

Figure: 30 TAC §335.569

MODEL DEED CERTIFICATION LANGUAGE

STATE OF TEXAS
() COUNTY

INDUSTRIAL SOLID WASTE
CERTIFICATION OF REMEDIATION

KNOW ALL MEN BY THESE PRESENTS THAT:

Pursuant to the Rules of the Texas Natural Resource Conservation Commission pertaining to Industrial Solid Waste Management, this document is hereby filed in the Deed Records of County, Texas in compliance with the recordation requirements of said rules:

I

(Company Name) has performed a remediation of the land described herein. A copy of the Notice of Registration (No.), including a description of the facility, is attached hereto and is made part of this filing. A list of the known waste constituents, including known concentrations (i.e., soil and ground water, if applicable), which have been left in place is attached hereto and is made part of this filing. Further information concerning this matter may be found by an examination of company records or in the Notice of Registration (No.) files, which are available for inspection upon request at the central office of the Texas Natural Resource Conservation Commission in Austin, Texas.

The Texas Natural Resource Conservation Commission derives its authority to review the remediation of this tract of land from Texas Health and Safety Code, §361.002, which enables the Texas Natural Resource Conservation Commission to promulgate closure and remediation standards to safeguard the health, welfare and physical property of the people of the State and to protect the environment by controlling the management of solid waste. In addition, pursuant to the Texas Water Code, §5.012 and §5.013, Texas Water Code, Annotated, Chapter 5, the Texas Natural Resource Conservation Commission is given primary responsibility for implementing the laws of the State of Texas relating to water and shall adopt any rules necessary to carry out its powers and duties under the Texas Water Code. In accordance with this authority, the Texas Natural Resource Conservation Commission requires certain persons to provide certification and/or recordation in the real property records to notify the public of the conditions of the land and/or the occurrence of remediation. This deed certification is not a representation or warranty by the Texas Natural Resource Conservation Commission of the suitability of this land for any purpose, nor does it constitute any guarantee by the Texas Natural Resource Conservation Commission that the remediation standards specified in this certification have been met by (Company name).

II

Being a acre tract, more or less, out of the (Company Name)'s acre tract in the (Name) League (No.), Abstract (No.), recorded in Volume (No.), Page (No.) of the Deed of Records County, Texas, said acre tract being more particularly described as follows:

(Insert metes and bounds description here)

For Standard 2 cleanups: (Contaminants/contaminants and waste) deposited hereon have been remediated (to meet residential soil criteria/ to meet non-residential (i.e., industrial/commercial) soil criteria)), in accordance with a plan designed to meet the Texas Natural Resource Conservation Commission's requirements in 30 Texas Administrative Code, §335.555), which mandates that the remedy be designed to eliminate substantial present and future risk such that no post-closure care or engineering or institutional control measures are required to protect human health and the environment. Future land use is considered suitable for (residential, non-residential (i.e., industrial/commercial)) purposes in accordance with risk reduction standards applicable at the time of this filing. Future land use is intended to be (residential, non-residential).

For Standard 3 cleanups: (Contaminants/contaminants and waste) deposited hereon have been remediated (to meet residential soil criteria/to meet non-residential (i.e., industrial/commercial) soil criteria) in accordance with a plan designed to meet the requirements of 30 Texas Administrative Code, §335.561 (Risk Reduction Standard Number 3), which mandates that the remedy be designed to eliminate or reduce to the maximum extent practicable, substantial present or future risk. The remediation plan (does/ does not) require continued post-closure care or engineering or institutional control measures. Future use of the property is considered appropriate for (describe) in accordance with risk reduction standards applicable at the time of this filing. Institutional or legal controls placed on the property to ensure appropriate future use include (describe).

For both Standard 2 and 3 cleanups where the remedy is based upon non-residential soil criteria: The current or future owner must undertake actions as necessary to protect human health or the environment in accordance with the rules of the Texas Natural Resource Conservation Commission.

III

The owner of the site is (Company Name), a Texas corporation, and its address is (P.O. Box or Street), (City), Texas (Zip Code), where more specific information may be obtained from the (plant manager, owner).

EXECUTED this the day of , 20 .

(Company Name)
a Texas corporation

(Name)
Plant Manager

STATE OF TEXAS
() COUNTY

BEFORE ME, on this the day of , personally appeared (Name), (Plant Manager, Owner) of (Company Name), a Texas corporation, known to me to be the person and agent of said corporation 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 day of , 20 .

Notary Public in and
for the State of Texas,
County of