

Jon Niermann, *Chairman*  
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Erin E. Chancellor, *Interim Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

June 13, 2023

Mr. Ronald Olderog  
City of Austin  
P.O. Box 1088  
Austin, Texas 78767

Re: Final Certificate of Completion for 6909 Ryan Drive Property (site), located at 906 Justin Ln. and 6909 Ryan Dr., Austin, Travis County, Texas; Voluntary Cleanup Program (VCP) No. 3152; LPST No. 99116; Customer No. CN600135198; Regulated Entity No. RN101490324

Dear Mr. Olderog:

The Texas Commission on Environmental Quality (TCEQ) has reviewed the signed affidavit dated March 22, 2023, as well as other requested information. Based on this review, the TCEQ has determined that the site has attained cleanup requirements for petroleum storage tank sites in accordance with 30 Texas Administrative Code (TAC) Chapter 334, and Texas Risk Reduction Program Remedy Standard A residential land use standards, in accordance with 30 TAC §350.32. Therefore, the TCEQ issues the enclosed final certificate of completion for residential land use standards. The TCEQ records for this site will be maintained at the Central Records office of the TCEQ in Austin, Texas.

Please be aware that there may be outstanding charges reflecting TCEQ oversight activities that may still be forthcoming. You may contact Mr. Joseph Norem of my staff with any questions or comments you have at (512) 239-2961.

Sincerely,

A handwritten signature in blue ink that reads "Monica I. Harris".

Monica I. Harris, P.G., Deputy Director  
Remediation Division

MIH/JN/ms

Enclosure: Certificate of Completion

cc: Mr. Russell C. Ford, P.G., Terracon Consultants, Inc. (via email)  
Mr. Elijah Gandee, Waste Section Manager, Region 11, Park 35 Office, Austin



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



VOLUNTARY CLEANUP PROGRAM  
FINAL CERTIFICATE OF COMPLETION

This Final Certificate of Completion (Certificate) applies to the tract of land described in Exhibit "A", attached hereto and incorporated herein by reference. This Certificate and the related protection described herein apply solely to releases at the tract of land described in Exhibit "A" prior to the execution date of this Certificate. This Certificate shall be a covenant that runs with the land.

As provided in Section 361.609 of the Texas Health and Safety Code:

I, Monica I. Harris, Deputy Director, Remediation Division, TCEQ, certify as follows:

Response actions have been completed for VCP No. 3152 as of March 22, 2023, for the tract of land described in Exhibit "A" so that the tract is acceptable for residential land use.

This certification is based on the Affidavit of Completion of Response Actions (Exhibit "B"), attached hereto and incorporated herein by reference, and on additional site information in TCEQ files.

The following persons are qualified to obtain the protection from liability described in Section 361.610 of the Texas Health and Safety Code:

- 1) An applicant who on the date of submittal of an application to the Voluntary Cleanup Program was not a responsible party under Sections 361.271 or 361.275(g) of the Texas Health and Safety Code; and
- 2) All persons (e.g., future owners, future lessees, future operators and lenders) who on the date of issuance of this Certificate were not responsible parties under Sections 361.271 or 361.275(g) of the Texas Health and Safety Code.

Further information concerning this matter may be found at the TCEQ Central File Room in Building E, Room 103, 12100 Park 35 Circle, Austin, Texas 78753 under Voluntary Cleanup Program No. 3152.

EXECUTED this the 13<sup>th</sup> day of June, 20 23  
Monica I. Harris  
Monica I. Harris, P.G., Deputy Director  
Remediation Division

STATE OF TEXAS  
TRAVIS COUNTY

BEFORE ME, on this the 13<sup>th</sup> day of June, personally appeared, Monica I. Harris, Deputy Director, Remediation Division, TCEQ, known to me to be a representative of said commission whose name is subscribed to the foregoing instrument and she acknowledged to me that she executed the same for the purposes and in the capacity therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 13<sup>th</sup> day of June, 20 23



Melissa Sebek  
Notary Public in and for the State of Texas





Legal description of land:

ALL BEING OUT OF THE SOUTHEAST PORTION OF A 141 ACRE TRACT (VOLUME 481, PAGE 29) IN THE GEO. W. SPEAR LEAGUE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, IN FOUR (4) TRACTS WHICH ARE MORE FULLY DESCRIBED AS FOLLOWS:

TRACT NO. 1:

1.806 acres out of the George W. Spear League and in the City of Austin, Travis County, Texas, and out of a 19.5 acre tract conveyed by Julia A. Richcreek to J. K. Eichelberger as recorded in Volume 853, page 264 of the Deed Records of Travis County, Texas, and the said 1.806 acres herein described is also out of the South portion of that certain 17.625 acres conveyed by Capital Prefabricators, Incorporated to Oliver P. Whittington, Jr. and Solon T. Earle, as recorded in Volume 877, Page 381 of the Deed Records of Travis County, Texas, and this 1.806 acres herein described is out of a 141 acre tract of the Geo. W. Spear League described in Volume 481, Page 29, and this 1.806 acre tract is more fully described as follows:

BEGINNING at an iron pipe at the S.E. corner of this 1.806 acres (same being the S.E. corner of the aforesaid 17.625 acre tract) and located on the Southwest right-of-way line of the Southern Pacific Railroad (Llano Branch) and being 25 feet from the center of the tracks, and said beginning point bears N. 22 degrees 49 minutes W. 107.32 feet from a corner of the 19.5 acre tract conveyed by Julia A. Richcreek to J. K. Eichelberger as recorded in Volume 853, page 264 of the Deed Records of Travis County, Texas, and said beginning point also bears N. 22 degrees 49 minutes W. 297.0 feet from an iron pipe located at the intersection of the Southwest right-of-way line of the said Southern Pacific Railroad and the North or west right-of-way line of the Georgetown Road (State Highway No. 2, U.S. Highway No. 81, whose present width at this point is 80 feet), said intersection pipe being that same pipe described in Volume 658, Page 291 (1 acre tract conveyed by F. O. Richcreek to G. C. Harber);

THENCE S. 66 degrees 56 minutes W. 514.20 feet to an iron pipe for a most Southern corner of this 1.806 acres and located on Northeast line of a 75' street called Justin Lane;

THENCE N. 22 degrees 49 minutes W. 153.0 feet to an iron pipe for a most Western corner or the Northwest corner of this 1.806 acres;

THENCE N. 66 degrees 56 minutes E. 514.20 feet to an "X" marked in the concrete pavement for the Northeast corner of this 1.806 acres and located on the southwestern right-of-way line of the said railroad;

THENCE S. 22 degrees 49 minutes E. 153.0 feet to the place of BEGINNING, containing 1.806 acres of land, more or less.

TRACT NO. 2:

1.839 acres of land out of a 17.625 acre tract conveyed by Capital Prefabricators, Incorporated to Oliver P. Whittington Jr. and Solon T. Earle, as recorded in Volume 877, Page 381 of the Deed Records of Travis County, Texas, and all being out of the S.E. portion of a 141 acre tract (Volume 481, Page 29) in the George W. Spear League, City of Austin, Travis County, Texas and the 1.839 acres herein described is more fully described as follows:

BEGINNING at an "X" marked on the concrete pavement at the S.E. corner of this 1.839 acres and located on the Southwest right-of-way line of the Southern Pacific Railroad (Llano Branch) and being 25 feet from the center of the main track, and said beginning point is also the N.E. corner of a 1.806 acre

tract (Volume 870, Page 592-593), and said beginning point bears N. 22 degrees 49 minutes W. 153.0 feet from an iron pipe at the S.E. corner of the aforesaid 17.625 acre tract (same being the S.E. corner of the said 1.806 acres), and the said beginning point also bears N. 22 degrees 49 minutes W. 450.0 feet from an iron pipe located at the intersection of the Southwest right-of-way line of the said railroad and the northwest right-of-way line of the Georgetown Road (State Highway No. 2, U.S. Highway No. 81, whose present width is 80') and said intersection pipe being the same pipe described in Volume 658, Page 291 (1 acre tract conveyed by F. O. Richcreek to G. C. Harber); THENCE along the north line of this 1.806 acres or the south line of this 1.839 acres S. 66 degrees 56 minutes W. 514.20 feet to an iron pipe at the N.W. corner of the said 1.806 acres;

THENCE along the West line of the said 1.806 acres S. 22 degrees 49 minutes E. 153.0 feet to an iron pipe at the S.W. corner of the said 1.806 acres and located on the northeast line of a 75' street called Justin Lane;

THENCE along the northeast line of Justin Lane N 59 degrees 27 minutes W 116.90 feet to an iron pipe for a corner, the intersection of the said northeast line of Justin Lane and the east line of a 50' street called Ryan Drive;

THENCE along a line parallel to the West line of the said 17.625 acres and with the said East line of Ryan Drive N. 08 degrees 52 minutes W. 197.93 feet to an iron pipe at the N.W. corner of this 1.839 acres;

THENCE N. 67 degrees 02 minutes E. 536.26 feet to an "X" mark on the concrete pavement at the N.E. corner of this 1.839 acres and located on the Southwestern right-of-way line of the Southern Pacific Railroad (Llano Branch) and being 25' from the center of the Main track;

THENCE along the Southwestern line of the said railroad S. 22 degrees 49 minutes E. 131.76 feet to the place of BEGINNING, containing 1.839 acres of land, more or less.

### TRACT 3:

0.346 acres of land out of the North side of a 3.236 acre tract that is out of the south end of a 141 acre tract (Volume 481, Page 29) in the George W. Spear League, City of Austin, Travis County, Texas, and the said 3.236 acres mentioned above is that same property conveyed by Capital Prefabricators, Inc., to Capital City Lumber Company by deed dated December 11, 1948, and recorded in Volume 928, page 581, of the Deed Records of Travis County, Texas, and this 0.346 acres is more fully described as follows:

BEGINNING at an iron pipe stake at the Northeast corner of this 0.346 acre tract and on the southwest right-of-way line of the southern Pacific Railroad (Llano Branch) and being 25 feet from the center of the main tract, and said beginning point also bears North 22 degrees 49 minutes West 297.0 feet from an iron pipe stake at the intersection of the Southwest right-of-way line of the said railroad and the North or West right-of-way line of the Georgetown Road (State Highway No. 2, U.S. Highway No. 81, whose present width at this point is 80 feet) and the said intersection pipe is the present most eastern corner of a 141 acre tract (Volume 481, Page 29) , and this beginning place also bears North 22 degrees 49 minutes East 107.32 feet from an iron pipe stake at a corner of a 19.5 acre tract conveyed by Julia A. Richcreek to J. K. Eichelberger and recorded in Volume 853, Page 264, of the Deed Records of Travis County, Texas, and this beginning point is also the southeast corner of a 1.806 acre tract (Tract No. 1) conveyed by G. I. Surplus, Inc., to Ralph Oakley by deed dated November 4, 1948, and recorded in Volume 927, page 181, of the Deed Records of Travis County, Texas;

THENCE Southerly along the southwest right-of-way line of the Southern Pacific Railroad (Llano Branch) South 22 degrees 49 minutes East 30.0 feet to an "X" mark on the concrete pavement at the Southeast

corner of this 0.346 acre tract;

THENCE Westerly along the South line of this 0.346 acre tract which is a line parallel to and 30 feet from the South line of the 1.806 acre tract (Volume 927, Page 181) or the North line of the 3.236 acre tract (Volume 928, Page 518) South 66 degrees 56 minutes West 491.97 feet to an iron pipe stake at the southwest corner of this 0.346 acre tract and located on the North line of a 75' street called Justin Lane;

THENCE Northwesterly along the North line of Justin Lane North 59 degrees 27 minutes West 37.26 feet to an iron pipe stake on the west end of the North line of the 3.236 acres (Volume 928, Page 581), same being on the West end of the South line of a 1.806 acre tract (Tract No. 1) conveyed by G. I. Surplus, Inc., to Ralph Oakley by deed dated November 4, 1948, and recorded in Volume 927, page 181 of the Deed Records of Travis County, Texas, same being also a corner of tract 2, (1.839 acres) conveyed by the above (Volume 927, Page 181);

THENCE Easterly along the North line of this 0.346 acre tract, same being the North line of the 3.236 acre tract (Volume 928, page 581) same being the South line of the 1.806 acre tract (Volume 927, Page 181) North 66 degrees 56 minutes East 514.20 feet to the place of BEGINNING, containing 0.346 acre of land, more or less.

#### TRACT NO. 4:

A 1.477 acre tract that is in turn out of a 17.625 acre tract, all out of a 141 acre tract in the George W. Spear League in the City of Austin, Travis County, Texas, and said 1.477 acre tract being more particularly described as follows:

BEGINNING at an "X" marked on the concrete pavement at the southeast corner of the said 1.477 acre tract (see description contained in deed of Oliver P. Whittington, Jr. and Solon T. Earle to Ralph Oakley, dated April 23, 1949, recorded in Volume 944, Page 606, Deed Records of Travis County, Texas) and located on the southwest right-of-way line of the southern Pacific Railroad (Llano Branch) and being 25 feet from the center line of the main tract, and said beginning point bears N. 22 degrees 49 minutes W. 284.76 feet from the southeast corner of a 17.625 acre tract described in Deed recorded in Volume 877, Page 381, Deed Records of Travis County, Texas, and said beginning point bears N. 22 degrees 49 minutes W. 581.76 feet from an iron pipe located at the intersection of the southwest right-of-way line of said railroad and the northwest right-of-way line of Georgetown Road (having a width of 80 feet);

THENCE westerly along the south line of said 1.477 acre tract S 67 degrees 02 minutes W. 536.26 feet to an iron pipe for corner in the East line of Ryan Drive;

THENCE with the said East line of Ryan Drive N 08 degrees 52 minutes W at 22.90' past the southwest corner of a 0.549 acre tract of land described in deed of Ralph Oakley to Travis C. Cooke and J. W. Greg dated February 28, 1956, recorded in Volume 1674, Page 198, Deed Records, Travis County, Texas, continuing with the said east line of Ryan Drive N. 08 degrees 52 minutes W. 112.53 feet to the northwest corner of this tract and the northwest corner of the above mentioned 0.549 acre tract;

THENCE N. 67 degrees 13 minutes E. 206.93 feet to the northeast corner of the above mentioned 0.549 acre tract, said point being also the northwest corner of a 0.249 acre tract described in deed of Ray Ranne et ux to Austin Building Materials dated June 16, 1954, recorded in Volume 1469, Pages 88-91, Deed Records of Travis County, Texas;

THENCE continuing N. 67 degrees 13 minutes E. 100 feet to the northeast corner of the above mentioned 0.249 acre tract, said point being also the northwest corner of a 0.124 acre tract described as Tract No. 2 in deed of Trust of Ray Ranne, et ux to E. T. Howell, Trustee, dated June 5, 1951, recorded in Volume

## **SCHEDULE A**

(continued)

1128, Pages 558-561, Deed of Trust Records of Travis County, Texas;

THENCE N. 67 degrees 13 minutes E. 50 feet to the northwest corner of the 0.124 acre tract, said point being also the Northwest corner of a 0.422 acre tract described as Tract #1 in deed of Trust of Ray Ranne, et ux, to E. T. Howell, Trustee, dated June 5, 1951, recorded in Volume 1128, Pages 558-561, Deed of Trust Records of Travis County, Texas;

THENCE continuing N. 67 degrees 13 minutes E. 150 feet to an "X" marked on the concrete pavement for the northeast corner of this tract and located on the southwest right-of-way line of the said Southern Pacific Railroad and being 25 feet from the center of the main track;

THENCE southerly along the east line of said 0.422 acre tract, same being the southwest right-of-way line of said above mentioned railroad and on a curve for a chord whose bearing is S. 21 degrees 55 minutes E. 98.70 feet to an "X" marked on the concrete pavement at the end of the curve of said right-of-way; THENCE continuing along the southwest right-of-way line of said railroad S. 22 degrees 49 minutes E. 23.83 feet to the PLACE OF BEGINNING.

NOTE: The Company is prohibited from insuring the area or quantity of the land described herein. Any statement in the above legal description of the area or quantity of land is not a representation that such area or quantity is correct, but is made only for informational and/or identification purposes and does not override Item 2 of Schedule B hereof.

**EXHIBIT "B"**  
**AFFIDAVIT OF COMPLETION OF RESPONSE ACTIONS**  
**VCP No. 3152**

BEFORE ME, the undersigned authority, personally appeared Kathleen Garrett, as an authorized representative of the City of Austin, known to me to be the person whose name is subscribed below who being by me first duly sworn, upon their oath, stated as follows:

I am over the age of 18 and legally competent to make this affidavit. I have personal knowledge of the facts stated herein.

The City of Austin (Applicant) has completed response actions pursuant to Chapter 361, Subchapter S, Texas Health and Safety Code, at the tract of land described in Exhibit "A" to this certificate that pertains to 6909 Ryan Drive Property (Site) VCP No. 3152., located at 6909 Ryan Dr. and 906 Justin Ln., Austin, Travis County, Texas. The Site was owned by the City of Austin at the time the application to participate in the Voluntary Cleanup Program was filed. The Applicant has submitted and received approval from the Texas Commission on Environmental Quality (TCEQ) Remediation Division on all plans and reports required by the Voluntary Cleanup Agreement. The plans and reports were prepared using a prudent degree of inquiry of the Site consistent with accepted industry standards to identify all hazardous substances, waste and contaminated media of regulatory concern. The response actions for the Site have achieved standards acceptable for residential land use as determined by the TCEQ.

The response actions substantially eliminated present or future risk to public health and safety and to the environment from releases and threatened releases of hazardous substances and/or contaminants at or from the Site. The Applicant has not acquired this Certificate by fraud, misrepresentation or knowing failure to disclose material information. Further information concerning the response action at this Site may be found in the final report at the central office of the TCEQ under VCP No. 3152.

The preceding is true and correct to the best of my knowledge and belief.

**VCP Applicant**

Kathleen Garrett

(Signature)

Kathleen Garrett

(Printed Name)

Director, Austin Energy Environmental Health & Safety

(Title)

STATE OF Texas

COUNTY OF Travis

SUBSCRIBED AND SWORN before me on this the 22 day of March, 20 23, to which witness my hand and seal of office.

S. Budy  
Notary Public in and for the State of Texas

