

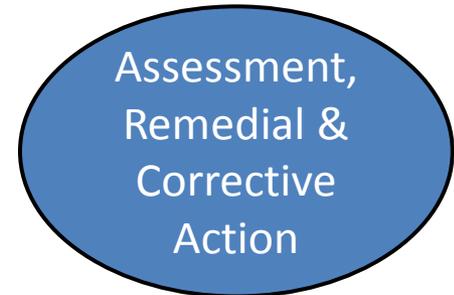
Voluntary Action Program Updates

Certified Professional Coffee

October 7, 2014



No More ACRE Section



New Organization

Voluntary Action Program

- Technical Assistance
- Pre-NFA Approvals
- NFA Letters
- Audit of NFA Letters
- Post CNS Issues

Site Assistance and Brownfield Revitalization

- Brownfield Grant – TBA, Grant Funded TA
- CP/CL certification
- Outreach/Training
- Clean Ohio Fund/Jobs Ohio

Assessment, Remedial & Corrective Action

- Compliance Tracking
- Enforcement
- Field Sampling – SIFU
- RCRA Corrective Action
- Site Assessment

Engineering & Risk Assessment Support

- Risk Assessment
- Engineering
- RCRA Closure



Roles and Responsibilities

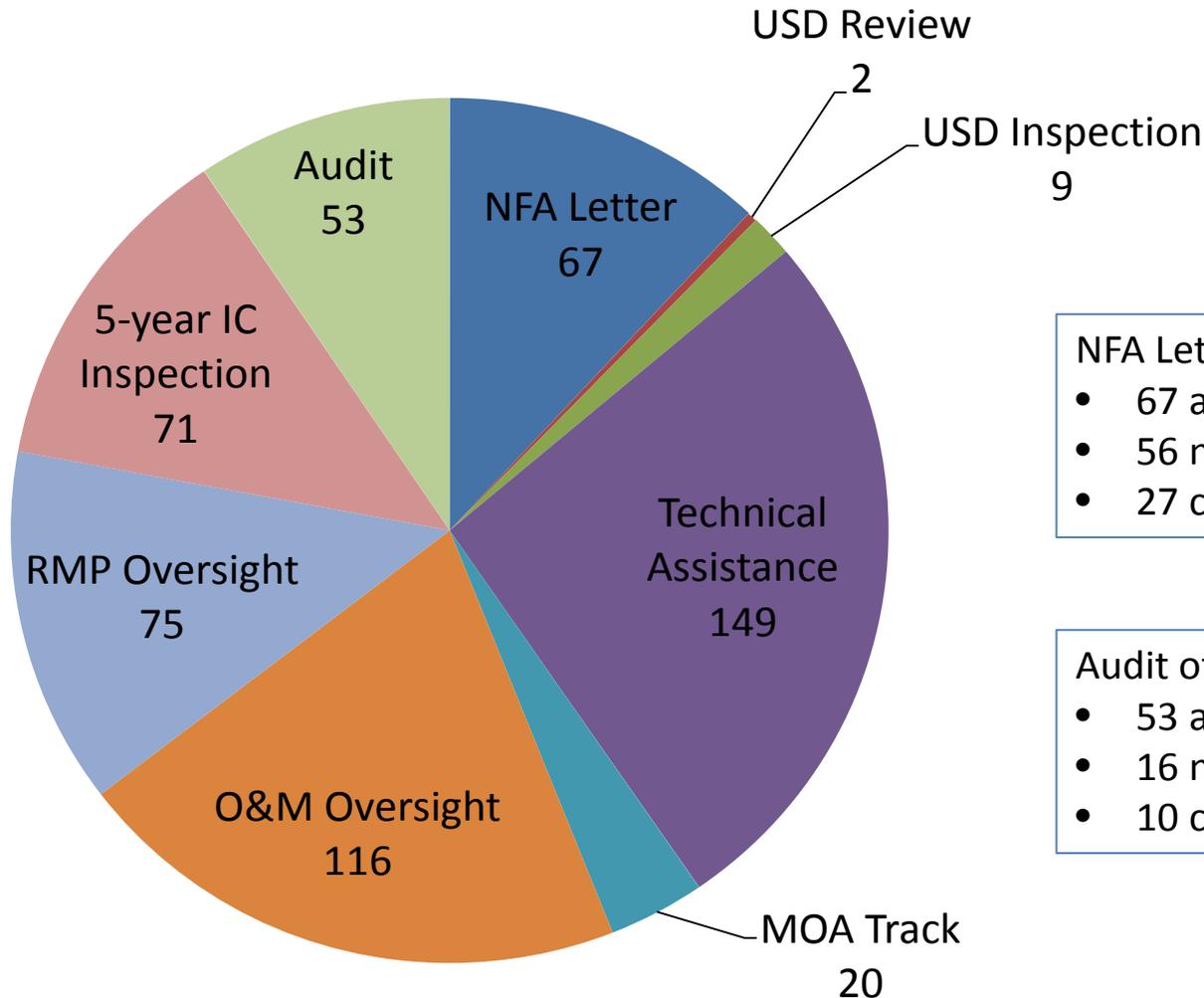
- Voluntary Action Program
 - Martin Smith, Manager
 - Kelly Kaletsky, Supervisor
 - Sydney Poole, TA Coordinator & USD Review
 - Eric Sainey, NFA Coordinator & Post CNS Issues
 - Dan Tjoelker, Audit Coordinator & CP Performance Tracking/Disciplinary Actions



WORKLOAD



VAP Workload – Active Projects



NFA Letter Review

- 67 active
- 56 new for 2014 (33 since July 1)
- 27 completed in 2014

Audit of NFA Letters

- 53 active
- 16 new for 2014
- 10 completed in 2014

CP EXPIRATION DATE



Pay Attention to Your Certification Expiration Date!

- Must be current to issue NFA Letter and addenda
- If expired, NFA Letter or addenda are not valid
- Date on affidavit must be within certification period
- NFA Letter template now asks for CP# and expiration date



COUNTY BACKGROUND STUDIES



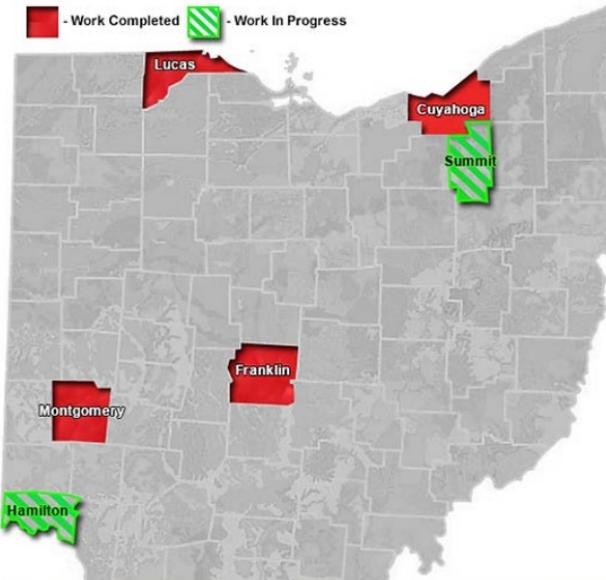
Background Studies



Evaluation of Background Metal Soil Concentrations

The Ohio EPA Division of Environmental Response and Revitalization, Site Investigation Field Unit (DERR-SIFU) is currently sampling surficial soils (*less than 4"*) in six Ohio counties (*Cuyahoga, Franklin, Hamilton, Montgomery, Lucas, and Summit*) to determine the county specific background metals concentrations. This information is being developed for use with Voluntary Action Program sites. The counties currently being sampled are marked below with diagonal lines. As the reports are completed, they will be added to the internet and the counties will become solid in color in order to clearly indicate the availability of the reports. As time permits, additional counties will be sampled and reports will be written and added to the internet.

(Select a county from the map below for information on the county's soil report)



- Montgomery County
 - Completed July 2014
 - Arsenic is 9.9 mg/kg
- Counties “on-deck”
 - Butler
 - Summit
 - Hamilton



**VAP RULE CHANGE – EFFECTIVE
AUGUST 1, 2014**



Effective with Rule Change

- NFA Letter Checklist – Removed
 - NFA Letter Submittal Instructions *New
 - Affidavit Templates
 - CP & Volunteer Affidavits
 - CL Affidavit
- NFA Letter – New Rules
 - NFA Letter Template *New
 - NFA Letter Review Timeline *Revised



Effective with Rule Change

- CP & CL applications *Revised
- Variance & case-by-case application *New
- Pathway omission application *New
- Remedy revision notice *New
- Phase 2 report template *Draft
 - Created by CPs
 - Effective January 1, 2015



New Additions to Website!

DERR Internet → VAP → Program Info/Services Tab

Voluntary Action Program



The Voluntary Action Program gives individuals a way to investigate possible environmental contamination, clean it up if necessary and receive a promise from the State of Ohio that no more cleanup is needed.

The VAP minimizes governmental red tape and maximizes resources and expertise in the private sector. If someone wants to clean up a piece of property, it may be done following specific standards developed by Ohio EPA. When cleanup requirements are met, the director of Ohio EPA issues a covenant not to sue. This covenant protects the property owner or operator and future owners from being legally responsible to the State of Ohio for further investigation and cleanup. This protection applies only when the property is used and maintained in the same

manner as when the covenant was issued.

A screenshot of the website's navigation tabs and main content area. The tabs are "What's New", "Program Info/Services", "How Do I?", "Links and Resources", and "Contacts". The "Program Info/Services" tab is selected. Below the tabs is a section titled "Information & Services" with a list of links: "BUSTR Class C and Class D Releases are Now Eligible for the VAP", "Fees", "Guidance", "Rules", "Technical Guidance Compendium", and "Evaluation of Background Metal Soil Concentrations". Below this is a list of expandable menu items: "Certification", "Financial Assistance/Incentives", "Technical Assistance (TA)", "Memorandum of Agreement (MOA) Track", "Director Approvals Prior to Issuance of NFA Letter", "NFA Information, Process & Procedures", and "Post-CNS Remedy Revision Notice". The "Post-CNS Remedy Revision Notice" item is expanded, showing a link: "Remedy Revision Template and Submission Instructions [DOC]". Three red arrows point to the "Director Approvals Prior to Issuance of NFA Letter", "NFA Information, Process & Procedures", and "Post-CNS Remedy Revision Notice" items.

DERR SITE NAVIGATION LINKS

Select an item and click "Go" to navigate ▾

Go

QUICK LINKS

▶ RULES AND LAWS

Rules governing VAP and RCRA

▶ GUIDANCE

Guidance documents sorted by topic

▶ CERTIFIED PROFESSIONAL

Initial and renewal applications

▶ LABORATORY CERTIFICATION

List of Certified Laboratories and information

▶ VAP FEES

Voluntary Action Program fees

▶ CNS REPORTS

View a map of VAP's CNS reports

CNS Projects

VAP 2008-2012:
Summaries of CNS Projects



Information & Services

- [BUSTR Class C and Class D Releases are Now Eligible for the VAP](#)
- [Fees](#)
- [Guidance](#)
- [Rules](#)
- [Technical Guidance Compendium](#)
- [Evaluation of Background Metal Soil Concentrations](#)

▶ Certification

▶ Financial Assistance/Incentives

▶ Technical Assistance (TA)

▶ Memorandum of Agreement (MOA) Track

▼ Director Approvals Prior to Issuance of NFA Letter

Urban Setting Designation

- [List of Urban Setting Designations](#)
- [USD Request Template and Submission Instructions](#) [PDF]
- [USD Request Template and Submission Instructions](#) [DOC]

Variance or Case-by-Case Determination

- [Variance & case-by-case Application Form](#) [DOC]

Off-Property Pathway Omission

- [Pathway Omission Template and Submission Instructions](#) [DOC]

▶ NFA Information, Process & Procedures

▶ Post-CNS Remedy Revision Notice

▶ **CERTIFIED PROFESSIONAL**
Initial and renewal applications

▶ **LABORATORY CERTIFICATION**
List of Certified Laboratories and information

▶ **VAP FEES**
Voluntary Action Program fees

▶ **CNS REPORTS**
View a map of VAP's CNS reports

CNS Projects

VAP 2008-2012:
Summaries of CNS Projects



▶ Memorandum of Agreement (MOA) Track

▶ Director Approvals Prior to Issuance of NFA Letter

▼ NFA Information, Process & Procedures

- [NFA Letters w/Current Status](#)
 - *If Internet Explorer displays a blank page, [click here](#).*
 - [Complete NFA Summary with Current Status \(.xlsx\)](#)
- ▶ [Submission of the NFA Letter](#)
*(Instructions to submit NFA Letter according to VAP Rules effective **August 1, 2014**)*
- ▶ [NFA Letter Template for 2014 VAP Rules](#)
- [Attachment Naming Hierarchy](#)
- [Submission requirements for electronic copies of NFA Letters](#)
- [Electronic Submittals](#)
- ▶ [NFA Review Process](#)
*(For NFA Letter according to VAP Rules effective **August 1, 2014**)*
- ▶ [NFA Review Process](#)
*(For NFA Letter submitted **prior to August 1, 2014**)*
- [NFA Response to Comments](#)
- [NFA Addenda](#)
- [Withdrawal of Request for CNS \[DOC\]](#)
- [Covenant Not to Sue Template Update \(Memo\)](#)
- [Post CNS Compliance Process](#)

Environmental Covenants/Use Restrictions:

- [Environmental Covenant Guidance](#)
- [Environmental Covenant Template DOC](#)

Operations & Maintenance - Risk Mitigation Plan:

- [Operation and Maintenance Reporting Template \[DOC\] NEW](#)
- [Operations & Maintenance Plan Template \[DOC\]](#)
- [Operations & Maintenance Agreement \[DOC\]](#)
- [Risk Mitigation Plan Template \[DOC\]](#)

▶ Post-CNS Remedy Revision Notice

PAYGO

- Eliminated under new rules
- All PAYGO accounts closed – New corresponding accounts opened under technical assistance
- NFAs submitted using PAYGO under old rules still honored

NFAs – Old Rules vs New Rules

- If the CP has signed their NFA affidavit **prior to August 1**, the NFA will be reviewed under the old rules (and fees)
- If the CP has signed their NFA affidavit **after August 1**, the NFA will be reviewed under the new rules (and fees)

Revised NFA Timeline - NFAs Submitted Under New Rules

- Revised timeline for document reviews and to generate INOD and FNOD letters
- 35-day review time by CP for INODs and FNODs (was 65 days)



Review Milestones – New Rules

- Initial review complete and draft INOD within 38 days of NFA Letter receipt (was 45 days)
- Call with CP and INOD issued within 47 days (was 65 days)
- FNOD issued within 28 days of INOD addendum receipt (was 35 days)
- 20 day review for FNOD addendum (unchanged)

Technical Guidance Compendium

- Revised and current for new rules
- Refer to TGC archived documents for old rules
- New/revise TGCs
 - VAP Environmental Covenants: Avoiding the Unauthorized Practice of Law ***Completed**
 - Post-Remedy Verification Ground Water Monitoring for VAP Projects ***Completed**
 - ASTM and VAP Phase I Comparison ***Pending**
 - Ground Water & Risk Assessment TGCs ***Pending**



VAP Rule Errors

- Cyanide in Tables I, II, and III – Generic numerical direct-contact soil standards
 - 5th and 6th columns were switched, i.e. soil saturation and single chemical standard
- Several minor typos
- Must refile and revise rules from beginning of rule review process

ELECTRONIC DOCUMENTS



What is eDoc?

- Agency is moving towards a paperless filing system
- NOV's have been in eDoc since 2012
- Oct 1 began all outgoing correspondence
- Incoming documents are scheduled to begin next month
- RE:BLOCK added to documents...



Rules

Get Help

Permit and Compliance Assistance

Small Business Assistance

Pollution Prevention and Compliance Assistance

Recycling

Financial Assistance

Sign up for updates and news

Request a public record

Regulatory Ombudsman

Online Services

eBusiness Center

Answer Place

Permit Wizard

eDocument Search

Electronic Data Reporting

Publication Catalog

Environmental Permitting

Permit Fees

Guide to Environmental Permitting

Forms and Publications

Environmental Programs

Air Pollution Control

Brownfield Redevelopment

Discharge Monitoring Report-Quality Assurance

Emergency Response

Enforcement

Ground Water

Hazardous Waste Investigation and Cleanup

Public Drinking Water

Wastewater and Storm Water

Waste Management/Landfills

Professional Certification

Water and Wastewater Operator Certification

Certified Drinking Water Labs

Voluntary Action Program Certified Professionals

Voluntary Action Program Certified Labs

View Maps

This statement can be attributed in whole or in part to Ohio EPA Director Craig W. Butler. [read more](#)

Ohio EPA Director Visits DRS Environmental Systems To Recognize Staff for Environmental Excellence

Ohio EPA Director Craig W. Butler visited DRS Environmental Systems in Cincinnati today to recognize the company for its continuing efforts in environmental stewardship. [read more](#)

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. [read more](#)

Fremont Receives Covenant Not to Sue under Ohio EPA's Voluntary Action Program for Clauss Cutlery Property

The city of Fremont has received a covenant not to sue under Ohio EPA's Voluntary Action Program (VAP) for the 6.28-acre property that was formerly the site of the Clauss Cutlery factory. [read more](#)



NEED HELP
with regulations or permits?



RECYCLING
Learn how you can make a difference.



CLEAN AIR
View Real-Time Air Quality Data



The U.S. Environmental Protection Agency has announced the completion of all cleanup work required to remove the Ashtabula River on Lake Erie from the binational list of Great Lakes Areas of Concern.

FEATURES

U.S. EPA's CLEAN POWER PLAN

Find out more about U.S. EPA's plan and the next steps for Ohio.

ENCOURAGING ENVIRONMENTAL EXCELLENCE

Get recognition for regulatory compliance

Receives Covenant Not to Sue Under

Public Records Requests and File Reviews

Under Ohio's public records law, citizens have the right to view upon request the public records of offices such as Ohio EPA.



Ohio's public records law should not be confused with the [Federal Freedom of Information Act](#), which applies to records held by federal agencies. Ohio EPA does not have a central repository for all its records. Each division within Ohio EPA and each of the five district offices houses its own files.

Therefore, more than one office may need to be contacted to obtain all applicable files on a particular issue or site. The [Procedures for Public Records Requests and File Reviews fact sheet](#) explains Ohio EPA's file review process in more detail.

Ohio EPA's [eDocument Search](#) is designed to improve efficiency; reduce costs; and greatly improve the public's ability to access to Ohio EPA's public records from anywhere without copying costs. The system currently includes noncompliance documents issued since Jan. 1, 2007. Eventually, electronic

copies of most of the Agency's public records will be available.

For more information about Ohio's public records law, you may review [Ohio Revised Code 149.43](#).

QUICK LINKS

- ▶ [Permit Assistance](#)
- ▶ [Public Records](#)
- ▶ [File Review Request Checklist](#)
- ▶ [Weekly Review and Public Notices](#)
- ▶ [Rules and Laws](#)
- ▶ [Regulatory Ombudsman](#)
- ▶ [Health and Safety](#)
- ▶ [Labor Management Committee](#)
- ▶ [Report Environmental Violations and Concerns](#)

[What Information is Needed to Begin?](#)

[Copying Charge](#)

[File Review Contacts](#)

[eDocument Search](#)

Ohio EPA's eDocument Search

Ohio EPA's eDocument Search is designed to improve efficiency; reduce costs; and greatly improve the public's ability to access to Ohio EPA's public records from anywhere without copying costs. The system currently includes noncompliance documents issued since Jan. 1, 2007. Eventually, electronic copies of most of the Agency's public records will be available.

If you can't find a non-compliance document, please contact Ohio EPA's public records manager. To review any other kind of document, please contact the district office where the facility or site is located. If you aren't sure of the facility location, please [contact Ohio EPA's public records manager](#). [Ohio Revised Code 149.43](#) has more information about Ohio's public records law.

- [Useful Search Tips](#)
- [Report technical difficulties or suggest improvements](#)

Frequently Asked Questions

▶ [What kinds of documents are available online at this time?](#)

▶ [Documents date back how far?](#)



➔ [START your SEARCH using the NEW PUBLIC PORTAL!](#)

VIDEO  [Watch a short video of details about this search tool and an example search!](#)

In order to facilitate the ingestion of our documents into eDocs, additional information (referred to as the "Re: Block") needs to be included, so they will now be similar to this:



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

August 7, 2014

Mr. Jim Smith
Brownfield Restoration Group
1000 S Cleveland-Massillon Rd
Suite 106
Akron, OH 44333

Re: Youngstown Sheet & Tube Campbell CASTLO
Covenant
Correspondence
Voluntary Action Program
Mahoning County
250002128

AND

CASTLO Community
Improvement Corporation
100 S Bridge St
Struthers, OH 44471

Subject: Ohio EPA's Review of the Voluntary Action Program (VAP) No Further Action (NFA) Letter for CASTLO Industrial Park, 14NFA565; Initial Notice of Deficiency (INOD) and Reviewer Comments. DERR Project ID 250-002128-010

Dear Mr. Smith & Representative of CASTLO Community Improvement Corporation:

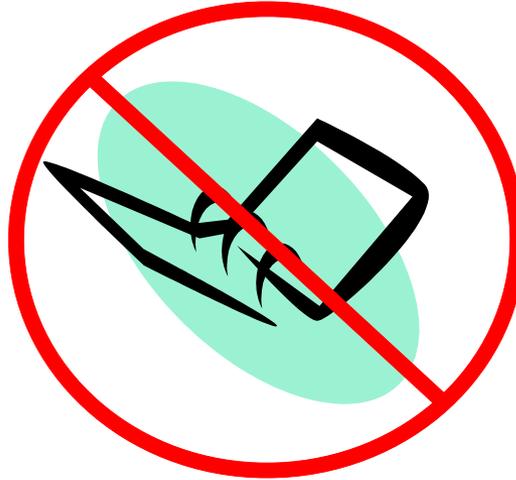
On May 28, 2014, the Ohio Environmental Protection Agency (OHIO EPA), Northeast District Office, received the NFA letter for the property located at 100 South Bridge St., Struthers, Mahoning County (the "Property"). You submitted.....

Central Office • 50 W. Town St. • Suite 700 • P.O. Box 1049 • Columbus, OH 43216-1049
www.epa.ohio.gov • (614) 644-3020 • (614) 644-3184(Fax)

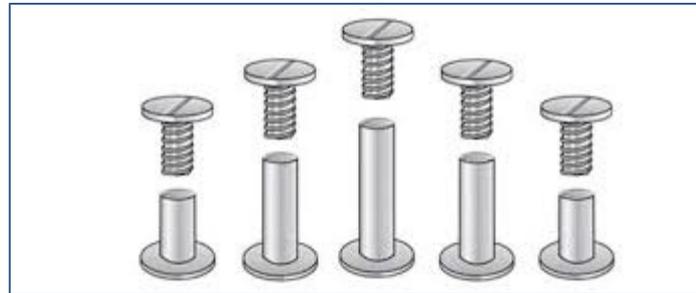


Use of the subject line will not change and should include all of the information currently included

Three-Ring Binders



Binder Screws



Questions???

