

(C) (1) THE DEPARTMENT SHALL DENY AN APPLICATION IF:

(I) THE APPLICANT IS NOT AN ELIGIBLE APPLICANT;

(II) THE PROPERTY IS NOT AN ELIGIBLE PROPERTY; OR

(III) THE PROPERTY WAS INITIALLY CONTAMINATED BY A RELEASE OF HAZARDOUS SUBSTANCES AFTER OCTOBER 1, 1997 UNLESS:

1. THE PROPERTY IS ACQUIRED BY AN INCULPABLE PERSON; OR

2. THE CONTAMINATION WAS CAUSED BY AN ACT OF GOD.

(2) FOR THE PURPOSES OF PARAGRAPH (1) (III) OF THIS SUBSECTION, ANY PROPERTY IDENTIFIED IN THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY INFORMATION SYSTEM IN ACCORDANCE WITH THE FEDERAL ACT AS OF OCTOBER 1, 1997 IS PRESUMED TO HAVE BEEN INITIALLY CONTAMINATED ON OR BEFORE OCTOBER 1, 1997.

(D) (1) IF THE DIRECT COSTS OF REVIEW OF THE APPLICATION AND ADMINISTRATION AND OVERSIGHT OF THE RESPONSE ACTION PLAN EXCEED \$6,000, THE DEPARTMENT SHALL REQUIRE AN APPLICANT OR PARTICIPANT TO PAY TO THE DEPARTMENT THE ADDITIONAL COSTS INCURRED BY THE DEPARTMENT.

(2) IF THE DIRECT COSTS OF REVIEW OF THE APPLICATION AND ADMINISTRATION AND OVERSIGHT OF THE RESPONSE ACTION PLAN ARE LESS THAN \$6,000, THE DEPARTMENT SHALL REFUND TO THE APPLICANT OR PARTICIPANT THE DIFFERENCE BETWEEN THE COSTS INCURRED AND THE APPLICATION FEE.

(E) (1) WITHIN 30 DAYS AFTER RECEIVING NOTIFICATION OF APPROVAL OF AN APPLICATION, A PARTICIPANT SHALL INFORM THE DEPARTMENT IN WRITING WHETHER THE PARTICIPANT INTENDS TO PROCEED OR WITHDRAW FROM THE PROGRAM.

(2) IF A PARTICIPANT DOES NOT NOTIFY THE DEPARTMENT OF THE PARTICIPANT'S INTENT TO PROCEED OR WITHDRAW IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION, THE APPLICATION WILL BE DEEMED TO BE WITHDRAWN.

7-507. REQUEST FOR DETERMINATION OF BROWNFIELDS REVITALIZATION INCENTIVE ELIGIBILITY.

WHEN AN APPLICANT SUBMITS AN APPLICATION UNDER § 7-506 OF THIS SUBTITLE, THE APPLICANT ALSO MAY SUBMIT A REQUEST TO THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT TO DETERMINE THE APPLICANT'S ELIGIBILITY TO QUALIFY FOR FINANCIAL INCENTIVES FOR THE REDEVELOPMENT OF A BROWNFIELDS SITE IN ACCORDANCE WITH ARTICLE 83A, TITLE 3, SUBTITLE 9 OF THE CODE.