



Maryland Department of the Environment Voluntary Cleanup Program

Section One Voluntary Cleanup Program

The Voluntary Cleanup Program (VCP), administrated by the Maryland Department of the Environment (MDE), was enacted as emergency legislation in February 1997. The purpose of the VCP is to encourage the investigation of eligible properties with known or perceived controlled hazardous substance contamination, protect public health and the environment, accelerate cleanup of properties, and provide liability releases and finality to site cleanup. Effective October 1, 2004, properties also contaminated by oil are eligible to participate in the program.

Persons wishing to enter property into the VCP must submit the following documents:

- Completed application form (see Attachment 1);
- A non-refundable application fee, which MDE may reduce upon promulgation of regulations establishing criteria for demonstrating financial hardship;
- An environmental site assessment that includes:
 - A Phase I site assessment based on the standards established by the ASTM; and
 - A Phase II site assessment unless MDE concludes, after review of the Phase I, that there is sufficient information to determine that there are no recognized environmental conditions as defined by ASTM. In some cases, a work plan for the Phase II may be submitted for review and approval by MDE prior to implementation and completion of the Phase II site assessment.

Persons requesting expedited inculpable person approval within five business days (see Section 1.4.2) must submit an additional \$2,000 fee.

After review of an application package, MDE may:

- Determine that the application is incomplete and request additional information;
- Approve the application and issue a NFRD stating that there are no further requirements related to the investigation of CHS or oil at the eligible property; or
- Approve the application and advise the applicant that a RAP must be developed to address contaminants of concern at the property. At the time of approval of an application, MDE will also confirm the participant's status as an inculpable or responsible person.

Upon approval of the application, MDE may issue an NFRD conditioned on future land use controls and containing specific land use requirements. Issuance of the NFRD does not prevent MDE from taking action against inculpable or responsible persons for new or exacerbation of existing contamination at the property or for imminent and substantial threats to public health or the environment. In addition, for responsible persons, the NFRD does not prevent MDE from taking action for previously undiscovered contamination at the property. If a NFRD is conditioned on certain uses of the property or on the maintenance of certain conditions, the participant shall pay \$2,000 upon issuance of the NFRD.

If MDE determines that development of a RAP is necessary, the participant shall submit a proposed RAP, including a schedule for implementation and completion of the plan. Upon submittal of the plan to MDE for review and approval, the public is given the opportunity to attend a public informational meeting and submit comments on the proposed RAP. The COC is issued upon completion of the requirements of the approved RAP to the satisfaction of MDE. The COC does not prevent MDE from taking action against inculpable or responsible persons for new or exacerbated contamination or imminent and substantial threats to public health or the environment. Additionally, for responsible persons, the COC does not prevent MDE from taking action for previously undiscovered contamination at the property. If a COC is conditioned on the permissible use of the property, the participant shall pay \$2,000 upon issuance of the COC.

1.1 ELIGIBLE PROPERTIES

Any property contaminated or perceived to be contaminated by CHS or oil is eligible for participation in the VCP. Eligible properties also include:

- Sites listed on CERCLIS (i.e. sites on the State Master List);
- Sites listed on CERCLIS and designated NFRAP by the federal government; and
- Sites under active enforcement if:
 - All applications for the property are filed by inculpable persons, as defined in Section 1.4.2; and
 - Any RAP and cleanup criteria approved by MDE are at least as protective of public health and the environment as the requirements of any outstanding enforcement action.

1.2 INELIGIBLE PROPERTIES

The following are not eligible for the participation in the VCP:

- Sites on the National Priorities List (the federal Superfund list);
- Sites under active enforcement by MDE except as discussed above;
- Sites subject to a State CHS permit on currently operating facilities;
- Sites contaminated after October 1, 1997, if the applicant is a responsible person; and
- Oil-contaminated or CHS-contaminated sites that exhibit emergency conditions:

1.3 ELIGIBLE APPLICANTS

Any person may submit a VCP application for an eligible property. A person who knowingly or willfully violated any law or regulation concerning CHS or oil is not eligible to participate in the VCP. Examples of types of applicants who may submit VCP applications for eligible properties include property owners, commercial lenders, developers, prospective purchasers, lessees, innocent purchasers, and operators.

1.4 RESPONSIBLE AND INCULPABLE PERSONS

Sections 7-201 and 7-501 of the Environment Article, Annotated Code of Maryland, define two types of persons with respect to liability for site contamination: responsible persons and inculpable persons. MDE notifies the applicant in writing within 45 days of receipt of a complete application package whether the applicant's status is approved as a responsible or inculpable person.

MDE will provide expedited inculpable person approval within five business days of receipt of a written request, a \$2,000 fee and an executed inculpable person status affidavit. Expedited inculpable person approval will expire if the application and fees are not filed within six months of approval.

1.4.1 Responsible Person (RP)

A responsible person means a person who is the owner or operator of a site contaminated by a CHS. Those responsible for the cleanup of hazardous substance are property owners, operators, generators and transporters of the CHS. Section 7-201(u) of the Environment Article, Annotated Code of Maryland, provides a complete description of responsible persons, including a list of exceptions. VCP applicants qualifying for an exception listed in Section 7-201(u)(2) of the Environment Article are considered inculpable persons (see Section 1.4.2).

1.4.2 Inculpable Person (IP)

An inculpable person, as defined in Section 7-501(j) of the Environment Article, means a person who, at the time of application for participation in the VCP, has no prior or current ownership interest in an eligible property and has not caused or contributed to contamination at the eligible property. An inculpable person also includes a person who is not considered a responsible person under Section 7-201(u)(2) of the Environment Article.

1.4.2.1 Lender Liability Provisions

Section 7-201 of the Environment Article, Annotated Code of Maryland, describes the liability protections available to lenders, fiduciaries and persons who hold title to a property to protect a security interest and are not considered responsible for site contamination. The following are not considered responsible persons and are therefore entitled to inculpable person status:

- A person who holds indicia of ownership to protect a security interest in the property;
- A person who holds a mortgage or deed of trust to protect a security interest in the property;
- A fiduciary who has legal title to a site as trustee or administrator of an estate;
- A holder of a mortgage or deed of trust who forecloses on property;
- A holder of a mortgage or deed of trust who acquires title to a property in the VCP subject to a written agreement in accordance with the VCP; or
- A lender who extends credit for removal or remedial actions.

A lender who takes action to protect or preserve a mortgage or deed of trust on a site or a security interest in property located on a site by stabilizing, containing, removing or preventing the release of a hazardous substance is not a responsible person if the lender provides advance written notice to MDE.

In addition to the protections already provided to mortgage or deed of trust holders, or anyone who held title to protect a security interest, these new exceptions specifically protect a mortgage holder who acquires title to a property in the VCP, and lenders who extend credit to finance a cleanup, or who do the cleanup themselves as long as they work with MDE. The new exceptions specifically apply to lenders who may be involved with a project in the VCP, or who are otherwise working with MDE on a cleanup of a contaminated property.

A separate section was also added in 1997 to further limit lender liability if the lender caused contamination during a cleanup (Section 7-201(u)(3)). This section provides that a lender taking

action to protect or preserve a mortgage or deed of trust or security interest who causes or contributes to a release of a hazardous substance will only be responsible for costs incurred as a result of the release to which the lender caused or contributed, unless the lender was otherwise a responsible person.

1.4.2.2 Liability Provisions for Government Entities

A State, county, or municipal government or other political subdivision of the State that owns or operates on a property is subject to similar liability protection as an inculpable person except in the case of gross negligence or willful misconduct (Section 7-201(2)(vii)). The liability of a government entity designated an inculpable person is limited to causing new contamination, exacerbation of existing contamination and fraud/material misrepresentation.

1.4.2.3 Liability Provisions for Heirs and Contiguous Property Owners

If a person acquires a property contaminated by CHS by inheritance or bequest of the transferor, that person is eligible for similar liability protection as an inculpable person (Section 7-201(u)(2)(ii)). An heir designated an inculpable person is liable in the event of new contamination, exacerbation of existing contamination and fraud/material misrepresentation.

If a person owns property that is contaminated solely by a contiguous property, that person is excluded from the definition of responsible person provided that person could establish that all requirements in Section 107(q) of CERCLA have been met (Section 7-201(u)(7)).

1.4.2.4 Innocent Purchaser

Inculpable person designation includes a person who can establish by a preponderance of the evidence that at the time the person acquired an interest in a site containing a hazardous substance, the person did not know and had no reason to know that any hazardous substance was disposed of on, in, or at the site; however, any person claiming an exemption from liability under this subparagraph must establish that the person had no reason to know, in accordance with Section 101(35)(B) of the federal act, and that the person satisfied the requirements of Section 107(b)(3)(a) of the federal act.

1.5 LIABILITY PROTECTIONS

The Maryland law defining these liability provisions can be found in Title 7 (Sections 7-201 and 7-501) of the Environment Article, Annotated Code of Maryland.

1.5.1 Liability of Responsible Persons

Responsible persons who successfully complete the VCP process gain liability protection. This includes protection against State enforcement actions at the eligible property, release from further liability for the remediation of contamination identified in the environmental investigations, and protection against contribution actions instituted by other responsible persons (Section 7-513(b)). Re-openers applicable to responsible persons are discussed below in Section 1.5.4.

1.5.2 Liability of Inculpable Persons

After an applicant has been designated as an inculpable person, the law provides that the inculpable person shall not be liable for existing contamination at the site. The inculpable person is only liable for new contamination or the exacerbation of the existing contamination (Section 7-505). Although an inculpable person may prepare a RAP to address environmental conditions at a property, the inculpable person is not liable for the contamination.

1.5.3 Tort Liability

The VCP law specifically states that it does not provide any liability protection against tort (personal injury) claims (Section 7-516(b)). The risks associated with tort liability may be addressed through commercially available insurance protection.

1.5.4 Re-openers

After a NFRD or COC is issued, a participant may be required to comply with certain land use requirements. The re-openers are broader for responsible persons than for inculpable persons. Re-openers, or caveats, for both the NFRD and the COC include the following:

- New or Exacerbated Contamination
- Undiscovered Contamination
- Imminent and Substantial Endangerment
- Fraud/Material Misrepresentation

If a NFRD or COC is issued contingent on a certain future use of the property, failure to comply with the use restriction shall void the NFRD or the COC. For those sites that receive a COC but have long-term monitoring and land use controls, failure to comply with those requirements shall void the COC. However, the recipient of the NFRD or COC and any successors in interest shall continue to be protected from liability in the event of a violation of the conditions placed on the use of the property as long as the recipient or successor in interest did not cause or contribute to the violation (see Sections 7-506 and 7-514).

1.5.5 Protection from Federal (EPA) Actions

MDE and the United States EPA Region III signed a Memorandum of Agreement in 1997 that provides VCP participants with certain protections from federal action after MDE issues a NFRD or a COC. U.S. EPA Region III recognizes that Maryland has, through the VCP, developed and implemented strategies to promote the cleanup and redevelopment of underutilized properties and has agreed to consider sites that have been investigated or remediated under the VCP to be of “no federal interest” unless:

- U.S. EPA determines conditions at the site present an imminent and substantial endangerment to public health and welfare or the environment, or an emergency situation exists;
- Previously undiscovered contamination or new contamination is found at the site after the issuance of a NFRD or approval of a RAP;
- New information concerning site conditions is made available after approval of the RAP; or
- The NFRD or COC was obtained through fraud or material misrepresentation.

1.6 VCP FINAL APPROVAL DOCUMENTS

The VCP provides two types of final site approval documents: a NFRD and a COC. The NFRD and COC are issued by MDE for properties contaminated or perceived to be contaminated by CHS substances or oil.

No Further Requirements Determination: A NFRD is issued for an eligible property when the application package is approved and MDE has determined that a RAP is not required. The issued NFRD states there are no further requirements related to the investigation of CHS or oil at the property. The NFRD is based on VCP specific land use (residential, recreational, commercial, or

industrial) and may contain certain land use requirements (e.g. excavation notification, use of air monitoring devices, maintenance of existing asphalt or concrete pavement, soil disposal requirements, a groundwater use prohibition). If the NFRD is conditioned on certain uses of the property or the maintenance of certain conditions, the participant shall:

- Pay a \$2,000 fee to MDE upon issuance of the NFRD;
- Send a copy of the NFRD to the public utility one-call system (e.g. “Miss Utility”); and
- Record the NFRD in the local land records within 30 days.

If the property owner wants to change the permissible use of the property from that specified in the NFRD (i.e. change from commercial to residential use), the owner is responsible for the cost of cleaning up the property to the appropriate standard. This would require submission of a new application to the VCP.

A property owner may request an alteration of the NFRD once it has been recorded in the land records office. This request must be made in writing by the property owner and be accompanied by payment of \$2,000 and documentation regarding the request (i.e. manifests and sample data indicating a removal of contaminated soil).

The participant and any subsequent owners of a property subject to a NFRD 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 subsequent owners did not cause or contribute to the violation.

Certificate of Completion: A COC is issued for an eligible property following the satisfactory completion of an approved RAP. The three steps preceding the issuance of a COC include: acceptance of the property into the VCP and a determination that a RAP is necessary; development of a proposed RAP for MDE review and approval and completion of the public participation requirements; and satisfactory implementation and completion of the requirements of the approved RAP.

Upon submission of the RAP to MDE, certain public participation requirements must be completed (see Section 6). If the proposed RAP is approved, MDE will issue a RAP approval letter. If the RAP is implemented, completed to the satisfaction of MDE, and achieves the cleanup criteria and/or remedial objectives, the participant will receive a COC. The participant is released from further liability for the remediation of the eligible property for any contamination identified in the environmental site assessment and is not subject to a contribution action. The COC is based on VCP-specific land use (residential, recreational, commercial or industrial) and may contain certain land use requirements (e.g. excavation notification, maintenance of existing asphalt or concrete pavement, soil disposal requirements, a groundwater use prohibition, groundwater monitoring, submittal of periodic inspection reports, periodic inspection of controls, continual maintenance of containment remedies). If the COC is conditioned on permissible use of the property, the participant shall:

- Pay a \$2,000 fee to MDE upon issuance of the COC;
- Send a copy of the COC determination to the public utility one-call system (e.g. “Miss Utility”); and
- Record the COC in the local land records of the local jurisdiction.

A property owner may request an alteration of the COC once it has been recorded in the land records office. This request must be made in writing by the property owner and be accompanied by payment of \$2,000 and documentation regarding the request (i.e. manifests and sample data indicating a removal of contaminated soil).

The participant and any subsequent owners of a property subject to a COC 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 subsequent owners did not cause or contribute to the violation.

1.6.1 VCP Land Uses

Each VCP applicant shall choose a VCP land use and restriction category based on the planned future use of the property, which will be used by MDE to determine whether there are further requirements for the property. A NFRD or COC issued for a property will be contingent on future use of the property as defined in one of the land use categories listed below:

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-family 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, and restaurants 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.

Tier 4 (Public Recreational Areas): Planned use of the property that allows exposure and access by all populations, dependant upon the frequency of exposure to all populations:

- **High Frequency Use:** A high frequency recreational area is any area that is available for recreational use by all populations and the frequency of visits by all populations is 250 days per year or less. Examples may include, but are not limited to, playgrounds, day care facilities, schools, golf courses, and picnic areas
 - **A (Unrestricted):** No land use controls are imposed on the property.
 - **B (Restricted):** One or more land use controls are imposed as a condition of high frequency recreational use of the property.
- **Moderate Frequency Use:** A moderate frequency use recreational area is any area that is available for recreational use by all populations and the frequency of visits by all populations is 182 days per year or less. Such areas may be restricted through the use of fencing, permitting requirements, or other similar restrictions that prevent or hinder unimpeded access to the recreational area. Examples include, but are not limited to, outdoor aquatic facilities, athletic facilities, dog parks, and limited access parks
 - **A (Unrestricted):** No land use controls are imposed on the property.
 - **B (Restricted):** One or more land use controls are imposed as a condition of moderate frequency recreational use of the property.
- **Low Frequency Use (Open Space):** A low frequency use recreational area is any open area that is available for recreational use by all populations and the frequency of visits by all populations is 52 days per year or less. Such areas must have restricted access by a combination of covenants or other legal restrictions that prohibit the use of the property where such use may impair the flora and fauna in the open space; and Physical environmental barriers impede the use of the open space, including but not limited to swamps, marshes, dense vegetation, and areas with steep inclines that limit the use of open areas.
 - **A (Unrestricted):** No land use controls are imposed on the property.
 - **B (Restricted):** One or more land use controls are imposed as a condition of low frequency recreational use of the property.

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**, which are 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**, which are 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.

1.6.3 Uniform Environmental Covenants Act (UECA)

Effective October 1, 2005, UECA (HB 679) established a new legal mechanism that will help to reinforce the implementation and enforcement of land use controls that are already used in the VCP. For years, Maryland has used institutional controls to protect human health and the environment, while encouraging the redevelopment of brownfield sites. These institutional controls include restrictions on the use of groundwater, cap maintenance requirements and limitations on future use of property. While Maryland typically requires that these institutional controls be included on property deeds, UECA should help ensure that these land use requirements and restrictions will be enforced over time and not be inadvertently extinguished through the operation of real property or bankruptcy laws.

The environmental covenants created under UECA are based upon traditional property law principles and are recorded in the local land records. The environmental covenant must contain a legal description of the property subject to the covenant, describe the activity and use restrictions for the property and list the holder(s) of the covenant. The covenant is binding upon successive owners of the property and provides a clear mechanism through which the State may enforce the covenant in order to ensure the safe re-use of the property involved. The environmental covenant is perpetual, but may be amended or terminated under certain conditions with the consent of the holders.

Environmental covenants created under UECA will be listed in a newly created registry that will be maintained by the MDE. The registry will increase public awareness of the land use requirements and restrictions. Greater familiarity with these types of controls and confidence their longevity will enhance the marketability of these properties. More effective uniform institutional controls should also make it easier for buyers and developers to obtain financing. Potential buyers will have a clear understanding of the restrictions on the property, and sellers will have greater assurance that those restrictions will remain.

Additional information on UECA is available on the MDE website, http://www.mde.state.md.us/Programs/LandPrograms/ERRP_Brownfields/ueca.asp

1.6.4 Cleanup Criteria

There are six cleanup criteria available under the VCP (see Section 4). The VCP applicant may select one or more of the proposed cleanup criteria that protect public health and the environment, as may be appropriate and with the approval of MDE, based on the current and intended future use of the property. The cleanup criteria that may be selected by the applicant are:

- Uniform numeric risk-based standards (refer to the MDE's Cleanup Standards for Soil and Groundwater (available at <http://www.mde.state.md.us>);
- Measurable standards based on site-specific risk assessments;
- Background levels;
- Federal or State soil standards and/or water quality standards;
- Standards based on federal or State MCLs; or
- Any other federal or State standards (e.g. ambient water quality criteria).

1.7 WITHDRAWAL PROVISIONS

VCP applicants and participants may withdraw from the VCP at anytime, including before or after approval of an application or RAP. The participant may also withdraw from the program after receipt of a COC and prior to completion of long-term monitoring or land use controls. An applicant or participant must provide ten days written notice of the anticipated withdrawal, stabilize and secure the property to the satisfaction of MDE to ensure protection of public health and the environment, and forfeit any application fees.

If an application, RAP or COC is withdrawn, any letter or COC issued to an applicant or participant shall be void. In addition, any bond or other security, as required by an approved RAP, shall be maintained by MDE for up to 16 months from the date of a RAP withdrawal. Further obligations after withdrawal differ for inculpable and responsible persons. After withdrawal, an inculpable person shall not be required by MDE to cleanup the property except in the event of new contamination or exacerbation of existing contamination, whereas a responsible person remains liable for existing contamination and may be subject to applicable enforcement action.

In addition to a voluntary withdrawal by an applicant or participant, MDE may withdraw an application or RAP in the following circumstances:

Failure to Provide Notice of Intent Following Application Approval: Within 30 days of receiving notification from MDE regarding approval of an application, a participant must inform MDE in writing whether the participant intends to proceed or withdraw from the program. If the participant fails to notify MDE, the application may be deemed withdrawn.

Failure of Participant to Resubmit a Revised RAP: After MDE notifies the participant that modifications to a proposed RAP are necessary before approval, and if the participant does not resubmit the plan within 120 days, MDE may consider the participant's application to be withdrawn.

Failure to Reach Agreement on Revised RAP Schedule: During implementation of a RAP, if the participant fails to meet the approved schedule and an agreement to revise the schedule cannot be reached with the participant, MDE may withdraw approval of the RAP. In this case, MDE may not require an inculpable person to complete the RAP. The inculpable person, however, would be required to secure and stabilize the property to ensure protection of public health and the environment. In addition, the inculpable person would remain liable for new contamination or the exacerbation of existing contamination. A responsible person would be required, upon withdrawal, to secure and stabilize the property and may be subject to an enforcement action.

1.8 FINANCIAL INCENTIVES

The DBED provides financial incentives to eligible participants in the VCP. These include low-interest loans, grants, and tax credits through the BRIP, administered by the DBED. No cost site assessments may be available through MDE's Brownfield Site Assessment Initiative.

1.8.1 Brownfields Revitalization Incentive Program

Source: DBED

Contact: Jim Henry, DBED, 410-767-6353

DBED administers the BRIP, which provides financial incentives for the redevelopment of Brownfields. Eligible Brownfield sites include properties that qualify for the VCP and properties subject to a corrective action plan for oil-contaminated sites. Generally, properties must be underutilized former industrial or commercial sites. Financial incentives are designed to stimulate redevelopment in areas where cleanup will have significant environmental, economic development and urban revitalization benefits.

Low-interest loans or grants for Phase I and Phase II environmental assessments: Available for conducting site assessments of potential Brownfield sites that have not already applied to participate in the VCP.

Tax credits: May be provided by local jurisdictions to participants who complete the VCP process for the difference on the assessed property value after pre- and post-cleanup and/or redevelopment. In order for a participant to receive tax credits, the local jurisdiction must pass an ordinance that comports with the tax credit provisions indicated in the BRIP. If the local government elects to enact the enabling ordinance, a prospective purchaser or developer can receive a property tax credit of 50 to 70 percent on the increased value of the property for five to seven years.

Low interest loans or grants for site remediation: Financial incentives are available to parties who have received inculpable person status from the VCP. Low interest loans and grants are available for the remediation of property. The inculpable person may submit an eligibility request for financial incentives to DBED at the same time an application is submitted to MDE for participation in the VCP. These incentives are also available to inculpable parties for oil-contaminated sites that have an MDE-approved corrective action plan under the OCP.

Low interest loans are also provided to responsible persons for site remediation. Economic development criteria are included in the statute for determining eligibility for the BRIP.

1.8.2 Brownfield Site Assessment Initiative

Source: Maryland Department of the Environment

Contact: Kim Lemaster, Land Restoration Program, 410-537-3440

The Brownfield Site Assessment Initiative was established by MDE to encourage the redevelopment and reuse of contaminated and potentially contaminated properties. The initiative, funded by U.S. EPA grants, is designed to help eligible property owners or prospective property owners determine the extent and type of contamination on their property. These environmental assessments are conducted free of charge.

Eligible participants: Property owners and prospective property owners are both eligible to participate. Owners and prospective purchasers of property interested in applying to the VCP may also apply for a Brownfields assessment, which will reduce the investigation costs associated with a VCP application.

Eligible properties: For eligibility, a property should meet the following conditions: have perceived or known contamination; be vacant or underutilized; be located in a commercial or industrial area; create jobs; and improve the local tax base following redevelopment. Eligible properties also include sites on the U.S. EPA CERCLIS and the State Master List. Please note that properties under active enforcement by MDE are not eligible to participate in the initiative.

How the Initiative works: If the property qualifies for the program, MDE staff will investigate past land uses and may conduct soil, surface water, sediment and groundwater sampling. For those properties that are only minimally contaminated, the U.S. EPA and MDE will issue letters stating that they have no further interest in the property based on the results of the assessment. For those properties moderately contaminated or requiring additional investigation, MDE will provide recommendations for actions that should be taken.

This service is administered on a first-come-first-serve basis beginning July of each calendar year and is open to both the public and private sector.

1.8.3 Clean Water State Revolving Loan Fund

Source: Maryland Department of the Environment

Contact: Jag Khuman, Water Quality Finance Administration, 410-537-3981

Low interest loans available for cleanup costs to complete approved cleanup plans for sites on the State Master List (commonly referred to as State Superfund sites or CERCLIS NFRAP sites) or in the VCP where water quality is an issue. This funding is provided to parties legally responsible for cleanup of sites of parties who have been accepted as applicants to the VCP.

1.8.4 Brownfields Cleanup Revolving Loan Fund (BCRLF)

Source: Maryland Department of the Environment

Contact: James Carroll, Land Restoration Program, 410-537-3437

The BCRLF provides low-interest loans and grants to cleanup and redevelop vacant or underutilized Brownfields properties throughout the State of Maryland. The BCRLF supports cleaning up and redeveloping abandoned or under-utilized Brownfield sites. These redevelopment efforts create new jobs and encourage economic expansion in chronically depressed urban industrialized areas.