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MICHAEL L. WILLIAMS, COMMISSIONER  
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RICHARD A. VIRELA  
DIRECTOR, OIL AND GAS DIVISION  
JOHN JAMES TINTERA P.G.  
ASSISTANT DIRECTOR, SITE REMEDIATION

# RAILROAD COMMISSION OF TEXAS

## OIL AND GAS DIVISION

### **VOLUNTARY CLEANUP PROGRAM FINAL CERTIFICATE OF COMPLETION**

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

I, JOHN JAMES TINTERA, 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. 04-40002 AS OF 19 AUGUST 2005 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. WITH THE 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 19<sup>th</sup> Day of August 2005.

John James Tintera P.G., Assistant Director  
Site Remediation Section

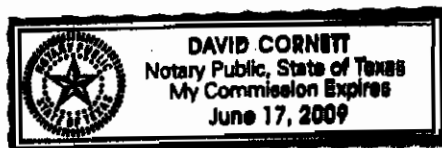
STATE OF Texas

COUNTY OF Travis

BEFORE ME, personally appeared John James Tintera, 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 the 19<sup>th</sup> day of August 2005

David Cornett  
Notary Public in and for the State of Texas



**EXHIBIT "A"**  
**RAILROAD COMMISSION OF TEXAS**  
**VOLUNTARY CLEANUP PROGRAM**  
**LEGAL DESCRIPTION OF THE**  
**VCP No. 04-40002**

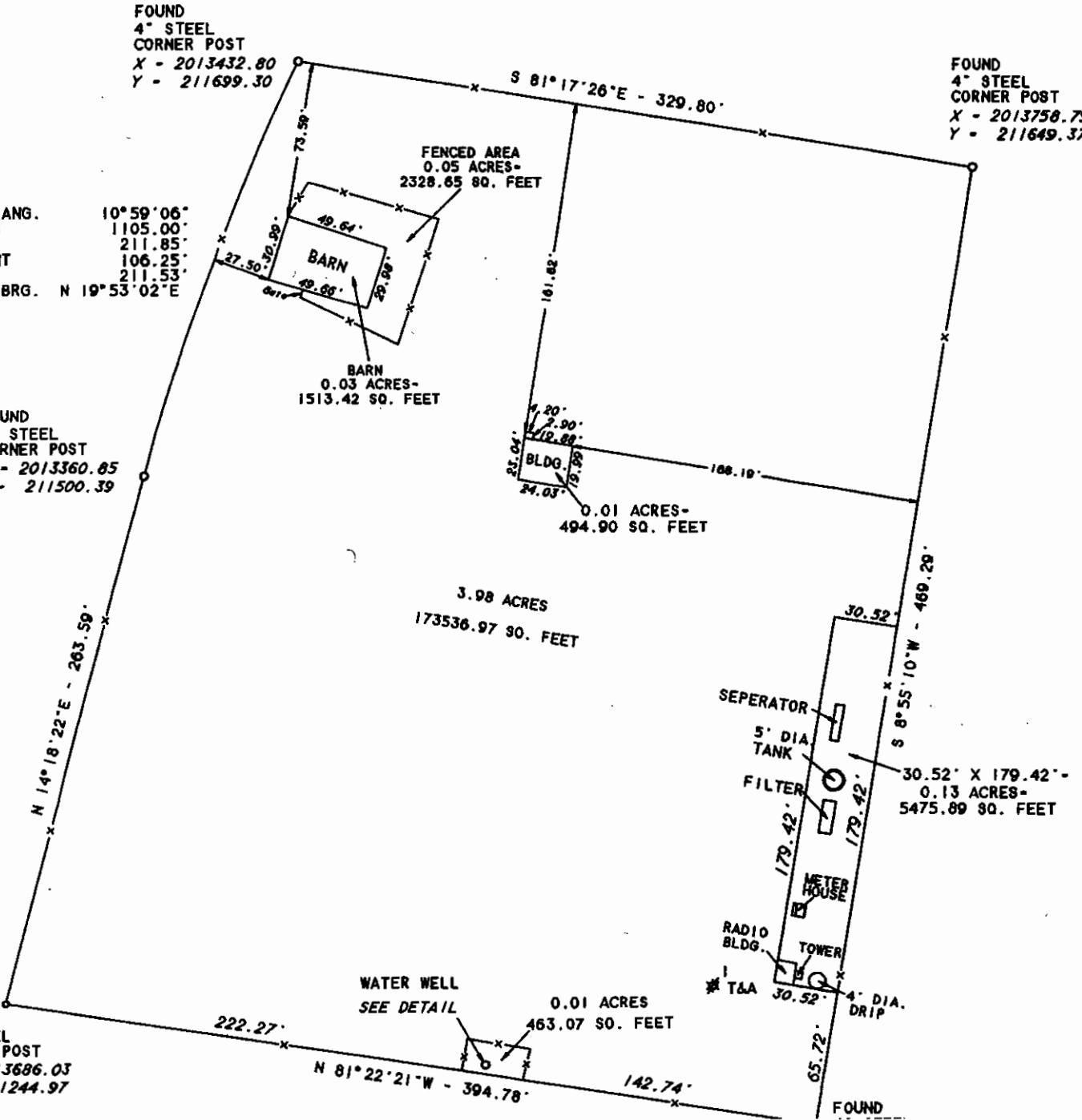
FOUND  
4" STEEL  
CORNER POST  
X - 2013432.80  
Y - 211699.30

FOUND  
4" STEEL  
CORNER POST  
X - 2013758.79  
Y - 211649.37

CENT. ANG. 10°59'06"  
RADIUS 1105.00'  
ARC 211.85'  
TANGENT 106.25'  
CHORD 211.53'  
CHORD BRG. N 19°53'02"E

FOUND  
4" STEEL  
CORNER POST  
X - 2013360.85  
Y - 211500.39

FOUND  
4" STEEL  
CORNER POST  
X - 2013686.03  
Y - 211244.97



**WARREN & SONS, INC.**  
Engineering • Surveying • Drafting  
723 N. UPPER BROADWAY, SUITE 201  
P.O. BOX 2292  
CORPUS CHRISTI, TEXAS 78403-2292

TEL: (361) 884-5302

FAX: (361) 882-6576

Field Notes 3.98 Acre Tract

A 3.98 acre tract of land was described as containing 4.0 acres in the Document 633966 recorded in the Official Records of Hidalgo County as being out of Tract No. 1 of the subdivision of the David Chapa Homestead Tract of 200.0 acres out of the southeast corner of Share 3, Schunior's Subdivision of Porciones 73, 74, and 75 Hidalgo County, Texas described in the deed recorded in Volume 784 at page 417 of the Deed Records of Hidalgo County Texas, Said 3.98 acre tract being more particularly described as follows, being oriented to the Texas Lambert Coordinate System; NAD 27:

Beginning at a 4 inch steel pipe found set for the southwest corner of this 3.98 acre tract on the east line of an irrigation canal right of way, from whence a fence corner found set on the north line of U.S. Highway 83 bears S 14° 18' 22" W for 818.62 feet, and N.G.S. Station "Pedro" bears S 78° 39' 14" W for 7876.43 feet;

↪ Thence N 14° 18' 22" E for 263.59 feet with the east right of way of the said canal to a 4 inch steel post found set for a corner on this east right of way line at the beginning of a right of way curve to the right;

Thence following with the canal right of way with the curve on a radius of 1,105.0 feet through an arc of 10° 59' 06" for a distance of 211.85 feet to a 4 inch steel post found set for the northwest corner of this tract;

Thence S 81° 17' 26" E for 329.80 feet to a 4 inch steel post found set for the northeast corner of this tract;

Thence S 8° 55' 10" W for 469.29 feet to a 4 inch steel pipe found set for the southeast corner of this tract;

Thence N 81° 22' 21" W for 394.78 feet to the Point of Beginning enclosing 3.98 acres within this tract.

August 11, 2005  
Job 8958



A handwritten signature in black ink that reads "Harry M. Warren, Jr." with a stylized flourish at the end.

Harry M. Warren, Jr.  
RPLS 1465, L.S.L.S.

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

Smith Production Inc. has completed response actions pursuant to Chapter 91, Subchapter O, Texas Natural Resource Code, at the tract of land described in Exhibit "A" to this certificate that pertains to (Site), VCP No. 04-40002 located in La Joya, Hidalgo County, Texas. The Site was owned by Smith Production Inc. at the time the application to participate in the Voluntary Cleanup Program was filed. The Applicant has submitted and received approval from the Railroad Commission of Texas Voluntary Cleanup Program 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 acceptable for unrestricted residential use with no reliance on institutional or physical controls as determined by the standards of the RRC. The response actions eliminate substantial present or future risk to public health and safety and to the environment from historical 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 under VCP No. 04-40002.

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

Applicant

By: Glenn R. Smith

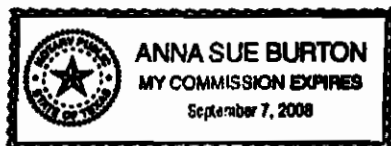
Print Name: **Glenn R. Smith, President**

STATE OF TEXAS  
COUNTY OF HARRIS

BEFORE ME, personally appeared

**Glenn R. Smith**, 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 August , 2005.



Anna Sue Burton  
Notary Public in and for the State of Texas