



**City of Phoenix**

**LSC  
PHOENIX**



# BROWNFIELDS REVOLVING LOAN FUND PROGRAM

Guidelines and Procedures  
Manual

City of Phoenix: Office of  
Environmental Programs

Updated October 2025

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## Program Contact Information

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## Introduction

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### City of Phoenix Brownfields Land Recycling Program

The City of Phoenix Brownfields Land Recycling Program works to revitalize neighborhoods; encourage the redevelopment of brownfields sites; protect human health, natural resources and the environment; promote economic and workforce development, job creation and increased tax revenue; and support anticipated future growth with responsible and environmentally sound development. The goal of the program is to reduce obstacles and provide assistance for the redevelopment of brownfields in the city. The program is managed by the Office of Environmental Programs and has two components: 1) assistance to city departments for the redevelopment of contaminated sites for public use, and 2) assistance to the private sector for the redevelopment of sites that benefit the community by reducing environmental exposures, job creation, services, and revitalizing neighborhoods

### Phoenix Brownfields Revolving Loan Fund Program

The Phoenix Brownfields Revolving Loan Fund (BRLF) Program provides financing for remediation of eligible brownfield projects within the Phoenix city limits. The goal of the Phoenix BRLF is to provide funding to help with remediation costs, which can be a significant barrier to redevelopment. The BLRF program provides loans to private property owners and either loans or grants to nonprofits to support remediation required for site redevelopment. The Environmental Protection Agency (EPA) defines a brownfield as a property, where the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Examples include properties that may be abandoned, inactive, or have not operated at their full potential; possible locations cover former industrial sites, gas stations and dry-cleaning establishments.

The City of Phoenix was awarded an EPA Brownfield Revolving Loan Fund grant and Local Initiatives Support Corp (LISC) Phoenix serves as the Funding Manager for the BRLF program.

This BRLF Guidelines and Procedures Manual provides information about the requirements and procedures of the BRLF program including Federal requirements, environmental cleanup requirements, as well as information regarding site eligibility. This manual is intended to provide a brief overview of Borrower eligibility, allowable costs, the application process, and loan and grant requirements. A link to the loan application can be found at <https://lisc.tfaforms.net/1382>.

The BRLF application process is also shown in the BRLF flow chart and timeline located in Appendix A.

This manual provides the general principles by which the BRLF program decisions will be made. It also establishes the set of requirements for those awarded a loan or a subgrant through the BRLF program and provides a brief overview of loan conditions outlined by LISC.

## General Overview of the Requirements of the BRLF Program

The EPA is involved in the implementation of the BRLF program through the EPA's Region 9 Project Officer that is assigned to the City of Phoenix. The EPA Project Officer evaluates the brownfield site for its eligibility prior to the issuance of EPA brownfield funding and monitors the status of the remediation project. The EPA Project Officer may also participate in project related meetings or events.

The site must be enrolled in the Arizona Department of Environmental Quality's (ADEQ's) [Voluntary Remediation Program \(VRP\)](#) to be eligible for funding from the BRLF program and prior to the initiation of remediation. The ADEQ will oversee the environmental completion of the project. The applicant may apply to the VRP prior to BRLF acceptance or following program acceptance. The applicant should consult with the City of Phoenix staff for questions surrounding this process or funding during this phase of the project. This stipulation excludes asbestos and lead-based paint remediation projects. These projects are instead overseen by a Qualified Environmental Professional (QEP). These project types are further discussed on page 13.

Each site awarded a loan or subgrant through the BRLF will be required to complete a Quality Assurance Project Plan (QAPP), as further discussed on page 21. Before remediation is initiated, the EPA will review and approve the QAPP.

Community engagement and the implementation of a Community Relations Plan (CRP) will be required for the site prior to initiation of remediation at the site, which is discussed further on page 19.

## Phoenix BRLF Target Areas

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BRLF funds may be used throughout Phoenix city limits, however, the City of Phoenix has identified a list of preferred developmental sectors, as well as targeted areas as listed below. Preferred developmental sectors include the following: healthcare facilities, affordable housing developments, mixed use developments, office, retail, and healthy food assets (including, but not limited to, developments that support farmer's markets, food co-operatives, produce distribution centers, and like-minded buildouts). Additionally, redevelopment plans should adhere to the City of Phoenix's current zoning ordinances, existing land-use plans and policies, as well as be aligned with the Phoenix General Plan. All other uses will be considered on a case-by-case basis. Additional information regarding site and Borrower/Subgrantee eligibility is further discussed in the following sections of this manual.

The target areas were selected based on the challenges of a disproportionate number of brownfields, higher percentage of lower income residents, higher unemployment rates, higher percentage of blighted structures, and number of vacant land parcels. The targeted areas include:

**Designated Neighborhood Initiative Areas (NIAs)** – NIAs are designated by the City of Phoenix and are primarily residential areas that contain at least 51% lower income residents. NIAs require services that include: neighborhood organization and resident involvement; property maintenance/code enforcement; economic development, land use, commercial revitalization; public facilities and infrastructure; housing rehabilitation, residential infill, and new construction of housing; human service and social service needs.

**Designated Redevelopment Areas (RDAs)** – RDAs are guided by state statute and are areas that have higher percentages of blighted structures. This designation allows the City of Phoenix to use additional tools, particularly federal funds, to assist residents, property owners and business groups to apply for grants and other funding mechanisms to help eliminate blight. Redevelopment Plans outline the local objectives as to appropriate land uses, improved infrastructure, public transportation, and other items of concern.

**Opportunity Zones**– includes 42 opportunity zones categorized in 12 unique opportunity areas that in many instances overlap with the designated NIAs, RDAs, and Rio Reimagined Project areas.

**West Phoenix Revitalization Area** – targeted Phoenix designated brownfields area with attributes reflective of an NIA.

**Rio Reimagined Project Area** – includes the Salt River/Rio Salado corridor from 32<sup>nd</sup> Street on the east to Tres Rios Project at 99<sup>th</sup> Avenue to the west and within 1 mile of the banks of the river, encompassing more than 78,000 acres.

Maps of the above target areas are included in Appendix B.



## Borrower and Subgrantee Eligibility

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### Liability Requirements

Borrowers and Subgrantees are eligible for funding for remediation activities at a site for which 1) they are currently in possession of, and 2) for which the Borrower or Subgrantee are not potentially liable under CERCLA § 107. For borrowers, ‘in possession of’ means that they can have control over or access to the site (such as a lease contract) but are not required to own the site. For subgrantees, ‘in possession of’ means they are required to own the site, with the term “own” meaning fee-simple title through a legal document. The Borrower or Subgrantee may also not be affiliated with a potentially liable party for cleanup costs as described in CERCLA §§ 101(40)(B) (viii) and 107(q)(1)(A)(ii). Additionally, entity that is currently suspended, debarred, or otherwise declared ineligible by EPA cannot be a Borrower or Subgrantee.

Borrowers and Subgrantees are required to submit information pertaining to the site’s overall environmental compliance history, including any penalties resulting from environmental non-compliance at the site subject to the loan or subgrant. This may include Phase I or Phase II Environmental Site Assessments – as further discussed below.

Borrowers or Subgrantees must demonstrate that they meet the requirements for one of the following Landowner Liability Protections:

- [Bona Fide Prospective Purchaser](#) (BFPP),
- [Contiguous Property Owner](#) (CPO), or
- [Innocent Landowner](#) (ILO)

Additionally, Borrowers and Subgrantees asserting a BFPP, CPO, or ILO limitation on liability must meet the requirements listed below.

- 1) Must perform (or have already performed) “All Appropriate Inquiry” (AAI) as provided for in CERCLA § 101(35) (B), on or before acquiring the property. All Phase I and Phase II ESA must be completed for the property and comply with the ASTM guidelines;
- 2) The applicant property owner must not be liable or affiliated with any other person who is potentially liable for what caused the contamination at the site;
- 3) Demonstrate that no disposal of hazardous substances occurred at the facility after acquisition by the landowner (does not specifically apply for the CPO protection);
- 4) Take “reasonable steps” with respect to hazardous substance releases by stopping any continuing releases, preventing any threatened future releases, and preventing

or limiting human, environmental, or natural resource exposure to any previously released hazardous substance;

- 5) Comply with any land use restrictions established or relied on in connection with the response action at the site and not impede the effectiveness or integrity of institutional controls employed in connection with the response action;
- 6) Provide full cooperation, assistance, and access to persons that are authorized to conduct response actions or natural resource restoration at the site from which there has been a release or threatened release; and
- 7) Provide all legally required notices with respect to the discovery or release of any hazardous substances at the site.

Borrowers must comply with the internal control requirements specified at 2 CFR § 200.303 and are subject to the 2 CFR Part 200, Subpart F, Audit Requirements, if applicable.

## Subgrants

The Phoenix BRLF program will provide cleanup subgrants to a nonprofit organization or other eligible entity as defined below to cleanup sites owned by said entity. The site must be owned by the nonprofit at the time of the award of the subgrant. The nonprofit must retain ownership throughout the duration of cleanup. Ownership is defined as fee simple title.

Eligible Subgrantees include eligible entities as defined under CERCLA § 104(k)(1), which includes nonprofit organizations exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, and other nonprofit organizations as defined at 2 CFR § 200.70. Nonprofit institutions of higher education as defined at 2 CFR § 200.55 are also eligible for cleanup subgrants. Nonprofit organizations described in Section 501(c)(4) of the Internal Revenue Code that engage in lobbying activities as defined in Section 3 of the Lobbying Disclosure Act of 1995 are not eligible for subgrants.

The liability, administrative, reporting and site eligibility requirements noted above apply to Subgrants/Subgrantees.

## Site Eligibility

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Sites eligible for cleanup activities with BRLF funding must meet the definition of a “brownfields” site as defined by in CERCLA § 101(39) (A). Brownfields are defined by the EPA as “a real property where the expansion, redevelopment, or reuse may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant”.

Sites applying for funding through the BRLF program must be located within the City of Phoenix limits.

BRLF funding cannot be used on the following types of properties:

- 1) Facilities which are currently listed, or are proposed to be listed, on the National Priorities List (NPL);
- 2) Facilities subject to unilateral administrative orders, court orders, and administrative orders on consent or judicial consent decree issued to or entered by parties under CERCLA;
- 3) Facilities that are subject to the jurisdiction, custody, or control of the United States government except for land held in trust by the United States government for an Indian tribe; and
- 4) A site that is excluded from the definition of a brownfield.

## Petroleum Site Eligibility

For any brownfield site with petroleum contamination, the EPA Project Officer must approve the project prior to incurring costs. Sufficient documentation to be provided by the loan or subgrant applicant which reports the following:

- 1) The State determines there is “no viable responsible party” for the site;
- 2) The State determines that the person assessing, investigating, or cleaning up the site is a person who is not potentially liable for cleaning up the site; and
- 3) The site is not subject to any order issued under Section 9003(h) of the Solid Waste Disposal Act.

Documentation must also include:

- 1) The identity of the State program official contacted;
- 2) The State official’s telephone number;
- 3) The date of the contact; and

- 4) Summary of the discussion relating to the State's determination that there is no viable responsible party and that the person assessing, investigating, or cleaning up the site is not potentially liable for cleaning up the site.

Other documentation provided by the State to the recipient relevant to any of the determinations by the State must also be provided to the EPA Project Officer.

## Borrower and Subgrantee Administrative Requirements

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### Universal Identifier and System for Award Management

The applicant must register with the System for Award Management (SAM) at <https://sam.gov/> prior to the BRLF loan or grant application submittal. SAM will assign the applicant a Unique Entity Identifier (UEI) and maintain accurate information for the duration of the terms of the Borrower/Subgrantee Agreement which is awarded.

### Reporting Requirements

The Borrower or Subgrantee must submit monthly Status Reports for projects with estimated cleanup timelines exceeding 90 days to the City of Phoenix by the 10<sup>th</sup> day of each calendar month. For sites with a projected completion date of less than 90-days, the Borrower and Subgrantee will provide status updates to the City of Phoenix on a timeline which is agreed upon at the time of program acceptance.

The Status Reports shall consist of updates on recent work completed including enrollment in the Voluntary Remediation Program, Quality Assurance Project Plan, and Community Relations Plan; environmental work achieved and/or anticipated; and an explanation of significant discrepancies, which may also include photos of the project site or monthly expenses.

### Closeout Report

Loan and subgrant recipients shall ensure the adequacy of each BRLF cleanup as it is implemented by conducting or reviewing cleanup confirmation sampling. Confirmation sampling should show that the established cleanup levels and other applicable requirements have been or will be met; or additional cleanup activity is warranted. Upon project completion, the loan or subgrant recipient must submit a Closeout Report to the City of Phoenix.

The Closeout Report should contain the following items:

- Documentation of cleanup actions taken and any modifications made to the cleanup plan;
- Documentation that the actions taken reached the cleanup levels as established in the final cleanup plan/QAPP, including the final cleanup results and confirmation sampling;
- Documentation of resources committed;

- Documentation of problems encountered, anticipated outcomes and reasons why they were not met, if applicable;
- Other pertinent information, including when appropriate, analysis and explanation of cost overruns or high unit costs; and
- If the site is enrolled in the ADEQ's VRP, the Borrower or Subgrantee will also need to include a letter of concurrence that cleanup is complete and that any engineering or institutional controls are in place from the ADEQ; or
- If the cleanup is a part of an asbestos or lead-based paint program, then a report documenting confirmation sampling from a Qualified Environmental Professional (QEP) must be included. The report must include a statement certifying that the work has been completed by an accredited inspector(s) and abatement has been completed to applicable EPA standards.

The Closeout Report will be submitted to the City of Phoenix for review and approval.

If the Borrower or Subgrantee is unable or unwilling to complete the BRLF cleanup, the City of Phoenix shall ensure that the site is secure and will notify the appropriate state agency and EPA to ensure an orderly transition should additional activities become necessary.

## Federal Requirements

The Borrower or Subgrantee must comply with federal requirements. These requirements include, but are not limited to:

Disadvantaged Business Enterprise (DBE) requirements found at 40 CFR Part 33; Occupational Safety and Health Administration (OSHA) Worker Health & Safety Standard 29 CFR 1910.120; Uniform Relocation Act (40 USC § 61); National Historic Preservation Act (16 SC § 470); Endangered Species Act (P.L. 93-205); Permits required by Section 404 of the Clean Water Act; Executive Order 11246, Equal Employment Opportunity, and implementing regulations at 41 CFR § 60-4; Contract Work Hours and Safety Standards Act, as amended (40 USC §§ 327-333); the Anti-Kickback Act (40 USC § 276c); Build America, Buy America Act (provisions of the Infrastructure Investment and Jobs Act (IIJA) (P.L. 117-58, §§70911-70917); and Section 504 of the Rehabilitation Act of 1973 as implemented by Executive Orders 11914 and 11250. For additional information on cross-cutting requirements visit <https://www.epa.gov/grants/epa-subaward-cross-cutter-requirements>.

All projects with federal funding must comply with Davis-Bacon Act prevailing wage requirements and associated U.S. Department of Labor (DOL) regulations for all

construction, alteration, and repair contracts and subcontracts awarded with funds provided under this agreement by operation of CERCLA § 104(g). It is the responsibility of the Borrower or the Subgrantee to monitor the cleanup activities for compliance with the Davis Bacon requirements. The City will confirm Davis- Bacon compliance during various phases of cleanup activities. Additional information pertaining to the Davis-Bacon Act can be found with the Department of Labor at <https://www.dol.gov/agencies/whd/government-contracts/construction>.

## Eligible Activities and Costs

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BRLF funding may only be used by Borrowers and Subgrantees for eligible activities and costs. These activities include:

- Determining whether BRLF cleanup activities at a particular site are authorized by CERCLA § 104(k);
- Ensuring that BRLF cleanup complies with applicable requirements under federal and state laws, as required by CERCLA § 104(k);
- Fees and costs associated with enrolling in the Voluntary Remediation Program (VRP);
- Costs for the design and performance of a response action;
- Limited site characterization to confirm the effectiveness of the proposed cleanup design or the effectiveness of a cleanup once an action has been completed;
- Preparing and updating an Analysis of Brownfield Cleanup Alternatives (See page 19) which will include information about the site and contamination issues, cleanup standards, applicable laws, alternatives considered, and the proposed cleanup;
- Ensuring that public participation requirements are met, this includes preparing a Community Relations Plan (See page 19);
- Costs associated with meeting public participation, community notification, worker health and safety, and program management requirements;
- Developing a Quality Assurance Project Plan (See page 21) as required by 2 CFR § 1500.11;
- Establishing an Administrative Record for each site (See page 21);
- Ensuring the adequacy of each BRLF cleanup as it is implemented;
- Using a portion of a loan or subgrant to purchase environmental insurance for the site;
- Oversight of cleanup activities;
- Costs associated with the monitoring of a natural resource (e.g., soil, groundwater) contamination;
- Installation of fences, warning signs, or other security or site control precautions;
- Installation of drainage controls;
- Stabilization of berms, dikes, or impoundments; or drainage or closing of lagoons;
- The removal, mitigation, or prevention of the release or threat of a release of a hazardous substance, pollutant, contaminant, petroleum product, or controlled substance into the environment;



- Activities related to the sampling, removal and/or abatement of Lead Based Paint (LBP), or Asbestos Containing Materials (ACMs);
- Excavation, consolidation, or removal of contaminated soils;
- Using chemicals and other materials to retard the spread of the release or mitigate its effects;
- Removal of drums, barrels, tanks, or other bulk containers that contain or may contain hazardous substances, pollutants, or contaminants, including petroleum;
- Capping of contaminated soils;
- Sampling as related to design and implementation of a selected cleanup plan (confirmation sampling); and/or
- The removal of source materials, including free product recovery.

## Ineligible Use of Funds

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Brownfields RLF funds cannot be used by the Borrower or Subgrantee for the following activities:

- Pre-cleanup activities including Environmental assessment activities, such as Phase I and Phase II Environmental Site Assessments; with the exception of site monitoring activities that are reasonable and necessary during the cleanup process, including determination of the effectiveness of a cleanup (such as confirmation sampling, as outlined above);
- Monitoring and data collection as necessary to apply for, or comply with, environmental permits under other federal and state laws, unless such a permit is required as a component of the cleanup action;
- Construction, demolition, and site development activities that are *not* cleanup actions (e.g., marketing of property, construction of a new facility, or addressing public or private drinking water supplies that have deteriorated through ordinary use);
- Job training activities unrelated to performing a specific cleanup at a site covered by a loan or subgrant;
- To pay for a penalty or fine;
- To pay a federal cost share requirement (e.g., a cost share required by another federal grant) unless there is specific statutory authority;
- To pay for a response cost at a brownfield site for which the recipient of the subgrant or loan is potentially liable under CERCLA § 107;
- To pay a cost of compliance with any federal law, excluding the cost of compliance with laws applicable to the cleanup; and/or
- Unallowable costs (e.g., lobbying and purchases of alcoholic beverages) under 2 CFR 200, Subpart E.

## Environmental Cleanup

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In general, environmental cleanup projects funded through the BRLF will follow the steps as outlined below:

- 1) Submit Application with appropriate documentation
- 2) Program eligibility will be evaluated by the City of Phoenix and EPA
- 3) Applicant enrolls in the ADEQ's Voluntary Remediation Program (VRP), if applicable (this step may be delayed until the application is approved, but doing so will extend the timeline of the project)
- 4) Application is reviewed; loan approval and terms determined OR subgrant is awarded (as applicable)
- 5) Prior to cleanup, applicants prepare and submit required documents:
  - a. An Analysis of Brownfields Cleanup Alternatives (ABCA) report
  - b. A Community Relations Plan (CRP) with a 30-day public comment period
  - c. A Quality Assurance Project Plan (QAPP), which will be submitted by the City of Phoenix for approval to EPA
- 6) Applicant establishes an Administrative Record (file retention in conjunction with the City of Phoenix)
- 7) Applicant performs the Environmental Cleanup in a manner protective of human health and the environment while meeting all applicable Federal and State laws/cross cutting regulations, including but not limited to:
  - a. Endangered Species Act
  - b. National Historic Preservation Act
  - c. Davis Bacon Act
  - d. Build America Buy America Act, if applicable (construction, alteration, maintenance, or repair of infrastructure activities only)
- 8) Request funds for reimbursement of costs from LISC, when applicable
- 9) Applicant produces a report documenting the Environmental Cleanup and related Confirmation Sampling (under oversight of VRP or QEP)
- 10) Applicant establishes Institutional Controls, if needed, and
- 11) Applicant prepares a Closeout Report, including the No Further Action (NFA) Letter from the ADEQ or letter from a QEP certifying sampling, as applicable
- 12) Applicant repays loan based on terms in loan agreement, if applicable

## Conducting an Analysis of Brownfields Cleanup Alternatives (ABCA)

For each site receiving a loan or subgrant, an Analysis of Brownfields Cleanup Alternatives (ABCA) must be prepared by a qualified environmental professional (QEP). The ABCA is a document which includes information about the site and the contamination issues, such as contaminants of concern and exposure pathways; cleanup standards for the contaminants of concern; the proposed cleanup; and alternatives considered. The purpose of the ABCA is to evaluate the effectiveness of the ability to implement the environmental cleanup, and the cost of the response.

The evaluation of the alternatives must also consider the resilience of the remedial options to address potential adverse impacts caused by extreme weather events (such as increased frequency and intensity of flash flooding, extreme heat, drought, sea level rise etc.). The alternatives may additionally consider the degree to which they reduce greenhouse gas discharges, reduce energy use or employ alternative energy sources, reduce volume of wastewater generated/disposed, reduce volume of materials taken to landfills, and recycle and re-use materials generated during the cleanup process as possible. The ABCA must also consider no action taken as an alternative.

The ABCA is to be submitted to the City of Phoenix for review and approval at least 5 to 7 business days prior to the commencement of the public comment period. ABCA's are subject to EPA review and approval. A preferred alternative and cleanup method must be chosen based on this analysis and documented in the community relations plan.

## Community Relations Plan

All BRLF loan and subgrant activities require a site-specific Community Relations Plan (CRP) that includes providing reasonable notice and the opportunity for public involvement and comment on the proposed cleanup options under consideration for the site.

The purpose of the CRP is to describe the strategies to address the concerns of residents potentially affected by the activities conducted at the project site and outlines opportunities local citizens have for input on the remediation plan. The comment period must consist of at least 30 days.

The CRP must consist of the following components:

- 1) The point of contact to obtain information for the project;

- 2) The location of the Administrative Record and hours it can be accessed if not readily available online;
- 3) Site description and history including
  - a. Site Location
  - b. Site History including previous uses, businesses and their dates of operation;
  - c. Nature of threat to public and environmental health including unsafe structures, wastes or contaminants generated by previous businesses, presence of contaminated soil and/or groundwater;
  - d. Description of planned remediation activities and timeline, i.e. outcome of Analysis of Brownfields Cleanup Alternatives (ABCA)
- 4) Key Community Concerns, as applicant is aware of;
- 5) Community Profile; Basic population and relevant community profile information, including age demographics, first language, income, and level of education (for additional resources refer to [cdc.gov/places](https://cdc.gov/places) and/or [censusreporter.org](https://censusreporter.org)); The Borrower or Subgrantee should, at least, describe the immediate surrounding area (adjoining properties) and cover the population of at least one-quarter (1/4) mile radius surrounding the project site;
- 6) Chronology of Community Involvement, including but not limited, to
  - a. Community meetings in-person, virtual or hybrid (when, where, and topics);
  - b. Collaborations with nonprofits or community organizations in the target area to inform the public about the project;
  - c. How the project will be advertised (newspaper, online, local signs);
  - d. Options and locations for public comments (online, and/or in person); and/or
  - e. Social media (supplemental option to be used in tandem with another community event); and
- 7) Required: an attachment of a map of the project site which would typically be available at the end of a Phase I or II Environmental Site Assessment

The public comment period must consist of at least 30 days and commence prior to the initial clean up period. Public comments must be reflected in the Administrative Record, as further discussed below.

The CRP must be provided to the City of Phoenix for review prior to its implementation/release to the public and are subject to EPA approval. The City of Phoenix will provide feedback on this document within approximately 5 to 7 business days. A sample CRP template is provided in Appendix C and may be used as a guide. It should be noted that Borrowers and Subgrantees may use the provided template for their CRP if desired, however, it is not required.

## Quality Assurance Project Plan (QAPP)

If environmental data are to be collected as part of the brownfield cleanup (e.g., cleanup verification sampling, post-cleanup confirmation sampling, air monitoring for asbestos abatement projects, etc.) quality assurance practices sufficient to produce data adequate to meet project objectives and to minimize data loss, must be implemented. Recipients implementing environmental programs within the scope of the assistance agreement must submit a QAPP to the EPA for approval prior to the initiation of data collection or data compilation. Environmental programs include direct measurements or data generation, environmental modeling, compilation of data from literature or electronic media, and data supporting the design, construction, and operation of environmental technology.

The QAPP is a document that provides comprehensive details about quality assurance, quality control, and technical activities that must be implemented to ensure that project objectives are met. Currently, the EPA has stated that their review process of QAPPs takes approximately 60 business days. For projects on shortened timelines, the City of Phoenix will attempt to make a list of priority sites, however, expedited reviews are not guaranteed. It is recommended that Borrowers and Subgrantees budget the full 60 business days in their project schedule.

## Administrative Record

The City of Phoenix will establish an Administrative Record (file retention) for each loan or subgrant. The Administrative Record documents the selection basis for the cleanup plan and may include documents that verify cleanup requirements are met.

The Administrative Record must include the following:

- The ABCA;
- Site investigation reports;
- Cleanup plan;
- The Community Relations Plan (CRP) and responses to any comments received during the public comment period;
- Documentation of the cleanup standards used; and,
- Verification demonstrating that the cleanup(s) are complete, including the Closeout Report.

The Administrative Records shall be conveniently located and available to the public. The Administrative Record must be retained for three (3) years after the termination of the

cooperative agreement, subject to any requirements for maintaining records of site cleanups ongoing at the time of termination contained in the recipient's Closeout Agreement. A copy of the Administrative Record must be kept for a minimum of three years by the City of Phoenix as required by 2 CFR § 200.333.

## Loan and Subgrant Parameters

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### City of Phoenix and Local Initiatives Support Corp

The City of Phoenix BRLF Review Committee (the Committee) is comprised of City of Phoenix staff who will review applications and will submit EPA brownfield eligible properties to Local Initiatives Support Corp (LISC) for loan term consideration. LISC will review loan applications, conduct underwriting, and determine loan terms following EPA approval. The Committee will make final determinations on Borrower and Subgrantee awards.

LISC has established itself as one of the largest community development financial institutions (CDFI) in the nation. LISC works in partnership with local grassroots groups, for-profit developers and government agencies to finance programs and projects that will have a positive, long-term impact. LISC acts as the funding manager for the BRLF program and will manage the long-term brownfield cleanup lending and sub-granting cleanup objectives. LISC's primary functions include loan underwriting and loan management, establishment of interest rates, repayment terms, fee structure, and collateral requirements sufficient to recover, as a minimum, the principal amount of the loan less any repayment discounts. Lending and sub-granting practices may also include loan/subgrant processing, documentation, approval, servicing, administrative procedures, collection, and recovery actions.



## Application and Approval Process

### Loan Application and Process

The BRLF program application is hosted on LISC's website. All applicants shall submit applications, clean-up plan, and supporting documentation to LISC. The Committee will complete a preliminary review to determine, to the maximum extent possible, that the potential Borrower and the project site are eligible for the BRLF program. A U.S. EPA Region 9 Site Eligibility Determination Checklist is completed based on the information in the application. The checklist must be approved by the EPA Project Officer before the loan application is considered by LISC. A copy of this checklist is provided in Appendix D.

To be considered for funding by LISC, the Borrower must be in good financial standing, be current on all taxes and other obligations to the City of Phoenix and demonstrate the ability to repay the loan and successfully complete the project. Following these reviews, LISC will begin the underwriting process. The application for the BRLF program can be found here, <https://lisc.tfaforms.net/1382>.

### Loan Application Review and Underwriting

Upon receipt of the loan application and preliminary review by the Committee, staff will conduct an analysis to ascertain the project's potential for success. An in-depth credit analysis will be conducted, by a separate LISC loan committee that has a loan underwriting background, to determine the repayment ability of the Borrower and will consider business cash flow, personal debt to income ratios, personal and business credit history, management, type of business, industry performance and collateral. If the analysis indicates the business plans are viable and well timed, and the Borrower is creditworthy, staff will work with the applicant to structure the terms of the loan package. LISC will make a loan recommendation based on the credit analysis of the applicant to the Committee. The Committee will make the final determination on applicant acceptance into the BRLF program based on both LISC's loan recommendation and the strength of the brownfields application.

Borrowers must comply with the internal control requirements specified at 2 CFR § 200.303 and are subject to the 2 CFR Part 200, Subpart F, Audit Requirements. The City of Phoenix must oversee and manage loans as required by 2 CFR §§ 200.330 through 200.332.

## Subgrant Application and Process

Similar to the loan application process, the Committee will complete a preliminary review to determine, to the maximum extent possible, that the potential Subgrantee and the project site are eligible for the BRLF program. A U.S. EPA Region 9 Site Eligibility Determination Checklist is completed based on the information in the application. The checklist must be approved by the EPA Project Officer. Eligible Subgrantees include nonprofits and higher education institutions as defined under the Borrower and Subgrantee Eligibility section of this document. The Subgrantee must also demonstrate evidence of future project success in their application, including commitment of other redevelopment funding sources for the project, beyond remediation, as applicable.

Subgrantees, other than Borrowers, shall comply with all applicable EPA assistance regulations (2 CFR Parts 200 and 1500). All procurements conducted with subgrant funds, but not loans, must comply with Procurement Standards of 2 CFR §§ 200.317 through 200.326, as applicable.

## Borrower/Subgrant Agreement and Commitment

After the Committee has approved the applicant to the BRLF program, LISC will initiate the closing process. After a commitment letter has been issued and the conditions and terms have been accepted (in writing) by the Borrower or Subgrantee, LISC will determine if additional documents are needed for closing. All loan documents must be approved and executed by LISC.

## Loan and Subgrant Disbursement Requirements

Funds will be disbursed to the recipient by means of "actual expense". An "actual expense" disbursement approach requires the recipient to submit documentation of the Borrower or Subgrantee's expenditures (e.g., invoices) to request payment from LISC (i.e., a Draw).

A term and condition or other legally binding provision shall be included in all loans and subgrants entered into with the funds under this agreement, or when funds awarded under this agreement are used in combination with non-federal sources of funds, to ensure that Borrowers and Subgrantees comply with all applicable federal and state laws and requirements. In addition to CERCLA § 104(k), federal applicable laws and requirements include 2 CFR Parts 200 and 1500.

## Marketing Material Requirements

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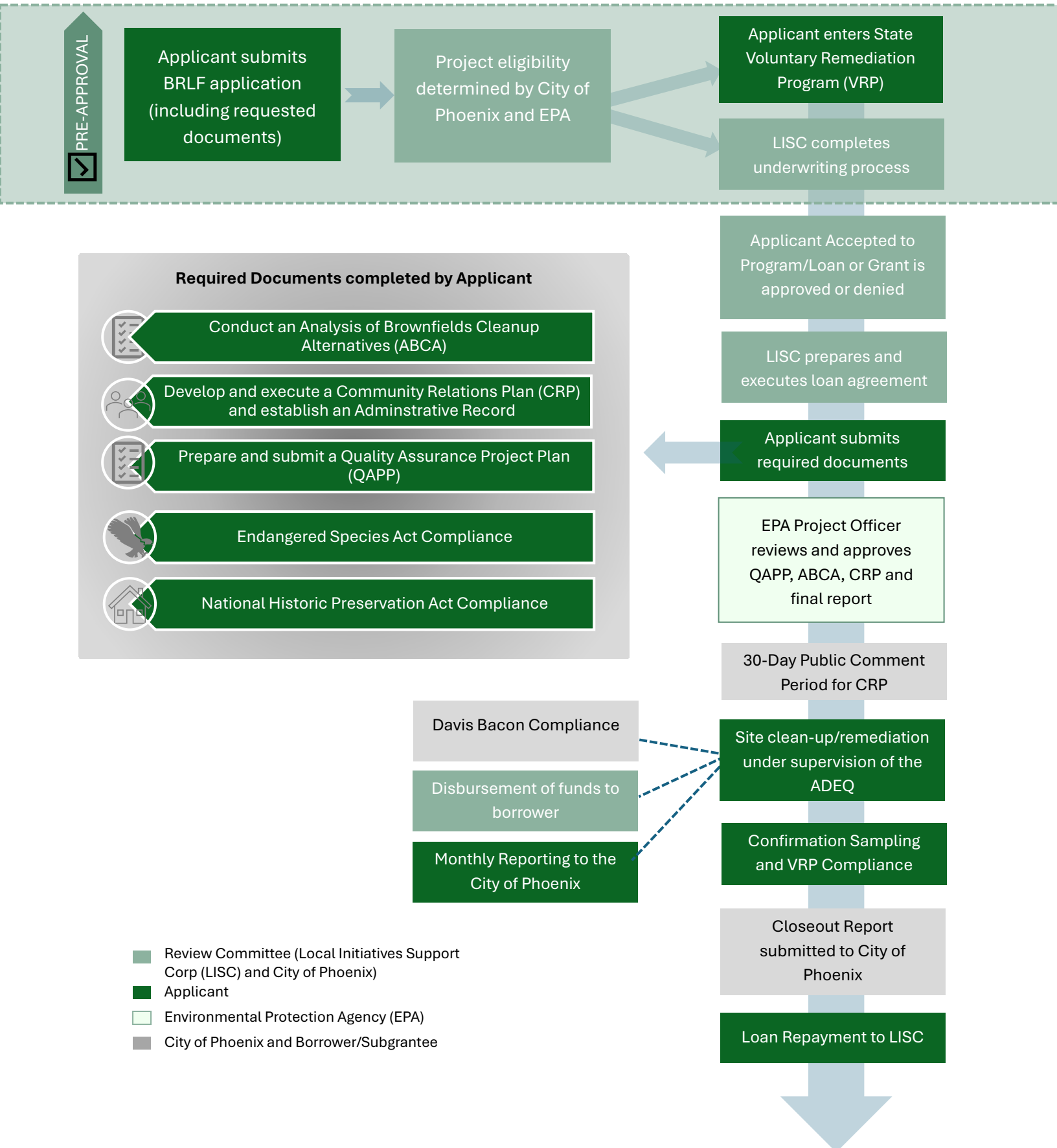
The Borrower or Subgrantee agrees to clearly reference the EPA investments in the project during all stages of community outreach as outlined in the EPA-approved workplan. This workplan may include the development of any post-project summary or success materials that highlight the achievements to which this project contributed.

If any documents, fact sheets, and/or web-based materials are developed as a part of this agreement/work plan, the following statement must be included: “Though this project has been funded wholly or in part by EPA, the contents of this document do not necessarily reflect the views and policies of EPA.”

If any sign is developed as a part of the project that is funded through this agreement, then the sign shall include either a statement e.g., this project has been funded, wholly (or in part, by EPA) and/or EPA's logo acknowledging that EPA is a source of funding for the project. The EPA logo may be used on project signage when the sign can be placed in a visible location with direct linkage to site activities. Use of the EPA logo must follow the sign specifications available at <https://www.epa.gov/grants/epa-logo-seal-specifications-signage-produced-epa-assistance-agreement-recipients>.

The Borrower or Subgrantee agrees to notify the City of Phoenix and the EPA Project Officer of a public or media event publicizing the accomplishment of significant events related to the brownfields remediation, construction and/or site reuse projects as a result of the BRLF agreement with at least ten (10) works days' notice.

### **Brownfields Revolving Loan Fund Flow Chart**

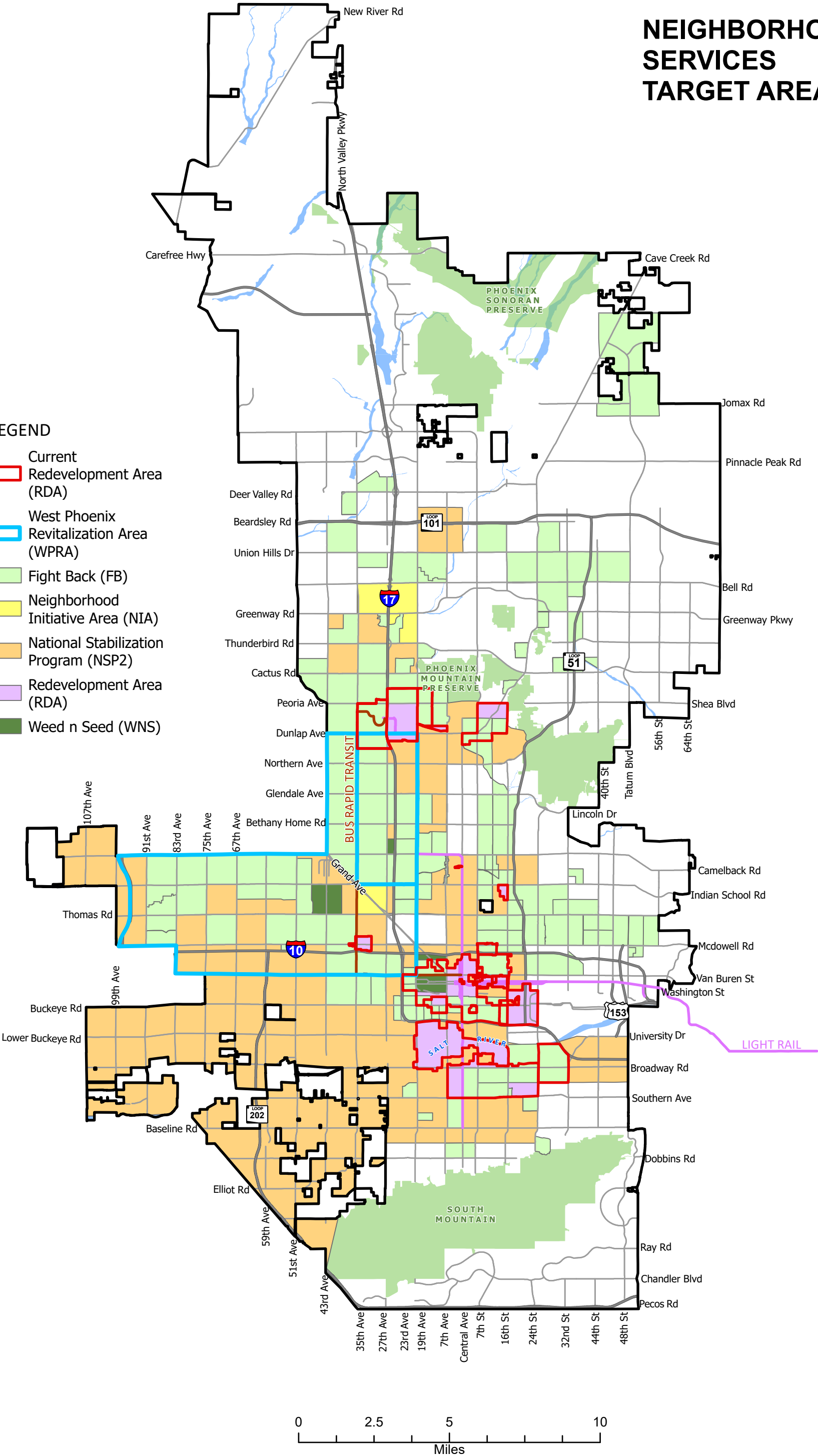


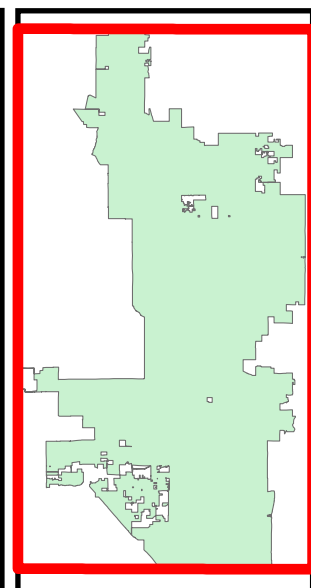
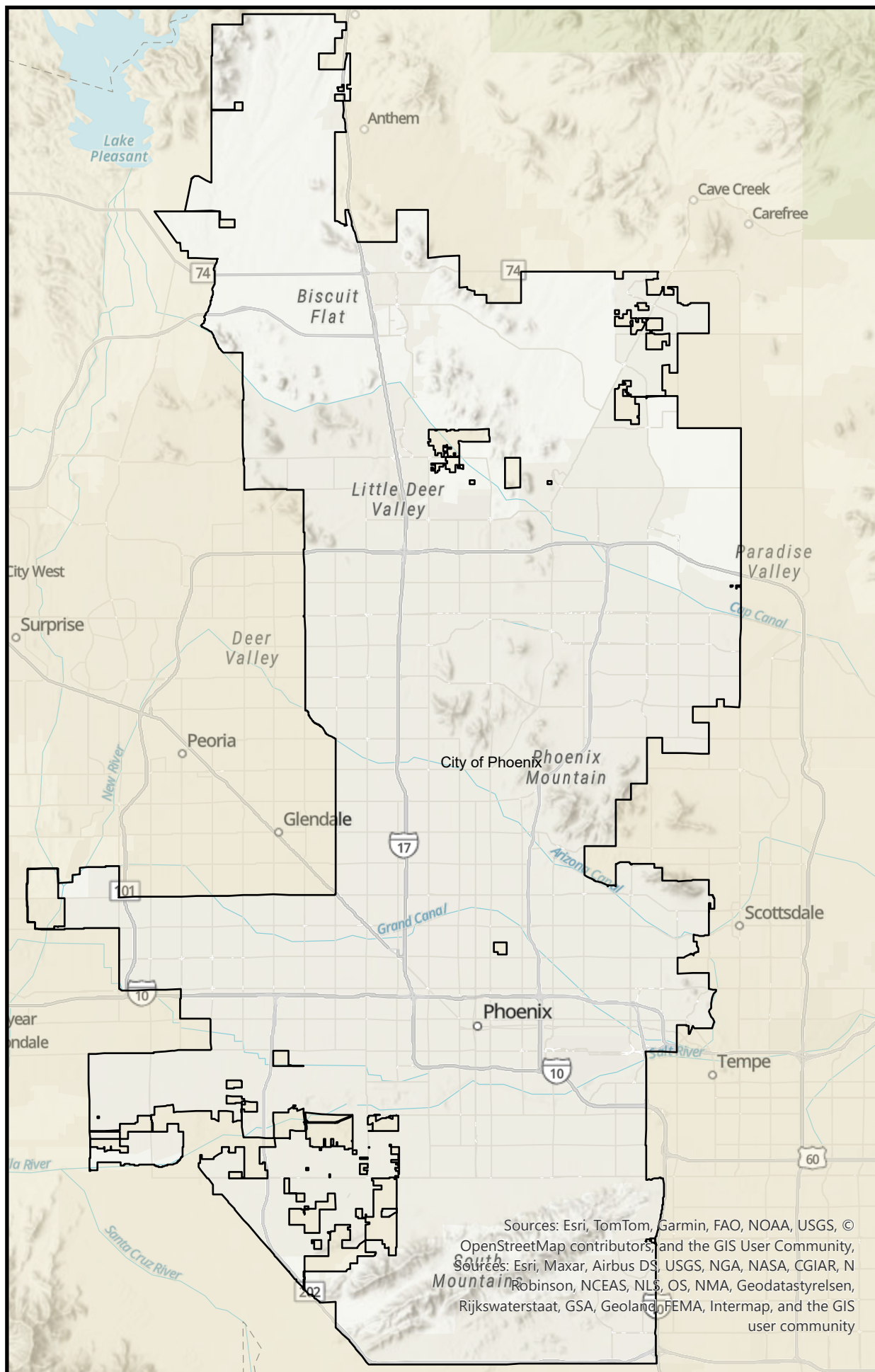
### **Phoenix Brownfields Revolving Loan Fund Target Areas**

# NEIGHBORHOOD SERVICES TARGET AREAS

## LEGEND

- Current Redevelopment Area (RDA)
- West Phoenix Revitalization Area (WPRA)
- Fight Back (FB)
- Neighborhood Initiative Area (NIA)
- National Stabilization Program (NSP2)
- Redevelopment Area (RDA)
- Weed n Seed (WNS)





**Key Map**

NOTE: This map is to be used for references purposes only {do not scale}. The City of Phoenix accepts no liability for information contained on this map



0 1000 20000 Feet



**City of Phoenix**

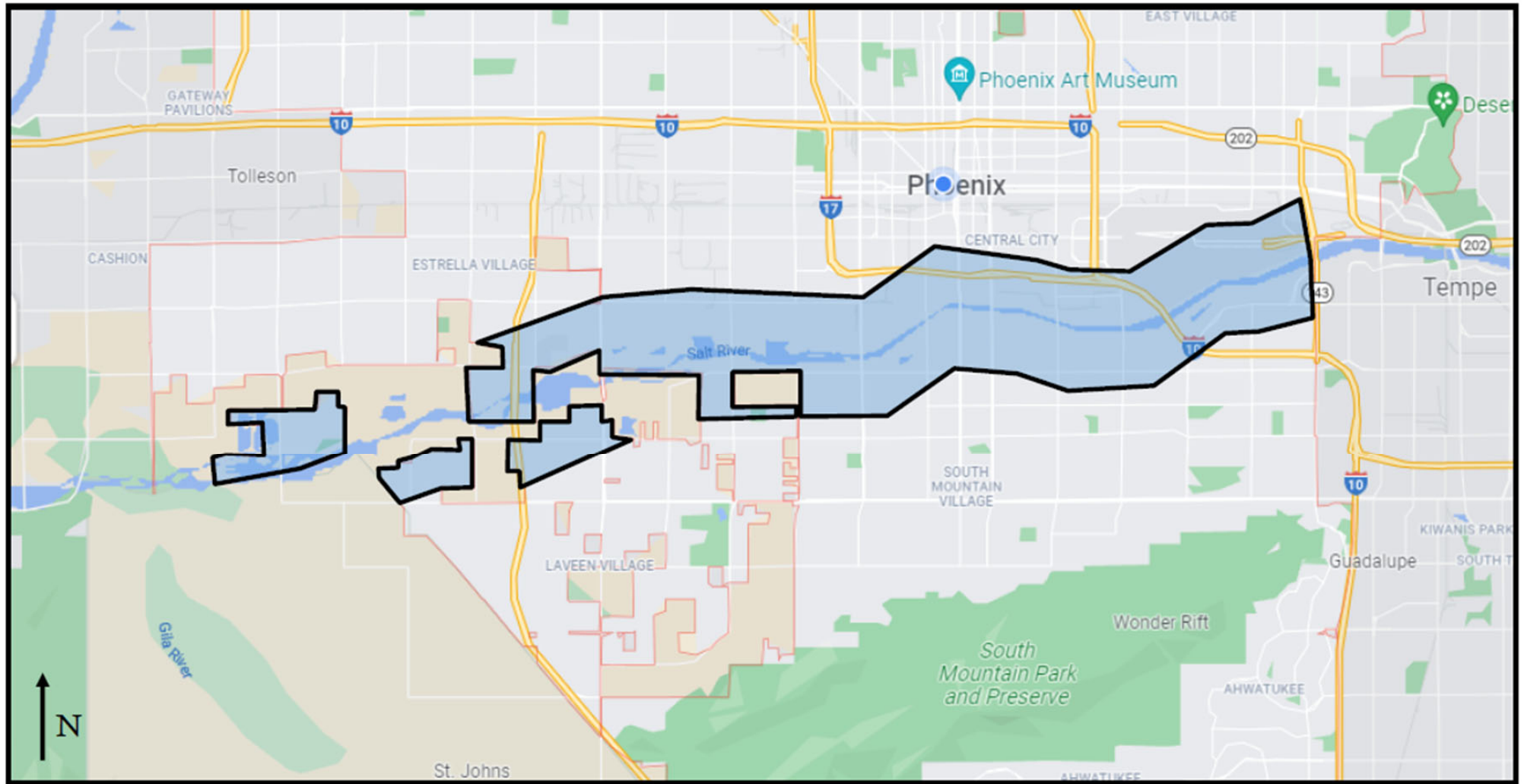
# Phoenix Opportunity Zones

Date: 9/30/2025

Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Sources: Esri, Maxar, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap, and the GIS user community



## City of Phoenix



Basemap: Google, 2021



**Rio Reimagined grant area**

The grant area in Phoenix includes the Rio Salado, Rio Salado Oeste and Tres Rios focus areas.

### **Community Relations Plan Template (optional)**

# Community Relations Plan Sample Template

Name of Organization

Name of Project

Project Location

Date

## Overview

The Environmental Protection Agency (EPA) defines a brownfield as a “property, where the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant”. Examples of brownfield sites include properties that may be abandoned, inactive, or have not operated at their full potential. The Phoenix Brownfields Revolving Loan Fund (BRLF) Program provides financing for remediation of eligible brownfield projects within the Phoenix city limits. The purpose of the Community Relations Plan (CRP) is to describe the Name of the Organization’s strategy to address the concerns of the residents potentially affected by the activities conducted at the name of the project site, located at address (physical and/or cross streets/parcels if the property does not have an address assigned). The CRP also outlines how citizens will be able comment on the remediation plans for this project.

## Contact Information and Administrative Record

The spokespersons for this project and contact information are:

<u>Name of person related to project</u>	<u>Contact information (email and phone number)</u>

City of Phoenix Project Managers	Contact information
Emma Green	<a href="mailto:Emma.Green@phoenix.gov">Emma.Green@phoenix.gov</a>
Rosanne Albright	<a href="mailto:Rosanne.Albright@phoenix.gov">Rosanne.Albright@phoenix.gov</a>

The Administrative Record is located at City Hall, 200 West Washington Street, 14th Floor, Phoenix, Arizona, during regular business hours, between 8 am and 5 pm. During the 30-day comment period, a set of documents will also be available at Name of Organization’s project office address or other location, if applicable.

The Administrative Record is an evolving record and does not end at the end of the 30-day public comment period. The Administrative Record will periodically be updated during the public participation and cleanup phases of this project. The Administrative Record includes a repository related to the environmental assessment and remediation of this project site:

- The Community Relations Plan
- Documentation of Public Outreach
- Environmental Assessment Reports
- Project Remedial Workplan

## Site Description

Site Location: Describe the specific site location, including the intersection(s), if applicable, and size of property (in acres)

Site History: Describe the history of the site, past uses/businesses and dates of operation; Nature of threat to public and environmental health including unsafe structures, wastes or contaminants generated by previous businesses, contaminated soil and/or groundwater (note: this can typically be summarized, in plain English, from previous environmental reports i.e. Phase I or Phase II reports completed for the project site). If this is a lead-based paint or asbestos remediation project include the age and condition of the building. Include past uses.

Nature and Threats to Public Health and the Environment: Describe the key contaminants of concern, including hazardous wastes generated by previous tenants, soil and groundwater contamination, include outcomes of Phase II results if Phase II available for project site.

Plan for Remediation: outcome of Analysis of Brownfields Cleanup Alternatives (ABCA) if applicable, if options for remediation not available, i.e. asbestos abatement or lead-based paint remediation project then state timeline of project.

## Key Community Concerns

Describe key community concerns if your organization is aware. This may be available online via Newsource, or from stakeholder interviews (if completed by local stakeholder). If your organization is not aware of concerns surrounding your brownfields site, then state reasons as to why your organization is unaware of community concerns, i.e. non-local stakeholder or lack or local knowledge, including lack of local reporting on brownfields site.

## Community Profile

The community profile should consist of basic population and relevant community profile information, for example this should include age demographics, first language, income, and level of education (for additional resources refer to [cdc.gov/places](https://cdc.gov/places) and/or [censusreporter.org](https://censusreporter.org)). The Borrower or Subgrantee should, at least, describe the immediate surrounding area (adjoining properties) and cover the population of at least one-quarter (1/4) mile radius surrounding the project site.

\*Note: This summary does not have to be extensive. The community profile should include a brief statement regarding how this brownfields redevelopment project will remove or contain contamination and exposure pathways that potentially threaten the adjacent residents and other sensitive receptors. One paragraph is sufficient for this section.

## Community Involvement

Prior to remediation construction, specific community notification is required. The City of Phoenix will ensure compliance with state public notification requirements during this phase of the project.

### Chronology of Community Involvement

The following opportunities are available to local citizens to be involved in this redevelopment project:

List/Describe all future opportunities for meaningful community involvement, these may include the following:

- Community meetings in-person, virtual or hybrid (when, where, and topics)
- Collaborations with non-profits or community organizations in the target area to inform the public about the project
- How the project will be advertised (newspaper, online, local signs)
- Options and locations for public comments (online, and/or in person)
- Social Media (supplemental option to be used in tandem with another community event)

Community comments will be documented, however, only those which are directly related to the remediation plans as supported through the BRLF program will be responded to by the organization and/or City of Phoenix, where applicable. All comments will be recorded in the Administrative Record. By preparing and implementing this Community Relations Plan, the City of Phoenix has also ensured compliance with EPA's requirements. The City of Phoenix will maintain the Administrative Record to reflect the status of the cleanup, public

comments, response to public comments, and other significant decisions regarding environmental remediation which will be publicly available at City Hall. Any changes will also be documented in the Administrative Record.

Required: an attachment of a map of the project site which would typically be available at the end of a Phase I or II.

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\*A note on how to use this document:

This document is available to Borrowers and Subgrantees to be used as a template or guide for their Community Relations Plan. The grey and underlined text is required language, unless otherwise indicated. The plain text is intended to not be edited; however, the perspective applicant is not required to keep this language in place. Text that is in italics is suggested language. If you have questions regarding how to use this document please contact Emma Green at [Emma.Green@phoenix.gov](mailto:Emma.Green@phoenix.gov) or refer to the list of requirements for the CRP as outlined in the Brownfield Revolving Loan Fund Program Procedures Manual located on the Office of Environmental Program's website. Upon submission, all grey and underlined text should be removed, else the document will be returned to the applicant for resubmittal.

**U.S. Environmental Protection Agency Region 9 Brownfields Site Eligibility  
Determination Checklist**

**U.S. Environmental Protection Agency Region 9 Brownfields Petroleum Site Eligibility  
Determination Checklist**

**U.S. ENVIRONMENTAL PROTECTION AGENCY REGION 9**  
**BROWNFIELDS HAZARDOUS SUBSTANCE SITE ELIGIBILITY DETERMINATION CHECKLIST**

☐ **HAZARDOUS SUBSTANCE SITES:** a site primarily contaminated with hazardous substances; includes mine-scarred lands or sites contaminated with controlled substances.

**CO-MINGLED SITE QUESTIONS**

Are hazardous substances and petroleum co-mingled at the site?

☐ YES ☐ NO

Are the hazardous substances and petroleum-contaminated areas easily distinguishable from each other?

☐ YES ☐ NO ☐ N/A

**If the areas are easily distinguishable from each other:** fill out both site eligibility checklists (i.e., both the petroleum site eligibility checklist and the hazardous substances site eligibility checklist). If the areas are not easily distinguishable from each other, fill out only the checklist for the predominant substance/contaminant.

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**Brownfields Site Eligibility Evaluation:** *This document is based on EPA guidance and applicable law, and is meant as a tool to help EPA staff. Nothing in this document is intended to supplement or supersede EPA guidance or applicable law. A determination of eligibility for purposes of the Brownfields program does not guarantee the non-liability of the grantee under applicable law.*

*The grantee/applicant should provide answers to the following questions to the best of their knowledge.*

**A. GENERAL INFORMATION**

1. Grantee Name:
2. Grant/Applicant Type:  
☐ Phase I Assessment ☐ Phase II Assessment ☐ Revolving Loan Fund (RLF) ☐ Multipurpose  
• If a Grant, provide the Grant Number:
3. Name and title of person completing this form:
4. Date Submitted to EPA:

**B. BASIC SITE INFORMATION**

1. Site Name:
2. Site Address (including County):
3. Name of the current owner of the site:

If the grantee/applicant does not own the site, describe their relationship with the owner:



to enter text.

4. Identify the operational history and how the site became contaminated and, to the extent possible, describe the nature and extent of contamination. If the land has been vacant for many years, why does the grantee/applicant think that it is contaminated? [Click or tap here to enter text.](#)
5. Identify the current use(s) of the site. [Click or tap here to enter text.](#)
6. Does the site meet the definition of a “brownfield site,” as defined under CERCLA at 42 U.S.C. § 9601(39)?  
☐ YES ☐ NO
7. Does grantee/applicant have access to (or an access agreement for) this property?  
☐ YES ☐ NO

### C. SITES NOT ELIGIBLE FOR FUNDING BY STATUTE

1. Is the facility listed (or proposed for listing) on the National Priorities List?  
☐ YES ☐ NO
2. 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 ☐ NO
3. Is the facility subject to the jurisdiction, custody, or control of the U.S. government?  
☐ YES ☐ NO ☐ N/A (This question is not applicable for land held in trust by the U.S. government for an Indian tribe.)

If the answer is **YES** to any of the above (C.1-3) the property is not eligible. **Stop here.**

### D. SITES ONLY ELIGIBLE WITH A PROPERTY SPECIFIC DETERMINATION BY EPA:

1. Is the site/facility subject to a planned or ongoing CERCLA removal action?  
☐ YES ☐ NO
2. 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 ☐ NO
3. 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 ☐ NO
4. 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 ☐ NO
5. Has the site/facility had a release of polychlorinated biphenyls (PCBs) that is subject to remediation under

TSCA?

☐ YES ☐ NO

6. Has the site/facility obtained assistance / funding for response activity (e.g., remediation) from the Leaking Underground Storage Tank (LUST) Trust Fund?  
☐ YES ☐ NO

***If the answer is YES to any of the above (D. 1-6), a property specific determination is required. Consult with your Project Officer.***

## **E. HAZARDOUS SUBSTANCE SITES**

Answer E.1-7 if the grantee/applicant is the site owner. If the grantee/applicant does not own the site, skip to E.8.

1. How was the property acquired? ☐ Purchase ☐ Foreclosure ☐ Donation ☐ Eminent Domain  
☐ Other (Explain): [Click or tap here to enter text.](#)
2. What is the date when the grantee/applicant acquired the property? [Click or tap here to enter text.](#)
3. Provide the name/identity of the party or parties from whom the grantee/applicant acquired ownership:  
[Click or tap here to enter text.](#)
4. Provide information about any familial, contractual, corporate, or financial relationships or affiliations the grantee/applicant has or had with all prior owners or operators (or other potentially responsible parties) of the property: [Click or tap here to enter text.](#)
5. Did the grantee/applicant cause or contribute to any release of hazardous substances at the site? Did the grantee/applicant arrange for the disposal of hazardous substances or transport of hazardous substances to the site? ☐ YES ☐ NO ***If the answer is YES to either question, the property is not eligible, stop here.***
6. Did the grantee/applicant take reasonable steps<sup>1</sup> with regards to the contamination at the site?  
☐ YES ☐ NO If YES, describe the steps taken. [Click or tap here to enter text.](#) ***If the answer is NO, the property is not eligible, stop here.***
7. Defenses to Liability - The site must meet one of the following conditions:

☐ Involuntary Acquisition: The grantee/applicant is a unit of local government who acquired the site through seizure or otherwise in connection with law enforcement activity, or through bankruptcy, tax delinquency, abandonment, or other circumstances by virtue of its function as sovereign.

Nature of Acquisition: [Click or tap here to enter text.](#)

☐ Bona Fide Prospective Purchaser: The grantee/applicant conducted a Phase I Environmental Site Assessment or other All Appropriate Inquiry investigation in compliance with ASTM standards prior to

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<sup>1</sup> “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>

acquiring property. Provide the date of AAI Phase I or describe the All Appropriate Inquiry investigation:  
[Click or tap here to enter text.](#)

☐ Publicly-Owned Brownfields: The grantee/applicant is an eligible public entity (as defined at 42 U.S.C. § 9604(k)(1)(A)-(H)) who acquired the property prior to January 11, 2002, and did not cause or contribute to a release or threatened release of a hazardous substance at the property.

Explain: [Click or tap here to enter text.](#)

***If the site does not meet any of the scenarios in question 7, the property is not eligible, **stop here**.***

Answer the following if the grantee/applicant is not the site owner:

8. Is the grantee/applicant potentially liable at the site as an: ☐ Operator, ☐ Arranger, or ☐ Transporter?  
☐ YES ☐ NO ***If the answer is YES, the property is not eligible, **stop here**.***
9. Is the grantee/applicant affiliated with the site owner (familial, contractual, financial)?  
☐ YES ☐ NO ***If the answer is YES, explain below; this site may require discussion with your EPA Project Officer.*** [Click or tap here to enter text.](#)

#### **F. SITE ELIGIBILITY DETERMINATION BY EPA PROJECT OFFICER**

The EPA Project Manager should consult with the regional Site Eligibility lead before finalizing. For complex eligibility determinations and other appropriate situations, EPA brownfields staff should consult with EPA legal counsel.

☐ SITE IS / ☐ SITE IS NOT eligible for EPA Brownfields Funds

\_\_\_\_\_  
USEPA Project Manager

\_\_\_\_\_  
Date

**U.S. ENVIRONMENTAL PROTECTION AGENCY REGION 9  
BROWNFIELDS PETROLEUM SITE ELIGIBILITY DETERMINATION CHECKLIST**

☐ PETROLEUM SITE: a site primarily contaminated with petroleum and/or petroleum product.

**CO-MINGLED SITE QUESTIONS**

Are hazardous substances and petroleum co-mingled at the site?

☐ YES ☐ NO

Are the hazardous substances and petroleum-contaminated areas easily distinguishable from each other?

☐ YES ☐ NO ☐ N/A

**If the areas are easily distinguishable from each other: fill out both site eligibility checklists** (i.e., both the petroleum site eligibility checklist and the hazardous substances site eligibility checklist). If the areas are not easily distinguishable from each other, fill out only the checklist for the predominant substance/contaminant.

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**NON-TRIBAL GRANTEES/APPLICANTS: State Determination of Petroleum Site Eligibility**

Non-tribal grantees/applicants must provide the information required for a petroleum site eligibility determination (listed below) to the state where the site is located so that the state can make the necessary determination. (Note: the applicant's letter requesting the state determination should request the state to indicate whether it applied EPA's guidelines in making the petroleum determination, and if no, what standard it applied.)

Did the State make a petroleum site eligibility determination?

☐ YES ☐ NO

**If yes, include a copy of the state determination as an attachment to the Narrative, and Stop here.**

If the State did not make the petroleum site eligibility determination before the application due date or was unable to make that determination, attach a copy of the request sent to the state and provide EPA with the date of the request sent to the state.

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**TRIBAL GRANTEES/APPLICANTS (and Non-Tribal Grantees/Applicants *Without* a State Determination): EPA Will Determine Petroleum Site Eligibility**

**Brownfields Site Eligibility Evaluation:** *This document is based on EPA guidance and applicable law, and is meant as a tool to help EPA staff. Nothing in this document is intended to supplement or supersede EPA guidance or applicable law. A determination of eligibility for purposes of the Brownfields program does not guarantee the non-liability of the grantee under applicable law.*

*The grantee/applicant should provide answers to the following questions to the best of their knowledge.*

**A. GENERAL INFORMATION**

1. Grantee Name: [Click or tap here to enter text.](#)
2. Grant/Applicant Type:
  - ☐ Phase I Assessment   ☐ Phase II Assessment   ☐ Revolving Loan Fund (RLF)
  - ☐ Multipurpose
  - If a Grant, provide the Grant Number: [Click or tap here to enter text.](#)
3. Name and title of person completing this form: [Click or tap here to enter text.](#)
4. Date Submitted to EPA: [Click or tap here to enter text.](#)

**B. BASIC SITE INFORMATION**

1. Site Name: [Click or tap here to enter text.](#)
2. Site Address (including County): [Click or tap here to enter text.](#)
3. Name of the current owner of the site: [Click or tap here to enter text.](#)

If the grantee/applicant does not own the site, describe their relationship with the owner:  
[Click or tap here to enter text.](#)

4. Identify the operational history and how the site became contaminated and, to the extent possible, describe the nature and extent of contamination. If the land has been vacant for many years, why does the grantee/applicant think that it is contaminated? [Click or tap here to enter text.](#)
5. Identify the current use(s) of the site. [Click or tap here to enter text.](#)
6. Does the site meet the definition of a “brownfield site,” as defined under CERCLA at 42 U.S.C. § 9601(39)?
  - ☐ YES   ☐ NO

7. Does grantee/applicant have access to (or an access agreement for) this property?  
☐ YES ☐ NO

**C. SITES NOT ELIGIBLE FOR FUNDING BY STATUTE**

1. Is the facility listed (or proposed for listing) on the National Priorities List?  
☐ YES ☐ NO
2. 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 ☐ NO
3. Is the facility subject to the jurisdiction, custody, or control of the U.S. government?  
☐ YES ☐ NO ☐ N/A **(This question is not applicable for land held in trust by the U.S. government for an Indian tribe.)**

*If the answer is **YES** to any of the above (C.1-3) the property is not eligible. **Stop here.***

**D. SITES ONLY ELIGIBLE WITH A PROPERTY SPECIFIC DETERMINATION BY EPA:**

1. Is the site/facility subject to a planned or ongoing CERCLA removal action?  
☐ YES ☐ NO
2. 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 ☐ NO
3. 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 ☐ NO
4. 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 ☐ NO
5. Has the site/facility had a release of polychlorinated biphenyls (PCBs) that is subject to remediation under TSCA?  
☐ YES ☐ NO

6. Has the site/facility obtained assistance / funding for response activity (e.g., remediation) from the Leaking Underground Storage Tank (LUST) Trust Fund?  
☐ YES ☐ NO

***If the answer is YES to any of the above (D. 1-6), a property specific determination is required. Consult with your Project Officer.***

## **E. PETROLEUM-SPECIFIC QUESTIONS**

(Note: for purposes of this checklist, current owner means the entity that will own the site at the time of application submission.)

1. Identify the current and immediate past owner(s) of the site:  
Current owner   
Immediate Past Owner(s):
2. Identify when and by what method the current owner acquired the property (e.g., purchase, tax foreclosure, donation, eminent domain).
3. Did either the current or immediate past owner:
  - (i) dispense or dispose of petroleum or petroleum product contamination?  
☐ YES ☐ NO
  - (ii) exacerbate the existing petroleum contamination at the site?  
☐ YES ☐ NO
  - (iii) own the site when any dispensing or disposal of petroleum (by others) took place?  
☐ YES ☐ NO

***If the answer to any of these questions is YES, Consult with your Project Officer (see Question About Financial Viability of Responsible Parties)***

4. Did the both the current and immediate past owner(s) take reasonable steps<sup>1</sup> with regards to the contamination at the site?
- ☐ YES ☐ NO If YES, describe the steps taken by the current owner and by the immediate past owner(s).

***If the answer is NO, Consult with your Project Officer (see Question About Financial Viability of Responsible Parties)***

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<sup>1</sup> "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>

5. Did the grantee/applicant

- (i) dispense or dispose of petroleum or petroleum product? ☐ YES ☐ NO  
(ii) exacerbate the existing petroleum contamination at the site? ☐ YES ☐ NO

***If the answer to either of these questions is YES, the site is not eligible, stop here.***

6. Did the grantee/applicant take reasonable steps<sup>2</sup> with regards to the contamination.

☐ YES ☐ NO ☐ N/A If YES, describe the steps taken by the grantee/applicant; if N/A, explain why not applicable.) [Click or tap here to enter text.](#) (If the answer is the same as above concerning reasonable steps, you may refer to that previous answer.)

***If the answer is NO, the site is not eligible, stop here.***

7. Has there been any of the following:

- (a) a judgment rendered in a court of law or an administrative order that would require any person to assess, investigate, or clean up the site?; or  
(b) an enforcement action by federal or state authorities against any party that would require any person to assess, investigate, or clean up the site?; or  
(c) a citizen suit, contribution action, or other third-party claim brought against the current or immediate past owner, that would, if successful, require the assessment, investigation, or cleanup of the site?  
☐ YES ☐ NO

List the name(s) of any parties identified therein: [Click or tap here to enter text.](#)

***If the answer to any of these questions is YES, Consult with your Project Officer (see Question About Financial Viability of Responsible Parties)***

8. Is the site subject to any order under § 9003(h) of the Solid Waste Disposal Act as (as amended by RCRA)? (42 U.S.C. § 6991b(h))

☐ YES ☐ NO List the name(s) of any parties identified in the order: [Click or tap here to enter text.](#)

***If the answer is YES, the site is not eligible, stop here.***

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<sup>2</sup> See previous footnote.



9. **Financial Viability of Responsible Parties**

For any current or immediate past owners identified as responsible for the contamination at the site above, , provide information about whether they have the financial capability to satisfy their obligations under federal or state law to assess, investigate, or clean up the site.<sup>3</sup>

[Click or tap here to enter text.](#)

***If EPA (or the state, for state determinations) determines that any responsible party is viable, then the petroleum-contaminated site is not eligible.***<sup>4</sup>

**F. SITE ELIGIBILITY DETERMINATION BY EPA PROJECT MANAGER**

The EPA Project Manager should consult with the regional Site Eligibility lead before finalizing. For complex eligibility determinations and other appropriate situations, EPA brownfields staff should consult with EPA legal counsel.

☐ SITE IS / ☐ SITE IS NOT eligible for EPA Brownfields Funds

\_\_\_\_\_  
EPA Project Manager

\_\_\_\_\_  
Date:

<sup>3</sup> EPA will generally deem defunct or insolvent companies, as well as individual parties, to be not financially viable

<sup>4</sup> **Exception:** even if there is a financially viable responsible party, the grantee/applicant may consult with the Project Officer if the grantee/applicant wants to clean up the petroleum brownfield site to a higher standard than required under state law/regulation.