

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

March 12, 2013

Mr. David McQuade, Environmental Manager
Targa Resources Partners, LP
1000 Louisiana Street, Suite 4300
Houston, Texas 77002

RE: Municipal Setting Designation (MSD) Certificate for Former Flex Tank Facility, 16514 De Zavalla Road, Channelview, Harris County, TX; MSD No. 189

Dear Mr. McQuade:

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 (Richard.Goldsmith@TCEQ.Texas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "R. Stuart Goldsmith".

R. Stuart Goldsmith, Project Manager
VCP-CA Section
Remediation Division

RSG/mdh

Enclosure: MSD Certificate No. 189

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. 189, in the City of Channelview, 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 4th day of March, 2013



Zak Covar
Executive Director
Texas Commission on Environmental Quality

EXHIBIT "A"

A TRACT OR PARCEL OF LAND CONTAINING 6.75635 ACRES LOCATED IN THE HARRIS AND CARPENTER SURVEY, ABSTRACT NO. 28, HARRIS COUNTY, TEXAS, ALSO BEING THE NORTH 6.75635 ACRE TRACT OUT OF AND PART OF THAT TRACT OF LAND CONVEYED TO KOCH FUELS, INC. PER INSTRUMENT DATED DECEMBER 29, 1983 AND FILED FOR RECORD IN THE OFFICE OF REAL PROPERTY UNDER HARRIS COUNTY CLERK'S FILE NO. J-300043, FILM CODE NO. 069-81-0845, SAID 6.75635 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS TO-WIT:

BEGINNING at ½ inch iron rod found for the Northwest corner of the National Marine Service, Inc. tract described per instrument filed for record in the Office of Real Property under Harris County Clerk's File No. D-338078, the Northeast corner of the original T.L. James and Company, Inc. 20.246 acre tract conveyed by Jacintoport Corporation to T.L. James and Company, Inc. per instrument dated March 5, 1979 and recorded in the Office of Real Property Records under Harris County Clerk's File No. F-994646, Film Code No. 122-81-2205, same being the Northeast corner of the herein described tract of land;

THENCE South 23° 44' 59" West along and with the West line of the said National Marine Service, Inc. tract at 108.18 ft. pass a ½ inch iron rod set in the South line of a 76.63 foot wide road easement, at 640.78 ft. pass a ½ inch iron rod found 0.90 ft. right of line in all a total distance of 708.18 ft. to a point for the most Southerly Southeast corner of the herein described tract of land, said point for corner also being the most Easterly Northeast corner of a 7.394 acre tract conveyed by Koch Fuels, Inc. to Channelview Terminal Corporation Class 2 Creditors trust per instrument recorded in the Office of Real Property under Harris County Clerk's File No. J-470318 Film Code No. 079-93-0538;

THENCE in a Northerly and Westerly direction along and with the metes and bounds of the common boundary line between the said 7.394 acre tract and the herein described 6.75635 acre tract as follows:

North 66° 15' 01" West 60.00 ft. to a point for corner;

North 23° 44' 59" East at 90.00 ft. pass a ½ inch iron rod found on line, in all a total distance of 234.91 ft. to a ½ inch iron rod found for corner.

North 66° 15' 01" West 388.16 to a ½ inch iron rod found for corner from which a ½ inch iron rod found bears South 81 degrees 10 minutes 09 seconds West 0.70 ft.;

North 23° 44' 59" East 336.80 ft. to an "x" mark found for corner;

North 66° 15' 01" West 79.00 ft. to a ½ inch iron rod set in a North-South chain link fence for the most Westerly common corner of the said 7.394 acre tract and the herein described tract, said ½ inch iron is also in the East line of a 19.98 acre tract conveyed by Jacintoport Corporation to Metal Arts Company per instrument dated September 29, 1975 and filed for record in the Office of Real Property under Harris County Clerk's File NO. E-564058, Film Code 128-13-0134;

THENCE North 23° 44' 59" East, along and with the East line of the said 19.98 acre tract at the 245.79 ft. found a 1-inch galvanized iron pipe on the line near a fence corner and in the South line of a 76.63 foot wide road easement, in all a total distance of 353.97 ft. to a ½ inch iron rod set for the common North corner of the said 19.98 acre tract and the herein described tract of land, said point also being the Northwest corner of the said original T.L. James and Company, Inc. 20.246 acre tract;

THENCE South 43° 53' 27" East, along and with the North line of the said 20.246 acre tract, a total distance of 570.27 ft. to the PLACE OF BEGINNING and containing 6.75635 acres of land and being known as 16514 De Zavalla Road, Channelview, Texas 77530.

Exhibit B
Municipal Setting Designation
Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared DAVID McQUADE, as an authorized representative of TARQA Resources PARTNERS, 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.

David McQuade
Signature

Date: 1/5/12

DAVID McQUADE
Printed Name

Environmental Manager
Title

STATE OF Texas
COUNTY OF Harris

SUBSCRIBED AND SWORN before me on this the 5th day of January 2012, to which witness my hand and seal of office.

Jo Burnette
Notary Public in and for the State of Texas