



Department of
Development

CLEAN OHIO ASSISTANCE FUND

GRANT APPLICATION FOR PHASE II ENVIRONMENTAL SITE ASSESSMENT

Purpose of Grant:

To fund a Voluntary Action Program (VAP) compliant Phase II Site Assessment and Asbestos Survey (if applicable) on a brownfield property. This funding is administered by the Ohio Department of Development (ODOD) with assistance from the Ohio Environmental Protection Agency (Ohio EPA). The Clean Ohio Assistance Fund's purpose is to serve as a catalyst for economic redevelopment in Ohio by helping to address a common impediment – environmental contamination.

The elements of a VAP Phase II can be found in Ohio Revised Code 3746 and OAC 3745-300-01 to 3745-300-14 (see also <http://www.epa.state.oh.us/derr/vap/rules/vaprules.html>). The primary objectives of the Phase II are to evaluate recognized environmental conditions identified in the Phase I Site Assessment for the purpose of providing sufficient information regarding the nature and extent of contamination to assist in making informed business decisions about the property. The grant application may request funds for risk assessment activities if the environmental professional requests this activity in the scope of services. The Phase II report may be presented in a format consistent with the American Society for Testing and Materials (ASTM) – ASTM Standard E 11903 97(2002).

Please contact ODOD to discuss the assessment activities for properties governed by regulatory programs under solid or hazardous waste (O.R.C. 3734). At which time ODOD will coordinate discussions with the applicant and Ohio EPA.

A Phase II Site Assessment is site specific. A description of the work to be performed should be developed by the environmental professional to establish the methods and work tasks that achieve the user's Phase II objectives. The description should provide the rationale for planned sampling locations and testing parameters along with the identification of selected methodologies and appropriate QA/QC methods.

If asbestos is known or suspected to exist in structures on the property, an Asbestos Survey may be conducted in conjunction with the Phase II property assessment. The Asbestos Survey and resulting Asbestos Inspection report must contain the following components: 1) identification of asbestos material, including locations and quantity; 2) square footage or linear feet of asbestos material greater than 1%; 4) description of the current condition of the asbestos; 5) explanation of any planned demolition.

The Clean Ohio Assistance Fund is administered in accordance with O.R.C. 122.65-122.659, and the Clean Ohio Assistance Fund Policies (see also <http://www.odod.state.oh.us/ud/COAF.htm>).

Applicant Deliverables to ODOD:

- One (1) original application and two (2) electronic copies.
- All pages in the application should be numbered and the application should be placed in a three ring binder. Tabs should be used to delineate individual attachments

If Funded, Grant Deliverables to ODOD and Ohio EPA:

To ODOD:

- One (1) original and one (1) electronic copy of a signed VAP compliant Phase II Site Assessment report. Reports should be presented in three ring binders with all pages numbered.
- One original and one electronic copy of an Asbestos Inspection report (if applicable). Reports should be in three ring binders with all pages numbered.

To Ohio EPA:

- One (1) electronic copy of the Phase II Site Assessment report and one electronic copy of an Asbestos Inspection Report (if applicable).

Applicant Authorization and Certification

I understand that by signing this Clean Ohio Assistance Fund application, I grant the Ohio Department of Development or its authorized agents access to any records needed for verification and evaluation of the information provided in this application. I understand that filling out this application does not guarantee that I will receive assistance.

I certify that the information I have provided in this application is, to the best of my knowledge, a true, accurate and complete disclosure of the requested information. I understand that I may be held civilly and criminally liable under Federal and State law for knowingly making false or fraudulent statements.

Applicant

Signature

Date

*Signatory as noted in resolution or ordinance found in Attachment 1.

APPLICANT INFORMATION

Amount Requested	
Applicant Name	
Address	
CEO Name	
Phone Number	
Email Address	
Fax Number	
Project Contact (must be member of Applicant's staff)	
Phone Number	
Email Address	
Fax Number	
Development Partner	
Project Contact	
Address	

Phone Number	
Email	
Fax Number	

<i>PROJECT INFORMATION</i>	
Project Name City, State, Zip	
County	
Former or Other Property Names	
Property Address	
Longitude/Latitude (center of property)	
Acreage	
Census Tract(s)	
Parcel Numbers	
Name of Current Owner of Property (at time of	

application)	
Time to complete project once funded (in months)	
Ohio House District	
Ohio Senate District	
US Congressional District	

ATTACHMENTS

Attachment 1	Application Summary
Attachment 2	Authorization Resolution or Ordinance approving project from the Applicant.
Attachment 3	Authorization Resolution or Ordinance from legislative authority of the community in which the property is located. Only required if Applicant is different entity from municipality.
Attachment 4	Development Partner Certification and partnership agreement (if applicable)
Attachment 5	Clean Hands Affidavit form
Attachment 6	Tax Information and Disclosure Information form
Attachment 7	Financial Liability form
Attachment 8	Public Participation Documents: Library receipt of application, copy of newspaper publication of notice, photograph of property sign, date posted and website address. Comments, minutes of public meeting, sign-in sheet, and responsiveness summary.
Attachment 9	Copy of legal description, location map, property map, and plat maps. Property should be highlighted on all maps. All maps should be to scale.
Attachment 10	Copy of current property title (required) Copy of access agreement (if applicable)
Attachment 11	Most recent financial audit available online

Attachment 12

Field investigation table, figure(s) showing identified areas, data evaluation table, timeline, work plan, cost estimate, cost estimate supporting detail.

Attachment 13

VAP Phase I Environmental Site Assessment Report

Attachment 1
Application Summary

Provide the following information in **Attachment 1**. This should not exceed four pages.

- a) Describe the history of the project property.
- b) Briefly describe current uses of the property and any current business(es) occupying the property.
- c) Briefly describe surrounding uses of adjacent properties.
- d) Indicate number of buildings on the property and their current condition.
- e) Briefly describe any previous sampling activities that may have occurred on the property.
- f) Describe the redevelopment potential of the property and proposed plans for reuse of the property.
 - i. Potential end users, investment on the property, and number of jobs
 - ii. How does this project fit with the master plan?
 - iii. Describe other sources of funding that will help this project succeed

Attachment 2 and/or 3
SAMPLE
AUTHORIZATION RESOLUTION OR ORDINANCE

A RESOLUTION AUTHORIZING THE _____ TO FILE AN APPLICATION TO THE STATE OF OHIO, TO PARTICIPATE IN THE CLEAN OHIO ASSISTANCE FUND.

WHEREAS, the State of Ohio, Department of Development, provides financial assistance to local governments for the purpose of addressing local needs; and

WHEREAS, the _____ desires to participate in the Program to receive financial assistance for PROJECT NAME _____ under the Clean Ohio Assistance Fund and

WHEREAS, the _____ has the authority to apply for financial assistance and to administer the amounts received from the State of Ohio, Department of Development, Clean Ohio Assistance Fund; and

WHEREAS, the _____ of the _____ must direct and authorize the (contact person) to act in connection with the application and to provide such additional information as may be required;

NOW, THEREFORE, BE IT RESOLVED by the _____ of the _____, Ohio, _____ of all members thereof concurring:

Section 1. That _____ authorizes _____ as the official representative of _____ application to participate in the State of Ohio, Department of Development, and provide all information and documentation required in said Application for State of Ohio, Department of Development, Clean Ohio Assistance Fund submission.

Section 2. That the _____ hereby approves filing an application for financial assistance under the Clean Ohio Assistance Fund.

Section 3. That the _____ hereby understands and agrees that participation in the Program will require compliance with program guidelines and assurances.

PASSED: (DATE) _____

Attachment 4
Development Partner Authorization and Certification

I understand that by signing this form, I grant the Ohio Department of Development or its authorized agents access to any records needed for verification and evaluation of the information provided in this application. I understand that filling out this application does not guarantee that I will receive assistance.

I certify that the information I have provided in this application is, to the best of my knowledge, a true, accurate and complete disclosure of the requested information. I understand that I may be held civilly and criminally liable under Federal and State law for knowingly making false or fraudulent statements.

Development Partner
Authorized Signatory

Signature

Date

Attachment 5
“CLEAN HANDS” AFFIDAVIT

(Must be completed by Administrative Applicant of Record and any additional applicant(s))

STATE OF OHIO _____)
COUNTY OF _____)

I,

(authorized representative of applicant or development partner)

being first duly sworn, depose and state that I have personal knowledge of, and certify, the following:

1. Neither this applicant nor a preceding organization or entity of this applicant, if any, caused or contributed, either in whole or in part, to the release of hazardous substances or petroleum on the property that is the subject of this application. Neither this applicant nor a preceding organization or entity of this applicant, if any, had any hands on involvement with or control over hazardous substances or petroleum that resulted in a release, or conducted any hands on activities that contributed, in whole or in part, to a release on the property.

2. I understand that I may be found guilty of a felony resulting in a fine of not less than ten thousand dollars (\$10,000) or more than twenty-five thousand dollars (\$25,000), or imprisoned not less than two (2) years or more than four (4) years, or both, for knowingly signing and submitting a false affidavit.

Signature Date

Name/Title

Sworn to before me and signed in my presence this _____ day
of _____, 20_____.

Notary Public

Attachment 6
Tax Information and Disclosure Information

I hereby **irrevocably** authorize the Tax Commissioner of the Ohio Department of Taxation or any agent designated by the Tax Commissioner of the Ohio Department of Taxation from the date below until the applicant(s) no longer is receiving funds from the Ohio Department of Development or repaying funds back to the Ohio Department of Development or obligated in any way to the Ohio Department of Development to disclose to the Director of the Ohio Department of Development or any designated employee of the Director the amounts of any or all outstanding liabilities for corporation franchise tax, individual income tax, employer withholding tax, sales tax, use tax, or excise tax which are currently unpaid and certified to the Attorney General of the State of Ohio for collection.

I expressly waive notice of the disclosure(s) to the Ohio Department of Development by either the Tax Commissioner of the Ohio Department of Taxation or by any agent designated by the Tax Commissioner of the Ohio Department of Taxation. **I expressly waive the confidentiality provisions of Ohio law, including but not limited to, Section 5703.21 of the Ohio Revised Code, which would otherwise prohibit disclosure and agree to hold the Department of Taxation and its employees harmless with respect to the limited disclosure authorized herein.**

This authorization is to be liberally interpreted and construed; any ambiguity shall be resolved in favor of the Tax Commissioner or the Ohio Department of Taxation.

This authorization is binding on any and all heirs, beneficiaries, survivors, assigns, executors, administrators, successors, receivers, trustees, or other fiduciaries.

A photocopy or facsimile of this authorization is as valid as the original.

Signature

Date

Name/Title

**Attachment 7
Financial Liability Form**

Explain any outstanding financial liabilities you (applicant or development partner) have with state or local governments in Ohio. Whether or not the amounts are being contested in a court of law, do you and/or your organization owe:

Any delinquent taxes to the State of Ohio (the "State"), a state agency, or a political subdivision of the State?

q Yes q No

Any monies to the State or a state agency for the administration or enforcement of the environmental laws of the State?

q Yes q No

Any other monies to the State, a state agency, or a political subdivision of the State that are past due?

q Yes q No

Are you or the applicant(s) the subject of any existing tax lien?

q Yes q No

If you answered "yes" to any of the above, please provide details of each instance including, but not limited to, the location, amounts, and case identification numbers (if applicable). Attach additional sheets if necessary.

Signature

Date

Name/Title

Attachment 8 Public Participation

(NOTICE: Failure to comply with public participation procedures can significantly delay approval of the project.)

Six public participation components are required in order for an application to be eligible for funding. The public meeting is a statutory requirement of the Clean Ohio Assistance Fund. Comments and questions from the public must be allowed prior to and during the public meeting.

In order to announce the proposed project to the public, three actions must occur at least 45 days prior to the public meeting. The three actions do not have to be started on the same day but each must be at least 45 days in advance of the public meeting: (1) place a public notice in the newspaper; (2) erect a sign at the property; (3) place a copy of the application in the library. **The Department of Development recommends that the applicant factor in a period of least 48 days between the date of the public announcements and the date of the public meeting to reduce possible problems regarding the 45 day notice requirement.**

The six components of performing and documenting the public notice are:

1. Public Notice in newspaper announcing meeting at least 45 days prior to the public meeting. **The applicant must post the following information on their website or other local government websites accessible to the community: application summary, legal notice and contact information.** The web link will be displayed in the public notice and on the four feet by four feet sign. A suggested format for the notice is included below. Insert the pertinent information where the parentheses are included. The notice does not have use the type font shown.

Notice of public meeting and Information repository for a Clean Ohio Assistance Fund Grant

The (City of ...) is applying for a grant from the Clean Ohio Assistance Fund for a Phase II Environmental Assessment of the (property name) property located at (address). The application is available for review at the (name) Library, located at (address) until (day after public meeting). A public meeting to discuss and solicit comments to the grant application will be held on (date) at the (location) located at (address) at (time). Application information is also available online at (insert web address). Any questions may be referred to (applicant contact) at (phone number).

2. Sign on property announcing proposed work, application, and public meeting at least 45 days prior to public meeting. The sign must be at least four feet by four feet and must contain the following information. A suggested format for the notice is included below. Insert the pertinent

information where the parentheses are included. The sign does not have to use the type font shown.

NOTICE

The (City of ...) is applying for a Clean Ohio Assistance Fund grant to pay for an environmental assessment of this property, (property name and address). A public meeting will be held on (date) at (time) at the (place name) located at (location). The public is encouraged to attend this meeting to learn more about the application and provide comments about the grant application. The public meeting minutes and any public comments will be incorporated into the application.

The application is available for public review at the (Name) library located at (location). Application information is also available online at (insert web address). For more information contact: (name) at (Phone)

3. Library receipt signed by a librarian indicating that a copy of the application has been placed in the library at least 45 days prior to the public meeting. An example is provided below:

Date

On (date) the (name) library received a copy of the Clean Ohio Assistance Fund application for (name of Property) located at (property location). The application will be available for public review in the reference section until (day of public meeting).

Librarian signature

Typed name

Title

After these steps have been completed, the applicant must do the following:

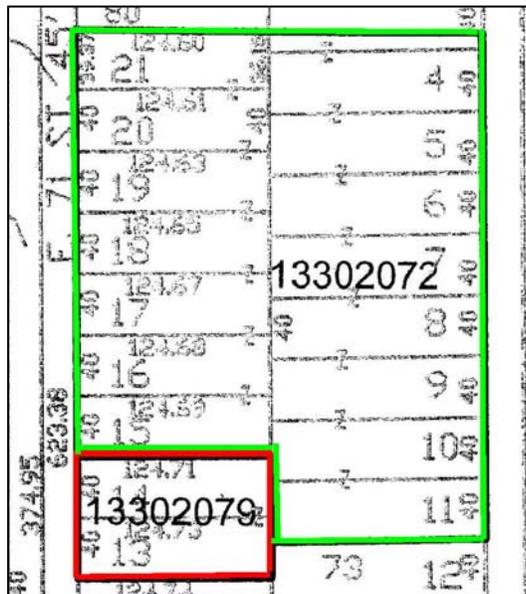
4. Fax or email copies of the newspaper public notice, picture of sign, and librarian receipt to the Ohio Department of Development, Urban Development Division within three days of obtaining this evidence. (This information should be faxed at least 42 days prior to the public meeting). The fax number is 614-466-4172. The email address is oud@odod.state.oh.us. This information is to confirm that legislatively mandated timeframes can be met.
5. Hold the public meeting. Log attendees on a sign-in sheet. Take minutes of the public meeting recording all comments. If comments were received prior to the public meeting, provide copies of the comments and any responses.

6. Public Notice Requirements (provided by Applicant) in **Attachment 8**:
- Copy of Library Receipt of Application
 - Proof and copy of Newspaper publication of public notice
 - Photograph of property sign and date sign was posted.
 - Comments received during public notice period, if any
 - Sign-in sheet and minutes of public meeting
 - Web address

Attachment 9
(Provided by Applicant)

The property boundaries are defined by the Applicant, and can be a portion of a parcel, a single parcel or multiple contiguous parcels. The property must have been commercial or industrial property. To evaluate the application, the size of the property, ownership of the property and access to the property must be well documented. Provide the following:

- Legal description
 - Provide legal descriptions either from the property deed or stamped and signed by a licensed surveyor
- Location Map
- Property Map(s)
 - The project property boundary shall be submitted as an 8.5x11 hardcopy image which contains a clearly delineated property boundary displayed on top of a high resolution aerial photograph or a USGS 7.5 minute topographic map.
- Plat Map(s)
 - Include survey points
 - Color-code parcels per legal description (see example below)



Parcel ID 13302072 Green Color Boundary
Parcel ID 13302079 Red Color Boundary

As shown above, indicate through the use of color coding parcels within the project area and describe them in a legend.

**Attachment 10
Title and Property Access**

A copy of the property title showing the current owner must be provided in **Attachment 10**.

If the applicant does NOT own the property, a signed access agreement between the property owner(s) and applicant must be provided in **Attachment 10**. The access agreement must be for a time period that covers the date the application enters the library through the Phase II submittal.

**Attachment 11
Financial Audit**

Provide the link to the most recent financial audit available online. Note: Do not send a paper copy.

**Attachment 12
Project Assumptions and Cost Estimate**

Complete the following table, based upon the results of the Phase I ESA. An example is included in italics, please delete the example and complete table with information from Phase I. Add columns as required. Provide table and a to-scale map delineating all identified areas in **Attachment 12**.

FIELD INVESTIGATION TABLE				
SUMMARY OF PHASE I IDENTIFIED AREAS AND PROPOSED PHASE II INVESTIGATION				
Identified Area	Area Description	Chemicals of Concern	Proposed Field Investigation	Laboratory Analyses
<i>IA -8 Former Electrical Room</i>	<ul style="list-style-type: none"> • <i>Historic location of transformers and electrical equipment</i> • <i>Staining</i> • <i>Potential for PCB leakage</i> • <i>Wooden covered manhole w/ debris, staining, fill material</i> 	<i>PCBs PAHS TPH</i>	<i>Three grab soil samples will be collected from the transformer area</i>	<i>Soil: PCBs PAHs TPH</i>

Provide a timeline, work plan, and detailed cost estimate for completing Phase II Environmental Site Assessment activities at the site property. Assumptions should be noted. Costs shall be itemized and unitized. Costs for individual activities shall be broken out (i.e. show the cost per well or soil boring for drilling, staff time, and laboratory analytical costs). All subcontractor costs over \$15,000 must be validated by a cost estimate provided by a potential subcontractor. **The cost estimate must be signed by the environmental consultant, a professional engineer or the Certified Professional (C.P.)** Include these documents in **Attachment 12**.

Are there any site conditions that would prevent completion of a comprehensive Assessment (i.e. clearance of debris or demolition)? If so describe these conditions, include photographs, and maps in **Attachment 12**.

Summary of Attachment 12 documents:

- Field Investigation Table,
- Figure(s) showing identified areas
- Timeline
- Workplan
- Cost Estimate with detail supporting cost estimate
- Limiting site conditions (if applicable)

Attachment 13
Copy of Phase I Report

- A VAP consistent Phase I Environmental Site Assessment Report which encompasses the entire project property. If applicable, provide a copy(ies) of previous Phase II sampling results if not already included in the VAP Phase I report. Documents should include sampling data summary tables, sampling location maps/figures, and Phase II report summary text. **DO NOT** include analytical lab data reports.