

NOTICE

OF APPLICATION FOR CERTIFICATION OF A MUNICIPAL SETTING DESIGNATION

This letter is being sent to you on behalf of WMH Corpus Land Acquisition I LLC (Applicant) as part of filing an application with the Texas Commission on Environmental Quality (TCEQ) for certification of a Municipal Setting Designation (MSD) pursuant to Texas Health and Safety Code, Chapter 361, Subchapter W, for property located at the southwest corner of Coach Emory Ballard Drive and W Main Street, Ingleside, Texas covering approximately 419.37 acres (Site).

You are receiving this notification because you were identified as: (1) an owner of a state-registered water well located within five miles of the Site; (2) a retail public utility that owns or operates a groundwater supply well located within 5 miles from the Site; or (3) a municipality with a boundary located within ½ mile from the Site, or that owns or operates a groundwater supply well located within 5 miles of the Site. State law requires MSD applicants to provide notice to all such parties. This notice imposes no legal obligation upon you. You may discard this notice if you have no interest in this matter.

The shallow groundwater beneath the Site has been impacted by elevated levels of benzene concentrations above Texas Risk Reduction Program (TRPP) Critical Protective Concentration Levels (PCLs). The presence of these chemicals is related to a historical oil refinery at the Site. The responsible party and current property owners are: Exxon Mobil Corporation, ExxonMobil Pipeline Company, WMH Corpus Land Acquisition I LLC, WMH Corpus Land Acquisition II LLC, and WMH Corpus Land Acquisition III LLC. The applicant is pursuing the MSD as part of the planned closure efforts.

The use of MSDs encourages the economic development of properties with contaminated groundwater in areas where groundwater is not valuable as a source of potable (drinking) water. The purpose of an MSD is to limit the scope of environmental response action required by the TCEQ to address soil and groundwater contamination at the Site under the Texas Voluntary Cleanup Program. You can learn more about MSDs at www.tceq.state.tx.us/remediation/msd.html.

A property is eligible for a MSD if: (1) it is within the corporate limits or extraterritorial jurisdiction of a municipality authorized by statute; and (2) a public drinking water supply system exists that satisfies the requirements of Texas Health and Safety Code Chapter 341 and that supplies or is capable of supplying drinking water to the property for which the MSD is sought and property within one-half mile of the property for which the MSD is sought. The Site meets these criteria.

The Executive Director of the TCEQ will certify or deny the application filed with the TCEQ or request additional information from the Applicant not later than 90 days after receiving such application. If you wish, you may file comments not later than the 60th day after the date of receipt of this notice to: MSD Program Coordinator, Remediation Division, Texas Commission on Environmental Quality, P.O. Box 13087, MC-221, Austin, Texas 78711. Additionally, any municipality or RPU contacted may also provide comment to the TCEQ concerning the MSD application. If you have any questions regarding this notice, please contact Dr. Kenneth S. Tramm, on behalf of the Applicant, at (682) 223-1322 ext. 204.

