

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

June 1, 2011

Ms. Laurie Rodriguez
Arcadis U.S., Inc.
1717 W. 6th Street, Suite 210
Austin, Texas 78703

Re: Municipal Setting Designation (MSD) Certificate for Annie D. Adams
Family Partnership, Ltd., 1025 Lockwood Drive, Houston, Harris County,
Texas; MSD No. 149

Dear Ms. Rodriguez:

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) 239-2362 or via e-mail (mark.arthur@tceq.texas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Arthur".

Mark Arthur, P.G., Project Manager
VCP-CA Section
Remediation Division

MA/jdm

Enclosure

cc: Ms. Ellie Wehner, Project Manager of SWR No. 30662, Remediation
Division, MC-127

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



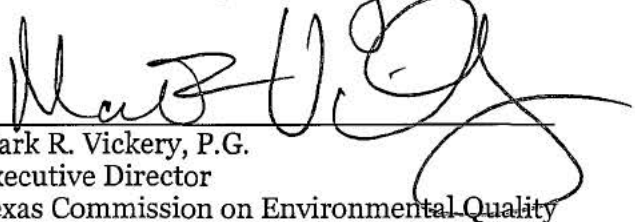
MUNICIPAL SETTING DESIGNATION CERTIFICATE

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. 149, in the City of Houston, 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 27th day of May, 20 11



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

Exhibit "A"

A tract of land containing 12.3663 acres and being out of the Harris and Wilson Two League Grant, Abstract Number 32, Harris County, Texas, also being out of that 35 acre tract conveyed to W. H. Sharp by deed recorded in Volume 746, Page 481 of the Deed Records for said county; said 12.3663 acres being all of that called 12.456 acres described in deed recorded in Volume 1022, Page 93 of said deed records, SAVE AND EXCEPT 3,934 square feet off the Southeast corner thereof conveyed for street purposes; said 12.3663 acres being more particularly described by metes and bounds as follows:

COMMENCING at a ½ inch iron pipe found at the apparent intersection of the Northerly right-of-way line of Clinton Drive with the Westerly right-of-way line of Lockwood Drive;

THENCE, South 01° 11' 21" West, 369.36 feet to a fence corner found for the POINT OF BEGINNING of the herein described tract, same being the intersection of the North right-of-way line of Texas and New Orleans Railway Clinton Branch with the West right-of-way line of Lockwood Drive;

THENCE North 71° 09' 30" West, 547.04 feet along and coincident with said Railway's North right-of-way line to a ½ inch iron rod set in the West line of the aforementioned 35 acre tract;

THENCE North 00° 48' 30" East, 916.58 feet along said West line to a ½" iron rod set for the Northwest corner of said 35 acre tract and of the herein described tract, from which a ¾ inch iron rod bears South 24° 15' East, 2.55 feet;

THENCE, South 89° 11' 30" East, 540.17 feet along the North line of said 35 acre tract to a fence corner found on the West right-of-way line of Lockwood Drive, (100.00 feet wide at this point);

THENCE, South 00° 48' 30" West, 703.17 feet along and coincident with said right-of-way line to an "X" found in concrete at the beginning of a curve to the right;

THENCE, 124.64 feet along and coincident with said right-of-way line and along said curve to the right having a radius of 1587.02 feet, a central angle of 04° 30' 00", and a chord which bears South 03° 03' 28" West, 124.61 feet to a ½ inch iron rod set at the end of said curve;

THENCE, South 05° 18' 28" West, 126.27 feet continuing along and coincident with said right-of-way line to an "X" found in concrete at the beginning of a curve to the left;

THENCE, 132.50 feet along and coincident with said right-of-way line and along said curve to the left, having a radius of 1687.02 feet, a central angle of 04° 30' 00" and a chord which bears South 03° 03' 28" West, 132.46 feet to the POINT OF BEGINNING and containing within these calls a computed area of 12.3663 acres.

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. VCP No. 561; SWR# 81826		
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? 05/02/1997	<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:	<input type="radio"/> Yes	<input checked="" 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.

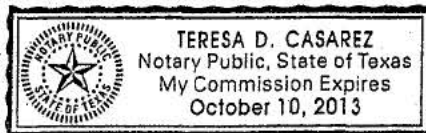
Alan Vaughan
Applicant Signature (By: Alan Vaughan, Senior Vice President-Risk Management and Human Resources)

8/24/2010
Date

Before me Teresa Casarez the undersigned authority, on this day personally appeared
Name of Notary

Alan Vaughan, Senior Vice President-Risk Management and Human Resources and signed this Municipal Setting Designation Application.

Sworn, subscribed and signed before me in the County of Dallas, State of Tx, on the 20th day of August, 2010



Teresa Casarez
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