

The Big Picture

By Amy Yersavich

Welcome to The VAP Voice!

Hello and welcome to the first edition of the VAP's Web-based newsletter! Those of you who are VAP old-timers may remember receiving our hard copy newsletter, *ReUse News*. We published *ReUse News* from 1996 until the fall of 2001. In 2002, we made the decision to redirect our resources toward maintaining a comprehensive and up-to-date Web site as well as a Certified Professional e-mail list to send alerts and other time-sensitive messages.

Now that the VAP Web is up and running like a well-oiled machine, we have come full circle. We are publishing this Web-based newsletter to provide you with information you might not find on our Web site, such as site case studies, success stories, what to avoid when conducting a voluntary action, technical information updates and training opportunities that have been approved for professional development hour units (PDHUs).

2008 is proving to be a busy year again for the VAP. We issued 25 covenants last year and have already received seven requests for covenants in 2008: (traditional no further action letters (NFAs) and pay-as-you-go (PAYGO) NFAs combined). The Resource Conservation and Recovery Act (RCRA)/VAP memorandum of agreement (MOA) was signed in November and revised MOA-Track forms are now available online. We have received quite a bit of interest from sites that may be subject to RCRA corrective action and expect to see at least

one or two RCRA/VAP MOA-Track applications in the next few months. We are completing our interested party review (IPR) process for the VAP rule revisions and hope to file the rules with the Joint Committee on Agency Rule Review in March. To prepare for the revised rules, we are revamping many of our guidance documents in our technical decision compendium (TDC), creating new guidance documents, renaming the TDC as the technical guidance compendium (TGC) to better reflect its current content, updating the NFA Forms and editing our VAP initial training.

We hope you enjoy this first issue of *The VAP Voice* and thank Ildi Pallos, the newsletter coordinator, as well as Audrey Rush, Don Vogel, Nancy Zikmanis, Vanessa Steigerwald-Dick, Sue Netzly-Watkins and Frank Robertson, who contributed to this issue. We welcome your input and suggestions for future issues. Contact Ildi Pallos at ildi.pallos@epa.state.oh.us with your ideas. Let our Voice be your voice!

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What is the VAP?

Senate Bill 221 created the Voluntary Action Program (VAP) in September 1994, and it was fully implemented in March 1997. The VAP involves limited oversight from Ohio EPA due to the semi-privatized certification program for participating environmental professionals and analytical laboratories. By reducing Agency oversight, Ohio EPA is able to streamline review times and focus staff resources on investigation and enforcement of more serious environmental contamination issues.

For more details see our "Ohio's Voluntary Action Program" [fact sheet](#) on our Web site.



Tech Updates

By Audrey Rush

Vapor Intrusion Guidance

Volatile compounds in soil and ground water can be a pathway of concern for indoor air. In 2002, U.S. EPA issued guidance on how to evaluate the Vapor Intrusion (VI) pathway. Last year, the Interstate Technology Regulatory Council issued a general guidance, and many states have developed their own versions of appropriate guidance. Last fall, Ohio EPA's Division of Emergency and Remedial Response (DERR) formed a workgroup to develop Ohio-specific guidance for the VI pathway. Sampling protocol for various techniques, like the ones shown here, will be part of the guidance.

A draft guidance document is proposed for use by January 2009 by our Remedial Response and Voluntary Programs. Members include Ohio EPA central and district office technical staff from the Site Investigation Field Unit, the Remedial Response Program, the Voluntary Action Program (all from DERR) and staff from the Division of Air Pollution Control. Several VAP Certified Professionals are generously donating their time.

We have made great progress so far after just two all-day sessions of the full work group.

Thanks to all for their hard work to date!

Notice Anything Different in the Numbers?

During our five-year rule review process, we review new information and guidance to ensure that Ohio Administrative Code 3745-300 incorporates the latest available data. The proposed rules include some differences in the generic direct contact standards for soils – the most dramatic may be seen in the construction worker standards.

One of the reasons for the difference is that the toxicity used for the inhalation pathway has changed from a dosing term (RfD) to a concentration term (RfC). The Integrated Risk Information System (IRIS), U.S. EPA's environmental toxicity database, and other sources of toxicology values do not typically report inhalation toxicity as a dose, and U.S. EPA does not recommend conversion. The concentration term has been developed assuming a total inhalation of 20 m³/day (instead of an hourly rate for eight hours), which will typically result in a lower standard for chemical of concern or COC values driven by inhalation.

Central Office risk assessors, with the help of a very competent college intern, have developed a hierarchy of sources for obtaining chemical-specific physical/chemical and toxicology values used in the generic standard development. This information will be available in our updated technical support document for generic standards. The new standards will be in the updated rules, which are expected to be filed this spring and will become effective in the winter of 2009.

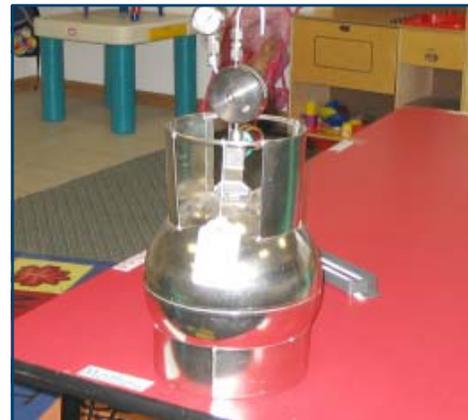
Tech Updates is a regular feature of The VAP Voice. The VAP strives to keep current with the latest technical developments in the brownfield arena. Your suggestions for submission are encouraged. Please e-mail contributions to Audrey Rush at audrey.rush@epa.state.oh.us.



Subslab soil gas via syringe sampling.



Exterior soil gas sampling nested vapor points via tedlar bag in a lung box.



Indoor air sampling via summa canister.



Professional Development Calendar

The following list of approved courses are not comprehensive. If you have training that you would like to have pre-approved for PDHUs, please contact Ildi Pallos at ildi.pallos@epa.state.oh.us. Also, if you wish to see listings of courses that may qualify for PDHUs that are outside the general Ohio range, or other locations of courses listed here, go to CLU-IN's Web site: <http://clu-in.org/courses/search.cfm>.

Schedule of Courses Approved for PDHUs

(click on title to jump to a description)

April 2008				
Monday	Tuesday	Wednesday	Thursday	Friday
	1	2	3	4
	<u>Sampling for Hazardous Waste</u> Cincinnati, OH			
7	8	9	10	11
14	15	16	17	18
	<u>Chemistry for Environmental Professionals-Fundamentals</u> Harrisburg, PA		<u>Advanced Technologies for Contaminated Site Remediation and Gas Vapor Intrusion Management</u> West Chester, PA	
	<u>CP Initial Training-16th only</u> Twinsburg, OH			
21	22	23	24	25
28	29	30		

May 2008				
Monday	Tuesday	Wednesday	Thursday	Friday
			1	2
5	6	7	8	9
	<u>Brownfields 2008: U.S. EPA's National Brownfields Conference*</u> <u>Important Note</u> Detroit, MI			
12	13	14	15	16
19	20	21	22	23
26	27	28	29	30



June 2008

Monday	Tuesday	Wednesday	Thursday	Friday
2	3	4 <u><i>Intro to Environmental Geophysics</i></u> EPA Region 5 (Location TBA)	5	6
<u><i>Contaminated and Hazardous Waste Site Management Course</i></u> <u><i>Theory, Practice and Outdoor Field Demonstrations**</i></u> <i>Important Note</i> Toronto, Ontario, Canada				
9	10	11	12	13
16	17	18	19	20
23	24	25	26	27
	<u><i>Environmental Remediation Technologies</i></u> Indianapolis, IN			
30				

Important note about the May 5 - 6 Brownfields 2008 Conference

* ONLY the following courses qualify for PDHUs:

Public Policy, Law and Regulation Track:

- Central Challenges: The Midwest States Speak Out
- Uniform Environmental Covenants Act Update
- United States v Atlantic Research Corporation (ARC) — Resolution or Confusion?
- CERCLA Cost Recovery and Contribution Rights for Voluntary Cleanups After Aviall

Environmental Assessment and Cleanup Track:

- ASTM's New Continuing Obligations Standards
- Brownfields Shop of Horrors
- Dirty Jobs: Policies, Procedures and Prospects for Beneficial Reuses of Contaminated Soils
- Heavy Starch: Cleaning the Dry Cleaners
- Just Below the Surface: Characterizing and Remediating Subsurface Contaminants
- Life After Phase I: U.S. EPA Workshop on Brownfields Assessment and Cleanup
- Mercy, Mercy Me: What Are We Going to Do About Those PCBs?
- Nature Knows Best: Innovative Site Remediation Technologies
- Sediment-al Journey: Developing Uplands Adjacent to Sediment Contaminated Sites
- Setting 'Em Up and Knocking 'Em Down: Effective Strategies for Construction and Demolition Debris
- The State of Phase I Site Assessments: Could the AAI Rule Be Improved?
- Turning Up the Heat: Electrical Resistance Heating and Remediation
- Urban Soil Risks and Common Contaminants: Things to Understand as a New Owner or User

Important note about the June 2 - 6 Contaminated and Hazardous Waste Site Management Course

** Maximum 30.5 PDHUs can be earned for attending the entire week. The following courses DO NOT qualify for PDHUs:

- Overview of Contaminated and Hazardous Waste Site Management
- Environmental Data Management Workshop
- Toronto City Tour
- Health and Safety at Hazardous Waste Sites
- Web-Based Project Management Tools Workshop
- Environmental Law Applicable to Contaminated Sites



Meet the Real VAP Voices

We are pleased to introduce our Central Office staff in the inaugural issue of *The VAP Voice*. Click on a name for additional information about each one.

Name	Position	If you were a remedy, what type would you be?
<u>Amy Yersavich</u>	VAP Manager	I would be lead recovery on a former shooting range. I'd be making extra money and the environment safer at the same time – can't beat that!
<u>Frank Robertson</u>	Supervisor	Passively active or actively passive. (I'm sneaky that way.)
<u>Audrey Rush</u>	Technical Issues Team Leader	I think a dig and haul because there are no continuing obligations with that one.
<u>Ildi Pallos</u>	Rule/Technical Writer	Evapotranspiration-based remediation, mainly because I like the word evapotranspiration.
<u>Eric Sainey</u>	Hydrogeologist	I'd be dig and haul mixed in with a little soil vapor extraction and a smidgeon of bio-attenuation. It's straight-forward yet somewhat complex.
<u>Martin Smith</u>	Hydrogeologist	There are so many, I can't pick one.
<u>Don Vogel</u>	Hydrogeologist	Passive-aggressive, with a carefully reasoned iterative remediation process incorporating natural attenuation and phytoremediation where possible, and pump and treat or dig and haul as necessary.
<u>Lisa Wiklanski</u>	Risk Assessor	I'd be phytoremediation. There's a lot going on underneath the surface.
<u>Catherine Stroup</u>	Senior Staff Attorney	I'd be an Environmental Covenant because I spend a lot of time reviewing them, so I feel like I have a connection there.
<u>Martha Jane Cooper (Marty)</u>	Staff Attorney Split between DERR and DSIWM*	I would be a risk-based remedy ... because that always involves a cost/benefit analysis and what's life without a little risk?
<u>Ann Fischbein</u>	Staff Attorney	Phytoremediation because I'm a lot like a tree that sucks up contaminants. My maiden name is Wood and I love Mountain Dew, which is probably a hazardous waste or something!
<u>Sue Kroeger</u>	Staff Attorney	I'd be an "activity and use limitation for recreational land use" because it's a remedy that's easy to get along with.
<u>Lisa Koenig</u>	Hydrogeologist, DDAGW**	I would be a special potion that would magically clean up the ground water instantaneously.

*Division of Solid & Infectious Waste Management

**Division of Drinking & Ground Waters



CP Corner

So you want to use PAYGO...

By Frank Robertson

The VAP instituted the Pay-As-You-Go (PAYGO) process in 2007 as an alternative to the no further action letter (NFA) fee track. PAYGO combines pre-NFA technical assistance with review of the NFA.

The most important thing to remember about the PAYGO process is this: **Don't issue the NFA!** PAYGO can only be entered PRIOR to issuance of the NFA.

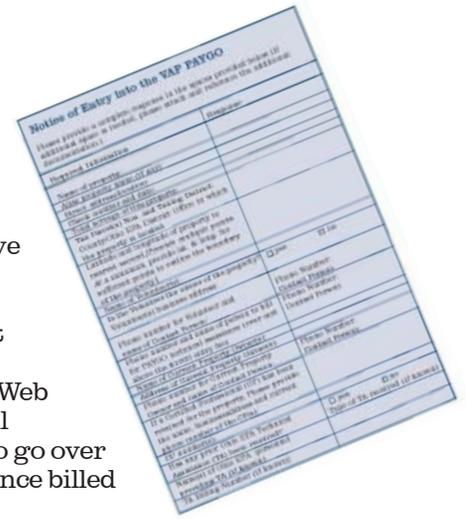
To enter the PAYGO process, fill out the [PAYGO entry form](#) found on the VAP Web page. Once the entry form and \$1,000 retainer have been submitted, Ohio EPA will schedule a kick-off meeting with the Certified Professional (CP) and/or volunteer to go over the particulars of the site. After this meeting, the Agency provides technical assistance billed directly to the volunteer during the NFA development.

The completed NFA is submitted to the Agency to request a covenant not to sue. The NFA review is billed directly to the volunteer. The only fee submittal requirement is a processing fee (currently \$1,020) to cover public noticing and journalization costs.

A few problems have been identified during the infancy stage of PAYGO. For example, a few CPs have issued an NFA and then tried to enter PAYGO. This is not allowed under the VAP rules.

So, the most important item to remember regarding PAYGO is this: If you want to enter PAYGO, **don't issue the NFA**. Enter PAYGO, go through the process and **then** issue the NFA.

The PAYGO track has worked well for most; however, it might not be best for everyone. If you have questions or concerns about which track best fits your situation, please contact Frank Robertson at Frank.Robertson@epa.state.oh.us.

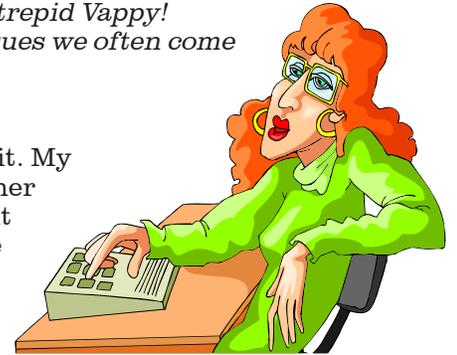
A tilted image of a form titled "Notice of Entry into the VAP PAYGO". The form contains various fields for project information, including "Project Name", "Site Address", "County", "Municipality", "Project Description", "Estimated Start Date", "Estimated End Date", "Estimated Cost", "Project Status", "Project Phase", "Project Priority", "Project Urgency", "Project Complexity", "Project Risk", "Project Impact", "Project Benefit", "Project Need", "Project Goal", "Project Objective", "Project Outcome", "Project Result", "Project Evaluation", "Project Feedback", "Project Improvement", "Project Innovation", "Project Creativity", "Project Flexibility", "Project Adaptability", "Project Resilience", "Project Sustainability", "Project Viability", "Project Feasibility", "Project Practicality", "Project Realism", "Project Reliability", "Project Consistency", "Project Coherence", "Project Harmony", "Project Balance", "Project Proportion", "Project Symmetry", "Project Order", "Project Organization", "Project Structure", "Project Framework", "Project Foundation", "Project Core", "Project Essence", "Project Spirit", "Project Soul", "Project Heart", "Project Mind", "Project Body", "Project Feet", "Project Hands", "Project Ears", "Project Eyes", "Project Mouth", "Project Nose", "Project Hair", "Project Skin", "Project Bones", "Project Muscles", "Project Nerves", "Project Blood", "Project Breath", "Project Life", "Project Love", "Project Joy", "Project Peace", "Project Happiness", "Project Well-being", "Project Health", "Project Wealth", "Project Power", "Project Influence", "Project Authority", "Project Leadership", "Project Vision", "Project Mission", "Project Purpose", "Project Meaning", "Project Value", "Project Legacy", "Project Impact", "Project Contribution", "Project Service", "Project Care", "Project Compassion", "Project Kindness", "Project Generosity", "Project Gratitude", "Project Humility", "Project Patience", "Project Perseverance", "Project Determination", "Project Courage", "Project Bravery", "Project Honesty", "Project Integrity", "Project Trustworthiness", "Project Reliability", "Project Accountability", "Project Responsibility", "Project Commitment", "Project Dedication", "Project Passion", "Project Enthusiasm", "Project Energy", "Project Motivation", "Project Inspiration", "Project Creativity", "Project Innovation", "Project Flexibility", "Project Adaptability", "Project Resilience", "Project Sustainability", "Project Viability", "Project Feasibility", "Project Practicality", "Project Realism", "Project Reliability", "Project Consistency", "Project Coherence", "Project Harmony", "Project Balance", "Project Proportion", "Project Symmetry", "Project Order", "Project Organization", "Project Structure", "Project Framework", "Project Foundation", "Project Core", "Project Essence", "Project Spirit", "Project Soul", "Project Heart", "Project Mind", "Project Body", "Project Feet", "Project Hands", "Project Ears", "Project Eyes", "Project Mouth", "Project Nose", "Project Hair", "Project Skin", "Project Bones", "Project Muscles", "Project Nerves", "Project Blood", "Project Breath", "Project Life", "Project Love", "Project Joy", "Project Peace", "Project Happiness", "Project Well-being", "Project Health", "Project Wealth", "Project Power", "Project Influence", "Project Authority", "Project Leadership", "Project Vision", "Project Mission", "Project Purpose", "Project Meaning", "Project Value", "Project Legacy", "Project Impact", "Project Contribution", "Project Service", "Project Care", "Project Compassion", "Project Kindness", "Project Generosity", "Project Gratitude", "Project Humility", "Project Patience", "Project Perseverance", "Project Determination", "Project Courage", "Project Bravery", "Project Honesty", "Project Integrity", "Project Trustworthiness", "Project Reliability", "Project Accountability", "Project Responsibility", "Project Commitment", "Project Dedication", "Project Passion", "Project Enthusiasm", "Project Energy", "Project Motivation", "Project Inspiration".

Dear Vappy

Welcome to the inaugural edition of our advice columnist, the wise and intrepid Vappy! She is dedicated to providing our learned readership with insights on issues we often come across during VAP project reviews.

Dear Vappy:

I received a great offer on my brownfield property and couldn't resist selling it. My Certified Professional (CP) said this is not an issue for development of the no further action letter (NFA) and that the covenant not to sue (CNS) with the tax abatement will transfer to the new owner. The new owner plans to start construction on the vacant half of the property in two months even though the NFA won't be issued yet. Also, the new owner has begun renovation on the existing building for their headquarters. Is there anything I should know about the tax abatement before I transfer the property? – **A Taxing Dilemma**



Dear Dilemma,

First, congratulations on your sale! Regarding the tax abatement for 10 years, the timing in your letter could be problematic for the tax abatement. However, the tax abatement process is not under Ohio EPA control; it is under the authority of the Department of Taxation. Ohio EPA's only role in this process is to provide a memo to the Ohio Department of Taxation that documents that a remedy was conducted and a CNS was issued. We have modified our process by including the legal description with the memo for clarity.

I hope that your CP and the new owner's CP are spreading this message and providing the Technical Decision Compendium document called [Real Property Tax Exemptions under the Voluntary Action Program \(TDC number VA30000.07.001\)](#) for both the tax abatement process and the new withdrawal option for this tax abatement process. If not, it would be beneficial for you to [look at that document on our Web site](#) and read up on this process for your own information.

continued on page 7...



Dear Vappy
continued from page 6

Dear Vappy:

I'm assessing a former industrial property. The city plans to subdivide the property. I need to cut costs. Can I just call the whole property one identified area and recommend one engineering control for the entire property?

– **Not the Bad Guy**

Dear Not Bad,

If there are different sources of historical releases, different chemicals of concern, or a range of concentrations of the same chemical of concern, identified areas should not generally be combined. For instance, if there are metals in one identified area, but volatiles in another, they should not be combined. Future development plans are also important to consider. Redevelopment for multiple commercial establishments or residential development will reduce the exposure unit.

With regard to placing an engineering control over an entire property, this strategy only has short-term benefits and will result in an overly restricted property. Why institute an engineering control such as a sub-slab depressurization system to address volatiles across the entire 20-acre property, when the affected area is only two acres? The investment in a thorough Phase II Assessment will result in greater flexibility for a prospective future owner. New owners will have the freedom from unnecessary operation and maintenance (O&M) controls. Recommending more assessment to better refine the remedy may not be the most popular short-term advice to give a cash-strapped volunteer, but it may be the best long-term solution to attract investors to a brownfield and ensure protection of the future receptors.

Dear Vappy:

I'm creating the map of my identified areas (IAs). And we do have quite a few IAs! We did a boat load of sampling too. I've enclosed a copy of my proposed IA map with this letter. Please let me know what you think.

–**You Decide**

Dear Decide,

Yes, by the looks of your data you've done quite a bit of sampling, but it's impossible for me to determine what data you collected to represent each of the IAs. Just placing a small circle over the approximate area of the IA doesn't show me what data represent the environmental media in that area.

What would help:

- a chart that clearly identifies the data associated with each IA; and
- a map with the approximate boundaries of the IAs.

The last thing you want is for me to be left guessing as to what data go to what IA or exposure unit.

Vappy thanks all of the CPs for the hard work they perform for Ohio EPA's VAP. The real news story is that the majority of the work submitted by our CPs is TOP NOTCH! The rest provide good teaching moments for Vappy's advice column.

Vappy hopes the CPs continue to call or write when you have questions. Communication is the key to successful VAP projects.

2006 VAP Annual Report Now Available

The 2006 [VAP Annual Report to the Legislature](#) is now available on the VAP Web site.

Highlights of the report include:

- 25 no further action (NFA) letters issued by certified professionals (CPs);
- 25 NFA letters received a covenant not to sue (CNS);
- audits of seven NFA letters initiated;
- 552 acres cleaned up for possible redevelopment;
- VAP initiation of a scheduled five-year rule review;
- three properties notified VAP of entry into the Superfund memorandum of agreement (MOA) track; and
- total cost of program was \$2.11 million.



Ted Strickland, Governor
Chris Korleski, Director

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