

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
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Richard A. Hyde, P.E., *Executive Director*

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

February 14, 2018

Mr. Matthew J. Smith, Executive Vice President  
indiGO Houston 13921 North Freeway, LLC  
13921 North Freeway  
Houston, Texas 77090

Re: **Municipal Setting Designation (MSD) Certificate for indiGO Houston 13921 North Freeway, LLC, Former Mercedes North Houston Dealership, 13911 & 13915 North Freeway, Houston, Harris County, Texas; MSD No. 358; Customer No. CN601483514; Regulated Entity No. RN10292496**

Dear Mr. Smith:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced Municipal Setting Designation (MSD) application on March 28, 2017 and additional information supporting this MSD application on August 9, 2017 and October 27, 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) 239-3555 or via e-mail ([stephanie.saldana@tceq.texas.gov](mailto:stephanie.saldana@tceq.texas.gov)).

Sincerely,



Stephanie Saldaña, Project Manager  
VCP-CA Section  
Remediation Division

SS/jdm

cc: **Mr. Arun Neupane, Terracon Consultants, Inc., 11555 Clay Rd., Houston, Texas 77043**  
**Mr. Jason Ybarra, Waste Section Manager, TCEQ Region 12 Office, Houston**

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. 358, 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 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 12<sup>th</sup> day of February, 2018

Beth Seaton

Beth Seaton, Director  
Remediation Division  
Texas Commission on Environmental Quality



# Exhibit B

## Municipal Setting Designation

### Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Todd L. Blue, as an authorized representative of IndiGO Houston 13921 North Freeway, 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.

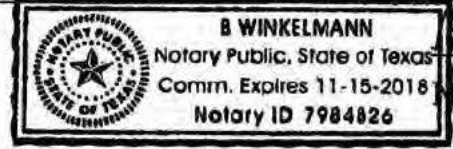
Todd L. Blue  
Signature

Date: 3-23-17

Todd L. Blue  
Printed Name  
Manager  
Title

STATE OF TX  
COUNTY OF Harris

SUBSCRIBED AND SWORN before me on this the 23 day of March 2017, to which witness my hand and seal of office.



B Winkelmann  
Notary Public in and for the State of TX