



Brownfield Remediation Program

Fiscal Year (FY) 2024-2025 Second Award Period Program Guidelines

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

These program guidelines expand on statutory terms and requirements included in Ohio Revised Code (O.R.C.) 122.65 and 122.6511, as amended by House Bill 33 (HB33).

Availability of Funding

In the second award period, approximately \$50 million will become available on Feb. 19, 2025, for eligible statewide projects. These funds will be available on a first-come, first-served basis for eligible projects. No county set-aside funding is available in the second award period.

The application portal will be open for 30 days or until Development receives funding requests that total \$125 million in applications. Additionally, applications will be reviewed as they are received in the application portal.

Grant Period

FY 2025: July 1, 2024, to June 30, 2026

Eligible Applicants

A “Lead Entity” must be designated for each county. If funded, the Lead Entity will be the award recipient and the responsible party with whom Development will execute a grant agreement for the grant funds. There shall be only one Lead Entity per county.

For the second award period Lead Entities selected in FY 2024 will be the Lead Entity of record unless a county requests a change. If a county requests a Lead Entity change, please submit a justification to Redevelopment@development.ohio.gov. Potential changes to lead entities are subject to the selection requirements of O.R.C. 122.6511(B)(4).

Entities that caused or contributed to the contamination of the property cannot be an eligible partner. 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.

Subrecipient Agreement

The Lead Entity of each county shall submit all grant applications for that county. If applicable, the Lead Entity shall submit with a grant application any agreements executed between the Lead Entity with other recipients that will receive grant money through the Lead Entity. Such recipients may include local governments, nonprofit organizations, community development corporations, regional planning commissions, county land reutilization corporations, and community action agencies.

For-profit entities will work directly with lead entities or eligible subrecipients.

Eligible Properties

Eligible properties are those which meet the definition of a brownfield, as provided in O.R.C. 122.6511(A)(1). 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) 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 rehabilitation activities.

The applicant must specify which applicable remediation program they intend to comply with/achieve i.e. Voluntary Action Program (VAP), Bureau of Underground Storage Tank Regulations (BUSTR), Resource Conservation and Recovery Act (RCRA).

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.

Grant Categories

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

"Assessment" is defined as phase I and phase II property assessments, BUSTR TIER I/II assessments, RCRA assessments, and asbestos abatement surveys conducted in accordance with applicable remedial program laws and regulations. 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. Eligible cleanup/remediation projects can receive a maximum grant amount of \$2.5 million.

Total project awards are determined at Development’s discretion.

Eligible Costs

- Infrastructure costs, which shall not exceed 20% of the total request. For purposes of this program, “infrastructure” means utilities such as:
 - Water
 - Sewer
 - Electric
 - Gas
- Engineering controls— for projects that use engineering controls as the sole remedy, justification is required. Per Ohio Administrative Code (O.A.C.) section 3745-300-01. (3), an "Engineering control" is any structure, system, or barrier, which is protective of human health, safety, and the environment, that effectively and reliably eliminates or mitigates human or important ecological resource exposure to hazardous substances or petroleum on, underlying, or emanating from a property.
- Costs associated with the crafting and submittal of a “No Further Action Letter,” or fee for a “Covenant Not to Sue,” or other submittal for regulatory review.
- Administrative costs, which shall not exceed a maximum of 10% of the total request; administrative costs are those related to submitting reimbursement requests and submitting reporting information, as requested by Development. Administrative costs must adhere to all uniform cost guidance.
- Costs related to employing a certified professional. Applicants will comply with the provisions of O.R.C. Sections 4115.03 to 4115.16, inclusive, as applicable, with respect to the payment of state prevailing wages for all mechanics and laborers employed in construction work financed with grant funds. For questions on Ohio’s Prevailing Wage Law, applicants must consult the Department of Commerce’s Bureau of Wage and Hour Administration to receive a determination.

Ineligible Costs

- Administrative costs related to application preparation and legal counsel related to the application or project implementation.
- Costs incurred prior to the grant agreement commencement date.
- Costs related to site clearance (i.e. clearing, grubbing, removing solid waste).
- Payment of delinquent utility costs.

Matching Funds

Development can award up to 75% of the total project cost, with a maximum award of \$2.5 million. All projects will require a 25% match. Ineligible costs cannot be used as match funds.

Sources of Match

Acceptable sources of match funds may include local government, state government, federal government and by for-profit or nonprofit entities. When applicable, applicants must maintain the required minimum percent match throughout the project. For example, at 50% of the project expenditure, the applicant should submit around 50% of their total committed match. If at the conclusion of the project, financial accounting indicates that the actual cost is less than the estimated cost, the applicant shall refund the amount necessary to maintain funding percentages in the grant agreement.

For the purposes of this program, future in-kind costs can be considered as an eligible expense for match. For FY 2025, eligible expenses that were incurred on or after July 1, 2022 may be used as match.

Application Evaluation Criteria

Applicants shall submit one application per project site. 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. 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 Lead Entity and the Lead Entity will have 10 business days to provide additional information. The 10-business-day cure period will not be extended. If after the 10-business-day cure period Development determines that an application is ineligible, the Lead Entity will be notified that the application has not been accepted for funding.

Application Process

Projects will be awarded on a first-come first-served basis per O.R.C. 122.6511.

Lead Entities must submit an application for each project. The application portal will be open for 30 days or until Development receives funding requests that total \$125 million in applications. Additionally, applications will be reviewed as they are received in the application portal.

Applications must include match funding within the application. Development can only award up to 75% of the total costs for these projects. Awards will be made until funds are depleted. Awarded projects should commence activities within six months of receiving a fully executed agreement

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](#). Please note that Chrome is the preferred web browser when making the online application submission.

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 address
- 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
- Specify which applicable remediation program(s) the project intends to comply with/achieve
- Property acreage
- Number of anticipated new jobs
- Number of anticipated jobs retained
- Total project costs
- Total requested amount
- Project budget and match budget including sources. Project Assumption and Cost Estimate (PACE)
- Documentation (as applicable)
 - Supporting resolution, ordinance, or letter of support
 - Survey or plat map
 - Access or purchase agreement
 - Clean hands affidavit
 - Environmental assessment reports
 - Project match documentation
 - Remediation plans
 - Other

Grant Agreement

To the extent the awarded applicant is found to be non-compliant with the terms and conditions of the executed agreement, Development may exercise any and all remedial actions available to it, including reallocating project funds to other eligible applicants.

Reimbursement Requests

Upon execution of a grant agreement, Development will provide access to a disbursement request portal. An Ohio Supplier ID is required for disbursement. If the eligible applicant does not currently have an Ohio Supplier ID, the entity will be required to register for an Ohio Supplier ID at OhioPays.ohio.gov. Lead Entities 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. Lead Entities that need assistance obtaining an Ohio Supplier ID or need to make changes to an existing Ohio Supplier ID should visit OhioPays.ohio.gov.

Lead Entities may submit one reimbursement request per month through the *Reimbursement Request Tool* for the Brownfield Remediation Program grant. In no event shall a request for payment be submitted to obtain funds for activities until the applicable grant conditions, if any, have been satisfied, the satisfaction of which is determined within the sole discretion of Development. Failure to comply with this provision and the procedures as outlined in the reimbursement manual, the grant agreement, or all applicable laws, may result in delayed payments or the suspension of the applicable award. Such an action will be rescinded upon satisfactory proof that the conditions and procedures are satisfied. Supporting documentation must be provided to receive a reimbursement of funds. Supporting documentation may include contracts, invoices, proof of proper disposal of waste and asbestos containing materials, timesheets, etc. Development may request additional documentation in support of the reasonable and necessary costs.

If the entity is requesting funds for costs not yet paid, a rationale must be provided for the upfront payment. Documentation demonstrating the amount of the requested costs (i.e., signed contract) must be provided before Development will determine if those costs can be reimbursed. Approval of upfront payments may be limited to 20% of the total grant amount.

Please ensure all submitted invoices are dated.

Reporting

If awarded, grantees must submit quarterly progress reports and a final performance report.

Quarterly report due dates:

Quarter 1 is due April 21

Quarter 2 is due July 21

Quarter 3 is due Oct. 21

Quarter 4 is due Jan. 21 of the next calendar year

Final Performance Report and Project Deliverables

If a project is awarded a grant, certain project deliverables are required before closeout. Documentation of these deliverables depends on the type of award and project scope; therefore, grantees may not be required to provide everything listed below. Development may request additional documentation as is reasonable and necessary to demonstrate project completion. These deliverables should be included in the final report as applicable:

Assessment Grants:

- a) Asbestos Survey
- b) VAP Phase I/II
- c) BUSTR Tier I/II
- d) RCRA assessments

Cleanup/Remediation Grants:

- a) VAP No Further Action Letter (NFA)
- b) Covenant Not to Sue
- c) Other applicable standards documentation as approved by Development.
- d) Updated Phase II with confirmation sampling
- e) RCRA corrective action
- f) Asbestos Compliance Form

Updates to Program Guidelines

Changes and/or corrections to any part of the program guidelines may be made at any time and will be provided by Development to the Lead Entities and/or posted on Development's website. Development reserves the right to make exceptions to these guidelines on a case-by-case basis for any reason.

Indemnification

Unless otherwise exempted by law, any Lead Entity and subrecipient shall indemnify and hold harmless the State of Ohio and the Department of Development, including its agents, officers, and employees against any and all claims, liabilities, and costs for any personal injury or property damage, or other damages that may arise out of or in connection with the Lead Entity's or subrecipient's performance of a contract.

Definitions

The term "brownfield" means 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.

"Lead Entity" means the award recipient and the responsible party with whom the department of development executes a grant agreement for the grant funds.

"Remediation" means any action to contain, remove, or dispose of hazardous substances or petroleum at a brownfield. "Cleanup or remediation" includes the 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.

"County land reutilization corporation" has the same meaning as in section 1724.01 of the Revised Code.