

Bryan W. Shaw, Ph.D., P.E., *Chairman*
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Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 7, 2017

Mr. Scott Wilkerson, Property Manager
CG 7600 LP
1901 Lexington
Houston, Texas 77098

Re: Municipal Setting Designation (MSD) Certificate for CG 7600 LP, Former AgTex Chemicals, 802 Avenue A, Katy, Harris County, Texas; MSD No. 324; Customer No. CN603894957; Regulated Entity No. RN102567997

Dear Mr. Wilkerson:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced Municipal Setting Designation (MSD) application on May 6, 2016 and additional information supporting this MSD application on January 17, 2017. 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) 239-2241 or via e-mail (chris.swiderski@tceq.texas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Swiderski".

Chris Swiderski, Project Manager
VCP-CA Section
Remediation Division

CS/jdm

cc: Mr. Tim O'Neil, P.E., Principal Environmental Engineer, ESE Partners LLC,
19416 Park Row, STE 120, Houston, Texas 77084
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. 324, in the City of Katy, 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 2nd day of February, 2017

Beth Seaton

Beth Seaton, Director
Remediation Division
Texas Commission on Environmental Quality

Exhibit A

FIELD NOTES FOR A 1.846 ACRE TRACT OF LAND, CALLED 1.845 ACRES IN THE DEED FROM THE MISSOURI & TEXAS RAILROAD RECORDED IN HARRIS COUNTY CLERK'S FILE NO. U-790932 AND BEING SITUATED IN THE J.W. McCUTCHEON SURVEY, ABSTRACT 1346 IN THE CITY OF KATY, TEXAS. ^D

BEGINNING: At a cotton picker spindle found at thh intersection of the East right-of-way line of Avenue A (60 foot width) with the South right-of-way line of First Street (60 foot width) and being the Northwest corner of this tract;

THENCE: East a distance of 1144.04 feet along the South right-of-way line of First Street to a 1 inch iron pipe found for the Northeast corner of this tract located in the West line of a called 3.000 acre tract Recorded in Volume 1171, Page 238 Deed Records;

THENCE: South 00 degrees 10 minute 57 seconds East a distance of 31.41 feet to a 1/2 inch iron pipe found for the Southeast corner of this tract from which a P.K. nail found for the Southwest corner of the 3.000 acre tract bears South 18.49 feet;

THENCE: Along a curve to the left having a radius of 490.88 feet, a length of 144.76 feet and a chord bearing of South 81 degrees 23 minutes 26 seconds West and a distance of 144.24 feet to a 5/8 iron rod found;

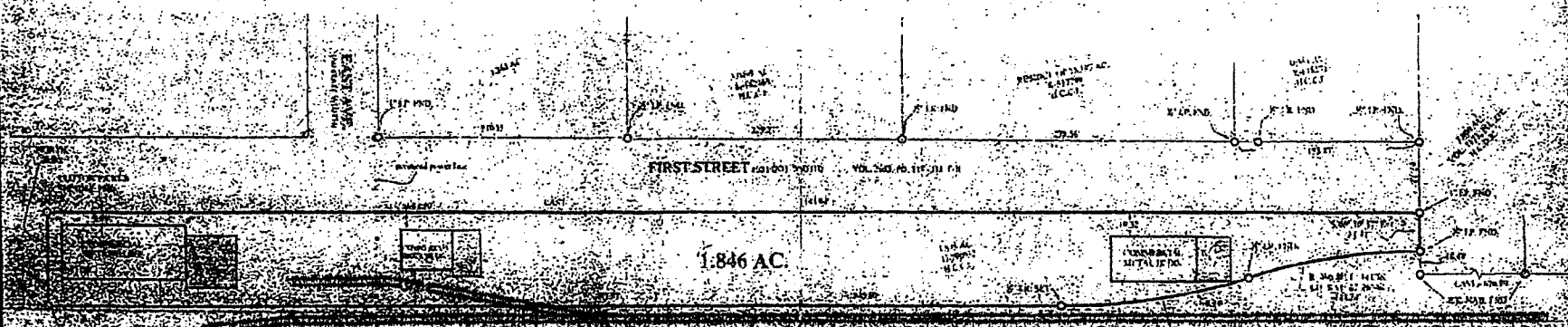
THENCE: along a curve to the right having a radius of 538.01 feet, a length of 158.78 feet and a chord bearing of South 81 degrees 38 minutes 26 seconds West and a distance of 158.21 feet to a 1/2 inch iron rod set in the North line of the M.K.&T. Railroad;

THENCE: West a distance of 845.00 feet along the North line of said Railroad to a 1/2 inch iron rod set for the Southwest corner of this tract located in the East right-of-way line of Avenue A;

THENCE: North 76.00 feet along the East right-of-way line of Avenue A to the PLACE OF BEGINNING and containing 1.846 acres of land.

Er 039 - 96 - 1766

Scale: 1" = 60'



1.846 AC.

PLAT OF SURVEY

BEING A 1.846 ACRE TRACT OF LAND CALLED 1.846 ACRES IN THE DEED FROM THE MISSOURI KANSAS & TEXAS RAILROAD RECORDED IN HARRIS COUNTY CLERK'S FILE No. D-790932 AND BEING SITUATED IN THE J W McCLICHEON SURVEY, ABSTRACT 1346 IN THE CITY OF KATY, TEXAS.

The proposed Flood Plan according to the Harris County Clerk's Flood Plan Also Ephemeral Flood No. 18750078 is dated February 14, 2009

NOTE: This survey conforms to a separate plat and legal description.

All bearings indicated herein are based on the North magnetic line of true bearing South 84° 40' 40" East of First Street running East-West.

This survey was made and the boundaries thereon established.



The Underwritten here certify that the above is an accurate Plat of Survey made on the ground, of the property located in Harris County, Texas, 2012 and is correct, true, and true, and no errors or omissions, and we are not responsible for any errors or omissions on the part of any person or persons.

[Signature]
 For Clay & Leyendecker, Inc.
 David Leyendecker, R.P.S.S.
 Texas Registration No. 2385

Clay & Leyendecker, Inc.
 Consulting Engineers & Surveyors
 Katy, Texas

Scale:	1" = 60'
File Name:	12-060
Drawn By:	br
Date:	09-14-12
Copyright © 2012 Clay & Leyendecker, Inc. All rights reserved.	

Exhibit B

Municipal Setting Designation

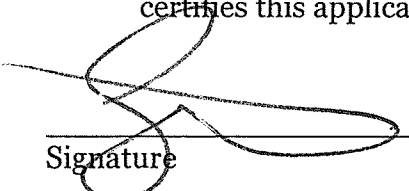
Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Scott Wilkerson, as an authorized representative of CG 7600LP, 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.



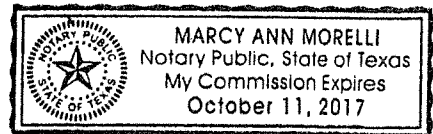
Signature

Date: 4/28/16

Scott Wilkerson
Printed Name

Property Manager

Title



STATE OF Texas

COUNTY OF HARRIS

SUBSCRIBED AND SWORN before me on this the 28 day of April 2016, to which witness my hand and seal of office

Marcy Ann Morelli
Notary Public in and for the State of Texas