

**ARCHIVE:** Archived because this document no longer provides current guidance. Refer to VA 30000.04.001 for the updated document.

**TITLE:** Asbestos Abatement Under the Voluntary Action Program

**KEYWORDS:** Asbestos, abatement, eligibility, removal, remedy, remedial activities, voluntary action, hazardous substance

**QUESTION:** How is asbestos handled under the Voluntary Action Program?

**ANSWER:** Friable asbestos is contained in Ohio's list of hazardous substances adopted in OAC rule 3750-20-50 (A), the rules adopted pursuant to ORC Section 3750.02 (B)(1)(c). ORC Section 3746.01(O) defines "voluntary action" as "...a series of measures that may be undertaken to identify and address potential sources of contamination of property by hazardous substances or petroleum and to establish that the property complies with applicable standards." Therefore, the removal of asbestos is considered a remedial action under the voluntary action program.

Asbestos removal, encapsulation and containment should be conducted according to all Federal, State and Local rules and regulations regarding the handling, removal, encapsulation and/or containment of asbestos. Whether an asbestos abatement qualifies a property for a Covenant Not to Sue depends upon the demonstration of a Certified Professional that the site meets applicable standards as set forth by the National Emission Standards for Hazardous Air Pollutants (NESHAPS)

**SUMMARY:** Friable asbestos is a hazardous substance and asbestos abatement IS considered a remedy or remedial activity under the VAP rules. The NESHAPS standards are used as the applicable standards.

**OHIO EPA**

**CONTACT:**

For any questions concerning this issue, please contact the VAP central office at (614) 644-2924