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west virginia department of environmental protection  
division of land restoration

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# LUST UECA Process: A Checklist for Licensed Remediation Specialists

## Understanding the LUST UECA Program

- Pertains to OER's oversight of "regulated" Leaking Underground Storage Tank (LUST) related issues under the Uniform Environmental Covenant Act (UECA) process.
  - Sites with issues related to other regulatory programs:
    - Work through those regulatory programs; or
    - Enter the site into the Voluntary Remediation Program.
- The VRRRA Guidance Manual and processes outlined in it are to be followed in lieu of the Corrective Action Guidance Document in order to achieve "No Further Action" status.
  - The requirements for quality assurance/quality control are higher for risk-based closures than for sites meeting full remediation.
- The UECA agreement guides the process and report submittals for LUST UECA sites.
  - Submittals will differ from those of a typical LUST project.
- Property owners must agree to any potential property use restrictions, as well as sign the UECA agreement and (if required) environmental covenant.

## Contacts for the LUST UECA Program

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Contact a LUST Project Manager:

[http://www.dep.wv.gov/dlr/oer/lustmain/Documents/Lust%20Project%20Managers%20and%20Counties-9\\_8\\_2011.pdf](http://www.dep.wv.gov/dlr/oer/lustmain/Documents/Lust%20Project%20Managers%20and%20Counties-9_8_2011.pdf)

## Before Entering the LUST UECA Process

- Decide if contamination migrated off-site:
  - Yes: Will affected property owners consider restrictions on the use of their properties?
    - Yes: These property owners will need to agree to necessary restrictions in writing.
    - No: Off-site impacts will require remediation to standard appropriate for unrestricted use.
- Verify that the property owner will agree to any potential property use restrictions, as well as sign the UECA agreement and (if required) environmental covenant.
- Determine whether the applicant or property owner will be responsible for future site inspection/monitoring.
- The LUST responsible party is required to fulfill the Public Participation requirements as mandated by 40 CFR 280.67.

## LUST UECA Process Checklist

- Notify OER of intent to bring LUST project through UECA. Owner/LRS can request a meeting to discuss following the UECA process, submit a letter to express intent to do so, etc.
- Discuss UECA process (including property use restrictions) with property owner:
- Obtain property owner's consent.
- Submit a draft agreement (Microsoft Word) to OER.
  - Specify:
    - Applicant name.
    - Site owner name (if applicable).
    - Licensed Remediation Specialist name. If not included in the agreement, the LRS name must be submitted in writing prior to the start of work under the agreement.
    - Schedule for submittal of all documents necessary to bring the site to NFA.
  - Attach:
    - Copy of property deed.
    - Site map identifying property to be included in UECA.
- Discuss draft agreement with OER.
- Obtain signatures from the applicant and (if applicable) the property owner.
- Submit original signed UECA agreement to OER.
  - Send:
    - One to be retained on file by OER.
    - Additional for each party that desires an original signed copy.
  - Attach:
    - Information (person/location) on the billable party to be invoiced by OER. This may differ from the address for UECA correspondence.
- Incorporate any changes to the original agreement in modifications:
  - Adjusting for site or project circumstances; revising schedules; transitioning LRS; etc.