



## Proposed Regulation Agency Background Document

<b>Agency name</b>	Virginia Waste Management Board
<b>Virginia Administrative Code (VAC) citation</b>	9VAC20-160
<b>Regulation title</b>	Voluntary Remediation Regulations
<b>Action title</b>	Proposed Amendment 2 - Voluntary Remediation Regulations
<b>Date this document prepared</b>	May 3, 2010

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Brief summary

*In a short paragraph, please summarize all substantive provisions of new regulations or changes to existing regulations that are being proposed in this regulatory action.*

The Voluntary Remediation Regulation was last amended in 2002 and became effective as a final regulation on July 1, 2002. Based on a 4-year periodic review, it was determined that the regulations needed to be updated to include current remediation levels; sampling and analysis methods; improved reporting requirements; and clarification of eligibility, termination, and application requirements. Amendment 2 proposes updates to the regulation and revisions to the procedures of the program so that contaminated sites can be processed more efficiently and to reflect changes in technology.

### Legal basis

*Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. The identification should include a reference to the agency/board/person's overall regulatory authority, as well as a specific provision authorizing the promulgating entity to regulate this specific subject or program; and a description of the extent to which the authority is mandatory or discretionary.*

The legal basis for the Voluntary Remediation Regulations, 9VAC20-160, is the Brownfield Restoration and Land Renewal Act. Specifically § 10.1-1232 of the Code of Virginia authorizes the Waste Management Board (Board) to promulgate regulations that facilitate voluntary cleanup of contaminated sites where remediation is not clearly mandated by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the Resource Conservation and Recovery Act (RCRA), the Virginia Waste Management Act, or other applicable authority. There is no corresponding federal mandate, since the regulations apply only where remediation is not otherwise required under state or federal law, or where such jurisdiction has been waived.

### Purpose

*Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons the regulation is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.*

The agency performed an internal review of the Voluntary Remediation Regulations and determined that there was a continued need for this regulation. Since 1996 more than 325 applications have been submitted to the Voluntary Remediation Program (VRP). Certificates of completion have been issued to over 200 participants and the current active case load exceeds 125 sites. Without this program there is a likelihood that many of these cleanups may not have occurred.

The regulation is not considered complex.

Virginia Code Section 10.1-1232 of the Brownfield Restoration and Land Renewal Act requires the Waste Management Board to promulgate regulations that facilitate voluntary cleanup of contaminated sites where remediation is not clearly mandated by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the Resource Conservation and Recovery Act (RCRA), the Virginia Waste Management Act, or other applicable authority. This regulation does not overlap, duplicate, or conflict with federal or state law or regulation.

The Voluntary Remediation Regulation was last amended in 2002 and became effective as a final regulation on July 1, 2002. Based on a 4-year periodic review, it was determined that the regulations needed to be updated to include current remediation levels; sampling and analysis methods; improved reporting requirements; and clarification of eligibility, termination, and application requirements.

Amendment 2 is intended to revise the program procedures so that sites can be processed more efficiently and reflect changes in technology.

### Substance

*Please briefly identify and explain new substantive provisions (for new regulations), substantive changes to existing sections or both where appropriate. Note, more detail about all provisions or changes is provided in the "Detail of changes" section.*

The proposed amendments to the Voluntary Remediation Regulations include the following:

1. Section 10: Definitions - Definitions have been clarified and some additional ones added to clarify requirements;
2. Section 20: Purpose, applicability, and compliance with other regulations - Has been revised to include characterization as part of the purpose of this chapter;

3. Section 30: Eligibility criteria - Requirements have been added: that address both the applicant and candidate sites eligibility; that applicants have access to the property until the remediation is complete; that the department is notified of any change in ownership or in agent for the owner; that documentation of completed remediation is provided; that clarify when remediation has been clearly mandated; and that require written permission from off-site property owners.

4. Section 40: Application for participation: A requirement for a map and acreage of the property has been added to the application materials. Completeness review and notification provisions have been added;

5. Section 60: Registration Fee: A requirement that the initial registration fee shall be the statutory maximum has been added. Conditions for a participant seeking a partial refund have been added;

6. Section 70: Work to be performed: Clarifies the required components of the Voluntary Remediation Report. Requires the submittal of an assessment of any risks to off-site properties and clarifies the use of land use controls. Clarifies the reporting requirements in the case where the participant determines that no remedial action is necessary. A requirement for analysis to be performed by laboratories certified by the Virginia Environmental Laboratory Accreditation Program has been added. A requirement for the submission of an annual report containing a brief summary of any actions ongoing or completed as well as any planned future actions is also included.

8. Section 90: Remediation levels: clarifies carcinogenic risks, ecological risks, surface water quality standards, soil screening levels, groundwater concerns, and human health considerations.

9. Section 100: Termination: Clarifies the conditions under which participation in the program may be terminated. Adds a requirement that the participant must make reasonable progress towards completion of the program to remain eligible.

10. Section 110: Certification of satisfactory completion of remediation: Regulatory requirements have been clarified. Provides for notification when there is a change in ownership;

11. Section 120: Public notice: Provides for written notice to adjacent property owners and other owners whose property has been impacted by the release being addressed under the VRP project as soon as the department accepts the site characterization report and the proposed or completed remediation and prior to the department's issuing a certificate. Also provides for the acknowledgement of the receipt of written comments and an evaluation of the comment's impact on the planned or completed action or actions.

**Issues**

*Please identify the issues associated with the proposed regulatory action, including:*

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) other pertinent matters of interest to the regulated community, government officials, and the public.*

*If the regulatory action poses no disadvantages to the public or the Commonwealth, please indicate.*

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This regulation has no negative economic impact on small businesses. The VRP provides the opportunity for reasonable cleanup goals and protects human health and the environment. These cleanups facilitate the sale and reuse of industrial and commercial properties, provide economic benefits for the buyer and seller, and reduce green space development. Communities benefit when these projects are completed. The cleanup of a site may impact surrounding properties by increasing property values, tax revenues, employment opportunities and community pride. The citizens, businesses, and local governments of the Commonwealth all derive benefits from the VRP. This regulation poses no disadvantages to the public, to the regulated community, or to the Commonwealth.

### Requirements more restrictive than federal

*Please identify and describe any requirements of the proposal, which are more restrictive than applicable federal requirements. Include a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.*

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There are no applicable federal requirements since the regulations apply only where remediation is not otherwise required under state or federal law, or where such jurisdiction has been waived.

### Localities particularly affected

*Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.*

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No single locality is particularly affected than any other locality in the Commonwealth. The proposed amendments apply throughout the Commonwealth.

### Public participation

*Please include a statement that in addition to any other comments on the proposal, the agency is seeking comments on the costs and benefits of the proposal, the impacts of the regulated community, and the impacts of the regulation on farm or forest land preservation.*

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In addition to any other comments, the board is seeking comments on the costs and benefits of the proposal, the potential impacts of this regulatory proposal and any impacts of the regulation on farm and forest land preservation. Also, the board is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so by mail, email or fax to **Gary Graham, Department of Environmental Quality, Post Office Box 1105, Richmond, VA 23218, (804) 698-4103, fax (804) 698-4510, gary.graham@deq.virginia.gov**. Comments may also be submitted through the Public Forum feature of the Virginia Regulatory Town Hall web site at: [www.townhall.virginia.gov](http://www.townhall.virginia.gov). Written comments must include the name and address of the commenter. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will be held and notice of the hearing will appear on the Virginia Regulatory Town Hall website ([www.townhall.virginia.gov](http://www.townhall.virginia.gov)) and can be found in the Virginia Register of Regulations. Both oral and written comments may be submitted at that time.

### Economic impact

*Please identify the anticipated economic impact of the proposed new regulations or amendments to the existing regulation. When describing a particular economic impact, please specify which new requirement or change in requirements creates the anticipated economic impact.*

<b>Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source, and (b) a delineation of one-time versus on-going expenditures.</b>	
<b>Projected cost of the <i>new regulations or changes to existing regulations</i> on localities.</b>	
<b>Description of the individuals, businesses or other entities likely to be affected by the <i>new regulations or changes to existing regulations</i>.</b>	
<b>Agency’s best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.</b>	
<b>All projected costs of the <i>new regulations or changes to existing regulations</i> for affected individuals, businesses, or other entities. Please be specific and include all costs. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses. Specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the proposed regulatory changes or new regulations.</b>	
<b>Beneficial impact the regulation is designed to produce.</b>	

Since participation in the program is voluntary, there are no fiscal impacts on parties unless they choose to participate in the program.

Individuals, businesses or other entities likely effected by the proposed amendments are only sites “where remediation has not been clearly mandated by the United States EPA, the Department or a court pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, The Resource Conservation and Recovery Act, the Virginia Waste Management Act, the State Water Control Law, the Air Pollution Control Law, or applicable statutory or common law or where jurisdiction of those statutes has been waived.” Since this is a voluntary program and no parties are required to participate in the program, the department is unable to determine how many parties would be affected by the proposed amendments.

Individuals, business and other entities may choose to apply for eligibility in the program if interested in performing remediation at a site. The department is not aware of any difference in the impact of the proposed amendments on small or large businesses, nor is the department aware of any negative affect the proposed amendments will have on small businesses.

The proposed amendments allow alternate methods for the site cleanups upon request from the program participant. It is likely that the preferred method will provide benefits to the property owner. In some

cases, the owner's request may be based on the desire to achieve a cleaner site with more appropriate methods in the hopes of increasing the value of the contaminated property. The value of such property may increase if a higher level of remediation is achieved.

A total of 335 sites have entered the program in the last 14 years. It is expected that about 20 sites will enter the program annually. Thus the proposed amendments will affect about 20 voluntary property owners per year whose sites are expected to enter the program plus those owners that are currently enrolled in the program.

### Alternatives

*Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in §2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.*

There are no known alternatives that would achieve the stated purpose of the program in a less burdensome and intrusive manner. The Voluntary Remediation Program is for voluntary clean-up of contaminated sites where remediation is not clearly mandated by CERCLA, RCRA, Virginia Waste Management Act, State Water Control Law, State Air Pollution Control Law or other authority. It provides a stream-lined approach for remediation projects by establishing minimum standards and procedures pertaining to eligibility, enrollment, reporting, remediation, and termination criteria.

### Regulatory flexibility analysis

*Please describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.*

This is a voluntary program. There are no known alternative regulatory methods that would achieve the stated purpose of the program in a less burdensome and intrusive manner.

### Public comment

*Please summarize all comments received during the public comment period following the publication of the NOIRA, and provide the agency response.*

No comments were received during the public comment period following the publication of the NOIRA for this regulatory action.

**Family impact**

*Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

This proposed regulatory action has no substantial impact on the institution of the family and family stability.

**Detail of changes**

*Please list all changes that are being proposed and the consequences of the proposed changes. If the proposed regulation is a new chapter, describe the intent of the language and the expected impact. Please describe the difference between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory action.*

*If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all differences between the pre-emergency regulation and this proposed regulation, and (2) only changes made since the publication of the emergency regulation.*

For changes to existing regulations, use this chart:

<b>Current section number</b>	<b>Proposed new section number, if applicable</b>	<b>Current requirement</b>	<b>Proposed change and rationale</b>
9VAC20-160-10		Definition of “certificate”.	Remove reference to the “director” and insert reference to the “department” for clarification and consistency.
9VAC20-160-10		Definition of "engineering controls".	Revise definition to include "vapor mitigation systems" to be consistent with current practices.
9VAC20-160-10			Add definition: "Monitored natural attenuation" means a remediation process which closely monitors the natural or enhanced attenuation process.
9VAC20-160-10			Add definition: "Natural attenuation" means a process through which contaminants breakdown naturally in the environment. Natural attenuation may be enhanced by the addition of nutrients, bacteria, oxygen, or other substances.
9VAC20-160-10			Add definition: "Post certificate monitoring": means monitoring of environmental or site conditions stipulated as a condition of issuance of

			the Certificate of Satisfactory Completion of Remediation.
9VAC20-160-10		Definition of "Remediation".	Revise definition to delete the phrase "including actions to investigate, study or assess any actual or suspected release" to eliminate redundancy.
9VAC20-160-10		Definition of "Remediation". Remediation may include, when appropriate and approved by the department, land use controls.	Revise definition to clarify that "remediation may include, when appropriate and approved by the department, land use controls; natural attenuation; as well as monitored natural attenuation" to clarify requirements.
9VAC20-160-10		Definition of "Report".	Delete definition of "report". Requirement addressed in section of regulations.
9VAC20-160-20 A		Purpose, applicability, and compliance with other regulations.	Add term "characterization" to the list of items included in the purpose of this regulation for consistency with current practice and requirements.
9VAC20-160-30 A		Eligibility criteria: Candidate sites shall meet eligibility criteria as defined in this section.	Revise to read: Applicants and proposed sites shall meet eligibility criteria as defined in this section.
9VAC20-160-30 B		Eligibility criteria" Any persons who own, operate, have a security interest in or enter into a contract for the purchase or use of an eligible site who wish to voluntarily remediate that site may participate in the program. Any person who is an authorized agent of any of the parties identified in this subsection may participate in the program.	Revise to read: Eligible applicants are any persons who own, operate, have a security interest or enter into a contract for the purchase or use of an eligible site. Those who wish to voluntarily remediate a site may apply to participate in the program. Any person who is an authorized agent of any of the parties identified in this subsection may apply to participate in the program.
	9VAC20-160-30 B 1		Add to clarify requirements: Access: Applicants who are not the site owner must demonstrate that they have access to the property at the time of application, during the investigation, and throughout the remedial activities until the remediation is completed.
	9VAC20-160-30 B 2		Add to clarify requirements: Change in Ownership: The department shall be notified if there is a change in property ownership.
	9VAC20-160-30 B 3		Add to clarify requirements: Change in Agent: The department shall be notified if there is a change in agent for the property owner or the participant.



9VAC20-160-30 C	9VAC20-160-30 C 1	Eligibility criteria – site eligible for participation criteria. A site on which an eligible party has completed remediation of a release is potentially eligible for the program...	Add subsection numbering to clarify requirements. A site on which an eligible party has performed remediation of a release is potentially eligible for the program if actions can be documented in a way which are equivalent to the requirements for this chapter...
9VAC20-160-30 C	9VAC20-160-30 C 2	Eligibility criteria – petroleum or oil releases.	Add subsection numbering to clarify requirements.
9VAC20-160-30 C	9VAC20-160-30 C 3	Eligibility criteria – documented evidence.	Add subsection numbering to clarify requirements.
9VAC20-160-30 C 1	9VAC20-160-30 C 3 a	Eligibility criteria – documented evidence.	Revise subsection numbering to clarify requirements.
9VAC20-160-30 C 2	9VAC20-160-30 C 3 b	Eligibility criteria – documented evidence.	Revise subsection numbering to clarify requirements.
9VAC20-160-30 C 3	9VAC20-160-30 C 3 c	Eligibility criteria – documented evidence.	Revise subsection numbering to clarify requirements.
9VAC20-160-30 D 1		Eligibility criteria - remediation: Remediation of the release is the subject of a permit issued by the U.S. Environmental Protection Agency or the department, a pending or existing closure plan, a pending or existing administrative order, a pending or existing court order, a pending or existing consent order, or the site is on the National Priorities List;	Delete the phrase “a pending or existing” from this division for clarification of requirements: Remediation of the release is the subject of a permit issued by the U.S. Environmental Protection Agency or the department, a closure plan, an administrative order, a court order, a consent order, or the site is on the National Priorities List;
9VAC20-160-30 D 3		Eligibility criteria – remediation – Virginia Solid Waste Management Regulations requirements: The site at which the release occurred constitutes an open dump or unpermitted solid waste management facility...	Revise to replace the term "constitutes" with the phrase "has been determined to be" to be consistent with Amendment 7 of the Virginia Solid Waste Management Regulations.
9VAC20-160-30 D 4		Eligibility criteria – threat determination.	Revise to remove reference to the “director” and insert reference to the “department” for clarification and consistency.
9VAC20-160-30 D 5		Eligibility criteria – local, state, or federal law or regulation requirements.	Revise to add the phrase “or investigation” to clarify that sites that are under investigation may be subject to other jurisdictions and the issue should be resolved before application to the VRP.
9VAC20-160-40		Application for	Revise for clarity: The application for

A		participation: The application for participation in the Voluntary Remediation Program shall, at a minimum, provide the elements listed below:	participation in the Voluntary Remediation Program shall provide the elements listed below:
9VAC20-160-40 A 1		Application for participation – requirements: A written notice of intent to participate in the program.	Insert phrase “and an overview of the project” to allow for more information to be provided upfront in the process. Allows the department to provide input earlier in the eligibility process and to expedite the process: A written notice of intent to participate in the program and an overview of the project;
9VAC20-160-40 A 2		Application for participation – requirement for a statement of eligibility.	Correct grammatical errors. Delete “period” and insert “semi-colon”.
9VAC201-60-40 A 4		Application for participation - "legal definition of the site".	For clarification of requirements revise to read: "A map and acreage of the property and the boundaries of the Site, if not the entire property."
9VAC20-160-40 A 5		The general operational history of the site;	Correct grammatical errors and for consistency: A general operational history of the site;
9VAC20-160-40 A 6		Application for participation – general description of information requirement.	Correct grammatical errors. Insert “and” to account for the deletion of one of the listed items in this section.
9VAC20-160-40 A 7		Application for participation – discussion of jurisdiction requirement.	Grammatical corrections required with the deletion of the next requirement (9VAC20-160-40.A.8). Delete “semi-colon” and “and” and insert a “period”.
9VAC20-160-40 A 8		Application for participation – notarized certification requirement.	Delete requirement for a "notarized certification". Revise subsection to clarify requirements: "An application signed by the applicant and the owner of the property attesting that to the best of their knowledge that all of the information as set forth in this subsection is true and accurate."
9VAC20-160-40 B		Application for participation – completeness review: Within 60 days of the department's receipt of an application, the director shall review the application to verify that (i) the application is complete and (ii) the applicant and the site meet the eligibility criteria set forth in 9VAC20-160-	Language revised to clarify the department's completeness review requirements and to spell out the time limits associated with the completeness review. Replace existing language with: The department shall review the application for completeness and notify the applicant within 15 days of the application's receipt whether the application is administratively incomplete. Within 60 days of the department's receipt of a complete

		30.	application, the department shall verify whether the applicant and the site meet the eligibility criteria set forth in 9VAC20-160-30.
9VAC20-160-40 B		Application for participation – completeness review – right to conduct inspection provision.	Language inserted to clarify requirements: The department reserves the right to conduct eligibility verification inspections of the candidate site during the eligibility verification review.
9VAC20-160-40 C		Application for participation – rejection of application process.	Remove references to the “director” and insert references to the “department” for clarification and consistency.
9VAC20-160-40 C		...in the event an applicant fails to respond within 30 days specified in this subsection, upon expiration of the 30 days specified. If within 30 days an applicant submits additional information to correct the inadequacies of an application, the review process begins again in accordance with this section.	Grammatical correction: ...in the event an applicant fails to respond within the 30 days specified in this subsection, upon expiration of the 30 day period. If within 30 days an applicant submits additional information to correct inadequacies of an application, the review process shall begin again in accordance with this section.
9VAC20-160-60 B		Registration fee: The registration fee shall be at least 1.0% of the estimated cost of the remediation at the site, not to exceed the statutory maximum. Payment...	Revise: The initial registration fee shall be the statutory maximum. Payment...
9VAC20-160-60 B		Registration fee – address for submittal	Correction of DEQ address.
9VAC20-160-60 C		Applicant determination of the appropriate registration fee.	Delete existing section. New language to clarify the requirements has been added to new subsections.
9VAC20-160-60 D		Submittal of statutory maximum registration fee	Delete existing section. New language to clarify the requirements has been added to new subsections.
9VAC20-160-60 E		Refund of balance of registration fee.	Delete existing section. New language to clarify the requirements has been added to new subsections.
	9VAC20-160-60 C		Add language to clarify requirements: Failure to remit the required registration fee within 90 days of the date of eligibility verification shall result in the loss of eligibility status of the applicant. The applicant must reestablish his eligibility for participation in the program, unless

			alternate provisions are proposed and deemed acceptable to the department.
	9VAC20-160-60 D		Add language to clarify "partial refund" requirements: Upon completion of remediation and issuance of the Certificate of Satisfactory Completion of Remediation, the participant is entitled to seek a partial refund of the registration fee. The refund will be reconciled as one percent of the final cost of remediation as compared to the initial registration fee.
	9VAC20-160-60 D 1		Add subdivision to clarify requirements for partial refund: The participant shall provide the department with a summary of the final cost of remediation within 60 days of issuance of a certificate. The department shall calculate the balance adjustment to be made to the initial registration fee and refund the difference.
	9VAC20-160-60 D 2		Add subdivision to clarify requirements for partial refund: If no summary of the final cost of remediation is provided to the department within 60 days of issuance of certificate, the participant will have waived the right to a refund.
	9VAC20-160-60 D 3		Add subdivision to clarify requirements for partial refund: Concurrence with the summary of the final cost of remediation does not constitute department verification of the actual cost incurred.
	9VAC20-160-60 E		Add subsection to clarify requirements for partial refund: Except for termination pursuant to subsection A 5 of 9VAC20-160-100, no portion of the registration fee will be refunded if participation in the program is terminated.
9VAC20-160-70 A		Components of the Voluntary Remediation Report	Revise section to clarify requirements. Revise to read: The Voluntary Remediation Report shall consist of the following components: a Site Characterization, a Risk Assessment, a Remedial Action Plan, a Demonstration of Completion, and documentation of public notice. A separate report shall be submitted for each component of the Voluntary Remediation Report listed below:
9VAC20-160-70 A 1		Work to be performed – site characterization requirements: The site characterization shall	Revise to clarify requirements. Revise to read: The Site Characterization Report shall provide an understanding of the site conditions including the

		contain a delineation of the nature and extent of releases to all media, including the vertical and horizontal extent of the contaminants.	identification and description of each area of concern (or source); the nature and extent of releases to all media, the vertical and horizontal extent of contaminants on the site, including off-site areas as applicable; and a preliminary screening of the risk or risks posed by the release.
9VAC20-160-70 A 2		Work to be performed - risk assessment requirements.	Revise to clarify requirements and to address off-site risks. Revise to read: The Risk Assessment Report shall contain an evaluation of the risks to human health and the environment posed by the release, including an assessment of risk to off-site properties...
9VAC20-160-70 A 3		Work to be performed - remedial action work plan requirements.	Revise to correct title of required report. Revise to read: The Remedial Action Plan Report shall propose...
9VAC20-160-70 A 3			Add new language to clarify requirements for the Remedial Action Plan Report if no remedial action is necessary. Add: If no remedial action is necessary, the Remedial Action Plan shall discuss the reasoning for not action. When remedial activities have occurred prior to enrolling in the VRP, this information shall be included in the Site Characterization Report. The Remedial Action Plan shall describe the remedial activities that occurred, to include as applicable: how releases (or sources) have been eliminated or controlled; the remediation system or systems installed; site restrictions imposed; permits required; and how remediation levels have been achieved.
9VAC20-160-70 A 4		Work to be performed – demonstration of completion.	Revise to clarify the requirements for the Demonstration of Completion Report. Revise to read: A Demonstration of Completion Report is required whenever remedial action has occurred as part of participation in the VRP. The Demonstration of Completion Report shall include: a detailed summary of the performance of the remediation implemented at the site, the total cost of the remediation, and confirmational sampling results demonstrating that the established site-specific remedial objectives have been achieved, or that other criteria for completion of remediation have been satisfied. As part of the demonstration of completion, the participant shall

			certify compliance with applicable regulations pertaining to activities performed at the site pursuant to this chapter.
9VAC20-160-70 A 4 a			Delete language. Language now part of 9VAC20-160-70 A 4.
9VAC20-160-70 A 4 b			Delete duplicative subsection. Requirements to comply with applicable regulations addressed in 9VAC20-160-70 B.
9VAC20-160-70 A 5		Work to be performed – public notice documentation.	Revise to clarify requirements. Revise subdivision to read: Documentation of public notice is required to demonstrate that public notice has been provided in accordance with 9VAC20-160-120.
9VAC20-160-70 B		It is the participant's responsibility to ensure that the investigation and remediation activities (e.g., waste management and disposal, erosion and sedimentation controls, air emission controls, and activities that impact wetlands and other sensitive ecological habitats) comply with all applicable regulations and any appropriate regulations that are not required by state or federal law but are necessary...	Revise text to clarify requirements: It is the participant's responsibility...comply with all applicable federal, state and local laws and regulations.
9VAC20-160-70 C		All work shall be performed in accordance with Test Methods...	Revise to clarify requirements. Revise to read: All work, to include sampling and analysis, shall be performed in accordance with Test Methods...
9VAC20-160-70 C		...Test Methods for Evaluating Solid Waste, USEPA SW-846, revised April 1998 or other methods...	Update the reference date of Test Methods for Evaluating Solid Waste, USEPA SW-846,
9VAC20-160-70 C		Work to be performed – test methods requirement.	Insert phrase “and completed using appropriate quality assurance/quality control protocols” to clarify requirements of subsection.
9VAC20-160-70 C			Add new laboratory certification requirements to clarify requirements. Add language to subsection: All analyses shall be performed by laboratories certified by the Virginia Environmental Laboratory Accreditation Program (VELAP). Laboratory certificates of analysis shall

			be included with applicable reports.
	9VAC20-160-70 D		Add new subsection to include new requirement for the submittal of an annual report to the department. Add: Until certificate issuance, all participants shall submit an annual report to the department containing a brief summary of any actions ongoing or completed as well as any planned future actions for the next reporting period. This report shall be submitted by July 1 <sup>st</sup> using the "VRP Site Status Reporting Form". Failure to submit with 60 days may result in the site's VRP eligibility status being terminated.
9VAC20-160-80 A		Upon receipt of submittals, the department shall review and evaluate the submittals.	Revise to clarify requirements: The department shall review and evaluate the components of the Voluntary Remediation Report submitted by the participant.
9VAC20-160-80 A		The department may request additional information, including sampling data of the site or areas adjacent to the site to verify the extent of the release, in order to render a decision and move the participant towards expeditious issuance of the certificate.	Revise to clarify requirements: The department may request additional information, including sampling data from the site or areas adjacent to the site to verify the extent of the release.
9VAC20-160-80 B		Review of submittals expediting issuance of permits.	Remove references to the "director" and insert references to the "department" for clarification and consistency.
9VAC20-160-80 C		Review of submittals - completeness requirement.	Revise to clarify requirements: After receiving a complete and adequate report...
9VAC20-160-80 C		Review of submittals – determination regarding issuance.	Remove references to the "director" and insert references to the "department" for clarification and consistency.
9VAC20-160-90 B		Remediation levels shall be based upon a risk assessment of the site and surrounding areas that may be impacted, reflecting the current and future use scenarios.	Delete text. Section rearranged and reorganized to clarify requirements.
9VAC20-160-90 B 1		A site shall be deemed to have met the requirements for unrestricted use if...	Delete text. Section rearranged and reorganized to clarify requirements.
9VAC20-160-90 B 2		For sites that do not achieve the unrestricted	Delete text. Section rearranged and reorganized to clarify requirements.

		use classification...	
9VAC20-160-90 C	9VAC20-160-90 B	Remediation levels shall be developed after appropriate site characterization data has been gathered...	Section renumbered to reflect deletion of previous section.
9VAC20-160-90 C	9VAC20-160-90 B	Remediation levels shall be developed after appropriate site characterization data has been gathered...	Revise text to clarify requirements: Remediation levels based on human health shall be developed after appropriate site characterization data has been gathered...
9VAC20-160-90 C	9VAC20-160-90 B	...Any tier or combination of tiers may be applied to establish remediation levels for contaminants present at a given site, with consideration of site use restrictions specified in subsection B of this section.	Revise text to reflect deletion of previous section: ...Any tier or combination of tiers may be applied to establish remediation levels for contaminants present at a given site.
9VAC20-160-90 C 1	9VAC20-160-90 B 1	Under Tier I the participant shall collect appropriate samples from background and from the area of contamination for all media of concern.	Revise to clarify requirements: Tier I remediation levels are based on media background levels. These background levels shall be determined from a portion of the property or a nearby property or other areas as approved by the department that have not been impacted by the contaminants of concern.
9VAC20-160-90 C 1 a		Remediation levels – site characterization data – Tier I – background levels.	Delete text. Requirements now included as part of 9VAC20-160-90 B 1.
9VAC20-160-90 C 1 b		Remediation levels – site characterization data – Tier I – background concentrations.	Delete text. Section reorganized and rearranged.
9VAC20-160-90 C 2	9VAC20-160-90 B 2		Section renumbered to reflect deletion of previous section.
9VAC20-160-90 C 2	9VAC20-160-90 B 2	Tier II generic remediation levels are media-specific values, derived using unrestricted use default assumptions.	Revise to clarify requirements: Tier II remediation levels are derived assuming that there will be no restrictions on the use of groundwater, surface water, and soil on the site.
9VAC20-160-90 C 2	9VAC20-160-90 B 2	...Use of Tier II shall be limited to the following:	Delete text. Section rearranged and reorganized to clarify requirements. T
9VAC20-160-90 C 2 a	9VAC20-160-90 B 2 a	Tier II generic groundwater remediation levels shall be based on (i) federal Maximum Contaminant Levels (MCLs)...	Revise to clarify requirements: Tier II groundwater remediation levels shall be based on the most beneficial use of groundwater. The most beneficial use of groundwater is for a potable water source, unless demonstrated otherwise by the participant and accepted by the department. Therefore, they shall be based on (i)



			federal Maximum Contaminant Levels (MCLs)...
9VAC20-160-90 C 2 a	9VAC20-160-90 B 2 a	...(ii) tap water values provided in the EPA Region III Risk Based Concentration Table current at the time of the assessment...	Correct reference: ...(ii) tap water values derived using the methodology provided in the Regional Screening Level Table, Region III, VI, and IX, United States Environmental Protection Agency, December 2009, using an acceptable individual carcinogenic risk of $1 \times 10^{-5}$ and an individual noncarcinogenic hazard quotient of 0.1.
9VAC20-160-90 C 2 a	9VAC20-160-90 B 2 a	...For contaminants that do not have values available under clauses (i) or (ii) above, a remediation level shall be calculated using criteria set forth under Tier III remediation levels.	Delete text. Section rearranged and reorganized to clarify requirements.
9VAC20-160-90 C 2 b	9VAC20-160-90 B 2 b	Soil remediation levels shall insure that migration of contaminants shall not cause the cleanup levels established for groundwater and surface water to be exceeded. Soil remediation levels shall be determined as the lower of either the ingestion or cross-media transfer values...	Revise to clarify requirements: Tier II soil remediation levels shall be determined as the lower of the ingestion or cross-media transfer values...
9VAC20-160-90 C 2 b (1)	9VAC20-160-90 B 2 b (1)	For ingestion, values provided in the EPA Region III Risk Based Concentration Table current at the time of assessment.	Revise to correct reference: For ingestion, values derived using the methodology provided in the Regional Screening Level Table, Region III, VI, and IX, United States Environmental Protection Agency, December 2009.
9VAC20-160-90 C 2 b (1) (a)	9VAC20-160-90 B 2 b (1) (a)	For carcinogens, the soil ingestion concentration for each contaminant, reflecting an individual upper-bound lifetime cancer risk of $1 \times 10^{-6}$ .	Replace the upper-bound lifetime cancer risk reference of $1 \times 10^{-6}$ with a risk reference of $1 \times 10^{-5}$ . Increases the efficiency of site assessments without reducing the acceptable carcinogenic risk.
9VAC20-160-90 C 2 b (1) (b)	9VAC20-160-90 B 2 b (1) (b)	For noncarcinogens, 1/10 (i.e., Hazard Quotient = 0.1) of the soil ingestion concentration, to account for multiple systemic toxicants at the site.	Revise to clarify requirements: For noncarcinogens, 0.1 of the soil ingestion concentration, to account for multiple systemic toxicants at the site.
9VAC20-160-90 C 2 b (1) (b)	9VAC20-160-90 B 2 b (1) (b)	...For sites where there are fewer than 10 contaminants exceeding 1/10 of the soil ingestion concentration, the soil	Revise to clarify requirements:...For sites where there are fewer than 10 noncarcinogens exceeding 0.1 of the soil ingestion concentration, the soil ingestion concentration may be divided

		ingestion concentration may be divided by the number of contaminants such that the resulting hazard index does not exceed one.	by the number of noncarcinogens such that the resulting hazard index does not exceed 1.0.
9VAC20-160-90 C 2 b (2)	9VAC20-160-90 B 2 b (2)	Remediation levels – site characterization data – Tier II – soil remediation levels – cross-media transfer.	Insert document reference to clarify sources of cross-media transfer values: ...and USEPA Supplemental Guidance for Developing Soil Screening Levels for Superfund Sites (OSWER, December 2002, Document 9355.4-24) shall be used as follows...
9VAC20-160-90 C 2 b (2) (b)	9VAC20-160-90 C 2 b (2) (b)	The soil screening level for transfer to air, with adjustment to a hazard quotient of 1.0 for noncarcinogens using default residential exposure assumptions.	Insert phrase “and a risk level of $1 \times 10^{-5}$ for carcinogens,” to the subsection. Adds reference to new individual carcinogenic risk goal for individual carcinogens to this subsection to clarify regulation requirements: ...1.0 for noncarcinogens and a risk level of $1 \times 10^{-5}$ for carcinogens using default residential exposure assumptions.
9VAC20-160-90 C 2 b (3)	9VAC20-160-90 B 2 b (2) (c)		Revise section numbering to reflect reorganization of section materials.
9VAC20-160-90 C 2 b (3)	9VAC20-160-90 B 2 b (2) (c)	For noncarcinogens, for sites where there are fewer than 10 contaminants exceeding 1/10 of the soil screening level, the soil screening level may be divided by the number of contaminants such that the resulting hazard index does not exceed one.	Revise text to clarify requirements and to correct grammatical errors: For site where there are fewer than 10 noncarcinogens exceeding 0.1 of the soil screening level, the soil screening level may be divided by the number of noncarcinogens such that the resulting hazard index does not exceed 1.0.
9VAC20-160-90 C 2 b (4)	9VAC20-160-90 C 2 b (3)		Subsection renumbered to account for shift of original 9VAC20-160-90 C 2 b (3) to 9VAC20-160-90 B 2 b (2) (c).
9VAC20-160-90 C 2 c		Remediation levels – site characterization data – Tier II – ecological receptors.	Delete subsection. Removes language on ecological risk assessment from section discussing human health remediation levels. Ecological risks are included in 9VAC20-160-90 D. Clarifies regulation requirements.
9VAC20-160-90 C 2 d	9VAC20-160-90 B 2 c	Remediation levels – site characterization data – Tier II – surface water quality standards.	Subsection renumbered to accommodate deletion of original 9VAC20-160-90 C 2 c.
9VAC20-160-90 C 2 d	9VAC20-160-90 B 2 c	For unrestricted future use, where a contaminant of concern exists for which surface water quality standards have	Revise to clarify requirements: Tier II remediation levels for surface water shall be based on the Virginia Water Quality Standards (WQS) as established by the State Water Control

		been adopted by the State Water Control Board for a specific use, the participant shall demonstrate that concentrations in other media will not result in concentrations that exceed the WQS in adjacent surface water bodies.	Board (9VAC25-260), according to the following:
	9VAC20-160-90 B 2 c (1)		Add text to clarify requirements: The chronic aquatic life criteria shall be compared to the appropriate human health criteria and the lower of the two values selected as the Tier II remediation level.
	9VAC20-160-90 B 2 c (2)		Add text to clarify requirements: For contaminants that do not have a Virginia Water Quality Standard (WQS), the federal Water Quality Criteria (WQC) may be used if available. The chronic federal criterion continuous concentration (CCC) for aquatic life shall be compared to the appropriate human health based criteria and the lower of the two values selected as the Tier II remediation level.
	9VAC20-160-90 B 2 c (3)		Add text to clarify requirements: If neither a Virginia WQS nor a federal WQC is available for a particular contaminant detected in surface water the participant should perform a literature search to determine if alternative values are available. If alternative values are not available, the detected contaminants shall be evaluated through a site-specific risk assessment.
9VAC20-160-90 C 3	9VAC20-160-90 B 3		Section renumbered to account for deletion of original 9VAC20-160-90 B.
9VAC20-160-90 C 3	9VAC20-160-90 B 3	Tier III remediation levels are based upon a site specific risk assessment considering site-specific assumptions about current and potential exposure scenarios for the population or populations of concern, including ecological receptors, and characteristics of the affected media.	Revise text to clarify requirements and to correct grammatical errors: Tier III remediation levels are based upon site-specific assumptions about current and potential exposure scenarios for the population or populations of concern and characteristics of the affected media and can be based upon a site-specific risk assessment.
9VAC20-160-90	9VAC20-160-		Add text to clarify requirements: Land-

C 3	90 B 3		use controls can be considered.
9VAC20-160-90 C 3 b	9VAC20-160-90 B 3 b	For a site with carcinogenic contaminants, the remediation goal for individual carcinogenic contaminants shall be an incremental upper-bound lifetime cancer risk of $1 \times 10^{-6}$ .	Replace the incremental upper-bound lifetime cancer risk factor of " $1 \times 10^{-6}$ " with " $1 \times 10^{-5}$ ". Provides for increasing of the efficiency of site assessments without reducing the acceptable carcinogenic risk.
9VAC20-160-90 C 3 e		Remediation levels – site characterization data – Tier III – groundwater cleanup levels.	Delete subsection. Subsection requirements moved to 9VAC20-160-90 B 3.
9VAC20-160-90 C 3 f		Remediation levels – site characterization data – Tier III - screening level ecological evaluations.	Delete subsection. Subsection requirements moved to 9VAC20-160-90 D 2 to group "ecological risks" in one section of the regulation. Clarifies regulation requirements.
	9VAC20-160-90 C		Add language: The participant shall determine if ecological receptors are present at the site or in the vicinity of the site and if they are impacted by releases from the site.
	9VAC20-160-90 C 1		Add language: At sites ecological receptors are of concern and there are complete exposure pathways, the participant shall perform a screening level ecological evaluation to show that remediation levels developed under the three-tiered approach described in this section are also protective of such ecological receptors.
9VAC20-160-90 C 3 f	9VAC20-160-90 C 2		Language from 9VAC20-160-90 C 3 f moved to this subsection to group "ecological risks" in one section of the regulation. Clarifies regulation requirements: For sites where a screening level ecological evaluation has shown that there is a potential for ecological risks, the participant shall perform an ecological risk assessment to show that remediation levels developed under the three-tiered approach described in this section are also protective of ecological receptors. If the remediation levels developed for human health are not protective of ecological receptors, the remediation levels shall be adjusted accordingly
9VAC20-160-100 A 1		Termination – evaluation of new information.	Remove references to the "director" and insert references to the "department" for clarification and consistency.
9VAC20-160-100		Upon 30 days written	Revise to clarify requirements: Upon

A 2		notice of termination by either party.	30 days written notice of withdrawal by the participant.
	9VAC20-160-100 A 3		Add to clarify termination requirements. Add: Upon participant's failure to make reasonable progress towards completion of the program as determined by the department.
	9VAC20-160-100 A 4		Add to clarify requirements. Add: Upon fulfillment of all program requirements and issuance of the Certificate of Satisfactory Completion of Remediation as described in 9VAC20-160-110, notwithstanding any conditions of issuance specified in the Certificate.
9VAC20-160-100 C		Refund of registration fee.	Section renumbered to account for addition of new section 9VAC20-160-100 B.
9VAC20-160-100 C		Refund of registration fee.	Revise subsection to clarify requirements. Revise to read: Except of termination pursuant to subsection A 4, no portion of the registration fee...
9VAC20-160-110 A		Certification of satisfactory completion of remediation – issuance of certification.	Replace reference to “director” with reference to “department”. Clarifies regulation requirements.
9VAC20-160-110 A 2		The participant has demonstrated that the site has met remediation levels and will continue to meet remediation levels in the future for both on site and off site receptors; and	Revise text to clarify requirements and to reflect the addition of new divisions: The participant has demonstrated that the site has met the applicable remediation levels and will continue to meet the applicable remediation levels in the future for both on-site and off-site receptors;
	9VAC20-160-110 A 3		Add text to clarify requirements: All provisions of the approved remedial action work plan as applicable have been completed.
	9VAC20-160-110 A 4		Add text to clarify requirements: All applicable requirements of the regulations have been completed; and,
9VAC20-160-110 A 3	9VAC20-160-110 A 5	Certification of satisfactory completion of remediation – department acceptance of work submitted.	Subsection renumbered to accommodate addition of new subsections (9VAC20-160-110 A 3 & 9VAC20-160-110 A 4).
9VAC20-160-110 A 3	9VAC20-160-110 A 5	The department concurs with all work submitted, as set forth in...	Revise: The department accepts all work submitted, as set forth in...
9VAC20-160-110 A 3	9VAC20-160-110 A 5	...as set forth in 9VAC20-160-80.	Correct reference from “9VAC20-160-80” to 9VAC20-160-70”. Corrects section reference and clarifies regulation requirements.
9VAC20-160-110 B		Immunity to an enforcement action.	Revise subsection to include a qualify "other applicable Virginia law" by

			adding the phrase "for the release or releases addressed."
	9VAC20-160-110 C		Add text to clarify requirements for sites that have met the requirements for unrestricted use: A site shall be deemed to have met the requirements for unrestricted use if the remediation levels, based on either background or standard residential exposure factors, have been attained throughout the site and in all media. Attainment of these levels will allow the site to be given an unrestricted use classification. No remediation techniques or land use controls that require ongoing management may be employed to achieve this classification.
	9VAC20-160-110 D		Add text to clarify requirements for sites that do not achieve the unrestricted use classification: For sites that do not achieve the unrestricted use classification, land use controls may be proffered in order to develop remediation levels based on restricted use. The restrictions imposed upon a site may be media-specific, may vary according to site-specific conditions and may be applied to limit present and future use. All controls necessary to attain the restricted use classification shall be described in the certificate as provided in 9VAC20-160-110. Land use controls accepted by the department for use at the site are considered remediation for the purpose of this chapter.
9VAC20-160-110 C	9VAC20-160-110 E	If a use restriction is specified in the certificate, such restriction must be attached to the deed to the property with an explanation for the restriction, subject to concurrence by the director, and shall be recorded by the participant with the land records for the site in the office of the clerk of the circuit court for the jurisdiction...	Section renumbered to account for addition of sections. Revise to clarify requirements: If a use restriction is specified in the certificate, the participant shall cause the certificate to be recorded among the land records in the office of the clerk of the circuit court for the jurisdiction...
9VAC20-160-110 C	9VAC20-160-110 E	...in the office of the clerk of the circuit court for the jurisdiction in which the site is located.	Revise to clarify requirements and to provide a time frame: ...in the office of the clerk of the circuit court for the jurisdiction in which the site is located within 90 days of execution of the

			certificate by the department, unless a longer duration is specified in the certificate.
9VAC20-160-110 C	9VAC20-160-110 E	...The participant may also record the certificate itself.	Delete: Removes a duplicative option that is already addressed in this subsection. Clarifies regulation requirements.
9VAC20-160-110 D	9VAC20-160-110 F	Certification of satisfactory completion of remediation – immunity.	Section renumbered to account for the addition of sections. Remove references to the “director” and insert references to the “department” for clarification and consistency.
9VAC20-160-110 E	9VAC20-160-110 G	The certificate shall specify the conditions for which immunity is being accorded, including, but not limited to:	Section renumbered to account for the addition of new sections.
9VAC20-160-110 E 1	9VAC20-160-110 G 1	A summary of the information that was considered;	Section renumbered to account for addition of new sections.
9VAC20-160-110 E 2	9VAC20-160-110 G 2	Any restrictions on future use;	Section renumbered to account for addition of new sections.
9VAC20-160-110 E 3	9VAC20-160-110 G 3	Any local land use controls on surrounding properties that were taken into account; and	Section renumbered to account for addition of new sections. Revise to account for the addition of another condition: Any local land use controls on surrounding properties that were taken into account;
9VAC20-160-110 E 4	9VAC20-160-110 G 4	Any required land use controls including:	Section renumbered to account for addition of new sections. Revise to clarify requirements: Any proffered land use controls; and,
9VAC20-160-110 E 4 a		Engineering controls and their maintenance; and	Delete condition: concept included in "land use controls" included in 9VAC20-160-110 G 4.
9VAC20-160-110 E 4 b		Institutional controls.	Delete condition: concept included in "land use controls" included in 9VAC20-160-110 G 4.
	9VAC20-160-110 E 5		Add condition to clarify requirements: Any post certificate monitoring.
9VAC20-160-110 F	9VAC20-160-110 H	Certification of satisfactory completion of remediation – revoking certificate.	Section renumbered to account for addition of new sections. Remove references to the “director” and insert references to the “department” for clarification and consistency.
9VAC20-160-110 F	9VAC20-160-110 H	Certification of satisfactory completion of remediation – revoking certificate.	Section renumbered to account for addition of new sections. Insert sentence: “The certificate may also be revoked for the failure to meet or maintain the conditions of the certificate” as the second sentence of the subsection. Clarifies regulation requirements that there is an ongoing obligation after completion of the remediation.

9VAC20-160-110 F	9VAC20-160-110 H	Certification of satisfactory completion of remediation – revoking certificate.	Section renumbered to account for addition of new sections. Add sentence: “Failure to implement and maintain land use controls may result in revocation of the certificate” to the end of the subsection. Clarifies regulation requirements.
9VAC20-160-110 G	9VAC20-160-110 I	The certificate is not and shall not be interpreted to be a permit...	Section renumbered to account for addition of new sections.
	9VAC20-160-110 J		Add to clarify requirements for change in ownership. Add: Change in Ownership: For properties that received a Certificate of Satisfactory Completion and are subject to use restrictions, the new property owner shall register with the department with 60 days of the acquisition.
9VAC20-160-120 A		The participant shall give public notice of either the proposed voluntary remediation or the completed voluntary remediation.	Revise to clarify requirements: The participant shall give public notice of the proposed voluntary remediation. The notice shall be made after the department accepts the site characterization report and the proposed or completed remediation, and shall occur prior to the department's issuing a certificate...
	9VAC20-160-120 B		Add division number to clarify public notice requirements: The participants shall:
9VAC20-160-120 A 1	9VAC20-160-120 B 1	Public Notice.	Section renumbered to clarify requirements.
9VAC20-160-120 A 2	9VAC20-160-120 B 2	Public Notice.	Section renumbered to clarify requirements.
9VAC20-160-120 A 2	9VAC20-160-120 B 2	Provide written notice to all adjacent property owners; and,	Revise: Provide written notice to all adjacent property owners and other owners whose property has been impacted by the release being addressed under the VRP project; and
9VAC20-160-120 A 3	9VAC20-160-120 B 3	Public notice requirements.	Section renumbered to clarify requirements.
9VAC20-160-120 B	9VAC20-160-120 C		Section renumbered to account for the inclusion of additional section and division numbering.
9VAC20-160-120 B	9VAC20-160-120 C	A comment period of at least 30 days must follow issuance of the notices pursuant to this section. The contents of each public notice required pursuant to 9VAC20-160-120.A shall include:	Revise to clarify requirements: A comment period of at least 30 days must follow issuance of the notices pursuant to this section. The department, at its discretion, may increase the duration of the comment period. The contents of each public notice...
9VAC20-160-120 B 1	9VAC20-160-120 C 1		Section renumbered to account for the inclusion of additional section and division numbering.



9VAC20-160-120 B 2	9VAC20-160-120 C 2		Section renumbered to account for the inclusion of additional section and division numbering.
9VAC20-160-120 B 2	9VAC20-160-120 C 2	A brief description of the remediation, the general nature of the release, and any proposed land use controls;	Revise for clarification: A brief description of the general nature of the release, any remediation and any proposed land use controls;
9VAC20-160-120 B 3	9VAC20-160-120 C 3		Section renumbered to account for the inclusion of additional section and division numbering.
9VAC20-160-120 B 4	9VAC20-160-120 C 4		Section renumbered to account for the inclusion of additional section and division numbering.
	9VAC20-160-120 D		Add to clarify requirements: The participant shall send all commenters a letter acknowledging receipt of written comments and providing responses to the same.
9VAC20-160-120 C	9VAC20-160-120 E	The participant shall provide to the department:	Section renumbered to account for the inclusion of additional section and division numbering.
9VAC20-160-120 C	9VAC20-160-120 E 1	Public Notice – participant submittal requirements.	Add division numbering to clarify requirements. Grammatical correction: Change “a” to “A” at the beginning of the subsection.
	9VAC20-160-120 E 2		Add to clarify requirements: Copies of all written comments received during the public comment period, copies of acknowledgement letters, and copies of any responses to comments, as well as an evaluation of the comment's impact on the planned or completed action or actions..
9VAC20-160-120 D		Public Notice – public comment.	Delete subsection. Requirements already included in other sections of 9VAC20-160-120.
9VAC20-160-120 E		Public Notice – written comments.	Delete subsection. Requirements already included in other sections of 9VAC20-160-120.
DOCUMENTS INCORPORATED BY REFERENCE		DOCUMENTS INCORPORATED BY REFERENCE	Update the USEPA document referenced in 9VAC20-160-70 C (Test Methods for Evaluating Solid Waste: Physical/ Chemical Methods; EPA Publication SW-846, Third Edition)
DOCUMENTS INCORPORATED BY REFERENCE		DOCUMENTS INCORPORATED BY REFERENCE	Add document referenced in 9VAC20-160-90 C 2 (USEPA Supplemental Guidance for Developing Soil Screening Levels for Superfund Sites – OSWER, December 2002, Document 9355.4-24)
DOCUMENTS		DOCUMENTS	Delete document: Risk Based

INCORPORATED BY REFERENCE		INCORPORATED BY REFERENCE	Concentration Table, Region III, United States Environmental Protection Agency, April 2, 2002
DOCUMENTS INCORPORATED BY REFERENCE		DOCUMENTS INCORPORATED BY REFERENCE	Add document: Regional Screening Level Table, Region III, VI, and IX, United States Environmental Protection Agency, December 2009.