

**STATE OF MARYLAND DEPARTMENT OF THE ENVIRONMENT
CLEANUP STANDARDS FOR SOIL AND GROUNDWATER
OCTOBER 2018 INTERIM FINAL GUIDANCE (UPDATE No. 3)**

Amendment #1

Effective Date: April 2022

Purpose: This Amendment constitutes a revision to the State of Maryland Department of the Environment Cleanup Standards for Soil and Groundwater, October 2018 Interim Final Guidance (Update No. 3). Amendment #1 revises the defined applicable depth for the soil media from 0-15' Below Ground Surface (BGS) to 0-10' BGS or to the zone of saturation under exposure scenarios for the soil media. Additional guidance may be found in the Land Restoration Program (LRP) What You Need to Know fact sheet on Defining the Zone of Saturation for Soil Media, April 2022. As a general policy, when the zone of saturation is less than 5 feet, MDE will require not less than 3 feet of clean fill to meet the unrestricted use requirements. Below are the locations within the Cleanup Standards for Soil and Groundwater, October 2018 Interim Final Guidance (Update No. 3) where the revision shall be replaced with the following text.

Section 3.0 Definitions, B. Terms defined. Page 6,

Revise to read:

30) "Residential exposure scenario" means the set of default assumptions, as defined in this chapter (Appendix 1), that are used to calculate a representative chemical intake for a population in a residential setting. Residential use settings would typically include residential land uses, as well as land uses where there is potential for more extensive soil ingestion. Residential exposure scenario could also include agricultural land use associated with the propagation of vegetation or livestock under certain conditions. The Residential exposure scenario for the soil media is applicable from 0-10' BGS or to the zone of saturation. Additional guidance may be found in the Land Restoration Program (LRP) What You Need to Know fact sheet on Defining the Zone of Saturation for Soil Media, April 2022.

Section 7.0 Investigative Requirements, Page 12, paragraph one,

Revise to read:

To apply the Cleanup Standards at a property subject to environmental assessment for release of hazardous substance(s) to the soil media, the Department requires that surface soil (0 to 1 foot in depth) and deeper soil (1 foot in depth to a maximum of 10 feet) be sampled or depth to native material or the zone of saturation is defined. Additional guidance on Defining the Zone of Saturation for Soil Media may be found in the LRP What You Need to Know fact sheet, on Defining the Zone of Saturation for Soil Media April 2022 on the zone of saturation. (the rest of the paragraph remains as is)

Section 11.1 Residential Use Soil Cleanup Requirements, a) Tier 1A Residential Unrestricted, Page 19, paragraph one,

Revise to read:

“Properties that have a residential unrestricted use or have a projected future unrestricted residential use are required to remedy hazardous substances in the soil to the applicable residential soil standard. Use of either treatment technologies or removal of hazardous substances in the soil to the applicable soil standard is required for this land use. Attainment of the soil standard¹ must be demonstrated following the remedial action. The residential soil standard¹ exposure scenario is applicable from 0-10’ BGS or to the zone of saturation. Demonstration of attainment of the soil cleanup standard¹ must also include evaluation of temporal variations in the depth of the zone of saturation. Additional guidance on Defining the Zone of Saturation for Soil Media may be found in the LRP What You Need to Know fact sheet on Defining the Zone of Saturation for Soil Media April 2022.

Section 11.3 Commercial and Industrial Use Soil Cleanup Requirements, a) Tier 2A Commercial Unrestricted, Page 20, paragraph one,

Revise to read:

Properties that have commercial unrestricted use or projected commercial unrestricted use are required to remedy hazardous substances in the soil to the applicable non-residential soil standard. Use of either treatment technologies or removal of the hazardous substances in the soil to the applicable soil standard is required for this land use. Attainment of the soil standard must be demonstrated following remedial action. The non-residential soil standard exposure scenario is applicable from 0-10’ BGS or to the zone of saturation. Demonstration of attainment of the soil cleanup standard¹ must also include evaluation of temporal variations in the depth of the zone of saturation. Additional guidance on Defining the Zone of Saturation for Soil Media may be found in the LRP What You Need to Know fact sheet on Defining the Zone of Saturation for Soil Media, April 2022. A commercial LUC is required for the property.