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**SUMMARY OF CHANGES TO THE
INVESTIGATION AND REMEDIATION OF CONTAMINATED PROPERTIES RULE (IRULE)
February 23, 2024**

All changes to the IRule may be reviewed in the redline/strikeout version available on our website. A summary of the substantive changes made to the IRule include:

- Added 35-102(e) (release and suspected release reporting requirements):
Notification of any earth disturbance work within an area of known contamination at an active or closed hazardous site must be made to the Secretary, and approval granted prior to work implementation.

- Added: § 35-103. SITE ACCESS

Any person undertaking an activity pursuant to any requirement of this rule must obtain site access prior to engaging in any activity on the site, excluding emergency response actions conducted pursuant to § 35-102(f).

- Updated the definition of a “release” to include:

(45) “Release” also means the intentional or unintentional action or omission resulting in the spilling, leaking emission, or disposal of polychlorinated biphenyls (PCBs) from building materials in public schools and approved and recognized independent schools that were constructed or renovated before 1980.

- Specified in 35-401(b) that detections **equal to or greater** than the standard were considered an exceedance of the standard.

- Added clarity on when to use the School Action Level (SAL) and Regulatory Action Level (RAL):
35-401(b):

Indoor air sample analytical results. All indoor air sample results attributable to a release shall be compared to the applicable Vermont Indoor Air Standards found in Appendix A. Risk to public health must also be determined via applicable methods discussed in §35-401(d).

Regulatory Action Level (RAL): Cleanup value to be used when a release is detected from a source not associated with a school or building materials (ie, a release to the environment has occurred, such as a transformer release, and is impacting indoor air).

School Action Level (SAL): Cleanup values to be used when a release is detected as part of an investigation taking place at public schools and approved and recognized independent schools.



- 35-401(c)(3). Site Specific Risk Assessments: Modified language: PRP may elect to perform a site-specific risk assessment (SSRA). The Method 3 SSRA determines if an incremental lifetime cancer risk of 10^{-6} or a hazard index of 1.0 is exceeded. The exposure assumptions and risk assessment shall be submitted and reviewed by the Agency and the Vermont Department of Health. If the result of the SSRA identifies a site specific cleanup value, that value will primarily apply to property where the release initially occurred. The site-specific cleanup value may apply to properties beyond where the initial release occurred only when appropriate institutional controls have been put in place and have been approved by the Secretary.
- 35-604(3) ECAA; long term effectiveness and permanence; added: The resilience of the alternative must be evaluated in light of reasonably foreseeable changing climate conditions (e.g., increased frequency and intensity of flooding and/or extreme weather events, etc.).
- 35-607(e): Clarified requirements for amendments to corrective action plans.
- 35-611(c)(4): added additional clarification on acceptable management of purge water:

Purge water generated from groundwater monitoring, well development, and sampling shall be managed in a way that is environmentally compatible with the type and concentration of the suspected or known contaminant in the aquifer. Purge water may only be released on the ground surface in the area where it was removed if it is demonstrated that the contaminant plume is not exacerbated and that an uncontaminated area will not be contaminated by releasing the purge water on the ground.

- 35-805 Development Soils: clarified requirements for soil to be disposed of a categorical solid waste disposal facility and receiving site:

If soil is proposed to be disposed of in accordance with § 35-806(c)(1), or § 35-806(d) soil samples must include Synthetic Precipitation Leaching Procedure (EPA Method 1312) (SPLP) to determine if there is a potential for contaminants to impact groundwater. Samples for SPLP analysis shall be taken from the soils most likely to leach contaminants and from the most impacted soil locations based on laboratory analysis, field screening, and visual and olfactory evidence.

- In Subchapter 9. Institutional Controls, added in 35-901(b)(5): Any other control approved by the Secretary as a part of the institutional control plan.
- Updated environmental media standard tables in the Appendices, as necessary.
- Modified the Soil Standards table to include an urban background and non-urban background column.