



## Brownfield Remediation Program Guidelines

The Brownfield Remediation Program was created to award grants for the remediation of brownfield sites throughout Ohio, to assist in the remediation of hazardous substances or petroleum at an industrial, commercial, or institutional property. Remediation includes acquisition of a brownfield, demolition performed at a brownfield, and the installation or upgrade of the minimum amount of infrastructure that is necessary to make a brownfield operational for economic development activity.

These program guidelines expand on statutory terms and requirements included in Ohio Revised Code (ORC) Sections 122.65 and 122.6511.

### Availability of Funding

Nearly \$350 million in funds are available and were provided to the Ohio Department of Development (Development) through the 2021 state biennium budget bill, House Bill 110. Funding of \$1 million will be set aside for each county in Ohio. If the minimum funds set aside per county are not obligated by June 30, 2022, funds will become available to all eligible projects. Remaining funds will be available on a first-come, first-served basis.

### Eligible Applicants

An eligible applicant is defined as a county, township, municipal corporation, port authority, or conservancy district or a park district, or other similar park authority. These entities are collectively referred to as "units of local government".

Other eligible applicants include a county land reutilization corporation, nonprofit organization, or organization for profit. These entities must have entered into an agreement with a unit of local government to work in conjunction on the project for the purposes of this program. A copy of the agreement must be provided within the application.

Entities that caused or contributed to the contamination at the property are not an eligible partner or applicant. If the entity that caused or contributed to the contamination is the property owner, a purchase agreement transferring the property to the applicant or non-liaible third party must be included in the application.

### Eligible Properties

Properties are only eligible if they meet the definition of a brownfield. A "brownfield" is defined as an abandoned, idled, or under-used industrial, commercial, or institutional property where expansion or redevelopment is complicated by known or potential releases of hazardous substances or petroleum. The contamination to be remediated is required at the subsurface level, unless remediation is needed to gain access to the subsurface contamination (i.e. building demolition) in order to contain the contaminant (i.e. asbestos abatement). If no known or potential

releases of hazardous substances or petroleum are identified by a Phase I property assessment, but a building or structure with documented asbestos is present, the property is eligible to prevent a future release during planned demolition or renovation activities.

If the property is eligible for the Ohio Environmental Protection Agency's (OEPA) Voluntary Action Program (VAP), based on the substance on the property (i.e. petroleum or other hazardous contamination vs. asbestos contamination), the funds should be used to obtain a "Covenant-Not-To-Sue" from the OEPA. Properties that contain more than one parcel are eligible to apply as one property. The parcels must be contiguous. Parcels separated only by a street, alley or railroad track are considered contiguous. Additional parcels must meet the eligibility criteria outlined above.

The applicant must demonstrate that it possesses all necessary legal access to the property to complete the project. If the property or any portions of the property are subject to a lease agreement, the application must include a copy of the lease agreement or other agreement that provides the applicant with legal access to complete the project. An asbestos survey needs to be completed and included in an application if any demolition is intended to occur on the property.

### **Eligible Costs**

Applicants may apply for funds for "Assessment" or "Cleanup/remediation".

Assessment is defined as a phase I and phase II property assessment conducted in accordance with section [3746.04](#) of the ORC and/or an asbestos survey for an asbestos abatement. The maximum award available for assessment costs is \$300,000.

Cleanup/remediation is defined as any action to contain, remove, or dispose of hazardous substances at a brownfield. This includes the acquisition (limited to 10% of the total request, not to exceed the county auditor property value) of a brownfield, demolition performed at a brownfield and the installation or upgrade of the minimum amount of infrastructure that is necessary to make a brownfield operational for economic development activity. The maximum award available for cleanup/remediation costs is \$10 million.

Administrative costs (maximum of 10% of the total request) are for costs related to submitting reimbursement requests and submitting reporting information, as requested by Development. Administrative costs must adhere to all uniform cost guidance. The costs associated with the crafting of a "No-Further Action" or CNS report and the fee to OEPA are an eligible administrative cost.

Costs related to employing a certified professional are eligible.

Prevailing Wage Rates and Labor Standards: Applicants will comply with the provisions of ORC Sections 4115.03 to 4115.16, inclusive, as applicable, with respect to the payment of all mechanics and laborers employed in construction work financed with grant funds.

Total project awards are determined at Development's discretion.

### **Ineligible Costs**

Administrative costs related to application preparation and legal counsel related to the application or project implementation are not eligible.

Costs incurred prior to the grant agreement beginning date are not eligible.

Costs related to site clearance (i.e. clearing, grubbing, removing solid waste) are not eligible.

## **Matching Funds**

For projects awarded through the dedicated county portion (\$1 million set-aside), match is not required. For projects awarded outside of the county's dedicated portion, Development can only award up to 75% of the total project cost, with a maximum award of \$10 million. Match funds are funds that are used toward equivalent eligible costs. Acceptable sources of match funds may include local government, state government, federal government and by for-profit or nonprofit entities. If applicable, applicants must maintain the required minimum percent match throughout the project. If at the conclusion of the project, financial accounting indicates that the actual cost is less than the estimated, the applicant shall refund the amount necessary to maintain funding percentages in the grant agreement. Applicants are encouraged to submit an application including match funds if available.

For the purposes of this program, future in-kind costs can be considered as an eligible expense for match. Funds that were utilized previously, within the last two years may also be used for match.

## **Application Evaluation Criteria**

Applicants shall submit one application per property. Each application will be reviewed based on information received and will be screened for completeness and eligibility. If an application is determined to be incomplete, Development will contact the applicant and the applicant will have 14 business days to provide additional information.

## **Application Process**

Each county has been provided \$1 million in dedicated funding through June 30, 2022. Development will monitor applications, and after \$1 million in awards per county have been allocated, additional funding will be awarded through the remaining statewide program funds. As mentioned above, applications awarded after the county's dedicated portion must include match funds within the application. Development can only award up to 75% of the total project cost.

In order to access the application, individuals will be required to login using an existing OH|ID or create a new OH|ID, which provides users with secure access to state of Ohio services and programs. For more information on creating an OH|ID, please click [here](#).

The application process for the program will occur in three rounds. Round one will be open upon the release of these guidelines, and the application will be available to submit until January 31, 2022. Development will review applications and award funding at the conclusion of round one. There can be more than \$1 million in requests from a county, but only the first \$1 million of awards do not require the ORC-mandated match requirements outlined above. Development will prioritize the \$1 million dedicated portion to first fund eligible projects that do not have a match available for the project.

If after the first round, the first \$1 million in awards have not been obligated, development will review what counties have not utilized their full \$1 million allocation of dedicated funds, and inform the respective Board of County Commissioners of the availability of funds prior to the second round. Round two will open on March 1, 2022, for those counties that still have funds from their dedicated set-aside available. Round two will conclude on April 30, 2022.

Round three will open on July 1, 2022, to utilize the remaining portion of the state funding if available, and will include portions of the county set-asides that were not expended in rounds one and two. Round three will remain open until September 30, 2022, or until funds have been

depleted.

At the conclusion of each round, Development will review applications and award funds. Awarded funds outside of the dedicated county portion will be reviewed and awarded on a “first-come first-served” basis, as dictated in ORC 122.65(C)(3).

Upon submission of a complete application, the applicant will receive an email from Development confirming that the application has been received. Submission of an application does not ensure the applicant will be awarded funds. Applications will be reviewed for completeness. Development may request additional information from the applicant. Applicants will have 10 business days from the date of the request to submit the requested information. If the additional information is not submitted within the requested timeframe, this may result in the application being determined ineligible for funding during that round. If Development determines that an application is ineligible the applicant will be notified that the application has not been accepted for funding during that round. The applicant may apply during subsequent rounds if funding remains available.

Awards will be given until funds are depleted. Awarded projects should commence activities within six months of receiving a fully executed agreement. Funds may be reallocated for projects that cannot comply.

Eligible applicants will be required to provide the following on each application:

- Federal Employer Identification Number (FEIN)
- Application type: assessment or cleanup/remediation
- Applicant contact information (indicate a primary contact)
- Project name
- Former project name(s)
- Name of property owner (if not applicant)
- Project location (city/village)
- County(ies) to be served
  - If more than one county, indicate primary county
- Indicate if the applicant has access to the property
- Description of current ownership access
- Indicate if the Median Household Income for the area is less than the state-wide average
- Indicate if the community unemployment rate is greater than the current state-wide average
- Indicate any other economically distressed criteria impacting the community served
- Project history
- Number of vacant structures
- Number of occupied structures
- Current conditions of structures
- Description of known or potential project impediments including VAP program eligibility.
- Information on property boundaries
- Identify if property boundaries are governed by a regulatory program other than VAP
- Description of demolition and/or cleanup activities proposed
- Project readiness including start and end date and project timeline
- Description of the redevelopment activities planned
- Number of anticipated new jobs
- Number of anticipated jobs retained
- Total project costs
- Total requested amount
- Project budget and match budget including sources
- Documentation (as applicable)
  - Supporting resolution or ordinance
  - Survey or plat map

- Access or purchase agreement
- Clean hands affidavit
- Environmental assessment reports
- Project match documentation
- Remediation plans
- Other

### **Reimbursement Requests**

Once a project has been identified by Development to receive a grant award, the Department will notify the eligible applicant of the process to receive grant funds. An Ohio Supplier ID is required for disbursement. If the eligible applicant does not currently have an Ohio Supplier ID, the business will be required to register for an Ohio Supplier ID at [Supplier.Ohio.gov](https://supplier.ohio.gov). Businesses will only be able to receive an award once a valid Ohio Supplier ID matching the FEIN/SSN provided in the application has been obtained and is verified by Development. Applicant businesses that need assistance obtaining an Ohio Supplier ID or need to make changes to an existing Ohio Supplier ID should visit: <https://supplier.ohio.gov/wps/portal/sp/suppliers/help-center>.

Development may request additional documentation in support of the reasonable and necessary costs.