

**City of Gardner Brownfield Revolving Loan Fund (GBRLF)
Site Eligibility Check List**

Please contact Joshua L. Cormier at the City of Gardner, Department of Community Development and Planning at any time during the application process for guidance or information, at (978) 630-4074. Send your completed Site Eligibility Check List to: Department of Community Development and Planning, 115 Pleasant Street – Room 202, Gardner, MA 01440, Attn: Joshua L. Cormier or email to jcormier@gardner-ma.gov.

If more space is needed for any of the answers on this form, please use a separate sheet of 8.5” x 11” paper. Please make sure to identify each answer with the number of the corresponding question.

Project Name: _____

Type of Funding Requested (grant or loan): _____

Amount of Funding Requested: \$ _____

1. Site Information

Site Name: _____

Site Address: _____

Assessor’s Map and Parcel Number: _____

Size of Site (acres): _____

2. Ownership/Management

Current Site Owner: _____

Year Site Purchased: _____

Previous Site Owner: _____

3. Applicant Information

Applicant Name: _____

Contact Information: Phone: (_____) _____ Email: _____

If the applicant currently owns the site:

Describe how you took ownership of the site (e.g., tax foreclosure, purchase, donation, eminent domain) and date of acquisition:

Has the applicant performed any environmental inquiry prior to the purchase of property? Yes ___
No ___

If a pre-purchase inquiry was performed, describe the types and dates 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 (AAI) rule or ASTM E1527-05, or its equivalent at the time of purchase:

If the applicant does not currently own the site:

Describe your relationship with the owner: _____

Date of planned acquisition (if applicable): _____

Method of planned acquisition (if applicable): _____

Describe the owner's role in the work to be performed (if applicable):

Indicate how you will gain access to the Site (if applicable):

4. Owner Eligibility for Loans and Subgrants

All borrowers and subgrantees must have performed "all appropriate inquiry" on or before acquiring the property and are not liable for cleanup costs. All borrowers and subgrantees must assert one of the following:

Bona fide prospective purchaser (BFPP) – (Form ASTM 1527-05, 3.2.8) a person may qualify as a bona fide prospective purchaser if, among other requirements, such person made "all appropriate inquiries into the previous ownership and uses of the facility in accordance with generally accepted good commercial and customary standards and practices."

Contiguous property owner (CPO) – A person who owns property that is "contiguous to or otherwise similarly situated with respect to, and that is or may be contaminated by a release or threat of release of hazardous substances from" property owned by someone else."

Innocent landowner (ILO) – Entities that acquire property and had no knowledge of the contamination at the time of purchase may be eligible if they conducted all appropriate inquiries (AAI) prior to purchase and complied with other pre- and post-purchase requirements.

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):

5. Site Eligibility

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__

Please check all that apply. GBRLF loan funds must only be used at sites that are either:

Contaminated by a hazardous substance or pollutant;

Contaminated by petroleum or a petroleum product;

Contaminated by controlled substances; or

Mine-scarred land.

Provide a brief description of operational history and current use of the Site:

Type of Massachusetts Regulatory Program Enrolled in: MCP__ Solid Waste__ Other__

Describe the environmental concerns at the site, including how the site became contaminated:

Are there any known ongoing 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, explain:

6. Petroleum Only Site

These sites are to be submitted to the Commonwealth of Massachusetts Department of Environmental Protection for eligibility determination, additional information may be requested.

- a. 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__
- b. Did the assessment grant recipient dispense or dispose of petroleum or petroleum products, or exacerbate existing petroleum contamination on the site? Yes__ No__

If the answers to the above two questions are no, the site may be eligible

- c. If the answer to either question above is yes, did the responsible party take reasonable steps to address the petroleum contamination on site? Yes__ No__
- d. If the answer to either question above is yes, is the responsible party financially capable to assess and clean up the site? Yes__ No__

*If 6a or 6b 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.*

- e. Is the site “relatively low risk” compared with other “petroleum-only” sites in the state:
 - i. Is the site currently being cleaned up using LUST trust fund monies? Yes__ No__
 - ii. Is the site currently subject to a response under the Oil Pollution Act (OPA)? Yes__ No__

If the answers to questions 5ei and 5eii are no, the site would be considered to be of relatively low risk for purpose of determining eligibility.

- f. Has any responsible party been indentified for the site through, either:
 - i. 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__
 - ii. An enforcement action by federal or state authorities against my party that would require any person to assess, investigate, or cleanup the site: Yes__ No__
 - iii. 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__
- g. Is the site subject to any RCRA orders issued under 9003(h) of the solid Waste Disposal Act? Yes__ No__

*If the answer to any of the questions in 6f or 6g is yes, the site is **not** eligible*

7. The following sites are NOT eligible for GBRLF funds

Listed, or proposed for listing, on the National Priorities List;

Subject to a unilateral administrative order, a court order, an administrative order on consent or judicial consent decree issued or entered into by parties under CERCLA; or

Subject to the jurisdiction, custody, or control of the U.S. government, except for land held in trust by the U.S. for an Indian tribe.

8. Project Eligibility

Please check all that apply. GBRLF funds must be spent on cleanup activities only:

Actions associated with removing, mitigating, or preventing the release or threat of a release of a hazardous substance, pollutant, contaminant, petroleum product, or controlled substance;

Site monitoring activities, including sampling and analysis, that are reasonable, necessary, and incidental during the cleanup process, including determination of the effectiveness of a cleanup;

Site assessment activities that are reasonable, necessary, and incidental to the cleanup process; and/or

Costs associated with meeting public participation, worker health and safety, and interagency coordination requirements.

If your site is not eligible, you may be able to apply for a property-specific determination from EPA. Please contact Joshua L. Cormier by email at jcormier@gardner-ma.gov or by phone at (978) 630-4074 for more information.