



## Ohio EPA Unveils Voluntary Action Program (VAP) Memorandum of Agreement Track

### INTRODUCTION

The Ohio EPA recently unveiled the details of the VAP Memorandum of Agreement (MOA) track. This now gives the Volunteer two choices within the VAP:

\* The **Classic VAP** track under which the Volunteer and Certified Professional works independently to resolve the environmental issues at the site before submitting a No Further Action (NFA) letter to and receiving a Covenant Not to Sue (CNS) from the Ohio EPA.

\* The **VAP-MOA** track under which the Volunteer and Certified Professional work with the Ohio EPA in a more traditional step-wise manner with each submittal requiring Ohio EPA review and approval before going on to the next step. At the end of this process, the CNS, although still from the Ohio EPA, will provide comfort that U.S. EPA does not anticipate taking removal or remedial action under CERCLA at the site.

Sites which are on the National Priorities List (NPL) or have been proposed for listing in the Federal Register, and sites at which remedial measures are underway or completed are not eligible for the VAP-MOA track. In addition to the requirements of the Classic VAP, the MOA track requires sequential Ohio EPA review and approval of all documents and imposes specific opportunities for public participation in the process.

### THE PROCESS

Current VAP-MOA guidance includes a total of eighteen different forms and five deliverables, each of which requires Agency approval prior to the next step. These are depicted in the diagram.

### SUMMARY

The VAP-MOA track is now available. In exchange for more Ohio EPA involvement in the process and increased public participation requirements, the Volunteer receives a comfort that the U.S. EPA is not likely to take response actions under CERCLA. If you wish to discuss this issue further, please contact John Payne, Don Fay or Dave Strayer at 513-489-2255, or toll free at 1-800-229-1443, or by email at [jpg@paynefirm.com](mailto:jpg@paynefirm.com), [daf@paynefirm.com](mailto:daf@paynefirm.com), or [dcs@paynefirm.com](mailto:dcs@paynefirm.com).

**Steps for Participation in VAP MOA Track**

