

US EPA ARCHIVE DOCUMENT

For EPA Internal Use ONLY

**REVOLVING LOAN FUND PROGRAM
 INFORMATION NEEDED TO DETERMINE PROPERTY &
 BORROWER/SUBGRANTEE ELIGIBILITY**

(Use Tab, arrow keys or mouse to move through questions; use Spacebar or mouse to check boxes)

A. BACKGROUND INFORMATION

- 1. Grant number: Date:
- 2. Grant recipient:
- 3. Person providing information:
- 4. Property/site name:
- 5. Property address:
- 6. Current property owner:
- 7. Borrower/Subgrantee applicant name:
- 8. Borrower/Subgrantee applicant address:
- 9. Type of action: Loan Subgrant
- 10. Proposed amount:

B. SITES ELIGIBLE FOR FUNDING

- 1. Does the site meet the definition of a Brownfields (*a real property, the expansion, redevelopment or reuse of which is complicated by the presence or potential presence of hazardous substances, pollutants or contaminants*)? Yes No
- 2. Type of contamination present: Hazardous Substances Petroleum Co-Mingled
 (*If the site has both hazardous substances and incidental petroleum contamination, check the box the "co-mingled" box. If the site has hazardous substances and distinguishable petroleum contamination, you must obtain approval from the State and EPA.*)
- 3. Describe the operational history and current use(s) of the site:
- 4. Describe the environmental concerns at the site, including when and how the site became contaminated and, to the extent possible, the nature and extent of the contamination:
- 5. Describe the proposed cleanup plan, to the extent possible:

6. Describe the proposed expansion, redevelopment or reuse of the site:

C. SITES NOT ELIGIBLE FOR FUNDING

Please answer the following questions to the best of your knowledge:

1. Is your facility listed (or proposed for listing) on the National Priorities List? Yes No
2. Is your facility subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under CERCLA? Yes No
3. Is your facility subject to the jurisdiction, custody, or control the US government? (Land held in trust by the US government for an Indian tribe is eligible.) Yes No

*Note: If you answered YES to any of the above (C. 1-3) your property is **not** eligible.*

D. SITES NOT ELIGIBLE FOR FUNDING WITHOUT A PROPERTY SPECIFIC DETERMINATION:

Certain properties cannot be approved without a "Property Specific Determination". Please answer the following questions to the best of your knowledge:

1. Is your site/facility subject to a planned or ongoing CERCLA removal action? Yes No
2. Has your site/facility been issued a permit by the U.S. or an authorized state under the Solid Waste Disposal Act (as amended by the Resource Conservation and Recovery Act (RCRA)), the Federal Water Pollution Control Act (FWPCA), the Toxic Substances Control Act (TSCA), or the Safe Drinking Water Act (SWDA)? Yes No
3. Is your site/facility subject to corrective action orders under RCRA (sections 3004(u) or 3008(h))? Yes No
4. Is your site/facility a land disposal unit that has submitted a RCRA closure notification under subtitle C of RCRA or is subject to closure requirements specified in a closure plan or permit? Yes No
5. Has your site/facility had a release of polychlorinated biphenyls (PCBs) that is subject to remediation under TSCA? Yes No
6. Has your site/facility received funding for remediation from the Leaking Underground Storage Tank (LUST) Trust Fund? Yes No

Note: If you answered YES to any of the above (D. 1-6), please call your Project Officer and she/he will explain how to prepare a property specific determination.

**** For petroleum sites, please proceed to Section F – Petroleum Only Sites**

E. PROPERTY OWNERSHIP ELIGIBILITY

1. Are there any known ongoing or anticipated environmental enforcement actions (at the federal, state or local level) regarding the responsibility of any party for contamination or hazardous substances at the site? Yes No If yes, please explain:

Information on Liability and Defenses/Protections – Cooperative Agreement Recipient:

2. Did the cooperative agreement recipient ever arrange for the disposal of hazardous substances at the site, or transport hazardous substances to the site? Yes No
3. Did the cooperative agreement recipient ever cause or contribute to any releases of hazardous substances at the site?
 Yes No

Information on Liability and Defenses/Protections - Applicant:

4. How was the property acquired (or will it be acquired)?
- a. Negotiated purchase from a private entity
 - b. Purchase or transfer from another governmental unit
 - c. Tax foreclosure
 - d. Eminent domain
 - e. Donation
 - f. Other (explain):
5. What was the date when the property was acquired (or the anticipated date when it will be acquired)?
6. What is the name and identity of the party from whom the property was (or will be) acquired?
7. Describe all familial, contractual, corporate or financial relationships or affiliations the applicant has or has had with all current and/or prior owners or operators of the property:
8. Did disposal of all hazardous substances at the site occur before the applicant acquired (or will acquire) the property? Yes No
9. Did the applicant ever arrange for the disposal of hazardous substances at the site, or transport hazardous substances to the site? Yes No
10. Did the applicant ever cause or contribute to any releases of hazardous substances at the site?
 Yes No
11. Did the applicant perform any environmental inquiry prior to the purchase of the property?
 Yes No

12. If a pre-purchase inquiry was performed, describe the types and dates of the assessments performed, indicate on whose behalf the assessments were performed, and indicate whether the applicant performed the pre-purchase inquiry in accordance with EPA's All Appropriate Inquiry rule (or ASTM E1527-05, or its equivalent at the time of purchase):

F. PETROLEUM ONLY SITES - PROPERTY OWNERSHIP ELIGIBILITY

Petroleum-only sites are to be submitted to the state for eligibility determination. Please contact your state representative to obtain the information they require to determine site eligibility. As a courtesy, send a copy of the site eligibility information to your EPA Project Officer so he or she is aware of potential upcoming work. The revolving loan fund grantee must provide their EPA Project Officer with a copy of the state's determination letter. The following questions are typical of the petroleum site information you may need to provide to the state:

1. Did the current and/or immediate past owner dispense or dispose of petroleum or petroleum products, or exacerbate existing petroleum contamination on the site? Yes No
2. Did the cooperative agreement recipient dispense or dispose of petroleum or petroleum products, or exacerbate existing petroleum contamination on the site? Yes No

Note: If the answers to questions F.1 and F.2 are no, the site may be eligible.

3. If the answer to either question F.1 or F.2 is yes, did the responsible party take reasonable steps to address the petroleum contamination on site? Yes No Explain:
4. If the answer to either question F.1 or F.2 is yes, is the responsible party financially capable to assess and clean up the site? Yes No Explain:

*Note: If questions F.1 or F.2 identified a responsible party who is liable for petroleum contamination at the site, and that party is financially viable to pay for the cleanup costs, then the site is **not** eligible. If the identified responsible party took reasonable steps to address the petroleum contamination at the site, and/or is not financially viable to pay for the cleanup costs, then the site may still be eligible.*

5. Is the site "relatively low risk" compared with other "petroleum-only" sites in the state:
 - a. Is the site currently being cleaned up using LUST trust fund monies? Yes No
 - b. Is the site currently subject to a response under the Oil Pollution Act (OPA)? Yes No

Note: If the answers to questions F.5a and F.5b are no, the site would be considered to be of relatively low risk for purposes of determining eligibility.

6. Has any responsible party been identified for the site through, either:
 - a. A judgment rendered in a court of law or an administrative order that would require any person to assess, investigate, or cleanup the site: Yes No

- b. An enforcement action by federal or state authorities against any party that would require any person to assess, investigate, or cleanup the site: Yes No
- c. A citizen suit, contribution action or other third party claim brought against the current or immediate past owner, that would, if successful, require the assessment, investigation, or cleanup of the site: Yes No

7. Is the site subject to any RCRA orders issued under 9003(h) of the Solid Waste Disposal Act?
 Yes No

*Note: If the answer to any of the questions in F.6 or F.7 is yes, the site is **not** eligible.*

G. NATIONAL HISTORIC PRESERVATION ACT (NHPA) COMPLIANCE

1. Is your site currently listed in the National Register of Historic Places and/or is it a designated National Landmark? Yes No

Note: In order to support your response, please provide any and all documentation from the Federal Government and/or State Historic Preservation Officer (SHPO). (i.e., SHPO Determination Letter which you may obtain independent of the EPA or this RLF Loan/Subgrant process.)

2. Is your site eligible to be listed in the National Register of Historic Places? Yes No

Note: In order to support your response, please provide any and all documentation from the Federal Government and/or State Historic Preservation Officer (SHPO). (i.e., SHPO Determination Letter which you may obtain independent of the EPA or this RLF Loan/Subgrant process.)

3. Is your site part of a designated Historic District? Yes No

4. Will your project impact the viewshed of any adjacent or surrounding designated Historic Districts or register historic structures? Yes No

5. Does your project have the potential to impact archaeological resources? Yes No

H. ELIGIBILITY

(To be filled out by EPA Project Officer.)

The above-described property and applicant, is eligible for a RLF loan/subgrant: Yes No

Project Officer

Date

Need for Attorney Consultation: Yes No Notes:

Additional Information: