

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) 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) 463-6765 or by email at [SR-VCP-BRP@rrc.texas.gov](mailto:SR-VCP-BRP@rrc.texas.gov) with questions concerning the completion of this form. The RRC may reject incomplete or inaccurate applications, as per §4.420.

### 1. Site Name, Location, Size

Site Name Proposed Chimney Rock Road Extension  
Street Address NA. South of intersection of Chimney Rock Road and FM 2234 (McHard Road)  
City Houston County Fort Bend  
Site Size (acres) Approx. 3.79 Acres

#### Driving Instructions (from a major intersection):

From Fort Bend Tollway at McHard Road. East on McHard to Rouen. South on Rouen to pipeline easement. Southwest on pipeline easement approx, 2,200 feet to site.

### 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 Fort Bend County  
Contact Person Mr. Stacy Slawinski, P. E. Title Assistant County Engineer  
Organization Fort Bend County  
Street Address or PO Box 301 Jackson Street, Suite 400  
City Richmond State TX Zip Code 77469  
Phone ( 281 ) 633-7508 Fax ( NA )  
Internet address Stacy.Slawinski@fortbendcountytexas.gov  
Interest in Property Purchaser of property for right of way  
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 (\_\_\_\_) \_\_\_\_\_ Fax (\_\_\_\_) \_\_\_\_\_  
Internet address \_\_\_\_\_  
Interest in Property \_\_\_\_\_  
To receive copies of RRC correspondence: 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 (\_\_\_\_) \_\_\_\_\_ Fax (\_\_\_\_) \_\_\_\_\_  
Internet address \_\_\_\_\_  
Interest in Property \_\_\_\_\_  
To receive copies of RRC correspondence: 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 the application form.**

**Other Contacts (Consultant/Attorney)**

Person Mr. Chris Thayer Title Senior Associate  
Organization Berg-Oliver Associates, Inc.  
Street Address or PO Box 14701 Saint Mary's Lane, Suite 400  
City Houston State TX Zip Code 77079  
Phone (281) 589-0497 Fax (281) 589-0007  
Internet address cthayer@bergoliver.com

Person \_\_\_\_\_ Title \_\_\_\_\_  
Organization \_\_\_\_\_  
Street Address or PO Box \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
Phone (\_\_\_\_) \_\_\_\_\_ Fax (\_\_\_\_) \_\_\_\_\_  
Internet address \_\_\_\_\_

### 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 Mr. Chris Thayer Title Senior Associate  
Organization Berg-Oliver Associates, Inc.  
Street Address or PO Box 14701 Saint Mary's Lane, Suite 400  
City Houston State TX Zip Code 77079  
Phone (281) 589-0497 Fax (281) 589-0007  
Internet address cthayer@bergoliver.com

Signature of Consent: \_\_\_\_\_ Date: \_\_\_\_\_

### 4. Current Site Use

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

- ☐ 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? ASAP \_\_\_\_\_

## 5. Site Location

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

Latitude	<u>29</u>	O	<u>34'</u>	<u>27.41"</u>	N
Longitude	<u>95</u>	O	<u>28'</u>	<u>51.90"</u>	W

Please use datum WGS84 or NAD83.

Does the latitude and longitude listed above refer to the

- ☒ Center of the property?  
☐ Other, please describe
- 

## 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:

Chloride concentrations reported in surficial site soils range from 512 mg/kg to 1,990 mg/kg. While below the RRC guideline of 3,000 mg/kg for non-sensitive sites, much of the subject property is located within two wetlands. The reported concentrations are two to three orders of magnitude higher than those reported for soils in wetlands outside areas of oil/gas activity, and are having an adverse effect on the wetlands.

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## 8. Environmental Assessments

All relevant environmental assessments pertaining 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 may be helpful to document site history);
4. available RRC 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.

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 VCP is described in 16 TAC §4.405, §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 Natural Resource Conservation Commission*.
- (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.

## 10. Default Cleanup Values

The VCP Rule, 16 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. Please use the following check boxes below to specify the type of default cleanup values being sought for this site.

- ☐ 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:
- 

- ☐ Risk-based cleanup to residential or commercial/industrial levels, which is conditional upon maintaining institutional and/or engineering controls. Describe the type of engineering control(s):
- 

- ☒ Other (Please describe).

Analytical data indicates site soils meet Residential use PCLs, since there are no PCLs for chloride. However, the elevated chloride concentrations are having an adverse effect on the two wetlands. Applicant wishes to remove soils during construction and replace with clean fill material.

## 11. 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.

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 or will be described at the time of certificate issuance in a meets 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 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 which exceed the applicable protective standards 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 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. If the RRC rejects the application within 45 days of the date this application is submitted, RRC will notify the applicant and 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.

## **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. Be aware that a non-reimbursable surcharge of (\$1,500) is also required at the time of application after 1 May 2012. 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 in the space below and return it and all associated documents (e.g., environmental assessment reports) 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 Ave  
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

##### 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)

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 VCP.

Signature: Joe Goggans Name JOE GOGGANS  
(print or type)

Date: 3-19-18

Phone: (214) 212-0870