

No. 2000-6

AN ACT

HB 2057

Amending the act of May 19, 1995 (P.L.43, No.4), entitled "An act providing grants for conducting assessments of industrial sites; establishing a fund; providing for funding; and imposing duties upon the Department of Commerce," providing for definitions, for performance-based loans and for annual reports; and making editorial changes.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The title of the act of May 19, 1995 (P.L.43, No.4), known as the Industrial Sites Environmental Assessment Act, is amended to read:

AN ACT

Providing grants for conducting assessments of industrial sites; establishing a fund; providing for funding; and imposing duties upon the Department of [Commerce] *Community and Economic Development*.

Section 2. The act is amended by adding a section to read:

Section 1.1. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Department." The Department of Community and Economic Development of the Commonwealth.

Section 3. Sections 2 and 3 of the act are amended to read:

Section 2. Grants [for conducting environmental assessments of industrial sites] *and loans*.

(a) [Authorization.—The Department of Commerce] *Grants for conducting environmental assessments of industrial sites.—The department* shall make grants to all of the following:

(1) Municipalities, municipal or other local authorities, nonprofit economic development agencies and similar agencies to conduct environmental assessments of industrial sites located in municipalities which have been designated by the [Department of Commerce] *department* as distressed communities under the act of July 2, 1984 (P.L.520, No.105), known as the Business Infrastructure Development Act.

(2) Cities of the first class, second class, second class A and third class *and any borough with a population large enough for the borough to qualify to be chartered as a city under provisions of the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code*, to conduct environmental assessment and remediation of industrial sites on

which industrial activity was conducted prior to the effective date of this act.

(a.1) Performance-based loans for remediation.—

(1) The department may make performance-based loans to applicants for projects related to remediation of any of the following:

(i) Brownfield sites.

(ii) Nonhazardous waste or debris. This subparagraph includes waste tire recycling.

(2) A loan awarded under this subsection may be forgiven to the extent that performance measures and other requirements are accomplished by the loan recipient in accordance with the loan agreement between the recipient and the department.

(3) For the loans, the department in cooperation with the Department of Environmental Protection shall establish all of the following:

(i) Eligibility. Loans shall be restricted to persons who did not cause or contribute to the contamination on property used for industrial activity on or before the effective date of this act and who propose to undertake a voluntary cleanup of the property.

(ii) Performance measures. This subparagraph includes all of the following:

(A) Method to dispose of the waste or debris.

(B) Number of jobs related to the disposal.

(C) Resulting economic benefit to the Commonwealth.

(iii) Related requirements.

(4) Loans under this subsection shall be included in the annual financing strategy of the department.

(b) Source.—

(1) Grants under subsection (a) shall be made from the Industrial Sites Environmental Assessment Fund.

(2) Loans under subsection (a.1) shall be made from the Industrial Sites Cleanup Fund. Money collected from repayment of loans under subsection (a.1) shall be deposited in the Industrial Sites Cleanup Fund.

Section 3. Industrial Sites Environmental Assessment Fund.

There is hereby established within the State Treasury a special nonlapsing fund which shall be known as the Industrial Sites Environmental Assessment Fund. The fund shall be administered by the [Department of Commerce] *department* to carry out the purposes of this act. Moneys in the fund are appropriated, upon the approval of the Governor, for the purposes of this act.

Section 4. The act is amended by adding a section to read:

Section 4.1. Annual report.

The department shall by October 1 of each year report to the General Assembly on the loans, expenditures and commitments made from the

Industrial Sites Environmental Assessment Fund and the Industrial Sites Cleanup Fund. The annual report shall include details of the performance-based loan agreements and any recommendations for additional changes if necessary to improve the effectiveness of the fund.

Section 5. Section 5 of the act is amended to read:

Section 5. Regulations.

The [Department of Commerce] *department* shall promulgate regulations to implement and administer the provisions of this act.

Section 6. This act shall take effect immediately.

APPROVED—The 17th day of March, A.D. 2000.

THOMAS J. RIDGE