

**PREPARED FOR:**  
STERLING BANK

**PHASE I ENVIRONMENTAL SITE ASSESSMENT**  
RETAIL SHOPPING CENTER  
11600 JONES RD.  
STAFFORD, HARRIS COUNTY, TEXAS 77070

**JUNE 5, 2001**

**GEO-TECH PROJECT NUMBER 01205**

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## 1.0 PROJECT SUMMARY

Geo-Tech Environmental, Inc. (Geo-Tech) has completed the requested Phase I Environmental Site Assessment (ESA). The subject property is located at 11600 Jones Rd. in Houston, Texas. This report was conducted in accordance with American Society for Testing and Materials (ASTM) guidelines E 1527-00 and generally accepted industry standards.

The site inspection was conducted by Mr. John Warley on June 4, 2001.

### 1.1 Findings

The subject property is a rectangular-shaped parcel consisting of approximately 2.1092 acres. The property has been improved with a one-story building totaling about 30,870 square feet (SF) and containing 11 tenant spaces. The building, which was constructed in 1984, is of steel-frame construction with metal exterior walls and flat roof.

One of the tenet spaces on the subject property is occupied by an auto repair facility. Typical work activities include major engine overhauls, brake repair, transmission repair, and other general maintenance activities. The shop area was observed to be relatively clean during the walk through with but evidence of superficial staining was noted particularly near the waste oil storage drums. Most of the oil stains were observed on the surface of the concrete, however, some concrete seams appeared to be impacted. There was no evidence of underground hydraulic lifts or waste oil tanks. There were no underground hydraulic lifts observed during the walk through or evidence that some had been removed. According to the shop manager/owner all waste oils and used solvents are removed from the site Jones Recovery Service.

One of the tenet spaces on the subject property is also occupied by a dry cleaning operation that has been operating for about ten years. The most important hazard associated with dry cleaning operations arises from the use of liquid perchloroethylene (perc), and the types and sources of perc wastes that are produced by the dry cleaning process. Although perc is the most common cleaning solvent used in the dry cleaning industry, it is also suspected of causing cancer and has been found to be moderately toxic to people. It is classified as a pollutant in both air and water regulations, and its disposal is regulated as a hazardous waste. Wastewater disposal service at this property is provided by an on-site septic system.

The remaining occupants consist of restaurants, offices, and retail outlets. None of which generate, store, or dispose of hazardous material. Geo-Tech did not identify any activities at adjacent properties that would indicate the likelihood of significant environmental impairment to the subject property. In the review of various data resources, no hazardous waste disposal facilities, Leaking Petroleum Storage Tank (LPST) sites, polychlorinated biphenyls (PCBs), radon, lead-based paint (LBP) or other recognized environmental conditions considered to be of significant environmental concern were found on or within a significant distance of the subject property.

The Environmental Questionnaire was not completed by anyone knowledgeable with the property. As a result, hidden environmental issues that this form is designed to reveal may not have been discovered by the inspector. Therefore, Geo-Tech Environmental, Inc. disclaims all liability regarding all issues included in this questionnaire.

The only materials considered as suspect asbestos containing materials are not considered to be a high environmental risk because they are not friable, are undamaged, or preliminary samples were negative for asbestos content.

### 1.2 Conclusions/Recommendations

Geo-Tech Environmental, Inc. (Geo-Tech) has performed an Environmental Site Assessment (ESA) in conformance with the scope and limitations of ASTM Practice E1527-00 of the commercial property located at 11600 Jones Rd.

in Houston, Texas. Any exceptions to, or deletions from, this practice are described in Sections 2.3 and 6.1 of this report. This assessment has revealed no evidence of recognized environmental conditions in connection with the property, except for the following:

Due to the inherent risk associated with dry cleaning operations it cannot be clearly stated that no environmental impact has occurred.

Wastewater disposal service at this property is provided by an on-site septic system. Septic systems commonly do not present a significant environmental concern for residential usage, provided that a system is properly designed and operated. Adverse conditions can result from operations such as industrial facilities, auto repair shops, dry cleaners, and other high-risk operations, which could inadvertently introduce hazardous materials into the septic tank. It is assumed that the septic system has been operated in a safe manner. Geo-Tech typically doesn't require testing unless stressed vegetation and/or obvious signs of misuse are noticed. Geo-Tech was not provided any information regarding the condition of the septic system, however the current owner did not indicate any problems. Analytical testing would be an appropriate measure to make a more definitive risk analyses. If mechanical problems occur, the system should be analyzed by a registered Sanitary Engineer.

Due to the foregoing findings and conclusions, and given adherence to ASTM Phase I protocol, Geo Tech provides the following recommendation(s) for client consideration. These recommendation(s) are intended for use by The Client and their representatives in evaluating potential liability of Site operation:

Geo-Tech recommends a subsurface soil and groundwater study around the dry cleaner to determine if perc is present in quantities above the regulatory limit. It would also be prudent to sample the subsurface soil near the waste oil storage drums behind the auto repair shop.

If a completed copy of the environmental questionnaire becomes available, it should be forwarded to Geo-Tech for review.

Geo-Tech recognizes that there are various options for dealing with any potential concerns identified. Any options provided are not necessarily the only acceptable alternatives for dealing with a particular concern. Geo-Tech provides these options as a guidance for further action. The variability in state and local regulations, and the intended future usage of the subject property, may make other actions equally acceptable or even preferable to those provided in this report.

## 2.0 INTRODUCTION

### 2.1 Purpose

Geo-Tech was retained to conduct an ESA to assist in the underwriting of a proposed mortgage loan of the real property. This assessment was designed to provide an objective, independent, professional opinion of the potential environmental risks, if any, associated with the subject property. As such, this ESA is intended to permit a user to satisfy one of the requirements to qualify for the Innocent Landowner Defense to CERCLA liability; that is, the practices that constitute "all appropriate inquiry into the previous ownership and uses of the property consistent with good commercial or customary practice".

In defining a standard of good commercial and customary practice for conducting an ESA of a parcel of property, the goal is to identify recognized environmental conditions. The term Recognized Environmental Conditions (RECs) means the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that would indicate an existing release, past release, or a material threat of a release of any hazardous substances or petroleum products, into structures on the property or into the ground, ground water, or surface water of the property. RECs include hazardous substances or petroleum products even under conditions that are in compliance with laws.

It should be noted that the term is not intended to include *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 appropriate governmental agencies.

The purpose of this ESA was to identify RECs at the subject property as defined by the ASTM standard.

### 2.2 Detailed Scope-of-Services

The assessment was conducted in accordance with American Society for Testing and Materials (ASTM) *Standard Guide for Environmental Site Assessments: Phase I Environmental Site Assessment Process* E 1527-00, the scope of work provided by the Client, and generally accepted industry standards.

Environmental Setting - Efforts were made to determine the environmental setting of the subject property with respect to topography, surface water bodies, flood plain, wetlands, soil type. "Wetlands" is a general term used to describe a variety of ecosystems, which may include prairie potholes, marshes, fens, bogs, wet meadows and swamps. It is not part of this assessment to conduct a formal wetland determination.

Prior Use History Review - Attempts were made to identify the obvious prior usage of the property back to the property's first developed use or 1940 whichever is earlier, using as many sources that were both reasonably ascertainable and likely to be useful. Standard historical sources include any or all of the following: historical aerial photographs, historical maps, tax information, land title records, topographic maps, local street directories, building department records, zoning/land use records, prior reports and interviews with local agencies or other knowledgeable individuals.

Environmental Database Review - Reasonably ascertainable environmental databases were reviewed to determine whether the subject property or any neighboring properties were suspected of having or known to have environmental concerns likely to adversely impact the subject property. The databases reviewed and the radii chosen are based on the ASTM standard and Client's scope of work.

Site Reconnaissance - A site reconnaissance, consisting of a visual inspection of the subject property and adjacent properties as observable from the subject property, was conducted to identify RECs associated with the subject property, to the extent the inspection was not obstructed by bodies of water, adjacent buildings or other obstacles. Potential concerns include, but are not limited to, areas of staining, stressed vegetation, pits, ponds, lagoons, drains, sumps, dry wells, and septic systems. It is important to note the scope of this investigation is limited to an

inspection using the physical sense (eyes, ears, nose) to identify areas of potential concern to the real property and a review of readily accessible governmental databases. The inspection does not include a regulatory compliance audit of the facility. There are detailed regulations concerning the proper use, storage and disposal of hazardous and regulated material. These regulations include, but are not limited to, permitting, paper keeping and manifesting requirements, as well as community and employee right-to-know laws. It is typically the responsibility of the tenant(s) to maintain their space(s) in compliance with such regulations.

Underground Storage Tank (UST) and Aboveground Storage Tank (AST) Search - Attempts were made to identify any ASTs containing hazardous or regulated materials and to identify visual indications of USTs, such as fill and vent pipes, or volume gauges. In addition to the visual inspection, the state database of facilities with registered USTs was reviewed.

Polychlorinated Biphenals (PCBs) Search - An attempt was made to identify electrical or hydraulic equipment known to or likely to contain PCBs, identify the condition of such equipment, and to determine the ownership of the equipment. Per ASTM guidelines, fluorescent light ballasts likely to contain PCBs are not addressed or directly inspected due to the limited quantity of PCB materials contained.

Preliminary Radon Review - The potential for elevated radon to exist within the subject buildings and to pose a significant concern was evaluated based on regional potential for radon.

Preliminary Lead-Based Paint (LBP) Evaluation - The potential for the presence of LBP at the property and the potential to pose a significant concern was evaluated based on the age of the improvements, dates of renovation, and the current and proposed uses of the property. Paint applied prior to 1978 is assumed to be LBP. Lead may also be found in materials other than painted surfaces, such as bathtub and ceramic tile glazing, and vinyl mini-blinds. Such items are not included in this preliminary LBP evaluation. This evaluation was not designed or intended to comply with the survey requirements as outlined in the HUD regulations, or other local, state or federal regulations, but was conducted per accepted industry practices to satisfy the scope of work of the client, rating agencies, and/or lender. Samples collected, if any, will be analyzed using the Flame Atomic Absorption Spectrophotometry method. Any test results obtained are for the personal use of the Client only.

Preliminary Asbestos Containing Material (ACM) Evaluation - Efforts were made to identify the presence of the most obvious and common ACM. The potential for the presence of friable ACM was evaluated based on the age of the improvements, dates of renovation and other relevant information. The USEPA Guidance Document: *Managing Asbestos in Place: A Building Owner's Guide to Operations and Maintenance Programs for Asbestos-Containing Materials* (the Green Book) and 40CFR Part 763; *Asbestos-Containing Materials in Schools* were used as a guide in identifying suspect materials. Materials listed in the Green Book, which were installed prior to 1989, are suspected of containing asbestos. However, it should be noted that asbestos may still be utilized in some non-friable products, such as sheet vinyl flooring, vinyl floor tiles, floor tile mastic, asbestos-cement board, and roofing materials, as these materials may still be manufactured and installed in the United States. The level of the preliminary evaluation performed was not designed to comply with the survey requirements of the Asbestos Hazard Emergency Response Act (AHERA), 40 Code of Federal Regulations (CFR) Part 763, National Emission Standard for Hazardous Air Pollutants (NESHAP) 40 CFR 61, Occupational Safety and Health Administration (OSHA) 29 CFR Part 1926.1101, or other local, state or federal regulations, but has been conducted per accepted industry practices to satisfy the scope of work of the rating agencies and/or lenders. Samples collected, if any, will be analyzed for the presence of asbestos by a National Voluntary Lab Accreditation Program (NVLAP) accredited laboratory using polarized light microscopy and dispersion staining. Any testing results obtained are for the personal use of the Client only. No sampling of undamaged materials is included in the scope of work. If damaged suspect materials are observed, limited samples may be collected.

Documentation and Sources - Photographs representative of Geo-Tech's observations are included in the Appendix. In addition to visual observations, Geo-Tech relied on sources and contacted individuals who are listed in the Appendix. If and when applicable, additional forms and checklists required by the Client are also included in the appendices.

### 2.3 Limitations of Assessment:

The investigation was conducted on behalf of and for the exclusive use of Sterling Bank (the Client), solely for use in an environmental evaluation of the subject property. This Report and findings contained herein shall not, in whole or in part, be disseminated or conveyed to any other party, nor used by any other party, in whole or in part without prior written consent of Geo-Tech. However, Geo-Tech acknowledges and agrees that the Report may be conveyed to and relied upon by the Client, the lender and the title insurer associated with the refinancing and/or property transfer of the subject property subject to the limitations of this Report and the Standard Agreement.

This Report may not be relied upon by any other persons or entity without the written authorization of Geo-Tech Environmental, Inc. This work was performed consistent with customary principles and practices in the fields of environmental science and engineering. Geo-Tech is not responsible for independent conclusions, opinions, or recommendations made by others based on the information presented herein. This Report is intended for the sole use of The Client and their representatives. The scope of services performed may not be appropriate to satisfy additional users. Any unauthorized use or reuse of the Report findings, conclusions, or recommendations is at the risk of said user.

In preparing this Report, Geo-Tech Environmental, Inc. relied on information provided by The Client and has utilized information gathered by our own inspection, in-house interpretation, requirements set forth by various agencies governing environmental interpretation and regulation, information obtained from public records research, State, Federal, and local databases, other secondary sources, and personal interviews. Except as set forth in this Report, Geo-Tech Environmental, Inc. has made no independent investigation as to the accuracy or completeness of the information obtained from these secondary sources or personal interviews, and has assumed such information to be accurate and complete.

Although industry standard practices were employed, environmental evaluations are inherently limited given that the conclusions and recommendations are developed from limited site evaluation and research. As it is often necessary to rely on information prepared or obtained by others, Geo-Tech cannot be responsible for the accuracy of information obtained from these sources. Additionally, changes may result with the passage of time with respect to Site characteristics and those of surrounding properties. Geo-Tech and its representatives do not warrant against future changes in operations or conditions, nor warrant conditions present of a type or at a location not addressed in this study.

Soil or groundwater testing was not performed within the scope of this work. Such efforts were outside the scope of work performed, and data obtained from such an investigation (if performed) may differ from those implied by this Report. This study is not intended to establish whether soil contamination, waste disposal, or groundwater contamination is present at the Site or on surrounding properties. Such knowledge is obtained from soil and groundwater testing, as obtained by the installation of groundwater monitoring wells. In accordance with the agreement, the scope of work did not include such efforts. Based upon the scope of work, Geo-Tech cannot warrant subsurface conditions.

Reasonable efforts were made within the scope of this assessment to identify the presence of underground and aboveground storage tanks and ancillary equipment on the Site. Limitations to this Report exist with regard to storage tanks, in as much as information was gained solely by review of unobstructed areas, database information, and interviews. Such methods (which are considered industry standard) do not preclude the actual presence of subsurface equipment (including underground storage tanks) or regulated materials, which are hidden from view due to historical activity such as Site paving, re-grading, construction, debris pile storage, or incorrect recollection of Site sources. Similarly, there is a possibility that additional UST facilities not listed in TNRCC files may exist at the Site or on abutting/adjacent properties to the Site, due to owner/operator registration negligence or filing errors with the TNRCC.

Conclusions regarding the potential environmental impact of facilities off the Site are based upon available information from environmental databases and assumed groundwater flow direction (based upon topographic slope).

### 3.0 SITE DESCRIPTION

#### 3.1 Location and Legal Description

The subject property is located at 11600 Jones Rd. in Houston, Texas. The legal description is as follows:

TR 1A-2 (004\*TR 33) ABST W Waters

The subject property consists of a 30,870 square foot strip center building located on approximately 2.1092 acres of land.

#### 3.2 Site and Vicinity General Characteristics

The property is located in an area where the main streets are populated with retail and commercial properties.

The nearest water body is Greens Bayou, which is approximately one-half mile to the northeast.

The subject property is approximately 50 percent covered with concrete parking areas and a building. The eastern half of the property consists of grassy areas.

#### 3.3 Current Use of Property

A portion of the property is currently the site of a dry cleaner. The most important hazard associated with dry cleaning operations arises from the use of liquid perchloroethylene (perc), and the types and sources of perc wastes that are produced by the dry cleaning process. Although perc is the most common cleaning solvent used in the dry cleaning industry, it is also suspected of causing cancer and has been found to be moderately toxic to people. It is classified as a pollutant in both air and water regulations, and its disposal is regulated as a hazardous waste.

##### Air Emissions

The two largest potential sources of air emissions from the dry cleaning industry are the release of perc vapors into the atmosphere during transfer of clothes from the washer to the dryer and the venting of the dryer exhaust airstream. To eliminate these sources of air pollution, EPA regulations are phasing out the use of transfer machines and phasing in requirements on the installation of control devices for dryer exhaust airstreams.

##### Hazardous Waste

Dry cleaning facilities typically generate wastes in the form of cooked powder residues, still bottom residues, spent cartridges, and button/lint trap wastes. These wastes are perc-based and have an EPA Hazardous Waste Number of F002. Dry cleaners may also occasionally dispose of unused perc and these wastes have a Hazardous Waste Number of U210. The EPA Hazardous Waste Number is needed when filling out the Notification of Hazardous Waste Activity form (Figure II-1, page II-24) when obtaining an EPA Identification Number for generating hazardous waste. It is also needed when filling out the Uniform Hazardous Waste Manifest (Figure II-6, page II-41). This Manifest must accompany each hazardous waste shipment to ensure the hazardous waste arrives at its final destination.

##### Wastewater

The only source of process wastewater that would be of general concern to a dry cleaner is separator water, since it contains perc. Separator water can be disposed of as a hazardous waste or treated in a mister or an evaporator. Disposal of untreated separator water into on-site disposal systems such as dry wells, cesspools, and septic tanks is prohibited. Disposal into a municipal sewer system is subject to state and local Publicly Owned Treatment Works (POTW) requirements.

Another part subject property is also occupied by an auto repair facility. Typical work activities include major engine overhauls, brake repair, transmission repair, and other general maintenance activities. The shop area was observed to be relatively clean during the walk through with but evidence of superficial staining was noted particularly near the waste oil storage drums. Most of the oil stains were observed on the surface of the concrete, however, some impacted to concrete seams was noted. There was no evidence of underground hydraulic lifts or waste oil tanks. There was no underground hydraulic lifts observed during the walk through or evidence that some had been removed. According to the shop manager/owner all waste oils and used solvents are removed from the site by Jones Recovery Service.

### **3.4 Descriptions of Structures, Roads, Other Improvements Onsite (including heating/cooling system, sewage disposal, source of potable water)**

The subject property is a rectangular-shaped parcel consisting of approximately 2.1092 acres. The property has been improved with a one-story building totaling about 30,870 square feet (SF) and containing 11 tenant spaces. The building, which was constructed in 1984, is of steel-frame construction with metal exterior walls and flat roof.

Potable water for the site is supplied by an onsite water well. Geo-Tech was not provided with any information relating to water quality. However, according to the property manager, the water quality is monitored on a regular bases.

Wastewater disposal service at this property is provided by an on-site septic system. Septic systems commonly do not present a significant environmental concern for residential usage, provided that a system is properly designed and operated. Adverse conditions can result from operations such as industrial facilities, body shops, and other high-risk operations, which could inadvertently introduce hazardous materials into the septic tank. It is assumed that the septic system has been operated in a safe manner. Geo-Tech typically doesn't require testing unless stressed vegetation and/or obvious signs of misuse are noticed. Geo-Tech was not provided any information regarding the condition of the septic system, however the current owner did not indicate any problems. Analytical testing would be an appropriate measure to make a more definitive risk analyses. If mechanical problems occur, the system should be analyzed by a registered Sanitary Engineer.

The building is equipped with gas heat and individually zoned commercial air-cooled R22 units for cooling.

### **3.5 Current Uses of Adjoining Properties**

- To the North Residential and commercial.
- To the South Bareley Lane and retail beyond.
- To the East Commercial.
- To the West Jones Road with commercial beyond.

## 4.0 USER PROVIDED INFORMATION

### 4.1 Title Records

Preparation of the Chain-of-Title was not requested for this Report. Other sources documented below were used to establish the history of the prior use of property.

This property may be subject to easements and/or other restrictions not within the scope of this environmental report.

### 4.2 Environmental Liens or Activity and Use Limitations

A Chain-of-Title, which may provide information regarding liens or use limitations, was not reviewed. If a Chain-of-Title is obtained it is recommended that the client forward a copy to Geo-Tech for review.

### 4.3 Specialized Knowledge

The user (Client) of an environmental report may have specialized knowledge or experience that is material to recognized environmental conditions in connection with the property that may not be reasonably ascertainable by the environmental professional. This section is designed to help determine if such knowledge or information exists.

#### 4.3.1 Environmental Questionnaire

The Environmental Questionnaire was not completed by anyone knowledgeable with the property. As a result, hidden environmental issues that this form is designed to reveal may not have been discovered by the inspector. Therefore, Geo-Tech Environmental, Inc. disclaims all liability regarding all issues included in this questionnaire.

#### 4.3.2 Personal Interviews With Persons Knowledgeable With the Property

Mr. Jessie Rhea (the property manager) was interviewed regarding any specialized knowledge he might have pertaining to the subject property. Mr. Rhea stated that he was unaware of any environmental use limitations or recognized environmental conditions.

#### 4.3.3 Previous Environmental Reports

Geo-Tech was provided with a previous Phase I Site Assessment prepared by Associated Environmental Consultants, Inc. AEC in 1994. AEC found no indication of the obvious presence of, or potential of contamination of the subject property. No recommended response action was given at that time. However, AEC suggested that the tenants, Bell Cleaners, and Advance Auto Repair should be continually monitored to ensure that the operations and facilities are in compliance with applicable local, state and federal regulations.

### 4.4 Valuation Reduction for Environmental Issues

The determination of any valuation reduction is beyond the scope of this Phase I Assessment.

#### 4.5 Owner, Property Manager, and Occupant Information

A summary of the persons contacted during the report preparations is listed in the following table.

TITLE	NAME
Property manager	Jessie Rhea

#### 4.6 Reason for performing the ESA

Geo-Tech was retained to perform an ESA prior to the purchase of the subject property. According to the client the purpose for the assessment is to identify any potential environmental risks that may be associated with the subject property.

## 5.0 RECORDS REVIEW

### 5.1 Environmental Record Sources

The purpose of the environmental database review is to obtain and review records that will help identify activities at the subject property or surrounding properties, which are likely to environmentally impact the subject property. The database information was obtained through ESA DATA, Inc. A detailed listing and description of the databases reviewed, and a listing of all sites identified, are provided in the Appendix. It should be noted that the provided distances between the subject property and the listed regulatory sites may not be exact. This is due to the fact that the listed distances do not take into account the actual property size and some error may have occurred in the exact placement of the regulated sites.

#### 5.1.1 CERCLA Sites (inclusive of NPL and NFRAP)

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) was enacted to deal with the cleanup of past improper hazardous waste disposal. Under Superfund, the U.S. Environmental Protection Agency (EPA) coordinates the overall cleanup process by identifying hazardous materials and remediating contaminated sites and establishing regulations for the reporting of chemical spills. In addition, EPA seeks financing for cleanup costs from identifiable responsible parties.

From its inventory of over 33,000 hazardous waste sites, EPA has designated approximately 1200 sites, those most in need of immediate cleanup attention, for inclusion on the National Priority List (NPL), also known as Superfund. Under the Hazardous Ranking System (HRS), known sites are ranked according to their cumulative score on a point system, which is designed, to evaluate and address the relative risks posed by a site to both human health and the environment.

CERCLA sites identified in CERCLIS as NFRAP (No Further Remedial Action Planned) are sites that have been removed from CERCLIS. They have been removed because, following an initial investigation, no contamination was found, contamination was removed quickly without need for the site to be placed on the NPL, or contamination was not serious enough to require Federal Superfund action.

A review of the CERCLIS database revealed no CERCLA or Superfund sites listed in the vicinity of the subject property.

#### 5.1.2 RCRA Sites (inclusive of CORRACT, TSD, Notifiers, Violators)

The Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901-6992k, provides the basic framework for federal regulation of hazardous waste. RCRA controls the generation, transportation, treatment, storage and disposal of hazardous waste through a comprehensive cradle to grave system of hazardous waste management techniques and requirements.

RCRA [Pub. L. No. 94-580, 90 Stat. 2795 (1976)] was adopted in 1976 as a revision and expansion of the Solid Waste Disposal Act (SWDA) of 1965, which, until then, had focused on disposal of municipal solid wastes. RCRA introduced a detailed nationwide program for management of hazardous wastes. Subsequent amendments, most notably the 1980 Solid Waste Disposal Act Amendments [Pub. L. No. 96-463, 90 Stat. 1982 (1976)] and the Hazardous and Solid Waste Amendments of 1984 (HSWA), have refined this regulatory framework and introduced new substantive requirements. RCRA is administered nationally by the EPA, with major components of the law delegated to the states for ongoing implementation.

Treatment, Storage and Disposal (TSD) facilities are subject to extensive regulation under RCRA. According to RCRA, a TSD facility is one that stores (for more than 90 days), treats, or otherwise disposes of solid wastes on site.

Permit requirements are defined in 40 C.F.R. part 270. Proposed facilities must file the RCRA Part A and Part B permit applications simultaneously. The appropriate state or federal agency must then issue the permits no less than 180 days before construction of the TSD facility begins.

Corrective Action Reports (CORRACTS) identify hazardous waste treatment, storage, or disposal facilities and other RCRIS facilities (due to past interim status or storage of hazardous waste beyond 90 days) who have been notified by the U.S. Environmental Protection Agency to undertake corrective action under RCRA. CORRACT sites are also referred to as Handlers.

A review of the RCRIS database revealed no RCRA sites listed in the vicinity of the subject property.

### **5.1.3 Emergency Response Notification System (ERNS) Sites**

The Emergency Response Notification System (ERNS) is a national database of reported incidents of releases of oil and other hazardous substances.

A review of the ERNS database revealed no ERNS sites in the vicinity of the subject property.

### **5.1.4 TNRCC Listed Spill Sites**

Information on release notifications of hazardous substances that have occurred throughout Texas. Section 26.039 of the Texas Water Code requires that accidental spills and releases be reported to the TNRCC. 30 TAC 335.113 and 30 TAC 335.153 require that interim and permitted facilities report emergency situations to TNRCC. Report of releases from underground storage tanks is required under 30 TAC 334.72. The objective of each spill cleanup should be to return the site to prespill or background conditions. When this is not feasible, responsible parties are directed to the TNRCC Risk Reduction Rules. (See 30 TAC Chapter 335, Subchapter A for health-based cleanup standards, and guidance on deed recordation).

A review of the TNRCC Spills database revealed no spill sites in the vicinity of the subject property.

### **5.1.5 State Superfund**

The Texas Legislature amended the Solid Waste Disposal Act (SWDA) in 1985 to create the State Superfund Program. The purpose of the program is to address abandoned or inactive sites within the State that do not qualify for action under the federal Superfund program and cannot be resolved under the hazardous waste program or an agreed administrative order. When the State Superfund Program was created in 1985, it applied only to hazardous wastes; however, in 1989, the Texas Legislature modified the SWDA to include releases of hazardous substances.

A review of the TNRCC State Superfund database revealed no sites in the vicinity of the subject property.

### **5.1.6 Municipal Solid Waste Sites**

The Municipal Solid Waste (MSW) division of the TNRCC administers the MSW and used oil programs. The division uses innovative landfill tracking systems and public outreach events to benefit both the agency and regulated community. The division regulates the disposal, treatment, and some aspects of the handling of MSW, medical waste transporters, disposal of special waste, permitting, modifications and registrations, fee collections, and groundwater monitoring and protection. In addition, the division is responsible for the used oil grant program as well as recycling programs for lead-acid batteries, used oil, used oil filters, used antifreeze, and used oil absorbents. The staff provides administrative support for the Municipal Solid Waste Management and Resource Recovery Advisory Council and the Used Oil Grant Program Advisory Committee.

No registered landfill sites were identified in the vicinity of the subject property.

#### **5.1.7 Leaking Petroleum Storage Tank (LPST) Sites**

Subtitle I of the Resource Conservation and Recovery Act (RCRA) required the Environmental Protection Agency to develop a comprehensive regulatory program to detect and correct releases from certain Petroleum Storage Tank (PST) sites.

States are authorized to establish their own PST Programs provided that they are no less stringent than Federal Regulations and they provide adequate enforcement. The State of Texas authorized the Texas Natural Resource Conservation Commission to develop and enforce a PST Program. The TNRCC requires that all PST facility sites be registered with their agency. Each facility is assigned an identification number. In the event of a spill or leak, the TNRCC then assigns an LPST number.

A review of the TNRCC database revealed three LPST sites in the vicinity of the subject property. The database indicates that two of the sites have been approved for 6A case closure by the TNRCC. The one active LPST site is reported as having groundwater impact but no threats or impact to utility receptors has been identified at this time. This site does not appear to be located close enough to pose a significant threat to the subject property at this time.

#### **5.1.8 Petroleum Storage Tank (PST) Sites**

Review of the TNRCC database did not reveal a registered PST or LPST for the subject property. No PST systems were identified adjacent to the subject property.

The database showed five registered PST systems within a one-quarter mile radius. According to the available information none of the sites are on the TNRCC LPST list. It should also be noted that PST and LPST sites are monitored by the TNRCC and that the TNRCC holds the responsible party accountable for cleanup if the PST system does leak.

### **5.2 Additional Environmental Record Sources**

The ASTM Standard states that one or more additional state sources or local sources of environmental records may be checked, at the discretion of the environmental professional, to enhance and supplement the federal and state sources identified above.

#### **5.2.1 Toxic Release Inventory (TRI) Sites**

The Toxic Release Inventory is a database, which provides information to the public about releases of toxic chemicals from manufacturing facilities into the environment. TRI was established under the Emergency Planning and Community Right-to-Know Act of 1986 and expanded under the Pollution Prevention Act of 1990. Facilities report their TRI information annually to EPA and to the state in which they are located.

A release is an on-site discharge of a toxic chemical to the environment, including emissions to the air, discharges to bodies of water, releases at the facility to land, as well as contained disposal into underground injection wells.

TRI data alone cannot indicate the risk that chemical releases pose to human health and the environment. A determination of risk depends on many factors, including the toxicity of the chemical, the extent of exposure, the type of release, and the conditions of the environment. For example, small releases of highly toxic chemicals may

present a greater risk than large release of less toxic chemicals, and direct releases, like air emissions, may pose a greater threat than more contained releases, such as underground injection.

A review of the TRI database revealed no TRI sites in the vicinity of the subject property.

### **5.2.2 Oil and Gas Well Review**

Title 16 of the Texas Administrative Code sets forth in Sec. 3.30 a Memorandum of Understanding (MOU) between the Railroad Commission of Texas (RRC) and the Texas Natural Resource Conservation Commission (TNRCC), pursuant to which the RRC is given exclusive jurisdiction over oilfield wastes generated in connection with oil and gas exploration and production activities. 16 TAC 3.91(c)(3) specifies that an area of contamination means an affected area with more than 1.0% by weight total petroleum hydrocarbons (TPH), or 10,000 mg/kg.

Records of documented oil and gas well sites from the Texas Natural Resources Information System (TNRIS) as well as other sources, were reviewed for possible unplugged or abandoned wells and mud or sludge pit locations. Improperly plugged or abandoned wells may constitute a risk factor to both the property on which they are situated and nearby sites. Former mud or sludge pit locations on abandoned or inactive drill sites may affect the foundation integrity of new structures.

A review of Geo Map Company, Upper Texas Gulf Coast Map number 4 dated December 30, 1991 identified no documented drill sites in the vicinity of the subject property.

### **5.2.3 City Fire Department**

Geo-Tech requested information regarding reported incidents of fires, hazardous materials, spills, leaks, or other similar circumstances that could be of environmental concern. No incidents were reported at the subject property or adjoining properties.

Geo-Tech requested information regarding citizen complaints and/or investigations on the use, handling, release, or discharge of solid or liquid wastes, hazardous materials or other circumstances of environmental concern. No incidents were reported at the subject property or adjoining properties.

The Hazardous Materials Response Team maintains a database of all releases of hazardous materials in the City of Houston since January 1, 1980. A search of the list for incidents which may have occurred in the vicinity of the subject property since 1985 revealed no incidents, listed.

### **5.2.4 City Health Department**

Health Department - According to the database search performed by the City of Houston Health Department, no complaints or code violations of an environmental nature are associated with the subject property.

### **5.2.5 Local Power Utility**

In years past, PCB's were commonly used in liquid-cooled transformers, electrical ballasts, and hydraulic fluids for its fire retardant properties. These chemicals, and the byproducts created when they burn, were subsequently found to be highly toxic. Equipment suspected of possibly containing PCB fluids is commonly tested; and if it is found to contain PCB's, it is removed from service.

The Environmental Protection Agency (EPA) under the Toxic Substances Control Act regulates pCB-containing electrical equipment. H L & P complies fully with these regulations. The regulations state that mineral oil

transformers are considered PCB containing (having a PCB content greater than 50 but less than 500 ppm) until testing proves otherwise. All H L & P owned small single-phase ground mounted residential type, and all pole-mounted transformers fall into this category, though the company never orders PCB-type transformers for such applications. These transformers can be utilized for the remainder of their useful lives with no requirement for record keeping or testing. All H L & P owned large, three-phase commercial type ground mounted or indoor vault-type transformers have been tested. All now have less than 50 ppm PCB and are considered PCB free.

Visual inspection of the transformers located on or near the subject property did not reveal evidence of fluid leaks, therefore Phase II investigation is not necessary at this time.

The building is equipped with fluorescent lighting, which incorporates ballast devices, some of which may have been manufactured using PCB-containing dielectric fluids. None of the ballasts were directly inspected during the site inspection, but no evidence of leakage was observed nor were any of the sharp odors typically associated with fluid leaks detected. If normal maintenance should require the replacement of any ballasts, they should be examined for a 'non-PCB' label or be disposed of as PCB-containing. Handling of any leaking units may require professional assistance.

### **5.2.6 City Building Department**

Because of the time delays involved and the added expense to the client of obtaining copies of any outstanding code violations and Certificates of Occupancy (CO), Geo-Tech does not provide these services as part of its basic scope of services. Normally most building violations found are not considered environmental issues. Violations that are environmental in nature are normally referred to the City Department of Health (see Sec 5.2.4).

### **5.3 Physical Setting Source(s)**

Geo-Tech Environmental, Inc. has researched data available from public agencies concerning the subject property and nearby properties to discover evidence of recognized environmental conditions. The review included: records on topography, hydrology, and geology from state, county and federal sources, a regulatory compliance history including state and local agencies, regulated sites in the area, and oil and gas well records. Geo-Tech has relied on public and private information and cannot guarantee the accuracy of this information.

The information in this section is gathered from several sources, which may include the U.S. Geological Survey (USGS) maps, U.S. Department of Agriculture (USDA) Soil Conservation Service maps, Federal Emergency Management Agency (FEMA) Flood Insurance Maps (FIRM), and other records.

Data reviewed:

1. Site Inspection.
2. USGS Topographic Map of Texas, Satsuma quadrangle.
3. Geologic Atlas of Texas.
4. US Department of Agriculture Soil Survey for Harris County.
5. FEMA FIRM map no. 48201C0445J.

#### **5.3.1 Topography**

The USGS topographic map, Satsuma quadrangle, shows the subject property to be approximately 130 feet above Mean Sea Level (MSL). The site is generally level with relief of less than five feet. Drainage is to the street and also occurs through natural infiltration.

#### **5.3.2 Hydrology**

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Retail Shopping Center  
11600 Jones Rd.  
Houston, TX

Geo-Tech Environmental, Inc.  
Project Number 01205

Geo-Tech Environmental, Inc. has researched data available from public agencies concerning the subject property and nearby properties to discover evidence of recognized environmental conditions. The review included: records on topography, hydrology and geology from state, county and federal sources, a regulatory compliance history including state and local agencies, regulated sites in the area, and oil and gas well records. Geo-Tech has relied on public and private information and cannot guarantee the accuracy of this information. The near surface water table is referred to as the unconfined groundwater table. Representing the interface between the unsaturated (Vados) and saturated zones, it occurs from zero to thirty feet deep in this area. The unconfined water table interface typically mirrors surface topography with minor corrections for non-permeable cover, i.e. concrete slabs and parking areas. This impermeable cover inhibits precipitation from entering the ground, thereby contributing to the water table.

In addition, areas of infiltration such as expanses of lawn, shrubbery, grain fields, and forested areas favor a more shallow groundwater surface that would then dip towards areas with extensive concrete or asphalt cover with minimal in-flow.

The unconfined water table interface fluctuates in depth according to seasonal precipitation and other physical factors.

Permeability, a measure of the ability of water to flow through rocks or sediments, is very low in undisturbed strata of the Lissie Beaumont Formation.

Vertical permeability is provided by desiccation cracks and construction activities. Lateral permeability in undisturbed strata is along bedding plains, fractures, and porous silt and sand lenses. Permeability is enhanced by excavation for utilities, etc.

Deeper aquifers along the Gulf Coast contain fresh to slightly saline groundwater present within the Miocene to Holocene Age sediments of the Lissie Beaumont Formation. These aquifers will typically not be affected by normal site activities.

The potential for flooding along the Gulf Coast and in the Houston area is dependent upon rainfall amounts, infiltration, and runoff. Changes due to continued development within major watersheds and drainage basins results in flooding of areas not previously susceptible to high water. The National Flood Insurance Program under the Federal Emergency Management Agency publishes Flood Insurance Maps (FIRM) delineating the areas of potential flood zones within a particular area.

Review of the FIRM database dated September 28, 1990, map no. 48201C0445J, shows the subject property to be in Flood Zone X, which is classified as an area out of 500-year flood. Visual observation indicates no evidence of local flooding or watermarks, which suggest that the property has recently experienced high water. The information gathered was used to describe the general hydrology in the area. FEMA is continuously updating flood maps and this review of the flood zone may not be indicative of the current flood zone status.

### 5.3.3 Geology

The near subsurface is composed of the Lissie Formation, a Pleistocene aged formation that crops out extensively in northwest Harris and Fort Bend County. It is in areas of gently sloping relief and many shallow, undrained depressions. These areas are also characterized by many pimple mounds, particularly in the north-central part of the county. The origins of this formation are predominantly fluvial and deltaic.

The materials of this formation are largely clay, silt, and sand with minor amounts of gravel. The sand content is typically well below the level of the parent material from which most of the soils formed. The sediment making up this formation was derived from several different fluvial sources. In this area the most probable sediment source was the Pleistocene ancestor of the Brazos River. Permeability in undistributed strata is very low to moderate.

The soil, according to the U.S.D.A. Soil Conservation Service Soil Mapping Unit, is classified as Gessner Soil.

The Gessner Soils in this area are slightly acid through moderately alkaline, loamy, upland prairie soils. Surface slopes are mainly 0 to 1 per cent.

Gessner soils are poorly drained. Surface runoff is very slow to ponded. The soil is saturated with water during the winter and spring and for short periods following summer rains. Water stands on the surface for long periods in depressed areas. Internal drainage is slow. Permeability is moderate. Available water capacity is normally high.

A typical soil profile in undisturbed Gessner soils is as follows:

From zero to seven inches, is a dark grayish brown loam with a weak fine granular structure; hard, friable; slightly acid.

The next layer from seven to 16 inches, is a grayish brown loam; weak fine granular structure; hard, friable; slightly acid.

Below the second layer is a layer, that is from 16 to 34 inches, which is a dark gray loam with a few fine faint yellowish brown mottles; weak coarse prismatic and weak fine sub angular blocky structure; very hard, friable; neutral.

The next layer from 34 to 53 inches, is a light brownish gray loam with few fine faint yellowish brown mottles; weak coarse prismatic and weak fine sub angular blocky structure; very hard, friable; moderately alkaline.

The bottom described layer from 53 to 60 inches, is a light brownish gray loam with few fine faint yellowish brown mottles; weak coarse prismatic and weak fine sub angular blocky structure; very hard, friable; moderately alkaline.

Various metals and other materials corrode when on or in the soil and some corrode more rapidly when in contact with specific soils than when in contact with others. Corrosivity, as used in this report, pertains to potential soil induced chemical action that dissolves or weakens uncoated steel. The rate of corrosion is related to soil properties such as drainage, texture, total acidity, and electrical conductivity of the soil material. The corrosivity class for the subject site is rated as having a high corrosion potential with an electrical resistivity of less than two thousand ohms/cc.

Reaction is the degree of acidity or alkalinity of a soil. It is expressed in pH values. A pH of 7.0 indicates precise neutrality, a higher value indicates alkalinity and a lower value indicates acidity.

The pH of Gessner soil is 6.1 to 8.4 and its overall reaction is rated as slightly acid to moderately alkaline.

#### 5.4 Historical Use Information on the Property

The objective of consulting historical sources is to develop a history of the previous uses of the subject property and surrounding area in order to help identify the likelihood of past uses having led to recognized environmental conditions in connection with the subject property. Geo-Tech has researched various aerial photography records, and City Directories for the subject property. The purpose of this search is to assist in the identification of previous owners whose use of the property may have been environmentally significant. Copies of prior use support documentation, when available, are included in the Appendix.

### 5.5 Aerial Photographs - Historical Review

The original photographic series for the years 1944, 1979, 1989, and, 1995 have been researched and interpreted. Selected photocopies of the original aerial photographs are attached to this report in the Appendix. The copies are of near photographic quality and illustrate the more obvious changes in character of the subject property.

The 1944 vertical aerial photograph shows the subject site located in an undeveloped rural area.

The 1979 vertical aerial photograph shows the subject site remaining vacant. The surrounding area shows some residential and commercial development.

The 1989 and 1995 vertical aerial photographs show the subject site as developed with the strip center building. The surrounding area show an increase in residential and commercial development.

Interpretation of the aerial photographs reveals no tonal or geometric aberrations indicative of industrial use, dumping, geologic faults or hazards, or oil and gas well sites except as noted above.

Aerial Photographic Series Viewed:

### 5.6 Sanborn Map Review

A Sanborn Map for the subject property was not located for review.

### 5.7 Historical Use information on Adjoining Properties

Based on the interpretation of the available aerial photos the site appears to have been developed in the 1980's. Listing for 11600 Jones Road was listed in the 1989 city directory. No listings for adjoining properties were found.

The following is a list of reviewed sources and findings:

YEAR	DIRECTORY	PROPERTY	STREET	OCCUPANT
1989	Cole's	Subject Property	11600 Jones Road	Action Sports Appearances Bell Cleaners Billies Helderman Enterprise N.W. Auto Repair Papa Tony's Pizza

## 6.0 SITE RECONNAISSANCE

A site reconnaissance consisting of a visual inspection of the subject property, and of neighboring properties as observable from the subject property, was conducted to identify recognized environmental conditions associated with the subject property, to the extent not obstructed by bodies of water, adjacent buildings or other obstacles. Potential concerns include, but are not limited to, areas of staining, stressed vegetation, pits, ponds, lagoons, drains, sumps, dry wells and septic systems. The site visit included inspection for suspect friable Asbestos Containing Building Material (ACBM), transformers, and other devices which may contain Polychlorinated Biphenyl (PCB), Lead Based Paint (LBP), and other chemicals which have a potential for environmental contamination. Attempts were made to identify any ASTs containing hazardous or regulated materials and to identify visual indications of USTs, such as fill and vent pipes, or volume gauges. In addition to the visual inspection, state database of facilities with registered USTs were reviewed, and the site contact and local regulatory officials were interviewed regarding any knowledge of ASTs or USTs.

### 6.1 Methodology and Limiting Conditions Per ASTM 1527-00

**ASTM 8.2.3 Methodology** - The environmental professional shall document, in the report, the method used (for example, grid patterns or other systematic approaches used for large properties which spaces for owner or occupants were observed) to observe the property.

The entire exterior property was viewed on foot by the inspector. Several offices were viewed at random to determine homogeneity of construction.

**ASTM 8.2.4 Limitations** - The environmental professional shall document, in the report, general limitations and bases of review, including limitations imposed by physical obstructions.

There were no limitations to viewing the property.

### 6.2 General Site Setting

ITEMS LOOKED FOR DURING THE INSPECTION	EXIST ON THE SITE?
Hazardous Substances and Petroleum Products in Connection with Identified Uses-To the extent that present uses are identified that use, treat, store, dispose of, or generate hazardous substances and petroleum products on the property: (1) the hazardous substances and petroleum products shall be identified or indicated as unidentified in the report, and (2) the approximate quantities involved, type of containers (if any) and storage conditions shall be described in the report. To the extent that past uses are identified that used, treated, stored, disposed of, or generated hazardous substances and petroleum products on the property, the information shall be identified to the extent it is visually and/or physically observed during the site visit or identified from the interviews or the records review.	YES
Storage Tanks-Above ground storage tanks, or underground storage tanks or vent pipes, fill pipes or access ways indicating underground storage tanks shall be identified (for example, content, capacity, and age) to the extent visually and/or physically observed during the site visit or identified from the interviews or records review.	NO
Odors-Strong, pungent, or noxious odors shall be described in the report and their sources shall be identified in the report to the extent visually and/or physically observed or identified from the interviews or records review.	NO
Pools Liquid-Standing surface water shall be noted. Pools or sumps containing liquids likely to be hazardous substances or petroleum products shall be described in the report to the extent visually and/or physically observed or identified from the interviews or records review.	NO

ITEMS LOOKED FOR DURING THE INSPECTION	EXIST ON THE SITE?
Drums-To the extent visually and/or physically observed or identified from the interviews or records review, drums shall be described in the report, whether or not they are leaking, unless it is known that their contents are not hazardous substances or petroleum products (in that case the contents should be described in the report). Drums often hold 55-gal (208 L) of liquid, but containers as small as 5 gal (19 L) should also be described.	YES
Hazardous Substance and Petroleum Products Containers (Not Necessarily in Connection With Identified Uses)- When containers identified as containing hazardous substances or petroleum products are visually and/or physically observed on the property and are or might be a recognized environmental condition: the hazardous substances or petroleum products shall be identified or indicated as unidentified in the report, and the approximate quantities involved, types of containers, and storage conditions shall be described in the report.	YES
Unidentified Substance Containers- When open or damaged containers containing unidentified substances suspected of being hazardous substances or petroleum products are visually and/or physically observed on the property, the approximate quantities involved, types of containers, and storage conditions shall be described in the report.	NO
PCBs-Electrical or hydraulic equipment known to contain PCBs or likely to contain PCBs shall be described in the report to the extent visually and/or physically observed or identified from the interviews or records review. Fluorescent light ballast likely to contain PCBs does not need to be noted.	NO
Heating/Cooling-The means of heating and cooling the buildings on the property, including the fuel source for heating and cooling, shall be identified in the report (for example, heating oil, gas, electric, radiators from steam boiler fueled by gas).	YES
Stains or Corrosion-To the extent visually and/or physically observed or identified from the interviews, stains or corrosion on floors, walls, or ceilings shall be described in the report, except for staining from water.	YES
Drains and Sumps-To the extent visually and/or physically observed or identified from the interviews, floor drains and sumps shall be described in the report.	YES
Pits, Ponds, or Lagoons-To the extent visually and/or physically observed or identified from the interviews or records review, pits, ponds, or lagoons on the property shall be described in the report, particularly if they have been used in connection with waste disposal or waste treatment. Pits, ponds, or lagoons on properties adjoining the property shall be described in the report to the extent they are visually and/or physically observed from the property or identified in the interviews or records review.	NO
Stained Soil or Pavement-To the extent visually and/or physically observed or identified from the interviews, areas of stained soil or pavement shall be described in the report.	YES
Stressed Vegetation-To the extent visually and/or physically observed or identified from the interviews, areas of stressed vegetation (from something other than insufficient water) shall be described in the report.	NO
Solid Waste-To the extent visually and/or physically observed or identified from the interviews or records review, areas that are apparently filled or graded by non-natural causes (or filled by fill of unknown origin) suggesting trash or other solid waste disposal, or mounds or depressions suggesting trash or other solid waste disposal, shall be described in the report.	NO
Waste Water- the extent visually and/or physically observed or identified from the interviews or records review, waste water or other liquid (including storm water) or any discharge into a drain, ditch, or stream on or adjacent to the property shall be described in the report.	YES
Wells-To the extent visually and/or physically observed or determined from the interviews or records review, all wells (including dry wells, irrigation wells, injection wells, abandoned wells, or other wells) shall be described in the report.	YES
Septic Systems-To the extent visually and/or physically observed or identified from the interviews or records review, indications of on-site septic systems or cesspools should be described in the report.	YES

### 6.2.1 Asbestos

**THE FOLLOWING LIMITED ANALYSIS IS NOT TO BE CONSIDERED AS OR USED AS A COMPREHENSIVE ASBESTOS SURVEY AND CANNOT BE USED FOR RENOVATION/DEMOLITION PURPOSES, AHERA INSPECTIONS, ETC.**

Asbestos is a naturally occurring mineral fiber that was, and to some extent still is, used in over three thousand different products, many of which were used in construction. Asbestos fibers from friable materials have been shown to cause lung cancer and other diseases when the fibers are inhaled, particularly over an extended time.

Due to the general type and uniformity of construction, and the lack of significantly damaged friable suspect ACM observed during the inspection, no samples were collected. If major repairs or renovations and/or demolition are planned a detailed asbestos survey of the affected area will be required by law.

### 6.2.2 Radon

Radon is a radioactive gas that occurs naturally in some soils. The radioactive decay products of radon, when inhaled, can cause lung cancer.

The Texas Indoor Radon Survey of 1992 (issued by the Texas Department of Health, Bureau of Radiation Control, April 20, 1992) was performed to determine the areas of Texas most affected by radon. This testing was designed to define:

1. The statewide average indoor radon concentration in homes;
2. The regional average indoor radon concentrations by county and other geographical regions, where appropriate, to identify "hot spots."

The attached Texas Department of Health Bureau of Radiation Control map shows that the Southeast Texas Coastal Plain is not known to harbor radon bearing soils, nor have any significant natural background levels of radon been reported in the region. This conclusion was based on "The Texas Radon Indoor Survey, 1992" therefore, Phase II radon testing is not recommended for this property at this time.

### 6.2.3 Polychlorinated Biphenyls (PCB's)

In years past, PCB's were commonly used in liquid-cooled transformers, electrical ballasts, and hydraulic fluids for its fire retardant properties. These chemicals, and the byproducts created when they burn, were subsequently found to be highly toxic. Equipment suspected of possibly containing PCB fluids is commonly tested; and if it is found to contain PCB's, it is removed from service.

PCB-containing electrical equipment is regulated by the Environmental Protection Agency (EPA) under the Toxic Substances Control Act. H L & P fully complies with these regulations. The regulations stated that mineral oil transformers are considered "PCB containing" (having a PCB content greater than 50 but less than 500 ppm) until testing proves otherwise. All H L & P owned small single-phase ground mounted residential type, and all pole-mounted transformers fall into this category, although the company never orders PCB-type transformers for such applications. These transformers can be utilized for the remainder of their useful lives with no requirement for record keeping or testing. All H L & P owned large, three-phase commercial type ground mounted or indoor vault-type transformers have been tested. All now have less than 50 ppm PCB and are considered PCB free.

Visual inspection of the transformers located on or near the subject property did not reveal evidence of fluid leaks; therefore, a Phase II investigation is not necessary at this time.

The building is equipped with fluorescent lighting, which incorporates ballast devices, some of which may have been manufactured using PCB-containing dielectric fluids. None of the ballasts were directly inspected during the

site inspection but no evidence of leaks was observed, nor were any of the sharp odors typically associated with fluid leaks detected. If normal maintenance should require the replacement of any ballasts, they should be examined for a 'non-PCB' label or be disposed of as PCB-containing. Handling of any leaking units may require professional assistance.

#### **6.2.4 Lead Based Paint (LBP)**

Lead is a metal that is highly toxic to humans, particularly children. Human contamination usually occurs by oral ingestion or respiratory inhalation of dust or chips of paint made with lead pigment. The use of lead pigment in both interior and exterior paints was outlawed in February, 1978.

No significant peeling or flaking of interior or exterior paint was observed during the site inspection; therefore, Phase II testing for lead based paint is not deemed necessary at this time. Such testing should be conducted however, if significant paint deterioration is observed, or if paint removal involving scraping, sandblasting, or other removal activity likely to cause dust is contemplated.

#### **6.2.5 Chemicals**

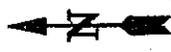
Containers of perchloroethylene and parts cleaning solvents were observed during the walk through.

#### **6.2.6 Air Emissions**

The two largest potential sources of air emissions from the dry cleaning industry are the release of perc vapors into the atmosphere during transfer of clothes from the washer to the dryer and the venting of the dryer exhaust air-stream.

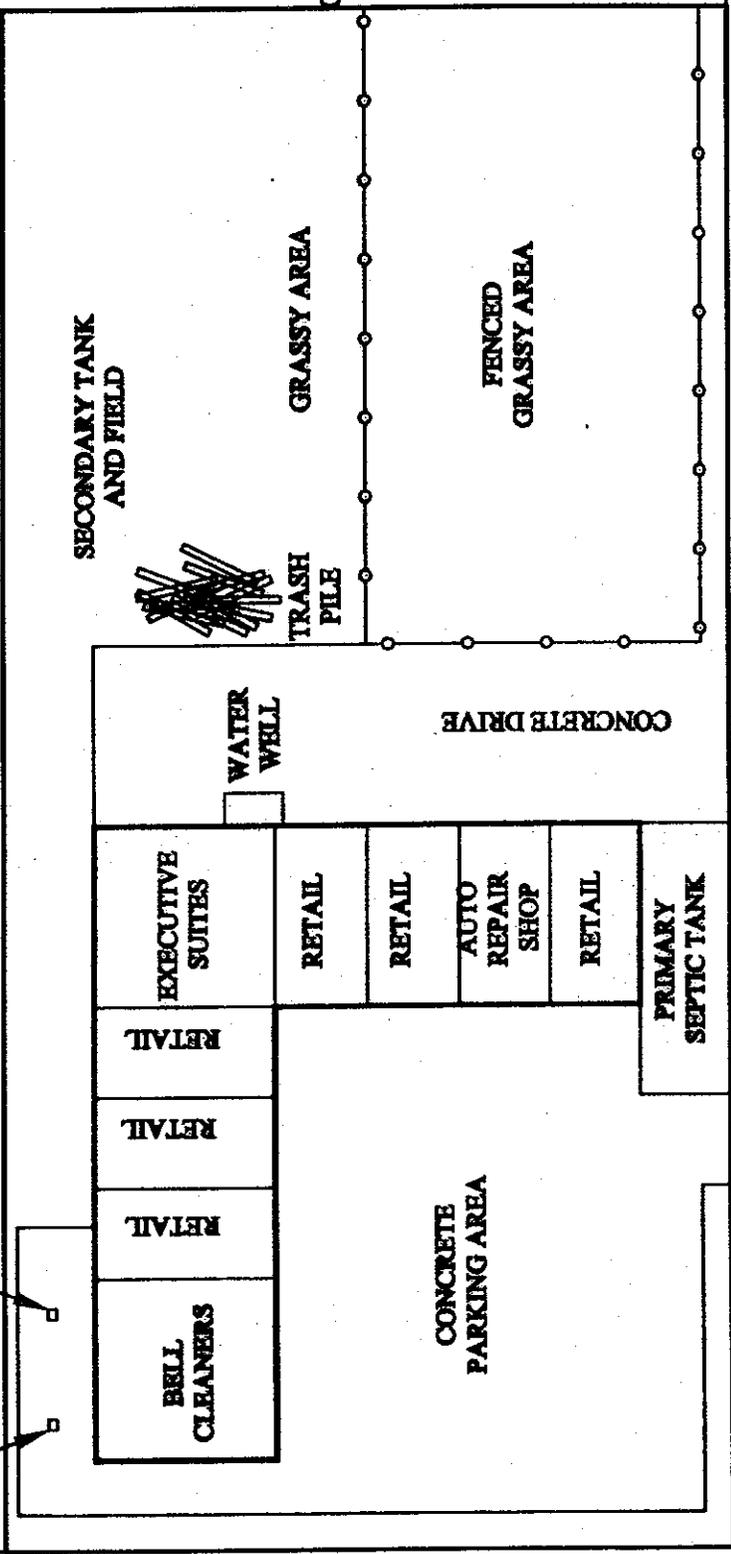
#### **6.2.7 Waste Generation, Storage, and Disposal**

According to the available information the waste generated at the dry cleaner is handled by Safety-Kleen and Jones Oil Recovery collects the waste oil and solvent material at the auto repair.



COMMERCIAL

DRAINS



JONES ROAD

COMMERCIAL

BARELY LANE

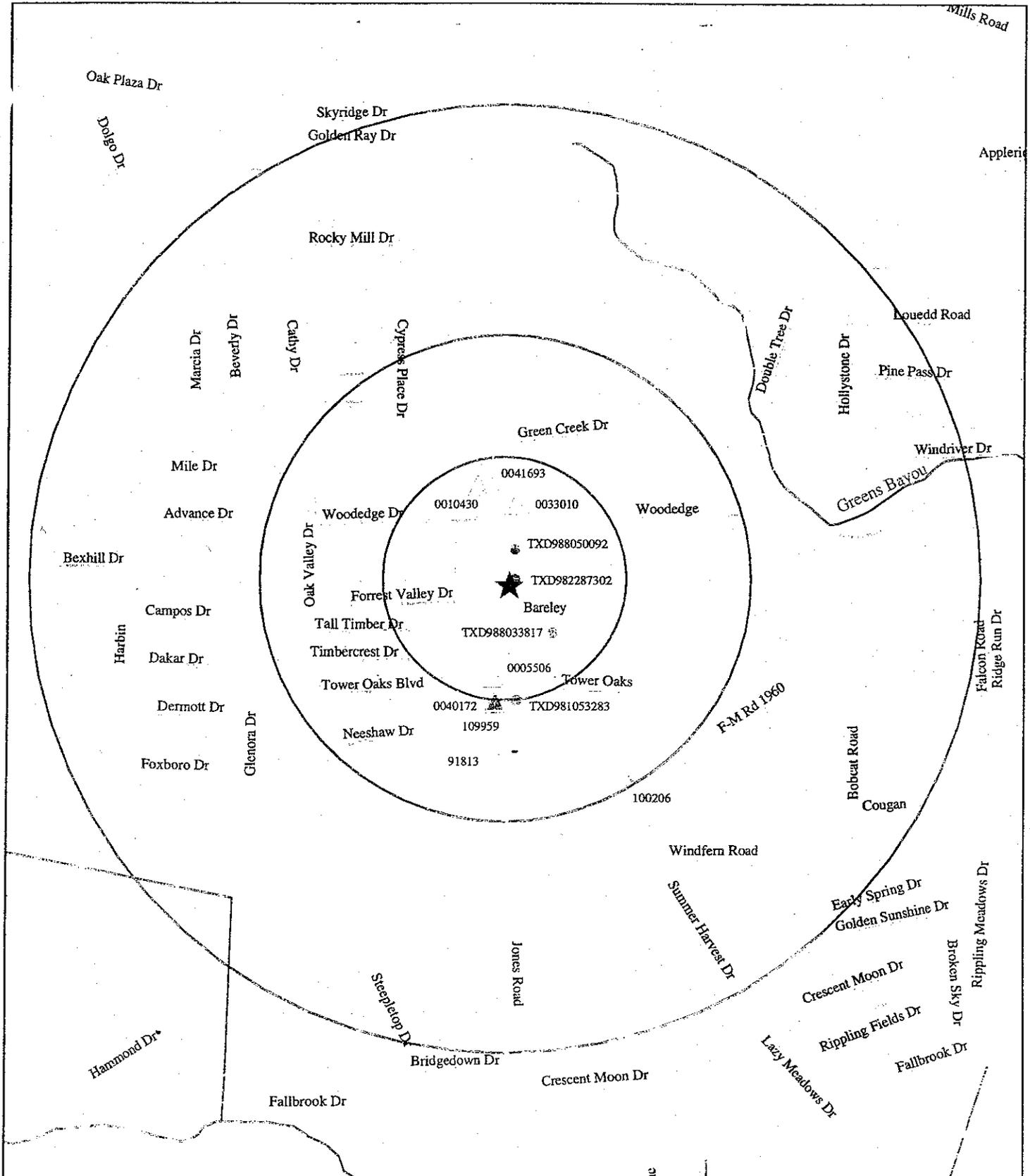
STRIP SHOPPING



Commercial Property  
11600 Jones Road  
Houston, Harris County, Texas

Geo-Tech Environmental, Inc.  
12714 Settlement  
Missouri City, Texas  
Job# 01205

Not To Scale  
June 2001  
By: J.T. Warley



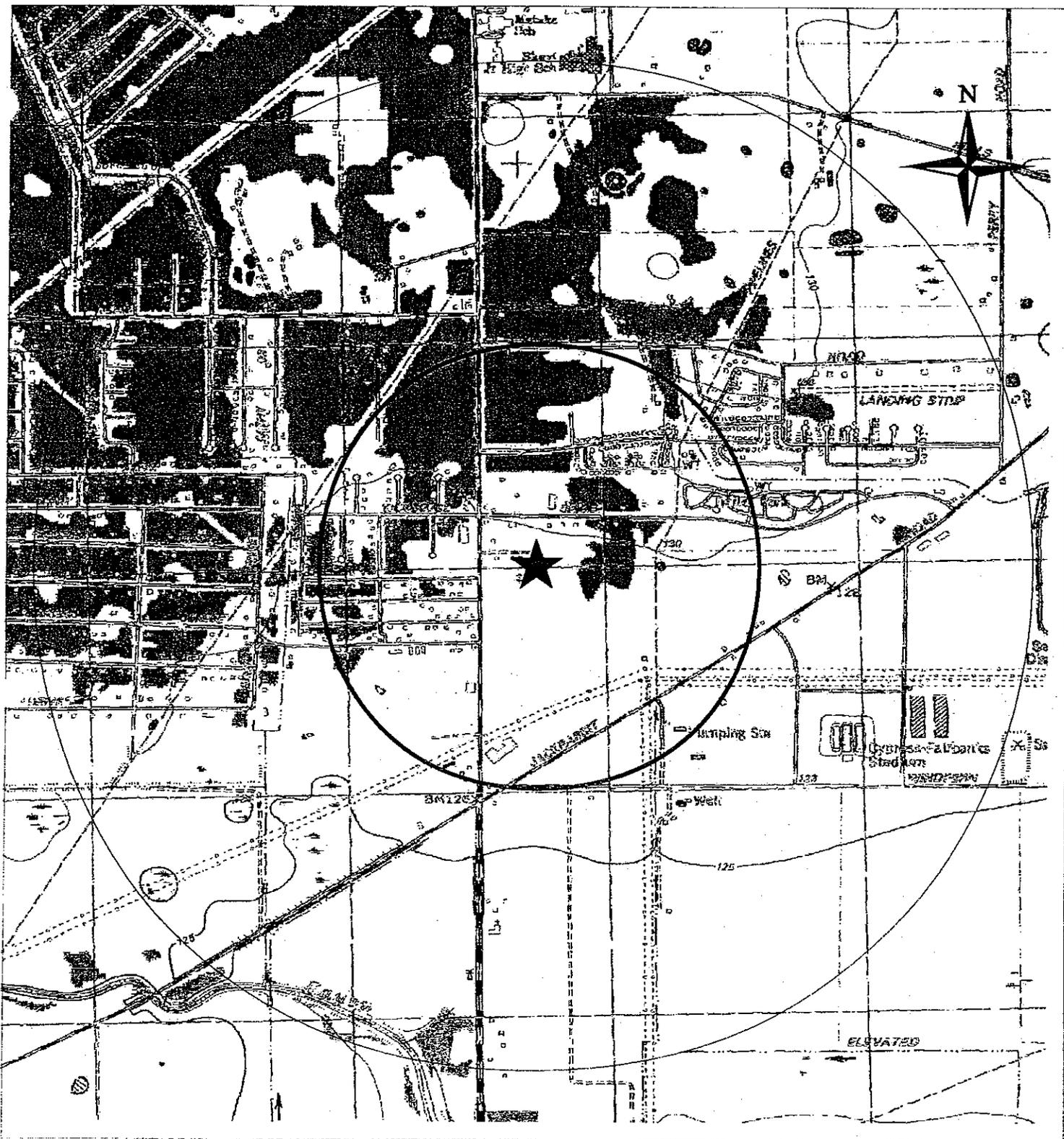
**ESA DATA**  
 1(800)ESA-DATA  
 ESADATA # 01205  
 Map Scale in Miles

**SITE**  
 Retail Shopping Center  
 11600 Jones Rd.  
 Houston, Texas 77070-5929  
 All data and information displayed is subject to the ESA DATA disclaimer

**PREPARED FOR**  
 Geo-Tech Environmental, Inc.  
 Approximate Locations  
 Inner ring 1/4 mile radius  
 Middle ring 1/2 mile radius  
 Outer ring 1 mile radius  
 PST, RCRA, TRI, SPIL, ERNS Oilwells displayed to 1/4 mile  
 CERCLA, RCRA, RCRI, LPST displayed to 1/2 mile  
 TSD, MSW, VCP, Superfund Sites displayed to 1 mile

**LEGEND**

- ★ Subject Site
- ▲ LPST Active
- LPST Closed
- PST
- ERNS/SPILLS
- OIL WELL
- RCRA Site
- RCRT-TSD
- RCRV-Violator
- RCRH-HANDLER
- RCRX-MULTIPLE RCRA TYPES
- VCP
- Superfund
- CERCLA
- MSW
- TRI



## Topographic Map

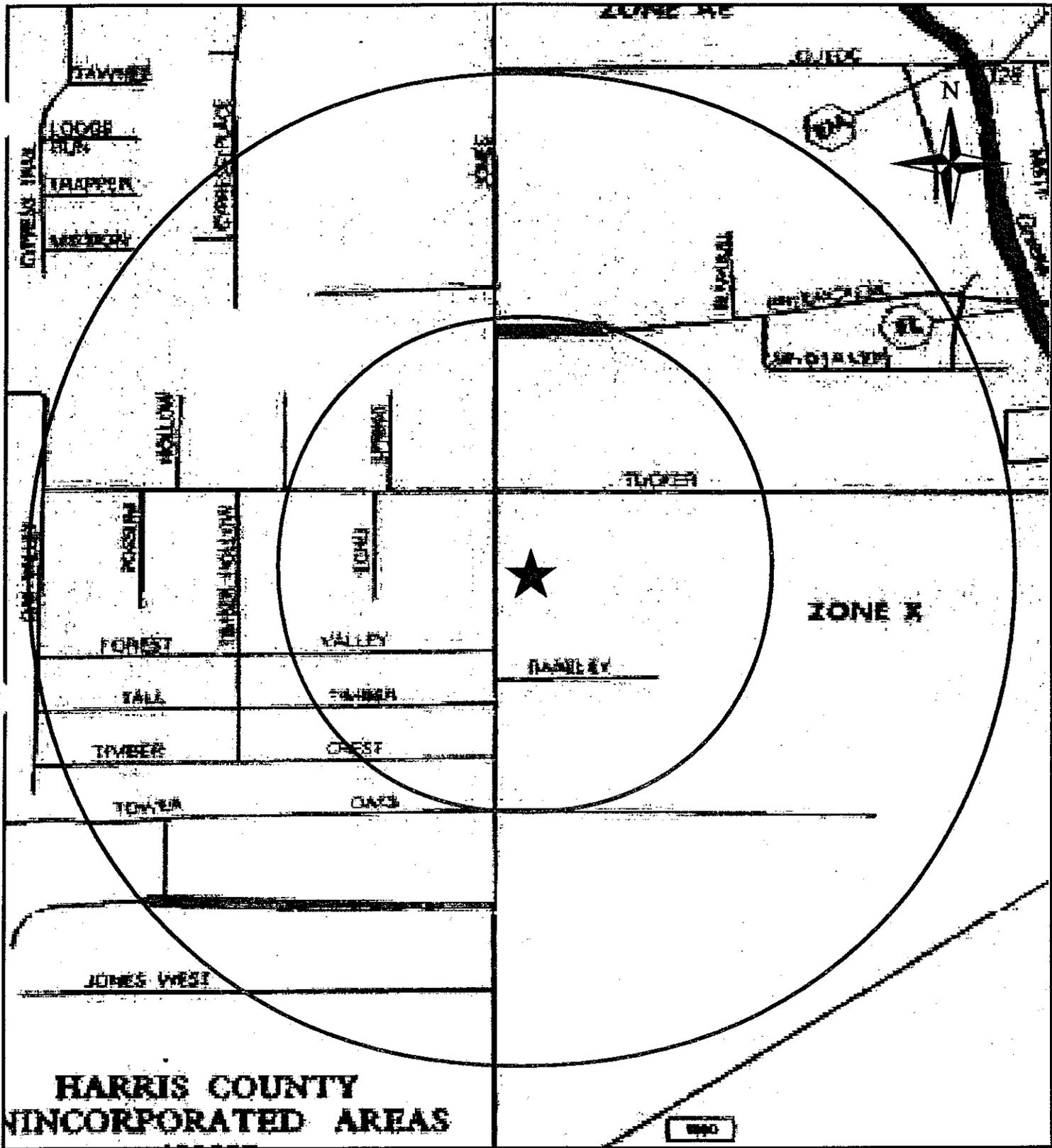


PO Box 2028  
Missouri City, TX 77459  
Phone 800-ESA-DATA

Retail Shopping Center  
11600 Jones Rd.  
Houston, Tx 77070  
Project #01205  
Topo Quad: Satsuma

### LEGEND

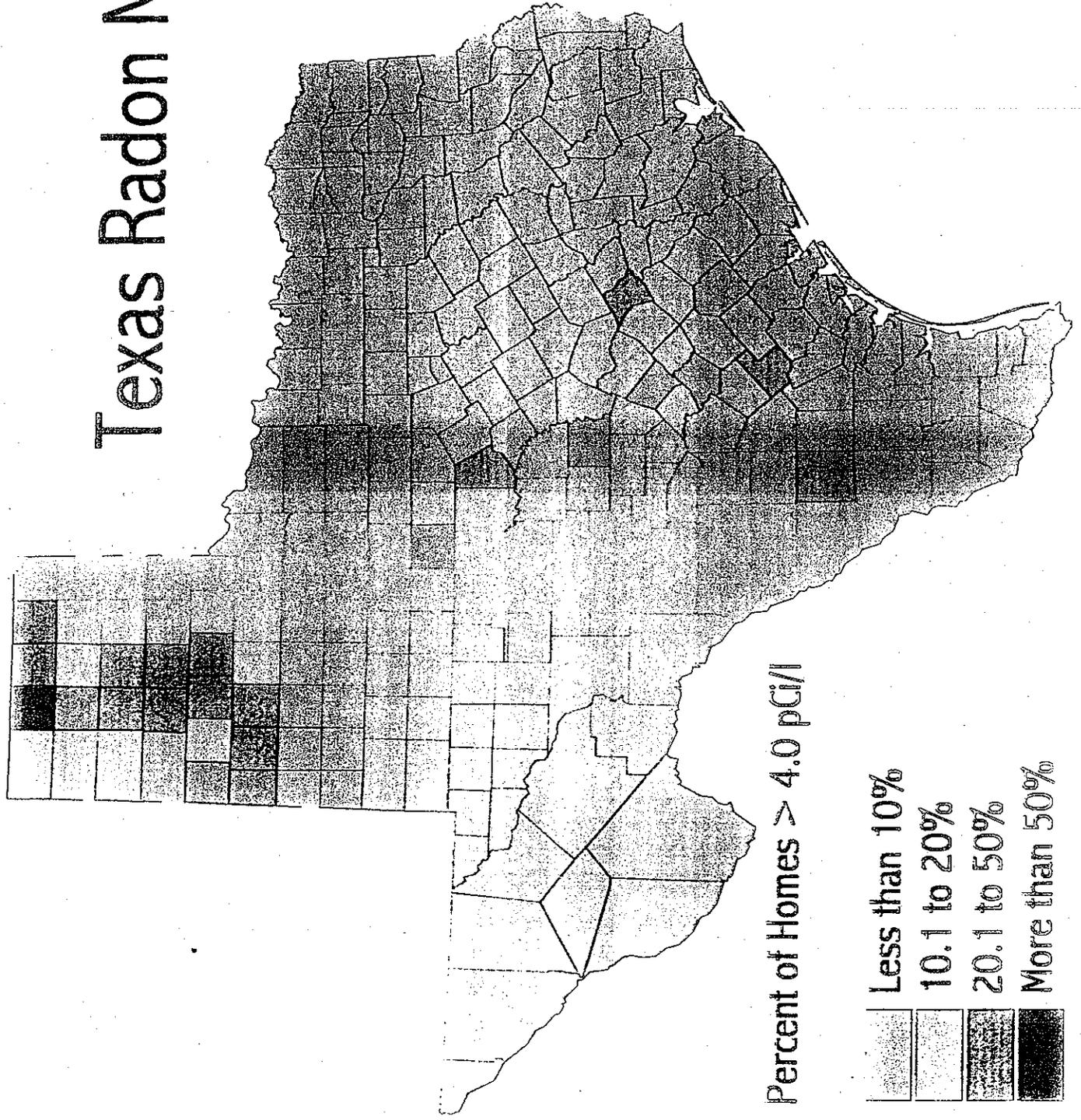
- ★ Subject property
- ✦ North Arrow
- Inner circle - 1 mile
- Outer circle - 2 mi
- Scale 1:24,000

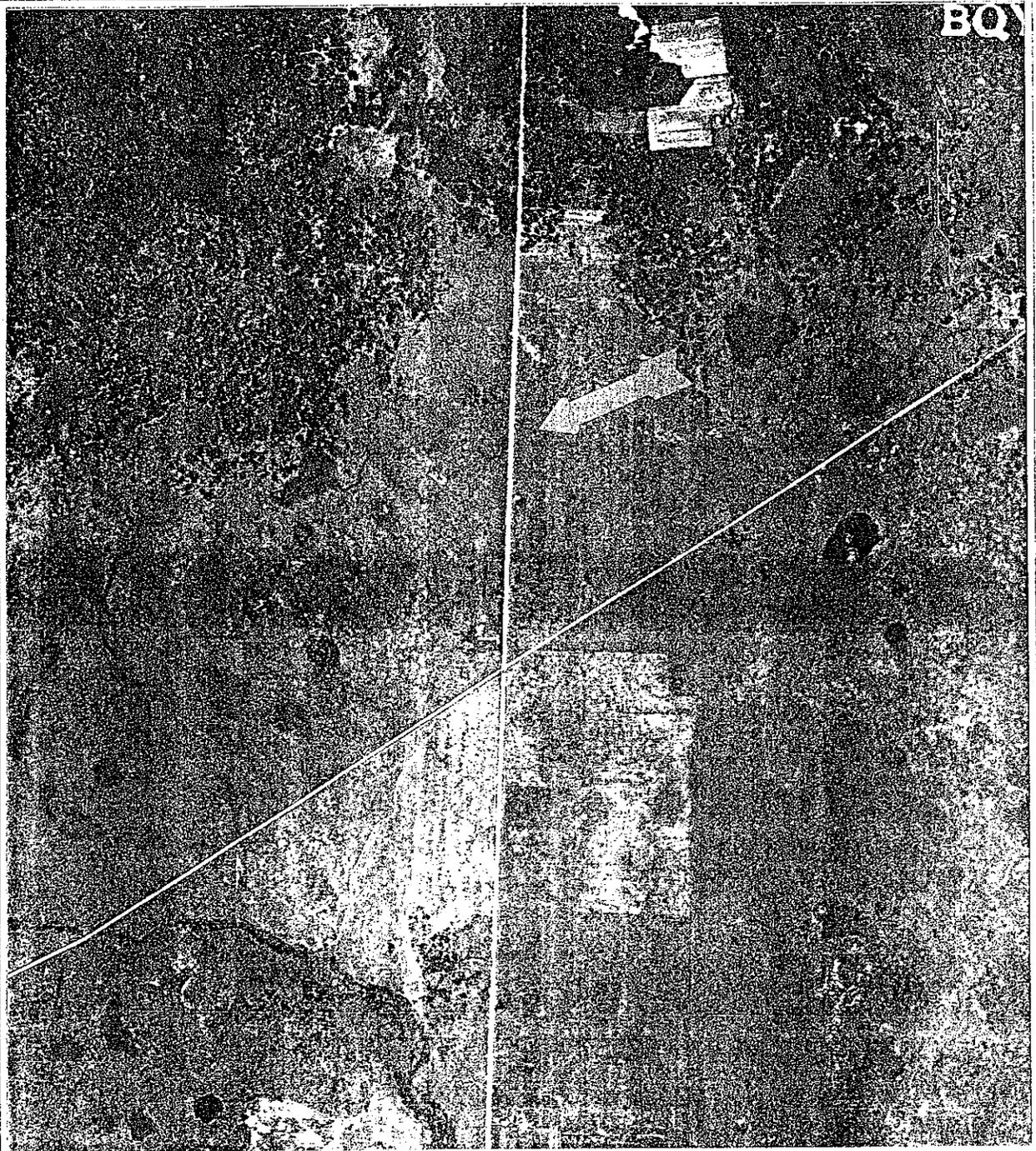


## Flood Plain Map

 <p>PO Box 2028 Missouri City, TX 77459 Phone 800-ESA-DATA</p>	<p><b>Retail Shopping Center</b> 11600 Jones Rd. Houston, Tx 77070 Project #01205 Topo Quad: Satsuma</p>	<p><b>LEGEND</b></p> <ul style="list-style-type: none"> <li>★ Subject property</li> <li>⊕ North Arrow</li> <li>Inner circle - 1/4 mile</li> <li>Outer circle - 1/2 mi</li> <li>Scale 1:10,000</li> </ul>
---	--	--

# Texas Radon Map



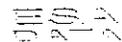


## 1944 AERIAL PHOTOGRAPH

PREPARED FOR: Geo-Tech Environmental, Inc.

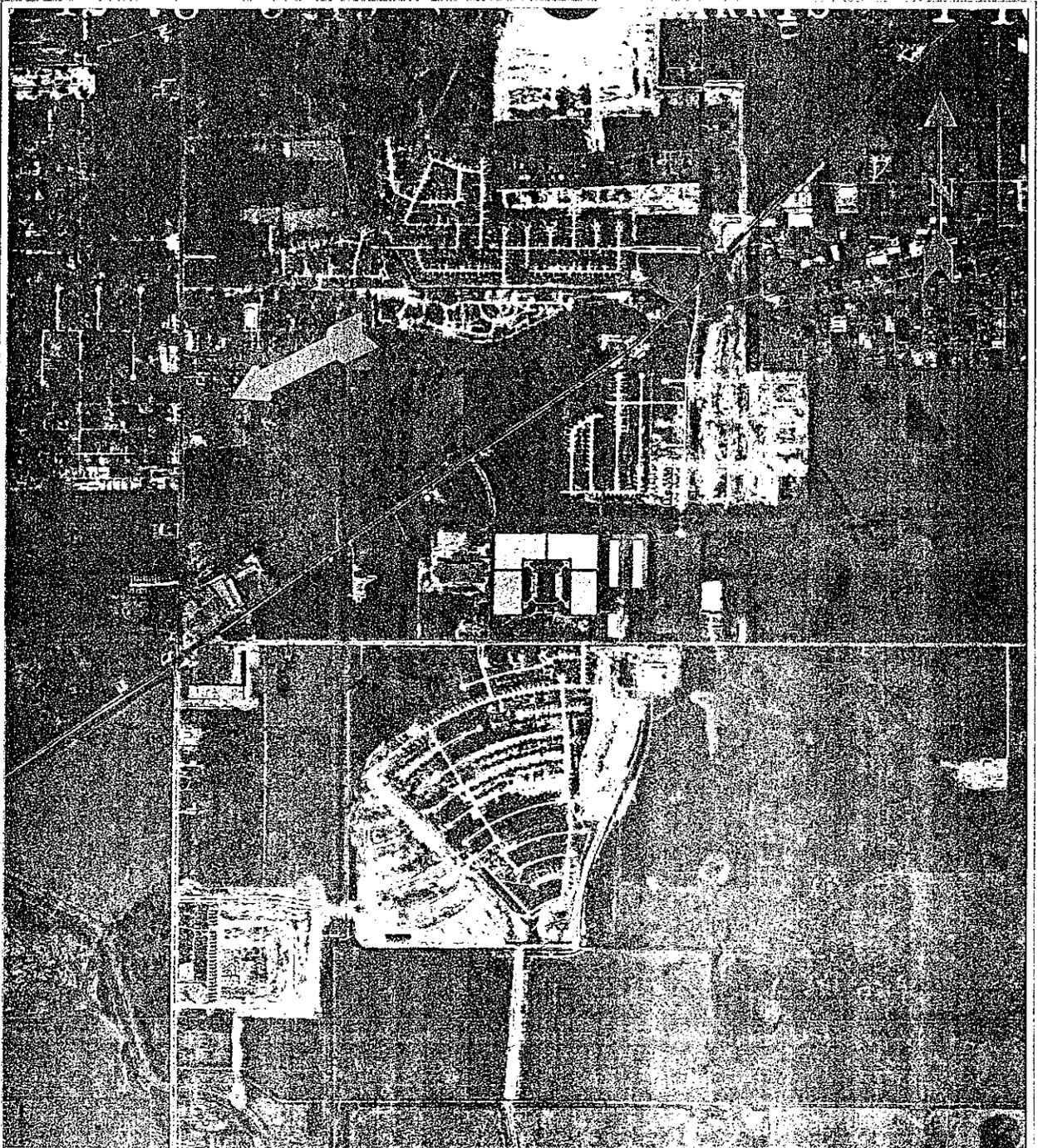
ADDRESS: Retail Shopping Center  
11600 Jones Road  
Houston, Texas 77070

PHOTO NO.: 201441207  
APPROX. SCALE: 1 INCH = 1667 FEET



PH. (800) ESA-DATA

ESA#: 01205



## 1979 AERIAL PHOTOGRAPH

**PREPARED FOR:** Geo-Tech Environmental, Inc.

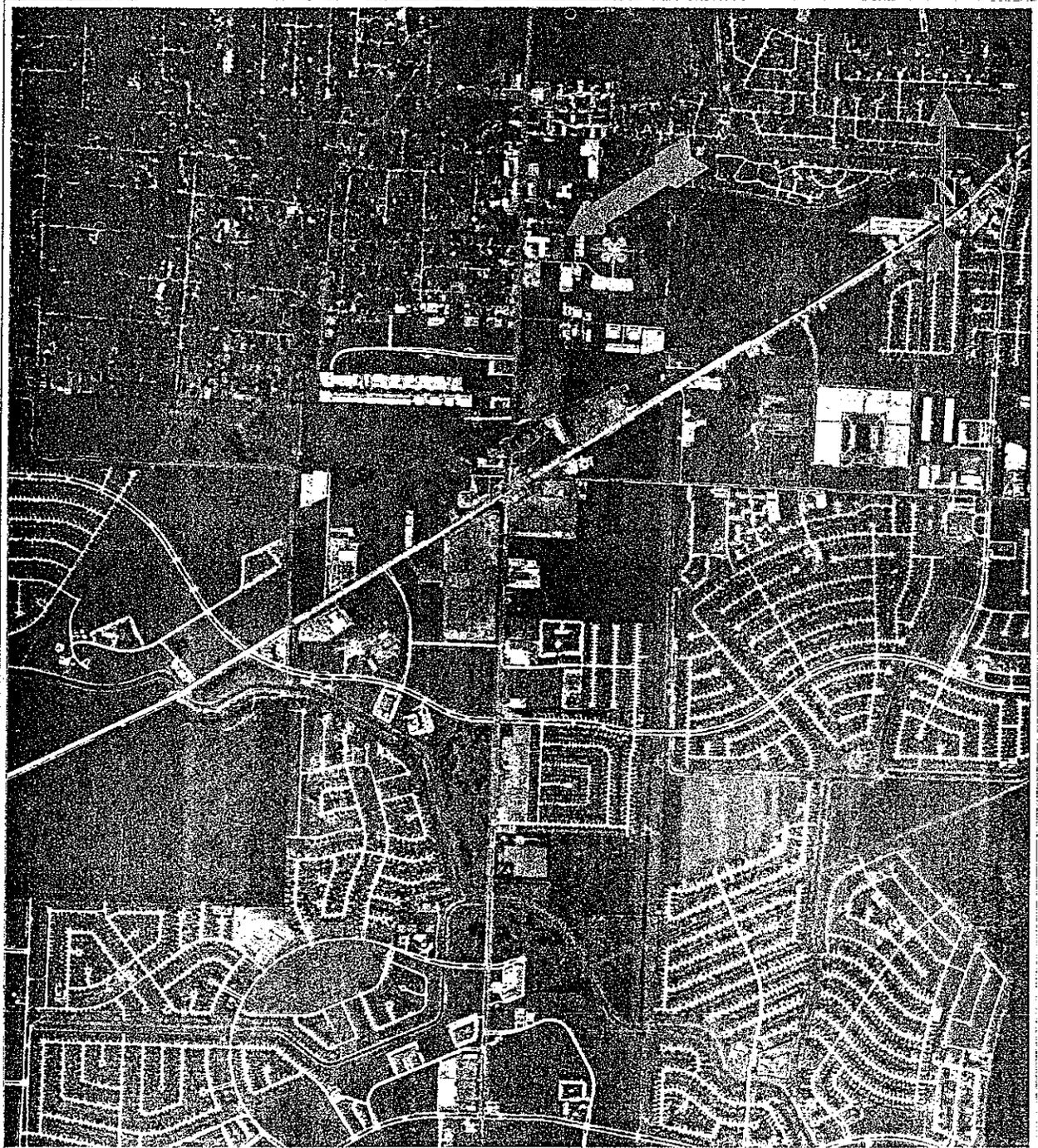
**ADDRESS:** Retail Shopping Center  
11600 Jones Road  
Houston, Texas 77070

**PHOTO NO.:** B201791007  
**APPROX. SCALE:** 1 INCH = 2000 FEET

ESA  
DATA

PH. (800)ESA-DATA

ESA #: 01205



## 1989 AERIAL PHOTOGRAPH

PREPARED FOR: Geo-Tech Environmental, Inc.

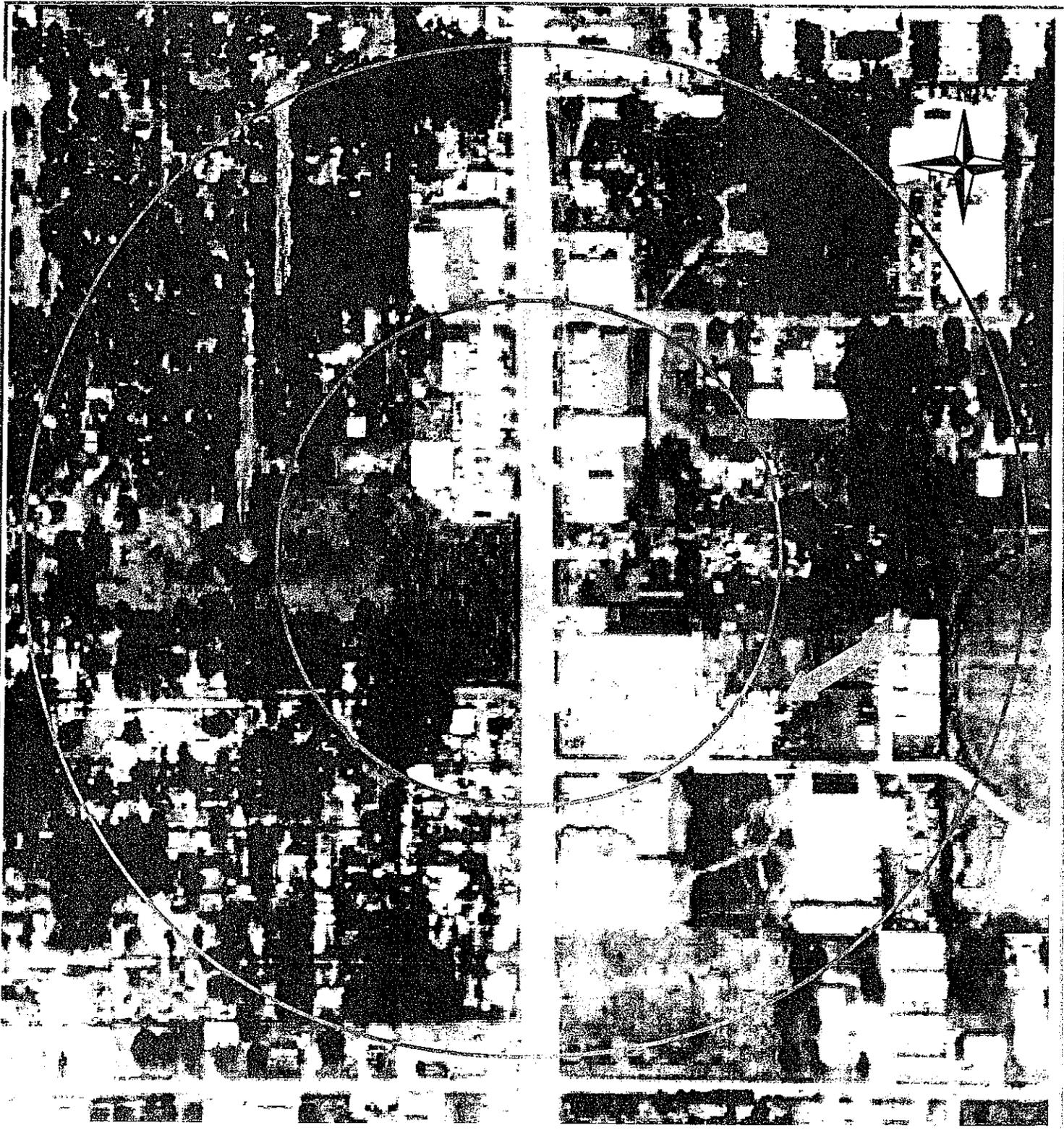
ADDRESS: Retail Shopping Center  
11600 Jones Road  
Houston, Texas 77070

PHOTO NO.: B201891007  
APPROX. SCALE: 1 INCH = 2000 FEET



PH. (800)ESA-DATA

ESA#: 01205



## 1995 Aerial Photograph

Retail Shopping Center  
11600 Jones Road  
Houston, Tx 77070  
Project #01205

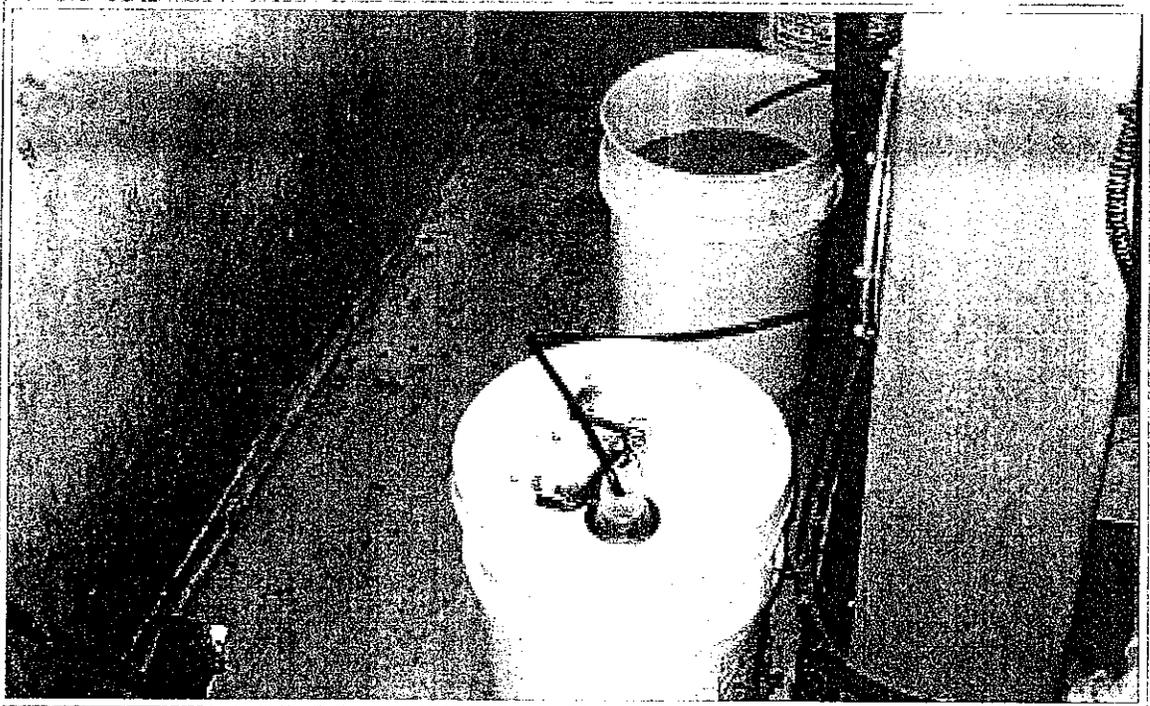
PO Box 2028  
Missouri City, TX 77459  
Phone 800-ESA-DATA

### LEGEND

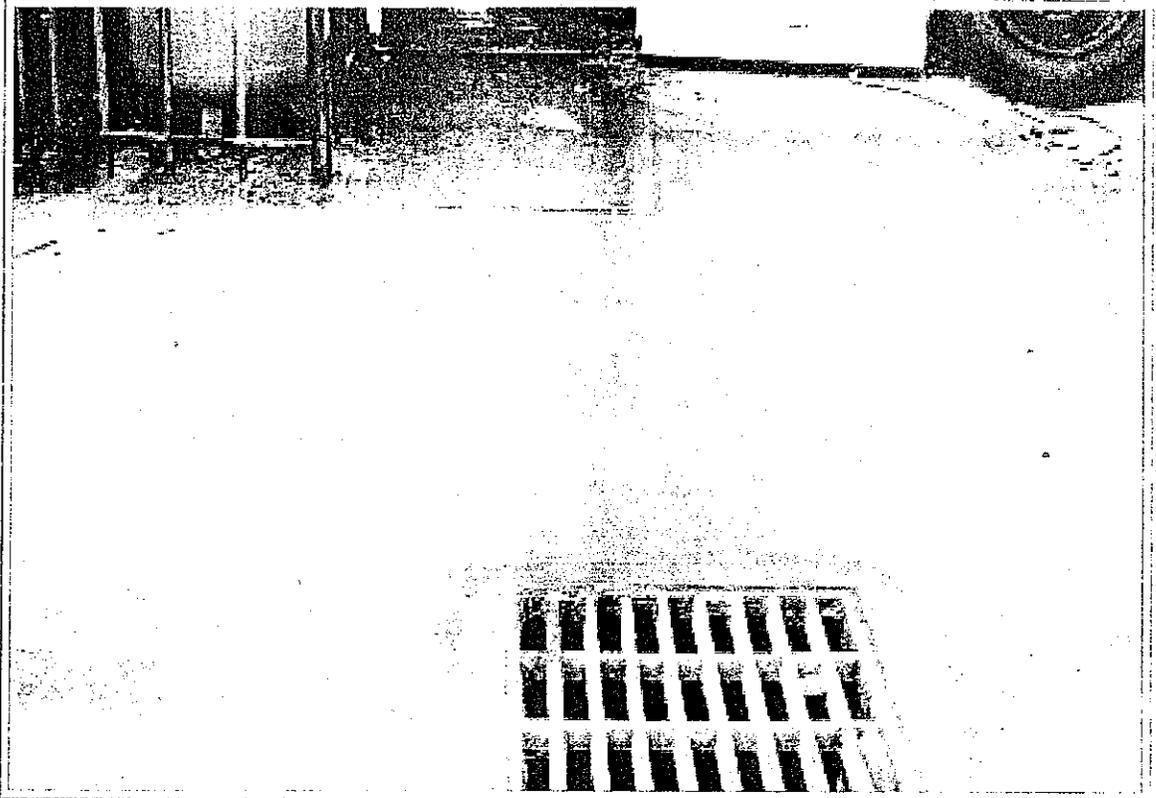
- ☆ Subject property
- ↑ North Arrow
- Inner circle - 900 feet
- Outer circle - 1800 feet
- Scale 1:250



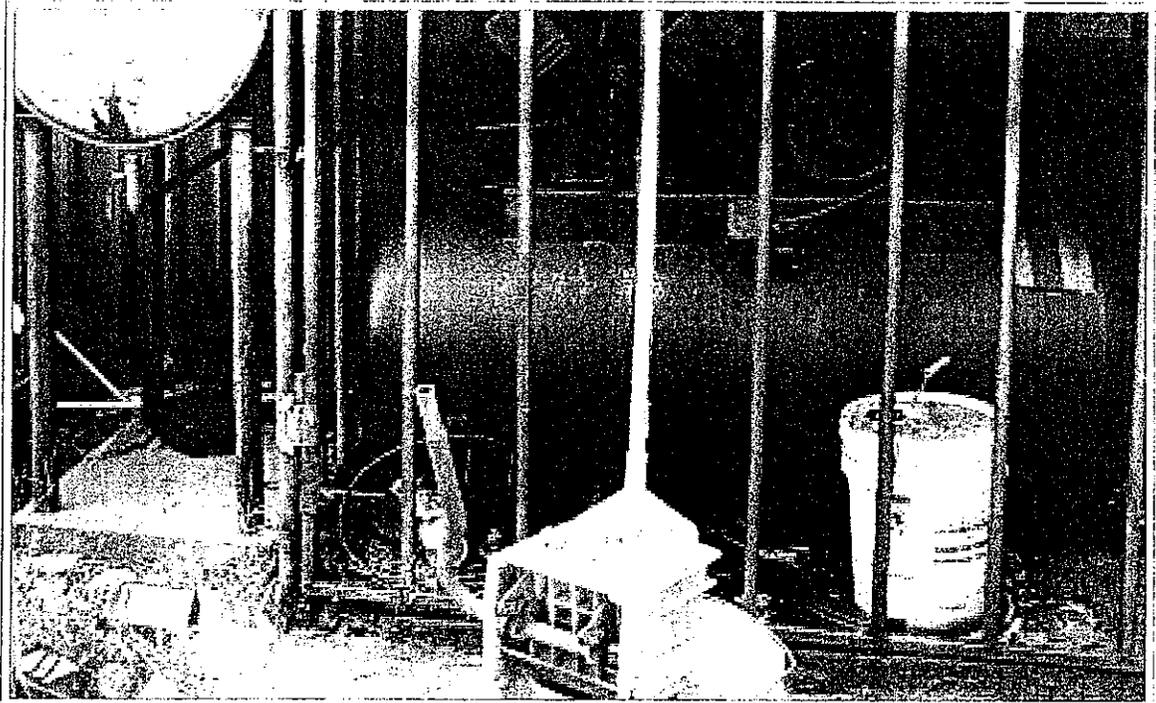
Store frontage view.



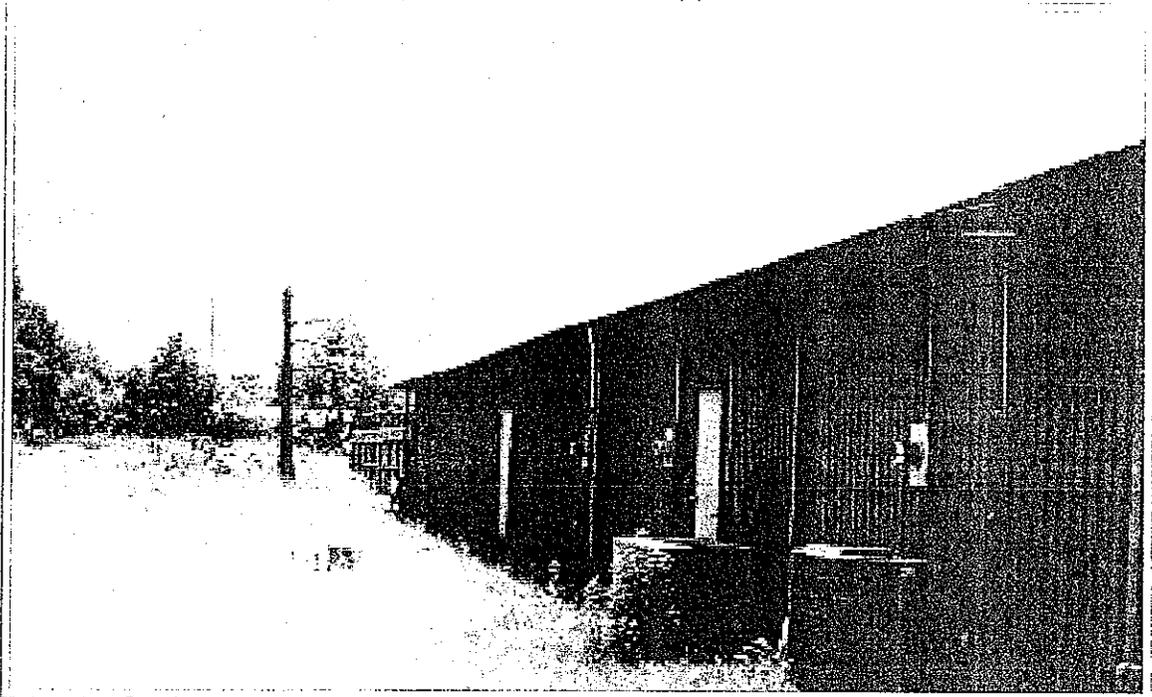
View behind dry cleaning machine.



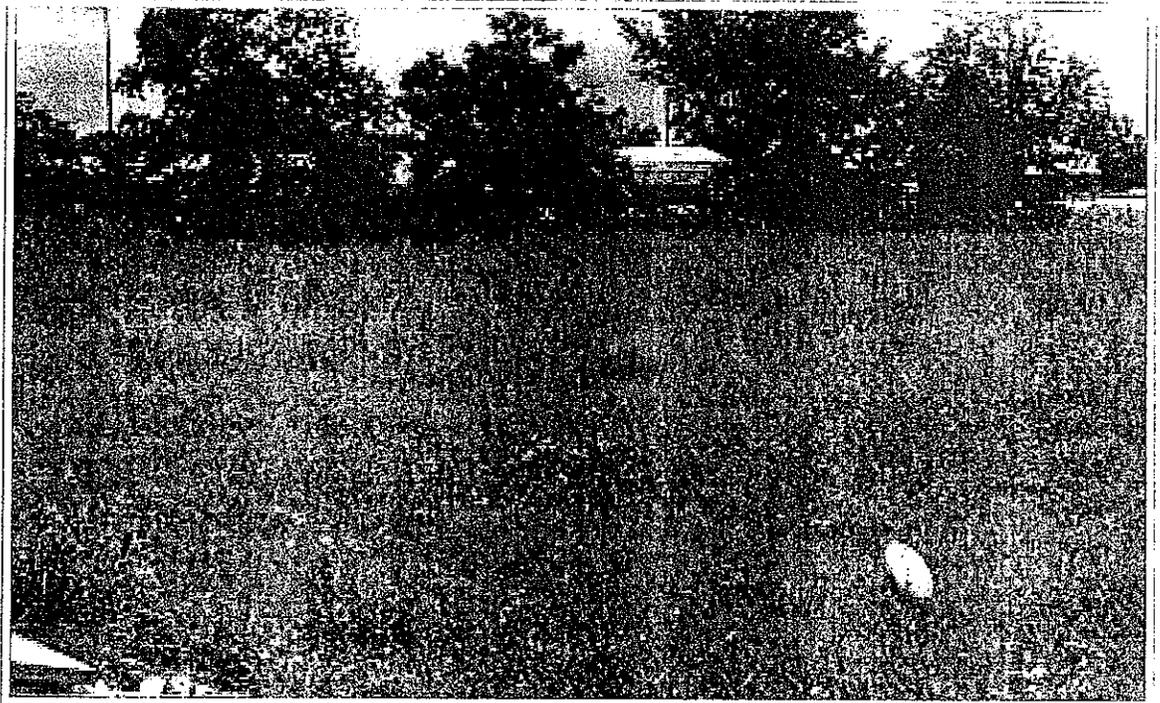
Drain behind the dry cleaners.



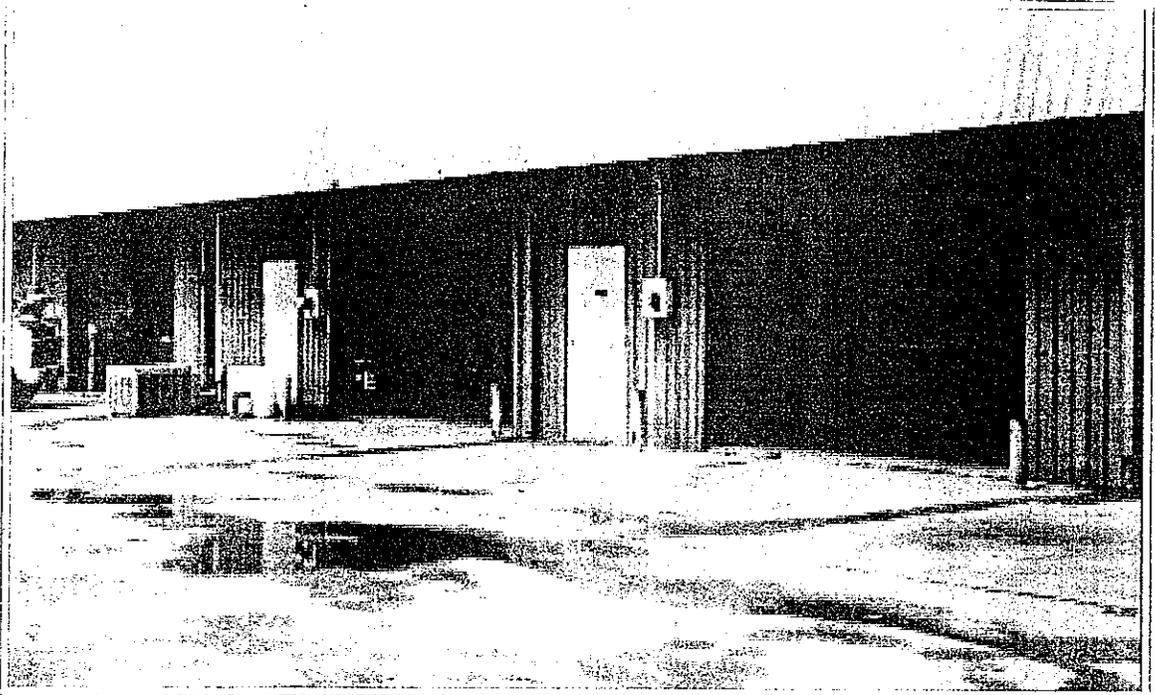
Air compressor behind dry cleaners.



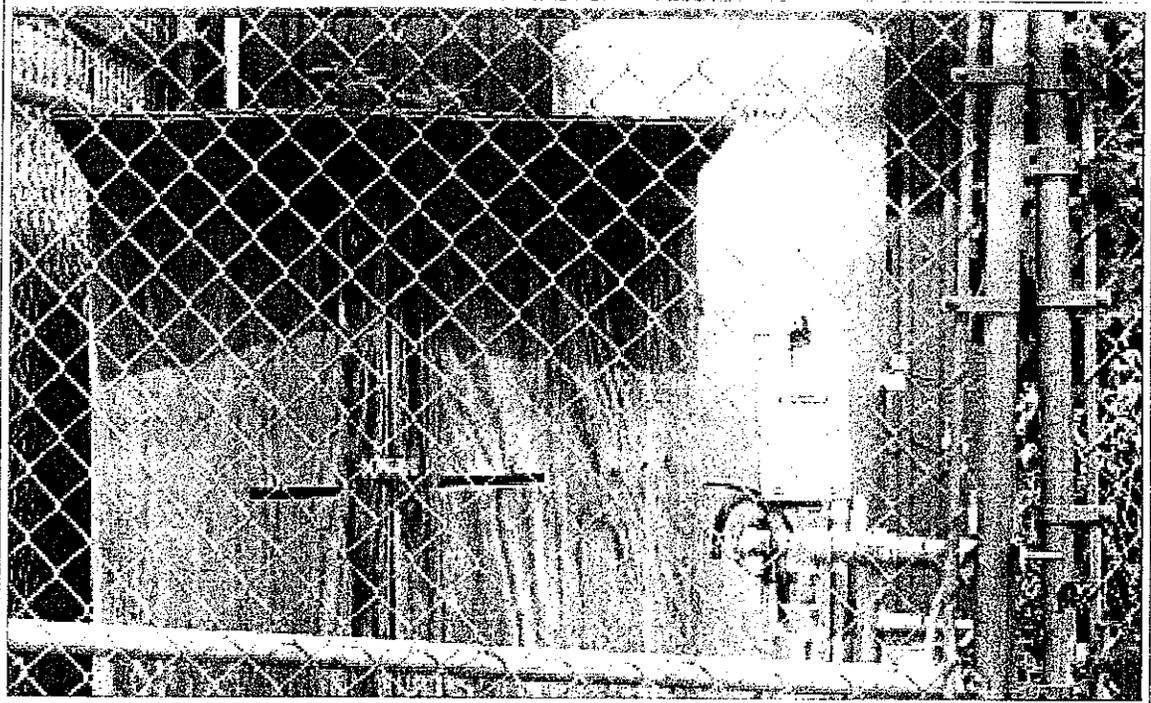
**View behind the building.**



**View of undeveloped portion of site.**



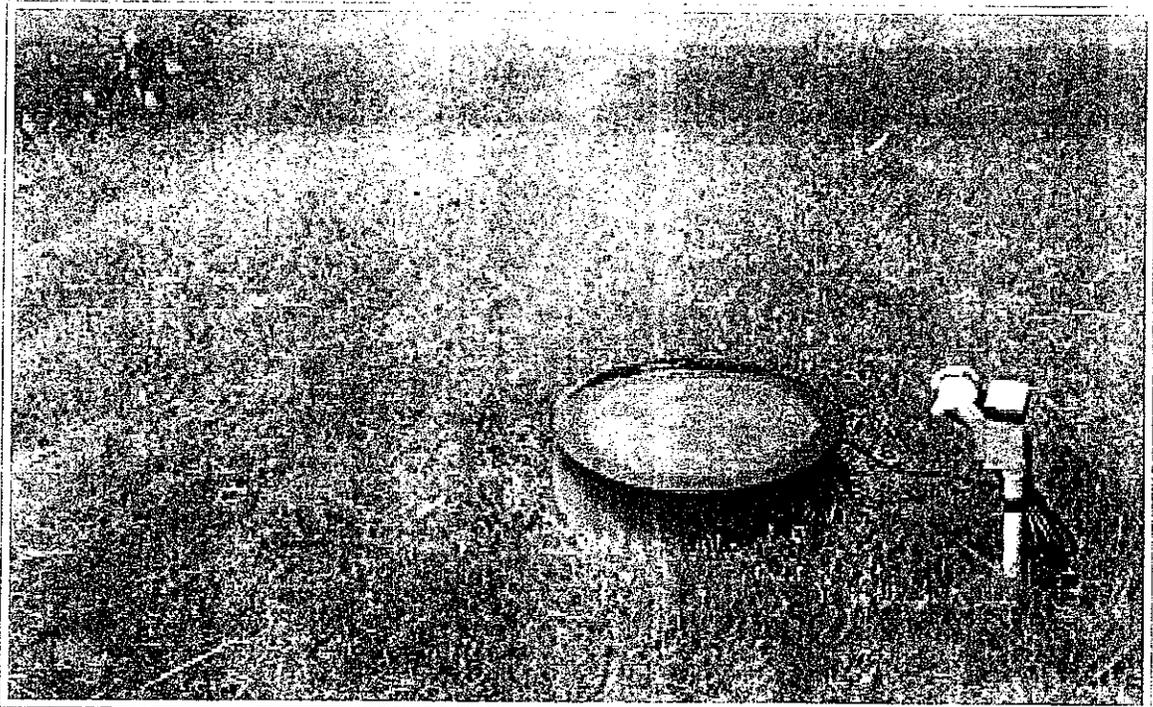
View behind auto repair shop.



Onsite water well and treatment system.



Waste oil storage drums.



Primary septic tank.



Store front view.



Store front view.

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MAPPED SITES SUMMARY

ID NUMBER	TYPE	FACILITY	APPROXIMATE MAPPED SITE LOCATION
109959	LPSA	DIAMOND SHAMROCK 704 11319 JONES RD HOUSTON, TX. 77070-6307	0.27 MILES SOUTH
100206	LPSC	WESTERN AUTO 10620 FM 1960 HOUSTON, TX. 77070	0.50 MILES SOUTHEAST
91813	LPSC	SATSUMA C O 11239 JONES RD HOUSTON, TX. 77070-6305	0.40 MILES SOUTH
0005506	PST	CONOCO FOOD MART 11002 TOWER OAKS BLVD HOUSTON, TX. 77065-3002	0.22 MILES SOUTH
0010430	PST	TUNE UP PLUS 11729 1/2 JONES RD HOUSTON, TX. 77070	0.22 MILES NORTHWEST
0033010	PST	SHELL STATION 11702 JONES/WOODEDGE HOUSTON, TX. 77070	0.16 MILES NORTH
0040172	PST	SIGMOR SHAMROCK #704 11319 JONES RD HOUSTON, TX. 77070-6307	0.27 MILES SOUTH
0041693	PST	AT TRANSMISSION 11729 JONES RD HOUSTON, TX. 77070-5311	0.21 MILES NORTHWEST
TXD981053283	RCRA	MAACO AUTO PAINTING & BODYWORKS 10635 TOWER OAKS BOULEVARD HOUSTON, TX. 77070-5928	0.26 MILES SOUTH
TXD982287302	RCRA	BELL CLNRS USA 11600 JONES RD #101 HOUSTON, TX. 77070-5916	0.00
TXD988033817	RCRA	P I COMPONENTS CORP 10825 BARELY LANE HOUSTON, TX. 77070-5900	0.14 MILES SOUTHEAST
TXD988050092	RCRA	ATLAS TRANSMISSION 11642 JONES RD HOUSTON, TX. 77070-5904	0.06 MILES NORTH
<p>REGULATORY AGENCY RELEASE DATE (SEE DETAILED REPORTS) ESADATA</p> <p>REPORT PRINTED 06/05/01 PAGE 1 OF MAPPED SITES SUMMARY</p>			

## REPORT SECTION

TNRCC LPST LIST  
TNRCC PETROLEUM STORAGE TANK FACILITY INFORMATION

LPST ID	FACILITY INFORMATION								
100206	<u>FACILITY NAME</u>				<u>FACILITY INFORMATION</u>				
	WESTERN AUTO TNRCC FACILITY ID NOT LISTED IN LPST DATABASE FM 1960 HOUSTON, TX. 77070				RESPONSIBLE PARTY(RPR) WESTERN AUTO RPR CONTACT DALE BINTLEY PHONE 713/973-1420 PRIMARY COORDINATOR 2-DISTRICT OFFICE. PRIORITY 5-MINOR SOIL CONTAMINATION DOES NOT REQUIRE RAP. STATUS 6A-FINAL CONCURRENCE ISSUED, CASE CLOSED.				
	<u>TANK ID</u>	<u>SIZE</u>	<u>CONTENT</u>	<u>TANKMAT</u>	<u>PIPEMAT</u>	<u>INSTALL</u>	<u>STATUS</u>	<u>STATUS DATE</u>	<u>TYPE</u>
	.NULL.	.NULL.	UNKNOWN	UNKNOWN	UNKNOWN	.NULL.	UNKNOWN	.NULL.	.NULL.
109959	<u>FACILITY NAME</u>				<u>FACILITY INFORMATION</u>				
	DIAMOND SHAMROCK 704 TNRCC FACILITY ID 0040172 11319 JONES RD HOUSTON, TX. 77070-6307				RESPONSIBLE PARTY(RPR) DIAMOND SHAMROCK REF & MKTG CO RPR CONTACT LOUIS S MOSCONI PHONE 713/957-1393 PRIMARY COORDINATOR 1-RPR SECTION(AUSTIN). PRIORITY 4.1-GW IMPACTED, NO APPARENT THREATS OR IMPACT TO STATUS				
	<u>TANK ID</u>	<u>SIZE</u>	<u>CONTENT</u>	<u>TANKMAT</u>	<u>PIPEMAT</u>	<u>INSTALL</u>	<u>STATUS</u>	<u>STATUS DATE</u>	<u>TYPE</u>
	1	8000	EMPTY	STEEL	FIBERGLASS	01/01/72	REMOVED	10/11/95	UST
	3	8000	EMPTY	STEEL	FIBERGLASS	01/01/72	REMOVED	10/11/95	UST
	2	8000	EMPTY	STEEL	FIBERGLASS	01/01/72	REMOVED	10/11/95	UST
91813	<u>FACILITY NAME</u>				<u>FACILITY INFORMATION</u>				
	SATSUMA C O TNRCC FACILITY ID 0019537 11239 JONES RD HOUSTON, TX. 77070-6305				RESPONSIBLE PARTY(RPR) SOUTHWESTERN BELL TELEPHONE CO RPR CONTACT CHARLES BROUSSARD PHONE 713/521-8524 PRIMARY COORDINATOR 1-RPR SECTION(AUSTIN). PRIORITY 4A-SOIL CONTAMINATION ONLY REQUIRES FULL SITE STATUS 6A-FINAL CONCURRENCE ISSUED, CASE CLOSED.				
	<u>TANK ID</u>	<u>SIZE</u>	<u>CONTENT</u>	<u>TANKMAT</u>	<u>PIPEMAT</u>	<u>INSTALL</u>	<u>STATUS</u>	<u>STATUS DATE</u>	<u>TYPE</u>
	1	1939	GASOLINE	FIBERGLASS	UNKNOWN	03/17/87	CURRENTLY IN USE	//	UST
DATA UPDATED AS OF 3/01					ESADATA				
REPORT PRINTED 06/05/01					PAGE 1 OF LPST REPORT				

TNRCC PST LIST  
TNRCC PETROLEUM STORAGE TANK FACILITY INFORMATION

ID FACILITY, OWNER, ABOVEGROUND AND UNDERGROUND STORAGE TANK INFORMATION									
0005506	<b>FACILITY</b> CONOCO FOOD MART <b>STREET</b> 11002 TOWER OAKS BLVD <b>CITY</b> HOUSTON, TX. 77065-3002 <b>CONTACT</b> P.S. TOOR PH. 7138205510 <b>NUMBER OF UST'S</b> 0002 <b>NUMBER OF AST'S</b> 0000	<b>OWNER</b> BABAI & CO., INC. <b>STREET</b> 9327 WIND RUSH DR <b>CITY</b> SPRING, TX 77379 <b>CONTACT</b> TOOR, PRITAM PH. 281-376-9100 <b>OWNER ID</b> 39981							
<b>TANK ID</b>	<b>SIZE</b>	<b>CONTENT</b>	<b>TANKMAT</b>	<b>PIPEMAT</b>	<b>INSTALL</b>	<b>STATUS</b>	<b>STATUS DATE</b>	<b>TYPE</b>	
1	10000	EMPTY	STEEL	STEEL	01/01/80	CURRENTLY IN USE	//	UST	
2	10000	EMPTY	STEEL	STEEL	01/01/80	CURRENTLY IN USE	//	UST	
0010430	<b>FACILITY</b> TUNE UP PLUS <b>STREET</b> 117291/2 JONES RD <b>CITY</b> HOUSTON, TX. 77070 <b>CONTACT</b> AL & MO KASHANI PH. 7138945704 <b>NUMBER OF UST'S</b> 0001 <b>NUMBER OF AST'S</b> 0000	<b>OWNER</b> THE WINDHAM CO. <b>STREET</b> 1601 SAACHS #5 <b>CITY</b> HUMBLE, TX 77338 <b>CONTACT</b> KEN MANN PH. 7134412622 <b>OWNER ID</b> 38245							
1	550	KEROSENE	STEEL	FIBERGLASS	01/01/85	CURRENTLY IN USE	//	UST	
0033010	<b>FACILITY</b> SHELL STATION <b>STREET</b> 11702 JONES/WOODEDGE <b>CITY</b> HOUSTON, TX. 77070 <b>CONTACT</b> MULKEY PH. (713) 241-6147 <b>NUMBER OF UST'S</b> 0003 <b>NUMBER OF AST'S</b> 0000	<b>OWNER</b> MOTIVA ENTERPRISES LLC <b>STREET</b> 16800 GREENSPOINT PARK <b>CITY</b> HOUSTON, TX 77060 <b>CONTACT</b> MULKEY, DAVID PH. 281-376-2455 <b>OWNER ID</b> 52374							
1	10000	EMPTY	FIBERGLASS	FIBERGLASS	01/01/83	REMOVED	01/21/00	UST	
2	10000	EMPTY	FIBERGLASS	FIBERGLASS	01/01/83	REMOVED	01/21/00	UST	
3	10000	EMPTY	FIBERGLASS	FIBERGLASS	01/01/83	REMOVED	01/21/00	UST	
0040172	<b>FACILITY</b> SIGMOR SHAMROCK #704 <b>STREET</b> 11319 JONES RD <b>CITY</b> HOUSTON, TX. 77070-6307 <b>CONTACT</b> LYN HOLMES PH. 5126416800 <b>NUMBER OF UST'S</b> 0003 <b>NUMBER OF AST'S</b> 0000	<b>OWNER</b> DIAMOND SHAMROCK REFINING & MKT <b>STREET</b> PO BOX 696000 <b>CITY</b> SAN ANTONIO, TX 78269 <b>CONTACT</b> WILLRODT, JOHN PH. 210-592-4235 <b>OWNER ID</b> 21599							
1	8000	EMPTY	STEEL	FIBERGLASS	01/01/72	REMOVED	10/11/95	UST	
2	8000	EMPTY	STEEL	FIBERGLASS	01/01/72	REMOVED	10/11/95	UST	
3	8000	EMPTY	STEEL	FIBERGLASS	01/01/72	REMOVED	10/11/95	UST	
0041693	<b>FACILITY</b> AT TRANSMISSION <b>STREET</b> 11729 JONES RD <b>CITY</b> HOUSTON, TX. 77070-5311 <b>CONTACT</b> JIM JENSEN PH. 7138908202 <b>NUMBER OF UST'S</b> 0001 <b>NUMBER OF AST'S</b> 0000	<b>OWNER</b> WEBB, MAX <b>STREET</b> 11729 JONES RD <b>CITY</b> HOUSTON, TX 77070 <b>CONTACT</b> PH. 7138908202 <b>OWNER ID</b> 14474							
1	0	KEROSENE	FIBERGLASS	FIBERGLASS	08/31/87	UNKNOWN	09/01/88	UST	
DATA UPDATED AS OF 3/01					ESADATA				
REPORT PRINTED 06/05/01					PAGE 1 OF FACILITY REPORT				

## **ERNS Sites**

No ERNS sites were located within the parameters of the radius search.

## **SPILL Sites**

No SPILL sites were located within the parameters of the radius search.

RCRIS LIST  
 RESOURCE CONSERVATION AND RECOVERY INFORMATION SYSTEM

EPA ID	FACILITY	OWNER/OPERATOR	
TXD981053283	MAACO AUTO PAINTING & 10635 TOWER OAKS BOULEVARD HOUSTON, TX. 77070-5928	DINISH DATE 00UNKNOWN UNKNOWN TX0000000	TYPE RCRA NOTIFIER GEN SQG TRS
TXD982287302	BELL CLNRS USA 11600 JONES RD #101 HOUSTON, TX. 77070-5916	DAE D KIM 00UNKNOWN UNKNOWN TX0000000	TYPE RCRA NOTIFIER GEN SQG TRS
TXD988033817	P I COMPONENTS CORP 10825 BARELY LANE HOUSTON, TX. 77070-5900	JONES RDSVC CENTER 1 LTD 1110825 BARELY LN SUITE 2 HOUSTON TX77070	TYPE RCRA NOTIFIER GEN NOT A GENERATOR TRS
TXD988050092	ATLAS TRANSMISSION 11642 JONES RD HOUSTON, TX. 77070-5904	DOUGLAS FLETCHER 9111642 JONES RD HOUSTON TX77070	TYPE RCRA NOTIFIER GEN SQG TRS

## **RCRV Sites**

Either no RCRV sites were located within the parameters of the radius search or if your map displays RCRV site(s) no violator data is readily available for this/these site(s) at this time.

## **RCRH Sites**

No RCRA Handler with corrective action sites (CORRACTS) were located within the parameters of the radius search.

## **Superfund Sites**

No Superfund sites were located within the parameters of the radius search.

## **CERCLA Sites**

No CERCLA sites were located within the parameters of the radius search.

## MSW Sites

No MSW sites were located within the parameters of the radius search.

## **TRI Sites**

No TRI sites were located within the parameters of the radius search.

## **Oilwell Sites**

No oil well sites were located within the parameters of the radius search. Oil well locations are not included in a standard radius search.

## **Texas State Superfund.**

No state superfund sites were located within the parameters of the radius search.

## VCP Sites

No Voluntary Cleanup Program (VCP) sites were located within the parameters of the radius search.

## REPORTS

### FEDERAL AND STATE GOVERNMENT DATABASES SEARCHED

The American Society for Testing and Materials (ASTM) has established Standard Practice E1527-00 in defining a standard of good commercial and customary practice for conducting an *environmental site assessment* of a parcel of *property*, the goal of the processes established by this practice is to identify *recognized environmental conditions*. In Section 7.1.7 (Records Review) of Practice E1527-00 the ASTM has established recommended approximate minimum search distances and guidelines to keep databases current. Practice E1527-00 states "*information obtained from nongovernmental sources may be considered current if the source updates the information at least every 90 days or, for information that is updated less frequently than quarterly by the government agency, within 90 days of the date the government agency makes the information available to the public*".

#### FEDERAL DATABASES MAINTAINED BY ESADATA

**Source of Data:** Environmental Protection Agency (EPA)

The following is a description of the individual federal databases maintained by ESADATA. Please review the statistical profile for the databases that were searched for your project.

#### CERCLA DATABASE

**CERCLA** - Comprehensive Environmental Response, Compensation and Liabilities Act

**CERCLIS** - Comprehensive Environmental Response and Compensation Liabilities Information System

**Database Supplied By:** EPA

**Map Legend Acronym:** CERCLA

**Statistical Profile Acronym:** CERC

**ASTM Suggested Search Distances:** 0.5 miles

**ESA DATA Search Radii:** Standard search 0.53 miles, see statistical profile for actual radius requested.

**Frequency of Release:** Quarterly

**Date Agency Contacted by ESA:** 3/01

**Date Received by ESA:** 3/01

**Description:** CERCLA was enacted in 1980 to deal with the cleanup of past improper hazardous waste disposal. Under Superfund, the EPA coordinates the overall cleanup process by identifying hazardous materials and remediating contaminated sites and establishing regulations for the reporting of chemical spills. In addition, EPA seeks financing for cleanup costs from identifiable responsible parties. CERCLA sites identified in CERCLIS as NFRAP (No Further Remedial Action Planned) are sites removed from CERCLIS because, following an initial investigation, no contamination was found, contamination was removed quickly without need for site to be placed on the NPL, or contamination was not serious enough to require Federal Superfund.

#### SUPERFUND DATABASE

**NPL** - National Priority Listing

**Database Supplied By:** EPA

**Map Legend Acronym:** Superfund

**Statistical Profile Acronym:** SFND

**ASTM Suggested Search Distances:** 1.00 miles

**ESA DATA search radii:** 1.01 miles

**Frequency of Release:** Quarterly

**Date Agency Contacted by ESA:** 3/01

**Date Received by ESA:** 3/01

**Description:** From its inventory of over 33,000 hazardous waste sites, EPA has designated approximately 1200 sites, those most in need of immediate cleanup attention, for inclusion on the National Priority List (NPL), also known as Superfund. Under the Hazardous Ranking System (HRS), known sites are ranked according to their cumulative score on a point system which is designed to evaluate and address the relative risks posed by a site to both human health and the environment.

#### RCRA DATABASE

**RCRA** - Resource Conservation and Recovery Act

**RCRIS** - Resource Conservation and Recovery Information System

**RCRA Violators** - List of sites compiled by EPA of sites in violation of the RCRA.

**RCRA TSD's** - List of those facilities which treat, store, and/or dispose of hazardous wastes.

**Database Supplied By:** EPA

**Map Legend Acronym:** RCRA Site; RCRA TSD, RCRA Violator

**Statistical Profile Acronym:** RCRA (includes TSD), RCRV (violators)

**ASTM Suggested Search Distances:** RCRA generators: Property and adjoining properties. RCRA TSD list: 1.0 miles

**ESA DATA search radii:** RCRA generators: 0.28 miles. RCRA TSD list: 1.01 miles

**Frequency of Release:** Quarterly

**Date Agency Contacted by ESA:** 3/01

**Date Received by ESA:** 9/00

**Description:** The Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901-6992k, provides the basic framework for federal regulation of hazardous waste. RCRA controls the generation, transportation, treatment, storage and disposal of hazardous waste through a comprehensive "cradle to grave" system of hazardous waste management techniques and requirements. The RCRIS provides information on sites that generate, transport, store, treat and/or dispose of hazardous waste as defined by RCRA. RCRA [Pub. L. No. 94-580, 90 Stat. 2795 (1976)] was adopted in 1976 as a revision and expansion of the Solid Waste Disposal Act (SWDA) of 1965 which, until then, had focused on disposal of municipal solid wastes. RCRA introduced a detailed nationwide program for management of hazardous wastes. Subsequent amendments, most notably the 1980 Solid Waste Disposal Act Amendments [Pub. L. No. 96-463, 90 Stat. 1982 (1976)] and the Hazardous and Solid Waste Amendments of 1984 (HSWA), have refined this regulatory framework and introduced new substantive requirements. RCRA is administered nationally by the EPA, with major components of the law delegated to the states for ongoing implementation. Treatment, Storage and Disposal (TSD) facilities are subject to extensive regulation under RCRA. According to RCRA, a TSD facility is one that stores (for more than 90 days), treats, or otherwise disposes of solid wastes on site.

#### ERNS DATABASE

**ERNS** - Emergency Response Notification System

**Database Supplied By:** EPA

**Map Legend Acronym:** ERNS/SPIILLS

**Statistical Profile Acronym:** ERNS

**ASTM Suggested Search Distances:** Property only.

**ESA DATA search radii:** 0.28 miles.

**Frequency of Release:** Quarterly

**Date Agency Contacted by ESA:** 3/01

**Date Received by ESA:** 12/99

**Description:**

Information on release notifications of hazardous substances that have occurred throughout the USA and reported to the ten EPA regions, National Response Center, or U.S. Coast Guard

#### TRIS DATABASE

**TRIS** - Toxic Release Inventory System -

**Database Supplied By:** EPA

**Map Legend Acronym:** TRI

**Statistical Profile Acronym:** TRI

**ASTM Suggested Search Distances:** Not Required

**ESA DATA search radii:** 0.28 miles.

**Frequency of Release:** Quarterly

**Date Agency Contacted by ESA:** 3/01

**Date Received by ESA:** 12/96

**Description:** The Toxic Release Inventory is a database, which provides information to the public about releases of toxic chemicals from manufacturing facilities into the environment. TRI was established under the Emergency Planning and Community Right-to-Know Act of 1986 and expanded under the Pollution Prevention Act of 1990. Facilities report their TRI information annually to EPA and to the state in which they are located. A release is an on-site discharge of a toxic chemical to the environment, including emissions to the air, discharges to bodies of water, releases at the facility to land, as well as contained disposal into underground injection wells.

## STATE OF TEXAS DATABASES MAINTAINED BY ESADATA

**Sources of Data:** Texas Natural Resource Conservation Commission (TNRCC) and the Texas Department of Health (TDH). The following is a description of the individual federal databases maintained by ESADATA. Please review the statistical profile for the databases that were search for your project.

### PST DATABASE

**PST's** - Petroleum Storage Tanks Synonyms UST, AST

**Database Supplied By:** TNRCC

**Map Legend Acronym:** PST

**Statistical Profile Acronym:** PST

**ASTM Suggested Search Distances:** Property and adjoining properties.

**ESA DATA Search Radii:** Standard search 0.28 miles (see statistical profile for actual radius requested).

**Frequency of Release:** Quarterly

**Date Agency Contacted by ESA:** 3/01

**Date Received by ESA:** 9/00

**Description:** Under RCRA States are authorized to establish their own PST Programs provided that they are no less stringent than Federal Regulations and they provide adequate enforcement. The State of Texas authorized the Texas Natural Resource Conservation Commission to develop and enforce a PST Program. The TNRCC requires that all PST facility sites be registered with their agency. Each facility is assigned an identification number.

### LPST DATABASE

**LPST's** - Leaking Petroleum Storage Tanks Synonym LUST

**Database Supplied By:** TNRCC

**Map Legend Acronym:** LPST Active, LPST Closed

**Statistical Profile Acronym:** LPST

**ASTM Suggested Search Distances:** 0.5 Miles

**ESA DATA Search Radii:** Standard search 0.50 miles (see statistical profile for actual radius requested).

**Frequency of Release:** Bimonthly

**Date Agency Contacted by ESA:** 3/01

**Date Received by ESA:** 3/01

**Description:** Subtitle I of the Resource Conservation and Recovery Act (RCRA) required the Environmental Protection Agency to develop a comprehensive regulatory program to detect and correct releases from certain Petroleum Storage Tank (PST) sites. The EPA delegated this authority to the states. Information is reported to the TNRCC by owners and/or operators of tanks in which hazardous substance spills have been released into the environment. Upon being reported, site is assigned an LPST No.

### STSF DATABASE

**STSF** - State Superfund Sites

**Database Supplied By:** TNRCC

**Map Legend Acronym:** Superfund

**Statistical Profile Acronym:** STSF

**ASTM Suggested Search Distances:** 1.00 miles

**ESA DATA Search Radii:** Standard search 1.01 miles (see statistical profile for actual radius requested).

**Frequency of Release:** Bimonthly

**Date Agency Contacted by ESA:** 3/01

**Date Received by ESA:** 3/01

**Description:** The Texas Legislature amended the Solid Waste Disposal Act in 1985 to create the state Superfund program. The purpose of the program is to address abandoned or inactive sites within the state that do not qualify for action under the federal Superfund program and cannot be resolved under the hazardous waste program or an agreed administrative order. These are the state equivalent to NPL sites.

#### SPIL DATABASE

**SPIL** State of Texas Spill Incident List

**Database Supplied By:** TNRCC

**Map Legend Acronym:** ERNS/SPILLS

**Statistical Profile Acronym:** SPIL

**ASTM Suggested Search Distances:** Property only

**ESA DATA Search Radii:** Standard search 0.28 miles (see statistical profile for actual radius requested).

**Frequency of Release:** Bimonthly

**Date Agency Contacted by ESA:** 3/01

**Date Received by ESA:** 3/01

**Description:** Information on release notifications of hazardous substances that have occurred throughout Texas. Section 26.039 of the Texas Water Code requires that accidental spills and releases be reported to the TNRCC. 30 TAC 335.113 and 30 TAC 335.153 require that interim and permitted facilities report emergency situations to TNRCC. Report of releases from underground storage tanks is required under 30 TAC 334.72. The objective of each spill cleanup should be to return the site to pre-spill or background conditions. When this is not feasible, responsible parties are directed to the TNRCC Risk Reduction Rules. (See 30 TAC Chapter 335, Subchapter A for health-based cleanup standards, and guidance on deed recordation).

#### MSW DATABASE

**MSW - Municipal Solid Waste Sites**

**Database Supplied By:** TNRCC

**Map Legend Acronym:** MSW

**Statistical Profile Acronym:** MSW

**ASTM Suggested Search Distances:** 0.50 miles

**ESA DATA Search Radii:** Standard search 0.53 miles (see statistical profile for actual radius requested).

**Frequency of Release:** Quarterly

**Date Agency Contacted by ESA:** 3/01

**Date Received by ESA:** 3/01

**Description:** The Municipal Solid Waste (MSW) division of the TNRCC administers the MSW and used oil programs. The division uses innovative landfill tracking systems and public outreach events to benefit both the agency and regulated community. The division regulates the disposal, treatment, and some aspects of the handling of MSW; medical waste transporters; disposal of special waste; permitting, modifications and registrations; fee collections; and groundwater monitoring and protection. In addition, the division is responsible for the used oil grant program, as well as recycling programs for lead-acid batteries, used oil, used oil filters, used antifreeze, and used oil absorbents.

#### VCP DATABASE

**MSW - Municipal Solid Waste Sites**

**Database Supplied By:** TNRCC

**Map Legend Acronym:** VCP

**Statistical Profile Acronym:** VCP

**ESA DATA Search Radii:** Standard search 0.53 miles (see statistical profile for actual radius requested).

**Frequency of Release:** Monthly

**Date Agency Contacted by ESA:** 3/01

**Date Received by ESA:** 3/01

**Description:** The Texas Voluntary Cleanup Program (VCP) provides administrative, technical, and legal incentives to encourage the cleanup of contaminated sites in Texas. Since all non-responsible parties, including future lenders and landowners, receive protection from liability to the state of Texas for cleanup of sites under the VCP, most of the constraints for completing real estate transactions at those sites are eliminated. As a result, many unused or under used properties may be restored to economically productive or community beneficial use. Also under the VCP, site cleanups follow a streamlined approach to reduce future human and environmental risk to safe levels. Any site not subject to an order or permit from the TNRCC is eligible to enter the VCP, except in cases where TNRCC enforcement action is pending. Typical applicants include dry cleaners, manufacturing facilities, shopping centers, warehouses, auto-related businesses, and other commercial and industrial enterprises. Of these sites, 420 have been issued final certificates of completion and 60 have received conditional certificates.

