



FUND TO ADDRESS PFAS CONTAMINATION

DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY

Land Acquisition and Stewardship

Inquiry & Information Form

The Department of Agriculture, Conservation and Forestry (DACF), through the PFAS Fund, may purchase PFAS-contaminated property from eligible commercial farmers who wish to sell. Whether a property will be purchased depends on (1) eligibility, (2) the results of an initial evaluation by DACF, guided by prioritization criteria and with input from an advisory panel,¹ and (3) agreement of both parties following the completion of an appraisal and a due diligence process (including, as necessary, a title search, boundary survey and environmental site assessment).

Farm property is eligible to be considered for purchase if these initial requirements are met:

- Commercial Farming – the farm had documented farm product income prior to PFAS discovery;
- DACF Partnership – the commercial farm has established a working relationship with DACF;
- Confirmed PFAS Contamination – unsafe levels of PFAS in the soil or water are confirmed by DACF;
- Ownership Prior to PFAS Discovery – the property was owned by the current owner(s) before unsafe PFAS contamination was found (two exceptions).

Questions about land acquisition may be directed to Melissa Hamlin, PFAS Fund Management Specialist, at Melissa.Hamlin@Maine.gov or 207-592-1080.

Commercial farmers seeking to sell their PFAS-contaminated property to DACF must complete this Inquiry Form and provide all requested attachments. Please submit this form and attachments to Melissa Hamlin at the email address above, or mail to:

PFAS Fund, Attn. M. Hamlin
22 State House Station
Augusta, ME 04333-0022

Farm and Contact Information

BUSINESS ENTITY’S LEGAL NAME: _____

STATE OF INCORPORATION AND CHARTER NUMBER: _____

FARM’S PRIMARY PRODUCT(S): _____

CONTACT NAME: _____

MAILING ADDRESS: _____

PROPERTY ADDRESS (if different): _____

PHONE: _____ EMAIL: _____

NAME OF DACF STAFF WORKING WITH THE FARM: _____

Does this farm currently produce any farm product with the intent that the farm product be sold or otherwise disposed of to generate income? YES NO

If no, approximate date the farm stopped producing farm products for sale: _____

¹ 01-001 C.M.R. ch. 405 (2024).

Property Information

I am interested in selling (choose one):

- The entire parcel / all of my real property
- Only part of my parcel / part of my real property

The property being offered for sale includes the following (check all that apply):

- Land: _____ acres, formerly used for:

- Barn and/or other structures/improvements; briefly describe:

- Residence(s); briefly describe:

List all individuals and entities who own the property or have an interest in the property (e.g., joint ownership, lease, easement, license, life estate, right of first refusal, lien holder such as mortgage lender):

Name	Property Interest
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Document Attachments to Submit:

The following information, if DACF does not already have it, must be submitted with this Inquiry Form. Please obtain and provide:

A. Proof of Contamination:

1. Information about who obtained the samples and the methodology / procedure used, and
2. Test results from an approved laboratory showing the commercial farm has DACF-confirmed unsafe levels of PFAS contamination, defined as (screening levels also linked below):
 - groundwater test results exceeding Maine's enforceable interim drinking water standard for PFAS until superseded by either Maine's Maximum Contaminant Level (MCL) for PFAS or a federal MCL for PFAS, whichever is lowest, for wells servicing the farm or fields; and/or
 - soil test results exceeding any current Maine CDC crop-specific screening level.

www.maine.gov/dep/spills/topics/pfas/Maine%20PFAS%20Screening%20Levels_Rev_12_4_23.pdf

B. Date of Discovery: Documentation showing the date unsafe levels of PFAS contamination were first discovered on the commercial farm.

C. Documentation of the Subject Property:

This information is necessary for DACF to evaluate the potential purchase. Please provide all items that you have or can obtain with reasonable effort. If there are items below that are unduly difficult to obtain, this form may be submitted without them if it is otherwise complete and the items in A and B above are provided. DACF staff may be able to help pull together remaining information.

1. The deed to your property. Each county's registry of deeds can be found at this link: <https://www.maineregistryofdeeds.com/>;
2. Any other recorded current or future property interest (easement, right of first refusal, etc.);
3. The tax assessment of your property, including:
 - A copy of your Property Record Card, including description, measurements of land and improvements, and assessed values;
 - If the land is enrolled in Farmland under the Current Use Law, please obtain and provide a withdrawal penalty estimate. These items will typically come from your town's Tax Assessor.
 - A copy of your last annual tax bill, typically from your town Treasurer. Information can often be found online or by calling your local office.
4. If you have any of the following: title opinion, appraisal (completed within approximately the last year), boundary survey, environmental site assessment (completed within the last two years).
5. If available, (1) Evidence of the percentage of soils classified by the United States Department of Agriculture (USDA) as prime farmland, unique farmland, farmland of statewide importance, and farmland of local importance; and (2) The results of onsite soil tests confirming the same.

6. A narrative of no more than one page describing any information about or characteristics of the property that might be relevant to potential future uses. As the current landowner, you have personal knowledge of aspects that may be distinctive, special, unique or exceptional about your property or its value to your community or within your region. For example, some relevant aspects could include:
- Features of the property or its location which, but for contamination, make it valuable for agricultural use;
 - Any known natural resource values associated with the property, including farmland zoning or other local open space recognition, forested land, wetlands, riparian buffers, and/or wildlife habitat;
 - Potential recreational uses;
 - Nearby features such as conservation areas, electricity substations or landfills; or other regional considerations.

Consent and Certification

By submitting this form, the undersigned:

- Acknowledges that they are initiating a process to sell their real property as described herein to DACF. The undersigned’s offer to sell will not be legally binding unless and until a Purchase and Sales Agreement is signed by all parties.
- Agrees to partner with DACF to investigate the scope of contamination at the farm and grants ongoing access such that DACF staff are able to develop an understanding of the farm, its PFAS contamination, and potential strategies for recovery;
- Authorizes DACF or its agents to inspect the property for the purposes of investigating its potential sale to the state, including for conducting any necessary inspections, assessments, appraisals, or surveys;
- Authorizes DACF to receive information from and share information with other organizations when the information is necessary for DACF to make a decision about a potential purchase, including the Maine Department of Environmental Protection (DEP), Maine Center for Disease Control and Prevention (MECDC), USDA Farm Service Agency, Maine Farmland Trust, and Maine Organic Farmers and Gardeners Association;
- Acknowledges that DACF reserves the right to request any additional supporting documentation that is necessary to evaluate the undersigned’s offer to sell real property to DACF;
- Acknowledges that DACF reserves the right to discontinue consideration of a potential property purchase, or decline an offer to purchase real estate, at any time, for any reason consistent with DACF Rule 01-001 C.M.R. ch. 405 (2024) and the PFAS Fund Implementation Plan.

I certify that the information provided is correct and complete to the best of my knowledge.

I certify that I am authorized by _____ (business name) to sign as its representative.

Property Owner’s Signature	Date
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Property Owner’s Name (printed)	Title
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Property Owner’s Signature	Date
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Property Owner’s Name (printed)	Title
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Please complete if someone assisted the property owner to complete this form:

Preparer Name (if not property owner)	Preparer’s relationship to property owner
Permission to discuss form with Preparer:	<input type="checkbox"/> YES <input type="checkbox"/> NO

Next Steps

Generally, the land acquisition process for an entire property to be purchased includes:

- (1) Initial review for completeness and eligibility,
- (2) Preliminary review process involving the land acquisition and management advisory panel,
- (3) Appraisal,
- (4) Purchase and sale agreement,
- (5) Due diligence process, involving as needed a survey, title search, and/or an environmental site assessment, along with any other identified due diligence needs,
- (6) Closing

This process is anticipated to take several months. If a parcel will be divided, further steps are required. Upon confirmation of eligibility, if each step of the process is successful, a minimum of six months, and likely more, should be anticipated for the sale to be completed. The transaction timeline is dependent upon the completeness of your submittals, availability of any appraiser, surveyor and other professionals needed for the transaction, the value of the property and other factors.

- (1) Eligibility Review – your information and submittals are reviewed for consistency with the eligibility requirements of the PFAS Fund’s rules and policies.

As part of this review stage, DACF staff will schedule a time to discuss your property and documentation with you. If eligibility parameters are met, DACF will notify you and the inquiry will move on to the Preliminary Review process. If eligibility parameters are not met, DACF will notify you and provide the reasons the property is not eligible under the defined parameters.

- (2) Preliminary Review – DACF makes an interim determination, in consultation with an advisory panel, as to whether the property may be an appropriate candidate to move forward in the purchase process based on defined prioritization criteria and other considerations.

If a property proceeds to the next steps, the professional services will be paid for by the PFAS Fund.

- (3) Appraisal – DACF and the landowner specify the scope of the property to be appraised for the potential sale, DACF hires an appraiser through a bid process and coordinates with the landowner for its completion. Once the appraisal report is available, DACF will share it with the landowner.
- (4) Purchase and Sale Agreement – once the terms are agreed, a Purchase and Sale Agreement (PSA) is signed by both parties. The PSA states the due diligence steps upon which the sale is contingent.
- (5) Due Diligence – DACF will complete the due diligence steps during the contract period. These are typically a title search, boundary survey, and an environmental site assessment.

Title Search – DACF will confirm there is clean title and confirm the extent of rights in the property.

Property Survey – if there is not an existing survey, DACF will hire a surveyor through a bid process and coordinate with the farm for completion of the survey.

Environmental Site Assessment & VRAP – DACF will hire an environmental consultant through a bid process to characterize the nature and extent of the PFAS contamination. If findings warrant it, a Phase II environmental study may also be pursued to obtain additional information.

- (6) Closing – upon satisfactory completion of due diligence, the purchase can be concluded. DACF will coordinate with the landowner to finalize the transfer.