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HOUSE BILL NO. 952

Offered January 10, 2018

Prefiled January 9, 2018

A *BILL to amend and reenact § 10.1-1186.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 10.1-1428.1, relating to hazardous waste sites; inventory; notice of inactive sites.*

 Patron—Lopez

 Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-1186.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 10.1-1428.1 as follows:

§ 10.1-1186.1. Department to publish toxics inventory and hazardous waste site inventory.

A. For purposes of this section:

"Facility" means the same as that term is defined in § 101 (9) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (2 U.S.C. § 9601 et seq.), as amended (CERCLA).

"Hazardous substance" means the same as that term is defined in § 101 (14) of CERCLA.

"Nonfederally managed hazardous waste site" means any site in the Commonwealth where a release of a hazardous substance or oil has occurred from a facility.

"Oil" means the same as that term is defined in § 62.1-44.34:10.

"Release" means the same as that term is defined in § 101 (22) of CERCLA.

B. The Department of Environmental Quality shall publish in March of each year the information reported by industries pursuant to 42 U.S.C. § 11023 in its document known as the "Virginia Toxic Release Inventory." The report shall be (i) organized by chemical, facility and facility location, and standard industrial classification code, and (ii) distributed to newspapers of general circulation and television and radio stations. The report shall include the information collected for the most recent calendar year for which data is available prior to the March publication date.

C. The Department shall publish by July 1, 2019, and update on an annual basis thereafter, a report known as the "Virginia Nonfederally Managed Hazardous Waste Site Inventory." A nonfederally managed hazardous waste site of which the Department is aware shall be listed in the inventory if it (i) has been subject to disclosure or voluntary remediation pursuant to Chapter 12.1 (§ 10.1-1230 et seq.); (ii) has managed a substance within the jurisdiction of the Waste Management Board (the Board), including a solid waste, hazardous waste, hazardous substance, or other substance; (iii) is a site where any person has been required or has volunteered to conduct a remedial action under an order or regulation of the Board; (iv) was reported to the Department's Pollution Response Program after December 31, 2014, and, in the judgment of the Director, poses a continuing risk to public health or the environment; (v) is listed on the U.S. Environmental Protection Agency's Superfund Enterprise Management System (SEMS); or (vi) is a site where a release of oil has been reported to the Department pursuant to regulations adopted by the State Water Control Board.

The report shall list the sites in decreasing order of risk to public health and the environment. For each site, the report shall include, at a minimum, the name and address of the current owner; the date of release of hazardous substances, if known; the principal hazardous substances known or believed to be located at the site; the time period of remedial or corrective action; and any impediments to remedial or corrective action.

The list shall not include any site (a) on which the hazardous substance release was permitted by law; (b) that has been listed on the federal National Priorities List, 40 C.F.R. Part 300, Appendix B; or (c) where fertilizer, pesticides, or herbicides have been applied to land or water in the ordinary course of business.

§ 10.1-1428.1. Inactive nonfederally managed hazardous waste sites.

A. The Board shall adopt regulations that include a format and checklist for the submission of information relevant to inactive nonfederally managed hazardous waste sites as defined in § 10.1-1186.1.

B. Beginning July 1, 2018, within 90 days of the date on which an owner, operator, or responsible party knows or should know of the existence of an inactive nonfederally managed hazardous waste site, such person shall submit to the Director all site information that is known or readily available to him. The owner, operator, or responsible party shall certify under oath that, to the best of his knowledge and belief, the information is complete and accurate.

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