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H.129

Introduced by Representatives Dolan of Waitsfield, Morris of Springfield, Ode  
of Burlington, and Sheldon of Middlebury

Referred to Committee on

Date:

Subject: Conservation and development; brownfields; assessment; grants

Statement of purpose of bill as introduced: This bill proposes to increase the  
maximum amount of grant awards from the Brownfield Revitalization Fund.

In addition, the bill proposes to require the Secretary of Commerce and  
Community Development to issue annual grants to regional planning  
commissions in the State to conduct characterization and assessment of  
potential Brownfield sites. The bill also would require the Secretary of  
Commerce and Community Development to report to the General Assembly  
regarding administration of the Brownfield Revitalization Fund and projects  
funded from the Fund.

An act relating to funding brownfields redevelopment

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 10 V.S.A. § 6654 is amended to read:

§ 6654. BROWNFIELD REVITALIZATION FUND; CREATION;

ASSISTANCE

1           (a) There is created a the Brownfield Revitalization Fund that shall be a  
2 special fund created pursuant to 32 V.S.A. chapter 7, subchapter 5 to be  
3 administered by the Secretary of Commerce and Community Development to  
4 aid applicants in the redevelopment of the Brownfield Cleanup Program by  
5 assessing and remediating sites. Monies received by the Secretary of Natural  
6 Resources for application and participation in the Program shall be deposited  
7 in the redevelopment of contaminated properties account of the Environmental  
8 Contingency Fund established in section 1283 of this title.

9           (b) The Fund shall comprise all the following:

- 10                   (1) State or federal funds appropriated by the General Assembly; and  
11                   (2) gifts, grants, or other contributions.

12           (c) A person may apply to the Secretary of Commerce and Community  
13 Development for financial assistance in the form of a grant or loan from the  
14 Brownfield Revitalization Fund for the purpose of completing characterization,  
15 assessment, or remediation of a site only after receipt of a work plan approved  
16 by the Secretary submitted pursuant to the Department of Environmental  
17 Conservation's Brownfield Property Cleanup Program unless the application is  
18 for a project that has been determined to be ineligible for the Program and is  
19 otherwise appropriate for funding pursuant to subsection (d) of this section.

1 (d) In order to determine an award of financial assistance, the Secretary of  
2 Commerce and Community Development in consultation with the Secretary of  
3 Natural Resources shall consider all of the following factors:

4 (1) the extent to which the proposed project will facilitate the  
5 identification and reduction of threats to human health and the environment  
6 associated with exposure to hazardous materials, pollutants, or contaminants;

7 (2) the extent to which the proposed project will facilitate the use or  
8 reuse of existing infrastructure;

9 (3) the potential for the proposed project to stimulate economic  
10 development;

11 (4) the extent to which the proposed project will respond to local or  
12 regional housing needs;

13 (5) the level of participation by a local community relating to  
14 remediation and future use of the Brownfield site;

15 (6) the extent to which a grant or loan will meet the needs of a  
16 community that due to a small population or the low income of the community  
17 is unable to draw on other funding sources for environmental remediation and  
18 subsequent redevelopment of the area in which a Brownfield site is located;

19 (7) the extent to which a grant or loan will meet the needs of a  
20 community to facilitate the creation or preservation of or an addition of  
21 recreational or other community-based assets to a park, greenway,

1 underdeveloped property, recreational property, or other property used for  
2 nonprofit purposes; and

3 (8) the extent to which the grant or loan will create a more balanced  
4 geographic distribution of awards from the Brownfield Revitalization Fund.

5 (e) A grant may be awarded by the Secretary of Commerce and  
6 Community Development with the approval of the Secretary of Natural  
7 Resources, provided:

8 (1) A grant may not exceed ~~\$50,000.00~~ \$75,000.00 for characterization  
9 and assessment of a site.

10 (2) A grant may not exceed ~~\$200,000.00~~ \$500,000.00 for remediation of  
11 a site.

12 (3) A grant may be used by an applicant to purchase environmental  
13 insurance relating to the performance of the characterization, assessment, or  
14 remediation of a Brownfield site in accordance with a corrective action plan  
15 approved by the Secretary of Natural Resources.

16 (4) Financial assistance may be provided to applicants by developing a  
17 risk sharing pool, an indemnity pool, or other insurance mechanism designed  
18 to help applicants.

19 (5) All reports generated by financial assistance from the Brownfield  
20 Revitalization Fund, including site assessments, site investigations, feasibility  
21 studies, corrective action plans, and completion reports shall be provided as

1 hard copies to the Secretaries of Commerce and Community Development and  
2 of Natural Resources.

3 (6) A recipient of a grant for characterization and assessment under this  
4 subsection may use up to 10 percent of the grant for administrative costs in  
5 conducting the characterization and assessment.

6 (7) The Secretary of Commerce and Community Development shall,  
7 contingent upon the availability of funding under the Fund, award the amount  
8 of \$1,000,000.00 in each fiscal year to regional planning commissions for the  
9 purposes of brownfields assessment. The Secretary, in consultation with the  
10 Vermont Association of Planning and Development Agencies, shall select one  
11 regional planning commission to administer the funds appropriated to the  
12 regional planning commissions in each fiscal year. To ensure statewide  
13 availability, the selected regional planning commission administering the funds  
14 shall subgrant to regional planning commissions with Brownfield programs,  
15 with not more than 10 percent of the funds to be used for administrative costs  
16 in conducting the characterization and assessment.

17 \* \* \*

18 (g) Annually, on or before January 15, the Secretary of Commerce and  
19 Community Development shall submit to the House Committees on  
20 Appropriations and on Environment and Energy and the Senate Committees on  
21 Appropriations and on Natural Resources and Energy a report summarizing

1 how the Secretary evaluated each of the factors listed under subdivisions  
2 (d)(1)–(8) of this section in determining awards of financial assistance under  
3 the section.

4 \* \* \*

5 Sec. 2. REPORT; BROWNFIELD REVITALIZATION FUND

6 On or before January 15, 2024, and every two years, the Secretary of  
7 Commerce and Community Development, after consultation with the  
8 Commissioner of Environmental Conservation, shall submit to the House  
9 Committee on Environment and Energy and the Senate Committee on Natural  
10 Resources and Energy a report regarding administration of the Brownfield  
11 Revitalization Fund. The report shall include:

12 (1) a summary of expenditures from the Fund in the prior two years,  
13 including the projects funded;

14 (2) a summary of how projects are identified for funding under the  
15 Fund, including how the Secretary prioritizes projects for funding; and

16 (3) a list of the projects identified as eligible for funding from the Fund  
17 and the plan or priority list that the Secretary will use to fund those projects  
18 over time.

19 Sec. 3. EFFECTIVE DATE

20 This act shall take effect on passage.