

**Procedures for the submittal of Petroleum Site Eligibility Requests as required by the
USEPA Brownfield Assessment Grants Program**

When requesting a petroleum eligibility determination from the Vermont Department of Environmental Conservation (VTDEC), please provide written responses to the following items. If you are unable to provide the information related to any of the following items, please state why that information is unavailable. Requests should be addressed to the respective VTDEC Project Manager for the region in which the site is located (<http://www.anr.state.vt.us/dec/wastediv/SMS/brownfields-home.htm>). The VTDEC will subsequently provide a written response approving or denying the request for eligibility. Further information regarding petroleum eligibility determinations may be found in the USEPA's *Proposal Guidelines for Brownfield Assessment, Revolving Loan Fund, and Cleanup Grants*.

The following information must be provided in order for the VTDEC to make a determination:

1. Site Description. Identify a.) the name of the site; b.) the address of the site; c.) whether this site is contaminated by petroleum or hazardous substances; d.) the operational history and current uses(s) of the site; and e.) environmental concerns, if known, at the site.
2. Previous Assessments. Explain the phase of assessment, if any, that has been completed to date. Provide dates of the assessment(s).
3. Areas of Concern. Identify how the site became contaminated and, to the extent possible, describe the nature and extent of the contamination.
4. Site Owner. Identify the current and immediate past owner of the site.

5. Acquisition of site. Identify when and by what method the current owner acquired the property (e.g., purchase, tax foreclosure, donation, eminent domain).
6. No Responsible Party for the Site. Identify whether the current and immediate past owner dispensed or disposed of petroleum or petroleum product, or exacerbated the existing petroleum-contamination at the site, and whether the current and immediate past owner took reasonable steps with regard to the contamination at the site.
7. Cleaned Up by a Person Not Potentially Liable. Identify whether you (the applicant) dispensed or disposed of petroleum or petroleum product, or exacerbated the existing petroleum contamination at the site, and whether you took reasonable steps with regard to the contamination at the site.

Please provide the following information if known. The following determinations will be made by the VTDEC and are not required:

8. Relatively Low Risk. Identify whether the site is of “relative low risk” compared to other petroleum or petroleum product-only contaminated sites in the state in which the site is located, including whether the site is receiving or using Leaking Underground Storage Tank (LUST) Trust Fund monies.
9. Judgments, Orders, or Third Party Suits. Provide information that no responsible party is identified for the site through, either:
 - 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.

10. Subject to RCRA. Identify whether the site is subject to any order under section 9003(h) of the Solid Waste Disposal Act.

11. Subject to CERCLA. Affirm that the site is a.) not listed or proposed for listing on the National Priorities List; b.) not subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under CERCLA; and c.) not subject to the jurisdiction, custody, or control of the United States government.

12. Financial Viability of Responsible Parties. For any current or immediate past owners identified as responsible for the contamination at the site, provide information regarding whether they have the financial capability to satisfy their obligations under federal or state law to assess, investigate, or clean up the site.