

SENATE BILL 718

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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

A BILL ENTITLED

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.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

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

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

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

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

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

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

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

24 (2) “Inculpable person” includes:

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

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

1 (k) "Participant" means an applicant accepted into the Voluntary Cleanup
2 Program.

3 (n) "Responsible person" has the meaning stated in § 7-201(t) of this title.
4 7-506.

5 (e) (1) (i) The Department shall notify the applicant in writing, within [45]
6 60 days after receipt of the application, whether:

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

9 2. The application is denied or incomplete; or

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

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

16 (i) (1) If a determination by the Department that it has no further
17 requirements is conditioned on certain uses of the property or on the maintenance of certain
18 conditions, the participant shall record the determination in the land records of the local
19 jurisdiction within [30] 60 days after receiving the determination.

20 7-513.

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

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

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

28 (ii) If the Department determines that the requirements of the
29 response action plan have been completed to the satisfaction of the Department and the
30 response action plan has achieved the cleanup criteria, the Department shall issue a
31 certificate of completion.

32 7-514.

1 (d) (1) If a certificate of completion is conditioned on the permissible use of the
2 property, the participant shall record the certificate of completion in the land records of the
3 local jurisdiction within ~~[30]~~ **60** days after receiving the certificate.

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

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