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Dayton Brownfield Readied for Redevelopment

Through the voluntary efforts of the University of Dayton, another area brownfield has been investigated, cleaned and is ready for commercial reuse or certain residential uses. The property is owned by East Aqua Development LLC, which is owned by the University of Dayton. The majority of the property will serve as a commercial building site for a new General Electric office building.

Ohio EPA has issued a covenant not to sue to the University of Dayton for work performed at the former NCR property along the Great Miami River waterfront in Dayton. The covenant not to sue completes the university's participation in Ohio EPA's [Voluntary Action Program \(VAP\)](#), where property owners take the initiative to identify and clean up on-site contamination.

The 11.4-acre site is located at 1300 S. Patterson Blvd, Dayton. Although now vacant, the property once included buildings that housed part of National Cash Register (NCR) from 1887 until the late 1970s and was known as the NCR West Campus.

By entering VAP, the university assumed responsibility for assessing and, if needed, cleaning the property. Following standards developed by Ohio EPA, the university hired a certified environmental professional to assess the site. Contractors who investigated found the majority of the property contains fill materials. In addition, four 20,000-gallon underground storage tanks, formerly used to store fuel oil, three transformers, asbestos-containing material and contaminated soils were identified.

The university's contractor identified locations where contaminant concentrations exceeded the direct contact standards and, when possible, buried it more than four feet deep. People going about normal activities are not anticipated to come into contact with soils that have been buried at that depth or lower so it will not cause health concerns. If the soil is disturbed deeper than four feet, steps must be taken to manage the soils in a way that will protect people's health and the environment.

Because of the volume of contaminated soil, not all of it could be buried and some was removed for proper off-site disposal. The tanks, transformers and asbestos-containing material was removed from the property and properly disposed of.

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 cleanup. This protection applies only when the property is used and maintained in the same manner as when the covenant was issued.

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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