

IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY
VOLUNTARY CLEANUP PROGRAM
INSTRUCTIONS FOR APPLICATION COMPLETION

INTRODUCTION

DEQ's Voluntary Cleanup Program (VCP) was created in 1996 by the Idaho Land Remediation Act, Title 39, Chapter 72, Idaho Code (the Act) to encourage innovation and cooperation between the state, local communities, and private parties to revitalize properties with hazardous substance or petroleum contamination. The "Idaho Land Remediation Rules" (IDAPA 58.01.18) identify implementation procedures for the program.

Persons who wish to perform an environmental investigation and voluntarily cleanup or remediate contaminated property in accordance with the Act and Idaho Land Remediation Rules must complete a VCP Application (Application). The Application is used to assist the Idaho Department of Environmental Quality (Department) in determining an applicant's eligibility to participate in the Voluntary Cleanup Program and to provide information necessary to execute an agreement between applicant and the Department.

Applicants must respond fully and completely to all the questions and information requested in the attached Application. A Phase I Environmental Assessment that conforms to American Society for Testing and Materials (ASTM) Standard Practice E1527-21, Standard Practice for Environmental Site Assessments: Phase I Site Assessment Process, or equivalent, and an application fee that is described below must accompany the Application. The Department cannot process any Application unless all requested information is complete, and all questions are answered to the satisfaction of the Department.

The completed Application should be submitted to the Department at the following address, or via email, as follows:

Voluntary Cleanup Program
Idaho Department of Environmental Quality
1410 N. Hilton
Boise, Idaho 83706-1255
Attention: Derek Young

Or via email to:

derek.young@deq.idaho.gov

In addition to the Phase I Environmental Assessment, the completed Application must also be accompanied by a nonrefundable application fee of \$250. A personal or cashier's check should be made payable to: "Idaho Department of Environmental Quality" and include "VCP Application Fee". Processing of the Application cannot begin until the Phase I Environmental Assessment and the fee have been submitted.

Upon receipt of the Application, the Department will review the information provided by the applicant and, within thirty (30) days of the date of receipt, make a determination of the applicant's program eligibility. The applicant will be notified in writing of the Department's decision. To the degree possible, all Applications will be reviewed on a first received, first served basis. If additional information or clarification of provided information is required by the Department, the applicant will be notified in writing within thirty (30) days of the date of receipt of the Application.

These instructions are intended to assist applicants in the completion of the Application. They are not intended to define good commercial and customary practice for conducting an environmental site assessment. Applicants are encouraged to obtain ASTM Standard Practice E1527-21, or to contact a qualified environmental professional experienced in the Phase I Environmental Assessment process.

The Application Consists of three (3) parts: Part 1 is intended to provide the Department information on site (or property) name and location, applicant information, the site owner/operator identification (if different from the applicant) and a brief site description and operational history. Part 2 poses five questions to assist the Department in determining the applicant's program eligibility. Part 3 requires environmental assessment information and the submittal of all assessment data and summaries of findings and conclusions.

VOLUNTARY CLEANUP PROGRAM APPLICATION COMPLETION INSTRUCTIONS

The following information is provided to assist the applicant in completion of the VCP Application.

Part 1-Site/Property Location, Ownership, and History Information.

Subsection A. Site Name and Location. This section of the application asks for information that definitively identifies the site name and location.

01. Site Name. The site name is either the legal name of the property or facility in a land deed or other common or descriptive name that uniquely identifies the site.
02. Street, Route No. or Specific Location Identifier. Enter the street address and number (if applicable) where the site is located. If the precise street address is unavailable for the site, enter a specific location identifier such as: 3 miles south of junction of State Highway 67 and State Highway 51.
03. City. Enter the city, town, village, or other municipality in which the site is located. If the site is not located in a municipality, enter the name of the municipality (or place) which is nearest the site or which most easily locates the site.
04. State. Enter: ID
05. ZIP Code. Enter the five-digit zip code for the postal zone.
06. County. Enter the name of the county in which the site is located.
07. Township, Range, and Section. Enter the township (T), range (R), and section number (1 to 36) of the site as defined by the state Public Land Survey System (PLSS). This information may be obtained from a U.S. Geological Survey 7.5-minute quadrangle map.
08. Tax Parcel ID. The tax parcel ID. may be obtained from the County Clerk or County Recorder's office in the county that the site is located. A copy of the current deed for the property should be included with this application.

Subsection B. Applicant Information. This section identifies the applicant that will apply for a certificate of completion from the Department upon satisfactory completion of an approved voluntary remediation workplan. An applicant may also, upon satisfactory completion of an approved voluntary remediation workplan, choose to apply for a covenant not to sue for the property on which the site is located.

01. Name. Enter name of applicant. An applicant may be any "person" as defined in the Act. The Act defines person as follows: "Person" means any individual, association, partnership, firm, joint stock company, trust, estate, political subdivision, public or private corporation, state or federal governmental department, agency or instrumentality, or any other legal entity which is recognized by law as the subject of rights and duties.
02. Address. Enter the street address of the applicant for correspondence purposes.
03. City. Enter the city, town, village, or other municipality in which the site is located. If the site is not located in a municipality, enter the name of the municipality (or place) which is nearest the site or which most easily locates the site.
04. State. Enter: ID
05. Zip Code. Enter the five-digit zip code for the postal zone.
06. Telephone and email. Enter a daytime telephone number where the applicant may be reached as well as an email address, if available.

Subsection C. Owner/Operator Identification. This section is used to identify an owner and/or operator different who may be different from the applicant entered in Subsection B. It should identify who is the owner of the property that is the subject of this application, and/or who is an operator responsible for the operation of facilities located on the site. Documentation (e.g. sales agreement, written permission, and/or access agreement) regarding access to the property from the legal property owner must be submitted with this application. Please provide documentation that the applicant and the Department have legal access to the subject property defined in Part 1, Subsection A. Access provided to the Department will be related solely to the work being performed under the VCP.

01. Owner. Enter name of the property owner if different from the applicant entered in Subsection B.
02. Owner Address. Enter the street address of the owner for correspondence purposes.
03. City. Enter the city, town, village, or other municipality in which the site is located. If the site is not located in a municipality, enter the name of the municipality (or place) which is nearest the site or which most easily locates the site.
04. State. Enter: ID
05. Zip Code. Enter the five-digit zip code for the postal zone.
06. Telephone and email. Enter a daytime telephone number where the owner may be reached as well as an email address, if available.
07. Operator. Enter name of the site operator if different from the applicant entered in Subsection B.
08. Operator Address. Enter the street address of the site operator for correspondence purposes.
09. City. Enter the city, town, village, or other municipality in which the site is located. If the site is not located in a municipality, enter the name of the municipality (or place) which is nearest the site or which most easily locates the site.

10. State. Enter: ID
11. Zip Code. Enter the five-digit zip code for the postal zone.
12. Telephone and email. Enter a daytime telephone number where the operator may be reached as well as an email address, if available.

Subsection D. Contact Information (if different than Subsection B or Subsection C). This section provides the Department with information about the person who will serve as the principal contact for the applicant for matters associated with this application and any future voluntary remediation agreement or voluntary remediation workplan. This person may be the applicant's legal counsel, the Chief Executive Officer (CEO) of a corporation, Environmental Manager, or other designated representative of the applicant.

01. Contact Person and Title. The name of the contact person who is the designated representative of the applicant and his or her title.
02. Address. Enter the street address of the contact person for correspondence purposes.
03. City. Enter the city, town, village, or other municipality in which the site is located. If the site is not located in a municipality, enter the name of the municipality (or place) which is nearest the site or which most easily locates the site.
04. State. Enter: ID
05. Zip Code. Enter the five-digit zip code for the postal zone.
06. Telephone and email. Enter a daytime telephone number where the contact person may be reached as well as an email address, if available.

Subsection E. Site Description and Operational History. The applicant should provide a brief narrative describing the site and the past operational history of any facilities located on the site that is the subject of this application. The current use of the site should be clearly identified. The inclusion of the Standard Industrial Classification (SIC) code(s) applicable to all site operations is helpful (for example, SIC Code 3471 describes Coating, Engraving, and Allied Services including Electroplating, Plating, Polishing, Anodizing, and Coloring). Emphasis should be given to any past or current operations likely to involve the use, treatment, storage, disposal, or generation of hazardous substances or petroleum. The narrative should describe the contamination problem(s) that will be the subject of the voluntary remediation workplan.

Part 2-Program Eligibility

This section of the application is designed to determine whether the applicant meets the criteria for eligibility under the Act. An answer "YES" to any of the questions of this part may result in a determination that the applicant is not eligible to participate in the VCP. The submission of misleading or false information will render any approval given by the Department void.

01. Sites that are currently listed or are proposed for listing on the National Priorities List (NPL) of Superfund sites by the U.S. Environmental Protection Agency may not be considered eligible to participate in the VCP. This question asks if the site or property is now or has the potential to be considered for listing on the NPL.
02. Sites that are subject to a Resource Conservation and Recovery Act (RCRA) corrective action (cleanup) may not be considered eligible to participate in the VCP. This question asks if the site is subject to a RCRA corrective action.

03. If a site is required to have a RCRA Part A interim status permit or a RCRA Part B permanent permit, it may not be considered eligible to participate in the VCP. This question asks if either of these RCRA permits have been, or should have been, issued for any facility on the site. If a permit has been issued, please provide the registration number for each permit.
04. This question asks if the site is subject to any legal order or agreement of the state or federal government. For example, a consent order has been entered in to between the Department and the owner of a leaking underground storage tank for the removal of said tank and the cleanup of petroleum contaminated soil.
05. This question asks if any hazardous wastes, not otherwise subject to an environmental permit, are being managed on the site. For example, small quantity generators may store hazardous wastes or environmental media contaminated by hazardous wastes onsite for up to 180 days (or 270 days if the nearest treatment, storage, or disposal facility is over 200 miles away). The objective of this question is to determine if any hazardous wastes are currently managed at the site.

Part 3 - Environmental Assessments

This section of the application requires the submittal of a Phase I Environmental Assessment that has been completed that conforms to ASTM Standard Practice E1527-21, or equivalent. A Phase I Environmental Assessment report should identify recognized environmental conditions, if they exist, that indicate an existing release, a past release, or a material threat of release of a hazardous substance or petroleum into soil, ground water, surface water, or sediments at the site. This includes hazardous substances or petroleum even under conditions in compliance with state or federal laws. It is not necessary the report include information pertaining to *de minimis* conditions that generally do not present a material risk of harm to public health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of the Department. Conditions described in the report may be visually or physically observed during a site visit or identified from interviews with the owner, operator, or other key site managers, or through the records review.

01. A Phase I Environmental Assessment must be completed as required by Section 39-7204(b) of the Act.
02. This subsection asks if any additional environmental investigations or environmental assessments, such as a Phase II Environmental Assessment have been conducted. If any representative environmental sampling has been conducted, please check either "PLANNED/ONGOING" or "COMPLETE" depending on the phase of the investigation.

Have You:

- ✓ Included a copy of the Phase I Environmental Site Assessment report prepared for the site?
- ✓ Provided legal property access documentation (if the applicant is not the property owner)
- ✓ Provided a copy of the current deed for the site/property?
- ✓ Included a personal or cashier's check in the amount of \$250 made payable to "Idaho Department of Environmental Quality" and include "VCP Application Fee" in the check memo section?
- ✓ Signed and dated the VCP Application?