

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Energy and the Environment**



Toxic Substances Division

Underground Storage Tank Branch

VOLUNTARY REMEDIATION ACTION PROGRAM (VRAP)

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 in accordance with the provisions of 20 DCMR § 6212 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 or 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.

A person who wishes to voluntarily remediate a LUST facility or site shall submit an application to DOEE that contains the following information:

- (1) Proof that the application satisfies 20 DCMR § 6212.1;
- (2) A statement of interest in undertaking corrective action at a facility or site;
- (3) Evidence of financial responsibility to satisfactorily complete the remediation using any mechanism in § 6701;
- (4) A copy of a written access agreement or other document that permits the applicant to access the site;
- (5) An application fee as specified in § 5605, currently \$5,000 unless reduced for sites using green and sustainable remediation;
- (6) Any available documentation demonstrating that the applicant is not a responsible party; and
- (7) Proof that the applicant, if a business entity, is a registered business in the District of Columbia.

Upon receiving a VRAP application, DOEE will evaluate the request and may, in its discretion, approve or deny the application. If approved, DOEE issues a “Voluntary Remediation Action Program Letter,” which authorizes the Voluntary Remediating Party (VRP) to begin the remediation process.

The VRP, may at its discretion, may enter into an agreement to release the responsible party or parties from liability. A VRP who wishes to assume responsible party status shall submit a Responsible Party Transfer Request to the Director. A release granted to a responsible party

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Energy and the Environment



shall provide that the release may be voided by the DOEE under the following circumstances:

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

A VRP shall be liable for all work performed at the facility or site and shall only be required to perform the work agreed upon with DOEE.

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

- (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 facility or site; and
- (c) Stabilizes the facility or site by properly backfilling any excavations, properly securing or abandoning any monitoring wells, and taking any other actions required to secure the facility or site as determined by DOEE.

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 § 6210. Upon DOEE'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 6212.4;
- (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;

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Energy and the Environment



- (c) A “Site Condition Letter” that informs an interested party of the present regulatory status of a particular LUST site or a neighboring property; and
- (d) A “No Further Action” or “Case Closure Letter” upon compliance with the requirements of § 6210.

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 the Environment
Email: ust.doe@dc.gov / fianna.phill@dc.gov
Tel: 202-535-2600, Fax: 202-535.1383
Website: www.doe.dc.gov
