

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

February 6, 2018

Mr. Mark Gregory, CSP, OHST.
HSE Manager
Kellogg Brown, and Root, LLC.
601 Jefferson Street, KT 3519
Houston, Texas 77062

Re: 900/910 Gemini Site, 900 Gemini Street, Webster, Harris County, Texas; Voluntary Cleanup Program (VCP) No. 532; Regulated Entity No. RN104748579; Customer No. CN603170358, TX; Municipal Setting Designation (MSD) No. 349

Dear Mr. Gregory:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced Municipal Setting Designation (MSD) application on February 1, 2017 and additional information supporting this MSD application on May 31, 2017, October 9, 2017, and November 15, 2017. 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) 239-2445 or via e-mail (Otu.Ekpo-Otu@tceq.texas.gov).

Sincerely,



Otu Ekpo-Otu, P.G., Project Manager
VCP-CA Section
Remediation Division

OE/jdm

cc: 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):

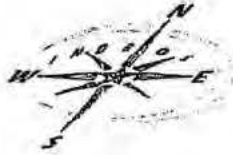
I, Beth Seaton, Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 349, in the City of Webster, for the tract of land described in Exhibit "A". The eligibility requirements of Texas Health and Safety Code §361.803 are satisfied as attested to by the affidavit 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 1st day of February, 2018

Beth Seaton

Beth Seaton, Director
Remediation Division
Texas Commission on Environmental Quality



Windrose Land Services, Inc

3200 Wilcrest Dr., Suite 325

Houston, Texas 77042

Phone (713) 458-2281 Fax (713) 461-1151

Professional Development Consultants

Land Surveying, Platting, Project Management and GIS Services

DESCRIPTION

5.4441 ACRES OR 237,145 SQ. FT.

A TRACT OR PARCEL OF LAND CONTAINING 5.4441 ACRES OR 237,145 SQUARE FEET, BEING ALL OF LOT 4, BLOCK 17, CLEAR LAKE CITY INDUSTRIAL PARK SECTION A, VOL. 100, PG. 49, HARRIS COUNTY MAP RECORDS (H.C.M.R.) AND ALL OF A CALLED 2.9942 ACRE TRACT CONVEYED TO ROSS NICHOLSON 2000 SEPARATE PROPERTY TRUST DATED 2-9-2000 (CALLED TRACT II), AS RECORDED UNDER HARRIS COUNTY CLERK'S FILE (H.C.C.F.) NO. 20060141967, SITUATED IN THE SARAH DEEL LEAGUE, ABSTRACT NUMBER 13, AND THE ROBERT W. WILSON LEAGUE, ABSTRACT NUMBER 88, HARRIS COUNTY, TEXAS, SAID 5.4441 ACRE TRACT DESCRIBED AS FOLLOWS WITH ALL BEARING BASED ON RECORDED PLAT OF SAID CLEAR LAKE CITY INDUSTRIAL PARK SECTION A:


BEGINNING AT A 5/8" IRON ROD FOUND ON THE SOUTHERLY RIGHT-OF-WAY (R.O.W.) LINE OF GEMINI AVENUE (80" R.O.W.), VOL. 100, PG. 49, H.C.M.R., MARKING THE WEST CORNER OF A CALLED 2.9942 ACRE TRACT OF LAND (CALLED TRACT III) CONVEYED TO ROSS NICHOLSON 200 SEPARATE PROPERTY TRUST DATED 2-9-2000 AS RECORDED UNDER H.C.C.F. NO. 20060141967, THE NORTH CORNER OF SAID TRACT II, AND THE NORTH CORNER OF THE HEREIN DESCRIBED TRACT:

THENCE, DEPARTING SAID SOUTHERLY R.O.W. LINE, ALONG THE COMMON LINE OF SAID TRACT II AND SAID TRACT III, SOUTH 15 DEG. 13 MIN. 10 SEC. EAST, A DISTANCE OF 483.97 FEET TO A POINT ON THE NORTHWESTERLY LINE OF A TRACT OF LAND CONVEYED TO HARRIS COUNTY FLOOD CONTROL DISTRICT AS RECORDED UNDER H.C.C.F. NO. E612967, MARKING THE EAST CORNER OF SAID TRACT II, THE SOUTH CORNER OF SAID TRACT III, AND THE EAST CORNER OF THE HEREIN DESCRIBED TRACT:

THENCE, DEPARTING SAID COMMON LINE, ALONG THE COMMON LINE OF SAID HARRIS COUNTY FLOOD CONTROL DISTRICT TRACT AND SAID TRACT II, SOUTH 74 DEG. 46 MIN. 50 SEC. WEST, PASS AT A DISTANCE OF 265.00 FEET THE SOUTH CORNER OF SAID TRACT II, AND THE EAST CORNER OF SAID LOT 4, FROM WHICH A CAPPED 5/8" IRON ROD STAMPED "SURVCON" FOUND BEARS FOR REFERENCE SOUTH 56 DEG. 44 MIN. 50 SEC. EAST, A DISTANCE OF 2.83 FEET, AND CONTINUING FOR A TOTAL DISTANCE OF 490.00 FEET TO A POINT ON THE NORTHEASTERLY LINE OF SAID HARRIS COUNTY FLOOD CONTROL DISTRICT TRACT, MARKING THE SOUTH CORNER OF SAID LOT 4, AND THE SOUTH CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A 5/8" IRON ROD FOUND BEARS FOR REFERENCE SOUTH 47 DEG. 49 MIN. 10 SEC. EAST, A DISTANCE OF 3.29 FEET:

THENCE, DEPARTING SAID COMMON LINE, ALONG THE COMMON LINE OF SAID LOT 4 AND SAID HARRIS COUNTY FLOOD CONTROL DISTRICT TRACT, NORTH 15 DEG. 13 MIN. 10 SEC. WEST, A DISTANCE OF 483.97 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF SAID GEMINI AVENUE, MARKING THE WEST CORNER OF SAID LOT 4, AND THE WEST CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A 1/2" IRON ROD FOUND BEARS FOR REFERENCE SOUTH 83 DEG. 51 MIN. 16 SEC. EAST, A DISTANCE OF 0.54 FEET:

THENCE, DEPARTING SAID COMMON LINE, ALONG SAID SOUTHEASTERLY R.O.W. LINE OF GEMINI AVENUE, NORTH 74 DEG. 46 MIN. 50 SEC. EAST, PASS AT A DISTANCE OF 225.00 A CAPPED 5/8" IRON ROD STAMPED "TERRA" FOUND MARKING THE NORTH CORNER OF SAID LOT 4, AND THE WEST CORNER OF SAID TRACT II, AND CONTINUING FOR A TOTAL DISTANCE OF 490.00 FEET TO THE PLACE OF BEGINNING AND CONTAINING 5.4441 ACRES OR 237,145 SQUARE FEET OF LAND, AS SHOWN ON JOB NUMBER 49671, FILED IN THE OFFICES OF WINDROSE LAND SERVICES, INC. THIS DESCRIPTION IS NOT FOR CONVEYANCE PURPOSES.


MIKE KURKOWSKI
R.P.L.S. NO. 5101
STATE OF TEXAS



10-26-12
DATE



NORTH

SCALE: 1" = 100'

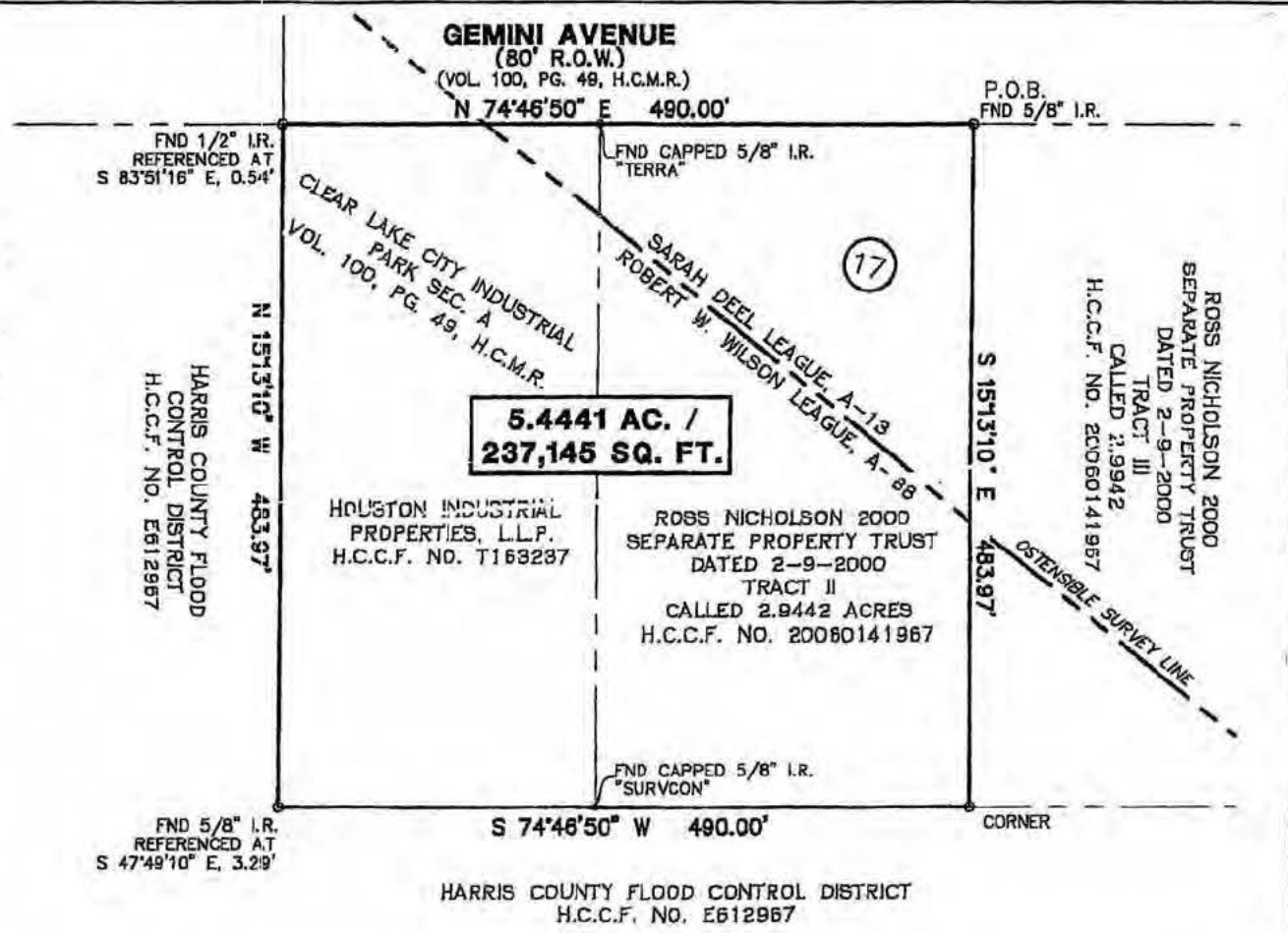
NOTES:

SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY. THIS EXHIBIT WAS PREPARED WITHOUT A TITLE COMMITMENT AND MAY NOT REFLECT ALL EASEMENTS, BUILDING LINES, AND OTHER ENCUMBRANCES.

THIS EXHIBIT IS ACCOMPANIED BY A SEPARATE METES AND BOUNDS DESCRIPTION. (SEE SHEET 2)

ALL BEARINGS ARE BASED ON THE RECORDED PLAT OF CLEAR LAKE INDUSTRIAL PARK, SEC. A, VOL. 100 PG. 49, H.C.M.R.

**EXHIBIT OF
5.441 AC. / 237,145 SQ. FT.
OUT OF CLEAR LAKE
INDUSTRIAL PARK, SEC. A,
VOL. 100, PG. 49, H.C.M.R.
SITUATED IN THE SARAH
DEEL LEAGUE, A-13, AND THE
ROBERT W. WILSON LEAGUE,
A-88, HARRIS COUNTY, TEXAS**



FILED BY:	MD	JOB NO.	48871
DRAWN BY:	DH	REV:	
CHECKED BY:	MJK	SHEET 1 OF 2	
DATE:	11/13/2012		



Windrose Land Services, Inc.
3200 Wilcrest Dr. Suite 325
Houston, Texas 77042
Phone (713) 458-2281 Fax (713) 461-1151
Professional Development Consultants

Exhibit B

Municipal Setting Designation

Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Mark Gregory, as an authorized representative of Kellogg Brown and Root, 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.

Mark Gregory
Signature

Date: 1/23/17

Mark Gregory, CSP, OHST

Printed Name

HSE Manager

Title

STATE OF Texas

COUNTY OF Harris

SUBSCRIBED AND SWORN before me on this the 23rd day of JANUARY 2017, to which witness my hand and seal of office.

H. Williams III

Notary Public in and for the State of Texas

