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

Through the voluntary efforts of Cuyahoga County and a local marine towing company, a lakeshore brownfield is ready for redevelopment after being investigated and remediated under Ohio EPA's [Voluntary Action Program](#) (VAP). Ohio EPA has issued a covenant not to sue to the County and Great Lakes Towing Company (the volunteers) for a 2.18-acre property located at 5300 Division Avenue. Issuance of the covenant completes the volunteers' participation in the VAP.

Following standards developed by Ohio EPA, the volunteers hired a certified environmental professional to assess the site, identify any areas of concern and remediate soil contamination on the property to a level that allows for commercial or industrial redevelopment. Cuyahoga County used a \$2.1 million grant from the Clean Ohio Fund to help pay for the work, including installation of a bulkhead to prevent contaminated ground water from migrating to the Old River Channel.

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

Industrial operations on the property began in the 1890s, when the American Shipbuilders Company began manufacturing and repairing ships. Currently, the site contains marine operations for the Great Lakes Towing Company. The company is undergoing an expansion and recently installed a new crane system on the remediated property.

In the 16 years since Ohio EPA issued the first covenant under VAP, more than 6,000 acres of blighted land have been revitalized at more than 300 sites across the state.

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