

Attachment A

Instructions for Completing the DCRP Application for Ranking

The purpose of this document is to assist the applicant in completing the application and submitting all required documents and supporting material. A completed application with required documents, attachments (Attachment A, B, C, D1, D2 and E as applicable), and supporting material must be submitted in order for the site to be reviewed for eligibility and ranking in the DCRP. Incomplete forms will not be processed. Please review the following information prior to completing the application.

Additional Guidance on Select Submittals

I. Costs Paid to Fulfill the Deductible

Payment of a \$5,000 deductible is a requirement for the application. The costs incurred by an **applicant** to perform environmental investigations or remediation at the subject site, or to collect the information and evidence for the Application for Ranking package, will be credited against the deductible as required under Texas Health and Safety Code, §374.203, as amended, except costs listed in (C) below. Submit with the Application for Ranking the invoices and proof of payment as described below to demonstrate that the deductible has been met.

(A) Legible copies of invoices providing a description of:

- (1) environmental services performed;
- (2) the consultant(s) who performed the services;
- (3) the dry cleaning facility where the services were performed;
- (4) the dates the services were performed;
- (5) the unit cost for all services; and
- (6) the total amount incurred.

(B) Proof that the applicant has paid in full the amounts requested as credit toward the deductible. The submission must include either:

- (1) business receipts or invoices from the person who performed the work indicating payments received;
- (2) copies of canceled checks; or
- (3) the certification of a certified public accountant that the expenses for which credit toward the deductible is requested have been paid in full.

(C) The following types of costs are those which will not be considered costs applicable to the deductible under this subchapter:

- (1) the cost of replacement, repair, and maintenance of affected dry cleaning equipment;
- (2) the cost of upgrading existing dry cleaning equipment;
- (3) removal, transport, and disposal of dry cleaning equipment;
- (4) loss of income or profits, including without limitation, the loss of business income arising out of the review, processing, or payment of an application for ranking under this subchapter;
- (5) decreased property values;
- (6) bodily injury or property damage;
- (7) attorney's fees;
- (8) any costs associated with preparing, filing, and processing an application for ranking under this subchapter;
- (9) the costs of making improvements to the facility beyond those that are required for corrective action;
- (10) costs of compiling and storing records relating to costs of corrective action;
- (11) costs of corrective action taken in response to the release of a substance which is not a dry cleaning solvent;
- (12) any activities, including those required by this chapter, which are not conducted in compliance with applicable state and federal environmental laws or laws relating to the transport and disposal of waste;
- (13) interest on monies;
- (14) the cost of abatement or corrective action taken in response to a release of:
 - (a) a regulated substance that is not dry cleaning solvent or product; or
 - (b) a release of a dry cleaning solvent that has commingled with a regulated substance, which is not a dry cleaning solvent, unless the release of the dry cleaning solvent can be separately remediated.

II. Deductible Payment

If \$5,000 in eligible environmental costs has not been spent on the site by the applicant, or partial expenses are being claimed, complete and submit Attachment B and a check for the (remaining) deductible to the TCEQ Financial Administration Division. A copy of Attachment B and the information required in Section I (above) - Costs Paid to Fulfill the Deductible must be attached to this application (as applicable).

III. Access/Notifications

Attachment C – Consent for Access to Property must be submitted to provide access to the property and to provide proof that both the facility owner and the property owner have been notified of the submittal of the application. In all cases, the Real Property Owner must complete an Attachment C – Consent for Access to Property form. If a current facility owner exists and he is not also the real property owner, then he must also complete and submit an Attachment C – Consent for Access to Property form.

NOTE: It is the responsibility of the Applicant to notify the TCEQ should there be a change in property or facility ownership. A revised Attachment C – Consent for Access to Property must be completed by the new owner and submitted to the TCEQ. If the new owner does not provide a revised Attachment C – Consent for Access to Property within 90-days of change in ownership, the TCEQ will suspend corrective action at the site. If the new owner does not provide a revised Attachment C – Consent for Access to Property within 180-days of change in ownership, the TCEQ will remove the site from the DCRP Prioritization List. Any sites removed from the DCRP in this manner will have to reapply in order to re-enter the program.

IV. Drinking Water Survey Report

A Drinking Water Survey Report (DWSR) must be completed and submitted when reporting either a new case of groundwater contamination, or new evidence for an existing site that indicates a private drinking water well is or may be affected. The report provides information on water wells and sources of drinking water in the area near groundwater contamination. The TCEQ regulatory guidance document entitled "Preparation of a Drinking Water Survey Report" (RG-428) outlines the minimum procedures required to prepare and submit a DWSR to the TCEQ Remediation Division. This guidance document should be reviewed and followed upon confirmation of groundwater contamination.

The RG-428 Document is available on the agency's website at <http://www.tceq.state.tx.us/remediation/twc26.408.html>

V. Site Map

The following items, and any other relevant aspects of the on-site property, should be identified on a site map which is drawn to scale (use more than one map if necessary):

- (A) Property boundaries and land uses, buildings and other structures, roads, type of surface cover, and surface drainage;
- (B) Current and former locations of dry cleaning machines, areas of solvent and waste storage, and waste disposal areas;
- (C) Locations of underground utilities (if known); and
- (D) Required legend information includes a north arrow, bar scale, map source, and identification of all symbols used on the map.

VI. Receptor Survey

The receptor survey should identify all water wells, springs, surface water bodies, and other potential sensitive receptors located within ½ mile of the site boundary. **Minimum required activities include:**

- (1) One-half mile records search to identify:
 - All recorded water wells located within ½ mile of the property boundary;
 - Local drinking water sources within ½ mile of the site boundary [including availability of public water supply (PWS)] and properties not serviced by or connected to an existing PWS.
- (2) A door-to-door, walking field survey of the area within 500 feet of the property boundary in order to:
 - Locate any water wells within 500 feet of the site that are not identified in the records search;
 - Confirm the location, owner, users, and current use of those wells identified in the records search; and
 - Identify springs, surface waters, parks, and other potential sensitive receptors located within 500 feet of the site.

Note: The field survey and records searches should be conducted beyond the minimum required distance when site conditions warrant (e.g., no municipal water supply, etc.).

The following items must be submitted with the application to document the results of the completed receptor survey:

- (A) A brief narrative describing the methodology and results of the receptor survey.
- (B) USGS 7.5 – minute topographic map which identifies:
 - The locations of all identified wells by well number / designation;
 - All other identified potential receptors (e.g., springs, surface water bodies, day care centers, etc.);
 - 500 feet, and ¼ and ½ mile radial distances (from property boundary).
- (C) Water well inventory table – lists all identified water wells and includes the following information for each:
 - Well designation (number);
 - Name and current mailing address for each well owner and the well users;
 - Current use of the water;
 - Distance from the property boundary (ft.);
 - Total depth and screened interval(s) (ft.);
 - Producing zone (geologic formation or aquifer name);
 - Other relevant information / remarks (including relevant field notes from the door-to-door survey).
- (D) All available well logs and information about springs and surface water bodies.
- (E) Field notes from the 500 foot door-to-door survey.

Note: The identification of sites or properties within 1/4 mile of the site boundary for which environmental reports or information has been submitted to the TCEQ (if possible). Technical information from such reports (e.g., soil boring logs, water well logs, analytical groundwater data) may be useful in fulfilling the requirements of the application.

VII. Required Documentation for Groundwater or Soil Sample Analysis

Submit a laboratory analytical report documenting a groundwater impact at an on-site or off-site well.

If no groundwater sample could be collected, then a soil analysis may be substituted for the groundwater analysis, so long as prior written approval from the Dry Cleaner Remediation Program has been obtained. The application must include a copy of DCRP's written approval for no groundwater sample. Please note that the DCRP will not provide written approval without technical justification as to why groundwater data could not be obtained at the site.

Data collected after February 1, 2003, should be reported in accordance with *Review and Reporting of COC Concentration Data*, (RG-366/TRRP-13) which is available on the agency's website at: http://www.tnrcc.state.tx.us/admin/topdoc/rg/366_trrp_13.pdf.

VIII. Voluntary Cleanup Program Applicant Signatures Form (Attachment D-1) and Program Participation Election Form (Attachment D-2). Only Applies to Sites for which there Currently is a Voluntary Cleanup Program Agreement.

The DCRP will not initiate corrective action at a site while it is in the Voluntary Cleanup Program (VCP) and therefore the VCP Agreement must be terminated before the site can be accepted into the DCRP and prioritized for corrective action.

The Voluntary Cleanup Program Applicant Signatures Form: (Attachment D-1) must be signed by all VCP Applicants and must be submitted with the DCRP Application for Ranking.

The Program Participation Election Form (PPEF) (Attachment D-2): is used by the DCRP-eligible Applicant to notify the TCEQ of either (a) the intent to expedite their withdrawal from the VCP Agreement, or (b) their intent to remain in the VCP and withdraw their DCRP Application for Ranking.

If you are currently participating in VCP, but choose to withdraw from the VCP Agreement and seek acceptance into the DCRP (if eligible), complete and notarize the PPEF Attachment D-2 of the application. The PPEF may be submitted at the time of Application submittal or within 45-days of the date of the DCRP Ranking letter: If not already included with the application, a completed PPEF should be submitted to the address below after the DCRP Application is ranked and you have received correspondence from the TCEQ:

Dry Cleaner Remediation Program, TCEQ,
P.O. Box 13087, MC-136
Austin, Texas 78711-3087.

Please note that the PPEF is not required to be submitted as part of the DCRP Application. However, **if the Applicant wishes to remain in the VCP, the TCEQ must receive the PPEF (Attachment D-2) within 45-days of site ranking. If the PPEF is not received within 45-days of site ranking, the TCEQ will begin the process of terminating the VCP Agreement and the site will be entered into the DCRP.**

IX. Affidavit Indicating that Perchloroethylene is no Longer in Use At Site (Attachment E)

The Applicant must sign an affidavit (Attachment E) confirming that perchloroethylene is not currently being used and will not be used at the site and that, following the commencement of corrective action under the Dry Cleaning Facility Release Fund, a written notice will be filed in the real property records of the county or counties where the site is located to notify future property owners that perchloroethylene may not be used at the site.

X. Professional Engineer or Professional Geoscientist

Any documents, reports, filings, notifications, or other submittals required by the ranking application prepared by, or prepared under, the supervision of a duly licensed professional engineer or a duly licensed professional geoscientist must be prepared in accordance with all requirements of statute and rule applicable to that respective professional. Please sign, date and seal Section 15c.