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: Certificate of Completion
Smiths Office Park, 9876 Main Street, Anytown, Williams County; Voluntary Cleanup Program (VCP) No. 123; Customer No. CN123456789; Regulated Entity No. RN987654321

Dear Ms. Smith:

The Texas Commission on Environmental Quality (TCEQ) has reviewed the January 1, 2009 report entitled Response Action Completion Report (RACR) as well as other requested information. Based on this review, the TCEQ has determined that the Partial Response Action Area (PRAA) has attained Texas Risk Reduction Program Remedy Standard A commercial/industrial land use standards for all exposure pathways in accordance with 30 Texas Administrative Code §350.32. Therefore, the TCEQ issues the enclosed final COC. The TCEQ records for this site will be maintained at the Central Records office of the TCEQ in Austin, Texas.

Response actions performed in the VCP which do not attain residential health-protective levels or which rely upon physical controls, remediation systems, post-response action care, or permanent or non-permanent institutional controls (for this purpose inclusive of PST exposure assumptions) require filing of the certificate in the real property records of the county in which the site is located in accordance with 30 TAC §333.9. Please submit proof of filing the certificate in the real property records no later than 90 days from the date of the certificate to my attention at the TCEQ, VCP-CA Section, mail code MC-221, at the letterhead address. Failure to submit proof of filing demonstrating that the certificate was filed within 90 days of issuance may result in termination of the VCP agreement and an enforcement action.

Please be aware that there may be outstanding charges reflecting TCEQ oversight activities that occurred prior to the date of this letter that may still be forthcoming. You may contact Jim Jones with any questions or comments you have at (512) 239-2200.

Sincerely,

Division Director's Signature

Brent Wade, Director
Remediation Division

Example

BW/JJ/jdm

cc: Mr. Will Turner, ABC Environmental Consulting, Inc., Anytown, TX
Mr. John Anderson, Region 17 Office, Bigtown

Enclosure: COC

Example

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

VOLUNTARY CLEANUP PROGRAM
FINAL CERTIFICATE OF COMPLETION

This Final Certificate of Completion (Certificate) applies to the tract of land described in Exhibit "A", attached hereto and incorporated herein by reference. This Certificate and the related protection described herein apply solely to releases at the tract of land described in Exhibit "A" prior to the execution date of this Certificate. This Certificate shall be a covenant that runs with the land.

As provided in Section 361.609 of the Texas Health and Safety Code:

I, Brent Wade, Director of the Remediation Division, TCEQ, certify as follows:

Response actions have been completed for VCP No. 123 as of December 3, 2009, for the tract of land described in Exhibit "A" so that the tract is acceptable for commercial/industrial land use.

This certification is based on the Affidavit of Completion of Response Action (Exhibit "B"), attached hereto and incorporated herein by reference, and on additional site information in TCEQ files.

The following persons are qualified to obtain the protection from liability described in Section 361.610 of the Texas Health and Safety Code:

1) An applicant who on the date of submittal of an application to the Voluntary Cleanup Program was not a responsible party under Sections 361.271 or 361.275(g) of the Texas Health and Safety Code; and
2) All persons (e.g., future owners, future lessees, future operators and lenders) who on the date of issuance of this Certificate were not responsible parties under Sections 361.271 or 361.275(g) of the Texas Health and Safety Code.

Further information concerning this matter may be found at the TCEQ Central File Room in Building E, Room 103, 12100 Park 35 Circle, Austin, Texas 78753 under Voluntary Cleanup Program No. 123.

Example

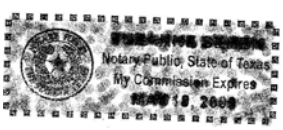
EXECUTED this the 1st day of January 2010

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 a representative 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

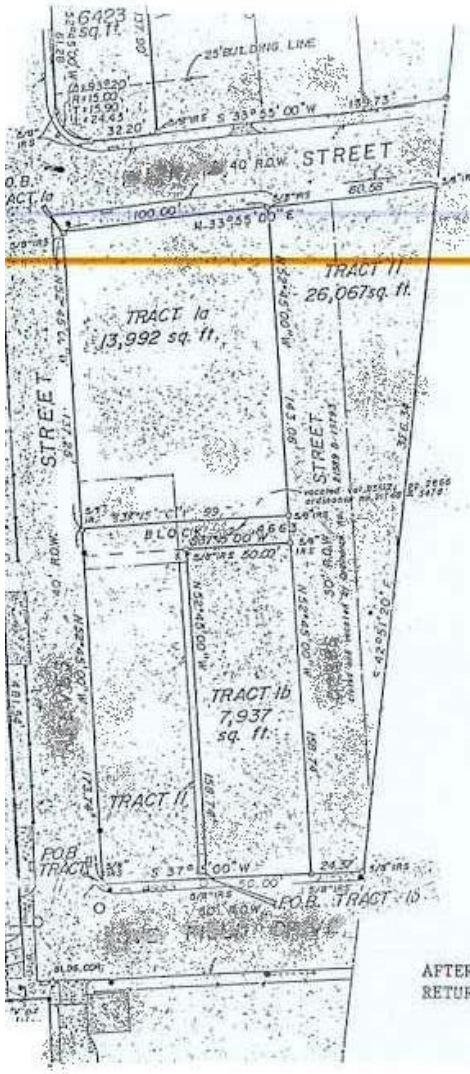


Notary's Signature for TCEQ
Notary Public in and for the State of Texas

EXHIBIT "A"
Legal Description of Partial Response Action Area (PRAA)
VCP No. 123

The partial response action area 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, more particularly described as follows:

Example



AFTER RECORDING PLEASE
RETURN TO:

TRACT Ia
PROPERTY DESCRIPTION

BEING a tract of land situated in the Dickerson Parker Survey, Abstract No. 1113, Dallas County, and being part of City of Dallas Block 4663, and being more particularly described as follows:

BEGINNING at a 5/8" iron rod set for corner at the intersection of the easterly line of Putnam Street (40' R.O.W.) with the northerly line of Reeves Street (40' R.O.W.);

THENCE N33°55'00"E departing the northerly line of said Reeves Street and along the easterly line of said Putnam Street, a distance of 159.73 feet to a 5/8" iron rod set at the southwesterly corner of that certain portion of Dobbs Street that was closed and vacated by Ordinance Nos. 19783 and 21589;

THENCE S37°45'00"E departing the easterly line of said Putnam Street and along the southerly vacation line of said Dobbs Street, a distance of 143.06 feet to a 5/8" iron rod set for corner at the northwesterly corner of that certain portion of alley that was vacated by Ordinance Nos. 19783 and 21589;

THENCE S33°55'00"W departing the southerly vacation line of said Dobbs Street and along the westerly vacation line of said 15' alley, a distance of 99.83 feet to a 5/8" iron rod set for corner at the northerly line of the aforementioned Reeves Street;

THENCE N52°45'00"W along the northerly line of said Reeves Street, a distance of 137.25 feet to the POINT OF BEGINNING and containing 13,992 square feet or 0.3212 acres of land, more or less.

TRACT Ib
PROPERTY DESCRIPTION

BEING a tract of land situated in the Dickerson Parker Survey, Abstract No. 1113, Dallas County, and being part of City of Dallas Block 4663, and being more particularly described as follows:

BEGINNING at a 5/8" iron rod set for corner in the westerly line of Love Field Drive (50' R.O.W.), said iron rod lying N37°15'00"E, a distance of 49.83 feet from the southeasterly corner of said Block 4663, said intersection being in the northerly line of Reeves Street (40' R.O.W.) and the westerly line of Love Field Drive;

THENCE N37°15'00"E along the said westerly line of Love Field Drive, a distance of 158.74 feet to a 5/8" iron rod set for corner at the beginning of a tangent curve to the left having a central angle of 15°48'00", a radius of 1382.69 feet and a chord bearing N29°21'00"E, 380.31 feet;

THENCE N21°27'00"E continuing along the said westerly line of Love Field Drive, a distance of 24.43 feet to a 5/8" iron rod set for corner at the northeast corner of that "A" Alley, as vacated by Ordinance Nos. 19783 and 21589, said corner also being in the southerly line of that certain portion of Dobbs Street (50' R.O.W.) that was closed and vacated by Ordinance Nos. 19783 and 21589;

THENCE S52°45'00"E along the said southerly line of said Dobbs Street, a distance of 158.74 feet to a 5/8" iron rod set for corner in the aforementioned westerly line of Love Field Drive;

THENCE S37°15'00"W along the said westerly line of Love Field Drive, a distance of 50.00 feet to a 5/8" iron rod set for corner at the northeasterly corner of that certain portion of alley that was vacated by Ordinance Nos. 19783 and 21589;

THENCE N52°45'00"W departing the said westerly line of Love Field Drive and along the northerly vacation line of said alley, a distance of 137.25 feet to a 5/8" iron rod set for corner at the northwesterly corner of that certain portion of alley that was vacated by Ordinance Nos. 19783 and 21589;

THENCE S33°55'00"W departing the northerly vacation line of said alley and along the westerly vacation line of said 15' alley, a distance of 99.83 feet to a 5/8" iron rod set for corner at the northerly line of the aforementioned Reeves Street;

THENCE N52°45'00"W along the said northerly line of Reeves Street, a distance of 143.06 feet to a 5/8" iron rod set for corner at the easterly line of Putnam Street (40' R.O.W.);

THENCE N33°55'00"E along the said easterly line of Putnam Street, a distance of 40.58 feet to a 5/8" iron rod set for corner at the southwesterly corner of that certain portion of Dobbs Street that was closed and vacated by Ordinance Nos. 19783 and 21589;

THENCE S52°45'00"E departing the said easterly line of Putnam Street and along the southerly vacation line of said Dobbs Street, a distance of 159.74 feet to a 5/8" iron rod set for corner at the southwesterly corner of that certain portion of alley that was vacated by Ordinance Nos. 19783 and 21589;

THENCE S37°15'00"W departing the said southerly line of Dobbs Street and along the westerly vacation line of said 15' alley, a distance of 99.83 feet to a 5/8" iron rod set for corner at the northerly line of the aforementioned Reeves Street;

THENCE N52°45'00"W along the said northerly line of Reeves Street, a distance of 137.25 feet to the POINT OF BEGINNING and containing 26,067 square feet or 0.5984 acres of land, more or less.

Exhibit "A"
Texas Natural Resource Conservation Commission
Legal Description of Property,

PROPERTY SURVEY
COUNTY, TEXAS

eldurexT

EXHIBIT "B"
Affidavit of Completion of Response Actions
VCP No. 123

BEFORE ME, the undersigned authority, on this day personally appeared _Jane Smith_, as an authorized representative of Smiths Enterprise, Inc., known to me to be the person whose name is subscribed below who being by me first duly sworn, upon their oath, stated as follows:

I am over the age of 18 and legally competent to make this affidavit. I have personal knowledge of the facts stated herein.

Smiths Enterprise, Inc. (Applicant) has completed response actions pursuant to Chapter 361, Subchapter S, Texas Health and Safety Code, at the tract of land described in Exhibit "A" to this certificate that pertains to Smiths Office Park (Site), VCP No. 123 located at 9876 Main Street, Anytown, Williams County, Texas. The Site was owned by Smiths Enterprise, Inc. at the time the application to participate in the Voluntary Cleanup Program was filed. The Applicant has submitted and received approval from the Texas Commission on Environmental Quality (TCEQ) Remediation Division on all plans and reports required by the Voluntary Cleanup Agreement. The plans and reports were prepared using a prudent degree of inquiry of the Partial Response Action Area (PRAA) consistent with accepted industry standards to identify all hazardous substances, waste and contaminated media of regulatory concern. The response actions for the PRAA have achieved standards acceptable for commercial/industrial land use as determined by the TCEQ.

The response actions substantially eliminated present or future risk to public health and safety and to the environment from releases and threatened releases of hazardous substances and/or contaminants at or from the PRAA. The Applicant has not acquired this certificate of completion by fraud, misrepresentation or knowing failure to disclose material information. Further information concerning the response action at this PRAA may be found in the final report at the central office of the TCEQ under VCP No. 123.

The preceding is true and correct to the best of my knowledge and belief.

Example

Applicant
Jane Smith's Signature
(Signature)
Jane Smith
(Printed Name)
President
(Title)

STATE OF Texas
COUNTY OF Williams

SUBSCRIBED AND SWORN before me on this the 3rd day of December 2009, to which witness my hand and seal of office.

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