

# RAILROAD COMMISSION OF TEXAS

## OIL AND GAS DIVISION

December 3, 2021

Ms. Sharon Asinelli  
SV Texas, LLC  
22777 Springwoods Village Parkway  
Spring, TX 77389

RE: ***Certificate of Completion with Restrictions***  
A total of 5.293-Acres (2.066-Acres; 0.871-Acres; and 2.356-Acres)  
Bishop Tract  
Brine Release Area; Former Central Tank Battery; and Mary Louis Finch Well No. 3  
Spring, Montgomery County, Texas  
**Voluntary Cleanup Program (VCP) No. 03-14014**  
Other associated Program Numbers: VCP 03-14015, OCP 03-4294, OCP 03-4447, OCP  
03-4448, OCP 03-4449

Dear Ms. Asinelli:

Railroad Commission of Texas (RRC) VCP staff is pleased to enclose a Certificate of Completion (COC) with restrictions for the three tracts of land located on the 231.843-acre property at 24327 I-45 Frontage Road in Spring, Texas. The 2.066-acre Brine Release Area is more specifically located at latitude 30.114896 and longitude -95.447191 (WGS 84). The 0.871-acre Former Central Tank Battery is more specifically located at latitude 30.112493 and longitude -95.443315 (WGS 84). The 2.356-acre Mary Louis Finch Well No. 3 is more specifically located at latitude 30.114584 and longitude -95.443358 (WGS 84). The following reports were reviewed for the Site prior to the issuance of this Certificate:

*Environmental Site Assessment Report, Bishop Tract, 24327 Interstate I-45 Frontage Spring, Texas 77380. ARCADIS, April 2010.*

*Environmental Site Assessment Report, Bishop Tract, 24327 Interstate I-45 Frontage Spring, Texas 77380. CARR Environmental Group, May 2010.*

*Phase II Environmental Site Assessment and Site Remediation Report, Geosouthern Energy Corporation, Bishop Tract, Brine Release, Montgomery County, Texas. CARR Environmental Group, October 2010.*

*Phase II Environmental Site Assessment and Site Remediation Report, Geosouthern Energy Corporation, Former Tank Battery and Mary Louise Fitch Well No. 3, Bishop Tract, Spring, Montgomery County, Texas. CARR Environmental Group, October 2010.*

*Bishop Tract Response to Four RRC Letters Dated May 9, 2013, June 5, 2013 (two letters), and August 20, 2013, OCP Numbers 03-4294, 03-4447, 03-4448, 03-4449. ARCADIS, September 27, 2013.*

*Closure Request for Mary Louis Fitch #3 Well from the Bishop Tract / Houston North Tract, 24327 Interstate 45 Frontage, Spring, Texas, OCP # 03-4448. ARCADIS, May 28, 2014.*

*Brine Investigation Report, Houston North Tract, Brine Release Area, Voluntary Cleanup No. 03-14015, Montgomery County, Texas. Kleinfelder, May 27, 2015.*

*LNAPL Transmissivity Test Report, Former Central Tank Battery, Houston North tract/Bishop tract, Voluntary Cleanup Program No. 03-14015, Montgomery County, Texas. Kleinfelder, January 27, 2015.*

*Groundwater Monitoring and Well Installation Report, November 2017, Houston North Tract/Bishop Tract – Mary Louise Fitch #3. Well Site, Spring, Texas, Voluntary Cleanup Program NO. 03-4448. Kleinfelder, January 26, 2018.*

*Groundwater Monitoring Report, Second Quarter 2018, Houston North Tract/Bishop Tract, Spring, Texas, Voluntary Cleanup Program (VCP) No. 03-14015 – Former Central Tank Battery, Voluntary Cleanup Program (VCP) No. 03-14014 – Brine Release Area. Kleinfelder, July 12, 2018.*

*Response to RRC Letter dated May 10, 2019 and Draft Environmental Restrictive Covenant/No Further Action Request, 2.066 Acres – Bishop Tract, Brine Release Area, Spring, Montgomery County, Texas, Voluntary Cleanup Program (VCP) No. 03-14014, Operator Cleanup Program (OCP) No. 03-4294. Kleinfelder, April 29, 2020.*

*Response to RRC Letter dated May 10, 2019 and Draft Environmental Restrictive Covenant/No Further Action Request, 0.8705 Acres – Bishop Tract, Former Central Tank Battery, Spring, Montgomery County, Texas, Voluntary Cleanup Program (VCP) No. 03-14015, Operator Cleanup Program (OCP) No. 03-4448. Kleinfelder, April 29, 2020.*

### **History of Site**

All three sites are located in the northwest portion of the Bishop Tract, a 260-acre tract of land located in a mixed commercial/residential area along Interstate 45 in Spring, Texas. The property was historically used as a produced water pipeline corridor related to oil/gas activities on the Bishop Tract from the 1950s to the 1970s. Records and aerial photographs indicate the presence of oil and gas production equipment from the early 1950s to the late 1970s. Equipment present at the property included four to six production wells and two tank batteries. Following the period of oil and gas production, the parcel was utilized as a sand quarry from the early 1980s to the late 1990s. The operator of record for the on-site oil/gas activities was GeoSouthern Energy Corporation (GeoSouthern).

### **Soil and Groundwater Assessment by REC**

The 260-acre property was purchased by SV Texas, LLC (SV Texas), a subsidiary of Exxon Mobil, in 2010. Prior to the facility purchase, two independent Phase I Environmental Site Assessments (ESAs) were conducted. One was conducted by CARR environmental Group (CEG) on behalf of GeoSouthern and another by ARCADIS US, Inc. (ARCADIS) on behalf of SV Texas. Three recognized environmental conditions (RECs) under the RRC's jurisdiction were identified in both reports: (1) Brine Release Area; (2) Former Central Tank Battery; and (3) Former Transformer Area. The ARCADIS Phase I identified an additional REC under the RRC's jurisdiction: the Mary Louise Finch Well #3 and its associated tank battery. Following the Phase I ESAs, individual Phase II ESAs were performed by CEG and ARCADIS at each REC in 2010. Upon the completion of the Phase II ESAs, the sites were enrolled in the RRC's Operator Cleanup Program (OCP). Following acceptance of the sites into OCP, GeoSouthern became unresponsive to the RRC's requests for additional assessment and information. In 2013, the RRC received a report from ARCADIS on behalf of SV Texas. The report detailed additional investigation activities at each site and indicated that SV Texas has taken on the response actions needed to bring the site into compliance. RRC subsequently informed SV Texas that they were eligible for the RRC's Voluntary Cleanup Program since they are a non-responsible party. Two of the RECs were entered into the RRC's VCP in 2014. One REC remained in OCP until 2021, when it was transferred to VCP. One REC was determined to not be under the RRC's jurisdiction and thus transferred to the Texas Commission on Environmental Quality (TCEQ). In 2021, at the request of the RRC, SV Texas submitted a revised VCP application under VCP number 03-14014 that included all three REC's under the RRC's jurisdiction at the site. The soil and groundwater investigations conducted at each REC are summarized below:

**Brine Release Area (OCP No. 03-4294/VCP 03-14014):** An area of approximately 300 feet by 240 feet with less than 10% vegetative cover. An exposed produced water pipeline was discovered in this area. During the Phase I ESA a soil sample was collected from the area and analyzed for total petroleum hydrocarbon (TPH), electric conductivity (EC), exchangeable sodium percentage (ESP), sodium absorption rate (SAR), chloride, boron, calcium, and sodium. Elevated ESP was noted in the soil sample, and it was concluded that historical releases from the pipeline are the likely source of salt contamination. This REC has been identified as the Brine Release Area. During the Phase II ESA, eleven (11) shallow soil borings (0-2 feet below ground surface (bgs)) were advanced at the site, as well as seven deeper soil borings that were converted to temporary monitor wells. Soils impacted by the salt contamination were treated through amendments of organic matter, gypsum, and fertilizer.

Following the acceptance of this REC into the VCP, Kleinfelder was retained by SV Texas to perform further environmental investigations at the site. In 2015, Kleinfelder advanced ten (10) soil borings at the site. Soil samples were collected from 4 to 5 feet and between 10 and 24 feet bgs. Soil samples were analyzed for benzene, toluene, ethylbenzene, and xylenes (BTEX), chloride, Resource Conservation and Recovery (RCRA)-8 metals, and mercury. BTEX was non-detect in all soil samples. Chloride concentrations ranged from non-detect to 4,580 mg/kg. Arsenic, lead, and selenium were detected above the Texas Risk Reduction Program (TRRP) Tier 1 commercial/industrial soil to groundwater (<sup>GW</sup>Soil<sub>Ing</sub>) protective concentration levels (PCLs). Kleinfelder proposes that exceedances of arsenic, lead, and selenium in soil are consistent with published background levels for the Houston area (Boerngen and Shacklette, 1981 and 1984) and

are not considered to be associated with the historical brine release. Following soil sample collection, nine of the ten borings were converted to temporary monitor wells. Groundwater samples collected from the temporary wells were analyzed for the same constituents as the soil samples were. Chloride was detected in groundwater at concentrations ranging from 343 mg/L to 31,600 mg/L. Arsenic, barium, chromium, and lead were detected TRRP Tier 1 commercial/industrial groundwater ingestion (<sup>GW</sup>GW<sub>Ing</sub>) PCLs. In addition to the soil and groundwater investigation, Kleinfelder performed a geophysical survey (i.e., electrical resistivity) along 5 transects of the produced water pipeline ranging between approximately 167 and 670 feet in length. Kleinfelder proposed that the results of the resistivity survey indicated that the potential presence of brine in soil and groundwater is highest in the center of the Brine Release Area between transect lines 2 and 4.

In 2016, five temporary monitor wells were installed at the site and groundwater samples were collected for chloride analysis. That same year, eight permanent monitor wells were installed at the site and groundwater samples were collected for chloride analysis. Results of the sampling events indicated that chloride concentrations ranged from 271 mg/L to 13,700 mg/L. A total of three groundwater sampling events occurred in 2016 and 2017. Two groundwater sampling events occurred in 2018. Based on eight groundwater sampling events, Kleinfelder proposed that the 2018 chloride concentrations were consistent with historical data and the plume showed an overall stable trend. SV Texas requested to discontinue groundwater sampling until a groundwater use restriction was placed on the property. As described in the **Restrictive Covenant** portion of this letter, a commercial/industrial land use and groundwater use restriction was placed on the property in August 2021 as a means of controlling contamination left in place at this REC.

**Former Central Tank Battery (OCP No. 03-4447/VCP 03-14015):** An area of hydrocarbon staining, measuring 340 feet by 80 feet and 9 feet deep, was discovered around the former central tank battery. As part of the Phase II ESA by ARCADIS, a total of eleven (11) soil borings were installed to a total depth between 12 and 16 feet bgs and soil samples from nine of the borings were analyzed for RCRA-8 metals, TPH, and brine parameters (EC, ESP, boron). Metals were not detected above the Texas Standard Background Concentration or the TRRP Tier 1 residential <sup>GW</sup>Soil<sub>Ing</sub> PCLs. TPH was detected above the TRRP Tier 1 residential <sup>GW</sup>Soil<sub>Ing</sub> PCL in five (5) soil samples with concentrations ranging from 2,270 mg/kg to 16,400 mg/kg. These samples were also analyzed for VOCs and SVOCs due to their TPH concentrations. Results of those analyses showed no exceedances. Two of the soil borings, SB-17 and SB-23, were completed as temporary wells. Insufficient water was present in the SB-17 temporary well to collect a sample after more than 48 hours. However, a groundwater sample was collected from SB-23 and analyzed for TPH. Analytical results from the groundwater samples showed a TPH concentration of 10.8 mg/L. ARCADIS concluded that due to the presence of TPH in shallow soils, additional investigation activities were necessary.

CEG also performed a Phase II ESA at the Former Central Tank Battery following the completion of the ARCADIS Phase II. In May 2010, CEG installed a temporary monitor well to 20 feet bgs near the location of the ARCADIS SB-23 temporary well to also sample for BTEX. Groundwater was encountered at 12.5 feet bgs and a groundwater sample was collected. Results of the analysis showed no detections of BTEX. In June 2010, CEG installed thirty (30) soil borings, which were converted to temporary monitoring wells. Fifty-one (51) soil samples were collected and analyzed

for TPH and BTEX. TPH was detected in twenty-two (22) soil samples at concentrations ranging from 141 to 70,000 mg/kg. Xylene was detected in three soil samples above the Tier 1 <sup>GW</sup>Soil<sub>Ing</sub> PCL. No other constituent was detected above the Tier 1 <sup>GW</sup>Soil<sub>Ing</sub> PCLs. Due to the elevated concentrations of TPH in soils, an area of affected soils approximately 140 feet by 40 feet and 10 feet deep was excavated. The excavated soils were transferred to a land treatment cell approximately 0.25-mile west of the REC. The treatment cell was constructed in an approximately 150'x150' area previously compacted by historical aggregate storage activities and lined with an earthen berm. According to CEG, the land treatment cell was tilled for aeration and treated with a microbial bioremediation product to accelerate natural attenuation. In October 2010, CEG collected twenty (20) soil samples between 0 and 20 inches bgs from within the land treatment cell. Soil samples were analyzed for BTEX, TPH, and RCRA-8 metals. TPH concentrations at four (4) sampling locations exceeded 10,000 mg/kg. In October 2011, an additional twelve (12) soil samples were collected from the treatment cell from 0.5 to 1 feet bgs. Soils were analyzed for BTEX, TPH (via TX1005 and TX1006), and RCRA-8 metals. BTEX was not detected above the Tier 1 residential <sup>GW</sup>Soil<sub>Ing</sub> PCLs. A site-specific residential total soil-combined (<sup>Tot</sup>Soil<sub>comb</sub>) TPH mixture PCL was calculated for the treatment cell soils and all detected concentrations of TPH were below the calculated <sup>Tot</sup>Soil<sub>comb</sub> PCL. Arsenic was detected above the <sup>GW</sup>Soil<sub>Ing</sub> PCL in one sample, but CEG concluded that this concentration is representative of background concentrations.

Of the thirty (30) temporary monitor wells installed by CEG, only sixteen (16) produced enough water for sampling. Groundwater samples collected from the temporary wells were analyzed for BTEX and TPH and the results indicated the six (6) wells had concentrations of TPH above the TRRP Tier 1 <sup>GW</sup>GW<sub>Ing</sub> PCL of 0.98 mg/L. Based on the analytical results, two permanent monitor wells were installed to a total depth of fourteen (14) feet bgs. Light non-aqueous phase liquid (LNAPL) was observed in MW-1 at an apparent thickness of 1.43 feet. A receptor survey was conducted at the site and no active wells were identified within a ½ mile radius of the site. Three methodologies for determining groundwater classification (pump test, slug test, and geotechnical sampling) were performed on the permanent monitor wells at the site and results of those methodologies indicated that groundwater beneath the site was Class 3.

In 2012, ARCADIS installed thirteen (13) Cone Penetrometer Test/Laser Induced Fluorescence (CPT/LIF) borings around monitor well MW-1 to investigate the passive occurrence of LNAPL in shallow soils. Borings were installed to a total depth of 22 feet bgs. Based on the results of the CPT/LIF investigation, LNAPL occurrences were noted in the immediate vicinity of MW-1, but borings located on the perimeter of the investigation area contained little to no response indicative of hydrocarbons.

In 2013, Kleinfelder installed five (5) permanent monitoring wells within the tank battery footprint. Locations for the monitor wells were based on the results of the CPT/LIF testing and intended to delineate LNAPL at the site. Soil samples collected from the monitor wells were analyzed for RCRA-8 metals, TPH, volatile organic compounds (VOCs), and semi-volatile organic compounds. TPH concentrations in soils ranged from non-detect to 70,000 mg/kg. BTEX and several metals were detected in soils but at concentrations below the Tier 1 residential <sup>GW</sup>Soil<sub>Ing</sub> PCLs. Groundwater samples collected from the permanent monitor wells were analyzed for TPH and BTEX. TPH was in excess of the TRRP Class 2 residential PCL of 0.98 mg/L in four of the five monitor wells. Ethylbenzene and xylenes were detected in several samples, but at concentrations

below the PCL. LNAPL was not observed in any well other than the previously installed MW-1. A total of three groundwater sampling events occurred each year between 2014 and 2017. Two groundwater sampling events occurred in 2018. LNAPL was measured in MW-1 during all sampling events. LNAPL appeared for the first time in MW-2 during the August 2015 sampling event. In 2019, the RRC requested an evaluation of LNAPL triggers using the guidelines in TRRP-31, *Risk-Based NAPL Management*. Kleinfelder concluded that there were no longer LNAPL triggers present at the site for the following reasons: (1) TPH was not detected in the last three groundwater monitoring events (November 2017 through May 2018); (2) an overall decreasing trend in LNAPL thicknesses since 2016; (3) LNAPL transmissivity is below the Interstate Technical Regulatory Council (ITRC) practical recoverable threshold of 0.8 square feet per day (ft<sup>2</sup>/day); and (4) hydrocarbon contamination at the site has been delineated. As described in the **Restrictive Covenant** portion of this letter, a commercial/industrial land use and groundwater use restriction was placed on the property in August 2021 as a means of controlling contamination left in place at this REC.

**Mary Louise Finch Well No. 3 (OCP No. 03-4448/VCP 03-14014):** This REC consists of a production well, the Mary Louise Fitch Well No. 3 (MLF#3), that was plugged and abandoned on June 19, 2010, as well as an adjacent abandoned tank battery consisting of five tanks. In 2010, ARCADIS performed a Phase I and II ESA, which consisted of installing seven soil borings, three of which were converted to a temporary monitor wells. Soil samples collected from the borings were analyzed for TPH, RCRA-8 metals, and salinity parameters (specific conductance and exchangeable sodium). The soil sample with the highest TPH concentration was analyzed for VOCs. Only two soil samples showed detections of TPH, with the highest concentration being 1,110 mg/kg. No other constituent was detected above the applicable PCLs. Groundwater samples collected from the three temporary wells were analyzed for TPH and RCRA-8 metals. TPH was not detected and all metals, with the exception of arsenic, were detected below the Tier 1 residential <sup>GW</sup>GW<sub>ing</sub> PCLs. Arsenic was reported at a concentration of 0.0363 mg/L.

In 2010, GeoSouthern contracted CEG to investigate the shallow soils and groundwater at the MLF#3 and its associated tank battery. CEG installed four soil borings in the vicinity of the MLF#3 well and seven soil borings within the MLF#3 tank battery footprint. The borings were installed to a total depth between 13 and 16 feet bgs. Soil samples collected from the borings were analyzed for BTEX and TPH. Only two soil samples had detectable concentrations of TPH. Both samples were collected adjacent to MLF#3 and had TPH concentrations of 440 and 7,380 mg/kg. Seven (7) of the soil borings were converted to temporary monitor wells, six of the seven wells produced enough water for sampling. Groundwater samples were analyzed for BTEX and TPH. No constituent was detected in five of the six wells that produced. TPH and benzene were detected in one well, TMW-7, at a concentration of 17 mg/L and 0.0059 mg/L, respectively. In an effort to remove the source of groundwater contamination observed in TMW-7, CEG excavated TPH impacted soils around MLF#3 and transported the impacted soils to the same treatment cell as the excavated soils from the former Central Tank Battery. The excavated area around MLF#3 was approximately 10 feet by 10 feet by 6 feet deep. CEG installed a permanent monitor well within the same location as TMW-7. CEG attempted to collect a groundwater sample from the well twice, but the well was dry and no sample was able to be collected.

In 2014, ARCADIS requested closure of the MLF#3 OCP site based on the review of investigation and cleanup activities detailed above. No response from the RRC was provided. In 2017, Kleinfelder inquired about the closure status of MLF3 (requested by ARCADIS in 2014) and was informed by the RRC that an additional chloride investigation was necessary. Kleinfelder completed advancement and installation of four (4) permanent monitoring wells (MLF\_MW-1 through MLF\_MW-4) in November 2017. Total depths of the borings were between 25 and 30 feet bgs. One soil sample from each boring was collected at 2 to 4 feet bgs and analyzed for chloride. Concentrations ranged from 5.33 mg/kg to 41.9 mg/kg. No hydrocarbon odors or staining were noted during installation activities. Groundwater was encountered in the wells between 18 and 23 feet bgs. Groundwater samples were collected and analyzed for chloride. Concentrations ranged from 36.3 mg/L to 461 mg/L. LNAPL was not observed in any of the wells. A second closure report was prepared by Kleinfelder and submitted to the RRC on January 26, 2018. Based on a Kleinfelder's review of correspondence with the agency, a response was not received from the RRC regarding the request for closure in 2018. In 2021, the MLF#3 OCP site (03-4448) was transferred to VCP and incorporated under VCP number 14014. The OCP site 03-448 was then issued and administrative closure. Based on the RRC's review of soil and groundwater data collected at this location, this portion of the property appears to be acceptable for unrestricted closure.

**Former Transformer Area (OCP No. 03-4449):** Please note that that this REC was determined to be under the jurisdiction of the Texas Commission on Environmental Quality. The site was transferred to TCEQ Remediation Division in August 2013 and was issued a TCEQ No Further Action determination on May 10, 2018.

### **Restrictive Covenant**

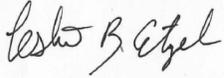
A restrictive covenant, limiting land and groundwater use on a 16.109-acre portion of the property, which encompasses the 2.066-Acre Brine Release Area and the 0.871-Acre Former Central Tank Battery, was filed with the Montgomery County Clerk's Office on August 11, 2021. The document was assigned the Document Number 2021111163 and has the following restrictions:

1. No part of the Affected Property shall be used for residential land use as defined in this Restrictive Covenant.
2. The investigation and assessment reports identified impacted soil at 3 feet below ground surface (bgs) and impacted groundwater at 5.37 feet bgs. Penetration of the impacted soil and/or groundwater beneath the Affected Property for any purpose shall only be conducted in such a manner as to prevent the migration or release of contaminants to any other zone or media and to prevent uncontrolled exposure to human and ecological receptors.
3. Use or consumption of groundwater beneath the Affected Property ranging from ground surface to 200 feet bgs, shall be prohibited except for monitoring and remediation purposes.
4. Any water wells completed on the Affected Property must be installed by a Texas Department of Licensing and Regulation (TDLR)-licensed water well driller in accordance with applicable rules. Installed wells shall not be screened/perforated from the surface to 200 feet bgs unless for authorized monitoring purposes and the collection of samples for analysis.

5. These restrictions shall be a covenant running with the land.

On behalf of the staff of the RRC Site Remediation Section, I would like to thank you for your participation in the VCP. Should you have questions regarding this letter, you may contact me at 512-463-3384 or [leslie.bruce@rrc.texas.gov](mailto:leslie.bruce@rrc.texas.gov).

Sincerely,



Leslie Bruce Etzel

CC: Taylor Diehl, Kleinfelder (via email)  
Karen Maestas, Kleinfelder (via email)

Enclosed: *VCP Final Certificate of Completion*  
*Property Metes and Bounds Description and Plat Map*  
*Restrictive Covenant 2021111163*

**VOLUNTARY CLEANUP PROGRAM  
FINAL CERTIFICATE OF COMPLETION  
WITH RESTRICTIONS**

As provided for Chapter 91, Subchapter 0, Texas Natural Resource Code.

*I, PETER G. POPE, ASSISTANT DIRECTOR OF THE SITE REMEDIATION SECTION, OIL AND GAS DIVISION, RAILROAD COMMISSION OF TEXAS, CERTIFY UNDER CHAPTER 91, SUBCHAPTER 0, TEXAS NATURAL RESOURCE CODE, THAT NECESSARY RESPONSE ACTIONS HAVE BEEN COMPLETED FOR VOLUNTARY CLEANUP PROGRAM SITE VCP NO. 03-14014 FOR THE TRACT OF LAND DESCRIBED IN EXHIBIT "A", BASED ON THE AFFIDAVIT OF COMPLETION OF RESPONSE ACTION, EXHIBIT "B" AND WHICH ARE FURTHER DESCRIBED IN THE APPROVED FINAL REPORT FOR THE SITE. THE APPLICANT WAS NOT A RESPONSIBLE PARTY UNDER SECTION 91.113. ON THE DATE OF ISSUANCE OF THIS CERTIFICATE THE APPLICANT IS QUALIFIED TO OBTAIN THE PROTECTION FROM LIABILITY PROVIDED BY CHAPTER 91, SUBCHAPTER 0, TEXAS NATURAL RESOURCE CODE.*

*EXECUTED on 3<sup>rd</sup> December 2021*

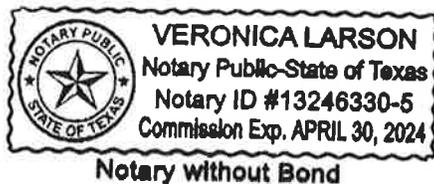
  
\_\_\_\_\_  
Peter G. Pope, Assistant Director  
Site Remediation Section

STATE OF Texas

COUNTY OF Travis

BEFORE ME, personally appeared Peter G. Pope, Assistant Director, Site Remediation Section, of the Railroad Commission of Texas, 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 3<sup>rd</sup> Day of December 2021.



  
\_\_\_\_\_  
Notary Public in and for the State of Texas

***EXHIBIT "A"***  
***RAILROAD COMMISSION OF TEXAS***  
***VOLUNTARY CLEANUP PROGRAM***  
***LEGAL DESCRIPTION FOR A TOTAL OF 5.293-Acres***  
***(Brine Release Area 2.066-Acres; Former Central Tank Battery 0.871-Acres; and Mary Louise Finch***  
***Well #3 2.356-Acres)***

***VCP No. 03-14014***

***BRINE RELEASE AREA***

EXHIBIT "A"  
SALTWATER IMPACT AREA  
METES AND BOUNDS DESCRIPTION  
2.0660 ACRES BEING OUT OF  
CHARLES EISTERWALL SURVEY, ABSTRACT 191  
MONTGOMERY COUNTY, TEXAS

All that certain 2.0660 acres being out of the Charles Eisterwall Survey, Abstract 191, Montgomery County, Texas and being out of that certain tract as described in a deed dated 07-06-2010 from American Fluorite, Inc. to SV Texas, LLC as filed in Official Records of Montgomery County at Clerk's File Number 2010058900 and being more particularly described by metes and bounds as follows (bearings based on Texas Coordinate System of 1983, South Central Zone 4204);

Commencing at Harris County Floodplain Reference Marker No. 100075 having published grid coordinates of (N: 13,968,191.83, E: 3,094,993.15); Thence N 79° 26' 46" W – 4,098.71' to a found 5/8" iron rod with cap (stamped Glezman #4627) marking an interior corner of said SV Texas, LLC tract, from which a found 5/8" iron rod with cap (stamped Glezman #4627) located on the east right-of-way line of Pruitt Road bears N 02° 08' 48" W – 579.20' for reference; Thence N 23° 52' 20" E – 1,057.48' to the POINT OF BEGINNING of herein described tract;

1. Thence N 29° 51' 47" W – 80.05' to a point for corner;
2. Thence N 87° 19' 43" E – 97.67' to a point for corner;
3. Thence N 72° 05' 35" E – 66.63' to a point for corner;
4. Thence N 05° 19' 29" E – 77.73' to a point for corner;
5. Thence N 69° 35' 10" E – 65.33' to a point for corner;
6. Thence S 65° 14' 24" E – 92.39' to a point for corner;
7. Thence N 72° 48' 17" E – 61.60' to a point for corner;
8. Thence N 12° 51' 10" E – 61.87' to a point for corner;
9. Thence N 80° 20' 37" E – 40.72' to a point for corner;
10. Thence S 47° 10' 23" E – 71.43' to a point for corner;
11. Thence S 02° 17' 35" E – 180.02' to a point for corner;
12. Thence S 21° 09' 34" W – 98.74' to a point for corner;
13. Thence S 80° 32' 39" W – 63.45' to a point for corner;

14. Thence N 69° 17' 16" W – 137.55' to a point for corner;
15. Thence S 86° 40' 07" W – 89.69' to a point for corner;
16. Thence N 28° 39' 05" W – 82.91' to a point for corner;
17. Thence S 73° 29' 24" W – 93.45' to the POINT OF BEGINNING and containing 2.0660 acres (89,994 square feet) of land more or less.

This metes and bounds description is accompanied by a separate plat, drawing or exhibit per Texas Board of Professional Land Surveyor's "General Rules of Procedures and Practices" Section 663.19(9).

Compiled by: C.L. Davis & Company  
Job Number: 15-135-2014-018-2-SALTWATER IMPACT M&B.doc  
06-20-2014



A handwritten signature in blue ink, appearing to be "C.L. Davis", is written to the right of the professional seal.



# EXHIBIT "B"

## NOTES:

1. THE SURVEYOR HAS NOT ABSTRACTED THE SUBJECT PROPERTY, BUT HAS RELIED ON CHARTER TITLE COMPANY TO PROVIDE DEED COPIES OF THE SUBJECT PROPERTY AND ADJOINERS. SURVEYOR HAS NOT HAD THE BENEFIT OF A TITLE COMMITMENT AND EASEMENTS, RESTRICTIONS OR ENCUMBRANCES WHICH AFFECT THE SUBJECT PROPERTY MAY NOT BE SHOWN HEREON.
2. COORDINATES AND BEARINGS SHOWN ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE 4204. DISTANCES SHOWN ARE SURFACE AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY A COMBINED SCALE FACTOR OF 0.9999532508. COORDINATES SHOWN ARE GRID.
3. THE SUBJECT PROPERTY SHOWN HEREON IS LOCATED IN ZONES X-SHADED AND AE, ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP NO. 48339C0680 G, EFFECTIVE DATE 08-18-2014. THIS DETERMINATION HAS BEEN MADE BY SCALING THE PROPERTY ON THE REFERENCED MAP AND IS NOT A RESULT OF AN ELEVATION SURVEY.
4. THE BUILDINGS OR IMPROVEMENTS SHOWN HEREON REPRESENT THE OUTLINE AT GROUND SURFACE LEVEL, UNLESS OTHERWISE NOTED.
5. THE UTILITY APPURTENANCES ( i.e., utility poles, inlets, etc.) SHOWN HEREON ARE THOSE VISIBLE AT THE TIME OF SURVEY AND MAY NOT BE COMPLETE.
6. THIS SURVEY PLAT IS ACCOMPANIED BY A SEPARATE METES AND BOUNDS DESCRIPTION PER TEXAS BOARD OF PROFESSIONAL LAND SURVEYOR'S "GENERAL RULES OF PROCEDURES AND PRACTICES" SECTION 663.19(9).
7. ALL SET 1/2" IRON RODS WITH CAPS STAMPED "C.L. DAVIS, RPLS 4464".



06-23-2014  
DATE

  
C. L. DAVIS

4464  
R.P.L.S. No.

## ABBREVIATIONS

PP	POWER POLE
C.L.	CENTERLINE
IR	IRON ROD
CMP	CORRUGATED METAL PIPE

## SHEET 2 OF 2

	<b>C.L. DAVIS &amp; CO.</b> LAND SURVEYING	1500 WINDING WAY FRIENDSWOOD, TEXAS 77546 281-482-9490
<b>EXHIBIT</b>		
<b>2.0660 ACRES OUT OF CHARLES EISTERWALL SURVEY ABSTRACT 191 MONTGOMERY COUNTY, TEXAS</b>		
DATE: 06-17-2014	SCALE: 1" = 120'	JOB NO.: 15-135-2014-018-2
DWG: 15-135-2014-018-2-EXHIBITS		

***FORMER CENTRAL TANK BATTERY***

EXHIBIT "A"  
FORMER CENTRAL TANK BATTERY  
METES AND BOUNDS DESCRIPTION  
0.8705 ACRE BEING OUT OF  
CHARLES EISTERWALL SURVEY, ABSTRACT 191  
MONTGOMERY COUNTY, TEXAS

All that certain 0.8705 acre being out of the Charles Eisterwall Survey, Abstract 191, Montgomery County, Texas and being out of that certain tract as described in a deed dated 07-06-2010 from American Fluorite, Inc. to SV Texas, LLC as filed in Official Records of Montgomery County at Clerk's File Number 2010058900 and being more particularly described by metes and bounds as follows (bearings based on Texas Coordinate System of 1983, South Central Zone 4204);

Commencing at Harris County Floodplain Reference Marker No. 100075 having published grid coordinates of (N: 13,968,191.83, E: 3,094,993.15); Thence N 79° 26' 46" W – 4,098.71' to a found 5/8" iron rod with cap (stamped Glezman #4627) marking an interior corner of said SV Texas, LLC tract, from which a found 5/8" iron rod with cap (stamped Glezman #4627) located on the east right-of-way line of Pruitt Road bears N 02° 08' 48" W – 579.20' for reference; Thence N 75° 08' 30" E – 1,802.53' to a set 1/2" iron rod with cap (stamped C.L. DAVIS RPLS 4464) the POINT OF BEGINNING of herein described tract;

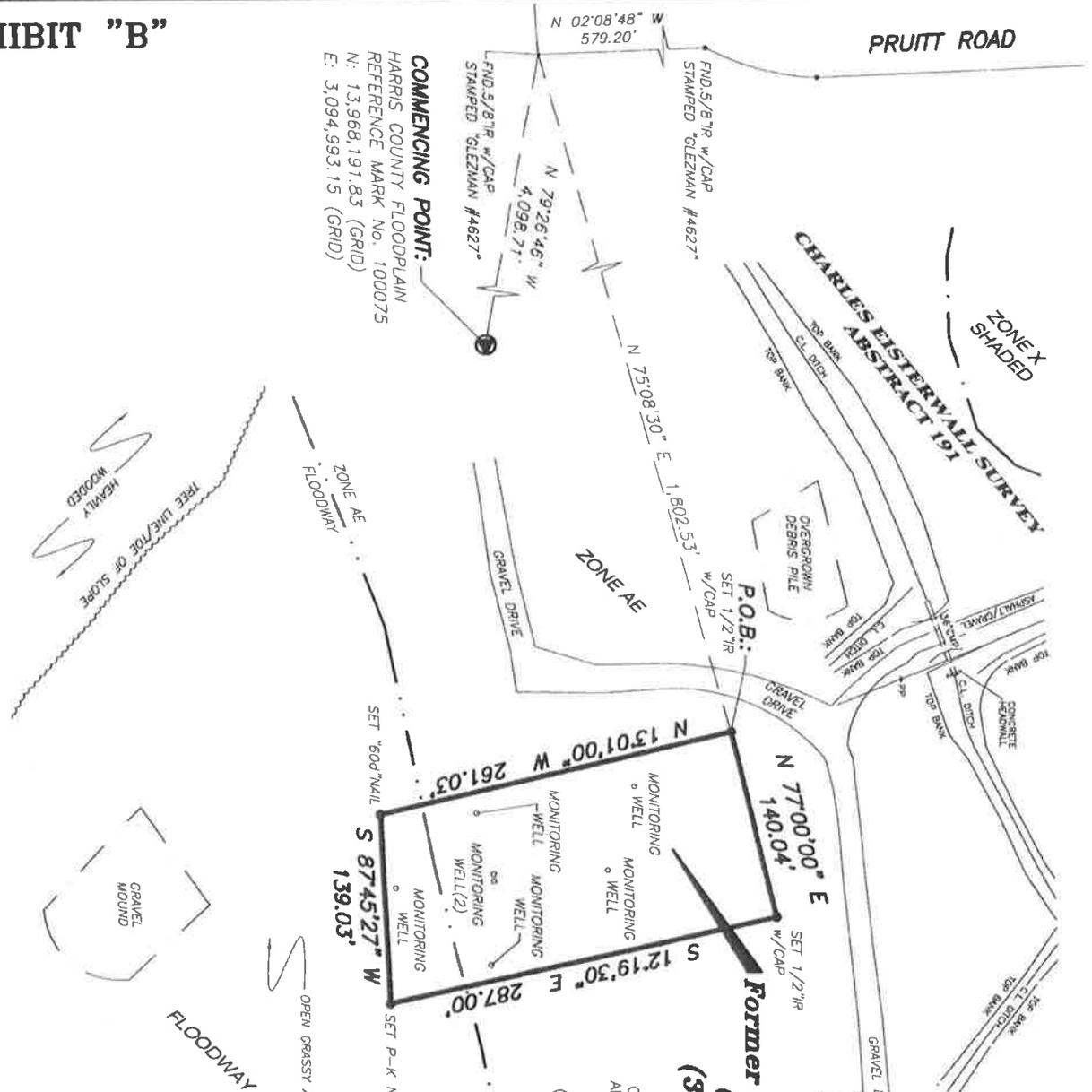
1. Thence N 77° 00' 00" E – 140.04' to a set 1/2" iron rod with cap (stamped C.L. DAVIS RPLS 4464) for corner;
2. Thence S 12° 19' 30" E – 287.00' to a set P-K nail for corner;
3. Thence S 87° 45' 27" W – 139.03' to a set 60d nail for corner;
4. Thence N 13° 01' 00" W – 261.03' to the POINT OF BEGINNING and containing 0.8705 acre (37,920 square feet) of land more or less.

This metes and bounds description is accompanied by a separate plat, drawing or exhibit per Texas Board of Professional Land Surveyor's "General Rules of Procedures and Practices" Section 663.19(9).

Compiled by: C.L. Davis & Company  
Job Number: 15-135-2014-018-2-CENTRAL TANK M&B.doc  
06-20-2014



# EXHIBIT "B"



**Former Central Tank Battery**  
**0.8705 Acre**  
**(37,920 Sq. Ft.)**

CALLED 231.843 ACRES  
 AMERICAN FLUORITE, INC.  
 TO  
 SV TEXAS, LLC  
 (2010058900 M.C.O.R.)  
 07-06-2010

APPROXIMATE LOCATION OF FLOODWAY  
 LINE PER FBIV PANEL-MAP NUMBER  
 48139C0688-G  
 EFFECTIVE DATE 08-18-2014  
 (SCALED FROM FEMA)

SCATTERED PILES OF OVERGROWN  
 CONCRETE DEBRIS

SHEET 1 OF 2

	C.L. DAVIS & CO. LAND SURVEYING 1500 WINDING WAY FRIENDSWOOD, TEXAS 77546 281-482-9490
	EXHIBIT 0.8705 ACRE OUT OF CHARLES EISTERWALL SURVEY ABSTRACT 191 MONTGOMERY COUNTY, TEXAS

DATE: 06-17-2014 SCALE: 1" = 120' JOB NO.: 15-135-2014-018-2  
 DWG: 15-135-2014-018-2-EXHIBITS

# EXHIBIT "B"

NOTES:

1. THE SURVEYOR HAS NOT ABSTRACTED THE SUBJECT PROPERTY, BUT HAS RELIED ON CHARTER TITLE COMPANY TO PROVIDE DEED COPIES OF THE SUBJECT PROPERTY AND ADJOINERS. SURVEYOR HAS NOT HAD THE BENEFIT OF A TITLE COMMITMENT AND EASEMENTS, RESTRICTIONS OR ENCUMBRANCES WHICH AFFECT THE SUBJECT PROPERTY MAY NOT BE SHOWN HEREON.
2. COORDINATES AND BEARINGS SHOWN ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE 4204. DISTANCES SHOWN ARE SURFACE AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY A COMBINED SCALE FACTOR OF 0.9999532508. COORDINATES SHOWN ARE GRID.
3. THE SUBJECT PROPERTY SHOWN HEREON IS LOCATED IN ZONE AE AND FLOODWAY, ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP NO. 48339C0680 G, EFFECTIVE DATE 08-18-2014. THIS DETERMINATION HAS BEEN MADE BY SCALING THE PROPERTY ON THE REFERENCED MAP AND IS NOT A RESULT OF AN ELEVATION SURVEY.
4. THE BUILDINGS OR IMPROVEMENTS SHOWN HEREON REPRESENT THE OUTLINE AT GROUND SURFACE LEVEL, UNLESS OTHERWISE NOTED.
5. THE UTILITY APPURTENANCES ( i.e., utility poles, inlets, etc.) SHOWN HEREON ARE THOSE VISIBLE AT THE TIME OF SURVEY AND MAY NOT BE COMPLETE.
6. THIS SURVEY PLAT IS ACCOMPANIED BY A SEPARATE METES AND BOUNDS DESCRIPTION PER TEXAS BOARD OF PROFESSIONAL LAND SURVEYOR'S "GENERAL RULES OF PROCEDURES AND PRACTICES" SECTION 663.19(9).
7. ALL SET 1/2" IRON RODS WITH CAPS STAMPED "C.L. DAVIS, RPLS 4464".



06-23-2014  
DATE

*C. L. DAVIS*  
C. L. DAVIS

4464  
R.P.L.S. No.

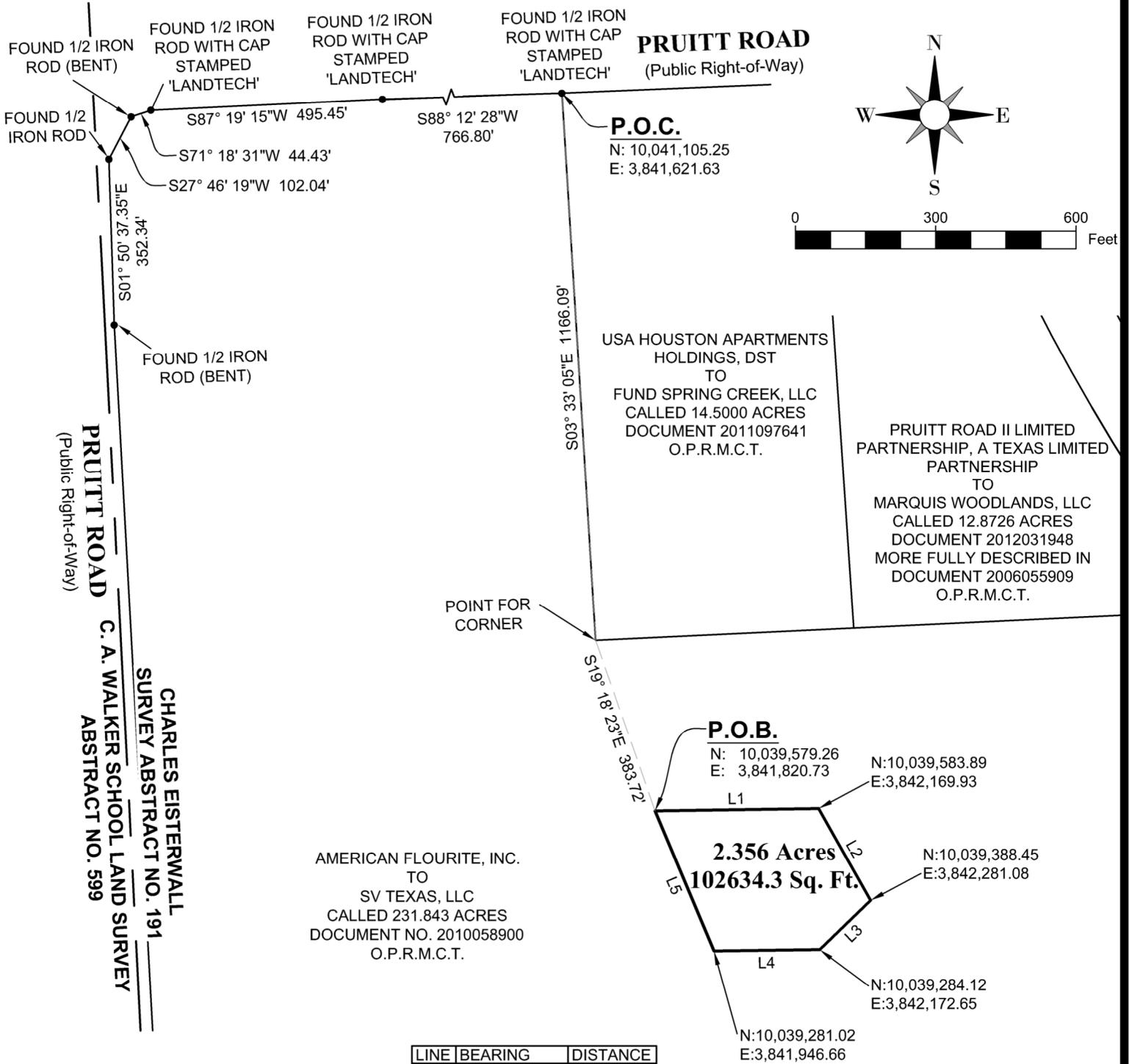
ABBREVIATIONS

PP	POWER POLE
C.L.	CENTERLINE
IR	IRON ROD
CMP	CORRUGATED METAL PIPE

SHEET 2 OF 2

<b>CD</b>	<b>C.L. DAVIS &amp; CO.</b>	1500 WINDING WAY FRIENDSWOOD, TEXAS 77546 281-482-9490
<b>EXHIBIT</b>		
<b>0.8705 ACRE OUT OF CHARLES EISTERWALL SURVEY ABSTRACT 191 MONTGOMERY COUNTY, TEXAS</b>		
DATE: 06-17-2014	SCALE: 1" = 120'	JOB NO: 15-135-2014-018-2
DWG: 15-135-2014-018-2-EXHIBITS		

***MARY LOUISE FITCH WELL NO. 3***



LINE	BEARING	DISTANCE
L1	N 89°14'25" E	349.23'
L2	S 29°37'38" E	224.83'
L3	S 46°06'11" W	150.47'
L4	S 89°12'51" W	226.01'
L5	N 22°53'27" W	323.74'

**SURVEYED FOR**  
KLEINFELDER  
12000 AEROSPACE AVE, SUITE 450  
HOUSTON, TX 77034

**SURVEYOR'S CERTIFICATION**

THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY PLAT ACCURATELY REPRESENTS AN ON THE GROUND SURVEY MADE UNDER MY DIRECT SUPERVISION ON APRIL 27, 2021, AND IS BEING SUBMITTED ALONG WITH THE SURVEYOR'S FIELD NOTE DESCRIPTION OF THE PROPERTY SHOWN HEREON, WHICH LIES IN MONTGOMERY COUNTY, TEXAS.

  
REGISTERED PROFESSIONAL LAND SURVEYOR  
CARL E. DUCKWORTH, 6816



**BOUNDARY SURVEY**  
**2.356 ACRE TRACT**  
**IN THE**  
**CHARLES EISTERWALL SURVEY**  
**ABSTRACT NO. 191**  
**MONTGOMERY COUNTY, TEXAS**

MAY 11, 2021 JOB NO. LJAS459-2103  
SHEET 1 OF 2

**GENERAL NOTES**

1. ALL BEARINGS, DISTANCES AND COORDINATES ARE BASED UPON THE TEXAS STATE PLANE COORDINATE SYSTEM OF 1983 (2011 EPOCH), CENTRAL ZONE '4203' (U.S. SURVEY FOOT).
2. NOTHING IN THIS SURVEY IS INTENDED TO EXPRESS AN OPINION REGARDING OWNERSHIP OF TITLE TO ANY PROPERTY.
3. BOUNDARY SURVEY ONLY, NO IMPROVEMENTS OR EASEMENTS IF ANY, RESEARCHED OR SHOWN HEREON.
4. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.

**LJA SURVEYING**   
TBPELS No 10194382  
2615 Calder Ave, Suite 500  
Beaumont, Texas 77702  
Tel: 409.833.3363  
Fax: 409.833.0317

**SURVEYOR'S FIELD NOTE DESCRIPTION**

**BEING** A 2.356-ACRE TRACT OF LAND OUT OF AND A PART OF THAT CERTAIN SV TEXAS, LLC CALLED 231.843-ACRE TRACT OF LAND, BEING MORE FULLY DESCRIBED AND RECORDED IN DOCUMENT NO. 2010058900 OF THE OFFICIAL PUBLIC RECORDS OF MONTGOMERY COUNTY, TEXAS. SAID 2.356-ACRE TRACT BEING SITUATED IN THE CHARLES EISTERWALL SURVEY, ABSTRACT NO. 191, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT A 1/2-INCH IRON ROD WITH CAP "LANDTECH" FOUND, WITH A COORDINATE VALUE OF NORTHING: 10,041,105.25 AND EASTING: 3,841,621.63, FOR THE MOST NORTHERLY NORTHEAST CORNER OF SAID 231.843-ACRE TRACT, SAME BEING THE NORTHWEST CORNER OF THAT CERTAIN FUND SPRING CREEK, LLC CALLED 14.5000-ACRE TRACT OF LAND, BEING MORE FULLY DESCRIBED AND RECORDED IN DOCUMENT NO. 2011097641 OF SAID OFFICIAL PUBLIC RECORDS AND SAME BEING IN THE SOUTH LINE OF PRUITT ROAD (PUBLIC RIGHT-OF-WAY);

**THENCE** SOUTH 03 DEG. 33 MIN. 05 SEC. EAST, ALONG AND WITH AN EAST LINE OF SAID 231.843-ACRE TRACT, SAME BEING THE WEST LINE OF SAID 14.5000-ACRE TRACT, A DISTANCE OF 1166.09 FEET TO A POINT FOR CORNER AT THE SOUTHWEST CORNER OF SAID 14.5000-ACRE TRACT;

**THENCE** SOUTH 19 DEG. 18 MIN. 23 SEC. EAST, OVER AND ACROSS SAID 231.843-ACRE TRACT, A DISTANCE OF 383.72 FEET TO A POINT FOR THE NORTHWEST CORNER AND **POINT OF BEGINNING** OF THE HEREIN DESCRIBED 2.356-ACRE SUBJECT TRACT;

**THENCE** NORTH 89 DEG. 14 MIN. 25 SEC. EAST, OVER AND ACROSS SAID 231.843-ACRE TRACT, A DISTANCE OF 349.23 FEET TO A POINT FOR THE NORTHEAST CORNER OF SAID 2.356-ACRE TRACT;

**THENCE** SOUTH 29 DEG. 37 MIN. 38 SEC. EAST, OVER AND ACROSS SAID 231.843-ACRE TRACT, A DISTANCE OF 224.83 FEET TO A POINT FOR THE EAST CORNER OF SAID 2.356-ACRE TRACT;

**THENCE** SOUTH 46 DEG. 060 MIN. 11 SEC. WEST, OVER AND ACROSS SAID 231.843-ACRE TRACT, A DISTANCE OF 150.47 FEET TO A POINT FOR THE SOUTHEAST CORNER OF SAID 2.356-ACRE TRACT;

**THENCE** SOUTH 89 DEG. 12 MIN. 51 SEC. WEST, OVER AND ACROSS SAID 231.843-ACRE TRACT, A DISTANCE OF 226.01 FEET TO A POINT FOR THE SOUTHWEST CORNER OF SAID 2.356-ACRE TRACT;

**THENCE** NORTH 22 DEG. 53 MIN. 27 SEC. WEST, OVER AND ACROSS SAID 231.843-ACRE TRACT, A DISTANCE OF 323.74 FEET TO THE **POINT OF BEGINNING** CONTAINING 2.356 ACRES OF LAND, MORE OR LESS.



REGISTERED PROFESSIONAL LAND SURVEYOR  
CARL E. DUCKWORTH, 6816



**BOUNDARY SURVEY  
2.356 ACRE TRACT  
IN THE  
CHARLES EISTERWALL SURVEY  
ABSTRACT NO. 191  
MONTGOMERY COUNTY, TEXAS**

MAY 11, 2021 JOB NO. LJAS459-2103  
SHEET 1 OF 2

**GENERAL NOTES**

- 1. ALL BEARINGS, DISTANCES AND COORDINATES ARE BASED UPON THE TEXAS STATE PLANE COORDINATE SYSTEM OF 1983 (2011 EPOCH), CENTRAL ZONE '4203' (U.S. SURVEY FOOT).
- 2. NOTHING IN THIS SURVEY IS INTENDED TO EXPRESS AN OPINION REGARDING OWNERSHIP OF TITLE TO ANY PROPERTY.
- 3. BOUNDARY SURVEY ONLY, NO IMPROVEMENTS OR EASEMENTS IF ANY, RESEARCHED OR SHOWN HEREON.
- 4. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.

**LJA SURVEYING**



TBPELS No 10194382  
2615 Calder Ave, Suite 500  
Beaumont, Texas 77702  
Tel: 409.833.3363  
Fax: 409.833.0317

***EXHIBIT "B"***  
***RAILROAD COMMISSION OF TEXAS***  
***VOLUNTARY CLEANUP PROGRAM***  
***AFFIDAVIT OF COMPLETION***

***VCP No. 03-14014***

**EXHIBIT "B"**  
**RAILROAD COMMISSION OF TEXAS**  
**VOLUNTARY CLEANUP PROGRAM**  
**AFFIDAVIT OF COMPLETION OF RESPONSE ACTION**

I, **Sharon A. Asinelli**, representing **S.V. Texas, LLC**, have completed the necessary response actions, pursuant to Chapter 91, Subchapter O, Texas Natural Resource Code, at the approximately **5.293-Acre** tract of land described in Exhibit "A" (Site) of this certificate pertaining to **Voluntary Cleanup Program (VCP) No. 14014** located in Montgomery County, Texas. The applicant has submitted and received approval from the Railroad Commission of Texas (RRC) 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 Site consistent with accepted industry standards to identify all contaminants, waste and contaminated media of regulatory concern. The response actions for the site have achieved response action levels as determined by the standards of the RRC and remain protective as long as the following controls are maintained:

1. No part of the **Affected Property** shall be used for residential land use as defined in this Restrictive Covenant.
2. The investigation and assessment reports identified impacted soil at 3 feet below ground surface (bgs) and impacted groundwater at 5.37 feet bgs. Penetration of the impacted soil and/or groundwater beneath the **Affected Property** for any purpose shall only be conducted in such a manner as to prevent the migration or release of contaminants to any other zone or media and to prevent uncontrolled exposure to human and ecological receptors.
3. Use or consumption of groundwater beneath the **Affected Property** ranging from ground surface to 200 feet bgs, shall be prohibited except for monitoring and remediation purposes.
4. Any water wells completed on the **Affected Property** must be installed by a Texas Department of Licensing and Regulation (TDLR)-licensed water well driller in accordance with applicable rules. Installed wells shall not be screened/perforated from the surface to 200 feet bgs unless for authorized monitoring purposes and the collection of samples for analysis.

These restrictions were filed in the Montgomery County Clerk's office on **August 11, 2021** under **Document No. 2021111163** (Attachment 1). The response actions eliminate substantial present or future risk to public health and safety and to the environment from releases and threatened releases of contaminants at or from the Site. The Applicant has not acquired this certificate of completion by fraud, misrepresentation, or knowing failure to disclose material information. Further information concerning the response actions at this Site may be found in the final report at the central office of the RRC filed under VCP No. 14014.

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

Applicant

By: 

Print Name:

**Sharon A. Asinelli**

STATE OF TEXAS  
COUNTY OF HARRIS

BEFORE ME, personally appeared \_\_\_ Sharon A. Asinelli, 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 22 day of September 2021

Notary Public in and for the State of Texas

*Donetta E. Williams*



***ATTACHMENT 1  
RAILROAD COMMISSION OF TEXAS  
VOLUNTARY CLEANUP PROGRAM  
Institutional Control Document No.  
202111163***

***VCP No. 03-14014***



DOE #202111163



23

**Railroad Commission of Texas  
Environmental Restrictive Covenant**

STATE OF TEXAS

§

COUNTY OF MONTGOMERY

§

This Environmental Restrictive Covenant ("Restrictive Covenant") is filed and recorded in the Real Property Records of Montgomery County, Texas pursuant to the authority of the Railroad Commission of Texas ("Commission") to control and clean up pollution caused by activities over which the Commission exercises jurisdiction in accordance with Section 91.113 of the Texas Natural Resources Code and affects the real property described as follows:

S.V. Texas, LLC is the record Owner of fee title to the real property and premises, and appurtenances thereto, located in Montgomery County, Texas, consisting of a 231.843 Acre Tract being all of the A0191 Eisterwall Charles Survey, Tract 1, in Montgomery County, Texas, according to deed recorded in Document No. 2010058900, in the Deed Records of the office of the Montgomery County Clerk, Conroe, Texas; and more fully described on Exhibit A, which is attached hereto and incorporated herein, and identified as the "Property".

Groundwater on a portion of the Property is impacted by certain identified constituents of concern ("COCs"). This portion, considered to be the Affected Property, is presented on Exhibit B, and can be described as follows:

*BEING a 16.109-acre tract of land out of and a part of that certain SV TEXAS, LLC called 231.843-acre tract of land, being more fully described and recorded in Document No. 2010058900 of the Official Public Records of Montgomery County, Texas. Said 16.109-acre tract being situated in the Charles Eisterwall Survey, Abstract No. 191, and being more particularly described as follows:*

*COMMENCING at a 1/2-inch iron rod with cap "LANDTECH" found, with a coordinate value of Northing: 10,041,105.25 and Easting: 3,841,621.63, for the most Northerly Northeast corner of said 231.843-acre tract, same being the Northwest corner of that certain Fund Spring Creek, LLC called 14.5000-acre tract of land, being more fully described and recorded in Document No. 2011097641 of said Official Public Records and same being in the South line of Pruitt Road (Public Right-of-Way);*

*THENCE South 22 deg. 59 min. 21 sec. West, a over and across said 231.843-acre tract, a distance of 1,397.66 to a point for the Northwest corner and POINT OF BEGINNING of the herein described 16.109-acre subject tract;*

*THENCE South 54 deg. 25 min. 28 sec. East, over and across said 231.843-acre tract, a distance of 1,615.83 to a point for the Northeast corner of said 16.109-acre tract;*

*THENCE South 29 deg. 54 min. 15 sec. West, over and across said 231.843-acre tract, a distance of 214.12 feet to a point for corner of said 16.109-acre tract;*

*THENCE South 39 deg. 20 min. 09 sec. West, over and across said 231.843-acre tract, a distance of 88.54 feet to a point for the Southeast corner of said 16.109-acre tract;*

*THENCE North 63 deg. 43 min. 07 sec. West, over and across said 231.843-acre tract, a distance of 1,532.02 feet to a point for the Southwest corner of said 16.109-acre tract;*

*THENCE North 07 deg. 39 min. 49 sec. East, over and across said 231.843-acre tract, a distance of 355.84 feet to a point for corner of said 16.109-acre tract;*

*THENCE North 46 deg. 59 min. 02 sec. East, over and across said 231.843-acre tract, a distance of 239.12 feet to the **POINT OF BEGINNING** containing 16.109 acres of land, more or less.*

This Restrictive Covenant is required for the following reasons:

The **Affected Property** is related to former oil and gas production facility, otherwise known as the Bishop Tract, currently owned by S.V. Texas, LLC. GeoSouthern Energy Corporation operated at the Site as early as the 1950s and as late as the 1970s; wherein COCs attributable to the operations at the Bishop Tract by GeoSouthern Energy Corporation impacted soil and groundwater. An environmental investigation and response actions were required in accordance with Commission regulations. ExxonMobil Environmental and Property Solutions Company on behalf of ExxonMobil Corporation, the parent company of S.V. Texas, LLC, performed the response actions to characterize and remediate the COCs.

The remediation was performed in such a manner that COCs remained in the groundwater at the **Affected Property** when the Restrictive Covenant was filed with the County. The COCs and maximum concentration levels remaining in groundwater at the **Affected Property** are specified on **Exhibit C - COCs Remaining in Groundwater**. The investigation, assessment, remediation and analytical data are contained in the RRC project case files Operator Cleanup Program (OCP) 03-4294 and 03-4448, as well as Voluntary Cleanup Program (VCP) 03-14014 and 03-14015 and further summarized in the following reports:

- Carr Environmental Group (CEG), 2010. *Phase II Environmental Site Assessment (ESA)*.
- ARCADIS, Inc., 2014. *Remedial Action Plan – Bishop Tract*.
- Kleinfelder, Inc., 2015. *Brine Investigation Report – Bishop Tract*. (VCP No. 14014)
- Kleinfelder, Inc., 2015. *Houston North Tract LNAPL Transmissivity Test Report*. (VCP No. 14015)
- Kleinfelder, Inc., 2018. *Second Quarter 2018 Groundwater Monitoring Report*.
- Kleinfelder, Inc., 2020. *Response to RRC Letter, dated May 10, 2019, and Draft Restrictive Covenant/No Further Action Request*.

Copies of the reports may be obtained from ExxonMobil Environmental and Property Solutions Company, 22777 Springwoods Village Pkwy., Spring, Texas 77389, Room

W3.2A.581 and from the Commission under VCP 03-14014 and 03-14015, as well as OCP 03-4294 and 03-4448.

The response action has been approved by the Commission based on the presumption that the **Affected Property**, will be protective of commercial/industrial land use with the implementation of this Restrictive Covenant.

For purposes of this Restrictive Covenant the terms

- “commercial/industrial land use” means use of property for anything other than use for human habitation or for other purposes with a similar potential for human exposure. Human habitation includes but is not limited to residential land use.
- “environmental medium” means a material found in the natural environment such as soil, groundwater, air, surface water, and sediments, or a mixture of such materials with liquids, sludges, gases, or solids.
- “exposure pathway” means the course that a COC takes from a source area to ecological or human receptors and includes a source area, a point of exposure, and an exposure route (e.g., ingestion), as well as a transport mechanism if the point of exposure is different from the source area.
- “residential land use” means use for dwellings, such as single family houses and multi-family apartments, children’s homes, nursing homes, residential portions of government-owned lands (local, state or federal), day care facilities, educational facilities, hospitals, residential portions of ranch and farm land, and parks (local, state or federal).

Based on information contained in the investigation, assessment and monitoring reports, as long as an incomplete exposure pathway is maintained to impacted groundwater exceeding health-based values then the COCs associated with the **Affected Property** pose no significant present or future risk to humans or the environment. With the filing of this document, the Commission does not require any further remediation of the **Affected Property** as long as an incomplete exposure pathway is maintained to impacted groundwater exceeding health-based values.

Upon the filing and recording of this Restrictive Covenant in the County Real Property Records, the Commission does not require any further remediation of the **Affected Property** if the **Affected Property** is not put to residential land use and the restrictions identified in this Restrictive Covenant are implemented.

This Restrictive Covenant is necessary to assure that all present and future owners, operators, lessors, or lessees of the **Affected Property** are aware of its condition and do not use the **Affected Property** or any groundwater below the surface of the **Affected Property** in any manner inconsistent with this Restrictive Covenant.

In consideration of the response actions leading to final approved remediation of the **Property**, the landowner of the **Property** has agreed to place the following restrictions on the **Property** in favor of the Commission and the State of Texas. Now therefore, in

consideration of these premises and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following Restrictive Covenant in favor of the Commission and the State of Texas are placed on the **Property** described on **Exhibit A**, to-wit:

1. No part of the **Affected Property** shall be used for residential land use as defined in this Restrictive Covenant.
2. The investigation and assessment reports identified impacted soil at 3 feet below ground surface (bgs) and impacted groundwater at 5.37 feet bgs. Penetration of the impacted soil and/or groundwater beneath the **Affected Property** for any purpose shall only be conducted in such a manner as to prevent the migration or release of contaminants to any other zone or media and to prevent uncontrolled exposure to human and ecological receptors.
3. Use or consumption of groundwater beneath the **Affected Property** ranging from ground surface to 200 feet bgs, shall be prohibited except for monitoring and remediation purposes.
4. Any water wells completed on the **Affected Property** must be installed by a Texas Department of Licensing and Regulation (TDLR)-licensed water well driller in accordance with applicable rules. Installed wells shall not be screened/perforated from the surface to 200 feet bgs unless for authorized monitoring purposes and the collection of samples for analysis.
5. These restrictions shall be a covenant running with the land.

For additional information, exposure assumptions with the Restrictive Covenant, please request the information from the Commission or from ExxonMobil Environmental and Property Solutions Company.

Contact Addresses:

- Railroad Commission of Texas  
Oil and Gas Division  
Site Remediation Section  
P. O. Box 12967  
1701 N. Congress  
Austin, Texas 78711-2967
- ExxonMobil Environmental and Property Solutions Company  
22777 Springwoods Village Parkway  
Spring, Texas 77389  
Room W3.2A.581

As of the date of this Restrictive Covenant, the record owners of fee title to the **Property** is owned by:

S.V. TEXAS, LLC  
PROPERTY TX DIVISION  
PO BOX 64106  
SPRING, TX 77387-4106

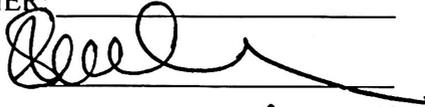
This Restrictive Covenant may be rendered of no further force or effect only by a release executed by the Commission and filed in the same Real Property Records as those in which this Restrictive Covenant is filed.



Executed this 29<sup>th</sup> day of June, 2021

PROPERTY OWNER:

Signature



Printed Name:

Sharon Asinelli

Title:

Vice President

STATE OF Texas  
(Harris) COUNTY

BEFORE ME, on this the 29 day of June, 2021 personally appeared Sharon Asinelli, Vice President known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity herein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE

Signature



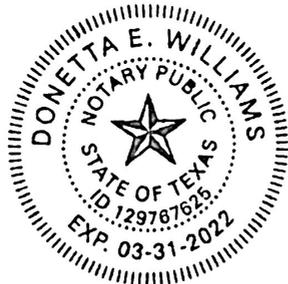
Notary Public in and for the State of Texas

County of

Harris

My Commission Expires:

03/31/2022



Executed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

PROPERTY OWNER: \_\_\_\_\_

Signature \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF \_\_\_\_\_  
( \_\_\_\_\_ ) COUNTY

BEFORE ME, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ personally appeared \_\_\_\_\_, \_\_\_\_\_ known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity herein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE

Signature \_\_\_\_\_

Notary Public in and for the State of \_\_\_\_\_

County of \_\_\_\_\_

My Commission Expires:



Executed this 29<sup>th</sup> day of June, 2021

RESPONDER: ExxonMobil Environmental and Property Solutions Company (on behalf of ExxonMobil Oil Company)

Signature *Kenneth J. Drake*

Printed Name: Kenneth J. Drake

Title: Sr. Project Manager

STATE OF Texas  
(Harris) COUNTY

BEFORE ME, on this the 29 day of June, 2021 personally appeared Kenneth J. Drake, Sr. Project Manager known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity herein expressed.

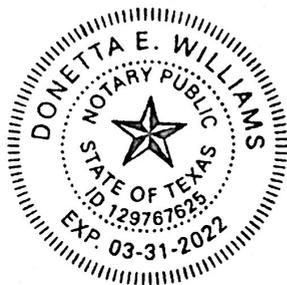
GIVEN UNDER MY HAND AND SEAL OF OFFICE

Signature *Donetta Williams*

Notary Public in and for the State of TEXAS

County of Harris

My Commission Expires: 03/31/2022



Accepted as Third Party Beneficiary this 21<sup>st</sup> day of July, 2021

Railroad Commission of Texas

Signature: Peter G. Pope

Printed Name: Peter G. Pope

Title: Manager, Site Remediation

State of Texas  
Travis County

BEFORE ME on this the 21<sup>st</sup> day of July, 2021 personally appeared Peter Pope, Manager on behalf of the Oil and Gas Division of the Railroad Commission of Texas, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity herein expressed.

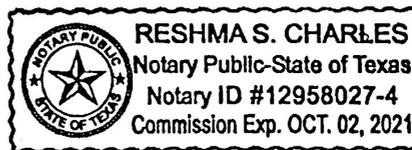
GIVEN UNDER MY HAND AND SEAL OF OFFICE

Signature Reshma S. Charles

Notary Public in and for the State of Texas

County of Travis

My Commission Expires:



Notary without Bond

**Exhibit A**

**Property**



# glezman surveying, inc.

1938 Old River Road  
Montgomery, Texas 77356

936-582-6340  
Fax: 582-6344

**231.843 ACRES  
CHARLES EISTERWALL SURVEY, A-191,  
C.F. BAUMLIN SURVEY, A-105, AND  
WALKER COUNTY SCHOOL LAND SURVEY, A-599  
MONTGOMERY COUNTY, TEXAS**

*Being 231.843 acres of land, situated in the Charles Eisterwall Survey, Abstract Number 191, the C. F. Baumlín Survey, Abstract Number 105, and the Walker County School Land Survey, Abstract Number 599, all in Montgomery County, Texas and being all of that certain called 213.1614 acres (213.776 by re-survey), called Tract 1 and described in Special Warranty Deed to American Fluorite, Inc., recorded under Clerk's File Number 9516337 of the Official Public Records of Real Property of Montgomery County, Texas, and in Cause No. 98-08-03026, District Court, Montgomery County, Texas, 284<sup>th</sup> Judicial District, recorded under Clerk's File Number 2003-051680, and all of that certain called 18.8 acres (18.067 acres by re-survey) as described in Cash Warranty Deed to American Fluorite, Inc., under Clerk's File Number 9556915; said 231.843 acres being more particularly described by metes and bounds as follows, with all bearings and coordinates referenced to the Texas State Plane Coordinates, Central Zone NAD 83, with a combined scale factor of 0.999997:*

**BEGINNING** at a pipe fence corner, found for the most Easterly Northeast corner of the herein described tract at the Northwest corner of the James R. Spradlin 1.220 acre tract as described in Deed recorded under Clerk's File Number 2008-008132, in the Southwesterly line of Interstate Highway 45, a variable width right-of-way described in Deed recorded under Clerk's File Number 99024956; said corner having a coordinate value of North 10,040,014.428 and East 3,843,235.047;

**THENCE** South 02°25'38" East, leaving Interstate Highway 45 along the East line of the called 213.1614 acre tract, passing at 427.26 feet, the Southwest corner of the Spradlin 1.220 acre tract and Northwest corner of the Gus C. Robles 11.8274 acre tract as described under Clerk's File Number 8129628; in all, a distance of 1869.28 feet (Deed call: South 00°15'00" West, 1459.25 feet) to a point on the North high bank of Spring Creek and from which is found for reference, a pipe fence corner bearing North 02°25'38" West, 237.74 feet;

**THENCE** with the following courses and distances along the meanders of the North high bank of Spring Creek:

South 72°52'28" West, a distance of 17.38 feet,  
South 86°04'29" West, a distance of 62.19 feet,  
North 80°42'35" West, a distance of 93.69 feet,  
South 84°24'11" West, a distance of 85.31 feet,  
South 74°26'36" West, a distance of 73.50 feet,  
South 60°28'56" West, a distance of 206.02 feet,  
South 40°13'57" West, a distance of 55.92 feet,  
South 55°20'06" West, a distance 62.91 feet,  
South 79°39'21" West, a distance 63.65 feet,  
South 62°54'42" West, a distance of 150.13 feet,  
South 88°12'02" West, a distance of 70.25 feet,  
North 11°38'42" West, a distance of 15.69 feet,  
North 48°58'31" West, a distance of 115.65 feet,



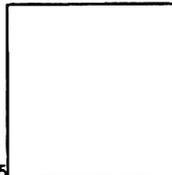
# glezman surveying, inc.

1938 Old River Road  
Montgomery, Texas 77356

936-582-6340  
Fax: 582-6344

231.843 ACRES  
CHARLES EISTERWALL SURVEY, A-191  
C.F. BAUMLIN SURVEY, A-105, AND  
WALKER COUNTY SCHOOL LAND SURVEY, A-599  
MONTGOMERY COUNTY, TEXAS  
(Continued)

North 58°00'47" West, a distance 96.24 feet,  
North 66°04'02" West, a distance of 83.94 feet,  
North 69°16'59" West, a distance of 86.68 feet,  
North 75°45'23" West, a distance of 167.72 feet,  
South 56°24'40" West, a distance of 48.62 feet,  
North 83°30'21" West, a distance of 41.14 feet,  
South 88°22'01" West, a distance of 63.28 feet,  
South 73°02'19" West, a distance of 42.91 feet,  
South 66°26'52" West, a distance of 60.85 feet,  
South 82°32'42" West, a distance of 44.93 feet,  
North 82°01'01" West, a distance of 49.61 feet,  
North 73°01'28" West, a distance of 56.40 feet,  
North 62°36'22" West, a distance of 30.02 feet,  
South 88°56'59" west, a distance of 33.00 feet,  
North 82°31'01" West, a distance of 75.30 feet,  
South 87°08'11" West, a distance of 225.55 feet,  
South 78°29'21" West, a distance of 88.61 feet,  
South 41°35'36" West, a distance of 97.36 feet,  
South 31°46'24" West, a distance of 42.65 feet,  
South 14°47'11" West, a distance of 65.59 feet,  
South 13°58'42" West, a distance of 55.09 feet,  
South 36°54'01" West, a distance of 156.93 feet,  
South 72°04'45" West, a distance of 68.25 feet,  
South 44°06'56" West, a distance of 50.23 feet,  
North 81°18'51" West, a distance of 75.29 feet,  
North 78°25'59" West, a distance of 136.86 feet,  
North 58°26'27" West, a distance of 46.52 feet,  
North 80°13'06" West, a distance of 31.82 feet,  
North 74°09'48" West, a distance of 66.31 feet,  
North 66°51'43" West, a distance of 68.42 feet,  
North 63°26'55" West, a distance of 167.33 feet,  
South 80°42'09" West, a distance of 102.60 feet,  
South 50°16'46" West, passing at a distance of 51.56 feet, a point for the  
Southwest corner of the called 213.1614 acre tract and the Southeast corner of the called  
18.800 acre tract; in all a distance of 71.35 feet,  
South 63°19'40" West, a distance of 59.88 feet,  
South 56°12'41" West, a distance of 66.48 feet,  
South 70°36'04" West, a distance of 68.52 feet,  
South 80°58'36" West, a distance of 28.39 feet,  
South 68°27'09" West, a distance of 101.63 feet,  
South 89°19'49" West, a distance of 34.75 feet,



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**C.F. BAUMLIN SURVEY, A-105, AND**  
**WALKER COUNTY SCHOOL LAND SURVEY, A-599**  
**MONTGOMERY COUNTY, TEXAS**  
(Continued)

South 74°17'45" West, a distance of 126.10 feet,  
South 62°50'51" West, a distance of 91.08 feet,  
South 70°09'08" West, a distance of 141.40 feet to a 5/8 inch iron rod, found on the North high bank of Spring Creek for the Southwest corner of the herein described tract and Southwest corner of the called 18.8000 acre tract, and being the Southeast corner of the Montgomery County, Texas 71.413 acre tract as described under Clerk's File Number 2002-000259, from which is found for reference, the end of a barbed wire fence bearing South 31°23'46" West, 0.59 feet;

**THENCE** North 02°18'42" West along the West line of the called 18.8000 acre tract and the East line of the 71.413 acre tract, passing at 1131.53 feet, the Southeast corner of the Montgomery County, Texas 25.9089 acre tract as described under Clerk's File Number 2002-000264; in all, a distance of 1239.55 feet to a 5/8 inch iron rod with an aluminum survey cap, found for the most Southerly Northwest corner of the herein described tract and the Northwest corner of the called 18.8000 acre tract, at an interior corner of the 25.9089 acre tract and being the Southerly Northeast corner of a 30 foot wide access easement as described under Clerk's File Number 9556915;

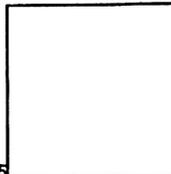
**THENCE** North 85°45'56" East, a distance of 26.97 feet along the Easterly South line of the 25.9089 acre tract, to an axel , found for an angle point at the Southwest corner of the John D. Hagerman and Linda L. Hagerman, 6.1447 acre residual tract and described under Clerk's File Number 8439170;

**THENCE** North 86°04'52" East, a distance of 661.99 feet along the North line of the called 18.8000 acre tract and South line of the Hagerman tract, to a 5/8 inch iron rod with a survey cap marked "Glezman, RPLS 4627", set for an interior corner of the herein described tract at the Northeast corner of the called 18.8000 acre tract, in the West line of the called 213.1614 acre tract;

**THENCE** North 02°55'18" West, a distance of 579.20 feet along the East line of the Hagerman tract, to a 5/8 inch iron rod with a survey cap, set for an angle point at the beginning of a curve to the left;

**THENCE** along the occupied East line of Pruitt Road, a county maintained right-of-way, with a curve to the left, having as its elements: a central angle of 26°05'27", a radius of 186.46 feet, an arc length of 84.91 feet, and a chord bearing North 14°53'49" East, 84.18 feet, to a 5/8 inch iron rod with survey cap, set for an angle point;

**THENCE** North 03°07'24" West, a distance of 1563.28 feet along the occupied East line of Pruitt Road and the West line of the called 213.1614 acre tract, to a bent 5/8 inch iron rod, found for an angle point;



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**WALKER COUNTY SCHOOL LAND SURVEY, A-599**  
**MONTGOMERY COUNTY, TEXAS**  
(Continued)

**THENCE** North 01°50'22" West, a distance of 351.81 feet along the East line of Pruitt Road and the West line of the 213.1614 acre tract (Deed call: North 01°13'00" East, 351.81 feet) to a ½ inch iron rod, found for a Northwest corner at the cut-back line of the East line of Pruitt Road and the South line of Pruitt Road;

**THENCE** North 27°39'43" East, a distance of 102.54 feet along Pruitt Road and the Northwesterly line of the 213.1614 acre tract (Deed call: North 39°23'11" East, 96.56 feet) to a 5/8 inch iron rod with a survey cap marked "Landtech", found for the South line of Pruitt Road as described in Deed recorded under Clerk's File Number 2006-005981;

**THENCE** North 70°55'38" East, a distance of 44.26 feet along the South line of Pruitt Road, severing the called 213.1614 acre tract, to a 5/8 inch iron rod, found for an angle point;

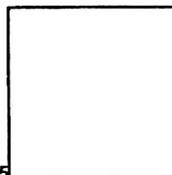
**THENCE** North 87°20'43" East, a distance of 495.63 feet along the South line of Pruitt Road, severing the 213.1614 acre tract, to a 5/8 inch iron rod, found for an angle point;

**THENCE** North 88°12'06" East, a distance of 766.64 feet along the South line of Pruitt Road, severing the 213.1614 acre tract, to a 5/8 inch iron rod with a survey cap, found for the most Northerly Northeast corner of the herein described tract and the called 213.1614 acre tract, at the Northwest corner of Alexan Of Pruitt Road, Reserve "A", a subdivision recorded in Cabinet W, Sheet 87 of the Map Records of Montgomery County, Texas;

**THENCE** South 03°33'40" East, a distance of 1165.79 feet along the Northerly East line of the 213.1614 acre tract (Deed call: South 00°30'18" East, 1185.71 feet) and the West line of Reserve "A", to a 5/8 inch iron rod, found for an interior corner of the herein described tract and called 213.1614 acre tract, at the Southwest corner of Reserve "A"; said corner being further referenced by: a pipe fence corner bearing South 38°09'42" West, 1.22 feet and a wood fence corner bearing North 87°32'43" East, 10.72 feet;

**THENCE** North 87°17'40" East along the South line of Alexan Of Pruitt Road, passing at 541.44 feet, the Southwest corner of Alexan Spring Apartments, the map or plat thereof recorded in Cabinet Z, Page 698 of the Map Records, in all a distance of 1543.02 feet (Deed call: South 89°38'40" East, 1557.94 feet) to a 5/8 inch iron rod, found for a Northeast corner of the herein described tract, in the Southwesterly line of Interstate Highway 45;

**THENCE** along Interstate Highway 45 with a curve to the left, having as its elements: a central angle of 00°52'43", a radius of 3820.00 feet, an arc length of 58.58 feet and a chord bearing South 40°15'52" East, 58.58 feet to an angle point;



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MONTGOMERY COUNTY, TEXAS  
(Continued)

THENCE South 34°12'17" East, a distance of 468.31 feet along Interstate Highway 45, back to the Point of Beginning and containing 231.843 acres (10,099,074.4 square feet) of land, based on the survey and plat prepared by Glezman Surveying Inc., dated February 5, 2010.



Michael Glezman  
Registered Professional Land Surveyor  
Texas Registration No. 4627

Revised: 06/10/10  
Date: 02/08/10



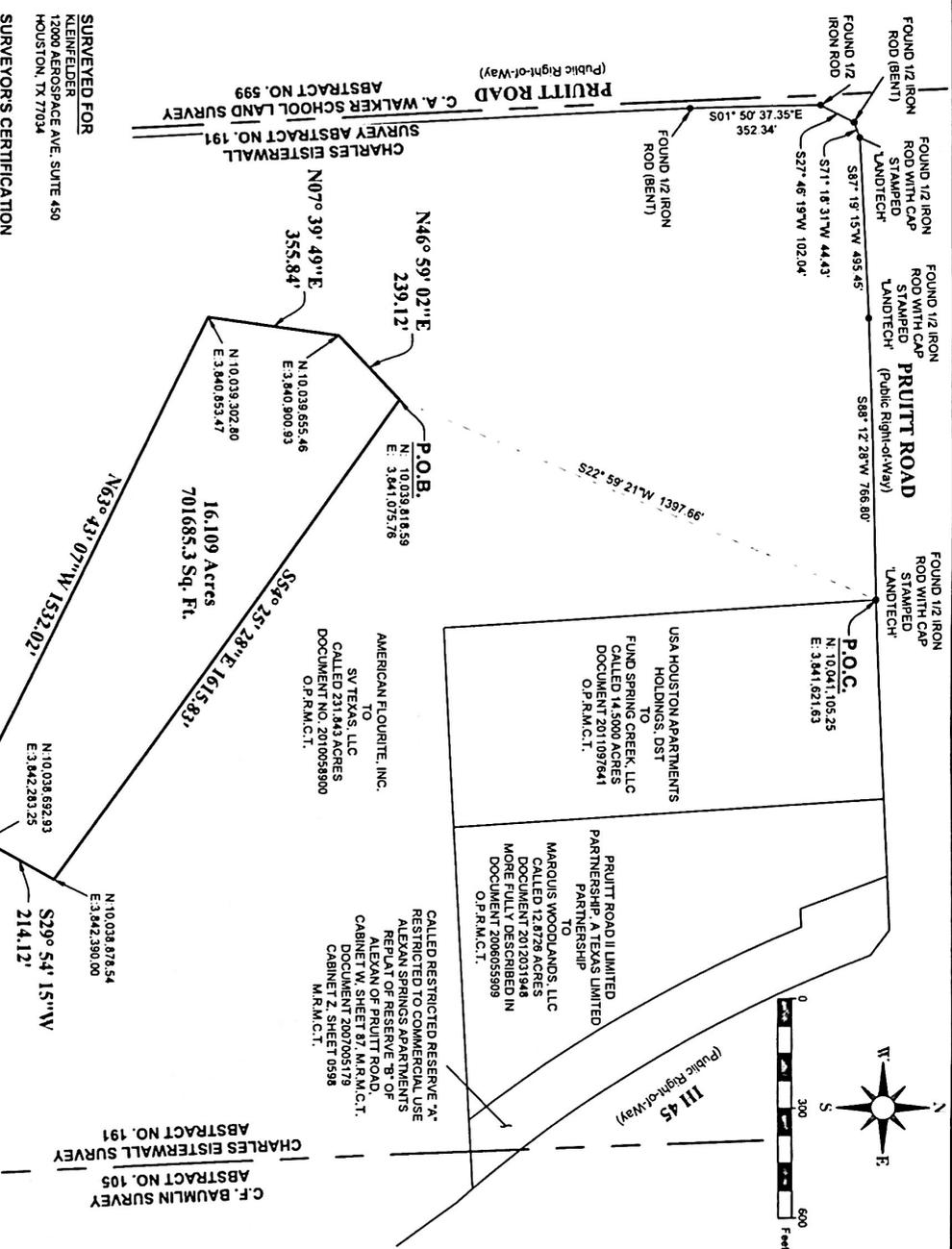
**Exhibit B**

**Affected Property**

**SURVEYED FOR**  
**KLEINFELDER**  
 12000 AEROSPACE AVE, SUITE 450  
 HOUSTON, TX 77034

**SURVEYOR'S CERTIFICATION**  
 THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY PLAT ACCURATELY REPRESENTS AN ON THE GROUND SURVEY MADE UNDER MY DIRECT SUPERVISION ON NOVEMBER 5-6, 2020 AND IS BEING SUBMITTED ALONG WITH THE SURVEYOR'S FIELD NOTE DESCRIPTION OF THE PROPERTY SHOWN HEREON, WHICH LIES IN MONTGOMERY COUNTY, TEXAS.

**REGISTERED PROFESSIONAL LAND SURVEYOR**  
**CARL E. DICKWORTH 6816**



**SURVEYOR'S FIELD NOTE DESCRIPTION**  
 BEING A 16.109-ACRE TRACT OF LAND OUT OF AND A PART OF THAT CERTAIN BY TEXAS, LLC CALLED 231.843-ACRE TRACT OF LAND BEING MORE FULLY DESCRIBED AND RECORDED IN DOCUMENT NO. 2010058900 OF THE OFFICIAL PUBLIC RECORDS OF MONTGOMERY COUNTY, TEXAS, SAID 16.109-ACRE TRACT BEING SITUATED IN THE CHARLES EISTERWALL SURVEY, ABSTRACT NO. 191, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 COMMENCING AT A 1/2-INCH IRON ROD WITH CAP "LANDTECH" FOUND, WITH A COORDINATE VALUE OF NORTHING 10041.0525 AND EASTING 3841.82163, FOR THE MOST NORTHERLY NORTHEAST CORNER OF SAID 231.843-ACRE TRACT, SAME BEING THE NORTHWEST CORNER OF THAT CERTAIN FUND SPRING CREEK, LLC CALLED 14,500-ACRE TRACT OF LAND, BEING MORE FULLY DESCRIBED AND RECORDED IN DOCUMENT NO. 2011097641 OF SAID OFFICIAL PUBLIC RECORDS AND SAME BEING IN THE SOUTH LINE OF PRUITT ROAD (PUBLIC RIGHT-OF-WAY),  
 THENCE SOUTH 22 DEG. 59 MIN. 21 SEC. WEST, A OVER AND ACROSS SAID 231.843-ACRE TRACT, A DISTANCE OF 1,387.68 TO A POINT FOR THE NORTHWEST CORNER AND POINT OF BEGINNING OF THE HEREIN DESCRIBED 16.109-ACRE SUBJECT TRACT;  
 THENCE SOUTH 54 DEG. 25 MIN. 28 SEC. EAST, OVER AND ACROSS SAID 231.843-ACRE TRACT, A DISTANCE OF 1415.83 TO A POINT FOR THE NORTHWEST CORNER OF SAID 16.109-ACRE TRACT;  
 THENCE SOUTH 29 DEG. 54 MIN. 15 SEC. WEST, OVER AND ACROSS SAID 231.843-ACRE TRACT, A DISTANCE OF 1,512.02 FEET TO A POINT FOR THE SOUTHWEST CORNER OF SAID 16.109-ACRE TRACT;  
 THENCE SOUTH 39 DEG. 20 MIN. 09 SEC. WEST, OVER AND ACROSS SAID 231.843-ACRE TRACT, A DISTANCE OF 834 FEET TO A POINT FOR THE SOUTHEAST CORNER OF SAID 16.109-ACRE TRACT;  
 THENCE NORTH 63 DEG. 43 MIN. 07 SEC. WEST, OVER AND ACROSS SAID 231.843-ACRE TRACT, A DISTANCE OF 1,512.02 FEET TO A POINT FOR THE SOUTHWEST CORNER OF SAID 16.109-ACRE TRACT;  
 THENCE NORTH 07 DEG. 39 MIN. 48 SEC. EAST, OVER AND ACROSS SAID 231.843-ACRE TRACT, A DISTANCE OF 355.84 FEET TO A POINT FOR CORNER OF SAID 16.109-ACRE TRACT;  
 THENCE NORTH 48 DEG. 59 MIN. 02 SEC. EAST, OVER AND ACROSS SAID 231.843-ACRE TRACT, A DISTANCE OF 239.12 FEET TO THE POINT OF BEGINNING CONTAINING 16.109 ACRES OF LAND, MORE OR LESS.

**GENERAL NOTES**

1. ALL BEARINGS, DISTANCES AND COORDINATES ARE BASED UPON THE TEXAS STATE PLANE COORDINATE SYSTEM OF 1983 (2011 EPOCH), CENTRAL ZONE (2011 U.S. SURVEY FOOT).
2. NOTHING IN THIS SURVEY IS INTENDED TO EXPRESS AN OPINION REGARDING OWNERSHIP OF TITLE TO ANY PROPERTY.
3. BOUNDARY SURVEY ONLY. NO IMPROVEMENTS OR EASEMENTS IF ANY, RESEARCHED OR SHOWN HEREON.
4. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.

**BOUNDARY SURVEY**  
**16.109 ACRE TRACT**  
 IN THE  
**CHARLES EISTERWALL SURVEY**  
**ABSTRACT NO. 191**  
**MONTGOMERY COUNTY, TEXAS**  
 NOVEMBER 11, 2020 JOB NO. LJA545-2005

**LJA SURVEYING**  
 10915 Farm Rd. 10113-6600  
 2012 Clover Ave., Suite 510  
 Houston, Texas 77057  
 Tel: 409.811.1144  
 Fax: 409.811.0147

**Exhibit C**

**COCs Remaining in Groundwater**

### Exhibit C – COCs Remaining in Soil and Groundwater

Upon completion of the remediation, COCs at the following maximum levels, exceeding the regulatory action level, remained in subsurface soil and groundwater beneath the **Affected Property**:

<b>Environmental Media</b> (1) (2) (Soil, groundwater or air)	<b>Constituents Remaining</b> (3)	<b>Maximum Detected Sample Concentration</b> (4) (5)	<b>Date of Sample Collection</b>	<b>PSH Measured Apparent Thickness in Feet</b> (6) (9)	<b>Depth BGS and Location</b> (1) (2) (7) (8)
Groundwater	PSH <sup>(6)</sup>	Not Applicable	12/01/16	0.60	5.37 Feet, MW-01 (CEG)
Groundwater	PSH <sup>(6)</sup>	Not Applicable	05/04/18	0.56	7.19 Feet, MW-02 (CEG)
Groundwater	Chloride	423 <sup>(5)</sup>	05/04/18	NA	6.33 feet, MW-4
Groundwater	Chloride	19,000 <sup>(5)</sup>	05/04/18	NA	14.18 feet, MW-7
Groundwater	Chloride	2180 <sup>(5)</sup>	05/04/18	NA	15.39 feet, MW-5
Groundwater	Chloride	8,270 <sup>(5)</sup>	05/04/18	NA	15.90 feet, MW-8
Groundwater	Chloride	1,370 <sup>(5)</sup>	05/04/18	NA	15.35 feet, MW-6
Groundwater	Chloride	1,590 <sup>(5)</sup>	05/04/18	NA	11.05 feet, MW-3
Groundwater	Chloride	1,460 <sup>(5)</sup>	05/04/18	NA	14.71 feet, MW-1
Groundwater	Chloride	490 <sup>(5)</sup>	12/01/16	NA	22.70 feet, TMW-2

- (1) Groundwater - A saturated geologic formation, group of formations, or part of a formation.
- (2) Soil includes surface soils and subsurface soils. For surface soil, the soil zone extending from ground surface to five feet in depth for commercial/industrial land use; or to the top of the uppermost groundwater-bearing unit or bedrock, whichever is less in depth. For subsurface soil, the portion of the soil zone between the base of surface soil and the top of the groundwater-bearing unit(s).
- (3) Constituents identified as Site-specific COCs that exceed the regulatory action level within the "Affected Property".
- (4) milligrams per kilograms (mg/kg)
- (5) milligrams per liter (mg/l)
- (6) Phase-Separated Hydrocarbons (PSHs)
- (7) Monitor Well (MW)
- (8) CEG denotes a groundwater monitoring well installed by Carr Environmental Group
- (9) Not Applicable (NA)

## INCUMBENT POWER OF ATTORNEY

**EXXONMOBIL ENVIRONMENTAL AND PROPERTY SOLUTIONS COMPANY**, a Delaware corporation, having an office in Spring, Texas, does hereby make, constitute and appoint each incumbent of the following positions in the ExxonMobil Environmental and Property Solutions Company:

Project Manager (E&PS-Environmental Solutions),  
Senior Project Manager (E&PS-Environmental Solutions),  
Commercial Portfolio Manager (E&PS-Environmental Solutions)

as true and lawful agents and attorneys-in-fact of ExxonMobil Environmental and Property Solutions Company, to do or perform any or all of the following acts:

1. To make, execute and deliver contracts for the construction, repair, environmental remediation, and maintenance of properties, including non- operating surplus sites;
2. To purchase, lease or otherwise acquire personal property; to make, execute and deliver all contracts or other instruments necessary for such purchases, leases or acquisitions; and to sign execute, acknowledge and deliver contracts or other instruments terminating or modifying such contracts or instruments; and
3. To execute and file any and all instruments, documents, forms, reports and applications necessary or proper for filing before administrative or executive officers, boards and agencies, whether federal, state, or municipal; and to obtain any authorization, permit or license from any officer, board or agency, whether federal, state or municipal.

Each incumbent of said positions may exercise the power and authority herein granted, delegated and invested, as a true and lawful Agent and Attorney-in-Fact for ExxonMobil Environmental and Property Solutions Company. Any action authorized under this Incumbent Power of Attorney shall be an act of ExxonMobil Environmental and Property Solutions Company and be binding upon it.

In the event there is a subsequent change in the names or descriptions of the above positions of ExxonMobil Environmental and Property Solutions Company, this Incumbent Power of Attorney shall remain in full force and effect except that the same shall be deemed to refer to the above positions so changed in name or description.

The power and authority conferred herein to execute and deliver instruments may not be delegated.

This Incumbent Power of Attorney supersedes, revokes and replaces corresponding Power of Attorney issued by ExxonMobil Environmental and Property Solutions Company with an effective date of July 1, 2019 to incumbent positions within ExxonMobil Environmental and Property Solutions Company:

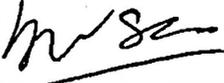
Project Manager (E&PS-Environmental),  
Acquisitions, Trades & Sales Manager (E&PS-Strategy & Commercial),  
Commercial Advisor (E&PS-Strategy & Commercial),  
Claims & Superfund Advisor (E&PS-Strategy & Commercial)

However, all acts lawfully done or performed pursuant to such prior Power of Attorney by the said Attorneys-in-Fact prior to such revocation shall be, and the same hereby is, ratified and confirmed.

This Power of Attorney shall be effective June 1, 2021 and expire on the close of business on May 31, 2024.

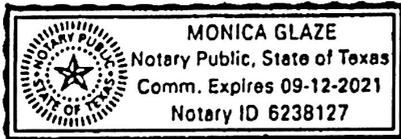
Executed on May 25, 2021

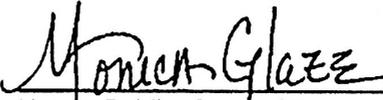
**EXXONMOBIL ENVIRONMENTAL AND  
PROPERTY SOLUTIONS COMPANY**

By:   
K. Y. See, President

STATE OF TEXAS           §  
COUNTY OF HARRIS   §  
UNITED STATES OF AMERICA   §

Sworn to and subscribed before me on May 25, 2021.



  
Notary Public, State of Texas

**CERTIFICATION**

I, Monica Glaze, Secretary of SV TEXAS, LLC, a limited liability company duly organized and existing under the laws of the State of Delaware, United States of America,

**DO HEREBY CERTIFY:**

THAT the following is a true and accurate copy of a resolution adopted by the Board of Directors of SV TEXAS, LLC on November 18, 2010:

**"EXECUTION OF DOCUMENTS**

RESOLVED, That the President or any Vice President of the Company elected by the Board of Directors be, and each of them hereby is, empowered to execute all papers requiring execution in the name of the Company, and the Secretary or any Assistant Secretary is hereby authorized to affix the seal of the Company to such papers as require the seal and each of said officers is hereby empowered to acknowledge and deliver any such instruments as fully as if such authority were granted in each particular instance."

THAT the above resolution has not been rescinded, cancelled or revoked and is in full force and effect as of the date of this certification; and

THAT the Officers listed below are currently serving in the positions set opposite their names and as such may exercise all the authorities and responsibilities conferred in the foregoing resolution:

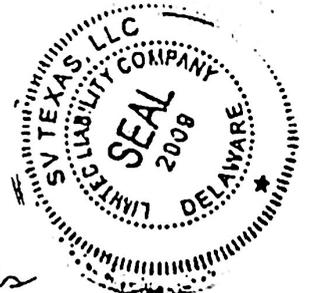
Kok-Yew See	President
Sharon Asinelli	Vice President
Beth Galvin	Vice President

IN WITNESS WHEREOF, I have executed this Certification and affixed the seal of SV TEXAS, LLC hereto in the city of Houston, Texas on the 21<sup>st</sup> day of June, 2021.

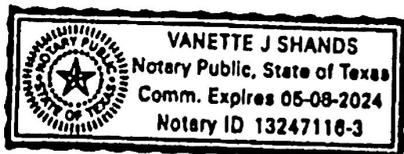
*Monica Glaze*  
\_\_\_\_\_  
Monica Glaze, Secretary

STATE OF TEXAS  
COUNTY OF HARRIS  
UNITED STATES OF AMERICA

Sworn to and subscribed before me on this 21st day of June, 2021.



*Vanette J Shands*  
\_\_\_\_\_  
Notary Public



FILED FOR RECORD  
08/11/2021 02:49PM



COUNTY CLERK  
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS,  
COUNTY OF MONTGOMERY

I hereby certify that this instrument was filed in the file number  
sequence on the date and time stamped herein  
by me and was duly RECORDED in the Official Public  
Records of Montgomery County, Texas.

08/11/2021



County Clerk  
Montgomery County, Texas