESPONSE ACTION PLAN AT ANY TIME DURING ITS IMPLEMENTATION IF:

(1) THE PERSON IMPLEMENTING THE BROWNFIELDS RESPONSE ACTION PLAN SUBSTANTIALLY FAILS TO COMPLY WITH THE TERMS AND CONDITIONS OF THE ACTION PLAN; OR

(2) A RELEASE BECOMES AN IMMINENT AND SUBSTANTIAL ENDANGERMENT TO THE PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT.

(M) (1) AFTER AN APPROVED BROWNFIELDS RESPONSE ACTION PLAN IS IMPLEMENTED AND COMPLETED TO THE SATISFACTION OF THE DEPARTMENT, THE DEPARTMENT SHALL CERTIFY THAT THE REMOVAL OR REMEDIAL ACTION IS

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COMPLETE BY ISSUING A LETTER OF NO FURTHER ACTION.

(2) A LETTER OF NO FURTHER ACTION PROHIBITS THE DEPARTMENT FROM BRINGING AN ENFORCEMENT ACTION UNDER THIS PART OF THIS SUBTITLE.

(3) (I) A PERSON WHO RECEIVES A LETTER OF NO FURTHER ACTION UNDER THIS SUBSECTION SHALL RECORD THE LETTER IN THE LAND RECORDS OF THE LOCAL JURISDICTION IN WHICH THE BROWNFIELDS RESPONSE ACTION PLAN WAS IMPLEMENTED.

(II) A NO FURTHER ACTION LETTER MAY BE TRANSFERRED TO ANY PERSON WHOSE ACTIONS DID NOT CAUSE THE CONTAMINATION.

(4) NOTWITHSTANDING PARAGRAPHS (1) AND (2) OF THIS SUBSECTION, THE DEPARTMENT MAY BRING AN ENFORCEMENT ACTION AGAINST A PERSON WHO UNDERTAKES A REMOVAL OR REMEDIAL ACTION UNDER THIS SECTION IF:

(I) THERE IS AN IMMINENT OR SUBSTANTIAL THREAT TO PUBLIC HEALTH OR THE ENVIRONMENT;

(II) THE LETTER OF NO FURTHER ACTION WAS OBTAINED THROUGH FRAUD OR MATERIAL MISREPRESENTATION;

(III) NEW CONTAMINATION IS FOUND;

(IV) PREVIOUSLY UNDISCOVERED CONTAMINATION IS FOUND;

(V) THE ELIGIBLE SITE FAILS TO MEET THE APPLICABLE CLEANUP CRITERIA SET FORTH IN THE RESPONSE ACTION PLAN APPROVED BY THE DEPARTMENT;

(VI) THE PERSON DOES NOT COMPLY WITH CONDITIONS ON THE PERMISSIBLE USES OF THE PROPERTY; OR

(VII) THE LONG-TERM OPERATION AND MAINTENANCE SET

FORTH IN THE APPROVED RESPONSE ACTION PLAN HAS NOT BEEN PERFORMED.

(N) A PERSON WHO COMMITS FRAUD OR MISREPRESENTATION CONCERNING THE ELIGIBILITY OF THE PERSON FOR PURPOSES OF SUBSECTION (D)(2)(I) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN \$10,000 AND IMPRISONMENT OF NOT MORE THAN 1 YEAR OR BOTH.

(O) (1) THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT, IN CONJUNCTION WITH THE DEPARTMENT, SHALL DEVELOP A PROGRAM OF FINANCIAL INCENTIVES, INCLUDING LOW INTEREST LOANS AND GRANTS, TO ASSIST ELIGIBLE PERSONS WHO PARTICIPATE IN THE BROWNFIELDS REVITALIZATION PROGRAM IN THE FUNDING OF A REMOVAL OR REMEDIAL ACTION.

(2) AN ELIGIBLE PERSON MAY QUALIFY FOR THE PROPERTY TAX CREDIT PROVIDED IN § 9-227 OF THE TAX - PROPERTY ARTICLE.

(P) THE DEPARTMENT SHALL ADOPT REGULATIONS NECESSARY TO CARRY OUT THE PURPOSES OF THIS SECTION.

7-223.2.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "BACKGROUND LEVEL" MEANS THE LEVEL OF A SUBSTANCE OCCURRING NATURALLY AT THE SITE PRIOR TO ANY MAN-MADE SPILL OR RELEASE.

(3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, "ELIGIBLE PERSON" MEANS A PERSON WHO IS NOT A RESPONSIBLE PERSON AND WHO IS:

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1. A CURRENT OWNER OF AN ELIGIBLE SITE;
2. A LENDER ASSOCIATED WITH AN ELIGIBLE SITE;
3. A DEVELOPER ASSOCIATED WITH AN ELIGIBLE SITE; OR
4. A PROSPECTIVE PURCHASER OF AN ELIGIBLE SITE.

(II) "ELIGIBLE PERSON" INCLUDES A RESPONSIBLE PERSON DESCRIBED IN § 7-201(X)(1) OF THIS SUBTITLE WHO DID NOT CAUSE A RELEASE OR THREATENED RELEASE BY NEGLIGENTLY, KNOWINGLY, OR WILFULLY VIOLATING ANY REQUIREMENT OR PROHIBITION IMPOSED UNDER THIS TITLE.

(4) (I) "ELIGIBLE SITE" MEANS A SITE AT WHICH THERE IS A RELEASE OR THREATENED RELEASE OF A CONTROLLED HAZARDOUS SUBSTANCE.

(II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, "ELIGIBLE SITE" DOES NOT INCLUDE A SITE THAT IS:

1. ON THE NATIONAL PRIORITIES LIST AS PROVIDED IN § 105 OF THE FEDERAL ACT;
2. PART OF AN OPERATING FACILITY THAT IS SUBJECT TO DEPARTMENT REGULATIONS;
3. SUBJECT TO AN ENFORCEMENT ACTION BY THE DEPARTMENT UNDER THIS SUBTITLE; OR
4. CONTAMINATED BY A RELEASE OR THREATENED RELEASE CAUSED BY THE DISPOSAL OF HAZARDOUS SUBSTANCES AFTER OCTOBER 1, 1996.

(III) "ELIGIBLE SITE" INCLUDES A SITE DETERMINED BY THE DEPARTMENT TO BE ELIGIBLE UNDER SUBSECTION (C)(7) OF THIS SECTION.

(5) "IMMINENT OR SUBSTANTIAL THREAT" MEANS A RELEASE OR THREATENED RELEASE OF A HAZARDOUS SUBSTANCE THAT MAY POSE A RISK OF SIGNIFICANT HARM TO THE PUBLIC HEALTH OR WELFARE AND THE ENVIRONMENT AT SOME FORESEEABLE TIME IN THE FUTURE AND IS NOT LIMITED TO AN EMERGENCY SITUATION.

(B) (1) THERE IS A VOLUNTARY REMEDIATION PROGRAM ADMINISTERED BY THE DEPARTMENT.

(2) UNDER THE VOLUNTARY REMEDIATION PROGRAM, AN ELIGIBLE PERSON THAT IMPLEMENTS AND COMPLETES A VOLUNTARY RESPONSE ACTION PLAN IN ACCORDANCE WITH THIS SECTION SHALL RECEIVE THE ASSURANCES PROVIDED IN SUBSECTION (L) OF THIS SECTION.

(C) (1) TO PARTICIPATE IN THE PROGRAM, AN ELIGIBLE PERSON SHALL:

(I) SUBMIT TO THE DEPARTMENT AN APPLICATION AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION ON THE FORM THAT THE DEPARTMENT REQUIRES; AND

(II) PAY TO THE DEPARTMENT AN APPLICATION FEE OF \$10,000.

(2) THE APPLICATION SHALL INCLUDE:

(I) INFORMATION DEMONSTRATING THAT THE APPLICANT IS AN ELIGIBLE PERSON;

(II) AN ENVIRONMENTAL ASSESSMENT THAT INCLUDES INFORMATION CONCERNING THE NATURE AND EXTENT OF KNOWN CONTAMINATION AT THE SITE; AND

(III) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT.

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(3) WITHIN 30 DAYS AFTER RECEIVING A COMPLETE APPLICATION AND THE APPLICATION FEE, THE DEPARTMENT SHALL NOTIFY THE APPLICANT IN WRITING WHETHER THE APPLICATION IS ACCEPTED.

(4) THE DEPARTMENT MAY REJECT AN APPLICATION IF:

(I) THE APPLICANT DOES NOT DEMONSTRATE TO THE SATISFACTION OF THE DEPARTMENT THAT THE APPLICANT IS AN ELIGIBLE PERSON;

(II) THE DEPARTMENT CONCLUDES THAT THE RESPONSE ACTION AT THE SITE COVERED BY THE APPLICATION SHOULD BE IMPLEMENTED UNDER OTHER REGULATORY AUTHORITIES; OR

(III) THE APPLICANT DOES NOT DEMONSTRATE TO THE SATISFACTION OF THE DEPARTMENT THAT APPROVAL OF THE APPLICATION WOULD BE IN THE PUBLIC INTEREST.

(5) A FINAL DECISION TO REJECT OR ACCEPT AN APPLICATION IS NOT SUBJECT TO JUDICIAL REVIEW UNDER THIS ARTICLE OR ANY OTHER PROVISION OF LAW.

(6) IF THE APPLICATION IS NOT ACCEPTED, THE DEPARTMENT SHALL RETURN TO THE APPLICANT THAT PORTION OF THE APPLICATION FEE THAT IS NOT REQUIRED TO REIMBURSE THE DEPARTMENT FOR THE COSTS OF PROCESSING THE APPLICATION.

(7) IN ITS SOLE DISCRETION, THE DEPARTMENT MAY DETERMINE THAT A PART OF AN OPERATING FACILITY IS AN ELIGIBLE SITE FOR THE PURPOSES OF THE VOLUNTARY REMEDIATION PROGRAM IF THE PART OF THE OPERATING FACILITY IS NOT:

(I) A REGULATED UNIT UNDER A CONTROLLED HAZARDOUS SUBSTANCE PERMIT ISSUED UNDER THIS SUBTITLE; OR

(II) SUBJECT TO A PERMIT UNDER TITLE 9, SUBTITLE 3 OF THIS

ARTICLE.

(D) THE DEPARTMENT SHALL:

(1) USE THE APPLICATION FEE TO COVER THE COSTS OF ADMINISTRATION AND OVERSIGHT OF THE VOLUNTARY REMEDIATION PROGRAM.

(2) AFTER COMPLETION OF A VOLUNTARY RESPONSE ACTION PLAN AS PROVIDED IN SUBSECTION (L) OF THIS SECTION:

(I) REIMBURSE TO THE APPLICANT THAT PORTION OF THE APPLICATION FEE THAT WAS NOT SPENT BY THE DEPARTMENT IN ADMINISTRATION AND OVERSIGHT OF THE REMOVAL OR REMEDIAL ACTION; OR

(II) REQUIRE THE APPLICANT TO PAY TO THE DEPARTMENT THE ADDITIONAL AMOUNT SPENT BY THE DEPARTMENT IN ADMINISTRATION AND OVERSIGHT OF THE REMOVAL OR REMEDIAL ACTION.

(E) (1) AFTER AN APPLICANT RECEIVES NOTICE OF ACCEPTANCE, THE PERSON SHALL SUBMIT A PROPOSED VOLUNTARY RESPONSE ACTION PLAN TO THE DEPARTMENT.

(2) THE PROPOSED VOLUNTARY RESPONSE ACTION PLAN SHALL INCLUDE:

(I) DOCUMENTATION THAT DESCRIBES THE METHODS AND RESULTS OF AN INVESTIGATION OF THE RELEASES AT THE SITE;

(II) THE REMOVAL OR REMEDIAL ACTION TO BE PERFORMED INCLUDING THE LONG-TERM MONITORING AND OPERATION AND MAINTENANCE OF THE SITE;

(III) A DEMONSTRATION THAT THE ACTION, ONCE COMPLETED, WILL PROTECT THE PUBLIC HEALTH AND WELFARE AND THE ENVIRONMENT; AND

(Over)

(IV) ANY OTHER INFORMATION THE DEPARTMENT REQUIRES.

(3) REMOVAL OR REMEDIAL ACTIONS REQUIRED UNDER THIS SECTION

SHALL:

(I) BE CONSISTENT WITH THE STATE HAZARDOUS SUBSTANCE RESPONSE PLAN; AND

(II) MEET THE SAME STANDARDS FOR THE PROTECTION OF PUBLIC HEALTH AND WELFARE AND THE ENVIRONMENT THAT APPLY TO REMOVAL AND REMEDIAL ACTIONS TAKEN OR REQUESTED UNDER THIS PART OF THIS SUBTITLE.

(F) (1) SELECTION OF REMEDIAL ACTION SHALL BE BASED ON ONE OR MORE OF THE FOLLOWING CLEANUP STANDARDS AS MAY BE APPROPRIATE AND RELEVANT:

(I) FEDERAL OR STATE MAXIMUM CONTAMINANT LEVEL GOALS (MCLGS) AND MAXIMUM CONTAMINANT LEVELS (MCLS);

(II) FEDERAL SOIL STANDARDS AND WATER QUALITY CRITERIA;

(III) RISK EVALUATIONS BASED ON SITE-SPECIFIC INFORMATION AND CURRENT SCIENTIFIC INFORMATION;

(IV) UNIFORM NUMERIC CLEANUP STANDARDS DETERMINED BY THE DEPARTMENT;

(V) BACKGROUND LEVELS; AND

(VI) ANY OTHER FEDERAL OR STATE STANDARDS.

(2) WHEN APPROVING PROPOSED CLEANUP STANDARDS, THE

DEPARTMENT SHALL CONSIDER WHETHER A SITE IS:

(I) LOCATED IN AN INDUSTRIAL AREA AND USED FOR INDUSTRIAL PURPOSES;

(II) LOCATED IN A RESIDENTIAL AREA AND USED FOR INDUSTRIAL PURPOSES; OR

(III) LOCATED IN A RESIDENTIAL AREA AND USED FOR RESIDENTIAL OR OTHER PURPOSES THAT REQUIRE UNLIMITED PUBLIC ACCESS.

(3) THE DEPARTMENT SHALL ENSURE THAT CLEANUP STANDARDS PROVIDED IN A VOLUNTARY RESPONSE ACTION PLAN THAT IS APPROVED UNDER THIS SECTION PROTECT THE PUBLIC HEALTH AND WELFARE AND THE ENVIRONMENT.

(G) (1) WITHIN 30 DAYS AFTER RECEIVING A COMPLETE PROPOSED VOLUNTARY RESPONSE ACTION PLAN, THE DEPARTMENT SHALL REQUIRE THE APPLICANT TO:

(I) PUBLISH NOTICE IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE COUNTY WHERE THE SITE IS LOCATED; AND

(II) TO THE EXTENT PRACTICABLE, MAIL NOTICE TO OWNERS OF PROPERTY ADJACENT TO THE SITE.

(2) THE NOTICE SHALL:

(I) DESCRIBE THE NATURE AND EXTENT OF THE PROPOSED REMOVAL OR REMEDIAL ACTION; AND

(II) ALLOW 30 DAYS FOR PUBLIC COMMENT.

(Over)

(3) THE DEPARTMENT:

(I) MAY HOLD A PUBLIC HEARING ON THE PROPOSED VOLUNTARY RESPONSE ACTION PLAN AT ITS DISCRETION; AND

(II) SHALL HOLD A PUBLIC INFORMATIONAL MEETING ON THE PROPOSED VOLUNTARY RESPONSE ACTION PLAN IF AT LEAST 5 RESIDENTS FROM SEPARATE HOUSEHOLDS IN COMMUNITIES ADJACENT TO THE SITE AND POTENTIALLY AFFECTED BY THE REMOVAL OR REMEDIAL ACTION PROPOSED AT THE SITE FILE A WRITTEN REQUEST FOR A PUBLIC INFORMATIONAL MEETING WITHIN 20 DAYS AFTER PUBLICATION OF THE NOTICE.

(H) (1) TO THE MAXIMUM EXTENT PRACTICABLE, WITHIN 60 DAYS AFTER THE PUBLIC PARTICIPATION PERIOD PROVIDED IN SUBSECTION (G) OF THIS SECTION HAS ENDED, THE DEPARTMENT SHALL NOTIFY THE PERSON OF ITS DECISION ON THE DISPOSITION OF THE PROPOSED VOLUNTARY RESPONSE ACTION PLAN.

(2) TAKING INTO CONSIDERATION ALL WRITTEN COMMENTS AND PUBLIC TESTIMONY, THE DEPARTMENT SHALL:

(I) APPROVE THE PROPOSED VOLUNTARY RESPONSE ACTION PLAN;

(II) MODIFY AND APPROVE THE PROPOSED VOLUNTARY RESPONSE ACTION PLAN; OR

(III) REJECT THE PROPOSED VOLUNTARY RESPONSE ACTION PLAN.

(3) THE DEPARTMENT MAY NOT APPROVE A PROPOSED VOLUNTARY RESPONSE ACTION PLAN UNLESS THE DEPARTMENT DETERMINES THAT THE NATURE AND EXTENT OF THE RELEASES HAVE BEEN ADEQUATELY IDENTIFIED AND EVALUATED.

(I) (1) WHEN THE PROPOSED VOLUNTARY RESPONSE ACTION PLAN IS APPROVED, THE DEPARTMENT SHALL ENTER INTO A VOLUNTARY REMEDIATION AGREEMENT WITH THE PERSON WHO INTENDS TO IMPLEMENT THE VOLUNTARY RESPONSE ACTION PLAN.

(2) THE VOLUNTARY REMEDIATION AGREEMENT SHALL, AT A MINIMUM:

(I) OUTLINE THE STEPS TO BE TAKEN IN THE REMOVAL, REMEDIATION, MONITORING, OPERATION, AND MAINTENANCE OF THE SITE;

(II) STATE THE CLEANUP STANDARDS THAT SHALL BE ACHIEVED;

AND

(III) CONTAIN ANY OTHER PROVISIONS THAT THE DEPARTMENT DETERMINES TO BE NECESSARY TO PROTECT PUBLIC HEALTH, THE ENVIRONMENT, OR THE INTERESTS OF THE STATE, OR TO ENHANCE THE EFFICIENT OPERATION OF THE PROGRAM.

(J) ONCE APPROVED, THE DEPARTMENT SHALL OVERSEE THE IMPLEMENTATION OF THE VOLUNTARY RESPONSE ACTION PLAN TO THE EXTENT THE DEPARTMENT CONSIDERS NECESSARY.

(K) THE DEPARTMENT MAY WITHDRAW THE APPROVAL OF A VOLUNTARY RESPONSE ACTION PLAN AT ANY TIME DURING ITS IMPLEMENTATION IF:

(1) THE PERSON IMPLEMENTING THE VOLUNTARY RESPONSE ACTION PLAN SUBSTANTIALLY FAILS TO COMPLY WITH THE TERMS AND CONDITIONS OF THE ACTION PLAN; OR

(2) A RELEASE BECOMES AN IMMINENT AND SUBSTANTIAL ENDANGERMENT TO THE PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT.

(L) (1) AFTER AN APPROVED VOLUNTARY RESPONSE ACTION PLAN IS

(Over)

IMPLEMENTED AND COMPLETED TO THE SATISFACTION OF THE DEPARTMENT, THE DEPARTMENT SHALL CERTIFY THAT THE REMOVAL OR REMEDIAL ACTION IS COMPLETE BY ISSUING A LETTER OF NO FURTHER ACTION.

(2) A LETTER OF NO FURTHER ACTION PROHIBITS THE DEPARTMENT FROM BRINGING AN ENFORCEMENT ACTION UNDER THIS PART OF THIS SUBTITLE.

(3) (I) A PERSON WHO RECEIVES A LETTER OF NO FURTHER ACTION UNDER THIS SUBSECTION SHALL RECORD THE LETTER IN THE LAND RECORDS OF THE LOCAL JURISDICTION IN WHICH THE VOLUNTARY RESPONSE ACTION PLAN WAS IMPLEMENTED.

(II) A NO FURTHER ACTION LETTER MAY BE TRANSFERRED TO ANY PERSON WHOSE ACTIONS DID NOT CAUSE THE CONTAMINATION.

(4) NOTWITHSTANDING PARAGRAPHS (1) AND (2) OF THIS SUBSECTION, THE DEPARTMENT MAY BRING AN ENFORCEMENT ACTION AGAINST A PERSON WHO UNDERTAKES A REMOVAL OR REMEDIAL ACTION UNDER THIS SECTION IF:

(I) THERE IS AN IMMINENT OR SUBSTANTIAL THREAT TO PUBLIC HEALTH OR THE ENVIRONMENT;

(II) THE LETTER OF NO FURTHER ACTION WAS OBTAINED THROUGH FRAUD OR MATERIAL MISREPRESENTATION;

(III) NEW CONTAMINATION IS FOUND;

(IV) PREVIOUSLY UNDISCOVERED CONTAMINATION IS FOUND;

(V) THE ELIGIBLE SITE FAILS TO MEET THE APPLICABLE CLEANUP CRITERIA SET FORTH IN THE RESPONSE ACTION PLAN APPROVED BY THE DEPARTMENT;

(VI) THE PERSON DOES NOT COMPLY WITH CONDITIONS ON THE PERMISSIBLE USES OF THE PROPERTY; OR

(VII) THE LONG-TERM OPERATION AND MAINTENANCE SET FORTH IN THE APPROVED RESPONSE ACTION PLAN HAS NOT BEEN PERFORMED.

(M) A PERSON WHO COMMITS FRAUD OR MISREPRESENTATION CONCERNING WHETHER THE PERSON IS AN ELIGIBLE PERSON FOR PURPOSES OF SUBSECTION (C)(2)(I) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN \$10,000 AND IMPRISONMENT OF NOT MORE THAN 1 YEAR OR BOTH.

(N) THE DEPARTMENT SHALL ADOPT REGULATIONS NECESSARY TO CARRY OUT THE PURPOSES OF THIS SECTION.

7-223.3.

(A) THERE IS A BROWNFIELDS REVITALIZATION AND VOLUNTARY REMEDIATION FUND.

(B) ALL APPLICATION FEES AND OTHER MONEYS COLLECTED BY THE DEPARTMENT IN CONNECTION WITH THE BROWNFIELDS REVITALIZATION AND VOLUNTARY REMEDIATION PROGRAMS UNDER §§ 7-223.1 AND 7-223.2 OF THIS SUBTITLE SHALL BE PAID TO THE FUND.

(C) ALL MONEYS APPROPRIATED, GRANTED, LOANED, OR OTHERWISE PROVIDED TO THE DEPARTMENT FOR THE SUPPORT OF THE BROWNFIELDS REVITALIZATION AND VOLUNTARY REMEDIATION PROGRAMS SHALL BE PAID TO THE FUND.

(D) THE DEPARTMENT SHALL USE THE MONEYS IN THE FUND FOR:

(1) ALL COSTS ASSOCIATED WITH THE ADMINISTRATION OF THE PROGRAMS;

(Over)

(2) THE DEVELOPMENT AND IMPLEMENTATION OF THE PROGRAMS;

(3) LEGAL EXPENSES; AND

(4) OTHER INDIRECT AND DIRECT COSTS ASSOCIATED WITH THE INVESTIGATION, CLEANUP, AND RELATED ACTIVITIES AT BROWNFIELDS REVITALIZATION AND VOLUNTARY REMEDIATION PROJECTS THAT HAVE NOT BEEN COMPLETED BY THE APPLICANT.”.

AMENDMENT NO. 4

On pages 23 and 24, strike beginning with line 19 on page 23 down through line 38 on page 24 and substitute:

“9-227.

(A) THE GOVERNING BODY OF A COUNTY OR A MUNICIPAL CORPORATION MAY GRANT A TAX CREDIT AGAINST THE PROPERTY TAX IMPOSED ON REAL PROPERTY ON WHICH A BROWNFIELDS RESPONSE ACTION PLAN HAS BEEN IMPLEMENTED AND COMPLETED IN ACCORDANCE WITH § 7-223.1 OF THE ENVIRONMENT ARTICLE.

(B) A COUNTY OR MUNICIPAL CORPORATION MAY PROVIDE, BY LAW, FOR:

(1) THE AMOUNT OF A PROPERTY TAX CREDIT UNDER THIS SECTION;

(2) THE DURATION OF A PROPERTY TAX CREDIT UNDER THIS SECTION;

AND

(3) ANY OTHER PROVISION NECESSARY TO CARRY OUT THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That nothing in this Act is intended to nor shall it be construed to amend, modify, repeal, or otherwise alter the authority of the Department to take appropriate civil and criminal action under Title 7 of the Environment Article.”.

AMENDMENT NO. 5

On page 24, in line 39, strike "5." and substitute "3."; and in line 40, strike "July" and substitute "October".