

RRC OFFICE USE ONLY
TBA Project number:

RAILROAD COMMISSION OF TEXAS BROWNFIELDS RESPONSE PROGRAM Targeted Assessment Application Form

Introduction

The Railroad Commission of Texas (RRC) will direct the completion of a limited number of federally-funded Targeted Brownfields Site Assessments (TBAs) for sites or waste under RRC jurisdiction (oil & gas). The TBAs are similar to Phase I and Phase II Environmental Site Assessments (ESAs) conducted by the real estate industry for commercial and industrial properties. The Texas Natural Resource Code Ann. Chapter 91.101 and 16 TAC Part 1, Chapter 3.30 provides information on oil & gas activities and RRC jurisdiction.

In addition to performing assessments, the RRC will provide regulatory guidance. Such guidance may include developing cleanup levels, cleanup options, and clarification of environmental regulatory requirements as applicable. Please refer to section 2 to determine eligibility.

How Will Sites be Chosen?

The RRC would like to provide TBAs for as many eligible sites as possible. However, in the event that the number of eligible sites nominated outnumber the available resources, sites will be prioritized based on the following criteria (order does not imply importance):

1. Site location – Populated or environmentally sensitive areas
2. Site ownership – If the site is owned by local government
3. Tax status of site – Increased appraised value due to cleanup
4. Condition of site – Ready for redevelopment
5. Contamination concerns – Low to moderate contamination
6. Leveraging- If other funding sources for redevelopment depend on this assessment
7. Redevelopment plan – Timing of implementation and number of jobs created

Please complete all applicable sections. You may call the RRC TBA coordinator at (512) 463-6765 with questions concerning the completion of this form. Send completed form to:

Coordinator
Brownfields Response Program
Railroad Commission of Texas
PO Box 12967 Austin, Texas 78711-2967

1. Site Name, Location, Size

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

2. Site Eligibility

The site contains facilities or waste generated by activities under RRC jurisdiction (defined herein as oil & gas waste). See Texas Natural Resource Code Ann. Chapter 91.101 and 16 TAC Part 1, Chapter 3.30. Yes No

The redevelopment must be supported by local government and/or a related non-profit and will result in long-term beneficial use by the community. Co-application or letter of support regarding assessment and cleanup from a local government or non-profit is required. Yes No

There is no unresolved federal/state enforcement or Superfund action associated with the site. Yes No

The site, or portions thereof, is not a Resource Conservation and Recovery Act (RCRA) permitted or interim-status facility or under a Railroad Commission Order. Yes No

The site is targeted or supported for redevelopment by the local government or non-profit group. Yes No

The applicant and landowner agree to cooperate with the RRC on site access and security for RRC personnel and their representatives conducting site assessments Yes No

For Petroleum Sites:

the site is of relatively low risk; Yes No

there is no viable responsible party for the site; Yes No

the pollution at the site will not be assessed, investigated, controlled or cleaned up by a person that is potentially liable. Yes No

3. Applicants, Owners and Other Contacts

Applicant A (Person seeking to develop the property)

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

Applicant B (Any applicable non-profit organization, municipality or tribe)

Applicant _____
Contact Person _____ Title _____
Organization _____
Street Address or PO Box _____
City _____ State _____ Zip Code _____
Phone (____) _____ Fax (____) _____
Internet address _____
501(c)(3) Number (If applicable) _____
To receive copies of RRC correspondence: Yes No

Applicant C Surface Owner, if different from above (Optional)

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

*** Physical Address must be provided**

If more than one applicant or surface owner is to be listed on the application, provide a separate page with each applicant's address and information.

4. Current Site Use

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

- Residential
- Undeveloped
- Commercial
- Agricultural
- Former Oil & Gas Operating Site
- Non-RRC Industrial Use

If industrial or commercial or mixed, describe type of business(s)

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

If yes, what is the planned closing date? _____

Ownership in Dispute? Please explain.

Assessed Value and date of determination (Optional)

2002 Property Taxes: _____

Are property taxes paid up-to-date on this property? _____

Please provide the contact name, physical address, phone number and e-mail address for verifying the property tax records:

5. Site Location

Please provide with the application form, a location map showing the posted latitude longitude location and property boundary on a USGS topographic base map.

Latitude _____^o
Longitude _____^o

Please note that format should be either degrees, min., sec., carried out to the 1st decimal place or decimal degrees carried out to 5 decimal places.

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 professional unit brand name, model number, datum used, e.g: NAD 27, _____ and estimated position error _____.

If using DOQQ Interpolation, please state which DOQQ was used for interpolation. _____

6. Involvement With Other Regulatory Programs

Has any portion of 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 which relate 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. Brownfields Redevelopment Plan

In order for the RRC to determine which sites should be provided with the free TBAs, the RRC requests that a summary of the redevelopment plan be attached to this application form. The plan should include any public/private partnerships, non-profit, state or federal government involvement, private industry interest, etc. Include a discussion of the envisioned final product, including increase in taxable appraised value of the property and potential for creating jobs. Discussion of in-kind services from the applicant(s) such as mowing, providing water or fencing would also be helpful for our evaluation.

9. Other Supporting Documentation

Metes and Bounds Description if available as well any previously completed environmental site assessments for example, (Phase I or Phase II) pertaining to the site should be attached to this application.

10. Limitations of RRC Brownfields Site Assessments

The following limitations of the RRC TBA should be considered prior to completing a TBA Grant application:

1. The TBA process is not appropriate to correct situations where an immediate and substantial endangerment to human health and the environment exists. For the assessment and remediation of such sites, the applicant is directed to immediately contact the nearest district office of the RRC.
2. The TBA process may not be appropriate for sites in which there are active and ongoing oil & gas activities.
3. The applicant should recognize that environmental site assessments cannot eliminate all uncertainty, are not always exhaustive in their level of inquiry, or warrant being exhaustive in their level of inquiry. Therefore, the RRC cannot be held liable for any damage arising from contamination not discovered during the RRC TBA or from any damages, monetary or otherwise, from contamination discovered during the RRC TBA.
4. The TBA process cannot address all of the safety hazards associated with a site.

11. Intent to Participate

Applicants should be aware that in order for the RRC to issue a VCP Certificate of Completion for an entire site as it is currently described in this application the applicant must provide an adequate metes and bounds description of the property.

The undersigned also affirms that the applicant is not a Responsible Person as defined in Section 91.113 (b) of the Texas Natural Resource Code. The Commission may also request additional information to support these affirmations.

12. Correctness of Information

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

13. Applicant's Signatures

Applicant A

Signature: _____

Name _____
(print or type)

Date: _____

Title: _____

Organization: _____

Phone: (____) _____

Applicant B

Signature: _____

Name _____
(print or type)

Date: _____

Title: _____

Organization: _____

Phone: (____) _____

Applicant C

Signature: _____

Name _____
(print or type)

Date: _____

Title: _____

Organization: _____

Phone: (____) _____

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

I voluntarily consent to agents, contractors, subcontractors, officers, designees, and employees of the Railroad Commission of Texas (RRC) entering and having continued access to my property for the following purposes:

- 1) taking such soil, water, and air samples as may be necessary; and
- 2) taking other actions related to the investigation of surfaces or subsurface conditions;

I realize that these actions by RRC are undertaken pursuant to its authority under the Texas Water Code, including Section 91.113 of the Natural Resources Code and Section 26.131 of the Texas Water Code.

Signature: _____ Name _____
(print or type)

Date: _____ Phone: (____) _____

IMPORTANT: All Surface owners (if different than applicants) must sign the authorization form. If there is more than one surface owner, please provide the above information for each owner on separate sheets.