

Statement of Interest for Brownfields Loan

The City of Tucson Environmental and General Services Brownfields Revolving Loan Fund (BRLF) provides low interest, short-term financing for remediation of contaminated properties. The City of Tucson is soliciting statements of interest for properties that are fully assessed and ready for cleanup. The statement of interest submittal is the first step in the RLF application process, and its purpose is to determine applicant and site eligibility. If eligible, loan terms will be negotiated. For detailed information on the BRLF see the City of Tucson Brownfields Cleanup Revolving Loan Fund Guidance Manual.

Note:

Please note that funds will be made available on a reimbursement basis for costs incurred or according to a disbursement schedule. Please, do not commence work on the project until we inform you that work may commence. The signed loan documents and any other required documents must be in place and approved prior to commencing work. The BRLF cannot reimburse expenses incurred prior to the execution of the loan agreement.

Instructions:

Please fill out this form in its entirety and attach the requested information. You may attach extra pages if needed. Do not include sensitive personally identifiable information.

Site Ownership Requirements:

The BRLF can issue loans to site owners and site developers. The BRLF does not require that the borrower own the property throughout the term of the loan unless ownership is necessary to secure collateral or for other site- or project-specific reasons. Ownership is defined as holding the fee simple title to the site.

Growth Partners Arizona (GPAz) determines financial viability, and the City of Tucson BRLF Selection Committee works with the U.S. Environmental Protection Agency (EPA) and the Arizona Department of Environmental Quality (ADEQ) to determine eligibility.

Please note that additional information may be requested from the applicant by the City or GPAz before a final loan award decision is made.

Send the completed form and required attachments to:

Ursula Ginster
Environmental and General Services City of Tucson
P.O. Box 27210
Tucson, Arizona 85726-7210

Or upload at: https://securemail.tucsonaz.gov/filedrop/EPA_Brownfields_Loan_Applicant

SECTION 1 - CONTACT INFORMATION

1. Name & Title _____
2. Mailing Address _____
3. Telephone _____ Fax _____
Email _____
4. What is the best way to contact you? _____

SECTION 2 - ELIGIBILITY DETERMINATION

A. OWNERSHIP AND PREPURCHASE DUE DILIGENCE

Property Name			
Property Address			
Assessor's Parcel Number(s) (APN)			
Current Property Owner			
Immediate Past Owner			
Borrower/Applicant Name			
Estimated Property size (acres)		Date form is submitted	
Type of Action	Loan	X	Proposed Amount \$

Does borrower/applicant have access to (access agreement for) this property?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Does borrower/applicant currently own the property? (Attach current deed.)	<input type="checkbox"/> Yes <input type="checkbox"/> No
If the borrower currently owns the property:	
How was the property acquired?	<input type="checkbox"/> Negotiated purchase from a private entity <input type="checkbox"/> Purchase or transfer from another governmental unit <input type="checkbox"/> Tax foreclosure <input type="checkbox"/> Eminent domain <input type="checkbox"/> Donation <input type="checkbox"/> Other (explain):

Date Acquired:	
Name/identity of the party(ies) from whom the borrower/applicant acquired ownership	
Provide information about any familial, contractual, corporate, or financial relationships or affiliations the applicant has or has had with all prior owners or operators (or other potentially responsible parties) of the property (including lessees):	
Did the applicant perform any environmental due diligence prior to the purchase of the property?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
If a pre-purchase due diligence was performed, describe the types and dates of the assessments performed, indicate on whose behalf the assessments were performed and indicate whether the applicant performed the pre-purchase inquiry in accordance with EPA's All Appropriate Inquiry (AAI) rule (or its equivalent at the time of purchase). Provide the date if the AAI Phase I Environmental Site Assessment. Attach copies of relevant environmental assessments to this form.	

B. SITE AND FACILITY INFORMATION

Describe the operational history and current use(s) of the property:

Describe the environmental concerns at the property, including when and how the property became contaminated and, to the extent possible, the nature and extent of the contamination. If the land has been vacant for many years, why does the borrower/applicant think that it is contaminated?
(Submit all environmental site assessment reports)

Describe the proposed cleanup plan, to the extent possible. Please, include how the remainder of the cleanup will be funded if costs exceed the loan amount (Submit any Remedial Feasibility Studies, Analysis of Brownfields Cleanup Alternatives or equivalent, and Site Cleanup Plans):

Briefly describe ongoing agency oversight by a regulatory agency (Arizona Department of Environmental Quality; Arizona Corporation Commission; U.S. Department of Labor, Wage and Hour Division, Tucson) for the project:

Are there environmental permits in effect for the property? If yes, please explain.

Describe the proposed redevelopment or reuse of the site, the benefit to the surrounding community, and the approximate timeframe for developing the property.

Provide an overview of your financial plan for the project, including sources of capital, projected costs, and financial projections. How do you intend to manage potential financial risks associated with the project?

C. CERCLA – Determining Potential Liability

Contaminants of Concern

- ☐ Hazardous Substances—Answer the Hazardous Substance Contamination Questions
☐ Petroleum Products—Answer the Petroleum Contamination Questions

Are hazardous and petroleum contaminants comingled at the site? ☐ Yes ☐ No

Hazardous Substance Contamination Questions	Yes	No	?
Did the borrower/applicant cause or contribute to any release of hazardous substances at the site?			
Did the borrower/applicant arrange for the disposal of hazardous substances or transport of hazardous substances to the site?			
Is the borrower/applicant potentially liable at the site as an: Operator, Arranger, or Transporter of hazardous substances?			
Did the borrower/applicant take reasonable ¹ steps with regards to the contamination at the site?			

¹ “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>

Describe the steps taken by the borrower/applicant with regards to the hazardous substance contamination at the site.

Petroleum Contamination Questions	Yes	No	?
Did the borrower/applicant dispense or dispose of petroleum or petroleum product?			
Did the borrower/applicant exacerbate the existing petroleum contamination at the site?			
Did the borrower/applicant take reasonable ¹ steps with regards to the contamination at the site?			
Did either the current or immediate past owner dispense or dispose of petroleum or petroleum product?			
Did either the current or immediate past owner exacerbate the existing petroleum contamination at the site?			
Did either the current or immediate past owner own the site when any dispensing or disposal of petroleum (by others) took place?			
Did both the current and immediate past owner(s) take reasonable ¹ steps with regards to the contamination at the site?			

Describe the steps taken by the borrower/applicant regarding petroleum contamination at the site.

Describe the steps taken by the current owner and by the immediate past owner(s) regarding petroleum contamination at the site.

Petroleum Contamination Questions	Yes	No	?
Has there been 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?			
Has there been an enforcement action by federal or state authorities against any party that would require any person to assess, investigate, or clean up the site?			
Has there been 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?			
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))			
List the name(s) of any parties identified therein:			

Defense to Liability Questions	Yes	No	?
Involuntary Acquisition: Is the borrower/applicant 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.			
Bona Fide Prospective Purchaser: The borrower/applicant conducted a Phase I Environmental Site Assessment or other All Appropriate Inquiry investigation in compliance with ASTM standards prior to acquiring property. Provide the date of AAI Phase I or describe the All Appropriate Inquiry investigation.			
Publicly-Owned Brownfields: Is the borrower/applicant 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 Defense to Liability:			

Financial Viability of Responsible Party

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

D. PROPERTIES NOT ELIGIBLE FOR FUNDING

	Yes	No	?
Is the facility/site listed (or proposed for listing) on the National Priorities List?			
Is the facility/site or the applicant subject to unilateral administrative orders, court orders, and administrative orders on consent or judicial consent decree issued to or entered into by parties under CERCLA?			
Is the facility/site subject to the jurisdiction, custody, or control of the U.S. government except for land held in trust by the United States government for an Indian tribe (e.g., military)?			

E. PROPERTIES REQUIRING A PROPERTY SPECIFIC DETERMINATION

	Yes	No	?
Is the facility/site subject to a planned or ongoing CERCLA removal action?			
Has the facility/site 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 (CWA), the Toxic Substances Control Act (TSCA), or the Safe Drinking Water Act? (SWDA)?			
Is the facility/site 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?			
Does the facility/site 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?			
Has the facility/site had a release of polychlorinated biphenyls (PCBs) that is subject to remediation under TSCA?			
Has the facility/site obtained assistance / funding for response activity (e.g., remediation) from the Leaking Underground Storage Tank (LUST) Trust Fund?			

F. PETROLEUM PROPERTIES: APPLICANT ELIGIBILITY

	Yes	No	?
Have you requested petroleum property eligibility determination from the Arizona Department of Environmental Quality?			

G. LIST OF REQUESTED ATTACHMENTS

Indicate the type and number of documents submitted with this form.	Yes	No. of Documents
Required:		
Current Deed or Access Agreement		
All Appropriate Inquiry (AAI) Phase I Environmental Site Assessment(s)		
Phase II Environmental Site Assessment(s)		
Conceptual Site Model		
Redevelopment Plan/Schedule		
Financing Plan		
Optional:		
Analysis of Brownfields Cleanup Alternatives or Remedial Feasibility Study		
Site Cleanup Plan		

SECTION 3 – CERTIFICATION

The undersigned must be an official authorized to represent the applicant.

- ☐ To the best of my knowledge, the information provided in this Statement of Interest is complete and accurate.
- ☐ I certify that all loan money received will be utilized solely for the purposes for which it is intended; and that records documenting the planning and implementation process will be maintained and submitted when requested.
- ☐ To the best of my knowledge, the site meets the eligibility criteria for the Arizona Department of Environmental Quality, Voluntary Remediation Program. <https://www.azdeq.gov/VRP>
- ☐ I agree to enroll the site in the Arizona Department of Environmental Quality, Voluntary Remediation Program prior to loan agreement execution.
- ☐ I agree to allow staff of the City of Tucson, the City's Environmental Contractors, and the Arizona Department of Environmental Quality access to the site for the purposes of conducting applicable oversight activities.

Print Name of Authorized Representative

Title

Signature of Authorized Representative

Date

City of Tucson Use Only		
Applicant:		
Property Eligible? <input type="checkbox"/> Yes <input type="checkbox"/> No	Borrower Eligible? <input type="checkbox"/> Yes <input type="checkbox"/> No	If awarded, date of loan award:
Funds Used:	<input type="checkbox"/> 104(k) RLF	<input type="checkbox"/> Post Closeout Program Income