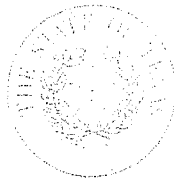


Bryan W. Shaw, Ph.D., *Chairman*  
Carlós Rubínstein, *Commissioner*  
Toby Baker, *Commissioner*  
Zak Covar, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

September 28, 2012

Ms. Anna Russell, City Secretary  
City of Houston  
P.O. Box 1562  
Houston, TX 77251

RE: Municipal Setting Designation (MSD) Certificate for Thermo Electron  
Metallurgical Services, 411 Jackson Hill, Houston, Harris County, Texas;  
MSD No. 203

Dear Ms. Russell:

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) 239-2445 or via e-mail [otu.ekpo-otu@TCEQ.Texas.gov](mailto:otu.ekpo-otu@TCEQ.Texas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Otu Ekpo-Otu".

Otu Ekpo-Otu, Project Manager  
VCP-CA Section  
Remediation Division

OE/jdm

Enclosure: MSD Certificate

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. 203, 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 22<sup>nd</sup> day of August, 20 12

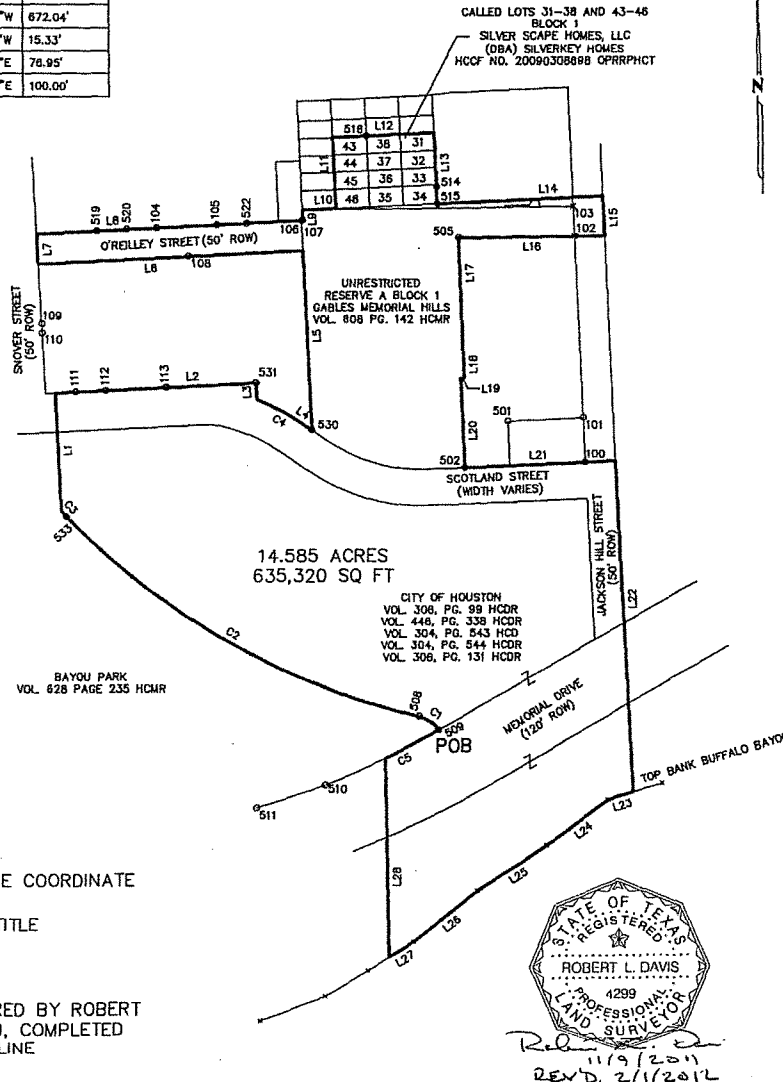
  
\_\_\_\_\_  
Zak Covar  
Executive Director  
Texas Commission on Environmental Quality

200 100 0 200 400

MSD 203 Exhibit A

Point #	Full Description
100	FND 5/8" IR W/CAP STAMPED "CIVIL SURVEY"
101	FND 5/8" IR
102	FND CHISELED PLUS (SCRIBE)
103	FND CHISELED PLUS (SCRIBE)
104	FND 1/2" IRON PIPE
105	FND 1/2" IRON PIPE
108	FND 5/8" IR W/CAP STAMPED "CIVIL SURVEY"
107	FND 5/8" IR W/CAP "NO NAME"
108	FND 1/2" IR W/CAP STAMPED "PRECISION SURVEY"
109	FND 5/8" IR W/CAP STAMPED "RPLS 3974"
110	FND 5/8" IR
111	FND 1/2" IR
112	FND 5/8" IR
113	FND 5/8" IR
501	FND 5/8" IR W/CAP STAMPED "CIVIL SURVEY"
502	FND 5/8" IR
805	FND 3/8" IR W/CAP STAMPED "MILLER SURVEY"
508	FND 5/8" IR BRS. N 47° 00' W, 1.95'
509	FND 5/8" IR
510	FND 5/8" IR
511	FND 5/8" IR
514	FND 5/8" IR
515	FND 5/8" IR BRS. N 74° 07' E, 0.44'
616	FND 5/8" IR W/CAP STAMPED "WINDROSE LAND"
519	FND 5/8" IR W/CAP STAMPED "TSI "
520	FND 5/8" IR
522	FND 1/2" IRON PIPE
530	FND 1/2" IR
531	FND 1X1" IR
533	FND 5/8" IR BRS. N 42° 45' W, 2.70'

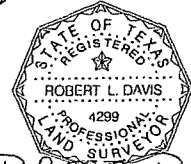
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	38.81'	60.00'	44° 28' 09"	N54° 27' 08"W	37.84'
C2	681.75'	1163.69'	33° 34' 00"	N59° 54' 06"W	672.04'
C3	15.33'	325.33'	2° 42' 00"	N41° 46' 06"W	15.33'
C4	77.13'	328.00'	13° 25' 54"	S62° 09' 39"E	78.95'
C5	100.01'	1850.08'	3° 05' 50"	N63° 00' 55"E	100.00'



Line #	Direction	Length
L1	N2° 20' 51"W	187.71'
L2	N87° 20' 04"E	334.21'
L3	S2° 39' 58"E	27.91'
L4	S55° 23' 24"E	28.07'
L5	N2° 21' 54"W	299.40'
L6	S87° 11' 08"W	440.28'
L7	N2° 39' 56"W	60.00'
L8	N87° 11' 08"E	442.42'
L9	N2° 08' 54"W	17.11'
L10	N87° 23' 05"E	56.25'
L11	N2° 08' 54"W	118.12'
L12	N87° 23' 05"E	168.76'
L13	S2° 08' 54"E	118.12'
L14	N87° 23' 05"E	274.98'
L15	S2° 18' 21"E	67.29'
L16	S89° 28' 16"W	242.44'
L17	S1° 43' 03"E	166.12'
L18	S2° 15' 30"E	67.40'
L19	S87° 44' 30"W	6.02'
L20	S2° 15' 30"E	150.00'
L21	N87° 44' 30"E	250.23'
L22	S2° 18' 21"E	554.31'
L23	S73° 36' 05"W	44.86'
L24	S53° 09' 32"W	127.73'
L25	S57° 10' 36"W	138.94'
L26	S51° 17' 12"W	137.62'
L27	S57° 35' 09"W	49.48'
L28	N0° 00' 00"E	335.64'

- NOTES:
- 1) BEARINGS SHOWN HEREON ARE BASED UPON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, (NAD 83).
  - 2) THIS EXHIBIT WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT.
  - 3) ABSTRACTING SERVICES WERE PERFORMED BY POSTLE PROPERTIES.
  - 4) MSD=MUNICIPAL SETTINGS DESIGNATION.
  - 5) A METES AND BOUNDS DESCRIPTION BASED ON THIS EXHIBIT PREPARED BY ROBERT L. DAVIS, REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSE NO. 4299, COMPLETED IN THE FIELD ON OCTOBER 14, 2011, IS ON FILE IN THE OFFICE OF BASELINE CORPORATION, HOUSTON, TEXAS, UNDER JOB NO. 02.035.14.

**SURVEY EXHIBIT**  
 14.585 ACRES (635,320 SQ. FT.)  
 FOR A  
 MSD BOUNDARY  
 IN THE  
**JOHN AUSTIN SURVEY, A-1**  
 HARRIS COUNTY, TEXAS



REV'D. 2/1/2012

▲ REVISED 02/01/2012 - MISC. REVISIONS PER CLIENT

<b>PROFESSIONAL SURVEYORS</b>	
1702 SEAMIST DRIVE, SUITE #320, HOUSTON, TEXAS 77008	
PHONE (713) 869-0155 FAX (713) 869-1541	
Scale : 1" = 200'	Job No. : 02.035.14
Date : 11/09/2011	FB No. : X-532
Drawn by : CKT	Approved by : RLD

MSD 203  
Exhibit 'A'

MSD BOUNDARY  
14.585 ACRES  
JOHN AUSTIN SURVEY  
ABSTRACT NUMBER 1  
HARRIS COUNTY, TEXAS  
PAGE 1 OF 4

Being a tract or parcel of land containing 14.585 acres (635,320 square feet) of land, located in the John Austin Survey, Abstract No. 1, Harris County, Texas, being part of those certain tracts conveyed to the City of Houston by deeds recorded in Volume 304, Page 544, Volume 304, Page 543, Volume 446, Page 338, Volume 306, Page 99, and Volume 306, Page 131 of the Harris County Deed Records (HCDR), also being all of Gables Memorial Hills Subdivision, according to the map or plat recorded in Volume 608, Page 142 of the Harris County Map Records (HCMR), also being all of Lots 31 through 38 (inclusive) and Lots 43 through 46 (inclusive), Block 1 of Waterhill Homes on Dickson Subdivision, according to the map or plat recorded in Volume 586, Page 2 of said HCMR, said Lots being conveyed to Silver Scape Homes, LLC (DBA) Silverkey Homes by deed recorded under Harris County Clerk's File (HCCF) No. 20090308698 of the Official Public Records of Real Property of Harris County, Texas (OPRRPHCT), and also being parts of Memorial Drive, Scotland Street, O'Reilley Street and Jackson Hill Street. Said 14.585 acre tract being more particularly described as follows (All bearings are based upon the Texas State Plane Coordinate System, South Central Zone, North American Datum of 1983 (NAD 83)):

BEGINNING at a five-eighths inch iron rod found for the most easterly corner of Bayou Park Subdivision, according to the map or plat recorded in Volume 628, Page 235 of said HCMR, being on the northerly right-of-way line of Memorial Drive (120 feet wide) and also being the point of curvature of a non-tangent curve to the left;

THENCE, in a northwesterly direction along the easterly line of said Bayou Park Subdivision, and with said curve to the left, having a radius of 50.00 feet, a central angle of  $44^{\circ} 28' 09''$ , and a chord which bears North  $54^{\circ} 27' 08''$  West for a chord distance of 37.84 feet, a distance along the arc of 38.81 feet to a point of reverse curvature, from which a found five-eighths inch iron rod bears North  $47^{\circ} 00'$  West, a distance of 1.95 feet;

THENCE, continuing in a northwesterly direction along said easterly line of Bayou Park Subdivision, and with said curve to the right, having a radius of 1,163.69 feet, a central angle of  $33^{\circ} 34' 00''$ , and a chord which bears North  $59^{\circ} 54' 06''$  West for a chord distance of 672.04 feet, a distance along the arc of 681.75 feet to a point of compound curvature, from which a found five-eighths inch iron rod bears North  $42^{\circ} 45'$  West, a distance of 2.70 feet;

THENCE, continuing in a northwesterly direction along said easterly line of Bayou Park Subdivision, and with said curve to the right, having a radius of 325.33 feet, a central angle of  $02^{\circ} 42' 00''$ , and a chord which bears North  $41^{\circ} 46' 06''$  West for a chord distance of 15.33 feet, a distance along the arc of 15.33 feet to an angle point;

THENCE, North  $02^{\circ} 20' 51''$  West, continuing along said easterly line of Bayou Park Subdivision, a distance of 197.71 feet to an angle point on the north right-of-way line of Scotland Street (width varies) and the south line of West End Terrace Subdivision, according to the map or plat recorded in Volume 6, Page 19 of said HCMR;

THENCE, North  $87^{\circ} 20' 04''$  East, along said north right-of-way line of Scotland Street and the south line of West End Terrace Subdivision, a distance of 334.21 feet to a one inch by one inch iron bar found for an angle point and common west corner of Tracts 1 and 2 conveyed to

MSD 203  
Exhibit 'A'

MSD BOUNDARY  
14.585 ACRES  
JOHN AUSTIN SURVEY  
ABSTRACT NUMBER 1  
HARRIS COUNTY, TEXAS  
PAGE 2 OF 4

Bronze King Management Company, LLC by deed recorded under HCCF No. 20090144840 of said OPRRPACT;

THENCE, South 02° 39' 56" East, continuing along said north right-of-way line of Scotland Street and the west line of Tract 2, a distance of 27.91 feet to the point of curvature of a non-tangent curve to the right;

THENCE, in a southeasterly direction, continuing along said north right-of-way line of Scotland Street and the south line of said Tract 2, and with said curve to the right, having a radius of 329.00 feet, a central angle of 13° 25' 54", and a chord which bears South 62° 09' 39" East for a chord distance of 76.95 feet, a distance along the arc of 77.13 feet to the point of tangency;

THENCE, South 55° 23' 24" East, continuing along said north right-of-way line of Scotland Street and said south line of Tract 2, a distance of 28.07 feet to a one-half inch iron rod found for the common south corner of said Tract 2 and the aforementioned Gables Memorial Hills Subdivision;

THENCE, North 02° 21' 54" West, along the common line of said Gables Memorial Hills Subdivision and said Tracts 1 and 2, a distance of 299.40 feet to the northeast corner of said Tract 1 and being on the south right-of-way line of O'Reilley Street (50 feet wide);

THENCE, South 87° 11' 08" West, along said south right-of-way line of O'Reilley Street, a distance of 440.26 feet to a point in the east right-of-way line of Snover Street (50 feet wide);

THENCE, North 02° 39' 56" West, along said east right-of-way line of Snover Street, a distance of 50.00 feet to a point in the north right-of-way line of O'Reilley Street;

THENCE, North 87° 11' 08" East, along said north right-of-way line of O'Reilley Street, a distance of 442.42 feet to a five-eighths inch iron rod found in the west line of said Gables Memorial Hills Subdivision;

THENCE, North 02° 08' 54" West, along said west line of Gables Memorial Hills Subdivision, a distance of 17.11 feet to an angle point at the northwest corner of said Gables Memorial Hills Subdivision and the southwest corner of the aforementioned Waterhill Homes on Dickson, Subdivision;

THENCE, North 87° 23' 05" East, along the south line of said Waterhill Homes on Dickson, a distance of 56.25 feet to an angle point at the southwest corner of the aforementioned Lot 46, Block 1 of said Waterhill Homes on Dickson Subdivision;

THENCE, North 02° 08' 54" West, along the west lines of said Lots 46, 45, 44, and 43, Block 1 of said Waterhill Homes on Dickson Subdivision, a distance of 118.12 feet to an angle point at the northwest corner of said Lot 43;

MSD 203  
Exhibit 'A'

MSD BOUNDARY  
14.585 ACRES  
JOHN AUSTIN SURVEY  
ABSTRACT NUMBER 1  
HARRIS COUNTY, TEXAS  
PAGE 3 OF 4

THENCE, North 87° 23' 05" East, along the north lines of said Lots 43, 38, and 31, Block 1 of said Waterhill Homes on Dickson Subdivision, a distance of 168.75 feet to an angle point at the northeast corner of said Lot 31;

THENCE, South 02° 08' 54" East, along the east line of said Lots 31, 32, 33 and 34, Block 1, of said Waterhill Homes on Dickson Subdivision, a distance of 118.12 feet to an angle point at the southeast corner of said Lot 34 and being on the south line of said Waterhill Homes on Dickson Subdivision, from which a found five-eighths inch iron rod bears North 74° 07' East, a distance of 0.44 feet;

THENCE, North 87° 23' 05" East, along the south line of said Waterhill Homes on Dickson Subdivision and an easterly extension thereof, a distance of 274.98 feet to an angle point on the east right-of-way line of Jackson Hill Street (50 feet wide);

THENCE, South 02° 18' 21" East, along said east right-of-way line of Jackson Hill Street, a distance of 67.29 feet to an angle point at the intersection of said east right-of-way line and an easterly extension of the most northerly south line of said Gables Memorial Hills Subdivision and the north line of Council on Alcohol and Drugs Houston Subdivision, a subdivision recorded in Volume 609, Page 182 of said HCMR;

THENCE, South 89° 28' 16" West, partly along said extension and partly along said most northerly south line of said Gables Memorial Hills Subdivision and the north line of Council on Alcohol and Drugs Houston Subdivision, a distance of 242.44 feet to a five-eighths inch iron rod with Miller Survey Group cap found for an interior corner of said Gables Memorial Hills Subdivision and the northwest corner of said Council on Alcohol and Drugs Houston Subdivision;

THENCE, South 01° 43' 03" East, along an east line of said Gables Memorial Hills Subdivision and the west line of said Council on Alcohol and Drugs Houston Subdivision, a distance of 166.12 feet to an angle point;

THENCE, South 02° 15' 30" East, along an east line of said Gables Memorial Hills Subdivision and the west line of said Council on Alcohol and Drugs Houston Subdivision, a distance of 67.40 feet to an angle point;

THENCE, South 87° 44' 30" West, along an east line of said Gables Memorial Hills Subdivision and the west line of said Council on Alcohol and Drugs Houston Subdivision, a distance of 6.02 feet to an angle point;

THENCE, South 02° 15' 30" East, along an east line of said Gables Memorial Hills Subdivision and the west line of said Council on Alcohol and Drugs Houston Subdivision, a distance of 150.00 feet to a five-eighths inch iron rod found for the southeast corner of said Gables Memorial Hills Subdivision and the southwest corner of said Council on Alcohol and Drugs Houston Subdivision, also being on the north right-of-way of Scotland Street;

MSD 203  
Exhibit 'A'

MSD BOUNDARY  
14.585 ACRES  
JOHN AUSTIN SURVEY  
ABSTRACT NUMBER 1  
HARRIS COUNTY, TEXAS  
PAGE 4 OF 4

THENCE, North 87° 44' 30" East, partly along said north right-of-way line of Scotland Street and the south line of said Council on Alcohol and Drugs Houston Subdivision and partly along an easterly extension thereof, a distance of 250.23 feet to an angle point on a southerly extension of the east right-of-way line of Jackson Hill Street;

THENCE, South 02° 18' 21" East, along said southerly extension of said east right-of-way line of Jackson Hill Street, a distance of 554.31 feet to an angle point on the north top of bank of Buffalo Bayou;

THENCE, South 73° 36' 05" West, along the north top of bank of Buffalo Bayou, a distance of 44.86 feet to an angle point;

THENCE, South 53° 09' 32" West, continuing along the north top of bank of Buffalo Bayou, a distance of 127.73 feet to an angle point;

THENCE, South 57° 10' 36" West, continuing along the north top of bank of Buffalo Bayou, a distance of 138.94 feet to an angle point;

THENCE, South 51° 17' 12" West, continuing along the north top of bank of Buffalo Bayou, a distance of 137.62 feet to an angle point;

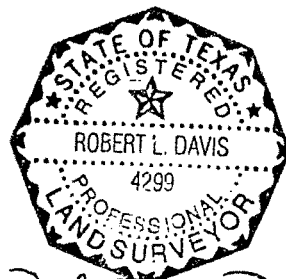
THENCE, South 57° 55' 09" West, continuing along the north top of bank of Buffalo Bayou, a distance of 49.48 feet to an angle point;

THENCE, North, a distance of 335.64 feet to a point intersecting a curve to the left on the north right-of-way line of Memorial Drive;

THENCE, in a northeasterly direction along the north right-of-way line of Memorial Drive, and with said curve to the left, having a radius of 1,850.08 feet, a central angle of 03° 05' 50", and a chord which bears North 63° 00' 55" East for a chord distance of 100.00 feet, a distance along the arc of 100.01 feet to the POINT OF BEGINNING, containing 14.585 acres (635,320 square feet) of land.

This description is based upon an Survey Exhibit performed by Robert L. Davis, Registered Professional Land Surveyor, Texas Registration Number 4299, completed in the field on October 14, 2011, and is on file in the office of Baseline Corporation, Houston, Texas, Job No. 02.035.14.

November 9, 2011  
CKT  
Job No. 02.035.14  
File: H12002\0203514\DATA\DOCUMENTS\14.585 AC.doc



Robert L. Davis  
11/9/2011

# Exhibit B

## Municipal Setting Designation


### Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Mark Rollins, as an authorized representative of Thermo Electron Metallurgical Services, 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.

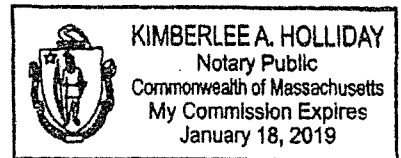
I affirmatively state that (place an X in all applicable blanks)

- 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.

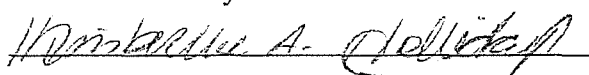
  
 Signature  
Mark Rollins  
 Printed Name  
Corporate GIS Director  
 Title

Date: APRIL 10, 2012

COMMONWEALTH  
STATE OF MASSACHUSETTS  
COUNTY OF MIDDLESEX



SUBSCRIBED AND SWORN before me on this the 10th day of April 2012, to which witness my hand and seal of office.

  
Notary Public in and for the State of MASSACHUSETTS  
COMMONWEALTH