

2.22 VOLUNTARY CLEANUP PROGRAM

- ❑ *Question: Am I cleaning up a property contaminated, or perceived to be contaminated, by hazardous substances? AND Are you interested in acquiring or using such a property? If so, do you want to participate in a program designed to reduce your environmental liability?*

Why do I need this approval?

The Voluntary Cleanup Program streamlines and provides certainty in the process for cleaning up eligible properties contaminated, or perceived to be contaminated, by hazardous substances. The program also provides liability limitations to certain responsible persons and future owners of eligible properties. The liability limitations provided to future owners are broader and are designed to encourage new investment in properties.

A companion program, the Brownfields Revitalization Incentive Program administered by the Maryland Department of Business and Economic Development, may provide financial incentives to certain sites in the Voluntary Cleanup Program or those that are contaminated by oil.

What laws or regulations give MDE the legal authority to issue this approval?

STATE: Environment Article, Title 7, Subtitle 5; Article 83A, Sections 3-901 through 3-905; and Tax-Property Article, Sections 9-229 and 14-902.

What is the process to get this approval?

- 1) File a complete application package.
- 2) Within 45 days, the Department will notify the applicant whether the site meets the eligibility requirements and is accepted. If accepted, the Department will determine the applicant's status as a responsible person or inculpable person. A responsible person includes the current property owner or other responsible persons as defined in 7-201(x) of the environment article and an inculpable person is someone who is not the current owner and has not caused or contributed to the contamination on site.
- 3) At this time, the Department may also make a determination of "no further requirements" at the site.
- 4) If required, the participant then submits a response action plan to the Department for approval. The plan must include detailed steps to clean up the property.
- 5) A performance bond or other security must be filed with the Department within 10 days of receiving Department approval of a response action plan.
- 6) After the response action plan has been satisfactorily completed, the Department will issue a Certificate of Completion.

Participants may withdraw from the program at any time if the site is stabilized and secured and the participant provides 10 days prior notice to the Department.

Are there any other requirements?

PRE-APPROVAL: Applicants must conduct a Phase I environmental site assessment (ESA) and prepare a Phase II ESA workplan that identifies all areas and potential areas of contamination on the property and provide the assessment and plan to the Department. All environmental information known to the applicant about the property, a completed application and the application fee must be submitted.

How long should I expect it to take to get this approval once I submit a complete application?

- 45 days to determine if the application is accepted
- 75 days to review the response action plan

Once I get this approval, how long will it last?

One time approval

How much will this approval cost?

- \$6,000 base fee plus additional fees detailed below for certain requests. The nonrefundable \$6,000 fee is for the review of the application and the direct oversight costs.
- If a "No Further Requirements Determination" or a "Certificate of Completion" is conditioned on certain uses of the land, the applicant must pay an additional \$2,000 fee.
- If the applicant requests an expedited determination of "inulpable person status", the applicant must pay an additional \$2,000.
- An applicant who submits a subsequent application for a property that is already in the VCP pays a nonrefundable \$2,000 fee.

Who do I contact with additional questions?

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