
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 authority strictly limits use of revolving loan funds to
13 loans and cleanup activities.

14 The purpose of the Act is to expand the loan fund authority
15 to enable sub-grants for cleanups, environmental site
16 assessments, and related activities, in conformance with the
17 closeout agreement, which will allow for greater use of the



1 grant 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~~] entities for brownfields site assessments, cleanup
10 activities of contaminated sites, and site monitoring activities
11 necessary to determine the effectiveness of a cleanup. Moneys
12 in the brownfields cleanup revolving loan fund may also be used
13 to 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 the
20 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.~~] lesser of ten per
11 cent of the loan or sub-grant amount or the percentage of the
12 loan or sub-grant amount set in rules adopted pursuant to this
13 section.

14 (c) The fund shall be administered by the department of
15 business, economic development, and tourism. Appropriations or
16 authorizations from the fund shall be expended by the
17 department. The department may award and disburse funds from
18 the loan fund in the form of grants to eligible public or
19 nonprofit entities for brownfields site assessments or cleanup
20 and related activities. The department may contract with other
21 public or private entities for the provision of all or a portion



1 of the services necessary for the administration and
2 implementation of loans under the loan fund program. The
3 department may set fees or charges for fund management and
4 technical site assistance provided under this section. The
5 department may adopt rules pursuant to chapter 91 to carry out
6 the purposes of this section."

7 SECTION 3. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 4. This Act shall take effect upon its approval.



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. (SD1)

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

