



**APPLICATION FOR BROWNFIELDS ASSISTANT – NORTH DAKOTA  
BROWNFIELDS STATE RESPONSE PROGRAM**  
NORTH DAKOTA DEPARTMENT OF ENVIRONMENTAL QUALITY  
DIVISION OF WASTE MANAGEMENT - UST PROGRAM  
SFN 62249 (10/2022)

Telephone: 701-328-5166

Fax: 701-328-5200

Website: <http://deq.nd.gov/WM/Brownfields>

North Dakota Brownfields State Response Program (Program) provides assistance for site specific hazardous materials assessment and cleanup at qualifying Brownfields properties located in North Dakota. To request the Program's assistance, interested parties shall submit an application that includes the information identified below. The Applicant will be contacted after the Program reviews the request.

To qualify for assessment and/or cleanup assistance, the site generally must be owned by a public, quasi-public, or non-profit entity. Privately owned sites do not qualify for cleanup assistance through the Program.

Privately owned sites may qualify for assessment assistance provided that the request is to evaluate whether a public, quasi-public, or non-profit entity wants to purchase or take ownership of the site. Those entities also must be the party that submits the assistance request, not the private owner.

**1. CONTACT PERSON**

Name		
Title		
Telephone number		
Mailing address		
City	State	ZIP Code
E-mail address		

**2. SITE LOCATION**

Type of assistance requested <i>(please check appropriate boxes)</i>	<input type="checkbox"/> Assessment	<input type="checkbox"/> Cleanup
Type of contamination <i>(please check appropriate boxes)</i>	<input type="checkbox"/> Asbestos/ Hazardous Materials	<input type="checkbox"/> Petroleum
Site Name		
Physical address		
City	County	State
ZIP Code		
Total property acreage or square footage (if multi-story)		
A map of the site, pictures, and the site's latitudinal and longitudinal coordinates if available are attached.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Name of current property owner of the site		

Type of ownership			
<input type="checkbox"/> Public Entity ( <i>List City &amp; County</i> )	<input type="checkbox"/> Quasi-public entity (community development organization)	<input type="checkbox"/> Non-profit (federally defined)	<input type="checkbox"/> Private
The Applicant grants the North Dakota Department of Environmental Quality (NDDEQ) personnel permission to enter the site for the purpose of determining program eligibility and program planning. <i>If the Applicant is not the owner, the Applicant has attached documentation showing the owner grants such permission.</i>		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Proof of ownership, required to determine the Applicant's eligibility, is attached.		<input type="checkbox"/> Yes	<input type="checkbox"/> No
If applicable, proof of federal non-profit status is attached for non-profit entities.		<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No

**3. OWNERSHIP STATUS**

Describe the current and future ownership status.	
If the site is not currently owned by the Applicant, describe how site access will be obtained to conduct assessment activities ( <i>for assessment requests only</i> ).	

**4. SITE HISTORY**

Describe the known past ownership and uses of the site.	
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Describe local/state/federal regulatory involvement at the *site* (i.e., if the state has already invested funds in the property or if there is an ongoing or planned state/federal enforcement action at the site). Information should include whether or not there has ever been a response action taken at the site utilizing federal Environmental Protection Agency derived funding.

Describe present site conditions, including level and type of contamination (if known), and a summary of any known past environmental investigations (assessments).

If available (for cleanup requests), all relevant past environmental assessment reports that have been completed for the site are attached.

N/A

Yes

No

Summarize past and present developer interest in the site.

**5. PROJECT PERIOD**

State the desired time period for project completion and reason for that length of time:

Please note that from date of contract issuance, site assessments can take up to four (4) months to complete and site cleanups up to six (6) months to complete.

**6. ASSURANCE OF FUTURE REDEVELOPMENT OF THE SITE**

Describe the roles of all other key stakeholders in the project, if any (community organizations, state involvement, city involvement).

Describe efforts directed toward community involvement (i.e., Is the community aware of the project and does it support the proposed redevelopment? If the community is not aware of the project, what are the plans to involve the community?).

Describe redevelopment plans (the desired future use of the site, the likelihood of redevelopment, and how the site fits within overall redevelopment plans).

List any commitments in place that provide evidence that this site will be cleaned up and redeveloped.

**7. BENEFITS**

Describe how site redevelopment will benefit the community and explain how site revitalization will serve to spur further beneficial activities at nearby locations.

State whether a direct health/environmental threat will be mitigated.

**8. TERMS AND CONDITIONS**

By signing this Application, the Applicant agrees to the following terms and conditions:

- a. The Applicant is a public, quasi-public, or non-profit entity, which owns the site or is evaluating whether it wants to take ownership of the site, and agrees that it will execute the North Dakota Brownfields State Response Program Access Agreement before any remedial or assessment action is taken;
- b. Before taking any action that changes the current (or intended) use of the site, the Applicant must provide

- c. 30 days' written notice to the NDDEQ;
- d. The Applicant may not sell, lease, rent, or conduct any transfer of ownership or operation of the site without first notifying in writing and receiving acknowledgement from the NDDEQ;
- e. The Applicant shall submit any notices required under this Application to:

ATTN: Brownfields Program  
NDDEQ Division of Waste Management  
4201 Normandy St, 2nd Floor  
Bismarck, ND 58503-1324

Electronic applications may be sent [DEQBrownfields@nd.gov](mailto:DEQBrownfields@nd.gov).

- f. The Applicant may, at any time prior to the start of any remedial or assessment action, withdraw the site from the Program. Withdrawal from the Program will forfeit any opportunity for funding at that time. However, there is no limit on submitting a future application for the site;
- g. The NDDEQ may remove the site from the Program if the Applicant takes any action that causes the site to lose eligibility (e.g., changes in use or ownership). The Applicant will then be responsible for all costs that have been incurred by the NDDEQ. If the Applicant does not reimburse the NDDEQ after written demand for repayment, the NDDEQ may file an action for cost recovery in the state District Court for Burleigh County, North Dakota;
- h. The Applicant understands that the NDDEQ's ability to conduct assessment and/or remediation activities at the site is subject to funding being available;
- i. Nothing herein is a release to any person from any liability for contamination at the site; and
- j. These terms and conditions apply while the site remains enrolled in the Program and remedial actions have not been completed, except that Section 8.f allowing the NDDEQ to seek cost recovery survives termination of these terms and conditions.
- k. The individual executing this Application in a representative capacity represents and warrants that he or she is authorized to execute this Application on behalf of and to bind the entity on whose behalf he or she executes this Application. The individual executing this Application certifies that the information provided in here is true and correct to the best of his or her knowledge.

**9. CERTIFICATION**

Applicant Name (Printed)
Applicant Signature
Date of Application