

RAILROAD COMMISSION OF TEXAS

OIL AND GAS DIVISION

August 26, 2021

Mr. Brad Jackson
Global Waste Real Estate Holdings, LLC
3701 Turtle Creek Blvd, Ste. 12G
Dallas, TX 75219

RE: ***Certificate of Completion with Restrictions***
18.557 Acre Tract of Land
Global Waste Services
Houston, Harris County, Texas
Voluntary Cleanup Program (VCP) No. 03-18006

Dear Mr. Jackson:

Railroad Commission of Texas (RRC) VCP staff is pleased to enclose a Certificate of Completion (COC) with restrictions for the 18.6-acre tract (Site), located at 7103, 7107 and 7213 East Mount Houston Road in Houston, Harris County, Texas 77050. The Site is more specifically located at latitude 29.892459 and longitude -95.284755 (WGS 84). The following reports were reviewed for the Site prior to the issuance of this Certificate:

Phase I Environmental Site Assessment, 7103, 7107, and 7213 East Mount Houston Road, Houston, Harris County, Texas, 77050, Timber Creek Project No.: 003.13.180602-H, dated July 17, 2018;

Limited Site Assessment, Global Waste Services, 7103, 7107, and 7213 East Mount Houston Road, Houston, Texas, dated August 29, 2018;

Affected Property Assessment Report, Global Waste Services, 7103, 7107, and 7213 East Mount Houston Road, Houston, Texas, dated March 1, 2019;

Response to Letter Dated November 18, 2019 and APAR Addendum, Global Waste Services, 7103, 7107, and 7213 East Mount Houston Road, VCP 03-18006, dated March 17, 2020;

History of Site

The Site is within an area with extensive historic oil and gas activities. The Phase I ESA identified numerous salt evaporating ponds immediately east and northeast (upgradient) of the Site in 1954. Historically, an oil well ("Edna Schultz #2"; API No. 20101353) was drilled in 1950s and plugged on January 29, 1993. A second oil well was also noted to be plotted on the western half of the Site (Lease ID: 01318; Well No. 1; API no. 20103025) and still active. In December 2018 it was

determined that this well was not on the property and rather approximately half a mile east of the Site. The Site is currently a material recycling facility that stores waste receptacles and garbage collection vehicles. Additionally, the Site has been enrolled in both the RRC's and Texas Commission on Environmental Quality's (TCEQ) Voluntary Cleanup Program.

Soil and Groundwater Assessment

Prior environmental investigations were conducted in 2008 and 2011 by Terracon Consultants, Inc. (Terracon) and Phase Engineering. However, these investigations were focused on current and past industrial uses of the Site and not oil and gas activities. It should be noted that as a part of their investigation, Phase Engineering installed four permanent monitor wells (MW-1 through MW-4) and found elevated concentrations of metals (arsenic, barium, chromium, lead, and selenium) in groundwater.

In 2018, Timber Creek Environmental completed a Phase I ESA on the Site and identified historic oil well operations, staining at the maintenance building, and the prior elevated metal concentrations in groundwater, noted by Phase Engineering in 2011, as Recognized Environmental Conditions (RECs). In response to the RECs, Terracon completed a Limited Site Investigation on the eastern portion of the Site. This included the installation of five (5) soil borings subsequently converted to permanent monitor wells (MW-1 through MW-5). All soil samples were analyzed for total petroleum hydrocarbons (TPH), volatile organic compounds (VOCs) including benzene, toluene, ethylbenzene or xylenes (BTEX), and Resource Conservation and Recovery Act (RCRA) metals. One soil sample (MW-5 at 2-4 feet) was analyzed for chlorides. TPH in four soil samples were in excess of the Tier 1 residential assessment levels. However, this concentration is below the site-specific TPH mixture PCL of 10,200 mg/kg that was calculated for the Site. Elevated concentrations of selenium (up to 4.1 mg/Kg; MW-4 1-2') and lead (up to 21.6 mg/Kg, MW-5 1-2') were above the Tier 1 soil-to-groundwater protective concentration levels (PCLs), but below the Tier 2 soil-to-groundwater PCLs calculated for the Site (6.31 mg/kg and 70 mg/kg respectfully). Chloride was detected in MW-5 (2-4 feet) at 107 mg/kg.

Groundwater was encountered between 10 and 15 feet below ground surface (bgs) and flows to the west-southwest. Groundwater samples were analyzed for TPH, VOCs, RCRA metals, chlorides, and total dissolved solids. The only exceedances noted in groundwater were arsenic, barium, and chlorides. It was noted that monitor wells with metal exceedances also showed exceedances of chlorides (MW-2, MW-4, and MW-5). Two on-site water wells are installed within the property boundaries within deeper groundwater bearing units ranging in depth from 300 to 400 feet bgs. To ensure that contamination from the shallow groundwater bearing unit was not migrating to the deeper groundwater bearing units, groundwater samples were collected from the two on-Site monitor wells and analyzed for barium and arsenic. Concentrations of arsenic and barium were below the Tier 1 residential groundwater ingestion PCLs.

In October 2018, Modern Geosciences conducted additional sampling at the Site. This included verification sampling of elevated arsenic, barium, and chlorides in MW-2 and MW-4. Due to potential sediment interference, both unfiltered and filtered samples were collected. The additional sampling confirmed that concentrations of arsenic and barium are above the Tier 1 residential groundwater PCLs in MW-2 and MW-4 in both filtered and unfiltered samples. Based on the observed groundwater gradient (west-southwest), documented historic off-site sources, and lack of chlorides or elevated metals near the plugged oil well (represented by samples from MW-3),

Modern Geosciences concluded that shallow groundwater at the Site is being impacted by chlorides from an off-site release. Modern Geosciences believes this results in localized areas with slightly elevated arsenic and barium species that exceed the Tier 1 groundwater ingestion PCLs. Modern Geosciences also performed a Drinking Water Survey Report for the Site in January 2019 to determine if there were any sensitive receptors within a half mile radius of the Site. Although receptors were identified within a half mile of the Site, it was determined that exposure to these receptors by the contaminants in the shallow groundwater bearing unit at the Site was unlikely.

In 2020, at the request of the RRC and TCEQ, fifteen shallow soil borings (15 feet bgs) were installed at the Site to further investigate soils around the one historic plugged oil well on the property and other industrial RECs under TCEQ's jurisdiction. Soil samples collected around the plugged oil well (MB-37, -38, and -39) were analyzed for TPH, metals, and chlorides. TPH was detected in four of the six soil samples at concentrations above the Tier 1 residential soil-to-groundwater PCLs, but below the previously calculated site-specific TPH mixture PCL. An additional site-specific TPH mixture PCL was calculated using the sample (MB-39 at 1-2 feet) with the highest TPH concentration during this more recent sampling event. The calculated PCL was greater than the previously calculated PCL and thus the more conservative PCL was used. Lead was in excess of the Texas Specific Soil Background Concentration (TSSBC) of 15 mg/kg in MB-39 (1-2 feet), but below the calculated Tier 2 PCL. No other metals were detected above applicable PCLs. Additionally, lead in soil sample MB-39 (5-6 feet) was below the TSSBC and the Tier 1 residential soil-to-groundwater PCL of 3 mg/kg. Based on the results of this additional sampling, the RRC concurred that the best way to control contamination in groundwater at the Site was to place a groundwater use restriction on the property.

Restrictive Covenant

In order to control the elevated arsenic, barium, and chloride concentrations in groundwater beneath the Site, a restrictive covenant limiting groundwater use at the Site was filed with the Harris County Clerk's Office on July 21, 2021. The document was assigned the file number RP-2021-410378 and has the following restrictions:

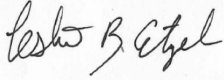
1. No part of the Affected Property shall be used for residential land use as defined in this Restrictive Covenant.
2. The investigation and assessment reports identified impacted groundwater at approximately 11 feet below ground surface (bgs). Penetration of the impacted groundwater beneath the Affected 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 0 feet to 50 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 75 feet bgs unless for authorized monitoring purposes and the collection of samples for analysis.

Mr. Brad Jackson
8/26/21
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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.

Sincerely,



Leslie Bruce Etzel

CC: Mr. Kenneth Tramm, Modern Geosciences, LLC (via email)
Mr. Kyle Ballard, Modern Geosciences, LLC (via email)
Ms. Lauren Gayre, Modern Geosciences, LLC (via email)
Ms. Lisbeth Chavira, TCEQ (via email)


Enclosed: *VCP Final Certificate of Completion with Restrictions*
Property Metes and Bounds Description and Plat Map
Restrictive Covenant RP-2021-410378

**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. 03-18006 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 26 August 2021



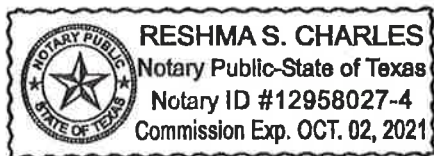
Peter G. Pope, Assistant Director
Site Remediation Section

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 26th Day of August 2021.



Notary without Bond



Notary Public in and for the State of Texas

EXHIBIT "A"
RAILROAD COMMISSION OF TEXAS
VOLUNTARY CLEANUP PROGRAM LEGAL
DESCRIPTION 18.557-ACRE TRACT

VCP No. 03-18006

DESCRIPTION

18.557 acres of land situated in the Whitney Britton Survey, Abstract Number 117, Harris County, Texas, being a portion of Lot 10 and Lot 11 in Block 10 of Houston Suburban Heights, a subdivision as shown on map or plat and recorded in Volume 3, Page 10 of the Harris County Map Records, said 18.557 acres being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod with cap found at the intersection of the Northerly right-of-way line of Mount Houston Road (80 foot right-of-way) with the common line between Lot 10 and Lot 9, Block 10 of said Houston Suburban Heights, for the Southeasterly corner of that certain called 0.1192 acres of land as described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number L195349;

Thence, N 02°40'05" W, along the Easterly line of said 0.1192 acres, the Easterly line of that certain called 1.2084 acres of land as described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number F982750, the Easterly line of that certain called 4.751 acres of land as described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number V029294 and the common line between Lot 10 and Lot 9, Block 10 of said Houston Suburban Heights, a distance of 688.51 feet to a 5/8 inch iron rod with cap found in the Southerly line of that certain called 1.666 acres of land as described in deed and recorded in Volume 3539, Page 702 of the Harris County Deed Records;

Thence, N 87°29'40" E, along the Southerly line of said 1.666 acres, a distance of 326.60 feet to a 5/8 inch iron rod with cap found for a Southeasterly corner of said 1.666 acres;

Thence, N 87°15'32" E, along the Southerly line of that certain called 27.7487 acres of land as described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number P404668, a distance of 865.40 feet to the Southeasterly corner of said 27.7487 acre tract, the Southwesterly corner of that certain called 16.65 acres of land as described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number U687653, the Northwesterly corner of that certain called 5.8616 acres of land as described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Numbers N666713 and F186666 and the Northeasterly corner of Lot 11, Block 10 of said Houston Suburban Heights, from which a found 5/8 inch iron rod with cap bears N 45°09'41" W, 4.34 feet and a found 5/8 inch iron rod with cap bears N 12°14'45" W, 1.65 feet;

Thence, S 02°40'05" E, along the common line between Lot 11 and Lot 12, Block 10 of said Houston Suburban Heights, the Westerly line of said 5.8616 acre tract, the Westerly line of that certain called 2.2970 acres of land as described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Numbers Y785273 and F186666 and the Westerly line of that certain called 1 acre of land as described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number K250879, a distance of 668.74 feet to the Northerly line right-of-way line of Mount Houston Road (100 foot right-of-way), from which a found 5/8 inch iron rod with cap bears S 00°20'34" E, 1.05 feet;

Thence, S 87°20'04" W, along the Northerly right-of-way line of Mount Houston Road (100 foot right-of-way) and the Northerly line of those two 20 foot strips conveyed to Harris County for the widening of Mount Houston Road as recorded under Volume 3865, Page 89 of the Harris County Deed Records and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number B002986, a distance of 596.00 feet to a 5/8 inch iron rod with cap found for corner;

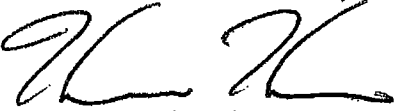
Thence, S 02°40'05" E, continuing along the Northerly right-of-way line of Mount Houston Road and the Westerly line of said 20 foot strip, a distance of 20.00 feet to a 5/8 inch iron rod with cap found for corner;

Thence, S 87°20'04" W, continuing along the Northerly right-of-way line of Mount Houston Road (80 foot right-of-way), a distance of 596.00 feet to the POINT OF BEGINNING and containing 18.557 acres of land.

BEARING ORIENTATION BASED ON THE SOUTHERLY LINE OF 1.666 ACRES OF LAND AS RECORDED IN VOLUME 3539, PAGE 702 OF THE HARRIS COUNTY DEED RECORDS.

TRACT BEING SHOWN ON MAP (DRAWING NUMBER HSC 00702-E-3).

HOVIS SURVEYING COMPANY, INC.

BY: 

Date: March 23, 2009
Job No.: 00-001-61
Dwg. No.: HSC-00702-E-3
File No.: C00-001.61D

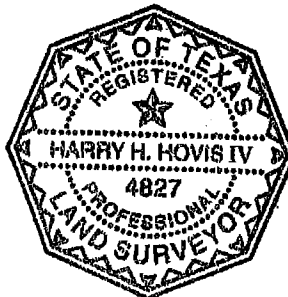


EXHIBIT "B"
RAILROAD COMMISSION OF TEXAS
VOLUNTARY CLEANUP PROGRAM
AFFIDAVIT OF COMPLETION

VCP No. 03-18006

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

I, Lou Sabia, representing Global Waste Real Estate Holdings, LLC, have completed the necessary response actions, pursuant to Chapter 91, Subchapter O, Texas Natural Resource Code, at the approximately 18.557 Acre tract of land described in Exhibit "A" (Site) of this certificate pertaining to Voluntary Cleanup Program (VCP) No. 03-18006 located in Harris 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 groundwater at approximately 11 feet below ground surface (bgs). Penetration of the impacted 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 0 feet to 50 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 75 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.

These restrictions were filed in the Harris County Clerk's office on July 21, 2021 under Document No. RP-2021-410378 (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 No03-18006.

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

Applicant

By: _____

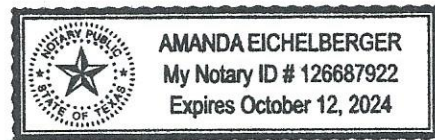
Print Name: Lou Sabia

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, personally appeared Lou Sabia
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 29th day of July 2021.

Notary Public in and for the State of Texas



ATTACHMENT 1
RAILROAD COMMISSION OF TEXAS
VOLUNTARY CLEANUP PROGRAM
Institutional Control Document No.
RP-2021-410378

VCP No. 03-18006

Texas, under County Clerk's File Number V029294 and the common line between Lot 10 and Lot 9, Block 10 of said Houston Suburban Heights, a distance of 688.51 feet to a 5/8 inch iron rod with cap found in the Southerly line of that certain called 1.666 acres of land as described in deed and recorded in Volume 3539, Page 702 of the Harris County Deed Records;

Thence, N 87°29'40" E, along the Southerly line of said 1.666 acres, a distance of 326.60 feet to a 5/8 inch iron rod with cap found for a Southeasterly corner of said 1.666 acres;

Thence, N 87°15'32" E, along the Southerly line of that certain called 27.7487 acres of land as described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number P404668, a distance of 269.40 feet to a 5/8 inch iron rod with cap found for the Northwesterly corner of Lot 11, Block 10 of said Houston Suburban Heights;

Thence, S 02°40'05" E, along the common line between Lot 10 and Lot 11, Block 10 of said Houston Suburban Heights, a distance of 687.95 feet to a 5/8 inch iron rod with cap found in the Northerly right-of-way line of Mount Houston Road (80 foot right-of-way);

Thence, S 87° 20' 04" W, along the Northerly right-of-way line of Mount Houston Road (80 foot right-of-way), a distance of 596.00 feet to the POINT OF BEGINNING and containing 9.412 acres of land, more or less.

TRACT 2:

9.145 acres of land situated in the Whitney Britton Survey, Abstract Number 117, Harris County, Texas, being a portion of Lot 11, Block 10 of Houston Suburban Heights, a subdivision as shown on map or plat and recorded in Volume 3, Page 10 of the Harris County Map Records, said 9.145 acres being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8 inch Iron rod with cap found at the intersection of the Northerly right-of-way line of Mount Houston Road (80 foot right-of-way) with the common line between Lot 10 and Lot 9, Block 10 of said Houston Suburban Heights, for the Southeasterly corner of that certain called 0.1192 acres of land as described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number L195349;

Thence, N 87°20'04" E, along the Northerly right-of-way line of Mount Houston Road (80 foot right-of-way), a distance of 596.00 feet to a 5/8 inch iron rod with cap found for the Southwesterly corner of those two 20 foot strips conveyed to Harris County for the widening of Mount Houston Road

as recorded under Volume 3865, Page 89 of the Harris County Deed Records and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number B002986;

Thence, N 02°40'05" W, continuing along the Northerly right-of-way line of Mount Houston Road and the Westerly line of said 20 foot strip, a distance of 20.00 feet to a 5/8 inch iron rod with cap found for the POINT OF BEGINNING of the herein described tract of land;

Thence, N 02°40'05" W, along the common line between Lot 10 and Lot 11, Block 10 of said Houston Suburban Heights, a distance of 667.95 feet to a 5/8 inch iron rod with cap found in the Southerly line of that certain called 27.7487 acres of land as described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number P404668, for the Northeasterly corner of Lot 10, Block 10 of said Houston Suburban Heights;

Thence, N 87°15'32" E, along the Southerly line of said 27.7487 acre tract, a distance of 596.00 feet to the Southeasterly corner of said 27.7487 acre tract, the Southwesterly corner of that certain called 16.65 acres of land as described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number U687653, the Northwesterly corner of that certain called 5.8616 acres of land as described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Numbers N666713 and F186666 and the Northeasterly corner of Lot 11, Block 10 of said Houston Suburban Heights, from a found 5/8 inch iron rod with cap bears N 45°09'41" W, 4.34 feet and a found 5/8 inch iron rod with cap bears N 12°14'45" W, 1.65 feet;

Thence, S 02°40'05" E, along the common line between Lot 11 and Lot 12, Block 10 of said Houston Suburban Heights, the Westerly line of said 5.8616 acre tract, the Westerly line of that certain called 2.2970 acres of land as described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Numbers Y785273 and F186666 and the Westerly line of that certain called 1 acre of land as described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number K250879, a distance of 668.74 feet to the Northerly line right-of-way line of Mount Houston Road (100 foot right-of-way), from which a found 5/8 inch iron rod with cap bears S 00°20'34" E, 1.05 feet;

Thence, S 87°20'04" W, along the Northerly right-of-way line of Mount Houston Road (100 foot right-of-way) and the Northerly line of said 20 foot strip, a distance of 596.00 feet to the POINT OF BEGINNING and containing 9.145 acres of land, more or less.

This Restrictive Covenant is required for the following reasons:

The **Affected Property** and surrounding area were used for historic oil and gas exploration and production activities from the 1950s until the 1990s; wherein COCs attributable to those historic operations impacted soil and groundwater and an environmental investigation and response action was required in accordance with Commission regulations. The property owner, Global Waste Real Estate Holdings, LLC performed the response actions to characterize and remediate the COCs.

The remediation was performed in such a manner that COCs remained in groundwater at the **Affected Property** when the Restrictive Covenant was filed with the County. The COCs and the maximum concentration levels remaining in the **Affected Property** are specified on *Exhibit B – COCs Remaining in Groundwater*. The investigation, assessment, remediation, and analytical data are contained in the Commission project case file **Voluntary Cleanup Program (VCP) No. 03-18006** and further summarized in the following reports:

- Affected Property Assessment Report (APAR), Global Waste Services, 7103 through 7213 East Mount Houston Road, Houston, Harris County, Texas. Prepared for Global Waste Real Estate Holdings, LLC. Dated March 1, 2019.
- RRC Comment Response Letter and APAR Addendum. Prepared for Global Waste Real Estate Holdings, LLC. Dated September 23, 2019.
- RRC Comment Response Letter and APAR Addendum. Prepared for Global Waste Real Estate Holdings, LLC. Dated March 17, 2020.

Copies of the reports may be obtained from Modern Geosciences, LLC, 5100 Thompson Terrace, Colleyville, Texas and from the Commission under RRC project case file Voluntary Cleanup Program (VCP) No. 03-18006.

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 the purposes of this Restrictive Covenant, the term

- “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 groundwater below the surface of the **Affected Property** in any manner inconsistent with this Restrictive Covenant.

In consideration of the response actions leading to the final approved remediation of the **Affected 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 groundwater at approximately 11 feet below ground surface (bgs). Penetration of the impacted 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 0 feet to 50 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 75 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 Modern Geosciences, LLC.

Contact Addresses:

- Railroad Commission of Texas
Oil and Gas Division
Site Remediation Section
P. O. Box 12967
1701 N. Congress
Austin, Texas 78711-2967
- Modern Geosciences, LLC
5100 Thompson Terrace
Colleyville, Texas 76034

With a copy to:

Waste Corporation of Texas, L.P.
Attention: General Counsel
1330 Post Oak Blvd., 7th Floor
Houston, TX 77056

As of the date of this Restrictive Covenant, the record owner of fee title to the **Property** is Global Waste Real Estate Holdings, LLC, 1700 Congress Avenue, Suite 720, Austin, Texas 78701-1436.

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 17th day of June, 2021.

PROPERTY OWNER: Global Waste Real Estate Holdings, LLC

Signature *[Handwritten Signature]*

Printed Name: Louis Sabria

Title: Pres.

STATE OF TEXAS
Dallas COUNTY

BEFORE ME, on this the 17th day of June, 2021 personally appeared Louis R. Sabria, Professionally 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.

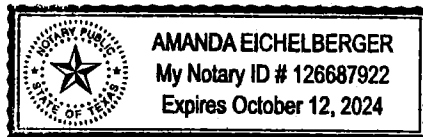
GIVEN UNDER MY HAND AND SEAL OF OFFICE

Signature *[Handwritten Signature]*

Notary Public in and for the State of Texas

County of Dallas

My Commission Expires: 10/12/2024



RP-2021-410378

Accepted as Third Party Beneficiary this 29th day of June, 2021

Railroad Commission of Texas

By: *Peter G. Pope*

Printed Name: Peter G. Pope

Title: Manager, Site Remediation

State of Texas
Travis County

BEFORE ME, on this the 29th day of June, 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.

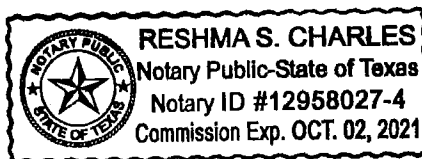
GIVEN UNDER MY HAND AND SEAL OF OFFICE

Signature *Reshma Charles*

Notary Public in and for the State of Texas

County of Travis

My Commission Expires:



Notary without Bond

RP-2021-410378

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Exhibit A
Property/Affected Property

DESCRIPTION

18.557 acres of land situated in the Whitney Britton Survey, Abstract Number 117, Harris County, Texas, being a portion of Lot 10 and Lot 11 in Block 10 of Houston Suburban Heights, a subdivision as shown on map or plat and recorded in Volume 3, Page 10 of the Harris County Map Records, said 18.557 acres being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod with cap found at the intersection of the Northerly right-of-way line of Mount Houston Road (80 foot right-of-way) with the common line between Lot 10 and Lot 9, Block 10 of said Houston Suburban Heights, for the Southeasterly corner of that certain called 0.1192 acres of land as described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number L195349;

Thence, N 02°40'05" W, along the Easterly line of said 0.1192 acres, the Easterly line of that certain called 1.2084 acres of land as described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number F982750, the Easterly line of that certain called 4.751 acres of land as described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number V029294 and the common line between Lot 10 and Lot 9, Block 10 of said Houston Suburban Heights, a distance of 688.51 feet to a 5/8 inch iron rod with cap found in the Southerly line of that certain called 1.666 acres of land as described in deed and recorded in Volume 3539, Page 702 of the Harris County Deed Records;

Thence, N 87°29'40" E, along the Southerly line of said 1.666 acres, a distance of 326.60 feet to a 5/8 inch iron rod with cap found for a Southeasterly corner of said 1.666 acres;

Thence, N 87°15'32" E, along the Southerly line of that certain called 27.7487 acres of land as described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number P404668, a distance of 865.40 feet to the Southeasterly corner of said 27.7487 acre tract, the Southwesterly corner of that certain called 16.65 acres of land as described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number U687653, the Northwesterly corner of that certain called 5.8616 acres of land as described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Numbers N666713 and F186666 and the Northeasterly corner of Lot 11, Block 10 of said Houston Suburban Heights, from which a found 5/8 inch iron rod with cap bears N 45°09'41" W, 4.34 feet and a found 5/8 inch iron rod with cap bears N 12°14'45" W, 1.65 feet;

Thence, S 02°40'05" E, along the common line between Lot 11 and Lot 12, Block 10 of said Houston Suburban Heights, the Westerly line of said 5.8616 acre tract, the Westerly line of that certain called 2.2970 acres of land as described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Numbers Y785273 and F186666 and the Westerly line of that certain called 1 acre of land as described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number K250879, a distance of 668.74 feet to the Northerly line right-of-way line of Mount Houston Road (100 foot right-of-way), from which a found 5/8 inch iron rod with cap bears S 00°20'34" E, 1.05 feet;

Thence, S 87°20'04" W, along the Northerly right-of-way line of Mount Houston Road (100 foot right-of-way) and the Northerly line of those two 20 foot strips conveyed to Harris County for the widening of Mount Houston Road as recorded under Volume 3865, Page 89 of the Harris County Deed Records and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number B002986, a distance of 596.00 feet to a 5/8 inch iron rod with cap found for corner;

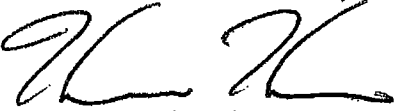
Thence, S 02°40'05" E, continuing along the Northerly right-of-way line of Mount Houston Road and the Westerly line of said 20 foot strip, a distance of 20.00 feet to a 5/8 inch iron rod with cap found for corner;

Thence, S 87°20'04" W, continuing along the Northerly right-of-way line of Mount Houston Road (80 foot right-of-way), a distance of 596.00 feet to the POINT OF BEGINNING and containing 18.557 acres of land.

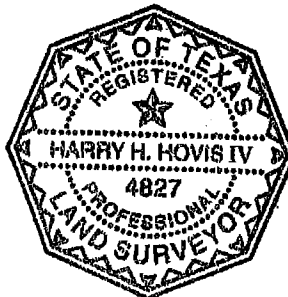
BEARING ORIENTATION BASED ON THE SOUTHERLY LINE OF 1.666 ACRES OF LAND AS RECORDED IN VOLUME 3539, PAGE 702 OF THE HARRIS COUNTY DEED RECORDS.

TRACT BEING SHOWN ON MAP (DRAWING NUMBER HSC 00702-E-3).

HOVIS SURVEYING COMPANY, INC.

BY: 

Date: March 23, 2009
Job No.: 00-001-61
Dwg. No.: HSC-00702-E-3
File No.: C00-001.61D



RP-2021-410378

Exhibit B
COCs Remaining in Groundwater

Exhibit B – COCs Remaining in Groundwater

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

Environmental Media (1) (Soil, groundwater or air)	Constituents Remaining (2)	Maximum Detected Sample Concentration (3)	Date of Sample Collection/ LNAPL Observed or Measured	LNAPL Measured Apparent Thickness in Feet/Visible Product on Soil Cores (5)	Sample Location (1) (4)
Groundwater	Chloride	7,810 mg/L	8/13/2018	NA	MW-2
Groundwater	Arsenic	0.0179 mg/L	8/14/2019	NA	MW-1
Groundwater	Barium	5.24 mg/L	10/2/2018	NA	MW-2

- (1) Groundwater- A saturated geologic formation, group of formations, or part of a formation.
- (2) Constituents identified as Site-specific COCs that exceed the regulatory action level within the “Affected Property”.
- (3) Milligrams per Liter (mg/L)
- (4) Monitor Well (MW)
- (5) Not Applicable (NA)

RP-2021-410378

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Pages 15
07/21/2021 08:14 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
TENESHIA HUDSPETH
COUNTY CLERK
Fees \$70.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.

THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



Teneshia Hudspeth
COUNTY CLERK
HARRIS COUNTY, TEXAS

RP-2021-410378