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

April 28, 2016

Mr. Craig Stewart, Director Health, Safety, and Environment Densimix LLC 301 Pigeon Point Road New Castle, DE 19720

Re:

Municipal Setting Designation (MSD) Certificate for Densimix LLC, 13501 Industrial Road, Houston, Harris County, TX, 77015; MSD No. 312; Customer No. CN604261610; Regulated Entity No. RN10088156

Dear Mr. Stewart:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced Municipal Setting Designation (MSD) application on December 11, 2015 and additional information supporting this MSD application on March 16, 2016 and April 15, 2016. 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) 239-1425 or via e-mail paul.gregorio@tceq.texas.gov.

Sincerely,

Paul A. Gregorio, E.I.T., Project Manager

VCP-CA Section

Remediation Division

PAG/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. 312, 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

Beth Seaton, Director Remediation Division

Texas Commission on Environmental Quality



Windrose Land Services, Inc 3200 Wilcrest, 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 OF 16.8939 ACRES OR 735,897 SQUARE FEET

A TRACT OR PARCEL CONTAINING 16.8939 ACRES OR 735,897 SQUARE FEET OF LAND, SITUATED IN THE HARRIS & WILSON SURVEY, ABSTRACT NO. 31, BEING ALL OF A CALLED 1.8264 ACRE (TRACT 1), CALLED 15 ACRES (TRACT 2) AND CALLED 6,760 SQ. FT. (TRACT 3)CONVEYED TO DENSIMIX HOLDING CORPORATION IN H.C.C.F. NO. 20120462106, WITH SAID 16.8939 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BEING BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE 4204, NAD83:

BEGINNING AT A 5/8 INCH IRON ROD FOUND ON THE CURVED NORTHEASTERLY RIGHT-OF-WAY LINE OF INDUSTRIAL ROAD, (CALLED 80' R.O.W.) PER VOL. 379, PG. 44, H.C.M.R., AND VOL. 338, PG. 141, H.C.M.R., MARKING THE SOUTHWEST CORNER OF THE RESIDUE OF A CALLED 40.81 ACRE TRACT I CONVEYED TO WOMBLE COMPANY, INC. IN THAT CERTAIN WARRANTY DEED FILED FOR RECORD UNDER H.C.C.F. NO. T-455362, SAME BEING THE COMMON MOST SOUTHERLY CORNER OF SAID TRACT 2, AND OF THE HEREIN DESCRIBED TRACT;

THENCE IN A NORTHWESTERLY DIRECTION, ALONG THE CURVED NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID INDUSTRIAL ROAD, A DISTANCE OF 444.54 FEET ALONG THE THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 2909.56 FEET, SUBTENDING A CENTRAL ANGLE OF 08 DEG. 45 MIN. 14 SEC., AND HAVING A CHORD BEARING AND DISTANCE OF NORTH 51 DEG. 03 MIN. 22 SEC. WEST, 444.11 FEET TO THE MOST EASTERLY CORNER OF A CALLED 1.973 ACRE (TRACT 3) CONVEYED TO SOUTHERN TUBE, LLC. IN THAT CERTAIN WARRANTY DEED FILED FOR RECORD UNDER H.C.C.F. NO. 20120523640, FROM WHICH A 5/8 INCH IRON ROD FOUND FOR REFERENCE BEARS NORTH 61 DEG. 14 MIN. E, 0.3 FEET;

THENCE LEAVING SAID RIGHT-OF-WAY, NORTH 45 DEG. 54 MIN. 40 SEC. WEST, ALONG AND WITH THE COMMON LINE BETWEEN SAID 15 ACRE TRACT AND SAID 1.973 ACRE TRACT, A DISTANCE OF 762.34 FEET TO A POINT ON THE CALLED EASTERLY HIGHBANK OF GREENS BAYOU, MARKING AN INTERIOR CORNER OF SAID 1.973 ACRE TRACT AND THE COMMON MOST WESTERLY CORNER OF SAID 1.5 ACRE TRACT AND OF THE HEREIN DESCRIBED TRACT:

THENCE IN A NORTHEASTERTLY DIRECTION, ALONG THE CALLED MEANDERS OF GREENS BAYOU AND WESTERLY LINE OF SAID 15 ACRE TRACT AND SAID 1.8264 ACRE TRACT, THE FOLLOWING SIX (6) COURSES AND DISTANCES:

SOUTH 87 DEG. 14 MIN. 35 SEC. EAST, 93.58 FEET;

NORTH 77 DEG. 34 MIN. 34 SEC. EAST, 225.64 FEET;

NORTH 74 DEG. 30 MIN. 53 SEC. EAST, 47.44 FEET;

NORTH 61 DEG. 10 MIN. 53 SEC. EAST, 111.40 FEET;

NORTH 48 DEG. 14 MIN. 53 SEC. EAST, 152.86 FEET;

NORTH 41 DEG. 12 MIN. 53 SEC. EAST, 193.26 FEET TO A POINT MARKING A WESTERLY CORNER OF SAID 40.81 ACRE, MARKING THE COMMON MOST NORTHERLY CORNER OF SAID 1.8264 ACRE TRACT AND OF THE HEREIN DESCRIBED TRACT;

THENCE ALONG AND WITH A SOUTHWESTERLY LINE OF SAID 40.81 ACRE TRACT, SAME BEING THE NORTHEASTERLY LINE OF SAID 1.8264 ACRE TRACT AND SAID 15 ACRE TRACT, SOUTH 45 DEG. 57 MIN. 07 SEC. EAST, A DISTANCE OF 936.99 FEET TO AN INTERIOR CORNER OF SAID 40.81 ACRE TRACT AND THE COMMON NORTHEAST CORNER OF SAID 15 ACRE TRACT AND THE HEREIN DESCRIBED TRACT;

SHEET 1 OF 2



Windrose Land Services, Inc 3200 Wilcrest, 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 OF 16.8939 ACRES OR 735,897 SQUARE FEET (CONTD.)

THENCE SOUTH 42 DEG. 53 MIN. 20 SEC. WEST, ALONG AND WITH A COMMON LINE BETWEEN SAID 15 ACRE TRACT AND SAID 40.81 ACRE TRACT, A DISTANCE OF 274.16 FEET TO A 5/8 INCH IRON ROD FOUND MARKING THE MOST NORTHERLY CORNER OF SAID 6,760 SQ. FT. TRACT, AND AN ANGLE POINT OF THE HEREIN DESCRIBED TRACT;

THENCE ALONG AND WITH THE COMMON LINE BETWEEN SAID 6,760 SQ. FT. TRACT AND SAID 40.81 ACRE TRACT, SOUTH 26 DEG. 01 MIN. 51 SEC. WEST, A DISTANCE OF 46.85 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT:

THENCE IN A SOUTHERLY DIRECTION, CONTINUING ALONG SAID LINE, A DISTANCE OF 168.07 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 291.64 FEET, SUBTENDING A CENTRAL ANGLE OF 33 DEG. 01 MIN. 10 SEC., AND HAVING A CHORD BEARING AND DISTANCE OF SOUTH 09 DEG. 31 MIN. 16 SEC. WEST, 165.76 FEET TO A POINT OF TANGENCY;

THENCE CONTINUING ALONG SAID LINE, SOUTH 06 DEG. 59 MIN. 19 SEC. EAST, A DISTANCE OF 20.56 FEET TO THE MOST SOUTHERLY CORNER OF SAID 6,760 SQ. FT. TRACT, AND AN INTERIOR CORNER OF SAID 40.81 ACRE TRACT;

THENCE NORTH 32 DEG. 28 MIN. 40 SEC. WEST, ALONG AND WITH THE SOUTHWESTELRY LINE OF SAID 6,730 SQ. FT. TRACT, A DISTANCE OF 124.51 FEET TO A 3/4 INCH IRON ROD FOUND ON THE SOUTHEASTERLY LINE OF SAID 15 ACRE TRACT, MARKING THE MOST WESTERLY CORNER OF SAID 6,760 SQ. FT. TRACT, AND AN INTERIOR CORNEROF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 42 DEG. 53 MIN. 20 SEC. WEST, ALONG AND WITH A COMMON LINE BETWEEN SAID 15 ACRE TRACT AND SAID 40.81 ACRE TRACT, A DISTANCE OF 264.62 FEET TO THE PLACE OF BEGINNING AND CONTAINING 16.8939 ACRES OR 735,897 SQ. FT. OF LAND, AS SHOWN ON THE EXHIBIT, JOB NO. 51481, FILED IN THE OFFICES OF WINDROSE LAND SERVICES, INC.

THIS LEGAL DESCRIPTION IS A COMPILATION OF EXISTING DESCRIPTIONS PREPARED UNDER 22 TAC 663.21. IT IS NOT TO BE USED TO CONVEY OR ESTABLISH INTEREST IN REAL PROPERTY EXCEPT THOSE RIGHTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

MIKE KURKOWSKI, RPLS #5101 DECEMBER 04, 2013

JOB #51481

SHEET 2 OF 2

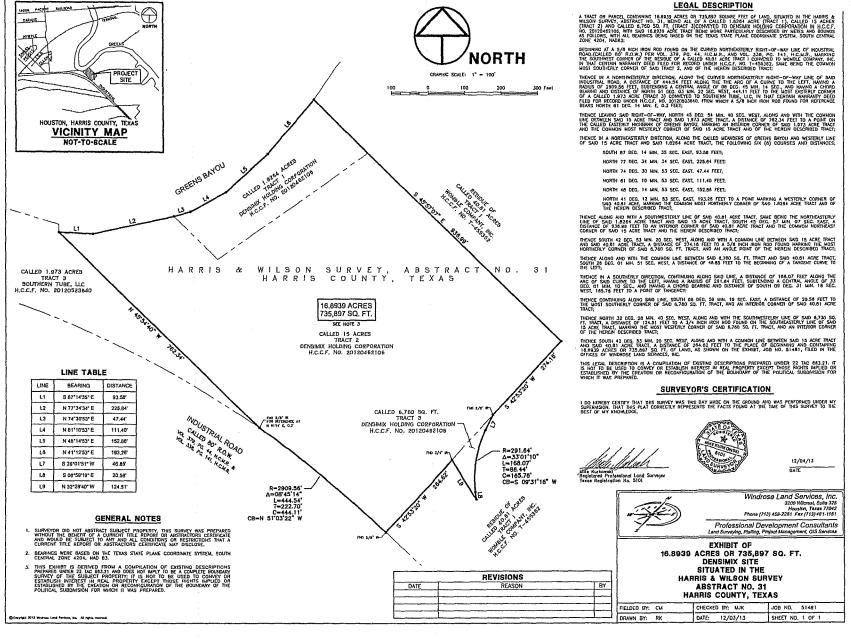


Exhibit B

Municipal Setting Designation

Affidavit of Eligibility

BEFO JIM FLOI	RE ME, the undersigned authority, on this day personally appeared as an authorized representative of
	over the age of 18 and legally competent to make this affidavit. I have personal edge of the facts stated herein.
I affir	matively state that (place an X in all applicable blanks)
\boxtimes	The MSD eligibility criteria of THSC Section 361.803 are satisfied.
\boxtimes	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.
\boxtimes	A true and accurate copy of a legal description of the proposed MSD property is included with the application.
\boxtimes	Notice has been provided in accordance with THSC 361.805.
\boxtimes	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.
<u>a:</u>	Date: 01/26/2016
Signat	
	OREY, P.G., CPSS ed Name
	INICAL SPECIALIST JULIE HOLMES HANSON
Title	Notary Public, State of Texes My Commission Expires August 28, 2019
STAT	E OF TEXAS
COUN	NTY OF HARRIS
JANUAR	SUBSCRIBED AND SWORN before me on this the 26th day of 20 16, to which witness my hand and seal of office. Notary Public in and for the State of Texas