



## **Maryland Department Of The Environment Voluntary Cleanup Program**

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### **Section Two Applying to the Voluntary Cleanup Program**

Persons wishing to apply to the VCP must submit a completed application, a Phase I and, in most cases, a Phase II environmental site assessment, the appropriate application fee (see Section 2.2), and any other information concerning the property that MDE may require in order to evaluate the eligibility of the applicant and the property. The submittal of the Phase II environmental site assessment may be delayed until after the application and applicable fees are submitted. Alternatively, the applicant may submit a Phase II work plan in lieu of the Phase II environmental site assessment. The applicant is encouraged to discuss details of the work plan during the pre-application meeting.

#### **2.1 PRE-APPLICATION MEETINGS**

Pre-application meetings are strongly recommended to ensure that parties are familiar with the VCP application process and participation requirements. These meetings aid in the submittal of complete application packages and may reduce the time for approval of applications.

A pre-application meeting usually includes the applicant, the environmental consultant retained for the project, the project engineer or architect, and staff members of the VCP. Topics discussed at a pre-application meeting may include the following:

- Scope of the proposed project;
- Special conditions or time constraints (e.g. dates for property settlement);
- Previous sampling results;
- Proposed work plans for Phase II investigations;
- Cleanup standards; and
- General questions about the VCP and the application process.

MDE also encourages the applicant and environmental consultant to present the construction schedule and development plans for the property. Submittal of the schedule allows the VCP project managers to work with the applicant to efficiently coordinate the environmental and development activities at the property.

During the VCP application review process, it sometimes becomes apparent that environmental permits have expired or are due for renewal, or that on-site equipment is lacking the appropriate registration certificates. This is especially applicable to older underground storage tanks, which commonly lack registration certificates. Discharge permits for industrial process water, remediated groundwater, and the off-gas derived from various industrial processes may also be either outdated or missing.

Although VCP project managers do not conduct environmental compliance inspections at the applicant's property, site visits are conducted to determine if recognized environmental concerns are present. Frequently, potential RECs are related to an industrial process requiring an

environmental permit. By reviewing internal MDE files and prepared databases, VCP project managers also may note that certain industrial processes are occurring or have occurred on the property, or certain USTs are present on the property that have not been permitted or registered with the State or local authorities. The applicant will be notified if a permit or registration violation is noticed during the site review process, and the applicant will be expected to rectify the irregularity by contacting the appropriate State or local authority.

To schedule a pre-application meeting, please contact Jim Metz, Chief, VCP/Brownfields Division, at 410-537-3493.

## **2.2 VCP APPLICATION FEES**

Please refer to the table below to determine the appropriate fee to be submitted with the application. Please contact the Division Chief of the VCP with any questions.

<b>Fee Amount</b>	<b>Purpose</b>
\$6,000	Initial application fee for a property (may include contiguous properties) that may be reduced if financial hardship is adequately demonstrated.
\$2,000	Application fee for each subsequent application for the same property.
\$2,000	Application fee for each application submitted subsequent to the initial application for contiguous or adjacent properties that are part of the same planned unit development or similar development plan.
\$2,000	Fee for expedited inculpable person approval letter within five business days. The fee, a request letter from the applicant, a signed inculpable person affidavit and if available, a chain of title should be sent directly to the Chief of the Voluntary Cleanup Program.

All application fees should be made payable to the “Voluntary Cleanup Fund” and forwarded with the fee form (Attachment 1 of the VCP application) to the Maryland Department of the Environment, P.O. Box 1417, Baltimore, Maryland 21203, except as noted above when requesting expedited inculpable person approval.

The Department shall adopt regulations to establish criteria for determining whether an applicant has demonstrated financial hardship (Section 7-506(b), Environment Article, Annotated Code of Maryland).

## **2.3 VCP APPLICATION AND CHECKLIST**

A single application may be submitted for multiple contiguous parcels. Subsequent to the original application, additional contiguous parcels or as noted in the table above may apply to the program under a separate application and a \$2,000 application fee. If parcels are not contiguous, a separate application and a \$6,000 application fee must be filed for each non-contiguous parcel.

A request for expedited inculpable person approval may be made if the person meets the requirements of Section 7-506(a)(1)(i), (ii), and (iii) of the Environment Article and submits a \$2,000 fee with the written request. The inculpable person approval will expire if the application

and applicable application fees are not filed with MDE within six months after the notice of inculpable person approval.

Applicants should ensure that all information detailed in the Phase I and Phase II guidance document and in the application checklist have been included with the application. The application checklist is included as Attachment III of the application. Both documents are available on the MDE website, <http://www.mde.state.md.us/brownfields>, and as Attachment 1 of the VCP Guidance Document.

Applicants are encouraged to complete the checklist to help expedite the review of the application package. VCP staff will use the checklist to verify that an application package is complete and will notify the applicant of missing items and any other deficiencies. If the applicant is completing a Phase I, Phase II or other environmental assessment solely for submittal to the VCP, the reports can be tailored to include those items listed in the checklist.

All reports, sample results, plans, response to comments, and other supplemental materials submitted subsequent to the initial application package must be accompanied by another signed statement of certification (see Section XIV of the VCP application).

## **2.4 PUBLIC NOTICE REQUIREMENTS UPON SUBMISSION OF APPLICATION**

Upon submission of an application to MDE, the applicant must also post a notice at the property with the following information:

- The name and address of the applicant and the property;
- The name, address, and telephone number of the office within MDE from which information about the application can be obtained; and
- The deadline for the 10 business day time period during which MDE will receive and consider written comments from the public.

In addition to the above information, the notice at the property must:

- Be located in the area of the property with the greatest visibility and highest volume of traffic;
- Be at least six (6) feet wide by four (4) feet high; and
- Remain standing, and its printed message maintained in a legible condition, for the entire comment period.

The applicant is requested to submit photographs, either digital or print, documenting that the sign is located in an area with high visibility and traffic volume and that text is properly printed in accordance with the template (see Attachment 6). In addition to the public notice posted at the property, MDE will post a notice of the application on the MDE website, <http://www.mde.state.md.us/brownfields>.