

APPLICATION FOR BROWNFIELDS ELIGIBILITY & ASSESSMENT

At the sole discretion of Corp Comm, applications found not to meet eligibility criteria or containing unsubstantiated statements will be rejected. Corp Comm may require that the applicant provides more information after an initial evaluation. Email completed application to the Corp Comm Brownfields Department at OGBrownfields@occ.ok.gov.

APPLICATION FOR BROWNFIELDS ELIGIBILITY & ASSESSMENT

***BROWNFIELDS APPLICANT'S AFFIDAVIT OF ELIGIBILITY form (2001BF) and CORP COMM RIGHT-OF-ENTRY form (2002BF) must be submitted with this Application. ***

1. Site¹ Name, Address, and Size

Site Name: _____

Street Address: _____
(not needed if the property is in a rural area with no standard street address)

City/town (if any): _____ County: _____

Site Size (acres): _____ Measured ☐ Estimated ☐

2. Geographical Location

Please provide a map showing the posted latitude/longitude location and the boundary of the Site (the Property or part of the Property) you wish to enroll.

Legal Location: Quarter____Quarter____Quarter____Section____Township____Range____

GPS: Latitude _____ (decimal degree) Longitude _____ (decimal degree)
Please note that format should be carried out to 5 decimal places.

Does the latitude and longitude listed above refer to the (check all that apply):

- ☐ Center of the Property
- ☐ Center of the Site
- ☐ Other (specify): _____

Check the method used to determine latitude and longitude:

- ☐ GPS tool (Trimble, Garmin, etc.)
- ☐ Google Maps/Google Earth
- ☐ Bing Maps
- ☐ Other (specify): _____

Date of collection _____

Organization providing collection data _____

If you use a GPS tool, please state professional unit brand name, model number, datum used, (e.g. NAD 27), and estimated position error, if possible.

¹ The proposed site is a defined area; it does NOT need to be the entire property or lease.

3. Site Eligibility

The site may contain material or waste generated by activities under Corp Comm jurisdiction (produced crude or condensate; oil or gas exploration or production wastes; produced water/brine; crude, condensate or product released from pipelines; or petroleum products released from a retail petroleum storage tank). Yes ☐ No ☐ *If no, the site is not eligible.*

The applicant and landowner agree to cooperate with Corp Comm on site access and security for Corp Comm personnel and their representatives conducting site assessments. Yes ☐ No ☐

Is there any court decision or pending litigation relating to the proposed site currently?
Yes ☐ No ☐ *If Yes, Applicant must also file an affidavit listing any case numbers, venues, and names of parties regarding any pending litigation concerning the site, and any information concerning outstanding judgments, liens, tax levies, etc. filed of record regarding the site at the time the application is filed.*

4. State of the Site

Is a real estate transaction imminent for this site? ☐ Yes ☐ No

If yes, what is the planned closing date? _____

Assessed Value and date of determination (Optional): _____

Are property taxes paid up-to-date on this property? ☐ Yes ☐ No

Please provide the contact's name, physical address, phone number and e-mail address for verifying the property tax records:

Current Property Use (Use percentage if the site is divided into different use categories.)

- ☐ Residential _____%
- ☐ Undeveloped _____%
- ☐ Commercial _____%
- ☐ Agricultural _____%
- ☐ Former Oil & Gas Operating Site _____%
- ☐ Industrial Use _____%
- ☐ Greenspace and wildlife habitat _____%

If industrial or commercial or mixed, describe type of business(s)

Planned Property Reuse (Use percentage if the site is divided into different use categories.)

- ☐ Residential _____ %
☐ Commercial _____ %
☐ Agricultural _____ %
☐ Industrial Use _____ %
☐ Greenspace and wildlife habitat _____ %

If industrial or commercial or mixed, describe type of business(s)

Contaminants or Contaminated Media Present

Have contaminants been detected on-site? Yes ☐ No ☐

Please describe:

5. Involvement with Other Regulatory Programs

Has there been any prior contact with any state or federal environmental regulatory program or agencies relating to environmental issues at this site? Yes ☐ No ☐

If yes, please describe all prior contact with any state or federal environmental regulatory program or agency, including:

- Corp Comm, Oil and Gas or PST Division; and
- Any state or federal Notice of Violation or administrative order or any other notice of enforcement action issued relating to contamination at the site; and
- Any unresolved federal or state enforcement, RCRA or Superfund action associated with the site.

Attach additional sheets as necessary.

6. Targeted Brownfields Assessment (TBA)

If you are hoping to have a Phase I or Phase II Environmental Site Assessments completed by the OCC Brownfields Department, please fill out this section. The types of entities eligible for Targeted Brownfields Assessments depend on the types of grant funds available. Please speak with a Brownfields Department staff member before filling out this section.

Corp Comm's Brownfields Department may elect to:

- (1) Perform a Targeted Brownfields Assessment (TBA) itself, or
- (2) Request that EPA's contractor perform a Targeted Brownfields Assessment, or
- (3) Decline to perform the Targeted Brownfields Assessment for funding or other appropriate reasons.

The following limitations of the Corp Comm TBA should be considered prior to completing a TBA request:

- (1) The TBA process is not appropriate to correct situations where an immediate and substantial endangerment to human health and the environment exists. For these immediately contact the nearest district office of Corp Comm.
- (2) The TBA process may not be appropriate for sites in which there are active and ongoing oil and gas activities. The applicant should discuss this issue with Corp Comm personnel.
- (3) The applicant should recognize that environmental site assessments cannot eliminate all uncertainty, are not always exhaustive in their level of inquiry, or warrant being exhaustive in their level of inquiry. Therefore, Corp Comm cannot be held liable for any damage arising from contamination not discovered during the Corp Comm TBA or from any damage, monetary or otherwise, from contamination discovered during the Corp Comm TBA.

Are you requesting a TBA? Yes ☐ No ☐

7. Brownfields Redevelopment Plan

The applicant may skip this if not requesting a TBA.

In order to determine which sites should be provided with the TBAs, Corp Comm requests that the supplementary **TBA Request Form** be attached to this application form. The **TBA Request Form** gathers information on any public/private partnerships, non-profit, state or federal government involvement, private industry interest, etc.; the envisioned final product, including increase in taxable appraised value of the property and potential for creating jobs; and a discussion of in-kind services from the applicant(s) such as mowing, providing water or fencing.

8. Other Supporting Documentation

The applicant should attach the metes and bounds description of the Property (which includes but is not limited to the Site being enrolled) to the application, if available, as well as any previously

completed environmental site assessments, for example, Phase I or Phase II pertaining to the Site.

9. Applicant Acknowledgements

The applicant(s) acknowledge and agree to all the following by signing and submitting this application to the Brownfields Department.

Public Information Acknowledgment

This is a state program, but it uses federal grant funds. If you enroll in and/or receive any environmental work from the program, details about your property and the work done, including your property location, will be on our required state Brownfields Department list and the Federal Brownfields database. We may use your site to showcase program successes. The Brownfields Department is also required to report leveraged funds and activities for enrolled and closed sites, which means Department staff will ask for total expenditures related to redevelopment/remodeling/etc., and for information on number of jobs created due to remediation/redevelopment activities. If you cannot share these numbers, Department staff must use available public sources, like news articles, assessor information, and other credible websites to make estimations for leveraged funds.

Release Case Acknowledgment (Petroleum Storage Tank Division (PSTD) Sites Only)

If contamination above certain levels is found on your property related to a commercial fuel retailer, it will need to be addressed. PSTD will make the Responsible Party determination for the potential release case. The PSTD-determined Responsible Party is potentially liable to cover the 1% copay on the PSTD case, capped at \$5,000.00.

Continuing Obligations Acknowledgment

When you complete our program, you will receive a Certificate of No Action Necessary if no cleanup is needed, or a Certificate of Completion if cleanup/corrective action was necessary. No matter which Certificate you get, it will need to be filed at the County Clerk's office in the county where the property is located. This usually costs a few dollars per page and must be done in person. This Certificate releases you of environmental liability for anything we address during our Brownfields process, and it stays with the property in perpetuity.

"Limited" Assessments Acknowledgment

The Corp Comm has environmental jurisdiction over petroleum storage tanks and oil and gas exploration and production. Therefore, the Brownfields Department Phase II Environmental Site Assessments are considered "limited" because it only addresses contaminants related to activities under our jurisdiction.

10. Applicants, Owners, Prospective Owners and Other Contacts

Applicant A (Lead person/entity seeking to clean up and/or develop the property)

Applicant: _____
Public, quasi-public, or non-profit status _____
Contact Person: _____ Title: _____
Email: _____
Organization: _____
Street Address: _____
City: _____ State: _____ Zip Code: _____
Phone: () _____ Fax: () _____
Internet address: _____
Interest in Property: _____
Does the Applicant want to receive copies of Corp Comm correspondence? Yes ☐ No ☐

Applicant B

Applicant: _____
Contact Person: _____ Title: _____
Email: _____
Organization: _____
Street Address : _____
City: _____ State: _____ Zip Code: _____
Phone: () _____ Fax: () _____
Internet address: _____
Interest in Property: _____
Does the Applicant want to receive copies of Corp Comm correspondence? Yes ☐ No ☐

Applicant C Surface Owner, if different from above (Optional)

Applicant: _____
Contact Person: _____ Title: _____
Email: _____
Organization: _____
Street Address: _____
City: _____ State: _____ Zip Code: _____
Phone: () _____ Fax: () _____ Internet
address: _____
Interest in Property: _____
Does the Applicant want to receive copies of Corp Comm correspondence? Yes ☐ No ☐

If Additional applicants or surface owners are to be listed on the application, provide a separate page with the address and information for each.

11. Correctness of Information

The undersigned affirm that the information contained in this application is true and accurate to the best of their knowledge.

Applicant is required to notify the Brownfields staff in writing of any litigation which is initiated regarding the site, and any judgments, liens, tax levies, etc. which are filed of record after applicant files its application with the Commission.

12. Applicant's Signatures

Applicant A

Signature: _____ Name: _____
(print or type)

Date: _____ Title: _____

Applicant B

Signature: _____ Name: _____
(print or type)

Date: _____ Title: _____

Applicant C

Signature: _____ Name: _____
(print or type)

Date: _____ Title: _____