**UECA-LUST AGREEMENT FOR**

**INVESTIGATION AND REMEDIATION ACTIVITIES**

**between**

**The West Virginia Department of Environmental Protection**

**and**

**[Insert Applicant]**

**Modification No. [Choose Modification No.]**

The undersigned parties to the UECA-LUST Agreement executed on [Insert Date], between the West Virginia Department of Environmental Protection (WVDEP) and [Insert Applicant] (Applicant) hereby agree to modify said Agreement to reflect the following changes to the site activities:

1. *The West Virginia Department of Environmental Protection (WVDEP), by its Secretary, and [Insert Applicant] (“Applicant”) hereby enter into this Remediation Agreement (“Agreement”) pursuant to the Uniform Environmental Covenant Act, W.Va. Code §22-22B-1 et seq. (“UECA”), for the purpose of investigating and remediating the property located at [Insert Address], [Insert City], [Insert County] County, and is the subject of this Agreement (“the Site”).*
2. *All work to be performed by Applicant pursuant to this Agreement for remediation to risk-based standards via UECA shall be under the discretion and supervision of a licensed remediation specialist, and Applicant has designated [Insert LRS Name] (LRS # [Insert LRS Number]) for the project.*
3. *Applicant shall submit the following work plans or reports in accordance with the following schedule to complete the remediation activities:* [*Revise numbers below as applicable to the project. NOTE: The Data Validation Report must be submitted either with the Site Assessment Report or as a stand-alone document.*]

| **Document** | **Due** |
| --- | --- |
| Site Assessment Work Plan (SAWP) | 90 days after Agreement  |
| Site Assessment Report (SAR) | 90 days after SAWP approval |
| Data Validation Report (DVR) | 90 days after SAR approval |
| Human Health & Ecological Risk Assessment (HHERA) | 90 days after SAR approval |
| Remedial Action Work Plan (RAWP) | 90 days after HHERA approval |
| Remedial Action Completion Report (as applicable) | 90 days after RAWP approval |

1. *The parties shall send all documents required by this Agreement, including reports, approvals, notifications, disapprovals, and other correspondence electronically to the following addresses or to alternate addresses as Applicant or WVDEP may designate in writing.*
2. *Documents to be submitted to WVDEP should be sent to:*

West Virginia Department of Environmental Protection

Office of Environmental Remediation

601 57th Street SE

Charleston, WV 25304

Phone: (304) 926-0499

Email: DEPOERFileCopy@wv.gov

*A copy of all documents should be sent to the WVDEP project manager:*

West Virginia Department of Environmental Protection

Office of Environmental Remediation

 Attn: [Insert WVDEP Project Manager Name]

 [Insert Address]

 Phone: [Insert Phone Number]

 Email: [Insert Email Address]

1. *Documents to be submitted to Applicant should be sent to:*

[Insert Applicant Business Name (if applicable)]

Attn: [Insert Applicant Contact Name]

[Insert Address]

Phone: [Insert Phone Number]

Email: [Insert Email Address]

*A copy of all documents should be sent to the LRS:*

 [Insert LRS Company Name (if applicable)]

Attn: [Insert LRS Name]

 [Insert Address]

 Phone: [Insert Phone Number]

 Email: [Insert Email Address]

1. *Applicant agrees to reimburse WVDEP for all of its reasonable administrative costs associated with implementation of this Agreement at 3.5 times the hourly rate of the employees assigned to the Site, plus the actual and direct expenses of such employees, as well as contractor costs noted in Paragraph 16 of the agreement. WVDEP shall periodically send an accounting of the employees’ time charged to the Site to Applicant, and Applicant shall pay said amount within forty-five (45) days of receipt of the accounting.*

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

Agreed to by:

| Applicant |
| --- |
|  | [Insert Applicant Name] |
|  | Printed Name: | [Insert Name] |
|  | Title: | [Insert Title] |

|  |  |  |
| --- | --- | --- |
| Signature |  | Date |

| West Virginia Department of Environmental Protection |
| --- |
|  | Printed Name: | Robert Rice |
|  | Title: | Director, Division of Land Restoration |

|  |  |  |
| --- | --- | --- |
| Signature |  | Date |

[Include if applicant is not owner of the site and if the owner has changed since the original Agreement:]

[Insert Owner Name], as owner of the Site referenced in the above Agreement, hereby acknowledges that said Agreement requires the imposition of an environmental land use covenant and, in consideration of the benefits accruing to the Site from said Agreement, I hereby agree to the imposition of such land use covenant and agree to cooperate in the execution and filing of such land use covenant.

|  | Printed Name: | [Insert Name] |
| --- | --- | --- |

|  |  |  |
| --- | --- | --- |
| Signature |  | Date |