

To be used for determining site eligibility under the Brownfields Revolving Cleanup Loan Fund.

Petroleum sites need a written site eligibility determination by the state or EPA. States may set and follow their own criteria for making petroleum site eligibility determinations for the purposes of Brownfields. If the state has made the petroleum eligibility determination, the borrower must provide EPA with the letter from the state. If the state was unable to make the determination, EPA must make the determination consistent with the Guidelines for Brownfields Assessment, Revolving Loan Fund and Cleanup Grants <http://www.epa.gov/oswer/docs/grants/epa-oswer-obcr-07-01.pdf> (Note that EPA staff will make a determination based on Appendix 3 of the guidelines).

The borrower must provide answers to the following questions to the best of their knowledge:

A. Grant Information

1. Grantee Name: City of Santa Rosa
2. Grant Number: BL 94941501-0
3. Grantee Contact person: Nancy Manchester 707-543-4339  
[nmanchester@srcity.org](mailto:nmanchester@srcity.org)
4. Grant Type:
  - 104(k) Assessment
  - 104(k) RLF
  - State 128(a)
  - Tribal 128(a)
5. Work to be conducted by borrower:
  - Phase I Assessment
  - Phase II Assessment
  - Phase III Assessment
  - Cleanup
  - Loan
  - Subgrant
6. Known or Suspected Contaminant(s) (check one):
  - Petroleum or Petroleum products

B. Site Information

1. Property Name:
2. Property Address:
3. Briefly identify when and how the site became contaminated; describe previous known uses. If the land has been vacant for many years, indicate why the borrower thinks it is contaminated. May attach relevant pages of Phase I, if available.
4. 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

C. Sites Not Eligible for Funding By Statute

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

D. Property Specific Determination by EPA

If the answer is Yes to any of the questions below (D. 1 - 6), a property specific determination is required. The borrower must submit additional information, which can be found in Appendix 4 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
  
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 leaking Underground Storage Tank (LUST) Trust Fund?

- Yes       No

E. Petroleum Only Contamination Sites

1. Is the site subject to any order issued under Sec. 9003(h) of the Solid Waste Disposal Act (LUST corrective action order)?

- Yes       No

If Yes, the site is ineligible.

2. Is the site is of “relatively low risk” compared with other “petroleum-only” sites in the state? Two key questions for this determination are:

a. Is the site a “high risk” site currently being cleaned up using LUST trust fund monies?

- Yes       No

b. Is the site currently subject to a response under the federal Oil Pollution Act?

- Yes       No

Questions # 3 through #6 in this section will help answer Question # 7 (whether there is a **responsible party** at the site).

3. Was the property acquired through a government proceeding?

- Yes      No – Continue to question #4

If Yes provide date of acquisition and type of proceeding below, then go to Question # 7 and answer “NO” responsible party)

Date acquired: \_\_\_\_\_

- Tax Foreclosure       Eminent Domain  
 Other (ie. transfer of ownership through treaty or trust)

4. Has a responsible party been identified through any of the following?

a. a judgment rendered in a court of law or an administrative order that would require any party to assess, investigate, or cleanup the site?

- Yes       No

or b. a filed enforcement action brought by federal or state authorities that would require any party to assess, investigate, or cleanup the site?

- Yes       No

or c. a citizen suit, contribution action or other 3<sup>rd</sup> party claim against the current or immediate past owner, that would, if successful, require that party to assess or clean up the site?

- Yes       No

If an RP was identified by answering Yes for either 4a, 4b or 4c then skip to Question #7 and answer "Yes" to responsible party.  
Otherwise, continue with question #5.

5. The current site owner is: \_\_\_\_\_  
Has the current owner:

- a. dispensed or disposed of petroleum or petroleum product at the site?  
 Yes       No
- b. owned the property during the dispensing or disposal of petroleum product at the site?  
 Yes       No
- c. exacerbated the contamination at the site?  
 Yes       No
- d. taken reasonable steps with regard to contamination at the site?  
 Yes       No

6. The immediate past owner is: \_\_\_\_\_  
Has the immediate past owner:

- a. dispensed or disposed of petroleum or petroleum product at the site?  
 Yes       No
- b. owned the property during the dispensing or disposal of petroleum product at the site?  
 Yes       No
- c. exacerbated the contamination at the site?  
 Yes       No
- d. taken reasonable steps with regard to contamination at the site?  
 Yes       No

If either the current or immediate past owner dispensed or disposed of petroleum or petroleum product at the site; owned the site during the dispensing or disposing of petroleum product; exacerbated the contamination or did not take reasonable steps with regard to contamination the site may be deemed to have a responsible party.

7. Based on the above, for purposes of EPA Brownfields Program funding, is there a responsible party for contamination?  
 Yes (continue to question 8)       No (go to question 9)

8. If there is a responsible party, is that party financially viable? Is the party financially capable of satisfying obligations under federal or state law to assess the site or clean up the site?

- Yes**, there is a viable responsible party; the petroleum site is ineligible
- No**, please explain the basis for that conclusion:

9. Is the borrower potentially liable for cleaning up the site? Has the borrower (or its tenants) ever:
- a. dispensed or disposed of petroleum or petroleum product at the site?  
 Yes       No
  - b. exacerbated the contamination at the site?  
 Yes       No

If the answer is Yes, for 9 (a or b), the site is ineligible.