



Maryland Department Of The Environment Voluntary Cleanup Program

Attachment Nine Certificate of Completion Sample Letter

MARYLAND DEPARTMENT OF THE ENVIRONMENT
Waste Management Administration
Voluntary Cleanup Program

CERTIFICATE OF COMPLETION

Date of Issue:

Description of Property

Name:
Address:

Voluntary Cleanup Program Participant

Name:
Contact:
Status:

This Certificate of Completion, hereinafter referred to as "Certificate," is issued pursuant to Maryland law authorizing a Voluntary Cleanup Program for properties contaminated by controlled hazardous substances or oil (Section 7-501 et seq. of the Environment Article, Annotated Code of Maryland).

THE MARYLAND DEPARTMENT OF THE ENVIRONMENT CERTIFIES THAT:

The requirements of the Voluntary Cleanup Program response action plan, hereinafter referred to as the "RAP," approved by the Maryland Department of the Environment, hereinafter referred to as "the Department," for the (*insert acreage*)-acre (*insert property name*) property, located at (*insert property address*), (*insert name of city or town*), Maryland (*insert zip code of property*), hereinafter referred to as "the property," have been completed.

(*Insert name of participant*) has demonstrated that implementation of the approved RAP has achieved the applicable cleanup criteria at the property.

The Department may not bring an enforcement action against (*insert name of participant*) at the property.

(*Insert name of participant*) is released from further liability for the environmental cleanup of the contamination identified in the Voluntary Cleanup Program environmental assessment at the property. Pursuant to Section 7-506 of the Environment Article, Annotated Code of Maryland, the Voluntary Cleanup Program environmental assessment at the property is intended to adequately investigate all areas of contamination and potential sources of contamination at the property.

(*Insert name of participant*) is not subject to a contribution action by a responsible person for the contamination identified in the Voluntary Cleanup Program environmental assessments at the property.

This Certificate does not:

1. Prevent the Department from taking any actions against a responsible person to prevent or abate an imminent or substantial endangerment to public health or the environment at the property;
2. Affect the authority of the Department to take any action against a responsible person concerning previously undiscovered contamination at the property;

3. Remain in effect if it was obtained through fraud or material misrepresentation;
4. Affect the authority of the Department to take any action against any person concerning new contamination or exacerbation of contamination at the property;
5. Prevent the Department from taking action against any person who is responsible for long term groundwater well monitoring and maintenance requirements in the RAP;
6. Prevent the Department from taking action against any person who does not comply with the conditions on the permissible use of the eligible property contained in this Certificate; or
7. Prevent the Department from requiring any person to take further action if the property fails to meet the applicable cleanup criteria set forth in the RAP approved by the Department.

LAND USES

Tier 1 (Residential): Planned use of the property that allows exposure and access by all populations including infant, children, elderly, and infirmed populations.

- **A (Unrestricted):** No land use controls are imposed on the property. Tier 1A properties typically include single and multi-family dwellings.
- **B (Restricted):** One or more land use controls are imposed as a condition of residential use of the property. Tier 1B properties typically include hospitals and health care facilities, education facilities, day care facilities, playgrounds and other recreational areas.

Tier 2 (Commercial): Planned use of the property that allows exposure and access by the general public, workers, and other expected users, including customers, patrons, or visitors. Commercial purposes allow access to the property and duration consistent with a typical business day. Tier 2 properties typically include shopping centers, retail businesses, vehicle service stations, medical offices, hotels, office space, religious institutions, restaurants, and apartment buildings that have commercial use on the first floor.

- **A (Unrestricted):** No land use controls are imposed on the property for commercial use.
- **B (Restricted):** One or more land use controls are imposed as a condition of commercial use of the property.

Tier 3 (Industrial): Planned use of the property by workers over the age of 18, adult workers and construction workers, and other potential expected users. Industrial purposes allow access to the property at a frequency and duration consistent with a typical business day. Tier 3 properties typically include manufacturing facilities, maritime facilities, metal working shops, oil refineries, chemical and other material plants.

- **A (Unrestricted):** No land use controls are imposed on the property for industrial use.
- **B (Restricted):** One or more land use controls are imposed as a condition for industrial use of the property.

LAND USE CONTROLS

Land Use Controls means any restriction or control that serves to protect human health and the environment by limiting use of or exposure to any portion of the property, including water resources. These controls may include:

- **Engineering controls:** remedial actions directed toward containing or controlling the migration of contaminants through the environment. These include, but are not limited to, stormwater conveyance systems, slurry walls, liner systems, caps, leachate collection systems, pump and treat systems, and groundwater recovery systems.

- **Institutional Controls:** legal or administrative tools designed to prevent or reduce human or exposure to remaining contamination and to prevent activities that may result in increased exposure to or spread of such contamination.

If this Certificate is conditioned on the permissible use of the property for certain purposes, it shall become void if it is not recorded in the land records of the local jurisdiction within 30 days following receipt of the Certificate.

This Certificate is not conditioned on the use of the property for certain purposes.

This Certificate is conditioned on the use of the property as indicated below:

- Restricted Residential (Tier 1B) purposes;
- Restricted Commercial (Tier 2B) purposes; or
- Restricted Industrial (Tier 3B) purposes.

LAND USE REQUIREMENTS

The (insert uses of the property such as restricted residential, restricted commercial and/or restricted industrial) use of the property requires the property owner to maintain compliance at all times with the following:

May include, but not limited to, one or more land use requirements, such as:

Groundwater

Soil Excavation and Disposal

Maintenance of Paved and Landscaped Areas

Vapor Barrier

Long-Term Ground Water Monitoring and Reporting

DEPARTMENT NOTIFICATIONS

All notifications to the Department required herein shall be in writing and addressed to the attention of the Division Chief, Voluntary Cleanup Program, Waste Management Administration, Maryland Department of the Environment, currently located at 1800 Washington Boulevard, Baltimore, Maryland 21230.

ONE-CALL SYSTEM NOTIFICATION

If this Certificate is conditioned on certain uses of the property or on the maintenance of certain land use requirements, the participant shall send a copy of this document to a one-call system, as defined in Section 12-101 of the Public Utility Companies Article. The copy of this Certificate of Completion should be sent within 30 days of the effective date to the attention of MISS UTILITY, c/o General Manager, currently located at 7223 Parkway Drive, Suite 100, Hanover, Maryland 21076.

The obligation for the participant to send a copy of the Certificate of Completion does not negate the obligation of the owner, as defined in Section 12-101(f) of the Public Utility Companies Article, to become a member of the one-call system under Title 12 of the Public Utility Companies Article. Additional information may be obtained by calling 410-712-0056.

TRANSFER OF OWNERSHIP

If ownership of the property or any portion thereof is transferred, the property owner shall notify the Department at least five (5) business days prior to the transfer. In addition, any successor in interest must submit a written certification to the attention of the Division Chief of the Voluntary Cleanup Program that the successor in interest has a copy of this Certificate of Completion including the physical maintenance requirements for the property.

The participant and any successors in interest in a property subject to a certificate of completion shall continue to be protected from liability in the event of any violation of the conditions placed on the use of the property, provided that the participant and any successors in interest did not cause or contribute to the violation.

TRANSFERABILITY

This Certificate may be transferred to any person whose actions did not cause or contribute to the contamination at the property. To validate a transfer of this Certificate, the transferee must complete a "Certificate of Completion Transfer Affidavit" available from the Department.

This Certificate does not prevent the Department from taking action against any person who uses the property for any use other than the use of the Property as required by this Certificate.

If an owner of the property wants to change the use of the property to a new use and that new use is consistent with the appropriate planning and zoning authority of the appropriate city or municipality, the owner shall be responsible for the cost of cleaning up the property to the appropriate standard as determined by the Department.

ANY OTHER USE OF THE PROPERTY OR FAILURE TO MAINTAIN COMPLIANCE WITH THE LAND USE REQUIREMENTS SPECIFIED HEREIN MAY RESULT IN THIS CERTIFICATE BEING VOIDED FOR THE CURRENT HOLDER OF THE CERTIFICATE AND FOR ANY OTHER PERSON WITH OWNERSHIP OR CONTROL OF THIS PROPERTY. THIS PROVISION SHALL NOT APPLY TO A PRIOR HOLDER OF THE CERTIFICATE WHO HAS TRANSFERRED THE CERTIFICATE AND RETAINS NO INTEREST IN THE PROPERTY.

(Insert name of Director), Director
Waste Management Administration

Date

STATE OF MARYLAND, _____ OF _____, TO WIT:

I HEREBY CERTIFY, that on this _____ day of _____, (*insert year*) before me, the undersigned Notary Public of said State, personally appeared (*insert name of Director*), who acknowledged himself to be the Director, Waste Management Administration, Maryland Department of the Environment, known to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained as the duly authorized Director of said Administration by signing his name as Director of said Administration.

WITNESS my hand and Notarial Seal.

Notary Public

My Commission Expires: _____