

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

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

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

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

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

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

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

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

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

3-905.

*This subtitle does not affect, and may not be construed as affecting[.]:*

(1) [the] THE planning and zoning authority of a county or municipal corporation; OR

(2) ANY PROVISION OF THE ENVIRONMENT ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows: