



VIEWS & VISIONS

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Helping Businesses Comply with Environmental Regulations Through Education, Outreach and Enforcement

Randy C. Huffman, Cabinet Secretary
West Virginia Department of Environmental Protection

Randy C. Huffman, Cabinet Secretary for the West Virginia Department of Environmental Protection, brings nearly 25 years of experience with that agency to the Mountain State's top regulatory post.

He has worked in the Abandoned Mine Lands Program, the Division of Water and Waste Management, the Office of Administration, and the Mining Division. For most of the past 15 years, he also served in various capacities on the executive staff, and was Deputy Cabinet Secretary and Mining Director when he was appointed Cabinet Secretary by then-Governor Joe Manchin in 2008.

He is a Colonel and serves as the Support Group Commander in the 130th Airlift Wing, Charleston, West Virginia.

Secretary Huffman graduated from the West Virginia Institute of Technology with a bachelor of science degree in mining engineering technology and received a master of business administration degree (MBA) from West Virginia Graduate College.

On the heels of a recent chemical spill that contaminated the drinking water supply for approximately 300,000 West Virginians, legislation (Senate Bill 373) was passed, requiring creation of a new Aboveground Storage Tank Regulatory Program. Tanks falling under the jurisdiction of this program that aren't registered with the West Virginia Department of Environmental Protection (DEP) by October 1, 2014 will be in violation of the new law.

This new program could potentially affect hundreds, perhaps thousands, of companies doing business in West Virginia. The West Virginia Department of Environmental Protection worked to provide as much information as possible to tank owners and operators on the front end – so they were prepared when registration for the program opened June 6. The agency has created a new web page with helpful information, such as frequently asked questions and nationally recognized standards for tanks. There is even a survey to help tank owners and operators determine if they even need to register.

This new web page is just one of many examples of how the DEP helps businesses, industries and municipalities comply with regulations in place to protect the environment. Agency personnel are there every step of the way: answering questions and providing assistance during the registration, permit application and permit approval process; conducting inspections; providing updates on changes or proposed changes to both state and federal regulations; and if necessary, taking enforcement action and reviewing and approving cleanup and remediation plans.

The ultimate goal is, as the agency's name implies, to protect the environment. Helping businesses and others stay in compliance with environmental regulations is key. If they fall out of compliance, DEP employees work with them to outline what needs to be done to get back into compliance.

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"We try to post helpful information to the website, have developed checklists companies can use when filling out applications, we speak to industry organizations frequently and we're constantly answering questions," said Office of Oil and Gas chief James Martin.

The Office of Environmental Enforcement (OEE), which is within the DEP's Division of Water and Waste Management, will often do site visits prior to an operation's construction.

"Before the first shovel turns, we may be called to look at a project, see what they plan to do and let them know if those plans will meet the requirements of the permit," said OEE chief Jeremy Bandy.

Representatives from the DEP's Division of Mining and Reclamation meet with the West

Virginia Coal Association's technical committee at least once a month to review any proposed changes to state or federal regulations, to discuss changes in technology and share information about any recent, ongoing or upcoming initiatives. Mining inspectors visit all active operations monthly and go to surface mining operations, where every day is essentially a new construction day, at least once a week. Harold Ward, acting director of the DEP Division of Mining and Reclamation, often reroutes inspectors to surface mining operations on rainy days, to make sure there are no risks of hillside slips or mine blowouts. That division even sends reminders when permit renewals are due, so that coal companies don't miss their deadlines to turn in all the required information.

"I always say that if we get to the point where we have to write a violation, we've failed," Ward said. "Our goal is prevention – to head off infractions before they happen."

Sometimes, when an operation is out of compliance or in danger of becoming out of compliance, it can seek funding for system upgrades. There are several avenues

to seek funding, including the DEP's Clean Water State Revolving Fund, which reached an important milestone recently when it passed the \$1 billion mark in low-interest loans made to state municipalities and public service districts for wastewater treatment and collection system projects. Since 1992, West Virginia has issued 320 loans through this program for projects that have contributed to the reduction in both point and nonpoint source wastewater discharges into the state's waterways, as well as nutrient reduction projects in the Chesapeake Bay watershed.

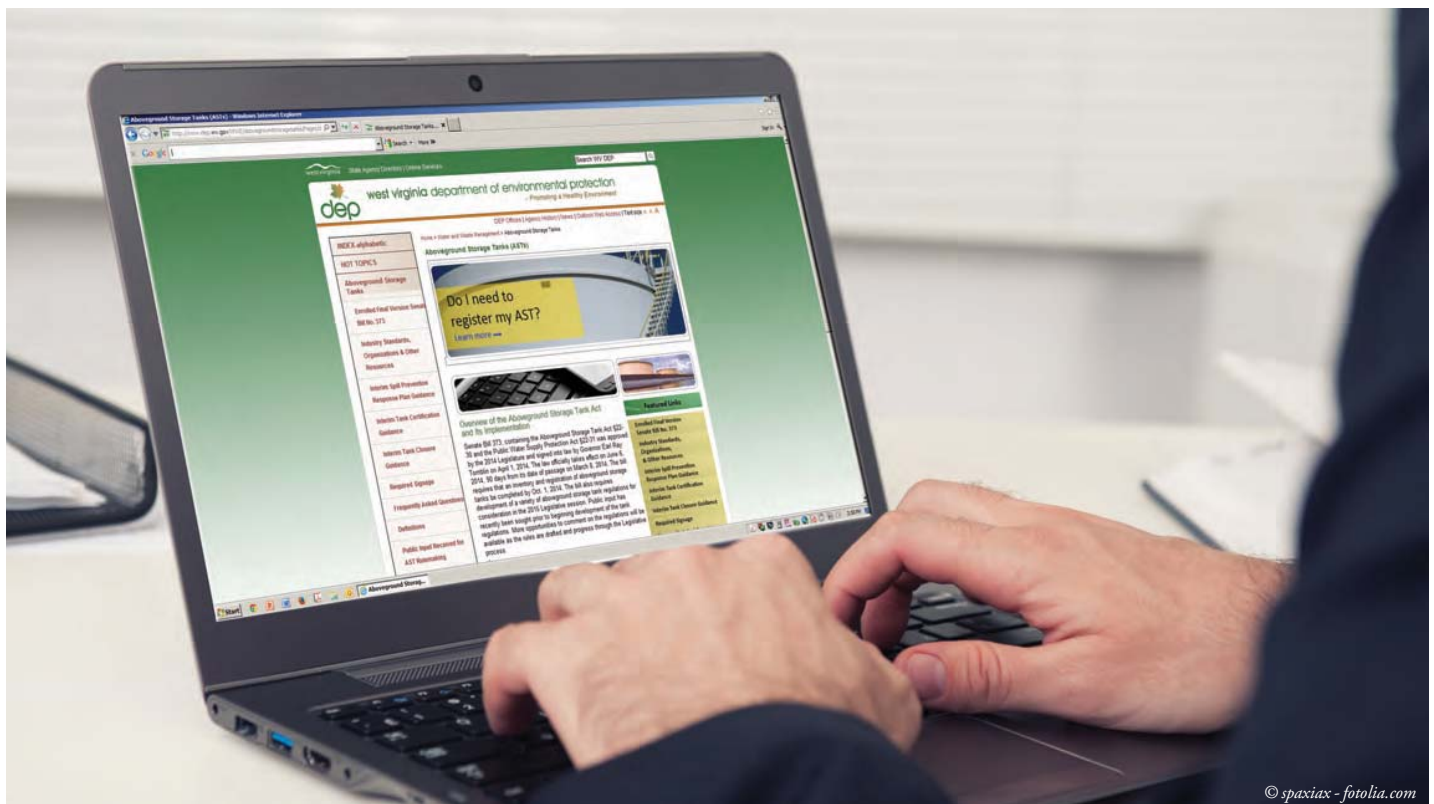
Another great tool the agency uses to help with compliance is the Division of Air Quality's Small Business Assistance Program, which is a requirement of Section 507 of the Clean Air Act. Program manager Gene Coccari performs air emissions calculations, provides educational materials, gives presentations and answers a myriad of questions about rule requirements.

The DEP takes business assistance much further than most other regulatory agencies through the work of its ombudsman, Terry Polen. Polen works with approximately

200 businesses, ranging in size from "a one-person shop to a multi-billion-dollar conglomerate," to conduct training and provide technical assistance on what the regulations are and what is needed to comply with them. Polen also administers presentations for various industry groups, authors papers on sustainability and even conducts confidential walk-throughs to point out areas of noncompliance and offer guidance on how to get back into compliance.

Polen, who has held this position with the DEP for approximately 10 years, says there is a great demand, and an appreciation, for the work he does and the work the agency, as a whole, does to help businesses and others comply with environmental regulations.

"Of the nearly 2,000 organizations I've worked with over the years, only one person ever said to me 'How can I get around the rules?' I told that guy, 'When you want to comply, I'll help you. Until that day comes, goodbye.'" ❧



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