

Bryan W. Shroy, Ph.D., *Chairman*
Carlos Rubinstein, *Commissioner*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 12, 2012

Mr. Geoff Reeder, Manager
Environmental Site Remediation
Union Pacific Railroad
24125 Aldine-Westfield Road
Spring, Texas 77373

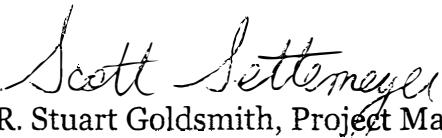
RE: Municipal Setting Designation (MSD) Certificate for Crystal Chemical NPL Site, 10965 Westpark Drive, Houston, Texas; MSD No. 075

Dear Mr. Reeder:

Enclosed is the Municipal Setting Designation Certification for your site. Please contact the TCEQ Superfund Section regarding the applicability of 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) 239-2960 or via e-mail (richard.goldsmith@TCEQ.Texas.gov).

Sincerely,

for

R. Stuart Goldsmith, Project Manager
VCP-CA Section
Remediation Division

RSG/mdh

Enclosure: MSD Certificate No. 75

cc: Ms. Luda Voskov, SUP-107 Project Manager, Remediation Division, MC-136

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. 75, 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.

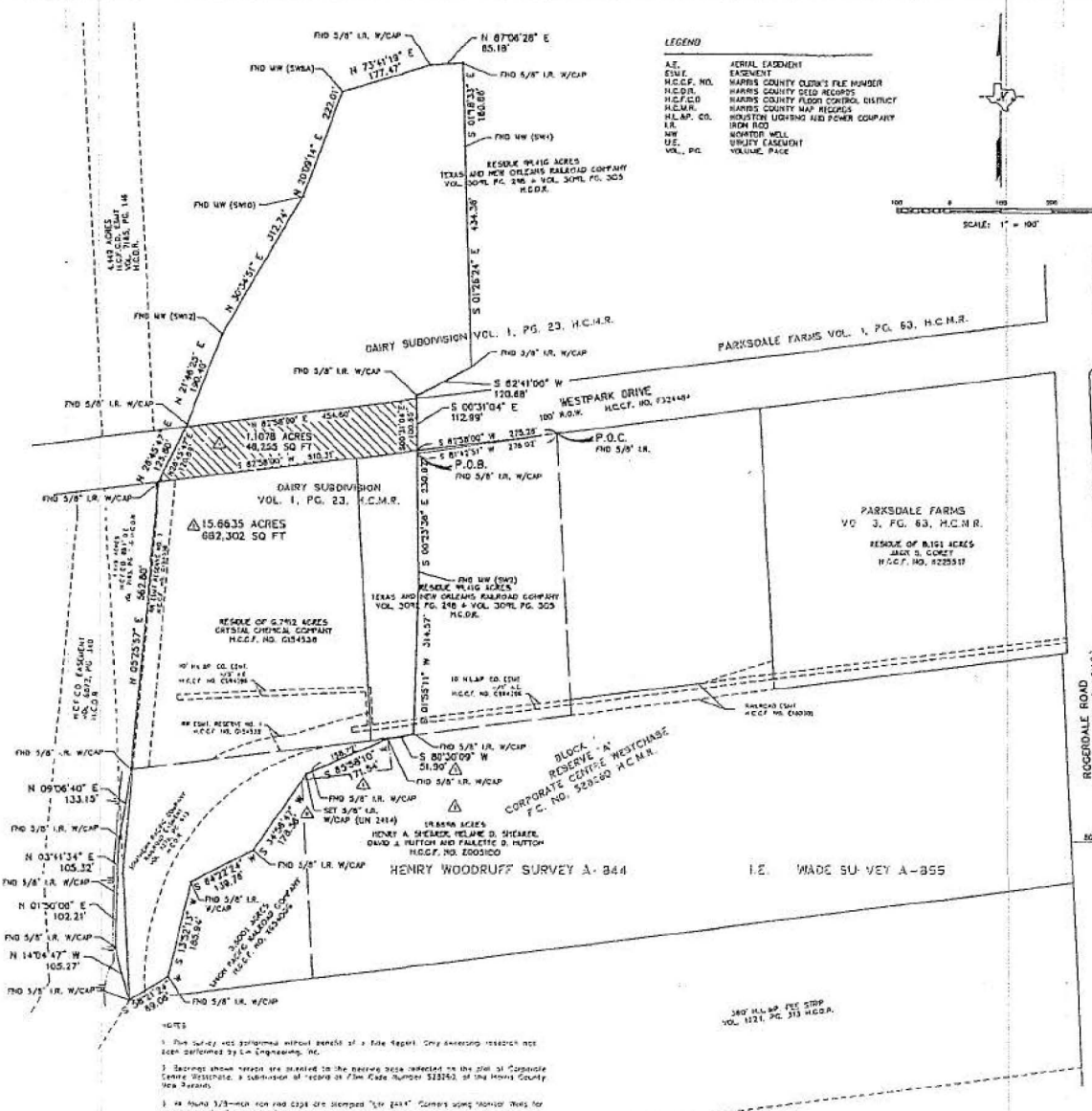
Any person addressing environmental impacts for a property located in the certified municipal setting designation shall complete any necessary investigation and response action requirements in accordance with Texas Health and Safety Code §361.808, in conjunction with the applicable Texas Commission on Environmental Quality environmental remediation regulation, as modified by Texas Health and Safety Code §361.808.

EXECUTED this the 25th day of June, 2012

A handwritten signature in black ink, appearing to read "Zak Covar", written over a horizontal line.

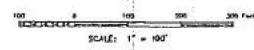
Zak Covar
Executive Director
Texas Commission on Environmental Quality

Exhibit 'A'



LEGEND

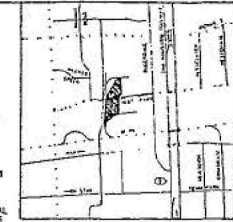
A.Z.	SERIAL EASEMENT
E.S.W.	EASEMENT
H.C.C.F. NO.	HARRIS COUNTY OLDER'S FILE NUMBER
H.C.F.C.D.	HARRIS COUNTY FLOOD CONTROL DISTRICT
H.C.M.R.	HARRIS COUNTY MAP RECORDS
H.L.A.P. CO.	HOUSTON LIGHTING AND POWER COMPANY
I.R.	IRON ROD
N.W.	NORTH WELL
U.F.	UTILITY EASEMENT
VOL., PG.	VOLUME PAGE



△ A 15.8835-ACRE (682,302 SQUARE FEET) TRACT OF LAND OUT OF THE DAIRY SUBDIVISION, A SUBDIVISION RECORDED IN VOLUME 1, PAGE 23 AND BLOCK 1, RECORDS 'A' OF CORPORATE CENTER WESTCHASE, A SUBDIVISION RECORDED AT FILM CODE NUMBER 112540, BOTH OF THE HARRIS COUNTY MAP RECORDS, AND SAID TRACT OUT OF THE RESERVE OF A 98.64-ACRE TRACT CONVEYED TO TEXAS AND NEW ORLEANS RAILROAD COMPANY AS RECORDED IN VOLUME 3091, PAGE 288 AND VOLUME 3091, PAGE 305 OF THE HARRIS COUNTY RECORDS (H.C.M.R.), WEST PARK DRIVE, A 100-FOOT RIGHT-OF-WAY (R.O.W.) AS RECORDED IN THE HARRIS COUNTY OLDER'S FILE NUMBER (H.C.O.F. NO.) 132148, THE RESERVE OF A 8,791-ACRE TRACT CONVEYED TO CRISTAL CHEMICAL COMPANY AS RECORDED IN H.C.C.F. NO. 018434, THE HARRIS COUNTY FLOOD CONTROL DISTRICT (H.C.F.C.D.) AS RECORDED IN VOLUME 4872, PAGE 249 AND VOLUME 2185, PAGE 148 H.C.O.F. AND A CHAIN 3,800-FOOT TRACT CONVEYED TO WASH PARKS RAILROAD COMPANY AS RECORDED IN H.C.C.F. NO. 282404, LOCATED IN THE HENRY WOODRUFF SURVEY, ABSTRACT 844, CITY OF HOUSTON, HARRIS COUNTY, TEXAS.

COMMENT: At a found 5/8-inch iron rod in the south line of Westpark Drive, the most northerly northwest corner of said Corporate Center Westchase.

- THENCE: South 01 deg 42 min 51 sec West, a distance of 318.02 feet to a found 5/8-inch iron rod with cap, a point that is south of the south line of Westpark Drive, the POINT OF BEGINNING.
- THENCE: Along the west line of the herein described tract the following two (2) courses and distances:
- South 00 deg 23 min 38 sec East, a distance of 250.97 feet to a found monitor well (SM2);
 - South 01 deg 53 min 11 sec West, a distance of 216.57 feet to a found 5/8-inch iron rod with cap;
- THENCE: Along the south line of the herein described tract the following six (6) courses and distances:
- South 80 deg 30 min 09 sec West, a distance of 51.90 feet to a found 5/8-inch iron rod with cap;
 - South 85 deg 04 min 10 sec West, passing a found 5/8-inch iron rod with cap at 158.72 feet, for a total distance of 171.51 feet to a 3rd 5/8-inch iron rod with cap (LW 2414);
 - South 34 deg 56 min 17 sec West, a distance of 178.58 feet to a found 5/8-inch iron rod with cap;
 - South 84 deg 22 min 24 sec West, a distance of 128.76 feet to a found 5/8-inch iron rod with cap;
 - South 13 deg 52 min 13 sec West, a distance of 185.84 feet to a found 5/8-inch iron rod with cap;
 - South 58 deg 21 min 24 sec West, a distance of 89.09 feet to a found 5/8-inch iron rod with cap, the most southerly corner of the herein described tract;
- THENCE: Along the west line of the herein described tract, the following two (2) courses and distances:
- North 14 deg 04 min 47 sec West, a distance of 105.27 feet to a found 5/8-inch iron rod with cap;
 - North 01 deg 50 min 08 sec East, a distance of 102.31 feet to a found 5/8-inch iron rod with cap;
 - North 02 deg 41 min 34 sec East, a distance of 105.32 feet to a found 5/8-inch iron rod with cap;
 - North 09 deg 08 min 40 sec East, a distance of 123.63 feet to a found 5/8-inch iron rod with cap;
 - North 05 deg 25 min 37 sec East, a distance of 162.80 feet to a found 5/8-inch iron rod with cap, a point that is south of the south line of Westpark Drive;
 - North 28 deg 43 min 47 sec East, a distance of 125.50 feet to a found 5/8-inch iron rod with cap, a point that is north of the north line of Westpark Drive;
 - North 21 deg 44 min 25 sec East, a distance of 190.40 feet to a found monitor well (SM2);
 - North 26 deg 34 min 51 sec East, a distance of 212.74 feet to a found monitor well (SM50);
 - North 20 deg 09 min 14 sec East, a distance of 222.04 feet to a found monitor well (SM4), the northeast corner of the herein described tract;
- THENCE: Along the north line of the herein described tract, the following two (2) courses and distances:
- North 73 deg 41 min 19 sec East, a distance of 177.17 feet to a found 5/8-inch iron rod with cap;
 - North 87 deg 06 min 28 sec East, a distance of 85.18 feet to a found 5/8-inch iron rod with cap, the northeast corner of the herein described tract;
- THENCE: Along the east line of the herein described tract, the following four (4) courses and distances:
- South 01 deg 18 min 33 sec East, a distance of 162.64 feet to a found monitor well (SM1);
 - South 01 deg 28 min 24 sec East, a distance of 134.26 feet to a found 5/8-inch iron rod with cap;
 - South 62 deg 41 min 03 sec West, a distance of 103.68 feet to a found 5/8-inch iron rod with cap, a point that is north of the north line of Westpark Drive;
 - South 00 deg 31 min 01 sec East, a distance of 112.95 feet to the POINT OF BEGINNING and containing 12,855 square or 682,302 square feet of land, more or less.



NOTES

1. This survey was performed without benefit of a title report. Only ownership research was conducted by Lin Engineering, Inc.
2. Boundaries shown herein are based on the survey data collected to the date of Corporate Center Westchase, a subdivision of record at Film Code Number 112540 of the Harris County Map Records, Houston, Texas.
3. As found 5/8-inch iron rod cap is stamped "10 2414". Capers using monitor wells for access are to the center of the hole.

This survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category II Survey.

W. C. Lin
 W. C. Lin
 Registered Professional Land Surveyor
 Registration No. 2414
 State of Texas



1	Survey	DATE	10/15/2010
2	As-built	DATE	10/15/2010
3	As-built	DATE	10/15/2010
4	As-built	DATE	10/15/2010
5	As-built	DATE	10/15/2010

Lin Engineering, Inc.
 11500 WILCOX DRIVE, SUITE 200
 HOUSTON, TEXAS 77031
 (281) 910-2448

LAND TITLE SURVEY

△ 15.8835 ACRE TRACT (682,302 SQ. FT.) TRACT OF LAND OUT OF THE HENRY WOODRUFF SURVEY, ABSTRACT 844 CITY OF HOUSTON, HARRIS COUNTY, TEXAS.

DATE	10/15/2010	DRAWN BY	J.C.	APPROVED	
SCALE	1" = 100'	JOB NO.	0428	DRAWING NO.	0428-01

Exhibit 'A'
Page 2 of 4

A 15.6635-ACRE (682,302 SQUARE FOOT) TRACT OF LAND OUT OF THE DAIRY SUBDIVISION, A SUBDIVISION RECORDED IN VOLUME 1, PAGE 23 AND BLOCK I, RESERVE "A" OF CORPORATE CENTRE WESTCHASE, A SUBDIVISION RECORDED AT FILM CODE NUMBER 528260, BOTH OF THE HARRIS COUNTY MAP RECORDS, AND SAME BEING OUT OF THE RESIDUE OF A 99.416-ACRE TRACT CONVEYED TO TEXAS AND NEW ORLEANS RAILROAD COMPANY AS RECORDED IN VOLUME 3091, PAGE 298 AND VOLUME 3091, PAGE 305 OF THE HARRIS COUNTY DEED RECORDS (H.C.D.R.), WEST PARK DRIVE, A 100-FOOT RIGHT-OF-WAY (R.O.W.) AS RECORDED IN THE HARRIS COUNTY CLERK'S FILE NUMBER (H.C.C.F. NO.) F324484, THE RESIDUE OF A 6.7912-ACRE TRACT CONVEYED TO CRYSTAL CHEMICAL COMPANY AS RECORDED IN H.C.C.F. NO. G154538, THE HARRIS COUNTY FLOOD CONTROL DISTRICT EASEMENTS AS RECORDED IN VOLUME 6872, PAGE 340 AND VOLUME 7185, PAGE 146 H.C.D.R., AND A CALLED 3.8001-ACRE TRACT CONVEYED TO UNION PACIFIC RAILROAD COMPANY AS RECORDED IN H.C.C.F. NO. X654066, LOCATED IN THE HENRY WOODRUFF SURVEY, ABSTRACT 844, CITY OF HOUSTON, HARRIS COUNTY, TEXAS.

COMMENCING: At a found 5/8-inch iron rod in the south line of Westpark Drive, the most northerly northwest corner of said Corporate Centre Westchase;

THENCE: South 81 deg 42 min 51 sec West, a distance of 276.02 feet to a found 5/8-inch iron rod with cap, a point that is south of the south line of Westpark Drive, the POINT OF BEGINNING;

THENCE: Along the east line of the herein described tract the following two (2) courses and distances:

South 00 deg 23 min 36 sec East, a distance of 230.97 feet to a found monitor well (SW2);

South 01 deg 55 min 11 sec West, a distance of 314.57 feet to a found 5/8-inch iron rod with cap;

THENCE: Along the south line of the herein described tract the following six (6) courses and distances:

South 80 deg 30 min 09 sec West, a distance of 51.90 feet to a found 5/8-inch iron rod with cap;

South 65 deg 58 min 10 sec West, passing a found 5/8-inch iron rod with cap at 158.72 feet, for a total distance of 171.54 feet to a set 5/8-inch iron rod with cap (LIN 2414);

South 34 deg 56 min 47 sec West, a distance of 178.56 feet to a found 5/8-inch iron rod with cap;

South 64 deg 22 min 24 sec West, a distance 139.76 feet to a found 5/8-inch iron rod with cap;

South 13 deg 52 min 13 sec West, a distance of 185.94 feet to a found 5/8-inch iron rod with cap;

South 58 deg 21 min 24 sec West, a distance of 89.06 feet to a found 5/8-inch iron rod with cap, the most southerly corner of the herein described tract;

THENCE: Along the west line of the herein described tract, the following nine (9) courses and distances:

North 14 deg 04 min 47 sec West, a distance of 105.27 feet to a found 5/8-inch iron rod with cap;

North 01 deg 50 min 06 sec East, a distance of 102.21 feet to a found 5/8-inch iron rod with cap;

North 03 deg 41 min 34 sec East, a distance of 105.32 feet to a found 5/8-inch iron rod with cap;

North 09 deg 06 min 40 sec East, a distance of 133.15 feet to a found 5/8-inch iron rod with cap;

North 05 deg 25 min 57 sec East, a distance of 562.80 feet to a found 5/8-inch iron rod with cap, a point that is south of the south line of Westpark Drive;

North 26 deg 45 min 47 sec East, a distance of 125.80 feet to a found 5/8-inch iron rod with cap, a point that is north of the north line of Westpark Drive;

North 21 deg 46 min 25 sec East, a distance of 190.40 feet to a found monitor well (SW12);

North 30 deg 34 min 51 sec East, a distance of 312.74 feet to a found monitor well (SW10);

North 20 deg 09 min 14 sec East, a distance of 222.01 feet to a found monitor well (SW8A), the northwest corner of the herein described tract;

THENCE: Along the north line of the herein described tract, the following two (2) courses and distances:

North 73 deg 41 min 19 sec East, a distance of 177.47 feet to a found 5/8-inch iron rod with cap;

North 87 deg 06 min 28 sec East, a distance of 65.18 feet to a found 5/8-inch iron rod with cap, the northeast corner of the herein described tract;

THENCE: Along the east line of the herein described tract, the following four (4) courses and distances:

South 01 deg 18 min 33 sec East, a distance of 160.66 feet to a found monitor well (SW4);

Exhibit 'A'
Page 4 of 4

South 01 deg 26 min 24 sec East, a distance of 434.36 feet to a found 5/8-inch iron rod with cap;

South 62 deg 41 min 00 sec West, a distance of 120.68 feet to a found 5/8-inch iron rod with cap, a point that is north of the north line of Westpark Drive;

South 00 deg 31 min 04 sec East, a distance of 112.99 feet to the POINT OF BEGINNING and containing 15.6635 acres or 682,302 square feet of land, more or less.

Exhibit "B"

MSD Information:

List all existing TCEQ and US Environmental Protection Agency registration, permit, identification numbers (e.g., SWR No., VCP No., LPST ID No., UIC Registration No., PWS ID. No.), if any, that apply to the groundwater contamination situation within the proposed MSD boundary. State "none" if none applicable.
 - EPA NPL Site, UAO (EPA Docket No. CERCLA VI-15-92), - CERCLIS EPA ID - TXD990707010

Is the proposed designated groundwater contaminated in excess of an applicable potable water ⁵ use standard (i.e., 30 TAC 350, ^{GW} GW _{ing})?	<input type="radio"/> Yes	<input type="radio"/> No ⁶
Was the groundwater contamination previously reported to the TCEQ? (To support implementation of HB 3030, 78 th Legislature.)	<input checked="" type="radio"/> Yes, when? / / 83	<input type="radio"/> No
Is there a potable-use well within the boundary of the proposed MSD that uses the designated groundwater as source water?	<input type="radio"/> Yes ⁶	<input type="radio"/> No
Is there a potable-use well within the boundary of the proposed MSD that uses a deeper groundwater zone for the source water that is not properly sealed off from the designated groundwater?	<input type="radio"/> Yes ⁶	<input type="radio"/> No
Is the applicant aware of any non-consumptive use of the groundwater or other human health or ecological exposure pathways that are of concern? If yes, specify:	<input type="radio"/> Yes	<input type="radio"/> No
Has each municipality and retail public utility identified in §361.8065 provided firm commitment to adopt an ordinance or resolution in support of the application?	<input type="radio"/> Yes	<input type="radio"/> No ⁶
Is a copy of the ordinance or restrictive covenant that restricts consumptive use and appropriately restricts other uses of and contact with the designated groundwater, and any required resolutions provided with this application?	<input type="radio"/> Yes	<input type="radio"/> No

⁵ "Potable water" means water that is used for irrigating crops intended for human consumption, drinking, showering, bathing, or cooking purposes [THSC §361.801(2)].

⁶ Do not submit an application.

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

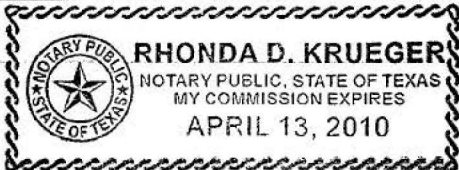
- The MSD eligibility criteria of THSC §361.803 are satisfied.
- True and accurate copies of all documents demonstrating that the MSD eligibility criteria provided by THSC §361.803 have been satisfied and are included with the application.
- A true and accurate copy of a legal description of the proposed MSD property is included with the application.
- Notice was 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.

Geoffrey Reeder
Applicant Signature

060908
Date

Before me Rhonda Krueger the undersigned authority, on this day personally appeared
Geoffrey Reeder Name of Notary
Geoffrey Reeder Name of Applicant and signed this Municipal Setting Designation Application.

Sworn, subscribed and signed before me in the County of Harris, State of TX, on the 9th day of JUNE, 2008



Rhonda D. Krueger