

OFFICE USE ONLY VCP Project number: _____

RAILROAD COMMISSION OF TEXAS VOLUNTARY CLEANUP PROGRAM Program Application

Please complete this application form to request assistance and review from the Railroad Commission of Texas (RRC or Commission) staff in the Voluntary Cleanup Program (VCP) as per 16 TAC §§ 4.401-4.450. You may also download an electronic version of this document via the Internet at <http://www.rrc.texas.gov>.

Please complete all applicable sections. You may contact the RRC's VCP coordinator at (512) 595-2750 or by email at SR-VCP-BRP@rrc.texas.gov with questions concerning the completion of this form. The RRC may reject incomplete or inaccurate applications, as per section 4.420.

1. Site Name, Location, Size

Site Name _____
Street Address _____
City _____ County _____
Site Size (acres) _____
Site Latitude _____ (WGS 84/NAD 83)
Site Longitude _____ (WGS 84/NAD 83)

Driving Instructions (from a major intersection):

2. Applicants, Owners, Billing Information, and Other Contacts

Applicant A (The person or entity seeking review and approval of a work plan or report and/or issuance of a VCP Certificate of Completion by the RRC. Applicant A is responsible for payment of RRC costs of review and oversight unless indicated otherwise on page 2 of this form).

Applicant _____
Contact Person _____ Title _____
Organization _____
Street Address or PO Box _____
City _____ State _____ Zip Code _____
Phone (____) _____ Email _____
Interest in Property _____
To receive copies of RRC correspondence: Yes No

Applicant B (A co-applicant with Applicant A seeking review and approval of a plan or report and/or issuance of a VCP Certificate of Completion by the RRC. However, unlike Applicant A, co-applicants will not be the primary contact regarding technical or billing issues on a VCP project). A co-applicant may receive copies of RRC correspondence by indicating below.

Applicant _____
Contact Person _____ Title _____
Organization _____
Street Address or PO Box _____
City _____ State _____ Zip Code _____
Phone (____) _____ Email _____
Interest in Property _____
To receive copies of RRC correspondence: Yes No
To receive a Certificate of Completion: Yes No

Applicant C (A co-applicant with Applicant A seeking review and approval of a plan or report and/or issuance of a VCP Certificate of Completion by the RRC. However, unlike Applicant A, co-applicants will not be the primary contact regarding technical or billing issues on a VCP project). A co-applicant may receive copies of RRC correspondence by indicating below.

Applicant _____
Contact Person _____ Title _____
Organization _____
Street Address or PO Box _____
City _____ State _____ Zip Code _____
Phone (____) _____ Email _____
Interest in Property _____
To receive copies of RRC correspondence: Yes No
To receive a Certificate of Completion: Yes No

If more than three applicants, list others on a separate page and attach to the application form.

IMPORTANT: All applicants and surface owners (if different than applicants) must sign this application form.

Other Contacts (Consultant/Attorney)

Person _____ Title _____
Organization _____
Street Address or PO Box _____
City _____ State _____ Zip Code _____
Phone (____) _____ Email _____

Person _____ Title _____
Organization _____
Street Address or PO Box _____
City _____ State _____ Zip Code _____
Phone (____) _____ Email _____

3. Billing Information

If billing should be directed to a person other than Applicant A, please enter the required information below and include their signature consenting to the obligation for payment of RRC oversight costs.

Person _____ Title _____
Organization _____
Street Address or PO Box _____
City _____ State _____ Zip Code _____
Phone (____) _____ Email _____

Signature of Consent: _____ Date: _____

4. Current Site Use

- Residential
- Former Oil & Gas Site, Undeveloped
- Former Oil & Gas Site, Developed
- Active Oil & Gas Operating Site
- Non-RRC Industrial Use

If Industrial, describe type of business(s)

Is a real estate transaction imminent for this Site? Yes No

If yes, what is the planned closing date? _____

5. Involvement with Other Regulatory Programs

Has any portion of the Site been subject to an RRC administrative order? Yes No

Has a state or federal Notice of Violation or any other notice of enforcement action been issued relating to contamination at the Site? Yes No

Has there been any prior contact with any state or federal environmental regulatory programs or agencies relating to environmental issues at this Site? Yes No

If yes, please describe:

6. Contaminants or Contaminated Media Present

Have contaminants been detected in on-site media? Yes No

If yes, please describe:

7. Environmental Assessments

All relevant environmental assessments pertaining to the site must be attached to this application. Please note that at the time of application, a Phase I Environmental Site Assessment or an equivalent alternative must be provided. The Phase I ESA, or its equivalent, should be to ASTM standards and include, at minimum, the following information:

1. Legal description of the Site, signed and sealed by a licensed land surveyor
2. the physical characteristics of the Site;
3. Operational history of the Site, to the extent the history is known by the Applicant, (aerial photographs may be helpful to document site history);
4. All available RRC records, as well as any other state/federal records;
5. Information concerning the nature and extent of any contamination and/or release at the Site and in areas contiguous to the Site; and,
6. Relevant information the Applicant is aware of concerning the potential for human and environmental exposure to contamination at or emanating from the Site.

8. Eligibility

Eligibility for the VCP is described in 16 TAC §§ 4.405 and 4.410 and summarized below:

- (a) VCP eligibility applies to any substance defined in 16 TAC § 4.405(8) as a waste, pollutant, or other substance or material regulated by or that results from an activity under the jurisdiction of the Commission under Texas Natural Resources Code, Chapters 91 or 141, or the Texas Water Code. Further clarification on jurisdiction can be found in 16 TAC § 3.30, *Memorandum of Understanding between the Railroad Commission of Texas and the Texas Commission on Environmental Quality*.
- (b) Eligibility for participation in the VCP is restricted to the portion of a site that is not subject to a Commission order to control or clean up the contaminants.
- (c) Any person who is not a responsible person is an eligible applicant as defined in 16 TAC § 4.405(10, 13) and may participate in the Voluntary Cleanup Program. Responsibility does not extend to third parties or landowners who did not cause or contribute to contamination.

9. Default Cleanup Values

The VCP Rules, 16 TAC §§ 4.401-4.450, and the following rules, regulations, guidelines, protocol, or closure options are specifically designated as being directly applicable for the Site and must be followed. Please use the check boxes below to specify the type of default cleanup values being sought for this Site.

- Cleanup to Residential levels to receive a Final Certificate of Completion without conditions.

Risk-Based Cleanup to receive a Final Certificate of Completion with conditions (i.e. relying on permanent institutional controls). Please select the type(s) of control from the list below:

- Groundwater use restriction
- Land use restriction for commercial/industrial use only
- Physical or Engineered Control (please describe):

Other (Please describe).

10. Intent to Participate

The undersigned requests that the RRC oversee the investigation and remediation activities of possible contamination at the property described above and intends to negotiate, in good faith, a written agreement with the RRC to provide technical and regulatory oversight for the investigation and remediation. This Intent to Participate does not constitute such an agreement and neither RRC nor the undersigned will be bound to proceed with VCP oversight unless such an agreement is executed and appended to this application.

Applicants should be aware that in order for the RRC to issue a VCP Certificate of Completion for the entire Site as it is currently described in this application or will be described at the time of certificate issuance in a metes and bounds legal description of the property, the Applicant must provide adequate information to document that the entire Site meets the remediation standards to which the Applicant and RRC will agree in a VCP Agreement, if such an agreement is executed. The VCP Agreement will describe the project activities of each party and will require Applicant A (unless indicated otherwise on page 2 of this form) to reimburse the RRC for all of its oversight costs. By completing and signing this Intent to Participate, all environmental media that exceed applicable protective concentration levels shall be addressed through response actions to which the Applicant and RRC agree.

The undersigned affirms that the Applicant is financially capable of performing the entire voluntary cleanup to which the Applicant agrees. The undersigned also affirms that the Applicant is not a Responsible Person as defined in 16 TAC § 4.405 and is otherwise eligible to participate in the VCP as per 16 TAC § 4.410 and Texas Natural Resource Code § 91.653. The Commission may request additional information to support these affirmations.

With this Intent to Participate, the undersigned does not admit or assume liability for investigation or cleanup of the Site. In addition, the undersigned may terminate the Intent to Participate at any time. If the RRC rejects the application, it will notify the Applicant, within 45 days, explain the reasons for rejection, and will refund half of the application deposit, unless the Applicant indicates a desire to resubmit a corrected application. An applicant can resubmit a rejected application once, without submitting an additional application fee, if the application is resubmitted within 45 days of the date of the notice of rejection.

11. Financial Capability

Deposit of Oversight Costs

The Applicant must submit with this application, a deposit in the amount of one thousand dollars (\$1,000), made payable to the Railroad Commission of Texas. Be aware that a non-refundable surcharge of (\$1,500) is also required at the time the application is submitted. Deposits may be made in the form of company or personal checks. If a deposit check is returned due to insufficient funds, the application will be considered incomplete and will be rejected. Cash deposits will not be accepted.

Please ensure that all parties have signed this Application form, as well as the Agreement form. Mail both forms, as well as all associated documents (e.g., environmental assessment reports) and a check for \$2,500 to:

Mailing Address

Voluntary Cleanup Program
Site Remediation Section
Railroad Commission of Texas
P.O. Box 12967
Austin, TX 78711-2967

Overnight/Express Mail Address

Voluntary Cleanup Program
Site Remediation Section
Railroad Commission of Texas
1701 N. Congress
Austin, TX 78701

Hard copies of all documents submitted to the RRC should be sent to the address above. Electronic copies of all documents submitted to RRC should be sent to the Voluntary Cleanup Program Coordinator at SR-VCP-BRP@rrc.texas.gov.

12. Correctness of Information

The undersigned affirm that the information contained in this application is true and accurate to the best of their knowledge.

Applicant's Signatures

Applicant A

Signature: _____

Name _____

Date: _____

Title: _____

Organization: _____

Phone: (____) _____

Applicant B

Signature: _____

Name _____

Date: _____

Title: _____

Organization: _____

Phone: (____) _____

Applicant C

Signature: _____

Name _____

Date: _____

Title: _____

Organization: _____

Phone: (____) _____

13. Surface Owner Authorization

As the legal surface owner of the property where voluntary cleanup actions are anticipated under this application, and as per Texas Natural Resource Code § 91.654(b)(2)(D) of the, I hereby agree to the Applicant's participation in RRC's VCP.

Signature: _____

Name _____

Date: _____

Phone: (____) _____

EXHIBIT A

COPY OF VCP AGREEMENT