

CHAPTER 208
Voluntary Action Programs

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CROSS REFERENCES

Solid and hazardous wastes - see Ohio R.C. Ch. 3734

Environmental Protection Agency - see Ohio R.C. Ch. 3745

Voluntary action programs generally - see Ohio R.C. Ch. 3746

Environmental Commission - see ADM. Ch. 274

Safety, sanitation and health - see GEN. OFF. Ch. 660

208.01 FINDINGS; INTENT.

(a) There may be contaminated sites within the Village that will be remediated under the State's Voluntary Action Program.

(b) It is in the interests of the Village that the community have access to information regarding environmental conditions in the Village.

(c) It is in the interests of the Village that the community have the opportunity to comment on decisions that may affect the public health, safety and welfare, including decisions that may affect the local environment, the properties of residents and the integrity of the Village's groundwater.

(d) It is the intent of the Village to protect the public health, safety and welfare.
 (Ord. 99-6. Passed 8-2-99.)

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208.02 DEFINITIONS.

It is the intent of this chapter to adopt the same definitions and interpretations as are set forth in the Ohio Revised Code.

(Ord. 99-6. Passed 8-2-99.)

208.03 NOTIFICATION TO VILLAGE OF VOLUNTARY ACTION.

(a) Any time a person undertaking a voluntary action pursuant to Ohio R.C. 3746.10(A)(1), (2) or (3) identifies the existence of contamination by hazardous substances or petroleum above background levels, as defined by Ohio R.C. 3746.01, of soil, sediments, surface water or ground water, on or underlying property where the voluntary action is applicable, the person responsible for the voluntary action will notify the Village Manager. Notification shall include the address of the property where the voluntary action is occurring and identification of the hazardous materials and their concentrations.

(b) Any person undertaking a voluntary action pursuant to Ohio R.C. 3746.10(A)(4), (5) or (6) shall notify the Village Manager before undertaking any such voluntary action. Notification shall include a copy of all information collected during the phase I property assessment as specified by Ohio R.C. 3746.04(B)(3) and rules adopted thereunder and the phase II property assessment as specified by Ohio R.C. 3746.04(B)(4) and rules adopted thereunder.

(c) Any person who proposes to enter into, is participating in or has participated in a voluntary action as defined by Ohio R.C. 3746.01(O) who applies to the Director of the Ohio Environmental Protection Agency for a variance pursuant to Ohio R.C. 3746.09 shall, at the same time, file a copy of the variance application with the Village Manager.

(d) Any time a certified professional is required to notify the Director of Environmental Protection under Ohio R.C. 3746.071(B)(1)(c), the certified professional shall, at the same time, notify the Village Manager when the situation is sufficiently important as referred to in Ohio R.C. 3746.071(B)(1)(c).

(e) Any time a certified professional prepares a summary report pursuant to Ohio R.C. 3746.11(C), the certified professional shall immediately upon its completion file a copy of the same with the Village Manager, including all of the information that is required by Ohio R.C. 3746.11(C).

(f) Any time a certified professional files a "no further action" letter with the

Ohio Environmental Protection Agency pursuant to Ohio R.C. 3746.11, the certified professional shall, at the same time and in the same manner, file a copy of the same with the Village Manager, including all information that is required by Ohio R.C. 3746.04(B)(7) and rules adopted thereunder.

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(g) Any time a person makes a notification or filing with the Village Manager in accordance with this chapter, the notification or filing shall be in writing, dated and hand-delivered or sent by certified mail.

(Ord. 99-6. Passed 8-2-99.)

208.04 PUBLIC MEETING.

(a) Any time the Village Manager receives notification pursuant to Section 208.03, whether such notification is from the owner or a certified professional, Council may elect to hold a public meeting on the issues presented in said notification. In any case in which the notification includes a summary report or "no further action" letter pursuant to Section 208.03(e) or (f), the Village shall hold a public meeting within thirty days of such notification.

(b) At least fourteen days prior to the meeting, the Village Manager or his or her designee shall give written notice of the meeting to all abutting neighbors of the property where the voluntary action has occurred or is occurring, and shall publish notice of the meeting in at least one newspaper of general circulation within the Village. Documents that have been submitted to the Village pursuant to this chapter shall be made available for public review fourteen days in advance of the public meeting.

(c) Council shall run the public meeting. Public questions or comments at the public meeting shall be formally recorded. Written public comments sent to the Village Manager or his or her designee within fourteen days of the public meeting shall be part of the formal record. A copy of the formal record shall be forwarded by the Village Manager or his or her designee to the Ohio Environmental Protection Agency.

(Ord. 99-6. Passed 8-2-99.)

208.05 REVIEW OF CLEAN-UP STANDARDS.

(a) Any time a person undertakes a voluntary action pursuant to Ohio R.C. 3746.10(A)(4), (5) or (6) that has an applicable clean-up standard that will allow contamination with hazardous substances or petroleum at concentrations in excess of background levels, the proposed standard shall be submitted for review to Council, as set forth in this section. Before undertaking a voluntary action, a certified professional shall submit to the Village Manager, in writing, the following information: the chemicals, concentrations and extent of the contamination; the applicable standard for each chemical; scientific information supporting the applicable standards; and justification for the selected remediation and standards.

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(b) Any time a person undertakes a voluntary action pursuant to Ohio R.C. 3746.10(A)(2) or (3) and identifies contamination with hazardous substances or petroleum at concentrations in excess of background levels and determines that no remedy is needed to meet applicable standards, the certified professional shall submit to the Village Manager, in writing, the following information at the time when the determination is made that no remedy is needed: the chemicals, concentrations and extent of the contamination; the applicable standard for each chemical; scientific information supporting the applicable standards; and justification for the selected remediation and standards.

(c) Council shall review the information submitted and, within sixty days, shall hold a public hearing. Council will determine the need for any further action as the result of its assessment of the information reviewed and any additional information gathered at the public hearing.

(Ord. 99-6. Passed 8-2-99.)

208.06 NOTIFICATION OF OFF-SITE CONTAMINATION.

If groundwater emanating from the property where a voluntary action has occurred or is occurring is contaminated with hazardous substances or petroleum at concentrations in excess of background levels, the person undertaking the voluntary action shall immediately notify, by certified mail, the Village Manager and the property owner(s) onto or under whose property the contamination has or is reasonably anticipated to have migrated. Notification shall include the location and description of the property where the voluntary action has occurred or is occurring, and the chemicals and concentrations that have or are reasonably anticipated to have migrated onto or under the affected properties.

(Ord. 99-6. Passed 8-2-99.)

208.99 PENALTY.

Whoever violates Section 208.03, 208.05(a) or (b) or 208.06 is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00). For a second violation of the same offense, such person is guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than thirty days, or both. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 99-6. Passed 8-2-99.)