

# Draft AST Rule: Corrective Action

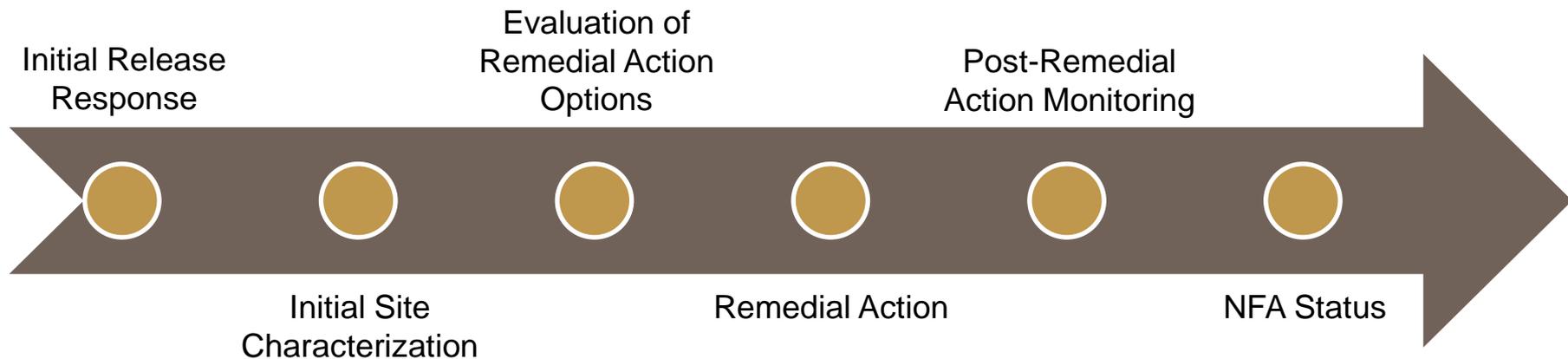
# Corrective Action

## **WVDEP Authority to Assume Control of Release**

- Right to assume control of any release or threatened release situation when owner and/or operator do not take prompt action.
- All liability, including payment to WVDEP of response costs, will remain with the owners and operators and their guarantors.

# Corrective Action

## Corrective Action Overview



# Corrective Action

## Initial Release Response

AST System

If applicable:

Remove all substance contained in AST and take AST component and/or system out of service.

Investigation

Containment

Recovery, Removal, Excavation

# Corrective Action

## Initial Release Response

AST System

Investigation

- 1) Determine amount and type of substance released.
- 2) Identify and sample affected and potentially affected water supplies.
  - Submit sample results to WVDEP within 5 days of receipt of results from laboratory.

Containment

Recovery, Removal, Excavation

# Corrective Action

## Initial Release Response

AST System

Investigation

Containment

- 1) Notify WVDEP and initiate NAPL corrective action immediately.
- 2) Excavate contaminated soil for treatment and disposal with prior notification to WVDEP.
- 3) Identify, mitigate, and monitor fire, explosion, and safety hazards posed by vapors and free product.

Recovery, Removal, Excavation

# Corrective Action

## Initial Release Response

AST System

Investigation

Containment

Recovery, Removal, Excavation

Perform free product recovery, regulated substance removal, and/or contaminated soil excavation as needed.

# Corrective Action

## Initial Release Response

### NAPL Corrective Action

- Remove and remediate NAPL to the maximum extent practicable while continuing the release confirmation steps and the investigation.

# Corrective Action

## Initial Release Response

### NAPL Conceptual Site Model (NCSM)

- Formulated to determine most efficient and environmentally protective remedial approach for addressing the release.
- Verbally communicated to WVDEP within 48 hours of the discovery of a release of NAPL.
- Basis for all short and long term remedial action decisions.
- Updated, in writing, at a minimum of once every 3 calendar months.

# Corrective Action

## Initial Release Response

### Affected or Diminished Water Supplies

- Owners or operators who affect or diminish a water supply as a result of a release shall restore or replace the supply.

48 hours

Temporary Water Supply

90 days

Permanent Water Supply

# Corrective Action

## Initial Site Characterization

### Investigation

- Performed upon confirming that a release has occurred or upon notification by WVDEP that a release has been confirmed.
- Objective is to determine:
  - 1) Whether additional interim remedial actions are necessary.
  - 2) Whether additional site investigation work is required.
  - 3) The nature of the release.
  - 4) The extent of migration of contamination in surface water, groundwater, soil, and/or sediment.
  - 5) Site characteristics.
  - 6) Remedial action plan.

# Corrective Action

## Initial Site Characterization

### Site Characterization Report

- Submitted to WVDEP within 120 days of reporting a release.
- Provides the following information:
  - Site Description
  - Remedial Actions Performed
  - Contaminant Information
  - AST System Information
  - Site Specific Investigation Plans
  - Methods and Results of Investigation
  - Conclusions and Recommendations

# Corrective Action

## Evaluation of Remedial Action Options

### Corrective Action Plan

- Provides for adequate protection of human health, safety, water resources, and the environment.
- Addresses:
  - Contamination of soils, groundwater, surface water, and sediments.
  - All occurrences of NAPL resulting from a release.
  - Impacts or potential impacts to water supplies.
- Proposes remediation action method to reduce contaminant levels to cleanup goals for the site.

# Corrective Action

## Evaluation of Remedial Action Options

### Corrective Action Plan – Implementation Prior to Approval

- Remediation of soil, groundwater, and/or surface water may be implemented at owner and operator's own risk prior to approval with advanced notification to WVDEP.
- Actions will be incorporated into the CAP submitted to WVDEP for approval.

# Corrective Action

## Remedial Action

### Corrective Action Plan – Implementation

- Implemented according to the schedule contained within the CAP upon approval by WVDEP.
- Documented through:
  - Quarterly Remedial Action Progress Reports.
  - Final Remedial Action Completion Report.

# Corrective Action

## Post-Remedial Action Monitoring

### Post-Remedial Action Monitoring

- Ensures the remediation standard has been met.

# Corrective Action

## No Further Action

### No Further Action Status Request

- Request by Owner and Operator
  - Submit a written request to WVDEP for no further action (NFA) status.
- Issuance by WVDEP
  - Issues a NFA letter documenting that site cleanup objectives have been met.

# Corrective Action

## No Further Action

### Terms of No Further Action Status

- Does not absolve the owner and operator from previously incurred or potential future liability.
- Applies to site conditions at the time the NFA request was made.
- May be reopened for additional investigation and/or remediation if:
  - The risk posed by the site changes in the future.
  - The presence of contamination related to the release in question is discovered at a later date.

# Corrective Action

## Alternative Corrective Action

- Voluntary Remediation Program (WV Code §22-22)