



**House Agriculture & Conservation Committee
Proponent Testimony, Senate Bill 83 (Williams-Rulli)
Jason Warner – Director of Strategic Engagement, Greater Ohio Policy Center
Tuesday, December 7, 2021**

Chairman Koehler, Ranking Member Brent and members of the House Agriculture and Conservation Committee, thank you for the opportunity to once again provide proponent testimony regarding Senate Bill 83, legislation which will help to address the pressing need for brownfield revitalization in the State of Ohio.

Greater Ohio Policy Center (GOPC) previously testified in June as advocates in support of the enactment of Senate Bill 83. Since that time, this committee has accepted an amendment which has made substantial changes to the bill – changes which GOPC strongly supports.

When we originally testified, the state was still considering enactment of the state budget (HB110). When enacted, the biennial budget included significant, one-time funding in the amount of \$350 million, to create the new Brownfield Remediation Fund, which will assist communities throughout Ohio revitalize brownfields.

The original intent of SB83 was for the funding of a study to identify brownfield sites across the state. However, potential legal issues were raised related to the state keeping a mandatory list of brownfield properties. Ohio EPA previously compiled a “Master Site List” of brownfield sites in Ohio, but this list was successfully challenged in court by a property owner. Ohio EPA still maintains a list of brownfield sites, however this list only includes properties that have been submitted voluntarily, by the property owners.

The substitute bill accepted by the committee removes the study portion of the bill as it has been introduced, and instead directs the original planned funding allocation (\$150,000) to the Ohio EPA to the Phase 1 Targeted Brownfield Assessment program, to assist local governments to begin the process of remediating brownfield sites. Phase 1 assessments can include a number of evaluation techniques to determine if a property is in fact a brownfield, as well as the steps that will be necessary to remediate the property, if it is determined to be a brownfield, once contaminants are identified.

A Phase 1 assessment can cost, on average, \$5,000 to \$8,000. Ohio EPA currently receives funding from the U.S. EPA to conduct Phase 1 assessments, which are provided at no cost to local communities. An allocation of state funding in addition to the existing federal funds, would provide for an estimated 18 to 28 additional assessments. Additionally, funding these assessments now, would allow communities the opportunity to determine what brownfields exist, and be better prepared to utilize the new Brownfield Remediation Fund resources available for the actual remediation of contaminated properties.

GOPC has worked closely with brownfields stakeholders throughout the state over the past few years, identifying the need to couple regulatory reforms with increased funding for brownfields redevelopment programs. Last General Assembly, the House and Senate unanimously passed House Bill 168 (HB168). HB168 better aligns Ohio and federal regulatory law, providing prospective purchasers of brownfield sites with liability protections when necessary due

diligence is followed. With the changes made through the adoption of the substitute bill, SB83 will provide Ohio's communities with additional resources to further redevelop brownfield sites and get these unusable properties into productive use.

Chairman Koehler and members of the Agriculture & Conservation Committee, thank you for the opportunity to share our further thoughts on SB83 and the need for brownfield revitalization in Ohio. I am happy to answer any questions the committee may have.