

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

February 14, 2018


Mr. Andrew Bernstein
The Shops at Shepherd, Ltd
1800 Saint James Place, Suite 300
Houston, Texas 77056

Re: Municipal Setting Designation (MSD) Certificate for The Shops at Shepherd, Ltd, Eco Cleaners, 2620 S. Shepherd Drive, Houston, Harris County, Texas; MSD No. 360; Customer No. CN604492801; Regulated Entity No. RN102147964

Dear Mr. Bernstein:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced Municipal Setting Designation (MSD) application on April 11, 2017 and additional information supporting this MSD application on August 10, 2017, October 23, 2017, and January 29, 2018. 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) 239-4940 or via e-mail (robert.anderson@tceq.texas.gov).

Sincerely,



Robert Anderson, Project Manager
VCP-CA Section
Remediation Division

RA/jdm

cc: Mr. Michael Marcon, InControl Technologies, Inc., 14731 Pebble Bend Drive, Houston, Texas 77068

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. 360, 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 12th day of February, 2018

Beth Seaton

Beth Seaton, Director
Remediation Division
Texas Commission on Environmental Quality

A TRACT OR PARCEL OF LAND CONTAINING 15,000 SQ. FT. OR 0.3444 ACRE BEING ALL OF LOTS 8, 9, AND 10, BLOCK 1 OF "RENE SU COURT" ADDITION OUT OF THE OBEDIENCE SMITH SURVEY ABSTRACT 696, HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 572, PAGE 38 OF THE HARRIS COUNTY DEED RECORDS, SAID 0.3444 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS TO-WIT:

Commencing for reference at a 5/8 inch iron rod marking the intersection of the South right-of-way line of Westhimer Road and the West right-of-way line of South Shepard Dr. and the Northeast corner of said Block 1 as delineated on plat recorded in Volume 572 Page 30 of the Harris County Deed Records;

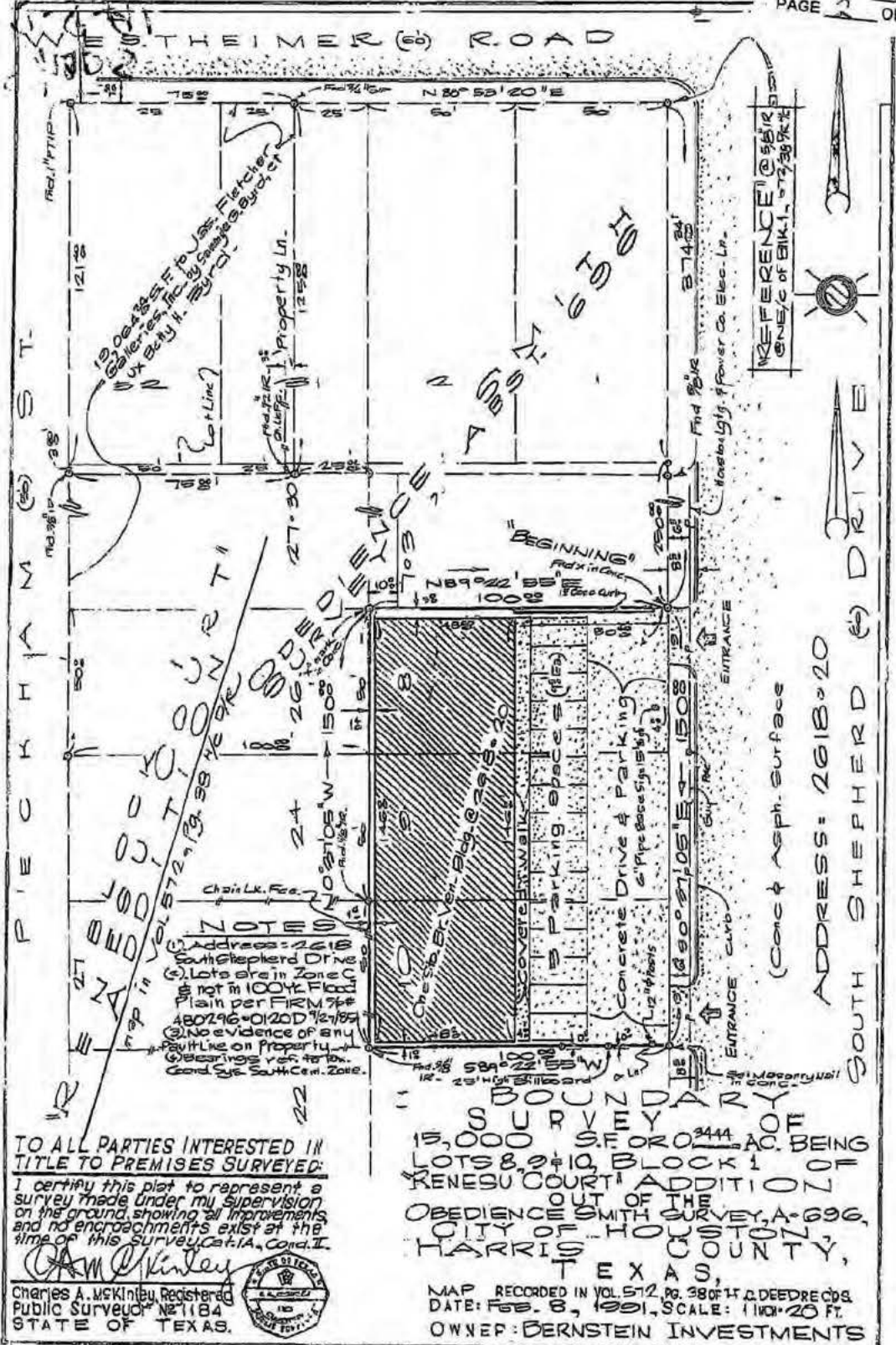
Thence South 0 degrees 37 minutes 05 seconds East with the West right-of-way line of said South Shepard Drive a distance of 374.34 ft. to a X mark found in concrete marking the Northeast corner of Lot 8 and the Southeast corner of Lot 7 and the Northeast corner and PLACE OF BEGINNING of the herein described 0.3444 acre tract;

THENCE continuing South 0 degrees 37 minutes 05 seconds East with the West right-of-way line of said South Shepard Dr. a distance of 150.00 ft. to a masonry nail set in concrete at the Southeast corner of Lot 10 and the Northeast corner of Lot 11;

THENCE South 89 degrees 22 minutes 55 seconds West perpendicular to the afore mentioned line a distance of 100.00 ft. to a 5/8 inch iron rod found at the Southwest corner of Lot 10 and the Northwest corner of Lot 11 and the Northeast corner of Lot 22 and the Southeast corner of Lot 23;

THENCE North 0 degrees 37 minutes 05 seconds West with the West line of Lots 10, 9, and 8 a distance of 150.00 ft. to a X mark in concrete at the Northeast corner of Lot 26 the Northwest corner of lot 8, the Southwest corner of Lot 7 and the Southeast corner of Lot 27;

THENCE North 89 degrees 22 minutes 55 seconds East with the division line between Lots 7 and 8 a distance of 150.00 ft. to the PLACE OF BEGINNING and containing 0.3444 acre being known as 2618 thru 2620 of South Shepard Dr., Houston, Texas 77098



TO ALL PARTIES INTERESTED IN TITLE TO PREMISES SURVEYED:

I certify this plot to represent a survey made under my supervision on the ground showing all improvements and no encroachments exist at the time of this survey, Cat. 1A, Cont. II.

Charles A. McKinley
 Charles A. McKinley Registered Public Surveyor No. 1184 STATE OF TEXAS.



BOUNDARY SURVEY OF 15,000 S.F. OR 344 A.C. BEING LOTS 8, 9 & 10, BLOCK 1 OF KENESU COURT, ADDITION OF OBEDIENCE OUT OF THE OBEEDIENCE OF SMITH SURVEY, A-696, CITY OF HOUSTON, HARRIS COUNTY, TEXAS.

MAP RECORDED IN VOL. 572, PG. 38 OF T.D. DEED RECORDS
 DATE: FEB. 8, 1991, SCALE: 1 INCH = 20 FT.
 OWNED: DERNSTEIN INVESTMENTS

SF-20120274 (Harberg for Stewart Title Co.)

961-0731

Exhibit B

Municipal Setting Designation

Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Andrew Bernstein, as an authorized representative of The Shops at Shepherd, Ltd., 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: 4-7-2017

Andrew Bernstein
Printed Name

President of The Shops at Shepherd Management, Inc.
Title



STATE OF Texas
COUNTY OF Harris

SUBSCRIBED AND SWORN before me on this the 7th day of April 2017, to which witness my hand and seal of office.

[Signature]
Notary Public in and for the State of Texas