

MEMO



TO: Voluntary Response Action Program (VRAP) Practitioners

FROM: Chris Redmond, Maine DEP VRAP Manager

DATE: August 15, 2025

SUBJECT: VRAP Programmatic Update - Only Issuing VRAP Certificates of Completion in the Future

Going forward, Maine DEP's Voluntary Response Action Program (VRAP) will only issue VRAP Certificates of Completion (COC), and will no longer issue VRAP No Further Action Assurance (NFAA) letters as final certification documents. We will continue to issue No Action Assurance (NAA) letters, when applicable. This does not affect any VRAP NFAA letters that were issued in the past, which still carry the same VRAP liability protections that they had when issued. We will not be reissuing or updating any NFAA letters that were issued in the past. This is only a process change and nothing in the VRAP statute has changed.

What is the difference between these documents?

NAA: This letter formally approves of a remedial plan, states that a COC will be issued once the physical remediation is complete, and outlines the anticipated conditions of approval in a future COC. An NAA letter does not provide VRAP liability protections, those are contained in the COC. NAA letters are generally not issued if no physical remediation is planned at a site and where risks will be managed through institutional controls. NAA letters are on normal DEP letterhead.

COC: This document acknowledges that the remediation plan approved in the NAA letter has been completed, provides the VRAP liability protections to the applicant(s), and contains any binding conditions of approval (e.g., groundwater use restrictions, environmental covenant requirement, etc.). In the future, if no NAA is issued at a site, DEP will still issue a COC as a final certification document, it just won't reference an NAA letter. COCs are on DEP Order letterhead.

NFAA: Historically, NFAA letters have been issued when there is no physical remediation completed to address the risks at a site. An example is when the risks can be managed through an Environmental Media Management Plan implemented during any future site work, maintaining already existing cover systems (e.g., pavement), or through other institutional and/or engineering controls. These letters look different than a COC but contain the same VRAP liability relief language, and provide the same legal protection as a COC. NFAA letters are on normal DEP letterhead.

Why is this change being made and when will it take effect?

- It better aligns with the VRAP statute.
- It is simpler and less confusing for VRAP applicants, consultants, attorneys, the registry of deeds, and DEP staff, and will be a more predictable process.
- The change takes effect now, unless there is a circulated draft NFAA already in review or drafted.