



Maryland
Department of
the Environment

Maryland's Brownfields Program

Land Restoration Program

The Voluntary Cleanup Program

&

Controlled Hazardous Substance Enforcement Division



Hazardous Substance Cleanup Programs

LAND RESTORATION PROGRAM (LRP)

- **Controlled Hazardous Substances (CHS) Enforcement Division**
 - Established to carry out the CHS Response Plan (COMAR 26.14) and the CHS Act (§§7-201 – 266 of the Environment Article)
- **Voluntary Cleanup Program (VCP)**
 - Established in 1997 to encourage redevelopment of brownfield sites (§§7-501 – 516 of the Environment Article)



CHS Enforcement Program

Technical Review Service

The CHS Program:

- Can review/comment on environmental documents for interested parties who submit a written request and agree to the Program's cost recovery terms.
- This service can include documents as varied as environmental investigation and remediation reports, work plans, proposed investigation/remediation strategies, and proposed soil management plans.
- Once it has completed its review, the Division provides the findings to the requester in a letter format, the content of which can range from a simple "No Further Action" determination to detailed comments, investigation/remediation requirements, and/or land use restriction requirements to be recorded on the property deed in an Environmental Covenant.
- <https://mde.maryland.gov/programs/LAND/MarylandBrownfieldVCP/Pages/CHSEnforcementDivision.aspx>



CHS Technical Review Service

Relative Limitations

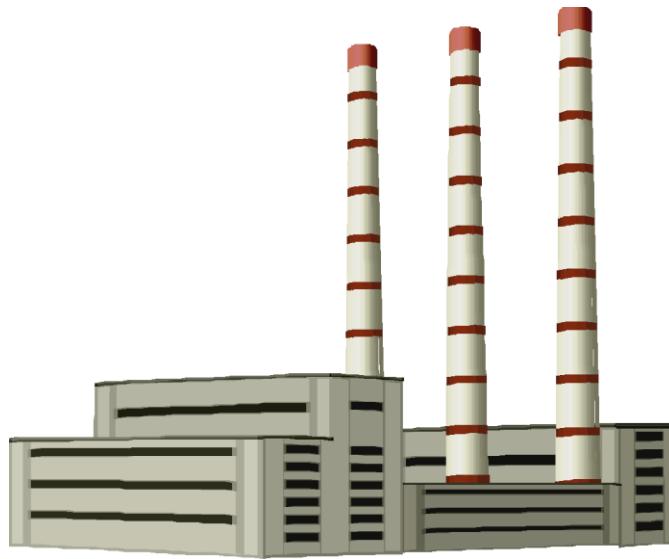
- Not an option when petroleum contamination is the sole culprit.
- A technical review and opinion providing comfort, not liability relief.
- Not a gateway to the tax incentives and liability protections available through the Voluntary Cleanup Program.



VCP Eligible Properties

Almost any property can enter the VCP

- Sites excluded from participation include:



- Sites with Controlled Hazardous Substance (CHS) permits
- National Priority List (NPL) sites
- Sites under active enforcement, unless the applicant is an inculpable person
- Sites initially contaminated after October 1, 1997 (Responsible Person)



VCP Incentives

- Liability Protections
 - Completing the VCP provides surety to buyers, sellers, developers and lenders that environmental issues are addressed
 - Inculpable parties (IP) are not liable for existing contamination at an eligible VCP property migrating off-site
 - Future property owners may receive liability protection
- Financial Incentives
 - Brownfields Tax Credits for IP





VCP Fees

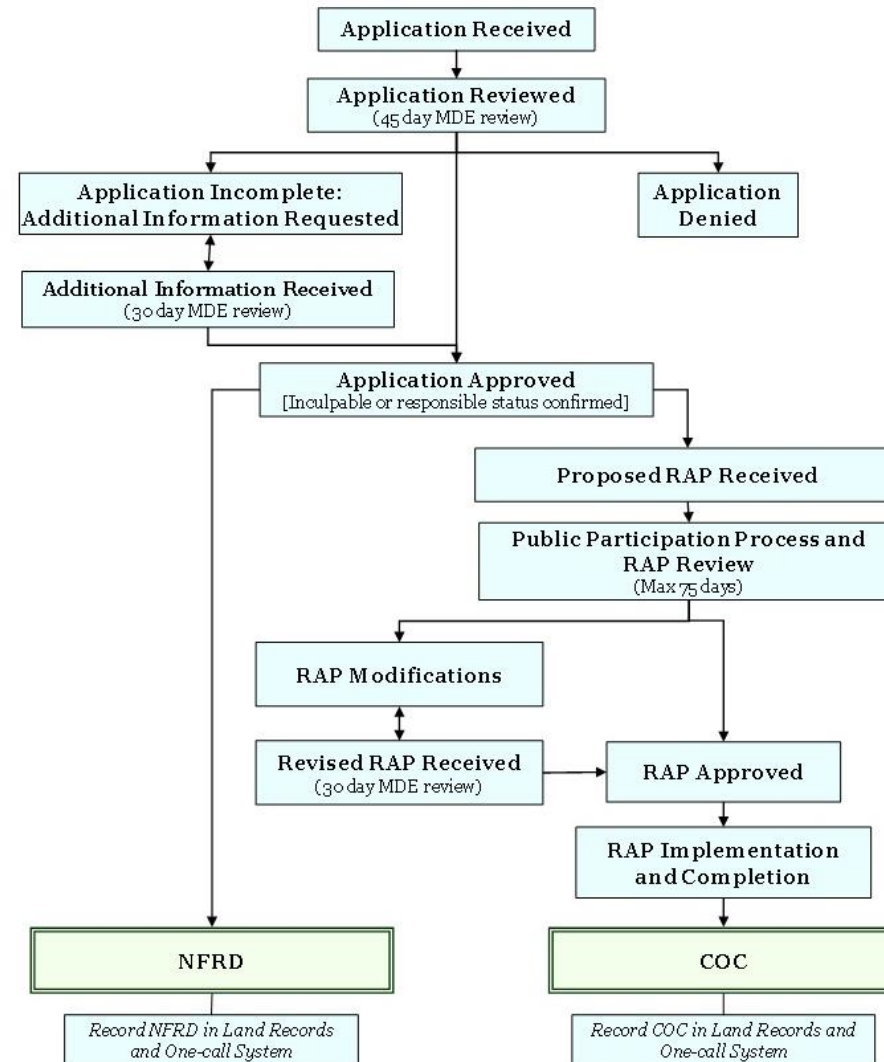
Activity/Description	Fee Amount
Initial Application Fee: Non-refundable fee for the first VCP application for the property.	\$6,000
Subsequent Application Fee: Subsequent application regarding the same property or contiguous or adjacent properties that are part of the same Planned Unit Development (PUD) or similar development plan.	\$2,000
Inculpable Person Determination: Applicant requesting expedited determination as Inculpable Person.	\$2,000
Institutional Controls Fee: Issuance of NFRD or COC conditioned on certain uses or on the maintenance of certain conditions.	\$2,000
Changes/Revisions: Request by participant to alter the record of determination in the land records for an eligible property with certain conditions.	\$2,000



Overview Voluntary Cleanup Program (VCP) Process

VCP Application Process

- Application Form & Fee
- Determination of Inculcable Party (IP) status
- 30-Day Notice to the Public
- Requires only Phase I Environmental Site Assessment (ESA) to Enter the VCP
- Phase II ESA Required, Unless MDE Determines No “Recognized Environmental Conditions of Concern” at the Site





VCP Application Specifics

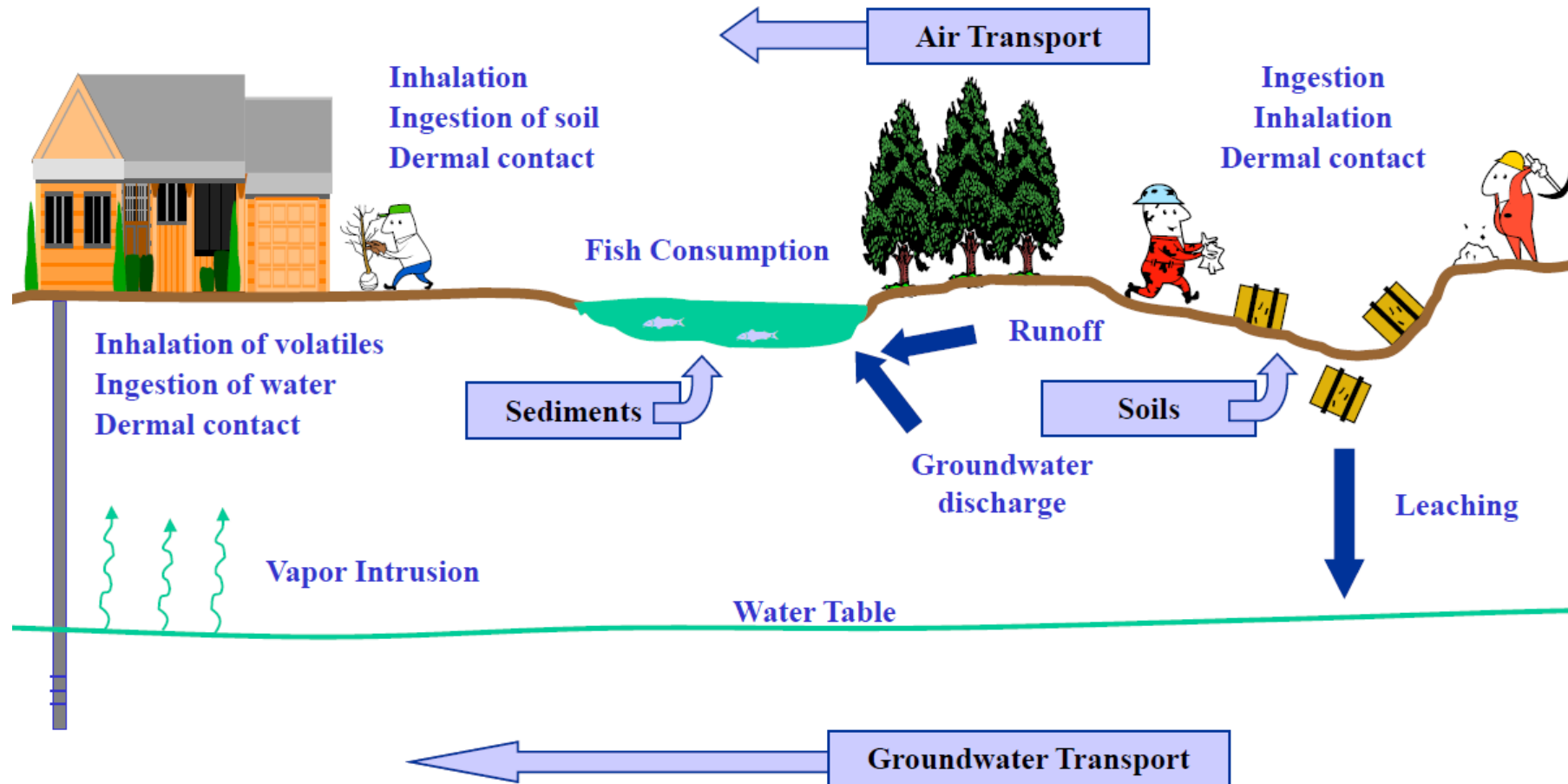
A VCP Application must include:

- VCP Application Form and Applicable Fee
- Request for Inculpable Party (IP) status, if applicable
- Phase I ESA that meets ASTM 1527-13
- Phase II ESA or Work Plan
- Designate Future Land Use Category

After Submitting an Application the Applicant Posts a Public Notice Sign at the Eligible Property for the 30-day public comment period.



Sampling Data For Risk Assessment





VCP Application Review

As part of the application review the assigned Project Manager will review all available information provided in the application, check with other MDE programs for potential open enforcement actions and conduct a site visit. Based on the review additional sampling may be required.

After all the necessary data is collected, the LRP staff will evaluate the risk for users of the property in regards to the land use category and lifetime human health exposure risks.

If there are no unacceptable risks at the site or risks that can be managed by land use controls the property will be accepted into the VCP and a No Further Requirements (NFRD) Determination and Environmental Covenant will be issued to be recorded on the property deed

If additional cleanup or other mitigation is required to address the risk the property owner may proceed with preparing a Response Action Plan (RAP). Once the RAP is approved and implemented successfully a Certification of Completion (COC) and Environmental Covenant will be issued to be recorded on the property deed.



Eligible Land Uses Under VCP

VCP Land Uses

- Residential (Tier 1)
 - Examples include single and multi-family dwellings, hospitals and health care facilities, education facilities, day care facilities
- Commercial (Tier 2)
 - Examples include shopping centers, office spaces, vehicle service stations, hotels, restaurants and religious institutions
- Industrial (Tier 3)
 - Examples include manufacturing facilities, maritime facilities, oil refineries, metal working shops



Eligible Land Uses Under VCP

VCP Land Uses

- Public Recreational Area (Tier 4)
 - Low Frequency, Moderate Frequency, High Frequency
 - Frequency subcategory is dependant on days in calendar year
 - Examples include athletic fields, golf courses, picnic areas, schools, day care facilities



Residential Land Use Policy For VCP and CHS

This fact sheet provides information regarding Maryland Department of the Environment's (MDE) revised policy for residential redevelopments that may require land use controls (LUCs).

This policy applies to sites under the oversight of the Land Restoration Program, including through the Voluntary Cleanup Program (VCP) and Controlled Hazardous Substances Technical Review Service, and other Land and Materials Administration programs as applicable.

The August 2020 Factsheet is available at:

https://mde.maryland.gov/programs/LAND/MarylandBrownfieldVCP/Pages/errp_factsheets.aspx



LRP Mapping Site

MARYLAND MDE - LRP Map Land Restoration Program - Home | MDE

Details Contents Add Data Reports

The Land Restoration Program (LRP) of the Maryland Department of the Environment provides financial incentive for the redevelopment of brownfields, which are sites that either qualify for the Voluntary Cleanup Program or are contaminated by oil. Redevelopment of these sites will help revitalize industrial and commercial areas. LRP also administers the Superfund program for the State of Maryland that assesses suspected hazardous water sites, including federal facilities, to control and remove environmental and public health threats through site cleanups and remedial actions. As a public service, LRP distributes their GIS data identifying these site locations in several different file formats. They include OGC Compliant Web Map Services, OGC Compliant Web Feature Services, ArcGIS Web Map Services, and Keyhole markup Language (KML) format.

For more information regarding this site, please contact the
[Land Restoration Program of MDE](#)
- or -
call (410)537-3493

Data Currently Available
[GIS Shapefiles](#)
[KML Files](#)
[Using Services](#)

How to use the application:

Find an address:
Enter an address into the 'Find a place' box on this page to zoom to the closest match.
-or-
In or out icons or a scroll mouse may be used for zooming your view down to a street or neighborhood level.
-or-
Click on the 'Search' tool bar where you can search for Sites, Determinations, or Applicants.

- LRP Sites
- Determinations
- Determination Areas

For Further Information:

Visit the MDE Website

<https://mde.maryland.gov>

At MDE home page Select Land from Menu

Under Land select Land Restoration Program.

The Land Restoration Program Home Page has links to both the Voluntary Cleanup Program and Controlled Hazardous Substance Enforcement Division.

Follow Link to Controlled Hazardous Substance Enforcement Division scroll down to Technical Review Service

or contact Brian Dietz (bdietz@maryland.gov) or Barbara Brown(barbara.brown1@maryland.gov)