

THE GEORGIA VOLUNTARY REMEDIATION PROGRAM

1

Presented by Larry Neal, P.E.

Technical Advisor, Georgia Industry Environmental Coalition

A&WMA Georgia Chapter

REGULATORY UPDATE CONFERENCE

June 6, 2012

2009: VRP Legislation Adopted and Signed into Law

2

- ✓ Creates a voluntary and privatized remediation program adjunct to HSRA
- ✓ Provides Risk Based Corrective Action
- ✓ Applicant submits \$5k fee and pays for additional EPD document review time
- ✓ Site investigation and remediation under direction and supervision of a Georgia PE or PG engaged/paid by VRP participant

How VRP is Supposed to Work: 3 Step Process

3

- ✓ Application and Approval
Streamlined application and Voluntary Investigation and Remediation Plan (VIRP) with \$5k app fee
- ✓ Investigation and Remediation
PE / PG oversees implementation of plan and submits semi-annual progress reports
- ✓ Compliance Status Report
Upon completion of corrective action, CSR is submitted confirming consistency with the VRP and certifying compliance with applicable standards

And, Finally...

4

- ✓ Upon receipt of CSR, decision of concurrence issued by EPD Director if compliance status consistent with VRP requirements
- ✓ Public participation requirements still applicable
- ✓ Within 90 days of Director's concurrence, site delisted from HSI

HSRA / HSI Delisting History Telling...

5

- 565 total HSRA sites
- 202 sites (34%) listed for 18+ years
- 454 sites (77%) listed for 10 years or more
- 555 sites (95%) listed for 5 years or more

VRP Application Bottleneck

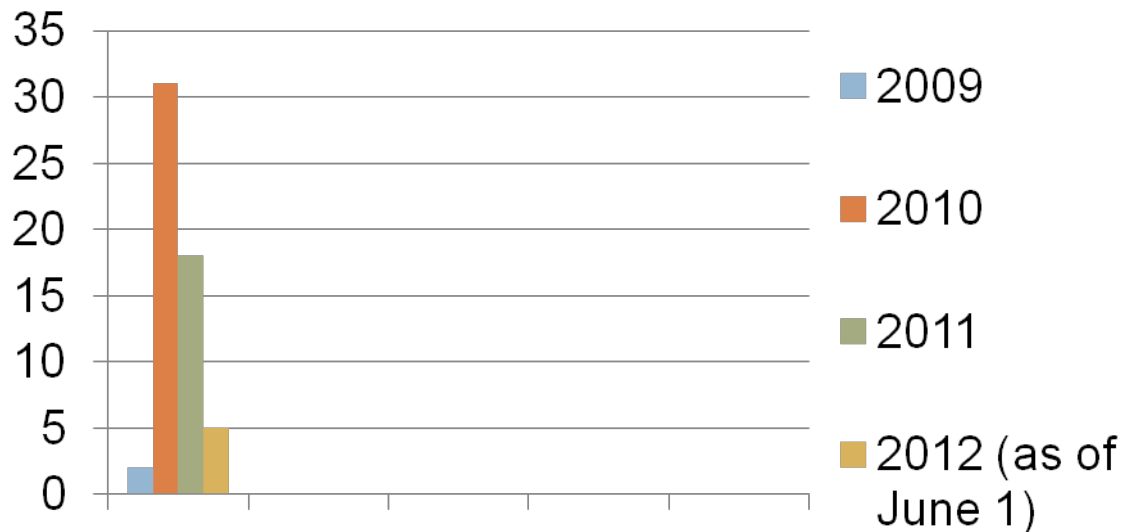
6

- ✓ **2009:** After Governor signed VRP, EPD said “no” to VRP applications, returned checks/apps
- ✓ **Jan 2010:** EPD announced VRP open to receive applications but requirements were made so onerous that only a few apps submitted
- ✓ **April 2010:** Negotiations with EPD resulted in some changes to requirements so that more apps began to trickle in

VRP Application Bottleneck (cont'd)

7

- ✓ Downward trend in VRP application submittals is troubling sign of a program in distress



Why VRP Application Submittals Dropping?

8

- ✓ Too much time, process, cost required to get VRP applications approved
 - Average approval time > 8 months
 - 12 apps > 1 year to approve
 - 8 apps < 3 months to approve
 - VRP application has become iterative process bottleneck

Why VRP Application Submittals Dropping? (cont'd)

9

- ✓ “Conditions” imposed by EPD in application acceptance letters
 - 9 “conditions” on average
 - Performance timelines imposed as “conditions”
 - For some applicants, EPD review costs far exceed \$5k app fee
 - EPD adding additional “conditions” on semi-annual progress reports

Why VRP Application Submittals Dropping? (cont'd)

10

- ✓ “Conditions” create disincentive, negating incentives
- ✓ VRP appears to be running too much like traditional HSRA command-and-control process

To Fix, EPD Should...

11

- ✓ Approve application if site and participant meet basic VRP statutory criteria set by Legislature
- ✓ Approve (or reject) VRP application within 90 days of receipt
- ✓ Stop “conditioning” approvals
- ✓ Allow PE/PG to do their work with less EPD command-and-control of the process UNLESS endangerment or if PE/PG fails to perform according to their plan
- ✓ Allow this voluntary and privatized VRP to work as intended by the Legislature
- ✓ Refocus limited EPD resources on non-VRP priority sites

QUESTIONS?