



**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**



**BROWNFIELD CLEANUP PROGRAM (BCP)  
REQUEST FOR ELIGIBILITY OPINION FOR REAL PROPERTY IN  
A BROWNFIELD OPPORTUNITY AREA**

ECL ARTICLE 27 / TITLE 14

6/22/09

**Section I. Requestor Information (Note: there are no requestor eligibility requirements or determinations made as part of this request process; please see accompanying instructions)**

|                                    |     |          |
|------------------------------------|-----|----------|
| REQUESTOR NAME                     |     |          |
| ADDRESS                            |     |          |
| CITY/TOWN                          |     | ZIP CODE |
| PHONE                              | FAX | E-MAIL   |
| NAME OF REQUESTOR'S REPRESENTATIVE |     |          |
| ADDRESS                            |     |          |
| CITY/TOWN                          |     | ZIP CODE |
| PHONE                              | FAX | E-MAIL   |

**Section II. Property Information**

|  |  |             |           |         |         |
|--|--|-------------|-----------|---------|---------|
| PROPERTY NAME  |  |             |           |         |         |
| ADDRESS/LOCATION   | CITY/TOWN  | ZIP CODE    |           |         |         |
| *PROPERTY MUST BE PART OF A BROWNFIELD OPPORTUNITY AREAS (BOA) STUDY AREA OR DESIGNATED BOA PURSUANT TO GENERAL MUNICIPAL LAW SECTION 970-R.* PLEASE PROVIDE CORRESPONDING BOA NAME AND DEPARTMENT OF STATE BOA NUMBER:<br>_____ |  |             |           |         |         |
| MUNICIPALITY(IF MORE THAN ONE, LIST ALL):  |  |             |           |         |         |
| COUNTY   | PROPERTY 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; SEE INSTRUCTIONS   |  |             |           |         |         |
| Parcel Address   | Parcel No.                                       | Section No. | Block No. | Lot No. | Acreage |
|  |  |             |           |         |         |
|  |  |             |           |         |         |
|  |  |             |           |         |         |

- |   |       |        |
|---|-------|--------|
| 1. Do the property boundaries correspond to tax map metes and bounds?                     | Yes   | No     |
| If no, please attach a description of the property.                                       |       |        |
| 2. Is the required property map attached? (request 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)?           | Yes   | No     |
| For more information please see Empire State Development's <a href="#">website</a> .      |       |        |
| If yes, identify EN-zone (name): _____  |       |        |
| Percentage of property in EN-zone (check one):  | 0-49% | 50-99% |
|   |       | 100%   |
| 4. Provide any additional relevant information to describe the property in an attachment. |       |        |

### Section III. Current Property Owner/Operator Information

OWNER'S NAME

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

PROPERTY OWNER CONSENT FORM: If current property owner is not the requestor, proof of consent must be attached. A property owner consent form can be found at (website).

OPERATOR'S NAME

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

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

### Section V. Property Environmental History

#### 1. ENVIRONMENTAL REPORTS

Copies of all environmental reports and data available to the requestor on the property or a portion of the property must be attached. A Phase II environmental site assessment (ESA) in accordance with ASTM E1903 - 97(2002) (Standard Guide for Environmental Site Assessments: Phase II Environmental Site Assessment Process) for the entire property is required and must be attached. The Phase II must include information relative to the real property with respect to the potential presence of a range of contaminants as defined at ECL 27-1405(8). This includes hazardous wastes within the scope of the State Superfund Program as well as petroleum products within the scope of Article 12 of the Navigation Law.

#### 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: \_\_\_\_\_

## Section V. Property's Environmental History (Continued)

**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<br>Routine Industrial Operations<br>Adjacent Property<br>Coal Gas Manufacture<br>Other: _____ | Lagoons or Ponds<br>Dumping or Burial of Wastes<br>Seepage Pit or Dry Well<br>Industrial Accident | Underground Pipeline or Tank<br>Septic tank/lateral field<br>Foundry Sand<br>Unknown | Surface Spill or Discharge<br>Drums or Storage Containers<br>Electroplating |
|---|---|--|---|

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

|  |                                  |                                |                        |                                |                       |
|--|----------------------------------|--------------------------------|------------------------|--------------------------------|-----------------------|
| Coal Gas Manufacturing<br>Pipeline<br>Other: _____ | Manufacturing<br>Service Station | Agricultural Co-op<br>Landfill | Dry Cleaner<br>Tannery | Salvage Yard<br>Electroplating | Bulk Plant<br>Unknown |
|--|----------------------------------|--------------------------------|------------------------|--------------------------------|-----------------------|

**6. PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT.**

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

|   |           |
|---|-----------|
| 1. Current Use: Residential Commercial Industrial Vacant Recreational (check all that apply)<br>Provide summary of business operations as an attachment.  |           |
| 2. Intended Use Post Remediation: Unrestricted Residential Commercial Industrial (check all that apply)<br>Provide specifics as an attachment.  |           |
| 3. Do current historical and/or recent development patterns support the proposed use? (See #12 below re: discussion of area land uses). If no, explain.   | Yes    No |
| 4. Is the proposed use consistent with applicable zoning, planning, and maps? If no, explain. Provide a copy of the local zoning classifications and comprehensive zoning plan designations.  | Yes    No |
| 5. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? If no, explain. Provide a copy of documentation supporting the consistency. | Yes    No |
| 6. Are there any Environmental Justice Concerns? (See §27-1415(3)(p)). If yes, explain.   | Yes    No |
| 7. Are there any federal or state land use designations relating to this site? If yes, explain.   | Yes    No |
| 8. Do the population growth patterns and projections support the proposed use? If no, explain.  | Yes    No |
| 9. Is the property accessible to existing infrastructure? If yes, explain.  | Yes    No |

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

|  |     |    |
|--|-----|----|
| 10. Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites within ½ mile? If yes, explain.   | Yes | No |
| 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? If yes, explain. | Yes | No |
| 12. Are there floodplains within ½ mile? If yes, explain.  | Yes | No |
| 13. Are there any institutional controls currently applicable to the property? If yes, explain.  | Yes | No |
| 14. Describe the current uses of adjacent real property in an attachment. Use categories are residential, commercial, industrial, vacant, and recreational.  |     |    |
| 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 property in an attachment.   |     |    |

**Statement of Certification and Signatures**

**The undersigned does hereby acknowledge:**

- I have read and understand DER-30 / Real Property Eligibility Opinions for the Brownfield Cleanup Program, including the following effects of the eligibility opinion:
- The opinion is a non-binding opinion of the DEC as to the application of ECL 27-1405(2), specifically whether the reuse or redevelopment of the real property may be complicated by the presence or potential presence of a contaminant, including whether participation in the BCP is precluded pursuant to ECL 27-1405(2)(a) - (e). The opinion assumes that all material facts and representations set forth in the request are accurate and applies only to the situation described therein. The opinion may be relied upon only to the extent that the request fully and accurately contains all the material facts and representations necessary to issuance of the opinion and the situation conforms to the situation described in the request for opinion, and no subsequent changes in site condition have occurred.
- The opinion will relate only to the consideration of whether the real property satisfies the definition set forth at ECL 27-1405(2). The opinion will not extend to whether a particular party would qualify for participation in the BCP pursuant to ECL 27-1407(8)(b), 27-1407(8)(c), or 27-1407(9).
- The opinion represents the views at the time such opinion is rendered. The opinion may no longer be valid if, for example, there have been subsequent court cases or statutory amendments that bear on the eligibility of the site discussed in the opinion.
- The opinion does not represent a final agency opinion and therefore is not challengeable in an Article 78 proceeding.

The undersigned does hereby certify that information provided on this form and its attachments is true and complete to the best of his/her knowledge and belief.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

**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 or diskette, 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 property is located. Please check our [website](#) for the address of our regional offices.

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**BROWNFIELD CLEANUP PROGRAM (BCP)  
INSTRUCTIONS FOR COMPLETING A REQUEST FOR AN ELIGIBILITY OPINION FOR REAL  
PROPERTY IN A BROWNFIELD OPPORTUNITY AREA**

The opinion provided by the New York State Department of Environmental Conservation (DEC) based on the information in this request, pertains only to real property eligibility and is not a final determination of eligibility for the Brownfield Cleanup Program (BCP). Final eligibility determinations will only be made upon review of a complete BCP application. Real property must be located in a designated Brownfield Opportunity Area (BOA) or BOA study area pursuant to General Municipal Law Section 970-R.

**SECTION I****REQUESTOR INFORMATION**

|                             |  |
|-----------------------------|--|
| Requestor Name              | Provide the name of the person(s)/entity requesting the eligibility opinion. Please note that there are no requestor eligibility requirements or determinations made as part of the request process. |
| Address, etc.               | Provide the requestor's mailing address, telephone number; fax number and e-mail address.  |
| Representative Name         | Provide the name of the requestor's authorized representative. This is the person to whom all correspondence, notices, etc will be sent.   |
| Representative Address, etc | Provide the representative's mailing address, telephone number, fax number and e-mail address.   |

**SECTION II****PROPERTY INFORMATION**

|  |   |
|--|---|
| Name                                       | Provide a name for the property. The name could be an owner's name, related to current or historical operations (i.e., ABC Furniture) or the general location of the property. If the property is known by a specific name at DEC, use that name.   |
| Address, etc.                              | Provide a street address, city/town, county, zip code and each municipality and county in which the property is located. For properties with multiple addresses, please provide same information.   |
| Brownfield Opportunity Areas (BOA) Program | The property must be part of a Brownfield Opportunity Areas (BOA) study area or designated BOA pursuant to General Municipal Law Section 970-R. Provide the BOA name and Department of State BOA number.  |
| 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 remediation is being contemplated on more than one property, list separate latitude and longitudes.   |
| Tax Parcel Information                     | Provide the tax parcel/section/block/lot information and map for all tax parcels that are included in the property boundaries. Tax map information may be obtained from the tax assessor's office. 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 they do not, provide a description of the property as an attachment.  |
| 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. |

**SECTION II****PROPERTY INFORMATION (Continued)**

3. En-zone Is any part of the property in an En-zone? If so, what percentage? For information on En-zones, see New York State Empire State Development's [website](#).
4. Property Description Narrative Provide any additional relevant information about the property as an attachment.

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

- Owner Name Provide the name of the current owner of the property (if different from the requestor). List all parties holding an interest in the property.
- Owner Address, etc. Provide the owner's mailing address, telephone number, fax number and e-mail address.
- Property Owner Consent Form If the current property owner is not the requestor, proof of consent by the current property owner must be attached. Consent form can be found at ([website](#)).
- Operator Name Provide the name of the current operator.
- Operator Address, etc. Provide the operator's mailing address, telephone number, fax number and e-mail address.

**SECTION IV****PROPERTY ELIGIBILITY INFORMATION**

For any of the following eligibility questions answered in the affirmative, provide complete and detailed information as a separate attachment. It is permissible to reference specific sections of existing property reports; however, information should also be summarized.

1. NPL Listing Is, or was, any portion of the property listed on the National Priorities List (NPL) established under CERCLA? If yes, provide relevant information.
2. Registry Listing Is, or was, any portion of the property 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. Please note that the database excludes delisted sites.
3. RCRA Does the property have a Resource Conservation and Recovery Act (RCRA) TSD Permit in accordance with the ECL 27-0900 *et seq*? If yes, 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 yes, 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 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?

**SECTION V****PROPERTY ENVIRONMENTAL HISTORY**

1. Environmental Reports Copies of all environmental reports and data available to the requestor on the property or a portion of the property must be attached. A Phase II environmental site assessment (ESA) in accordance with ASTM E1903 - 97(2002) (Standard Guide for Environmental Site Assessments: Phase II Environmental Site Assessment Process) for the entire property is required and must be attached. The Phase II must include information relative to the real property with respect to the potential presence of a range of contaminants as defined at ECL 27-1405(8). This includes hazardous wastes within the scope of the State Superfund Program as well as petroleum products within the scope of Article 12 of the Navigation Law. 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)).

**SECTION V****PROPERTY ENVIRONMENTAL HISTORY (Continued)**

- |  |   |
|--|---|
| 2. Sampling Data                               | Complete the 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 copies of laboratory reports. |
| 3. Suspected Contaminants                      | Complete the table of suspected contaminants and the media which may have been affected. Provide basis for answer as an attachment.   |
| 4. Known or Suspected Sources of Contamination | Indicate any known or suspected sources of contamination. Provide basis for answer as an attachment.  |
| 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 as an attachment.   |

**SECTION VI****LAND USE FACTORS**

- |                                   |  |
|-----------------------------------|--|
| 1. Current Use                    | Identify all current use categories that apply. 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 Post Remediation  | Identify the use category post remediation. See 6 NYCRR 375-1.8(g), available on DEC's <a href="#">website</a> , for a description of use categories. 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). If yes, explain.   |
| 4. Applicable Zoning Laws/Maps    | Is the proposed use consistent with applicable zoning, planning and maps? If no, explain. Provide a copy of the local zoning classifications and comprehensive zoning plan designations.   |
| 5. Comprehensive Plans            | Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, and other adopted land use plans? If no, explain. 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 population growth patterns and projections support the proposed plan. If no, explain. Information on demographics can be found on New York State Empire State Development's <a href="#">website</a> .               |
| 9. Existing Infrastructure        | Is the property accessible to existing infrastructure (highways, utilities, sewer and water lines, etc)? If yes, explain.  |
| 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.   |

**SECTION VI**

**LAND USE FACTORS (Continued)**

- |                               |  |
|-------------------------------|--|
| 14. Adjacent Uses             | Attach a description of the current uses of adjacent properties (residential, commercial, industrial, vacant, recreational). 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 property, including proximity to wellhead protection and groundwater recharge areas, and other areas identified by DEC and the State's Comprehensive Groundwater Remediation and Protection Program in an attachment. |
| 16. Geography/Geology         | Describe (in general terms) the geography and geology of the property in an attachment.  |

**SIGNATURE PAGE**

The Requestor must sign the request.