



# Application for Brownfields Program Site Activities

## INTRODUCTION

The Texas Commission on Environmental Quality (TCEQ) directs the completion of a limited number of federally funded Environmental Site Assessments (ESAs) for qualifying local governments and non-profit groups in Texas. The TCEQ Brownfields Program Phase I and Phase II ESAs facilitate property transactions.

The TCEQ Brownfields Program Phase I and Phase II ESAs help identify the degree of contamination on Brownfields properties. The objective of an ESA is to discover real or perceived environmental barriers to redevelopment of underused or dormant properties and provide the environmental information required in real estate and financial transactions on Brownfields properties. By assessing the degree of contamination on Brownfields properties, potential applicants are more likely to successfully market those properties and facilitate redevelopment.

In addition to performing assessment activities, TCEQ provides regulatory guidance. Such guidance includes developing cleanup levels, cleanup options, and clarification of environmental regulatory requirements as applicable.

Visit the [TCEQ Brownfields Program webpage](#) for more information.

## HOW TO APPLY

To apply to the TCEQ Brownfields Program, complete and submit the enclosed application. Fill out all sections as completely as possible; a completed application should include a signed access agreement. Where information is not available or not applicable to the site, include a brief explanation. Direct questions related to the application to the Brownfields Program Coordinator at 1-833-436-3271.

- **Email Application** (preferable): [brownfields@tceq.texas.gov](mailto:brownfields@tceq.texas.gov)
- **Mail in Application:**  
Brownfields Program Coordinator MC-136  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX 78711-3087

## WHAT DO TCEQ BROWNFIELD SITE ASSESSMENTS INCLUDE?

These assessments may include a Phase I ESA and a Phase II ESA. Each assessment performed by TCEQ will generally include:

- records review
- site reconnaissance
- interviews with past and current owners, operators, neighbors, and governmental officials
- sampling

## ELIGIBLE APPLICANTS

- City, State, Local, and Tribal Governments
- Quasi-governmental Agencies
- Redevelopment Agencies
- Nonprofit Groups

## ELIGIBILITY REQUIREMENTS

For applicants to be eligible to receive TCEQ Brownfields funding, the following must be met:


1. The applicant must not be potentially liable for this site under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) nor under Texas state Superfund. CERCLA, also known as Superfund, is a federal law giving EPA (and State agencies working with EPA) legal power to clean up the sites and to recover clean-up costs from those who are responsible for hazardous substances and solid wastes associated with the Superfund site. (There are four classes of Superfund liable parties: 1) Current owners and operators of a facility; 2) Past owners and operators of a facility at the time hazardous wastes were disposed; 3) Generators and parties that arranged for the disposal or transport of the hazardous substances; and 4) Transporters of hazardous waste that selected the site where the hazardous substances were brought. Certain statutory defenses and exceptions may apply, such as innocent owners affected by migration of contaminants from an adjacent property or bona fide prospective purchasers.)
2. The site must meet one of the following:
  - a. purchase of the property by the local government or non-profit organization applying to the program is planned; \*or
  - b. delinquent property taxes make foreclosure by the taxing authority likely; or
  - c. redevelopment will result in ownership and/or long-term beneficial use by the local government or non-profit organization.
3. There is no unresolved federal or state enforcement or Superfund action associated with the site.
4. The site is not a Resource Conservation and Recovery Act (RCRA) permitted or interim-status facility.
5. The site is targeted for redevelopment by the local government or nonprofit group.
6. The local government agrees to arrange for site access and security for TCEQ personnel and their representatives conducting site assessments.

\* If property is already owned by the local government or non-profit, contact TCEQ Brownfields to discuss.

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## LIMITATIONS OF TCEQ BROWNFIELDS PROGRAM

Consider the following limitations prior to completing this application:

- The program primarily performs Phase I and Phase II site assessments. The program has limited funds for cleanup, and eligible entities may need to apply for a competitive EPA Cleanup grant.
  - The Brownfields process is not an appropriate means to correct situations where an immediate and substantial endangerment to human health and the environment exists. For the assessment and remediation of such sites, contact the nearest TCEQ regional office.
  - The Brownfields process is generally not appropriate for asbestos-containing materials, lead-based paint in/on buildings, lead in drinking water systems, wetlands, or radon gas.
  - The applicant should recognize that environmental site assessments cannot eliminate all uncertainty and are not always exhaustive in their level of inquiry. In addition, the Brownfields process may not assess all health and safety hazards associated with a site. Therefore, TCEQ cannot be held liable for monetary or other damage arising from contamination discovered or not discovered while the site is in the TCEQ Brownfields Program.
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**Application Received Date**

Comm ID

Method of Submittal

## **TCEQ BROWNFIELDS APPLICATION**

The applicant should fill out the entire application. At the sole discretion of TCEQ, applications containing unsubstantiated statements will be determined ineligible. **Many sections of the application require supporting documentation—attach it to the end of the application.**

### **DATE OF APPLICATION**

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### **APPLICANT INFORMATION**

A. Applicant Name:

Contact Person:

Contact Phone Number:

Applicant Address:

B. Applicant Name:

Contact Person:

Contact Phone Number:

Applicant Address:

How did the applicant hear about the TCEQ Brownfields Program?

## PROPERTY NAME AND ADDRESS

### Regulated Entity (RN) Naming Standards

A "Regulated Entity" is the activity, place or other thing in which the TCEQ has an environmental interest. If a Regulated Entity already exists, the name in this application will be assigned to the Alternate Regulated Entity Name associated with this program's ID number under the existing Regulated Entity. It is not a Customer Name. Do not include Organizational indicators in the name like INC, CO, LP, etc.

Do not use generic Regulated Entity names. Select a unique name identifier (limited to 80 characters including spaces).

Examples:

FORMER JIFFY LUBE YAGER LANE instead of Jiffy Lube

7 ELEVEN 1611 25758 instead of 7 ELEVEN

Unacceptable Punctuations are pound sign, apostrophe, commas, slash marks.

Acceptable Punctuations are ampersand, decimal, hyphen, plus sign.

Preferred Property Name:

Street Address or Location Description:

Latitude and Longitude (decimal degrees):

Property Size (acres):

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## ELIGIBILITY INFORMATION

Applicant Type:

If other, please describe:

Does the applicant have an EPA Brownfields Grant? YES NO

If so, please provide Grant site name and CA Number (if known) describe:

Is the property owned by the applicant? YES NO

If property is owned by applicant, when did ownership take place?

If owned, how did the applicant take ownership?

Has a Phase I or Phase II Environmental Site Assessment been performed? YES NO

If so, when?

Did the applicant operate a business at the property?      YES      NO

List any additional grant funding associated with the property and any financial/tax incentives being offered to potential redevelopers.

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**REGULATORY INFORMATION** *(IF YES TO ANY ANSWERS BELOW, PROVIDE MORE INFORMATION IN THE NOTES SECTION FOUND ON THE LAST PAGE OF APPLICATION)*

1. Are there any federal/state enforcement, Superfund actions or remediation actions associated with this property?  
YES NO DON'T KNOW
2. Is the property or portions of the property subject to the Resource Conservation and Recovery Act (RCRA)?  
YES NO DON'T KNOW
3. Were any Leaking Underground Storage Tank (LUST) Trust Funds used on the property?  
YES NO DON'T KNOW
4. Was there any prior contact with the state or federal environmental regulatory programs or agencies related to environmental issues at this time?  
YES NO DON'T KNOW
5. Is the site subject to the Railroad Commission of Texas Brownfields Response Program (i.e., under RRC jurisdiction relating to oil and gas)?  
YES NO DON'T KNOW
6. Provide all applicable state and federal identification numbers related to the property, including any solid waste registration, leaking petroleum storage tank, CERCLA, State Superfund, Resource Conservation and Recovery Information System, Underground Injection Control, etc. registration numbers:

Note that TCEQ's Central Registry may be a useful reference:  
<https://www15.tceq.texas.gov/crpub/>

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**PROPERTY INFORMATION** *[A SIGNED ACCESS AGREEMENT FORM SHOULD BE SUBMITTED WITH THE COMPLETED APPLICATION]*

7. Current Owner:
8. Is ownership in dispute? YES NO
9. Is the site abandoned, vacant or underutilized? YES NO  
If so, for how long?
10. Are property taxes delinquent for this site? YES NO  
If so, for how long?
11. Is foreclosure likely? YES NO
12. Are there any known liens? YES NO



Please provide the contact name, address, phone number and email address for possible lienholders:

- 13. Assessed value (include last date of known appraisal and source of appraisal, i.e., bank, county, private) and appraised value of most recent property taxes:
  
- 14. Is the site inside a current federally-designated Opportunity Zone, Empowerment Zone, Enterprise Community (EZ/EC), Texas Reinvestment Zone, or a state-designated Texas Enterprise Zone (TEZ)? YES    NO  
County Appraisal District Property ID:
  
- 15. Legal description of site:

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**PROPERTY HISTORY**

- 17. Provide the history of the property beginning with the current owner and include information regarding the types of business operations as far back as the earliest known industrial/commercial development.

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**PROPERTY LAYOUT [A CAD LAYOUT SHOULD BE SUBMITTED WITH THE COMPLETED APPLICATION, IF AVAILABLE]**

18. Type and number of buildings on the property (include structures such as loading docks, lifts, racks, paved parking areas, etc.):
19. Total floor space (approximate square footage):
20. Condition of buildings/structures:

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### **CONTAMINATION INFORMATION**

21. Is there reason to believe there is contamination? If so, how many acres? List the known or potentially contaminated areas on the property (provide site map indicating all areas of concern):
  
22. List all environmental investigation reports that have been completed at this site. If no investigations have been completed, indicate “none.”
  
23. Describe the locations of any adjacent properties that may have the potential for creating environmental concern:

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### **BROWNFIELDS REDEVELOPMENT PLAN**

24. Provide a summary of the redevelopment plan. Discuss any public/private partnerships, other state or federal agency involvement, private industry interest, etc. Discuss the envisioned redevelopment, including increase in taxable appraised value of the property and potential employment creation.

# ATTACHMENTS

Attach previously prepared Environmental Site Assessment/Investigation documents.

Attach CAD layout, site maps indicating all present and former, active and inactive utilities, piping, tanks, bays, and machinery.

Attach Signed Access Agreements.

Attach all other supporting documentation.

## NOTES: