

Ohio EPA RCRA and VAP MOA Track: Document Repository Guidance

To participate in the Memorandum of Agreement (“MOA”) Track of Ohio’s Voluntary Action Program (“VAP”), the Volunteer must set up and maintain a document repository at a public facility, e.g., a public library, *in the near vicinity of the property* that is the subject of the voluntary action (the “Property”). The document repository for the Property must be set up before the “Notice of Entry into the RCRA and VAP MOA Track” form may be submitted, as information concerning the document repository must be included in the Notice of Entry. The following instructions detail how a Volunteer establishes a document repository under the RCRA and VAP MOA Track. Please contact the VAP at 614-644-2924 if you have any questions concerning these repository requirements.

Note: If the property has been the subject of a Clean Ohio Assistance Fund (COAF) or Clean Ohio Revitalization Fund (CORF) application, the public repository used for the COAF or CORF can be the same as the repository used for the MOA-Track VAP.

A. How to set up a document repository: The criteria for an acceptable repository and the steps suggested to establish the repository are as follows.

1. Identify a public library, a county or local government office, local historic center, chamber of commerce, or other such facility in the near vicinity of the Property (public libraries are preferable due to their ready accessibility to the public). If no public library is available, ask local community officials where local documents are kept. Contact facility personnel to ensure the facility’s availability to house the project’s document repository.
2. Establish document handling procedures. Ask for a contact person with the repository facility, to whose attention the Volunteer may address documents. Establish when and how many documents the Volunteer, or in limited cases, Ohio EPA or U.S. EPA, may send to the repository. Establish the operating protocol of the repository facility in making the documents available for review, and how the Volunteer wants documents handled to maintain the repository for purposes of the RCRA and VAP MOA Track.
3. Establish, with repository facility personnel, protocol for public access to the documents in the repository. Repository documents must be readily available to

the public during reasonable day and evening hours.

Note: Ohio EPA suggests the use of sign-in sheets to keep track of the interested parties who access the documents. Also, the Volunteer is encouraged to post progress reports of activities at the Property to keep the public informed.

4. Notify repository facility personnel that the repository location will be identified in fact sheets and public notices regarding the Property and may result in many public reviews of repository materials during the project. The repository location would also be identified at any public meetings, as needed.
5. If facility personnel are unwilling to house a repository pursuant to the above criteria, the Volunteer needs to locate another appropriate public repository location in the vicinity of the Property.
6. Notify Ohio EPA when the document repository is set up; provide the repository facility's name, address, and phone number, as well as the name and phone number of the facility's contact person. If the repository has previously been used for the property's COAF or CORF application, also state that in your notification to Ohio EPA.

B. What documents must be included in the repository: The Volunteer is responsible for placing and maintaining in the document repository for the Property, at a minimum, a copy of the following documents.

1. All documents regarding the Property submitted to Ohio EPA for review and approval under the RCRA and VAP MOA Track, including:
 - a. Phase I Property Assessment Report;
 - b. Initial Eligibility Determination;
 - c. Phase II Sampling Plan;
 - d. Phase II Property Assessment Report, if performed;
 - e. Risk Assessment Report, if performed;
 - f. Proposed Remedial Action Work Plan, if performed;
 - g. Documentation of Significant Changes to the Voluntary Action, if any; and
 - h. NFA Letter and request for covenant not to sue.
2. All Ohio EPA written correspondence provided to the Volunteer under the RCRA and VAP MOA Track concerning the Property, including approval letters, review comments, and notices of deficiencies regarding submitted documents.

3. All “finalized” documents and their attachments, if any, approved by Ohio EPA regarding the Property. If the document was revised or amended as part of its finalization, provide the repository the complete finalized document.
4. All issued public notices and the “Notice of Entry into the RCRA and VAP MOA Track” prepared for the Property.

In addition to the documents identified above, the Volunteer, U.S. EPA and Ohio EPA reserve the right under the RCRA and VAP MOA Track to place other documents related to the voluntary action at the Property in the repository for the Property.

C. When to place documents in the repository: The Volunteer must provide, to the repository facility, a copy of the document to be placed in the repository, within 30 days of:

1. The Volunteer’s submission of the document to Ohio EPA; or
2. In the case of written correspondence from Ohio EPA or U.S. EPA, the Volunteer’s (or the Volunteer’s representative’s) receipt of the document.

D. How long to retain documents in the repository: Documents must be retained in the repository for at least 30 days following:

1. The Director’s issuance of a covenant not to sue;
2. The Director’s denial of a request for a covenant not to sue based on the NFA letter issued for the Property, if applicable; and
3. The date a letter has been received by Ohio EPA from the volunteer indicating that the volunteer no longer intends to participate in the RCRA and MOA Track VAP.