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

Through the voluntary efforts of the present and past owners of a Summit County property, a 101-acre brownfield in the city of Barberton and Norton Township is ready for reuse after being investigated and remediated under Ohio EPA's [Voluntary Action Program](#) (VAP).

Ohio EPA has issued a covenant not to sue to D.S. OH Limited Partnership, MBS Chem. Inc. and David Street Partnership (the volunteers) for the former Midwest Rubber property located at 745 Norton 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 contamination to a level that will allow for commercial or industrial activities on much of the property.

Historical industrial operations on the property included a sand and gravel quarry prior to 1928 and rubber reclamation and new products manufacturing through 2000. The site is now part of a joint economic development district undergoing urban renewal.

The owner must ensure compliance with the activity and use limitations on the property which include building restrictions on the former quarry area located on the western portion and the prohibition of ground water extraction other than sampling, remediation or construction dewatering.

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 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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