

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Toby Baker, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

April 10, 2019

Ms. Frances E. Phillips  
Counsel for Freeport McMoRan Energy LLC  
c/o Foley and Lardner LLP  
2021 McKinney Avenue, Suite 1600  
Dallas, Texas 75201

Re: Municipal Setting Designation (MSD) Certificate for Freeport McMoRan Energy LLC,  
Galveston Sulfur Terminal, 3.644 acres of site located at 4500 Old Port Industrial Road,  
Galveston, Galveston County, Texas; MSD No. 410; Customer No. CN605633833;  
Regulated Entity No. RN110637881

Dear Ms. Phillips:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced MSD application on January 9, 2019 and additional information supporting this MSD application in January and April 2019. Based on our review, the application contains the required information as outlined in Texas Health and Safety Code (THSC) §361.804. Enclosed is the MSD Certification for your site.

If you have any questions, please do not hesitate to contact me at (512) 239-2266 or via e-mail at [prashanti.bollineni@tceq.texas.gov](mailto:prashanti.bollineni@tceq.texas.gov).

Sincerely,

A handwritten signature in cursive script, appearing to read "Prashanti Bollineni for".

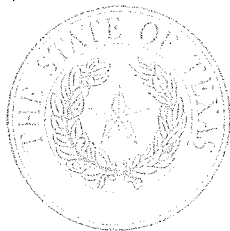
Prashanti Bollineni, P.E., Project Manager  
VCP-CA Section  
Remediation Division

PVB/AMG/jdm

Enclosure: MSD Certificate

cc: Mr. James A Kearly, P.G., GSI Environmental Inc, 2211 Norfolk, Suite, Houston, Texas  
77098  
Mr. Kendall Gaddy, Freeport-McMoRan Energy LLC, 1615 Poydras Street, New Orleans,  
Louisiana 70112  
Ms. Alma Jefferson, 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. 410, in the City of Galveston, 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 9<sup>th</sup> day of April, 2019

Beth Seaton

Beth Seaton, Director  
Remediation Division  
Texas Commission on Environmental Quality

**MSD BOUNDARY  
3.644 ACRES  
M.B. MENARD SURVEY, ABSTRACT No. 628  
GALVESTON COUNTY, TEXAS**

Being a 3.644 acre (158,744 square feet) tract of land situated in the M.B. Menard Survey, Abstract No. 628, located in Galveston County, Texas, and being out of and a part of that same 71.57 acre tract of land described in the deed executed June 14, 2002 to Gulf Sulphur Services, LTD., LLP., and recorded in Galveston County Clerk's File No. 2002035773, Official Public Records of Real Property, Galveston County, Texas (O.P.R.R.P.G.C.T.), said 3.644 acre tract being more particularly described by metes and bounds as follows:


**COMMENCING** at a 5/8 inch iron rod with cap stamped "Tritech" found for the most easterly northeast corner of said 71.57 acre tract, lying on the westerly line of that same tract described as "First Tract" in the deed executed November 29, 1940 to the City of Galveston, and recorded in Volume 619, Page 193 of the Deed Records of Galveston County, Texas (D.R.G.C.T.), said capped iron rod also being the north corner of a residue tract out of that same tract of land described in the deed executed July 11, 1901 to Southern Pacific Terminal Company, and recorded in Volume 186, Page 53, D.R.G.C.T.;

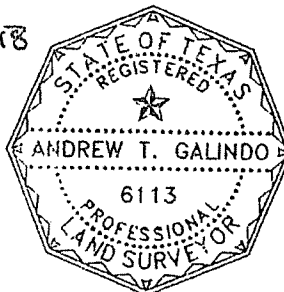
**THENCE**, South 11 degrees 44 minutes 21 seconds West, with the easterly line of said 71.57 acre tract, 176.51 feet to the **POINT OF BEGINNING** of the herein described tract;

1. **THENCE**, South 11 degrees 44 minutes 21 seconds West, continuing with the easterly line of said 71.57 acre tract, 606.59 feet to the southeast corner of the herein described tract, from which the most easterly southeast corner of said 71.57 acre tract bears South 11 degrees 44 minutes 21 seconds West, passing at 1,166.90 feet a railroad rail found for reference, in all 1,167.80 feet;
2. **THENCE**, North 79 degrees 29 minutes 57 seconds West, 261.46 feet to a point for the southwest corner of the herein described tract;
3. **THENCE**, North 11 degrees 39 minutes 22 seconds East, 605.93 feet to a point for the northwest corner of the herein described tract;
4. **THENCE**, South 79 degrees 38 minutes 27 seconds East, 262.35 feet to the **POINT OF BEGINNING**, and containing 3.644 acres (158,744 square feet) of land.

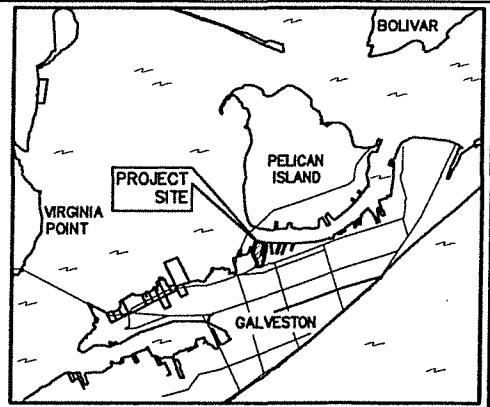
Basis of Bearings: Redundant RTK GPS observations based on the Texas Coordinate System, South Central Zone, NAD 83, CORS Adjustment. Distances shown are surface datum; to convert to grid multiply by a combined project scale factor of 0.999870017.

A survey exhibit of even date was prepared in conjunction with this property description.

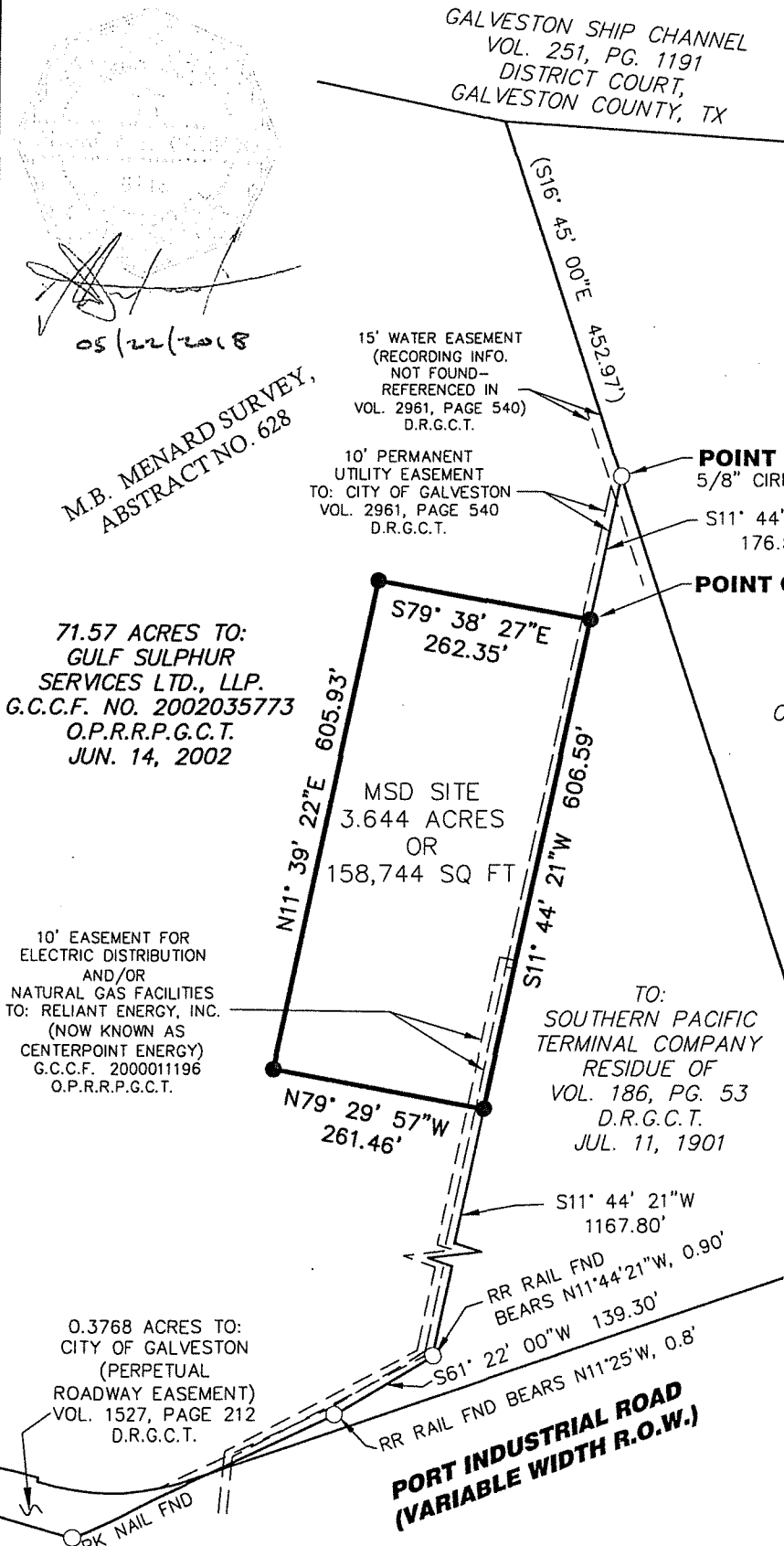
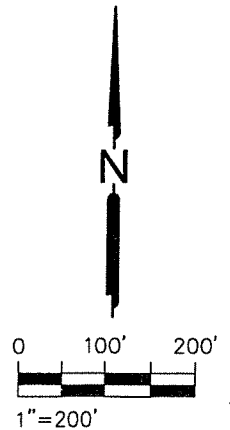
  
Andrew T. Galindo, RPLS  
Texas Registration No. 6113



Baseline Corporation  
1750 Seamist Drive, Suite 160  
Houston, TX 77008  
(713) 869-0155  
TBPLS Firm No. 10030200



VICINITY MAP  
(NOT TO SCALE)



05/22/2018  
M.B. MENARD SURVEY,  
ABSTRACT NO. 628

71.57 ACRES TO:  
GULF SULPHUR  
SERVICES LTD., LLP.  
G.C.C.F. NO. 2002035773  
O.P.R.R.P.G.C.T.  
JUN. 14, 2002

TO:  
CITY OF GALVESTON  
(FIRST TRACT)  
VOL. 619, PG. 193  
D.R.G.C.T.  
NOV. 29, 1940

NOTES:

1. CIRF = CAPPED IRON ROD FOUND
2. D.R.G.C.T. = DEED RECORDS OF GALVESTON COUNTY, TEXAS
3. O.P.R.R.P.G.C.T. = OFFICIAL PUBLIC RECORDS, REAL PROPERTY, GALVESTON COUNTY, TEXAS
4. G.C.C.F. = GALVESTON COUNTY CLERK'S FILE
5. MSD=MUNICIPAL SETTINGS DESIGNATION.
6. BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83, CORS ADJUSTMENT. COORDINATES AND DISTANCES ARE SURFACE DATUM; TO CONVERT TO GRID MULTIPLY BY A COMBINED SCALE FACTOR OF 0.999870017.
7. BEARINGS AND DISTANCES IN PARENTHESES REPRESENT RECORD CALLS.
8. ABSTRACTING WAS PERFORMED BY BASELINE CORPORATION.
9. THIS EXHIBIT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. OTHER EASEMENTS OR MATTERS OF RECORD MAY EXIST THAT ARE NOT SHOWN HEREON.
10. A METES AND BOUNDS DESCRIPTION OF EVEN DATE WAS PREPARED IN CONJUNCTION WITH THIS EXHIBIT.
11. THIS EXHIBIT IS BASED ON A SURVEY MADE ON THE GROUND IN APRIL 2018.

DATE: 05-2018 DRAWN BY: ATG CHECKED BY: RLD JOB No.: 02.035.19 PAGE: 2 OF 2	<b>SURVEY EXHIBIT</b> OF A MSD BOUNDARY 3.644 ACRES (158,744 SQ. FT.) IN THE M.B. MENARD SURVEY, ABSTRACT NO. 628 GALVESTON COUNTY, TEXAS	 <b>BASELINE</b> CORPORATION Professional Surveyors 1750 SEAMIST DRIVE, SUITE #160, HOUSTON, TEXAS 77008 PHONE (713) 869-0155 TBPLS FIRM No. 10030200 FAX (713) 869-1541	NO.	REVISION	DATE
			1.	REVISED MSD AREA	05-22-18

Exhibit B
Municipal Setting Designation
Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared
David J. Miller, Vice President
Freeport-McMoRan Energy LLC, as an authorized representative of
Freeport-McMoRan Energy LLC, 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)

- [X] The MSD eligibility criteria of THSC Section 361.803 are satisfied.
[X] 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.
[X] A true and accurate copy of a legal description of the proposed MSD property is
included with the application.
[X] Notice has been provided in accordance with THSC 361.805.
[X] 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 J. Miller
Signature
David J. Miller
Printed Name
Vice President
Title

Date: Dec. 18, 2018

STATE OF LOUISIANA
PARISH OF ORLEANS
COUNTY OF ORLEANS

SUBSCRIBED AND SWORN before me on this the 18th day of
December 20 18, to which witness my hand and seal of office.

Notary Public in and for the State of Louisiana
Notary Public
Orleans Parish, Louisiana
My commission is issued for life.
Louisiana State Bar No. 11922