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# 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           Expanding the loan fund authority to enable sub-grants for  
15 cleanups, environmental site assessments, and related  
16 activities, in conformance with the closeout agreement, will  
17 allow for greater use of the grant funds for eligible



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

3 The purpose of this Act is to enable the use of funds from  
4 the brownfields cleanup revolving loan fund for environmental  
5 site assessments and sub-grants to eligible entities for  
6 assessment and cleanup of brownfields sites.

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

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

20 All environmental site assessments and response activities  
21 and entities receiving funding shall be subject to the



1 eligibility requirements of and conducted in accordance with the  
2 Comprehensive Environmental Response, Compensation, and  
3 Liability Act of 1980, P.L. 96-510 (42 U.S.C. §§9601-9675), as  
4 amended, and shall be consistent with the National Oil and  
5 Hazardous Substances Pollution Contingency Plan at 40 Code of  
6 Federal Regulations part 300. Moneys from the fund may be used  
7 to cover administrative and legal costs of fund management and  
8 site management associated with individual loans, to include  
9 personnel, services, materials, equipment, and travel for the  
10 purposes of this section; provided that the moneys used for  
11 these purposes shall not exceed the [~~amounts allowed by the~~  
12 ~~United States Environmental Protection Agency's Brownfields~~  
13 ~~Cleanup Revolving Loan Fund Pilot Program.~~] lesser of ten per  
14 cent of the loan or sub-grant amount or the percentage of the  
15 loan or sub-grant amount set in rules adopted pursuant to this  
16 section.

17 (c) The fund shall be administered by the department of  
18 business, economic development, and tourism. Appropriations or  
19 authorizations from the fund shall be expended by the  
20 department. The department may award and disburse funds from  
21 the loan fund in the form of grants to eligible public or



1 nonprofit entities for brownfields site assessments or cleanup  
2 and related activities. The department may contract with other  
3 public or private entities for the provision of all or a portion  
4 of the services necessary for the administration and  
5 implementation of loans under the loan fund program. The  
6 department may set fees or charges for fund management and  
7 technical site assistance provided under this section. The  
8 department may adopt rules pursuant to chapter 91 to carry out  
9 the purposes of this section."

10 SECTION 3. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

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



**Report Title:**

Brownfields Cleanup Revolving Loan Fund

**Description:**

Enables the use of funds from the brownfields cleanup revolving loan fund for environmental site assessments and for sub-grants to eligible entities for assessment and cleanup of brownfields sites. Effective 7/1/2050. (HD1)

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

