

Kentucky Brownfield Cleaner Commonwealth Fund

Public Entity and Non-Profit Loan Application



Instructions:

Please complete the following information and submit an electronic copy of the application and all its attachments to:

The Kentucky Brownfield Program
Environmental Assistance Branch
300 Sower Blvd.
Frankfort, KY 40601
brownfields@ky.gov

For the purposes of this application:

“Contaminants” mean any or all of the following: hazardous substances, pollutants, contaminants, petroleum or petroleum products.

The Kentucky Department for Environmental Protection (KDEP) recommends that you do not include confidential business information in your proposal. However, if confidential business information is included, it will be treated in accordance with Kentucky’s Open Records Act (KORA, KRS 61.870 to 61.884,). Applicants must clearly indicate which portion(s) of their proposal they are claiming as CBI. KDEP will evaluate such claims in accordance with KORA. If no claim of confidentiality is made, the application will be available for public inspection through an open records request.

For additional information about this program, visit us on the Kentucky Brownfield Redevelopment Program website, [Cleaner Commonwealth Fund - Kentucky Energy and Environment Cabinet](#).

PROJECT INFORMATION

Section 1: Property Information		
Project Name:		
Property Name:		
Property Address:		
City:	State:	Zip:
Size (acres):	Tax Parcel Number:	
Agency Interest Number (if known):		
<input type="checkbox"/> If the project is composed of multiple, contiguous property, check here and attach information requested in this section for each of the properties.		

Section 2: Project Overview

1. Amount of funding requested: \$

2. What material will this project address?
 - Hazardous substances
 - Petroleum
 - Both hazardous and petroleum

3. Provide a brief history of the property, including known past and current uses.

4. Briefly describe the hazardous substances, pollutants, contaminants and petroleum releases at the site and the media (e.g. soil, surface water, or groundwater) affected. Give an overview of the proposed approach to remediate or manage.

5. Briefly describe the proposed end-use of the property.

CONTACT INFORMATION

Section 3: Applicant		
Indicate type of applicant: <input type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Quasi-Governmental Agency <input type="checkbox"/> Non-profit		
Applicant Name:		County:
Address:		
City:	State:	Zip code:

Section 4: Contact Information for Applicant		
Authorized Representative		
Name:		Title:
Mailing Address:		
City:	State:	Zip code:
Phone:		Email:

Secondary Contact		
Name:		Title:
Mailing Address:		
City:	State:	Zip code:
Phone:		Email:

Environmental Consultant		
Company:		
Name:		Title:
Mailing Address:		
City:	State:	Zip code:
Phone:		Email:

Environmental Contractor		
Company:		
Name:		Title:
Mailing Address:		
City:	State:	Zip code:
Phone:		Email:

THRESHOLD CRITERIA FOR ELIGIBILITY

Section 5: Applicant Ownership & Liability Issues

1. Does the applicant own the property? Yes No

2. When did the applicant acquire the property?

3. The applicant cannot not be the responsible party to the contamination. Under which of the following circumstances did the current owner acquire the property and potentially avoid liability? (Check all that apply and respond to the appropriate section of questions below.)

- Involuntary Acquisition (for local governments that acquired the title through bankruptcy, tax delinquency, abandonment, or other circumstances in which the government involuntarily acquires title by virtue of its function as sovereign.)

- Bona Fide Prospective Purchaser (for parties that conducted all appropriate inquiry prior to acquisition and are acting in good faith)

- Innocent Landowner (for parties that conducted all appropriate inquiry prior to acquisition and later discover contamination)

- Contiguous Property Owner (for parties that own land contaminated by a release from contiguous, or similarly situated property, owned by someone else.)

- Notice of Concurrence (under KRS 224.01-415) (Attach copy, if issued.)

(A more detailed discussion of these liability defenses can be found in the EPA document *Revitalizing Contaminated Sites: Addressing Liability Concerns*, [EPA Brownfields Grants, CERCLA Liability, and All Appropriate Inquiries](#).

Involuntary Acquisition (Answer Question 4, below.)

4. By what method did the local government “involuntarily” acquire the property:
 - Foreclosure
 - Eminent domain
 - Other:

Bona Fide Prospective Purchaser, Innocent Landowner and/or Contiguous Property Owner (Answer Questions 5 – 11, below. If a Notice of Concurrence has been issued, you may skip Questions 5 – 11.)

5. Contamination:

Did all known releases of contaminants occur prior to the applicant's acquisition of this property?

Yes No

(If no, please describe the circumstances.)

Did any contamination originate from off-site? Yes No

(If yes, describe contamination, source and medium affected.)

6. Due Diligence:

For properties acquired on or after May 31, 1997, did the applicant conduct a Phase 1 environmental site assessment (or other due diligence) within 180 days prior to acquiring the property? Yes - Date: No

For properties acquired before May 31, 1997, attach a summary of the environmental due diligence that was used at the time of acquisition, and an explanation of why it was "standard practice" at the time of acquisition.

7. No affiliation demonstration:

Is the applicant affiliated or related in any way with any person who is potentially liable for the release of any contaminants on the property through any direct or indirect familial relationship; through any contractual, corporate, or financial relationship; or through any reorganization of a business entity that was potentially liable. Yes No

Is the applicant affiliated or related in any way with any person who may have transported or arranged for the transportation of hazardous substances located at or near the property?

Yes No

If yes, to either of the above, explain the affiliation or relationship.

8. Compliance with land use restrictions and institutional controls:

Are there any environmental covenants, deed restrictions or other institutional controls related to contamination on the property? Yes No

Describe the general nature of the restrictions.

Is the property being managed by the applicant in compliance with any and all land use restrictions including local ordinances? Yes No

9. Taking reasonable steps:

Describe the steps the applicant is taking to stop any continuing releases, to prevent any threatened future releases and to limit exposure to any contamination. (If you have a Cabinet approved Property Management, please include it with you application).

10. Compliance with information requests and administrative subpoenas:

Has the applicant complied with any and all requests for information from the Cabinet?

Yes No

11. Providing legally required notices:

Have all legally required notices with respect to contaminants found at this property been issued? Yes No

Section 6: Site Eligibility

1. There are circumstances that may make a property ineligible for Cleaner Commonwealth Funding. If any of the following conditions apply to this property, please contact the Brownfield Coordinator to discuss site-specific circumstances.

Do any of the following apply to the site?

The site is a facility subject to planned or ongoing CERCLA removal actions.

Yes No

The site is a facility subject to unilateral administrative orders, court orders, administrative orders on consent or judicial consent decree or to which a permit has been issued by the United States or an authorized state under the Solid Waste Disposal Act (as amended by the Resource Conservation and Recovery Act (RCRA)), the Federal Water Pollution Control Act (FWPCA), the Toxic Substances Control Act (TSCA), or the Safe Drinking Water Act (SDWA).

Yes No

The site is a facility subject to corrective action orders under RCRA (sections 3004(u) or 3008(h)) and to which a corrective action permit or order has been issued or modified to require the implementation of corrective measures.

Yes No

The site is a facility that is a disposal unit that has filed a closure notification under subtitle C of RCRA and to which closure requirements have been specified in a closure plan or permit.

Yes No

The site is a facility where there has been a release of polychlorinated biphenyls (PCBs) and is subject to remediation under TSCA.

Yes No

The site is a facility listed (or proposed for listing) on the National Priorities List (NPL).

Yes No

The site is a facility subject to unilateral administrative orders, court orders, administrative orders on consent or judicial consent decree issued to or entered into by parties under CERCLA.

Yes No

The site is a facility subject to the jurisdiction, custody or control of the United States government. (This does not include land held in trust by the United States government for an Indian tribe.)

Yes No

The site has received funds from Kentucky's Petroleum Storage Tank Environmental Assurance Fund (PSTEAF) for remediation of a storage tank on a portion of the property.

Yes No

Section 7: Remediation Plan (20 points)

If required documents are already on file with the Kentucky Department for Environmental Protection (KDEP), please note in appropriate section(s) of the application and do not include with application. If you are uncertain, please feel free to contact the program.

1. Please submit the following documents.

All site assessment reports including all ASTM Phase I, Phase II or equivalent, and an Assessment of Brownfield Cleanup Alternatives (ABCA) or Corrective Action Plan (CAP).

2. Has KY DEP approved a Corrective Action Plan for this property?

- Approved
- Under review/discussion with KDEP
- Not previously submitted, but included with this application
- Not yet ready for submission

3. Using the table provided in the appendix of this application, provide a remediation budget, broken down by categories. Note any matching funds, including in-kind contributions. Indicate the source of any funding beyond the requested loan to complete the remediation.

Section 8: Project Description and Feasibility of Success (20 points)

1. Describe the proposed redevelopment plan for the property.
2. If the plan involves an entity other than the applicant eventually assuming ownership and operation of the property, has an end-user been identified?
3. What is the estimated redevelopment cost, beyond remediation costs? What is proposed source(s) of funding to complete the redevelopment?
4. Is the applicant collaborating with any other entities on this project? List the entities and their individual contributions to the project.
5. Has the applicant had experience with projects that are similar in nature or scale? Describe them.
6. Will this project serve as an example that other communities could replicate?

Section 9: Environmental Justice (20 points)

1. Are minorities, low-income or sensitive populations particularly affected by the contamination?
2. Describe the impact that the property has on the community including, but not limited to the economic, health and environmental impacts.

3. In addition to the property, provide a summary of the various other cumulative environmental issues and describe how they have resulted in a disproportionate impact on the targeted community (e.g., siting of industry, highways and other sources of air, water, and land pollution).

4. What are the demographics of the community? Include the population, unemployment rate, poverty rate, percent minority, and per capita income.

5. Discuss any known community-wide health concerns. Supply any available documentation.

6. Describe any recent economic disruptions the community has experienced, such as natural disasters or plant closures.

7. Discuss the community's access to health care, recreation and related community services.

Section 10: Community Engagement and Partnership (20 points)

1. What has been the level of community involvement in and support for the project to date?

2. Is the project consistent with any overall community plans? Include a copy of any such plans.

3. Describe the plans to keep the community informed and engaged in the project, include any special measures that will be taken to ensure that all member of the community, including traditionally disenfranchised populations, are given an opportunity to participate.

Section 11: Project Benefits (20 points)

1. Discuss the impact of the proposed cleanup and redevelopment on the community. Include environmental, economic, health and quality of life benefits.
2. Does the project include any provisions for green space? If yes, please describe.
3. Discuss any sustainability features in the planned redevelopment. These could include green infrastructure, adaptation of existing buildings, energy-efficient design, etc.

APPENDIX A
BORROWER/APPLICANT CERTIFICATION

Legal Name of Applicant:

Project Name:

Project Address:

City, State, Zip Code:

I certify that information in this application and all its attachments are true and correct, to the best of my knowledge.

I agree to comply with all reporting requirements, on forms supplied by the KY DEP.

I agree to comply with:

The Davis-Bacon Act,

The Endangered Species Act,

The National Historic Preservation Act,

Section 404 of the Clean Water Act and

Any other applicable state laws and cross-cutting Federal requirements.

Print Name of Authorized Representative

Signature

Date

APPENDIX B
PROJECTED BUDGET FOR REMEDIATION

Activity or Expense	Subgrant Amount	Match Amount (including in-kind services)	Match Source	Total Cost
Reimbursement for preparation of the Analysis of Brownfield Cleanup Alternatives (ABCA)	\$	\$		\$
Implementation of Community Involvement Plan (CIP), including maintenance of administrative record repository	\$	\$		\$
Installation of fences, warning signs, or other security or site control precautions	\$	\$		\$
Reimbursement Fee for Property Management Plan	\$	\$		\$
Preparation/Finalization of the Corrective Action Plan (CAP)	\$	\$		\$
Soil Excavation	\$	\$		\$
Soil Transportation & Disposal	\$	\$		\$
Soil Treatment	\$	\$		\$
Confirmatory Sampling	\$	\$		\$
Developing a Quality Assurance Project Plan (QAPP)	\$	\$		\$
Groundwater Remediation Capital Cost	\$	\$		\$
Groundwater Remediation Operation and Maintenance	\$	\$		\$
Post-remedial Groundwater Monitoring (Short-Term)	\$	\$		\$
Remediation Oversight	\$	\$		\$
Health & Safety Site Monitoring	\$	\$		\$

Demolition (if necessary as part of the environmental remediation)	\$	\$		\$
Asbestos Abatement	\$	\$		\$
Lead-based paint abatement	\$	\$		\$
Removal of drums, barrels, tanks etc. that contain/may contain hazardous substance or petroleum	\$	\$		\$
Purchasing environmental insurance (if applicable)	\$	\$		\$
Monitoring adequacy of cleanup and overseeing activities to ensure compliance with Federal & State requirements	\$	\$		\$
Progress reporting	\$	\$		\$
Other Eligible Costs (Specify)				
	\$	\$		\$
	\$	\$		\$
	\$	\$		\$
	\$	\$		\$
	\$	\$		\$
	\$	\$		\$
	\$	\$		\$
	\$	\$		\$
TOTAL	\$	\$		\$

APPENDIX C
CONSENT TO PUBLICATION

As a participant in the Brownfields Redevelopment Loan Fund (BRLF) Program, the undersigned agrees to the following conditions:

The undersigned agrees that the challenges and successes of this brownfield project may be discussed at any local, state, or national meetings or conferences.

The undersigned agrees that this brownfield project may be publicized through various media, including brochures, web pages, news articles and press events. These media may include photos of the project site.

The undersigned understands that the information that is made available will be available to the public and other agencies. Kentucky Open Records Act (KORA) promulgated pursuant to KRS 61.870-61.884 is the state law that governs disclosure of public records.

Dated: _____

Signed: _____

Title: _____

Business Name: _____

Address: _____

Phone: _____

Fax: _____

Email: _____

APPENDIX D
CREDIT REQUEST AND RELEASE

Credit Request and Release

I/We hereby request and authorize you to release for verification purposes, personal and business credit reports and information concerning the company/corporation/partnership and/or the officers and individuals listed below. That information may include, but is not limited to:

- Employment history dates, title, income, hours worked, etc.
- Banking (checking and savings) accounts of record
- Mortgage loan rating (open date, high credit, payment amount, loan balance and payment)
- Any information deemed necessary in connection with a consumer credit report for my loan application

This information is for the confidential use in compiling a loan credit report.

Name of Applicant:

Name of Business:

Telephone: ()

Name of Affiliated Business:

Telephone: ()

Name of Officer/Owner:

Address for the Last Two Years:

Social Security No:

Signature:

Name of Officer/Owner

Address for the Last Two Years:

Social Security Number:

Signature:

APPENDIX E
FINANCIAL INFORMATION

Audit Information:

- A. Is the applicant required to have an annual audit performed? Yes No
If not, explain below:
- B. What is the date of the last audit completed?
- C. Provide two copies of the last three annual audit reports and/or financial statements.

Debt Service:

How does the applicant anticipate paying the debt service required for this loan (e.g., existing revenues, new revenue streams, rental fees, etc.)?

Please describe your anticipated cash flows or attach your business plan or Pro forma statement.

Leveraging:

Provide the following information for any outside funds for this project:

Date Awarded	Funding Source	Amount	Type of Assistance

Long-Term Debt:

Provide information regarding any other loans for this project:

Date Awarded	Funding Source	Amount	Type of Assistance