



Voluntary Remediation Program Roadmap to Closure

A Note from the Branch Chief

In 2024, the Remediation Services Branch rolled out the “Go Fast” initiative to increase stakeholder communication to accelerate project timelines. A core tenet of “Go Fast” is implementing a well-defined and collaborative project framework with the intention of expediting the timeline for the investigation, remediation, and environmentally sound closure of projects.

No two remediation projects are the same, and closure paths may be different for responsible parties or property owners. By offering participants this accelerated path to closure, the Remediation Services Branch and external stakeholders will be able to better allocate resources to sites in both the Voluntary Remediation Program as well as the State Cleanup Program. This streamlined “Go Fast” process results in time and cost savings for all project stakeholders.

We look forward to working with you in our “Go Fast” process!

Kevin Davis ~ Remediation Services Branch Chief

Participation in the Voluntary Remediation Program (VRP) begins by submitting the **VRP Application**, which provides an initial summary of project conditions, ([State Form 47271](#)) and a \$1,000 application fee.

Following approval of the application, IDEM and the applicant enter into a **Voluntary Remediation Agreement (VRA)**:

- No later than 60 days after the VRA is executed by IDEM, the applicant shall submit a **voluntary remediation investigation plan** for agency approval. The plan will either demonstrate evidence of site delineation or detail the steps proposed to complete delineation.
- No later than two years after the VRA is executed by IDEM, the applicant shall fully determine the nature and extent of the actual or threatened release of petroleum or hazardous substances in accordance with an IDEM-approved investigation plan. The applicant shall submit an **investigation report** for review.

If the investigation report successfully demonstrates the nature and extent of contamination at the site, a **Remediation Work Plan (RWP)** needs to be submitted to IDEM. The RWP must specify the remediation objectives for the project, taking into consideration the expected future use of the site and measurable risks to human health, natural resources, or the environment.

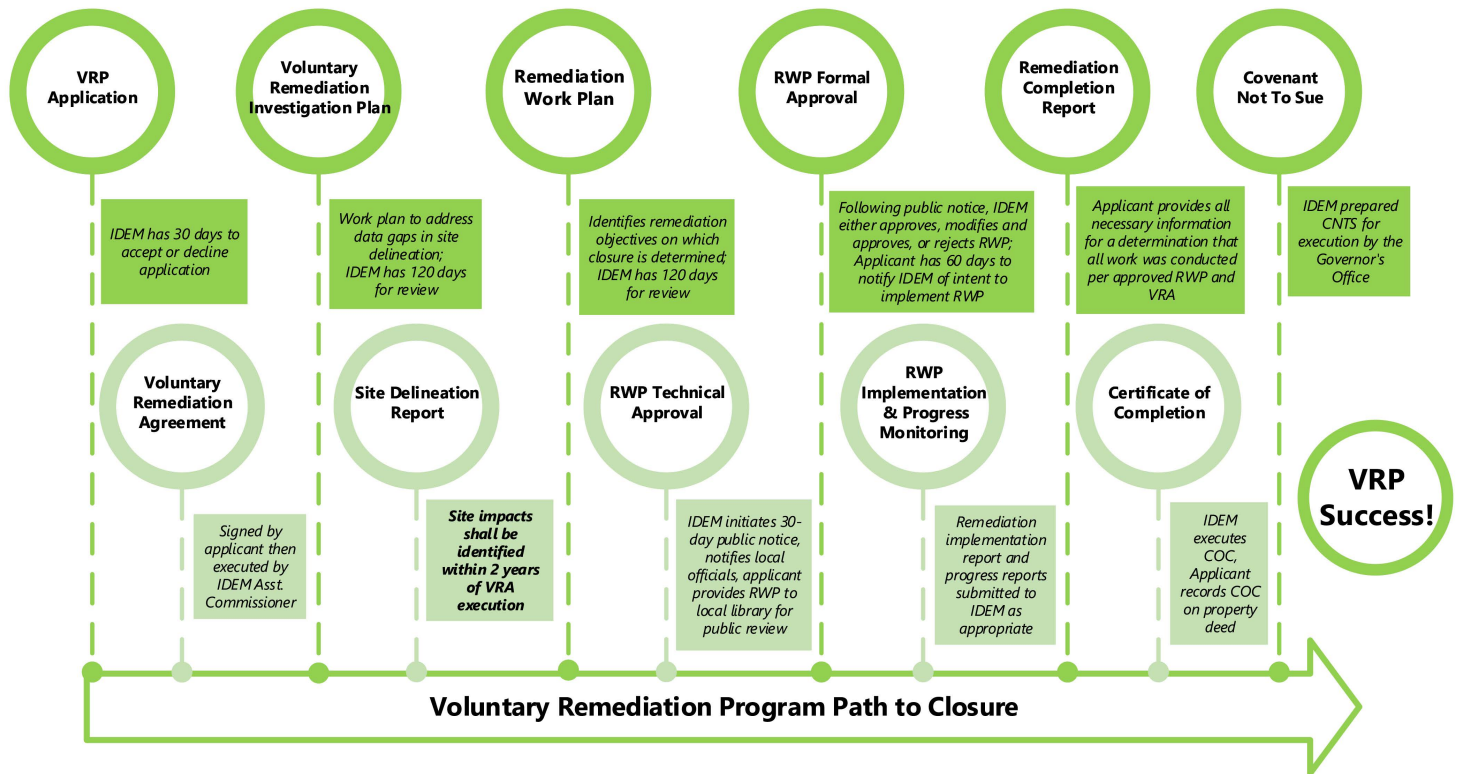
If IDEM makes a decision on the submitted RWP to meet the requirements of IC 13-25-5-8.5, IDEM may approve the RWP, approve it with modifications, or reject it. Regardless of IDEM’s decision, it will be subject to a **30-day public notice period** to allow comments from local citizens, potentially affected property owners, and local government units in the county.

After remediation work is complete, including post-remediation monitoring, the applicant shall submit a **Remediation Completion Report (RCR)** to IDEM. The RCR provides all the necessary information for determining that the work was conducted pursuant to the approved RWP and the VRA.

If IDEM approves the RCR and agrees that the objectives outlined in the approved RWP have been met, a **Certificate of Completion (COC)** will be issued. The accompanying exhibits include a summary of the site history, a list of contaminants addressed by the remediation, and a figure showing the extent of the project area. The applicant shall record the COC and its exhibits on the property deed at the County Recorder’s Office.

After IDEM receives a copy of the recorded COC and determines it was properly recorded, a **Covenant Not to Sue (CNTS)** packet will be prepared and submitted to the Governor’s Office for the appropriate signatures. The CNTS covers liability or claims resulting from the release of a hazardous substance and/or petroleum, where that release is addressed by a Remediation Work Plan approved by IDEM. IDEM will provide the applicant the CNTS after it is issued by the Governor’s Office.

NEWS and UPDATES



DID YOU KNOW?

Q: How is VRP different from State Cleanup Program (SCP)?

A: SCP uses the priority ranking system from [329 IAC 7.1](#) to prioritize sites and determine how low- and medium-priority sites are assigned SCP project managers, but low-priority sites can choose to remain in State Cleanup, pursue the Independent Closure Process (petroleum-impacted sites only), or apply to VRP. Sites where the current conditions do not constitute “an imminent and substantial threat to human health or the environment” (IC 13-25-5-5) are eligible to join VRP and pursue closure at a potentially faster pace than with SCP.

Q: Who can join VRP?

A: VRP provides a process for property owners; operators; potential purchasers; local units of government who have obtained property by default; and third parties (with appropriate site access) to

voluntarily investigate and remediate the actual or threatened release of chemicals to environmental media. Applicants are typically current or past property owners, current or past lessees, and prospective purchasers. Sites with pending enforcement actions and dangerous conditions may not be accepted.

Q: What if my project is already in the RCRA Corrective Action program?

A: A Memorandum of Understanding between U.S. EPA and IDEM Resource Conservation and Recovery Act (RCRA) Corrective Action program (Sept. 3, 2004) supports the use of the VRP (at facilities where the remediation objectives are consistent with RCRA) to implement RCRA Subtitle C Corrective Action requirements, and to facilitate brownfield redevelopment in Indiana.

HELPFUL RESOURCES

[VRP Guide](#) – Companion to the *Risk-based Closure Guide (R2)* providing additional detail of the VRP process.

[VRP Statute IC 13-25-5](#) – Active law dictating the rights and role of the Voluntary Remediation Program.

[Covenant Not to Sue Template](#) – Sample of covenant issued by the Governor's Office following successful remediation.

Q: Why would I want my project in VRP?

A: Successful completion of the VRP process can facilitate property transfers and limit future liability related to chemicals and releases addressed in the voluntary remediation effort. VRP applicants who enter into a VRA with IDEM and successfully implement an IDEM-approved RWP receive a Certificate of Completion from IDEM and Covenant Not to Sue from the Governor's Office. These assure that the applicants and property will not become the subject of future IDEM enforcement action related to the release (subject to certain exceptions).