

Wisconsin Brownfields Assessment and Cleanup Grants
Application for Petroleum Eligibility Determination

Notice: Use this form to request a site-specific eligibility determination for use of U.S. Environmental Protection Agency Brownfields Grant funds for assessment or cleanup of petroleum contamination. Personally identifiable information collected will be used to prepare the determination and will also be accessible by request under Wisconsin's Open Record law. [ss.19.31 – 19.69, Wis. Stats.]. Applications must be "complete" in order to be processed.

Instructions: Please complete the following application in order to receive a state of Wisconsin eligibility determination for use of EPA Brownfields Grant funds for assessment or cleanup of petroleum contamination. Fill out one application per property and send to:

Section 1: Applicant¹ Information	
Consulting Firm or Contractor (if applicable)	
Contact Name	Title
Mailing address	
Phone	Fax
Email	

Determination Letter Recipient (i.e. name of municipality)	
Contact Name	Title
Mailing address	
Phone	Fax
Email	

EPA Cooperative Agreement Grantee, if Different From Above (i.e. county planning commission or economic development authority)	
Contact Name	Title
Mailing address	
Phone	Fax
Email	

¹ For the purposes of receiving a petroleum eligibility determination, an "Applicant" includes those entities that: 1. Received an area-wide EPA assessment or cleanup grant; 2. Are applying for an EPA site-specific assessment or cleanup grant; 3. Are applying for a DNR WAM contractor services award or a petroleum RLF grant or loan.

Section 2: General Site Information

Site Name			
Site Address			
City	County	State	Zip Code
Size (acres)		DNR BRRTS #(s) (if known)	
Tax Parcel #(s)			
DNR Project Manager Name (if known)		Federal fiscal year for the award under which the site will be assessed	

Section 3: Site Description

1. Past Land Uses of the Site - Indicate if the sources of petroleum contamination or wastes are Known "K" or Suspected "S":

<input type="checkbox"/> Gas Station	<input type="checkbox"/> Industrial	<input type="checkbox"/> Utility
<input type="checkbox"/> Service Station	<input type="checkbox"/> Commercial	<input type="checkbox"/> Residential
<input type="checkbox"/> Bulk Plant	<input type="checkbox"/> Agricultural Co-op.	<input type="checkbox"/> Pipeline
<input type="checkbox"/> Terminal Storage	<input type="checkbox"/> Coal Gas Manufacturer	<input type="checkbox"/> Salvage Yard
<input type="checkbox"/> Foundry	<input type="checkbox"/> Unknown	<input type="checkbox"/> Other (specify): _____

2. Describe the historical and current use of the site, including associated years:

3. Does or did the site have a fuel storage tank(s)? Yes, if so how many? _____ No Unknown

- If yes, please provide details on the status of the tank(s) from the DATCP tank database found at <http://dsps.wi.gov/er/ER-EN-tanks-info.html>. Attach a site map with the location of current and historic ASTs and USTs.

Historic petroleum storage area(s) (for sites where tanks have been removed):

Removed Tanks				
DATCP Tank ID #	AST or UST?	Capacity	Historic Contents (enter A, B, etc.)	
				A. Diesel
				B. Fuel Oil
				C. Gasoline
				D. Kerosene
				E. Used Motor Oil
				F. Other (describe)

Current petroleum storage areas (for sites with tanks currently in place):

Tanks in Place				
DATCP Tank ID #	AST or UST?	Capacity	Historic Contents (enter A, B, etc.)	
				A. Diesel
				B. Fuel Oil
				C. Gasoline
				D. Kerosene
				E. Used Motor Oil
				F. Other (describe)

Status of Tanks in Place		
DATCP Tank ID #	Current Status (enter A, B, etc.)	
		A. In Use
		B. Abandoned with product
		C. Abandoned without product
		D. Closed – filled with inert materials
		E. Closed – in place
		F. Other (describe)

4. Has petroleum contamination been confirmed at the site? Yes No Inconclusive
- If yes, describe previous assessment activities, associated dates and which contaminants were found:

 - If no, why is petroleum contamination suspected?

 - What are the areas of concern at the site where petroleum contamination is known or suspected?

5. For which activities will the EPA assessment or cleanup grant be used?
- | | |
|---|---|
| <input type="checkbox"/> Phase I Site Assessment | <input type="checkbox"/> NR 716 Site Investigation |
| <input type="checkbox"/> Phase II Site Assessment | <input type="checkbox"/> Clean up: NR 722 and 724 Cleanup |
| <input type="checkbox"/> Other (specify): _____ | |

Section 4: Use of Other Federal Funds

1. Has the site received LUST trust fund monies for assessment or cleanup? Yes No
- If yes, please provide details:
2. Is the site currently subject to a response under the Oil Pollution Act (OPA)? Yes No

Section 5: Judgments, Claims, Actions or Suits (Note: if a responsible party is identified through any of the three criteria below, the site is not eligible to use petroleum assessment or cleanup funds.)

1. Has a responsible party been identified for the site through either:
- An unresolved judgment rendered in a court of law or an administrative order that would require any party (incl. the applicant) to assess, investigate, or clean up the site? Yes No
 - An unresolved enforcement action by federal or state authorities that would require any party (including the applicant) to assess, investigate or clean up the site? Yes No
 - An unresolved citizen suit, contribution action or other third party claim brought against the current or immediate past owner for the site that would, if successful, require either party to assessment, investigation or cleanup the site? Yes No

Section 6: Acquisition Method by Current Owner

1. Who currently owns this site?
- Name: _____
 - On what date was the property acquired? _____
 - By what method was the property acquired?
 - Involuntary Acquisition:
 - Tax foreclosure
 - Escheat
 - Condemnation
 - Slum or blight proceeding under ch. 32, Wis. Stats.
 - Lender foreclosure of a security interest
 - Other Acquisition:
 - Simple purchase
 - Donation
 - Transfer
 - Other (specify): _____

Note: If the site was last acquired through an involuntary acquisition method or lender foreclosure of a security interest, skip to Section 8. If the site was last acquired through "other acquisition", please continue to Section 7.

Section 7: Determination of Viable Responsible Party

The state is required to determine that there is no viable responsible party that can address the contamination at the site. For the purposes of this petroleum eligibility determination, the state must affirm that:

- The current and immediate past owner did not dispense or dispose of, or own the subject property during the dispensing or disposal of any petroleum contamination at the site;
- Did not exacerbate the petroleum contamination at the site; and
- Took reasonable steps* with regard to the petroleum contamination at the site.

**For the purposes of determining petroleum brownfield grant eligibility, "reasonable steps with regard to contamination at the site" includes, as appropriate: stopping continuing releases, preventing threatened future releases, and preventing or limiting human, environmental, or natural resource exposure to earlier petroleum or petroleum product releases.*

Applicants are responsible for providing complete information in their proposal that demonstrates that the activities for which they seek funding have no viable responsible party.

1. Current Owner:

- Describe on-site operations during the time of current ownership, particularly as it relates to use of petroleum ASTs, USTs and containers.

- Is the property leased to an operator (another person or business)? Yes No
- Identify whether the current owner (please describe):
 - Dispensed or disposed of any petroleum contamination on the site:

 - Owned the subject property during the dispensing or disposal by an operator of any petroleum contamination at the site:

 - Did not exacerbate the contamination at the site:

 - Took *reasonable steps** with regard to the contamination at the site:
 - Yes, reasonable steps were taken. Please describe the actions the owner took to satisfy the “reasonable steps” criteria:

 - No, reasonable steps were not necessary. Please explain:
 - Contamination is not confirmed
 - Known or suspected sources of contamination were removed (i.e. storage tank)
 - Other (please describe):

2. Immediate Past Owner:

- Name of immediate past owner: _____
- Years of ownership: _____
- Describe the operations on site during the ownership of the immediate past owner, particularly as it relates to petroleum ASTs, USTs and containers:

- Was the property leased to an operator (another person or business)? Yes No
- Identify whether the immediate past owner (please describe):
 - Dispensed or disposed of any petroleum contamination on the site:

 - Owned the subject property during the dispensing or disposal by an operator of any petroleum contamination at the site:

 - Did not exacerbate the contamination at the site:

- Took *reasonable steps** with regard to the contamination at the site:
 - Yes, reasonable steps were taken. Please describe the actions the owner took to satisfy the “reasonable steps” criteria:

 - No, reasonable steps were not necessary. Please describe why not:
 - Contamination is not confirmed
 - Known or suspected sources of contamination were removed (i.e. storage tank)
 - Other (please describe):

3. Financial Viability:

- If the current or immediate past owner is identified as a responsible party for the petroleum contamination on site, provide information in Attachment G that demonstrates why the party does not have the financial capability to satisfy their obligations under federal or state law to assess the property, including the resources consulted to determine a responsible party’s financial status. In general, the Department and US EPA will consider ongoing businesses or companies (corporations, LLCs, partnerships, etc.) and governmental entities to be viable.

Section 8: Actions by the EPA Assessment Grant Recipient (i.e. Cooperative Agreement Recipient)

1. Has the EPA Assessment or Cleanup Grant recipient dispensed or disposed of or owned the property during the dispensing or disposal of petroleum product at the site? Yes No
2. Has the EPA Assessment or Cleanup Grant recipient exacerbated the contamination at the site? Yes No
3. Did the EPA Assessment or Cleanup Grant recipient take *reasonable steps** with regard to contamination at the site? Yes No

Section 9: Subject to Resource Conservation and Recovery Act (RCRA)

1. Is the site subject to a corrective action order under RCRA §9003(h)? Yes No

Section 10: Required Attachments

Please include the following with your eligibility determination request:

<input type="checkbox"/>	A. Current photographs of site
<input type="checkbox"/>	B. Site map - Note location of any past or current ASTs, USTs, or other petrol-related containers
<input type="checkbox"/>	C. Aerial photo of site
<input type="checkbox"/>	D. Previous assessment information, if available: Phase I and II on disk

<input type="checkbox"/>	E. Tank Detail record(s) from DATCP database
<input type="checkbox"/>	F. Documentation of acquisition method if the site was last acquired through involuntary acquisition or lender foreclosure
<input type="checkbox"/>	G. Information that demonstrates why a responsible party does not have the financial capability to satisfy their obligations under federal or state law to assess the property (if a responsible party is identified)

Section 11: Self-Certification

I certify that information in this application and all its attachments are true and correct and in conformity with applicable Wisconsin Statutes.

Print Name of Applicant

Signature of Applicant Date

Attachment G: Determining Whether a Responsible Party is Viable²

If a responsible party is identified for the site, the Department must determine whether that party is viable. If any such party is determined to be viable, then the petroleum-contaminated site is not eligible for funding.

- In general, the department and US EPA will consider ongoing businesses or companies (corporations, LLCs, partnerships, etc.) and governmental entities to be viable. A defunct or insolvent company and an individual responsible party will be deemed not viable, unless there is information suggesting that the assumption is not appropriate in a particular case.
- An Applicant seeking to determine the financial status (i.e. the viability) of a responsible party should consider consulting the following resources and any other resources it may deem useful to make this determination:
 - Responsible Party (i.e. tax returns, bank statements, financial statements)
 - Federal, State and Local Records (i.e. regulatory records, Secretary of State databases, property/land records)
 - Public and Commercial Financial Databases (i.e. Lexus/Nexus, Dun & Bradstreet reports, Internet search engines)

Applicants are responsible for explaining what steps it took to determine a responsible party's financial status and why the information presented indicates that the responsible party is not viable:

² Excerpted from Appendix 1 of EPA's Guidelines for Brownfields Assessment Grants