



FACTS ABOUT: Voluntary Cleanup Program Eligible & Ineligible Properties & Applicants

The VCP status established criteria for determining what properties and/or applicants are eligible to participate in the Voluntary Cleanup Program (VCP).

Eligible Properties

Any property contaminated or perceived to be contaminated by hazardous substances or oil (petroleum) is eligible for participation in the VCP. The VCP statute specifically identifies the following properties as eligible for participating in the VCP:

- Sites listed on the Comprehensive Environmental Response, Compensation and Liability Act Information System (CERCLIS);
- Sites listed on CERCLIS and designated No Further Remedial Action Planned (NFRAP) by the federal government;
- Sites on the State Brownfield Master Inventory (BMI); and
- Sites under active enforcement if:
 - All applications for the property are filed by inculpable persons, as defined in Environment Article 7-501(j); and
 - Any RAP and cleanup criteria approved by Department are at least as protective of public health and the environment as the requirements of any outstanding enforcement action.

Ineligible Properties

The following are not eligible for participation in the VCP:

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



Eligible Applicants

Applicants for eligible properties may be property owners, commercial lenders, developers, prospective purchasers, lessees, innocent purchasers, and operators. A person who knowingly or willfully violated any law or regulation concerning CHS or oil (petroleum) is not eligible to participate in the VCP. Please note that the applicant must be able to record the final determination on the deed for the property upon completion of the VCP process regardless of current ownership.



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