



MERRIMACK VALLEY BROWNFIELDS CLEANUP REVOLVING LOAN FUND

The **MVPC Brownfields Cleanup Revolving Loan Fund Program** provides below market rate loans and subgrants for the purposes of: (1) facilitating the safe cleanup and redevelopment of contaminated properties (brownfields), (2) promoting sustainable economic development and job growth, and (3) creating or preserving greenspace. Loan funds are available to municipalities and other public entities, non-profit agencies and organizations, and private property owners/developers who comply with the eligibility requirements of the U.S. Environmental Protection Agency. Subgrants are available only to municipalities and non-profit owners of brownfield properties. The amount of a loan and/or subgrant for which an applicant will be eligible will be at the sole discretion of the MVPC RLF Program based on individual project and underwriting considerations.

PART I. ELIGIBILITY PRE-APPLICATION

Prospective borrowers and subgrantees must complete and submit the following pre-application to determine if the subject property and project are eligible to receive EPA brownfield cleanup funds. Once EPA approval has been granted to a site, the applicant will be notified and invited to fill out and submit Part II of the loan and subgrant application form.

Please click and type in within shaded areas. *When you have completed the application please 'save as' using your agency's name and application date.*

A. Background Information

Applicant Name: _____

Applicant Address: _____

Property/Site Address: _____

Current Owner of Property: _____

From Whom was the Property Acquired: _____

Date of Acquisition: _____

RLF Funding Request (check both loan and subgrant if applying for both):

Applying for a:	☐ Loan	☐ Subgrant
In the amount of:	\$ _____	\$ _____

B. Affiliations and Liability

1. Please describe any familial, contractual, corporate, or financial relationships or affiliations that the applicant has, or has had, with all prior owners or operators of the site:

2. Did the disposal of hazardous substances at the site occur before the applicant acquired (or will acquire) the property? ☐ YES ☐ NO

3. Did the applicant ever arrange for the disposal of hazardous substances at the site, or transport

hazardous substances to the site? ☐ YES ☐ NO

4. Did the applicant ever cause or contribute to any release of hazardous substances at the site?
☐ YES ☐ NO

C. All Appropriate Inquiry

1. Did the applicant perform an environmental inquiry prior to acquiring the site? ☐ YES ☐ NO

2. Please describe any inquiry into previous ownership and uses of the site conducted PRIOR TO ACQUIRING the property. Please describe in detail:

- the types of site assessments performed (e.g., ASTM Phase 1 ESA);
- who performed the assessments; AND
- who reviewed the assessments on behalf of the applicant:

3. If owned by a municipality, how was the site acquired?

☐ Tax Foreclosure ☐ Eminent Domain ☐ Purchased Outright ☐ Donation ☐ Other*

*Explain: _____

D. Historical Site Use and Contamination

1. Describe the operational history of the site. Identify, to the extent possible, how and when the site became contaminated:

2. Describe, to the extent possible, the nature and extent of contamination:

3. Describe the steps that have been taken with regard to contamination at the site:

E. Continuing Obligations

1. Are there any land use restrictions and institutional controls in place on the property due to existing contamination? ☐ YES ☐ NO

2. Please describe the appropriate care that has been exercised with respect to hazardous substances found at the site/facility. What REASONABLE STEPS have been taken to:

- stop any continuing releases,
 - prevent any threatened future release,
 - prevent or limit exposure to any previously released hazardous substance
-

NOTE: Reasonable Steps may include actions such as limiting access to the property, monitoring known contaminants, and complying with state and/or local health and safety requirements.

3. Is the applicant committed to assisting and cooperating with those performing the cleanup and to providing access to the property? ☐ YES ☐ NO
4. Is the applicant committed to complying with all information requests that have been or may be issued in connection with the property? ☐ YES ☐ NO

F. Property Specific Determinations

Certain properties cannot be approved for cleanup funding without a "Property Specific Determination" by EPA. Please answer the following questions to the best of your knowledge:

1. Is the site/facility subject to a planned or ongoing CERCLA removal action? ☐ YES ☐ NO
2. Has the site/facility been issued a permit by the U.S. or 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 (SWDA)? ☐ YES ☐ NO
3. Is the site/facility subject to corrective action orders under RCRA (sections 3004(u) or 3008(h))? ☐ YES ☐ NO
4. Is the site/facility a land disposal unit that has submitted a RCRA closure notification under subtitle C of RCRA or is subject to closure requirements specified in a closure plan or permit? ☐ YES ☐ NO
5. Has the site/facility had a release of polychlorinated biphenyls (PCBs) that is subject to remediation under TSCA? ☐ YES ☐ NO
6. Has the site/facility received funding for remediation from the Leaking Underground Storage Tank (LUST) Trust Fund? ☐ YES ☐ NO

G. Site Cleanup and Reuse Plans

1. Please provide a brief narrative description of the remediation plan proposed for the site:
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2. Please provide a brief narrative description of the redevelopment/reuse plan proposed for the site:

H. Certification

The undersigned Applicant hereby represents and certifies to the best of his/her knowledge and belief as follows:

- 1) The Applicant has accurately disclosed to MVPC all information known to it, or in its possession or control, which relates to responsibility for releases or threatened releases of hazardous wastes or materials at the property;
- 2) The information in this application, and all other documentation submitted in support of this application, is accurate and complete to the best of the Applicant's knowledge;
- 3) Neither the Applicant, nor any of its principals, owners, officers, directors, affiliates or subsidiaries:
 - a) caused or contributed directly or indirectly to any contamination or releases of hazardous wastes or materials at the property;
 - b) currently operates or controls, or ever operated or controlled, a facility at the property for the storage, treatment or disposal of hazardous wastes or materials;
 - c) disposed of, or arranged for the disposal of, hazardous wastes or materials at the property;
 - d) generated hazardous wastes or materials that were disposed of at the property.
- 4) The Applicant has never been suspended, debarred, or otherwise declared ineligible for Federal financial assistance programs;
- 5) The Applicant is authorized to incur debt and enter into legally binding agreements;
- 6) The Applicant agrees that acceptance of any form of financial assistance from the MVPC Brownfields Cleanup RLF constitutes its agreement to include MVPC in any public relations events or materials related to the project, and to cooperate with and permit MVPC to publicize its involvement, for marketing and public relation purposes, in the financing, including, but not limited to, signage, press releases, public events, website postings and promotional materials.

As the duly authorized representative of the Applicant, I make the above statements based upon my personal knowledge and subject to applicable penalties for perjury and making false claims.

Applicant: _____

Signature: _____

Date: _____

Comment Space for MVPC RLF Project Manager:

Approval ☐ is ☐ is not granted to the Applicant to submit a full RLF Loan and Subgrant Application (Part II).

MVPC RLF Project Manager

Date

PART II. RLF LOAN AND SUBGRANT APPLICATION

A. Application Type (check both loan and subgrant if applying for both)

Applying for a: ☐ Loan ☐ Subgrant
In the amount of: \$ _____ \$ _____

B. Applicant/Borrower

Applicant (Owner)'s Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone #: _____ Fax: _____ Email: _____

Form of Ownership:

☐ Corporation ☐ Limited Liability Corp. ☐ Partnership ☐ Proprietor
☐ Private ☐ Nonprofit ☐ Municipality

Tax ID Number: _____ Date of Incorporation: _____

Type of Business: _____

Purpose of Property Redevelopment:

Describe the applicant's capacity to develop and manage the proposed redevelopment project, including planned use of consultants. If the applicant is a developer, describe the real estate and management experience as it relates to the proposed project:

C. Proposed Revitalization Project

1. Location of the proposed project: _____
2. Size and physical characteristics of the site: _____

3. Please describe the zoning district in which the site is located and state whether the redevelopment plans will comply with local zoning regulations:

4. Have all other local, state, and federal permits been obtained for this project? ☐ YES ☐ NO
If No, please explain:

5. Project Description. Provide a narrative description of the development project, including as applicable the number of buildings and building type, size, height, and square footage, the anticipated building occupants, the terms of the leases, and anticipated tenant improvement costs (attach plans if needed).

D. Site Contaminant Information and Environmental Benefits (attach additional sheets as necessary to provide the information requested)

1. Identify the types of contaminants found on the property (check all that apply):

- | | |
|---|---|
| ☐ Petroleum products | ☐ Lead |
| ☐ Asbestos | ☐ Other metals _____ |
| ☐ VOCs | ☐ PCBs |
| ☐ PAHs | ☐ Other _____ |

2. Identify the media affected (check all that apply):

- | | |
|--|---|
| ☐ Soil | ☐ Groundwater |
| ☐ Air | ☐ Drinking Water |
| ☐ Surface Water | ☐ Sediments ☐ Unknown |

3. Briefly summarize your cleanup plan for the site and proposed time frame. Attach a copy of the Remedial Action Plan (RAP) and letter from the Massachusetts Department of Environmental Protection (MassDEP) stating that the RAP has been approved.

Note: The RAP must include the following:

- An analysis of brownfields cleanup alternatives (ABCA) which will include information about the site and contamination issues (i.e., exposure pathways, identification of contaminant sources, etc.); cleanup standards; applicable laws; alternatives considered; and the proposed cleanup.
- The effectiveness, implementability, and cost of the response proposed. The evaluation will include an analysis of reasonable alternatives including no action.

Has a Quality Assurance Project Plan (QAPP) been developed to accompany the RAP?

☐ YES ☐ NO If not, when do you expect to have one completed? _____

4. Provide specific information on how the loan/subgrant proceeds will be utilized to protect human health and the environment. Documentation shall include one or more of the following:

- a. Specific examples of human health risks that will be mitigated by activities funded with the loan proceeds.

- b. Specific environmental improvements that can reasonably be expected to result from activities funded with the loan/subgrant proceeds.

- c. Description of how the proposed cleanup and redevelopment of the property will ensure that the property will be protective of human health and the environment and consistent with the planned reuse of the property.

E. Economic Benefits (attach additional sheets as necessary to provide the information requested)

If the loan/subgrant proceeds will be used for cleanup activities that will promote economic development within the project neighborhood and the community, please provide the following information:

A brief description of economic development benefits that can reasonably be expected to occur as a result of the activities funded with the loan/subgrant proceeds (e.g., number of jobs created, estimated increase in property tax base to community, additional business expansion or new business relocation that may occur within the community):

F. Greenspace and Recreation Benefits

If the loan/subgrant proceeds will be used for cleanup activities that will result in the creation or preservation of greenspace and/or recreation land, please provide the following information:

A description of the proposed greenspace or recreation area that will be created or preserved, including acreage and anticipated uses (e.g., stream buffer, public park, walking trail, wildlife habitat.)

G. Financial Information

1. Describe the degree to which other funding is or is not available for the cleanup of the site.

2. Provide the following applicant financial information, as applicable:

- History and description of the applicant's business: type of business, owner(s), years in operation, products and services provided.
- Cleanup project costs (total and itemized cleanup costs), requested loan amount, and other committed or potential sources of financing.
- Resume of owner(s) and key management personnel.
- Occupation/Business License
- Articles of Incorporation
- Business financial statements for three (3) previous years, including Balance Sheets, Income Statements, and Notes to Financial Statement, and/or Tax Returns. For municipal governments, provide annual budget with sufficient detail to demonstrate that the loan can be repaid.
- Current Business Financial Statements: Balance Sheet, Income Statement, etc., not over 90 days old.
- Financial Projections for two (2) years, including Balance Sheet, Income Statement, and Cash Flow showing proposed financing.
- Personal Financial Statement(s) on Owner(s) and Income Tax Returns for three (3) years. If an applicant has already applied for financing with another lender and has completed a Personal Financial Statement for that lender, MVPC will accept a copy of the already completed Personal Financial Statement, if it is not more than 90 days old.
- Schedule of Existing Personal Debts
- Schedule of Existing Business Debts
- Personal Credit Bureau Report for all Principals.
- List of Collateral offered to secure proposed loan, with outstanding loan balances (prior mortgages, etc.)
- Other financing associated with the project.

2. Describe any contingent liabilities, suits, or disciplinary actions, and indicate whether the applicant or any occupant has ever filed for bankruptcy or protection against creditors. If yes, please provide an explanation:

H. Total Project Costs

Indicate the estimated total project costs below or on a separate page. Please be sure to indicate all terms directly attributable to the cost of the project and attach a breakdown itemizing these costs where noted. An itemized budget will be required prior to project approval. See Attachment A for eligible and non-eligible project costs.

Environmental Remediation (eligible for EPA funding)

Soil removal \$ _____

	Lead paint	\$ _____
	Asbestos	\$ _____
	Health and Safety Plan	\$ _____
Other Remediation:	_____	\$ _____
Other Remediation:	_____	\$ _____
Total Remediation Costs		\$ _____

Rehabilitation/Construction (**not** eligible for EPA funding)

	Demolition	\$ _____
	Construction	\$ _____
	Rehabilitation	\$ _____
	Landscaping	\$ _____
Soft Costs (i.e., legal, financing fees, permits, etc.)		\$ _____
Other	_____	\$ _____
Total Rehab/Construction		\$ _____

I. Project Financing

To be eligible for an MVPC Brownfields Cleanup RLF loan or subgrant, an applicant must show that sufficient financing is not available from other sources. Please describe your efforts to secure financing from other private and/or public sources and summarize the reasons why participation in the MVPC Brownfields RLF program is necessary (attach pages as necessary).

J. Matching Funds

At least 20% of the total funds used for eligible site remediation activities must come from sources other than an MVPC RLF loan or subgrant. Please describe the source(s) of matching funds:

Total Site Remediation Costs: \$ _____

MVPC RLF Funds Requested: \$ _____

List of Matching Funds Sources:

_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

K. Legal Fees

The MVPC Brownfields Cleanup RLF will be represented by legal counsel in the review of the terms of transaction documents and in any related legal matters arising prior to the issuance of a loan or subgrant. All incurred legal fees for said representation shall be the responsibility of the undersigned even if the financing shall fail to close.

L. Liability

Applications to the MVPC Brownfields Cleanup RLF may be rejected with or without cause, and MVPC shall not incur any liability costs associated with the preparation of this application. No guarantee is intended or implied by reason of any advice given by the RLF Program staff.

M. Certification

The undersigned Applicant hereby represents and certifies to the best of his/her knowledge and belief as follows:

- 3) The Applicant has accurately disclosed to MVPC all information known to it, or in its possession or control, which relates to responsibility for releases or threatened releases of hazardous wastes or materials at the property;
- 4) The information in this application, and all other documentation submitted in support of this application, is accurate and complete to the best of the Applicant's knowledge;
- 3) Neither the Applicant, nor any of its principals, owners, officers, directors, affiliates or subsidiaries:
 - e) caused or contributed directly or indirectly to any contamination or releases of hazardous wastes or materials at the property;
 - f) currently operates or controls, or ever operated or controlled, a facility at the property for the storage, treatment or disposal of hazardous wastes or materials;
 - g) disposed of, or arranged for the disposal of, hazardous wastes or materials at the property;
 - h) generated hazardous wastes or materials that were disposed of at the property.
- 4) The Applicant has never been suspended, debarred, or otherwise declared ineligible for Federal financial assistance programs;
- 7) The Applicant is authorized to incur debt and enter into legally binding agreements;
- 8) The Applicant agrees that acceptance of any form of financial assistance from the MVPC Brownfields Cleanup RLF constitutes its agreement to include MVPC in any public relations events or materials related to the project, and to cooperate with and permit MVPC to publicize its involvement, for marketing and public relation purposes, in the financing, including, but not limited to, signage, press releases, public events, website postings and promotional materials.

As the duly authorized representative of the Applicant, I make the above statements based upon my

personal knowledge and subject to applicable penalties for perjury and making false claims.

Applicant: _____

Signature: _____

Date: _____

ATTACHMENT A

Eligible and Non-eligible Project Costs

1. Eligible Uses of Loan Funds

The Merrimack Valley Brownfields Cleanup RLF (MVBCRLF) loan and subgrant funds have been designated by the U.S. EPA for site **cleanup** activities only, as defined in CERCLA §101(23) and as described in 40 CFR §300.415. These activities include but are not limited to those listed below:

- a. Removing, mitigating, or preventing the release or threat of a release of a hazardous substance, pollutant, or contaminant;
- b. Oversight of cleanup activities;
- c. Installation of fences, warning signs, or other security or site control precautions;
- d. Installation of drainage and dust controls;
- e. Stabilization of berms, dikes, or impoundments; or drainage or closing of lagoons;
- f. Capping of contaminated soils;
- g. Using chemicals and other materials to retard the spread of the contaminant release or mitigate its effects;
- h. Excavation, consolidation, or removal of contaminated soils;
- i. Removal of drums, barrels, tanks, or other bulk containers that contain or may contain hazardous substances, pollutants, or contaminants;
- j. Removal of source materials, including free product recovery;
- k. Containment, treatment, or disposal of hazardous materials;
- l. Site monitoring activities, including sampling and analysis that are reasonable and necessary during the cleanup process to determine the effectiveness of the cleanup;
- m. Site assessment activities that are reasonable, necessary, and incidental to the cleanup process, such as confirmation sampling;
- n. Costs associated with documenting the Analysis of Brownfields Cleanup Alternatives (ABCA);
- o. Costs associated with meeting public participation, worker health and safety, and programmatic management requirements;
- p. Cleanup actions associated with removing, mitigating or preventing the release or threat of release of a hazardous substance, pollutant or contaminant; and
- q. Purchase of environmental insurance, if such insurance is necessary to carry out cleanup activities;
- r. Preparation and submittal of cleanup response action documents required under the Massachusetts Contingency Plan (MCP); and
- s. Hiring a Licensed Site Professional (LSP) to manage MCP response actions.

2. Ineligible Sites

MVBCRLF loan and subgrant funds may not be used for the following sites:

- a. Properties listed, or proposed for listing, on the National Priorities List (Superfund sites);
- b. Properties whose owners are currently or were previously in environmental non-compliance;
- c. Properties whose owners have been suspended, debarred, or declared ineligible for federal financial assistance programs;
- d. Properties whose owners are currently delinquent in taxes, loan payments, or other indebtedness to the Commonwealth of Massachusetts or any political subdivision;
- e. Properties at which a removal action must be taken within six (6) months (i.e., time critical removal action);
- f. Properties for which a federal or state agency is planning or conducting a response or enforcement action; or
- g. Properties contaminated by petroleum products, except to address a hazardous substance contamination problem (e.g., co-mingled waste.)

3. Ineligible Uses of Loan Funds

MVBCRLF loan and subgrant funds may not be used for the following purposes:

- a. Pre-cleanup environmental assessment activities, such as site assessment, identification, and characterization, with the exception of site monitoring activities as described in Section 3;
- b. Cleanup of naturally occurring substances, products that are part of the structure of and result in exposure within residential buildings or business or community structures (e.g., interior lead-based paint contamination or asbestos which results in indoor exposure), or public or private drinking water supplies that have deteriorated through ordinary use, except as determined on a site-by-site basis and approved by U.S. EPA Headquarters, consistent with CERCLA §104(a)(3) and (4);
- c. Cleanup at a Brownfields site for which the recipient of the loan is potentially liable under CERCLA §107;
- d. Monitoring and data collection necessary to apply for or comply with environmental permits under other federal and state laws, unless such a permit is required as a necessary or essential component of the cleanup action;
- e. Construction, demolition, and development activities that are not cleanup actions (e.g., marketing of property or construction of a new non-cleanup facility);
- f. Cost sharing or matching requirement for another federal grant (absent statutory authorization);
- g. Support of job training;
- h. Support of lobbying or fund-raising efforts of the borrower;
- i. Payment of a penalty or fine; or
- j. Payment of an administrative cost, whether direct or indirect. The Brownfields Law prohibits the use of any "part of a grant or loan" for the payment of an administrative cost.