

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 coordinate and direct the completion of a limited number of federally-funded Targeted Brownfields Assessments (TBAs) for sites or waste under RRC jurisdiction (see Texas Natural Resource Code (TNRC) 91.101 and 16 Texas Administrative Code (TAC) §3.30). The TBAs include Phase I and Phase II Environmental Site Assessments (ESAs) and limited cleanups. A Phase I ESA should always be conducted prior to the purchase of residential or commercial/industrial properties.

In addition to performing assessments, the RRC will provide regulatory guidance. Such guidance may include determining the most appropriate closure strategy, cleanup plans per the desired closure strategy, and clarification of environmental regulatory requirements, as applicable.

Limitations of RRC's Targeted Brownfield Assessments

The following limitations of the RRC's TBA Program should be considered prior to completing this 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. Please visit <https://www.rrc.texas.gov/about-us/locations/> to determine the nearest district office.
2. The TBA process is not appropriate for sites in which there are active and ongoing oil & gas activities. If there are active oil and gas activities on the site, as well as potential contamination associated with those activities, please contact the closest RRC district office.
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 safety hazards associated with a site.

5. The RRC's TBA process is only designed to assess and remediate real or perceived contamination associated with oil and gas production and exploration activities.

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):

- Site location – Populated or environmentally sensitive areas
- Site ownership – Whether the site is owned by local government
- Tax status of site – Anticipated increase in appraised value following cleanup
- Contamination concerns – Extent and levels of contamination
- Leveraging – If other funding sources for redevelopment depend on this assessment
- Redevelopment plan – Timing of implementation and number of jobs or greenspace created

Please complete all applicable sections of the application. You may contact the RRC TBA coordinator with questions concerning the completion of this form via phone at (512) 595-2750 or via email at SR-VCP-BRP@rrc.texas.gov. Please email a digital copy of the application to the email above. As an alternative option, you may mail a hard copy of the completed form to:

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

1. Site Information

Site Name _____
Street Address _____
City _____ County _____
Site Size (acres) _____
Site Latitude _____ (WGS84/NAD83)
Site Longitude _____ (WGS84/NAD83)

Assistance requested:

Phase I Phase II Site Cleanup Other: _____

If a cleanup of the site is needed, do you anticipate using:

RRC Funds Private Funds

Does a legal description of the site currently exist?

Yes No Unknown

2. Applicant and Site Eligibility

In order to be eligible for the Brownfields Program, the applicant must be one of the entities listed below. Please select which entity type the applicant is:

- State, local, or tribal government
- Quasi-governmental agency
- Non-profit organization
- University or school
- Economic Development Corporation

In addition to being an eligible applicant, the site in which Brownfield assistance is being requested must also contain facilities or waste generated by activities under RRC jurisdiction (defined herein as oil & gas waste). See TNRC Chapter 91.101 and 16 TAC Part 1, Chapter 3.30 for clarification or give us a call and we can assist in determining the presence or potential presence of oil and gas facilities at your site. Further, the site or portions of the site cannot be a Resource Conservation and Recovery Act (RCRA) permitted or interim-status facility, a Superfund site, be listed on the National Priorities List, or be a federally owned property.

The redevelopment project should be supported by local government and/or a related non-profit organization and should result in long-term beneficial use by the community. Co-application or letter of support for the assessment and cleanup of the site from a local government or non-profit organization will fulfill this requirement. Letters of support are not required, but strongly encouraged.

For Petroleum Sites, additional eligibility requirements apply:

- There can be no viable responsible parties
- The applicant and any co-applicant cannot be potentially liable.

Staff of the Railroad Commission can provide assistance on determining eligibility for petroleum sites as needed.

3. Applicants, Owners and Other Contacts

All information below must be provided, as applicable. If additional applicants or surface owners are to be listed on the application, provide a separate page with each applicant's address and information.

Applicant A (Person seeking to develop the property)

Applicant _____
Contact Person _____ Title _____
Organization _____
Street Address and PO Box _____
City _____ State _____ Zip Code _____
Phone (____) _____ Email _____
501(c)(3) Number (If applicable) _____
Interest in Property _____
To receive copies of RRC correspondence: Yes No

Applicant B (A co-applicant with Applicant A seeking to redevelop the property or another interested party)

Applicant _____
Contact Person _____ Title _____
Organization _____
Street Address and PO Box _____
City _____ State _____ Zip Code _____
Phone (____) _____ Email _____
501(c)(3) Number (If applicable) _____
Interest in Property _____
To receive copies of RRC correspondence: Yes No

Applicant C (Surface Owner, if different from above)

Applicant _____
Contact Person _____ Title _____
Organization _____
Street Address and PO Box _____
City _____ State _____ Zip Code _____
Phone (____) _____ Email _____
501(c)(3) Number (If applicable) _____
Interest in Property _____
To receive copies of RRC correspondence: Yes No

4. Current Property Use

Current Property Use (Check all that apply)

- Undeveloped
- Residential
- 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? _____

If no, what was the date of purchase for the property? _____

Ownership in Dispute? Please explain.

Anticipated number of jobs created (If applicable) _____

Anticipated amount of greenspace created (If applicable) _____

5. Involvement With Other Regulatory Programs

Has any portion of the site been subject to a RRC administrative order?

Yes No Unknown

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 Unknown

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 Unknown

If you responded "yes" to any of the questions above, 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.

6. Contaminants or Contaminated Media Present

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

If yes, please describe:

7. 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.

8. Other Supporting Documentation

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

9. Intent to Participate

Applicants should be aware that in order for the RRC to issue a Certificate of Completion for an entire site as it is currently described in this application the applicant must provide an legal metes and bounds description of the property, if available. If a metes and bounds property description is not currently available, the RRC can provide one at no cost to the applicant.

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.

10. 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: (____) _____

11. Landowner's Consent

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.

Landowner Signature: _____

Name _____

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.