

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



Toxic Substances Division

Underground Storage Tank Branch

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

Dear Sir/Madam:

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 Chapter 6213, the Department of Energy and Environment, may permit a person, other than an owner, operator or responsible party to remediate leaking underground storage tanks (LUST) facilities or sites. A VRAP party is therefore, "a person who is not a responsible party, who takes a correction action at a LUST site or facility."

The protection of human health and 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 VRAP party, often a potential owner/developer of petroleum contaminated property or an affected neighboring property owner, to remediate the site without being named 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 VRAP party, but the entire District as well. If successfully remediated, which is recognized 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's grandeur from previously unknown or unmanaged petroleum releases.

Enclosed, please find an Application Package for the Voluntary Remediation Action Program, along with the associated District of Columbia Regulations under 20 DCMR Chapters 55-70, revised August 21, 2009. Should you have any questions regarding this application package or any other issues related to this Program, please do not hesitate to contact our office at (202) 535 2600, fax (202) 535 1383 or email, ust.ddoe@dc.gov.

Sincerely,

Fianna Phil, Chief

Underground Storage Tank Branch

Enclosures: VRAP Application Form (§20 DCMR 6213.2 (a & b)
Agreement with the Department (§20 DCMR 6213.2 (c)
Financial Responsibility (§20 DCMR 6213.2 (d)
Access Agreement (§20 DCMR 6213.2 (e)

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Energy and Environment



Toxic Substances Division

Underground Storage Tank Branch

VOLUNTARY REMEDIATION ACTION PROGRAM (VRAP)

The DOEE Director may permit a person, other than an owner, operator or responsible party to remediate leaking underground storage tanks (LUST) facilities or sites in accordance with the provisions of this Subtitle 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:

- (1) Proof that the application satisfies 20 DCMR §§ 6213.1 (a, b or c)
- (2) A statement of interest in undertaking corrective action at a facility or site;
- (3) Agreement to follow any directives issued by, or agreements reached with the Director pertaining to preliminary investigation prior to remediation, remediation of the facility of site and to be liable for satisfactorily completing all corrective actions pursuant to the applicable provisions of Chapters 61 and 62.
- (4) Financial responsibility to satisfactorily complete the remediation; and
- (5) A copy of a written access agreement or any other agreement, which permits access to the facility site or the property.

Upon receiving a Voluntary Remediation Action Request the Director shall evaluate the request and may, in his or her discretion, approve or deny the request. If approved, the Director shall issue a “Voluntary Remediation Action Program Letter”, which shall authorize the Voluntary Remediating Party (VRP) to begin the remediation process.

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

- (a) The responsible party of the voluntary remediating party (VRP) submitted false or misleading information to the Director in the Responsible Party Transfer Request;

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- (b) The voluntary remediating party 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.

A voluntary remediating party shall be liable for all work performed at the facility or site and shall only be required to perform the work agreed upon with the Director.

A voluntary remediating party, as described in §§ 6213.2 (b) or (c), other than a VRP who has released the original responsible party and assumed responsible party status in accordance with 6213.4, may cease corrective action activities at the facility or site prior to complete remediation of the facility of site and incur no liability, other than liability pursuant to §6213.5 provided the voluntary remediating party:

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

After completing remediation in accordance with the requirements of Chapter 62 a VRP may submit a written request for a no-further-action or case closure letter as set forth in §6211. Upon the Director's 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.

The Director may issue the following types of letters under the circumstances described in this section:

- (a) A "Responsible Party Transfer Letter" which shall authorize a VRP to take corrective action in place of the responsible party and, at the request of the VRP, may release the responsible party from liability subject to the conditions in subsection 6213.5.
- (b) An "Innocent Neighboring Property Owner Letter", informing an innocent neighboring property owners that he or she may proceed to take corrective action under the discretion of the Department without incurring responsible party liability.
- (c) A "Site Condition Letter" that informs an interested party of the present regulatory status of a particular LUST site or a neighboring property.
- (d) A "No Further Action" or "Case Closure Letter" upon compliance with the requirements of §6211.

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The Director may rescind any letter that is obtained through fraud or misrepresentation.

For further information please contact:

The Underground Storage Tank Program

Department of Energy and Environment

Email: ust.doe@dc.gov / fianna.phill@dc.gov

Tel: 202-535-2600, Fax: 202-535.1383

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 this form by mail or in-person to:

Chief, Underground Storage Tank Program
1200 First Street N.E, 5th Floor, Washington D.C. 20002
Telephone: 202-535-2600 Fax: 202-535-1383
Website: www.green.dc.gov, Email: ust.doe@dc.gov

1. LUST Property

Property Name _____

Address _____

City _____ Quadrant _____ Zip Code _____

11. APPLICANT

Contact Name _____ Title _____

Organization/Company Name _____

Mailing Address _____

City: _____ State: _____ Zip Code _____

Telephone _____ Fax _____ E-mail _____

111. Current Property Owner

Contact Name _____ Title _____

Organization/Company Name _____

Mailing Address _____

City: _____ State: _____ Zip Code _____

Telephone _____ Fax _____ E-mail _____

IV. OTHER CONTACTS

Consultant:

Contact Name _____ Title _____

Organization/Company Name _____

Mailing Address _____

City: _____ State: _____ Zip Code _____

Telephone _____ Fax _____ E-mail _____

Project Manager:

Name _____ Title _____

Organization/Company Name _____

Mailing Address _____

City: _____ State: _____ Zip Code _____

Telephone _____ Fax _____ E-mail _____

V. 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.

VI. Current Property Use

- _____ Residential
- _____ Industrial
- _____ Commercial
- _____ Undeveloped
- _____ Inactive
- _____ Abandoned

Other (explain) _____

VII. Future Property Use (Zoning Approval is needed)

- _____ Unlimited
- _____ Commercial/Industrial
- _____ Undetermined

Please contact the respective DC Government Agencies regarding:

- ZONING
- EISF (Environmental Impact Screening Form). This has to be reviewed and approved by DDOE.

I hereby acknowledge that the information provided in this application is to the best of my knowledge, accurate and complete. In signing this document, I agree to follow any directives issued by or agreement reached with t, The Director 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.

Printed Name _____

Title _____

Signature _____

Date _____

FOR OFFICIAL USE

Documents Received by: _____ Date: _____

Approved _____ Not Approved _____ Resubmit _____ Date: _____

Additional Information Required, if any:

Other Comments/updates:

Inspector/Case Manager: _____

UST-LUST Branch Chief: _____

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Energy and the Environment
Toxic Substances Division **Underground Storage Tank Branch**



VOLUNTARY REMEDIATION ACTION PROGRAM
AGREEMENT WITH THE DEPARTMENT

The Director may permit a person, other than an owner, operators or responsible party to remediate leaking underground storage tanks (LUST) facilities in accordance with the provisions of this Subtitle provided that the person:

- (a) Intends to develop a LUST facility for personal or business reasons;
- (b) Intends to conduct a phased investigation of a LUST facility or site conditions
- (c) prior to acquisition or development of a LUST facility or site;

Person who wishes to voluntary remediate shall submit a Voluntary Remediation Action Program application to the Director along with the following options as required under Sections 6213.2(c.), 6213.4 thru 6213.6, where applicable, **please check mark one:**

_____ Whereby a Voluntary Remediating Party (VRP) agrees to perform assessment and remediation, as required under 20 DCMR Chapter 62 and its subsections. A “Responsible Party Transfer Letter” will be issued by this office per section 6213.8(a). This shall authorize a VRP to take corrective action in place of a responsible party.

OR

_____ Whereby a Voluntary Remediating Party (VRP) agrees to person assessment and remediation, both on and off-site as required under 20 DCMR, Chapter 62 and its subsections. The VRP may not release the responsible party from previously incurred or potential future liability.

OR

_____ Whereby a Voluntary Remediating Party (VRP) agrees to perform assessment and remediation onsite as required under 20 DCMR Chapter 62 and its subsections. The VRP may not release the responsible party from previously incurred or potential future liability.

The Voluntary Remediating Party is liable for satisfactory completion of all correction action agreed upon with the Director as per the provisions of Chapter 61 and 62.

By: _____
Voluntary Remediating Party (VRP)

by: _____
Responsible Party (RP)/Owner

Date: _____

Date: _____

Name: _____

Name: _____

Address: _____

Address: _____

“APPROVED”

Signature: _____ Name: _____
Chief, Underground Storage Tank Program

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Toxic Substances Division

Underground Storage Tank Branch

**CERTIFICATION OF FINANCIAL RESPONSIBILITY
FOR VRAP APPLICANTS**

_____ hereby certifies compliance with the financial responsibility (Voluntary
Remediating Party) requirements of 20 DCMR Chapter 67.

The financial assurance mechanism(s) used to demonstrate financial responsibility under chapter 67
of this title are as follows:

Type of mechanism _____

Name of issuer _____

Mechanism number (if applicable)

Amount of coverage _____

Effective period of coverage _____

Whether mechanism covers “taking corrective action” or compensating third parties for bodily injury
and property damaged caused by either “sudden accidental releases” or “non-sudden accidental
releases.”

Signature of VRP: _____

Name of VRP: _____

Title: _____

Date: _____

Signature of witness or notary: _____

Name of witness or notary: _____

Date: _____

The VRP must update this certification whenever the financial assurance mechanism(s) used to
demonstrate financial responsibility changes(s).

ACCESS AGREEMENT

This Access Agreement (“Agreement”) is made by and between _____ (“Owner or Responsible Party (RP)”) and _____ the Voluntary Remediating Party (VRP).

WHEREAS, Owner or RP has agreed to allow the VRP, its employees, agents, servants, contractors and subcontractors to enter Owners’ property located at _____ in _____ (print full address), for the sole purpose of developing a LUST facility for personal or business reasons and conducting certain testing more particularly described herein, to determine the presence or absence of petroleum hydrocarbons constituents in the facility; and

WHEREAS, the parties desire to enter into this Agreement to memorialize the terms regarding such access.

AGREEMENT

Now, therefore, Owner or the RP and the VRP agree as follows:

1. The recitals above are made a part of this Agreement.
The VRP and its employees, agents, servants, contractors and subcontractors shall be permitted to enter the RP or Owner’s property for the sole purpose of developing the property for personal or business reasons and conducting environmental sampling activities.
2. The access granted by this Agreement begins on the date this Agreement is signed by both parties.
3. By signing this Agreement Owner and RP gives the VRP and its employees, agents, servants, contractors and subcontractors the right to enter onto the property for the reasons previously indicated.
4. The VRP shall be liable for all work performed at the site or facility and shall only be required to perform the work agreed upon with the DOEE Director. After completing remediation of the site in accordance with the requirements of 20 DCMR Chapter 62, a VRP may submit a written request for a no-further-action or case closure letter as set forth in Section 6211. Upon The Director’s approval, a Case Closure or No-Further-Action letter, VRP as appropriate shall be issued to the responsible party with a copy to the VRP or to a VRP who has assumed full responsible party status.
This agreement shall be governed in accordance with the laws of the District of Columbia.
5. By entering into this Agreement, neither the VRP nor the Owner/RP waives any rights, remedies, or defenses they may have under applicable law.
This Agreement may only be modified in a writing that is signed by all parties.

IN WITNESS WHERE OF, the parties hereto have caused this Agreement to be executed as of the date and year herein written.

By: _____
Voluntary Remediating Party (VRP)

by: _____
Responsible Party (RP)/Owner

Date: _____

Date: _____

Name: _____

Name: _____

Address: _____

Address: _____