

## EXAMPLE SITE 2

### **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: **BF96123401** Date: **October 1, 2010**
2. Grant recipient: **City of Northbend**
3. Person providing information: **Pam Coates, Project Manager**
4. Property/site name: **Vacant Lot**
5. Property address: **200 Main Street**
6. Current property owner: **Northbend Community Action Group**
7. Borrower/Subgrantee applicant name: **Northbend Community Action Group**
8. Borrower/Subgrantee applicant address: **25 Elm Street, Northbend, NY 12345**
9. Type of action: ☐ Loan ☒ Subgrant
10. Proposed amount: **\$200,000.00**

#### **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  
(If the site is commingled with hazardous substances and petroleum, check the box corresponding to the predominant contaminant.)
3. Describe the operational history and current use(s) of the site: **The site is a vacant 1 acre lot in a residential area near a former woolen mill. Based on information obtained from aerial photographs and historical research, the site has been impacted by dumping operations which historically occurred in this area. Contamination on site is likely connected to dumping at the site or in the vicinity. In 2009, the property was acquired by the Northbend Community Action Group - a nonprofit.**

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: **In November 2007 & May 2008, 24 soil samples were collected from the top 3 feet of soil across the property. Polychlorinated biphenyls (PCBs), polycyclic aromatic hydrocarbons (PAHs) and metals were detected in the top 3 feet of soil, and in an additional 10 soil samples collected from the property from depths greater than 3 feet below ground surface. Phase I & II Assessments, completed in 2009 for the current owner, revealed historic disposal of mill waste and hazardous building materials, PAH fill materials and chemical contamination from textile processes (dyes & solvents). Known underground storage tanks have been removed.**
5. Describe the proposed cleanup plan, to the extent possible: **Cleanup will include the removal and disposal of PCB contaminated soils and capping of the remaining soils on site.**
6. Describe the proposed expansion, redevelopment or reuse of the site: **The site will be redeveloped into a community center for the residents and children of Northbend.**

#### **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:**

1. 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
2. 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:**

1. 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):
2. What was the date when the property was acquired (or the anticipated date when it will be acquired)? **August 10, 2009**
3. What is the name and identity of the party from whom the property was (or will be) acquired?

## Sheepy Valley Mill, LLC

4. 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: **Southside Community Action Group is not affiliated with the prior owner.**
5. Did disposal of all hazardous substances at the site occur before the applicant acquired (or will acquire) the property? ☒ Yes ☐ No
6. Did the applicant ever arrange for the disposal of hazardous substances at the site, or transport hazardous substances to the site? ☐ Yes ☒ No
7. Did the applicant ever cause or contribute to any releases of hazardous substances at the site? ☐ Yes ☒ No
8. Did the applicant perform any environmental inquiry prior to the purchase of the property? ☒ Yes ☐ No
9. 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): **Phase I - October 2007 (ASTM 2005) & Phase II - November 2007 and May 2008. Work performed by Assessments-R-Us for City of Southside using their Brownfields Assessment Grant. A Phase I update and additional Phase II done by Environmental Science in August 2009.**

## 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 assessment grant 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. ELIGIBILITY**

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

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

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Project Officer

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Date

Need for Attorney Consultation: ☐ Yes ☐ No Notes:

Additional Information: