



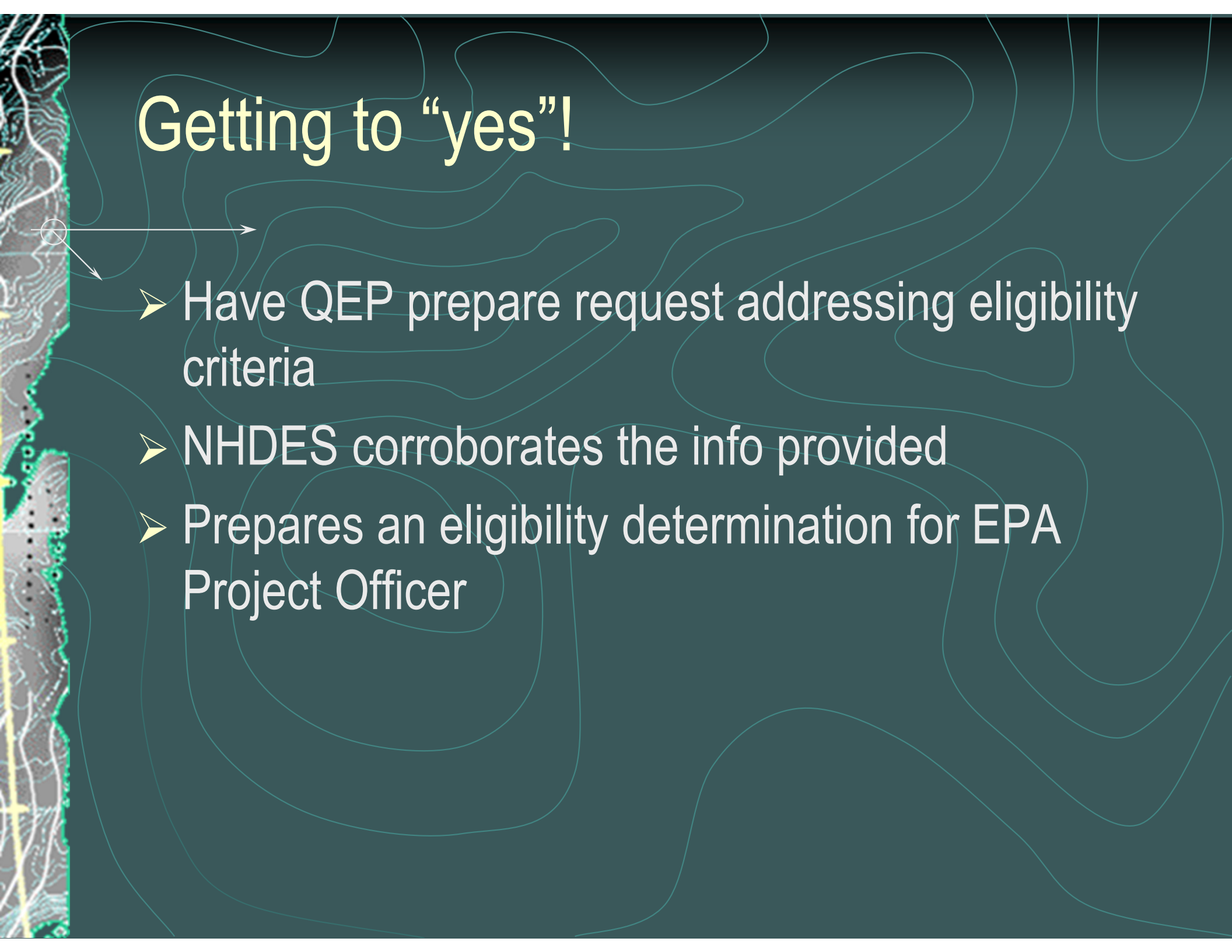
# Petroleum Brownfields Eligibility Determinations in NH

Revitalizing New England: Brownfields Summit 2022

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New Hampshire Department of Environmental Services

# Getting to “yes”!

- 
- Have QEP prepare request addressing eligibility criteria
  - NHDES corroborates the info provided
  - Prepares an eligibility determination for EPA Project Officer

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# Petroleum Eligibility Criteria

1. There is no viable responsible party
2. The site will not be assessed, investigated, or cleaned up by a person that is potentially liable for cleaning up the site.
3. The site is not subject to a corrective action order under the Resource Conservation and Recovery Act (RCRA) § 9003(h)

[Information on Sites Eligible for Brownfields Funding under CERCLA § 104\(k\) \(epa.gov\)](http://epa.gov)

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# There is no viable responsible party

- No liable AND viable party
- Must consider current and immediate past owner
- Not liable if “did not dispense or dispose of, or own the subject property during the dispensing or disposal of, any contamination at the site, did not exacerbate the contamination at the site, and took reasonable steps with regard to the contamination at the site”.

# There is no viable responsible party


(continued)



➤ Not viable if:


- Not in “Good Standing” with Secretary of State
- Owe back taxes
- Individual owners
- Deceased



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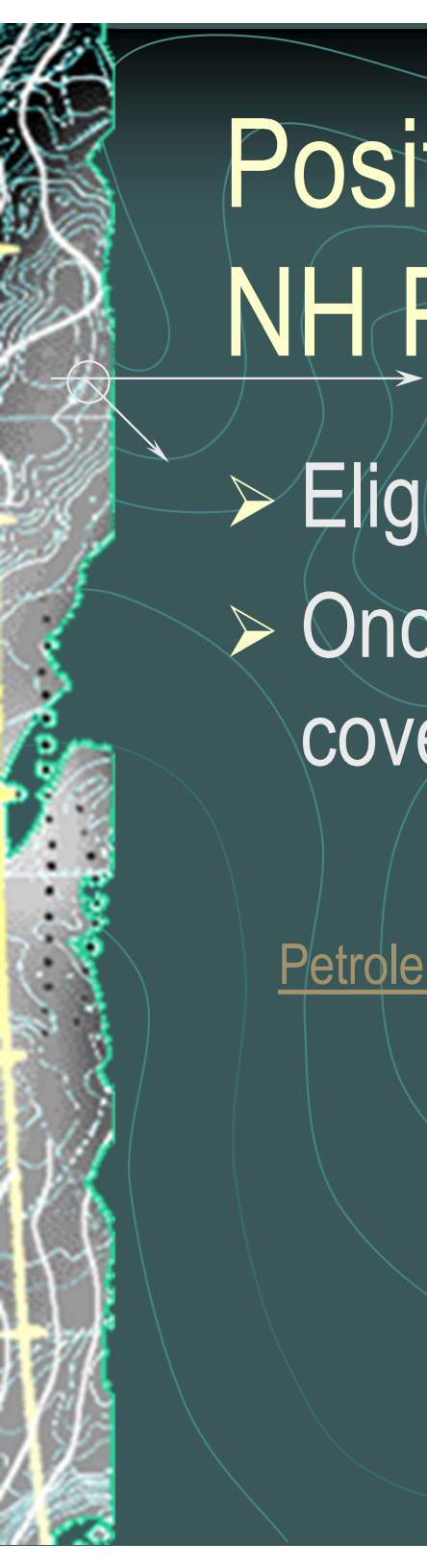
The site will not be assessed, investigated, or cleaned up by a person that is potentially liable for cleaning up the site.

- Most grantees in NH are the state, municipalities, or regional planning commissions

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The site is not subject to a corrective action order under the Resource Conservation and Recovery Act (RCRA) § 9003(h)

- NH maintains a list of sites that that would be subject to RCRA Corrective Action



# Positioning Site for NH Petroleum Reimbursement Fund

- Eligible if in compliance and *after* discovery
- Once deemed eligible, costs after discovery covered by NH Petroleum Reimbursement Fund

[Petroleum Reimbursement Fund | NH Department of Environmental Services](#)

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# Ray's Chevron

Manchester, NH



Southern New Hampshire  
Planning Commission  
Assessment Grant



# Ernie's Auto Sales

Tilton, NH

Lakes Region Planning  
Commission Assessment  
Grant (\$36K)

EPA Cleanup Grant (\$200K)

Capital Regional Development  
Council RLF Cleanup Grant (\$54K)

NHDES Petroleum  
Reimbursement Fund (\$86K)



# Questions?



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