

Abandoned Gas Station Cleanup Grant Program Operational Guidelines Effective: January 25, 2016

Purpose:

The Abandoned Gas Station Cleanup Grant Program was established by the 131st General Assembly pursuant to Section 235.10 of Amended Substitute House Bill 64 for the purpose of cleanup and remediation of Class C Release¹ sites to provide for and enable the environmentally safe and productive reuse of Publicly Owned Lands as authorized by Section 2o of Article VIII of the Ohio Constitution.

The goal of this program is to identify and address conditions that inhibit environmentally sound or economic reusability of Class C Release sites.

The Director of the Development Services Agency (Director) has established the following guidelines.

Eligible Applicants:

A Political Subdivision who owns an Eligible Property (defined below); or

A Political Subdivision applying jointly with an organization that owns an Eligible Property and has entered into a relevant agreement with that Political Subdivision.

Eligible applicants must sign an affidavit certifying they did not cause or contribute to any prior release of petroleum or other hazardous substances on the Eligible Property.

Eligible Properties:

Eligible Properties are Publicly Owned Lands with a Class C Release that are vacant or contain an abandoned structure. If additional BUSTR regulated tank(s), other than the tank(s) involved with the Class C Release, are present at the Eligible Property a certification must be included with the application that i) the eligible applicant(s) did not own or operate the tanks when in service; and ii) the tanks are empty.

Funding will be prioritized for Eligible Properties formerly used as gas and/or service stations with the greatest potential for environmental, community, and economic impact, as determined by the application and scoring matrix.

¹ Capitalized terms have the meanings set forth in the "Definitions" attached to these guidelines.

Eligible Costs:

Property Assessment

- Up to \$100,000 in Property Assessment costs conducted in accordance with Ohio EPA VAP rules and/or the BUSTR corrective action rule on Eligible Properties and to the extent of contamination of the Eligible Property or adjacent property (with appropriate consent). Eligible Properties with additional hazardous substance or petroleum contamination not related to the Class C Release may apply. However, any Property Assessment or Remediation or Cleanup costs required above the program funding limit must be committed at the time of application. Eligible Property with contaminants not regulated by BUSTR must follow the Ohio EPA VAP provisions.
- Eligible Property Assessment costs also include:
 - Asbestos and universal waste surveys
 - Environmental professional costs including costs to prepare a Remedial Action Plan based on completed Property Assessment activities
 - For Property Assessment applications awarded *via* rounds, reimbursement of costs incurred for VAP Phase I Environmental Assessment, up to \$8,000
 - Technical assistance from the Ohio EPA, through a No Further Action (NFA) submission
 - Limited Cleanup or Remediation, including BUSTR corrective action and tank pulls, in order to achieve an NFA during the Property Assessment grant period
 - Costs associated with Demolition, limited Clearance, grading and seeding
 - Costs associated with emptying USTs. USTs must be emptied first, prior to beginning Property Assessment activities

Cleanup or Remediation

- Up to \$500,000 for Cleanup or Remediation activities conducted in accordance with Ohio EPA VAP rules and/or under BUSTR's corrective action rule on Eligible Properties and to the extent of contamination on any adjacent property (with appropriate consent), to achieve applicable cleanup standards. Eligible Properties with additional hazardous substance or petroleum contamination not related to the Class C Release may apply. However, any Property Assessment or Cleanup or Remediation costs required above the program funding limit must be committed at the time of application.

- Eligible Cleanup or Remediation costs include:
 - Asbestos, lead paint, and other hazardous substance remediation costs
 - Costs associated with Demolition, limited Clearance, grading and seeding
 - Costs associated with emptying USTs. USTs must be emptied first, prior to beginning any Cleanup or Remediation work
 - Tank pull and BUSTR corrective actions
 - Environmental professional costs (up to fifteen percent of Cleanup or Remediation costs)
 - Technical assistance from the Ohio EPA, through NFA submission

Ineligible costs:

- Property acquisition
- Back taxes / liens
- Construction or infrastructure costs not associated with the Cleanup or Remediation of the Eligible Property
- Any costs the Director deems ineligible
- Professional fees are not allowable costs, with the exception of environmental professional services of up to 15 percent of Cleanup or Remediation costs.

Application and Program Structure:

Application

- Application content will be determined by the Director and will be posted on the Development Services Agency's website. Total available funding will be determined prior to each round and included in the application materials. Applications will be scored according to a matrix made available with the application. All awards will be approved by the Director.
- Funding will be prioritized for Eligible Properties formerly used as gas and/or service stations with the greatest potential for environmental, community, and economic impact, as determined by the application and scoring matrix.

Program Structure

Applications will be accepted for the following tracks:

1. **Fast Track:** Grant funding shall be budgeted for BUSTR Tier I or II Property Assessment activities in order to achieve a BUSTR NFA. The balance of the grant may be applied toward eligible Cleanup or Remediation costs, including asbestos abatement, Clearance, and Demolition. Should an NFA not be achieved, grantee must complete the Property Assessment then apply for cleanup funding *via* the competitive round track.

Fast Track applications of up to \$100,000 will be accepted for Eligible Properties demonstrating the following:

- A current VAP Phase I Environmental Assessment was performed
 - No known free product exists at time of application
 - No additional Identified Areas or hazardous substances/contaminants of concern other than contamination at the UST location(s), asbestos, lead-paint, or universal waste.
 - All conditions or circumstances that inhibit environmentally sound or economic reuse of the Eligible Property will be addressed. Any costs above the grant amount must be committed at the time of application.
 - The project meets minimum scoring criteria, as provided in the application.
 - Written cost estimates demonstrating the anticipated costs based on the recommendations of the VAP Phase I Environmental Assessment and other available documentation or reasonable assumptions.
2. **Competitive Round Track:** At the Director's direction, applications for Property Assessment and Cleanup or Remediation grants will be announced and accepted. Only one application per entity, per competitive round will be allowed.
 - **Property Assessments:** Applicants may qualify for up to \$100,000 in environmental Property Assessment costs. Per the scoring criteria, as provided in the application, the top scoring projects will be funded, up to the available grant amount per round. Applications must demonstrate the following:
 - A current VAP Phase I Environmental Assessment was performed
 - Written cost estimates demonstrating the anticipated costs based on the recommendations of the VAP Phase I Environmental Assessment and other available documentation or information.

- For projects proposing other eligible costs, such as Cleanup or Remediation and Demolition, all conditions or circumstances that preclude or inhibit environmentally sound or economic reuse of the Eligible Property will be addressed. Any costs above the grant amount must be committed at the time of application.
- Cleanup or Remediation: Applicants may qualify for up to \$500,000 in Cleanup or Remediation, Clearance, and Demolition costs. Prior Fast Track grantees may eligible for up to \$400,000. Per the scoring criteria, as provided in the application, the top scoring projects will be funded, up to the available grant amount per round. Applications must also demonstrate the following:
 - Current environmental assessments and/or corrective action assessments and Remedial Action Plan are complete.
 - All conditions or circumstances that inhibit environmentally sound or economic reuse of the Eligible Property will be addressed.
 - Written cost estimates demonstrating the anticipated costs for cleanup, based on the recommendations of the Remedial Action Plan. Any costs above the grant amount must be committed at the time of application.

Final deliverables for grant recipients:

Fast Track grants must be completed within one year. The final deliverables are:

- A BUSTR NFA (should an NFA not be achieved, environmental assessment reports); and
- Project Completion Reports.

Property Assessment grants awarded *via* competitive rounds must be completed within one year. The final deliverables are:

- if further remediation is needed, a BUSTR Tier I or II Report and/or an Ohio EPA VAP Phase II environmental assessment report (as applicable)
- if no further remediation is necessary, a NFA; and
- Project Completion Reports.

Cleanup or Remediation grants must be completed within two years. The final deliverables are:

- a BUSTR NFA;
- if other hazardous substances are present on the Eligible Property above actionable levels, an Ohio EPA VAP NFA; and
- Project Completion Reports.

Definitions:

BUSTR – Bureau of Underground Storage Tank Regulations.

Class C Release – a release of petroleum occurring or identified from an underground storage tank system subject to sections 3737.87 to 3737.89 of the Revised Code for which the responsible person for the release is specifically determined by the fire marshal not to be a viable person capable of undertaking or completing the corrective actions required under those sections for the release. "Class C Release" also includes any release designated as a "Class C Release" in accordance with rules adopted under section 3737.88 of the Revised Code.

Cleanup or Remediation – any action at a Class C Release site to contain, remove, or dispose of petroleum or other hazardous substances or remove underground storage tanks used to store petroleum or other hazardous substances.

Clearance – removal of vegetation, construction debris, and universal waste.

Demolition – removal of structures, pads, and associated infrastructure to the extent necessary to ready the Eligible Property for redevelopment.

Eligible Property(ies) – Publicly Owned Lands with a Class C Release that are vacant or contain an abandoned structure.

Identified Area – a location at an Eligible Property where a release of hazardous substances or petroleum has or may have occurred, as defined in Ohio Administrative Code section 3745-300-01(A).

NFA – A BUSTR No Further Action designation or an Ohio EPA No Further Action letter submitted to Ohio EPA.

Ohio EPA – Ohio Environmental Protection Agency

Political Subdivision – a county, municipal corporation, township, or port authority.

Project Completion Reports – final documentation provided by contractors demonstrating that asbestos abatement, universal waste removal, Demolition, and Clearance activities were completed according to the grant agreement.

Property Assessment – an assessment conducted in accordance with section 3746.04 of the Revised Code or a corrective action process or source investigation process under section 1301:7-9-13 of the Ohio Administrative Code.

Property Owner – a Political Subdivision and an organization that owns Publicly Owned Lands.

Publicly Owned Lands – includes lands that are owned by an organization that has entered into a relevant agreement with a Political Subdivision.

Remedial Action Plan – the Cleanup or Remediation plan prepared by an environmental consultant in accordance with BUSTR or Ohio EPA standards.

UST – Underground Storage Tank

VAP – the Ohio EPA's Voluntary Action Program