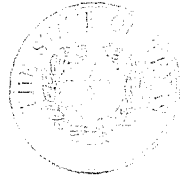


SIEGEL

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 11, 2011

Mr. Bryan Heath
ConocoPhillips Company
1608-02 Phillips Building, 420 South Keller Avenue
Bartlesville, Oklahoma 74004

Re: Municipal Setting Designation (MSD) Certificate for ConocoPhillips Company, 1214 North Eastside Drive, Wichita Falls, Wichita County, Texas; MSD No. 146

Dear Mr. Heath:

Enclosed is the Municipal Setting Designation Certification for your site. You can use this certification as the basis to avail of the groundwater assessment and remediation flexibility offered in accordance with Texas Health and Safety Code §361.808, consistent with the site-specific circumstances.

If I can be of any further assistance, please do not hesitate to contact me at (512) 239-2378 or via e-mail (rclarke@tceq.state.tx.us).

Sincerely,

Richard Clarke, P.G., Project Manager
VCP-CA Section
Remediation Division

RC/jdm

Enclosure

cc: Mr. Chris Siegel, Project Manager, Remediation Division, MC-221

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



MUNICIPAL SETTING DESIGNATION CERTIFICATE

As provided for in §361.807, Subchapter W, Texas Health and Safety Code (Solid Waste Disposal Act):

I, Mark R. Vickery, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation for MSD No. 146, in the City of Wichita Falls for the tract of land described in Exhibit "A". The eligibility requirements of Texas Health and Safety Code §361.803 are satisfied as attested to by the affidavit in Exhibit "B", provided pursuant to Texas Health and Safety Code §361.804(b)(2)(D). This certificate shall continue in effect so long as the institutional control required by Texas Health and Safety Code §361.8065 is maintained in effect.

Any person addressing environmental impacts for a property located in the certified municipal setting designation shall complete any necessary investigation and response action requirements in accordance with Texas Health and Safety Code §361.808, in conjunction with the applicable Texas Commission on Environmental Quality environmental remediation regulation, as modified by Texas Health and Safety Code §361.808.

EXECUTED this the 6th day of January, 2011.

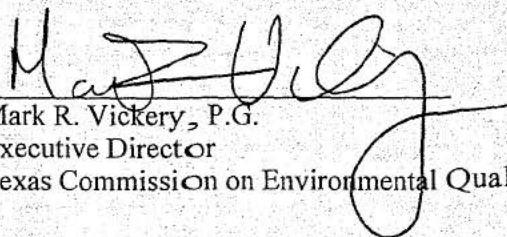
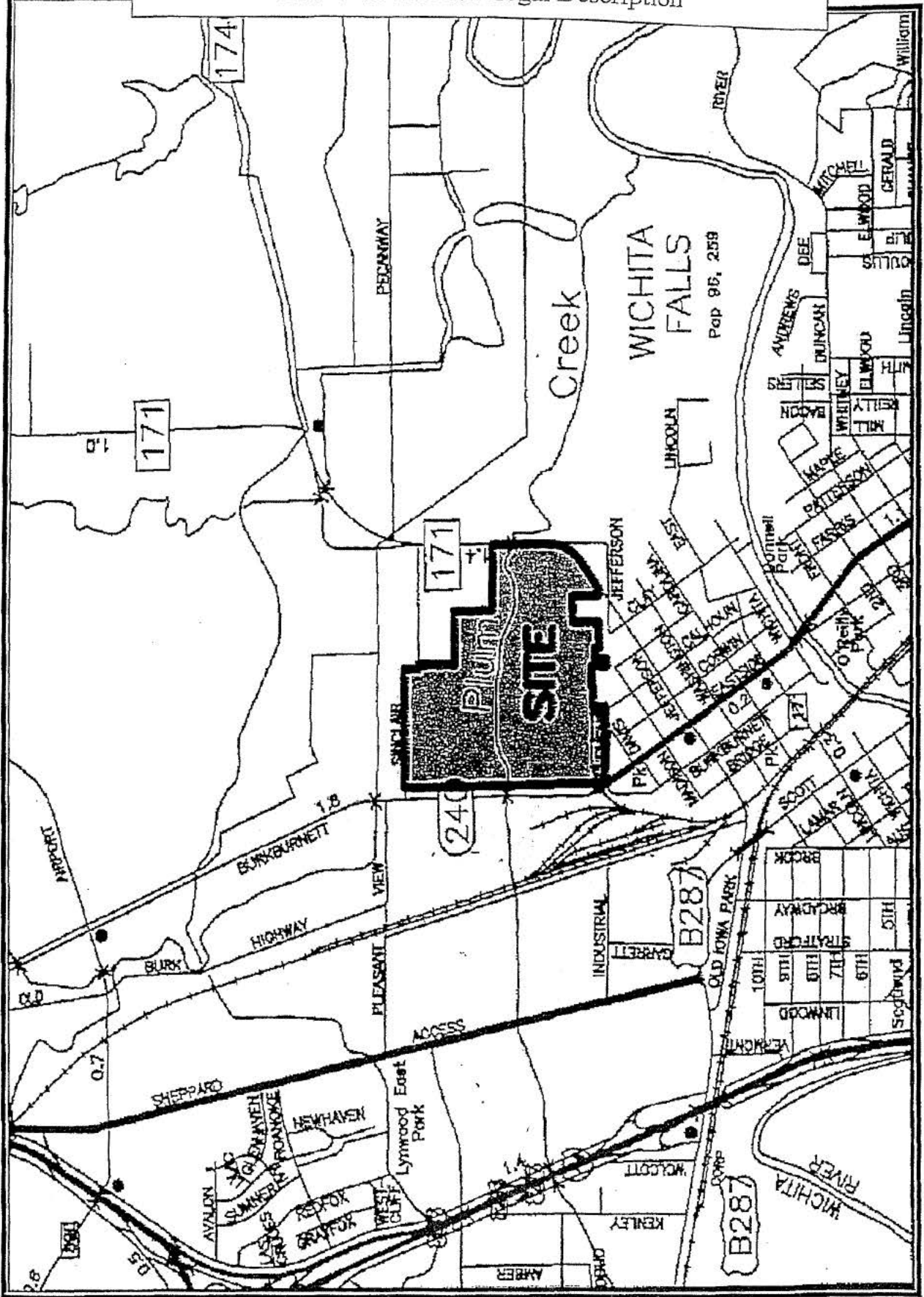

Mark R. Vickery, P.G.
Executive Director
Texas Commission on Environmental Quality

Exhibit A: Site and Legal Description





METES AND BOUNDS DESCRIPTION

BEING A 148.131 ACRE TRACT OF LAND, SITUATED IN THE S.L.B. JASPER SURVEY, ABSTRACT NO. 168 IN WICHITA COUNTY, TEXAS, AND BEING THAT CERTAIN REMAINDER OF A CALLED 55 ACRE TRACT OF LAND DESCRIBED AS TRACT NO. 8, A CALLED 20 ACRE TRACT DESCRIBED AS TRACT NO. 9, A CALLED 11.83 ACRE TRACT OF LAND DESCRIBED AS TRACT NO. 10, A CALLED 11.80 ACRE TRACT CALLED ALL OF BLOCK 3 OF DORSEY SUBDIVISION, AND A CALLED 8 ACRE TRACT, CALLED THE WEST 8 ACRES OF BLOCK NO. 6 OF THE DORSEY SUBDIVISION AND DESCRIBED AS TRACT NO. 11, A CALLED "ABOUT 10 ACRES" TRACT DESCRIBED AS TRACT NO. 13, ALL OF WHICH WERE CONVEYED TO CONTINENTAL OIL COMPANY BY DEED OF RECORD IN VOLUME 292, PAGE 353 OF THE DEED RECORDS OF WICHITA COUNTY, TEXAS, BEING ALL OF THAT CERTAIN CALLED 9.777 ACRE TRACT OF LAND CONVEYED TO CONOCO INC. BY DEED OF RECORD IN VOLUME 1549, PAGE 283 OF THE DEED RECORDS OF WICHITA COUNTY, TEXAS, BEING ALL THAT CERTAIN TRACT OF LAND CONVEYED TO CONTINENTAL INC. BY DEED OF RECORD IN VOLUME 2289, PAGE 50 OF THE DEED RECORDS OF WICHITA COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN TRACT OF LAND CONVEYED TO CONTINENTAL OIL COMPANY BY DEED OF RECORD IN VOLUME 282, PAGE 322 OF THE DEED RECORDS OF WICHITA COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN TRACT OF LAND CONVEYED TO CONTINENTAL OIL COMPANY BY DEED OF RECORD IN VOLUME 464, PAGE 517 OF THE DEED RECORDS OF WICHITA COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 2 inch iron pipe found (N = 7,388,032.94; E = 1,968,340.63) at the northwest corner of said Tract No. 10 at the intersection of the east Right-of-Way line of State Highway No. 240 and the south right-of-way line of Sinclair Boulevard;

THENCE along the north line of said Tract No. 10 and the south right-of-way line of Sinclair Boulevard the following three (3) courses and distances:

1. S 89°37'48" E, a distance of 1,536.55 feet to a 3" Steel fence post found at the northeast corner of said Tract No. 10 and being an angle point in the south right-of-way line of Sinclair Boulevard, from which a 1/2 inch iron rod found in the east right-of-way line of Sinclair Boulevard bears N 66°20'59" E a distance of 56.24 feet;
2. S 00°13'53" W, a distance of 185.55 feet to a 3.5" Steel fence post found;
3. S 88°41'39" E, a distance of 51.91 feet to a 4" Steel pipe found for the northwest corner of a called 16.98 acre tract of land conveyed to American Petrofina Pipeline Company, L.L.C. by deed of record in Volume 1355, Page 129 of the deed records of Wichita County, Texas, from which a 2 inch pipe found (dismantled) for the northeast corner of said 16.98 acre tract bears S 89°31'07" E a distance of 1,524.12 feet, and an 8" Steel Post found bears S 17°33'41" E, a distance of 4.50 feet;

THENCE S 00°44'35" W, with the west line of said American Petrofina Pipeline Company, L.L.C. tract and the common east line of said Tract No. 10 and said Tract No. 11 (called 11.80 acre tract) respectively, a distance of 482.03 feet to a 5/8 inch iron rod with Aluminum Cap stamped "Frontier Surveying Company - RPLS 6028" set for the southwest corner of said American Petrofina Pipeline Company, L.L.C. tract, the common southeast corner of said Tract No. 11 (called 11.80 acre tract), the common northeast corner of said Tract No. 9, and also being the northwest corner of said Tract No. 11 (called the west 8 acres of Block No. 6 of the Dorsey Subdivision);

THENCE S 89°17'21" E, with the north line of said Tract No. 11 (called the west 8 acres of Block No. 6 of the Dorsey Subdivision) and the common south line of said American Petrofina Pipeline Company, L.L.C. tract, a distance of 682.19 feet to a 5/8 inch iron rod with Aluminum Cap stamped "Frontier Surveying Company - RPLS 6028" set for the northeast corner of said Tract No. 11 (called the west 8 acres of block no. 6 of the Dorsey Subdivision) same point being the common northwest corner of a called 9.97 acre tract of land conveyed to Skelly-Belvia Pipeline Company, L.L.C. by deed of record in Volume 2926, Page 786 of the deed records of Wichita County, Texas;

THENCE S 00°08'36" W, with the east line of said Tract No. 11 (called the west 8 acres of block no. 6 of the Dorsey Subdivision) and the common west line of said Skelly-Belvia Pipeline Company, L.L.C. tract a distance of 512.41 feet to a 5/8 inch iron rod with Aluminum Cap stamped "Frontier Surveying Company - RPLS 6028" set for the southeast corner of said Tract No. 11 (called the west 8 acres of block no. 6 of the Dorsey Subdivision), the common southwest corner of said Skelly-Belvia Pipeline Company, L.L.C. tract, and being in the north line of said tract No. 13;

THENCE S 89°09'24" E, with the south line of said Skelly-Belvia Pipeline Company, L.L.C. tract and the common north line of said Tract No. 13, and said 9.777 acre Conoco Inc. tract respectively, a distance of 846.45 feet to a 5/8 inch iron rod with Aluminum Cap stamped "Frontier Surveying Company - RPLS 6028" set for the southeast corner of said Skelly-Belvia Pipeline Company, L.L.C. tract, and the common northeast corner of said 9.777 acre Conoco Inc. tract and in the west right-of-way line of F.M. Highway No. 171 (80' R.O.W.);

THENCE S 00°10'27" W, with the east line of said 9.777 acre Conoco Inc. tract, the common west right-of-way line of said F.M. Highway No. 171, over and across Bell Avenue (± 50 foot R.O.W.), recorded in Volume 5, Page 654 of the Plat Records of Wichita County, Texas, and crossing through the Replat of Lot 1-A, Block 7 of North Park Addition, recorded in Volume 22, Page 213 of the Plat Records of Wichita County, Texas, respectively, and passing a 3/8" iron rod found at distance of 670.70 feet, from which a 1/2" iron rod found bears N 66°19'52" E, a distance of 2.32 feet, and continuing a total distance of 751.20 feet to a 5/8 inch iron rod with Aluminum Cap stamped "Frontier Surveying Company - RPLS 6028" set for a point of curvature in the east line of said Replat of Lot 1-A, Block 7;



THENCE crossing through said Replat of Lot 1-A, Block 7 of North Park Addition and North Park Addition, recorded in Volume 5, Page 654 of the Plat Records of Wichita County, Texas the following ten (10) courses and distances:

1. Along a tangential curve to the right, having a radius of 533.00 feet, an arc length of 519.95 feet, a delta angle of 55°53'33", and a chord which bears S 28°07'14" W, a distance of 499.57 feet to a 5/8 inch iron rod with Aluminum Cap stamped "Frontier Surveying Company - RPLS 6028" set for a point of tangency;
2. S 56°04'00" W, a distance of 410.48 feet to a 5/8 inch iron rod with Aluminum Cap stamped "Frontier Surveying Company - RPLS 6028" set;
3. S 89°49'22" W, a distance of 101.50 feet to a 5/8 inch iron rod with Aluminum Cap stamped "Frontier Surveying Company - RPLS 6028" set at the southeast corner of Lot 6, Block 9 and the northeast corner of Lot 7, Block 9, of said North Park Addition;
4. N 00°07'00" W, a distance of 350.00 feet to a 5/8 inch iron rod with Aluminum Cap stamped "Frontier Surveying Company - RPLS 6028" set at the southeast corner of Lot 8, Block 5, of said North Park Addition, and being at the intersection of the north right-of-way line of Northwestern Avenue (a 50 foot R.O.W.), recorded in Volume 5, Page 654 of the Plat Records of Wichita County, Texas and the west right-of-way line of Donald Street (a 50 foot R.O.W.), recorded in Volume 5, Page 654 of the Plat Records of Wichita County, Texas;
5. S 89°53'00" W, a distance of 340.00 feet to a 5/8 inch iron rod with Aluminum Cap stamped "Frontier Surveying Company - RPLS 6028" set at the southeast corner of Lot 8, Block 4, of said North Park Addition, and being at the intersection of the north right-of-way line of said Northwestern Avenue and the west right-of-way line of Marlow Street (a 50 foot R.O.W.), recorded in Volume 5, Page 654 of the Plat Records of Wichita County, Texas;
6. S 00°07'00" E, a distance of 350.00 feet to a 5/8 inch iron rod with Aluminum Cap stamped "Frontier Surveying Company - RPLS 6028" set at the southeast corner of Lot 6, Block 10 and the northeast corner of Lot 7, Block 10, of said North Park Addition;
7. S 89°53'00" W, a distance of 340.00 feet to a 5/8 inch iron rod with Aluminum Cap stamped "Frontier Surveying Company - RPLS 6028" set at the southeast corner of Lot 6, Block 11, and the northeast corner of Lot 7, Block 11, of said North Park Addition;
8. N 00°07'00" W, a distance of 50.00 feet to a 5/8 inch iron rod with Aluminum Cap stamped "Frontier Surveying Company - RPLS 6028" set at the northeast corner of Lot 6, Block 11, and the southeast corner of Lot 5, Block 11, of said North Park Addition;
9. S 89°53'00" W, a distance of 140.00 feet to a 5/8 inch iron rod with Aluminum Cap stamped "Frontier Surveying Company - RPLS 6028" set at the northwest corner of Lot 6, Block 11, and the southwest corner of Lot 5, Block 11, of said North Park Addition;
10. S 00°07'00" E, a distance of 140.53 feet to a 5/8 inch iron rod with Aluminum Cap stamped "Frontier Surveying Company - RPLS 6028" set in the approximate south line of said Selden L.B. Jasper Survey, Abstract No. 168 and the common north line of the Thomas Toby Survey, Abstract No. 307;

THENCE S 89°53'00" W, with said common line of said Selden L.B. Jasper Survey and said Thomas Toby Survey and with the south line of the remainder of said called 55 acre Tract No. 8, a distance of 83.50 feet to a 2 inch iron pipe found for the southeast corner of a 3.302 acre tract of land conveyed in Wichita County by deed of record in Volume 897, Page 402 of the deed Records of Wichita County, Texas;

THENCE N 00°41'59" E, with the south line of the remainder of said called 55 acre Tract No. 8 and the east line of said Wichita County tract a distance of 194.19 feet to a 2 inch iron pipe found for the northeast corner of said Wichita County tract and being an angle point in the south line of the remainder of said called 55 acre Tract No. 8;

THENCE continuing with the south line of the remainder of said called 55 acre Tract No. 8 and the north line of said Wichita County tract the following three (3) courses and distances:

1. N 85°08'39" W, a distance of 265.83 feet to a 2 inch iron pipe found;
2. S 02°21'11" W, a distance of 19.56 feet to a 2 inch iron pipe found;
3. N 89°57'17" W, a distance of 263.20 feet to a 5/8 inch iron rod with Aluminum Cap stamped "Frontier Surveying Company - RPLS 6028" set for the northwest corner of said Wichita County tract and the northeast corner of said 3.28 acre Continental, Inc. tract;

THENCE along the west line of said Wichita County tract and the east line of said 3.28 acre Continental, Inc. tract the following two (2) courses and distances:

1. S 00°33'43" W, a distance of 133.09 feet to a 5/8 inch iron rod with Aluminum Cap stamped "Frontier Surveying Company - RPLS 6028" set;
2. S 13°18'14" E, a distance of 26.17 feet to a 5/8 inch iron rod with Aluminum Cap stamped "Frontier Surveying Company - RPLS 6028" set for the southeast corner of said Continental, Inc. tract and being an angle point in the north line of Tract No. 12 as conveyed to Continental Oil by deed of record in Volume 292, Page 353 of the Deed Records of Wichita County, Texas;



TRENGE N 89°49'06" W a distance of 956.53 feet to a calculated point in the east right-of-way line of State Highway No. 240, from which a 1/2 inch iron rod with plastic cap stamped "Boyd Corral" bears, S 22°44'42" W a distance of 1.95 feet;

TRENGE N 23°58'05" W, along the east right-of-way line of said State Highway No. 240 and the west lines of said 3.27 acre Continental, Inc. tract and the remainder of said called 55 acre Tract No. 8, a distance of 100.50 feet to a PIC Nail set;

TRENGE N 00°06'38" W, along the east right-of-way line of said State Highway No. 240 and the common west line of the remainder of said called 55 acre Tract No. 8, Tract No. 9, Tract No. 11 (called 11.80 acre tract), and Tract No. 10 respectively, a distance of 2610.46 feet to the POINT OF BEGINNING, and containing 148.131 acres of land, more or less.

NOTE: A Survey Plat representing a graphic image of this description accompanies this document. The Basis of Bearing is Texas State Plane Coordinate System, Zone 4202, NAD 83 and is based on NGS Monument "Wicah" and has a published value of N=7,397,586.76, E=1,970,719.25. This description and the accompanying Survey Plat were prepared from record data furnished by the client and was done without the benefit of a Title Report. Surveyor has made no investigation or search for easements or other matters of record that a Title Report would disclose and this survey does not represent a warranty of title or a guarantee of ownership.

This survey substantially complies with the current Texas Society of Professional Land Surveyors Standards and Specifications for a Category 1B, Condition 2 survey.

Robert Glen Maloy
Robert Glen Maloy
Registered Professional Land Surveyor # 6028
License # 6028
Date: 09-21-2009



Exhibit B

c) each retail public utility, as defined by Texas Water Code, §13.002, that owns or operates a groundwater supply well located within five miles beyond the proposed MSD boundaries?	<input type="radio"/> Yes	<input type="radio"/> No ³	<input checked="" type="radio"/> NA ⁴
³ Do not submit application.			
⁴ NA only when no such municipality, private well owner, or retail public utility exists			

MSD Information:

List all existing TCEQ and US Environmental Protection Agency registration, permit, identification numbers (e.g., SWR No., VCP No., LPST ID No., UIC Registration No., PWS ID. No.), if any, that apply to the groundwater contamination situation within the proposed MSD boundary. State "none" if none applicable. TCEQ SWR No. 31762; TCEQ VCP PRAA No. 1179; TCEQ LPST ID No. 109382; EPA ID No. TXD008039935		
Is the proposed designated groundwater contaminated in excess of an applicable potable water ⁵ use standard (i.e., 30 TAC 350, ^{GW} GW _{ing})?	<input checked="" type="radio"/> Yes	<input type="radio"/> No ⁶
Was the groundwater contamination previously reported to the TCEQ? (To support implementation of HB 3030, 78 th Legislature.)	<input checked="" type="radio"/> Yes, when? 6 / 30 /2006	<input type="radio"/> No
Is there a potable-use well within the boundary of the proposed MSD that uses the designated groundwater as source water?	<input type="radio"/> Yes ⁶	<input checked="" type="radio"/> No
Is there a potable-use well within the boundary of the proposed MSD that uses a deeper groundwater zone for the source water that is not properly sealed off from the designated groundwater?	<input type="radio"/> Yes ⁶	<input checked="" type="radio"/> No
Is the applicant aware of any non-consumptive use of the groundwater or other human health or ecological exposure pathways that are of concern? If yes, specify: Ground water flow to surface water (East Plum Creek); addressed in RAP	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Has each municipality and retail public utility identified in §361.8065 provided firm commitment to adopt an ordinance or resolution in support of the application?	<input checked="" type="radio"/> Yes	<input type="radio"/> No ⁶
Is a copy of the ordinance or restrictive covenant that restricts consumptive use and appropriately restricts other uses of and contact with the designated groundwater, and any required resolutions provided with this application?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
⁵ "Potable water" means water that is used for irrigating crops intended for human consumption, drinking, showering, bathing, or cooking purposes [THSC §361.801(2)].		
⁶ Do not submit an application.		

- I affirmatively state that (place an X in all applicable blanks):
- The MSD eligibility criteria of THSC §361.803 are satisfied.
 - True and accurate copies of all documents demonstrating that the MSD eligibility criteria provided by THSC §361.803 have been satisfied and are included with the application.
 - A true and accurate copy of a legal description of the proposed MSD property is included with the application.
 - Notice was provided in accordance with THSC §361.805.
 - A copy of an ordinance or restrictive covenant and any required resolutions are provided in this application or will be provided before the executive director certifies this application.

William J. Lundeen _____ Date 9-02-2010
 Applicant Signature _____ Date

Before me, Deborah Maples the undersigned authority, on this day personally appeared
Name of Notary
William J. Lundeen and signed this Municipal Setting Designation Application.
Name of Applicant

Sworn, subscribed and signed before me in the County of Washington, State of Oklahoma and
 day of Sept, this month of Sept, 2010.

