



**Arizona Department of
Environmental Quality**

**Prospective Purchaser
Agreement Application**

**(If additional space is needed, attach
separate sheets as necessary.)**

NOTICES AND INSTRUCTIONS TO APPLICANT:

1. ADEQ will not enter into a prospective purchaser agreement unless a hazardous substance is present in the soil or groundwater at the property being purchased.
2. If more than one person is purchasing the property, they may submit a joint application.
3. The initial fee required by A.A.C. R18-7-301(C) shall be paid to ADEQ along with this application.
4. A person is not eligible for a prospective purchaser agreement unless this application form is completed and received by ADEQ prior to purchase of the subject property. An application is “complete” when ADEQ has received sufficient information to determine that all of the conditions set forth in A.R.S. § 49-285.01 have been satisfied. If ADEQ is unable to make that determination, then it may require the applicant to amend or supplement this application with additional information. The amended application may relate back to the date this application was first received by ADEQ.
5. This application form shall be completed and received by ADEQ before the property is purchased. The applicant shall provide ADEQ with a copy of an official, certified deed within ten days after the property is purchased.
6. The mere continuation of business from the seller to the applicant will not be considered a substantial public benefit.
7. ADEQ will not seek a court approved settlement (consent decree) that confers CERCLA contribution protection:
 - A. Unless the applicant has fully performed all obligations under its prospective purchaser agreement, including providing a substantial public benefit.
 - B. Until the applicant has paid the fee provided by A.A.C. R18-7-301(D)(2). After ADEQ has agreed to seek a court approved settlement, the applicant shall pay all costs incurred by ADEQ in connection with the federal court action, including attorneys fees, filing fees, mailing costs, publication costs, direct and indirect costs, and similar expenses. The fee is due in advance and payment for all other costs is due upon request for payment by ADEQ.
 - C. In any other matter where ADEQ determines that it is not appropriate or not in the public interest to seek a court approved settlement.

1 Applicant's full name, mailing address including county, telephone number, and FAX number.

(If applicable) Applicant's legal counsel's full name, mailing address, telephone number, and FAX number.

2. Applicant's Legal Status.

- Unmarried person
- Married persons
- Married person dealing with his/her sole and separate property
- Limited liability company (specify state in which the LLC was organized)
- Partnership (specify state in which the partnership was organized)
- Corporation (specify state in which the corporation was organized)
- Other (specify) _____

3. Name, location or mailing address, county assessor's parcel number, and approximate acreage of the real property ("Property") being purchased.

4. Full name, mailing address, telephone number, FAX number, and legal status of the seller of the Property.

5. Expected date of close of escrow.

6. Is the Property in or near a CERCLIS, NPL or WQARF site? _____ Yes _____ No

If yes, identify the site.

7. Identify all hazardous substances currently in the soil and/or groundwater at the Property and state the level of concentration of each hazardous substance (“Contamination”). Attach copies of all supporting documentation.

8. Provide the history of the Property and its use, including the full name and address of all past owners and operators, and the name of any person who may have caused or contributed to the release of the Contamination.

9. State whether the Property is located in a flood plain and whether any dry wells, underground storage tanks, or drinking water wells are located on the Property. State whether the Property is located near a significant physical feature, such as a railroad, highway, river bank, landfill, mine tailings, etc.

10. Is Applicant affiliated with any person who may be responsible for the release of the Contamination or the release or threatened release of any other hazardous substance at the Property through any familial relationship or any corporate or contractual relationship other than a contract to protect a security interest?
_____ Yes _____ No

If yes, please explain.

11. State Applicant's prior involvement with the Property, including all environmental investigations and Phase I or Phase II reports prepared in connection with the Property.

12. Describe the substantial public benefit Applicant will provide. Include with the description the anticipated costs, drawings, plans, and supporting documentation for the proposed public benefit. Examples of some acceptable public benefits are listed in A.R.S. § 49-285.01(A)(4). ADEQ will determine if the proposed public benefit is substantial and appropriate. However, the mere continuation of business from the seller to the Applicant will not be considered a substantial public benefit.

13. If Applicant is providing funding to ADEQ as the substantial public benefit, state the dollar amount.

14. Will Applicant's proposed redevelopment or reuse of the Property contribute to or exacerbate the Contamination, or unreasonably interfere with remedial measures necessary at the Property, or cause Contamination to present a substantial health risk to the public? _____ Yes _____ No

If yes, please explain.

15. Is Applicant responsible for a release of a hazardous substance at the Property? ____ Yes ____ No
 If yes, please explain.

16. State the full name, mailing address, telephone number, and FAX number of each person to whom notices may be given under the prospective purchaser agreement.

| Name | Address | Phone Number and FAX number |
|------|---------|-----------------------------|
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17. Other information Applicant wants ADEQ to consider in evaluating Applicant's eligibility for a prospective purchaser agreement.

CERTIFICATION

I affirm the foregoing information given to ADEQ by Applicant is true, accurate and complete to the best of my knowledge and belief. Applicant acknowledges that ADEQ is relying on the truthfulness, accuracy, and completeness of this information as a basis for entering a Prospective Purchaser Agreement.

| | | |
|-------------------------------|-------------------------|-------------|
| Signature of applicant | Print Name/Title | Date |
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Please provide the following with this application:

1. Cashier's or certified check made payable to "ADEQ" in the amount of \$2,500.00 if the Property is within a WQARF Registry site, or in the amount of \$3,600.00 if the Property is not within a WQARF Registry site (this includes sites within a Federal Superfund site).
2. A copy of an official, certified deed containing the legal description of the Property.
3. A map depicting the location of the Property, including relevant Assessor Parcel numbers.
4. Statement of work (if applicable).
5. Statement of the current zoning on the Property.
6. If Applicant is not an individual, documentation evidencing Applicant's and Seller's legal organization or formation, as follows:

A. For a domestic corporation

- A certified copy of the Articles of Incorporation along with any amendments
- A certified copy of the Certificate of Disclosure
- A certified copy of the Certificate of Good Standing
- A certified copy of the Notice of Publication

B. For a foreign entity

- A certified copy of the Articles of Incorporation
- A certified copy of the Certificate of Incorporation
- A certified copy of the Certificate of Good Standing or its equivalent from a foreign state
- A certified copy of the Application for Authority to Transact Business in Arizona along with any appendix
- A certified copy of the Notice of Publication

C. For a Limited Liability Partnership

- A certified copy of the Articles of Organization along with any amendments
- A certified copy of the Notice of Publication

D. For a Limited Partnership

- A certified copy of the Certificate of Limited Partnership along with any amendments

E. For a Limited Liability Company

- Articles of Organization
- Certificate of Good Standing
- Notice of publication

For each of A, B, C, D and E above, if any member, owner or partner is another entity and not an individual, provide certified copies for that entity as listed above.

List each document provided.