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

Introduced and read first time: January 31, 2000

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Business and Economic Development - Brownfields Revitalization Incentive**
3 **Program**

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; and generally relating to
9 the Brownfields Revitalization Incentive Program.

10 BY repealing and reenacting, with amendments,
11 Article 83A - Department of Business and Economic Development
12 Section 3-901, 3-902(b), and 3-903(c)
13 Annotated Code of Maryland
14 (1998 Replacement Volume and 1999 Supplement)

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

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

18 3-901.

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

20 (b) [(1)] "Brownfields site" means:

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

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

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

1 1. [elected] ELECTED to participate in the Brownfields
2 Revitalization Incentive Program in accordance with § 9-229 of the Tax - Property
3 Article; AND

4 2. SUBMITTED TO THE DEPARTMENT A LIST, UPDATED AT
5 LEAST ANNUALLY, OF THE POTENTIAL BROWNFIELDS SITES IN THE TAXING
6 JURISDICTION, RANKED IN THE ORDER OF PRIORITY FOR REDEVELOPMENT
7 RECOMMENDED BY THE TAXING JURISDICTION; or

8 [(ii)] (2) Property where there is a release, discharge, or threatened
9 release of oil, as defined in § 4-401 of the Environment Article, that is:

10 [1.] (I) Subject to a corrective action plan approved by the
11 Department of the Environment in accordance with Title 4 of the Environment
12 Article; [and]

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

14 1. [elected] ELECTED to participate in the Brownfields
15 Revitalization Incentive Program in accordance with § 9-229 of the Tax - Property
16 Article[.]; AND

17 2. SUBMITTED TO THE DEPARTMENT A LIST, UPDATED AT
18 LEAST ANNUALLY, OF THE POTENTIAL BROWNFIELDS SITES IN THE TAXING
19 JURISDICTION, RANKED IN THE ORDER OF PRIORITY FOR REDEVELOPMENT
20 RECOMMENDED BY THE TAXING JURISDICTION; AND

21 (III) OWNED OR OPERATED BY A PERSON RESPONSIBLE FOR THE
22 DISCHARGE WHO HAS NOT CAUSED OR CONTRIBUTED TO THE DISCHARGE, OR BY A
23 PERSON WHO IS NOT RESPONSIBLE FOR THE DISCHARGE.

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

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

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

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

33 3-902.

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

35 (1) Provide financial incentives for ENVIRONMENTAL ASSESSMENT AND
36 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 3-903.

8 (c) (1) The Department shall develop a program of financial incentives,
9 including low-interest loans and grants, to assist persons who participate in the
10 Brownfields Revitalization Incentive Program.

11 (2) THE FOLLOWING PERSONS ARE NOT ELIGIBLE FOR FINANCIAL
12 INCENTIVES FROM THE PROGRAM OR FOR THE TAX CREDITS PROVIDED UNDER §
13 9-229 OF THE TAX - PROPERTY ARTICLE:

14 (I) A RESPONSIBLE PERSON WHO CAUSED OR CONTRIBUTED TO
15 THE CONTAMINATION; AND

16 (II) A PERSON RESPONSIBLE FOR THE DISCHARGE WHO CAUSED OR
17 CONTRIBUTED TO THE DISCHARGE.

18 (3) (I) NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS (A)
19 AND (B) OF THIS SECTION, A PERSON WHO HAS NOT APPLIED TO PARTICIPATE IN THE
20 VOLUNTARY CLEANUP PROGRAM UNDER TITLE 7, SUBTITLE 5 OF THE ENVIRONMENT
21 ARTICLE OR RECEIVED APPROVAL FROM THE DEPARTMENT OF THE ENVIRONMENT
22 FOR THE IMPLEMENTATION OF A CORRECTIVE ACTION PLAN UNDER TITLE 4 OF THE
23 ENVIRONMENT ARTICLE MAY APPLY TO THE BROWNFIELDS REVITALIZATION
24 INCENTIVE PROGRAM FOR A GRANT TO FUND AN ENVIRONMENTAL ASSESSMENT OF
25 A POTENTIAL BROWNFIELDS SITE.

26 (II) BEFORE APPROVING A GRANT, THE DEPARTMENT MUST
27 DETERMINE WHETHER REDEVELOPMENT OF THE POTENTIAL BROWNFIELDS SITE
28 APPEARS TO BE FEASIBLE, AND WHETHER REDEVELOPMENT WOULD HAVE THE
29 POTENTIAL TO CREATE JOBS AND TO PROVIDE PUBLIC BENEFIT TO THE COMMUNITY
30 AND THE STATE.

31 (III) A RECIPIENT OF A GRANT UNDER THIS PARAGRAPH MUST
32 REPAY THE GRANT IF THE RECIPIENT DOES NOT, WITHIN 12 MONTHS AFTER
33 RECEIVING THE GRANT, APPLY TO AND RECEIVE APPROVAL FROM THE DEPARTMENT
34 OF THE ENVIRONMENT:

35 1. TO PARTICIPATE IN THE VOLUNTARY CLEANUP PROGRAM
36 UNDER TITLE 7, SUBTITLE 5 OF THE ENVIRONMENT ARTICLE; OR

