

RAILROAD COMMISSION OF TEXAS

OIL AND GAS DIVISION

December 3, 2021

Mr. Matthew White
Rockport Terminals, LLC
8700 Crownhill Blvd. Ste. 407
San Antonio, TX 78209

RE: ***Certificate of Completion with Restrictions***
A 5.336-Acre Tract
Former Carbon Black Plant - Area of Concern 1
Aransas Pass, Aransas County, Texas
Voluntary Cleanup Program (VCP) No. 04-19007

Dear Mr. White:

Railroad Commission of Texas (RRC) VCP staff is pleased to enclose a Certificate of Completion (COC) with restrictions for the 5.336-acre property located north of State Highway 35, approximately four miles north of Aransas Pass, Texas. The site is more specifically located at latitude 27.941722 and longitude -97.116221 (WGS 84). The following reports were reviewed for the Site prior to the issuance of this Certificate:

Site Investigation Report, Former Aransas Pass Carbon Black Plant – AOC-1, 2520 State Highway 35 North, Aransas Pass, Texas, Voluntary Cleanup Program (VCP) No. 04-19007, dated June 25, 2020;

Responses to Comments – RRC July 15, 2020 Site Investigation Report (APAR) Comments Letter - Former Aransas Pass Carbon Black Plant – AOC-1; Aransas Pass, Aransas County, TX; VCP Number 04-19007, dated November 24, 2020;

Phase I Environmental Site Assessment, Former Carbon Black Plant, AOC-1, dated November 24, 2020;

Responses to Comments – RRC February 23, 2021 Letter - Former Aransas Pass Carbon Black Plant – AOC-1; Aransas Pass, Aransas County, TX; VCP Number 04-19007, dated August 25, 2021;

Miscellaneous documents from the uncompleted 2014-2016 Environmental Resources Management (ERM) investigations at the site, submitted by Chuck Epperson on September 21, 2021; and,

Responses to Comments – RRC Phone Conversation October 5, 2021 - Former Aransas Pass Carbon Black Plant – AOC-1; Aransas Pass, Aransas County, TX; VCP Number 04-19007, dated October 5, 2021.

History of Site

The 5.336-acre property is a section of the Former Aransas Pass Carbon Black Plant that operated between 1941 and 2008. In 2008, manufacturing operations were ceased and the plant was shut down. Historical information indicates that although the property was a part of a carbon black plant footprint, it was not used in any part of the carbon black manufacturing processes. The property has remained undeveloped, vacant land. However, based on historical records, a release of chemicals from an out of service crude oil pipeline that traversed the site was noted. No additional information was provided as to the potential source of contamination at the site. Currently a natural gas pipeline, operated by TPL Southex Midstream, LLC, traverses the site.

Soil and Groundwater Assessment

Historical site investigations were conducted in the 1980's that included some assessment in AOC-1. These investigations included the installation of two permanent groundwater monitoring wells (MW-7 and MW-8) that remain on the property to date. Analysis of groundwater samples from the initial investigations showed detections of benzene, toluene, ethylbenzene, and xylenes (BTEX), and polyaromatic hydrocarbons (PAHs) in MW-7. However, the RRC was not provided documentation of whether these constituents were detected at concentrations higher than the Texas Risk Reduction Program's soil-to-groundwater protective concentration levels (PCLs).

Between 2014 and 2016, Environmental Resources Management (ERM) installed twelve (12) soil borings and five (5) permanent monitor wells (MW-21 through MW-24 and MW-28) at the site. The assessment activities performed by ERM were not documented in a completed report, but the supporting documentation (e.g. boring logs and laboratory analytical packages) were provided to the VCP applicant, Rockport Terminals. From the supporting documentation, the twelve soil borings were installed via hand augers to a total depth between two (2) and five (5) feet below ground surface (bgs). These shallow soil samples were only analyzed for total petroleum hydrocarbons (TPH). The samples with the highest TPH concentrations via Texas Method TX1005 were speciated via Texas Method TX1006. The groundwater monitor wells were installed to depths between 13 and 18 feet bgs. One shallow soil sample (2 to 6 feet bgs) was collected from four (MW-21 through MW-24) of the five borings and analyzed for volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), TPH, and Resource Conservation and Recovery Act (RCRA-8) metals. Results of the sampling showed concentrations of TPH ranging from non-detect to 13,300 mg/kg. No other constituents were detected above the Texas Risk Reduction Program's (TRRP) Tier 1 residential soil-to-groundwater PCLs. Groundwater was encountered during drilling activities between six and nine feet bgs. Groundwater samples were collected from the five permanent monitor wells installed by ERM and the two permanent monitor wells installed during the 1980's investigation. Sampling events occurred in October 2014, August and December 2015, and March 2016. Groundwater samples were analyzed for BTEX, TPH, select SVOCs, and select RCRA-8 metals (arsenic, cadmium, lead, silver, and mercury). BTEX was detected in several of the wells, but only benzene was in excess of the Tier 1 residential groundwater ingestion PCL in two wells, MW-1 in October 2014 and MW-28 in December 2015. TPH was in excess of the Tier 1 residential groundwater ingestion PCL in six of the seven monitor

wells during each sampling event with concentrations ranging from 2.84 mg/L to 19.71 mg/L. There were low level detections of metals and SVOCs, but no exceedances of the Tier 1 residential groundwater ingestion PCLs.

In May 2020, Epperson Environmental Group (EEG) conducted additional investigation activities at the site, which included trenching, shallow soil sampling (<5 feet bgs), and groundwater sampling. Trenching was conducted using an excavator in four areas where historic pipeline releases had been suspected. Soil sample locations were screened using a photoionization detector (PID). Soil samples collected for laboratory analysis were selected either based on the highest PID concentration measured during collection of the sample or at 50' intervals along the trench. Soil sample depths ranged from surface to 5 feet bgs. Trench 1 was an approximate 200' long trench located south of MW-21 and MW-22. Trench 2 was an approximate 300' long trench located north of MW-7 and MW-24. Trench 3 was an approximate 300' long trench located north of MW-8 and MW-21. Trench 4 was an approximate 200' long trench located east of MW-23 and MW-24. Trench 4 was an exploratory trench located along the former road that ran through AOC-1 to identify any other potential pipelines in the area. A total of 27 soil samples and two duplicates were collected from the trenches and analyzed for BTEX, TPH, RCRA-8 metals, and select SVOCs. Stained soils observed during trenching were stockpiled and one soil sample was collected for analysis from the pile. TPH was detected above the Tier 1 residential soil-to-groundwater PCL in 20 of the 27 soil samples with concentrations ranging from 231 mg/kg to 9,370 mg/kg. A site-specific TPH mixture (TPH_{mix}) PCL was calculated using TX1006 analysis from SB-1, which was installed in 2015 during the ERM investigation. The assumptions for the calculation was that the site would only be used for commercial/industrial practices and that the source area was larger than 0.5-acres. The calculated total-soil-combined TPH_{mix} PCL was 30,200 mg/kg. In July 2020, the RRC requested the development of a residential TPH_{mix} PCL to ensure soils on the site had been delineated to residential levels. The calculated residential TPH_{mix} PCL was 9,690 mg/kg. However, for this calculation, a source area less than 0.5-acres was assumed. EEG reviewed the previously collected soil data and noted one exceedance of this PCL in a nondelineated sample, SB-3. Therefore, in June 2021, EEG installed eight (8) soil borings around SB-3 to a total depth between of 10 and 15 feet. Three soil samples were collected from each boring at 0 to 1 feet bgs, 4 to 5 feet bgs, and 9 to 10 feet bgs. Soil samples were analyzed for TPH via TX1005. TPH was not detected in any of the soil samples.

Groundwater sampling events were conducted on the seven permanent monitor wells at the site by EEG in May, October, and November 2020. Groundwater samples were analyzed for BTEX, TPH, RCRA-8 metals, and select SVOCs. TPH was in excess of the Tier 1 groundwater ingestion PCL in six of the seven monitor wells in May 2020 with concentrations ranging from 3.26 mg/L to 19.48 mg/L. Concentrations of TPH decreased below detections by the October 2020 sampling event. No other constituent was detected above the Tier 1 groundwater ingestion PCLs. Additional groundwater sampling events were conducted by EEG in June and July 2021. Groundwater samples collected during the first round of sampling were analyzed for benzene and TPH. Analytical results showed no detections of benzene but did show TPH concentrations above the Tier 1 groundwater ingestion PCL in four of the seven monitor well. TPH concentrations ranged from 0.891 mg/L to 1.21 mg/L. Following the June sampling event, approximately 650 gallons of groundwater was pumped out of the AOC-1 monitor wells between June and July 2021. The pumped water was placed and stored into two on-site 330-gallon tote containers. After pumping,

the monitor wells were allowed to stabilize for approximately one week before resampling. During the second round of sampling, groundwater was analyzed for BTEX and TPH. Analytical results showed no detections of BTEX or TPH. Groundwater stored in the 330-gallon totes was also analyzed for BTEX and TPH and showed no detections.

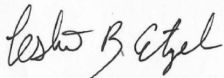
Restrictive Covenant

A restrictive covenant, limiting land and groundwater use on the 5.336-acre property, was filed with the Aransas County Clerk's Office on November 8, 2021. The document was assigned the Document Number 387123 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 three feet below ground surface (bgs). Penetration of the impacted soil and 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 five feet to eleven 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 eleven 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.

Sincerely,



Leslie Bruce Etzel

CC: Mr. Chuck Epperson, Epperson Environmental Group (via email)

Enclosed: *VCP Final Certificate of Completion*
Property Metes and Bounds Description and Plat Map
Affidavit of Completion
Restrictive Covenant 387123

**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. 04-19007 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 03 December 2021



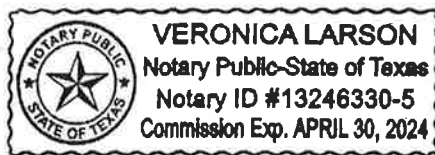
Peter G. Pope, Assistant Director
Site Remediation Section

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 3rd Day of December 2021.



Notary without Bond



Notary Public in and for the State of Texas

EXHIBIT "A"
RAILROAD COMMISSION OF TEXAS
VOLUNTARY CLEANUP PROGRAM
LEGAL DESCRIPTION 5.336-ACRE TRACT

VCP No. 04-19007

FIELD NOTES

DECEMBER 20, 2018

BEING THE DESCRIPTION OF 5.336 ACRES OF LAND OUT OF FARM LOT 25, LANDBLOCK 219, AND FARM LOT 1, LANDBLOCK 235, BURTON AND DANFORTH SUBDIVISION, ARANSAS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 1, PAGES 62-63, PLAT RECORDS OF ARANSAS COUNTY, TEXAS, AND BEING OUT OF A TRACT OF LAND DESCRIBED IN A DEED OF RECORD TO ROCKPORT TERMINALS, LLC, UNDER CLERKS FILE NUMBERS 354231 AND 354232, OFFICIAL PUBLIC RECORDS OF ARANSAS COUNTY, TEXAS, WITH SAID 5.336 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGIN, at a 5/8" steel rebar found in the existing North R.O.W. line of Rabbit Run Road, and being the Southwest corner of a 1.229 acre tract out of Farm Lot 25, said Landblock 219, as described as First Tract, Parcel 18, in a deed of record under Clerks File Number 225902, Official Public Records of Aransas County, Texas, and being the SOUTHWEST corner and PLACE OF BEGINNING of this survey;

THENCE, North 32°46'34" East, along and with the West boundary line of said 1.229 acre tract, crossing said Farm Lot 25, a distance of 584.55 feet to a 5/8" steel rebar found for an INTERIOR corner of this survey;

THENCE, North 57°13'26" West, a distance of 113.15 feet to a 5/8" steel rebar found for an EXTERIOR corner of this survey;

THENCE, North 32°46'34" East, a distance of 45.45 feet to a 5/8" steel rebar found for an EXTERIOR corner of this survey;

THENCE, South 57°13'26" East, a distance of 19.83 feet to a 5/8" steel rebar found for an INTERIOR corner of this survey;

THENCE, North 32°47'14" East, along and with the common boundary line of Farm Lots 1 and 2, of said Landblock 235, a distance of 338.14 feet to a 5/8" steel rebar set for the NORTHWEST corner of this survey;

THENCE, South 59°20'26" East, crossing said Farm Lot 1, a distance of 508.32 feet to a 5/8" steel rebar set in the common boundary line of said Farm Lot 1, Landblock 235 and the Conn Addition, according to the plat recorded in Volume 1, Page 58, Plat Records of Aransas County, Texas, and being the NORTHEAST corner of this survey;

THENCE, South 30°39'34" West, along and with the common boundary line of said Farm Lot 1, Landblock 235 and said Conn Addition, a distance of 154.40 feet to a 5/8" steel rebar set for the common corner of Lot "H", of said Conn Addition, and Farm Lot 3, Landblock 236, of said Burton and Danforth Subdivision, and being an EXTERIOR corner of this survey;

THENCE, North 59°19'09" West, along and with an existing old fence, a distance of 40.05 feet to a concrete monument found for an INTERIOR corner of this survey;

THENCE, South 30°41'21" West, along and with the remains of an existing old fence, a distance of 227.37 feet to a concrete monument found for an EXTERIOR corner of this survey;

THENCE, North 57°12'32" West, continuing along and with the remains of an existing old fence, a distance of 311.87 feet to a 5/8" steel rebar found for an INTERIOR corner of this survey;

THENCE, South 32°46'34" West, a distance of 604.0 feet to a 5/8" steel rebar found in the North R.O.W. line of Rabbit Run Road, and being the SOUTHEAST corner of this survey;

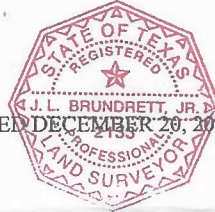
THENCE, North 57°13'26" West, along and with the North R.O.W. line of Rabbit Run Road, a distance of 76.80 feet to the PLACE OF BEGINNING of this survey and containing 5.336 acres or 232,429 square feet of land, more or less.

All set 5/8" steel rebar, capped with "J.L.Brundrett, Jr, RPLS 2133"

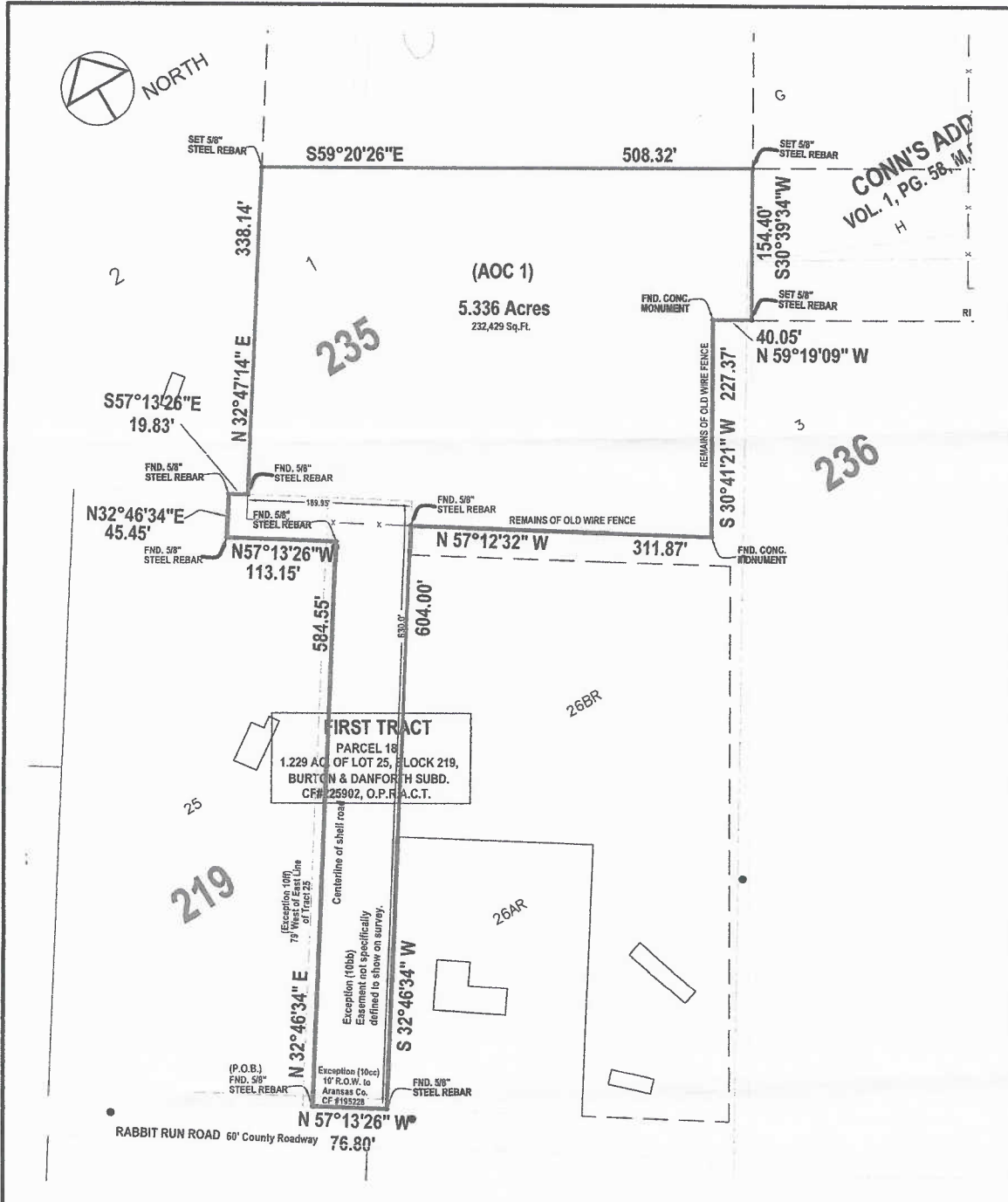
Unless this Field Note description, including preamble, seal and signature, appears in its entirety, in its original form, surveyor assumes no responsibility or liability for its accuracy.


J.L. BRUNDRETT, JR., R. P. L. S.
Reg. No. 2133

SEE ACCOMPANYING SURVEY PLAT DATED DECEMBER 20, 2018
FILENAME: 181220BB2



181220BB3fn



THIS IS TO CERTIFY THAT I HAVE CONSULTED THE FEDERAL FLOOD HAZARD MAP DATED 2-17-16 AND FOUND THAT THE PROPERTY DESCRIBED HEREIN IS (CR) IS NOT (X) LOCATED IN A "SPECIAL FLOOD HAZARD AREA" ZONE "X", BASE ELEVATION, IN A NO. 03500 COMMUNITY NO. 88482. THIS INFORMATION IS BASED ON SCALING THE LOCATION OF THIS SURVEY ON THE ABOVE REFERENCED MAP AND IS INTENDED TO BE USED TO DETERMINE INSURANCE RATES ONLY, AND NOT TO IDENTIFY SPECIFIC FLOODING CONDITIONS.

SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS OR OWNERSHIP OF TITLE EVIDENCE. SURVEYOR DID NOT REVIEW EXCEPTIONS IN SCHEDULE "F" OF THE TITLE COMMITMENT TO DETERMINE WHETHER THEY DO OR DO NOT AFFECT SUBJECT PROPERTY.

COPYRIGHT NOTICE
 ANY COPY OF THIS DRAWING MUST BEAR THE SURVEYOR'S ORIGINAL SEAL AND SIGNATURE IN RED INK OR THE DRAWING IS AN UNAUTHORIZED REPRODUCTION WHICH MAY HAVE BEEN ALTERED OR CHANGED WITHOUT THE SURVEYOR'S KNOWLEDGE.

THIS ORIGINAL WORK IS PROTECTED UNDER COPYRIGHT LAWS, TITLE 17, UNITED STATES CODE SECTIONS 101 AND 102. ALL VIOLATORS WILL BE PROSECUTED TO THE FULLEST EXTENT OF THE LAW.

Griffith & Brundrett
 Surveying & Engineering, Inc.
 411 S. Pearl St., P.O. Box 2122
 Rockwall, Texas 75087
 361-729-6479
 301-727-7293
 jbr@gburveyor.com
 www.gburveyor.com

DATE: DECEMBER 20, 2018
 SCALE: 1" = 100'
 FILE NAME: 181220BB2
 REVISED
 DATE:

5.336 ACRES OF LAND (AOC 1)
 OUT OF FARM LOT 1, LANDBLOCK 235, AND FARM LOT 25, LANDBLOCK 219, BURTON & DANFORTH SUBDIVISION, ACCORDING TO THE PLAT RECORDED IN VOLUME 1, PAGES 62-63, PLAT RECORDS OF ARANSAS COUNTY, TEXAS.

SEE ACCOMPANYING FIELD NOTES DESCRIPTIONS

PREPARED FOR:
 CNR OPERATIONS
 C/O MATTHEW WHITE

J.L. BRUNDRETT, JR., A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY SHOWS A SURVEY ON THE GROUND OF THE FOREGOING PROPERTY AND THAT THERE ARE NO INTRUSIONS OR PORTRUSIONS (EXCEPT AS SHOWN HEREON)

J.L. BRUNDRETT, JR. P.L.S. REG. NO. 2133
 TPLP FIRM NO. 1000400



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

VCP No. 04-19007

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

I, Matthew W. White representing Rockport Terminals, LLC, have completed the necessary response actions, pursuant to Chapter 91, Subchapter O, Texas Natural Resource Code, at the approximately 5.336-Acre tract of land described in Exhibit "A" (Site) of this certificate pertaining to Voluntary Cleanup Program (VCP) No. 04-19007 located in Aransas 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 three feet below ground surface (bgs). Penetration of the impacted soil 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 five feet to eleven 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 eleven 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 Aransas County Clerk's office on November 8, 2021 under Document No. 387123 (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. 04-19007.

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

Applicant

By: Matthew White

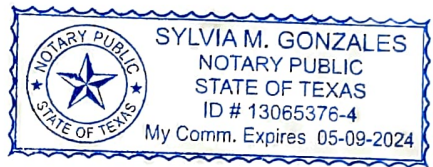
Print Name: Matthew White

STATE OF TEXAS
COUNTY OF ARANSAS

BEFORE ME, personally appeared Matthew Raymond White,
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 11/16/2021 day of

Notary Public in and for the State of Texas Sylvia M Gonzales



ATTACHMENT 1
RAILROAD COMMISSION OF TEXAS
VOLUNTARY CLEANUP PROGRAM
Institutional Control Document No.
387123

VCP No. 04-19007

**Railroad Commission of Texas
Environmental Restrictive Covenant**

STATE OF TEXAS

§

COUNTY OF ARANSAS

§

§

This Environmental Restrictive Covenant ("Restrictive Covenant") is filed and recorded in the Real Property Records of Aransas 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:

Rockport Terminals, LLC is the record Owner of fee title to the real property and premises, and appurtenances thereto, located in Aransas County Texas, consisting of a 5.336 acre tract out of Farm Lot 25, Landblock 219 and Farm Lot 1, Landblock 235, Burton and Danforth Subdivision, Aransas County, Texas, according to the Plat recorded in Volume 1, Pages 62-63, Plat Records of Aransas County, Texas, and being out of a tract of land described in a Deed of Record to Rockport Terminals, LLC, under clerks file Numbers 354231 and 354232, official Public Records of Aransas County, Texas, and more fully described on Exhibit A, which is attached hereto and incorporated herein, and identified as the "Property".

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

BEGIN, at a 5/8" steel rebar found in the existing North R.O.W. line of Rabbit Run Road, and being the Southwest corner of a 1.229 acre tract out of Farm Lot 25, said Landblock 219, as described as First Tract, Parcel 18, in a deed of record under Clerks File Number 225902, Official Public Records of Aransas County, Texas, and being the SOUTHWEST corner and PLACE OF BEGINNING of this survey;

THENCE, North 32°46'34" East, along and with the West boundary line of said 1.229 acre tract, crossing said Farm Lot 25, a distance of 584.55 feet to a 5/8" steel rebar found for an INTERIOR corner of this survey;

THENCE, North 57°13'26" West, a distance of 113.15 feet to a 5/8" steel rebar found for an EXTERIOR corner of this survey;

THENCE, North 32°46'34" East, a distance of 45.45 feet to a 5/8" steel rebar found for an EXTERIOR corner of this survey;

THENCE, South 57°13'26" East, a distance of 19.83 feet to a 5/8" steel rebar found for an INTERIOR corner of this survey;

THENCE, North 32°47' 14" East, along and with the common boundary line of Farm Lots 1 and 2, of said Landblock 235, a distance of 338.14 feet to a 5/8" steel rebar set for the NORTHWEST corner of this survey;

THENCE, South 59°20'26" East, crossing said Farm Lot 1, a distance of 508.32 feet to a 5/8" steel rebar set in the common boundary line of said Farm Lot 1, Landblock 235 and the Conn Addition, according to the plat recorded in Volume 1, Page 58, Plat Records of Aransas County, Texas, and being the NORTHEAST corner of this survey;

THENCE, South 30°39'34" West, along and with the common boundary line of said Farm Lot 1, Landblock 235 and said Conn Addition, a distance of 154.40 feet to a 5/8" steel rebar set for the common corner of Lot "H", of said Conn Addition, and Farm Lot 3, Landblock 236, of said Burton and Danforth Subdivision, and being an EXTERIOR corner of this survey;

THENCE, North 59°19'09" West, along and with an existing old fence, a distance of 40.05 feet to a concrete monument found for an INTERIOR corner of this survey;

THENCE, South 30°41 '21" West, along and with the remains of an existing old fence, a distance of 227.37 feet to a concrete monument found for an EXTERIOR corner of this survey;

THENCE, North 57°12'32" West, continuing along and with the remains of an existing old fence, a distance of 311.87 feet to a 5/8" steel rebar found for an INTERIOR corner of this survey;

THENCE, South 32°46'34" West, a distance of 604.0 feet to a 5/8" steel rebar found in the North R.O.W. line of Rabbit Run Road, and being the SOUTHEAST corner of this survey;

HENCE, North 57° 13'26" West, along and with the North R.O.W. line of Rabbit Run Road, a distance of 76.80 feet to the PLACE OF BEGINNING of this survey and containing 5.336 acres or 232,429 square feet of land, more or less.

All set 5/8" steel rebar, capped with "J.L.Brundrett, Jr, RPLS 2133"

This Restrictive Covenant is required for the following reasons:

The **Affected Property** is the location of an out of service crude oil pipeline otherwise known as the former Aransas Pass Carbon Black Plant - AOC-1 that was operated by several carbon black manufacturing companies, e.g. Ashland Chemical, Degussa Corporation, and Nilok Chemicals from 1941 to 2008; wherein COCs attributable to the operations at the Aransas Pass Carbon Black Plant - AOC-1 impacted soil and groundwater and an environmental investigation and response action was required in accordance with Commission regulations. Rockport Terminals, LLC performed the response action to

characterize and remediate the COCs.

The remediation was performed in such a manner that COCs remained in soil at the former Aransas Pass Carbon Black Plant - AOC-1 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 Soil*. The investigation, assessment, remediation and analytical data are contained in the RRC project case file Voluntary Cleanup Program (VCP) number 04-19007 and further summarized in the following reports:

- *Site Investigation Report – Former Aransas Pass Carbon Black Plant – AOC-1, July 25, 2020*
- *Phase I Environmental Site Assessment - Former Aransas Pass Carbon Black Plant - AOC-1, November 24, 2020*
- *Response to Comments – RRC Letter on Site Investigation Report – Former Aransas Pass Carbon Black Plant – AOC-1, November 24, 2020*
- *Response to Comments – RRC Letter on Site Investigation Report – Former Aransas Pass Carbon Black Plant – AOC-1, August 25, 2021*

Copies of the reports may be obtained from Rockport Terminals, LLC, 10000 Memorial Drive Suite 700, Houston, TX 77024 and from the Commission under *Voluntary Cleanup Program (VCP) number 04-19007*.

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 soil 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 soil 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 **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 soil at three feet below ground surface (bgs). Penetration of the impacted soil 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 five feet to eleven 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 eleven 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 Rockport Terminals, 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
- Rockport Terminals, LLC 10000
Memorial Drive Suite700
Houston, TX 77024

As of the date of this Restrictive Covenant, the record owner of fee title to the **Affected Property** is owned by Rockport Terminals, LLC, 10000 Memorial Drive Suite 700, Houston, TX 77024;

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 21 day of Oct, 2021

PROPERTY OWNER: **Rockport Terminals, LLC**

Signature Matthew White

Printed Name: Matthew White

Title: Technical Manager

STATE OF TEXAS

Aransas COUNTY

BEFORE ME, on this the 21st day of October, 2021 personally appeared

Matthew Raymond White 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.

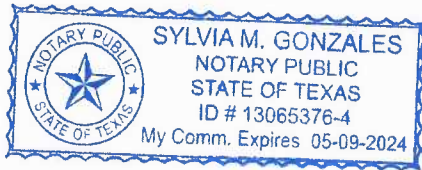
GIVEN UNDER MY HAND AND SEAL OF OFFICE

Signature Sylvia M. Gonzales

Notary Public in and for the State of Texas

County of Aransas

My Commission Expires: 5/09/2024



Accepted as Third Party Beneficiary this 3rd day of November 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 3rd day of November, 2021 personally appeared Peter G. 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 *Roxann M. Acosta*

Notary Public in and for the State of Texas

County of Travis

My Commission Expires:

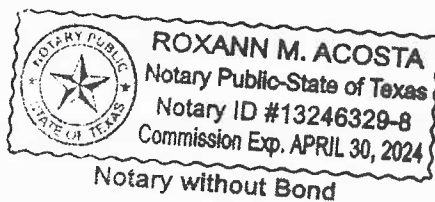
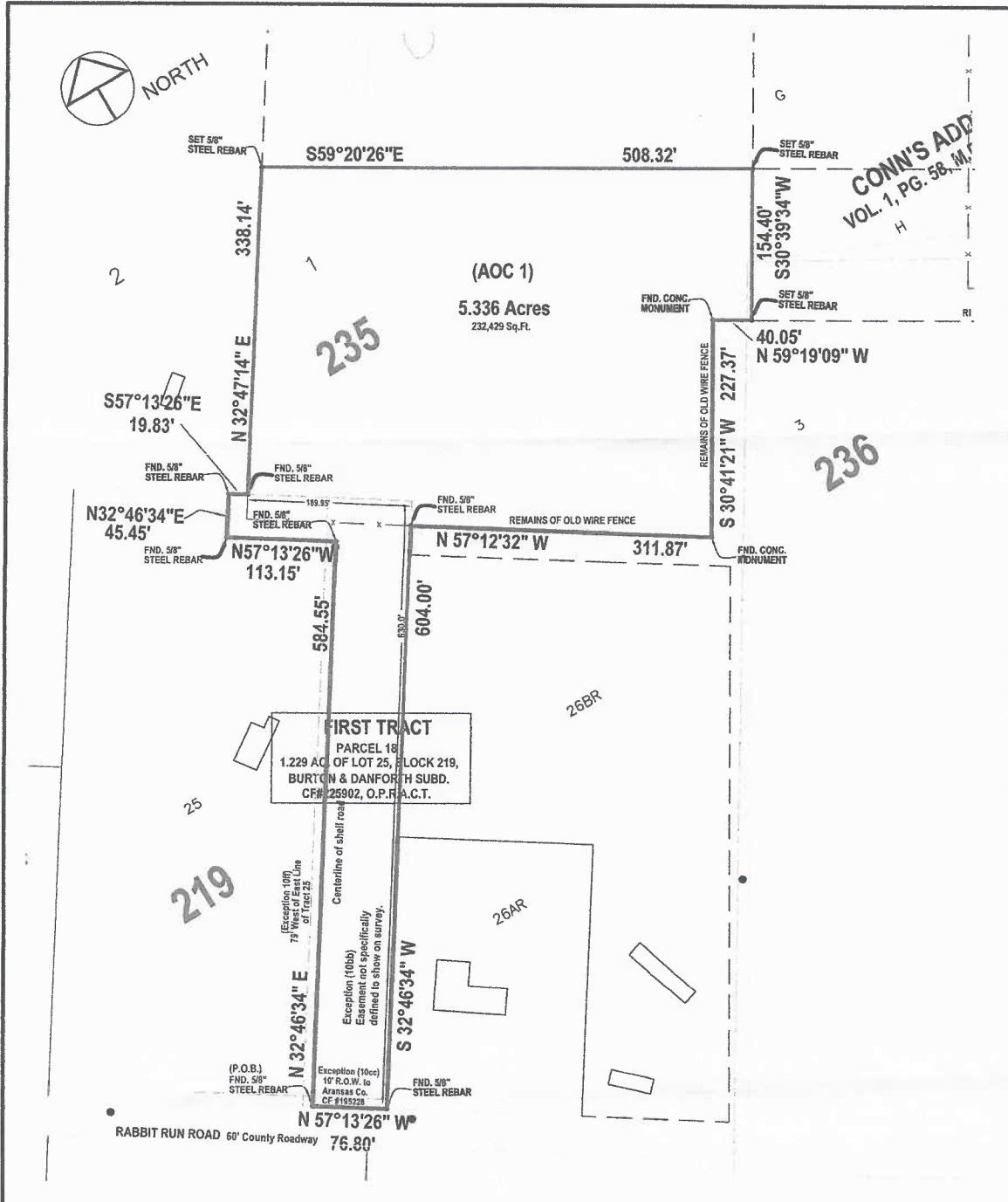


Exhibit A

Property & Affected Property



THIS IS TO CERTIFY THAT I HAVE CONSULTED THE FEDERAL FLOOD HAZARD MAP DATED 2-17-16 AND FOUND THAT THE PROPERTY DESCRIBED HEREIN IS (CR) IS NOT (X) LOCATED IN A "SPECIAL FLOOD HAZARD AREA" ZONE "X", BASE ELEVATION, INVA. NO. _____, COMMUNITY NO. 88482. THIS INFORMATION IS BASED ON SCALING THE LOCATION OF THIS SURVEY ON THE ABOVE REFERENCED MAP AND IS INTENDED TO BE USED TO DETERMINE INSURANCE RATES ONLY, AND NOT TO IDENTIFY SPECIFIC FLOODING CONDITIONS.

SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS OR OWNERSHIP OF TITLE EVIDENCE. SURVEYOR DID NOT REVIEW EXCEPTIONS IN SCHEDULE "F" OF THE TITLE COMMITMENT TO DETERMINE WHETHER THEY DO OR DO NOT AFFECT SUBJECT PROPERTY.

COPYRIGHT NOTICE
 ANY COPY OF THIS DRAWING MUST BEAR THE SURVEYOR'S ORIGINAL SEAL AND SIGNATURE IN RED INK OR THE DRAWING IS AN UNAUTHORIZED REPRODUCTION WHICH MAY HAVE BEEN ALTERED OR CHANGED WITHOUT THE SURVEYOR'S KNOWLEDGE.

THIS ORIGINAL WORK IS PROTECTED UNDER COPYRIGHT LAWS, TITLE 17, UNITED STATES CODE SECTIONS 101 AND 102. ALL VIOLATORS WILL BE PROSECUTED TO THE FULLEST EXTENT OF THE LAW.

Griffith & Brundrett
 Surveying & Engineering, Inc.
 411 S. Pearl St., P.O. Box 2122
 Rockwall, Texas 75087
 361-729-6479
 301-727-7293
 jbr@gburveyor.com
 www.gburveyor.com

DATE: DECEMBER 20, 2018
 SCALE: 1" = 100'
 FILE NAME: 181220BB2
 REVISED
 DATE:

5.336 ACRES OF LAND (AOC 1)
 OUT OF FARM LOT 1, LANDBLOCK 235, AND FARM LOT 25, LANDBLOCK 219, BURTON & DANFORTH SUBDIVISION, ACCORDING TO THE PLAT RECORDED IN VOLUME 1, PAGES 62-63, PLAT RECORDS OF ARANSAS COUNTY, TEXAS.

SEE ACCOMPANYING FIELD NOTES DESCRIPTIONS

PREPARED FOR:
 CNR OPERATIONS
 C/O MATTHEW WHITE

J.L. BRUNDRETT, JR., A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY SHOWS A SURVEY ON THE GROUND OF THE FOREGOING PROPERTY AND THAT THERE ARE NO INTRUSIONS OR PORTRUSIONS (EXCEPT AS SHOWN HEREON)

J.L. BRUNDRETT, JR. P.L.S. REG. NO. 2133
 TPLP FIRM NO. 1000400



FIELD NOTES

DECEMBER 20, 2018

BEING THE DESCRIPTION OF 5.336 ACRES OF LAND OUT OF FARM LOT 25, LANDBLOCK 219, AND FARM LOT 1, LANDBLOCK 235, BURTON AND DANFORTH SUBDIVISION, ARANSAS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 1, PAGES 62-63, PLAT RECORDS OF ARANSAS COUNTY, TEXAS, AND BEING OUT OF A TRACT OF LAND DESCRIBED IN A DEED OF RECORD TO ROCKPORT TERMINALS, LLC, UNDER CLERKS FILE NUMBERS 354231 AND 354232, OFFICIAL PUBLIC RECORDS OF ARANSAS COUNTY, TEXAS, WITH SAID 5.336 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGIN, at a 5/8" steel rebar found in the existing North R.O.W. line of Rabbit Run Road, and being the Southwest corner of a 1.229 acre tract out of Farm Lot 25, said Landblock 219, as described as First Tract, Parcel 18, in a deed of record under Clerks File Number 225902, Official Public Records of Aransas County, Texas, and being the SOUTHWEST corner and PLACE OF BEGINNING of this survey;

THENCE, North 32°46'34" East, along and with the West boundary line of said 1.229 acre tract, crossing said Farm Lot 25, a distance of 584.55 feet to a 5/8" steel rebar found for an INTERIOR corner of this survey;

THENCE, North 57°13'26" West, a distance of 113.15 feet to a 5/8" steel rebar found for an EXTERIOR corner of this survey;

THENCE, North 32°46'34" East, a distance of 45.45 feet to a 5/8" steel rebar found for an EXTERIOR corner of this survey;

THENCE, South 57°13'26" East, a distance of 19.83 feet to a 5/8" steel rebar found for an INTERIOR corner of this survey;

THENCE, North 32°47'14" East, along and with the common boundary line of Farm Lots 1 and 2, of said Landblock 235, a distance of 338.14 feet to a 5/8" steel rebar set for the NORTHWEST corner of this survey;

THENCE, South 59°20'26" East, crossing said Farm Lot 1, a distance of 508.32 feet to a 5/8" steel rebar set in the common boundary line of said Farm Lot 1, Landblock 235 and the Conn Addition, according to the plat recorded in Volume 1, Page 58, Plat Records of Aransas County, Texas, and being the NORTHEAST corner of this survey;

THENCE, South 30°39'34" West, along and with the common boundary line of said Farm Lot 1, Landblock 235 and said Conn Addition, a distance of 154.40 feet to a 5/8" steel rebar set for the common corner of Lot "H", of said Conn Addition, and Farm Lot 3, Landblock 236, of said Burton and Danforth Subdivision, and being an EXTERIOR corner of this survey;

THENCE, North 59°19'09" West, along and with an existing old fence, a distance of 40.05 feet to a concrete monument found for an INTERIOR corner of this survey;

THENCE, South 30°41'21" West, along and with the remains of an existing old fence, a distance of 227.37 feet to a concrete monument found for an EXTERIOR corner of this survey;

THENCE, North 57°12'32" West, continuing along and with the remains of an existing old fence, a distance of 311.87 feet to a 5/8" steel rebar found for an INTERIOR corner of this survey;

THENCE, South 32°46'34" West, a distance of 604.0 feet to a 5/8" steel rebar found in the North R.O.W. line of Rabbit Run Road, and being the SOUTHEAST corner of this survey;

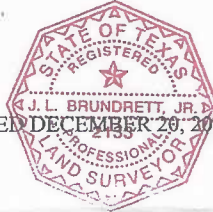
THENCE, North 57°13'26" West, along and with the North R.O.W. line of Rabbit Run Road, a distance of 76.80 feet to the PLACE OF BEGINNING of this survey and containing 5.336 acres or 232,429 square feet of land, more or less.

All set 5/8" steel rebar, capped with "J.L.Brundrett, Jr, RPLS 2133"

Unless this Field Note description, including preamble, seal and signature, appears in its entirety, in its original form, surveyor assumes no responsibility or liability for its accuracy.


J.L. BRUNDRETT, JR., R. P. L. S.
Reg. No. 2133

SEE ACCOMPANYING SURVEY PLAT DATED DECEMBER 20, 2018
FILENAME: 181220BB2



181220BB3fn

Exhibit B
COCs Remaining in Soil

Exhibit B – COCs Remaining in Soil

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

Environmental Media (1) (2) (Soil, groundwater or air)	Constituents Remaining (3)	Maximum Detected Sample Concentration (4) (5)	Date of Sample Collection	PSH Measured Apparent Thickness in Feet (6) (8)	Depth BGS and Location (1) (2) (6), (7)
Soil	Total Petroleum Hydrocarbons (TPH)	11,900 mg/kg	8/19/2015	NA	3-5 Feet Surface Soils

- (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) Not Applicable (NA)

13p95
KRIDER
15/25

Rockport Terminals
Attn: Matthew White
8700 Crown Hill Blvd Ste 407
San Antonio, TX 78209

**FILED FOR RECORD IN
OFFICIAL PUBLIC RECORDS**

AT 9:56 A.M.

SCANNED **NOV 08 2021** INDEXED

STATE OF TEXAS—COUNTY OF ARANSAS I hereby certify that this instrument was FILED on the date and at the time affixed hereon by me and was duly RECORDED in the OFFICIAL PUBLIC RECORDS of ARANSAS COUNTY, TEXAS as stamped hereon by me.



Carrie Arrington
CARRIE ARRINGTON, COUNTY CLERK
ARANSAS COUNTY, TEXAS