



RAILROAD COMMISSION OF TEXAS

OIL AND GAS DIVISION

VOLUNTARY CLEANUP PROGRAM FINAL CERTIFICATE OF COMPLETION RELYING ON INSTITUTIONAL CONTROLS

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

I, WILLIAM B. MIERTSCHIN, 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.03-80006 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 this 6 day of July, 2009.

William B. Miertschin, Assistant Director
Site Remediation Section

STATE OF Texas

COUNTY OF Travis

BEFORE ME, personally appeared William B. Miertschin, 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 6th day of July, 2009

Notary Public in and for the State of Texas



METES AND BOUNDS DESCRIPTION
9.024 ACRES IN THE
ROBERT DUNMAN SURVEY, ABSTRACT 223
HARRIS COUNTY, TEXAS

A 9.024-ACRE TRACT OF LAND SITUATED IN THE ROBERT DUNMAN SURVEY, ABSTRACT 223, HARRIS COUNTY, TEXAS, BEING OUT OF A RESIDUE OF A CALLED 63.194-ACRE TRACT DESCRIBED IN DEED TO AUSTOFIELD PARTNERS NO. 1, LTD., ET AL, RECORDED UNDER HARRIS COUNTY CLERK'S FILE (H.C.C.F.) NO. W488429 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY (O.P.R.O.R.P.), SAID 9.024-ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (WITH BEARINGS SHOWN BEING BASED ON THE EAST LINE OF SAID 63.194 ACRE TRACT CALLED SOUTH 00°00'13" EAST):

COMMENCING at 5/8-inch iron rod with cap stamped "RUSS & PAPE" found in the west line of Lot 44 of the Wheeler and Pickens 100 Acre Subdivision, recorded in Volume 102, Page 128 of the Harris County Deed Records (H.C.D.R.), same being the common survey line of Robert Dunman Survey, Abstract 223 and J.B. Stephenson Survey, Abstract 703, and being at the most easterly northeast corner of said residue of a called 63.194-acre tract and the most easterly southeast corner of a called 152.09-acre tract described as Tract 1, in Deed to WSG Tour 18 IV, L.P., recorded under H.C.C.F. No. Y500909, O.P.R.O.R.P.;

THENCE South 89°59'47" West 88.45 feet, along the common line of said residue of a called 63.194-acre tract and said 152.09-acre tract to a 5/8-inch iron rod with cap stamped "RUSS & PAPE" found at an angle point in said common line;

THENCE North 69°49'55" West 106.97 feet, continuing along said common line, to a 5/8-inch iron rod with a red plastic cap stamped "E.H.R. & A. 713-784-4500" found in said common line, being the most easterly northeast corner and the **POINT OF BEGINNING** of the herein described tract;

- (1) THENCE South 00°02'06" West 666.53 feet, departing said common line, over and across said residue of a called 63.194-acre tract to a 5/8-inch iron rod with a red plastic cap stamped "E.H.R. & A. 713-784-4500" found in the arc of a non tangent curve to the left, in the north line of a called 11.2450-acre tract described as Tract 3, in Deed to ATA Development, L.P., recorded under H.C.C.F. No. Y907889, O.P.R.O.R.P., being the southeast corner of the herein described tract,

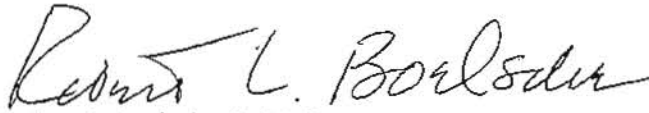
THENCE along the northerly line of said 11.2450-acre tract the following five (5) courses:

- (2) In a westerly direction, with said curve to the left, having a radius of 131.77 feet, a central angle of 135°58'36", an arc length of 312.73 feet, and a chord which bears South 89°33'34" West 244.33 feet to a 5/8-inch iron rod with a red plastic cap stamped "E.H.R. & A. 713-784-4500" found at the point of tangency of the said curve;
- (3) South 21°34'17" West 185.77 feet, to a 5/8-inch iron rod with a red plastic cap stamped "E.H.R. & A. 713-784-4500" found at the point of curvature to the right;

- (4) In a southwesterly direction, with said curve to the right, having a radius of 80.00 feet, a central angle of $81^{\circ}35'40''$, an arc length of 113.93 feet, and a chord which bears South $62^{\circ}22'07''$ West 104.54 feet, to a 5/8-inch iron rod with a red plastic cap stamped "E.H.R.A. 713-784-4500 found at the point of tangency;
- (5) North $76^{\circ}50'03''$ West 131.95 feet, to a 5/8-inch iron rod with a red plastic cap stamped "E.H.R. & A. 713-784-4500" found at the point of curvature to the left;
- (6) In a southwesterly direction, with said curve to the left, having a radius of 120.00 feet, a central angle of $76^{\circ}58'16''$, an arc length of 161.21 feet, and a chord which bears South $64^{\circ}40'49''$ West 149.36 feet, to a 5/8-inch iron rod with a red cap stamped "E.H.R. & A. 713-784-4500" found in the east right-of-way line of Hunters Terrace Drive (50-foot in width based on the plat recorded under Film Code No. 608230 of the Harris County Map Records) and being the northwest corner of said called 11.2450-acre tract and the southwest corner of the herein described tract;
- (7) THENCE North $26^{\circ}11'41''$ East 65.87 feet, along the east right-of-way line of said Hunters Terrace Drive, to a 5/8-inch iron rod with a red cap stamped "E.H.R. & A. 713-784-4500" set at the point of curvature to the left;
- (8) THENCE in a northwesterly direction, continuing with the east right-of-way line of said Hunters Terrace Drive, with said curve to the left, having a radius of 430.00 feet, a central angle of $75^{\circ}27'00''$, an arc length of 566.25 feet, and a chord which bears North $11^{\circ}31'49''$ West 526.21 feet, to a 5/8-inch iron rod with a red cap stamped "E.H.R. & A. 713-784-4500" set at the point of tangency;
- (9) THENCE North $49^{\circ}08'18''$ West 4.38 feet, continuing with the east right-of-way line of said Hunters Terrace Drive, to a calculated point in a utility power pole found at the southwest corner of the residue of a called 176.85-acre tract as described in Deed to Austofield Partners No. 1, LTD., et al., recorded under H.C.C.F. No. U584170, O.P.R.O.R.P., in the easterly right-of-way line of Hunters Terrace Drive (50-feet wide), as shown on the Villages at Tours 18, Section One, a subdivision of record under Film Code No. 604010, of the Harris County Map Records, being in the northerly line of the residue of said called 63.194-acre tract and being the most westerly northwest corner of the herein described tract;
- (10) THENCE North $40^{\circ}51'42''$ East 32.00 feet, departing the easterly right-of-way line of said Hunters Terrace Drive, along the north line of said residue of a called 63.194-acre tract and the residue of said called 176.85 acres to a 5/8-inch iron rod with a cap stamped "Costello Inc. R.P.L.S. 4416" found at the common corner of said residue of a called 176.85 acre tract, said residue of a called 63.194-acre tract, said called 152.09-acre tract, being an angle point in the north line of the herein described tract ;
- (11) THENCE North $63^{\circ}38'47''$ East 208.35 feet, along the common line of the residue of a called 63.194-acre tract and said called 152.09-acre tract to a 5/8-inch iron rod with a cap stamped "RUSS & PAPE" found for an angle point in the north line of the herein described tract;

- (12) THENCE South 80°07'20" East 183.30 feet, continuing along said common line, to a 5/8-inch iron rod with a cap stamped "RUSS & PAPE" found for an angle point in the north line of the herein described tract;
- (13) THENCE North 37°48'52" East 387.13 feet, continuing along said common line, to a 5/8-inch iron rod with a red cap stamped "E.H.R. & A. 713-784-4500" found for an angle point in the north line of the herein described tract;
- (14) THENCE South 69°49'55" East 131.02 feet, continuing along said common line, to the POINT OF BEGINNING containing 9.024 acres (393,075 square feet) of land. This description accompanies an ALTA/ACSM Land Title Survey prepared by Edminster, Hinshaw, Russ, and Associates and updated March 27, 2008.

EDMINSTER, HINSHAW, RUSS AND ASSOCIATES, INC.



Robert L. Boelsche, R.P.L.S.
Texas Registration No. 4446
10555 Westoffice Drive
Houston, Texas 77042
713-784-4500



Update: 03/27/08/rfb
Date: 11/13/06 lr
job No: 081-019-00
File No: R:\2008\081-019-00\documents\technical\9AC description.doc

EXHIBIT "B"

RAILROAD COMMISSION OF TEXAS VOLUNTARY CLEANUP PROGRAM

AFFIDAVIT OF COMPLETION OF RESPONSE ACTION

AND INSTITUTIONAL CONTROL

I, Yousef Panahpour, am the president of Iratex Company, Inc., which is the manager of Austofield Partners No. 1, L.L.C., which is the general partner of Austofield Partners No. 1 Ltd., a Texas Limited Partnership. Austofield Partners No. 1 Ltd. is the Participant in Railroad Commission of Texas (RRC) Voluntary Cleanup Program (VCP) project No. 03-80006. I am fully authorized by the Participant to make this affidavit.

Participant applied to the RRC pursuant to Chapter 91, Subchapter O, of the Texas Natural Resource Code, to enter the Site described in Attachment 1 into the VCP. The Participant and RRC entered into a voluntary cleanup agreement on 1 July 2008.

The Site described in Attachment 1 to this affidavit is an approximate 9.024 acre tract located in Humble, Harris County, Texas. The surface estate to the Site was owned by the Participant and the mineral estate was owned by Chevron Corporation at the time the application to participate in the VCP was filed.

Participant completed response actions at the Site pursuant to Chapter 91, Subchapter O, Texas Natural Resource Code. The degree of inquiry Participant used in determining the appropriate response actions, the response actions, and reporting were consistent with industry standards to identify all contaminants, waste and contaminated media of regulatory concern. Participant has submitted and received approval from the RRC on all plans and reports required by the VCP. The response actions performed include the following legal restrictions of the uses of the Site, which shall be covenants running with the land, and are contained in an instrument filed in the Harris County Clerk's office on March 13, 2009, Document 20090104805 (Attachment 2):

1. Use of the ground water beneath the Affected Property shall not be allowed except for monitoring purposes.
2. Penetration or excavation for a purpose of the impacted soil and/or groundwater zones should 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.

Participant has not acquired the Certificate of Completion for VCP No. 03-80006 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 under VCP No. 03-80006.

Attachment 1

*Institutional Control Document
Harris County, Texas*

9
Restr
J

Railroad Commission of Texas
Environmental Restrictive Covenant

STATE OF TEXAS

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COUNTY OF HARRIS

This Restrictive Covenant is filed 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 (Property) described as follows:

Austofield Partners No. I, Ltd. is the current Owner of the Property and premises, and appurtenances thereto, located in Harris County, Texas, consisting of A 9.024-ACRE TRACT OF LAND SITUATED IN THE ROBERT DUNMAN SURVEY, ABSTRACT 223, HARRIS COUNTY, TEXAS, BEING OUT OF A RESIDUE OF A CALLED 63.194-ACRE TRACT DESCRIBED IN DEED TO AUSTOFIELD PARTNERS NO. I, LTD., ET AL, RECORDED UNDER HARRIS COUNTY CLERK'S FILE (H.C.C.F.) NO. W488429 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY (O.P.R.O.R.P.), SAID 9.024-ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (WITH BEARINGS SHOWN BEING BASED ON THE EAST LINE OF SAID 63.194 ACRE TRACT CALLED SOUTH 00°00'13" EAST); as more fully described on Exhibit A, which exhibit is attached hereto and incorporated herein.

Groundwater on the Property is affected by certain identified chemicals of concern. The entire property is, considered to be Affected Property, and can be described as follows:

COMMENCING at 5/8-inch iron rod with cap stamped "RUSS & PAPE" found in the west line of Lot 44 of the Wheeler and Pickens 100 Acre Subdivision, recorded in Volume 102, Page 128 of the Harris County Deed Records (H.C.D.R.), same being the common survey line of Robert Dunman Survey, Abstract 223 and J.B. Stephenson Survey, Abstract 703, and being at the most easterly northeast corner of said residue of a called 63.194-acre tract and the most easterly southeast corner of a called 152.09-acre tract described as Tract 1, in Deed to WSG Tour 18 IV, L.P., recorded under H.C.C.F. No. Y500909, O.P.R.O.R.P.;

ll

THENCE South 89°59'47" West 88.45 feet, along the common line of said residue of a called 63.194-acre tract and said 152.09-acre tract to a 5/8-inch iron rod with cap stamped "RUSS & PAPE" found at an angle point in said common line;

THENCE North 69°49'55" West 106.97 feet, continuing along said common line, to a 5/8-inch iron rod with a red plastic cap stamped "E.H.R. & A. 713-784-4500" found in said common line, being the most easterly northeast corner and the POINT OF BEGINNING of the herein described tract;

(1) THENCE South 00°02'06" West 666.53 feet, departing said common line, over and across said residue of a called 63.194-acre tract to a 5/8-inch iron rod with a red plastic cap stamped "E.H.R. & A. 713-784-4500" found in the arc of a non tangent curve to the left, in the north line of a called 11.2450-acre tract described as Tract 3, in Deed to ATA

Development, L.P., recorded under H.C.C.F. No. Y907889, O.P.R.O.R.P., being the southeast corner of the herein described tract,

THENCE along the northerly line of said 11.2450-acre tract the following five (5) courses:

(2) In a westerly direction, with said curve to the left, having a radius of 131.77 feet, a central angle of $135^{\circ}58'36''$, an arc length of 312.73 feet, and a chord which bears South $89^{\circ}33'34''$ West 244.33 feet to a 5/8-inch iron rod with a red plastic cap stamped "E.H.R. & A. 713-784-4500" found at the point of tangency of the said curve;

(3) South $21^{\circ}34'17''$ West 185.77 feet, to a 5/8-inch iron rod with a red plastic cap stamped "E.H.R. & A. 713-784-4500" found at the point of curvature to the right;

(4) In a southwesterly direction, with said curve to the right, having a radius of 80.00 feet, a central angle of $81^{\circ}35'40''$, an arc length of 113.93 feet, and a chord which bears South $62^{\circ}22'07''$ West 104.54 feet, to a 5/8-inch iron rod with a red plastic cap stamped "E.H.R.A. 713-784-4500" found at the point of tangency;

(5) North $76^{\circ}50'03''$ West 131.95 feet, to a 5/8-inch iron rod with a red plastic cap stamped "E.H.R. & A. 713-784-4500" found at the point of curvature to the left;

(6) In a southwesterly direction, with said curve to the left, having a radius of 120.00 feet, a central angle of $76^{\circ}58'16''$, an arc length of 161.21 feet, and a chord which bears South $64^{\circ}40'49''$ West 149.36 feet, to a 5/8-inch iron rod with a red cap stamped "E.H.R. & A. 713-784-4500" found in the east right-of-way line of Hunters Terrace Drive (60-foot in width based on the plat recorded under Film Code No. 608230 of the Harris County Map Records) and being the northwest corner of said called 11.2450-acre tract and the southwest corner of the herein described tract;

(7) THENCE North $26^{\circ}11'41''$ East 65.87 feet, along the east right-of-way line of said Hunters Terrace Drive, to a 5/8-inch iron rod with a red cap stamped "E.H.R. & A. 713-784-4500" set at the point of curvature to the left;

(8) THENCE In a northwesterly direction, continuing with the east right-of-way line of said Hunters Terrace Drive, with said curve to the left, having a radius of 430.00 feet, a central angle of $75^{\circ}27'00''$, an arc length of 566.25 feet, and a chord which bears North $11^{\circ}31'49''$ West 526.21 feet, to a 5/8-inch iron rod with a red cap stamped "E.H.R. & A. 713-784-4500" set at the point of tangency;

(9) THENCE North $49^{\circ}08'18''$ West 4.38 feet, continuing with the east right-of-way line of said Hunters Terrace Drive, to a calculated point in a utility power pole found at the southwest corner of the residue of a called 176.85-acre tract as described in Deed to Austofield Partners No. I, LTD., et al., recorded under H.C.C.F. No. U584170, O.P.R.O.R.P., in the easterly right-of-way line of Hunters Terrace Drive (50-foot wide), as shown on the Villages at Tours 18, Section One, a subdivision of record under Film Code No. 604010, of the Harris County Map Records, being in the northerly line of the residue of said called 63.194-acre tract and being the most westerly northwest corner of the herein described tract;

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(11) THENCE North 63°38'47" East 208.35 feet, along the common line of the residue of a called 63.194-acre tract and said called 152.09-acre tract to a 5/8-inch iron rod with a cap stamped "RUSS & PAPE" found for an angle point in the north line of the herein described tract;

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(13) THENCE North 37°48'52" East 387.13 feet, continuing along said common line, to a 5/8-inch iron rod with a red cap stamped "E.H.R. & A. 713-784-4500" found for an angle point in the north line of the herein described tract;

(14) THENCE South 69°49'55" East 131.02 feet, continuing along said common line, to the POINT OF BEGINNING containing 9.024 acres (393,075 square feet) of land.

This restrictive covenant is required for the following reasons:

The property was formerly used as an oil and gas lease within the Riverside (Humble) Oilfield. Chemicals of concern attributable to the historical oil and gas operations at and in the vicinity of the Affected Property have impacted groundwater. The conditions were discovered during an environmental investigation of soil and groundwater beneath the Affected Property conducted by DCH Environmental Consultants L.P. ("DCH"). The soil in the Affected Property currently meets Commission standards for residential property. The following chemical of concern attributable to the historical oil and/or gas operations remain in groundwater at the Affected Property at the time of this filing: Chloride with a maximum concentration of 2,948 parts per million (ppm) in the upper groundwater bearing unit ("GWBU") being 25' -30' below ground surface ("bgs"), and chloride with a maximum concentration of 3,484 ppm in the second GWBU being 63' - 67' bgs as noted in **Exhibit B** and **Exhibit C** attached hereto. The affected groundwater units are not used for drinking water purposes. Chloride in groundwater is not generally considered to present a risk or threat to human health or the environment, but rather may negatively affect the use of groundwater for consumption and agricultural purposes. The investigation, assessment, remediation and analytical data on the Property are contained in the following report, a copy of which is located at Austofield Partners No. I, Ltd. with an address at 1990 Post Oak Blvd., Suite 820, Houston, Texas 77056.

Final Remedial Action Completion Report (RACR), Tour 18 Option Tract, NE Section, Humble, Harris County, Texas, RRC VCP No. 03-80006

The response action has been approved by the Commission based on the presumption that the ground water beneath the Affected Property will not be used for any purpose, except monitoring. The Commission has determined that the Affected Property currently meets standards for residential use. Based on information contained in the reports identified above, the chemicals of concern pose no significant present or future risk to humans or the environment based on residential use. The Commission does not require any further remediation of the Affected Property as long as groundwater beneath the Affected Property is not used. For purposes of this Covenant, the term "residential 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). This restrictive covenant is necessary to assure that all present and future owners of the Affected Property are aware of its condition and do not use the property in any manner inconsistent with this restriction. If any person desires to use the groundwater beneath the Affected Property, the Commission must be notified at least 60 days in advance of such use. Additional response action contemplating a change in land use or in the size of the assumed exposure area may be necessary.

Austofield Partners No. I, Ltd. am the Owner of the Property. In consideration of the Response Action leading to final approved remediation of the Affected Property, the Owner 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 covenants in favor of the Commission and the State of Texas are placed on the Property described in Exhibit "A," to-wit:

1. Use of the ground water beneath the Affected Property shall not be allowed except for monitoring purposes.
2. Penetration or excavation of the impacted groundwater zones for any purpose should 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. These restrictions shall be a covenant running with the land.

For additional information, contact:

Railroad Commission of Texas
Site Remediation Section
P. O. Box 12967
1701 N. Congress
Austin, Texas 78711-2967

Railroad Commission of Texas Voluntary Cleanup Program No.: (03-80006.)

As of the date of this Covenant, the record owner of fee title to the Property is Austofield Partners No. I, Ltd. with an address at 1990 Post Oak Blvd., Suite 820, Houston, Texas 77056.

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 effective Mar 11, 2009.

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Austofield Partners No. I, Ltd.

By: Austofield No. I, L.L.C., its General Partner

By: Iratex Company, Inc., Manager of Austofield No. 1 L.L.C.

By:

Yousef Panahpour, President of Iratex Company, Inc.

STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, on this the 11 day of March 2009 personally appeared Yousef Panahpour, President of Iratex Company, Inc., a Delaware corporation on behalf of the corporation in its capacity as the Manager of Austofield Partners No. I, L.L.C., a limited liability company, in its capacity as the general partner of Austofield Partners No. I, Ltd., a Texas limited partnership, 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.

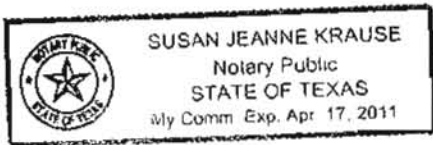
This instrument was acknowledged before me, a Notary Public, on March 11, 2009, by

GIVEN UNDER MY HAND AND SEAL OF OFFICE

Signature

Susan Jeanne Krause

Notary Public in and for the State of TX



County of Harris

After recording, return to
DCH Environmental
406 Brooks St.
Sugar Land, TX 77478

Accepted as Third Party Beneficiary on

March 6, 2009

Railroad Commission of Texas

12

By: David W. Cooney, Jr.
David W. Cooney, Jr.

Title: Attorney, Special Counsel Section

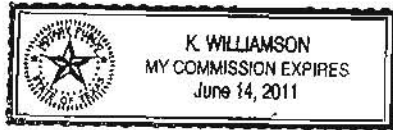
STATE OF TEXAS

County of Travis

BEFORE ME, on this the 6th day of March 2009 personally appeared David W. Cooney, Jr. 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 K. Williamson



Notary Public in and for the State of TEXAS

County of TRAVIS

DCH Environmental Consultants, LP

