

# Voluntary Action Program – A Primer



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# Statute & Rules Governing the VAP

- Ohio Revised Code (ORC) Chapter 3746 - VAP Statute, adopted in September 1994.
- Ohio Administrative Code (OAC) Chapter 3745-300 – aka “the VAP Rules”, adopted December 1996, revised in 2002 and 2009



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# Firsts for Ohio

- VAP created cleanup standards
  - Cleanup standards for surface soils (residential, commercial/industrial and construction) and potable use ground water.
- A promise from the State of Ohio that the property will not need further investigation or clean up

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## Voluntary Action Program

● VAP is voluntary program, no Ohio EPA oversight required until volunteer requests a covenant not to sue (CNS). Volunteer can ask for technical assistance from the Agency at any point during the investigation and cleanup.

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## Voluntary Action Program



Technical assistance can be provided by the VAP when requested and is designed to help guide the CP and volunteer through the voluntary cleanup process, especially when dealing with complex site issues. VAP's Technical assistance program works very similar to a consulting firm (agreement/contract and hourly billing). Grant-funded technical assistance is also available to public entities (all CORF Grantees automatically qualify for grant-funded technical assistance).

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## Voluntary Action Program

A "volunteer" is defined as the person(s) who wishes to clean up and redevelop a contaminated property. A volunteer may be....

- ❖ Owner of the Property
- ❖ Interested purchaser (developer)
- ❖ Public entity (city, township)
- ❖ Responsible Party
- ❖ Others (lessees, etc.)



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## Voluntary Action Program

- The VAP is considered a privatized voluntary cleanup program. It works by the Program certifying environmental professionals and laboratories to conduct work related to the cleanup of VAP properties. These professionals and laboratories must meet stringent experience, educational and quality requirements to be certified which, in turn, helps ensure that quality voluntary cleanup work is performed from the start.



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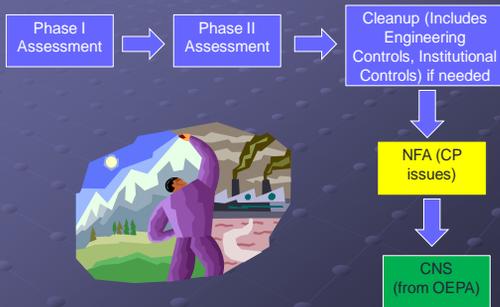
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## VAP Process



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## CNS

- The CNS is issued to the Volunteer and protects them from future Ohio EPA enforcement for the releases described and addressed in the NFA.
- The CNS is recorded in the same manner as a deed to property.
- Transferable to Future Property Owners
- Obtaining a CNS (or Director's Determination Letter) is a grant requirement under all CORF and COAF Cleanup Projects

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QUESTIONS???



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