



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 14, 2013

Mr. Larry Elliott, President
EIM Properties, LLC
13840 Pike Road
Missouri City, Texas 77489

RE: Municipal Setting Designation (MSD) Certificate for EIM Controls
Property, 13840 Pike Road, Missouri City, Texas, 77489; MSD No. 206

Dear Mr. Elliott:

Enclosed is the Municipal Setting Designation Certification for your site. You can use 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) 239-2241 or via e-mail (Chris.Swiderski@TCEQ.Texas.gov).

Sincerely,

A handwritten signature in black ink that reads "Mark R. Riggle".

For Chris Swiderski, Project Manager
VCP-CA Section
Remediation Division

CS/jdm

Enclosure

cc: Mr. Cyril Mickiewicz, P.G. InControl Technologies, Inc., Houston, Texas
Ms. Nicole Bealle, Waste Section Manager, TCEQ Region 12 Office,
Houston



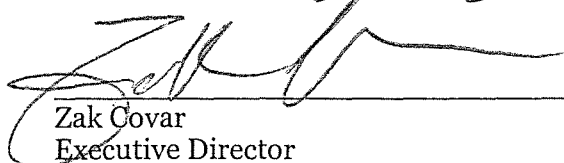
MUNICIPAL SETTING DESIGNATION CERTIFICATE

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. 206, in the City of Missouri City, 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 3rd day of January, 2013



Zak Covar
Executive Director
Texas Commission on Environmental Quality

Exhibit "A"
Page 1 of 2

18.728 Acres
B.B.B. & C. R.R. Survey
Abstract No. 117
Fort Bend County, Texas
Page 1 of 2

A TRACT OR PARCEL OF LAND, CONTAINING 18.728 ACRES MORE OR LESS IN THE B. B. B. & C. R. R. COMPANY SURVEY, SECTION 6, ABSTRACT NO. 117, FORT BEND COUNTY, TEXAS BEING A PORTION OF THAT CERTAIN 9.7215 ACRE TRACT OF LAND DESCRIBED IN WARRANTY DEED WITH VENDORS LIEN CONVEYED TO EIM COMPANY, INC., RECORDED IN VOLUME 1906, PAGE 2398 OF THE FORT BEND COUNTY DEED RECORDS, A PORTION OF A 10.00 ACRE TRACT OF LAND CONVEYED TO EIM COMPANY, INC. RECORDED IN VOLUME 373, PAGE 218 OF THE FORT BEND COUNTY DEED RECORDS AND A 0.6887 ACRE TRACT CONVEYED TO SPECIAL WARRANTY DEED TO EIM COMPANY, INC. AND RECORDED UNDER CLERK'S FILE NO. 9456706 OF THE FORT BEND COUNTY OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Bearings based on the Northwesternly line of herein described tract of land, being North 45° 48 Min. 41 Sec. East;

BEGINNING at a found 1-inch iron pipe for the most Northerly corner of herein described tract of land, being the most Easterly corner of a tract recorded in Fort Bend County Clerk's File No. 9249952, and on the Southerly right-of-way line of Pike Road (60 foot right-of-way);

THENCE, South 44° 28 Min. 50 Sec. East, along the Northeasterly line of herein described tract of land, being along the Southwesterly right-of-way line of Pike Road, a distance of 862.34 feet to a ½ inch iron rod with cap set for corner;

THENCE, South 44° 39 Min. 57 Sec. East, continuing along the Northeasterly line of herein described tract of land, being along the Southwesterly right-of-way line of Pike Road, a distance of 50.00 feet to a found 1-inch iron pipe with cap for the most Easterly corner of herein described tract of land;

THENCE, South 45° 48 Min. 43 Sec. West, along the Southeasterly line of herein described tract of land, being the Northwesternly line of a tract recorded in Fort Bend County Clerk's File No. 537383, a distance of 600.00 feet to a ½ inch iron rod with cap set for corner;

THENCE, North 44° 39 Min. 57 Sec. West, along the Southeasterly portion of herein described tract of land, being the Northwesternly portion of a tract recorded in Fort Bend County Clerk's File No. 537383, a distance of 50.00 feet to a ½ inch iron rod with cap set for corner;

THENCE, South 45° 48 Min. 43 Sec. West, along the Southeasterly line of herein described tract of land, being along the Northwesternly portion of a tract recorded in Fort

Exhibit "A"

Page 2 of 2

18.728 Acres
B.B.B. & C. R.R. Survey
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Bend County Clerk's File No. 537383, a distance of 551.38 feet to a ½ inch iron rod with cap set for the most Southerly corner of herein described tract of land;

THENCE, North 44° 26 Min. 34 Sec. West, along the Southwesterly portion of herein described tract of land, being along the Northeasterly line of a tract recorded in Fort Bend County Clerk's File No. 9456705, a distance of 340.53 feet to ½ inch iron rod with cap set for a point;

THENCE, the following 2 courses along the Easterly portion of herein described tract of land, being along the Westerly portion of a tract recorded Map 1501/A of Fort Bend County Map Records;

1. North 45° 48 Min. 43 Sec. East, a distance of 396.49 feet to a found 5/8-inch iron rod with cap for corner,
2. North 44° 28 Min. 19 Sec. West, a distance of 521.80 feet to a found 1-inch iron rod with cap set for the most Westerly corner of herein described tract of land;

THENCE, North 45° 48 Min. 41 Sec. East, along the Northwesterly line of herein described tract of land, being along the Southeasterly line of a tract recorded in Fort Bend County Clerk's File No. 9249952, a distance of 754.58 feet to the **POINT OF BEGINNING**, containing an area of 18.728 acres, more or less.

MSD No. 206 EXHIBIT "A"

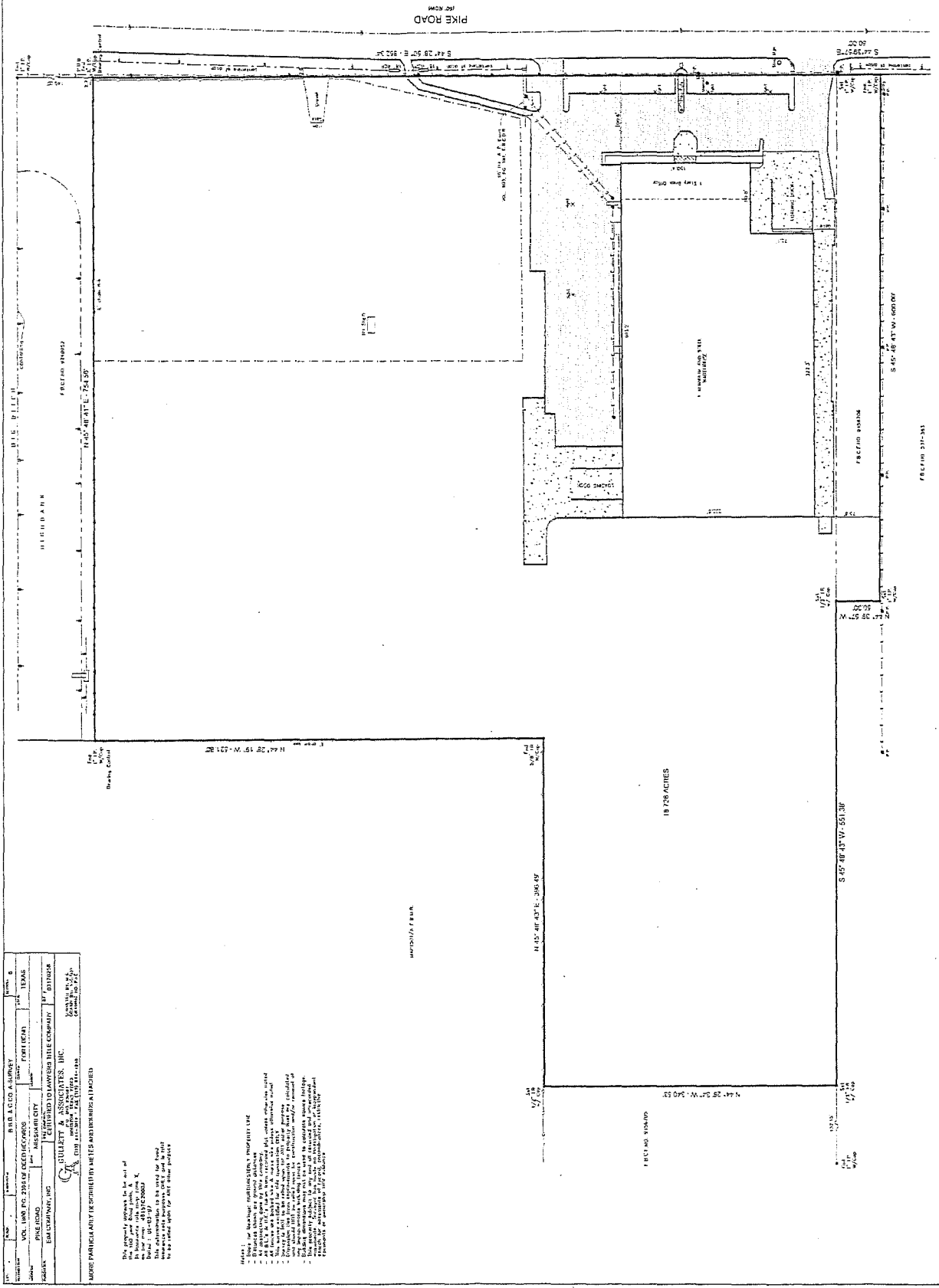
SCALE 1" = 50'

| | |
|--------------|--------------|
| PROJECT NO. | MSD No. 206 |
| DATE | 10/15/63 |
| BY | W. B. BILLY |
| CHECKED BY | W. B. BILLY |
| APPROVED BY | W. B. BILLY |
| DATE | 10/15/63 |
| PROJECT NAME | 19.728 ACRES |
| OWNER | W. B. BILLY |
| ENGINEER | W. B. BILLY |
| LOCATION | 19.728 ACRES |
| SECTION | 19.728 ACRES |
| CITY | 19.728 ACRES |
| COUNTY | 19.728 ACRES |
| STATE | 19.728 ACRES |

NOTE: PARTICULARS CONCERNING METES AND BOUNDARIES ATTACHED

This plat is prepared to be used as a part of the final plat for the subdivision of the land shown hereon. It is not to be used as a deed or other instrument. This instrument is to be used for the purpose of recording the plat for the subdivision of the land shown hereon.

- 1. The plat is prepared to be used as a part of the final plat for the subdivision of the land shown hereon.
- 2. It is not to be used as a deed or other instrument.
- 3. This instrument is to be used for the purpose of recording the plat for the subdivision of the land shown hereon.
- 4. The plat is prepared to be used as a part of the final plat for the subdivision of the land shown hereon.
- 5. It is not to be used as a deed or other instrument.
- 6. This instrument is to be used for the purpose of recording the plat for the subdivision of the land shown hereon.
- 7. The plat is prepared to be used as a part of the final plat for the subdivision of the land shown hereon.
- 8. It is not to be used as a deed or other instrument.
- 9. This instrument is to be used for the purpose of recording the plat for the subdivision of the land shown hereon.
- 10. The plat is prepared to be used as a part of the final plat for the subdivision of the land shown hereon.
- 11. It is not to be used as a deed or other instrument.
- 12. This instrument is to be used for the purpose of recording the plat for the subdivision of the land shown hereon.



W. B. BILLY
Professional Engineer
State of Texas
License No. 10000

Exhibit "A"
Page 1 of 2

7.042 Acres
B.B.B. & C. R.R. Survey
Abstract No. 117
Fort Bend County, Texas
Page 1 of 2

Being a tract or parcel of land containing 7.042 acres (306,751 square feet) located in the B.B.B. & C. R.R. Survey, Abstract Number 117, Fort Bend County, Texas, and being the remainder of a called 26.6095 acre tract of land described in deed executed March 1, 1982 from H. B. Payne, et al to Pike Road Investors as recorded under Volume 1086, Page 637 of the Fort Bend County Deed Records (FBCDR). Said 7.042 acre tract being more particularly described as follows (all bearings are based upon the Texas State Plane Coordinate System, South Central Zone North American Datum of 1983 (NAD 83)):

Beginning at a found five-eighths inch iron rod with cap stamped "Cotton" in the westerly right-of-way line of South Gessner Road (based on a width of 100 feet, Slide No. 944B-946A, of the Fort Bend County Map Records (FBCMR)), said corner also being the southeast corner of Reserve C, Final Plat of South Gessner Road Industrial Park as recorded as Plat No. 20070208 of the FBCMR;

Thence, in a southwesterly direction, with the westerly right-of-way line of South Gessner Road, with a curve to the left, having a radius of 1,664.45 feet, an arc length of 99.96 feet, a delta angle of 03 degrees 26 minutes 27 seconds, and whose chord bears South 06 degrees 16 minutes 53 seconds West, a distance of 99.94 feet to a found five-eighths inch iron rod with cap stamped "Cotton" marking the northerly corner of a called 5.740 acre tract described in deed executed May 17, 2007 from BC Business Park LP. to C&L Partnership Ltd., as recorded under Fort Bend County Clerk's File (FBCCF) 2007061420 of the Official Public Records of Real Property Fort Bend County, Texas (OPRRPFBCCT);

Thence, North 83 degrees 45 minutes 35 seconds West, with the northwesterly line of said called 5.740 acre tract, a distance of 162.16 feet, to a found five-eighths inch iron rod with cap stamped "Cotton" marking an angle point in the northwesterly line of said called 5.740 acre tract;

Thence, South 42 degrees 26 minutes 32 seconds West, continuing with the northwesterly line of said called 5.740 acre tract, a distance of 478.90 feet, to a found five-eighths inch iron rod with cap stamped "Cotton" for the westerly corner of said called 5.740 acre tract, said corner in the northeasterly right-of-way line of Pike Road (based on a width of 60 feet, Volume 83, Page 326, of the FBCDR and Volume 186, Page 637 of the FBCDR);

7.042 Acres
B.B.B. & C. R.R. Survey
Abstract No. 117
Fort Bend County, Texas
Page 2 of 2

Thence, North 47 degrees 35 minutes 32 seconds West, with the northeasterly right-of-way line of said Pike Road, at a distance of 498.95 feet, pass a found one-inch iron pipe in the southeasterly line of a 40 foot wide Fort Bend County Drainage Easement (as depicted on plat recorded under Slide 944B-946A, FBCMR) continuing with the southwesterly line of said 40 foot drainage easement, a total distance of 538.95 feet, to a found five-eighths inch iron rod with cap stamped "Cotton" for the southeasterly corner of a called 11.5221 acre tract as described in Volume 2254, Page 1048 of the FBCDR;

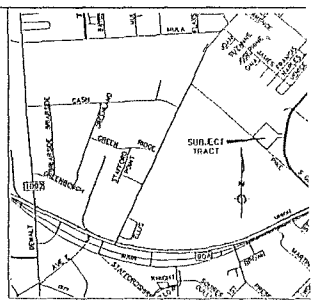
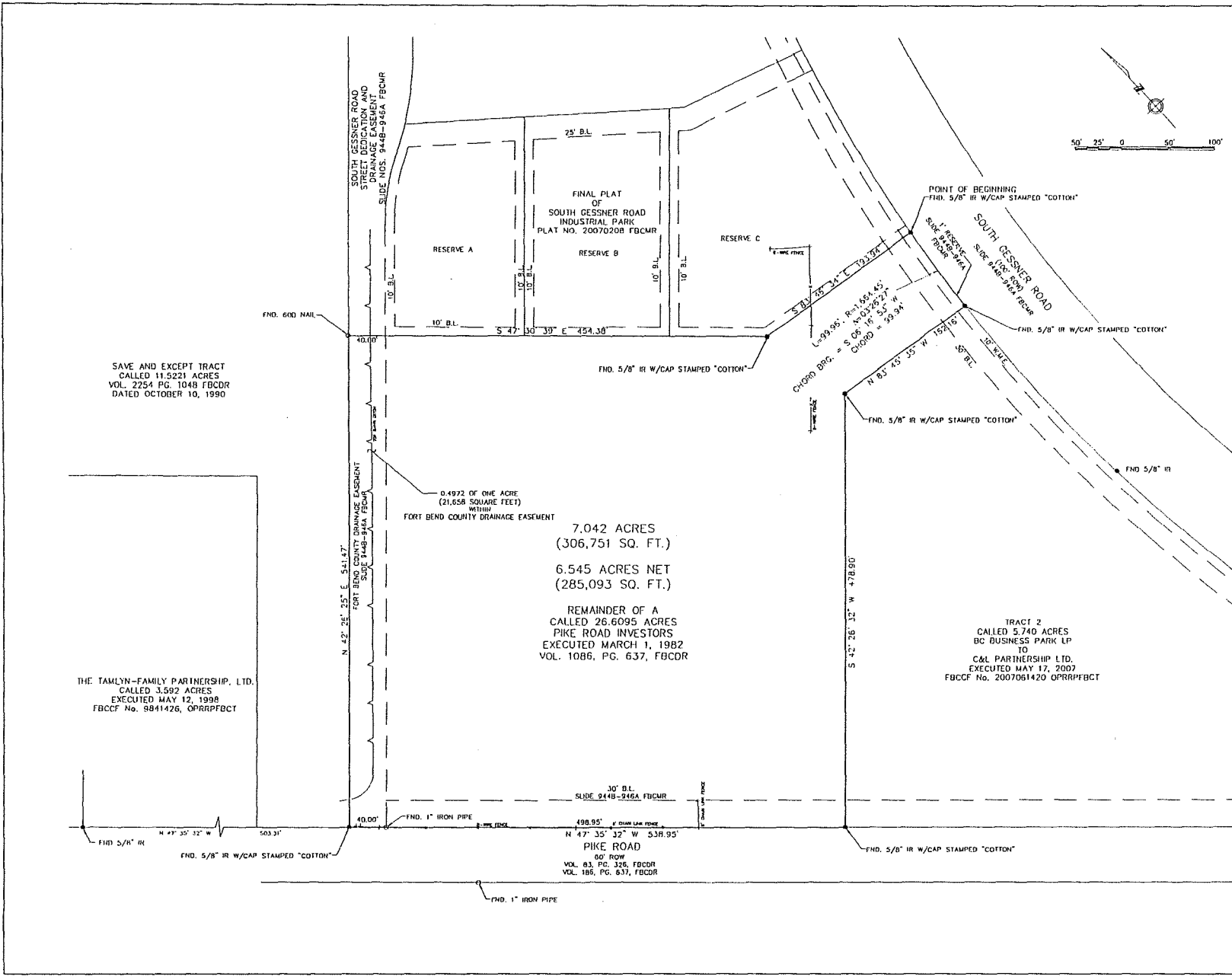
Thence, North 42 degrees 26 minutes 25 seconds East, with the southeast line of said called 11.5221 acre tract and with the northwesterly line of said 40 foot wide drainage easement, a distance of 541.47 feet, to a found 60 D nail for the west corner of Reserve A, Final Plat of South Gessner Road Industrial Park as recorded as Plat No. 20070208 of the FBCMR;

Thence, South 47 degrees 30 minutes 39 seconds East, with the southwesterly line of said Final Plat of South Gessner Road Industrial Park, a distance of 454.38 feet, to a found five-eighths inch iron rod with cap stamped "Cotton" for an angle point;

Thence, South 83 degrees 46 minutes 34 seconds East, continuing with the southwesterly line of said Final Plat of South Gessner Road Industrial Park, a distance of 193.94 feet, to the Point of Beginning and containing 7.042 acres (306,751 square feet) of which 0.4972 of one acre (21,658 square feet) is encumbered by said 40 foot wide easement leaving a net area of 6.545 acres (285,093 square feet).

A separate survey plat was prepared in conjunction with this metes and bounds description and is on file in the office of Baseline Corporation job number 11.021.00.

MSD No. 206
EXHIBIT "A"



LEGEND
 FBCCR FORT BEND COUNTY MAP RECORDS
 FINCE FORT BEND COUNTY EASEMENTS FILE
 OPRRPFBCRT OFFICIAL PUBLIC RECORDS OF REAL PROPERTY
 FORT BEND COUNTY, TEXAS
 FBCCR FORT BEND COUNTY EASEL RECORDS
 W.M.E. WATER MAIN EASEMENT
 B.L. DRAINAGE LINE

- NOTES:
- 1) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. OTHER EASEMENTS MAY EXIST NOT SHOWN HEREON.
 - 2) BEARINGS BASED UPON THE TEXAS STATE PLAIN COORDINATE SYSTEM SOUTH CENTRAL ZONE NO. 4204 (NAD 83). DISTANCES ARE SURFACE DISTANCES. COMBINED SCALE FACTOR FOR PROJECT IS 0.99987675.
 - 3) ABSTRACTING PERFORMED BY BASELINE CORPORATION.
 - 4) ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY RATE MAP, COMPADITY PANEL NO. 260, MAP NUMBER 4852202-A, REVISED JANUARY 3, 1993, SUBJECT PROPERTY LIES WITHIN ZONE X (UNSHADED). AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOODPLAIN.
 - 5) A SEPARATE METES AND BOUNDS DESCRIPTION WAS PREPARED BY CORRELATION WITH THIS SURVEY AND IS ON FILE IN THE OFFICE OF BASELINE CORPORATION JOB NUMBER 11-02110.
 - 6) IMPROVEMENTS NOT LOCATED.

I, MICHAEL F. CARRINGTON, DO HEREBY CERTIFY THAT THE FOREGOING PLAT REPRESENTS A SURVEY PERFORMED IN THE COURSE AND UNDER MY SUPERVISION ON JULY 6, 2011, AND MEETS OR EXCEEDS THE MINIMUM PROFESSIONAL AND TECHNICAL STANDARDS PROMULGATED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYORS, SUBJECT TO THE METES SHOWN HEREON.

Michael F. Carrington 07/06/11
 REGISTERED PROFESSIONAL LAND SURVEYOR
 TEXAS REGISTRATION NO. 53366



BOUNDARY SURVEY
 7.042 ACRES
 (306,751 SQ. FT.)
 OUT OF THE
 D.B.D. & C. R.P. CO. SURVEY,
 ABSTRACT NO. 117
 FORT BEND COUNTY, TEXAS

| | |
|--------------------------------|--------------------|
| BASELINE CORPORATION | |
| SCALE: 1"=50' | JOB NO.: 11.021.00 |
| DATE: 07/09/11 | FIELD BOOK: X-528 |
| DRAWN BY: WFC | APPROVED BY: RLB |

Municipal Setting Designation

Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared W.L. Elliott, as an authorized representative of EIM Properties, 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.

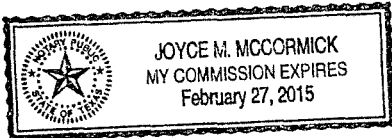
I affirmatively state that (place an X in all applicable blanks)

- 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.

[Signature]
Signature

Date: 5-22-2012

W.L. Elliott
Printed Name
President
Title



STATE OF TEXAS
COUNTY OF Ft. Bend

SUBSCRIBED AND SWORN before me on this the 25 day of May 2012, to which witness my hand and seal of office.

Joyce M. McCormick
Notary Public in and for the State of TEXAS

Municipal Setting Designation

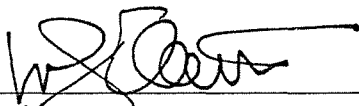
Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared W.L. Elliott, as an authorized representative of Pike Road Investors, 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)

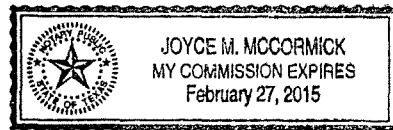
- The MSD eligibility criteria of THSC Section 361.803 are satisfied.
- True and accurate copies of all documents demonstrating that the MSD eligibility criteria provided by THSC 361.803 have been satisfied and are included with the application.
- A true and accurate copy of a legal description of the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


Signature

Date: 5-22-2012

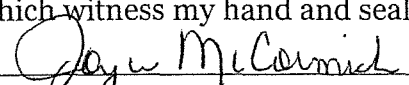
W.L. Elliott
Printed Name

PRESIDENT
Title



STATE OF Texas
COUNTY OF Ft. Bend

SUBSCRIBED AND SWORN before me on this the 25 day of May 2012, to which witness my hand and seal of office.


Notary Public in and for the State of Texas