

Site Name:

EPA Project Officer Name:

EPA Project Officer Approval:

 Yes  No

Date:

ORC Name:

ORC Recommends Approval:

 Yes  No

Date:

**Brownfields Site Eligibility Evaluation:** EPA Brownfields Grants are available to eligible entities for assessment and cleanup of Brownfields sites (or to establish a Brownfields cleanup revolving loan program). This document is based on the current published proposal guidelines and is meant as a tool to help EPA staff make (post award) site eligibility determinations. This document cannot summarize all potential issues. For a more complete discussion please refer to the Proposal Guidelines for Brownfields Assessment, Revolving Loan Fund and Cleanup Grants at:

<http://www.epa.gov/brownfields/applicat.htm>. Nothing in this document is intended to supplement or supersede the Proposal Guidelines or applicable law. A determination of site or grantee eligibility for grant funding purposes does not guarantee non liability of the grantee under applicable laws.

This document is to be used for (post award) site eligibility determinations under community-wide Assessment Grants and RLF Grants.

The grantee or RLF applicant must provide answers to the following questions to the best of their knowledge.

### A. Grant Information

A1. Grantee or RLF applicant name:

A2. Grant number:

A3. Grantee or RLF applicant contact person:

A4. Grant type

 Community Wide Assessment RLF

A5. Work to be conducted (please check all that apply):

 Phase I Assessment Phase II Assessment Supplemental Phase II RLF Loan RLF Subgrant

A6. Property name:

A7. Property address:

A8. Type of site (check one):

 Hazardous Substances contamination

(including and controlled substances). (Continue to Section B)

 Hazardous Substances contamination commingled with Petroleum

(Continue to Section B).

**B. Ineligible Sites**

Some sites are not eligible by statute, others sites may require more information please complete **Attachment A**, before moving on to Section C.

**C. Site background Information**

C1. Does the site meet the definition of a Brownfields Site? Is the site “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 *If No, the site is ineligible*

C2. Provide a 1-2 paragraph explanation of ownership and operation history of the property including how and when the site became contaminated. Include a description of any previous known uses and any known disposal of hazardous substances, pollutants or contaminants. If the land has been vacant for many years, indicate why you think the site is contaminated. You may attach relevant pages of Phase I or other investigation reports, if available.

C3. List known or suspected contaminant(s). *Additional space provided on page 5.*

**D. Hazardous Substances Site Eligibility – Is the Grantee/RLF Applicant considered a Responsible Party?**

*The questions in this section will help EPA determine whether the Grantee (or the RLF borrower) is considered a **responsible party** at the site. If grantee or borrower is responsible for cleanup at the site – the site is not eligible for Brownfields funding.*

D1. Does the grantee own the Property?

- Yes       No

D2. If the grantee does not own the property, who is the current owner?

D3. Does the grantee/RLF applicant (or its tenants) currently operate or has it ever operated the site?

- Yes       No

If no, who operates the site?

D4. Did any or all of the disposal of hazardous substances at the site occur AFTER the grantee/RLF applicant acquired or operated the property?

- Yes       No

**Describe:** (Additional space provided on page 5.)

D5. Has the grantee/RLF applicant (or its tenants) ever arranged for disposal or transported waste to the site?

- Yes      *If Yes, the site is ineligible*
- Arranged for disposal
- Transported waste to the site
- No

D6. Does the grantee /RLF applicant have a relationship with the owner or any person responsible for cleanup the site (familial, contractual, financial or corporate).

- Yes      *If Yes, the site may be ineligible (describe below)*
- No

**Describe:** (Additional space provided on page 5.)

*\*If the grantee/RLF applicant answered "yes" to any of above the criteria in **Questions D2-D6** – the site may be ineligible.*

**Answer Questions #D7-D10 if the grantee/borrower owns the site.**D7. How did the Grantee/RLF *applicant* acquire the property?

- Tax Foreclosure                       Eminent Domain  
 Purchase Other                          Donation  
 (Explain):

D8. Date Property was acquired (Please provide month, day, and year):

D9. Did the owner conduct due diligence or All Appropriate Inquiry (AAI) prior to acquiring property? See 40 CFR Part 312, Standards and Practices for All Appropriate Inquiries, Final Rule.

- Yes             No *If No, the site is ineligible.*

**Provide date AAI Phase I was completed or describe due diligence activities:**

Date:

Due Diligence Description:

D10. Did the grantee/RLF *applicant* take reasonable steps\* with regard to the contamination at the site?

- Yes             No *If No, the site is ineligible.*

**Describe:**


*\*"Reasonable steps with regard to contamination at the site" includes, as appropriate; stopping continuing releases, preventing threatened releases, and preventing or limiting human, environmental or natural resource exposure in to earlier hazardous substance releases. For more information see EPA's March 6, 2003 "Common Elements" guidance, see web link at:*

*<http://www.epa.gov/compliance/resources/policies/cleanup/superfund/common-elem-ref.pdf>*

**NOTE:** Because of the complexities of hazardous waste sites, consultation with legal counsel will be necessary. Your Project Officer will notify you of the site eligibility determination or if additional information is required.

**Additional Information** *(Please identify section needing further description):*

**Attachment A****Ineligible Sites and Sites Requiring Property Specific Determinations**

Property Name:

Property Address:

**I. Sites Not Eligible for Funding By Statute***If the answer is "Yes" to any of the questions below the site is ineligible.*

1. Is the facility listed (or proposed for listing) on the National Priorities List?  
*If Yes, the site is ineligible.*       Yes       No
2. Is the 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? (If Yes, the site is ineligible.)       Yes       No
3. Is the facility subject to the jurisdiction, custody, or control of the US government? (*Question does not apply for land held in trust by the US government for an Indian tribe*). If Yes, the site is ineligible.       Yes       No

**II. Sites Eligible for a Property Specific Determination by EPA***If the answer is Yes to any of the questions below (1 – 7), a property specific determination is the appropriate method for determining eligibility. The grantee or RLF applicant will need to submit information per Appendix 1 section 1.5 of the Proposal Guidelines for Brownfields Assessment, Revolving Loan Fund and Cleanup Grants.*

1. Is the site / facility subject to a planned or ongoing CERCLA removal action?  
 Yes       No
2. Has the site/facility been the subject of a unilateral administrative order, court order, an administrative order on consent or judicial consent decree that has been issued to or entered into by the parties, or 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 the site/facility subject to corrective action orders under RCRA (sections 3004(u) or 3008(h)) and has there been a corrective action permit or order issued or modified to require corrective measures?  
 Yes       No
4. Is the site/facility a land disposal unit that has submitted a RCRA closure notification under subtitle C of RCRA and is subject to closure requirements specified in a closure plan or permit?  
 Yes       No

**Attachment A - continued**

5. Has the site/facility had a release of polychlorinated biphenyls (PCBs) that is subject to remediation under TSCA?
- Yes                       No
6. Has the site/facility received funding for remediation from the Federal Leaking Underground Storage Tank (LUST) Trust Fund?
- Yes                       No
7. Is the Site an Excluded RCRA Facility? 1) RCRA permitted facilities. 2) RCRA Interim status facilities requiring corrective action or to address contamination such as facilities under RCRA §3008(a), §3008(h) §3013 and §7003. 3) Facilities under corrective action and 4) Land disposal units that have notified EPA or an authorized state of their intent to close or that have closure plans or permits.
- Yes                       No

***If you answered NO to all questions in Attachment A – move on to Section C of the Brownfields Eligibility Evaluation***