

(Client Name)

**Brownfields Program**

**INFORMATION NEEDED TO DETERMINE SITE ELIGIBILITY**

**A. BACKGROUND INFORMATION**

1. Grant number: \_\_\_\_\_ Date: \_\_\_\_\_
2. Grant recipient: \_\_\_\_\_
3. Person providing site information: \_\_\_\_\_
4. Property/site name (as identified or will be identified in ACRES): [Property name]  
\_\_\_\_\_
5. Property address: \_\_\_\_\_
6. Current property owner: \_\_\_\_\_
7. Work to be done:  Phase I  Phase II  Phase III  Other  
Explain Other: \_\_\_\_\_  
\_\_\_\_\_

**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, check both of those boxes and 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. If the environmental concerns are unknown, or if the land has been vacant for many years, why do you think it is contaminated? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Property name], [Property address]

5. Are there any known ongoing or anticipated environmental enforcement or other actions (at the federal, state or local level) related to the site??  Yes  No If yes, please explain and provide any known information regarding the responsibility of any party for contamination or hazardous substances at the site: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. Describe the proposed expansion, redevelopment or reuse of the property and how it aligns with the community's reuse plans: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**C. SITES NOT ELIGIBLE FOR FUNDING**

1. Is the property listed (or proposed for listing) on the National Priorities List?  Yes  No
2. Is the property subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under CERCLA?
3.  Yes  No
4. Is the property 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 or entered into a unilateral administrative order, a court order, an administrative order on consent, or a judicial decree or to which a permit has been issued 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

[Property name], [Property address]

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 for more information on how to prepare a property specific determination. Refer to Section 1.5 of the [Information on Sites Eligible for Brownfields Funding Under CERCLA 104\(k\)](#).*

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

**E. PROPERTY OWNERSHIP ELIGIBILITY – HAZARDOUS SUBSTANCES INFORMATION ON LIABILITY AND DEFENSES/PROTECTIONS**

**Answer the following if the assessment grant recipient does NOT own the site:**

1. Did the assessment grant recipient ever arrange for the disposal of hazardous substances at the site, or transport hazardous substances to the site?  Yes  No
2. Did the assessment grant recipient ever cause or contribute to any releases of hazardous substances at the site?  Yes  No
3. Describe the assessment grant recipient's relationship with the current owner and the owner's role in the work to be completed: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Answer the following if the assessment grant recipient owns the site or will own the site during the grant performance period. If not, got to Section G.**

1. For the purposes of their assessment grant, how is the grant recipient best defined?
  - a.  State or other Local Unit of Government that acquired the property prior to 1/11/2002.
  - b.  State or other Local Unit of Government that acquired the property after 1/11/2002.
  - c.  Non-Profit
  - d.  Other: \_\_\_\_\_
2. How was the property acquired (or how will it be acquired)?
  - a.  Negotiated purchase from a private individual
  - b.  Purchase or transfer from another governmental unit
  - c.  Tax foreclosure
  - d.  Eminent domain
  - e.  Abandonment

[Property name], [Property address]

- f.  Seizure or other law enforcement action
- g.  Donation
- h.  Other (explain): \_\_\_\_\_

3. What was the date when the property was acquired (or the anticipated date when it will be acquired)? \_\_\_\_\_
4. What is the name and identity of the party from whom the property was (or will be) acquired?  
\_\_\_\_\_
5. Describe all familial, contractual, corporate or financial relationships or affiliations the assessment grant recipient has or has had with all prior owners or operators of the property:  
\_\_\_\_\_  
\_\_\_\_\_
6. Did disposal of all hazardous substances at the site occur before the assessment grant recipient acquired (or will acquire) the property?  Yes  No
7. Did the assessment grant recipient ever arrange for the disposal of hazardous substances at the site, or transport hazardous substances to the site?  Yes  No
8. Did the assessment grant recipient ever cause or contribute to any releases of hazardous substances at the site?  Yes  No
9. Did the assessment grant recipient uphold their continuing obligations (*See Section III.B of the [Enforcement Discretion Guidance Regarding Statutory Criteria for Those Who May Qualify as CERCLA Bona Fide Prospective Purchasers, Contiguous Property Owners, or Innocent Landowners \("Common Elements"\)](#)*) after ownership, including exercising appropriate care and complying with any land use restrictions?  Yes  No
10. Did the assessment grant recipient perform any environmental inquiry prior to the purchase of the property?  Yes  No
11. If pre-purchase inquiry in accordance with EPA's All Appropriate Inquiry rule (or ASTM E1527-13, or its equivalent at the time of purchase) was performed, what is the date of the report?  
\_\_\_\_\_
12. Describe the types and dates of any assessments performed and indicate on whose behalf the assessments were performed: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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*

[Property name], [Property address]

*potential upcoming work. The assessment grant recipient must provide their EPA Project Officer with a copy of the state's determination letter. See Section 1.3.2 of the [Information on Sites Eligible for Brownfields Funding Under CERCLA 104\(k\)](#). 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, or own the subject property during the dispensing or disposal of, any petroleum or petroleum products, or exacerbate existing petroleum contamination on the site?  Yes  No If Yes, explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. If the answer to question F.1 is yes, did the responsible party take reasonable steps to address the petroleum contamination on site?  Yes  No Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. If the answer to question F.1 is yes, is the responsible party financially capable to assess and clean up the site?  Yes  No Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Note: If question F.1 identified a responsible party who is liable for petroleum contamination at the site, and that party is financially viable to pay for assessment and 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 assessment and cleanup costs, then the site may still be eligible.*

4. 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
5. 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.4 or F.5 is yes, the site is **not** eligible. It is the grantee's responsibility to provide as much information as needed by the state to make the determination. It is not the responsibility of the state to do the research to determine liability or viability. If enough information cannot be provided, there is a possibility the determination will be delayed.*

[Property name], [Property address]

**G. ACCESS**

Does the assessment grant recipient have access or an access agreement for this property?

Yes  No

**H. NATIONAL HISTORIC PRESERVATION ACT (NHPA) COMPLIANCE**

*Note: If you answer yes to any of the following questions you should contact your project officer to determine if any additional information is required.*

- 1. Is your selected property (site) currently listed in the National Register of Historic Places and/or is it a designated National Landmark?  Yes  No
  
- 2. Is your selected property (site) eligible to be listed in the National Register of Historic Places?  Yes  No
  
- 3. Is your selected property (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 registered historic structures?  Yes  No
  
- 5. Does your project have the potential to impact archaeological resources?  Yes  No

**I. OPPORTUNITY ZONE**

- 1. Is the property in an Opportunity Zone?  Yes  No

*For information on Opportunity Zones, see [www.opportunityzones.hud.gov](http://www.opportunityzones.hud.gov)*

**J. PROPERTY ELIGIBILITY APPROVAL**

*(To be filled out by the Assessment Grant recipient)*

The information provided above is accurate to the best of my knowledge.

\_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_  
Date \_\_\_\_\_

*(To be filled out by EPA Project Officer.)*

The information provided above is consistent with the site eligibility requirements for assessment funding:  Yes  No

[Property name], [Property address]

\_\_\_\_\_  
Project Officer

\_\_\_\_\_  
Date

Need for Attorney Consultation:  Yes  No Notes:

Additional Information: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_