

SABR News

A Publication for the Brownfield Interested Party List

November 2011



SAVE THE DATE!

The 2012 Ohio Brownfield Conference is Scheduled for May 23-24

Although the agenda isn't complete, the stage is set for the 2012 Ohio Brownfield Conference. Scheduled for May 23-24, 2012, the conference will be held at the **Columbus Convention Center, May 23-24, 2012**. Located on North High Street downtown, the convention center is just east of the Arena District, home of the Columbus Blue Jackets, and just south of the Short North District, known for its art galleries, unique shops and eclectic restaurants. Attendees can take in all the latest brownfield information during the four breakout sessions and the training session during the day, and all the greatest food, shopping and fun Columbus has to offer in the evening.



SABR will be taking presentation proposals through Dec. 7, 2011. We are looking for both technical and non-technical presentations covering various facets of brownfield redevelopment, including economic development, environmental assessment, cleanup technologies, public policy, public health, green

remediation and urban agriculture. We are encouraging a variety of presentation types, including panels, individual presentations, demonstrations and round table discussions. We have identified some excellent training opportunities and welcome your suggestions as well.

Registration will open in January. We hope you'll mark your calendar and join us in downtown Columbus for two days of education, information, networking and fun!

In This Issue:

- The 2012 Ohio Brownfield Conference Scheduled for May 23-24
- Ohio EPA Proposed Changes to the Certified Professional (CP) and Certified Laboratory (CL) Rules
- NFA Review Process
- Great Lakes Towing Company
- Blighted Properties Redevelopment Workshops
- BUSTR Class C Releases Now Eligible for the VAP
- Training Updates



We're on the Web!

www.epa.ohio.gov/derr/SABR/sabr.aspx

Proposed Changes to the Certified Professional and Certified Laboratory Rules

Ohio EPA is considering some quick-fix changes to the Voluntary Action Program (VAP) rules. One of these changes involves the certified laboratory (CL) rule (OAC 3745-300-04).

During the last five-year rule review, the VAP Multi-disciplinary Board (MDB) requested that Ohio EPA evaluate the feasibility of certifying mobile laboratories under the VAP. A workgroup consisting of Ohio EPA staff and external interested parties recommended that the VAP laboratory certification program include mobile laboratories. The pending rule revisions include procedures for certifying these laboratories.



Other proposed revisions to the rule include:

- (a) remove the semi-annual proficiency testing (PT) requirement and PT suspension language;
- (b) change the timeline for submitting renewal applications to 90 days instead of 90 to 120 days; and,
- (c) modify the frequency for conducting compliance audits from “at least every five years” to “at the discretion of the director.”

For the certified professional (CP) rule (OAC 3745-300-05), the proposed revisions include extending the CP certification period from one to three years. A renewal fee of \$2000 per year will still be assessed (no change in fees); however, PDHU requirements will change.

A CP will have to demonstrate that they have earned 36 PDHUs every three years, and the carry-over allowance of eight excess PDHUs from one certification period to the next will be discontinued. The initial training requirements will not change – CPs will still be required to attend the VAP initial training if they have not issued an NFA for CNS in the past four years.

Proposed rule changes can be viewed at www.epa.ohio.gov/derr/vap/rules/rules.aspx

Submit comments on the proposed changes to Emily Patchen at Emily.Patchen@epa.ohio.gov by December 5, 2011.

Contact Darlene Stanley at (614) 644-3748 or Kevin Shoemaker at (614) 644-2316 with any CL questions and Ildi Pallos at (614) 644-2086 or Kevin Shoemaker with CP questions.

NFA Review Process



When a certified professional (CP) issues a no further action (NFA) letter for a volunteer and then submits that NFA letter to Ohio EPA in request of a covenant not to sue (CNS), Ohio EPA expects the property for which the NFA letter was issued to be VAP-eligible, to meet applicable cleanup standards and be positioned for a CNS.

continued on page 3

NFA Review Process*continued from page 2*

In some instances, due to deficiencies in the associated documents or missteps during the NFA review process, some projects are not ready to proceed. Examples of deficiencies may include technical issues and/or the finalization of an operation and maintenance plan and/or an environmental covenant.

To improve understanding of and compliance with the NFA review process, Ohio EPA has prepared an outline describing the review process steps for volunteers, their consultants and CPs.

This review process provides two opportunities for the CP and volunteer to correct deficiencies. The first opportunity follows issuance of the Ohio EPA NFA letter review team's "Initial Notice of Deficiency" (INOD) comment letter. If the volunteer/CP does not issue a response to this comment letter by the stated deadline, or the response does not adequately address the deficiencies, Ohio EPA will issue a "Final Notice of Deficiency" (FNOD), providing the CP/volunteer a second opportunity to submit a sufficient response.

Strict response timelines for volunteers/CPs are implemented to allow for timeliness and predictability in the program. Ohio EPA review teams will also adhere to strict internal timelines to deliver more timely service to VAP participants. The process can be found on the VAP webpage: www.epa.ohio.gov/portals/30/vap/docs/NFA%20Comment%20Letter%20Process.pdf

If you have any questions, contact Tiffani Kavalec at tiffani.kavalec@epa.ohio.gov or (614) 644-5358.

Great Lakes Towing Company

The corporate offices of the Great Lakes Towing Company in Cleveland recently relocated from their century-old home in Terminal Tower to the banks of the Cuyahoga River thanks in part to a covenant not to sue (CNS) issued by Ohio EPA on June 14, 2011. The CNS, issued to Cuyahoga County and Great Lakes Towing Company for a 2.18-acre property located at 5300 Division Avenue, allowed the company to consolidate their business with the existing marine operations located on existing docks along the Olde River channel of the river.

The Great Lakes Towing Company partnered with Ray Fogg Building Methods to relocate from their existing headquarters closer to their core business as tugboat operators and shipbuilders. This brownfield site, home of industrial operations since the 1890s when the American Shipbuilders Company began manufacturing and repairing ships, posed some significant challenges due to the poor quality of the sedimentary soils. A system of auger-cast concrete pile foundations was used to accommodate the severe loading conditions inherent to a shipbuilder.

In addition to relocating their headquarters, Great Lakes Towing conducted a \$23 million expansion along the river. The new shipbuilding and repair operation is expected to add 15 shipbuilding jobs. Cuyahoga County received \$2,148,450 from the Clean Ohio Revitalization Fund (CORF) to address environmental impacts on property located along the old Cuyahoga River channel. The CORF grant was matched with at least \$723,898 toward additional remediation/bulkhead installation activities and new infrastructure, committed by Cuyahoga County and The Great Lakes Towing Company.



continued on page 4

Great Lakes Towing Company

continued from page 3

The match also included \$88,955 from previous expenses encumbered by The Great Lakes Towing Company and Cuyahoga County for assessment, survey and engineering design costs, and in-kind services from Ohio EPA targeted brownfield and technical assistance activities. Cuyahoga County also provided a \$500,000 loan for additional brownfield cleanup.

Great Lakes Towing has been in the tug-building business since late 2006. In 2010, Great Lakes Towing received a state loan to buy, install and assemble a 700-ton Travelift crane as part of their expansion plans and add 25 full-time jobs. The Travelift allows the shipyard to service six or more vessels simultaneously. The state-of-the-art crane will promote Great Lakes Towing's expansion and new job creation in vessel and barge construction, offshore wind logistics and support, maintenance and repairs, and carbon fiber manufacturing business.

References:

The Great Lakes Towing Company (2006)

www.fogg.com/projects/Great_Lakes_Towing

Mezger, R. (2008) Cleveland boatbuilder shipping first tug to foreign buyer.

blog.cleveland.com/business/2008/07/great_lakes_towing_cothis_74fo.html

Miller, J. (2008) Cuyahoga County wins Ohio environmental cleanup grant.

www.crainscleveland.com/article/20081230/FREE/812299963/1022

Oyaski, P. (no date) Clean Ohio Grant Awarded for Great Lakes Towing.

www.development.cuyahogacounty.us/en-US/CC_AwardedGrant_CleanOhioGreatlakesTowing.aspx

Wendel, K. (2010) Cleveland State loan helps Great Lakes Towing add 25 full-time jobs.

www.wkyc.com/news/story.aspx?storyid=136674

Blighted Properties Redevelopment Workshops

Ohio EPA held its latest round of free workshops to inform small and rural communities about state and federal resources available to help redevelop blighted properties. The workshops included details about various funding sources and technical assistance available for brownfield assessment and cleanup.

The workshops, provided in cooperation with the Ohio Department of Development, U.S. EPA, U.S. Department of Agriculture and Rural Development Office and Kansas State University, were well received. Eleven people attended the workshop in Waverly and 24 attended the St. Clairsville workshop.



"I feel very positive about the workshop this morning, as I think we were able to disburse a lot of good information to some key individuals in the area," said Lauren Glockner, project manager with BJAAM Environmental, Inc. and the co-host for the St. Clairsville event. "I very much enjoy working in brownfields

continued on page 5

Blighted Properties Redevelopment Workshops*continued from page 4*

as I really appreciate seeing the economic and environmental benefits that redeveloping brownfields properties has to offer. Brownfields assessment, cleanup and redevelopment projects are a win-win for everyone, and it's just fantastic to see that information being disseminated."

Susan Douglass, Executive Director of the Belmont County Department of Development/Community Improvement Corporation and co-host for the St. Clairsville event agreed.

"Thank you for the effort and energy which created a productive and positive impact on our DOD/CIC efforts here in Belmont County," Susan said. "As we work toward economic development, it is reassuring to have the support and assistance of valuable resources such as you all represent."

Additional workshops may be scheduled in December. Ohio communities can schedule workshops by contacting Sydney Poole at (614) 644-3751 or Amy Yersavich at (614) 644-2285 or Sydney.Poole@epa.ohio.gov

BUSTR Class C Releases are Now Eligible for the VAP

With the signing of House Bill 153 on June 30, 2011, volunteers can now follow VAP cleanup requirements to address petroleum releases from underground storage tank systems (USTs), as long as the release has been determined by the Bureau of Underground Storage Tank Regulations (BUSTR) to be a "Class C release." A Class C release is defined as a release of petroleum occurring or identified from a UST system subject to the BUSTR laws, where the responsible person (RP) for the release is specifically determined by BUSTR to not be a viable person capable of undertaking or completing the required corrective actions.

BUSTR determines the status of petroleum releases and will designate a release to be a Class C release when either the RP for the release is no longer around (e.g., an individual is deceased or a corporation is bankrupt) or the RP is specifically determined not to be financially able to assess and cleanup the release. BUSTR has determined that approximately 121 sites have Class C releases and continues to evaluate additional sites and will add to the list as more sites receive the Class C release designation. A list of sites with Class C releases along with a fact sheet with additional information will soon be posted on Ohio EPA's website at: www.epa.ohio.gov/derr/SABR/sabr.aspx.

What this means for volunteers is that they now have a choice to address a Class C release following either BUSTR rules or VAP rules, as long as the volunteer is not the RP for the Class C release. Persons responsible for the Class C release are not eligible to receive a covenant not to sue (CNS) from Ohio EPA until the release is addressed under BUSTR rules. If a property has additional identified areas that need to be addressed and it also has a Class C release, all the environmental issues can now be addressed through one environmental cleanup program (i.e., the VAP) instead of having to go first to BUSTR to address the petroleum release and then to Ohio EPA's VAP to address the remaining issues. This will streamline brownfield cleanup and redevelopment on property having both Class C releases and other environmental issues.

If your property has a petroleum release and is not on the Class C release list but you want to conduct cleanup following VAP rules, BUSTR and Ohio EPA will work with you to see if information can be obtained to determine whether the release can receive the Class C release designation. The VAP is currently in the process of updating its rules to be consistent with this statutory change. If you have further questions, please contact Ohio EPA at (614) 644-2924.

Training Update: PDHU-qualified Courses for VAP Certified Professionals

Material covered, information provided and any opinions expressed in courses approved for PDHUs do not supercede Voluntary Action Program statutory language, rule requirements or technical reviews provided by Ohio EPA staff.

LID Stormwater Education Workshop

November 30, 2011

ODOT Central Office Auditorium
1980 W. Broad St.
Columbus OH 43223

PDHUs: 6.5

Cost: Free

1-877-800-0031

LID Stormwater Education Workshop

December 1, 2011

Cuyahoga Community College
Eastern Campus, Performing Arts Center
4250 Richmond Rd.
Highland Hills, OH 44122

PDHUs: 6.5

Cost: Free

1-877-800-0031

Chemistry for Environmental Professionals - Fundamentals

December 06, 2011

December 07, 2011

Department of Environmental Protection
400 Market St.
Harrisburg, PA 17105

PDHUs: 14

Cost: Free for personnel from EPA, Other Federal Agencies, Tribes, and State and Local Government, University Staff, Community HAZMAT Teams, and Students. Personnel not directly employed by a government agency (e.g. private industry, contractor, or unemployed) pay tuition of \$250 and will be sent further information about how to pay tuition after they have registered.

www.trainex.org/classdetails.cfm?classid=5505&courseid=16

Chemistry for Environmental Professionals - Applied

December 08, 2011

December 09, 2011

Department of Environmental Protection
400 Market St.
Harrisburg, PA 17105

PDHUs: 10

Cost: Free for personnel from EPA, Other Federal Agencies, Tribes, and State and Local Government, University Staff, Community HAZMAT Teams, and Students. Personnel not directly employed by a government agency (e.g. private industry, contractor, or unemployed) pay tuition of \$250 and will be sent further information about how to pay tuition after they have registered.

www.trainex.org/classdetails.cfm?classid=5506&courseid=66

Biofuels: Release Prevention, Environmental Behavior, and Remediation

December 6, 2011
2:00PM-4:15PM EST

Internet Seminar

PDHUs: 2.25

Cost: Free

<http://www.cluin.org/conf/itrc/register/default.cfm?title=Biofuels%3A%20Release%20Prevention%2C%20Environmental%20Behavior%2C%20and%20Remediation>

An Improved Understanding of LNAPL Behavior in the Subsurface State of Science vs. State of Practice Part 1

December 8, 2011
11:00AM-1:15PM EST

Internet Seminar

PDHUs: 2.25

Cost: Free

<http://www.cluin.org/conf/itrc/register/default.cfm?title=An%20Improved%20Understanding%20of%20LNAPL%20Behavior%20in%20the%20Subsurface%20%2D%20State%20of%20Science%20vs%2E%20State%20of%20Practice%20%2D%20Part%201>

LNAPL Characterization and Recoverability - Improved Analysis Part 2

December 13, 2011
2:00PM-4:15PM EST

Internet Seminar

PDHUs: 2.25

Cost: Free

<http://www.cluin.org/conf/itrc/register/default.cfm?title=LNAPL%20Characterization%20and%20Recoverability%20%2D%20Improved%20Analysis%20%2D%20Part%202>

Evaluating LNAPL Remedial Technologies for Achieving Project Goals Part 3

December 15, 2011
11:00AM-1:15PM EST

Internet Seminar

PDHUs: 2.25

Cost: Free

<http://www.cluin.org/conf/itrc/register/default.cfm?title=Evaluating%20LNAPL%20Remedial%20Technologies%20for%20Achieving%20Project%20>

SABR News

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