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SENATE BILL NO. 752

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Agriculture, Conservation and Natural Resources
on February 4, 2008)

(Patron Prior to Substitute—Senator Herring)

A BILL to amend the Code of Virginia by adding a section numbered 10.1-1232.1, relating to voluntary remediation plans for brownfield sites.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 10.1-1232.1 as follows:

§ 10.1-1232.1. Public notice; hearings.

Upon a determination of an applicant's eligibility to participate in the Voluntary Remediation Program, the Department shall provide written notice to each person who is the record owner of a property that abuts or lies within 100 feet of the boundary lines of the property that is the subject of the application. Notice shall also be given promptly to each person who is the record owner of property that is identified as contaminated by a release on the applicant's property. The Department shall also publish a notice in a newspaper of general circulation in the area affected by the voluntary action. All notices shall include: (i) the name and address of the participant and the location of the proposed voluntary remediation; (ii) a brief description of the remediation, the general nature of the release, and any proposed land use controls; (iii) the address and telephone number of a specific person familiar with the remediation from whom information regarding the voluntary remediation may be obtained; and (iv) a brief description of how to submit comments. A public comment period of at least 30 days shall follow the issuance of notice. Any person to whom notice is required and who has submitted comments may request a hearing under § 2.2-4020 on the Department's approval of a voluntary remediation plan. The decision to grant a hearing under § 2.2-4020 shall be solely at the discretion of the Director and not be subject to judicial review.-

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