



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.