

State and Federal Regulatory Updates

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2010 West Virginia Brownfields Conference

PERSPECTIVES OF POTENTIAL
september 8-9 charleston, wv



State and Federal Regulatory Updates

Personnel Changes

EPA 3 Hazardous Sites Cleanup Division
Ronald Borsellino – New Division Director

WV DEP Retirements

WV DEP Succession Planning



State and Federal Regulatory Updates

WVDEP / EPA –

CERCLA Memorandum of Agreement

RCRA Corrective Action
Memorandum of Agreement

One Cleanup Program



State and Federal Regulatory Updates

WVDEP Rail-to-Trail Guidance



Current Universe of Sites

NUMBER OF SITES

SITES WITH INSTITUTIONAL OR ENGINEERING CONTROLS (IECs)

90 VOLUNTARY REMEDIATION PROGRAM SITES

30 LANDFILL CLOSURE ASSISTANCE (LCAP) LANDFILLS

9 SUPERFUND SITES

4 RCRA CORRECTIVE ACTION – CONSTRUCTION COMPLETE

32 RCRA CORRECTIVE ACTION – NOT YET CONSTRUCTION COMPLETE

POSSIBLE IEC SITES

597 LEAKING UNDERGROUND STORAGE TANK (LUST) SITES PENDING CLOSURE

149 VOLUNTARY REMEDIATION SITES – WITHOUT CERTIFICATE OF COMPLETION

19 CURRENTLY PERMITTED SANITARY LANDFILLS

3 CURRENTLY PERMITTED WASTE TIRE FACILITIES

122 FORMER MINING SITES WITH ONGOING WATER TREATMENT

WV DEP

Land Stewardship Efforts



Status of WV Programs

2005 -- Uniform Environmental Covenants Act
Model Covenant

Website -- environmental covenants

2006 -- Miss Utility

Amended WV Underground Facility Damage
Prevention Act to include engineering controls

Building fundamental components needed for a
comprehensive land stewardship program

WV Voluntary

Land Stewardship Program Initiative

1. Comprehensive voluntary approach
2. Built on existing programs & initiatives
3. Based on best practices
4. Creates a program that is appealing to both the public and private sectors
5. Utilizes current national standards or develops systems that can be applied nationwide
6. Sound perpetual care mechanism



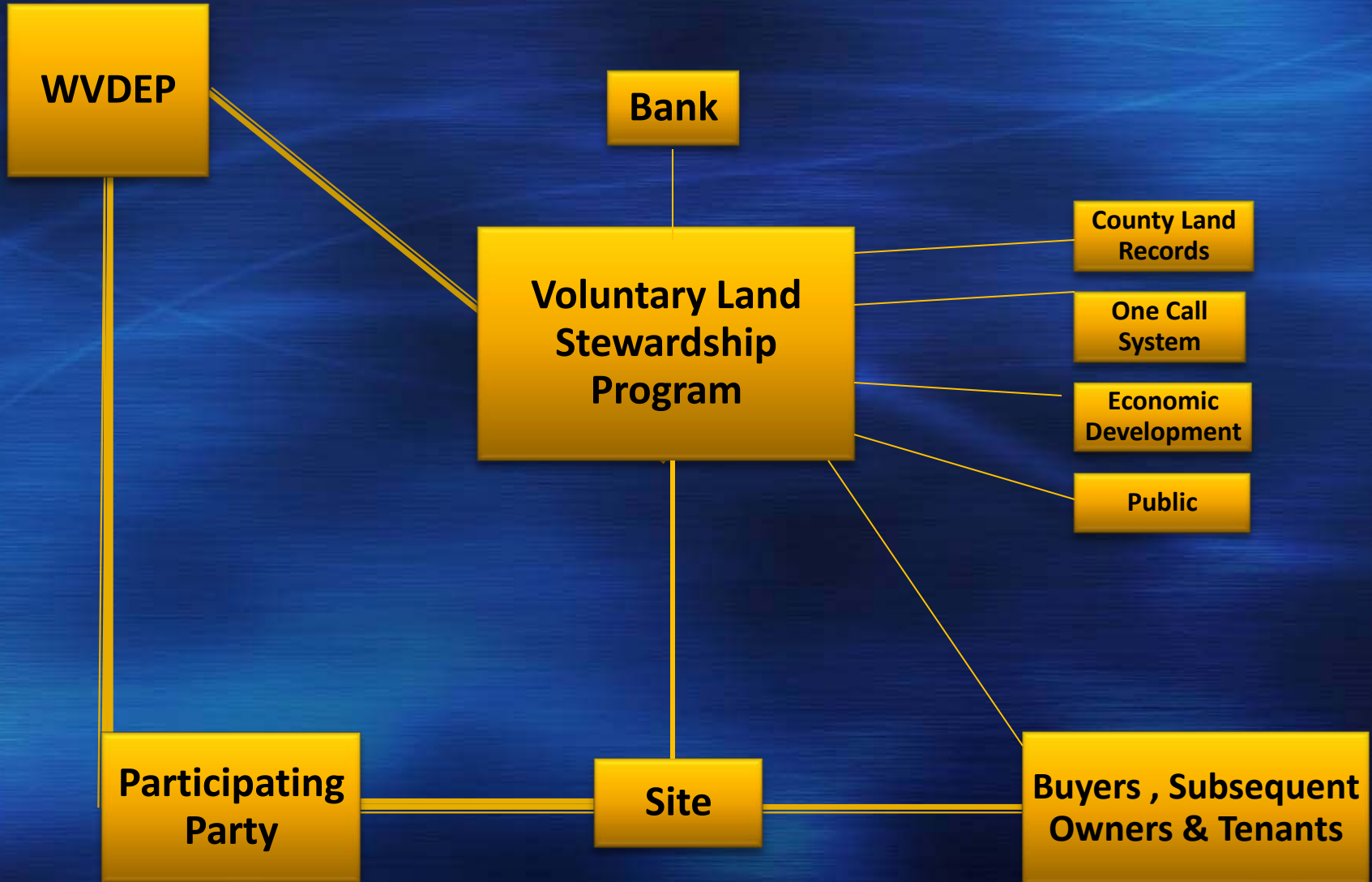
WV DEP

Institutional Controls Focus Group

- WV Manufacturers Association
- WV Chamber of Commerce
- WV Coal Association
- WV Development Office
- FMC Corporation
- Dow Chemical Company
- U.S. EPA
- Marshall University, Center for Business and Economic Research (CBER)
- Marshall University, Center for Environmental, Geotechnical and Applied Sciences (CEGAS)
- ARCADIS U.S., Inc.

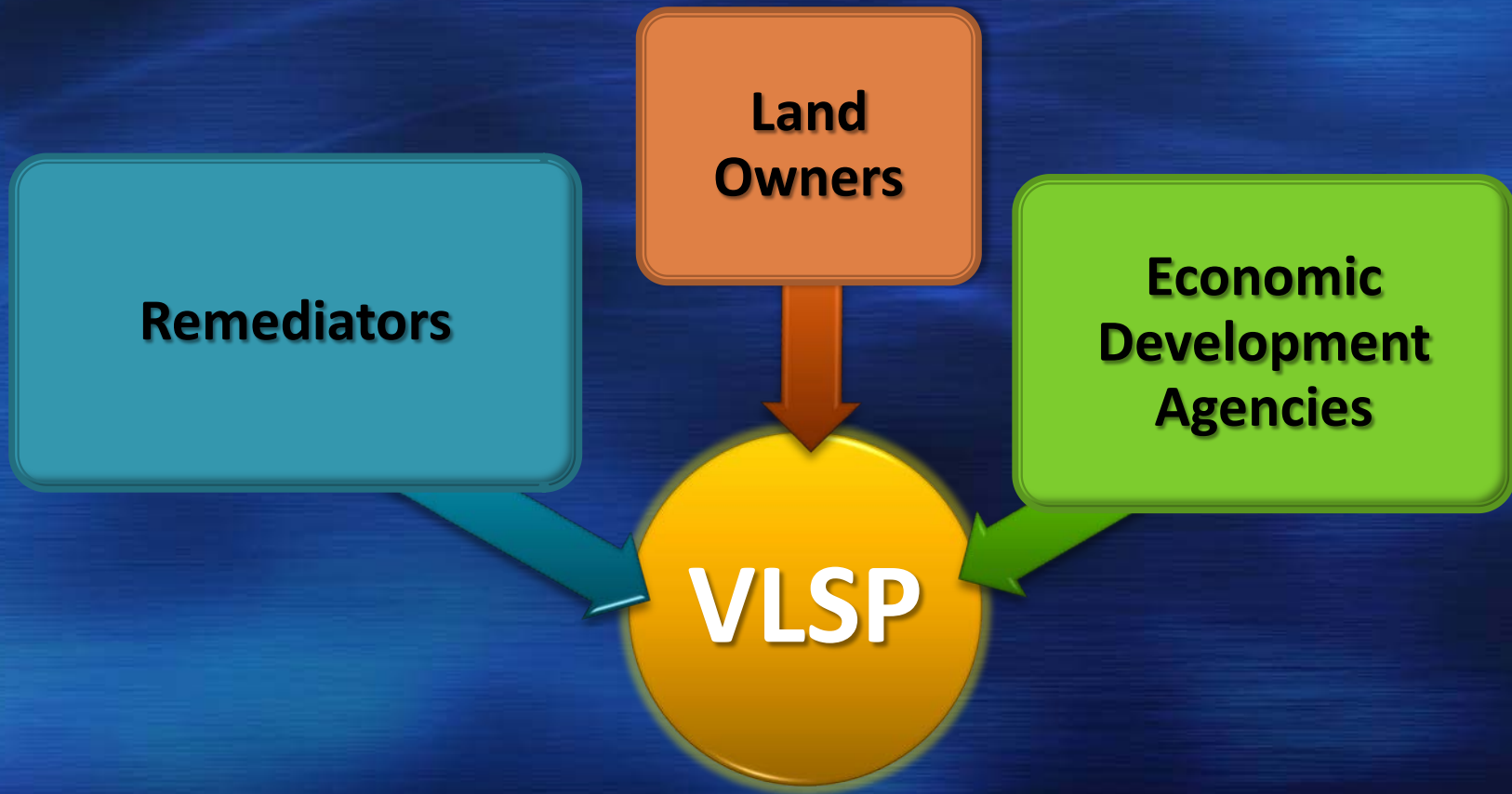


Voluntary Land Stewardship Program



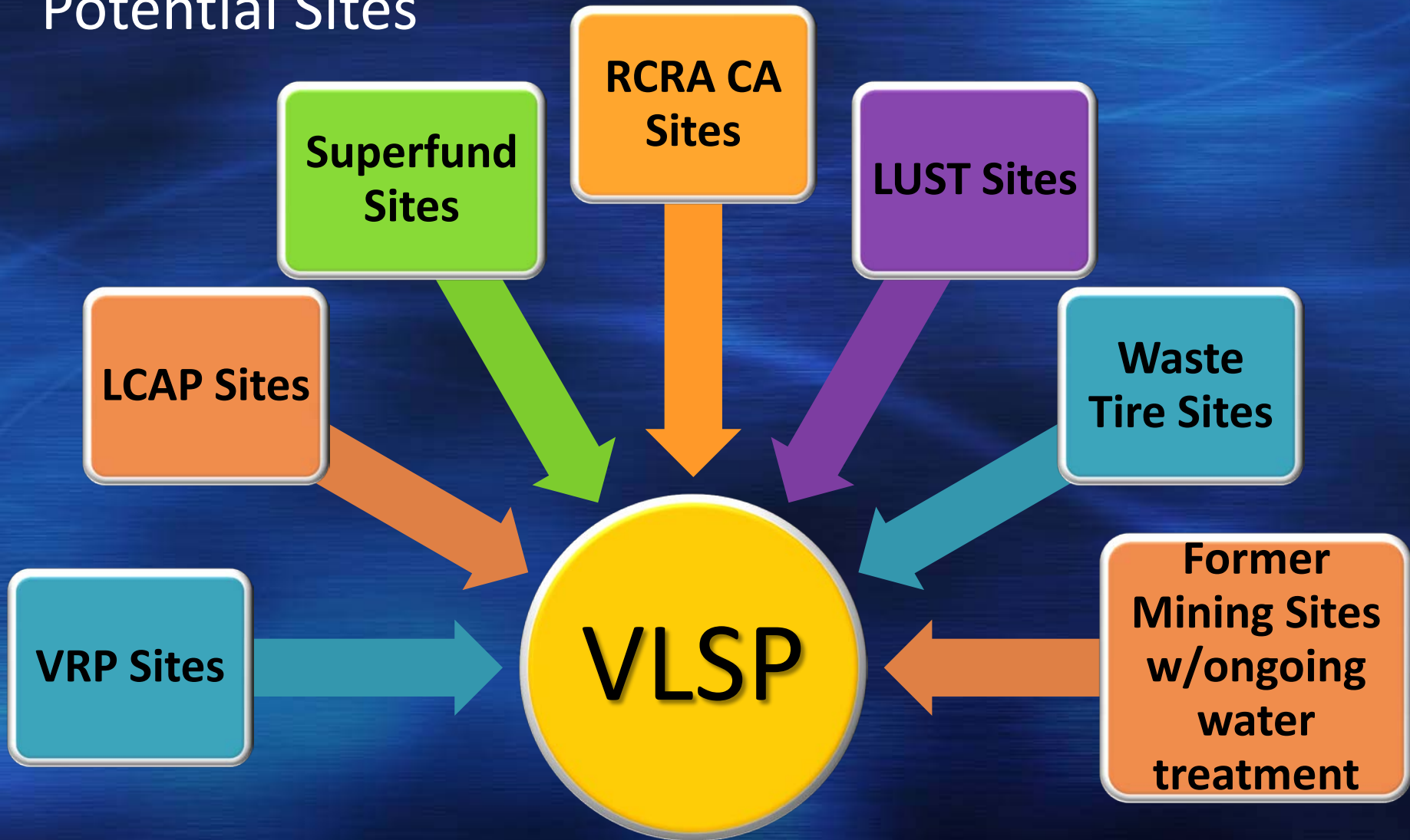
Voluntary Land Stewardship Program

Potential Customers



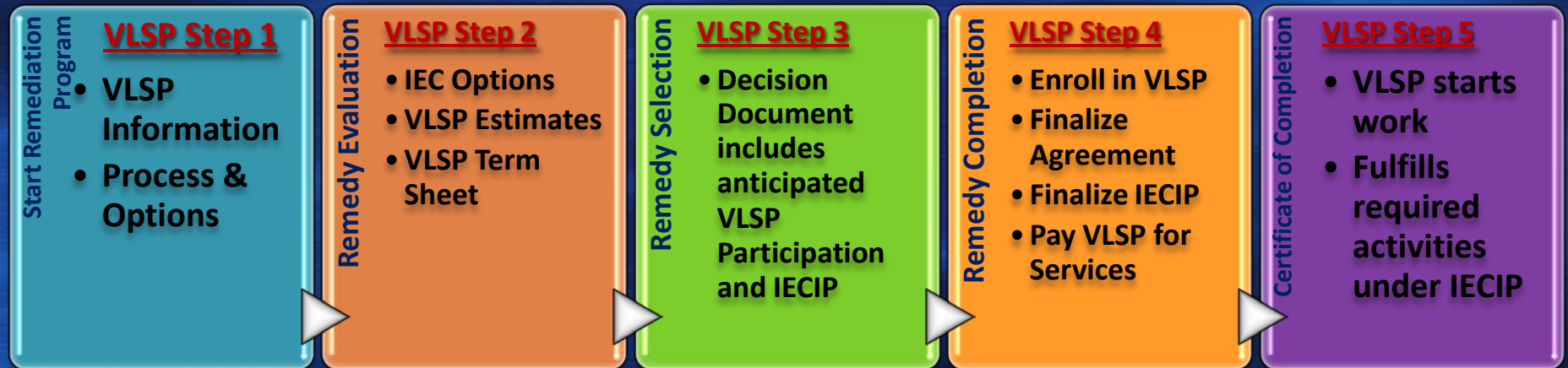
Voluntary Land Stewardship Program

Potential Sites



Voluntary Program Enrollment

Example – Voluntary Remediation Site



Colored boxes = General description of remediation process: “Start Remediation Program,” “Remedy Evaluation,” “Remedy Selection,” “Remedy Completion,” and “Certificate of Completion”

Lists within colored boxes = Voluntary Land Stewardship Program Steps

Voluntary Land Stewardship Pilot

- Demonstrate, strengthen & refine program
 - Develop / refine
 - Enrollment process
 - Acceptance criteria
 - Service descriptions
 - Service / trust agreements
 - Notices / reports
 - Description of environmental registry components
- Pilot Sites
 - Provide VLSP services
 - Voluntary Remediation Program
 - RCRA Corrective-Action
 - LCAP Landfill



Voluntary Land Stewardship Initiative

- September 2010 Fact Sheet
 - Conference Program
- WV Institutional Controls Focus Group Interim Report dated September 9, 2010
 - <http://www.dep.wv.gov/dlr/oer/voluntarymain/Pages/default.aspx>

