



Maryland Department Of The Environment Voluntary Cleanup Program

Section 5.0 No Further Requirements Determination (NFRD)

The decision to issue a No Further Requirements Determination (NFRD) depends on several factors; 1) the results of a data screen risk evaluation and/or the results of the site-specific toxicological evaluation; 2) current and intended future VCP land use; and, 3) whether cleanup activities are limited to soil contamination hot spot removal under an Interim Removal Measure (IRM). If the eligible property meets the appropriate cleanup criteria, MDE will issue a NFRD, upon approval of the VCP application, stating that there are no further requirements related to the investigation of controlled hazardous substances at the property (*See Attachment 6 –Sample NFRD*). The NFRD is based on a VCP-specific land use category, such as residential, limited residential, commercial or industrial (*See Section 1.4.1*). The NFRD may also contain certain physical maintenance requirements, such as excavation notification, maintenance of existing asphalt/concrete pavement, soil disposal requirements, or a groundwater use prohibition (*See Section 5.1*).

Filing in Land Records: A NFRD issued for a property that includes land use restrictions and physical maintenance requirement(s) must be recorded in the local land records office by the property owner within 30 days following receipt. This recording ensures that future property owners are aware of the land use restrictions and physical maintenance requirements.

If the participant is unable to record the NFRD in the local land records within 30 days, please contact Jim Metz, Voluntary Cleanup Program at 410-537-3493 to request an extension.

5.1 PHYSICAL MAINTENANCE REQUIREMENTS FOR NFRDS

An NFRD may be conditioned upon one or more physical maintenance requirements discussed below:

Groundwater Use: No use of groundwater beneath this property for any purpose.

Soil Disposal: All excavated soil on the property shall be analyzed before disposal and the analytical results shall be the basis for appropriate disposition of the material in strict accordance with applicable local, State and federal laws and regulations. No excavated material shall be disposed in areas intended for residential use (*applicable to properties issued NFRDs for commercial/industrial future use*). Use appropriate dust control measures and perform air monitoring to ensure that all worker protection requirements are met during future excavation activities.

Asphalt and Concrete Maintenance: Maintain the asphalt pavement and/or concrete covering the entire contiguous property or applicable portion of the property (include a site map) to prevent any exposure to soil by any person on the property.

Excavation Notification: To ensure that soil contamination remains inaccessible to human receptors via inhalation and dermal contact, the property owner must submit written notification, to the attention of the Division Chief of the Voluntary Cleanup Program, a minimum of 30 days prior to constructing any on-site buildings, disturbing any existing paved areas, and/or performing any future subsurface excavations on the property.