

Facts About...

Voluntary Cleanup and Brownfields Program

Legislation establishing both a Voluntary Cleanup Program within the Maryland Department of the Environment (MDE) and a Brownfields Revitalization Incentive Program within the Maryland Department of Business and Economic Development (DBED) was passed by the General Assembly in February 1997. A copy of the legislation is available on MDE's home page at www.mde.state.md.us. On the homepage, scroll down on the left and click on "Maryland Voluntary Cleanup & Brownfields."

Persons wishing to apply to the Voluntary Cleanup Program must submit a completed application, a Phase I and Phase II environmental site assessment, a \$6,000 application fee and any other information concerning the property that the Department requires in order to evaluate the eligibility of the applicant and the property.

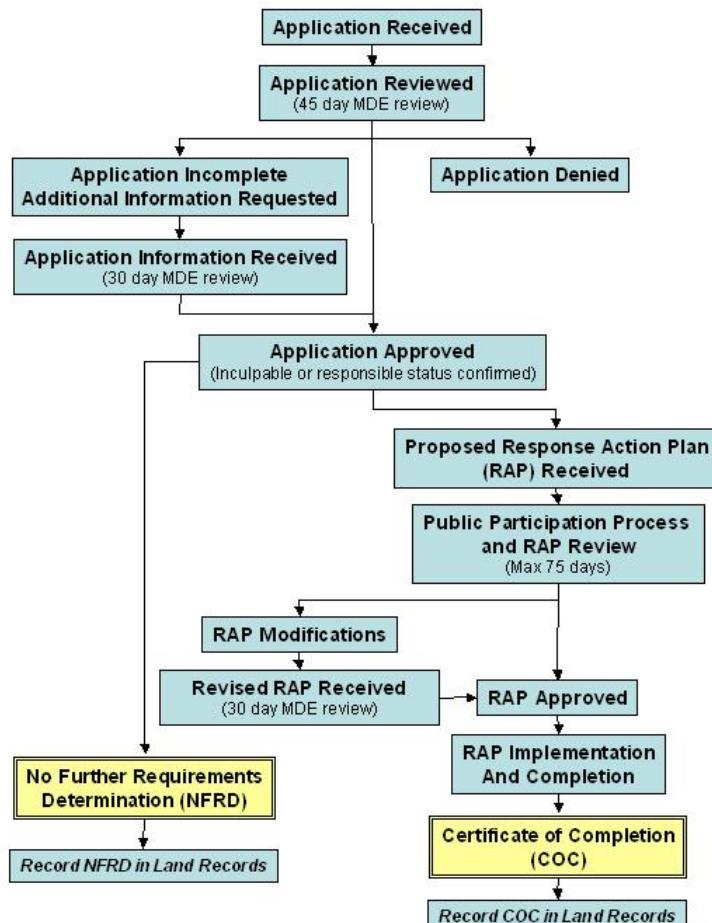
Eligible sites include:

- Sites listed on the Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS);
- Sites listed on CERCLIS and designated No Further Remedial Action Planned (NFRAP) by the federal government;
- Oil-contaminated sites; and
- Sites under active enforcement by the Department of the Environment when the applicant is an inculpable person.

Ineligible sites include:

- Sites on the National Priorities List (the federal Superfund list);
- Sites subject to a State controlled hazardous substance permit on currently operating facilities; or
- Sites contaminated after October 1, 1997, if owned by a responsible person.

A person who knowingly or willfully violated any law or regulation concerning controlled hazardous substances is **not** eligible to participate in the Voluntary Cleanup Program.



After reviewing the complete application package, MDE can approve the application, deny the application, or determine that the site has no further requirements related to the investigation of controlled hazardous substances at the eligible property. The “no further requirements” decision does not prevent MDE from taking action against responsible persons for previously undiscovered contamination or imminent and substantial threats to public health or the environment. It also does not prevent MDE from taking action against any person for new or exacerbated contamination.

Following MDE approval of the application, the participant develops a proposed response action plan, including a schedule for implementation and completion of the provisions of the plan. Upon submittal of the plan to MDE for approval, the public is given an opportunity to comment on the proposed remedial action plan or request a public informational meeting prior to approval.

A Certificate of Completion, which states that cleanup requirements have been met, is issued upon satisfactory completion of the provisions of the approval response action plan. The Certificate also includes certain liability assurances subject to “reopeners” or the setting aside of the Certificate to the environment or public health.

Brownfields Program

This program provides financial incentives for the redevelopment of brownfields, which are sites that either qualify for the Voluntary Cleanup Program or are contaminated by oil. To be eligible, these properties must be former industrial or commercial sites that pose a threat to public health or the environment. Sites located in densely populated urban centers that are substantially underutilized also qualify for the program. Funding will be available to prospective purchasers or other persons not responsible for the hazardous waste or oil contamination. Redevelopment of these sites will help revitalize industrial and commercial areas.

Local governments are encouraged to participate in the Brownfields Revitalization Incentive Program (BRIP). If the local government elects to participate, a prospective purchaser or developer can receive a 5-year and up to 70% property tax credit on the increased value of the property as a result of the cleanup.

A prospective purchaser or developer may submit an eligibility request for financial incentives to DBED at the same time an application is submitted to MDE for participation in the Voluntary Cleanup program. Economic development criteria are included in the Statute for determining eligibility for the BRIP.

For more information regarding the Voluntary Cleanup Program please contact James Carroll, Maryland Department of the Environment, at 410-537-3493. For more information regarding the Brownfields Revitalization Incentive Program, please contact Jim Henry, Maryland Department of Business and Economic Department, at 410-767-6353.