MARTHA COAKLEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS
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Eligible Person Certification for a Brownfields Covenant Not to Sue Agreement

Pursuant to M.G.L. c. 21E, s. 3A(j)(3) and 940 CMR 23.00

The execution of Brownfields Covenant Not to Sue Agreements is governed by Section 3A(j)(3) of M.G.L. c. 21E ("Chapter 21E") , and the Attorney General's Brownfields Covenant Regulations, 940 CMR 23.00. Applicants are encouraged to familiarize themselves with the terms of that statutory section and those regulations before completing this certification. Any term used in this certification that is defined in 940 CMR 23.00 shall have the same meaning as set forth there, and is capitalized in this certification.

This form is designed to provide the Attorney General with a basis for evaluating whether an Applicant who wishes to be considered an Eligible Person is an Eligible Person. An Eligible Person Certification is intended to be used solely for deciding under what conditions the Attorney General should enter into Brownfields Covenant Not to Sue Agreements, and neither such a certification nor the Attorney General's use of it shall be considered evidence of whether a Person is an Eligible Person in any other proceeding.

This certification should be sent to:

Brownfields Unit
Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Applicant: _____

Date: _____

I. OWNERSHIP AND OPERATION AT THE SITE

1.) Name of Applicant: _____

2.) Description of the site: (*insert description from Section II.A.1. of the application form*)

3.) List all periods during which the Applicant owned the Site or conducted any operations at the Site

4.) For each period of ownership or operation, describe the nature of the Applicant's activities at the Site.

5.) For each period of ownership or operation, describe the use that the Applicant made of Oil or Hazardous Materials at the Site, and the manner in which hazardous materials were stored or disposed of.

6.) Has any employee, officer, director, partner, or trustee of the Applicant ever owned or conducted any operations at the Site other than has already been described above? *Yes or No*

> If your answer to the preceding question was other than an unqualified "yes," please describe the relationship and the period of ownership and operation (depending on the circumstances, additional Eligible Person Certifications may need to be completed.

7.) For any Applicant other than a publicly traded corporation, has any shareholder or other beneficial owner of the Applicant ever owned or conducted any operations at the Site other than has already been described above? *Yes or No*

> If your answer to the preceding question was other than an unqualified "yes," please describe the relationship and the period of ownership and operation (depending on the circumstances, additional Eligible Person Certifications may need to be completed.

II. CERTIFICATION

In signing this document, I, _____, hereby certify under pains and penalties of perjury that all statements made above in completing this form are true to the best of knowledge. I make this certification of my own personal knowledge or, in any area where I lack personal knowledge, having made a diligent inquiry of the facts through reviewing relevant documents and interviewing relevant people.

Signature: _____ Date: _____

III. DESIGNATION OF CERTIFYING EMPLOYEE

On behalf the Applicant, I hereby state that the employee who has signed the above certification is the employee of the Applicant who is most knowledgeable about the statements made above in completing this form.

Signature: _____ Date: _____

Print name and title: _____