

## VOLUNTARY REMEDIATION PROGRAM (VRP)

Updated: October 26, 2022

### Instructions for: Making a Request for No Further Action (NFA) Determination

*These instructions are designed to clarify the requirements of Arizona Revised Statutes (A.R.S.) § 49-181. Please review the statute in its entirety at [azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/49/00181.htm](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/49/00181.htm)*

Upon achieving the remedial goals of the project, a Volunteer may request a determination of No Further Action (NFA) by fulfilling the requirements of A.R.S. § 49-181(A) and submitting a report to the VRP. This report is known as the “NFA Report”. Please work with your VRP project manager to ensure these requirements are met satisfactorily, especially as they relate to site-specific requirements.

- Send your VRP PM the NFA Report. The NFA Report is a summary document that addresses the seven (7) statutory requirements of A.R.S. § 49-181(A), and other items listed below. If a component is not applicable to the Site, state “not applicable” for that statutory requirement. Please use the fillable PDF form to complete the NFA Report. The fillable PDF form is located in the Forms sidebar at: [azdeq.gov/VRP](http://azdeq.gov/VRP). The completed NFA Report PDF, with all necessary attachments, may be emailed to your VRP PM.
  1. A.R.S. § 49-181(A)(1): A description of the specific contaminants for which an NFA determination is being sought.
    - List all contaminants for *each* media for which an NFA is sought. The contaminant must have a regulatory standard (e.g. Soil Remediation Level, Aquifer Water Quality Standard) to be included in the NFA.
  2. A.R.S. § 49-181(A)(2): A description of the action(s) taken to achieve remediation levels or controls.
  3. A.R.S. § 49-181(A)(3): A description of any soil, water, or soil and water treatment system(s) used as part of the remediation.
  4. A.R.S. § 49-181(A)(4): Whenever institutional or engineering controls are placed on the site:
    - a. A demonstration that any engineering control or combination of engineering controls has been constructed, is functioning, and will be maintained.
    - b. A description of the proposed land use for the site and a demonstration that the use will not compromise the integrity of the engineering controls and will be in accordance with any institutional controls.
  5. A.R.S. § 49-181(A)(5): If post-remediation monitoring is proposed, a description of the type of monitoring, monitoring locations, contaminants to be monitored, monitoring frequency, and sampling procedures.
  6. A.R.S. § 49-181(A)(6): A description of community involvement activities.
    - List all community involvement activities performed at the Site throughout the project *in addition* to the upcoming public notice for the NFA Report. List the name of the newspaper where it will be published.
  7. A.R.S. § 49-181(A)(7): A list of permits obtained for the remedial action(s) or held by the applicant pertaining to the site.

8. A draft NFA Public Notice.

9. A list of stakeholders who have been identified to receive direct notice of the NFA public comment period.

10. A scaled, clearly defined, and labeled site map with the NFA area(s). The NFA will only be applicable for area(s) of the Site with complete characterization and/or remediation.

- The PM will review the NFA Report and contact you if revisions are needed. If no revisions are needed, the PM will send you an email approving the public notice for publication.
  - The notice must be published in a newspaper of general circulation local to the Site.
  - If the newspaper is published daily, the notice must be published for at least one (1) day. If the newspaper is published weekly, the notice must be published twice.
- Once you know the date the public notice will be published, send your PM an email at least three (3) days in advance of the date(s) of publication so he/she will know when the 30-day comment period begins and have a record for the VRP file. The VRP will also post the Public Notice on ADEQ's website, coinciding with its appearance in the local newspaper.
- After the 30-day public comment period is over, your PM will notify you if any comments were received. If any comments were received, you will work with your PM to address the comments.
- After the 30-day public comment period is over, send the following to your PM:
  - Affidavit of Publication (provided by the newspaper)
  - Geographic Information System boundaries for the NFA/CNFA area(s)
    - Find the instructions at: [static.azdeq.gov/wqd/vrp/gis\\_boundaries\\_nfa.pdf](http://static.azdeq.gov/wqd/vrp/gis_boundaries_nfa.pdf)
- The PM will send you the Certification for NFA/CNFA form to digitally sign through DocuSign. Once you apply your signature, DocuSign will return it to the PM. DocuSign will provide all parties a copy of the signed form.

Upon satisfactory completion of the above, the VRP will issue the NFA Determination letter.

- Be sure to discuss your VRP account balance with your PM. In accordance with Arizona Administrative Code R18-7-507(E) ([apps.azsos.gov/public\\_services/Title\\_18/18-07.pdf](http://apps.azsos.gov/public_services/Title_18/18-07.pdf)), the VRP is unable to issue NFA determinations until VRP account balances are paid in full.