**CITY OF HOUSTON**

**PUBLIC WORKS AND ENGINEERING**
PLANNING & DEVELOPMENT DIVISION

# EXECUTIVE SUMMARY

## Project Overview

InControl Technologies, Inc was retained by InSite West Belt, L.P. (the property owner), to provide environmental consulting services for the West Belt Business Park (Site) located at 10651 Harwin Drive in Houston, Harris County, Texas. The subject property (Site) consists of approximately 14.6 acres of land located west-southwest of downtown Houston, Harris County, Texas. The subject property is developed with a multi-tenant commercial/ industrial complex which is currently used as a storage and distribution center. Approximately 70% of the subject property is covered with the multi tenant warehouse type buildings. Approximately 20% of the subject property is covered with concrete and brick access drives and walkways, while an estimated 10% of the subject property is covered with decorative landscaping.

## Historical Environmental Condition

To date, InSite West Belt, L.P. has undertaken extensive site investigation activities designed to define the nature and extent of the environmental impact from historical releases at the Site. An Environmental Site Assessment (ESA) was performed on the Site in April 2003 by HBC/ Terracon. The ESA identified the Mercury Companies as a Recognized Environmental Condition (REC) because the tenant's operations included the use of trichloroethylene (TCE) as a cleaning solvent in the manufacturing of aluminum tubes. A subsequent site investigation performed by HBC/ Terracon in April 2003 identified the presence of a variety of chlorinated hydrocarbons in groundwater, including TCE. After the presence of the additional chlorinated compounds was discovered, additional research determined that Weed-Eater Corporation had leased the premise prior to the Mercury Companies and is the likely source of the other chlorinated solvents found in groundwater.

Subsequent investigations included the installation of permanent monitoring wells in two shallow water-bearing units (the upper transmissive zone or UTZ and the lower transmissive zone or LTZ) on the Site to delineate the extent of impact. West Belt Business Park was entered in to the TCEQ Voluntary Cleanup Program (VCP) in 2003 and was assigned VCP No. 1637. An Affected Property Assessment Report (APAR) that documented the results of the previous site investigations was submitted to the TCEQ in August 2004. InControl Technologies conducted a groundwater characterization study of the UTZ and the LTZ in February 2004. It was concluded that the UTZ groundwater qualified as a Class 3 groundwater resource while the LTZ groundwater was a Class 2 resource. The results of the groundwater classification study are detailed in the APAR. Based on these classifications, the extent of impact was

generally confined to the Site, with some impact along the southern property boundary of the Site and the northern portion of the immediately adjacent Bennion tract. The TCEQ responded to the APAR with its comments in January 2005 requesting revisions to portions of the APAR. These revisions were submitted to the TCEQ on March 9, 2005.

A Response Action Plan (RAP) was submitted to the TCEQ in May 2005, proposing monitored natural attenuation (MNA) as the preferred remedial alternative. The TCEQ responded to the RAP in its September 21, 2005 letter, with follow-up comments in its letter of January 12, 2006. Quarterly groundwater monitoring was proposed to demonstrate that MNA was a viable alternative for the Site. All groundwater samples collected from the permanent groundwater monitoring wells were analyzed for volatile organic compounds (VOCs) by EPA Method 8260B. The analytical results from each sampling event were compared to the TCEQ Texas Risk Reduction Program (TRRP) Protective Concentration Levels (PCLs).

A review of the most recent groundwater sampling data (October 2007) indicates that the only COCs that currently exceed the most conservative TRRP Tier 1 $^{GW}GW_{Ing}$ PCLs are 1,1-DCE in the UTZ and 1,1-DCE, 1,2-DCE, TCE and VC in the LTZ. The most recent groundwater sampling data indicates that the PCL exceedence (PCLE) zone is on the subject property. The most recent soil samples collected on the subject property were also reported to contain 1,1-DCE concentrations in excess of the most conservative TRRP Tier 1 $^{GW}Soil_{Ing}$ PCLs. This soil sample was located on the subject property near the suspected source area.

The groundwater impact in the UTZ has been horizontally delineated in all directions. Groundwater monitoring wells MW-11S, MW-12S, MW-13S are the upgradient delineation points and groundwater monitoring wells MW-2S and MW-18S are the downgradient delineation points. Several monitor wells have been installed off-site to determine if impacted groundwater has migrated off-site. UTZ monitor wells MW-11S, MW-12S, MW-13S, MW-14S, and MW-15S were installed upgradient (to the adjacent south). UTZ monitor wells MW-19S and MW-20S were installed along Sovereign Drive to delineate impacted groundwater along the western property boundary. The results of several consecutive monitoring events confirm impacted groundwater has not migrated off-site and that there is no off-site source contributing to the groundwater impacts.

The groundwater impact in the LTZ has been horizontally delineated in all directions. Groundwater monitoring wells MW-11D, MW-12D, MW-13D are the upgradient delineation points and groundwater monitoring wells MW-10D and MW-18D are the downgradient delineation points. Several monitor wells have been installed off-site to determine if impacted groundwater has migrated off-site. LTZ monitor wells MW-11D, MW-12D and MW-13D were installed upgradient (to the adjacent south). LTZ monitor well MW-18D was installed along the west property boundary with Sovereign Drive to delineate impacted groundwater along the western property boundary. The results of several consecutive monitoring events confirm impacted groundwater in the LTZ has not migrated off-site and that there is no contributing off-site source.

A comparison of the sampling results from May 2003 and October 2007 indicates that the area of impact appears to be stable to decreasing over time. COC concentrations in the source area wells (MW-1S, MW-1D, MW-4S, MW-4D, MW-8S, MW-8D, MW-7S and MW-7D) appear to be stable over the sampling history of the site. Based on the results of historical and recent groundwater sampling results, InControl Technologies does not anticipate future impact to off-site areas from the subject property.

Twelve (12) water wells were identified within a ½-mile radius of the proposed MSD boundary. Only two (2) of the twelve (12) water wells are listed as domestic wells and none are public supply wells. The two domestic wells are located approximately 1,500-feet cross-gradient from the proposed MSD boundary. Both of these wells are completed at depths greater than 200-feet bgs (240 ft and 270 ft) and are screened over the intervals 230-240 ft bgs and 260-270 ft bgs respectively. These two wells are drawing water from a zone much deeper than the impacted zones at the West Belt Business Park. The nearest public water supply well is located approximately 1-mile southwest from the proposed MSD boundary. The public water supply well is owned by the City of Houston and is screened from 660-1,070 feet bgs; a zone much deeper than the impacted zones at the West Belt Business Park. There are no sensitive receptors within 500-feet of the proposed MSD boundary. The nearest receptor is a drainage ditch located approximately ½-mile west of the proposed MSD boundary.

# Item 1 – Legal Property Description

A copy of the legal description plus a metes and bounds description of the designated property is included in **Appendix A**.

# Item 2 – Site Maps

The figures set out in this section provide information required under **Item 2**. The maps depict the property location and topography, the area of groundwater contamination, the location of all soil sampling points and groundwater monitoring wells, the groundwater gradient, and the soil and groundwater PCL exceedence zones.

The following is a listing of figures found in **Appendix B**.

Figure 2.1 – Site location Map
Figure 2.2a – Topographic Map
Figure 2.2b – Watershed Map
Figure 2.2c – Floodplain Map
Figure 2.3 – Groundwater PCLE zone
Figure 2.4a – Soil sampling locations
Figure 2.4b – Groundwater sampling locations
Figure 2.5a – Groundwater Gradient Map – Upper Transmissive Zone (October 2007)
Figure 2.5b – Groundwater Gradient Map – Lower Transmissive Zone (October 2007)
Figure 2.6a – Soil PCL exceedence zone map
Figure 2.6b – Groundwater PCL exceedence zone maps (1,1-DCE for the UTZ and 1,1-DCE, 1,2-DCA, TCE and VC for the LTZ)

The subject property is located within the Brays Bayou watershed (Figure 2.2b). The site is not located in the 100-year floodplain (**Figure 2.2c**).

# Item 3 – Property Use

The subject property (Site) consists of approximately 14.6 acres of land located west-southwest of downtown Houston, Harris County, Texas. The affected property is located in a mixed use commercial, light industrial and residential area. The property was developed in the early 1980s with the existing complex. According to the property's ownership history obtained from the Harris County Appraisal District, InSite West Belt L.P. became the property owner in March 2005. The 14.6-acre subject property is currently developed with a multi-tenant commercial complex which is currently used as a storage and distribution center.

Approximately 90% of the subject property is covered with parking spaces, walkways and retail shops (**Figure 3.1**). The remaining 10% is covered with decorative landscaped areas. Future use of the subject property is anticipated to remain commercial and light industrial.

**Figure 3.1** (found in **Appendix C**) provides a description of the surrounding land use within 500-feet of the site.

- North - The subject property is bounded to the north by the Harwin Drive right-of-way followed by commercial development.
- East - The subject property is bounded to the east by Sovereign Drive right-of-way followed by commercial development.
- South – The subject property is bounded to the south by vacant tracts of land followed by residential development.
- West – The subject property is bounded to the west by the Beltway 8 right-of-way followed by the Sam Houston Tollway and commercial development.

## Item 4 – PCLE Zone Discussion

**A)** A review of recent groundwater sampling data (October 2007) indicates that the only COC that currently exceeds the conservative TRRP Tier 1 residential $^{GW}GW_{Ing}$ PCLs in the UTZ is 1,1-dichloroethene (1,1-DCE). 1,1-Dichloroethene (1,1-DCE), 1,2-dichloroethane (1,2-DCA), trichloroethene (TCE) and vinyl chloride (VC) were the only COCs that currently exceed the conservative TRRP Tier 1 residential $^{GW}GW_{Ing}$ PCLs in the LTZ . These PCL exceedences are limited to the onsite property in both the UTZ and LTZ. Monitor wells located on the vacant tract of land to the south (MW-11S, MW-11D, MW-12S, MW-12D, MW-13S and MW-13D) indicate the groundwater PCLE zone does not extend off-site to the south. These are upgradient wells which also confirm an on-site source of groundwater impacts. The area of groundwater impact is delineated in all directions (**Figure 2.3**).

The area of groundwater impact is confined to the shallow groundwater unit. Groundwater samples collected from both the upper transmissive zone (UTZ) and lower transmissive zone (LTZ) have reported COC concentrations above the TRRP Tier 1 residential $^{GW}GW_{Ing}$ PCLs.

Based on a review of boring logs, the shallow groundwater on the subject property is first encountered at a depth of approximately 16 feet below ground surface (ft-bgs) (UTZ). The bottom of the UTZ is estimated at approximately 17 ft-bgs. A second groundwater bearing unit (LTZ) is encountered at a depth of approximately 35 ft-bgs. The bottom of the LTZ is estimated at approximately 39 ft-bgs.

A comparison of the recent groundwater sampling results (October 2007) with applicable non-ingestion protective concentration levels ($^{Air}GW_{Inh-V}$) indicates that none of the detected COC concentrations exceeded the $^{Air}GW_{Inh-V}$ PCL. Therefore, based on the recent groundwater monitoring results, there is no indication that there is a non-ingestion protective concentration level exceedence zone on the subject property.

**B)** The following table represents the groundwater ingestion PCL exceedences that were reported from the October 2007 monitoring event:

**Table 4.1 – Groundwater ingestion PCL Exceedences**

| | TRRP PCL | 1,1-DCE (mg/L) | 1,2-DCA (mg/L) | TCE (mg/L) | VC (mg/L) |
|---|---|---|---|---|---|
| | ${}^{GW}GW_{Ing}$ | 0.007 | 0.005 | 0.005 | 0.002 |
| | ${}^{GW}GW_{Class\ 3}$ | 0.7 | 0.5 | 0.5 | 0.2 |
| | ${}^{Air}GW_{Inh\text{-}V}$ | 980 | 33 | 160 | 3.6 |
| Monitoring Well ID | Sample Date | Concentration (mg/L) | | | |
| MW-1S | 10/16/07 | ***1.7*** | 0.001 | <0.00044 | **0.018** |
| MW-1D | 10/16/07 | **0.015** | <0.00039 | <0.00044 | <0.00062 |
| MW-4S | 10/15/07 | ***2.3*** | <0.00039 | <0.00044 | **0.019** |
| MW-4D | 10/16/07 | **0.48** | 0.001 | <0.00044 | **0.002** |
| MW-7S | 10/16/07 | ***18*** | **0.096** | **0.013** | **0.059** |
| MW-7D | 10/16/07 | **0.110** | <0.00039 | <0.00044 | <0.00062 |
| MW-8S | 10/16/07 | ***22*** | **0.07** | **0.017** | **0.15** |
| MW-8D | 10/16/07 | ***27*** | **0.073** | **0.019** | ***0.320 E*** |
| MW-9D | 10/16/07 | **0.028** | <0.00039 | <0.00044 | <0.00062 |

Notes – Values in **Bold** exceed the ${}^{GW}GW_{Ing}$ PCL (ingestion PCLE)
Values in ***Bold Italics*** exceed the ${}^{GW}GW_{Class\ 3}$ PCL (non-ingestion PCLE)
E – Estimated result is above calibration curve.

Groundwater COC concentrations tabulated above are less than the ${}^{Air}GW_{Inh\text{-}V}$ non-ingestion PCL, therefore there is no non-ingestion PCLE zone based on the October 2007 monitoring data.

**C)** The chlorinated solvents (1,1-DCE, 1,2-DCA, TCE and VC) detected in groundwater samples are associated with the historical operations in the former Mercury Company tenant space at the West Belt Business Park.

Chlorinated solvents are characterized by their high volatilities, high densities, low viscosities, low interfacial tension, low absolute solubilities, high relative solubilities, low portioning to soil materials and low degradability. Chlorinated solvents will dissolve in water at low concentrations but once the groundwater has reached the saturation limit for that compound, the chlorinated solvent will form a separate phase in equilibrium with the water. Because chlorinated solvents have higher densities relative to water, the separate phase will "sink". These compounds are referred to as "dense non-aqueous phase liquids" (DNAPLs). In high concentrations DNAPLs will be able to penetrate the water table and form "pools" on the top of less permeable layers. Historically, DNAPL has not been identified in any of the monitor wells within the groundwater monitor well network.

The rate of flow of a DNAPL through a geologic medium is dependent on the density and viscosity of the DNAPL, the pressure driving the DNAPL, the intrinsic permeability of the geologic medium and the degree of DNAPL saturation of the pore spaces of the medium. Dissolved phase chlorinated solvents will

move with groundwater flow. Chlorinated solvents will weakly bind to soil and rock meaning that sorption to soils will not significantly retard the movement of a chlorinated solvent.

Based on the field observations and laboratory results, it appears that the groundwater contaminants on the subject property are primarily dissolved in the shallow groundwater. Both the upper and lower transmissive zones are impacted by dissolved phase chlorinated solvents. A review of the off-site groundwater sampling results indicates that the dissolved phase COCs have not migrated off-site.

## Item 5 – COCs in Designated Groundwater Discussion

**A)** Refer to **Item 4** for a discussion of the contaminants of concern (COC) in the ingestion protective concentration level (PCL) exceedence zone. Current groundwater sampling results indicate that there are four identified COCs (1,1-DCE, 1,2-DCA, TCE and VC) that exceed the ingestion protective concentration levels on the subject property. In the UTZ only one COC (1,1-DCE) exceeds the ingestion PCL ($^{GW}GW_{Class3}$) on the subject property. In the LTZ all four identified COCs exceeded the ingestion PCL ($^{GW}GW_{Ing}$) on the subject property. The groundwater samples collected from monitoring wells on the property to the adjacent south of the subject property reported COCs at concentrations much lower than the ingestion PCLs.

**B)** Refer to **Table 4.1** for a tabulated comparison of COC concentrations with the respective TRRP Protective Concentration Levels (PCLs)

**C)** Refer to **Item 4** for a discussion of the basic geochemical properties of the contaminants of concern (COCs) in the ingestion PCL exceedence zone.

## Item 6 – Summary of Soil and Groundwater Concentration Data

**Appendix F** contains tables summarizing the concentration levels for the primary chemicals of concern in soil and groundwater. The tables include the concentration level, the ingestion protective concentration limits ($^{GW}Soil_{Ing}$ for soil, $^{GW}GW_{Class3}$ for groundwater in the UTZ and $^{GW}GW_{Ing}$ for groundwater in the LTZ), the non-ingestion protective concentration limits for soil ($^{Tot}Soil_{Comb}$ and $^{Air}Soil_{Inh\text{-}V}$ ) and groundwater ($^{Air}GW_{Inh\text{-}V}$), the critical protective concentration limits assuming no MSD is in place ($^{GW}Soil_{Ing}$ for soil, $^{GW}GW_{Class3}$ for groundwater in the UTZ and $^{GW}GW_{Ing}$ for groundwater in the LTZ), and the critical PCLs assuming that an MSD is in place ($^{Tot}Soil_{Comb}$ for soil and $^{Air}GW_{Inh\text{-}V}$ for groundwater).

# Item 7 – Plume Stability

The West Belt Business Park (Site) has been affected by dissolved phase contaminants (one or more of 1,1-DCE, 1,2-DCA, TCE and VC) in the soil and groundwater. These contaminants are believed to be associated with the historic operations conducted in the former Mercury Companies tenant space.

Upper Transmissive Zone (UTZ) – The groundwater impact in the UTZ has been horizontally delineated in all directions. Groundwater monitoring wells MW-11S, MW-12S, MW-13S are the upgradient delineation points and groundwater monitoring wells MW-2S and MW-18S are the downgradient delineation points. Several monitor wells have been installed off-site to determine if impacted groundwater has migrated off-site. UTZ monitor wells MW-11S, MW-12S, MW-13S, MW-14S, and MW-15S were installed upgradient (to the adjacent south). UTZ monitor wells MW-19S and MW-20S were installed along Sovereign Drive to delineate impacted groundwater along the western property boundary. The results of several consecutive monitoring events confirm impacted groundwater has not migrated off-site and that there is no off-site source contributing to the groundwater impacts.

Lower Transmissive Zone (LTZ) – The groundwater impact in the LTZ has been horizontally delineated in all directions. Groundwater monitoring wells MW-11D, MW-12D, MW-13D are the upgradient delineation points and groundwater monitoring wells MW-10D and MW-18D are the downgradient delineation points. Several monitor wells have been installed off-site to determine if impacted groundwater has migrated off-site. LTZ monitor wells MW-11D, MW-12D and MW-13D were installed upgradient (to the adjacent south). LTZ monitor well MW-18D was installed along the west property boundary with Sovereign Drive to delineate impacted groundwater along the western property boundary. The results of several consecutive monitoring events confirm impacted groundwater in the LTZ has not migrated off-site and that there is no contributing off-site source.

A comparison of the sampling results from May 2003 and October 2007 indicates that the area of impact appears to be stable to decreasing over time. COC concentrations in the source area wells (MW-1S, MW-1D, MW-4S, MW-4D, MW-8S, MW-8D, MW-7S and MW-7D) appear to be stable over the sampling history of the site. Based on the results of historical and recent groundwater sampling results, InControl Technologies does not anticipate future impact to off-site areas from the subject property.

# Item 8 – Contamination Exceedence Discussion (without MSD)

**On the Designated Property**

As described in **Item 4**, 1,1-DCE, 1,2-DCA, TCE and VC were reported at concentrations that exceeded the TRRP residential assessment levels without a municipal setting designation. Groundwater samples collected from UTZ on-site monitoring wells MW-1S, MW-4S, MW-7S and MW-8S reported 1,1-DCE at concentrations greater than the TRRP residential ingestion exceedence level without a municipal setting designation ($^{GW}GW_{Class3}$). Groundwater samples collected from LTZ on-site monitoring wells MW-1D, MW-4D, MW-7D, MW-8D and MW-9D reported 1,1-DCE, 1,2-DCA, TCE and/or VC at concentrations greater than the TRRP residential ingestion exceedence level without a municipal setting designation

($^{GW}GW_{Ing}$). A review of the most recent groundwater sampling data (October 2007) confirms these findings.

**Off the Designated Property**

Three groundwater monitoring well pairs (MW-11S, MW-11D, MW-12S, MW-12D, MW-13S and MW-13D) were installed on the vacant lot south of the subject property to assess groundwater impacts to both the UTZ and LTZ. Two monitoring wells (MW-14S and MW-15S) were installed on the adjacent General Solutions property to assess impacts to the UTZ. Monitoring wells MW-19S and MW-20S were installed along the west side of Sovereign Drive to investigate any off-site migration of the dissolved phase COCs. Groundwater sampling results from all off-site wells confirm groundwater impacted by chlorinated solvents from the former Mercury Companies source area have not extended beyond the subject property boundary. A review of the most recent groundwater sampling data (October 2007) confirms these findings.

## Item 9 – Future Contamination Exceedence Discussion (with MSD)

Recent groundwater monitoring on the subject property indicates that the area of groundwater impact has been horizontally delineated. Groundwater samples collected from UTZ and LTZ monitoring wells reported COC concentrations less than the TRRP residential ingestion exceedence level with a municipal setting designation ($^{Air}GW_{Inh-V}$). Therefore, there is no future contamination exceedence anticipated with a municipal designation for the subject property.

## Item 10 – Origin of Contamination

The Mercury Companies began operations in the mid 1980's in Suite 700 of the West Belt Business Park. The facility was involved in sheet metal fabrication, electronics and metal tube manufacturing. The most likely source of chlorinated solvents in soil and shallow groundwater is through the historic use of TCE as a solvent for washing/ degreasing parts. Prior to The Mercury Companies occupation of Suite 700, the Weed Eater Corporation was the listed tenant. It is possible that the Weed Eater Corporation was the source of the other VOCs (1,1-DCE, 1,2-DCA) identified in shallow groundwater at the Site. TCE and/or its breakdown products (primarily 1,1-DCE) have been identified in soil and groundwater. Surrounding properties are primarily commercial/ light industrial but, at this time, are not believed to have contributed to on-site contamination and are unrelated to the 1,1-DCE contamination.

## Item 11 – Regulatory Actions

Not Applicable. No regulatory actions have been taken in the last five years.

## Item 12 – Existing State or EPA registrations, permits or identifications

Texas State Customer Number – CN600279632 (The Mercury Companies)
Texas State Registration Number – RN100569029 (The Mercury Companies)

The following registration number is inactive:
Solid Waste Registration Number – 39679 (The Mercury Companies)

## Item 13 – VCP Enrollment

In 2003, InSite West Belt, L.P. submitted a Voluntary Cleanup Program (VCP) Application and Agreement to the Texas Commission on Environmental Quality (TCEQ). West Belt Business Park was assigned VCP No. 1637.

## Item 14 – TCEQ Submittals

The following is a list of submittals by InControl Technologies:

- *Innocent Owner Program Site Investigation Report,* dated December 3, 2003
- *Affected Property Assessment Report,* dated August 17, 2004
- *April 2005 Groundwater Monitoring Report,* dated September 6, 2005
- *July 2005 Groundwater Monitoring Report,* dated October 6, 2005
- *Groundwater Monitoring Report, 4th Quarter 2005, 1st and 2nd Quarters 2006,* dated August 9, 2006
- *Groundwater Monitoring Report for 3rd and 4th Quarters 2006,* dated January 2007
- *Groundwater Monitoring Report for 1st and 2nd Quarters 2007,* dated May 31, 2007
- *Groundwater Monitoring Report for 3rd Quarter 2007,* dated October 17, 2007

## Item 15 – Public Drinking Water Supply

Drinking water for the subject property is provided by the City of Houston. A review of the City of Houston 2006 Drinking Water Quality Report indicates that, "Houston drinking water met or exceeded all Federal and State standards for safe drinking water." Therefore, the City of Houston water supply system satisfies the requirements of Chapter 341 of the Texas Health and Safety Code.

The City of Houston 2006 Drinking Water Quality Report and the online City of Houston GIMS database indicated that the City of Houston water supply system appeared to be capable of supplying drinking water to the surrounding properties within a ½-mile radius of the subject property.

## Item 16 – Private Water Well Owners within Five Miles of Subject Property

Refer to **Appendix P** for the names and address of identified water well owners and notifications. Notifications will be sent to 600 private water well owners (not including wells owned/operated by a public utility or municipality).

## Item 17 – Retail Public Utility Operating Groundwater Supply Well within Five Miles of Subject Property

The following retail public utilities operate at least one groundwater supply well within five miles of the subject property:

- City of Houston Public Works Department,
- City of Bunker Hill Village,
- Bissonnet MUD,
- Memorial Villages Water Authority,
- City of Bellaire
- West Harris County MUD 6,
- City of Meadows Place,
- Old Richmond Farm,
- Beechnut MUD,
- Mission Bend MUD 2
- Renn Road MUD, and
- Westhollow Technology Center.

The above mentioned entities have been provided notice as required by section 361.805 of the Texas Health and Safety Code.

Refer to **Appendix Q** for the Water Utility Database Report and notifications.

## Item 18– Municipalities within One Half Mile of Subject Property

Not Applicable. There are no other municipalities within ½- mile of the subject site. Therefore, no notice has been provided.

## Item 19 – Municipalities Operating Groundwater Supply Well within Five Miles of Subject Property

The following municipalities operate at least one groundwater supply well within five miles of the subject property:

- City of Houston,
- City of Bellaire,

- City of Bunker Hill Village, and
- City of Meadows Place.

The above mentioned have been provided notice as required by section 361.805 of the Texas Health and Safety Code.

Refer to **Appendix Q** for the Water Utility Database Report and notifications.

## Item 20 – Real Property owners within 2,500 feet of Designated Property Boundary

Refer to **Appendix T** for a listing of real property owners within 2,500 feet of designated property boundary. Copies of mailing labels have also been included in **Appendix T**.

## Item 21 – Statement Regarding Completeness of Information and Potential for Off-Site Impact

To the best of my knowledge and belief, based upon a review of all public and private records and other information sources available to me in the exercise of due diligence, the opinions stated and conclusions made in this application are supported by such information, and the technical and scientific information submitted with the application is true, accurate, and complete. Based on such review, the contaminants of concern from the sources on the designated property more likely than not do not exceed a non-ingestion protective concentration level on property beyond the boundaries of the designated property.

Michael F. Marcon, P.G.
President, Principal
InControl Technologies, Inc.

Signature: Date: 1/28/08

## Item 22 – Determination of off-site source

Not Applicable. The contaminants of concern from sources on the designated property do not exceed a non-ingestion protective concentration level beyond the boundary of the designated property.



08-04-30A09:48 RCVD

## Item 23 – Statement Regarding Accuracy of Information

I certify under penalty of law that this application and all attachments were prepared under my direction or supervision in a manner designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the persons responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Michael F. Marcon, P.G.
President, Principal
InControl Technologies, Inc.

Signature: Date: 1/28/08

## Item 24 – MSD Application submitted to TCEQ

A copy of the MSD application that was submitted to the TCEQ will be included as **Appendix X** once the City of Houston MSD application has been approved.

## Item 25 – Signed Restrictive Covenant

The signed and notarized restrictive covenant on groundwater use at the site is pending approval of the MSD from the City of Houston. Once the MSD application is approved, a copy of the signed and notarized restrictive covenant will be included as **Appendix Y**.

## Item 26 – Filing Fee

The initial filing fee of $2,000 is attached.



08-04-30A09:48 RCVD