
A BILL FOR AN ACT

RELATING TO THE BROWNFIELDS CLEANUP REVOLVING LOAN FUND.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The Hawaii brownfields cleanup revolving loan
2 fund was capitalized with funds from a United States
3 Environmental Protection Agency brownfields revolving loan fund
4 grant. In 2012, the grant was closed when all grant funds had
5 been expended for cleanup loans, and a closeout agreement was
6 executed between the United States Environmental Protection
7 Agency and the department of business, economic development, and
8 tourism. Under the closeout agreement, revolving loan funds may
9 be used for loans and sub-grants to eligible entities for
10 brownfields site assessment activities, sampling, and related
11 activities in addition to cleanup activities. The existing loan
12 fund statutory authority strictly limits use of revolving loan
13 funds to loans and cleanup activities.

14 The legislature finds that expanding the loan fund
15 authority to enable sub-grants for cleanups, environmental site
16 assessments, and related activities, in conformance with the
17 closeout agreement, will allow for greater use of the grant



1 funds for eligible brownfields projects and facilitate
2 redevelopment of lands that are underutilized due to perceived
3 or real contamination.

4 SECTION 2. Section 201-18, Hawaii Revised Statutes, is
5 amended by amending subsections (b) and (c) to read as follows:

6 "(b) Moneys in the brownfields cleanup revolving loan fund
7 shall be used to provide low interest loans or other authorized
8 financial assistance to eligible public, private, and nonprofit
9 borrowers for brownfields site assessments, cleanup activities
10 of contaminated sites, and site monitoring activities necessary
11 to determine the effectiveness of a cleanup. Moneys in the
12 brownfields cleanup revolving loan fund may also be used to
13 provide grants to eligible public and nonprofit entities for
14 brownfields site assessments, cleanup activities of contaminated
15 sites, and site monitoring activities necessary to determine the
16 effectiveness of a cleanup.

17 All environmental site assessments and response activities
18 and entities receiving funding shall be subject to the
19 eligibility requirements of, and conducted in accordance with
20 the Comprehensive Environmental Response, Compensation, and
21 Liability Act of 1980, P.L. 96-510 (42 U.S.C. §§9601-9675), as



1 amended, and shall be consistent with the National Oil and
2 Hazardous Substances Pollution Contingency Plan at 40 Code of
3 Federal Regulations part 300. Moneys from the fund may be used
4 to cover administrative and legal costs of fund management and
5 site management associated with individual loans, to include
6 personnel, services, materials, equipment, and travel for the
7 purposes of this section; provided that the moneys used for
8 these purposes shall not exceed the amounts allowed by the
9 United States Environmental Protection Agency's Brownfields
10 [~~Cleanup Revolving Loan Fund Pilot~~] Program[+] grant guidance,
11 as amended.

12 (c) The fund shall be administered by the department of
13 business, economic development, and tourism. Appropriations or
14 authorizations from the fund shall be expended by the
15 department. The department may award and disburse funds from
16 the loan fund in the form of grants to eligible public or
17 nonprofit entities for brownfields site assessments or cleanup
18 and related activities. At a minimum, the grant applicant must
19 show that:

20 (1) The applicant has not caused or contributed to
21 contamination at the site where funds will be used;



- 1 (2) The project is ready to proceed upon grant award and
2 has a realistic plan for completion of activities to
3 be funded;
- 4 (3) Any cleanup activity will be completed within twelve
5 months of site mobilization;
- 6 (4) The site has a reuse or redevelopment plan with near-
7 term economic viability or long-term community
8 benefit;
- 9 (5) The project promotes the use or redevelopment of urban
10 infill sites or developed property whose reuse has
11 been idled due to perceived or actual contamination;
- 12 (6) The project will improve environmental conditions at
13 the site and result in elimination of public exposure
14 to contamination at the site; and
- 15 (7) The project is consistent with the property's
16 underlying state and county land use laws and
17 ordinances.

18 The department may contract with other public or private
19 entities for the provision of all or a portion of the services
20 necessary for the administration and implementation of loans
21 under the loan fund program. The department may set fees or



1 charges for fund management and technical site assistance
2 provided under this section. The department may adopt rules
3 pursuant to chapter 91 to carry out the purposes of this
4 section."

5 SECTION 3. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 4. This Act shall take effect on July 1, 2050.



Report Title:

Brownfields Cleanup Revolving Loan Fund

Description:

Enables use of funds for environmental site assessments and for sub-grants to eligible entities for assessment and cleanup of brownfields sites. Effective 7/1/2050. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

