

Environmental Questionnaire

Applicant Name: _____
Date of Site Visit: _____
Name/Title of Person Doing Site Visit: _____
Site Name or Business Name: _____
Site Street Address: _____
City, State, Postal Code: _____
County: _____
Site Contact Name: _____
Site Contact Business Title: _____
Site Contact Telephone Number: _____
Is Site Contact the Owner or Occupant: _____
If neither, Relationship to Site: _____
Length of Time Associated with Site: _____
Known Past/Present Uses of Property: _____

Adjoining Properties Known Past/Present Uses

List name/address of the business and the current business conducted.

North Property: _____
Toxic Chemicals/Petroleum Products Evident? Yes No _____
Northeast Property: _____
Toxic Chemicals/Petroleum Products Evident? Yes No _____
East Property: _____
Toxic Chemicals/Petroleum Products Evident? Yes No _____
Southeast Property: _____
Toxic Chemicals/Petroleum Products Evident? Yes No _____
South Property: _____
Toxic Chemicals/Petroleum Products Evident? Yes No _____
Southwest Property: _____
Toxic Chemicals/Petroleum Products Evident? Yes No _____
West Property: _____
Toxic Chemicals/Petroleum Products Evident? Yes No _____
Northwest Property: _____
Toxic Chemicals/Petroleum Products Evident? Yes No _____

Question	Owner/Operator	Observed During Site Visit
1. Do any of the past and/or present uses of the Property and Adjoining Properties involve environmentally sensitive industries?	Yes ___ No ___ Unknown ___	Yes ___ No ___ Unknown ___
If yes, please explain:		
2. Have Hazardous Substances been used or identified at the Property and Adjoining Property in the past or present?	Yes ___ No ___ Unknown ___	Yes ___ No ___ Unknown ___
If yes, please explain:		
3. Is there storage, generation, treatment, emission or disposal of Hazardous Substances at the Property and Adjoining Properties?	Yes ___ No ___ Unknown ___	Yes ___ No ___ Unknown ___
If yes, please explain:		
4. Do the owners or business operators of the Property and Adjoining properties possess permits to use, store, generate, dispose, treat, emit or dispose of Hazardous Substances?	Yes ___ No ___ Unknown ___	Yes ___ No ___ Unknown ___
If yes, please explain:		
5. Is there evidence of Contamination at the Property and Adjoining Properties?	Yes ___ No ___ Unknown ___	Yes ___ No ___ Unknown ___
If yes, please explain:		
6. Are there potential sources of Contamination ¹ at the Property and Adjoining Properties?	Yes ___ No ___ Unknown ___	Yes ___ No ___ Unknown ___
If yes, please explain:		

7. Does the borrower, seller or Lender have any knowledge of any past evidence of Contamination or sources of Contamination at the Property and Adjoining Properties?	Yes ___ No ___ Unknown ___	Yes ___ No ___ Unknown ___
If yes, please explain:		
8. Does the borrower, seller or Lender have any knowledge of any past, threatened or pending lawsuits or administrative proceedings concerning a Release or threatened Release at the Property and Adjoining Properties?	Yes ___ No ___ Unknown ___	Yes ___ No ___ Unknown ___
If yes, please explain:		
9. Has any Governmental Entity taken any regulatory actions for environmental conditions at the Property and Adjoining Properties?	Yes ___ No ___ Unknown ___	Yes ___ No ___ Unknown ___
If yes, please explain:		
10. Have any environmental risk studies or assessments been previously performed pertaining to the Property?	Yes ___ No ___ Unknown ___	Yes ___ No ___ Unknown ___
If yes, please identify the type of study (questionnaire, TSA, Phase I, Phase II, other), when it was performed, results of the study if known, and attach copies if available:		
11. Is there any presence of lead paint, asbestos, or Polychlorinated Biphenyls (“PCBs”) at the Property?	Yes ___ No ___ Unknown ___	Yes ___ No ___ Unknown ___
If yes, please explain:		

¹ Source of Contamination may include, but are not limited to, the following: (1) damaged or discarded automotive or industrial batteries; (2) pesticides, paints or other chemicals stored in individual containers greater than five gallons in volume or 50 gallons in the aggregate; (3) chemicals in industrial drums or sacks; (4) pits, ponds or lagoons for waste disposal or storage; (5) fill dirt from a contaminated or unknown source; (6) underground or aboveground storage tanks; (7) vent pipes, fill pipes or access ways indicated a fill pipe protruding from the ground; (8) flooring drains or walls within a facility that are stained by substances other than water and/or are emitting noxious odors; (9) clarifiers, pits or sumps; (10) dry wells.

Acknowledgement:

I acknowledge that I have read this questionnaire and have responded to the issues and questions to the best of my knowledge. I have prepared the answers to this questionnaire jointly with the bank and its representatives and I have made a full disclosure of my knowledge of suspected or actual environmental concerns regarding this property.

CURRENT OWNER/OPERATOR

Signed _____ Printed Name _____

By : _____
(Title) _____ Date _____

LENDER

Signed _____ Printed Name _____

By : _____
(Title) _____ Date _____

APPLICANT

Signed _____ Printed Name _____

By : _____
(Title) _____ Date _____

Based on the site visit and answers and information provided in response to the questions above, further investigation (See SOP 50-10(5) at pages 183-184)

- Is not warranted (answers, and site visit revealed no evidence of contamination) _____ .
- Is warranted (one or more yes answers, incomplete answers, and/or site visit findings indicate potential environmental issues may exist.)

DEFINITIONS

As defined in SOP 50 10 (5), Effective Date: August 1, 2008 pages 322 – 326.

For purposes of this SOP, the following definitions apply. Terms that are not defined below but are defined in CERCLA, 13 CFR or 40 CFR shall have the meaning provided in CERCLA, 13 CFR or 40 CFR.

"Adjoining Properties" means any real property or properties the border of which is (are) shared in part or in whole with that of the Property, or that would be shared in part or in whole with that of the Property but for a street, road, or other public thoroughfare separating the properties (See 40 CFR § 312.20).

"Contamination" means the presence of any Hazardous Substance at or affecting the Property, including any Hazardous Substances that have migrated to or from the Property, in such quantities or under such conditions as to render the Property or the operations conducted thereon subject to, or potentially subject to, a directive or order from a Governmental Entity.

"Environmental Questionnaire" means the questionnaire used by a Lender to determine the likelihood that Contamination may be present at Property offered to secure and SBA guaranteed loan. Environmental Questionnaires must be completed or overseen by a Lender that has made at least one site visit to the Property and a good faith effort to conduct an interview with the current owner or operator of the site. An Environmental Questionnaire may be considered if it was completed up to one year prior to submission. The current owner or operator of the site must sign the Environmental Questionnaire.

"Hazardous Substance" means and includes any substance, material or waste regulated by CERCLA or any other Environmental Law, and specifically includes petroleum products.

"Release" means the presence of or any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, seeping, migrating, dumping or disposing of any Hazardous Substance into the environment including the abandonment or discarding of barrels, drums, tanks, and similar receptacles and containers, containing Hazardous Substances.