

VAP Eligible BUSTR Releases



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2012 Annual Certified Professional Training



**Environmental
Protection Agency**

Ohio EPA Website



- Link - http://epa.ohio.gov/derr/SABR/class_c.aspx
 - ✦ Summary of VAP Eligibility changes
 - ✦ Links to legislation
 - ✦ Fact Sheet
 - ✦ Class C Release List
 - ✦ Eligibility Determination Form
 - ✦ Link to BUSTR website
 - ✦ U.S. EPA Guidance on Petroleum Brownfields



VAP Eligible BUSTR Releases

With the signing of House Bill 153 in June 2011 and the signing of Senate Bill 294, which became effective on Sept. 3, 2012, volunteers can now follow Voluntary Action Program (VAP) cleanup requirements to address petroleum releases from underground storage tank systems (USTs) at several sites that were previously ineligible to enter the VAP prior to conducting a BUSTR regulated cleanup.

Class C sites, pursuant to HB 153, are eligible for the VAP as long as the release has been determined by the Bureau of Underground Storage Tank Regulations (BUSTR) to be 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 (for example, an individual is deceased or a corporation is bankrupt) or the RP is specifically determined not to be financially able to assess and clean up the

release. Except for persons responsible for the Class C release, volunteers now have a choice to address a Class C release following either BUSTR rules or VAP rules.

If your property has a petroleum release and is not on the "Class C release list" (see link below) but you believe it to be a Class C release and want to pursue the VAP, you can complete the BUSTR-VAP Eligibility Determination Form (see link below) and BUSTR will work with you to determine whether the release can receive the Class C release designation.

If your property has a petroleum release and is not on the "Class C release list" (see link below) but you believe it to be a Class C release and want to pursue the VAP, you can complete the BUSTR-VAP Eligibility Determination Form (see link below) and BUSTR will work with you to determine whether the release can receive the Class C release designation.

Under Senate Bill 294, additional BUSTR release sites are now also eligible for the VAP. These include sites with BUSTR UST releases where:

- The volunteer is not a responsible party, as defined by BUSTR, or the subject of a BUSTR administrative order or referral to the Attorney General's Office; and
- The property, on which the UST release exists, must include other non-BUSTR hazardous substances that are being addressed under the VAP.

To pursue a voluntary action on a site with a UST release(s) that you believe meets the qualifications for the above status, you must complete the BUSTR-VAP Eligibility Determination Form for each release. A link to the BUSTR-VAP Eligibility Determination Form is found below.

If you have further questions, please contact Ohio EPA at (614) 644-2924 or BUSTR at (614) 752-7938.

Resources:

- [VAP Eligible BUSTR Releases Fact Sheet](#)
- [VAP Eligibility of BUSTR Sites Flowchart](#)
- [Class C Release List – List of sites having the Class C release designation \[Excel\] \[PDF\]](#)
- [BUSTR-VAP Eligibility Determination Form \[PDF\] \[DOC\]](#)
Send completed form to:
Bureau of Underground Storage Tank Regulations
8895 E. Main Street
P.O. Box 687
Reynoldsburg, OH 43068
- [BUSTR web page](#)
- [House Bill 153- Class C Legislation \(Note – Refer to pages 1631-1636 and 1677-1678 for changes relevant to Class C releases\) \[PDF\]](#)
- [Senate Bill 294 – Class D Legislation \(Note 0-Refer to lines 3933-3938 and lines 5371-5378 for changes relevant to Class D releases\)](#)
- [U.S. EPA Petroleum Brownfield Report: Opportunities for Petroleum Brownfields \(EPA 510-R-11-002\) \[PDF\]](#)



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VAP Rule Changes



- Class C release has been added to VAP rule
 - Petroleum underground storage tank systems. Any property that is subject to...[BUSTR corrective action is not VAP eligible]... However, this paragraph **shall not apply to property with a class C release** provided that the volunteer is not a responsible person as defined in section 3737.87 of the Revised Code.
- Rule changes concerning other VAP eligible BUSTR releases have not begun
 - Because statute is effective today non-Class C VAP eligible BUSTR sites are VAP eligible today despite the outdated rule
 - No schedule for VAP rule update, but will be done at some point

VAP NFA Form Updates



- Section A – General information
 - Does VAP NFA letter rely on BUSTR determination that site is VAP eligible?
 - ✦ BUSTR NFA Letter
 - ✦ Class C release
 - ✦ Non-class C release
- Section C – Eligibility
 - Has BUSTR provided a written determination of VAP eligibility?
 - ✦ Check boxes for “yes” or “no”
 - ✦ BUSTR eligibility determination letter must be provided

Ohio EPA Tracking and Reporting



- Update BUSTR Class C List on Website
- Track BUSTR Eligibility Determinations
- Track NFA Letters w/BUSTR Releases
- Report to BUSTR when a NFA Letter w/BUSTR Release receives a CNS

How can a TBA Help?



For sites not on Class C release list or potential non-Class C releases

- Phase 1 Assessment – Helps to identify responsible parties and last use date
- Limited Phase 2 Sampling – Site specific
 - UST closure sampling and lab analysis
 - BUSTR Tier 1 Source Area Investigation
 - Geophysical survey - Geophex GEM II electromagnetic induction sensor

How can a TBA Help?



For sites already on Class C release list or potential non-Class C releases

- Other grant and/or loan programs might be more useful to address Class C releases
- VAP Phase 1
- Asbestos Survey
- Limited Phase 2 Sampling? – site specific

For More Information



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