

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Stephanie Bergeron Perdue, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 23, 2018

Ms. Christy Davis, Environmental Analyst Sr.
Entergy Texas, Inc.
350 Pine Street
Beaumont, Texas 77701

Re: Municipal Setting Designation (MSD) Certificate for Entergy Texas, Inc., Liberty Pearl Complex, 285 Liberty Street, Beaumont, Jefferson County, TX; MSD No. 374; Customer No. CN603282054; Regulated Entity No. RN102047032; LPST No. 120132

Dear Ms. Davis:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced Municipal Setting Designation (MSD) application on November 3, 2017, and additional information supporting this MSD application on March 23, 2018 and July 6, 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) 239-2155 or via e-mail (christina.scanlon@tceq.texas.gov).

Sincerely,

A handwritten signature in cursive script, appearing to read "Christina Scanlon".

Christina Scanlon, Project Manager
For Alayna Goetsch, Project Manager
VCP-CA Section
Remediation Division

CRS/jdm

cc: Ms. Sara Tomashitis, ERM, CityCentre Four, 840 West Sam Houston Parkway North, STE 600, Houston, Texas 77024

Ms. Marilyn Gates, Waste Section Manager, TCEQ Region 10 Office, Beaumont

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. 374, in the City of Beaumont, 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 18th day of July, 2018

Beth Seaton

Beth Seaton, Director
Remediation Division
Texas Commission on Environmental Quality

PREPARED FOR: ENTERGY TEXAS, INC.

Subject Property
Owned by
Entergy Texas, Inc.
(formerly
Gulf States Utilities)

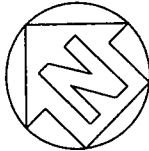
Vesting Deeds:

T1: V 991, P 465
DRJCT

T2: V 1954, P 176
DRJCT

T3: V 991, P 212
DRJCT

T4: CF 940774
OPRJCT



Scale: 1" = 50'

Liberty Avenue
(61.11' R.O.W.)

Fire Escape Stairwell

- Point for Corner
- ⊙ Utility Pole
- ⊗ Light Pole
- ⊙ Manhole or Lid
- ⊗ Fire Hydrant
- ⊙ Electric Box
- ⊗ Water Valve
- ⊙ Sign

POB Bldg. Corner
Lat: N30°05'05.12"
Long: W94°05'58.89"

Main Street

Lat: N30°05'07.10" (61.11' R.O.W.)
Long: W94°05'56.33"

Lat: N30°05'05.77"
Long: W94°05'54.97"

6' Wide Alleyway Agreement
V 55, P 601,
DRJCT
Apparent 3'
Alleyway Remainder

S 44°00'13" E 180.00'
(Called 180')

Point in Edge of Concrete
Fence Footing

Tract 4
Lots 105-106

"Handicap" Lot 106
"Handicap" Lot 105

Asphalt Parking Lot

Subject Property
1.199 Acres

Being all of Lots 102-108
out of Block 6 of
the Original Town of Beaumont
(V 448, P 249, DRJCT)
(Tracts 1-4)

Liberty Pearl Building
285 Liberty Avenue
Beaumont, Texas

Tract 1
120'X132'

N 44°00'13" W 180.00'
(Called 180')

Pearl Street (61.11' R.O.W.)

Lat: N30°05'03.79"
Long: W94°05'57.53"

DESCRIPTION OF SERVICES REQUESTED: PLAT OF SURVEY ON A PROPOSED MUNICIPAL SETTING DESIGNATION

SURVEYOR'S CERTIFICATION:

I DO HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THIS IS AN ACCURATE PLAT OF A SURVEY MADE ON THE GROUND UNDER MY SUPERVISION, SHOWING ALL IMPROVEMENTS AND ANY VISIBLE ENCROACHMENTS, AS OF July 07, 2017 THE ABOVE TRACT BEING LOCATED AT 201 & 285 LIBERTY STREET AND 341 PEARL STREET, BEAUMONT, TX 77701

GENERAL NOTES:

THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND NOT ALL EASEMENTS OR ABANDONMENTS, IF ANY, ARE SHOWN. A FIELD NOTE DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT. ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM (NAD83), SOUTH CENTRAL ZONE.

IN ACCORDANCE WITH THE FLOOD INSURANCE RATE MAP, FEDERAL EMERGENCY MANAGEMENT AGENCY, COMMUNITY-PANEL NO. 4854570020 C DATED 08-06-02. THIS PROPERTY LIES IN THE ZONE NOTED. LOCATION ON MAP DETERMINED BY SCALE. ACTUAL FIELD ELEVATION NOT DETERMINED. UNLESS REQUESTED, FITZ & SHIPMAN, INC. DOES NOT WARRANT NOR SUBSCRIBE TO THE ACCURACY OR SCALE OF SAID MAP.

FLOOD ZONE (F.E.M.A.) X

T.B.P.E. FIRM #1160 • T.X.L.S. FIRM #100186

Mitchell Lee Brackin
MITCHELL LEE BRACKIN
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5163

REVISION	DATE

DATE: 7-7-17
FIELD BOOK NO.: AS2017288
JOB NO.: _____

Fittz & Shipman
INC.

Consulting Engineers and Land Surveyors
1405 CORNERSTONE COURT BEAUMONT, TEXAS
(409)832-7238 FAX (409)832-7303



INC.

Ronald D. Fittz, P.E., R.P.L.S. (1948-1987)
Terry G. Shipman, P.E., Senior Consultant
Billy J. Smith, Jr., President
Daniel A. Dotson, P.E., Vice President

Consulting Engineers and Land Surveyors

Donald R. King, P.E.
Bernardino D. Tristan, P.E.
Jason R. Davis, P.E.
Mitchell L. Brackin, R.P.L.S.

EXHIBIT "A" (Page 2 of 2)**Municipal Setting Designation****Legal Description****July 7, 2017**

BEING a 1.199 acre tract of land lying in the N. TEVIS SURVEY, Abstract No. 52, in Jefferson County, Texas, being all of that tract of land described in an instrument to Gulf State Utilities Company of record in Volume 991 on Page 465 (hereinafter referred to as "Tract 1") of the Deed Records of Jefferson County, Texas, all of that certain tract described in an instrument to Gulf States Utilities Company of record in Volume 1954 on Page 176 (hereinafter referred to as "Tract 2") of said Deed Records, all of that certain tract of land described in an instrument to Gulf States Utilities Company of record in Volume 991 on Page 212 of said Deed Records (hereinafter referred to as "Tract 3"), all of that certain tract of land described in an instrument to Gulf States Utilities Company of record in County Clerk's File No. 940774 (hereinafter referred to as "Tract 4") of the Official Public Records of Jefferson County, Texas, and being all of Lots 102-108 in Block 16 of the Original Town of Beaumont, a subdivision of record in Volume 448 on Page 249 of said Deed Records, said 1.199 acres being more particularly described as follows:

All bearings are based on the Texas State Plane Coordinate System (NAD83), South Central Zone.

For the purpose of this description, all directional calls assume Liberty Avenue is running North and South.

BEGINNING at a building corner found at the Northeast intersection of Liberty Avenue (based on a 61.11' right-of-way) and Pearl Street (based on a 61.11' right-of-way) for the Southwest corner of Tract 1 and the Southwest corner of Lot 102, being the Southwest corner of the herein described tract (Latitude: N 30°05'05.12", Longitude: W 94°05'58.89");

THENCE North 45°55'44" East along the East right-of-way line of Liberty Avenue, the West line of Tracts 1, 3 & 4, the West line of Lots 102 to 106 and the West line of the herein described tract a **distance of 300.20 feet** (called 300 feet) to a point in the edge of a concrete fence footing, for the Southeast intersection of Liberty Avenue and Main Street (based on a 61.11' right-of-way), the Northwest corner of Tract 4 and the Northwest corner of Lot 106, being the Northwest corner of the herein described tract (Latitude: N 30°05'07.10", Longitude: W 94°05'56.33");

THENCE South 44°00'13" East along the South right-of-way line of Main Street, the North line of Tracts 3 & 4, the North line of Lots 106 & 108 and the North line of the herein described tract, passing a building corner at 174.2 feet, and continuing for a total distance of 180.00 feet (called 180 feet) to a point for the Northeast corner of Tract 3 and the Northeast corner of Lot 108, being the Northeast corner of the herein described tract (Latitude: N 30°05'05.77", W 94°05'54.97");

THENCE South 45°55'44" West along the East line of Tracts 2 & 3, the East line of Lots 107 & 108 and the East line of the herein described tract a **distance of 300.20 feet** (called 300 feet) to a point in the North right-of-way line of Pearl Street for the Southeast corner of Tract 2 and the Southeast corner of Lot 107, being the Southeast corner of the herein described tract (Latitude: N 30°05'03.79", Longitude: W 94°05'57.53");

THENCE North 44°00'13" West along the North line of Pearl Street, the South line of Tracts 1 & 2, the South line of Lots 102 & 107 and the South line of the herein described tract, passing a building corner at 5.8 feet, and continuing for a **total distance of 180.00 feet** (called 180 feet) to the POINT AND PLACE OF BEGINNING, containing 1.199 acres of land, more or less.

A Plat of even date accompanies this Field Note Description.

Exhibit B

Municipal Setting Designation

Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Patricia Berry, as an authorized representative of Entergy TEXAS, Inc., 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.

Patricia Berry
Signature

Date: 10/24/17

Patricia Berry
Printed Name

MANAGER Environmental
Title

STATE OF LOUISIANA
~~PARISH~~ COUNTY OF Orleans

SUBSCRIBED AND SWORN before me on this the 24 day of October 2017 to which witness my hand and seal of office.

Allyson K. Howie
Notary Public in and for the State of

