

Program Overview

Program Name: Maryland Department of the Environment (MDE)

Summary: The Brownfields Revitalization Incentive Program was established in February 1997 as part of Maryland's Smart Growth policy. This program is intended to

promote economic development, especially in distressed urban areas, by identifying and redeploying underutilized properties. http://mde.maryland.gov/programs/Land/MarylandBrownfieldVCP/Pages/programs/landprograms/errp_brownfields/default.aspx

Established by the state legislature in 1997, Maryland's Voluntary Cleanup Program (VCP) is administered by the Maryland Department of the Environment (MDE) Land Management Administration's (LMA) Land Restoration Program (LRP) to provide state oversight for voluntary cleanups of properties contaminated with hazardous substances. http://mde.maryland.gov/programs/Land/MarylandBrownfieldVCP/MDVCPInformation/Pages/programs/landprograms/errp_brownfields/vcp_info/index.aspx

Website: <http://www.mde.Maryland.gov/Pages/Home.aspx>

Funding Source(s) for the Program: State general fund (10%), the state cleanup fund (10%), and federal grants (80%)

Cost to enter program or fees for service: An initial fee of \$6,000 is collected from the first participant and all subsequent applications pay a \$2,000 fee.

Sites Enrolled in VCP: As of February 2017, 678 have been accepted into the VCP.

Sites Completed under VCP: As of February 2017, 537 sites have received either a No Further Requirements Determination or a Certificate of Completion (COC).

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Assessment and Cleanup Funding

A variety of grants, loans, and technical assistance are available to assist with brownfields reuse projects. http://www.mde.maryland.gov/programs/Land/MarylandBrownfieldVCP/Pages/programs/landprograms/errp_brownfields/bf_info/bffunding.aspx

Incentives

Tax credits may be extended to 10 years in designated Enterprise Zones (EZ); incentive available in jurisdictions which agree to contribute 30% of the increase to the state's Brownfields Revitalization Incentive Fund.

Liability Relief Provisions

- ▶ VCP offers COCs or No Further Requirements Determination; sites contaminated after October 1, 1997, listed on the National Priorities List (NPL), or under active enforcement are not eligible.
- ▶ Maryland has strict, joint, and several liability designations, but provides for apportionment where there is a reasonable basis for determining a party's contribution. Under state law, the state program may impose liability for cleanup of substances disposed of before the date program was enacted. State has civil penalty authority up to \$25,000 per violation. Punitive damages are not available.
- ▶ Through the VCP, certain purchasers who did not cause or contribute to contamination may limit their retroactive liability upon purchase of the property. Amendments effective October 1, 2004 clarify that a

person who is not a "responsible person" because he meets one of the statutory exclusions is entitled to "inculpable person" status.

Methods/Standards/Controls

VCP provides a menu of cleanup options: uniform risk-based standards; sitespecific risk assessment; federal /state soil standards or water quality standards; federal /state maximum contaminant levels (MCLs); and other federal/state standards. Site-specific risk assessments follow a Risk-Based Corrective Action (RBCA)-like process. http://www.mde.maryland.gov/programs/Land/MarylandBrownfieldVCP/Pages/programs/landprograms/errp_brownfields/forms/index.aspx

Contaminants Managed

Asbestos: With Conditions - Polychlorinated biphenyls (PCBs) and oil (as of October 1, 2004) are covered; other contaminants accepted conditionally-petroleum (not exclusively, but along with other contaminants); and paint and asbestos (as long as they comply with all other applicable laws and regulations).

Lead: With Conditions - Polychlorinated biphenyls (PCBs) and oil (as of October 1, 2004) are covered; other contaminants accepted conditionally-petroleum (not exclusively, but along with other contaminants); and paint and asbestos (as long as they comply with all other applicable laws and regulations).

PCBs: Yes

Petroleum and Fuels: With Conditions - Polychlorinated biphenyls (PCBs) and oil (as of October 1, 2004) are covered; other contaminants accepted conditionally-petroleum (not exclusively, but along with other contaminants); and paint and asbestos (as long as they comply with all other applicable laws and regulations).

Other Contaminants: No

Related Programs

Oil Control Programs

http://www.mde.state.md.us/programs/Land/OilControl/OilControlProgram/Pages/Programs/LandPrograms/Oil_Control/pollutionmanagement/index.aspx

Hazardous Waste Program

<http://www.mde.maryland.gov/programs/Land/HazardousWaste>