

**VT DEC Brownfields Program**

**Request for Petroleum Determination**

**Person Making Request:**

**Date of Request:**

**EPA PO:**

2020 EPA guidelines are located [here](https://www.epa.gov/sites/production/files/2019-10/documents/epa-olem-oblr-19-05_final.pdf).

Please provide information for the following items:

1. **Site Description:**
   1. *Site Name –* [HERE]
   2. *Site Address –* [HERE]
   3. *Presence of contamination from petroleum or hazardous substances.*

[BRIEF SUMMARY OF ANY KNOWN INFORMATION THAT MIGHT INDICATE THE PRESENCE OF PETROLEUM RELEASE]

* 1. *Operational history and current site use(s).*

[BRIEF SUMMARY OF KNOWN/RELEVANT INFORMATION]

* 1. *Environmental concerns, if known, at the site.*

[LIST RECS OR PHASE II RESULTS IF KNOWN]

1. **Previous Assessments:**

*Explain the phase of assessment, if any, that have been completed to date. Provide dates of the assessments.*

[LIST ANY PAST ASSESSMENTS]

1. **Areas of Concern:**

*Identify how the site became contaminated, and to the extent possible, describe the nature and extent of the contamination.*

[DESCRIBE KNOWN RELEASES/CAUSES]

1. **Site Owner:**

*Identify the current and immediate past owner of the site.*

Current Owner – [ENTITY]

Immediate Past Owner – [ENTITY]

1. **Site Acquisition:**

*Identify when and by what method the current owner acquired the property (e.g., purchase, tax foreclosure, donation, eminent domain).*

The property was acquired via [TRANSACTION TYPE] on [MONTH, DAY, YEAR].

1. **Site Responsible Party:**

*Identify whether the current and immediate past owner dispensed or disposed of petroleum or petroleum products, or exacerbated the existing petroleum contamination at the site; owned the site when any dispensing or disposal of petroleum (by others) took place, and; whether the current or immediate past owner took reasonable steps with regard to the contamination at the site.*

[INFORMATION REGARDING PETROLEUM USE]

1. **Assessed by a Person Not Potentially Liable:**

*Identify whether you (the applicant) dispensed or disposed of petroleum or petroleum products, or exacerbated the existing petroleum contamination at the site, and whether you took reasonable steps with regard to the contamination at the site.*

[INFORMATION REGARDING APPLICANT PETROLEUM USE]

***- Please provide the remaining information if it is known, otherwise VT DEC will make the determination. -***

1. **Judgements, Orders, or Third-Party Suits:**

*Provide information that no responsible party is identified for the site through either:*

* 1. *A judgement rendered in a court of law or an administrative order that would require any person to assess, investigate, or clean up the site; or*
  2. *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*
  3. *A citizen suite, contribution action, or other third-party claim brought against the current or immediate past owner that would, if successful, require the assessment, investigation, or clean-up of the site.*

[INFORMATION REGARDING JUDGEMENTS, ORDERS, AND THIRD PART SUITS]

1. **Subject to RCRA:**

*Identify whether the site is subject to any order under Section 9003(h) of the Solid Waste Disposal Act.*

[INFORMATION REGARDING RCRA]

1. **Subject to CERCLA:**

*Affirm that the site is:*

* 1. *Not listed or proposed for listing on the National Priorities List;*
  2. *Not subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issues to or entered into by parties under CERCLA; and*
  3. *Not subject to the jurisdiction, custody, or control of the United States government.*

[INFORMATION REGARDING CERCLA]

1. **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.*

[INFORMATION REGARDING RP VIABILITY]

\*If no responsible party is identified, then the petroleum contaminated site may be eligible for funding. If a responsible party is identified, the State or EPA must next determine if that party is viable. **If it is determined that any such party is viable, then the petroleum contaminated site may not be eligible for funding.**