



# RAILROAD COMMISSION OF TEXAS

## OIL AND GAS DIVISION

20 March 2019

Mr. Mustaq Momin  
Fairbanks Ventures, Inc.  
7119 Silverthorne  
Sugar Land, TX 77479

RE: Certificate of Completion  
Former Oil Well Property  
6938 Fairbanks N. Houston Road  
Houston, Harris County, Texas  
Voluntary Cleanup Program (VCP) No. 03-14006

Dear Mr. Momin:

Staff of the Railroad Commission of Texas (RRC) Voluntary Cleanup Program (VCP) has reviewed the following reports:

*Transaction Screen Assessment Report, Vacant Land, 6938 Fairbanks North Houston Road, Houston, TX 77040, dated 27 November 2012;*

*Environmental Site Assessment Phase II, Former Oil Well Property, 6938 Fairbanks N. Houston Road, Houston, Harris County, Texas 77040, dated 22 January 2013;*

*Groundwater Monitoring Event Summary-1, Former Oil Well Property (VCP #0314006); 6942 Fairbanks North Houston Road, Houston, Harris County, Texas, dated 07 November 2016;*

*Groundwater Monitoring Event Summary-1, Former Oil Well Property (VCP #0314006); 6942 Fairbanks North Houston Road, Houston, Harris County, Texas, dated 15 May 2018;*  
and,

*Subsurface Site Assessment; Former Oil Well Property (VCP #314006), 6942 Fairbanks North Houston Road, Houston, Harris County, Texas, dated 21 May 2018.*

Based on staff's review, the RRC is pleased to enclose a Certificate of Completion without restrictions for the 4.3999-acre tract (Site), located at the southeast corner of Fairbanks North Houston Road and Fairbanks White Oak Road in northwest Houston, TX. This Certificate of Completion only applies to contamination that is subject to the RRC's jurisdiction.

## **History of Site**

The property consists of an undeveloped rectangular shaped parcel of land. A review of the historical aerial photographs indicated that one former oil well, historic pits, and a tank battery were historically located at the Site. According to RRC records, the former oil well was plugged in 1961. The closest surface water is Whiteoak Bayou, located approximately 0.5 mile north of the Site. The primary sources of drinking water in the area are Lake Houston and municipal supply wells completed in the Chicot and Evangeline aquifers at depths of approximately 450 feet or more below ground surface (bgs).

## **Soil**

A Phase II Environmental Site Assessment (ESA) was performed on January 7, 2013. A total of seven borings were advanced to depths ranging from ten to fifteen feet bgs in the vicinity of the former pits, the former tank battery, and the former oil well. Soil samples were field screened using an organic vapor analyzer (OVA). No elevated OVA readings were detected. One soil sample was collected from each soil boring from either the interval immediately above the saturated zone or at total depth. The soil samples were analyzed for total petroleum hydrocarbons (TPH) and volatile organic compounds (VOCs). Select soil samples were also analyzed for polycyclic aromatic hydrocarbons (PAHs) and the Resource Conservation and Recovery Act (RCRA) metals (arsenic, barium, cadmium, chromium, lead, selenium, mercury, and silver). Soil sample results were compared to the Tier 1 residential protective concentration levels (PCLs) from the Texas Commission on Environmental Quality's (TCEQ) Texas Risk Reduction Program (TRRP).

All results were below their respective Tier 1 residential PCLs (or Texas-Specific background concentrations for metals), with the exception of TPH in soils in the tank battery area of the Site, and arsenic, lead and selenium in the area of the pit. The metals found in the pit area were reported above soil to groundwater (<sup>GW</sup>Soil<sub>Ing</sub>) Tier 1 residential PCLs, but are below total soil combined Tier 1 residential PCLs.

In May 2018, AD Environmental Services performed an additional *Subsurface Site Assessment* to investigate TPH impacts in the area of the tank battery. Three soil borings were advanced to a depth of 20 feet below ground surface and were field screened using an OVA. Soil samples were analyzed for BTEX, TPH, and chlorides. All BTEX and TPH soil sample results were below Tier 1 residential PCLs, and chlorides results were below the RRC recommended cleanup goal of 3,000 milligrams per kilogram (mg/kg).

## **Groundwater**

Groundwater was encountered in two of the borings (BR-1 and BR-2) at a depth of approximately thirteen feet bgs. These borings were converted to temporary monitor wells BR-1W and BR-2W. Groundwater samples were collected from each of the monitor wells and analyzed for TPH and VOCs. The groundwater sample from temporary well BR-2W was also analyzed for RCRA metals. The laboratory analysis of groundwater samples indicated concentrations of TPH below detection

limits; BTEX; MTBE; and VOCs. Cadmium, silver, and mercury were non-detectable, and arsenic, barium, chromium, lead, and selenium were below Tier 1 PCLs.

In September 2016, four monitor wells were installed in the pit area of the Site and groundwater samples were collected from each well. All samples were analyzed for VOCs, TPH, RCRA metals, chlorides, and pH. The report prepared by AD Environmental Services states all concentrations were below appropriate PCLs and RRC action levels.

RRC Staff requested groundwater samples be collected in the tank battery to evaluate potential impacts from TPH. In May 2018, three soil borings were advanced in the tank battery area and were converted to temporary monitor wells. Groundwater samples were analyzed for TPH, BTEX, MTBE, and chlorides. TPH, BTEX, and MTBE were reported to be below detection limits or Tier 1 PCLs, and chlorides were reported to be below the Texas Secondary Drinking Water standard of 300 milligrams per liter (mg/L).

Based on the information provided, the Site appears to be protective of unrestricted use. On behalf of the RRC, staff of the Site Remediation Section thank you for your participation in the VCP. I can be reached at 512-463-3384 or [ashley.correll@rrc.texas.gov](mailto:ashley.correll@rrc.texas.gov).

Sincerely,



Ashley Johnston Correll  
Voluntary Cleanup Program

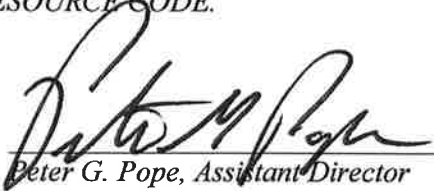
cc: Pete Fisher, District Director, District 3 RRC Office (via email)  
Dawn Pakebusch, AD Environmental Services, LLC (via email)  
VCP Reading File

**VOLUNTARY CLEANUP PROGRAM  
FINAL CERTIFICATE OF COMPLETION**

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.03-14006 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 20<sup>th</sup> March 2019.*

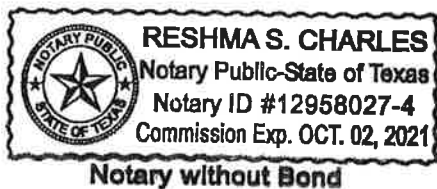
  
Peter G. Pope, Assistant Director  
Site Remediation Section

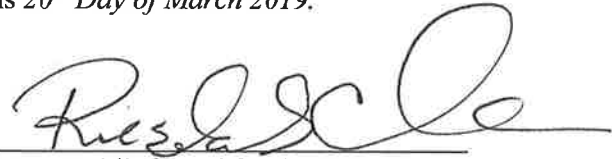
STATE OF Texas

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 20<sup>th</sup> Day of March 2019.



  
Notary Public in and for the State of Texas

**EXHIBIT "A"**  
**RAILROAD COMMISSION OF TEXAS**  
**VOLUNTARY CLEANUP PROGRAM**  
**METES AND BOUNDS 4.3999-ACRE TRACT**

**VCP No. 03-14006**

# MOMENTUM SURVEYING LLC

5225 KATY FREEWAY- SUITE 605, HOUSTON TEXAS 77007  
OFFICE (713) 910-8300 FAX (713) 910-8304

## PROPERTY DESCRIPTION 4.3999 ACRES

BEING A 4.3999 ACRE TRACT (191,660 SQUARE FEET) BEING OUT OF AND A PART OF LOT 8 BLOCK B OF HAHL'S SUBURBAN FARMS SUBDIVISION "G" AS RECORDED IN VOLUME 334 PAGE 134 H.C.D.R. SITUATED IN THE JOSEPH BAYS SURVEY, ABSTRACT NO. 127, HARRIS COUNTY; SAID 4.3999 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: (BASIS OF BEARINGS WERE DERIVED BY RTK GPS OBSERVATIONS BASED ON TEXAS STATE PLANE COORDINATES TEXAS SOUTH CENTRAL ZONE NAD 83 GEOID 03)

BEGINNING AT A 5/8 INCH IRON ROD FOUND AT THE NORTHEAST CUTBACK CORNER OF THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF FAIRBANKS WHITE OAK ROAD (60' R.O.W.) AND THE EAST RIGHT OF WAY LINE OF FAIRBANKS NORTH HOUSTON ROAD (VARIABLE WIDTH), SAID ROD BEING THE MOST NORTHERLY NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH  $87^{\circ} 57' 51''$  RE EAST, ALONG SAID SOUTH LINE OF FAIRBANKS WHITE OAK ROAD, A DISTANCE OF 567.16 FEET TO A POINT FROM WHICH A FOUND 5/8 INCH IRON ROD BEARS SOUTH  $02^{\circ} 20'$  EAST- 1.3 FEET FOR THE COMMON NORTH CORNER OF LOT 8 AND LOT 9 BLOCK B OF SAID HAHL'S SUBURBAN FARMS SUBDIVISION "G", SAME BEING THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH  $02^{\circ} 26' 20''$  EAST, ALONG THE COMMON LINE OF SAID LOT 8 AND LOT 9, A DISTANCE OF 324.66 FEET TO A 5/8 INCH IRON ROD FOUND FOR THE COMMON CORNERS OF LOTS 7, 8, 9 AND 10 BLOCK B OF SAID HAHL'S SUBURBAN FARMS SUBDIVISION "G", SAME BEING THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH  $87^{\circ} 32' 22''$  WEST, ALONG THE COMMON LINE OF SAID LOT 7 AND LOT 8, A DISTANCE OF 591.23 FEET TO A FENCE POST FOUND IN THE EAST LINE OF SAID FAIRBANKS NORTH HOUSTON ROAD FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH  $00^{\circ} 54' 48''$  EAST, ALONG SAID EAST LINE OF FAIRBANKS NORTH HOUSTON ROAD, A DISTANCE OF 35.18 FEET TO A 5/8 INCH IRON ROD WITH CAP SET FOR THE BEGINNING OF A CURVE TO THE LEFT FOR THE HEREIN DESCRIBED TRACT;

THENCE IN A NORTHWESTERLY DIRECTION, ALONG SAID EAST LINE OF FAIRBANKS NORTH HOUSTON ROAD, WITH SAID CURVE HAVING A RADIUS OF 1960.00 FEET, A CENTRAL ANGLE OF  $03^{\circ} 47' 45''$ , AN ARC LENGTH OF 129.85 FEET AND A CHORD BEARING AND DISTANCE OF NORTH  $00^{\circ} 59' 05''$  WEST- 129.83 FEET TO A 5/8 INCH IRON ROD WITH CAP FOR A POINT OF TANGENCY OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH  $02^{\circ} 52' 57''$  WEST, CONTINUING ALONG SAID EAST LINE OF FAIRBANKS NORTH HOUSTON ROAD, A DISTANCE OF 144.08 FEET TO A 5/8 INCH IRON ROD FOUND FOR THE SOUTHWESTERLY CUTBACK CORNER OF SAID INTERSECTION OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH  $42^{\circ} 29' 44''$  EAST, ALONG SAID CUTBACK CORNER, A DISTANCE OF 28.11 FEET TO THE POINT OF BEGINNING AND CONTAINING 4.3999 ACRES (191,660 SQUARE FEET) OF LAND.



10/12/2011

GILBERT PRIDA  
REGISTERED PROFESSIONAL LAND SURVEYOR  
STATE OF TEXAS NO. 5662  
JOB #0908005





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

**VCP No. 03-14006**



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

I, MUSTAQ Momin, representing Fairbanks Venture, LLC have completed the necessary response actions, pursuant to Chapter 91, Subchapter O, Texas Natural Resource Code, at the approximately 4.523-Acre tract of land described in Exhibit "A" (Site) of this certificate pertaining to Voluntary Cleanup Program (VCP) No. 03-14006 located in Houston, 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 acceptable for unrestricted residential use with no reliance on institutional or physical controls, as determined by RRC standards. Response actions for the Site 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 at the central office of the RRC under VCP No. 03-14006.

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

Applicant

By: Mustaq

Print Name: MUSTAQ Momin

STATE OF TEXAS  
COUNTY OF FORT BEND

BEFORE ME, personally appeared

Mustaq Ali Momin, 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 22<sup>nd</sup> day of January 2019.

Notary Public in and for the State of TEXAS

Zahra Maknoja

