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

Introduced and read first time: January 31, 2000

Assigned to: Environmental Matters

Committee Report: Favorable

House action: Adopted with floor amendments

Read second time: February 29, 2000

CHAPTER _____

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

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

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

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

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

4 3-901.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 3-902.

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

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

14 (2) Provide financial incentives for ENVIRONMENTAL ASSESSMENT AND
15 redevelopment of properties within locally designated growth areas;

16 (3) Prevent urban sprawl;

17 (4) Encourage economic revitalization;

18 (5) Expand employment opportunities; and

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

20 3-903.

21 (c) (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

1 FOR THE IMPLEMENTATION OF A CORRECTIVE ACTION PLAN UNDER TITLE 4 OF THE
2 ENVIRONMENT ARTICLE MAY APPLY TO THE BROWNFIELDS REVITALIZATION
3 INCENTIVE PROGRAM FOR A GRANT TO FUND AN ENVIRONMENTAL ASSESSMENT OF
4 A POTENTIAL BROWNFIELDS SITE.

5 (II) BEFORE APPROVING A GRANT, THE DEPARTMENT MUST
6 DETERMINE WHETHER REDEVELOPMENT OF THE POTENTIAL BROWNFIELDS SITE
7 APPEARS TO BE FEASIBLE, AND WHETHER REDEVELOPMENT WOULD HAVE THE
8 POTENTIAL TO CREATE JOBS AND TO PROVIDE PUBLIC BENEFIT TO THE COMMUNITY
9 AND THE STATE.

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

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

16 2. FOR THE IMPLEMENTATION OF A CORRECTIVE ACTION
17 PLAN UNDER TITLE 4 OF THE ENVIRONMENT ARTICLE.

18 (IV) ELIGIBILITY FOR A GRANT UNDER THIS PARAGRAPH DOES NOT
19 CONSTITUTE ELIGIBILITY FOR THE TAX CREDITS PROVIDED UNDER § 9-229 OF THE
20 TAX - PROPERTY ARTICLE.

21 (D) A DETERMINATION OR FINDING THAT A RESPONSIBLE PERSON DID NOT
22 CAUSE OR CONTRIBUTE TO THE CONTAMINATION DOES NOT AFFECT, AND MAY NOT
23 BE CONSTRUED TO AFFECT, ANY TORT ACTION AGAINST ANY PERSON, OR ANY THIRD
24 PARTY ACTION FOR RECOVERY OF REMOVAL COSTS.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
26 effect July 1, 2000.