



**Development  
Services Agency**

**Mike DeWine**, Governor  
**Jon Husted**, Lt. Governor

**Lydia L. Mihalik**, Director

# **Abandoned Gas Station Cleanup Grant Program Guidelines**

---

**December 2019**

Prepared By:  
Ohio Development Services Agency  
Community Services Division  
Office of Community Development

## **Abandoned Gas Station Cleanup Grant Program**

**Goal:** The Abandoned Gas Station Cleanup Grant Program, administered by the Ohio Development Services Agency (“Development”), was established by the 131<sup>st</sup> General Assembly pursuant to Section 235.10 of Amended Substitute House Bill 64 for the purpose of cleanup and remediation of Class C Release<sup>1</sup> sites to provide for and enable the environmentally safe and productive reuse of Publicly Owned Lands<sup>2</sup> as authorized by Section 20 of Article VIII of the Ohio Constitution.

The goal of this program is to identify and address abandoned gas stations in key locations (i.e. along busy roadways or at key intersections) in communities and areas around the state that cannot be redeveloped due to the cost of cleanup.

**Source of Funds:** State of Ohio Service Station Cleanup Fund.

**Funding Limits:** Maximum funding of \$100,000 for Property Assessment<sup>3</sup> activities and \$500,000 for Cleanup or Remediation<sup>4</sup> activities for a single Eligible Property.

**Eligible Applicants:** A county, municipal corporation, township, port authority, or a county land reutilization corporation organized under Chapter 1724 of the Revised Code (“Political Subdivision”<sup>5</sup>). The Political Subdivision must either own the Eligible Property (defined below) or enter into a Relevant Agreement<sup>6</sup> with the organization that owns the Eligible Property.

Eligible Applicants, and, if applicable, the organization with which they have a Relevant Agreement, cannot have caused or contributed to any prior release of petroleum or other hazardous substances on the Eligible Property, and cannot have owned or operated any Bureau of Underground Storage Tank Regulations (“BUSTR”) regulated tank(s) on the Eligible Property when such tanks were in service.

---

<sup>1</sup> A release of petroleum occurring or identified from an underground storage tank system subject to sections 3737.87 to 3737.89 of the Ohio 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 Ohio Revised Code.

<sup>2</sup> Lands that are owned by a Political Subdivision or lands that are owned by an organization that has entered into a Relevant Agreement with a Political Subdivision.

<sup>3</sup> An assessment conducted in accordance with section 3746.04 of the Ohio Revised Code or a corrective action process or source investigation process under section 1301:7-9-13 of the Ohio Administrative Code.

<sup>4</sup> 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.

<sup>5</sup> Section 235.10 of Substitute House Bill 166

<sup>6</sup> A Relevant Agreement must outline the future redevelopment plan for the property and provide the Political Subdivision right of entry, decision-making authority regarding assessment and remediation activities, and release from liability.

**Eligible Properties<sup>7</sup>:** Eligible Properties are Publicly Owned Lands with a Class C Release that were formerly used for gas station or service station operations, are vacant, have had no other commercial development or public use after its operation as a gas or service station, and may contain an abandoned structure. A confirmed release of petroleum must be documented at the Eligible Property. If Underground Storage Tanks (“USTs”) are no longer present on the site, the petroleum release must be detected above BUSTR action levels to be considered eligible. Applicants must obtain confirmation of Class C status from BUSTR.

**Program Priority:** Eligible Properties that 1) are owned by a Political Subdivision; and 2) have a well-defined redevelopment plan. Properties should not be redeveloped into new gas or service stations.

**Application Evaluation:** Development, while evaluating an application, will consider items relating to the property such as: previous and last known use, previous and current ownership, registration with BUSTR, how the funds requested are necessary to complete the redevelopment project, and how the future use of the property benefits the public. Development will score the applications and require a score of 70 or higher to be considered as eligible for this grant program.

---

<sup>7</sup> If an Eligible Applicant has received Abandoned Gas Station Cleanup Grant Program funding for a previous phase of Property Assessment, Cleanup, or Remediation work on an Eligible Property, the subject property is presumed to be an Eligible Property for future grant application purposes.

## Assessment / Corrective Action Grants

**Grant Ceiling:** Maximum grant award of \$250,000. Funding for Property Assessment activities may not exceed \$100,000.

**Eligible Activities:** Property Assessment and Cleanup or Remediation activities conducted in accordance with the Ohio Environmental Protection Agency (“OEPA”) Voluntary Action Program (“VAP”) rules<sup>8</sup> and/or the BUSTR corrective action rule<sup>9</sup> on Eligible Properties. Eligible Properties with additional contaminants not regulated by BUSTR must follow the OEPA VAP provisions. Assessment/Corrective Action Grant projects must include Property Assessment activities.

### Property Assessment Activities:

- BUSTR Closure Assessment, Tier 1 Source Investigation, Tier 1 Delineation, Tier 2 Evaluation, Tier 3 Evaluation, and the development of Remedial Action<sup>10</sup> or Interim Response Action Plans
- VAP Phase II Property Assessment
- Asbestos and universal waste surveys
- VAP Phase I Property Assessment (pre-application)
- Geophysical survey (pre-application)
- Other Property Assessment activities, as recommended by BUSTR or OEPA and as approved by Development

### Cleanup or Remediation Activities:

- UST removal
- Soil, groundwater, asbestos, lead paint, and other hazardous substance remediation.
- Removal of structures, pads, and associated infrastructure to the extent necessary to ready the Eligible Property for redevelopment (“Demolition”).
- Limited site Clearance<sup>11</sup> and restoration
- Other Cleanup or Remediation activities, as recommended by BUSTR or OEPA and as approved by Development

### **Ineligible Activities:**

- Property acquisition
- Back taxes / liens
- Construction or infrastructure costs not associated with the Cleanup or Remediation of the Eligible Property

---

<sup>8</sup> Ohio Administrative Code 3745-300

<sup>9</sup> Ohio Administrative Code 1301:7-9-13

<sup>10</sup> The Cleanup or Remediation plan prepared by an environmental consultant in accordance with BUSTR or OEPA standards.

<sup>11</sup> Removal of vegetation, construction debris, and universal waste.

- Professional fees are not allowable costs, with the exception of environmental professional services.
- Project costs defined as markup are not eligible costs.
- Any costs the Director of Development deems ineligible

**Eligible Pre-application Expenses:** Current VAP Phase I Property Assessment and geophysical survey. Assessment/Corrective Action Grant funds may be used to reimburse up to \$8,000 in eligible pre-application expenses.

**Program Period:** Assessment/Corrective Action Grant award recipients must complete projects according to the following deadlines:

1. All activities must be completed by the end of the 24<sup>th</sup> month following the grant effective date (“Work Completion Date”);
2. all drawdown requests must be submitted to Development by the end of the 25<sup>th</sup> month (“Drawdown Date”); and
3. a Final Progress Report must be submitted to Development by the end of the 26<sup>th</sup> month (“Grant End Date”).

**Program Amendments/Extensions:** If the Grantee will not complete the project by the Work Completion Date in the grant agreement, the Grantee must request an extension of time not less than 60 days prior to the Work Completion Date, unless otherwise agreed to by Development. It will be within the sole discretion of Development whether or not to grant such extension of time.

A budget amendment is required when the Grantee desires to reallocate to or from any line item in the approved project budget more than 10 percent of the line item amount or \$10,000, whichever is greater. A budget amendment is always required when adding grant funds to a new budget line item.

Requests for a project amendment shall be submitted to Development in writing and shall specify the requested changes and the justification for each change. Development will review the request for amendment taking into consideration the statutes, policies and goals of the project. All amendments requested by the Grantee must be received by Development at least 30 days prior to any request for payment that includes the proposed change(s).

**Reporting:**

- Progress Reports. Grantee shall provide Progress Reports to Development with each payment request. The Progress Report shall include a description of all work completed, beginning and end dates of work completed, proposed tasks and objectives for continued completion of the project, and any recent significant events.
- Final Progress Report. Grantee shall submit a Final Progress Report, on or before the Grant End Date, setting forth the total expenditure of the grant funds, the total actual cost of the project, a written summary of all work completed and project benefits. The Final Progress Report shall be signed and certified by the authorized representative of

the Grantee (e.g. chief elected official or local government employee with designated signature authority). The Grantee must attach the following supporting documentation (as applicable) to the Final Progress Report for an Assessment/Corrective Action Grant:

- BUSTR Closure Assessment, Tier 1 Notification Report, Tier1 Investigation Report, Tier 2 Evaluation Report, Tier 3 Evaluation and/or an OEPA VAP Phase II Property Assessment report.
- If further assessment and/or remediation is needed, a Remedial Action or Interim Response Action Plan
- If no further assessment and/or remediation is necessary, a BUSTR No Further Action designation or a No Further Action letter submitted to OEPA.
- Final documentation demonstrating that asbestos abatement, universal waste removal, Demolition, and Clearance activities were completed according to the terms of the grant agreement.

**Application Timing:** Project applications will be accepted on a continuous basis. All awards must be approved by the Director of Development and State Controlling Board.

**Application Prerequisites:**

- Current VAP Phase I Property Assessment
- Geophysical survey report

**Application**

- The general Abandoned Gas Station Cleanup Grant Program online application is available on Development's website ([https://development.ohio.gov/cs/cs\\_agsc.htm](https://development.ohio.gov/cs/cs_agsc.htm)). Applicants must submit the application electronically to Development.
- Applicants must demonstrate the following:
  - All conditions or circumstances that inhibit environmentally sound or economic reuse of the Eligible Property will be addressed.
  - Reasonable costs, based on industry standards.
  - Any costs above the grant amount must be committed at the time of application.
  - The project meets minimum eligibility criteria, as provided in the application.
  - The applicant, and, if applicable, the organization with which the applicant has a Relevant Agreement, did not cause or contribute to any prior release of petroleum or other hazardous substances on the Eligible Property, and did not own or operate any BUSTR-regulated tank(s) on the Eligible Property when such tanks were in service.
  - If the Eligible Property is owned by an organization that has entered into a Relevant Agreement with a Political Subdivision, the organization must certify that, without public assistance, it would be incapable of financing necessary Property Assessment and Cleanup or Remediation activities on the Eligible Property. At the discretion of the Director of Development, additional financial documentation may be requested to substantiate the certification.

- The applicant must provide written cost estimates demonstrating the anticipated costs based on the recommendations of the VAP Phase I Property Assessment, the results of the geophysical survey, and other available documentation or reasonable assumptions. Any proposed Property Assessment activity costs over the program threshold (\$100,000) must be committed at the time of the application.
- Funding will be prioritized for Eligible Properties formerly used as gas and/or service stations that 1) are owned by a Political Subdivision; and 2) have a well-defined redevelopment plan. Properties should not be redeveloped into new gas or service stations.

**Application Scoring:**

Development will assess the Assessment/Corrective Action Grant application to determine whether the proposed project meets Abandoned Gas Station Cleanup Grant Program objectives. The following rating criteria will be used to evaluate project applications:

1. Community Location: High profile site such as main thoroughfare or key intersection (up to 20 points)
2. Community Impact: Land use after cleanup, benefits to community (up to 20 points)
3. Economic Impact: Job creation, increase in land value, etc. (up to 20 points)
4. Redevelopment Plan: Known end use, committed parties, purposeful component of a comprehensive land use plan (up to 20 points)
5. Environmental Impact: Extent of site remediation, proximity to waterway or residential area, etc. (up to 20 points)

Assessment/Corrective Action Grant applications must receive a minimum score of 70 to be eligible for consideration for funding.

## Cleanup and Remediation Grants

**Total Funds:** \$4,000,000 each State Fiscal Year.

**Grant Ceiling:** Maximum grant award of \$500,000. Total maximum funding for Cleanup or Remediation activities may not exceed \$500,000 for a single Eligible Property, including any Cleanup or Remediation activities performed under an Assessment/Corrective Action Grant.

**Eligible Activities:** Cleanup or Remediation activities conducted in accordance with the Ohio Environmental Protection Agency (“OEPA”) Voluntary Action Program (“VAP”) rules and/or the BUSTR corrective action rule on Eligible Properties. Eligible Properties with additional contaminants not regulated by BUSTR must follow the OEPA VAP provisions.

### Cleanup or Remediation Activities:

- Soil, groundwater, asbestos, lead paint, and other hazardous substance remediation.
- Demolition
- Limited site Clearance and restoration
- Other Cleanup or Remediation activities, as recommended by BUSTR or Ohio EPA and as approved by the Ohio Development Services Agency (Development)

### **Ineligible Activities:**

- Property Assessment Activities
- Property acquisition
- Back taxes / liens
- Construction or infrastructure costs not associated with the Cleanup or Remediation of the Eligible Property
- Professional fees are not allowable costs, with the exception of environmental professional services of up to 15 percent of Cleanup or Remediation costs
- Project costs defined as markup are not eligible costs
- Any costs the Director of Development deems ineligible

**Program Period:** Cleanup and Remediation Grant award recipients must complete projects according to the following deadlines:

1. All activities must be completed by the end of the 24<sup>th</sup> month following the grant effective date (“Work Completion Date”);
2. all drawdown requests must be submitted to Development by the end of the 25<sup>th</sup> month (“Drawdown Date”); and
3. a Final Progress Report must be submitted to Development by the end of the 26<sup>th</sup> month (“Grant End Date”).

### **Program Amendments/Extensions:**

If the Grantee will not complete the project by the Work Completion Date in the grant agreement, the Grantee must request an extension of time not less than 60 days prior to the

Work Completion Date, unless otherwise agreed to by Development. It will be within the sole discretion of Development A whether or not to grant such extension of time.

A budget amendment is required when the Grantee desires to reallocate to or from any line item in the approved project budget more than 10 percent of the line item amount or \$10,000, whichever is greater. A budget amendment is always required when adding grant funds to a new budget line item.

Requests for a project amendment shall be submitted to Development in writing and shall specify the requested changes and the justification for each change. Development will review the request for amendment taking into consideration the statutes, policies and goals of the project. All amendments requested by the Grantee must be received by Development at least 30 days prior to any request for payment that includes the proposed change(s).

**Reporting:**

- Progress Reports. Grantee shall provide Progress Reports to Development with each payment request. The Progress Report shall include a description of all work completed, beginning and end dates of work completed, proposed tasks and objectives for continued completion of the project, and any recent significant events.
- Final Progress Report. Grantee shall submit a Final Progress Report, on or before the Grant End Date, setting forth the total expenditure of the grant funds, the total actual cost of the project, a written summary of all work completed and project benefits. The Final Progress Report shall be signed and certified by the authorized representative of the Grantee (e.g. chief elected official or local government employee with designated signature authority). The Grantee must attach the following supporting documentation (as applicable) to the Final Progress Report for a Cleanup and Remediation Grant:
  - A BUSTR No Further Action designation
  - If other hazardous substances are present on the Eligible Property above actionable levels, a VAP No Further Action letter submitted to Ohio EPA.
  - Final documentation demonstrating that asbestos abatement, universal waste removal, Demolition, and Clearance activities were completed according to the terms of the grant agreement.

**Application Timing:** Project applications will be accepted on a continuous basis. All awards must be approved by the Director of Development and State Controlling Board.

**Application Prerequisites:**

- Current Property Assessment documentation including, as applicable, VAP Phase I Property Assessment, Geophysical survey report, BUSTR Closure Assessment, Tier 1 Source Investigation, Tier 1 Delineation, Tier 2 Evaluation, Tier 3 Evaluation, Remedial Action Plan or Interim Response Action Plan, and/or VAP Phase II Property Assessment.

- Any Remedial Action Plan prepared for an Eligible Property must be approved by BUSTR.

**Application:**

- The general Abandoned Gas Station Cleanup Grant Program online application is available on Development's website ([https://development.ohio.gov/cs/cs\\_agsc.htm](https://development.ohio.gov/cs/cs_agsc.htm)). Applicants must submit the application electronically to Development.
- Applicants must demonstrate the following:
  - All conditions or circumstances that inhibit environmentally sound or economic reuse of the Eligible Property will be addressed.
  - Reasonable costs, based on industry standards.
  - Any costs above the grant amount must be committed at the time of application.
  - The project meets minimum eligibility criteria, as provided in the application.
  - The applicant, and, if applicable, the organization with which the applicant has a Relevant Agreement, did not cause or contribute to any prior release of petroleum or other hazardous substances on the Eligible Property, and did not own or operate any BUSTR-regulated tank(s) on the Eligible Property when such tanks were in service.
  - If the Eligible Property is owned by an organization that has entered into a Relevant Agreement with a Political Subdivision, the organization must certify that, without public assistance, it would be incapable of financing necessary Cleanup or Remediation activities on the Eligible Property. At the discretion of the Director of Development, additional financial documentation may be requested to substantiate the certification.
- The applicant must provide written cost estimates demonstrating the anticipated costs based on the recommendations of the Remedial Action Plan or VAP Phase II Property Assessment.
- Funding will be prioritized for Eligible Properties formerly used as gas and/or service stations that 1) are owned by a Political Subdivision; and 2) have a well-defined redevelopment plan. Properties should not be redeveloped into new gas or service stations.

**Application Scoring:**

Development, in consultation with OEPA and BUSTR, will assess each Cleanup and Remediation Grant application to determine whether the proposed actions provide the most cost-effective and efficient solution that will enable the environmentally safe and productive reuse of the Eligible Property.

- An application from an Eligible Applicant for an Eligible Property which previously received Abandoned Gas Station Cleanup Grant Program assistance via a Fast Track, Property Assessment, or Assessment/Corrective Action grant will be considered for funding based on a critical evaluation of the proposed cleanup and remediation plan.

- An application from an Eligible Applicant for an Eligible Property which has not previously received Abandoned Gas Station Cleanup Grant Program assistance via a Fast Track, Property Assessment, or Assessment/Corrective Action grant will be considered for funding based on a critical evaluation of the proposed cleanup and remediation plan and be assessed by Development to determine whether the proposed project meets Abandoned Gas Station Cleanup Grant Program objectives. The following rating criteria will be used to evaluate project applications:
  1. Community Location: High profile site such as main thoroughfare or key intersection (up to 20 points)
  2. Community Impact: Land use after cleanup, benefits to community (up to 20 points)
  3. Economic Impact: Job creation, increase in land value, etc. (up to 20 points)
  4. Redevelopment Plan: Known end use, committed parties, purposeful component of a comprehensive land use plan (up to 20 points)
  5. Environmental Impact: Extent of site remediation, proximity to waterway or residential area, etc. (up to 20 points)

Cleanup and Remediation Grant applications must receive a minimum score of 70 to be eligible for consideration for funding.