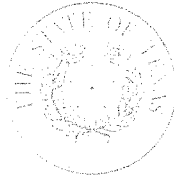


Bryan W. Shaw, Ph.D., *Chairman*
Carlos Rubinstein, *Commissioner*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 3, 2013

Mr. Christopher Wackman, President
Wackman Properties, LLC
P.O. Box 920949
Houston, Texas 77292

RE: Municipal Setting Designation (MSD) Certificate for Wackman Properties, LLC; 3777 West 12th Street, Houston, Harris County, Texas; MSD No. 217

Dear Mr. Wackman:

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) 239-3737 or via e-mail (Joanna.Manning@TCEQ.Texas.gov).

Sincerely,


Joanna Manning, Project Manager
VCP-CA Section
Remediation Division

JAM/jdm

Enclosure: MSD Certificate No. 217

cc: Mr. Chris Swiderski, VCP 2265 Project Manager, Remediation Division, MC-221
Ms. Nicole Bealle, Waste Section Manager, TCEQ Region 12, Houston

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



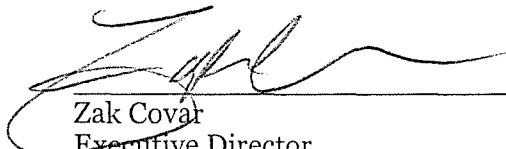
MUNICIPAL SETTING DESIGNATION CERTIFICATE

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. 217, 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 27th day of March, 2013



Zak Covar
Executive Director
Texas Commission on Environmental Quality

Exhibit A
MSD 217

**METES AND BOUNDS DESCRIPTION
"DESIGNATED PROPERTY"
9.1677 ACRES IN THE
JOHN REINERMAN LEAGUE, ABSTRACT 642
HARRIS COUNTY, TEXAS**

A 9.1677-ACRE (399,343 SQUARE FEET) TRACT OF LAND SITUATED IN THE JOHN REINERMAN LEAGUE, ABSTRACT NUMBER 642, HARRIS COUNTY, TEXAS, BEING THE RESIDUE OF THAT CALLED 8.62-ACRE TRACT OF LAND DESCRIBED AS TRACT ONE AND ALL OF THAT CALLED 2.667-ACRE TRACT OF LAND DESCRIBED AS TRACT TWO IN SPECIAL WARRANTY DEED TO WACKMAN PROPERTIES, LLC RECORDED UNDER HARRIS COUNTY CLERK'S FILE NUMBER 20090092830 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, SAID 9.1677-ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (BEARINGS BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE (4204), AS DETERMINED BY GPS MEASUREMENTS. COORDINATES SHOWN HEREON ARE TEXAS SOUTH CENTRAL ZONE NO. 4204 STATE PLANE GRID COORDINATES (NAD83) AND MAY BE BROUGHT TO THE SURFACE BY APPLYING THE FOLLOWING COMBINED SCALE FACTOR OF 0.99989593068):

BEGINNING at a 1/2-inch iron rod found in the west right-of-way line of Penner Street (60-foot width) as dedicated by West Loop Industrial Park, Section One, a subdivision plat recorded in Volume 130, Page 41 of the Harris County Map Records marking the northeast corner of Lot 1, Block 1 of said West Loop Industrial Park, Section One, subdivision, same being the southeast corner of said called Tract Two and the herein described tract of land, having the coordinates X=3,095,132.98 and Y=13,851,960.05;

- (1) **THENCE** South 87°53'17" West, 1,168.35 feet to a TxDot monument with aluminum cap found in the arc of a curve, on the easterly right-of-way line of Interstate Highway West Loop 610 North (300-foot width) marking the northwest corner of said Lot 1, Block 1, same being the southwest corner of said Tract Two and the herein described tract of land, having the coordinates X=3,093,965.54 and Y=13,851,916.99;
- (2) **THENCE** in a northeasterly with said easterly right-of-way line of Interstate Highway West Loop 610 North, the westerly line of said Tract Two and Tract One, along the arc of a curve to the right having an arc length of 355.77 feet, a radius of 5554.58 feet, a central angle of 03°40'11" and a chord which bears North 07°41'27" East, 355.71 feet to a TxDot monument with aluminum cap found in the south right-of-way line of West 12th Street (60-foot width) same being the north line of said Tract One for the northwest corner of the herein described tract of land from which a found 5/8-inch iron rod bears South 15°11' West, 10.7 feet, having the coordinates X=3,094,013.29 and Y=13,852,269.47;
- (3) **THENCE** North 87°54'53" East, a distance of 1,108.02 feet with the south right-of-way line of said West 12th Street and the north line of said Tract One to a 5/8-inch iron rod with cap stamped "RPLS 5485" set marking the intersection of the south right-of-way line of said West 12th Street and the west right-of-way line of said Penner Street at the

Exhibit A
MSD 217

9.1677 Acres
John Reinerman Survey, A-642

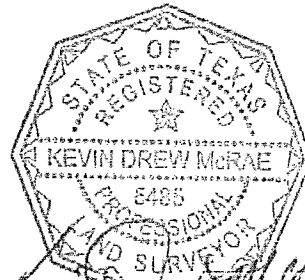
northeast corner of said Tract One and the herein described tract of land, having the coordinates X=3,095,120.31 and Y=13,852,309.78;

- (4) **THENCE** South 02°04'27" East, a distance of 350.00 feet with the west right-of-way line of said Penner Street and the east line of said Tract One and Tract Two to the **POINT OF BEGINNING** and containing 9.1677 acres (399,343 Square Feet) of land.

This description accompanies an exhibit, prepared by KM Surveying, LLC, dated September 8, 2011 and is for informational purposes only and is not to be used for the conveyance of real property.

KM SURVEYING, LLC

Kevin Drew McRae, R.P.L.S.
Texas Registration No. 5485
24200 Southwest Freeway, Ste. 402-253
Rosenberg, Tx 77471



Kevin Drew McRae
9/9/11

Date: 09/08/2011 jm
Job No: 2007-1101
File No: C:\documents\technical\2007-1101EHDA01.doc

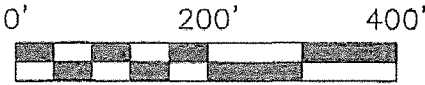
Exhibit H
MSD 217

LEGEND

NOTES:

1. THE BASIS OF BEARINGS SHOWN HEREON IS REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, 1983, SOUTH CENTRAL ZONE (4204), AS DERIVED FROM GPS OBSERVATIONS.
2. THE COORDINATES SHOWN HEREON ARE TEXAS SOUTH CENTRAL ZONE NO. 4204 STATE PLANE GRID COORDINATES, NORTH AMERICA DATUM OF 1983 (NAD 83) 2001 ADJUSTMENT, AND MAY BE CONVERTED TO SURFACE BY APPLYING A COMBINED SCALE FACTOR OF 0.99989593068.
3. A METES & BOUNDS DESCRIPTION ACCOMPANIES THIS EXHIBIT BY SEPARATE INSTRUMENT.
4. THIS EXHIBIT IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT TO BE USED FOR THE CONVEYANCE OF REAL PROPERTY.

A	ABSTRACT
CM	CONTROL MONUMENT
H.C.D.R.	HARRIS COUNTY DEED RECORDS
H.C.C.F. NO.	HARRIS COUNTY CLERK'S FILE NUMBER
IP	IRON PIPE
IR	IRON ROD
O.P.R.O.R.P.	OFFICIAL PUBLIC RECORDS OF REAL PROPERTY
R.O.W.	RIGHT-OF-WAY
SQ.FT.	SQUARE FEET
W/	WITH
FND TxDOT	FND 5/8" IR W/TxDOT ALUMINUM CAP

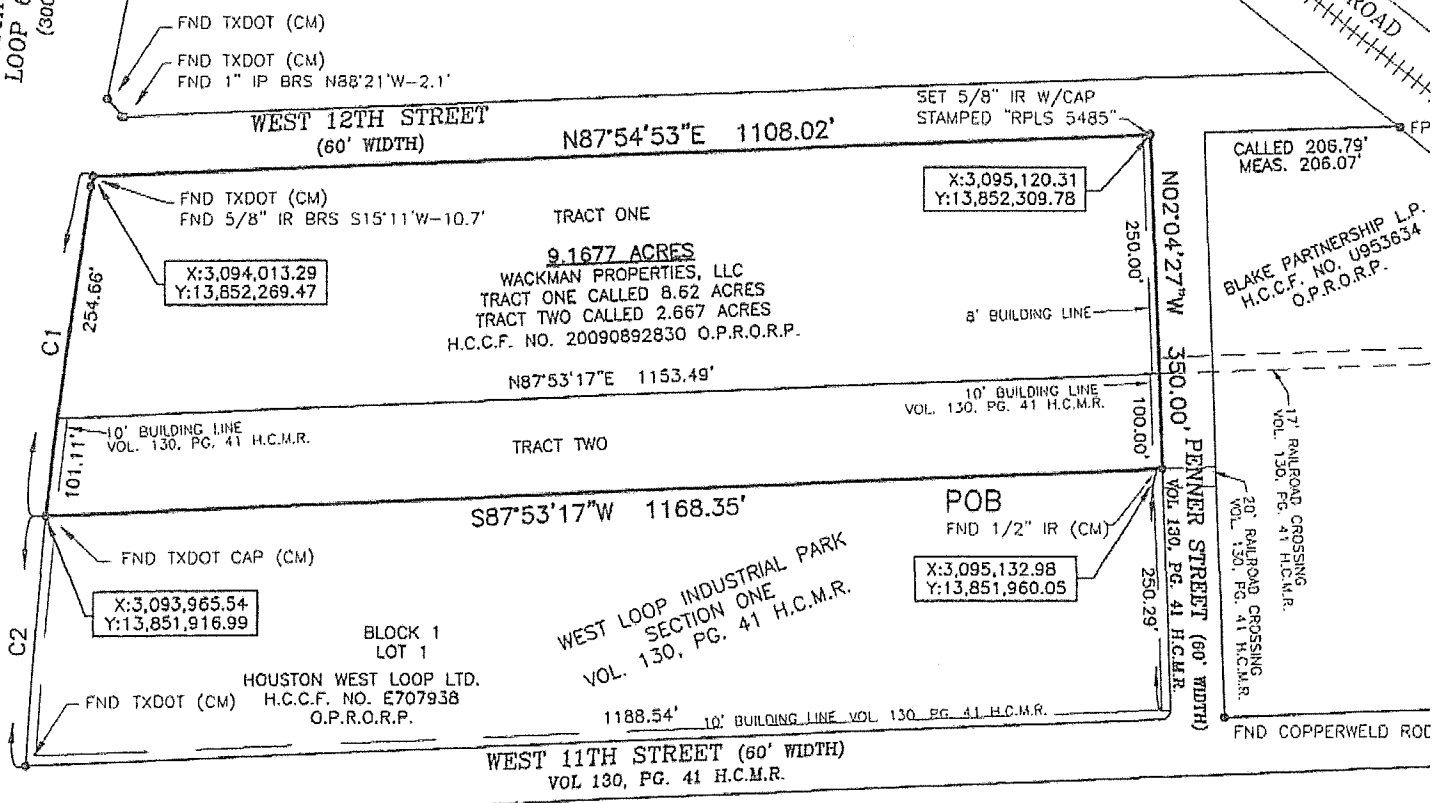


CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	355.77'	5554.58'	03°40'11"	N07°41'27"E	355.71'
C2	261.01'	5554.58'	02°41'33"	S04°30'35"W	260.99'

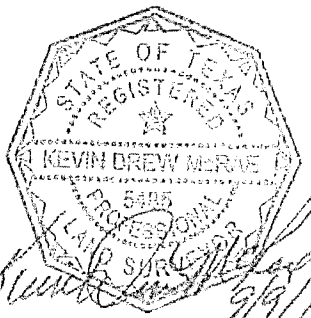
INTERSTATE HWY WEST LOOP 610 NORTH (300' width)

HEMPSTEAD HIGHWAY
SOUTHERN PACIFIC RAILROAD
(600' R.O.W.)

STAUFFER CHEMICAL CO.
TO
ATKEMIX THIRTY SEVEN, INC.
H.C.C.F. NO. L434892 O.P.R.O.R.P.



WEST LOOP COMMERCE CENTER
RESERVE "A" BLOCK 1
VOL. 429, PG. 122 H.C.M.R.



PROJECTS: 2007 TERRACON, MSAL 2007-1101A DRAWINGS 7-1101EHDA01 BY: KM

EXHIBIT OF "DESIGNATED PROPERTY"
9.1677 ACRES (399,343 SQ. FT.)
JOHN REINERMAN LEAGUE, A-642
HARRIS COUNTY, TEXAS

KM Surveying, LLC
24200 SOUTHWEST FREEWAY-STE 402-253
ROSENBERG, TEXAS 77471
713-806-3435

DATE: SEPT. 8, 2011
JOB NO.: 2007-1101
DRAWING NO.: 2007-1101EHDA01
SCALE: 1" = 200'
SHEET 1 OF 1

NO.	REVISION	DATE	BY

SURVEYED BY: KM
DRAWN BY: JM
APPROVED BY: KM

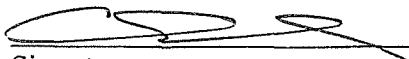
Exhibit B
Municipal Setting Designation
Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Chris Wackman, as an authorized representative of Wackman Properties LLC, 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.


Signature

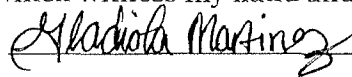
Date: 9-4-2012

Chris Wackman
Printed Name

Title

STATE OF Texas
COUNTY OF Harris

SUBSCRIBED AND SWORN before me on this the 4 day of September 2012, to which witness my hand and seal of office.


Notary Public in and for the State of Texas

