

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*

September 6, 2012

Mr. Clay Campbell, Owner  
Irvington Holdings LLC  
9095 Emmot Road  
Houston, Texas 77040

RE: Municipal Setting Designation (MSD) Certificate for Irvington Holdings, LLC, 9095 Emmott Rd, Houston, Harris County, Texas; MSD No. 188

Dear Mr. Campbell:

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) 239-2960 or via e-mail ([pindy.lall@TCEQ.Texas.gov](mailto:pindy.lall@TCEQ.Texas.gov)).

Sincerely,

A handwritten signature in cursive script that reads "P Lall".

Pindy Lall, Project Manager  
VCP-CA Section  
Remediation Division

PL/mdh

Enclosure: MSD Certificate No. 188

cc: Ms. Nicole Bealle, Waste Section Manager, TCEQ Region 12 Office,  
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. 188, 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 28<sup>th</sup> day of August, 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

Exhibit "A"

METES AND BOUNDS DESCRIPTION

March 11, 2011

3.0959 acres (134,856 square feet) of land in the J. S. Collins Survey, Abstract No. 196, Harris County, Texas, being the same tract of land conveyed to Irvington Holdings, L.L.C. in deed filed for record under Harris County Clerk's File No. 20070068126, being the same tract of land conveyed by Houston Belt and Terminal Railway Company to Hatheway Patterson Corporation in deed filed for record under Harris County Clerk's File No. M669160, and being more particularly described as follows:

COMMENCING at the southeast corner of a tract of land conveyed to Concrete Pipe & Products Co., Inc. in deed filed for record under Harris County Clerk's File No. S526040, said point being in the west right-of-way line of Irvington Boulevard, 100 feet wide;

THENCE N.0°16'56"E. 233.73 feet along the west right-of-way line of said Irvington Boulevard, same being the east line of said Concrete Pipe & Products Co., Inc. tract, to the PLACE OF BEGINNING of the herein described tract of land;

THENCE N.89°43'04"W. 450.00 feet along the south line of the herein described tract of land, same being an interior line of said Concrete Pipe & Products Co., Inc. tract;

THENCE N.0°16'56"E. 299.68 feet along the west line of the herein described tract of land, same being an interior line of said Concrete Pipe & Products Co., Inc. tract, to a 5/8 inch iron rod with a plastic cap stamped "E.I.C. SURVEYING CO." found for the northwest corner of the herein described tract of land;

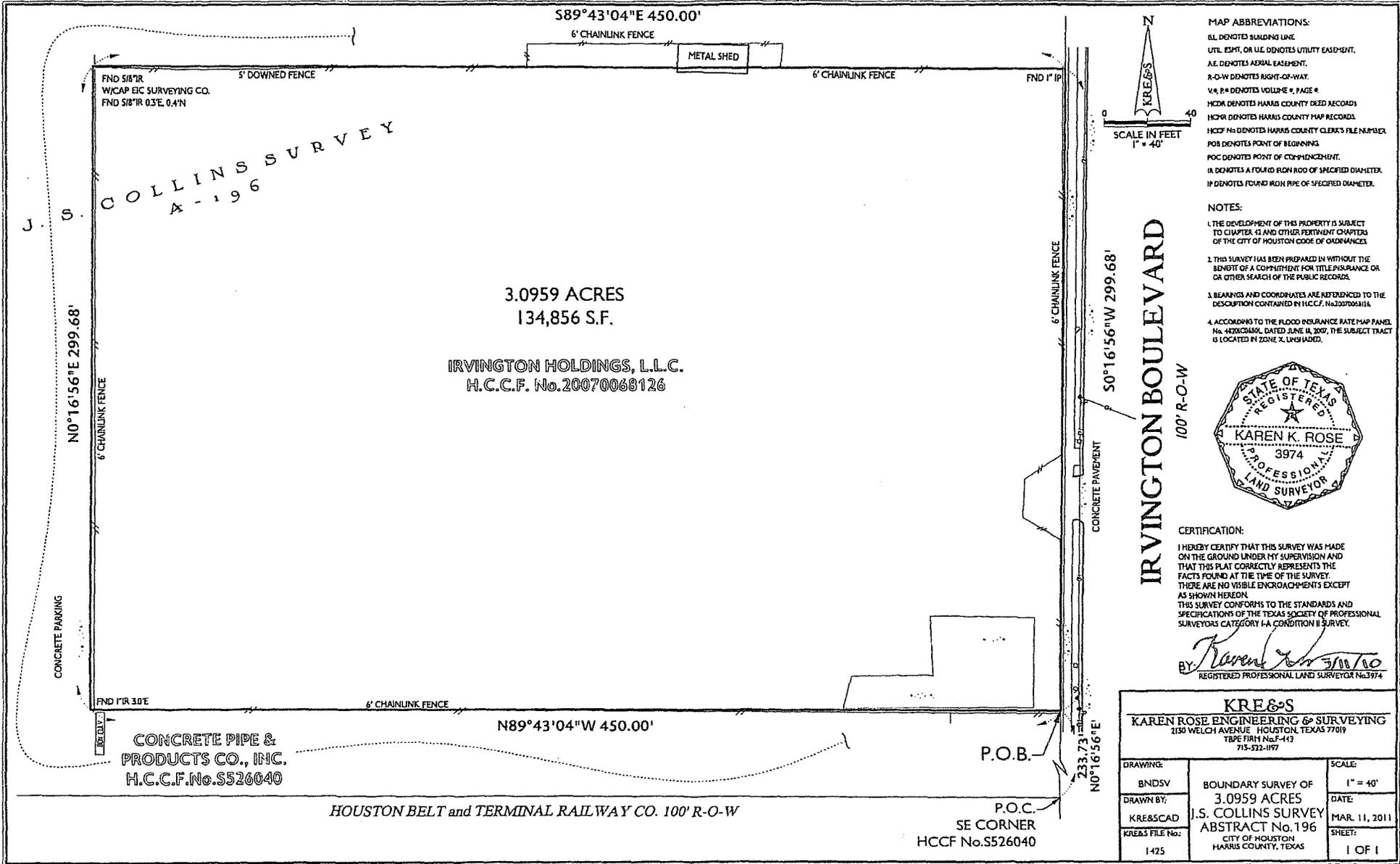
THENCE S.89°43'04"E. 450.00 feet along the north line of the herein described tract of land, same being an interior line of said Concrete Pipe & Products Co., Inc. tract, to a 1 inch iron pipe found in the west right-of-way line of said Irvington Boulevard, for the northeast corner of the herein described tract of land;

THENCE S.0°16'56"W. 299.68 feet along the west right-of-way line of said Irvington Boulevard to the PLACE OF BEGINNING of the herein described tract of land.

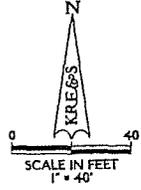
des1425-1



KAREN ROSE ENGINEERING & SURVEYING



- MAP ABBREVIATIONS:
- BL DENOTES BUILDING LINE
  - UTL. ESMT. OR U.L. DENOTES UTILITY EASEMENT.
  - A.E. DENOTES AERIAL EASEMENT.
  - R-O-W DENOTES RIGHT-OF-WAY.
  - V. & P. DENOTES VOLUME & PAGE #
  - H.C.M. DENOTES HARRIS COUNTY DEED RECORDS
  - H.C.M.R. DENOTES HARRIS COUNTY MAP RECORDS
  - H.C.C.F. No. DENOTES HARRIS COUNTY CLERK'S FILE NUMBER.
  - P.O.B. DENOTES POINT OF BEGINNING
  - P.O.C. DENOTES POINT OF COMMENCEMENT.
  - I.R. DENOTES A FOUR-D ROLL ROD OF SPECIFIED DIAMETER.
  - I.P. DENOTES FOUND IRON PIPE OF SPECIFIED DIAMETER.



- NOTES:
1. THE DEVELOPMENT OF THIS PROPERTY IS SUBJECT TO CHAPTER 43 AND OTHER PERTINENT CHAPTERS OF THE CITY OF HOUSTON CODE OF ORDINANCES
  2. THIS SURVEY HAS BEEN PREPARED IN WITHOUT THE BENEFIT OF A COMMITMENT FOR TITLE INSURANCE OR AN OTHER SEARCH OF THE PUBLIC RECORDS.
  3. BEARINGS AND COORDINATES ARE REFERENCED TO THE DESCRIPTION CONTAINED IN H.C.C.F. No. 20070068126
  4. ACCORDING TO THE FLOOD INSURANCE RATE MAP PANEL No. 420204650, DATED JUNE 11, 2007, THE SUBJECT TRACT IS LOCATED IN ZONE X UNSHADED.



CERTIFICATION:  
 I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THE SURVEY. THERE ARE NO VISIBLE ENCROACHMENTS EXCEPT AS SHOWN HEREON. THIS SURVEY CONFORMS TO THE STANDARDS AND SPECIFICATIONS OF THE TEXAS SOCIETY OF PROFESSIONAL SURVEYORS CATEGORY I-A CONDITION II SURVEY.

BY: *Karen K. Rose* 3/11/10  
 REGISTERED PROFESSIONAL LAND SURVEYOR No. 3974

<b>KRE&amp;S</b> KAREN ROSE ENGINEERING & SURVEYING 2130 WELCH AVENUE HOUSTON, TEXAS 77019 TYPE FIRM No. F-113 713-522-1177		
DRAWING: BNDSV	BOUNDARY SURVEY OF 3.0959 ACRES J.S. COLLINS SURVEY ABSTRACT No. 196 CITY OF HOUSTON HARRIS COUNTY, TEXAS	SCALE: 1" = 40'
DRAWN BY: KRE&SCAD		DATE: MAR. 11, 2011
KRE&S FILE No.: 1425		SHEET: 1 OF 1

EXHIBIT A

GREEN

# Exhibit B

## Municipal Setting Designation

### Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Clayton Campbell, as an authorized representative of Invington Holdings Inc., 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:

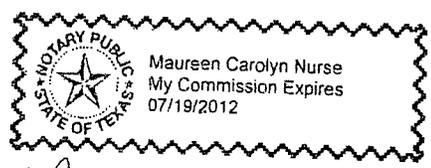
I am over the age of 18 and legally competent to make this affidavit. I have personal knowledge of the facts stated herein.

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  
Clayton Campbell  
 Printed Name  
President  
 Title

Date: 6-15-12



STATE OF TEXAS  
 COUNTY OF HARRIS

Maureen Carolyn Nurse

SUBSCRIBED AND SWORN before me on this the 15<sup>th</sup> day of JUNE 2012, to which witness my hand and seal of office.

MAUREEN CAROLYN NURSE  
 Notary Public in and for the State of TEXAS