**WEST VIRGINIA VOLUNTARY REMEDIATION 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 Voluntary Remediation 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 change(s) to the site activities:

**I. INTRODUCTION**

1. *The West Virginia Department of Environmental Protection (WVDEP), by its Secretary, and [Insert Applicant] (“Applicant”) hereby enter into this Voluntary Remediation Agreement (“Agreement”) pursuant to the Voluntary Remediation and Redevelopment Act, W.Va. Code §22-22-1 et seq. (“the Act”), for the purpose of investigating and remediating the property that is subject of this Agreement (“the Site”).*

**V. DEFINITIONS**

1. *“Site” shall be used in the manner as defined by W.Va. Code §22-22-2(dd) and for purposes of this Agreement means the property located in [Insert City], West Virginia, and is more particularly described in the Application for Participation in the Voluntary Remediation Program submitted to WVDEP and accepted by the letter dated [Insert Date], and as described in the Amendment to the Application dated [Insert Date], to include the tract owned by [Insert Owner]. The Amendment to the Application was accepted by letter dated [Insert Date].*

**VII. WORK TO BE PERFORMED**

1. *For the purposes of remediation and preparing final reports, the Site may be divided into separate areas and different human health and ecological remediation standards may be utilized for these individual areas (e.g., De Minimis, Uniform Risk-Based, and Site Specific Risk-Based). Applicant currently contemplates that the Site will be subdivided into the following areas:*

*[Describe Subdivided Areas]*

**VIII. SUBMITTAL AND APPROVAL OF WORK PLANS OR REPORTS**

1. *Applicant shall submit electronic versions of the following work plans or reports in accordance with the schedule provided in this Modification: [Revise schedule below, as applicable. 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 DVR approval |
| Remedial Action Work Plan (RAWP) | 90 days after HHERA approval |
| Remedial Action Completion Report (as applicable) | 90 days after RAWP approval |

**VIII. ADDRESSES FOR ALL CORRESPONDENCE**

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 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’s Company Name (if applicable)]

Attn: [Insert Applicants 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’s Company Name (if applicable)]

Attn: [Insert LRS’s contact name]

 [Insert Address]

Phone: [Insert Phone Number]

Email: [Insert Email Address]

**X. PROJECT MANAGER/LICENSED REMEDIATION SPECIALIST**

1. *The WVDEP Project Manager for the Site is identified in Paragraph 25 of this Agreement. Applicant has designated [Insert LRS Name] (LRS#[Insert LRS Number]) as Applicant’s licensed remediation specialist and [IF APPLICABLE: Insert Project Manager Name as] project manager for the Site. The LRS is responsible for the supervision of all activities under this Agreement. The WVDEP project manager is the WVDEP-designated representative at the Site. To the maximum extent possible, Applicant and WVDEP shall direct all communications and all documents (including reports, approvals, and other correspondence) concerning the activities performed pursuant to the terms and conditions of this Agreement through the project managers. During the implementation of this Agreement, the project managers shall, whenever possible, operate by consensus and shall attempt in good faith to resolve disputes informally through discussion of the issues. Each party has the right to change its respective project manager or LRS and shall notify the other party of the change in writing within fourteen (14) days and shall execute a modification to this Agreement within thirty (30) days.*

[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 this Modification to the Agreement, hereby acknowledges that said Agreement requires the imposition of a 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 |