

Bryan W. Shaw, Ph.D., *Chairman*
Carlos Rubinstein, *Commissioner*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 6, 2012

Mr. Fred Wollman, President
Morgan Advanced Materials and Technology, Inc.
4000 Westchase Boulevard, Suite 170
Raleigh, North Carolina 27607

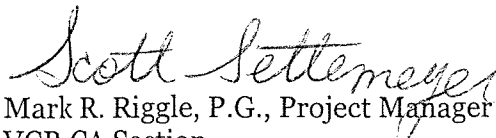
RE: Municipal Setting Designation (MSD) Certificate for Morgan Advanced Materials and Technology, Inc., and Houston Warehouse Associates; 1212 Milby Street and 3503 through 3719 Polk Street; Houston, Harris County, Texas; MSD No. 168

Dear Mr. Wollman:

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) 239-3044 or via e-mail (Mark.Riggle@TCEQ.Texas.gov).

Sincerely,

for


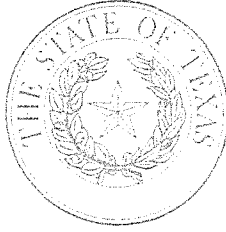
Mark R. Riggle, P.G., Project Manager
VCP-CA Section
Remediation Division

MRR/jdm

Enclosure

cc: Mr. Mark R. Riggle, P.G., VCP No. 1648, Project Manager, Remediation Division, MC-221
Mr. Alberto Tohme, Tetra Tech EM Inc., Houston, Texas

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, Zak Covar, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation (MSD) for MSD No. 168, 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 25 day of June, 20 12

A handwritten signature in black ink, appearing to read "Zak Covar", written over a horizontal line.

Zak Covar
Executive Director
Texas Commission on Environmental Quality

EXHIBIT "A"
MSD No. 168
page 1 of 7

LEGAL DESCRIPTION OF
3.1497-ACRE TRACT OF LAND OUT OF
S.M. WILLIAMS SURVEY, ABSTRACT-87

BEING ALL THE CERTAIN 3.1497 ACRES (137,201 SQ.FT.) CALLED 3.157 ACRES OF LAND OUT OF THE WEST HALF OF LOT 57, A SUBDIVISION OF THE S.M. WILLIAMS SURVEY, A-87, HARRIS COUNTY, TEXAS RECORDED IN CLERKS FILE NO. W986584 OF THE HARRIS COUNTY DEED RECORDS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM SOUTH CENTRAL ZONE (NAD83, 2001 ADJ.).

BEGINNING AT A FOUND 5/8-INCH IRON ROD MARKING THE SOUTHWEST CORNER OF THAT SAID CALLED 3.157 ACRE PARCEL AND BEING IN THE NORTH LINE OF THE HOUSTON BELT AND TERMINAL RAIL ROAD (ABANDONED) FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE N 32°41'36" E, ALONG THE WEST LINE OF SAID CALLED 3.157 ACRES TRACT BEING THE EAST LINE OF BLOCK 625 OF THE RANGER ADDITION SUBDIVISION RECORDED IN VOL. 25, PG. 440 OF THE HARRIS COUNTY DEED RECORDS, A DISTANCE OF 311.29 FEET TO A 5/8" IRON ROD WITH A&B CAP SET FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE S 48°17'08" E, ALONG THE NORTHERLY LINE OF SAID CALLED 3.157 ACRES TRACT, A DISTANCE OF 71.18 FEET TO A 5/8" IRON ROD WITH A&B CAP SET FOR A CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE S 43°34'37" E, CONTINUING ALONG THE NORTH LINE OF SAID CALLED 3.157 ACRES TRACT, A DISTANCE OF 136.08 FEET TO A 5/8" IRON ROD WITH A&B CAP SET FOR A CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE S 32°47'26" W, ALONG THE NORTH LINE OF SAID CALLED 3.157 ACRES TRACT, A DISTANCE OF 35.95 FEET TO A 5/8" IRON ROD WITH A&B CAP SET FOR A CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE S 25°33'03" W, ALONG THE NORTH LINE OF SAID CALLED 3.157 ACRES TRACT, A DISTANCE OF 17.50 FEET TO A 5/8" IRON ROD WITH A&B CAP SET FOR A CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE S 64°26'57" E, ALONG THE NORTH LINE OF SAID CALLED 3.157 ACRES TRACT, A DISTANCE OF 101.99 FEET TO A 5/8" IRON ROD WITH A&B CAP SET AT THE POINT ON A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 6° 16' 53", A RADIUS OF 930.30', A CHORD BEARING OF 61°18'31";

THENCE IN A SOUTHEASTERLY DIRECTION ALONG SAID CURVE, AND CONTINUING ALONG THE NORTH LINE OF SAID CALLED 3.157 ACRES TRACT, FOR AN ARC DISTANCE OF 101.94 FEET TO A 5/8" IRON ROD WITH A&B CAP SET FOR A CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

EXHIBIT "A"
MSD No. 168
page 2 of 7

THENCE S 48°38'45" E, CONTINUING ALONG THE NORTH LINE OF SAID CALLED 3.157 ACRES TRACT, A DISTANCE OF 90.83 FEET TO A 5/8" IRON ROD WITH A&B CAP SET FOR A CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE S 38°05'02" E – 95.73', CONTINUING ALONG THE NORTH LINE OF SAID CALLED 3.157 ACRES TRACT, A DISTANCE OF 90.83 FEET TO A 5/8" IRON ROD WITH A&B CAP SET IN THE WEST RIGHT-OF-WAY LINE OF MILBY STREET (60' WIDE) FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE S 33°03'22" W – 97.05', ALONG THE WEST RIGHT-OF-WAY LINE OF SAID MILBY STREET, TO A 2" IRON PIPE FOUND FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE N 75°41'51" W, ALONG THE SOUTH LINE OF SAID CALLED 3.157 ACRES TRACT AND THE NORTH LINE OF THE HOUSTON BELT AND TERMINAL RAIL ROAD (ABANDONDED), A DISTANCE OF 140.13 FEET TO A 5/8" IRON ROD WITH A&B CAP SET FOR A CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE N 64°12'32" W, ALONG THE SOUTH LINE OF SAID CALLED 3.157 ACRES TRACT AND THE NORTH LINE OF THE HOUSTON BELT AND TERMINAL RAIL ROAD (ABANDONDED), A DISTANCE OF 399.80 FEET TO A 5/8" IRON ROD WITH A&B CAP SET FOR A CORNER OF THE HEREIN DESCRIBED TRACT OF LAND; BEING A POINT ON A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 7° 42' 08", A RADIUS OF 617.21', THE CHORD BEARING OF N 61°42'27" W;

THENCE IN A NORTHWESTERLY DIRECTION ALONG SAID CURVE AND CONTINUING ALONG THE SOUTH LINE OF SAID CALLED 3.157 ACRES TRACT AND THE NORTH LINE OF THE HOUSTON BELT AND TERMINAL RAIL ROAD (ABANDONDED), FOR AN ARC DISTANCE OF 82.97' TO A 5/8" IRON ROD WITH A&B CAP SET FOR A CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE N 58°56'58" W, ALONG THE SOUTH LINE OF SAID CALLED 3.157 ACRES TRACT AND THE NORTH LINE OF THE HOUSTON BELT AND TERMINAL RAIL ROAD (ABANDONDED), A DISTANCE OF 140.13 FEET TO THE **POINT OF BEGINNING** CONTAINING 3.1497 ACRES (137,201 SQ.FT.) OF LAND.

Robert J. Armitage
Registered Professional Land Surveyor No.5685
A & B CONSULTANTS, LLC

EXHIBIT "A"
MSD No. 168
page 3 of 7

LEGAL DESCRIPTION OF
2,501 SQUARE FEET TRACT OF LAND OUT OF
S.M. WILLIAMS SURVEY, ABSTRACT-87

ALL THAT CERTAIN 2,501 SQUARE FEET TRACT 2 OUT OF THE WEST HALF OF LOT 57, A SUBDIVISION OF THE B.M. WILLIAMS SURVEY, A-87 HARRIS COUNTY, TEXAS AND BEING ALL OF THAT CERTAIN CALLED 2,488 SQUARE FEET TRACT OF LAND DESCRIBED AS "TRACT III" IN A DEED DATED 1-13-1967 FROM SIDCO CORPORATION TO MAURICE R. TEAGUE, TRUSTEE FILED AT VOLUME 6638, PAGE 104 HARRIS COUNTY DEED RECORDS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM SOUTH CENTRAL ZONE (NAD83, 2001 ADJ.).

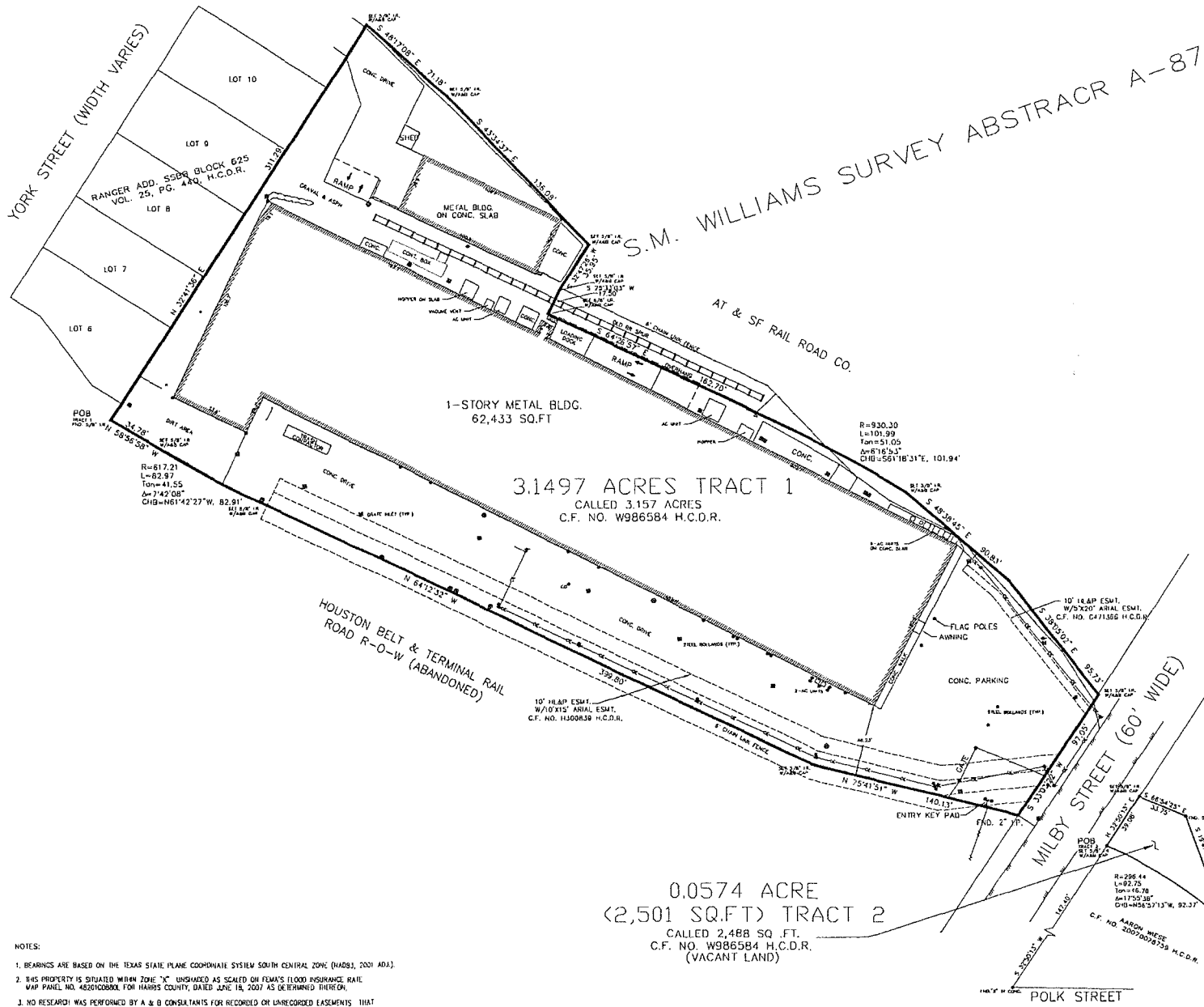
BEGINNING AT A 5/8-INCH IRON ROD SET MARKING THE SOUTHWEST CORNER OF SAID TRACT 2 FROM WHICH A FOUND "X" IN CONCRETE MARKING THE CORNER OF THE EAST RIGHT-OF-WAY LINE OF MILBY STREET (60' WIDE) AND THE NORTH RIGHT-OF-WAY LINE OF POLK STREET (WIDTH VARIES) BEARS S 32°50'15" W, 147.40 FEET;

THENCE N 32°50'15" E, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID MILBY STREET, A DISTANCE OF 39.08 FEET TO A 15/8" IRON ROD WITH A&B CAP SET FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE S 48°17'08" E, ALONG THE NORTHERLY LINE OF SAID CALLED 2,488 SQUARE FEET TRACT AND THE SOUTHERLY LINE OF THE AT & SF RAILROAD COMPANY PROPERTY, A DISTANCE OF 74.37 FEET TO A 5/8" IRON ROD WITH A&B CAP SET FOR A POINT ON A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 17°55'38", A RADIUS OF 296.44', AND A CHORD BEARING OF N 56°57'13" W, FOR THE EAST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE ALONG SAID CURVE TO THE LEFT IN A NORTHWESTERLY DIRECTION FOR AN ARC DISTANCE OF 92.75 FEET TO THE **POINT OF BEGINNING** CONTINUING 2,501 SQUARE FEET OF LAND.

Robert J. Armitage
Registered Professional Land Surveyor No.5685
A & B CONSULTANTS, LLC



LEGEND

- POST
- NON-ROD ON PIPE
- GAS VALVE
- CASE METER
- D INVERTIC OR BUSINESS SIGN
- POWER POLE
- WELDIA POWER POLE
- ME POWER POLE W/O-OUT
- POWER POLE CUT W/IC
- ELECTRICAL JUNCTION BOX
- LIGHT POLE
- FIRE HYDRANT
- WATER METER
- WATER VALVE
- BUILDING
- DRIVE PILET
- SIGN MANHOLE
- NONFISH WELL
- SANITARY MANHOLE
- SAN. CLEAN OUT

CHAINLINK FENCE (CL), WOOD FENCE (WF)
ON SHEET METAL FENCE (SMF)

CONCRETE CURB

EDGE OF ASPHALT

ABBREVIATIONS

- BM - BURN HOLE
- SM - SHERMANT
- CONC - CONCRETE
- IND - IRON
- IP - IRON PIPE
- IR - IRON PIPE
- MECF - METAL CONCRETE
- WALVE - WOOD VALVE
- PP - POWER POLE
- WM - WATER METER
- WF - WOOD FENCE
- VEL. PG. - VEL. PILE

TO ALL PARTIES INTERESTED IN TITLE TO PREMISES SURVEYED: THIS IS TO CERTIFY THAT THE SURVEY WAS ACTUALLY MADE ON THE GROUND AS PER DESCRIPTION OF RECORD AND IS CORRECT; THAT THERE ARE NO ENCROACHMENTS EITHER WAY ACROSS PROPERTY LINES (UNLESS AS SHOWN HEREON).

THIS SURVEY SUBSTANTIALLY COMPLES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY IV, CONDITION I (URBAN BUSINESS DISTRICT) STANDARD LAND SURVEY.

DATED THIS THE 23TH DAY OF DECEMBER, 2011
SIGNED: ROBERT J. ARMITAGE
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6685



NOTES:

- BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM SOUTH CENTRAL ZONE (NAD83, 2011 ADJ).
- THIS PROPERTY IS SITUATED WITHIN ZONE "C" UNSHADDED AS SCALED ON FEMA'S FLOOD INSURANCE RATE MAP PANEL NO. 48261C0000L FOR HARRIS COUNTY, DATED JUNE 19, 2007 AS DETERMINED THEREON.
- NO RESEARCH WAS PERFORMED BY A & B CONSULTANTS FOR RECORDED OR UNRECORDED EASEMENTS THAT MAY AFFECT THIS PROPERTY.

A & B CONSULTANTS, LLC
15311 LAMARCHA DRIVE HOUSTON, TEXAS 77063
(281)-998-1248 E-MAIL: ARMITAGE@A&BCONSULTANTS.LLC

BOUNDARY AS-BUILT SURVEY
OF
1212 MILBY STREET
OUT OF S.M. WILLIAMS SURVEY ABSTRACT A-87
3.1497 ACRES TRACT 1 & 2,501 SQ.FT TRACT 2
C.C.F. NO. W986584 H.C.D.R.
HARRIS COUNTY, TEXAS 77065

DRAWN BY: SP DATE: 12-23-11 CHECKED BY: HCBRIGER
APPROVED BY: RJA SCALE: 1"=30'

EXHIBIT "A"
MSD No. 168
page 5 of 7

LEGAL DESCRIPTION OF
2.6149-ACRE TRACT OF LAND OUT OF
S.M. WILLIAMS SURVEY, ABSTRACT-87

BEING A 2.6149 ACRE (113,903 SQ. FT.) TRACT OF LAND LOCATED IN THE S. M. WILLIAMS SURVEY, A - 87, LOCATED IN THE CITY OF HOUSTON IN HARRIS COUNTY, TEXAS AND ALSO BEING THAT SAME TRACT OF LAND RECORDED IN HARRIS COUNTY CLERKS FILE NUMBER H-244746, SAID TRACT BEING BOUNDED IN THE NORTH BY THE HOUSTON BELT AND TERMINAL RAILROAD R.O.W. (ABANDONED), MILBY STREET IN THE EAST, POLK STREET IN THE SOUTH, AND YORK STREET IN THE WEST, SAID 2.1469 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM SOUTH CENTRAL ZONE (NAD83, 2001 ADJ.).

BEGINNING AT AN "X" SET IN CONCRETE FOR THE SOUTHWEST CORNER OF SAID 2.169 ACRE TRACT, ALSO BEING AT THE INTERSECTION OF THE SOUTHEASTERLY R.O.W. OF YORK STREET (CALLED 80' WIDE) AND THE NORTHERLY R.O.W. OF POLK STREET (WIDTH VARIES);

THENCE NORTH $17^{\circ}02'21''$ EAST A DISTANCE OF 219.49 FEET ALONG THE SOUTHEASTERLY R.O.W. OF SAID YORK STREET TO A 5/8-INCH IRON ROD WITH A&B CAP SET FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE SOUTH $58^{\circ}41'44''$ EAST, A DISTANCE OF 205.66 FEET ALONG THE NORTHERLY LINE OF SAID 2.6149 ACRE TRACT AND THE SOUTHERLY LINE OF SAID HOUSTON BELT AND TERMINAL RAILROAD R.O.W. TO A 5/8-INCH IRON ROD WITH A&B CAP SET FOR AN ANGLE POINT OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE SOUTH $65^{\circ}00'15''$ EAST, A DISTANCE OF 413.82 FEET CONTINUING ALONG THE NORTHERLY LINE OF SAID 2.6149 ACRE TRACT AND THE SOUTHERLY LINE OF SAID HOUSTON BELT AND TERMINAL RAILROAD R.O.W. TO A 5/8-INCH IRON ROD WITH A&B CAP SET FOR AN ANGLE POINT OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE SOUTH $79^{\circ}44'22''$ EAST, A DISTANCE OF 137.27 FEET CONTINUING ALONG THE NORTHERLY LINE OF SAID 2.6149 ACRE TRACT AND THE SOUTHERLY LINE OF SAID HOUSTON BELT AND TERMINAL RAILROAD R.O.W. TO A 5/8-INCH IRON ROD WITH A&B CAP SET IN THE NORTHWESTERLY R.O.W. OF MILBY STREET (CALLED 60' WIDE) FOR NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

EXHIBIT "A"
MSD No. 168
page 6 of 7

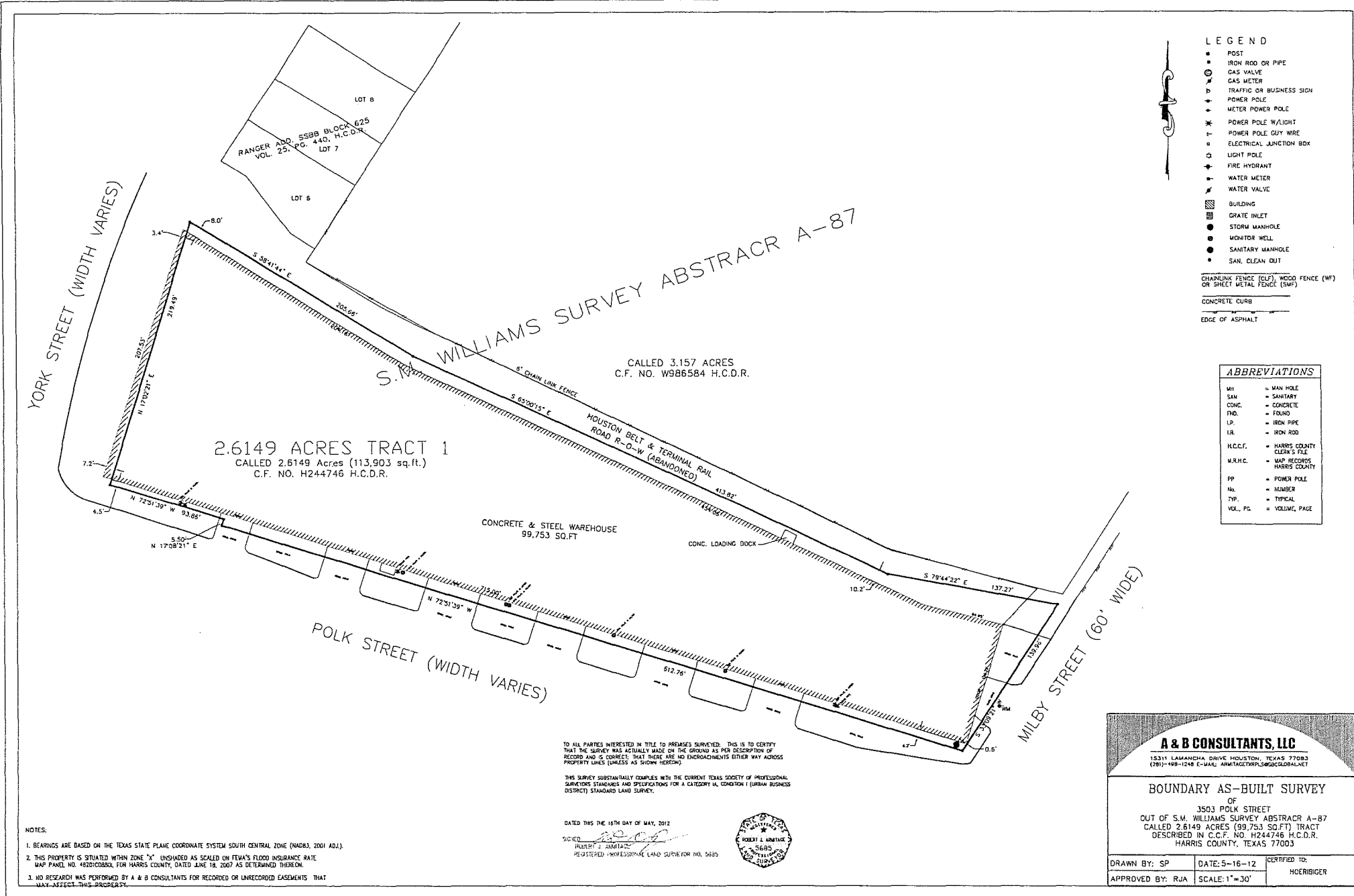
THENCE SOUTH 33°09'21" WEST, A DISTANCE OF 139.96 FEET ALONG THE EASTERLY LINE OF SAID TRACT AND ALSO ALONG THE NORTHWESTERLY R.O.W. OF SAID MILBY STREET, TO AN "X" IN CONCRETE SET IN THE NORTHERLY R.O.W. OF POLK STREET FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE NORTH 72°51'39" WEST, A DISTANCE OF 612.76 FEET ALONG THE SOUTHERLY LINE OF SAID 2.6149 ACRE TRACT, ALSO THE NORTHERLY R.O.W. OF SAID POLK STREET, TO AN "X" IN CONCRETE SET FOR CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE NORTH 17°08'21" EAST, A DISTANCE OF 5.50 FEET ALONG THE SOUTHERLY LINE OF SAID 2.6149 ACRE TRACT, FOLLOWING A JOG IN THE NORTHERLY R.O.W. OF POLK STREET, TO AN "X" IN CONCRETE SET FOR CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE NORTH 72°51'39" WEST, A DISTANCE OF 93.86 FEET, CONTINUING ALONG THE NORTHERLY R.O.W. OF POLK STREET, TO THE **POINT OF BEGINNING** CONTAINING 2.6149 ACRES (113,903 SQ. FT.) OF NLAND.

Robert J. Armitage
Registered Professional Land Surveyor No.5685
A & B CONSULTANTS, LLC



A & B CONSULTANTS, LLC
15311 LAMANCHIA DRIVE HOUSTON, TEXAS 77063
(281)-498-1248 E-MAIL: ARN@TAGETRIPLINGGLOBAL.NET

BOUNDARY AS-BUILT SURVEY
OF
3503 POLK STREET
OUT OF S.M. WILLIAMS SURVEY ABSTRACT A-87
CALLED 2.6149 ACRES (99,753 SQ.FT) TRACT
DESCRIBED IN C.C.F. NO. H244746 H.C.D.R.
HARRIS COUNTY, TEXAS 77003

DRAWN BY: SP DATE: 5-16-12 CERTIFIED TO:
APPROVED BY: RJA SCALE: 1"=30' HOERBIGER

EXHIBIT "B"

MSD No. 168

page 1 of 2

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. 1648		
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? 9 / 2 /2003	<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.

Fred Wollman
Applicant Signature

July 8, 2011
Date

Before me Carolyn A. Brackman the undersigned authority, on this day personally appeared Fred Wollman Name of Notary and signed this Municipal Setting Designation Application. Name of Applicant

Sworn, subscribed and signed before me in the County of Wake, State of NC, on the 8 day of July, 2011

EXHIBIT "B"
MSD No. 168
page 2 of 2

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.		
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 / 26 /2007	<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.		

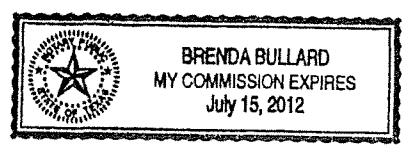
I affirmatively state that (place an X in all applicable blanks):

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- 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: David Koret, AGENT Date: Aug 29, 2011

Before me, Brenda Bullard the undersigned authority, on this day personally appeared David Koret 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 29th day of August, this month of 2011.



Bryan W. Shaw, Ph.D., *Chairman*
Carlos Rubinstein, *Commissioner*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 6, 2012

Mr. David Koret, Agent
Houston Warehouse Associates
4151 Southwest Freeway, Suite 120
Houston, Texas 77027

RE: Municipal Setting Designation (MSD) Certificate for Morgan Advanced Materials and Technology, Inc., and Houston Warehouse Associates; 1212 Milby Street and 3503 through 3719 Polk Street; Houston, Harris County, Texas; MSD No. 168

Dear Mr. Koret:

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) 239-3044 or via e-mail (Mark.Riggle@TCEQ.Texas.gov).

Sincerely,

A handwritten signature in cursive script that reads "Mark R. Riggle".

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

MRR/jdm

Enclosure

cc: Mr. Mark R. Riggle, P.G., VCP No. 1648, Project Manager, Remediation Division, MC-221
Mr. Alberto Tohme, Tetra Tech EM Inc., Houston, Texas

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, Zak Covar, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation (MSD) for MSD No. 168, 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 25 day of June, 2015

A handwritten signature in black ink, appearing to read "Zak Covar", written over a horizontal line.

Zak Covar
Executive Director
Texas Commission on Environmental Quality

EXHIBIT "A"
MSD No. 168
page 1 of 7

LEGAL DESCRIPTION OF
3.1497-ACRE TRACT OF LAND OUT OF
S.M. WILLIAMS SURVEY, ABSTRACT-87

BEING ALL THE CERTAIN 3.1497 ACRES (137,201 SQ.FT.) CALLED 3.157 ACRES OF LAND OUT OF THE WEST HALF OF LOT 57, A SUBDIVISION OF THE S.M. WILLIAMS SURVEY, A-87, HARRIS COUNTY, TEXAS RECORDED IN CLERKS FILE NO. W986584 OF THE HARRIS COUNTY DEED RECORDS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM SOUTH CENTRAL ZONE (NAD83, 2001 ADJ.).

BEGINNING AT A FOUND 5/8-INCH IRON ROD MARKING THE SOUTHWEST CORNER OF THAT SAID CALLED 3.157 ACRE PARCEL AND BEING IN THE NORTH LINE OF THE HOUSTON BELT AND TERMINAL RAIL ROAD (ABANDONED) FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE N 32°41'36" E, ALONG THE WEST LINE OF SAID CALLED 3.157 ACRES TRACT BEING THE EAST LINE OF BLOCK 625 OF THE RANGER ADDITION SUBDIVISION RECORDED IN VOL. 25, PG. 440 OF THE HARRIS COUNTY DEED RECORDS, A DISTANCE OF 311.29 FEET TO A 5/8" IRON ROD WITH A&B CAP SET FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE S 48°17'08" E, ALONG THE NORTHERLY LINE OF SAID CALLED 3.157 ACRES TRACT, A DISTANCE OF 71.18 FEET TO A 5/8" IRON ROD WITH A&B CAP SET FOR A CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE S 43°34'37" E, CONTINUING ALONG THE NORTH LINE OF SAID CALLED 3.157 ACRES TRACT, A DISTANCE OF 136.08 FEET TO A 5/8" IRON ROD WITH A&B CAP SET FOR A CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE S 32°47'26" W, ALONG THE NORTH LINE OF SAID CALLED 3.157 ACRES TRACT, A DISTANCE OF 35.95 FEET TO A 5/8" IRON ROD WITH A&B CAP SET FOR A CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE S 25°33'03" W, ALONG THE NORTH LINE OF SAID CALLED 3.157 ACRES TRACT, A DISTANCE OF 17.50 FEET TO A 5/8" IRON ROD WITH A&B CAP SET FOR A CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE S 64°26'57" E, ALONG THE NORTH LINE OF SAID CALLED 3.157 ACRES TRACT, A DISTANCE OF 101.99 FEET TO A 5/8" IRON ROD WITH A&B CAP SET AT THE POINT ON A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 6° 16' 53", A RADIUS OF 930.30', A CHORD BEARING OF 61°18'31";

THENCE IN A SOUTHEASTERLY DIRECTION ALONG SAID CURVE, AND CONTINUING ALONG THE NORTH LINE OF SAID CALLED 3.157 ACRES TRACT, FOR AN ARC DISTANCE OF 101.94 FEET TO A 5/8" IRON ROD WITH A&B CAP SET FOR A CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

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THENCE S 48°38'45" E, CONTINUING ALONG THE NORTH LINE OF SAID CALLED 3.157 ACRES TRACT, A DISTANCE OF 90.83 FEET TO A 5/8" IRON ROD WITH A&B CAP SET FOR A CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE S 38°05'02" E – 95.73', CONTINUING ALONG THE NORTH LINE OF SAID CALLED 3.157 ACRES TRACT, A DISTANCE OF 90.83 FEET TO A 5/8" IRON ROD WITH A&B CAP SET IN THE WEST RIGHT-OF-WAY LINE OF MILBY STREET (60' WIDE) FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE S 33°03'22" W – 97.05', ALONG THE WEST RIGHT-OF-WAY LINE OF SAID MILBY STREET, TO A 2" IRON PIPE FOUND FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE N 75°41'51" W, ALONG THE SOUTH LINE OF SAID CALLED 3.157 ACRES TRACT AND THE NORTH LINE OF THE HOUSTON BELT AND TERMINAL RAIL ROAD (ABANDONDED), A DISTANCE OF 140.13 FEET TO A 5/8" IRON ROD WITH A&B CAP SET FOR A CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE N 64°12'32" W, ALONG THE SOUTH LINE OF SAID CALLED 3.157 ACRES TRACT AND THE NORTH LINE OF THE HOUSTON BELT AND TERMINAL RAIL ROAD (ABANDONDED), A DISTANCE OF 399.80 FEET TO A 5/8" IRON ROD WITH A&B CAP SET FOR A CORNER OF THE HEREIN DESCRIBED TRACT OF LAND; BEING A POINT ON A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 7° 42' 08", A RADIUS OF 617.21', THE CHORD BEARING OF N 61°42'27" W;

THENCE IN A NORTHWESTERLY DIRECTION ALONG SAID CURVE AND CONTINUING ALONG THE SOUTH LINE OF SAID CALLED 3.157 ACRES TRACT AND THE NORTH LINE OF THE HOUSTON BELT AND TERMINAL RAIL ROAD (ABANDONDED), FOR AN ARC DISTANCE OF 82.97' TO A 5/8" IRON ROD WITH A&B CAP SET FOR A CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE N 58°56'58" W, ALONG THE SOUTH LINE OF SAID CALLED 3.157 ACRES TRACT AND THE NORTH LINE OF THE HOUSTON BELT AND TERMINAL RAIL ROAD (ABANDONDED), A DISTANCE OF 140.13 FEET TO THE **POINT OF BEGINNING** CONTAINING 3.1497 ACRES (137,201 SQ.FT.) OF LAND.

Robert J. Armitage
Registered Professional Land Surveyor No.5685
A & B CONSULTANTS, LLC

EXHIBIT "A"
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LEGAL DESCRIPTION OF
2,501 SQUARE FEET TRACT OF LAND OUT OF
S.M. WILLIAMS SURVEY, ABSTRACT-87

ALL THAT CERTAIN 2,501 SQUARE FEET TRACT 2 OUT OF THE WEST HALF OF LOT 57, A SUBDIVISION OF THE B.M. WILLIAMS SURVEY, A-87 HARRIS COUNTY, TEXAS AND BEING ALL OF THAT CERTAIN CALLED 2,488 SQUARE FEET TRACT OF LAND DESCRIBED AS "TRACT III" IN A DEED DATED 1-13-1967 FROM SIDCO CORPORATION TO MAURICE R. TEAGUE, TRUSTEE FILED AT VOLUME 6638, PAGE 104 HARRIS COUNTY DEED RECORDS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM SOUTH CENTRAL ZONE (NAD83, 2001 ADJ.).

BEGINNING AT A 5/8-INCH IRON ROD SET MARKING THE SOUTHWEST CORNER OF SAID TRACT 2 FROM WHICH A FOUND "X" IN CONCRETE MARKING THE CORNER OF THE EAST RIGHT-OF-WAY LINE OF MILBY STREET (60' WIDE) AND THE NORTH RIGHT-OF-WAY LINE OF POLK STREET (WIDTH VARIES) BEARS S 32°50'15" W, 147.40 FEET;

THENCE N 32°50'15" E, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID MILBY STREET, A DISTANCE OF 39.08 FEET TO A 15/8" IRON ROD WITH A&B CAP SET FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE S 48°17'08" E, ALONG THE NORTHERLY LINE OF SAID CALLED 2,488 SQUARE FEET TRACT AND THE SOUTHERLY LINE OF THE AT & SF RAILROAD COMPANY PROPERTY, A DISTANCE OF 74.37 FEET TO A 5/8" IRON ROD WITH A&B CAP SET FOR A POINT ON A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 17°55'38", A RADIUS OF 296.44', AND A CHORD BEARING OF N 56°57'13" W, FOR THE EAST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE ALONG SAID CURVE TO THE LEFT IN A NORTHWESTERLY DIRECTION FOR AN ARC DISTANCE OF 92.75 FEET TO THE **POINT OF BEGINNING** CONTINUING 2,501 SQUARE FEET OF LAND.

Robert J. Armitage
Registered Professional Land Surveyor No.5685
A & B CONSULTANTS, LLC

EXHIBIT "A"
MSD No. 168
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LEGAL DESCRIPTION OF
2.6149-ACRE TRACT OF LAND OUT OF
S.M. WILLIAMS SURVEY, ABSTRACT-87

BEING A 2.6149 ACRE (113,903 SQ. FT.)TRACT OF LAND LOCATED IN THE S. M. WILLIAMS SURVEY, A – 87, LOCATED IN THE CITY OF HOUSTON IN HARRIS COUNTY, TEXAS AND ALSO BEING THAT SAME TRACT OF LAND RECORDED IN HARRIS COUNTY CLERKS FILE NUMBER H-244746, SAID TRACT BEING BOUNDED IN THE NORTH BY THE HOUSTON BELT AND TERMINAL RAILROAD R.O.W. (ABANDONED), MILBY STREET IN THE EAST, POLK STREET IN THE SOUTH, AND YORK STREET IN THE WEST, SAID 2.1469 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM SOUTH CENTRAL ZONE (NAD83, 2001 ADJ.).

BEGINNING AT AN "X" SET IN CONCRETE FOR THE SOUTHWEST CORNER OF SAID 2.169 ACRE TRACT, ALSO BEING AT THE INTERSECTION OF THE SOUTHEASTERLY R.O.W. OF YORK STREET (CALLED 80' WIDE) AND THE NORTHERLY R.O.W. OF POLK STREET (WIDTH VARIES);

THENCE NORTH $17^{\circ}02'21''$ EAST A DISTANCE OF 219.49 FEET ALONG THE SOUTHEASTERLY R.O.W. OF SAID YORK STREET TO A 5/8-INCH IRON ROD WITH A&B CAP SET FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE SOUTH $58^{\circ}41'44''$ EAST, A DISTANCE OF 205.66 FEET ALONG THE NORTHERLY LINE OF SAID 2.6149 ACRE TRACT AND THE SOUTHERLY LINE OF SAID HOUSTON BELT AND TERMINAL RAILROAD R.O.W. TO A 5/8-INCH IRON ROD WITH A&B CAP SET FOR AN ANGLE POINT OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE SOUTH $65^{\circ}00'15''$ EAST, A DISTANCE OF 413.82 FEET CONTINUING ALONG THE NORTHERLY LINE OF SAID 2.6149 ACRE TRACT AND THE SOUTHERLY LINE OF SAID HOUSTON BELT AND TERMINAL RAILROAD R.O.W. TO A 5/8-INCH IRON ROD WITH A&B CAP SET FOR AN ANGLE POINT OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE SOUTH $79^{\circ}44'22''$ EAST, A DISTANCE OF 137.27 FEET CONTINUING ALONG THE NORTHERLY LINE OF SAID 2.6149 ACRE TRACT AND THE SOUTHERLY LINE OF SAID HOUSTON BELT AND TERMINAL RAILROAD R.O.W. TO A 5/8-INCH IRON ROD WITH A&B CAP SET IN THE NORTHWESTERLY R.O.W. OF MILBY STREET (CALLED 60' WIDE) FOR NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

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MSD No. 168
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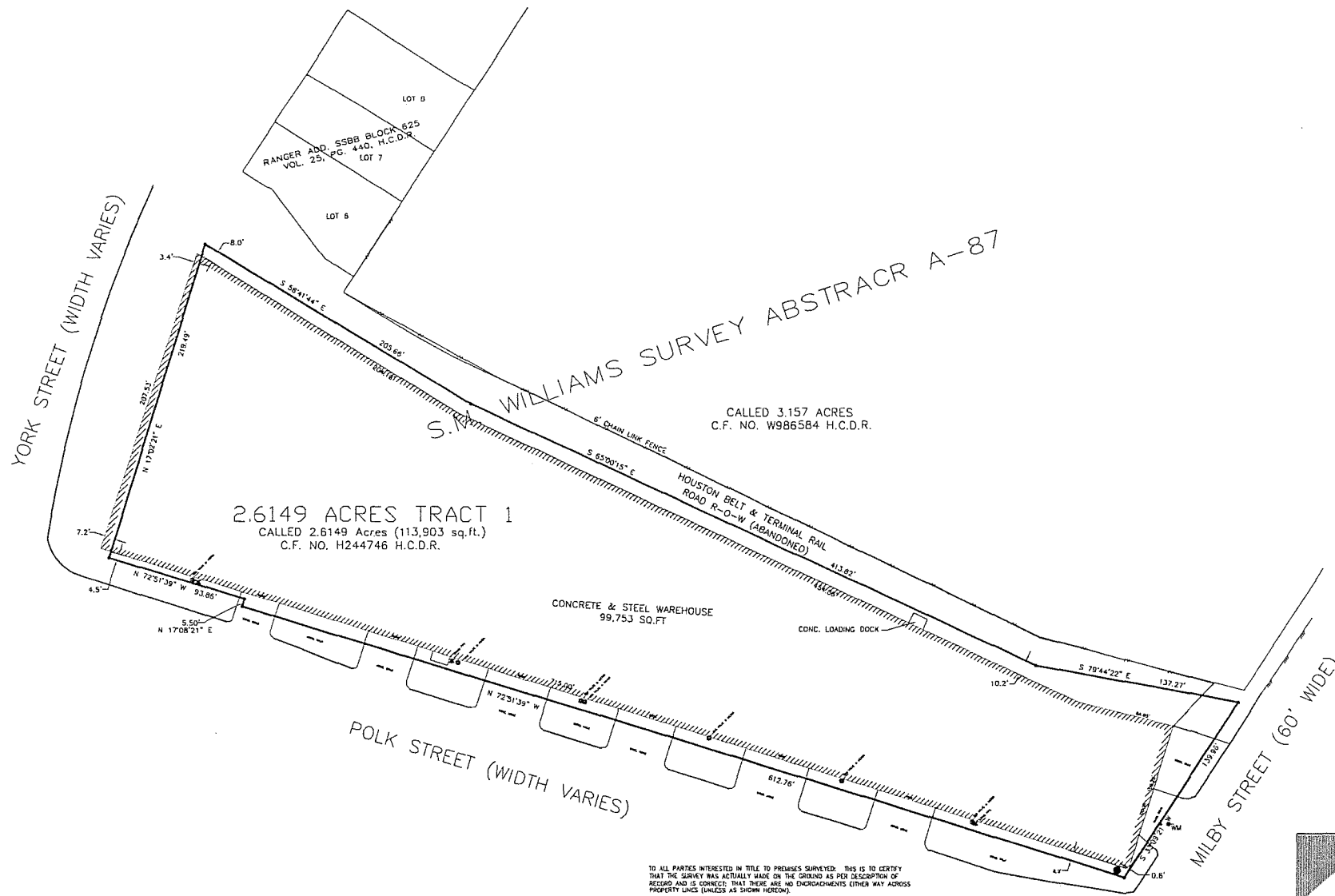
THENCE SOUTH 33°09'21" WEST, A DISTANCE OF 139.96 FEET ALONG THE EASTERLY LINE OF SAID TRACT AND ALSO ALONG THE NORTHWESTERLY R.O.W. OF SAID MILBY STREET, TO AN "X" IN CONCRETE SET IN THE NORTHERLY R.O.W. OF POLK STREET FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE NORTH 72°51'39" WEST, A DISTANCE OF 612.76 FEET ALONG THE SOUTHERLY LINE OF SAID 2.6149 ACRE TRACT, ALSO THE NORTHERLY R.O.W. OF SAID POLK STREET, TO AN "X" IN CONCRETE SET FOR CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE NORTH 17°08'21" EAST, A DISTANCE OF 5.50 FEET ALONG THE SOUTHERLY LINE OF SAID 2.6149 ACRE TRACT, FOLLOWING A JOG IN THE NORTHERLY R.O.W. OF POLK STREET, TO AN "X" IN CONCRETE SET FOR CORNER OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE NORTH 72°51'39" WEST, A DISTANCE OF 93.86 FEET, CONTINUING ALONG THE NORTHERLY R.O.W. OF POLK STREET, TO THE **POINT OF BEGINNING** CONTAINING 2.6149 ACRES (113,903 SQ. FT.) OF NLAND.

Robert J. Armitage
Registered Professional Land Surveyor No.5685
A & B CONSULTANTS, LLC



- LEGEND
- POST
 - IRON ROD OR PIPE
 - ⊙ GAS VALVE
 - ⊙ GAS METER
 - ⊕ TRAFFIC OR BUSINESS SIGN
 - ⊕ POWER POLE
 - ⊕ METER POWER POLE
 - ⊕ POWER POLE W/LIGHT
 - ⊕ POWER POLE GUY WIRE
 - ⊕ ELECTRICAL JUNCTION BOX
 - ⊕ LIGHT POLE
 - ⊕ FIRE HYDRANT
 - ⊕ WATER METER
 - ⊕ WATER VALVE
 - ▭ BUILDING
 - ▭ GRATE INLET
 - ⊙ STORM MANHOLE
 - ⊙ MONITOR WELL
 - ⊙ SANITARY MANHOLE
 - ⊙ SAN. CLEAN OUT
- CHAINLINK FENCE (CLF), WOOD FENCE (WF) OR SHEET METAL FENCE (SMF)
- CONCRETE CURB
- EDGE OF ASPHALT

ABBREVIATIONS

WH	=	MAN HOLE
SAN	=	SANITARY
CONC	=	CONCRETE
FND	=	FOUND
IP	=	IRON PIPE
LR	=	IRON ROD
H.C.C.F.	=	HARRIS COUNTY CLERK'S FILE
W.R.C.	=	MAP RECORDS HARRIS COUNTY
PP	=	POWER POLE
N#	=	NUMBER
TYP.	=	TYPICAL
VOL., PG.	=	VOLUME, PAGE

TO ALL PARTIES INTERESTED IN TITLE TO PREMISES SURVEYED: THIS IS TO CERTIFY THAT THE SURVEY WAS ACTUALLY MADE ON THE GROUND AS PER DESCRIPTION OF RECORD AND IS CORRECT THAT THERE ARE NO ENCROACHMENTS EITHER WAY ACROSS PROPERTY LINES (UNLESS AS SHOWN HEREON).

THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A, CONDITION 1 (URBAN BUSINESS DISTRICT) STANDARD LAND SURVEY.

DATED THIS 16TH DAY OF MAY, 2012

SIGNED: *Robert J. Amstutz*
ROBERT J. AMSTUTZ
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5885



A & B CONSULTANTS, LLC
15311 LAWANCHA DRIVE HOUSTON, TEXAS 77063
(281)-428-1248 E-MAIL: ARWITAE@A&BCONSULTANTS.COM

BOUNDARY AS-BUILT SURVEY
OF
3503 POLK STREET
OUT OF S.M. WILLIAMS SURVEY ABSTRACT A-87
CALLED 2.6149 ACRES (99,753 SQ.FT) TRACT
DESCRIBED IN C.F. NO. H244746 H.C.D.R.
HARRIS COUNTY, TEXAS 77003

DRAWN BY: SP DATE: 5-16-12 CERTIFIED TO:
APPROVED BY: RJA SCALE: 1"=30' HOERBIGER

- NOTES:
1. BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM SOUTH CENTRAL ZONE (NAD83, 2001 ADA).
 2. THIS PROPERTY IS SITUATED WITHIN ZONE "X" UNSHADDED AS SCALED ON FEMA'S FLOOD INSURANCE RATE MAP PANEL NO. 18201C0001 FOR HARRIS COUNTY, DATED JUNE 18, 2007 AS DETERMINED THEREON.
 3. NO RESEARCH WAS PERFORMED BY A & B CONSULTANTS FOR RECORDED OR UNRECORDED EASEMENTS THAT MAY AFFECT THIS PROPERTY.

EXHIBIT "B"

MSD No. 168

page 1 of 2

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
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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. 1648

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? 9 / 2 /2003	<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

July 8, 2011
 Date

Before me Carolyn A. Brackman the undersigned authority, on this day personally appeared
Fred Wollman Name of Notary
Fred Wollman Name of Applicant and signed this Municipal Setting Designation Application.

Sworn, subscribed and signed before me in the County of Wake, State of NC, on the
 day of 8, this month of July, 2011

TCEQ-20149 June 2007  2

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.		
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 / 26 /2007	<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.

David Koret, AGENT
Applicant Signature

Aug 29, 2011
Date

Before me Brenda Bullard the undersigned authority, on this day personally appeared
David Koret Name of Notary and signed this Municipal Setting Designation Application.
Name of Applicant

Sworn, subscribed and signed before me in the County of Harris, State of Texas on the 29th day of August, this month of 2011.

