

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Department of Energy and Environment**  
**Environmental Services Administration**



Toxic Substances Division

Underground Storage Tank Branch

**APPLICATION FORM FOR  
FOR VOLUNTARY REMEDIATION ACTION PROGRAM (VRAP)**

**Please submit a hard copy of this form by mail or in-person and an electronic copy by email to:**

Chief, Underground Storage Tank Branch  
1200 First Street N.E, 5<sup>th</sup> Floor, Washington D.C. 20002  
Telephone: 202-535-1338 Fax: 202-535-1383  
Website: [www.doe.dc.gov](http://www.doe.dc.gov), Email: [ust.doe@dc.gov](mailto:ust.doe@dc.gov)

## OVERVIEW

In an effort to facilitate the remediation and rehabilitation of petroleum contaminated properties in the District of Columbia, the Underground Storage Tank Program, has implemented the Voluntary Remediation Action Program (VRAP). In accordance with District of Columbia Regulations, 20 DCMR § 6212, **updated February 21, 2020**, the Department of Energy and Environment (DOEE) may permit a person, other than a responsible party to remediate leaking underground storage tanks (LUST) facilities or sites. DOEE must open a LUST Case for the site before a VRAP application is made. A voluntary remediating party (VRP) is a person who is not a responsible party, who undertakes corrective action at a LUST site or facility. If the VRP is a business entity, it must be registered to do business in the District with DCRA.

The protection of human health and the environment from the release of petroleum and hazardous substances to the soil, surface and ground water, and the cleanup of already contaminated sites are the main goals of the UST Program. VRAP serves as a means for a VRP, often a potential owner or developer of petroleum contaminated property or an affected neighboring property owner, to remediate the site without being identified as the responsible party (i.e. a party who is liable for the contamination and can therefore be subject to enforcement action). VRAP will benefit not only the VRP, but the entire District as well. If successfully remediated, which is recognized or acknowledged by the issuance of a closure letter or no further action status from DOEE, contaminated and abandoned properties may be developed and revitalized; thereby helping to restore and protect the District from previously unknown or unmanaged petroleum releases.

### QUALIFICATIONS FOR VRP STATUS

DOEE may permit a person, other than a responsible party, to remediate leaking underground storage tanks (LUST) facilities or sites in accordance with the UST regulations provided that the person:

- (a) Intends to develop a LUST facility of site for personal or business reasons;

- (b) Intends to conduct a phased investigation of a LUST facility of site conditions prior to acquisition or development of a LUST facility or site; or
- (c) Is a neighboring property owner who is unable to obtain relief from the responsible party.

Persons who wish to voluntarily remediate LUST facilities of sites shall submit an application to the Director that contains the following information:

- (a) Proof that the application satisfies 20 DCMR §§ 6212.1 (a), (b), or (c);
- (b) A statement of interest in undertaking corrective action at a facility or site;
- (c) Evidence of financial responsibility to satisfactorily complete the remediation that meets the requirements of 20 DCMR § 6701;
- (d) A copy of a written access agreement or any other agreement, which permits access to the facility, site, or property, if not owned by the VRP at the time;
- (e) The VRAP application fee set forth in 20 DCMR § 5605 made payable to the DC Treasurer, for UST VRAP Application. DOEE may consider a 25% discount on the initial and annual application fee for sites undertaking green and sustainable remediation; and
- (f) Proof that the VRP, if a business entity, is a registered business in the District of Columbia.

Upon receiving an application, DOEE will evaluate the application for approval, usually within 60 days of receipt. If approved, DOEE issues a “Voluntary Remediation Action Program Letter,” which authorizes the VRP to participate in the program. Approval is contingent on the VRP’s submission of a corrective action plan (known as a VRAP CAP) that meet the requirements of Chapter 62 of the DOEE UST Regulations. Approval of the VRAP CAP authorizes implementation of remediation. If a VRAP application or VRAP CAP is denied, a statement citing the reason for denial will be provided.

## **TRANSFER OF RP STATUS**

The VRP may, at his or her discretion, enter into an agreement to release the responsible party or parties from liability. A VRP who wishes to assume responsibility party status shall submit a **Responsible Party Transfer Request** to DOEE. A release granted to a responsible party shall provide that the release may be voided by DOEE under the following circumstances:

- (a) The responsible party or the VRP submitted false or misleading information to DOEE in the Responsible Party Transfer Request;
- (b) The VRP fails to complete the agreed upon corrective action and the Department or the United States Environmental Protection Agency expends funds to remediate the facility or site.

## CONDUCTING THE CLEANUP

A VRP shall be liable for all work performed at the site and shall only be required to perform the work agreed upon with DOEE, unless the VRP has assumed responsible party status. If the VRP fails to comply with directives issued by DOEE or fails to begin or implement corrective action within 2 years, DOEE may remove the VRP from the VRAP Program. No refunds of application fees or other reimbursement will be provided to the VRP if they are removed from the VRAP program. Failure to complete a prior VRAP cleanup in accordance with the approved VRAP CAP may be considered grounds for denial of future VRAP applications.

A VRP, other than a VRP who has released the original responsible party and assumed responsible party status, may cease corrective action activities at the site prior to completing remediation and incur no liability, other than liability for the work performed, provided the voluntary remediating party:

- (a) Has not aggravated the site conditions or increased the cost of subsequent corrective action;
- (b) Gives written notice to DOEE of the VRP's intention to cease activities at the site; and
- (c) Stabilizes the site by properly backfilling any excavations, properly securing or abandoning any monitoring wells, and taking any other actions required to secure the site as determined by DOEE.

## COMPLETION OF CLEANUP

After completing remediation in accordance with the requirements of Chapter 62, a VRP may submit a written request for a no further action (NFA) or case closure letter as set forth in § 6210. Upon approval, a case closure or no further action letter, as appropriate, shall be issued to the responsible party with a copy to the VRP or to a VRP who has assumed responsible party status. Case closure may be subject to the use of the institutional controls and post closure monitoring.

DOEE may rescind any letter that is obtained through fraud or misrepresentation. DOEE may offer incentives for RPs and VRPs who implement green and sustainable remediation during site assessment and corrective action as recommended by EPA. You may consult ASTM E2893 for standard guidance on greener cleanups.

Below please find an application to participate in the VRAP. For sites in both VRAP and the Voluntary Cleanup Program (VCP) for brownfields, implemented pursuant to D.C. Official Code § 8-633.01 *et seq.*, DOEE staff will try to collaborate closely to facilitate both corrective action processes. DOEE will make best efforts to review and decide upon a VRAP application within 60 days of the application. A VRAP Coordinator and LUST Case Manager are assigned to each case based on the site location and ward, and will work with the VRP towards cleanup and issuance of a NFA or case closure letter. DOEE has a list of UST contractors and known LUST contractors whom you may consult for technical assistance and cooperation with DOEE for a pre-application meeting and any follow-up communication.

**Program Eligibility**

- Has the site been listed or proposed to be listed on the National Priorities List developed by the USEPA pursuant to Title 1 of CERCLA? .....
- Is the site subject to a unilateral enforcement order under RCRA? .....
- Is the site subject to an enforcement order for corrective action pursuant to any DC regulations?.....
- Is the site in or intended to also join the DOEE Voluntary Cleanup Program for non-petroleum contaminants? Explain:.....
- Is the site impacted with non-petroleum chemicals of concern? Explain.....
- Is the source of the contamination on the site from a UST? .....
- Was the release caused by gross negligence or willful misconduct by the applicant? .....
- Is the applicant a responsible party or potential responsible party (i.e. owner/operator of the USTs, current property owner if the owner or operator cannot be found or is insolvent or neighboring land owner where there is contamination? .....

If you answered YES to any of the questions above, provide details on additional paper and contact the DOEE UST Branch for guidance at telephone #: 202-535-2326 or by email to doee.ust@dc.gov.

**I. LUST Property**

Property Name \_\_\_\_\_

DOEE LUST #: \_\_\_\_\_ Responsible Party Name: \_\_\_\_\_

Property Address \_\_\_\_\_

City \_\_\_\_\_ Quadrant \_\_\_\_\_ Zip Code \_\_\_\_\_ Ward \_\_\_\_\_

Parcel #: \_\_\_\_\_ SSL: \_\_\_\_\_ Acres: \_\_\_\_\_

**GIS data:** Collection point: \_\_\_\_\_ Latitude: \_\_\_\_\_ Longitude: \_\_\_\_\_

**II. APPLICANT**

VRP Organization/Company Name \_\_\_\_\_

Parent Company Name: \_\_\_\_\_

Type of Entity     Private Business     Non-Profit Organization     Federal Government  
 DC Government     International Organization     Other

Relationship to Property  
 Owner     Operator     Prospective Purchaser     Developer     Other \_\_\_\_\_

Contact Name \_\_\_\_\_ Title \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_ E-mail \_\_\_\_\_

**III. CO-APPLICANT** (if any)

VRP Organization/Company Name \_\_\_\_\_

Parent Company Name: \_\_\_\_\_

Type of Entity  Private Business  Non-Profit Organization  Federal Government  
 DC Government  International Organization  Other

Relationship to Property  
 Owner  Operator  Prospective Purchaser  Developer  Other \_\_\_\_\_

Contact Name \_\_\_\_\_ Title \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_ E-mail \_\_\_\_\_

**IV. Applicant's Interest in the Property**

\_\_\_\_\_ Intends to develop site for personal or business reasons

\_\_\_\_\_ Intends to conduct an investigation of site prior to acquisition or development

\_\_\_\_\_ A neighboring property owner who was unable to obtain relief from the responsible party.

**V. Current Property Owner** (if different from the above)

Contact Name \_\_\_\_\_ Title \_\_\_\_\_

Organization/Company Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_ E-mail \_\_\_\_\_

**VI. Current Property Use**

\_\_\_\_\_ Residential  Undeveloped/Vacant  
\_\_\_\_\_ Industrial  Inactive/Idle  
\_\_\_\_\_ Commercial  Abandoned  
\_\_\_\_\_ Mixed Use  Other (explain)

Recorded Deed restrictions on the property (Y/N) If, Yes, explain \_\_\_\_\_

At least one site map/tax map information identifying site boundaries is attached to the application (required).

Provide a brief description of any other identifying information that will serve to clearly and concisely identify the property.

\_\_\_\_\_

\_\_\_\_\_

**VII. Proposed Future Property Use (Zoning Approval is needed)**

- Residential  Agricultural
- Mixed (Commercial and Residential is considered residential, which is most conservative)
- Commercial  Industrial
- Unlimited  Recreational/Park/School
- Undetermined  Other \_\_\_\_\_

Proposed Construction/Remediation Start Date \_\_\_\_\_

Description of Future Use \_\_\_\_\_ Occupancy Date \_\_\_\_\_

**VIII. Legal Right to Perform Work at the Property**

One of the following forms of proof of the applicant’s legal right to perform the work required is attached to the application:

- Property Deed  Property Access Agreement  Lease/Rental Agreement  Under Contract to sell/purchase, settlement date.....
- Mortgage/Trust/other security interest  Other.....

**IX: Financial Responsibility**

Please briefly describe the applicant’s capabilities to successfully complete the voluntary remediation and satisfy any contractual obligation entered into by the applicant that relate to the VRAP.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

One or more of the following mechanisms of proof applicant’s financial capability is attached to the application:

- Letter of Credit from a financial institution  Surety Bond and Standby Trust Fund
- Private Trust Fund  Other \_\_\_\_\_

Is a party other than the applicant providing the proof of financial capability?

- No
- Yes – Please explain/validate relationship to applicant.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**X: OTHER KEY CONTACTS**

**1. Environmental Consultant:**

Contact Name \_\_\_\_\_ Title \_\_\_\_\_

Organization/Company Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_ E-mail \_\_\_\_\_

**Technical Capabilities/Experience:**

Has the Consultant previously managed DC VRAP projects?

Yes. List the 3 most recent projects that the consultant has managed

VRAP#	LUST #	Facility Address	Case Closed

No. Provide a brief description of any experience applicable to this project.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**2. Project Manager:**

Name \_\_\_\_\_ Title \_\_\_\_\_

Organization/Company Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_ E-mail \_\_\_\_\_

**3. VRAP Attorney:**

Contact Name \_\_\_\_\_ Title \_\_\_\_\_

Firm/Company Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_ E-mail \_\_\_\_\_

**XI: Confidentiality Claim**

Information obtained by DOEE for the VRAP is available to the public through FOIA file reviews and online access, unless the applicant demonstrates that information or parts thereof, if made public would divulge methods, processes, or activities entitled to protection as trade secrets (any information protected from disclosure under DC Code.

Applicant asserts a confidentiality claim                       Applicant does not assert a confidentiality claim

If asserting a confidentiality claim, please specify the items for which confidentiality is being claimed.

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**XII. Statement of Certification:**

I hereby certify under law that the information provided in this application is, to the best of my knowledge and belief, true, accurate and complete. I acknowledge that all the information on environmental conditions relevant to the site and known to the Applicant is included in this application. By signing below, I agree to pay the fee for this application and DOEE service costs and to follow any directives issued by or agreement reached with the Department, pertaining to preliminary investigation prior to remediation; remediation of the facility or site; and to be liable for satisfactorily completing all corrective action pursuant to the applicable provisions of Chapter 61 and Chapter 62 of Title 20 of the District of Columbia Municipal Regulations.

**Applicant**

**Printed Name** \_\_\_\_\_

**Title** \_\_\_\_\_

**Signature** \_\_\_\_\_

**Date** \_\_\_\_\_

**Co-Applicant**

**Printed Name** \_\_\_\_\_

**Title** \_\_\_\_\_

**Signature** \_\_\_\_\_

**Date** \_\_\_\_\_



**XIII. Attachments Checklist**

Please indicate the items attached to the application:

- |   |   |
|---|---|
| <input type="checkbox"/> Application Cover Letter                                 | <input type="checkbox"/> Site Maps  |
| <input type="checkbox"/> Application Fee  | <input type="checkbox"/> Conceptual Site Model Worksheet  |
| <input type="checkbox"/> Agreement with the Director                              | <input type="checkbox"/> Environmental Site Assessments – Phase 1, Phase 2, CSA, Investigative Report |
| <input type="checkbox"/> Access Agreement   | <input type="checkbox"/> UST/LUST Directive (s)   |
| <input type="checkbox"/> Proof of legal right to perform work required, e.g. deed | <input type="checkbox"/> Development plan/schedule  |
| <input type="checkbox"/> DC Business License/Certificate                          | <input type="checkbox"/> Photos of Property   |
| <input type="checkbox"/> Proof of Financial Responsibility                        | <input type="checkbox"/> Others _____   |
| <input type="checkbox"/> Corrective Action Plan/V-RAP                             |   |
| <input type="checkbox"/> QA/QC/Health & Safety Plans                              |   |

Please contact the respective DC Government Agencies regarding:

- ZONING** – DCOZ, DCRA, etc.
- PERMITS** – DCRA, FEMS, DOEE-WQD, etc.
- EISF** (Environmental Impact Screening Form) – DCRA, DOEE, etc.

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**FOR DOEE OFFICIAL USE ONLY**

Documents Received by Name: \_\_\_\_\_ Date: \_\_\_\_\_

Fee Paid:  YES  NO Amount Paid: \_\_\_\_\_ Method:  Check  Wire  Credit Card

Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Resubmit \_\_\_\_\_ Date: \_\_\_\_\_

Additional Information Required, if any:

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Other Comments/updates:

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Inspector/Case Manager: \_\_\_\_\_

UST Branch Chief: \_\_\_\_\_

DOEE Approver's Name: \_\_\_\_\_

Signature: \_\_\_\_\_