

## Ohio EPA Celebrates 10th Anniversary of First Cleanup Covenant

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In the 10 years since Ohio EPA issued the first liability release for a voluntary environmental cleanup, at least 2,500 acres of blighted land has been revitalized at more than 150 sites in Ohio.

Ohio EPA's Voluntary Action Program (VAP) was created when Senate Bill 221 was signed into law in June 1994 and became effective in December 1996. The program gives landowners the opportunity to remove pollution from property voluntarily. In exchange, the Agency agrees to take no further action against the property owner and issues a limited release of liability, known as a covenant not to sue, once the property meets cleanup standards determined by Ohio EPA.

Kessler Products in Boardman received the first covenant not to sue under the VAP on May 1, 1995. Since then, 158 more sites have been successfully cleaned up and received covenants, and 24 projects are currently pending approval.

"Prior to the Voluntary Action Program, valuable land sat idle because developers, banks and businesses feared liability risks and had concerns about high cleanup costs," according to Ohio EPA Director Joe Koncelik. "Ten years ago, Ohio removed the environmental and legal barriers that stalled redevelopment, and brought about major redevelopment successes."

The VAP established the first cleanup standards in Ohio, giving property owners a formula to follow to ensure their efforts would result in proper cleanup.

Because the program is voluntary, Ohio EPA does not have data on the total number of sites cleaned using the standards. However, reports from participating certified professionals indicate that as many as 2,000 to 3,000 undocumented locations have been cleaned using standards established through the VAP.

Ohio EPA audits at least 25 percent of the properties that apply for a release of liability to determine if the cleanup standards are being met. This ensures the public and subsequent property owners that the businesses or individuals who performed the investigations, testing and cleanups have followed appropriate rules and standards.

Some participants wanted federal comfort as well, so in 2001, Ohio EPA and U.S. EPA introduced a Memorandum of Agreement (MOA) program to allow that option. One site has successfully followed the MOA track and received a state covenant and federal MOA.

Three sites have received a VAP covenant using the voter-approved [Clean Ohio Fund](#) monies. For more information on the VAP program and the properties cleaned, [visit the VAP Web site](#).

Before



*The former Smith Brothers Hardware site near downtown Columbus was a warehouse facility that was twice abandoned, vandalized and partially burned. In August 2000, Ohio EPA certified the property met state cleanup standards and issued a covenant not to sue under the original Voluntary Action Program (VAP).*

After



*The property is now limited to commercial use and must have an asphalt cap and/or reinforced concrete floor in its parking garage to prevent direct contact with any contaminated soils. The property's current tenants have spent \$20 million to conduct extensive remodeling and improvement to the property's interior and exterior. The property's manager said the project could neither have moved forward nor been funded without the VAP.*