

Sandra Williams

State Senator
21st Senate District



Michael Rulli

State Senator
33rd Senate District

Amendment Talking Points

Senate Bill 83

Agriculture and Conservation Committee

November 17, 2021

Chairman Koehler, Vice Chair Creech, Ranking Member Brent, and members of the Agriculture and Conservation Committee, we urge the committee to accept AM_134_2106 to Senate Bill 83 (SB 83). This amendment:

- Eliminates potential legal issues related to the state keeping a mandatory list of brownfield properties. Ohio EPA used to compile a “Master Sites List” of brownfield sites in Ohio, but the list was successfully challenged in court by a property owner. Ohio EPA has maintained a voluntary brownfield list since that court challenge.
- Addresses the issue of feasibility of a statewide brownfield study with the current appropriation of \$150,000 in the bill. The cost of a statewide study of all brownfields, including potential sampling would far exceed the current appropriation.
- Directs the appropriation in the bill to Phase 1 Targeted Brownfield Assessments (TBAs). Phase 1 targeted brownfield assessments are currently provided by Ohio EPA at no costs to local governments to begin the process of remediating brownfield sites.
- Phase 1 assessments can include:
 - Non-intrusive investigation of property’s environmental history
 - Historical records search
 - Interviews with persons knowledge about the property
 - Site walk over (i.e., visual inspection)
 - Review of surrounding properties
 - Identify areas where contamination may exist and sampling is needed
 - Survey whether asbestos is present on the property

- Ohio EPA currently receives about \$427,000 from US EPA each year to provide phase 1 targeted brownfield assessments at no cost to communities.
- Phase 1 TBAs on average cost between \$5500-\$8000. An increase in appropriation of \$150,000 would allow Ohio EPA to provide between 18-28 additional assessments.
- Ohio EPA has experienced an uptick in requests to provide phase 1 TBAs, as communities prepare to apply for the new brownfield grant funding that was enacted in HB 110 and is being administered by the Department of Development.
- Completing a Phase 1 TBA can also provide prospective buyers of brownfield properties with reduced risk and uncertainty, as it can serve as part of the landowner liability protections for the Bond Fide Prospective Purchaser Defense enacted in HB 168 of the 133rd General Assembly.