

7-516. APPLICATION OF SUBTITLE.

(A) THIS SUBTITLE DOES NOT AFFECT, AND MAY NOT BE CONSTRUED AS AFFECTING, THE PLANNING OR ZONING AUTHORITY OF A COUNTY OR MUNICIPAL CORPORATION.

(B) THIS SUBTITLE DOES NOT AFFECT, AND MAY NOT BE CONSTRUED AS AFFECTING, ANY TORT ACTION AGAINST ANY APPLICANT PARTICIPANT.

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

SUBTITLE 9. BROWNFIELDS REVITALIZATION INCENTIVE PROGRAM.

3-901. DEFINITIONS.

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

(B) (1) "BROWNFIELDS SITE" MEANS:

(I) AN ELIGIBLE PROPERTY, AS DEFINED IN § 7-501 OF THE ENVIRONMENT ARTICLE, THAT IS:

1. OWNED OR OPERATED BY AN INCULPABLE PERSON, AS DEFINED IN § 7-501 OF THE ENVIRONMENT ARTICLE; AND

2. LOCATED IN A TAXING JURISDICTION THAT HAS ELECTED TO PARTICIPATE IN THE BROWNFIELDS REVITALIZATION INCENTIVE PROGRAM IN ACCORDANCE WITH § ~~9-109~~ 9-229 OF THE TAX - PROPERTY ARTICLE; OR

(II) PROPERTY WHERE THERE IS A RELEASE, DISCHARGE, OR THREATENED RELEASE OF OIL, AS DEFINED IN § 4-401 OF THE ENVIRONMENT ARTICLE, THAT IS:

1. SUBJECT TO A CORRECTIVE ACTION PLAN APPROVED BY THE DEPARTMENT OF THE ENVIRONMENT IN ACCORDANCE WITH TITLE 4 OF THE ENVIRONMENT ARTICLE; AND

2. LOCATED IN A TAXING JURISDICTION THAT HAS ELECTED TO PARTICIPATE IN THE BROWNFIELDS REVITALIZATION INCENTIVE PROGRAM IN ACCORDANCE WITH § ~~9-109~~ 9-229 OF THE TAX - PROPERTY ARTICLE.

(2) "BROWNFIELDS SITE" DOES NOT INCLUDE PROPERTY THAT IS OWNED OR OPERATED BY A RESPONSIBLE PERSON OR A PERSON RESPONSIBLE FOR THE DISCHARGE.

(C) "PERSON RESPONSIBLE FOR THE DISCHARGE" HAS THE MEANING STATED IN § 4-401 OF THE ENVIRONMENT ARTICLE.

(D) "QUALIFIED BROWNFIELDS SITE" MEANS A BROWNFIELDS SITE THAT HAS BEEN DETERMINED BY THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT TO BE ELIGIBLE FOR FINANCIAL INCENTIVES UNDER § 3-903 OF THIS SUBTITLE.