

# Environmental Questionnaire and Disclosure Statement

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**APPLICANT:** \_\_\_\_\_

**ADDRESS & LOCATION OF PROPERTY:** \_\_\_\_\_

**CONTACT PERSON:** \_\_\_\_\_

**APPLICANT IS:**



Owner/Landlord of real property operated by others



Operator/Tenant only



Owner/Operator of real property



Buyer of real property



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Dear Applicant:

In recent years, many important laws have been enacted to protect the environment. As a result of these laws, it is imperative that borrowers and lenders exercise due diligence in determining potential environmental risks associated with commercial property involved in financing. The penalties for non-compliance with environmental laws, and the cost of cleanup, are so severe that not only can a property be deemed worthless, it can become a *liability* rather than an asset. Even though a past, present, or future owner may not be responsible for contamination, they *can* become liable for cleanup costs.

We believe this questionnaire will assist both the borrower and lender in performing due diligence in determining the level of potential environmental risks associated with the property to be used as collateral for a loan. This questionnaire does not purport to cover all concerns about a property; however, it will assist us in determining the degree of risk probability.

Please complete this questionnaire to the best of your ability and return it with your loan application package.

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1. Describe the property, including the number, age and date of construction of the buildings or structures.
2. Describe the current operations at or use of the property.
3. Describe prior operations at or use of the property between the period of 1932 and 1983.
4. Describe prior operations at or use of the property from 1983 to the present.
5. List the Standard Industrial Classification ("SIC") code for the current and former operations at the property from 1983 to the present.

6. Provide the date of last transfer of ownership of the property and/or operations.

7. Was a pre-acquisition site assessment or environmental audit conducted?  YES  NO If so, provide a copy of the report.

8. As to adjacent and neighboring properties, describe the following:

A. Present uses:

B. Proposed future uses:

C. Prior uses:

9. Have any owners or operators of the property made any submissions to the state DEP pursuant to the Industrial Site Recovery Act ("ISRA"), formerly known as ECRA? If so, specify.

10. Is the property currently used or has the property ever been used for an industrial manufacturing operation, a gas station, motor repair facility, commercial printing facility, dry cleaners, photo developing laboratory, junk yard, landfill or waste treatment, storage, disposal, processing or recycling facility?

YES  NO  Unknown If so, specify the operations.

A. Have neighboring properties currently or ever been used for the operations described above?

YES  NO  Unknown If so, specify the operations.

11. Has the real property ever been used for any other industrial, manufacturing, relining, processing, landfill or agricultural purposes?

YES  NO If so, please specify type.

A. Has any neighboring property ever been used for any industrial, manufacturing, relining, processing, landfill or agricultural purposes?

YES  NO If so, please specify type.

12. Are there disposal facilities or dump sites, storage or use of hazardous waste/toxic materials adjacent to the property?

YES  NO If so, please describe.

13. Are there currently, or have there ever been, any discarded automotive or industrial batteries, pesticides, paints or other liquid or solid chemicals in containers stored on or used at the property?

YES  NO  Unknown If so, specify type.

14. Are there any pits, waste piles, ponds or lagoons on site?  YES  NO  Unknown

15. Has fill material ever been brought on-site?  YES  NO  Unknown

A. What type of fill material?  Construction debris  Trash or garbage  
 Clean soil  Fill of unknown origin

16. Has any asbestos-containing material ever been present in any structure on the property?

YES  NO  Unknown If so, specify location and type of material.

17. Is the piping, ductwork, boiler, heating and cooling system protected by any type of insulation? If so, please describe the type of insulating materials.

18. Have any asbestos surveys ever been conducted?

YES  NO  Unknown If yes, attach copy of survey.

A. What were the results of the survey?

Asbestos present and removed  Asbestos present and not addressed

Asbestos present and encapsulated  Asbestos not present

B. What type of asbestos-containing material is present?

Thermal Insulation  Wall or Roofing Material  Vinyl Floor Tiles

C. Is any of the material friable (easily crumbled)?  YES  NO  Unknown

19. Have any pad or pole-mounted electrical transformers, switches, capacitors or other electrical devices ever been on or adjacent to the property?

YES  NO  Unknown

A. Have they been tested for PCBs?  YES  NO  Unknown

B. Do records indicate the presence of PCBs?  YES  NO  Unknown

C. Ownership of the PCB electrical equipment identified above:

Owned by applicant or property owner  Ownership unknown

Owned by utility company or other party

D. Have there been any leaks, spills or fires on-site involving the PCB electrical equipment?

YES  NO  Unknown If so, describe incident.

20. Is there any hydraulic equipment on the property?  YES  NO  Unknown  
If so, specify type and location.

21. Are there now, or have there ever been, or is there proposed to be, any underground storage tanks located on or adjacent to the site? If so, indicate:

(a) Number of tanks \_\_\_\_\_ (c) Contents \_\_\_\_\_

(b) Size of tanks \_\_\_\_\_ (d) Age of each tank \_\_\_\_\_

Attach a site plan showing the location of the tanks.

22. Are the underground storage tanks registered with DEP?  YES  NO  Unknown

If so, Registration Number \_\_\_\_\_

23. Have any integrity tests been performed on the tanks?  YES  NO  Unknown

- A. Were they found to be tight?  YES  NO  Unknown
- B. Is inventory reconciliation performed?  YES  NO  Unknown

24. Are the tanks and their associated piping equipped with?

- Leak detection System  Cathodic or other protection
- Secondary containment  Spill/overflow prevention devices

25. Has a leak or a suspected leak ever been detected from any of the tanks?

- YES  NO  Unknown      If so, describe nature of leak and how discovered.

26. Has subsurface soil testing ever been conducted in the area surrounding the tanks? If so, please provide laboratory data and sampling report.

27. If the tanks are no longer in use, please indicate status of the tanks:

- Filled with sand/concrete  Product and water mixture remains  Product remains
- Empty/dry  Filled with water  Tanks removed

(date) \_\_\_\_\_

28. If any tanks have been removed, please provide laboratory analysis from post-excavation samples, disposal documentation and reports of local authorities (i.e. health or fire inspector) inspecting the removal.

29. If any tanks have been abandoned in place, please provide laboratory analysis from post-closure soil borings, disposal documentation and reports of local authorities (i.e. health or fire inspector) inspecting the closure.

30. Are there currently, or have there ever been, any aboveground tanks on the property?  YES  NO  Unknown

A. If so, identify tank.

(a) Number of tanks \_\_\_\_\_ (c) Contents \_\_\_\_\_

(b) Size of tanks \_\_\_\_\_ (d) Age of each tank \_\_\_\_\_

B. Have any of the tanks ever leaked or spilled any portion of their contents?  YES  NO  Unknown

31. Are there or have there ever been any above or below ground pipelines on the property used to transfer chemicals? If so, describe.

32. Have the pipelines been inspected or tested for leaks? If so, please provide the results.

33. Is there evidence of any floor drains located within the facility?  YES  NO  Unknown

A. Are the floor drains connected to  Sanitary sewer system  Unknown discharge point

Storm sewer system  Other —  
specify \_\_\_\_\_

34. Has sanitary or industrial waste ever been discharged to a septic system, cesspool or other disposal system at the property?

- YES  NO  Unknown      Type of disposal system: \_\_\_\_\_

A. If so, please list the number and location of drains or sumps discharging to the system.

B. Have hazardous substances or petroleum products ever been discharged to the system?  YES  NO  Unknown

C. Has the septic tank sludge or leaching field ever been tested for contaminants?  YES  NO  Unknown  
If so, please attach results.

D. Has any disposal system on the property ever been abandoned?  YES  NO  Unknown

35. Do any operations at the property discharge any wastewater to the ground surface on or adjacent to the property?

YES  NO  Unknown

36. Is any wastewater from any operations at the property discharged to a sanitary or storm sewer?  YES  NO  Unknown

37. Does the facility have state or local permits for discharges of wastewater, process water, contact or non-contact cooling water to the municipal sewer system or surface waters or groundwater? If so, please attach facility discharge permit and monitoring reports.

38. A. Are there any air emission sources that emit contaminants from the facility? If so, describe each source.

B. Do permits exist for any of these sources? Please attach permits.

39. Are freshwater wetlands or wetland transition areas known or suspected to be located at or in close proximity to the property?

YES  NO  Unknown

A. Has a wetland delineation survey ever been performed at the property?  YES  NO  Unknown

40. Are there any groundwater monitoring wells on the property?  YES  NO  Unknown

A. Has the groundwater been tested?  YES  NO  Unknown  
Attach copy of laboratory or consultant's report

B. Were contaminants found as a result of the testing?  YES  NO  Unknown

41. Is there a drinking water or other type of production well on the property?  YES  NO  Unknown  
Attach copy of laboratory or consultant's report.

42. How are the buildings at the property currently heated?  Oil  Gas  
 Electric Other – Specify \_\_\_\_\_

A. Has any other type of heating fuel ever been used at the property? If so, specify type of fuel and how it was stored.

43. Has any lead-based paint ever been used on the property?  YES  NO  Unknown

A. Is any of the paint peeling or otherwise in poor condition?  YES  NO  Unknown

44. Has radon test been conducted at the property?  YES  NO  Unknown  
If so, provide results.

45. Is there currently or has there ever been any stained soil at the property?  YES  NO  Unknown

46. Does your business use chemicals or substances which require permits, licenses or disposal manifests to own, use or remove from the property? If so, please attach copies of each permit, license or disposal manifest.

A. Are you presently in compliance with all regulations for continued utilization of such permits or licenses?

YES  NO  Unknown

47. Do the operations at the property generate any liquid or solid hazardous waste of any quantity? If so, please provide the EPA Hazardous Waste Generator Number and the most recent Annual Hazardous Waste Generator Report.

48. Please Identify the hazardous waste disposal or treatment facility that receives waste generated by operations at the property.

49. Have operators at the site ever stored any hazardous waste for more than 90 days?

50. Are any operations at the property subject to the chemical inventory survey (Tier I, Tier II) requirements of the Community Right to Know Act?

51. Do you know of any environmental liens or government notifications relating to past or current violations of environmental laws with regard to the property or any operation of the property?

YES  NO  Unknown If so, attach copy of lien or notice.

52. Is there any environmental litigation or administrative action involving the property or operations at the property relating to a release or threatened release of any hazardous substance or other violation of environmental laws?

YES  NO  Unknown

53. Are there any past, current or pending regulatory actions against you, the subject property or any operator at the property by federal, state or local environmental agencies alleging non-compliance with regulations? If so, please describe.

54. Are there any past, current or pending lawsuits or administrative proceedings naming the facility for alleged environmental damages? If so, please describe.

55. Has the property or nearby property ever been designated as a federal or state Super Fund site? If so, please describe.

56. Have there ever been any spills, leaks, or other releases of any hazardous/toxic chemicals or substances on the property or adjacent property?

A. Have any of these spills, leaks, releases or discharges ever been reported to state or local environmental authorities?

57. Has the property or any operations at the property ever been involved in site investigations, cleanup actions, corrective action programs or other regulatory requirements regarding suspected or known soil or groundwater contamination? If so, please describe.

**I am familiar with the real property and operations described in this questionnaire. By signing below, I represent and warrant to the Bank that the answers to the above questions are complete and accurate to the best of my knowledge. I also understand that the Bank will rely on the completeness and accuracy of my answers in assessing any environmental risks associated with the property or operations at the property.**

***NOTE: The Applicant must be the person most knowledgeable about the subject property.***

APPLICANT

COMPANY

INDIVIDUAL (S)

BY: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(title)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_