

HOUSE BILL 331

Unofficial Copy
M3

2000 Regular Session
(01r0109)

ENROLLED BILL

-- Environmental Matters/Economic and Environmental Affairs --

Introduced by **Chairman, Environmental Matters Committee (Departmental -
Dept. Business & Economic Dev.)**

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.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 ~~Business and Economic Development~~ Environment - Brownfields
3 ~~Revitalization Incentive Program~~ and Voluntary Cleanup Programs

4 FOR the purpose of altering ~~certain definitions relating to the Brownfields~~
5 ~~Revitalization Incentive Program in the Department of Business and Economic~~
6 ~~Development; expanding the purpose of the Program; providing for the~~
7 ~~eligibility for financial incentives under the Program; authorizing grants for~~
8 ~~environmental assessments under certain conditions; providing that a certain~~
9 ~~determination or finding made under this Act that a responsible person did not~~
10 ~~cause or contribute to certain contamination does not affect and may not be~~
11 ~~construed to affect any tort action against any person, or any third party action~~
12 ~~for recovery of removal costs; the requirement that for a brownfields site to be~~
13 ~~eligible for certain financial incentives the site must be located in a jurisdiction~~
14 ~~that has elected to participate in the Brownfields Revitalization Incentive~~
15 ~~Program; authorizing the Department of Business and Economic Development to~~
16 ~~provide certain loans and grants to certain persons for the environmental site~~

1 assessment of certain brownfields sites; requiring the repayment of certain grants
 2 under certain circumstances; providing that certain low-interest loans convert to
 3 market rate loans under certain circumstances; providing for the ownership of
 4 the information contained in certain environmental site assessments; providing
 5 for the application of certain provisions; authorizing the Department of Business
 6 and Economic Development to establish certain procedures and eligibility
 7 requirements for these loans and grants; requiring that certain moneys deposited
 8 by certain jurisdictions into the Brownfields Revitalization Incentive Fund be
 9 used to provide incentives for qualified brownfields sites in certain jurisdictions
 10 that enacted certain tax credit ordinances; altering the definition of "brownfields
 11 site" to include properties for which there exists certain innocent purchasers;
 12 altering the requirements for jurisdictions electing to provide certain property tax
 13 credits for certain property; providing for a certain contingency; and generally
 14 relating to the Brownfields Revitalization Incentive Program and Voluntary
 15 Cleanup programs.

16 BY repealing and reenacting, with amendments,
 17 Article 83A - Department of Business and Economic Development
 18 Section 3-901, ~~3-902(b), and 3-903(e)~~ 3-902, and 3-905
 19 Annotated Code of Maryland
 20 (1998 Replacement Volume and 1999 Supplement)

21 ~~BY adding to~~
 22 ~~Article 83A - Department of Business and Economic Development~~
 23 ~~Section 3-903(d)~~
 24 ~~Annotated Code of Maryland~~
 25 ~~(1998 Replacement Volume and 1999 Supplement)~~

26 BY repealing and reenacting, with amendments,
 27 Article - Tax - Property
 28 Section 9-229(b) and (c)
 29 Annotated Code of Maryland
 30 (1994 Replacement Volume and 1999 Supplement)

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

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

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)}~~ (1) ~~An eligible property, as defined in § 7-501 of the~~
6 ~~Environment Article, that is:~~

7 ~~[1.] (I) Owned or operated BY A RESPONSIBLE PERSON WHO~~
8 ~~HAS NOT CAUSED OR CONTRIBUTED TO THE CONTAMINATION OR~~ ~~by an inculpable~~
9 ~~person, as defined in § 7-501 of the Environment Article; and~~

10 ~~[2.] (II) Located in a taxing jurisdiction that has:~~

11 ~~1. [elected] ELECTED to participate in the Brownfields~~
12 ~~Revitalization Incentive Program in accordance with § 9-229 of the Tax – Property~~
13 ~~Article; AND~~

14 ~~2. SUBMITTED TO THE DEPARTMENT A LIST, UPDATED AT~~
15 ~~LEAST ANNUALLY, OF THE POTENTIAL BROWNFIELDS SITES IN THE TAXING~~
16 ~~JURISDICTION, RANKED IN THE ORDER OF PRIORITY FOR REDEVELOPMENT~~
17 ~~RECOMMENDED BY THE TAXING JURISDICTION; or~~

18 ~~{(ii)}~~ (2) ~~Property where there is a release, discharge, or threatened~~
19 ~~release of oil, as defined in § 4-401 of the Environment Article, that is:~~

20 ~~[1.] (I) Subject to a corrective action plan approved by the~~
21 ~~Department of the Environment in accordance with Title 4 of the Environment~~
22 ~~Article; [and]~~

23 ~~[2.] (II) Located in a taxing jurisdiction that has:~~

24 ~~1. [elected] ELECTED to participate in the Brownfields~~
25 ~~Revitalization Incentive Program in accordance with § 9-229 of the Tax – Property~~
26 ~~Article[-]; AND~~

27 ~~2. SUBMITTED TO THE DEPARTMENT A LIST, UPDATED AT~~
28 ~~LEAST ANNUALLY, OF THE POTENTIAL BROWNFIELDS SITES IN THE TAXING~~
29 ~~JURISDICTION, RANKED IN THE ORDER OF PRIORITY FOR REDEVELOPMENT~~
30 ~~RECOMMENDED BY THE TAXING JURISDICTION; AND~~

31 ~~(III) OWNED OR OPERATED BY A PERSON RESPONSIBLE FOR THE~~
32 ~~DISCHARGE WHO HAS NOT CAUSED OR CONTRIBUTED TO THE DISCHARGE, OR BY A~~
33 ~~PERSON WHO IS NOT RESPONSIBLE FOR THE DISCHARGE.~~

34 ~~{(2)}~~ "Brownfields site" does not include property that is owned or
35 ~~operated by a responsible person or a person responsible for the discharge.]~~

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

3 1. Owned or operated by [an]:

4 A. AN inculpable person, as defined in § 7-501 of the
 5 Environment Article; [and] OR

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

8 2. Located in a [taxing jurisdiction] COUNTY OR MUNICIPAL
 9 CORPORATION that has elected to participate in the Brownfields Revitalization
 10 Incentive Program in accordance with [§ 9-229 of the Tax - Property Article] §
 11 3-902(C) OF THIS SUBTITLE; or

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

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

17 2. Located in a [taxing jurisdiction] COUNTY OR MUNICIPAL
 18 CORPORATION that has elected to participate in the Brownfields Revitalization
 19 Incentive Program in accordance with [§ 9-229 of the Tax - Property Article] §
 20 3-902(C) OF THIS SUBTITLE.

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

23 (c) "Person responsible for the discharge" has the meaning stated in § 4-401 of
 24 the Environment Article.

25 (d) "Qualified brownfields site" means a Brownfields site that has been
 26 determined by the Department of Business and Economic Development to be eligible
 27 for financial incentives under § 3-903 of this subtitle.

28 (e) "Responsible person" has the meaning stated in § 7-201 of the
 29 Environment Article.

30 3-902.

31 (a) There is a Brownfields Revitalization Incentive Program in the
 32 Department.

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

34 (1) Provide financial incentives for ~~ENVIRONMENTAL ASSESSMENT AND~~
 35 redevelopment of properties previously used for commercial or industrial purposes;

- 1 (2) Provide financial incentives for ~~ENVIRONMENTAL ASSESSMENT AND~~
2 redevelopment of properties within locally designated growth areas;
- 3 (3) Prevent urban sprawl;
- 4 (4) Encourage economic revitalization;
- 5 (5) Expand employment opportunities; and
- 6 (6) Provide financial incentives for qualified brownfields sites.

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

9 (1) SUBMITTING TO THE DEPARTMENT A LIST OF POTENTIAL
10 BROWNFIELDS SITES IN THE COUNTY OR MUNICIPAL CORPORATION, RANKED IN
11 THE ORDER OF PRIORITY FOR REDEVELOPMENT RECOMMENDED BY THE COUNTY
12 OR MUNICIPAL CORPORATION; AND

13 (2) ANNUALLY UPDATING THE LIST SUBMITTED UNDER PARAGRAPH (1)
14 OF THIS SUBSECTION.

15 (D) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
16 CONTRARY, THE DEPARTMENT MAY PROVIDE A PERSON, INCLUDING A RESPONSIBLE
17 PERSON, WITH A LOW-INTEREST LOAN OR GRANT FOR CONDUCTING THE
18 ENVIRONMENTAL SITE ASSESSMENT OF A POTENTIAL BROWNFIELDS SITE THAT IS
19 REQUIRED FOR PARTICIPATION IN THE VOLUNTARY CLEANUP PROGRAM IF THE
20 PERSON:

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

24 (II) MEETS THE ELIGIBILITY REQUIREMENTS ESTABLISHED BY
25 THE DEPARTMENT.

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

30 (II) IF AN ENVIRONMENTAL ASSESSMENT IS FINANCED BY A LOAN
31 FROM THE DEPARTMENT, OR BY A GRANT THAT IS REPAYED, THE INFORMATION
32 CONTAINED IN THE ENVIRONMENTAL ASSESSMENT IS THE PROPERTY OF THE
33 PERSON WHO CONTRACTED FOR THE ASSESSMENT.

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

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

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

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

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

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

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

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

20 ~~3-903.~~

21 ~~(e) (1) The Department shall develop a program of financial incentives,~~
 22 ~~including low interest loans and grants, to assist persons who participate in the~~
 23 ~~Brownfields Revitalization Incentive Program.~~

24 ~~(2) THE FOLLOWING PERSONS ARE NOT ELIGIBLE FOR FINANCIAL~~
 25 ~~INCENTIVES FROM THE PROGRAM OR FOR THE TAX CREDITS PROVIDED UNDER §~~
 26 ~~9-229 OF THE TAX – PROPERTY ARTICLE:~~

27 ~~(I) A RESPONSIBLE PERSON WHO CAUSED OR CONTRIBUTED TO~~
 28 ~~THE CONTAMINATION; AND~~

29 ~~(II) A PERSON RESPONSIBLE FOR THE DISCHARGE WHO CAUSED OR~~
 30 ~~CONTRIBUTED TO THE DISCHARGE.~~

31 ~~(3) (I) NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS (A)~~
 32 ~~AND (B) OF THIS SECTION, A PERSON WHO HAS NOT APPLIED TO PARTICIPATE IN THE~~
 33 ~~VOLUNTARY CLEANUP PROGRAM UNDER TITLE 7, SUBTITLE 5 OF THE ENVIRONMENT~~
 34 ~~ARTICLE OR RECEIVED APPROVAL FROM THE DEPARTMENT OF THE ENVIRONMENT~~
 35 ~~FOR THE IMPLEMENTATION OF A CORRECTIVE ACTION PLAN UNDER TITLE 4 OF THE~~
 36 ~~ENVIRONMENT ARTICLE MAY APPLY TO THE BROWNFIELDS REVITALIZATION~~
 37 ~~INCENTIVE PROGRAM FOR A GRANT TO FUND AN ENVIRONMENTAL ASSESSMENT OF~~
 38 ~~A POTENTIAL BROWNFIELDS SITE.~~

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

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

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

6 (3)] If a taxing jurisdiction elects to participate in the Brownfields
 7 Revitalization Incentive Program IN ACCORDANCE WITH THIS SECTION, the property
 8 tax credits under this section shall also apply to the State property tax in that
 9 jurisdiction in the same percentage and for the same duration as provided for the
 10 property tax of the taxing jurisdiction.

11 (c) For each of the 5 taxable years immediately following the first revaluation
 12 of the property after completion of a voluntary cleanup or corrective action plan of a
 13 brownfields site, each PARTICIPATING taxing jurisdiction where a qualified
 14 brownfields site is located shall:

15 (1) grant a property tax credit against the property tax imposed on the
 16 qualified brownfields site in an amount equal to 50% of the property tax attributable to
 17 the increase in the assessment of the qualified brownfields site, including
 18 improvements added to the site within the 5-year period as provided under this
 19 subsection, over the assessment of the qualified brownfields site before the voluntary
 20 cleanup; and

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

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

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

29 5-1401.

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

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

33 1. Owned or operated by [an]:

34 A. AN inculpable person, as defined in § 7-501 of the
 35 Environment Article; OR

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

3 2. Located in a [taxing jurisdiction] COUNTY OR MUNICIPAL
4 CORPORATION that has elected to participate in the Brownfields Revitalization
5 Incentive Program in accordance with [§ 9-229 of the Tax - Property Article] §
6 5-1408(A) OF THIS SUBTITLE; or

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

9 1. Subject to a corrective action plan approved by the
10 Department of the Environment in accordance with Title 4 of the Environment Article;
11 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 5-1408(A) OF THIS SUBTITLE.

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

18 5-1408.

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

21 (1) SUBMITTING TO THE DEPARTMENT A LIST OF POTENTIAL
22 BROWNFIELDS SITES IN THE COUNTY OR MUNICIPAL CORPORATION, RANKED IN
23 THE ORDER OF PRIORITY FOR REDEVELOPMENT RECOMMENDED BY THE COUNTY
24 OR MUNICIPAL CORPORATION; AND

25 (2) ANNUALLY UPDATING THE LIST SUBMITTED UNDER PARAGRAPH (1)
26 OF THIS SUBSECTION.

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

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

37 (II) MEETS THE ELIGIBILITY REQUIREMENTS ESTABLISHED BY
38 THE DEPARTMENT.

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

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

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

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

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

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

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

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

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

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

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

38 (2) (i) Within 30 days after receipt of a request under paragraph (1) of
39 this subsection, the Department shall notify an applicant whether, if approved to

1 participate in the Voluntary Cleanup Program or a corrective action plan, and if
2 approved by the Authority, the applicant qualifies for financial assistance for the
3 redevelopment of a brownfields site.

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

8 (3) The Department shall determine the eligibility of a site as a qualified
9 brownfields site based on whether:

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

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

14 (4) The Department may consider the following criteria when selecting a
15 qualified brownfields site:

16 (i) The feasibility of redevelopment;

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

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

22 (iv) The potential to attract or retain manufacturing or other
23 economic base employers;

24 (v) The absence of identifiable and financially solvent responsible
25 persons; or

26 (vi) Any other factor relevant and appropriate to economic
27 development.

28 [(b)] (D) During the course of evaluating potential qualified brownfields sites,
29 the Department shall consult with:

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

32 (2) The neighboring community and any citizens groups located in the
33 community;

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

35 (4) Public health experts; and

- 1 (5) Any other person the Department considers appropriate.
- 2 ~~[(c)]~~ (E) The Department shall develop a program of financial incentives,
3 including low-interest loans and grants, to assist persons who participate in the
4 Brownfields Revitalization Incentive Program.
- 5 ~~[(d)]~~ (F) This section does not affect, and may not be construed as affecting [,
6 the]:
- 7 (1) THE planning and zoning authority of a county or municipal
8 corporation; OR
- 9 (2) ANY PROVISION OF THE ENVIRONMENT ARTICLE.
- 10 SECTION 4. AND BE IT FURTHER ENACTED, That any money received by
11 the Brownfields Revitalization Fund from a taxing jurisdiction shall only be used for
12 brownfields sites in the taxing jurisdictions that have enacted a brownfields property
13 tax credit ordinance.
- 14 SECTION 5. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall
15 take effect October 1, 2000, contingent on the taking effect of Chapter _____ (S.B.
16 783/H.B. 972) of the Acts of the General Assembly of 2000, and if Chapter _____ does
17 not become effective, Section 3 of this Act shall be null and void without the necessity
18 of further action by the General Assembly. If Chapter _____ (S.B. 783/H.B. 972) of the
19 Acts of the General Assembly of 2000 takes effect, Section 1 of this Act shall be null and
20 void without the necessity of further action by the General Assembly.
- 21 ~~SECTION 2: 6.~~ AND BE IT FURTHER ENACTED, That, subject to Section 5
22 of this Act, this Act shall take effect ~~July~~ October 1, 2000.