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## Administrative Processes

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*In its 2000 session, the Wyoming Legislature created new opportunities, procedures, and standards for voluntary remediation of contaminated sites. These provisions, enacted as Articles 16, 17, and 18 of the Wyoming Environmental Quality Act and implemented by the Wyoming Department of Environmental Quality (DEQ), will govern future environmental cleanups in Wyoming.*

*This Fact Sheet outlines the two administrative processes available under the Voluntary Remediation Program (VRP).*

### **1. What is an "administrative process" under the VRP?**

The term "administrative process" refers to the procedures and methods that DEQ uses to document, oversee, and approve cleanups under the VRP. Administrative processes are distinct from the technical and substantive requirements under the VRP. In general, while all cleanups under the VRP must meet the same technical standards and achieve the same level of protection for human health and the environment, the administrative process used to implement these requirements will vary depending on site-specific conditions.

### **2. What types of administrative processes has DEQ established?**

DEQ has established two administrative processes under the VRP—the traditional process and the Independent Cleanup Process (ICP).

### **3. What is the traditional process?**

The traditional process is the administrative process that will be used at most VRP sites. In the traditional process, the parameters of site-specific work are established in preliminary remediation agreements (PRAs) and remedy agreements (RAs) negotiated between the Volunteer and DEQ. DEQ then oversees cleanup work on an ongoing basis by reviewing and approving site-specific work plans, field sampling plans, and other documents and activities.

In general, PRAs are negotiated first to establish requirements for site investigation and, if necessary, to evaluate remedial alternatives. RAs are generally negotiated after a site has been investigated to document the remedial action selected and establish requirements for remedy implementation. DEQ expects Volunteers to complete negotiations and enter into an agreement with the Department within forty-five (45) days of entering the VRP.

Of course, not all sites that are cleaned up under the traditional process will present the same types (or the same degrees) of challenges or risks. Because site-specific conditions vary, the traditional process is flexible. For example, not all cleanups carried out under the traditional process require the same amount of DEQ oversight. In some cases, DEQ and a Volunteer might negotiate a performance-based PRA or RA. Using a performance-based approach, DEQ might work with a Volunteer to establish site-specific performance standards and goals for cleanup, but might not oversee day-to-day field work, relying instead on periodic reports or updates from the Volunteer. Similarly, DEQ and a Volunteer might negotiate a combined PRA and RA, so that only one agreement is needed for oversight of the entire cleanup. One of the advantages of the traditional process is this ability for Volunteers and DEQ to work together to determine the type of agreement, and oversight, that will allow cleanup to be completed most efficiently.

#### **4. What is the ICP?**

The ICP is a streamlined administrative process. It is designed to allow Volunteers with less complicated sites to choose a pre-selected conservative remedial approach so they can move quickly and confidently through the VRP and qualify for a liability assurance. Under the ICP, Volunteers carry out cleanup with minimal DEQ oversight and do not have to negotiate PRAs or RAs with DEQ. The ICP is limited to sites at which soil is the only contaminated environmental medium. The standard, required remedy in the ICP is removal (excavation) of all contaminated soil to achieve cleanup levels that are appropriate for unrestricted site uses.

For more information on the ICP, refer to DEQ's Fact Sheet #6 *Independent Cleanup*.

#### **5. Who decides which administrative process will be used at a site?**

DEQ will work with Volunteers to select the best administrative process for each site. In general, cleanup sites that are eligible for the ICP will use the ICP because it is typically the most efficient process available. Sites that are not eligible for the ICP will use the traditional process, and DEQ will work with Volunteers to tailor the process to site-specific circumstances.

#### **6. How is the VRP related to spill response?**

The VRP does not replace the current requirements and procedures for the immediate phase of spill response. If you have experienced a reportable spill or release you should immediately notify DEQ at (307) 777-7781. In general, the "immediate phase" of spill response includes notification and immediate actions to control, contain, and cleanup a spill or release. DEQ's requirements and procedures for the immediate phase of spill response are located in Chapter 4 of the Water Quality Rules and Regulations.

If you have experienced a spill or release and you want to apply for one of the liability assurances established by the VRP, such as a certificate of completion, you may apply to enter the VRP only after you have completed the immediate phase of spill response. Additional guidance on the relationship between spill response and the VRP is available in the Fact Sheet #5 *Spill Response*.

## **7. How is the VRP funded?**

The VRP is funded largely by Volunteers reimbursing DEQ for the Department's oversight costs. Volunteers reimburse DEQ for oversight costs under both administrative processes. Currently, all Volunteers must pay a \$500 application fee with their application for the VRP. The \$500 covers the first ten hours of DEQ oversight. Additional DEQ oversight will be billed at a rate of \$50 per hour and will be invoiced monthly. If a Volunteer is found to be ineligible for the VRP, the application fee will be refunded in full; however, if oversight takes fewer than ten hours, a partial refund will not be given. For more information on DEQ oversight costs and the VRP application, see Fact Sheet #3 *Application for the Voluntary Remediation Program*.

## **8. How can I get more information about the VRP?**

To learn about VRP sites that may exist in your community, obtain copies of other VRP Fact Sheets/ guidance documents, get answers to your questions, or volunteer for the program, contact DEQ at (307) 777-7752 or visit the VRP website at: <http://deq.state.wy.us/volremedi/index.asp>.

The VRP website includes all of the Fact Sheets and other guidance documents for the VRP. This website is updated frequently and includes the latest information about DEQ's progress in developing guidance, policy, and other supporting documents for the VRP.