

NBP GRANT SUPPORT FOR PETROLEUM SITES

Complete this application to request a petroleum brownfields eligibility determination from the Nevada Division of Environmental Protection, Brownfields Program (NBP). The NBP provides petroleum site eligibility determinations in accordance with Nevada regulations, including, but not limited to, NAC 445A.227, NAC 445A.22725, NAC 445A.2275, NAC 445C.270, NAC 445C.280, NAC 459.996, and NAC 459.9972 for existing 104(k) grantees and new applicants requesting EPA funding.

A petroleum eligibility determination by the State under CERCLA section 101(39)(D) for the purpose of brownfields funding does not release any party from obligations under any federal or state law or regulation, or under common law, and does not impact or limit EPA or state enforcement authorities against any party. Therefore, NBP's determination is not a regulatory determination.

A brownfields site is defined as real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of hazardous substances, pollutants, contaminants, controlled substances, petroleum or petroleum products, or is mine-scarred land.

For a petroleum-contaminated site (that otherwise meets the definition of a brownfield site) to be eligible for funding, the State will determine:

1. The site is "relatively low risk" compared with other "petroleum-only" sites in the State;
and
2. There is no viable responsible party.
3. The site will not be assessed, investigated, or cleaned up by a person that is potentially liable for cleaning up the site.
4. The site must not be subject to a corrective action order under the Resource Conservation and Recovery Act (RCRA) §9003(h).

Upon State determination, the results will be referred to the EPA 104(k) project manager.

If you have any questions regarding this application, please contact the NBP Coordinator by calling 775-687-9572.

Nevada Petroleum Brownfield Site Eligibility Application

FOR NBP USE ONLY			
Property name:		Reviewer:	
Is the property referenced above eligible for EPA brownfields funding?			Yes <input type="checkbox"/>
Comments:			No <input type="checkbox"/>
Signature of reviewer:		Date:	

1. BROWNFIELD SITE DEFINITION		
1.a Does the site meet the definition of a brownfield site ¹ , as defined under CERCLA at 42 U.S.C § 9601(39)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
1.b Is the site a petroleum site, that is a site primarily contaminated with petroleum ² and/or petroleum product?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<i>If the answer is No to 1.a, the site is not eligible. Stop here.</i>		
<i>If the answer is No to 1.b, do not continue filling out this application. This application must be filled out ONLY if petroleum contamination is the predominant contamination at the site.</i>		

2. APPLICANT/GRANTEE INFORMATION	
2.a Applicant/Grantee name:	
2.b Grant number:	2.c Grant type:
2.d Work to be conducted (check all that apply):	
<input type="checkbox"/> Phase I assessment <input type="checkbox"/> Phase II assessment <input type="checkbox"/> Supplemental Phase II assessment <input type="checkbox"/> RLF Loan <input type="checkbox"/> RLF Subgrant	
2.e Name, company, phone number, and email address of person completing this application:	
Name:	Company:
Phone number:	Email address:

3. SITE INFORMATION	
<i>If the site is comprised of several parcels, attach a map to the request and enter "See map" in 3.b and 3.c. Add APNs and/or addresses to the map, as appropriate. If necessary, add a locator map to the map to provide spatial context.</i>	
3.a Site name:	3.b APN:
3.c Site address including county:	

¹ A brownfield is a property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

² Petroleum is defined under CERCLA as crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under that section.

3.d Identify the operational history (including current site use) and how the site became contaminated and, to the extent possible, describe the nature and extent of contamination. If the site has been vacant for many years, why does the grantee/applicant think that it is contaminated?		
3.e Name of the current site owner:		
3.f When did the current site owner acquire the site?		
3.g How did the current site owner acquire the site (e.g., purchase, tax foreclosure, inheritance, etc.)?		
3.h If the grantee/applicant does not own the site, describe their relationship with the owner:		
3.i Name of the immediate past site owner:		
3.j When did the immediate past site owner acquire the site?		
3.k Does the grantee/applicant have access to (or an access agreement for) this property?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

4. SITES NOT ELIGIBLE FOR FUNDING BY STATUTE		
4.a Is the facility listed (or proposed for listing) on the National Priorities List?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.b 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 <input type="checkbox"/>	No <input type="checkbox"/>
4.c Is the facility subject to the jurisdiction, custody, or control of the U.S. government? (This question is not applicable for land held in trust by the U.S. government for an Indian tribe.)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<i>If the answer is Yes to any of the above (4.a – 4.c), the site is not eligible. Stop here.</i>		

5. SITES ONLY ELIGIBLE WITH A DETERMINATION BY EPA		
5.a Is the site/facility subject to a planned or ongoing CERCLA removal action?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
5.b Has the site/facility been the subject of a federal 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 Clean Water Act, the Toxic Substances Control Act (TSCA), or the Safe Drinking Water Act?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
5.c 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 <input type="checkbox"/>	No <input type="checkbox"/>

5.d Does the site/facility include a land disposal unit for which a closure notification under subtitle C of RCRA has been submitted and closure requirements have been specified in a closure plan or permit?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
5.e Has the site/facility had a release of polychlorinated biphenyls (PCBs) that is subject to remediation under TSCA?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
5.f Has the site/facility obtained assistance/funding for a response activity (e.g., remediation) from the Leaking Underground Storage Tank (LUST) Trust Fund?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<i>If the answer is Yes to any of the above (5.a – 5.f), a determination by EPA is required.</i>		

6. PETROLEUM-SPECIFIC QUESTIONS		
<i>For purposes of this application, "current site owner" means the entity that will own the site at the time of application submission.</i>		
6.a Did the current site owner dispense or dispose of petroleum or petroleum product at the site?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
6.b Did the current site owner exacerbate the existing petroleum contamination at the site?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
6.c Did the current site owner own the site when any dispensing or disposal of petroleum took place?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
6.d Did the current site owner take reasonable steps ³ with regards to the contamination at the site?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If answered Yes to 6.d, describe the steps taken by the current site owner:		
6.e Did the immediate past site owner dispense or dispose of petroleum or petroleum product at the site?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
6.f Did the immediate past site owner exacerbate the existing petroleum contamination at the site?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
6.g Did the immediate past site owner own the site when any dispensing or disposal of petroleum took place?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
6.h Did the immediate past site owner take reasonable steps ³ with regards to the contamination at the site?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If answered Yes to 6.h, describe the steps taken by the immediate past site owner:		
6.i Did the grantee/applicant dispense or dispose of petroleum or petroleum product at the site?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

³ "Reasonable steps" generally means exercising appropriate care with respect to hazardous substances found at the property by taking reasonable steps to: stop any continuing release; prevent any threatened future release; and prevent or limit human, environmental, or natural resource exposure to any previously released hazardous substance. Enforcement Discretion Guidance Regarding Statutory Criteria for Those Who May Qualify as CERCLA Bona Fide Prospective Purchasers, Contiguous Property Owners, or Innocent Landowners ("Common Elements") (EPA July 29, 2019), Attachment B: Reasonable Steps and Categories. <https://www.epa.gov/sites/default/files/2019-08/documents/common-elements-guide-mem-2019.pdf>

