

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

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

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

~~(II) HAS BEEN CERTIFIED AS AN INCULPABLE PERSON BY THE DEPARTMENT OF THE ENVIRONMENT IN ACCORDANCE WITH § 7-505.1 OF THE ENVIRONMENT ARTICLE; AND~~

~~(III)~~ (II) MEETS THE ELIGIBILITY REQUIREMENTS ESTABLISHED BY THE DEPARTMENT.

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

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

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

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

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

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

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