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SENATE BILL NO. 752

Offered January 18, 2008

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.*

Patron—Herring

Referred to Committee on Agriculture, Conservation and Natural Resources

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.

A. Upon a determination of an applicant's eligibility to participate in the Voluntary Remediation Program and at least 60 days prior to the adoption of a voluntary remediation plan, 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, and each person who is the record owner of a property that may be 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.

B. The Department shall not issue any certificate of satisfactory completion of remediation if any substance or element listed in regulations adopted pursuant to the federal Safe Drinking Water Act, (42 U.S.C. § 300f et seq.) has been found on the subject property and in groundwater concentrations in excess of the applicable maximum contaminant level unless each person to whom notice is required in subsection A consents to such issuance in writing.

C. Any person to whom notice is required in subsection A shall have the right, upon demand, to a hearing under § 2.2-4020 on the Department's approval of a voluntary remediation plan or issuance of a certificate of satisfactory completion of remediation.

D. The Department's failure to comply with the provisions of this section shall bar and void the approval of a voluntary remediation plan and issuance of a certification of satisfactory completion of remediation for the subject property.

INTRODUCED

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