



Virginia Department of Environmental Quality Office of Remediation Programs

Bona Fide Prospective Purchaser (BFPP) Status Application Instructions

- Please do not delete pages or alter the application, please only include the required information. If extra space is needed, please include additional pages.
- DEQ has 60 days from the time a complete application package (which includes all of the information on each page of the application, a recent Phase I ESA, and potentially a recent Phase II ESA or other reports) is submitted to review and process the application package.
- If an incomplete application package is submitted, the clock stops until the required information is received.
- It is not guaranteed that a BFPP Letter, a Contiguous Property Owner (CPO) Letter, a Tenant Liability (TL) Letter, or Lender Liability (LL) Letter will be issued. There is a review process at the end of which if it is determined that liability protection is appropriate, a draft letter will be emailed for review to the Applicant or the Applicant's Attorney or Consultant. The review of the draft letter and possible changes is regarding only the information that was provided on the application.
- Once the draft letter is reviewed and finalized, the letter will be signed and emailed to the Applicant or the Applicant's Attorney or Consultant.
- The Applicant for BFPP status cannot be the Owner as an Owner is not a Prospective Purchaser.
- A Lender Liability Letter must be requested by the Lender, not the current Owner, Prospective Purchaser, or a Tenant.
- For a BFPP application the signatory is the Applicant/Prospective Purchaser, for a CPO application the signatory is the Owner of the contiguous property, for a LL application the signatory is the Lender, and for a TL application the signatory is the Tenant. To that end, each submission must be made using a separate application.
- CPO status can only be requested by the contiguous property owner for real property that is contiguous to or otherwise similarly situated with respect to, and that is or may be contaminated by a release or threatened release of a hazardous substance from real property that is not owned by that person. In addition, the site map that is referenced below (please see Section 1) must include the contiguous property as well as the potentially contaminated property.
- If the Phase I ESA or Phase II ESA is too large to attach to an email, email Kimberly Bryant at kimberly.bryant@deq.virginia.gov to request a link to DEQ's file transfer system.



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Bona Fide Prospective Purchaser (BFPP) Status Application

Please note: This application must be submitted prior to purchasing the property to qualify for BFPP status.

1. Select Status Request:

☐ Bona Fide Prospective Purchaser (BFPP)

Code of Virginia § 10.1-1230

☐ Contiguous Property Owner (CPO)

Code of Virginia § 10.1-1234(D)

☐ Lender Liability (LL)

Code of Virginia § 10.1-1234(A)

☐ Tenant Liability (TL)

Code of Virginia § 10.1-1230

Please note: For a BFPP application the signatory is the Applicant/Prospective Purchaser, for a CPO application the signatory is the Owner of the contiguous property, for a LL application the signatory is the Lender, and for a TL application the signatory is the Tenant. To that end, each submission must be made using a separate application.

2. Indicate Applicant's interest in the site:

☐ Entering into a contract to purchase or use the site

☐ Having a security interest in the site

☐ Operator of the site (including renting, leasing, or managing)

SECTION I – SITE INFORMATION

Site Name: _____

Street Address: _____

Site Acreage: _____ Latitude: _____ Longitude: _____

Tax Parcel Number: _____

Please include a site map with the application or the recent Phase I Environmental Site Assessment (ESA). If BFPP status is not requested for the entire site, please indicate the boundary of the requested acreage. Is the site map included with the application or the Phase I ESA? *Please note: If requesting CPO status, the site map must include the contiguous property as well as the potentially contaminated property.*

☐ Application

☐ Phase I ESA

SECTION II – SITE CONDITION

1. Briefly describe the historical use of the site:

2. Current Site Use:

3. Future Site Use:

4. Surrounding Land Use:

SECTION III - NATURE OF POTENTIAL CONTAMINATION

Please include the recent Phase I ESA, the recent Phase II ESA (if indicated below) as well as all other Environmental and Sampling Reports with this application.

1. Date Phase I ESA was conducted: _____

2. Has a Phase II ESA been conducted? ☐ Yes, date it was conducted: _____ ☐ No

3. Have other investigations/sampling been conducted? ☐ Yes ☐ No

4. Are water wells or monitoring wells located on the property? ☐ Yes ☐ No

SECTION IV – DISCUSSION OF POTENTIAL REGULATORY JURSDICTION

As a separate attachment, please provide complete and detailed information regarding the potential regulatory jurisdiction. For sites with multiple addresses include this information for each address.

1. **Immediate Risk:** To the best of your knowledge, does contamination at the property pose an immediate risk of harm to human health and the environment?
2. **Enforcement Action:** Is remediation of the release currently subject to an enforcement action pursuant to federal, state, or local environmental laws or regulations? Enforcement actions are generally interpreted as orders or civil lawsuits issued by governmental entities to conduct regulated activities at a property or facility. They include environmental orders or agreements (for example, Consent Order/Agreement, Interim Agreement, Letter Agreement) with a federal, state, or local agency.
3. **Present or Past Permits:** Has Virginia DEQ or USEPA issued any permits (past or present) for the site? Please note, EPA ID Numbers for hazardous waste generators are not permits, please identify these in the discussion of RCRA jurisdiction below.
4. **Waste Generator:** Do any past or current activities conducted at the property require classification as an EPA or Virginia Hazardous Waste Generator? If a facility or operation on the property was or is classified as a hazardous waste generator, specify the applicable identification number in the discussion of RCRA jurisdiction below.
5. **RCRA:** Is the site subject to the Virginia Hazardous Waste Management Regulations per 9VAC20-60-50? Provide all EPA ID numbers associated with the site. If the site is or was a hazardous waste generator, indicate if hazardous waste was treated, stored, and/or disposed of at the site.
6. **Petroleum or Oil Release:** Are the releases currently regulated or have they been regulated under the Code of Virginia State Water Control Law Article 9 §§ 62.1-44.34.8 *et seq.* or Article 11 §§ 62.144.34:14 *et seq.*? (Please note: For releases involving petroleum compounds, it is advisable to inquire with the appropriate regional office regarding the potential applicability of these articles). Include any pollution complaint numbers (PC#) issued to the site.
7. **Open Dump/Unpermitted Facility:** Has solid waste, construction debris, demolition debris, industrial waste, ash, or any other waste been disposed of or otherwise managed on the site? Has the site been determined to be an Open Dump/Unpermitted Facility according to 9VAC20-81-10, and do such conditions still exist?
8. **CERCLA Investigation:** Has an investigation been conducted at the property regarding the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA/Superfund)?
9. **CERCLA/National Priorities List (NPL):** Has the site or any portion of the property ever been listed or proposed for listing on the NPL? If yes, when?
10. **Impact to Drinking Water:** Does contamination at the property have the potential to impact or has it already impacted public or private drinking water wells or surface water supplies (for example, supply intakes, streams, or lakes)?
11. **Voluntary Remediation Program (VRP):** Has this site previously been enrolled into the VRP and received a Certification of Satisfactory Completion of Remediation? If so, please include the VRP Number:_____.

SECTION V – CONTACT INFORMATION

Applicant

Applicant's Name or Legal Entity Name: _____

If the applicant is not an individual, please include:

Applicant Name: _____ Title: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ Email: _____

Owner

Owner's Name or Name of Legal Entity: _____

If the owner is not an individual, please include:

Owner Name: _____ Title: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ Email: _____

Other Contacts

Select role in relationship to the site:

☐ Consultant ☐ Counsel ☐ Other (specify): _____

Contact Name: _____ Title: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ Email: _____

SECTION VI – CERTIFICATION

I hereby certify that, to the best of my knowledge, the information as set forth in this application and supporting documentation is true and accurate.

Applicant/Legal Entity Name (Printed): _____ Date: _____

Applicant Signature: _____ Title: _____