



Land Restoration Program – Technical Review Service

What You Need to Know

The Land Restoration Program (“LRP”), through its State Assessment and Remediation Division (“SAR”), accepts requests to review and comment on site-related environmental documents for an interested party (“Requester”). These parties can include property owners, developers, and prospective purchasers. The interested party can request this service in writing using the letter template provided in Attachment 1. The site-related documents can cover a variety of activities. Typically these activities include work plans, environmental investigation reports, soil management plans, proposed sampling strategies, and/or remediation plans and reports. Once the LRP’s review is complete, it provides the Requester with a written summary. The written summary can cover a variety of possible outcomes. The outcomes can range from the issuance of a No Further Action determination (if appropriate) to the execution of one or more land use controls. It can also include a request for additional investigation and/or information or the development and implementation of a remedial action.

Cost Recovery for Technical Review Service

To perform these services, the LRP cost recovers for the time it spends on document review, drafting letters, attending meetings, conducting site visits, and/or consulting with the requestor and requestor’s representatives. The billing rates are based on the class, step and grade of the LRP personnel working on the project. Each year, the Maryland Department of Budget and Management publish a salary schedule for each class. In addition to the direct hourly labor rate, LRP includes fringe and indirect costs when calculating the fully loaded billing rate for LRP personnel working on the project. While the rates vary slightly with time and generally range from about \$50 to \$70 per hour. To put this into perspective, the total charge for straightforward review cases generally amounts to about \$500 to \$1,500. The LRP bills its clients on a semi-annual basis.

The Technical Review Process

LRP’s technical review process is comprised of seven (7) basic steps:

1. LRP receives request letter and copies of the documents to be reviewed from the Requester/Requester’s representative (“R/RR”). The letter and documents can be sent by mail or electronically and should be directed to Brian Dietz at the Maryland Department of the Environment, Land Restoration Program, 1800 Washington Boulevard, Suite 625, Baltimore, MD 21230 or bdietz@maryland.gov.
2. LRP logs request, assigns the request a project manager (“PM”), sets up a cost-recovery billing account, and connects the “R/RR” to the assigned PM.
3. PM contacts the R/RR to discuss the project scope and work out an acceptable review and response schedule. The LRP does its utmost to set schedules that are sensitive to R/RR project schedules; however, PM workloads vary from week-to-week and the R/RR should allow for a review-to-response duration of about 60 days, starting from the time the LRP receives the review request letter.



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4. PM reviews submitted materials and consults with the R/RR, as needed, to resolve questions that come up during the review process.
5. LRP Site Visit. In certain circumstances, the PM may conduct a site visit. This is an optional step that is left up to the PM's discretion in light of case specifics.
6. PM provides R/RR with a written summary of findings. The summary of findings may be transmitted to the R/RR verbally, electronically, or via formal correspondence. The transmittal method is typically determined on a case-by-case basis. PM review findings typically consist of a list of project data gaps that need to be addressed in order for the LRP to make a final ruling on the case; however, there are instances where there are no problematic findings and the PM sends the R/RR draft sign-off language for review and comment before preparing a final response letter.
7. LRP issues R/RR a final sign-off letter. Sign-off is generally contingent on the R/RR performing additional investigation, completing a remedial action, implementing a site management plan, and/or executing an environmental covenant to mitigate potential exposure hazards. It is not uncommon for the LRP to issue R/RR pre-sign-off letters to bridge the gap between the request and completion of the additional action(s).

Some Things to Keep in Mind about the Process...

- Petroleum-related issues are not covered by LRP's technical review process. Such issues are the statutory responsibility of the Department's Oil Control Program ("OCP"). The OCP offers a similar, but slightly different, review service. More information on that process can be obtained from Andrew Miller in the OCP at andrew.miller@maryland.gov.
- Common data gaps cited in previous LRP technical review findings have included a lack of: (a) surface soil sampling data that can be used to assess exposure risk; (b) information on groundwater depth and flow direction; (c) site use history; and (d) exposure pathway evaluation (esp. the vapor intrusion pathway).
- It cannot be emphasized enough that with a more thorough the site characterization, the LRP can provide a stronger determination letter.

The following format should be used when requesting Land Restoration Program (LRP) project oversight services. The letter should be prepared on site owner/representative letterhead and signed by an authorized site owner/representative. Similarly, the billing information provided in the letter should be that of the site owner/representative, unless the site owner/representative explicitly designates the use of another billing entity.

<Date>

Mr. Brian Dietz, Chief
Maryland Department of the Environment
Land Restoration Program
State Assessment and Remediation Division
1800 Washington Boulevard, Suite 625
Baltimore, MD 21230-1719

Re: <Project Name>
<Project Address>

Dear Mr. Dietz:

<State the nature of your request and describe any documents associated with the request. Identify the entity or person making the request and provide a brief explanation for making the request.>

Example of the 1st paragraph from an existing request letter:

“The ABC Company hereby requests that the Land Restoration Program of the Maryland Department of the Environment review the attached Phase I and Phase II reports of discovery, detailing investigations conducted at the above-referenced subject property and issue a site status letter to the ABC Company. An application for re-financing of the subject property is pending with Central Bank. The lender (Central Bank) has expressed concerns regarding the presence of chlorinated solvents detected in an air sample collected in the tenant space located at 222 Baker Street and in a groundwater sample collected from a temporary well that was installed just west of the 222 Baker Street tenant space.”

<Confirm your understanding that the LRP will be charging you for its oversight time associated with the requested service. Provide the address and contact information for where the LRP should direct its invoices.>

Example of the 2nd paragraph from an existing request letter:

“The ABC Company understands that a fee will be charged for the requested service. The ABC Company’s billing address is:

*11 East Tomes Street
Baltimore, MD 21202
Attention: Katherine Howard, ESQ.*

<Confirm the name and address where the site status letter should be directed.>

Example of the 3rd paragraph and closing from an existing request letter:

“The site status letter should be addressed to Mr. Paul Devins, and mailed to the same address as mine.”

Thank you for your attention to this matter. We look forward to your response.

Sincerely,

*Katherine Howard, Esq.
Telephone: 410-562-2370
Email: khoward@mgmt.com*

Attachments: Phase I and II reports