

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 9, 2015

Mr. Steve Bate, General Manager
Seismic Energy Products, Inc.
518 Progress Way
Athens, Texas 75751

Re: Municipal Setting Designation (MSD) Certificate for Seismic Energy Products Inc., Seismic Energy Facility, 518 Progress Way, Athens, Henderson County, TX; MSD No. 248; Customer No. CN601423114; Regulated Entity No. RN101774081

Dear Mr. Bate:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced Municipal Setting Designation (MSD) application and additional information between November 6, 2013 and January 7, 2015. Based on our review, the application contains the required information as outlined in Texas Health and Safety Code (THSC) §361.804. Enclosed is the Municipal Setting Designation Certification for your site. If you have any questions, please do not hesitate to contact me at (512) 239-3156 or via e-mail (james.formby@tceq.texas.gov).

Sincerely,

A handwritten signature in cursive script that reads "James Formby".

James Formby, Project Manager
VCP-CA Section
Remediation Division

JF/jdm

cc: Mr. Michael Marcon, InControl Technologies, 3845 Cypress Creek Parkway Suite 195, Houston, Texas 77068
Mr. Michael Brashear, Waste Section Manager, TCEQ Region 5 Office, Tyler

Enclosure: MSD Certificate

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, Beth Seaton, Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 248, in the City of Athens, 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 ordinance or restrictive covenant required by Texas Health and Safety Code §361.8065 remains 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 8th day of April, 2015

Beth Seaton

Beth Seaton, Director
Texas Commission on Environmental Quality

Exhibit A

9.135 Acres
John Royall Survey
Abstract No. A-684
Henderson County, Texas
Page 1 of 1

All that certain lot, tract or parcel of land situated in Henderson County, Texas on the John Royall Survey, A-684 and being all of the called 9.135 acre Tract One known as Lot 4 of Progress Industrial Park and all of the called 4.46 acre Tract Two known as Lot 2 of Progress Industrial Park conveyed to Seismic Energy Products, L.P, by The Furon Company by deed dated November 15, 1996 and recorded in Volume 1711, Page 33 of the Henderson County Deed Records. Said lot, tract, or parcel of land being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found at the Northwest corner of Tract One, the Northeast corner of the Clint Morton 6.87 acre tract recorded in Volume 1527, Page 726, the Southeast corner of the Fred Head 8.00 acre tract recorded in Volume 1115, Page 765 and the Southwest corner of the Jerry Vaught First and Second Tracts, 27,75 acres recorded in Volume 721, Page 835;

THENCE SOUTH 89 degrees 14 minutes 55 seconds East 565.64 feet to a boat spike found at a fence corner at the Northeast corner of Tract One, the Northwest corner of the Tommy Coleman 16.273 acre tract recorded in Volume 2145, Page 370 and in the South line of the Richard Belville 5.009 acre tract recorded in Volume 1909, Page 140;

THENCE SOUTH 1 degree 52 minutes 02 seconds West, along fence, 1047.73 feet to a 1/2" iron rod set at a fence corner at the Southeast corner of Tract Two and an ell corner of the Coleman 16.273 acre tract;

THENCE NORTH 89 degrees 23 minutes 54 seconds West, along fence, 565.06 feet to a 1/2" pipe found at the Southwest corner of Tract. Two, the Northwest corner of the Thelma Trammell 3,88 acre tract recorded in Volume 817, Page 690 and in the East margin of Progress Way (60' ROW);

THENCE NORTH 1 degree 50 minutes 03 seconds East 1049.20 feet to the place of beginning and containing 13.605 acres of land.



SCALE 1" = 100'

FIELD NOTES

All the certain lot, tract or parcel of land situated in Henderson County, Texas on the Jack Myers Survey, 3-664 and being all of the called 8 200 acre Tract Two known as all of Progress Industrial Park and all of the called 4 48 acre Tract Two known as Lot 2 of Progress Industrial Park conveyed to Summit Entry Products, L.P. by The Purco Company by deed dated November 15, 1996 and recorded in Volume 1711, Page 33 of the Henderson County deed records. Said lot, tract or parcel of land being more particularly described by notes and bounds as follows:

SECTION 14 is a 1/2" line and 1/2" line at the Northwest corner of Tract One, the Northwest corner of the Clark Section 8 47 acre tract recorded in Volume 1287, Page 708, the Southwest corner of the Field Road 8 500 acre tract recorded in Volume 1113, Page 49 and the Southeast corner of the Jerry Magill Park and Second Tracts, 27.75 acres recorded in Volume 721, Page 815.

TRACED SOUTH 88 degrees 14 minutes 55 seconds East 525.84 feet to a mark which is a 1/2" corner at the Northwest corner of Tract One, the Northwest corner of the Spring Cleaver, 16 273 acre tract recorded in Volume 2140, Page 370 and on the South line of the Schwan Service 3 600 acre tract recorded in Volume 1908, Page 140.

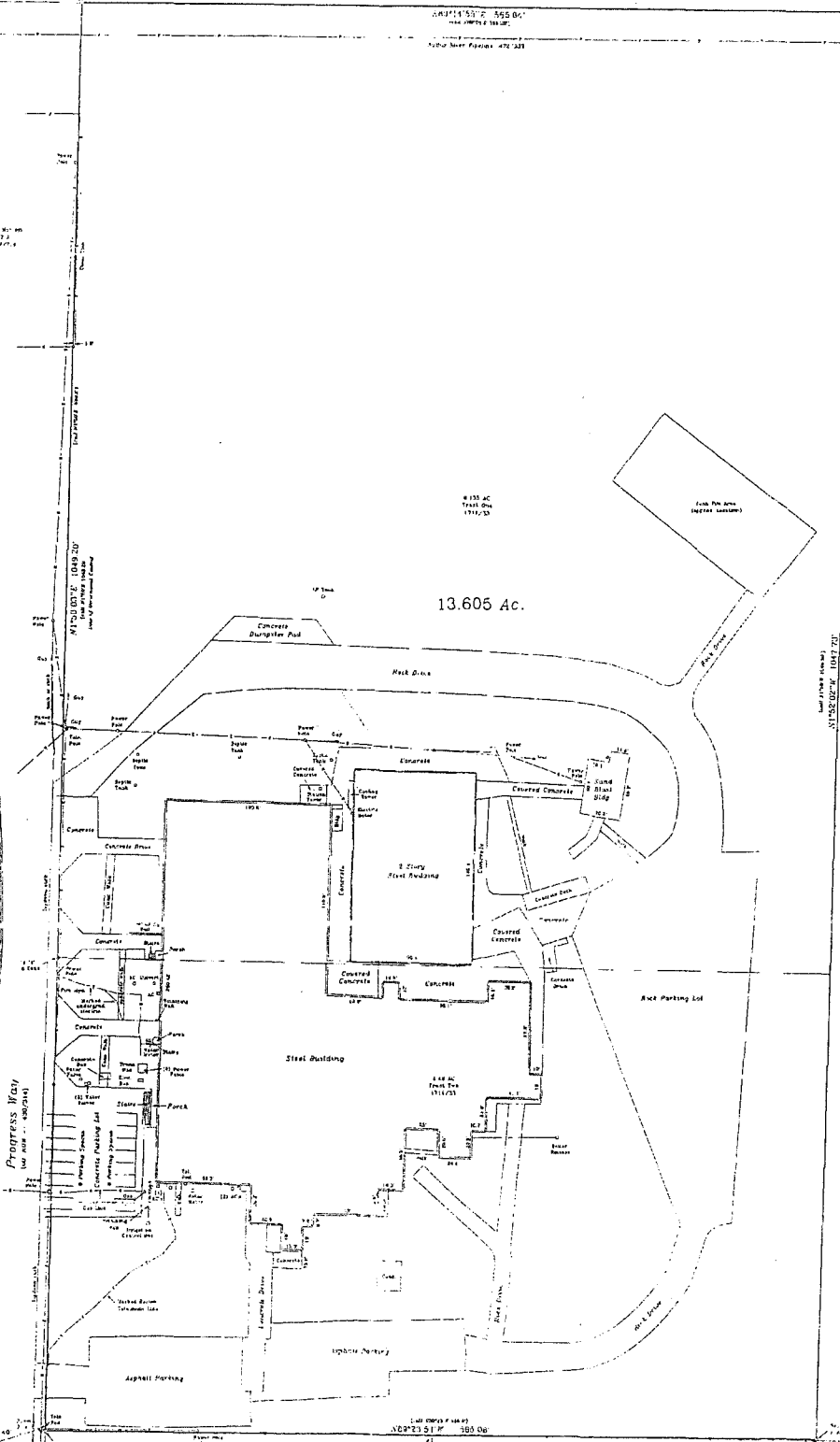
TRACED SOUTH 1 degree 32 minutes 22 seconds East, along fence, 1047.73 feet to a 1/2" line and 1/2" line corner at the Southwest corner of Tract Two and on 43 corner of the Cleaver, 16 273 acre tract.

TRACED NORTH 89 degrees 23 minutes 54 seconds East, along fence, 563.64 feet to a 1/2" line and 1/2" line corner at the Southwest corner of Tract Two, the Northwest corner of the Dulma Tract, 2 208 acre tract recorded in Volume 815, Page 560 and on the East margin of Progress No. 1007 802.

TRACED NORTH 1 degree 50 minutes 35 seconds East, 1048.80 feet to the place of beginning and containing 12 800 acres of land.

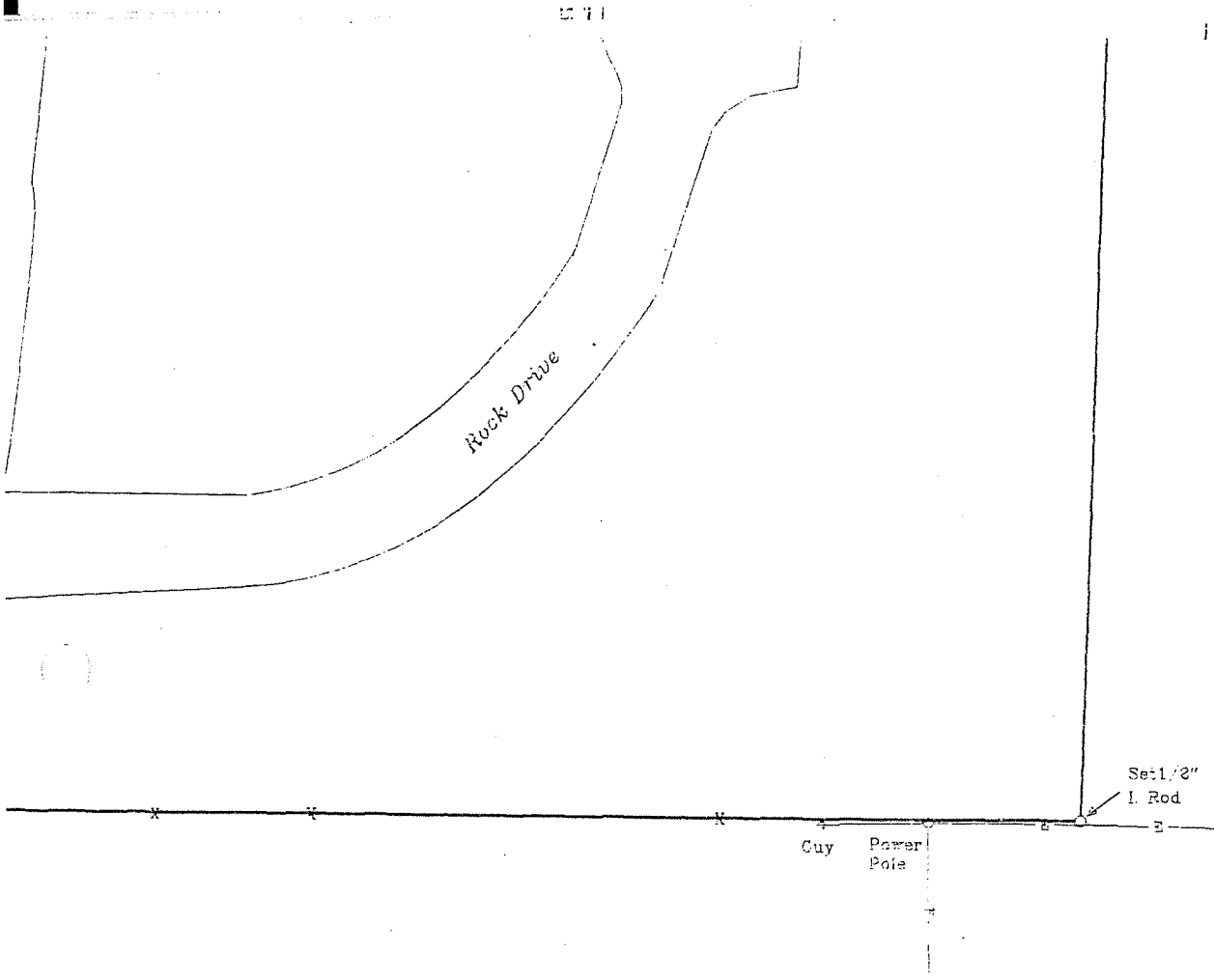
NOTE

1. Right-of-way Deed in Case of Texas Interstate 241,291 does not affect this tract.
2. T. P. & C. Co. right-of-way easement recorded 247,317 does not affect this tract.
3. T. P. & C. Co. right-of-way easement 247,221 does not affect this tract.
4. State of Texas right-of-way recorded 187,522 does not affect this tract.
5. State of Texas right-of-way recorded 184,582 does not affect this tract.



PREPARED BY
JACK I. WYNN & ASSOCIATES
1000 W. 10th Street
ATLANTA, TEXAS 75701
678-673-1819

ALTA/ACSM LAND TITLE SURVEY
SEISMIC ENERGY PRODUCTS - ACQUISITION AND
SHARED RISK INSURANCE - 1000 W. 10th Street
ATLANTA, TEXAS 75701
Date of Plot or Map: 11/20/01
Jack I. Wynn
Surveyor, Professional Land Surveyor No. 2581



ALTA/ACSM LAND TITLE SURVEY
 TO
 SEISMIC ENERGY PRODUCTS AQUISITIONS, INC.
 CHICAGO TITLE INSURANCE CO. NO. 4713001036
 LIPPES MATHIAS WEXLER FRIEDMAN, INC.

This is to certify that this map or plat and the survey on which it is based were in
 with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Sur
 established and adopted by ALTA and NSPS, and includes items ~~None~~ of Table A
 work was completed 12 Apr 12

Date of Plat or Map: 18 Apr 12

[Signature]
 Billy E. Murphree, Registered Professional Land Surveyor No. 1

Exhibit B
Municipal Setting Designation

Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared G Robert Myers, as an authorized representative of Seismic Energy Products, L.P., known to me to be the person whose name is subscribed below who being by me first duly sworn, upon their oath, stated as follows:

I am over the age of 18 and legally competent to make this affidavit. I have personal knowledge of the facts stated herein.

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

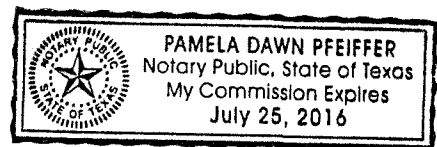
- The MSD eligibility criteria of THSC Section 361.803 are satisfied.
- True and accurate copies of all documents demonstrating that the MSD eligibility criteria provided by THSC 361.803 have been satisfied and are included with the application.
- A true and accurate copy of a legal description of the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

G Robert Myers
Signature

Date: 11-6-13

G Robert Myers
Printed Name

President
Title



STATE OF Texas

COUNTY OF Montgomery

SUBSCRIBED AND SWORN before me on this the 6th day of November 2013, to which witness my hand and seal of office.

Pamela D. Pfeiffer
Notary Public in and for the State of Texas