

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

VOLUNTARY CLEANUP PROGRAM
CONDITIONAL CERTIFICATE OF COMPLETION

This Conditional Certificate of Completion (Certificate) applies to the tract of land described in Exhibit A, attached hereto and incorporated herein by reference. The continued effectiveness of this Certificate is conditioned upon compliance with the conditions set forth in Exhibit B, attached hereto and incorporated herein by reference. If there is not satisfactory compliance with these conditions, this Certificate is voidable by the Texas Commission of Environmental Quality (TCEQ). 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, Jack W. Carsten, Jr., P.G., Manager of the Voluntary Cleanup Section, TCEQ, certify as follows:

Certain response actions have been implemented for VCP No. KEYBOARD(VCP No.) as of KEYBOARD(Date), 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 Implementation of Response Actions (Exhibit C, attached hereto and incorporated herein by reference) and on additional site information maintained 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, provided the applicant or future owners are satisfactorily achieving and maintaining the conditions described in Exhibit B:

- 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. KEYBOARD(VCP No.):

EXECUTED this ___ day of ___, 20__

Jack W. Carsten, Jr., P.G., Manager
Voluntary Cleanup Section

STATE OF TEXAS
TRAVIS COUNTY

BEFORE ME, on this the ___ day of ___, personally appeared Jack W. Carsten, Jr., P.G., Manager, Voluntary Cleanup Section, of the Texas Commission on Environmental Quality, known to me to be the person and agent of said commission whose name is subscribed to the foregoing instrument and he acknowledged to me that he executed the same for the purposes and in the capacity therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the ___ day of ___, 20__

Notary Public in and for the State of Texas

EXHIBIT "B"
Conditions for Certification
VCP No. *KEYBOARD*(VCP No.)

The following conditions apply to the tract of land described in Exhibit "A" (Site) where contamination has been released at *KEYBOARD*(Name of Site):

Site Conditions

EXAMPLE CONDITION

1. Maintain the extent of the contaminant plume, perform any necessary groundwater treatment and any necessary groundwater monitoring at the tract of land described in Exhibit "A", to meet the requirements of **Risk Reduction Standard No. 3 (Remediation with Controls), in accordance with 30 Texas Administrative Code (TAC) §335.561 or Texas Risk Reduction Program Remedy B in accordance with 30 TAC §350.33** relating to a plume management zone. Site activities should be conducted according to the *KEYBOARD*(Names and Dates of Reports) for the site or subsequently approved reports or other TCEQ written correspondence. Where TCEQ correspondence and other reports conflict, TCEQ correspondence prevails over the reports.
2. No groundwater well other than monitoring wells, may be installed in the affected shallow water-bearing zone for any residential or non-residential use, with the exception of pumping or extraction wells in order to achieve remedial goals. In addition, groundwater wells completed in the underlying formation should be completed in such a manner to prevent downward migration of contaminants from the shallow water-bearing zone.
3. Groundwater shall not be used for residential, agricultural, recreational, industrial or commercial purposes, unless authorized by the TCEQ.

General Conditions

4. The Certificate, including Exhibits "A", "B" and "C", shall be disclosed to the next subsequent owner prior to transfer of control of the Site or any part of the Site. Any such failure to disclose shall only affect that portion of the Site for which the disclosure is not accomplished.
5. TCEQ oversight costs for review of any work plans or reports necessary to implement the conditions of the Certificate shall be paid in a timely manner.
6. **Risk Reduction Standard No. 3 (Remediation with Controls), in accordance with 30 Texas Administrative Code (TAC) §335.561 or Texas Risk Reduction Program Remedy B in accordance with 30 TAC §350.33** (or any subsequently applicable similar rules), must be complied with in addressing the site.

EXHIBIT "C"
Affidavit of Implementation of Response Actions

BEFORE ME the undersigned authority, on this day personally appeared (name of responsible person) (Applicant), as an authorized representative of **KEYBOARD(Applicant)** (Applicant), 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.

KEYBOARD(Applicant) (Applicant), has implemented 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 **KEYBOARD(Site Name)** (Site), VCP No. **KEYBOARD(VCP No.)** located at **KEYBOARD(Address)**, **KEYBOARD(City)**, **KEYBOARD(County)** County, Texas. The Site was owned by **KEYBOARD(Applicant)** 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) Voluntary Cleanup Section on all plans and reports required by the Voluntary Cleanup Agreement necessary for receipt of a Conditional Certificate of Completion (Certificate) for the tract of land in Exhibit "A". The plans and reports were prepared using a prudent degree of inquiry of the Site consistent with accepted industry standards to identify all hazardous substances, waste and contaminated media of regulatory concern.

The response actions for the Site have achieved response action levels acceptable for **KEYBOARD(commercial/industrial or residential)** land use as determined by the standards of TCEQ. The response action will eliminate or reduce to the maximum extent practicable, substantial present or future risk to public health and safety and the environment from releases and threatened releases of hazardous substances and/or contaminants at or from the Site. The Applicant has not acquired this Certificate by fraud, misrepresentation or knowing failure to disclose material information.

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

Applicant

(Signature)

(Printed Name)

(Title)

STATE OF _____
COUNTY OF _____

SUBSCRIBED AND SWORN before me on this the _____ day of _____ 2004, to which witness my hand and seal of office.

Notary Public in and for the State of _____