

Environmental Questionnaire

SBA Loan
Number: _____

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 its Current Use Followed by its Past Uses

↑ North Property: _____
Toxic Chemicals/Petroleum Products Evident? Yes No *Past Uses:* _____

↗ Northeast Property: _____
Toxic Chemicals/Petroleum Products Evident? Yes No *Past Uses:* _____

→ East Property: _____
Toxic Chemicals/Petroleum Products Evident? Yes No *Past Uses:* _____

↘ Southeast Property: _____
Toxic Chemicals/Petroleum Products Evident? Yes No *Past Uses:* _____

↓ South Property: _____
Toxic Chemicals/Petroleum Products Evident? Yes No *Past Uses:* _____

↙ Southwest Property: _____
Toxic Chemicals/Petroleum Products Evident? Yes No *Past Uses:* _____

← West Property: _____
Toxic Chemicals/Petroleum Products Evident? Yes No *Past Uses:* _____

↖ Northwest Property: _____
Toxic Chemicals/Petroleum Products Evident? Yes No *Past Uses:* _____

Question	Owner/Operator	Observed During Site Visit
1. Do any of the past and/or present uses involve environmentally sensitive industries? (See Page 1 for Past and Present uses of Property and Adjoining Properties; Refer to the NAICS codes on Page 7 to see if they qualify as an Environmentally Sensitive Industry.)		
Of the <i>Property</i> :	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
If yes, please list the past/present use(s) and its NAICS code(s) that qualified as environmentally sensitive:		
Of the <i>Adjoining Properties</i> :	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
If yes, please list the past/present use(s) and its NAICS code(s) that qualified as environmentally sensitive:		
2. Have Hazardous Substances been used or identified in the past or present?		
At the <i>Property</i> :	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
If yes, please explain:		
At the <i>Adjoining Properties</i> :	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
If yes, please explain:		
3. Is there storage, generation, treatment, emission, or disposal of Hazardous Substances?		
At the <i>Property</i> :	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
If yes, please explain:		
At the <i>Adjoining Properties</i> :	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
If yes, please explain:		
4. Do the owners or business operators possess permits to use, store, generate, dispose, treat, emit, or dispose of Hazardous Substances?		
Of the <i>Property</i> :	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
If yes, please explain:		
Of the <i>Adjoining Properties</i> :	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
If yes, please explain:		

Question	Owner/Operator	Observed During Site Visit
5. Is there evidence of Contamination?		
At the <i>Property</i> :	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
If yes, please explain:		
At the <i>Adjoining Properties</i> :	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
If yes, please explain:		
6. Are there potential sources of Contamination¹?		
At the <i>Property</i> :	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
If yes, please explain:		
At the <i>Adjoining Properties</i> :	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> 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 <i>Property</i> :	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
If yes, please explain:		
At the <i>Adjoining Properties</i> :	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> 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.

Question	Owner/Operator	Observed During Site Visit
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 <i>Property</i> :	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
If yes, please explain:		
At the <i>Adjoining Properties</i> :	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
If yes, please explain:		
9. Has any Governmental Entity taken any regulatory actions for environmental conditions?		
At the <i>Property</i> :	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
If yes, please explain:		
At the <i>Adjoining Properties</i> :	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
If yes, please explain:		
10. Have any environmental risk studies or assessments been previously performed?		
At the <i>Property</i> :	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> 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 <i>Property</i> :	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
If yes, please explain:		

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:

Signature Printed Name

Title Date

LENDER:

Signature Printed Name

Title Date

APPLICANT:

Signature Printed Name

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 (K) at pages 206-207)

___ 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.)

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DEFINITIONS

As defined in SOP 50 10 5 (K), Effective Date: April 1, 2019 pages 371 – 377.

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 an SBA guaranteed loan. Environmental Questionnaires must be completed or reviewed 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 Property. An Environmental Professional may, but is not required to, assist with the responses to the questionnaire. An Environmental Questionnaire may be considered if it was completed up to 1 year prior to submission. The current owner or operator of the Property must sign the Environmental Questionnaire. If the current owner or operator of the Property will not sign the Environmental Questionnaire it cannot be used and lender must then, at a minimum, obtain a Transaction Screen.

“Governmental Entity” means any federal, state, commonwealth, tribal or local government branch, authority, district, agency, court, tribunal, department, officer, official, board, commission or other instrumentality that exercises any form of jurisdiction or authority under any Environmental Law.

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

“Lender” refers to banks, non-bank lenders, credit unions, certified development companies, and any other entities that participate as a lender in SBA programs. The term Lender does not include the Third Party Lender on a 504 loan.

“Property” means any interest in commercial real estate upon which a security interest such as a mortgage, deed of trust, or leasehold deed of trust is required as collateral for a loan or debenture.

“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.

For more information, please call us at 800-419-4923. Ask for Janet Annan (jannan@partneresi.com) and she would be more than happy to answer any questions you may have. You may also email SBAexperts@partneresi.com or visit us on the web at: www.partneresi.com.

NAICS CODES OF ENVIRONMENTALLY SENSITIVE INDUSTRIES

SBA SOP 50 10 5 (K) (Appendix 4: Pages 382-384)

How to determine if an industry is included on this list:

A 3, 4, or 5 digit NAICS code includes all industries beginning with those 3, 4, or 5 digits.

A 6 digit NAICS code includes only that industry under that industrial code.

211 OIL & GAS EXTRACTION	447 GASOLINE STATIONS
212 MINING (EXCEPT OIL & GAS)	45431 FUEL DEALERS (not required for propane or firewood dealers)
213 SUPPORT ACTIVITIES FOR MINING	481 AIR TRANSPORTATION
237 HEAVY & CIVIL ENGINEERING CONSTRUCTION	482 RAIL TRANSPORTATION
311 FOOD MANUFACTURING (if underground fuel tanks present)	484 TRUCKING (if service bays, truck washing, or fuel tanks present)
312 BEVERAGE & TOBACCO PRODUCT MANUFACTURING (except breweries, 31212)	486 PIPELINE TRANSPORTATION
313 TEXTILE MILLS (not required if sewing, weaving, or hemming only)	488 SUPPORT ACTIVITIES FOR TRANSPORTATION (if fuel tanks are present or if repairs or maintenance is performed on site)
314 TEXTILE PRODUCT MILLS (not required if sewing, weaving, or hemming only)	53212 TRUCK, UTILITY TRAILER, AND RV (RECREATIONAL VEHICLE) RENTAL & LEASING (if repairs, maintenance or vehicle washing are performed onsite)
316 LEATHER & ALLIED PRODUCT MANUFACTURING (not required if assembly only)	53241 CONSTRUCTION, TRANSPORTATION, MINING & FORESTRY MACHINERY & EQUIPMENT RENTAL & LEASING (if repairs, maintenance or vehicle washing are performed onsite)
321 WOOD PRODUCT MANUFACTURING (if finishing occurs onsite)	53249 OTHER COMMERCIAL & INDUSTRIAL MACHINERY & EQUIPMENT RENTAL & LEASING (if repairs, maintenance or vehicle washing are performed onsite)
322 PAPER MANUFACTURING	54138 TESTING LABORATORIES
323 PRINTING & RELATED SUPPORT ACTIVITIES	56171 EXTERMINATING & PEST CONTROL SERVICES
324 PETROLEUM & COAL PRODUCTS MANUFACTURING	562 WASTE MANAGEMENT & REMEDIATION SERVICES
325 CHEMICAL MANUFACTURING	6221 GENERAL MEDICAL & SURGICAL HOSPITALS (if fuel tanks are present)
326 PLASTICS & RUBBER PRODUCTS MANUFACTURING (not required if assembly only)	713990 OTHER RECREATIONAL INDUSTRIES (indoor and outdoor shooting ranges only)
327 NONMETALLIC MINERAL PRODUCTS MANUFACTURING	71391 GOLF COURSES & COUNTRY CLUBS
331 PRIMARY METAL MANUFACTURING	71392 SKIING FACILITIES
332 FABRICATED METAL PRODUCT MANUFACTURING (not required if assembly only)	71393 MARINAS
333 MACHINERY MANUFACTURING (not required if assembly only)	7212 RV (REC. VEHICLES) PARKS & RECREATIONAL CAMPS (if fuel tanks are present or if vehicle repair or maintenance is performed onsite)
334 COMPUTER & ELECTRONIC PRODUCT MANUFACTURING (not required if assembly only)	8111 AUTOMOTIVE REPAIR & MAINTENANCE (except for "car wash only" facilities, which can start with a Transaction Screen)
335 ELECTRICAL EQUIPMENT, APPLIANCE & COMPONENT MFG (not required if assembly only)	8112 ELECTRONIC & PRECISION EQUIPMENT REPAIR & MAINTENANCE (not required if assembly only)
336 TRANSPORTATION EQUIPMENT MANUFACTURING	8113 COMMERCIAL & INDUSTRIAL MACHINERY & EQUIPMENT REPAIR & MAINTENANCE
337 FURNITURE & RELATED MFG (if finishing occurs on site)	8122 DEATH CARE SERVICES (unless no embalming or cremation at the Property)
339 MISCELLANEOUS MANUFACTURING (only required if hazardous materials are involved)	8123 LAUNDRY & DRY CLEANING SERVICES (if dry cleaning operations have ever existed on site)
42311 AUTOMOBILE & OTHER MOTOR VEHICLE MERCHANT WHOLESALERS (if service bays present)	812921 PHOTOFINISHING LABORATORIES (except one hour)
42314 MOTOR VEHICLE PARTS (USED) MERCHANT WHOLESALERS	
4235 METAL & MINERAL MERCHANT WHOLESALER	
42393 RECYCLABLE MATERIAL MERCHANT WHOLESALER	
4246 CHEMICAL & ALLIED PRODUCTS MERCHANT WHOLESALERS	
4247 PETROLEUM & PETROLEUM PRODUCTS MERCHANT WHOLESALERS	
441 MOTOR VEHICLE AND PARTS DEALERS (if service bays present)	

"Records Search with Risk Assessment" means and includes (1) a search of the government databases identified in 40 CFR § 312.265 for an AAI compliant Phase I as well as a search of historical use records (for example, aerial photography, city directories, reverse directories and/or fire insurance maps) pertaining to the Property and Adjoining Properties; and (2) a risk assessment by an Environmental Professional based on the results of the records search as to whether the Property is either "high risk" or "low risk" for Contamination.

A **Phase I** should always be obtained if the business sells, supplies or dispenses fuel, gasoline, heating oil or liquefied petroleum (lp) gas, even if the NAICS code for the business is not identified on this list of environmentally sensitive industries.

For a link to the complete guide of terms for the codes, visit: www.census.gov/eos/www/naics/

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For more information, call: 1-800-419-4923 or email: SBAexperts@partneresi.com