

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Zak Covar, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

June 23, 2014

Mr. Brian Lenihan, Environmental Specialist  
Texas Port Recycling LP  
300 Pike Street  
Cincinnati, Ohio 45202

RE: Municipal Setting Designation (MSD) Certificate for Texas Port Recycling, LP, 8945 Manchester Street, Houston, Texas; MSD No. 221

Dear Mr. Lenihan:

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) 239-2215 or via e-mail ([Elizabeth.mcconnell@TCEQ.Texas.gov](mailto:Elizabeth.mcconnell@TCEQ.Texas.gov)).

Sincerely,

A handwritten signature in cursive script that reads "Elizabeth McConnell".

Elizabeth McConnell, Project Manager  
VCP-CA Section  
Remediation Division

EM/jdm

Enclosure: MSD Certificate No. 221

cc: Mr. Chester Jones, Advantage Recycling, PO Box 6521, Louisville, KY 40206

Mr. John Mastroianni, Weston Solutions, Inc., 5599 San Felipe, Suite 700, Houston, Texas 77056

Mr. Jason Ybarra, TCEQ, Waste Section Manager, TCEQ Region 12 Office, Houston

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. 221, 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.

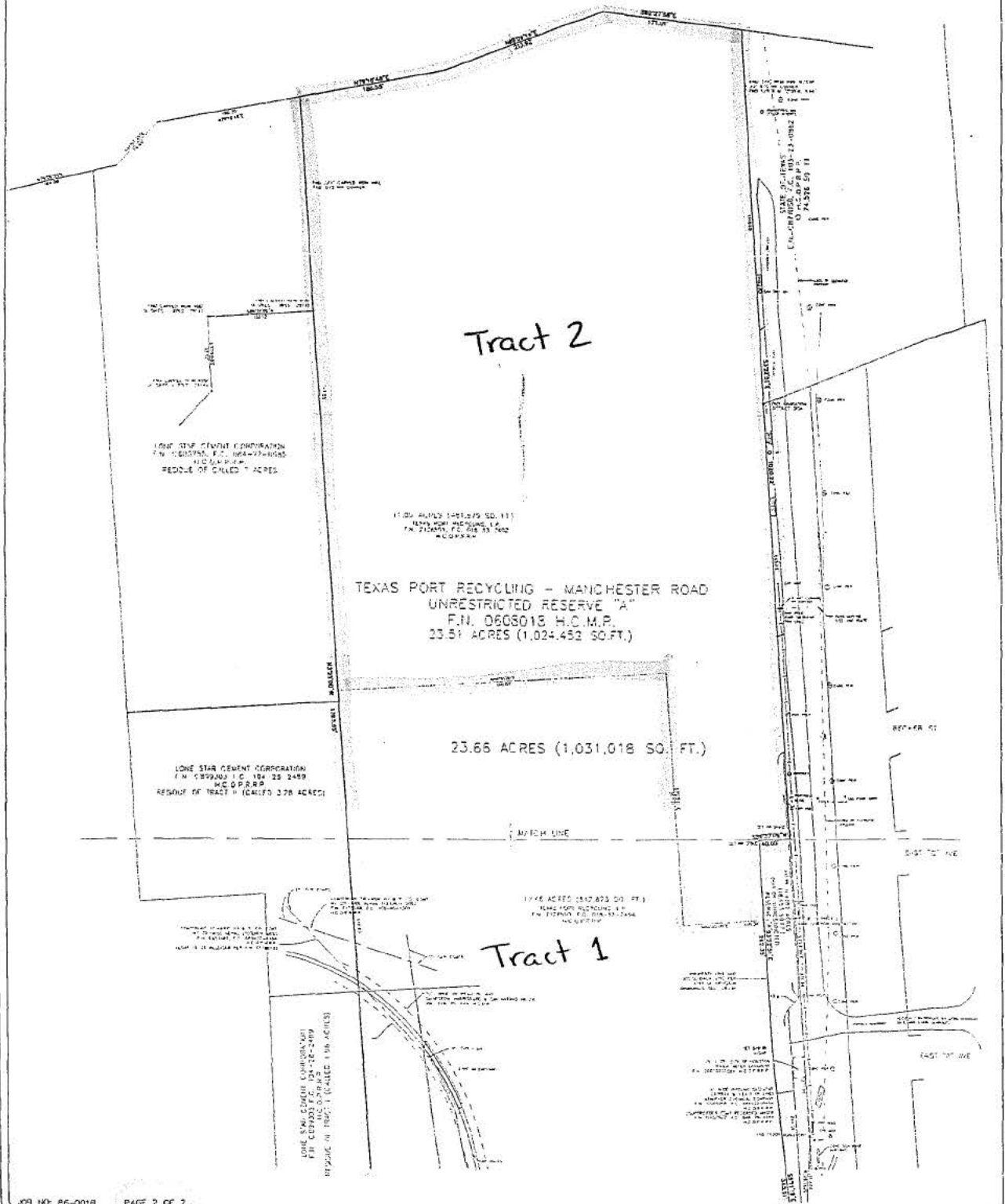
EXECUTED this the 18<sup>th</sup> day of June, 2014

Beth Seaton  
Beth Seaton, Director  
Texas Commission on Environmental Quality



SCALE: 1" = 60'

HOUSTON SHEET CHANNEL (BUFFALO BAYOU)  
VOL. 156, PG. 27 AND VOL. 155, PG. 193, MC 207



Tract 2

TEXAS PORT RECYCLING - MANCHESTER ROAD  
UNRESTRICTED RESERVE "A"  
F.N. 0608013 H.C.M.P.  
23.51 ACRES (1,024,452 SQ. FT.)

23.66 ACRES (1,031,018 SQ. FT.)

Tract 1

LONE STAR CEMENT CORPORATION  
F.N. 0607950, F.C. 1084-23-2489  
H.C.O.P.R.P.  
RESERVE OF TRACT 1 (CALLED 7 ACRES)

LONE STAR CEMENT CORPORATION  
F.N. 0608013, F.C. 1084-23-2489  
H.C.O.P.R.P.  
RESERVE OF TRACT 1 (CALLED 378 ACRES)

LONE STAR CEMENT CORPORATION  
F.N. 0607950, F.C. 1084-23-2489  
H.C.O.P.R.P.  
RESERVE OF TRACT 1 (CALLED 1.96 ACRES)

1.96 ACRES (842,873 SQ. FT.)  
TEXAS PORT RECYCLING, L.P.  
F.N. 0608013, F.C. 1084-23-2489  
H.C.O.P.R.P.



Exhibit A

**METES AND BOUNDS DESCRIPTION  
12.46 ACRES (542,873 SQUARE FEET)  
TRACT 1**



Being 12.46 acres (542,873 square feet) of land situated in the Callahan and Vince Survey, Abstract No. 9, Harris County, Texas and being all of that certain 12.46 acre tract of land conveyed to NW Port Properties, L.C. by instrument recorded under File Number Y468324 and Film Code 005-55-2468 of the Harris County Official Public Records of Real Property; said 12.46 acres (542,873 square feet) of land being more particularly described by metes and bounds as follows (all bearings are referenced to the monumented west line of said NW Port Properties, L.C. 12.46 acre tract):

BEGINNING at the intersection of the west right-of-way line of Interstate Highway 610, varying in width and recorded under File Number C657488 and Film Code 089-31-0302 of the Harris County Official Public Records of Real Property, with the north right-of-way line of Manchester Avenue, based on 80 feet in width, and being the southeast corner of the herein described tract of land and from which a disturbed 3/4 inch iron pipe with cap bears N 89° 13' W, 0.15 feet and a 5/8 inch iron rod bears N 86° 06' E 0.56 feet;

THENCE S 86° 37' 51" W 263.00 feet (called S 86° 39' 09" W 264.11 feet), with the north right-of-way line of said Manchester Avenue, to a point for the southeast corner of that certain 0.5791 acre tract of land conveyed to the City of Houston by instrument recorded in Volume 343, Page 320 of the Harris County Deed Records and being a corner in the south line of this tract and from which a 3/4 inch iron pipe with cap, found for reference, bears S 86° 37' 51" W 3.00 feet;

THENCE N 03° 23' 40" W 455.30 feet (called 455.47 feet), with the east line of said 0.5791 acre tract, to a 3/4 inch iron pipe found for the most southerly corner of that certain 1050 square foot tract of land conveyed to Lone Star Industries, Inc. by instrument recorded in Volume 1438, Page 396 of the Harris County Deed Records and quitclaimed to Texas Port Properties, Inc. by instrument recorded under File Number P731688 and Film Code 001-50-0937 of the Harris County Official Public Records of Real Property, and being an interior corner of this tract and from which a 5/8 inch iron rod bears N 32° 29' W 0.22 feet;

THENCE N 26° 33' 24" W 76.27 feet to a 3/4 inch iron pipe with cap found for the most westerly corner of said 1050 square foot tract and being in the north line of said 0.5791 acre tract and being an interior corner of this tract;

THENCE S 86° 50' 20" W 20.00 feet, to a 1/2 inch iron pipe found for the northwest corner of said 0.5791 acre tract and being an interior corner of this tract;

THENCE S 03° 23' 40" E 525.48 feet (called 525.63 feet), to a 3/4 inch iron pipe with cap found for the southwest corner of said 0.5791 acre tract, same being a corner in the south line of this tract and also being in the north right-of-way line of said Manchester Avenue and from which a 5/8 inch iron rod bears N 24° 31' W 0.46 feet;

RP 018-55-239B

Exhibit A

THENCE S 86°37'51" W (called S 86°39'09" W) 150.00 feet, with the north right-of-way line of said Manchester Avenue, to a 5/8 inch iron rod found for the southeast corner of the residue that certain 2.8 acre tract of land, called Tract XVI, conveyed to Lone Star Cement Corporation by instrument recorded under File Number C876351 and Film Code 103-22-1206 of the Harris County Official Public Records of Real Property, and being the southwest corner of this tract;

THENCE N 03°23'40" W 526.03 feet (called 526.12 feet) to a 5/8 inch iron rod found for the northeast corner of the residue of said 2.8 acre tract and being a corner in the west line of this tract;

THENCE S 86°50'20" W 30.00 feet, with the north line of said 2.8 acre tract, to an iron rod with cap marked "A. Sikes - RPLS 2914" found for a corner in the west line of this tract and being the southeast corner of the residue that certain 1.96 acre tract of land, called Tract I, conveyed to Lone Star Cement Corporation by instrument recorded under File Number C899303 and Film Code 104-28-2489 of the Harris County Official Public Records of Real Property;

THENCE N 03°25'00" W 646.03 feet to a bent 3/4 inch iron pipe with cap found for the northwest corner of this tract, same being the southwest corner of that certain 11.05 acre tract of land conveyed to WALNEW, LTD. by instrument recorded under File Number Y468328 and Film Code 005-55-2489 of the Harris County Official Public Records of Real Property, and being in the east line of the residue that certain 7.0 acre tract of land conveyed to Lone Star Cement Corporation by instrument recorded under File Number C603755 and Film Code 084-22-0685 of the Harris County Official Public Records of Real Property;

THENCE N 86°35'00" E 410.00 feet to a bent 3/4 inch iron pipe with cap found for a corner in the south line of said 11.05 acre tract and being a corner in the north line of this tract;

THENCE S 03°25'00" E 317.20 feet to a corner in the south line of said 11.05 acre tract and being a corner in the north line of this tract and from which a bent 3/4 inch iron pipe with cap bears N 89°08'E 0.25 feet;

THENCE N 86°35'00" E 140.34 feet to a 3/4 inch iron pipe with cap found for the southeast corner of said 11.05 acre tract and being the northeast corner of this tract and also being in the west right-of-way line of Interstate Highway 610, formerly Concrete Avenue, and conveyed to Harris County by instrument recorded in Volume 367, Page 523 of the Harris County Deed Records;

THENCE S 03°22'51" E (called S 03°25'00" E) 271.88 feet with the west right-of-way line of said Interstate Highway 610, to a TXDOT (Texas Department of Transportation) monument in concrete found for the most northerly corner of said tracts conveyed by instrument recorded under File Number C657488 and Film Code 089-31-0302 of the

Exhibit A

Harris County Official Public Records of Real Property, and being an angle point in the east line of this tract;

THENCE S 02°11'57" W (called S 02°09'48" W) 586.28 feet to the PLACE OF BEGINNING and containing 12.46 acres (542,873 square feet) of land.

The areas stated in acres are compatible with the allowable precision of closure for this survey. The areas stated in square feet are calculated values only. All ¾ inch iron pipes with caps found by this survey are marked "J. Heck - RPLS 4385". This metes and bounds description accompanies a plat of survey prepared by Give'm Heck, Inc. under Job No. 24-002B, dated January 30, 2006.

Jeffrey N. Heck  
Registered Professional Land Surveyor  
Texas Registration No. 4385

Give'm Heck, Inc.  
P.O. Box 78 Hillister, TX 77624-0078  
(409) 331-0065  
Job No. 24-002B1                      January 30, 2006

RP 018-55-2400

Exhibit A

**METES AND BOUNDS DESCRIPTION  
11.05 ACRES (481,579 SQUARE FEET)  
TRACT 2**

Being 11.05 acres (481,579 square feet) of land situated in the Callahan and Vince Survey, Abstract No. 9, Harris County, Texas and being all of that certain 11.05 acres (481,579 square feet) of land conveyed to WALNEW, LTD., by instrument recorded under File Number Y468328 and Film Code 005-55-2489 of the Harris County Official Public Records of Real Property; said 11.05 acres (481,579 square feet) of land being more particularly described by metes and bounds as follows (all bearings are referenced to the monumented west line of said WALNEW LTD. 11.05 acre tract):

COMMENCING at the intersection of the west right-of-way line of Interstate Highway 610, varying in width and recorded under File Number C657488 and Film Code 089-31-0302 of the Harris County Official Public Records of Real Property, with the north right-of-way line of Manchester Avenue, based on 80 feet in width, and being the southeast corner of a 12.46 acre tract of land conveyed to NW Port Properties, L.C. by instrument recorded under File Number Y468324 and Film Code 005-55-2468 of the Harris County Official Public Records of Real Property and from which a 3/4 inch iron pipe with cap bears N 89°13'W 0.15 feet and a 5/8 inch iron rod bears N 86°06'E 0.56 feet;

THENCE N 02°11'57" E (called N 02°09'48" E) 586.28 feet, to a TXDOT (Texas Department of Transportation) monument in concrete found for the most northerly corner of said tracts conveyed by instrument recorded under File Number C657488 and Film Code 089-31-0302 of the Harris County Official Public Records of Real Property, and being an angle point in the east line of said 12.46 acre tract;

THENCE N 03°22'51" W (called N 03°25'00" W) 271.88 feet with the west right-of-way line of Interstate Highway 610, formerly Concrete Avenue, conveyed to Harris County by instrument recorded in Volume 367, Page 523 of the Harris County Deed Records, to a 3/4 inch iron pipe with cap found for the northeast corner of said 12.46 acre tract and being the PLACE OF BEGINNING and the southeast corner of the herein described tract of land;

THENCE S 86°35'00" W 140.34 feet to a corner in the north line of said 12.46 acre tract, same being a corner in the south line of this tract, and from which a 3/4 inch iron pipe with cap bears N 89°08'E 0.24 feet;

THENCE N 03°25'00" W 317.20 feet to a bent 3/4 inch iron pipe with cap found for a corner in the north line of said 12.46 acre tract and being a corner in the south line of this tract;

THENCE S 86°35'00" W 410.00 feet to a bent 3/4 inch iron pipe with cap found for the northwest corner of said 12.46 acre tract, same being the southwest corner of this tract, and being in the east line of the residue that certain 7.0 acre tract of land conveyed to

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Exhibit A

Lone Star Cement Corporation by instrument recorded under File Number C603755 and Film Code 084-22-0685 of the Harris County Official Public Records of Real Property;

THENCE N 03°25'00" W 747.55 feet, passing at 637.55 feet a ¾ inch iron pipe with cap found for reference, to the northeast corner of said 7.0 acre tract, same being the northwest corner of this tract, and being in the south bank of the Houston Ship Channel as conveyed to the United States of America by instruments recorded in Volume 166, Page 57 and Volume 166, Page 153, both of the Harris County Deed Records;

THENCE in a generally easterly direction with the meanders of said Houston Ship Channel the following courses and distances:

N 79°10'48" E 180.55 feet,  
N 69°09'14" E 213.92 feet, and  
S 82°27'58" E 171.01 feet  
(called N 74°19'38" E 284.44 feet,  
N 74°09'32" E 107.71 feet, and  
S 82°27'58" E 170.88 feet)

to the northeast corner of this tract, and being in the west right-of-way line of that portion of Interstate Highway 610 conveyed to the State of Texas by instrument recorded under File Number C877050 and Film Code 103-23-0862 of the Harris County Official Public Records of Real Property and from which a ¾ inch pipe with cap found for reference bears S 03°22'51" E 70.00 feet;

THENCE S 03°22'51" E 1119.60 feet, with the west right-of-way line of said Interstate Highway 610 and passing at 474.51 feet a Navigation District disk in concrete found for the southwest corner of that portion of said Interstate Highway 610 conveyed by instrument recorded under File Number C877050 and Film Code 103-23-0862 of the Harris County Official Public Records of Real Property, same being the northwest corner of that portion of said Interstate Highway 610, formerly Concrete Avenue, conveyed to Harris County by instrument recorded in Volume 367, Page 523 of the Harris County Deed Records, to the PLACE OF BEGINNING and containing 11.05 acres (481,579 square feet) of land.

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**Exhibit A**

The areas stated in acres are compatible with the allowable precision of closure for this survey. The areas stated in square feet are calculated values only. All ¾ inch iron pipes with caps set by this survey are marked "J. Heck – RPLS 4385". This metes and bounds description accompanies a plat of survey prepared by Give'm Heck, Inc. under Job No. 24-001B, dated January 30, 2006.

Jeffrey N. Heck  
Registered Professional Land Surveyor  
Texas Registration No. 4385

Give'm Heck, Inc.  
P.O. Box 78 Hillister, TX 77624-0078  
(409) 331-0065  
Job No. 24-002B2                      January 30, 2006

24-001B-2406

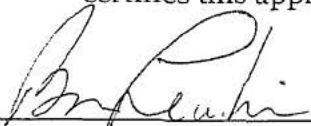
**Exhibit B**  
**Municipal Setting Designation**  
**Affidavit of Eligibility**

BEFORE ME, the undersigned authority, on this day personally appeared Brian Lenihan, as an authorized representative of The David J. Joseph Company, 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

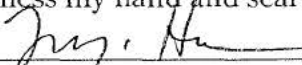
Date: 4-22-14

Brian Lenihan  
Printed Name

Environmental Manager  
Title

STATE OF Kentucky  
COUNTY OF Jefferson

April SUBSCRIBED AND SWORN before me on this the 22 day of 20 14, to which witness my hand and seal of office.

  
Notary Public in and for the State of Kentucky 6/2/2017