



**REQUEST FORM**

**Acknowledgment Letter &  
Petroleum Eligibility Determination**

**for FFY 23 U.S. EPA Brownfields Multipurpose, Assessment, Revolving Loan  
Fund, and Cleanup (MARC) Grant Proposals**

All Indiana applicants (other than state/tribal environmental authorities) to the U.S. Environmental Protection Agency (U.S. EPA) for brownfield grant funding must submit with every proposal a current letter from the "State or Tribal Environmental Authority," which is the Indiana Department of Environmental Management (IDEM), acknowledging that the applicant plans to perform the proposed activities (e.g., assessment and/or cleanup) and to apply for FFY23 federal brownfields grant funds. Site-specific petroleum eligibility determinations must also be confirmed by IDEM for proposals that address solely petroleum contamination. This form can be used to request both an acknowledgment letter and petroleum eligibility determination, as well as the letter for Cleanup Grant applicants to affirm that a site is ready for remediation.

Only one **Request Form** per applicant is necessary, even if an entity is applying for more than one U.S. EPA Brownfields grant. To obtain the required letter (and petroleum eligibility determination, if applicable) on IDEM letterhead, the information requested below must be submitted to the Indiana Brownfields Program (Program) **no later than November 4, 2022**.

***All proposals must be submitted electronically to U.S. EPA through [www.grants.gov](http://www.grants.gov) by 11:59 p.m. Eastern Time on November 22, 2022. Note the appropriate U.S. EPA Regional Brownfields Contact listed in the guidelines accordingly. Please email a copy of your final proposal(s) to the Indiana Brownfields Program for its records.***

**Note:** The Program recommends that applicants utilize services available through the Technical Assistance to Brownfields (TAB) program <http://www.ksutab.org> for consultation/review of draft proposals prior to submitting final grant proposals to U.S. EPA. To ensure adequate review time, please contact the TAB program early in your grant proposal writing process. The TAB program is funded by U.S. EPA and provides its services free of charge on a first-come, first-served basis. For more information, please contact Beth Grigsby, KSU TAB Coordinator for U.S. EPA Regions 5 & 7, 317-601-3839, [beth27@ksu.edu](mailto:beth27@ksu.edu).

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**Summary Information (please complete the following to the best of your knowledge):**

- Applicant:
- County of site:
- Type of Grant(s):
- Amount of Grant Request(s):
- If site-specific, list site name(s) (list all known names):
- If site-specific, is/are the site(s) already entered into the Indiana Brownfields Program or IDEM program?
- If Community-Wide Assessment Grant, list the target areas and priority site names.
- If applicable/known, what is/are the specific Indiana Brownfields Program (or other IDEM program) site number(s)?
- How has the applicant participated in the Indiana Brownfields Program in the past?
- Submission Date of Request Form:

1. **Primary Contact** (for questions regarding this request)  
Name:  
  
Title:  
  
Affiliation:  
  
Email:  
  
Phone:
2. **Acknowledgment Letter/Petroleum Eligibility Determination should be addressed to**  
(applicant for the U.S. EPA Grant(s))  
Name (please include Prefix and Surname):  
  
Title:  
  
Affiliation:  
  
Address:  
  
Email:  
  
Phone:
3. **Entity assembling and submitting the grant proposal(s) to U.S. EPA** (this individual and any others specified to be copied will receive by email, as well as by U.S. mail, the Acknowledgment Letter/Petroleum Eligibility Determination, which should be included with each grant proposal)  
Name:  
  
Title:  
  
Affiliation:  
  
Address:  
  
Email:  
  
Phone:
4. Indicate **type(s) of grant** applying for, **total dollar amount(s)** requesting (excluding any state, local, or private investment or cost-share in the project), and a detailed description of the planned **use(s) of grant funds**. Indicate type(s) of contamination to be addressed with grant funds (e.g., petroleum, hazardous substance, and/or petroleum co-mingled with hazardous substances).  
Note: For sites with petroleum contamination only (not petroleum co-mingled with hazardous substances), item #10 below must also be completed.
5. Explain community **need** and redevelopment/end use **plans**.
6. Indicate **commitment** to participate in the Indiana Brownfields Program and/or IDEM Voluntary Remediation Program for oversight of grant-funded/related site activities as applicable and appropriate. If proposal is for a cleanup grant, please see item 8, below.
7. If submitting a **site-specific proposal** to U.S. EPA (Cleanup or Multipurpose Grant; **no site-specific assessment proposals in FY23**), identify site name(s), street address location(s), status (bankrupt, tax delinquent, abandoned, inactive, etc.), including brief operational history and current use(s), as applicable.

8. If submitting a **site-specific proposal** to U.S. EPA (Cleanup or Multipurpose Grant; **no site-specific assessment proposals in FY23**), describe current site ownership. Note: To be eligible for a Brownfields Grant to address hazardous substances at a brownfield property, eligible entities must demonstrate that they: 1) Are exempt from CERCLA liability; or 2) Qualify for funding because the property is publicly owned and was acquired prior to January 11, 2002; or 3) Meet the requirements for asserting an affirmative defense to CERCLA liability through one of the landowner liability protections (e.g., the bona fide prospective purchaser liability protection per CERCLA §101(40)).

**NOTE: Cleanup Grant applicants must be the sole owner of the site at the time the proposal is submitted to U.S. EPA.** Please include/attach the recorded deed for the site. (Please also include the recorded deed for the proposal site owned by a Multipurpose Grant applicant).

**NEW FOR FY23 – Cleanup grant applicants must demonstrate that there has been a sufficient level of site characterization from the environmental site assessment performed to date (or will be by June 15, 2023) for remediation to begin on the site.** For the Program to be able to issue a letter on behalf of an applicant that there is a sufficient level of site characterization for remediation work to begin on the site, please submit all available Phase II environmental site assessment reports (whether completed on behalf of the applicant or another party) and/or provide the Virtual File Cabinet document number(s) for the report(s) if it has already been submitted to the State (see Section 8, page 15 of the EPA Cleanup Proposal guidelines for additional information). In addition, if the Site is not already under Program oversight, please indicate the applicant's intention to submit a Site Status Letter request in order to be enrolled in the Program.

9. **For Community-Wide Assessment proposals**, identify the target area(s) and site name(s), street address location(s), status (bankrupt, tax delinquent, abandoned, inactive, etc.), including brief operational history and current use(s), as applicable.
10. **For site-specific proposals for petroleum-contaminated sites ONLY (not petroleum co-mingled with hazardous substances)**: In addition to the above information, and per U.S. EPA grant guidelines (see current proposal guidelines for more context on these questions), please provide the following information so that the state/IDEM can render the requisite petroleum site eligibility determination (*Please attach responses to this Request Form*):
- Current and Immediate Past Owners**: Identify the current and immediate past owner(s) of the site, when they owned the site (provide dates), and what they operated (be specific). For purposes of petroleum eligibility determinations for U.S. EPA brownfield grant funding only, the current owner is the entity that will own the site at the time of proposal submission.
  - Acquisition of Site**: Identify when (the date) and by what method the current owner acquired the property (e.g., purchase, tax foreclosure, donation, eminent domain).
  - No Responsible Party for the Site**: Identify whether the current owner and/or immediate past owner (which includes, if applicable, the applicant):
    - dispensed or disposed of petroleum or petroleum product, and if so, how long petroleum was dispensed or disposed; or exacerbated the existing petroleum contamination at the site (describe any activities that resulted in a new release or creation of an exposure pathway to existing contamination);
    - owned the site when any dispensing or disposal of petroleum (by others) took place; and

- 3) took reasonable steps with regard to the contamination at the site (describe activities conducted by the current owner and immediate past owner on the site, including any activities conducted in response to known contamination).

If petroleum contamination is only suspected, and not known because neither the owner nor immediate past owner has conducted/is aware of any site investigation completed on the site, then please indicate such.

- d. *Assessed (or Cleaned Up) by a Person Not Potentially Liable:* Identify whether the grant applicant (as current site owner and/or as a result of operating on the site):
  - 1) dispensed or disposed of petroleum or petroleum product; or
  - 2) exacerbated the existing petroleum contamination at the site (describe any activities that resulted in a new release or creation of an exposure pathway to existing contamination); and
  - 3) took reasonable steps with regard to the contamination at the site (describe activities conducted by the applicant on the site, including any activities conducted in response to known contamination).
- e. *Judgments, Orders, or Third-Party Suits:* Provide information that no responsible party (including the applicant) is identified for the site, through either:
  - 1) a judgment rendered in a court of law or an administrative order that would require any person to assess, investigate, or clean up the site; or
  - 2) an enforcement action by federal or state authorities against any party that would require any person to assess, investigate, or clean up the site; or
  - 3) a citizen suit, contribution action, or other third-party claim brought against the current or immediate past owner, that would, if successful, require the assessment, investigation, or cleanup of the site.
- f. *Subject to RCRA:* Identify whether the site is subject to any order under section 9003(h) of the Solid Waste Disposal Act (RCRA Corrective Action).
- g. *Financial Viability of Responsible Parties:* For any current or immediate past owner(s) identified as responsible for the contamination at the site, provide information regarding whether the party has the financial capability to satisfy obligations under federal or state law to assess, investigate or clean up the site (*e.g.*, is the party an ongoing business or company or is it defunct or insolvent? Is the party an individual?). Check resources (*e.g.*, tax returns, bank statements, Secretary of State records, Dun & Bradstreet reports, Hoover's Business Information, etc.) for determining financial capability.

Note: If no responsible party is identified in (c) or (d) above, then the petroleum-contaminated site may be eligible for funding. If a responsible party is identified above, then U.S. EPA or the state must next determine whether that party is financially viable (for the activities identified in the grant proposal). If any such party is determined to be financially viable, then the petroleum-contaminated site may not be eligible for funding. For more information, see the [Information on Sites Eligible for Brownfields Funding under CERCLA § 104\(k\)](#).

**If you are unable to provide information on any of the above questions for a petroleum eligibility determination, then you must include a brief explanation of why the information requested above is not available.**

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**This Request Form should be completed and submitted (via email (preferably) or U.S. mail) no later than November 4, 2022 to:**

John Morris  
Stakeholder Engagement Coordinator  
Indiana Brownfields Program  
100 N. Senate Avenue  
Room 1275  
Indianapolis, Indiana 46204

Phone: (317) 234-0235

Email: [jmorris@ifa.in.gov](mailto:jmorris@ifa.in.gov)

**Reminder:** The FFY23 U.S. EPA Solicitations for Brownfields Grants and Guidelines are posted at <https://www.epa.gov/brownfields/solicitations-brownfield-grants>. Final grant proposals, with attached IDEM Acknowledgment Letters/Petroleum Eligibility Determinations, must be submitted **electronically** to U.S. EPA through [www.grants.gov](http://www.grants.gov) by **November 22, 2022**.

***Please remember to email your final proposal(s) to the Indiana Brownfields Program.***