Technical Review Service

What You Need to Know

The Technical Review Service (TRS) is a Land Restoration Program project review, oversight, and closure process available to property owners, prospective purchasers, developers, lenders, and other interested parties, trying to address environmental contamination issues involving controlled hazardous substances (CHS). While unable to address petroleum contamination, grant liability limitations, or offer a path to redevelopment tax incentives, for many sites, it is often an effective way of resolving contamination issues hindering productive property use.

The typical TRS process includes: (1) Submission of TRS Request Package; (2) Request Processing and Review; (3) Additional Investigation and/or Information Gathering; (4) Environmental Management Plan (EMP) Development and Approval; (5) EMP Implementation; (6) EMP Completion Report Development and Approval; (7) Interim Project Closure Letter; (8) Environmental Covenant Development and Recordation; (9) Project Closure Letter; (10) Project Closeout.

While the TRS uses the same basic site investigation, data collection, risk evaluation, and remediation methods as the Voluntary Cleanup Program (VCP), there are notable differences between the two. For this reason, participants seeking a VCP closure by way of the TRS process need to work with TRS and VCP staff as early in the TRS process as possible to ensure a seamless transfer from one to the other. The major differences between the TRS and VCP are as follows:

TRS
Problem area focused; regulatorily able to address PFOA and PFOS, but not petroleum contamination; a discretionary service that the LRP can choose to perform, or not, as it sees fit; has no legally mandated rules or timeframes associated with it; cannot provide liability limitations to landowners; cannot provide a path to redevelopment tax incentives.

VCP
Parcel focused; regulatorily able to address petroleum contamination, but not PFOA and PFOS contamination (currently); a legally mandated program, has legally mandated rules and timeframes; can provide liability protections and/or a path to redevelopment tax incentives to landowners.

TRS Enrollment Process

To enroll, the requester mails or emails a completed request letter (Attachment 1) and copies of any associated environmental reports to the Chief of the State Assessment and Remediation Division (Brian Dietz, bdietz@maryland.gov, 410-537-3488). The requester will be notified

when the request package has been received, processed, and a project manager has been assigned to the case. TRS requests are prioritized for review and response in the order in which they are received, but competing project commitments can slow the turnaround to as long as sixty (60) days. There are no regulatory deadlines associated with the TRS process, but the LRP does its best to accommodate requesters' schedules, and it is helpful for us to know of any pressing time constraints associated with the project as early in the process as possible. Request responses can take different forms depending on the project manager and circumstances of the case; in general, however, they usually entail document review, technical comments, meetings, investigation and/or remediation plan development and implementation. Well-developed site assessments, sampling plans, and EMPs by the participant's environmental consultant will also be important for tight timelines. Completion of the TRS process is marked by the issuance of a Site Status Letter, which may or may not include a requirement for the implementation of land use controls at the property using an environmental covenant recorded in the local land records.

Cost Recovery

The LRP recovers costs for staff time spent on its project oversight. Service fees are billed twice a year and are calculated based on the number of hours billed and the fully loaded billing rate(s) of the LRP staff working on the project. The rates are based on the salary schedules (established annually by the Maryland Department of Budget and Management) of the staff involved and the associated fringe and indirect costs. Typical billing rates range from $50 to $100 per hour.