

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*

January 14, 2013

Mr. Geoffrey Reeder  
Union Pacific Railroad  
24125 Aldine-Westfield Road  
Spring, Texas 77373

RE: Municipal Setting Designation (MSD) Certificate for ENCOAT Lease Site,  
9800 Clinton Drive, Houston, Harris County; MSD No. 173

Dear Mr. Reeder:

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) 239-2960 or via e-mail ([richard.goldsmith@TCEQ.Texas.gov](mailto:richard.goldsmith@TCEQ.Texas.gov)).

Sincerely,

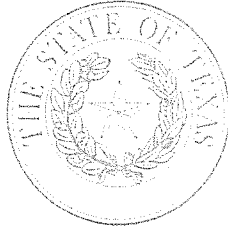
A handwritten signature in black ink, appearing to read "R. Stuart Goldsmith".

R. Stuart Goldsmith, Project Manager  
VCP-CA Section  
Remediation Division

RSG/jdm

Enclosure: MSD Certificate No. 173

cc: Mr. Rodney Bryant, VCP 796 Project Manager, Remediation Division, MC-221



**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. 173, 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 3<sup>rd</sup> day of January, 2013

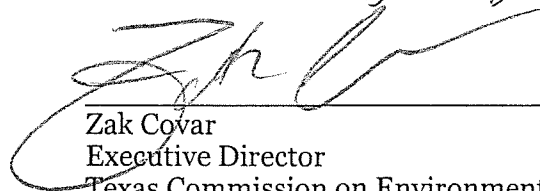
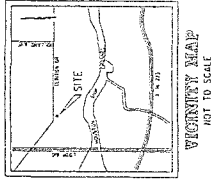
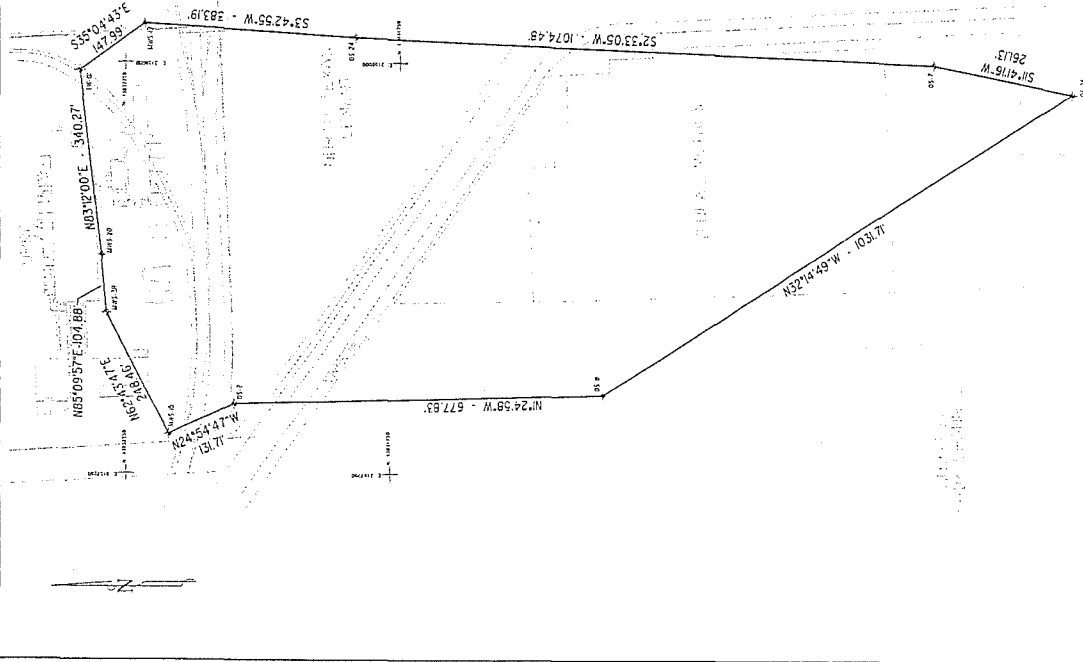
  
\_\_\_\_\_  
Zak Covar  
Executive Director  
Texas Commission on Environmental Quality

Exhibit "A"



**MONUMENTS AND BOUNDARIES**

Being a tract of land containing 20.6307 acres (107,006 square feet) of land, more or less, and being out of the Union Pacific Railroad Company property located at 9800 Clinton, Houston, Harris County, Texas, the following monuments, being described more particularly by name and number as follows:

- MONUMENT at Monitor Well 05-26 being a grid coordinate of N 0550507.74 E 350794.25, more particularly being MONUMENT 05-26 as shown on the Texas State Center Grid Formatted for use in 0599895959L.
- MONUMENT at Monitor Well 05-26 being a distance of 403.74 feet to Monitor Well 05-26 for center.
- MONUMENT at Monitor Well 05-26 being a distance of 677.83 feet to Monitor Well 05-27 for center.
- MONUMENT at Monitor Well 05-26 being a distance of 101.74 feet to Monitor Well M05-05 for center.
- MONUMENT at Monitor Well 05-26 being a distance of 240.46 feet to Monitor Well M05-03 for center.
- MONUMENT at Monitor Well 05-26 being a distance of 104.88 feet to Monitor Well M05-20 for center.
- MONUMENT at Monitor Well 05-26 being a distance of 340.27 feet to Monitor Well T06-01 for center.
- MONUMENT at Monitor Well 05-26 being a distance of 147.93 feet to Monitor Well M05-09 for center.
- MONUMENT at Monitor Well 05-26 being a distance of 333.03 feet to Monitor Well 05-24 for center.
- MONUMENT at Monitor Well 05-26 being a distance of 497.400 feet to Monitor Well 05-17 for center.
- MONUMENT at Monitor Well 05-26 being a distance of 280.13 feet to Monitor Well 05-26, the POINT OF BEGINNING containing 20.6307 acres (107,006 square feet) of land, more or less.

**BOUNDARY POINT DATA**

POINT	LABEL	NORTH	EAST	LATITUDE	LONGITUDE
1	05-26	1300392.21	315794.54	29°43'36.8971"	95°15'06.2344"
2	05-8	1303137.79	315794.05	29°43'41.6402"	95°15'12.1525"
3	05-2	1300292.41	315777.30	29°43'48.3084"	95°15'16.0807"
4	M05-15	1302071.06	315795.02	29°43'49.5384"	95°15'16.0807"
5	M05-20	1303294.54	315766.07	29°43'58.6610"	95°15'06.1054"
6	T06-01	1303204.83	315795.05	29°43'58.9529"	95°15'06.1054"
7	M05-09	1303101.34	315805.27	29°43'45.9355"	95°15'04.6642"
8	05-24	1303075.93	315797.44	29°43'35.3491"	95°15'05.5397"
9	05-17	1303075.93	315797.44	29°43'35.3491"	95°15'05.5397"
10	05-26	1300392.21	315794.54	29°43'36.8971"	95°15'06.2344"

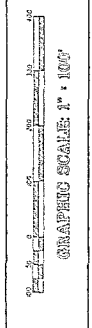
**GENERAL NOTES**

- This site has been laid to NAD 83, Monument PD M0503, having grid coordinates of N 1300392.21 E 315794.54. ELEV. 24.9 (NAVD83)
- All coordinates shown on this drawing are NAD83 (grid feet) and are based on the datum of the Texas State Center Grid Formatted for use in 0599895959L applies to this site. To convert from grid coordinates to surface coordinates, divide the grid coordinate by the combined factor to yield the surface coordinate.
- Elevations have been determined using CG00001.

Sandoval Engineers & Surveyors, Inc.  
1802 Taitenhall  
Houston, Texas 77000  
(713) 682-6702

Boundary Survey of 20.6307 Acres out of the  
UPRR Site on 9800 Clinton and Portions of Adjacent Properties  
Houston, Texas

DATE	SCALE	DATE
05/27/2021	AS SHOWN	05/27/2021



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 <sup>3</sup>	<input type="radio"/> NA <sup>4</sup>
<sup>3</sup> Do not submit application.			
<sup>4</sup> 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. 796		
Is the proposed designated groundwater contaminated in excess of an applicable potable water <sup>5</sup> use standard (i.e., 30 TAC 350, <sup>GW</sup> GW <sub>ing</sub> )?	<input checked="" type="radio"/> Yes	<input type="radio"/> No <sup>6</sup>
Was the groundwater contamination previously reported to the TCEQ? (To support implementation of HB 3030, 78 <sup>th</sup> Legislature.)	<input checked="" type="radio"/> Yes, when? 7 / 1 / 98	<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 <sup>6</sup>	<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 <sup>6</sup>	<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 <sup>6</sup>
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
<sup>5</sup> "Potable water" means water that is used for irrigating crops intended for human consumption, drinking, showering, bathing, or cooking purposes [THSC §361.801(2)].		
<sup>6</sup> 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 provided in this application will be provided before the executive director certifies this application.

Geoffrey Reeder  
Applicant Signature

TAMRAPPIDEAN  
NOTARY PUBLIC, STATE OF TEXAS  
MY COMMISSION EXPIRES  
JUNE 10, 2012  
Date

Before me Tamra G. Dean the undersigned authority, on this day personally appeared  
Name of Notary  
Geoffrey Reeder 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 13<sup>th</sup>  
day of July, this month of \_\_\_\_\_, 2011.