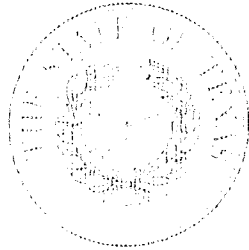


Texas Commission on Environmental Quality



Municipal Setting Designation

As provided for in §361.807, Subchapter W, Texas Health and Safety Code (Solid Waste Disposal Act):

I, Mark R. Vickery, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation for MSD No. 83, in the City of Houston, 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 19th day of March, 2009.

A handwritten signature in black ink, appearing to read "Mark R. Vickery", is written over a horizontal line.

Mark R. Vickery, P.G.
Executive Director
Texas Commission on Environmental Quality

EXHIBIT A

DESCRIPTION OF A 1.355 ACRE TRACT OF LAND SITUATED IN THE JOHN AUSTIN SURVEY, ABSTRACT No. 1 CITY OF HOUSTON, HARRIS COUNTY, TEXAS

BEING a 1.355 acre of land situated in the John Austin Survey, Abstract No. 1 in the City of Houston, Harris County, Texas and being all of a called 1.355 acre tract as recorded in Harris County Clerk's File No. Z534947, said 1.355 acres described as follows:

BEGINNING at a 5/8-inch iron rod found for the northwest corner of a tract of land as recorded in Harris County Clerk's File No. V637901, lying in the east right-of-way line of Givens Street (50' wide) and being the common southwest corner of said 1.355 acre tract and the herein described tract;

THENCE N 02°51'42" W, 178.85 feet with the east right-of-way line of said Givens Street and the west line of said 1.355 acre tract to a 5/8-inch iron rod with cap stamped Brown & Gay set for an angle point in the west line of the herein described tract;

THENCE N 02°26'19" W, 42.89 feet to a 5/8-inch iron rod with cap stamped Brown & Gay set for a southerly corner of a called 4.5777 acre tract as recorded in Harris County Clerk's File No. Y433209 and being the northwest corner herein described tract;

THENCE N 87°23'35" E, with the south line of said 4.5777 acre tract a distance of 269.73 feet to a 5/8-inch iron rod with cap stamped Brown & Gay set for the southeast corner of said 4.5777 acre tract also being the northeast corner of the herein described tract from which a "V" in concrete bears S 15°07' E, 7.57 feet;

THENCE S 02°32'42" E, 216.48 feet with the west right-of-way line of Diesel Street (60-feet wide) as recorded in Harris County Clerk's File No. V637902 to a 5/8-inch iron rod round for the southeast corner of the herein described tract from which a railroad spike bears N 02°33' W, 0.77 feet;

THENCE S 86°16'18" W, 268.88 feet along the south line of said 1.355 acre tract to the POINT OF BEGINNING and containing 1.355 acres of land.

DESCRIPTION OF 0.2063 ACRE TRACT OF LAND SITUATED
IN THE JOHN AUSTIN SURVEY, ABSTRACT No. 1
CITY OF HOUSTON, HARRIS COUNTY, TEXAS

BEING a 0.2063 acre of land situated in the John Austin Survey, Abstract No. 1 in the City of Houston, Harris County, Texas and being a portion of a tract of land conveyed to the City of Houston in a deed recorded in Volume 3357, Page 426 of Harris County Deed Records said 0.2063 acres described as follows:

BEGINNING at a 5/8-inch iron rod found for the northwest corner of a tract of land as recorded in Harris County Clerk's File NO. V637901, lying in the east right-of-way line of Givens Street (50' wide) and being the southwest corner of a called 1.355 acre tract of land recorded under Harris County Clerk's File Number Z534947;

THENCE S 86°16'18" W over and across said Givens Street a distance of 50.01 feet to a 5/8-inch iron rod with cap stamped Brown & Gay set for the southwest corner of the herein described tract of land in the west line of said Givens Street;

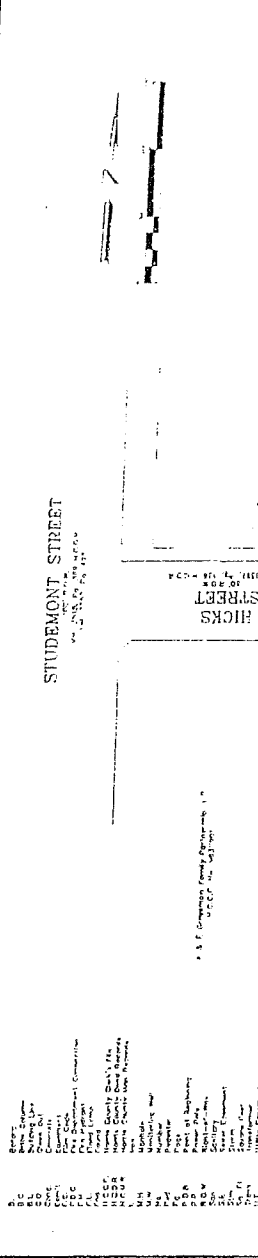
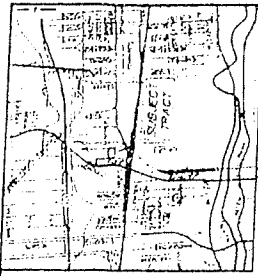
THENCE N 02°51'42" W, 180.44 feet with the west right-of-way line of said Givens Street over and across Hicks Street (60' wide) to a 5/8-inch iron rod with cap stamped Brown & Gay set for the northwest corner of the herein described tract of land in the south line of a called 1.4376 acre tract of land recorded under Harris County Clerk's File Number Y706041;

THENCE N 87°33'41" E, 12.41 feet to a 5/8-inch iron rod found marking the southeast corner of said 1.4376 acre tract of land same being the southwest corner of a 21,562 square feet Access Easement recorded under Harris County Clerk's File Number K638858;

THENCE N 88°16'07" E, 37.59 feet to a 5/8-inch iron rod with cap stamped Brown & Gay set for the northeast corner of the herein described tract of land in the east right-of-way line of said Givens Street same being the west line of said called 1.355 acre tract of land;

THENCE N 02°51'42" E, 178.85 feet along the west line of said 1.355 acre tract of land and east of right-of-way line of said Givens Street to the POINT OF BEGINNING and containing 0.2063 acres of land.

EXHIBIT "A"



LESSOR
 B. C. ...
 C. D. ...
 D. E. ...
 E. F. ...
 F. G. ...
 G. H. ...
 H. I. ...
 I. J. ...
 J. K. ...
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 L. M. ...
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 R. S. ...
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 T. U. ...
 U. V. ...
 V. W. ...
 W. X. ...
 X. Y. ...
 Y. Z. ...

1,355.5 ACRES
 48,000 SQ. FT.
 111.11 Acres

STUDEMONT STREET
 40' W. 1/2 S. 1/4 Sec. 10, T. 12N., R. 10E., S. 10E.

HICKS STREET
 40' W. 1/2 S. 1/4 Sec. 10, T. 12N., R. 10E., S. 10E.

GIVENS STREET
 40' W. 1/2 S. 1/4 Sec. 10, T. 12N., R. 10E., S. 10E.

DIESEL STREET
 40' W. 1/2 S. 1/4 Sec. 10, T. 12N., R. 10E., S. 10E.

SUMMER STREET
 40' W. 1/2 S. 1/4 Sec. 10, T. 12N., R. 10E., S. 10E.

1,355.5 ACRES
 48,000 SQ. FT.
 111.11 Acres

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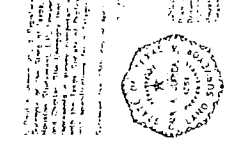
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LAND TITLE SURVEY
 OF TWO TRACTS OF LAND
 SITUATED IN THE
 JOHN AUSTIN SURVEY, A-1
 CITY OF HOUSTON,
 HARRIS COUNTY, TEXAS

BROWN
 & GAY

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' B '

c) each retail public utility, as defined by Texas Water Code, §13.002, that owns or operates a groundwater supply well located within five miles beyond the proposed MSD boundaries?	<input checked="" type="radio"/> Yes	<input type="radio"/> No ³	<input type="radio"/> NA ⁴
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³ Do not submit application.

⁴ NA only when no such municipality, private well owner, or retail public utility exists

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. VCP No. 1915		
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 checked="" 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? 12 / 2006	<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 checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" 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.

Debra K. Patterson
Applicant Signature

09.02.2008
Date

Before me Danielle R. Beene the undersigned authority, on this day personally appeared
Name of Notary

Debra K. Patterson and signed this Municipal Setting Designation Application.
Name of Applicant

Sworn, subscribed and signed before me in the County of Harris, State of Texas on the 2
day of September, this month of 2008.

