



Maryland
Department of
the Environment

Maryland's Brownfield Program

The Voluntary Cleanup Program

&

Controlled Hazardous Substance
Enforcement Program

Hazardous Substance Cleanup Programs

- Controlled Hazardous Substance (CHS) Enforcement Program
 - 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
 - Established in 1997 to encourage redevelopment of brownfield sites (§§7-501 - 516 of the Environment Article)

Human Health Risks

- Maryland's Hazardous Substances Pose Unacceptable Lifetime Human Health Risks (Chronic Risk)
 - MDE Evaluates Risks at 1×10^{-5} for Carcinogens and HQ = 1 for Non-Carcinogens;
- Risks calculated for Users at Properties.
 - Example: Industrial Properties - Risks calculated for adult workers or youth trespassers
- Exposure at Levels is Theoretical Risk

Program Overview

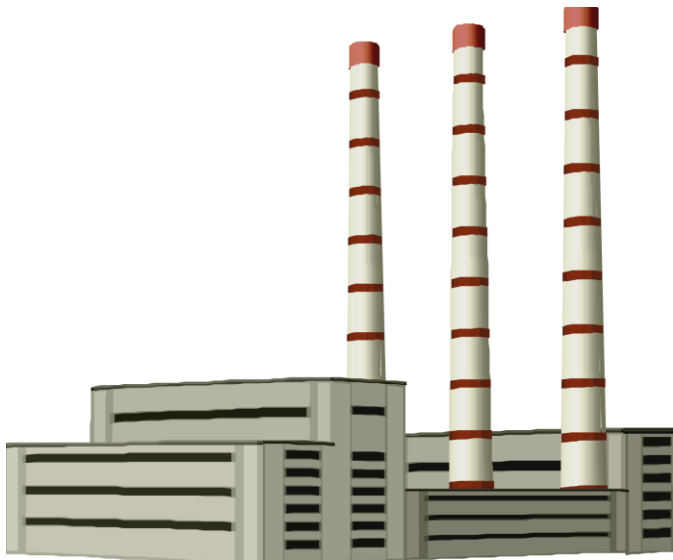
- Voluntary Cleanup Program
 - Purpose is to encourage redevelopment of sites
 - Provides liability protection and financial incentives
 - Program achievements since its creation in 1997
 - Received applications for 991 Properties and accepted 687 for participation in VCP
 - 367 Properties Received a No Further Requirement Determination (NFRD) and 215 Properties received a Certificate of Completion (COC)



Overview (cont'd)

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

Overview (cont'd)

Application must include:

- Phase I ESA that meets ASTM 1527-13
- Phase II or Phase II Work Plan
- Application Fee



Once accepted into the VCP, property will either:

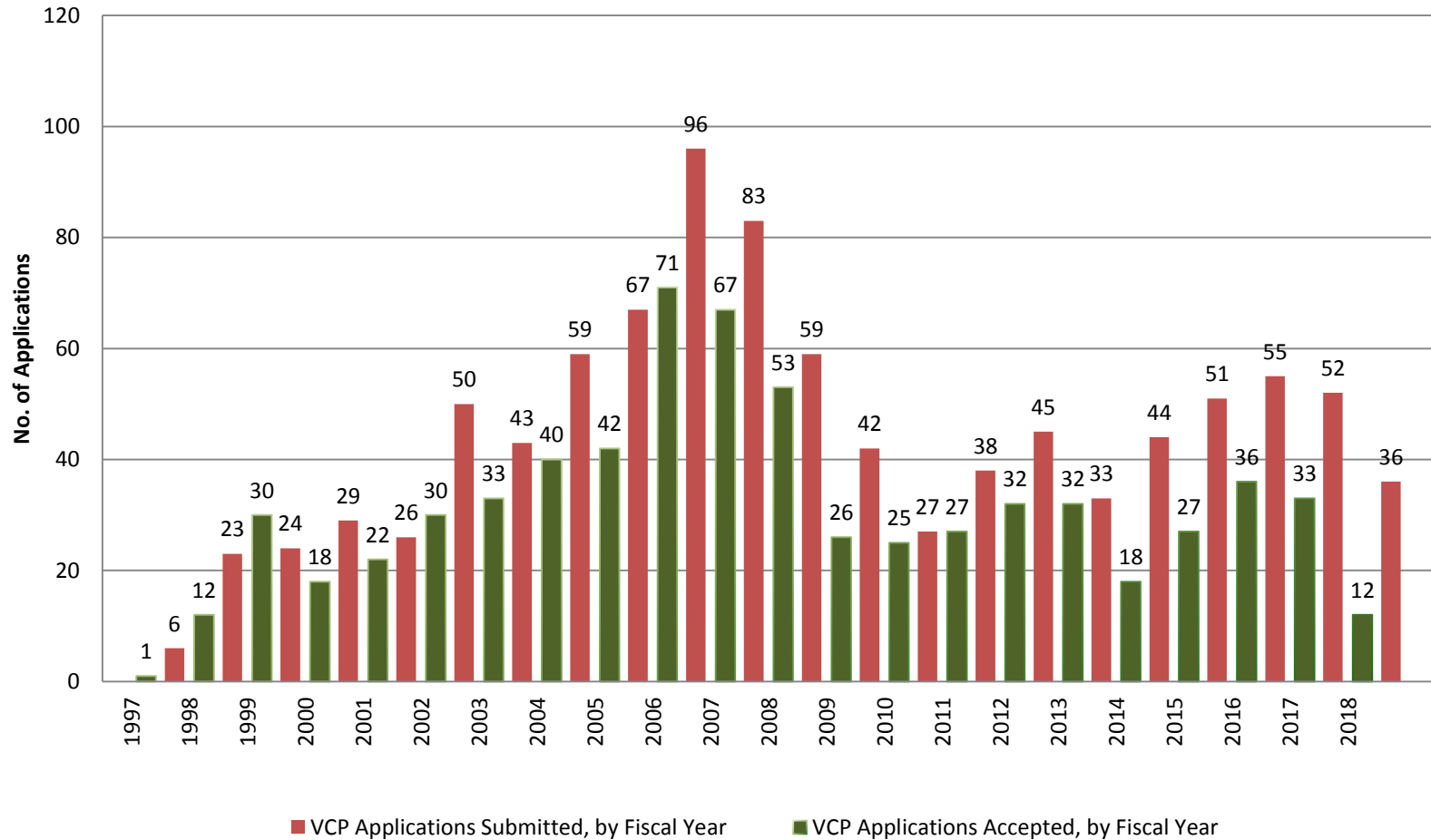
- Receive either a NFRD if no unacceptable risk at site,

OR

- Applicant prepares a Response Action Plan (RAP) to receive COC

VCP Applications Received

Voluntary Cleanup Program:
Applications Submitted and Accepted, by Fiscal Year



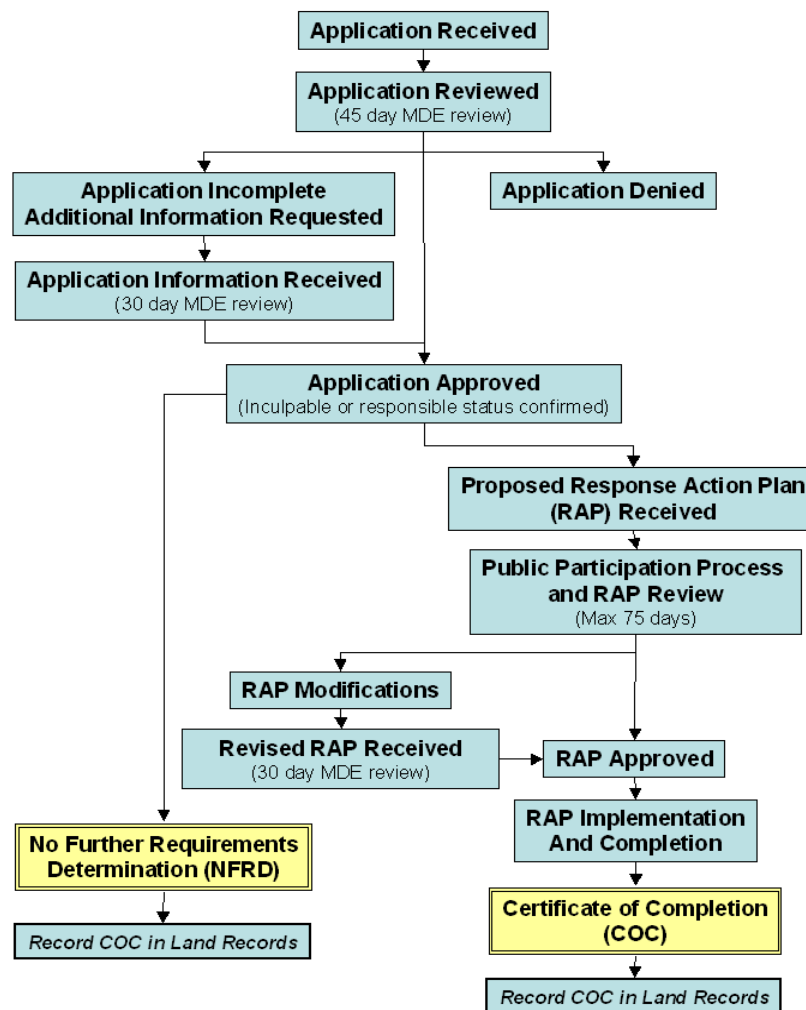
VCP Process

Application Process

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

Effective October 1, 2004



VCP Fee Structure

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
Premier Service: 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

Expanded Site Eligibility

Sites Under Active Enforcement



Oil-Contaminated Sites



Liability and Enforcement

ENFORCEMENT

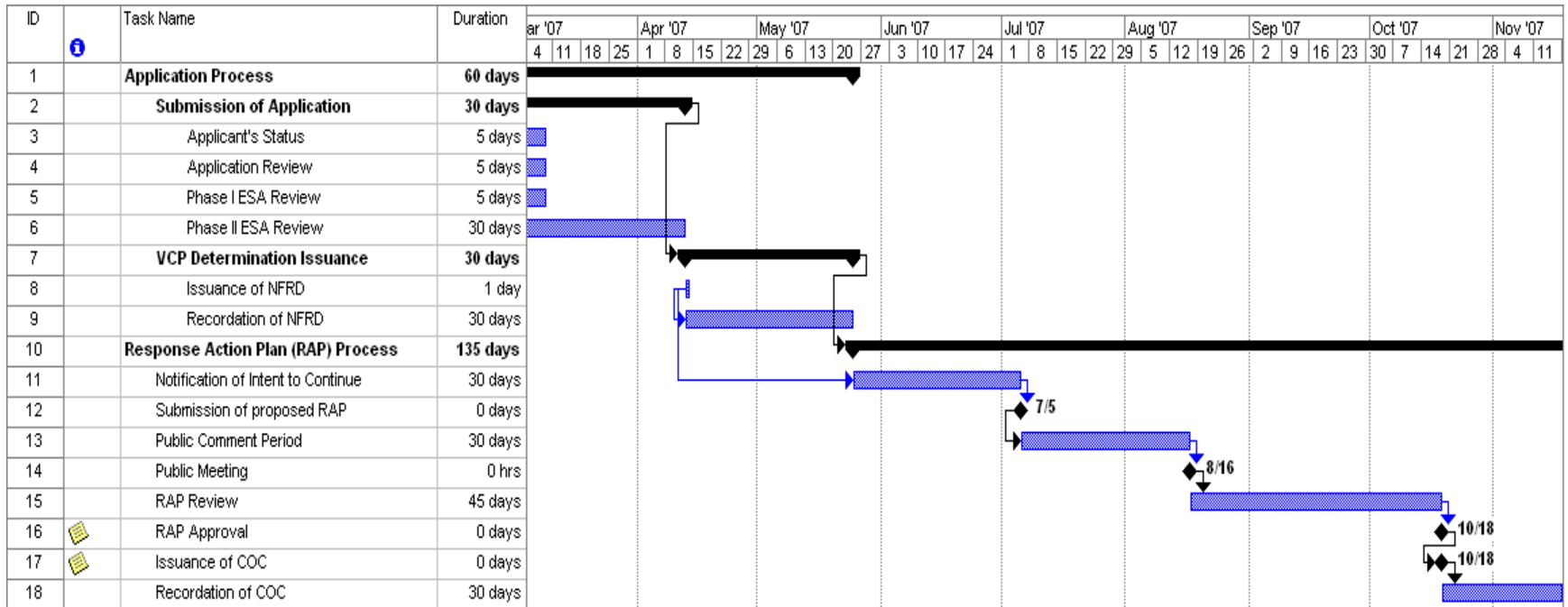
Allows State to Seek Treble Damages From Recalcitrant Potentially Responsible Parties

LIABILITY

Contribution Protection for Applicants at No Further Requirements Determination Stage



Overall VCP Timeframe



Redevelopment Incentives

Brownfields Revitalization Incentive Program (BRIP) Eligibility Expanded (Dept. of Commerce [DOC])

- Properties Acquired by Local Government Under Eminent Domain/Condemnation
- Allows Funding for Petroleum Investigations
- Local Governments Authorized to Access Private
- Property for Environmental Testing

Brownfields Redevelopment Incentive Program (BRIP)

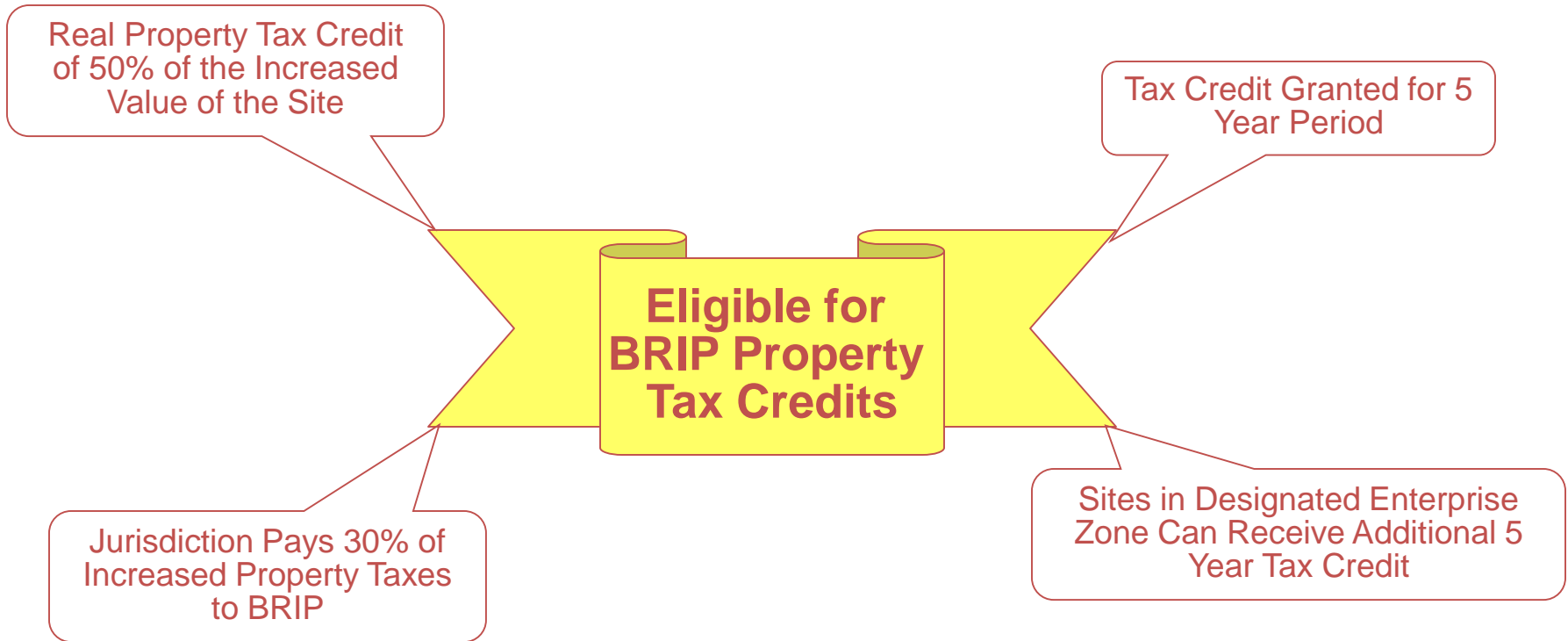
BRIP Financial Incentives

- DOC works in conjunction with MDE's Voluntary Cleanup and Oil Control Programs

Site Assessment Assistance

Redevelopment Assistance

BRIP Tax Credits



BRIP Tax Credits (Cont'd)

Sites Must Be In Jurisdiction That Has:

- Enacted Brownfields Real Property Tax Credits; *OR*
- Listed Potential Brownfields Sites, Ranked By Order Of Priority For Redevelopment;

Redevelopment Assistance Provided To:

- Eligible VCP Property Owned Or Operated By An “Inculpable Person” Or Innocent Purchaser; *OR*
- Subject To A MDE-approved Corrective Action Plan For Oil Contamination
AND
- Property Not Owned Or Operated By A Person Responsible For The Discharge.

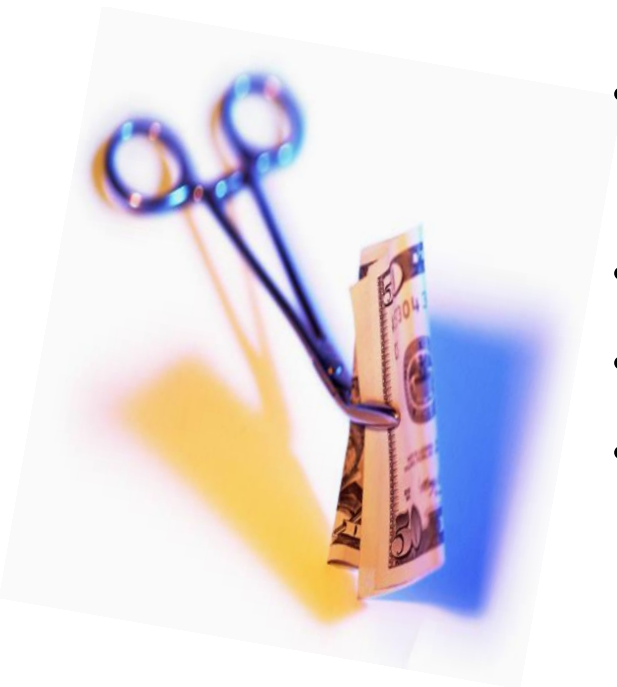
BRIP Tax Credits (Cont'd)

Eligible Costs

- Wide range of redevelopment costs permitted

Process

- Submit completed Brownfield application to DOC before applying to VCP
- Eligible applicants submit following to DOC for remediation assistance:
 - DOC Brownfields Application
 - Copy of its completed VCP application to DOC
 - Corrective Action Plan for Oil-Contaminated Sites



Increased Public Protections

Notify Miss Utility for Remedies That Include
Institutional Controls
Uniform Environmental
Covenants Act (UECA)

- Requires Public Notice of Application and Public Meetings for All Cleanups



For Further Information:

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