



LETTER OF INTENT GUIDANCE

A Letter of Intent allows the applicant to potentially purchase the property while still retaining their eligibility for the Arkansas Brownfield Program. The Arkansas Brownfield Law was amended to allow more flexibility with property transactions and transfers of title prior to completion of the actions by persons not previously involved with the site or otherwise considered a responsible party for environmental conditions at a site. A Letter of Intent must be submitted before the property is purchased to maintain Brownfields eligibility and at the discretion of the Arkansas Department of Energy and Environment, Division of Environmental Quality Director. The Letter of Intent requirement falls under APC&EC Regulation 29 and is promulgated pursuant to the Arkansas Voluntary Clean-Up Act (Act 1042 of 1997, as amended, A.C.A. §§ 8-7-1101 et seq.)

PREPARING LETTER OF INTENT

The following guidance is provided to assist a potential purchaser with preparation of the Letter of Intent and initiate the process of entering into the Arkansas Brownfield Program.

CONTENT EXAMPLE

SUBJECT: Notice of Intent to Purchase [Identify Property]

BODY: The [Prospective Purchaser (PP) Company Name] intends to purchase [Property Name] and requests to retain its eligibility for participation in the Brownfield Program established under A.C.A. 8-7-1101 et seq. The undersigned, the [title] of [PP Company Name], acknowledges that [PP Company Name] did not by act or omission cause or contribute to any release or threatened release of a hazardous substance on or from the identified site or is otherwise considered to be a responsible party pursuant to A.C.A. 8-7-512(a)(2)-(a)(4).

The subject property is located [provide directions] and is legally described as follows: [provide legal description of the property].

[PP Company Name] intends to acquire the property by [list date]. A comprehensive site assessment (CSA) shall be completed and the results submitted to the Arkansas Department of Energy and Environment, Division of Environmental Quality (DEQ) within 60 to 90 days following the purchase date. Upon the review and approval of the CSA by DEQ, [PP Company Name] commits to enter into a Brownfield Program Implementing Agreement with DEQ.

PROCESS COMPLETION

Send Letter of Intent, completed application form, and other required documents to:

Arkansas Energy & Environment, Division of Environmental Quality,
Office of Land Resources, Brownfield Program
5301 Northshore Drive, North Little Rock, AR 72118

CONTACTS

ARKANSAS BROWNFIELD PROGRAM
t: 501.682.0872
e: Brownfields@adeq.state.ar.us
www.adeq.state.ar.us/hazwaste/bf



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