OWDA Brownfield Loan Program Assessment Application

OHIO WATER
DEVELOPMENT AUTHORITY

Ohio | Development Services Agency

John R. Kasich, Governor **Christiane Schmenk**, Director

Purpose of Loan:

The purpose of the Ohio Water Development Authority (OWDA) Brownfield Loan Program is to fund a Voluntary Action Program (VAP)-compliant Phase II Site Assessment and Asbestos Survey (if applicable) on a brownfield property. The program will serve as a catalyst for economic redevelopment in Ohio by helping to address a common impediment – environmental contamination.

This funding is provided by the OWDA, and the program is administered by the Ohio Development Services Agency (Development), in accordance with ORC 6121 and ORC 6123, and the policies which can be found at: http://development.ohio.gov/cs/cs_owda.htm.

Standards:

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/rules.aspx). The primary objectives of the Phase II are to evaluate identified areas from 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 loan 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).

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 Site 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 percent; 3) description of the current condition of the asbestos; 4) explanation of any planned demolition.

Funding:

The loan application may request up to $500,000 for a Phase II Site Assessment at the project property.

Application:

This application contains three sections:

- Part A – Applicant and Project Information
- Part B – Financial Information
- Part C – Environmental Information

Please deliver one original and one electronic copy of the application, along with the appropriate application fee ($1500 for public entities, $2500 for private entities – made out to 'Ohio Water Development Authority') to Development at the following address:

Ohio Development Services Agency
Office of Redevelopment
Attn: OWDA Brownfield Loan Program
77 South High St., 26th Floor
Columbus, Ohio, 43215

The application should be placed in a three-ring binder and all pages in the application should be numbered. Tabs should be used to delineate individual attachments.

Upon receipt of the application, Development will review the application for completeness. Following the review, Development will provide the applicant an opportunity to submit missing information.

If approved, loan deliverables to OWDA include:

- One electronic copy of a signed VAP-compliant Phase II Site Assessment report
- One electronic copy of an Asbestos Inspection report (if applicable)

Applicant Authorization and Certification

I understand that by signing this Ohio Water Development Authority Brownfield Loan Program application, I grant the Ohio Development Services Agency 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

Part A Attachments	
Attachment A1	Applicant and Project Information form
Attachment A2	Development Partner Certification and partnership agreement (if applicable)
Attachment A3	Tax Information and Disclosure Information form
Attachment A4	Financial Liability form
Attachment A5	Copy of legal description and plat map(s)
Attachment A6	Copy of current property title (required) Copy of access agreement (if applicable) Copy of purchase agreement (if applicable)
Attachment A7	Application Summary
Attachment A8	Concept Plan and Schedule (if applicable)

Attachment A1: Applicant and Project Information form

Applicant Information

Applicant Name:_____

Project Contact (must be member of Applicant's staff):_____

Address:_____

Phone Number:_____

Email Address:_____

Fax Number:_____

Development Partner Information

Development Partner:_____

Development Partner Contact:_____

Address:_____

Phone Number:_____

Email:_____

Fax Number:_____

Attachment A1: Applicant and Project Information form

Project Information

Project Name:_____

Former or Other Property Names:_____

Property Address (City, State, Zip):_____

County:_____

Longitude/Latitude (Center of Property):_____

Acreage:_____

Census Tract(s):_____

Parcel Numbers:_____

Ohio House District:_____

Ohio Senate District:_____

US Congressional District:_____

Project Funds

Amount Requested:_____

Matching Funds:_____

Total Project Costs:_____

Attachment A2: Development Partner Authorization and Certification

I understand that by signing this form, I grant the Ohio Development Services Agency 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 A3: 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 Water Development Authority or repaying funds back to the Ohio Water Development Authority or obligated in any way to the Ohio Water Development Authority to disclose to the Director of the Ohio Water Development Authority 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 Water Development Authority 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 A4: 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?

○ Yes ○ No

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

○ Yes ○ No

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

○ Yes ○ No

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

○ Yes ○ 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 A5: Legal Description and Map

The property boundaries are defined by the applicant, and can be a portion of a parcel, a single parcel or multiple parcels. 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
  - o Provide legal descriptions either from the property deed or stamped and signed by a licensed surveyor
- Plat Map(s)
  - o Include survey points
  - o Color-code parcels per legal description (see example below)

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

Attachment A6: Title and Property Access

Provide a copy of the property title showing the current owner in Attachment A6.

If the applicant does NOT own the property, a signed access agreement between the property owner(s) and applicant must be provided in Attachment A6. The access agreement must be for a time period that covers the date the application is submitted through the Phase II submittal.

If applicant or development partner plans to acquire the property, include a signed purchase agreement, an affidavit from the applicant or development partner stating that the purchase price has been agreed upon, and the anticipated date of closing.

Attachment A7: Application Summary

Provide the following information in Attachment A7. This should not exceed four pages.

1. Describe the history of the proejct property.
2. Briefly describe current uses of the property and any current business(es) occupying the property.
3. Briefly describe surrounding uses of adjacent properties.
4. Indicate the number of buildings on the property and their current condition.
5. Briefly describe any previous sampling activities that may have occurred on the property.
6. Describe the redevelopment potential of the property and proposed plans for reuse of the property.
    a. Identify potential end users, investment on the property, and number of jobs
    b. Describe how this project fits with the master plan of the community
    c. Describe other sources of funding that will help this project succeed

Attachment A8: Concept Plan and Schedule

If the site is being redeveloped, provide a Concept Plan for the redevelopment of the site including site renderings, drawings, and design as Attachment A8. Also include a time schedule for development in Gantt format showing key project milestones.

Part B Attachments	
Attachment B1	Most Recent Audit or Auditor Report from State Auditor's Website: http://www.auditor.state.oh.us/AuditSearch/Search.aspx
Attachment B2	Three years historical financial statements (balance sheet, profit and loss)
Attachment B3	Interim financial statement (not more than 90 days old)
Attachment B4	Projected financial statements for the current and next three years (balance sheet, profit and loss including all assumptions)
Attachment B5	Personal financial statements (if applicable)
Attachment B6	Real Estate Appraisal
Attachment B7	Pro forma for the development project (if applicable)
Attachment B8	Participating Parties and Lenders Contact Sheet
Attachment B9	Sources and Uses of Funds Sheet

Attachment B1: Most Recent Audit or Auditor Report

For private entities: Provide a copy of the entity's most recent audit and findings, if any.

For local government entities: Provide a copy of the most recent auditor report from the state auditor's website: http://www.auditor.state.oh.us/AuditSearch/Search.aspx.

Attachment B2: Three Years Historical Financial Statements

For private entities: Provide copies of the past three years historical financial statements. If the entity is newly-formed and has no historic financial information, provide the previous three years tax returns or returns for as many years the entity has filed, whichever is greater.

For local government entities: Provide copies of the past three years budgets if financial statements are not available.

Attachment B3: Interim Financial Statement

For private entities: Provide a copy of an interim financial statement not more than 90 days old.

For local government entities: Provide a copy of the current budget updated not more than 90 days prior to the date of application submittal.

Attachment B4: Projected Financial Statement

For private entities: Provide a copy of a projected financial statement for the upcoming three years.

For local government entities: Provide a statement describing if you anticipate any major changes in your future budget, either positive or negative. If major changes are anticipated, explain if these changes could potentially affect the project or your organization's ability to pay back the loan.

Attachment B5: Personal Financial Statement

For private entities only: Provide copies of personal financial statements for the major investment partners in the organization (any one individual which is vested more than 25 percent).

Personal guarantees may be required for private entities as security for the loan.

Attachment B6: Real Estate Appraisal

Provide an appraisal for the property dated not more than two years prior to the date of submission. Appraisals must be from licensed certified appraisers detailing the current condition and estimated value of the property. Also appraisals which estimate the post-cleanup value of the property are accepted.

Attachment B7: Pro Forma for the Development Project

If applicable, provide a pro forma sheet detailing the costs and profits of the development project.

Note: This document is not required for projects creating greenspace or community improvement projects. In most instances this document will directly apply to residential/commercial projects in which tenants will be leasing or renting property.

Attachment B8: Participating Parties and Lenders Contact Sheet

The Participating Parties and Lenders Contact Sheet is available for download as a Microsoft Excel document on the OWDA Brownfield Loan Program website: http://development.ohio.gov/cs/cs_owda.htm. Please provide contact information for each party and/or lender participating in the project.

Attachment B9: Sources and Uses of Funds Sheet

The Sources and Uses of Funds Sheet is available for download as a Microsoft Excel document on the OWDA Brownfield Loan Program website: http://development.ohio.gov/cs/cs_owda.htm. The sheet will calculate match percentages and total project cost as you enter your project cost information.

For the purposes of the Brownfield Loan Program, the Sources and Uses of Funds Sheet should record only activities required for project completion as 'Total Project Costs': acquisition, environmental insurance, clearance, and assessment.

For future costs not included in the loan request, each item must be accompanied by a letter or other documentation demonstrating the funds are secured or by what date the funds will be secured for the project (i.e. acquisition or development costs not yet incurred which will be provided by an entity other than the applicant).

If match dollars for the project include the use of Tax Increment Financing (TIF), applicants must provide a timeline showing when the TIF dollars will be available for use, when the work funded by the TIF is scheduled to begin and when that work is to be completed.

Part C Attachments	
Attachment C1	Project Assumptions and Cost Estimate
Attachment C2	VAP Phase I Environmental Site Assessment Report (ELECTRONIC COPY ONLY)

Attachment C1: Project Assumptions and Cost Estimate

The Field Investigation Table is available for download as a Microsoft Excel document on the OWDA Brownfield Loan Program website: http://development.ohio.gov/cs/cs_owda.htm. Complete the table, based upon the results of the Phase I ESA. An example is included in italics, please delete the example and complete the table with information from Phase I. Add columns as required. Provide the table and a to-scale map delineating all identified areas in Attachment C1.

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). Include these documents in Attachment C1.

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 C1.

Summary of Attachment C1 documents:
- Field Investigation Table (available for download)
- Figure(s) showing identified areas
- Timeline
- Workplan
- Cost Estimate with detail supporting cost estimate
- Limiting site conditions (if applicable)

Attachment C2: VAP Phase I Environmental Site Assessment Report

Please provide the following for Attachment C2:
- An **electronic copy of the entire** VAP-compliant Phase I Environmental Site Assessment Report which encompasses the entire project property.
- If applicable, provide electronic 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.