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inside Hull

INSIDE Hull & Associates, Inc. is distributed on a quarterly basis. It is not intended to provide legal opinions or other professional advice, but only to serve as a convenient summary of or reference to the issues presented. Comments and suggestions are always welcome, and can be directed to Tiffany Sims - Hull & Associates, Inc., 6397 Emerald Parkway, Suite 200, Dublin, Ohio 43016 (614-793-8777), Email: [tsims@hullinc.com](mailto:tsims@hullinc.com).

**Hull Staff Certified by Ohio EPA as Qualified Data Collectors**

Two Hull aquatic biologists are now certified as Qualified Data Collectors for surface water data under a new State of Ohio program. The Ohio Environmental Protection Agency (Ohio EPA) recently implemented rules under OAC 3745-4 (effective 3/24/06) describing the credible data program, and establishing levels of credible data for surface water quality monitoring. Under the new rules, persons who collect water quality data and submit it to Ohio EPA for review as credible data must have official status as a Qualified Data Collector (QDC). Three levels of credible data have been established, ranging from Level 1 (for purposes of public awareness and educational activities) to Level 2 (initial screening of water quality problems) to Level 3 (the highest level of credible data, used for a variety of regulatory purposes).

An individual can receive QDC status in four different specialties including stream habitat assessment, fish community biology, benthic macroinvertebrate biology, and chemical water quality assessment. Requirements for these specialties include both general and specialized knowledge of stream and riverine physical forms and habitat features, Ohio EPA training, college-level courses, and at least two years of practical experience.

Keith Carr (Toledo) now holds Level 3 QDC status for stream habitat assessment, fish community biology and chemical water quality assessment. Kristin Yanko (Solon) holds Level 2 QDC status for benthic macroinvertebrate biology (with Level 3 status planned) and Level 3 status for chemical water quality assessment. She will be completing training in October to receive Level 3 status for stream habitat assessment.

For more information, please contact Keith Carr at 419.385.2018 or [kcarr@hullinc.com](mailto:kcarr@hullinc.com), or Kristin Yanko at 440.519.2555 or [kyanko@hullinc.com](mailto:kyanko@hullinc.com).

**Toledo Loves Its Jeep!**  
Wins U.S. EPA Region 5 Phoenix Award

Congratulations to the City of Toledo for receiving the 2006 U.S. EPA Region 5 Phoenix Award! This award, to be presented at the November U.S. EPA Brownfields Conference in Boston, is given annually to one project in each of the 10 U.S. EPA regions to recognize innovative and practical remediation projects that bring brownfields back to productive use. "Toledo Loves Its Jeep!" is also in contention for the national Phoenix Award Grand Prize and People's Choice awards that will be announced at the conference.



This award recognizes the hard work and innovation involved in the assembly, clean up and redevelopment of more than 200 acres of property that included under-utilized industrial and commercial properties. The "Toledo Loves Its Jeep!" project was prompted in 1997 when Chrysler announced that the antiquated Jeep Assembly Plant would be replaced with a new facility to be located within 50 miles of the old plant. Relocation outside of the City limit would have had an enormous impact on the City's economy: the old plant employed nearly 5,000 people – providing approximately \$6 million in annual tax revenues – and many additional Toledo businesses served as parts suppliers for the plant.

Toledo, the State of Ohio and many public and private partners implemented a "Keep Jeep" campaign. Creative ideas for brownfields cleanup, a broad range of funding sources, and a proactive demonstration of community support led to a decision by Chrysler to stay in Toledo and move near an existing plant a few miles away. Toledo assembled several parcels of land adjacent to an existing Jeep facility on Stickney Avenue, increasing that tract of land to 400 acres from an existing 190 acres. They transformed railroad infrastructure into roadway access, relocated railroads, completed nine road construction projects, and conducted extensive environmental cleanup. Environmental cleanup began within six months of the agreement and with the City's attention to timely land transfers and permitting, the company built its facility in time for production of the 2001 models.

Key highlights of the cleanup activities include:

- Phase I and II Environmental Site Assessments for 109 properties and relocation of 28 industrial and commercial properties.
- Integration of environmental data with GIS mapping to facilitate planning and to complete site preparation activities.
- Remediation of properties, including the removal of more than 200,000 cubic yards of impacted soils.
- Implementation of a creative beneficial reuse for the impacted soils to provide a cover for two pre-1976 landfills. (This saved the City over \$9 million from typical soil disposal costs and an additional \$1 million to \$2 million over having to provide a different cover material for the landfills.)
- Delineation of 43 acres of jurisdictional wetlands and permitting and mitigation of 27 wetland acres by implementing a mitigation landbanking project that saved the City over \$500,000.

As a result of this huge brownfield redevelopment project, Toledo has given new life to a contaminated area and preserved a major portion of its economic base. The company spent \$1.2 billion at the Stickney Avenue Plant, while Toledo invested \$75 million for land acquisition, environmental remediation, road construction, railroads, and utilities. Additionally, the project spawned other nearby brownfields cleanups as support industries (parts suppliers, intermodal services and independent pre-assembly operations) are constructed. In the last two years, another \$1.5 billion has been invested for the development of facilities to supply parts to the new plant.



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## TOLEDO LOVES ITS JEEP CONTINUED . . .

This project epitomizes a successful brownfield redevelopment project and demonstrates what a City and its many public and private partners can do when they resolve challenges with creative and courageous financing and cleanup approaches. Hull is proud to have served as the lead environmental consultant on this project and to have prepared the winning Phoenix Award application. Congratulations again, Toledo!

For more information, please contact Jenny Carter-Cornell or Bill Burkett in our Toledo office at 419.385.2018 or [jcornell@hullinc.com](mailto:jcornell@hullinc.com), or [bburkett@hullinc.com](mailto:bburkett@hullinc.com).

## U.S. EPA BROWNFIELD GRANT PROGRAMS-DECEMBER 8 DEADLINE

U.S. Environmental Protection Agency just released proposal guidelines for FY2007 Brownfield Assessment, Revolving Loan Fund and Cleanup grants, with applications due on December 8, 2006. Part of the Small Business and Liability Relief and Brownfields Revitalization Act, these grants are designed to help communities clean up and revitalize brownfield sites that impede redevelopment and economic growth. Applicants must be a government entity, authorized redevelopment agency, regional council, land clearance authority, or nonprofit organization. Ineligible sites include: any site where the applicant has contributed to the source or cause of contamination; sites listed on the National Priorities List; sites subject to any enforcement orders under CERCLA; or sites within the jurisdiction, custody or control of the U.S. government. The following are highlights from each of the respective programs:

### Assessment Grants

- Assessment Grants are worth \$200,000 each, require no matching funds and have a performance period of two years.
- The grants provide funding to inventory, characterize, assess and conduct cleanup and redevelopment planning and community involvement related to brownfield sites contaminated with hazardous substances and/or petroleum.
- Applicants can apply for both site-specific and community-wide grants, but cannot submit more than two proposals total, and only one in each category (hazardous or petroleum).
- A site-specific application could include an additional \$150,000 request if the need for more assessment funding is demonstrated.

### Revolving Loan Fund Grants

- Revolving Loan Fund Grants are initially worth up to \$1,000,000 for applicants to capitalize and implement a revolving loan fund and provide sub-grants for cleanup activities at brownfield sites.
- Revolving loan funds are generally used to provide no-interest or low-interest loans for brownfield cleanups in the community.
- The grant requires a 20 percent cost match (money, labor, materials, services) from the applicant and has a performance period of five years.

### Cleanup Grants

- Cleanup Grants are worth \$200,000 per site and can be used to address cleanup activities at identified brownfield sites.
- A separate proposal must be submitted for each site, and no entity can apply for funds at more than three sites.
- The applicant must own the identified site by June 30, 2007, and a minimum Phase I site assessment must be completed prior to submitting a proposal.
- The grant requires a 20 percent cost match (money, labor, materials, services) from the applicant and has a performance period of two years.

Additional program information is available online at: <http://www.epa.gov/brownfields/>.

For more information, please contact Jenny Carter-Cornell in our Toledo office at 419.385.2018 or [jcornell@hullinc.com](mailto:jcornell@hullinc.com), or Kara Allison in our Dublin office at 614.793.8777 or [kallison@hullinc.com](mailto:kallison@hullinc.com), or Jenny Carter-Cornell in our Toledo office at 419.385.2018 or [jcornell@hullinc.com](mailto:jcornell@hullinc.com).

## 2006 INVENTORY UPDATE RULE

U.S. EPA is taking direct final action to amend the Toxic Substances Control Act (TSCA) section 8(a) Inventory Update Reporting (IUR) regulations to allow for the electronic submission of information and to make several minor corrections. For the first time in 2006, reporters of IUR data will be able to use the Internet, (through EPA's Central Data Exchange (CDX)), to submit information on their chemicals to U.S. EPA. In addition, U.S. EPA will continue to allow IUR submissions either on CD ROM or on paper. U.S. EPA is also correcting two paragraph cross references and a section heading and is clarifying requirements for the reporting of company identification information. This direct final rule becomes effective on November 6, 2006.

For more information, please contact Scott Smith, PE, CHMM, in our Solon office at 440.519.2555 or [ssmith@hullinc.com](mailto:ssmith@hullinc.com).

## OHIO EPA EXTENDS COMMENT PERIOD FOR SOLID WASTE RULE PACKAGES

Ohio EPA issued a 60-day extension to the original September 1, 2006 deadline for submittal of comments on proposed revisions to the industrial waste and construction demolition debris rules, as well as the proposed multi-rule program package changes. The extension was granted after industry groups, owners, and operators communicated the need for additional time to review the newly reorganized solid waste rules, including the proposed draft revisions and the technical support documents Ohio EPA used to justify the proposed changes.

Hull is continuing to evaluate the regulations on behalf of industry representatives, municipalities, and selected agencies to ensure sound science and engineering principles are being applied to the proposed rules.

Comments were due to Ohio EPA by November 1, 2006, and the agency is required to consider any input provided as it moves forward in the rule making process.

For more information, please contact Bill Petruzzi in our Toledo office at 419.385.2018 or [bpetruzzi@hullinc.com](mailto:bpetruzzi@hullinc.com).

## NEW SEPTIC SYSTEM RULES IN EFFECT SOON

City/county health departments and the development community across Ohio should be aware of new rules that need to be considered if projects include a septic system. A new initiative, the **Sewage Treatment System Rule** revision process, will provide a clear direction on development challenges based on sound engineering and science principles. Chapter 3718 of the Ohio Revised Code became law in 2005 governing household sewage treatment systems and small flow onsite treatment systems, jointly referred to as sewage treatment systems (STS). New STS rules were adopted by the Public Health Council in May 2006 and will become effective January 1, 2007. The STS rules provide flexible, alternative design options to allow building on lots with both challenging soils and site conditions. This will allow Hull to recommend modified designs and new technologies for treatment on challenging sites. In preparation for the STS rules, Hull is proactively applying the new site and soil evaluation criteria and procedures to collect the information needed for siting an STS. The STS rules more clearly define the responsibilities of the engineers, installers, operators, and owners. In addition, the rules provide registration and competency requirements for installers, septic haulers and service providers. Although the STS rules allow for a more flexible design, they also include provisions for how local health districts conduct a site review and issue permits.

For more information, please contact Shawn McGee, PE, or Bill Petruzzi, PG, in our Toledo office at 419.385.2018 or the ODH Bureau of Environmental Health at 614.644.1390.

## CLEAN OHIO REVITALIZATION FUND-ROUND 4 IN PROGRESS

Round Four of the Clean Ohio Revitalization Fund (CORF) is under way. With \$43 million allocated, now is the time to begin preparing competitive grant applications. Projects will need to be enrolled in the new State Brownfield Inventory by March 23, 2007, and applications are due in the public library on April 2, 2007. In a policy change for Round Four, the Ohio Department of Development and Ohio EPA will conduct eligibility and scoring validation and all cure items will be addressed prior to the District Integrating Committee meetings in August 2007. Awards are scheduled to be announced at the Clean Ohio Council meeting on October 19, 2007. Additional information about the program, including a link to the application and revised CORF policies, is available online at: <http://www.odod.state.oh.us/ud/CORFRoundFour.htm>.

For more information on applying for a Clean Ohio Revitalization Fund grant, please contact Jenny Carter-Cornell at 419.385.2018 or [jcornell@hullinc.com](mailto:jcornell@hullinc.com), or Kara Allison at 614.793.8777 or [kallison@hullinc.com](mailto:kallison@hullinc.com).

## HULL RECEIVES MULTI-YEAR CONTRACT WITH THE GENERAL SERVICES ADMINISTRATION

Hull recently received a five year contract with the General Services Administration. The GSA contract is a mechanism for supporting work through most federal agencies, and one that many state and local governments also use for procurement. This contract includes the following services:

Environmental Planning Services & Documentation  
Environmental Compliance Services  
Waste Management Services  
Geographic Information Services (GIS)  
Remediation Services

For more information, please contact Jenny Carter-Cornell in our Toledo Office at 419.385.2018 or [jcornell@hullinc.com](mailto:jcornell@hullinc.com).