

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 8, 2018

Mr. Michael Saunders, Vice President
Villas on the Strand, LLC
720 Olive Street, Suite 2500
St. Louis, Missouri 63101

Re: Municipal Setting Designation (MSD) Certificate for Villas on the Strand, LLC, Magnolia Homes, NEC of 18th Street and Mechanic Street, Galveston, Galveston County, Texas; MSD No. 356; Customer No. CN605138262; Regulated Entity No. RN106847437

Dear Mr. Saunders:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced MSD application on March 23, 2017 and additional information supporting this MSD application on May 21, 2018, September 14, 2018, and October 26, 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 MSD 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,

A handwritten signature in black ink that reads "Robert Anderson".

Robert Anderson, Project Manager
VCP-CA Section
Remediation Division

RA/jdm

Enclosure: MSD Certificate

cc: Mr. Trey Coad, SCI Engineering, Inc., One Riverwalk Place, 700 N. St. Mary's Street, Suite 1400, San Antonio, Texas 78205

Mr. Leonard Slosky, Slosky & Company, Inc., 999 18th Street, Suite 2400 S, Denver, Colorado 80202-2499

Mr. Jason Ybarra, 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. 356, in the City of Galveston, 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 6th day of November 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 Michael C. Duffy, as an authorized representative of Villas on the Strand, 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.

[Signature]
Signature

Date: 2/23/17

Michael C. Duffy
Printed Name

Vice President, The Strand MBS Member, Inc. Its Managing Member
Title



STATE OF Missouri
COUNTY OF St. Louis City

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

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