

Division of Emergency and Remedial Response

VOLUNTARY ACTION PROGRAM

2007/2008 ANNUAL REPORT



July 2009

Ted Strickland, Governor
Chris Korleski, Director

Photo on previous page: Seneca Hotel during renovation. See highlights on page 13.
(photo from <http://www.campusapts.com/Home.aspx?Proj=101&Name=Seneca>)

Voluntary Action Program Annual Report to the Legislature

Introduction

Ohio's Voluntary Action Program (VAP) was created in September 1994 and, with the adoption of rules, became fully implemented in early 1997. The program was created to allow companies a way to investigate possible environmental contamination, clean it up if necessary, and receive a promise from the State of Ohio (covenant not to sue or CNS) that no more cleanup is needed. Prior to the creation of this 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, could not make those properties a priority. By creating this program, Ohio recognized the need to remove the environmental and legal barriers that stalled redevelopment and reuse of contaminated properties.

The program is getting sites cleaned up. In 2007, Ohio EPA received 32 No Further Action (NFA) letter notices, 25 of which requested a covenant not to sue (CNS). Six of the 2007 NFA letters and eleven from previous years received a CNS in 2007. This resulted in more than 209 acres being verified as cleaned up for possible redevelopment.

In 2008, Ohio EPA received 40 NFA letter notices, 25 of which requested a CNS. Nine of these NFA letters received a CNS in 2008. Eighteen NFA letters submitted in previous years also received a CNS, resulting in more than 531 reported acres being cleaned up. Certified Professionals (CPs) use the standards developed by Ohio EPA to clean up thousands of other sites that do not necessarily go through the formalized NFA letter process or get submitted for state liability release.

On July 31, 2001, Ohio EPA finalized and signed the Voluntary Action Program Memorandum of Agreement (MOA) with U.S. EPA. The MOA-Track program incorporates public involvement and up-front oversight into the existing VAP process. Volunteers who follow this track of the VAP will obtain both a CNS from Ohio EPA and assurance that U.S. EPA will not require any additional cleanup at the site. Seven properties entered into the MOA track in 2007, and three in 2008.

VAP and Ohio EPA's Division of Hazardous Waste Management put the finishing touches on the MOA between Ohio EPA and U.S. EPA this past year. The updated MOA covers sites that fall under the CERCLA or Superfund liability scheme and those sites subject to corrective actions under the Resource Conservation and Recovery Act (RCRA). Eligible sites that follow the MOA-Track version of the VAP will receive assurance from U.S. EPA that they will not seek additional cleanup work for the site. The MOA became effective on November 8, 2007.

The VAP completed a scheduled five-year rule review with help from its Multidisciplinary Board (MDB). The MDB is comprised of representatives from the departments of commerce, development, and health; representatives of the banking, manufacturing, utility, and real estate development industries; the regulated community; certified professionals; professions whose members have practical experience in the investigation or remediation of releases of hazardous substances or petroleum into the environment; municipal corporations, counties and townships; and environmental advocacy organizations and citizens' organizations whose members are knowledgeable about the cleanup of sites. The MDB was created by statute to assist Ohio EPA in developing and adopting the VAP rules.

The VAP staff and MDB members recommended rule revisions that clarify the technical rules and add flexibility for volunteers and VAP certified professionals while maintaining, and in some cases enhancing, the protectiveness of VAP cleanups. The comments received during the interested party review and proposed filing were taken into consideration and necessary changes to the rules were made. The final rules became effective in March 2009.

The VAP made significant progress in 2008 in developing an environmental insurance incentive for VAP participants. The Environmental Insurance Program will be available starting July 20, 2009. This program will allow VAP volunteers to purchase certain environmental insurance coverages, such as third-party liability protection and protection from unknown contamination that is discovered during the cleanup or after, at a 10 percent discount from the normal premium price. Three environmental insurance carriers have partnered with Ohio EPA to offer this incentive: ACE Environmental Risk, Great American Insurance Company and Navigator's Specialty Insurance Company.

This report provides an update of the program activities for 2007 and 2008. Please contact the Ohio EPA Voluntary Action Program at (614) 644-2924 with questions.

Definitions

VAP (Voluntary Action Program) - A program created to give companies a way to undertake a cleanup project and be assured the property meets specific environmental standards developed by Ohio EPA without direct oversight from the Agency, and to receive a promise from the State of Ohio that no more cleanup is needed.

MDB (Multidisciplinary Board) - An advisory council created by statute that is comprised of representatives from a wide variety of groups knowledgeable about and vested in the cleanup of contaminated sites to assist Ohio EPA in developing the VAP rules and standards.

NFA letter (No Further Action letter) - A document that describes any environmental problems found at the site, how those environmental problems were investigated and how the site meets applicable standards.

CP (Certified Professional) - A qualified, experienced professional such as an engineer, geologist or environmental scientist, who is certified by Ohio EPA to issue NFA letters.

CNS (Covenant Not to Sue) - Legal action issued by the director of Ohio EPA that protects the property owner or operator and future owners from being legally responsible to the State of Ohio for further investigation and cleanup.

MOA (Memorandum of Agreement) - Agreement signed with U.S. EPA stating that sites cleaned under Ohio's VAP also receive comfort that U.S. EPA would not ask for additional cleanup.

Summary of Activities in 2007

- 32 No Further Action (NFA) letters were issued by certified professionals (CPs);
- 17 NFA letters received a covenant not to sue (CNS);
- 209 acres were reported being cleaned up for possible redevelopment;
- The VAP completed a scheduled five-year rule review;
- Ohio EPA finalized and signed the VAP Memorandum of Agreement (MOA) with U.S. EPA;
- The VAP made significant progress in putting together a plan for implementing an environmental insurance incentive;
- Seven properties notified VAP of entry into the MOA track;
- The program staff initiated audits of 13 NFA Letters;
- The total program cost for 2007 was \$2.24 million.

17 Properties Receive Covenants Not to Sue

During 2007, Ohio EPA issued 17 covenants not to sue (CNS). The following are some examples of sites that received a CNS.

Greenawalt Trenor Complex - Springfield (Clark County)

The 2.48-acre property, located in Springfield, Ohio, was developed for commercial use in the early 1900s and was in use until the early 1970s. Activities at the site included movie theatres, restaurants, barber shops, sewing machine and thermometer manufacturing, dye and leather works, printing, and auto sales and repairs. All buildings have been demolished, and the land is currently vacant.

The city of Springfield and the National Trails Parks and Recreation District plans to

construct a new Family Multipurpose Ice Skating Facility with the assistance of \$1.8 million in Clean Ohio Revitalization Funds.



The property was evaluated for possible metals, volatile organic compounds, mercury, polychlorinated biphenyl PCB and polynuclear aromatic hydrocarbon (PAH)

contamination. No remedial activities or engineering controls are required on the property, as it meets applicable standards based on the implementation of an institutional control limiting the use of the site to commercial and industrial land use.

Ohio Brass Co. - Mansfield (Richland Co.)



The 10.7-acre site of the former Ohio Brass Co. has been cleaned up to meet commercial and industrial standards for redevelopment. The site is located at 380 North Main St. Portions of the property are owned by the city of Mansfield and Mid-Ohio Lumber.

The 10.7 acres is a portion of a larger site that was used from 1887 until 1993 for industrial purposes consisting of metal

plating casting and foundry operations. Owners included Citation Foundry, Chimera Corp. and Mansfield Foundry. Presently, portions of the site are used for storing lumber. The city of Mansfield received funding to investigate and clean up the property through the Clean Ohio Assistance Fund, which is administered by the Ohio Department of Development. The property contained numerous hazardous substances, including petroleum, volatile and semi-volatile organic compounds, metals, polychlorinated biphenyls (PCBs) and polynuclear aromatic hydrocarbons (PAHs).

Excavation and disposal of soils were required at the property to meet VAP applicable standards. The city also removed a 1,200-gallon solvent underground storage tank and soil from three areas where wastes were accumulated before they were removed by U.S. EPA in 1993. The remedy required a deed restriction limiting the property to commercial or industrial land use, a prohibition against construction of subsurface structures and a ground water use restriction.

Otterbein College Equestrian Facility - Westerville (Delaware Co.)

The property consists of 69 acres located in Westerville, Delaware County, Ohio. Prior to 1941, the property was used for agriculture before being developed for the manufacture of pyrotechnics and military ordinance. In 1962, the production of explosives ceased and the land was given to Otterbein College. The 69-acre parcel contained buildings for the assembly and storage of the pyrotechnics. The buildings were razed after 1962, and the land was used for



agriculture from 1986 to 2000.

Samples were collected and analyzed for volatile organic compounds, synthetic volatile organic compounds, metals, mercury, pesticides and herbicides. The site meets VAP standards for unrestricted land use. No engineering or institutional controls are required.

Otterbein College broke ground on its new Patrick and Jill McCuan Center for Equine Studies in 2007 and opened for the start of the academic year in 2008. The new state-of-the-art facility combines horses, stables, pastures and education in a suburban setting and has improved indoor and outdoor riding arenas, pastures, classrooms, a riding trail and housing for a full-time stable manager.

Steelyard Commons Home Depot - Cleveland (Cuyahoga Co.)



The Steelyard Commons Retail Development site is located at the intersection of I-71 and the Jennings Freeway, with an entrance directly off the Jennings Freeway. The property began as a single large site of 127 acres and was split into various parcels as the project progressed. This parcel consists of 12 acres that were used from 1942 to 2005 for the manufacture of steel. The Steelyard Commons site is located along the western edge of Cleveland's industrial valley previously occupied by the abandoned No. 2 Finishing Mill. The site consists of industrial fill,

slag, and various industrial buildings with PCB transformers. Wean Pori, a former recycling facility, was on the western portion of the property and contributed to solvent contamination in the ground water found at the Walmart, Target and remaining parcels at the site.

The Home Depot parcel included an area with a former chromium-contaminated shed which underwent soil removal. The parcel also contained PCB transformers, which were removed from basement areas. Various areas had small soil removals to address elevated concentrations of contaminants to meet commercial/industrial direct contact standards. The site has a risk mitigation plan and an environmental covenant to restrict property use and ground water use. The ground water was evaluated for migration to the Cuyahoga River and found to meet standards. The property is within the Urban Setting Designation for Cleveland's Industrial Valley.

Guide to Ohio EPA District Offices

NW – Bowling Green

NE – Twinsburg

SW – Dayton

SE – Logan

Central – Columbus

Summary of Covenants Not to Sue Issued in 2007

Name	NFA Number /type	NFA Received	CNS Issued	Address/County	EPA District Office	Volunteer	CP (#)	Acres
4650 Creek Rd Property	06NFA24 3/90 day	7/5/2006	11/20/2007	4650 Creek Rd, Blue Ash, Hamilton Co.	SW	Shree Ram Ltd	Ihor R Melnyk (147)	2.69
Argo Tech Corp AOC B	02NFA14 7/90 day	11/1/2002	1/17/2007	23555 Euclid Ave, Cleveland, Cuyahoga Co.	NE	TRW Inc	Jeffrey D DeLaet (257)	1.61
Chesapeake Lofts Property	06NFA23 4/90 day	5/15/2006	12/21/2007	611 W Shoreline Dr, Sandusky, Erie Co.	NW	City of Sandusky	Dan B Brown (127)	6.67
Gowdy Field	07NFA26 2/90 day	5/30/2007	9/17/2007	Olentangy River Rd, 3rd Ave, CSX RR, Goodale Ave, Columbus, Franklin Co.	Central	Gowdy Partners LLC	Atul Panday (224)	24.67
Greenawalt Trenor Complex	07NFA25 9/90 day	4/9/2007	9/19/2007	100-120 W Main St, Springfield, Clark Co.	SW	City of Springfield	Craig A Kasper (103)	2.48
Hemisphere Ind Park	06NFA22 7/90 day	1/31/2006	7/2/2007	8002 - 8300 Kinsman Rd, Cleveland, Cuyahoga Co.	NE	Kinbess LLC	Janet H Dean (221)	22.19
Lane Ave Shopping Ctr	06NFA24 4/90 day	6/30/2006	4/26/2007	1557-1735 W Lane Ave, Upper Arlington, Franklin Co.	Central	UAP Columbus 326132 Joint Venture	Christopher W. Krumm (177)	11.76
Morrow Firing Range Target Area	07NFA25 6/30 day	4/3/2007	5/23/2007	1 Mi S of Morrow Black Rd, Morrow, Warren Co.	SW	Ohio Army National Guard	Matthew D. Knecht (105)	1.09

Name	NFA Number /type	NFA Received	CNS Issued	Address/County	EPA District Office	Volunteer	CP (#)	Acres
Nottingham Spirk Innovation Ctr	06NFA23 9/90 day	6/27/2006	3/1/2007	2200 Overlook Rd, Cleveland, Cuyahoga Co.	NE	Overlook Ventures LLC	John T Garvey (118)	3.86
Ohio Brass Co	05NFA21 5/90 day	8/29/2005	10/25/2007	380 N Main St, Mansfield, Richland Co.	NW	City of Mansfield	Edward M McCabe (102)	10.70
Onesto Hotel	07NFA26 6/30 day	8/15/2007	12/24/2007	200 Cleveland Ave N, Canton, Stark Co.	NE	City of Canton	Michael T Coonfare (298)	0.18
Otterbein College Equestrian Fac	07NFA27 1/30 day	9/20/2007	10/25/2007	N Spring Rd - 800 Tussic, Westerville, Delaware Co.	Central	Otterbein College	Scott M. Blanchard (292)	68.86
Shell Brecksville Petroleum Bulk Terminal Former	06NFA23 2/90 day	4/25/2006	7/10/2007	10346 Brecksville Rd, Brecksville, Cuyahoga Co.	NE	Shell Oil Products US	Douglas P Klicman (269)	22.84
Steelyard Commons Home Depot	06NFA25 0/90 day	11/16/2006	12/28/2007	3341 Jennings Rd, Cleveland, Cuyahoga Co.	NE	Home Depot USA Inc	Larry S Smith (133)	12.34
Taylor Co Parcel	06NFA25 1/90 day	12/12/2006	12/7/2007	200 Egbert Rd, Bedford, Cuyahoga Co.	NE	200 Egbert Road LLC	Janet H Dean (221)	11.24
Wellman Friction Products Former	06NFA24 5/90 day	7/6/2006	10/10/2007	5372 W 130th St, Brook Park, Cuyahoga Co.	NE	Wellman Friction Products	Charles R Bishop (253)	5.47
Youngstown Technical Center Proposed	07NFA25 3/30 day	2/2/2007	5/1/2007	247-263 Federal Plaza W, Youngstown, Mahoning Co.	NE	Youngstown Central Area Community Improvement Corp	Jim C Smith (121)	0.45

VAP Memorandum of Agreement Track

The MOA-Track program incorporates public involvement and up-front oversight into the existing VAP process. Volunteers who follow this track of the VAP obtain both a CNS from Ohio EPA and assurance that U.S. EPA will not require any additional cleanup at the site. Seven properties entered the MOA Track in 2007. The original VAP process, known as the Classic VAP Track, is also available to volunteers who do not feel the need for federal comfort and prefer not to incorporate up-front Agency oversight or public involvement into the voluntary cleanup process.

VAP staff created procedures and documents to assist volunteers and certified professionals through a voluntary action that meets both the traditional VAP requirements and the additional public involvement and Ohio EPA review requirements for the MOA track. Detailed information about the VAP's MOA Track process, including a copy of the MOA between Ohio EPA and U.S. EPA, can be found on the program Web page at <http://www.epa.ohio.gov/portals/30/vap/docs/MOA%20Track.pdf>.

Properties that Entered the MOA Track in 2007

Property Name, Address	Volunteer	Date Entered MOA Track
Land Bank Lot #92, 3542 East 71st Street, Cleveland, Cuyahoga Co.	City of Cleveland	9/13/2007
Lower Worsted Mills, East 55th Street & Ackley Road, Cleveland, Cuyahoga Co.	Cleveland City of Dept of Community Development	8/14/2007
Southern Wood Piedmont Co Waverly Plt., 12594 S.R. 220 E., Waverly, Pike Co.	Southern Wood Piedmont Co.	12/21/2007
Wheeling Pittsburgh Steel Corp Martins Ferry Plt., 1001 Main Street, Martins Ferry, Belmont Co.	Wheeling-Pittsburgh Steel Corp.	8/31/2007
Wheeling Pittsburgh Steel Corp Mingo Junction Plt., 540 Commercial Avenue, Mingo Junction, Jefferson Co.	Wheeling-Pittsburgh Steel Corp.	8/31/2007
Wheeling Pittsburgh Steel Corp Steubenville Plt., 300 South 3rd Street, Steubenville, Jefferson Co.	Wheeling-Pittsburgh Steel Corp.	8/31/2007
Wheeling Pittsburgh Steel Corp Yorkville Plt., 219 Public Road, Yorkville, Jefferson Co.	Wheeling-Pittsburgh Steel Corp.	8/31/2007

Audits of No Further Action Letters

Ohio EPA annually audits at least 25 percent of all No Further Action (NFA) letters submitted to the Voluntary Action Program in each calendar year. These audits can be limited to a review and analysis of the documents pertaining to the NFA letter to determine compliance with program requirements (Tier I Audit), or be expanded to include sampling and analysis of soils, surface water, air, sediments or ground water (Tier II Audit). Audits are conducted to determine if the properties meet applicable standards after completion of the remedial activities. Audits also are 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 that their work results in NFAs that are consistent with applicable standards.

OAC 3745-300-14 describes the procedures for selecting and conducting audits of NFA letters. The rule establishes three “pools” of NFA letters to prioritize their selection for audits. These are the mandatory, priority and random audit pools. The *mandatory audit pool* includes NFA letters meeting one of six criteria 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 that performed analyses in support of the NFA letter was inadequate. The *priority audit pool* includes NFA letters that included a risk assessment or employed an engineering control (such as a fence) or institutional control (such as a deed restriction) as a remedial activity. The *random audit pool* includes all other NFA letters, including those from the priority audit pool that are not selected during the initial random selection as described below. Properties were selected according to criteria and procedures described in OAC 3745-300-14.

In addition to auditing all NFA letters in the mandatory audit pool, OAC 3745-300-14 requires Ohio EPA to audit at least 25 percent of NFA letters for properties where remedial activities occurred and 25 percent of those where no remedial activities occurred. Letters are randomly selected from the priority audit pool and the random audit pool to meet the 25 percent quota.

In year 2007, the VAP initiated audits of eight of the 25 NFA letters requesting a CNS that were submitted to Ohio EPA during the previous year (2006). In addition, five mandatory audits were conducted. The following table summarizes the name and address of the properties audited, the NFA number, the basis for selecting the property for audit and the status of the audit. The completed audits found the properties to be protective of human health and the environment.

NFA Letters Received in 2006 Selected for Audit in 2007

Property Name	Address/County	NFA No.	EPA District Office	Audit Pool	Status
Custom Cartons Inc	717 O'Neil Dr, Hebron/Licking	98NFA042	Central	Mandatory	Completed
Rite Aid Property	S James & E Livingston Ave, Columbus/Franklin	99NFA052	Central	Mandatory	Pending
McKinley Ave. Property	1861-1867 McKinley Ave, Columbus/Franklin	99NFA057	Central	Mandatory	Pending
Kurz Kasch Inc.	199 E State St, Newcomerstown/Tuscarawas	02NFA149	SE	Mandatory	Completed
Superior Fibers, Inc.	499 N Broad St, Bremen/Fairfield	03NFA161	Central	Mandatory	Completed
Empire Detroit Steel - CORF Property	River Rd, New Boston/Scioto	06NFA249	SE	Priority	Completed
Lane Ave. Shopping Center	1557-1735 W. Lane Ave, Upper Arlington/Franklin	06NFA244	Central	Priority	Completed
Riverview Estates at Coldstream	8703 Ayers Rd, Cincinnati/Hamilton	06NFA237	SW	Priority	Pending
Steelyard Commons Home Depot	3341 Jennings Rd, Cleveland/Cuyahoga	06NFA250	NE	Priority	Pending
Empire Detroit Steel - Electrical Substation	4502 Gallia St, New Boston/Scioto	06NFA235	SE	Priority	Completed
Jamestown Village Plaza	2656-2750 Mahoning Ave NW, Warren/Trumbull	06NFA228	NE	Priority	Completed
Harrison West	525 W First Ave, Columbus/Franklin	06NFA231	Central	Priority	Completed
Lucent Technologies	6200 E Broad St, Columbus/Franklin	06NFA241	Central	Random	Pending

VAP EXPENDITURES FOR CALENDAR YEAR 2007

PERSONNEL

Fund 4R9 - VAP Fund	\$	723,451.89
Hazardous Waste Management Fund (505)	\$	631,595.35
General Revenue Fund (GRF)	\$	-
Environmental Protection Fund (5BC)	\$	357,327.69
USEPA Grants (Federal dollars)	\$	78,383.55
Total Cost of Personnel	\$	1,790,758.48

MAINTENANCE COST OF THE PROGRAM

Fund 4R9 - VAP Fund	\$	148,003.34
Hazardous Waste Management Fund (505)	\$	101,134.50
General Revenue Fund (GRF)	\$	-
Environmental Protection Fund (5BC)	\$	177,197.96
USEPA Grants (Federal dollars)	\$	6,720.13
Total Cost of Maintenance	\$	433,055.93

EQUIPMENT

Fund 4R9 - VAP Fund	\$	258.68
Hazardous Waste Management Fund (505)	\$	12,713.64
General Revenue Fund (GRF)	\$	-
Environmental Protection Fund (5BC)	\$	-
USEPA Grants (Federal dollars)	\$	-
Total Cost of Equipment	\$	12,972.32

OTHER - CONTRACTUAL SERVICES

Fund 4R9 - VAP Fund	\$	661.25
Hazardous Waste Management Fund (505)	\$	778.50
General Revenue Fund (GRF)	\$	-
Environmental Protection Fund (5BC)	\$	83.75
USEPA Grants (Federal dollars)	\$	-
Total Cost of Other Contractual Services	\$	1,523.50

TOTAL VAP PROGRAM COST FOR CY07	\$	2,238,310.23
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VAP REVENUES FOR CALENDAR YEAR 2007

Certified Professional Fees	\$	223,900.00
Certified Laboratory Fees	\$	94,748.45
No Further Action (NFAs) Fees	\$	147,590.00
Technical Assistance Cost Recovery	\$	361,816.48
CP Training Reimbursements	\$	9,600.00
AGO Collected	\$	-
Misc. - Intra-governmental, photocopying, etc.	\$	820.00
TOTAL REVENUE FOR CY07	\$	838,474.93

Summary of Activities in 2008

- 40 No Further Action (NFA) letters were issued by certified professionals (CPs);
- 27 covenants not to sue (CNS) were issued by Ohio EPA;
- 531 acres were reported being cleaned up for possible redevelopment;
- The VAP completed a scheduled five-year rule review;
- Three properties notified VAP of entry into the MOA track;
- The program staff initiated audits of seven NFA Letters;
- The total program cost for 2008 was \$2.48 million.

27 Properties Receive Covenants Not to Sue

During 2008, Ohio EPA issued 27 covenants not to sue (CNS). The following are some examples of sites that received a CNS.

Former Seneca Hotel – Columbus (Franklin County)



The 10-story Seneca Hotel was constructed in 1918 as one of the city's first high-rise hotels. The property, a complex of three interconnected buildings, is approximately a half-acre in size, and historically included the hotel, a parking garage and a four-story addition used as a flower shop, bakery, clothing store and cigar shop. The hotel, in operation until 1974, served as the Seneca Towers Office Complex from 1976-1986 for

tenants like Ohio EPA and the Ohio Attorney General's Office. The complex was vacated in 1988 and fell into disrepair.

A VAP cleanup was initiated at the Seneca property in 2004. With a grant from the Clean Ohio Assistance Fund in 2006, the property owners were able to abate and remove asbestos-containing materials, including floor tiles, wall plaster, stair tread cover and textured ceiling material. Most of the renovation, including conversion to apartment units, was completed in the summer of 2008.

Beech Street Power Plant – Akron (Summit County)

The 0.6-acre property was used from the 1890s to the 1970s as an electric power generating plant. The site is located in a mixed-used commercial and industrial area of Akron and adjoins the historical Ohio & Erie Canal. Areas on the property that required investigation included the area beneath the former building and switching station, the area



southwest of main building, under pavement, and the former substation and area north of building. Contaminants of concern included: volatile organic compounds, polynuclear aromatic hydrocarbons, metals, polychlorinated bi-phenyls, and petroleum products.

Remediation conducted at the property consisted of the excavation and disposal of contaminated soils, backfilling with clean fill and grading of the site. In addition, a deed restriction was implemented limiting the property to modified residential land use, and prohibiting any excavation deeper than four feet below grade. The city of Akron received a grant from the Clean Ohio Revitalization Fund for cleanup.

Presently the property is used for recreational purposes and as a parking lot. The former brownfield now provides additional green space and a trailhead along the Ohio & Erie National Heritage Corridor.

Salem Mall Property – Trotwood (Montgomery County)



The 20-acre property was used from the 1960s until 2007 as a commercial retail shopping mall. Salem Mall was the first enclosed shopping center in the Dayton, Ohio, area. The center opened in 1966, and in its early stages had 60 retailers. In 1997, anchor store Lazarus left the mall, and later that year J.C. Penney also closed. Demolition of The Salem Mall began on May 15, 2006. Sears is the only part of the original structure

that remains.

The city of Trotwood received \$750,000 in Clean Ohio Assistance Funds for site assessment. Areas on the site that required investigation included buildings with asbestos-containing materials, and hazardous materials consisting of: mercury fluorescent lamps and thermostats, light ballasts with possible polychlorinated bi-phenyls, transformers, electric motors, hydraulic oil HVAC equipment with chlorofluorocarbons, batteries, compressed gas cylinders and fire extinguishers. Four trash compactors were investigated for possible release of chemicals of concern including: volatile organic compounds, semi-volatile organic compounds, and petroleum products.

The certified professional determined that no releases of contaminants of concern had occurred and the property demonstrated compliance with the VAP cleanup standards for unrestricted residential land use.

The area is being considered for redevelopment as the Landmark Town Center, an upscale, open-air, "lifestyle" complex, intended to resemble the Easton Commons in Columbus. A market study is currently underway. Presently, the site is vacant.

Sakas Inc., Former – Somerset (Perry County)

The 3.5-acre site includes a 19,380-square-foot industrial building and a pond. The pond was originally intended for egg washing and is now used as a rainwater retention basin. The Southeastern Ohio Egg Auction purchased the property around 1955 and built the existing facility on farmland. The facility was initially designed for wholesale egg processing and sales. The existing building began as a 9,400-square-foot structure that included three loading docks. Sakas, Inc. purchased the property in 1962 for its steel fabrication business. The refrigeration area was converted to a paint room, and the southern building section was used for metal stamping, rolling and shearing. Sakas expanded the building in 1966 (by 6,580 square feet for machining capacity) and in 1969 (by 3,400 square feet for housing machinery and steel).



The refrigeration area was converted to a paint room, and the southern building section was used for metal stamping, rolling and shearing. Sakas expanded the building in 1966 (by 6,580 square feet for machining capacity) and in 1969 (by 3,400 square feet for housing machinery and steel).

The property was assessed using a \$103,000 Clean Ohio Assistance Fund grant. The former Sakas, Inc. facility was considered a small quantity hazardous waste generator because it generated between 55 and 110 gallons per year of hazardous paint waste/thinners from cleaning painting guns and other painting-related processes. The facility also produced several non-hazardous wastes like oils/greases and wastewater. Various chemicals and oils (i.e. paint thinner, solvents, hydraulic oil) and drums of wastewater were staged on an exterior concrete pad on the property.

The property also contains three concrete underground storage tanks that did not hold hazardous wastes or petroleum. One of these tanks received non-hazardous liquids from the paint line and parts washing system. The other tanks were used to settle heavy particles from a machine's ceramic slurry. These tanks were periodically emptied, with their contents properly disposed of at a reclamation facility.

A human health risk assessment was performed to evaluate potential exposure to chemicals of concern. Additionally, dozens of soil and ground water samples were taken. No volatile or semi-volatile organic compounds were found. However, low levels of metals were found in the soils and ground water. Based on the risk assessment results, the property meets applicable standards for commercial/industrial land use, including construction/excavation worker exposure. There are no restrictions on potable ground water use and active remedial measures are not needed.

Napoleon Commerce Park – Napoleon (Lucas County)



The 62-acre Napoleon Commerce Park property has been cleared for commercial or industrial use. The site, located at 1505 Commerce Drive, is the former Hogrefe Auto Parts business. In 2004, the city received a \$2.7 million Clean Ohio Fund grant to redevelop the site.

A site assessment found contaminants associated with the scrap yard and auto salvage business that had been operating at the site. Contaminants including petroleum hydrocarbons from various automotive fluids, and heavy metals such as lead, chromium and arsenic were found in the upper two feet of soil in several sections of the property.

To clean up the property, the site was cleared of remaining vehicle parts, tires, scrap metal, asbestos containing materials, vehicle batteries and other solid waste. Then the upper layer of soil was removed and disposed. Several thousand tons of soil and debris were removed from 2004-2006.

The city is hoping to revitalize the site in connection with plans by the state to replace U.S. 24 between Napoleon and Waterville. The Henry County Community Improvement Corp. has estimated that the brownfield project could create up to 5,000 jobs over 10 years.

Guide to Ohio EPA District Offices

NW – Bowling Green
SW – Dayton
Central – Columbus

NE – Twinsburg
SE – Logan

Summary of Covenants Not to Sue Issued in 2008

Name	NFA Number/ Type	NFA Received	CNS Issued	Address/County	EPA District Office	Volunteer	CP	Acres
1316 Indianola Ave, Columbus	07NFA282/ 30 day	12/26/2007	12/31/2008	1316 Indianola Ave, Columbus, Franklin Co.	Central	Network Restorations LLC	Jeffrey P. Hullinger (214)	0.25
Beech St Power Plt	07NFA261/ 90 day	5/21/2007	5/20/2008	40 Beech St, Akron, Summit Co.	NE	Akron City of Dept of Public Service	Thomas J. Mignery (125)	0.42
Broad & High Project	08NFA319/ 30 day	11/13/2008	12/18/2008	2-8 E Broad St & 12-20 N High St, Columbus, Franklin Co.	Central	City of Columbus	Donald Pinto (281)	0.34
CASTLO Material Storage Yard	07NFA264/ 90 day	7/18/2007	11/17/2008	100 S Bridge St, Struthers, Mahoning Co.	NE	CASTLO Community Improvement Corp	Jim C. Smith (121)	44.86
Cleveland Pneumatic Co	07NFA275/ 90 day	10/17/2007	1/29/2008	3781 E 77th St, Cleveland, Cuyahoga Co.	NE	General Investment Funds Real Estate Holding Co	Christian J. Lavallee (264)	7.4
Continental General Tire Complex	07NFA257/ 90 day	4/4/2007	12/19/2008	99 Seiberling St, Akron, Summit Co.	NE	Continental Tire North America	Ronald R. Clark (101)	11.37
D&H Mfg Fac Former	07NFA265/ 90 day	7/18/2007	5/21/2008	1601 Sheridan Ave, Springfield, Clark Co.	SW	Springfield City of Office of City Manager	Craig A. Kasper (103)	4.45
Dayton Plastics	06NFA242/ 90 day	6/30/2006	2/12/2008	2554 Needmore Rd, Dayton, Montgomery Co.	SW	PolyOne Corp	Julianne M. Schucker (258)	3.21
Euclid Business Park	06NFA226/ 90 day	1/27/2006	8/21/2008	20001 Euclid Ave, Euclid, Cuyahoga Co.	NE	Euclid Business Park LLC	Oren J. Gottlieb (123)	61.39
Federal Mogul	08NFA294/ 90 day	4/21/2008	11/17/2008	900 Upton Ave, Toledo, Lucas Co.	NW	Industrial Recovery Capital Holdings Co of OH II	Scott K. Fennell (203)	17.28

Name	NFA Number/ Type	NFA Received	CNS Issued	Address/County	EPA District Office	Volunteer	CP	Acres
Hamilton Die Cast Redevelopment	08NFA293/ 90 day	4/15/2008	10/27/2008	999 East Ave, Hamilton, Butler Co.	SW	City of Hamilton	Michael D. Weinstein (126)	6.6
Harrisburg Pike Shopping Ctr Property	07NFA269/ 90 day	9/12/2007	4/24/2008	610-628 Harrisburg Pike, Columbus, Franklin Co.	Central	Kin Properties	Bruce A. Savage (265)	10.57
Haucke Block Property	07NFA279/ 90 day	11/27/2007	12/29/2008	331-339 W Main St, Springfield, Clark Co.	SW	Springfield City of Office of City Manager	Craig A. Kasper (103)	1.43
Lazarus Bldg	08NFA296/ 30 day	4/25/2008	10/14/2008	141 S High St, Columbus, Franklin Co.	Central	City of Columbus	Thomas P. Shalala (188)	2.69
Lincoln Electric Co	07NFA280/ 90 day	11/28/2007	8/21/2008	22801 Saint Clair Ave, Euclid, Cuyahoga Co.	NE	Lincoln Electric Co	Matthew D. Knecht (105)	8.83
Marina Dist Project Toledo	07NFA258/ 90 day	4/9/2007	5/7/2008	1401 Front St, Toledo, Lucas Co.	NW	Toledo City of Dept of Environmental Services	Craig A. Kasper (103)	30.03
Napoleon Commerce Park Hogrefe Property	07NFA260/ 90 day	4/30/2007	7/7/2008	Oakwood Ave & Interchange Dr, Napoleon, Henry Co.	NW	City of Napoleon	Christopher W. Krumm (177)	67.25
Rosemount Analytical Inc	07NFA281/ 90 day	12/11/2007	7/23/2008	1201 N Main St, Orrville, Wayne Co.	NE	Emerson	John A. Simon (152)	8.87
Sakas Inc Former	08NFA305/ 90 day	7/24/2008	11/5/2008	7070 State Rte 13, Somerset, Perry Co.	SE	Watertown Steel Co LLC	Mark D. Butler (137)	3.59
Salem Mall Property	08NFA291/ 30 day	3/13/2008	6/23/2008	5200 Salem Ave, Trotwood, Montgomery Co.	SW	Trotwood Government Center	Dennis E. Schucker (272)	19.82
Seneca Hotel Former	08NFA311/ 30 day	9/9/2008	10/15/2008	*361 & 371 E Broad St, Columbus, Franklin Co.	Central	City of Columbus	Matthew D. Knecht (105)	0.52

Name	NFA Number/ Type	NFA Received	CNS Issued	Address/County	EPA District Office	Volunteer	CP	Acres
Sun Pharmaceutical Industries Inc	07NFA263/ 90 day	7/18/2007	6/2/2008	705 E Mulberry St, Bryan, Williams Co.	NW	Sun Pharmaceutical Ind Inc	Steven M. Gross (192)	3.66
Tenneco	05NFA212/ 90 day	9/9/2005	4/21/2008	16000-17000 St Clair Ave, Cleveland, Cuyahoga Co.	NE	Tenneco Automotive	Eric M. Cherry (142)	60.65
Universal Tubular Systems, Former	08NFA298/ 90 day	6/6/2008	12/9/2008	525 Beer Rd, Ontario, Richland Co.	NW	Universal Tubular Systems, Inc.	Steven M. Gross (192)	6.9
Universal Tubular Systems, Former	08NFA302/ 90 day	6/24/2008	9/29/2008	525 Beer Rd, Ontario, Richland Co.	NW	Universal Tubular Systems, Inc.	Steven M. Gross (192)	5.07
Whittier Peninsula Project	07NFA278/ 90 day	11/20/2007	6/19/2008	Whittier Peninsula, Columbus, Franklin Co.	Central	City of Columbus	Thomas J. Mignery (125)	94.98
Youngstown Sheet & Tube Coke Plt Former	07NFA252/ 90 day	1/4/2007	6/3/2008	1290 Poland Ave, Youngstown, Mahoning Co.	NE	Struthers City of Municipal Bldg	Mark D. Butler (137)	48.21

VAP Memorandum of Agreement Track

The MOA-Track program incorporates public involvement and up-front oversight into the existing VAP process. Volunteers who follow this track of the VAP obtain both a CNS from Ohio EPA and comfort that U.S. EPA will not require any additional cleanup at the site. Three properties entered the MOA Track in 2008. The original VAP process, known as the Classic VAP Track, is also available to volunteers who do not feel the need for federal comfort and prefer not to incorporate up-front Agency oversight or public involvement into the voluntary cleanup process.

VAP staff created procedures and documents to assist volunteers and certified professionals through a voluntary action that meets both the traditional VAP requirements and the additional public involvement and Ohio EPA review requirements for the MOA track. Detailed information about the VAP's MOA Track process, including a copy of the MOA between Ohio EPA and U.S. EPA, can be found on the program Web page at <http://www.epa.ohio.gov/portals/30/vap/docs/MOA%20Track.pdf>.

Properties that Entered the MOA Track in 2008

Property Name, Address	Volunteer	Date Entered MOA Track
Columbus Coated Fabrics, 1280 N. Grant Avenue, Columbus, Franklin Co.	City of Columbus	8/20/2008
ITT Cleveland Motion Controls Inc, 7550 Hub Parkway, Valley View, Cuyahoga Co.	ITT Cleveland Motion Control Inc.	4/7/2008
Navistar Intl Trans Corp, 2069 Lagonda Avenue, Springfield, Clark Co.	City of Springfield	12/2/2008

Audits of No Further Action Letters

Ohio EPA annually audits at least 25 percent of all No Further Action (NFA) letters submitted to the Voluntary Action Program in each calendar year. These audits can be limited to a review and analysis of the documents pertaining to the NFA letter to determine compliance with program requirements (Tier I Audit), or be expanded to include sampling and analysis of soils, surface water, air, sediments or ground water (Tier II Audit). Audits are conducted to determine if the properties meet applicable standards after completion of the remedial activities. Audits also are 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 that their work results in NFAs that are consistent with applicable standards.

OAC 3745-300-14 describes the procedures for selecting and conducting audits of NFA letters. The rule establishes three “pools” of NFA letters to prioritize their selection for audits. These are the mandatory, priority and random audit pools. The *mandatory audit pool* includes NFA letters meeting one of six criteria 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 that performed analyses in support of the NFA letter was inadequate. The *priority audit pool* includes NFA letters that included a risk assessment or employed an engineering control (such as a fence) or institutional control (such as a deed restriction) as a remedial activity. The *random audit pool* includes all other NFA letters, including those from the priority audit pool that are not selected during the initial random selection as described below. Properties were selected according to criteria and procedures described in OAC 3745-300-14.

In addition to auditing all NFA letters in the mandatory audit pool, OAC 3745-300-14 requires Ohio EPA to audit at least 25 percent of NFA letters for properties where remedial activities occurred and 25 percent of those where no remedial activities occurred. Letters are randomly selected from the priority audit pool and the random audit pool to meet the 25 percent quota.

In 2008, the VAP initiated audits of seven of the 24 NFA letters requesting a CNS that were submitted to Ohio EPA during the previous year (2007). The following table summarizes the name and address of the properties audited, the NFA number, the basis for selecting the property for audit and the status of the audit. The completed audit found the property to be protective of human health and the environment.

NFA Letters Received in 2007 Selected for Audit in 2008

Property Name	Address/County	NFA No.	EPA District Office	Audit Pool	Status
1316 Indianola Ave Columbus	1316 Indianola Ave, Columbus, Franklin Co.	07NFA282	Central	Priority	Pending
Lincoln Electric Co.	22801 Saint Clair Ave, Euclid, Cuyahoga Co.	07NFA280	NE	Random	Pending
Marina Dist Project Toledo	1401 Front St, Toledo, Lucas Co.	07NFA258	NW	Priority	Pending
Otterbein College Equestrian Fac	800 Spring St, Westerville, Delaware Co.	07NFA271	Central	Random	Pending
Rosemount Analytical Inc.	1201 N Main St, Orrville, Wayne Co.	07NFA281	NE	Priority	Completed
Whittier Peninsula Project	Whittier Peninsula, Columbus, Franklin Co.	07NFA278	Central	Priority	Pending
Youngstown Sheet & Tube Coke - Former	1290 Poland Ave, Youngstown, Mahoning Co.	07NFA252	NE	Priority	Pending

VAP EXPENDITURES FOR CALENDAR YEAR 2008

PERSONNEL

Fund 4R9 - VAP Fund	\$	688,594.51
Hazardous Waste Management Fund (505)	\$	734,081.17
General Revenue Fund (GRF)	\$	-
Environmental Protection Fund (5BC)	\$	471,174.52
USEPA Grants (Federal dollars)	\$	67,574.49

Total Cost of Personnel \$ 1,909,424.69

MAINTENANCE COST OF THE PROGRAM

Fund 4R9 - VAP Fund	\$	176,883.73
Hazardous Waste Management Fund (505)	\$	212,348.50
General Revenue Fund (GRF)	\$	-
Environmental Protection Fund (5BC)	\$	161,676.63
USEPA Grants (Federal dollars)	\$	95.88

Total Cost of Maintenance \$ 551,004.74

EQUIPMENT

Fund 4R9 - VAP Fund	\$	352.80
Hazardous Waste Management Fund (505)	\$	113.00
General Revenue Fund (GRF)	\$	-
Environmental Protection Fund (5BC)	\$	-
USEPA Grants (Federal dollars)	\$	-

Total Cost of Equipment \$ 465.80

OTHER - CONTRACTUAL SERVICES

Fund 4R9 - VAP Fund	\$	12,571.25
Hazardous Waste Management Fund (505)	\$	4,887.90
General Revenue Fund (GRF)	\$	-
Environmental Protection Fund (5BC)	\$	-
USEPA Grants (Federal dollars)	\$	-

Total Cost of Other Contractual Services \$ 17,459.15

TOTAL VAP PROGRAM COST FOR CY08 \$ **2,478,354.38**

VAP REVENUES FOR CALENDAR YEAR 2008

Certified Professional Fees	\$	217,108.03
Certified Laboratory Fees	\$	73,884.79
No Further Action (NFAs) Fees	\$	235,074.94
Technical Assistance Cost Recovery	\$	280,684.80
CP Training Reimbursements	\$	4,000.00
AGO Collected	\$	652.86
Misc. - Intra-governmental, photocopying, etc.	\$	12,667.26
TOTAL REVENUE FOR CY07	\$	824,072.68



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