

OFFICE USE ONLY VCP Project number: _____

**RAILROAD COMMISSION OF TEXAS
VOLUNTARY CLEANUP PROGRAM
Program Application**

This Application Form is to be used to request assistance and review from the Railroad Commission of Texas (RRC) staff in the Voluntary Cleanup Program (VCP) pursuant to Chapter 91, Subchapter D of the Texas Natural Resource Code, further described in 16 TAC §4.401-4.450. You may download this document via the Internet at <http://www.rrc.state.tx.us>.

Please complete all applicable sections. Incomplete or inaccurate applications may be rejected by the RRC, as per the VCP statute. You may call the RRC's Voluntary Cleanup Program at (512) 463-6765 with questions concerning the completion of this form.

1. Site Name, Location, Size

Site Name _____
Street Address _____
City _____ County _____ Zip _____
Site Size (acres) _____

Driving Instructions:

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

Applicant A (The person or entity seeking review and approval of a 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 (____) _____ Fax (____) _____
Email address (optional) _____
Interest in Property _____
I wish 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 or RRC correspondence by indicating below.

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

If more than two applicants, list others on a separate page.

Name, Address, and Telephone of all Surface Owners

Surface Owner _____
Organization _____
Street Address or PO Box _____
City _____ State _____ Zip Code _____
Phone (____) _____ Fax (____) _____
I wish to receive copies of RRC correspondence Yes No

If more than one surface owner, list others on a separate page.

IMPORTANT - All applicants and surface owner (if different than applicants) must sign application.

Name, Address, and Telephone of all Mineral Owners

Mineral Owner _____
Organization _____
Street Address or PO Box _____
City _____ State _____ Zip Code _____
Phone (____) _____ Fax (____) _____

If more than one mineral owner, list others on a separate page.

Other Contacts (Consultant/Attorney)

Person _____ Title _____
Organization _____
Street Address or PO Box _____
City _____ State _____ Zip Code _____
Phone (____) _____ Fax (____) _____
Email address (optional) _____
I wish to receive copies of RRC correspondence Yes No

Person _____ Title _____
Organization _____
Street Address or PO Box _____
City _____ State _____ Zip Code _____
Phone (____) _____ Fax (____) _____
Email address (optional) _____
I wish to receive copies of RRC correspondence Yes No

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 (____) _____ Fax (____) _____
Email address (optional) _____

Signature of Consent: _____ Date: _____

4. Site Use

Current Property Use (Use percentage if site is divided into different use categories.)

Residential
Former Oil & Gas Site
Active Oil & Gas Operating Site
Non-RRC Industrial

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. Site Location

A location map showing the posted Latitude Longitude location and property boundary on a topographic base map is to be provided with the application.

Latitude (Degree/Min/Sec) _____ ° ' "
Longitude _____ ° ' "

Please note that format should be degrees, min., sec., carried out to the 1st decimal place.

Does the latitude and longitude listed above refer to the

- Center of the property
- Other, please describe

Check the method used to determine latitude and longitude:

- GPS - Real Time Differentially Corrected
- GPS - Post Processed Differentially Corrected
- Map Interpolation - Manual
- Map Interpolation - Digital
- DOQQ

Date of collection _____ Organization providing collection data _____

If using GPS, please state datum used (e.g.: NAD 27, WGS 84, etc) _____

Estimated position error _____.

If using Map Interpolation, please state which USGS quad map was used for interpolation.

If using DOQQ Interpolation, please state the DOQQ that was used for interpolation.

6. Involvement With Other Regulatory Programs

- Has the site been subject to a 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 all prior contact with any state or federal environmental regulatory program or agency relating to each of these questions. Attach additional sheets as necessary.

7. Contaminants or Contaminated Media Present

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

Please describe:

8. Environmental Assessments

All relevant environmental assessments that pertain to the site must be attached to this application. The assessment(s) should include the following information:

1. a legal description of the site, including a site map drawn to scale;
2. the physical characteristics of the site;
3. the operational history of the site, to the extent the history is known by the applicant, (aerial photographs are helpful to document site history);
4. Review of available RRC records; list of all oil and gas wells known to be on the site;
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.

If the above requirements are not within one document please provide document name and page number(s) location for each of the above.

9. Eligibility

Eligibility for the Voluntary Cleanup Program summarized from §4.405, §4.410.

- (a) RRC VCP eligibility applies to any substance defined in §4.405(13) 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.
- (b) Eligibility for participation in the RRC-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 §4.405(13) and may participate in the voluntary cleanup program.

10. Default Cleanup Values

The VCP Rule, 16 Texas Administrative Code (TAC) 4.401-4.450, Subchapter D, and the following rules, regulations, guidelines, protocol, or closure options are specifically designated as being directly applicable for the Site and must be followed. It is suggested that the applicant contact the RRC to discuss closure options available to the applicant, and their associated submittals, prior to submitting this form.

- Cleanup to Background to receive a Final Certificate of Completion without conditions.
- Risk-Based Cleanup to Residential levels to receive a Final Certificate of Completion without conditions.
- Risk-Based Cleanup to Residential or Commercial/Industrial levels to receive a Final Certificate of Completion relying on permanent institutional controls. Describe the type of institutional control and specify whether residential or commercial/industrial:

- Closure in Place to receive a Conditional Certificate of Completion that is conditional upon maintaining institutional and/or engineering controls. Describe the type of control:

- Other (Please describe).

11. Intent to Participate

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

Applicants should be aware that before the RRC can issue a VCP Certificate of Completion for the entire site as it is currently described in this application, or will be described in the VCP agreement or at the time of certificate issuance in a meets and bounds legal description of the property, the applicant must document the investigation, assessment, control and clean up activities and demonstrate that the entire site meets the remediation standards to which the applicant and RRC will agree upon.

The 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, the applicant agrees to identify and address all environmental media that exceed the applicable protective standards with control and clean up 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 Section 91.653, Texas Natural Resource Code. The Commission may also 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. Within 45 days of the date this application is submitted, the RRC will notify the applicant if the RRC rejects the application. The RRC will 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 an application once without submitting an additional application fee, if the applicant resubmits within 45 days after the rejection notice date (16 TAC 4.420).

12. 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. 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 execute this Intent to Participate by signing this application. Return it and all associated documents (e.g., environmental assessment reports, signed agreement form) to:

**Attention: Cashier
Railroad Commission of Texas
P.O. Box 12967
Austin, Texas 78711-2967**

For overnight or express mail please use the following street address:

**Attention: Cashier
Railroad Commission of Texas
1701 N. Congress
Austin, Texas 78701**

Note: Please do not send the application and associated documents directly to the VCP. This will only result in a delay in processing your application.

13. 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 (if more than two applicants please attach an additional sheet for signatures)

Applicant A

Signature: _____

Name _____
(Print or type)

Date: _____

Title: _____

Organization: _____

Phone: (____) _____

Applicant B

Signature: _____

Name _____
(Print or type)

Date: _____

Title: _____

Organization: _____

Phone: (____) _____

14. Surface Owner Authorization (if surface owner is different than applicant)

As legal surface owner of the property where Voluntary Cleanup Actions are anticipated under this application, and as per Section 91.654 (b)(2)(D) of the Texas Natural Resource Code, I hereby agree to the applicant's participation in RRC's Voluntary Cleanup Program.

Signature: _____

Name _____
(Print or type)

Date: _____

Phone: (____) _____