



NEW in 2018

Held VRP Stakeholder Survey and Stakeholder Meeting

Began Quarterly OER Team Meetings and Monthly OER Leaders Meetings

VRP/UECA LUC Template, Instructions, and Inspection Form

Revised internal checklists to better reflect regulations

Developed new LRS Exams

Developed LRS Guide

Revised LRS licensing renewal schedule

Developed LRS CEU Documentation Form

Revised VRP and UECA Agreement Templates

Encouraged electronic submittals

Revamped OER Website

Developed internal project deadline tracking

Developed VRP Process Flowchart and Outline

Presented VRP 101 and Risk Assessment 101 training at WV Brownfield Conference

Developed and held staff training retreat

Developed FAQ for VRP GM

Began development of Recreational User exposure factors

Began Quarterly LRS Newsletter

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The New OER - Looking Back at 2018

It's hard to believe that it's only been one year since we began to reevaluate and revise our processes and procedures in implementing the VRP. Stakeholders had shared some concern that our approach to the program requirements was not consistent across OER project managers and that review deadlines were sometimes not being met. Through our discussions with stakeholders and internal staff we concluded that unnecessary administrative hurdles and a lack of consistent communication were the primary causes of projects bogging down. In the past year we have taken significant actions to address these issues, and we believe that we are on track to make the VRP a go-to program once again.

Many of the changes have been internal, including better project tracking and accountability, and more frequent communication and guidance. External changes have included an improved Land

Use Covenant template, including an instruction page and an inspection template, as well as a revised VRA template. Perhaps the most immediate improvements were to allow scanned signatures and electronic submittals of all documents (except LUCs). Our renewed dedication to moving projects forward resulted in 22 Certificates of Completion and five UECA NFA letters issued in 2018.

In addition to the changes occurring within OER, we also are looking outward to the LRS community to improve their understanding of VRP regulations and guidance and to improve the performance of their peers. In 2019, OER plans to develop on-line training that focuses on VRP regulations and guidance to help the LRS community stay up to date with requirements, streamline review, and speed approval of submittals.

UECA Tier-Based Closure in Development!

OER is currently working to better define submittal requirements and technical standards for UECA sites and hopes to release updated information soon. Additionally, OER is developing a series of presumptive remedies which could be applied when the site meets certain criteria regarding assessment, impacts, and future site use. We are hoping that this process can be used to move UECA sites through the assessment and remedy selection process more quickly. In general, the following initial criteria must be met to utilize one of the presumptive remedies:



The site is eligible to enter the UECA program

The property owner approves the use of AULs

A site characterization fully delineating impacts to all environmental media has been performed by an LRS

Assessment data represents worst-case conditions

Concentration and aerial extent of groundwater plume are stable

LNAPL is not present

Laboratory analysis has been performed by a WV Certified laboratory



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VRP versus UECA The Devil is in the (statutory) Details

The two OER risk-based programs serve different purposes and are authorized by different statutes. Therefore, the language included in Land Use Covenants used to control activities and land use at these sites is different. The VRP regulations include specific language regarding the content of LUCs (Section 13). This includes a requirement that all VRP LUCs contain a provision that the “*applicant and its assigns and successors*” are relieved of all civil liability to the State for the release of contaminants. However, the content of a LUC developed for the risk-based closure of a leaking UST system is specified by the requirements of the UECA statute (W. Va. Code § 22-22B-4). The LUC recorded for a leaking UST functions strictly as an institutional control to ensure that exposure assumptions made in the risk assessment remain valid. The LUC recorded pursuant to the VRP acts to control exposure, but also serves to document the continuing liability protections afforded by the VRP. Leaking UST responsible parties and subsequent property owners do not receive any guarantee of future liability protection.



Take my CSM, Please!

A Conceptual Site Model must be developed for every VRP and UECA site and should be developed as soon as preliminary information is available regarding site-related contaminants and their sources. The CSM should then be updated as additional information is collected about contaminants, migration pathways, and planned future site use. A CSM is the optimal way to communicate how contaminants move from sources through the environmental media to potential human and ecological receptors, and this information is absolutely critical when performing risk-based remediation. The lack of a complete and well thought out CSM can lead to miscommunication between the OER PM, the LRS, and the risk assessor, and can cause project delays or repeat work. On the other hand, a good CSM can illustrate that certain exposure pathways are incomplete and eliminate the need for additional investigation. A figure illustrating the site setting and key contaminant migration mechanisms is a powerful tool for interpreting and conveying site information.



News Feed

- **Vanadium Pentoxide Anyone?**

If you need to calculate a site-specific risk or a uniform risk-based concentration for Vanadium at one of your sites, OER has decided to use Vanadium Pentoxide toxicity values as a proxy for all Vanadium Compounds until better research is available or IRIS commits to the current USEPA RSL values.

- **New PAH Toxicity Values Adopted by US EPA**

US EPA has adopted new Oral Cancer Slope toxicity values for many PAH compounds based on updates to Benzo(a)pyrene. The WV De Minimis Table values do not yet reflect these changes, so VRP applicants and UECA responsible parties still need to screen using the De Minimis values based on the old toxicity assessment. EPA has updated the Benzo(a)pyrene toxicity values in IRIS, but not the other PAHs that they correlate with BaP. However, applicants can use the new toxicity values for site-specific risk calculations.

- **Don't Forget Model Sensitivity Analysis!**

Section 8.1.d.2 of the VRP Rule requires that all fate and transport models include a Sensitivity Analysis. Submit this analysis, along with all input parameters and associated justification, with the model results.