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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

S.B. 83\*  
134<sup>th</sup> General Assembly

## Bill Analysis

[Click here for S.B. 83's Fiscal Note](#)

**Version:** As Reported by House Agriculture and Conservation

**Primary Sponsors:** Sens. Williams and Rulli

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### SUMMARY

- Appropriates \$150,000 from the GRF for FY 2022 to be used by the Ohio Environmental Protection Agency (OEPA) to provide funding to applicants to conduct Phase I property assessments of brownfield sites under the Voluntary Action Program.
- Specifies that eligible applicants may include various political subdivisions, nonprofit organizations, and organizations for profit that have entered into an agreement with a political subdivision to complete a Phase I property assessment.
- Requires OEPA to complete a report listing applicants that received funding to conduct Phase I property assessments under the bill.
- Requires OEPA to submit the report to the General Assembly by July 1, 2023, and make it publicly available on the OEPA website.

### DETAILED ANALYSIS

#### Funding Phase I property assessments

##### Background

The Voluntary Action Program (VAP) is a cleanup program administered by the Ohio Environmental Protection Agency (OEPA). Under the VAP, a person may undertake cleanup of a contaminated property (brownfield) to specific standards. When those standards are met, a certified professional (a person certified by OEPA to assess the cleanup) may issue a “no further action letter.” This letter verifies that the property, in the view of the certified professional and based on an analysis performed by a certified laboratory, has been remediated and meets

\* This analysis was prepared before the report of the House Agriculture and Conservation Committee appeared in the House Journal. Note that the legislative history may be incomplete.

appropriate standards. After the issuance of a no further action letter, the Director of Environmental Protection may issue a covenant not to sue. The covenant protects the person from liability to the state for a release of hazardous substances or petroleum from the property under specified circumstances.<sup>1</sup>

Under the bill, a brownfield is an abandoned, idled, or under-used industrial, commercial, or institutional property where expansion or redevelopment is complicated by known or potential releases of hazardous substances or petroleum.<sup>2</sup>

### **Funding program**

The bill appropriates \$150,000 from the GRF for FY 2022 to be used by OEPA to provide funding to applicants to conduct Phase I Property Assessments of brownfield sites under the VAP. The purpose of a Phase I property assessment is to determine if there are any releases of hazardous substances or petroleum on or from a parcel of property. The scope of a Phase I property assessment is to characterize a property for the purposes of participation in the VAP. It also is used to determine the scope of any necessary Phase II property assessment, which determines what remedial actions are needed to bring a property to applicable standards for hazardous substances and petroleum.<sup>3</sup>

Under the bill, various political subdivisions,<sup>4</sup> nonprofit organizations, and organizations for profit that have entered into an agreement to work in conjunction with a political subdivision may apply for Phase I property assessment funding. An applicant must submit an application in a manner prescribed by the Director. The Director must consider applications on a first-come, first-served basis.<sup>5</sup>

### **Reappropriation**

On July 1, 2022, or as soon as possible after that date, the Director of Environmental Protection may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the FY 2022 appropriation to be reappropriated to FY 2023. The amount certified is reappropriated to the same appropriation for FY 2023.<sup>6</sup>

### **Report**

The bill requires OEPA to complete a report listing the applicants that receive funding for a Phase I property assessment under the bill. OEPA must complete the report by July 1,

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<sup>1</sup> R.C. Chapter 3746.

<sup>2</sup> Section 1(B)(1).

<sup>3</sup> Section 1. Ohio Administrative Code 3745-300-06 and 3745-300-07, not in the bill.

<sup>4</sup> The various political subdivisions include a county, township, municipal corporation, or conservancy district or a park district, other similar park authority. Section 1(B)(1).

<sup>5</sup> Section 1(B)(2), (C), and (D).

<sup>6</sup> Section 1(G).

2023. OEPA then must submit it to the General Assembly and make it publicly available on the OEPA website.<sup>7</sup>

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## HISTORY

| Action                                       | Date     |
|--|----------|
| Introduced                                   | 02-23-21 |
| Reported, S. Agriculture & Natural Resources | 05-19-21 |
| Passed Senate (32-0)                         | 05-19-21 |
| Reported, H. Agriculture & Conservation      | ---      |

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<sup>7</sup> Section 1(F).