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City of Chillicothe Receives Covenant Not to Sue for Rail Yard Under Ohio EPA's Voluntary Action Program

Through the voluntary efforts of the city of Chillicothe, another local brownfield is ready for redevelopment after undergoing investigation and remediation under Ohio EPA's [Voluntary Action Program](#) (VAP). Ohio EPA has issued a covenant not to sue to the city (the volunteer) for the 8.39-acre CSXT Chillicothe Yard South Parcel property located at the northwest corner of Seventh and Watt Streets in Chillicothe (Ross County). Issuance of the covenant completes the volunteer's participation in the VAP.

The property had previously been used as a rail car storage and maintenance yard by CSX and other railroad companies. Construction activities are underway on the new Chillicothe Transit System building and associated parking areas and driveways.

By entering the VAP, the city assumed responsibility for remediating the property. Following standards developed by Ohio EPA, the city hired a certified environmental professional to assess the site, identify any areas of concern and remediate the contamination on the property to a level that allows for certain types of commercial or industrial redevelopment.

In 2002, Ohio EPA issued another covenant for the property to the previous volunteer, CSX Transportation Inc. That covenant required an operation and maintenance agreement, including maintenance of engineering controls (i.e., pavement and soil cover). While the original covenant is still valid, the city eliminated the need for engineering controls by remediating soils in 2006 using grant money from the Ohio Department of Development's Clean Ohio Revitalization Fund. Approximately 8,850 tons of impacted soils were removed and properly disposed of to prevent unacceptable exposure to soil contaminants.

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 investigation and remediation. This protection applies only when the property is used and maintained in accordance with the terms and conditions of the covenant.

In the 15 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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