



# EPA BROWNFIELD CLEANUP REVOLVING LOAN FUND MACOMB COUNTY, MICHIGAN

STEP TWO – (This form **must** be submitted and approved by EPA before proceeding)

## PROPERTY & BORROWER/SUBGRANTEE ELIGIBILITY DETERMINATION FORM

Background Information	
Date:	
Grant Number:	BF 00E01236
Grant Recipient:	Macomb County, Michigan
Person providing Information:	
Property/site name:	
Property address:	
Current property owner:	
Borrower/Subgrantee applicant name:	
Borrower/Subgrantee applicant address:	
Type of action:	<input type="checkbox"/> Loan <input type="checkbox"/> Subgrant
Proposed amount: \$	
Sites Eligible for Funding	
<p>Does the site meet the definition of a Brownfields (<i>a real property, the expansion, redevelopment or reuse of which is complicated by the presence or potential presence of hazardous substances, pollutants or contaminants</i>)?  <input type="checkbox"/> Yes    <input type="checkbox"/> No</p>	
<p>Type of contamination present:    <input type="checkbox"/> Hazardous Substances    <input type="checkbox"/> Petroleum (If the site is co-mingled with hazardous substances and petroleum, check the box corresponding to the predominant contaminant.)</p>	
<p>Describe the operational history and current use(s) of the site:</p>   	
<p>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:</p>   	

Describe the proposed cleanup plan, to the greatest extent possible:

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

### Sites NOT Eligible for Funding

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

Is your facility listed (or proposed for listing) on the National Priorities List?  Yes  No

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

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 last three questions above your property is **NOT** eligible.*

### 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:*

Is your site/facility subject to a planned or ongoing CERCLA removal action?  Yes  No

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

Is your site/facility subject to corrective action orders under RCRA (sections 3004(u) or 3008(h))?  Yes  No

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

Has your site/facility had a release of polychlorinated biphenyls (PCBs) that is subject to remediation under TSCA?  Yes  No

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 six questions please call your Project Officer and she/he will explain how to prepare a properly specific determination.*

### Property Ownership Eligibility

*For Petroleum Only sites please proceed to the next section*

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:

<b>Information on Liability and Defenses\Protections –Coop. Agreement Recipient Macomb County</b>
Did the cooperative agreement recipient ever arrange for the disposal of hazardous substances at the site, or transport hazardous substances to the site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Did the cooperative agreement recipient ever cause or contribute to any releases of hazardous substances at the site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Information on Liability and Defenses\Protections –Applicant</b>
How was the property acquired (or will it be acquired)? a. <input type="checkbox"/> Negotiated purchase from a private individual b. <input type="checkbox"/> Purchase or transfer from another governmental unit c. <input type="checkbox"/> Tax foreclosure d. <input type="checkbox"/> Eminent domain e. <input type="checkbox"/> Donation <input type="checkbox"/> Other (explain):
What was the date when the property was acquired (or the anticipated date when it will be acquired)? :
What is the name and identity of the party from whom the property was (or will be) acquired? :
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:
Did disposal of all hazardous substances at the site occur before the applicant acquired (or will acquire) the property? <input type="checkbox"/> Yes <input type="checkbox"/> No
Did the applicant ever arrange for the disposal of hazardous substances at the site, or transport hazardous substances to the site? <input type="checkbox"/> Yes <input type="checkbox"/> No
Did the applicant ever cause or contribute to any releases of hazardous substances at the site? <input type="checkbox"/> Yes <input type="checkbox"/> No
Did the applicant perform any environmental inquiry prior to the purchase of the property? <input type="checkbox"/> Yes <input type="checkbox"/> No
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):
<b>PETROLEUM ONLY SITES – PROPERTY OWNERSHIP ELIGIBILITY</b>
<i>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.</i>
Did the current and/or immediate past owner dispense or dispose of petroleum or petroleum products, or exacerbate existing petroleum contamination on the site? <input type="checkbox"/> Yes <input type="checkbox"/> No
Did the assessment grant recipient dispense or dispose of petroleum or petroleum products, or exacerbate existing petroleum contamination on the site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Note:</b> <i>If the answers to the above two questions are no, the site may be eligible</i>
If the answer to either question above is yes, did the responsible party take reasonable steps to address the petroleum contamination on site? <input type="checkbox"/> Yes <input type="checkbox"/> No Explain:

<p>If the answer to either question above is yes, is the responsible party financially capable to assess and clean up the site? <input type="checkbox"/>Yes <input type="checkbox"/>No Explain:</p>
<p><b>Note:</b> <i>If the questions above 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 <b>NOT</b> 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 clean/up costs, then the site may still be eligible.</i></p>
<p>Is the site "relatively low risk" compared with other "petroleum-only" sites in the state:</p> <p>A. Is the site currently being cleaned up using LUST trust fund monies? <input type="checkbox"/>Yes <input type="checkbox"/>No</p> <p>B. Is the site currently subject to a response under the Oil Pollution Act (OPA)? <input type="checkbox"/>Yes <input type="checkbox"/>No</p>
<p><b>Note:</b> <i>If the answers to the two questions above are no, the site would be considered to be of relatively low risk for purposes of determining eligibility.</i></p>
<p>Has any responsible party been identified for the site through, either:</p> <p>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: <input type="checkbox"/>Yes <input type="checkbox"/>No</p> <p>B. An enforcement action by federal or state authorities against any party that would require any person to assess, investigate, or cleanup the site: <input type="checkbox"/>Yes <input type="checkbox"/>No</p> <p>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: <input type="checkbox"/>Yes <input type="checkbox"/>No</p>
<p>Is the site subject to any RCRA orders issued under 9003(h) of the Solid Waste Disposal Act? <input type="checkbox"/>Yes <input type="checkbox"/>No</p>
<p><b>Note:</b> <i>If the answer to any of the two questions above is yes, the site is <b>NOT</b> eligible.</i></p>
<p><b>Site Eligibility</b> (To be completed by EPA project officer)</p>
<p>The above-described property and applicant, is eligible for a RLF loan/subgrant: <input type="checkbox"/>Yes <input type="checkbox"/>No</p>
<p>Project Officer:</p>
<p>Date:</p>
<p>Need for Attorney Consultation: <input type="checkbox"/>Yes <input type="checkbox"/>No</p>
<p>Notes:</p>
<p>Additional Information:</p>

Submit Completed Form to:

**Macomb County Department of Planning and Economic Development**  
**1 S. Main Street, 7<sup>th</sup> Floor**  
**Mount Clemens, Michigan 48051**  
[planning@macombgov.org](mailto:planning@macombgov.org)