



## OHIO DEPARTMENT OF DEVELOPMENT

Bob Taft  
Governor

Bruce Johnson  
Director

DATE: June 13, 2005

TO: Clean Ohio Revitalization and Assistance Fund Grantees

FROM: John Maginn, Director, Office of Urban Development

RE: Relationship of Applicants and Certified Professionals

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As many projects approach completion and the accomplishment of their objectives of economic benefit and environmental improvement through strong local leadership, ODOD believes it is important to highlight the Applicant's role in securing the No Further Action (NFA) letter and the relationship with a Certified Professional (C.P.). This is particularly significant for projects operating under the requirements of the Voluntary Action Program. The Applicant is the recipient of the Clean Ohio Revitalization Fund (CORF) award and is identified as the Grantee in the Grant Agreement.

Requirements for closing out a project are described in O.R.C. 122.654, which covers procedures to be taken depending on the cleanup standards applicable to the project. For projects following the Voluntary Action Program (VAP) procedures under O.R.C. Chapter 3746, the Applicant "shall employ a certified professional to determine if the brownfield cleanup or remediation project complies with applicable cleanup standards." (See O.R.C. 122.154(A)). Each Applicant is reminded that it is the Grantee that must directly employ a C.P. to conform to this statutory requirement. Delegation of this responsibility to a development partner or any other party is not contemplated by the statute. (See ORC 122.65 through 122.659).

Further, the C.P. must submit the NFA Letter to the Director of Ohio EPA on the Applicant's behalf for the project described in the CORF application and approved by the Clean Ohio Council. This requirement means that the Applicant under the Clean Ohio Fund must be designated as a volunteer. In addition to the Applicant, owners and other development partners may also be identified as co volunteers for the purposes of the NFA Letter and complying with O.R.C. Chapter 3746.

If you have any questions please contact the Office of Urban Development at (614) 995-2292 or via e-mail at [oud@odod.state.oh.us](mailto:oud@odod.state.oh.us).