

ARCHIVE: Archived because this document no longer provides current guidance and because revisions made to VAP rules in 2002 in OAC Chapter 3745-300 render this guidance unnecessary.

TITLE: Land use restrictions and institutional controls

KEYWORDS: restrictions, institutional controls

QUESTION: Are land use restrictions institutional controls?

ANSWER: Yes. Any restriction on the use of a property under the VAP is considered an institutional control. All Operation & Maintenance Agreements and covenants not to sue under the Voluntary Action Program state the obligation of all parties subject to the O&M Agreement and/or covenant not to sue to maintain the land use defined in the O&M Agreement and states the Covenant Not to Sue is void if the use of the property is non-conforming to that stated in the Covenant.

SUMMARY: Any restriction on the use of a property under the VAP is considered an institutional control

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