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Summit County Property Receives Covenant Not to Sue Under Ohio EPA's Voluntary Action Program

Through the voluntary efforts of a Cuyahoga Falls property owner, 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 Preferred – Cuyahoga LLC (the volunteer) for the 5.15-acre Trinity Square Development property located at 735-755 Howe Avenue. Issuance of the covenant completes the volunteer's participation in the VAP.

During the early 20th century, clay was excavated from the western portion of the property for use by the Keller Brick Company. In the late 1930s, the city of Cuyahoga Falls purchased the land and used the excavated area as a city dump. While the dumping stopped prior to 1950, the bricks, slag cobbles, broken glass, porcelain, metal and other debris remained until the volunteer acquired the property and assumed responsibility for remediating it under the VAP.

Following standards developed by Ohio EPA, the volunteer 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 commercial or industrial redevelopment.

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.

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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