

## VOLUNTARY REMEDIATION PROGRAM (VRP)

Updated: November 1, 2024

### Instructions for: Making a Request for Conditional No Further Action (CNFA) 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 Conditional No Further Action (CNFA) by fulfilling the requirements of A.R.S. § 49-181(A) and submitting a report to the VRP. This report is known as the “CNFA Report.” In addition, a Declaration of Environmental Use Restriction (DEUR) Questionnaire must be completed and submitted with the CNFA Report. Please work with your VRP project manager (PM) and/or the ADEQ DEUR Coordinator to ensure these requirements are met satisfactorily, especially as they relate to site-specific requirements.

- The DEUR Coordinator will send you a DEUR Questionnaire to assist in drafting the DEUR document. Complete the DEUR Questionnaire and return it to the DEUR Coordinator. The DEUR Coordinator will draft the DEUR document and provide it to you for preliminary review.
- Send your VRP PM the CNFA Report. The CNFA 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 CNFA Report. The fillable PDF form is located in the Forms sidebar at: [azdeq.gov/VRP](http://azdeq.gov/VRP). The completed CNFA 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 a CNFA determination is being sought.
    - List all contaminants for *each* media for which a CNFA is sought. The contaminant must have a regulatory standard (e.g. Soil Remediation Level, Aquifer Water Quality Standard) to be included in the CNFA.
  2. A.R.S. § 49-181(A)(2): A description of the action(s) taken to achieve remediation levels or controls.
    - Action taken could include sampling, active remediation, a Declaration of Environmental Use Restriction or others to meet applicable standards (e.g. Soil Remediation Level, Aquifer Water Quality Standard)
    - If soil vapor samples were collected at the Site, description of the conversion of vapor concentrations to mass-based concentrations and comparison to Soil Remediation Levels and Groundwater Protection Levels should be included as evidence that the actions taken achieved the 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 CNFA 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. Area of land remediated in acres.
  - 9. Volume of soil remediated in cubic yards or
  - 10. Mass of COCs removed from soil in pounds.
  - 11. Volume of groundwater remediated in gallons.
  - 12. Mass of COCs removed from groundwater in pounds.
  - 13. A list of stakeholders who have been identified to receive direct notice of the CNFA public comment period.
  - 14. A scaled map with clearly defined and labeled CNFA area(s). The CNFA area(s) will only be applicable for area(s) of the Site with complete characterization and/or remediation.
- The PM will review the CNFA Report and contact you if revisions are needed. If no revisions are needed, the PM will send you an email with the CNFA public notice attached for publication.
    - Note that two areas of the CNFA public notice will have blank dates that will be filled in by the Volunteer once the publishing date is known (see bullet below).
    - 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.
    - In accordance with A.R.S. § 49-176(A)(3), the notice must be provided to:
      - Affected water providers
      - Affected well owners
      - Local government agencies
      - Adjacent residents
      - Arizona Department of Water Resources
  - Once you know the date the public notice will be published, ensure that the dates on the public notice are changed accordingly. The first blank date corresponds to the due date of public comments, which is 45 days from the publishing date. The second blank date corresponds to the publishing date.
  - 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 45-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 45-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 45-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)
  - DEUR document signed by appropriate property owner
- Remit payment for DEUR fees. Please work with the DEUR Coordinator for payment options.
- ADEQ will sign the DEUR and return it to you for recording with the applicable county recorder's office.
- Send the DEUR Coordinator a certified copy of the recorded DEUR.
- 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 with a copy of the signed form.

Upon satisfactory completion of the above, the VRP will issue the CNFA 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 CNFA determinations until VRP account balances are paid in full.