Oklahoma Department of Environmental Quality
Land Protection Division

Oklahoma Targeted Brownfields Assessments

The Oklahoma Department of Environmental Quality (DEQ), in pursuing its goals to return value to contaminated land and assist local governments and other entities with environmental problems is providing Targeted Brownfields Assessments (TBA) to eligible entities. This application will help DEQ determine the applicant’s eligibility and provide a systematic process to assist the DEQ in determining which projects to conduct with its limited funding.

Using funding provided by the United States Environmental Protection Agency (EPA) the DEQ will conduct a limited number of TBAs at qualifying brownfield properties in Oklahoma. The number of assessments will be limited to available funds and staff. Cleanups of contaminated properties may be conducted on a very limited basis at the discretion of the DEQ. Cleanup requests should be discussed individually with DEQ Brownfields personnel in addition to meeting the necessary eligibility and ranking requirements in this document. TBA reports will be subject to the Oklahoma Open Records Act and the federal Freedom of Information Act.

Local governmental entities (i.e., cities, counties), quasi-governmental entities (e.g., planning commissions, etc.), and qualified non-profit organizations are encouraged to apply.

Attached is an application package for Oklahoma TBAs. The first section is an eligibility determination worksheet. The second section contains ranking criteria; this information will be used to score the applications as to 1) the benefit to the environment and 2) the benefit to the “public good” resulting from the project.

Thank you for your interest in Oklahoma Targeted Brownfields Assessments. Please contact Heather Mallory (405) 702-5135 if you have any questions.
INTRODUCTION

All applicants and properties must meet federal and state eligibility requirements. These assessments will follow the All Appropriate Inquiry Standard that is in effect at the time of the site visit and may include sampling if necessary. Qualified DEQ environmental professionals will perform these assessments.

This program is intended to facilitate the cleanup and redevelopment of brownfield properties in Oklahoma thereby promoting the protection of human health and the environment while also encouraging economic growth in our state. Significant environmental and cultural/economic benefits to the public must be shown to qualify for a cleanup.

GENERAL APPLICATION PROCESS

Entities eligible to apply for Oklahoma TBAs will be limited to governmental entities, quasi-governmental entities (e.g., planning commissions), and qualified non-profit organizations.

Applicants will be required to submit the enclosed Application Form for Oklahoma Targeted Brownfields Assessments in which they provide basic information, demonstrate eligibility, and address several property ranking factors. A DEQ TBA Review Team composed of individuals with expertise in environmental site investigation, remediation, and brownfield redevelopment issues will evaluate the applications. Potential applicants may discuss eligibility issues with DEQ prior to applying.

After a determination is made that an applicant and property are eligible for the program, the ranking factors will be used by DEQ to prioritize brownfield properties for TBAs. DEQ may also take into account the type and size of assessments requested, benefits the project provides to the state as a whole, statewide priorities, funding limitations, availability of other funding, and other factors in ranking and selecting properties for TBAs. The number and timing of TBAs will depend on availability of funding and DEQ personnel and will occur strictly at the discretion of DEQ. Upon selection of a property for assessment, DEQ will notify the applicant by telephone. The DEQ will also notify the applicants if they are not eligible or not selected for a TBA.

---

1 Oklahoma Brownfields Voluntary Redevelopment Act (OS 27A 2-15-104(D)) and the federal Small Business Liability Relief and Brownfields Revitalization Act (Public Law 107-118 (H.R. 2869)).

2 All Appropriate Inquiry Assessments will follow the EPA Standards and Practices for All Appropriate Inquiries, Final Rule (Federal Register, Vol.70, No.2/0, Nov.1, 2005)

3 For the purposes of Oklahoma TBA Services, a qualified non-profit organization is defined in accordance with Section 4(6) of the Federal Financial Assistance Management Improvement Act of 1999, Public Law 106-107, as any corporation, trust, association, cooperative, or other organization that is operated primarily for scientific, educational, service, charitable, or similar purpose in the public interest; is not organized principally for profit; and uses net proceeds to maintain, improve, or expand the operation of the organization.
SUBMISSION REQUIREMENTS:

A copy of the completed application must be received at the following address:

Oklahoma Department of Environmental Quality
Land Protection Division
P. O. Box 1677
Oklahoma City, OK 73101-1677

Attention: Heather Mallory

Applications may also be delivered to the DEQ Land Protection Division at 707 North Robinson, Oklahoma City, OK 73102 or emailed to heather.mallory@deq.ok.gov.
APPLICATION FOR OKLAHOMA TARGETED BROWNFIELDS ASSESSMENT

The applicant must complete the entire application form and sign the certification statement below. Unsigned or incomplete applications will not be accepted. Only one application per site will be considered. At the sole discretion of DEQ, applications found not to meet eligibility criteria or containing unsubstantiated statements will be rejected. DEQ may require that the applicant provide more information after initial evaluation. For each ranking factor, please provide a statement no longer than one-half page in length to address the factor and to support and justify your answer. Further supporting documentation (not limited in length) may also be provided in the attachments.

SECTION I: ELIGIBILITY

A. BACKGROUND INFORMATION

1. Applicant’s Contact Information:

   Name of Organization: ____________________________________________

   Name of Contact Person: ______________________ Position: ______________

   Mailing Address: ________________________________________________

   City:___________________________ Zip Code:__________________________

   Telephone number:_____________________ Fax number:____________________

   E-Mail address: ____________________________________________

   Explain contact person’s authority to speak for the organization

   __________________________________________________________________

   Type or Organization:   Governmental entity
                           Quasi-governmental entity
                           Non-Profit Organization

   What is your organization’s relationship to the property?
                           Owner
                           Prospective Purchaser
                           Potential Land Donation
                           Lessee
                           Other
If applicant owns property, how was it acquired? If not currently owned by applicant, please explain your plans to acquire the property.

- Foreclosure
- Donation
- Eminent Domain
- Bought it outright
- Other,

Explain: ________________________________________________________________

________________________________________________________________________

Date acquired (or date acquisition is planned): ________________________________

If applicant does not own property, provide information about potential property acquisition to show serious intent to acquire (e.g., Contract for Purchase, City Council Resolution to acquire the property, etc.)

________________________________________________________________________

2. Property Name: ________________________________________________________

Former operating names, if known: _________________________________________

Property size in square feet or acres: _______________________________________

3. Property Address/Location: _____________________________________________

City: _______________________ County: ________________________________

Latitude/Longitude (if known): ___________________________________________

Legal property description (Section, Township, Range): ______________________

(attach metes and bounds description.)

Driving Directions from Nearest Major Intersection:

________________________________________________________________________

4. Work requested: ☐ All Appropriate Inquiry/Phase I Assessment

☐ Sampling/Phase II Assessment

☐ Other

Explain: ________________________________________________________________

________________________________________________________________________

5. Who is the current owner of the property?

(Note: If owned by a municipality, proceed to question 7. If privately owned, go to
6.a. Did the applicant cause or contribute to the property contamination?  
☐ YES  ☐ NO

b. Did the applicant generate or transport any waste brought to the site?  
☐ YES  ☐ NO

7.a. Did the current owner (if not the applicant) cause or contribute to the property contamination?  
☐ YES  ☐ NO

b. Did the current owner generate or transport any waste brought to the site?  
☐ YES  ☐ NO

c. Describe your relationship with the owner and their role in the work to be performed:

________________________________________________________________________

8. Identify when and how the site became contaminated; describe previous known uses. If the land has been vacant for many years, tell us why you think it’s contaminated:

________________________________________________________________________

Note: For petroleum only sites, answer the questions in part D. PETROLEUM ONLY SITES.

B. SITES NOT ELIGIBLE FOR FUNDING WITHOUT A PROPERTY SPECIFIC DETERMINATION

Certain properties cannot be approved without a “Property Specific Determination”. Please answer the following questions to the best of your knowledge, if you do not know, DEQ can assist you in determining the answer.

1. Is your site/facility subject to a planned or ongoing CERCLA\(^1\) removal action or currently being investigated under CERCLA authority?  
☐ YES  ☐ NO

2. Has your site/facility been issued a permit by the EPA or DEQ under the Solid Waste Disposal Act (as amended by the Resource Conservation and

---

\(^1\) CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) [(42 U.S.C. § 9601 et seq. as amended (1980))]
Recovery Act (RCRA\textsuperscript{I}), the Clean Water Act (CWA\textsuperscript{II}), the Toxic Substances Control Act (TSCA\textsuperscript{III}), or the Safe Drinking Water Act (SDWA\textsuperscript{IV})?  
☐ YES ☐ NO

3. Is your site/facility subject to corrective action orders under RCRA (sections 3004(u) or 3008(h))?  
☐ YES ☐ NO

4. Is your 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 your site/facility had a release of polychlorinated biphenyls (PCBs) that is subject to remediation under TSCA?  
☐ YES ☐ NO

6. Has your site/facility received funding for remediation from the Leaking Underground Storage Tank (LUST\textsuperscript{V}) Trust Fund?  
☐ YES ☐ NO

C. SITES NOT ELIGIBLE EITHER FOR FUNDING OR FOR A PROPERTY SPECIFIC DETERMINATION

Please answer the following questions to the best of your knowledge:

1. Is your facility listed (or proposed for listing) on the National Priorities List?  
☐ YES ☐ NO

2. Is your facility subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under CERCLA?  
☐ YES ☐ NO

3. Is your facility subject to the jurisdiction, custody, or control of the US government?  
(This does not include tribal trust land.)  
☐ YES ☐ NO

\textbf{Note: If you answered YES to any of the above (C.1-3) your property is not eligible.}

D. PETROLEUM ONLY SITES

1. Can any party associated with the property be subject to either:  
(a) a judgment rendered in a court of law or an administrative order issued by an administrative body

\textsuperscript{I} RCRA [42 U.S.C. § 6901 et seq. (1976)]  
\textsuperscript{II} CWA [33 U.S.C. § 1251 et seq. (1972)]  
\textsuperscript{III} TSCA [15 U.S.C. § 2601 et seq. (1974)]  
\textsuperscript{IV} SDWA [42 U.S.C. § 300f et seq. (1976)]  
\textsuperscript{V} LUST [as amended by Subtitle 1 of RCRA Section 9001 et seq.]
(b) a filed enforcement action brought by federal or state authorities, or a citizen suit

Any of which would result in the party being required to assess, investigate and/or clean up the site. (i.e., is there an identifiable party?)

2. Provide information regarding whether the party having such legal obligations has adequate financial resources to meet the obligation.

3. All petroleum sites need a written determination by the state LUST contact consistent with guideline requirements. Talk to your project officer for assistance.

E. ACCESS

Do you have access or an access agreement for this property? DEQ will require specific written permission to access the property from the owner of the property.

☐ YES  ☐ NO

See Attachment

DEQ ONLY

SITE ELIGIBILITY

Site is/is not eligible for site assessment activities.

☐ Is

☐ Is not

Project Officer

Date

................................................................................................................................................
SECTION II

RANKING CRITERIA

1. Provide brief history of past property uses if known.

2. Describe briefly the types of land use on properties surrounding the site, for example, types of businesses, agricultural, residential etc.

3. What concrete plans are in place to redevelop the property? Is your organization the developer? If not, who is?

4. What are the estimated economic benefits to the community of the proposed redevelopment? If no economic benefits are anticipated, please describe other benefits (i.e., greenspace, ecological park, recreation, environmental, cultural, etc.)

5. Why are you requesting a TBA?

6. What is the potential for the creation of permanent jobs as a result of redevelopment of the property?

7. What are the community issues and community needs in the area surrounding the property?

   (Note: Please provide pertinent census data describing the demographics of the area in which the site is located)

8. How many acres of greenspace will be created in the redevelopment?

9. Is the project expected to increase the community’s tax base?

10. How does this project benefit the public as a whole?

11. Is the principle concern at the site petroleum?

12. Why is the developer not funding this assessment or cleanup?

13. Is the lack of funding for the environmental assessment preventing the project from moving forward?

14. Do other federal or state grants depend on the assessment of the property?

15. Please estimate the funding available for the following activities:
<table>
<thead>
<tr>
<th>Source</th>
<th>Environmental Assessment</th>
<th>Cleanup</th>
<th>Redevelopment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal funding</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State/Tribal funding</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Local funding</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Private funding</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**ATTACHMENTS**

All attachments to the application form, including supporting documentation, must be clearly labeled as to the section in the application form to which they refer and must be ordered in the same sequence as the application form. All attachments must be on letter size paper or (for oversize documents) on 11” by 17” paper that is neatly folded to letter size.

**CERTIFICATION**

_Either a principal executive officer or a ranking elected official must sign this section._

_The undersigned certifies the information submitted is, to the best of the undersigned’s knowledge and belief, true, accurate, and complete._

Signature

Title

Organization

Date
APPENDIX I

CONSENT FOR ACCESS TO PROPERTY

I ___________________________ do hereby consent to officers, employees and authorized representatives of the Oklahoma Department of Environmental Quality (DEQ) entering and having continued access to the premises described below in order to design and perform assessment activities thereon. The Targeted Brownfields Assessments are being performed for the benefit of the _______________ and relates to potential purchase of the property. These activities shall include but are not limited to the following:

1. The taking of such soil, water and air samples as may be necessary
2. The drilling and sampling of ground water wells;
3. The collection and disposal of drill cuttings and purge water;
4. The taking of such surveys as may be necessary.

This written permission is given voluntarily and with no expectation of receiving any compensation or release of liability from the DEQ or EPA.

Signature of landowner: ___________________________ Date: ___________________________

Printed Name: ___________________________

Address or Legal description of property: ___________________________________________

Note: No changes can be made in the Consent For Access To Property agreement text without prior approval from DEQ.