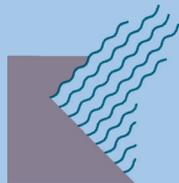


Ohio

OWDA Brownfield Loan Program Cleanup 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 Brownfield Loan Program is to provide funds to physically change brownfield property through demolition and environmental cleanup activities catalyzing new economic development and investment in Ohio. The economic benefits of the cleanup activities must be quantifiable. The applicant will ensure that cleanup activities completed at the site result in a property which is safe for its intended end use.

This funding is provided by the Ohio Water Development Authority (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:

A majority of brownfield projects are eligible to be cleaned up under Ohio Environmental Protection Agency's (EPA) Voluntary Action Program (VAP). The VAP process and rules can be found in Ohio Revised Code 3746 and O.A.C. 3745-300-01 to 3745-300-14 (see also <http://www.epa.state.oh.us/derr/vap/rules/rules.aspx>).

The applicant will work with a certified professional to ensure that an adequate VAP Phase I Assessment and VAP-compliant Phase II Site Assessment have been completed for the property. These assessments will support a Remedial Action Plan and Cost Estimate that will be included in the application to describe all demolition and cleanup activities at the brownfield property.

Upon completion of cleanup activities and after a determination that applicable VAP cleanup standards have been met, the certified professional will issue a No Further Action (NFA) Letter. In addition, the applicant may choose to seek review by the Ohio EPA and request a covenant not to sue or director's determination letter to be issued. The VAP fees are eligible costs through the Brownfield Loan Program.

Applicants are encouraged to enter the VAP PAYGO process whereby VAP documents are reviewed under VAP Technical Assistance, paid for by the Volunteer, prior to issuance of the NFA Letter. (For information on the PAYGO process, see: <http://www.epa.state.oh.us/derr/volunt/volunt.aspx>)

Funding:

The loan application may request up to \$5 million for demolition and cleanup at the project property. Preference will be given to projects with the following characteristics:

- Projects with end uses which result in new or retained jobs at the property within 12 months of project completion
- Projects with match dollars contributing toward acquisition, demolition, remediation, or infrastructure

Projects that do not adequately assess the extent of the contamination at the property to support the chosen remedy are not ready for funding and will not be considered until the appropriate level of assessment activities have been completed.

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:

- Quarterly progress reports
- One electronic copy of all NFA documentation which was submitted to Ohio EPA showing that the property has been remediated in accordance with VAP Standards.

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 maps
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	End User Documentation and Development Schedule

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

A copy of the property title showing the current owner must be provided 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 NFA 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. Goal of brownfield project
 - a. End user, number of jobs created or retained, wages, total investment on the property (redevelopment), and taxes created
 - b. Project's fit with master plan and importance to the community
 - c. Describe other sources of funding that will help this project succeed
2. History of project property
3. Environmental benefit
4. Project's readiness to proceed if funded

Attachment A8: End User Documentation and Development Schedule

Provide a written commitment letter for each end user. The written commitment should be printed on company letterhead and signed by an authorized company signatory.

Provide architectural renderings and layouts of the exterior and interior space of the proposed redevelopment. For residential, indicate the types of housing and price ranges. For commercial or industrial, indicate the class of space and rental rates.

Provide a time schedule for redevelopment in Gantt format with 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: Copies of the past three years historical financial statements are required. 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 are acceptable 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, demolition, cleanup/remediation.

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	Remedial Action Plan
Attachment C2	Project Assumptions and Cost Estimates
Attachment C3	VAP Phase I Environmental Site Assessment Report (ELECTRONIC COPY ONLY)
Attachment C4	VAP Phase II Environmental Site Assessment Report (required) and Asbestos Inspection Report (if applicable)

Attachment C1: Remedial Action Plan

This plan should describe all cleanup activities to be performed on the project property, including contaminated building materials and asbestos removal. The applicant must, at a minimum, provide the following information:

1.0 Project Property

- 1.1 Provide a brief description of activities/media to be addressed on the project property.
- 1.2 Are the property boundaries the same in the Phase I, Phase II, and the grant application? If not, provide a map identifying all discrepancies.
- 1.3 Identify the proposed end-use(s) on the project property.
- 1.4 Identify any areas of the property which are governed by another regulatory program (i.e. TSCA, RCRA, Solid Waste or BUSTR). Provide maps and figures identifying the locations. Describe how the programmatic requirements will be met. (Note: some of these activities may not be eligible for Brownfield Loan Program reimbursement.)
- 1.5 If applicable, include a detailed description and location map of any institutional and/or engineering controls that will be used to address all completed pathways after remediation.
- 1.6 For confirmation sampling, provide a description of the procedures to be used to demonstrate that the property will achieve the selected cleanup goals/applicable standards.

2.0 Environmental Media – Soil (if applicable)

- 2.1 Provide a description of the proposed remedial activities and the rationale used in selecting the remedy.
- 2.2 Include a table showing a comparison of the contaminant levels in each identified area to the selected cleanup goals/applicable standards. The applicable standards must match the proposed end use(s) of the project property.
- 2.3 Include a figure showing location and extent of impacted soil above applicable standards.

3.0 Environmental Media – Groundwater (if applicable)

- 3.1 Provide a summary of the classification and contaminant levels that exist in the groundwater zone(s) under the project property.
- 3.2 Include a table showing a comparison of the contaminant levels in the groundwater zone(s) to the applicable response requirements.
- 3.3 If applicable, describe how an existing Urban Setting Designation affects the response requirements.
- 3.4 If applicable, describe how off-site migration, either going on or off the project property, affects the response requirements.
- 3.5 Describe the proposed remedial activities and the rationale used in selecting the remedy, or how groundwater that currently meets UPUS will continue to be protected.
- 3.6 If applicable, describe the proposed groundwater modeling. If groundwater was previously modeled, include a summary of results with applicable tables.
- 3.7 Include a figure showing location and extent of impacted groundwater above applicable standards.

4.0 Environmental Exposure Pathway – Indoor Air (if applicable)

- 4.1 Provide a summary of the VOC contaminant levels that exist in soil and/or groundwater that may impact indoor air quality of existing or planned structures on the project property.
- 4.2 Provide a table showing a comparison of the contaminant levels in the soil and/or groundwater to the selected cleanup goals/applicable standards.
- 4.3 Provide a description of the proposed remedial activities and the rationale used in selecting the remedy. Has indoor air modeling been completed or will it be included as part of the remedial activities? If completed, please summarize the results and include applicable tables.

5.0 Environmental Media – Surface Water (if applicable)

- 5.1 Provide a description of the proposed remedial activities and the rationale used in selecting the remedy.
- 5.2 Include a table showing a comparison of the contaminant levels in the surface water to the selected cleanup goals/applicable standards.

6.0 Environmental Media – Sediment (if applicable)

- 6.1 Provide a description of the proposed remedial activities and the rationale used in selecting the remedy.
- 6.2 Include a table showing a comparison of the contaminant levels in the sediment to the selected cleanup goals/applicable standards.
- 6.3 Include a figure showing location and extent of impacted sediment above actionable levels.

7.0 Asbestos (if applicable)

- 7.1 Provide a summary of the location, type, and condition of asbestos contained within on-site structures, in debris piles, or possibly in soil and/or groundwater.
- 7.2 Include a description of the proposed remedial activities and/or management procedures and the rationale used in selecting them.

8.0 Contaminated Building Materials (if applicable)

Include a summary of the location, type, and quantities of contaminated building materials that exist. Include a summary of the remediation and/or management procedures and the rationale used in selecting them.

9.0 General Waste Removal (if applicable)

Provide a description of how each of the general wastes will be recycled, disposed of, or otherwise managed, including any regulatory approvals that may be necessary. General wastes include, but are not limited to, paint cans, lead paint debris, PCB ballasts, mercury switches, scrap tires, wood block flooring, and infectious wastes.

10.0 Implementation Schedule

Include a description of the overall project schedule detailing all tasks necessary to complete the project. Include any necessary acquisition steps, remediation activities, submittal of the NFA letter, and any O&M obligations that would extend beyond the loan period. Attach a Gantt chart showing this information.

Attachment C2: Project Assumptions and Cost Estimate

This section includes all project assumptions and cost estimates that were developed for this loan application. The applicant must provide the following information:

1.0 Total Project Costs

Provide an overall estimate of project costs for the property separated into the following two major categories: demolition and cleanup/remediation.

Total Project Costs - All dollars expended (or to be expended) at the property for eligible activities in section 5 of the policies and other costs identified as match.

2.0 Major Tasks

Provide a list of all major demolition and cleanup/remediation tasks associated with the project. If applicable, include a description of the demolition methods and to-scale maps showing which structures will be demolished.

3.0 Estimates for Soil, Groundwater and Other Environmental Media

Provide all calculations and assumptions used to determine the estimated volume of contaminated soil, groundwater or other environmental media that will be remediated in each of the property's Identified Areas. If applicable, include a to-scale map identifying all at-grade and subgrade areas that will be actively remediated.

4.0 Backfill Estimates

Show all calculations and assumptions used to determine the estimated volume of backfill material that will be placed at the property for the purposes of this project.

5.0 Demolition and Debris Disposal Estimates

Show all calculations and assumptions used to determine the estimated demolition activities and procedures for disposal of the debris generated from the property for the purposes of this project. The calculations should include dimensions of site structures that will be demolished, including subgrade areas. Provide a description of the building materials (i.e., brick, concrete, sheet metal, asbestos, etc.), and include the amount of material to be recycled and the amount to be removed from the site.

6.0 General Waste Estimates

Show all calculations and assumptions used to determine the estimated volume of waste materials (i.e., hazardous materials, PCB ballasts and transformers, fluorescent bulbs, etc.) that will be removed from the project property.

7.0 Detailed Costs

Provide a detailed third party cost estimates that correspond to the established remedial activities including any contingencies. Costs must be itemized and unitized. Costs for individual activities must be separated (i.e., show the cost per well or soil borings, staff time and analytical costs). All subcontractor costs over \$25,000 must be supported by a cost estimate provided by a potential subcontractor. Any remedial cost estimates for VAP work must be signed by an Ohio Certified Professional and any remedial cost estimates for non-VAP work, including demolition and infrastructure, must be certified by an Ohio Professional Engineer.

Attachment C3: VAP Phase I Report

Please provide the following for Attachment C3:

- The Executive Summary of the most recent Phase I Environmental Site Assessment (ESA) Report which encompasses the entire project property
- An **electronic copy of the entire** VAP-compliant Phase I ESA Report including previous Phase I ESA reports

Attachment C4: VAP Phase II Information (required) and Asbestos Inspection Report (if applicable)

VAP Phase II Information:

Include all the information that typically makes up a VAP-compliant Phase II Report, **except** for the following items:

Do **NOT** provide these documents:

- Analytical lab data reports
- ODNR well logs
- Resumes of personnel
- Well development forms or field sampling sheets
- Standard operating procedures
- Geotechnical reports
- Monitoring well logs and construction diagrams
- Geophysical surveys
- Modeling worksheets and output files
- Hydraulic evaluation data (i.e. pump tests and slug tests)

The above information should be included in the NFA Letter, and Ohio EPA will review and evaluate the NFA once cleanup activities are complete. For the purposes of the Brownfield Loan Program application, assessment data is necessary to help Development understand the level of contamination that exists on the project property compared to applicable standards, and it helps us determine the reasonableness of the selected remedy and the costs associated with it. Development deems only the following information crucial for this purpose:

Provide the following documents in Attachment C4:

- A description of the property covered by the Phase II report
- The report text typically associated with a Phase II report
- Summary tables typically associated with a Phase II report
- Figures, cross-sections, and maps typically associated with a Phase II report
- **An electronic copy only** of soil boring and test pit logs typically associated with a Phase II report
- Asbestos survey reports, if asbestos removal and disposal is planned
- **An electronic copy only** of previous Phase II Reports

Asbestos Inspection Report (electronic copy only):

If asbestos abatement is proposed, an Asbestos Inspection Report must be included with the application. The 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; and 4) explanation of any planned demolition. The Brownfield Loan Program will not provide grant funds for lead paint abatement or mold removal.