



Regional Brownfields Partnership of West Central Connecticut

c/o Naugatuck Valley Council of Governments
49 Leavenworth Street, Third Floor, Waterbury, CT 06702 | 203.757.0535 | nvcogct.org

NVCOG Revolving Loan Fund Pre Application

Please fill out this entire form to the best of your knowledge. Information contained on this form will be used by NVCOG in consultation with the United States Environmental Protection Agency (USEPA) to make an initial determination as to whether the project meets eligibility qualifications to receive a subgrant or loan from NVCOG's Revolving Loan Fund Program.

Please submit this application via **email to Ricardo Rodriguez at RRodriguez@nvcogct.gov**
OR send the completed application via mail to:

NVCOG
Attn: Ricardo Rodriguez
49 Leavenworth St, 3rd Floor
Waterbury, CT 06702

If you have questions about filling out the application or need additional assistance, please contact Ricardo Rodriguez via email or by phone: 203-489-0513

5. 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:
6. 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:
7. Is the site enrolled in the state voluntary response program? Yes No
8. Has the state equivalent of an ABCA been developed? Yes No If yes, is it compliant with EPA requirements? Yes No
9. Describe the proposed expansion, redevelopment or reuse of the site and how it aligns with the community's reuse plans:

C. SITES NOT ELIGIBLE FOR FUNDING

1. Is the site listed (or proposed to be listed) on the National Priorities List? Yes No
2. Is the site subject to unilateral administrative orders, court 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 of the US government? (*Land held in trust by the US government for an Indian tribe is eligible.*) Yes No

If you answered YES to any of the above, this site 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 this site subject to a planned or ongoing CERCLA removal action? Yes No
Date of Action Memorandum:
Date of Final POLREP:
2. Has the site 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 subject to corrective action orders under RCRA (sections 3004(u) or 3008(h))?
Yes No
4. Is the site 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 the site had a release of polychlorinated biphenyls (PCBs) that is subject to remediation under TSCA? Yes No
6. Has the site 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 Manager. 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 – INFORMATION ON SITE OWNERSHIP

For the CAR:

1. Did the CAR ever cause or contribute to any releases of hazardous substances at the site?
 Yes No
2. Did the CAR ever arrange for the disposal of hazardous substances at the site, or transport hazardous substances to the site? Yes No

If you answered YES to either of the above this site is NOT eligible.

For the Borrower/Subgrantee that does not and will not own the site for this subaward:

3. Did the Borrower/Subgrantee ever cause or contribute to any release of hazardous substances at the site? Yes No
4. Did the Borrower/Subgrantee ever arrange for the disposal of hazardous substances at the site, or transport hazardous substances to the site? Yes No

If you answered YES to either of the above this site is NOT eligible.

For the Borrower/Subgrantee that owns or will own the site for this subaward:

5. How was the site acquired (or will be acquired):
 - a. Negotiated purchase from a private entity
 - b. Purchase or transfer from another governmental unit
 - c. Tax Foreclosure
 - d. Eminent domain
 - e. Abandonment
 - f. Seizure or other law enforcement action
 - g. Donation
 - h. Other (explain):
6. What was the date the site was (or will be) acquired:

7. Did disposal of all hazardous substances at the site occur before Borrower/Subgrantee acquired (or will acquire) the site? Yes No
8. Did the Borrower/Subgrantee ever cause or contribute to any releases of hazardous substances at the site? Yes No
9. Did the Borrower/Subgrantee ever arrange for the disposal of hazardous substances at the site, or transport hazardous substances to the site? Yes No

If you answered NO to E.7 and/or YES to E.8 or E.9, this site is NOT eligible.

INFORMATION ON LIABILITY AND DEFENSES/PROTECTION

10. For the purposes of the cooperative agreement, how is the Borrower/Subgrantee best defined?
 - a. State or other Local Unit of Government that acquired the property prior 1/11/2002.
 - b. State or other Local Unit of Government that acquired the property after 1/11/2002.
 - c. Non-profit
 - d. For-profit (Loans Only)
 - e. Other:

Respond to this section if the site was acquired AFTER 1/11/2002

11. What is the name of the party from whom the property was (or will be) acquired:

12. Describe all familial, contractual, corporate, or financial relationships or affiliations the Borrower/Subgrantees has (or had) with all current and/or prior owners or operators of the property:

13. Did the Borrower/Subgrantee perform any environmental inquiry prior to the acquisition of the property? Yes No - *Lack of environmental inquiry prior to acquisition COULD render a site ineligible.*
14. Was a purchase inquiry in accordance with EPA's All Appropriate Inquiry rule (or ASTM E1527-21, or its equivalent at the time of purchase) performed? Yes No If yes, provide a description (*include the type of assessment(s) performed and the date of the report(s).*):

15. Was the pre-purchase inquiry conducted less than 180 days prior to the date the Borrower/Subgrantee acquired the site? Yes No If no, affirm that the

Borrower/Subgrantee conducted the appropriate updates in the original assessment within 180 days prior to the acquisition of the site:

16. Describe all uses of the site since the Borrower/Subgrantee acquired ownership through the present, including any uses by persons or entities other than the Borrower/Subgrantee. Alternatively, indicate if the site has been vacant since acquisition:

The description must include a timeline with the names of all current and prior users during the time of the Borrower/Subgrantee ownership; the dates of all uses; the details of each use, including the rights or other reason pursuant to which the use was claimed or taken (e.g., lease, license, trespass); and the Borrower/Subgrantee's relationship to the current and prior users.

17. Describe the reasonable steps the Borrower/Subgrantee took, with respect to hazardous substances found at the site, to stop any continuing releases, prevent future releases, and prevent or limit exposure to any previously released hazardous substances:
18. Is the Borrower/Subgrantee complying with any land use restrictions and not impeding the effectiveness or integrity of any institutional controls? Yes No
19. Is the Borrower/Subgrantee assisting and cooperating with those performing the cleanup and providing access to the site? Yes No
20. Is the Borrower/Subgrantee complying with all information requests and administrative subpoenas that have or may be issued in connection with the site? Yes No
21. Is the Borrower/Subgrantee providing all legally required notices? Yes No
22. Affirm that the Borrower/Subgrantee, as the sole owner of the site, is not impeding the performance of a response action or natural resource restoration:

Respond to this section if the site was acquired PRIOR to 1/11/2002

23. Describe the actions the Borrower/Subgrantee performed to ensure environmental due diligence before the site was acquired and/or affirm that the actions were customary at the time of acquisition:

24. Describe the reasonable steps the Borrower/Subgrantee took, with respect to hazardous substances found at the site, to stop any continuing releases, prevent future releases, and prevent or limit exposure to any previously released hazardous substances:

For more information on the CERCLA landowner liability protections, please refer to the [Fact Sheet: EPA Brownfields Grants, CERCLA Liability, and All Appropriate Inquiries](#).

SITES WITH HAZARDOUS BUILDING MATERIAL THAT IS NOT RELEASED INTO THE ENVIRONMENT

If the brownfield site has a hazardous substance contained in the building materials (e.g., insulation, flooring, etc.) and the hazardous substance has not been released (and there is no threat of release) into the outdoor environment (i.e., air, groundwater, land surface, etc.), then CERCLA § 107 liability may not apply. The site may be eligible for funding, provided all other site eligibility requirements are met.

25. Has there been a release or a threat of release of hazardous substance(s) from building materials into the outdoor environment based on the site conditions? Yes No

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 Manager so he or she is aware of potential upcoming work. The revolving loan fund grantee must provide their EPA Project Manager 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 owner dispense or dispose of petroleum or petroleum products, or exacerbate existing petroleum contamination on the site? Yes No
2. Did the immediate past owner dispense or dispose of petroleum or petroleum products, or exacerbate existing petroleum contamination on the site? Yes No
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

If the answer to any of the questions in F.6 or F.7 is YES, the site is NOT eligible.

G. NATIONAL HISTORIC PRESERVATION ACT (NHPA) COMPLIANCE

1. Is the site currently listed in the National Register of Historic Places and/or is it a designated National Landmark? Yes No
2. Is the site eligible to be listed in the National Register of Historic Places? Yes No
3. Is the site part of a designated Historic District? Yes No
4. Does the municipality where site is located consider the site to be historic? Yes No
5. Will the project impact the viewshed of any adjacent or surrounding designated Historic Districts or register historic structures? Yes No
6. Does the project have the potential to impact archaeological resources? Yes No

In order to support your response to items 1 – 5 above, please provide any and all documentation from the Federal Government and/or State Historic Preservation Officer (SHPO). (i.e., SHPO Determination Letter which you may have obtained independent of the EPA or this RLF Loan/Subgrant process.)

H. VULNERABILITY CONSIDERATIONS

1. Is the site and/or surrounding area potentially vulnerable to extreme recurring weather conditions? Yes No
2. If the answer to the previous question is yes, will the potential impacts of extreme

recurring weather be incorporated into the design of the cleanup to ensure its long-term effectiveness? (*Consult local and state planning authorities*) Yes No

You've reached the end of the information required for this pre-application. Staff will review your submission and contact you within 1–3 business days with next steps.

I. PROPERTY ELIGIBILITY APPROVAL

(To be filled out by the RLF cooperative agreement recipient)

You as the CAR are ultimately responsible for all eligibility decisions. Please remind the borrower/subgrantee that the information utilized for the eligibility determination must be true, complete, and accurate. If you believe that the information provided by the borrower/subgrantee is not, you have every right to seek clarification. Any incorrect or omitted information may lead to an improper determination and corrective actions. Refer to your terms and conditions for additional information.

Title:

Date

(To be filled out by EPA Project Manager.)

Based upon the information provided, the above-described site and subrecipient, appear to be eligible for RLF funding:

Loan: Yes No N/a

Subgrant: Yes No N/a

Project Manager

Date

Need for Attorney Consultation: Yes No

Notes: