WEST VIRGINIA CODE: §22-22-5

§22-22-5. Brownfields Revolving Fund applicant eligibility; loans; remediation process; and public notification.

(a) A person may be eligible for Brownfields Revolving Fund moneys when environmental remediation is undertaken pursuant to this article and the person did not cause or contribute to the contamination on the property. A person receiving Brownfields Revolving Fund moneys shall comply with the appropriate standards established by the Secretary pursuant to this article and rules promulgated hereunder.

(b) After conferring with the Secretary, the person may apply to the Secretary for a site assessment or remediation loan under §22-22-6 of this code. An application for money from the Brownfields Revolving Fund must be submitted along with an application fee to be established by the Secretary.

(c) Brownfields being remediated by persons who did not cause or contribute to the contamination of the site are also eligible for consideration for remediation loans established under §15-31-1, *et seq*. of this code.

(d) Persons receiving Brownfields Revolving Fund moneys to perform remediation and revitalization of brownfield sites shall comply with the following public notice and involvement requirements:

(1) Submit a notice of intent to remediate to the Department. This notice shall provide, to the extent known, a brief description of the location of the site; a listing of the contaminants involved; and the proposed remediation measures. The Department shall publish an acknowledgment noting the receipt of the notice of intent in a Department publication of general circulation. At the time a notice of intent to remediate a site is submitted to the Department, a copy of the notice shall be provided to the municipality and the county in which the site is located. A summary of the notice of intent shall be published in a newspaper of general circulation serving the area in which the site is located;

(2) Provide a 30-day public, county, and municipal comment period for the notice required by this subsection during which the public, county, and municipality may request to be involved in the development of the remediation and reuse plans for the site. If requested by the public, county, municipality, or the Secretary, the person undertaking the remediation shall develop and implement a public involvement program plan which meets the requirements set forth by the Secretary; and

(3) Adhere to other public notice requirements as stipulated by federal or other grantors that provide moneys to the Brownfields Revolving Fund, or as promulgated in the rules developed by the Secretary.

WV Legislature