

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 10, 2011

Mr. Avi Ron
President
Silver Bishop Holdings, LP
4808 Gibson
Houston, Texas 77007

Re: Municipal Setting Designation (MSD) Certificate for Silver Bishop Holdings, LP, 5802 Navigation Boulevard & 235 N. Norwood Street, Houston, Harris County, Texas; MSD No. 162

Dear Mr. Ron:

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) 239-2362 or via e-mail (mark.arthur@tceq.texas.gov).

Sincerely,

A handwritten signature in cursive script, appearing to read "Mark Arthur".

Mark Arthur, P.G., Project Manager
VCP-CA Section
Remediation Division

MA/jdm

Enclosure

cc: Mr. Stu Goldsmith, TCEQ VCP-CA Section, Remediation Division, MC-221

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, Mark R. Vickery, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation for MSD No. 162, 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 6th day of June, 20 11

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

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

Exhibit "A"
MSD 162 Page 1 of 3
METES AND BOUNDS DESCRIPTION
"DESIGNATED PROPERTY"

4.3950 ACRES IN THE
S.M. WILLIAMS SURVEY, ABSTRACT NUMBER 87
HARRIS COUNTY, TEXAS

A 4.3950-ACRE (191,446 SQUARE FEET) TRACT OF LAND SITUATED IN THE S.M. WILLIAMS SURVEY, ABSTRACT NUMBER 87, HARRIS COUNTY, TEXAS, BEING OUT OF LOT 7 OF NIELS EPERSON INDUSTRIAL DISTRICT, AS RECORDED IN VOLUME 9, PAGE 29 OF THE HARRIS COUNTY MAP RECORDS, AND OUT OF UNRESTRICTED RESERVE "A" OF CONTINENTAL COFFEE SECTION ONE, AS RECORDED UNDER FILM CODE NUMBER 387086 OF THE HARRIS COUNTY MAP RECORDS, AND OUT OF THAT CALLED 5.9509-ACRE TRACT DESCRIBED IN DEED TO SILVER BISHOP HOLDINGS, L.P., AS RECORDED UNDER HARRIS COUNTY CLERK'S FILE NUMBER Z195935 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY AND A CALLED 4.9654-ACRE TRACT DESCRIBED AS TRACT 2 IN A DEED TO FARMER BROS. CO., AS RECORDED UNDER HARRIS COUNTY CLERK'S FILE NUMBER 20090089807 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, ALSO BEING A PORTION OF NAVIGATION BOULEVARD (BASED ON A WIDTH OF 120-FEET) AS RECORDED IN VOLUME 663, PAGE 504 OF THE HARRIS COUNTY DEED RECORDS, AND A PORTION OF NORWOOD STREET (BASED ON A WIDTH OF 60-FEET), AS RECORDED IN VOLUME 9, PAGE 29 OF THE HARRIS COUNTY MAP RECORDS, SAID 4.3950-ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE, AS DETERMINED BY GPS OBSERVATIONS. COORDINATES SHOWN HEREON ARE TEXAS SOUTH CENTRAL ZONE NO. 4204 STATE PLANE GRID COORDINATES (NAD83) AND MAY BE BROUGHT TO THE SURFACE BY APPLYING THE FOLLOWING COMBINED SCALE FACTOR OF 0.99988904557):

COMMENCING at a 1/2-inch iron marking the intersection of the west right-of-way line of Greenwood Street (based on a width of 60-feet) as recorded in Volume 9, Page 29 of the Harris County Map Records with the south right-of-way line of said Navigation Boulevard, and being the northeast corner of said called 5.9509-acre tract and the northeast corner of said Lot 7, having coordinates X=3,137,823.29 and Y=13,837,782.55;

THENCE South 86°34'34" West 318.97', along the south right-of-way line of said Navigation Boulevard to the **POINT OF BEGINNING** of the herein described tract, having coordinates X=3,137,692.93 and Y=13,837,774.75;

- (1) **THENCE** South 03°23'57" East 400.44 feet, to an interior corner of said called 5.9509-acre tract, and being the southeast corner of the herein described tract, having coordinates X=3,137,716.67 and Y=13,837,375.06;
- (2) **THENCE** South 86°40'41", along the most westerly south line of said called 5.9509-acre tract, at 17.00 feet pass a 5/8-inch iron rod with cap stamped "Clark 1881" found marking the northeast corner of a called 1.332-acre tract described as Tract 1 in a deed to Farmer Bros. Co., as recorded under Harris County Clerk's File Number 20090089807 of the Official Public Records of Real Property, at 200.00 feet pass a 5/8" iron rod with

cap stamped "Clark 1881" found marking the northwest corner of said called 1.332-acre tract and the most westerly southwest corner of said called 5.9509-acre tract, in the east right-of-way line of said Norwood Street, at 260.02 feet pass the west right-of-way line of said Norwood Street, and continuing over and across said called 4.9654-acre tract a total distance of 368.02 feet to the southwest corner of the herein described tract, having coordinates X=3,137,349.30 and Y=13,837,353.74;

- (3) **THENCE** North 03°23'57" West, over and across said called 4.9654-acre tract, parallel to the west right-of-way line of said Norwood Street, at 401.13 feet pass a point in the south right-of-way line of said Navigation Boulevard and arc of a curve, having a radius of 1,492.69 feet, from which a nail found marking the end of a radial cut back at said Navigation Boulevard from Portwood Street (based on a width of 60-feet) as recorded under Film Code Number 387086 of the Harris County Map Records is in a westerly direction 253.87 feet along the arc of said curve to the right, having a central angle of 09°44'41" and a chord which bears North 86°07'18" West 253.56 feet, and from which a "X" cut in concrete found for the point of tangency of said curve is in an easterly direction 63.30 feet along said curve to the left, having a central angle of 02°25'48" and a chord which bears North 87°47'28" East 63.30 feet, and continuing on said parallel line over and across Navigation Boulevard a total distance of 521.25 feet to a point in the north right-of-way line of said Navigation Boulevard and in the arc of a curve to the left, whose center bears North 00°47'01" West, and being the northwest corner of the herein described tract, having coordinates X=3,137,318.40 and Y=13,837,874.01;
- (4) **THENCE** in an easterly direction, along the north right-of-way line of said Navigation Boulevard, 63.26 feet along the arc of said curve to the left, having a radius of 1,372.69 feet, a central angle of 02°38'25" and a chord which bears North 87°53'46" East 63.25 feet, to the point of tangency, having coordinates X=3,137,381.60 and Y=13,837,876.33;
- (5) **THENCE** North 86°34'34" East, continuing along the right-of-way line of said Navigation Boulevard, at 291.19 feet, pass a 5/8-inch iron rod found marking the southeast corner of a called 10,286 square foot tract described in a deed to General Stevedores, Inc., as recorded under Harris County Clerk's File Number E203091 of the Official Public Records of Real Property, and continuing for a total distance of 304.79 feet to the northeast corner of the herein described tract, having coordinates X=3,137,685.81 and Y=13,837,894.53;
- (6) **THENCE** South 03°23'57" East 120.00 feet, over and across said Navigation Boulevard to the **POINT OF BEGINNING** and containing 4.3950 acres (191,446 square feet) of land. This description accompanies an Exhibit, prepared by KMS Surveying, LLC and dated August 28, 2009.

KMS SURVEYING, LLC
Kevin Drew McRae, R.P.L.S.
Texas Registration No: 5485
2550 Gray Falls Drive, Suite 215
Houston, Texas 77077
281-598-0000
Date: 8/28/2009 gw
Job No: 51403-0902
File No: X:\1400\1403-0902\documents\technical\14030902-EHPC01.doc



Kevin Drew McRae
8/28/09

LEGEND

CLARK
H.C.D.R.
H.C.C.F. NO.
IP
R
P.R.O.R.P.
R.O.W.
SQ.FT.
W/
MW

CAP STAMPED "CLARK 1881"
HARRIS COUNTY DEED RECORDS
HARRIS COUNTY CLERK'S FILE NUMBER
IRON PIPE
IRON ROD
OFFICIAL PUBLIC RECORDS
OF REAL PROPERTY
RIGHT-OF-WAY
SQUARE FEET
WITH
MONITORING WELL

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	1372.69'	63.26'	02°38'25"	N 87°53'46" E	63.25'
C2	1492.69'	63.30'	02°25'48"	N 87°47'28" E	63.30'
C3	1492.69'	253.87'	09°44'41"	N 86°07'18" W	253.56'

LINE	BEARING	DISTANCE
L1	S 86°34'34" W	318.97'
L2	S 03°23'57" E	120.00'

CALLED 1.199 ACRES
GENERAL STEVEDORES, INC.
H.C.C.F. NO. CB11107
O.P.R.O.R.P.

CALLED 10,286 SQ.FT.
GENERAL STEVEDORES, INC.
H.C.C.F. NO. E203091
O.P.R.O.R.P.

FND 5/8" IR

X=3,137,685.81
Y=13,837,894.53

P.O.C.
FND 1/2" IR
X=3,137,823.29
Y=13,837,782.55

P.O.B.
X=3,137,692.93
Y=13,837,774.75

GREENWOOD STREET (60' R.O.W.)
VOLUME 9, PAGE 29, H.C.M.R.

NIELS EPPERSON INDUSTRIAL DISTRICT
VOLUME 9, PAGE 29
H.C.M.R.

RAILROAD EASEMENT
HOUSTON BELT & TERMINAL
RAILWAY COMPANY
VOLUME 1185, PAGE 584
H.C.D.R.

FND 5/8" IR
(CLARK)

CALLLED 1.332 ACRES
TRACT 1
FARMER BROS. CO.
H.C.C.F. NO. 20090089807
O.P.R.O.R.P.

X=3,137,716.67
Y=13,837,375.06

FND 5/8" IR
(CLARK)

4.3950 ACRES
(191,446 SQ.FT.)

AREA WITHIN
"DESIGNATED PROPERTY"
1.8378 ACRES

CALLLED 5.9509 ACRES
SILVER BISHOP HOLDINGS, L.P.
H.C.C.F. NO. 2185935
O.P.R.O.R.P.

NORWOOD STREET (60' R.O.W.)
VOLUME 9, PAGE 29, H.C.M.R.

AREA WITHIN
"DESIGNATED
PROPERTY"
0.9898 ACRES

CALLLED 4.9654 ACRES
TRACT 2
FARMER BROS. CO.
H.C.C.F. NO. 20090089807
O.P.R.O.R.P.

UNRESTRICTED RESERVE "A"
CONTINENTAL COFFEE
SECTION ONE
F.C. NO. 387086
H.C.M.R.

S.M. WILLIAMS
SURVEY, A-87

X=3,137,349.30
Y=13,837,353.74

NOTES:

- THE BASIS OF BEARINGS SHOWN HEREON IS REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, 1983, SOUTH CENTRAL ZONE, AS DERIVED FROM GPS OBSERVATIONS.
- THE COORDINATES SHOWN HEREON ARE TEXAS SOUTH CENTRAL ZONE NO. 4204 STATE PLANE GRID COORDINATES, NORTH AMERICA DATUM OF 1983 (NAD 83) 2001 ADJUSTMENT, AND MAY BE CONVERTED TO GRID BY APPLYING A COMBINED PROJECT SCALE FACTOR OF 0.99988904557.



KMS Surveying, LLC

2550 GRAY FALLS - SUITE 215
HOUSTON, TEXAS 77077
281-598-0000

EXHIBIT
"DESIGNATED PROPERTY"
4.3950 ACRES (191,446 SQ.FT.)
S.M. WILLIAMS SURVEY, A-87
HARRIS COUNTY, TEXAS

DATE: AUGUST 28, 2009

SCALE: 1" = 100'

PROJECT No. 51403-0902

SHEET 1 OF 1

Exhibit "B"
MSD 162

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
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. 1541 (January 2003)		
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 / 04 /2002	<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.

S: / XYS Bishop Holdings, L.P.
by: AR2009 GP, Inc.

Applicant Signature

Date

Before me Regina R. Richards

Name of Notary

the undersigned authority, on this day personally appeared Avi Ron, Pres. of AR2009
C.P.A., sole g.p. of S. Bishop Holdings, L.P. and signed this Municipal Setting Designation Application on behalf of said entity

Name of Applicant

Sworn, subscribed and signed before me in the County of HARRIS, State of TX, on the 20th
day of May, this month of 2011.

TCEQ-20149 June 2007

Holdings L.P., 9 TEXAS²
limited partnership

