



Phase I Environmental Site Assessment Initiative

Application for Phase I Environmental Site Assessment Assistance

The purpose of the Indiana Brownfields Program (Program) Phase I Environmental Site Assessment Initiative (Phase I ESA Initiative) is to provide a benefit to political subdivisions by conducting Phase I Environmental Site Assessments (Phase I ESA) on brownfield sites in their communities. The Program will provide a Phase I ESA conducted under the ASTM E1527-13 standard to identify recognized environmental conditions to facilitate redevelopment and help quantify potential cleanup liability (i.e., pre-purchase due diligence to qualify as a bona fide prospective purchaser).

Indiana defines a brownfield as parcel of real estate that is abandoned or inactive or may not be operated at its appropriate use and on which expansion or redevelopment is complicated because of the presence or potential presence of a hazardous substance, a contaminant, petroleum, or a petroleum product that poses a risk to human health and the environment. Indiana Code 13-11-2-19.3.

Eligibility criteria and other relevant application information are included below. Please review them carefully *prior to* completing this application. If your community is applying for assistance to benefit more than one site, then please complete an application for each individual site. Completed applications will be accepted on a rolling basis by email, U.S. mail or delivery service, or delivered in person. Email submission is preferred. Please submit typed applications to:

Sue Overstreet

Indiana Brownfields Program

100 N. Senate Ave., Room 1275

Indianapolis, IN 46204

(317) 234-4293

EMAIL: soverstreet@ifa.in.gov CC EMAIL: AROBERTS@ifa.IN.gov

Note: The Program may not have sufficient funding to award a Phase I ESA for every qualifying application. If necessary, the Program will select qualifying applications for an award of services based on such criteria as imminent redevelopment plans, leveraged funding, statewide distribution of awards, etc.

Applicant Name (e.g., City of...):

Contact for Applicant:

Site Name & Address:

Phase I ESA Initiative: Application Information

The following items (applicant and site eligibility) are considered threshold eligibility criteria and, if not satisfied, may disqualify an application from consideration for a Phase I ESA award. Threshold criteria are pass/fail – applications must meet all of the threshold criteria. Only those applications that meet all of the threshold criteria will be evaluated for assistance. For purposes of threshold eligibility review, the Program, if necessary, may seek clarification of applicant information and/or consider information from other sources, including the Indiana Department of Environmental Management (IDEM), the Indiana Finance Authority (Authority), or United States Environmental Protection Agency (U.S. EPA) files.

Eligible Applicants (threshold): The applicant must meet the definition of a political subdivision as defined in IC 13-11-2-164(c). “Political subdivision” for purposes of financial assistance from the Indiana Brownfields Program (Program) has the meaning set forth in Indiana Code (IC) 36-1-2-13 and includes a redevelopment district under IC 36-7-14 or IC 36-7-15.1. IC 13-11-2-164(c).

Relevant Definitions

To determine whether an entity qualifies as a political subdivision under IC 13-11-2-164(c), the relevant definitions to consider are:

- IC 36-1-2-13 "Political subdivision" means municipal corporation or special taxing district.
- IC 36-1-2-10 "Municipal corporation" means unit, school corporation, library district, local housing authority, fire protection district, public transportation corporation, local building authority, local hospital authority or corporation, local airport authority, special service district, or other separate local governmental entity that may sue and be sued. The term does not include special taxing district.
- IC 36-1-2-23 "Unit" means county, municipality, or township.
- IC 36-1-2-18 "Special taxing district" means a geographic area within which a special tax may be levied and collected on an ad valorem basis on property for the purpose of financing local public improvements that are:
 - (1) not political or governmental in nature; and
 - (2) of special benefit to the residents and property of the area.

Examples of Qualifying Entities

Entities that meet the definition of political subdivision for eligibility to receive brownfields financial assistance include, but are not limited to:

- Any county, municipality, or township (unit)
- Gary/Chicago Airport Authority (municipal corporation)
- A solid waste management district (municipal corporation & special taxing district)
- Frankfort Community Public Library (municipal corporation)
- Indiana State University (municipal corporation)
- A redevelopment district under IC 36-7-14 or IC 36-7-15.1 (political subdivision)
- A redevelopment commission under IC 36-7-14 or IC 36-7-15.1 (municipal corporation)

Eligible Sites (threshold): the following sites are eligible for Phase I ESA funding through this initiative:

- Sites that are currently owned by the applicant (political subdivision) and the applicant did not cause or contribute to the historic contamination or own or operate the site at the time of the disposal or release of hazardous substances or petroleum
- Non-applicant owned sites to which the applicant has written consent to access and for which the current owner did not cause or contribute to the historic contamination or own or operate the site at the time of the disposal or release of hazardous substances or petroleum
- Non-applicant owned sites to which the applicant has written consent to access which *are* owned by a party that is potentially liable for the contamination but which are tax delinquent or abandoned, as certified by the county, or the owner has demonstrated an inability-to-pay verified by IDEM

Ineligible Sites (threshold): the following sites are ineligible for Phase I ESA funding through this initiative:

- Sites at which the applicant is a potentially liable party because it caused or contributed to the contamination or owned or operated the site at the time of the disposal or release of hazardous substances or petroleum
- Non-applicant owned sites for which the current owner is financially viable and potentially liable for having caused or contributed to the contamination or owned or operated the site at the time of the disposal or release of hazardous substances or petroleum

Acceptable forms of demonstrating Consent to Access: the following forms of agreement demonstrating access to the site at which a Phase I ESA is desired to be conducted will be accepted by the Program:

- Written agreement consenting to access signed by the site owner
- A copy of the deed demonstrating applicant-ownership of the site
- A court order or local government resolution authorizing access for the applicant to the site

The applicant must obtain written consent for site access (Access Agreement) from the owner to perform the Phase I ESA activities. Access to the brownfield must be provided to IDEM, the Authority, the Consultant, and the applicant until final issuance of the Phase I ESA report. A template Access Agreement is attached hereto as “Exhibit A” as an example of the form of agreement the Program will accept. This requirement may be satisfied by the applicant after an award is made and a consultant is selected by the Authority. If the applicant is also the site owner, written consent for site access must still be provided for the parties listed above.

Consultant Selection

Once a site has been selected by the Program for assistance, a scope of work will be put out for bid by the Program to the sixteen consultants pre-qualified by the Authority in June 2015 to provide environmental site assessment (and remediation) services. The Authority will then enter into a site-specific agreement with the selected consultant to perform the work to be funded by the Phase I ESA Initiative award and obtain written acknowledgment of the award from the Applicant.

Contact Information & Disclaimers

General questions regarding this application and the Phase I ESA Initiative can be directed to Andrea Robertson Habeck at (317) 234-0968 or AROBERTS@ifa.IN.gov. This application and instructions may be modified at any time by the Program to address demand and other issues to promote the effective and efficient administration of the Program. The Program may eliminate this initiative or modify the scope at any time. Completed applications will be accepted on a rolling basis. Decisions on funding are at the discretion of the Program and are not appealable.

Application Checklist – *Including Required Supporting Documentation:*

- Completed typed application
- Documentation evidencing applicant meets the definition of political subdivision as defined by IC 13-11-2-164(c) (if the applicant is not a city, town or county)
- Photographs of site as it currently exists
- Copy of property deed (if applicant is the current owner)
- Executed property access agreement (if applicant is not current owner), if available
- Site map and/or aerial (e.g., google map screen shot)
- Environmental site reports, if available

Please answer the questions below, referring to the *Phase I ESA Initiative application instructions* above to inform your answers and confirm required application information. Applications must be typed. If more space is needed, additional pages may be attached.

I. Applicant Information

Name of Applicant (political subdivision):

Mailing Address:

City/Town: State: Zip: County:

Contact Person: Contact Person's Title:

Contact's Telephone Number: Email:

Is the Applicant, if not a city, town or county, a political subdivision as defined in IC 13-11-2-164(c)? **YES** **NO** *If yes, please attach documentation evidencing Applicant meets the definition of political subdivision as defined by IC 13-11-2-164(c). If no, you may not apply for a Phase I ESA for this site.*

II. Property Information

A. Property/site name (please list all known names to which the property is commonly referred (e.g., *Johnny's Market*)):

If applicable, U.S. EPA or IDEM Site #:

Street Address:

City/Town: Zip: County:

Tax Parcel Identification #:

B. Property owner name, if not Applicant:

Date that the property was acquired by current owner, if known:

Identify the method by which the current owner acquired the property (e.g., purchase, tax foreclosure, donation, eminent domain), if known:

If Applicant is the owner, enclose a copy of the real estate deed.

Street Address:

City/Town: Zip: County:

Telephone Number:

Email, if known:

C. Applicant's interest in the property, if not the owner (e.g., prospective purchaser, municipality with a tax lien, current lessee, other (describe)):

D. What is the approximate size of the site? Describe the existing site conditions including number of existing buildings and current uses.

Include a few recent photographs of the site that depict current site conditions.

E. Does the Applicant, if it is not the owner, have an agreement from the current owner giving access to the brownfield to the Applicant, IDEM, the Authority, consultant(s), and any of their respective representatives or agents for the duration of the Phase I ESA activities? (A template access agreement is attached as Exhibit A). **YES** **NO** *If yes, attach a copy of the executed agreement or other acceptable proof of consent to access. If no, this*

requirement may be satisfied by the Applicant after an award is made and a consultant is selected by the Program.

- F. Is the site currently for sale or part of a bankruptcy filing? YES NO UNKNOWN
- G. Is the site tax delinquent? YES NO *If yes, what is the total amount of tax delinquency?*
- H. Has the current owner of the site been determined by IDEM to have an inability to pay for cleanup?
YES NO UNKNOWN
- I. Has the site received financial assistance from the Indiana Brownfields Program or U.S. EPA in the past? YES NO UNKNOWN *If yes, please list awarding agency, type of assistance (e.g., assessment grant, loan), date, and amount of previous award(s).*

III. Users of the Phase I ESA Report

Any party that may be seeking to use the Phase I ESA for the site for which this application is being submitted in order to qualify for a defense to liability under federal or state law pertaining to cleanup of hazardous substances and/or petroleum (User) must be identified in the Phase I ESA. The report can either be prepared on behalf of the Applicant and the User (or Users), or the User(s) can be named by the consultant in the section of the report that details who may rely on the report (User Reliance). Please ensure that the name of the entity (or entities) that may be purchasing (or leasing) the site is/are correctly identified and that such party/ies will provide an authorized representative to complete the *User Questionnaire* that is a required element of the Phase I ESA report. Each user of the report will be required to complete a *User Questionnaire*.

Will there be stakeholders other than the Applicant that will want to rely on the Phase I ESA to qualify for a defense to cleanup liability at the site (e.g., bona fide prospective purchaser)?
YES NO *If yes, please provide the following information for **each** party that will be a “user” of the report:*

Name of entity that will appear on title (if buying) or lease (if leasing) the site (the “User”):

Contact Name for the User:

Contact’s Street Address:

City/Town: Zip: County:

Contact’s Telephone Number:

Contact’s Email Address:

Name of entity that will appear on title (if buying) or lease (if leasing) the site (the “User”):

Contact Name for the User:

Contact’s Street Address:

City/Town: Zip: County:

Contact’s Telephone Number:

Contact’s Email Address:

IV. Environmental Site Conditions (Types of contaminants, media affected, extent and degree of contamination)

- A. Indicate whether there is known or suspected hazardous substances or petroleum contamination or both. If there are distinct areas of hazardous substances and petroleum contamination, please select both.

Hazardous substances contamination: YES NO

- Co-mingled with petroleum: YES NO

Petroleum contamination: YES NO

- B. To the extent known, provide a *brief* history of the operations at and ownership of the site, including current and past uses, past owners/occupants and dates of ownership. Include information regarding any known or suspected contamination at the site and describe the nature and extent of the contamination if known.

- C. Summarize any previous efforts, by Applicant or any other entity, to redevelop or address environmental contamination at the site.

- D. Has a Phase I Environmental Site Assessment previously been performed at the site?

YES NO

If yes, is it compliant with U.S. EPA's All Appropriate Inquiry rule? YES NO

What is the date on which the assessment was completed?

For whom/what entity was the Phase I prepared, if not the Applicant?

Please attach a copy of any Phase I reports possessed by the Applicant.

- E. Have any Phase II Environmental Site Assessment activities been performed at the site?

YES NO *If yes*, please attach a copy of any Phase II reports possessed by the Applicant.

- F. Have any other environmental activities been performed at the site?

YES NO *If yes*, please attach a copy of any environmental reports possessed by the Applicant.

Has contamination on the project property resulted in any lawsuits (e.g., liability, nuisance, insurance recovery)? YES NO UNKNOWN *If yes*, provide a detailed explanation.

V. Redevelopment/Project Information

If known, describe the reuse/redevelopment plans for the site, including its place in the local community's overall economic and community development plans. Please provide a detailed description of any formal plans for redevelopment and any activities that have already been completed towards those plans (e.g., contracts executed, zoning approvals). Do plans call for multi-use functions (e.g., residential and commercial/retail)? Please describe plans for long-term maintenance and management of the site once it is redeveloped.

VI. Socioeconomic Benefits

A. *Redevelopment Plans* -

- If known, will proposed redevelopment plans promote economic development or enable the creation of, preservation of, or addition to parks, greenways, undeveloped property, other recreational property, or other property used for nonprofit purposes? **YES** **NO** **UNKNOWN**
- If known, will redevelopment plans call for pollution prevention and reduced resource consumption (e.g., infrastructure reuse, pollution prevention activities, native landscaping, innovative stormwater management/reuse, construction debris/fill reuse, green building techniques, and/or others)? **YES** **NO** **UNKNOWN**

B. *Community Involvement/Public Participation* - Describe the opportunities, if any, already given to local residents, businesses and the community as a whole to comment on the anticipated assessment, cleanup and/or redevelopment plans for the site. Summarize any comments received, including the Applicant's responses to any negative comments. Discuss future plans to involve the affected community in reuse planning (e.g., public meeting, neighborhood comment and input, coordinated local efforts, etc.)

C. *Capital Investment/Job Creation* – If known:

- Total project investment:
- Estimated temporary (cleanup and construction) jobs created: Average hourly wage:
- Estimated permanent jobs created/retained:
- Total estimated new taxes generated:

VII. Financial Information

A. Describe the extent to which other funding is or is not available for the assessment and/or cleanup of the site. Does the project have available dedicated public or private funding? **YES** **NO**

If yes, please:

- i) Identify the funds (e.g., general revenues, Tax Increment Financing (TIF), staff-time/in-kind services) that Applicant or any other entity has committed or will commit to complete assessment and/or cleanup.
- ii) Describe all other funding sources (e.g., federal, state, non-profit or private) that are or will be committed or that Applicant is pursuing to ensure successful completion of the redevelopment project, if known.

VIII. Eligibility/Liability Information

A. Please review the eligibility criteria and application guidelines on pages 2 – 4 above.

B. Did the Applicant or any entity involved in the project (i.e., property owner, developer) cause or contribute to the contamination found at the site or own and/or operate at the site at the time of the disposal of hazardous substances or release of petroleum on the site at which the

Phase I ESA Award will be utilized? **YES** **NO** *If yes, you may not apply for a Phase I ESA for this site.*

C. If known, is/does the site:

- Meet the state definition of a brownfield under IC 13-11-2-19.3? **YES** **NO**
- Subject to RCRA Corrective Action for hazardous substances contamination or petroleum contamination (under section 9003(h) of the Solid Waste Disposal Act (RCRA § 6991b(h)))? **YES** **NO**
- Pose an imminent threat to human health or the environment? **YES** **NO** *If yes, please explain.*
- Listed or proposed for listing on the National Priorities List? **YES** **NO**
- 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** *If yes, please explain:*
- Subject to the jurisdiction, custody, or control of the United States government? **YES** **NO**
- Subject to planned or ongoing response actions under CERCLA? **YES** **NO** *If yes, please explain:*
- Subject to a unilateral administrative order, court order, administrative order on consent, or judicial consent decree, or subject to a permit issued by the U.S. government or an authorized state under the Resource Conservation and Recovery Act (“RCRA”), the Federal Water Pollution Control Act (“FWPCA”), the Toxic Substances Control Act (“TSCA”), or the Solid Waste Disposal Act (“SWDA”)? **YES** **NO** *If yes, please explain:*
- Subject to a corrective action order under RCRA § 3004(u) or 3008(h) and subject to a corrective action permit or order that has been issued or modified to require the implementation of corrective measures? **YES** **NO** *If yes, please explain:*
- A land disposal unit that has filed a closure notification under Subtitle C of RCRA and subject to closure requirements specified in a closure plan or permit? **YES** **NO** *If yes, please explain:*
- Subject to an open or pending State or federal administrative or judicial enforcement action? **YES** **NO** *If yes, please explain:*
- One where there has been a release of polychlorinated biphenyls and all or part of the site is subject to remediation under TSCA? **YES** **NO** *If yes, please explain:*

IX. Authorization/Certification/Consent to Publication

As a participant in the Phase I ESA Initiative, the undersigned agrees to the following conditions:

- A. The undersigned certifies that neither the Applicant, nor any individual, partnership, company, corporation or agency related to the Applicant through common ownership or control, caused or contributed to the hazardous substances or petroleum contamination at the proposed brownfield project site or owned and/or operated at the site at the time of the disposal or release resulting in contamination.

- B. The undersigned certifies that Applicant has never been suspended, debarred, or otherwise declared ineligible for federal or state financial assistance programs.
- C. The undersigned certifies that Applicant is authorized to enter into legally binding agreements.
- D. The undersigned certifies that Applicant has no pattern of uncorrected environmental non-compliance.
- E. The undersigned agrees that the challenges and successes of this brownfields project may be discussed at any local, state or national meetings or conferences.
- F. The undersigned agrees that this brownfield project may be publicized through various media, including brochures, web pages, news articles and press events. These media may include photos of the project site.
- G. The undersigned understands that the information that is made available will be available to the public and other agencies in accordance with the Indiana Public Records Act, IC 5-14-3, the state law that governs the disclosure of public records.
- H. The undersigned certifies to the best of his/her knowledge that all information provided herein is accurate and complete.

Signature of person submitting
application on behalf of Applicant¹

Date: _____

Print name:
Print title:
Address:
Phone number(s):
Fax number:
Email address:

¹ Electronic signatures are acceptable or a completed application may be printed, signed, scanned and then submitted via email.