

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

December 29, 2014

Mr. Mark Joyner  
Environmental Manager  
Texas Port Recycling  
8945 Manchester Street  
Houston, Texas 77012

Re: Municipal Setting Designation (MSD) Certificate for Former Lone Star  
Terminal, 8901 Manchester Street, Houston, Harris County, TX;  
Municipal Setting Designation (MSD) No. 198;

Dear Mr. Joyner:

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) 239-3156 or via e-mail ([james.formby@TCEQ.Texas.gov](mailto:james.formby@TCEQ.Texas.gov)).

Sincerely,

A handwritten signature in black ink, appearing to read "James Formby".

for: James Formby, Project Manager  
VCP-CA Section  
Remediation Division

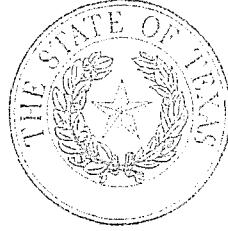
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Enclosure: MSD Certificate No. 198

cc: Ms. Meagan Willis, Weston Solutions, 5599 San Felipe, Suite 700,  
Houston, Texas 77056

Mr. Jason Ybarra, 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, Beth Seaton, Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 198, 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 19<sup>th</sup> day of December, 2014

Beth Seaton

Beth Seaton, Director  
Texas Commission on Environmental Quality

Exhibit A



A tract of land containing 24.101 acres, more or less, being part of and out of a 47.3593 acres of land, and also being described as part of and out of those several tracts described in deeds recorded under Harris County Clerk's File Nos. C876351, C899303, and C603755 of the Official Public Records of Real Property for Harris County (OPRRPHC), in the J. R. Harris Survey, Abstract No. 27, and the Callahan & Vince Survey, Abstract No. 9, in Houston, Harris County, Texas; said 24.101 acres being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8-inch iron rod found marking the Southwesterly corner of TEXAS PORT RECYCLING-MANCHESTER, a subdivision of land according to the map or plat thereof recorded in County Clerk's File No 608018 in the Harris County Map Records (HCMR), on the northerly line of Manchester Avenue (80 feet wide), and being the Southeasterly corner of the herein described tract;

THENCE, S 86 deg. 37' 51" W, along the northerly line of Manchester Avenue, for a distance of 328.02 feet to an "X" set in concrete for corner;

THENCE, N 02 deg. 08' 12" W, for a distance of 523.47 feet to a 5/8-inch iron rod set for an angle point;

THENCE, N 03 deg. 00' 06" W, for a distance of 375.00 feet to an "X" found on top of a 4 foot high wall;

THENCE, S 86 deg. 52' 55" W, for a distance of 601.89 feet to a 5/8-inch iron rod set for corner;

THENCE, N 03 deg. 22' 07" W, for a distance of 349.42 feet to a 5/8-inch iron rod set for an angle point;

THENCE, N 23 deg. 12' 30" E, along the southeasterly line of a "Save and Except" Tract as described in Clerk's File No. G524664 (OPRRPHC), for a distance of 167.64 feet to a 5/8-inch iron rod set for an angle point, same being the Northeast corner of said "Save and Except" Tract;

THENCE, N 03 deg. 38' 07" W, for a distance of 306.15 feet to the Northwest corner of the herein described tract, on the southerly bank of the Houston Ship Channel, from which the corner of a bulkhead bears witness at N 07 deg. 40' 39" W, a distance of 9.87 feet;

THENCE in a general NORTHEASTERLY direction, along the meanders of the southerly bank of the Houston Ship Channel, with calls for course and distance as follows:

N 73 deg. 20' 52" E - 87.48 feet;

N 68 deg. 27' 13" E - 149.98 feet;

N 75 deg. 08' 06" E - 194.96 feet;

N 75 deg. 26' 25" E - 164.08 feet;

N 41 deg. 57' 09" E - 74.44 feet;

and N 79 deg. 12' 25" E - 180.21 feet to a point for corner, same being the Northwest corner of aforesaid TEXAS PORT RECYCLING-MANCHESTER Subdivision;

THENCE, S 03 deg. 25' 00" E, along the westerly line of said TEXAS PORT RECYCLING-MANCHESTER Subdivision, at a distance of 105.67 feet pass a 1/2-inch Galvanized Iron Pipe found for reference inside a 1.5 inch diameter iron pipe, and continuing for a total distance of 1,393.55 feet to a 5/8-inch iron rod found for corner;

THENCE, N 86 deg. 50' 20" E, continuing along a westerly line of said TEXAS PORT RECYCLING-

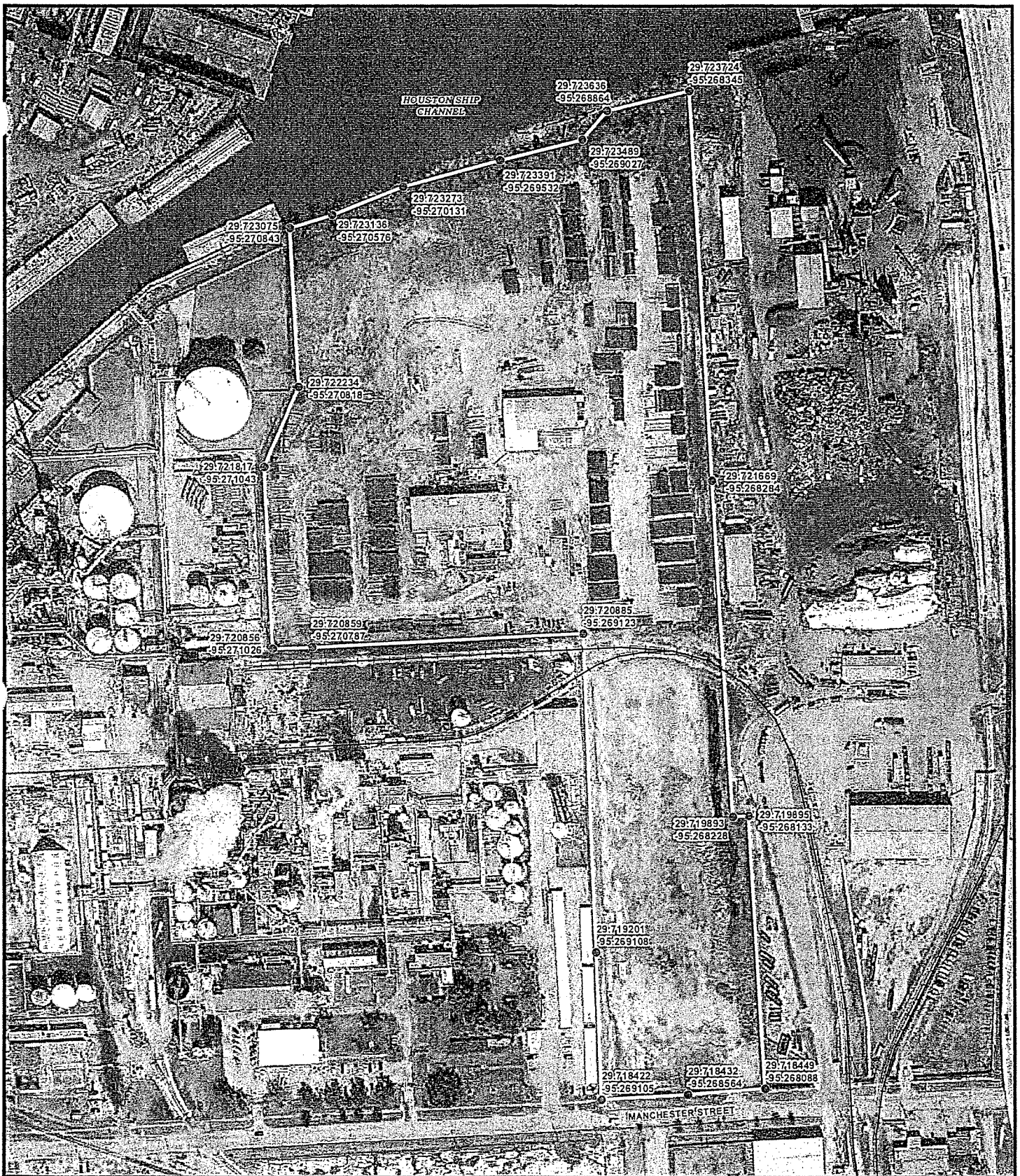
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MANCHESTER Subdivision, for a distance of 30.00 feet to a 5/8-Inch Iron rod found for a re-entrant corner of said subdivision;

THENCE, S 03 deg. 23' 40" E, continuing along a westerly line of said TEXAS PORT RECYCLING-MANCHESTER Subdivision, for a distance of 526.03 feet to the PLACE OF BEGINNING, of a tract containing 24.101 acres of land, more or less, including those areas inundated by the waters of the Houston Ship Channel.

NOTE: This Company does not represent that the above acreage or square footage calculations are correct.

2025-01-21  
11:58 AM



**Legend**

- PROPERTY BOUNDARY POINTS
- RAILROAD
- PROPERTY BOUNDARY

SOURCE: BING AERIAL MAP



**FIGURE 3**  
 SITE BOUNDARY POINTS MAP  
 8901 MANCHESTER ST  
 HOUSTON, HARRIS COUNTY, TEXAS

DATE JAN 2012	PROJECT NO 13752.002.004.0008	SCALE AS SHOWN
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**Exhibit B**  
**Municipal Setting Designation**  
**Affidavit of Eligibility**

BEFORE ME, the undersigned authority, on this day personally appeared Brian Lenihan, as an authorized representative of The Daniel J. Joseph Co. & Texas Port Properties, 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.

Brian Lenihan  
Signature

Date: 11-20-14

Brian Lenihan  
Printed Name

Project Mgr.  
Title

STATE OF Kentucky  
COUNTY OF Jefferson

SUBSCRIBED AND SWORN before me on this the 20 day of November 2014, to which witness my hand and seal of office.

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

*6/17/2014*