

Example Innocent Owner/Operator Adjacent Property Notification Letter

[Date]

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

[Adjacent Property Owner Name]
[Adjacent Property Owner Mailing Address]
[City, State Zip]

Re: Notification of Application to TCEQ Innocent Owner/Operator Program (IOP) for property located at [Site Address], [City, TX, County Zip], IOP No. [IOP No.]

Dear Mr./Ms. [Adjacent Property Owner Last Name]:

This letter was prepared to inform you that an IOP application has been submitted to the Texas Commission on Environmental Quality (TCEQ) by [IOP Applicant], the [current/prospective] owner/operator of [Name of IOP Site], the IOP site, located at [IOP Site Address], which is adjacent to your property located at [Adjacent Property Address]. The application was submitted in response to the discovery of [type of contamination] in [media type] on [Name of IOP Site]'s property, which the owners/operators contend has migrated to their property solely from an off-site source.

Additionally, [Include name(s) of all other IOP Applicant(s), including prospective owners/operators] is/are included in the IOP application and is/are listed as [interest in the property].

The law creating the IOP became effective September 1, 1997 and was drafted to provide immunity from liability under the Texas Water Code and Health and Safety Code for owners/operators of property that has been contaminated solely by an off-site source. The law also provides for issuance of a certificate confirming the person is an innocent owner/operator and thereby not liable for the contamination if the person makes an adequate demonstration to the TCEQ that the contamination has migrated from an off-site source and that activities on the property did not contribute to the contamination. The [current/prospective] owner/operator of [Name of IOP Site] has submitted an application and site investigation report for TCEQ review requesting an evaluation of information they believe will support their status as an innocent [owner and/or operator]. All IOP application information is public record. Please visit the Records Management website of the TCEQ for more information on viewing records: <https://www.tceq.texas.gov/agency/data>.

You are not required to respond to this letter; however, if you have any information about [IOP Applicant] or the use of the property that may affect the TCEQ's evaluation of contamination on [Name of IOP Site]'s property or have any questions regarding this notice, please contact the TCEQ Project Manager, [Project Manager], at [telephone number with area code] with questions concerning this notice. Any such information must be provided within 14 days of receipt of this letter and may be sent to the above TCEQ Project Manager by regular mail to the TCEQ, MC 221, P.O. Box 13087, Austin, Texas 78711-3087 or by express mail at 12100 Park 35 Circle, Building D, Austin, Texas 78753. Please reference IOP No. [IOP No.] in any correspondence or when contacting TCEQ. Should you have any questions for [IOP Applicant], please contact [Contact Person for IOP Applicant] at [phone number with area code].

Sincerely,

[IOP Applicant or Applicant's Consultant]

Title

cc: [IOP Project Manager Name], TCEQ, IOP Project Manager, Remediation Division, MC-221