west virginia department of environmental protection

Office of Environmental Remediation
601 57th Street SE
Charleston, WV 25304
P: 304-926-0455

Earl Ray Tomblin, Governor
Randy C. Huffman, Cabinet Secretary
dep.wv.gov

MEMORANDUM

To: All UST Owners Closing Tanks

From: Office of Environmental Remediation
West Virginia Department of Environmental Protection

Subject: Reporting and Managing Contaminated Soils during Tank Closures

Pre-Closure Planning

Since the possibility of encountering contamination at a closure is high, UST owners/operators should develop plans for handling contaminated soils and/or water prior to beginning the actual closure. The Office of Environmental Remediation strongly recommends that owners/operators submit their proposed above-ground bio-pile treatment plans prior to beginning tank closure activities in order to minimize delays and work stoppages if contamination is encountered.

Reporting Contamination

If evidence of a petroleum release is found in the form of contaminated soils, contaminated groundwater, or free product as a liquid or vapor, it is the responsibility of the tank owner/operator (or a representative) to report the release within 24 hours of discovery.

During DEP Office Hours: Casey Korbini (304-238-1220, ext. 3506)
After DEP Office Hours: DEP Spill Hotline (1-800-642-3074)

Failure to report a release within 24 hours is a violation of federal and state regulations and may result in penalties against the owner/operator.

Managing Contamination

40 CFR 280.66 (d)

Owners and operators may, in the interest of minimizing environmental contamination and promoting more effective cleanup, begin cleanup of soil and groundwater before the corrective action plan is approved provided they:

1) Notify the implementing agency of their intention to being cleanup;

2) Comply with any conditions imposed by the implementing agency, including halting cleanup or mitigating adverse consequences from cleanup activities; and

3) Incorporate these self-initiated cleanup measures in the corrective action plan that is submitted to the implementing agency for approval.

When minor soil contamination is found, an amount that does not exceed 10 cubic yards (or cover an area of 13 feet x 13 feet x 1.2-2 feet) may be over-excavated and treated on site in an above-ground bio-pile treatment cell, so long as the following requirements are strictly adhered to.

1. The biopile shall be constructed and located in an area that will prevent impacts to surface and groundwater resources, and not cause nuisance complaints from neighbors.

2. The soils shall be placed on a minimum of 6 mil black plastic to prevent infiltration into the existing ground.
3. The soils shall be placed such that no area exceeds 1.5-2 feet in depth.

4. The soils shall be securely covered at all times with a minimum of 6 mil black plastic, in order to prevent precipitation infiltration and to maintain appropriate moisture content.

5. After 6 months from the date of the release, the bio-pile shall be evaluated; if the soil does not exhibit obvious petroleum contamination as determined through olfactory or other screening methods, a representative sample shall be obtained from near the bottom of the center area of the bio-pile and submitted to a West Virginia certified laboratory for analysis of BTEX (by Method 8021a), TPH, GRO, and DRO. If the bio-pile still shows evidence of contamination through the screening or sample analysis, then the treatment cell should remain in effect. At the end of the of second 6 month period, the soils must be evaluated and analyzed as noted above.

6. Two copies of the results of the soils analyses shall be forwarded to the designated OER Project Manager for the county where the facility is located. The submitted analyses reports shall be identified by the name of the facility; the tank owner/operator; the leak number; the West Virginia Facility ID number; and the closure number.

If space for treating the contaminated soils cannot be found on site or the quantity of contaminated soils exceeds 10 cubic yards, additional excavation may not proceed until a Corrective Action Plan (CAP) with site-specific details is submitted to the Office of Environmental Remediation.

In all instances, if groundwater is encountered, all excavation must be discontinued until the appropriate OER Project Manager is contacted, and a groundwater investigation will be required.

Corrective Action Plans

Corrective Action Plans should be submitted to the appropriate OER Project Manager. At a minimum, CAPs must include:

1. Estimated volume of soil to be removed;
2. Proposed method of soils treatment;
3. Representative sampling plan to confirm successful over-excavation of contaminated soils;
4. Ultimate planned disposition of excavated soils; and

5. Name, address, and phone number of the individual/company responsible for implementation/maintenance of the soil remediation.

If the above-ground bio-pile treatment and/or off site soil remediation is proposed, the CAP must also include:

1. Copy of a topographic map specifying the bio-pile location;
2. Diagram of the soils treatment area;
3. Acknowledgement and agreement signed by the property owner on which the bio-pile is proposed to be located.

LUST Program Contact Information

Patty Perrine, Interim Program Manager: 304-238-1220, ext. 3517

Locate the LUST Project Manager for your area:
http://www.dep.wv.gov/dlr/oer/lustmain/Documents/Project%20Managers%20by%20County-7_17_12.pdf

Notice

Failure to abide by these instructions may result in the initiation of enforcement actions against the owner, operator, and/or contractor, and may be grounds for the suspension or revocation of a contractor's license.