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DEPT. OF ENVIRONMENT AND ENERGY

Nebraska Department of Environment and Energy
 Monitoring and Remediation Division
 Brownfields and Voluntary Cleanup Program Coordinator
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23-005-03 - Section 128(a) Orphan Tank Removal Program (OTRP) Application

Please submit complete applications to ndee.vcpbrownfields@nebraska.gov. A separate application must be submitted for each underground storage tank facility. ALL BLANKS MUST BE FILLED IN. If an item does not apply, write "NA" in the applicable field. INCOMPLETE FORMS WILL BE RETURNED. Attach an extra sheet for explanations, if needed. **Program is only available to public entities. Private land or business owners are not eligible to apply. The applicant must own the property at the time of submitting the application.**

(Office Use Only)	Facility #:		Program ID:	
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PROPERTY OWNER INFORMATION

Property Owner Name:				
Contact Name:				
Email Address:		Phone #:		
Mailing Address:				
City:		State:		ZIP:
How did you hear about the Orphan Tank Removal Program?				

PROPERTY INFORMATION

Please attach evidence of property ownership, such as a copy of a deed of trust or warranty deed, to this application.

Property Address:				
City:		ZIP:		
County:		Parcel ID:		
Property Acquisition Date:				

Has any environmental site assessment work been completed on the property? Yes No

ELIGIBILITY QUESTIONS

1. Does this property meet the definition of a brownfield? A brownfield is real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Yes No

2. How was it determined that petroleum storage tanks are present or existed on the property (e.g., Phase I Environmental Site Assessment, Visual/Physical Detection, Real Estate Screening/Property Historical Records, Environmental Database)? Please be prepared to provide pertinent documentation upon request.

3. Describe the current use and future redevelopment or reuse of the property.

4. Describe how the site redevelopment or reuse will promote the general welfare of the community, such as job creation, increase in tax base, greenspace, etc. Ability to quantify projected outcomes will enhance your application. Please consider using the Redevelopment/Reuse Outcomes Worksheet to develop your answer.

5. If applicable, describe the level of community involvement regarding the proposed redevelopment/reuse plan.

Certification Statement

As applicant or an authorized individual representing the applicant (the undersigned), I certify that the information on this application and accompanying documents is true and accurate to the best of my knowledge and belief. I understand that willful submission of false, inaccurate, or misleading information may result in repayment of costs incurred by Nebraska Department of Environment and Energy for tank removal. In completing this form, I declare that:

- The applicant is the current owner of the property of concern
- The applicant does **not** meet the definition of Operator or Owner for purposes of the Petroleum Products and Hazardous Substances Storage and Handling Act (*Nebraska Revised Statute §81-15,119*)*

Applicant Signature†:		Date:	
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* Nebraska Revised Statute §81-15,119 states, in part:

(1) *Operator shall mean any person in control of, or having responsibility for, the daily operation of a tank but shall not include a person described in subdivision (2)(b) of this section;*

(2)

(a) *Owner shall mean:*

(i) *In the case of a tank in use on July 17, 1986, or brought into use after such date, any person who owns a tank used for the storage and dispensing of regulated substances; and*

(ii) *In the case of any tank in use before July 17, 1986, but no longer in use on such date, any person who owned such tank immediately before the discontinuation of its use.*

(b) *Owner shall not include a person who, without participating in the management of a tank and otherwise not engaged in petroleum production, refining, and marketing:*

(i) *Holds indicia of ownership primarily to protect his or her security interest in a tank or a lien hold interest in the property on or within which a tank is located;*

(ii) *Acquires ownership of a tank or the property on or within which a tank is located:*

(A) *Pursuant to a foreclosure of a security interest in the tank or of a lien hold interest in the property; or*

(B) *If the tank or the property was security for an extension of credit previously contracted, pursuant to a sale under judgement or decree, pursuant to a conveyance under a power of sale contained within a trust deed or from a trustee, or pursuant to an assignment or deed in lieu of foreclosure.*

(c) *Ownership of a tank or the property on or within which a tank is or was located shall not be acquired by fraudulent transfer, as provided in the Uniform Fraudulent Transfer Act.*

† This application is considered signed when the signature of the Applicant is delivered by scanned image (for example, .pdf or .tif file extension name) as an attachment to electronic mail (email). Such scanned signature shall be treated in all respects as having the same effect as an original signature.