

# PORT CORPUS CHRISTI

OCP# 04-2329  
AK

December 15, 2014

Project No. 09-002B

RECEIVED RRC  
SITE REMEDIATION  
DEC 19 2014  
OIL & GAS DIVISION  
AUSTIN, TEXAS

**CERTIFIED MAIL / RETURN RECEIPT**  
**NO. 7012 3460 0001 0535 1888**

Ms. Amanda Kindt  
Technical Coordinator  
Railroad Commission of Texas  
Oil and Gas Division  
Site Remediation Section  
P.O. Box 12967  
Austin, Texas 78711-2967

**Subject: Evidence of Deed Recordation of Environmental Restrictive Covenant  
For Former Exxon Pipeline Company - Harbor Island Station  
Aransas Pass, Nueces County, Texas  
RRC Operator Cleanup Program No. 04-2329**

Dear Ms. Kindt,

Please find enclosed a copy of the Railroad Commission of Texas Environmental Restrictive Covenant for the above referenced site that was recorded at the Nueces County Clerk's Office on December 5, 2014.

If you have any questions, please call me at (361) 885-6163.

Sincerely,

Sarah L. Garza  
Environmental Compliance Manager

SLG/jls  
Enclosure

cc: Michael Lamarre, Exxon Mobil  
Scott Chaffey, CRA  
John LaRue  
Frank Brogan  
David Krams



**Railroad Commission of Texas Environmental Restrictive Covenant**

STATE OF TEXAS                   §  
  §  
COUNTY OF NUECES           §

This Restrictive Covenant is filed pursuant to the authority of the Railroad Commission of Texas (RRC) to control and clean up pollution caused by activities over which the RRC exercises jurisdiction in accordance with Section 91.113 of the Texas Natural Resources Code, and affects the real property (Property) described as follows:

The Port of Corpus Christi Authority of Nueces County, Texas (PCCA) is the current Owner of the Property and premises, and appurtenances thereto, located in Nueces County, Texas, consisting of 214.168 acres of land, more or less, portions of which are submerged, comprised of three tracts, Parcel A and B being out of Survey 960 conveyed to Humble Pipe Line Company by the State of Texas in Letter Patent #313 recorded in Volume 239, Page 45, Deed Records of Nueces County, Texas, and Parcel C being out of Survey 806 conveyed to Humble Oil and Refining Company by the State of Texas in Letter Patent #380 recorded in Volume 175, Page 364, Deed Records of Nueces County, Texas, and Parcel A containing 6.744 acres of land, more or less, being the portion of Survey 960 lying southwest of State Highway 361, Parcel B containing 56.249 acres of land, more or less, being the portion of Survey 960 lying northeast of State Highway 361, and Parcel C containing 151.175 acres of land, more or less, being the portion of Survey 806 lying northeast of State Highway 361, and each tract being more particularly described by metes and bounds on **Exhibit A**, which exhibit is attached hereto and incorporated herein.

Portions of the **soil** of the Property contain certain identified chemicals of concern. These portions, consisting of six parcels and considered to be Affected Properties, are presented on **Exhibit B** which exhibit is attached hereto and incorporated herein. The six parcels are as follows: SWW-2A, TT-1A, TT-1B, TT-21/TT-2B, TT-2E, and TT-5A.

This restrictive covenant is required for the following reasons:

The Affected Properties are a result from historical operations of a former crude oil bulk storage terminal, otherwise known as the former Exxon Pipeline Company Harbor Island Station (Former Station) that was operated by Exxon Pipeline Company from the 1920's to 1993. Chemicals of concern (COCs) attributable to the operations of the Former Station were investigated by ExxonMobil Pipeline Company (ExxonMobil) and PCCA in accordance with regulations under the RRC. In addition, ExxonMobil submitted remedial work plans which were subsequently approved by the RRC, allowing specific remedial action to address the remaining COCs. The remediation was performed in such a manner that total petroleum hydrocarbons (TPH) are the only residual COC exceeding RRC clean-up standards in both soil and groundwater at the time of restrictive covenant

filing. The following maximum levels of TPH were left in soil and groundwater:

- In parcel SWW-2A, the maximum residual concentration of TPH in soil is 14,000 mg/kg and in groundwater is 21.3 mg/L.
- In parcel TT-1A, the maximum residual concentration of TPH in soil is 30,300 mg/kg and in groundwater is not detected above a laboratory reporting limit of 5 mg/L.
- In parcel TT-1B, the maximum residual concentration of TPH in soil is 11,800 mg/kg and groundwater was not sampled.
- In parcel TT-2A/TT-2B, the maximum residual concentration of TPH in soil is 117,000 mg/kg and in groundwater is 18.1 mg/L.
- In parcel TT-2E, the maximum residual concentration of TPH in soil is 25,600 mg/kg and groundwater was not sampled.
- In parcel TT-5A, the maximum residual concentration of TPH in soil is 66,700 mg/kg and in groundwater is not detected above a laboratory reporting limit of 2 mg/L.
- In parcel TT-5B, the maximum residual concentration of TPH in groundwater is 66.9 mg/L.

The investigation, assessment, remediation and analytical data are contained in the following reports submitted by various consultants on behalf of ExxonMobil and its predecessors, and the PCCA:

- EPC – Environmental Investigation, KEI Consultants (KEI) report dated April 15, 1994
- EPC – Soil Remediation, KEI report dated August 16, 1995
- PCCA – Soil and Groundwater Assessment, Fluor Daniel/GTI report dated August 2, 1996
- EPC – Area 10 Phase Separated Hydrocarbon Investigation, KEI report dated January 15, 1997
- EPC – Area 10 Remediation, KEI report dated January 26, 1998
- PCCA – Confirmation Sampling Investigation, Applied Petroleum Technologies, LTD report dated June 22, 1998
- EPC – Additional Areas Remediation and Closure Report, KEI reports both dated July 7, 1999
- PCCA – Soil Sampling Report, Rosengarten, Smith & Associates, Inc., report dated December 22, 2003
- ExxonMobil – Additional Soil Delineation, Conestoga-Rovers & Associates (CRA) report dated December 2007
- ExxonMobil Environmental Services Company (EMES) – Site History Request, CRA letter report dated January 11, 2008
- PCCA – Environmental Activities Report, Gainco report dated January 19, 2011



- EMES – 2011 Monitoring Well Installation and Quarterly Groundwater Monitoring and Sampling, CRA report dated June 2012
- EMES – Remediation Summary Report, CRA report dated November 2012

Copies of these reports and analytical data collected from the former Exxon Pipeline Company Harbor Island Station may be obtained from the Site Remediation Section of the Railroad Commission of Texas, Oil and Gas Division, William B. Travis Building, 1701 N. Congress, Austin, Texas 78711-2967, under OCP No. 04-2329.

The response action has been approved by the RRC based on the presumption that the Affected Properties will be used exclusively for commercial/industrial purposes, and will not be put to residential use, and the shallow groundwater beneath the Affected Properties will not be used for any purpose, except monitoring. Shallow groundwater is defined as the vertical zone between the ground surface and a depth of 15 feet below the ground surface. The RRC has determined that the Affected Properties currently meet standards for commercial/industrial 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 commercial/industrial use. With the filing of this document, the RRC does not require any further remediation of the Affected Properties as long as the Affected Properties are not put to residential use and/or the shallow groundwater is not used for any purpose other than monitoring. 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 Properties are aware of its condition and do not use the Affected Properties in any manner inconsistent with this restriction. If any person desires to use the Affected Properties in the future in any manner inconsistent with the restrictions described in this covenant, the RRC 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. The additional response action must be approved by the RRC and completed prior to commencement of the new use of the Affected Properties.

In consideration of the Response Action leading to final approved remediation of the Affected Properties, the Port of Corpus Christi Authority of Nueces County, Texas, the Owner of the Property, has agreed to place the following restrictions on the Properties in favor of the RRC 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 RRC and the State of Texas are placed on the Properties described in Exhibit "A," to-wit:

1. Use of the Affected Properties shall not be allowed for residential purposes as defined in this Covenant.

2. Use of the shallow groundwater beneath the Affected Properties shall not be allowed except for monitoring purposes.
3. Penetration or excavation of the impacted soil and/or groundwater zones for any purpose shall 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.
4. These restrictions shall be a covenant running with the land.

For additional information, contact:

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

Railroad Commission of Texas Operator Cleanup Program No.: 04-2329

As of the date of this Covenant, the record owner of fee title to the Property is the **Port of Corpus Christi Authority of Nueces County, Texas** with an address of **P.O. Box 1541, Corpus Christi, Texas 78403**.

This Restrictive Covenant may be rendered of no further force or effect only by a release executed by the RRC and filed in the same Real Property Records as those in which this Restrictive Covenant is filed.

Executed this 14<sup>th</sup> day of OCTOBER, 2014

Port of Corpus Christi Authority of Nueces County, Texas

Signature: [Handwritten Signature]

Printed Name: JOHN P. LARUE

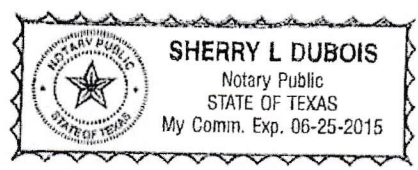
Title: EXECUTIVE DIRECTOR



STATE OF TEXAS  
(Nueces) COUNTY

BEFORE ME, on this the 14<sup>th</sup> day of October, 2014 personally appeared John P. Larue, Executive Director 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 Sherry L Dubois

Notary Public in and for the State of TEXAS

County of NUECES

My Commission Expires: 06-25-15

ExxonMobil Environmental Services Company

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF TEXAS  
(Harris) COUNTY

BEFORE ME, on this the 29 day of September 2014 personally appeared Joel Lackin, 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.

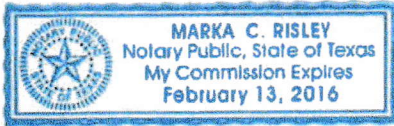
GIVEN UNDER MY HAND AND SEAL OF OFFICE

Signature \_\_\_\_\_

Notary Public in and for the State of Texas

County of Harris

My Commission Expires: February 13, 2016



Accepted as Third Party Beneficiary this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**Railroad Commission of Texas**

By: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF TEXAS  
( \_\_\_\_\_ ) COUNTY

BEFORE ME, on this the \_\_\_\_\_ day of \_\_\_\_\_, 2014 personally appeared \_\_\_\_\_, \_\_\_\_\_ on behalf of the Site Remediation Section of the Oil and Gas Division of the Railroad Commission of Texas, 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 \_\_\_\_\_

Notary Public in and for the State of \_\_\_\_\_

County of \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



Accepted as Third Party Beneficiary this <sup>7<sup>th</sup></sup> ~~11<sup>th</sup>~~ day of November 2014

Railroad Commission of Texas

By: Kathy Keils

Title: Attorney, General Counsel Section

STATE OF TEXAS  
( Travis ) COUNTY

BEFORE ME, on this the 7<sup>th</sup> day of November 2014 personally appeared Kathy Keils, Attorney on behalf of the Site Remediation Section of the Oil and Gas Division of the Railroad Commission of Texas, 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 Kathy Way

Notary Public in and for the State of TEXAS

County of Travis

My Commission Expires: July 22, 2017

