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## Draft Rule – Voluntary Action Program (OAC 3745-300-15)

### What does OAC Chapter 3745-300 cover?

The Voluntary Action Program (VAP) is governed by rules in Ohio Administrative Code (OAC) Chapter 3745-300. The VAP was created to give individuals a way to investigate possible environmental contamination, clean it up if necessary, and receive a covenant not to sue from the State of Ohio. The VAP is designed to maximize privatized expertise via the use of VAP Certified Professionals (CPs) allowing for a process that is both environmentally protective and reflective of business timeframes. There is only one draft amended rule under consideration at this time.

### Which Voluntary Action Program rules are under review at this time?

Only one draft VAP rule is under review at this time: 3745-300-15 titled “Incorporated by reference – voluntary action program.”

### Why are these rules being amended and what changes are being considered?

Ohio EPA’s Division of Environmental Response and Revitalization (DERR) is considering the change to one VAP rule, OAC 3745-300-15, to update the reference to Ohio EPA’s Sample Collection and Evaluation of Vapor Intrusion to Indoor Air guidance document to reflect its March 2020 update.

### Who will be regulated by this rule?

The rules in Chapter 3745-300 of the Administrative Code allow property owners and developers to voluntarily evaluate and clean up environmentally contaminated property and get a release of liability from the state. The VAP rules provide for the criteria for Certified Professionals, Certified Laboratories, and the criteria for a Volunteer to receive a covenant not to sue from the State for conducting a voluntary cleanup. The IBR rule is part of the VAP and has no compliance component; it is a list of references that appear in the VAP rules, and how to find them.

### What additional information is the Agency seeking?

Ohio EPA is seeking comments from interested stakeholders (public, local officials, industry sectors, other state agencies, consultants and environmental organizations) who may be impacted by this rule amendment. General comments and specific factual information are welcome.

In addition to the draft rule amendments, Ohio EPA is also seeking comments and feedback on the draft Common Sense Initiative Business Impact Analysis (BIA) form, which is being released with this draft rule during interested party review.

### How are the amendments formatted in the draft rules?

Rules 300-15 has been drafted as an amended rule. Text that is to be deleted is in strikeout font, and new text is underlined.

### What is the rulemaking schedule?

At this time, the Agency is soliciting input on these draft rule amendments. Ohio EPA is required by section 121.39(D) of the Revised Code to contact potentially affected parties prior to promulgating rule changes.

At the close of the draft rule Interested Parties comment period, the Agency will review the comments received and will make necessary changes to the rule. The Agency will then file the proposed rule with the Joint Committee on Agency Rule Review, the Legislative Service Commission, and the Secretary of State.

At that point, another comment period, including one public hearing, will be announced. After the close of the comment period on the proposed rule, the Agency will review the comments, make any necessary rule changes, and then adopt the rule.

Ohio EPA expects to propose this rule in Autumn 2020. The amended rule could become effective in Winter 2021.

# Draft Rule 3745-300-15 – Voluntary Action Program

## How can I comment on the draft rule?

Please submit your comments in one of the following ways:

- By email: PUBLICCOMMENT@epa.ohio.gov
- By fax: (614) 644-3146
- By postal mail:
  - Lisa Shook - VAP Manager
  - Ohio EPA, Division of Environmental Response and Revitalization
  - P.O. Box 1049
  - Columbus, OH 43216-1049

**Comments on the draft rules must be received no later than 5:00 p.m. on August 12, 2020.**

## How can I get more information?

Copies of this fact sheet, the BIA form, and the draft rule are on the Division of Environmental Response and Revitalization website at <https://epa.ohio.gov/derr/derrrules.aspx#113212698-interested-party-review>.

For more information about this draft rule, please contact:

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[Lisa.Shook@epa.ohio.gov](mailto:Lisa.Shook@epa.ohio.gov)