

Ohio EPA RCRA AND VAP MOA Track:
Initial Investigation Comment Letter (example)

Initial Investigation - example letter for Initial Investigation with comments or deficiencies; tailor this letter to identify the specific documents you reviewed and are providing comments on. Please note that this letter is not required if the volunteer decides not to have the RCRA AND VAP MOA-Track work reviewed by Ohio EPA at the completion of the Initial Investigation (Pursuant to the 2/13/06 VAP/Superfund MOA modification, volunteers have the option to have MOA-Track work only reviewed at the Initial Eligibility Determination phase and the Remedial Action Plan phase.)

DATE

[CP or Volunteer Name
Consulting Firm/Company
ADDRESS]

RE: Ohio EPA's Review of RCRA AND VAP MOA Track Initial Investigation which includes: [VAP Phase I Report, Eligibility Determination Report and Phase II Sampling Plan] for [RCRA and VAP-MOA Property Name], [Project No. __, i.e., TA account no.]; Notice of Deficiencies

Dear [CP/Volunteer Name]:

On [DATE], Ohio EPA- _____ District Office received the [specify actual document names: Phase I Report dated [Date], Eligibility Determination Report dated [Date] and Phase II Sampling Plan dated [Date] for the property located at [Street Address], [City], [County] (the "Property"). [CP/Volunteer name] submitted the documents [if CP submitted, add: on behalf of [Volunteer's name] (the "Volunteer")] for Ohio EPA's review in accordance with the "Voluntary Action Program Memorandum of Agreement Track" established by Ohio EPA and U.S. Environmental Protection Program ("RCRA AND VAP MOA Track"). Attached are the comments generated by Ohio EPA personnel in a collective review of the above documents. [Add, if applicable: Ohio EPA has identified deficiencies in the Initial Investigation, including with the [list, e.g., with the Phase I Property Assessment]. The deficiencies are specified in the attached comments.]

The matters discussed in the attached comments must be addressed as noted, and the

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[Name of Property]

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deficiencies corrected, before Ohio EPA can approve the Initial Investigation of the Property under the RCRA AND VAP MOA Track. Accordingly, please submit to Ohio EPA the Volunteer's written responses to the comments to [my attention / the attention of]: [name of project coordinator, office, and address].

This letter and any accompanying guidance do not constitute an action of the Director; they are only intended to serve as guidance on compliance with the VAP rules and the RCRA AND VAP MOA Track requirements. Moreover, the technical comments and guidance provided herein do not constitute applicable standards or a determination that the Property will meet applicable standards. Finally, please note that the Volunteer is responsible for achieving and demonstrating compliance with applicable standards at the Property before a no further action letter and a covenant not to sue may be issued under the Voluntary Action Program.

Ohio EPA's review is based upon evaluation of the submitted documents and information gathered during Ohio EPA's site visit conducted on [date]. The Property-specific guidance provided was based on information provided to Ohio EPA about the conditions or circumstances at the Property. Therefore, the provided guidance may not be accurate if actual conditions or circumstances are different from those represented, or if newly discovered conditions or circumstances are identified.

If you have any questions or concerns related to this review or would like to schedule a meeting or conference call, please free feel to contact me at [phone #].

Sincerely,

[Name]

Project Coordinator

Ohio EPA - Division of Emergency and Remedial Response

Attachment

cc: DERR/DO Manager/Supervisor
VAP Manager/Supervisor
[List all Project Reviewers (e.g. legal reviewer, risk reviewer, DDAGW reviewer)]
DERR/CO Administrative Supervisor
DERR/DO VAP Files