

One Cleanup Program – Uniform Standards for Environmental Remediation

Issue

The 1970s and 1980s saw the enactment of a series of federal environmental laws which had as a part of their purpose to bring about the remediation of sites around the country that had become contaminated as a result of historic or recent activities. Many states, including West Virginia, adopted counterpart statutes. As these statutes and the implementing regulations evolved at both the federal and state levels a myriad of inconsistent and sometimes conflicting cleanup standards were developed for the contaminated properties. This patchwork of clean up standards can yield irrational results, such as adjacent properties where the same types of contaminants are present could be remediated to different levels depending on the environmental program under which the remediation was conducted. These inconsistent standards have lead to uncertainty and questioning by both the regulated community and the public.

Background

In 2003, the U. S. Environmental Protection Agency announced the adoption of a new program that was intended to result in more consistent and effective cleanups of contaminated properties. This program is known as the “One Cleanup Program.” By focusing on the common elements of the different federal programs, USEPA found that a cleanup could be achieved under one program while satisfying the others. The West Virginia Department of Environmental Protection has petitioned USEPA for recognition of the state’s Brownfields program, developed under the W.Va. Voluntary Remediation and Redevelopment Act, and the regulations and technical guidance issued under that statute, as satisfying the requirements of the federal programs. Thus far, the USEPA has rejected the state’s petition.

The Chamber’s Position

The West Virginia Chamber of Commerce supports the adoption of the One Cleanup Program at the federal level and the recognition of the West Virginia Brownfields program as the mechanism for implementing a One Cleanup Program in West Virginia. The citizens of our state will be better served by the elimination of inconsistent cleanup standards and by the assurance that when a site is remediated it meets all statutory and regulatory requirements established by both state and federal agencies. Businesses in West Virginia will benefit through expedited cleanups and by reducing the uncertainties where multiple environmental programs may apply to a site. The state’s economy will benefit by having more properties that have been cleaned up and are available for productive reuse.