

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

ENV-0002 (NEW 03/13/2009)
 REFERENCE: PROJECT DELIVERY DIRECTIVE, PD-02

This form contains expandable fields.

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. :

4. Is, or was, the parcel(s):
- A high-risk site such as, a mining, milling, or salvage site (see PDPM Chapter 18 for additional information) **or**
 - A site with previously known contamination that was closed meeting federal and state standards less stringent than those currently in effect.
- ☐ No ☐ Yes If yes, Chief Engineer approval is necessary. Describe previous use and regulatory closure requirements:

Note: If all answers to numbers 1-4 are "No," then Chief Engineer approval is not necessary and this form need not be submitted to the Division of Environmental Analysis.

Other Property Information

- A. Is the proposed acquisition by: ☐ easement ☐ fee ☐ both easement and fee
- If fee, was an easement considered?
- ☐ No If no, why not?
- ☐ Yes If yes, why was acquisition of fee preferred instead of easement?:

B. Identify previous use of property:

C. What surface contaminants might have been removed, e.g. HW barrels of oil containing PCBs, above ground tanks that held solvents, transformers, etc.

D. Identify current and/or past regulatory actions, dates, cleanup standards, if known:

E. Estimate cost to Department for remediation of each media (list contaminant and associated cost): \$

F. Describe the type of remediation proposed and discuss whether the Department has approval from the appropriate regulatory agencies

G. What is the estimated timeframe for remediation and/or monitoring? Is it likely to extend beyond project construction? If so, what would be the funding source? Which District Office is responsible for oversight?

H. Estimate future liability (on and possibly offsite) if Caltrans assumes responsibility for remediation: \$

I. Why isn't it practical to defer or to modify the project to avoid the contaminated property(ies)?

- J. Describe options considered to avoid contaminated sites during the project development process, such as:
- Alignment changes
 - Design adjustments to avoid contaminant source areas
 - Design adjustments to avoid impacting contaminated groundwater
 - Deleting or delaying portions of the project affected by the contamination until resolution of the problem by others
 - Modification of the project to accommodate the owner's cleanup during or after project completion
 - Acquisition of permanent or temporary easement rather than fee

K. Explain why the property owner(s), or other responsible parties, have not assumed responsibility for remediation:

L. Describe the steps that have been or will be taken to recover remediation costs and include an evaluation from Caltrans Legal on the chances of success:

M. Are there other contaminated or potentially-contaminated parcels on the same project not addressed on this form?
☐ No ☐ Yes If Yes, explain:

N. Describe any indemnifications that have been provided by responsible parties or regulatory agencies. Attach copies of all indemnification letters:

O. If a local agency is involved in or managing the project, explain how contamination is addressed in the cooperative agreement. Attach a copy of the cooperative agreement:

P. List the Caltrans legal counsel consulted regarding long term liability, type of purchase (easement or fee), indemnifications, etc:

Q. Will cleanup funds for the parcel(s) be deposited in a district-managed escrow account if a property owner does not remediate their property?

R. Other supporting information/documents (attach if needed to support recommendations and conclusions):

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 certify that all needed agreements, indemnifications, etc. related to contamination and responsibilities of the parties involved have been reviewed or are being obtained.

District Legal 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.