

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
INNOCENT OWNER/OPERATOR PROGRAM (IOP) APPLICATION  
INSTRUCTIONS**

The information provided on the Innocent Owner/Operator Program (IOP) Application and the Site Investigation Report (SIR) will be used to determine an Applicant's eligibility to receive an IOP Certificate. It is imperative that the application be complete and accurate; otherwise, the Texas Commission on Environmental Quality (TCEQ) may determine that the Application provides inconclusive information and that it cannot issue an IOP Certificate. The Application must include an attached SIR with information sufficient for the TCEQ to determine the Applicant's Innocent Owner/Operator status.

**General Site Information**

This section requests site specific information and should be completed in the greatest detail possible.

**Applicant(s)**

Applicants requesting an IOP Certificate must own or operate the site before it can be issued. Applicant A should be the person who is requesting the IOP Certificate and who agrees to pay agency oversight costs. In addition to the Applicant's name and address, please describe the Applicant's interest in the property (e.g., owner, tenant, potential purchaser, etc).

If billing should be directed to another person or address, please provide this information in the Billing Information Section on page 3. IOP project manager hours expended in reviewing the Application are charged against the \$1,000 application fee based upon an annually calculated billing rate. In September of each year, an estimate of the costs recoverable to administer the IOP are calculated and the resulting billing rate is published in the Texas Register.

**Current Site Owner**

If the current site owner is not included as an Applicant (i.e., the prospective owner or operator is the applicant), then provide the requested information for the current site owner.

**Person From Whom Site Was Acquired**

Information regarding the prior owner or operator and their activities at the site should be included in the Application to aid in TCEQ assessment of potential contamination sources.

**Other Contacts**

If others are involved in the IOP certification process, such as an environmental consultant or legal representative, please provide the requested information for this person. This should be in the Applicant's determination, the person with the greatest capability to provide site specific information and make decisions related to the IOP application.

**Billing Information**

If the billing is to be directed to someone other than Applicant A, provide the requested information and have that person sign, indicating their consent to payment of the TCEQ oversight costs.

## **Current Property Use**

Check the correct category or provide a more appropriate description under "Other". If the property is divided into more than one use category, indicate this by providing the percent of the land area used for each land use category.

## **Involvement with Other Regulatory Programs**

Describe in detail any contact with other state or federal regulatory programs. Please provide names, dates, inspections, permit numbers and any actions taken as a result of these contacts. It is especially important to describe any order, notice of violation, permit or inspection related to the Site, as this may directly impact the eligibility of the Site for participation in the IOP. If there has been no prior contact with any state or federal environmental regulatory agency, this must also be clearly indicated. This section must not be left blank.

## **Site Investigation Report (SIR)**

The SIR must be enclosed with the IOP application form. It is very important that the SIR conform to the IOP SIR Checklist.

## **Basis for Seeking Certification**

The purpose of this section is to provide information to the TCEQ which describes the basis under which the Applicant is requesting an IOP Certificate: §361.751(2) or under §361.752(b) of the Texas Solid Waste Disposal Act.

## **Adjacent Property Information**

The purpose of this section is to provide adjacent landowner information to the TCEQ. The Applicant(s) is required to notify adjacent landowners that the Applicant has applied for an IOP Certificate through the TCEQ. As shown in the example notice form letter attached to the application form, the notice should include the names of all the persons or entities seeking an IOP Certificate, a statement that all IOP application information is public record and as such can be viewed or copied at the TCEQ, and that adjacent landowners may submit at their discretion, any additional information regarding the subject IOP site for further TCEQ review. Adjacent landowners that wish to respond to the notice must do so within 14 days of notice receipt. The IOP Applicant must submit copies of the notice letter and the signed receipts indicating that delivery occurred, to the TCEQ within 7 days after receipt of these documents.

## **How Long Does it Take to Process Applications?**

Applications will be processed in less than 45 days. If the submitted application is determined to be incomplete, the TCEQ will provide the Applicant with a list of items needed to make the application complete or reasons why the information provided in the application was insufficient for issuance of a certificate.

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