

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

July 20, 2011

Mr. Gary Elkin,
BAE Systems Resolutions Inc.
16285 Park Ten Place
Houston, Texas 77018

RE: Municipal Setting Designation (MSD) Certificate for 4516 Harrisburg
Boulevard, Houston, Harris County, TX; MSD No. 160

Dear Mr. Elkin:

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) 239-2204 or via e-mail (andre.price@tceq.texas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Andre V. Price".

Andre V. Price, Project Manager
VCP-CA Section
Remediation Division

AP/jdm

Enclosure

cc: Mr. R. Stu Goldsmith, VCP No. 1675 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. 160, 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 15th day of July, 2011

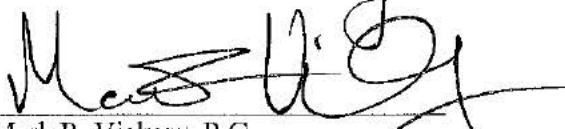
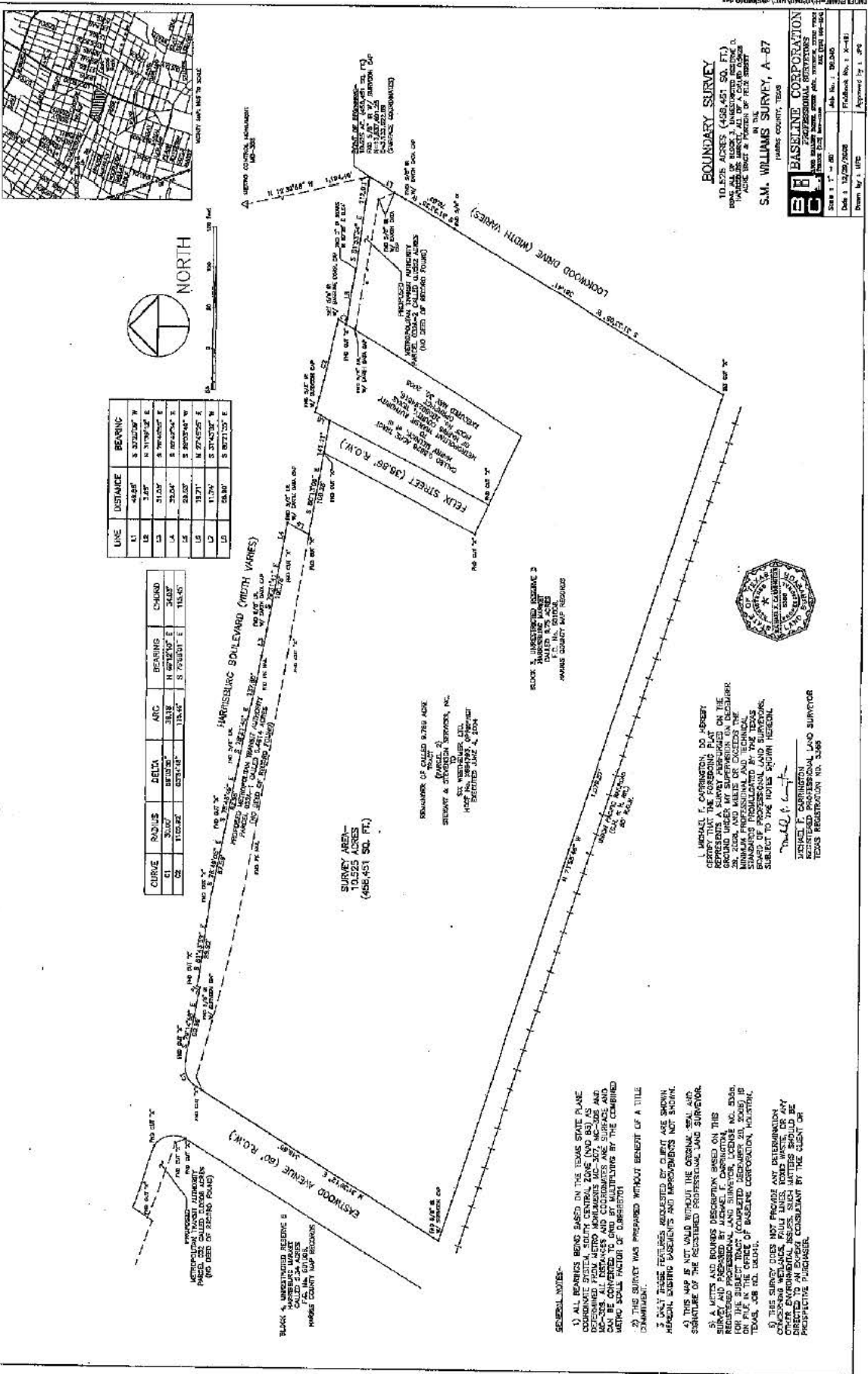

Mark R. Vickery, P.G.
Executive Director
Texas Commission on Environmental Quality

Exhibit "A" MSD No. 160



LINE	DISTANCE	BEARING
L1	48.58'	S 89°20'00" W
L2	3.87'	N 89°10'00" E
L3	51.00'	S 89°20'00" E
L4	23.24'	S 89°20'00" E
L5	38.00'	S 89°20'00" E
L6	11.74'	S 89°20'00" E
L7	28.30'	S 89°20'00" E

CURVE	RADIUS	BEIWA	ARC	BEARINGS	CHORD
C1	300.00'	88°20'00"	38.18'	N 89°10'00" E	34.85'
C2	1100.00'	89°10'00"	118.46'	S 79°50'00" E	118.45'

BOUNDARY SURVEY
 10,525 ACRES (458,451 SQ. FT.)
 HARBOURBURG MARKET, ALL OF A CHAD OGDEN & DAVIDE TRACT # 2, PART OF THE SURVEY
 IN THE
 COUNTY OF TARRANT, TEXAS
S.M. WILLIAMS SURVEY, A-87
 TARRANT COUNTY, TEXAS

BASELINE CORPORATION
 1000 W. WILSON ST. SUITE 200
 FORT WORTH, TEXAS 76102
 DATE: 12/29/2008
 DRAWN BY: J. LITZ
 JOB NO.: 200808
 FIELDBOOK NO.: A-87



MICHAEL F. CARRINGTON, D. FOREST
 REPRESENTS A SURVEYING PLAN ON THE
 GROUND UNDER MY SUPERVISION IN ACCORDANCE
 WITH THE PROFESSIONAL LAND SURVEYING ACT,
 CHAPTER 81, SUBCHAPTER C, OF THE TEXAS
 STATUTES, PROMULGATED BY THE TEXAS
 BOARD OF PROFESSIONAL LAND SURVEYORS,
 SUBJECT TO THE PUBLIC RIGHT HERETO.

Michael F. Carrington
MICHAEL F. CARRINGTON
 REGISTERED PROFESSIONAL LAND SURVEYOR
 TEXAS REGISTRATION NO. 10000

GENERAL NOTES:-

- 1) ALL BEARINGS WERE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM. ALL DISTANCES WERE DETERMINED FROM METRO MONUMENTS AND NOT METERS AND CAN BE IN DIFFERENCES AND COORDINATES ARE SURFACE AND NOT MEASUREMENTS BY THE COMBINED METRO SCALE FACTOR OF 0.999999999.
- 2) THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE EXAMINATION.
- 3) ALL TIE LINES WERE MEASURED BY SURVEY AND SHOWN HEREON. EXISTING EASEMENTS AND INTERFERENCES NOT SHOWN HEREON ARE AT THE RISK OF THE SURVEYOR.
- 4) THIS SURVEY WAS PREPARED WITHOUT THE OCEANIC SEAL AND SIGNATURE OF THE REGISTERED PROFESSIONAL LAND SURVEYOR.
- 5) A METERS AND BOUNDS DESCRIPTION BASED ON THIS SURVEY IS PROVIDED FOR THE SUBJECT TRACT (COMPLETED DECEMBER 23, 2008) IN TEXAS, OR IN TEXAS.
- 6) THIS SURVEY DOES NOT PROVIDE ANY DETERMINATION OF ENVIRONMENTAL ISSUES. SUCH MATTERS SHOULD BE REFERRED TO AN ENVIRONMENTAL CONSULTANT BY THE CLIENT OR RESPECTIVE JURISDICTION.

REMAINDER OF CALLED WITH ACRE SURVEY AREA - 10,525 ACRES (458,451 SQ. FT.)

STEWART & STEVENSON SERVICES, INC.
 601 WESTLAKE BLVD.
 HARBOURBURG, TEXAS 76048
 EXPIRES JUNE 4, 2009

BLOCK 4, UNRESTRICTED BUILDING & HARBOURBURG MARKET
 CHAD OGDEN & DAVIDE TRACT # 2
 PART OF THE SURVEY

Exhibit "A" MSD No. 160
METES AND BOUNDS DESCRIPTION
10.525 ACRES (458,451 SQUARE FEET)
S. M. WILLIAMS SURVEY, ABSTRACT NUMBER 87
CITY OF HOUSTON, HARRIS COUNTY, TEXAS

A metes and bounds description of a certain 10.525 acre (458,451 square feet) tract of land situated in the S. M. Williams Survey, Abstract Number 87, Harris County, Texas, being comprised of 3 tracts:

- 1) Being all of Block 3, Unrestricted Reserve D, Harrisburg Market as recorded under Film Code Number 601006 of the Harris County Map Records, and being conveyed to Six Westheimer, Ltd., (Parcel 2) Executed June 4, 2004 and recorded under Clerk's File Number X684793 of the Official Public Records of Real Property Harris County, Texas.
- 2) Being all of a called 0.5828 acre tract conveyed to Metropolitan Transit Authority of Harris County, Texas, Executed May 30, 2008 and recorded under Clerk's File Number 20080294816 of the Official Public Records of Real Property Harris County, Texas.
- 3) A portion of Felix Street south of Harrisburg Boulevard.

Said 10.525 acre tract being more particularly described as follows. All bearings being based on the Texas State Plane Coordinate System, South Central Zone (NAD 83) as determined from METRO monuments MC-307, MC-308 and MC-309. All distances and coordinates are surface and can be converted to grid by multiplying by the combined METRO scale factor of 0.99988701;

BEGINNING at a found 5/8 inch iron rod with "Survcon" cap marking the northeast corner of said Block 3, Unrestricted Reserve D, Harrisburg Market, said corner being at the intersection of the southerly right-of-way line of Harrisburg Boulevard (width varies) and the westerly right-of-way line of Lockwood Drive (width varies) said corner having coordinates of North= 13,837,691.25 East=3,133,622.89 (Surface) from which Metro monument MC-308 bears North 12°39'56" West, a distance of 1,194.40 feet:

THENCE, in a southwesterly direction with the westerly right-of-way line of Lockwood Drive and the easterly line of said Block 3, Unrestricted Reserve D, Harrisburg Market the following three (3) courses:

South 30°20'09" West, a distance of 49.88 feet, to a found 5/8 inch iron rod with "Earth Data" cap;

South 31°23'25" West, a distance of 70.09 feet, to a found 5/8 inch iron rod;

South 31°33'05" West, a distance of 381.41 feet, to a set cut "X" for the southeast corner of said Block 3, Unrestricted Reserve D, Harrisburg Market, said corner being on the northerly line of the G.H. & H. Railroad 50 foot right-of-way;

THENCE, North 71°58'48" West, with the southerly line of said Block 3, Unrestricted Reserve D, Harrisburg Market and the northerly line of said G.H. & H. Railroad, a distance of 1,078.57 feet, to a found 5/8 inch iron rod with "Survcon" cap marking the southwest corner of said Block 3, Unrestricted Reserve D, Harrisburg Market, said corner being on the easterly right-of-way line of Eastwood Avenue (based on a width of 60 feet);

THENCE, North 31°39'12" East, with the west line of said Block 3, Unrestricted Reserve D, Harrisburg Market and with the easterly right-of-way line of Eastwood Avenue, a distance of 346.88 feet to a found cut "X" for the beginning of a curve to the right;

THENCE, in a northeasterly direction, along said curve to the right, having a radius of 30.00 feet, a central angle of $69^{\circ}05'55''$, a chord length of 34.03 feet, bearing North $66^{\circ}12'10''$ East, a distance along the arc of 36.18 feet to a found cut "X" in the southerly right-of-way line of said Harrisburg Boulevard;

THENCE, in a easterly direction with the northerly line of said Block 3, Unrestricted Reserve D, Harrisburg Market and with the southerly right-of-way line of Harrisburg Boulevard the following eleven (11) courses:

South $79^{\circ}14'58''$ East, a distance of 90.96 feet to a found 5/8 inch iron rod with "Survcon" cap;

North $31^{\circ}39'12''$ East, a distance of 3.65 feet to a found cut "X";

South $81^{\circ}43'59''$ East, a distance of 99.92 feet to a found cut "X";

South $78^{\circ}49'05''$ East, a distance of 87.59 feet to a found cut "X";

South $78^{\circ}48'45''$ East, a distance of 82.96 feet to a found 5/8 inch iron rod;

South $78^{\circ}21'40''$ East, a distance of 137.60 feet to a found "PK" nail;

South $78^{\circ}46'55''$ East, a distance of 31.08 feet to a found 5/8 inch iron rod with "Earth Data" cap;

South $79^{\circ}31'41''$ East, a distance of 100.78 feet to a found cut "X";

South $80^{\circ}42'34''$ East, a distance of 32.04 feet to a found 5/8 inch iron rod with "Earth Data" cap;

South $28^{\circ}03'49''$ West, a distance of 29.63 feet to a found cut "X";

South $80^{\circ}13'08''$ East, at a distance of 100.28 feet pass a found cut "X" in the westerly right-of-way line of Felix Street (38.86 foot right-of-way) and continuing across Felix Street, for a total distance of 141.11 feet to a point for corner in the easterly right-of-way line of said Felix Street and in the west line of said called 0.5828 acre Metropolitan Transit Authority of Harris County, Texas tract;

THENCE, North $27^{\circ}45'25''$ East, with the east right-of-way line of said Felix Street and the west line of said called 0.5858 acre Metropolitan Transit Authority of Harris County, Texas tract, a distance of 19.71 feet to a found 5/8 inch iron rod with "Survcon" cap on the southerly right-of-way line of said Harrisburg Boulevard, said corner being the beginning of a non-tangent curve to the left;

THENCE, in a southeasterly direction, with the southerly right-of-way line of said Harrisburg Boulevard and the northerly line of said called 0.5828 acre Metropolitan Transit Authority of Harris County, Texas tract, with said non-tangent curve to the left, having a radius of 1,185.92 feet, a central angle of $05^{\circ}34'48''$, a chord length of 115.45 feet, bearing South $76^{\circ}58'01''$ East, a distance along the arc of 115.49 feet to a set $5/8$ inch iron rod with "Baseline Corp." cap for the northeasterly corner of said called 0.5828 acre tract;

THENCE, South $31^{\circ}43'02''$ West, along the east line of said called 0.5828 acre tract and with the southerly right-of-way line of Harrisburg Boulevard, a distance of 11.74 feet to a found cut "X";

THENCE, South $80^{\circ}21'35''$ East, with the north line of the aforesaid Block 3, Unrestricted Reserve D, Harrisburg Market and with the southerly right-of-way line of Harrisburg Boulevard, a distance of 68.90 feet to a point for corner from which a found 2 inch iron pipe bears North $87^{\circ}35'$ East, a distance of 0.24 feet;

THENCE, South $81^{\circ}53'34''$ East, a distance of 112.91 feet to the POINT OF BEGINNING and containing 10.525 acres (458,451 square feet) of land.

A boundary survey map of even date was prepared in conjunction with this property description. This description is based upon a boundary survey performed by Michael F. Carrington, Registered Professional Land Surveyor, Texas Registration Number 5366, completed December 29, 2008, and is on file in the office of Baseline Corporation, Houston, Texas, Job No. 08.040.

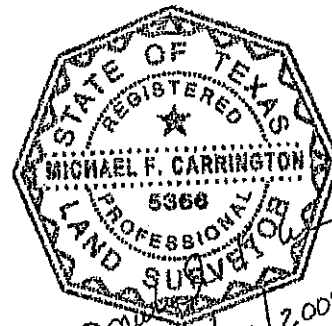


Exhibit "B" MSD No. 160 Page 1 of 1

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 No. 1675 *

Is the proposed designated groundwater contaminated in excess of an applicable potable water ⁵ use standard (i.e., 30 TAC 350, ^{GW} GWing)?	<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? 1/ 20 /2004	<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.

Gary Elk
Applicant Signature

2/14/11
Date

Before me Tamara K. Bowley the undersigned authority, on this day personally appeared
Gary Elkin Name of Notary
Gary Elkin Name of Applicant and signed this Municipal Setting Designation Application.

Sworn, subscribed and signed before me in the County of Harris, State of Texas on the 14th
 day of February, this month of February, 2011.

Tamara K. Bowley

