

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

October 23, 2017

Mr. David E. Whitten
Brock Services, LLC
c/o Guida, Slavich & Flores, PC
5956 Sherry Ln, Ste 1000
Dallas, Texas 75225-8021

Re: Municipal Setting Designation (MSD) Certificate for Brock Services, LLC, Miken Specialty Scaffold Yard Sale Site, located at 427 Commerce Street, Freeport, Brazoria County, Texas; Municipal Setting Designation (MSD) No. 353; Voluntary Cleanup Program (VCP) No. 2500; Leaking Petroleum Storage Tank (LPST) ID No. 119820; Regulated Entity No. RN00688662; Customer No. CN604973982

Dear Mr. Whitten:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced Municipal Setting Designation (MSD) application on February 27, 2017 and additional information supporting this MSD application on June 6, 2017 and September 25, 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) 239-4024 or via e-mail (christopher.moore@tceq.texas.gov).

Sincerely,

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

Christopher L. Moore, P.G., Project Manager
VCP-CA Section
Remediation Division

CLM/jdm

cc: Mr. Scott K. Leafe, SKA Consulting, L.P. (PDF via email)
Mr. Jason Ybarra, Waste Section Manager, TCEQ Houston Region Office, R-12

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, Beth Seaton, Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 353, in the City of Freeport, 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 20th day of October, 20 17

Beth Seaton

Beth Seaton, Director
Remediation Division
Texas Commission on Environmental Quality



Doyle & Wachtstetter, Inc

Surveying and Mapping • GPS/GIS

**6.2087 ACRE MUNICIPAL DESIGNATION TRACT
B.C.I.C. 13 SUBDIVISION, PART OF TRACTS 271, 272 AND 273
ALEXANDER CALVIT LEAGUE, ABSTRACT 49
BRAZORIA COUNTY, TEXAS
PAGE 1 OF 2**

ALL THAT CERTAIN 6.2087 ACRE TRACT of land lying and situated in the Alexander Calvit League, Abstract 49, Brazoria County, Texas, being all that certain called 1.45 acre tract conveyed by deed recorded on August 14, 1998 from Vernor Material and Equipment Company, Inc., Inc. to Whamum as recorded in Clerk's File No. 1998-033885 of the Brazoria County Official Records (B.C.O.R.), a portion of all that certain called 3.752 acre tract conveyed by deed recorded on August 1, 1980 from Commerce Park, Ltd. to Vernor Material and Equipment Company, Inc., as recorded in Volume 1524, Page 405 of the Brazoria County Deed Records (B.C.D.R.), and all that certain called 4.773 acre tract conveyed by deed recorded on June 2, 2014 from Miken Specialties, Ltd. to Brock Services, LLC as recorded in Clerk's File No. 2014-021730 of the B.C.O.R. and being a portion of Tracts 271, 272 and 273 of the Brazos Coast Investment Company Subdivision No. 13 (B.C.I.C.13), as recorded in Volume 2, Page 148 of the Brazoria County Plat Records (B.C.P.R.), the herein described 6.2087 acre tract hereby conveyed and being more particularly described by metes and bounds, using survey terminology which refers to the Texas State Plane Coordinate System, South Central Zone (NAD27), in which the directions are Lambert grid bearings and the distances are surface level horizontal lengths (S.F.= 0.99988201) as follows:

COMMENCING at a 4" X 4" concrete monument with brass disc found marking the common corner of Tract 272, 273, 287 and 288 of said Brazos Coast Investment Company Subdivision No. 13, said Point of Commencement being located at Texas State Plane coordinate X=3158288.86 and Y=443890.87;

THENCE South 2°46'19" East, coincident with the western boundary line of said Tract 273, same being the eastern boundary line of said Tract 287, a distance of 80.50 feet to an interior corner of all that certain called 27.60 acre tract, conveyed by deed recorded on July 10, 2009 from Commerce Park, Ltd. to 45 SRL, Inc. as recorded in Clerk's File No. 2009-030151 of the B.C.O.R., for the southwest corner of said Brock Services LLC, called 4.773 acre tract and the southwest corner and the **POINT OF BEGINNING** of the herein described 6.2087 acre tract, at position X=3158292.76 and Y=443810.47;

THENCE North 2°46'19" West, coincident with the western boundary line of said Tract 272 and Tract 272, same being the eastern boundary line of said Tract 287 and Tract 288, a distance of 330.00 feet to a ½" iron rod found marking the northwest corner of said Brock Services, LLC, called 4.773 acre tract, located on the southern boundary line of said Vernor Material and Equipment Company, Inc. called 3.752 acre tract, for an angle corner of the herein described 6.2087 acre tract, at position X=3158276.80 and Y=444140.04;

THENCE North 2°32'57" West, a distance of 100.19 feet to a ¾" iron rod found marking an interior corner of said Vernor Material and Equipment Company, Inc. called 3.752 acre tract, same being the southwest corner of the called South ½ of Tract 271 conveyed by deed recorded on December 5, 1977 from B.A. Weaver, et al to Commerce Park, Ltd. as recorded in Volume 1372, Page 201 of the B.C.D.R., for the northeast corner of the herein described 6.2087 acre tract, at position X=3158272.34 and Y=444240.12;

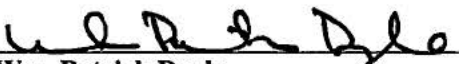
**6.2087 ACRE MUNICIPAL DESIGNATION TRACT
B.C.I.C. 13 SUBDIVISION, PART OF TRACTS 271, 272 AND 273
ALEXANDER CALVIT LEAGUE, ABSTRACT 49
BRAZORIA COUNTY, TEXAS
PAGE 2 OF 2**

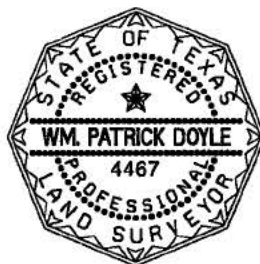
THENCE North 87°15'36" East, coincident with the southern boundary line of said Commerce Park, Ltd. called South ½ of Tract 271, same being the northern boundary line of said Vernor Materials and Equipment Company Inc. called 3.752 acre tract, at a distance of 167.11 feet pass a 5/8" iron rod found marking the northeast corner of said Vernor Material and Equipment Company, Inc. called 3.752 acre tract, same being the northwest corner of said Whamum called 1.45 acre tract, continuing a total distance of 628.32 feet to a P.K. nail found on the western right-of-way boundary line of 60 foot wide Commerce Street, for the northeast corner of said Whamum called 1.45 acre tract and the northeast corner of the herein described 6.2087 acre tract, at position X=3158899.87 and Y=444270.16;

THENCE South 2°55'05" East, coincident with the western right-of-way boundary line of said 60 foot wide Commerce Street, same being the eastern boundary line of said Whamum called 1.45 acre tract, a distance of 99.96 feet to a 5/8" iron rod found marking the southeast corner of said Whamum called 1.45 acre tract, the northeast corner of said Brock Services, LLC, called 4.773 acre tract, for an angle corner of the herein described 6.2087 acre tract, at position X=3158904.96 and Y=444170.34;

THENCE South 2°45'06" East, coincident with the western right-of-way boundary line of said 60 foot wide Commerce Street, same being the eastern boundary line of said Brock Services, LLC, called 4.773 acre tract, a distance of 330.00 feet to a point for northeast corner said 45 SRL, Inc. called 27.60 acre tract, the southeast corner of said Brock Services, LLC called 4.773 acre tract and the southeast corner of the herein described 6.2087 acre tract, at position X=3158920.80 and Y=443840.76;

THENCE South 87°14'20" West, coincident with the northern boundary line of said 45 SRL, Inc. called 27.60 acre tract, same being the southern boundary line of said Brock Services, LLC called 4.773 acre tract, a distance of 628.85 feet to the **POINT OF BEGINNING**, containing 6.2087 acre of land, more or less.


Wm. Patrick Doyle
Registered Professional Land Surveyor
Texas Registration Number 4467
October 3, 2015



*This description is based on a survey, a plat of which, dated February 25, 2016 is on file in the office of Doyle & Wachstetter, Inc.
V:\Pat\Vernor Materials\MSD 6.2087 acre tract BCIC 271-273.doc*

Exhibit B

Municipal Setting Designation

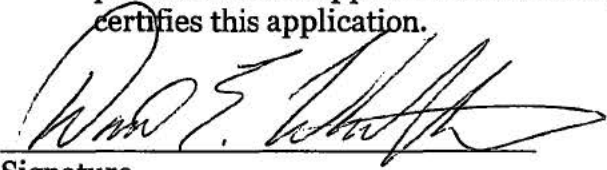
Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared David E. Whitten, as an authorized representative of Brock Services, 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)

- 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.



Date: 6/24/17

Signature

David E. Whitten

Printed Name

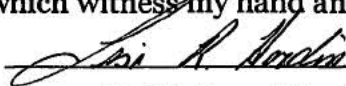
Attorney (Guida, Slavich & Flores, PC)

Title

STATE OF TEXAS

COUNTY OF Dallas

SUBSCRIBED AND SWORN before me on this the 24th day of June 2017, to which witness my hand and seal of office.


Notary Public in and for the State of TEXAS

