

For complete BCP Appplication, with Attachments, please visit document repository

Brownfield Cleanup Program Application

**945 Kenmore Avenue
Tonawanda, New York**



**April 2014
LCS Project #14B286.26**

**Prepared by Lender Consulting Services, Inc.
40 La Riviere Drive, Suite 120
Buffalo, New York
(716) 845-6145**



**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
BROWNFIELD CLEANUP PROGRAM (BCP)**



ECL ARTICLE 27 / TITLE 14

DEPARTMENT USE ONLY BCP SITE #:

08/2013

Section I. Requestor Information				
NAME				
ADDRESS				
CITY/TOWN		ZIP CODE		
PHONE	FAX	E-MAIL		
<p>Is the requestor authorized to conduct business in New York State (NYS)? Yes No</p> <p>-If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's Corporation & Business Entity Database. A print-out of entity information from the database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS.</p> <p>-Individuals that will be certifying BCP documents, as well as their employers, meet the requirements of Section 1.5 of DER-10: Technical Guidance for Site Investigation and Remediation and New York State Education Law. Documents that are not properly certified will not be approved under the BCP. Yes No</p>				
NAME OF REQUESTOR'S REPRESENTATIVE				
ADDRESS				
CITY/TOWN		ZIP CODE		
PHONE	FAX	E-MAIL		
NAME OF REQUESTOR'S CONSULTANT				
ADDRESS				
CITY/TOWN		ZIP CODE		
PHONE	FAX	E-MAIL		
NAME OF REQUESTOR'S ATTORNEY				
ADDRESS				
CITY/TOWN		ZIP CODE		
PHONE	FAX	E-MAIL		
<p>THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:</p> <table border="1" style="width:100%"> <tr> <td style="width:50%"> <p>PARTICIPANT A requestor who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.</p> </td> <td style="width:50%"> <p>VOLUNTEER A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.</p> <p>NOTE: By checking this box, the requestor certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.</p> </td> </tr> </table>			<p>PARTICIPANT A requestor who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.</p>	<p>VOLUNTEER A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.</p> <p>NOTE: By checking this box, the requestor certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.</p>
<p>PARTICIPANT A requestor who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.</p>	<p>VOLUNTEER A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.</p> <p>NOTE: By checking this box, the requestor certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.</p>			
Requestor Relationship to Property (check one):				
<p>Previous Owner Current Owner Potential /Future Purchaser Other_____</p>				
<p>If requestor is not the site owner, requestor will have access to the property throughout the BCP project. Yes No</p> <p>-Proof of site access must be submitted for non-owners</p>				

Section II. Property Information

Check here if this application is to request significant changes to property set forth in an existing BCA:

Existing BCP site number: _____

PROPERTY NAME

ADDRESS/LOCATION

CITY/TOWN

ZIP CODE

MUNICIPALITY (IF MORE THAN ONE, LIST ALL):

COUNTY

SITE SIZE (ACRES)

LATITUDE (degrees/minutes/seconds) ° ‘ “

LONGITUDE (degrees/minutes/seconds) ° ‘ “

HORIZONTAL COLLECTION METHOD: SURVEY GPS MAP

HORIZONTAL REFERENCE DATUM:

COMPLETE TAX MAP INFORMATION FOR ALL TAX PARCELS INCLUDED WITHIN THE PROPERTY BOUNDARIES. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage

- | | | |
|--|-----|----|
| 1. Do the property boundaries correspond to tax map metes and bounds?
If no, please attach a metes and bounds description of the property. | Yes | No |
| 2. Is the required property map attached to the application? (application will not be processed without map) | Yes | No |
| 3. Is the property part of a designated En-zone pursuant to Tax Law § 21(b)(6)?
For more information please see Empire State Development’s website .
If yes, identify area (name) _____
Percentage of property in En-zone (check one): 0-49% 50-99% 100% | Yes | No |
| 4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? If yes, identify name of properties in related BCP applications: _____ | Yes | No |

5. Property Description Narrative:

6. List of Existing Easements (type here or attach information)

Easement Holder

Description

7. List of Permits issued by the NYSDEC or USEPA Relating to the Proposed Site (type here or attach information)

Type

Issuing Agency

Description

If any changes to Section II are required prior to application approval, a new page, initialed by each requestor, must be submitted.

Initials of each Requestor: _____

Section III. Current Property Owner/Operator Information

OWNER'S NAME

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

OPERATOR'S NAME

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

Section IV. Requestor Eligibility Information (Please refer to ECL § 27-1407)

If answering "yes" to any of the following questions, please provide an explanation as an attachment.

- | | | |
|--|-----|----|
| 1. Are any enforcement actions pending against the requestor regarding this site? | Yes | No |
| 2. Is the requestor subject to an existing order relating to contamination at the site? | Yes | No |
| 3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? | Yes | No |
| 4. Has the requestor been determined to have violated any provision of ECL Article 27? | Yes | No |
| 5. Has the requestor previously been denied entry to the BCP? | Yes | No |
| 6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving contaminants? | Yes | No |
| 7. Has the requestor been convicted of a criminal offense that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration? | Yes | No |
| 8. Has the requestor knowingly falsified or concealed material facts or knowingly submitted or made use of a false statement in a matter before the Department? | Yes | No |
| 9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application? | Yes | No |

Section V. Property Eligibility Information (Please refer to ECL § 27-1405)

- | | | |
|--|-----|----|
| 1. Is the property, or was any portion of the property, listed on the National Priorities List?
If yes, please provide relevant information as an attachment. | Yes | No |
| 2. Is the property, or was any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites?
If yes, please provide: Site # _____ Class # _____ | Yes | No |
| 3. Is the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility?
If yes, please provide: Permit type: _____ EPA ID Number: _____
Date permit issued: _____ Permit expiration date: _____ | Yes | No |
| 4. Is the property subject to a cleanup order under navigation law Article 12 or ECL Article 17 Title 10?
If yes, please provide: Order # _____ | Yes | No |
| 5. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum?
If yes, please provide explanation as an attachment. | Yes | No |

Section VI. Project Description

What stage is the project starting at? Investigation Remediation

Please attach a description of the project which includes the following components:

- Purpose and scope of the project
- Estimated project schedule

Section VII. Property's Environmental History

To the extent that existing information/studies/reports are available to the requestor, please attach the following:

1. Environmental Reports

A Phase I environmental site assessment report prepared in accordance with ASTM E 1527 (American Society for Testing and Materials: Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process), and all environmental reports related to contaminants on or emanating from the site.

If a final investigation report is included, indicate whether it meets the requirements of ECL Article 27-1415(2): Yes No

2. SAMPLING DATA: INDICATE KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. LABORATORY REPORTS SHOULD BE REFERENCED AND COPIES INCLUDED.

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum					
Chlorinated Solvents					
Other VOCs					
SVOCs					
Metals					
Pesticides					
PCBs					
Other*					

*Please describe: _____

3. SUSPECTED CONTAMINANTS: INDICATE SUSPECTED CONTAMINANTS AND THE MEDIA WHICH MAY HAVE BEEN AFFECTED. PROVIDE BASIS FOR ANSWER AS AN ATTACHMENT.

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum					
Chlorinated Solvents					
Other VOCs					
SVOCs					
Metals					
Pesticides					
PCBs					
Other*					

*Please describe: _____

4. INDICATE KNOWN OR SUSPECTED SOURCES OF CONTAMINANTS (CHECK ALL THAT APPLY). PROVIDE BASIS FOR ANSWER AS AN ATTACHMENT.

Above Ground Pipeline or Tank	Lagoons or Ponds	Underground Pipeline or Tank	Surface Spill or Discharge
Routine Industrial Operations	Dumping or Burial of Wastes	Septic tank/lateral field	Adjacent Property
Drums or Storage Containers	Seepage Pit or Dry Well	Foundry Sand	Electroplating
Coal Gas Manufacture	Industrial Accident	Unknown	

Other: _____

5. INDICATE PAST LAND USES (CHECK ALL THAT APPLY):

Coal Gas Manufacturing	Manufacturing	Agricultural Co-op	Dry Cleaner	Salvage Yard	Bulk Plant
Pipeline	Service Station	Landfill	Tannery	Electroplating	Unknown

Other: _____

6. PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, IF ANY, TO EACH PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".

Section VIII. Contact List Information

Please attach, at a minimum, the names and addresses of the following:

1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located.
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. In cities with a population of one million or more, the local community board if the proposed site is located within such community board's boundaries (*note: per the 2010 census, New York City is the only city in NY with a population over one million).
8. The location of a document repository for the project (e.g., local library). In addition, attach a copy of a letter sent to the repository acknowledging that it agrees to act as the document repository for the property.

Section IX. Land Use Factors (Please refer to ECL § 27-1415(3))

1. Current Use: Residential Commercial Industrial Vacant Recreational (check all that apply)
Provide summary of business operations as an attachment.

2. Intended Use Post Remediation: Unrestricted Residential Commercial Industrial (check all that apply)
Provide specifics as an attachment.

3. Do current historical and/or recent development patterns support the proposed use? (See #14 below re: discussion of area land uses)	Yes	No
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4. Is the proposed use consistent with applicable zoning laws/maps?	Yes	No
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5. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, designated Brownfield Opportunity Area plans, other adopted land use plans?	Yes	No
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6. Are there any Environmental Justice Concerns? (See §27-1415(3)(p)).	Yes	No
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7. Are there any federal or state land use designations relating to this site?	Yes	No
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8. Do the population growth patterns and projections support the proposed use?	Yes	No
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9. Is the property accessible to existing infrastructure?	Yes	No
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10. Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites within ½ mile?	Yes	No
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11. Are there important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats of endangered or threatened species within ½ mile?	Yes	No
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12. Are there floodplains within ½ mile?	Yes	No
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13. Are there any institutional controls currently applicable to the property?	Yes	No
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14. Describe the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational areas in an attachment.

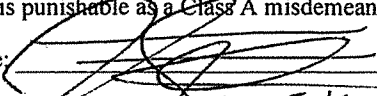
15. Describe the potential vulnerability of groundwater to contamination that might migrate from the property, including proximity to wellhead protection and groundwater recharge areas in an attachment.

16. Describe the geography and geology of the site in an attachment.

Section X. Statement of Certification and Signatures

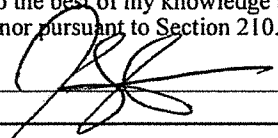
(By requestor who is an individual)

If this application is approved, I acknowledge and agree to the general terms and conditions set forth in DER-32 *Brownfield Cleanup Program Applications and Agreements* and to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter. I also agree that in the event of a conflict between the general terms and conditions of participation set forth in DER-32 and the terms contained in a site-specific BCA, the terms in the BCA shall control. I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: 4/8/14 Signature:  Print Name: Nicholas Sinatra ^{MP} 7/16/14

(By an requestor other than an individual)

I hereby affirm that I am President (title) of Group LLC (entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree to the general terms and conditions set forth in DER-32 *Brownfield Cleanup Program Applications and Agreements* and to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter. I also agree that in the event of a conflict between the general terms and conditions of participation set forth in DER-32 and the terms contained in a site-specific BCA, the terms in the BCA shall control. I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 4/8/14 Signature:  Print Name: Nicholas A Sinatra

SUBMITTAL INFORMATION:

Three (3) complete copies are required.

- Two (2) copies, one paper copy with original signatures and one electronic copy in Portable Document Format (PDF) on a CD, must be sent to:

Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7020

- One (1) paper copy must be sent to the DEC regional contact in the regional office covering the county in which the site is located. Please check our [website](#) for the address of our regional offices.

FOR DEPARTMENT USE ONLY

BCP SITE T&A CODE: _____ LEAD OFFICE: _____

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**BROWNFIELD CLEANUP PROGRAM (BCP)
INSTRUCTIONS FOR COMPLETING A BCP APPLICATION**

The New York State Department of Environmental Conservation (DEC) strongly encourages all applicants to schedule a pre-application meeting with DEC staff to review the benefits, requirements, and procedures for completing a project in the BCP. Contact your [Regional office](#) to schedule a meeting. To add a party to an existing BCP Agreement and/or Application, use the [BCP Application Amendment for a Change in Party](#).

SECTION I

REQUESTOR INFORMATION

Requestor Name	<p>Provide the name of the person(s)/entity requesting participation in the BCP. (If more than one, attach additional sheets with requested information. If an LLC, the members/owners names need to be provided on a separate attachment). The requestor is the person or entity seeking DEC review and approval of the remedial program.</p> <p>If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's Corporation & Business Entity Database. A print-out of entity information from the database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS.</p>
Document Certification	<p>All documents, which are prepared in final form for submission to DEC for approval, are to be prepared and certified in accordance with Section 1.5 of DER-10. Persons preparing and certifying the various work plans and reports identified in Section 1.5 include:</p> <ul style="list-style-type: none">i. New York State licensed professional engineers (PEs), as defined at 6 NYCRR 375-1.2(aj) and paragraph 1.3(b)47. Engineering documents must be certified by a PE with current license and registration for work that was done by them or those under their direct supervision. The firm by which the PE is employed must also be authorized to practice engineering in New York State;ii. qualified environmental professionals as defined at 6 NYCRR 375-1.2(ak) and paragraph 1.3(b)49;iii. remedial parties, as defined at 6 NYCRR 375-1.2(ao) and paragraph 3(b)60; oriv. site owners, which are the owners of the property comprising the site at the time of the certification. <p>Applicants should refer to Section 1.5 of DER-10 for further details.</p>
Address, etc.	<p>Provide the requestor's mailing address, telephone number; fax number and e-mail address.</p>
Representative Name	<p>Provide the name of the requestor's authorized representative. This is the person to whom all correspondence, notices, etc will be sent, and who will be listed as the contact person in the BCA.</p>
Representative Address, etc	<p>Provide the representative's mailing address, telephone number, fax number and e-mail address. Invoices will be sent to the representative unless another contact name and address is provided with the application.</p>
Consultant Name	<p>Provide the name of the requestor's consultant.</p>
Consultant address, etc	<p>Provide the mailing address, telephone number, fax number and e-mail address.</p>
Attorney Name	<p>Provide the name of the requestor's attorney.</p>
Attorney address, etc	<p>Provide the mailing address, telephone number, fax number and e-mail address.</p>
Participant/Volunteer Certification	<p>The requestor is required to certify whether it is applying as a "Participant" or a "Volunteer" as defined in Environmental Conservation Law (ECL) 27-1405.1.</p>
Relationship to Property	<p>The requestor is required to identify its relationship to the property (previous owner, current owner, etc). If the requestor is not the owner, proof of access to the property throughout the BCP project must be provided (e.g. an access agreement).</p>

SECTION II**PROPERTY INFORMATION**

DEC requires an application to request major changes to the description of the property set forth in the BCA (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). The application must be submitted to DEC in the same manner as the original application to participate. **If any changes to this section are required prior to application approval, a new page, initialed by each requestor, must be submitted.**

Property Name	Provide a name for the property. The name could be an owner's name, current or historical operations (i.e. ABC Furniture) or the general location of the property. Consider whether the property is known by DEC by a particular name, and if so, use that name.
Property Address	Provide a street address, city/town, zip code, and each municipality and county in which the property is located. For properties with multiple addresses, provide information for all.
Property Size	Provide the approximate acreage of the property.
GIS Information	Provide the latitude and longitude from the approximate center of the property. Show the latitude and longitude in degrees, minutes and seconds. Indicate method used to acquire the location (horizontal collection method); the Horizontal Reference Datum (NAD27 or NAD82) used in determining latitude and longitude coordinates; and the Reference Point. If more than one property is listed in the NIR, list separate latitude and longitudes.
Tax Parcel Information	Provide the tax parcel/section/block/lot information and map. Tax map information may be obtained from the tax assessor's office for all tax parcels that are included in the property boundaries. Attach a county tax map with identifier numbers, along with any figures needed to show the location and boundaries of the property. Include a USGS 7.5 minute quad map on which the property appears.
1. Tax Map Boundaries	State whether the boundaries of the property correspond to the tax map boundaries. If no, a metes and bounds description of the property must be attached. The site boundary can occupy less than a tax lot or encompass portions of one or more tax lots and may be larger or smaller than the overall redevelopment/reuse project area.
2. Map	Provide a property base map(s) of sufficient detail, clarity and accuracy to show the following: i) a distance of at least 1,000 feet around the proposed brownfield property at a scale no smaller than one inch equal to 200 feet; ii) map scale, north arrow orientation, date, and location of the property with respect to adjacent streets and roadways; iii) proposed brownfield property boundary lines, with adjacent property owners clearly identified; iv) surrounding land uses; and v) existing easements or rights-of-way currently in effect for the property(ies) comprising the property. A site survey with metes and bounds will be required to establish the site boundaries before the Remedial Investigation is approved.
3. En-zone	Is any part of the property in an En-zone? If so, what percentage? For information on En-zones, please see Empire State Development's website .
4. Multiple applications	Generally, only one application can be submitted, and one BCA executed, for a development project. In limited circumstances, the DEC may consider multiple applications/BCAs for a development project where 1) the development project spans more than 25 acres; 2) the approach does not negatively impact the remedial program, including timing, ability to appropriately address areas of concern, and management of off-site concerns; and 3) the approach is not advanced to increase the value of future tax credits (i.e., circumvent the tax credit caps provided under New York State Tax Law Section 21).
5. Property Description Narrative	Provide any additional relevant information.
6. Easements	Identify and describe all current easements, including names of easement holders.
7. Present or Past Permits	Identify any permits issued by the NYSDEC or USEPA.

SECTION III**CURRENT PROPERTY OWNER/OPERATOR INFORMATION**

Owner Name	Provide the name of the current owner of the property. List <u>all</u> parties holding an interest in the property.
Owner Address, etc	Provide the owner's mailing address, telephone number, fax number and e-mail address.
Operator Name	Provide the name of the current operator (if different from the requestor or owner).
Operator Address, etc	Provide the operator's mailing address, telephone number, fax number and e-mail address.

SECTION IV**REQUESTOR ELIGIBILITY INFORMATION**

As a separate attachment, provide complete and detailed information in response to any eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that such information be summarized. For properties with multiple addresses or tax parcels, please include this information for each address or tax parcel.

1. Enforcement Action Pending	Are any enforcement actions relating to the proposed brownfield property pending against the requestor?
2. Existing Order	Is the requestor presently subject to an order for the investigation, removal or remediation of the contamination at the property?
3. Outstanding Spill Fund Claim	Is the requestor subject to an outstanding claim by the Spill Fund? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.
4. Violation of ECL Article 27	Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the subject law; ii) any related order or determination; iii) any regulation implementing Title 14; or iv) any similar statute, regulation of the state or federal government? If so, provide an explanation on a separate attachment.
5. Previous BCP Denial	Has the requestor previously applied for and been denied entry into the BCP? If so, include information relative to the application, such as name, address, Department assigned site number, the reason for denial, and other relevant information.
6. Negligent/Intentionally Tortious Act	Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants?
7. Criminal Convictions	Has the requestor been convicted of a criminal offense i) involving the handling, storing, treating, disposing or transporting of contaminants; or ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state?
8. False Statements	Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of the Department, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to the Department?
9. BCP Application Denial	Is the requestor an individual or entity of the type set forth in ECL 27-1407.8(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application?

SECTION V**PROPERTY ELIGIBILITY INFORMATION**

As a separate attachment, provide complete and detailed information in response to the following eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that that information be summarized.

1. CERCLA / NPL Listing	Is any portion of the property listed on the National Priorities List (NPL) established under CERCLA? If so, provide relevant information.
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SECTION V**PROPERTY ELIGIBILITY INFORMATION (Continued)**

2. Registry Listing

Has any portion of the property ever been listed on the New York State Registry of Inactive Hazardous Waste Disposal Sites established under ECL 27-1305? If so, please provide the site number and classification. See the Division of Environmental Remediation (DER) [website](#) for a database of sites with classifications.

3. RCRA

Does the property have a Resource Conservation and Recovery Act (RCRA) TSDF Permit in accordance with the ECL 27-0900 *et seq*? If so, please provide the EPA Identification Number, the date the permit was issued, and its expiration date. See DER [website](#) for a list of RCRA permitted sites. Note: for purposes of this application, interim status facilities are not deemed to be subject to a RCRA permit.

4. Existing Order

Is the property subject to an order for cleanup under Article 12 of the Navigation Law or Article 17 Title 10 of the ECL? If so, please provide information on an attachment. Note: if the property is subject to a stipulation agreement, relevant information should be provided; however, property will not be deemed ineligible solely on the basis of the stipulation agreement.

5. Enforcement Action Pending

Is the property subject to an enforcement action under Article 27, Titles 7 or 9 of the ECL or subject to any other ongoing state or federal enforcement action related to the contamination which is at or emanating from the property? If so, please provide information on an attachment.

SECTION VI**PROJECT DESCRIPTION**

As a separate attachment, provide complete and detailed information about the project, including the purpose of the project, proposed use after remediation and the estimated project schedule.

SECTION VII**PROPERTY ENVIRONMENTAL HISTORY**

1. Environmental Reports

Summarize the results of all previous environmental studies, including any Phase I or Phase II Investigations as well as maps and data. The summary should include information concerning past uses, known or suspected contamination, and the names of any known primary contaminants to be addressed. Copies of all environmental reports and assessments must be included. The application must identify the standard used to prepare such reports (e.g. ASTM E 1527 [American Society for Testing and Materials: Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process])

2. Sampling Data

Provide a table of known contaminants (from sampling and analysis) at the property with the maximum concentration detected and the media in which each contaminant was detected. Reference and include laboratory reports.

3. Suspected Contaminants

Provide a table of suspected contaminants and the media which may have been affected.

4. Known or Suspected Sources of Contamination

Indicate any known or suspected sources of contamination.

5. Past Land Uses

Indicate past land uses.

6. Previous Owners and Operators

Provide the names, address and phone numbers of all previous owners and operators, including a statement as to any relationship of the requestor to any prior owner(s).

SECTION VIII**CONTACT LIST INFORMATION**

Provide the names and addresses of the parties on the Site Contact List (SCL). The SCL consists of (i) the chief executive officer and planning board chairperson of each county, city, town, and village in which the site is located; ii) residents, owners, and occupants of the site and properties immediately adjacent to the site; iii) local news media from which the community typically obtains information; iv) the public water supplier which services the area in which the site is located; v) any person who has requested to be placed on the SCL; vi) the administrator of any school or day care facility located on or near the site; and vii) any community board located in a city with a population of one million or more, if the proposed site is located within such community board's boundaries. Also, provide the name and address of a document repository, along with a copy of a letter sent to the repository acknowledging that it agrees to act as the document repository for the site.

SECTION IX**LAND USE FACTORS**

- | | |
|-----------------------------------|--|
| 1. Current Use | Identify the current use category. Attach a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date. |
| 2. Intended Use | Identify the use category post remediation. Attach a statement detailing the specific proposed use. |
| 3. Historical/current development | Is the proposed use consistent with historical and/or current development patterns for the neighborhood? (See “Adjacent Uses” description below). |
| 4. Applicable zoning laws/maps | Is the proposed post-remediation use consistent with local zoning, planning and maps? Provide relevant documentation supporting the consistency. |
| 5. Comprehensive Plans | Is the proposed post-remediation use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, designated Brownfield Opportunity Area plans, and other adopted land use plans? Provide relevant documentation supporting the consistency. |
| 6. EJ concerns | Are there any environmental justice concerns? If yes, explain. |
| 7. Federal/State designations | Are there any federal or state land use designations relating to the property? If yes, explain. |
| 8. Population growth patterns | Identify whether the growth patterns and projections support the proposed plan. Information on demographics can be found on Empire State Development’s website . |
| 9. Existing infrastructure | Is the property accessible to existing infrastructure (highways, utilities, sewer and water lines, etc)? |
| 10. Cultural resources | Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites within ½ mile of the site? If yes, explain. |
| 11. Natural Resources | Are there important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats of endangered or threatened species within ½ mile? If yes, explain. |
| 12. Flood Plains | Are there floodplains within ½ mile of the site? If yes, explain. |
| 13. Institutional Controls | Does the property have any institutional controls imposed as part of a remedial program? If yes, describe the controls and the remedial program under which the controls were imposed. |
| 14. Adjacent uses | Attach a description of the general land uses (unrestricted, residential, commercial, industrial, agricultural, recreational, mixed, urban, etc.) in the area. Providing an area map depicting uses is the best approach. |
| 15. Groundwater vulnerability | Describe the potential vulnerability of groundwater to contamination that might migrate from the site, including proximity to wellhead protection and groundwater recharge areas, and other areas identified by the Department and the State’s Comprehensive Groundwater Remediation and Protection Program. |
| 16. Geography/Geology | Describe (in general terms) the geography and geology of the property on an attachment. |

SECTION X**SIGNATURE PAGE**

The Requestor must sign the application, **not** the requestor’s representative, contact, consultant or attorney. If there are multiple parties applying, then each must sign a signature page.