

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 3, 2010

Ms. Jane Smith, President
Smiths Enterprise, Inc.
9876 Main Street
Anytown, TX 78912

Re: Innocent Owner/Operator Program (IOP) Certificate, Smiths Office Park, 9876 Main Street, Anytown, Williams County, TX; IOP No. 123; Customer No. CN123456789; Regulated Entity No. RN987654321

Dear Ms. Smith:

The Texas Commission on Environmental Quality (TCEQ) received an IOP Application on January 1, 2009, for the above referenced property (Site) and has determined that Smiths Enterprise, Inc. has successfully completed IOP requirements and is an Innocent Owner/Operator as defined by §361.751(2) of the Solid Waste Disposal Act (SWDA), Texas Health and Safety Code (THSC). Therefore, the enclosed Certificate for the Site is issued pursuant to §361.753 of the SWDA, THSC.

Please contact Jim Jones of my staff with any questions or comments at 512/239-2200.

Sincerely,

Division Director's Signature

Brent Wade, Director
Remediation Division

BW/jj

Enclosure: IOC

cc: Mr. Will Turner, ABC Environmental Consulting, Inc., Anytown, TX

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



INNOCENT OWNER/OPERATOR PROGRAM CERTIFICATE

As provided for in §361.753, Subchapter V, Solid Waste Disposal Act (SWDA), Texas Health and Safety Code:

I, Brent Wade, Director of the Remediation Division, Texas Commission on Environmental Quality (TCEQ or Commission), certify under §361.753, SWDA, Texas Health and Safety Code, that necessary investigations have been completed as described in the approved Site Investigation Report(s) dated January 1, 2009 (Site Report) for the tracts(s) of land described in Exhibit "A"(Site), and that Smiths Enterprise, Inc. is an Innocent Owner/Operator as defined by §361.751(2) for the Site, based on the affidavit for IOP No. 123 in Exhibit "B". A copy of the Site Report(s) may be found in the TCEQ Central Records Office under IOP No. 123.

Smiths Enterprise, Inc. is not liable under the Texas Health and Safety Code or the Texas Water Code for investigation, monitoring, remediation or corrective or other response actions regarding the conditions attributable to the release or migration of the contaminant(s) in groundwater from a source or sources not located on or at the site, including faulxene or related degradation products described in the Site Report(s), or otherwise liable regarding those conditions. Smiths Enterprise, Inc. shall grant reasonable access to the property for purposes of investigation and remediation to persons designated by the Executive Director of the TCEQ.

EXECUTED this the 1st day of January, 2010

Division Director's Signature
Brent Wade, Director
Remediation Division

STATE OF TEXAS
TRAVIS COUNTY

BEFORE ME, on this the 1st day of January, personally appeared Brent Wade, Director of the Remediation Division of the Texas Commission on Environmental Quality, known to me to be the person and agent of said Commission whose name is subscribed to the foregoing instrument, and he acknowledged to me that he executed the same for the purposes and in the capacity therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 1st day of January, 2010

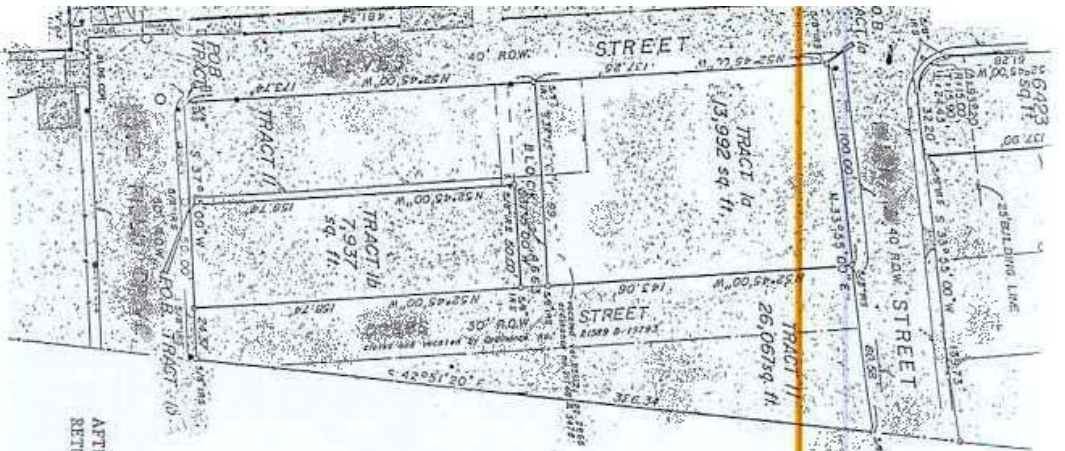


Notary's Signature
Notary Public in and for the State of Texas

EXHIBIT "A"
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
INNOCENT OWNER/OPERATOR PROGRAM
LEGAL DESCRIPTION OF PROPERTY

The property belonging to Smiths Enterprise, Inc. is a 1.4 acre tract, more or less, located at 9876 Main Street, Anytown in the Bob Jones League 4, Abstract 18, recorded in Volume 250, Page 4 of the Deed of Records in Williams County, Texas; said 1.4 acre property is more particularly described as follows:

Example



AFTER RECORDING PLEASE RETURN TO:

DALENS
ATTN: [illegible]

Example

INDEXED 13,992 SQ FT...
 BEARING...
 DISTANCE...
 BEARING...
 DISTANCE...
 BEARING...
 DISTANCE...

INDEXED 7,937 SQ FT...
 BEARING...
 DISTANCE...
 BEARING...
 DISTANCE...
 BEARING...
 DISTANCE...

Exhibit A*
 Texas Natural Resource Conservation Commission
 Legal Description of Property

The Commission is made in full of land by a Survey...
 BEARING...
 DISTANCE...
 BEARING...
 DISTANCE...
 BEARING...
 DISTANCE...

PROPERTY SURVEY					
COUNTY TEXAS					
ACRES	FEET	INCHES	FEET	INCHES	FEET
13.992	0	0	0	0	0
7.937	0	0	0	0	0
26.061	0	0	0	0	0

EXHIBIT "B"
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
INNOCENT OWNER/OPERATOR PROGRAM
AFFIDAVIT BY INNOCENT OWNER/OPERATOR

Before me, the undersigned authority, personally appeared Ms. Jane Smith, who, being by me duly sworn, deposed as follows:

My name is Ms. Jane Smith and I am a representative of Smiths Enterprise, Inc. I am of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

Smiths Enterprise, Inc. is the owner/operator of the Site located at 9876 Main Street, Anytown, Williams County, Texas. The physical boundaries of the site are set out in the attached Exhibit "A", "Legal Description of Property" (Site).

Smiths Enterprise, Inc. has owned/operated the Site from March 8, 1970 to Present.

Smiths Enterprise, Inc. or its representatives have completed investigations pursuant to Section 361.753(a) of the Texas Solid Waste Disposal Act, at the Site described in Exhibit "A" to this certificate. The plans and reports submitted by Smiths Enterprise, Inc. in its Innocent Owner/Operator Application contain information collected and analyzed using a prudent degree of inquiry consistent with accepted industry standards. The plans and reports are true, correct and complete to the best of my knowledge.

The Site has become contaminated as a result of a release or migration of contaminants in groundwater from a source or sources not located on or at the Site. These contaminants are described in the Site Investigation Reports for the Site dated December 20, 2009 and June 4 2009 located in the TCEQ Central Records under IOP No. 123.

Neither I, Smiths Enterprise, Inc., its agents, nor other persons, properties or operations for which it has legal responsibility, have caused or contributed to the source or source(s) of contamination at the Site.

Site Innocent Owner or Operator

By: Jane Smith's Signature
Signature

Jane Smith
Name (Printed or Typed)

President
Title

SWORN TO AND SUBSCRIBED before me on the 3rd day of December, 2009

State Notary's Signature
(Notary)

