

Figure: 30 TAC §334.208

MODEL INSTITUTIONAL CONTROL FOR PROPERTIES.

STATE OF TEXAS

_____ COUNTY

NOTICE OF (TYPE OF SUBSTANCE) CONTAMINATED SITE

KNOW ALL MEN BY THESE PRESENTS THAT:

Pursuant to the rules and/or requirements of the Texas Commission on Environmental Quality ("TCEQ"), this document is hereby filed in the Deed Records of _____ County, Texas in compliance with the said requirements of the TCEQ:

I

This notice pertains to the tract of land (hereinafter, the "Property") described within Exhibit "A" attached hereto and incorporated herein as if set forth at length. The Property is located at _____, in _____, (_____ County), Texas. The Property is the former location of a storage tank system that leaked and released (type of substance) into the (list all affected media). Residual subsurface contamination remains at the Property. Regardless of such residual contamination, the TCEQ has determined that no additional remediation of the Property is required as of the date of this filing, subject to the provisions of Paragraph II below regarding the use of the Property.

II

Cleanup levels established for the Property were based on current and future use of the site for (residential or commercial/industrial) purposes. Without limitation of any other permissible uses, the use of the Property is suitable for (residential or commercial/industrial) purposes. The corrective action plan (does/does not) require continued (post closure care, engineering control measures, or legal control). (Describe) (Add next sentence when the terms of the institutional

control place use conditions on the affected area.) Regardless of the foregoing, the current or future owner shall notify the TCEQ in writing at least 120 days prior to changes in site use or site condition which violate the terms of this notice.

The corrective action plan developed for this site reduces site risks to meet protection requirements for the site conditions at the time of this filing. However, persons who will be conducting subsurface construction activities such as, but not in way of limitation, the excavation of soils, installation or repair of subsurface utilities, installation of foundation piers, groundwater extraction, or other such activity may encounter the soils, soil vapors, or groundwater which have been affected by the release. The owner of the Property at the time of any future subsurface construction activities must comply with all environmental, worker protection and other laws, rules and regulations then applicable to the Property.

III

The current owner of the Property and/or any facility thereon is (Landowner), whose address is (Street address), (City), (State) (Zip) where more specific information may be obtained from the agents or assigns thereof. The current operator of the Property and/or any facility thereon is (Operator), whose address is (Street address), (City), (State) (Zip).

IV

This deed notice is not a representation or warranty by the TCEQ as to the suitability of the Property described within Exhibit A for any particular use or purpose, nor does it constitute any guarantee by the TCEQ that additional remediation will not be required in the future. Further information concerning this matter may be found in the TCEQ Underground Storage Tank Notice of Registration No. _____ file and Leaking Petroleum Storage Tank ("LPST") No. _____ file, which are available for inspection upon request at the office of the TCEQ in Austin, Texas.

EXECUTED this the _____ day of _____, 20_____.

Landowner or Authorized Representative

By:

STATE OF
COUNTY OF

This instrument was acknowledged before me on _____, 20____, by (Owner).

Notary Public in and for the State of
(State)

My Commission Expires:

Typed or Printed Name of Notary