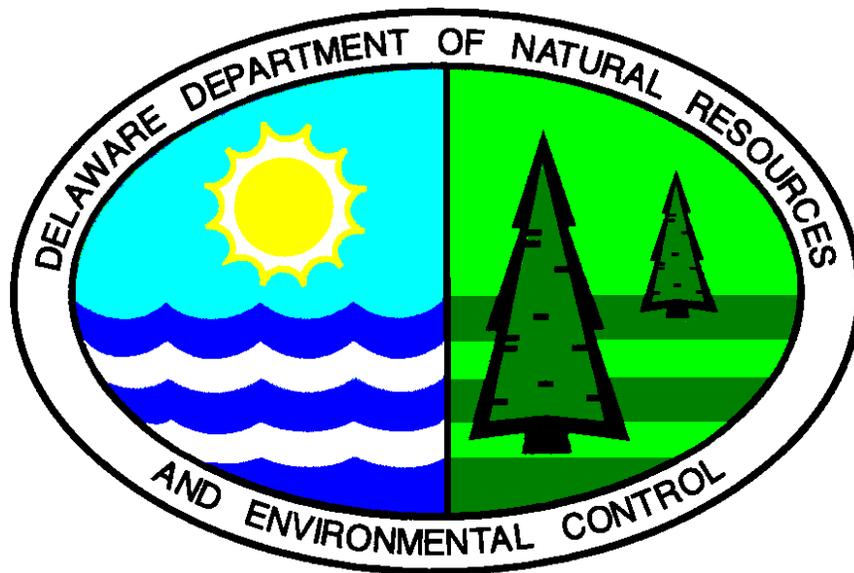


DELAWARE HAZARDOUS SUBSTANCE CLEANUP ACT

BROWNFIELDS CERTIFICATION AND GRANT APPLICATION



DE # _____

Department of Natural Resources and Environmental Control
Site Investigation and Restoration Section

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DNREC_WHS_SIRSINBOX@state.de.us

APPLICATION FOR BROWNFIELDS CERTIFICATION AND BROWNFIELDS GRANT FUNDING UNDER THE DELAWARE HAZARDOUS SUBSTANCE CLEANUP ACT

Please read this entire Application carefully and respond to all requests for information fully and accurately.

I. Introduction

The completion of all applicable parts of this Application is a prerequisite in order for the Department of Natural Resources and Environmental Control, Site Investigation and Restoration Section (“Department” or “DNREC”) to process the Application.

II. Brownfield Certification

Brownfield certification of a property is determined by DNREC based upon the specific information provided in this Application as well as the particular facts relating to the existing environmental condition of the property. For more detailed information concerning this Application and property certification, please review Sections 3.4.2 and 3.4.3 of the *Delaware Regulations Governing Hazardous Substance Cleanup* (“HSCA Regulations”).

<http://regulations.delaware.gov/register/july2015/final/19%20DE%20Reg%2065%2007-01-15.pdf>

Brownfield certification may be sought by the present owner of a property, or a prospective purchaser of a property. A property must be certified as a Brownfield by DNREC in order it to be eligible for Brownfield grant funding as set forth in Section III below. In addition, an Applicant seeking such financial assistance must indicate that fact in this Application.

III. Funding

Any Applicant seeking financial assistance in the form of Brownfield grant funding should carefully review DNREC’s *Hazardous Substance Cleanup Act Policy on Brownfield Grants* <http://www.dnrec.delaware.gov/dwhs/SIRB/Documents/BFGPolicy.pdf>

Any decision regarding the provision of financial assistance to an Applicant is made at the sole discretion of the Department and is not subject to review. Further, Brownfield grant funding is contingent upon the availability of funds in DNREC’s Hazardous Substance Cleanup Act Fund. Nothing contained herein creates a right to financial assistance, nor does it obligate DNREC or the State of Delaware to grant any funding by means of Brownfield grants or any other public funding mechanism.

The purpose of providing Brownfield grant funding is to reimburse reasonable costs incurred at Brownfield sites pursuant to the provisions of 7 Del. C. § 9113(c)(4). If authorized by DNREC, such reimbursement shall be permitted with respect to DNREC approved costs incurred by the entity with respect to site assessment, investigation, and/or remedial activities and/or oversight costs incurred by DNREC. Reimbursement will not occur until approved expenses have been incurred and receipts for the expenses have been received and reviewed by DNREC. Reimbursement for remedial costs will not occur until the Brownfield developer submits documentation to DNREC certifying that the Brownfield developer has taken title to the property.

To be eligible for non-profit funding the ownership of the property must meet the definition of Non-profit as defined in the DNREC's *Hazardous Substance Cleanup Act Policy on Brownfield Grants*.

For more detailed information please consult the *State of Delaware Brownfield Grant Eligible Expenses Guidance and Reimbursement Application Instructions*:

<http://www.dnrec.delaware.gov/dwhs/SIRB/Documents/BFGExpenseGuidance.pdf>

Additionally, any proposed Brownfields redevelopment project involving multiple parcels of property, any project that divides a single parcel into more than one operable unit (OU), or any project that is comprised of more than one HSCA identification site number, is to be considered a single project, eligible for only one funding allocation under this reimbursement policy.

Importantly, funding for Brownfield grants will only be provided to prospective purchasers willing to enter into a Brownfields Development Agreement or other DNREC approved contract that accords with the requirements of HSCA and the HSCA Regulations.

When it is anticipated that public funds will be used on a Brownfields redevelopment project, DNREC expects Applicants and Brownfields developers to communicate project details with local officials and community groups. The Department will provide assistance to any Applicant or developer as to its outreach efforts to inform the local residents regarding a prospective project. DNREC may also recommend outreach strategies to help align the project with community needs and expectations.

Additionally, periodic evaluations of the State's return on its investment will be required. Accordingly, from time to time, the Department will provide each Brownfield developer with a survey soliciting information relating to its redevelopment project(s). Such requests for information may include such matters as the total environmental project costs incurred by the developer, capital investments related to improvements to the property, job creation numbers, and other economic data. The information provided will be used by DNREC in the aggregate,

and will not be available for public review. Such data will only be used by DNREC for program evaluation and analysis purposes.

IV. Application

This Application is divided into four parts:

- Part One pertains to the certification of a property as a Brownfield.
- Part Two addresses the eligibility of the Applicant for Brownfields developer status.
- Part Three concerns the Applicant's eligibility for Brownfields grant funding.
- Part Four is the Applicant's certification that the information being provided to DNREC is true and correct to the best of the Applicant's knowledge and belief.

Please indicate below the purpose of your application and complete only those parts that are required:

- Brownfields Property Certification – complete Parts One, Two and Four
- Brownfields Developer Eligibility – complete Parts One and Four
- Brownfields Grant Eligibility – complete Parts One, Two, Three and Four

Please respond to each request for information throughout the Application. Answer using "NONE" or "NOT APPLICABLE" if appropriate. If more space is needed to answer a specific question, attach a separate page to this Application. Submit the signed Application electronically to DNREC_WHS_SIRSINBOX@state.de.us or by mail, to Brownfields Development Program, Department of Natural Resources and Environmental Control, 391 Lukens Drive, New Castle, DE 19720.

NOTE: this Application may be rejected if all required information is not provided or if the information provided is determined to be erroneous.

PART ONE – BROWNFIELDS PROPERTY CERTIFICATION

This Part must be filled out by every Applicant seeking Brownfield certification and/or Brownfield grant funding.

A. Applicant Information (Please provide full legal name)

Applicant*: _____

Contact Person and Title: _____

Telephone #s: _____

Email Address: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

*If the Applicant is a legal entity other than an individual, please provide the Applicant’s official status of good standing as applicable.

1. Is the Applicant the present owner of the property? Yes No

If No, please indicate Applicant’s relationship to the property: _____

2. Present Owner’s name and address, if different from the Applicant.

Owner’s Name: _____

Telephone #s: _____

Email Address _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Contact Person Name and Title: _____

Contact Person Email Address: _____

Contact Person Telephone: _____

3. Is the owner/seller aware that the Applicant is seeking Brownfield certification for the subject property(s)? Yes No

B. Property Information

DNREC Site Name or Property Name: _____

Property Address: _____

City: _____ State: DE Zip Code: _____

Property Tax Parcel Number(s): _____

SIRS Facility ID # (if applicable): DE- _____

TMS Facility ID # (if applicable): _____

Other DNREC Facility ID# (if applicable): _____

Property Zoning Classification: _____

Approximate acreage: _____

Census Tract: _____

Investment Level 1-4, as indicated on Delaware State Strategies Map _____

<https://delaware.maps.arcgis.com/apps/View/index.html?appid=ccabb5e6466142fa913dbdf8317eaa84>

1. Describe in detail the nature of any current use, operations or other activities occurring at or on the property. Provide all relevant information on additional sheet(s) as needed and attach to this Application.

Operator's Name: _____

Telephone #s: _____

Email Address: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

2. Have there been any environmental investigations at the property? Yes No

If Yes, please identify each type of investigation, the entity that prepared the investigative report and the date of the report. Please attach executive summaries and/or conclusions from each report as an addendum to the application.

3. Identify all known releases of hazardous substances not addressed in response to Question 2:

4. Are there any known registered or unregistered underground or aboveground storage tanks on the property? Yes No

If Yes, provide all available information related to their placement, history, use and type. Please attach additional documentation as necessary.

5. Has an All Appropriate Inquiry been performed? If Yes, please attach.

Yes No

C. Brownfield Criteria

1. Is there a reasonably held belief that the real property may be environmentally contaminated which is hindering its redevelopment, reuse or expansion?

Yes No

If No, the property is ineligible for Brownfield certification. If there is a reasonable belief of contamination, please provide a detailed factual response in support of such belief. Executive summaries from environmental reports may be attached in further support of this response.

2. Is the property now, or has it ever been, one of the following? Yes No

If Yes, identify all of the following that are applicable:

- A salvage yard
- A permitted or non-permitted landfill
- A historically filled property (this refers to areas filled for the purpose of creating land, as opposed to the disposal of debris on the property)
- A known hazardous substance release site within the DNREC database
- A gas station
- A bulk petroleum storage facility
- A dry cleaner
- A tannery
- Other: _____

3. Is the property subject to a current or prospective development, redevelopment, expansion or reuse plan? Yes No

If Yes, please describe the plan and the current stage of development, redevelopment, expansion or reuse.

4. Does the Applicant intend to seek approval from DNREC to conduct any development activities on the property prior to the issuance of a Final Plan of Remedial Action? If so, provide, in detail, the nature of the development activities contemplated and indicate with specificity how such activities will impact any remedial actions occurring at or on the property. Please append additional relevant information as needed.

PART TWO – BROWNFIELDS DEVELOPER ELIGIBILITY

This Part must be completed by all Applicants.

A. Applicant Information (Please identify the Applicant by its legal name)

Applicant*: _____

Contact Person and Title: _____

Telephone #s: _____

Email Address: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

*If the Applicant is a legal entity other than an individual, please provide the Applicant’s official status of good standing as applicable.

1. Is the Applicant the present owner of the property? Yes No

If No, please describe the Applicant’s relationship to the property:

2. Present owner’s name and address, if different from the Applicant.
(If the Applicant is the owner, proceed to Question 3.)

Owner’s Name: _____

Telephone #s: _____

Email Address: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Contact Person Name and Title: _____

Contact Person Telephone #s: _____

Contact Person Email Address: _____

3. Does the Applicant have any contractual, financial, corporate, or familial* relationship with the owner or any current or past owners or operators of the property other than the contractual and financial relationship arising as a direct result of the purchase and sale of this property? (* 7 Del. C. §9123(1)(c) and 7 Del. C. §9105(c)(4)b.5)

Yes No

If Yes, please provide a detailed description of any and all such contractual, financial, corporate, or familial relationships:

4. Does the Applicant represent a state, county or local governmental entity?

Yes No

If Yes, identify the entity by specific name:

5. Does the Applicant represent a redevelopment or housing authority?

Yes No

If Yes, identify the specific redevelopment or housing authority:

6. Is Applicant an IRS recognized tax exempt, non-profit organization? Yes No

Non-profit is defined as a 501(c)(3) corporation as defined in Title 26 of the United States Code.

If Yes, identify the organization's name and its tax exempt IRS non-profit classification and attach the relevant IRS documentation.

7. Identify the source and amount of any and all funding the Applicant has received during the current fiscal year from the Delaware Department of State, Division of Small Business Brownfield Assistance Program, other DNREC funding, or funding from any other governmental entity for purposes of providing Brownfields development financial assistance.

PART THREE – BROWNFIELD GRANT ELIGIBILITY

Complete this Part only if the Applicant is requesting financial assistance. Disclosure of any prior environmental enforcement action will not be the sole determinant in a funding decision.

1. Has the Applicant been the subject of an environmental enforcement action, whether criminal, civil, or administrative, from any state or federal agency within the past five years?

Yes No

If Yes, please describe the nature of the enforcement action(s) and the final disposition of each such action. Attach all relevant documentation to this application.

2. Has the Applicant or any person with whom the Applicant has a contractual, financial, corporate, or familial relationship caused or contributed to any release of any hazardous substance(s) at the property that is the subject of this Application? Yes No

If Yes, identify the person who caused the release(s) and describe the circumstances relating to the release(s). Attach all relevant documentation to this Application.

3. Has the Applicant been in full compliance with all State of Delaware and federal environmental statutes, regulations, permits and requirements for the past five years?

Yes No

If No, please explain the circumstances relating to every incident of non-compliance and attach all relevant documentation to this Application.

4. Has the Applicant ever been adjudicated a chronic violator pursuant to 7 Del. C. § 7904 or any other state's similar statute? Yes No

If Yes, please describe the circumstances and attach all relevant documentation.

5. Entry into a Brownfields Development Agreement with DNREC is a prerequisite for approval of the Applicant as a Brownfield developer.

Is the Applicant willing to enter into a Brownfields Development Agreement with DNREC?

Yes No

*Please note that remediation costs will only be reimbursed after the Brownfield Developer takes title to the property.

PART FOUR - CERTIFICATION BY APPLICANT

Brownfield certification, Brownfield developer eligibility, and Brownfield grant funding are determined based upon the accuracy of the information provided in support of this Application. Upon certification of the property and approval of the Brownfield developer and the proposed development project, no commercial, developmental, or other use actions shall be permitted at the property without receiving DNREC's prior written approval.

This Application and the information provided herein are subject to the relevant terms, requirements, and provisions contained in 7 Del. C. Chapter 91 (HSCA) and the HSCA Regulations. In the event of any discrepancy between the provisions of this Application and the provisions of HSCA or the HSCA Regulations, the provisions of HSCA and/or the HSCA Regulations shall apply.

By executing this Application, the undersigned, certifies that he/she is authorized to bind the Applicant with respect to the accuracy and completeness of the information provided herein and, being duly sworn, deposes and states:

1. The Applicant identified herein is the true party seeking Brownfield certification, Brownfield Developer eligibility and/or Brownfield grant funding.
2. Upon approval by the Department, the Applicant agrees to comply with all federal, state, and local laws and regulations applicable to the investigation, remediation, development and funding of the certified Brownfield property.
3. The Applicant acknowledges that DNREC reserves the right to disclose any information provided in this Application, including all supporting documentation, to DNREC staff and attorneys, other State of Delaware agencies, and members of the public at any public hearing held on this Application, and, in any statutorily required published notice related to such public hearing. Applicant further acknowledges that this Application is subject to the provisions of the Delaware Freedom of Information Act, 29 Del. C. Chapter 100.
4. The Applicant certifies and affirms that all information contained in this Application and all supporting documentation provided with this Application is true and complete to the best of the Applicant's knowledge and belief.
5. As the signatory on behalf of the Applicant, I, the undersigned, do understand and acknowledge that should it be established that false information was knowingly provided by the Applicant for the purpose of misleading the Department, the Applicant and/or I, as its authorized representative, will be disqualified from further participation in the Brownfield Development

Program, will be required to repay all public funds granted to the Applicant by DNREC, and may be subject to the imposition of additional criminal and/or civil sanctions.

SIGNATURE: _____

NAME (PRINT): _____

TITLE: _____

DATE: _____

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Application Version IV/Rev'd 051717
Application Version V/Rev'd 010119