

MDE (SB0718) Support.pdf

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The Maryland Department of the Environment
Secretary Serena McIlwain

SB0718

Voluntary Cleanup Program - Determination and Recordation Deadlines

Position: Support

Committee: Education, Energy, and the Environment

Date: February 23, 2023

From: Gabrielle Leach

The Maryland Department of the Environment (MDE) **SUPPORTS** Senate Bill 718. This bill would increase the time for MDE personnel to review Voluntary Cleanup Program (VCP) applications and issue Certificates of Completion as well as increase time for VCP participants to record final determinations in local land records.

The bill increases the recording time for No Further Requirements Determinations and Certificates of Completion by VCP participants from 30 to 60 days. It also increases the time for MDE to review and approve or deny a VCP application from 45 to 60 days and to review remedial action completion and issue a Certificate of Completion from 30 to 60 days.

Position Rationale

Increasing the time for recording determinations in local land records will assist in preventing VCP participants, often at no fault of their own, from having their closure documents voided after successful completion of the VCP. These documents require in-person signatures, which increases the time before a document can be presented for recording. The number of out-of-state participants has escalated in recent years, as has the number of property owners listed as holders in the closure documents. The number of VCP applications have increased significantly with 57 in 2021 and 71 in 2022. Over the ten years prior, the numbers of applications were in the 40s, with an average of 46, while at the same time staffing was reduced. In order to meet the statutory deadlines and for review and approval of increasingly complex sites with VCP applications and Response Action Plans, the additional time is necessary.

Increasing the time for VCP staff to review increasingly numerous and complex VCP applications and Response Action Plan completion reports will allow MDE personnel to meet statutory deadlines and ensure protection of human health and the environment with thorough reviews of both documents.

For the reasons detailed above, MDE urges a **FAVORABLE** report for SB 718.

SB 718 - Voluntary Cleanup Program - Determination

Uploaded by: Tom Ballentine

Position: FWA



February 22, 2023

The Honorable Brian J. Feldman, Chair
Education, Energy, and the Environment Committee
Miller Senate Office Building, 2 West
Annapolis, MD 21401

Favorable w Amendment: SB 718 – Voluntary Cleanup Program – Determination and Recordation Deadlines

Dear, Chair Feldman and Committee Members:

HB 718 extends deadlines for the Maryland Department of Environment (MDE) to respond to documents, applications and confirm completion of action plans related to remediation of contaminated sites through its Voluntary Cleanup Program.

The bill requires that documents issued by MDE confirming that remediation is complete such as, “Certificate of Completion” or “No Further Requirements Determination” must be recorded in the land records by the property owner within a 30-day window.

The property owner has control over when the documents are presented to the local jurisdiction for recording but no control over when the documents will be recorded. If the documents are not recorded inside the time limit established in the bill the documents must be reissued by MDE and the property owner must present them again for recording in the land records.

To address this issue, we request the bill be amended to require that the property owner provide MDE with confirmation that the documents were presented for recording within the time frame specified in the bill. This change would remove the possibility that the documents would expire simply because the time needed for recordation does not align with the time limits in SB 718. We recommend the following change:

Page 3, Line 18: Immediately following the words “participant shall”, insert “provide written evidence that the determination was presented for recordation”. In the same Line, strike the word “record”.

Page 4, Line 2: Immediately following the words “participant shall”, insert “provide written evidence that the certificate of completion was presented for recordation”. In the same Line, strike the word “record”.

NAIOP respectfully recommends your favorable with amendments report on Senate Bill 718.

Sincerely,

A handwritten signature in blue ink that reads "Tom Ballentine".

Tom Ballentine, Vice President for Policy
NAIOP Maryland Chapters -*The Association for Commercial Real Estate*

cc: Education, Energy and the Environment Committee Members
Nick Manis – Manis, Canning Assoc.