



**Sub. H.B. 3\***

124th General Assembly

(As Reported by S. Energy, Natural Resources, & Environment)

**Reps. Blasdel, Hollister, Setzer, Aslanides, Britton, Carmichael, Core, Fedor, Hagan, Jolivette, Lendrum, Niehaus, Redfern, Seaver, Sferra, Strahorn, White, Woodard, Sulzer, Barrett, Webster, Hoops, Reinhard, Grendell, Trakas, Williams, Schaffer, Calvert, Schmidt, Patton, Seitz, Carano, Ogg, Allen, Peterson, Ford, Jones, Distel, Oakar, Hartnett, D. Miller, Latell, Gilb, Goodman, Key, Barnes, Husted, Coates, Cirelli, Carey, DeWine, Perry, Faber, Callender, Young, Cates, DePiero, Roman, Kilbane, Krupinski, Rhine, G. Smith, S. Smith, Hughes, Evans, Manning, Schneider, Wilson, Flowers, Raga, Collier, Clancy, Metzger, Otterman, Womer Benjamin, Bocchieri, Olman, Latta, Fessler, Kearns, Widowfield**

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**BILL SUMMARY**

**Bonds**

- Establishes procedures for the issuance of revenue bonds for brownfield revitalization purposes and general obligations (i.e. bonds) of the state for conservation purposes.
- Establishes a \$200 million maximum principal amount each of the revenue bonds and the general obligation bonds to be issued.
- Designates the Treasurer of State as the issuing authority for the revenue bonds and the Ohio Public Facilities Commission as the issuing authority for the general obligation bonds.
- Requires the proceeds of the sale of revenue bonds to be deposited in the Clean Ohio Revitalization Fund and used for grants for brownfield remediation and cleanup, and requires 20% of the net proceeds annually

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*\* This analysis was prepared before the report of the Senate Energy, Natural Resources, and Environment Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.*

to be used for assessments, cleanup or remediation of brownfields, and public health projects that are located in eligible areas (see below).

- Requires the proceeds of general obligation bonds to be deposited as follows: 75% to the Clean Ohio Conservation Fund for natural resources and parks and recreation grants, 12.5% to the Clean Ohio Trail Fund for recreational trail grants, and 12.5% to the Clean Ohio Agricultural Easement Fund for certain farmland preservation purposes.
- Make appropriations.

### **Brownfield grants**

- Creates the Clean Ohio Revitalization Fund to be administered by the Department of Development for the purpose of distributing grant or loan moneys for brownfield cleanup or remediation projects.
- Authorizes 15% of the annual allocation of money to the Clean Ohio Revitalization Fund to be used for loans, requires the Director of Development to establish policies and requirements governing loans, and prohibits loans for assessments, cleanup or remediation of brownfields, or public health projects for projects located in eligible areas, which must be funded solely with grants (see below).
- Establishes a maximum grant or loan percentage of 75% of the project's total estimated cost, and requires the applicant to provide, at a minimum, a 25% matching share of the project's total estimated cost.
- Establishes a \$3 million maximum grant or loan amount to any one project.
- Creates the Clean Ohio Council to review applications for and award grants under the brownfield revitalization grant and loan program.
- Requires grant or loan applicants to submit applications to local integrating committees established under the Ohio Public Works Commission Law or, if required, the executive committees of integrating committees, requires the committees or executive committees to prioritize and choose not more than six applications annually and forward them to the Council, and requires the Council to review and approve or disapprove the applications using a selection process established in policies and requirements established by the Director of Development.

- Requires the authorized representative of an applicant to sign and submit an affidavit with an application certifying that the applicant did not cause or contribute to the release of hazardous substances or petroleum at the property that is the subject of the application, and makes knowing submission of a false affidavit a felony.
- Requires recipients of grants or loans to enter into agreements with the Clean Ohio Council, and establishes requirements for those agreements.
- Requires a grant recipient to employ a certified professional to determine if the brownfield cleanup or remediation complies with applicable cleanup standards, and requires the certified professional to issue a no further action letter in accordance with requirements of the Voluntary Action Program Law upon determining that it is in compliance.
- Authorizes an applicant to pursue a covenant not to sue in accordance with the Voluntary Action Program Law, requires the Director of Environmental Protection to issue or deny a covenant not to sue if one is so requested, and, if an applicant does not pursue a covenant not to sue, requires the Director to determine if a cleanup or remediation complies with applicable cleanup standards and send a written report of that determination to the Clean Ohio Council.
- Applies the Voluntary Action Program Law to the brownfield provisions except as otherwise specifically provided in those provisions.
- Establishes filing requirements in county property records for completed and approved brownfield cleanup or remediation projects.
- Establishes a grant program for assessments, brownfield cleanups or remediations, and certain public health projects that is administered by the Director of Development for property in certain eligible areas of the state that are economically distressed and meet other economic criteria.
- Establishes a \$25 million maximum grant amount for public health projects in eligible areas.
- Requires the Director of Development to establish policies and requirements establishing an application form for grants, a selection process for prioritizing brownfield cleanup or remediation projects, a brownfield post-cleanup or remediation oversight program, criteria for

awarding grants to applicants in eligible areas that includes a selection process for public health projects, and any other procedures and requirements that are necessary to administer the program.

- Establishes immunity for an applicant from civil actions and from orders of the Director of Environmental Protection when the applicant did not cause the release of the hazardous substances or petroleum at the property and the applicant conducts the cleanup or remediation in compliance with the agreement entered into with the Clean Ohio Council and with all applicable environmental laws.

### **Natural Resources and Parks and Recreation Grants**

- Establishes the Clean Ohio Conservation Fund for the purpose of distributing grants to local political subdivisions and nonprofit organizations for natural resources and parks and recreation projects.
- Establishes a framework for the distribution of moneys from the Fund that utilizes the existing framework of the Ohio Public Works Commission and district public works integrating committees, and adds the Director of Natural Resources as an ex officio member of the Ohio Public Works Commission.
- Requires money in the Fund to be distributed within each district under that framework on a modified per capita basis.
- Requires each district public works integrating committee to appoint a natural resources assistance council to review and approve or disapprove eligible projects for funding from the Fund.
- Establishes the types of projects that may be funded with moneys from the Fund.
- Requires a political subdivision or nonprofit organization that is seeking funding for a project to submit an application and other information to the natural resources assistance council with jurisdiction over the project.
- Requires entities that propose projects for funding to provide at least 25% of the total cost of the project as matching funds.
- Establishes criteria for a natural resources assistance council to apply when approving or disapproving projects for grant funding.

- Grants final approval or disapproval authority for projects funded by the Clean Ohio Conservation Fund to the Ohio Public Works Commission.

### **Recreational trails**

- Establishes the Clean Ohio Trail Fund for the purpose of distributing grants to local political subdivisions and nonprofit organizations for recreational trails.
- Specifies that a matching grant that is made by the Director of Natural Resources to a political subdivision or a nonprofit organization for the purchase of land or interests in land for recreational trails and that consists of moneys from the Clean Ohio Trail Fund may provide up to 75% of the cost of the project.
- Requires applicants that propose projects for funding to provide at least 25% of the total cost of the project as matching funds.
- Requires the Director to adopt policies that establish procedures for providing matching grants, eligibility criteria for receiving a matching grant, and other requirements.
- Creates the Clean Ohio Trail Advisory Board to provide advice to the Director regarding the selection of applications for grants under the recreational trails grant program.

### **Farmland preservation**

- Establishes the Clean Ohio Agricultural Easement Fund for the purpose of distributing grants to local political subdivisions and charitable organizations for farmland preservation purposes.
- Requires the term of an agricultural easement purchased with money from the Clean Ohio Agricultural Easement Fund to be perpetual and to run with the land.
- Specifies that a matching grant that is made by the Director of Agriculture to a local government or charitable organization for the purchase of an agricultural easement and that consists of moneys from the Clean Ohio Agricultural Easement Fund may provide up to 75% of the value of the agricultural easement, and specifies that the amount of

such a matching grant used for the purchase of a single agricultural easement cannot exceed \$1 million.

- Requires the Director to adopt rules that establish procedures, criteria, and other requirements governing the purchase of agricultural easements with matching grants that consist of money from the Clean Ohio Agricultural Easement Fund.
- Requires a recipient of a matching grant that consists of moneys from the Clean Ohio Agricultural Easement Fund to monitor and, if necessary, to enforce the agricultural easement that was purchased with the matching grant, and requires the recipient to submit an annual monitoring report to the Office of Farmland Preservation in the Department of Agriculture.
- Creates the Farmland Preservation Advisory Board to provide advice to the Director regarding the design and implementation of an agricultural easement purchase program, the selection of applications for the purchase of agricultural easements with matching grants from the Clean Ohio Agricultural Easement Fund, and the design and implementation of any other statewide farmland protection measures that the Director considers appropriate.
- Allows the purchase of agricultural easements with installment payments.
- Authorizes the purchase of agricultural easements on homesteads.

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	01-30-01	p. 92
Reported, H. Energy & Environment	06-07-01	p. 635
Passed House (99-0)	06-12-01	pp. 638-641
Reported, S. Energy, Natural Resources, & Environment	---	---

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