

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*

July 22, 2014

Mr. George Henderson, III (Trey), President  
Angelina Hardwood Sales Co, Inc. (AHSC Inc.)  
1312 A Wilson Avenue  
Lufkin, Texas 75904

Re: Municipal Setting Designation (MSD) Certificate for AHSC, Inc., 1312 and  
1312 A Wilson Avenue; MSD No. 262

Dear Mr. Henderson:

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) 239-2261 or via e-mail ([michael.kuitu@TCEQ.Texas.gov](mailto:michael.kuitu@TCEQ.Texas.gov)).

Sincerely,

A handwritten signature in cursive script that reads "Michael Kuitu".

Michael Kuitu, Project Manager  
VCP-CA Section  
Remediation Division

MK/jdm

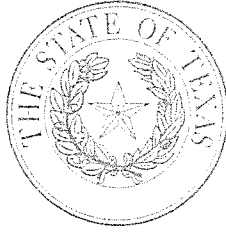
Enclosure: MSD Certificate No. 262

cc: Mr. Leonell Scarborough, Hydrex Environmental, Inc. 1120 NW Stallings  
Drive, Nacogdoches, TX 75964

Mr. Howard Gilberg, Attorney, Guida Slavich & Flores P.C., 750 North St.  
Paul Street, Suite 200, Dallas, TX 75201

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

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 of the Remediation Division, Office of Waste, Texas Commission on Environmental Quality certify the Municipal Setting Designation (MSD) for MSD No. 262, in the City of Lufkin, 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 15<sup>th</sup> day of July, 20 14

*Beth Seaton*

Beth Seaton, Director  
Remediation Division  
Texas Commission on Environmental Quality

**'EXHIBIT A'**

**Tract 1**

Being all that certain tract or parcel of land, lying and situated in Angelina County, Texas, being located in the A. BARELA SURVEY, Abstract No. 49, being a part or portion of that certain called 25.236 acre tract of land as described in the Deed Records of Angelina County, Texas in volume 477 on page 185, from George H. Henderson, Jr. to Angelina Hardwood Sales Company, dated June 30, 1978, called 'Tract 3.' to which reference is hereby made for any and all purposes and said tract or parcel is described by metes and bounds as follows, to-wit:

Commencing at a ½ in. iron rod set for the Southwest corner of the said 25.236 acre tract, said point being located on the North Right-of-way line of Wilson Avenue and on the East Right-of-way line of a railroad, formerly known as St. Louis & Southwestern Railroad, said point being the POINT OF BEGINNING of the herein described tract of land;

Thence with the West boundary line of said 25.236 acre tract and with the East Right-of-way line of said Railroad, N 34° 10' 00" W, at a distance of 1701.25 feet, (called 1701.93 ft), the South corner of that certain 0.42 acre tract of Bobby Watkins as described in the Real Property Records of Angelina County, Texas (RPRACT) in document number 00223433, a ½ in. iron pipe found for corner and from which, a leaf spring bears S 4°35'23" E, 1.68 feet distant;

Thence with the common boundary line between said 25.236 acre tract and said 0.42 acre tract, N 24° 20' 38" E, at a distance of 239.32 feet, (called N 24° 20' 00" E - 239.36 ft.), intersect the South Right-of-way line of Nile Street, a ½ in. iron pipe found for corner;

Thence with the Northern boundary line of said 25.236 acre tract and along the South right-of-way line of said Nile Street, seven (7) calls as follows, (1). S 61° 16' 02" E, at a distance of 75.27 feet, ½ in. iron rod set for corner; (2). S 68° 14' 04" E, at a distance of 150.16 feet, ½ in. iron rod set for corner; (3). S 71° 29' 11" E, at a distance of 144.50 feet, ½ in. iron rod set for corner; (4). S 68° 07' 25" E, at a distance of 67.34 feet, ½ in. iron rod set for corner; (5). S 61° 18' 04" E, at a distance of 150.00 feet, ½ in. iron rod set for corner; (6). S 63° 01' 10" E, at a distance of 100.04 feet, ½ in. iron rod set for corner; (7). S 55° 08' 35" E, at a distance of 124.93 feet, the Northwest corner of a called 0.66 acre tract of James Lee Durden Jr. as recorded in the (RPRACT) in volume 896 on page 191, a ½ in. iron pipe found bent for corner;

Thence with the common boundary line between said 25.236 acre tract and with said 0.66 acre tract, S 37° 13' 36" W, at a distance of 268.62 feet, (called S 37°06'41"W - 268.34 ft.), a 1 in. iron pipe found for corner;

Thence with the common boundary line of said 25.236 acre tract and said 0.66 acre tract and with the Southern boundaries of those two called 0.66 acre tracts of James Lewis and Revous C. Taylor Jr as recorded in the (RPRACT) in documents numbered 00264906 and 00205698 respectfully, S 57° 39' 23" E, at a distance of 293.83 feet, (called S 57°38'40"E - 293.29 ft.), a chain link fence corner post for corner at the South or Southeast corner of the aforesaid Taylor tract;

Thence with the common boundary line between said 25.236 acre tract and said Taylor 0.66 acre tract, N 37° 33' 57" E, at a distance of 272.99 feet, (called N 37°06'41"E - 287.52 ft.), a ½ in. iron rod set for corner at the West corner of Lot 1 Block 1 of the Fairground Addition to the City of Lufkin, Texas, as recorded in the Map and Plat Records of Angelina County, Texas in Cabinet B on Slide 16 A;

Thence with a Northeastern boundary line of said 25.236 acre tract and the Southwestern boundary line of said Fairground Addition, S 21° 15' 10" E, at a distance of 220.80 feet, (called S 18°52'03"E - 220.98 ft.), a ½ in. iron rod set for corner;

Page 1 of 2

25.188 acres  
Anastacio Barela Survey  
Abstract 49  
Angelina County, Texas

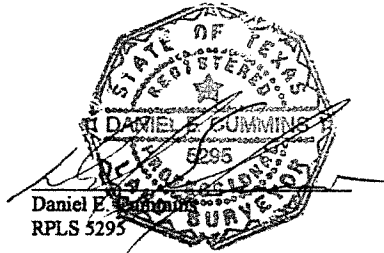
Page 2 of 2

TRACT 1 (continued)

Thence continuing with said boundary S 48° 53' 59" E, at a distance of 690.18 feet, (called S 47°25'37"E - 697.00 ft.), the North corner of Block 24 of North Lufkin Addition as recorded in said Map and Plat Records in Cabinet A on slide 19 A, a ½ in. iron rod set for corner;

Thence with the common boundary line between said 25.236 acre tract and the said Block 24, S 37° 15' 58" W, at a distance of 393.74 feet, (called S 37°16'41"E - 395.15 ft.), intersect the North right-of-way line of Wilson Street, a ½ in. iron rod set for corner;

Thence with the South boundary line of the said 25.236 acre tract and with the North Right-of-way line of Wilson Street, S 73° 12' 27" W, at a distance of 506.94 feet, (called S 74°04'34"W - 495.78 ft.), the POINT OF BEGINNING, said described tract containing 25.188 acres, more or less. **note: the base bearing for this survey is the West boundary line of said 25.236 acre tract as recorded in volume 477 on page 185, 'Tract 3', of the Deed Records of Angelina County, Texas ( N 34° 10' 00" E)).** I, Daniel E. Cummins, A registered Professional Land Surveyor, do hereby certify these notes were made as the result of a survey done by me on the ground August, 2013. Revisited and checked March 17, 2014 All corners were found or set as indicated. Plat of same created March 18, 2014.



1.230 acres  
Anastacio Barela Survey  
Abstract 49  
Angelina County, Texas  
Block 24 North Lufkin Addition

**'EXHIBIT B'**

**Tract 2**

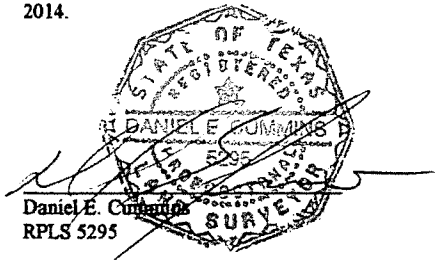
Being all that certain tract or parcel of land, lying and situated in Angelina County, Texas, being located in the A. BARELA SURVEY, Abstract No. 49, being all of that certain tract listed as parcel (f.) under Tract (1.) in that certain Deed from George H. Henderson Jr. to Angelina Hardwood Sales Company, recorded in the Deed Records of Angelina County, Texas in volume 477 on page 185, being all of Block 24 of the North Lufkin Addition to the City of Lufkin, Texas as recorded in the Map and Plat Records of Angelina County, Texas in Cabinet A on Slide 19 A, to which reference is hereby made for any and all purposes and said tract or parcel is described by metes and bounds as follows, to-wit:

Commencing at the North corner of said referred to Block 24, said point being on the Southern boundary line of the Fairground Addition to the City of Lufkin, Texas as recorded in said records in Cabinet B on Slide 16 A, a ½ in. iron rod set for corner and the POINT OF BEGINNING of the herein described Block 24;

Thence with the Northeast boundary of said Block 24 and the South boundary of said Fairground Addition, S 48° 53' 59" E, at a distance of 272.84 feet, intersect the North Right-of-way line of Wilson Street, a ½ in. iron rod set for corner;

Thence with the South boundary line of said Block 24 and with the North Right-of-way line of Wilson Street, S 73° 12' 27" W, at a distance of 463.79 feet, a ½ in. iron rod set for corner and said point being an angle corner in the Southern boundary line of a called 25.236 acre tract of Angelina Hardwood Sales Company as recorded in the Deed Records of said County in volume 477 on page 185 called 'Tract 3',;

Thence with the common boundary line between said Block 24 and the said 25.236 acre tract, N 37° 15' 58" E, at a distance of 393.74 feet, the POINT OF BEGINNING, said described tract containing 1.230 acres, more or less. **note: the base bearing for this survey is the West boundary line of said 25.236 acre tract as recorded in volume 477 on page 185, 'Tract 3' of the Deed Records of Angelina County, Texas ( N 34° 10' 00" E)).** I, Daniel E. Cummins, A registered Professional Land Surveyor, do hereby certify these notes were made as the result of a survey done by me on the ground August, 2013. Revisited and checked March 17, 2014 All corners were found or set as indicated. Plat of same created March 18, 2014.



Daniel E. Cummins  
RPLS 5295

'EXHIBIT C'

Tract 3

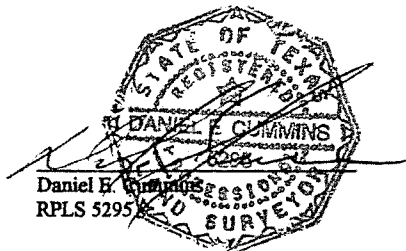
Being all that certain tract or parcel of land, lying and situated in Angelina County, Texas, being located in the A. BARELA SURVEY, Abstract No. 49, being all of that certain called 1.179 acre tract of land as described in the Deed Records of Angelina County, Texas in volume 477 on page 185, from George H. Henderson Jr. to Angelina Hardwood Sales Company, 'Tract 4', dated June 30, 1978, to which reference is hereby made for any and all purposes and said tract or parcel is described by metes and bounds as follows, to-wit:

Commencing at a ½ in. iron pipe found for the Northwest corner of the aforesaid referred to 1.179 acre tract, said point being located on the South Right-of-way line of Wilson Avenue and the East Right-of-way line of a Railroad, formerly known as the St. Louis & Southwestern Railroad, said point being the POINT OF BEGINNING of the herein described tract of land;

Thence with the North boundary line of the said referred to 1.179 acre tract and along the South Right-of-way line of said Wilson Street, N 73° 12' 27" E, at a distance of 422.33 feet, (called N 74° 04' 34" E - 413.64 ft.), the North corner of Lot 5 of Block 25 of the North Lufkin Addition to the City of Lufkin, Texas as recorded in the Map and Plat Records of the aforesaid County in Cabinet A on Slide 19 A, a ½ in. iron rod set for corner;

Thence with the Southern boundary of the said Lot 5 Block 25, S 37° 15' 58" W, at a distance of 424.72 feet, (called S 37° 16' 41" W - 414.39 ft.), intersect the East Right-of-way line of the aforesaid Railroad, a ½ in. iron rod set for corner;

Thence with the West boundary line of the said 1.179 acre tract and with the East Right-of-way line of the said Railroad, N 34° 15' 46" W, at a distance of 261.35 feet, (called N 34° 10' 00" W - 261.35 ft.), the POINT OF BEGINNING, said described tract containing 1.208 acres, more or less. note: the base bearing for this survey is the West boundary line of a called 25.236 acre tract as recorded in volume 477 on page 185, 'Tract 3', of the Deed Records of Angelina County, Texas (N 34° 10' 00" E)). I, Daniel E. Cummins, A registered Professional Land Surveyor, do hereby certify these notes were made as the result of a survey done by me on the ground August, 2013. Revisited and checked March 17, 2014 All corners were found or set as indicated. Plat of same created March 18, 2014.



7.148 acres  
Anastacio Barela Survey  
Abstract 49  
Angelina County, Texas

**'EXHIBIT D'**

Tract 4

Being all that certain tract or parcel of land, lying and situated in Angelina County, Texas, being located in the A. BARELA SURVEY, Abstract No. 49, being all of those certain tracts listed as parcels (c.) and (d.) under Tract 1 in that certain Deed from George H. Henderson Jr. to Angelina Hardwood Sales Company, recorded in the Deed Records of Angelina County, Texas in volume 477 on page 185, same being all of Block 25 and all of Block 26 of the North Lufkin Addition to the City of Lufkin, Texas as recorded in the Map and Plat Records of Angelina County, Texas in Cabinet A on Slide 19 A, to which reference is hereby made for any and all purposes and said tract or parcel is described by metes and bounds as follows, to-wit:

Commencing at a ½ in. iron rod set for the Northeast corner of Block 25, said point being on the South Right-of-way line of Wilson Avenue and the West Right-of-way line of Cotton Belt Street, said point being the POINT OF BEGINNING of the herein described tract of land;

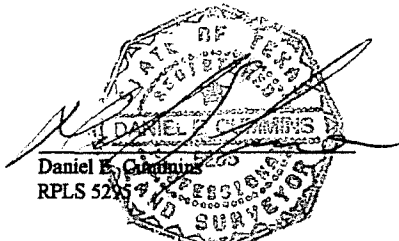
Thence with the East boundary line of Block 25 and Block 26, along the West Right-of-way line of said Cotton Belt Street, S 8° 47' 04" E, at a distance of 652.28 feet, a point for corner at the Southeast corner of Block 26, on the North right-of-way line of Highland Avenue and from which point, a ½ in. iron pipe found for the Southeast corner of Lot 3 Block 27 of said North Lufkin Addition bears S 8° 47' 04" E, 220.57 feet distant;

Thence with the North Right-of-way line of said Highland Avenue, along the South boundary line of Block 26, S 73° 23' 26" W, at a distance of 464.95 feet, the Southwest corner of said Block 26 and intersect the East Right-of-way line of a Railroad, formerly known as the St. Louis & Southwestern Railroad, a point for corner and from which point a chain link fence corner post found for the Southwest corner of Lot 3 of Block 27 bears S 34° 15' 46" E, 223.13 feet distant;

Thence with the West boundary lines of Block 26 and Block 25 and along the East Right-of-way line of said Railroad, N 34° 15' 46" W, at a distance of 414.24 feet, the South corner of a called 1.179 acre tract as recorded in the Deed Records of said County in volume 477 on page 185 from George H. Henderson Jr. to Angelina Hardwood Sales Company, listed as Tract number 4, a ½ in. iron rod set for corner;

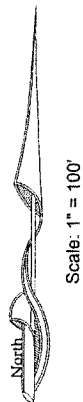
Thence with the Northwestern boundary line of said Block 25 and along the Southern boundary of the said 1.179 acre tract, N 37° 15' 58" E, at a distance of 424.72 feet, intersect the South Right-of-way line of the aforementioned Wilson Avenue, a ½ in. iron rod set for corner;

Thence with the North boundary line of said Block 25 and with the South Right-of-way line of said Wilson Avenue, N 73° 12' 27" E, at a distance of 336.31 feet, the POINT OF BEGINNING, said described tract containing 7.851 acres, more or less. Save and Except the area included within the undeveloped Right-of-way of Weaver Street that lies within these bounds, (0.703 ac.), leaving a net acreage of 7.148 acres. **note: the base bearing for this survey is the West boundary line of a called 25.236 acre tract as recorded in volume 477 on page 185, 'Tract 3', of the Deed Records of Angelina County, Texas ( N 34° 10' 00" E)).** I, Daniel E. Cummins, A registered Professional Land Surveyor, do hereby certify these notes were made as the result of a survey done by me on the ground August, 2013. Revisited and checked March 17, 2014 All corners were found or set as indicated. Plat of same created March 18, 2014.

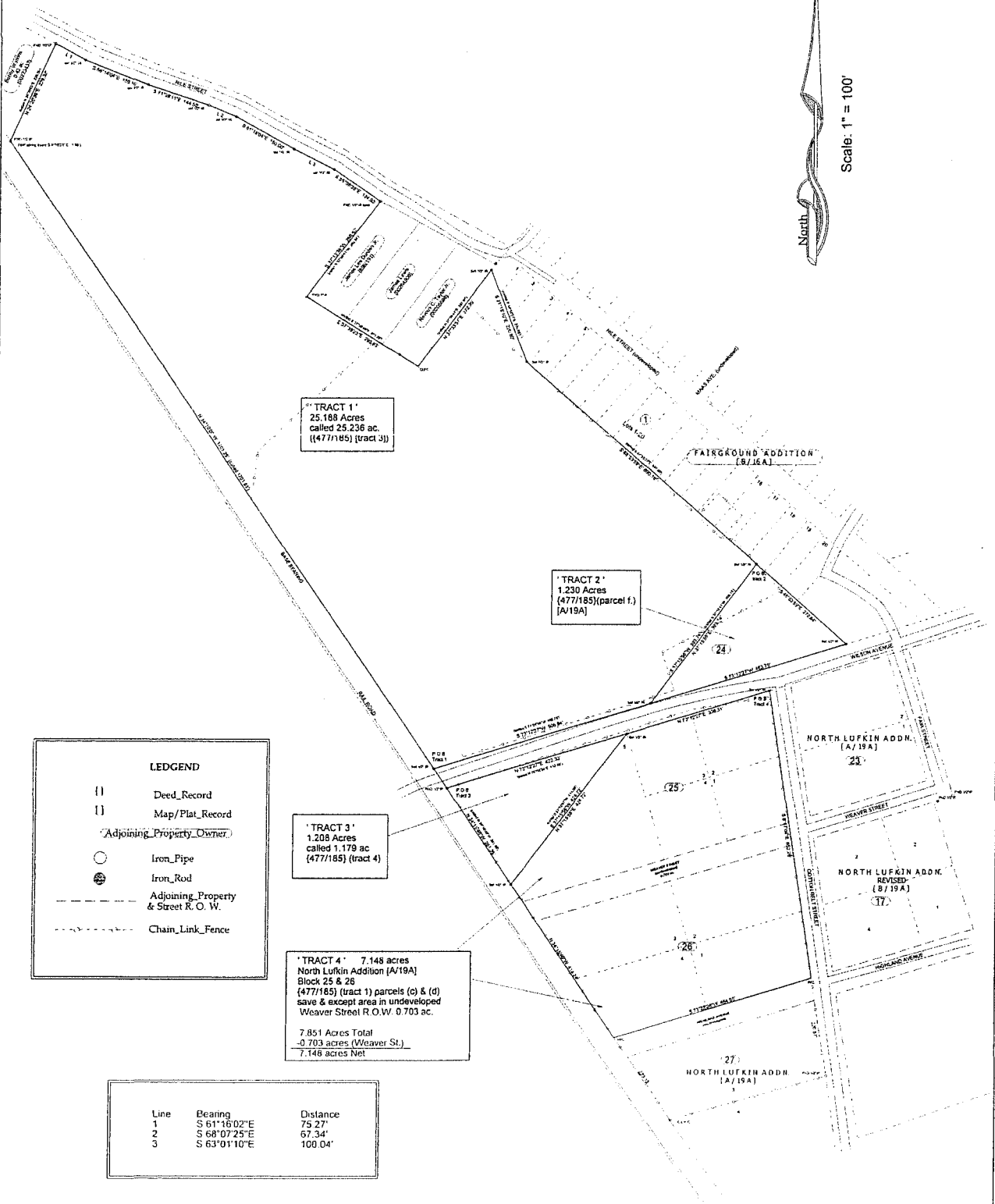


ANASTACIO BARELA SURVEY  
ABSTRACT 49  
ANGELINA COUNTY, TEXAS

Survey Plat for  
ANGELINA HARDWOOD



Scale: 1" = 100'



**LEDGEND**

- || Deed\_Record
- || Map/Plat\_Record
- ( ) Adjoining\_Property\_Owner
- Iron\_Pipe
- ⊗ Iron\_Rod
- - - Adjoining\_Property & Street R.O.W.
- · - · - Chain\_Link\_Fence

'TRACT 3'  
1.208 Acres  
called 1.179 ac  
(477/185) (tract 4)

'TRACT 4' 7.148 acres  
North Lufkin Addition (A/19A)  
Block 25 & 26  
(477/185) (tract 1) parcels (c) & (d)  
save & except area in undeveloped  
Weaver Street R.O.W. 0.703 ac.  
  
7.851 Acres Total  
- 0.703 acres (Weaver St.)  
7.148 acres Net

Line	Bearing	Distance
1	S 61°16'02"E	75.27'
2	S 68°07'25"E	67.34'
3	S 63°01'10"E	100.04'



This Showing a survey of those certain tracts of land lying, and situated in Lufkin, Angelina County, Texas in the A. BARELA SURVEY ABSTRACT NO. 49, being all of that certain called 25.226 acres (477/185), all of that certain called 1.250 acres (477/185), all of Block 24, Block 25 and Block 26 of the North Lufkin Addition to the City of Lufkin (A/19A), to which reference is hereby made for any and all purposes. Save and Except the area lying within the Right-of-way of Weaver Street (as developed), shown on this plat but not included in area calculations.

**EAST BEARINGS:** This survey is based upon the bearings as specified along the Western boundary line of the abstract referred to in 25.226 acre tract.

I, Daniel E. Gorman, a Registered Professional Land Surveyor, do hereby certify that this plat was made as a result of a survey made by me, or under my supervision, on the ground of the above show property and is true and correct to the best of my knowledge.

DATED THIS 11th DAY OF August, 2013. Revised March 31, 2014



Surveyed August 2013  
New Found Land Surveying  
Revised 03/20/2014  
Revised 03/31/2014  
Checked by D.C.  
JOB # 2014013

<b>ANGELINA HARDWOOD</b>	
A Survey of 34.774 acres	
ANASTACIO BARELA SUREY, ABSTRACT NO. 49	
Angelina County, Texas	



# Exhibit B

## Municipal Setting Designation

### Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared George Henderson, III (Trey), as an authorized representative of AHSC, 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.

*[Handwritten Signature]*  
Signature

Date: 5/15/14

George Henderson, III (Trey)  
Printed Name

\_\_\_\_\_  
President  
Title

STATE OF Texas  
COUNTY OF Dallas

May 2014, SUBSCRIBED AND SWORN before me on this the 15<sup>th</sup> day of \_\_\_\_\_, to which witness my hand and seal of office.

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

