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**DRAFT VERSION**  
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Product Selected: Brownfield Impact Fund (USEPA Brownfield Revolving Loan Fund)

Application Fee: \$1000

**Contact Information**

Salutation:

First Name:

Middle Initial:

Last Name:

Suffix:

Title:

Company:

Mailing Address:

Address Line 2:

City/Town:

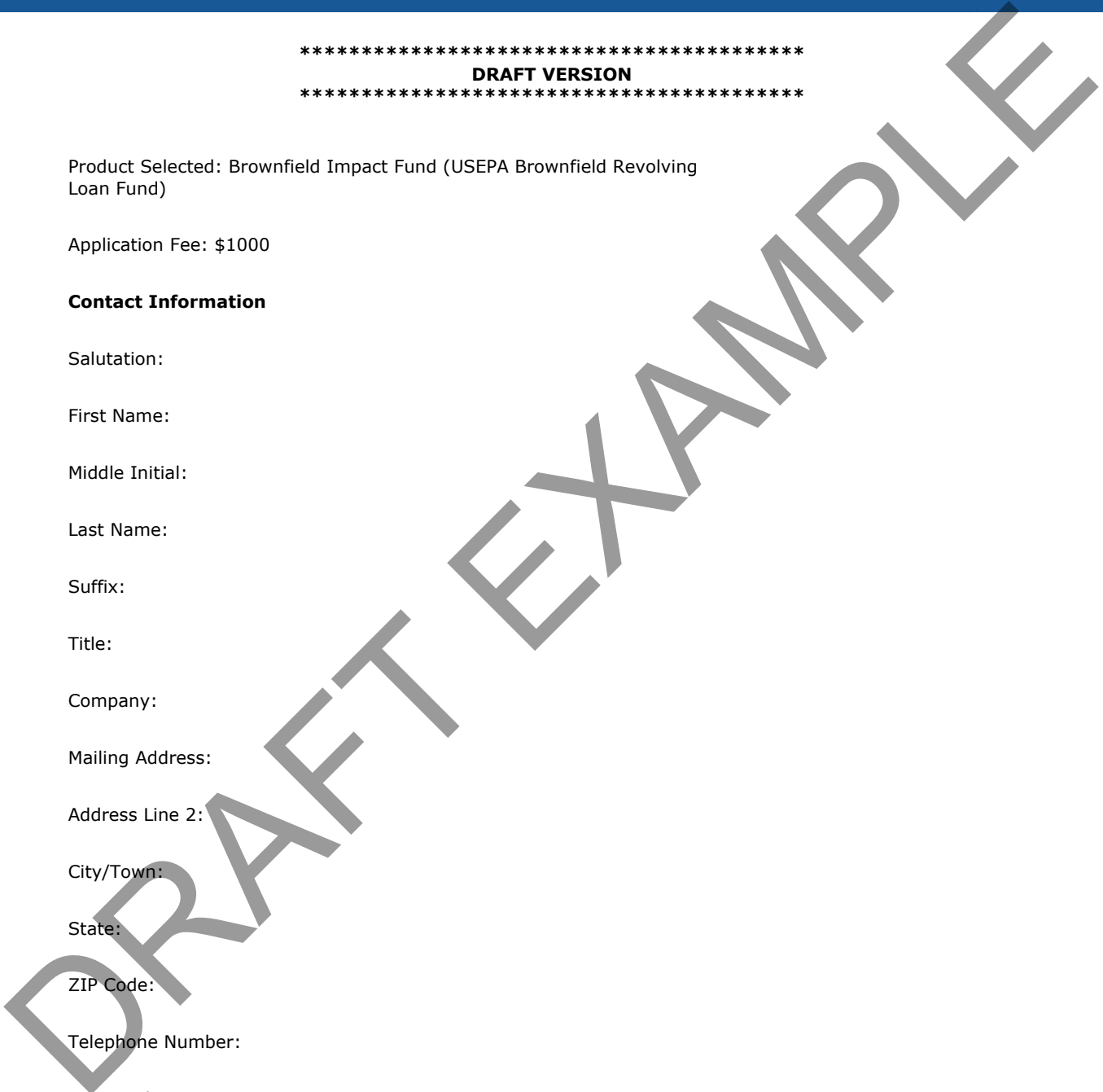
State:

ZIP Code:

Telephone Number:

Fax Number:

Email Address:



**Applicant Organization Information**

Applicant Organization Name:  
(legal name without abbreviations)

Federal Employer's I.D. No. (FEIN):

Doing Business As Name (if you operate under a  
different than the business's legally registered name  
please identify):

Holding Company Name:

Authorized Representative:

Authorized Representative Title:

Authorized Representative Email Address:

Chief Executive Officer Name:

Chief Executive Officer Email Address:

Chief Executive Officer Telephone Number:

Is the Organization's address the same as the Contact's address?

County:

Telephone Number:

Website Address:

Number of Employees:

Media Contact Name

Media Contact Telephone Number

Media Contact Email Address

NAICS Number:

(To find this number, look to the federal determination provided when the  
applicant entity was formed, or visit the following link to determine based  
upon current business functions, <https://www.census.gov/naics>.)

Description of Business:

Year Established:

Ownership Structure:

**Applicant Information**

Applicant DUNS Number:

Is the Applicant affiliated or related in any way with any former owner or operator of the property, or with any person who may have contributed to contamination of the site?

If yes, explain the affiliation or relationship:

Does the Applicant have any previous or current environmental non-compliance penalties for this site or for any site from the US Environmental Protection Agency, the New Jersey Department of Environmental Protection, the municipality in which the site is located, or any other regulatory jurisdiction?

If yes, explain:

Has the project been approved for or received assistance through the NJEDA's Brownfields Site Contamination Reimbursement Program or NJDEP Hazardous Discharge Site Remediation Fund (HDSRF)?

How will this funding from the Brownfields Impact Fund be used in a different manner than the funding received from these other programs?

Please respond whether the following is true or false, regarding the project site:

The site is **not** subject to a planned or ongoing federal CERCLA removal action. True/False

The site is **not** listed on the Superfund National Priorities List and is not proposed for listing. True/False

The site is **not** the subject of a federal unilateral administrative order, a court order, or an administrative order on consent or judicial consent decree that has been issued or entered. True/False

The site is **not** undergoing RCRA corrective action for hazardous waste per an order, permit, or closure plan. True/False

The site is **not** a facility that is subject to the jurisdiction, custody, or control of a department, agency, or instrumentality of the United States, except for land held in trust by the United States by an Indian tribe. True/False

The Applicant is **not** affiliated or related in any way with any former owner or operator of the property, or with any person who may have contributed to contamination of the site. True/False

The Applicant is **not** debarred from receipt of federal funding. True/False

**Legal Information (if applicable)**

Counsel Firm Name:

Counsel Contact Name:

Address:

Telephone:

E-mail:

**Accountant Information (if applicable)**

Accountant Firm Name:

Accountant Name:

Address:

Telephone:

E-mail:

**Consultant Information (if applicable)**

Environmental Consultant Firm Name:

Environmental Consultant Contact Name:

Address:

Telephone:

E-mail:

**Diversity, Equity & Inclusion**

In this section we would like more information about the diversity of your company and any actions your company has taken or is taking with respect to Diversity, Equity and Inclusion. This information is optional and for tracking purposes only. Any questions that are not applicable may be skipped.

With which of the following does the majority owner of the applicant organization self-identify (if applicable)?

- Minority
- Woman
- Veteran
- LGBTQ
- Disabled

Please indicate your race(s):

- White
- Black or African American
- American Indian and Alaskan Native
- Asian
- Native Hawaiian or Other Pacific Islander
- Some Other Race
- Prefer not to answer

Is the applicant a New Jersey certified small, minority, woman, veteran or disabled-veteran owned business?

Please select which of the following certifications the applicant organization currently holds:

- Small Business Enterprise (SBE)
- Minority/Woman-Owned Business Enterprise (M/WBE)
- Veteran-Owned Enterprise (VOB)
- Disabled Veteran-Owned Business Enterprise (DVOB)

Please describe whether your company's leadership team is made up of a diverse group of individuals. Please provide as much detail as possible about the composition of your leadership team as it relates to groups that have been historically underrepresented (minority, woman, veteran, LGBTQ, disabled.)

Please describe whether your company's Board of Directors is made up of a diverse group of individuals. Please provide as much detail as possible about the composition of your leadership team as it relates to groups that have been historically underrepresented (minority, woman, veteran, LGBTQ, disabled.)

Please describe any diversity initiatives, programs, or plans the applicant company has established.

Please describe any diversity initiatives, programs, or plans the applicant company has established.

## **Project Information**

### **Site Location**

Site Name:

Street Address:

Address Line 2:

City/Town:

State:

ZIP Code:

County:

Block:

Lot:

Census Tract:

Is the site currently owned by the Applicant?

NOTE: Grant applicants MUST own the property prior to the award of the grant. Borrowers are not required to own the property.

What was the date of acquisition?

How was the site acquired and describe the nature of the property ownership interest of the Applicant?

Prior to Applicant taking ownership of the site, was a Phase I or Preliminary Assessment conducted?

If yes, what is the date of the report?

When did the contamination come to be at the site?

What activities, if any did the Applicant take to prevent new discharges of contamination after taking ownership?

Type of Financial Assistance Requested:

- Loan
- Grant
- Both Loan and Grant

If Brownfields Impact Fund grant availability is exhausted by the time NJEDA reviews your application, are you interested in increasing the loan amount requested?

If Brownfields Impact Fund grant availability is exhausted by the time NJEDA reviews your application, are you interested in being placed into a queue if additional grant funding becomes available?

**Project Costs**

**Please enter applicable costs:**

Environmental Investigations and Remediation Costs	
Other Costs	
Total Cost:	

**Project Costs - Environmental Investigations and Remediation Costs**

Indicate in detail the present use of the project site:

Describe status of environmental investigation, including any known or suspected environmental problems:

### Sources of Funds

Please identify all sources of funding the applicant has been approved for and/or received for this project.

**Please note, if you have been approved for or received any other funding or assistance from the NJEDA (including but not limited to NJEDA's Brownfields Site Contamination Reimbursement Program, NJDEP Hazardous Discharge Site Remediation Fund, or any other State of New Jersey or Federal agency funding), please report these as separate funding sources below.**

Source Name	Source Amount
Loan Amount	
Grant Amount	
Total:	

### New Jersey Economic Development Authority Legal Questionnaire

Persons (entities or individuals) applying for NJEDA programs are subject to the Authority's Disqualification/Debarment Regulations (the "Regulations"), which are set forth in N.J.A.C. 19:30-2.1, et seq. Applicants are required to answer the following background questions ("Legal Questionnaire") pertaining to causes that may lead to debarment, disqualification, or suspension from eligibility under the Regulations and Executive Orders 34 (Byrne 1976) and 189 (Kean 1988) after consideration of all relevant mitigating factors. Governmental entities are not required to submit this Legal Questionnaire and may leave it empty.

***Note that this form has recently been modified.  
Please review in its entirety prior to providing any responses or certifications.***

#### DEFINITIONS

Notwithstanding any terms defined elsewhere or otherwise herein, the following definitions shall govern in responding to this Legal Questionnaire:

"Affiliates" means any entities or persons having an overt or covert relationship such that any one of them directly or indirectly controls or has the power to control another. For the purposes of application for, or ongoing compliance with, Authority-administered programs, this includes:

- any entities or persons having an ownership interest in Applicant of 10% or greater;
- any entities in which Applicant holds an ownership interest of 10% or greater; and
- any entities that are named in the application and/or agreement, or that will receive a direct benefit from the financing, incentive, or other agreement with the Authority.

*Note that any entities or persons fitting these definitions will need to be listed in Part C on the next page.*

"Legal Proceedings" means any civil, criminal, or administrative proceedings in a State or Federal court or administrative tribunal in the United States or any territories thereof.

RELEVANT TIMEFRAMES

Responses should be given based on the following "look-back" periods:

- For civil matters, those that were either pending or concluded within 5 years of the reporting date;
- For criminal matters, those that were either pending or concluded within 10 years of the reporting date;
- For environmental regulatory matters, those that were either pending or concluded within 10 years of the reporting date; and
- For all other regulatory matters, those that were either pending or concluded within 5 years of the reporting date.

Note that in cases where Applicant has previously submitted and certified a legal questionnaire to the Authority, the Applicant may refer to its prior legal questionnaire and report only those matters that are new or have changed in status since the date of last reporting.

**Part A. Past Proceedings**

**Has Applicant, or any officers or directors of Applicant, or any Affiliates of Applicant, been found or conceded or admitted to being guilty, liable or responsible in any Legal Proceeding, or conceded or admitted to facts in any Legal Proceedings that demonstrate responsibility for any of the following violations or conduct? (Any civil or criminal decisions or verdicts that have been vacated or expunged need not be reported.)**

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1. Commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract, or subcontract there under, or in the performance of such contract or subcontract.

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2. Violation of the Federal Organized Crime Control Act of 1970, or commission of embezzlement, theft, fraud, forgery, bribery, falsification or destruction of records, perjury, false swearing, receiving stolen property, obstruction of justice, or any other offense indicating a lack of business integrity or honesty.

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3. Violation of the Federal or State antitrust statutes, or of the Federal Anti-Kickback Act (18U.S.C. 874).

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4. Violation of any law governing the conduct of elections of the Federal Government, State of New Jersey or of its political subdivision.

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5. Violation of the "Law Against Discrimination" (P.L. 1945, c169, N.J.S.A. 10:5-1 et seq., as supplemented by P.L. 1975, c127), or of the act banning discrimination in public works employment (N.J.S.A. 10:2-1 et seq.) or of the act prohibiting discrimination by industries engaged in defense work in the employment of persons therein (P.L. 1942, c114, N.J.S.A. 10:1-10, et seq.).

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6. To the best of your knowledge, after reasonable inquiry, violation of any laws governing hours of labor, minimum wage standards, prevailing wage standards, discrimination in wages, or child labor.

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7. To the best of your knowledge after reasonable inquiry, violation of any law governing the conduct of occupations or professions of regulated industries.

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8. Debarment by any department, agency, or instrumentality of the State or Federal government.



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9. Violation of the Conflict of Interest Law, N.J.S.A. 52:13D-12 et seq., including any of the following prohibitions on vendor activities representing a conflict of interest, or failure to report a solicitation as set forth below:

- i. No person shall pay, offer or agree to pay, either directly or indirectly, any fee, commission, compensation, gift, gratuity, or other thing of value of any kind to any Authority officer or employee or special Authority officer or employee, as defined by N.J.S.A. 52:13D-13(b) and (e), with which such person transacts or offers or proposes to transact business, or to any member of the immediate family as defined by N.J.S.A. 52:13D-13(i), of any such officer or employee, or partnership, firm, or corporation with which they are employed or associated, or in which such officer or employee has an interest within the meaning of N.J.S.A. 52:13D-13(g).
- ii. The solicitation of any fee, commission, compensation, gift, gratuity or other thing of value by any Authority officer or employee or special Authority officer or employee from any person shall be reported in writing by the person to the Attorney General and the NJEDA Ethics Liaison Officer.
- iii. No person may, directly or indirectly, undertake any private business, commercial or entrepreneurial relationship with, whether or not pursuant to employment, contract or other agreement, express or implied, or sell any interest in such person to, any Authority officer or employee or special Authority officer or employee having any duties or responsibilities in connection with the purchase, acquisition or sale of any property or services by or to the Authority, or with any person, firm or entity with which he or she is employed or associated or in which he or she has an interest within the meaning of N.J.S.A. 52:13D-13(g). Any relationships subject to this subsection shall be reported in writing to the NJEDA Ethics Liaison Officer and the State Ethics Commission, which may grant a waiver of this restriction upon application of the Authority officer or employee or special Authority officer or employee upon a finding that the present or proposed relationship does not present the potential, actually or appearance of a conflict of interest.
- iv. No person shall influence, or attempt to influence or cause to be influenced, any Authority officer or employee or special Authority officer or employee in his or her capacity in any manner which might tend to impair the objectivity or independence of judgment of the officer or employee.
- v. No person shall cause or influence, or attempt to cause or influence, any Authority officer or employee or special Authority officer or employee to use, or attempt to use, his or her official position to secure unwarranted privileges or advantages for the person or any other person.

If Yes for any of the above, specify subsection:

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10. Violation of any State or Federal law that may bear upon a lack of responsibility or moral integrity, or that may provide other compelling reasons for disqualification. Your responses to the foregoing question should include, but not be limited to, the violation of the following laws, without regard to whether there was any monetary award, damages, verdict, assessment or penalty, except that any violation of any environmental law in category (v) below need not be reported where the monetary award, damages, etc. amounted to less than \$1 million.

- i. Laws banning or prohibiting discrimination or harassment in the workplace.
- ii. Laws prohibiting or banning any form of forced, slave, or compulsory labor.
- iii. The New Jersey Conscientious Employee Protection Act, N. J. Stat. Ann. § 34:19-1 et seq., or other "Whistleblower Laws" that protect employees from retaliation for disclosing, or threatening to disclose, to a supervisor or to a public body an activity, policy or practice of the employer, that the employee reasonably believes is in violation of a law, or a rule or regulation issued under the law.
- iv. Securities or tax laws resulting in a finding of fraud or fraudulent conduct.
- v. Environmental laws, where the monetary award, penalties, damages, etc. amounted to more than \$1 million.
- vi. Laws banning anti-competitive dumping of goods.
- vii. Anti-terrorist laws.
- viii. Criminal laws involving commission of any felony or indictable offense under State or Federal law.
- ix. Laws banning human rights abuses.

- x. Laws banning the trade of goods or services to enemies of the United States.

## Part B. Pending Proceedings

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11. To the best of your knowledge, after reasonable inquiry, are Applicant, or any officers or directors of Applicant, or any Affiliates, a party to pending Legal Proceedings wherein any of the offenses or violations described in questions 1-10 above are alleged or asserted against such entity or person? With respect to laws banning or prohibiting discrimination or harassment in the workplace, please provide only information pertaining to any class action lawsuits.

If the answer to any of the foregoing questions is affirmative, you must provide the following information as an attachment to the application: (i) the case name and court/administrative agency (including jurisdiction and venue) in which such matters were tried or are pending; (ii) the charges or claims adjudicated or alleged; and (iii) a brief explanation of the circumstances giving rise to such matters. Also, for affirmative answers to question 1-10, please attach copies of document(s) reflecting the final resolution (e.g., final judgments, verdicts, plea bargains, consent orders, administrative findings, or settlement agreements).

Note that an Applicant may refer to or attach specific provisions of a 10-K/Q or other filings with the U.S. Securities and Exchange Commission (SEC); however, the Applicant should be aware that different laws apply to disclosures to the Authority. This means that the Authority does not have the same types of materiality thresholds as the SEC. The Applicant is expected to supplement its SEC filings to ensure that all relevant matters are disclosed to the Authority, including any matters that were below the SEC's materiality threshold and any matters that may have occurred after its most recent filing.

Please Note: Eligibility is determined based on the information presented in the completed Application. If, at any time while engaged with the Authority the Applicant should become aware of any facts that materially alter or change its answers, or that render any of them incomplete or inaccurate, the Applicant has a duty to promptly report such facts to the Authority in writing. The Authority reserves the right to require additional clarifying or explanatory information from the Applicant regarding the answers given, to ask additional questions not contained in this Legal Questionnaire, and to perform its own due diligence investigations and searches.

## Part C: Applicable Affiliates

"Affiliates" means any entities or persons having an overt or covert relationship such that any one of them directly or indirectly controls or has the power to control another. For the purposes of application for, or ongoing compliance with, Authority-administered programs, this includes:

- any entities or persons having an ownership interest in the Applicant Company of 10% or greater;
- any entities in which Applicant holds an ownership interest of 10% or greater; and
- any entities that are named in the application and/or agreement, or that will receive a direct benefit from the financing, incentive, or other agreement with the Authority.

Please provide a list of all entities or persons considered to be "Affiliates" of the applicant company based upon the above definitions.

[ ] I have no affiliates to report.

## **Certification of Legal Questionnaire and Authorization to Release Information**

This certification shall be signed as follows:

- for a corporation, by a principal executive officer, at least the level of vice president;
- for a partnership, by a general partner;
- for a sole proprietorship, by the proprietor;
- for a governmental entity, the contact person (business administrator, manager, mayor, etc.);
- for other than above, the person with legal responsibility for the application.

I hereby represent and certify that I have reviewed the information contained in this Legal Questionnaire, and that the foregoing information is true and complete under penalty of perjury. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment. I further agree to inform the New Jersey Economic Development Authority of any changes in the foregoing information which may occur prior to execution of any agreement with the Authority, and so long as any such agreement is in effect. Failure to disclose relevant matters may render the Applicant ineligible for the financial benefits sought and may subject the Applicant to disqualification, debarment, suspension, or referral to the office of the state's Attorney General.

The undersigned, on behalf of the Applicant, understands and acknowledges that information and documents provided to the New Jersey Economic Development Authority: (1) are subject to public disclosure during deliberations of the Authority at public meetings regarding the application and as set forth in the minutes of the Authority's public meetings; and (2) are subject to public disclosure under certain laws, including, but not limited to, the Open Public Records Act, N.J.S.A. 47A:1-1 *et seq.*, and the common law right-to-know.

Name:

Title:

Applicant Name:

[ ] I am Authorized Signer and I accept the terms and conditions.

## **Certification of Application**

PLEASE NOTE:

Eligibility of financial assistance by the New Jersey Economic Development Authority is determined by the information presented in this application and the required attachments and schedules. Any changes in the status of the proposed project from the facts presented herein could disqualify the project, including but not limited to, the commencement of construction or the acquisition of assets such as land or equipment. Please contact the staff of the EDA before taking any action which would change the status of the project as reported herein. The EDA's regulations and policies regarding the payment of prevailing wages and affirmative action in the hiring of construction workers require the submission of certain reports and certificates and the inclusion of certain provisions in construction contracts. Please consult with the EDA staff

for details concerning these matters. (Forms can be found on our website [www.njeda.com](http://www.njeda.com))

Only Board Members of the governing board of the particular program for which you are applying, by resolution, may take action to determine project eligibility and to authorize the issuance of funds.

I, THE UNDERSIGNED, BEING DULY SWORN UPON MY OATH SAY:

1. I have received a copy of the "Regulation on Payment of Prevailing Wages" and the "Affirmative Action Regulation" and am prepared to comply with the requirements contained therein.
2. I affirm, represent, and warrant that the applicant has no outstanding obligations to any bank, loan company, corporation, or individual not mentioned in the above application and attachments; that the information contained in this application and in all attachments submitted herewith is to the best of my knowledge true and complete and that the bond/loan applied for herein is not for personal, family, or household purposes.
3. I understand that if such information is willfully false, I am subject to criminal prosecution under N.J.S.A. 2C:28-2 and civil action by the EDA which may at its option terminate its financial assistance.
4. I authorize the New Jersey Department of Law and Public Safety to verify any answer(s) contained herein through a search of its records, or records to which it has access, and to release the results of said research to the EDA.
5. I authorize the EDA to obtain such information including, but not limited to, a credit bureau check as it may require, covering the applicant and/or its principals, stockholders and/or investors.
6. I authorize the EDA to provide information submitted to it by or on behalf of the applicant to any bank or State agency which might participate in the requested financing with the EDA.

I am an Authorized Signer and I accept the terms and conditions.

### List of Required Documents

**Please review this list carefully and ensure that you have provided all necessary documentation where required.**

1. Please provide a [narrative description](#) as fully and precisely as possible of the remediation and proposed redevelopment project. This should include, but is not limited to;
  - A description of the contamination that currently exists on the site;
  - A summary of the environmental assessment activities conducted to date and any additional assessment activities to be conducted;
  - The proposed remedial activities to address the contamination;
  - Current use of the site;
  - The proposed redevelopment that will take place on the site following its remediation; and
  - Construction or redevelopment plans and degree to which permits and relevant approvals have been obtained for the redevelopment.

For those Applicants applying for a Grant, please provide a [narrative description](#) regarding the following benefits of the project;

- The extent to which the grant will facilitate the creation of, preservation of, or addition to a park, greenway, undeveloped property, recreational property, or other property used for nonprofit purposes;
  - The extent to which the grant will meet the needs of a community that has the inability to draw on other sources of funding for environmental remediation and subsequent redevelopment of the area in which a brownfield site is located because of the small population or low income of the community;
  - The extent to which the grant will facilitate the use or reuse of existing infrastructure; and
  - The benefit of promoting the long-term availability of funds from a revolving loan fund for brownfield remediation.
2. The Applicant must satisfy the State's Division of Taxation's requirement to ensure that the Applicant does not have tax debts due to the State, as applicable. A Tax Clearance certificate is required for all applicants. A [Tax Clearance certificate](http://www.state.nj.us/treasury/taxation/busasst.shtml) can be applied for from the Division of Taxation on-line at: [www.state.nj.us/treasury/taxation/busasst.shtml](http://www.state.nj.us/treasury/taxation/busasst.shtml).
  3. Please provide an itemized line-item project for budget for remediation activities to be funded by program:
  4. If applicant owns the site, please attach documentation of ownership such as a deed, filing of Foreclosure, etc.:
  5. If applicant does not own the site, please attach documentation to demonstrate the path to site control such as an executed lease, executed access agreement, dated letter of intent signed by both parties, etc.:
  6. All applications must be accompanied by a letter of support from the mayor of the municipality in which the brownfield site is located, or the governing body if the position of mayor does not exist. The letter of support must indicate the following:
    - If there is a master plan or a local redevelopment plan that includes the project site, the support letter must indicate that the project aligns with the existing master plan or a local redevelopment plan that includes the project site.
    - If there is no master plan and there is no local redevelopment plan that includes the project site, the support letter must indicate that neither of these documents exist.
  7. For those Applicants applying for a Loan, please provide the three (3) most recent years of filed signed Business Tax Returns for applicants (Federal) and owners with 10% or more ownership (Federal and State) and, if available, three (3) most recent years of CPA-prepared financial statements. If applicable, please provide interim statements:
  8. Please provide a summary of applicant's organization and leadership structure:
  9. Please provide personal financial statements from all owners with 10% or more ownership in applicant/corporate guarantors: