

State of Vermont
Department of Environmental Conservation
Waste Management & Prevention Division
1 National Life Drive – Davis 1
Montpelier, VT 05620-3704
(802) 828-1138

The following is a summary of revisions made to the Investigation and Remediation of Contaminated Properties Rule that is currently open for public comment.

Date: April 30, 2019

Subchapter 1. GENERAL PROVISIONS:

- a) Created an exemption for Historical Fill (§ 35-107)

Subchapter 2. DEFINITIONS

- a) Clarified or provided additional definitions

Subchapter 3. SITE INVESTIGATION

- a) The subchapter was organized to streamline the process and certain sections more clarity was provided related to deliverables
- b) Made some changes to §35-303 Conceptual Site Model
- c) Additional clarity was provided related to (§ 35-307, review of site investigation report (a)(1), and (a)(4)

Subchapter 4. DATA EVALUATION

- a) This is a new chapter that discusses the following:
 - 1. Describes how to evaluate lab data that is received specifically for the following:
 - i. PFAS
 - ii. PCBs
 - iii. PAH
 - iv. Dioxin
 - v. Use of data related to the Minimum Detection Limit (MDL) that is above the set standard for that compound
 - vi. Direction on how to conduct cumulative risk for surficial soil and indoor air when multiple compounds are detected at a sample location above the MDL but below the standard
 - 1. To help ease this new requirement and make the math associated with this process “fool proof” VDH created a calculator that will be hosted on the SMS web page for consultants to use

Subchapter 5: RESPONSE ACTIONS; RELEASES OF HEATING FUELS

- a) Clarity was provided for requirements under this subchapter



Subchapter 6: CORRECTIVE ACTION

- a) Clarity was provided for requirements under this subchapter
- b) Soil management under this Subchapter was removed and relocated into Subchapter 8

Subchapter 7: LONG TERM MONITORING

- a) Included an option for data transmittals in lieu of full-blown long-term monitoring (LTM) reports when applicable;
- b) Added clarity for LTM plans, and General Requirements.

Subchapter 8: CONTAMINATED SOIL

- a) This is a new chapter dedicated to soil that allows for limited soil removal/stockpiling to happen outside of corrective action (which is the only way to remove or stockpile soil currently).
- b) The Development soil section has been streamlined and clarified (§ 35-805).

Subchapter 9. INSTITUTIONAL CONTROLS

- a) No major changes

Subchapter 10. SITE CLOSURE

- a) No major changes

Subchapter 11. REQUESTS FOR REIMBURSEMENT FOR MUNICIPAL WATER LINE EXTENSIONS FROM THE PETROLEUM CLEANUP OR ENVIRONMENTAL CONTINGENCY FUNDS

- a) No changes

APPENDIX A. ENVIRONMENTAL MEDIA STANDARDS

§-APX-A3. SEDIMENT STANDARDS

- a) No changes

§-APX-A1. SOIL STANDARDS and §-APX-A2. VAPOR INTRUSION STANDARDS

- a) Proposed changes to the standards are due to the following:
 1. The current Rule uses the EPA Regional Screening Levels (RSLs) and VDH calculated values; RSLs will no longer be used;
 2. The VDH assumptions have changed; the proposed Rule will use a Hazard Index (HI) of 1 for all media;
 3. A snow modifying factor has been applied to the timeframe for direct contact to soil; and
 4. The groundwater temperature used to calculate the volatilization factor was adjusted to reflect Vermont groundwater temperatures.