

VAP

OHIO VOLUNTARY ACTION PROGRAM
**ANNUAL REPORT TO THE
OHIO LEGISLATURE**
JULY 1997 THRU SEPTEMBER 1998



Ohio Environmental Protection Agency

Introduction

Ohio's Voluntary Action Program was created to provide companies with a way to voluntarily investigate possible environmental contamination, clean it up if necessary and receive a promise from the State of Ohio that no more cleanup will be required. Prior to the creation of this new program, valuable land sat idle because fears of immense liability and cleanup costs scared off potential developers, businesses and banks. Some developers had abandoned plans to clean up their contaminated properties because Ohio EPA, which must focus its efforts on the worst sites first, could not provide the assistance needed to work toward cleaning up those properties. Governor George V. Voinovich and the Ohio General Assembly recognized the need to remove the environmental and legal barriers that stalled redevelopment of contaminated properties and created this program to move those properties along the road toward beneficial reuse.

By following the procedures laid out in the program rules, anyone can undertake a cleanup project and be assured it meets environmental standards without direct oversight from Ohio EPA. The program minimizes governmental red-tape and maximizes resources and expertise in the private sector. If someone wants to clean up a piece of property, it may be done following specific standards designed by Ohio EPA. If done according to those standards, the company can ask Ohio EPA to release the owner from the responsibility to do further investigation and cleanup.

During this second year of full implementation, the program has seen a steadily increasing number of cleanups. With only two months into this current fiscal year, we are already at 50 percent of the total number of cleanups in the entire previous fiscal year. In addition, companies may choose to follow the program cleanup standards but not ask for the Ohio EPA's legal release. However, the State cannot quantify these sites. According to surveys we have conducted, as many as 230 voluntary cleanup projects are underway. It is not known how many will ask for the Agency's review.

In addition, the number of requests for Urban Setting Designations, which lower the cost of ground water cleanup while still protecting public health and safety, are increasing. In the first two months of this fiscal year, the number of requests for Urban Setting Designations already equal the total number we received in the previous two years combined. Many of these are for area-wide Urban Settings, which encompass several adjacent properties in urbanized areas and encourage additional cleanups and redevelopment within their boundaries.

The program is getting sites cleaned up. You can read about some of these cleanups and subsequent redevelopment successes, in this report. These cleanups have spurred job creation as well which is detailed in this report. Based on those cleanups that have been presented for Ohio EPA's review, up to 1500 jobs have been created.

Ohio EPA is evaluating the effectiveness and successes of the program. We have embarked upon administrative changes to improve the program. In late 1997, we increased the number of Ohio EPA personnel available to administer the program by redirecting existing staff. We are currently streamlining our technical review procedures to ensure that companies get their cleanup approved in a timely manner. We are also conducting a market research effort to evaluate the opinions of Ohio stakeholders (i.e. what's working and what should be changed). The Agency will use this study to make recommendations regarding further administrative improvements, rule changes and statutory changes.

This report provides an update of the program through September of 1998. Please do not hesitate to contact the Ohio EPA Voluntary Action Program at (614) 644-2924 if you have any questions.

VAP EXPENSES FOR FISCAL YEAR 1998

100 COST/PERSONNEL & PERSONAL SERVICES

VAP Fund/Fund 4R9	\$ 663,492.90
Hazardous Waste Cleanup Fund/Fund 505	365,494.90
Core Fund/Superfund Core Grant	<u>16,435.82</u>
Total 100 Cost	\$1,045,480.59

200 COST/SUPPLIES, TRAVEL AND MAINTENANCE

VAP Fund/Fund 4R9	\$ 106,390.50
Hazardous Waste Cleanup Fund/Fund 505	43,911.11
Core Fund/Superfund Core Grant	<u>6.00</u>
Total 200 Cost	\$ 150,250.61

300 COST/EQUIPMENT

VAP Fund/Fund 4R9	\$ 20,016.51
Hazardous Waste Cleanup Fund/Fund 505	8,655.38
Core Fund/Superfund Core Grant	<u>-0-</u>
Total 300 Cost	\$ 28,671.89

900 COST/OTHER MISCELLANEOUS EXPENSES

Miscellaneous Expenses	\$ <u>1,133.80</u>
Total 900 Cost	\$ 1,133.80

TOTAL VAP PROGRAM COST FOR FY-98 **\$1,225,536.90**

VAP REVENUE FOR FY-98*

[*Administration of the VAP is funded thru fees for services provided to the users of the program]

Certified Professional Fees	\$ 177,690.00
Certified Laboratory Fees	59,333.46
No Further Action Request Fees	100,900.00
Technical Assistance Fees	38,772.10
Other Fees (Copying, etc.)	<u>1,017.17</u>

TOTAL REVENUE REVENUE FOR FY-98 **\$ 377,712.73**

Success Stories

Volunteers Benefit from Covenants Not To Sue

Before issuing any covenant not to sue, Ohio EPA reviews information provided by VAP certified professionals and laboratories to ensure cleanups meet standards that protect public health and the environment. Based on a review of the site history, testing of soil and water samples, and a site-specific risk assessment, exposure pathways are identified and exposure scenarios are determined. Cleanup standards are based on actual risks posed by exposure, and vary depending on how the property will be used. For example, a property that will be used for industrial purposes is not required to be cleaned up to residential standards.

The following are some of the properties which have undergone a successful cleanup under the VAP and received a covenant not to sue during the past year.

Wellsville Brick Yard

The Columbiana County Port Authority was issued a covenant not to sue for the former Wellsville Brickyard located near 2400 Clark Ave., Wellsville, Ohio.

From the late 1800s to the late 1970s, the 23.4-acre site was used for brick manufacturing. Several interconnected buildings housing brick drying ovens, tunnel kilns, brick presses, mixing equipment and storage areas remain on the property. Other structures on the site included an office building, storage and maintenance buildings, clay silos and above-ground storage tanks. The property had been used for the temporary storage of coal from the Buckeye Coal Company and is used currently for storing bar steel Australia and refractory brick.

All hazardous materials found during the investigation of the property were removed properly. Based on a review of the site history and soil and ground water samples taken from the site, the certified environmental professional at Civil & Environmental Consultants, Inc. identified that no contamination had been released to the environment. Therefore, the property is now environmentally ready for industrial use.

Montrose Plaza

Albrecht, Incorporated, received a covenant not to sue from Ohio EPA for the Montrose Plaza site, located in Montrose, Ohio (Summit County). Since the early 1970s, the 12-acre property has been used as a shopping area, housing various retail businesses, including the Acme grocery store and a dry cleaning operation.

Based on a review of the site history and soil samples taken from the site, the certified environmental professional at Vadose Research, Inc. determined that no cleanup was necessary. Chemicals associated with dry cleaning, which were found in the soil, were well below regulatory levels and posed no threat to ground water or human health. There are no restrictions on the future use of this property.

Future Lockland Commerce Park

Ohio EPA issued a covenant not to sue to Lockland Development Co., Ltd., owner of the site of the future Lockland Commerce Park. The site is located in Lockland, Ohio (Hamilton County). A historical review of the 17-acre property shows that it has been an industrial site since the late 1800s, mostly as a plant for the production of paper and cardboard products. The last active manufacturer to own the site was Jefferson-Smurfit Corp., which operated there from 1982 to 1994. Lockland Development Co. has completed demolition of all structures on the site, and plans to begin construction in September of a new office and industrial park which will include distribution facilities.

Cleanup of the property included the removal of equipment which contained polychlorinated biphenyls (PCBs), removal of asbestos from buildings before demolition, and excavation and containment of soil which was contaminated with lead and arsenic. An institutional control has been placed on the property that restricts both land and ground water at the site to industrial uses. A deed containing these restrictions has been recorded with the Hamilton County Recorder's Office.

Northcliff Shopping Center Limited Liability Company

Northcliff Shopping Center Limited Liability Company received a covenant not to sue for the property located just off I-480 in Brooklyn, Ohio (Cuyahoga County). The 19.1-acre site comprises six contiguous parcels of land. Northcliff is developing the site into a commercial retail shopping center.

Since 1914, the site has been used for a variety of industries, including machine shops, metal fabrication companies, a putty and compound factory, a plastic novelty factory, a corrosion-proofing company, a metal refurbishing company, a service and sales company for material handling equipment, and warehouses. Several older buildings on the property have been demolished as part of the site's development. The topography of the site has been modified during the past 50 or more years with backfilling of foundry sand, construction debris and soils. The site is zoned as commercial property but is located in an area comprising mixed commercial and residential zoning.

Based on a review of the site history, soil and ground water samples taken from the site and a site-specific risk assessment, the certified environmental professional identified exposure pathways and determined exposure scenarios. To ensure protection of human health, the company has consolidated contaminated soils and foundry sands and will cap them to prevent contact. In addition, restrictions on the use of the land and ground water have been put in place. The site cannot be used for residential purposes.

Ohio EPA has access to all properties at which voluntary action has been or is being conducted, and to all relative documents. Audits will be conducted by Ohio EPA on at least 25 percent of such properties to confirm that cleanup standards are met. This ensures that the private companies who have actually performed the investigations, testing and cleanup have followed the VAP rules and standards to result in a protective site.

1997 No Further Action Letter (NFA) Audits

Introduction

Ohio EPA audits at least 25 percent of all NFAs submitted to the Voluntary Action Program. These audits can be limited to a review and analysis of the documents pertaining to the NFA, to determine compliance with program requirements, or be expanded to include sampling and analysis of soils, surface water, air, sediments or ground water. Audits are conducted to determine if, after completion of the remedial activities, the properties meet applicable standards. Audits are also conducted to ensure that certified professionals and certified laboratories that performed work in support of the NFAs possess the qualifications necessary to perform work under the VAP and their work results in NFAs that are consistent with applicable standards.

Audit Procedures

Ohio Administrative Code 3745-300-14 describes the procedures for selecting and conducting audits of NFA Letters. The rule establishes three "pools" of NFA Letters for the purpose of prioritizing their selection for audits. These are the mandatory, priority and random audit pools. The *mandatory audit pool* includes NFA Letters that provide reason to believe the NFA Letter was issued fraudulently or that performance of the Certified Professional who issued the NFA Letter or the Certified Laboratory which performed analyses for the NFA Letter was inadequate. The *priority audit pool* includes NFA Letters that included a risk assessment or employed an engineering control or institutional control as a remedial activity. The *random audit pool* includes all NFA Letters that didn't fall into the mandatory or priority audit pools and all NFA Letters from the priority audit pool that are not selected during the initial random selection as described below. In addition to auditing all NFA letters in the mandatory audit pool, OAC 3745-300-14 requires Ohio EPA to conduct audits of at least 25 percent of NFA Letters for properties where remedial activities occurred and 25 percent of those where no remedial activities occurred. Initial selections are made through a random selection of 25 percent of those NFA Letters in the priority audit pool. Additional selections may be made, if needed, from the random audit pool to meet the required 25 percent quota for NFA Letters where remedial activities occurred and where no remedial activities occurred.

The VAP conducted audits during 1997 of five properties for which No Further Action Letters had been issued and submitted to the Ohio EPA during the previous year. The table below summarizes the properties audited, the name of the volunteer for each property and the basis for selecting the property for audit.

NFA Letters Selected for Audit in 1997

Property Name and Address	Name of Volunteer(s)	County/District	Basis for Audit
Former Chemserve Property 5055 Nike Drive Hilliard, Ohio	NAKKI Partners, Inc.	Franklin / CDO	Mandatory
Foltz Machine Property Priority 2030 Allen Ave. Canton, Ohio	Foltz Machine, Inc.	Stark / NEDO	Selected at random from the audit Pool
Mercury Marine Property Priority Plant 66 2150 Eastern Avenue Gallipolis, Ohio 45631	Mercury Marine	Gallia / SEDO	Selected at random from the audit Pool

Goldberg East Property Priority Grandview Heights, Ohio	Ward Engineering 777 Swan St.	Franklin / CDO C.O. Mr. Thomas Ward	Selected at random from the audit Pool
Turuco Property Random Moore Rd. Avon, Ohio	Steven H. Minnier, Freeman Manufacturing & Supply Co.	Lorain / NEDO	Selected at random from the audit Pool

The following is a brief summary of findings for these audits:

Former Chemserve Property: The audit raised some questions about the performance of the Certified Laboratory and the supporting rationale for the sampling strategy utilized for the Phase II Property Assessment. The irregularities found did not warrant further investigation of the protectiveness of the property; however, a thorough audit of the laboratory data has been recommended and is being considered by the Agency.

Foltz Machine Property: A Covenant Not to Sue was not issued for this property due to significant deficiencies found with the NFA Letter at the time it was submitted. The volunteer was permitted to withdraw the request for a covenant at that time rather than have the Ohio EPA deny the Covenant Not to Sue. The audit also found that the environmental conditions at the property had not been characterized adequately. The lack of information was significant and prevents the Ohio EPA from concluding that the property is protective of human health and the environment.

Mercury Marine Property: As with Foltz Machine, a Covenant Not to Sue was also not issued for this property. The NFA Letter indicated that low levels of ground water contamination existed below the property. In accordance with ORC 3746.06(B) during the interim program period of the VAP, the Director was prohibited from issuing a Covenant Not to Sue under that condition. As with the Foltz Machine property, the volunteer was permitted to withdraw the request for a covenant at that time. The audit found other deficiencies with the Phase II Property Assessment. These findings indicate that all potentially contaminated areas of the property were not investigated; sampling should have been done for additional chemicals in areas that were investigated; and additional sampling should have been conducted in an area where contamination had been conducted to confirm the clean-up was complete. Since the withdrawal of the initial request for a Covenant Not to Sue, the volunteer has submitted a second NFA Letter for the property and is currently addressing Ohio EPA's concerns.

Goldberg East Property: The audit findings suggest that additional investigation of conditions at the property would have been advisable. It was the determination of the audit that a more thorough review of available historical information should have been performed by the certified professional to better identify potential sources of contamination. In addition, the audit raises a question about whether a more thorough field investigation would yield data leading to a different assessment of risks than the assessment performed based on the limited data collected during the Phase II Property Assessment. However, many of the issues raised involved differences in professional judgement and the Ohio EPA determined that a Tier II audit was not necessary.

Turuco Property: A No Further Action Letter was issued for this site based on a Phase I Property Assessment that concluded that use of the site has always been vacant farmland. Although the Phase I did not discover any evidence of pesticide or herbicide misuse associated with the agricultural use of the land, limited sampling for pesticides was also conducted. The review of the sampling effort found a discrepancy between the agricultural chemicals selected for analysis and those that the property owner indicated had been used at the site. Nevertheless, the Ohio EPA's conclusion that the property is protective of human health and the environment is not affected because there was no evidence to indicate that sampling was required. Consequently, no further audit investigation is warranted.

VAP - Related Tax Incentives Approved Between June 1997 and August 1998

In addition to the liability release the covenant not to sue provides, tax incentives are provided to VAP sites to encourage volunteers to investigate and clean up brownfield properties. The three tax incentives listed in the table below fall under three different categories: 1) House Bill 441 tax credits (e.g. Northcliff Shopping Center); 2) local property tax incentives issued to volunteers performing VAP cleanups under the authority granted by ORC 5709.88 (e.g. Ward Engineering); and 3) the VAP automatic tax exemptions granted when a covenant not to sue is issued by the authority granted under ORC 5709.87 (e.g. Lockland Development).

Applicant	Location	Project Name	Tax Incentive Type	Amount of Tax Incentive	Number of Jobs Retained	Number of Jobs Created
Northcliffe Shopping Center LLC	Brooklyn	Northcliffe Shopping Center (Two covenants issued)	1) Dept. of Development executed franchise/income tax incentive contract	Up to \$400,000 over a five-year term (beginning July 2, 1998).	n/a (new development)	250
Ward Engineering, Inc.	Grandview Heights	Ward Engineering Facility (Covenant issued)	2) City of Grandview Heights executed property tax incentive	Tax exemption of 100% of the value of real property improvements for 10 years (beginning June 16, 1997)	7	21
Lockland Development Company	Lockland	Former Jefferson-Smurfit Paper Mill	3) Voluntary Action Program "automatic" tax exemption. (Exemption from real property tax of the increase in assessed value of land).	To be determined (pending property appraisal)	n/a (new development)	To be determined

Success Stories

Cincinnati Area Voluntary Actions Continue

Within the Cincinnati area, covenants not to sue were issued for Tower Place Garage and Highland Ridge Plaza by the director of Ohio EPA in January 1998.

The Tower Place Garage site consists of a 10-story structure built in 1967 on 1.3 acres in downtown Cincinnati. The first two floors contain retail space and the upper eight floors contain 1,100 parking spaces.

The environmental assessment of the Tower Place Garage site identified no environmental impacts, even though the site has been in commercial or retail use since the early 1800s. The ground water was assumed to be contaminated due to dense urban conditions, but no on-site sources of such contamination were detected. A deed restriction has been recorded prohibiting the extraction of ground water from the site for any purpose. Analytical results from soil samples collected from the site indicate the site meets residential use standards and is suitable for commercial and/or retail use.

The Highland Ridge Plaza site in Columbiana Township consists of a shopping center on 16.2 acres. The site was previously used as a disposal area by a steel foundry. Low areas in ravines were filled with foundry discard materials including ash, slag, and debris containing metals, volatile and semi-volatile organic compounds. During the 1970s and 1980s, clean fill was brought in creating a new top layer, and retail stores with paved parking areas were constructed.

Under the conditions of the covenant not to sue, the Highland Ridge Plaza site can only be used for commercial purposes. The current building foundations, paved areas and landscaped areas which provide an adequate physical barrier from contamination must be maintained in good condition. Use of ground water from the site is prohibited. The covenant also requires a \$15,000 operation and maintenance fund be established and maintained to ensure that the above conditions continue to be met in the future.

Status of NFA Letters Received and Covenants Issued During FY-98

The No Further Action (NFA) letter issued by a certified professional at the completion of a voluntary action is the culmination of thorough investigatory and remedial efforts conducted to ensure the property is protective of public health, safety and the environment. During the past year, 22 NFA letters were submitted to the Agency and eight covenants not to sue were issued. Since the creation of the VAP, 52 NFA letters have been received and 20 covenants have been issued. The table below summarizes the NFA letters received and covenants issued during the past fiscal year and also include those NFA letters whose status is still pending review.

Site Name	Site Address	Ohio EPA District	Volunteer	Date NFA Received	Status and Date Resolved
ORDC Substance Abuse Boot Camp	10 S. Madison St., Glouster	SEDO	Athens County Commissioners	09-26-97	Pending
White-New Idea Farm Equipment., Co.	123 W. Sycamore St., Coldwater	NWDO	Allied Products Corp. c/o Mark C. Standefer, Esq.	10-01-97	Issued 03-31-98
Universal Cooperatives, Inc., Lube Plant	723 Steiner Ave., Kenton	NWDO	Universal Cooperatives, Inc., c/o Steve S.	10-06-97	Denied 07-14-98
OC Fiber-Lite Corp.	341 O'Neill Dr., Hebron	CDO	Phelps Dodge Magnet Wire Co.	10-10-97	Withdrawn
Mosler Inc., Plant No. 1	1561 Grand Blvd., Hamilton	SWDO	David Dillingham, 3-D Warehousing and Distributing	11-03-97	Pending
Chevron - York Street	1200 York St., Oregon	NWDO	Robert M. Wilkenfeld, Chevron USA Inc.	12-18-97	Pending
Lockland Commerce Park	401 South Cooper Ave., Lockland	SWDO	Lockland Development Co., Rudy Gerbus	01-06-98	Issued 05-14-98
Groveport-Pike Yard	2563 Groveport Road, Columbus	CDO	CSX Transportation, Inc.	02-02-98	Pending
Wellsville Brickyard	2400 Clark Avenue, Wellsville	NEDO	Columbiana Co Port Authority	02-09-98	Issued 03-30-98
Kichler Lighting	1517 through 1541, Cleveland	NEDO	Harold S. & Clare Minoff	02-17-98	Pending
Montrose Plaza	3979-4005 Medina Rd., Montrose	NEDO	Albrecht, Inc.	02-17-98	Issued 04-02-98
Crabar Business Systems Facility	68 Vine St., Leipsic	NWDO	Millennium Holdings, Inc.	04-03-98	Pending
Swan Dry Cleaners, Former Worthington Mall	Worthington Mall, Worthington	CDO	Allegis Realty Investors	04-17-98	Issued

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Site Name	Site Address	Ohio EPA District	Volunteer	Date NFA Received	Status and Date Resolved
Collinwood Railroad Yard - Jergens	15800 South Waterloo Rd., Cleveland	NEDO	Collinwood Properties Co., LLC	05-07-98	Issued 07-30-98
Stanley Works	1429 South Fayette St., Washington CH	CDO	The Stanley Works	05-27-98	Pending
Stark Co. Garage	230 Smyth Ave., North East, Alliance	NEDO	Stark Co. Commissioners	07-01-98	Pending
Parr W. Property	5151 Denison Ave., Cleveland	NEDO	Beazer East, Inc.	07-15-98	Pending
Halliburton Energy Services	5210 State Highway 46, Cortland	NEDO	Halliburton Energy Services	07-28-98	Pending
D O Summers Co.	27159 Chagrin Blvd., Woodmere	NEDO	D.O. Summers Co.	08-03-98	Pending
Miami-Carey	203 Garver Rd., Monroe	SWDO	Martin Clifford, Williams US, Inc.	08-04-98	Pending
Dynacraft Golf Products	71 Maholm St., Newark	CDO	Dynacraft Real Estate Holding, Inc.	08-14-98	Pending
Doherty Road Site	Doherty Rd., Columbus	CDO	Dominion Homes, Inc.	08-21-98	Issued 09-08-98
Virginia Dornbusch, Estate	9787 Colerain Ave., Cincinnati	SWDO	Virginia Dornbusch, Estate, c/o John Hoffheimer	09-03-98	Pending
Dow Chemical Company	1400 North Rd., Columbus	CDO	Dow Chemical Company	09-21-98	Pending

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Crabar Business Systems Facility	68 Vine St., Leipsic	NWDO	Millennium Holdings, Inc.	04-03-98	Pending
Swan Dry Cleaners, Former Worthington Mall	Worthington Mall, Worthington	CDO	Allegis Realty Investors	04-17-98	Issued

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Stanley Works	1429 South Fayette St., Washington CH	CDO	The Stanley Works	05-27-98	Pending
Stark Co. Garage	230 Smyth Ave., North East, Alliance	NEDO	Stark Co. Commissioners	07-01-98	Pending
Parr W. Property	5151 Denison Ave., Cleveland	NEDO	Beazer East, Inc.	07-15-98	Pending
Halliburton Energy Services	5210 State Highway 46, Cortland	NEDO	Halliburton Energy Services	07-28-98	Pending
D O Summers Co.	27159 Chagrin Blvd., Woodmere	NEDO	D.O. Summers Co.	08-03-98	Pending
Miami-Carey	203 Garver Rd., Monroe	SWDO	Martin Clifford, Williams US, Inc.	08-04-98	Pending
Dynacraft Golf Products	71 Maholm St., Newark	CDO	Dynacraft Real Estate Holding, Inc.	08-14-98	Pending
Doherty Road Site	Doherty Rd., Columbus	CDO	Dominion Homes, Inc.	08-21-98	Issued 09-08-98
Virginia Dornbusch, Estate	9787 Colerain Ave., Cincinnati	SWDO	Virginia Dornbusch, Estate, c/o John Hoffheimer	09-03-98	Pending
Dow Chemical Company	1400 North Rd., Columbus	CDO	Dow Chemical Company	09-21-98	Pending

Summary of Urban Setting Designations Received

When developing the VAP regulations, Ohio EPA recognized that many brownfield properties are located in highly urbanized areas which rely on community water systems to supply residents with safe drinking water. In those areas, ground water that contains chemicals from prior industrial/commercial activities poses no appreciable risk to the community because the ground water is not being used and will not be used for drinking water purposes in the foreseeable future. In these situations, an Urban Setting Designation (USD) may be appropriate. A USD recognizes that cleaning up the ground water to drinking water standards is not necessary because no one will be drinking the ground water. Other possible exposures to contaminated ground water (such as exposures to wildlife or streams in the area) still must be addressed even when a USD is granted for an area.

USDs can be granted only by the Ohio EPA director. A written submittal to the director requesting a USD must be made by a certified professional. The request must successfully demonstrate the property (or properties) meets all the criteria of a USD as specified in Ohio Administrative Code(OAC) rule 3745-300-10 (D) before such a designation can be granted. All USD requests must be submitted and approved by the director prior to completion of an NFA letter which relies upon a USD for applicable ground water standards for a property. The following table summarizes the Urban Setting Designations submitted to the Voluntary Action Program during the past year.

Urban Setting Designation Name	Ohio EPA District	City	Date Received	Total Acres in USD	Issued/Pending/Denied	Date Issued
Former Hartman Electric	NWDO	Mansfield	01-12-98	2.5	Issued	09-01-98
Toledo/Oregon Properties	NWDO	Toledo/Oregon	01-21-98	6,357	Issued	09-11-98
Van Leer Containers, Inc.	NEDO	Cleveland	01-29-98	2.5	Pending	Pending
Former Collinwood Maintenance Facility	NEDO	Cleveland	02-03-98	40	Issued	05-01-98
Miranova Property & Three City of Columbus Properties	CDO	Columbus	04-06-98	24.8	Issued	09-24-98
City of Cleveland - Inner West Side Area	NEDO	Cleveland	08-17-98	559	Pending	Pending
City of Cleveland - West Area	NEDO	Cleveland	08-17-98	1773	Pending	Pending
City of Cleveland - Inner East Side Area	NEDO	Cleveland	08-17-98	3645	Pending	Pending
City of Cleveland - Southeast Area	NEDO	Cleveland	08-17-98	421	Pending	Pending
City of Cleveland - Industrial Valley Area	NEDO	Cleveland	08-17-98	3619	Pending	Pending
City of Cleveland - Northeast Area	NEDO	Cleveland	08-18-98	1475	Pending	Pending
Church Square Property	NEDO	Cleveland	08-31-98	-	Pending	Pending

GLOSSARY OF TERMS

Audit - A thorough examination conducted by Ohio EPA to ensure the NFA letter for a property was issued in accordance with Ohio's Voluntary Action Program rules and that the property complies with applicable standards for the property. An audit may involve only an examination of all available documentation reviewed by the Certified Professional in issuing the NFA letter or it may involve collection and analysis of samples from the property.

Certified Laboratory (CL) - A laboratory facility certified by the director of Ohio EPA pursuant to Rule 3745-300-04 of the Administrative Code, or deemed to be certified under division (E) of section 3746.07 of the Revised Code, to perform chemical analyses in connection with voluntary actions.

Certified Professional (CP) - An individual certified by the director of Ohio EPA pursuant to Rule 3745-300-05 of the Administrative Code, or deemed to be certified under division (D) of section 3746.07 of the Revised Code, to render Voluntary Action opinions under Chapter 3746 of the Revised Code. Only a CP can issue an NFA or request a USD.

Covenant Not To Sue (CNS) - Issued by the director of Ohio EPA upon satisfactory completion of environmental investigation and cleanup activities at a property in the Voluntary Action Program. The covenant promises the volunteer that the State of Ohio will not require further investigation or cleanup of a property. The CNS may contain ongoing obligations for the volunteer or property owner to meet, such as adherence to a deed restriction.

No Further Action Letter (NFA Letter) - Issued by a Certified Professional for a property after it has been found to meet protective standards. Properties that have concentrations of chemicals of concern exceeding protective standards must have remedial actions performed to meet those standards before an NFA Letter can be issued.

Remedial Actions - Actions taken at a property to treat, remove, transport for treatment or disposal, dispose of, contain, control, or control hazardous substances or petroleum, which are protective of public health and safety and the environment and are consistent with a permanent remedy, including without limitation, excavation, treatment, off-site disposal, the use of engineering or institutional controls or measures, the issuance and implementation of a consolidated standards permit under section 3746.15 of the Revised Code, and the entering into and implementation of an operation and maintenance agreement pursuant to section 3746.12 of the Revised Code.

Urban Setting Designation (USD) - Potentially usable ground water that ordinarily must be cleaned up to drinking water standards requires a lower level of cleanup when the property above the ground water is designated as an urban setting. The USD acknowledges that the ground water is not being used and will not be used because of the reliance on a community water system unaffected by the ground water under the site. Certain criteria must be met and a public meeting is held before the Director makes a decision on a USD request.

Voluntary Action - A series of measures taken to identify and address contamination of properties by hazardous substances or petroleum to establish that the properties comply with applicable standards. To demonstrate that applicable standards have been met, the person undertaking the voluntary action must establish either that there is no information indicating there has been release of hazardous substances or petroleum at or upon the property or that there has been a release of hazardous substances or petroleum at or upon the property and that applicable standards were not exceeded or have been or will be achieved.

Voluntary Action Program (VAP) - Ohio's Voluntary Action Program was created by Senate Bill 221 and signed into law by Governor George V. Voinovich in June of 1994. The program, which is housed within the Division of Emergency and Remedial Response of the Ohio Environmental Protection Agency, encourages people to clean up, redevelop and reuse land that is contaminated by hazardous substances or petroleum. The amount of cleanup required for a particular piece of property depends on how that property will be used in the future. Land that will be reused for industrial purposes, such as a factory, is not required to be cleaned up as much as land that will be reused for residences.

Volunteer - Person conducting a voluntary action and unless indicated otherwise, includes the owner of the property, if different from the person conducting the voluntary action, and any authorized representative of the person conducting the voluntary action.