**Standard and Redevelopment Now Track**

**Brownfields Property Application**

North Carolina Brownfields Program

**https://deq.nc.gov/about/divisions/waste-management/bf**

### PROSPECTIVE DEVELOPER (PD) CONTACT INFORMATION

### {USE TAB KEY TO GET TO NEXT DATA ENTRY LINE – DO NOT USE THE RETURN KEY}

* 1. Prospective Developer

|  |  |
| --- | --- |
| Entity Name | Click or tap here to enter text. |
| Entity Manager | Click or tap here to enter text. |
| Mailing Address | Click or tap here to enter text. |
| Email Address | Click or tap here to enter text. |
| Phone Number | Click or tap here to enter text. |
| Fax Number | Click or tap here to enter text. |
| Website | Click or tap here to enter text. |

|  |  |
| --- | --- |
| PD Contact (if different from above) | |
| Representative | Click or tap here to enter text. |
| Email Address | Click or tap here to enter text. |
| Phone Number | Click or tap here to enter text. |

* 1. Environmental Consultant (if applicable)

|  |  |
| --- | --- |
| Company Name | Click or tap here to enter text. |
| Project Manager | Click or tap here to enter text. |
| Mailing Address | Click or tap here to enter text. |
| Email Address | Click or tap here to enter text. |
| Phone Number | Click or tap here to enter text. |
| Fax Number | Click or tap here to enter text. |
| Website | Click or tap here to enter text. |

* 1. Environmental Attorney (if applicable)

|  |  |
| --- | --- |
| Firm Name | Click or tap here to enter text. |
| attorney name | Click or tap here to enter text. |
| Mailing Address | Click or tap here to enter text. |
| Email Address | Click or tap here to enter text. |
| Phone Number | Click or tap here to enter text. |
| Fax Number | Click or tap here to enter text. |
| Website | Click or tap here to enter text. |

### SITE INFORMATION

* 1. Information regarding the proposed Brownfields Property:

|  |  |
| --- | --- |
| historic Name  (if available) | Click or tap here to enter text. |
| Street address | Click or tap here to enter text. |
| city | Click or tap here to enter text. |
| county | Choose an item. |
| zip code | Click or tap here to enter text. |
| tax id(s) or Pin(s) | Click or tap here to enter text. |
| acreage | Click or tap here to enter text. |
| past use(s) | Click or tap here to enter text. |
| current use(s) | Click or tap here to enter text. |
| contaminants and their source(s) | On-property source(s)  Explanation: Click or tap here to enter text.  Off-property source(s)  Explanation: Click or tap here to enter text.  Unknown source(s)  Explanation: Click or tap here to enter text.  Contaminants have not yet been documented at the property  Explanation: Click or tap here to enter text. |

* 1. Contaminated Media Table. (If known or suspected, check appropriate boxes below:)

| Contaminant Types | | Soil | Groundwater | Surface Water | Private Wells | Vapor Intrusion |
| --- | --- | --- | --- | --- | --- | --- |
| o r g a n i c s | Chlorinated Solvents: | Known  Suspected | Known  Suspected | Known  Suspected | Known  Suspected | Known  Suspected |
| Petroleum (i.e. BTEX, PAHs): | Known  Suspected | Known  Suspected | Known  Suspected | Known  Suspected | Known  Suspected |
| Other VOCs/SVOCs: | Known  Suspected | Known  Suspected | Known  Suspected | Known  Suspected | Known  Suspected |
| i n o r g a n i c s | Metals: | Known  Suspected | Known  Suspected | Known  Suspected | Known  Suspected | Known  Suspected |
| Mercury: | Known  Suspected | Known  Suspected | Known  Suspected | Known  Suspected |

* 1. Regulatory Agency Involvement: List the site names and all identifying numbers (ID No.) previously or currently assigned by any federal, state or local environmental regulatory agencies for the property. The ID No’s may include [CERCLIS numbers](http://www.epa.gov/enviro/html/cerclis/cerclis_query.html), RCRA generator numbers for past and present operations, [UST database](http://wastenotnc.org/ust/main.html), [Division of Water Quality’s incident management database](http://h2o.enr.state.nc.us/agw.html), and/or [Inactive Hazardous Sites Branch inventory numbers](http://www.wastenotnc.org/SFHOME/IHS_County_List.pdf). *(In many instances, the PD will need to actively seek out this information by reading environmental site assessment reports, reviewing government files, contacting government officials, and through the use of government databases, many of which may be available over the internet.)*

*\*To add additional items, select the* **+** *in the bottom right corner of the table.*

|  |  |
| --- | --- |
| Regulatory agency | facility/incident number |
| Choose an item. | Click or tap here to enter text. |

1. **PROPOSED REDEVELOPMENT**
   1. What are the planned use(s) of the redeveloped brownfields property to which the PD will commit?

|  |  |
| --- | --- |
| Proposed reuse | details |
| Industrial | Click or tap here to enter text. |
| office | Click or tap here to enter text. |
| Parking | Click or tap here to enter text. |
| retail | Click or tap here to enter text. |
| Warehousing | Click or tap here to enter text. |
| commercial | Click or tap here to enter text. |
| multi-family residential  i.e. condos & apartments; no single-family or townhomes | Click or tap here to enter text. |
| Recreational | Click or tap here to enter text. |
| Institutional | Click or tap here to enter text. |
| Other | Click or tap here to enter text. |

* 1. Check all of the public benefits that will result from the property’s redevelopment.

|  |  |  |  |
| --- | --- | --- | --- |
|  |  |  |  |
| job creation | TAX BASE INCREASES | REVITALIZATION OF BLIGHTED AREAS | PRESERVED GREEN SPACE |
| PRESERVED HISTORIC PLACES | AFFORDABLE/ WORKFORCE HOUSING | ENVIRONMENTAL CLEANUP ACTIVITIES | EXPANDED USE OF PUBLIC TRANSPORTATION |
| RENEWABLE ENERGY | pUBLIC HEALTH RISK REMEDIATION | DIRECTED RESOURCES | CONSERVATION EASEMENT |

*Describe any additional public benefits below:*

Click or tap here to enter text.

*In gauging public benefit, NCBP places great value upon letters of support from community groups and local government that describe anticipated improvements in quality of life for neighboring communities that the project will bring about. The inclusion of such support letters with this application is recommended and encouraged.*)

Special Note: Please describe all environment-friendly technologies and designs PD plans to utilize in its redevelopment strategy. For example, environment friendly redevelopment plans could include: Leadership in Energy and Environmental Design (LEED) Certification, green building materials; green landscaping techniques such as using drought resistant plants; energy efficient designs, materials, appliances, machinery, etc.; renewable sources of energy, and/or recycling/reuse of old building materials such as brick or wood.

Click or tap here to enter text.

1. **SITE MEETS STATUTORY BROWNFIELDS DEFINITION**

*(§NCGS.130A-310.31.b Definition of a “Brownfields Property” or “Brownfields Site”)*

* 1. Is the property abandoned, idled, or underused?

Explain: Click or tap here to enter text.

* 1. Is future redevelopment hindered at the property?

Explain: Click or tap here to enter text.

* 1. Location Map: PD **must provide** a copy of the relevant portion of the 1:24,000 scale [U.S.G.S. topographic quadrangle map](http://www.geology.enr.state.nc.us/maps/ncgs_main_maps_page.html) that shows the location of the property, clearly plotted, and that measures at least an 8 ½ by 11 inches. *(Note: these maps can be purchased through the above link, or often through retail outdoor recreation stores that can print out the relevant map. Often environmental reports have location maps that use this* *type of map format as the base for its location map.*)

Is the required location map included with this application?  Yes

* 1. Survey Plat: PD must provide a preliminary survey plat of the property with the Proposed Brownfields Property boundaries clearly identified. At this stage of the brownfields process, one or more existing survey plats from a previous property conveyance will suffice. *(Before the brownfields project enters the public comment phase of the brownfields process, the PD will be required to submit a final brownfields survey plat which includes the information listed in the brownfields* [*survey plat guidance*](http://www.ncbrownfields.org/pdf/PlatGuidanceMemo.pdf)*.)*

Is the required preliminary survey plat included with this application?  Yes

* 1. Legal Description: PD must provide a legal description with metes and bounds that matches the Proposed Brownfields Property description on the plat.

Is the required preliminary legal description included with this application?  Yes

* 1. Site Photographs: PD must provide at least one pre-redevelopment photograph of the property, in electronic format, that shows existing facilities and structures. **Electronic copies of photographs should be emailed to:** [**Shirley.Liggins@deq.nc.gov**](mailto:Shirley.Liggins@deq.nc.gov) **with a clear indication as to which Brownfields** **Application they apply to.**

Have electronic copies of the photographs been emailed to NCBP?  Yes

* 1. Environmental Reports/Data: If it makes an affirmative eligibility determination, the NCBP will request that PD provide any and all existing environmental reports and data for the property in electronic format. The brownfields process may be expedited if PD submits such reports/data with this application.

Are any environmental reports/data being submitted with this application?  Yes

Please provide the **title**, **date** and **author** of each item being submitted:

*\*To add additional items, select the* **+** *in the bottom right corner of the table.*

|  |  |  |
| --- | --- | --- |
| Environmental Reports | | |
| Report | Prepared by | Date |
|  |  |  |

1. **PD APPLICANT MEETS STATUTORY DEFINTION OF PROSPECTIVE DEVELOPER**

*(§NCGS.130A-310.31.b Definition of a “Prospective Developer”)*

* 1. Information regarding all parent companies, subsidiaries or other affiliates of PD *(attach separate sheet(s) if necessary)*:

|  |  |
| --- | --- |
| Choose an item. | Click or tap here to enter text. |
| name | Click or tap here to enter text. |
| percent of ownership | Click or tap here to enter text. |
| mailing address | Click or tap here to enter text. |
| email address | Click or tap here to enter text. |
| phone number | Click or tap here to enter text. |
| fax number | Click or tap here to enter text. |

* 1. Managers of manager-managed LLCs are required to execute all brownfield documents for the LLC; as to member-managed LLCs, state name of member who will sign these documents.

Click or tap here to enter text.

* 1. List all parent companies, subsidiaries and other affiliates:

|  |  |
| --- | --- |
| Property ownership | |
| PD owns property | **DATE OF PURCHASE Click or tap to enter a date.** |
| PD DOES NOT OWN PROPERTY | **CURRENT PROPERTY OWNER INFORMATION**  **NAME** Click or tap here to enter text.  **ADDRESS** Click or tap here to enter text.  **PHONE NUMBER** Click or tap here to enter text.  **EMAIL ADDRESS** Click or tap here to enter text. |
| pd HAS PROPERTY UNDER CONTRACT | **DATE OF CONTRACT** Click or tap to enter a date. |
| pd DOES NOT OWN OR HAVE THE PROPERTY UNDER CONTRACT | Choose an item. |

If other, explain:Click or tap here to enter text.

* 1. Describe all activities that have taken place on the property since PD or PD’s parents, subsidiaries and/or other affiliates, and/or lessees or sublessees of PD, took ownership of or operated at the property (e.g., industrial, manufacturing or commercial activities, etc.). *(Include a list of all regulated substances as defined at NCGS § 130A-310.31(b)(11) that have been used, stored on, or otherwise present at the property while those activities were conducted, and explain how they were used.)*

Click or tap here to enter text.

1. Brownfields Affidavit: PD must provide its certification, in the form of a signed and notarized original of the unmodified model brownfields affidavit provided by NCBP, that it did not cause or contribute to contamination at the property and that it meets all other statutory eligibility requirements. *(Note: The form to use for this affidavit is attached to this application. An original hard copy of this affidavit must be filled out, signed, notarized and submitted with this application.)*

Is the required affidavit, as described above, included with this application?  Yes

1. PD Entity is registered with the North Carolina Secretary of State office.  Yes
2. **PD APPLICANT’S STATUTORY DEMONSTRATIONS/ADMINSITRATIVE REQUIREMENTS** *(§NCGS.130A-310.32(a) regarding demonstrations made by prospective developer.)*
   1. Current tax value of brownfields property: $
   2. Estimated capital investment in redevelopment project: $
   3. Does PD have or can it obtain the financial means to fully implement a Brownfields Agreement and assure the safe reuse of the property? Submit, in hard copy under a separate cover, supporting documentation such as letters of credit, financial statements, etc.

Answer Explanation

* 1. Does PD have or can it obtain the managerial means to fully implement a Brownfields Agreement and assure the safe use of the property?

Answer Explanation

* 1. Does PD have or can it obtain the technical means to fully implement a Brownfields Agreement and assure the safe use of the property?

Answer Explanation

* 1. Does PD commit that it will comply with all applicable procedural requirements of the NCBP, including prompt payment of all statutorily required fees?  Yes
  2. Has PD complied, if PD has had a prior project in the NCBP, with all applicable procedural requirements of the NCBP, including prompt payment of all statutorily required fees?

*\*To add additional items, select the* **+** *in the bottom right corner of the table.*

|  |  |  |  |
| --- | --- | --- | --- |
| PREVIOUS BROWNFIELDS PROJECTS | | | |
| NCBP PROJECT ID | **NCBP PROJECT NAME** | **PD ENTITY NAME** | **BROWNFIELDS PROJECT MANAGER** |
| Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. |

# FEES

## To produce a Brownfields Agreement, the Act requires that the developer pay fees to offset the cost to the Department of Environmental Quality and the Department of Justice. In satisfaction of the Act, the following fees apply to a Brownfields Agreement, subject to negotiation of the Brownfields Agreement. There is a Standard Fee Option and a “Redevelopment Now” Fee Option. For more details, see our website, [www.ncbrownfields.org](http://www.ncbrownfields.org).

**Select one of the following fee options below:**

**The Standard Fee Option**

a. $2,000 initial fee will be due from the applicant PD when **both** of the following occur:

* 1. NCBP receives this application and affidavit; AND,
  2. NCBP notifies the applicant in writing that the applicant PD and the project are eligible for participation in the NCBP and continued negotiation of a Brownfields Agreement.

1. A second fee of $6,000 will be due from the PD prior to execution of the Brownfields Agreement. Should the Prospective Developer choose to negotiate changes to the agreement that necessitate evaluation by the Department of Justice, additional fees shall apply.

Please check this box and initial below to indicate your application is under the Standard Brownfields fee structure. Fee will be invoiced.

Click or tap here to enter text. Click or tap to enter a date.

Initial Date of Submittal

**The Redevelopment Now Fee Option**

1. A $30,000 fee due with this application (fully refunded if not found to eligible).
2. A Signed Fee Consent Document.

Please check this box and initial below to indicate your application is under the Redevelopment Now Program Option and your acknowledgement of the alternate fee structure as outlined in the Redevelopment Now Fee Consent Document. Fee should be submitted with this application.

Click or tap here to enter text. Click or tap to enter a date.

Initial Date of Submittal

**Other Potential Fees to be aware of in satisfaction of the statute:**

1. Any addendum/modifications to the BFA or NBP after they are in effect will result in an additional fee of at least $1,000 for defraying costs to DEQ for addendum/modification.
2. In the unexpected event that the environmental conditions at the property are unusually complex, such that NCBP’s costs will clearly exceed the above amounts, NCBP and PD will negotiate additional fees as appropriate.

**North Carolina Brownfields Program**

***Redevelopment Now***

**Fee Consent Document**

I, the undersigned, am the authorized agent of Click or tap here to enter text.(“Prospective Developer”), who seeks to engage the North Carolina Brownfields Program (“Program”) to develop a Brownfields Agreement under N.C.G.S. 130A-310.30, *et seq*. for the following property:

Historic Site Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Street Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Zip Code: \_\_\_\_\_\_\_\_\_\_\_\_

County: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Prospective Developer is herewith paying a $30,000.00 fee to the Program, by check payable to “**NCDEQ**,” in satisfaction of a Prospective Developer’s obligations under N.C.G.S. 130A-310.39(a). Prospective Developer understands that payment of this fee entitles Prospective Developer to expedited Program review of technical documents and processing of a draft Brownfields Agreement and ancillary documents regarding the project in question.

Prospective Developer further understands that payment of this fee in no way guarantees successful completion of the Brownfields process regarding the project.

I understand that, pursuant to payment of the fees, the Program shall handle the subject project under the Program’s expedited processing provisions, with appropriate staff resources, so long as Prospective Developer is engaging in the process in good faith and complying with the Program’s procedures.

Should the Program determine that the resources required to complete the brownfields process in regard to the subject project ever exceed the fee set forth herein due to unforeseen technical, administrative, or regulatory complexities, the Program may (1) remove the project from the expedited processing program and return it to standard processing status, or (2) expend resources it deems reasonable seeking to negotiate an additional fee that the Program deems sufficient to complete the Brownfields process in regard to the project.

Disclaimers:

1. The Program makes no promises or claims that payment of the subject fee will result in successful completion of the Brownfields process regarding this project.
2. Public comment shall be solicited pursuant to N.C.G.S. 130A-310.34, and may affect the outcome of the Brownfields process regarding this project, including without limitation its timing and/or provisions/features of the Brownfields documents and plat.

Prospective Developer: Click or tap here to enter text.

Mailing Address: Click or tap here to enter text.

By:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name typed or printed: Click or tap here to enter text. Date Click or tap here to enter text.

Title typed or printed: Click or tap here to enter text.

**NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY**

**NORTH CAROLINA BROWNFIELDS PROGRAM**

**IN THE MATTER OF: <<APPLICANT PROSPECTIVE DEVELOPER NAME>>**

**UNDER THE AUTHORITY OF ) AFFIDAVIT**

**NORTH CAROLINA GENERAL ) RE:RESPONSIBILITY**

**STATUTES ϶ 130A-310.30, et. seq. ) AND COMPLIANCE**

<<APPLICANT PD REPRESENTATIVE NAME>>, being duly sworn, hereby deposes and says:

1. I am <<Title>> of <<APPLICANT PD NAME>>.
2. I am fully authorized to make the declarations contained herein and to legally bind <<APPLICANT PD NAME>>.
3. <<APPLICANT PD NAME>> is applying for a Brownfields Agreement with the North Carolina Department of Environmental Quality, pursuant to N.C.G.S. **϶** 130A, Article 9, Part 5 (Brownfields Act), in relation to the following <<Parcel Number(s)>> parcel(s) in <<City>>, <<County>> , County, North Carolina: <<Street Address No. 1, Street Address No. 2, etc.>>
4. I hereby certify, under the pains and penalties of perjury and of the Brownfields Act, that

<<APPLICANT PD NAME>>, and any parent, subsidiary or other affiliate meets the eligibility requirements of N.C.G.S. **϶** 130A-310.31(b)(10), in that it has a *bona fide*, demonstrable desire to develop or redevelop, and did not cause or contribute to the contamination at, the parcel(s) cited in the preceding paragraph.

1. I hereby certify, under the pains and penalties of perjury and of the Brownfields Act, that

<<APPLICANT PD NAME>> meets the eligibility requirement of N.C.G.S. **϶**130A-310.32(a)(1) in that it and any parent, subsidiary or other affiliate have substantially complied with:

* 1. the terms of any brownfields or similar agreement to which it or any parent, subsidiary or other affiliate has been a party;
  2. the requirements applicable to any remediation in which it or any parent, subsidiary or other affiliate has previously engaged;
  3. federal and state laws, regulations and rules for the protection of the environment. Affiant further saith not.

Signature/Printed Name Click or tap here to enter text. Date Click or tap here to enter text.

**Sworn to and subscribed before me**

**this day of , 20 .**

**Notary Public**

**My commission expires:** (SEAL)