



DOD Offers Brownfield Remediation Guidelines After DeWine Order

Gov. Mike DeWine issued an executive order on Tuesday, Dec. 7 declaring an emergency in regard to brownfield sites, thus enabling the Ohio Department of Development (DOD) to suspend the normal rule-making process in regard to the Building Demolition and Site Revitalization and Brownfield Remediation programs.

This allows for immediate adoption of Ohio Administrative Code (OAC) rules 122:31-1-01, 122:31-1-02, 122:31-1-03, 122:31-1-04, 122:31-1-05, 122:31-1-06, 122:32-1-01, 122:32-1-02, 122:32-1-03, 122:32-1-04, 122:32-1-05 and 122:32-1-06, according to the order.


DOD released guidelines that day on the Brownfield Remediation Program, which provides around \$350 million in total funds and \$1 million set aside for each county. If that minimum funding is not obligated by June 30, 2022, the funds will become available to all eligible projects on a first-come, first-serve basis.

The guidelines said the eligible applicants include a variety of units of local government and county land reutilization corporations, nonprofits or for-profit organizations that entered into an agreement with a unit of local government. Entities that caused or contributed to property contamination are not eligible.

Properties must meet the definition of a brownfield to be eligible as well, and applicants can apply for funds related to assessment and cleanup/remediation. The maximum award for assessment costs is \$300,000, and the cleanup/remediation maximum cost is \$10 million. Administrative costs must adhere to all uniform cost guidance, and costs related to hiring a certified professional are eligible.

Ineligible costs include administrative costs related to application preparation and legal counsel related to the application or project implementation, as well as any costs incurred prior to the grant agreement or for site clearance.

Projects awarded through the county set-asides do not require a match, while the others can only receive up to 75 percent of total costs. Acceptable sources of match funds “may include local government, state government, federal government and by for-profit or nonprofit entities.”



One application can be submitted per property, and they will be reviewed based on information received from the applicant, with screening for completeness and eligibility. Incomplete applications will result in DOD's contacting the applicant, who will have 14 business days to provide additional information. There will be three rounds of the application process. The first will end on Monday, Jan. 31, 2022; the second will be from Tuesday, March 1 to Saturday, April 30; and the third will be from Friday, July 1 to Friday, Sept. 30 or until funds have been depleted.

On prevailing wage rates and labor standards, the guidelines said applicants must comply with provisions of Ohio Revised Code (ORC) Sections 4115.03 to 4115.16 with respect to the payment of all mechanics and laborers employed in construction work financed with grant funds.

The Greater Ohio Policy Center (GOPC) issued a press release voicing its appreciation for the guidelines, with Director of Strategic Engagement Jason Warner saying that "though these guidelines are temporary, we know that communities across Ohio are eager for the opportunity to access these funds and begin the important work of remediating the thousands of brownfield sites throughout Ohio."

GOPC and DOD will hold a webinar at 11 a.m. on Wednesday, Jan. 12 to provide potential applicants with more details on the Brownfield Remediation Program. Registration is available at <https://tinyurl.com/yckvjw2d>.

SB83 (Williams-Rulli), a bill requiring the Ohio Environmental Protection Agency (Ohio EPA) to conduct a study on where brownfield sites are located in Ohio, was reported back to the House Rules and Reference Committee by the House Agriculture and Conservation Committee on Tuesday, Dec. 7. (See *The Hannah Report*, 12/7/21.) The bill would appropriate \$150,000 in FY22 and because of that, it will likely be re-referred to the House Finance Committee.

The order and guidelines are available at www.hannah.com>Important Documents & Notices>Library.

Story originally published in *The Hannah Report* on December 13, 2021. Copyright 2021 Hannah News Service, Inc.

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