

SENATE BILL 718

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3lr0102

By: **Chair, Education, Energy, and the Environment Committee (By Request – Departmental – Environment)**

Introduced and read first time: February 6, 2023

Assigned to: Education, Energy, and the Environment

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 28, 2023

CHAPTER _____

1 AN ACT concerning

2 **Voluntary Cleanup Program – Determination and Recordation Deadlines**

3 FOR the purpose of altering determination and recordation deadlines for the Voluntary
4 Cleanup Program; and generally relating to the Voluntary Cleanup Program.

5 BY repealing and reenacting, without amendments,
6 Article – Environment
7 Section 7–501(a), (c), (g), (h), (j), (k), and (n) and 7–514(d)(2)
8 Annotated Code of Maryland
9 (2013 Replacement Volume and 2022 Supplement)

10 BY repealing and reenacting, with amendments,
11 Article – Environment
12 Section 7–506(e)(1) and (i)(1), 7–513(a), and 7–514(d)(1)
13 Annotated Code of Maryland
14 (2013 Replacement Volume and 2022 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
16 That the Laws of Maryland read as follows:

17 **Article – Environment**

18 7–501.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) In this subtitle the following words have the meanings indicated.

2 (c) “Applicant” means a person who applies to participate in the Voluntary
3 Cleanup Program.

4 (g) (1) “Eligible property” means property that is contaminated or perceived to
5 be contaminated.

6 (2) “Eligible property” does not include property that is:

7 (i) On the national priorities list under § 105 of the federal act;

8 (ii) Except as provided in paragraph (3)(i) of this subsection, under
9 active enforcement; or

10 (iii) Subject to a controlled hazardous substances permit issued in
11 accordance with this title.

12 (3) (i) “Eligible property” includes a site under active enforcement if:

13 1. All applications filed in connection with the property are
14 filed by inculpable persons; and

15 2. Any response action plan and cleanup criteria approved by
16 the Department under this subtitle is at least as protective of public health and the
17 environment as the requirements of any outstanding active enforcement action.

18 (ii) “Eligible property” includes sites listed on the Superfund
19 Enterprise Management System or the Comprehensive Environmental Response,
20 Compensation, and Liability Information System.

21 (h) “Federal act” has the meaning stated in § 7–201(j) of this title.

22 (j) (1) “Inculpable person” means a person who:

23 (i) Has no prior or current ownership interest in an eligible property
24 at the time of application to participate in the Voluntary Cleanup Program; and

25 (ii) Has not caused or contributed to contamination at the eligible
26 property at the time of application to participate in the Voluntary Cleanup Program.

27 (2) “Inculpable person” includes:

28 (i) A successor in interest in an eligible property acquired from an
29 inculpable person, as defined in paragraph (1) of this subsection, if the successor in interest
30 does not have a prior ownership interest in the eligible property and, other than by virtue

1 of ownership of the eligible property, is not otherwise a responsible person at the eligible
2 property; and

3 (ii) Notwithstanding paragraph (1)(i) of this subsection, a person
4 who is not considered a responsible person under § 7-201(t)(2) of this title.

5 (k) "Participant" means an applicant accepted into the Voluntary Cleanup
6 Program.

7 (n) "Responsible person" has the meaning stated in § 7-201(t) of this title.

8 7-506.

9 (e) (1) (i) The Department shall notify the applicant in writing, within [45]
10 **60** days after receipt of the application, whether:

11 1. The application, including the applicant's status as a
12 responsible person or an inculpable person, is approved;

13 2. The application is denied or incomplete; or

14 3. The Department has no further requirements related to
15 the investigation of controlled hazardous substances at the eligible property as provided in
16 paragraph (3) of this subsection.

17 (ii) If the Department denies the application or determines that the
18 application is incomplete, the Department shall provide to the applicant the reasons for its
19 decision in writing.

20 (i) (1) If a determination by the Department that it has no further
21 requirements is conditioned on certain uses of the property or on the maintenance of certain
22 conditions, the participant shall ~~record the determination~~ **PROVIDE WRITTEN EVIDENCE**
23 **TO THE DEPARTMENT THAT THE DETERMINATION WAS PRESENTED FOR**
24 **RECORDATION** in the land records of the local jurisdiction within [30] **60** days after
25 receiving the determination.

26 7-513.

27 (a) (1) Upon completion of the requirements of the response action plan, the
28 participant shall notify the Department in writing that the response action plan has been
29 completed.

30 (2) Within [30] **60** days after receipt of the notice of completion under
31 paragraph (1) of this subsection:

1 (i) The Department shall review the implementation and
2 completion of the response action plan at the eligible property; and

3 (ii) If the Department determines that the requirements of the
4 response action plan have been completed to the satisfaction of the Department and the
5 response action plan has achieved the cleanup criteria, the Department shall issue a
6 certificate of completion.

7 7-514.

8 (d) (1) If a certificate of completion is conditioned on the permissible use of the
9 property, the participant shall ~~record the certificate of completion~~ **PROVIDE WRITTEN**
10 **EVIDENCE TO THE DEPARTMENT THAT THE CERTIFICATE OF COMPLETION WAS**
11 **PRESENTED FOR RECORDATION** in the land records of the local jurisdiction within [30]
12 **60** days after receiving the certificate.

13 (2) If the certificate of completion has a conditioned use and the participant
14 fails to record the certificate of completion in the land records in accordance with paragraph
15 (1) of this subsection, the certificate of completion shall be void.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2023.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.