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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 3, 2010

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

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

Dear Ms. Smith:

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

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

Sincerely,

Division Director's Signature

Brent Wade, Director
Remediation Division

BW/jj

Enclosure: IOC

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

Example

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

INNOCENT OWNER/OPERATOR PROGRAM CERTIFICATE

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

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

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

EXECUTED this the 1st day of January, 2010

Division Director's Signature
Brent Wade, Director
Remediation Division

STATE OF TEXAS
TRAVIS COUNTY

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

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

Notary Public, State of Texas
My Commission Expires

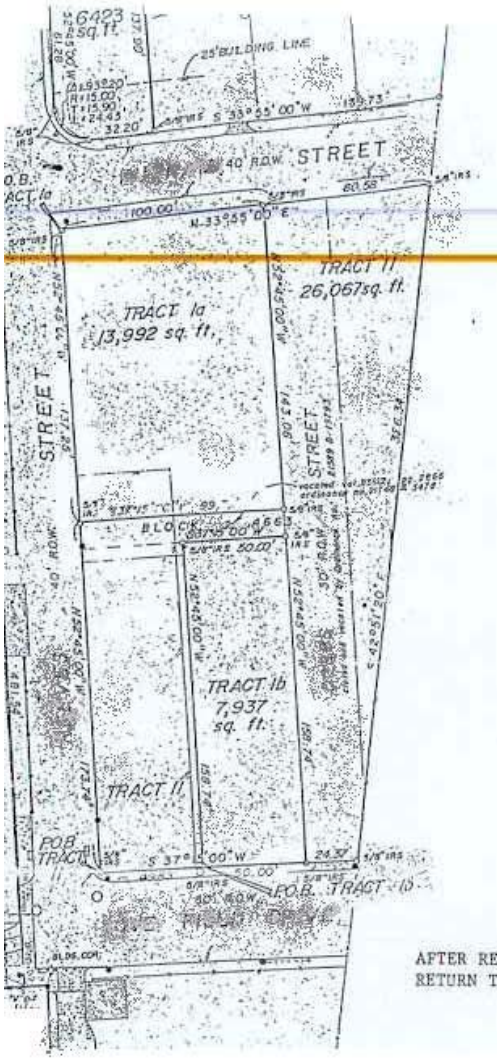
Notary's Signature
Notary Public in and for the State of Texas

Example

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

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

Example



AFTER RECORDING PLEASE
RETURN TO:

Exhibit

TRACT Ia
PROPERTY DESCRIPTION

BEING a tract of land situated in the Dickerson Parker Survey, Abstract No. 1113, Dallas County, and being part of Block 4663, City of Dallas, 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 100.00 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 abandoned by Ordinance Nos. 19789 and 21589;

THENCE S56°45'00"E departing the easterly line of said Putnam Street and along the southerly location 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 15' alley that was created by Ordinance Nos. 19789 and 21589;

THENCE S33°55'00"W departing the southerly location line of said Dobbs Street and along the westerly location line of said 15' Alley, a distance of 99.83 feet to a 5/8" iron rod set for corner in 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, also being part of 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 at the intersection of the northerly line of Reeves Street (40' R.O.W.) with the aforementioned westerly line of Love Field Drive;

THENCE N52°45'00"W along the said westerly line of Love Field Drive, a distance of 558.74 feet to a 5/8" iron rod set for corner in the southeasterly line of that certain portion of Dobbs Street (60' R.O.W.) abandoned by Ordinance Nos. 19789 and 21589;

THENCE N37°15'00"E along the easterly location line of Dobbs Street, a distance of 150.00 feet to a 5/8" iron rod set for corner in the aforementioned westerly line of Love Field Drive;

THENCE S52°45'00"E along the said westerly line of Love Field Drive, a distance of 137.25 feet to the POINT OF BEGINNING and containing 7,937 square feet or 0.1822 acres of land, more or less.

Tract II
PROPERTY DESCRIPTION

BEING a tract of land situated in the Dickerson Parker Survey, Abstract No. 1113, Dallas County, and being part of Block 4663, and being that certain portion of Dobbs Street (60' R.O.W.) abandoned by Ordinance Nos. 19789 and 21589, and being more particularly described as follows:

BEGINNING at a 5/8" iron rod set for corner in the southwesterly line of said Block 4663 situated at the intersection of the northerly line of Reeves Street (40' R.O.W.) with the easterly line of Love Field Drive (50' R.O.W.);

THENCE N52°45'00"W along the said northerly line of Reeves Street, a distance of 137.25 feet to a 5/8" iron rod set for corner at the southwesterly corner of that certain portion of Dobbs Street abandoned by Ordinance Nos. 19789 and 21589;

THENCE N37°15'00"E departing the said northerly line of Reeves Street and along the westerly location line of said 15' Alley, a distance of 99.83 feet to a 5/8" iron rod set for corner at the northwesterly corner of said 15' Alley, same being in the southerly line of the aforementioned Dobbs Street;

THENCE N52°45'00"W along the southerly location line of said Dobbs Street, a distance of 143.06 feet to a 5/8" iron rod set for corner in 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 49.58 feet to a 5/8" iron rod set for corner;

THENCE S52°45'00"E a distance of 328.24 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 249.83 feet to a 5/8" iron rod set for corner at the southeasterly corner of the aforementioned vacated Dobbs Street;

THENCE N52°45'00"W departing the said westerly line of Love Field Drive and along the southerly location line of said Dobbs Street, a distance of 158.74 feet to a 5/8" iron rod set for corner at the northeasterly corner of that certain 15' alley that was created by Ordinance Nos. 19789 and 21589;

THENCE S37°15'00"W departing the southerly location line of said Dobbs Street and along the easterly location line of said 15' Alley, a distance of 50.00 feet to a 5/8" iron rod set for corner;

THENCE S52°45'00"E departing the easterly location line of said 15' Alley and across said Block 4663, 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 49.83 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, [redacted]

This Certification is made to [redacted] a Delaware corporation; [redacted] Inc., Ryan Lance Services, Inc., a Delaware corporation, MJ Development Co., a Texas joint venture; American Title Company and its underwriter Lawyers Title Insurance Corporation for use with GF# 95-RC-[redacted]-1

I hereby certify that the survey for the CYGNET and/or "Property Survey" was actually made upon the ground and that it and the information, courses and distances shown thereon are correct as determined by said survey; that the lines and area of actual possession are the same except as noted; that the size, location and type of buildings and improvements are as shown and all are within the boundary lines and applicable setback lines of the property except as shown; that there are not any easements or rights affecting the property appearing from a careful inspection of the same, other than those shown and depicted thereon; that there are no encroachments affecting the property other than as shown and except as so indicated on the survey the property complies fully as and to what flood related areas in accordance with any maps verified "Flood Insurance Rate Map," "Flood Hazard Boundary Map," or "Flood Insurance Study" prepared by the U.S. Department of Housing and Urban Development, and that the property has direct access to [redacted] Drive, Hyde Drive and Reeves Street, public roads.

This survey is made in compliance with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1A [redacted]

[redacted]
Registration No. [redacted]
Registered Professional Land Surveyor

PROPERTY SURVEY
[redacted] COUNTY, TEXAS
[redacted] SURVEYING, INC.

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

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

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

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

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

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

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

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

Example

Site Innocent Owner or Operator

By: Jane Smith's Signature
Signature

Jane Smith
Name (Printed or Typed)

President
Title

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

State Notary's Signature
(Notary)