

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 83A, § 5-1408(b).

In the introductory language of subsections (b) and (c) of this section, the references to an environmental "site" assessment are added for consistency throughout this section.

In the introductory language of subsection (c) of this section, the reference to "a loan or grant" is substituted for the former reference to "financial assistance" because the defined term "financial assistance" is broader than a loan or grant.

In subsection (c)(1) of this section, the defined term "financial assistance" is substituted for the former reference to "financial incentives" for clarity and consistency within this subtitle.

In the introductory language of subsections (d) and (e) of this section, the former references to the recipient "not apply[ing] to" the Department of the Environment are deleted as implicit in the recipient receiving approval.

Defined terms: "Brownfields site" § 5-301

"Department" § 1-101

"Person" § 1-101

"Responsible person" § 5-301

"State" § 1-101

5-338. FINANCIAL ASSISTANCE FOR REDEVELOPMENT OF BROWNFIELDS SITE.

(A) DETERMINATION OF ELIGIBILITY.

THE DEPARTMENT SHALL DETERMINE WHETHER A BROWNFIELDS SITE IS A QUALIFIED BROWNFIELDS SITE BASED ON WHETHER THE PROPERTY:

(1) IS LOCATED IN A DENSELY POPULATED URBAN CENTER AND IS SUBSTANTIALLY UNDERUTILIZED; OR

(2) IS AN EXISTING OR FORMER INDUSTRIAL OR COMMERCIAL SITE THAT POSES A THREAT TO PUBLIC HEALTH OR THE ENVIRONMENT.

(B) CONSIDERATIONS.

WHEN REVIEWING QUALIFIED BROWNFIELDS SITES FOR FINANCIAL ASSISTANCE UNDER THIS PART, THE DEPARTMENT MAY CONSIDER:

(1) THE FEASIBILITY OF REDEVELOPMENT;

(2) THE PUBLIC BENEFIT TO THE COMMUNITY AND THE STATE THROUGH THE REDEVELOPMENT OF THE PROPERTY;

(3) THE EXTENT OF RELEASES OR THREATENED RELEASES AT THE BROWNFIELDS SITE AND THE DEGREE TO WHICH THE CLEANUP AND REDEVELOPMENT OF THE BROWNFIELDS SITE WILL PROTECT PUBLIC HEALTH OR THE ENVIRONMENT;