

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
REQUEST FOR ACQUISITION OF CONTAMINATED PROPERTY

ENV-0002 (NEW 03/16/2009)

REFERENCE: PROJECT DELIVERY DIRECTIVE, PD-02

This form contains expandable fields. For further guidance on format issues, please see:

<http://en.allexperts.com/q/Microsoft-Word-1058/Form-fields-Word.htm>

District:	CO/RTE/PM _____	EA: _____
Preparer:	Phone: _____	
Office:	Date: _____	
District Hazardous Waste Specialist:	Date: _____	

RW Parcel Number(s): _____

Assessor Parcel Number(s): _____

PROJECT BACKGROUND INFORMATION

- a) Brief project summary, including programmed/approved right of way and construction costs, and how project construction (including utility relocation within highway project limits) will impact contaminated area, parcel maps in relation to project boundaries, etc.: _____
- b) Type, extent, and results of current or past site investigations, maps of contamination, etc. _____
- c) What are the benefits to the project of acquiring this contaminated property and why do the benefits exceed the potential liabilities?
- d) List or attach all previous and current property owners or operators and contact information: _____

CRITERIA

1. Will total remediation costs of the parcel (excluding investigation cost) exceed \$300,000?
 - No If no, go to 2. Yes Amount \$ _____ If yes, go to (a)
 - (a) Will total remediation costs exceed 50% of a parcel's appraised value as if clean?
 - No If no, go to (b). Yes _____% If yes, Chief Engineer approval is necessary.
 - (b) Will total remediation costs exceed 10% of the total capital costs for the project (right of way and construction)?
 - No If no, go to 2. Yes _____% If yes, Chief Engineer approval is necessary.
2. Is net value of the property after fair market value deduction for contamination cleanup \$0 (or does the cost of cleanup exceed the fair market value of the property) and will the parcel be presented to the California Transportation Commission for approval of a Resolution of Necessity?
 - No If no, go to 3. Yes If yes, Chief Engineer approval is necessary. Discuss cleanup costs, market value and need, timing for Resolution of Necessity:
3. Has contamination on the parcel resulted in groundwater contamination requiring cleanup?
 - No If no, go to 4. Yes If yes, Chief Engineer approval is necessary. Describe source, contaminants, concentrations, specifics of regulatory actions, cleanup actions taken, including vapor intrusion sampling, current status, timeframes, etc. : _____

District/Region Signatures

I recommend approval of acquisition of the contaminated property as avoidance is infeasible. All known risks, effects on project schedule and resources, potentially responsible parties and their ability to accept cleanup have been assessed to the extent possible.

Implementing Agency Project Manager Signature:

Date:

Typed Name:

Telephone number:

I have reviewed the information provided to me by the District and have advised the District as to the potential risk and responsibilities with acquiring this site.

District Legal Environmental Counsel Signature:

Date:

Typed Name:

Telephone number:

I certify that the executed CoS and the HMDD-A has been provided to R/W prior to approval of the Appraisal and that the project has been designed to minimize risks and liabilities from contamination and that acquisition of contaminated property is necessary for the project design.

Project Engineer Signature:

Date:

Typed Name:

Telephone number:

I certify that the appropriate permits to enter for testing have been secured and that the executed CoS and HMDD-A is being used to finalize the appraisal and acquire the property after considering any cleanup costs.

District Deputy of Right of Way Signature:

Date:

Typed Name:

Telephone number:

I certify that the nature and extent of contamination and costs to remediate have been investigated to the extent necessary to determine potential risks to the Department.

District Hazardous Waste Manager Signature:

Date:

Typed Name:

Telephone number:

REQUEST FOR ACQUISITION OF CONTAMINATED PROPERTY INSTRUCTIONS FOR COMPLETING THE REQUEST FOR ACQUISITION OF CONTAMINATED PROPERTY FORM ENV-0002

General Information to Complete the Form:

The fields on the Acquisition of Contaminated Property (RACP) Form are expandable, so that detailed information can be entered directly onto the Form. Answers in the expandable fields should be narrative (not sentence fragments) and complete. The intent of the Form is to provide a consistent structure for submittals. You must have Adobe Reader 7.0 or higher to use this Form. Use the tab key in the fill-in text boxes and they will expand. You may also add additional sheets and documents as attachments, if needed. To save what you have entered, select "save as" and save with the same file name.

This Form should be filled out using information supplied from District Hazardous Waste, Right of Way, Legal, consultant reports, regulatory files and agreements between property owners, local agencies and larger government entities. Much of the information on the Form can be provided by district hazardous waste technical specialists. Both the district Legal and Right of Way Offices must be consulted for additional input. The Project Engineer is ultimately responsible for the completeness and accuracy of the Form. For more information regarding the contaminated property acquisition process refer to Chapter 10 of the Standard Environmental Reference (SER).

Timeframe

As soon as the project development team is aware that it may be necessary to acquire contaminated property for a project and the Chief Engineer's approval is likely to be necessary, the Division of Environmental Analysis (DEA) HQ Hazardous Waste Office should be contacted. Discussions with DEA will ensure that the RACP is complete when submitted, thereby expediting the process. The District Project Engineer signs and submits the Form and other supporting information to DEA, for review. Allow at least 30 calendar days from DEA's receipt of the fully completed Form for DEA review and approval or denial by the Department's Chief Engineer.

Specific Information to Complete Each Section of the Form:

The first section of the Form identifies the project and staff completing the Form. RW Parcel Number(s) and Assessor Parcel Number(s) can be plural because contiguous properties with the same contamination and legal and regulatory situation can be included on the Form.

Project Background Information

This section introduces and summarizes the situation. Provide enough background information to assure that the project history and the manner in which the contamination will impact the project is understood, including: nature and extent of possible contamination, potential costs and liability, past and future cleanup costs, identification of potentially responsible parties, agreements, etc.

Criteria

It is important to first determine if the property in question meets any of the four criteria that require the Chief Engineer's approval for acquisition. If none of the four criteria are applicable, only district level approval is necessary to acquire the property and the Form does not need to be submitted to Headquarters. A yes answer, to any of the four questions, indicates that Form ENV-0002 must be completed and submitted to the Chief Engineer for approval. When answering yes to any of the questions, please fill in the blank or answer the question that follows before moving on to the next numbered item. Questions can be answered immediately following the question using the expandable field.

Other Property Information

This section of the Form documents the specific physical, regulatory and legal condition of the property. Check boxes as appropriate and use the expandable fields after each question to include narrative. Attach additional information to support the information on the Form fields. Such information would include property deeds, regulatory letters, consultant reports, indemnification documents and cooperative agreements between property owners and local agencies and larger governmental agencies.

District/Region Responsible Staff

Five signatures are required on the Form: the Implementing Agency Project Manager, District Legal Counsel, Project Engineer, District Deputy of Right of Way, and the District Hazardous Waste Manager. The Hazardous Waste Manager is the supervisor of the hazardous waste technical specialist who assisted in the completion of the Form.