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Cleveland Plaza Receives Covenant Not to Sue Under Ohio EPA's Voluntary Action Program

Ed Hom has received a covenant not to sue under Ohio EPA's [Voluntary Action Program](#) (VAP) after investigating his Asia Plaza Property in Cleveland.

The property consists of 3.81 acres previously used for several commercial and industrial applications since at least 1896. The property is currently occupied by commercial offices, restaurants, an insurance agent and grocery store.

Following standards developed by Ohio EPA, Mr. Hom hired a certified professional to assess the industrial property and address any areas of environmental concern. Five areas were designated for investigation. The property has been limited under Ohio EPA VAP requirements to commercial or industrial use and the property has a restriction prohibiting any potable use of ground water.

A covenant not to sue protects the property's owners or operators and future owners from being legally responsible to the State of Ohio for further environmental investigation and remediation relating to known releases. This protection applies only when the property is used and maintained in accordance with the terms and conditions of the covenant.

In the 19 years since Ohio EPA issued the first covenant under VAP, more than 8,800 acres of blighted land have been revitalized at about 450 sites across the state.

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The Ohio Environmental Protection Agency was created in 1972 to consolidate efforts to protect and improve air quality, water quality and waste management in Ohio. Since then, air pollutants dropped by as much as 90 percent; large rivers meeting standards improved from 21 percent to 89 percent; and hundreds of polluting, open dumps were replaced with engineered landfills and an increased emphasis on waste reduction and recycling.