

Matrix Comparison of Remediation Acts

	HSRA	VRP	Brownfield	RCRA
Updated January 12, 2015	Applies to responsible parties of contaminated property (excluding Federal Superfund sites)	Available option for applicants (responsible party and non-RP) of property where there has been a release of a regulated substance, including those listed on the HSI (excludes facilities required to have a HWMA permit and NPL sites)	Applies to purchaser / lessee of contaminated property	Applies to owners/operators of permitted Hazardous Waste facilities
Delineation Criteria	Delineation of releases to soil to residential standards (Type 1 or default Type 2 RRS). Delineation of GW to Type 1 RRS	Same as HSRA, but with other optional criteria set forth in Section 12-8-108.	Delineation of <u>just the property purchased</u> to HSRA standards.	Background or alternate delineation level developed under SWMU Guidance.
Cleanup Criteria	Default and site-specific residential and non-residential standards (Type 1-4 RRS) and institutional/engineering controls if justified (Type 5 RRS)	Similar to HSRA but with expanded use of institutional and engineering controls with no required justification. Optional standards and policies are set forth in Section 12-8-108.	Same as HSRA for soil and source material.	Risk based concentration developed under SWMU Guidance; except for groundwater from a HW unit, which is background or ACL developed under 40CFR264.94
Groundwater Cleanup	Required regardless of whether site scored for that pathway.	Not required unless the site scored for the groundwater pathway or unless another exposure pathway such as vapor intrusion or surface water exists.	Cleanup is not required and purchaser is given a limitation of liability for pre-existing contamination. Seller remains liable for GW clean-up.	Required and must meet risk based concentration developed under SWMU Guidance or background or ACL for HW units.
Properties Affected	All properties affected by the release.	All qualifying properties affected by the release. Non-qualifying properties affected by the release may have HSRA reqmnts applied.	Limited to the property purchased.	Same as HSRA.
Engineering and Institutional Controls	Yes, if it can be demonstrated that Type 1-4 RRS cannot be met.	Yes, with no demonstration required.	Yes, if application of Type 1-4 RRS is not appropriate under present circumstances.	Yes
Limitation of Liability	None	None	Yes	None
Application Fees and Costs	None	\$5000 fee + costs	\$3000 + costs	None
Financial Assurance (FA)	May be required by Director. Current practice is to require FA upon CAP approval contingent on cleanup cost and duration.	May be required by Director. See VRP FAQ for further information.	Statutorily required for HSI listed properties only.	Required if permitted and may be required if under Order.
Appeal Rights	Issuance of Orders may not be appealed. Listing, enforcement of Orders and site classification changes may be appealed.	Any action under the VRP may be appealed		Any action of the Director can be appealed.