§ 15-3109. Groundwater remediation strategy.

No later than three years after the effective date of this title, the department, in consultation with the department of health, shall develop and publish a strategy to address the long-term remediation of groundwater contamination, including strategies to protect groundwater from future degradation from contaminated sites.

1. Such strategy shall govern all programs within the department responsible for groundwater protection and remediation. Such strategy shall include, but not be limited to:

(a) Recognition that both short- and long-term remediation strategies may be necessary to address groundwater contamination.

(b) Identification of the long-term groundwater remedial activities that are required to be taken by the state pursuant to title fourteen of article twenty-seven of this chapter for sites which the department has determined pose a significant threat, or which can be initiated by the state pursuant to other provisions of this chapter to address groundwater contamination.

(c) Establishment of criteria for the prioritization of long-term groundwater remediation activities to be performed by the department. Such criteria shall include, but not be limited to:

(i) the current or reasonably anticipated future use of contaminated groundwater as drinking water;

(ii) the current or reasonably anticipated future use of a groundwater aquifer into which contaminated groundwater is flowing as drinking water;

(iii) the current or reasonably anticipated future use of contaminated groundwater for non-potable purposes including but not limited to recreational uses, institutional uses and agricultural or non-agricultural irrigation;

(iv) community needs;

(v) feasibility of remediation; and

(vi) protection of natural resources and minimizing the impairment of the resource.

Notwithstanding subparagraphs (i) through (vi) of this paragraph,

while the current use of groundwater as drinking water may be considered, the absence of such use shall not exclude the need for remediation.

2. A public comment period of at least one hundred twenty days shall be held on the initial draft strategy. Such strategy shall be updated regularly based on progress made and the availability of new remedial technologies, scientific information, and field data. Each updated draft strategy shall be released to the public, and will require a public comment period of at least sixty days.

3. The department is responsible pursuant to title fourteen of article twenty-seven of this chapter for the remediation of off-site groundwater contamination emanating from sites being remediated by a volunteer, which sites have been determined to be a significant threat. Within six months of the determination of significant threat at a site being remediated by the volunteer the department shall bring an enforcement action against any parties known or suspected to be responsible for contamination at or emanating from the site which is the subject of such agreement. If such action cannot be brought, or does not result in the initiation of a remedial program by such party or parties at such site, the department shall use best efforts to begin a remedial program to perform the remediation of off-site contamination at such site within one year of the completion of such enforcement action or the completion of the volunteer's remedial program, whichever is later.