RAILROAD COMMISSION OF TEXAS

OIL AND GAS DIVISION

October 19, 2021

Mr. John Toic
First BTS West Mount Houston
149 Colonial Road
Manchester, CT 06042

RE: ***Certificate of Completion***
2.485-Acres of Land
Proposed CVS Store No. 6249 (Site)
Voluntary Cleanup Program (VCP) No. 03-19003

Dear Mr. Toic:

Railroad Commission of Texas (RRC) VCP staff is pleased to enclose a Certificate of Completion (COC) for the 2.485-acre tract (Site), located at 1802 West Mount Houston Road in Houston, Harris County, Texas. The Site is more specifically located at latitude 29.898464 and longitude -95.430828 (WGS 84). The following reports were reviewed for the Site prior to the issuance of this Certificate:

Phase I Environmental Site Assessment, Proposed CVS Store No. 6249, NWC Veterans Memorial Dr. and W. Mt. Houston Rd, Houston, Harris County, Texas, dated January 10, 2017;

Phase II Site Investigation Report, Proposed CVS Store No. 6249, NWC Veterans Memorial Dr. and W. Mt. Houston Rd, Houston, Harris County, Texas, dated April 3, 2017;

Limited Response Action Plan, Proposed CVS Store No. 6249, NWC Veterans Memorial Dr. and W. Mt. Houston Rd, Houston, Harris County, Texas, dated January 22, 2019;

Response Action Completion Report, 2.49-Acres, Proposed CVS Store No. 6249, NWC Veterans Memorial Dr. and W. Mt. Houston Rd, Houston, Harris County, Texas, dated May 31, 2019;

Site Investigation Report, 2.49-Acres of Land (CVS Store No. 11278), 1802 W. Mount Houston Road, Houston, Harris County, Texas, VCP No. 03-19003, dated August 12, 2021;

History of Site

The site consisted of vacant land until the 1950's, when an oil and gas well was installed on the property, as well as two associated above ground storage tanks. An apparent drilling pit is also visible in a 1979 aerial photograph and is believed to be related to the well. Soil mounds were noted in the southern portion of the site from 1966 to 1973 and may be related to oil and gas

activity at the site. RRC records indicate that the on-site well was plugged and abandoned in 1982. These features were identified as recognized environmental conditions under the RRC's jurisdiction.

A former Stripes Gas Station was located in the southeast corner of the property. The facility was listed as a Leaking Petroleum Storage Tank (LPST) site from 1996-2004 and was issued a No Further Action letter in 2004 by the Texas Commission on Environmental Quality (TCEQ). The facility was relisted as an LPST site in 2016 by TCEQ.

Soil and Groundwater Assessment

In 2017, Modern Geosciences performed a Phase II Environmental Site Assessment to investigate contamination associated with both the RRC and TCEQ jurisdiction RECs at the site. Three soil borings were installed in the area of soil mounding (SB-1 through SB-3). Eight soil borings were advanced in the area of historic above ground storage tanks (ASTs) associated with the former on-site oil well (MMW-3, SB-4, SB-5, SB-6, SB-7, SB-12, SB-13 and SB-14). Six soil borings were installed in the suspected location of the pit associated with the former on-site oil well (SB-15, SB-16, SB-17, SB-18, MMW-4 and SB-8) and one soil boring was advanced in the suspected location of the former oil well (SB-9). Soils were continuously screened, and soil samples were collected based on the highest photoionization detector (PID) readings. Between one and three soil samples were collected from each boring. All soil samples were analyzed for volatile organic compounds (VOCs), total petroleum hydrocarbons (TPH), and RCRA-8 metals. Polyaromatic hydrocarbons were run on the samples with the highest TPH concentrations. TPH was detected above the Texas Risk Reduction Program's (TRRP) Tier 1 residential soil-to-groundwater protective concentration levels (PCLs) in 7 of the soil borings, with the highest concentrations being 6,690 mg/kg in SB-12 and 6,770 mg/kg in MMW-3. A residential site-specific TPH mixture PCL of 12,000 mg/kg was calculated using analysis of MMW-3 via Texas Method TX1006 and assuming a 0.5-acre source area. Barium was detected above the TRRP Tier 1 residential PCL of 440 mg/kg in one soil boring. Lead was detected above the Texas Specific Secondary Background Concentration (TSSBC) of 15 mg/kg in four soil borings. Mercury was detected above the TSSBC of 0.04 mg/kg in three soil borings. The samples with the highest concentrations of barium, lead, and mercury were analyzed for Synthetic Precipitation Leaching Procedure (SPLP), the results of which indicated that the concentrations of barium and mercury would not results in leaching of contamination to groundwater. A Tier 2 calculation was performed for the highest lead concentration since SPLP results indicated possibly leaching to groundwater. The calculated Tier 2 residential soil to groundwater PCL was 358 mg/kg, which is far greater than the concentrations noted in soil samples from the site. Borings MMW-3 and MMW-4, from the 2017 site assessment, were converted into permanent groundwater monitor wells. Groundwater samples were collected and analyzed for VOCs and TPH. Results of the sampling event showed concentrations of TPH in MMW-3 to be in excess of TRRP's Tier 1 residential groundwater ingestion PCL.

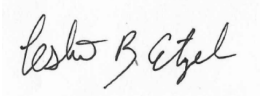
Due to the concentrations of TPH in groundwater and soil around MMW-3, Modern Geosciences performed excavation activities in February 2019. An approximate 20 by 40 foot area within the footprint of the historic ASTs was excavated. The excavated area was 9 feet below ground surface in its deepest section and groundwater was observed on the floor of the excavated area after its completion. Confirmation soil samples were collected from all four side walls of the excavated area, as well as four soil samples from the floor of the excavated area. Confirmation soil samples

were analyzed for benzene, toluene, ethylbenzene and xylenes (BTEX), as well as TPH. BTEX was not detected in any of the confirmation soil samples and TPH was detected below the site-specific mixture PCL. Excavated soils were disposed of off-site and clean fill material was used to fill the excavated area.

In October 2019, four additional permanent monitor wells and one shallow soil boring were installed at the site to delineate TPH impacts noted in MMW-3. Soils were continuously screened, and soil samples were collected based on the highest PID readings. At least two soil samples were collected from each boring. Soils were analyzed for VOCs, TPH, and RCRA-8 metals. Arsenic and lead were detected above the TSSBC in MW-04 between 12 and 13 feet bgs. Barium was detected above the TRRP Tier 1 residential soil-to-groundwater PCL in the same sample. Tier 2 PCLs were calculated for barium and lead based on the additional soil samples. Results of the Tier 2 calculation indicated the concentrations of barium and lead in MW-4 (12-13 feet) were below PCLs. Four rounds of groundwater gauging and sampling were performed on the newly installed wells between November 2019 and December 2020. Groundwater samples were analyzed for VOCs, TPH, and metals. VOCs and TPH were not detected in any groundwater samples collected from the wells, with the exception of ethylbenzene in MW-01, which was below its TRRP Tier 1 groundwater ingestion PCL. Arsenic and barium were detected in groundwater at the site but at concentrations either below the TRRP Tier 1 groundwater ingestion PCL or background levels. No other metals were detected in groundwater.

Based on the information provided, the Site appears to be protective of unrestricted use. 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. Kyle Knight, Modern Geosciences (via email)

Enclosed: *VCP Final Certificate of Completion*
Property Metes and Bounds Description and Plat Map

VOLUNTARY CLEANUP PROGRAM
FINAL CERTIFICATE OF COMPLETION
WITHOUT 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. 03-19003 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 O, TEXAS NATURAL RESOURCE CODE.

EXECUTED on 15 October 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 15*th* *Day of October 2021.*

VERONICA LARSON
Notary Public-State of Texas
Notary ID #13246330-5
Commission Exp. APRIL 30, 2024
Notary without Bond

Notary Public in and for the State of Texas

EXHIBIT "A"
RAILROAD COMMISSION OF TEXAS
VOLUNTARY CLEANUP PROGRAM LEGAL
DESCRIPTION 2.485-ACRE TRACT

VCP No. 03-19003

GRAPHIC SCALE: 1" = 30'

LINE	BEARING	DISTANCE
L1	S 42°01'42" W	41.75'

CALLED 55.1251 ACRES
ROYLE EDWARD BLACKBIRD, ET AL
H.C.C.F. No. C838733
H.C.C.F. No. C838734
H.C.C.F. No. C838735
H.C.C.F. No. C838736
H.C.C.F. No. C837356
H.C.C.F. No. C837357
H.C.C.F. No. C837358
H.C.C.F. No. C837359
H.C.C.F. No. D066253
H.C.C.F. No. D066254
H.C.C.F. No. D066255
H.C.C.F. No. D066256
H.C.C.F. No. D491400
H.C.C.F. No. D491401
H.C.C.F. No. D491402
H.C.C.F. No. D491403
H.C.C.F. No. D494875
H.C.C.F. No. D494876
H.C.C.F. No. D494877
H.C.C.F. No. D494878
H.C.C.F. No. D854534
H.C.C.F. No. D854535
H.C.C.F. No. D854536
H.C.C.F. No. D854537

FND 5/8" I.R.

S81°59'58"E 321.52'

30' H.C.F.C.D. ESMT. F.C. No. 687088, H.C.M.R.

15' H.C.F.C.D. ESMT. F.C. No. 687088, H.C.M.R.

FLOODWAY "AE" ZONE "AE"

FLOOD LINES SHOWN HEREON ARE SCALED IN PER FEMA MAP LISTED IN NOTE 4 AND ARE APPROXIMATE LOCATION ONLY

ZONE "AE" ZONE "X-SHADED"

RESTRICTED RESERVE "A"
BLOCK 1
2.4844 ACRES
(108,223 SQ. FT.)
MOUNT HOUSTON COMMERCIAL
F.C. No. 687088, H.C.M.R.

N02°10'35"W 306.83'

EDGE OF WATER

"BB" INLET T.C. ELEV.=85.64 FL 24" RCP(NE)=83.04 FULL OF TRASH

S35°39'20"E 265.67'

AT&T M.H. RIM ELEV.=84.77

AT&T M.H. RIM ELEV.=83.93

SERVICE POLE W/ ELEC. MTR.

CONCRETE PAVING

TRAFFIC CNTRL BOX

CONCRETE DRIVEWAY

STORM M.H. RIM ELEV.=82.99' FULL OF TRASH, CANNOT OBTAIN PIPE SIZES CENTERLINE FL=80.76'

75' B.L. PER F.C. No. 687088, H.C.M.R.

R.O.W. LINE IS ℄

P.O.B.

"BB" INLET T.C. ELEV.=86.01' FL 24" RCP(NE)=81.35' FULL OF TRASH

"D" INLET T.C. ELEV.=83.90' FL 24" RCP(SW)=80.00' FULL OF TRASH

4' CONC. SIDEWALK

"BB" INLET T.C. ELEV.=85.92' FL 24" RCP(SW)=82.33'

VETERANS MEMORIAL DRIVE (PUBLIC R.O.W. MAINTAINED BY HARRIS CO.)

STUEBNER AIRLINE RD. (VARIES)

25' B.L. F.C. No. 687088, H.C.M.R.

TBM SET SQUARE CUT ELEV.=84.46' (SEE NOTE 5)

STORM MH RIM ELEV.=84.47' FL 24" RCP(S)=76.22' FL 36" RCP(S)=76.32' FL 36" RCP(W)=71.07'

POLE/BILLBOARD

S87°54'40"W 433.35'

"C" INLET RIM ELEV.=83.64' FL 36" RCP(W)=76.76' FL 24" RCP(S)=77.58'

STORM MH RIM ELEV.=85.41' FL 36" RCP(NW)=71.99' FL 36" RCP(E)=72.08'

STATE HIGHWAY 249 (A.K.A. WEST MOUNT HOUSTON & S.H. 149)
(130' PUBLIC R.O.W.)
(MAINTAINED BY TxDOT)

CONCRETE PAVING

CONCRETE CURB CUT

GUARD RAIL

ELEC. MTR.

GAS VALVE

GAS AR. BASE

TRAFFIC LIGHT

PEDESTRIAN WALKWAY

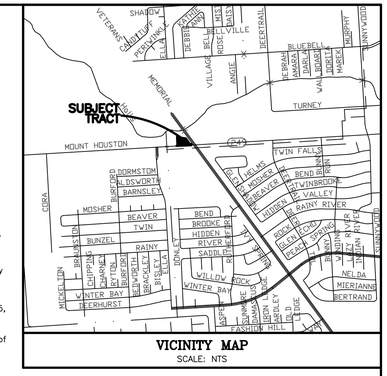
STEEL BAR

ZONE "AE" ZONE "X-SHADED"

NOTES:

1. The surveyor has not abstracted the subject property.
2. Survey was created with the benefit of a title commitment prepared by Fidelity National Title Insurance Company under G.F. No. FAH16007353, dated October 29, 2018 as supplemented by nothing further certificate dated April 2, 2019 under G.F. No. FAH16007353. The property surveyed is the same shown in said commitment.
3. Basis of Bearings for the survey is the deed of record in H.C.C.F. Number 20070617763.
4. By graphic plotting only, the subject tract is located in Zone "X-Shaded" is defined as areas of 0.2% annual chance flood, Zone "AE" is defined as areas of 1% annual chance flood and in the Floodway "AE", which is defined as areas of regulatory floodway, as shown on Federal Emergency Management Agency Flood Insurance Rate Map No. 48201C0470L, dated June 18, 2007.
5. Control benchmark: Harris County Floodplain Reference Marker No. 150345, Elev.=77.13' NAVD88, 2001 Adjustment.

   TBM "A": Square cut on top of a "C" inlet located near the south line of the subject tract and the north R.O.W. line of State Highway 249, as shown hereon. Elev.=84.49'
6. No portion of the subject property lies within H.C.C.F. Numbers F552752 & H093235.
7. There are no visible encroachments except as shown on the survey.



VICINITY MAP
SCALE: NTS

a. The following as shown on plat recorded under RP-2018-566882, Plat Records of Harris County, Texas.
25' building lines along the east & south property lines (shown hereon)
30' Drainage Easement along the north property line (shown hereon)
15' Drainage Easement along the west property line (shown hereon)
0.0105 acre/458 sq.ft dedicated to the Public for R.O.W. (shown hereon)

METES AND BOUNDS DESCRIPTION
2.4844 ACRE
LOCATED IN THE
GEORGE GREEN SURVEY, A-281,
HARRIS COUNTY, TEXAS

Being a tract or parcel of land containing 2.4844 acres of land or 108,223 square feet, located in the George Green Survey, Abstract 281, Harris County, Texas; Said 2.4844 acre tract being all of a called 1.7374 acre tract and a 0.7575 acre tract of record in the name of Stripes LLC in the Harris County Clerk's File (H.C.C.F.) Number 20070617763; Said 2.4844 acre tract being all of Restricted Reserve "A", Block 1 in Mount Houston Commercial, a subdivision duly of record in Film Code Number 687088 in the Map Records of Harris County, Texas; Said 2.4844 acre tract being more particularly described as follows (bearings based on said deed):

BEGINNING at a 5/8 inch iron rod with "Gruller" cap set for the most northerly southeast corner of the herein described tract, being the beginning of a Right-of-Way (R.O.W.) transition from the southwest R.O.W. line of Veterans Memorial Drive (width varies) to the north R.O.W. line of State Highway 249 (130 feet wide);

THENCE, coincident aforesaid R.O.W. transition, South 42 Degrees 01 Minutes 42 Seconds west, a distance of 41.75 feet to a 5/8 inch iron rod with "Gruller" cap set for the most southerly southeast corner of the herein described tract and aforesaid Reserve "A", being on the north R.O.W. line of aforesaid State Highway 249;

THENCE, coincident the south line of the herein described tract and the north R.O.W. line of aforesaid State Highway 249, South 87 Degrees 54 Minutes 40 Seconds West, a distance of 352.40 feet passed a 5/8 inch iron rod found for the southwest corner of aforesaid 1.7374 acre tract and the southeast corner of aforesaid 0.7575 acre tract, continuing for an overall distance of 433.35 feet to a 5/8 inch iron rod found for the southwest corner of both the herein described tract and said 0.7575 acre tract, being the southeast corner of called 55.1251 acre tract of record in the name of Royle Edward Blackbird, et al in H.C.C.F. Numbers C838733, C838734, C838735, C838736, C837356, C837357, C837358, C837359, D066253, D066254, D066255, D066256, D491400, D491401, D491402, D491403, D494875, D494876, D494877, D494878, D854534, D854535, D854536, and D854537 and being on the north R.O.W. line of said State Highway 249;

THENCE, coincident the west line of both the herein described tract and aforesaid 0.7575 acre tract, North 02 Degrees 10 Minutes 35 Seconds West, a distance of 306.83 feet to a 5/8 inch iron rod found for the northwest corner of both the herein described tract and said 0.7575 acre tract;

THENCE, coincident the north line of both the herein described tract and aforesaid 0.7575 acre tract, South 81 Degrees 59 Minutes 58 Seconds East, a distance of 113.12 feet passed a 5/8 inch iron rod found for the northeast corner of said 0.7575 acre tract and the northwest corner of aforesaid 1.7374 acre tract for an overall distance of 321.52 to a 5/8 inch iron rod with "Gruller" cap set for the northeast corner of the herein described tract, being on the southwest R.O.W. line of aforesaid Veterans Memorial Drive;

THENCE, coincident the east line of the herein described tract and the southwest R.O.W. line of aforesaid Veterans Memorial Drive, South 35 Degrees 39 Minutes 20 Seconds East, a distance of 265.83 feet to the POINT OF BEGINNING and containing 2.4844 acre of land.

LEGEND

- IRON ROD SET/FIND
- POWER POLE
- GUY ANCHOR
- MH MANHOLE
- MW MONITORING WELL
- CLEANOUT
- GATE VALVE & BOX
- FIRE HYDRANT
- WATER METER
- TELEPHONE PEDESTAL
- CABLE EQUIPMENT
- LS LIGHT STANDARD
- LIGHT
- TRAFFIC SIGN
- TREE
- PIPE BOLLARD
- F.O.C. FIBER OPTIC CABLE
- M.H. MANHOLE
- I.C.V. IRRIGATION CONTROL VALVE
- CURB LINE
- CURB INLET
- AREA INLET
- EDGE OF BUILDING
- 45.67 TOP OF CURB ELEVATION
- +45.17 GUTTER ELEVATION

WOOD FENCE
CHAIN LINK FENCE
WROUGHT IRON FENCE
OVERHEAD ELECTRIC
WATERLINE
GAS LINE
TELEPHONE LINE
CENTER OF SWALE
TOP OF BANK

+45.6 EXIST. NATURAL GROUND ELEVATION
+45.67 EXIST. ASPHALT OR CONCRETE ELEVATION

STATE OF TEXAS
KENNETH A. GRULLER
5476
REGISTERED
PROFESSIONAL
LAND SURVEYOR

To: First BTS West Mount Houston, LLC, Graham Mortgage Corporation, CVS Pharmacy, Inc. and CVS Health Corporation, their affiliates and subsidiaries and their successors, nominees and assigns, First Hartford Realty Corporation, Fidelity National Title Insurance Company, Cooper Cargill Chant, P.A. and Seyfarth Shaw, LLP:
This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 3, 4, 5, 6(b), 8, 11, 13, 14, 16, 17 & 18 of Table A thereof. The field work was completed on 10-28-2018.

Kenneth A. Gruller
Texas Registered Professional Land Surveyor No. 5476

PLAT OF SURVEY
BOUNDARY AND TOPOGRAPHY
OF A 2.4844 ACRE (108,223 SQ. FT.) TRACT
BEING ALL OF
RESTRICTED RESERVE "A", BLOCK 1
MOUNT HOUSTON COMMERCIAL
F.C. No. 687088, H.C.M.R.
LOCATED IN
GEORGE GREEN SURVEY, A-281,
HARRIS COUNTY, TEXAS

REVISED:04-15-2019: ADDRESS COUNSEL COMMENTS, APPLY RECORDED PLAT AND UPDATE TITLE
REVISED:11-16-2018: UPDATED TITLE COMMITMENT
REVISED:11-13-2018: TO ADDRESS COUNSEL COMMENTS

Gruller Surveying, LLC
PROFESSIONAL LAND SURVEYING
5599 SAN FELIPE, SUITE 1420
HOUSTON, TEXAS 77056
PHONE: (713) 333-1466 FAX: (713) 782-3755

SCALE: 1"=30'	FIELD BOOK:2016-CL	DATE: 10-28-2018
G.F. No. FAH16007353		
PHONE: (713) 333-1466 FAX: (713) 782-3755	DWG. NO. 45-16207.dwg	

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

VCP No. 03-19003

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

I, John Toic, representing First BTS West Mount Houston, LLC have completed the necessary response actions, pursuant to Chapter 91, Subchapter O, Texas Natural Resource Code, at the approximately 2.485-Acre tract of land described in Exhibit "A" (Site) of this certificate pertaining to Voluntary Cleanup Program (VCP) No. 03-19003 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.

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. 03-19003.

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

Applicant

By: _____

Print Name: John Toic - President

STATE OF CONNECTICUT
COUNTY OF HARTFORD

BEFORE ME, personally appeared John Toic, 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 4th day of October 2021.*

_____

Notary Public in and for the State of Connecticut

CHRISTINE MEYERS
NOTARY PUBLIC
MY COMMISSION EXPIRES OCT. 31, 2022