

APPLICATION FOR OKLAHOMA TARGETED BROWNFIELDS ASSESSMENT



Oklahoma Department of Environmental Quality Land Protection Division

Oklahoma Targeted Brownfields Assessments

The Oklahoma Department of Environmental Quality (DEQ) can assist in returning value to contaminated land and helping local governments and other entities with environmental problems by providing Targeted Brownfields Assessments (TBA) to eligible entities. This application will help DEQ determine the applicant's eligibility and provide a systematic process to assist the DEQ in determining which projects to conduct with its limited funding.

Using funding provided by the United States Environmental Protection Agency (EPA) the DEQ will conduct a limited number of TBAs at qualifying brownfield properties in Oklahoma at no cost to the applicant. The number of assessments will be limited to available funds and staff. TBA reports will be subject to the Oklahoma Open Records Act and the federal Freedom of Information Act.

Local governmental entities (i.e., cities, counties, tribes), quasi-governmental entities (e.g., planning commissions, etc.), and qualified non-profit organizations are encouraged to apply to this voluntary program.

Enclosed is an application package for Oklahoma TBAs. The first section is an eligibility determination worksheet. The second section contains ranking criteria; this information will be used to score the applications as to 1) the benefit to the environment and 2) the benefit to the "public good" resulting from the project. A copy of the completed application must be received at the following address:

**Attention: Sam Hooker
Oklahoma Department of Environmental Quality
Land Protection Division
P. O. Box 1677
Oklahoma City, OK 73101-1677**

or emailed to Sam.Hooker@deq.ok.gov

Thank you for your interest in Oklahoma Targeted Brownfields Assessments. Please contact Sam Hooker (405) 702-5117 if you have any questions.

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To perform the TBA, DEQ will require specific written permission to access the property from the owner of the property (see page 10).

INTRODUCTION

All applicants and properties must meet federal and state eligibility requirements¹. These assessments will follow the All Appropriate Inquiry Standard² that is in effect at the time of the site visit and may include sampling if necessary. Qualified DEQ environmental professionals will oversee these assessments.

This program is intended to facilitate the cleanup and redevelopment of brownfield properties in Oklahoma thereby promoting the protection of human health and the environment while also encouraging economic growth in our state.

GENERAL APPLICATION PROCESS

Entities eligible to apply for Oklahoma TBAs will be limited to local governmental entities (i.e., cities, counties, tribes), quasi-governmental entities (e.g., planning commissions, etc.), and qualified non-profit organizations³.

Applicants will be required to submit the enclosed Application Form for Oklahoma Targeted Brownfields Assessments in which they provide basic information, demonstrate eligibility, and address several property ranking factors. Answers to ranking criteria are used for ranking purposes only and do not obligate the applicant. A DEQ TBA Review Team composed of individuals with expertise in environmental site investigation, remediation, and brownfields redevelopment issues will evaluate the applications. Potential applicants may discuss eligibility issues with DEQ prior to applying.

After a determination is made that an applicant and property are eligible for the program, the ranking factors will be used by DEQ to prioritize brownfield properties for TBAs. DEQ may also take into account the type and size of assessments requested, benefits the project provides to the state as a whole, statewide priorities, funding limitations, availability of other funding, and other factors in ranking and selecting properties for TBAs. The number and timing of TBAs will depend on availability of funding and DEQ personnel and will occur strictly at the discretion of DEQ. Upon selection of a property for assessment, DEQ will notify the applicant. The DEQ will also notify the applicants if they are not eligible or not selected for a TBA.

¹ Oklahoma Brownfields Voluntary Redevelopment Act [OS 27A 2-15-104(D)] and the federal Small Business Liability Relief and Brownfields Revitalization Act [Public Law 107-118 (H.R. 2869)].

² All Appropriate Inquiry Assessments will follow the EPA Standards and Practices for All Appropriate Inquiries, Final Rule (Federal Register, Vol.70, No.2/0, Nov.1, 2005). All Phase I assessments will be conducted in compliance with the All Appropriate Inquires Final Rule at 40 CFR Part 312.

³ For the purposes of the brownfields grant program, DEQ will use the definition of non-profit organizations contained in Section 6 Expanded Eligibility for nonprofit organizations of the BUILD Act which Congress passed on March 21, 2018.

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SECTION I: ELIGIBILITY

A. BACKGROUND INFORMATION

1. Applicant's Contact Information

Name of Organization:

Name of Contact Person: Position:

Mailing Address:

City: Zip Code:

Telephone Number: Fax Number:

Email Address:

Explain contact person's authority to speak for the organization:

- Type of Organization: Governmental entity
 Quasi-governmental entity
 Non-Profit Organization

What is your organization's relationship to the property?

- Owner
 Prospective Purchaser
 Potential Land Donation
 Lessee
 Other Explain:

If applicant owns property, how was it acquired?

- Foreclosure Donation Eminent Domain Seizure Purchase

When was it acquired?

If applicant does not own the property, who is the current property owner?

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2. Property Name:

Former operating names, if known:

Property size in feet or acres:

3. Property Address/Location:

City:

County:

4. Work requested:
- All Appropriate Inquiry/Phase I Assessment
 - Sampling/Phase II Assessment
 - Interested in Cleanup (Abatement, Drum/Waste Removal, Other)
 - Interested in Environmental Liability Relief

Explain:

(Answering yes to the questions below does not automatically disqualify the property.)

If the applicant owns the property:

5. a. Did the applicant cause or contribute to the property contamination?

YES NO

b. Did the applicant generate or transport any waste brought to the site?

YES NO

If the applicant does not own the property:

6. a. Did the current owner cause or contribute to the property contamination?

YES NO

b. Did the current owner generate or transport any waste brought to the site?

YES NO

7. Identify when and how the site became contaminated; describe previous known uses. If the land has been vacant for many years, tell us why you think it's contaminated:

B. 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, if you do not know, DEQ can assist you in determining the answer.

1. Is your site/facility subject to a planned or ongoing CERCLA⁴ removal action or currently being investigated under CERCLA authority?
 YES NO
2. Has your site/facility been issued a permit by the EPA or DEQ under the Solid Waste Disposal Act (as amended by the Resource Conservation and Recovery Act (RCRA⁵), the Clean Water Act (CWA⁶), the Toxic Substances Control Act (TSCA⁷), the Federal Water Pollution Control Act (FWPCA), or the Safe Drinking Water Act (SDWA⁸)?
 YES NO
3. Is your site/facility subject to corrective action orders under RCRA (sections 3004(u) or 3008(h))?
 YES NO
4. 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
5. Has your site/facility had a release of polychlorinated biphenyls (PCBs) that is subject to remediation under TSCA?
 YES NO
6. Has your site/facility received funding for remediation from the Leaking Underground Storage Tank (LUST⁹) Trust Fund?
 YES NO

C. SITES NOT ELIGIBLE EITHER FOR FUNDING OR FOR A PROPERTY SPECIFIC DETERMINATION

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

1. Is your facility listed (or proposed for listing) on the National Priorities List?
 YES NO
2. 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
3. Is your facility subject to the jurisdiction, custody, or control of the US government? (This does not include tribal trust land.)
 YES NO

D. PETROLEUM ONLY SITES

⁴ CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) [(42 U.S.C. § 9601 et seq. as amended (1980))]

⁵ RCRA [42 U.S.C. § 6901 et seq. (1976)]

⁶ CWA [33 U.S.C. § 1251 et seq. (1972)]

⁷ TSCA [15 U.S.C. § 2601 et seq. (1974)]

⁸ SDWA [42 U.S.C. § 300f et seq. (1976)]

⁹ LUST [as amended by Subtitle 1 of RCRA Section 9001 et seq.]

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1. Can any party associated with the property be subject to either:
 - a) a judgment rendered in a court of law or an administrative order issued by an administrative body ?
 - b) a filed enforcement action brought by federal or state authorities, or a citizen suit

2. Provide information regarding whether the party having such legal obligations has adequate financial resources to meet the obligation.

3. All petroleum sites need a written determination by the state LUST contact consistent with guideline requirements. Talk to your project officer for assistance.

OCC Contact _____ OCC Determination _____

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DEQ ONLY

SITE ELIGIBILITY

Site is/is not eligible for site assessment activities.

- Is
 Is not

Project Officer

Date

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SECTION II: RANKING CRITERIA

1. Provide brief history of past property uses if known.

2. Describe briefly the types of land use on properties surrounding the site, for example, types of businesses, agricultural, residential etc.

3. Are there any plans to redevelop the property?

4. What are the estimated economic benefits to the community of the proposed redevelopment? If no economic benefits are anticipated, please describe other benefits (i.e., greenspace, ecological park, recreation, environmental, cultural, etc.)

5. Why are you requesting a TBA?

6. What is the potential for the creation of permanent jobs as a result of redevelopment of the property?

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7. What are the community issues and community needs in the area surrounding the property?

8. Is the lack of funding for the environmental assessment preventing the project from moving forward? YES NO

If yes, explain:

9. Do other federal or state grants depend on the assessment of the property?

YES NO

If yes, explain:

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REQUIRED ATTACHMENT:

1. Property Deed for the TBA site

REQUIRED SIGNATURE:

Either an executive officer or a ranking elected official must sign this section.

The undersigned certifies the information submitted is, to the best of the undersigned's knowledge and belief, true, accurate, and complete.

Signature

Title

Organization

Date

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APPENDIX I

CONSENT FOR ACCESS TO PROPERTY

I [redacted] do hereby consent to officers, employees and authorized representatives of the Oklahoma Department of Environmental Quality (DEQ) entering and having continued access to the premises described below in order to design and perform assessment activities thereon. The Targeted Brownfields Assessments are being performed for the benefit of the [redacted]

These activities shall include but are not limited to the following:

- 1. The taking of such asbestos, lead-based paint, soil, water and air samples;
- 2. The drilling and sampling of groundwater wells;
- 3. The collection and disposal of drill cuttings and purge water;
- 4. The taking of such surveys as may be necessary; and
- 5. The taking and reproduction of photographs.

This written permission is given voluntarily and with no expectation of receiving any compensation or release of liability from the DEQ or EPA.

[redacted]

Signature of Landowner

[redacted]

Date

[redacted]

Printed Name

Note: No changes can be made in the **Consent For Access To Property** agreement text without prior approval from DEQ.