

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 20, 2016

Mr. Charles Gurney, Director of Environmental Management
Weingarten Realty Investors
2600 Citadel Plaza Drive, Suite 300
Houston, TX 77008

Re: Municipal Setting Designation (MSD) Certificate for Weingarten Realty, Westhill Village Shopping Center, 7547 Westheimer Road, Houston, Harris County, TX; MSD No. 295; Customer No. CN600134035; Regulated Entity No. RN102511581

Dear Mr. Gurney:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced Municipal Setting Designation (MSD) application on July 27, 2015 and additional information supporting this MSD application on September 21, 2016. 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) 239-2241 or via e-mail at (chris.swiderski@tceq.texas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Swiderski".

Chris Swiderski, Project Manager
VCP-CA Section
Remediation Division

CS/jdm

cc: Mr. Bryan Gay, ESE Partners, LLC, 19416 Park Row, Suite 120, Houston, TX 77084
Mr. Jason Ybarra, Waste Section Manager, TCEQ Houston Region Office, R-12

Enclosure: MSD Certificate

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



MUNICIPAL SETTINGS 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. 295, 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 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 20th day of October, 2016

Beth Seaton

Beth Seaton, Director
Remediation Division
Texas Commission on Environmental Quality

Exhibit B

Municipal Setting Designation

Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Charles Gurney, as an authorized representative of Weingarten Realty Investors, 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.

Charles Gurney
Signature

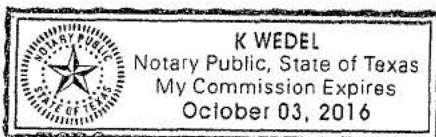
Date: 11-2-15

Charles Gurney
Printed Name

Director, Environmental Management
Title

STATE OF Texas
COUNTY OF HARRIS

SUBSCRIBED AND SWORN before me on this the 2 day of November 2015, to which witness my hand and seal of office.



[Signature]
Notary Public in and for the State of Texas