

US EPA ARCHIVE DOCUMENT

**RCRA Showcase Pilot
Region 8**

**Wyoming Voluntary Remediation of Contaminated Sites
Wyoming Department of Environmental Quality**

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Background:

Wyoming's Voluntary Remediation of Contaminated Sites law (VRCS) was first enacted in 1999 (although it was not labeled as a VRCS program). The Governor did not sign the bill but instead let it become law without his signature, recognizing that additional statutory changes were needed. During the next year, the State, EPA, legislators, environmental groups, and industry leaders held numerous working meetings to seek a consensus regarding possible revisions to the law. In 2000 a new law was passed, this time signed by the Governor, significantly changing the earlier law. EPA believed the bill had a few remaining points of concern and was reluctant to acknowledge that the law was appropriate for use at RCRA facilities. Through numerous discussions the State decided to amend the law again, which it did during the 2001 legislative session. EPA now believes that the Wyoming law provides sufficient discretion for DEQ to implement the VRCS in a manner consistent with the federal RCRA program.

EPA and DEQ are now working on a Memorandum of Understanding for the purpose of facilitating the implementation of the VRCS at sites where owners and operators are subject to regulation under hazardous waste laws. The voluntary remediation law was developed through an extensive cooperative process with a wide range of interested parties throughout Wyoming. DEQ and EPA have met with numerous stakeholders, including public interest and industry groups, the public, and Wyoming legislators. The VRCS is intended to cover a wide range of circumstances, including remediation which might otherwise be addressed through the Federal RCRA or CERCLA programs. The use of

this cooperative process allowed the State to enact a law that will promote fast, flexible and effective cleanup at a wide variety of sites. The Department is engaged in the development of guidelines, rules and policies to help facility owners, environmental groups, and the public understand the new law, and to establish procedures that ensure that prompt cleanup decisions are made that are protective of human health and the environment.

Description of Project:

EPA Region 8 has a window of opportunity to work with the state of Wyoming to develop a model VRCS program that has been initiated through collaboration between the State, EPA, State legislators, environmental groups, and industry leaders. Drafting of the MOU is in its final stages, and four chartered workgroups (risk assessment, site characterization, assurances, pollution prevention) a steering committee, and an executive committee are already working to develop rules, guidance and protocols for implementation of the law. EPA has been invited to participate on these workgroups. The Region proposes to work closely with the state of Wyoming to write an analysis of the public participation process. The analysis will have three phases.

Phase I—Enactment of the Law - The Region will prepare a case study that documents the development of the VRCS law, and RCRA MOU that addresses hazardous waste facilities. This study will examine the successes, barriers and processes used, including the legislative process, and the multiple processes used by WDEQ, EPA and stakeholders to provide input into the legislative process.

Phase II—Implementation - Description of the development of the VRCS statute. DEQ, facility managers, consultants, environmental groups, and EPA are working together to define how to implement the law at RCRA/CERCLA facilities. MOU finalization, work group interactions and efforts, and executive and steering committee effectiveness will be tracked. The State and Region together will identify barriers, and discuss successes, struggles and solutions. An analysis will be prepared that documents the joint effort. The Phase II analysis will be placed on the Region's website.

Phase III Evaluation - The region will work with the state to evaluate how the program is working, including the number of treatment, storage and disposal facilities (TSDFs) that are accepted into the VRCS, how long the process takes to reach cleanup, and the resource requirements to maintain the program.

This process is innovative, not only because of the extensive consultation undertaken by DEQ in the development of the law, but because it brings together the regulatory agencies, industry, environmental groups and citizens to program development activities. There are 48 voluntary cleanup laws in the United States, but only Michigan also addresses RCRA regulated facilities within its voluntary remediation program. In addition only six states have RCRA MOU's but only Michigan has a MOU that addresses RCRA permitted facilities. Wyoming's will be the second such MOU.

Region 8 believes this effort is of national value because of the collaborative efforts employed in building the law and now the program. The Region believes that Wyoming's work could result in a model of protectiveness and communication process. Documentation of these efforts will provide other

states with an analysis of techniques of bringing stakeholders together, overcoming barriers in implementing alternatives to traditional RCRA corrective action programs, and providing insights into effective ways to meet the needs of stakeholders with wide ranging perspectives. Although the final decisions on all VRCS implementation issues and approval of implementation documents remain the responsibility of DEQ management, the process has enabled them to address the concerns expressed by a wide variety of stakeholders during the development of the program

Milestones

Phase I - Enactment of the law case study	final product December 30, 2001
Phase II - Implementation- Descriptions of the implementation of the VCRS Law	final product December 30, 2002
Evaluation study	to be determined

Progress Reports: will be faxed to HQ at the end of each quarter throughout the duration of this pilot project. Suzanne Stevenson will prepare the progress reports in consultation with Ali Tavalli, Wyoming DEQ. This information will also be posted to the EPA Region 8 RCRA Corrective Action website.

Report Format

- Title
- “Updated as of __”
- General Background Facility Information
- Summary of Innovative Pilot Project/Expected Benefits
- Milestones and Date Milestones Were Reached
- Impediments Encountered
- Lessons Learned