

Voluntary Action Program – A Primer



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State and Federal Resources to Redevelop Blighted Properties Workshop



How the VAP came to be...

- **Senate Bill 221 – implementing legislation became effective September 1994**
- **Ohio Revised Code (ORC) Chapter 3746 - VAP Statute**
- **Ohio Administrative Code (OAC) Chapter 3745-300 (aka “the VAP Rules”) adopted December 1996**
 - Revised in 2002, 2009 and 2014

Firsts for Ohio

- **VAP created cleanup standards**
 - **Surface soils and potable use of ground water**
 - **Land uses – residential, commercial/industrial, and construction**
- **A promise from the State of Ohio that the property will not need further investigation or cleanup for contamination remediated under the VAP**

Voluntary Action Program

- It is a voluntary program with no agency oversight required
 - MOA-Track requires agency oversight
- Assistance from Ohio EPA is available at any point during the investigation and cleanup

Voluntary Action Program

Technical assistance available upon request

- Can help guide the CP and volunteer through the voluntary cleanup process, especially when dealing with complex site issues
- Similar to a consulting firm (agreement/contract and hourly billing)
- Grant-funded technical assistance is also available to public entities and not-for-profits



Voluntary Action Program

“Volunteer” defined as the person(s) who wishes to cleanup a contaminated property

A volunteer may be....

- ❖ **Owner of the Property**
- ❖ **Interested purchaser (developer)**
- ❖ **Public entity (city, township)**
- ❖ **Responsible Party**
- ❖ **Others (lessees, etc.)**



Voluntary Action Program

- **Considered a privatized voluntary cleanup program**
- **Certifies environmental professionals and laboratories to conduct work related to assessment and cleanup**
- **Professionals and laboratories must meet stringent experience, educational and quality requirements**
 - **Helps ensure quality voluntary cleanup work is performed from the start**



Covenant not to Sue (CNS)

- **CP issues a No Further Action Letter (or NFA Letter)**
 - Summary of voluntary action assessment and cleanup
 - Demonstration that applicable standards are met
- **Volunteer requests CNS from Ohio EPA**
 - Agency reviews NFA Letter to ensure remedy is protective
- **Protection from future Ohio EPA enforcement**
 - Recorded in the same manner as a deed to property
 - Transferable to future property owners

QUESTIONS???

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