

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

March 7, 2011

Ms. Jo Ruth Kaplan, President
8200 Southwest Freeway, LLC.
24 Greenway Plaza, Suite 965
Houston, Texas 77046

RE: Municipal Setting Designation (MSD) Certificate for 8200 Southwest Freeway, LLC., 8200 Southwest Freeway Houston, Harris County, Texas; MSD No. 151

Dear Mr. Record:

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) 239-2992 or via e-mail (chris.siegel@tceq.texas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Siegel".

Chris Siegel, Project Manager
VCP-CA Section
Remediation Division

CS/jdm

Enclosure

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



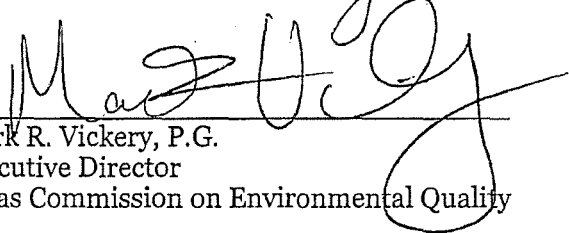
MUNICIPAL SETTING DESIGNATION CERTIFICATE

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. 151, 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 9th day of February 2011



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

EXHIBIT A

1.0003 ACRES OF LAND IN THE JAMES WELLS SURVEY, ABSTRACT NO. 830, HARRIS COUNTY, TEXAS, DESCRIBED AS FOLLOWS, TO-WIT:

ALL THAT CERTAIN TRACT OR PARCEL OF LAND CONTAINING 1.0003 ACRES (43,573 SQUARE FEET) OF LAND IN THE JAMES WELL SURVEY, ABSTRACT NO. 830, HARRIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

BEGINNING AT A 5/8 INCH IRON ROD IN THE NORTHWEST RIGHT-OF-WAY LINE OF THE SOUTHWEST FREEWAY (U.S. 59) MARKING THE MOST SOUTHERLY CORNER OF A TRACT CONVEYED FROM HORNE DEVELOPMENT COMPANY TO SAM WHITE OLDSMOBILE COMPANY BY DEED RECORDED IN VOLUME 6681, PAGE 607 OF THE DEED RECORDS OF HARRIS COUNTY, TEXAS;

THENCE NORTH 55° 01' 45" WEST ALONG THE SOUTHWEST LINE OF SAID SAM WHITE TRACT FOR A DISTANCE OF 146.62 FEET TO A 5/8 INCH IRON ROD SET FOR THE MOST WESTERLY CORNER OF THIS TRACT;

THENCE NORTH 34° 58' 15" EAST, 299.73 FEET TO A 5/8 INCH IRON ROD SET FOR THE MOST NORTHERLY CORNER OF THIS TRACT;

THENCE SOUTH 55° 01' 45" EAST, 119.88 FEET TO A POINT FOR CORNER;

THENCE SOUTH 34° 58' 15" WEST, 14.23 FEET TO A POINT FOR CORNER;

THENCE SOUTH 55° 01' 45" EAST, 27.04 FEET TO A POINT MARKING THE MOST EASTERLY CORNER LYING ON A CURVE IN THE NORTHWEST RIGHT OF WAY LINE OF SAID SOUTHWEST FREEWAY;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT IN SAID NORTHWEST RIGHT OF WAY WHOSE CHORD BEARS SOUTH 35° 15' 35" WEST, HAVING A RADIUS OF 5879.58 FEET AND A DELTA ANGLE OF 00° 34' 39" FOR A DISTANCE 59.27 FEET TO A T.H.D. MONUMENT MARKING THE END OF SAID CURVE;

THENCE SOUTH 34° 58' 15" WEST ALONG THE NORTHWEST RIGHT OF WAY LINE OF SAID SOUTHWEST FREEWAY FOR A DISTANCE OF 226.23 FEET TO THE PLACE OF BEGINNING AND CONTAINING 1.0003 ACRES OR 43,573 SQUARE FEET OF LAND.

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 checked="" type="radio"/> Yes	<input type="radio"/> No ³	<input 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 #2223		
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? 10 / 01 / 08	<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):

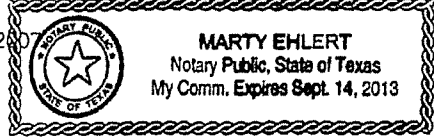
- The MSD eligibility criteria of THSC §361.803 are satisfied.
- True and accurate copies of all documents demonstrating that the MSD eligibility criteria provided by THSC §361.803 have been satisfied and are included with the application.
- A true and accurate copy of a legal description of the proposed 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.

Applicant Signature: Jo Ruth Kaplan Date: Sept. 22, 2010

Before me Marty Ehlert the undersigned authority, on this day personally appeared
Name of Notary
Jo Ruth Kaplan and signed this Municipal Setting Designation Application.
Name of Applicant

Sworn, subscribed and signed before me in the County of Harris, State of TX, on the 22 day of September, this month of 2010.

TCEQ-20149 June 2010



MARTY EHLERT
 Notary Public, State of Texas
 My Comm. Expires Sept. 14, 2013