
2015 Underground Storage Tank Revolving Loan Program Application

Ohio Department of Commerce
Division of State Fire Marshal



**Department
of Commerce**

Division of State Fire Marshal

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Department of Commerce

Division of State Fire Marshal
John R. Kasich, Governor
Andre T. Porter, Director

September 1, 2014

Re: 2015 UST Revolving Loan Program

Dear Applicant,

The Ohio Department of Commerce's Division of State Fire Marshal is pleased to announce we are now accepting applications for the 2015 Underground Storage Tank (UST) Revolving Loan Program. Loan applications must be postmarked no later than December 31, 2014, to be considered.

Please review the 2015 UST Revolving Loan Program Application package in its entirety. We have included helpful information to assist with completing the 2015 UST Revolving Loan Application and 2015 UST Revolving Loan Worksheet.

If you have any questions or require additional assistance regarding the loan program, please contact Kimberly Hodnett, Program Administrator, at (800) 515-0023 or kimberly.hodnett@com.state.oh.us. If you have questions concerning the removal of USTs or the environmental assessment and/or cleanup of them, please contact David Sauer, Bureau of Underground Storage Tank Regulations, at (800) 686-2878 or david.sauer@com.state.oh.us.

Complete information and forms can be found at: <http://www.com.ohio.gov/fire>

Sincerely,

Handwritten signature of Andre T. Porter in black ink.

Andre T. Porter
Director, Ohio Department of Commerce

Handwritten signature of Larry L. Flowers in black ink.

Larry L. Flowers
State Fire Marshal

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2015 UST REVOLVING LOAN FUND PROGRAM OVERVIEW

There will be an informational meeting for potential applicants at **10:00 a.m.** on **Tuesday, October 28, 2014**, at the State Fire Marshal's office, located at **8895 East Main Street, Reynoldsburg, Ohio**. Representatives of BUSTR and the Department of Commerce-Fiscal will be available to discuss the application process and answer questions about the environmental and financial aspects of the UST Revolving Loan Fund Program.

I. PURPOSE

The Ohio Department of Commerce's Division of State Fire Marshal is pleased to announce the availability of loan funding for political subdivisions to conduct underground storage tank (UST) closures, assessments, and cleanups of abandoned USTs, in accordance with Chapter 1301:7-9 of the Ohio Administrative Code (OAC).

II. ELIGIBILITY

As described more completely in the applicable rule regarding the UST Revolving Loan Program, OAC Chapter 1301:7-9-20 (included as Appendix A), any political subdivision, as that term is defined in Ohio Revised Code (R.C.) Section 3737.883, is eligible to apply for and receive a loan from the UST Revolving Loan Fund program under the following conditions:

1. For sites with out-of-service USTs that need to be removed, the political subdivision must own the project property but not have operated those USTs.
2. For sites with previously existing releases, the political subdivision need not own the property; however, the political subdivision cannot be the responsible person for the release and the State Fire Marshal must have determined that there are no known, viable responsible persons.

III. SPECIAL CONDITIONS

In submitting the attached UST Revolving Loan application, the applicant must agree to adhere to the following:

1. All sections of the application must be filled out completely. Applications must be post marked no later than December 31, 2014. Applications post marked after December 31, 2014 will not be considered for a 2015 UST Revolving Loan.
2. The loans are interest free. A political subdivision receiving a loan must contribute at least 5% of the total cost of the project. Pursuant to R.C. 3737.883, the repayment schedule may not exceed ten (10) years. A specific repayment schedule will be established through the Loan Agreement.
3. The total amount available statewide to be loaned for FY2015 is \$3,000,000.
4. The chief executive official of the political subdivision shall certify that the loan application is true and accurate. Falsifying information on this application may result in rejection of the application.
5. Recipients may only initiate their projects after official notification of award of the loan and full execution of the Loan Agreement.
6. Upon request, the financial documentation for the work that has been or will be performed must be made available for a representative of the State Fire Marshal's office for auditing purposes. Because the loan involves public funds you must maintain the same records as you would for any public funds.

IV. WHEN TO APPLY

The completed application must be postmarked no later than December 31, 2014. The completed application consists of:

- (1) 2015 UST Revolving Loan Program Application;**
- (2) 2015 UST Revolving Loan Worksheet;**
- (3) project description narrative;**
- (4) affidavit of an authorized representative that certifies the political subdivision's eligibility for a loan; and,**
- (5) Copy of the deed to the project property OR documentation demonstrating the political subdivision's ability to access site to perform work.**

The completed application should be mailed to:

Ohio Department of Commerce – Fiscal East
Attn: Kimberly Hodnett
P.O. Box 4009
Reynoldsburg, OH 43068-9009

Faxed applications will NOT be considered.

V. NOTIFICATION AND DISTRIBUTION OF AWARDS

The estimated notification of loan awardees will occur in early spring 2015. Loan funds will be disbursed shortly after Loan Agreement has been fully executed. A project may begin only after the Loan Agreement has been fully executed.

VI. LINKS TO STATUTE AND REGULATION

The UST Revolving Loan Fund program is authorized by Revised Code 3737.883, effective September 29, 2013. It is viewable via the following link:

<http://codes.ohio.gov/orc/3737.883>

The State Fire Marshal's rule implementing the program is included with this application package as Appendix A. It is also viewable via this link:

<http://codes.ohio.gov/oac/1301:7-9-20>

SPECIAL NOTE REGARDING UST REMOVALS:

The State Fire Marshal strongly recommends that if a political subdivision is considering applying for a loan to remove USTs, it should determine the last use date for those USTs.

Under the law, for USTs that were in use any time *on or after* November 8, 1984, a property owner is legally responsible for any environmental cleanup that may be required for a release discovered during the UST removal process even though they may have not used the USTs. The responsible person for USTs last used *prior* to November 8, 1984, is the owner or operator at the time of last use.

Discovery of a release upon the removal of a UST is always a possibility, and if the USTs were last used on or after November 8, 1984, the political subdivision would become responsible. It should, therefore, carefully consider whether it is prepared to accept that responsibility should a release be discovered in the course of a UST removal.

Please contact BUSTR at (614) 752-7938 if you have any questions about this potential liability.

**INSTRUCTIONS FOR COMPLETING
2015 UST REVOLVING LOAN PROGRAM APPLICATION**

Please read the entire application and follow the instructions for each of the following items.

LINE BY LINE INSTRUCTIONS:

Line #

1. Identify the name and address of the political subdivision that is applying for loan. The term “Political subdivision” is expansive and is defined at section 2744.01 of the Ohio Revised Code, but also includes a community improvement corporation as that term is defined in section 1724.01 of the Ohio Revised Code. Applicant should include the political subdivision’s federal taxpayer identification number; the federal tax ID number is required to receive a loan.
2. The term “project property” is used throughout the loan application to refer to the location where the project for which funding is sought will be conducted. Identify the property as completely as you can, with a street address where possible. If the site is a previously-identified UST site, include the BUSTR ID#. This can be found by utilizing the search engine at <https://apps.com.ohio.gov/fire/otter/>.
3. The applicant must complete the 2015 UST Revolving Loan Worksheet. Generally, a loan can be made for only one type of project (as described below) per application. Should the completion of a project provide the basis for beginning another (e.g., a closure results in found contamination, leading to the need to perform a site assessment), the applicant may submit an amended Loan Worksheet describing the new project. A supplemental loan will be considered on an expedited basis by the State Fire Marshal, regardless of timing and subject to the availability of funding. An exception to the overall prohibition on submitting an application addressing more than one project are instances in which more than one project is eligible at a single site at the time of application. For example, a site with known contamination that also has USTs still in the ground to be removed would be eligible to apply for both projects simultaneously.

Each project will likely consist of several activities, each of which should be listed separately. For each activity, the amount requested must be listed along with the 5% matching amount to be provided by the applicant. Applicant should attach an additional page(s) describing the specific project proposed. The applicant should include the benefits to its citizens not currently available. Eligible projects include:

- a. Initiation, continuation, or proper completion of the closure-in-place or removal of an underground storage tank system.
- b. Initiation, continuance, or proper completion of an assessment of the site.
- c. Initiation, continuation, or proper completion of a corrective action.

See OAC 1301:7-9-20(G)(1) in Appendix A to this packet.

4. Enter the number of years over which the political subdivision will repay a loan from this program, if granted. The maximum number of years for repayment is ten (10), although a political subdivision may elect a shorter timeframe, if it so desires.
5. Indicate whether a marketing study or a feasibility study has been conducted that addresses the project property. If one exists, applicant should indicate whether the study focused solely on the project property or if it was a wider study that included the property. Should a study exist, please provide the title and date of the study. You need not include a copy with the loan application, but a copy should be made available upon request of the State Fire Marshal.
6. If the property is already part of a redevelopment project funded via a brownfield loan or grant from a public or governmental body (federal, state, or municipal), applicant should provide basic details (title of project, the sponsor of the loan or grant, overall timeline, and total amount of funding awarded to date).
7. Indicate whether the property is currently occupied or if any on-site UST system(s) are in use.
8. Indicate whether there are any UST systems still in the ground, either in out-of-service status or abandoned. Do not include any USTs which have been properly closed-in-place; such USTs would have already had a closure assessment performed (or, in the case of USTs closed-in-place prior to the advent of state regulation on September 1, 1992, they would be considered unregulated).
9. In some instances, a certain amount of environmental assessment work may already have been performed at a project property. Applicant should indicate whether a soil assessment, a ground water assessment, or both, have taken place. Where an applicant has access to the results of the environmental sampling, those results should be compared to BUSTR's action levels for chemicals of concern. If at least one action level was exceeded, the box labeled "Above action levels" should be checked. If all are below BUSTR action levels, the "Below action levels" box should be checked. Finally, applicant should indicate whether free product has been discovered at the project property.
10. Properties located in a Drinking Water Source Protection Area (DWSPA) or in a sensitive area are held to a more stringent cleanup standard due to their proximity to drinking water supplies. A project property's location in either of these types of areas may be determined as follows:
 - a. DWSPA: Contact the Ohio EPA Division of Drinking and Ground Water by e-mail, fax, or mail. The request must include the name of person or organization making the request, his or her mailing address and contact

information (phone number and e-mail address), the purpose of request; and a map identifying the UST site and surrounding area with the name and address of the UST site clearly indicated. Maps provided via e-mail must be prepared in a .pdf or .jpg format.

Faxed requests should be sent to the attention of “SWAP Program Staff” at (614) 644-2909, and e-mail requests may be sent to WHP@epa.state.oh.us.

b. Sensitive area: Sensitive areas are delineated by regulation at OAC 1301:7-9-09.

11. The current zoning classification for the project property should be indicated here. If you need to specify an “other” usage, please use descriptive terms rather than a letter or numerical designation.
12. In recognition of the fact that the future use of the property may change upon completion of the project (e.g., from commercial to residential), indicate here what the future zoning classification of the project property is anticipated to be, if known.
13. Name, title, address, daytime telephone number with area code, and e-mail address of the political subdivision’s financial officer. The loan check will be mailed (by certified mail) directly to the financial officer.
14. Provide daytime contact information for a person designated to answer any questions the State Fire Marshal may have concerning the loan application.
15. Certification: The chief executive official of the political subdivision shall certify loan application is true and accurate. Falsifying information on this application may result in rejection of the application.

*****Please retain a copy for your records*****

In addition, please attach a page that describes the specific project for which the loan is requested. Include proposed project timelines, benefits to your citizens, and any other information the applicant believes relevant.

4. Requested number of years for loan repayment? _____

Economic Benefit

5. Was the project property included in a completed market study or feasibility study within the past ten (10) years? Yes No

If “yes”, please check one:

- Study was specific to the project property
- Study was an area/regional study that included the project property

Title and date of the completed study: _____

Please be prepared to submit a copy to the State Fire Marshal upon request.

6. Is the project property included in a larger redevelopment project financed under a brownfield loan or grant from a public entity? Yes No

If so, please provide the following information:

- Title of project: _____
- Sponsor: _____
- Start Date: _____
- End Date: _____
- Amount of loan or grant: _____

7. Is the project property currently occupied or in use? Yes No

Environmental Improvement

8. Are one or more UST systems out of service or abandoned and still in the ground at the project property? Yes No

9. Do any of the following site conditions apply?

A soil assessment has been started or completed: Yes No

If “yes”, at least one soil environmental sampling result was:

- Above action levels
- Below action levels
- Unknown

A ground water assessment has been started or completed: Yes No

If "yes", at least one ground water environmental sampling result was:

- Above action levels
- Below action levels
- Unknown

Free product is known to exist at the project property: Yes No

10. Is the project property located in a Drinking Water Source Protection Area or a sensitive area?

- Yes No

Land Use Benefit

11. What is the current zoning classification of the project property?

- Commercial/Industrial
- Residential
- Other, please specify: _____

12. Upon completion of the project, what is the projected zoning classification?

- Commercial/Industrial
- Residential
- Green space, park, or equivalent
- Other, please specify: _____

Contact Persons

13. Print name, title, address, and contact information for the financial officer (i.e., township clerk, fiscal officer, finance director, treasurer, etc.) of the political subdivision.

Print Name of Financial Officer	Title
---------------------------------	-------

Address

Ohio

City	Zip	Daytime Telephone
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E-mail address

14. Print the name and daytime contact information of a person that the State Fire Marshal may contact with questions about this application.

Print Name of Contact	Title
-----------------------	-------

Daytime Telephone

E-mail address

Certification

15. Applicant certifies that the information contained in this application is correct to the best of knowledge and that the political subdivision represented intends to complete this project should the grant be awarded. Falsifying information on this application may result in rejection of the application.

Signature of Authorized Person	Date
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Print Name of Authorized Person	Title
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Address

City	Ohio	Zip	Daytime Telephone
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Complete applications consist of:

- (1) 2015 UST Revolving Loan Program Application;**
- (2) 2015 UST Revolving Loan Worksheet;**
- (3) project description narrative;**
- (4) affidavit of an authorized representative that certifies the political subdivision's eligibility for a loan; and,**
- (5) Copy of the deed to the project property OR documentation demonstrating the political subdivision's ability to access site to perform work.**

INSTRUCTIONS FOR COMPLETING 2015 UST REVOLVING LOAN WORKSHEET

Loan Request

The purpose of the UST Revolving Loan Worksheet is to indicate the type of work to be performed for the project for which a loan is requested, the loan amount requested, the minimum 5% contribution, and the total cost. In preparing a loan request, the State Fire Marshal recommends discussing the proposed project with a number of environmental contractors. Once finalized, the estimates should be itemized on the worksheet, and if an environmental contractor has been selected for the project, its contact information should be included. **If you believe that your project would be covered by Ohio's Prevailing Wage statute, that should be accounted for in the project cost estimates.**

Please adhere to the following instructions when completing the worksheet:

1. Complete the requested political subdivision and environmental contractor (if one has been selected) information.
2. Closure: Indicate type of activities to be performed and amount of funding requested.
3. Site Assessment: Indicate type of activities to be performed and amount of funding requested.
4. Corrective Action: Indicate type of activities to be performed and amount of funding requested.
5. For total cost calculation, add subtotals from sections I - III.

If your political subdivision is awarded a loan, work cannot commence before the Loan Agreement is executed.

Please read all instructions and verify worksheet is complete prior to submitting. Applications must be signed by the designated signature authority and postmarked no later than December 31, 2014.

All questions concerning the fiscal aspects of the UST Revolving Loan Program should be forwarded to Kimberly Hodnett, Program Administrator, at (800) 515-0023.

For questions concerning the removal of USTs or the environmental assessment and/or cleanup of them, please contact David Sauer, Bureau of Underground Storage Tank Regulations, at (800) 686-2878 or david.sauer@com.state.oh.us.

2015 UST REVOLVING LOAN WORKSHEET

Political Subdivision Name: _____

Federal Tax Identification Number: _____

Environmental Contractor (if selected) Name and Address: _____

Generally, a loan is available for **one** type of project (closure, site assessment, or corrective action). Should the completion of one project provide the basis for beginning another (e.g., a closure results in found contamination, leading to the need to perform a site assessment), applicant may supplement the original loan application by submitting an amended 2015 UST Revolving Loan Worksheet. A supplemental loan will be considered on an expedited basis by the State Fire Marshal, based upon the availability of funding.

I. Closure

Activity Estimates	Total Cost	Min. 5% contribution	Loan Amount Requested
Subtotal:			

II. Site Assessment

Activity Estimates	Total Cost	Min. 5% contribution	Loan Amount Requested
Subtotal:			

III. Corrective Action

Activity Estimates	Total Cost	Min. 5% contribution	Loan Amount Requested
Subtotal:			

Total Request

Name of Item	Total Subtotal Cost	Min. 5% contribution Subtotal	Loan Amount Requested Subtotal
I. Closure			
II. Construction			
III. Correction Action			
Total Loan Requested			

*****Please retain a copy for your records*****

2015 UST REVOLVING LOAN PROGRAM SCORING

In accordance with the applicable rule regarding the UST Revolving Loan Program (R.C. §3737.883) the following procedures will be followed by the Ohio Department of Commerce, Division of State Fire Marshal, for the awards of the state fiscal year (SFY) 2015 (July 1, 2014 through June 30, 2015) UST Revolving Loan Program.

Revolving Loan Scoring Criteria:

The State Fire Marshal, Bureau of Storage Tank Regulations, will evaluate loan applications once the submission deadline has passed. Each applicant will accumulate points based on specific information contained in its loan application. Applicants with the highest scores that meet eligibility requirements will be awarded loans, based upon the availability of funds. In the event of a tie, the available funds will be awarded according to the following priorities:

1. Applicant with the highest score in the Economic Benefit category.
2. Applicant with the highest score in the Environmental Improvement category.
3. Applicant with the highest score in the Land Use Benefit category.

Due to the complexity of this UST Revolving Loan Fund application, the State Fire Marshal shall require selected applicant(s) to make a full clarifying presentation to a review panel either by phone or in person.

APPENDIX A
OAC CHAPTER 1301:7-9-20
Underground Storage Tank Revolving Loan Program

(A) Purpose and scope.

For the purpose of prescribing rules pursuant to section 3737.883 of the Revised Code, the state fire marshal hereby adopts this rule to establish the underground storage tank revolving loan fund. This rule is adopted by the state fire marshal in accordance with Chapter 119 of the Revised Code and shall not be considered part of the "Ohio Fire Code".

(B) Definitions.

- (1) "Qualifying political subdivision" has the same meaning ascribed to "political subdivision" in division (A) of section 3737.883 of the Revised Code. As referenced in section 3737.883 of the Revised Code, a "qualifying political subdivision" includes a community improvement corporation as that term is defined in section 1724.01 of the Revised Code.
- (2) "Loan" means a loan granted under the underground storage tank revolving loan program established by section 3737.883 of the Revised Code.
- (3) "Responsible person" has the same meaning as division (N) of section 3737.87 of the Revised Code.
- (4) "Site" means a UST site.

(C) Qualifications.

- (1) Only a qualifying political subdivision is eligible to receive a loan.
- (2) In order for a qualifying political subdivision to receive a loan under this rule, the qualifying political subdivision must commit to spend, of its own funds, an amount at least equal to five percent of the requested loan amount. The actual amount of a qualifying political subdivision's own funds that must be spent shall be no less than five percent of the final amount of the loan.

(D) Activities eligible for funding.

A qualifying political subdivision may conduct any activity described in paragraph (G)(1) of this rule if the following conditions apply:

- (1) For an underground storage tank:
 - (a) The underground storage tank is located within the territorial boundaries of the qualifying political subdivision, and,
 - (b) The qualifying political subdivision is the owner but not the operator of the site.

(2) For a site of a previously existing release:

- (a) The qualifying political subdivision is not the responsible person;
- (b) A release at the location has not received a no further action determination from the state fire marshal;
- (c) The site is located within the qualifying political subdivision's territorial boundaries; and,
- (d) The responsible person or persons are not identifiable or the state fire marshal determines that no identified responsible person or persons are able to pay the costs of the actions required at the location.

(E) Applications - Filing.

- (1) Applications for a loan shall be made only on forms provided by the state fire marshal.
- (2) Only applications that are post marked or filed with the state fire marshal on or before the application deadline established by the state fire marshal and have been delivered to the state fire marshal's office within seven days of that deadline will be considered by the state fire marshal.

(F) Applications - Content.

In its application, the qualifying political subdivision shall:

- (1) Explain how it qualifies for the loan;
- (2) State the requested loan amount;
- (3) Describe how the loan will be used including the total cost of the project and the amount of money the qualifying political subdivision is proposing to contribute to the total cost of the project;
- (4) Provide an affidavit signed and submitted by an authorized representative of the qualifying political subdivision certifying that the qualifying political subdivision meets the requirements in paragraph (D) of this rule; and,
- (5) Provide such other information as may be called for in the application form provided by the state fire marshal.

(G) Requirements for utilizing revolving loan funding.

- (1) Funds received from a loan under this program may be used for any of the following purposes:
 - (a) Initiation, continuation, or proper completion of the closure in place or removal of an underground storage tank system;
 - (b) Initiation, continuance, or proper completion of an assessment of the site; or,
 - (c) Initiation, continuation, or proper completion of a corrective action.

- (2) All activities described in paragraph (G)(1) of this rule shall be conducted in accordance with this chapter of the Administrative Code, except that the failure to meet a deadline in rule 1301:7-9-12 or rule 1301:7-9-13 of the Administrative Code shall not be considered a violation of those rules by the qualifying political subdivision.
- (3) Upon determination by the state fire marshal that the applicable standards established by rules in this chapter of the Administrative Code have been met for an action described in paragraph (G)(1) of this rule, the state fire marshal shall issue the qualifying political subdivision written notice that no further action is required.
- (4) Written notice issued pursuant to paragraph (G)(3) of this rule that no further action is required shall not be construed in any manner to suggest that the qualifying political subdivision completing the funded activities has thereby assumed any liability or responsibility for a release or suspected release of petroleum, or for any residual contamination that may remain at the property.

(H) Emergency loans.

At the discretion of the state fire marshal a qualifying political subdivision may apply for and be granted a loan at any time regardless of established application periods and deadlines if all of the following apply:

- (1) The site which is the subject of the application is within an area where a natural disaster has been declared by the governor;
- (2) The events of the disaster have resulted in a release or suspected release from the site which is the subject of the application;
- (3) The qualifying political subdivision has made application for any federal, state and private insurance reimbursement as may be available as a result of the disaster;
- (4) The loan fund has necessary moneys to provide the loan; and,
- (5) The state fire marshal receives any necessary authorizations to expend the funds.

(I) Evaluation of loans.

- (1) Awarding of all loans shall be at the sole discretion of the state fire marshal.
- (2) The state fire marshal shall establish written criteria for evaluation of loan applications. The state fire marshal may amend the criteria at any time and shall make the criteria available to all qualifying political subdivisions at the time of loan application. The criteria may include, but are not limited to, the loan's:
 - (a) Likelihood of having a demonstrable and significant positive impact on the environment;
 - (b) Likelihood of having a demonstrable and positive impact on the redevelopment of nonproductive property for the qualifying political subdivision and adjacent political subdivisions; and,

(c) Likelihood of enabling the applicant to obtain other funding or resources for additional site development.

(3) In evaluating the loan applications, the state fire marshal may also consider:

(a) The viability of the applicant;

(b) If the applicant has previously received a loan and whether the actions described in paragraph (G)(1) of this rule have been completed; and

(c) Any other factors established by the state fire marshal.

(4) If funds for loans are available, the state fire marshal shall establish a minimum of one loan application period per state fiscal year. Unless otherwise specified by the state fire marshal, the loan application period shall be open for a minimum period of thirty days. Unless otherwise specified by the state fire marshal, all applications shall expire at the end of each state fiscal year.

(J) Award of loans.

(1) Upon determining which qualifying political subdivision shall receive a loan, the state fire marshal shall notify the qualifying political subdivision in writing of his intent to grant the loan and of the terms and conditions of the loan.

(2) Within forty-five days of receiving notification described in paragraph (J)(1) of this rule, the qualifying political subdivision shall forward a copy of a resolution, ordinance, or other acceptable authorization to the state fire marshal which shall:

(a) Authorize the qualifying political subdivision to accept the loan, and

(b) Agree to conditions of the loan as stipulated by the state fire marshal, including the authority to execute any documents necessary to grant or secure the loan.

(3) Upon receipt of the resolution or ordinance and execution of the loan agreement and other documents as required by the state fire marshal, the state fire marshal shall establish a line of credit from the loan fund in the name of the qualifying political subdivision. Within 30 days of the establishment of the line of credit, the loan funds will be released to the qualifying political subdivision according to the terms of the loan agreement.

(4) Upon request of the state fire marshal, the qualifying political subdivision shall provide to the state fire marshal a properly executed contract for the environmental work necessary at the site as described in the original loan application.

(5) Unless otherwise authorized by the state fire marshal in writing, activities authorized by paragraph (G)(1) of this rule shall commence within 180 days after the release of the loan funds as described in paragraph (H)(4) of this rule.

(K) Term of loan and repayment.

(1) A loan issued pursuant to this rule shall not carry interest.

(2) A repayment or amortization schedule shall be established as part of the loan agreement.

(3) The repayment or amortization schedule shall not extend beyond ten years.

(4) Any other such terms specified by the state fire marshal.

(L) Cost recovery.

If, at any time after the expenditure of loan funds by a qualifying political subdivision, the state fire marshal or any law enforcement agency identifies a responsible person or determines, for any reason, that a previously identified responsible person was or is able to pay the costs of the action for which the loan was issued, the qualifying political subdivision may bring any appropriate proceedings against the responsible person to recover the costs incurred by the qualifying political subdivision. The proceedings may be brought in either the court of common pleas having jurisdiction where the underground storage tank is located or the court of common pleas of Franklin County.

(M) Effect on other laws.

(1) Nothing in this rule affects any liability or response authority under any federal or state law, including, but not limited to:

- (a) The Comprehensive Environmental Response Compensation, and Liability Act (42 U.S.C. 9601 et seq.);
- (b) The Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);
- (c) The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);
- (d) The Toxic Substances Control Act (15 U.S.C. 2601 et seq.); and
- (e) The Safe Drinking Water Act (42 U.S.C. 300f et seq.).

The federal laws listed in this paragraph are those versions of the laws amended through January 3, 2012.

(2) Any determination by the state fire marshal for the purpose of assisting activities funded by the loan program does not release any responsible person from any obligations under 3737.87 to 3737.89 of the Revised Code and the regulations adopted thereunder, or effect any other rights under the citizen suits provision of the Resource Conservation and Recovery Act of 1976, 90 Stat. 2795, 42 U.S.C.A. 6901, as amended at the time of the effective date of this rule. The state fire marshal reserves all enforcement and remedy rights available under the law.