

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*

October 10, 2012

Mr. Jeffrey Brown  
Director – Environmental Affairs  
Safeway, Inc.  
5918 Stoneridge Mall Road  
Pleasanton, California 94588

RE: Municipal Setting Designation (MSD) Certificate for Dilley Cleaners, 1304  
Blalock Road, Houston, Harris County, Texas; MSD No. 208

Dear Mr. Brown:

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) 239-6753 or via e-mail ([Joseph.Bell@tceq.texas.gov](mailto:Joseph.Bell@tceq.texas.gov)).

Sincerely,

A handwritten signature in cursive script that reads "Joe Bell".

Joe Bell, P.G., Project Manager  
VCP-CA Section  
Remediation Division

JNB/jdm

Enclosure: MSD Certificate No. 208

cc: Mr. Michael Marcon, InControl Technologies, Inc., 3845 FM 1960 West,  
Suite 195, Houston, Texas 77068

Ms. Nicole Bealle, R-12 Waste Section Manager, Houston, MC-R12

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. 208, 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 18<sup>th</sup> day of September, 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

## Legal Description

A 5.028 acre tract of land out of the East Quarter of Lot 11 of the THOMAS A. HOSKINS SURVEY, A-342, Harris County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found at the intersection of the South right-of-way line of Westview Drive, based on a width of 80 feet, with the West right-of-way line of Adkins Road, based on a width of 60 feet;

THENCE South 00 deg. 29 min. 35 sec. West, along the West right-of-way line of Adkins Road, a distance of 643.273 feet to a 5/8 inch iron rod for corner;

THENCE West, a distance of 382.20 feet to a 5/8 inch iron rod for corner in the East right-of-way line of Blalock Drive Extension, based on a width of 100 feet, said point being in a curve of the left whose radius is 1195.92 feet;

THENCE along the East right-of-way line of Blalock Drive Extension, following said curve to the left whose radius is 1195.92 feet, having a central angle of 14 deg. 18 min. 11 sec., a distance of 298.54 feet to a 5/8 inch iron rod for corner;

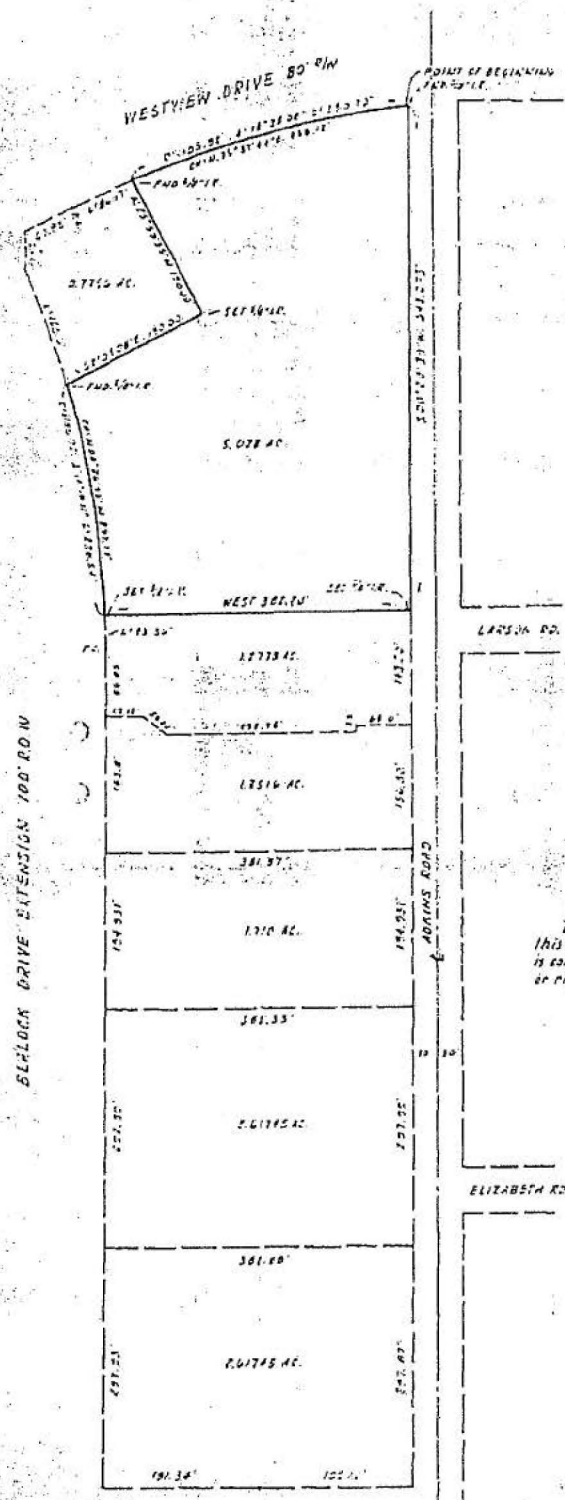
THENCE North 62 deg. 03 min. 08 sec. East, a distance of 190.00 feet to a 5/8 inch iron rod for corner;

THENCE North 25 deg. 59 min. 35 sec. West, a distance of 190.00 feet to a 5/8 inch iron rod for corner in the South right-of-way line of Westview Drive, said point being a curve to the right whose radius is 1105.92 feet;

THENCE along the South right-of-way line of Westview Drive, following said curve to the right whose radius is 1105.92 feet, having a central angle of 18 deg. 38 min. 08 sec., a distance of 359.70 feet to the POINT OF BEGINNING and containing 219,009 square feet or 5.028 acres.

Exhibit "A"

Exhibit "A"



The undersigned does hereby certify that a survey was this day made on the property legally described herein and is correct and that there are no encroachments of easements or rights-of-way except as shown.

Dated this 26<sup>th</sup> day of Nov, 1985.

Signed Ralph C. Hilton  
Registered Public Surveyor, No. 199

SKETCH OF SURVEY  
OF  
5.028 AC. IN THE E. QUARTER OF LOT 11  
OF THE THOMAS A. HOSKINS SURV. 342  
MEERIS COUNTY, TX.  
SCALE: 1"=100' NOV. 26, 1985

RALPH C. HILTON  
CONSULTING ENGINEER

MSD ~ ~ ~  
Exhibit "A"



Legend

— Proposed MSD boundary

- A: 29° 47' 36.57" N 95° 31' 16.71" W
- B: 29° 47' 37.28" N 95° 31' 13.51" W
- C: 29° 47' 30.98" N 95° 31' 13.44" W
- D: 29° 47' 30.89" N 95° 31' 17.86" W
- E: 29° 47' 33.66" N 95° 31' 18.27" W
- F: 29° 47' 34.60" N 95° 31' 16.37" W



**InControl Technologies, Inc.**  
3845 FM 1960 W, Suite 195  
Houston, Texas 77068  
(281) 580-8892 FAX (281) 580-8853

**GPS Coordinates**

CLIENT: Safeway, Inc.		PM: MFM
LOCATION: Dilley Cleaners 1304 Blalock, Houston, Texas		CHECKED:
DETAILED: CP	DESIGNED: 7/5/2011	PROJECT NO: 421-102
		FIGURE: 3a

**Exhibit B**  
**Municipal Setting Designation**  
**Affidavit of Eligibility**

BEFORE ME, the undersigned authority, on this day personally appeared  
Jeffrey Brown, as an authorized representative of  
Randall's Food & Drug LP, 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.

Jeffrey Brown  
Signature

Date: 5/30/2012

Jeffrey Brown

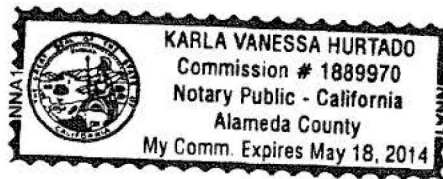
Printed Name

Director, Environmental Affairs

Title

STATE OF California

COUNTY OF Alameda



SUBSCRIBED AND SWORN before me on this the 30 day of  
May 2012, to which witness my hand and seal of office.

Karla Vanessa Hurtado  
Notary Public in and for the State of California