



Abandoned Gas Station Cleanup Grant Program Operational Guidelines Updated: July 27, 2017

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 20 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 and may 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.

Additionally, a confirmed release of petroleum must be documented at the Eligible Property. If USTs are no longer present on the site, the petroleum release must be detected above action levels to be considered eligible. Applicants must obtain an eligibility letter from BUSTR and include this in the application.

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. Properties should not be redeveloped into new gas or service stations.

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, reimbursement of costs incurred for current 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 and removing USTs. If USTs are still present, they must be emptied first, prior to beginning Property Assessment activities, and USTs must be removed during the grant period.

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 15 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 fiscal year and included in the application materials. Cleanup and Remediation applications will be scored according to a matrix made available with the application. All awards must be approved by the Director and State Controlling Board.
- 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:

1. **Fast Track:** Grant funding shall be budgeted for BUSTR Tier I or II Property Assessment activities and Cleanup and Remediation tasks in order to achieve a BUSTR NFA. Should an NFA not be achieved, grantee must complete the Property Assessment then apply for cleanup funding *via* the Cleanup and Remediation grant 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. **Property Assessment:** Applicants may qualify for up to \$100,000 in environmental Property Assessment costs. A portion of the grant may be applied toward limited Cleanup or Remediation costs if an NFA can be achieved within the grant period. 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.

3. **Cleanup and Remediation:** Applicants may qualify for up to \$500,000 in Cleanup or Remediation, Clearance, and Demolition costs. Prior Fast Track grantees may be eligible for up to \$400,000. Applicants must meet a minimum score of 50 to be considered for funding. Applications must also demonstrate the following:
 - Current environmental assessments and/or corrective action assessments are complete. Remedial Action Plans must be approved by BUSTR, as appropriate.
 - 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 must be completed within one year. The final deliverables are:

- if further assessment and/or 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 assessment and/or 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 and may 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, port authority, or a county land reutilization corporation organized under Chapter 1724. of the Revised Code².

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.

² Per House Bill 166, county land reutilization corporations, commonly known as county land banks, are now included in the definition of Political Subdivision and are eligible for funding directly beginning September 8, 2016.

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